

**REQUEST FOR MAINTENANCE AGREEMENT**

Whereas, Lockhart Development Co.  
 is the Title owner in fee simple of the Real Estate known as Meadows of Wintergreen  
~~Phase II~~ consisting of  
 approximately 14.75 acres of land in Tract 8 of Springfield Township, County of  
 Summit, Ohio, and said Springfield Township shall become the owner of the areas therein  
 to be dedicated to the public use, and

Whereas, said Meadows of Wintergreen  
~~Phase II~~ Subdivision contains 42 unit parcels as set forth on the  
 plat and amendments thereto as shall be recorded with the County of Summit Recorder, and

Whereas, said Meadows of Wintergreen  
~~Phase II~~ Subdivision contains a number of ditches, storm  
 sewers, culverts, retention area, retention basin and general drainage areas, all of said areas being  
 set forth on the plans showing the same as being within the drainage easements as shown on the  
 original plan and amendments thereto, and

Whereas, the plans have been approved by a Professional Engineer registered in the State  
 of Ohio, and

Whereas, the County Engineer, as part of the subdivision review, shall approve all of the  
 ditches, storm sewers, culverts, retention area, retention basin and general drainage areas as  
 shown on the original plans and plat, and

Whereas, the improvements are to be constructed by the owner under the supervision and  
 control of the County Engineer and shall meet the approval of the County Engineer as  
 constructed, and

Whereas, the owner agrees that this agreement along with the plan and schedules of the  
 improvement shall be filed with the Clerk of County Council of the County of Summit to locate  
 and establish such as a public watercourse.

This Maintenance Agreement for drainage facilities is a part of the development plan and  
 the obligation to pay the maintenance fees shall pass with the Title to the property. There shall be  
 inserted in each deed passing Title to any of the land herein by the owner or developer the words:

"Title to the fee includes the obligation to pay the drainage maintenance fee assessed, or to be assessed, by the County, pursuant to the Ohio Revised Code 6137 and following."

NOW, THEREFORE, the above owner wishes to have established by the Council of the County of Summit, a Ditch Maintenance Fund pursuant to Section 6131.63 and Section 6137 of the Ohio Revised Code, and have the lots and public areas assessed for said maintenance.

IN WITNESS WHEREOF, we have hereunto set our hands this 4<sup>th</sup> day of December, 2009.

Denise Pennington  
Witness  
[Signature]  
Witness

Lockhart Development Co  
(Owner)  
[Signature]  
(Owner)

WAIVER OF NOTICE OF PUBLIC MEETING

We, the undersigned, being all the owners affected by the Request for Maintenance Agreement which has been submitted by us on behalf of the Meadows of Wintergreen Subdivision, Phase II hereby waive the holding of said public meeting since there are not other owners to object to said assessment, and hereby request that the said Maintenance Fund be immediately enacted.

[Signature] (Owner)  
[Signature], Pres. (Owner)

STATE OF OHIO, SUMMIT COUNTY, SS

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED A. R. LOCKHART WHO ACKNOWLEDGED THAT HE/SHE/THEY DID SIGN THE FOREGOING INSTRUMENT AND THAT SAME IS HIS/HER/THEIR FREE ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HERETO SET MY HAND AND OFFICIAL SEAL, AT

Akron, OH THIS 4th DAY OF December, 2009.



Patricia Coler  
Resident Summit County  
Notary Public, State of Ohio  
My Commission Expires: 10/27/2014

[Signature]  
NOTARY PUBLIC

This instrument was prepared by:

Lockhart Development Co.  
(Owner)

STATE OF OHIO, SUMMIT COUNTY, SS

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Robert Lockhart WHO ACKNOWLEDGED THAT HE/SHE/THEY DID SIGN THE FOREGOING INSTRUMENT AND THAT SAME IS HIS/HER/THEIR FREE ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HERETO SET MY HAND AND OFFICIAL SEAL, AT THIS 4<sup>th</sup> DAY OF December, 2009.



Patricia Coler  
Resident Summit County  
Notary Public, State of Ohio  
My Commission Expires: 10/27/2014

Patricia Coler  
NOTARY PUBLIC

\_\_\_\_\_ SUBDIVISION RECORDED

IN CABINET \_\_\_\_\_ SLIDES \_\_\_\_\_