

## Wooldridge, John

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**From:** Justine Allen <Justine.Allen@OhioAGO.gov>  
**Sent:** Tuesday, May 3, 2022 4:57 PM  
**To:** Wooldridge, John; Heim, Kimber  
**Cc:** Corinna Efke; Miller, Jared  
**Subject:** FAI 037, 110412, Pcl. 1 (Eichhorn Limited Partnership) / ATTORNEY-CLIENT PRIVILEGED COMMUNICATION - CAUV Designation

Hi John and Kimber,

I wanted to follow up on the CAUV issue for parcel 1. I've reviewed the relevant statutes and case law and I believe we may run into two issues. First, the definition for "agricultural" is incredibly broad and is defined under several statutes. I am not sure what their alleged agricultural use is, but the breadth of the definition allows them a lot of flexibility. Second, this issue just has not been litigated often so there is not a lot of established case law that speaks to our situation.

However, I can say that the CAUV designation is an indicator that that the land is being used for an agricultural purpose but may not be dispositive. If (which I am assuming they will if we reach that point) the property owner asks the court to enter a judgment for attorney's fees and appraisal fees that is the point we would tell the court that the property is not in fact used for an agricultural purpose. As far as the issue of "double dipping", at this time the only way to address that issue would be at trial or possibly mediation if we have a good mediator. The R-R zoning designation does allow for some conditional commercial uses, but not the large type of commercial development that would support their price/acre.

At this time, the only avenue I have to address this issue is through litigation. My advice would be to keep this information in mind as we move forward with negotiations. If you have any additional questions or would 'd like to discuss further please let me know and we can discuss through email or set up a teams call. If not, we do need to provide opposing counsel with a counter offer to try to move things along.

Thanks,  
-Justine



### **Justine A. Allen**

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