

APPLICATION FOR OHIO EPA SECTION 401 WATER QUALITY CERTIFICATION

Effective October 1, 1996
Revised August, 1998

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)

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

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OHIO EPA - DSW

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

CLEAR

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

3. Name and address of applicant:

MIGUEL A. & DENISE L. ZUBIZARRETA
31214 LAKE ROAD
BAY VILLAGE, OHIO 44140

Telephone number during business hours:

() (Residence)

(216) 252-0222 (Office)

3a. Signature of Applicant:

[Handwritten signatures]

Date:

Nov 2012
Nov 12 2012

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:

[Handwritten signatures]

Date:

Nov 1 2012
Nov 1 2012

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:

31214 LAKE ROAD

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

LAKE ERIE	CUYAHOGA	BAY VILLAGE	OHIO	44140
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		08-24-12		
ODNR	PERMIT & LEASE		08-24-12		

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

8a. Activity: Describe the Overall Activity:

SEE ATTACHMENT #1.

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

TO PROVIDE LONG TERM EROSION PROTECTION TO THE SHORELINE OF THE PROPERTY. TO PROVIDE LAKE ACCESS FROM THE TOP OF THE BLUFF. TO PROVIDE A STEEL CRIB PIER FOR DOCKAGE OF TRANSIENT BOATS & JET SKIS.

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:

CONCRETE RUBBLE REMOVAL - 800 CY (750 CY BELOW OHW) - 9,000 SF OF LAKE BOTTOM RESTORED, CONCRETE MODULE SEAWALL - 160 CY (150 CY BELOW OHW), CONCRETE SLAB ABOVE SEAWALL - 54 CY ABOVE OHW, CONCRETE RETAINING WALL - 65 CY ABOVE OHW, RELOCATED CONCRETE RUBBLE - 360 CY (20 CY BELOW OHW), ARMOR STONE (3-5 TON) - 120 CY (85 CY BELOW OHW), STEEL CRIB "T" PIER - ODOT "B" STONE & CONCRETE RUBBLE - 270 CY (220 CY BELOW OHW), STEEL CRIB "T" PIER - CONCRETE - 33 CY ABOVE OHW.

9,000 SF OF LAKE BOTTOM RESTORED WITH REMOVAL OF CONCRETE RUBBLE - 900 SF OF LAKE BOTTOM FILLED FOR NEW STEEL CRIB "T" PIER = 8,900 SF NET OF LAKE BOTTOM RESTORED 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 30'06"

LONGITUDE: 81 DEGREES 57'45"

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

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

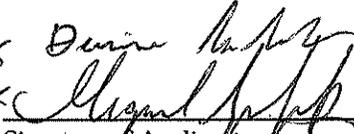
At a minimum, item a) below must be completed for the Preferred Design, the Minimal Degradation Alternative(s), and the Non-Degradation Alternative(s), followed by completion of item b) for each alternative, and so on, until all items have been discussed for each alternative (see Primer for specific 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):
 - Describe proposed Wetland Mitigation (see OAC 3745-1-54 and Primer)
 - Describe proposed Stream, Lake, Pond Mitigation (see Primer)

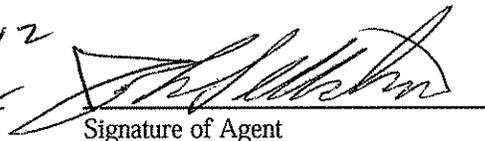
11. Application is hereby made for a Section 401 Water Quality Certification. I certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

X 
 X 

 Signature of Applicant

Nov 1 2012
 Nov 1 2012

 Date



 Signature of Agent

MIGUEL A. & DENISE L. ZUBIZARRETA

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.

ATTACHMENT #1

MINIMAL DEGRADATION ALTERNATIVE:

TO REMOVE EXISTING CONCRETE RUBBLE DOWN TO SHALE BEDROCK FROM AN AREA APPROXIMATELY 155' LONG BY 58' WIDE (9,000 SF) TO RESTORE THE EXISTING LAKE BOTTOM AND PLACE MATERIAL UPLAND ABOVE OHW. CONSTRUCT A NEW 146 LF CONCRETE MODULE SEAWALL WITH A 10' WIDE CONCRETE SLAB AND CONCRETE RETAINING WALL ALONG THE SHORELINE OF THE PROPERTY. CONSTRUCT 31 LF OF NEW ARMOR STONE REVETMENT (3-5 TON) ALONG THE EAST & WEST ENDS OF THE PROJECT TO PREVENT FLANKING EROSION. CONSTRUCT NEW 10' WIDE STEEL CRIB PIER WITH CONCRETE SLAB. "T" PIER 50' LONG WITH A 50' "T" TO ACCOMODATE JET SKIES AND 40' BOATS ON EACH SIDE FOR TRANSIENT DOCKAGE AND A 10' SQUARE ACCESS STEEL BRIDGE. CONSTRUCT A NEW LAKE ACCESS WALKWAY AT A 6:1 SLOPE FROM TOP OF THE BLUFF TO NEW CONCRETE MODULE SEAWALL WITH REDI-ROCK RETAINING WALLS ON THE SIDES. CONSTRUCT A NEW 20'x25' CONCRETE BLOCK STORAGE BUILDING ON PRE-1989 MATERIAL FOR STORAGE OF JET SKIS & OTHER SHORELINE EQUIPMENT.

CONCRETE RUBBLE REMOVAL - 800 CY (750 CY BELOW OHW) - 9,000 SF OF LAKE BOTTOM RESTORED

CONCRETE MODULE SEAWALL - 160 CY (150 CY BELOW OHW)

CONCRETE SLAB ABOVE SEAWALL - 54 CY ABOVE OHW

CONCRETE RETAINING WALL - 65 CY ABOVE OHW

RELOCATED CONCRETE RUBBLE - 360 CY (20 CY BELOW OHW)

ARMOR STONE (3-5 TON) - 120 CY (85 CY BELOW OHW)

STEEL CRIB PIER - ODOT "B" STONE & CONCRETE RUBBLE - 270 CY (220 CY BELOW OHW)

STEEL CRIB "T" PIER - CONCRETE - 33 CY ABOVE OHW.

LAKE BOTTOM AREA - CONCRETE RUBBLE REMOVAL (9,000 SF RESTORED) - STEEL CRIB PIER (900 SF FILL) = 8,100 SF OF LAKE BOTTOM RESTORED (NET)

A. Project Description

MINIMAL DEGRADATION ALTERNATIVE:

TO REMOVE EXISTING CONCRETE RUBBLE DOWN TO SHALE BEDROCK FROM AN AREA APPROXIMATELY 155' LONG BY 58' WIDE (9,000 SF) TO RESTORE THE EXISTING LAKE BOTTOM AND PLACE MATERIAL UPLAND ABOVE OHW. CONSTRUCT A NEW 146 LF CONCRETE MODULE SEAWALL WITH A 10' WIDE CONCRETE SLAB AND CONCRETE RETAINING WALL ALONG THE SHORELINE OF THE PROPERTY. CONSTRUCT 31 LF OF NEW ARMOR STONE REVETMENT (3-5 TON) ALONG THE EAST & WEST ENDS OF THE PROJECT TO PREVENT FLANKING EROSION. CONSTRUCT NEW 10' WIDE STEEL CRIB PIER WITH CONCRETE SLAB. "T" PIER 50' LONG WITH A 50' "T" TO ACCOMODATE JET SKIES AND 40' BOATS ON EACH SIDE FOR TRANSIENT DOCKAGE AND A 10' SQUARE ACCESS STEEL BRIDGE. CONSTRUCT A NEW LAKE ACCESS WALKWAY AT A 6:1 SLOPE FROM TOP OF THE BLUFF TO NEW CONCRETE MODULE SEAWALL WITH REDI-ROCK RETAINING WALLS ON THE SIDES. CONSTRUCT A NEW 20'x25' CONCRETE BLOCK STORAGE BUILDING ON PRE-1989 MATERIAL FOR STORAGE OF JET SKIS & OTHER SHORELINE EQUIPMENT.

B. Impacts

MINIMAL DEGRADATION ALTERNATIVE:

CONCRETE RUBBLE WILL BE REMOVED DOWN TO THE EXISTING LAKE BOTTOM IN AN AREA 155' LONG BY 58' WIDE (9,000 SF), 146 LF OF CONCRETE MODULE SEAWALL WILL BE INSTALLED, 31 LF OF ARMOR STONE REVETMENT AND A "T" STEEL CRIB PIER 50' LONG BY 10' WIDE WITH A 50' LONG BY 10' WIDE "T" AND FILL 900 SF OF LAKE BOTTOM.

Total shoreline length on site: **195 LF**
 Total shoreline length impacted: **177 LF**
 Lakeward extent of impacts: **60 LF**

Impact Type	Cubic Yards Fill/Removal (Total)	Cubic Yards Fill/Removal (Below OHW)
CONCRETE RUBBLE REMOVAL	800 CY REMOVAL	750 CY REMOVAL
CONCRETE MODULE SEAWALL	160 CY FILL	150 CY FILL
ARMOR STONE REVETMENT	120 CY FILL	85 CY FILL
STEEL CRIB PIER	404 CY FILL	293 CY FILL
Totals	116 CY REMOVAL (NET)	222 CY REMOVAL (NET)

August 24, 2012

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

10. A) Preferred Design Alternative: To remove existing concrete rubble down to shale bedrock from an area approx. 155' long by 58' wide (9,000 SF) to restore the existing lake bottom and place material upland above OHW. Construct a new 146 LF concrete module seawall with a 10' wide concrete slab and concrete retaining wall along the shoreline of the property. Construct 31 LF of new armor stone revetment (3-5 ton) along the East & West ends of the project to prevent flanking erosion. Construct a new 10' wide steel crib "T" pier with a top concrete slab. "T" pier is 60' long with a 70' "T" at end to accommodate jet skies and 40' boats on each side for transient dockage and a 10' square access steel bridge. Construct a new lake access walkway at 6:1 slope from top of bluff to new concrete module seawall with Redi-Rock retaining walls on the sides. Construct a new 20'X25' concrete block storage building on Pre-1989 fill material for storage of jet skies & other shoreline equipment.

Fill Materials:

CONCRETE RUBBLE REMOVAL – 800 CY (750 CY BELOW OHW) – 9,000 SF of Lake Bottom Restored
CONCRETE MODULE SEAWALL – 160 CY (150 CY BELOW OHW)
CONCRETE SLAB ABOVE SEAWALL – 54 CY ABOVE OHW
CONCRETE RETAINING WALL – 65 CY ABOVE OHW
RELOCATED CONCRETE RUBBLE – 360 CY (20 CY BELOW OHW)
ARMOR STONE (3-5 TON) – 120 CY (85 CY BELOW OHW)
STEEL CRIB "T" PIER (ODOT "B" STONE & CONCRETE RUBBLE) – 360 CY (293 CY BELOW OHW)
STEEL CRIB "T" PIER (CONCRETE) – 44 CY ABOVE OHW
LAKE BOTTOM AREA: CONCRETE RUBBLE REMOVAL (9,000 SF RESTORED) – STEEL CRIB "T" PIER (1,200 SF FILLED) = 7,800 SF OF LAKE BOTTOM RESTORED (NET)

Minimal Degradation Alternative: To remove existing concrete rubble down to shale bedrock from an area approx. 155' long by 58' wide (9,000 SF) to restore the existing lake bottom and place material upland above OHW. Construct a new 146 LF concrete module seawall with a 10' wide concrete slab and concrete retaining wall along the shoreline of the property. Construct 31 LF of new armor stone revetment (3-5 ton) along the East & West ends of the project to prevent flanking erosion. Construct a new 10' wide steel crib "t" pier with a top concrete slab. "T" pier is 50' long with a 50' "T" at end to accommodate jet skies and 40' boats on each side for transient dockage and a 10' square access steel bridge. Construct new lake access walkway at 6:1 slope from top of bluff to new concrete module seawall with Redi-rock retaining walls on the sides. Construct a new 20'X25' concrete block storage building on Pre-1989 fill material for storage of jet skies & other shoreline equipment.

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ARMOR STONE (3-5 TON) – 120 CY (85 CY BELOW OHW)
STEEL CRIB "T" PIER (ODOT "B" STONE & CONCRETE RUBBLE) – 270 CY (220 CY BELOW OHW)
STEEL CRIB "T" PIER (CONCRETE) – 33 CY ABOVE OHW
LAKE BOTTOM AREA: CONCRETE RUBBLE REMOVAL (9,000 SF RESTORED) – STEEL CRIB "T" PIER (900 SF FILLED) = 8,100 SF OF LAKE BOTTOM RESTORED (NET)

Non-Degradation Alternative: The project would not be constructed and lake access would not be provided, transient jet ski and boat dockage would not be provided and 8,100 SF of lake bottom area would not be restored.

10. B.) There is no known medium or long term lowering of water quality due to the placement of steel, concrete, and stone in the waters of Lake Erie. There will be a temporary but short lived increase in turbidity levels during construction of the steel cribs, revetment, concrete module seawall and removal of concrete rubble for the Preferred and Minimal Degradation Alternatives.

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 lake access for transient jet skis and 40' boats and it provides long term erosion protection to the shoreline of the property and restores 8,100 SF of lake bottom area. 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 \$ 660,000 and the Minimal Degradation Alternative is \$ 600,000. The total OEPA review fee is based on the Preferred Alternative with $(750 + 150 + 20 + 85 + 293 = 1,298$ CY below OHW. The total fee is $1,298 \text{ CY} \times \$3.00/\text{CY} + \$ 200$ review fee = \$ **4,094.00** 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 8,100 SF of lake bottom area will not be restored.

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.

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 lake access and will not provide transient dockage for jet skis and small boats and will not restore 8,100 SF of lake bottom area. The project will also increase property taxes for the City of Bay Village and provide submerged land lease fees for ODNR.

10. H.) The Preferred and Minimal Degradation Alternatives will create eight (8) jobs during construction for a period of 3 month and provide \$ 12,000 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 Bay Village.

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

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 and the restoration of 8,100 SF of lake bottom area will not occur.

10. J.) There are no known medium or long term negative effects to water quality, aquatic life, wildlife, threatened or endangered species due to either the Preferred or Minimal Degradation Alternatives and temporary dockage and erosion protection will be greatly increased with either of the two alternatives and 8,100 SF of lake bottom area will be restored.

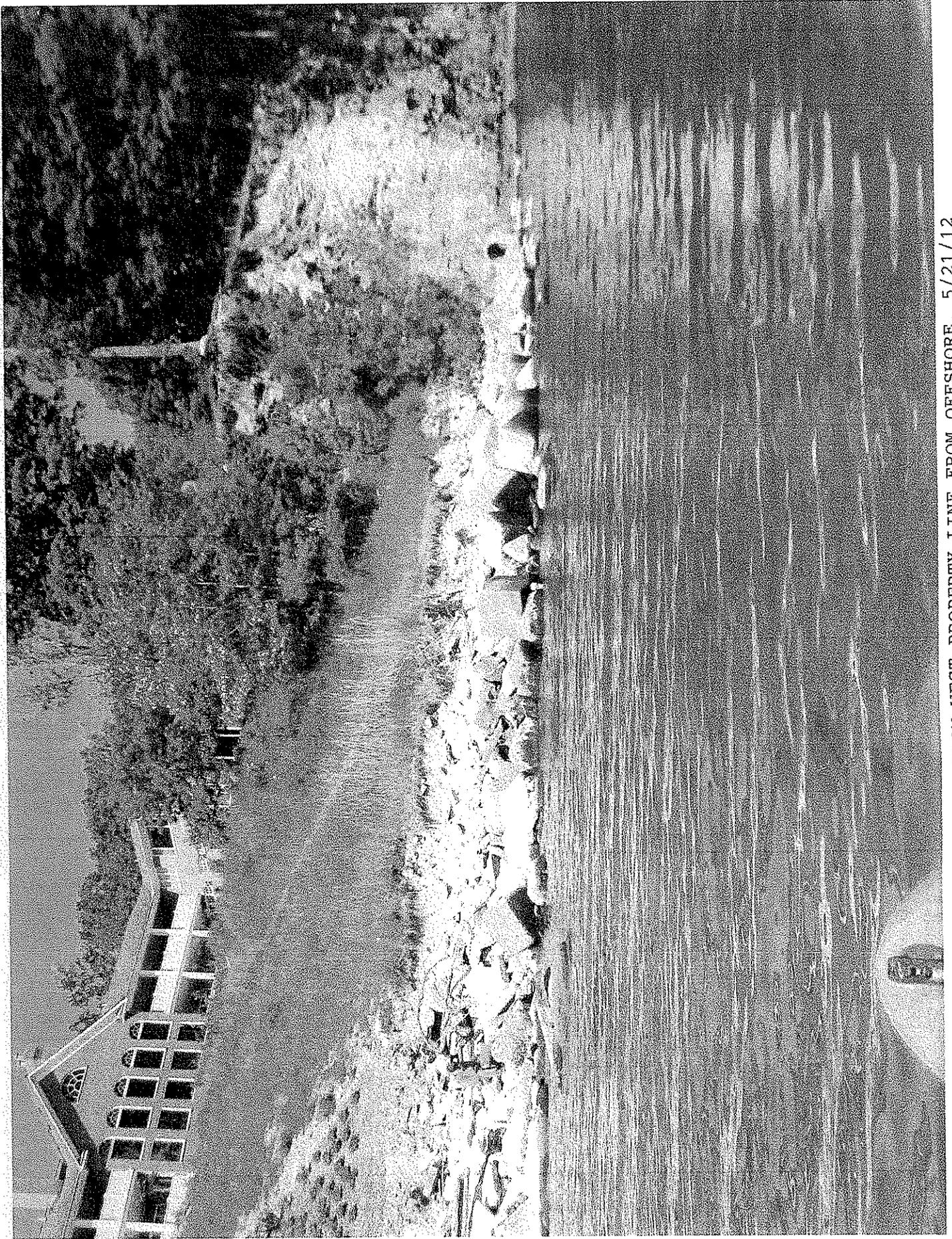
10. K.) No mitigation is required for the project because it provides 8,100 SF of existing lake bottom area filled with concrete rubble to be restored to its natural condition prior to the shoreline being filled with concrete rubble prior to 1989.



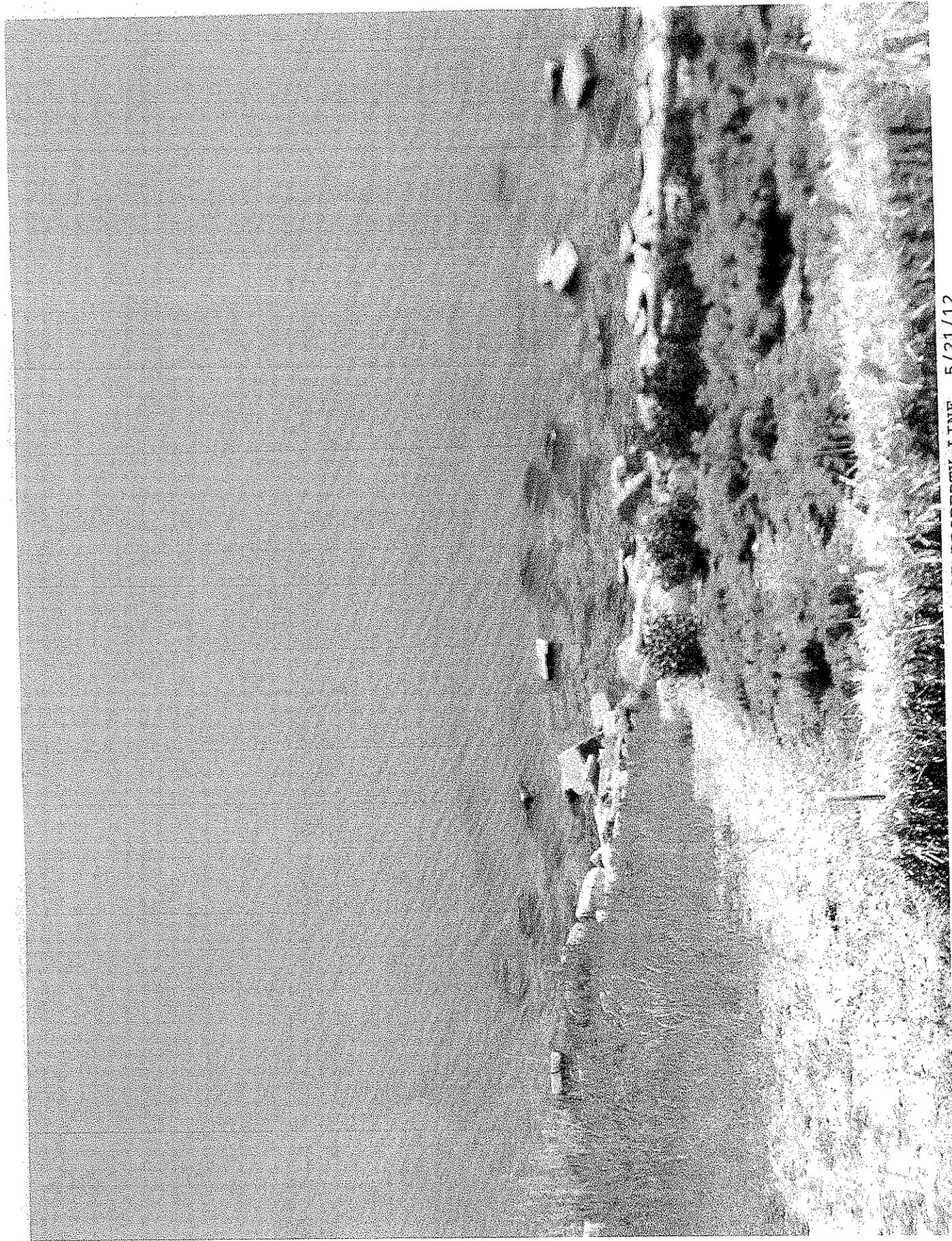
1. LOOKING EAST ALONG SHORELINE FROM WEST PROPERTY LINE FROM OFFSHORE. 5/21/12



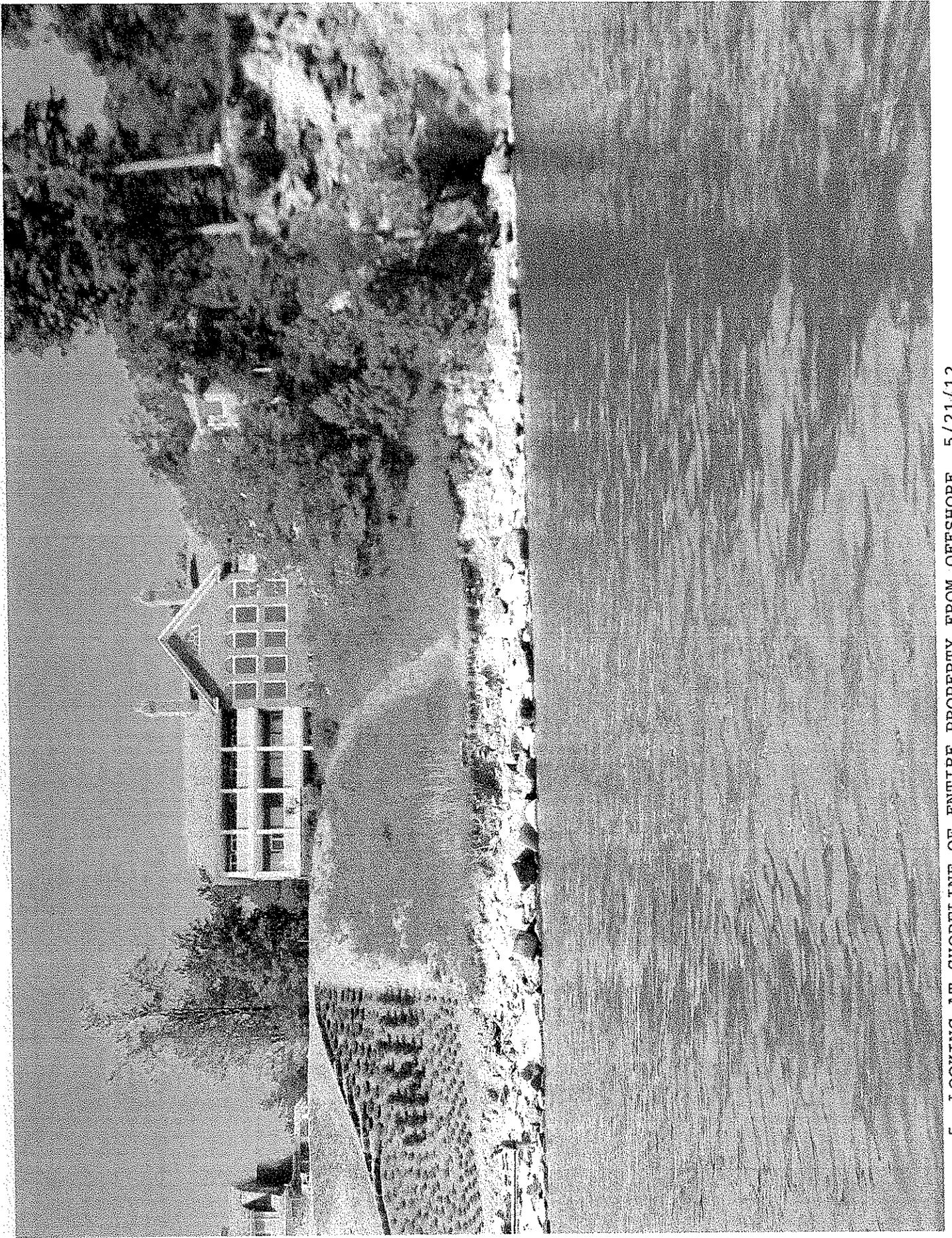
2. LOOKING EAST ALONG SHORELINE FROM WEST PROPERTY LINE AT TOP OF BLUFF. 5/21/12.



3. LOOKING WEST ALONG SHORELINE FROM WEST PROPERTY LINE FROM OFFSHORE. 5/21/12



4. LOOKING AT SHORELINE FROM TOP OF BLUFF AT EAST PROPERTY LINE. 5/21/12

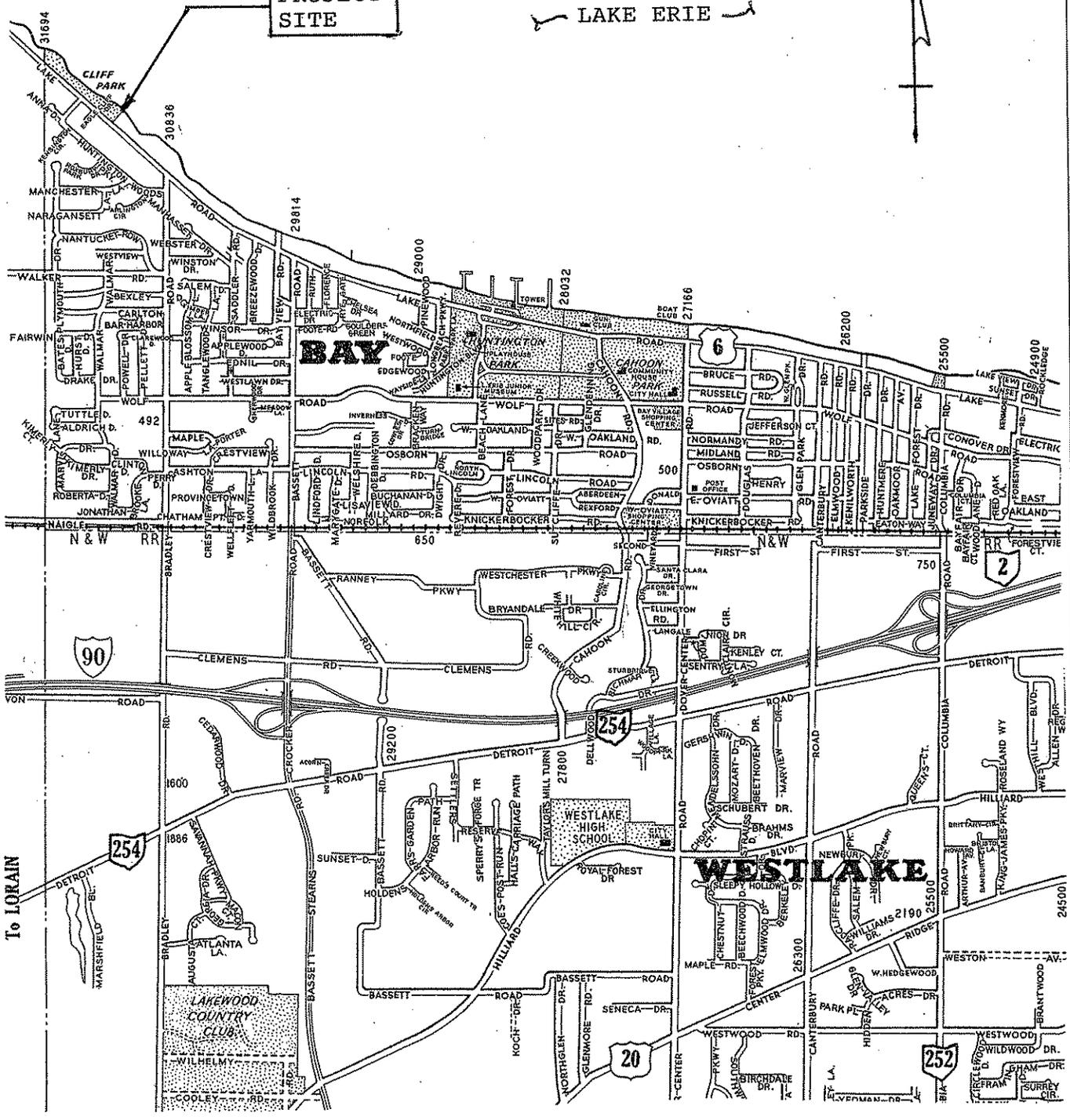


5. LOOKING AT SHORELINE OF ENTIRE PROPERTY FROM OFFSHORE. 5/21/12



PROJECT SITE

LAKE ERIE



DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988

VICINITY MAP

PREPARED BY:
MATRIX ENGINEERING, INC.

- ADJACENT PROPERTY OWNERS:
- 1.) BROOKE SCHUMM, JR., TRUSTEE
 - 2.) PETER B. & ELAINE B. KORTE

MIGUEL A. &
DENISE L. ZUBIZARRETA
31214 LAKE ROAD
BAY VILLAGE, OHIO 44140

SHORELINE IMPROVEMENTS AT
31214 LAKE ROAD
BAY VILLAGE, OHIO



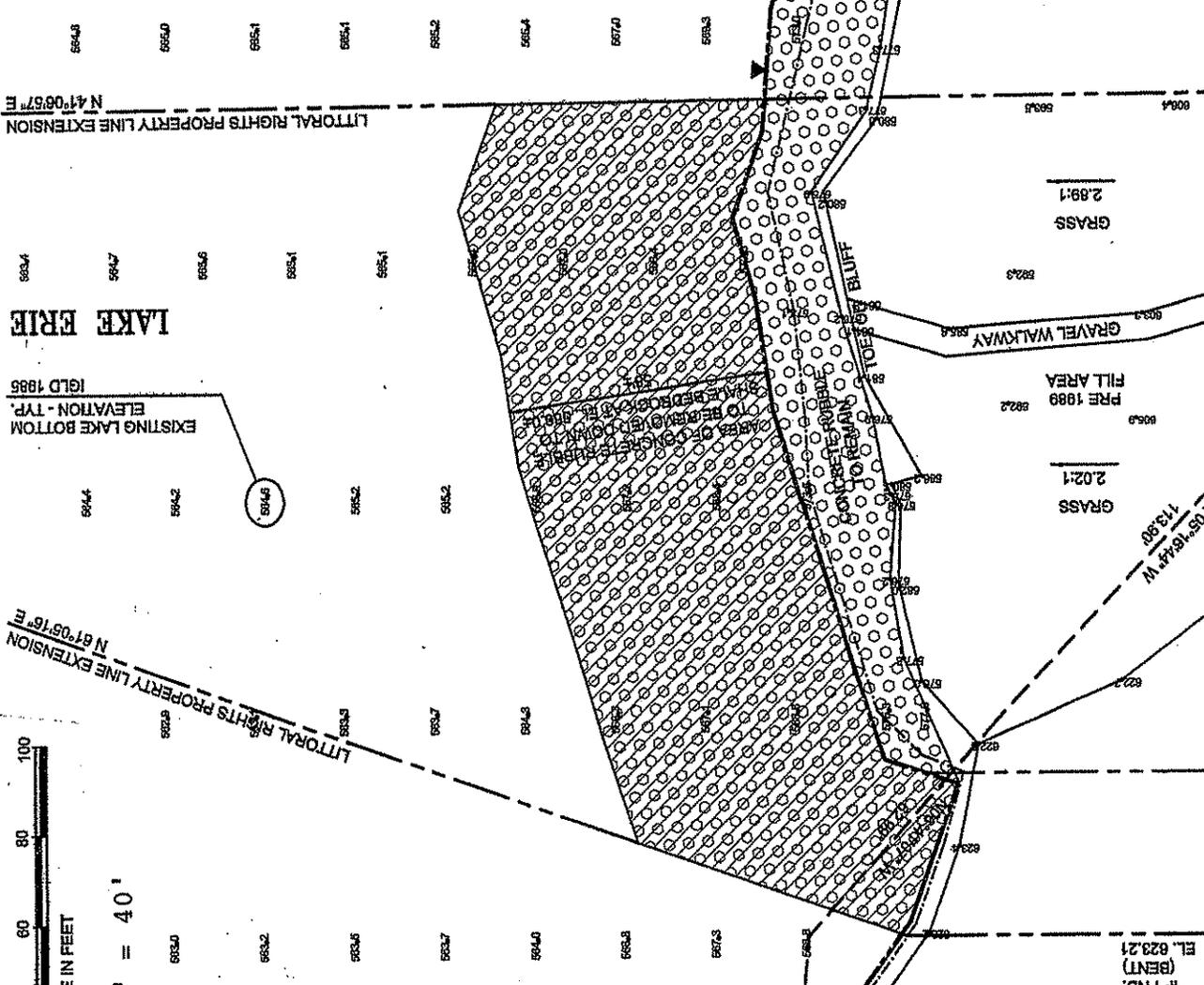
SCALE: 1" = 40'

LITTORAL RIGHTS PROPERTY LINE EXTENSION
N 41°06'57" E

EXISTING LAKE BOTTOM
ELEVATION - TYP.
IGLD 1985

LITTORAL RIGHTS PROPERTY LINE EXTENSION
N 87°05'16" E

LAKE ERIE



MATRIX ENGINEERING INC.
SHORELINE IMPROVEMENTS AT
31214 LAKE ROAD
BAY VILLAGE, OHIO

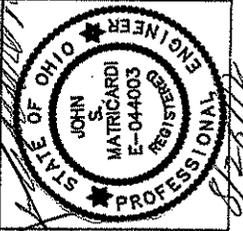
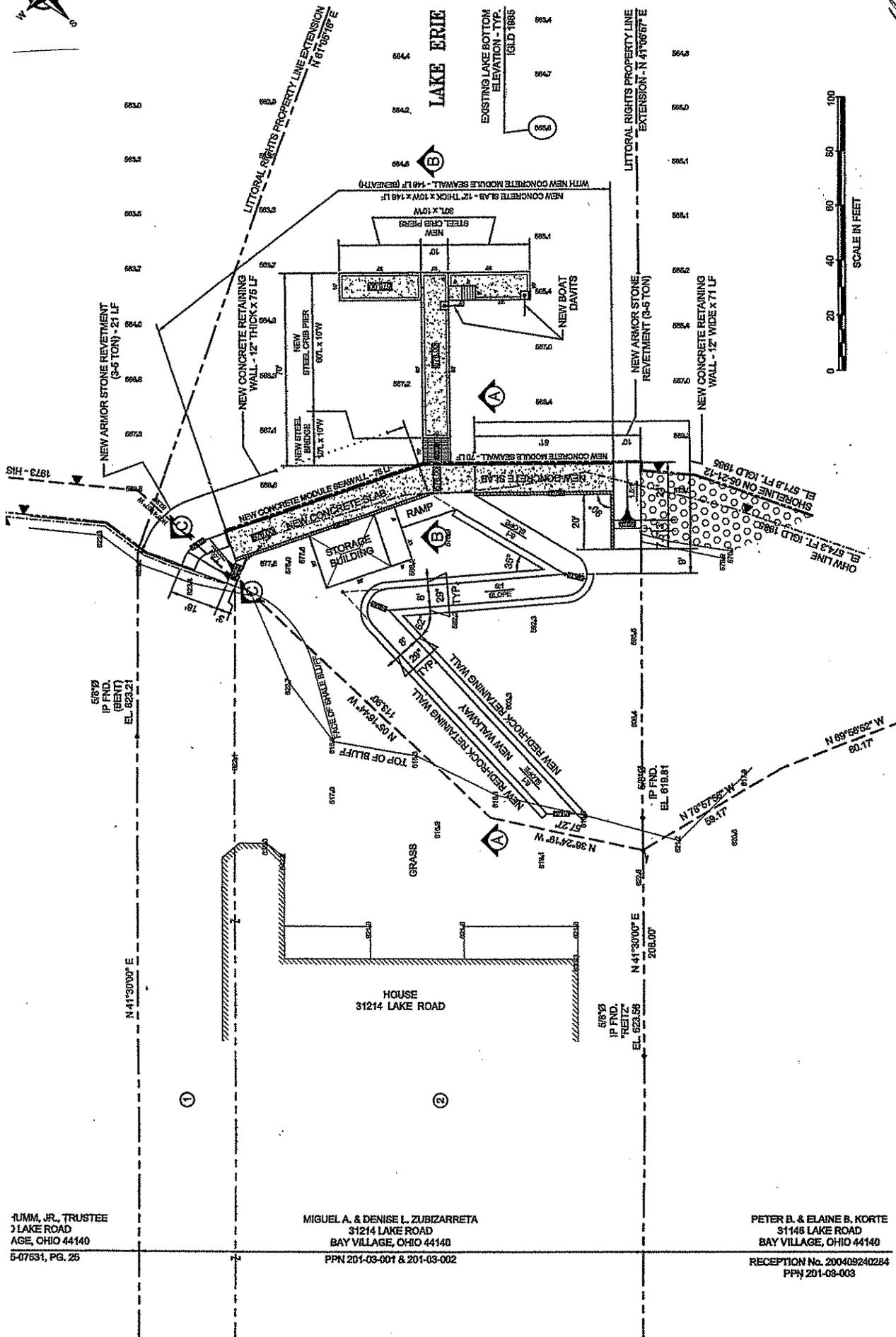
EXISTING SITE PLAN
MIGUEL A. &
DENISE L. ZUBIZARRETA
31214 LAKE ROAD
BAY VILLAGE, OHIO 44140

DATUM: 0.0 LW.D. = 569.42 FT. NAVD 1988
1.) BROOKE SCHUMM, JR., TRUSTEE
2.) PETER B. & ELAINE B. KORTE

SHEET 2A OF 6

DATE: 08-17-12

PROJECT OWNER:



PREPARED BY: **MATRIX ENGINEERING INC.**
 SHORELINE IMPROVEMENTS AT
 31214 LAKE ROAD
 BAY VILLAGE, OHIO

PREFERRED ALTERNATIVE SITE PLAN
 MIGUEL A. &
 DENISE L. ZUBIZARRETA
 31214 LAKE ROAD
 BAY VILLAGE, OHIO 44140

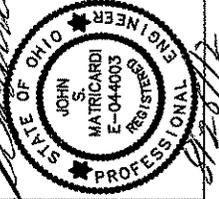
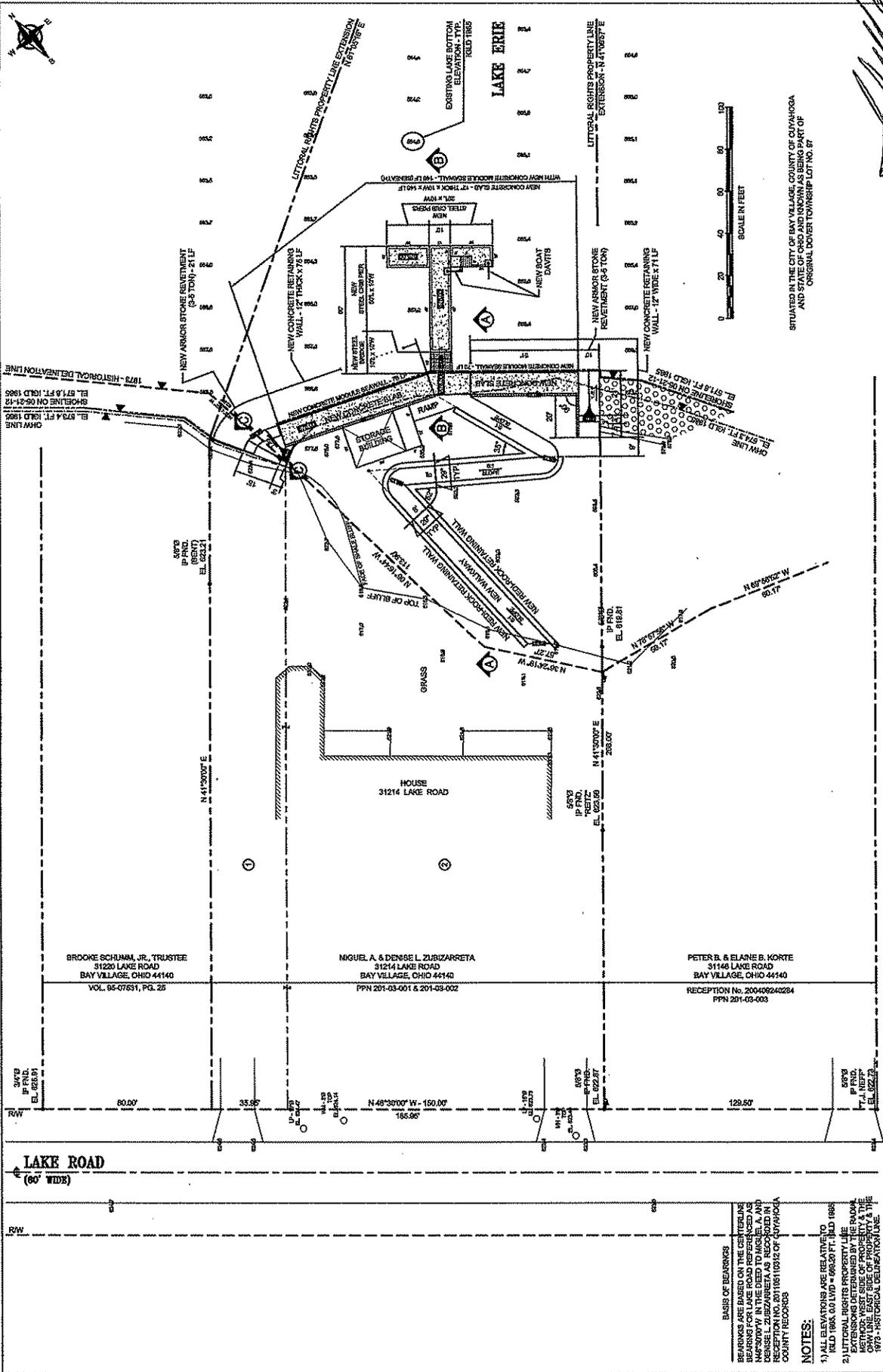
DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988
 1.) BROOKE SCHUMM, JR., TRUSTEE
 2.) PETER B. & ELAINE B. KORTE

BROOKE SCHUMM, JR., TRUSTEE
 31214 LAKE ROAD
 BAY VILLAGE, OHIO 44140
 5-07631, PG. 25

MIGUEL A. & DENISE L. ZUBIZARRETA
 31214 LAKE ROAD
 BAY VILLAGE, OHIO 44140
 PPN 201-03-001 & 201-03-002

PETER B. & ELAINE B. KORTE
 31148 LAKE ROAD
 BAY VILLAGE, OHIO 44140
 RECEPTION No. 200408240284
 PPN 201-03-003

SHEET 3A OF 8

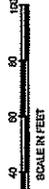


PROPOSED BY
MATRIX ENGINEERING INC.
 SHORELINE IMPROVEMENTS AT
 31214 LAKE ROAD
 BAY VILLAGE, OHIO

MINIMAL DEGRADATION ALTERNATIVE
 SITE PLAN
 MIGUEL A. &
 DENISE L. ZUBIZARRETA
 31214 LAKE ROAD
 BAY VILLAGE, OHIO 44140

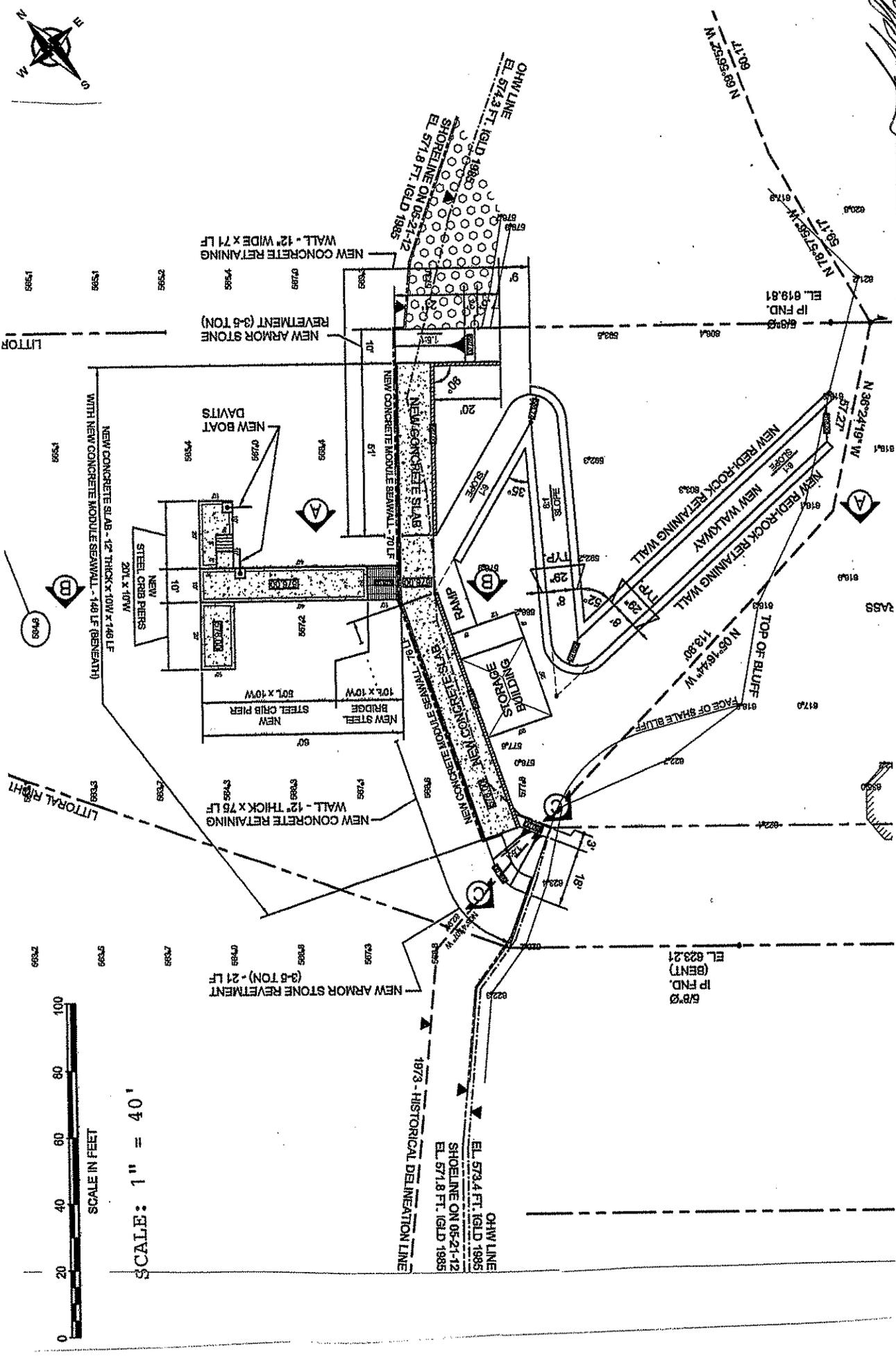
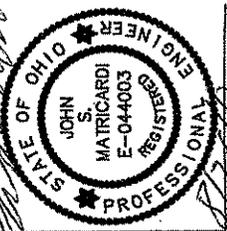
DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988
 ANCHOR POINT MARKERS:
 1.) BROOKE SCHUHM, JR., TRUSTEE
 2.) PETER B. & ELAINE B. KORTE

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. 87



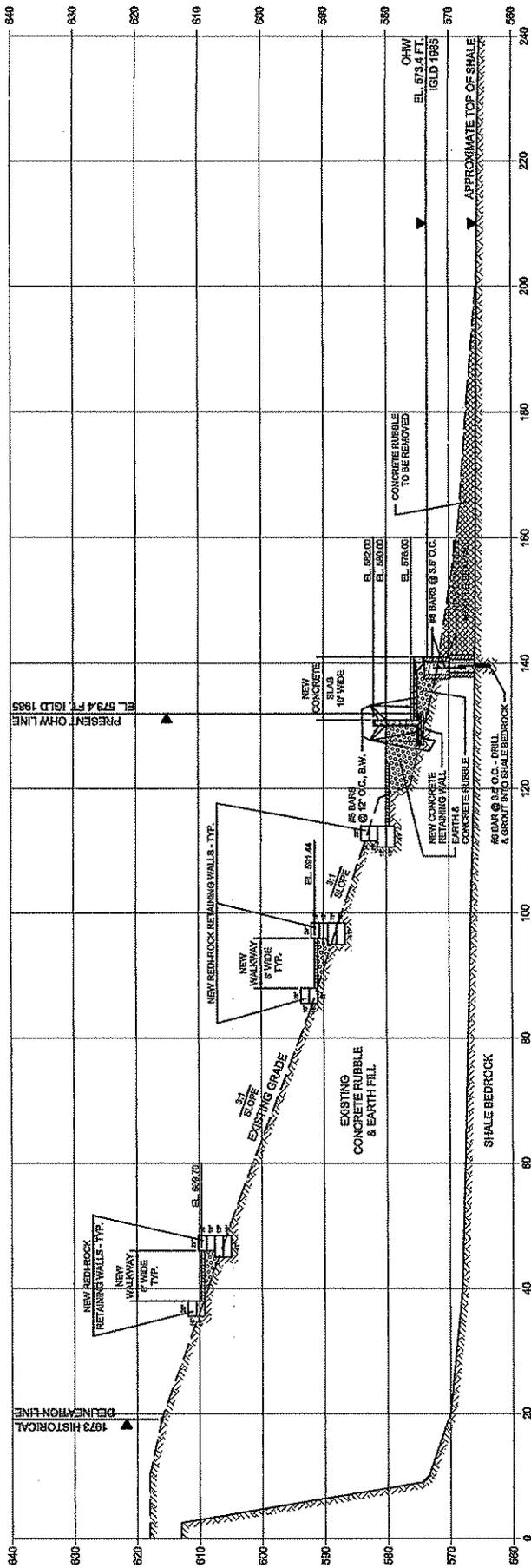
NOTES:
 1) ALL ELEVATIONS ARE IN FEET AND DECIMALS THEREOF.
 2) ALL BEARINGS ARE TRUE BEARINGS.
 3) ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 4) ALL DIMENSIONS DETERMINED BY THE RADIAL METHOD, WERE SIDE OF PROPERTY AT THE 1978 HISTORICAL DELINEATION LINE.





SCALE: 1" = 40'

<p>DATE: 0.0 L.W.D. = 569.42 FT. NAVD 1988</p>	<p>MINIMAL DEGRADATION ALTERNATIVE SITE PLAN</p>	<p>PREPARED BY: MATRIX ENGINEERING INC.</p>
<p>1.) BROOKE SCHUMM, JR., TRUSTEE 2.) PETER B. & ELAINE B. KORTE</p>	<p>MIGUEL A. & DENISE L. ZUBIZARRETA 31214 LAKE ROAD BAY VILLAGE, OHIO 44140</p>	<p>SHORELINE IMPROVEMENTS AT 31214 LAKE ROAD BAY VILLAGE, OHIO</p>
<p>SHEET 4A OF 8</p>		<p>DATE: 08-17-12</p>



NOTES:

1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 L.W.D. = 569.42 FT. IGLD 1985.

DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988

ALTERNATIVE PROJECT FINANCER:

- 1.) BROOKE SCHUMM, JR., TRUSTEE
- 2.) PETER B. & ELAINE B. KORTE

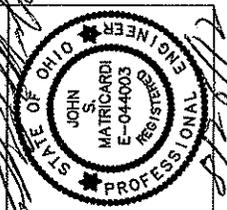
PREFERRED & MINIMAL DEGRADATION ALTERNATIVE SECTION A-A

MIGUEL A. &
DENISE L. ZUBIZARRETA
31214 LAKE ROAD
BAY VILLAGE, OHIO 44140

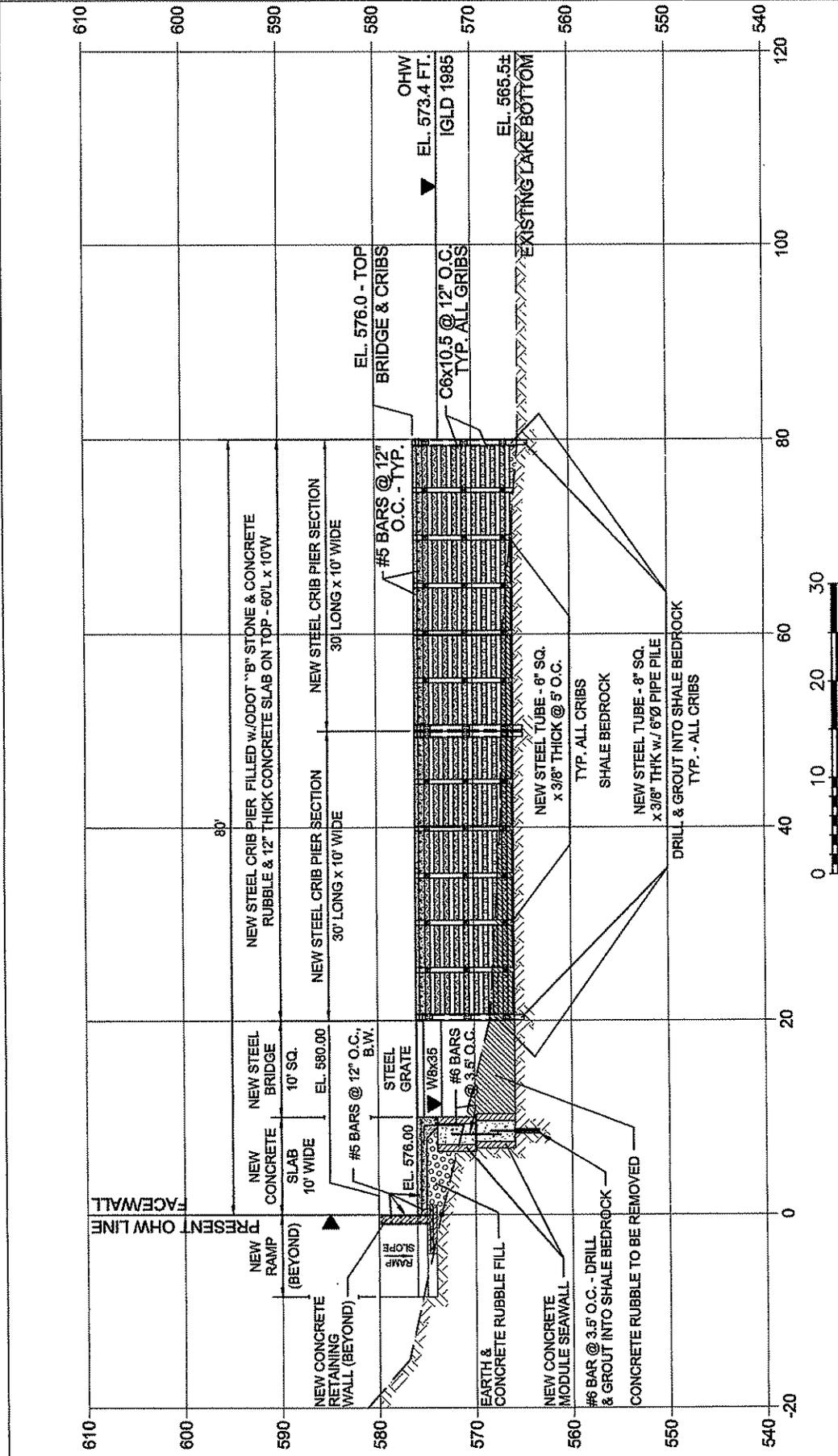
PROPOSED BY:
MATRIX ENGINEERING INC.

SHORELINE IMPROVEMENTS AT
31214 LAKE ROAD
BAY VILLAGE, OHIO

SHEET 5 OF 8



DATE: 08-17-12

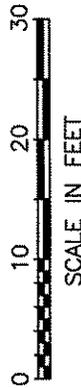
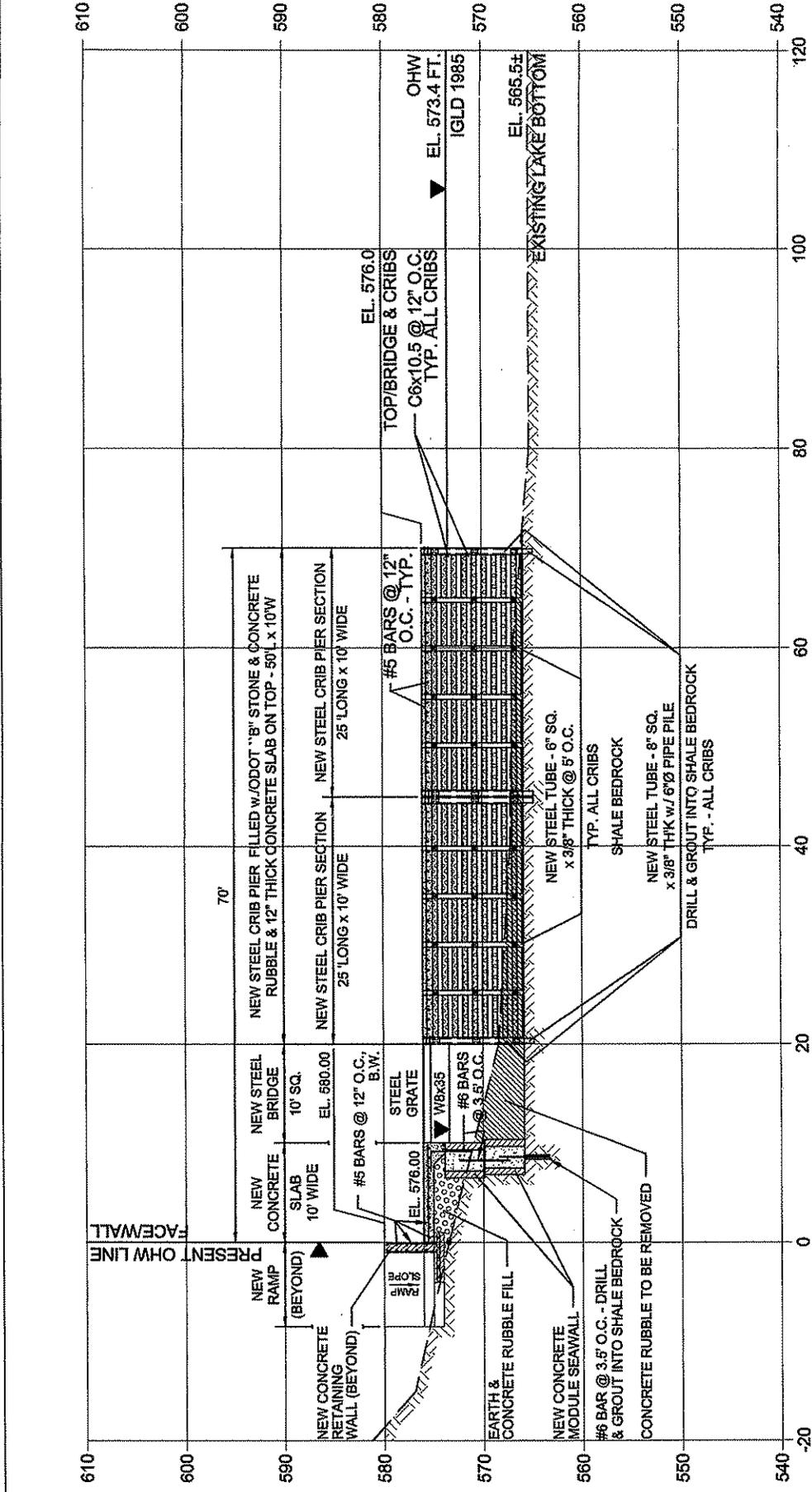


NOTES:

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

<p>DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988</p>	<p>PREFERRED ALTERNATIVE SECTION B-B</p>	<p>PREPARED BY MATRIX ENGINEERING INC.</p>
<p>1.) BROOKE SCHUMM, JR., TRUSTEE 2.) PETER B. & ELAINE B. KORTE</p>	<p>MIGUEL A. & DENISE L. ZUBIZARRETA 31214 LAKE ROAD BAY VILLAGE, OHIO 44140</p>	<p>SHORELINE IMPROVEMENTS AT 31214 LAKE ROAD BAY VILLAGE, OHIO</p>
<p>SHEET 6 OF 8</p>		<p>DATE: 08-17-12</p>





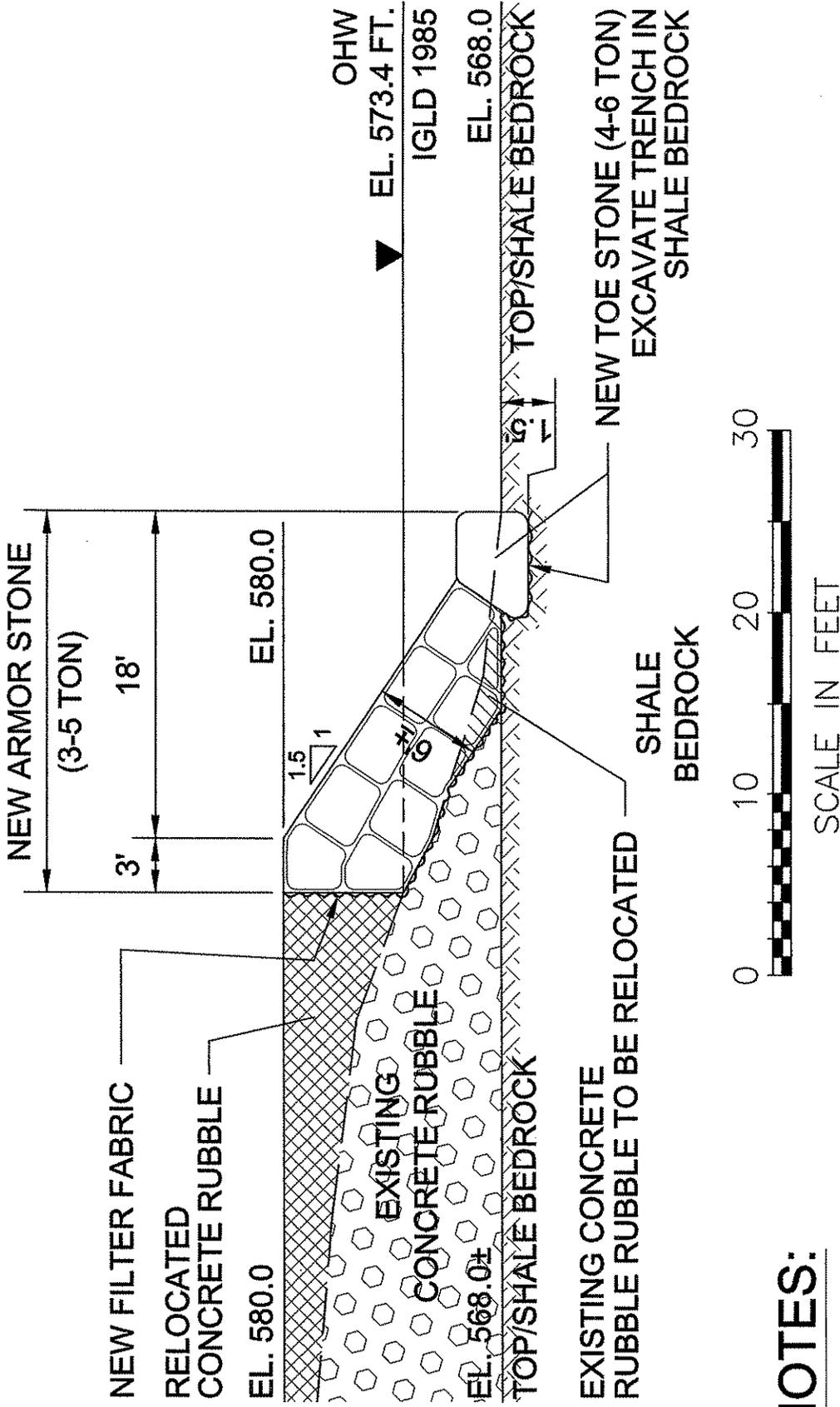
NOTES:

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

<p>DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988</p> <p>MINOR PROPERTY OWNERS:</p> <p>1.) BROOKE SCHUMM, JR., TRUSTEE</p> <p>2.) PETER B. & ELAINE B. KORTE</p>	<p>MINIMAL DEGRADATION ALTERNATIVE SECTION B--B</p> <p>MIGUEL A. & DENISE L. ZUBIZARRETA 31214 LAKE ROAD BAY VILLAGE, OHIO 44140</p>	<p>PREPARED BY: MATRIX ENGINEERING INC.</p> <p>SHORELINE IMPROVEMENTS AT 31214 LAKE ROAD BAY VILLAGE, OHIO</p>	<p>SHEET 7 OF 8</p>
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08-17-12



NOTES:

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

DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988 <small>AWARDS PROPERTY OWNER</small>	PREFERRED & MINIMAL DEGRADATION ALTERNATIVE SECTION C-C	PROVIDED BY: MATRIX ENGINEERING INC.
1.) BROOKE SCHUMM, JR., TRUSTEE 2.) PETER B. & ELAINE B. KORTE	MIGUEL A. & DENISE L. ZUBIZARRETA 31214 LAKE ROAD BAY VILLAGE, OHIO 44140	SHORELINE IMPROVEMENTS AT 31214 LAKE ROAD BAY VILLAGE, OHIO SHEET 8 OF 8 <small>DATE</small> 08-17-12

JOHN S. MATRICARDI
 E-044003
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF OHIO

Permanent 201-03-001
Parcel # 201-03-002

Type Instrument: Sheriffs Deed Date: 5/11/2011 10:46:00 AM
Tax District #: 3010 Tax List Year: 2011
Grantor: Bower, Neil R. Land Use Code: 5000
Grantee: ZUBIZARRETA, MIGUEL & DEN Land Value: 108,100
Balance Assumed: \$ 0.00 Building Value: 0
Total Consideration: \$ 1,910,000.00 Total Value: 108,100
Conv. Fee Paid: \$ 7,640.00 Arms Length Sale: UNKNW
Transfer Fee Paid: \$ 1.00 Rcpt: D-05112011-6
Fee Paid by: PUBLIC Inst #: 495830
Exempt Code: Check #

CUYAHOGA COUNTY
OFFICE OF FISCAL OFFICER - 3
DESH 5/11/2011 12:00:11 PM
201105110312

Mark A. Panko
Cuyahoga County Fiscal Officer

SHERIFF'S DEED
Ohio Revised Code §2329.36

I, Bob Reid, Sheriff of Cuyahoga County, Ohio pursuant to the Judgment and Decree in Foreclosure entered on December 7, 2007 in favor of Sky Bank, Successor by Merger to Metropolitan Savings Bank of Cleveland

in the amount of \$1,409,941.16 & \$472,945.09 the Order of Sale entered on December 21, 2010, the Confirmation of Sale entered on February 16, 2011 and in consideration of the sum of \$1,910,000.00 dollars the receipt whereof is hereby acknowledged, does hereby **GRANT, SELL AND CONVEY** unto Miguel A. Zubizarreta and Denise L. Zubizarreta, 20490 Bunker Hill Rd., Fairview Park, OH 44126

and his heirs and assigns forever all the rights, title and interest of the parties in the Court of Common Pleas, Cuyahoga County, Ohio, Case number CV-06-595516 Alias, Sky Bank, Successor by Merger to Metropolitan Savings Bank of Cleveland vs. Neil R. Bower et al.,

and all pleadings therein incorporated herein by reference in and to the following Lands and Tenements situated in the County of Cuyahoga and State of Ohio, known and described as follows, to-wit:

<Attach Legal Description>

This deed does not reflect any restrictions, conditions or easements of record. Purchaser(s) / Grantee(s) take(s) subject to any such existing restrictions, conditions, easements and any and all real property taxes, assessments, interest and/or penalties from confirmation of sale, as provided by Ohio Revised Code 323.47.

Prior Owner:

Nell R. Bower and Bette Bower

Parcel Number(s):

201-03-001, 201-03-002

Prior Instrument Reference:

Volume 96-09992, Page 37

Executed officially this 15th day of April 2011

Bob Reid, Cuyahoga County Sheriff

By:

James Bitterman, Chief Deputy Sheriff
Civil Division, Cuyahoga County Sheriff's Office

The State of Ohio } ss:
CUYAHOGA COUNTY }

The foregoing was acknowledged before me this 15th day of April 2011 by James Bitterman, Chief Deputy Sheriff, Cuyahoga County, Ohio

This Instrument was prepared by:

Shaundra M. Howard
Notary Public State of Ohio

My Commission Expires: _____

Manley Deas Kochalski LLC, P. O. Box 165028, Columbus, OH 43216-5028

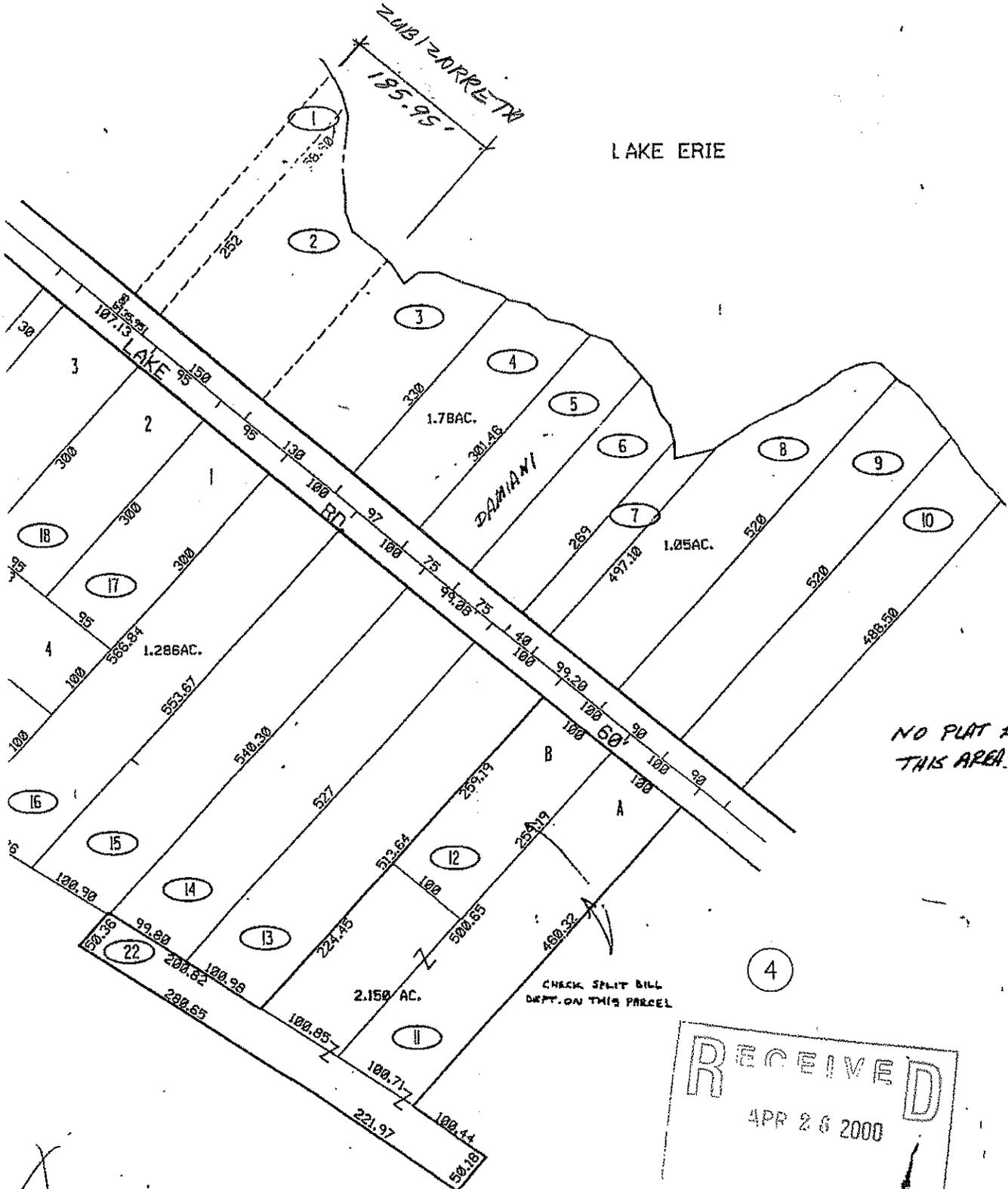
SHAUNDRAM. HOWARD
NOTARY PUBLIC • STATE OF OHIO
Recorded in Cuyahoga County
My commission expires Dec 3, 2014

EXHIBIT "A"

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. 97 and forming a parcel of land, bounded and described as follows:

Beginning in the center line of Lake Road, formerly West Lake Road, 60 feet wide, at the most Southerly corner of a parcel of land conveyed to Frederick M. Kury by deed dated June 19, 1937 and recorder in Volume 4740, Page 423 of Cuyahoga County Records, which point bears South 48" 30' East measured along said center line of Lake Road, 150 feet from the most Southerly corner of a parcel of land conveyed by Henry P. Foote to Joseph H. Peck, by deed dated September 13, 1889 and recorded in Volume 453, Page 617 of Cuyahoga County Records; thence North 48" 30' West, along said center line of Lake Road, 185.95 feet to the most Southerly corner of a parcel of land conveyed to Brooke Schumm, Jr. and Elizabeth Schumm, by deed dated October 15, 1966 and recorded in Volume 11876, Page 827 of Cuyahoga County Records; thence North 41" 30' East, along the Southeasterly line thereof, said line being parallel with the Southeasterly line of a parcel of land conveyed to Metta E. Judson, by deed dated October 3, 1906, and recorded in Volume 1060, Page 220 of Cuyahoga County Records, to the water's edge of Lake Erie; thence Southeasterly along the water's edge of Lake Erie to its intersection with the Southeasterly line of said parcel of land so conveyed to Frederick M. Kury, recorded in Volume 4740, Page 423 of Cuyahoga County Records; then South 41" 30' West, along said Southeasterly line of land so conveyed to Frederick M. Kury, to the place of beginning, be the same more or less, but subject to all legal highways.

Property Address: 31214 Lake Road, Bay Village, Ohio 44140.



LAKE ERIE

NO PLAT FOR THIS AREA.

CHECK SPLIT BILL DEPT. ON THIS PARCEL

RECEIVED
 APR 26 2000

MATRIX ENGINEERING, INC.

12815 DETROIT AVENUE
LAKEWOOD, OHIO 44107

LETTER OF TRANSMITTAL

(216) 226-6520 FAX (216) 226-1961

TO City of Bay Village
Bay Village City Hall
350 Dover Center Road
Bay Village, OH 44140

DATE	8/24/12	JOB NO.
ATTENTION	Clerk of Council	
RE:	Shoreline Improvements at 31214 Lake Road, Bay Village, OH, Resolution for Submerged Lands Lease	

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

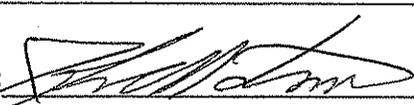
COPIES	DATE	NO.	DESCRIPTION
1	8/24/12	1800	ODNR & Corps of Engineers Permit Application

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS Please have City Council issue resolution for the proposed submerged land lease for the project at 31214 Lake Road, Bay Village, OH. Please send the resolution to ODNR or to me and please call with any questions.

COPY TO ODNR

SIGNED: 

MATRIX ENGINEERING INC.

CONSULTING ENGINEERS

12815 DETROIT AVENUE

LAKEWOOD, OHIO 44107

Phone: (216) 226-6520

FAX: (216) 226-1961

e-mail: matrixlake@aol.com

August 24, 2012

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 31214 Lake Road, Bay Village, 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 permit on 8/24/12 and you will probably be receiving the same request from the ODNR Office of Coastal Management soon. 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

LAKWOOD, OHIO 44107

Phone: (216) 226-6520

FAX: (216) 226-1961

e-mail: matrixlake@aol.com

August 24, 2012

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 31214 Lake Road, Bay Village, 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 ODNR permits on 8/24/12. The Corps and ODNR will probably also be requesting your review as part of their permit process and the project will be put on Public notice by the OEPA. Please call if you have any questions during your review.

Sincerely,



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