

LPA  
Rev Oct 1, 2007

**COPY**

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

October 8, 2009

Gahanna-Jefferson Public Schools  
160 S. Hamilton Road  
Gahanna, Ohio 43230

Re: Fra. 317-18.11  
Parcel Number: 1  
Interest Acquired: WD, T1 & T2  
Site Address: 140 S. Hamilton Road, Gahanna, OH.

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TO: Gahanna-Jefferson Public Schools

The City of Gahanna needs your property for a highway project identified as Fra. 317-18.11 and will need to acquire the following from you:

Parcel 1-WD, is a warranty deed with reservation of access. This is defined as a fee simple acquisition with the residual property retaining reasonable access to the road.

Parcel 1-T1, a temporary easement to complete grading. The duration of the easement is twelve (12) months beginning with the date the highway contractor enters the property for construction purposes.

Parcel 1-T2, a temporary easement to construct a drive. As this temporary easement is not contiguous with parcel 1-T1, a separate easement is being sought. The duration of the easement is twelve (12) months beginning with the date the highway contractor enters the property for construction purposes.

Ohio law authorizes The City of Gahanna to obtain Parcels 1-WD, T1 & T2 from your property for the public purpose of a highway project. The legal description of your property that The City of Gahanna needs is attached to this Notice of Intent to Acquire and Good Faith Offer and is referenced as **Exhibit A**.

The Good Faith Offer included in this document is The City of Gahanna 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.

**EXHIBIT A**

You will have a minimum of 30 days from the time you receive this offer 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, The City of Gahanna is required to make a good faith effort to purchase Parcels 1-WD, T1 & T2.
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 The City of Gahanna establishing its fair market value estimate for your property needed for the project.
3. **You do not have to accept this offer** and The City of Gahanna 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 The City of Gahanna.
5. You are to be provided with pertinent parts of the highway plans which are:  
Property Map: Sheet 3. Summary of Additional Right of Way: Sheet 4.  
Detail Sheet: Sheets 6, 7, 12 & 13. Plan & Profile Sheets: 25 & 26  
(Hamilton Road); 30 (Havens Corners). Cross-Section Sheet: Sheets 31 &  
32 (Hamilton Road) ; 42 & 43 (Havens Corners). Typical Section Sheets:  
3 & 4.
6. The Plan Letter Attachment to this "Notice of Intent to Acquire and Good Faith Offer" 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. You have the right to object to The City of Gahanna decision to acquire your property by writing, within ten business days of receiving this notice, to:

Honorable Rebecca Stinchcomb, Mayor  
City of Gahanna  
200 S. Hamilton Road  
Gahanna, Ohio 43230

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

10. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcels 1-WD, T1 & T2, The City of Gahanna has the right to file suit to acquire Parcels 1-WD, T1 & T2 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.
11. When filing the appropriation, the City of Gahanna will deposit the value of the property sought to be acquired with the court. At that time, The City of Gahanna 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.
12. 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.
13. 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

14. 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 the City of Findlay's final offer as determined by law, you may be entitled to recover attorney fees and other litigation costs.
15. 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.

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**THE GOOD FAITH OFFER:**

The amount offered to you in good faith as just compensation for the acquisition of Parcel 1, WD, T1 & T2

Site Address: 140 S. Hamilton Road, Gahanna, OH., of Project Fra. 317-

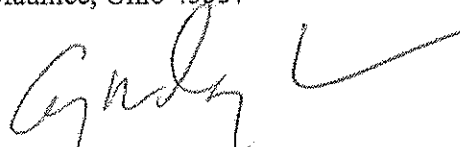
18.11 is:

Real Property To Be Acquired .....	\$29,605.00
Temporary Construction Easement .....	\$1,715.00
Total Good Faith Offer .....	\$31,320.00

Tenant-owned improvements, if any, are to be identified in this Notice of Intent to Acquire and Good Faith Offer, and if there are any such improvements, the amount offered to you does not include compensation for these improvements. Our review indicates that no tenant-owned improvements exist in the easement.

While The City of Gahanna 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:

The Mannik & Smith Group, Inc.  
1800 Indian Wood Circle  
Maumee, Ohio 43537

  
\_\_\_\_\_  
Greg R. Vriezelaar, Realty Specialist  
As agent for the City of Gahanna, Ohio

By signing below I acknowledge only that I have received the "Notice of Intent to Acquire and Good Faith Offer" and that my signature in no way implies that I have accepted the price offered or any other conditions.

  
(Owner's signature)

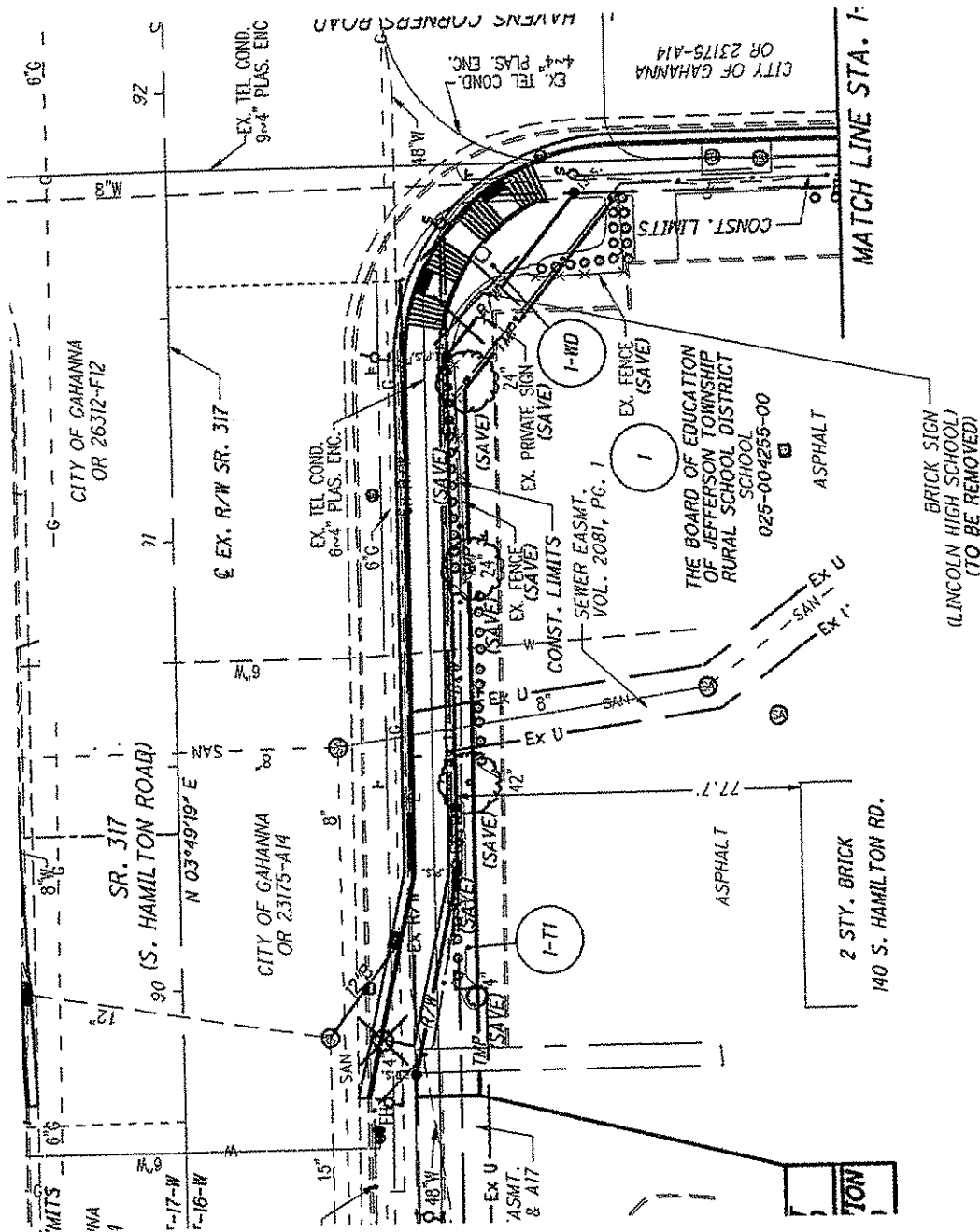
11/3/09  
(Date)

Dan Rotella  
(Print owner's name)

\_\_\_\_\_  
(Owner's signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print owner's name)



**EXHIBIT A**

**EXHIBIT A**

LPA RX 851  
Rev. 03/08

PID  
PARCEL  
CTY-RTE-SEC  
Version Date

Page 2 of 2  
80811  
1-WD  
FRA-317-18.11  
03/02/09

8. thence North 03 degrees 49 minutes 19 seconds East a distance of 176.99 feet, along said existing easterly right of way line of State Route 317 and said parcel 23WV, to the TRUE POINT OF BEGINNING.

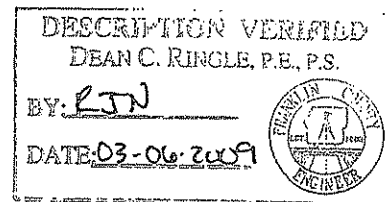
The above described area is contained within Franklin County Auditor's Permanent Parcel Number 025-004255-00 and contains a gross take of 0.0476 acres more or less.

This description was prepared by Jon D. Bruner, Professional Surveyor Number 7098 of The Mannik & Smith Group, on February 3, 2009.

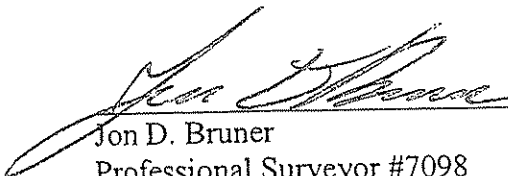
This description is based on a survey made in 2006 by the W. E. Stilson Consulting Group under the direction and supervision of John Jeffrey Raab, Professional Surveyor Number 7863.

Grantor claims title by Deed Record Volume 862, Page 73, Franklin County Recorders office.

The basis of bearings is North 03 degrees 48 minutes 37 seconds East used for Hamilton Road north of Granville Street and was provided by the Franklin County Engineer's Survey Department. The bearings are based on the Ohio State Plane Coordinate System, South Zone, and North American datum of 1983 (1986 Adjustment) as established from a GPS survey performed by the Franklin County Engineer's Survey Department in 1995, occupying monuments FCGS 8815 and FCGS 5019. Iron pins referred to as "set" are 3/4 inch diameter, 30 inch long iron pipes with a yellow plastic cap stamped "W. E. Stilson".



O-039-A  
SPLIT  
0.0476 AC  
OUT OF  
(025)  
004255

  
Jon D. Bruner  
Professional Surveyor #7098  
The Mannik and Smith Group, Inc.  
1800 Indian Wood Circle  
Maumee, Ohio 43537

3-2-09  
Date



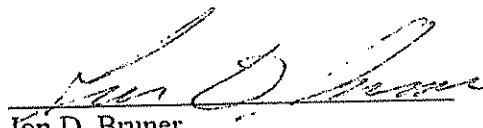
EXHIBIT A

This description was prepared by Jon D. Bruner, Professional Surveyor Number 7098 of The Mannik & Smith Group, on September 17, 2008.

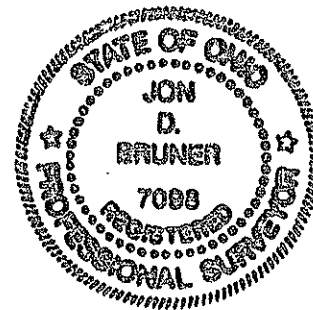
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Jon D. Bruner  
Professional Surveyor #7098  
The Mannik and Smith Group, Inc.  
1800 Indian Wood Circle  
Maumee, Ohio 43537

9-28-08  
Date



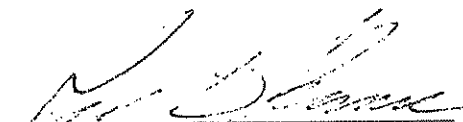


LPA RX 887  
Rev. 03/08

EXHIBIT A

PID  
PARCEL  
CTY-RTE-SEC  
Version Date

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80811  
1-T2  
FRA-317-18.11  
04/27/09



Jon D. Bruner  
Professional Surveyor #7098  
The Mannik and Smith Group, Inc.  
1800 Indian Wood Circle  
Maumee, Ohio 43537

4-28-09  
Date

