

Wooldridge, John

From: Stephen Johnson <stephen.johnson@ohioattorneygeneral.gov>
Sent: Thursday, April 22, 2021 1:34 PM
To: Wooldridge, John; Heim, Kimber
Cc: Cole, William; Makowski, Richard; Gilmore, Drew
Subject: RE: 110412 FAI 037 PCL 020 RE 220 B Contract Sale Purchase Real Property With Bldg

Approved.

Stephen H. Johnson
Unit Coordinator - Transportation
Executive Agencies Section
Office of Ohio Attorney General Dave Yost
Office number: 614-466-5932
Fax number: 866-514-0263
Stephen.Johnson@OhioAttorneyGeneral.gov

** Please note that, in adherence to best practices brought about in response to COVID-19, the Ohio Attorney General's Office moved to a "remote work" status effective March 18, 2020. All members of the office remain available remotely during normal business hours. Thank you for your patience*

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From: John.Wooldridge@dot.ohio.gov <John.Wooldridge@dot.ohio.gov>
Sent: Thursday, April 22, 2021 12:22 PM
To: Kimber.Heim@dot.ohio.gov; Stephen Johnson <stephen.johnson@ohioattorneygeneral.gov>
Cc: William Cole <william.cole@ohioattorneygeneral.gov>; Richard.Makowski@dot.ohio.gov;
drew.gilmore@dot.ohio.gov
Subject: RE: 110412 FAI 037 PCL 020 RE 220 B Contract Sale Purchase Real Property With Bldg

Thanks Steve and Kimber,

I made those changes.

Steve, is this good for Kimber to release to owner and have signed? If it is approved, Kimber will likely be able to get it signed and the parcel billed next week. Thanks for all your help with modifications to the contract form for this unique situation.

Please let me know if you have any questions, comments, or concerns. Thank you.

Respectfully,

John R. Wooldridge

Real Estate Administrator

ODOT District 5

9600 Jacksontown Road, Jacksontown, OH 43030

740.323.5427

transportation.ohio.gov



From: Heim, Kimber
Sent: Thursday, April 22, 2021 11:46 AM
To: Stephen Johnson <stephen.johnson@ohioattorneygeneral.gov>; Wooldridge, John <John.Wooldridge@dot.ohio.gov>
Cc: Cole, William <WILLIAM.COLE@OHIOATTORNEYGENERAL.GOV>; Makowski, Richard <Richard.Makowski@dot.ohio.gov>; Gilmore, Drew <drew.gilmore@dot.ohio.gov>
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Morning JR:

Can you please insert the language you propose below concerning Paragraph 2, and the Survival clause where you want it to go as well. I updated the 180 to 90 days.

Thanks for your assistance updating this document so we can move forward with closing this acquisition.

Kimber L. Heim

Realty Specialist Manager
ODOT – District 5
9600 Jacksontown Road
Jacksontown, OH 43030
Ph: 740-323-5422 (direct) Cell: 740-814-0708
FAX: 740-323-5125



From: Stephen Johnson <stephen.johnson@ohioattorneygeneral.gov>
Sent: Tuesday, April 20, 2021 9:28 AM
To: Wooldridge, John <John.Wooldridge@dot.ohio.gov>; Heim, Kimber <Kimber.Heim@dot.ohio.gov>
Cc: Cole, William <WILLIAM.COLE@OHIOATTORNEYGENERAL.GOV>; Makowski, Richard <Richard.Makowski@dot.ohio.gov>; Gilmore, Drew <drew.gilmore@dot.ohio.gov>
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Something like this:

Survival. The parties' rights and obligations under this Agreement will survive the closing and will continue to remain in effect until the expiration of the temporary easement term and any extensions thereof.

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From: John.Wooldridge@dot.ohio.gov <John.Wooldridge@dot.ohio.gov>
Sent: Tuesday, April 20, 2021 9:15 AM
To: Stephen Johnson <stephen.johnson@ohioattorneygeneral.gov>; Kimber.Heim@dot.ohio.gov
Cc: William Cole <william.cole@ohioattorneygeneral.gov>; Richard.Makowski@dot.ohio.gov;
drew.gilmore@dot.ohio.gov
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Thanks Steve,

Attached are the Exhibit and Legal Description. After discussing with the PM, I just requested that the T be modified to be for 24 months. We will take possession of building and therefore start the "T" duration prior to the construction and our plan is actually for the ODOT County forces to do the building Demolition "after" the construction is completed. Your concern about recourse against contractor is good advice; but I think ODOT will bear all the responsibility in this particular situation since we are providing the field office and will demo ourselves after the project.

Kimber is in the field today but will make the suggested changes tomorrow or Thursday. Do you have an example survivability clause that can be copied into the doc (if not, Kimber might be able to pull something from the internet)? Thank you for helping us with the reviews and approvals of this unusual parcel.

Please let me know if you have any questions, comments, or concerns. Thank you.

Respectfully,

[John R. Wooldridge](#)

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From: Stephen Johnson <stephen.johnson@ohioattorneygeneral.gov>
Sent: Tuesday, April 20, 2021 8:25 AM
To: Wooldridge, John <John.Wooldridge@dot.ohio.gov>; Heim, Kimber <Kimber.Heim@dot.ohio.gov>
Cc: Cole, William <WILLIAM.COLE@OHIOATTORNEYGENERAL.GOV>; Makowski, Richard <Richard.Makowski@dot.ohio.gov>; Gilmore, Drew <drew.gilmore@dot.ohio.gov>
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There absolutely should be a plan note on the use of the structure and leaving the utility and septic connections after the structure is removed, so ODOT will have recourse against the contractor if it fails to abide by those. But it should also be expressly stated in the body of the contract not in a separate exhibit. I like the idea of a survivability clause, since ODOT's rights and responsibilities extend beyond closing.

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From: John.Wooldridge@dot.ohio.gov <John.Wooldridge@dot.ohio.gov>
Sent: Tuesday, April 20, 2021 8:07 AM
To: Stephen Johnson <stephen.johnson@ohioattorneygeneral.gov>; Kimber.Heim@dot.ohio.gov
Cc: William Cole <william.cole@ohioattorneygeneral.gov>; Richard.Makowski@dot.ohio.gov;
drew.gilmore@dot.ohio.gov
Subject: RE: 110412 FAI 037 PCL 020 RE 220 B Contract Sale Purchase Real Property With Bldg

Thank you all for reviews and approvals,

We appreciate all the help. Probably more than one way to accomplish our goal here to use the building as a field office. Would it be good to add the details into Section 1 (e) for the plans to use the house as a field office, etc.? Also, I think Section 2 1st paragraph should be modified because we are having the SH & T document signed and recorded now, prior to all terms and obligation being completed. Section 11 needs updated to include seller vacating within 90 (not 180) days to meet our Utility relocation needs (180 was OK back in January) and maybe that is a good area to include purchaser use as a field office during the Temp.

Last, do we need to add a specific clause about the Contract surviving past the closing which will be completed prior to our use ending? We will actually pay owner the \$280K and record the SH and T long before the terms of use (the Temp use of building as a field office) is completed. We want to be certain that our interest and right of occupancy is protected after we complete the closing and distribute the funds. Kimber, Please also provide the T instrument as Luke Modified it in an effort to address some of these issues.

Thanks for your help.

Please let me know if you have any questions, comments, or concerns. Thank you.

Respectfully,

John R. Wooldridge
Real Estate Administrator
ODOT District 5

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From: Stephen Johnson <stephen.johnson@ohioattorneygeneral.gov>
Sent: Tuesday, April 20, 2021 7:21 AM
To: Heim, Kimber <Kimber.Heim@dot.ohio.gov>
Cc: Cole, William <WILLIAM.COLE@OHIOATTORNEYGENERAL.GOV>; Wooldridge, John <John.Wooldridge@dot.ohio.gov>; Makowski, Richard <Richard.Makowski@dot.ohio.gov>; Gilmore, Drew <drew.gilmore@dot.ohio.gov>
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The contract says nothing about the 18-month T period or about ODOT razing the structure at the end of the 18-months but preserving the utility hook-ups. Maybe those terms are spelled out in the legal description for the T but Exhibit A was not provided. Those things should be made clear in the contract so there is no misunderstanding later about what ODOT will and will not be obligated to do.

Since we know what interests are to be conveyed, Paragraph 2 should be reworded to specifically address the permanent and temporary easements and not just the general "if, then" language.

Paragraph 3 should be eliminated there is no LA.

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From: Kimber.Heim@dot.ohio.gov <Kimber.Heim@dot.ohio.gov>
Sent: Monday, April 19, 2021 6:18 PM
To: Richard.Makowski@dot.ohio.gov; drew.gilmore@dot.ohio.gov
Cc: Stephen Johnson <stephen.johnson@ohioattorneygeneral.gov>; William Cole <william.cole@ohioattorneygeneral.gov>; John.Wooldridge@dot.ohio.gov
Subject: 110412 FAI 037 PCL 020 RE 220 B Contract Sale Purchase Real Property With Bldg

Good morning Rick and Drew, Steve and Bill, and JR:

Attached is the contract I would like to use for the PCL 020 purchase of the house, SH and T, and field drive creation to the east side of the property for subject PID 110412. This is the property leadership decided to accept the property owner counter offer of \$280,000.00 for the structure, the acquisition SH and T. This contract allows the State to utilize the residence as a field office for the 18 months of project preparation and construction duration. Once the project is completed, the State will demolish the structure and return the land of the "T" to the Hutchison's leaving all the gas, electric, water and septic hook ups available on the property.

The Hutchison's are almost completely moved out of the structure at this time. I would like to have your review comments, additions and deletions by the end of the week. I attached the ROW plan sheet which addresses this contract acquisition details.

Thank you all for your time with the last piece of this acquisition.

Very best regards,
Kimber

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