

Wooldridge, John

From: Wooldridge, John
Sent: Thursday, March 2, 2023 11:55 AM
To: Avery Young; Heim, Kimber
Cc: Allen, Justine; Corinna Efke; Gilmore, Drew; Miller, Jared
Subject: RE: Motion for Statutory Costs; FAI 37-6.10 Parcels 1-SH1, 1-SH2, 1-T
Attachments: Beacon - Fairfield County, OH - Report_ 0490261230.pdf

Thanks Avery,

We appreciate the opportunity to meet today and discuss this issue. Attached are the Fairfield County Auditor records regarding the CAUV. The property is not “exclusively” in the CAUV program, and the appropriated property (part of land and all the structure) is not taxed as CAUV/Agricultural. As you can see, the building in the take is classified as ‘restaurant’ use and is not part of the CAUV reduced valuation. It is also noted that the 0.9570 AC at the corner (all the take from SR256 side and a portion of the SR37 side) is “NONAG” Type and not within the CAUV discount. It has not been used as “agricultural” as defined in ORC currently or for about 100 years.

For reference, the original offer was the FMVE of \$19,440 and ODOT made offers to settle the parcel for \$25,000 before filing the case and \$24,000 after getting their appraisal. I would agree that the settlements offered at mediation would not meet the time deadlines in the ORC. If the Motion is not dismissed altogether, then it should at least be reduced accordingly (both by offers and building value).

Thank you for considering our recommendations. Please keep us informed of the attorney fees motion and the appeal opportunity that we previously discussed. Thank you, Avery and have a nice day.

Respectfully,

John R. Wooldridge

Real Estate Administrator

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From: Avery Young <Avery.Young@OhioAGO.gov>
Sent: Tuesday, February 28, 2023 11:31 AM
To: Wooldridge, John <John.Wooldridge@dot.ohio.gov>; Heim, Kimber <Kimber.Heim@dot.ohio.gov>
Cc: Allen, Justine <Justine.Allen@OhioAGO.gov>; Corinna Efke <Corinna.Efke@OhioAGO.gov>
Subject: Motion for Statutory Costs; FAI 37-6.10 Parcels 1-SH1, 1-SH2, 1-T

John,

Please see the attached Motion that opposing counsel has filed to recover statutory costs of \$24,400.62 for court costs and attorney’s fees. This would be additional funds on top of the verdict of \$112,472.50. Justine and I have discussed this issue with our office and done additional research on the issue. We have come to the conclusion based on a close

reading of R.C. 163.21, that Mr. Eichhorn's property does in fact qualify for the additional costs given its current agricultural use and its designation of CAUV on the Fairfield County Auditor's website. Due to this information we are not able to oppose the payment of these costs due to there being no legal argument against the request.

The only thing we could potentially contest on this issue would be the specific dollar amount. We have reached out to opposing counsel to get an itemized list of their fees. Once we get that information we will review it for accuracy and will update you once that is done.

Let us know if you have any questions. Thanks!



Avery T. Young (he/him/his)
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