

**EXHIBIT B**

**BASELINE DOCUMENTATION REPORT**

**FOR**

**ROLLING HILLS, PHASE 4**

**MACEDONIA, OHIO**

**SUMMIT COUNTY, OHIO**

**October 6, 2006**

**Prepared for:**

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## **INTRODUCTION**

In 2003, TransCon Builders/PFR Land Co. proposed construction of a residential development, Rolling Hills , Phase 4 (“Development”), located in Macedonia, Ohio, Summit County. Situated off Shepard Road, this development is approximately twenty-five point six (25.6) acres in total area with dedicated green space totaling three point five eight (3.58) acres.

Approximately thirty-three (33) dwelling units are proposed to be constructed within the Development. The conservation easement is located to the rear portion of six sublots, ultimately impacting a stream channel, forested riparian buffer, and existing and mitigated wetland and vernal pool areas.

Ohio Stream Preservation, Inc. (“OSP”) was asked to consider a third-party stewardship role by accepting a conservation easement over the 3.58-acre Preserve. In August 2003, OSP provided a written stewardship agreement to TransCon Builders, Inc./PFR Land Co. to serve as the conservator of the Preserve areas. TransCon Builders, Inc./PFR Land Co. and OSP reached an agreement for these services in August 2003.

OSP prepared the Grant of Conservation Easement, conducted several site visits, and co-authored several legal documents, including the First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for Rolling Hills Subdivision. These documents, including the Conservation Easement, were prepared and signed April 30, 2004 and recorded with the Summit County Recorder’s office on May 5, 2004. This Baseline Documentation Report shall be recorded as part of the original Conservation Easement.

## **MONITORING RESULTS**

A monitoring site visit was conducted October 6, 2006, as part of the Baseline Survey of the Conservation Easement (“CE”) in the Rolling Hills development. This visit was conducted to ensure the CE boundaries were clearly marked and to document any areas of encroachment.

The CE is located within a gully on the eastern segment of Sublots ("S/Ls") 10-15 on Redwood Court. Houses are located on S/Ls 10, 11, and 13. No homes are built on S/Ls 12, 14, and 15, which currently consists of undeveloped scrubland and forest.

As I was entering S/L 15 to begin my assessment of the CE, a resident from S/L 16 came over to talk with me. He stated the CE is a sanitary sewer easement. This information correlates with paperwork held by OSP. He said there have been several problems in the past where water would become very deep in the CE and flow over the edge of a levy in place at the southern boundary of the CE. The resident stated he talked to several people he believed to be in charge of the sanitary sewer regarding the situation, but believes nothing has been done to remedy it and continues to see flooding occur.

I began my walkthrough of the CE and noted what I was observing corroborated with the resident's account. The levy stands about 6 ft tall in an east-west direction. The dominant vegetation growing on the levy is grass. The top of the levy is capped off with a thick, black plastic and large cobble rocks (see photos 1-3). The west end of the levy shows evidence of water having flowed over the top in a north-south direction by rocks having been carried over to the opposite side and deposited at the bottom of the levy (see photo 3). A small stream continues through a vegetated riparian zone to the south of the levy, outside of the CE boundary.

The view to the north side of the levy resembles a large mud puddle (see photos 4, 5, 7, 9). No vegetation exists near the water. Some standing muddy water exists, which receives input from a small stream flowing in a north-south direction (see photos 9, 13, 14). Muddied vegetation along the banks of the CE provide verification of past flooding events (see photos 8, 11, 12). I walked down toward the water and turned south to look at the levy. A culvert opening beneath the levy was packed solid with mud and debris, allowing for no flow beneath the levy to occur (see photo 6).

I walked along the west side of the CE. To the northwest was a culvert that appeared to discharge water into the CE (see photo 8). The CE boundaries went uphill at this point into a vacant lot. I noticed some brush debris and five empty 50-lb bags of calcium chloride either just within or alongside the CE (see photos 24-25). The CE boundary on the empty S/L 12 goes through wooded property (see photo 16) and the back lawns of

S/Ls 10 and 11 (see photo 17). The majority of the CE in S/Ls 10-12 is through a vegetated riparian zone of the small stream flowing north-south (see photos 20 and 22) and runs adjacent to Shepard Road (see photo 21). No encroachments were observed along the CE boundary.

Three homes whose back property line abuts the CE are located on the southeast side of the CE. The back of these properties consist of a riparian floodplain to the stream flowing through the CE. The property furthest to the north, directly behind S/L 13, has a manhole cover that states "Sanitary Sewer Summit County Manhole" (see photo 26). This is consistent with the CE serving as a sanitary sewer easement, according to OSP paperwork and the local resident.

My monitoring visit resulted in no signs of encroachment by adjacent homeowners. However, the watershed of the stream flowing through the CE needs protection. Flooding creates a constant disturbance and leaves it difficult for recovery of the biota to occur in the riparian zone. The silty substrate left behind is not a suitable environment for the survival of aquatic life or native vegetation.

**APPENDIX A**

**PHOTO SAMPLING POINTS  
and EASEMENT AREA MAP**

**FOR  
ROLLING HILLS, PHASE 4  
MACEDONIA, OHIO**

**SUMMIT COUNTY, OHIO**

**APPENDIX B**

**PHOTO SAMPLING**

**FOR**

**ROLLING HILLS, PHASE 4**  
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Photo 1: View E along top of levy.



Photo 2: Closer look at the rocks on the top of the levy.



Photo 3: View on S side of levy where rocks were deposited by water.





Photo 4: View ENE of  
levy and water in  
Conservation Easement  
("CE").



Photo 5: View NNE into  
CE.



Photo 6: View SW of  
culvert filled with  
mud and debris  
beneath levy.



Photo 7: Top of levy  
looking N into CE.





Photo 8: View NW to CE boundary and culvert near intersection of Bull Creek Lane and Redwood Court.



Photo 9: View N in CE behind SL 13.

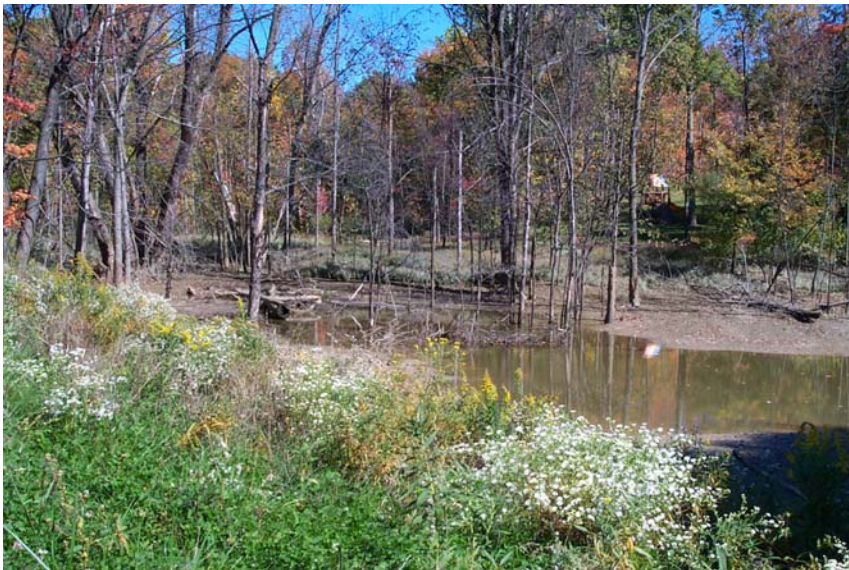


Photo 10: View N into CE from SL 14.



Photo 11: View W from CE to muddy vegetation on W edge of CE.





Photo 12: Muddy vegetation behind SL 13.



Photo 13: View S and downstream where stream ends before the levy in the background.



Photo 14: View N and slightly upstream from standing water.



Photo 15: View N along E CE boundary from levy.





Photo 16: View north along SL 12 W CE boundary.



Photo 17: View S from SL 10 to SL 11 along W CE boundary.



Photo 18: View E on CE boundary on SL 10.



Photo 19: View W toward SL 10 along CE boundary.





Photo 20: View E to Shepard Road along CE boundary.



Photo 21: View S along CE boundary to right and Shepard Road to left.



Photo 22: View W to SL 10 along CE boundary.



Photo 23: View W along CE boundary. House on Shepard Road to left, CE to right and in background.





Photo 24: One of 4 empty 50-lb bags of calcium chloride found on perimeter of CE.



Photo 25: Debris on SL 14 either within or along CE boundary.



Photo 26: View S along back of house on Shepard Rd. Riparian area of CE to right and Summit Cty manhole cover to left.

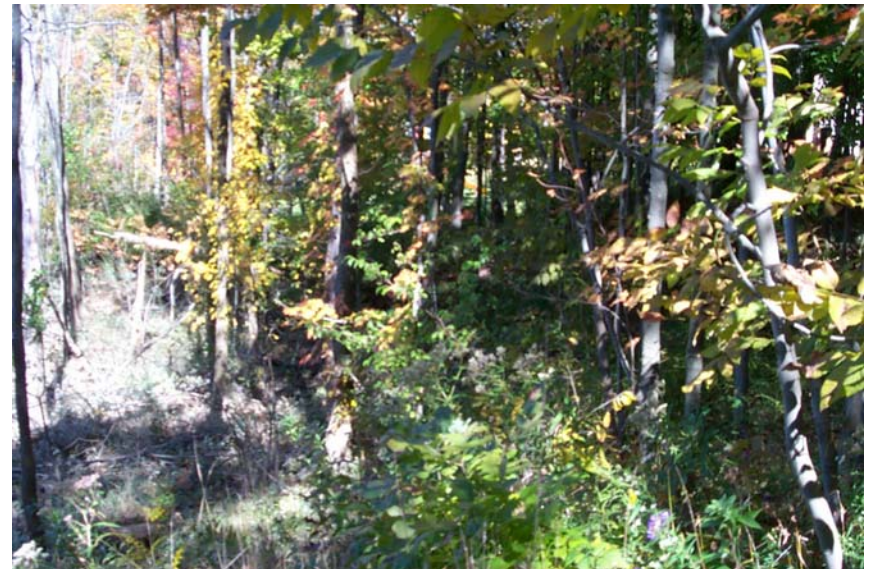


Photo 27: View N along CE boundary. Areas of mud from flooding in CE to left.