

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CV07630510
61740035

CITY OF ROCKY RIVER, et al.)

Plaintiffs,)

vs.)

CITY OF LAKEWOOD, et al.)

Defendants.)

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CASE NO. 07 630510

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY

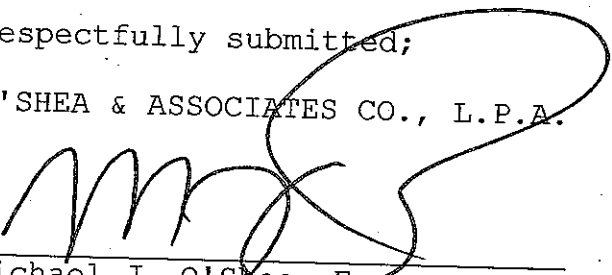
JUDGE CAROLYN FRIEDLAND

PRETRIAL STATEMENT

Now come Plaintiffs, and hereby respectfully submit this
pretrial statement in connection with the pretrial in this matter.

Respectfully submitted;

O'SHEA & ASSOCIATES CO., L.P.A.


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(0039330)

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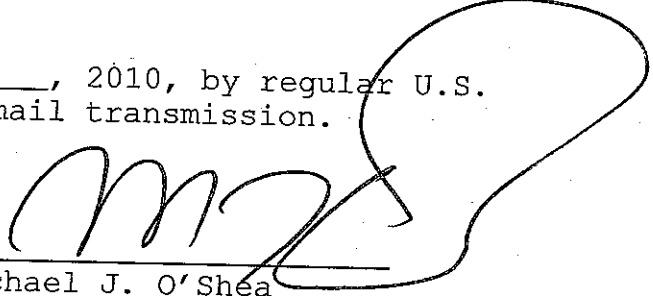
Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon:

Nora Hurley, Esq.
Scott Clausen, Esq.
law@lakewoodoh.net
Lakewood Law Department
City of Lakewood
12650 Detroit Avenue
Lakewood, Ohio 44107
(216) 228-2514 - fax

this 10 day of Feb, 2010, by regular U.S.
mail and/or fax transmission and/or email transmission.



Michael J. O'Shea

I. Facts.

All of the individual plaintiffs are residents of a street called High Parkway (the "High Parkway Plaintiffs"). High Parkway is a street located at the top of a naturally occurring sloped area that leads into the MetroParks. Approximately five (5) years ago, Defendant City of Lakewood ("Defendant Lakewood") began actively operating what is commonly referred to as a "dog park" (the "Dog Park") located in the MetroParks on land owned by Defendant Lakewood.

Since the opening of the Dog Park, the barking noises from the Dog Park have, on what is essentially an hourly basis, infiltrated what was previously a rather quiet area of High Parkway (which many of the residents had been living in for decades) - where the backyards stretch for approximately 25 yards to the edge of the MetroParks. The High Parkway Plaintiffs can no longer enjoy the inside or outside of their homes as they previously have due to the consistent barking emanating from the Dog Park. Prior to reluctantly initiating this litigation, the High Parkway Plaintiffs consistently and politely notified Defendant Lakewood's officials of the noise nuisance - and consistently imploring Defendant Lakewood to do anything within its power¹ to prevent this ongoing noise nuisance. They wrote letters, made calls and attended a

1

number of Lakewood Council meetings - all to no avail.

Lakewood had a number of resources and laws at its disposal to eliminate or significantly reduce the nuisance. In addition to being the owner of the Dog Park (and thus having the absolute power to put any procedure or mechanism in place), Lakewood has a number of ordinances that it could essentially enforce in order to prevent or substantially eliminate the noise issues. A number of these ordinances include:

A. 505.11 - which states:

505.11 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(b) No owner or keeper or person having custody or control of any dog shall allow or permit such dog to commit a nuisance on any public property or upon any private property other than that of the owner or keeper or person who has accepted custody or control of such dog, provided that the foregoing shall not apply to street gutters. It shall be the duty of all persons having control of a dog to curb such dog in order to carry out the intent of this section. The word "nuisance" as used herein shall be deemed to mean urination and defecation.

B. 505.12 - which states:

505.12 SPECIFIC ANIMAL NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal in the City so as to permit the commission or evidence of a nuisance as hereinafter defined.

(b) Any animal which scratches or digs in or urinates or defecates upon any lawn, tree, shrub, plant, building or any other property, private or public, other than the property of the owner or person in charge or control of such animal is hereby declared to be a nuisance.

(c) In addition to the penalty provided in Sections 505.11 and this section, the court may upon proper evidence, limit the number of animals in any single-family dwelling, or any separate suite in a two-family dwelling, multi-family dwelling or apartment within the City should the court deem that an excessive number of animals harbored within such an area constitutes a

nuisance. The terms "dwelling" and "suite", as used in this section, include the lot or parcel of land on which the house or building containing the suite is located and also all out-buildings located on such lot or parcel.

No owner or keeper of such dogs or other animals shall fail to abate such nuisance by the permanent removal of such animals beyond City limits within ten days after service of such notice.

(d) On complaint of any person, police officer or the Animal Control Officer that an animal, harbored or kept in the City, damages property in the manner as specified above, notice therefor shall be given to the person harboring or keeping such animal. Failure to abate the nuisance complained of shall subject the person to penalty for violation of this section.

(e) Whoever violates this section is guilty of a minor misdemeanor.

C. 505.13 - which states:

"No person shall keep or harbor any animal, livestock or poultry within the municipality which, by frequent and habitual howling, yelping, barking or other activity, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace and quiet of the community or as to annoy, disturb or endanger the comfort, repose or health of persons occupying property in the neighborhood. Any person who shall allow any animal habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such animal." (Emphasis supplied).

D. 905.07(a) - which states:

905.07 ANIMALS.

(a) Animals Prohibited. No dogs or other animals shall be allowed within the parks, with the exception of those animals specifically authorized by the Director of Public Works.

Eventually, after not getting any real response from any of the Lakewood officials, Plaintiffs turned to their own home city of Rocky River ("Plaintiff Rocky River"). Together, the High Parkway Plaintiffs and Plaintiff Rocky River consistently contacted Lakewood officials to, essentially, beg them to do something about the noise nuisance. All of these efforts were to no avail, as again Defendant Lakewood failed to take any action to even slightly reduce the noise issue.

As an essential last resort after the failure of all of these good faith but fruitless efforts of the High Parkway Plaintiffs and Plaintiff Rocky River, this lawsuit was filed - **three and one-half years ago**. Since the filing of this action, the barking nuisance has not abated in the slightest way. Indeed, there have been open acts of retaliation by supporters of the Dog Park, including but not limited to placing posters in the neighborhood of the High Parkway Plaintiffs; placing the addresses and photos of the homes of the High Parkway Plaintiffs on the website which supports the Dog Park; and requesting that supporters of the Dog Park pepper the officials of Plaintiff Rocky River demanding that this litigation be terminated. And Defendant Lakewood has done nothing to attempt to prevent these acts either.

II. Law and/or Legal Issues.

First, nuisance claims are generally broken down into "public" nuisances and "private" nuisances. Public nuisances are those nuisances where the "public at large" or the whole community is involved. A "public" nuisance is an invasion of, or an unreasonable interference with, public rights which are common to all members of the general public. A "private" nuisance is an invasion of the private interest in the use and enjoyment of private land. See Taylor v. City of Cincinnati (1944), 143 Ohio St. 426; Metzger v. Pennsylvania O&D.R. Co. (1946), 146 Ohio St. 406; City of Cincinnati v. Beretta USA Corporation (2001), 95 Ohio

St. 3d. 416; Brown v. Cty Commissioners of Sciotto Cty (1993), 87 Ohio App.3d 704; Crown Property Development, Inc. v. Omega Oil Co. (1996), 113 Ohio App.3d 647; Haas v. Sunset Ramblers Motorcycle Club (1999), 132 Ohio App.3d 875; and Harden Chevrolet Co. v. Plickaway Grain Co. (1961), 92 Ohio Law Abs. 161, 194 N.E.2d 177.

Second, nuisances are also distinguished as being either "absolute" nuisances or "qualified" nuisances. "Absolute" nuisances involve conduct that is extremely or inherently dangerous (or illegal) and cannot be conducted without damaging someone or someone's property rights. "Qualified" nuisances involve conduct which is normally lawful, but that lawful conduct is done in such a negligent or careless fashion that there is injury to another or another's land. Id.

Third, nuisances are also distinguished as being either "permanent" or "temporary/recurrent/continuing." "Permanent" nuisances are where the actions of the defendants have essentially stopped, but the nuisance damage still continues. In this type of nuisance, the nuisance cannot be abated (i.e. stopped), and the only thing that a court can do is compensate the plaintiff for the injury done by the nuisance. "Temporary/recurrent/continuing" nuisances are defined as those nuisances where either (a) the defendants actions are continuing or (b) the nuisance is "abatable" (i.e. a court-ordered remedial action or injunction can prevent further injury or pollution). Id.

It appears that the barking nuisance created by and permitted

by Defendant Lakewood at the Dog Park is both a private nuisance (it affects the private personal property rights of the High Parkway Plaintiffs) and and public nuisance (the fair market values of the homes in the area are all effected and Plaintiff Rocky River has had to expend rather significant resources to attempt to have the nuisance abated). Further, the nuisance appears to be a qualified nuisance (i.e. it involves what might otherwise be safe activity but in fact done in a negligent manner). Lastly, the barking nuisance here is obviously a "temporary/recurrent/continuing" nuisance because the barking nuisance is both or either (a) based upon the ongoing and/or continuing action or inaction of Defendant Lakewood or (b) a nuisance that is "abatable" (i.e. a court-ordered remedial action or injunction can prevent further injury or pollution).

III. Statement of Factual and Legal Issues in Dispute.

The Plaintiffs contend that since the opening of the Dog Park, the excessive and non-stop barking coming form the Dog Park constitutes:

- A. A public/private nuisance;
- B. A "qualified" nuisance; and/or
- C. A temporary/recurrent/continuing nuisance.

The High Parkway Plaintiffs have hours of tape and video recordings (in addition to their own individual experiences and recollections of the barking issues) to present to the Court in support of this

contention.

Further, the Plaintiffs contend that Defendant Lakewood was on actual and/or constructive notice that the Dog Park would create a barking problem which would directly affect area residents. Prior to the design and construction of the Dog Park, Defendant Lakewood was aware;

- A. The prior location of an open area at a nearby dog pound owned and operated by Defendant Lakewood drew a plethora of complaints from area residents because of the barking issues.
- B. The other location recommended by the Planing Commission report created by Defendant Lakewood (i.e. the area between Bell Avenue and St. Charles Avenue near the railroad tracks) was rejected by Lakewood's City Counsel because the then councilpersons stated that area residents were very concerned about the probably barking noises.

Further still, the Plaintiffs will present an actual sound study which was conducted by Defendant Lakewood which demonstrated that the area in front of the Dog Park projects all of the slightest of sounds coming from the Dog Park up a bowl-like hill (i.e. like Blossom Music Center) into the backyards of the High Parkway Plaintiffs.

Further still, the Plaintiffs will present evidence that the operation of the Dog Park actually violates a number of Lakewood

ordinances - including but limited to the ordinances set forth above, and that Defendant Lakewood refuses to enforce those ordinances.

The only understanding that the Plaintiffs have with respect to Defendant Lakewood's defenses in this case is that Defendant Lakewood will contend that the "decibels" of the barking sounds do not violate any city codes. However, this nuisance issue is not and never has been a decibel issue - it is all about overwhelming repetition regardless of the decibels.

IV. Stipulations.

It is anticipated that counsel for the parties will be stipulating to the authentication and admissibility of a number of documents - thus eliminating the need for record custodians.

V. Witnesses.

- A. Named Plaintiffs;
- B. Mayor Edward Fitzgerald;
- C. John and Joy Sweeney;
- D. Brian Corrigan (former councilperson);
- E. Thomas George (former councilperson);
- F. Robert Seelie (former councilperson);
- G. Dennis Dunn (former councilperson);
- H. Donald Sharp (former chairman of Lakewood Planning Commission);

- I. Frank Pietravoia (former Lakewood Director of Planning and Development);
- J. Brittany O'Connor (FIDO member);
- K. Whitney Callahan (FIDO member);
- L. Shelly Burgess (FIDO member);
- M. Jeff Hastings ('87 assistant to Mayor Sinagra);
- N. Michael Hearn (Animal Shelter/Health Dept. head '87-'92);
- O. Wife of Michael Hearn (current Lakewood Animal Shelter operator);
- P. William Boag (former service director for Defendant Lakewood); and
- Q. John Kilgore (former City Engineer for Defendant Lakewood).

*** more witnesses may be identified as discovery progresses - discovery has been stayed in order to allow Defendant Lakewood to attempt to make meaningful attempts at resolution (as described below).

VI. Special Legal Problems.

None anticipated.

VII. Estimated Length of Trial.

Five days.

VIII. Pretrial Motions Anticipated.

None anticipated at this time.

IX. Special Equipment Needed.

Plaintiffs will need both an audio and video player to play all of the video and audio recordings of the nuisance barking.

X. Settlement Discussions.

Since the remand of this case from the Court of Appeals, Plaintiff Rocky River officials have essentially bent over backwards to attempt to resolve this case - in essentially a one-way street fashion. Since the remand of this case from the Court of Appeals, the Mayor and the Law Director of Plaintiff Rocky River have worked tirelessly to reach out and encourage Defendant Lakewood to settle this case. Those efforts include:

1. August 20, 2009 - Rocky River Mayor Pam Bobst ("Mayor Bobst") meets with Lakewood Mayor Edward Fitzgerald ("Mayor Fitzgerald") at the request of Mayor Bobst;
2. August 25, 2009 - Mayor Bobst sends out a letter to Mayor Fitzgerald outlining settlement discussions and possible resolutions;
3. August 28, 2009 - Settlement Conference with the Court;
4. Sept. 27, 2009 - Mayor Fitzgerald schedules a meeting at Lakewood Public Library with Friends of the Lakewood Dog Park. Mayor Fitzgerald presented solutions outlined in

Mayor Bobst's August 25th letter and asks for a task force/subcommittee (of Friends of the Dog Park) to be formed to provide him with feedback. He did indicate that the decision would be his, but he would welcome feedback regarding solutions. (Two Rocky River residents were present who verified what took place).

5. Subsequent to September 27, 2009 - Mayor Fitzgerald indicates to Mayor Bobst that he had met with the subcommittee. They indicated soft muzzling was not acceptable/inhumane and that no electronic silencing was acceptable, but they did indicate that they were open to restricting hours. Mayor Fitzgerald tells Mayor Bobst that he and this subcommittee would like to explore sound barriers; e.g. canopy, fences, and/or natural mounding with dense landscaping, etc. Mayor Fitzgerald tells Mayor Bobst that he asked Lakewood's engineering department to design and provide cost estimates - also explore feasibility. Bill Corrigan (employee of Defendant Lakewood) worked with Pat Nugent (employee of Plaintiff Rocky River in the Building Department) to attempt to investigate the logistics of sound barrier levels and resolution (included 3 meetings at the backyards of the High Parkway Plaintiffs and the Dog park area to conduct sound studies).
6. November. 13, 2009 (approximately) - Mayor Bobst contacts

- Chad Bray (president of the Friends of the Lakewood Dog Park) requesting a meeting with him and other board members along with Mayor Fitzgerald.
7. Nov. 24, 2009 - Mayor Bobst meets with Chad Bray and 2 members from the Dog Park board - along with Mayor Fitzgerald - in Mayor Bobst's office. Chad Bray presents a proposal that involves the use of a keycard system and electronic gate device. Also, policy changes were outlined regarding the administration of a "membership" approach.
 8. November, 2009 (most of the month) - considerable amount of attempted negative press against the High Parkway Plaintiffs and Plaintiff Rocky River (e.g. letters to the editor, flyers, rally, e-mail campaign, posters and signs in the neighborhood of the High Parkway Plaintiffs, photos of the High Parkway Plaintiffs' homes on the internet). This bad faith activity causes great and further anxiety to the High Parkway Plaintiffs and frustration to Plaintiff Rocky River - all of which was clearly not in the spirit of resolving this case.
 9. Dec. 15, 2009 - Mayor Bobst meets with Plaintiffs Michael and Carol Buddie to discuss a proposed solution drafted by Michael Buddie. Mike Buddie, through his company, F. Buddie Contracting, offered to perform all earthwork, clearing, grading, excavation, gravel/stone-

work in order to move Dog Park to a new site located just north of the Lakewood Wastewater Treatment Plant. Mike Buddie presents photographs of the area - both aerial and ground. Mike Buddies' proposal, given the fact that he was donating his company's time and equipment, would reduce Defendant's Lakewood's original cost estimate from approximately \$100,000.00 to \$22,000.00. Mayor Bobst tells Mike Buddie that she will call Mayor Fitzgerald to assess his interest in this generous offer.

10. Dec. 17, 2009 (approximately) - Mayor Bobst speaks with Mayor Fitzgerald - explained Mike Buddie's offer. Mayor Fitzgerald expresses interest, and asks Mayor Bobst to ask Mike work with Bill Corrigan (Lakewood employee) on the details - location, cost, etc.
11. Dec. 22, 2009 - Mike Buddie meets with Bill Corrigan. Mike gets impression that it was a very productive meeting. They took measurements, etc. at the proposed new site. Bill Corrigan stated that he would get back to Mike Buddie.
12. Jan. 19, 2010 - Mayor Bobst met with Mike Buddie in advance of a meeting with Mayor Fitzgerald and Bill Corrigan (meeting had been requested by Mayor Bobst). Reviewed plans and cost estimates, location for a larger park, future expansion, eliminates issues re: sewer easement and illustrates the value of collaborative

efforts. Discussed how cost of moving the dog park could be handled in many ways by Mike Buddie, Lakewood Service Department (fence and waterline) and the Friends of the Lakewood Dog Park.

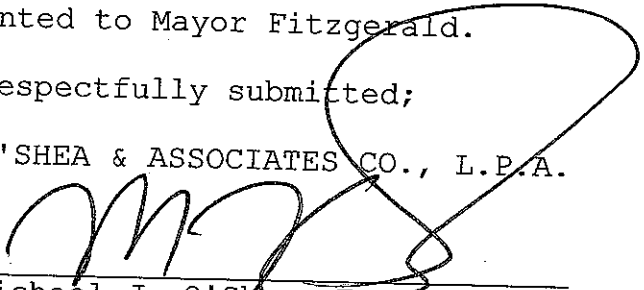
13. Jan. 22, 2010 - Mayor Bobst meets with Mayor Fitzgerald and Mike Buddie in her office. **Mayor Fitzgerald expressed concern that moving the dog park to the proposed location was not a viable solution due to potential barking noise impacting Lakewood residents.** He stated that he would need "assurances" that they would not be impacted. He also stated that the costs associated with moving the dog park are prohibitive. Mike Buddie shared the revised numbers/cost estimates with Mayor Fitzgerald. The Mayor said that he would talk to Bill Corrigan again, but until he had some assurances regarding the barking noise, he did not support relocating the park. Mayor Fitzgerald indicated that we would be receiving a proposed settlement letter outlining their offer.
14. January, 28, 2010 - Proposed settlement letter was received. Letter indicates that the anticipated costs were to be attached - they were not. Attached is a copy of that letter. Essentially, Defendant Lakewood refuses to move the Dog Park to a new location (instead demands that only a sound fence be built) and insist that they

control all proposed \$57,000.00 in fence construction - and further insists that Defendant Rocky River cover \$47,000 (i.e. 83%) of that cost.

15. February 1, 2010 - Mike Buddie writes letter to Mayor Bobst and again tries to (through Mayor Bobst) implore Defendant Lakewood to relocate the Dog Park and presents a long letter (with attachments) to Mayor Bobst wherein the total cost of relocation would only be approximately \$21,000.00. A copy of that letter is attached for reference. This letter has not yet been forwarded to Defendant Lakewood, but it is a summation of what had previously been presented to Mayor Fitzgerald.

Respectfully submitted;

O'SHEA & ASSOCIATES CO., L.P.A.



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PAMELA ROESSNER
ASSISTANT PROSECUTOR

January 26, 2010

Mayor Pamela E. Bobst
City of Rocky River
21012 Hilliard Blvd.
Rocky River, Ohio 44116

Dear Mayor Bobst:

The Court has set the date of February 12, 2010 to resolve the "Dog Park" litigation. Pursuant to our discussions, there have been a number of resolutions offered to settle the case. Most recently, there were some discussions regarding relocating the dog park to behind the waste water treatment plant. At this point, we believe that the relocation of the site is not feasible due to logistical, site and financial restraints.

In the alternative, the City feels that the options we contemplated at our meeting in Rocky River with "Friends of the Dog Park" is still the most efficient and economical choice. To reiterate the proposal, we were contemplating using a key card device to regulate the number of dogs in the park as well as single out problem dogs. Secondly, we discussed limiting the hours of the dog park, at least, during the early hours of the morning. Lastly, we discussed the installation of some sound barrier around a portion of the park in order to absorb some of the sound. Although this resolution will be costly, we anticipate that contributions from both Cities, "Friends of the Dog Park," and the Plaintiffs may resolve this matter.

The anticipated costs of this resolution are attached. The implementation of the key card apparatus will cost approximately \$3,500. The "Friends of the Dog Park" are trying to get an exact estimate of the proposal for submission. We have received a proposal for increasing the height of the fence and hanging 6 feet of Acoustifence from the top of sections of the fence. The changes to the fence will cost approximately \$53,000. Thus, the total estimate of this option will be approximately \$57,000. The City of Lakewood is willing to undertake the bidding, installation and act as the general foreman on this project. In addition, the City of Lakewood will contribute \$5,000 to the project. Friends of the Dog Park are willing to contribute \$5,000 to this project this year. The remaining costs will have to be borne by the Plaintiffs and the City of Rocky River. Prior to any monies being expended, we would need the law suit to be dismissed with prejudice.

Please review this proposal and estimates and respond in order to continue our settlement discussions prior to February 12, 2010.

Sincerely,

A handwritten signature in cursive script that reads "Scott Claussen".

Scott Claussen

cc: Mayor Ed Fitzgerald
Nora Hurley
Andrew Bemer
Michael O'Shea

GENERAL CONTRACTORS

Phone: (216) 671-3770

www.fbuddiecontracting.com

Fax: (216) 671-9524

Re: Dog Park Solution

Date: 2/1/2010

Corrected Copy

Dear Mayor Bobst,

During the past seven years the peace and tranquility that we use to have in our neighborhood has disappeared because of the constant nuisance noise caused by the Lakewood Dog Park located behind our homes.

In order to restore the lost peace and tranquility to our neighborhood and protect the value of our homes, the residents of High Parkway propose the following solution to resolve this issue permanently in a manner that would result in a win/win scenario for the cities of Lakewood and Rocky River, the Friends of the Lakewood Dog Park, and the Rocky River Residents of High Parkway:

After hearing that to install a 12' high fence with a sound baffle located on the opposite side of the Dog Park from our homes would cost in excess of \$50,000 and probably not work, we think that the most reasonable solution would be to relocate the Dog Park to the only possible location in Lakewood where the nuisance noise would probably be minimal if any at all.

There exists a beautiful, large parcel of unused land (located north of the wastewater treatment plant and west of the overhead pipe bridge). This unused parcel is well over 2 acres with a scenic view of the Rocky River.

What would it take to get this done? I have reviewed this possibility with the Lakewood Engineering Department. The following steps would be necessary:

New Dog Park:

- The new site would have to be excavated and graded. The initial proposed area of 200' x 150' (30,000 sq. ft.) would be slightly larger than the existing Dog Park which is 29,100 sq. ft. with plenty of land available for future expansion. The new site would encompass the large shade trees on the west side of the existing clearing. The labor and equipment to perform this work would be donated by the residents of High Parkway with assistance from the F. Buddie Contracting Co.
- The existing Dog Park limestone surfacing would have to be moved to the new Dog Park. This would be donated by the residents of High Parkway with assistance from the F. Buddie Contracting Co.
- The new Dog Park (200' x 150') would require 700 lf. of 5' chainlink fence and gates. This would require relocating 500 lf of existing 5' fence and gates and 200 lf of new 5' chainlink fence. I have received an estimated cost of \$11,000 from a reputable fence contractor to perform this work.

- A 260' long stone access path from the area north of the existing animal shelter to the new Dog Park would be required. Equipment and labor to perform this work would be donated by the residents of High Parkway with assistance from the F. Buddie Contracting Co. Cost of new limestone material of approximately \$1,400 would be by others.
- Relocation of the existing Dog Park drinking fountain with 400 lf of new ¾" waterline from the existing animal shelter has an estimated cost of \$8,800 by the Lakewood Engineering Department. Could this work possibly be performed in-house by the City Service Department?

Possible additional infrastructure improvements for the benefit of the Animal Shelter, new Dog Park, fisherman, and residents who benefit from Lakewood's free firewood and mulch:

- Existing deteriorated driveway asphalt overlay improvements at an estimated cost of \$12,600 by the Lakewood Engineering department.
- New Parking Area:
The existing Dog Park parking area has a maximum of 18 parking spots available for Dog Park users. A proposed new 30 car stone parking area (approximately 60' x 150') located in front of the Animal Shelter (or wherever Lakewood Engineering deems appropriate) would benefit the Animal Shelter, Dog Park users, and fishermen. The residents of High Parkway with assistance from the F. Buddie Contracting Co. would furnish the necessary labor and equipment to build the parking lot. A cost of approximately \$4,000 to furnish the limestone would be by others. Eventually this parking lot could be paved when future funds become available.

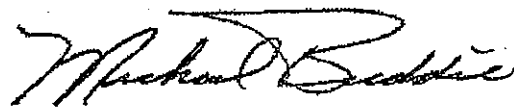
The F. Buddie Contracting Co. has a long history of successfully working with the Lakewood Engineering Department. Some of our past projects include:

2006	Lakewood Park Lakefront Development which included a 1.5 mile asphalt all purpose trail, ramp, and lakefront promenade.
2005	Lakewood Skatepark
2002	Lakewood Refuse Garage Renovations
2000-2001	Lakewood City Hall and Police Station Main Entry Stairways and Handicap Ramps

Hopefully, the F. Buddie Contracting Co. can successfully complete one more project for the City of Lakewood.

The end result would be a terrific ending to show how two great cities and people can work together to resolve differences and preserve the excellent amenities and quality of life that residents of Rocky River and Lakewood both deserve.

Sincerely,



Mike Buddie

Original Estimate

Lakewood's Estimate to move Dog Park

Dog Park Relocation

Item No.	Description	Unit	Estimated Quantities	Unit Price for Labor ONLY	Unit Price for Material ONLY	Unit Price for both Labor & Materials	Item Total for both Labor & Material
1	Driveway Overlay, 1 1/2", Asphalt Concrete	CY	65			\$ 180.00	\$ 11,700.00
2	Asphalt Concrete Leveling Course	CY	5			\$ 180.00	\$ 900.00
3	Fence Remove and Reinstall	LF	500			\$ 20.00	\$ 10,000.00
4	Fence Install New	LF	430	\$ 15.00	\$ 27.00	\$ 42.50	\$ 18,062.50
5	Parking Lot - 6" cut and fill w/stone	CY	412			\$ 40.00	\$ 16,480.00
6	Spread and Grade Fine Stone- 4" cut and fill	CY	570			\$ 40.00	\$ 22,800.00
7	Walkway- Lot to Park- 6" cut and fill	CY	95			\$ 40.00	\$ 3,800.00
8	3/4" Copper Water Line incl. tie in	LF	550			\$ 22.00	\$ 12,100.00
Total							\$ 95,842.00

10% Contingency

* Contingency Quantity to be used as directed by the Engineer

\$

9,584.00

Contractor Signature : _____

REVISED COST SHEET

Mike Rodigie's Estimate to
move Dog Park

Dog Park Relocation

Item No.	Description	Unit	Estimated Quantities	Unit Price for Labor ONLY	Unit Price for Material ONLY	Unit Price for both Labor & Materials	Item Total for both Labor & Materials
1	Excavation and Grading for new Dog Park site	LS	1	DONATED			\$0.00
2	Fence Remove and Reinstall (5' High)	LF	500	\$10.00	\$2.00	\$12.00	\$6,000.00
3	Fence Install New (5' High)	LF	250	\$8.00	\$12.00	\$20.00	\$5,000.00
4	Spread and Grade Fine Stone- 4" cut and fill	CY	570	DONATED	REUSE EXISTING		\$0.00
5	Walkway- Lot to park- 6" cut and fill 12' x 260'	CY	57	DONATED	\$24.00	\$24.00	\$1,368.00
6	3/4" Copper Water Line Incl. tie-in	LF	400			\$22.00	\$8,800.00

TOTAL \$21,168.00

Infrastructure Improvements for use by New Dogpark, Animal Shelter & Fishermen

7	Driveway Overlay, 1 1/2" Asphalt Concrete	CY	65			\$180.00	\$11,700.00
8	Asphalt Concrete Leveling Course	CY	5			\$180.00	\$900.00
9	30 Space Parking Lot- 6" cut and fill with stone 60' x 150' or Pave Existing Area in Front of Animal Shelter	CY	170	DONATED	\$24.00	\$24.00	\$4,080.00