

## EXHIBIT "A"

WAR-42-0.00  
PID NO. 79850  
PARCEL 69-SH

Situated in Section 35, Town 4, Range 2, Between the Miamis in the City of Mason, Warren County, Ohio and being more particularly described as follows:

Beginning for reference at the intersection of the west line of Section 4 with the existing centerline of U.S. 42; Thence along said centerline North  $45^{\circ}34'02''$  East, 7.61 feet; Thence leaving said centerline South  $44^{\circ}34'31''$  East, 1.91 feet to Station 0+00 of the proposed centerline of construction for WAR-42-0.00, PID No. 79850; Thence along said centerline of construction North  $45^{\circ}25'29''$  East, 1041.09 feet; Thence along a curve deflecting to the right having a radius of 3429.37 feet, central angle of  $05^{\circ}16'05''$ , arc length of 315.32 feet, the chord of said arc bears North  $48^{\circ}03'32''$  East, 315.21 feet; Thence North  $50^{\circ}41'35''$  East, 6073.60 feet; Thence along a curve deflecting to the left having a radius of 35000 feet, central angle of  $01^{\circ}14'58''$ , arc length of 763.22 feet, the chord of said arc bears North  $50^{\circ}04'06''$  East, 763.20 feet; Thence North  $49^{\circ}26'37''$  East, 721.17 feet; Thence North  $40^{\circ}33'23''$  West, 40.15 feet to a set iron pin in the existing north line of U.S. 42, said pin being the **TRUE POINT OF BEGINNING**;

Thence leaving said right-of-way line, North  $42^{\circ}17'17''$  West, 2.86 feet to a set iron pin;

Thence North  $49^{\circ}26'37''$  East, 228.19 feet to a set iron pin;

Thence South  $46^{\circ}06'17''$  East, 3.11 feet to a set iron pin in said right-of-way line;

Thence South  $49^{\circ}30'19''$  West, 228.41 feet to the **TRUE POINT OF BEGINNING**.

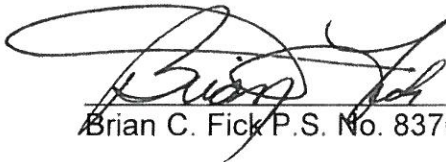
**Containing 0.0156 Acres**, (680 Sq. Ft). Subject to legal highways and easements of record.

The above described parcel being part of the Jeffrey D. Benson tract as recorded in Official Record 1136, Page 249 at the Warren County Recorder's Office and further identified as Auditor's Parcel 16351020060.

Monuments referred to as set iron pins are 5/8" x 30" iron pins with plastic cap stamped B. Fick. P.S. 8370

All bearings shown are for project use only. These bearings are based upon Ohio State Plane Coordinate System, (South Zone) NAD 83.

This description was prepared and reviewed in June 2008 by G.J. BERDING SURVEYING, INC., Brian C. Fick, Registered Surveyor Number 8370.

  
Brian C. Fick P.S. No. 8370

7-22-09  
Date



Parcel 69-SH : SH6902 SH6901 SH6904 SH6903 SH6902

Total parent tract area =	679.5784 ft <sup>2</sup> =	0.0156 a
Total taken area =	0.0000 ft <sup>2</sup> =	0.0000 a
Remaining area =	679.5784 ft <sup>2</sup> =	0.0156 a

Description of parcel: 69-SH

Beginning parent tract description

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Point SH6902      N    22,511.3677 E    33,021.7254 Sta   0+00.000000

Course from SH6902 to SH6901 N 42° 17' 17" W Dist 2.8550

Point SH6901      N    22,513.4798 E    33,019.8044 Sta   0+02.855037

Course from SH6901 to SH6904 N 49° 26' 37" E Dist 228.1909

Point SH6904      N    22,661.8489 E    33,193.1759 Sta   2+31.045951

Course from SH6904 to SH6903 S 46° 06' 17" E Dist 3.1145

Point SH6903      N    22,659.6895 E    33,195.4203 Sta   2+34.160441

Course from SH6903 to SH6902 S 49° 30' 19" W Dist 228.4059

Point SH6902      N    22,511.3677 E    33,021.7254 Sta   4+62.566338

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End of parcel 69-SH description

EXHIBIT “ \_\_\_\_\_ ”

WAR-42-0.00  
PID NO. 79850  
PARCEL 69-DU

Situated in Section 35, Town 4, Range 2, Between the Miamis in the City of Mason, Warren County, Ohio and being more particularly described as follows:

Beginning for reference at the intersection of the west line of Section 4 with the existing centerline of U.S. 42; Thence along said centerline North  $45^{\circ}34'02''$  East, 7.61 feet; Thence leaving said centerline South  $44^{\circ}34'31''$  East, 1.91 feet to Station 0+00 of the proposed centerline of construction for WAR-42-0.00, PID No. 79850; Thence along said centerline of construction North  $45^{\circ}25'29''$  East, 1041.09 feet; Thence along a curve deflecting to the right having a radius of 3429.37 feet, central angle of  $05^{\circ}16'05''$ , arc length of 315.32 feet, the chord of said arc bears North  $48^{\circ}03'32''$  East, 315.21 feet; Thence North  $50^{\circ}41'35''$  East, 6073.60 feet; Thence along a curve deflecting to the left having a radius of 35000 feet, central angle of  $01^{\circ}14'58''$ , arc length of 763.22 feet, the chord of said arc bears North  $50^{\circ}04'06''$  East, 763.20 feet; Thence North  $49^{\circ}26'37''$  East, 721.17 feet; Thence North  $40^{\circ}33'23''$  West, 40.15 feet to a point in the north right-of-way line of U.S. 42; Thence North  $42^{\circ}17'17''$  West, 2.86 feet to a point in the proposed north right-of-way line of improved U.S. 42; said point being the **TRUE POINT OF BEGINNING**;

Thence leaving said proposed right-of-way line, North  $42^{\circ}17'17''$  West, 4.00 feet to a point;

Thence North  $49^{\circ}26'37''$  East, 214.24 feet to a point;

Thence North  $21^{\circ}54'58''$  East, 14.68 feet to a point;

Thence South  $46^{\circ}06'17''$  East, 10.84 feet to a point in said proposed right-of-way line;

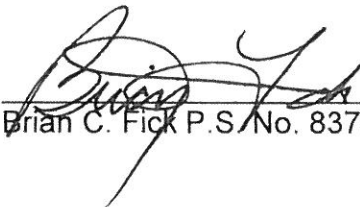
Thence with said proposed right-of-way line, South  $49^{\circ}26'37''$  West, 228.19 feet to the **TRUE POINT OF BEGINNING**.

**Containing 0.0220 Acres**, (959 Sq. Ft). Subject to legal highways and easements of record.

The above described parcel being part of the Jeffrey D. Benson tract as recorded in Official Record 1136, Page 249 at the Warren County Recorder's Office and further identified as Auditor's Parcel 16351020060.

All bearings shown are for project use only. These bearings are based upon Ohio State Plane Coordinate System, (South Zone) NAD 83.

This description was prepared and reviewed in June 2008 by G.J. BERDING SURVEYING, INC., Brian C. Fick, Registered Surveyor Number 8370.

  
Brian C. Fick P.S. No. 8370

7-22-09  
Date



Parcel 69-DU : SH6901 DU6902 DU6903 DU6901 SH6904 SH6901

Total parent tract area =	958.6385 ft² =	0.0220 a
Total taken area =	0.0000 ft² =	0.0000 a
Remaining area =	958.6385 ft² =	0.0220 a

Description of parcel: 69-DU

Beginning parent tract description

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Point SH6901      N    22,513.4798 E    33,019.8044 Sta   0+00.000000

Course from SH6901 to DU6902 N 42° 17' 17" W Dist 4.0018

Point DU6902      N    22,516.4402 E    33,017.1117 Sta   0+04.001827

Course from DU6902 to DU6903 N 49° 26' 37" E Dist 214.2443

Point DU6903      N    22,655.7413 E    33,179.8871 Sta   2+18.246139

Course from DU6903 to DU6901 N 21° 54' 58" E Dist 14.6820

Point DU6901      N    22,669.3622 E    33,185.3671 Sta   2+32.928112

Course from DU6901 to SH6904 S 46° 06' 17" E Dist 10.8364

Point SH6904      N    22,661.8489 E    33,193.1759 Sta   2+43.764501

Course from SH6904 to SH6901 S 49° 26' 37" W Dist 228.1909

Point SH6901      N    22,513.4798 E    33,019.8044 Sta   4+71.955415

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End of parcel 69-DU description

## EXHIBIT " \_\_\_\_\_ "

WAR-42-0.00  
PID NO. 79850  
PARCEL 69-T

Situated in Section 35, Town 4, Range 2, Between the Miamis in the City of Mason, Warren County, Ohio and being more particularly described as follows:

Beginning for reference at the intersection of the west line of Section 4 with the existing centerline of U.S. 42; Thence along said centerline North  $45^{\circ}34'02''$  East, 7.61 feet; Thence leaving said centerline South  $44^{\circ}34'31''$  East, 1.91 feet to Station 0+00 of the proposed centerline of construction for WAR-42-0.00, PID No. 79850; Thence along said centerline of construction North  $45^{\circ}25'29''$  East, 1041.09 feet; Thence along a curve deflecting to the right having a radius of 3429.37 feet, central angle of  $05^{\circ}16'05''$ , arc length of 315.32 feet, the chord of said arc bears North  $48^{\circ}03'32''$  East, 315.21 feet; Thence North  $50^{\circ}41'35''$  East, 6073.60 feet; Thence along a curve deflecting to the left having a radius of 35000 feet, central angle of  $01^{\circ}14'58''$ , arc length of 763.22 feet, the chord of said arc bears North  $50^{\circ}04'06''$  East, 763.20 feet; Thence North  $49^{\circ}26'37''$  East, 721.17 feet; Thence North  $40^{\circ}33'23''$  West, 40.15 feet to a point in the north right-of-way line of U.S. 42; Thence North  $42^{\circ}17'17''$  West, 6.86 feet to a point; said point being the **TRUE POINT OF BEGINNING**;

Thence North  $42^{\circ}17'17''$  West, 23.01 feet to a point;

Thence North  $49^{\circ}26'37''$  East, 21.50 feet to a point;

Thence South  $40^{\circ}33'23''$  East, 13.00 feet to a point;

Thence North  $49^{\circ}26'37''$  East, 155.00 feet to a point;

Thence North  $40^{\circ}33'23''$  West, 3.00 feet to a point;

Thence North  $49^{\circ}26'37''$  East, 50.85 feet to a point;

Thence South  $46^{\circ}06'17''$  East, 6.24 feet to a point;



Page 2  
PARCEL 69-T

Thence South 21°54'58" West, 14.68 feet to a point;

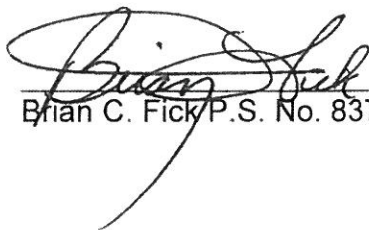
Thence South 49°26'37" West, 214.24 feet to the **TRUE POINT OF BEGINNING**.

**Containing 0.0611 Acres**, (2,659 Sq. Ft). Subject to legal highways and easements of record.

The above described parcel being part of the Jeffrey D. Benson tract as recorded in Deed Official Record 1136, Page 249 at the Warren County Recorder's Office and further identified as Auditor's Parcel 16351020060.

All bearings shown are for project use only. These bearings are based upon Ohio State Plane Coordinate System, (South Zone) NAD 83.

This description was prepared and reviewed in June 2008 by G.J. BERDING SURVEYING, INC., Brian C. Fick, Registered Surveyor Number 8370.

  
Brian C. Fick P.S. No. 8370

7-22-09  
Date



G.J. Berding Surveying, Inc.

741 Main Street • Milford, OH 45150 • 513 831 5505 tel • 513 831 6761 fax • [www.berdingsurveying.com](http://www.berdingsurveying.com)



Parcel 69-TMP : DU6902 TEMP6901 TEMP6902 TEMP6903 TEMP6904 TEMP6905 TEMP6906 TEMP6907  
TEMP6908 DU6902

Total parent tract area =	2,659.4489 ft² =	0.0611 a
Total taken area =	0.0000 ft² =	0.0000 a
Remaining area =	2,659.4489 ft² =	0.0611 a

Description of parcel: 69-TMP

Beginning parent tract description

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Point DU6902      N    22,516.4402 E    33,017.1117 Sta   0+00.000000

Course from DU6902 to TEMP6901 N 42° 17' 17" W Dist 23.0105

Point TEMP6901      N    22,533.4627 E    33,001.6289 Sta   0+23.010508

Course from TEMP6901 to TEMP6902 N 49° 26' 37" E Dist 21.5022

Point TEMP6902      N    22,547.4434 E    33,017.9655 Sta   0+44.512662

Course from TEMP6902 to TEMP6903 S 40° 33' 23" E Dist 13.0000

Point TEMP6903      N    22,537.5664 E    33,026.4180 Sta   0+57.512662

Course from TEMP6903 to TEMP6904 N 49° 26' 37" E Dist 155.0000

Point TEMP6904      N    22,638.3470 E    33,144.1817 Sta   2+12.512662

Course from TEMP6904 to TEMP6905 N 40° 33' 23" W Dist 3.0000

Point TEMP6905      N    22,640.6263 E    33,142.2311 Sta   2+15.512662

Course from TEMP6905 to TEMP6906 N 49° 26' 37" E Dist 50.8536

Point TEMP6906      N    22,673.6912 E    33,180.8679 Sta   2+66.366289

Course from TEMP6906 to TEMP6907 S 46° 06' 17" E Dist 6.2436

Point TEMP6907      N    22,669.3622 E    33,185.3671 Sta   2+72.609924

Course from TEMP6907 to TEMP6908 S 21° 54' 58" W Dist 14.6820

Point TEMP6908      N    22,655.7413 E    33,179.8871 Sta   2+87.291896

Course from TEMP6908 to DU6902 S 49° 26' 37" W Dist 214.2443

Point DU6902      N    22,516.4402 E    33,017.1117 Sta   5+01.536208

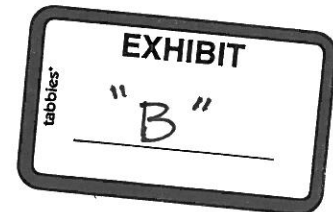
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End of parcel 69-TMP description

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

October ,2009

Jeffrey D. Benson  
4085 SR 741  
Lebanon, Ohio 45036



Re: WAR-42-0.00  
Parcel Number: 69 -753 Reading Road  
Interest Acquired: Permanent and Temporary Easements

TO: Jeffrey D. Benson

The City of Mason, Ohio needs your property for a highway project identified as WAR-42-0.00 and will need to acquire the following from you:

Parcel 69- SH is a standard highway easement needed for the installation and maintenance of a sidewalk.

Parcel 69- DU is a permanent drainage and utility easement. It is a small rectangular piece running along Reading Road on the east property line

Parcel 69- T is temporary easement of two years duration first beginning when work starts on your property. The temporary easement is needed to reconstruct your driveway and for grading and seeding purposes.

Ohio law authorizes City of Mason, Ohio to obtain Parcels 69-SH, DU, and T from your property for the public purpose of a highway project. The legal description of your property that City of Mason, Ohio needs is attached to this Notice of Intent to Acquire and Good Faith Offer and is referenced as **Exhibit A**.

The Good Faith Offer included in this document is City of Mason, Ohio 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 this offer to accept or reject the offer. We are available to discuss the offer with you at any time. If you reject

the offer or we are unable to come to an agreement, we may have to exercise our eminent domain authority to appropriate your property. This will require a court procedure. In a court proceeding, you may disagree with whether our offer reflects the fair market value of the property.

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

1. By law, City of Mason, Ohio is required to make a good faith effort to purchase Parcels 69-SH,DU, and 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 City of Mason, Ohio establishing its fair market value estimate for your property needed for the project.
3. **You do not have to accept this offer** and City of Mason, Ohio 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 City of Mason, Ohio .
5. You are to be provided with pertinent parts of the highway plans which are:  
  
Legend sheet; Property Map; Summary Sheet; Right of Way Detail Sheet(s); and Plan and Profile Sheet(s)
6. The Plan Letter Attachment to this “Notice of Intent to Acquire and Good Faith Offer” describes the interest in the real property that is to be acquired from you; the description and location of the real property to be acquired; and any improvements such as buildings or structures situated on the property to be acquired, if any.
7. You will be provided with a booklet entitled “When ODOT Needs Your Property”. This booklet briefly explains the acquisition process and your rights in this process.
8. You have the right to seek the advice of an attorney, real estate appraiser, or any other person of your choice in this matter
9. You have the right to object to City of Mason, Ohio decision to acquire your property by writing, within ten business days of receiving this notice, to:

Eric Hanson  
City Manager  
6000 Mason-Montgomery Road  
Mason, Ohio 45040

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

10. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcels 69-SH,DU, and T, City of Mason, Ohio has the right to file suit to acquire Parcels 69-SH,DU, and 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 Mason, Ohio will deposit the value of the property sought to be acquired with the court. At that time, City of Mason, Ohio 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 Mason, Ohio's final offer as determined by law, you may be entitled to recover attorney fees and other litigation costs.
15. You also have the right to request that the issue of the value of your property be submitted to nonbinding mediation. You **must** submit your written request for mediation

to the court within ten business days after you file your answer. If a settlement is not reached at mediation, the matter will proceed to a jury valuation trial.

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**THE GOOD FAITH OFFER:**

The amount offered to you in good faith as just compensation for the acquisition of Parcel 69 - 753 Reading Road, Permanent and Temporary Easements, of Project WAR-42-0.00 is:

Real Property to be Acquired (Permanent easement, SH ).....	\$10,242.00
Damages To Your Property Which Is Not Acquired .....	\$30,758.00
Temporary Construction Easements .....	\$3,055.00
Total Good Faith Offer .....	\$44,055.00

Tenant-owned improvements, if any, are to be identified in this Notice of Intent to Acquire and Good Faith Offer, and if there are any such improvements, the amount offered to you does not include compensation for these improvements. **There are no tenant-owned improvements in the take area.**

While City of Mason, Ohio 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:

DLZ OHIO INC  
6121 Huntley Road  
Columbus, Ohio 43229

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Dana Alexander  
Right of Way Agent and Consultant to  
DLZ Ohio Inc.

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

\_\_\_\_\_  
(Owner’s signature)

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

\_\_\_\_\_  
(Print owner’s name)

\_\_\_\_\_  
(Owner’s signature)

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

\_\_\_\_\_  
(Print owner’s name)