



ALAN BRUBAKER, P.E., P.S.

SUMMIT COUNTY ENGINEER

NOTICE OF INTENT TO ACQUIRE AND GOOD FAITH OFFER

January 20, 2022

Laurie K. Chervenik - Trustee
1401 Revere Road
Akron, Ohio 44333

Re: Revere Road Bridge, BAT-114-0320
Parcel Number: 0401232
Interest Acquired: Parcel # 1-SH- Standard Highway Easement

THE NOTICE OF INTENT TO ACQUIRE

TO: Laurie K. Chervenik - Trustee

The Summit County Engineers needs your property for a highway project identified as Revere Road Bridge, BAT-114-0320 and will need to acquire the following from you:
Standard Highway Easement- Parcel 1-SH

Ohio law authorizes Summit County Engineers to obtain the Standard Highway Easement- Parcel 1 SH from your property for the public purpose of a highway project. The legal description of your property that Summit County Engineers 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 Summit County Engineers 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:

538 E. South Street ♦ Akron, Ohio 44311-1843 ♦ Tel: 330-643-2850 ♦ Fax: 330-762-7829



Website: www.summitengineer.net



1. By law, Summit County Engineers is required to make a good faith effort to purchase the Standard Highway Easement- Parcel 1 SH.
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 Summit County Engineers establishing its fair market value estimate for your property needed for the project.
3. **You do not have to accept this offer** and Summit County Engineers 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 Summit County Engineers.
5. You are to be provided with pertinent parts of the highway plans which are:

[Sheet 1 of Drawing 20027

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 Summit County Engineers decision to acquire your property by writing, within ten business days of receiving this notice, to:

Alan Brubaker, P.E., P.S.-
Summit County Engineer
538 E. South Street, Akron, Ohio 44311

The 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 Parcel # 1- SH. 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 Summit County Engineer- Alan Brubaker, PE, PS will deposit the value of the property sought to be acquired with the court. At that time, Summit County Engineers 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 Summit County Engineers 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 0401232, Parcel # 1-SH- Standard Highway Easement, of Project Revere Road Bridge, BAT-114-0320 is:

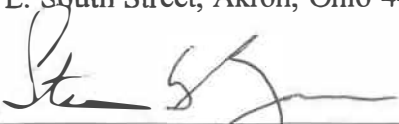
Real Property To Be Acquired	\$ 1,023.00
Damages To Your Property Which Is Not Acquired	N/A
Temporary Construction Easement	N/A
Total Good Faith Offer	\$ 1,023.00

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. None.

Your property may be encumbered with a mortgage lien as security for a loan. It is possible that Summit County Engineers 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 Summit County Engineers 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:

Summit County Engineers
Alan Brubaker, P.E., P.S.-
Summit County Engineer
538 E. South Street, Akron, Ohio 44311



Steven T. Burgess- Right of Way Manager
SBurgess@summitengineer.net
330-643-8466

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

Re: Revere Road Bridge, BAT-114-0320
Parcel Number: 0401232
Interest Acquired: Parcel # 1-SH- Standard Highway Easement

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 Summit County Engineers. 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 Summit County Engineers 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's signature)

(Date)

(Print owner's name)

(Owner's signature)

(Date)

(Print owner's name)

VALUE ANALYSIS (\$10,000 OR LESS)

OWNER'S NAME

COUNTY Summit

Laurie K. Chervenik-Trustee

ROUTE Revere Road

Parcel # 1 SH- 0401232

SECTION Bridge # BAT-114-0320

1401 Revere Road. Akron. Ohio 44333

PID# n/a

Based on comparable sales, which are attached, the following compensation has been established.

Temporary taking(s) have been based on a 12 month period.

Parcel #	Net Take Area	Land	Improvement	Remarks	Total
0401232- 1SH	(0.0313 acres or 1364.0 sq.ft)	1,364 SF x 0.75/SF = \$ 1,023.00	None taken	Standard Highway Easement	Say – \$ 1,023.00
					Total
					\$ 1,023.00

Conflict of Interest Certification [49CFR 24.102(n) and OAC 5501: 2-5-06(B)(3)(a)]

1. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
2. 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 compensation recommendation.
3. 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 valued, and no personal interest with respect to the parties involved.
4. In recommending the compensation for the property, I 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.

SIGNATURE OF PERSON PREPARING ANALYSIS	1-13-22 DATE	REVIEWER'S CONCURRENCE	N/A DATE
TYPED NAME: Steven T. Burgess- Certified Residential # 2005004069		TYPED NAME:	
NAME OF AGENCY (IF DIFFERENT FROM ODOT)			
Summit County Engineer's Office		AGENCY SIGNATURE ESTABLISHING FMVE	
TITLE: Right of Way Manager <i>STEVEN T. Burgess</i>		DATE 1/14/22 TYPED NAME: Alan Brubaker PE, PS- Summit County Engineer	
ADMINISTRATIVE SETTLEMENT:			
SIGNATURE		F.M.V.E. AMOUNT _____	
TYPED NAME:		ADDITIONAL AMOUNT _____	
DATE		TOTAL SETTLEMENT _____	

(SEE REVERSE SIDE FOR ADDITIONAL DOCUMENTATION)

Describe the 5 year sales history of the subject property:				
Grantor	Grantee	Date	Price	Comments
N/A				None
Describe the influence on value, if any, of prior sales of the subject property.				
State any information available from the title report that may affect the valuation of the subject property.				

Identify the Larger Parcel:

Considering unity of title, unity of use and contiguity, the subject parcel # 0401232 -10.16 acres . The subject property is located on the north east edge of the bridge and Revere Road. The current owners resides in a residential house on the subject parcel. The parcel site is irregular shaped lot which is steeply sloped into a ravine which carries the drainage flow from the roadway and hill area of the owners property adjacent to Revere Road and overlooking the Revere Run Stream. The property is owned by Laurie K. Chervenik-Trustee and is located in the Revere School district. The subject property has not been sold or transferred in the past 5 years, per the Summit County Auditor record.

Zoning Code:

R-2

Code Definition:

The R-2 Residential District is to establish areas for single-family dwelling units in portions of the township where there are limited public services and where there are concentrations of natural resources.

Minimum Site Size:

One acre

Utilities:

Gas , Electric, Cable, Telephone , septic and well water

Highest and Best Use:

As vacant, the highest and best use for the subject is residential development as the subject is considered legally permitted conditional/conforming use.

Valuation/Analysis of Sales:

Sale Number:	Comp # 1	Comp # 2	Comp # 3
Location:	V/L Green Drive, Bath, Oh 44333	Lot 45, Ira Rd, Akron, Oh 44333	V/L Martin Akron, Oh 44333
Sale Date:	10/02/19	3/30/17	6/2/18
Sale Price:	SP \$ 45,000	LP \$ 125,000.	LP \$ 169,900.
Area:	1.170AC or 50,965.2 SF	2.280 AC or 99,316.8 SF	2.630 AC or 114,562. SF
Unit Value:	\$38,461/AC or \$0.88/SF	\$54,824/AC or \$0.79/SF	\$64,600/AC or \$0.67/SF

Discussion:

Land Valuation is based on the attached comparable sale and listing prices. All comparable parcels are similar in market appeal, demographics and highest and best use as residential development. The one sale and two listing parcels indicate a value range of \$ 38,461 to \$64,600 per acre or \$0.67 to \$0.88 per square foot.

Reconciliation:

Comparable sale/listings are all in relative proximity, comparable #2 and #3 are most likely in relation to the subject property. Considering shape, size and location of the subject property a value of \$ 0.75 per square foot is reasonable and supported by the sale/listing property provided.

Analysis of Site Improvements (support for contributory value):

The proposed "take area" is considered as scrub and natural growth, compensation for this area is given in the underlying fee for the land, and no additional compensation is considered.

Summarize the effect of the take on the residue property:

The project improvement is located crossing Revere Run North Stream that requires replacing the bridge and bank stabilization to protect the roadway. There is one standard highway easement needed from the subject property, the easement is situated along the north east side of the stream and is in need of slope repair and improve the bank protection. With the standard highway easement take the size of 1,364 sq. ft. or 0.0313 acres, leaving a residue of 10.13 acres. The subject property will continue to be a legally permitted conforming use, similar to before the take. It is the appraiser's opinion that the subject property as vacant or improved will not be adversely affected due to the easement.

Are there Severance Damages? YES: NO:

Other Comments: None

Subject Photos

Parcel # 1- Standard Highway Easement -



Comparable Sale-Vacant Land

Comp # 1

- Inspection Date-1-8-2020 @ 10:57am
- V/L – Green Dr. Bath, Ohio
- Date of Transaction: 10/02/19
- Sale Price: \$45,000.
- Financing: Cash-Arms Length-Willing Seller/Buyer
- Date of Verification-1-6-2020, verified by Kristin
- Zoning & Highest & Best Use: Residential-R3
- Present Use: Vacant w/no encumbrances
- Total Area: 1.170 acres
- Utilities: Well & Septic
- Topography: Level at road, sloping down to back of parcel
- Street Improvements: Paved/Typical
- Unit Value: \$38,461/AC or \$0.88/SF



Comparable -Vacant Land

Comp # 2

- Inspection Date-1-21-2020 @ 10:19 am
- Lot 45 Ira Road., Bath, Ohio 44333
- Parcel # 0400407-School District-Revere LSD
- Listing Price: \$ 125,000.
- Financing: N/A
- Date of Verification-1-6-2020, verified by Kristin
- Zoning & Highest & Best Use: Residential-R2
- Present Use: Vacant w/no encumbrances
- Total Area: 2.280 acres
- Utilities: Well & Septic
- Topography: Sloped & Wooded
- Street Improvements: Paved/Typical
- Unit Value: \$ 54,824/AC or \$0.79/SF



Comparable -Vacant Land

Comp #3

- Inspection Date-1-8-2020 @ 10:07 am
- V/L Martin Rd., Akron, Ohio 44333
- Parcel # 0403059-School District-Revere LSD
- Listing Price: \$ 169,900.
- Financing: N/A
- Date of Verification-1-6-2020, verified by Kristin
- Zoning & Highest & Best Use: Residential-R2
- Present Use: Vacant w/encumbrance
- Total Area: 2.630 acres
- Utilities: Well & Septic
- Topography: Sloped & Wooded
- Street Improvements: Paved/Typical
- Unit Value: \$ 64,600/AC or \$0.67/SF

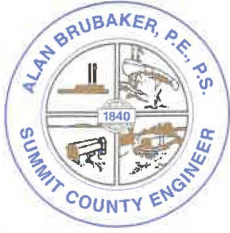


JURISDICTIONAL EXCEPTION DISCLOSURE

Value Analysis Report

The appraisal waiver rule adopted by the FHWA allows agencies to determine when an appraisal is not needed if the first determine that the valuation problem was uncomplicated and has an estimated values less than the low-value defined in the rule. As such, the information provided in the development of the approved report format is not considered an appraisal. This specialized service was prepared by a disinterested and unbiased third party within the scope of the certificate holder's certification in compliance with the Ohio Revised Code 4763.12

This report was performed under the JURISDICTIONAL EXCEPTION RULE of the Uniform Standards of Professional Appraisal Practice (USPAP). The format complies with Section 4205.01 of the Policies and Procedures Manual of the Ohio Department of Transportation's (ODOT) Office of Real Estate. The format is also in compliance with Federal Law 49CFR 24.102 © (2), as well as the Ohio Administrative Code 5501:2-5-6 (B) (3) (b) (ii) (a) for the provisions for waiver of appraisals. The part or parts of USPAP, which have been disregarded, are STANDARDS 1-3, since this assignment is not considered an appraisal or appraisal review. Refer to ADVISORY OPINION 21 of USPAP for illustration of the relationship between 'valuation services' and 'appraisal practice'. The legal authority, which justified this action, was cited above under Federal and State law for the waiver of appraisal provision. The Value Analysis Report format was developed by ODOT in accordance with the waiver of the appraisal provision in both the Federal and State laws cited above. By definition, the Value Analysis Report format is not an appraisal when it is used in accordance the Policies and Procedures of ODOT.



ALAN BRUBAKER, P.E., P.S.

SUMMIT COUNTY ENGINEER

EXHIBIT A

July 28, 2021

Easement 1-SH

Current Owner: Laurie K. Chervenik, Trustee

Deed Reference: RN 56367960

Part of PPN: 0401232, ALT_ID: BA 0002305041000

Containing: 0.0170 acres (742 sq. ft.)

Situated in the State of Ohio, County of Summit, and Township of Bath. Being part of Original Lots 52 and 69, Bath Township (Township 3 N, Range 12 W of the Connecticut Western Reserve). Commencing at the southwest corner of Sub Lot 8 of Yellow Creek Heights Subdivision as recorded in plat book 44 pages 22-24, the southeast corner of Sub Lot 21 of Oak Knoll Estates as recorded in plat book 66 pages 64-66, the most westerly corner of the subject parcel, an angle point in the centerline of Revere Road (County Highway 114, 60 feet wide), and a MAG nail set (Station 9+41.25), witness a cotton gin spindle set on the extended centerline of Revere Road, South 12 degrees 34 minutes 23 seconds East a distance of 50.00 feet.

Thence along the south line of said Sub Lot 8 and north line of the subject parcel to the northerly line of Revere Road, North 79 degrees 16 minutes 59 seconds East a distance of 42.50 feet and the True Point of Beginning (Station 9+11.15, 30.00' right).

Thence continuing along the south line of said Sub Lot 8 and north line of the subject parcel North 79 degrees 16 minutes 59 seconds East a distance of 55.50 feet (Station 8+71.81, 69.18' right).

Thence South 10 degrees 43 minutes 01 seconds East a distance of 29.20 feet (Station 8+51.22, 48.50' right).

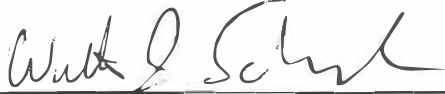
Thence South 34 degrees 11 minutes 08 seconds West a distance of 18.50 feet to the northerly line of Revere Road (Station 8+51.22, 30.00' right).

538 E. South Street ♦ Akron, Ohio 44311-1843 ♦ Tel: 330-643-2850 ♦ Fax: 330-762-7829



Thence along the northerly line of Revere Road, North 55 degrees 48 minutes 52 seconds West a distance of 59.92 feet to the True Place of Beginning.

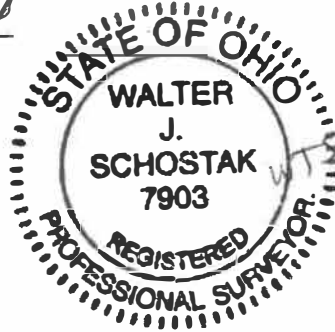
Containing 0.0313 acres (1364 sq. ft.) as surveyed by the Summit County Engineer, under the supervision of Walter J. Schostak, P.S. 7903, in July of 2021. The basis of bearing is Grid North of the Ohio State Plane Coordinate System (North Zone), NAD83(2007) adjustment.



7/13/21

Walter J. Schostak, P.S. 7903
Surveyor, Summit County Engineer

Date



EASEMENT

Laurie K. Chervenik-Trustee, the Grantor(s), in consideration of the sum of \$1,023.00, to be paid by the County of Summit, the Grantee, does convey(s) to Grantee, its successors and assigns, an easement, which is more particularly described in Exhibit A attached, the following described real estate:

PARCEL(S): # 0401232- Parcel 1 SH-Standard Highway Easement

1401 REVERE ROAD, AKRON, OHIO 44333

EXHIBIT A -LEGAL DESCRIPTION ATTACHED

Summit County Current Tax Parcel No. 0401232

Prior Instrument Reference: ALT ID : 0002305041000, Summit County Recorder's Office.

Grantor(s), for himself and his successors and assigns, covenant(s) with the Grantee, its successors and assigns, that he is the true and lawful owner(s) in fee simple, and has the right and power to convey the property and that the property is free and clear from all liens and encumbrances, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the property against all claims of all persons.

The property conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF Laurie K. Chervenik-Trustee have hereunto set her hand on the _____ day of _____, _____.

Laurie K. Chervenik- Trustee

STATE OF OHIO, COUNTY OF SUMMIT SS:

BE IT REMEMBERED that on the _____ day of _____, _____, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Laurie K. Chervenik-Trustee, who acknowledged the foregoing instrument to be her voluntary act and deed. No oath or affirmation was administered to Laurie K. Chervenik-Trustee-Trustee with regard to the notarial act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC
My Commission expires: _____

This document was prepared by:
Steven T. Burgess-Right of Way Manager
Summit County Engineers Office