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BRANDEN C. MEYER
CLERK OF COURTS
FAIRFIELD CO. OHIO

**IN THE COURT OF COMMON PLEAS
FAIRFIELD COUNTY, OHIO**

Jack Marchbanks, Director,
Ohio Department of Transportation,

Plaintiff,

v.

ACT Investments, LLC, et al.,

Defendants

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Case No. 2021 CV 00456

Judge David A. Trimmer

AGREED JUDGMENT ENTRY ON SETTLEMENT

This matter is before the Court on representation that Defendant ACT Investments, LLC ("the Landowner") and Plaintiff, Director, Ohio Department of Transportation ("ODOT"), have agreed upon the amount of compensation and damages due by reason of the Petition to Appropriate Property and to Fix Compensation filed on October 6, 2021 and more fully described herein. The parties have agreed to a total settlement amount of Fifty-Nine Thousand Dollars and No Cents (\$59,000.00), inclusive of the original deposit. ODOT will deposit an additional Forty Thousand Seven Hundred and Eighty-Two Dollars and No Cents (\$40,782.00) with the Clerk of Courts, which, when added to the original deposit of Eighteen Thousand Two Hundred and Eighteen Dollars and No Cents (\$18,218.00) will be full payment for the appropriation of the property. In addition, and as part of the settlement of the parties, ODOT shall perform field tile repair or replacement work on the Landowner's property as identified in a separate Work Agreement

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between the parties.

Defendant ACT Investments, LLC was served via Certified mail on October 12, 2021 and answered November 09, 2021. Defendant Farm Credit Mid-America, FLCA was served via certified mail October 12, 2021 and answered October 27, 2021. Defendant Fairfield County Auditor was served via certified mail on October 12, 2021 and Defendant Fairfield County Treasurer waived service on October 11, 2021. (See court docket).

In consideration of the foregoing agreed compensation, Defendant herein, on their behalf and for their respective heirs, executors, administrators, successors and assigns, releases all claims for further compensation for the land taken and damages to the residue, if any, including interest, resulting from the appropriation needed for construction and improvement of State Route 37, Section 6.10, Fairfield County, Ohio.

It is ORDERED that a perpetual easement for highway purposes without limitation of existing access rights in the premises described in Exhibit A as Parcel 2-SH1 be vested in the State of Ohio with the immediate right of possession thereof, free and clear of all claims of the previous owners of said land and any person or persons listed below who had an interest therein.

It is further ORDERED that a perpetual easement for highway purposes without limitation of existing access rights in the premises described in Exhibit A as Parcel 2-SH2 be vested in the State of Ohio with the immediate right of possession thereof, free and clear of all claims of the previous owners of said land and any person or persons listed below who had an interest therein.

It is ORDERED that the above Parcels 2-SH1 and 2-SH2, shall be taken, free and clear of any and all claims of the owners of said property and any persons having an interest therein, to wit:

ACT Investments, LLC
c/o SAS Agent For Service, Inc., Registered Agent
109 N Broad St Ste 200
Lancaster OH 43130

Farm Credit Mid-America, FLCA
Legal Department
12501 Lakefront Place
Louisville, KY 40299

Jon A. Slater, Jr., or successor
Fairfield County Auditor
210 East Main Street, Suite 201
Lancaster, Ohio 43130

James N. Bahnsen, or successor
Fairfield County Treasurer
210 East Main Street, Room 206
Lancaster, Ohio 43130

It is further ORDERED that the date of acquisition of Parcels 1-SH1 and 1-SH2 by the State of Ohio or designee shall be March 14, 2022.

The Court finds that Parcels 2-SH1 and 2-SH2, (the "Appropriated Properties"), appropriated herein by Plaintiff, is being acquired for one of the statutory purposes for which the Director of Transportation may acquire property under Title LV of the Revised Code, such as, but not limited to, those purposes enumerated in Sections 5501.31 and 5519.01 of the Revised Code.

It is further ORDERED that a certified copy of this Entry be transmitted by the Clerk of

Courts to the County Auditor for the purpose of making the proper notations relative to the transfer of title, if any, and changes of tax valuation and liability therefore, if any, as to the above-described parcel pursuant to R.C. 319.201 and 5713.04; that the County Auditor transmit said Entry to the County Recorder for recording in the deed records of this county; that all transfer fees of the County Auditor and the recordation fees of the County Recorder shall be charged as part of the court costs, pursuant to R.C. 163.15 and 163.16, by submitting their statements of costs to the Clerk of this Court; that the Director of Transportation of the State of Ohio pay all court costs accrued and that a record be made of these proceedings according to law.

IT IS SO ORDERED.



JUDGE DAVID A. TRIMMER

APPROVED:

DAVE YOST
Attorney General of Ohio

/s/ Justine A. Allen

Justine A. Allen (0097746)
Corinna V. Efke (0069363)
Assistant Attorney General
Executive Agencies Section –
Transportation Unit

Pursuant to Civ.R. 58(B), the Clerk is hereby directed to serve upon all parties not in default for failure to appear, notice of this Judgment and its date of entry upon the journal. This is a final appealable order.

THIS IS A TRUE and CERTIFIED
COPY OF ORIGINAL ON FILE
COMMON PLEAS COURT
FAIRFIELD COUNTY, OHIO

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AUG 19 2022

Deputy

Brauden Meyer
Clerk of Courts

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Columbus, Ohio 43215
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*Attorney for Defendant Farm Credit Mid-
America, FLCA*

/s/ Joshua S. Horack (via email authority)
Joshua S. Horack (0080574)
Amy L. Brown-Thompson (0070511)
Assistant Prosecuting Attorneys

Fairfield County Prosecutor's Office
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Lancaster Ohio 43130
(740) 652-7560; Fax (740) 653-4708
Joshua.horacek@fairfieldcountyohio.gov
Amy.brown-thompson@fairfieldcountyohio.gov
Attorneys for Defendant Fairfield County Treasurer

CERTIFICATION

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EXHIBIT A

This page supplements and completes this parcel's legal description, which follows.

**PARCEL 2-SH1
FAI 37-06.10**

**PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Pursuant to R.C. 5713.04, the County Auditor shall deduct 0.607 acres of land more or less, of which the present road occupies 0.417 acres, from the value of the parcel which has Fairfield County Auditor's Permanent Parcel Number 0490263400.

Legal description for this parcel continues on succeeding 3 page(s).

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Ver. Date 09/11/20

PID 110412

PARCEL 2-SH1

FAI-37-06.10

**PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the State of Ohio, Department of Transportation, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Fairfield, Township of Walnut, and being a part of Section 30, Township 16, Range 18, being part of a 62.33 acre parcel conveyed to **WAGNER RENTALS, LLC**, by Official Record Volume 1434, Page 2871, and being more particularly described below:

Being a parcel of land lying left of the Centerline of Right of Way of FAI-37-06.10 made by Mead & Hunt for the Ohio Department of Transportation as recorded in Plat Book _____, Page _____ in the records of Fairfield County, and being located within the following described boundary points in the boundary thereof:

Commencing from a monument box set at the intersection of the Centerline of Right of Way of State Route 37 and the Centerline of Right of Way of State Route 256, said point being the southeast corner of Section 19, said point also being the southwest corner of Section 20, said point also being the northwest corner of Section 29, said point also being the northeast corner of Section 30, said point also being the northeast corner of the a 0.91 acre parcel conveyed to the Grantor by Original Record Volume 1434, Page 2868, said point also being the southwest corner of a 3.12 acre parcel conveyed to Chaos, LLC by Official Record Volume 1729, Page 1874, said point also being the northwest corner of a 113.854 acre parcel conveyed to Eichhorn Limited Partnership by Official Record Volume 1477, Page 2270, said point also being the southeast corner of a 6.94 acre parcel conveyed to MAC'S CONVENIENCE STORES LLC, by Original Record Volume 1734, Page 4486, said point also being at PI Station 18+34.80 of the Centerline

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of Right of Way of State Route 37 and at PI Station 26+23.94 of the Centerline of Right of Way of State Route 256;

Thence North 87 Degrees 18 Minutes 17 Seconds West along the Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 30 and the southerly line of Section 19, a portion of said line being the northerly line of the Grantor, a portion of said line being the southerly line of said parcel conveyed to MAC'S CONVENIENCE STORES LLC, a portion of said line also being the northerly line of a 2.62 acre parcel conveyed to Betty Joan Sakas by Official Record Volume 1120, Page 596, a portion of said line also being the southerly line of a 81.06 acre parcel conveyed to DONALD L. KULL, TRUSTEE and MARILYN J. KULL, TRUSTEE, OF THE KULL FAMILY TRUST AGREEMENT, DATED OCTOBER 26, 2016, by Official Record Volume 1751, Page 1628, a distance of 1118.00 feet to a northeast corner of the Grantor, said point also being the northwest corner of said parcel conveyed to Betty Joan Sakas, said point also being Station 15+05.94 of the Centerline of Right of Way of State Route 256, said point marking the Principle Point of Beginning for the parcel described herein;

1. Thence South 03 Degrees 20 Minutes 03 Seconds West along a eastern line of the Grantor, said line also being the western line of said parcel conveyed to Betty Joan Sakas, a distance of 55.00 feet to an iron pin set, said point being 55.00 feet right of Station 15+05.94 of the Centerline of Right of Way of State Route 256;
2. Thence North 86 Degrees 39 Minutes 57 Seconds West parallel to the Centerline of Right of Way of State Route 256, a distance of 55.94 feet to an iron pin set 55.00 feet right of Station 14+50.00 of the Centerline of Right of Way of State Route 256;
3. Thence North 84 Degrees 03 Minutes 48 Seconds West, a distance of 550.57 feet to an iron pin set on the existing southerly Right of Way line of State Route 256, said pin being 30.00 feet right of Station 9+00.00 of the Centerline of Right of Way of State Route 256;
4. Thence North 03 Degrees 20 Minutes 03 Seconds East perpendicular to the Centerline of Right of Way of State Route 256, a distance of 30.00 feet to the Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 30 and the southerly line of Section 19, said line also being the northerly line of the Grantor, said line also being the southerly of a 66.00 acre parcel conveyed to Dale Louis Klamfoth, Sr. and Kathleen Klamfoth, CO-TRUSTEES, The Dale Louis Klamfoth, Sr. and Kathleen Klamfoth Revocable Living Trust, Dated the 15th day of September, 2003, said point being at Station 9+00.00 of the Centerline of Right of Way of State Route 256;
5. Thence South 86 Degrees 39 Minutes 57 Seconds East along the Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 30 and the southerly line of

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Section 19, said line also being the northerly line of the Grantor, a portion of said line being the southerly line of said parcel conveyed to the Klamforth Revocable Living Trust, a portion of said line being the southerly line of a 2.75 acre parcel conveyed to Ruth Ann Taylor by Official Record Volume 604, Page 735, a portion of said line also being the southerly line of said parcel conveyed to the Kull Family Trust Agreement, a distance of 605.94 feet to the Principle Point of Beginning and enclosing 0.607 acres, more or less of which the present road occupies 0.417 acres, resulting in a net take of 0.190 acres;

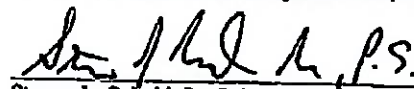
The above described area is all within Fairfield County Permanent Parcel Number 0490263400;

The iron pins set are 3/4 inch diameter x 30 inch long rebar with a 2 inch diameter aluminum cap marked ODOT R/W Mead & Hunt, Inc. 8294. Mag nails set are 1/2 inch diameter x 2 inch long steel nail. Monument Boxes Set are 1 inch steel rods with a 3 inch aluminum cap set encased in a monument box assembly. Concrete Monuments Set are 3/4 inch iron pins encased in an 8 inch diameter concrete cylinder with a 3 inch diameter aluminum cap. Both the Monument Box Set and Concrete Monuments Set (Reference Monument) are detailed by ODOT standard construction drawing RM-1.1, dated 7-18-14. These monument boxes and concrete monuments are set by the highway contractor under the direction of a Professional Surveyor.

Bearings are relative to Grid North of the Ohio State Plane, South Zone. The Values were based on control set in January, 2019 using the Ohio VRS projection set: Ohio South NAD 83(2011) Datum. Bearings are for the purpose of indicating angular measurement only.

The Stations referred to herein are from the Centerline of Right of Way of State Route 256, as found on Right of Way Plan FAI-37-06.10.

This description was prepared and reviewed under the supervision of Steven J., Scheid, Jr., P.S., 8294 of Mead & Hunt on September 11, 2020 from a survey made in January, 2019.



Steven J., Scheid, Jr., P.S.
Professional Surveyor 8294
September 11, 2020



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EXHIBIT A

This page supplements and completes this parcel's legal description, which follows.

**PARCEL 2-SH2
FAI 37-06.10**

**PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Pursuant to R.C. 5713.04, the County Auditor shall deduct 0.206 acres of land more or less, of which the present road occupies 0.088 acres, from the value of the parcel which has Fairfield County Auditor's Permanent Parcel Number 0490263400, and 1.290 acres of land more or less, of which the present road occupies 0.687 acres, from the value of the parcel which has Fairfield County Auditor's Permanent Parcel Number 0490263420.

Legal description for this parcel continues on succeeding 4 page(s).

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Ver. Date 09/11/20

PID 110412

PARCEL 2-SH2

FAI-37-06.10

**PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the State of Ohio, Department of Transportation, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Fairfield, Township of Walnut, and being a part of Section 30, Township 16, Range 18, being part of a 62.33 acre parcel conveyed to **WAGNER RENTALS, LLC**, by Official Record Volume 1434, Page 2871, and a 6.91 acre parcel conveyed by Official Record Volume 1434, Page 2868, and being more particularly described below:

Being a parcel of land lying left of the Centerline of Right of Way of FAI-37-06.10 made by Mead & Hunt for the Ohio Department of Transportation as recorded in Plat Book _____, Page _____ in the records of Fairfield County, and being located within the following described boundary points in the boundary thereof:

Beginning from a monument box set at the intersection of the Centerline of Right of Way of State Route 37 and the Centerline of Right of Way of State Route 256, said point being the southeast corner of Section 19, said point also being the southwest corner of Section 20, said point also being the northwest corner of Section 29, said point also being the northeast corner of Section 30, said point also being the northeast corner of the a 6.91 acre parcel conveyed to the Grantor by Original Record Volume 1434, Page 2868, said point also being the southwest corner of a 3.12 acre parcel conveyed to Chaos, LLC by Official Record Volume 1729, Page 1874, said point also being the northwest corner of a 113.854 acre parcel conveyed to Eichhorn Limited Partnership by Official Record Volume 1477, Page 2270, said point also being the southeast corner of a 6.94 acre parcel conveyed to MAC'S CONVENIENCE STORES LLC, by Original Record Volume 1734, Page 4486, said point also being at PI Station 18+34.80 of the Centerline

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of Right of Way of State Route 37 and at PI Station 26+23.94 of the Centerline of Right of Way of State Route 256, said point marking the Principle Point of Beginning for the parcel described herein;

1. Thence South 03 Degrees 22 Minutes 29 Seconds West along the Centerline of Right of Way of State Route 37, said line also being the easterly line of Section 30 and westerly line of Section 29, said line also being the easterly line of the Grantor, said line also being the westerly line of said parcel conveyed to Eichhorn Limited Partnership, a distance of 321.75 feet to a southeastern corner of the Grantor, said point also being the northeast corner of a 3.099 acre parcel conveyed to Heather Mae Warner by Official Record Volume 1667, Page 2868, said point being at Station 15+13.05 of the Centerline of Right of Way of State Route 37;
2. Thence North 86 Degrees 42 Minutes 48 Seconds West along a southerly line of the Grantor, said line also being the northerly line of said parcel conveyed to Heather Mae Warner, a distance of 30.00 feet to an iron pin set on the existing westerly Right of Way line of State Route 37, said pin being 30.00 feet left of Station 15+13.01 of the Centerline of Right of Way of State Route 37;
3. Thence North 03 Degrees 22 Minutes 29 Seconds East along the existing westerly Right of Way line of State Route 37, a distance of 231.99 feet to an iron pin set 30.00 feet left of Station 17+45.00 of the Centerline of Right of Way of State Route 37;
4. Thence North 56 Degrees 23 Minutes 15 Seconds West, a distance of 39.23 feet to an iron pin set, said point being 63.89 feet left of Station 17+64.75 of the Centerline of Right of Way of State Route 37, said point also being 70.00 feet right of Station 25+60.00 of the Centerline of Right of Way of State Route 256;
5. Thence North 86 Degrees 39 Minutes 57 Seconds West parallel to the Centerline of Right of Way of State Route 256, a distance of 754.06 feet to an iron pin set on a westerly line of the Grantor, said line also being the easterly line of a 2.62 acre parcel conveyed to Betty Joan Sakas by Official Record Volume 1120, Page 596, said pin being 70.00 feet right of Station 18+05.94 of the Centerline of Right of Way of State Route 256;
6. Thence North 03 Degrees 20 Minutes 03 Seconds East along a westerly line of the Grantor, said line also being the easterly line of said parcel conveyed to Betty Joan Sakas, a distance of 70.00 feet to the Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 30 and the southerly line of Section 19, said line also being the southerly line of a 81.06 acre parcel conveyed to DONALD L. KULL, TRUSTEE and MARILYN J. KULL, TRUSTEE, OF THE KULL FAMILY TRUST AGREEMENT, DATED OCTOBER 26, 2016, by Official Record Volume 1751, Page 1628, said point being

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northwestern corner of the Grantor, said point being the northeast corner of said parcel conveyed to Betty Joan Sakas, said point being at Station 18+05.94 of the Centerline of Right of Way of State Route 256;

7. Thence South 86 Degrees 39 Minutes 57 Seconds East along Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 30 and the southerly line of Section 19, said line also being the northerly line of the Grantor, a portion of said line also being the southerly line of said parcel conveyed to the Kull Family Trust Agreement, a portion of said line being the southerly line of said parcel conveyed to MAC'S CONVENIENCE STORES LLC, a distance of 818.00 feet to the Principle Point of Beginning and enclosing 1.496 acres, more or less of which the present road occupies 0.775 acres, resulting in a net take of 0.721 acres;

The above described area contains 0.206 acres of land, more or less, of which the present road occupies 0.088 acres of land, more or less, within Fairfield County Permanent Parcel Number 0490263400, and 1.290 acres of land, more or less, of which the present road occupies 0.687 acres of land, more or less, within Fairfield County Permanent Parcel Number 0490263420;

The iron pins set are 3/4 inch diameter x 30 inch long rebar with a 2 inch diameter aluminum cap marked ODOT R/W Mead & Hunt, Inc. 8294. Mag nails set are 1/2 inch diameter x 2 inch long steel nail. Monument Boxes Set are 1 inch steel rods with a 3 inch aluminum cap set encased in a monument box assembly. Concrete Monuments Set are 3/4 inch iron pins encased in an 8 inch diameter concrete cylinder with a 3 inch diameter aluminum cap. Both the Monument Box Set and Concrete Monuments Set (Reference Monument) are detailed by ODOT standard construction drawing RM-1.1, dated 7-18-14. These monument boxes and concrete monuments are set by the highway contractor under the direction of a Professional Surveyor.

Bearings are relative to Grid North of the Ohio State Plane, South Zone. The Values were based on control set in January, 2019 using the Ohio VRS projection set: Ohio South NAD 83(2011) Datum. Bearings are for the purpose of indicating angular measurement only.

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The Stations referred to herein are from the Centerline of Right of Way of State Route 37 and the Centerline of Right of Way of State Route 256, as found on Right of Way Plan FAI-37-06.10.

This description was prepared and reviewed under the supervision of Steven J., Scheid, Jr., P.S., 8294 of Mead & Hunt on September 11, 2020 from a survey made in January, 2019.



Steven J., Scheid, Jr., P.S.
Professional Surveyor 8294
September 11, 2020



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