

APPLICATION FOR OHIO EPA SECTION 401 WATER QUALITY CERTIFICATION

Effective October 1, 1996
Revised August, 1998

RECEIVED

APR 25 2013

This application must be completed whenever a proposed activity requires an individual Clean Water Act Section 401 Water Quality Certification (Section 401 certification) from Ohio EPA. A Section 401 certification from the State is required to obtain a federal Clean Water Act Section 404 permit from the U.S. Army Corps Engineers, or any other federal permits or licenses for projects that will result in a discharge of dredged or fill material to any waters of the State. To determine whether you need to submit this application to Ohio EPA, contact the U.S. Army Corps of Engineers District Office with jurisdiction over your project, or other federal agencies reviewing your application for a federal permit to discharge dredged or fill material to waters of the State, or an Ohio EPA Section 401 Coordinator at (614) 644-2001.

The Ohio EPA Section 401 Water Quality Certification Program is authorized by Section 401 of the Clean Water Act (33 U.S.C. 1251) and the Ohio Revised Code Section 6111.03(P). Ohio Administrative Code (OAC) Chapter 3745-32 outlines the application process and criteria for decision by the Director of Ohio EPA. In order for Ohio EPA to issue a Section 401 certification, the project must comply with Ohio's Water Quality Standards (OAC 3745-1) and not potentially result in an adverse long-term or short-term impact on water quality. Included in the Water Quality Standards is the Antidegradation Rule (OAC Rule 3745-1-05), effective October 1, 1996, revised October, 1997 and May, 1998. The Rule includes additional application requirements and public participation procedures. **Because there is a lowering of water quality associated with every project being reviewed for Section 401 certification, every Section 401 certification applicant must provide the information required in Part 10 (pages 3 and 4) of this application.** In addition, applications for projects that will result in discharges of dredged or fill material to wetlands must include a wetland delineation report approved by the Corps of Engineers, a wetland assessment with a proposed assignment of wetland category (ies), official documentation on evaluation of the wetland for threatened or endangered species, and appropriate avoidance, minimization, and mitigation as prescribed in OAC 3745-1-50 to 3745-1-54. Ohio EPA will evaluate the applicant's proposed wetland category assignment and make the final assignment.

Information provided with the application will be used to evaluate the project for certification and is a matter of public record. If the Director determines that the application lacks information necessary to determine whether the applicant has demonstrated the criteria set forth in OAC Rule 3745-32-05(A) and OAC Chapter 3745-1, Ohio EPA will inform the applicant in writing of the additional information that must be submitted. The application will not be accepted until the application is considered complete by the Section 401 Coordinator. An Ohio EPA Section 401 Coordinator will inform you in writing when your application is determined to be complete.

Please submit the following to "Section 401 Supervisor, Ohio EPA/DSW, P.O. Box 1049, Columbus, Ohio 43216-1049:

- Four (4) sets of the completed application form, including the location of the project (preferably on a USGS quadrangle) and 8-1/2 x 11" scaled plan drawings and sections.
- One (1) set of original scaled plan drawings and cross-sections (or good reproducible copies).

(See Application Primer for detailed instructions)

1. The federal permitting agency has determined this project: (check appropriate box and fill in blanks)

- requires an individual 404 permit/401 certification- Public Notice # (if known) _____
- requires a Section 401 certification to be authorized by Nationwide Permit # _____
- requires a modified 404 permit/401 certification for original Public Notice # _____
- requires a federal permit under _____ jurisdiction identified by # _____
- requires a modified federal permit under _____ jurisdiction identified by # _____

2013 APR 23 AM 9:00

OHIO EPA - DSW

Click to clear all entered information (on all 4 pages of this form)

2. Application number (to be assigned by Ohio EPA):

3. Name and address of applicant:

HARRY L. JR. & YVONNE L. ALLEN
5085 LOCKWOOD ROAD
PERRY, OHIO 44081

Telephone number during business hours:

(440) 487-6667 (Residence)

() (Office)

3a. Signature of Applicant:

X Harry L. Allen
X Yvonne L. Allen

Date: April 18, 2013
April 18, 2013

4. Name, address and title of authorized agent:

MATRIX ENGINEERING INC.
12815 DETROIT AVENUE
LAKEWOOD, OHIO 44107

Telephone number during business hours:

() (Residence)

(216) 226-6520 (Office)

4a. Statement of Authorization: I hereby designate and authorize the above-named agent to act in my behalf in the processing of this permit application, and to furnish, upon request, supplemental information in support of the application.

Signature of Applicant:

X Harry L. Allen
X Yvonne L. Allen

Date: April 18, 2013
April 18, 2013

5. Location on land where activity exists or is proposed. Indicate coordinates of a fixed reference point at the impact site (if known) and the coordinate system and datum used.

Address:

41°49'02.22
81°06'30.09

5085 LOCKWOOD ROAD

Street, Road, Route, and Coordinates, or other descriptive location

LAKE ERIE	LAKE		NORTH PERRY	OHIO	44081
Watershed	County	Township	City	State	Zip Code

6. Is any portion of the activity for which authorization is sought complete? Yes No
If answer is "yes," give reasons, month and year activity was completed. Indicate the existing work on the drawings.

7. List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharge or other activities described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval	Date of Denial
CORPS OF ENGINEERS	PERMIT		01-21-13		
ODNR	PERMIT & LEASE		01-21-13		

8. DESCRIPTION OF THE ACTIVITY (fill in information in the following four blocks - 8a, 8b, 8c & 9)

8a. Activity: Describe the Overall Activity:

MINIMAL DEGRADATION ALTERNATIVE:
TO CONSTRUCT TWO (2) DETACHED ARMOR STONE BREAKWATERS (2-4 TON) 89' LONG AND ONE (1) ARMOR STONE GROIN (2-4 TON) 124.5' LONG AND PLACE 1,000 CY OF SAND PREFILL BEHIND THE BREAKWATERS AND GROIN ABOVE OHW.

PERSON ID: _____

PLACE ID: _____

DOCUMENT ID: 24408

ORGANIZATION ID: 106521

REVENUE ID: 930495

CHD 632275 PAID

Amount \$ 2474 Date 4/18/13

Check # 5262 Date 4/23/13

8b. Purpose: Describe the purpose, need and intended use of the activity:

TO PROVIDE LONG TERM EROSION PROTECTION TO THE SHORELINE OF THE PROPERTY AND PROVIDE A PERMANENT BEACH BETWEEN THE EXISTING SHEET PILE WALL AND NEW DETACHED BREAKWATERS.

8c. Discharge of dredged or fill material: Describe type, quantity of dredged material (in cubic yards), and quantity of fill material (in cubic yards). (OAC 3745-1-05(B)(2)(a))

MINIMAL DEGRADATION ALTERNATIVE:

EAST DETACHED BREAKWATER (2-4 TON) - 455 CY (450 CY BELOW OHW)
CENTER DETACHED BREAKWATER (2-4 TON) - 455 CY (450 CY BELOW OHW)
WEST GROIN (2-4 TON) - 565 CY (550 CY BELOW OHW)
SAND PREFILL - 1,000 CY ABOVE OHW
EAST BREAKWATER - 2,500 SF
CENTER BREAKWATER - 2,500 SF
WEST GROIN - 3,700 SF
TOTAL = 8,700 SF OF LAKE BOTTOM FILLED BELOW OHW

9. Waterbody and location of waterbody or upland where activity exists or is proposed, or location in relation to a stream, lake, wetland, wellhead or water intake (if known). Indicate the distance to, and the name of any receiving stream, if appropriate.

LATITUDE: 41 DEGREES 49'04" N

LONGITUDE: 81 DEGREES 06'29" W

APPROXIMATELY 900 FEET WEST OF THE INTERSECTION OF TOWNLINE ROAD AND LAKE ERIE.

10. To address the requirements of the Antidegradation Rule, your application must include a report evaluating the:

- o Preferred Design (your project) and Mitigative Techniques
- o Minimal Degradation Alternative(s) (scaled-down version(s) of your project) and Mitigative Techniques
- o Non-Degradation Alternative(s) (project resulting in avoidance of all waters of the state)

At a minimum, item a) below must be completed for the Preferred Design, the Minimal Degradation Alternative(s), and the Non-Degradation Alternative(s), followed by completion of item b) for each alternative, and so on, until all items have been discussed for each alternative (see Primer for specific instructions). (Application and review requirements appear at OAC 3745-1-05(B)(2), OAC 3745-1-05(C)(6), OAC 3745-1-05(C)(1) and OAC 3745-1-54).

- 10a) Provide a detailed description of any construction work, fill or other structures to occur or to be placed in or near the surface water. Identify all substances to be discharged, including the cubic yardage of dredged or fill material to be discharged to the surface water. (OAC 3745-1-05(B)(2)(b))
- 10b) Describe the magnitude of the proposed lowering of water quality. Include the anticipated impact of the proposed lowering of water quality on aquatic life and wildlife, including threatened and endangered species (include written comments from Ohio Department of Natural Resources and U.S. Fish and Wildlife Service), important commercial or recreational sport fish species, other individual species, and the overall aquatic community structure and function. Include a Corps of Engineers approved wetland delineation. (OAC 3745-1-05(C)(6)(a, b) and OAC 3745-1-54)

- 10c) Include a discussion of the technical feasibility, cost effectiveness, and availability. In addition, the reliability of each alternative shall be addressed (including potential recurring operational and maintenance difficulties that could lead to increased surface water degradation.) (OAC 3745-1-05(C)(6)(h, j-k) and OAC 3745-1-54)
- 10d) For regional sewage collection and treatment facilities, include a discussion of the technical feasibility, cost effectiveness and availability, and long-range plans outlined in state or local water quality management planning documents and applicable facility planning documents. (OAC 3745-1-05(C)(6)(i))
- 10e) To the extent that information is available, list and describe any government and/or privately sponsored conservation projects that exist or may have been formed to specifically target improvement of water quality or enhancement of recreational opportunities on the affected water resource. (OAC 3745-1-05(B)(2)(g))
- 10f) Provide an outline of the costs of water pollution controls associated with the proposed activity. This may include the cost of best management practices to be used during construction and operation of the project. (OAC 3745-01-05(C)(6)(g))
- 10g) Describe any impacts on human health and the overall quality and value of the water resource. (OAC 3745-1-05(C)(6)(c) and OAC 3745-1-54)
- 10h) Describe and provide an estimate of the important social and economic benefits to be realized through this project. Include the number and types of jobs created and tax revenues generated and a brief discussion on the condition of the local economy. (OAC 3745-1-5(B)(2)(e), and OAC 3745-1-05(C)(6)(i))
- 10i) Describe and provide an estimate of the important social and economic benefits that may be lost as a result of this project. Include the effect on commercial and recreational use of the water resource, including effects of lower water quality on recreation, tourism, aesthetics, or other use and enjoyment by humans. (OAC 3745-1-05(B)(2)(e,f), and OAC 3745-1-05(C)(6)(e))
- 10j) Describe environmental benefits, including water quality, lost and gained as a result of this project. Include the effects on the aquatic life, wildlife, threatened or endangered species. (OAC 3745-1-05 (B)(2)(e,f), OAC 3745-1-05 (C)(6)(b) and OAC 3745-1-54)
- 10k) Describe mitigation techniques proposed (except for the Non-Degradation Alternative):
 - o Describe proposed Wetland Mitigation (see OAC 3745-1-54 and Primer)
 - o Describe proposed Stream, Lake, Pond Mitigation (see Primer)

11. Application is hereby made for a Section 401 Water Quality Certification. I 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. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

X Harry L. Allen
 X Yvonne L. Allen
 Signature of Applicant
 Harry L. Jr. & Yvonne L. Allen

April 18, 2013
April 18, 2013
 Date

John S. Matricardi
 Signature of Agent
 John S. Matricardi, P.E.
 Matrix Engineering Inc.

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 3 has been filled out and signed.

RESPONSE TO QUESTION 10 FOR APPLICATION FOR OHIO EPA SECTION 401 WATER
QUALITY CERTIFICATION

10. A) Preferred Design Alternative: Construction of two detached armor stone breakwaters 99 and 94 ft. long and an armor stone groin 129.5 ft. long and place 1,000 CY of sand prefill along the shoreline of the property.

Fill Materials:

East Detached Breakwater (2-4 Ton) : 480 CY (475 CY Below OHW)

Center Detached Breakwater (2-4 Ton) : 500 CY (495 CY Below OHW)

West Groin (2-4 Ton) : 593 CY (576 CY Below OHW)

Sand Prefill : 1,000 CY Above OHW

East Detached Breakwater – 2,650 SF Below OHW + Center Detached Breakwater – 2,800 SF + West Groin - 3,850 SF = 9,300 SF of Lake Bottom Filled Below OHW

Minimal Degradation Alternative: Construction of two detached armor stone breakwaters 89 ft. long and an armor stone groin 124.5 ft. long, and place 1,000 CY of sand prefill along the shoreline of the property.

Fill Materials:

East Detached Breakwater (2-4 Ton) : 455 CY (450 CY Below OHW)

Center Detached Breakwater (2-4 Ton) : 455 CY (450 CY Below OHW)

West Groin (2-4 Ton) : 565 CY (550 CY Below OHW)

Sand Prefill : 1,000 CY Above OHW

East Detached Breakwater – 2,500 SF + Center Detached Breakwater – 2,500 SF + West Groin- 3,700 SF = 8,700 SF of Lake Bottom Filled Below OHW

Non-Degradation Alternative: The project would not be constructed and the Owner would not have a permanent beach along the shoreline of the property.

10. B.) There is no known medium or long term lowering of water quality due to the placement of armor stone in the waters of Lake Erie. There will be a temporary but short lived increase in turbidity levels during construction of the detached breakwaters, groin, and sand prefill for the Preferred and Minimal Degradation Alternatives. Fish habitat will be greatly increased with the new breakwater and groin.

10. C.) Preferred & Minimal Degradation Alternatives: These alternatives are technically feasible and materials are readily available. It is the most cost effective method to provide a permanent beach. This alternative is estimated to have a project lifetime of thirty (30) years before significant maintenance repairs will be required.

The construction of the Preferred Alternative is \$ 140,000 and the Minimal Degradation Alternative is \$ 132,000. The total OEPA review fee is based on the Preferred Alternative with $(475 + 495 + 576) = 1,516$ CY below OHW. The total fee is $1,516 \text{ CY} \times \$3.00/\text{CY} + \$ 200$ review fee = \$ 4,748 and half of fee $1,516 \text{ CY} \times \$3.00/\text{CY}/2 + \$200 = \$ 2,474.00$ and is enclosed with the application.

Non-Degradation Alternative: The elimination of the project is technically feasible and no materials are required but the increase in property taxes and submerged land lease fees will not be created and no increase in fish habit

10. D.) Question does not apply to the proposed project.

10. E.) There are no known environmental or recreational projects planned for the local region.

10. F) No water pollution controls are planned for either the Preferred or Minimal Degradation Alternatives since the relevant fill materials do not pollute the water resource. The Non-Degradation Alternative will be no change.

5085 Lockwood Road, North Perry, OH
January 21, 2013

10. G.) The Preferred and Minimal Degradation Alternatives do not impact human health or the medium or long term quality of the Lake Erie water resource. The Non-Degradation Alternative will not provide a permanent beach for the Owner. The project will also increase property taxes for the City of North Perry and submerged land lease fees for ODNR.

10. H.) The Preferred and Minimal Degradation Alternatives will create eight (4) jobs during construction for a period of 8 weeks and provide \$ 1,000 in local taxes. The submerged land lease will provide additional funds to ODNR to fund other projects and continue regulation of shoreline projects.

The project will also increase the property value which will provide additional property taxes to the City of North Perry.

The Non-Degradation Alternative will create nothing. The local economy is in a recession recovery.

10. I.) There are no anticipated social benefits to be lost as a result of either the Preferred or the Minimal Degradation Alternatives. The increase in property values, property taxes, and submerged land lease fees will not occur, thereby reducing the availability of these funds to the various Governmental Agencies for all the alternatives.

10. J.) There are no known medium or long term negative affects to water quality, aquatic life, wildlife, threatened or endangered species due to either the Preferred or Minimal Degradation Alternatives and fish habitat will be greatly increased with either of the two alternatives.

10. K.) The Preferred and Minimal Degradation Alternatives will provide a Native Ohio Vegetation Mitigation Area which is 14' to 20' wide by 150' long (3,000 SF) in an area North of the sheet pile wall along the West side of the property.

5085 Lockwood Road, North Perry, OH
January 21, 2013

10. G.) The Preferred and Minimal Degradation Alternatives do not impact human health or the medium or long term quality of the Lake Erie water resource. The Non-Degradation Alternative will not provide a permanent beach for the Owner. The project will also increase property taxes for the City of North Perry and submerged land lease fees for ODNR.

10. H.) The Preferred and Minimal Degradation Alternatives will create eight (4) jobs during construction for a period of 8 weeks and provide \$ 1,000 in local taxes. The submerged land lease will provide additional funds to ODNR to fund other projects and continue regulation of shoreline projects.

The project will also increase the property value which will provide additional property taxes to the City of North Perry.

The Non-Degradation Alternative will create nothing. The local economy is in a recession recovery.

10. I.) There are no anticipated social benefits to be lost as a result of either the Preferred or the Minimal Degradation Alternatives. The increase in property values, property taxes, and submerged land lease fees will not occur, thereby reducing the availability of these funds to the various Governmental Agencies for all the alternatives.

10. J.) There are no known medium or long term negative affects to water quality, aquatic life, wildlife, threatened or endangered species due to either the Preferred or Minimal Degradation Alternatives and fish habitat will be greatly increased with either of the two alternatives.

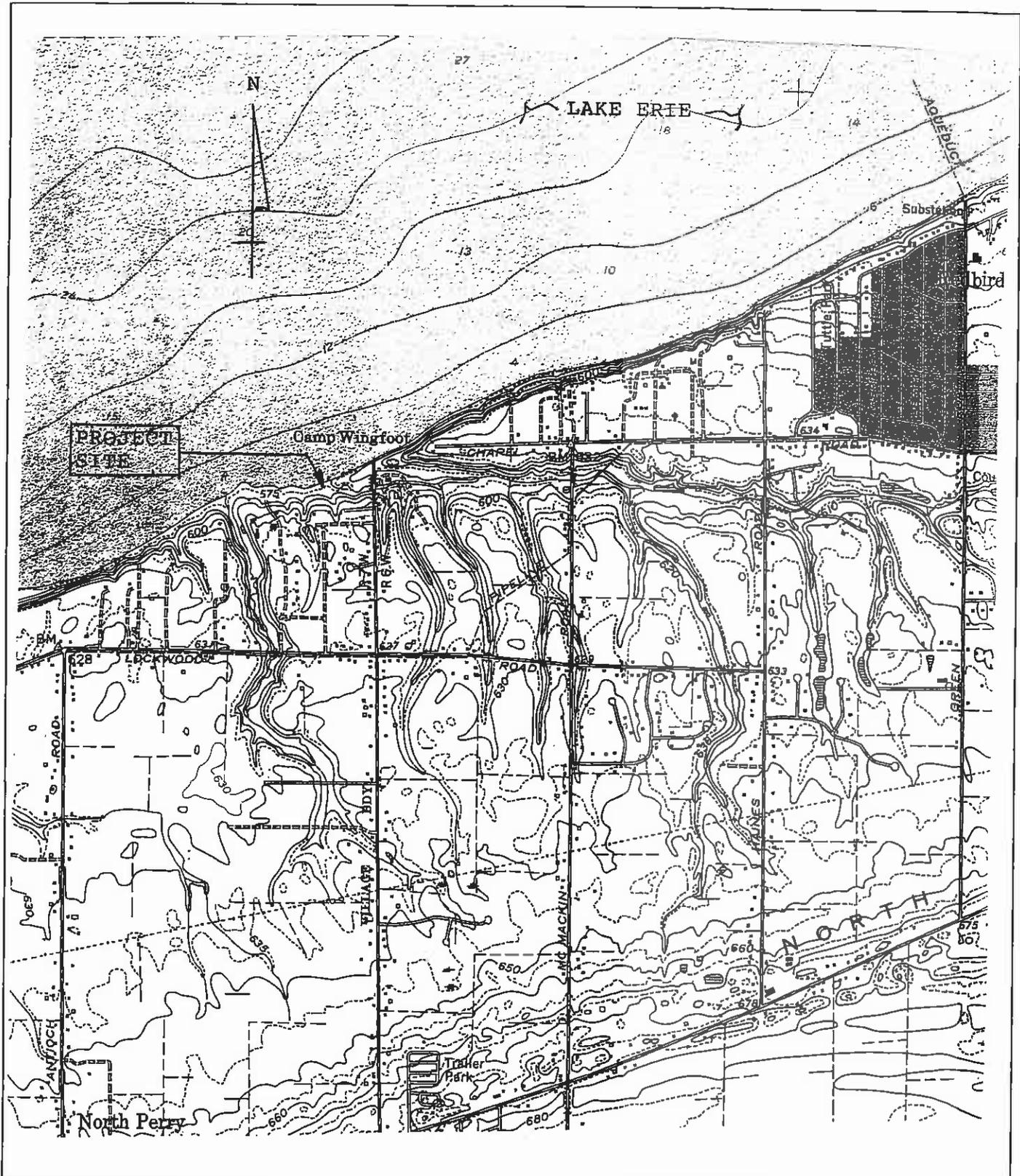
10. K.) The Preferred and Minimal Degradation Alternatives will provide a Native Ohio Vegetation Mitigation Area which is 14' to 20' wide by 150' long (3,000 SF) in an area North of the sheet pile wall along the West side of the property.



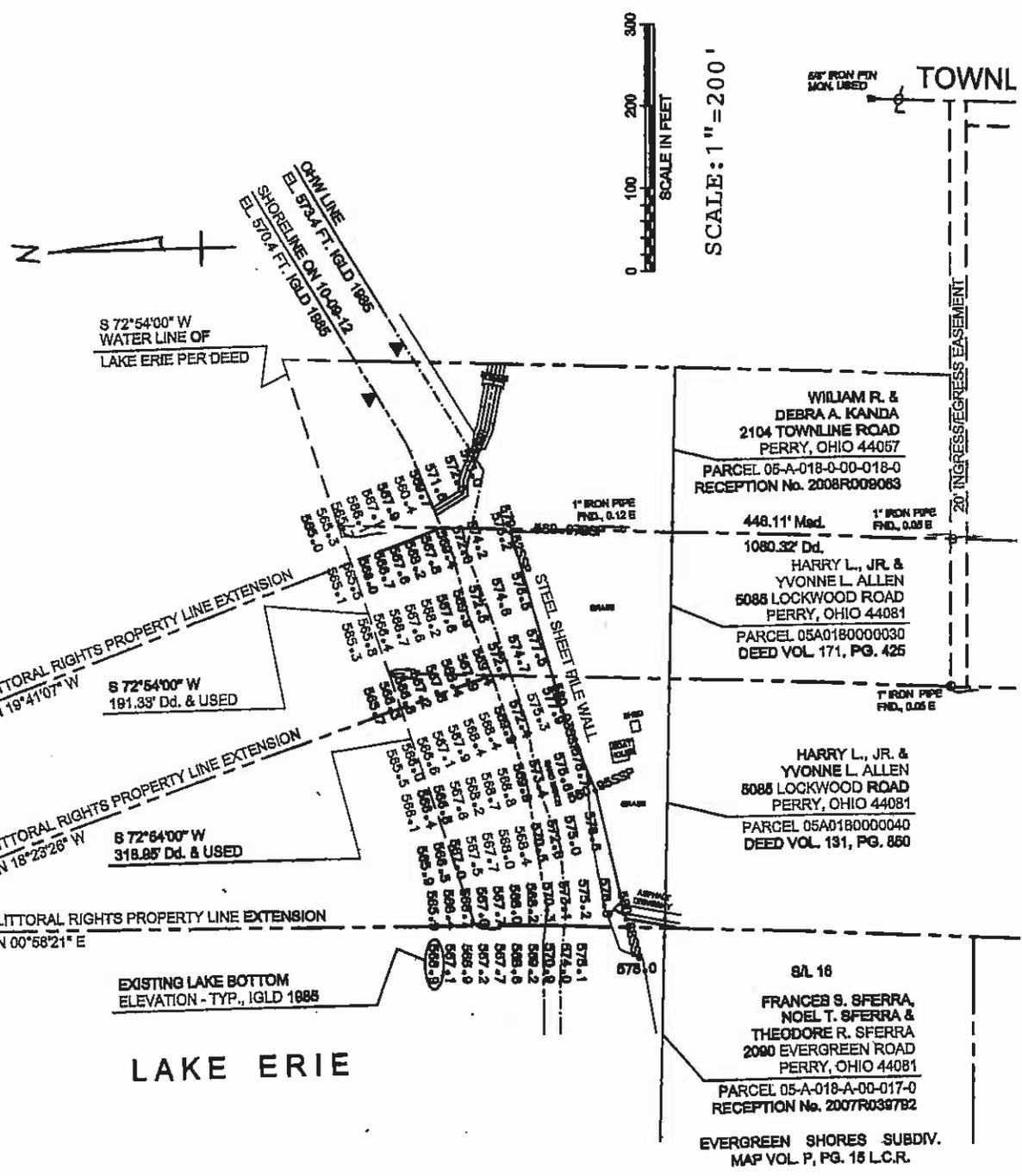
1. LOOKING EAST ALONG THE SHORELINE FROM WEST PROPERTY LINE. 10/09/12

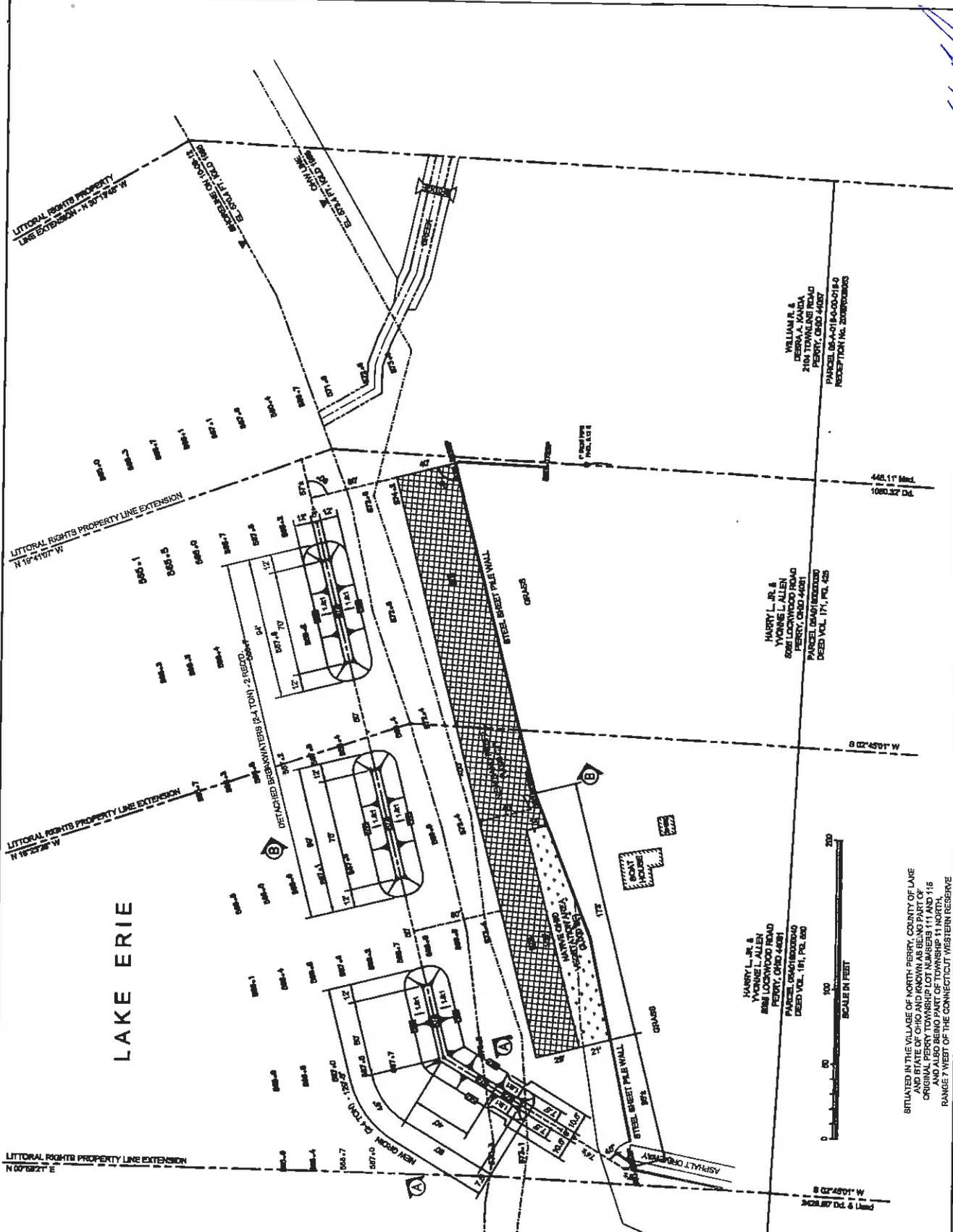


2. LOOKING WEST ALONG THE SHORELINE FROM THE EAST PROPERTY LINE. 10/09/12



DATUM: 0.0 L.W.D. = 569.2 1GLD 1985	VICINITY MAP	DRAWING NO. MATRIX ENGINEERING, INC.
<small>ADJACENT PROPERTY OWNERS</small> 1.) WILLIAM R. & DEBRA A. KANDA 2.) FRANCES S., NOEL T. & THEODORE R. SFERRA	HARRY L. JR. & YVONNE L. ALLEN 5085 LOCKWOOD ROAD PERRY, OHIO 44081	SHORELINE IMPROVEMENTS AT 5085 LOCKWOOD ROAD NORTH PERRY, OHIO SHEET 1 OF 6 DATE 01-16-13





LAKE ERIE

LEGEND:
 OBS. = OBSERVED
 REC. = RECORD
 MON. = MONUMENT
 LCM-LAKE COUNTY RECORDS

BASIS OF BEARINGS:
 BEARINGS ARE BASED ON THE CENTRAL LINE OF THE ROAD REFERENCED AS INDICATED IN THE PLAN FOR PERRY TOWNSHIP SUBDIVISION AND REDUCED IN YVONNE L. PHASE 08 OF LAKE COUNTY MAP RECORDS

NOTES:

- 1) ALL ELEVATIONS ARE RELATIVE TO KEO 1000.00 L.V.M. = 888.00 FT. L.S.D. 1985.
- 2) LITTORAL RIGHTS PROPERTY LINE EXTENSIONS DETERMINED BY THE RADIAL METHOD AT THE INTERSECTION OF THE PERRY LINES & THE SHORELINE ON 10-08-88-1.
- 3) THIS PERRY LINES & THE SHORELINE ON 10-08-88-1 CHORDS UNAVAILABLE AND WILLIAM STREET, CHORD RIVER, OHIO ADAMS WILL BE USED FOR BAND PILEL ON THIS PROJECT.

BEARING	S. PARALLEL	1.0000
100.0	100.0	1.0000
90.0	90.0	1.0000
80.0	80.0	1.0000
70.0	70.0	1.0000
60.0	60.0	1.0000
50.0	50.0	1.0000
40.0	40.0	1.0000
30.0	30.0	1.0000
20.0	20.0	1.0000
10.0	10.0	1.0000

FRANCIS R. SFERRA, NOEL T. SFERRA & THEODORE R. SFERRA
 200 EVERGREEN ROAD
 PERRY, OHIO 44081
 PARCEL 00A01000000
 DEED VOL. 151, P. 80

SITUATED IN THE VILLAGE OF NORTH PERRY, COUNTY OF LAKE AND STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL PERRY TOWNSHIP LOT NUMBERS 111 AND 116 AND ALSO BEING PART OF TOWNSHIP 11 NORTH, RANGE 7 WEST OF THE CONNECTICUT WESTERN RESERVE



<p>DATUM: 0.0 L.W.D. = 569.2 GLD 1985</p>	<p>PREFERRED ALTERNATIVE SITE PLAN</p>	<p>MATRIX ENGINEERING INC.</p>
<p>LITTORAL RIGHTS PROPERTY OWNER:</p>	<p>HARRY L. JR. & YVONNE L. ALLEN 5085 LOCKWOOD ROAD PERRY, OHIO 44081</p>	<p>SHORELINE IMPROVEMENTS AT 5085 LOCKWOOD ROAD NORTH PERRY, OHIO</p>
<p>1.) WILLIAM R. & DEBRA A. KANDA</p>	<p>HARRY L. JR. & YVONNE L. ALLEN 5085 LOCKWOOD ROAD PERRY, OHIO 44081</p>	<p>5085 LOCKWOOD ROAD NORTH PERRY, OHIO</p>
<p>2.) FRANCES S., NOEL T. & THEODORE R. SFERRA</p>	<p>HARRY L. JR. & YVONNE L. ALLEN 5085 LOCKWOOD ROAD PERRY, OHIO 44081</p>	<p>5085 LOCKWOOD ROAD NORTH PERRY, OHIO</p>
<p>SHEET 3 OF 6</p>	<p>DATE: 01-16-13</p>	<p>01-16-13</p>



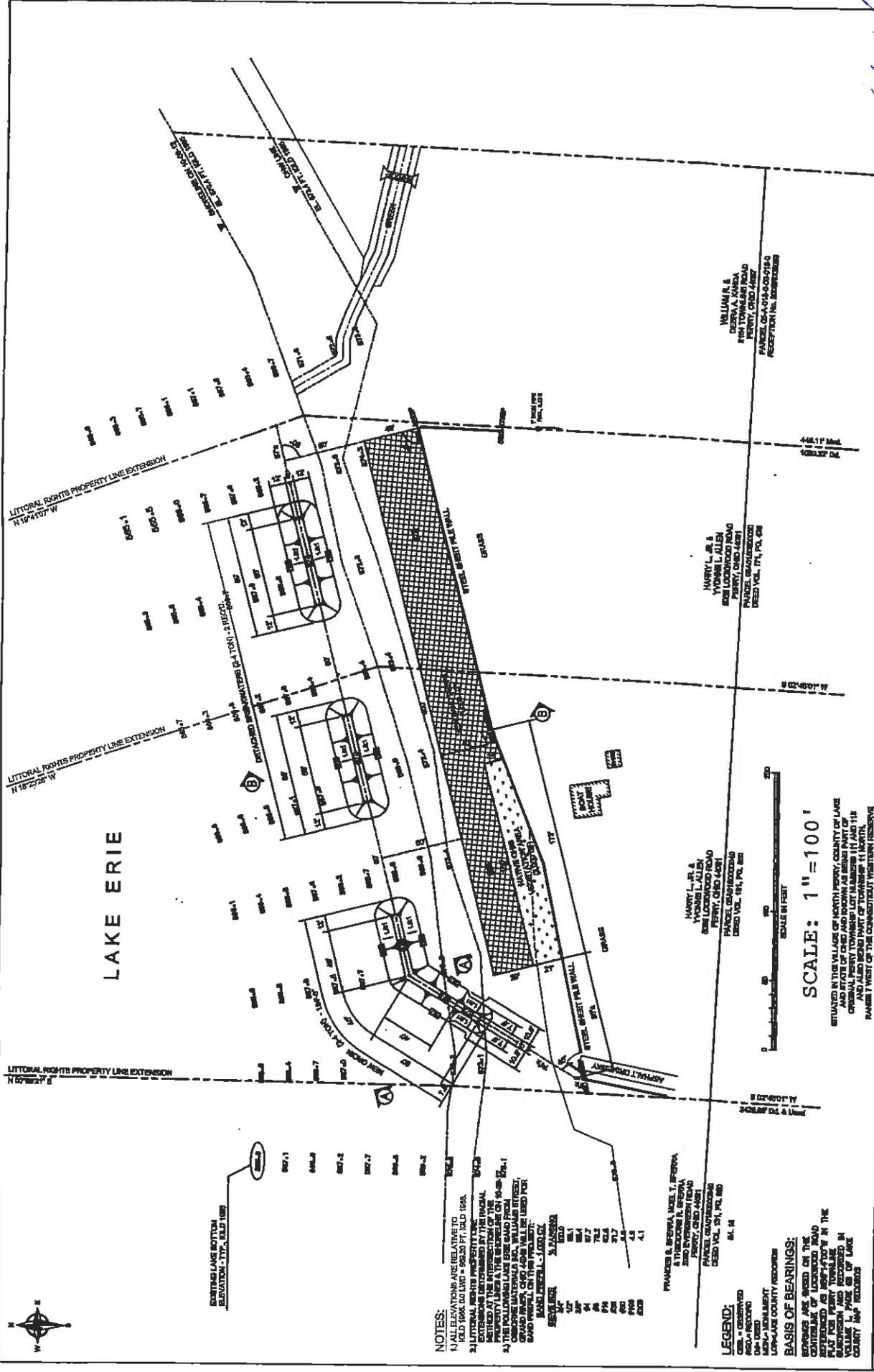
MATRIX ENGINEERING INC.
 SHORELINE IMPROVEMENTS AT
 5085 LOCKWOOD ROAD
 NORTH PERRY, OHIO

MINIMAL DEGRADATION SITE PLAN

DATUM: 0.0 L.W.D. = 689.2 IGLD 1985

1.) WILLIAM R. & DEBRA A. KANDA
 2.) FRANCES S., NOEL T. & THEODORE R. SFERRA

SHEET 4 OF 6
 01-16-13



LITTORAL RIGHTS PROPERTY LINE EXTENSION
 N 10° 23' 57" W

LITTORAL RIGHTS PROPERTY LINE EXTENSION
 N 10° 23' 57" W

LITTORAL RIGHTS PROPERTY LINE EXTENSION
 N 10° 23' 57" W

LAKE ERIE

NOTES:

- 1) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. DA LWD = 689.2 FT, IGLD 1985.
- 2) LITTORAL RIGHTS PROPERTY LINE EXTENSION IS DETERMINED BY THE ORIGINAL PROPERTY LINE AND THE BEARING LINE ON 10-08-11.
- 3) THE FOLLOWING LAKE ERIE SAND BEACH GRASS PLANTING, CHINA WALL, AND STREET SAND PLANTING, ON THE PROPERTY, IS TO BE MAINTAINED.

BEACH ELEVATION - 3' BELOW L.W.D.

10	9.5	9.0	8.5	8.0	7.5	7.0	6.5	6.0	5.5	5.0	4.5	4.0	3.5	3.0	2.5	2.0	1.5	1.0	0.5	0.0
10	9.5	9.0	8.5	8.0	7.5	7.0	6.5	6.0	5.5	5.0	4.5	4.0	3.5	3.0	2.5	2.0	1.5	1.0	0.5	0.0

FRANKIE B. SFERRA, NOEL T. SFERRA & THEODORE R. SFERRA
 5085 LOCKWOOD ROAD
 NORTH PERRY, OHIO 44081
 PARCEL 04-103-000784
 DEED VOL. 194, P. 185

HARRY L. JR. & YVONNE L. ALLEN
 5085 LOCKWOOD ROAD
 NORTH PERRY, OHIO 44081
 PARCEL 04-103-000785
 DEED VOL. 194, P. 185

WILLIAM R. & DEBRA A. KANDA
 5085 LOCKWOOD ROAD
 NORTH PERRY, OHIO 44081
 PARCEL 04-103-000786
 DEED VOL. 174, P. 28

HARRY L. JR. & YVONNE L. ALLEN
 5085 LOCKWOOD ROAD
 NORTH PERRY, OHIO 44081
 PARCEL 04-103-000787
 DEED VOL. 174, P. 28

LEGEND:
 Dashed Line = Easement
 Solid Line = Property Line
 Dotted Line = Lot Line
 Hatched Area = Improvement

BASIS OF BEARINGS:
 BEARINGS ARE BASED ON THE CENTERLINE OF LOCKWOOD ROAD PLAT FOR AS SHOWN IN THE SUBDIVISION AND RECORDED IN VOLUME 1, PAGE 68 OF LAKE COUNTY MAP RECORDS

SCALE: 1" = 100'

SCALE IN FEET

EXTENDED IN THE VILLAGE OF NORTH PERRY, COUNTY OF LAKE AND ALSO BEING PART OF ORIGINAL PERRY TOWNSHIP LOT 11 AND 11B AND ALSO BEING PART OF TOWNSHIP 11 NORTH, RANGE 7 WEST OF THE CONSOLIDATED WESTERN RESERVE

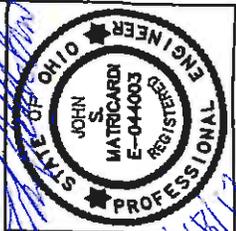
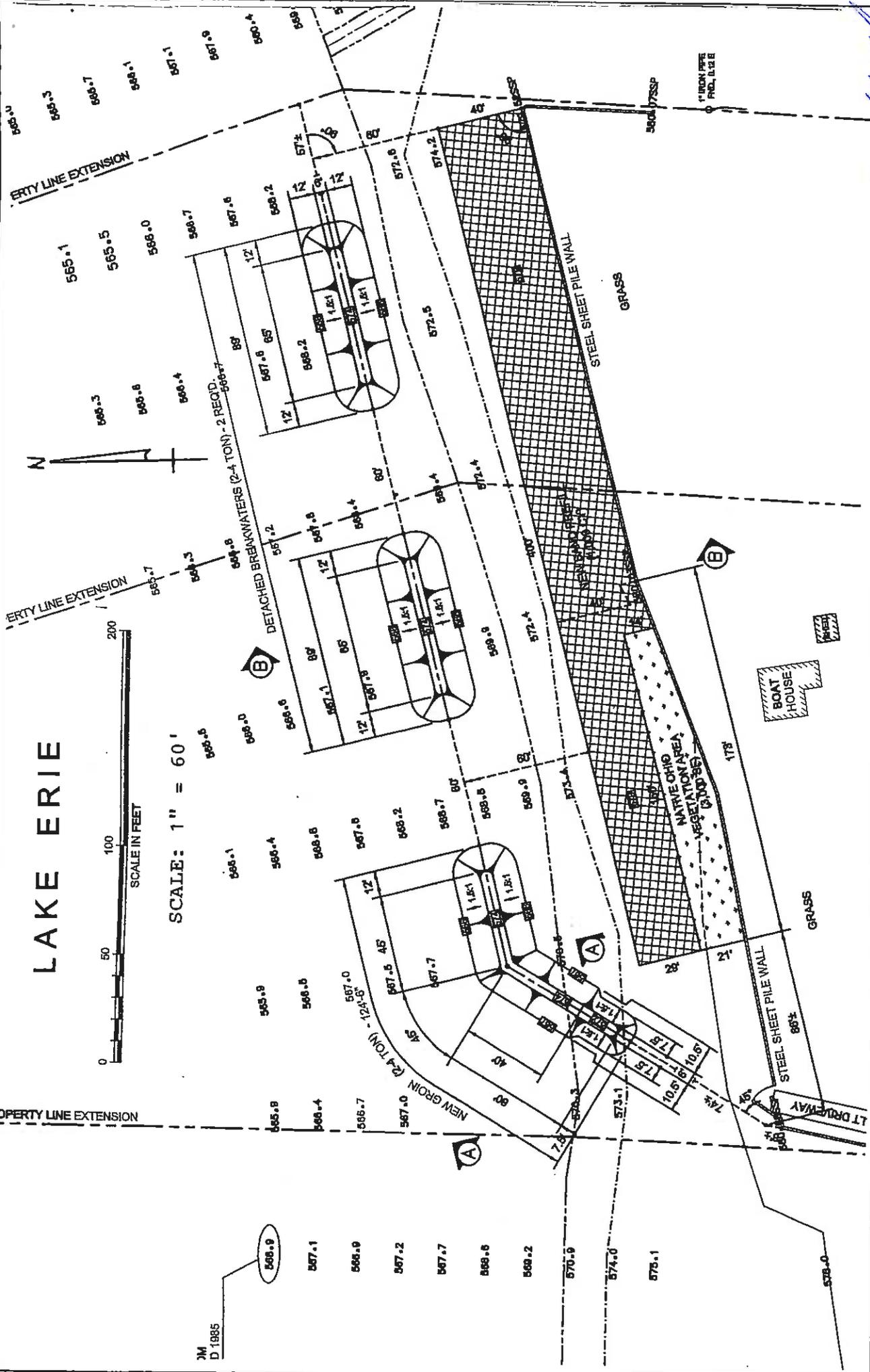


LAKE ERIE



SCALE: 1" = 60'

JM
D 1985



REVIEWED BY: **MATRIX ENGINEERING INC.**

SHORELINE IMPROVEMENTS AT
5085 LOCKWOOD ROAD
NORTH PERRY, OHIO

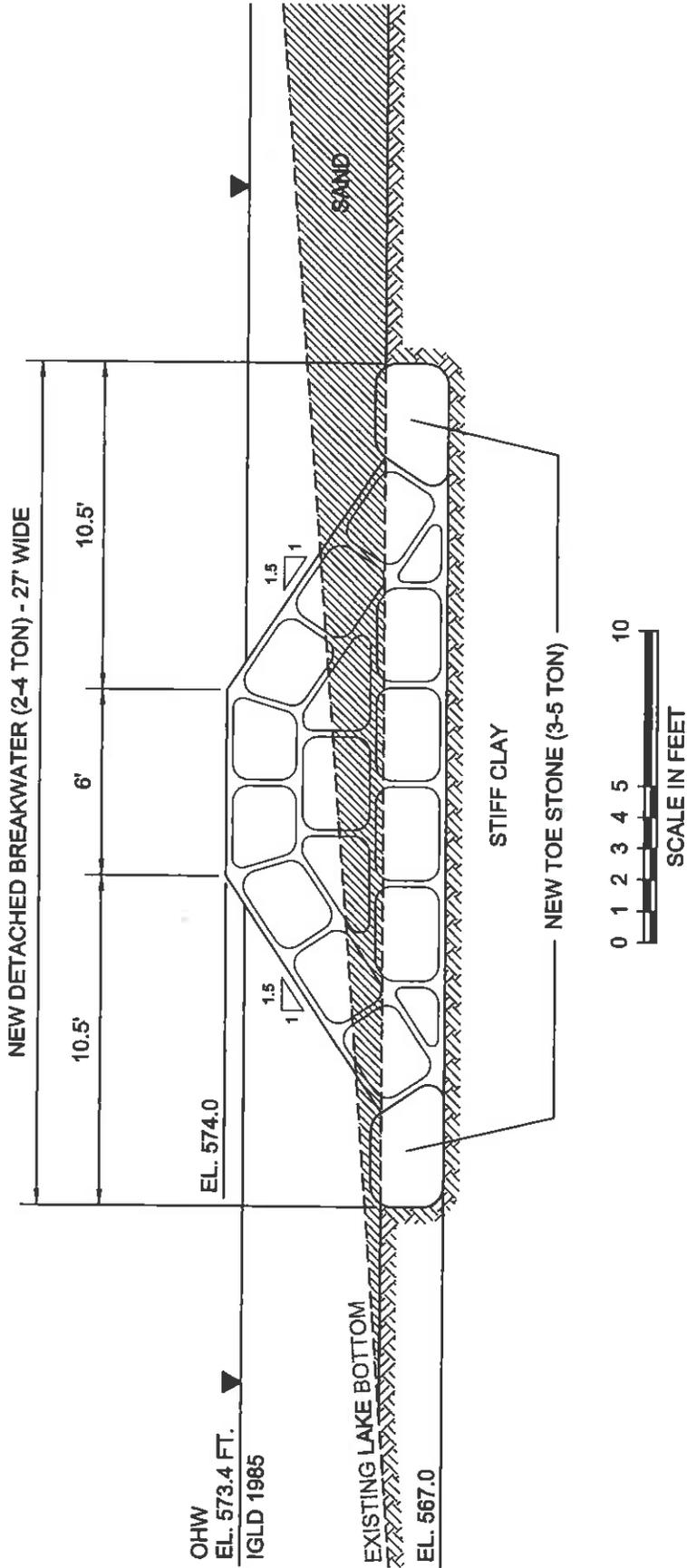
SHEET 4A OF 6

MINIMAL DEGRADATION SITE PLAN

HARRY L. JR. & YVONNE L. ALLEN
5085 LOCKWOOD ROAD
PERRY, OHIO 44081

DATUM: 0.0 L.W.D. = 569.2 IGLD 1985

- 1.) WILLIAM R. & DEBRA A. KANDA
- 2.) FRANCES S., NOEL T. & THEODORE R. SFERRA

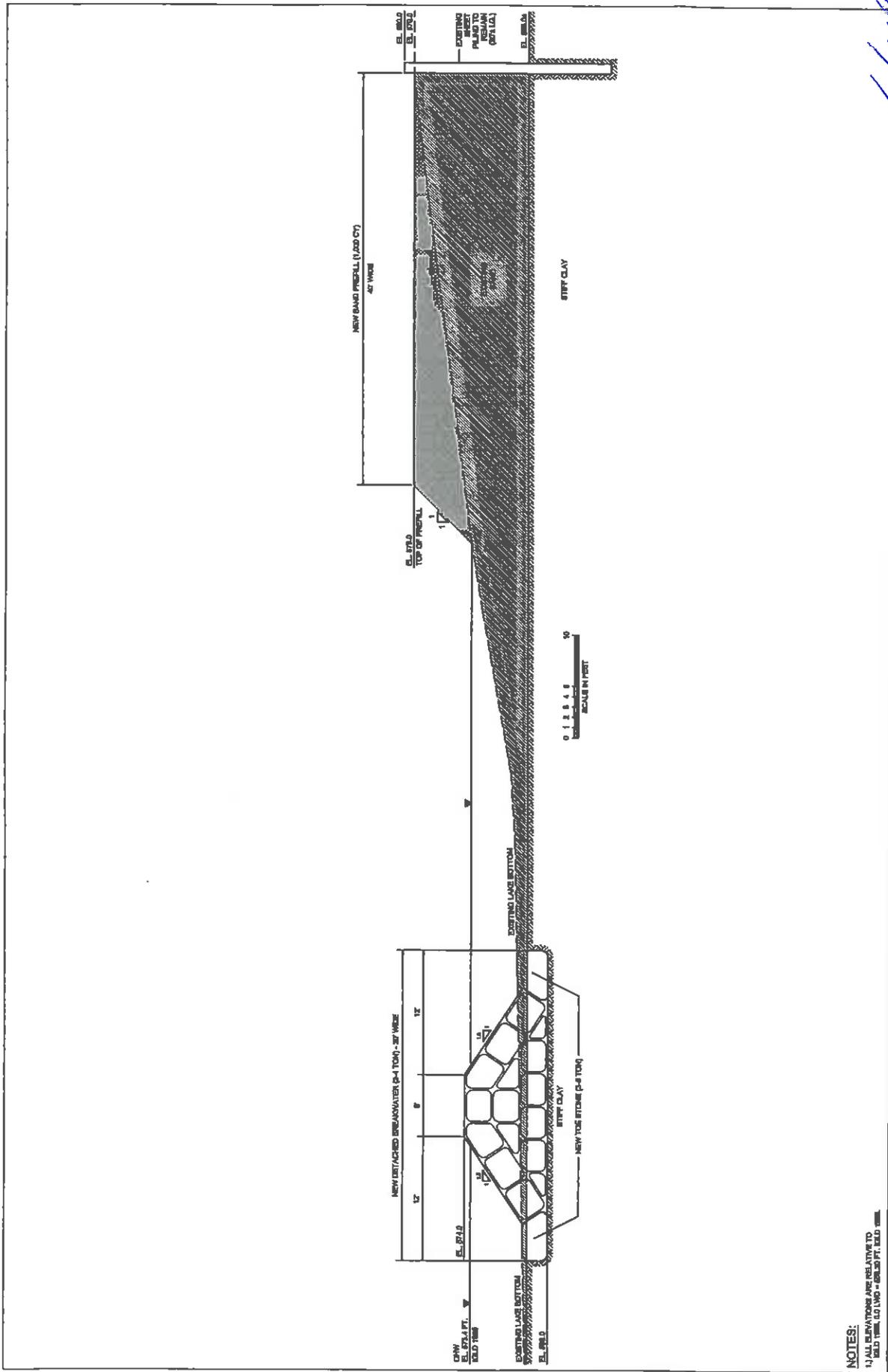


NOTES:

1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 LWD = 569.20 FT. IGLD 1985.

<p>DATUM: 0.0 L.W.D. = 569.2 IGLD 1985</p>	<p>PREFERRED & MINIMAL DEGRADATION ALTERNATIVE SECTION A-A</p>	<p>DESIGNED BY MATRIX ENGINEERING INC.</p>
<p>1.) WILLIAM R. & DEBRA A. KANDA 2.) FRANCES S., NOEL T. & THEODORE R. SFERRA</p>	<p>HARRY L. JR. & YVONNE L. ALLEN 5085 LOCKWOOD ROAD PERRY, OHIO 44081</p>	<p>SHORELINE IMPROVEMENTS AT 5085 LOCKWOOD ROAD NORTH PERRY, OHIO</p>
<p>SHEET 5 OF 6</p>		<p>DATE: 01-16-13</p>



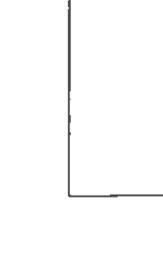


NOTES:
 1.) ALL ELEVATIONS ARE RELATIVE TO
 B.S.D. 1000.00 (M.D. = 683.30 FT. B.S.D. 1000.)

<p>DATUM: 0.0 L.W.D. = 568.2 (GLD 1985)</p>	<p>PREFERRED & MINIMAL DEGRADATION ALTERNATIVE SECTION B-B</p>	<p>PROPOSED BY: MATRIX ENGINEERING INC.</p>
<p>1.) WILLIAM R. & DEBRA A. KANDA 2.) FRANCES S., NOEL T. & THEODORE R. SFERRA</p>	<p>HARRY L. JR. & YVONNE L. ALLEN 5085 LOCKWOOD ROAD PERRY, OHIO 44081</p>	<p>SHORELINE IMPROVEMENTS AT 5085 LOCKWOOD ROAD NORTH PERRY, OHIO</p>

SHEET 6 OF 6

01-16-13



**BLUFF VEGETATION PLANTING AND MAINTENANCE PLAN FOR 5085 LOCKWOOD ROAD
NORTH PERRY, OH**

A. DESCRIPTION AND TIMING OF REQUIRED MITIGATION

1. Mitigation construction shall be initiated concurrently with the start of Lake Erie impacts and shall be completed within 12 months of the initial impacts.
2. Mitigation shall consist of the establishment of Ohio native vegetation (Beach Grass) that will be planted in an area approximately 14' to 21' wide by 150' (3,000 SF) in an area North of the sheet pile wall along the West side of the property.
3. Mitigation shall be completed as proposed in the Ohio EPA approved "Bluff Vegetation Planting and Maintenance Plan dated 1/21/13.
4. Upon completion of the construction, native vegetation shall be planted in accordance with the Ohio EPA approved "Bluff vegetation Planting and Maintenance Plan dated 1/21/13.
5. Vegetation shall be container grown Beach Grass and plants density shall be as recommended by the planter.
6. Temporary stabilization measures, such as matting, are required if the season does not permit vegetation growth.
7. A sign shall be placed within visual distance along the mitigation area that indicates that the area is a protected mitigation site and prohibiting vegetation removal, mowing, dumping or any other activity that would result in degradation of the planting area without prior authorization from Ohio EPA.

B. PERFORMANCE CRITERIA

1. Vegetation must be monitored for a period of 18 months after planting to document advanced growth.
2. If vegetation does not advance to indicate coverage within three weeks, then planting of mature vegetation is required.
3. If plant cover is patchy, then the cause of failure must be identified and corrective actions taken.

C. REPORTING

1. Photographs of the areas planted must be sent to the permit reviewer at month 9 and 18 of the monitoring period.

January 21, 2013

**LONG TERM MONITORING, BY-PASS, AND RE-NOURISHMENT PLAN FOR 5085
LOCKWOOD ROAD, NORTH PERRY, OH**

1. A preconstruction survey shall be performed immediately prior to any work below the Ordinary High Water Mark (OHWM = 573.4 FT. IGLD 1985). A second survey shall be performed within 10 days after the two detached offshore breakwaters and one groin is constructed in the project area or when weather permits an accurate survey to be performed, but before the sand prefill is placed. Any net fill difference in bottom elevation between the preconstruction survey and the second project area survey must be bypassed and placed downdrift (East) in 4 feet of water or less. Within 10 days of receiving written approval from the USACE Buffalo District, any required bypass shall be performed and the sand prefill placed. A baseline survey shall then be performed within 10 days after the sand prefill is placed or when weather permits an accurate survey to be performed.

Sand used for nourishment will be from the approved upland source listed on the permit Site Plan.

2. Annual monitoring surveys shall be conducted in the Summer between July 1 and August 1 for 3 years following completion of the project construction. Monitoring reports shall be submitted to the USACE Buffalo District and ODNR no later than 60 days after the surveys are performed. If repeated data (over successive years) shows that the project's area of influence is stable (i.e. there is no net accretion or erosion occurring) annual monitoring after 3 years may be waived in writing by the USACE Buffalo District and ODNR.

After 3 years, the USACE Buffalo District and ODNR may require further monitoring, bypass, modification, removal, or no further action. The applicant may add more sand to renourish the beach, however if excess sand from the littoral system accumulates beyond what exists in the post-construction survey, bypass will be required.

3. All monitoring reports shall be sent to the attention of the Chief of Monitoring and Enforcement, Buffalo District Regulatory Branch, U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, NY 14207 and to the ODNR Office of Coastal Management, 105 W. Shoreline Drive, Sandusky, OH 44870. Any waiver of this requirement shall be obtained in writing by coordinating with the USACE Buffalo District and ODNR.

4. No dredging or sand bypassing shall occur until written approval is received from the USACE Buffalo District. The USACE Buffalo District and ODNR shall be notified 5 days prior to dredging or sand bypassing activities.

5. Monitoring reports shall include:

- A. The survey shall establish a fixed baseline 300 feet West of the West property line and continuing to 300 feet East of the East property line at 50 foot Stations. The baseline will be established with iron pins, drill holes, or GPS Coordinates at each Station above OHWM.
- B. The survey shall be conducted along the 50 foot stations. Stations shall begin at the iron pin, drill hole, or GPS Coordinate set for the initial monitoring survey and points shall be surveyed along the line at a 20 foot spacing out to a depth of 6 feet or 200 feet from the baseline.
- C. The transects shall be plotted on a plan view drawing and must be clearly legible in black and white, in 8-1/2" by 11" format, and include a scale bar.
- D. The existing lake level shall be determined and noted at the time of the survey.

- E. A table detailing each transect and the depth of the sand/bottom from the iron pins set taken at each sampling point along the given transects.
- F. A drawing of the proposed location for depositing bypassed material shall be submitted. The USACE Buffalo district and ODNR will evaluate the Permittee's placement location and will have final authority over the placement location.
- G. Permittee shall provide verifiable estimates of net sediment volume changes in the littoral system within the area impacted by the proposed project and will provide proposed bypassing or nourishment quantities. The USACE Buffalo District and ODNR will evaluate the Permittee's volume estimates and will have final authority in verifying the dredging volume.
- H. The amount of material to bypass shall be the net fill volume calculated as the difference in volume between the bottom elevation in the required annual survey versus the baseline survey after the initial prefill sand was installed.
- I. If the distance of open water between the South face of The offshore breakwater and shoreline is greater than the initial original project design distance, sand nourishment may be required to maintain the authorized sand beach.
- J. The existing site conditions shall be photographed immediately following the completion of the project construction and at the same approximate times as the above mentioned surveys for years 1 through 3 following project completion with the exception of any monitoring years waived by the USACE Buffalo District and ODNR. Photos shall be plotted on a photo location map including the location and direction of each photo. Photographs shall be taken at the same approximate location each year and shall include but are not limited to the following:

Annual Photographs shall be taken as follows:
 - 1. One photograph from the center of the property at the top of the bluff looking at the shoreline.
 - 2. One photograph of the shoreline looking updrift (West) and one photograph of the shoreline looking down drift (East).
 - 3. One photograph from the center of the East and Center offshore breakwaters and West groin facing South toward the shoreline.
- K. The permittee shall remove trapped sediment from the project's area of influence within 30 days of authorization from the USACE Buffalo District or obtain sand/gravel from an approved upland source, and place it immediately downdrift (East) of the project area along the shoreline or in the near shore region at a depth of 4 feet or less East of the East property line. The addition of sand and gravel may necessitate a new baseline survey.
- L. The Permittee will be responsible for documenting successful completion of each dredge and bypass event. This may include, but is not limited to photographs and/or Contractor's receipts to be submitted to the USACE Buffalo district and ODNR.
- M. Surveying and bypassing in addition to the proposed annual survey and bypassing may be required as needed upon request by the USACE Buffalo District and ODNR. Future revisions to the Long Term Monitoring, By-pass, and Re-Nourishment Plan for 5085 Lockwood Road, North Perry, OH (Prior to year 3) may also be required.

N. Contingency Plan: Following Year 3 of the monitoring period, if further action is necessary to maintain adequate littoral processes, the USACE Buffalo District and ODNR can order the Permittee to perform one or more of the following type of activities to include but not limited to:

1. Additional yearly monitoring beyond 3 years.
2. Additional downdrift sand bypassing.
3. Additional sand nourishment events and/or:
- 4 Modification or removal of the offshore breakwater.

Sand bypassing shall be performed with an excavator, backhoe, loader, dump truck, or additional equipment as required..

A. DETACHED BREAKWATER & GROIN DESIGN

A.1 DESIGN WATER LEVEL

30 YR DESIGN WATER LEVEL = 575.5 FT IGLD 1985
REF: REVISED REPORT ON GREAT LAKES OPEN
COAST FLOODING, USACE, 1988.

B. DESIGN WATER HEIGHT

ASSUME SCOURING TO TOE OF TOE STONE IN
CLAY LAYER.

TOE OF BREAKWATER = 566.0 FT IGLD 1985
STRUCTURE DEPTH = 575.5 FT - 566.0 FT = 9.5 FT
BREAKING WAVE HEIGHT = $H_b(0.78) = 9.5(0.78) = 7.41$ FT
REF: COASTAL ENGINEERING MANUAL, USACE,
2006, PG. 11-4-3.

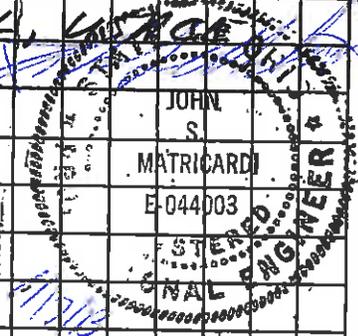
C. BREAKWATER & GROIN DESIGN

USE HUDSON'S EQUATION

$$W_{50} = \frac{(160 \text{ LB/FT}^3)(7.41 \text{ FT})^3}{2.0 \left(\frac{160 - 1}{62.4} \right)^3 1.5} = 5,671 \text{ LB} = 2.83 \text{ TONS}$$

USE 2-4 TON
& 3-5 TON TOE STONE

SINCE DESIGN WATER HEIGHT OF 575.5 FT IS
HIGHER THAN TOP OF BREAKWATER AT 574.0 FT,
NO RUNUP CALCULATIONS ARE REQUIRED.
BREAKWATER & GROIN WILL BE OVERTOPPED AT
DESIGN WATER HEIGHT.



D. BREAKWATER LENGTH TO OFFSHORE DISTANCE RATIO

DETACHED BREAKWATER LENGTH AT AVERAGE LAKE LEVEL OF 571.5 FT IS 72.5 FT.

AVERAGE DISTANCE OF THE BREAKWATERS AND GROIN FROM SHORELINE IS 18 FT.

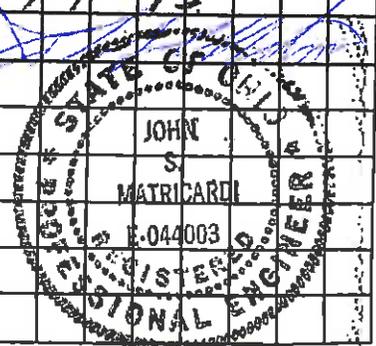
$$\text{RATIO} = \frac{18}{72.5} = 0.25 < 1.0$$

RATIO IS MUCH LESS THAN THE NORMAL 1.0 BUT THIS PROJECT IS PROPOSED TO ALWAYS MAINTAIN A PERMANENT BEACH ALONG THE SHORELINE SINCE THE PROPERTY CONTINUALLY IS SCOURED BY NW WAVE ACTION AND NE WAVE ACTION DOES NOT REPLENISH THE LITORAL DRIFT DUE TO THE BREAKWATERS AT NORTH PERRY PREVENTING REPLENISHMENT.

E. SAND PREFILL CALCULATIONS

THE SAND PREFILL QUANTITY IS BASED ON THE AREA BEHIND THE BREAKWATERS AND GROIN ALWAYS BE FILLED WITH LITORAL MATERIAL UP TO ELEVATION 573.0 FT.

THE QUANTITY OF SAND PREFILL REQUIRED TO MAINTAIN AN ELEV. OF 573.0 FT IS 1,000 CY.



11/7/13

Know all Men by these Presents That EDNA J. SCHEER, widowed and unmarried
 _____ the Grantor,
 _____ Lake
 who claim s title by or through instrument _____, recorded in Volume 769, Page 255, County
 Recorder's Office, for the consideration of Ten and XX/100ths _____ Dollars
10.00) received to her full satisfaction of HARRY L. ALLEN, JR. and
YVONNE L. ALLEN, husband and wife, as tenants in common _____, the Grantee
 whose TAX MAILING ADDRESS will be 2094 Townline Road, North Perry, Ohio 44081

do give, grant, bargain, sell and convey unto the said Grantee, their heirs and assigns, the following
 described premises, situated in the _____ Village _____ of _____ North Perry
 County of _____ Lake _____ and State of Ohio:

And known as being part of Original Perry Township Lots No. 111 and 115,
 bounded and described as follows:

Beginning at a point in the center line of Lockwood Road which is North
 86° 14' West along the said center line a distance of 625.45 feet from its
 intersection with the center line of Townline Road; thence along the center
 line of the said Lockwood Road North 86° 14' West a distance of 100.01 feet to
 Southeasterly corner of land of Clarence J. Harmon recorded in Volume 179,
 Page 131 of Lake County Records of Deeds; thence along the Easterly line of
 the said Clarence J. Harmon North 2° 45' East (passing through an iron pipe
 stake at 30.01 feet), a distance of 2542.23 feet to the water line of Lake
 Erie; thence along the water line of Lake Erie North 72° 54' East a distance
 of 191.35 feet to a point in the Northwesterly corner of land conveyed to
 Durward W. Siville by deed recorded in Volume 441, Page 565 and Volume 482,
 Page 307 of Lake County Records of Deeds, thence South 2° 45' West along the
 Westerly line of land so conveyed to said Siville a distance of 1080.32 feet
 to a point in the Northerly line of land conveyed to Ralph and Mathilda
 Kelsey by deed recorded in Volume 181, Page 263 of Lake County Records;
 thence N. 86° 14' W. along the Northerly line of land so conveyed to said
 Kelsey 79.99 feet to a point in the Northwesterly corner of said Kelsey
 land; thence S. 02° 45' W. along the Westerly line of land so conveyed to
 said Kelsey and along the Westerly line of Perry Townline Road Subdivision
 as shown by the recorded plat in Volume L of Maps, Page 69 of Lake County
 Records a distance of 1530.01 feet to the place of beginning and containing
 about 7.833 Acres of land.

5A-18-0223

This Conveyance has been examined and the
 Grantor has complied with Section 319.202
 of the Revised Code.
 3683 FEE \$ 100
 10-7-85 EXEMPT
 Kathleen M. Cotter, County Auditor

For Exemption Date 3-1-94
 See Official Records, Vol. 977 Page 777
 GEOFFREY T. KENT, RECORDER
 _____ DEPUTY

101 171 PAGE 425

be the same more or less, but subject to all legal highways.

801788

WARRANTY DEED

FROM
EDNA J. SCHEER, widowed and
unmarried

TO
HARRY L. ALLEN, JR. and YVONNE L.
ALLEN, Husband and Wife

RECEIVED FOR RECORD
OCT - 7 1985

at 2:28 o'clock P.M.
Recorded OCT - 7 1985

In LAKE County Records
Volume 01 171 PAGE 425
Cuyahoga

TRANSFERRED
ENTERED FOR TRANSFER
OCT - 7 1985

This Instrument Prepared By:
Michael A. Jiannetti, Esq.
1202 Bond Court Building
1300 East Ninth Street
Cleveland, Ohio 44114
(216) 696-7777

The Ohio Legal Blank Co. Cleveland

RECORDER'S FEE 10.00

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto the said Grantee^s, their heirs and assigns forever. And she, the said Grantor, do for herself and her heirs, executors and administrators, covenant with the said Grantee^s, their heirs and assigns, that at and until the encasing of these presents, she is 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 from all incumbrances whatsoever except taxes and assessments for the current tax period and thereafter, restrictions, conditions, reservations, easements and encroachments of record and zoning ordinances, if any, and that she will WARRANT AND DEFEND said premises, with the appurtenances thereunto belonging, to the said Grantee^s, their heirs and assigns, against all lawful claims and demands whatsoever except as hereinabove provided

In Witness Whereof, I have hereunto set my hand, the 4th day of October, in the year of our Lord one thousand nine hundred and eighty-five

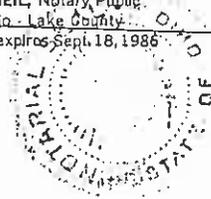
Signed and acknowledged in the presence of
 x Edna J. Scheer
 EDNA J. SCHEER
 Maureen Rainiger
 Rudolph J. Rainiger

STATE OF OHIO }
 Cuyahoga County, } ss. Before me, a Notary Public
 the above named Edna J. Scheer in and for said County and State, personally appeared
 who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

In Testimony Whereof I have hereunto set my hand and official seal, at Cleveland, Ohio, this 4th day of October, A. D. 1985.
 Diane L. McNeil

This Instrument Prepared By:
MICHAEL A. JIANNETTI, Esq.
1202 Bond Court Building
1300 East Ninth Street
Cleveland, Ohio 44114
(216) 696-7777

DIANE L. McNEIL, Notary Public
 State of Ohio - Lake County
 My commission expires Sept. 18, 1986



101-421 PAGE 426

781.456

ESTATE BY THE ENTIRETIES WITH SURVIVORSHIP DEED

KNOW ALL MEN BY THESE PRESENTS THAT HARRY L. ALLEN, JR., and YVONNE L. ALLEN (husband and wife) of Lake County, Ohio, for valuable consideration paid, grants to HARRY L. ALLEN, JR., and YVONNE L. ALLEN, husband and wife, for their joint lives, remainder to the survivor of them, whose tax mailing address is 2090 Town line Road, North Madison, Ohio 44057, the following described real property:

Situated in the Village of North Perry, County of Lake, and State of Ohio: And known as and being a part of original Perry Township Lots Numbers 111 and 115, bounded and described as follows: BEGINNING at a point in the center line of Lake Road, said point being the southeast corner of lands of Thomas and Anita Watson; thence along the Easterly line of land of the said Watson, North 2° 45' East a distance of 2428.60 feet to the water line of Lake Erie; thence along the water line of Lake Erie North 72 degrees 54 minutes East a distance of 318.95 feet; thence by a line which is parrallel to the East line of land of the said Thomas and Anita Watson and 300 feet distant therefrom, measured at right angles, South 2 degrees 45 minutes West a distance of 2542.23 feet to the center line of Lake Road; thence along the center line of the said road, North 86 degrees 14 minutes West a distance of 300.04 feet to the PLACE OF BEGINNING and containing 17.117 acres of land as calculated and described by J. M. Crabbs registered Engineer and Surveyor No. 387, be the same more or less, but subject to all legal highways and waterways. The above described premises are conveyed together with a perpetual easement and right of way in common with others over, across and upon the following described premises: SITUATED in the Village of North Perry, County of Lake and State of Ohio and known as and being a part of original Perry Township Lot No. 115 bounded and described as follows: BEGINNING at a point in the center line of Townline Road which is North 2 degrees 20 minutes 30 seconds East along the said center line, a distance of 1872.86 feet from the center line of Lake Road. Thence by a line which bears north 88 degrees 34 minutes West (passing through an iron pipe stake at 30.00 feet) a distance of 712.22 feet to a point in the Easterly line of the premises herein conveyed; thence by a line which bears north 2 degrees 45 minutes West along said Easterly line a distance of 20.0 feet to a point; thence by a line which bears South 88

574-18-4

101 131 PAGE 850

degrees 34 minutes East (Passing through an iron pipe stake at 682.08 feet) a distance of 712.08 feet to the center line of said Townline Road. Thence along said center line South 2 degrees 20 minutes 30 seconds West a distance of 20.0 feet to the PLACE OF BEGINNING, according to the survey by J. M. Crabbs, Registered Surveyor No. 387, be the same more or less, but subject to all legal highways. WHICH EASEMENT and right of way shall be used by the Grantee herein, his heirs, assigns, agents, servants, visitors, tenants, guests, licensees and/or any other person acting for his benefit and advantage as the case may be as an additional means of obtaining ingress to and egress from any part of the premises conveyed hereby from and to Townline Road and for the installation, maintenance, use and replacement of utility lines from and to said premises. RESERVING, however, unto the owner or owners, at all times, of land or lands abutting on said easement and right of way, their successors, heirs, assigns, servants, agents, visitors, tenants, guests, licensees and/or any other person acting for their benefit and advantage, as the case may be, a perpetual easement and right of way in common over, across, and upon said parcel for the purpose hereinabove set forth. The use of such easement and right of way herein granted, created, reserved and recognized shall at all times be in such manner as to obstruct and interfere as little as possible with the use and enjoyment of said easement and right of way by all persons or parties having an interest therein.

Prior Instrument Reference: Vol. _____, Page _____ of the Deed Records of Lake County, Ohio.

WITNESS our hands this 2nd day of April, 1985.

Signed and acknowledged in the presence of:

[Signature]
Kim Grillo
[Signature]
Kim Grillo

Harry L. Allen, Jr.
 Harry L. Allen, Jr.
Yvonne L. Allen
 Yvonne L. Allen

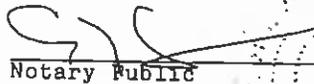
4-28-85
 Fee \$
 EXEMPT
 Kathleen M. Cotter, County Auditor

131 Ref 851

STATE OF OHIO)
) SS:
COUNTY OF LAKE)

BE IT REMEMBERED, That on the 2nd day of April, 1985, before me, a Notary Public in and for said county, personally came Harry L. Allen, Jr., and Yvonne L. Allen, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.


Notary Public
CRAY J. COPPINS, JR., Notary
NOTARY PUBLIC
My Comm. Expires 12/31/86
Section 447.04 R. C.

This instrument prepared by:

Cray J. Coppins, Jr.
Cray J. Coppins, Jr., CO. L.P.A.
1400 Leader Building
Cleveland, Ohio 44114

101 131 PAGE 852

781456

INDEXED

RECORDERS FEE: *14.0000*
VAUGHN R. BETZER
RECORDER, LAKE COUNTY, ILL.

APR - 2 1965

RECEIVED FOR RECORD

2/5/65
Recorded VOL. *131* PAGE *850*

TRANSFER NOT NECESSARY

Date *4-2-85*
Kathleen M. Colter
Lake County Auditor

JUL 131 PAGE 853

CHICAGO TITLE INSURANCE CO.
Ordn. No. P. *57-4*

781457

ESTATE BY THE ENTIRETIES WITH SURVIVORSHIP DEED

131 PAGE 854

KNOW ALL MEN BY THESE PRESENTS THAT HARRY L. ALLEN, JR., and YVONNE L. ALLEN (husband and wife) of Lake County, Ohio, for valuable consideration paid, grant to HARRY L. ALLEN, JR., and YVONNE L. ALLEN, husband and wife, for their joint lives, remainder to the survivor of them, whose tax mailing address is 2090 Town line Road, North Madison, Ohio 44057, the following described real property:

Situated in the City of Mentor, County of Lake, and State of Ohio and known and described as follows:

And known as being part of the Blake Lot, Tract No. 5, and being more particularly bounded and described as follows: The beginning point is on the Northerly line of St. Clair Avenue (80 feet wide) as dedicated by Plat recorded in Volume H, Page 81 of Lake County Map Records, distant North 52° 17' 00" East along said Northerly line 830-72/100 feet from its intersection with the east line of Reynolds Road (60 feet wide); thence North 52° 17' 00" East along said Northerly line of St. Clair Avenue 199-30/100 feet; thence North 37° 43' 00" West 564-13/100 feet; thence South 21° 59' 50" West, 230-80/100 feet; thence South 37° 43' 00" East 447.73/100 feet to the beginning and containing about 2-314/1000 acres of land, according to the survey of the Wight-O'Rourke Company, be the same more or less, but subject to all legal highways.

11E-216-1-15

Prior Instrument Reference: Vol. , Page of

the Deed Records of Lake County, Ohio.

WITNESS our hands this 2nd day of April, 1985.

Signed and acknowledged in the presence of:

[Signature]
Kim Grillo
[Signature]
Kim Grillo

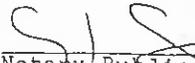
Harry L. Allen, Jr.
Harry L. Allen, Jr.
Yvonne L. Allen
Yvonne L. Allen

SEARCHED INDEXED SERIALIZED FILED
APR 23 1985
Kathleen A. Coler, County Auditor

STATE OF OHIO)
COUNTY OF LAKE) SS:

BE IT REMEMBERED, That on the 2nd day of April, 1985, before me, a Notary Public in and for said county, personally came Harry L. Allen, Jr., and Yvonne L. Allen, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.


Notary Public

CRAY J. COPPINS, JR.
NOTARY PUBLIC
My commission expires _____
Sec. _____, O.C.

This instrument prepared by:

Cray J. Coppins, Jr.
Cray J. Coppins, Jr., Co., L.P.A.
1400 Leader Building
Cleveland, Ohio 44114

781457

INDEXED

RECORDERS FEE / 2,000⁰⁰

VAUGHN R. BETZER
RECORDER, LAKE COUNTY, OHIO

APR - 2 1985

RECEIVED FOR RECORD

Recorded, 01: 2/5 of 131 Page 854

TRANSFER NOT NECESSARY

Date 4-2-85
Kathleen M. Cotter
Lake County Auditor

131 PAGE 856

CHICAGO TITLE INSURANCE CO.
Order No. P. 85.4.7.....

MATRIX ENGINEERING INC.

CONSULTING ENGINEERS

12815 DETROIT AVENUE

LAKEWOOD, OHIO 44107

Phone: (216) 226-6520

FAX: (216) 226-1961

e-mail: matrixlake@aol.com

January 21, 2013

Dr. Mary Knapp/Megan Seymour
U.S. Fish and Wildlife Service
4625 Morse road, Suite 104
Columbus, OH 43230

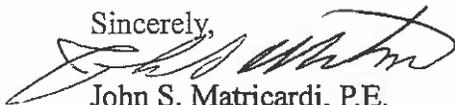
Subject: Request for Review of Endangered Species For 5085 Lockwood Road, Perry, OH

Dear Dr. Knapp/Ms. Seymour:

The OEPA requires that we submit the attached 401 permit application to you for your review of any Threatened or Endangered species in the project area. We have also already applied for a Corps of Engineers and an ODNR permit on 1/21/13.

All proposed work is along the shoreline in the water and no trees or shrubs will be disturbed during construction. Please call if you have any questions during your review.

Sincerely,



John S. Matricardi, P.E.
President
Matrix Engineering inc.

MATRIX ENGINEERING INC.

**CONSULTING ENGINEERS
12815 DETROIT AVENUE
LAKEWOOD, OHIO 44107
Phone: (216) 226-6520
FAX: (216) 226-1961
e-mail: matrixlake@aol.com**

January 21, 2013

Greg Schneider
Ohio Dept. of Natural Resources
Division of Wildlife
2045 Morse Road, Bldg. G-3
Columbus, OH 43229-6693

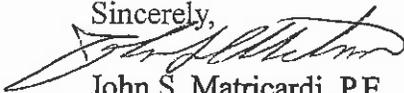
Subject: Request for Review of Endangered Species for 5085 Lockwood Road, Perry OH

Dear Greg:

The OEPA requires that we submit the attached 401 permit application to you for your review of any Threatened or Endangered species in the project area. We have also already applied for an ODNR Shore Structure and Corps of Engineers permit on 1/21/13.

All proposed work is along the shoreline in the water and no trees or shrubs will be disturbed during construction. Please call if you have any questions during your review.

Sincerely,



John S. Matricardi, P.E.
President
Matrix Engineering Inc.



Public Notice

Issued: March 19, 2013

Expires: April 17, 2013

U.S. Army Corps
Of Engineers
Buffalo District

Application No: 2013-00121
Section: OH

All written comments should reference the above Application No. and be addressed to: **US Army Corps of Engineers, Buffalo District Regulatory Branch, 1776 Niagara Street, Buffalo, NY 14207-3199**

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

APPLICANT: Allen, Harry and Yvonne; Morris, Gregory and Andrea

WATERWAY & LOCATION: Within and along the Lake Erie shoreline, located at 5085 Lockwood Road, Perry Township, Lake County, Ohio.

LATITUDE & LONGITUDE: Latitude North: 41.81739
Longitude West: -81.10786

EXISTING CONDITIONS: The project area is currently an unimproved section of Lake Erie shoreline. The project area currently consists of sand beach approximately 40 feet in width.

PROPOSED WORK: The applicant has proposed to construct two detached offshore breakwaters 89 linear feet (LF) long by 30 LF wide, and one L-shaped armor stone groin extending from shore that is 124.5 LF long by 27 LF wide. Construction of each offshore detached breakwater will result in the discharge of approximately 450 cubic yards (CY) of 2-4 ton armor stone below the ordinary high water (OHW) elevation (573.4 feet International Great Lakes Datum, 1985) of Lake Erie, for a total of 900 CY. The offshore-detached breakwaters will result in permanent impacts to a combined 5,000 square feet (SF) of lake bottom. Construction of the L-shaped groin will require placing approximately 550 CY of 2-4 ton armor stone below OHW, and will result in permanent impacts to approximately 3,700 SF of lake bottom (Sheets 1 to 6 of 10).

PROJECT PURPOSE

Basic: Erosion protection and beach creation.

Overall: To provide long-term erosion protection to the shoreline of the property and provide a permanent beach between the existing sheet pile walls and new detached breakwaters.

Water Dependency Determination: The proposed project is not located in a special aquatic site.

Avoidance and Minimization Information: The applicants have not provided avoidance and minimization information.

Proposed Mitigation: The applicants have proposed to place 1,000 cubic yards of sand pre-fill along the shoreline above OHW. In addition to helping facilitate a permanent beach, the sand pre-fill is expected to compensate for the amount of sand that will no longer be entering the system as a result of the construction of the project. Furthermore, the applicants have proposed a littoral monitoring plan (Sheets 7-10 of 10) that will be used to determine the need for future sand bypass. As of the date of this document the Corps has not performed an in-house calculation to confirm that the proposed amount of sand pre-fill is sufficient.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Keith C. Sendziak, who can be contacted at the above address, by calling (716) 879-4339, or by e-mail at: keith.c.sendziak@usace.army.mil
A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant's have certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. Glen Cobb
Ohio Department of Natural Resources
Environmental Policy Coordinator
Office of Legislative Services
2045 Morse Road, Building D-3
Columbus, Ohio 43229
Phone: (614)265-6888
FAX: (614) 267-4764
glen.cobb@dnr.state.oh.us

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 4 of 10. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of

this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*), Kirtland's warbler (*Setophaga kirtlandii*), piping plover (*Charadrius melodus*), and snuffbox (*Epioblasma triquetra*) to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross-examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

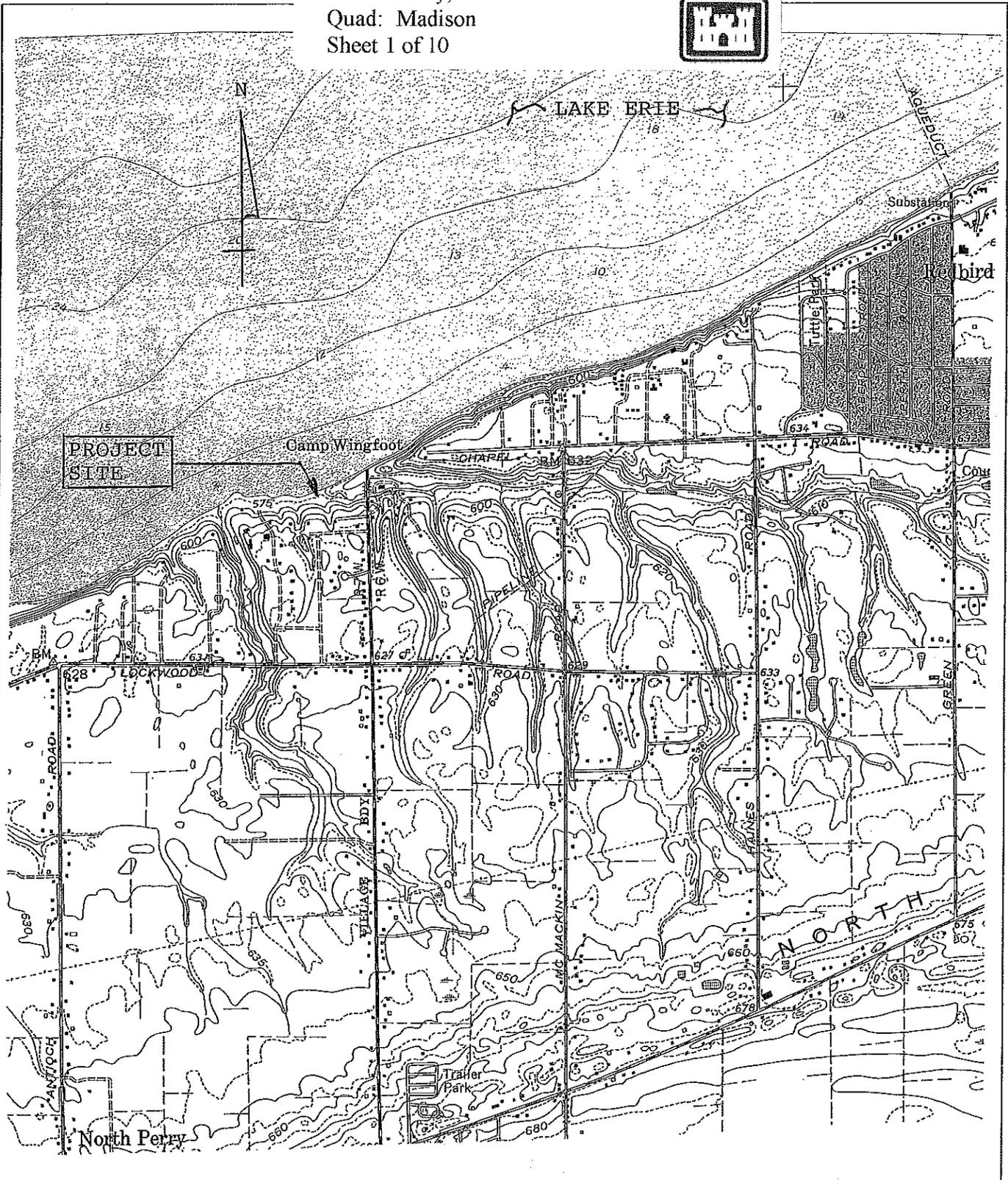
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

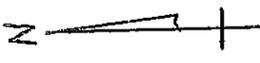
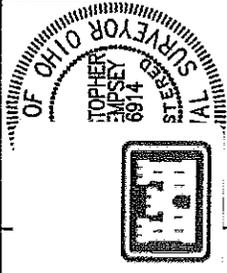
SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



DATUM: 0.0 L.W.D. = 569.2 1GLD 1985	VICINITY MAP	PREPARED BY: MATRIX ENGINEERING, INC.
ADJACENT PROPERTY OWNERS: 1.) WILLIAM R. & DEBRA A. KANDA 2.) FRANCES S., NOEL T. & THEODORE R. SFERRA	HARRY L. JR. & YVONNE L. ALLEN 5085 LOCKWOOD ROAD PERRY, OHIO 44081	SHORELINE IMPROVEMENTS AT 5085 LOCKWOOD ROAD NORTH PERRY, OHIO SHEET 1 OF REVISED DATE 01-16-13

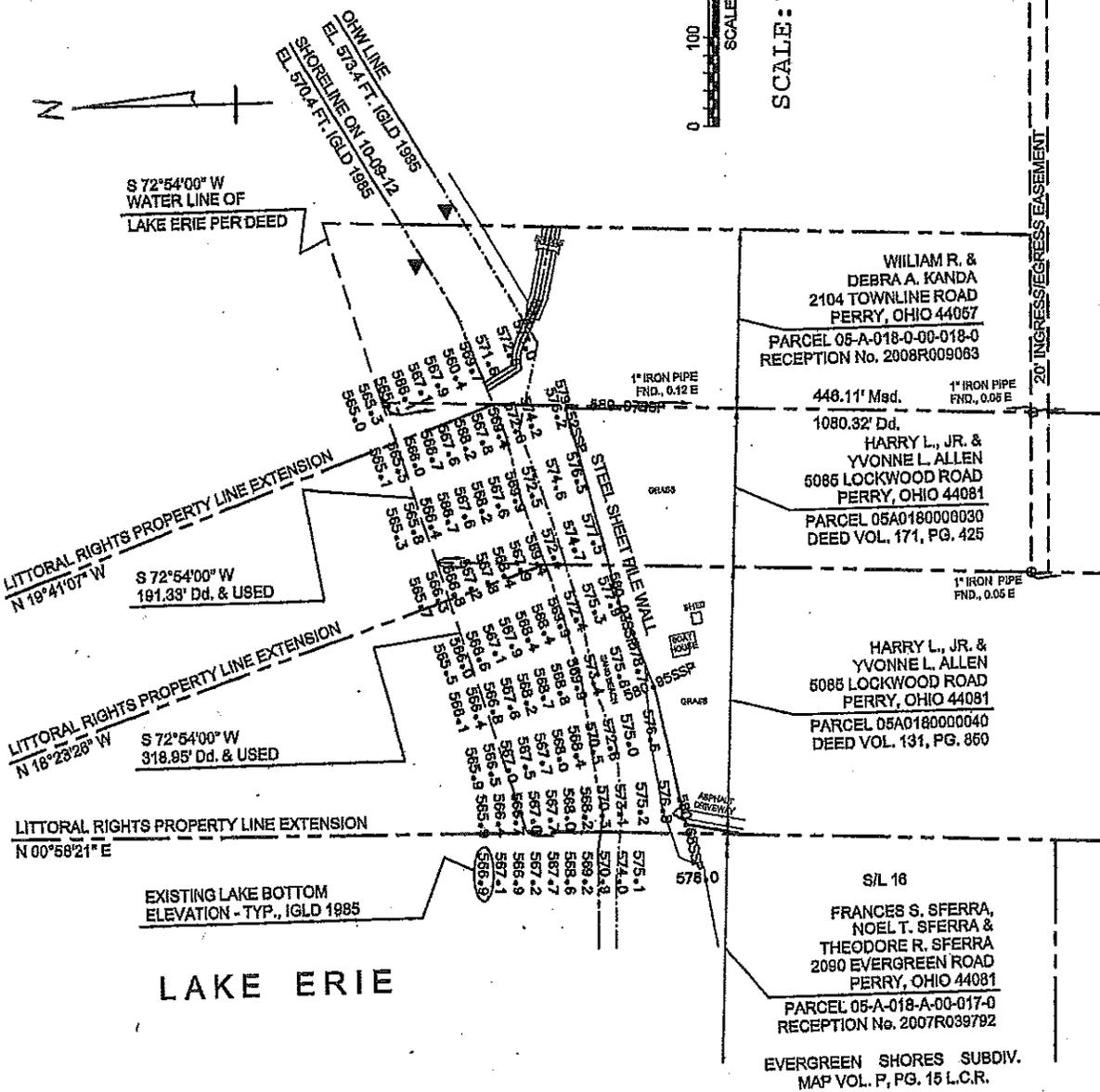


SCALE: 1" = 200'

68" IRON PIN
MON. USED

TOWNLINE

20' INGRESS/EGRESS EASEMENT



Allen, Harry and Yvonne
D/A Processing No. 2013-00121
Lake County, Ohio
Quad: Madison
Sheet 3 of 10

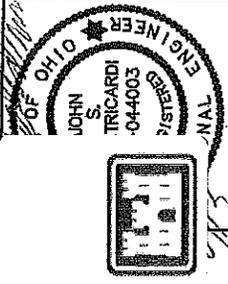
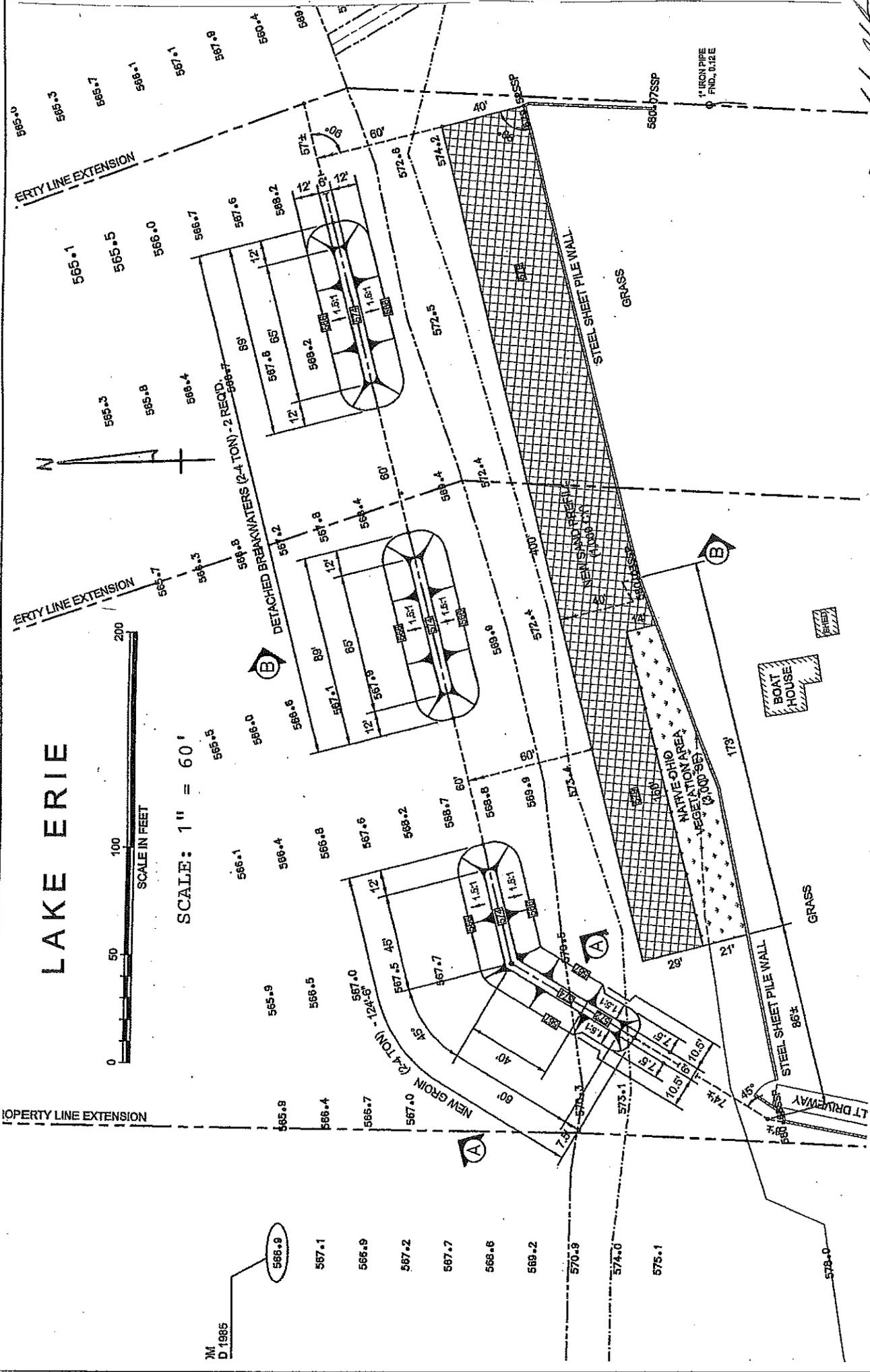
EXISTING SITE PLAN

HARRY L. JR. & YVONNE L. ALLEN
5085 LOCKWOOD ROAD
PERRY, OHIO 44081

DATUM: 0.0 L.W.D. = 569.2 IGLD 1985

ANALYST PROPERTY DESIGN

1.) WILLIAM R. & DEBRA A. KANDA
2.) FRANCES S., NOEL T. & THEODORE R. SFERRA



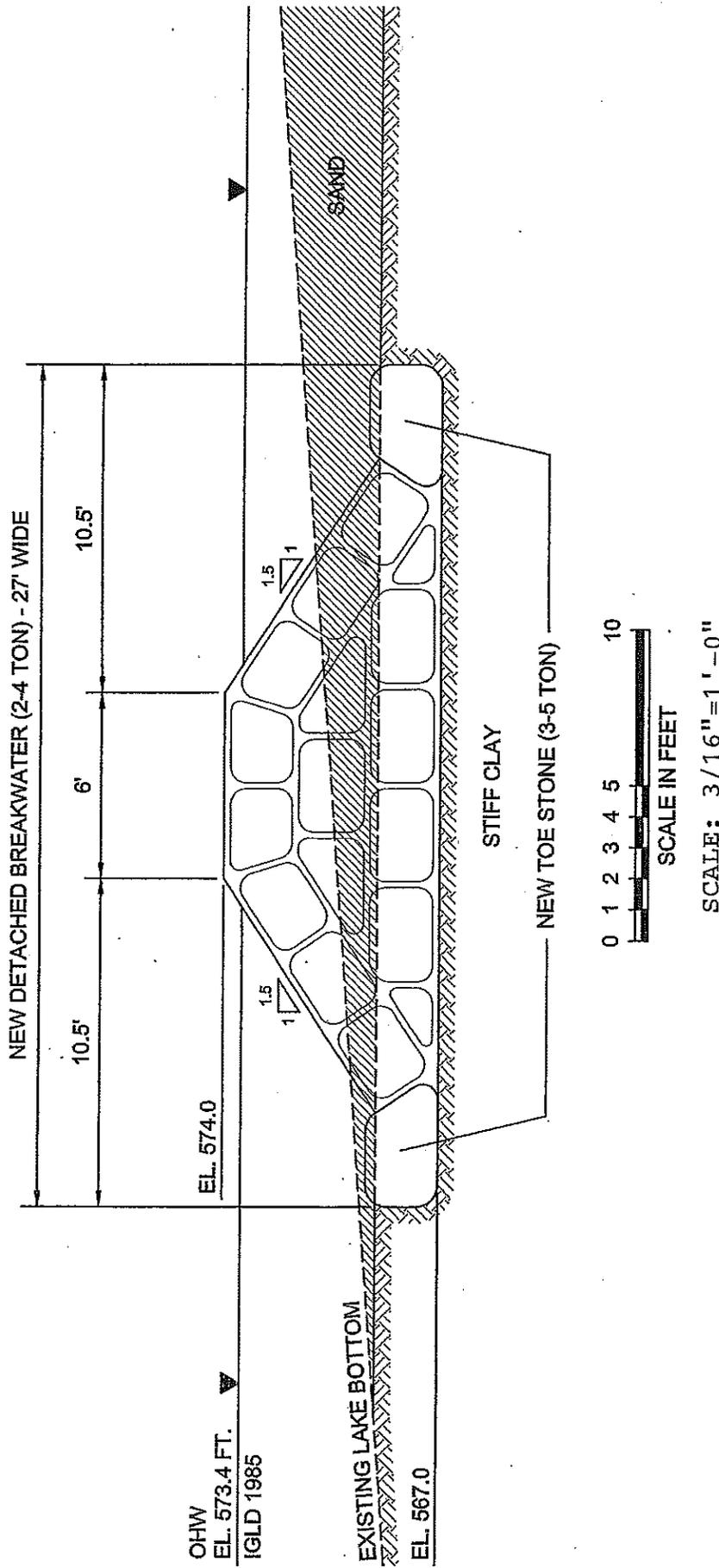
Allen, Harry and Yvonne
 D/A Processing No. 2013-00121
 Lake County, Ohio
 Quad: Madison
 Sheet 5 of 10

SITE PLAN

HARRY L. JR. & YVONNE L. ALLEN
 5085 LOCKWOOD ROAD
 PERRY, OHIO 44081

DATUM: 0.0 L.W.D. = 569.2 (GLD 1985)

1.) WILLIAM R. & DEBRA A. KANDA
 2.) FRANCES S., NOEL T. & THEODORE R. SFERRA



NOTES:

1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 LWD = 569.20 FT. IGLD 1985.

DATUM: 0.0 L.W.D. = 569.2 IGLD 1985

AMOUNT PROPERTY OWNERS

- 1.) WILLIAM R. & DEBRA A. KANDA
- 2.) FRANCES S., NOEL T. & THEODORE R. SFERRA

SECTION A-A

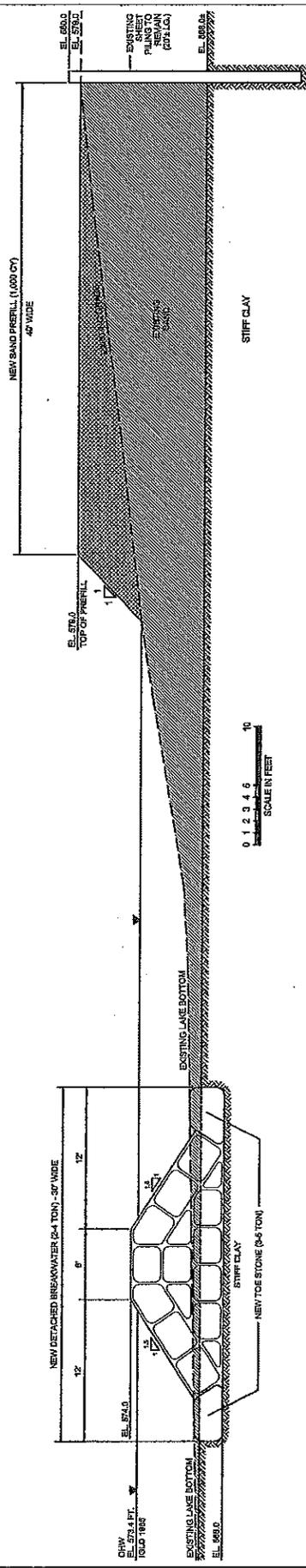
HARRY L. JR. & YVONNE L. ALLEN
5085 LOCKWOOD ROAD
PERRY, OHIO 44081

FORM

SF

Allen, Harry and Yvonne
D/A Processing No. 2013-00121
Lake County, Ohio
Quad: Madison
Sheet 6 of 10





Allen, Harry and Yvonne
 D/A Processing No. 2013-00121
 Lake County, Ohio
 Quad: Madison
 Sheet 7 of 10

SECTION B-B

HARRY L. JR. & YVONNE L. ALLEN
 5085 LOCKWOOD ROAD
 PERRY, OHIO 44081

DATUM: 0.0 L.W.D. = 569.2 IGLD 1985

1.) WILLIAM R. & DEBRA A. KANDA
 2.) FRANCES S., NOEL T. & THEODORE R. SFERRA



NOTES:
 1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 L.W.D. = 569.20 FT. IGLD 1985.



January 21, 2013

**LONG TERM MONITORING, BY-PASS, AND RE-NOURISHMENT PLAN FOR 5085
LOCKWOOD ROAD, NORTH PERRY, OH**

1. A preconstruction survey shall be performed immediately prior to any work below the Ordinary High Water Mark (OHWM = 573.4 FT. IGLD 1985). A second survey shall be performed within 10 days after the two detached offshore breakwaters and one groin is constructed in the project area or when weather permits an accurate survey to be performed, but before the sand prefill is placed. Any net fill difference in bottom elevation between the preconstruction survey and the second project area survey must be bypassed and placed downdrift (East) in 4 feet of water or less. Within 10 days of receiving written approval from the USACE Buffalo District, any required bypass shall be performed and the sand prefill placed. A baseline survey shall then be performed within 10 days after the sand prefill is placed or when weather permits an accurate survey to be performed.

Sand used for nourishment will be from the approved upland source listed on the permit Site Plan.

2. Annual monitoring surveys shall be conducted in the Summer between July 1 and August 1 for 3 years following completion of the project construction. Monitoring reports shall be submitted to the USACE Buffalo District and ODNR no later than 60 days after the surveys are performed. If repeated data (over successive years) shows that the project's area of influence is stable (i.e. there is no net accretion or erosion occurring) annual monitoring after 3 years may be waived in writing by the USACE Buffalo District and ODNR.

After 3 years, the USACE Buffalo District and ODNR may require further monitoring, bypass, modification, removal, or no further action. The applicant may add more sand to renourish the beach, however if excess sand from the littoral system accumulates beyond what exists in the post-construction survey, bypass will be required.

3. All monitoring reports shall be sent to the attention of the Chief of Monitoring and Enforcement, Buffalo District Regulatory Branch, U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, NY 14207 and to the ODNR Office of Coastal Management, 105 W. Shoreline Drive, Sandusky, OH 44870. Any waiver of this requirement shall be obtained in writing by coordinating with the USACE Buffalo District and ODNR.

4. No dredging or sand bypassing shall occur until written approval is received from the USACE Buffalo District. The USACE Buffalo District and ODNR shall be notified 5 days prior to dredging or sand bypassing activities.

5. Monitoring reports shall include:

- A. The survey shall establish a fixed baseline 300 feet West of the West property line and continuing to 300 feet East of the East property line at 50 foot Stations. The baseline will be established with iron pins, drill holes, or GPS Coordinates at each Station above OHWM.
- B. The survey shall be conducted along the 50 foot stations. Stations shall begin at the iron pin, drill hole, or GPS Coordinate set for the initial monitoring survey and points shall be surveyed along the line at a 20 foot spacing out to a depth of 6 feet or 200 feet from the baseline.
- C. The transects shall be plotted on a plan view drawing and must be clearly legible in black and white, in 8-1/2" by 11" format, and include a scale bar.
- D. The existing lake level shall be determined and noted at the time of the survey.

- E. A table detailing each transect and the depth of the sand/bottom from the iron pins set taken at each sampling point along the given transects.
- F. A drawing of the proposed location for depositing bypassed material shall be submitted. The USACE Buffalo district and ODNR will evaluate the Permittee's placement location and will have final authority over the placement location.
- G. Permittee shall provide verifiable estimates of net sediment volume changes in the littoral system within the area impacted by the proposed project and will provide proposed bypassing or nourishment quantities. The USACE Buffalo District and ODNR will evaluate the Permittee's volume estimates and will have final authority in verifying the dredging volume.
- H. The amount of material to bypass shall be the net fill volume calculated as the difference in volume between the bottom elevation in the required annual survey versus the baseline survey after the initial prefill sand was installed.
- I. If the distance of open water between the South face of The offshore breakwater and shoreline is greater than the initial original project design distance, sand nourishment may be required to maintain the authorized sand beach.
- J. The existing site conditions shall be photographed immediately following the completion of the project construction and at the same approximate times as the above mentioned surveys for years 1 through 3 following project completion with the exception of any monitoring years waived by the USACE Buffalo District and ODNR. Photos shall be plotted on a photo location map including the location and direction of each photo. Photographs shall be taken at the same approximate location each year and shall include but are not limited to the following:
- Annual Photographs shall be taken as follows:
1. One photograph from the center of the property at the top of the bluff looking at the shoreline.
 2. One photograph of the shoreline looking updrift (West) and one photograph of the shoreline looking down drift (East).
 3. One photograph from the center of the East and Center offshore breakwaters and West groin facing South toward the shoreline.
- K. The permittee shall remove trapped sediment from the project's area of influence within 30 days of authorization from the USACE Buffalo District or obtain sand/gravel from an approved upland source, and place it immediately downdrift (East) of the project area along the shoreline or in the near shore region at a depth of 4 feet or less East of the East property line. The addition of sand and gravel may necessitate a new baseline survey.
- L. The Permittee will be responsible for documenting successful completion of each dredge and bypass event. This may include, but is not limited to photographs and/or Contractor's receipts to be submitted to the USACE Buffalo district and ODNR.
- M. Surveying and bypassing in addition to the proposed annual survey and bypassing may be required as needed upon request by the USACE Buffalo District and ODNR. Future revisions to the Long Term Monitoring, By-pass, and Re-Nourishment Plan for 5085 Lockwood Road, North Perry, OH (Prior to year 3) may also be required.



N. Contingency Plan: Following Year 3 of the monitoring period, if further action is necessary to maintain adequate littoral processes, the USACE Buffalo District and ODNR can order the Permittee to perform one or more of the following type of activities to include but not limited to:

1. Additional yearly monitoring beyond 3 years.
2. Additional downdrift sand bypassing.
3. Additional sand nourishment events and/or:
- 4 Modification or removal of the offshore breakwater.

Sand bypassing shall be performed with an excavator, backhoe, loader, dump truck, or additional equipment as required..

