

CITY OF MIDDLEBURG HEIGHTS, OHIOOrdinance No. 2026- **44**

Introduced By: Mayor Matthew Castelli

AN ORDINANCE AUTHORIZING THE CITY OF MIDDLEBURG HEIGHTS, OHIO TO ACCEPT TITLE TO CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY AND IMMEDIATELY TRANSFER TITLE BACK TO THE CURRENT OWNER FOR THE PURPOSE OF IMPLEMENTING TAX INCREMENT FINANCING PURSUANT TO OHIO REVISED CODE SECTION 5709.41; AND DECLARING AN EMERGENCY

WHEREAS, the City of Middleburg Heights, Ohio (the "City") is desirous of encouraging economic development within the City to create jobs for its residents and to increase the City's tax base; and

WHEREAS, in furtherance of those efforts, the City has implemented a Comprehensive Plan through multiple agreements, and undertaken efforts since 2021 to update the Comprehensive Plan through meetings with community stakeholders and City residents (collectively, the "Development Plans"); and

WHEREAS, as evidenced by the Development Plans, the City is "engaged in urban redevelopment" as provided in Ohio Revised Code ("R.C.") Section 5709.41; and

WHEREAS, pursuant to R.C. Sections 5709.41, 5709.42 and 5709.43, the City is authorized to enact an ordinance (the "TIF Ordinance") to declare "Improvement" (as defined in R.C. Section 5709.41) to be a public purpose and exempt from real property taxation so long as (1) the City held fee title to such real property prior to the adoption of the TIF Ordinance, and (2) such real property is leased or conveyed to any person either before or after the adoption of the TIF Ordinance; and

WHEREAS, Southland Center of Smith Rd LLC (the "Developer") desires to renovate a commercial retail plaza and construct or cause to be constructed commercial out parcels for the retail plaza (the "Project") on certain parcels of real property described and depicted on Exhibit A attached hereto (the "Property") within the City; and

WHEREAS, the City desires to support the Project through the passage of the TIF Ordinance pursuant to R.C. Section 5709.41; and

WHEREAS, in order to pass the TIF Ordinance, the City is required to accept fee title to the Property and transfer fee title to the Property back to the current owner; and

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

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

Section 1: The Mayor or any other officer of the City is hereby authorized to (a) enter into a Transfer and Indemnification Agreement, (b) accept title to the Property, as described and depicted on Exhibit A attached hereto, via quitclaim deed, (c) to immediately transfer title to the Property back to the current owner(s) via quitclaim deed, and (d) to take any and all other actions required to effectuate the transfer of the property, including, but not limited to, recording the deeds with the Cuyahoga County Recorder.

Section 2: That the property is not needed for a municipal purpose.

Section 3: That waiving competitive bidding in connection with the City's conveyance of the Property to the current owner is justified and reasonable because the property conveyances are necessary for the Project and to fulfill the City's urban redevelopment plan with respect to the same.

Section 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision making bodies of the City that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Section 5: This Ordinance is hereby declared to be an emergency measure for the reasons stated in the preamble hereto, and 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: 6/23/26

David Bortolotto
President of Council

Attest: M. Meola
Clerk of Council

Approved On: 6-24-26

Presented to Mayor: 6/24/26

Matthew Cash
Mayor

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

	Yea	Nay
McGregor	<u>X</u>	_____
Ference	<u>X</u>	_____
Zakel	<u>X</u>	_____

I, Mary Ann Meola Clerk of
the Council of the City of Middleburg Hts., Ohio,
hereby certify that Ord. 2026-44
adopted by the Council of the City of Middleburg
Hts., on 6/23/26 was posted for a period
of fifteen days, beginning 6/25/26
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 Ord. 2026-44
passed on the 23rd day of June 2026 by said Council.

Mary Ann Meola
Clerk of Council

[illegible]

SECRET

(S) and (D) are both present in the same set of data.

IN 1954, THE U.S. AIR FORCE AND THE U.S. NAVY WERE THE MAJOR CONTRIBUTORS TO THE U.S. AIRCRAFT INDUSTRY.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-11-2010 BY 60322 UCBAW

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EXHIBIT A

PROPERTY

The Property is the two parcels outlined in yellow below and identified as Parcels 372-30-001 and 372-32-015:

