

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2023- **81**

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

**A RESOLUTION
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH THE EMERALD POINT CONDOMINIUM ASSOCIATION
FOR THE PURCHASE OF A TEMPORARY 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 a temporary easement on private residential property; and

WHEREAS, the temporary 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 Emerald Point Condominium Association for the purchase of a temporary easement described in Exhibit A attached, on the following described real estate: Parcel(s): 4-T & 5-T PID 113312 CUY-SHELDON RD PPN 372-01-001.

Section 2: That there is hereby appropriated \$50.00 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>X</u>	_____
Ali	<u>X</u>	_____
Sage	<u>X</u>	_____
Meany	<u>X</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 2023-81 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. 2023-81 passed on the 24th day of October 2023 by said Council.

Mary Ann Meola
Clerk of Council

TEMPORARY EASEMENT

Emerald Point Condominium, the Grantor(s), in consideration of the sum of \$50.00, to be paid by The City of Middleburg Heights, the Grantee, does grant to Grantee the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

**PARCEL(S): 4-T & 5-T
PID 113312 CUY-SHELDON RD
SEE EXHIBIT A ATTACHED**

**Cuyahoga County Current Tax Parcel No. 372-01-001
Prior Instrument Reference: Volume 97- 07597 Page 31, Cuyahoga County Recorder's Office.**


To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 6 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement(s) interest granted 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 Emerald Point Condominium has caused its name to be subscribed by Terri Harnegie, its duly authorized President, and its duly authorized agent on the 11th day of September, 2023.

EMERALD POINT CONDOMINIUM

By: 
Terri Harnegie
President

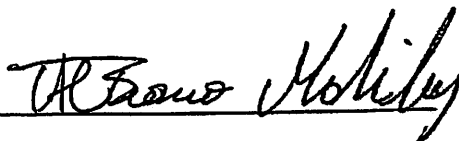
STATE OF OHIO, COUNTY OF CUYAHOGA SS:

BE IT REMEMBERED, that on the 11th day of September, 2023, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Terri Harnegie, who acknowledged being the President and duly authorized agent of Emerald Point Condominium, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Terri Harnegie 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.



ALBANO MAHILAJ
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES



NOTARY PUBLIC
My Commission expires: 11-23-24

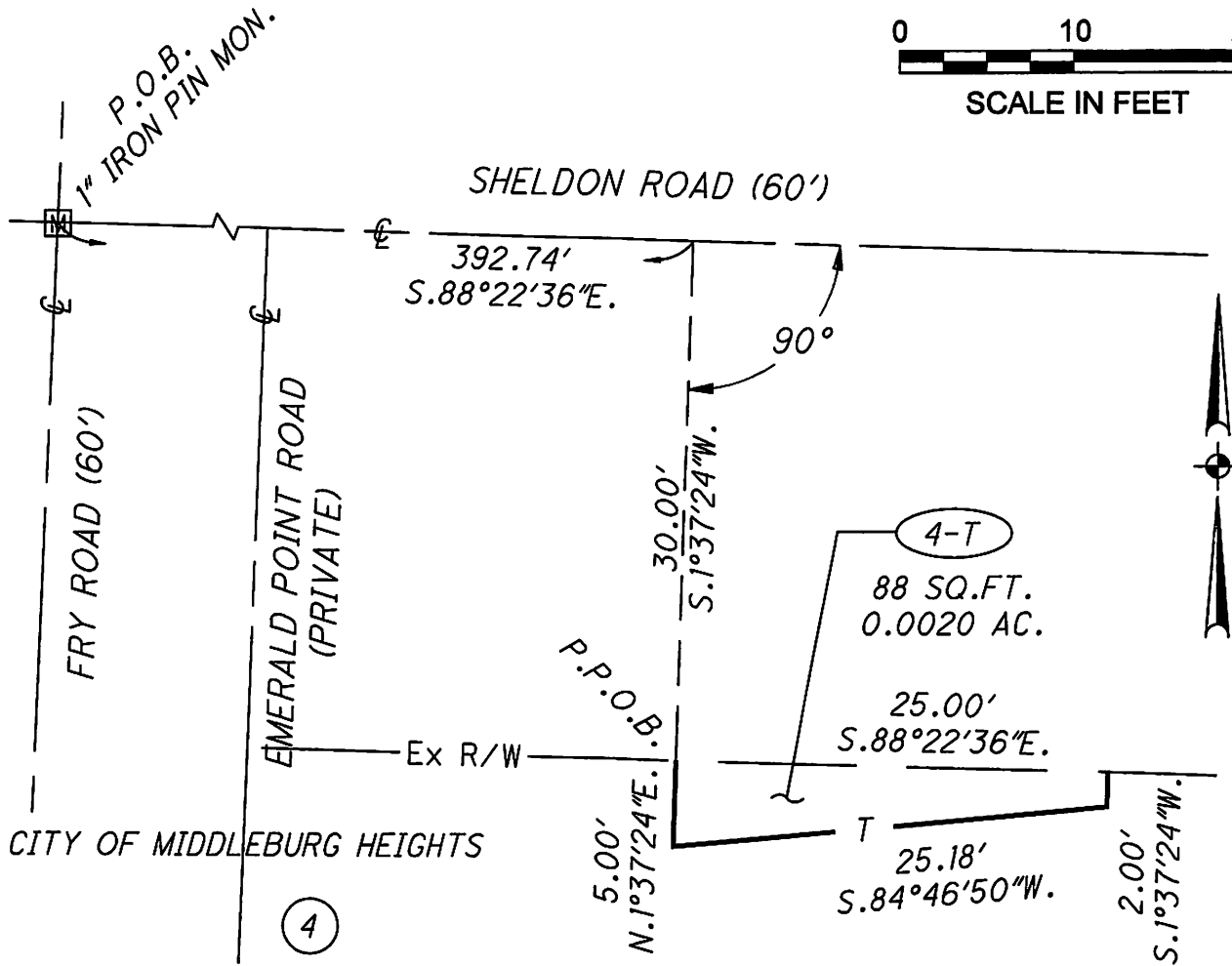
This document was prepared by: The City of Middleburg Heights

PARCEL 4-T EXHIBIT "A"

SITUATED IN THE CITY OF MIDDLEBURG HEIGHTS,
COUNTY OF CUYAHOGA, STATE OF OHIO AND
BEING KNOWN AS PART OF O.L. 1, SECTION 8 IN
ORIGINAL MIDDLEBURG TOWNSHIP

SHELDON ROAD CW-17
TEMPORARY EASEMENT FOR HIGHWAY PURPOSES

CITY OF BROOK PARK



CITY OF MIDDLEBURG HEIGHTS

④
P.P.N. 372-01-001
EMERALD POINT
CONDOMINIUM
V. 91-7170, PG. 4 O.R.C.C.

④
P.P.N. 372-01-001
EMERALD POINT II
CONDOMINIUM PHASE "B"
V. 98-13788, PG. 56 O.R.C.C.

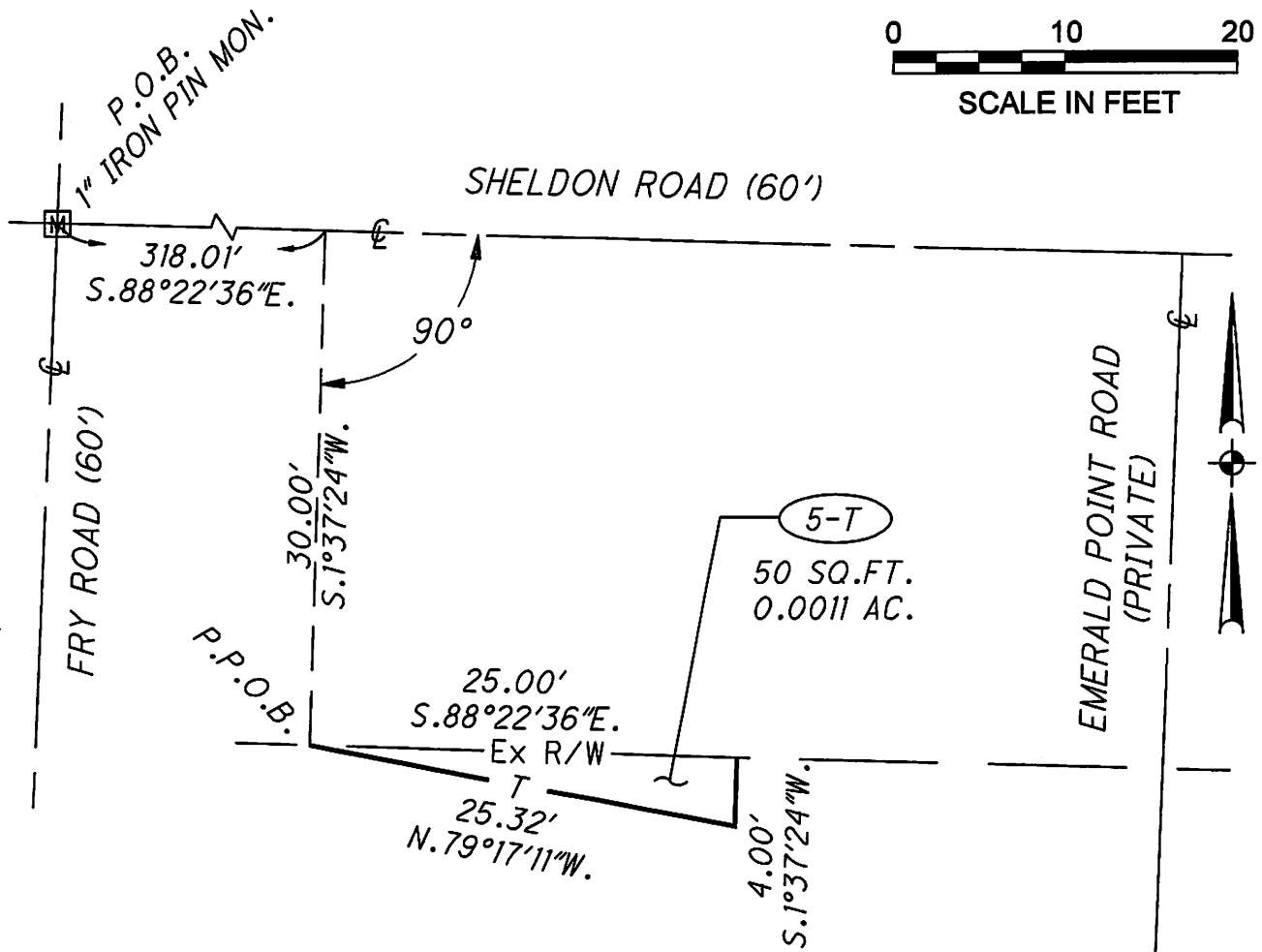
EUTHENICS
8235 Mohawk Dr. | Cleveland, OH 44136

PARCEL 5-T EXHIBIT "A"

SITUATED IN THE CITY OF MIDDLEBURG HEIGHTS,
COUNTY OF CUYAHOGA, STATE OF OHIO AND
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TEMPORARY EASEMENT FOR HIGHWAY PURPOSES

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CITY OF MIDDLEBURG HEIGHTS

5

P.P.N. 372-01-001
EMERALD POINT
CONDOMINIUM
V. 91-7170, PG. 4 O.R.C.C.

EUTHENICS
8235 Mohawk Dr. | Cleveland, OH 44136

EXHIBIT A

RX 286 T

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Rev. 12/16

VER. DATE 12/22/2022

**PARCEL 4-T
(SHELDON ROAD CW-17)
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
MAKE ROADWAY IMPROVEMENTS
FOR APPROXIMATELY 12 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

(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 1, Section 8 and being part of a parcel of land conveyed to Emerald Point Condominium recorded in Volume 91-7170, Page 4 Official Records Cuyahoga County and Emerald Point II Condominium Phase "B" recorded in Volume 98-13788, Page 56 Official Records Cuyahoga County, and bounded and described as follows:

Beginning at a 1 inch iron pin monument box found at the intersection of the centerline of Fry Road, 60.00 feet wide, and the centerline of Sheldon Road, 60.00 feet wide;

Thence S. $88^{\circ}22'36''$ E., 392.74 feet along the centerline of said Sheldon Road to a point therein;

Thence S. $01^{\circ}37'24''$ W., 30.00 feet to a point in the southerly line of said Sheldon Road, and being the **Principal Place of Beginning** of the parcel herein described:

Thence with the following four (4) courses:

- 1) S. $88^{\circ}22'36''$ E., 25.00 feet along the southerly line of said Sheldon Road, to a point therein;
- 2) S. $01^{\circ}37'24''$ W., 2.00 feet, to a point;
- 3) N. $84^{\circ}46'50''$ W., 25.18 feet, to a point;
- 4) N. $01^{\circ}37'24''$ E., 5.00 feet, to the **Principal Place of Beginning** and containing 88 square feet or 0.0020 acres of land more or less but subject to all legal highways.

EXHIBIT A

RX 286 T

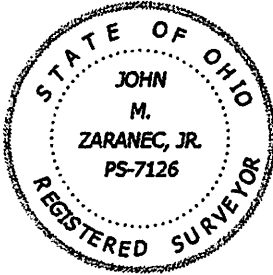
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Rev. 12/16

VER. DATE 12/22/2022

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. 372-01-001.

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.", positioned to the right of the professional seal.

EXHIBIT A

RX 286 T

Page 1 of 2
Rev. 12/16

VER. DATE 12/22/2022

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(SHELDON ROAD CW-18)
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Beginning at a 1 inch iron pin monument box found at the intersection of the centerline of Fry Road, 60.00 feet wide, and the centerline of Sheldon Road, 60.00 feet wide;

Thence S. $88^{\circ}22'36''$ E., 318.01 feet along the centerline of said Sheldon Road to a point therein;

Thence S. $01^{\circ}37'24''$ W., 30.00 feet to a point in the southerly line of said Sheldon Road, and being the **Principal Place of Beginning** of the parcel herein described:

Thence with the following four (3) courses:

- 1) S. $88^{\circ}22'36''$ E., 25.00 feet along the southerly line of said Sheldon Road, to a point therein;
- 2) S. $01^{\circ}37'24''$ W., 4.00 feet, to a point;
- 3) N. $79^{\circ}17'11''$ W., 25.32 feet, to the **Principal Place of Beginning** and containing 50 square feet or 0.0011 acres of land more or less but subject to all legal highways.

EXHIBIT A

RX 286 T

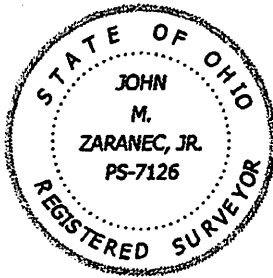
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