

RESOLUTION NO. 2025-41

PERMANENT EASEMENT FOR THE CONSTRUCTION, USE, OPERATION AND MAINTENANCE OF A CONNECTOR TRACK, DELIVERY SWITCH AND RELATED FACILITIES FOR DELIVERY OF REPLACEMENT RAILCARS

WHEREAS, the Greater Cleveland Regional Transit Authority ("Authority") has a contract with Siemens Mobility, Inc. for the design, manufacture, and delivery of new high floor light railcars which will be used on all the Authority's rail passenger lines; and

WHEREAS, the Cleveland-Cuyahoga County Port Authority ("Port") owns and operates port and freight rail facilities located at the Port of Cleveland, 601 Erieside Avenue, Cleveland, Ohio ("Port Property"), which is suitable for the delivery and off-loading of the new railcars because the Port's rail facilities are adjacent to the Authority's Waterfront Line; and

WHEREAS, to facilitate the delivery of the new railcars, the Authority intends to construct and maintain new rail track, switches and associated facilities to connect from the rail operated by the Port to the Waterfront Transit Line (the "Project") and

WHEREAS, the Port is willing to grant to the Authority the rights to access and occupy that portion of the Port Property necessary for the operation, maintenance and use of the Authority's new rail track, switches and associated facilities; and

WHEREAS, the new connection track infrastructure that is constructed for the Project will be a long-term facility, and the Permanent Easement Agreement will set forth the terms of the future operation, maintenance, and use of that new connection track infrastructure; and

WHEREAS, the Authority has conducted its appropriate due diligence investigation of the property which confirmed the suitability of the property for the Authority's needs; and

WHEREAS, entering into the Permanent Easement Agreement with the Port will allow the Authority to proceed with construction of a connector track to be completed prior to the delivery of the new railcars.

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 execute a Permanent Easement Agreement with the Cleveland-Cuyahoga County Port Authority granting to the Authority an easement over, across and upon the 0.3942-acre portion of Port Property for the construction, use, operation and maintenance of the new rail tracks, switches, and associated facilities.

Section 2. That the Port has agreed that there is no charge to the Authority for the Permanent Easement Agreement.

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

Adopted: *MARCH 18, 2025*



President

Attest: *Rajan D. Santam*

Secretary-Treasurer



TITLE/DESCRIPTION:		Resolution No.: 2025-41
ACQUISITION:	PERMANENT EASEMENT FOR THE CONSTRUCTION, USE, OPERATION AND MAINTENANCE OF A CONNECTOR TRACK, DELIVERY SWITCH AND RELATED FACILITIES FOR DELIVERY OF REPLACEMENT RAILCARS	Date: March 13, 2025
GRANTOR:	CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY	Initiator: Engineering & Project Management
TERM:	PERMANENT	
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:** To enter into a Permanent Easement Agreement (“Easement”) with the Cleveland-Cuyahoga County Port Authority (“Port”) for the construction, use, operation and maintenance of a connector track, delivery switch, and associated facilities to be constructed by the Greater Cleveland Regional Transit Authority (“Authority”) on Port property at the Port of Cleveland.

2.0 **DESCRIPTION/JUSTIFICATION:** The Authority has a contract with Siemens Mobility, Inc. for the design, manufacture, and delivery of new high floor light railcars which will be used on all the Authority’s rail passenger lines. To facilitate the delivery of the new railcars, the Authority intends to construct, operate and maintain new rail track, switches, and associated facilities at the Port of Cleveland to connect rail facilities operated by the Port to the Waterfront Transit Line (the “Project”). From the connection point, the railcars will be moved along the Authority’s tracks to the Brookpark Rail Shop for commissioning.

The Port and the Authority intend that the new connector track infrastructure that is constructed for the Project will be a long-term facility. The Easement provides for the terms and conditions of the future operation, maintenance, and use of the new connector track, switch, and associated facilities, including the following:

- An easement across the Port property sufficient in size and dimensions to construct the new connector track, delivery switch and associated facilities at the location shown on Attachment A, Easement Layout.
- The easement is 40 feet wide and encompasses 17,128 square feet or 0.3932 acre.
- The easement will be permanent unless terminated by the parties in accordance with the agreement.
- The easement is non-exclusive; however, the Authority always has priority of use.
- There will be no cost to the Authority for the easement rights granted.

A companion Temporary Construction Easement for additional area for construction and laydown areas, which did not require approval of the Board, was executed on April 19, 2024.

- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.
- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** This action is consistent with the Authority's real estate policies governing the acquisition of interests in real estate.
- 6.0 **ECONOMIC IMPACT:** The Easement does not require payment of acquisition fees or rent by the Authority.
- 7.0 **ALTERNATIVES:** Reject the proposed Easement. Rejection of this Easement will impair the Authority's ability to receive delivery of the replacement railcars.
- 8.0 **RECOMMENDATION:** This easement was discussed by the Board of Trustees at the March 4, 2025 Audit, Safety Compliance and Real Estate Committee meeting. It is recommended that this resolution be adopted authorizing the General Manager, Chief Executive Officer to execute the Easement.
- 9.0 **ATTACHMENTS:**
A. Easement Layout

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 – EASEMENT LAYOUT

