

RE65  
REV. 07/2011

CRS FAI-37-6.25  
Parcel 020-SH

**ADMINISTRATIVE SETTLEMENT REQUEST  
TO CENTRAL OFFICE REAL ESTATE**

PROJECT 110412  
PARCEL 020- SH  
OWNER HUTCHISON, Jeffrey D. and Peggy J

(1) ESTABLISHED FMVE:	<u>\$17,879.00</u>
(2) COUNTER OFFER FOR SETTLEMENT	<u>\$280,000.00</u>
(3) DIFFERENCE (1)-(2):	<u>(\$262,121.00)</u>

**Project Management Considerations**

Explain the negotiations that have taken place to date and also explain the landowner's response to these negotiations including the owner's reason for more money

FMVE was presented along with details of the acquisition offer. The offer requires the protection they have enjoyed for the life of their residence. Due to a fatal car accident the property owners cannot fathom continuing to live in their home with the new project with a widening bringing the road closer and removing the only things that protected them from the car accident crashing in to their house. They presented a counter offer of \$280,000.00.

How many other parcels have similar situations, include both settled and unsettled:

None

How did we treat those parcels that closed or settled having similar situations?

N/A

Where are we in the overall project schedule:

Three months from R/W Acquisition Complete date.

How much time is left to negotiate:

90 days

**Appraisal Management Considerations**

Is the owner’s counter offer based on an appraisal?

Not a formal appraisal, but a conversation with a real estate agent who informed them selling the property would be unlikely.

Who is the owner’s appraiser and what are the credentials of that appraiser?

N/A

Who is ODOT’s valuation expert and what are their credentials?

David Weber. Certified General Appraiser

Frequently, large differences in estimates of value between the property owner and the acquiring agency are related to interpretations of what the nature of the subject property actually is. Review the negotiator notes and the appraisal reports and try to identify each party’s opinion of these following items.

What is the “Larger Parcel”?	<u>Property Owner’s</u>	<u>ODOT’s</u>
Size:	<u>6.65</u>	<u>6.65</u>
Zoning:	<u>Commercial HB-1</u>	<u>Commercial HB-1</u>
Other	<u>Residential Use</u>	<u>Interim Use Residential</u>
Valuation Estimates	<u>Property Owner’s</u>	<u>ODOT’s</u>
Value Before Taking:	<u>\$380,000.00</u>	<u>380,000.00</u>
Value After the Taking: -	<u>\$100,000.00</u> -	<u>\$362,256.00</u>
Difference:	<u>\$280,000.00</u>	<u>\$17,744.00</u>
Temporary easement (if any) +	<u>\$0.00</u> +	<u>135.00</u>
Total Compensation:	<u>\$280,000.00</u>	<u>\$17,879.00</u>

Explain why the owner’s settlement request is reasonable:

Settlement is more cost effective than cost of appropriation, total purchase of the property, potential RHP, moving costs and cost of additional relocation.

**Litigation Considerations**

If this parcel is appropriated, what is the Court and who is the judge likely to be?

Fairfield County Common Pleas, Judge Richard E. Berens

What has the record been in this court for other appropriations filed by ODOT/AGO:

Unknown

At this point, who is the AAG who may be handling this case for ODOT:

Stephen Johnson, William Cole

**Conclusion**

What is the sticking point in negotiations?

The property owners feeling safety is not being considered with the history of accidents and the fact the trees being removed from the front of their home is the protection from vehicles leaving the roadway.

What is your reason for recommending settlement at this figure

Cost effectiveness, design considered moving the road to the north away from this property but a 3" gas line would be cost prohibive and the time to design the change would take the utility 18 months.

Recommendation by Real Estate Administrator:

Recommend Settlement:      Yes      No  
        

Comments: The settlement, at the request of the property owner, represents an equitable and efficient resolution

Signature:  \_\_\_\_\_

Title:      Administrator, Office of Real Estate

Date:      3/22/2021