

RESOLUTION 2019-120

AUTHORIZING THE GENERAL MANAGER, CHIEF EXECUTIVE OFFICER TO ACCEPT AN EASEMENT FROM THE CLEVELAND SOCIETY OF THE BLIND ("CSB") FOR THE PURPOSE OF INSTALLING A BUS SHELTER AND RELATED AMENITIES TO IMPLEMENT THE EAST 105TH STREET OPPORTUNITY CORRIDOR TRANSIT WAITING ENVIRONMENT PROJECT ON CSB PROPERTY

WHEREAS, the Greater Cleveland Regional Transit Authority ("Authority") Board adopted Resolution No. 2014-73 on August 19, 2014 authorizing an interagency agreement ("Interagency Agreement") with the Ohio Department of Transportation ("ODOT") for Section 1 of the Opportunity Corridor Project ("Project"); and

WHEREAS, the Interagency Agreement provided that ODOT would reimburse the Authority up to \$420,000.00 to construct enhanced bus shelters and transit waiting environments on East 105th Street for the Project area for Section 1 of the Opportunity Corridor Project; and

WHEREAS, ODOT has agreed to include the area required for the construction of the bus shelters and amenities in the proposed right-of-way limits for the Project; and

WHEREAS, the Cleveland Society of the Blind ("CSB") is granting the easement to GCRTA in exchange for compensation by ODOT, per the Interagency Agreement; and

WHEREAS, the easement will provide sufficient space for the installation of a bus shelter and transit waiting environment.

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, Chief Executive Officer is hereby authorized to accept an easement from the Cleveland Society of the Blind ("CSB") for the purpose of installing a bus shelter and related amenities in order to implement the East 105th Street Opportunity Corridor Transit Waiting Environment Project ("E 105 OC TWE") on CSB property known as Permanent Parcel Number 119-11-058 located at the northwest corner of the intersection of East 105th Street with Chester Avenue.

Section 2. That the General Manager, Chief Executive Officer is hereby authorized to execute all documents required to accept the easement from CSB.

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

Adopted: December 17, 2019


President

Attest: 
Interim Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: EASEMENT: ACCEPTANCE OF EASEMENT OVER PPN 119-11-058 FOR THE E 105 th STREET OPPORTUNITY CORRIDOR TRANSIT WAITING ENVIRONMENT PROJECT GRANTOR: THE CLEVELAND SOCIETY OF THE BLIND AMOUNT: \$0	Resolution No.: 2019-120
	Date: December 12, 2019
	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 resolution seeks Board approval to accept an easement from the Cleveland Society of the Blind ("CSB") for the purpose of installing a bus shelter and related amenities in order to implement the E 105th Street Opportunity Corridor Transit Waiting Environment Project ("E 105 OC TWE") on CSB property known as PPN 119-11-058 located at the northwest corner of the intersection of E 105th Street with Chester Avenue.
- 2.0 **DESCRIPTION/JUSTIFICATION:** In August 2014, the Authority and the Ohio Department of Transportation ("ODOT") entered into an Interagency Agreement for Section 1 of the Opportunity Corridor Project ("Interagency Agreement") to coordinate the installation of bus shelters and amenities in connection with the development of the Opportunity Corridor. E 105 OC TWE implements this Interagency Agreement. Easements are needed where the planned enhanced transit waiting environments will not fit within the E 105th Street right-of-way. Per the Interagency Agreement, ODOT provided compensation to CSB in the sum of \$8,350 for the easement to GCRTA.
- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** The Authority's Real Estate Policies specify that the Board of Trustees must approve acceptance of any permanent easement with a value equal to or in excess of \$2,500.00. The easement described herein is an easement under Chapter 470 of GCRTA's Codified Rules and Regulations.
- 6.0 **ECONOMIC IMPACT:** The easement is being granted at no cost to GCRTA.
- 7.0 **ALTERNATIVES:** The Authority could refuse to accept the easement, which would leave the Authority without permission to locate its facilities on this parcel.
- 8.0 **RECOMMENDATION:** Staff recommends the Board of Trustees approve the resolution to authorize acceptance of the Easement from the CSB.
- 9.0 **ATTACHMENTS:** A. Executed Easement and Easement Legal Description
B. 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

ATTACHMENT A

ODOT RE 209
Rev. 10/2017

EVS
LPA Pmt. By State

EASEMENT

The Cleveland Society for the Blind, an Ohio non-profit corporation, the Grantor(s), in consideration of the sum of \$8,350.00, to be paid by the State of Ohio, Department of Transportation, in the name of and for the use of The Greater Cleveland Regional Transit Authority, the Grantee, does grant and convey to Grantee, its successors and permitted assigns, an easement ("Easement"), over, across and through the parcel of real estate described in Exhibit A attached hereto ("Easement Parcel") which is part of a larger parcel of real estate known as: Cuyahoga County Current Tax Parcel No. 119-11-058
Prior Instrument Reference: Warranty Deed Volume 13174, Page 959 , Cuyahoga County Recorder's Office.

Solely for the Bus Stop Use (defined below), provided that the Easement shall terminate automatically if:

1. The Bus Stop Facility (defined below) is not constructed and installed, and operation of the Bus Stop Facility has not commenced, within 360 days after the date hereof; or
2. At any time after completion of the initial construction and installation of the Bus Stop Facility, the Bus Stop Facility is not continuously operated for 180 days, excluding however the number of days that the Bus Stop Facility is not operated because of repairs or replacement. (each, a "Termination Event").

If a Termination Event occurs Grantor shall deliver notice of termination to Grantee and shall have the right to file for record a Termination of Easement, without the necessity of joinder by Grantee, and upon filing for record of the Termination of Easement, the Easement shall terminate and be of no further force or effect and Grantee shall promptly thereafter, as its sole cost and expense, remove the Bus Stop Facility and all other improvements installed on the Easement

Parcel by Grantee, if any, and repair any damage caused to the Easement Parcel by removal of the Bus Stop Facility and all such other improvements.

"Bus Stop Use" shall mean the use of the Easement Parcel for the operation of a bus stop for public transportation purposes.

"Bus Stop Facility" shall mean the standard facility for use as a bus stop for public use that Grantee constructs and installs from time to time, as may be modified or replaced from time to time by Grantee to be consistent with the design of other bus stops maintained and operated by Grantee.

Grantee shall require its contractor to name Grantor as an additional insured under its liability policy during construction and shall deliver a certificate of insurance naming Grantor as an additional insured as a condition to Grantee's right to use the Easement Parcel for the Bus Stop Use.

The rights and obligations of Grantee under this Easement may not be assigned or transferred by Grantee without the prior written consent of Grantor that Grantor may withhold in its sole discretion.

IN WITNESS WHEREOF The Cleveland Society for the Blind, an Ohio non-profit corporation has caused its name to be subscribed by Howard Lichtig, its duly authorized Chair, Board Of Trustees, and its duly authorized agent on the 17th day of May, 2019.

THE CLEVELAND SOCIETY FOR THE BLIND, AN
OHIO NON-PROFIT CORPORATION

By: 

Print: HOWARD LICHTIG

Title: CHAIR, BOARD OF TRUSTEES

Date: 5/17/19

STATE OF OHIO, COUNTY OF Cuyahoga SS:

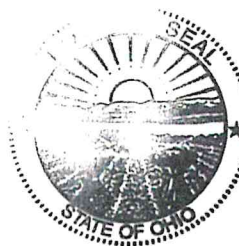
BE IT REMEMBERED, that on the 17th day of May, 2019, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Howard Lichtig, who acknowledged being the Chair, Board Of Trustees and duly authorized agent of The Cleveland Society for the Blind, an Ohio non-profit corporation, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



NOTARY PUBLIC
My Commission expires: 7/26/2020

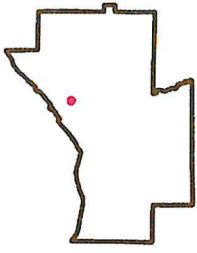
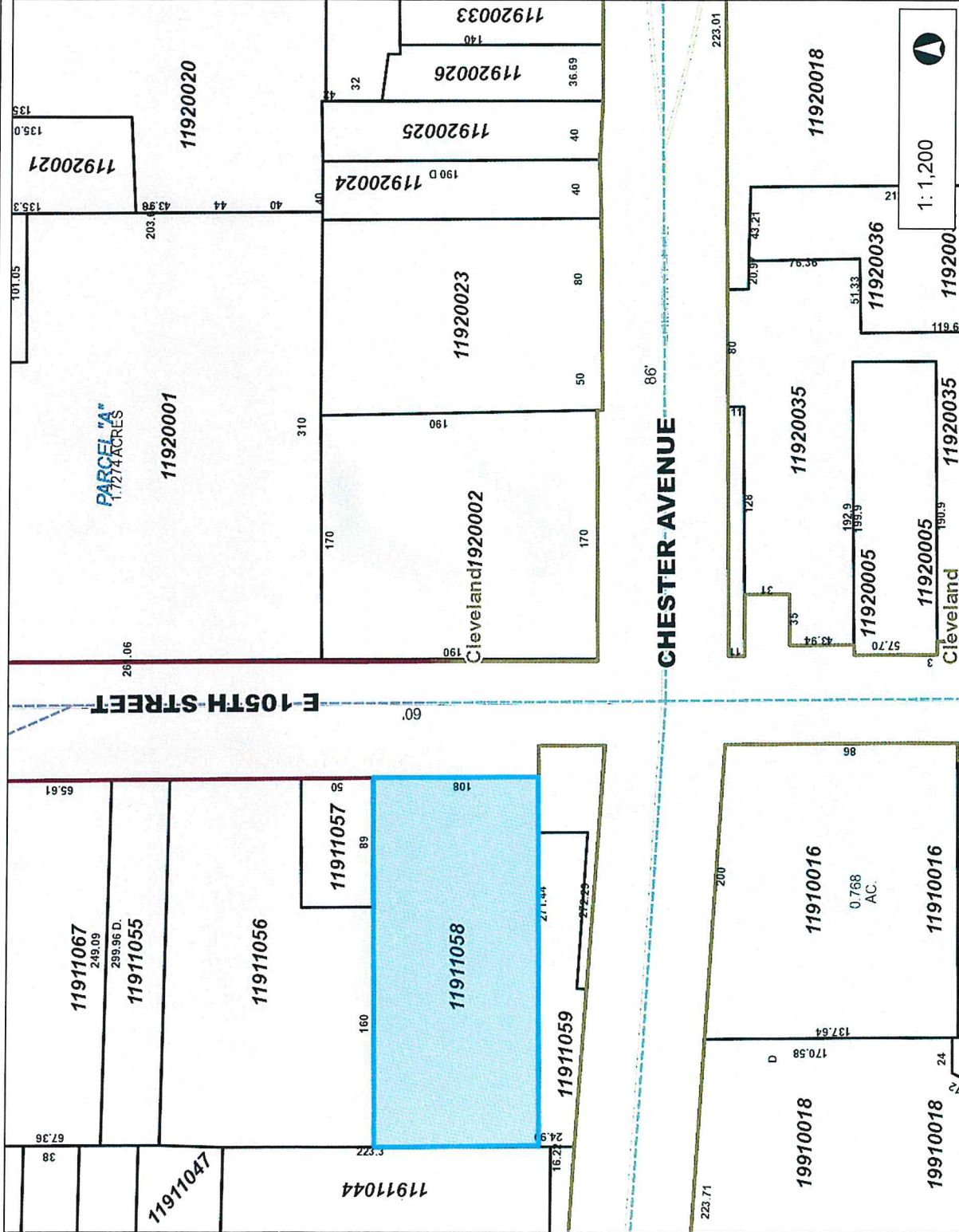
This document was prepared by or for the State of Ohio, Department of Transportation, on forms approved by the Attorney General of Ohio.



KEVIN KRENCISZ
Notary Public
In and for the State of Ohio
My Commission Expires
July 26, 2020



ATTACHMENT B Location Map



Date Created: 12/5/2019

Legend

- ☐ Municipalities
- ☐ Point Parcels
- ☐ Air Parcels
- ☐ Right Of Way
- ☐ Platted Centerlines
- ☐ Parcels

200 0 100 200 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