

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Resolution No. 2023- **79**

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

**A RESOLUTION  
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT  
WITH THE VILLAS OF FOX HOLLOW HOMEOWNERS' ASSOC., INC.  
FOR THE PURCHASE OF AN EASEMENT AS PART OF THE  
SHELDON ROAD RESURFACING PROJECT**

WHEREAS, in advance of and as part of the Sheldon Road Resurfacing Project it is necessary for the City to acquire an easement on private residential property; and

WHEREAS, the easement is being acquired for a public purpose, namely the establishment, construction, reconstruction, widening, repair, or maintenance of a public road.


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

Section 1: That the Mayor is hereby authorized to enter into an agreement with The Villas of Fox Hollow Homeowners' Assoc., Inc. for the purchase of a perpetual easement described in Exhibit A attached, on the following described real estate: Parcel(s): 2-SH PID 113312 CUY-SHELDON RD. PPN 371-17-012 and 046.

Section 2: That there is hereby appropriated \$300.00 from the Streets/Infrastructure Improvements Fund to implement this Resolution.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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: 10/24/23

  
\_\_\_\_\_  
President of Council

Attest: M. Meola  
Clerk of Council

Approved On: 10-25-23

Presented to Mayor: 10/25/23

Matthew Cusick  
Mayor

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

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Res. 2023-79 adopted by the Council of the City of Middleburg Hts., on 10/24/23 was posted for a period of fifteen days, beginning 10/25/23 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meola  
Clerk

**CERTIFICATE**

I, Mary Ann Meola Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Res 2023-79 passed on the 24<sup>th</sup> day of October 2023 by said Council.

Mary Ann Meola  
Clerk of Council

### EASEMENT

The Villas of Fox Hollow Homeowners' Assoc., Inc, the Grantor(s), in consideration of the sum of \$300.00, to be paid by The City of Middleburg Heights, the Grantee, does convey(s) to Grantee, its successors and assigns, an easement, which is more particularly described in Exhibit A attached, the following described real estate:

PARCEL(S): 2-SH

PID 113312 CUY-SHELDON RD.

SEE EXHIBIT A ATTACHED

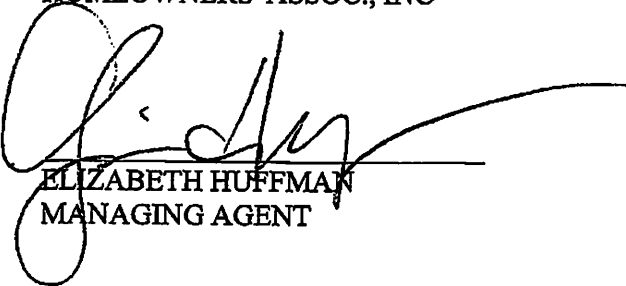
Cuyahoga County Current Tax Parcel No. 371-17-012 and -046  
Prior Instrument Reference: Instrument No. 200907270504, Cuyahoga County Recorder's Office.

Grantor(s), for himself and his successors and assigns, covenant(s) with the Grantee, its successors and assigns, that he is the true and lawful owner(s) in fee simple, and has the right and power to convey the property and that the property is free and clear from all liens and encumbrances, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the property against all claims of all persons.

The property conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF The Villas Of Fox Hollow Homeowners' Assoc., Inc by and through Elizabeth Huffman, the Managing Agent of The Villas Of Fox Hollow Homeowners' Assoc., Inc, has hereunto subscribed their name on the 16th day of August , 2023.

THE VILLAS OF FOX HOLLOW  
HOMEOWNERS' ASSOC., INC

By:   
ELIZABETH HUFFMAN  
MANAGING AGENT

STATE OF OHIO, COUNTY OF CUYAHOGA SS:

BE IT REMEMBERED, that on the 16th day of August , 2023, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Elizabeth Huffman, who acknowledged being the Managing Agent of The Villas Of Fox Hollow Homeowners' Assoc., Inc, and who acknowledged the foregoing instrument to be the voluntary act and deed of said The Villas Of Fox Hollow Homeowners' Assoc., Inc. No oath or affirmation was administered to Elizabeth Huffman with regard to the notarial act.

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

  
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DANNA SIFTER-ALGOTSON  
Notary Public, State of Ohio  
My Commission Expires  
April 21, 2025

NOTARY PUBLIC  
My Commission expires: 4/21/25

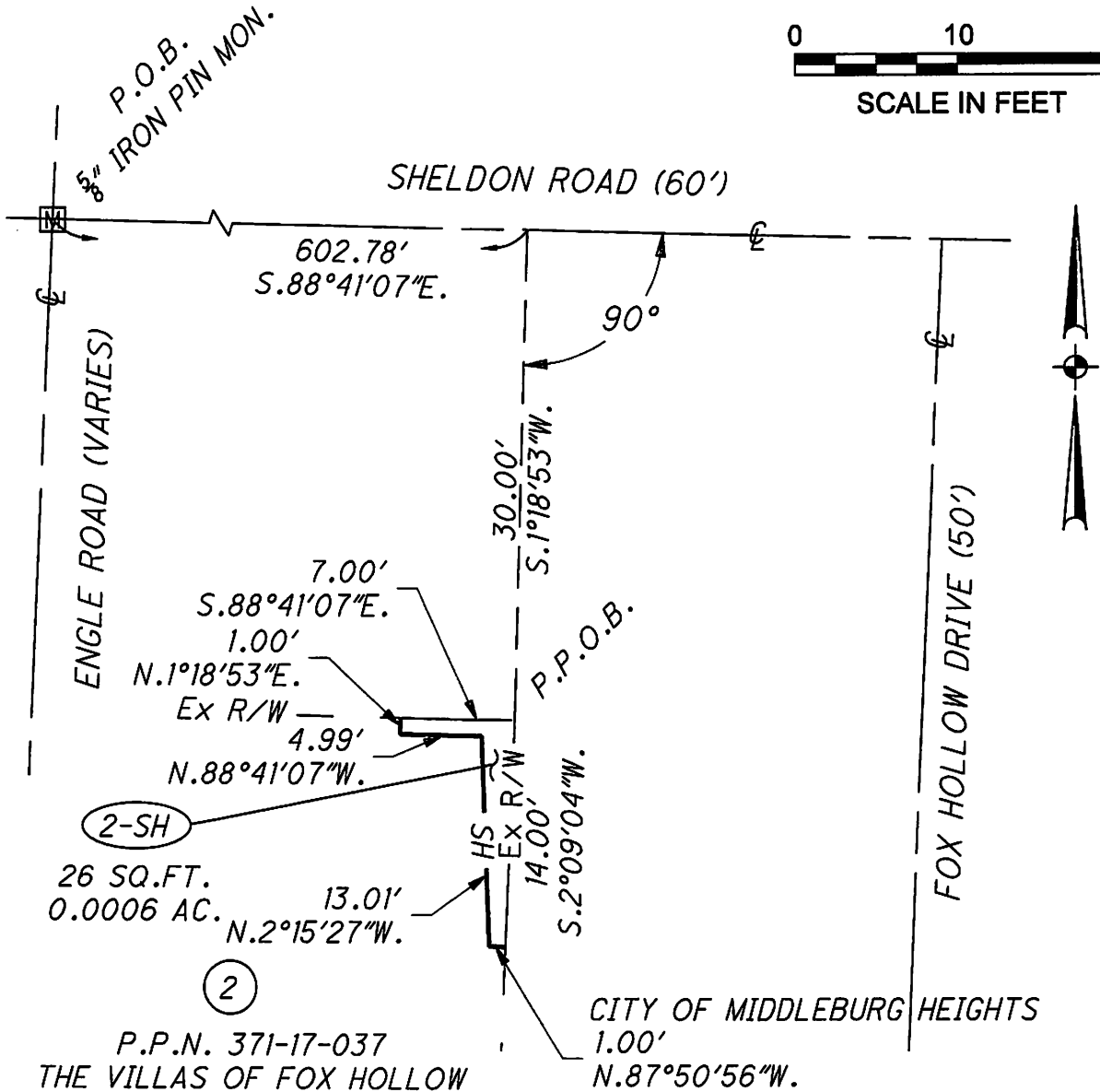
This document was prepared by: The City of Middleburg Heights

# PARCEL 2-SH EXHIBIT "A"

SITUATED IN THE CITY OF MIDDLEBURG HEIGHTS,  
COUNTY OF CUYAHOGA, STATE OF OHIO AND  
BEING KNOWN AS PART OF O.L. 6, SECTION 8 IN  
ORIGINAL MIDDLEBURG TOWNSHIP

SHELDON ROAD CW-6  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES

CITY OF BROOK PARK



P.P.N. 371-17-037  
THE VILLAS OF FOX HOLLOW  
HOME OWNERS ASSOC. INC.  
AFN 200907270504

**EUTHENICS**  
8235 Mohawk Dr. | Cleveland, OH 44136

**EXHIBIT A**

RX 270 SH

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Rev.06/09

VER. DATE 12/22/2022

**PARCEL 2-SH  
(SHELDON ROAD CW-6)  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation, and/or utility maintenance work deemed appropriate by the State of Ohio, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

**(Surveyor's description of the premises follows)**

Situated in the City of Middleburg Heights, County of Cuyahoga, State of Ohio and being known as part of Original Middleburg Township Lot 6, Section 8 and being part of a parcel of land conveyed to The Villas of Fox Hollow Homeowners Association, Inc. recorded in AFN 200907270504 Official Records Cuyahoga County, and bounded and described as follows:

Beginning at a 5/8 inch iron pin monument box found at the intersection of the centerline of Engle Road, Width Varies, and the centerline of Sheldon Road, 60.00 feet wide;

Thence S. 88°41'07" E., 602.78 feet along the centerline of said Sheldon Road to a point therein;

Thence S. 01°18'53" W., 30.00 feet to its intersection with the southerly line of said Sheldon Road and the westerly line of Fox Hollow Drive, 50.00 feet wide, and being the **Principal Place of Beginning** of the parcel herein described:

Thence with the following three (6) courses:

- 1) S. 02°09'04" W., 14.00 feet, along the westerly line of said Fox Hollow Drive, to a point therein;
- 2) N. 87°50'56" W., 1.00 feet, to a point;

**EXHIBIT A**

RX 270 SH

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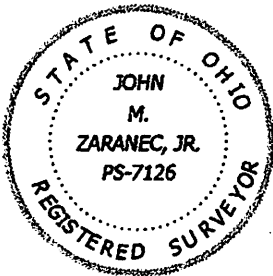
VER. DATE 12/22/2022

- 3) N. 02°15'27" W., 13.01 feet, to a point;
- 4) N. 88°41'07" W., 4.99 feet, to a point;
- 5) N. 01°18'53" E., 1.00 feet, to its intersection with the southerly line of said Sheldon Road;
- 6) S. 88°41'07" E., 7.00 feet along the southerly line of said Sheldon Road to the **Principal Place of Beginning** and containing 26 square feet or 0.0006 acres of land more or less but subject to all legal highways.

The bearings used in this description are based upon the Ohio State Plane Coordinates System, North Zone, NAD83 (Conus)(Mol).

The above-described parcel being part of Auditor's Permanent Parcel No. 371-17-037.

This description was prepared by John M. Zaranec, Jr. P.S. 7126 and was based on a survey performed by Euthenics, Inc. in December, 2022.



A handwritten signature in black ink, appearing to read "John M. Zaranec, Jr.", written over a light background.