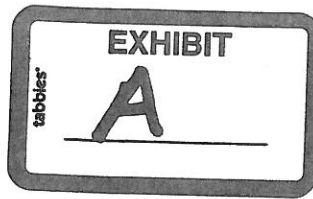
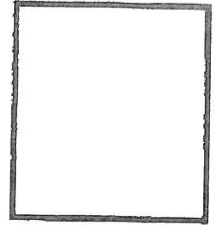


LPA
Rev 01/2011



15-510



HERITAGE
LAND SERVICES

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

Date: Oct 8, 2015

Allen D. Lewis and Sylvia D. Lewis
1053 Bank Street
Akron, Ohio 44305

Re: SUM-CR 13-0.47
Parcel Number: 5
Interest Acquired: T, SLV

THE NOTICE OF INTENT TO ACQUIRE

TO: Allen D. Lewis and Sylvia D. Lewis

The City of Akron, Summit County, Ohio needs your property for a highway project identified as SUM-CR 13-0.47 and will need to acquire the following from you:

Parcel 5 T is defined as a Temporary Right of Way Agreement. This identifier is used for an agreement to provide necessary working area for the contractor where permanent right of way is not desired. The work to be done includes grading and seeding.

Parcel 5 SLV is defined as a Slope Easement Agreement. This identifier is used to maintain a slope from the current elevation of your property to the elevation of the proposed road. For this particular parcel, the work to be done will be acquired in the name of the City of Akron.

Ohio law authorizes City of Akron, Summit County, Ohio to obtain Parcels 5 T and 5 SLV from your property for the public purpose of a highway project. The legal description of your property that City of Akron, Summit County, Ohio 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 City of Akron, Summit County, 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 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, City of Akron, Summit County, Ohio is required to make a good faith effort to purchase Parcels 5 T and 5 SLV.
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 Akron, Summit County, 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 Akron, Summit County, 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 Akron, Summit County, Ohio.
5. You are to be provided with pertinent parts of the highway plans which are:

Summary Sheet, Topography Sheet, Boundary Sheet, Cross Section Sheets
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 City of Akron, Summit County, Ohio decision to acquire your property by writing, within ten business days of receiving this notice, to:

The City of Akron/ Summit County Engineer
538 E. South Street
Akron, Ohio 44311

The City of Akron/Summit County Engineer has the discretion to veto this project, and if he does, it will not proceed.

10. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcels 5 T and 5 SLV, City of Akron, Summit County, Ohio has the right to file suit to acquire Parcels 5 T and 5 SLV 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 Akron/ Summit County Engineer will deposit the value of the property sought to be acquired with the court. At that time, City of Akron, Summit County, 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 City of Akron, Summit County, Ohio final offer as determined by law, you may be entitled to recover attorney fees and other litigation costs.

15. You also have the right to request that the issue of the value of your property be submitted to nonbinding mediation. You must submit your written request for mediation to the court within ten business days after you file your answer. If a settlement is not reached at mediation, the matter will proceed to a jury valuation trial.

THE GOOD FAITH OFFER

The amount offered to you in good faith as just compensation for the acquisition of Parcel 5, T, SLV, of Project SUM-CR 13-0.47 is:

Real Property To Be Acquired	\$53,000
Temporary Construction Easement	\$45.00
Total Good Faith Offer	\$300.00
	Adj. to reflect ODOT minimum offer

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 is no tenant owned improvements.

Your property may be encumbered with a mortgage lien as security for a loan. It is possible that City of Akron, Summit County, Ohio 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 City of Akron, Summit County, 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:

City of Akron, Summit County, Ohio
Mailing Address

A handwritten signature in cursive script that reads "Debra A. Rake". The signature is written in black ink and is positioned above a horizontal line.

Debra A. Rake
Senior Real Estate Specialist
Heritage Land Services, Inc. for the
City of Akron, Summit County, Ohio
635 Brooksedge Blvd.
Westerville, Ohio 43081
drake@wearehls.com
1-800-229-1774 (Toll Free) or 614-918-2999 ext. 113

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

Re: SUM-CR 13-0.47
Parcel Number: 5
Interest Acquired: T, SLV

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 City of Akron, Summit County, Ohio. 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 City of Akron, Summit County, Ohio'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.

Owner declined to sign
(Owner's signature)

10/13/15
(Date)

(Print owner's name)

(Owner's signature)

(Date)

(Print owner's name)

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 1/08/2015

PID 88009

**PARCEL 5-T
SUM - CR13 - 0.47
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
GRADE & SEED
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
COUNTY OF SUMMIT, SUMMIT COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Akron, County of Summit, and State of Ohio and known as being part of Lot 3, Tract 13, this and all further references made to the Summit County Fiscal Officer, Recording Department Records, also part of lands, now or formerly owned by the Allen D. Lewis and Sylvia D. Lewis per Deed Volume 4631, Page 125, and being more fully described as follows:

Being a parcel of land located on the left side of the centerline of right of way of Bank Street.

Commencing at a point on the existing easterly right of way line of Bank Street, said point being located 30.00 feet left of Bank Street centerline Station 9+53.00, said point also being the TRUE POINT OF BEGINNING for the following parcel herein described;

Thence continuing along the existing easterly right of way line of Bank Street N 49° 50' 31" W, 37.00 feet to a point, said point being located 30.00 feet left of Bank Street centerline of right of way Station 9+16.00;

Thence N 40° 09' 29" E, 18.00 feet to a point, said point being located 48.00 feet left of Bank Street centerline of right of way Station 9+16.00;

Thence S 49° 50' 31" E, 37.00 feet to a point, said point being located 48.00 feet left of Bank Street centerline of right of way Station 9+53.00;

Thence S 40° 09' 29" W, 18.00 feet, to the point of beginning and containing 0.015 acres of land, more or less.

The above described area is part of any Summit County Fiscal Officer Parcel Number 6802837.

EXHIBIT A

LPA RX 887 T

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Rev. 07/09

The above description was prepared by Dan Stankavich, Professional Surveyor Number 7122, on January 8, 2015, and is based on a survey made for the State of Ohio by the URS Corporation, by or under the direct supervision of David P. Povich, Professional Surveyor Number 7773, in September 2014.

The bearing for the above description are based on the Ohio North Zone State Plane Coordinates, NAD83 (2011) datum.

Dan Stankavich, P.S. 7122

Date

EXHIBIT A

LPA RX 875 SL

Page 1 of 2

Rev. 08/12

Ver. Date 1/08/2015

PID 88009

**PARCEL 5-SLV
SUM - CR 13 - 0.47
PERPETUAL EASEMENT FOR THE CONSTRUCTION AND
MAINTENANCE OF SLOPES IN THE NAME AND FOR THE USE OF THE
CITY OF AKRON, SUMMIT COUNTY, OHIO**

An exclusive perpetual easement for the construction and maintenance of slopes over the within described real estate. With the express prior permission of Grantee, Grantor/Owner may (1) alter the contours of the slopes constructed and maintained by Grantee over the easement area; and (2) install, construct and make improvements on the slopes constructed and maintained by Grantee over the easement area. Provided, however, any and all such alterations of the slopes and construction of improvements thereon shall be undertaken at the sole expense of Grantor/Owner; in no event shall Grantee be liable to Grantor/Owner for any compensation whatsoever if it should be reasonably necessary or desirable for Grantee to restore the slopes over the easement area to the same condition as originally constructed by Grantee or if it should be reasonably necessary or desirable for Grantee to maintain or reconstruct and maintain the slopes over the easement area in a manner different than originally constructed by Grantee or altered by Grantor/Owner, nor shall Grantee be liable to Grantor/Owner for any compensation whatsoever if, in the course of maintaining or reconstructing the slopes over the easement area, it is reasonably necessary or convenient for Grantee to remove or impair any improvement constructed thereon by Grantor/Owner. (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 Akron, County of Summit, and State of Ohio and known as being part of Lot 3, Tract 13, this and all further references made to the Summit County Fiscal Officer, Recording Department Records, also part of lands, now or formerly owned by the Allen D. Lewis and Sylvia D. Lewis per Deed Volume 4631, Page 125, and being more fully described as follows:

Being a parcel of land located on the left side of the centerline of right of way of Bank Street.

Commencing at a point on the existing easterly right of way line of Bank Street, said point being located 30.00 feet left of Bank Street centerline Station 9+48.00, said point also being the TRUE POINT OF BEGINNING for the following parcel herein described;

EXHIBIT A

Page 2 of 2

LPA RX 875 SL

Rev. 08/12

Thence continuing along the existing easterly right of way line of Bank Street N 49° 50' 31" W, 18.50 feet to a point, said point being located 30.00 feet left of Bank Street centerline of right of way Station 9+29.50;

Thence N 40° 09' 29" E, 16.00 feet to a point, said point being located 46.00 feet left of Bank Street centerline of right of way Station 9+29.50;

Thence S 49° 50' 31" E, 18.50 feet to a point, said point being located 46.00 feet left of Bank Street centerline of right of way Station 9+48.00;

Thence S 40° 09' 29" W, 16.00 feet, to the point of beginning and containing 0.007 acres of land, more or less.

The above described area is part of any Summit County Fiscal Officer Parcel Number 6802837.

The above description was prepared by Dan Stankavich, Professional Surveyor Number 7122, on January 8, 2015, and is based on a survey made for the State of Ohio by the URS Corporation, by or under the direct supervision of David P. Povich, Professional Surveyor Number 7773, in September 2014.

The bearing for the above description are based on the Ohio North Zone State Plane Coordinates, NAD83 (2011) datum.

Dan Stankavich, P.S. 7122

Date