AGENDA

Agenda, Bay Village City Council                        Date: June 12, 2017
Committee Meeting                                              Time: 7:30 p.m.
Conference Room
Dwight A. Clark, President of Council, Presiding

ANNOUNCEMENTS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

FINANCE & CLAIMS COMMITTEE-Clark

May 2017 Financial Reports

Acceptance of Settlement Funds- Class Action involving the Ohio Department of Natural Resources

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Amendment to Codified Ordinance Chapter 1351

Submerged Land Lease, 27238 Lake Road

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

RECREATION & PARKS IMPROVEMENT COMMITTEE- Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES
City of Bay Village

Council Minutes, Committee Session
Dwight A. Clark, President of Council, presiding

June 5, 2017
Conference Room 7:30 p.m.

Present: Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Mayor Koomar

President of Council Clark called the meeting called to order in the Conference Room of Bay Village City Hall at 7:30 p.m.

Also Present: Law Director Ebert, Finance Director Mahoney, Fire Chief Lyons, Community Services Director Selig, Police Chief Spaetzel, Recreation Director Enovitch, Interim Director of Public Service and Properties Liskovic, Human Resources Administrator Demaline, Chief Building Official Grassi.

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Jerrie Barnett, Lydia DeGeorge, Suzanne Graham, Alex Dade, Claire Banasiak, Bill Selong, Cheryl McCarty, Todd and Holly Tramba, Tom Kelly, Patrick McGannon, Jeff Gallatin, Tara Wendell, Denny Wendell, Richard Fink, Joe Krall, Kendall and Mark Travis, Pete Winzig.

ANNOUNCEMENTS

Appointment of Thomas Wynne to the Civil Service Commission to complete the unexpired term of Martha Krebs ending January 24, 2020.

Mayor Koomar announced that he will seek confirmation of the appointment of Thomas Wynne to the Civil Service Commission this evening to fill the unexpired term of Martha Krebs. There will be an additional opening on the Civil Service Commission in January of 2018. The Mayor stated that he has known Mr. Wynne, an attorney, for a very long time. The Civil Service Commission gave their input on the replacement for Mrs. Krebs, identifying the skill set that is needed for the position. Dr. Dennis Lekan, the remaining Civil Service Commissioner after the retirement of Mrs. Krebs this evening, and Mr. Potter in January of 2018, has joined in with the recommendation of the appointment of Mr. Wynne. A resume outlining the qualifications of Mr. Wynne was provided to Council.

COMMITTEE OF THE WHOLE

Master Plan Discussion

Mr. Clark stated that beginning in 2016, a lot of time and energy was devoted to the creation of a new Master Plan. Council received a clean, final, color, bound copy which was provided to them in their packets on May 19, 2017. Mr. Clark would hope to adopt the Master Plan before Council adjourns for summer recess.
Mr. Mace stated that he would like to confirm that adopting the plan does not mean that you agree with it in its entirety, and anything that may come about in response to the Master Plan would be up for a vote of Council.

Mayor Koomar stated that he read a statement on April 5, 2017 when the Master Plan was presented to the public, to the effect that this is a planning document and these are recommendations of best practices from planning professionals. It does not become law. It is a guide for the Council, administration, boards and commissions. No more; no less.

Mrs. Stainbrook stated that this is as it was in the year 2000.

Mrs. Lieske stated that Council accepted the last Master Plan; they did not adopt it. There are some semantics to be worked through.

Mr. Tadych stated that he does not have a problem in accepting it.

Mr. Vincent asked the difference between adopting and accepting.

Mr. Clark stated that while we could argue semantics, the point is that it is a document that not everything that is in there is going to be brought to fruition. There are targets in term of short-term, intermediate and long term. There are costs that are going to be very expensive. But there are pieces and parts that we will pick out.

Mr. Ebert stated that in support of what has been done by the residents and the county, the Master Plan is something that is a guide going forward.

Mayor Koomar stated that in talking with County Planning Commission Executive Director Glenn Coyne, he advised that it is customary for cities to adopt the plan, at least in terms of using it for grant applications. There is a preference for adopting, because that appears to be the norm out in the communities.

Mr. Henderson expressed appreciation to Mr. Clark for placing the Master Plan on the agenda for discussion. The document is very favorable and they did a nice job of putting it together. There are new ideas brought to the table and a reminder of ideas that have been out there for a while. Mr. Henderson stated that there are several ideas he personally likes a lot including the development of a new infrastructure plan for sewer and storm water. We have talked about that in the Public Improvements Committee and also in the Planning and Zoning Committee. In the past our City Engineer had recommended a very expensive, comprehensive sewer study, and if we have the opportunity to work with the county to share some of those planning expenses that would be helpful.

Mr. Henderson also likes the idea of a recreation center in Walker Road Park with Avon Lake. In his first term of City Council he requested information from a number of cities in our area regarding the finances of recreation centers. What he found was that although most of them covered the operating expenses with operating revenues, they cannot service the debt that is issued to finance the capital expenditures necessary to build in the first place through the
Committee Meeting of Council  
June 5, 2017

operating revenues, and therefore it requires taxpayer support. While a feasibility study would certainly be in order, that is where he would expect it to head. Mr. Henderson stated that before going down a path like that, it is the kind of thing that should be given to the voters for an opportunity to vote on. It is a little like the School Board might go for a capital item for a specific project.

There were also some things that Mr. Henderson did not care for very much. The one that stood out the most is the recommendation that reads “Amend the City Charter to repeal referendum zoning in favor of City Council review and approval of rezoning requests.” Mr. Henderson stated that this has a long and storied history in Bay Village, and he did read the documentation. This would be something for which he would be interested in hearing other people’s opinions.

Mr. Henderson stated that, generally speaking, it is a very nice document. One more “to do” is definitely one of the recommendations, specifically, the map of the areas recommended for attached housing. That is something that was talked about when Council last talked about Chapter 1158. We should absolutely do that. Mr. Henderson stated that his read of this document indicates there are four areas where attached housing is recommended by the plan. Actually mapping those areas specifically, because they are spread across numerous goals in the document, would be a smart thing to undertake.

Mrs. Lieske stated that to amend the City Charter (Page 67) this should be pulled out and if there is interest in this it should go through the channel of the next Charter review of the Charter which is done every ten years. Mrs. Lieske does not think that should remain in the Master Plan. We should pull that out for that reason. There is a very distinct process that we go through to amend the Charter.

Mr. Tadych stated that he feels the same way about the referendum voting. The residents have a right. This is their only chance to talk about it. We should absolutely allow it. We should not take it away.

Mr. Henderson asked if anyone supports the concept of removing the referendum voting from our City Charter. Does anyone on Council feel that way? Mr. Tadych and Mr. Mace responded that they do not support the concept. Mr. Clark stated that we have taken issues to the voters in the past, which is important here as well. Mr. Clark stated that he does not know how that fits into the context of this document, whether we accept or adopt it. We have six more years to go for a Charter review, so there is a set of checks and balances in there as well. All of the recommendations brought before the voters at the last Charter review went down by the voters.

Mrs. Lieske stated that if it is left in and she would vote to support this even though there are checks and balances it could be viewed as supporting the basic ideas as part of the plan. Mrs. Lieske stated that she does not support that.

Mayor Koomar stated that there are various points that may be supported or some that may just be lukewarm. The idea of engaging professionals in a Master Plan is that they bring in best practices for the City. That might not be one that Bay Village wants to adopt, or even consider, but it is that planning document in totality. It is a planning document; it is not law.
Mrs. Lieske stated that she has two pages of notes that go along with what was said that could be looked at as we go through and look at our different ordinances. This referendum voting is such a fundamental belief of what some of us stand for. The other things do not really come in line with the Charter Review Commission and the voters. It is more what we like, what we don’t like, what we can improve upon. The document as a whole is absolutely fantastic in terms of looking at so many different aspects of the City and gives us so many places we can look at, but this is not the same.

Mr. Vincent asked if the proposal is to remove one page of the middle of the Master Plan.

Mr. Henderson stated that there are a lot of things in the Master Plan that he prefers, or does not prefer. Personally he would not like to see fewer parking spaces but he realizes that is not a pressing issue. This one item really stands out. If nobody around the table is going to say that they support the repeal of referendum voting than it is not logical for us to say that we endorse the document in its entirety. Mr. Henderson proposed that Council discuss a veto of this one particular section, Goal No. 4. If we have to do it, Mr. Henderson is not saying he will vote against it if we don’t. But, he would like to at least talk about that.

Mayor Koomar asked if when adopting, or approving, whichever is chosen as the action, could that specific section be made note of as one that they personally do not agree with, but in the spirit of obtaining grant dollars for the City and moving the City forward, you are voting for the plan but that one section troubles you. You would then be on the record in perpetuity and in the minutes of stating the specific concern on that one item.

Mrs. Lieske stated that if there is an ordinance to adopt the Master Plan why we can’t just say we support the Master Plan and we are taking out this one section. We would not be impacting grant dollars because we are still supporting the things we would be going after the grant dollars for, and that is a whole project in and of itself with the pages in the back with all of the possible grants.

Mr. Tadych suggested amending by reading. He would like to do the same thing. He stated he is very uncomfortable with it.

Mrs. Stainbrook stated that she really enjoyed the process and noted that she was on Council shortly after the 2000 Master Plan was adopted. It is a great process, a great opportunity for residents to give input. It is a good strategic planning tool resource. It is like any other resource. If you go on the internet and google any document that you want to use as a resource. There are a lot of good things here, and because a vote would have to go through the Charter review process she is not uncomfortable with it being part of this resource guide. In order to amend the referendum process it would have to go to the vote of the people. Mrs. Stainbrook stated that she looks at the Master Plan as a resource tool.

Mr. Tadych stated that this is far more serious and taking something away from the residents, or suggesting so, and it will be referenced in other things that we pass.
Mrs. Lieske stated that it would then come up at the time of the Charter Review that Council approved this as part of the Master Plan so that is not going in totally with a clean slate for that process.

Mr. Vincent stated that he is impressed with the whole document. It is really going to help the City progress because it opens up thoughts and ideas and gives the opportunity for different points of views. As far as the referendum voting issue, Mr. Vincent stated that he agrees with Mrs. Stainbrook, and is not concerned about it unless there is a discussion about it for any period of time in the near future.

Mrs. Stainbrook stated that there will be many things in the Master Plan that will come before Council that will require an up/down vote and she looks at Goal 4 as one of those.

Mr. Mace stated that he likes the document as a whole, except that Goal 4 jumped out at him and really went against what he believes is right with the City. People get the right to vote on these types of things. Adopting it with striking Goal 4 may be the way that we can vote for the plan and really put down in the record that we disagree with Goal 4.

Mr. Tadych stated that Page 22 which describes our Parks and Recreation doesn’t describe Columbia Road Park. A small park, but the only waterfall in the City that amounts to anything. It is a well-used park, so it is surprising that it is omitted.

Mrs. Lieske noted that she did find one typographical error. Page 56 references “See highlight on Page 47.” There is no highlight on Page 47; it is actually Page 57.

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

Kendall Travis, 30816 Lake Road, regarding Lake Road Traffic.

Mr. and Mrs. Mark Travis, 30816 Lake Rd., one driveway west of Bradley Road on the north side of Lake Road, addressed Council regarding safety concerns with motorists passing stopped school busses. The Travis’s have three children and three school busses pick up the children at their home. Bus 9 is equipped with a camera. Bus 9, Bus 17 and Bus 18 all have strobe lights which help in the winter when it is dark. The camera has only caught four or five people passing, even though more have passed. The issue is bigger than wanting cameras on Busses 17 and 18. People are not paying attention on the curve. Speed is very high. Motorists behave rudely to them when they are turning into their driveway. They do not have crosswalks for the children to get across the street. Years ago, former Service Director Dan Galli, was to do a traffic survey. That was never done. That would be the next step to rectify the issue. A traffic light at the intersection would change the traffic pattern, and people would see that versus the big yellow bus that is flashing lights that they don’t pay attention to and pass. The Travis children would be able to ride their bikes to Westerly School or the Middle School. Right now their middle child is crossed by his father in the morning and then takes Bradley Road to Wolf Road where there are crosswalks and crossing guards. But on the way home, he has to go down Cahoon Road to Lake and cross at Huntington, just to make sure he is safe because there is no one available at the end of the day to get him across at Bradley and Lake Road. When the
children are at Westerly, they would have to go four miles east to get back to their house. The children are penalized because they live on the north side of Lake Road.

Left turns off of Bradley Road are very difficult. A great example would be the Travis’ heading westbound with the right turn signal on, but people sitting at Bradley cannot see it, so they see the opportunity to get behind the Travis to make their left turn. Oncoming traffic is coming, the Travis’s are slowing down, and they are now in the middle of the intersection because the Travis’s are turning right into their driveway.

The last thing is that if you are heading north on Bradley it is a right hand turn from the right hand turn lane only. They have witnessed people going west on Lake Road to turn left to go south bound on Bradley going up the right turn only lane. There could be a head-on collision.

Mayor Koomar stated that they can definitely look at the idea of the traffic survey.

Mr. Henderson stated that he has spoken with Mrs. Travis in the past and he has also heard from other residents who live on Bradley Road that share the opinion that a traffic light would be useful at the intersection of Bradley Road and Lake Road.

Police Chief Spaetzel stated that Bradley and Lake Road is an interesting intersection because of the way it is designed. The Cahoon and Lake Road intersection used to be designed the same way. There is a little island in the middle, going off in separate directions. One way to fix that, and fix some of these issues, would be to create a normal intersection there. The bigger issue is the amount of traffic and speeding on Lake Road. Some will say that the police spend too much time on Lake Road enforcing the speed limit laws, and others will say not enough. Lake Road is a state route, and to do anything there would require a traffic study. The state will have to determine if a light would be appropriate at the intersection. In the past they have not been in favor of putting lights on Lake Road just for the sake of regulating speed. The need would be to show a large amount of traffic at Bradley Road and Lake Road to justify the light. Some of the information provided by Mrs. Travis would be helpful.

Mayor Koomar stated that he is meeting with the City’s consulting engineer on Tuesday, June 6 and they will start to do some research on the traffic study. Mrs. Travis asked the process after the traffic study is done. Mayor Koomar explained that in the state code there are certain requirements that need to be met to warrant a traffic signal. Once it is warranted, the type of device must be chosen. There are Hawk Signals of the type that the City has applied for on Columbia Road and Lake Road. There are straight-up traffic signals, and enhanced crosswalk areas that cities use. It would have to be determined as to what type of signal would best improve the safety of the intersection.

Mr. Travis asked if a crosswalk is something the City would approve, or does this happen at the state level. Mayor Koomar stated that the process would be to look at the traffic study, and since he is the representative to the Northeast Ohio Areawide Coordinating Agency (NOACA) to get their input and possible assistance.
Chief Spaetzel stated that he would never suggest a pedestrian crossing at the intersection that was not a Hawk Signal. The signal stops the traffic.

Mr. Vincent asked the fine for the passing of the school bus. Chief Spaetzel stated that the fine is minor; the court costs increase it to $250. Passing a school bus is a Misdemeanor. There were eight violations cited last year. The bus lights do not go red until the door is opened. The bus drivers have chosen to put on the amber caution lights to make sure traffic is going to stop before they open the door to put on the red lights in an effort to prevent cars from continuing. Cars may pass a school bus before the red lights are in effect.

Mr. Clark stated that the administration will do some follow-up and keep this issue front and center. He noted that we do face a significant amount of traffic coming in from Lorain County now due to the growth in Avon and Avon Lake.

Mrs. Stainbrook stated that she would be interested in seeing the numbers and the increased volume, noting that previously the warrant was not met for changes.

Mr. Travis asked what their next step will be. Mayor Koomar will connect with Mr. Travis the week of June 12 to inform him of what progress has been made.

Mr. Tadych asked if the police could work with the School Board to allow the bus driver to turn on the red lights before they open the door of the bus. Mr. Travis said the drivers have changed their script as far as when they approach, changing the distance where they stop away from the intersection. The drivers now stop, turn on the yellow lights, allow the flow of traffic to pass, turn on the reds and then open the doors. They give the drivers an opportunity to clear before turning on the red lights. But, there are times when drivers are distracted or traveling in a fast pack where they will pass the bus when the red lights are on.

Mr. Clark suggested a follow-up plan for this issue.

Ohio Criminal Justice Services Grant – Request approval to accept grant if approved, in the amount of with 25% matching cost to City to continue investigate efforts in the Amy Mihaljevic case.

Chief Spaetzel stated that in 2016 a $40,000 grant was received for the Amy Mihaljevic investigation. It is the desire to continue the investigation and the Chief would like to apply for a continuation of the grant in the amount of $30,000, requiring a 25% match, or $7,500 to continue the progress they have already started. Council expressed support for the resolution which will be introduced at the Regular Meeting of Council this evening.

FINANCE & CLAIMS COMMITTEE-Clark

Establishment of a Community House Renovation Fund.
Finance Director Mahoney has asked for a special revenue fund for receipt and expenditures of money set aside for renovation of the Community House. An ordinance to establish this fund will be introduced at the Regular Meeting of Council to be held this evening.

Disposal of abandoned bicycles to the Village Bicycle Cooperative.

Law Director Ebert explained that the court has granted the authority to the City to donate 59 abandoned bicycles to the Village Bicycle Cooperative. Chief Spaetzel noted that the Police Department used to sell the bicycles through auction and it actually cost the City more to conduct the auction than the proceeds realized. He noted that the Village Bicycle Cooperative does great things with the bicycles as far as getting them to people in need.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske

Committee Update

- Chapter 1149.01 regarding Accessory Use or Structure
- Chapter 1141.04 regarding Accessory Buildings, Structures and Uses
- Chapter 1359.01 regarding Air Conditioning Equipment Installation Requirements.

Amendment to Codified Ordinance Chapter 1351.

Mrs. Lieske presented a summary of the topics discussed at the Planning, Zoning, Public Buildings and Grounds Committee this evening at 6:30 p.m. There is more research required regarding the Accessory Use or Structure Chapters of 1149.01 and 1141.04. Law Director Ebert will acquire samples of legislation for further consideration.

Chapter 1359.01 regarding air conditioning equipment installation requirements was changed to add in other similar equipment to address some of the things that have come forward recently.

SAFEbuilt, Inc.

Mrs. Lieske stated that she has been in contact with Mayor Koomar and Law Director Ebert about issues that Mr. Tadych and she have heard about in terms of SAFEbuilt, Inc. Mr. Ebert stated that this is in regard to an annual renewable fee for rental housing. He received a list today from SAFEbuilt of paid and unpaid fees. The question came up as to a notification process. Mrs. Lieske stated that this would be favorable. The person that came to Mrs. Lieske stated that he did not receive notification of the annual fee and did not have the date in mind. He was very upset that without any type of notice that the fee was due he was charged a fine for being late. Mr. Tadych noted that Mrs. Lieske had two complaints, and he had one complaint.

Mr. Vincent said that in certain cities the property owners just receive a violation notice and a fine ranging from a Minor Misdemeanor to a Fourth Degree Misdemeanor.
Mr. Tadych stated that he talked to a resident from Ward 1 and he said the fine was $100. Looking over the ordinances Mr. Tadych cannot find how the fine got to be $100. It looks like we are overcharging because Ordinance 1365.09 says $75. Mr. Ebert stated that he will review the process and the ordinances. Mr. Tadych stated that if the property owners have been mischarged we may have been doing so for a year.

Mr. Mace stated that he has discussed with Mr. Ebert the situation with a Bed and Breakfast in the City. Mr. Ebert stated that they have notified the owner of a property on Lake Road, who now lives in Chicago. The home is listed as available for rent for $1,750 a night, or $1,950 for the weekend, for up to 14 people with ample parking. The owner has been notified and the way this came up is a neighbor had called about the garbage out front, the amount of cars parked and the number of people in the house. The owner has been put on notice that the practice needs to cease and desist. If it is found back on the internet the City will be taking the matter to court. The owner stated that she is trying to sell the house and this was her means of raising revenue to offset the expense since the death of her husband.

Mrs. Lieske stated that the amendment to Chapter 1351 is on the agenda for the Regular Meeting of Council this evening. Mrs. Lieske asked Mr. Ebert to elaborate for the Council. She contacted Mr. Ebert after reviewing the City Charter and the responsibilities spelled out for the Director of the Service Department to be the one that sets the grade lines. Now, we are switching that over to our consulting engineer.

Mr. Ebert stated that a new amendment to the ordinance has gone out that designates the Building Director or his designee. The Service Director has never set the grade. This goes back in years to when the City had an in-house Building Department and an Engineering Department who used to set the grade for construction. When the City eliminated the Building Department and contracted out to SAFEbuilt, Inc. that was one of the items that was missed. It was brought out on the Humiston area. Last year and this year the City has designated an engineering firm to set grade. Bramhall Engineering is now under contract with the City for this service for a set fee when construction starts and when construction finishes.

Section 4.6 of the City Charter deals with public works and public construction projects, i.e., sewers and roadways. The Director of Public Service and Properties designates an engineer for projects and he reports back to the Director of Public Service and Properties.

Mayor Koomar stated that it is the responsibility of SAFEbuilt, Inc. to watch for builders that are not in compliance with the process of notifying the Building Department and Engineer for the setting of the grade, and to engage Bramhall accordingly. If the Building Department sees that a top of wall inspection was not completed and someone is starting to frame, it is SAFEbuilt’s responsibility to call Bramhall Engineering and engage them accordingly. A report will be received from SAFEbuilt on a monthly basis.

Mr. Ebert suggest holding the amendment to Chapter 1351 this evening and placing it on the agenda for the June 12, 2017 meeting of Council for first reading.
Mr. Tadych asked the difference between the natural grade and the finished grade. He stated he believes the natural grade is before the building begins, and the finished grade may be higher. Mr. Grassi stated that the natural grade is before the house is built. The finished grade is after the home is built. Mr. Tadych stated that before the house is built there is a grade that the neighbors see and feel. After the house is built that grade may change, not only because of the house but because of the soils of the house as it comes out toward the street. Mr. Grassi stated that it may change to allow the water flow of the property.

Mrs. Lieske will be taken on a tour of properties in Ward 1 by Mr. Tadych in regard to property grades.

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

Mr. Henderson asked the Mayor to comment on where the City stands in regard to development in Avon Lake near the Walker Road Park area.

Mayor Koomar stated that there are residents’ concerns. There was a fact finding meeting on May 23 with Dave Banjoff, Jon Liskovic, Mayor Koomar, Avon Lake Mayor Zilka, Avon Lake Service Director Joe Reitz, and Avon Lake Service Department Foreman Eddie Moran. They received a history of the property. There is additional construction west of the current Hunt Club and the City of Bay Village concern is that the retention basin in Walker Road Park is not harmed by future construction. Avon Lake will require that the flow go north and be so maintained. There was a change in the homeowners association and the Avon Lake Service Director is working with them in that regard. This will be monitored by both Joe Reitz and Jon Liskovic. There will be another protective swale for reinforcement for the upper retention pond. There were questions on the lower retention pond. The Mayor noted that he wants to make sure the anecdotal conversation matches the documents that they are given. Mr. Liskovic is in the process of pulling together all of the information. A date will be set in the next week to review the information which will address most of the concerns.

Mr. Henderson expressed appreciation to the Mayor for obtaining this information. The concerns have been about soil being piled up and the way the fishing works. The soil is wet and the concerns expressed have been valid. The Mayor stated that there are drains in the property. Mr. Tadych stated that the area was a wetland when they developed the property. Mayor Koomar noted that the part of the park directly north of the retention pond, due east of the parking lot, is a certified wetland, which was part of the agreement between the cities of Avon Lake and Bay Village.

Land to the west of the Walker Road Park that is owned by an Avon Lake developer has caused concern to a resident. The Environmental Protection Agency (EPA) has been contacted and they have no concerns. There has been no Notice of Intent for anything on that property and the EPA feels they have no need to investigate further.

Mr. Henderson suggested including the Walker Road Park ad hoc committee in the informational process as well as the Public Improvements Committee.
Mayor Koomar noted that the Ohio Department of Natural Resources will manage the retention program for the Catch and Keep fishing program in Walker Road Park. They will restock the fish and manage the condition of the water.

**RECREATION & PARKS IMPROVEMENT COMMITTEE- Mace**

**Mr. Mace** announced that the Cuyahoga County Library will sponsor two dialogue sessions for the proposed, new Bay Village Library. The sessions will be held on two Wednesdays, June 7 and June 14, from 6 p.m. to 7 p.m. The June 7 session will be held at the Dwyer Memorial Center. The June 14 session will be held at the Bay Village Branch Library, 502 Cahoon Road. The dialogue sessions will be an opportunity to obtain information and ask questions relative to the proposed, new Bay Village Library. The library has sent notices to 3000 Bay Village Library card holders. Both sessions will be identical.

Mrs. Lieske asked the protocol for the meetings if people come from other communities. Will they be given the opportunity to speak as well, or would that be after Bay residents have the opportunity to speak?

Mayor Koomar stated that six or seven stations focusing on certain components will be set up for information and questions.

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE- Tadych**

Fiber Optic Lines to Bay Village Library building, 502 Cahoon Road.

**Mr. Tadych** stated that the Interim Service Director will ask for permission this evening to seek proposals to install fiber optic lines to the Bay Village Library building, 502 Cahoon Road.

Mr. Liskovic stated that currently the branch at 502 Cahoon Road does not have fiber optic lines. Ninety percent of communications amongst City buildings is on fiber optic. With the thought of possibly having the Recreation Department or another City department move to the building in the future to utilize the space as the City inherits the building, the installation of fiber optic lines is a cost to be considered.

Mayor Koomar stated that they have asked the library for a history of their operating costs and a capital study on needed improvements over the next five to ten years.

Mr. Tadych asked what type of expense is expected for the fiber optic lines. Miss Popovich put together some information that indicates that the total run for service is estimated to be about $51,000. The run includes securing pole rights on a section of Cahoon Road, and making sure there are enough poles to carry the wire. Bailey Communications is working further to gain more information.

Mayor Koomar commented that this is the first of several steps to determine costs for future use of the library building.
Mr. Tadych stated that the library building is in the Resident Three Zoning District and he is concerned about putting something there that is not a City entity. Mayor Koomar stated that the first steps are to complete the needed preparations for the new library building. When this is completed they will approach the use of the former building. The Board of Education is not interested in the building.

AUDIENCE

The opportunity for audience comments were held until the Regular Meeting of Council immediately following this meeting.

There being no further discussion, the meeting adjourned at 8:36 p.m.

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Dwight A. Clark, President of Council  Joan Kemper, Clerk of Council
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
ACCEPTING SETTLEMENT FUNDS RECEIVED BY THE CITY OF BAY VILLAGE
IN CONNECTION WITH A CLASS ACTION INVOLVING THE OHIO DEPARTMENT
OF NATURAL RESOURCES (ODNR),
AND DECLARING AN EMERGENCY.

WHEREAS, there was a class action matter (State ex rel. Robert Merrill, Trustee, et al v. State of Ohio Department of Natural Resources, et al. Case No. 04CV001080 filed in connection with the Ohio Department of Natural Resources (ODNR) which action involves an issue concerning alleged taking of property as to the determination as to ownership of property adjacent to Lake Erie; and

WHEREAS, a dispute existed between the high water mark and property to water’s edge and the definition thereof as to ownership; and

WHEREAS, a class action settlement was reached in connection with this dispute;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village, Ohio;

SECTION 1. That the City received as a result of the class action suit two checks, one in the sum of Three Thousand Five Hundred Seventy-Six Dollars and Thirty-Eight Cents ($3,576.38) and a second in the sum of One Thousand Seven Hundred Eighty-Eight Dollars and Nineteen Cents ($1,788.19) which is the City’s settlement proportion in connection with submerged land leases for property owned by the City of Bay Village.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to authorize the filing of said application in a timely manner, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

___________________________
PRESIDENT OF COUNCIL

___________________________
CLERK OF COUNCIL
APPROVED:

__________________________________
MAYOR

6/8/17 LL
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING SECTION 1351 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING DETERMINATION OF GRADE LINES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Section 1351 which presently reads as follows:

CHAPTER 1351
Determination of Grade Lines

1351.01 Natural grade and finished grade defined.
1351.02 Fee for determining grades.
1351.03 Grade lines.
1351.04 Director of Public Service and Properties to establish grades.
1351.05 Grade line permits.
1351.06 Drainage of surface water.
1351.07 Positive drainage to be provided; nuisances abated.
1351.08 Drainage protection to adjoining lots.
1351.99 Penalty.

1351.01 NATURAL GRADE AND FINISHED GRADE DEFINED.
For the purposes of this chapter the following terms, phrases, words and their derivatives shall have the meaning given in this section:
(a) “Natural grade” is the elevation of the undisturbed natural surface of the ground.
(b) “Finished grade” is the elevation of the finished surface, in its slope in reference to a horizontal plane of the ground adjoining any structure.
(Ord. 16-49. Passed 6-27-16.)

1351.02 FEE FOR DETERMINING GRADES.
No person shall be issued a building permit for any structure whatsoever until a fifty-five dollar ($55.00) fee is paid to the Building Director to cover costs in determining, reviewing or fixing grades.
(Ord. 16-49. Passed 6-27-16.)

1351.03 GRADE LINES.
No building permit shall be issued until grade lines have been determined or reviewed by the Director of Public Service and Properties and established and indicated on the plans submitted; provided, however, no grade line permit shall be necessary nor shall a fee be charged therefor when the work called for in the application for a building permit either (i) consists entirely of interior work to an existing structure; or (ii) consists of exterior work to an existing structure or
the construction of a building accessory to an existing main use when, in the opinion of the Director of Public Service and Properties, such work does not require the setting of a grade line different from the grade line already established.

(Ord. 16-49. Passed 6-27-16.)

**1351.04 DIRECTOR OF PUBLIC SERVICE AND PROPERTIES TO ESTABLISH GRADES.**

(a) The Director of Public Service and Properties shall be charged with the duty and final determination of natural grade lines and shall review or establish grade lines for all streets, sidewalks, boulevard, sanitary and storm sewers and structures of every kind and description.

(b) Prior to requesting a footer inspection and Certificate of Occupancy, the builder or owner shall request verification of the bottom of footer elevation and finished ground grade, to be certified by the City’s engineer that the grade complies with the submitted plot plan.

(c) All grade sheet/plot plans shall be based on the natural grade found on the existing lot and shall remain consistent with the grade on adjoining lots. Finished grade at the foundation of new structures shall not be set in excess of 6" higher than the highest elevation existing at the lot lines on adjoining lots. If existing grades of adjoining lots are at different elevations, grade for subject lot will be set at the average height of the adjoining lots. Any changes to approved grade plan must be submitted for review prior to commencing construction. Exceptions will be made in extreme situations if surface run-off can be maintained on this lot and conveyed to the storm sewer or natural watercourse, without creating a nuisance per Section 1351.08.

(d) The required plot plans shall show natural grade elevations along property lines at 25' intervals, location of all structures and corresponding elevations of its foundation components, yard drain locations, swales and drainage direction lines. In the case of minor subdivisions, drainage plans, for all lots, must be submitted and reviewed prior to issuance of a building permit for any of the lots.

(e) Final finished grade shall comply with Sections 1351.06, 1351.07 and 1351.08.

(Ord. 16-49. Passed 6-27-16.)

**1351.05 GRADE LINE PERMITS.**

(a) **Permit Required.** A grade line permit must be obtained from the Building Director by any person before said person or another, (i) begins construction of a new sidewalk, curb, curb-cut, driveway or driveway apron, or (ii) before any existing sidewalk, curb-cut, driveway or driveway apron is altered or repaired, where, as a result of such alteration or repair, the grade line as set by the City, or the existing grade line where no grade line has been set, will be changed.

(b) **Application.** An applicant for a permit hereunder shall file with the Building Director an application showing:

(1) Name and address of the owner;

(2) Name and address of the party doing the work;

(3) Location of the work area;

(4) Attached plans showing details of the proposed alteration;

(5) Such other information as the Building Director shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

(c) **Issuance.** Such permit shall be issued upon the filing of the application required in subsection (b) above and the payment of a fee of fifty-five dollars ($55.00), and the determination of the Director of Public Service and Properties as to the proper grade line.
1351.06 DRAINAGE OF SURFACE WATER.
   (a) Whenever the surface of a lot or plot, or portion thereof, is excavated, filled, graded or hard-surfaced with impervious material, positive drainage shall be provided so that a nuisance will not be created.
   (b) Catch basins properly connected to storm sewer or other approved provisions, such as underdrains, shall be made where water may pocket, to preclude the accumulation of surface water.
   (c) Existing natural ground drainage of the ground area surrounding the lot or plot excavated, filled or graded shall not be impeded.
   (d) Surface water shall not be drained onto adjacent properties.
   (e) When a lot or section of ground is graded, it shall be incumbent upon the owner of such lot to provide that the lot is graded to the natural grade of the lots adjoining such lot, on both sides, and to the lot in the rear of such lot and, in such a manner, that surface water does not drain onto the aforesaid adjoining lots or lands.

(Ord. 16-49. Passed 6-27-16.)

1351.07 POSITIVE DRAINAGE TO BE PROVIDED; NUISANCES ABATED.
   No condition shall be created nor any existing condition maintained whereby there will be upon any lot or plot excavations, depressions, pits, holes, gullies or similar depressions which may accumulate and retain surface water and which may become a public hazard or nuisance. Any such condition shall be properly abated and protected by filling or by providing positive drainage.

(Ord. 16-49. Passed 6-27-16.)

1351.08 DRAINAGE PROTECTION TO ADJOINING LOTS.
   When it is found necessary to grade a lot higher or lower finished grade than the natural grade of adjoining property on the sides and to the rear of such lot, it shall be incumbent upon the owner of the lot to get permission from the Director of Public Service and Properties to change to a higher or lower finished grade. It shall be further incumbent upon the owner of the lot to provide suitable retaining walls or other approved protection on his property to protect the adjacent property from the drainage of surface and sub-surface waters and further to protect the adjacent property from caving of earth and to assist in the maintaining of the existing natural grade of such adjacent property.

(Ord. 16-49. Passed 6-27-16.)

1351.99 PENALTY.
   (a) Whoever violates any provisions of this chapter or fails to conform to the grade line set or reviewed by the Director of Public Service and Properties shall be deemed guilty of a fourth degree misdemeanor.
   (b) Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 16-49. Passed 6-27-16.)

be and the same is hereby amended to read:
CHAPTER 1351
Determination of Grade Lines

1351.01 Natural grade and finished grade defined.
1351.02 Fee for determining grades.
1351.03 Grade lines.
1351.04 The Building Department or its Designee Director of Public Service and Properties to establish grades.
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(Ord. 16-49. Passed 6-27-16.)

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(a) Building Department or its Designee The Director of Public Service and Properties shall be charged with the duty and final determination of natural grade lines and shall review or
establish grade lines for all streets, sidewalks, boulevard, sanitary and storm sewers and structures of every kind and description.

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(b) Application. An applicant for a permit hereunder shall file with the Building Department or its Designee Building Director an application showing:

(1) Name and address of the owner;
(2) Name and address of the party doing the work;
(3) Location of the work area;
(4) Attached plans showing details of the proposed alteration;
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offense. (Ord. 16-49. Passed 6-27-16.)

and present Chapter 1351 is repealed.

SECTION 2. That this Council finds and determines 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 of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

________________________
PRESIDENT OF COUNCIL

__________________________
CLERK OF COUNCIL

APPROVED:

__________________________
MAYOR

4-12-176-5-17 LL
LETTER OF TRANSMITTAL

To: City of Bay Village  
350 Dover Center Road  
Bay Village, OH  44140

Date: 5/19/17  
KS Job No.: 16279  
BG:

Attention: Clerk of Council

RE: Resolution for Revised Submerged Land Lease at 27238 Lake Road, Bay Village, OH

WE ARE SENDING YOU ☒ Attached  ☐ Under separate cover via the following items
☐ Shop drawings  ☐ Prints  ☐ Plans  ☐ Samples  ☐ Specifications
☐ Copy of Letter  ☐ Change order  ☐

<table>
<thead>
<tr>
<th>COPIES</th>
<th>DATE</th>
<th>NO.</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5/19/17</td>
<td>16279</td>
<td>Corps of Engineers &amp; ODNR Permit and Submerged Land Lease Application</td>
</tr>
</tbody>
</table>

THese ARE TRANSMITTED as checked below:

☒ For approval  ☐ Approved as submitted  ☐ Resubmit  copies for approval
☐ For your use  ☐ Approved as noted  ☐ Resubmit  copies for distribution
☐ As requested  ☐ Return for collections  ☐ Return  corrected prints
☐ PRINTS RETURNED AFTER LOAN TO US  ☐ FOR BID USE

REMARKS:

Please have City Council issue a resolution the revised submerged land lease for the attached proposed project at 27238 Lake Road, Bay Village, OH. Please call me if you have any questions. Send original of the resolution to ODNR and a copy to me. Thanks.

COPY TO: ODNR, Barker

SIGNED

John S. Matricardi, P.E.

If enclosures are not as noted, kindly notify us at once.

transmittal_bw

KS Associates, Inc.
Civil Engineers + Surveyors
260 Burns Road, Suite 100
Elyria, Ohio 44035
P 440 365 4730
F 440 365 4790
www.ksassociates.com
# GENERAL INFORMATION

1. Property owner name: Jeffrey L. & Pamela A. Barker

2. Mailing address:  
   27238 Lake Road  
   Bay Village, OH 44140

3. Home telephone number:


5. Email address: jeff@barkerlandscaping.com


7. Mailing address:  
   260 Burns Road, Suite 100  
   Elyria, Ohio 44035

8. Telephone number: 440-365-4730 Ext. 331

9. Fax Number: 440-365-4790

10. Email address: maticardi@ksassociates.com

11. Street address: 27238 Lake Road

12. Permanent parcel number(s): 203-02-004

13. City or township: Bay Village

14. County: Cuyahoga

15. Site location description (if necessary):  
   see location map

16. Submittals (check if enclosed):  
   [ ] Location map

17. Name of adjoining shoreline property owner(s)  
   Street address/city/state/zip code (include permanent mailing and local)  
   Robert M. Benser  
   27308 Lake Road, Bay Village, OH 44140

   Kenneth L. & Gretchen L. Thompson  
   27238 Lake Road, Bay Village, OH 44140

18. Brief description of the proposed structure or project (attach additional sheets if necessary):  
   To construct a new 10' wide by 34.5' long steel crib in an east-west direction at the end of the existing north steel crib. Install 50 L.F. of new 3-5 ton armor stone revetment along the toe of the existing shale bluff, and install 100 cy of sand profill (if required) as mitigation for the new revetment.

19. Anticipated start date: 7/17

20. Anticipated finish date: 9/17

21. To apply for an authorization, check the box below and complete the application on the reverse page:  
   [X] Shore Structure Permit  
   [ ] Submerged Lands Lease  
   [ ] Coastal Erosion Area Permit  
   [ ] Shore Structure Permit Modification  
   [X] Submerged Lands Lease Modification  
   [X] Consistency Statement

---

Form DNR 2012 Rev. 05/2012  
Application page 1 of 2
### SHORE STRUCTURE PERMIT APPLICATION

<table>
<thead>
<tr>
<th>1. Professional Engineer: John S. Matricardi, P.E.</th>
<th>2. Ohio registration number: 044003</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Mailing address: KS Associates, Inc.</td>
<td>4. Phone number: 440-365-4730 Ext. 331</td>
</tr>
<tr>
<td>260 Burns Road, Suite 100</td>
<td>5. Fax number: 440-365-4780</td>
</tr>
<tr>
<td>Elyria, Ohio 44035</td>
<td>6. Email address: <a href="mailto:matricardij@ksassociates.com">matricardij@ksassociates.com</a></td>
</tr>
</tbody>
</table>

### SUBMERGED LANDS LEASE APPLICATION

| 1. Total Area of Submerged Lands to be Occupied: 1,618 sf (0.0371 acres) |
| 2. Upland deed recording information [Deed book] [Deed page] 20/20924/039 |
| 3. Local Authority Issuing Resolution: City of Bay Village Date issued: To Be Submitted |
| 4. Was any Portion of the Structure Erected in Lake Erie Prior to October 13, 1955? □ Yes □ No |
| 5. Brief Explanation of the Purpose of the Structure or Project (attach additional sheets if necessary): The purpose of the new steel crib is to provide wave protection to boats docked on the west side of the north crib during temporary docking at the property. The purpose of the new 50 L.F. of armorstone revetment is to provide toe erosion protection to the face of the bluff. Toe scouring is evident in the project photographs attached. |
| 6. Submittals (check if enclosed): □ Construction drawings □ Copy of title deed □ Metes & bounds description and plat □ Local resolution or ordinance To Be Submitted □ Legal documentation of signature authority |

### COASTAL EROSION AREA PERMIT APPLICATION

| 1. Authorization Type: □ Existing □ New Measure Date Built (if existing): |
| 2. Upland deed recording information [Deed book] [Deed page] |
| 3. Construction start date for the building or addition: |
| 4. Brief description of the building or addition (attach additional sheets if necessary): |
| 5. Submittals (check if enclosed): □ Construction drawings □ Permanent structure drawings □ Copy of title deed □ Construction schedule □ Design information |

### SIGNATURE AND CONSISTENCY STATEMENT

I certify that the proposed activity identified in this application shall comply with Ohio’s approved Coastal Management Program and will be conducted in a manner consistent with such program (15 CFR 930.57 and ORC 1506.03).

I do additionally certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true, complete and accurate.

Signature of Property Owner or Authorized Agent: Jeffrey L. & Pamela A. Barker

Date: 5-31-17

Application page 2 of 2

MAIL TO: Ohio DNR Office of Coastal Management, 105 West Shoreline Drive, Sandusky OH 44870
U.S. ARMY CORPS OF ENGINEERS
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
33 CFR 325. The proponent agency is CECW-COR.

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT
Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.  
2. FIELD OFFICE CODE  
3. DATE RECEIVED  
4. DATE APPLICATION COMPLETE

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME
First - Jeffrey L.  
Middle -  
Last - Barker
Company -
E-mail Address - jeffjbarkerlandscaping.com

8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
First - John  
Middle - S.  
Last - Matricardi
Company - KS Associates, Inc.
E-mail Address - MatricardiJ@KSAssociates.com

6. APPLICANT'S ADDRESS:
Address- 27238 Lake Road
City - Bay Village  
State - Ohio  
Zip - 44140  
Country - USA

9. AGENTS ADDRESS:
Address- 260 Burns Road, Suite 100
City - Elyria  
State - Ohio  
Zip - 44035  
Country - USA

7. APPLICANT'S PHONE NOs. w/AREA CODE
a. Residence  
b. Business  
c. Fax
440-232-1115  
440-232-1125  

10. AGENTS PHONE NOs. w/AREA CODE
a. Residence  
b. Business  
c. Fax
440-365-4730 x 331  
440-365-4790

STATEMENT OF AUTHORIZATION

11. I hereby authorize, John S. Matricardi, to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

[Signature]

5-3-17

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)
Additional Shoreline Improvements at 27238 Lake Road, Bay Village OH

13. NAME OF WATERBODY, IF KNOWN (if applicable)
Lake Erie

14. PROJECT STREET ADDRESS (if applicable)
Address 27238 Lake Road
City - Bay Village  
State - Ohio  
Zip - 44140

15. LOCATION OF PROJECT
Latitude: N 41d 29' 23.60"  
Longitude: W 81d 55' 18.08"

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)
State Tax Parcel ID 203-02-004
Municipality - Bay Village
Section - Township - Original Dover  
Range -
17. DIRECTIONS TO THE SITE
Take Rt.90 West to Route 252 Columbia Road, go North to Route 8 Lake Road. Turn left and go to 27238.

18. Nature of Activity (Description of project, include all features)
To construct a new 10' wide by 34.5' long steel crib in an east-west direction at the end of the existing north steel crib. Install 50 L.F. of new 3-5 ton armor stone revetment along the toe of the existing shale bluff, and install 100 cy of sand prefll (if required) as mitigation for the new revetment.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)
The purpose of the new steel crib is to provide wave protection to boats docked on the west side of the north crib during temporary docking at the property. The purpose of the new 50 L.F. of armorstone revetment is to provide toe erosion protection to the face of the bluff. Toe scouring is evident in the project photographs attached.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge
To install the new 3-5 ton armor stone for the revetment and to install the new ODOT "B" Stone in the new steel crib. Sand prefll will also be provided unless a waiver is issued in accordance with the new NWP regulation to become effective march 2017.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount in Cubic Yards</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Armor Stone</td>
<td>72 cy (46cy below OHW)</td>
<td>ODOT &quot;B&quot; Stone</td>
<td>67.03 cy (48.5cy below OHW)</td>
<td>Sand pre-fill</td>
<td>100 cy (all below OHW)</td>
</tr>
</tbody>
</table>

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

<table>
<thead>
<tr>
<th>Acres</th>
<th>0.019436 Acres (for new crib pier and new revetment) or</th>
</tr>
</thead>
</table>

23. Description of Avoidance, Minimization, and Compensation (see instructions)
The armor stone revetment is being placed at a minimum 1.5:1 slope to reduce the area of fill required. The steel crib is constructed to at a minimum width of 10 feet to provide the necessary wave protection. Both structures will provide excellent fish habitat.
24. Is Any Portion of the Work Already Complete? ☐ Yes  ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address - 27308 Lake Road (Robert M. Bensman)
   City - Bay Village  State - Ohio  Zip - 44140

b. Address - 27236 Lake Road (Kenneth L. & Gretchen L. Thompson)
   City - Bay Village  State - Ohio  Zip - 44140

c. Address -
   City - State - Zip -

d. Address -
   City - State - Zip -

e. Address -
   City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>TYPE APPROVAL*</th>
<th>IDENTIFICATION NUMBER</th>
<th>DATE APPLIED</th>
<th>DATE APPROVED</th>
<th>DATE DENIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>ODNR</td>
<td>Permit &amp; Lease Rev.</td>
<td></td>
<td>2/4/17</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

☐ Jeffrey L. Barker
☐ Pamela A. Barker

SIGNATURE OF APPLICANT
Jeffrey L. & Pamela A Barker

5-31-17

SIGNATURE OF AGENT
John Matricardi, P.E.

5-31-17

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.
KS Associates Project #16279

Additional Shoreline Improvements at

27238 Lake Road Bay Village OH

Photo 1. Looking at existing steel cribs from top of access stairs. 1/19/17
Photo 2. Looking at west side of existing north crib from west end of existing south crib. 1/19/17

Photo 3. Looking at existing south crib from west end of existing south crib. 1/19/17
Photo 4. Looking at east end of existing south crib from north end of existing north crib. 1/19/17

Photo 5. Looking at west end of existing south crib from north end of existing north crib. 1/19/17
BAY VILLAGE OHIO 44140
AT 27238 LAKE ROAD
ADDITIONAL SHORELINE IMPROVEMENTS
Revetment Design

A 30 Year Design Water Level 574.9 ft IGLD 1985
Reference Ohio Coastal Design Manual, ODNR 2010 Avon point to Rocky River

B Design Wave Height
Toe of structure 570.0 ft IGLD 1985
Water depth at toe, \( d_s \) 4.9 ft
\[ H_b = 0.78d_s \]
Design wave height, \( H_b \) 3.8 ft

C Armor Stone Size

Hudson's Equation
\[ W_{50} = \frac{\omega_r H_b^3}{k_d (S_r - 1)^3 \cot \theta} \]
Unit weight of armor stone, \( \omega_r \) 165 lb/ft\(^2\)
Slope stability coefficient, \( k_d \) 2 for rough angular quarry stone
Specific weight ratio, \( S_r \) 2.64
Structure Slope, Cot \( \theta \) 1.5

Median armor stone size, \( W_{50} \) 691 lbs Use 3-5 ton armor stone
0.35 tons with 3-5 ton toe stone.

D Wave Run-up and Overtopping

Calculate Surf Similarity Parameter
\[ \xi = \frac{\tan \theta}{\sqrt{2\pi H_b/gT^2}} \]
Structure Slope, Tan \( \theta \) 0.67
Gravitational Acceleration, \( g \) 32.2 ft/s\(^2\)
Wave Period (assumed), \( T \) 8 s (assumed)
Surf Similarity Parameter, \( \xi \) 6.18

Calculate Wave Run-up
\[ R = \frac{H_b (a \xi)}{1 + (b \xi)} \]
Coefficient, \( a \) 0.775
Coefficient, \( b \) 0.361
Wave Run-up 5.7 ft
Wave run-up elevation 580.6 ft IGLD 1985

Set crest elevation at 576 feet IGLD 1985. Property Owner accepts and understands risks of setting crest height lower than the calculations specify
Revetment to serve as added protection for toe of bluff
Steel Crib Pier Design

A 30 Year Design Water Level 574.9 ft IGLD 1985 avon point to rocky river
Reference Ohio Coastal Design Manual, ODNR 2010

B Design Wave Height

Depth Limited Waves (Breaking)
Toe of structure 569 ft IGLD 1985
Water depth at toe, $d_i$ 5.9 ft
$H_b = 0.78d_i$
Design wave height, $H_b$ 4.6 ft

C Overtopping

Wave Crest Elevation
$\eta = \alpha H_b + DWL$ *for a wave about to break, $\alpha = 0.7$
Wave crest elevation, $\eta$ 578.1 ft IGLD 1985
Crest of Structure 576.0 ft IGLD 1985

The design water level is above the cap elevation of the structure. Therefore, the crib pier will be overtopped during design storm conditions. The functionality of the structure for access to floating docks and recreational vessels requires a low cap elevation. The recreational intent of the structure will limit its use during design storms.
Crib Pier Stability

Consider forces on 10' x 34.5' Section

I. Forces
Calculate forces due to gravity, buoyancy, waves, friction and pile resistance.
Horizontal hydrostatic forces will be equal on all sides of pier.

II. Weight Study

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit Weight</th>
<th>Total [lb]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stone Crib Fill</td>
<td>ODOT &quot;B&quot; Stone</td>
<td>67.0 yd³</td>
<td>3200 lbs/yd³</td>
<td>214400</td>
</tr>
<tr>
<td>Concrete Cap</td>
<td>Concrete</td>
<td>345.0 ft³</td>
<td>145 lbs/ft³</td>
<td>50025</td>
</tr>
<tr>
<td>Longitudinal Rebar</td>
<td>#5 Rebar</td>
<td>340 if</td>
<td>1.043 lb/ft</td>
<td>355</td>
</tr>
<tr>
<td>Transverse Rebar</td>
<td>#5 Rebar</td>
<td>318.25 if</td>
<td>1.043 lb/ft</td>
<td>332</td>
</tr>
<tr>
<td>Corner Tubes</td>
<td>8x8x5/16</td>
<td>26.8 if</td>
<td>31.8 lb/ft</td>
<td>852</td>
</tr>
<tr>
<td>Anchor Piles</td>
<td>W6x20</td>
<td>35.2 if</td>
<td>20 lb/ft</td>
<td>704</td>
</tr>
<tr>
<td>Transverse Frames</td>
<td>6x6x5/16</td>
<td>288 if</td>
<td>23.3 lb/ft</td>
<td>6710</td>
</tr>
<tr>
<td>Vertical Frames</td>
<td>6x6x5/16</td>
<td>84 if</td>
<td>23.3 lb/ft</td>
<td>1957</td>
</tr>
<tr>
<td>Longitudinal Cribbing</td>
<td>C8x13.75</td>
<td>90 if</td>
<td>13.75 lb/ft</td>
<td>1237.5</td>
</tr>
<tr>
<td>Transverse Cribbing</td>
<td>C8x13.75</td>
<td>335 if</td>
<td>13.75 lb/ft</td>
<td>4606</td>
</tr>
</tbody>
</table>

Total Weight 8150.12 lbs/ft
4.1 tons

III. Buoyant Forces

Depth of Structure, ds 5.9 ft at design water level
Footprint Area 10 ft²
Submerged Volume 59 ft³
Porosity 70% Assumed
Volume Displaced 41.3 ft³
Specific Weight 62.4 lb/ft³ for fresh water
Buoyant Force 2577.12 lb/ft
1.3 tons

IV. Wave Forces

Calculate wave forces using Goda Formula for irregular wave forces modified to include impulsive forces from head-on breaking waves (based on EM1110-2-1100)
Definitions

Structure length, $L_c$: 34.5 ft
Structure width, $B$: 10 ft
Depth of structure toe, $h_s$: 4.2 ft
Height above foundation, $h_w$: 6.8 ft
Height above DWL, $h_c$: 2.6 ft
Foundation width, $B_m$: 0 ft
Depth of structure, $d$: 4.2 ft
Total depth of structure, $h'$: 4.2 ft
Nearshore Slope, $\phi$: 0.01
Coefficient of Friction, $m$: 0.7
Gravity, $g$: 32.2 ft/s$^2$
Specific weight of water, $\gamma_w$: 62.4 lb/ft$^3$

Design Wave
Design wave height, $H_{design}$: 4.6 ft
Design wave period, $T_s$: 6.0 s (max peak spectral period for WIS Station 92099)
Depth at $5^*H_{design}$, $h_c$: 6.3 ft (assuming 1 degree nearshore slope)
Design wave length, $L$: 85.5 ft
Wave angle from structure, $\beta$: 0 degrees

Modifications to the Goda Formula to include impulsive forces from head-on breaking waves:

$$\delta_{22} = -0.36 \left( \frac{B_m}{L} - 0.12 \right) + 0.93 \left( \frac{h_s - d}{h_s} - 0.6 \right) \delta_{22}^{-0.51}$$

$$\delta_2 = \begin{cases} 4.9\delta_{22}, & \text{for } \delta_{22} \leq 0 \\ 3\delta_{22}, & \text{for } \delta_{22} > 0 \end{cases}$$

$$\delta_2 = -2.52$$
\[
\delta_{11} = 0.93 \left( \frac{B_m}{L} - 0.12 \right) + 0.36 \left( \frac{h_s - d}{h_s} - 0.6 \right)
\]

\[
\delta_{11} = -0.33
\]

\[
\delta_1 = \begin{cases} 
20 \delta_{11} & \text{for } \delta_{11} \leq 0 \\
15 \delta_{11} & \text{for } \delta_{11} > 0
\end{cases}
\]

\[
\delta_1 = -6.55
\]

\[
\alpha_{11B} = \begin{cases} 
\cos \delta_2 \\
1
\end{cases}
\cosh \delta_1
\begin{cases} 
\cosh \delta_2 & \text{for } \delta_2 \leq 0 \\
\cosh \delta_1 \cosh \delta_2 & \text{for } \delta_2 > 0
\end{cases}
\]

\[
\alpha_{11B} = 0.018
\]

\[
\frac{H_{\text{design}}}{d} = 1.10
\]

\[
\alpha_{10B} = \begin{cases} 
\frac{H_{\text{design}}}{d} & \text{for } \frac{H_{\text{design}}}{d} \leq 2 \\
2.0 & \text{for } \frac{H_{\text{design}}}{d} > 2
\end{cases}
\]

\[
\alpha_{10B} = 1.10
\]

\[
\alpha_B = 0.020
\]

\[
\alpha_{2B} = \text{the smallest of} \left( \frac{h_b - d}{3h_0} \left( \frac{H_{\text{design}}}{d} \right)^2 \right) \text{ and } \left( \frac{2d}{H_{\text{design}}} \right)
\]

\[
\alpha_{2B} = 0.133
\]

\[
\alpha_* = \text{the largest of } \alpha_2 \text{ and } \alpha_1
\]

\[
\alpha_* = 0.133
\]

Select structure type modifications
- \( \lambda_1 \) = 1 Assumed
- \( \lambda_2 \) = 1 Assumed
- \( \lambda_3 \) = 1 Assumed

Calculate wave pressure coefficients
\[
\alpha_1 = 0.6 + 0.5 \left( \frac{4\pi h_s/L}{\sinh(4\pi h_s/L)} \right)^2
\]

\[
\alpha_1 = 1.04
\]

\[
\alpha_2 = \alpha_{2B} = 0.133
\]

\[
\alpha_3 = 1 - \frac{h_w - h_c}{h_s} \left( 1 - \frac{1}{\cosh(2\pi h_s/L)} \right)
\]

\[
\alpha_3 = 0.95
\]

\[
\alpha_* = 0.133 \text{ calculated above}
\]
Calculate Wave Pressures

\[ \eta^* = 0.75(1 + \cos \beta) \lambda_1 H_{\text{design}} \]

\[ \eta^* \quad \text{6.90 ft} \quad \text{Overtopped} \]

\[ P_1 = 0.5(1 + \cos \beta)(\lambda_1 \alpha_1 + \lambda_2 \alpha_2 \cos^2 \beta) \rho_w g H_{\text{design}} \]

\[ P_1 \quad 337.3 \text{ lb/ft}^2 \]

\[ P_2 = \begin{pmatrix} \frac{h_c}{\eta^*} & P_1 \quad \text{for } \eta^* > h_c \\ 0 & P_2 \quad \text{for } \eta^* \leq h_c \end{pmatrix} \]

\[ P_2 \quad 210.2 \text{ lb/ft}^2 \]

\[ P_3 = \alpha_3 P_1 \]

\[ P_3 \quad 321.8 \text{ lb/ft}^2 \]

\[ P_U = 0.5(1 + \cos \beta) \lambda_3 \alpha_3 \rho_w g H_{\text{design}} \]

\[ P_U \quad 285.2 \text{ lb/ft}^2 \]

Determine Levels of Uncertainty - Assume mean values from table VI-5-55

\[ U_{FH} \quad 0.9 \]

\[ U_{FU} \quad 0.77 \]

\[ U_{LH} \quad 0.81 \]

\[ U_{MU} \quad 0.72 \]

Calculate Forces on Pier

\[ F_H = U_{FH} \left( \frac{1}{2} (P_1 - P_2) h_c + \frac{1}{2} (P_1 + P_3) h^* \right) \]

Horizontal Force, \( F_H \)

\[ 1886 \text{ lb/ft of structure} \]

\[ 18862 \text{ lb (total)} \]

\[ F_U = U_{FH} \frac{1}{2} P_U \theta \]

Uplift Force, \( F_U \)

\[ 1098 \text{ lb/ft of structure} \]

\[ 37887 \text{ lb (total)} \]

V. Resultant Weight

\[ \text{Weight} \quad 8150.12 \text{ lb/ft} \]

\[ \text{Buoyant Force} \quad 2577.12 \text{ lb/ft} \]

\[ \text{Wave Uplift Force} \quad 1098 \text{ lb/ft} \]

\[ \text{Resultant Weight} \quad 4475 \text{ lb/ft} \]

VI. Friction

\[ \text{Angle of friction at rest, } \theta \quad 35 \text{ degrees} \]

\[ \text{Coeff. of static friction, } \mu \quad 0.70 \]

\[ \text{Normal Force} \quad 4475 \text{ lb/ft} \]

\[ \text{Friction Force} \quad 3133.314 \text{ lb/ft} \]
VII. Pile Resistance to Shear Loading

Use rigid analysis for pile constrained by crib framing based on International Building Code 1805.7.2

Min depth of embedment, Z 2 ft
Allowable Soil Pressure, S 800 lb/ft² based on Section 1804.3
Width of Foundation, B 0.5 ft
Distance to shear load, H 3.4 ft (assume 1/2 crib pier height)

\[ V = \frac{D_{\min}^2 S B}{4.25 H} \]

Shear Load Per Pile, V 111 lb per pile
No. of Piles 4 piles
Total Shear Resistance 443 lb
13 lb/ft

VIII. Sliding Stability

Total Stabilizing Forces
Friction 3133.314 lb/ft
Pile Resistance 13 lb
Total 3146 lb/ft

Total Anti-Stabilizing Forces
Wave Forces 1886 lb/ft
Total 1886 lb/ft

Factor of Safety 1.7

IX. Overturining Stability

Stabilizing Moments
Structure Weight 5573 lb/ft (adjusted for buoyancy)
Moment Arm 17.25 ft
Weight Moment 96134.25 lb-ft/ft

Anti-Stabilizing Moments
Horizontal wave force 1886 lb/ft
Moment Arm 2.8 ft
Wave Moment 5281.473 lb-ft/ft
Wave uplift force 1098 lb/ft
Moment arm 6.7 ft
Uplift moment 7321.097 lb-ft/ft
Total anti-stabilizing 12602.57 lb-ft/ft

Factor of safety 7.6

These factors of safety are conservative as they do not take into account the dissipation of wave energy in the matrix of rough, angular stone in the crib or the additional stabilization from the connections to adjacent sections of cribbing.
KNOW ALL MEN BY THESE PRESENTS that I, ERIN M. BUTLER nbm ERIN M. HILL, MARRIED TO PATRICK HILL, the Grantor who claims title by or through instrument recorded at Document No. 2005702201177, Cuyahoga County Recorder’s Office, for the consideration of Ten Dollars ($10.00) received to my full satisfaction of JEFFERY L. BARKER and PAMELA A. BARKER, husband and wife, for their joint lives, remainder to the survivor of them, whose TAX MAILING ADDRESS will be 27238 Lake Road, Bay Village, Ohio, 44140, do give, grant, bargain, sell and convey unto the said Grantees, their heirs and assigns, the following REAL PROPERTY located at 27238 Lake Road, Bay Village, Ohio, 44140:

Situated in the City of Bay Village, County of Cuyahoga and State of Ohio: And known as being part of Original Dover Township Lot No. 95, and bounded and described as follows:

Beginning on the center line of West Lake Road, at a point 300 feet Westerly, measured along said center line, from its intersection with the Easterly line of Original Lot No. 95, said point being also the Southeasterly corner of land conveyed to Estella W. Betz by deed dated September 29, 1917, and recorded in Volume 2011, Page 146 of Cuyahoga County Records;

Thence Easterly along the center line of West Lake Road, a distance of 50 feet;

Thence Northerly parallel to the Easterly line of premises so conveyed to Estella W. Betz to the Southerly line of Lake Erie;

Thence Westerly along the Southerly line of Lake Erie to the Northeasternly corner of land conveyed to Estella W. Betz, as aforesaid;
Thence Southerly along the Easterly line of land so conveyed to Estella W. Betz, to the place of beginning, be the same more or less, but subject to all legal highways.

Excepting from the above described premises, any part thereof resulting through change in the course of the shore line of Lake Erie, occasioned by other than natural causes or by natural causes other than accretion.

Permanent Parcel No. 203-02-004

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof unto the said Grantees, their heirs and assigns forever.

And I, ERIN M. BUTLER nbm ERIN M. HILL, the said Grantor do for myself and my heirs, executors and administrators covenant with the said Grantees, their heirs and assigns, that at and until the ensealing of these presents, I am well seized of the above described premises, as a good and indefeasible estate in FEE SIMPLE, and have good right to bargain and sell the same in manner and form as above written, and that the same are free and clear of all liens and encumbrances whatsoever except any mortgage assumed by purchaser, such restrictions, conditions, easements (however created) and encroachments as do not materially adversely affect the use or value of the property, zoning ordinances, if any, and taxes and assessments, both general and special, for the current half of the taxable years, and thereafter, and that I will WARRANT AND DEFEND said premises, with the appurtenances thereunto belonging to the said Grantees, their heirs and assigns, against all lawful claims and demands whatsoever except as stated above.

And for valuable consideration I, PATRICK HILL, do hereby remise, release and forever quit-claim unto the said Grantees, their heirs and assigns, all my right and expectancy of Dower in the above describe premises.

IN WITNESS WHEREOF, we have hereunto set our hands this 21st day of September, 2012.

ERIN M. BUTLER nbm ERIN M. HILL

PATRICK HILL

B. Hill
Situated in the City of Bay Village, County of Cuyahoga and State of Ohio and known as being submerged lands lying adjacent to Original Dover Township Lot No. 95, Township 7 North, Range 15 West of the Connecticut Western Reserve and being more particularly bounded and described as follows:

Beginning at a PK Nail set at the southwesterly corner of lands conveyed to Jeffery L. and Pamela A. Barker by deed recorded in AFN No. 201209241037 of the Cuyahoga County Records, and on the centerline of Lake Road, 60 feet wide, said point being South 85 degrees 36 minutes 53 seconds West 300.00 feet from a 3/4 inch iron pin monument found at the intersection of the centerline of Lake Road and the easterly line of said Original Lot No. 95; Thence along the westerly line of said Barker lands, North 08 degrees 07 minutes 31 seconds West a distance of 30.06 feet to the northerly line of Lake Road, said point being witnessed by a 5/8 inch iron pin with "Kole & Assoc." cap found 0.10 feet south therefrom; Thence continuing along the westerly line of said Barker lands North 08 degrees 07 minutes 31 seconds West a distance of 402.25 feet to a point on the natural shoreline of Lake Erie as observed on January 20, 2017 and the PRINCIPAL PLACE OF BEGINNING of the herein described lease premises:

Course 1) Thence with arc of a non-tangent curve deflecting to the right, having a radius of 14.00 feet, a central angle of 80 degrees 19 minutes 31 seconds, the chord of which bears North 41 degrees 42 minutes 43 seconds East 18.06 feet, an arc distance of 19.63 feet to a point of tangency;

Course 2) Thence North 81 degrees 52 minutes 29 seconds East a distance of 22.45 feet;

Course 3) Thence with the arc of a curve deflecting to the right, having a radius of 13.64 feet, a central angle of 89 degrees 18 minutes 15 seconds, the chord of which bears South 53 degrees 28 minutes 24 seconds East 19.17 feet, an arc distance of 21.26 feet to the natural shoreline of Lake Erie;

Course 4) Thence along the natural shoreline of Lake Erie, South 81 degrees 52 minutes 29 seconds West a distance of 4.33 feet;

Course 5) Thence continuing along the natural shoreline of Lake Erie, North 79 degrees 19 minutes 59 seconds West a distance of 5.54 feet;

Course 6) Thence continuing along the natural shoreline of Lake Erie North 88 degrees 52 minutes 51 seconds West a distance of 5.48 feet;

Course 7) Thence continuing along the natural shoreline of Lake Erie Thence South 81 degrees 26 minutes 02 seconds West a distance of 27.04 feet;
Course 8) Thence continuing along the natural shoreline of Lake Erie South 77 degrees 19 minutes 10 seconds West a distance of 7.90 feet to the Principal Place of Beginning and containing 0.0112 acres (490 square feet) of land, according to a survey by Christopher J. Dempsey, Professional Land Surveyor No. 6914 of Dempsey Surveying Company on April 25, 2017.

Basis of Bearings: Bearings are based on an assumed bearing of North 08 degrees 07 minutes 31 seconds West for the centerline of Dover Center Road.

[Signature]
Christopher J. Dempsey, PS
Professional Surveyor No. 6914
LEGAL DESCRIPTION
PARCEL NO. 2
SUBMERGED LAND LEASE

Situated in the City of Bay Village, County of Cuyahoga and State of Ohio and known as being submerged lands lying adjacent to Original Dover Township Lot No. 95, Township 7 North, Range 15 West of the Connecticut Western Reserve and being more particularly bounded and described as follows:

Beginning at a PK Nail set at the southwesterly corner of lands conveyed to Jeffery L. and Pamela A. Barker by deed recorded in AFN No. 201209241037 of the Cuyahoga County Records, and on the centerline of Lake Road, 60 feet wide, said point being South 85 degrees 36 minutes 53 seconds West 300.00 feet from a 3/4 inch iron pin monument found at the intersection of the centerline of Lake Road and the easterly line of said Original Lot No. 95; Thence along the westerly line of said Barker lands, North 08 degrees 07 minutes 31 seconds West a distance of 30.06 feet to the northerly line of Lake Road, said point being witnessed by a 5/8 inch iron pin with “Kole & Assoc.” cap found 0.10 feet south therefrom; Thence continuing along the westerly line of said Barker lands North 08 degrees 07 minutes 31 seconds West a distance of 402.25 feet to a point on the natural shoreline of Lake Erie as observed on January 20, 2017; Thence with arc of a non-tangent curve deflecting to the right, having a radius of 14.00 feet, a central angle of 53 degrees 34 minutes 39 seconds, the chord of which bears North 28 degrees 20 minutes 17 seconds East 12.62 feet, an arc distance of 13.09 feet to the PRINCIPAL PLACE OF BEGINNING of the herein described lease premises:

Course 1) Thence North 08 degrees 07 minutes 31 seconds West a distance of 1.50 feet;

Course 2) Thence South 81 degrees 52 minutes 29 seconds West a distance of 2.00 feet;

Course 3) Thence North 08 degrees 07 minutes 31 seconds West a distance of 12.00 feet;

Course 4) Thence North 81 degrees 52 minutes 29 seconds East a distance of 24.50 feet;

Course 5) Thence North 08 degrees 07 minutes 31 seconds West a distance of 30.00 feet;

Course 6) Thence South 81 degrees 52 minutes 29 seconds West a distance of 24.50 feet;

Course 7) Thence North 08 degrees 07 minutes 31 seconds West a distance of 10.00 feet;

Course 8) Thence North 81 degrees 52 minutes 29 seconds East a distance of 34.50 feet;

Course 9) Thence South 08 degrees 07 minutes 31 seconds East a distance of 40.00 feet;
Course 10) Thence North 81 degrees 52 minutes 29 seconds East a distance of 5.50 feet;

Course 11) Thence South 08 degrees 07 minutes 31 seconds East a distance of 12.00 feet;

Course 12) Thence South 81 degrees 52 minutes 29 seconds West a distance of 33.75 feet;

Course 13) Thence South 08 degrees 07 minutes 31 seconds East a distance of 0.15 feet;

Course 14) Thence with arc of a non-tangent curve deflecting to the left, having a radius of 14.00 feet, a central angle of 18 degrees 19 minutes 27 seconds, the chord of which bears South 64 degrees 17 minutes 19 seconds West 4.46 feet, an arc distance of 4.48 feet to the Principal Place of Beginning and containing 0.0259 acres (1128 square feet) of land, according to a survey by Christopher J. Dempsey, Professional Land Surveyor No. 6914 of Dempsey Surveying Company on April 25, 2017.

Basis of Bearings: Bearings are based on an assumed bearing of North 08 degrees 07 minutes 31 seconds West for the centerline of Dover Center Road.

Christopher J. Dempsey, PS
Professional Surveyor No. 6914