

Resolution No. 4
Fields Brook Natural Resource Damage Settlement

Re: Transfer of funds from the United States Department of the Interior's Natural Resource Damage Assessment and Restoration Fund to the U.S. Fish and Wildlife Service Region 3 for land acquisition by the Ashtabula Township Park Commission.

Whereas the Fields Brook Trustee Council was established pursuant to the December 23, 1998 Memorandum of Understanding entered into by the U. S. Department of the Interior and the Ohio Environmental Protection Agency;

Whereas, a Fields Brook Restoration Account has been established in the United States Department of the Interior's Natural Resource Damage Assessment and Restoration Fund (NRDAR Fund);

Whereas, the Fields Brook Trustee Council, on September 9, 2005 agreed by unanimous consent that Two Hundred Fifty Thousand Dollars (\$250,000.00) should be transferred from the Fields Brook Restoration Account in the NRDAR Fund to the U.S. Fish and Wildlife Service Region 3 for the purpose of providing funds to the Ashtabula Township Park Commission for acquisition of the 28.17 acre property owned by CDM Development Corporation, located in the Fields Brook assessment area and appraised by Paul O. Van Curen & Co. on April 22, 2005 (A copy of the Appraisal is attached hereto as Exhibit A and incorporated by reference herein as if fully rewritten) at between \$8,500 and \$9,000 per acre.

Whereas a survey conducted on November 15, 2005 by James A. Ziemba found that the parcel actually contained 37.268 acres (A copy of the survey is attached hereto as Exhibit A and incorporated by reference herein as if fully rewritten), CDM Development Corporation increased their asking price to \$277,000.00.

Whereas the current asking price of \$277,000.00 for the 37.268 acre parcel is equivalent to \$7,432.65 per acre, which is below the \$8,500 to \$9,000 per acre appraised value. An additional \$27,000.00 will be required to complete the purchase. The funds so transferred for land acquisition shall be combined with the \$250,000.00 transferred pursuant to Trustee Council resolution # 3, and utilized for natural resource restoration activities in accordance with the Cooperative Agreement between the U.S. Fish & Wildlife Service and the Ashtabula Township Park Commission (A copy of the Cooperative Agreement is attached hereto as Exhibit B and incorporated by reference herein as if fully rewritten).

NOW THEREFORE BE IT RESOLVED that the Trustee Council, in consultation with the National Oceanic and Atmospheric Administration and the Ohio Department of

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Natural Resources, agrees, by unanimous consent, that Twenty Seven Thousand Dollars (\$27,000.00) be transferred from the United States Department of the Interior's NRDAR Fund to the U.S. Fish and Wildlife Service Region 3 for the purpose of land acquisition in the Fields Brook assessment area by the Ashtabula Township Park Commission, as specified above.

DATED this xth day of February, 2006.

Department of the Interior
U. S. Fish and Wildlife Service



By: Mary M. Knapp, USFWS, Field Supervisor, Reynoldsburg, Ohio Field Office

Ohio Environmental Protection Agency

By: Sheila Abraham, OH EPA, Northeast District Office

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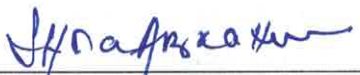
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DATED this ^{25th}~~xth~~ day of February, 2006.

Department of the Interior
U. S. Fish and Wildlife Service

By: Mary M. Knapp, USFWS, Field Supervisor, Reynoldsburg, Ohio Field Office

Ohio Environmental Protection Agency



By: Sheila Abraham, Risk Management ES-III, Ohio EPA, Northeast District Office