

**APPROPRIATION ATTACHMENT
TO THE NEGOTIATOR'S NOTES**

Project: 110412
Parcel: 002-SH1, SH2
Owner: ACT Investments LLC, an Ohio Limited Liability Company

State the reason the parcel is being recommended for appropriation:

Counter offer received is unsupported nor reasonable.

In discussion with property owner, value of the land in their mind is based on commercial land of smaller size and should apply to their parcel of 67.5 acres.

Per 06/08/21 email from Atty Kenter states his client has not changed his mind about negotiating or providing an appraisal to back up their demand of \$70,000.00 and will wait for Appropriations filing to provide an appraisal.

State the name, address and telephone number of the owner's attorney, if applicable:

Aaron Kenter
Goldman Braunstein Stahler Kenter LLP
500 S. Front Street
Suite 1200
Columbus, OH 43215

614-229-4566

Date the county engineer received the construction plans from the District:

Click or tap to enter a date.

Date the initial "Notice of Intent to Acquire and Good Faith Offer was made to the owner:

3/4/2021

State if the "Notice of Intent to Acquire and Good Faith Offer" was provided to the owner by certified mail or was delivered personally:

Delivered personally

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Date and Amount of the last revised offer was made to the owner:

4/5/2021 \$25,000.00

State if the owner sent a letter to the Governor and Director objecting to the value of this acquisition (include date letter was sent):

No letter was sent to the Governor or Director.

State if the parcel is a relocation parcel, describe the type of relocation (residential business, tenant, et cetera) and describe the status of the relocation:

Possible personal property move for a utility subcontractor that had an unrecorded lease for a staging area in the T area. However, Mr. Eichhorn told me he was no longer leasing to them. I did take pictures and it appears something is going on, i.e., poles have increased, miscellaneous hardware in boxes along the east wall of the building to be removed. A dumpster to be picked up by the refuse company.

State if the relocation parcel is eligible the reimbursement for good will and/or economic loss:

N/A

State if the county auditor has placed the property in the "CAUV" program:

Yes

State if property is used for agricultural purposes as defined in Sections 303.01 or 519.01 of the Ohio Revised Code:

As of 4/7/2021, there is no evidence of agricultural use. However, there is a ten year lease with Dually Farms, LLC for \$23,550 annually for 157 acres which subject parcel of 113.854 acres is Tract 2 in the recorded lease documents.

State if there is a structure in the take area:

Yes

State if the property being acquired is subject to the Garage Law (ORC 163.05 (G)):

No

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Summarize any information which you feel would be of advantage in reaching a settlement:

Documentation from Eichhorn Limited Partnership supporting the counter offer of \$167,500.00, change of highest and best use, identification of damages. Coupled with the State's appraisal and current market in this area, there are no available comparable properties to support the amount of compensation requested in the counter offer.

Signature of negotiator:

Date

Kimber L. Heim

Typed name of negotiator:

Comments from the District Real Estate Administrator:

Signature of District Real Estate Administrator

Date:

B3 Zoning

110412 Pa #02

current zoned B3
however The Township
completed this re-zoning
on thought ~~the~~ Circle
was going to produce new
Businesses - DQ was last
new business, Merdner's
Corner has struggled -
change of ownership already

Current zoning is Agricultural is
The current land use and
tax base ^{by TWP not current land classification}

To ~~change~~ change usage ODOT
has to be contacted for ODOT's
consideration based on future
or current road projects, ability
to access SR's.

→ Future GIS Plan has residential
& commercial development
designed, however the lot size
on the corner of 37/256
could be denied due to
zoning requirements; lot size 7x26x45
An new development

Heim, Kimber

110412 replied yes.

From: Chris Welsh <cwelsh@cmhdray.com>
Sent: Wednesday, March 10, 2021 3:43 PM
To: Heim, Kimber
Cc: Robert Landis
Subject: RE: 37 356 Right of Way

Kimber,
Just following up to make sure you received our offer.

From: Chris Welsh
Sent: Wednesday, March 3, 2021 2:27 PM
To: Kimber.Heim@dot.ohio.gov
Cc: Robert Landis <Robert@CMHDRAY.COM>
Subject: 37 356 Right of Way

Good afternoon Kimber,

We have reviewed the acquisition offer for ACT Investment's property, and propose a counter offer. We believe our offer is reasonable considering the attractive zoning and prime location of the property. Attached I have included the township zoning map, more accurate examples of property transactions in the immediate area, and a rough sketch plan of potential development. Our counter offer is \$70,000, to provide additional entrances illustrated on the sketch plan, and road frontage Fire Hydrants. Our offer amount is less than our estimation of the value of the land. Our determination to settle for this lower amount was reached due to our reduction in development expenses for the acquired portion.

The comparable property transactions include the Dairy Queen and Farm Credit purchases (part of the original property). Also included is the recent purchase of land for a Dollar General located in close proximity in Baltimore. As the Walnut Township Zoning Map illustrates, the property to be acquired is located as a favorable B-3 zoning area. B-3 zoning represents a very small fraction of zoning in the township.

If the amount and additional requests are agreeable to ODOT, we are prepared to move quickly to finalize the acquisition process.

Thank you,

Chris Welsh

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov or click the Phish Alert Button if available.

Fairfield County GIS



Notes

89.772 acres of commercial \$5012.70/acre
\$450000 purchase price in 2018

11
-190 049 626 3400
118 049 026 3420
663
911

Heim, Kimber

From: Chris Welsh <cwelsh@cmhdray.com>
Sent: Wednesday, March 3, 2021 2:27 PM
To: Heim, Kimber
Cc: Robert Landis
Subject: 37 356 Right of Way
Attachments: Walnut_Zoning-August.2016.pdf; Comparables.xlsx; SR 256 & SR 37 GIS OPTION 2.pdf

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Thank you,
Chris Welsh

① Additional entrances cannot be compensated due to no drive access exists.

② Fire hydrants are uncompensable due to municipality requirement.

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6.91 acres / 0490263400
Agricultural
62.33 acres 0490263400
Agricultural

<u>Parcel</u>	<u>Property</u>	<u>Price per Acre</u>	<u>Date</u>	<u>Acreage</u>	<u>Zoned</u>
490263421	Dairy Queen	\$ 60,870.97	8/2014	3.1	Commercial
490263430	Farm Credit	\$ 36,893.20	5/2013	5.15	Commercial
240261300	Dollar General	\$ 92,764.38	7/2020	2.156	Commercial
	Average	\$ 63,509.52			
ODOT- Previous	Light Signal	\$ 136,364.00		0.022	