

1<sup>st</sup> + PC 2-22-22

WXZ DEVELOPMENT  
SOUTHLAND

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

2<sup>nd</sup> 3-8-22

Ordinance No. 2022- **16**

DELIVERED FEB 17 2022,

P.M. 5-10-22

Introduced By: Mr. Grech Co-Sponsors: Mr. Bortolotto, Mr. Ference

6:55

**AN ORDINANCE  
REZONING PERMANENT PARCEL NUMBER 372-20-031 FROM ITS  
PRESENT ZONING CLASSIFICATION RS (RETAIL SERVICE DISTRICT)  
TO PMU (PLANNED MIXED USE DISTRICT)**

WHEREAS, WXZ Development Inc. has requested that Permanent Parcel Number 372-20-031 be rezoned from RS (Retail Service District) to PMU (Planned Mixed Use District) Use District Classification; and

WHEREAS, the Planning Commission recommends to Council that the requested zoning change be made; and

WHEREAS, the Council deems that the requested zoning change in the hereafter described property should be made and the same is conducive to the public health safety, convenience, prosperity, and the general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That Ordinance No. 1982-170, the Zoning Ordinance of the City of Middleburg Heights, and the zone map made a part of said Ordinance be changed and amended so as to rezone Permanent Parcel Number 372-20-031 from its present use classification RS (Retail Service District) to PMU (Planned Mixed Use District) Use District Classification, a copy of the legal description marked "Exhibit A" is attached hereto and made a part hereof.

Section 2: That the City Engineer be and is hereby directed to immediately make the proper marking and changes on the zone map made a part of said Zoning Ordinance 1982-170 to clearly indicate the aforesaid zoning change in the use district of the above-described properties from its present RS (Retail Service District) to PMU (Planned Mixed Use District) Use District Classification.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: 5-10-22

Attest: M Meala  
Clerk of Council

Presented to Mayor: 5-11-22

David Bortolotto  
President of Council

Approved On: 5-11-22

Matthew Caslett  
Mayor

	Yea	Nay
Bortolotto	<u>X</u>	_____
Ali	<u>X</u>	_____
Sage	<u>X</u>	_____
Meany	<u>X</u>	_____
McGregor	<u>X</u>	_____
Ference	<u>X</u>	_____
Grech	<u>X</u>	_____

I, Mary Ann Meala Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2022-16 adopted by the Council of the City of Middleburg Hts., on 5/10/22 was posted for a period of fifteen days, beginning 5/11/22 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meala  
Clerk

**CERTIFICATE**

I, Mary Ann Meala Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2022-16 passed on the 10<sup>th</sup> day of May 2022 by said Council.

Mary Ann Meala  
Clerk of Council

Situated in the City of Middleburg Heights, County of Cuyahoga, and State of Ohio, and known as being part of Original Middleburg Township, Section 3, Turnpike Tract, Lot No. 10, and further described as follows:

Beginning at a point on the center line of Pearl Road, 66 feet wide, distant South 64° 35' 10" West, 413.58 feet from its intersection with the center line of West 130th Street; thence North 3° 12' 44" West, 54 feet to the Northwestern corner of a parcel of land conveyed to the City of Middleburg Heights, by deed dated July 30, 1970, and recorded in Volume 12754, Page 633 of Cuyahoga County Records, and the principal place of beginning; thence North 64° 35' 10" East along the Northwestern line of said parcel, 301.80 feet to the Northeast corner thereof; thence North 2° 47' 46" West along the Easterly line of Parcel No. 1 of land conveyed to the Kamms Corners Realty Company, by deed dated November 25, 1947 and recorded in Volume 6450, Page 142 of Cuyahoga County Records, 233.60 feet to an interior corner thereof; thence North 82° 49' 02" East along a Southerly line of land so conveyed, 93.86 feet to a point on the Westerly side of West 130th Street, 80 feet wide; thence North 4° 03' 54" East along the Westerly side of West 130th Street, 80 feet wide, 252.63 feet to the Southeast corner of land conveyed to Brownie Builders, Inc., by deed dated June 16, 1972 and recorded in Volume 13117, Page 91 of Cuyahoga County Records; thence Southwesterly along the Southeast side of land so conveyed, 414.07 feet to the Southwesterly corner thereof; thence South 3° 12' 44" East along the Westerly line of Parcel No. 1 of land conveyed to The Kamms Corners Realty Co., about 527.39 feet to the place of beginning.