IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

STATE OF OHIO, ex rel. DAVE YOST,	:	Case No. 20IN06-0149
Plaintiff	:	Judge Richard D. Wetzel
-vs-	:	
THE LANDINGS PROPERTY ASSOCIATION, INC., ET AL.	:	
Defendants.	:	

SUPPLEMENTAL MEMORANDUM OF RECEIVER IN SUPPORT OF MOTION FOR APPROVAL OF DAM REPAIR PLAN

At the direction of this Court, Jack Harris of Intercept Management Corp., the court-appointed receiver for the Defendant The Landings Property Owners Association, Inc. ("Receiver"), by and through counsel, herein files this *Supplemental Memorandum of Receiver In Support of Motion For Approval of Dam Repair Plan.* The Receiver incorporates the earlier filed Motion.

I. Questions As To The Dam Options.

Initially, the Court directed the Receiver to provide further insight into three specific questions regarding the choice between the single-pond option and the two-pond option. Those questions are as follows: (i) What is the engineers' preference between the single-pond option and the two-pond option?; (ii) Between those two options, which provides the highest level of safety?; (iii) Compare the safety risks of the two options. Based on the directive, the Receiver has consulted

further with the project engineer AK Hydro. AK Hydro's memorandum in response to the Receiver's request is attached hereto as Exhibit "A".

In summary, AK Hydro finds that both options are expected to "provide equivalent levels of safety from a performance standard." The engineers share the Receiver's preference for the two-pond option based on the following factors which are set forth in the memorandum: (a) hydraulic performance and reduction in peak discharges; (b) long-term maintenance; (c) mowing and vegetation control; (d) dredging. Finally, AK Hydro relates that the single-pond option offers similar safety concerns as the current dam structure, specifically danger to those who might enter into the area. Because the two-pond option would have lower water levels, less variance in water level, and less soil saturation in the immediate area, those risks are lessened.

II. Additional Insight On Park National Loan and Ohio Water Development Authority's Participation In The Loan.

Based on the Receiver's discussions with Park National Bank, the lender is willing to loan funds to the property association sufficient to pay for potential project cost over-runs, to be repaid at approximately 6.5 percent interest per annum. The term of the obligation would be either a one-year term or a five-year term. Additionally, until completion of the construction, interest only payments would be due based on the amount drawn down. Upon completion, the payments would be principal and interest based upon the total funds drawn down. The loan would be guaranteed by a bond provided by the Ohio Water Development Authority.

III. Cost Numbers On Potential Project Cost Over-Runs

As directed by the Court, the Receiver has analyzed and estimated what the financial burden would be on the seventy-four (74) lot owners in Sections 7 and 8 of the development for the debt service associated with any loan used to cover project cost over-runs. Attached hereto as Exhibit "B", one-year debt service for ten (10%), fifteen (15%) and twenty (20%) percent project

cost over-runs would be as follows: (A) $74.08 per month; (B) $111.11 per month; and (C) $148.15 per month, for each lot owner.

Using a five-year debt service model to cover project cost over-runs, the monthly assessments would be as follows: (A) $16.80 per lot; (B) $25.19 per lot; and (C) $33.59 per lot.

These calculations contemplate the 6.5% per annum interest rate quoted by Park National Bank to the Receiver.

IV. Further Analysis of Debt Service Costs With Additional Amortization

Herein, the Receiver's analysis offers estimates of the debt service impact on a lot owner in Sections 7 or 8 in the event that the loan obligation would be refinanced into a ten-(10) or twenty (20)-year amortized loan term. The complete numbers are set forth in Exhibit "B" hereto. Below are the projected assessments for ten (10%), fifteen (15%) and twenty (20%) percent project cost over-runs:

• 10-year term	$9.75	$14.62	$19.49
• 20-year term	$6.40	$9.60	$12.80

V. CONCLUSION

Based upon the foregoing supplementary information and the original Motion, the Receiver moves the Court to adopt and approve the Two-Pond Plan to remediate damages to the existing dam and authorize the Receiver to commence the construction project as soon as practicable. The Receiver also notes that in the past week the HOA presidents of Water's Edge and Mallards Point have each voiced their support for the two-pond plan to the Receiver. It should also not be forgotten that this project will largely be funded by American Rescue Plan Act (ARPA) funds. These funds must be used to make improvements which benefit the public. As such, while the

residents of Section 7 and Section 8 clearly have a stake in the matter, the broader public good and benefit should be given greater weight.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 7, 2025, a copy of the foregoing *Supplemental Memorandum of Receiver To Motion for Approval of Dam Repair Plan* was submitted to the Court electronically and served upon the following:

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— HYDRO —

EXHIBIT
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DATE: November 6, 2025

TO: Brian Ball, PE | City of Mount Vernon, Ohio

FROM: AK Hydro LLC

SUBJECT: Knox Cattle Company Dam Repair
Response to Email dated November 3, 2025

AK Hydro has been requested to respond to the following questions, as requested by the legal counsel representing the court appointed receiver:

1. Which of the two alternatives is the safest option?
2. What is AK Hydro's preference between the two, and why?
3. Compare the safety risks of the two options.

The response provided below is based on AK Hydro's review of available design data, modeling results, and related technical information as of the date of this letter. The response reflects AK Hydro's professional engineering judgment and is intended solely to address the specific questions listed above. This correspondence is provided for informational purposes only and does not constitute a certification, warranty, or guarantee of performance or safety. Actual performance will depend on construction quality, site conditions, and ongoing maintenance by the owner.

As currently designed, it is AK Hydro's opinion that both Alternatives 2 and 3 are expected to provide equivalent levels of safety from a performance standard, as they were both designed to meet the regulatory requirements of the City of Mount Vernon. City Codified Ordinance 920.25.a.5 requires that all stormwater ponds must provide a minimum of one (1) foot freeboard above the projected peak stage within the facility during the 100-year, 24-hour storm. In addition, the Alternatives were designed so that peak stormwater discharges leaving the Knox Cattle Company Dam (KCCD) structure are equal to or less than the pre-construction condition discharges.

The primary design goals for Alternatives 2 and 3 are to remove the Knox Cattle Company Dam (KCCD) from ODNR Dam Safety jurisdiction and meet the City of Mount Vernon's stormwater management codes. Whereas both Alternatives 2 and 3 meet the primary design goals, provided the structures are routinely inspected, maintained, and operated as intended, it is AK Hydro's professional opinion that Alternative 3 is the preferred alternative for the following reasons:

Hydraulic Performance and Reduction in Peak Discharges

Alternative 3 features an upper and lower pool, which routes a majority of the stormwater inflows through both pools and provides additional storage and flow attenuation compared to Alternative 2. Based on the hydrologic routing analysis, the anticipated peak discharges for the 2- through 100-year design storms associated with Alternative 3 are projected to be at least 20% less than the pre-construction discharges. Specifically, the 100-year, 24-hour design storm discharge is projected to be 83 cfs compared to the pre-construction peak discharge of 108 cfs (reduction of 23%). Comparatively, the computed 100-year, 24-hour peak discharge for Alternative 2 is 108 cfs which matches the pre-construction conditions and is not expected to provide a reduction in peak discharges.

By reducing peak discharges in Alternative 3, the frequency and magnitude of potential flooding downstream of the structure is expected to be reduced on events up to the 100-year storm. For this reason and the reasons stated above, it is AK Hydro position that Alternative 3 provides more benefit to reduce potential flooding downstream of the structure compared to Alternative 2.

Long-Term Maintenance

For safe operation of the structure, routine inspections and maintenance will be required for both alternatives. At a minimum, maintenance activities are expected to consist of mowing, vegetation control within the reservoir and around appurtenant features, debris removal, and dredging of accumulated sediment. It is AK Hydro's opinion that the long-term maintenance and operation costs associated with Alternative 3 are expected to be less than Alternative 2.

Mowing and Vegetation Control

As designed, Alternative 3 will create a permanent upper and lower pool that will have a combined surface area of approximately 3 acres that will closely resemble the original appearance of the former reservoir. Mowing and vegetation control activities will be focused on the embankment, causeway, and around the primary and auxiliary spillway structures since the reservoir area will be continuously inundated.

For Alternative 2, the anticipated normal pool surface area would be approximately 0.1 acre and concentrated around the primary spillway riser. As a result, a majority of the former reservoir will experience periodic inundation during high flow events, resulting in softer soils prone to rutting or poor drainage. These conditions would likely increase the effort and costs to maintain the area. If the former reservoir area is restored to a lawn-like condition, the mowing area will be larger than Alternative 3, thereby increasing the periodic maintenance costs. If the former reservoir area is not restored to a lawn-like condition, weeds, brush, and woody vegetation would be expected to be established through natural processes. In addition to being unsightly, this type of vegetation could attract nuisance animal species

(ticks, raccoons, deer, etc.), consist of invasive and/or unwanted plant species, and produce debris that may clog the primary spillway riser and increase flood risks.

Based on initial discussions with the City of Mount Vernon and the court-appointed receiver, the anticipated monthly maintenance costs for Alternative 2 are expected to be higher than Alternative 3. For the reasons listed above, it is AK Hydro's opinion that Alternative 3 is the preferred alternative regarding long-term maintenance of the structure.

Dredging

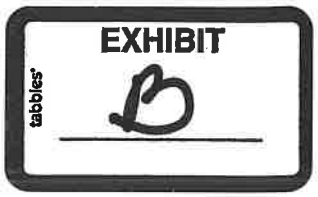
As a water retaining structure, accumulation of sediment within the impoundment can occur over time requiring periodic dredging to provide the necessary stormwater storage volume and ensure the safe operation of the intakes. For Alternative 3, the upper pool is expected to function similar to a sediment forebay, capturing material before it reaches the lower pool. By concentrating the sediment accumulation to the upper pool, the lower pool should receive less sediment and require less frequent dredging. Based on the causeway height and current topography, the storage volume of the upper pool is anticipated to be approximately 10.5 acre-feet and therefore would not be considered a regulated dam structure based on the storage volume criteria of 15 acre-feet. Dredging could be performed within the upper with fewer concerns for the possibility of over-dredging accumulated sediment that could result in the structure being re-classified as regulated structure.

To meet the City's stormwater ordinances and remove the dam from ODNR Dam Safety jurisdiction, Alternative 2 would feature a single pool with a surface area of approximately 0.1 acres, maximum pool depth of approximately 2 feet, and a top of embankment storage capacity of 15 acre-feet, which is the maximum allowable storage for an unregulated water retaining structure by ODNR Dam Safety. Due to the proposed configuration and shallow normal pool depths, periodic dredging is anticipated to maintain reservoir volume for stormwater routing and to prevent primary spillway from clogging. The shallow pool depth may also encourage the establishment of vegetation in the proximity of the primary spillway, which would require regular maintenance since it could impede flows entering the riser, thereby reducing the overall hydraulic capacity. The removal of any accumulated sediment for Alternative 2 would have to be heavily controlled and monitored to ensure that the storage volume does not exceed 15 acre-feet. Dredging that extends beyond the designed reservoir bottom can increase the total storage volume above 15 acre-feet, resulting in the structure being reclassified as regulated dam structure by ODNR Dam Safety and requiring significant capital investments to achieve compliance with dam safety regulations.

Based on the sediment accumulation and dredging considerations for both alternatives, it is AK Hydro's position that Alternative 3 has more capacity to store sediment and would be expected to require less frequent dredging to maintain the performance goals of the stormwater facility.

Reservoir Safety Concerns

The configuration of Alternative 3 would be similar to the current configuration with the exception that a causeway will divide the reservoir and create two pools. Therefore, Alternative 3 will have similar reservoir safety concerns as the current dam structure. In addition to the typical reservoir safety concerns, Alternative 2 poses a significant safety concern if individuals were to enter the former reservoir area onto saturated or soft sediment soils. Reservoir levels associated with Alternative 2 are expected to fluctuate considerably more than the current configuration and/or Alternative 3 given the minimal pool level. The fluctuating water levels could cause the soils around the reservoir area to be saturated and/or softened. This condition could result in an unstable surface for foot traffic and cause individuals to be stuck and/or immobilized in the reservoir. AK Hydro would recommend posting signage to discourage entry into the reservoir area for public safety if Alternative 2 is considered.



Contract	% of Overrun	$ of Overrun	**1 Yr Term**	Monthly Payment	MP/74
635200	10	$ 63,520.00	6.50%	$ 5,481.55	$ 74.08
635200	15	$ 95,280.00	6.50%	$ 8,222.32	$ 111.11
635200	20	$ 127,040.00	6.50%	$ 10,963.10	$ 148.15

Contract	% of Overrun	$ of Overrun	**5 Yr Term**	Monthly Payment	MP/74
635200	10	$ 63,520.00	6.50%	$ 1,242.84	$ 16.80
635200	15	$ 95,280.00	6.50%	$ 1,864.26	$ 25.19
635200	20	$ 127,040.00	6.50%	$ 2,485.68	$ 33.59

Contract	% of Overrun	$ of Overrun	**10 Yr Term**	Monthly Payment	MP/74
635200	10	$ 63,520.00	6.50%	$ 721.26	$ 9.75
635200	15	$ 95,280.00	6.50%	$ 1,081.89	$ 14.62
635200	20	$ 127,040.00	6.50%	$ 1,442.51	$ 19.49

Contract	% of Overrun	$ of Overrun	**20 Yr Term**	Monthly Payment	MP/74
635200	10	$ 63,520.00	6.50%	$ 473.59	$ 6.40
635200	15	$ 95,280.00	6.50%	$ 710.38	$ 9.60
635200	20	$ 127,040.00	6.50%	$ 947.18	$ 12.80