Resolution No. 15-615

Date: August 4, 2015

Title: Resolution Establishing a Public Watercourse by Agreement of Owner of Evergreen Abbey, Plats 1, 2 & 3 Subdivision - Storm Water Detention and Maintenance ~ Petition Number 1027

Department/Agency: Lucas County Engineer’s Office

Contact: Brian W. Miller, PE, Drainage Engineer

Summary/Background: As part of the conditions for approval of the Final Plat of Evergreen Abbey, Plats 1, 2 & 3 Subdivision, the developer was required to make provisions for storm water drainage facility to be maintained by the County if not maintained by the Home Owner’s Association. This is initiated by a petition from the property owner. Josh Doyle, Developer, owner of the land being developed, has agreed to construct at his own expense, drainage improvements in accordance with Lucas County Standards.

The County Engineer has advised the Board that the agreement, plan and schedules are approved for construction by the property owner. The County Engineer, by filing his certificate of approval with the Board, requests the Board to set a hearing date on the proposed maintenance assessments.

We estimate the first year maintenance to be $500 plus $400 for the public notice for a total of $900 to be assessed over 44.881 acres. It should be noted that the $900 assessment was set low because the Owners Association is proposing to do the maintenance on the detention facility initially.

Budget Impact: The budget line item 1030-2950-512180-D1027 should be set up and $900 should be transferred from 1030-2950-500000 into that line item.

Statutory Authority/ORC: Ohio Revised Code Section 6131.63

Commissioner Gerken offered the following resolution:

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

Section 1. That in accordance with Section 6131.63 of the Ohio Revised Code, to set for September 15, 2015, 11:00 a.m. local time in the Commissioners Hearing Room, One Government Center, as the time and place to hear any evidence offered for or against the assessments for maintenance and any questions or benefits to the property owner, the ditch area being described in Attachment A attached hereto.

Section 2. That the Clerk of the Board is to provide the County Auditor with a copy of the agreement, plan and schedules to establish a public watercourse in the drainage records of the County.

Section 3. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public in compliance with the law.
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Section 4. This resolution shall be in full force and effect from and immediately upon its adoption.

Action Taken:

Commissioner Gerken voted yes
Commissioner Contrada voted yes
Commissioner Skeldon Wozniak voted yes

Jody L. Balogh, Clerk
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<tr>
<th>Amount</th>
<th>Description</th>
<th>Address and Name</th>
<th>Parcel</th>
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<tr>
<td>$181.88</td>
<td>336.54'FT 1 NW T4 LOT 3 PARTITION PLAT EXCS</td>
<td>Whitehouse, OH 43721 10460 Ocee Road Monclova Rd Development Co., LLC</td>
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<td>$552.68</td>
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<td>$165.44</td>
<td>135FT 8 EXC W 112FT S 388.93'FT AC BEING A 7.36AC PT EXC SL 335 FT E</td>
<td>Whitehouse, OH 43721 10460 Ocee Road Monclova Rd Development Co., LLC</td>
<td>38-0312</td>
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**Petition #1277**
**Evergreen Abbey, Plats 1, 2 & 3 Subdivision**
AGREEMENT

We, the owner of the property described in Exhibit "A" attached hereto, located in Monclova Township, Lucas County, Ohio (the "Property"), do agree to the following improvements to be constructed on the Property, at our expense, as per the plans prepared by Oravec & Associates, LLC, Professional Engineers registered in Ohio, and approved by the Lucas County Engineer.

1. All conduit draining to and outletting from retention pond.

We further request the Clerk of the Board of Lucas County Commissioners to proceed with the maintenance assessment procedure and hearing as described in Ohio Revised Code Section 6131.63.

In the event that, and at such time as, the Lucas County Engineer determines that the owner or owners of the Property are not properly maintaining the above mentioned improvements, we understand that the Lucas County Engineer shall have the right to implement maintenance assessments to be determined by the Lucas County Engineer in accordance with applicable provisions of law.

OWNER:
Monclova road Development Company, LLC

By: [Signature]
Josh Doyle Developer

By: [Signature]
Mike Melillo
Vice President

6-22-15 Date
LEGAL DESCRIPTION

That part of Lots 3, 4, 5, 6 and 8 of the Partition Plat of the Northwest Fractional quarter (1/4) of Town One (1), Section Four (4) Monclova Township, Lucas County, Ohio.

Commencing at the Southeast corner of the Northwest 1/4 of Section 4 being a iron pin in a monument box.

dence North 00°-04'-34"-West along the East line of said Lot 3 also being the West line of the Plat of Olde Farm Addition a distance of 336.54 feet to the Point of Beginning;

dence continuing North -00°-04'-34"-West along the East line of said Lot 3 a distance of 1309.25 feet to a point said doing being the Northeast corner of sad Lot 3;

dence South -89°-52'-57"-West along the North line of Lots 3, 4 and 8 a distance of 1423.09 feet to a point said point being the Northwest corner of said Lot 8;

dence South -80°-01'-55"- East along the West line of said Lot 8 a distance of 1253.94 feet to a point that is 388.93 feet North of the South line of the Northwest ¼ of Section 4;

dence North-90°-00'-00"-East parallel to the South line of the Northwest ¼ of said Section 4, a distance of 112.00 feet to a point;

dence South- 00°-01'-55"-East parallel to the West line of said Lot 8 a distance of 52.39 feet to a point;

dence North-90°-00'-00"-East parallel to the South line of the Northwest ¼ of said Section 4 a distance of 136.00 feet to a point;

dence South-00°-01'-55"-East parallel to the West line of the said Lot 8 a distance of 336.54 feet to a point on the south line of the Northwest ¼ of said Section 4;

dence North-90°-00'-00"-East along the South line of the Northwest ¼ of said Section 4 a distance of 289.67 feet to the Southwest corner of Lot 7 in said Partition Plat;

dence North-00°-04'-34"-West along a West line of said Lot 7 a distance of 336.54 feet to a point said point being the Northwest corner of said Lot 7;

dence North-90°-00'-00"-East along the North line of said Lot 7 and said lot extended East a distance of 886.69 feet to the point of Beginning;

Containing 44.881 acres of land more or less of which 0.219 acres lie in the Monclova road right of way and subject to legal highways.