

NOTICE OF INTENT TO ACQUIRE AND GOOD FAITH OFFER

October 9, 2024

Act Investments, LLC
3560 Dolson Court Ste P
Carroll, OH 43112

Re: FAI-037-6.10
Parcel Number: 002
Interest Acquired: U

THE NOTICE OF INTENT TO ACQUIRE

TO: Act Investments, LLC

The Ohio Department of Transportation [“ODOT”] needs your property for a highway project identified as FAI-037-6.10 and will need to acquire the following from you:

The project includes the addition of a utility line for a sewer pipe for parcel 002-U (Utility). This utility easement exceeds the existing standard highway easement by approximately 20 feet

Ohio law authorizes ODOT to obtain 002-U from your property for the public purpose of a highway project. The legal description of your property that ODOT needs for the highway project is set out in the Good Faith Offer that is included with this Notice of Intent to Acquire, that legal description is referred to as **Exhibit A** in the Good Faith Offer.

The Good Faith Offer included with this Notice of Intent to Acquire is ODOT’s determination of the fair market value of your property. This fair market value (FMV) is what a willing buyer who is under no compulsion to buy and a willing seller who is under no compulsion to sell would value your property on the open market.

You will have a minimum of 30 days from the time you receive the Good Faith Offer included with this Notice of Intent to Acquire to accept or reject the offer. We are available to discuss the offer with you at any time. If you reject the offer or we are unable to come to an agreement, we may have to exercise our eminent domain authority to appropriate your property. This will require a court procedure. In a court proceeding, you may disagree with whether our offer reflects the fair market value of the property.

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, ODOT is required to make a good faith effort to purchase 002-U.

2. We are to provide you with a written offer and the appraisal or valuation upon which we base that offer. The amount offered to you will not be less than the approved fair market value estimate of the property needed for the project. This compensation is based on the valuation of your property by qualified real estate personnel who have analyzed current market data. Their valuation work has been reviewed by a preapproved review appraiser prior to ODOT establishing its fair market value estimate for your property needed for the project.
3. **You do not have to accept this offer** and ODOT is not required to agree to your demands.
4. You are to be provided a copy of the valuation document during the first negotiation visit by an agent of ODOT.
5. You are to be provided with pertinent parts of the highway plans which are:

Legend- Page 1
Centerline Plat- Page 2
Property Map- Page 6-8
Summary- Page 10
Right-of-Way Topo- Page 26, 28, & 30
Right-of-Way Boundary- Page 27, 29, & 31

6. The Plan Letter Attachment included with the Good Faith Offer attached to this Notice Of Intent To Acquire describes the interest in the real property that is to be acquired from you, the description and location of the real property to be acquired, and any improvements such as buildings or structures situated on the property to be acquired, if any.
7. You will be provided with a booklet entitled “When ODOT Needs Your Property”. This booklet briefly explains the acquisition process and your rights in this process.
8. You have the right to seek the advice of an attorney, real estate appraiser, or any other person of your choice in this matter.
9. If you do not accept this offer, and we cannot come to an agreement on the acquisition of 002-U, ODOT has the right to file suit to acquire 002-U by eminent domain in the county in which the property is located. This action, referred to as an “appropriation proceeding” ensures your rights will be fully protected while at the same time allowing the construction of the highway project to proceed for the benefit of all.
10. When filing the appropriation, the Director of Transportation will deposit the value of the property sought to be acquired with the court. At that time, ODOT gains the right to enter upon and use the property acquired subject to Section 163.06 (B) of the Ohio Revised Code. If you agree to accept the deposited money as full payment, the appropriation case will be closed.

11. If you are not satisfied with the amount of the deposit, you must file an answer with the court in the manner and within the time specified in the summons which is served upon you by the court. Once the answer is filed, you may apply to the court to withdraw the deposited money, subject to the rights of any other parties having an interest in the property. Withdrawing your share of the deposit does not interfere with your right to have a jury determine the FMV of your property. Interest will not accrue on any money deposited under this procedure. If the money withdrawn under this procedure should exceed the final award, the owner will be required to return the excess payment.
12. As part of your answer you may request a trial by jury. After a trial, a jury will decide the amount you are to be awarded for your property that is acquired, for the damage that is caused by the acquisition, if applicable, and for other damages permitted by law, which could either exceed or be less than our offer. At the trial you may testify and present evidence as to the value of your property.
13. If your property qualifies as an “Agricultural Use” as defined under ORC 163.21 (C)(2), and a jury awards you an amount that is more than 150% of ODOT’s final offer as determined by law, you may be entitled to recover attorney fees and other litigation costs.
14. You also have the right to request that the issue of the value of your property be submitted to nonbinding mediation. You **must** submit your written request for mediation to the court within ten business days after you file your answer. If a settlement is not reached at mediation, the matter will proceed to a jury valuation trial.
15. You have the right to object to ODOT’s decision to acquire your property by writing, within ten business days of receiving this notice, to:

Governor Mike DeWine
Care of: Ohio Department of Administrative Services
General Services Division
Real Estate Services
4200 Surface Road
Columbus, Ohio 43228-1395

And to:

Jack Marchbanks, Ph. D., Director
Ohio Department of Transportation
1980 West Broad Street
Mailstop 1000
Columbus, Ohio 43223

The Governor has the discretion to veto this project, and if he does, it will not proceed.

THE GOOD FAITH OFFER

The amount offered to you in good faith as just compensation for the acquisition of Parcel 002, U, of Project FAI-037-6.10 is:

Real Property To Be Acquired	\$5,300.00
Damages To Your Property Which Is Not Acquired	\$0.00
Temporary Construction Easement	\$0.00
Total Good Faith Offer	\$5,300.00

Tenant-owned improvements, if any, are to be identified in this Good Faith Offer, and if there are any such improvements, the amount offered to you does not include compensation for these improvements. None.

Your property may be encumbered with a mortgage lien as security for a loan. It is possible that ODOT may conclude this acquisition of property without obtaining a partial release of such mortgage lien from your lender. In that event, you as the borrower and grantor of the mortgage lien should consult your loan and mortgage documents concerning possible requirements to apply proceeds from a public acquisition to your outstanding loan balance or contact your lender about responsibilities and obligations when part of your property is acquired for public use.

While ODOT may not provide legal advice, we will make all efforts to answer questions you have concerning this process and provide any copies of the law or our records that you may need to fully understand your rights, the project, and the process. If you have any questions concerning this matter, you may contact us at:

Ohio Department of Transportation

District 05
9600 Jacksontown Rd., Jacksontown, Ohio 43030
740-323-5400

Brittany Bradford

Brittany Bradford- Realty Specialist 1
740-323-5423

**ACKNOWLEDGMENT OF RECEIPT
OF
NOTICE OF INTENT TO ACQUIRE AND GOOD FAITH OFFER**

Re: FAI-037-6.10
Parcel Number: 002
Interest Acquired: U

Each of the undersigned acknowledges that a copy of the foregoing Notice of Intent to Acquire and Good Faith Offer was delivered to the undersigned by ODOT. This Acknowledgment of Receipt of Notice of Intent to Acquire and Good Faith Offer does NOT indicate or imply in any way that the undersigned has waived or will waive any objections the undersigned might have, to ODOT's efforts to acquire the undersigned's property. Furthermore, the undersigned's signature on this Acknowledgment of Receipt of Notice of Intent to Acquire and Good Faith Offer does NOT indicate or imply in any way that the undersigned has accepted or will accept any of the terms, provision or conditions set out in this Good Faith Offer.

(Owner's signature)

(Date)

(Print owner's name)

(Owner's signature)

(Date)

(Print owner's name)