

## EXHIBIT "A"

WAR-42-0.00  
PID NO. 79850  
PARCEL 44-DU

Situated in Section 5, Town 3, 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, 1,041.09 feet; Thence along a curve deflecting to the right having a radius of 3,429.37 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, 5,013.83 feet; Thence leaving said centerline of construction South  $39^{\circ}18'25''$  East, 48.78 feet to a point in the existing south line of U.S. 42, said pin being the **TRUE POINT OF BEGINNING**;

Thence along said south line North  $50^{\circ}43'14''$  East, 601.42 feet;

Thence South  $39^{\circ}16'45''$  East, 2.93 feet;

Thence South  $50^{\circ}41'35''$  West, 96.66 feet;

Thence South  $39^{\circ}18'25''$  East, 13.00 feet;

Thence South  $50^{\circ}41'35''$  West, 195.00 feet;

Thence South  $64^{\circ}34'27''$  West, 54.19 feet;

Thence South  $50^{\circ}41'35''$  West, 257.16 feet;

Thence North  $39^{\circ}16'46''$  West, 3.22 feet to the **TRUE POINT OF BEGINNING**.

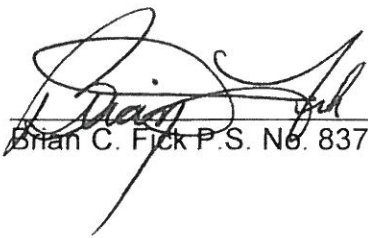
**Containing 0.1085 Acres**, (4,726 Sq. Ft). Subject to legal highways and easements of record.

Page 2  
PARCEL 44-DU

The above described parcel being part of the William C. and Matilda Trammel tract as recorded in Official Record 1644, Page 103 at the Warren County Recorder's Office and further identified as Auditor's Parcel 15054260160.

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 44-DU : BCF182 BCF221 DU4407 DU4406 DU4405 DU4404 DU4403 DU4401 BCF182

Total parent tract area =	4,726.3514 ft <sup>2</sup> =	0.1085 a
Total taken area =	0.0000 ft <sup>2</sup> =	0.0000 a
Remaining area =	4,726.3514 ft <sup>2</sup> =	0.1085 a

Description of parcel: 44-DU

Beginning parent tract description

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Point BCF182      N    20,812.9966 E    31,125.5652 Sta   0+00.000000

Course from BCF182 to BCF221 N 50° 43' 14" E Dist 601.4200

Point BCF221      N    21,193.7576 E    31,591.1048 Sta   6+01.420000

Course from BCF221 to DU4407 S 39° 16' 45" E Dist 2.9301

Point DU4407      N    21,191.4894 E    31,592.9598 Sta   6+04.350116

Course from DU4407 to DU4406 S 50° 41' 35" W Dist 96.6568

Point DU4406      N    21,130.2596 E    31,518.1705 Sta   7+01.006934

Course from DU4406 to DU4405 S 39° 18' 25" E Dist 13.0000

Point DU4405      N    21,120.2007 E    31,526.4056 Sta   7+14.006935

Course from DU4405 to DU4404 S 50° 41' 35" W Dist 195.0000

Point DU4404      N    20,996.6728 E    31,375.5220 Sta   9+09.006935

Course from DU4404 to DU4403 S 64° 34' 27" W Dist 54.1869

Point DU4403      N    20,973.4082 E    31,326.5836 Sta   9+63.193796

Course from DU4403 to DU4401 S 50° 41' 35" W Dist 257.1589

Point DU4401      N    20,810.5041 E    31,127.6038 Sta   12+20.352704

Course from DU4401 to BCF182 N 39° 16' 46" W Dist 3.2201

Point BCF182      N    20,812.9966 E    31,125.5652 Sta   12+23.572775

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End of parcel 44-DU description

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

**WAR-42-0.00  
PID NO. 79850  
PARCEL 44-T1**

Situated in Section 5, Town 3, 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, 1,041.09 feet; Thence along a curve deflecting to the right having a radius of 3,429.37 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, 5,013.83 feet; Thence leaving said centerline of construction South  $39^{\circ}18'25''$  East, 48.78 feet to a point in the existing south line of U.S. 42, Thence South  $39^{\circ}16'46''$  East, 3.22 feet; to the **TRUE POINT OF BEGINNING**;

Thence North  $50^{\circ}41'35''$  East, 257.16 feet;

Thence North  $64^{\circ}34'27''$  East, 54.19 feet;

Thence South  $52^{\circ}07'30''$  West, 80.03 feet;

Thence South  $62^{\circ}00'10''$  West, 50.99 feet;

Thence South  $46^{\circ}41'20''$  West, 100.24 feet;

Thence South  $50^{\circ}41'35''$  West, 79.77 feet;

Thence North  $39^{\circ}16'46''$  West, 8.00 feet to the **TRUE POINT OF BEGINNING**.

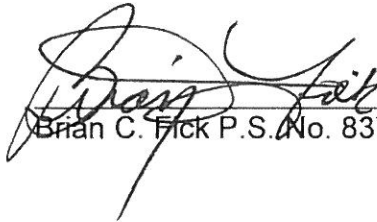
**Containing 0.0461 Acres, (2,006 Sq. Ft).** Subject to legal highways and easements of record.

Page 2  
PARCEL 44-T1

The above described parcel being part of the William C. and Matilda Trammel tract as recorded in Official Record 1644, Page 103 at the Warren County Recorder's Office and further identified as Auditor's Parcel 15054260160.

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 44-TMP-A : DU4401 DU4403 DU4404 TEMP4404 TEMP4403 TEMP4402 TEMP4401 DU4401

Total parent tract area =	2,006.1935 ft <sup>2</sup> =	0.0461 a
Total taken area =	0.0000 ft <sup>2</sup> =	0.0000 a
Remaining area =	2,006.1935 ft <sup>2</sup> =	0.0461 a

Description of parcel: 44-TMP-A

Beginning parent tract description

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Point DU4401      N    20,810.5041 E    31,127.6038 Sta   0+00.000000

Course from DU4401 to DU4403 N 50° 41' 35" E Dist 257.1589

Point DU4403      N    20,973.4082 E    31,326.5836 Sta   2+57.158908

Course from DU4403 to DU4404 N 64° 34' 27" E Dist 54.1869

Point DU4404      N    20,996.6728 E    31,375.5220 Sta   3+11.345769

Course from DU4404 to TEMP4404 S 52° 07' 30" W Dist 80.0250

Point TEMP4404    N    20,947.5423 E    31,312.3541 Sta   3+91.370765

Course from TEMP4404 to TEMP4403 S 62° 00' 10" W Dist 50.9902

Point TEMP4403    N    20,923.6061 E    31,267.3313 Sta   4+42.360960

Course from TEMP4403 to TEMP4402 S 46° 41' 20" W Dist 100.2447

Point TEMP4402    N    20,854.8421 E    31,194.3894 Sta   5+42.605661

Course from TEMP4402 to TEMP4401 S 50° 41' 35" W Dist 79.7671

Point TEMP4401    N    20,804.3115 E    31,132.6686 Sta   6+22.372759

Course from TEMP4401 to DU4401 N 39° 16' 46" W Dist 8.0000

Point DU4401      N    20,810.5041 E    31,127.6038 Sta   6+30.372763

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End of parcel 44-TMP-A description

EXHIBIT "\_\_\_\_"

WAR-42-0.00  
PID NO. 79850  
PARCEL 44-T2

Situated in Section 5, Town 3, 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, 1,041.09 feet; Thence along a curve deflecting to the right having a radius of 3,429.37 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, 5,615.25 feet; Thence leaving said centerline of construction South  $39^{\circ}18'25''$  East, 49.07 feet to a point in the existing south line of U.S. 42, Thence South  $39^{\circ}16'45''$  East, 2.93 feet; to the **TRUE POINT OF BEGINNING**;

Thence South  $39^{\circ}16'45''$  East, 6.00 feet;

Thence South  $50^{\circ}41'35''$  West, 36.65 feet;

Thence South  $39^{\circ}18'25''$  East, 17.00 feet;

Thence South  $50^{\circ}41'35''$  West, 50.00 feet;

Thence North  $84^{\circ}18'25''$  West, 14.14 feet;

Thence North  $39^{\circ}18'25''$  West, 13.00 feet;

Thence North  $50^{\circ}41'35''$  East, 96.66 feet to the **TRUE POINT OF BEGINNING**.

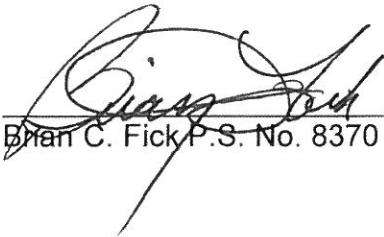
**Containing 0.0356 Acres**, (1,550 Sq. Ft). Subject to legal highways and easements of record.

Page 2  
PARCEL 44-T2

The above described parcel being part of the William C. and Matilda Trammel tract as recorded in Official Record 1644, Page 103 at the Warren County Recorder's Office and further identified as Auditor's Parcel 15054260160.

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 44-TMP-B : DU4407 TEMP4405 TEMP4406 TEMP4407 TEMP4408 DU4405 DU4406 DU4407

Total parent tract area =	1,549.9321 ft <sup>2</sup> =	0.0356 a
Total taken area =	0.0000 ft <sup>2</sup> =	0.0000 a
Remaining area =	1,549.9321 ft <sup>2</sup> =	0.0356 a

Description of parcel: 44-TMP-B

Beginning parent tract description

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Point DU4407      N    21,191.4894 E    31,592.9598 Sta   0+00.000000

Course from DU4407 to TEMP4405 S 39° 16' 45" E Dist 6.0000

Point TEMP4405      N    21,186.8450 E    31,596.7584 Sta   0+05.999999

Course from TEMP4405 to TEMP4406 S 50° 41' 35" W Dist 36.6539

Point TEMP4406      N    21,163.6256 E    31,568.3970 Sta   0+42.653906

Course from TEMP4406 to TEMP4407 S 39° 18' 25" E Dist 17.0000

Point TEMP4407      N    21,150.4717 E    31,579.1661 Sta   0+59.653906

Course from TEMP4407 to TEMP4408 S 50° 41' 35" W Dist 50.0000

Point TEMP4408      N    21,118.7979 E    31,540.4780 Sta   1+09.653905

Course from TEMP4408 to DU4405 N 84° 18' 25" W Dist 14.1421

Point DU4405      N    21,120.2007 E    31,526.4056 Sta   1+23.796041

Course from DU4405 to DU4406 N 39° 18' 25" W Dist 13.0000

Point DU4406      N    21,130.2596 E    31,518.1705 Sta   1+36.796041

Course from DU4406 to DU4407 N 50° 41' 35" E Dist 96.6568

Point DU4407      N    21,191.4894 E    31,592.9598 Sta   2+33.452860

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End of parcel 44-TMP-B description

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

November 12, 2009

William C. & Matilda Trammel  
826 Reading Road  
Mason, Ohio 45040

Re: WAR-42-0.00  
Parcel Number: 44  
Interest Acquired: Permanent and temporary easements



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TO: William C. & Matilda Trammel

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 44-DU A perpetual easement for the purpose of drainage and utility installation and maintenance. A rectangular area of 0.1085 acres.

Parcel 44-T1 which is a temporary easement of two years duration first beginning when work starts on your property. An area of 0.0461 acres.

Parcel 44-T2 which is a temporary easement of two years duration first beginning when work starts on your property. An area of 0.0356 acres.

Ohio law authorizes City of Mason, Ohio to obtain Parcel 44 DU, T1, and T2 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 Parcel 44 DU, T1, and T2.
2. We are to provide you with a written offer and the appraisal or valuation upon which we base that offer. The amount offered to you will not be less than the approved fair market value estimate of the property needed for the project. This compensation is based on the valuation of your property by qualified real estate personnel who have analyzed current market data. Their valuation work has been reviewed by a preapproved review appraiser prior to 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 Parcel 44 DU, T1, and T2, City of Mason, Ohio has the right to file suit to acquire Parcel 44 DU, T1, and T2 by eminent domain in the county in which the property is located. This action, referred to as an “appropriation proceeding” ensures your rights will be fully protected while at the same time allowing the construction of the highway project to proceed for the benefit of all.
11. When filing the appropriation, the City of 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 44, Permanent and temporary easements, of Project WAR-42-0.00 is:

Real Property To Be Acquired(Permanent easement).....	\$21,109.00
Damages To Your Property Which Is Not Acquired .....	\$0.00
Temporary Construction Easements .....	\$4,733.00
Total Good Faith Offer .....	\$25,842.00

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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Bud Naylor  
Right of Way Agent and Consultant for  
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)