

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Resolution No. 2024- **6**

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

**A RESOLUTION  
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH  
THE GREENS AT MISTY LAKE HOMEOWNERS ASSOCIATION, INC. FOR  
THE PURCHASE OF A TEMPORARY EASEMENT AS PART OF THE  
SHELDON ROAD RESURFACING PROJECT**

WHEREAS, in advance of an 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.

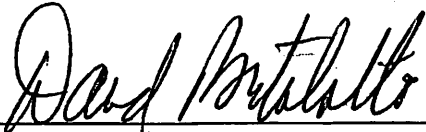
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That the Mayor is hereby authorized to enter into an agreement with The Greens at Misty Lake Homeowners Association, Inc. for the purchase of a temporary easement described in Exhibit A attached, on the following described real estate: Parcel 8-T (Sheldon Road CW-22) PPN 372-02-016.

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: 1-23-24

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

Attest: Mary Ann Meala  
Clerk of Council

Approved On: 1-25-24

Presented to Mayor: 1-24-24

Mitch Castaldi  
Mayor

	Yea	Nay
Bortolotto	<input checked="" type="checkbox"/>	_____
Ali	<input checked="" type="checkbox"/>	_____
Sage	<input checked="" type="checkbox"/>	_____
Meany	<input checked="" type="checkbox"/>	_____
McGregor	<input checked="" type="checkbox"/>	_____
Ference	<input checked="" type="checkbox"/>	_____
Grech	<u>ABSENT</u>	_____

I, Mary Ann Meala Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Res. 2024-6 adopted by the Council of the City of Middleburg Hts., on 1/23/24 was posted for a period of fifteen days, beginning 1/26/24 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 Res. 2024-6 passed on the 23<sup>rd</sup> day of January 2024 by said Council.

Mary Ann Meala  
Clerk of Council

### **TEMPORARY EASEMENT**

The Greens at Misty Lake 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 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): 8-T

PID 113312 CUY-SHELDON RD

SEE EXHIBIT A ATTACHED

Cuyahoga County Current Tax Parcel No. 372-02-016

Prior Instrument Reference: Volume 88-0453 Page 32, 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.

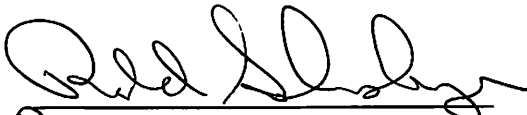
The duration of the temporary easement(s) granted to the Grantee is 6 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

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.

Rev. 07/2020

IN WITNESS WHEREOF The Greens at Misty Lake Homeowners Assoc., Inc., by and through <sup>Ronald</sup> Selmsberger, the President of The Greens at Misty Lake Homeowners Assoc., Inc., has hereunto subscribed their name on the 11 day of JANUARY, 2024.

THE GREENS AT MISTY LAKE HOMEOWNERS ASSOC., INC.,

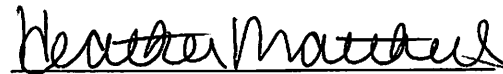
By:   
PRESIDENT

STATE OF OHIO, COUNTY OF CUYAHOGA SS:

BE IT REMEMBERED, that on the 11 day of JANUARY, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Ronald Selmsberger who acknowledged being the President of The Greens at Misty Lake Homeowners Assoc., Inc., and who acknowledged the foregoing instrument to be the voluntary act and deed of said The Greens at Misty Lake Homeowners Assoc., Inc. No oath or affirmation was administered to Ronald Selmsberger 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.





NOTARY PUBLIC

My Commission expires: May 20, 2028

This document was prepared by: The City of Middleburg Heights

# PARCEL 8-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

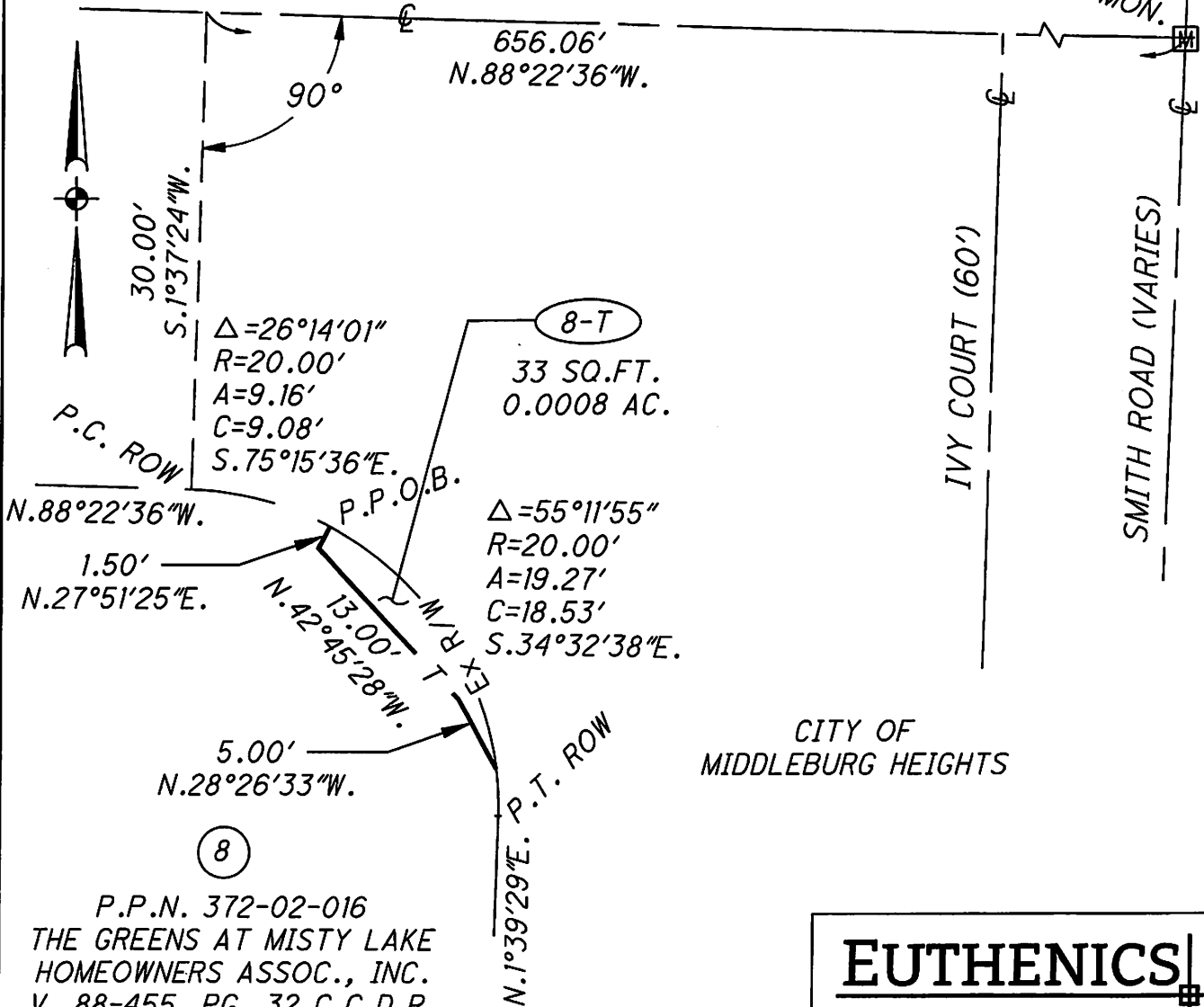
SHELDON ROAD CW-22  
TEMPORARY EASEMENT FOR HIGHWAY PURPOSES



CITY OF BROOK PARK

SHELDON ROAD (60')

P.O.B.  
X-BRASS DISC. MON.



CITY OF  
MIDDLEBURG HEIGHTS

8  
P.P.N. 372-02-016  
THE GREENS AT MISTY LAKE  
HOMEOWNERS ASSOC., INC.  
V. 88-455, PG. 32 C.C.D.R.

**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 8-T  
(SHELDON ROAD CW-22)  
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 The Greens at Misty Lake Homeowners Association, Inc. recorded in Volume 88-455, Page 32 Official Records Cuyahoga County and bounded and described as follows:

Beginning at an X-brass disc. monument box found at the intersection of the centerline of Smith Road, Width Varies, and the centerline of Sheldon Road, 60.00 feet wide;

Thence N.  $88^{\circ}22'36''$  W., 656.06 feet along the centerline of said Sheldon Road to a point therein;

Thence S.  $01^{\circ}37'24''$  W., 30.00 feet to its intersection with the southerly line of said Sheldon Road, said point also being a point of curvature of the southerly line of said Sheldon Road with the curvature of the westerly line of Ivy Court, 60.00 feet wide;

Thence Southeasterly 9.16 feet along a curve being the southerly line of said Sheldon Road and the westerly line of said Ivy Court deflecting to the right, said curve having a radius of 20.00 feet and a chord which bears S.  $75^{\circ}15'36''$  E., 9.08 feet to a point therein and being the **Principal Place of Beginning** of the parcel herein described:

Thence with the following four (4) courses:

- 1) **Southeasterly 19.27 feet** along a curve being the southerly line of said Sheldon Road and the westerly line of said Ivy Court deflecting to the right, said curve having a radius of **20.00 feet** and a chord which bears S.  $34^{\circ}32'38''$  E., **18.53 feet** to a point therein;

**EXHIBIT A**

RX 286 T

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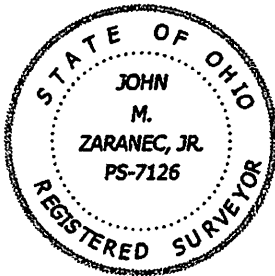
VER. DATE 12/22/2022

- 2) N. 28°26'33" W., 5.00 feet to a point;
- 3) N. 42°45'28" W., 13.00 feet to a point;
- 4) N. 27°51'25" E., 1.50 feet to the **Principal Place of Beginning** and containing 33 square feet or 0.0008 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. 372-02-016.

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.