

RESOLUTION NO. 2009-53

AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO ENTER INTO PURCHASE AGREEMENTS TO ACQUIRE CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NUMBERS 213-08-002 THROUGH 213-08-007 WHICH ARE LOCATED AT THE EAST SIDE OF COLUMBIA ROAD AT FIRST STREET IN WESTLAKE, OHIO (COLLECTIVELY, THE "PROPERTY") FOR \$1,900,000.00 FOR THE WESTLAKE PARK-N-RIDE EXPANSION PROJECT (RTA DEVELOPMENT FUND, PROGRAMMING AND PLANNING DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority requires property acquisition for park and ride purposes and to better improve public transportation in Cleveland through the expansion of the Westlake Park-N-Ride facility; and

WHEREAS, Charles J. Hahn is the owner of approximately 0.96969 acres of land known for street numbering purposes as XXX Columbia Road, Permanent Parcel Number 213-08-002; and

WHEREAS, Charles J. Hahn and Carl A. Hahn are the owners of approximately 0.96629 acres of land known for street numbering purposes as 721 Columbia Road, Permanent Parcel Number 213-08-003; and

WHEREAS, Walter H. Paris, Robert C. Creter, Clark G. Winch, Executor of the Estate of Donald J. Winch, Christine M. Rednour, William H. Creter, Jeffrey T. Creter, James G. Creter, Robert J. Creter, and Thomas M. Creter are the owners of approximately 0.96459 acres of land known for street numbering purposes as XXX Columbia Road, Permanent Parcel Number 213-08-004; and

WHEREAS, Carl A. Hahn and Sue Hahn are the owners of approximately 1.44689 acres of land known for street numbering purposes as 751 Columbia Road, Permanent Parcel Number 213-08-005; and

WHEREAS, Interchange Properties is the owner of approximately 1.44689 acres of land known for street numbering purposes as 769 Columbia Road, Permanent Parcel Number 213-08-006; and

WHEREAS, Walter H. Paris, Robert C. Creter and Clark G. Winch, Executor of the Estate of Donald J. Winch are the owners of approximately 0.96459 acres of land known for street numbering purposes as XXX Columbia Road, Permanent Parcel Number 213-08-007; and

WHEREAS, the Property represents a total of 6.7 acres and is adjacent to the Greater Cleveland Regional Transit Authority's Westlake Park-N-Ride facility; and

WHEREAS, the Property has been jointly marketed for sale and all owners wish to sell their parcels to the Greater Cleveland Regional Transit Authority; and

WHEREAS, the Greater Cleveland Regional Transit Authority wishes to enter into Purchase Agreements with the owners of each of the aforementioned parcels in the total purchase price of One Million Nine Hundred Thousand Dollars (\$1,900,000.00).

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

Section 1. That the General Manager/Secretary-Treasurer is hereby authorized to execute Purchase Agreements for the Property and all other documents required to acquire and to transfer this Property upon receiving approval of the appraisal from the Federal Transit Administration.

Section 2. That the total Purchase Price of One Million Nine Hundred Thousand Dollars (\$1,900,000.00) is the fair market value of the Property as determined by the property appraisal report and approved by a Review Appraiser.

Section 3. That the Purchase Price is payable from the RTA Development Fund, Programming and Planning Department Budget, including but not limited to Federal Highway Administration funds obtained through ODOT Agreement No. 78840-21215 in the amount of \$1,231,450.00 and ARRA Capital Grant OH-96-X027 in the amount of \$668,550.00 for a total amount of \$1,900,000.00 (\$1,653,710.00 in Federal funds which represents 87% of the total cost). The ARRA funding will be based on initially using available 100% Local funds, \$668,550.00 of which will be replaced by FTA funds under the American Recovery and Reinvestment Act (ARRA) of 2009. Execution of the Purchase Agreements is contingent upon FTA approval of the Purchase Price.

Section 4. That the execution of the Purchase Agreements and the acquisition of the Property are necessary to carry out the Westlake Park-N-Ride Expansion Project.

Section 5. That this resolution shall become effective immediately upon its adoption.

Attachment: Map and Legal Description (Attachment A)

Adopted: June 30, 2009

President

Attest: _____
CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: CONTRACT: Purchase 6.7 acres of land for Westlake Park-N-Ride VENDOR: Various Property Owners AMOUNT: \$1,900,000.00	Resolution No.: 2009-53
	Date: June 25, 2009
	Initiator: Programming and Planning
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:** The purpose of entering into these Purchase Agreements is to provide a legal right to acquire and transfer property needed to construct the Westlake Park-N-Ride facility expansion.
- 2.0 **DESCRIPTION/JUSTIFICATION:** This property is vital for expanding the Westlake Park-N-Ride facility, which is needed in part to meet increased demand during ODOT's Innerbelt reconstruction project. The back portion of the land is needed for the 2009 project, which the owners agreed to sell at RTA's appraised value if RTA agreed to purchase the remainder of the land that abuts Columbia Road. This excess land will be available for future expansion for additional parking as required at this facility.
- 3.0 **PROCUREMENT BACKGROUND:** Does Not Apply.
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does Not Apply.
- 5.0 **POLICY IMPACT:** This is consistent with GCRTA's Real Estate Policy, which states that the Board must approve all fee simple acquisitions. It also complies with FTA Circular 5010.1D and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
- 6.0 **ECONOMIC IMPACT:** The purchase agreement will be funded through the RTA Development Fund, Programming and Planning Department Budget, including but not limited to Federal Highway Administration funds obtained through ODOT Agreement No. 78840-21215, Line Item 11.76.91 in the amount of \$1,231,450.00 and ARRA Capital Grant OH-96-X027, Line Item 11.76.91 in the amount of \$668,550.00 for a total amount of \$1,900,000.00 (\$1,653,710.00 in Federal funds which represents 87% of the total cost). The ARRA funding will be based on initially using available 100% Local funds, \$668,550.00 of which will be replaced by FTA funds under the American Recovery and Reinvestment Act (ARRA) of 2009.

The purchase price is based upon the fair market value of the property as determined by the property appraisal report. A Review Appraiser approved the Fair Market Value Estimate in the appraisal report. The Federal Transit Authority is currently reviewing the appraised value of this property pursuant to the FTA Concurrence requirements outlined in Circular 5010.1D. Execution of the purchase agreements is contingent upon FTA approval of the purchase price.

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Westlake Property Acquisition

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- 7.0 ALTERNATIVES: There is no other contiguous or adjacent property to the Westlake Park-N-Ride facility that is available for acquisition. Alternatives would be to construct a parking deck on existing property (too costly) or to cancel the expansion project.
- 8.0 RECOMMENDATION: Staff recommends that the Board of Trustees approve the resolution to authorize the purchase of property.
- 9.0 ATTACHMENT: Six Purchase Agreements

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

CEO, General Manager/Secretary-Treasurer