



🏠 Location: 1 Benjamin Franklin Way
📅 Date: Thursday, February 17, 2022
🕒 Time: 4:30 PM

CITY COUNCIL EMERGENCY MEETING AGENDA

1. Call to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. New Business
 - A. **ORDINANCE 2022-09** APPROPRIATING CERTAIN INTERESTS IN REAL PROPERTY FOR THE PUBLIC PURPOSE OF CONSTRUCTING A SHARED USE PATH, WHICH SHALL BE OPEN TO THE PUBLIC FREE-OF-CHARGE, AND DECLARING AN EMERGENCY (Law Director)
 - a. Exhibit A: Complaint for Appropriation of Real Property
5. Adjournment.

Legislative Cover Memo

Public Hearing: February 17, 2022

Effective Date: February 17, 2022

Agenda Item: **Ordinance 2022-09**
APPROPRIATING CERTAIN INTERESTS IN REAL PROPERTY FOR THE PUBLIC PURPOSE OF CONSTRUCTING A SHARED USE PATH, WHICH SHALL BE OPEN TO THE PUBLIC FREE-OF-CHARGE, AND DECLARING AN EMERGENCY

Submitted by: Law Director

Scope/Description: The City of Franklin is working in cooperation with the Ohio Department of Transportation to construct a public shared use path, commonly referred to as the Clear Creek Bikepath Connector. The path will provide a safe link for pedestrians and bicyclists to travel between the City of Franklin Community Park and the City of Springboro's Hazelwood Park, and will ultimately connect to the Great Miami Trail. The City is required to acquire certain private property interests from City residents in order to complete the project. With the help of Dunrobin Associates, LLC, the City has negotiated fair compensation with involved property owners for the City's appropriation of most of the property required for the project. The City has not heard back from 1 property owner, however, in response to the City's offer to purchase permanent and temporary easements across 1 parcel located at 840 Fourth Street. In order to meet ODOT deadlines related to the project, the City needs to initiate legal proceedings to gain immediate possession of the easement interests. The parties will then have additional time to negotiate fair compensation for the appropriated property interests.

Exhibits: Exhibit A: Complaint for Appropriation of Real Property

Vote Required for Passage: Per Section 4.05 of the City's Charter, passage of this emergency Ordinance requires the affirmative vote of at least five members of Council.

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
ORDINANCE 2022-09

**APPROPRIATING CERTAIN INTERESTS IN REAL PROPERTY FOR THE PUBLIC PURPOSE OF CONSTRUCTING
A SHARED USE PATH, WHICH SHALL BE OPEN TO THE PUBLIC FREE-OF-CHARGE,
AND DECLARING AN EMERGENCY**

WHEREAS, the City is working in cooperation with the Ohio Department of Transportation (“ODOT”) to construct a public shared use path, which will be open to use by pedestrians and bicyclists free-of-charge, commonly referred to as the Clear Creek Bikepath Connector (the “Project”);

WHEREAS, the City is required to appropriate certain interests in real property within the City in order to complete the Project within the pre-determined Project deadlines;

WHEREAS, the Project requires the City to obtain the certain easement interests in real property with an address of 840 Fourth Street, Franklin, Ohio 45005, and designated Warren County Auditor’s Parcel No. 04254010030 (the “Property”);

WHEREAS, the easements, more particularly described in the attached “Exhibit A”, consist of: (i) a 2.1186-acre perpetual Standard Highway Easement, identified in Exhibit A as “Parcel 6-SH” and (ii) a 0.0743-acre Temporary Construction Easement, identified in Exhibit A as “Parcel 6-T” (collectively, the “Easements”);

WHEREAS, the City of Franklin is empowered by the Ohio Constitution, Ohio Revised Code Chapters 719 and 163, and the City Charter to appropriate real property for any lawful public purpose;

WHEREAS, the City has attempted to negotiate with the owners of the Property as to fair compensation for the City’s appropriation of the Easements, in accordance with Ohio law, but has been unable to come to a formal agreement on such compensation; and

WHEREAS, in order to meet certain Project deadlines, the City deems it necessary to initiate legal proceedings for the City’s appropriation of the Easements in exchange for fair compensation to the involved property owners

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. This Ordinance is hereby declared to be an emergency measure, necessary to promote the public health, safety, convenience, comfort, prosperity and general welfare of the Franklin community, to allow the City to appropriate the Easements for the appraised value of \$26,575 in order to timely complete the Project.

Section 2. Council hereby authorizes and directs the City Law Director to file a petition for the City of Franklin’s appropriation of the Easements, in substantially the same form as the attached Exhibit A, in the Warren County Common Pleas Court.

Section 3. Council hereby authorizes and directs the City Law Director and City Finance Director to cause the total appraised value of \$26,575 to be taken from an appropriate City fund and

deposited with the Warren County Common Pleas Court (or Clerk of Courts), to allow the City to immediately enter onto and take possession of the Easements at the time of filing the petition.

Section 4. Council further authorizes and directs the City Law Director, City Manager, City Finance Director, and all other appropriate officers of the City to take any other actions as are appropriate and necessary to implement this Ordinance; which may include, but not be limited to negotiating with the owners of the Property reasonable and fair compensation for the City's appropriation of the Easements.

Section 5. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action occurred in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 6. This Emergency Ordinance shall go into effect immediately upon its adoption.

ADOPTED: February 17, 2022

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2022-09 passed by that body on February 17, 2022.

Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Law Director

2. Upon information and belief, Defendant Terry C. Easton is the owner of a 1/4 fee simple interest in certain real property located at 840 Fourth Street, Franklin, Ohio 45005 and designated Warren County Auditor's Parcel Number 04254010030 (the "Property"), which is the subject of this action.

3. Upon information and belief, Defendant James Kevin Swallow is the owner of a 1/8 fee simple interest in the Property.

4. Upon information and belief, Defendant Carrie Kendall is the owner of a 1/8 fee simple interest in the Property.

5. Upon information and belief, Defendant Anne Stanton Easton Hansen is the owner of a 1/4 fee simple interest in the Property.

6. Upon information and belief, Defendant Charles A. Easton is the owner of a 1/4 fee simple interest in the Property.

7. Defendants Terry C. Easton, James Kevin Swallow, Carrie Kendall, Anne Stanton Easton Hansen, and Charles A. Easton are collectively referred to herein as "Defendants".

8. Upon information and belief, Defendants are all those individuals who have, or who may claim to have, any estate, title or interest in the easement interests the City seeks to appropriate with respect to the Property through this action.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this matter pursuant to Ohio Revised Code 2305.01.

10. Venue is proper in this Court pursuant to Rule 3 of the Ohio Rules of Civil Procedure.

FACTS COMMON TO ALL COUNTS

11. The City is empowered by the Ohio Constitution, Ohio Revised Code Chapters 719 and 163, and the City of Franklin Charter to appropriate real property for any lawful public purpose.

12. Pursuant to such power, the City has appropriated various interests in real estate located within the City's corporate boundaries for the purpose of constructing a shared use public path (the "Project").

13. The City requires certain easement interests in the Property for the Project (the "Easements").

14. The City caused an independent appraisal of the Easements to be performed, valuing the Easements at approximately \$26,575.00 (the "Appraisal"). A true and accurate copy of the Appraisal is attached hereto as "Exhibit A" to the Complaint.

15. In accordance with R.C. 163.04 and 163.041, the City caused a Notice of Intent to Acquire the Easements (the "Acquisition Notice") to be sent to Defendants on or about January 10, 2022, informing them the City requires the Easements for the Project.

16. Together with the Acquisition Notice, the City provided Defendants with a written good faith offer to purchase the Easements at their appraised value of \$26,575.00 (the "Offer"). True and accurate copies of the Acquisition Notice and the Offer mailed to each Defendant are attached hereto as "Exhibit B" to the Complaint.

17. Together with the Acquisition Notice and the Offer, the City provided Defendants with a copy of the Appraisal, in accordance with R.C. 163.04.

18. Certified mailing receipts and/or other mail tracking documentation is enclosed with each Acquisition Notice and Offer in Exhibit B, demonstrating each Defendant received the same on or about January 11-12, 2022.

19. Following their receipt of the Acquisition Notice and Offer, Defendants James Kevin Swallow, Carrie Kendall, Anne Stanton Easton Hansen, and Charles A. Easton formally accepted the City's Offer to acquire the Easements.

20. Defendant Terry C. Easton, however, did not respond to the Acquisition Notice or Offer. To date, Defendant has been unresponsive and, presumably, unwilling to negotiate with the City over appropriate compensation for the City's appropriation of the Easements.

21. The City Council of the City of Franklin ("Council") adopted Emergency Ordinance No. ____ on February 17, 2022, declaring the emergent necessity that the City acquire the Easements for the Project in order to meet certain Project deadlines set by the Ohio Department of Transportation. A true and accurate copy of the Ordinance is attached hereto as "Exhibit C" to the Complaint.

22. Due to the City's inability to negotiate appropriate compensation for the Easements with Defendant Terry C. Easton, the City now seeks to appropriate the Easements within the Warren County Common Pleas Court for the public purpose of constructing the shared use path Project.

23. The Easements the City requires are more particularly described in the Acquisition Notice and Offer attached as Exhibit B to the Complaint.

24. The Easements consist of: (i) a perpetual Standard Highway Easement across the Property, identified and described in Exhibit B as "Parcel 6-SH"; and (ii) a Temporary Construction Easement across the Property, identified and described in Exhibit B as "Parcel 6-T".

25. In accordance with R.C. 163.06, the City has deposited the total \$26,575.00 appraised value of the Easements with the Court, and intends to take immediate possession of the Easements, upon filing this Complaint.

WHEREFORE, Plaintiff City of Franklin, Ohio prays as follows:

- a. That this Court finds and declares that the City has complied with all necessary legal requirements to appropriate the Easements;
- b. For the City's possession and appropriation of the Easements, as set forth in this Complaint, and the conveyance of title to the Easements to the City; and
- c. For all other further relief as the Court may deem necessary and proper in its discretion.

Respectfully submitted,

/s/ Benjamin J. Yoder

Benjamin J. Yoder (0082664)

Carly M. Sherman (0096992)

BRICKER & ECKLER LLP

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Lebanon, Ohio 45036

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csherman@bricker.com

Attorneys for Plaintiff

City of Franklin, Ohio

JURY DEMAND

Plaintiff City of Franklin, Ohio hereby demands a trial by jury by the maximum number of jurors allowed as to all issues triable herein.

/s/ Benjamin J. Yoder

Benjamin J. Yoder (0082664)

INSTRUCTIONS FOR THE CLERK

Please issue summons together with a copy of the foregoing Complaint for Appropriation of Real Property to the above-named Defendants by certified mail, return receipt suggested.


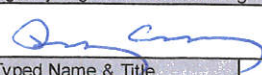
/s/ Benjamin J. Yoder
Benjamin J. Yoder (0082664)

EXHIBIT A

RE-22
REV.03-2015
OWNER'S NAMEACQUIRING AGENCY'S
FAIR MARKET VALUE ESTIMATE**James Kevin Swallow, Carrie Kendall, Anne
Stanton Easton Hansen, Terry C. Easton and
Charles Arthur Easton**COUNTY
ROUTE
SECTION
PARCEL NO.
PROJECT I.D. NO.WAR
N/A
Clearcreek - Trail
6
106223

PAR NO.	ITEMS INCLUDED IN THIS ESTIMATE				ORIGINAL	REVISION	REVISION	REVISION
6-SH	2.1186 Acres Greenspace Land @ \$12,500 per acre x 100% - \$1				\$ 26,482			
LAND								
FENCE								
TREES	NO.	KIND	AVG. SIZE					
OTHER								
BLDG								
DAMAGES	6-T	0.0743 Acres Greenspace Land @ \$12,500 per acre x 10% x 1 year			\$ 93			
EL	TOTAL FAIR MARKET VALUE FOR REQUIRED R/W				\$ 26,575	\$0.00	\$0.00	\$0.00
	OFFER FOR REQUIRED R/W AND EXCESS LAND							
	ADDED COST TO ACQUIRE EXCESS LAND							
	VALUE AREA Ac.							

The allocation of compensation recommended above is based upon an approved appraisal report

Trainee's Recommendation		Date	Recommended	Date
				12/23/2021
Review Appraiser Typed Name		Review Appraiser Typed Name Beth A. Riggs R/W-AC		
Recommended		Date	Recommended	Date
2nd Review Appraiser		Appraisal Unit Manager		
Agency Signature Establishing FMVE		Date	Administrative Settlement/Case Settlement Date	
		1/3/22		
Typed Name & Title		Typed Name & Title		
Barry Conway, P.E., City Engineer,				
Agency Name		Agency Name		
City of Franklin, Ohio				

RE 25-17
Revised 01/2014

RIGHT OF WAY APPRAISAL REPORT

**IDENTIFICATION OF
SUBJECT PROPERTY:**

South side of Fourth Street
Franklin, Warren County, Ohio

**IDENTIFICATION OF
PROJECT/PARCEL:**

WAR-CLEAR-CREEK
Parcel 6 – James Kevin Swallow, Carrie Kendall, Anne Stanton Easton
Hansen, Terry C. Easton and Charles Arthur Easton
PID: 106223
SJN: N/A
FPN: E171401

PREPARED FOR:

L. Beth Sutherland, Managing Member
DunRobin Associates, LLC
10132 Kenwood Road
Cincinnati, Ohio 45242

PREPARED BY:

Beck Consulting, Inc.
Town Hall on the Green—4B
5380 Pleasant Avenue
Fairfield, Ohio 45014
513.942.5000
FAX 513.942.9602

DATE OF VALUE:

November 18, 2021

Summary Sheet

Estimates of Value and Determination of Total Damages, If Uncured										
N/A	<input type="checkbox"/>	Value Before	-	Value of Residue (Uncured)	=	Difference	-	Part Taken	=	Total Damages, If Uncured
		\$385,917	-	\$359,435	=	\$26,482	-	\$26,482	=	\$0

Compensation Based Upon a Limited-Scope Appraisal													
N/A	<input checked="" type="checkbox"/>	Value Before	*Note: Value stated may not include all structures				Part Taken	+	Net Cost-to-Cure	+	Temporary Easements	=	Compensation

The Cost-to-Cure Analysis									
Feasibility of the Cost-to-Cure									
	if Cost-to-Cure	<	Total Damages, If Uncured then Cost-to-Cure is				Feasible		
	if Cost-to-Cure	>	Total Damages, If Uncured then Cost-to-Cure is				Not Feasible		
		>							

Damages Remaining After the Residue is Cured										
N/A	<input checked="" type="checkbox"/>	Value of Residue (Cured)	-	Value of Residue (Uncured)	=	Value of the Cure				
			-		=					
		Total Damages, If Uncured	-	Value of the Cure	=	Remaining Damages (uncured)				
			-		=					

Net Cost-to-Cure										
		Cost-to-Cure	-	Items Cured, But Paid For in the Part Taken	=	Net Cost-to-Cure				
			-		=					

Allocation of Compensation to the Part Taken						
	Parcel No.	Area (Acres)	Description	Amount		
Land	6-SH	2.1186	Greenspace Land @ \$12500 per acre x 100% - \$1	\$ 26,482		
Total Allocation to Land Taken				\$ 26,482		
Site Improvements						
Total Allocation to Site Improvements Taken				\$ -		
Structures						
Total Allocation to Structures Taken				\$ -		
Total Allocation to Part Taken					\$ 26,482	

Allocation of Compensation to Damages						
Damages	Cost-to-Cure/Net Cost-to-Cure					
	Parcel No.	Area	Description			Amount
	Total Allocation to Cost-to-Cure			\$	-	
	Uncured Damages					
	Parcel No.	Area	Description			Amount
Total Allocation to Uncured Damages			\$	-		
Total Allocation to Damages				\$ -		

Allocation of Compensation to Temporary Easements				
Temporaries	Parcel No.	Area (acres)	Description	Amount
	6-T	0.0743	Greenspace Land @ \$12500 per acre x 10% x 1 year	\$ 93
	Total Allocation to Temporary Damages			\$ 93

Estimate of Total Compensation					
	Total Allocation to the Part Taken		\$	26,482	
	Damages				
	Total Allocation To Cost-to-Cure	\$	-		
	Total Allocation To Uncured Damages	\$	-		
	Total Damages		\$		-
	Total Allocation to Temporary Easements		\$		93
Total Compensation				\$	26,575

RE 25-6
Rev. 03-2

CERTIFICATE OF APPRAISER

COUNTY Warren

ROUTE CLEAR-CREEK

SECTION N/A

PARCEL # 6

PID # 106223

FEDERAL PROJECT # E171401

I hereby certify:

That on November 18, 2021, I personally made a field inspection of the property herein appraised, and that I have afforded Terry Easton, (937-746-8534), one of the property owners, the opportunity to accompany me at the time of inspection. Mr. Easton accompanied the appraiser

I have also personally made a field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were as represented by the photographs contained in said appraisal.

That to the best of my knowledge and belief, the statements contained in the appraisal herein above set forth are true, and the information upon which the opinions expressed herein are based is correct. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conclusions, and are my personal, impartial, and unbiased professional analysis, opinions, and conclusions. I am in agreement with all statements provided in this report.

That I understand that such appraisal may be used in connection with the acquisition of right-of-way for a shared use path project to be constructed by the city of Franklin with the assistance of Federal-aid highway funds or other Federal Funds.

That such appraisal has been made in conformity with the appropriate State laws, regulations, and policies and procedures applicable to appraisal of right-of-way for such purposes; and that to the best of my knowledge, no portion of the value assigned to such property consists of items which are non-compensable under the established law of the State of Ohio.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

That I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised, and no personal interest with respect to the parties involved.

That I, in determining the compensation for the property, have disregarded any decrease or increase in the fair market value of the real property that occurred prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner.

That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the city of Franklin, Dunrobin Associates, the Ohio Department of Transportation, or officials of the Federal Highway Administration, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, as well as Federal regulation 49 CFR Part 24 and Ohio Administrative Code 5501:2-5-06.

Class of Certification/Licensure ☒ Certified General ☐ Certified Residential ☐ Licensed Residential ☐ Registered Assistant
☐ Temporary Certification or License

Certification License Number

000379339

This report ☒ is within the scope of my Certification or License
☐ is not within the scope of my Certification or License.

I disclose that:

- ☐ I am an employee of the Ohio Department of Transportation (or Agency) and I am approved to perform appraisal services.
- ☒ I am a consultant approved by the ODOT – Office of Consultant Services to perform appraisal services for ODOT projects and Federally funded projects.
- ☒ I have not provided any services regarding the subject property within the three-year period immediately preceding acceptance of the assignment, as an appraiser or in any other capacity. If this box is not checked, then the appraiser must provide an explanation and clearly and conspicuously disclose whatever services have been provided for this property in the past three years.
- ☒ Assistance in this appraisal was provided by Todd M. Schmutte, MAI. Mr. Schmutte provided assistance with the entire report.

That my opinion of the fair market value of the property being acquired, including temporaries, as of November 18, 2021 is \$26,575 based upon my independent appraisal and the exercise of my professional judgment.

December 22, 2021
Date Signed

Signature

John S. York

Typed Name

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5. PART 1 INTRODUCTION

6. EXECUTIVE SUMMARY

Location: The subject property is located on the south side of Fourth Street, along the east side of I-75, in Franklin, Warren County, Ohio.

Property Type: The subject property is a vacant residential zoned site.

Land Areas

Area of Larger Parcel: The larger parcel contains a total of 40.6647 acres, including 9.7914 acres within the right-of-way, leaving a net land area of 30.8733 acres.

Part Acquired:

Parcel No.	Area	Rights Acquired
6-SH	2.1186 acres (0.000 acres of PRO)	Standard Highway Easement
6-T	0.0743 acres	Temporary Construction Easement

Larger Parcel Before the Take: The larger parcel in the before situation contains a total of 40.6647 acres of gross land, with 9.7914 acres located within the right-of-way, leaving a net land area of 30.8733 acres. The larger parcel has unity of ownership, unity of use, and is contiguous, and would be purchased by one buyer for a single use. The subject property does not have frontage along Fourth Street and does not have legal access.

Residue Property: In the after situation, the subject property will contain a total of 40.6647 acres of gross and 28.7547 acres of net land. The site will be bisected by a standard highway easement containing 2.1186 acres. The right residue of the property on the east side of the new bike bath will contain 8.8856 net acres, while the left residue on the west side of the new bike path will contain 19.8691 acres. There will continue to be 9.7914 acres within the right-of-way. Neither residue property has frontage along Fourth Street and neither has legal access.

Estimated Compensation: \$26,575

Identification of Plans Valuation Was Based On: Plans provided by the city of Franklin with a most recent print date of October 12, 2021, were utilized.

7. SPECIAL ASSUMPTIONS OR CONDITIONS

Extraordinary Assumptions

- *None*

Hypothetical Condition:

- *It is a hypothetical condition of this appraisal that any decrease or increase in the fair market value of the subject property that occurred prior to the date of valuation, caused by the public improvement project for which the subject property is to be acquired, has been disregarded. ORC 163.59(D) and 49 CFR 24.103(b) compel the appraiser to disregard the proposed public improvement that is the reason for this project. USPAP SR 1-4f requires the appraiser to consider the impact of any proposed public improvements. Therefore, value enhancements or value declines due to speculation about this project or condemnation blight have been disregarded. The use of this condition might have an effect on the assignment results.*

8. GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal has been made with the following general assumptions:

1. The report is considered valid only for whom it was prepared and for the stated purpose and function.
2. That the term market value, as herein used, is defined in this appraisal report.
3. That the date of value to which the opinions expressed in this report applies is set forth on the cover sheet of this report. The appraiser assumes no responsibility for economic or physical factors occurring at some later date that may affect the opinions herein stated.
4. That no opinion is intended to be expressed for legal matters or that would require specialized investigator knowledge beyond that ordinarily employed by real estate appraisers, although such matters may be discussed in the report.
5. That no opinion as to title is rendered. Data on ownership and the legal description were obtained from sources generally considered reliable. Title is assumed to be marketable and free and clear of all liens and encumbrances, easements, and restrictions except those specifically discussed in the report. The property is appraised assuming it to be under responsible ownership and competent management and available for its highest and best use.
6. That no engineering survey has been made by the appraiser. Except as specifically stated, data relative to size and area were taken from sources considered reliable, and no encroachment of real property improvements is assumed to exist.
7. That maps, plats, and exhibits included herein are for illustration only, as an aid in visualizing matters discussed within the report. They should not be considered as surveys or relied upon for any other purpose.
8. That no opinion is expressed as to the value of subsurface oil, gas, or mineral rights, and that the property is not subject to surface entry for the exploration or removal of such materials except as is expressly stated.
9. That the projections included in this report are utilized to assist in the valuation process and are based on current market conditions, anticipated short term supply and demand factors, and a continued stable economy. Therefore, the projections are subject to changes in future conditions that cannot be accurately predicted by the appraiser and could affect the future income or value projections.
10. That testimony or attendance in court or at any other hearing is not required by reason of rendering this appraisal unless such arrangements are made a reasonable time in advance.
11. Information contained in this report is assumed to be correct but is not guaranteed.

12. Possession of this report or any copy thereof does not carry with it the right of publication. Disclosure of the contents of this report is governed by the Bylaws and Regulation of the Appraisal Institute. Neither all nor any part of the contents of this Report (especially any conclusions as to value, the identity of the Appraiser or the firm with which the appraiser is connected, or any reference to the Appraisal Institute) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication, without the prior written consent and approval of the author.
13. That no detailed soil studies covering the subject property were available to the appraiser. Therefore, premises as to soil qualities employed in this report are not conclusive but have been considered consistent with information available to the appraiser.
14. That the appraiser has personally inspected the subject property and finds no obvious evidence of structural deficiencies except as stated in this report; however, no responsibility for hidden defects or conformity to specific governmental requirements, such as fire, building and safety, earthquake, or occupancy codes, can be assumed without provision of specific professional or governmental inspections.
15. That no consideration has been given in this appraisal to personal property located on the premises, or to the cost of moving or relocating such personal property; only the real property has been considered.
16. That the appraiser is not qualified to detect the existence of potentially hazardous material which may or may not be present on or near the property, such as the presence of formaldehyde foam insulation, existence of toxic waste, or the existence of asbestos insulation. The existence of such substances may have an effect on the value of the property. No consideration has been given in our analysis to any potential diminution in value should such hazardous materials be found. We urge the client to retain an expert in the field before making a business decision regarding the property.
17. It is assumed any requirements under the Americans with Disabilities Act (ADA) for the subject property have been met. In the event any requirements are currently pending that would require modification to the existing structure, the appraiser reserves the right to amend this report and make any value adjustment considered necessary.

9. CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- Todd M. Schmutte, MAI provided significant real property appraisal assistance to the person signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I have completed the continuing education program for the state of Ohio and the Appraisal Foundation.



John S. York
Ohio General Certified Appraiser No. 379339

December 22, 2021

Date

12



Northeast view of 6 SH



East view of 6 SH



Southwest view of 6 SH



Southwest view of 6 SH



Southwest view of 6 SH



Southeast view of 6 SH



Southwest view of 6 SH



Northeast view of 6 SH



Northeast view of 6 SH



Southeast view of 6 SH



Interior view of 6 SH



Interior view of 6 SH



Interior view of 6 SH



Interior view of 6 SH



Interior view of 6 SH



East view of 6 SH



East view of 6 SH



East view of 6 SH



South view of subject property



Northeast view of 6 SH



Northeast view of 6 SH

11. DECLARATION OF REPORTING OPTION

This appraisal report includes the value of the site as if vacant using the sales comparison approach. The land value as if vacant is developed. The cost approach, sales comparison approach, and the income approach as improved are not detailed because the subject is vacant land.

12. IDENTIFY THE CLIENT AND ANY USERS

The client is the city of Franklin through its agent, Dunrobin Associates. The users of the appraisal may include the client, the Ohio Department of Transportation, the city of Franklin Solicitor, a court of law, and the property owner.

13. STATE THE INTENDED USE OF THE APPRAISAL

The appraisal, if recommended by the city of Franklin, may be used as a basis to establish the fair market value of the part taken and damages, if any, to the residue property. The appraisal will be given to the property owner during the negotiation process in compliance with Ohio law and it may be used as evidence in an appropriation case.

14. SUMMARIZE THE IDENTITY OF THE REAL ESTATE INVOLVED IN THE APPRAISAL

As discussed, the subject property consists of one larger parcel containing 40.6647 acres, of which 9.7914 acres are located within the right-of-way, leaving a net land area of 30.8733 acres. The subject property is located on the south side of Fourth Street, along the east side of I-75, in Franklin, Warren County, Ohio. The subject is a vacant land parcel with the majority being a sod farm. The subject property is classified as a single larger parcel. The subject has unity of title, unity of use, and is contiguous.

15. STATE THE REAL PROPERTY INTEREST BEING APPRAISED

The real property interest being appraised is the fee simple interest in the whole property before the taking and the fee simple interest of the residue property after the taking.

16. STATE THE PURPOSE OF THE APPRAISAL

The purpose of the appraisal is to estimate compensation to the property owner for the part taken and damages, if any, to the residue property due to the proposed highway project. Compensation is the total of the part taken, damages to the residue property (if any) and any temporary easement takings.

17. DEFINITION OF MARKET VALUE

The definition of fair market value utilized by ODOT is based on the Ohio Jury Instruction [CV 609.05 Compensation] and is:

You will award to the property owner(s) the amount of money you determine to be the fair market value of the property taken. Fair market value is the amount of money which could be obtained on the market at a voluntary sale of the property. It is the amount a purchaser who is willing, but not required to buy, would pay and that a seller who is willing, but not required to sell, would accept, when both are fully aware and informed of all the circumstances involving the value and use of the property. You should consider every element that a buyer would consider before making a purchase. You should take into consideration the location, surrounding area, quality and general conditions of the premises, the improvements thereon and everything that adds or detracts from the value of the property.

The market value estimated in this appraisal is based on the regulatory requirement for Influence of the Project on Just Compensation, section 5501:2-5-06 (C)(2) of the Ohio Administrative Code, which requires the appraiser to:

To the extent permitted by applicable law, the appraiser shall disregard any decrease or increase in fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within reasonable control of the owner.

18. DATES OF THE APPRAISAL

Date of the Report: December 22, 2021

Date of the Value Estimate: November 18, 2021

19. SUMMARIZE THE VALUATION PROBLEM AND SCOPE OF WORK NECESSARY FOR THE VALUATION PROBLEM

The Valuation Problem

The identification of the problem is based on the identification of the client, intended users, the intended use, the purpose of the assignment, the effective date of the opinion, relevant property characteristics and extraordinary assumptions and hypothetical conditions. Each of these items has been discussed above.

The valuation problem has been created as a result of an acquisition by an agency authorized to exercise the right of eminent domain. The exercise of the eminent domain rights by the agency results in an involuntary taking of real property interests. Essentially, the valuation problem to be solved in this appraisal is the amount due the property owner by reason of the acquisition.

In accordance with legal precedent, the entire property is appraised before the proposed project and the entire property is appraised after the proposed project. The difference between the value of the property before the project and the value after the project is the amount paid to the property owner as compensation for the effect of the project. Appraising the entire property before the project requires the identification of the larger parcel. *The Dictionary of Real Estate Appraisal*, 6th edition, published by the Appraisal Institute, defines the larger parcel as follows:

In condemnation, the tract or tracts of land that are under the beneficial control of a single individual or entity and have the same, or an integrated, highest and best use. Elements for consideration by the appraiser in making a determination in this regard are contiguity, or proximity, as it bears on the highest and best use of the property, unity of ownership, and unity of highest and best use.

The larger parcel, in this case, is defined as the entire property located on the south side of Fourth Street, along the east side of I-75, held in the name of James Kevin Swallow, Carrie Kendall, Anne Stanton Easton Hansen, Terry C. Easton and Charles Arthur Easton. The subject property is vacant land containing 40.6647 acres, of which 9.7914 acres are located within the right-of-way, leaving a net land area of 30.8733 acres.

The Scope of Work Necessary for the Valuation Problem

After defining the valuation problem and identifying the larger parcel, a number of independent investigations concerning the market within which the subject property is located were conducted. Included was an analysis of the subject property, demographic trends and market demand.

There were a number of independent sources used to analyze the subject's market area. Neighborhood information was obtained from the Greater Cincinnati Regional Chamber of Commerce, the city of Franklin, Warren County, and information available from other secondary sources.

Site data was prepared subsequent to a physical inspection of the site. Information was obtained from right-of-way plans provided by the city of Franklin, prepared by KS Associates, Inc., with a most recent print date of October 12, 2021. Other information was provided by the Warren County Auditor, the Warren County Engineer, the United States Census Bureau, and information available from other secondary sources.

The highest and best use of the subject property is based on the legally permissible, physically possible, economically feasible, and maximally productive use for the subject property. The highest and best use analysis was applied to the subject property as if vacant. The highest and best use in the vacant situation was determined to be for open space/greenspace.

Market data was gathered from buyers, sellers, agents, other appraisers, as well as analysis of recorded transactions. Preliminary data for sales was gathered from companies that compile and publish public information. Market data was confirmed with individuals directly involved in, or close to, the transactions. The quality of the data was good, increasing the reliability of the conclusions.

A land value as if vacant is developed using the sales comparison approach.

The cost approach, and income approach as improved are not detailed in this appraisal. Only the land was valued as part of this appraisal. The residential improvements were not included in this appraisal.

The proposed project will permanently acquire a standard highway easement. Parcel 6-SH will acquire 2.1186 acres. The acquisition will bisect the site, creating noncontiguous residue larger parcels. There will also be a temporary easement acquired during the project.

20. EXPOSURE TIME

Exposure time for the subject property is based on the marketing time of comparable properties. Based on discussions with buyers, sellers and agents active in this property type, the marketing time for the subject property is estimated to be 12 months. Similar exposure time is adopted for the subject property.

21. RIGHT OF ACCOMPANIMENT

Inspection by:	John S. York
Date of the Inspection:	November 18, 2021
Identification of the Person Who Accompanied the Appraiser:	Terry Easton
Relationship to the Owner of the Property:	Terry Easton is one of the property owners.

22. PART 2 – FACTUAL DATA BEFORE THE TAKING

23. IDENTIFICATION OF THE LARGER PARCEL – BEFORE THE TAKING

The larger parcel is the entire property located on the south side of Fourth Street, along the east side of I-75, containing a 40.6647 acres, of which 9.7914 acres are located within the right-of-way, leaving a net land area of 30.8733 acres. The subject property is held in the name of James Kevin Swallow, Carrie Kendall, Anne Stanton Easton Hansen, Terry C. Easton and Charles Arthur Easton. The entire property reflects unity of title, unity of use, and is contiguous.

24. LEGAL DESCRIPTION - BEFORE THE TAKING

APPROVED

WARREN CO. MAP DEPT.

DATE 08/09/18

BY [Signature] 04-25-401-003

Situate in Franklin Township, Warren County, Ohio. Being in Section 25, Town 2, Range 5. All that part of the Homestead farm of James A. Barnett, Dec'd that lies south of the Lower Springboro Road, conveyed by will to Joseph S. Barnett by J. A. Barnett, Dec'd., containing Ninety (90) acres more or less, recorded in the Probate Court Record of Wills, No. 15, Page 526. Said real estate is bounded on the North by said Lower Springboro Road, on the East by the former lands of John Ward, on the South by Clear Creek, and on the West by the former lands of Ruth Schenck. Above said tract being recorded on March 3, 1900, in Deed Book 80, Page 61. Also, the following described real estate being a change in certain boundaries of the next described tract. Situate in Franklin Township, Warren County, Ohio, and being two (2) certain parts and parcels of the lands formerly owned by James H. Miller, Dec'd. and John W. Miller, Dec'd. and being a part of Section 25, Town 2, Range 5, between the Miami Rivers. The first part being that portion of land lying North of Clear Creek commencing at a point on the West side of said Creek at a willow tree, running South 5° 30' E. to the middle of the creek 1.62 chains; thence westwardly 74° 45' to a stone 3.80 chains thence 15° 15' W. 4.00 chains and across said creek to a stone; thence East 8.32 chains to the place of beginning; containing 1.25 acres. The second part being that portion of land commencing on the North point of the next preceding described tract, thence running North 28° 30' E. 2.44 chains to a stone; thence South 12° 48' W. 37.89 chains to the Southeast corner of the next above described tract; thence along the East line of the same tract to the place of beginning. As recorded on March 2, 1908, in Deed Book 90, Page 273. Except for a tract of land deeded by Charles C. Easton, Dec'd. to James H. Miller, Dec'd. and John W. Miller, Dec'd. being a parcel starting at a Willow Tree at the Southeast corner of the Ninety (90) acres first described; thence North 28° 30' East 8.95 chains to a stone on the East bank of said creek; thence West 2.34 chains to West bank of said creek; thence South to the place of beginning, containing 1.19 acres.

Sidwell: Part

AND ALSO THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT:

A tract of land situated in Franklin Township, Warren County, Ohio, being a part of a Section 25, Town 2, Range 5, between the Miami Rivers, beginning at a stone in the line of lands formerly owned by Ruth T. Schenck running South 5° W. 11.00 chains to the Southeast corner of her land; and corner to one former James H. Miller's land; thence with the line of a tract of land conveyed by Ruth T. Schenck to James H. Miller June 12, 1890. North 29° 30' West 8.82 chains to a small catalpa tree on the Southside of Clear Creek; thence N. 29° 30' E. 3.87 chains to a point on the North bank of Clear Creek witness a Willow tree 14 in. in diameter North 45-3/4° E. 20.5 feet; thence S. 88° 30' E. 3.36 chains to the place of beginning; containing 3.31 acres. Bearing True Meridian. (Above said tract being last recorded February 5, 1902, in Deed Book 82, Page 318).

Sidwell:

Save and except from the above Parcels the following conveyances:

1. A conveyance of 1.586 acres recorded in Volume 480, Page 480, of the Warren County, Ohio, Deed Records.
2. A conveyance of an undivided four-fifths (4/5ths) interest in 39.1160 acres recorded in Warren County, Ohio, Official Record Volume 802, Page 376. *FOR 835-668*

The within conveyance is subject to an easement granted for limited access highway purposes (I-75) through and across 21.97 acres.

Prior Instrument Reference: Warren County, Ohio, Official Record Volume 457, Page 949.

EXHIBIT "B"

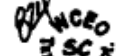
Situate in Section 14, Town 2, Range 5, MRS, City of Springboro, Clearcreek Township, Warren County, Ohio and being more particularly described as follows:

Beginning at a point on the West line of said Section 14 at the centerline intersection of Start Route 73 and Clearcreek-Franklin Road (#119); thence from said place of beginning with the centerline of State Route 73 Southeastwardly on a curve to the right an arc distance of 740.48 feet to a point, said curve having a radius of 12,277.67 feet, a chord distance of 740.36 feet, and a chord bearing of S 81° 57' 24" E; thence S 80° 13' 43" E a distance of 252.52 feet to a point; thence Southeastwardly on a curve to the right an arc distance of 1085.71 feet to a point, said curve having a radius of 12,277.67 feet, a chord of 1085.36 feet, and a chord bearing of S 77° 41' 43" E; thence S 75° 09' 43" E a distance of 629.33 feet to a point on the West line of Royal Oaks Park, Section 12 as recorded in Book 5, Page 30, of the Warren County Plat Records; thence leaving said centerline S 0° 12' 58" E with said Royal Oaks Park West line a distance of 398.11 feet to an iron pin on the South line of said Section 14, said point also being on the North line of Lot No. 393 of said Royal Oaks Park; thence S 89° 57' 38" W with the North line and its extension of said Royal Oaks Park a distance of 2643.87 feet to an iron pin on the West line of said Section 14 and the Northwest corner of the Dixie Spring Farms, Inc., tract as recorded in Book 483, Page 598 of the Warren County Deed Records; thence N 0° 30' 34" W with the West line of said Section 14 a distance of 938.88 feet to the place of beginning, containing 42.887 acres more or less.

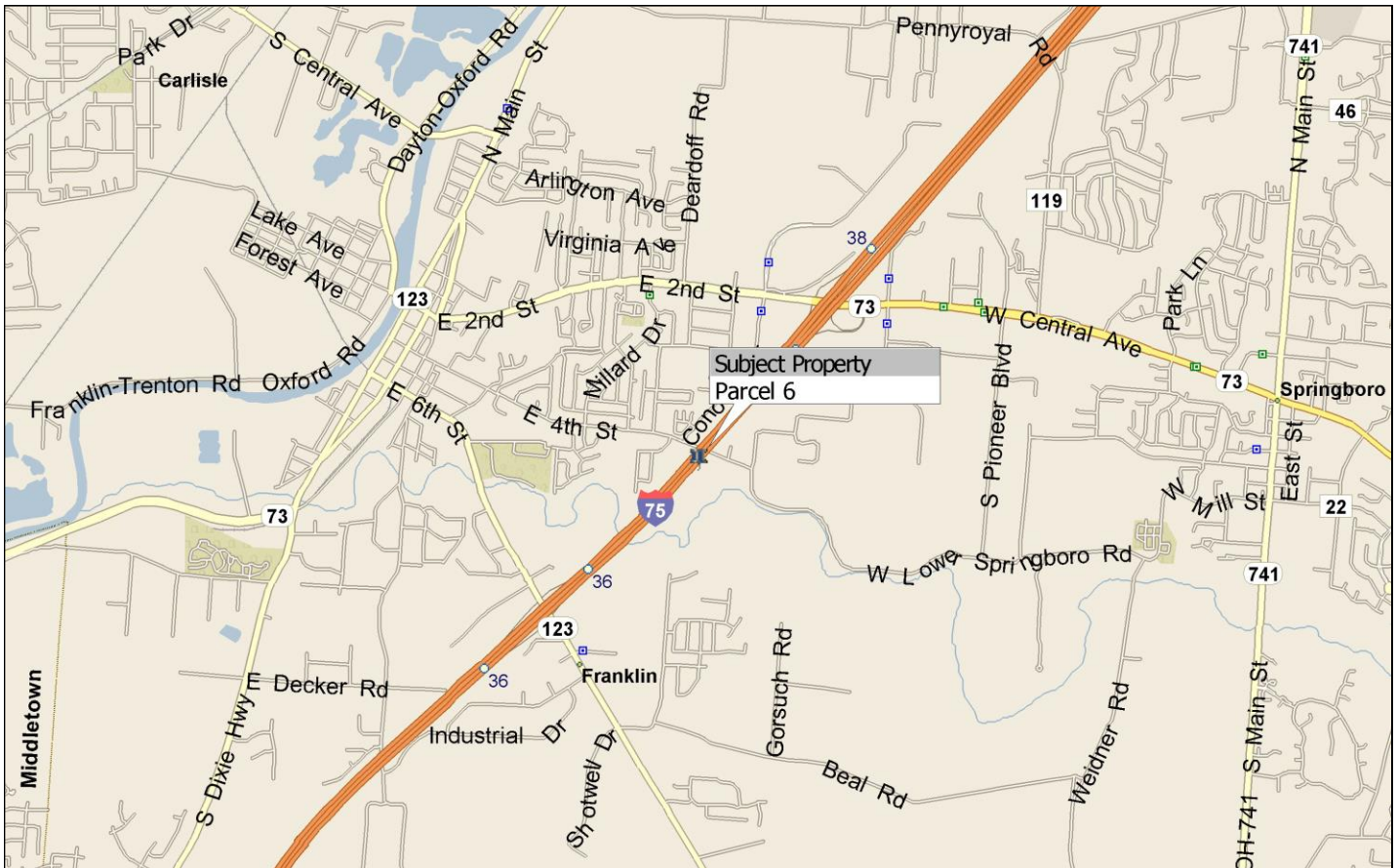
SAVE AND EXCEPT THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT;

And being 7.2436 acres by record plat for Springboro Senior Living, a subdivision of lots and lands appearing at Warren County Plat Book 89 Page 70, and being situated in Section 14, Town 2 Range 5, MRS, City of Springboro, Clearcreek Township, Warren County, Ohio.

The remaining net acreage after subdivision and platting is 35.6434 acres, more or less, subject to all easements, conditions, restrictions, limitations of record, and legal highways

PARCEL No. ~~04-14-301-0066~~ 04-14-301-0066 

Prior Instrument Reference: 2014-024018, Warren County, Ohio Official Records.

25. SUMMARIZE AREA, CITY AND NEIGHBORHOOD ANALYSIS

The neighborhood description and analysis provides a context for understanding how the subject fits into the larger community. The focus will be on those aspects that have the greatest relevance in terms market support, competition, and function. A more comprehensive regional analysis is available if desired.

The subject property is located in the city of Franklin, in Warren County, Ohio. Franklin is one of the fastest growing cities in Warren County, Ohio. The city hugs the Great Miami River which contributed to Franklin's history as a paper manufacturing center. Today, Franklin's industrial base is quite diversified, owed in part to its strategic location along Interstate 75.

There are four influences that affect value trends. These are social, economic, governmental, and environmental.

Social

Summarized in the following grids are the demographics within a 1-, 3-, and 5-mile radius of the subject property:

Population			
	1-Mile Radius	3-Mile Radius	5-Mile Radius
2000 Population	5,058	24,492	62,295
2010 Population	5,384	25,526	70,771
2021 Population	5,606	26,972	77,440
2026 Population	5,777	28,015	80,760
2000 – 2010 Annual Rate	0.63%	0.41%	1.28%
2010 – 2021 Annual Rate	0.36%	0.49%	0.80%
2021 – 2026 Annual Rate	0.60%	0.76%	0.84%

In the identified area, the current year population is 77,440. In 2010, the Census count in the area was 70,771. The rate of change since 2010 was 0.80% annually. The five-year projection for the population in the area is 80,760 representing a change of 0.84% annually from 2021 to 2026. Currently, the population is 48.9% male and 51.1% female. The median age in this area is 38.7, compared to U.S. median age of 38.5.

Households			
	1-Mile Radius	3-Mile Radius	5-Mile Radius
2000 Households	2,132	9,484	24,042
2010 Households	2,267	10,008	27,186
2021 Households	2,401	10,771	29,932
2026 Households	2,485	11,233	31,277
2000 – 2010 Annual Rate	0.62%	0.54%	1.24%
2010 – 2021 Annual Rate	0.51%	0.66%	0.86%
2021 – 2026 Annual Rate	0.69%	0.84%	0.88%

The household count in this area has changed from 27,186 in 2010 to 29,932 in the current year, a change of 0.86% annually. The five-year projection of households is 31,277, a change of 0.88% annually from the current year total. Average household size is currently 2.57, compared to 2.59 in the year 2010. The number of families in the current year is 21,372 in the specified area.

Income			
	1-Mile Radius	3-Mile Radius	5-Mile Radius
2021 Median Household Income	\$56,638	\$67,392	\$72,995
2021 Average Household Income	\$70,962	\$80,410	\$93,378
2021 Per Capita Income	\$29,914	\$31,889	\$36,313

Current median household income is \$72,995 in the area, compared to \$64,730 for all U.S. households. Median household income is projected to be \$79,121 in five years, compared to \$72,932 for all U.S. households. Current average household income is \$93,378 in this area, compared to \$90,054 for all U.S. households. Average household income is projected to be \$103,477 in five years, compared to \$103,679 for all U.S. households. Current per capita income is \$36,313 in the area, compared to the U.S. per capita income of \$34,136. The per capita income is projected to be \$40,316 in five years, compared to \$39,378 for all U.S. households.

Housing

Currently, 70.8% of the 31,959 housing units in the area are owner occupied; 22.9%, renter occupied; and 6.3% are vacant. Currently, in the U.S., 57.3% of the housing units in the area are owner occupied; 31.2% are renter occupied; and 11.5% are vacant. In 2010, there were 29,233 housing units in the area - 70.1% owner occupied, 22.9% renter occupied, and 7.0% vacant. The annual rate of change in housing units since 2010 is 4.04%. Median home value in the area is \$191,827, compared to a median home value of \$264,021 for the U.S. In five years, median value is projected to change by 3.57% annually to \$228,623.

Economic

Franklin's four industrial parks include: Jaygee Industrial Park, Franklin Business Park, Heritage Business Park, and Schumacher-Franklin Interstate Park are all located at interstate exchanges. The City has established four Community Reinvestment Tax Abatement Areas which provide real estate tax abatement in exchange for new construction and/or certain improvements. The City also offers several other incentives including Rural Enterprise Zone Abatement. The City will work with companies to put together a beneficial incentive program.

Franklin offers easy access to major shopping areas. Two major malls are less than 10 minutes away, and several other malls are within a 30-minute drive. Franklin and nearby communities offer a variety of boutiques and smaller stores. Warren County has a growing reputation as a Mecca for antique lovers.

Governmental

The city operates under a council-manager form of government, with seven at-large council members elected on a non-partisan basis to four-year terms. The council elects one of its members as Mayor. Franklin has a full array of services for residents. A full-time workforce provides police, public works, street maintenance, building inspection, fire, and parks. Franklin is part of JEMS, a joint emergency medical district. After many years of planning and upgrading equipment, the city sought a new Public Protection Classification from Insurance Services Office (ISO) Inc. This on-site review resulted in an improved classification resulting in a fire rating of Class 4, placing the City of Franklin fire protection abilities in the top 10% nationwide.

Environmental

Environmental considerations consist of certain features contained in or affecting the neighborhood and its geographic location. One of the most positive influences on the subject's neighborhood is its location proximate to several major highways, providing ideal transportation amenities for commerce and industry. This includes I-75 on the east side of town with connections via State Route 73 and State Route 123. State Route 73 connects Franklin to Miamisburg to the north and Middletown to the south.

Franklin's location, roughly halfway between Dayton and Cincinnati, is one of the City's greatest assets. The City is only minutes away from other major arteries including I-675, I-275, I-70, I-71, I-74, and U.S. Rt. 35. Major cities within a 600-mile radius of Franklin include Atlanta, Baltimore, Cincinnati, Charleston (W. Va.), Charlotte, Chicago, Cleveland, Columbus, Des Moines, Detroit, Indianapolis, Philadelphia, Pittsburgh, St. Louis, and Washington D.C.

The availability of utilities is an important factor for any commercial property. There is adequate public utilities available to the developed districts.

Conclusion

In terms of factors needed in a community, Franklin has an adequate government, infrastructure, and market amenities to function as a bedroom community within the larger Dayton-Cincinnati Metro market. The economic center of Franklin has shifted to the eastern edge due to the proximity of I-75. The older sections of Franklin have suffered as a result of the freeway location. Middletown, Hamilton, and the older sections of Miamisburg have all experienced similar commercial relocation for identical reasons. All of these communities have been undergoing a gradual change in response to this key historic factor.

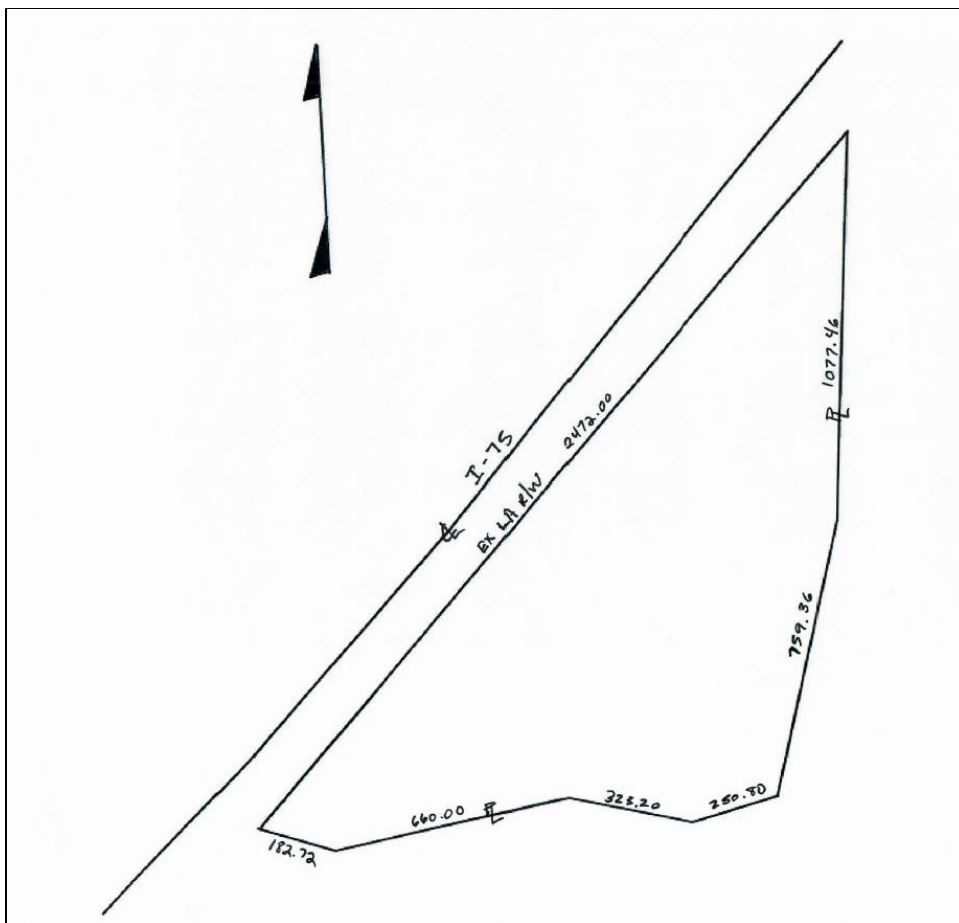
26. SALE HISTORY OF THE SUBJECT PROPERTY

The subject property has not had an arms-length transfer within five years of the effective date of value.

27. STATE THE USE OF THE REAL ESTATE EXISTING AS OF THE DATE OF VALUE AND THE USE OF THE REAL ESTATE REFLECTED IN THE APPRAISAL

The current use of the subject property is vacant land. The use reflected in the appraisal is for open space/greenspace land.

28. SITE PLAN SKETCH REFLECTING PROPERTY - BEFORE THE TAKING



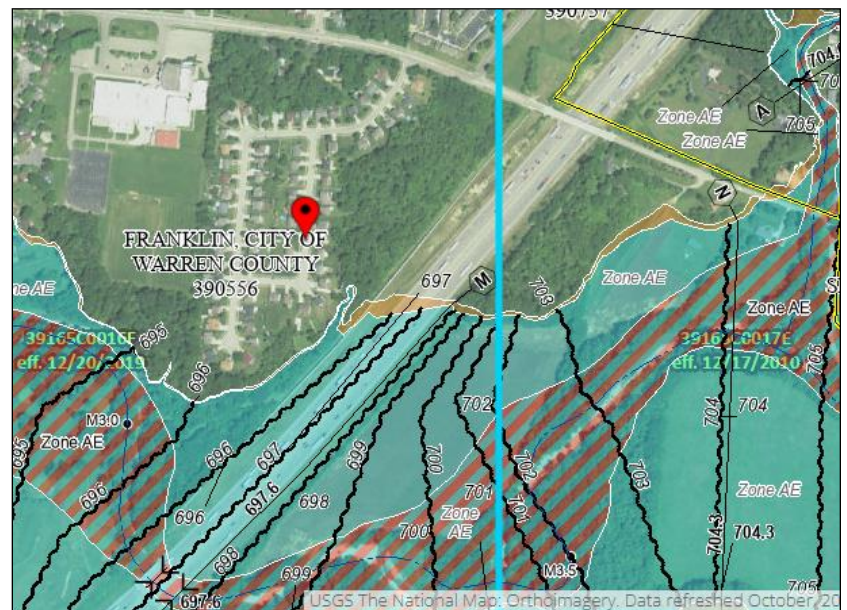
29. SITE DESCRIPTION – BEFORE THE TAKING

Location:	The subject property is located on the south side of Fourth Street, along the east side of I-75, in Franklin, Warren County, Ohio.
Accessibility:	The subject property has no accessibility off of Fourth Street or I-75. It is an essentially land-locked parcel.
Net and Gross Areas:	The subject property contains a gross land area of 40.6647 acres, of which 9.7914 acres are located within the right-of-way, leaving a net land area of 30.8733 acres
Shape and Dimensions:	The subject is an irregular shaped parcel. Beginning at the northernmost point the subject dimensions extend southwest along the eastern limited access right-of-way of I-75 2,472.00-feet, southeast 182.72-feet, east 660.00-feet and 323.20-feet, then northeast 250.80-feet, then north 759.36-feet and 1,077.46-feet to the starting point.
Topography:	The subject site is rolling with an elevation near Fourth Street of approximately 726-feet rolling downhill toward the southern property line with an elevation near the Clear Creek of 688-feet.



Floodplain and Definition of Zone:

The northern and northwestern portion of the subject property is located within Flood Zone X, which is an area outside the floodplain. The creek at the southern property line and the area surrounding the creek is located in Zone AE of the regulatory floodway and is known as the Clear Creek. The subject is contained on FEMA Community Panel No. 39165C0016F with an effective date of December 20, 2019 and 39165C0017E with an effective date of December 17, 2010. The flood map is shown below.



Soil Characteristics:

Soil information is not available, but it is believed that the site is buildable since other properties in the area are also improved.

On-Site Utilities:

On-site utilities include public electric.

Off-Site Utilities:

Public electric is available to the subject property.

Site Improvements:	The subject property is vacant land with no site improvements. There is sod growing in the open field. This is considered personal property. There is also voluntary trees and creek bed vegetation.
Easements:	There is a highway easement with the state of Ohio based on the title report provided that appears to have since been acquired in fee.
Encroachments:	There do not appear to be any encroachments that encumber the subject property, nor does the subject and property appear to encroach on any other property.
Restrictions:	There are no known deed restrictions that encumber the subject property. Consistent with ODOT Policies and Procedures and Ohio Case Law, the value impact of private restrictions is not considered as part of this appraisal.
Zoning:	<p>The zoning for the subject property is R-1A, Estate Residential District.</p> <p>This District is intended to provide space for the lowest density, single-family residential uses, with an average density of three dwelling units or less for everyone acre of land.</p> <p>Permitted uses include single-family dwellings, homes for the disabled, and foster homes. Other permitted uses include adult family homes and public recreational uses. Minimum site size is 15,000 square feet with a 25-foot minimum front yard setback. The minimum side yard setback is 10-foot on one side with a total of 25-feet. Rear yard setback is 40-feet and the minimum floor area of any dwelling is 1,800 square feet. The minimum lot width for an interior lot is 100-feet and a corner lot is 120-feet. The property is a single-larger parcel, does not reflect any unity of title or unity of use with any adjacent or nearby properties. The subject is a legally conforming lot of record that could be improved. The property reflects a single highest and best use for open space/greenspace. The property is conforming before and after the take.</p>
Highest and Best Use:	The highest and best use as if vacant is for open space/greenspace.

30. BUILDING/FLOOR PLAN SKETCH - BEFORE THE TAKING

The subject is vacant land therefore, no building/floor plan sketch is provided.

31. BUILDING DESCRIPTION - BEFORE THE TAKING

The subject is vacant land therefore, no building description is provided.

32. LEGAL AND POLITICAL CONSTRAINTS - BEFORE THE TAKING

Zoning	As discussed previously, the subject property is zoned R-1A, Estate Residential District zoning classification within the city of Franklin.
(a) Does property conform to zoning code	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	The subject property conforms to the current zoning code as the subject

property is vacant land.

(b) Land Use Plan

Franklin does not have a current land use plan.

(c) Assessment and Taxes

The assessment and tax information for the subject property as of 2020, payable in 2021, is detailed below.

04-25-401-003			
		35%	100%
Land	\$	33,720	\$ 108,880
Improvements		-	-
Total	\$	33,720	\$ 108,880
Total Annual Taxes		\$2,039.39	

The effective tax rate for agricultural and residential property in the city Franklin, in the Franklin City School District, payable in 2021 is \$60.48 per \$1,000.00 of assessed evaluation. The tax rate falls toward the middle to lower side of the range observed in the Greater Cincinnati CMSA. The subject is within the CAUV program and if sold for development would require a three year recoupment.

33. HIGHEST AND BEST USE - BEFORE THE TAKING

- (a) Present use of the property: Currently, the subject property is vacant land.
- (b) Definition of Highest and Best Use: The reasonably probable and legal use of vacant land or an improved property that is physically possible, legally permissible, appropriately supported, financially feasible, and that results in the highest value.¹
- (c) The Highest and Best Use As Vacant:

Legally Permissible

The subject property is zoned R-1A which is the Estate Residential District within the city of Franklin. The purpose, permitted uses, and minimum site requirements were provided under Item 29, the Site Description. The zoning classification allows for primarily single-family residential uses as well as some group homes, foster homes and public recreation uses. The legally permissible uses include all the uses permitted by the zoning classification.

Physically Possible

Physically, the subject property does not have access. It is essentially a land-locked parcel. The subject has an irregular shape, along the east side of I-75. The topography is heavily rolling. The southeastern portion of the subject property is within the 100-year floodplain. The physical possible uses include primarily opens space/greenspace. Residential uses are not physically possible because of the lack of access.

Economically Feasible

The economic conditions in the area indicate a stable residential submarket for the subject property's location in Franklin. However, since the subject property does not have access, it is not economically feasible to develop the property with a single-family use. Therefore, the only legally permissible use that is possible would be for open space/greenspace. Development of the site is currently not possible due to the lack of access.

Maximally Productive

The maximally productive use of the subject site is open space/greenspace. Development of the site is currently not possible due to the lack of access.

Ideal Improvement

The ideal improvement of the subject property is currently not possible since the property does not have access at the present time.

(d) The Highest and Best Use as Improved

The highest and best use as improved is not developed in this report as the subject property is vacant land.

¹ *The Appraisal of Real Estate*, 15th Edition, Published by the Appraisal Institute, Copyright 2021.

34. PART 3 – VALUATION BEFORE THE TAKING

35. ESTIMATE OF LAND VALUE – BEFORE THE TAKING

The subject property is a vacant parcel, and the sales comparison approach is used to estimate its value. The basic steps to the sales comparison approach are as follows.

- 1 The subject site is analyzed, and market data is gathered.
2. The market data is analyzed, verified, and compared with the subject site.
3. An appropriate unit of comparison is selected, and the sales are compared with the subject property based on the unit of comparison.
4. The market value of the property is based on a value conclusion, within a range, that is based on the indicated value from the sale properties, after adjustments for differences.

The Unit of Comparison

The price per acre unit of comparison is used to estimate the market value of the of the subject property. Most adjustments are not necessary for valuing open space/greenspace land. The one adjustment recognized by the market is for access.

Sales Availability and Search Area

The sales that are detailed below were based on an exhaustive search of the market to identify the best open space/greenspace sales in the market. Each sale was purchased for greenspace, recreation or parkland, with little utility.

LAND SALE NO. 1

Location	East side of Gray Road, Fairfield, Butler County, OH 45014
Tax ID	A0700-021.000-027
School District	Fairfield CSD
Date Inspected	December 12, 2020

Sale Data

Grantor	Charles D Baumann
Grantee	Steven M Zettler & James J Zettler
Sale Date	February 8, 2018
Deed Book/Page	9129 / 363
Conditions of Sale	Arms-Length
Property Rights	Fee Simple
Financing	Conventional Loan through Harrison Building and Loan
Highest and Best Use	Private Recreation
Verification	Lance Brown, MAI, with Steve Zettler, 513-907-1206, on October 22, 2020

Sale Price

\$425,000

Land Data

Zoning	A-1, Agricultural
Topography	Rolling to hillside
Utilities	Electric and public water
Shape	Irregular
Flood Info	Flood Zone X, areas of minimal flood hazard
Encumbrances	None
Present Use	Recreation
Motivation of Parties	Buyer: Recreation

Land Size Information

Gross Land Size	33.184 Acres or 1,445,495 SF
Useable Land Size	32.894 Acres or 1,432,863 SF (99.13%)
Unusable Land Size	0.290 Acres or 12,632 SF (0.87%)

Indicators

Sale Price/Useable Acre	\$12,920
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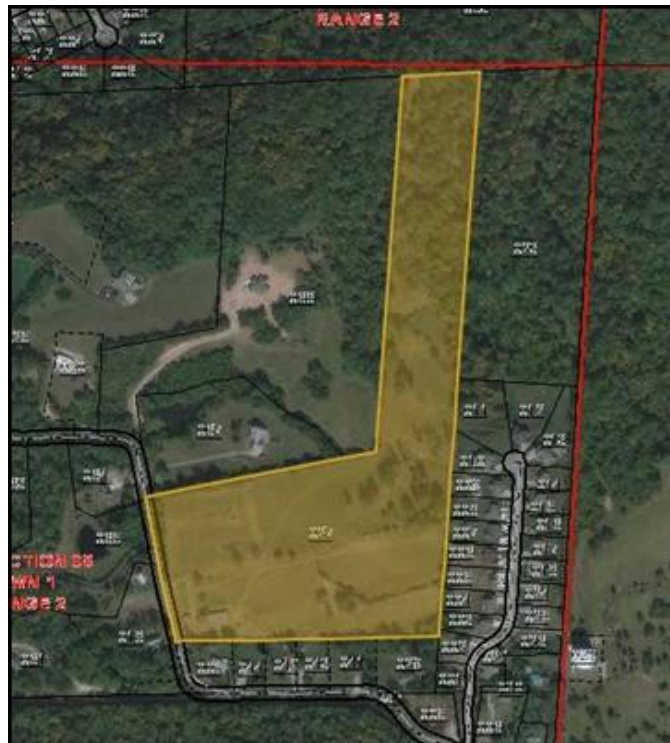
Analysis of Pertinent Data

This property was actively marketed by the owner and was widely known in the community to be available. The city of Fairfield was interested in purchasing the property for the expansion of Harbin Park. The owner and the city were unable to reach an agreement, and the property was purchased by two brothers local to the area for private recreation. There were some buildings on the property and the buyer indicated they paid no extra for the buildings. The parcel is used for private recreation with no concrete plans to build any dwellings on the site. ID: 3414

Photo Land Sale 1



Plat Land Sale 1



LAND SALE NO. 2

Location	East terminus of King Avenue, north side of Little Miami River, South Lebanon, Warren County, OH
Tax ID	13-31-301-008 & 010; 13-13-326-003
School District	Kings Local School District
Date Inspected	December 15, 2020

Sale Data

Grantor	Holtzman & Spicer Mandelstein
Grantee	Warren County Park District
Sale Date	September 02, 2021
Deed Book/Page	2021-39922,39912 WD
Conditions of Sale	Arms-Length
Property Rights	Fee Simple
Financing	Cash
Highest and Best Use	Recreation/open space
Verification	Lance Brown, MAI, with Bruce McGary, with grantee, 513-695-1384, on November 23, 2021

Sale Price

\$542,868

Land Data

Zoning	FP, Residential Flood Plain with Flood Plain, Floodway and River Overlay.
Topography	Low lying, flood plain
Utilities	All public available
Shape	Irregular
Flood Info	100 year flood plain and flood way 39165C0227E, 12/17/10
Encumbrances	Normal
Present Use	Vacant – Recreation
Motivation of Parties	Buyer for public recreation use

Land Size Information

Gross Land Size	39.052 Acres or 1,701,105 SF
Useable Land Size	39.052 Acres or 1,701,105 SF (Net)

Indicators

Sale Price/Useable Acre	\$13,901
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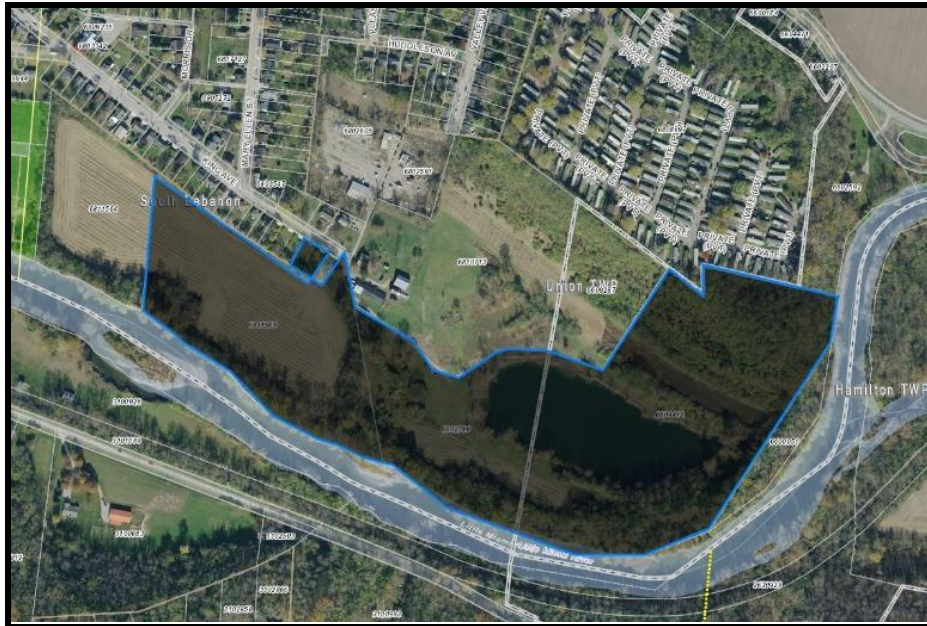
Analysis of Pertinent Data

The property was purchased for public recreation. There were some minor easements given to a panhandle parcel to allow for access to the sale from King Avenue. Another parcel sold from the same seller to Warren County Water District for a well field site. This property was not part of the well field site and had a highest and best use for recreation. The property included a pond as well as wooded area adjacent to the Little Miami River. The majority of the parcel is located within the flood plain and there were few alternative uses for the property other than recreation. The agreed upon price for the sale property was \$14,000 per acre, although final surveys modified the total amount paid. ID: 3472

Photo Land Sale 2



Plat Land Sale 2



LAND SALE NO. 3

Location	North side of Joe Nuxhall Way, west of River Road, Fairfield, Butler County, OH
Tax ID	A0700-001.000-003
School District	Fairfield
Date Inspected	7/21/17

Sale Data

Grantor	Ernie W. Durban II and Velina Marie Durbin
Grantee	City of Fairfield
Sale Date	July 19, 2017
Deed Book/Page	9051/1 GWD
Conditions of Sale	Arms-Length
Property Rights	Fee Simple
Financing	Cash
Highest and Best Use	Greenspace / Park
Verification	Lance Brown, MAI, with Ben Mann, grantee, (513) 867-4213, on July 21, 2017

Sale Price

\$160,000

Land Data

Zoning	A-1, Agriculture
Topography	Low-lying
Utilities	Public water, no public sewer
Shape	Trapezoid
Flood Info	Floodway, Panel #: 39017C0302E, effective 12/17/2010
Encumbrances	Normal
Present Use	Single-family
Motivation of Parties	Buyer: For greenspace

Land Size Information

Gross Land Size	12.898 Acres or 561,837 SF
Useable Land Size	12.318 Acres or 536,572 SF (Net)

Indicators

Sale Price/Useable Acre	\$12,989
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Analysis of Pertinent Data

The property contained a single-family dwelling that did not contribute any value to the property. The buyer of the property anticipated a demolition cost to remove the structure of \$10,000. The property was purchased with Clean Ohio Grant Funds and will be used to expand Joyce Park. ID: 2564

Photo Land Sale 3



Plat Land Sale 3



Land Sale Location Map-Before the Take



Adjustment Grid—Land Value, Before

	Subject	Sale 1	\$12,920	Sale 2	\$13,901	Sale 3	\$12,989
Property Rights	Fee Simple	Similar	-	Similar	-	Similar	-
Financing	Cash	Similar	-	Similar	-	Similar	-
Conditions of Sale	Arms Length	Similar	-	Similar	-	Similar	-
Buyer Expenditures	None	Similar	-	Similar	-	Similar	-
Market Conditions	Nov-21	Feb-18	-	Sep-21	-	Jul-17	-
ADJUSTED UNIT			\$12,920		\$13,901		\$12,989
Location	Fourth Street	Gray Road	-	King Avenue	-	Joe Nuxhall Way	-
Size	30.8733	32.8940	-	39.0520	-	12.3180	-
Shape	Irregular	Irregular	-	Irregular	-	Irregular	-
Access	None	Frontage	(646)	Frontage	(695)	Frontage	(649)
Topography	Floodplain	Rolling/Hillside	-	Floodplain	-	Floodplain	-
Utilities	E	E,W	-	All public	-	E,W	-
Zoning	R-1A	A-1	-	FP	-	A-1	-
NET ADJUSTMENTS			(646)		(695)		(649)
INDICATED VALUE			\$12,274		\$13,206		\$12,340

Indicated Value Range: **\$12,274** **\$12,340** **\$13,206****Elements Comprising Differences between the Sales and the Subject**

The sales detailed above are the best sales available to indicate the market value of the subject property. There are differences between the sales and the subject property for which adjustments are made.

Property Rights

Each of the sales were the result of a transfer of fee simple interest, requiring no adjustments.

Financing

Each of the sales resulted in cash to the seller at the closing or was financed under conventional loans at market rates. No adjustment is required.

Conditions of Sale

All of the sales were the result of an arms-length negotiation between an unrelated buyer and seller. No adjustment is made.

Buyer Expenditures

Each of the sales were vacant land at the time of purchase with no buyer expenditures required. No adjustment is made to any of the sales.

Market Conditions

The subject property is appraised as of November 18, 2021. The comparable sales occurred between July 2017 and September 2021. The market conditions are not taken into consideration for greenspace sales. Buyers and sellers of greenspace properties have demonstrated little to no market conditions increases over the past several years. No adjustment is made for market conditions.

Location

The subject property is south of Fourth Street and east of I-75. The subject is in Franklin, Warren County, Ohio. Sales 1 and 3 are both within the city of Fairfield while Sale 2 is in south Lebanon, Warren County. The location of s open space/greenspace sales is not typically considered as these properties are typically purchased by local park boards or municipalities. No adjustment is made for location.

Size

The subject is similar in size to Sales 1 and 2 and larger than Sale 3. Each of the sales have a highest and best use for greenspace. Size is typically not considered in the purchase of greenspace sales as the land values tend to be flat no matter what the size of the property. No adjustment is made for size.

Shape

The subject has an irregular shape. The shape of each of the comparable sales is relatively similar to that of the subject property, requiring no adjustment.

Access

The subject property has no access. Each of the three sales had access directly from the frontage, slightly superior to the subject property, requiring slight downward adjustments.

Topography

The subject property is partially within the floodplain and floodway. Sale 1 is a heavily rolling site with most of the site on steep hillsides, requiring no adjustment. Sales 2 and 3 are both within the floodplain and floodway, similar to the subject, requiring no adjustment.

Utilities

The subject has access to some utilities as do each of the three sales. For the subject's highest and best use access to utilities is not required or even considered. No adjustment is made.

Zoning

The subject is zoned for residential use. The sales are zoned for residential or agricultural use, relatively similar to the subject property, requiring no adjustment.

Conclusion

The above-mentioned sales range from \$12,274 per acre to a high of \$13,206 per acre on an adjusted basis. Each sale was purchased for greenspace or park land. Placing equal weight on each of the sales, we are projecting a value towards the middle of the adjusted range for the right residue at \$12,500 per acre.

The subject property reflects a land value per acre of \$12,500. \$1.00 is included as PRO within I-75

Fee Simple Land Area, Before (Acres)	30.8733	
Land Value per Acre	\$12,500	
Value of Fee Simple Land		\$385,916
Value of PRO		\$1
Total Value of Land		<hr/> \$385,917

36. COST APPROACH – BEFORE THE TAKING

The subject property is vacant land. Therefore, the cost approach is not detailed in this report.

37. SALES COMPARISON APPROACH – BEFORE THE TAKING

The subject property is vacant land. Therefore, the sales comparison approach is not detailed in this report.

38. INCOME APPROACH – BEFORE THE TAKING

The subject property is vacant land. Therefore, the income approach is not detailed in this report.

39. RECONCILIATION OF VALUE INDICATIONS AND VALUE CONCLUSION – BEFORE THE TAKING

The market value of the land is estimated using the sales comparison approach. Several comparable land sales were detailed and used for comparison with the subject site. The land was valued as if it were available and owned in fee and available for development, for a value of \$385,917, or \$12,500 per acre. \$1 is added for the PRO within I-75.

Final Value:

In conclusion, sole weight is placed on the sales comparison approach of the land as if vacant. The cost approach, sales comparison approach and income approaches as improved were not detailed in this appraisal. The final value is for the fee simple interest of the subject property, subject to the assumptions and limiting conditions detailed in the report, as of the effective date of the appraisal, November 18, 2021, and is allocated as follows.

40. ALLOCATION OF BEFORE VALUE

Land	\$385,917
Land Improvements	-
Structures	-
Total	<u>\$385,917</u>

41. PART 4 ANALYSIS OF THE TAKE**42. DESCRIPTION OF THE TAKING**

The proposed project will acquire a standard highway easement.

The permanent acquisition is a standard highway easement known as 6-SH. This standard highway easement contains 2.1186 net acres. The standard highway easement bisects the southeastern portion of the site. This acquisition snakes through the subject property from southern property line towards the northernmost point. The dimensions can be seen on the following sketch. The standard highway easement will acquire 100% of the fee simple rights of the area to be acquired less \$1 as the acquisition will become public right-of-way.

There will also be a temporary easement acquired. The temporary easement, 6-T, is on the eastern property line, along the south side of 6-SH. The total area contained within this temporary easement is 0.0743 acres. Compensation for the temporary easement is based on an annual rate of 10% of the fee simple rights of the area contained within the easements. The duration of the temporary easement will not extend beyond the project length of one year, and upon completion of the project, the temporary easement will be vacated and the owner of the subject property will retain the rights to the area within the temporary easement.

43. THE PART TAKEN

Land Taken

Fee	Size	Unit Value	Proportion of Fee	Total Allocation
6-SH	: 2.1186	X \$12,500	X 100% - \$1	= \$26,482
Total Land				\$26,482

Improvements Taken

None

Summary of the Part Taken

Land	\$ 26,482
Improvements	-
Contributory value of Part taken	\$ 26,482

44. EFFECT OF THE TAKING

The Effect of the Taking On The Residue Property If Left Uncured

In the after situation, the highest and best use of the left residue has not changed. After the project, the left residue continues to have a highest and best use for open space/greenspace. The left residue does not have access to a public thoroughfare in the before and after situations. Therefore, the highest and best use of the left residue will continue unchanged from the highest and best use of the subject prior to the project.

After the project, the right residue will continue to have a highest and best use of open space/greenspace. The entire right residue will be within the floodplain and will continue to have no access just as it did not have in the before situation. The highest and best use of the right residue remains unchanged.

The Effect of the Taking on the Residue Property If Cured

There is no reasonable cure for the effect of the take on the subject property. All site improvements run with the land.

[illegible]

46. PART 5 FACTUAL DATA AFTER THE TAKE**47. APPRAISAL OF THE RESIDUE**

The residue is what is left of the whole property after the taking. The purpose for appraising the residue is to estimate if damages are owed to the property owner. In order to estimate damages and special benefits (if any) to the property, the proper procedure requires the appraiser to estimate the market value of the fee simple interest of the residue property based on the presumption the shared use facility has been completed according to construction plans and is open to the public.

Damages are evident when the value of the part taken is deducted from the difference in value between the value of the whole property before the taking and the value of the residue property, if uncured.

	Value of the Whole Property Before the Taking
(-) Value of the Residue Property, if Uncured	
	<hr/> Difference
(-) Part Taken	
	<hr/> Total Damages, if Uncured

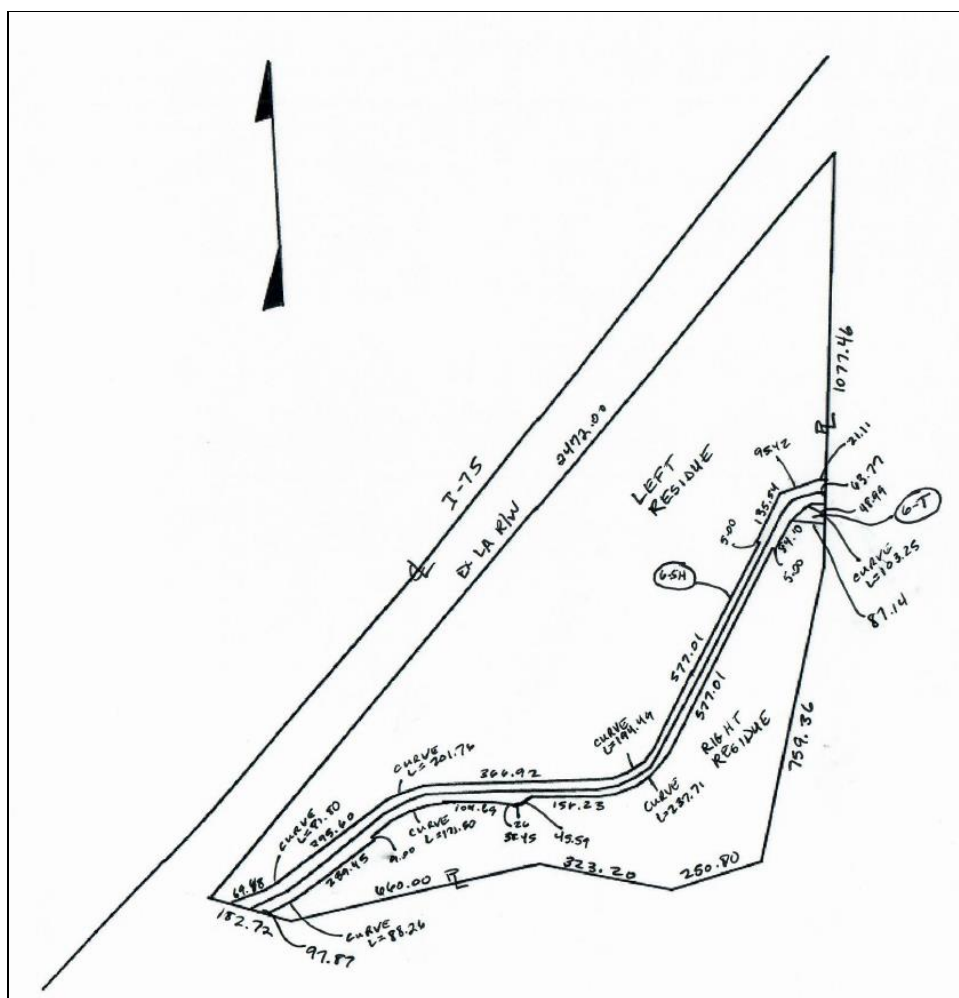
The residue property is to be valued without any consideration of a cure so the diminution in value to the residue uncured (also known as total damages, if uncured) can be estimated. Once this diminution in value to the residue uncured is determined, the appraiser may then consider the feasibility of a cost to cure and, if feasible, value the residue as cured and determine if the cure eliminates all of the diminution in value to the residue property.

48. PROPERTY RIGHTS APPRAISED – RESIDUE PROPERTY

The property rights appraised in the after situation are the fee simple interest of the subject property, subject to easements of record.

49. IDENTIFICATION OF THE RESIDUE PROPERTY

In the after situation, the subject property is located south of Fourth Street along the east side of I-75 in Franklin, Warren County, Ohio. After the project, the subject property contains a gross land area of 40.6647 acres with original right-of-way of 9.7914 acres plus 2.1186 acres within the new bike path in the standard highway easement taken as part of the project. The subject has been bifurcated into two residues. The left net residue contains 19.8691 net acres while the right residue contains 8.8856 net acres for a total of 28.7547 acres of net residue.



use remains open space/greenspace. There are no damages to the subject property.

52. BUILDING/FLOOR PLAN SKETCH OF THE RESIDUE

The subject is vacant land therefore, no building/floor plan sketch is provided.

53. BUILDING DESCRIPTION OF THE RESIDUE

The subject is vacant land therefore, no building description is provided.

54. LEGAL AND POLITICAL CONSTRAINTS OF THE RESIDUE

As discussed, in the after situation, the subject property continues to be vacant land. This use remains a legally conforming use after the project. The subject contains land area that is legally conforming.

55. HIGHEST AND BEST USE OF THE RESIDUE

- (a) Present use of the property: Currently, the subject property is vacant land.
- (b) Definition of Highest and Best Use: The reasonably probable and legal use of vacant land or an improved property that is physically possible, legally permissible, appropriately supported, financially feasible, and that results in the highest value.²
- (c) The Highest and Best Use As Vacant:

Left Residue

Legally Permissible

The subject property is zoned R-1A which is the Estate Residential District within the city of Franklin. The purpose, permitted uses, and minimum site requirements were provided under Item 29, the Site Description. The zoning classification allows for primarily single-family residential uses as well as some group homes, foster homes and public recreation uses. The legally permissible uses include all the uses permitted by the zoning classification.

Physically Possible

Physically, the subject property does not have access. It is essentially a land-locked parcel. The subject has an irregular shape, along the east side of I-75. The topography is heavily rolling. The southeastern portion of the subject property is within the 100-year floodplain. The physical possible uses include primarily open space/greenspace. Residential uses are not physically possible because of the lack of access.

Economically Feasible

The economic conditions in the area indicate a stable residential submarket for the subject property's location in Franklin. However, since the subject property does not have access, it is not economically feasible to develop the property with a single-family use. Therefore, the only legally permissible use that is possible would be for open space/greenspace. Development of the site is currently not possible due to the lack of access.

² *The Appraisal of Real Estate*, 15th Edition, Published by the Appraisal Institute, Copyright 2021.

Maximally Productive

The maximally productive use of the subject site is for open space/greenspace. Development of the site is currently not possible due to the lack of access.

Ideal Improvement

The ideal improvement of the subject property is currently not possible since the property does not have access at the present time.

(d) The Highest and Best Use as Improved

The highest and best use as improved is not developed in this report as the subject property is vacant land.

Right Residue

Legally Permissible

The right residue is zoned R-1A which is the Estate Residential District within the city of Franklin. The purpose, permitted uses, and minimum site requirements were provided under Item 29, the Site Description. The zoning classification allows for primarily single-family uses as well as some other institutional uses and public recreation. The legally permissible uses include all the uses permitted by the zoning classification.

Physically Possible

Physically, the right residue subject property has no frontage or access. The right residue is heavily rolling and entirely within the 100-year floodplain. The physical possible uses include open space/greenspace.

Economically Feasible

The economic conditions in the area indicate a stable residential submarket for the subject property's location in Franklin. The subject is just east of a developed residential neighborhood, but with no access and within the floodplain. The economically feasible uses include greenspace.

Maximally Productive

The maximally productive use of the right residue is greenspace.

Ideal Improvement

There is no ideal improvement as the right residue lies within the floodplain and has no access.

(e) The Highest and Best Use as Improved

The highest and best use as improved is not developed in this report as the subject property is vacant land.

56. PART 6 VALUATION OF THE RESIDUE UNCURED

57. ESTIMATE OF LAND VALUE – RESIDUE UNCURED

The subject property is a vacant parcel, and the sales comparison approach is used to estimate its value. The basic steps to the sales comparison approach are as follows.

- 1 The subject site is analyzed, and market data is gathered.
- 2 The market data is analyzed, verified, and compared with the subject site.
- 3 An appropriate unit of comparison is selected, and the sales are compared with the subject property based on the unit of comparison.
- 4 The market value of the property is based on a value conclusion, within a range, that is based on the indicated value from the sale properties, after adjustments for differences.

As discussed above, the subject property consists of two residue larger parcels, the right residue and the left residue. Since there are similar highest and best uses for both properties the same comparable sales have been identified to compare with each of the residue properties. The first analysis will focus on the left residue which continues to have highest and best use similar to the before situation which includes open space/green space.

Left Residue

As discussed above, the left residue reflects a highest and best use that is similar to the subject property in the before situation.

Unit of Comparison

The price per acre unit of comparison is used to estimate the market value of the of the subject property. Most adjustments are not necessary for valuing greenspace land. The one adjustment recognized by the market is for access.

Sales Availability and Search Area

The sales that are detailed below were based on an exhaustive search of the market to identify the best greenspace sales in the market. Each sale was purchased for greenspace, recreation or parkland, with little utility.

Use of the Same Sales in the After Situation as Were Used in the Before Situation

In the after situation, the same sales are used to develop an opinion of the value of the subject property as were used in the before situation. As were discussed in the highest and best use section of this report, the highest and best use of the left residue of the subject property in the after situation is consistent with the highest and best use of the subject property in the before situation. Therefore, the use of the same sales is justified. The best sales were identified in the market to develop an opinion of the market value of the subject's highest and best use as established in the before situation. Therefore, these same best sales will be applied in the after situation, since there is a similar highest and best use after the project.

LAND SALE NO. 1

Location	East side of Gray Road, Fairfield, Butler County, OH 45014
Tax ID	A0700-021.000-027
School District	Fairfield CSD
Date Inspected	December 12, 2020

Sale Data

Grantor	Charles D Baumann
Grantee	Steven M Zettler & James J Zettler
Sale Date	February 8, 2018
Deed Book/Page	9129 / 363
Conditions of Sale	Arms-Length
Property Rights	Fee Simple
Financing	Conventional Loan through Harrison Building and Loan
Highest and Best Use	Private Recreation
Verification	Lance Brown, MAI, with Steve Zettler, 513-907-1206, on October 22, 2020

Sale Price

\$425,000

Land Data

Zoning	A-1, Agricultural
Topography	Rolling to hillside
Utilities	Electric and public water
Shape	Irregular
Flood Info	Flood Zone X, areas of minimal flood hazard
Encumbrances	None
Present Use	Recreation
Motivation of Parties	Buyer: Recreation

Land Size Information

Gross Land Size	33.184 Acres or 1,445,495 SF
Useable Land Size	32.894 Acres or 1,432,863 SF (99.13%)
Unusable Land Size	0.290 Acres or 12,632 SF (0.87%)

Indicators

Sale Price/Useable Acre	\$12,920
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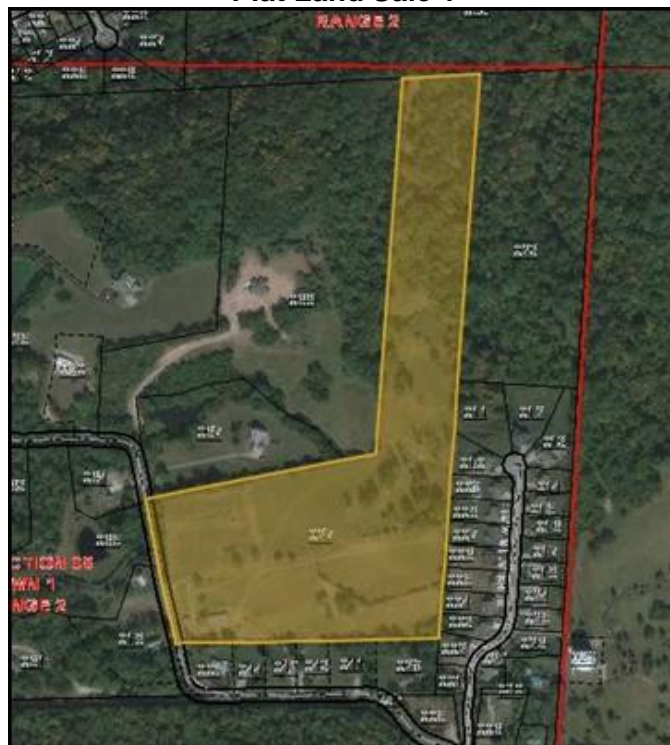
Analysis of Pertinent Data

This property was actively marketed by the owner and was widely known in the community to be available. The city of Fairfield was interested in purchasing the property for the expansion of Harbin Park. The owner and the city were unable to reach an agreement, and the property was purchased by two brothers local to the area for private recreation. There were some buildings on the property and the buyer indicated they paid no extra for the buildings. The parcel is used for private recreation with no concrete plans to build any dwellings on the site. ID: 3414

Photo Land Sale 1



Plat Land Sale 1



LAND SALE NO. 2

Location	East terminus of King Avenue, north side of Little Miami River, South Lebanon, Warren County, OH
Tax ID	13-31-301-008 & 010; 13-13-326-003
School District	Kings Local School District
Date Inspected	December 15, 2020

Sale Data

Grantor	Holtzman & Spicer Mandelstein
Grantee	Warren County Park District
Sale Date	September 02, 2021
Deed Book/Page	2021-39922,39912 WD
Conditions of Sale	Arms-Length
Property Rights	Fee Simple
Financing	Cash
Highest and Best Use	Recreation/open space
Verification	Lance Brown, MAI, with Bruce McGary, with grantee, 513-695-1384, on November 23, 2021

Sale Price

\$542,868

Land Data

Zoning	FP, Residential Flood Plain with Flood Plain, Floodway and River Overlay.
Topography	Low lying, flood plain
Utilities	All public available
Shape	Irregular
Flood Info	100 year flood plain and flood way 39165C0227E, 12/17/10
Encumbrances	Normal
Present Use	Vacant – Recreation
Motivation of Parties	Buyer for public recreation use

Land Size Information

Gross Land Size	39.052 Acres or 1,701,105 SF
Useable Land Size	39.052 Acres or 1,701,105 SF (Net)

Indicators

Sale Price/Useable Acre	\$13,901
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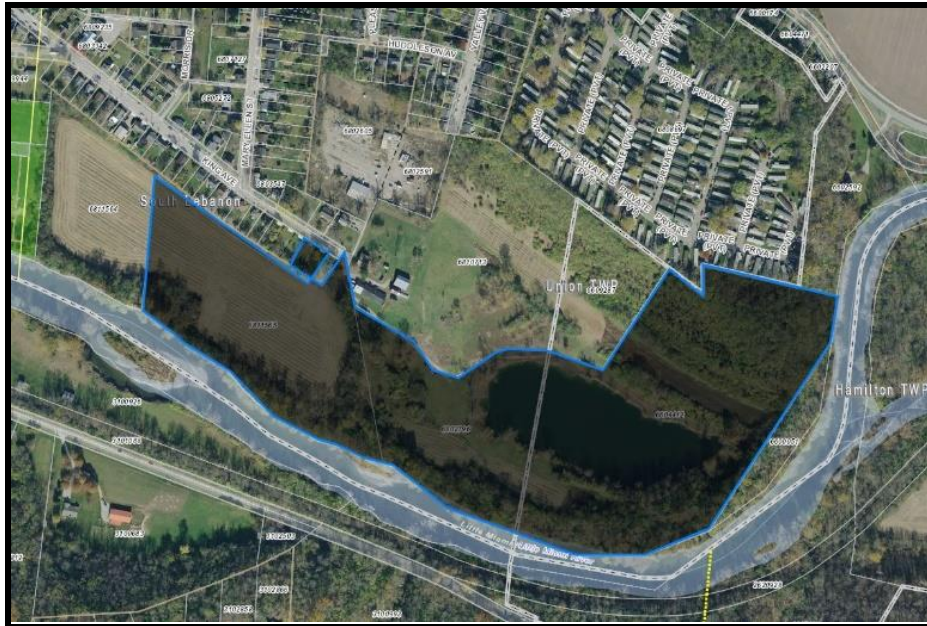
Analysis of Pertinent Data

The property was purchased for public recreation. There were some minor easements given to a panhandle parcel to allow for access to the sale from King Avenue. Another parcel sold from the same seller to Warren County Water District for a well field site. This property was not part of the well field site and had a highest and best use for recreation. The property included a pond as well as wooded area adjacent to the Little Miami River. The majority of the parcel is located within the flood plain and there were few alternative uses for the property other than recreation. The agreed upon price for the sale property was \$14,000 per acre, although final surveys modified the total amount paid. ID: 3472

Photo Land Sale 2



Plat Land Sale 2



LAND SALE NO. 3

Location	North side of Joe Nuxhall Way, west of River Road, Fairfield, Butler County, OH
Tax ID	A0700-001.000-003
School District	Fairfield
Date Inspected	7/21/17

Sale Data

Grantor	Ernie W. Durban II and Velina Marie Durbin
Grantee	City of Fairfield
Sale Date	July 19, 2017
Deed Book/Page	9051/1 GWD
Conditions of Sale	Arms-Length
Property Rights	Fee Simple
Financing	Cash
Highest and Best Use	Greenspace / Park
Verification	Lance Brown, MAI, with Ben Mann, grantee, (513) 867-4213, on July 21, 2017

Sale Price

\$160,000

Land Data

Zoning	A-1, Agriculture
Topography	Low-lying
Utilities	Public water, no public sewer
Shape	Trapezoid
Flood Info	Floodway, Panel #: 39017C0302E, effective 12/17/2010
Encumbrances	Normal
Present Use	Single-family
Motivation of Parties	Buyer: For greenspace

Land Size Information

Gross Land Size	12.898 Acres or 561,837 SF
Useable Land Size	12.318 Acres or 536,572 SF (Net)

Indicators

Sale Price/Useable Acre	\$12,989
-------------------------	----------

Analysis of Pertinent Data

The property contained a single-family dwelling that did not contribute any value to the property. The buyer of the property anticipated a demolition cost to remove the structure of \$10,000. The property was purchased with Clean Ohio Grant Funds and will be used to expand Joyce Park. ID: 2564

Photo Land Sale 3



Plat Land Sale 3



Land Sale Location Map-Left Residue After



Adjustment Grid—Land Value, Left Residue, After

	Subject	Sale 1	\$12,920	Sale 2	\$13,901	Sale 3	\$12,989
Property Rights	Fee Simple	Similar	-	Similar	-	Similar	-
Financing	Cash	Similar	-	Similar	-	Similar	-
Conditions of Sale	Arms Length	Similar	-	Similar	-	Similar	-
Buyer Expenditures	None	Similar	-	Similar	-	Similar	-
Market Conditions	Nov-21	Feb-18	-	Sep-21	-	Jul-17	-
ADJUSTED UNIT			\$12,920		\$13,901		\$12,989
Location	Fourth Street	Gray Road	-	King Avenue	-	Joe Nuxhall Way	-
Size	19.8691	32.8940	-	39.0520	-	12.3180	-
Shape	Irregular	Irregular	-	Irregular	-	Irregular	-
Access	None	Frontage	(646)	Frontage	(695)	Frontage	(649)
Topography	Floodplain	Rolling/Hillside	-	Floodplain	-	Floodplain	-
Utilities	E	E,W	-	All public	-	E,W	-
Zoning	R-1A	A-1	-	FP	-	A-1	-
NET ADJUSTMENTS			(646)		(695)		(649)
INDICATED VALUE			\$12,274		\$13,206		\$12,340

Indicated Value Range: **\$12,274** **\$12,340** **\$13,206**
 \$12,500 \$12,500

Elements Comprising Differences between the Sales and the Subject

The sales detailed above are the best sales available to indicate the market value of the subject property. There are differences between the sales and the subject property for which adjustments are made.

Property Rights

Each of the sales were the result of a transfer of fee simple interest, requiring no adjustments.

Financing

Each of the sales resulted in cash to the seller at the closing or was financed under conventional loans at market rates. No adjustment is required.

Conditions of Sale

All of the sales were the result of an arms-length negotiation between an unrelated buyer and seller. No adjustment is made.

Buyer Expenditures

Each of the sales were vacant land at the time of purchase with no buyer expenditures required. No adjustment is made to any of the sales.

Market Conditions

The subject property is appraised as of November 18, 2021. The comparable sales occurred between July 2017 and September 2021. The market conditions are not taken into consideration for greenspace sales. Buyers and sellers of greenspace properties have demonstrated little to no market conditions increases over the past several years. No adjustment is made for market conditions.

Location

The left residue is south of Fourth Street and east of I-75 along a newly created bike trail. The subject is in Franklin, Warren County, Ohio. Sales 1 and 3 are both within the city of Fairfield while Sale 2 is in South Lebanon in Warren County. The location of open space/greenspace sales is not typically considered as these properties are typically purchased by local park boards or municipalities. No adjustment is made for location.

Size

The subject is smaller than Sales 1 and 2 and slightly larger than Sale 3. Each of the sales have a highest and best use for greenspace. Size is typically not considered in the purchase of greenspace sales as the land values tend to be flat no matter what the size of the property. No adjustment is made for size.

Shape

The subject has a generally irregular shape. The shape of each of the comparable sales is relatively similar to that of the subject property, requiring no adjustment.

Access

The left residue of the subject property will have no access. Each of the three sales had access directly from the frontage, slightly superior to the subject property, requiring slight downward adjustments.

Topography

The left residue of the subject property is partially within the floodplain and floodway. Sale 1 is a heavily rolling site with most of the site on steep hillsides, requiring no adjustment. Sales 2 and 3 are both within the floodplain and floodway, similar to the subject, requiring no adjustment.

Utilities

The subject has access to some utilities as do each of the three sales. For the subject's highest and best use access to utilities is not required or even considered. No adjustment is made.

Zoning

The subject is zoned for residential use. The sales are zoned for residential or agricultural use, relatively similar to the subject property, requiring no adjustment.

Conclusion

The above-mentioned sales range from \$12,274 per acre to a high of \$13,206 per acre on an adjusted basis. Each sale was purchased for greenspace or park land. Placing equal weight on each of the sales, we are projecting a value towards the middle of the adjusted range for the left residue at \$12,500 per acre. \$1 is included with the left residue for PRO within I-75 and in the new standard highway easement acquired by the project.

Right Residue

The Unit of Comparison

The price per acre unit of comparison is used to estimate the market value of the right residue of the subject property. Most adjustments are not necessary for valuing greenspace land. The one adjustment recognized by the market is for access.

Sales Availability and Search Area

The sales that are detailed below were based on an exhaustive search of the market to identify the best open space/greenspace sales in the market. Each sale was purchased for greenspace, recreation or parkland, with little utility.

LAND SALE NO. 1

Location	East side of Gray Road, Fairfield, Butler County, OH 45014
Tax ID	A0700-021.000-027
School District	Fairfield CSD
Date Inspected	December 12, 2020

Sale Data

Grantor	Charles D Baumann
Grantee	Steven M Zettler & James J Zettler
Sale Date	February 8, 2018
Deed Book/Page	9129 / 363
Conditions of Sale	Arms-Length
Property Rights	Fee Simple
Financing	Conventional Loan through Harrison Building and Loan
Highest and Best Use	Private Recreation
Verification	Lance Brown, MAI, with Steve Zettler, 513-907-1206, on October 22, 2020

Sale Price

\$425,000

Land Data

Zoning	A-1, Agricultural
Topography	Rolling to hillside
Utilities	Electric and public water
Shape	Irregular
Flood Info	Flood Zone X, areas of minimal flood hazard
Encumbrances	None
Present Use	Recreation
Motivation of Parties	Buyer: Recreation

Land Size Information

Gross Land Size	33.184 Acres or 1,445,495 SF
Useable Land Size	32.894 Acres or 1,432,863 SF (99.13%)
Unusable Land Size	0.290 Acres or 12,632 SF (0.87%)

Indicators

Sale Price/Useable Acre	\$12,920
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Analysis of Pertinent Data

This property was actively marketed by the owner and was widely known in the community to be available. The city of Fairfield was interested in purchasing the property for the expansion of Harbin Park. The owner and the city were unable to reach an agreement, and the property was purchased by two brothers local to the area for private recreation. There were some buildings on the property and the buyer indicated they paid no extra for the buildings. The parcel is used for private recreation with no concrete plans to build any dwellings on the site. ID: 3414

Photo Land Sale 1



Plat Land Sale 1



LAND SALE NO. 2

Location	East terminus of King Avenue, north side of Little Miami River, South Lebanon, Warren County, OH
Tax ID	13-31-301-008 & 010; 13-13-326-003
School District	Kings Local School District
Date Inspected	December 15, 2020

Sale Data

Grantor	Holtzman & Spicer Mandelstein
Grantee	Warren County Park District
Sale Date	September 02, 2021
Deed Book/Page	2021-39922,39912 WD
Conditions of Sale	Arms-Length
Property Rights	Fee Simple
Financing	Cash
Highest and Best Use	Recreation/open space
Verification	Lance Brown, MAI, with Bruce McGary, with grantee, 513-695-1384, on November 23, 2021

Sale Price

\$542,868

Land Data

Zoning	FP, Residential Flood Plain with Flood Plain, Floodway and River Overlay.
Topography	Low lying, flood plain
Utilities	All public available
Shape	Irregular
Flood Info	100 year flood plain and flood way 39165C0227E, 12/17/10
Encumbrances	Normal
Present Use	Vacant – Recreation
Motivation of Parties	Buyer for public recreation use

Land Size Information

Gross Land Size	39.052 Acres or 1,701,105 SF
Useable Land Size	39.052 Acres or 1,701,105 SF (Net)

Indicators

Sale Price/Useable Acre	\$13,901
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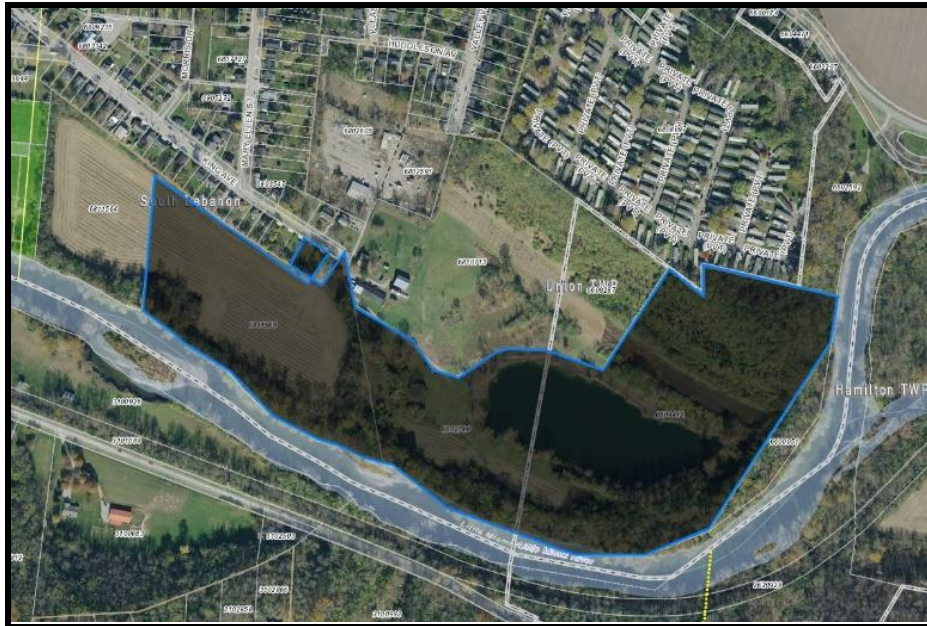
Analysis of Pertinent Data

The property was purchased for public recreation. There were some minor easements given to a panhandle parcel to allow for access to the sale from King Avenue. Another parcel sold from the same seller to Warren County Water District for a well field site. This property was not part of the well field site and had a highest and best use for recreation. The property included a pond as well as wooded area adjacent to the Little Miami River. The majority of the parcel is located within the flood plain and there were few alternative uses for the property other than recreation. The agreed upon price for the sale property was \$14,000 per acre, although final surveys modified the total amount paid. ID: 3472

Photo Land Sale 2



Plat Land Sale 2



LAND SALE NO. 3

Location	North side of Joe Nuxhall Way, west of River Road, Fairfield, Butler County, OH
Tax ID	A0700-001.000-003
School District	Fairfield
Date Inspected	7/21/17

Sale Data

Grantor	Ernie W. Durban II and Velina Marie Durbin
Grantee	City of Fairfield
Sale Date	July 19, 2017
Deed Book/Page	9051/1 GWD
Conditions of Sale	Arms-Length
Property Rights	Fee Simple
Financing	Cash
Highest and Best Use	Greenspace / Park
Verification	Lance Brown, MAI, with Ben Mann, grantee, (513) 867-4213, on July 21, 2017

Sale Price

\$160,000

Land Data

Zoning	A-1, Agriculture
Topography	Low-lying
Utilities	Public water, no public sewer
Shape	Trapezoid
Flood Info	Floodway, Panel #: 39017C0302E, effective 12/17/2010
Encumbrances	Normal
Present Use	Single-family
Motivation of Parties	Buyer: For greenspace

Land Size Information

Gross Land Size	12.898 Acres or 561,837 SF
Useable Land Size	12.318 Acres or 536,572 SF (Net)

Indicators

Sale Price/Useable Acre	\$12,989
-------------------------	----------

Analysis of Pertinent Data

The property contained a single-family dwelling that did not contribute any value to the property. The buyer of the property anticipated a demolition cost to remove the structure of \$10,000. The property was purchased with Clean Ohio Grant Funds and will be used to expand Joyce Park. ID: 2564

Photo Land Sale 3



Plat Land Sale 3





Adjustment Grid—Land Value Right Residue, After

	Subject	Sale 1	\$12,920	Sale 2	\$13,901	Sale 3	\$12,989
Property Rights	Fee Simple	Similar	-	Similar	-	Similar	-
Financing	Cash	Similar	-	Similar	-	Similar	-
Conditions of Sale	Arms Length	Similar	-	Similar	-	Similar	-
Buyer Expenditures	None	Similar	-	Similar	-	Similar	-
Market Conditions	Nov-21	Feb-18	-	Sep-21	-	Jul-17	-
ADJUSTED UNIT			\$12,920		\$13,901		\$12,989
Location	Fourth Street	Gray Road	-	King Avenue	-	Joe Nuxhall Way	-
Size	8.8856	32.8940	-	39.0520	-	12.3180	-
Shape	Irregular	Irregular	-	Irregular	-	Irregular	-
Access	None	Frontage	(646)	Frontage	(695)	Frontage	(649)
Topography	Floodplain	Rolling/Hillside	-	Floodplain	-	Floodplain	-
Utilities	E	E,W	-	All public	-	E,W	-
Zoning	R-1A	A-1	-	FP	-	A-1	-
NET ADJUSTMENTS			(646)		(695)		(649)
INDICATED VALUE			\$12,274		\$13,206		\$12,340

Indicated Value Range: **\$12,274** **\$12,340** **\$13,206**

Elements Comprising Differences between the Sales and the Subject

The sales detailed above are the best sales available to indicate the market value of the subject property. There are differences between the sales and the subject property for which adjustments are made.

Property Rights

Each of the sales were the result of a transfer of fee simple interest, requiring no adjustments.

Financing

Each of the sales resulted in cash to the seller at the closing or was financed under conventional loans at market rates. No adjustment is required.

Conditions of Sale

All of the sales were the result of an arms-length negotiation between an unrelated buyer and seller. No adjustment is made.

Buyer Expenditures

Each of the sales were vacant land at the time of purchase with no buyer expenditures required. No adjustment is made to any of the sales.

Market Conditions

The subject property is appraised as of November 18, 2021. The comparable sales occurred between July 2017 and September 2021. The market conditions are not taken into consideration for open space/greenspace sales. Buyers and sellers of greenspace properties have demonstrated little to no market conditions increases over the past several years. No adjustment is made for market conditions.

Location

The right residue is south of Fourth Street on the east side of the Clear Creek along a newly created bike trail. The subject is in Franklin, Warren County, Ohio. Sales 1 and 3 are both within the city of Fairfield while Sale 2 is in South Lebanon in Warren County. The location of greenspace sales is not typically considered as these properties are typically purchased by local park boards or municipalities. No adjustment is made for location.

Size

The subject is smaller than each of the sales, but the subject, as well as each of the sales, has a highest and best use of open space/greenspace. Size is typically not considered in the purchase of open space/greenspace sales as the land values tend to be flat no matter what the size of the property. No adjustment is made for size.

Shape

The subject property has a generally irregular shape. The shape of each of the comparable sales is relatively similar to that of the subject property, requiring no adjustment.

Access

The right residue of the subject property will have no access. Each of the three sales had access directly from the frontage, slightly superior to the subject property, requiring slight downward adjustments.

Topography

The right residue of the subject property is within the floodplain and floodway. Sale 1 is a heavily rolling site with most of the site on steep hillsides, requiring no adjustment. Sales 2 and 3 are both within the floodplain and floodway, similar to the subject, requiring no adjustment.

Utilities

The subject has access to some utilities as do each of the three sales. For the subject's highest and best use access to utilities is not required or even considered. No adjustment is made.

Zoning

The subject is zoned for residential use. The sales are zoned for residential or agricultural use, relatively similar to the subject property, requiring no adjustment.

Conclusion

The above-mentioned sales range from \$12,274 per acre to a high of \$13,206 per acre on an adjusted basis. Each sale was purchased for greenspace or park land. Placing equal weight on each of the sales, we are projecting a value towards the middle of the adjusted range for the right residue at \$12,500 per acre.

The left residue reflects a land value of \$12,500 per acre. \$1 is included with the left residue for PRO within I-75 and in the newly acquired standard highway easement

Fee Simple Land Area Left Residue, After (Acres)	19.8691	
Land Value per Acre	\$12,500	
Value of Fee Simple Land		\$248,364
Value of PRO		\$1
Value of Left Residue, After		<hr/> \$248,365
Fee Simple Land Area Right Residue, After (Acres)	8.8856	
Land Value per Acre	\$12,500	
Value of Fee Simple Land		\$111,070
Value of PRO		\$0
Value of Right Residue, After		<hr/> \$111,070
Total Value of Land		\$359,435

58. COST APPROACH – RESIDUE UNCURED

The subject property is vacant land. Therefore, the cost approach is not detailed in this report.

59. SALES COMPARISON APPROACH – RESIDUE UNCURED

The subject property is vacant land. Therefore, the sales comparison approach is not detailed in this report.

60. INCOME APPROACH – RESIDUE UNCURED

The subject property is vacant land. Therefore, the income approach is not detailed in this report.

61. RECONCILIATION AND VALUE CONCLUSION – RESIDUE UNCURED

Both of the larger parcels in the after situation were valued separately as if vacant with similar highest and best uses. The left residue reflected a highest and best use for open space/greenspace. The same sales used in the before situation were applied in the after situation to indicate the market value of the left residue based on an open space/greenspace highest and best use. The sales provided a good indication of market value and are felt to be reliable indicators for the left residue of the subject property. The entire left residue of 19.8691 acres was valued at \$12,500 per acre.

In the case of the right residue, the same sales were utilized and the property had the same highest and best use. Open space/greenspace sales were also used to indicate the market value of the right residue. The entire right residue of 8.8856 acres was valued at \$12,500 per acre.

Final Value:

In conclusion, sole weight is placed on the sales comparison approach of the land as if vacant, which was applied to both the left and right residues of the subject property. The data for each sales comparison approach was good, which increases the reliability of the conclusion. The value of the two residue areas are added together for allocation purposes only. The final value is for the fee simple interest of the subject property, subject to the assumptions and limiting conditions detailed in the report, as of the effective date of the appraisal, November 18, 2021, and is allocated as follows.

62. ALLOCATION OF VALUE ESTIMATE – RESIDUE UNCURED

Land	\$359,435
Land Improvements	-
Structures	-
Total	<u>\$359,435</u>

63. TOTAL DAMAGES, IF UNCURED

Value of the Whole Property Before the Taking	\$385,917
<u>Value of the Residue Property, if Uncured (-)</u>	<u>\$359,435</u>
Difference	\$26,482
<u>Part Taken (-)</u>	<u>\$26,482</u>
Total Damages, if Uncured	\$0

SECTIONS 64-75

Sections 64-75 are not applicable since there is no cure possible for the damage to the subject property.

76. PART 9 COMPENSATION ESTIMATE FOR TEMPORARY EASEMENTS

6-T 0.0743 acres of Greenspace Land @ \$12500 per acre x 10% x 1 year	\$	93
	\$	93

6-T is contained on the right residue and as such, the after value of the right residue is used to calculate the temporary easement of this parcel.

77. PART 10 VALUATION SUMMARY AND COMPENSATION ESTIMATE

Valuation Summary

A)	Value Before the Taking	\$385,917
B)	Value of the Residue Uncured (-)	<u>\$359,435</u>
C)	Difference	\$26,482
D)	The Part Taken (-)	<u>\$26,482</u>
E)	Total Damages, if Uncured	\$0

The Compensation Estimate

The Part Taken		\$	26,482
+ Damages			
Net Cost to Cure	\$	-	
Damages Uncured		<u>0</u>	
Total Damages			<u>0</u>
+ Temporary Construction Easement(s)			<u>93</u>
Total Compensation		\$	26,575

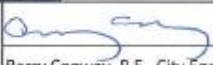

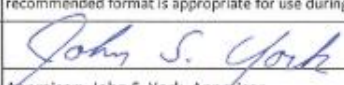
78. PART 11 THE ADDENDA

APPRAISAL SCOPING CHECKLIST

O-22-09
Exhibit A

REV. 11-2019

APPRAISAL SCOPING CHECKLIST

Owners Name		County	WAR
James Kevin Swallow, Carrie Kendall, Anne Stanton Easton, Hansen Terry C. Easton, Charles A. Easton aka Charles Arthur Easton		Route	Clearcreek Bike Path Connector
		Section	N/A
		Parcel No.	6-SH and 6-T
		Project ID No.	106223
Appraisal Scope			
Partial or total acquisition			Partial
Ownership			
Whole parcel determination is complex			No
RE-95 will be required			No
RE 22-1 Apportionment will be required			No
Title report has non-typical appraisal issues (i.e. tenants, fractured ownership, atypical easements)			No
Regulation			
Significant zoning or legal regulations are impacting acquisition			No
Property is not compliant with legal regulations in the before or after			No
R/W and Construction Plans			
Significant improvements are in the acquisition area (or impacted)			No
Significant impact to site improvements (landscaping, vegetation, or screening)			No
Significant utilities (i.e. well, septic, service lines, etc.) are in the acquisition area (or impacted)			No
Significant issues due to elevation change, topography, or flood plain			No
Conclusion			
Parcel acquisition cost estimate amount (\$10,000 VA limit or \$65,000 VF limit)			Greater than \$10K
Anticipated damages (access, proximity, internal circuitry, change H&B use, etc.) are expected			Yes
Cost-to-Cure should be considered			No
Specialized Report (parking, drainage, circuitry, etc.) should be considered			No
Appraisal Format Conclusion			Before/After RW Narrative
Explanation of appraisal problem. Include discussion of any "Yes" responses above			
Parcel 6 is a large tract of vacant land adjacent to I-75 and zoned for residential use. The standard highway easement to be acquired traverses through the southern portion of the property leaving a nearly nine-acre residue. The area to be acquired is mostly wooded land south of the Clearcreek River and it creates a left and right residue. The temporary construction easement is towards the northeastern boundary of the site and will be utilized for grading and bike path construction. Appraiser to utilize RE 25-17 Before and After R/W Appraisal Format and determine the highest and best use of each residue parcel in the after situation.			
Signatures			
Agency Approval by Signature, Title, and Date		10/19/21	
Typed Name	Barry Conway, P.E., City Engineer, Franklin Ohio	Date	
Review Appraiser Signature and Date		October 7, 2021	
	Review Appraiser: Beth A. Riggs R/W-AC	Date	
Appraiser Acknowledgement	I have reviewed the right of way plans and other pertinent parts of the construction plans, have driven by the subject, have reviewed this scoping document and I have independently performed my own appraisal problem analysis. I am in agreement regarding the valuation problem, the determination of the complexity of this problem, and I agree that the recommended format is appropriate for use during the acquisition phase of this project.		
Appraiser Signature and Date		11/29/21	
	Appraiser: John S. York, Appraiser	Date	

**QUALIFICATIONS OF
JOHN S. YORK**
jyork@e-beck.com

EDUCATION:

Master of Science in Business, University of Wisconsin
December 1984; Major: Real Estate Appraisal and Investment Analysis

Bachelor of Science in Business Administration, University of Tennessee
June 1983; Major: Finance – Concentration in Real Estate & Urban Development

Various courses and exams of professional appraisal organizations

**PROFESSIONAL
EXPERIENCE:**

7/06 to Present—Executive Vice President, Beck Consulting, Inc.

4/86 to Present—President, York Valuation

12/84 to 4/86—Senior Appraiser, Arthur D. Little Valuation

SPECIALIZATIONS:

Prepare appraisals of all types of real property for mortgage purposes.

Complete detailed condemnation/eminent domain appraisals including partial acquisitions and damage for Army Corps of Engineers, Hamilton County Engineer, ODOT, City of Cincinnati Real Estate Services, and local public authorities.

Provide appraisals for real property, tax cases, including testimony for ad valorem tax purposes for government and private clients.

Provide appraisals and analysis of existing and proposed commercial, industrial, and residential developments for mortgage lending.

**LICENSES AND
CERTIFICATIONS:**

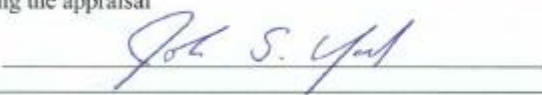
Ohio State Certified General Appraiser, Certificate No. 379339

Kentucky State Certified General Appraiser, License No. 001384

Ohio Department of Transportation Pre-Qualified Right-of-Way Appraiser

Member Wisconsin Real Estate Alumni Association

Licensed Real Estate Sales Associate, Ohio Certificate No. 357972

APPRAISER DISCLOSURE STATEMENT In compliance with Ohio Revised Code Section 4763.12 (C)	
1. Name of Appraiser	<u>John S. York</u>
2. Class of Certification/Licensure:	<input checked="" type="checkbox"/> Certified General <input type="checkbox"/> Licensed Residential <input type="checkbox"/> Temporary <input type="checkbox"/> General <input type="checkbox"/> Licensed
Certification/Licensure Number:	<u>379339</u>
3. Scope: This report	<input checked="" type="checkbox"/> is within the scope of my Certification or License. <input type="checkbox"/> is not within the scope of my Certification or License.
4. Service Provided By:	<input checked="" type="checkbox"/> Disinterested & Unbiased Third Party <input type="checkbox"/> Interested & Biased Third Party <input type="checkbox"/> Interested Third Party on Contingent Fee Basis
5. Signature of person preparing and reporting the appraisal	
This form must be included in conjunction with all appraisal assignments or specialized services performed by a state-certified or state licensed real estate appraiser.	

State of Ohio
 Department of Commerce
 Division of Real Estate
 Appraisal Section
 Cleveland (216) 787-3100

EXHIBIT B



VIA USPS CERTIFIED MAIL SERVICE 7020 0640 0000 6946 3117

January 10, 2022

Terry C. Easton
PO Box 528
Springboro, OH 45066

Re: WAR-CLEAR CRK
Parcel Number: 006
Interest Acquired: Standard Highway Easement (SH)
Temporary Construction Easement (T)

THE NOTICE OF INTENT TO ACQUIRE

TO: Terry C. Easton (Co-owner with James Kevin Swallow, Carrie Kendall, Anne Stanton Easton Hansen, Charles A. Easton aka Charles Arthur Easton)

The City of Franklin needs your property for a highway project identified as WAR-CLEAR CRK and will need to acquire the following from you:

Parcel 006-SH is being acquired by an Easement deed that will include a reservation of access. This means permanent easement interests (called "standard highway easements") are being acquired, but the residue property will retain reasonable access to the road. The grantor will retain the right of ingress and egress to and from any area not subject to the easements.

Parcel 006-T is a temporary construction easement, as is indicated by the T designation. A temporary easement is for specific purposes, outside permanent rights of way. The duration of the temporary easement is for 12 months, starting from the date of entry by the City of Franklin, or its contractors and ending when the proposed work has been completed and accepted. Under no circumstances will this temporary easement be used for storage of material or equipment by the contractor unless noted otherwise.

Ohio law authorizes the City of Franklin to obtain Parcel 006-SH and Parcel 006-T from your property for the public purpose of a highway project. The legal description of your property that the City of Franklin 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 the City of Franklin'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, the City of Franklin is required to make a good faith effort to purchase Parcel 006-SH and Parcel 006-T.
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 Franklin 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 Franklin 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 Franklin.
5. You are to be provided with pertinent parts of the highway plans which are:

RIGHT OF WAY LEGEND SHEET 1 of 16
RIGHT OF WAY SUMMARY SHEET 3 of 16
RIGHT OF WAY PLAN SHEETS 8, 9, 10, 11, 12 and 13 of 16
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. You have the right to object to the City of Franklin decision to acquire your property by writing, within ten business days of receiving this notice, to:

City of Franklin
1 Benjamin Franklin Way

Franklin, OH 45005

The City of Franklin has the discretion to veto this project, and if it does, it will not proceed.

10. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcel 006-SH and Parcel 006-T, the City of Franklin has the right to file suit to acquire Parcel 006-SH and Parcel 006-T 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 Franklin will deposit the value of the property sought to be acquired with the court. At that time, the City of Franklin 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 Franklin 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 006-SH and Parcel 006-T, of Project WAR-CLEAR CRK is:

Permanent Easement to Be Acquired	\$ 26,482.00
Damages To Your Property Which Is Not Acquired	\$ 0.00
Temporary Construction Easement	\$ 93.00
Costs-to-Cure	\$ 0.00
Total Good Faith Offer	\$ 26,575.00

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. There are no tenant-owned improvements within the take area(s).

Your property may be encumbered with a mortgage lien as security for a loan. It is possible that the City of Franklin 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 the City of Franklin 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:

City of Franklin
1 Benjamin Franklin Way
Franklin, OH 45005
(937) 746-9921

Joby Law

Joby Law, Acquisition Specialist Trainee
Agent of Dunrobin Associates, LLC
On behalf of the City of Franklin
Direct Dial: (513) 314-4900
Email: jlaw@dunrobin.org

Lisa J. Burns

Lisa Burns, Senior Acquisition Specialist
Agent of Dunrobin Associates, LLC
On behalf of the City of Franklin
Direct Dial: (513) 403-9944
Email: lburns@dunrobin.org

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

Re: WAR-CLEAR CRK
Parcel Number: 006
Interest Acquired: SH, T

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 the City of Franklin. 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 the City of Franklin'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.

Terry C. Easton

(Date)

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

Springboro, OH 45066

7020 0640 0000 6946 3117

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature	\$0.00
Postage	\$0.00
Total Post	\$3.75
Sent To	Terry C. Easton
Street and	PO Box 528
City, State, ZIP+4®	Springboro, OH 45066
WAR CLEAR CRK #6 (Terry EASTON)	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) T EASTON</p> <p>C. Date of Delivery 1/12/22</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Terry C. Easton PO Box 528 Springboro, OH 45066</p> <p>9590 9402 3946 8060 1393 80</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7020 0640 0000 6946 3117</p>	<p>Domestic Return Receipt</p>

PS Form 3800, July 2015 PSN 7530-02-000-9053

EXHIBIT A

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Ver. Date 03/16/2021

PID 106223

**PARCEL 6-SH
WAR-CLEAR-CRK.**

**PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF FRANKLIN, WARREN COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Franklin, Warren County, Ohio, its successors and assigns forever.

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 City of Franklin, County of Warren and State of Ohio and known as being part of Section No. 25, Township 2E, Range 5N between the Miami Rivers. Also, being part of the land conveyed to James Kevin Swallow (1/8 int) and Carrie Kendall (1/8 int) as recorded in Instrument No. 2018-024365 of the Warren County Records, Anne Stanton Easton Hansen (1/4 int), Terry C. Easton (1/4 int) and Charles Arthur Easton (1/4 int) as recorded in Deed Book 3842, Page 569 of the Warren County Records, and being a parcel lying on both sides of centerline of construction of Clear Creek Bike Path being more definitely described as follows:

Commencing at the intersection of the centerline of East Fourth Street (50.00 feet wide) and the centerline of Lower Springboro Road (50.00 feet wide), said point being referenced by a "KLEINGER" capped iron pin found South 55 degrees 51 minutes 13 seconds West, 0.28 feet;

Thence, along the centerline of Lower Springboro Road, South 05 degrees 10 minutes 56 seconds West, 574.15 feet to the northeasterly corner of land conveyed to City of Springboro Ohio as recorded in Deed Book 5734, Page 213 of the Warren County Records;

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Thence, leaving the centerline of Lower Springboro Road, along City of Springboro Ohio's northerly line and along the northerly line of land conveyed to Thomas Allaire Miller and Linda Sue Miller as recorded in Instrument No. 2016-002105 of the Warren County Records, South 89 degrees 37 minutes 45 seconds West, 1116.32 feet to the northwesterly corner thereof, said point being 22.80 feet left of centerline of construction of Clear Creek Bike Path Station 93+17.07 and being referenced by a 1/2" iron pin found South 14 degrees 02 minutes 39 seconds West, 0.26 feet and being the **True Point of Beginning** for the parcel herein described;

- 1) Thence, along Miller's westerly line, **South 05 degrees 04 minutes 54 seconds West, 48.79 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 93+27.26;
- 2) Thence, leaving Thomas Allaire Miller and Linda Sue Miller's westerly line, **along the arc of a curve which deflects to the left, 103.25 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+89.60, said curve having a radius of 75.00 feet, a central angle of 78 degrees 52 minutes 34 seconds and a chord of 95.29 feet which bears South 70 degrees 29 minutes 18 seconds West;
- 3) Thence **South 31 degrees 03 minutes 01 seconds West, 84.10 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 4) Thence **North 58 degrees 56 minutes 59 seconds West, 5.00 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 5) Thence **South 31 degrees 03 minutes 01 seconds West, 577.01 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 85+28.49;
- 6) Thence **along the arc of a curve which deflects to the right, 237.71 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 83+12.23, said curve having a radius of 220.00 feet, a central angle of 61 degrees 54 minutes 32 seconds and a chord of 226.32 feet which bears South 62 degrees 00 minutes 17 seconds West;
- 7) Thence **North 87 degrees 02 minutes 26 seconds West, 156.23 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 81+56.00;

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- 8) Thence **South 71 degrees 44 minutes 29 seconds West, 45.59 feet** to an iron pin set, said point being 36.50 feet right of centerline of construction of Clear Creek Bike Path Station 81+13.50;
- 9) Thence **North 87 degrees 02 minutes 26 seconds West, 26.00 feet** to an iron pin set, said point being 36.50 feet right of centerline of construction of Clear Creek Bike Path Station 80+87.50;
- 10) Thence **North 74 degrees 16 minutes 10 seconds West, 38.45 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 80+50.00;
- 11) Thence **North 87 degrees 02 minutes 26 seconds West, 104.69 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 79+45.31;
- 12) Thence **along the arc of a curve which deflects to the left, 171.50 feet** to an iron pin set, said point being 28.00 right of centerline of construction of Clear Creek Bike Path Station 77+56.16, said curve having a radius of 272.00 feet, a central angle of 36 degrees 07 minutes 33 seconds and a chord of 168.67 feet which bears South 74 degrees 53 minutes 47 seconds West;
- 13) Thence **South 56 degrees 50 minutes 00 seconds West, 56.16 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 77+00.00;
- 14) Thence **South 33 degrees 10 minutes 00 seconds East, 9.00 feet** to an iron pin set, said point being 37.00 feet right of centerline of construction of Clear Creek Bike Path Station 77+00.00;
- 15) Thence **South 56 degrees 50 minutes 00 seconds West, 239.45 feet** to an iron pin set, said point being 37.00 feet right of centerline of construction of Clear Creek Bike Path Station 74+60.55;
- 16) Thence, **along the arc of a curve which deflects to the right, 88.26 feet** to an iron pin set in the northerly line of land conveyed to Adesa Ohio, Inc. as recorded in Deed Book 1194, Page 526 of the Warren County Records, said point being 37.00 right of centerline of construction of Clear Creek Bike Path Station 73+81.98, said curve having a radius of 337.00 feet, a central angle of 15 degrees 00 minutes 23 seconds and a chord of 88.01 feet which bears South 64 degrees 20 minutes 12 seconds West;

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- 17) Thence, along Adesa Ohio, Inc.'s northerly line, **North 70 degrees 55 minutes 05 seconds West, 97.87 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 73+03.43;
- 18) Thence, leaving said northerly line, **North 73 degrees 34 minutes 16 seconds East, 69.48 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 73+72.91;
- 19) Thence, **along the arc of a curve which deflects to the left, 81.80 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 74+60.55, said curve having a radius of 280.00 feet, a central angle of 16 degrees 44 minutes 15 seconds and a chord of 81.50 feet which bears North 65 degrees 12 minutes 08 seconds East;
- 20) Thence **North 56 degrees 50 minutes 00 seconds East, 295.60 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 77+56.16;
- 21) Thence, **along the arc of a curve which deflects to the right, 201.76 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 79+45.31, said curve having a radius of 320.00 feet, a central angle of 36 degrees 07 minutes 33 seconds and a chord of 198.44 feet which bears North 74 degrees 53 minutes 47 seconds East;
- 22) Thence **South 87 degrees 02 minutes 26 seconds East, 366.92 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 83+12.23;
- 23) Thence, **along the arc of a curve which deflects to the left, 194.49 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 85+28.49, said curve having a radius of 180.00 feet, a central angle of 61 degrees 54 minutes 32 seconds and a chord of 185.17 feet which bears North 62 degrees 00 minutes 17 seconds East;
- 24) Thence **North 31 degrees 03 minutes 01 seconds East, 577.01 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 91+05.50;

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- 25) Thence **North 58 degrees 56 minutes 59 seconds West, 5.00 feet** to an iron pin set, said point being 25.00 feet left of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 26) Thence **North 31 degrees 03 minutes 01 seconds East, 135.34 feet** to an iron pin set, said point being 35.09 feet left of centerline of construction of Clear Creek Bike Path Station 92+28.50;
- 27) Thence **North 72 degrees 28 minutes 09 seconds East, 95.42 feet** to an iron pin set, said point being 37.50 feet left of centerline of construction of Clear Creek Bike Path Station 93+00.00;
- 28) Thence **South 81 degrees 21 minutes 12 seconds East, 21.11 feet** to an iron pin set in the westerly line of land conveyed to Jon V. and Brend Henderson as recorded in Deed Book 619, Page 345 of the Warren County Records, said point being 37.52 feet left of centerline of construction of Clear Creek Bike Path Station 93+15.37;
- 29) Thence, along Henderson's westerly line, **South 05 degrees 03 minutes 21 seconds West, 14.89 feet** to the point of beginning and enclosing an area of 2.1186 acres, more or less.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

The basis of bearings for this survey is relative to Grid North of the Ohio State Plane Coordinate System, South Zone NAD83 (1986).

The stations referred to herein are from the centerline of construction of Clear Creek Bike Path, as found on ODOT Right-of-Way Plan WAR-CLEAR CRK.

The above described area is contained within Warren County Permanent Parcel Number 04-25-401-003.

Trevor A. Bixler 3-26-21

Trevor A. Bixler, P.S.

Date

Professional Surveyor, Ohio No. 7730

\\ksa-nasdt\project\20000\20233\Microstation Project\106223_WAR-CLEAR-CRK\Design\RW\Legal\106223_WAR-CLEAR-CRK_6-SH.docx



EXHIBIT A

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Ver. Date 03/16/2021

PID 106223

**PARCEL 6-T
WAR-CLEAR-CRK.**

**TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
PERFORM GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF FRANKLIN, WARREN COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Franklin, County of Warren and State of Ohio and known as being part of Section No. 25, Township 2E, Range 5N between the Miami Rivers. Also, being part of the land conveyed to James Kevin Swallow (1/8 int) and Carrie Kendall (1/8 int) as recorded in Instrument No. 2018-024365 of the Warren County Records, Anne Stanton Easton Hansen (1/4 int), Terry C. Easton (1/4 int) and Charles Arthur Easton (1/4 int) as recorded in Deed Book 3842, Page 569 of the Warren County Records, and being a parcel lying on the right side of centerline of construction of Clear Creek Bike Path being more definitely described as follows:

Commencing at the intersection of the centerline of East Fourth Street (50.00 feet wide) and the centerline of Lower Springboro Road (50.00 feet wide), said point being referenced by a "KLEINGER" capped iron pin found South 55 degrees 51 minutes 13 seconds West, 0.28 feet;

Thence, along the centerline of Lower Springboro Road, South 05 degrees 10 minutes 56 seconds West, 574.15 feet to the southeasterly corner of land conveyed to Garret M. Heaney and Michaela R. Hegenreter as recorded in Instrument No. 2018-034356 of the Warren County Records;

Thence, leaving the centerline of Lower Springboro Road, along Garret M. Heaney and Michaela R. Hegenreter's southerly line, South 89 degrees 37 minutes 45 seconds West, 732.89 feet to the northeasterly corner of land conveyed to Thomas Allaire Miller and Linda Sue Miller as recorded in Instrument No. 2016-002105 of the Warren County Records;

Thence, leaving Garret M. Heaney and Michaela R. Hegenreter's southerly line, along Miller's easterly line, South 05 degrees 14 minutes 50 seconds West, 316.35 feet to a point, said point being 83.70 feet right of centerline of construction of Clear Creek Bike Path Station 97+45.02;

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Thence, leaving Miller's easterly line, **North 59 degrees 21 minutes 17 seconds West, 422.10 feet** to the westerly line of said land conveyed to Thomas Allaire Miller and Linda Sue Miller, said point being 70.50 feet right of centerline of construction of Clear Creek Bike Path Station 93+53.16 and being the **True Point of Beginning** for the parcel herein described;

- 1) Thence, leaving said westerly line, **North 78 degrees 46 minutes 17 seconds West, 87.14 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+89.60;
- 2) Thence, **along the arc of a curve which deflects to the right, 103.25 feet** to an iron pin set in the westerly line of said land conveyed to Thomas Allaire Miller and Linda Sue Miller, said point being 25.00 right of centerline of construction of Clear Creek Bike Path Station 93+27.26, said curve having a radius of 75.00 feet, a central angle of 78 degrees 52 minutes 34 seconds and a chord of 95.29 feet which bears North 70 degrees 29 minutes 18 seconds East;
- 3) Thence, along said westerly line, **South 05 degrees 04 minutes 54 seconds West, 48.99 feet** to the point of beginning and enclosing an area of 0.0743 acres, more or less.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

The basis of bearings for this survey is relative to Grid North of the Ohio State Plane Coordinate System, South Zone NAD83 (1986).

The stations referred to herein are from the centerline of construction of Clear Creek Bike Path, as found on ODOT Right-of-Way Plan WAR-CLEAR CRK.

The above described area is contained within Warren County Permanent Parcel Number 04-25-401-003.

T. A. Bixler 3-26-21
Trevor A. Bixler, P.S. Date
Professional Surveyor, Ohio No. 7730



R/W Acquisition Complete - ELLIS: 12/10/2021 District R/W Certification - ELLIS: 1/14/2022 Dunrobin Authorized: 9/23/2021														
PARCEL DATA										APPRAISAL				
PAR	OWNER	APN	PROPERTY ADDRESS	OWNER ADDRESS & CONTACT INFO BLUE = confirmed	Record Area	Gross Take	P.R.O.	Net Take	Deed Reference	Valuation Format	Appraisal Complete	Appraisal Review Complete	FMVE	FMVE Established
2-SH	Board of Education of Franklin County School District	04-25-178-001	750 East Fourth Street Fanklin, OH 45005	150 East Sixth Street Franklin, OH 45005 Rodney Roberts - Business Manager rroberts@franklincityschools.com 937-743-8600	26.1130(A)	1.9603	0.0000	1.9063	DV 435/695	RE 25-17 Limited Scope				
3-SH	Do Family, LLC an Ohio limited liabilty company	04-25-326-032	Fourth Street Fanklin, OH 45005	250 Advanced Drive Springboro, OH 45066 Daklqk Do (Dock Lock) daklqkdo@aesi-usa.com 937-367-3228 (cell)	15.7150 (A)	0.9909	0.0000	0.9909	Document 2018-032911	RE 25-17 Narrative Land Only				
4-SH	400 Grand LLC an Ohio limited liabilty company	04-25-351-005	400 Grand Oaks Drive Franklin, OH 45005	7621 E. Kemper Road Cincinnati, OH 45249 Brett Sadler - President Randy (father) & Melissa (Mother) bsadler@proware.com 513-489-5477	53.1865 (A)	0.0893	0.0000	0.0893	Document 2018-019559	RE 25-17 Limited Scope				
5-SH	ADESA Ohio, LLC (formerly known as ADESA-Ohio, Inc., but which took title as ADESA Ohio, Inc.) an Ohio corporation	04-25-376-002	Route 123 Franklin, OH 45005	13085 Hamilton Crossing Carmel, IN 46032 937-746-4000 - Adesa Mike Long: mike.long@adesa.com Steve Hood: steve.hood@karglobal	36.8990 (A)	0.1828	0.0000	0.1828	OR 1194/526 OR 1194/524	RE 25-17 Limited Scope				
6-SH T	James Kevin Swallow (1/8th interest) Carrie Kendall (1/8th interest) Anne Stanton Easton Hansen (1/4th interest) Terry C. Easton (1/4th interest) Charles A. Easton (1/4th interest)	04-25-401-003	840 Fourth Street Franklin, OH 45005	503 Watkins Road Rockville, MD 20850 Anne Hansen: friluft10@gmail.com 301-947-7227	40.6647 (C)	2.1186 0.0743	0.0000 0.0000	2.1186 0.0743	Document 2018-024365 OR 3842/569 OR 853/673	RE 25-17 Narrative Land Only				
7-SH T1 T2	Thomas Allaire Miller and Linda Sue Miller	04-25-453-003	4300 Mad River Road Franklin, OH 45005	4300 Mad River Road Franklin, OH 45005 937-760-0434	36.2570 (A)	0.4007 0.1738 0.4900	0.0000 0.0000 0.0000	0.4007 0.1738 0.4900	OR 3744/362	RE 25-17 Limited Scope				
8-SH	Jon V. Henderson and Brenda S. Henderson	04-25-253-003	1024 E. Fourth Street Franklin, OH 45005	1024 E. Fourth Street Franklin, OH 45005 jvhtrain@yahoo.com 937-470-8346	6.1710 (A)	0.0129	0.0000	0.0129	OR 619/345	VA				
													\$ -	\$ -
										TICKLER	11/23/2021	12/7/2021		
										ACTUAL	PENDING	PENDING		

PROJECT TEAM				
Barry Conway	City of Franklin	bconway@franklinohio.org	(937) 477-5299	City Engineer
Scott Campbell	CT Consultants	SCampbell@ctconsultants.com	(614) 687-0753	Design Engineer
Beth Sutherland	Dunrobin	bsutherland@dunrobin.org	(513) 479-9237	Project Manager
Dotty Carman	Dunrobin	dcarman@dunrobin.org	(513) 378-6858	Title Examiner
Lisa Burns	Dunrobin	lburns@dunrobin.org	(513) 403-9944	Negotiator
Joby Law	Dunrobin	jlaw@dunrobin.org	(513) 314-4900	Negotiator
Jack York	Beck Consulting	jyork@e-beck.com	(513) 741-8666	Appraiser
Beth Riggs	Martin + Wood	briggs@martin-woodappraisal.com	(513) 504-8320	Review Appraiser

R/W Acquisition Complete - ELLIS: 12/10/2021 District R/W Certification - ELLIS: 1/14/2022 Dunrobin Authorized: 9/23/2021													
PARCEL DATA		PRE-NEGOTIATIONS					NEGOTIATIONS						
PAR	OWNER	Title Submitted	Intro Letter Mailed	NIAGFO Date	NIAGFO Receipt	NIAGFO + 30 Days	Contract/ Easement Executed	Admin Settlement Amount	FMVE + Admin Settlement	Settlement Approved	Final Offer	Appropriation Packets Submitted	Billing Packets Submitted
2-SH	Board of Education of Franklin County School District	11/1/2021	11/1/2021					\$ -	\$ -				
3-SH	Do Family, LLC an Ohio limited liability company	11/1/2021	11/1/2021					\$ -	\$ -				
4-SH	400 Grand LLC an Ohio limited liability company	11/1/2021	11/1/2021					\$ -	\$ -				
5-SH	ADESA Ohio, LLC (formerly known as ADESA-Ohio, Inc., but which took title as ADESA Ohio, Inc.) an Ohio corporation	11/1/2021	11/1/2021					\$ -	\$ -				
6-SH T	James Kevin Swallow (1/8th interest) Carrie Kendall (1/8th interest) Anne Stanton Easton Hansen (1/4th interest) Terry C. Easton (1/4th interest) Charles A. Easton (1/4th interest)	11/1/2021	11/1/2021					\$ -	\$ -				
7-SH T1 T2	Thomas Allaire Miller and Linda Sue Miller	11/1/2021	11/1/2021					\$ -	\$ -				
8-SH	Jon V. Henderson and Brenda S. Henderson	11/1/2021	11/1/2021					\$ -	\$ -				
								\$ -	\$ -				
		11/1/2021	11/1/2021	12/21/2021	1/4/2022	2/3/2022	2/18/2022			2/18/2022	2/18/2022	2/18/2022	2/18/2022
		11/1/2021	11/1/2021	PENDING	PENDING	PENDING	PENDING			PENDING	PENDING	PENDING	PENDING

R/W Acquisition Complete - ELLIS: 12/10/2021 District R/W Certification - ELLIS: 1/14/2022 Dunrobin Authorized: 9/23/2021							
PARCEL DATA		PRE-CLOSING			CLOSING & POST-CLOSING		
PAR	OWNER	Request for Warrants	Warrant Received	Title Update	Closing Date	Recording Inst. #/Date	Post Closing Packets Submitted
2-SH	Board of Education of Franklin County School District						
3-SH	Do Family, LLC an Ohio limited liabilty company						
4-SH	400 Grand LLC an Ohio limited liabilty company						
5-SH	ADESA Ohio, LLC (formerly known as ADESA-Ohio, Inc., but which took title as ADESA Ohio, Inc.) an Ohio corporation						
6-SH T	James Kevin Swallow (1/8th interest) Carrie Kendall (1/8th interest) Anne Stanton Easton Hansen (1/4th interest) Terry C. Easton (1/4th interest) Charles A. Easton (1/4th interest)						
7-SH T1 T2	Thomas Allaire Miller and Linda Sue Miller						
8-SH	Jon V. Henderson and Brenda S. Henderson						
		2/18/2022	2/25/2022	3/4/2022	3/4/2022	3/4/2022	3/8/2022
		PENDING	PENDING	PENDING	PENDING	PENDING	PENDING



VIA USPS CERTIFIED MAIL SERVICE 7020 0640 0000 6946 3148

January 10, 2022

Carrie Kendall
4737 North Stringtown Road
Troy, OH 45373

Re: WAR-CLEAR CRK
Parcel Number: 006
Interest Acquired: Standard Highway Easement (SH)
Temporary Construction Easement (T)

THE NOTICE OF INTENT TO ACQUIRE

TO: Carrie Kendall (Co-owner with James Kevin Swallow, Anne Stanton Easton Hansen, Terry C. Easton, Charles A. Easton aka Charles Arthur Easton)

The City of Franklin needs your property for a highway project identified as WAR-CLEAR CRK and will need to acquire the following from you:

Parcel 006-SH is being acquired by an Easement deed that will include a reservation of access. This means permanent easement interests (called "standard highway easements") are being acquired, but the residue property will retain reasonable access to the road. The grantor will retain the right of ingress and egress to and from any area not subject to the easements.

Parcel 006-T is a temporary construction easement, as is indicated by the T designation. A temporary easement is for specific purposes, outside permanent rights of way. The duration of the temporary easement is for 12 months, starting from the date of entry by the City of Franklin, or its contractors and ending when the proposed work has been completed and accepted. Under no circumstances will this temporary easement be used for storage of material or equipment by the contractor unless noted otherwise.

Ohio law authorizes the City of Franklin to obtain Parcel 006-SH and Parcel 006-T from your property for the public purpose of a highway project. The legal description of your property that the City of Franklin 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 the City of Franklin'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, the City of Franklin is required to make a good faith effort to purchase Parcel 006-SH and Parcel 006-T.
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 Franklin 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 Franklin 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 Franklin.
5. You are to be provided with pertinent parts of the highway plans which are:

RIGHT OF WAY LEGEND SHEET 1 of 16
RIGHT OF WAY SUMMARY SHEET 3 of 16
RIGHT OF WAY PLAN SHEETS 8, 9, 10, 11, 12 and 13 of 16
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. You have the right to object to the City of Franklin decision to acquire your property by writing, within ten business days of receiving this notice, to:

City of Franklin
1 Benjamin Franklin Way
Franklin, OH 45005

The City of Franklin has the discretion to veto this project, and if it does, it will not proceed.

10. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcel 006-SH and Parcel 006-T, the City of Franklin has the right to file suit to acquire Parcel 006-SH and Parcel 006-T 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 Franklin will deposit the value of the property sought to be acquired with the court. At that time, the City of Franklin 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 Franklin 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 006-SH and Parcel 006-T, of Project WAR-CLEAR CRK is:

Permanent Easement to Be Acquired	\$ 26,482.00
Damages To Your Property Which Is Not Acquired	\$ 0.00
Temporary Construction Easement	\$ 93.00
Costs-to-Cure	\$ 0.00
Total Good Faith Offer	\$ 26,575.00

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. There are no tenant-owned improvements within the take area(s).

Your property may be encumbered with a mortgage lien as security for a loan. It is possible that the City of Franklin 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 the City of Franklin 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:

City of Franklin
1 Benjamin Franklin Way
Franklin, OH 45005
(937) 746-9921

Joby Law

Joby Law, Acquisition Specialist Trainee
Agent of Dunrobin Associates, LLC
On behalf of the City of Franklin
Direct Dial: (513) 314-4900
Email: jlaw@dunrobin.org

Lisa J. Burns

Lisa Burns, Senior Acquisition Specialist
Agent of Dunrobin Associates, LLC
On behalf of the City of Franklin
Direct Dial: (513) 403-9944
Email: lburns@dunrobin.org

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

Re: WAR-CLEAR CRK
Parcel Number: 006
Interest Acquired: SH, T

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 the City of Franklin. 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 the City of Franklin'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.

Carrie Kendall by James Kevin Swallow

(Date)

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USPS Tracking Plus™ Available ∨

✓ Delivered, Left with Individual

January 21, 2022 at 1:32 pm
TROY, OH 45373

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Tracking History

USPS Tracking Plus™

Product Information

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FAQs

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Troy OH 45373

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adu	
Postage	\$8.25
Total	\$12.00

Sent To
Street
City, State, ZIP+4®

Carrie Kendall
4737 North Stringtown Road
Troy, OH 45373

Postmark Here
CINCINNATI OH 45242
01/10/2022

WAR CLEAR CAK #6 (KENDALL)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

EXHIBIT A

LPA RX 871 SH

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Ver. Date 03/16/2021

PID 106223

**PARCEL 6-SH
WAR-CLEAR-CRK.**

**PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF FRANKLIN, WARREN COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Franklin, Warren County, Ohio, its successors and assigns forever.

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 City of Franklin, County of Warren and State of Ohio and known as being part of Section No. 25, Township 2E, Range 5N between the Miami Rivers. Also, being part of the land conveyed to James Kevin Swallow (1/8 int) and Carrie Kendall (1/8 int) as recorded in Instrument No. 2018-024365 of the Warren County Records, Anne Stanton Easton Hansen (1/4 int), Terry C. Easton (1/4 int) and Charles Arthur Easton (1/4 int) as recorded in Deed Book 3842, Page 569 of the Warren County Records, and being a parcel lying on both sides of centerline of construction of Clear Creek Bike Path being more definitely described as follows:

Commencing at the intersection of the centerline of East Fourth Street (50.00 feet wide) and the centerline of Lower Springboro Road (50.00 feet wide), said point being referenced by a "KLEINGER" capped iron pin found South 55 degrees 51 minutes 13 seconds West, 0.28 feet;

Thence, along the centerline of Lower Springboro Road, South 05 degrees 10 minutes 56 seconds West, 574.15 feet to the northeasterly corner of land conveyed to City of Springboro Ohio as recorded in Deed Book 5734, Page 213 of the Warren County Records;

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Thence, leaving the centerline of Lower Springboro Road, along City of Springboro Ohio's northerly line and along the northerly line of land conveyed to Thomas Allaire Miller and Linda Sue Miller as recorded in Instrument No. 2016-002105 of the Warren County Records, South 89 degrees 37 minutes 45 seconds West, 1116.32 feet to the northwesterly corner thereof, said point being 22.80 feet left of centerline of construction of Clear Creek Bike Path Station 93+17.07 and being referenced by a 1/2" iron pin found South 14 degrees 02 minutes 39 seconds West, 0.26 feet and being the **True Point of Beginning** for the parcel herein described;

- 1) Thence, along Miller's westerly line, **South 05 degrees 04 minutes 54 seconds West, 48.79 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 93+27.26;
- 2) Thence, leaving Thomas Allaire Miller and Linda Sue Miller's westerly line, **along the arc of a curve which deflects to the left, 103.25 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+89.60, said curve having a radius of 75.00 feet, a central angle of 78 degrees 52 minutes 34 seconds and a chord of 95.29 feet which bears South 70 degrees 29 minutes 18 seconds West;
- 3) Thence **South 31 degrees 03 minutes 01 seconds West, 84.10 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 4) Thence **North 58 degrees 56 minutes 59 seconds West, 5.00 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 5) Thence **South 31 degrees 03 minutes 01 seconds West, 577.01 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 85+28.49;
- 6) Thence **along the arc of a curve which deflects to the right, 237.71 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 83+12.23, said curve having a radius of 220.00 feet, a central angle of 61 degrees 54 minutes 32 seconds and a chord of 226.32 feet which bears South 62 degrees 00 minutes 17 seconds West;
- 7) Thence **North 87 degrees 02 minutes 26 seconds West, 156.23 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 81+56.00;

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- 8) Thence **South 71 degrees 44 minutes 29 seconds West, 45.59 feet** to an iron pin set, said point being 36.50 feet right of centerline of construction of Clear Creek Bike Path Station 81+13.50;
- 9) Thence **North 87 degrees 02 minutes 26 seconds West, 26.00 feet** to an iron pin set, said point being 36.50 feet right of centerline of construction of Clear Creek Bike Path Station 80+87.50;
- 10) Thence **North 74 degrees 16 minutes 10 seconds West, 38.45 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 80+50.00;
- 11) Thence **North 87 degrees 02 minutes 26 seconds West, 104.69 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 79+45.31;
- 12) Thence **along the arc of a curve which deflects to the left, 171.50 feet** to an iron pin set, said point being 28.00 right of centerline of construction of Clear Creek Bike Path Station 77+56.16, said curve having a radius of 272.00 feet, a central angle of 36 degrees 07 minutes 33 seconds and a chord of 168.67 feet which bears South 74 degrees 53 minutes 47 seconds West;
- 13) Thence **South 56 degrees 50 minutes 00 seconds West, 56.16 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 77+00.00;
- 14) Thence **South 33 degrees 10 minutes 00 seconds East, 9.00 feet** to an iron pin set, said point being 37.00 feet right of centerline of construction of Clear Creek Bike Path Station 77+00.00;
- 15) Thence **South 56 degrees 50 minutes 00 seconds West, 239.45 feet** to an iron pin set, said point being 37.00 feet right of centerline of construction of Clear Creek Bike Path Station 74+60.55;
- 16) Thence, **along the arc of a curve which deflects to the right, 88.26 feet** to an iron pin set in the northerly line of land conveyed to Adesa Ohio, Inc. as recorded in Deed Book 1194, Page 526 of the Warren County Records, said point being 37.00 right of centerline of construction of Clear Creek Bike Path Station 73+81.98, said curve having a radius of 337.00 feet, a central angle of 15 degrees 00 minutes 23 seconds and a chord of 88.01 feet which bears South 64 degrees 20 minutes 12 seconds West;

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- 17) Thence, along Adesa Ohio, Inc.'s northerly line, **North 70 degrees 55 minutes 05 seconds West, 97.87 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 73+03.43;
- 18) Thence, leaving said northerly line, **North 73 degrees 34 minutes 16 seconds East, 69.48 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 73+72.91;
- 19) Thence, **along the arc of a curve which deflects to the left, 81.80 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 74+60.55, said curve having a radius of 280.00 feet, a central angle of 16 degrees 44 minutes 15 seconds and a chord of 81.50 feet which bears North 65 degrees 12 minutes 08 seconds East;
- 20) Thence **North 56 degrees 50 minutes 00 seconds East, 295.60 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 77+56.16;
- 21) Thence, **along the arc of a curve which deflects to the right, 201.76 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 79+45.31, said curve having a radius of 320.00 feet, a central angle of 36 degrees 07 minutes 33 seconds and a chord of 198.44 feet which bears North 74 degrees 53 minutes 47 seconds East;
- 22) Thence **South 87 degrees 02 minutes 26 seconds East, 366.92 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 83+12.23;
- 23) Thence, **along the arc of a curve which deflects to the left, 194.49 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 85+28.49, said curve having a radius of 180.00 feet, a central angle of 61 degrees 54 minutes 32 seconds and a chord of 185.17 feet which bears North 62 degrees 00 minutes 17 seconds East;
- 24) Thence **North 31 degrees 03 minutes 01 seconds East, 577.01 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 91+05.50;

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- 25) Thence **North 58 degrees 56 minutes 59 seconds West, 5.00 feet** to an iron pin set, said point being 25.00 feet left of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 26) Thence **North 31 degrees 03 minutes 01 seconds East, 135.34 feet** to an iron pin set, said point being 35.09 feet left of centerline of construction of Clear Creek Bike Path Station 92+28.50;
- 27) Thence **North 72 degrees 28 minutes 09 seconds East, 95.42 feet** to an iron pin set, said point being 37.50 feet left of centerline of construction of Clear Creek Bike Path Station 93+00.00;
- 28) Thence **South 81 degrees 21 minutes 12 seconds East, 21.11 feet** to an iron pin set in the westerly line of land conveyed to Jon V. and Brend Henderson as recorded in Deed Book 619, Page 345 of the Warren County Records, said point being 37.52 feet left of centerline of construction of Clear Creek Bike Path Station 93+15.37;
- 29) Thence, along Henderson's westerly line, **South 05 degrees 03 minutes 21 seconds West, 14.89 feet** to the point of beginning and enclosing an area of 2.1186 acres, more or less.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

The basis of bearings for this survey is relative to Grid North of the Ohio State Plane Coordinate System, South Zone NAD83 (1986).

The stations referred to herein are from the centerline of construction of Clear Creek Bike Path, as found on ODOT Right-of-Way Plan WAR-CLEAR CRK.

The above described area is contained within Warren County Permanent Parcel Number 04-25-401-003.

T. A. Bixler 3-26-21

Trevor A. Bixler, P.S.

Date

Professional Surveyor, Ohio No. 7730

\\ksa-nasdt\project\20000\20233\Microstation Project\106223_WAR-CLEAR-CRK\Design\RW\Legal\106223_WAR-CLEAR-CRK_6-SH.docx



EXHIBIT A

LPA RX 887 T

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Ver. Date 03/16/2021

PID 106223

**PARCEL 6-T
WAR-CLEAR-CRK.**

**TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
PERFORM GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF FRANKLIN, WARREN COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Franklin, County of Warren and State of Ohio and known as being part of Section No. 25, Township 2E, Range 5N between the Miami Rivers. Also, being part of the land conveyed to James Kevin Swallow (1/8 int) and Carrie Kendall (1/8 int) as recorded in Instrument No. 2018-024365 of the Warren County Records, Anne Stanton Easton Hansen (1/4 int), Terry C. Easton (1/4 int) and Charles Arthur Easton (1/4 int) as recorded in Deed Book 3842, Page 569 of the Warren County Records, and being a parcel lying on the right side of centerline of construction of Clear Creek Bike Path being more definitely described as follows:

Commencing at the intersection of the centerline of East Fourth Street (50.00 feet wide) and the centerline of Lower Springboro Road (50.00 feet wide), said point being referenced by a "KLEINGER" capped iron pin found South 55 degrees 51 minutes 13 seconds West, 0.28 feet;

Thence, along the centerline of Lower Springboro Road, South 05 degrees 10 minutes 56 seconds West, 574.15 feet to the southeasterly corner of land conveyed to Garret M. Heaney and Michaela R. Hegenreter as recorded in Instrument No. 2018-034356 of the Warren County Records;

Thence, leaving the centerline of Lower Springboro Road, along Garret M. Heaney and Michaela R. Hegenreter's southerly line, South 89 degrees 37 minutes 45 seconds West, 732.89 feet to the northeasterly corner of land conveyed to Thomas Allaire Miller and Linda Sue Miller as recorded in Instrument No. 2016-002105 of the Warren County Records;

Thence, leaving Garret M. Heaney and Michaela R. Hegenreter's southerly line, along Miller's easterly line, South 05 degrees 14 minutes 50 seconds West, 316.35 feet to a point, said point being 83.70 feet right of centerline of construction of Clear Creek Bike Path Station 97+45.02;

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Thence, leaving Miller's easterly line, **North 59 degrees 21 minutes 17 seconds West, 422.10 feet** to the westerly line of said land conveyed to Thomas Allaire Miller and Linda Sue Miller, said point being 70.50 feet right of centerline of construction of Clear Creek Bike Path Station 93+53.16 and being the **True Point of Beginning** for the parcel herein described;

- 1) Thence, leaving said westerly line, **North 78 degrees 46 minutes 17 seconds West, 87.14 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+89.60;
- 2) Thence, **along the arc of a curve which deflects to the right, 103.25 feet** to an iron pin set in the westerly line of said land conveyed to Thomas Allaire Miller and Linda Sue Miller, said point being 25.00 right of centerline of construction of Clear Creek Bike Path Station 93+27.26, said curve having a radius of 75.00 feet, a central angle of 78 degrees 52 minutes 34 seconds and a chord of 95.29 feet which bears North 70 degrees 29 minutes 18 seconds East;
- 3) Thence, along said westerly line, **South 05 degrees 04 minutes 54 seconds West, 48.99 feet** to the point of beginning and enclosing an area of 0.0743 acres, more or less.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

The basis of bearings for this survey is relative to Grid North of the Ohio State Plane Coordinate System, South Zone NAD83 (1986).

The stations referred to herein are from the centerline of construction of Clear Creek Bike Path, as found on ODOT Right-of-Way Plan WAR-CLEAR CRK.

The above described area is contained within Warren County Permanent Parcel Number 04-25-401-003.

T. A. Bixler 3-26-21
Trevor A. Bixler, P.S. Date
Professional Surveyor, Ohio No. 7730





VIA USPS CERTIFIED MAIL SERVICE 7020 0640 0000 6946 3094

January, 10, 2022

Charles A. Easton aka Charles Arthur Easton
5168 Streetsboro Road
Richfield, OH 44286

Re: WAR-CLEAR CRK
Parcel Number: 006
Interest Acquired: Standard Highway Easement (SH)
Temporary Construction Easement (T)

THE NOTICE OF INTENT TO ACQUIRE

TO: Charles A. Easton aka Charles Arthur Easton (Co-owner with James Kevin Swallow, Carrie Kendall, Anne Stanton Easton Hansen, Terry C. Easton)

The City of Franklin needs your property for a highway project identified as WAR-CLEAR CRK and will need to acquire the following from you:

Parcel 006-SH is being acquired by an Easement deed that will include a reservation of access. This means permanent easement interests (called "standard highway easements") are being acquired, but the residue property will retain reasonable access to the road. The grantor will retain the right of ingress and egress to and from any area not subject to the easements.

Parcel 006-T is a temporary construction easement, as is indicated by the T designation. A temporary easement is for specific purposes, outside permanent rights of way. The duration of the temporary easement is for 12 months, starting from the date of entry by the City of Franklin, or its contractors and ending when the proposed work has been completed and accepted. Under no circumstances will this temporary easement be used for storage of material or equipment by the contractor unless noted otherwise.

Ohio law authorizes the City of Franklin to obtain Parcel 006-SH and Parcel 006-T from your property for the public purpose of a highway project. The legal description of your property that the City of Franklin 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 the City of Franklin'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, the City of Franklin is required to make a good faith effort to purchase Parcel 006-SH and Parcel 006-T.
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 Franklin 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 Franklin 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 Franklin.
5. You are to be provided with pertinent parts of the highway plans which are:

RIGHT OF WAY LEGEND SHEET 1 of 16
RIGHT OF WAY SUMMARY SHEET 3 of 16
RIGHT OF WAY PLAN SHEETS 8, 9, 10, 11, 12 and 13 of 16
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. You have the right to object to the City of Franklin decision to acquire your property by writing, within ten business days of receiving this notice, to:

City of Franklin
1 Benjamin Franklin Way
Franklin, OH 45005

The City of Franklin has the discretion to veto this project, and if it does, it will not proceed.

10. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcel 006-SH and Parcel 006-T, the City of Franklin has the right to file suit to acquire Parcel 006-SH and Parcel 006-T 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 Franklin will deposit the value of the property sought to be acquired with the court. At that time, the City of Franklin 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 Franklin 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 006-SH and Parcel 006-T, of Project WAR-CLEAR CRK is:

Permanent Easement to Be Acquired	\$ 26,482.00
Damages To Your Property Which Is Not Acquired	\$ 0.00
Temporary Construction Easement	\$ 93.00
Costs-to-Cure	\$ 0.00
Total Good Faith Offer	\$ 26,575.00

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. There are no tenant-owned improvements within the take area(s).

Your property may be encumbered with a mortgage lien as security for a loan. It is possible that the City of Franklin 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 the City of Franklin 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:

City of Franklin
1 Benjamin Franklin Way
Franklin, OH 45005
(937) 746-9921

Joby Law

Joby Law, Acquisition Specialist Trainee
Agent of Dunrobin Associates, LLC
On behalf of the City of Franklin
Direct Dial: (513) 314-4900
Email: jlaw@dunrobin.org

Lisa J. Burns

Lisa Burns, Senior Acquisition Specialist
Agent of Dunrobin Associates, LLC
On behalf of the City of Franklin
Direct Dial: (513) 403-9944
Email: lburns@dunrobin.org

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

Re: WAR-CLEAR CRK
Parcel Number: 006
Interest Acquired: SH, T

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 the City of Franklin. 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 the City of Franklin'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.

Charles A. Easton aka Charles Arthur Easton

(Date)

Track Another Package +

Track Packages
Anytime, Anywhere

Get the free Informed Delivery® feature to receive automated notifications on your packages

Learn More
[https://reg.usps.com/self?](https://reg.usps.com/self?app=UspsTools&ref=no_nepageBanner&appURL=https%3A%2F%2Finformedelivery.usps.com/box/pages/intro/start.action)

Tracking Number: 70200640000069463094

Remove X

Your item was delivered to an individual at the address at 10:58 am on January 12

USPS Tracking Plus™ Available ▾

✓ Delivered, Left with Individual

January 12, 2022 at 10:58 am
RICHFIELD, OH 44286

Get Updates ▾

- Text & Email Updates
- Tracking History
- USPS Tracking Plus™
- Product Information

See Less ^

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U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Richfield, OH 44286

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Sign	\$0.00

Postage
\$5.18
Total Postage
\$8.93
Sent To
Street and A

Charles A. Easton
5168 Streetsboro Road
Richfield, OH 44286

City, State, ZIP+4®
WAR CLEAR CRK #6 (C.A. EASTON)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0242 12
JAN 10 2022
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01/10/2022

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

EXHIBIT A

LPA RX 871 SH

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Ver. Date 03/16/2021

PID 106223

**PARCEL 6-SH
WAR-CLEAR-CRK.**

**PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF FRANKLIN, WARREN COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Franklin, Warren County, Ohio, its successors and assigns forever.

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 City of Franklin, County of Warren and State of Ohio and known as being part of Section No. 25, Township 2E, Range 5N between the Miami Rivers. Also, being part of the land conveyed to James Kevin Swallow (1/8 int) and Carrie Kendall (1/8 int) as recorded in Instrument No. 2018-024365 of the Warren County Records, Anne Stanton Easton Hansen (1/4 int), Terry C. Easton (1/4 int) and Charles Arthur Easton (1/4 int) as recorded in Deed Book 3842, Page 569 of the Warren County Records, and being a parcel lying on both sides of centerline of construction of Clear Creek Bike Path being more definitely described as follows:

Commencing at the intersection of the centerline of East Fourth Street (50.00 feet wide) and the centerline of Lower Springboro Road (50.00 feet wide), said point being referenced by a "KLEINGER" capped iron pin found South 55 degrees 51 minutes 13 seconds West, 0.28 feet;

Thence, along the centerline of Lower Springboro Road, South 05 degrees 10 minutes 56 seconds West, 574.15 feet to the northeasterly corner of land conveyed to City of Springboro Ohio as recorded in Deed Book 5734, Page 213 of the Warren County Records;

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Thence, leaving the centerline of Lower Springboro Road, along City of Springboro Ohio's northerly line and along the northerly line of land conveyed to Thomas Allaire Miller and Linda Sue Miller as recorded in Instrument No. 2016-002105 of the Warren County Records, South 89 degrees 37 minutes 45 seconds West, 1116.32 feet to the northwesterly corner thereof, said point being 22.80 feet left of centerline of construction of Clear Creek Bike Path Station 93+17.07 and being referenced by a 1/2" iron pin found South 14 degrees 02 minutes 39 seconds West, 0.26 feet and being the **True Point of Beginning** for the parcel herein described;

- 1) Thence, along Miller's westerly line, **South 05 degrees 04 minutes 54 seconds West, 48.79 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 93+27.26;
- 2) Thence, leaving Thomas Allaire Miller and Linda Sue Miller's westerly line, **along the arc of a curve which deflects to the left, 103.25 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+89.60, said curve having a radius of 75.00 feet, a central angle of 78 degrees 52 minutes 34 seconds and a chord of 95.29 feet which bears South 70 degrees 29 minutes 18 seconds West;
- 3) Thence **South 31 degrees 03 minutes 01 seconds West, 84.10 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 4) Thence **North 58 degrees 56 minutes 59 seconds West, 5.00 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 5) Thence **South 31 degrees 03 minutes 01 seconds West, 577.01 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 85+28.49;
- 6) Thence **along the arc of a curve which deflects to the right, 237.71 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 83+12.23, said curve having a radius of 220.00 feet, a central angle of 61 degrees 54 minutes 32 seconds and a chord of 226.32 feet which bears South 62 degrees 00 minutes 17 seconds West;
- 7) Thence **North 87 degrees 02 minutes 26 seconds West, 156.23 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 81+56.00;

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- 8) Thence **South 71 degrees 44 minutes 29 seconds West, 45.59 feet** to an iron pin set, said point being 36.50 feet right of centerline of construction of Clear Creek Bike Path Station 81+13.50;
- 9) Thence **North 87 degrees 02 minutes 26 seconds West, 26.00 feet** to an iron pin set, said point being 36.50 feet right of centerline of construction of Clear Creek Bike Path Station 80+87.50;
- 10) Thence **North 74 degrees 16 minutes 10 seconds West, 38.45 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 80+50.00;
- 11) Thence **North 87 degrees 02 minutes 26 seconds West, 104.69 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 79+45.31;
- 12) Thence **along the arc of a curve which deflects to the left, 171.50 feet** to an iron pin set, said point being 28.00 right of centerline of construction of Clear Creek Bike Path Station 77+56.16, said curve having a radius of 272.00 feet, a central angle of 36 degrees 07 minutes 33 seconds and a chord of 168.67 feet which bears South 74 degrees 53 minutes 47 seconds West;
- 13) Thence **South 56 degrees 50 minutes 00 seconds West, 56.16 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 77+00.00;
- 14) Thence **South 33 degrees 10 minutes 00 seconds East, 9.00 feet** to an iron pin set, said point being 37.00 feet right of centerline of construction of Clear Creek Bike Path Station 77+00.00;
- 15) Thence **South 56 degrees 50 minutes 00 seconds West, 239.45 feet** to an iron pin set, said point being 37.00 feet right of centerline of construction of Clear Creek Bike Path Station 74+60.55;
- 16) Thence, **along the arc of a curve which deflects to the right, 88.26 feet** to an iron pin set in the northerly line of land conveyed to Adesa Ohio, Inc. as recorded in Deed Book 1194, Page 526 of the Warren County Records, said point being 37.00 right of centerline of construction of Clear Creek Bike Path Station 73+81.98, said curve having a radius of 337.00 feet, a central angle of 15 degrees 00 minutes 23 seconds and a chord of 88.01 feet which bears South 64 degrees 20 minutes 12 seconds West;

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- 17) Thence, along Adesa Ohio, Inc.'s northerly line, **North 70 degrees 55 minutes 05 seconds West, 97.87 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 73+03.43;
- 18) Thence, leaving said northerly line, **North 73 degrees 34 minutes 16 seconds East, 69.48 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 73+72.91;
- 19) Thence, **along the arc of a curve which deflects to the left, 81.80 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 74+60.55, said curve having a radius of 280.00 feet, a central angle of 16 degrees 44 minutes 15 seconds and a chord of 81.50 feet which bears North 65 degrees 12 minutes 08 seconds East;
- 20) Thence **North 56 degrees 50 minutes 00 seconds East, 295.60 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 77+56.16;
- 21) Thence, **along the arc of a curve which deflects to the right, 201.76 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 79+45.31, said curve having a radius of 320.00 feet, a central angle of 36 degrees 07 minutes 33 seconds and a chord of 198.44 feet which bears North 74 degrees 53 minutes 47 seconds East;
- 22) Thence **South 87 degrees 02 minutes 26 seconds East, 366.92 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 83+12.23;
- 23) Thence, **along the arc of a curve which deflects to the left, 194.49 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 85+28.49, said curve having a radius of 180.00 feet, a central angle of 61 degrees 54 minutes 32 seconds and a chord of 185.17 feet which bears North 62 degrees 00 minutes 17 seconds East;
- 24) Thence **North 31 degrees 03 minutes 01 seconds East, 577.01 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 91+05.50;

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- 25) Thence **North 58 degrees 56 minutes 59 seconds West, 5.00 feet** to an iron pin set, said point being 25.00 feet left of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 26) Thence **North 31 degrees 03 minutes 01 seconds East, 135.34 feet** to an iron pin set, said point being 35.09 feet left of centerline of construction of Clear Creek Bike Path Station 92+28.50;
- 27) Thence **North 72 degrees 28 minutes 09 seconds East, 95.42 feet** to an iron pin set, said point being 37.50 feet left of centerline of construction of Clear Creek Bike Path Station 93+00.00;
- 28) Thence **South 81 degrees 21 minutes 12 seconds East, 21.11 feet** to an iron pin set in the westerly line of land conveyed to Jon V. and Brend Henderson as recorded in Deed Book 619, Page 345 of the Warren County Records, said point being 37.52 feet left of centerline of construction of Clear Creek Bike Path Station 93+15.37;
- 29) Thence, along Henderson's westerly line, **South 05 degrees 03 minutes 21 seconds West, 14.89 feet** to the point of beginning and enclosing an area of 2.1186 acres, more or less.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

The basis of bearings for this survey is relative to Grid North of the Ohio State Plane Coordinate System, South Zone NAD83 (1986).

The stations referred to herein are from the centerline of construction of Clear Creek Bike Path, as found on ODOT Right-of-Way Plan WAR-CLEAR CRK.

The above described area is contained within Warren County Permanent Parcel Number 04-25-401-003.

T. A. Bixler 3-26-21

Trevor A. Bixler, P.S.

Date

Professional Surveyor, Ohio No. 7730

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EXHIBIT A

LPA RX 887 T

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Ver. Date 03/16/2021

PID 106223

**PARCEL 6-T
WAR-CLEAR-CRK.**

**TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
PERFORM GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF FRANKLIN, WARREN COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Franklin, County of Warren and State of Ohio and known as being part of Section No. 25, Township 2E, Range 5N between the Miami Rivers. Also, being part of the land conveyed to James Kevin Swallow (1/8 int) and Carrie Kendall (1/8 int) as recorded in Instrument No. 2018-024365 of the Warren County Records, Anne Stanton Easton Hansen (1/4 int), Terry C. Easton (1/4 int) and Charles Arthur Easton (1/4 int) as recorded in Deed Book 3842, Page 569 of the Warren County Records, and being a parcel lying on the right side of centerline of construction of Clear Creek Bike Path being more definitely described as follows:

Commencing at the intersection of the centerline of East Fourth Street (50.00 feet wide) and the centerline of Lower Springboro Road (50.00 feet wide), said point being referenced by a "KLEINGER" capped iron pin found South 55 degrees 51 minutes 13 seconds West, 0.28 feet;

Thence, along the centerline of Lower Springboro Road, South 05 degrees 10 minutes 56 seconds West, 574.15 feet to the southeasterly corner of land conveyed to Garret M. Heaney and Michaela R. Hegenreter as recorded in Instrument No. 2018-034356 of the Warren County Records;

Thence, leaving the centerline of Lower Springboro Road, along Garret M. Heaney and Michaela R. Hegenreter's southerly line, South 89 degrees 37 minutes 45 seconds West, 732.89 feet to the northeasterly corner of land conveyed to Thomas Allaire Miller and Linda Sue Miller as recorded in Instrument No. 2016-002105 of the Warren County Records;

Thence, leaving Garret M. Heaney and Michaela R. Hegenreter's southerly line, along Miller's easterly line, South 05 degrees 14 minutes 50 seconds West, 316.35 feet to a point, said point being 83.70 feet right of centerline of construction of Clear Creek Bike Path Station 97+45.02;

EXHIBIT A

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Thence, leaving Miller's easterly line, **North 59 degrees 21 minutes 17 seconds West, 422.10 feet** to the westerly line of said land conveyed to Thomas Allaire Miller and Linda Sue Miller, said point being 70.50 feet right of centerline of construction of Clear Creek Bike Path Station 93+53.16 and being the **True Point of Beginning** for the parcel herein described;

- 1) Thence, leaving said westerly line, **North 78 degrees 46 minutes 17 seconds West, 87.14 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+89.60;
- 2) Thence, **along the arc of a curve which deflects to the right, 103.25 feet** to an iron pin set in the westerly line of said land conveyed to Thomas Allaire Miller and Linda Sue Miller, said point being 25.00 right of centerline of construction of Clear Creek Bike Path Station 93+27.26, said curve having a radius of 75.00 feet, a central angle of 78 degrees 52 minutes 34 seconds and a chord of 95.29 feet which bears North 70 degrees 29 minutes 18 seconds East;
- 3) Thence, along said westerly line, **South 05 degrees 04 minutes 54 seconds West, 48.99 feet** to the point of beginning and enclosing an area of 0.0743 acres, more or less.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

The basis of bearings for this survey is relative to Grid North of the Ohio State Plane Coordinate System, South Zone NAD83 (1986).

The stations referred to herein are from the centerline of construction of Clear Creek Bike Path, as found on ODOT Right-of-Way Plan WAR-CLEAR CRK.

The above described area is contained within Warren County Permanent Parcel Number 04-25-401-003.

T. A. Bixler 3-26-21
Trevor A. Bixler, P.S. Date
Professional Surveyor, Ohio No. 7730





VIA USPS CERTIFIED MAIL SERVICE 7020 0640 0000 6946 3155

January 10, 2022

James Kevin Swallow
253 West Ross Street
Troy, OH 45373

Re: WAR-CLEAR CRK
Parcel Number: 006
Interest Acquired: Standard Highway Easement (SH)
Temporary Construction Easement (T)

THE NOTICE OF INTENT TO ACQUIRE

TO: James Kevin Swallow (Co-owner with Carrie Kendall, Anne Stanton Easton Hansen, Terry C. Easton, Charles A. Easton aka Charles Arthur Easton)

The City of Franklin needs your property for a highway project identified as WAR-CLEAR CRK and will need to acquire the following from you:

Parcel 006-SH is being acquired by an Easement deed that will include a reservation of access. This means permanent easement interests (called "standard highway easements") are being acquired, but the residue property will retain reasonable access to the road. The grantor will retain the right of ingress and egress to and from any area not subject to the easements.

Parcel 006-T is a temporary construction easement, as is indicated by the T designation. A temporary easement is for specific purposes, outside permanent rights of way. The duration of the temporary easement is for 12 months, starting from the date of entry by the City of Franklin, or its contractors and ending when the proposed work has been completed and accepted. Under no circumstances will this temporary easement be used for storage of material or equipment by the contractor unless noted otherwise.

Ohio law authorizes the City of Franklin to obtain Parcel 006-SH and Parcel 006-T from your property for the public purpose of a highway project. The legal description of your property that the City of Franklin 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 the City of Franklin'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, the City of Franklin is required to make a good faith effort to purchase Parcel 006-SH and Parcel 006-T.
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 Franklin 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 Franklin 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 Franklin.
5. You are to be provided with pertinent parts of the highway plans which are:

RIGHT OF WAY LEGEND SHEET 1 of 16
RIGHT OF WAY SUMMARY SHEET 3 of 16
RIGHT OF WAY PLAN SHEETS 8, 9, 10, 11, 12 and 13 of 16
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. You have the right to object to the City of Franklin decision to acquire your property by writing, within ten business days of receiving this notice, to:

City of Franklin
1 Benjamin Franklin Way
Franklin, OH 45005

The City of Franklin has the discretion to veto this project, and if it does, it will not proceed.

10. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcel 006-SH and Parcel 006-T, the City of Franklin has the right to file suit to acquire Parcel 006-SH and Parcel 006-T 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 Franklin will deposit the value of the property sought to be acquired with the court. At that time, the City of Franklin 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 Franklin 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 006-SH and Parcel 006-T, of Project WAR-CLEAR CRK is:

Permanent Easement to Be Acquired	\$ 26,482.00
Damages To Your Property Which Is Not Acquired	\$ 0.00
Temporary Construction Easement	\$ 93.00
Costs-to-Cure	\$ 0.00
Total Good Faith Offer	\$ 26,575.00

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. There are no tenant-owned improvements within the take area(s).

Your property may be encumbered with a mortgage lien as security for a loan. It is possible that the City of Franklin 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 the City of Franklin 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:

City of Franklin
1 Benjamin Franklin Way
Franklin, OH 45005
(937) 746-9921

Joby Law

Joby Law, Acquisition Specialist Trainee
Agent of Dunrobin Associates, LLC
On behalf of the City of Franklin
Direct Dial: (513) 314-4900
Email: jlaw@dunrobin.org

Lisa J. Burns

Lisa Burns, Senior Acquisition Specialist
Agent of Dunrobin Associates, LLC
On behalf of the City of Franklin
Direct Dial: (513) 403-9944
Email: lburns@dunrobin.org

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

Re: WAR-CLEAR CRK
Parcel Number: 006
Interest Acquired: SH, T

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 the City of Franklin. 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 the City of Franklin'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.


James Kevin Swallow

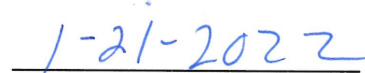

(Date)

EXHIBIT A

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Ver. Date 03/16/2021

PID 106223

**PARCEL 6-SH
WAR-CLEAR-CRK.**

**PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF FRANKLIN, WARREN COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Franklin, Warren County, Ohio, its successors and assigns forever.

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 City of Franklin, County of Warren and State of Ohio and known as being part of Section No. 25, Township 2E, Range 5N between the Miami Rivers. Also, being part of the land conveyed to James Kevin Swallow (1/8 int) and Carrie Kendall (1/8 int) as recorded in Instrument No. 2018-024365 of the Warren County Records, Anne Stanton Easton Hansen (1/4 int), Terry C. Easton (1/4 int) and Charles Arthur Easton (1/4 int) as recorded in Deed Book 3842, Page 569 of the Warren County Records, and being a parcel lying on both sides of centerline of construction of Clear Creek Bike Path being more definitely described as follows:

Commencing at the intersection of the centerline of East Fourth Street (50.00 feet wide) and the centerline of Lower Springboro Road (50.00 feet wide), said point being referenced by a "KLEINGER" capped iron pin found South 55 degrees 51 minutes 13 seconds West, 0.28 feet;

Thence, along the centerline of Lower Springboro Road, South 05 degrees 10 minutes 56 seconds West, 574.15 feet to the northeasterly corner of land conveyed to City of Springboro Ohio as recorded in Deed Book 5734, Page 213 of the Warren County Records;

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Thence, leaving the centerline of Lower Springboro Road, along City of Springboro Ohio's northerly line and along the northerly line of land conveyed to Thomas Allaire Miller and Linda Sue Miller as recorded in Instrument No. 2016-002105 of the Warren County Records, South 89 degrees 37 minutes 45 seconds West, 1116.32 feet to the northwesterly corner thereof, said point being 22.80 feet left of centerline of construction of Clear Creek Bike Path Station 93+17.07 and being referenced by a 1/2" iron pin found South 14 degrees 02 minutes 39 seconds West, 0.26 feet and being the **True Point of Beginning** for the parcel herein described;

- 1) Thence, along Miller's westerly line, **South 05 degrees 04 minutes 54 seconds West, 48.79 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 93+27.26;
- 2) Thence, leaving Thomas Allaire Miller and Linda Sue Miller's westerly line, **along the arc of a curve which deflects to the left, 103.25 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+89.60, said curve having a radius of 75.00 feet, a central angle of 78 degrees 52 minutes 34 seconds and a chord of 95.29 feet which bears South 70 degrees 29 minutes 18 seconds West;
- 3) Thence **South 31 degrees 03 minutes 01 seconds West, 84.10 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 4) Thence **North 58 degrees 56 minutes 59 seconds West, 5.00 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 5) Thence **South 31 degrees 03 minutes 01 seconds West, 577.01 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 85+28.49;
- 6) Thence **along the arc of a curve which deflects to the right, 237.71 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 83+12.23, said curve having a radius of 220.00 feet, a central angle of 61 degrees 54 minutes 32 seconds and a chord of 226.32 feet which bears South 62 degrees 00 minutes 17 seconds West;
- 7) Thence **North 87 degrees 02 minutes 26 seconds West, 156.23 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 81+56.00;

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- 8) Thence **South 71 degrees 44 minutes 29 seconds West, 45.59 feet** to an iron pin set, said point being 36.50 feet right of centerline of construction of Clear Creek Bike Path Station 81+13.50;
- 9) Thence **North 87 degrees 02 minutes 26 seconds West, 26.00 feet** to an iron pin set, said point being 36.50 feet right of centerline of construction of Clear Creek Bike Path Station 80+87.50;
- 10) Thence **North 74 degrees 16 minutes 10 seconds West, 38.45 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 80+50.00;
- 11) Thence **North 87 degrees 02 minutes 26 seconds West, 104.69 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 79+45.31;
- 12) Thence **along the arc of a curve which deflects to the left, 171.50 feet** to an iron pin set, said point being 28.00 right of centerline of construction of Clear Creek Bike Path Station 77+56.16, said curve having a radius of 272.00 feet, a central angle of 36 degrees 07 minutes 33 seconds and a chord of 168.67 feet which bears South 74 degrees 53 minutes 47 seconds West;
- 13) Thence **South 56 degrees 50 minutes 00 seconds West, 56.16 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 77+00.00;
- 14) Thence **South 33 degrees 10 minutes 00 seconds East, 9.00 feet** to an iron pin set, said point being 37.00 feet right of centerline of construction of Clear Creek Bike Path Station 77+00.00;
- 15) Thence **South 56 degrees 50 minutes 00 seconds West, 239.45 feet** to an iron pin set, said point being 37.00 feet right of centerline of construction of Clear Creek Bike Path Station 74+60.55;
- 16) Thence, **along the arc of a curve which deflects to the right, 88.26 feet** to an iron pin set in the northerly line of land conveyed to Adesa Ohio, Inc. as recorded in Deed Book 1194, Page 526 of the Warren County Records, said point being 37.00 right of centerline of construction of Clear Creek Bike Path Station 73+81.98, said curve having a radius of 337.00 feet, a central angle of 15 degrees 00 minutes 23 seconds and a chord of 88.01 feet which bears South 64 degrees 20 minutes 12 seconds West;

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- 17) Thence, along Adesa Ohio, Inc.'s northerly line, **North 70 degrees 55 minutes 05 seconds West, 97.87 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 73+03.43;
- 18) Thence, leaving said northerly line, **North 73 degrees 34 minutes 16 seconds East, 69.48 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 73+72.91;
- 19) Thence, **along the arc of a curve which deflects to the left, 81.80 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 74+60.55, said curve having a radius of 280.00 feet, a central angle of 16 degrees 44 minutes 15 seconds and a chord of 81.50 feet which bears North 65 degrees 12 minutes 08 seconds East;
- 20) Thence **North 56 degrees 50 minutes 00 seconds East, 295.60 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 77+56.16;
- 21) Thence, **along the arc of a curve which deflects to the right, 201.76 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 79+45.31, said curve having a radius of 320.00 feet, a central angle of 36 degrees 07 minutes 33 seconds and a chord of 198.44 feet which bears North 74 degrees 53 minutes 47 seconds East;
- 22) Thence **South 87 degrees 02 minutes 26 seconds East, 366.92 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 83+12.23;
- 23) Thence, **along the arc of a curve which deflects to the left, 194.49 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 85+28.49, said curve having a radius of 180.00 feet, a central angle of 61 degrees 54 minutes 32 seconds and a chord of 185.17 feet which bears North 62 degrees 00 minutes 17 seconds East;
- 24) Thence **North 31 degrees 03 minutes 01 seconds East, 577.01 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 91+05.50;

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- 25) Thence **North 58 degrees 56 minutes 59 seconds West, 5.00 feet** to an iron pin set, said point being 25.00 feet left of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 26) Thence **North 31 degrees 03 minutes 01 seconds East, 135.34 feet** to an iron pin set, said point being 35.09 feet left of centerline of construction of Clear Creek Bike Path Station 92+28.50;
- 27) Thence **North 72 degrees 28 minutes 09 seconds East, 95.42 feet** to an iron pin set, said point being 37.50 feet left of centerline of construction of Clear Creek Bike Path Station 93+00.00;
- 28) Thence **South 81 degrees 21 minutes 12 seconds East, 21.11 feet** to an iron pin set in the westerly line of land conveyed to Jon V. and Brend Henderson as recorded in Deed Book 619, Page 345 of the Warren County Records, said point being 37.52 feet left of centerline of construction of Clear Creek Bike Path Station 93+15.37;
- 29) Thence, along Henderson's westerly line, **South 05 degrees 03 minutes 21 seconds West, 14.89 feet** to the point of beginning and enclosing an area of 2.1186 acres, more or less.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

The basis of bearings for this survey is relative to Grid North of the Ohio State Plane Coordinate System, South Zone NAD83 (1986).

The stations referred to herein are from the centerline of construction of Clear Creek Bike Path, as found on ODOT Right-of-Way Plan WAR-CLEAR CRK.

The above described area is contained within Warren County Permanent Parcel Number 04-25-401-003.

T. A. Bixler 3-26-21

Trevor A. Bixler, P.S.

Date

Professional Surveyor, Ohio No. 7730

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EXHIBIT A

LPA RX 887 T

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Ver. Date 03/16/2021

PID 106223

**PARCEL 6-T
WAR-CLEAR-CRK.**

**TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
PERFORM GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF FRANKLIN, WARREN COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Franklin, County of Warren and State of Ohio and known as being part of Section No. 25, Township 2E, Range 5N between the Miami Rivers. Also, being part of the land conveyed to James Kevin Swallow (1/8 int) and Carrie Kendall (1/8 int) as recorded in Instrument No. 2018-024365 of the Warren County Records, Anne Stanton Easton Hansen (1/4 int), Terry C. Easton (1/4 int) and Charles Arthur Easton (1/4 int) as recorded in Deed Book 3842, Page 569 of the Warren County Records, and being a parcel lying on the right side of centerline of construction of Clear Creek Bike Path being more definitely described as follows:

Commencing at the intersection of the centerline of East Fourth Street (50.00 feet wide) and the centerline of Lower Springboro Road (50.00 feet wide), said point being referenced by a "KLEINGER" capped iron pin found South 55 degrees 51 minutes 13 seconds West, 0.28 feet;

Thence, along the centerline of Lower Springboro Road, South 05 degrees 10 minutes 56 seconds West, 574.15 feet to the southeasterly corner of land conveyed to Garret M. Heaney and Michaela R. Hegenreter as recorded in Instrument No. 2018-034356 of the Warren County Records;

Thence, leaving the centerline of Lower Springboro Road, along Garret M. Heaney and Michaela R. Hegenreter's southerly line, South 89 degrees 37 minutes 45 seconds West, 732.89 feet to the northeasterly corner of land conveyed to Thomas Allaire Miller and Linda Sue Miller as recorded in Instrument No. 2016-002105 of the Warren County Records;

Thence, leaving Garret M. Heaney and Michaela R. Hegenreter's southerly line, along Miller's easterly line, South 05 degrees 14 minutes 50 seconds West, 316.35 feet to a point, said point being 83.70 feet right of centerline of construction of Clear Creek Bike Path Station 97+45.02;

EXHIBIT A

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Thence, leaving Miller's easterly line, **North 59 degrees 21 minutes 17 seconds West, 422.10 feet** to the westerly line of said land conveyed to Thomas Allaire Miller and Linda Sue Miller, said point being 70.50 feet right of centerline of construction of Clear Creek Bike Path Station 93+53.16 and being the **True Point of Beginning** for the parcel herein described;

- 1) Thence, leaving said westerly line, **North 78 degrees 46 minutes 17 seconds West, 87.14 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+89.60;
- 2) Thence, **along the arc of a curve which deflects to the right, 103.25 feet** to an iron pin set in the westerly line of said land conveyed to Thomas Allaire Miller and Linda Sue Miller, said point being 25.00 right of centerline of construction of Clear Creek Bike Path Station 93+27.26, said curve having a radius of 75.00 feet, a central angle of 78 degrees 52 minutes 34 seconds and a chord of 95.29 feet which bears North 70 degrees 29 minutes 18 seconds East;
- 3) Thence, along said westerly line, **South 05 degrees 04 minutes 54 seconds West, 48.99 feet** to the point of beginning and enclosing an area of 0.0743 acres, more or less.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

The basis of bearings for this survey is relative to Grid North of the Ohio State Plane Coordinate System, South Zone NAD83 (1986).

The stations referred to herein are from the centerline of construction of Clear Creek Bike Path, as found on ODOT Right-of-Way Plan WAR-CLEAR CRK.

The above described area is contained within Warren County Permanent Parcel Number 04-25-401-003.

T. A. Bixler 3-26-21
Trevor A. Bixler, P.S. Date
Professional Surveyor, Ohio No. 7730





VIA USPS OVERNIGHT MAIL EJ 970 784 450 US

January 10, 2022

Anne Stanton Easton Hansen
503 Watkins Pond Blvd.
Rockville, MD 20850

Re: WAR-CLEAR CRK
Parcel Number: 006
Interest Acquired: Standard Highway Easement (SH)
Temporary Construction Easement (T)

THE NOTICE OF INTENT TO ACQUIRE

TO: Anne Stanton Easton Hansen (Co-owner with James Kevin Swallow, Carrie Kendall, Terry C. Easton, Charles A. Easton aka Charles Arthur Easton)

The City of Franklin needs your property for a highway project identified as WAR-CLEAR CRK and will need to acquire the following from you:

Parcel 006-SH is being acquired by an Easement deed that will include a reservation of access. This means permanent easement interests (called "standard highway easements") are being acquired, but the residue property will retain reasonable access to the road. The grantor will retain the right of ingress and egress to and from any area not subject to the easements.

Parcel 006-T is a temporary construction easement, as is indicated by the T designation. A temporary easement is for specific purposes, outside permanent rights of way. The duration of the temporary easement is for 12 months, starting from the date of entry by the City of Franklin, or its contractors and ending when the proposed work has been completed and accepted. Under no circumstances will this temporary easement be used for storage of material or equipment by the contractor unless noted otherwise.

Ohio law authorizes the City of Franklin to obtain Parcel 006-SH and Parcel 006-T from your property for the public purpose of a highway project. The legal description of your property that the City of Franklin 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 the City of Franklin'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, the City of Franklin is required to make a good faith effort to purchase Parcel 006-SH and Parcel 006-T.
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 Franklin 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 Franklin 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 Franklin.
5. You are to be provided with pertinent parts of the highway plans which are:

RIGHT OF WAY LEGEND SHEET 1 of 16
RIGHT OF WAY SUMMARY SHEET 3 of 16
RIGHT OF WAY PLAN SHEETS 8, 9, 10, 11, 12 and 13 of 16
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. You have the right to object to the City of Franklin decision to acquire your property by writing, within ten business days of receiving this notice, to:

City of Franklin
1 Benjamin Franklin Way
Franklin, OH 45005

The City of Franklin has the discretion to veto this project, and if it does, it will not proceed.

10. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcel 006-SH and Parcel 006-T, the City of Franklin has the right to file suit to acquire Parcel 006-SH and Parcel 006-T 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 Franklin will deposit the value of the property sought to be acquired with the court. At that time, the City of Franklin 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 Franklin 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 006-SH and Parcel 006-T, of Project WAR-CLEAR CRK is:

Permanent Easement to Be Acquired	\$ 26,482.00
Damages To Your Property Which Is Not Acquired	\$ 0.00
Temporary Construction Easement	\$ 93.00
Costs-to-Cure	\$ 0.00
Total Good Faith Offer	\$ 26,575.00

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. There are no tenant-owned improvements within the take area(s).

Your property may be encumbered with a mortgage lien as security for a loan. It is possible that the City of Franklin 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 the City of Franklin 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:

City of Franklin
1 Benjamin Franklin Way
Franklin, OH 45005
(937) 746-9921

Joby Law

Joby Law, Acquisition Specialist Trainee
Agent of Dunrobin Associates, LLC
On behalf of the City of Franklin
Direct Dial: (513) 314-4900
Email: jlaw@dunrobin.org

Lisa J. Burns

Lisa Burns, Senior Acquisition Specialist
Agent of Dunrobin Associates, LLC
On behalf of the City of Franklin
Direct Dial: (513) 403-9944
Email: lburns@dunrobin.org

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

Re: WAR-CLEAR CRK
Parcel Number: 006
Interest Acquired: SH, T

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 the City of Franklin. 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 the City of Franklin'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.

Anne Stanton Easton Hansen

(Date)

USPS Tracking®

Track Another Package +

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Anytime, Anywhere

Get the free Informed Delivery® feature to receive automated notifications on your packages

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Tracking Number: EJ970784450US Remove X

Scheduled Delivery by

TUESDAY

11 JANUARY 2022 by 6:00pm

USPS Tracking Plus™ Available

Delivered, Front Door/Porch

January 11, 2022 at 12:52 pm
ROCKVILLE, MD 20850

Get Updates

Text & Email Updates	
Proof of Delivery	
Tracking History	
USPS Tracking Plus™	
Product Information	

See Less

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback

EXHIBIT A

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Ver. Date 03/16/2021

PID 106223

**PARCEL 6-SH
WAR-CLEAR-CRK.**

**PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF FRANKLIN, WARREN COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Franklin, Warren County, Ohio, its successors and assigns forever.

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 City of Franklin, County of Warren and State of Ohio and known as being part of Section No. 25, Township 2E, Range 5N between the Miami Rivers. Also, being part of the land conveyed to James Kevin Swallow (1/8 int) and Carrie Kendall (1/8 int) as recorded in Instrument No. 2018-024365 of the Warren County Records, Anne Stanton Easton Hansen (1/4 int), Terry C. Easton (1/4 int) and Charles Arthur Easton (1/4 int) as recorded in Deed Book 3842, Page 569 of the Warren County Records, and being a parcel lying on both sides of centerline of construction of Clear Creek Bike Path being more definitely described as follows:

Commencing at the intersection of the centerline of East Fourth Street (50.00 feet wide) and the centerline of Lower Springboro Road (50.00 feet wide), said point being referenced by a "KLEINGER" capped iron pin found South 55 degrees 51 minutes 13 seconds West, 0.28 feet;

Thence, along the centerline of Lower Springboro Road, South 05 degrees 10 minutes 56 seconds West, 574.15 feet to the northeasterly corner of land conveyed to City of Springboro Ohio as recorded in Deed Book 5734, Page 213 of the Warren County Records;

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Thence, leaving the centerline of Lower Springboro Road, along City of Springboro Ohio's northerly line and along the northerly line of land conveyed to Thomas Allaire Miller and Linda Sue Miller as recorded in Instrument No. 2016-002105 of the Warren County Records, South 89 degrees 37 minutes 45 seconds West, 1116.32 feet to the northwesterly corner thereof, said point being 22.80 feet left of centerline of construction of Clear Creek Bike Path Station 93+17.07 and being referenced by a 1/2" iron pin found South 14 degrees 02 minutes 39 seconds West, 0.26 feet and being the **True Point of Beginning** for the parcel herein described;

- 1) Thence, along Miller's westerly line, **South 05 degrees 04 minutes 54 seconds West, 48.79 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 93+27.26;
- 2) Thence, leaving Thomas Allaire Miller and Linda Sue Miller's westerly line, **along the arc of a curve which deflects to the left, 103.25 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+89.60, said curve having a radius of 75.00 feet, a central angle of 78 degrees 52 minutes 34 seconds and a chord of 95.29 feet which bears South 70 degrees 29 minutes 18 seconds West;
- 3) Thence **South 31 degrees 03 minutes 01 seconds West, 84.10 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 4) Thence **North 58 degrees 56 minutes 59 seconds West, 5.00 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 5) Thence **South 31 degrees 03 minutes 01 seconds West, 577.01 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 85+28.49;
- 6) Thence **along the arc of a curve which deflects to the right, 237.71 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 83+12.23, said curve having a radius of 220.00 feet, a central angle of 61 degrees 54 minutes 32 seconds and a chord of 226.32 feet which bears South 62 degrees 00 minutes 17 seconds West;
- 7) Thence **North 87 degrees 02 minutes 26 seconds West, 156.23 feet** to an iron pin set, said point being 20.00 feet right of centerline of construction of Clear Creek Bike Path Station 81+56.00;

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- 8) Thence **South 71 degrees 44 minutes 29 seconds West, 45.59 feet** to an iron pin set, said point being 36.50 feet right of centerline of construction of Clear Creek Bike Path Station 81+13.50;
- 9) Thence **North 87 degrees 02 minutes 26 seconds West, 26.00 feet** to an iron pin set, said point being 36.50 feet right of centerline of construction of Clear Creek Bike Path Station 80+87.50;
- 10) Thence **North 74 degrees 16 minutes 10 seconds West, 38.45 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 80+50.00;
- 11) Thence **North 87 degrees 02 minutes 26 seconds West, 104.69 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 79+45.31;
- 12) Thence **along the arc of a curve which deflects to the left, 171.50 feet** to an iron pin set, said point being 28.00 right of centerline of construction of Clear Creek Bike Path Station 77+56.16, said curve having a radius of 272.00 feet, a central angle of 36 degrees 07 minutes 33 seconds and a chord of 168.67 feet which bears South 74 degrees 53 minutes 47 seconds West;
- 13) Thence **South 56 degrees 50 minutes 00 seconds West, 56.16 feet** to an iron pin set, said point being 28.00 feet right of centerline of construction of Clear Creek Bike Path Station 77+00.00;
- 14) Thence **South 33 degrees 10 minutes 00 seconds East, 9.00 feet** to an iron pin set, said point being 37.00 feet right of centerline of construction of Clear Creek Bike Path Station 77+00.00;
- 15) Thence **South 56 degrees 50 minutes 00 seconds West, 239.45 feet** to an iron pin set, said point being 37.00 feet right of centerline of construction of Clear Creek Bike Path Station 74+60.55;
- 16) Thence, **along the arc of a curve which deflects to the right, 88.26 feet** to an iron pin set in the northerly line of land conveyed to Adesa Ohio, Inc. as recorded in Deed Book 1194, Page 526 of the Warren County Records, said point being 37.00 right of centerline of construction of Clear Creek Bike Path Station 73+81.98, said curve having a radius of 337.00 feet, a central angle of 15 degrees 00 minutes 23 seconds and a chord of 88.01 feet which bears South 64 degrees 20 minutes 12 seconds West;

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- 17) Thence, along Adesa Ohio, Inc.'s northerly line, **North 70 degrees 55 minutes 05 seconds West, 97.87 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 73+03.43;
- 18) Thence, leaving said northerly line, **North 73 degrees 34 minutes 16 seconds East, 69.48 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 73+72.91;
- 19) Thence, **along the arc of a curve which deflects to the left, 81.80 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 74+60.55, said curve having a radius of 280.00 feet, a central angle of 16 degrees 44 minutes 15 seconds and a chord of 81.50 feet which bears North 65 degrees 12 minutes 08 seconds East;
- 20) Thence **North 56 degrees 50 minutes 00 seconds East, 295.60 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 77+56.16;
- 21) Thence, **along the arc of a curve which deflects to the right, 201.76 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 79+45.31, said curve having a radius of 320.00 feet, a central angle of 36 degrees 07 minutes 33 seconds and a chord of 198.44 feet which bears North 74 degrees 53 minutes 47 seconds East;
- 22) Thence **South 87 degrees 02 minutes 26 seconds East, 366.92 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 83+12.23;
- 23) Thence, **along the arc of a curve which deflects to the left, 194.49 feet** to an iron pin set, said point being 20.00 left of centerline of construction of Clear Creek Bike Path Station 85+28.49, said curve having a radius of 180.00 feet, a central angle of 61 degrees 54 minutes 32 seconds and a chord of 185.17 feet which bears North 62 degrees 00 minutes 17 seconds East;
- 24) Thence **North 31 degrees 03 minutes 01 seconds East, 577.01 feet** to an iron pin set, said point being 20.00 feet left of centerline of construction of Clear Creek Bike Path Station 91+05.50;

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- 25) Thence **North 58 degrees 56 minutes 59 seconds West, 5.00 feet** to an iron pin set, said point being 25.00 feet left of centerline of construction of Clear Creek Bike Path Station 91+05.50;
- 26) Thence **North 31 degrees 03 minutes 01 seconds East, 135.34 feet** to an iron pin set, said point being 35.09 feet left of centerline of construction of Clear Creek Bike Path Station 92+28.50;
- 27) Thence **North 72 degrees 28 minutes 09 seconds East, 95.42 feet** to an iron pin set, said point being 37.50 feet left of centerline of construction of Clear Creek Bike Path Station 93+00.00;
- 28) Thence **South 81 degrees 21 minutes 12 seconds East, 21.11 feet** to an iron pin set in the westerly line of land conveyed to Jon V. and Brend Henderson as recorded in Deed Book 619, Page 345 of the Warren County Records, said point being 37.52 feet left of centerline of construction of Clear Creek Bike Path Station 93+15.37;
- 29) Thence, along Henderson's westerly line, **South 05 degrees 03 minutes 21 seconds West, 14.89 feet** to the point of beginning and enclosing an area of 2.1186 acres, more or less.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

The basis of bearings for this survey is relative to Grid North of the Ohio State Plane Coordinate System, South Zone NAD83 (1986).

The stations referred to herein are from the centerline of construction of Clear Creek Bike Path, as found on ODOT Right-of-Way Plan WAR-CLEAR CRK.

The above described area is contained within Warren County Permanent Parcel Number 04-25-401-003.

T. A. Bixler 3-26-21

Trevor A. Bixler, P.S.

Date

Professional Surveyor, Ohio No. 7730

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Ver. Date 03/16/2021

PID 106223

**PARCEL 6-T
WAR-CLEAR-CRK.**

**TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
PERFORM GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF FRANKLIN, WARREN COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Franklin, County of Warren and State of Ohio and known as being part of Section No. 25, Township 2E, Range 5N between the Miami Rivers. Also, being part of the land conveyed to James Kevin Swallow (1/8 int) and Carrie Kendall (1/8 int) as recorded in Instrument No. 2018-024365 of the Warren County Records, Anne Stanton Easton Hansen (1/4 int), Terry C. Easton (1/4 int) and Charles Arthur Easton (1/4 int) as recorded in Deed Book 3842, Page 569 of the Warren County Records, and being a parcel lying on the right side of centerline of construction of Clear Creek Bike Path being more definitely described as follows:

Commencing at the intersection of the centerline of East Fourth Street (50.00 feet wide) and the centerline of Lower Springboro Road (50.00 feet wide), said point being referenced by a "KLEINGER" capped iron pin found South 55 degrees 51 minutes 13 seconds West, 0.28 feet;

Thence, along the centerline of Lower Springboro Road, South 05 degrees 10 minutes 56 seconds West, 574.15 feet to the southeasterly corner of land conveyed to Garret M. Heaney and Michaela R. Hegenreter as recorded in Instrument No. 2018-034356 of the Warren County Records;

Thence, leaving the centerline of Lower Springboro Road, along Garret M. Heaney and Michaela R. Hegenreter's southerly line, South 89 degrees 37 minutes 45 seconds West, 732.89 feet to the northeasterly corner of land conveyed to Thomas Allaire Miller and Linda Sue Miller as recorded in Instrument No. 2016-002105 of the Warren County Records;

Thence, leaving Garret M. Heaney and Michaela R. Hegenreter's southerly line, along Miller's easterly line, South 05 degrees 14 minutes 50 seconds West, 316.35 feet to a point, said point being 83.70 feet right of centerline of construction of Clear Creek Bike Path Station 97+45.02;

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Thence, leaving Miller's easterly line, **North 59 degrees 21 minutes 17 seconds West, 422.10 feet** to the westerly line of said land conveyed to Thomas Allaire Miller and Linda Sue Miller, said point being 70.50 feet right of centerline of construction of Clear Creek Bike Path Station 93+53.16 and being the **True Point of Beginning** for the parcel herein described;

- 1) Thence, leaving said westerly line, **North 78 degrees 46 minutes 17 seconds West, 87.14 feet** to an iron pin set, said point being 25.00 feet right of centerline of construction of Clear Creek Bike Path Station 91+89.60;
- 2) Thence, **along the arc of a curve which deflects to the right, 103.25 feet** to an iron pin set in the westerly line of said land conveyed to Thomas Allaire Miller and Linda Sue Miller, said point being 25.00 right of centerline of construction of Clear Creek Bike Path Station 93+27.26, said curve having a radius of 75.00 feet, a central angle of 78 degrees 52 minutes 34 seconds and a chord of 95.29 feet which bears North 70 degrees 29 minutes 18 seconds East;
- 3) Thence, along said westerly line, **South 05 degrees 04 minutes 54 seconds West, 48.99 feet** to the point of beginning and enclosing an area of 0.0743 acres, more or less.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

The basis of bearings for this survey is relative to Grid North of the Ohio State Plane Coordinate System, South Zone NAD83 (1986).

The stations referred to herein are from the centerline of construction of Clear Creek Bike Path, as found on ODOT Right-of-Way Plan WAR-CLEAR CRK.

The above described area is contained within Warren County Permanent Parcel Number 04-25-401-003.

T. A. Bixler 3-26-21
Trevor A. Bixler, P.S. Date
Professional Surveyor, Ohio No. 7730



EXHIBIT C