**NOTICE OF INTENT TO ACQUIRE**

**AND**

**RELOCATION ASSISTANCE OFFER**

\*Insert Date\*

\*Insert Displaced Person(s) Name\*

\*Insert Address\*

\*City, State and Zip\*

RE: CRS: XXX-XX-XXXX

PCL: XXX-XX

PID: XXXXXX

Dear :

As the result of the Ohio Department of Transportation’s (ODOT’s) offer to purchase all, or part of the property which you presently occupy, you are eligible for certain benefits provided under the Ohio Revised Code and ODOT’s Relocation Assistance Program. The following is a list of those rights and benefits to which you may be entitled.

The owner of the Real Estate will have a minimum of 30 days from the time they receive their acquisition offer to accept or reject the offer. If the owner rejects the offer, or we are unable to come to an agreement, we may have to exercise our eminent domain authority to appropriate the property. This will require a court procedure. In a court proceeding, the owner may disagree with whether or not 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, ODOT is required to make a good faith effort to purchase the property which you occupy.

2. We are to provide the owner with a written offer and the appraisal or valuation upon which we base that offer. The amount offered to the owner 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 the property by qualified real estate personnel who have analyzed current market data. Their valuation work has been reviewed by a pre-approved review appraiser prior to ODOT establishing its fair market value estimate for the property needed for the project.

3. **The owner does not have to accept this offer** and ODOT is not required to agree to their demands.

4. The owner will be provided a copy of the valuation document during the first negotiation visit by an agent of ODOT.

5. You have the right to seek the advice of an attorney, real estate appraiser, or any other person of your choice in this matter

6. You have the right to object to ODOT’s decision to acquire the property you occupy by writing, within ten business days of receiving this notice, to:

Governor Mike DeWine

Care of: Ohio Department of Administrative Services

General Services Division

Real Estate Services

4200 Surface Road

Columbus, Ohio 43228-1395

And to:

Pamela Boratyn, Director

Ohio Department of Transportation

1980 West Broad Street

Mailstop 1000

Columbus, Ohio 4322

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

7. If the owner does not accept this offer, and we cannot come to an agreement on the acquisition of the property which your business occupies, ODOT has the right to file suit to acquire the property by eminent domain in the county in which the property is located. This action, referred to as an “appropriation proceeding” ensures everyone’s rights will be fully protected while at the same time allowing the construction of the highway project to proceed for the benefit of all.

8. When filing the appropriation, the Director of Transportation will deposit the value of the property sought to be acquired with the court. At that time, ODOT gains the right to enter upon and use the property acquired subject to Section 163.06 (B) of the Ohio Revised Code. If the owner agrees to accept the deposited money as full payment, the appropriation case will be closed.

9. If the owner is not satisfied with the amount of the deposit, they must file an answer with the court in the manner and within the timeframe specified in the summons which is served upon them by the court. Once the answer is filed, the owner 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 their share of the deposit does not interfere with the owner’s right to have a jury determine the fair market value of their 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.

10. As part of the owner’s answer they may request a trial by jury. After a trial, a jury will decide the amount the owner is to be awarded for the property that is acquired, for the damage that is caused by the acquisition, if any, and for other damages permitted by law, which could either exceed or be less than our offer. At the trial the owner may testify and present evidence as to the value of their property.

11. If the owner’s property qualifies as an “Agricultural Use” as defined under ORC 163.21(C)(2), and a jury awards the owner an amount that is more than 150% of ODOT’s final offer as determined by law, the owner may be entitled to recover attorney fees and other litigation costs.

12. The owner also has the right to request that the issue of the value of the property be submitted to nonbinding mediation. The owner **must** submit their written request for mediation to the court within ten business days after the owner files their answer. If a settlement is not reached at mediation, the matter will proceed to a jury valuation trial.

**RELOCATION BENEFITS**

You may be eligible for certain benefits provided under the Relocation Assistance Program for which you qualify. The following is a list of benefits to which you may be entitled.

First, you may be reimbursed for the actual and reasonable expenses you incur searching for a replacement site. This reimbursement is capped at $2,500.00. If you desire, I will supply you with referrals to potential replacement sites which are currently available on the open market.

Second, you will be reimbursed for the expenses which you incur in moving your business’s personal property to a replacement site of your choice. In all moves there are certain actions that must occur in order to protect your eligibility for a monetary payment. They are:

1. ODOT must be permitted to make reasonable and timely inspections of the personal property at both the displacement and replacement sites, in addition to monitoring the move; and,
2. An inventory of your personal property to be moved must be mutually agreed upon prior to your move; and,
3. A total cost figure for the move must be approved and written move authorization must be issued by our office before you begin your move.

Should you start your move before these actions have occurred, you may jeopardize your payment eligibility.

Third, you may be eligible for certain expenses necessary to reestablish your business at a replacement site. This reimbursement is capped at $25,000.00.

Fourth, you may be eligible to be reimbursed for any Economic Loss which your business suffers during the relocation process. The maximum amount that your business may be reimbursed for Economic Loss will be based, in part, on the reduction of the net annual business profit, prorated on a daily basis, which occurs as a result of the relocation. The daily loss of profit will be applied against a prescribed time period. Fifteen days is the minimum time period which may be used.

Fifth, you may also be eligible for a fixed payment. This payment is based on your business’s average annual net earnings from the two taxable years prior to the year in which the displacement occurs. The minimum payment is $1,000.00 and the maximum is $40,000.00. When this payment option is selected your business is still required to move, and the fixed payment is in lieu of all move, search, re-establishment and economic loss reimbursements. Not all businesses qualify to receive this payment.

Sixth, you may be eligible to be reimbursed for Loss of Goodwill to your business that was caused by the acquisition of the property which your business occupies. The maximum reimbursement for the Loss of Goodwill is $10,000.00.

By law, ODOT must provide you with at least 90 days written notice before requiring you to move. Therefore, the earliest date that you may be required to move is \*Insert 90-day Notice\* . You may move at any time after receiving our written Move Authorization Letter. Should it become necessary, you will be given a Notice to Vacate when ODOT has acquired the property you occupy and you are required to move by a specific date.

If your business is owned by an “alien,” not lawfully present in the United States, you are not eligible to receive relocation advisory services or relocation payments.

I will exert my best efforts to assist you during the move to a replacement site. I have provided you with a Non-Residential Relocation brochure and explained to you the specific parts which apply to your situation. I will be available at any reasonable time to answer any questions you have regarding your relocation.

While I may not provide legal advice, I will make every effort to answer questions you have concerning this process and provide copies of the laws or our records that you may need to fully understand your rights, the project and the relocation process. If you have any questions concerning this matter, I may be contacted at the addresses and telephone number listed below.

Respectfully,

\*Relocation Agents Name\*

\*Agents Address\*

\*City, State and Zip\*

\*Insert Agents Phone Number\*

\*Insert Agents E-mail Address\*

I acknowledge receipt of this notice.

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Signature of Displaced Person(s): Date: