

**APPROPRIATION ATTACHMENT  
TO THE NEGOTIATOR'S NOTES**

Project: 110412  
Parcel: 002-SH1, SH2  
Owner: ACT Investments LLC, an Ohio Limited Liability Company

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**State the reason the parcel is being recommended for appropriation:**

Counter offer received is unsupported nor reasonable.

In discussion with property owner, value of the land in their mind is based on commercial land of smaller size and should apply to their parcel of 67.5 acres.

Per 06/08/21 email from Atty Kenter states his client has not changed his mind about negotiating or providing an appraisal to back up their demand of \$70,000.00 and will wait for Appropriations filing to provide an appraisal.

**State the name, address and telephone number of the owner's attorney, if applicable:**

Aaron Kenter  
Goldman Braunstein Stahler Kenter LLP  
500 S. Front Street  
Suite 1200  
Columbus, OH 43215

614-229-4566

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**Date the county engineer received the construction plans from the District:**

7/15/2021

**Date the initial "Notice of Intent to Acquire and Good Faith Offer was made to the owner:**

2/18/2021

**State if the "Notice of Intent to Acquire and Good Faith Offer" was provided to the owner by certified mail or was delivered personally:**

Delivered personally

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**Date and Amount of the last revised offer was made to the owner:**

2/18/2021 \$18,218.00

**State if the owner sent a letter to the Governor and Director objecting to the value of this acquisition (include date letter was sent):**

No letter was sent to the Governor or Director.

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**State if the parcel is a relocation parcel, describe the type of relocation (residential business, tenant, et cetera) and describe the status of the relocation:**

N/A

**State if the relocation parcel is eligible the reimbursement for good will and/or economic loss:**

N/A

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**State if the county auditor has placed the property in the “CAUV” program:**

Yes

**State if property is used for agricultural purposes as defined in Sections 303.01 or 519.01 of the Ohio Revised Code:**

Yes, some acreage is used for agricultural.

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**State if there is a structure in the take area:**

No

**State if the property being acquired is subject to the Garage Law (ORC 163.05 (G)):**

No

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**Summarize any information which you feel would be of advantage in reaching a settlement:**

**Increased compensation. The \$70,000 counter offer is completely unworkable. In 2016 a project was completed with the last owner and the per acre FMVE was \$45,000. I cannot find any current comparables at this level and in fact, they purchased the land a year ago for \$14,000 an acre and on 4/20/2021 purchased 79.0 acres west of this parcel on SR 256 closer to Baltimore for \$12,658 an acre. As far as the current 2016 zoning of B-3, the Walnut Township Trustees stated the area zoning was revised based on the Circle K coming in to the area and the DQ anticipating the draw to other businesses. However, the Trustees stated this development has not happened and approving new commercial development is not guaranteed. The Trustees mentioned during the meeting water issue on this parcel has made it very undesirable for development as the Wagner's had been fishing for buyers for about five years. Another mention of utility installation would be very expensive. Water and Sewer hook up for the new commercial and residential development provided with their counter offer would be a hurdle.**

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Signature of negotiator: 9/21/2021  
\_\_\_\_\_  
Date

Kimber L. Heim  
\_\_\_\_\_  
Typed name of negotiator:

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Comments from the District Real Estate Administrator:

D5 did not negotiate further with Attorney as they were unwilling to provide any support for their demand nor lower the demand to an acceptable amount. D5 did not seek any additional approvals from CO. It is believed that this parcel is a compensation only settlement or jury verdict with no known non-monetary issues.

  
\_\_\_\_\_  
Signature of District Real Estate Administrator 09/21/2021  
\_\_\_\_\_  
Date: