

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

February 24, 2026

6:00 P.M. REGULAR MEETING

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of February 10, 2026
Minutes of the Executive Session of February 10, 2026

COMMUNICATIONS

AUDIENCE PARTICIPATION

APPOINTMENTS AND CONFIRMATIONS

ORDINANCES, RESOLUTIONS AND MOTIONS

1. City Parks, Recreation & Services Committee – Mr. Ali, Chairman
2. Finance, Taxation & Assessments Committee – Mr. Bortolotto, Chairman
3. Legislation & Rules Committee – Mr. Zakel, Chairman
4. Public Health, Safety & Relief Committee – Mr. McGregor, Chairman
5. Public Improvements Committee – Mr. Sage, Chairman
6. Streets, Utilities & Railroad Committee – Mr. Meany, Chairman
7. Zoning & Building Code Committee – Mr. Ference, Chairman

MAYOR'S REPORT

1. Law Director
2. Finance Director
3. Recreation Director
4. Economic Development Director
5. Service Director

ADJOURNMENT

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

FEBRUARY 24, 2026

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PENDING LEGISLATION

ORDINANCE NO. 2025-67 – INTRODUCED BY MAYOR CASTELLI

An Ordinance vacating a portion of Morningside Avenue.

First Reading & Referred to Planning Commission – October 28, 2025

Second Reading – November 11, 2025

Public Hearing – March 10, 2026

UN-NUMBERED LEGISLATION

INTRODUCED BY COUNCILMAN McGREGOR

An Ordinance enacting Chapter XXX.XX of the Middleburg Heights Codified Ordinances entitled “Persons Prohibited in Playgrounds, Parks & Recreation Facilities.”

INTRODUCED BY MAYOR CASTELLI

An Ordinance declaring the improvement to certain parcels of real property within the city to be a public purpose and exempt from taxation pursuant to ORC Section 5709.41; providing for the collection and deposit of service payments; specifying the purposes for which those service payments may be expended; authorizing a tax increment financing agreement with TDR Asset Management LLC or an affiliate; authorizing a school compensation agreement with the Boards of Education of the Berea City School District and the Polaris Career Center; and declaring an emergency.

INTRODUCED BY COUNCILMAN FERENCE

A Resolution finding and declaring the property located at 7640 Eastland Road, Middleburg Heights to be a nuisance and specifying demolition as necessary to abate such nuisance and declaring an emergency.

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2026-

Introduced By: Mr. McGregor
Co-Sponsors: Mr. Sage, Mr. Bortolotto

**AN ORDINANCE
ENACTING CHAPTER XXX.XX
OF THE MIDDLEBURG HEIGHTS CODIFIED ORDINANCES
ENTITLED "PERSONS PROHIBITED IN PLAYGROUNDS, PARKS AND
RECREATION FACILITIES"**

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

Section 1: That new Chapter XXX entitled "Persons Prohibited in Playgrounds, Parks and Recreation Facilities" is hereby enacted to read as follows:

XXX.XX PERSONS PROHIBITED IN PLAYGROUNDS, PARKS AND RECREATION FACILITIES.

(a) As used in this section:

- (1) "Registered Offender" means any person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to a sexually oriented offense or a child-victim oriented offense as defined in Section 2950.01 of the Ohio Revised Code and said person has been classified pursuant to the provisions of Chapter 2950 of the Ohio Revised Code as a Tier I, II, or III sex offender/child-victim offender and is required to register his or her address with the County Sheriff's Department.
- (2) "Park Facilities" includes all land and building owned or controlled by the City and used for park or recreation purposes, including but not limited to the Community Center, City Hall Complex, Uhlin Soccer Complex, Berea Midpark Middle School/City of Middleburg Hts. Partnership, Central Park, and their playgrounds, ball fields, rest room facilities and pavilions.
- (3) "Offenses of Violence: include those defined in Ohio Revised Doce Section 2901.01(A)(9).
- (4) "Public Body" has the same meaning as found in Ohio Revised Code Section 121.22.

(b) No registered offender as defined in Section XXX.XX herein or any person convicted of an offense of violence as defined in Ohio Revised Code Section 2901.01(A)(9) shall enter or remain upon any park facility except, and only to the extent necessary, to attend meetings of the public bodies.

(c) Whoever violates this section shall be guilty of criminal trespass as provided in Middleburg Heights Codified Ordinances Section 642.12 or Ohio Revised Code Section 2911.21.

Section 2: 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: _____

President of Council

Attest: _____
Clerk of Council

Approved On: _____

Presented to Mayor: _____

Mayor

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Zakel	_____	_____

City Of Middleburgh Heights, Ohio

Ordinance No. 2026-__

Introduced by: Mayor Matthew Castelli

AN ORDINANCE

DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION PURSUANT TO ORC SECTION 5709.41; PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS; SPECIFYING THE PURPOSES FOR WHICH THOSE SERVICE PAYMENTS MAY BE EXPENDED; AUTHORIZING A TAX INCREMENT FINANCING AGREEMENT WITH TDR ASSET MANAGEMENT LLC OR AN AFFILIATE; AUTHORIZING A SCHOOL COMPENSATION AGREEMENT WITH THE BOARDS OF EDUCATION OF THE BEREA CITY SCHOOL DISTRICT AND THE POLARIS CAREER CENTER; AND DECLARING AN EMERGENCY.

WHEREAS, this Council previously approved an Agreement of Sale (the "Sale Agreement") between the City of Middleburgh Heights, Ohio (the "City") and TDR Asset Management LLC (the "Developer") dated February 11, 2025, for the sale and redevelopment of the area shown on Exhibit A hereto (the "Parcels") which redevelopment includes construction a mixed use project including 170 residential units, approximately 14,000 square feet of restaurant/retail space and related amenities at an estimated cost of \$46,700,000 (the "Project"); and

WHEREAS, pursuant to the Sale Agreements, the City agreed to provide tax increment financing for the Project in order to enable the redevelopment of the Parcels and the urban redevelopment of the Project; and

WHEREAS, this Council, pursuant to Ohio Revised Code ("ORC") 5709.41, 5709.42 and 5709.43 (collectively, the "TIF Act"), is authorized to declare improvement to the Parcels to be a public purpose, exempt those improvements from real property taxation and require owners of the Parcels to make service payments in lieu of taxes in an amount equal to such exempted taxes and require the distribution of a portion of the service payments to the Berea City School District and Polaris Career Center and establish a tax increment equivalent fund for the deposit of the those service payments, and specify the purposes for which money in that fund will be expended; and

WHEREAS, as required by the TIF Act, the City acquired fee title to the Parcels prior to enacting this ordinance for urban redevelopment purposes; and

WHEREAS, the City desires to implement a tax increment financing program for the Parcels pursuant to the TIF Act to enable the City to fulfill its obligations under the Sale Agreement and pay certain costs of the redevelopment of the Parcels and the development of the Project; and

WHEREAS, the Board of Education of the Berea City School District approved a School Compensation Agreement at their November 19, 2025 meeting of the Board of Education (the

“Compensation Agreement”) with respect to the Parcels and the Project, whereby the School District approved the exemption to be provided by this ordinance and waived notice of this ordinance in exchange for compensation payments from the Project all as further described in the Compensation Agreement, a copy of which is on file with the Clerk of Council; and

WHEREAS, an emergency exists in the usual daily operations of the City, that emergency being related to the need to pass this Ordinance as quickly as possible, which will result in urban redevelopment and the creation and retention of jobs, all of which will improve the health, safety and welfare of the residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

Section 1: Parcels. The real property subject to this ordinance is identified and depicted in Exhibit A attached hereto (as currently or subsequently configured, the “Parcels”, with each individual tax parcel a “Parcel”). This Council finds that the City acquired the Parcels while engaged in urban redevelopment, as evidenced by the Sale Agreement and other city documents and plans approved by this Council.

Section 2: Urban Redevelopment Costs. Money deposited into the TIF Fund (as defined in Section 5) may be used to pay or reimburse any costs incurred by the City for improvements that are part of its urban redevelopment efforts, including, without limitation, the costs of improvements to be made in connection with the Project as further described in the Tax Increment Financing Agreement, as defined in Section 8, (including, but not limited to, those costs listed in ORC 133.15(B)), together with any other costs hereafter designated by ordinance (the “Urban Redevelopment Costs”).

Section 3: Exemption. This Council hereby finds and determines that 100% of the increase in assessed value of each Parcel subsequent to the acquisition of that Parcel by the City (which increase in assessed value is hereinafter referred to as the “Improvement” as defined in ORC Section 5709.41) is hereby declared to be a public purpose and will be exempt from taxation for a period commencing, for each Parcel, with the first tax year in which an Improvement due to the construction of a new building first appears on the tax list and duplicate for that Parcel and ending on the earlier of (a) 30 years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act.

Section 4: Service Payments. As provided in ORC 5709.42, the owner of each Parcel is hereby required to make service payments in lieu of taxes with respect to the Improvement allocable to each Parcel to the Cuyahoga County Treasurer (the “County Treasurer”) on or before the final dates for payment of real property taxes. The service payments in lieu of taxes will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 3, including any penalties and interest (collectively, the “Service Payments”). The Service Payments, and any other payments with respect to each Improvement that are received in connection with the reduction required by ORC 319.302, 321.24, 323.152

and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), will be deposited and distributed in accordance with Section 6.

Section 5: TIF Fund. This Council establishes, pursuant to and in accordance with the provisions of ORC 5709.43, the PrideOne Urban Redevelopment Tax Increment Equivalent Fund (the "TIF Fund"), into which the Service Payments and Property Tax Rollback Payments collected with respect to the Parcels will be deposited. The TIF Fund will be maintained in the custody of the City. The City may use amounts deposited into the TIF Fund only for the purposes authorized in the TIF Act, Compensation Agreement, Tax Increment Financing Agreement and this Ordinance (as it may be amended). The TIF Fund will remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund will be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with ORC Section 5709.43.

Section 6: Distributions; Payment of Costs. Pursuant to the TIF Act, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments to the Berea City School District and the Polaris Career Center in the amount set forth in the Compensation Agreement and all remaining Service Payments to the City for deposit into the TIF Fund. Money deposited into the TIF Fund shall be used to pay or reimburse Urban Redevelopment Costs, including, without limitation, payment of reimbursements to the City's General Fund or other City funds, payments under the Tax Increment Financing Agreement authorized pursuant to Section 8, or payment of debt charges on any notes or bonds issued to pay or reimburse the Urban Redevelopment Costs, and to make payments pursuant to the Compensation Agreement authorized pursuant to Section 7 to the extent the payments are not made by the County Treasurer. All distributions required under this Section are requested to be made at the same time and in the same manner as real property tax distributions.

Section 7: School Compensation Agreement and Payments. This Council hereby (a) approves and authorizes the Mayor to execute the Compensation Agreement presently on file with the Clerk of Council along with any changes or amendments thereto consistent with this Ordinance and not substantially adverse to the City and approved by the Mayor and the Law Director; provided that the approval of such changes and amendments thereto by the Mayor and Law Director, and the character of those changes and amendments as not being substantially adverse to the City, shall be evidenced conclusively by the Mayor and Law Director's execution and delivery thereof and (b) authorizes the making of compensation payments to the Berea City School District and Polaris Career Center pursuant to the terms of the Compensation Agreement between the City and the school districts for the Project, as the same may be amended from time to time.

Section 8: Tax Increment Financing Agreement and Payments. This Council hereby (a) approves and authorizes the Mayor to execute the Tax Increment Financing Agreement presently on file with the Clerk of Council along with any changes or amendments thereto consistent with this Ordinance and not substantially adverse to the City and approved by the Mayor and the Law Director; provided that the approval of such changes and amendments thereto by the Mayor and

Law Director, and the character of those changes and amendments as not being substantially adverse to the City, shall be evidenced conclusively by the Mayor and Law Director's execution and delivery thereof and (b) authorizes the making of payments pursuant to the terms of the Tax Increment Financing Agreement, as the same may be amended from time to time.

Section 9: Further Authorizations. This Council hereby authorizes each of the Mayor, the Director of Law, the Director of Finance, the Director of Economic Development, and other appropriate officers of the City, to deliver a copy of this ordinance to the Ohio Department of Development within fifteen days after its effective date, in accordance with ORC 5709.41(E), and to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further authorizes each of the Mayor, the Director of Law, the Director of Finance, the Director of Economic Development, and other appropriate officers of the City, to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 10: Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including ORC 121.22.

Section 11: Effective Date. This Ordinance is hereby declared to be an emergency measure for the reasons stated in the preamble hereto. Wherefore, provided this Ordinance received the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: _____

President of Council

Attest: _____
Clerk of Council

Approved On: _____

Presented to Mayor: _____

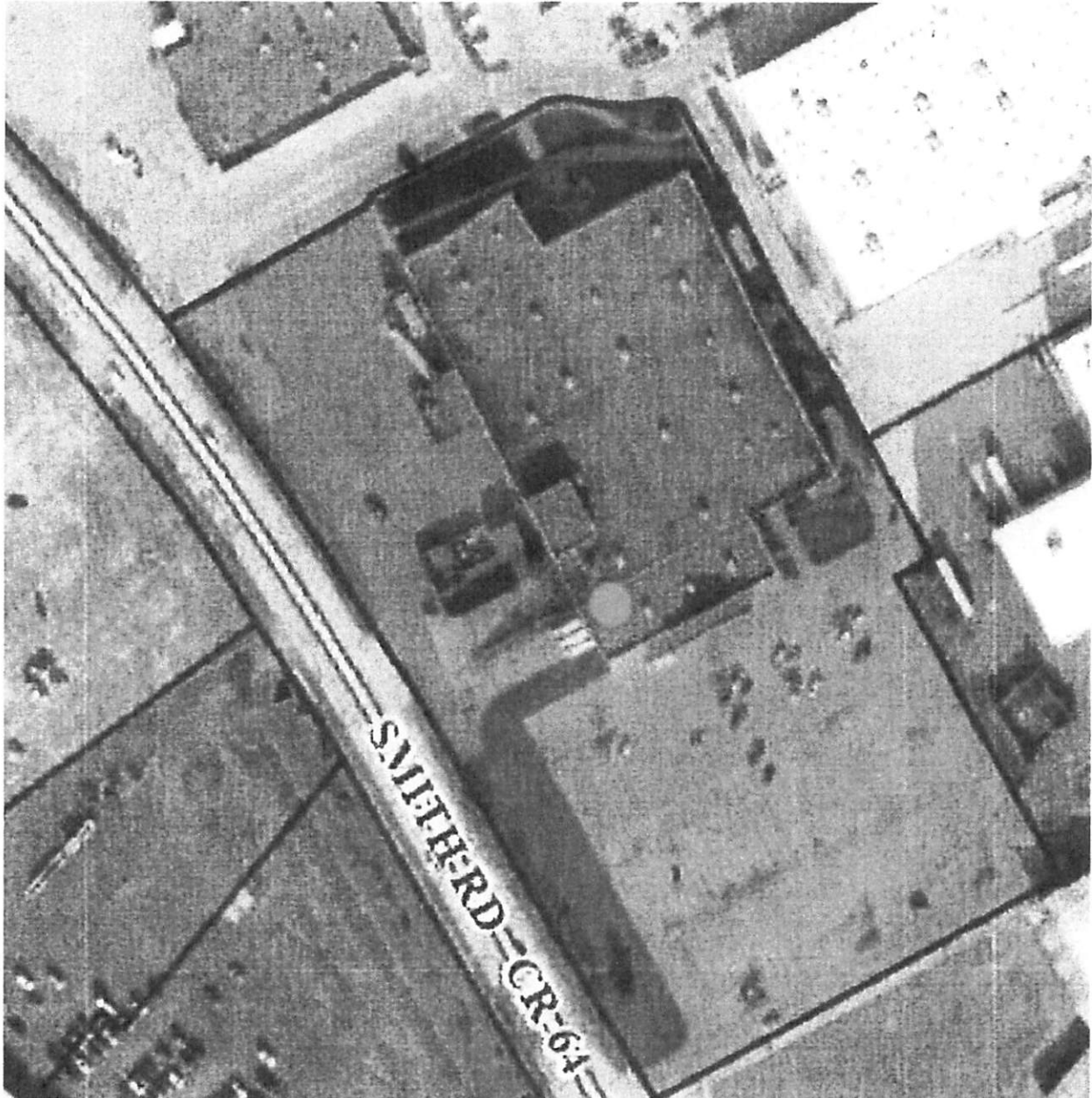
Mayor

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Zakel	_____	_____

EXHIBIT A

IDENTIFICATION AND MAP OF THE PARCELS

The shaded area outlined in black on the following map specifically identify and depict the Parcels and constitute part of this Exhibit A. The tax parcel for tax year 2026 is 372-30-019 and is included for further identification purposes only and does not limit the extent of the Parcels shown on the map.



SCHOOL DISTRICT COMPENSATION AGREEMENT

This School District Compensation Agreement (this "**Agreement**") is made and entered into by and among THE CITY OF MIDDLEBURG HEIGHTS, municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Ohio (the "**City**"), BOARD OF EDUCATION OF THE BEREA CITY SCHOOL DISTRICT, a public school district organized and existing under the laws of the State of Ohio, with offices at 390 Fair Street, Berea, Ohio 44017 (the "**School District**"), and BOARD OF EDUCATION OF THE POLARIS CAREER CENTER, a joint vocational school district organized and existing under the laws of the State of Ohio, with offices located at 7285 Old Oak Blvd., Middleburg Heights, Ohio 44130 (the "**Career Center**").

WITNESSETH:

WHEREAS, _____ (the "Developer") has entered into certain agreements providing for the development of the real property located in the City more particularly described in Exhibit A; and

WHEREAS, the Developer intends to engage in the development of a portion of the real property located in the City located at 6875-6879 Smith Road, comprising 7.275 acres, and identified by the Cuyahoga County Fiscal Officer as permanent parcel number 372-30-019 ("Mixed Use Property") and each individual parcel of real property constituting the Development Site, whether existing as of the date of this Agreement or in the future, being a "Parcel"; and

WHEREAS, the Developer intends for the development on the Mixed-Use Property comprising 170 residential units with approximately 14,000 square feet of restaurant/retail space at an estimated cost of \$46.7 million; and

WHEREAS, Meijer Stores Limited Partnership intends to develop of a portion of the real property located in the City located at 6950 West 130th Street, comprising 14.93 acres, and identified by the Cuyahoga County Fiscal Officer as permanent parcel number 372-31-006 with a Meijer Supercenter ("Big Box Property") which shall not be part of the Mixed-Use Property;

WHEREAS, pursuant to Ohio Revised Code ("**R.C.**") Sections 5709.41, 5709.42, and 5709.43, (collectively, the "**TIF Statutes**"), a city may, by ordinance, declare the increase in assessed value of parcels of real property to be a public purpose and exempt from taxation (as further defined in the TIF Statutes, the "**Improvement**"), require the owner of each parcel to make service payments in lieu of taxes (as further defined in the TIF Statutes, "**Service Payments**"), establish a redevelopment tax equivalent fund for the deposit of those Service Payments to be used to make payments to school districts affected by that exemption from taxation or to pay costs of constructing or repairing the public infrastructure improvements benefiting the parcels subject to that exemption from taxation, and specify public infrastructure improvements made or to be made or in the process of being made that directly benefit, or that once made will directly benefit, each parcel; and

WHEREAS, said exemption of any Improvement pursuant to the TIF Statutes may only exceed ten (10) years or seventy-five percent (75%) of such Improvement with the approval of the board of education of the affected local school district within the territory of which the Improvement is or will be located, and with such approval, up to one hundred percent (100%) of any Improvement may be exempted for up to thirty (30) years, pursuant to the TIF Statutes; and

WHEREAS, the School District adopted Resolution No. [] on [], 2025, waiving certain statutory notice requirements and approving the exemption provided in the TIF Ordinance (as defined below), contingent upon payment of the Annual School District TIF Compensation (as defined herein); and

WHEREAS, the Career Center adopted Resolution No. [] on [], 2025, waiving certain statutory notice requirements as to TIF Ordinance; and

WHEREAS, pursuant to the TIF Statutes, the City Council passed Ordinance No. [] on [], 2025 (the "TIF Ordinance") which exempted 100% of the Improvement of the Mixed Use Property (as defined below) after the effective date of the TIF Ordinance and determined that the Improvement shall be a public purpose and shall be exempt from real property taxation pursuant to a thirty (30) year TIF exemption (the "TIF Exemption"); and

WHEREAS, the City, the Career Center, and the School District desire to execute this Agreement to provide compensation to the School District and Career Center in return for the School District's approval of the TIF Ordinance for the Mixed Use Property, as is more fully set forth herein.

WHEREAS, for the Big Box Property, in the event the City Council approves tax increment financing R.C. 5709.40, R.C. 5709.41, 5709.42 or 5709.43, the City Council by ordinance will direct the County Fiscal Officer to distribute the Service Payments and Property Tax Rollback Payments first to the School District and the Career Center in an amount equal to the amount the School District and Career Center would otherwise receive as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each parcel within the Big Box Property if the Improvement had not been exempt from taxation, and any remaining amounts to the City for further deposit into the TIF Fund.

NOW, THEREFORE, in consideration of the promises and covenants contained herein, the parties agree as follows:

Section 1. Definitions. Unless defined elsewhere in this Agreement, capitalized terms and words used in this Agreement shall have the meanings ascribed to them in Section 1.

“Agreement” means this Agreement.

“Annual Career Center TIF Compensation” means, the compensation further described in Section 2 of this Agreement.

“Annual School District TIF Compensation” means, the compensation further described in Section 2 of this Agreement.

“City” means the City of Middleburg Heights, Ohio.

“County” means Cuyahoga County, Ohio.

“Exemption Year” means each tax year for which a TIF Exemption is provided for any Parcel of the Mixed-Use Property pursuant to the TIF Ordinance.

“Income Tax Sharing” means, the compensation further described in Section 5 of this Agreement.

“Parcel” means each separately identifiable parcel of the Mixed-Use Property, whether as currently appearing on County tax duplicates or as subdivided or combined and appearing on future tax duplicates.

“Payment Year” means the calendar year immediately following each Exemption Year and is the year in which Service Payments for such Exemption Year are distributed.

“Mixed Use Property” means the certain real property identified in the TIF Ordinance, located within the City and boundaries of the School District and the Career Center, and shown on **Exhibit A** to this Agreement which contains a map of the Mixed-Use Property.

“Term” means the period of time that commences on January 1 of the first Exemption Year and ends on December 31 of the last Payment Year.

“TIF Fund” means, the Urban Redevelopment Tax Increment Equivalent Fund established in the TIF Ordinance.

Section 2. TIF Exemption; Compensation to School District and Career Center while TIF Exemption in Effect for the Mixed-Use Property. The School District approved the TIF Exemption for up to one hundred percent (100%) of the assessed valuation on each parcel where the Improvement is located for a period of up to thirty (30) years.

In connection with the same, the Annual School District TIF Compensation hereunder with respect to each Parcel of the Mixed-Use Property shall be as follows:

For all years of the TIF Exemption period with respect to each Parcel, an amount equal to twenty-five percent (25%) of the real property taxes that the School District

would have received from the Improvement but for the exemption provided in the TIF Ordinance.

In connection with the same, the Annual Career Center TIF Compensation hereunder with respect to each Parcel shall be as follows:

For all years of the TIF Exemption period with respect to each Parcel, an amount equal to twenty-five percent (25%) of the real property taxes that the Career Center would have received from the Improvement but for the exemption provided in the TIF Ordinance.

The City Council intends to enact an Ordinance providing for the School District and the Career Center for the Big Box Property to receive semi-annual payments from the County Fiscal Officer in the in an amount equal to the amount the School District and Career Center would otherwise receive as real property tax payments derived from the Improvement to each parcel within the Big Box Property if the Improvement had not been exempt from taxation.

Section 3. Effective Date and Termination. This Agreement shall commence on the date the last party executes this Agreement. This Agreement, and all of its obligations, shall terminate at the conclusion of the Term.

Section 4. Compensation for Mixed Use Property. The City shall cause to be paid Annual School District TIF Compensation to the School District for each Exemption Year during the Term, solely from the Service Payments deposited into the TIF Fund. The Annual School District TIF Compensation shall be paid in two (2) semi-annual installments during the Payment Year applicable to each Exemption Year during the Term. Each such semi-annual installment shall be paid to the School District no later than thirty (30) days after the semi-annual settlement by the County pursuant to which Service Payments are deposited into the TIF Funds in each Payment Year during the Term.

The City shall cause to be paid Annual Career Center TIF Compensation to the Career Center for each Exemption Year during the Term, solely from the Service Payments deposited into the TIF Funds. The Annual Career Center TIF Compensation shall be paid in two (2) semi-annual installments during the Payment Year applicable to each Exemption Year during the Term. Each such semi-annual installment shall be paid to Career Center no later than thirty (30) days after the semi-annual settlement by the County pursuant to which Service Payments are deposited into the TIF Funds in each Payment Year during the Term.

Section 5. Income Tax Sharing. If the City collects new income tax revenue upon the payroll of "New Employees", as defined in R.C. Section 5709.82 in effect on the date of this Agreement, employed in the approximately 14,000 square feet of commercial space on the Mixed Use Property during an Exemption Year, the City shall pay the School District fifty percent (50%) of such annual net income tax revenue collected by the City, on

or before the first (1st) day of June of the calendar year following the calendar year for which income taxes are collected, such period of time being necessary for the City to receive and review income tax returns and determine the amount of income taxes received. The Parties agree that no payment will be required for a year if the total payroll for New Employees employed in the approximately 14,000 square feet of commercial space on the Mixed-Use Property during that year is less than \$1,000,000.

Section 6. Accounting. Each payment made by the City pursuant to Sections 2, 4 and 5 of this Agreement shall be accompanied by an accounting prepared by the City demonstrating the calculation of the payment, and the City shall provide such additional information regarding the same as the School District and/or Career Center may reasonably request to confirm the calculation.

Section 7. School District Consents and Waivers. In return for the Annual School District TIF Compensation to be paid pursuant to this Agreement, the School District hereby: (i) waives compliance with any notice requirements associated with the City's passage of the TIF Ordinance, including the 45-business day notice required under R.C. Section 5709.41(C)(2) and the 14-day notice required under R.C. Section 5709.83; (ii) waives any defects or irregularities contained in the TIF Ordinance; and (iii) agrees that the Annual School District TIF Compensation and the Income Tax Sharing provided for herein, is the only compensation to be received by the School District in connection with the TIF Ordinance, and is in lieu of any other compensation that may be provided to the School District related to the subject matter hereof, including without limitation R.C. Section 5709.82.

Section 8. Career Center Consents and Waivers. In return for the Annual Career Center TIF Compensation to be paid pursuant to this Agreement, the Career Center hereby: (i) waives compliance with any notice requirements associated with the City's passage of the TIF Ordinance, including the 14-day notice required under R.C. Section 5709.83; (ii) waives any defects or irregularities contained in the TIF Ordinance; and (iii) agrees that the Annual Career Center TIF Compensation provided for herein is the only compensation to be received by the Career Center in connection with the TIF Ordinance, and is in lieu of any other compensation that may be provided to the Career Center related to the subject matter hereof, including without limitation R.C. Section 5709.41.

Section 9. Notice and Opportunity to Cure Default. Neither the City, the Career Center, nor the School District shall act upon any breach of this Agreement until after giving the other party written notice of the breach and allowing the other party a minimum cure period of at least thirty (30) days.

Section 10. Limitation on Damages. No party shall be liable for more than the sum all payments owed by that party under this Agreement. In no event will any party be liable to another party under this Agreement for any indirect, reliance, exemplary, incidental, speculative, punitive, special, consequential or similar damages that may arise in connection with this Agreement.

Section 11. Waiver. No waiver by any party of the performance of any terms or provision of this Agreement shall constitute, or be construed as, a continuing waiver of performance of the same or any other term or provision hereof.

Section 12. Amendment. This Agreement may be amended or modified by the parties only in writing, signed by all parties to the Agreement.

Section 13. Assignment. This Agreement shall inure to the benefit of, and shall be binding in accordance with its terms, upon the School District, the Career Center, and the City, and their respective permitted successors and assigns. No party shall assign this Agreement without the written consent of the other party.

Section 14. Notices. All payments, certificates, and notices which are required to or may be given pursuant to the provisions of this Agreement shall be sent by United States ordinary mail, postage prepaid, or overnight courier and shall be deemed to have been given or delivered when so mailed or sent by overnight courier to the following addresses:

If to the School District:

Berea City School District
390 Fair Street
Berea, Ohio 44017
Attention: Superintendent

With a copy to:

Brindza McIntyre & Seed LLP
1111 Superior Avenue, Suite 620
Cleveland, OH 44114
Attention: David H. Seed

If to the Career Center:

Polaris Career Center
7285 Old Oak Creek Blvd.
Middleburg Heights, Ohio 44130
Attention: Superintendent

If to the City:

City of Middleburg Heights, Ohio
15700 Bagley Road
Middleburg Heights, Ohio 44130
Attention: Economic Development Director

With copy to:

City of Middleburg Heights, Ohio
15700 Bagley Road
Middleburg Heights, Ohio 44130
Attention: Law Director

And to:

KutakRock
670 Meridian Way Suite 275
Westerville, Ohio 43082
Attention: Russell W. Balthis

Either party may change its notice address at any time by giving written notice of such change to the other party.

Section 15. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any party to this Agreement may execute this Agreement by signing any such counterpart.

Section 16. Extent of Covenants; Severability of Provision. All covenants, stipulations, obligations and agreements of the parties contained in this Agreement shall be effective to the extent authorized and permitted by applicable law. The invalidity of any provision of this Agreement shall not affect the other provisions of this Agreement, and this Agreement shall be construed in all respects as if any invalid portions were omitted.

Section 17. Entire Agreement. This Agreement sets forth the entire Agreement and understanding between the parties as to the subject matter hereof and supersedes all prior discussions, agreements, undertakings of every kind and nature between the parties with respect to the subject matter of this Agreement.

Section 18. Governing Law. This Agreement for all purposes shall be governed by and construed in accordance with the laws of the State of Ohio.

Section 19. No Other Real Property Tax Exemptions. The City shall not authorize a real property tax exemption for the Mixed-Use Property identified in Exhibit A other than the TIF Exemption herein, including but not limited to as provided in Ohio law under Sections 3735.65 to 3735.70, and 5709.62, Revised Code, without the prior notice and/or consent of the School District, as required by Ohio law.

Section 20. Change in Development

(A) The City shall notify the School District if the Mixed-Use Property and/or Big Box Property Improvements to be constructed change substantially after the date of this Agreement, and if requested by the City or the School District, those parties agree to meet to discuss the implications of any such change.

(B) The City shall request the School District to reaffirm, amend or enter into a new Compensation Agreement in the event of (i) a deviation in use of the Mixed-Use Property to a use that is not consistent with a "mixed-use development" as that term is commonly understood in the market, or (ii) the failure to approve the TIF Ordinance for the Mixed-Use Property on or prior to December 31, 2026. The purpose of this provision is to protect the intent of the parties in that the School District's approval of the TIF Exemption and this Agreement is based on the current description of the Mixed-Use Property Improvements on the Property. Notwithstanding anything to the contrary herein, (i) the development of the Big Box Property is separate and distinct from the development of the Mixed-Use Property, (ii) any TIF exemption and related School District compensation associated with the development of the Big Box Property shall be described in separate agreements and legislation, and (iii) a failure to develop the Big Box Property shall have no effect on this Agreement, including, but not limited to, the provisions of this Section 20.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives to be effective as of the date the last party signing below.

CITY OF MIDDLEBURG HEIGHTS

BOARD OF EDUCATION OF THE
BEREA CITY SCHOOL DISTRICT

By: _____
Matthew J. Castelli, Mayor

By: _____
Cori Farris, President

By: _____
Tracy Wheeler, Superintendent

By: _____
Jill Rowe, Treasurer

Approved as to Form and Correctness:

BOARD OF EDUCATION OF THE
POLARIS CAREER CENTER

By: _____
Santo T. Incorvaia, City Law Director

By: _____
Michelle Bissell, President

By: _____
Diane Xander, Superintendent

By: _____
Mike Robinson, Treasurer

FISCAL OFFICER'S CERTIFICATE

As fiscal officer for the City of Middleburg Heights, I hereby certify that funds sufficient to meet the obligations of the City in this Agreement (including specifically the funds required to meet the obligation of the City in the year 202_) have been lawfully appropriated for the purposes thereof and are available in the treasury, and/or are in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. The City has no obligation to make payments pursuant to this Agreement except from Service Payments to be collected for deposit into the TIF Fund, which Service Payments are in the process of collection. No City expenditures will be required in 202_. This certificate is given in compliance with Ohio Revised Code Sections 5705.41 et seq.

Dated: _____, 202_

Director of Finance
City of Middleburg Heights,
Cuyahoga County, Ohio

FISCAL OFFICER'S CERTIFICATE

The undersigned, CFO/Treasurer of the Berea City School District under the foregoing Agreement, certifies hereby that the moneys required to meet any obligations of the School District during the year 2025 under the foregoing Agreement have been appropriated lawfully for that purpose, and are in the Treasury of the District or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: _____, 2025

Treasurer, Board of Education, Berea
City School District

EXHIBIT A TO SCHOOL DISTRICT COMPENSATION AGREEMENT

Map and Description of the Mixed-Use Property

The Mixed-Use Property is the real estate situated in the City of Middleburg Heights, County of Cuyahoga and State of Ohio consisting of the Parcels depicted on the attached maps (and including any subsequent combinations and/or subdivisions of the current parcel numbers).

Tax year 2024 Cuyahoga County parcel number 372-30-019.



CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2026-

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

**A RESOLUTION
FINDING AND DECLARING THE PROPERTY LOCATED AT 7640 EASTLAND
ROAD, MIDDLEBURG HEIGHTS TO BE A NUISANCE AND SPECIFYING
DEMOLITION AS NECESSARY TO ABATE SUCH NUISANCE
AND DECLARING AN EMERGENCY**

WHEREAS, John J. Kavlich is the owner of the property located at 7640 Eastland Road in the City of Middleburg Heights, permanent parcel number 373-11-012; and

WHEREAS, the Building Commissioner and Property Maintenance Inspector have determined that a nuisance exists in matters involving refuse, ground surface hazards, accumulations of standing storm water, deteriorated structure-horse barn, driveway access; and

WHEREAS, in accordance with Section 1369.05 of the *Codified Ordinances of Middleburg Heights, Ohio*, the property owner John J. Kavlich has been notified that the horse barn, paddock, outside storage, junk and debris located at 7640 Eastland Road, Middleburg Heights, permanent parcel number 373-11-012, has been determined to be a public nuisance and must be abated by April 24, 2026; and

WHEREAS, the Building Commissioner has determined after inspection of the property there has been no change, the property is in such a state of disrepair and deterioration that it is a menace to the public health, welfare, and safety and that said nuisance should be abated as quickly as possible.

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

Section 1: That the Council of the City of Middleburg Heights hereby finds and declares that the horse barn, paddock, outside storage, junk and debris located at 7640 Eastland Road in the City of Middleburg Heights, permanent parcel number 373-11-012 to be a nuisance and the nuisance should be abated by demolition as quickly as possible.

Section 2: That the Building Commissioner is directed to attach appropriate notices(s) of nuisance and abatement on the building and the Law Director is hereby directed and authorized to cause a title report to be ordered and to cause a 30-day notice to be sent as required by Ohio Revised Code 715.26 (B) to interested parties identified by the title report and to known next of kin.

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.

Section 4: That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare of said City. Wherefore, provided this Ordinance receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: _____

President of Council

Attest: _____
Clerk of Council

Approved On: _____

Presented to Mayor: _____

Mayor

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Zakel	_____	_____

Inspection Report



City of Middleburg Heights

DIVISION OF BUILDING
15700 Bagley Road
Middleburg Heights, OH 44130
Ph: 440-234-2218, Fax: 440-234-9092
Building@MiddleburgHeights.com

John J. Kavlich
7640 Eastland Rd
Middleburg Heights OH 44130

NOTICE OF VIOLATION

OwnersName.....: John J. Kavlich
Owners Address: 7640 Eastland Rd

Re: 7640 Eastland Rd, Middleburg Heights, OH 44130

Date of Inspection: 2/6/2025
Comments.....:

A recent visual inspection finds the above referenced property to be in violation of the following section(s) of the Codified ordinances of the City of Middleburg Heights.

Violations

Violation Code	Description	Violation Notes	Compliance Date
1353.08(a) (1)	Exterior Property Areas - The exterior shall be maintained free from weeds, excessive growth, debris, rodent harborage, or any condition that creates a nuisance condition.	Remove dead tress & vegetation throughout property.	3/7/2025
1353.08(o) (1)	Exterior Property Areas - Exterior walls, siding and roofs shall be maintained structurally sound, in good repair and free from defects.	Repair rotting wood along roof line of barn.	3/7/2025
1353.08(a) (2)	Exterior Property Areas - The exterior property areas shall be kept free of any objects, materials or conditions which may create a hazardous or nuisance situation.	Remove all Junk/Debris throughout entire property.	3/7/2025
1353.08(m) (2)	Exterior Property Areas - Scrape, prime and paint the exterior surface for the purpose of maintaining and preserving the appearance of the structure.	Scrape paint barn.	3/7/2025
1157.06(b) (1)	Zoning - One boat, recreational vehicle or any type of trailer which is 24' or less in length may be parked on a driveway temporarily for loading, cleaning and basic maintenance not to exceed a total of 5 days in a 30 day cycle, or a total of 20 days in a calendar year.	Remove all trailers stored on property.	3/7/2025
1369.01	Nuisance - The property has a deterioration which is a hazard to the health, safety or welfare of the public and if not abated will become a blighting or deteriorating factor in the neighborhood which impairs or adversely affects the value of neighboring property.		3/7/2025

Failure to comply with this "NOTICE" by the compliance date will cause the City to seek further action to ensure compliance with the Code. If you have any questions regarding this matter, please contact me.

Issued: 2/6/2025

Issued By: Brian M. Joyce 440-239-6299 x1208 or bjoyce@middleburgheights.com

City of Middleburg Heights
15700 Bagley Road
Middleburg Heights, OH 44130



Phone: 440-234-2218
Fax: 440-234-9092
building@middleburgheights.com

Notice of Violation – Property Maintenance of Premises

Date: February 7, 2025
Compliant: Property Maintenance of premises and buildings
Parcel Number: 373-11-012
Project: **John J. Kavlich III- Failure to maintain Premises**
Address: **7640 Eastland Rd. Middleburg Heights, Ohio 44130**
Building Owner: **John J. Kavlich III 276 W Bagley Rd. Berea, Ohio 44017**
Agent: for Owner John J. Kavlich III
Previous citations:

Notice of Violation

RE: Premises Maintenance -- Property maintenance at PP# 373-11-012 failure to maintain building structure and property in accordance with MHCO Section 1353.08

Attention John J. Kavlich III:

NOTICE OF VIOLATION: Failure to maintain property and building in accordance with the Codified Ordinances of the City of Middleburg Heights, Ohio.

1. 660.13 DEPOSIT OF OFFENSIVE GARBAGE OR REFUSE MATTER.

(a) No person shall deposit or permit to be deposited any garbage, refuse matter, offal or animal carcass which may become offensive, noxious or dangerous to the public health, on his or her own premises, or any premises under his or her control, or deposit such garbage or refuse matter in any back lot, public ground, vacant lot, park, alley, street or areaway, or in any other place within the Municipality except as is otherwise provided by law.

• **Did knowingly dump horse manure and refuse on premises**

(b) No person shall dump, throw or cast any garbage, rubbish, wood, glass, paper or other refuse material of any kind or description on any land in the City, unless and until permission is secured from the Board of Zoning and Building Appeals of the City.
(Ord. 1966-102. Passed 10-11-66.)

• **Did knowingly dump horse manure and refuse on premises**

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.

2. MCO Section 1353.08 (a) (1) EXTERIOR PROPERTY AREAS. The exterior of all premises and all structures thereon shall be kept free of all nuisances and hazards to the safety of the occupants thereof, pedestrians and other persons utilizing the premises and shall be kept free of unsanitary conditions. Any of the foregoing shall be promptly removed and abated by the owner, operator and occupant within a reasonable time. The owner, operator and occupant shall keep the premises free of hazards and in compliance with the following:

(a) Refuse – Horse manure and rotted stall bedding, PVC pipes, porta potty, wood wire spools, junk tractor, miniature train tracks, (1) – horse trailer, and (4)- utility trailers stored outside, garbage, trash, piles of wood poles, pallets piled, concrete cylinders, plywood scraps, kitchen appliances, pails, paint cans, etc.

- (d) **Ground Surface Hazards** - holes, uneven surfaces, protruding metal objects, standing water.
- (e) **Recurring Accumulations of Storm Water**- standing water on areas of driveway and yard areas.
- (b) **Maintenance of Foundations**- horse barn, appears unstable and deteriorated.
- (i) **Condition of Exterior Premises and Structures** – Clean walls of building
- (j) **(I) Store Fronts** – shingled roof – missing deteriorated shingles, holes, variation of materials.
- (o) **Structural Soundness and General Maintenance.** Every building, accessory structure and part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards, including:

(1) Exterior walls, siding and roofs. Exterior walls, siding and roofs shall be maintained structurally sound, in good repair and free from defects. (2) Painting and other protective coating. Exposed surfaces susceptible to decay shall be kept at all times painted or otherwise provided with a protective coating sufficient to prevent deterioration.

(3) Weathertightness and watertightness. Every dwelling shall be so maintained as to be weathertight and watertight. (4) Exterior walls, roofs, etc. Exterior walls, roofs, windows, window frames, doors, door frames, foundations and other parts of the structure shall be so maintained as to keep water from entering the structure. Damaged materials shall be repaired or replaced promptly. Places showing signs of rot, leakage, deterioration or corrosion are to be restored and protected against weathering or seepage. (Ord. 1980-56. Passed 11-25-80.)

(5) Roofs, Gutters, Downspouts and Rain Barrels.

A. Roofs of dwelling structures shall be maintained weathertight and shall be equipped with gutters and downspouts connected to a public storm sewer. However, this requirement shall be waived for existing buildings if the drainage does not cause excessive erosion or water damage or does not create a nuisance on public or private property.

B. As an alternate to the requirements set forth in subsection (o)(5)A. hereof, one or more downspout(s) may be diverted into an approved rain barrel provided that overflow from such appurtenance is directed back into the downspout. Rain barrels shall be covered at all times and shall not cause a public or private nuisance. Rain barrels shall not be installed in the front yard setback. Rain barrels are to be screened so as not to be visible from the public right of way. Only one rain barrel may be installed at each downspout. Rain barrel installations require the review and approval of the Building Commissioner and City Engineer. Plans submitted for review and approval shall include details of the type, size, and location of the rain barrel, including the method of connecting the overflow back to the downspout along with a landscaping plan if necessary to screen the rain barrel from view from the public right of way. (Ord. 2012-26. Passed 4-24-12.)

a. **Freedom from Infestation.** All parts of the premises shall be maintained so as to prevent infestation.

(Ord. 1980-56. Passed 11-25-80.)

- (p) **1353.99 PENALTY.** Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one thousand dollars (\$1,000.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided. (Ord. 1980-56. Passed 11-25-80; Ord. 2016-44. Passed 9-13-16.)

(q) 1353.14 APPEALS. Within ten days of the date of service of the notice referred to in Sections 1353.12 and 1353.13, the person affected by such notice may request a hearing thereon before the Board of Zoning Appeals by filing a written request with the Clerk of the Board. The Chairman of the Board, upon receipt of the request, shall, within thirty days, and upon five days' notice to the party and the Director of Public Service, set the matter down for hearing. The Board may modify the action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determinations. (Ord. 1980-56. Passed 11-25-80.)

We ask that compliance is met within thirty (30) days of this order, on or before March 7, 2025

Should you have any questions about this notice, please contact me directly. Failure to comply with this notice will result in further action as prescribed by law.

Respectfully,

Keith Foulkes
Building Commissioner

CC: Santo Incorvaia, Law Director
Myra Severyn, Assistant Law Director
Brian Joyce, Building Inspector
John J. Kavlich, 19230 Tangle Wood DR North Royalton, Ohio 44133
John J. Kavlich, 26678 Crocker LNDG Columbia Station ,Ohio 44028

City of Middleburg Heights
15700 Bagley Road
Middleburg Heights, OH 44130



Phone: 440-234-2218
Fax: 440-234-9092
building@middleburgheights.com

Notice of Violation – Property Maintenance of Premises

Date: February 7, 2025

Compliant: Property Maintenance of premises and buildings
Parcel Number: 373-11-012
Project: **John J. Kavlich III - Failure to maintain Premises**
Address: **7640 Eastland Rd. Middleburg Heights, Ohio 44130**
Building Owner: **John J. Kavlich III 276 W Bagley Rd. Berea, Ohio 44017**
Agent: for Owner John J. Kavlich
Previous citations:

Notice of Violation

RE: Premises Maintenance – Property maintenance at PP# 373-11-012 failure to maintain building and property in accordance with MHCO Section 1353.08

Attention John J. Kavlich III:

NOTICE OF VIOLATION: Failure to maintain property and building in accordance with the Codified Ordinances of the City of Middleburg Heights, Ohio.

MCO Section 1369.03 ABATEMENT OF CERTAIN NUISANCES WITHOUT DECLARATION OF CITY COUNCIL; NOTICE TO OWNER OF REAL ESTATE.

The Service Director or Building Commissioner, upon finding that a nuisance exists in matters involving sidewalks, weeds, tall grass, landscaping, unsecured vacant property, or abandoned unusable personal property or other debris may cause a written notice or order to be served on the owner of the real estate. The notice or order shall set forth the nature of the nuisance, the estimate of the cost of abating same if done by the City, a reasonable time determined by the Service Director or Building Commissioner within which the owner shall abate the nuisance or pay the estimated cost to the City, and the statement that unless the nuisance is abated within the stated time it may be abated by the City and the cost of abatement assessed on the real estate involved, and the City may prosecute the owner for failure to comply with the order. Such notice or order of abatement may be issued by the Service Director or Building Commissioner or both without reporting same to Council. In case the City abates the nuisance and the cost is not paid within the time fixed by the Service Director or Building Commissioner, the Service Director or Building Commissioner shall report the fact to Council which may assess the same on the real estate from which the nuisance originated. (Ord. 2013-17. Passed 4-9-13.)

Nature of Nuisances on premises at: 7640 EASTLAND RD.

1. **Refuse** – porta potty, PVC pipes, tires, recreational trailers stored outside, garbage, trash, piles of wood utility poles, pile of pallets, wooden wire spools, concrete structures,
2. **Ground Surface Hazards** – large piles of dirt, horse manure, open holes, metal objects emerging from ground, broken glass, etc.
3. **Accumulations of Standing Storm Water**- standing water on areas of yard, and driveway
4. **Maintenance of Building and structure**- deteriorated structure – horse barn – permits required as necessary.
- n. **Driveway access** – restore and regrade, standing water and vegetation to be removed.

2. 1369.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter shall be guilty of a minor misdemeanor and fined not more than one hundred fifty dollars (\$150.00) for a first offense. Whoever shall be convicted of a violation of this chapter for a second or subsequent offense within a period of two years from the date of the next prior conviction shall be guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty days, or both. Each day of violation shall constitute a separate offense.

(Ord. 2013-17. Passed 4-9-13.)

We ask that compliance is met within thirty (30) days of this order, on or before March 7, 2025

Should you have any questions about this notice, please contact me directly. Failure to comply with this notice will result in further action as prescribed by law.

Respectfully,

Keith Foulkes
Building Commissioner

CC: Santo Incorvaia, Law Director
Myra Severyn, Assistant Law Director
Brian Joyce, Building Inspector
John J. Kavlich, 19230 Tangle Wood DR. North Royalton, Ohio 44133
John J. Kavlich, 26678 Crocker LNDG Columbia Station, Ohio 44028

City of Middleburg Heights
15700 Bagley Road
Middleburg Heights, OH 44130



Phone: 440-234-2218
Fax: 440-234-9092
building@middleburgheights.com

**SECOND
Notice of Violation – Property Maintenance of Premises**

Date: March 19, 2025

Compliant: Property Maintenance of premises and buildings
Parcel Number: 373-11-012
Project: John J. Kavlich III - Failure to maintain Premises
Address: 7640 Eastland Rd. Middleburg Heights, Ohio 44130
Building Owner: John J. Kavlich III 276 W Bagley Rd. Berea, Ohio 44017
Agent for Owner: John J. Kavlich
Previous citations:

SECOND NOTICE OF VIOLATION

RE: Premises Maintenance – Property maintenance at PP# 373-11-012 failure to maintain building and property in accordance with MHCO Section 1353.08

Attention John J. Kavlich III:

On 3/11/25 you contacted me regarding a first notice of violation you received. You asked for an extension of time to comply. At that time, I informed you that a request in writing is required.

NOTICE OF VIOLATION: Failure to maintain property and building in accordance with the Codified Ordinances of the City of Middleburg Heights, Ohio.

This notice is sent due to your failing to comply with previous written notice sent.

MCO Section 1369.03 ABATEMENT OF CERTAIN NUISANCES WITHOUT DECLARATION OF CITY COUNCIL; NOTICE TO OWNER OF REAL ESTATE.

The Service Director or Building Commissioner, upon finding that a nuisance exists in matters involving sidewalks, weeds, tall grass, landscaping, unsecured vacant property, or abandoned unusable personal property or other debris may cause a written notice or order to be served on the owner of the real estate. The notice or order shall set forth the nature of the nuisance, the estimate of the cost of abating same if done by the City, a reasonable time determined by the Service Director or Building Commissioner within which the owner shall abate the nuisance or pay the estimated cost to the City, and the statement that unless the nuisance is abated within the stated time it may be abated by the City and the cost of abatement assessed on the real estate involved, and the City may prosecute the owner for failure to comply with the order. Such notice or order of abatement may be issued by the Service Director or Building Commissioner or both without reporting same to Council. In case the City abates the nuisance and the cost is not paid within the time fixed by the Service Director or Building Commissioner, the Service Director or Building Commissioner shall report the fact to Council which may assess the same on the real estate from which the nuisance originated. (Ord. 2013-17. Passed 4-9-13.)

Nature of Nuisances on premises at: 7640 EASTLAND RD.

1. Refuse – porta potty, PVC pipes, tires, recreational trailers stored outside, garbage, trash, piles of wood utility poles, pile of pallets, wooden wire spools, concrete structures. An inspection was performed on 3/7/25 and revealed no change.

2. **Ground Surface Hazards** – large piles of dirt, horse manure, open holes, metal objects emerging from ground, broken glass, etc. An inspection was performed on 3/7/25 and revealed no change.
3. **Accumulations of Standing Storm Water**- standing water on areas of yard, and driveway. An inspection was performed on 3/7/25 and revealed no change.
4. **Maintenance of Building and structure**- deteriorated structure – horse barn – permits required as necessary. An inspection was performed on 3/7/25 and revealed no change.
- n. **Driveway access** – restore and regrade, standing water and vegetation to be removed. An inspection was performed on 3/7/25 and revealed no change.

2. **1369.99 PENALTY.**


Whoever violates or fails to comply with any of the provisions of this chapter shall be guilty of a minor misdemeanor and fined not more than one hundred fifty dollars (\$150.00) for a first offense. Whoever shall be convicted of a violation of this chapter for a second or subsequent offense within a period of two years from the date of the next prior conviction shall be guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.000) or imprisoned for not more than thirty days, or both. Each day of violation shall constitute a separate offense.

(Ord. 2013-17. Passed 4-9-13.)

We ask that compliance is met within thirty (30) days of this order, on or before April 19, 2025

Should you have any questions about this notice, please contact me directly. Failure to comply with this notice will result in further action as prescribed by law.

Respectfully,


Keith Foukes
Building Commissioner

CC: Santo Incorvaia, Law Director
Myra Severyn, Assistant Law Director
Brian Joyce, Building Inspector
John J. Kavlich, 19230 Tanglewood Drive, North Royalton Ohio 44133
John J. Kavlich, 26678 Crocker Landing, Columbia Station, Ohio 44208



MIDPARK
 13301 SMITH RD
 CLEVELAND, OH 44130-9998
 (800)275-8777

RECEIVED BJ

MAR 19 2025

Middleburg Heights
 Building Dept.

03/19/2025 01:58 PM

Product	Qty	Unit Price	Price
Priority Mail® Window FR Env	1		\$10.10
Columbia Station, OH 44028			
Flat Rate			
Expected Delivery Date			
Fri 03/21/2025			
Tracking #:			
9505 5161 7057 5078 2647 86			
Insurance			\$0.00
Up to \$100.00 included			
Total			\$10.10
Grand Total:			\$10.10
Cash			\$10.10

Mailed Second Notice :

John J. Kavlich
 26678 Cracker Landing
 Columbia Station, OH 44208

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com/USPS/Tracking or call 1-800-222-1811.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to <https://www.usps.com/help/claims.htm> or call 1-800-222-1811

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All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business.

Tell us about your experience. Go to: <https://postalexperience.com/Pos> or scan this code with your mobile device.



or call 1-800-410-7420.

UFN: 381677-0301
 Receipt #: 840-54400094-7-6716892-2
 Clerk: 42

DIVISION OF BUILDING



Matthew J. Castellii, Mayor

Keith P. Foulkes, Building Commissioner

April 4, 2025

John J. Kavlich, III
7640 Eastland Road
Middleburg Heights, Ohio 44130

Re: Blighted property, littering, dilapidated structure, outside storage and nuisance conditions –
7640 Eastland Rd. Middleburg Heights, Ohio 44130

Dear Mr. Kavlich, III,


In accordance with Section 1369.05 of the *Codified Ordinance of Middleburg Heights, Ohio*, you are hereby notified that the horse barn, paddock, outside storage, junk and debris located at 7640 Eastland Road, Middleburg Heights, Ohio, Permanent Parcel Number 373-11-012, has been determined to be a *public nuisance*. Section 1369.01 defines nuisance as a building, structure, or real estate that through deterioration or lack of maintenance becomes a blighting or deteriorating factor to the neighborhood or is a hazard to health, welfare, or safety of the occupants or the public if not abated. As an authorized City official, I am directing you to promptly abate the public nuisance at 7640 Eastland Road within 30 days.

In accordance with Section 1369.04, if the public nuisance identified above is not abated by May 4, 2025, the structure will be taken down and removed along with the paddock, all outside storage, junk and debris by the City of Middleburg Heights, and the costs will be assessed on the said real estate.

You may appeal my determination to the Nuisance Abatement Board of Review by filing a written appeal with the Middleburg Heights Director of Law within ten days of the mailing hereof.

You may find the Codified Ordinances under the City Council tab of the City's website www.middleburgheights.com. Should you have any questions regarding this matter, please contact me at 440-234-2218.

Sincerely,


Keith Foulkes
Building Commissioner

cc: Santo Incorvaia, Law Director
James Herron, Service Director
Brian Joyce, Property Maintenance Inspector



MIDPARK
 13301 SMITH RD
 CLEVELAND, OH 44130-9998
 (800) 275-8777

04/07/2025 10:02 AM

Product	Qty	Unit Price	Price
Priority Mail® Window FR Env	1		\$10.10
Columbia Station, OH 44028			
Flat Rate			
Expected Delivery Date			
- Wed 04/09/2025			
Tracking #:			
- 9505 5161 7051 5097 5128 02			
Insurance			\$0.00
Up to \$100.00 included,			
Total			\$10.10
Grand Total:			\$10.10
Cash			\$10.10

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to <https://www.usps.com/help/claims.htm> or call 1-800-222-1811

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Tell us about your experience.
 Go to: <https://postalexperience.com/Pos>
 or scan this code with your mobile device.



or call 1-800-410-7420.

UFN: 381677-0301
 Receipt #: 840-54400094-1-3785829-2
 Clerk: 24

THE STATE OF OHIO

Berea Municipal Court

The City of Middleburg Heights
vs.

Berea, Cuyahoga County, Ohio
(City)

Name
John J. Kavlich III
Address
26678 Crocker Landing
Columbia Station, Ohio 44208

COMPLAINT
BY INDIVIDUAL

No. _____

FORM I

Complainant being duly sworn states that John J. Kavlich III
(defendant)

At 7640 Eastland Rd. Middleburg Hts. Cuyahoga County, Ohio from on or about April 21, 2025

(state the essential facts)

Being the owner, operator, or occupant of the premises located at 7640 Eastland Road did fail to remove Refuse: Porta potty, PVC pipes, tires, recreational trailers stored outside, garbage, trash, piles of wood utility poles, piles of pallets, wood wire spools, concrete structures.

In violation of the following adopted ordinances:

Section 1369.03 ABATMENT OF CETRAIN NUISANCES WITHOUT DELCERATION OF CITY COUNCIL

Brian M. Joyce
Complainant

Sworn to and subscribed before me by Brian M. Joyce on

April 21, 2025

Darville Walker
Judge - Clerk - Deputy Clerk - Municipal Court

THE STATE OF OHIO

Berea Municipal Court

The City of Middleburg Heights

Berea, Cuyahoga County, Ohio
(City)

vs.

COMPLAINT
BY INDIVIDUAL

No. _____

Name

John J. Kavlich III

Address

26678 Crocker Landing
Columbia Station, Ohio 44208

FORM I

Complainant being duly sworn states that John J. Kavlich III
(defendant)

At 7640 Eastland Rd. Middleburg Hts. Cuyahoga County, Ohio from on or about April 21, 2025

(state the essential facts)

Being the owner, operator, or occupant of the premises located at 7640 Eastland Road did fail to remove.
Accumulations of standing water: Standing water on areas of yard, and driveway.

In violation of the following adopted ordinances:

Section 1369.03 ABATMENT OF CETRAIN NUISANCES WITHOUT DELCERATION OF CITY COUNCIL

Brian M. Joyce
Complainant

Sworn to and subscribed before me by Brian M. Joyce on

April 21, 2025

Danille Walling
Judge - Clerk - Deputy Clerk - Municipal Court

THE STATE OF OHIO

Berea Municipal Court

The City of Middleburg Heights

Berea, Cuyahoga County, Ohio
(City)

vs.

COMPLAINT
BY INDIVIDUAL

No. _____

Name

John J. Kavlich III

Address

26678 Crocker Landing
Columbia Station, Ohio 44208

FORM I

Complainant being duly sworn states that John J. Kavlich III
(defendant)

At 7640 Eastland Rd. Middleburg Hts. Cuyahoga County, Ohio from on or about April 21, 2025

(state the essential facts)

Being the owner, operator, or occupant of the premises located at 7640 Eastland Road did fail to Maintain building and structure: Deteriorated structure-horse barn.

In violation of the following adopted ordinances:

Section 1369.03 ABATMENT OF CETRAIN NUISANCES WITHOUT DELCERATION OF CITY COUNCIL

Brian M. Joyce
Complainant

Sworn to and subscribed before me by Brian M. Joyce on
April 21, 2025

Danielle Walling
Judge - Clerk - Deputy Clerk - Municipal Court

THE STATE OF OHIO

Berea Municipal Court

The City of Middleburg Heights
vs.

Berea, Cuyahoga County, Ohio
(City)

Name
John J. Kavlich III
Address
26678 Crocker Landing
Columbia Station, Ohio 44208

COMPLAINT
BY INDIVIDUAL

No. _____

FORM I

Complainant being duly sworn states that John J. Kavlich III
(defendant)

At 7640 Eastland Rd. Middleburg Hts. Cuyahoga County, Ohio from on or about April 21, 2025

(state the essential facts)

Being the owner, operator, or occupant of the premises located at 7640 Eastland Road did fail to Restore and Regrade driveway access eliminate standing water and remove vegetation.

In violation of the following adopted ordinances:

Section 1369.03 ABATMENT OF CETRAIN NUISANCES WITHOUT DELCERATION OF CITY COUNCIL

Brian M. Joyce
Complainant

Sworn to and subscribed before me by Brian M. Joyce on
April 21, 2025.

Danielle Walling
Judge - Clerk - Deputy Clerk - Municipal Court

THE STATE OF OHIO

Berea Municipal Court

The City of Middleburg Heights

Berea, Cuyahoga County, Ohio
(City)

vs.

Name

John J. Kavlich III

COMPLAINT
BY INDIVIDUAL

No. _____

Address

26678 Crocker Landing
Columbia Station, Ohio 44208

FORM I

Complainant being duly sworn states that John J. Kavlich III
(defendant)

At 7640 Eastland Rd. Middleburg Hts. Cuyahoga County, Ohio from on or about April 21, 2025

(state the essential facts)

Being the owner, operator, or occupant of the premises located at 7640 Eastland Road did fail to remove
Ground Hazzard: Large piles of dirt, horse manure, open holes, metal objects emergency from ground,
broken glass.

In violation of the following adopted ordinances:

Section 1369.03 ABATMENT OF CETRAIN NUISANCES WITHOUT DELCERATION OF CITY COUNCIL

Brian M. Joyce
Complainant

Sworn to and subscribed before me by Brian M. Joyce on

April 21, 2025

Danielle Walling
Judge - Clerk - Deputy Clerk - Municipal Court



City of Middleburg Heights

Owner's Name: John J. Kavlich
Owner's Address: 7640 Eastland Rd

Offending Address: 7640 Eastland Rd
Date of Report:

John J. Kavlich
7640 Eastland Rd
Middleburg Heights, OH 44130

Contacts

Mayor
Mayor Matthew J. Castell

Commissioner
Keith Foulkes

Details

Below is a list of Complaints logged against this address. Please fill your findings in the notes section below.

Complaints

Date Received	Approval Date	Assigned Inspector	Complainant	Description	Findings
12/2/2024		Brian M. Joyce 440-239-6299 x1208 or bjoyce@middleburgheights.com, Brian M. Joyce 440-239-6299 x1208 or bjoyce@middleburgheights.com, Brian M. Joyce 440-239-6299 x1208 or bjoyce@middleburgheights.com, Brian M. Joyce 440-239-6299 x1208 or bjoyce@middleburgheights.com, Brian M. Joyce 440-239-6299 x1208 or bjoyce@middleburgheights.com, Brian M. Joyce 440-239-6299 x1208 or bjoyce@middleburgheights.com, Brian M. Joyce 440-239-6299 x1208 or bjoyce@middleburgheights.com	City Administration	owner offloading "junk" around barn	12/4/24 Reaching out to property owner to clean up Junk/debris around property. 2/4/25 Brian/Keith viewed property from 475 South Rocky River. Sending letter to remove all junk/debris make necessary repairs to barn. BJ 2/10/25 Brian/Keith posted property with notice of violation compliance date 3/10/25. Notice of violation mailed to John Kavlich know address letters sent out Priority Mail. BJ 3/19/25 Repeated property with second notice of violation compliance date 4/19/25. BJ 3/19/25 Second notice of violation mailed out priority mail with compliance date of 4/19/25. BJ 4/7/25 Second letter mailed out priority mail compliance date 4/19/25. BJ 4/17/25 Talked to Jennifer Wintrick (Police Department) she verified 26678 Crocker Landing Columbia Station Ohio 44208 as a valid address for John Kavlich III. BJ 4/21/25 Follow-up inspection. BJ 4/21/25 Inspected property no change still has outstanding code violations, took pictures. BJ 4/21/25 Dropped off court documents to Police Department to send 7640 Eastland property to Bera court. BJ 6/9/25 I have a pre-trial and the above case scheduled for tomorrow. I believe there is some indication the defendant may not come to court; however, in the event that he or a representative does, what is the status of his violation if you are aware. > > Myra Good morning Myra, The status of the Kavlich property has not changed, none of the code violations have been resolved. Thanks, Brian 6/11/25 Good morning Myra, Just wanted to follow up with the John Kavlich property. What was the outcome of yesterday's court date? Thanks, Brian 6/10/25 Mr. Kavlich did not appear for the pre-trial. Myra 8/4/25 2:01pm At property no cars, trucks or trailers no activity at time of inspection. BJ 8/12/25 Follow-up scheduled. BJ

Notes
