

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

IN THE COURT OF COMMON PLEAS

NO. SD 69411

Ex. Doc. 140 Page 403

ESTABLISHMENT OF CLEVELAND)
REGIONAL SEWER DISTRICT)

JUDGMENT ENTRY

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(1) This cause came on to be heard on the 16th day of May, 1972 on the petition of the Board of County Commissioners of Cuyahoga County, Ohio, for an order organizing and creating a Regional Sewer District pursuant to the provisions of Chapter 6119 of the Ohio Revised Code, the objections thereto as appears of record, the evidence, the record of the proceedings heretofore taken herein, and the arguments of counsel.

(2) Upon due consideration thereof, the Court finds that subsequent to the filing of the petition herein by the Board of County Commissioners of Cuyahoga County, Ohio, that the Honorable John V. Corrigan, Presiding Judge of the Court of Common Pleas of Cuyahoga County, Ohio, did, on April 19, 1972, assign this case to Judge George J. McMonagle and directed him to sit as the Judge in the proceedings, conduct the required hearings, and make the necessary determinations in accordance with Chapter 6119 of the Ohio Revised Code.

(3) The Court further finds that on April 20, 1972, the said Judge George J. McMonagle did find and determine that the petition filed herein by the Board of County Commissioners of Cuyahoga County, Ohio, does comply with the requirements of Chapter 6119 of the Revised Code of Ohio as to form and contents and that he did fix May 16, 1972, at 1:30 P.M. in Courtroom No. 11 of the Cuyahoga County, Ohio Court House as the time and place for the final hearing of the said petition for the establishment of the proposed Regional Sewer District.

(4) The Court further finds that Emil J. Masgay, Clerk of Courts of Cuyahoga County, Ohio, did give notice of the filing of said petition and

of the time and place of said hearing by publication once each week for four (4) consecutive weeks in both the Daily Legal News and the Cleveland Press, each of which are daily newspapers of general circulation printed and published in the City of Cleveland and County of Cuyahoga, Ohio; that proof of publication of said notices was duly filed herein and which notices the Court finds to be in conformity with the requirements of Section 6119.04 of the Revised Code of Ohio and hereby confirms and approves each of them.

(5) The Court further finds that the said final hearing was called and conducted in Courtroom No. 11 at 1:30 P.M. on May 16, 1972, in accordance with the said notices.

(6) The Court, upon due consideration of said petition including the plan of operations contained therein, the said objections thereto and the evidence and arguments of counsel with reference thereto, has and does hereby find that said objections should in some respects be sustained in part, overruled in part, and some objections be overruled and others sustained, and that amendments to the said petition and plan, deletions therefrom and additions thereto should be made as reflected in Exhibit "A" which is attached hereto and made a part hereof; that as amended, the petition of the Board of County Commissioners of Cuyahoga County, Ohio, for an order of this Court finding, adjudging and decreeing that the establishment of the Cleveland Regional Sewer District is necessary; that it and the plan for the operation of the District is conducive to the public health, safety, convenience and welfare; that the plan for the operation of the District is economical, feasible, fair and reasonable and that the Court shall by its findings, entered of record, declare the District finally and completely organized and to be a political subdivision is well taken and should be granted.

(7) The Court having disposed of all objections to the petition and having made such amendments to, deletions to and additions to said petition and the plan for the operation of the District as Justice and equity require, does now HEREBY FIND, ORDER, ADJUDGE AND DECREE:

(a) That this Court has jurisdiction of the parties and the subject matter in this proceeding:

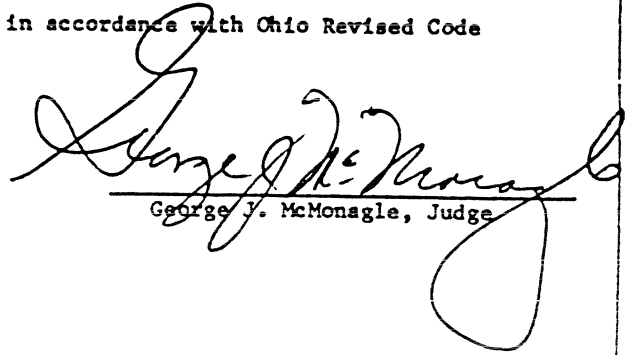
(b) That the Cleveland Regional Sewer District is necessary and that it and the plan for the operation of the District, all as contained in Exhibit "A" which is attached hereto and made a part hereof is conducive to the public health, safety, convenience and welfare, and that the plan for the operation of the District is economical, feasible, fair and reasonable.

(8) The Court does further, in accordance with its findings herein, declare the Cleveland Regional Sewer District finally and completely organized and to be a political subdivision of the State of Ohio in accordance with Chapter 6119 of the Revised Code of Ohio in accordance with all the provisions contained in Exhibit "A", which is attached hereto and made a part hereof.

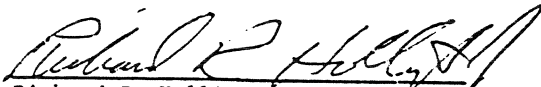
(9) IT IS HEREBY FURTHER ORDERED that the appointing authorities designated herein forthwith appoint the members of the Board of Trustees of the Cleveland Regional Sewer District; and that each of such appointees forthwith qualify as a member of said Board of Trustees.

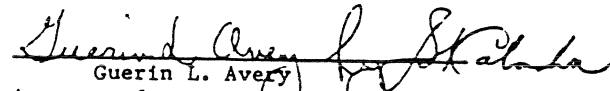
(10) The Court does further hereby fix Tuesday, the 18th day of July, 1972, at 10:00 A.M. as the time and 1201 Lakeside Avenue, Cleveland, Ohio, as the place when said members of the Board of Trustees shall meet and elect a president and a secretary; that upon so doing the Cleveland Regional Sewer District shall thereupon exercise in its own name all the rights, powers and duties vested in it by Chapter 6119 of the Revised Code of Ohio and the within judgment of this Court.

(11) This Court retains jurisdiction of the question of inclusion of local sewers as a responsibility of the Regional District as set out herein, and further retains jurisdictions in accordance with Ohio Revised Code 6119.051.


George J. McMonagle, Judge

APPROVED AS TO FORM AND SUBSTANCE


Richard R. Hollington, Jr.
Director of Law, City of Cleveland

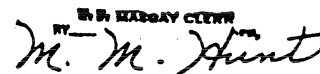

Guerin L. Avery
Attorney for Certain Defendants

William J. Brown
Attorney General of Ohio


By: 
Assistant

RECEIVED FOR FILING

JUN 15 1972

BY: 
M. M. Hunt

JOHN T. CORRIGAN
Prosecutor, Cuyahoga County

BY: 
Assistant
Asst County Prosecutor

Copies of the within Judgment Entry sent by United States mail to Counsel of Record herein.

EXHIBIT A

THE CLEVELAND REGIONAL SEWER DISTRICT

1. Name. The name of the District shall be "The Cleveland Regional Sewer District".

2. Place. The principal office of the District shall be located in the Cleveland Department of Public Utilities Office Building at 1201 Lakeside Avenue, Cleveland, Ohio. The Board of Trustees and the City of Cleveland shall enter into a lease for such premises upon such terms and conditions as shall be mutually agreeable to the parties.

3. NECESSITY FOR THE PROPOSED DISTRICT. The increase in the amount of waste water in the Metropolitan Cleveland area resulting from the increase in population and the expansion of industry in the many political subdivisions outside of the City of Cleveland without the existence of a single governmental agency with authority to control, plan, finance, establish rates, maintain, operate, adopt, establish and enforce rules and regulations for the purpose of uniform construction procedure, materials, inspection and controls of discharge into the system, has caused recurring litigation, has caused, in part, the necessity for the issuance of injunctive orders which have had the effect of practically eliminating new construction in Cleveland and most of Cuyahoga County, Ohio, has contributed to the polluted state of Lake Erie and the waters tributary to it and has endangered the public health and safety.

The establishment of a Regional Sewer District under the provisions of Chapter 6119 of the Ohio Revised Code is necessary and the establishment of said District will be conducive to the public health, safety, convenience and welfare.

4. The purpose of the District shall be the establishment of a total waste water control system for the collection, treatment and disposal of waste water within and without the District:

- (a) Serving the metropolitan Cleveland Area;
- (b) With uniform metropolitan rates;
- (c) With control, administration and financing by a Board of Trustees;
- (d) Capable of being expanded in the future to include additional areas;
- (e) With overall control of all waste water collection systems in the area through rules and regulations for the purpose of obtaining uniform construction and inspection of facilities and for the purpose of regulating discharges into the system, but with local sewage collection facilities under local jurisdiction for planning, construction, financing and maintenance purposes unless the local municipality desires to contract with the District for such services.

5. Plan for Operation of The District.

(a) The District shall be operated by the Board of Trustees; it shall appoint a general manager who will administer the District and employ the personnel required to implement the District's program; the operation of the District shall be in accordance with Chapter 6119 of The Ohio Revised Code and subject to and in accordance with the terms and conditions hereinafter contained.

(b) The sewage treatment and disposal facilities of the City of Cleveland shall be transferred to the District in accordance with the order of the Cuyahoga County Common Pleas Court in Case No. 886,594, (consolidated), and the Board of Trustees shall commence the operation of the District upon their appointment and qualification as members, and the election of a president and secretary of said Board.

(c) Construction of Facilities

1. The District will plan, finance, construct, operate and control waste water treatment and disposal facilities, major interceptor sewers, all sewer regulator systems and devices, weirs, retaining basins, storm water handling facilities, and all other water pollution control facilities of the District. All construction and expansion of sewage treatment facilities, not including presently planned interceptors, after May 1, 1972, will be the responsibility of the District and the costs shall be borne by all users of the District.

In order to avoid any delay in the construction of presently planned facilities upon their approval by the State, the District shall employ the City of Cleveland to continue detailed planning of such facilities for the first four years of the District's existence or such period of time deemed practicable by the Board of Trustees of the District in order that the District assume its planning operations in an orderly fashion; such planning procedure includes the sewer regulator program presently planned by Cleveland and which program shall become a District program with the cost thereof borne by all District users.

2. The construction and financing of local sewerage collection systems will be the responsibility of the individual municipalities or political subdivisions, although the District has statutory authority in this area. The cost of constructing such collection facilities will be borne by the users in the territory served by such collection facilities although the District may participate in the financing of trunk sewers constituting a part of such collection systems through a rotary fund which would be reimbursed from tap-in charges and/or sewer surcharges collected from users in the sub-district served by such trunk sewers.

Although consideration has been given to the inclusion of the responsibility for the planning, construction and operation of local sewers as a function of the District, determination thereof has been deferred until one year from the date hereof. Within that period of time, the Board of Trustees of the District shall conduct a study on the advisability of including such responsibilities with reference to local sewers in functions of the District and shall submit a report and recommendation thereon to this Court.

(d) Operation of Facilities.

1. For the first four years, the District shall employ by contract the City of Cleveland to operate and maintain all major interceptor sewers, sewage treatment facilities and water pollution control facilities over which the Cleveland Regional Sewer District has jurisdiction. If, at any time during the period of this operating agreement, the City fails to operate the facilities in accordance with standards imposed by State and Federal regulatory agencies, and such failure is solely attributable to Cleveland's failure to discharge its duties or obligations under said operating agreement, the District

may terminate the operating agreement.

2. Pending a final determination of the question of local sewers as a responsibility of the District, local sewerage collection systems will be operated by the individual municipalities unless they contract with the District for such service. In either case, the cost of operating the collection systems would be borne by the municipality and not by the District.

3. The District will exercise over-all control of all waste water collection systems, through rules and regulations, for the purpose of obtaining uniform construction and inspection of facilities and regulation of discharges to the total system.

4. The aforesaid operating agreement provided for herein shall contain all provisions necessary for the District and the City of Cleveland to specify the duties and responsibilities of each party including but not limited to terms for:

1. Rental of office spaces for the District offices;
2. Operation of and planning for District facilities by the City of Cleveland;
3. Billing and other administrative services to be furnished by Cleveland;
4. Collection, allocation and disbursement of sewage charges and increments for payments on Cleveland's bonded indebtedness and for payment of non-district functions;
5. The assignment by Cleveland to the District of various contractual obligations pertaining to the operation of sewage system or systems;
6. The method of transferring the various accounts receivable, accounts payable, and all other accounting functions of the sewage system of the City of Cleveland to the District.

(e) Financing.

1. As an interim requirement, the Cleveland Subdistrict (Subdistrict No. 1), will pay for presently planned interceptor sewer facilities that serve Cleveland users and the Suburban Subdistrict (Subdistrict No. 2) will pay for presently planned interceptor sewer facilities that serve suburban users. The presently planned interceptor sewer facilities to serve Cleveland users are the Northwest Interceptor and other waste water handling

facilities in Cleveland's westerly district and the presently planned interceptor sewer facilities to serve suburban users are the Southwest Interceptor, Cuyahoga Valley Interceptor, Broadway (Southeast) Interceptor, Heights Interceptor (including branch to serve Richmond Heights and Highland Heights) and improvements to the pumping stations and comminutor on the Wilson Mills (Hilltop) Interceptor.

2. It is contemplated that the major interceptor sewers, wastewater treatment facilities and the other water pollution control facilities will be eligible for financing under the program of the Ohio Water Development Authority. Under that program, the construction funds will be provided by the Ohio Water Development Authority and 70% of the costs of these projects will be repaid by the District to the Authority, with interest, over a twenty-five year period. The remaining 30% constitutes a subsidy from the Authority and need not be repaid. Should the Federal Government or the State increase its expenditures during the five years of the OWDA Program in excess of 30% of all Ohio project costs, the amount of such excess will be considered in establishing rates.

3. Other financing of District Projects. Any projects not financed through the Ohio Water Development Authority would be financed in such a manner as may be deemed appropriate by the Board of Trustees.

(f) Sewer Rates.

The rates for sewage treatment and disposal shall be determined by the Board of Trustees and shall be in accordance with the following:

1. Regional Sewer Rate: The Regional sewer rate will include increments for the following factors;

(a) Planning expenses for the Regional Sewer District facilities to the extent such expenses are not included in construction costs.

(b) Operation and maintenance expenses for the Regional Sewer District Facilities.

(c) Payment of new capital costs incurred by the District, including debt service charges on bonds and payments to the Ohio Water Development Authority, for the three wastewater treatment plants and other water pollution control facilities of the Regional Sewer District handling waste-

waters of Cleveland and the suburbs, and for facilities of the Regional Sewer District beyond those presently planned.

(d) A rotary fund account to be used to assist in the financing of trunk sewers.

2. Cleveland (Subdistrict No. 1) rate:

The Cleveland Subdistrict rate will include increments for debt service charges on Cleveland's outstanding Bonds which are presently being paid from sewer revenues; payments to the Ohio Water development Authority incurred by Cleveland for improvements which have been installed at the three wastewater treatment plants; debt service charges for the Northwest Interceptor and other wastewater handling facilities in Cleveland's westerly district.

3. The Suburban (Subdistrict No. 2) rate will include:

(a) Debt service charges for the presently planned Southwest, Southeast (Broadway), Cuyahoga Valley and Heights Express Interceptors, including the branch of the Heights Express to serve Richmond Heights and Highland Heights, and improvements to the pumping stations and comminutor on the Wilson Mills (Hilltop) Interceptor.

(b) An increment for the Equitable Equalization and reimbursement of design costs payable to the City of Cleveland in accordance with the Order of the Cuyahoga County Common Pleas Court, Case No. 886,594 (consolidated).

4. Interim Sewer Rates:

(a) It is anticipated that the Equitable Equalization ordered by the Court in Cuyahoga County Common Pleas Court, Case No. 886,594 (consolidated) will be paid to Cleveland by the issuance of notes in anticipation of bonds. For so long as notes are outstanding in lieu of bonds, the existing sewerage service rates established by ordinance of the Cleveland City Council will be maintained by the Board of Trustees with the following modifications:

1. Added to the suburban (Subdistrict No. 2) rate will be an increment for interest on the notes outstanding.

2. The Board of Trustees may from time to time add specific increments to either or both subdistrict rates for:

- (a) Increased costs of operation and maintenance,
- (b) Financing of new construction of specific water pollution control facilities not otherwise provided for herein.

(b) At such time as the Board issues bonds to retire all or a substantial portion of the notes, the Board shall re-establish rates according to any method it may deem fair and equitable but shall include therein the increments delineated in subparagraph (f) 1, 2 and 3 above. These re-established rates, however, shall include a credit in the suburban (Subdistrict No. 2) rate and an overcharge in the Cleveland (Subdistrict No. 1) rate for the purpose of re-paying to the suburbs any amounts paid by them under subparagraph (f) 4(a) above as a return on Cleveland's invested capital, plus interest on the total amount to be credited at a rate equal to the average rate of interest on the bonds, such credit to be repaid over the average maturity life of the bonds.

5. The allocation of the entire cost of amortizing the Northwest Interceptor to Cleveland and the entire cost of amortizing the aforementioned suburban interceptors to the suburbs is predicated on the assumption that these interceptors will be used exclusively for either Cleveland or suburban wastewaters. Should it develop that a substantial amount of wastewater (over 5%) is being discharged into these Interceptors by the other party, an adjustment in the subdistrict rates will be made to reflect such use.

6. Nothing herein contained shall be deemed to preclude the Board of Trustees from establishing industrial sewerage service rates in accordance with Cleveland's presently planned industrial rate program.

(g) Existing sewer service agreements between the City of Cleveland and certain suburban municipalities which will be assigned to the District will necessitate adjustments in the rates to those municipalities.

(h) The Cleveland Regional Sewer District shall assume all duties and obligations under the contract dated August 11, 1916, between the City of Cleveland and the Village of Newburgh Heights, and the contract

dated July 29, 1965 between the City of Cleveland and the City of Lakewood.

(i) Assumption by the District of the ownership of any existing interceptors, treatment plants, or other facilities other than those of the City of Cleveland which is provided for in the Judgment Entry herein shall be accomplished in accordance with Chapter 6119 of the Ohio Revised Code.

(j) Ownership of facilities. The District will own all facilities transferred to it and all facilities it purchases in the future.

(k) Individual suburban communities will retain ownership of all local suburban facilities, pending final determination of the issue of including local sewers as a responsibility of the District.

(l) All non-self supporting municipal functions of the City of Cleveland shall continue to receive sewage service free of charge and the Board of Trustees shall afford the same treatment to similar non-self supporting municipal functions of the suburban municipalities as soon as possible after it commences operation of the system.

6. GENERAL DESCRIPTION OF THE TERRITORIES TO BE INCLUDED.

(a). The District will initially include all political subdivisions in Cuyahoga County, Ohio presently served by Cleveland's waste water treatment facilities and those presently planned to be served, i.e. the municipalities to be served by the Cuyahoga Valley Interceptor and the branch of the Heights Express Interceptor to serve Richmond Heights and Highland Heights. A more detailed description of such area is attached hereto and made a part hereof and marked Exhibit "A(1)".

(b). The District will initially be composed of two subdistricts, one consisting of the City of Cleveland (Subdistrict No. 1), and the other consisting of the areas outside of the City of Cleveland in Cuyahoga County, Ohio (Subdistrict No. 2). Other subdistricts may be created at the Board's discretion.

7. BOARD OF TRUSTEES.

The governing body of the District shall be called the Board of Trustees.

(a) The Board of Trustees shall consist of seven persons whose regular term shall be for a period of five years each.

Two of the members shall be appointed by the Mayor of the City of Cleveland who shall at all times be the Appointing Authority for members of the Board of Trustees allocable to Subdistrict No. 1.

Two members shall be appointed by a Council of Governments comprised of all municipalities included within Subdistrict No. 2, which Council shall at all times be the Appointing Authority for members of the Board of Trustees allocable to Subdistrict No. 2. The Council of Governments shall be established pursuant to Chapter 167 of the Ohio Revised Code no later than June 26, 1972.

One member shall be appointed by the Cuyahoga County Board of County Commissioners, which member shall be representative of all municipalities within the Three Rivers Watershed District.

One member shall be designated as a member appointed on the basis of sewage flow. The initial appointment, therefore, shall be made by the Appointing Authority of Subdistrict No. 1 and thereafter such appointment shall be made by the Appointing Authority of the Subdistrict having the greatest sewage flow as determined at the end of each five year term. This member shall not be a municipal employee.

One member shall be designated as a member appointed upon the basis of population. The initial appointment, therefore, shall be made by the Appointing Authority of Subdistrict No. 1 and thereafter such appointment shall be made by the Appointing Authority of the Subdistrict having the greatest population as determined on the basis of the United States Decennial Census next preceding the end of each five year term. This member shall not be a municipal employee.

(b) Each member appointed by the Mayor of the City of Cleveland or by the Council of Governments shall be a resident of the State of Ohio and shall have been a qualified elector of Cuyahoga County, Ohio for a

period of at least three years next preceding his appointment. The member appointed by the Board of County Commissioners of Cuyahoga County, Ohio shall have been a resident of the State of Ohio for a period of at least five years next preceding his appointment.

(c) The members first appointed by the Mayor of Cleveland shall have terms expiring on March 1, 1974, and March 1, 1975; the members first appointed by the Suburban Council of Governments shall have terms expiring March 1, 1974 and March 1, 1975; the member first appointed by the Board of County Commissioners shall have a term expiring March 1, 1977; the member first appointed on the basis of sewage flow shall have a term expiring March 1, 1977; the member first appointed on the basis of population shall have a term expiring March 1, 1977.

(d) The successor of each such member shall be appointed for a term of five years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term. A member of the Board of Trustees is eligible for reappointment. Each appointed member before entering upon his duties shall take an oath as provided by Section 7 of Article XV Ohio Constitution.

(e) The Board shall elect one of its members as President and shall elect another as secretary. Four members of the Board shall constitute a quorum and the affirmative vote of four members shall be necessary for any action taken by vote of the Board. No vacancy in the membership shall impair the rights of a quorum to exercise all the rights and perform all the duties of the Board of Trustees.

(f) The annual compensation for the President of the Board shall be \$5,200.00 plus expenses.

(g) The annual compensation for its members shall be \$3,600.00 plus expenses.

8. PRELIMINARY FINANCING.

The financing of the cost of the operations of the District, until it is in receipt of revenue from its operations or proceeds from the sale of bonds, shall consist of such sums of money as are advanced to it by the City of Cleveland, pursuant to an Agreement between the District and the City providing for the repayment of such sums in accordance with Revised Code Section 6119.04(D).

"EXHIBIT A (1)"

The territory to be included in the Cleveland Regional Sewer District shall include all the territory located within the boundaries outlined on the attached map, which territory is that portion of Cuyahoga County presently served, or mainly capable of being served by gravity, by sewers leading to the three wastewater treatment plants of the City of Cleveland plus the territory in Cuyahoga County to be served initially by the proposed Cuyahoga Valley Interceptor Sewer. The political subdivisions to be included in whole or in part in the Cleveland Regional Sewer District are the following:

Beachwood, City of (all)

Bratenahl, Village of (all)

Brecksville, City of (all)

Broadview Heights, City of
(all except that portion located south
of the Ohio Turnpike)

Brook Park, City of (only that portion north of Five Points
Road between the Berea Freeway and
Interstate Route 71; north of Holland
Road between Interstate Route 71 and
Smith Road; and north of the southerly
corporation line between Smith Road
and West 130th Street)

Brooklyn, City of (all)

Brooklyn Heights, Village of (all)

Cleveland, City of (all except that portion in the extreme
northeast part of the City which is
served by sewers connected to the Euclid
Wastewater Treatment Plant and except
that portion in the western part of the
City which is served by sewers connected
to the Lakewood Wastewater Treatment Plant)

Cleveland Heights, City of (all)

Cuyahoga Heights, Village of (all)

East Cleveland, City of (all)

Euclid, City of (only that portion in the western part of the City served by sewers connected to the Cleveland Easterly Wastewater Treatment Plant)

Garfield Heights, City of (all)

Gates Mills, Village of (only that portion on the east side of S.O.M. Center Road South of Mayfield Road)

Highland Heights, City of (all)

Independence, City of (all)

Lakewood, City of (only that portion on the northwest side of Berea Road served by sewers connected to the Cleveland Westerly Wastewater Treatment Plant)

Linndale, Village of (all)

Lyndhurst, City of (all)

Mayfield Heights, City of (all) *Agner*

Maple Heights, City of (all)

Mayfield, Village of (all) *Agner*

Middleburg Heights, City of (only that portion in the northeastern part of the City served by sewers connected to the Cleveland Southerly Wastewater Treatment Plant)

Newburgh Heights, Village of (all)

North Randall, Village of (all)

North Royalton, City of (only that portion in the northeastern part of the City served by sewers connected to the Cleveland Southerly Wastewater Treatment Plant)

Oakwood, Village of (all except that portion of the Village located north of Forbes Road)

Parma, City of - (all except that portion in the extreme southwest corner of the City which is served by sewers connected to the North Royalton Wastewater Treatment Plant)

Parma Heights, City of (all)

Richmond Heights, City of (all except that portion in the western part of the City served by sewers connected to the Euclid Wastewater Treatment Plant)

Riveredge Township (all)

Seven Hills, City of (all)

Shaker Heights, City of (all)

South Euclid, City of

(all except that portion in the north central
part of the City served by sewers connected
to the Euclid Wastewater Treatment Plant)

University Heights, City of (all)

Valley View, Village of (all)

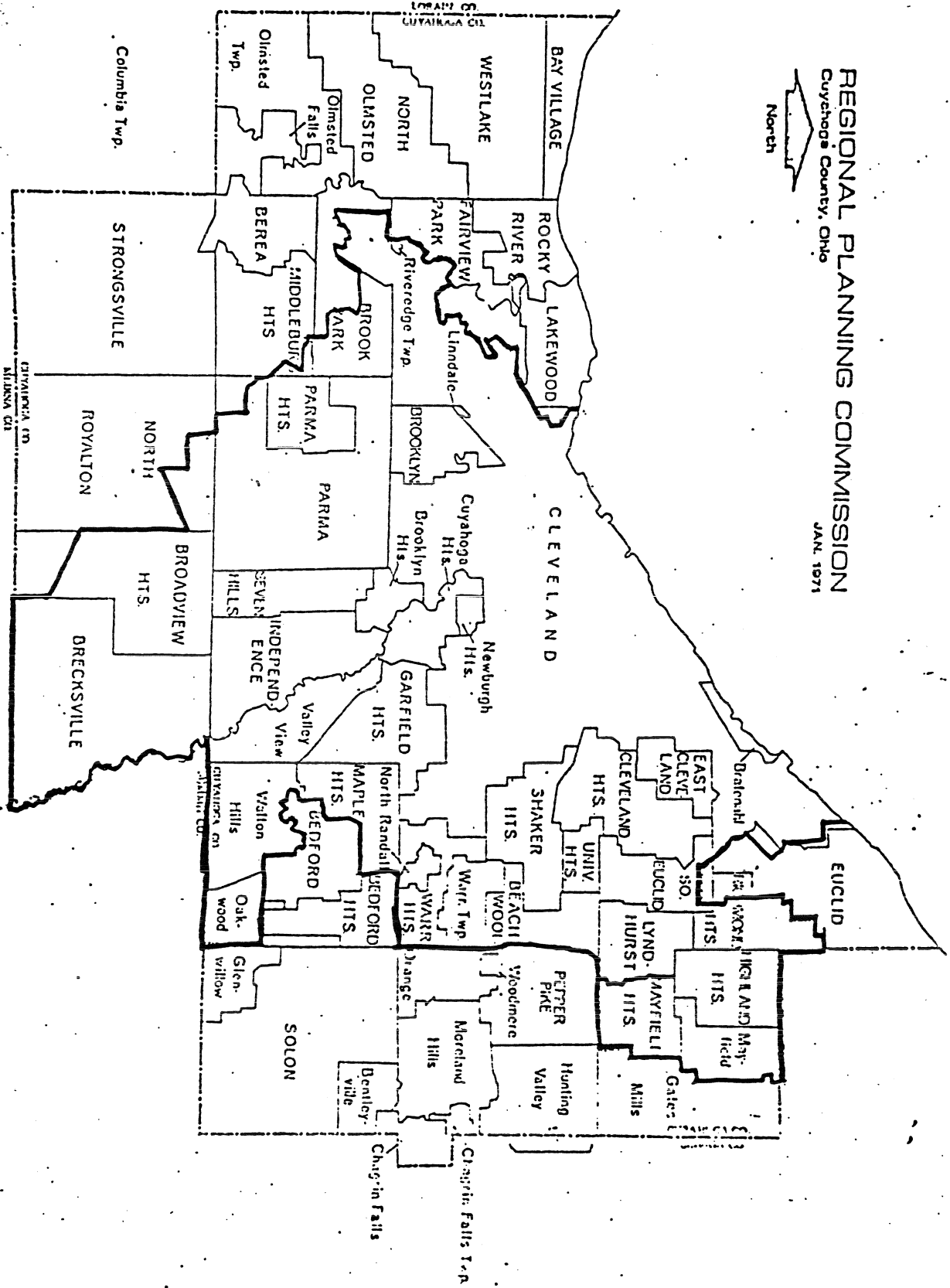
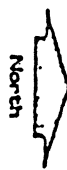
Walton Hills, Village of (all)

Warrensville Township (all)

Warrensville Heights, City of (all)

REGIONAL PLANNING COMMISSION

Cuyahoga County, Ohio
JAN. 1971



The State of Ohio, }
CUYAHOGA COUNTY } ss.

I, EMIL J. MASGAY, Clerk of the

Common Pleas Court within and for said County, and in whose custody the Files, Journals and Records of said Court are required by the laws of the State of Ohio, to be kept, hereby certify that the foregoing is taken and copied from the Journal Book 180 Page 360 - Civil of the proceedings of the Common Pleas Court within and for said Cuyahoga County, and that the said foregoing copy has been compared by me with the original entry on said Journal Book 180 Page 360 - Civil and that the same is a correct transcript thereof.

Dated June 15 - 1972

In Testimony Whereof, I do hereunto subscribe my name officially and affix the seal of said Court, at the Court House in the City of Cleveland, in said County, this 20th

day of August, A. D. 19 72

EMIL J. MASGAY, Clerk of Courts

By Wanda Jargembak Deputy Clerk

