

COPY

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Rev Oct 1, 2007

**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: 5
Interest Acquired: WD, T1 & T2
Site Address: 83 N. Hamilton Road, Gahanna, OH.

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 5-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 5-T1, a temporary easement to construct a drive and 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 5-T2, a temporary easement to complete grading. As this temporary easement is not contiguous with parcel 5-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 5-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 5-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 8 through 11. Plan & Profile Sheets: 26 & 27
(Hamilton Road); 28 (Granville Street). Cross-Section Sheet: Sheets 34
through 36 (Hamilton Road) ; 37 & 38 (Granville Street). Typical
Sections: 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 5-WD, T1 & T2, The City of Gahanna has the right to file suit to acquire Parcels 5-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.

THE GOOD FAITH OFFER:

The amount offered to you in good faith as just compensation for the acquisition of Parcel 5, WD, T1 & T2

Site Address: 83 N. Hamilton Road, Gahanna, OH., of Project Fra. 317-

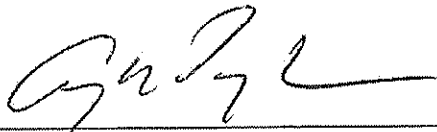
18.11 is:

| | |
|--|-------------|
| Real Property To Be Acquired | \$21,060.00 |
| Temporary Construction Easements | \$4,755.00 |
| Total Good Faith Offer | \$25,815.00 |

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.

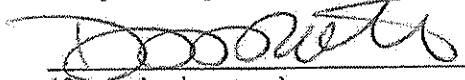
While The City of Gahanna may not provide legal advice, we will make all efforts to answer questions you have concerning this process and provide any copies of the law or our records that you may need to fully understand your rights, the project, and the process. If you have any questions concerning 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)

END WORK
STA. 98+00.00



EXHIBIT A

LPA RX 851
Rev. 03/08

PID
PARCEL
CTY-RTE-SEC
Version Date

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80811
5-WD
FRA-317-18.11
03/10/09

**PARCEL 5-WD
FRA-317-18.11
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO**

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 Franklin, City of Gahanna, being in the southeast quarter of Quarter Township 1, Township 1 North, Range 17 West, United States Military Lands, being a part of a 6.8839 acre parcel conveyed to the Board of Education of the Gahanna-Jefferson City School District by Instrument 200809170140193, Franklin County Records office, and also being on the left side of the centerline of right of way of North Hamilton Road as shown on a centerline survey plat made in 2008, for the City of Gahanna titled "FRA-317-18.11" and bounded and described as follows:

Commencing at an aluminum disk in a monument box found (FCGS 5019) at the southeast corner of said Quarter Township 1, also being the intersection of the centerline of right of ways of Hamilton Road and Granville Street, being Hamilton Road Station 92+20.72 and Granville Street Station 10+09.40;

1. thence North 03 degrees 48 minutes 37 seconds East a distance of 200.08 feet, along the centerline of right of way of said North Hamilton Street to a point on the southerly property line of the Grantor extended easterly, being centerline of right of way of North Hamilton Road Station 94+20.80;
2. thence North 86 degrees 45 minutes 14 seconds West a distance of 50.00 feet, along said extension of the southerly property line of the Grantor, being the southerly line of right of way Parcel 47WV-1 acquired by the City of Gahanna by Official Record 25167I02 and the northerly line of right of way parcel 46WV acquired by the City of Gahanna by Official Record 26619D08, Franklin County Records office, to the southeast property corner of the Grantor on the existing westerly right of way line of said North Hamilton Road, said point being the TRUE POINT OF BEGINNING and being 50.00 feet left of Station 94+20.31;
3. thence North 86 degrees 45 minutes 14 seconds West a distance of 15.00 feet, along said southerly property line of the Grantor, also being the northerly line of a right of way Parcel acquired by the City of Gahanna by Instrument 2004081000186888, Franklin County Records office, to a ¾ inch diameter capped iron pin set 65.00 feet left of Station 94+20.16';
4. thence North 03 degrees 48 minutes 37 seconds East a distance of 129.84 feet to a ¾ inch diameter capped iron pin set 65.00 feet left of Station 95+50.00;
5. thence North 15 degrees 54 minutes 18 seconds East a distance of 71.59 feet to a ¾ inch diameter capped iron pin set on the existing westerly right of way line of said North Hamilton Road 50.00 feet left of Station 96+20.00;

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04/27/09

**PARCEL 5-T1
FRA-317-18.11
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
CONSTRUCT A DRIVE
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Gahanna, being in the southeast quarter of Quarter Township 1, Township 1 North, Range 17 West, United States Military Lands, being a part of a 6.8839 acre parcel conveyed to the Board of Education of the Gahanna-Jefferson City School District by Instrument 200809170140193, Franklin County Records office, and also being on the left side of the centerline of right of way of North Hamilton Road as shown on a centerline survey plat made in 2008, for the City of Gahanna titled "FRA-317-18.11" and bounded and described as follows:

BEGINNING at a ¾ inch diameter capped iron pin set on the westerly right of way line of said North Hamilton Road at its intersection with a southerly property line of the Grantor 65.00 feet left of North Hamilton Road Station 94+20.16;

1. thence North 86 degrees 45 minutes 14 seconds West a distance of 15.00 feet, along said southerly property line of the Grantor to a point 80.00 feet left of Station 94+20.01;
2. thence North 03 degrees 48 minutes 37 seconds East a distance of 269.99 feet to a point 80.00 feet left of Station 96+90.00;
3. thence North 48 degrees 48 minutes 37 seconds East a distance of 42.43 feet to a point on the existing westerly right of way line of said North Hamilton Road 50.00 feet left of Station 97+20.00;
4. thence South 03 degrees 48 minutes 37 seconds West a distance of 100.00 feet, along said existing westerly right of way line of North Hamilton Road to a ¾ inch diameter capped iron pin set 50.00 feet left of Station 96+20.00;
5. thence South 15 degrees 54 minutes 18 seconds West a distance of 71.59 feet, along the westerly right of way line of said North Hamilton Road acquired as parcel 5-WD of said right of way plan FRA-317-18.11 to a ¾ inch diameter capped iron pin set 65.00 feet left of Station 95+50.00;
6. thence South 03 degrees 48 minutes 37 seconds West a distance of 129.84 feet, continuing along said westerly right of way line of North Hamilton Road to the TRUE POINT OF BEGINNING.

The above described area is contained within Franklin County Auditor's Permanent Parcel Number 025-003879-00 and contains a gross take of 0.1394 acres more or less.

This description was prepared by Jon D. Bruner, Professional Surveyor Number 7098 of The Mannik & Smith Group, on February 10, 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.

EXHIBIT A

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PARCEL
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FRA-317-18.11
04/27/09

**PARCEL 5-T2
FRA-317-18.11
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
COMPLETE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Gahanna, being in the southeast quarter of Quarter Township 1, Township 1 North, Range 17 West, United States Military Lands, being a part of a 6.8839 acre parcel conveyed to the Board of Education of the Gahanna-Jefferson City School District by Instrument 200809170140193, Franklin County Records office, and also being on the right side of the centerline of right of way of State Route 317 (Granville Street) as shown on a centerline survey plat made in 2008, for the City of Gahanna titled "FRA-317-18.11" and bounded and described as follows:

BEGINNING at a southeasterly property corner of the Grantor on the existing northerly right of way line of said State Route 317 (Granville Street) 45.00 feet right of Granville Street Station 12+16.84;

1. thence North 86 degrees 54 minutes 57 seconds West a distance of 53.16 feet, along said existing northerly right of way line of State Route 317 to a point 45.00 feet right of Station 12+70.00;
2. thence North 03 degrees 05 minutes 03 seconds East a distance of 5.00 feet to a point 50.00 feet right of Station 12+70.00;
3. thence South 86 degrees 54 minutes 57 seconds East a distance of 53.16 feet to a point on a easterly property line of the Grantor 50.00 feet right of Station 12+16.84;
4. thence South 03 degrees 05 minutes 03 seconds West a distance of 5.00 feet, along said easterly property line of the Grantor to the TRUE POINT OF BEGINNING.

The above described area is contained within Franklin County Auditor's Permanent Parcel Number 025-003879-00 and contains a gross take of 0.0061 acres more or less.

This description was prepared by Jon D. Bruner, Professional Surveyor Number 7098 of The Mannik & Smith Group, on November 19, 2008.

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 Instrument 200809170140193, Franklin County Records 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.