CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

September 8, 2026

6:00 P.M. REGULAR MEETING

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of June 23, 2026
Minutes of the Caucus Meeting of June 23, 2026
Minutes of the Executive Session of June 23, 2026

COMMUNICATIONS
Memorandum from Planning Commission dated July 9, 2026 requesting expiration date be extended for Ordinance No. 2026-31, Zoning Code edits, until October 30, 2026.

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

2026 PENDING LEGISLATION

ORDINANCE NO. 2026-31 – INTRODUCED BY COUNCILMAN FERENCE
An Ordinance amending various sections of the Middleburg Heights Zoning Code.
First Reading & Referred to Planning Commission – April 28, 2026
Second Reading – May 12, 2026

ORDINANCE NO. 2026-46 - 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; and declaring an emergency. **(Southland South – TIF Agreement)**
First Reading – June 23, 2026

ORDINANCE NO. 2026-47 - 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; and declaring an emergency. **(Southland Shopping Plaza – TIF Agreement)**
First Reading – June 23, 2026

UN-NUMBERED LEGISLATION

INTRODUCED BY COUNCILMAN MEANY
A Resolution authorizing the mayor to enter into an agreement (LPA-ODOT Let Project Agreement) to repair/replace three bridges on various routes in Cuyahoga County, including CUY-IR-71-6, 111 in the City of Middleburg Heights and declaring an emergency.

INTRODUCED BY MAYOR CASTELLI
A Resolution supporting an application for Ohio Brownfield Remediation Program Funding.

INTRODUCED BY MAYOR CASTELLI
A Resolution authorizing the mayor to enter into a Subordination Agreement with The Illuminating Company for the relocation of electric facilities underground within the public right of way.

Matthew J. Castelli, Mayor

Tylon Hilt, Building Commissioner
Kim Earley, Secretary

MEMORANDUM

To: Mary Ann Meola, Clerk of Council

From: Kim Earley, Planning Commission Secretary

Date: July 9, 2026

Subject: Ordinance 2026-31

At the Planning Commission meeting July 8, 2026 members decided they would like to give Ordinance 2026-31 regarding Zoning Code edits more consideration. The Commission respectfully requests that the expiration date be extended until October 30, 2026.

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

(440) 239-6252
kearley@middleburgheights.com

DELIVERED SEP 03 2026

PID No. 115896

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2026-

Introduced By: Mr. Meany
Co-Sponsors: Mr. Ali, Mr. McGregor

A RESOLUTION
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT (LPA-ODOT-LET PROJECT AGREEMENT) TO REPAIR/REPLACE THREE BRIDGES ON VARIOUS ROUTES IN CUYAHOGA COUNTY, INCLUDING *CUY-IR-71-6.111* IN THE CITY OF MIDDLEBURG HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, the City of Middleburg Heights, hereinafter referred to as the Local Public Agency (LPA) has determined the need for the described project: *Repair/replace three bridges on various routes in Cuyahoga County, including CUY-IR-71-6.111 in the City of Middleburg Heights.*

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

Section 1: **Consent Statement:** Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

Section 2: **Cooperation Statement:** The LPA shall cooperate with the Director of Transportation in the development and construction of the above-described project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

Section 3: **Authority to Sign:** The LPA hereby authorizes the Mayor of said City of Middleburg Heights to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Middleburg Heights to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 4: **Utilities and Right-of-Way Statement:**

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5: **Maintenance:**

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 6: 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 7: That this Resolution is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. 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: _____

_____
Mayor

Presented to Mayor:_____

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

PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)
(CONSENT)

Ordinance/Resolution # : _____
PID No. : 115896
County/Route/Section : CUY IR 071/VAR 06.11/VAR Repair
Agreement No:_____

The following is a/an _____ enacted by the City of Middleburg Heights of Cuyahoga
(Motion/Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the **STATE** has determined the need for the described project:

Repair/replace 3 bridges on various routes in Cuyahoga County, including CUY-IR-71-6.111 in the City of Middleburg Heights.

NOW THEREFORE, be it ordained by the City of Middleburg Heights of Cuyahoga County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV Authority to Sign

The LPA hereby authorizes _____ of said City of Middleburg Heights to
(Signature authority) (LPA-or its division, department or agency)
enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the _____ is also empowered to execute any appropriate documents to
(Signature authority)
affect the assignment of all rights, title, and interests of the City of Middleburg Heights to ODOT arising from any
(LPA)
agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION V – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII-Emergency measure
(as applicable)

The _____ is hereby declared to be an emergency measure to expedite the highway project and
(Motion/Ordinance/Resolution)
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2_____.
(Date)

Attested: _____
(Clerk)

_____
(Contractual Agent of LPA – title)

_____

_____

_____

8/18/2026 PID No.: 115896

CERTIFICATE OF COPY
STATE OF OHIO

_____ of _____ County, Ohio
(LPA)

I, _____, as Clerk of the _____
(LPA)
of _____ County, Ohio, do hereby certify that the foregoing is a true and correct copy of
_____ adopted by the legislative Authority of the said
(Motion/Ordinance/Resolution)
_____ on the _____ day of _____, 2_____.
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____ 2_____.

SEAL

_____
(Clerk)

_____ of _____ County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

DELIVERED SEP 03 2026

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2026-

Introduced By: Mayor Matthew Castelli

A RESOLUTION SUPPORTING AN APPLICATION FOR OHIO BROWNFIELD REMEDIATION PROGRAM FUNDING

WHEREAS, the Ohio Department of Development launched a Brownfield Remediation Program in 2021, providing financial assistance in the remediation of industrial, commercial, and institutional brownfield sites that are abandoned, idled, or underutilized due to a known or potential release of hazardous substances or petroleum; and

WHEREAS, the demolition of the former Middleburg Heights Police Building at 15850 Bagley Road is complicated by asbestos containing materials; and

WHEREAS, the City of Middleburg Heights is the owner of the site and has expressed its intent to apply for Brownfield Remediation Program funding for the abatement of asbestos containing materials, demolition of the building, and site restoration of the former Police Building; and

WHEREAS, the Middleburg Heights City Council is supportive of such application to obtain Brownfield Remediation Program funding.

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 supports the application for Ohio Brownfield Remediation Program funding for the remediation of asbestos contamination at 15850 Bagley Road and encourages the Ohio Department of Development to award such grant funding for such commendable purposes.

Section 2: 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:_____

_____
President of Council

Attest: _____
Clerk of Council

Approved On: _____

_____
Mayor

Presented to Mayor:_____

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

DELIVERED SEP 03 2026

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2026-

Introduced By: Mayor Matthew Castelli

A RESOLUTION
AUTHORIZING THE MAYOR TO ENTER INTO A SUBORDINATION AGREEMENT WITH THE ILLUMINATING COMPANY FOR THE RELOCATION OF ELECTRIC FACILITIES UNDERGROUND WITHIN THE PUBLIC RIGHT OF WAY

WHEREAS, as part of the Southland Streetscape Project the City has requested that The Illuminating Company (the "Company") relocate certain electric facilities which are currently constructed as overhead facilities underground within the public right of way and within utility easements for the convenience of its project, at substantial cost to the Company; and

WHEREAS, in exchange for relocating its overhead electric facilities underground, the City and the Company agreed that the Company shall bear no costs if it is asked by the City at some time in the future to relocate the electric facilities elsewhere within the public right of way or newly expanded public right of way for the City.

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 a subordination agreement with The Illuminating Company for the relocation of overhead electric facilities underground within the public right of way, a copy of which is attached hereto and marked "Exhibit A".

Section 2: 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:_____

_____
President of Council

Attest: _____
Clerk of Council

Approved On: _____

_____
Mayor

Presented to Mayor:_____

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

CITY OF MIDDLEBURG HEIGHTS NEW SERVICE

SUMMARY: INST RISER POLE AND SPAN OF OH 3PH PRIMARY. INST UG PRI TO 3PH 120/208V PM XFMR. REMOVE SPANS OF #4 DPX AND CUT POLES TO COMM ONCE TRAFFIC LIGHTS ARE TRANSFERED TO 120V FROM PM.

① **P# 651569 45'-3 1968 D60% ATT @ 24'-0**
INST:
DWG # 08-220 (3PH DEADEND)

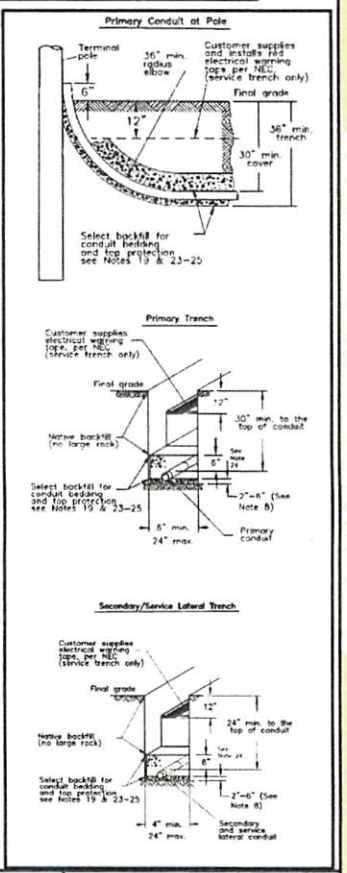
② **TAG CXC-651569 45'-3 2026 D100% (OFFER INT.)**
INST:
45'-3 PENTA POLE
DWG # 08-220 (3PH DEADEND)
DWG # 14-230 (3PH RISER POLE, #2 CABLE)
(3) 10A TYPE T FUSES
(3) #2 15KV TERMINATORS
#4 CU RISER WIRE

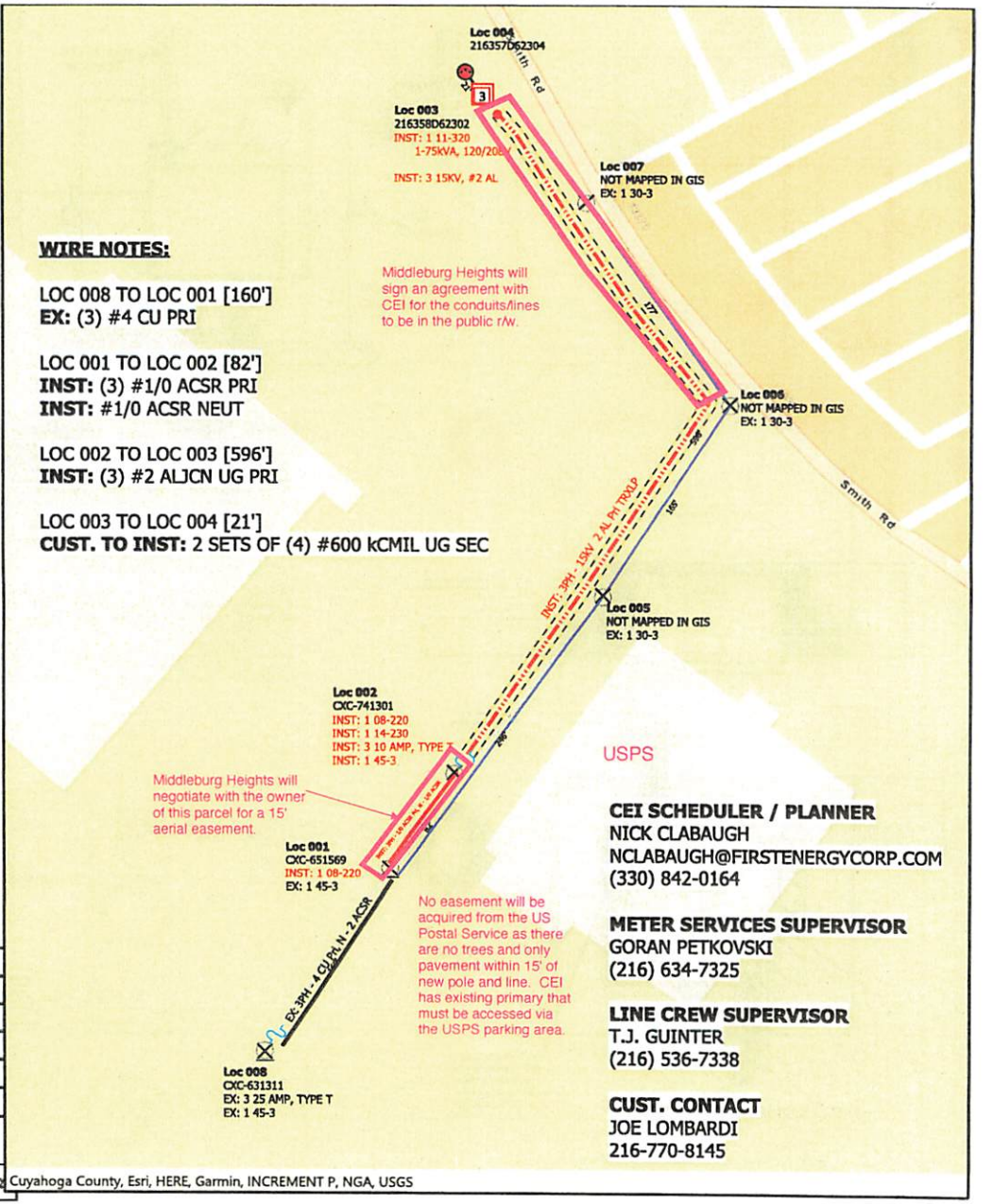
③ **TAG 216358D62302**
INST:
DWG # 11-320 (3PH PM XFMR)
75 kVA 13.2KV 120/208V
LOOP FEED DEAD FRONT PM XFMR
SER #_____ PH__
(3) 15KV #2 AL LOADBREAK ELBOW
(3) 15KV #2 AL LOADBREAK ARRESTOR
GROUNDING PER 5-065

④ **SERVICE POINT**
200A SERVICE 120/208V DEMAND METERING
FOR 40kWD @ 93% PF
METER #_____

(#) **LOC'S 005, 006, AND 007 (NOT MAPPED IN GIS)**
REM:
CUT POLE TOPS ABOVE COMMS ONCE TRAFFIC LIGHTS ARE TRSF TO PADMOUNT.

⑧ **P# 631311 45'-3 1968 D60% ATT @ 24'-0**
EX: CEI EQUIP. OK





WIRE NOTES:

LOC 008 TO LOC 001 [160']
EX: (3) #4 CU PRI

LOC 001 TO LOC 002 [82']
INST: (3) #1/0 ACSR PRI
INST: #1/0 ACSR NEUT

LOC 002 TO LOC 003 [596']
INST: (3) #2 ALJCN UG PRI

LOC 003 TO LOC 004 [21']
CUST. TO INST: 2 SETS OF (4) #600 kCMIL UG SEC

CEI SCHEDULER / PLANNER
NICK CLABAUGH
NCLABAUGH@FIRSTENERGYCORP.COM
(330) 842-0164

METER SERVICES SUPERVISOR
GORAN PETKOVSKI
(216) 634-7325

LINE CREW SUPERVISOR
T.J. GUINTER
(216) 536-7338

CUST. CONTACT
JOE LOMBARDI
216-770-8145

WR#: 64429456	SAP Order #: 18826547	Req ISD: 3/16/2026	Print Date: 3/24/26
Street Address: 13301 SMITH RD		State One Call#: 1-800-362-2764 or 811	Project #:
City, State Zip: MIDDLEBURG HEIGHTS, OH 44130		JU Proposal #:	
Sub/Circ: L-04-EN		Designer: Jackson,Thomas (216)559-4574	
Upstream Prot Device: CXC-631311 (FUSES)		Approver: Robert McCann 4/1/26	
Customer: CITY OF MIDDLEBURG HTS, (440)234-2216		Cust Elec:	
Construction Foreman Signature: Date:		Notes/Comments: Date:	
Forest:	Joint Use:	Sheet 1 of 2	REV: CREWS Revision 2

Scale 1:81

COMMERCIAL CUSTOMER OBLIGATIONS

1. Any subsequent change in the location of these facilities made at the request of the property owner and/or customer shall be paid for by the property owner and/or customer.

2. Call the Ohio Utilities Protection Service (OUPS) 1-800-362-2764 TWO WORKING DAYS before you break ground to notify all OUPS members of the time, date and location of your work project.

3. All utilities which will cross beneath CEI Co. conductors and conduits shall be installed before CEI Co. work is started. If a utility line must cross under existing CEI Co. conductors, the developer shall prevent damage to the conductors and provide adequate safeguards to eliminate the need for de-energizing the conductors. All conductors shall clear other utilities by a minimum of 12 inches.

4. The customer shall contact the telephone company for telephone cable installation. Telephone company, ca-tv or any other foreign utilities facilities shall not pass through the cei co. service installation unless so specified by this drawing.

5. The customer shall install 4" non-metallic conduit at locations shown on this drawing. Conduit for direct burial shall 4" Schedule 40 "ELECTRICAL TYPE" conduit. SEWER OR DRAIN PIPES ARE NOT ACCEPTABLE. The conduit shall be located 4 feet below finished grade. A 4" bell and plug shall be installed at each end of conduit. See drawing for conduit requirements and locations. a 3/8" polypropolene rope shall be installed in all conduits.

6. The customer shall provide a trench along routes shown on this drawing. Trench requirements are shown on drawing details. Backfill. If direct buried cables are installed, shall be made after cables are installed. The first 12 inches of backfill shall be sand. The remaining backfill may be completed with removed earth, free of rock and rubble. or if duct is installed removed earth, free of rock and rubble may be used.

7. The customer shall stake trench and provide a final grade stake within 7' of transformer locations.

8. Conduit, trench, backfill, and transformer pad shall conform to CEI Co. standards and shall be subject to CEI Co. inspection. Call CEI Co. overhead foreman, _____ OVERHEAD FOREMAN _____ TEN WORKING DAYS before starting work to obtain construction inspection.

9. Trench and transformer areas shall be at finished grade prior to cable, duct or transformer installation. NO OTHER UTILITIES ABOVE OR BELOW TRANSFORMER FOUNDATION OR GROUND GRID AREA.

10. The customer shall install service cables in compliance with local codes.

11. The customer shall install all service entrance equipment, conduit, conduit bend, main switch, etc.

12. The customer shall provide the grounding electrode conductor to the service entrance location.

13. the customer shall provide 6' wide x 4' long x 3' deep excavation with 6" bed of crushed stone for cei to set sectionalizing enclosure.

14. the customer shall provide 5' wide x 8' long x 3' deep excavation with sand base and set box pad.

15. CEI requires permanent vehicle access to its equipment (no more than 15' off pavement). access routes across nonpaved areas require an 8" thick gravel foundations. the customer shall provide a minimum 8' by 8' thick gravel foundation for permanent vehicle access to cei equipment. cei requires a 10' clear zone in front of transformer doors that prohibits planting of shrubbery or storing equipment & materials.

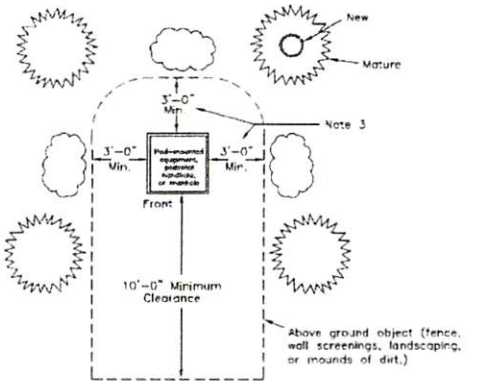
APPROVAL OF CEI CO. DESIGN AND CUSTOMER'S OBLIGATIONS

NOTE: Any substitution for the above materials or specifications shall conform to applicable safety or fire codes. Any deviations, changes or omissions in the physical design of electric service (such as changes in the pad location, protection or access, entrance point, trench location and depth, conduit systems, etc.) shall be communicated to the C.E.I. designer (T. JACKSON) for approval prior to being implemented. Changes made without appropriate approvals will delay the installation of the service.

By: _____

Title: _____ _____ _____

(CUSTOMER) (TITLE) (DATE)



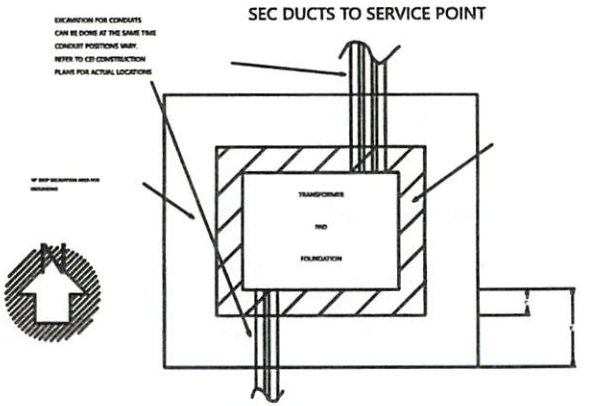
Notes:

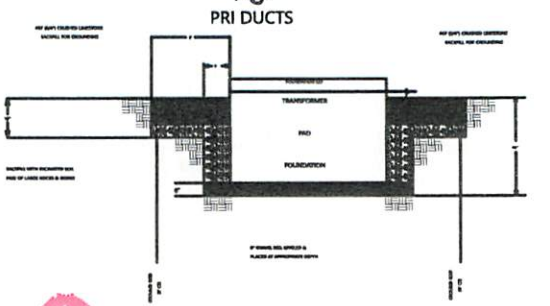
1. **Warning:** Pad-mounted transformers and pad-mounted equipment have underground electric cables entering and exiting them below grade. When it is decided to install plants or objects around a pad, call the appropriate state One-Call agency found in Section 3.13 before digging so that underground cable locations can be marked.
2. Three (3) feet minimum clearance shall be maintained even after all plants have reached their maturity. **To allow future growth, plant vegetation should be placed at least seven (7) feet from the back and side of the pad-mounted device, pedestal, or hardware.** Avoid planting shrubs or setting posts directly over cables. Avoid vegetation with thorns or spines.
3. If pad-mounted equipment is a switch or other similar device with front, side, or rear doors, the minimum 3-feet clearance shall be increased to 10 feet.
4. Minimum safety clearances to gas meters shall be three (3) feet and to tanks containing flammable liquids or gases (e.g., propane, gasoline, oxygen) fifteen (15) feet.
5. For minimum clearances to buildings or structures – see Exhibit 22.
6. Company shall not be responsible for replacing shrubs, plants, fences, wall screenings, and other obstructions that need to be removed for maintenance or restoration work.

Clearances of Pad-Mounted Equipment, Pedestals, Handholes, or Manholes from Shrubs, Plants, Fences, Wall Screenings, & Other Obstructions

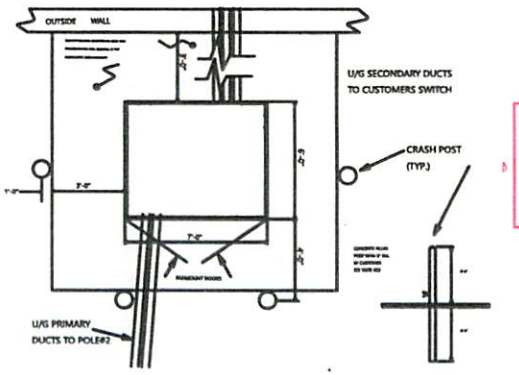
FirstEnergy. Service Guide REV: 2 EXHIBIT 23 DATE: 09/23

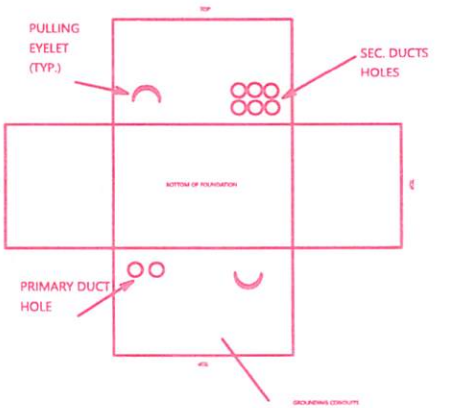
CEI PRE-CAST TRANSFORMER FOUNDATION DETAIL





CEI EXPLODED TRANSFORMER FOUNDATION





WR#: 64429456	SAP Order #: 18826547	Req ISD: 3/16/2026	Print Date: 3/24/26
Street Address: 13301 SMITH RD		State One Call#: 1-800-362-2764 or 811	Project #:
City, State Zip: MIDDLEBURG HEIGHTS, OH 44130		JU Proposal #:	
Sub/Circ: L-04-EN		Designer: Jackson,Thomas (216)559-4574	
Upstream Prot Device: CXC-631311 (FUSES)		Approver:	
Customer: CITY OF MIDDLEBURG HTS. (440)234-2216		Cust Elec:	
Construction Foreman Signature:	Date:	Notes/Comments:	Date:
Forest:	Joint Use:	Sheet 2 of 2	REV: CREWS Revision 2 — Scale --- — FirstEnergy

CITY OF MIDDLEBURG HEIGHTS

SUBORDINATION AGREEMENT

This Subordination Agreement (the "Agreement") is made this ____ day of _____, 2026, between the City of Middleburg Heights, with a principal place of business at 15700 Bagley Road, Middleburg Heights, OH 44130 (the "City"), and The Illuminating Company, an Ohio corporation, with a principal place of business at 76 S. Main Street, Akron, Ohio 44308 (the "Company").

WITNESSETH:

WHEREAS, the City has acquired certain lands for roadway purposes (the "Public Right of Way"), as located by surveys and shown on plans on file in the City's Department of Public Service as part of the "Smith Road Streetscape" project; and

WHEREAS, the Company is the owner of certain electric facilities, including communications (the "Electric Facilities"), which are currently constructed as overhead facilities and which the City has requested the Company to relocate underground within the Public Right of Way and within utility easements for the convenience of its project, at substantial cost to the Company; and

WHEREAS, in exchange for relocating its Electric Facilities underground, the City and the Company agreed that the Company shall bear no costs if it is asked by the City at some time in the future to relocate the Electric Facilities elsewhere within the Public Right of Way or newly expanded public right of way for the City.

NOW, THEREFORE, for and in consideration of the mutual covenants stated herein, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The City shall permit any requested future relocation of the Company's Electric Facilities to be placed within the Public Right of Way, if feasible, at no cost to the Company for use of such Public Right of Way for this purpose. In exchange for the Company relocating its overhead Electric Facilities underground for the convenience of the City's project, the City grants the Company a perpetual easement for its underground Electric Facilities, for which the Company shall have the perpetual right to: (i) install, construct, and maintain all Electric Facilities within the Public Right of Way, including rights of ingress and egress to do so; (ii) trim, remove, and cut any obstructions, trees, underbrush, or vegetation, consistent with its own maintenance standards and accepted utility-industry practices, that, in its sole judgment, may interfere or threaten to interfere with the safe and reliable operation of its Electric Facilities; and (iii) access said Electric Facilities to ensure their efficient and effective operation and maintenance, without cost.
2. The Company and City agree that the Company's facilities within the Public Right of Way subject to this Agreement are located along Smith Road in the City of Middleburg Heights, as noted in the "Smith Road Streetscaping" construction plans.
3. The Company's rights and use of the Public Right of Way under this Agreement shall be subordinate and subject to the Public Right of Way and the City's rights thereunder, but only to the extent that the Company shall be required to relocate its Electric Facilities at the request of the City in connection with any use by the City of the Public Right of Way, in accordance with Paragraph 4, and in a manner that does not interfere or threaten to interfere with the safe and reliable operation of the Electric Facilities.
4. Any future or further alteration and/or relocation of any facility of the Company within the subordinate easement area described in Paragraph 2, which is required by the City in connection

with any use by the City of the Public Right of Way or any rights thereunder after completion of the original construction of the new road, shall be performed by the Company, and the City shall reimburse the Company for all costs associated with such performance. Prior to any relocation, the City shall provide the Company with a suitable relocation location acceptable to the Company. However, the City shall not be responsible for reimbursing the Company for additions to or betterments of Electric Facilities existing at the time of such alteration and/or relocation, in accordance with the Company's applicable tariff, as filed with the Public Utilities Commission of Ohio.

5. This Agreement shall bind and inure to the benefit of the successors and assigns of the Company and the City, respectively.
6. The recitals set forth above shall be deemed part of this Agreement in the same manner as the numbered paragraphs of this Agreement.
7. This Agreement may be executed in separate counterparts. Electronic signatures shall be given the same full force and effect as original signatures.
8. This Agreement shall be governed by the laws of the State of Ohio.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed as of the day and year first written above.

[Signature Page Follows]

SIGNATURE PAGE

CITY OF MIDDLEBURG HEIGHTS

By: _____

Name: _____

Title: _____

Date: _____

STATE OF OHIO

COUNTY OF _____

The foregoing instrument was acknowledged before me on this ____ day of _____, 2026, by Matthew J. Castelli, as Mayor, on behalf of City of Middleburg Heights.

_____

NOTARY PUBLIC

My commission expires: _____

THE ILLUMINATING COMPANY

By: _____

Name: _____

Title: _____

Date: _____

STATE OF OHIO

COUNTY OF SUMMIT

The foregoing instrument was acknowledged before me on this ____ day of _____, 2026, by _____, as _____, on behalf of The Illuminating Company.

_____

NOTARY PUBLIC

My commission expires: _____