

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Conveyance of an Easement

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) purchased in the name of the State of Ohio a fee simple interest in a parcel of real estate originally designated as Turnpike Parcel 135F, said real estate being used in connection with the operation and maintenance of the Ohio Turnpike in the City of North Royalton, Cuyahoga County, Ohio; and

WHEREAS, Cuyahoga County, through its right of way agent, has notified the Commission of a roadway improvement project on State Route 82, said project being known as CUY-82-4.83, the copy of which notification is on file with the General Counsel; and

WHEREAS, Cuyahoga County, through its right of way agent, has notified the Commission of the need to acquire an easement interest in real estate known as Parcel 63 SH, pursuant to certain terms and conditions of a certain offer of settlement agreement and pursuant to certain terms and conditions of a certain standard highway easement agreement, both copies of which are currently on file with the General Counsel; and

WHEREAS, the draft offer of settlement agreement is proposed to memorialize the agreement between the Commission and Cuyahoga County whereby the Commission conveys the permanent easement on those terms and conditions as set forth therein and as revised upon the advice of the General Counsel to the Commission or as determined by the Executive Director, and not substantially adverse to the Commission as may be permitted by the Act and this Resolution; and

WHEREAS, the draft easement agreement is proposed as a permanent easement to be acquired in the name of Cuyahoga County and used for standard highway purposes; and

WHEREAS, by letter dated September 7, 2017, AECOM, as the Commission’s consulting engineer, has advised the Commission’s Chief Engineer that such a highway easement results in no impact on Turnpike operations or maintenance of Turnpike facilities; and

WHEREAS, the Chief Engineer by letter dated September 8, 2017, has advised that the grant of a permanent highway easement will not have an adverse impact on the maintenance and operation of the Turnpike; and

WHEREAS, the Commission has determined, based on the recommendations of the consulting engineer and the Chief Engineer and on the condition that the Commission retain the fee simple interest in said real estate, that permitting the grant of a permanent easement under the Turnpike bridge over State Route 82 would not interfere with the construction, maintenance and operation of the Ohio Turnpike.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the Executive Director or General Counsel is hereby authorized to enter into the offer of settlement agreement with Cuyahoga County on substantially the same terms and conditions as such draft that is currently on file with the General Counsel and as revised upon the advice of the General Counsel to the Commission or as determined by the Executive Director, and not substantially adverse to the Commission as may be permitted by the Act and this Resolution; and

FURTHER RESOLVED, that the Executive Director or General Counsel, and each of them is further authorized and shall take such further action as necessary to complete the terms and conditions of the offer of settlement agreement, and pursuant thereto, to convey by recordable instruction a permanent easement in the real estate to Cuyahoga County, or such other governmental entity as Cuyahoga County shall designate, for the purpose of making roadway improvements to State Route 82 provided that such action shall reserve to the Commission the fee simple interest in said real estate; and

FURTHER RESOLVED that the authority hereby granted to the Executive Director and General Counsel shall include the authority to execute an agreement and a permanent easement to Cuyahoga County, as permitted by statute; and

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under said contracts as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project or increase its costs.

(Resolution No. 48-2017 adopted September 18, 2017)