

Instructions to Petitioners

By completing and submitting the attached petition and attachments (collectively, the Petition), you understand that you, as an owner of property along the shoreline of Lake Erie, intend to participate in the creation of a shoreline special improvement district that includes your property to provide for shoreline project improvements necessary or useful to abate erosion.

The Petition is required under Chapter 1710 of the Revised Code to create the Lorain/Erie County Communities Shoreline Special Improvement District, Inc. (the District). Following the formation of the District, further action will be required by you, the municipality or township in which your property is located, and the District prior to the creation of an obligation and commitment by you for the commencement of a project and the levy of special assessments on your property.

After reviewing the Petition, please provide the information as marked and sign where indicated on page I-5.

Please submit the fully executed Petition to the Mayor and Clerk of Council of your municipality or Board of Trustees of your township, as applicable.

PETITION

**RE: Lorain/Erie County, Ohio
Creation of Shoreline Special Improvement District for Shoreline Improvement Projects**

A PETITION REQUESTING THE CREATION OF A SHORELINE SPECIAL IMPROVEMENT DISTRICT PURSUANT TO CHAPTER 1702 OF THE OHIO REVISED CODE

To: The _____ of
Mayor or Board of Trustees and Village or City Council)

_____, Ohio (the Political Subdivision).
(Township/City/Village Name)

The undersigned (Petitioner) hereby represents that he/she/they is/are the owner(s) of 100% of the property described on Attachment I, attached hereto and incorporated herein by reference (the Property).

The Petitioner hereby petitions the Political Subdivision for the creation of a shoreline special improvement district (the District) pursuant to Chapter 1702 of the Revised Code (the Act) and requests the legislative authority of the Political Subdivision to approve this Petition by resolution.

The District boundaries initially will be as described and shown in Attachment II, attached to and incorporated into this Petition along with the parcels of property in the Political Subdivision or other municipalities and townships for which the owner of such parcels have submitted a petition for creation of shoreline special improvement district and which are set forth in the articles of incorporation filed with the Secretary of State of Ohio in substantially the form attached hereto as Attachment III. Petitioner acknowledges and agrees that the District may be expanded to include additional territory for the purpose of developing and implementing shoreline improvement projects. The Petitioner represents that he/she/they intend(s) a shoreline improvement project is to be developed and implemented on each parcel of real property owned by the Petitioner pursuant to the Improvement Petition as defined and as set forth below.

The purpose of the District shall be to develop and implement plans for shoreline improvement projects, as defined in Section 1710.01 of the Act, to abate erosion on the Lake Erie shoreline and thus will be conducive to the public health, safety, peace, convenience and welfare. The District shall be authorized to take such actions pursuant to the Act that may be taken by special improvement districts organized for the purpose of developing and implementing plans for shoreline improvement projects. Each political subdivision of the District will be authorized to levy a special assessment on each property within the District that lies within the territorial

boundaries of the participating political subdivision to pay for shoreline improvement projects based on the benefits conferred by those shoreline improvement projects as further provided for in this Petition and in a plan for public improvements or plan for public services duly adopted by the District and the participating political subdivisions in accordance with Ohio Revised Code Chapter 1710.

The District will be managed and administered by a board of trustees (the Board) of an Ohio nonprofit corporation to be formed for the purpose of governing the District, all in accordance with the Act. A form of the articles of incorporation of the Corporation are attached to and incorporated into this Petition as Attachment III.

Petitioner further proposes an initial plan for public improvements for the benefit of the District attached hereto as Attachment IV and incorporated herein by reference.

In consideration of the Political Subdivision's acceptance of this Petition and the imposition of the requested Special Assessments, the Petitioner consents and agrees that at such time as the Petitioner elects, at the Petitioner's sole discretion, to proceed with the improvements following the creation of the District, the Property as identified in Attachment I shall be assessed for all of the costs of the specific improvements to the Property (the Authorized Improvements) by submitting a petition (the Improvement Petition) detailing the Authorized Improvements and estimates of costs. The costs of the Authorized Improvements shall include any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such amounts; the costs incurred in connection with the preparation, levy, and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; and trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities or other obligations issued to provide loans or otherwise to pay costs of the Authorized Improvements in anticipation of its receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities or other obligations; together with all other necessary expenditures.

In the Improvement Petition, the Petitioner will expressly waive notice and publication of all resolutions, legal notices, and hearings provided for in the Ohio Revised Code with respect to the Authorized Improvements and the Special Assessments, particularly those in Ohio Revised Code Chapters 727 and 1710, and will consent to proceeding with the Authorized Improvements. The Petitioner will further waive any and all questions as to the constitutionality of the laws under which Authorized Improvements shall be acquired, installed, or constructed, the proceedings relating to the acquisition, installation, or construction of the Authorized Improvements shall occur, the jurisdiction of the Political Subdivision is granted and will further waive any and all irregularities, errors, and defects, procedural or otherwise, if any, in the levying of the assessments or the undertaking of the Authorized Improvements.

Upon submission of the Improvement Petition, the Petitioner represents that it will not contest, in a judicial or administrative proceeding, the undertaking of the Authorized Improvements, the estimated assessments, the final assessments, and any Special Assessments

levied against the Property for the Authorized Improvements, or any other related matters pursuant to the Improvement Petition.

The Petitioner, in accordance with Ohio Revised Code Section 1710.02(A), further agrees that the Property may be included in more than one district formed under Ohio Revised Code Chapter 1710. The Petitioner consents to proceed immediately with all actions necessary to acquire, install and construct the Authorized Improvements and impose the Special Assessments.

The Petitioner further agrees not to take any actions, or cause to be taken any actions, to place the Property or any portion thereof in an agricultural district as provided for in Ohio Revised Code Chapter 929, and if the Property or any portion thereof is in an agricultural district, the Petitioner, in accordance with Ohio Revised Code Section 929.03, hereby grants permission to collect any assessments levied against the Property.

The Petitioner acknowledges and understands that the Political Subdivision will be relying upon this Petition in taking actions and expending resources. This Petition therefore shall be irrevocable and shall be binding upon the Petitioner, its successors and assigns, the Property, and any grantees, mortgagees, lessees, or transferees of the Property.

The Petitioner acknowledges that his/her/their obligations and agreements with respect to the Authorized Improvements and the special assessments upon his/her/their property will not commence or take effect until and unless it submits an executed Improvement Petition as described herein following the establishment of the District.

The Petitioner understands that this completed and signed Petition does not constitute a commitment on part of the District or the Political Subdivision to extend credit.

The Petitioner agrees to notify the District and the Political Subdivision immediately in writing if any of the information contained in this application becomes inaccurate or misleading in any respect.

This Petition may be executed in several counterparts, each of which will be an original and all of which will constitute one and the same Petition.

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IN WITNESS WHEREOF, the Petitioner has executed this petition as set forth below.

PETITIONER:

By: _____

Name: _____

Title: _____

Address for notices to Petitioner:

ATTACHMENT I

DESCRIPTION OF PROPERTY

The Property subject to this Petition shall be the parcel or parcels depicted on the land records of the County of Lorain, Ohio as permanent parcel numbers:

List the parcel number or numbers of the property you wish to be included within the District here:

ATTACHMENT II

DISTRICT BOUNDARIES

The boundaries of the District shall consist of the parcels as will be set forth in the articles of incorporation for the District substantially in the form as attached as Attachment III.

ATTACHMENT III

PROPOSED FORM OF ARTICLES OF INCORPORATION

**ARTICLES OF INCORPORATION
OF THE**

[X] SHORELINE SPECIAL IMPROVEMENT DISTRICT, INC.

**FIRST:
NAME**

Name of Corporation: The name of the Corporation shall, at any time and from time to time be the unique proper name of each participating political subdivision, as defined in Ohio Revised Code (“ORC”) Section 1710.02(E), of the special improvement district governed by the Board of Directors of the Corporation, separated by commas, and followed by the words “Shoreline Special Improvement District, Inc.” For demonstration purposes, as of the adoption of this Article First, the name of the Corporation shall be “[X] Shoreline Special Improvement District, Inc.”

**SECOND:
PURPOSE**

The purpose for which the Corporation is formed shall be:

- (A) To govern the [X] Shoreline Special Improvement District, Inc., a special improvement district and named from time to time as set forth above (the “District”) created pursuant to Revised Code Chapter 1710 (the “Act”). The District’s purpose is to enhance the value of properties within the District and improve the environment by developing and assisting in developing within the District shoreline improvement projects. The District will be authorized to provide shoreline improvement projects pursuant to the Act that will benefit property and the environment within the boundaries of the District. The District will be authorized to take any other actions pursuant to the Act that may be taken by a special improvement district organized for the purpose of developing and implementing plans for shoreline improvement projects. [X] are each a participating political subdivision that will be authorized to levy a special assessment on each property within the territorial boundaries of the District to pay for such improvements, based on the benefits conferred by those shoreline improvement projects. All other municipal corporations and townships which duly and validly add real property to the District shall be a participating political subdivision that will be authorized to levy a special assessment upon each property located within the territorial boundaries of such participating political subdivision within the District, that the owners of said property have submitted an Improvement Petition, to pay for such improvements, based on the benefits conferred upon the property by those shoreline improvement projects.

- (B) To engage in any lawful act, activity or business not contrary to and for which a nonprofit corporation may be formed under the laws of the State of Ohio.
- (C) To have and exercise all powers, rights and privileges conferred by the laws of the State of Ohio on nonprofit corporations or on special improvement districts, including, but not limited to, buying, leasing or otherwise acquiring and holding, using or otherwise enjoying and selling, leasing or otherwise disposing of any interest in any property, real or personal, of whatever nature and wheresoever situated, and buying and selling renewable energy credits, stocks, bonds, or any other security of any issuer as the Corporation by action of its Board may, at any time and from time to time, deem advisable.
- (D) The reasons for establishing the District include enhancing the value of properties within the District and improving the environment. The District will enhance the public health, safety, peace, convenience, and welfare by developing and assisting in developing shoreline improvement projects that abate the erosion of the territory's shoreline, benefit property within the District, and improve the environment.

**THIRD:
RESTRICTIONS**

No part of the net earnings of the Corporation shall inure to the benefit of or be distributable to its members, directors, trustees, officers or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III hereof and to make distributions to its members as authorized by ORC Chapter 1702, including any distribution upon dissolution of the Corporation.

**FOURTH:
MEMBERS**

The members of the Corporation (the "Members") shall be those persons or organizations described in the Code of Regulations. The annual meeting of Members shall be determined by the Board of Directors (the "Board") as described in the Code of Regulations.

**FIFTH:
BOARD OF
DIRECTORS**

The Corporation shall be controlled and managed under the direction of the Board. The Board shall at all times consist of at least five (5) individuals (individually a "Director").

- (A) The municipal executive, as defined in the Act, (provided that for each participating political subdivision that is a township, municipal executive shall refer to the chief administrative officer of the township, if any, or if no chief administrative officer exists, the board of township trustees) of each participating political subdivision of the District, or an employee of each participating political subdivision who is involved with its planning or economic development functions and who shall be appointed by and serve at the pleasure of such participating political

subdivision's municipal executive each shall serve as a Director.

- (B) A person appointed by and serving at the pleasure of the legislative authority of each participating political subdivision of the District each shall serve as a Director.
- (C) The remaining Directors shall be Members or executive representatives of Members elected, designated, or appointed by the Members as described in the Code of Regulations of the Corporation.

The Board of Directors of the Corporation from time to time shall constitute the Board of Directors of the Corporation under the Act.

SIXTH:
TERRITORY

The territory within the District shall be described generally as that portion of the participating political subdivisions consisting of property owned by each property owner within a participating political subdivision that has petitioned the participating political subdivision for the development of a shoreline improvement project, as that term is defined in the Act. The territory in the District may be noncontiguous if at least one shoreline improvement project is designated for each parcel of real property included in the District. Additional territory may be added to the District for the purpose of developing and implementing plans for shoreline improvement projects if at least one shoreline improvement project is designated for each parcel of real property included within such additional territory and the addition of territory is authorized by the plan for the District under the Act. The addition of such territory shall be authorized in the plan for the District.

The properties that are initially included in the District, are identified by parcel number and other identifying information set forth in Schedule I attached hereto and incorporated by reference hereby.

SEVENTH:
CERTAIN
TRANSACTIONS

No person shall be disqualified from being a Director of the Corporation because he or she is or may be a party to, and no Director of the Corporation shall be disqualified from entering into, any contract or other transaction to which the Corporation is or may be a party.

No contract, action or other transaction shall be void or voidable for reason that any Director or officer or other agent of the Corporation is a party thereto, or otherwise has any direct or indirect interest in such contract, action or transaction or in any other party thereto, or for reason that any interested director or officer or other agent of the Corporation authorizes or participates in authorization of such contract, action or transaction, provided that:

The material facts as to such interest and as to the contract, action or transaction are disclosed or are otherwise known to the Board or applicable committee of Directors at the time the contract, action or transaction is authorized and the

Directors or the Members of the committee, in good faith reasonably justified by the facts, authorize the contract, action or transaction by at least a majority vote of the disinterested Directors or disinterested Members of the committee, even though such disinterested Directors or Members are less than a quorum; or

The material facts as to such interest and as to the contract, action or transaction are disclosed or are otherwise known to the member at the time the contract, action or transaction is authorized and the member authorizes the contract, action or transaction; or the contract, action or transaction (i) is not less favorable to the Corporation than an arm's length contract, action or transaction in which no director or officer or other agent of the Corporation has any interest or (ii) is otherwise fair to the Corporation as of the time it is authorized.

Any interested director may be counted in determining the presence of a quorum at any meeting of the Board or any committee thereof which authorizes the contract, action or transaction.

EIGHTH:
DISSOLUTION

Upon the dissolution of the Corporation, all assets remaining after paying or making provision for the payment of all of the liabilities of the Corporation shall be conveyed to any person or organization as shall be selected by the affirmative vote of a majority of the Board.

NINTH:
AMENDMENT

Any provision of these Articles of Incorporation may be amended only (a) by the affirmative vote of a majority of the Members of the Corporation at any meeting at which a quorum is present, and (b) after receipt of approval of such amendment by resolution of the legislative authority of each participating political subdivision, and (c) upon filing the approved amendment and resolution with the Ohio Secretary of State; provided that such amendment shall be consistent with the applicable provisions of the Act.

TENTH:
TRADE NAME

The District is hereby authorized to use the trade name "Lorain/Erie County Communities Shoreline Special Improvement District, Inc." or any other such similar trade name as the Board of Directors may duly determine from time to time, and the Corporation is hereby authorized to use the trade name "Lorain/Erie County Communities Shoreline Special Improvement District, Inc.," or any other such similar trade name as the Board of Directors may duly determine from time to time.

ATTACHMENT IV

LORAIN/ERIE COUNTY COMMUNITIES SHORELINE SPECIAL IMPROVEMENT DISTRICT INITIAL PLAN

The Lorain/Erie County Communities Shoreline Special Improvement District (the “District”) will administer a shoreline improvement project program as described in this Initial Plan (the “Program”). The Program is intended to provide financing secured by special assessments on real property for shoreline improvement projects. Pursuant to Section 1710.02 of the Revised Code, the undersigned, as an initial owner of real property within the District and other initial property owners (each an “Owner” and, together, the “Owners”), each of whom submitted a Petition for the creation of the District (each a “Petition” and, together, the “Petitions”), authorize, consent to, and submit to each Political Subdivision identified in each Petition (each a “Political Subdivision” and together, the “Political Subdivisions”) for approval this Initial Plan for the Program, as may be amended and supplemented from time to time as provided herein (the “Plan”) to provide for the Program’s administration and to set forth the terms and conditions of participation in the Program.

The District is established pursuant to Chapter 1710 of the Revised Code, as may be amended from time to time (the “Act”).

Participation in the District’s Program is limited to property owners who have petitioned and agreed to add their property to the District and who otherwise meet the Program’s terms and conditions as set forth in this Initial Plan and any applicable future amendments hereto. The District is governed by its Articles of Incorporation, Code of Regulations, resolutions duly adopted by the board of directors of the District, and the applicable resolutions and ordinances of the participating Political Subdivision where the real property is located (collectively, the “Governing Documents”). As a condition to participation in the District and the Program, each property owner must review and agree to the Governing Documents and further must review, agree to, and execute this Initial Plan, an application, an Improvement Petition, and an Assessment Schedule. The Governing Documents, this Initial Plan, the applications, the petitions, and the Assessment Schedules are referred to herein collectively as the “District Documents.” In addition to the District Documents, property owners may be required to agree to and execute an agreement to impose special assessments as a condition to receiving financing of shoreline improvement projects from the District.

The District Documents establish the terms and conditions of the Program. The Program terms and conditions may be amended from time to time as described herein. **By submitting a petition to include property within the boundaries of the District, each property owner consents to the terms and conditions of all District Documents.**

ARTICLE I. Purpose

The purpose of the Program is intended to assist property owners, whether private or public, who own real property within participating Political Subdivisions to obtain financing for shoreline improvement projects, as defined in the Act (the “Authorized Improvements”). Obligations, including but not limited to special assessment reimbursement agreements, special assessment revenue bonds and revenue notes, loan obligations or other evidences of indebtedness, and nonprofit corporation securities (collectively, the “Program Obligations”) may be issued by or on behalf of the District. Program Obligations or the proceeds from the sale of the Program Obligations may be used to finance Authorized Improvements that benefit properties within the District and any costs incurred by the District in connection with the issuance of Program Obligations. Participating Political Subdivisions shall levy special assessments on real property included in the District, the payment of which may pay the Program Obligations and the costs of administering the Program. Special assessment payments levied to finance Authorized Improvements will be due and payable by property owners at the same time real property taxes are due.

Nothing in this Initial Plan shall be construed as a representation on the part of any participating Political Subdivision, the District, the board of directors of the District, or any of the directors, officers, agents, members, independent contractors, or employees of the District or board of directors that the Program is the best financing option available. Property owners are advised to conduct independent research to determine the best course of action.

ARTICLE II. Governance

The District shall be governed, pursuant to the District Documents and the Act, by the Board of Directors (“Board”) of an Ohio nonprofit corporation formed for the purpose of governing the District, all in accordance with the Act. Pursuant to the Act, other Ohio law, and any Code of Regulations adopted for the governance of the Corporation, the Board may from time to time, and under such conditions as the Board determines, delegate any or all of the authority contained in this Initial Plan to its sub-committee or to an agent, independent contractor, or employee of the District or the Board.

A. Requirements for Eligibility, Contracting, Bidding and Financing

The Board is hereby authorized to create, administer and amend the process or processes by which property owners join the District and the Program. The process by which property owners join the District and Program may include, without limitation, the following requirements:

(1.) Eligible Properties. The Board is hereby authorized to create, administer and amend the eligibility requirements for the Program. The Board is further authorized to determine, in each individual case, whether property is eligible for participation in the Program.

Each property owner must file a petition with the Board requesting to add its property to the District and requesting the levy of special assessments to be used to pay or secure Program Obligations issued or used to finance Authorized Improvements. Each parcel of real property added to the District must have at least one Authorized Improvement. The petition to add property to the District shall be considered by the District in accordance with this Plan and the other District Documents. If the District approves the petition, it shall submit the petition to the executive officer and legislative body of the participating political subdivision in which the real property is located. A property owner may file more than one petition and may amend or withdraw any petition filed at any time before the petition is approved by the legislative body of the participating political subdivision in which the real property is located. Petitions shall conform to the requirements of the Act and any requirements of the Board.

Each property owner must agree to be bound by the terms of this Plan. The Plan for the District may be amended and supplemented from time to time in accordance with its terms, and may include supplements to the Plan which identify additional Authorized Improvements within the District to be subject to the Plan or to add property to the District and subject such additional property to the Plan. No special assessments authorized, levied, assessed, or collected with respect to the Authorized Improvements described in this Plan or in any supplemental plan shall ever be used to pay the costs of any Authorized Improvements described in any other plan or supplemental plan.

(2.) Application. If deemed necessary, the Board is hereby authorized to create, administer and amend an application, including a pre-application, for participation in the Program. The Board further may set the terms and conditions for the application's use and evaluation.

(A) Contractors. The Board may, but is not obligated to require property owners to utilize pre-approved contractors to complete the Authorized Improvements. The Board is further authorized to create criteria for the approval of contractors and to determine which contractors meet the criteria and are approved. The Board may communicate which contractors have been pre-approved to property owners by any means the Board deems appropriate, and the Board shall determine whether property owners comply with its pre-approved contractor's requirements.

Nothing in this Plan or the District Documents shall be construed to be a recommendation or guarantee of reliability of any pre-approved contractors by any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board.

- (B) Procurement and Referrals. The Board shall be permitted to procure supplies, services, contracts, financing, and other resources related to the completion of Authorized Improvements. The Board is further authorized to refer property owners to suppliers, service providers, contractors, lenders, and the providers of other resources related to the completion of Authorized Improvements and the administration of District activities.

The Board shall adopt written rules prescribing competitive bidding procedures for the District and for Authorized Improvements undertaken by the District on behalf of property owners, which competitive bidding procedures may differ from competitive bidding procedures applicable to the participating Political Subdivision and may specify conditions under which competitive bidding is not required. Except as specified in the Act and in this Plan, the District Documents shall not be construed to eliminate or alter the competitive bidding procedures applicable to a participating political subdivision due to its status as a participating Political Subdivision.

- (C) Financing. The Board is hereby authorized to finance Authorized Improvements through the use or issuance of Program Obligations. The Board may hire such legal and financial professionals as may be required to successfully finance Authorized Improvements through the use or issuance of Program Obligations.

ARTICLE III. Services

The Board is hereby authorized to provide ongoing services to the District, its property, and the property owners. All services provided under this Plan shall be deemed to be services provided in furtherance of Authorized Improvements provided under this Plan. Such services, without limitation, may include the following:

- (A) Program Design. The Board is hereby authorized to design comprehensive services to establish and maintain the Program's legal and programmatic framework.
- (B) Program Administration. The Board is hereby authorized to educate the public on the Program and its purposes, market the program to the public, process applications, verify aspects of the Authorized Improvements, assure the Program's overall quality and the quality of Authorized Improvements, serve customers, and assist property owners in the origination and closing processes.
- (C) Marketing. The Board is hereby authorized to market the Program and promote the District's image through means such as developing literature and brochures, conducting public relations, collecting data, managing information, cooperating with members, creating electronic and print marketing materials, and holding special events.

- (D) Authorized Improvement Implementation. The Board is hereby authorized to cooperate with property owners for the implementation of Authorized Improvements, including cooperating with property owners for the addition of property to the District and the approval of petitions and Supplemental Plans by participating political subdivisions and the Board.
- (E) Tracking and Administration of Program Obligations. The Board is hereby authorized to create, administer, amend, and abolish procedures for the tracking and administration of Program Obligations issued or used to finance Authorized Improvements. Without limitation, the administration of special assessments may include reporting delinquent special assessments, following-up with delinquent property owners, and coordinating with delinquent property owners. The Board may hire such professionals as may be required to successfully track and administer Program Obligations.
- (F) Administering Special Assessments. The Board is hereby authorized to create, administer and amend procedures for the administration of special assessments levied pursuant to the District Documents. Without limitation, the administration of special assessments may include calculating the amount of special assessments, preparing certifications of special assessments for the county auditor, billing the special assessments, and considering property owners' claims regarding the calculation or billing of special assessments. The Board may hire such professionals as may be required to successfully administer special assessments.
- (G) Budgeting. The Board shall provide for the production of an annual report describing the District's budget, services delivered, revenues received, expenditures made, and other information about the District's activities. The annual report shall be made available to the Board and to the District's members. The Board may hire such professionals as may be required to successfully account for all District finances.
- (H) Auditing. The Board is hereby authorized to provide for an audit of the District in such manner as the Board deems appropriate. The Board may hire such professionals as may be required to successfully audit the District.
- (I) Annual Report. In accordance with the Act, the Board is hereby authorized, by the first day of March of each year, to submit to each member of the District and to the municipal executive, chief fiscal officer, and legislative authority of each municipal corporation with territory within the boundaries of the District and to the board of township trustees of each township with territory within the boundaries of the District a report of the District's activities and financial condition for the previous year.
- (J) Other Services. The Board is hereby authorized to provide any other services authorized by the Act.

ARTICLE IV. Fees

Program Costs. The Board is hereby authorized to charge to property owners, as costs of administering the Program, any costs permitted by the Act. Such costs may include, without limitation, the following:

- (A) The cost of creating and operating the District, including creating and operating the Corporation, hiring employees and professional services, contracting for insurance, and purchasing or leasing office space or office equipment;
- (B) The cost of planning, designing, reviewing, facilitating the implementation of, and implementing Authorized Improvements or services under this Plan or any Supplemental Plan, including payment of architectural, engineering, legal, appraisal, insurance, consulting, and planning fees and expenses, and, for services under this Plan or any Supplemental Plan, the management, protection, and maintenance costs of public or private facilities;
- (C) Any costs of litigation, including but not limited to court costs, attorneys' fees, and expert witness fees, incurred by the District in implementing this Plan or any Supplemental Plans;
- (D) Any damages resulting from implementing this Plan or any Supplemental Plan;
- (E) The costs of issuing, monitoring, paying interest on, and redeeming or refunding Program Obligations issued or used to finance Authorized Improvements or services under this Plan or any Supplemental Plan;
- (F) The costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of the District's territory, or between the District and any owner of property in the District on which an Authorized Improvement has been acquired, installed, equipped, or improved; and
- (G) In accordance with Chapter 727 of the Revised Code, the costs incurred in connection with the preparation, levy, and collection of the special assessments, including legal expenses incurred by reason of the improvement.

Pursuant to the Act, such Program costs may be included in the special assessments levied on real property within the District.

Application Fee. The Board is hereby authorized to set and charge an application fee for Program services provided by the District. The application fee may be non-refundable. The application fee may be credited to the cost of Authorized Improvements if the application is approved and an Authorized Improvement is made to the property for which application was made.

ARTICLE V. Requisite Plan Provisions

As provided in the District Documents:

- (A) Additional territory may be added to the District in accordance with the Act and the rules established by the Board pursuant to Article III of this Plan.
- (B) The District Documents may be amended or supplemented in accordance with their terms.
- (C) As described in this Initial Plan, the Board is authorized to implement and amend this Plan, any Supplemental Plan, and any other plans for Authorized Improvements, public improvements, and public services, all in accordance with the Act.
- (D) The public improvements to be provided by the District are the Authorized Improvements identified in this Initial Plan and any Supplemental Plan. The area where the Authorized Improvements will be undertaken will be the area identified in each petition requesting formation of the District or in any petition requesting addition of real property to the District. The method of assessment shall be in proportion to the special benefits received by each property owner within the District as a result of Authorized Improvements.
- (E) For the purpose of levying an assessment, the Board may combine levies for Authorized Improvements and public services into one special assessment to be levied against each specially benefited property in the District.

ARTICLE VI. Limitations to Authorized Actions

The ability to take action authorized in this Initial Plan and the program Documents, including the issuance or use of Program Obligations to finance Authorized Improvements is subject to a variety of federal and state laws, regulations, rules, and guidelines. If these laws, regulations, rules, and guidelines change after property owners have applied to the District for financing, the District may be unable to fulfill its obligations under the Plan. **NEITHER THE DISTRICT, NOR ANY PARTICIPATING POLITICAL SUBDIVISION, SHALL BE OBLIGATED TO IMPLEMENT ANY PROVISION OF THE PLAN WHICH IS CONTRARY TO STATE OR FEDERAL LAW. NEITHER THE DISTRICT NOR ANY PARTICIPATING POLITICAL SUBDIVISION SHALL BE LIABLE FOR ANY INABILITY TO FINANCE OR OBTAIN FINANCING OF AUTHORIZED IMPROVEMENTS AS A RESULT OF PREVAILING MARKET CONDITIONS OR ANY APPLICABLE LAWS, REGULATIONS, RULES OR GUIDELINES OR ANY CHANGES IN APPLICABLE LAWS, REGULATIONS, RULES OR GUIDELINES THAT WOULD REDUCE OR ELIMINATE THE ABILITY TO EFFECTIVELY FINANCE**

**AUTHORIZED IMPROVEMENTS OR THE EFFECTIVENESS OF FINANCING
AUTHORIZED IMPROVEMENTS THROUGH THE DISTRICT'S PROGRAM.**

ARTICLE VII. Indemnification; Severability

The District and any participating Political Subdivision shall be neither responsible nor liable for the installation, operation, financing, refinancing, maintenance, removal, remediation, warranting, or other guaranteeing of Authorized Improvements. Property owners will be solely responsible for the installation, operation, financing, refinancing, maintenance, removal, remediation, warranting, or other guaranteeing of the Authorized Improvements. Participation in the Program does not in any way obligate the District or any participating Political Subdivision to ensure the viability of Authorized Improvements. Owners of assessed real property must pay the special assessments regardless of whether the Authorized Improvements are properly installed or operate as expected.

By petitioning and agreeing to including its property within the boundaries of the District, each owner of real property included in the District (other than any political subdivision that owns real property included in the District) agrees to release, defend, indemnify, and hold harmless the District and the participating Political Subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with participation in the Program.

If any provision of the District Documents is determined to be unlawful, void, or for any reason unenforceable, that provision shall be severed from these District Documents and shall not affect the validity and enforceability of any remaining provisions.

ARTICLE VIII. Disclosure of Property Owner Information

The District and any participating Political Subdivision may disclose information of the District to any agent of the District or to third parties when such disclosure is essential either to the conduct of the District's business or to provide services to property owners, including but not limited to where such disclosure is necessary to (i) comply with any applicable law, (ii) enable the District and participating political subdivisions and their agents to provide services or otherwise perform their duties, and (iii) obtain and provide credit reporting information. Property owners' names, contact information and shoreline erosion and project data further may be disclosed to the District and its agents for the purpose of conducting surveys and evaluating the Program. The District shall not disclose personal information to third parties for telemarketing, e-mail, or direct mail solicitation unless required to by law or court order.

Each owner of real property located within the District acknowledges that the District and any participating Political Subdivision is subject to Ohio public records laws. Each property owner that executes this Plan agrees, on behalf of itself as an owner, and any and all agents, employees, contractors, or other parties who submit plans, proposals, drawings, trade

secrets, copyrighted material, or other work products related to proposed or authorized improvements, to the disclosure of certain information as stated in this Article, and will indemnify and hold harmless the District and any participating Political Subdivision from liability for compliance with said laws.

ARTICLE IX. Authorized Improvements

The Authorized Improvements shall be as specified in the property owner's petition for such improvements and the assessment of the cost of such improvements as approved by the relevant Political Subdivision.