

RESOLUTION NO. 2024-93

AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO ENTER INTO A SETTLEMENT AGREEMENT WITH GEHRING PROPERTY COMPANY LLC TO RESOLVE A DISPUTE OVER LAND OWNERSHIP NEAR THE WEST 25TH – OHIO CITY STATION

WHEREAS, the Greater Cleveland Regional Transit Authority (“Authority”) is the owner of record of real property encompassing approximately 5.59 acres and known as Permanent Parcel Number (“PPN”) 007-11-021 and PPN 007-11-025 on the property records of the Cuyahoga County Fiscal Office, which real property is located near the Authority’s West 25th – Ohio City Station in Cleveland, Ohio and includes land located on top of the hillside to the west of the Authority’s Red Line transit rail tracks; and

WHEREAS, in 2017 the Gehring Property Company LLC (“GPC”), an Ohio limited liability company, purchased real property from 2061 Gehring Avenue, LLC, which property has a street address of 2061 Gehring Avenue, Cleveland and includes PPN 007-11-026; and

WHEREAS, GPC’s property is adjacent to the west edge of the Authority’s real property, inclusive of a 0.3636-acre portion which GPC owns without dispute, as well as a smaller, narrow strip of land of 0.2966 acres, including some of PPN 007-11-025, for which ownership is disputed (the “Disputed Parcel”); and

WHEREAS, PPN 007-11-021 and 007-11-025 were transferred by a quit-claim deed from the Cleveland Union Terminals Company (“CUT”) to the Authority, which was recorded in Volume 88-5651, Page 70 on October 26, 1988, as part of the Authority’s much larger purchase from CUT of an elongated set of parcels along the Red Line right-of-way known as the “West Approach and East Approach to Tower City”; and

WHEREAS, GPC asserts ownership of the Disputed Parcel through the legal doctrine of adverse possession since both the undisputed portion and the Disputed Parcel have been exclusively, openly, and continuously used as a single property since at least 1960, including being fenced as a unified property; and

WHEREAS, Authority staff investigated GPC’s assertions regarding adverse possession and determined its claim to be valid based on available evidence, concluding that the Authority never lawfully owned the Disputed Parcel because CUT no longer owned the Disputed Parcel when it provided its quit-claim deed to the Authority in 1988; and

WHEREAS, the Authority has not previously used the Disputed Parcel for transit operations and does not require ownership of it for future operation of its transit system; and

WHEREAS, the Authority is responsible for maintenance of the Abbey Avenue bridge across the Red Line which is adjacent to the Disputed Parcel; and

WHEREAS, the Authority and GPC have negotiated an agreement to resolve the ownership of the Disputed Parcel to their mutual benefit whereby the Authority will provide a quit-claim deed to GPC to vest it with clear title to the Disputed Parcel and, in exchange, GPC will provide the Authority with: (i) permanent easement rights for bridge maintenance; (ii) a permanent easement for pedestrian connections; and, (iii) indemnification for any environmental conditions and claims arising from that property.

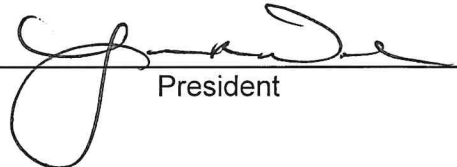
NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That it is beneficial to the Authority to grant to Gehring Property Company LLC ("GPC") a quit-claim deed to the disputed 0.2966-acre parcel of property currently titled to the Authority in exchange for GPC providing the Authority with: (i) a permanent easement on the northeast corner of GPC's property to allow access for maintenance of the Abbey Avenue bridge over the Red Line; (ii) a permanent easement along the southern end of GPC's property to allow the Authority to develop future connections to enhance pedestrian traffic between the West 25th – Ohio City Station (and/or points to the east of the Red Line) and points to the west of GPC's property; and (iii) indemnification of the Authority for any environmental conditions and claims arising from the Disputed Parcel or GPC's property.

Section 2. That the General Manager/Chief Executive Officer is hereby authorized to execute a real property settlement agreement with GPC and is further authorized to execute other documents as required to carry out that real property settlement agreement.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: November 19, 2024



President

Attest: 

Secretary-Treasurer



TITLE/DESCRIPTION: SETTLEMENT AGREEMENT WITH GEHRING PROPERTY COMPANY LLC TO RESOLVE A DISPUTE OVER LAND OWNERSHIP NEAR THE WEST 25TH – OHIO CITY STATION	Resolution No.: 2024-93
	Date: November 14, 2024
	Initiator: Engineering & Project Management
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This resolution seeks Board approval for the Greater Cleveland Regional Transit Authority ("Authority") to execute a settlement agreement with Gehring Property Company LLC ("GPC") in order to resolve a dispute over ownership of a narrow strip of land near GCRTA's West 25th – Ohio City Station. The disputed land encompasses 0.2966 acres at the top of the hill on the west side of the Red Line transit rail tracks on the south side of Abbey Avenue in Cleveland, Ohio. The proposed settlement agreement provides GPC with clear title to the disputed property through a quit-claim deed from the Authority to GPC. In exchange, GPC provides certain permanent easement rights to the Authority and indemnifies the Authority for any liabilities arising from environmental conditions on the property.
- 2.0 DESCRIPTION/JUSTIFICATION: GPC owns a parcel of land along the east side of Gehring Avenue and south of Abbey Avenue in Cleveland, Ohio which includes Permanent Parcel Number ("PPN") 007-11-026. It is undisputed that GPC owns the 0.3636 acre portion of property along Gehring Avenue (the portion outlined in yellow and marked "A" on the attached Location Map) with a street address of 2061 Gehring Avenue. GPC also claims ownership of the adjacent strip of land to the east consisting of 0.2966 acres ("Disputed Parcel") which is outlined by blue dashes and marked "B" on the Location Map.

The Disputed Parcel includes PPN 007-11-025, which is shown with PPN 007-11-021 on the property records of the Cuyahoga County Fiscal Office. These parcels were transferred by a quit-claim deed from the Cleveland Union Terminals Company ("CUT") to the Authority, recorded in Volume 88-5651, Page 70 on October 26, 1988. The Disputed Parcel is just a tiny part of the Authority's much larger purchase from CUT which is an elongated set of parcels along the Red Line right-of-way known as the "West Approach and East Approach to Tower City."

GPC asserts ownership of the Disputed Parcel through the legal doctrine of adverse possession. GPC states that both the "A" and "B" portions on the Location Map have been exclusively, openly, and continuously used as a single property since at least 1960, including being fenced as a unified property. GPC purchased the property in 2017 and continued with exclusive use of the entire property. Under the doctrine of adverse possession, a person can acquire legal title to another's real property if he or she proves exclusive possession and open, notorious, continuous and adverse use for a period of twenty-one years. After twenty-one years of adverse possession, the rights of the record owner are cut off and those rights are vested in the adverse possessor. Authority staff investigated GPC's assertions regarding adverse possession and determined its claim to be valid based on available evidence. GPC's predecessor had obtained ownership via adverse possession of the Disputed Parcel as of 1981. Therefore, CUT no longer owned that particular parcel when it provided its quit-claim deed to the Authority in 1988. The Authority never lawfully owned the Disputed Parcel.

The Authority has not previously used the Disputed Parcel for transit operations and does not require ownership of it for future operation of the transit system. The proposed settlement will allow GPC to develop its real property in a way that activates this space. This is anticipated to benefit the Authority with new passengers. The Authority will provide a quit-claim deed to transfer record title of the Disputed Parcel to GPC. In exchange, GPC will provide two permanent easements on GPC's property to the Authority: (i) a bridge maintenance easement along Abbey Avenue; and (ii) a connection easement on the south end of GPC's property.

The Abbey Avenue bridge crosses the Red Line and is adjacent to the Disputed Property. The Authority is responsible for maintaining this bridge. The proposed real property settlement agreement provides the Authority with a permanent easement on the northeast corner of the Disputed Property which is closest to the bridge abutments so that the Authority and its contractors can access the bridge as necessary for inspection, maintenance, repair and reconstruction activities.

The Authority and GPC have been in discussions on how GPC can develop its property in harmony with the Authority. A connection easement will preserve the Authority's ability to develop connections to facilitate pedestrian traffic between the Authority's W. 25th – Ohio City Station and this dense, thriving neighborhood. This easement preserves potential connections across GPC's property to Gehring Avenue. This would enhance connectivity to the W. 25th Bus Rapid Transit Line (MetroHealth Line) and the Ohio City neighborhood to the west of the Red Line. There is also potential to enhance connectivity to the east, via a pedestrian bridge across the Red Line, to such amenities as a second head house to the W.25th – Ohio City Station, the Red Line Greenway, the Authority's Columbus Road Transit Oriented Development site, and the Duck Island neighborhood.

Finally, the proposed real property settlement agreement provides that GPC accepts responsibility for environmental conditions on the Gehring Parcel and will indemnify the Authority in the event of any environmental claims.

- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: The proposed real property settlement agreement is consistent with the Real Estate and Transit Oriented Development Policies of the Authority.
- 6.0 ECONOMIC IMPACT: There is no cost associated with executing this real property settlement agreement. It is a mutually beneficial exchange of real property interests without exchange of money.
- 7.0 ALTERNATIVES: Withhold approval of the real property settlement agreement. This could result in GPC pursuing litigation to obtain clear title to the Disputed Parcel and the Authority could lose any rights to the property, including losing the bridge maintenance and connection easements. Or, if the Authority retains the property, it could be responsible for environmental conditions and claims.
- 8.0 RECOMMENDATION: Staff recommends authorization for the General Manager, Chief Executive Officer to execute the real property settlement agreement, quit-claim deed and all related documents.

9.0 ATTACHMENTS: Location Map

Recommended and certified as appropriate to the
availability of funds, legal form and conformance with
the Procurement requirements.



General Manager, Chief Executive Officer



LOCATION MAP



Date Created: 11/13/2024

Legend

- ☐ Municipalities
- ☐ Right Of Way
- ☐ Platted Centerline
- ☐ Parcel
- ☐ Private Road

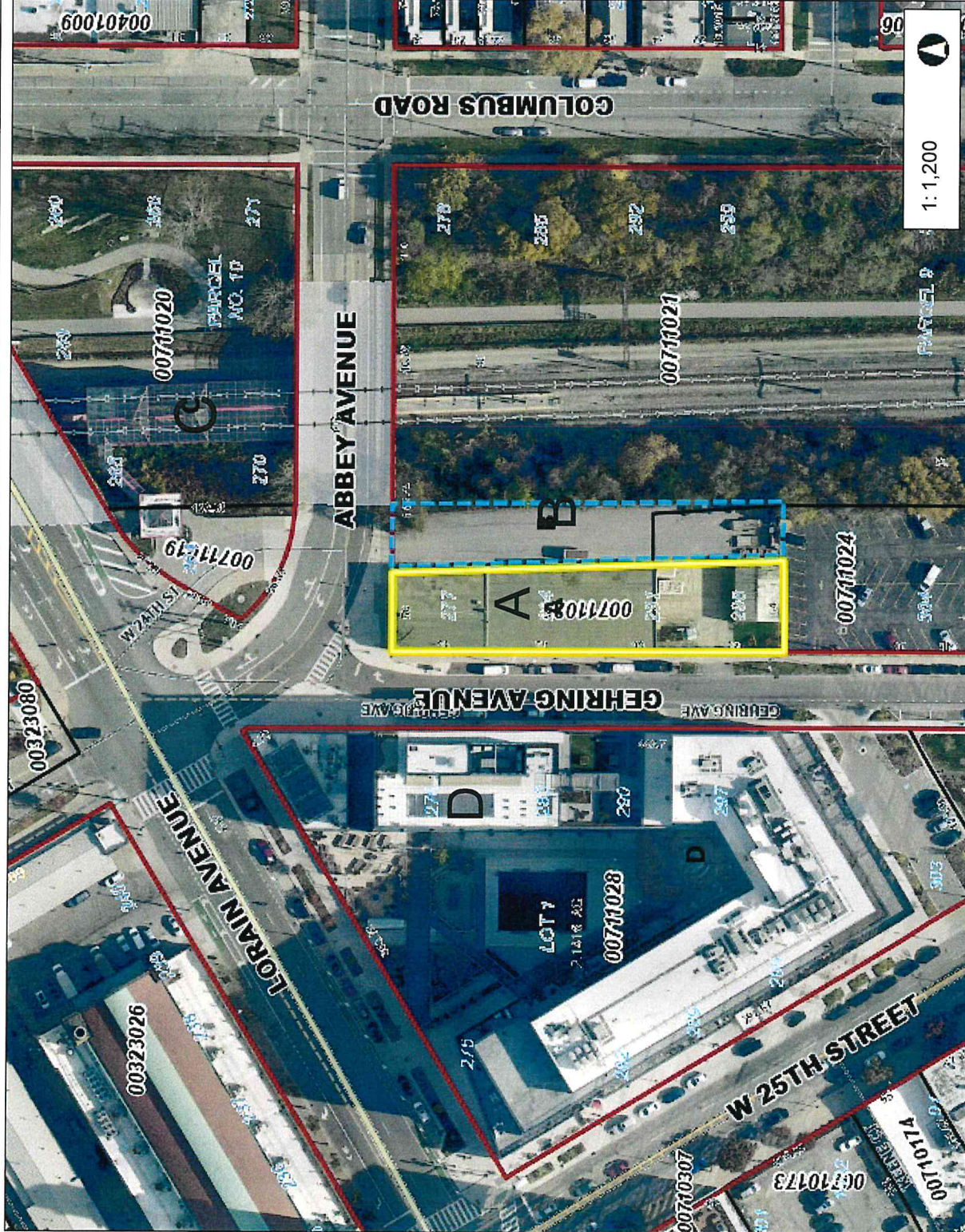
A. Gehring Property
Company, LLC

B. RTA Property

C. W. 25th Rapid
Transit Station

D. INTRO

Cuyahoga County
Enterprise GIS
PUTTING CUYAHOGA COUNTY ON THE MAP



200 100 0 200 Feet

Projection:
WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION