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JAMES E. BARBER
CLERK OF COURT

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SECRETARY OF STATE

IN THE COURT OF COMMON PLEAS, LUCAS COUNTY, OHIO

IN THE MATTER OF:

RENO BEACH/HOWARD FARMS
CONSERVANCY DISTRICT

Case No. 169195

JOURNAL ENTRY

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At a term of the above-named Court, held before:

- Hon. William J. Skow *
- Hon. Robert G. Christiansen *
- Hon. Charles J. Doneghy *
- Hon. Richard W. Knepper *
- Hon. Judith Ann Lanzinger *
- Hon. James D. Bates *
- Hon. Frederick H. McDonald *
- Hon. Ruth Ann Franks *
- Hon. J. Ronald Bowman *

DATE:
Presiding Judges

AUG 20 1993

among other proceedings had by and before said Court on the 26th day of March, 1993, this cause came on for hearing upon the Petition of the Howard Farms Conservancy District for an Order, under the Conservancy Act of the State of Ohio, (O.R.C. Sections 6101.01 et seq.), uniting said District with the Lake Erie Conservancy District No. 1 so as to form a single conservancy district to be known as the Reno Beach/Howard Farms Conservancy District, before Honorable James E. Barber, Visiting Judge, designated to hear said cause by the Court.

The Court, after a full hearing, now here find:

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1. That it has jurisdiction of the parties to, and the subject matter of this proceeding.

2. That the purposes for which said District is established are:

- A. The prevention of floods;
- B. The arresting of erosion of the shoreline of Lake Erie;
- C. The reclaiming of wet and overflowed lands; and,
- D. The protection from overflow of the waters of Lake Erie upon said land wherever needed in said area.

And, incident to the above purposes, to build and maintain canals, levies, walls and embankments, and to maintain, operate and repair any works constructed hereunder and to do all things necessary and incidental to the fulfillment of the above purposes and, that it is a public necessity and that each of the aforesaid purposes are contained in the Journal Entries creating said Districts to be united hereunder.

3. That the public's safety, health, convenience and welfare will be promoted by the uniting of two independent Conservancy Districts into one said District as stated in said Petition.

4. That the territory embraced in said newly formed District shall encompass all territory presently included in:

- A. The Lake Erie Conservancy District No. 1 as heretofore set forth in this Court's Journal No. 162746; and,
- B. The Howard Farms Conservancy District as heretofore set forth in this Court's Journal No. 169195.

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5. That the territory of said Conservancy Districts, above-described, shall be erected into and united to form a single Conservancy District under the Conservancy Act of the State of Ohio under the corporate name of Reno Beach/Howard Farms Conservancy District.

WHEREFORE, it is by the Court Ordered, adjudged and decreed:

That the territory as above-described be and same is hereby united, thereby creating a Conservancy District under the Conservancy Act of the State of Ohio under the corporate name of Reno Beach/Howard Farms Conservancy District with its principal office or principal place of business at Jerusalem Township Hall, Lucas County, Ohio, with the following persons appointed as directors of said Conservancy District:

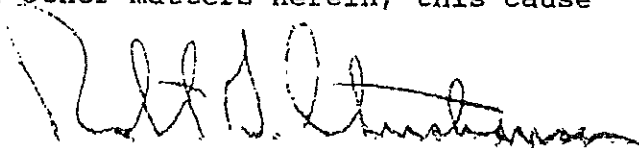
Daniel L. Warner for the term of Three (3) years;

Harold L. Stanton for the term of Five (5) years;

Chester Wyras for the term of Seven (7) years,

who are hereby directed to qualify and proceed according to law.

6. For consideration of other matters herein, this cause is retained on the docket.



Judge Christiansen

State of Ohio, Lucas County, ss:

I, _____, Clerk of Common Pleas Court, within the aforesaid County, whose custody of the files, journals and records of said Court are required by the laws of the State of Ohio to be kept, hereby certifies that the foregoing

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is truly taken and correctly copied from the Journal of the Proceedings of the said Court within the aforesaid County, that said copy was compared by me with the original entries on said Journal and that same is a full and complete transcript thereof.

In testimony whereof, I have hereunto subscribed my name officially, and affixed the seal of said Court at the Courthouse in Toledo, Ohio, in said County, this ____ day of _____, 1993.

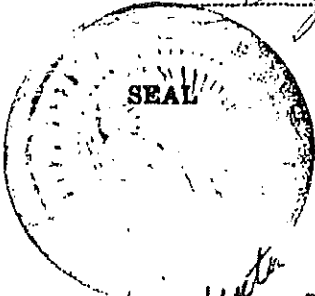
Clerk of Court

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THE STATE OF OHIO, LUCAS COUNTY, ss

I, HARRY BARLOS, Clerk of Common Pleas Court and Court of Appeals, within and for said County, and in whose custody the FILES, JOURNALS and RECORDS of said Courts are required by the laws of the State of Ohio to be kept, hereby certify that the foregoing is truly taken and correctly copied from the Journal of the proceedings of said Court within and for said County, that said foregoing copy has been compared by me with the original entry on said Journal and that the same is a full and complete transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name officially, and affixed the seal of said Court at the Court House in Toledo, Ohio, in said County, this 31st day of August A.D. 19 93



HARRY BARLOS, Clerk

By J. Alder Deputy

100

*Received
Room 400
711 Bellvue
904 3600
Attn: J. Alder*

RECEIVED & RECORDED

SEP 01 1993 9:25 AM
SUE RIOUX
RECORDER, LUCAS COUNTY, OHIO

93 0392A05

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

IN THE MATTER OF: * Case No. 169195
HOWARD FARMS CONSERVANCY * JUDGE CHRISTIANSEN
DISTRICT * AFFIDAVIT OF MARTIN WIENER
PETITION FOR AMALGAMATION * Mark E. Lupe (0001982)
* James A. Sulewski (0039131)
* Brown, Baker, Schlageter & Craig
* First Federal Plaza
* 711 Adams Street
* Toledo, Ohio 43624
* (419) 243-6281
* FAX: (419) 243-0129
*
* Counsel for the Howard Farms
* Conservancy District

STATE OF OHIO :
 : SS.
COUNTY OF LUCAS:

MARTIN WIENER being first duly sworn and cautioned according to law says and deposes as follows:

1. That he is the President of The Sycamore Realty Company, an Ohio Corporation, and is authorized and empowered to make this affidavit on behalf of said Company.
2. That The Sycamore Realty Company is the owner and titleholder of 165.44 acres of real property, which acreage adjoins and abuts the Howard Farms Conservancy District in Lucas County, Ohio. The Sycamore Realty Company took title to said property by way of Quit

Claim Deed from Herman Wiener and Carrie Wiener, husband and wife, which Deed is duly recorded in the office of the Lucas County Recorder at Deed Volume 1686, Pages 554 through 556. The property proposed to be amalgamated into the Howard Farms Conservancy District is further described and identified in the tax map records of the Lucas County Auditor as follows:

A. That part of Range 10, Town 9, Section 33; and Range 10, Town 10, Section 4, described as "Lot 1 Pt N & NW of Wards Canal & SW of A Strip 310 ft Wide SW & Adj SW line Howard Farms Plat V". Said parcel consisting of 130 acres and further identified as Tax District Parcel Number 33-45601.

B. That part of Range 10, Town 9, Section 33, Lots 1 and Range 10, Town 10, Section 4, Lots 2 and 3 further described as "Pt N 1/2 Sec NW of Wards Canal Strip 310 ft wide SW & adj Howard Farms Plat V." Said parcel consisting of thirty-two (32) acres and further identified as Tax District Parcel Number 33-46034.

C. That part of Range 10, Town 9, Section 33 and Range 10, Town 10, Section 4 described as "NW strip 130 ft wide SW & adj Toulon Dr. bet NW line Marais Dr & SE line LaCourse Dr exc Bayonne Dr & being lots 536 to 578 vacated Howard Farms Plat V." Said parcel consisting of 3.44 acres and further identified as Tax District Parcel Number 33-46021.

Copies of the respective property cards obtained from the records of the Lucas County Auditor describing and identifying said parcels of real property and a map depicting the location of said properties are attached hereto as Appendices 1 through 4.

3. That said parcels of property are currently protected by a dike, levee and other flood protection improvements in part constructed and maintained by the Howard Farms Conservancy District.
4. That the Howard Farms Conservancy District through its Directors has advised that, in cooperation with the United States Army Corps of Engineers, it has prepared plans for the repair of existing and construction of additional levee and flood protection improvements along the northwest bank of the Wards Canal which improvements will further protect the real properties identified in paragraph two (2) above. Said levee and flood protection improvements and other flood protection improvements will not only serve to protect said property but also the lands currently located within the Howard

Farms Conservancy District.

5. That the property identified in paragraph two (2) above is not currently a part of the Howard Farms Conservancy District.
6. That I have been asked by the Directors of the Howard Farms Conservancy District to consent on behalf of The Sycamore Realty Company to the amalgamation of real property described in paragraph two (2) above into the Howard Farms Conservancy District for all the purposes provided for in Chapter 6101, et seq., of the Ohio Revised Code.
7. In consideration of The Sycamore Realty Company consenting to the aforementioned amalgamation of the Howard Farms Conservancy District said District has represented that it will compensate The Sycamore Realty Company for pumping activities which are currently conducted on the real property described in paragraph two (2) above.
8. On behalf of The Sycamore Realty Company I do hereby consent and request this Court to approve the amalgamation of the real property described and identified in paragraph two (2) above into the Howard Farms Conservancy District.

Further, affiant sayeth naught.

WITNESSED

THE SYCAMORE REALTY COMPANY

Lynne Mazur
Linda Fisher

By Martin Wiener
Martin Wiener, President

On the 20 day of August, 1990, personally appeared before me the above-signed Martin Wiener and identified himself as the President in fact of The Sycamore Realty Company and as said President, subscribed this Affidavit in my presence and the presence of these attesting witnesses.

LYNNE MAZUR
NOTARY PUBLIC STATE OF OHIO
MY COMMISSION EXPIRES NOV. 7, 1991

Lynne Mazur