

Wooldridge, John

From: Corinna Efkean <Corinna.Efkean@OhioAGO.gov>
Sent: Monday, March 14, 2022 7:47 PM
To: Wooldridge, John; Heim, Kimber; Miller, Jared; Justine Allen
Subject: RE: FAI 037, 110412, Pcl 1 & 2 / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Appraisal and Mediation

Hi! I agree we await Jeff's report before making a counter-offer. We can set a meeting and discuss when I return sometime next week. Thanks,
Corinna

Sent with BlackBerry Work
(www.blackberry.com)

From: John.Wooldridge@dot.ohio.gov <John.Wooldridge@dot.ohio.gov>
Date: Monday, Mar 14, 2022, 3:59 PM
To: Kimber.Heim@dot.ohio.gov <Kimber.Heim@dot.ohio.gov>, Jared.Miller@dot.ohio.gov <Jared.Miller@dot.ohio.gov>, Corinna Efkean <Corinna.Efkean@OhioAGO.gov>, Justine Allen <Justine.Allen@OhioAGO.gov>
Subject: RE: FAI 037, 110412, Pcl 1 & 2 / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Appraisal and Mediation

Hello Corinna,

We hope that your time off was wonderful. I have looked through the Owner's Appraisal Report by Vanetta and can provide a few comments at this time. Additionally, I would also like us to discuss in a teams meeting upon your return and when it works for your schedule. I think it would be best to receive the requested summary appraisal from Jeff Helbig prior to making any counter offers or having a formalized mediation or even an informal attempt to negotiate. The Vanetta Appraisal report did not contain any surprises to me and was actually a little lower than expected by me from him. Jeff's report is due on 4/1/22 per the contract authorization and he verbally mentioned he would attempt to get it to us a little earlier if possible. Here are some of my comments regarding the Vanetta Appraisal:

- Did not appraisal the whole (only what he defined as Larger Parcel A which happens to be only the project take area as squared off).
- Did not adjust his Parcel "A" in the after even though an end user would (i.e. user would use more of the farm to have the desired size if subdivided).
- Comps were 2, 2, 3, & 16 acres without consideration of the parcel being 100+ acres.
- Assumed zoning change to B-3 for Larger Parcel A for "full development" without talking to zoning folks or apparently reading the zoning code that documents B-3 no longer available (only grandfathered in):

2. Is the proposed use (or uses) legally permitted? If the report indicates there are no sufficiently burdensome historic preservation districts, wildlife restrictions, or other factors that inhibit the full development of Larger Parcel-A District that allows for Institutional and Commercial Conditional Uses in Walnut Township's zoning intersection are zoned B-3, I conclude a zoning for the full development of Larger Parcel-A, is physically possible.

9.12 Intensive and Motorist Services Business District (B-3)

A. Intent.

This district is established to provide for uses in addition to those specified for the neighborhood and commercial business districts and thereby provide service and sales in support of the primary business activities in the community. This district includes activities which because of their nature, such as their tendency to encourage traffic congestion and parking problems, storage problems, or certain other inherent dangers create special problems and are, therefore, best distinguished from other commercial activity. Their location is advantageous at specified points on major thoroughfares and at outlying locations in the community. Due to the intensity of this district, the B-3 District shall apply only to existing properties zoned B-3 as of the effective date of this Zoning Resolution and as shown on the Walnut Township Zoning Map. Any future rezoning to a commercial district after December 23, 2010, which is the effective date of this zoning resolution will be limited to the Neighborhood Business (B-1) District or the Planned Unit Development (PUD) District, as applicable.

- I would disagree with the assertion that B-3 is reasonably probable; but this information would not change his opinion of value.
- Upon using comps that would be for 2-3 acres, the report does not address the holding costs for the time to sell off such properties (such as the DQ comp across the street); i.e., no discount rate or adjustment for what would be a subdivision of outparcels (last one was sold about 7 years ago).
- He valued the structure at cost new basis less 70% rather than the contributory value to the property.
 - It is 1,000% of our VF valuation, so I will be very interested to see what Jeff says about the contributory value of this improvement.
- The differences are rather simplistic in that it is only price per acre and structure valuation.

I would like to receive Jeff's report before discussing next steps, including any counter offers. Thank you and have a nice evening.

Respectfully,

John R. Wooldridge

Real Estate Administrator

ODOT District 5

9600 Jacksontown Road, Jacksontown, OH 43030

740.323.5427

transportation.ohio.gov



From: Heim, Kimber <Kimber.Heim@dot.ohio.gov>

Sent: Friday, March 11, 2022 9:31 AM

To: Miller, Jared <Jared.Miller@dot.ohio.gov>; Corinna Efke <Corinna.Efke@OhioAGO.gov>; Wooldridge, John <John.Wooldridge@dot.ohio.gov>; Justine Allen <Justine.Allen@OhioAGO.gov>

Subject: RE: FAI 037, 110412, Pcl 1 & 2 / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Appraisal and Mediation

Wow Jared, you are quick... I am in the middle of my thoughts and here you are....I concur with your statements below concerning the **creation** of 12.5 acres of commercial land which was created to coincide with our acquisition area.

Counter value **under** the initial request and demand to be appropriated of \$175,00.00.

If we agree to any counter offer, can we negotiate the 150% rule for ag land not applying if we allow commercial land appraisal change to support the increase in compensation?

Access to develop this 12.5 acres would not be allowed. The project is being done for safety and the SR 37 and SR 256 acquisition areas will not allow accesses to be **ADDED**. So no additional drive, but the field drive off of SR 37, will be allowed. Actual access for the larger parcel of 111 acres is off SR 37 at the residential location past the acquisition area..

I also am available the week Corinna returns to discuss, week of 03/21, available Monday 03/21 all day and Friday, 03/25. Available all week 03/28 to 04/01.

The appraiser is \$10K per acre under what we determined the commercial compensation for the other parcels, i.e. PCL 015, 017, etc. I do not concur at all with \$45K for the structure...the pics from outside and far away to make sure the missing roof not caught in the pics??

Hope everyone has a great Friday and weekend...and glad we are finally getting in to counter offer details.

Kimber L. Heim

Realty Specialist Manager

ODOT – District 5

9600 Jacksontown Road

Jacksontown, OH 43030

Ph: 740-323-5422 (direct) Cell: 740-814-0708

FAX: 740-323-5125



From: Miller, Jared <Jared.Miller@dot.ohio.gov>

Sent: Friday, March 11, 2022 9:12 AM

To: Corinna Efke <Corinna.Efke@OhioAGO.gov>; Heim, Kimber <Kimber.Heim@dot.ohio.gov>; Wooldridge, John <John.Wooldridge@dot.ohio.gov>; Justine Allen <Justine.Allen@OhioAGO.gov>

Subject: RE: FAI 037, 110412, Pcl 1 & 2 / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Appraisal and Mediation

All,

My initial thought is there is a discrepancy between the appraiser's opinions on the likelihood of commercial development. The best way to understand this concept is a continuum between pure agricultural value and commercial development value. As the demand for commercial development increases and the needed infrastructure (water & sanitary) is constructed, the property value will begin to move toward commercial values. Here, we have a property that does have some commercial development potential (justified by the adjacent commercial development) but does not have public utilities. A developer purchasing this site would consider the holding cost of the property until utilities (and demand) for commercial development are available or discount the price by the cost associated with constructing a well, septic, and storm (permits, design, and construction). A proper appraisal would use sales that are in a similar stage of this continuum between agricultural and commercial development.

Let me know when you want to meet and I will have both appraisals reviewed and more detailed comments to help with mediation.

Jared T. Miller, MAI | CPM | MBA

Appraisal Section Manager

Office of Real Estate

1980 W. Broad Street, MS 4120, Columbus, Ohio 43223

(p) 614.752.6151 (m) 419.569.3113

transportation.ohio.gov



From: Corinna Efkehan <Corinna.Efkehan@OhioAGO.gov>

Sent: Thursday, March 10, 2022 9:17 PM

To: Heim, Kimber <Kimber.Heim@dot.ohio.gov>; Wooldridge, John <John.Wooldridge@dot.ohio.gov>; Justine Allen <Justine.Allen@OhioAGO.gov>; Miller, Jared <Jared.Miller@dot.ohio.gov>

Subject: RE: FAI 037, 110412, Pcl 1 & 2 / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Appraisal and Mediation

Good evening!

Earlier today, I received the landowner's appraisal (see attached) and the companion email:

Hi Corinna and Justine,

I have received our appraisal in the Eichhorn appropriation and attached it here for your review. This appraisal found no residue damages, but found a much higher value for the property taken and the improvements taken than that found by ODOT's appraiser. I believe that ODOT's appraiser was mistaken in valuing the property at an agricultural use rather than a commercial use. Given the uses of the neighboring properties at the intersection, it is clear that the property's highest and best use is commercial. Additionally, ODOT's appraiser used sales that are quite distant from the subject and overlooked nearby sales that support a much higher value. In consideration of these facts, my client has authorized me to submit a counter offer of \$131,432.50. I look forward to receiving ODOT's response.

I also received a second email today in which landowner's counsel agreed to scheduling a mediation with Frank Ray, as we had previously discussed. I have not had an opportunity to review the appraisal provided, but I would ask you all to take a look at it. I would like to schedule a meeting to discuss next steps, e.g. do we want to stall a formal mediation until we receive our full appraisal? Do we want to attempt an informal negotiation?

I am off all of next week, but Justine can answer any questions/concerns as well as me, so please feel free to respond with your thoughts.

Thanks,
Corinna

From: Kimber.Heim@dot.ohio.gov <Kimber.Heim@dot.ohio.gov>
Sent: Wednesday, February 16, 2022 6:41 AM
To: John.Wooldridge@dot.ohio.gov; Corinna Efkehan <Corinna.Efkehan@OhioAGO.gov>; Justine Allen <Justine.Allen@OhioAGO.gov>; Jared.Miller@dot.ohio.gov
Subject: RE: FAI 037, 110412, Pcl 1 & 2 / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Discovery Mtg w/Landowner's Counsel

What a great email for the morning. Sounds like an agreement is going to be in our future.

I have the photos organized for printing...no worries. Would take me a day to put together the Red Book, if requested.

Thanks ladies...good to know same attorney for both parcels.

Kimber L. Heim

Realty Specialist Manager
ODOT – District 5
9600 Jacksontown Road
Jacksontown, OH 43030
Ph: 740-323-5422 (direct) Cell: 740-814-0708
FAX: 740-323-5125



From: Wooldridge, John <John.Wooldridge@dot.ohio.gov>
Sent: Tuesday, February 15, 2022 5:12 PM
To: Corinna Efkehan <Corinna.Efkehan@OhioAGO.gov>; Heim, Kimber <Kimber.Heim@dot.ohio.gov>; Justine Allen <Justine.Allen@OhioAGO.gov>; Miller, Jared <Jared.Miller@dot.ohio.gov>
Subject: RE: FAI 037, 110412, Pcl 1 & 2 / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Discovery Mtg w/Landowner's Counsel

Thanks Corinna,

We appreciate the updates. Here are my thoughts:

- If you have an opinion about mediators, please advise.
 - D5 has used Frank Ray to successfully mediate before and we do not have an objection to him. I recall he demands a lot of front end effort before the mediation (statements, etc.).
 - I am unfamiliar with John Alton but have no reason to exclude his use.

- We have worked with Frank Hinkle as an Appraiser before (but not mediator). I could see value in his Appraisal AND Attorney background given the issue seems to be solely based on the valuation.
- If you know the time-frame for the structure removal, please advise.
 - Contract awarded to the Shelly Company on 1/20/22. They are approved to begin construction (including demo) on 4/1/22. Please let me know if you would like for me to inquire with construction as to a more specific time frame (it will be towards the beginning of project as it needs removed to do the drainage grading which is done before roadway or signalization, etc.).
- You might want to hold-off on the redbook process.
 - Kimber has all the electronic photos. She can prepare the 'redbook' at any time without losing the opportunity (she could just provide the files if that is the best evidence for the case). She can hold.

I do not have any questions. We will review appraisals when available and entertain counter offers if provided through your office. Thanks and have a great evening.

Respectfully,

John R. Wooldridge

Real Estate Administrator

ODOT District 5

9600 Jacksontown Road, Jacksontown, OH 43030

740.323.5427

transportation.ohio.gov



From: Corinna Efkean <Corinna.Efkean@OhioAGO.gov>

Sent: Tuesday, February 15, 2022 4:42 PM

To: Wooldridge, John <John.Wooldridge@dot.ohio.gov>; Heim, Kimber <Kimber.Heim@dot.ohio.gov>; Justine Allen <Justine.Allen@OhioAGO.gov>; Miller, Jared <Jared.Miller@dot.ohio.gov>

Subject: FAI 037, 110412, Pcl 1 & 2 / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Discovery Mtg w/Landowner's Counsel

Good afternoon!

Justine and I had a telephone meeting with opposing counsel this afternoon for parcels 1 and 2 to discuss our discovery plan as required by the civil rules.

Opposing counsel is the same person for both parcels and the discovery plan is due to the court by March 10, 2022.

During the meeting, opposing counsel indicated he did not have a counteroffer for us yet, because he has not received the final appraisal reports from his appraiser yet. He did state, rather surprisingly, that he did not think this would be a case of large damages, but rather an issue of differing land values. He thinks his reports will come back within a range that would make settlement a possibility.

We then discussed scheduling this matter for mediation. He suggested we mediate sometime in March, however I suggested we look into April (knowing that we will not have our full appraisals back until then. We did not disclose that we are having full appraisals done). He recommended using Frank Ray or John Alton for the mediator. I suggested Frank Hinkle. We agreed to revisit which mediator we would use at a later date.

Next, I let him know that ODOT was putting together a redbook for the structure on Parcel 1. He stated he would consider agreeing to a waiver of the redbook requirement if we could provide him with the date/time-frame of its removal.

Finally, we agreed that the deadlines provided by the court are still attainable by both parties, so we would not need to request any altering of deadlines at this time. Opposing counsel requested we block out some time over the summer for depositions, just in case we are unable to settle and our calendars fill up, but I thought that doing that was a bit premature.

- If you have an opinion about mediators, please advise.
- If you know the time-frame for the structure removal, please advise.
- You might want to hold-off on the redbook process.

I will update you as soon as we receive landowner's appraisals for these parcels.

Please let me know if you have any questions –

Thanks,
Corinna

From: Corinna Efkehan <Corinna.Efkehan@OhioAGO.gov>

Sent: Wednesday, February 9, 2022 12:08 PM

To: John.Wooldridge@dot.ohio.gov; Kimber.Heim@dot.ohio.gov; Justine Allen <Justine.Allen@OhioAGO.gov>; Jared.Miller@dot.ohio.gov

Subject: FW: FAI 037, 110412, Pcl 1 & 2 / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Additional Information for Appraisals

Just to close the loop for you – Jeff responded and confirmed receipt of the documents provided. He will reach out if he requires anything additional. See below.

Thanks,
Corinna

From: Jeffrey Helbig <jhelbig@irr.com>

Sent: Tuesday, February 8, 2022 5:03 PM

To: Corinna Efkehan <Corinna.Efkehan@OhioAGO.gov>

Subject: RE: FAI 037, 110412, Pcl 1 & 2 / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Additional Information for Appraisals

Corinna,

I have downloaded the information from the ftp site. I will contact you if any questions occur during review of the documents.

Thanks again,

Jeffrey R. Helbig

Director

Integra Realty Resources

6233 Riverside Drive, Suite 2N, Dublin, OH 43017

T 614.398.4319

jhelbig@irr.com | www.irr.com/columbus | [IRR Viewpoint](#)

Cincinnati/Dayton | Columbus

From: Corinna Efkean <Corinna.Efkean@OhioAGO.gov>

Sent: Tuesday, February 08, 2022 4:24 PM

To: Jeffrey Helbig <jhelbig@irr.com>

Cc: John.Wooldridge@dot.ohio.gov; Kimber.Heim@dot.ohio.gov; Justine Allen <Justine.Allen@OhioAGO.gov>;

Jared.Miller@dot.ohio.gov

Subject: FAI 037, 110412, Pcl 1 & 2 / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - Additional Information for Appraisals

Jeff –

Thank you for meeting with us to discuss the appraisals for FAI 37-06.10, 110412, Parcels 1 and 2.

As requested, please find all the plans, legal descriptions, titles, and other information for your use. The items were all saved to the FTP site as the total size of files exceeds the send or receive limits. Please note that the plans called “110412_Confirmed.pdf” are from 1/31/22 and are the most current and accurate; they also include the final R/W Plans.

<ftp://ftp.dot.state.oh.us/pub/districts/d05/Projects/FAI/110412/Real%20Estate/>

Additionally, to the best of ODOT’s knowledge; no utility work (or any other work) has been performed on the Parcel 1 or Parcel 2. Utilities just approved a permit and that work will begin in the near future, but not yet started. Therefore, I believe the date of valuation should be the date of accompaniment for your report.

Please let us know if you need anything additional.

Thanks,

Corinna

CONFIDENTIAL – ATTORNEY CLIENT COMMUNICATION – NOT A PUBLIC RECORD



Corinna V. Efkean

Unit Coordinator - Transportation

Executive Agencies Section

Office of Ohio Attorney General Dave Yost

Office: (614) 466-3036

Direct: (614) 466-4856

Fax: (866) 411-5681

Corinna.Efkean@OhioAGO.gov



Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

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.