

year cycle. The Octagon Earthworks demonstrate the Hopewell culture's sophisticated understanding of geometry and astronomy, and are a remarkable testament to the architectural and engineering genius of the ancient American Indian people who lived in Ohio.

Over a hundred years ago, the Octagon Earthworks site was privately owned. And then, in 1891, the citizens of Licking County, recognizing the public value of such a site, voted to raise their own taxes in order to purchase the property. They then put the property into public ownership by giving it to the State of Ohio. However, over one hundred years ago, our society did not fully understand the significance and importance of the site, and unfortunately, our society did not have the same vision for the management and preservation of historic sites that we do today. In the early 1900s, the Octagon Earthworks were leased to a country club, which constructed a golf course encumbering the earthworks. After some complicated legal proceedings, the Ohio State Archaeological and Historical Society acquired the fee estate from the trustee for the property, still subject to the previously-negotiated lease, to hold on behalf of the State of Ohio. The Ohio State Archaeological and Historical Society, now called the Ohio History Connection, continues to hold the fee estate, and the Moundbuilders Country Club Company continues to hold the lease.

The lease allows the Moundbuilders Country Club Company to remain a tenant on the property until 2078. The golf course covers and thus encumbers almost the entire Octagon Earthworks property. The Moundbuilders Country Club Company is a private club, open only to its dues-paying members and their guests. Currently, the Moundbuilders Country Club Company has agreed to allow the public to access the full property during four "open house" days of the year. Other than these four days, the Moundbuilders Country Club Company allows full public access so rarely that the full property is effectively closed off to the public.

Otherwise, the public may only observe a small portion of the site from a small elevated viewing platform and along a short walking path.

More than one hundred years ago, the General Assembly gave the Ohio History Connection the authority to exercise the power of eminent domain to acquire prehistoric earthworks. R.C. 1743.07 (formerly General Code Section 10198-1). Over fifty years ago, the General Assembly assigned the Ohio History Connection certain public duties, which include supervising, operating, protecting, maintaining, and promoting for public use a system of state memorials. R.C. 149.30(A). Regarding ancient earthworks, the Ohio History Connection has the duty to make alterations and improvements, reconstruct, protect, and restore earthworks in its care, and equip those earthworks with educational facilities. R.C. 149.30(B). At the time the Moundbuilders Country Club Company lease was executed, our society (in general) did not have the same vision for preservation and management of historic properties that it has today. Now the Ohio History Connection seeks to reclaim full control over the fee estate that it owns, so that it may act and fulfill the public duties assigned to it by the General Assembly.

The lease prevents the Ohio History Connection from acting on its public duties, because the lease almost completely excludes the public from accessing the Property. Schoolchildren and adults cannot explore the property to study, learn about, and appreciate Ohio's ancient people and culture. The lease severely limits what kinds of educational activities, displays, and tours the Ohio History Connection can provide to the public. The lease severely limits scientific and archaeological research that could uncover revolutionary new information about the Hopewell culture. Excavations or core sampling from the walls of the earthworks and use of geophysical survey techniques, such as magnetometry, electrical resistivity testing, or ground penetrating radar could reveal a great deal of new information about how the Hopewell used the site. So

many opportunities exist to utilize this property for the public welfare that are not being utilized today. See Lynott, Mark J., *Hopewell Ceremonial Landscapes of Ohio*. Oxbow Books, Oxford, UK (2014), p. 259 (“Then there is Newark. This is the largest and most complex of all Ohio Hopewell ceremonial centers, and we have not learned much about this site in the last century.... [W]e need contemporary field data to really understand how this huge and impressive construction was built, when it was built, and how it was used.”). But none of them are feasible because of the leasehold estate.

Over the last five years, Ohio History Connection has negotiated extensively with the Moundbuilders Country Club Company to explore options for ending the lease, while fairly compensating the Moundbuilders Country Club Company for its leasehold estate. Negotiations have failed, and so Ohio History Connection has turned to its only remaining option: to acquire the leasehold estate via eminent domain.

And now the need for public use is even more crucial. On May 24, 2018, the United States Department of the Interior announced that it selected the “Hopewell Ceremonial Earthworks” as its next proposed nomination by the United States to the UNESCO¹ World Heritage List. The World Heritage List recognizes sites around the world with “outstanding universal value” to all of humanity. There are only 23 World Heritage sites in the United States, and none in Ohio. The Octagon Earthworks would be part of this nomination—but only if the Ohio History Connection repossesses the entire property and the leasehold is extinguished.²

A World Heritage designation will open up new possibilities that could never have been fathomed back in 1891, when the people of Newark crowdfunded the purchase of the property,

¹ United Nations Educational, Scientific and Cultural Organization.

² See generally Operational Guidelines for the Implementation of the World Heritage Convention, published by the UNESCO Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, ¶¶ 85, 86, 88(c), 100, 179; Annex 5, box 3.1.e, box 4.b, box 5.c (available at <http://whc.unesco.org/en/guidelines>).

or in 1910, when the golf course was built. Even without World Heritage status, the Ohio History Connection has the legal basis for acquiring the leasehold estate and turning the Property into a public park, in order to fulfill its statutory duties. The Ohio History Connection must seize this opportunity to share the incredible Octagon Earthworks and the genius of Ohio's indigenous people with the entire world. The Octagon Earthworks should be open and freely accessible as a public park for everyone to study, appreciate, and enjoy.

PARTIES

1. Plaintiff the Ohio History Connection ("Ohio History Connection") is chartered by the State of Ohio "as a corporation not for profit to promote a knowledge of history and archaeology, especially of Ohio, and has operated continuously in the public interest since 1885" and "may perform public functions as prescribed by law," with a principal place of business at 800 E. 17th Avenue, Columbus, Ohio 43211. *See* R.C. 149.30.
2. The Ohio History Connection is registered with the Ohio Secretary of State under the name of "The Ohio Historical Society", with "Ohio History Connection" registered as its trade name.
3. The Ohio History Connection previously operated under the names "The Ohio Historical Society" and "The Ohio State Archaeological and Historical Society."
4. On behalf of the State of Ohio, the Ohio History Connection has the duty to perform certain public functions including "operating a system of state memorials open to the public" and "protecting, or restoring structures, earthworks, and monuments in its care, and equipping such facilities with appropriate educational maintenance facilities." *See* R.C. 149.30.

5. The Ohio History Connection is an “incorporated association and society maintained by and operating on behalf of the State of Ohio for the preservation of historic or prehistoric sites or monuments, the exploration, examination, improvement, or preservation of such sites or monuments for educational, scientific, or memorial purposes, or the collecting of relics or artifacts therefrom and the placing of such relics or artifacts in a public museum.” *See* R.C. 1743.07.
6. Defendant The Moundbuilders Country Club Company is a private country club open only to its members, and is organized as a non-profit corporation under the laws of the State of Ohio with a principal place of business at 125 N. 33rd Street, Newark, Ohio 43055.
7. The Moundbuilders Country Club Company holds a leasehold estate on the Property that is the subject of this Petition.
8. Defendant Park National Bank is the registered trade name of The Park National Bank, a federally-chartered national bank, with a principal place of business at 50 N. Third Street, Newark, Ohio 43055.
9. Defendant Park National Bank holds a mortgage on the leasehold estate, which was recorded with the Licking County Recorder on April 8, 2002, Instrument No. 200204080013260.

THE PROPERTY

10. The Ohio History Connection owns a fee simple interest in approximately 134.06 acres, more or less, of real property located on N. 33rd Street in the City of Newark, County of Licking, State of Ohio (the Property). A description of the Property can be found in the Deed from Leo T. Davis, Trustee, to The Ohio State Archaeological and Historical

Society, attached to this Petition as Exhibit D, and recorded on March 9, 1933, in deed records Volume 304, Page 498, Licking County Recorder's Office.

11. The fee simple owned by the Ohio History Connection is described by the Licking County Auditor as tax parcel 054-186802-00.000.
12. The Property is the site of prehistoric mounds and earthworks of local, statewide, national, and international importance, the importance of which is established by scientific exploration and historical record as having been created by indigenous people.
13. The Property is part of a system of geometric earthen enclosures constructed during the prehistoric time period and is designated the official prehistoric monument of the State of Ohio. *See R.C. 5.073.*
14. Over a hundred years ago, the Octagon Earthworks site was privately owned. And then, in 1891, the citizens of Licking County, recognizing the public value of such a site, voted to raise their own taxes in order to purchase the property. Exhibit A, 1892 Am.H.B. No. 221.
15. The citizens of Licking County paid for the property to be given to the State of Ohio for use as an encampment ground, with the provision that should the State of Ohio abandon the premises as encampment grounds, the premises shall pass to the Board of Trade of Newark, Ohio. Exhibit A.
16. In 1910, the State of Ohio did abandon the Property, and ownership of the fee passed to the Board of Trade of Newark, Ohio. Exhibit B, 1908 Am.S. Joint Resolution No. 60.
17. The Board of Trade began leasing the property to Moundbuilders Country Club Company, under its original name, The Licking Country Club.

18. Moundbuilders Country Club Company began operating a golf course on the property in 1911.
19. In 1922, the trustee for the Property executed a lease with Moundbuilders Country Club Company, which was set to expire on March 31, 1940. The lease was recorded April 14, 1922, in lease records Volume 44, Pages 17-20, Licking County Recorder's Office. Exhibit C.
20. The Ohio History Connection acquired the Property on October 11, 1933 via a deed from Leo T. Davis, Trustee in the case of *The City of Newark, Ohio et al., vs. The Board of Trade of Newark Ohio, et al.*, Licking C.P. No. 16817. The deed was recorded on March 9, 1933, in deed records Volume 304, Page 498-500, Licking County Recorder's Office. Exhibit D.
21. When the Ohio History Connection acquired the Property in 1933, the Property was subject to the lease with Moundbuilders Country Club Company that was set to expire March 31, 1940. Exhibit C.
22. In 1938, the Ohio History Connection entered into a lease with Moundbuilders Country Club Company that began on April 1, 1940 and expired March 31, 1945.
23. In 1944, the Ohio History Connection entered into a lease with Moundbuilders Country Club Company that began April 1, 1945 and expired March 31, 1960.
24. In 1957, the Ohio History Connection entered into a lease with Moundbuilders Country Club Company that began April 1, 1957 and expired March 31, 1978. The lease also gave Moundbuilders Country Club Company the right to renew the lease for two additional terms of ten years each, making the lease renewable until 1998. The lease was

recorded March 1, 1957, in lease records Volume 90, Pages 475-480, Licking County Recorder's Office. Exhibit E.

25. The property leased to Moundbuilders Country Club Company encompasses 125.01 acres. A description for the leasehold estate, as described in the 1957 lease attached as Exhibit E, is as follows:

Situated in the State of Ohio, County of Licking and Township of Newark, being in the Fourth Quarter of the Second Township and Twelfth Range, and being the same lands conveyed to The Ohio State Archaeological and Historical Society by Leo T. Davis, as Trustee, by deed dated January 23, 1944, recorded in Volume 304, Page 498, of the Deed Records of Licking County, Ohio, but excepting therefrom all those parcels of land located at the southeast corner of the premises so described, now occupied by a dwelling house and garage, together with the lands upon which such buildings are located and those lands now used as a yard in conjunction therewith.

26. In 1978, the Ohio History Connection entered into a Supplemental Lease with Moundbuilders Country Club Company. The Supplemental Lease indicates Moundbuilders Country Club Company's election to renew the lease until March 31, 1987. The Supplemental Lease gave Moundbuilders Country Club Company the right to renew the lease for three additional terms of ten years each, making the lease renewable until 2028. The Supplemental Lease was recorded December 28, 1978, in lease records Volume 135, Pages 891-895, Licking County Recorder's Office. Exhibit F.
27. In 1987, Moundbuilders Country Club Company elected to renew the lease until March 31, 1998.
28. In 1997, the Ohio History Connection entered into a Second Supplemental Lease with Moundbuilders Country Club Company. The Second Supplemental Lease gave Moundbuilders Country Club Company the right to renew the lease for five additional terms of ten years each, making the lease renewable until 2078. Exhibit G.

29. In 2008, Moundbuilders Country Club Company elected to renew the lease until March 31, 2018.
30. In 2018, Moundbuilders Country Club Company attempted to exercise its option to renew the lease until March 31, 2028, but did not provide written notice of its intent to renew the lease within ninety days of the date of expiration of the lease, as required by the 1957 lease.
31. Moundbuilders Country Club Company currently owns buildings and improvements on the Property. The buildings and improvements are separately described by the Licking County Auditor as tax parcel 054-233556-00.000.
32. So far as can be ascertained, the names of all those having, or who claim to have, any estate, title, or interest in the Property currently leased by Moundbuilders Country Club Company are:

<u>NAME</u>	<u>ADDRESS</u>
MOUNDBUILDERS COUNTRY CLUB COMPANY (leasehold estate)	125 N. 33 rd St Newark, Ohio 43055
PARK NATIONAL BANK (mortgage on leasehold estate)	50 N. Third St Newark, Ohio 43055

THE PRIVATE COUNTRY CLUB AND GOLF COURSE

33. Moundbuilders Country Club Company currently operates a private country club on the Property, including an 18-hole golf course.
34. The country club is a private, members-only club.
35. Members of Moundbuilders Country Club Company must pay dues to belong to the club.
36. The golf course is a private course and is only open to members of the club.

37. While the private country club members have full access to the Property, the Property is only open for full access to the public during four days, dawn to dusk, during the calendar year, with dates to be designated by agreement of both the Ohio History Connection and Moundbuilders Country Club Company. Otherwise, Moundbuilders Country Club Company allows public access so rarely that the full Property is effectively closed off to the public.
38. Public visitors to the Property cannot access the buildings or restrooms on the property at any time.
39. During times when the full Property is not open to the public, members of the public may access a small observation platform on the edge of the property and a short trail at the edge of the property, but from this viewing platform and trail, members of the public can only see a fraction of the 125-acre earthwork complex.
40. During times when the Property is not open to the public, members of the public cannot see the majority of the earthworks, cannot approach the earthworks, cannot walk around the earthworks, and cannot stand inside or walk through the earthworks.
41. The limited access to the Property prevents the public from using the property for educational or scientific purposes, or for their own appreciation and enjoyment, and so this eminent domain action is necessary in order to allow public use of the property.
42. A path for golf carts has been paved over the top of the ancient earthworks in more than one location on the Property.
43. Golfers drive their golf carts over the top of the ancient earthworks along the paved path.
44. Most of the walls of the ancient earthworks are within the permissible areas of play on the golf course. Golfers, therefore, may play their golf shots off the earthworks

themselves as they play their rounds of golf. When playing their golf shots, golfers on the course can and have taken chunks of dirt, referred to as divots, out of the ancient earthworks with their clubs.

45. Because of the lease with Moundbuilders Country Club Company and because of the presence of the private country club and golf course, the earthworks cannot be fully preserved as a historical site, and cannot be restored to be as close as possible to their original condition.
46. Because of the lease with Moundbuilders Country Club Company and because of presence of the private country club and golf course, the Property cannot be operated as a public park.
47. While there is a lease on the Property, the Ohio History Connection cannot perform its public function of “operating, protecting, maintaining, and promoting for public use” a state memorial at the Property and keeping the Property “for public use at reasonable hours.” R.C. 149.30(A).
48. While there is a lease on the Property, the Ohio History Connection cannot perform its public function of “protecting and restoring the earthworks” and equipping the Property “with appropriate educational maintenance facilities.” R.C. 149.30(B).
49. The Ohio History Connection is exercising its eminent domain authority granted under R.C. 1743.07 to acquire the leasehold estate for the purposes of opening the Property as a public park.

INTENT TO CREATE A PUBLIC PARK

50. The Octagon Earthworks, built by American Indians over two thousand years ago, have outstanding historical and cultural significance.

51. The Octagon Earthworks can never be relocated.
52. The Moundbuilders golf course is one of approximately nineteen golf courses in Licking County, most of which are open to the public.
53. Members of the Moundbuilders Country Club Company can play golf at many of the approximately nineteen golf courses in Licking County.
54. If the Ohio History Connection acquires the leasehold estate from Moundbuilders Country Club Company, it will open the Property to the public as a public park.
55. If the Property becomes a public park, the Ohio History Connection will be able to remove the golf course and restore and preserve the earthworks on the Property.
56. If the Property becomes a public park and the golf course is removed, researchers can conduct new scientific and archaeological research on the site that cannot be done while the golf course is present.
57. If the Property becomes a public park and the golf course is removed, the Ohio History Connection can establish new educational facilities on the site that would enhance the educational and cultural experience of visitors to the site.
58. If the Property becomes a public park and the golf course is removed, the Ohio History Connection can establish public facilities at the site such as restrooms and a museum.
59. If the Ohio History Connection acquires the leasehold estate, the United States can then nominate the Hopewell Ceremonial Earthworks to the United Nations Educational, Scientific and Cultural Organization's World Heritage List.

WORLD HERITAGE LIST

60. The World Heritage List is an international list of cultural and natural properties nominated by signatories to the World Heritage Convention (1972).

61. The United States was the prime architect of the Convention and was the first nation to ratify it.
62. The World Heritage Committee is the governing body of the Convention and annually decides which nominations to accept on the List considering the site's cultural, historical, or scientific significance and the site's outstanding universal value to humanity.
63. There are approximately 1,092 World Heritage Sites in the World existing across 192 signatory countries.
64. The United States has 23 World Heritage Sites, none of which are located in Ohio. These World Heritage Sites within the United States range from 12 natural sites, like the Grand Canyon National Park, to 10 cultural sites, like the Monumental Earthworks at Poverty Point in Louisiana, and one mixed site. See <https://whc.unesco.org/en/statesparties/us>.
65. On May 25 2018, the United States Department of Interior asked Ohio History Connection and other owners of Hopewell culture sites to work with the National Park Service's Office of International Affairs to prepare a nomination document to nominate the Hopewell Ceremonial Earthworks for submission to the World Heritage Committee. Exhibit H, U.S. Nomination to the World Heritage List: Hopewell Ceremonial Earthworks, 83 Fed. Reg. 24337, 24338 (May 25, 2018).
66. The Hopewell Ceremonial Earthworks consists of eight sites in Ohio that are the location of ancient earthworks created by the Hopewell culture.
67. The Hopewell Ceremonial Earthworks nomination will include the Octagon Earthworks.
68. If the Octagon Earthworks is inscribed on the World Heritage List, the site would receive statewide, national, and international attention, recognition, and prestige.

69. The Octagon Earthworks will not achieve World Heritage status if there is a lease on the Property with Moundbuilders Country Club Company and if there is a golf course on the Property.
70. Properties nominated for inscription on the World Heritage List are evaluated for their Outstanding Universal Value, whether they meet the conditions of integrity and authenticity, and whether they meet the requirements of protection and management.
71. Historically, construction activities undertaken by Moundbuilders Country Club have threatened the authenticity of the Octagon Earthworks site because reconstruction of a portion of the circle mound became necessary.
72. Additionally, because the presence of the golf course penetrates the entirety of the Octagon Earthworks site, there is no ability to establish an appropriate boundary for effective protection of the site.
73. On May 18, 2016, the House of Representatives of the 131st General Assembly of the State of Ohio adopted House Concurrent Resolution 33, in which the members of the House stated that they "recognize the Hopewell Ceremonial Earthworks as having universal cultural significance and express support for the nomination of the Hopewell Ceremonial Earthworks as a UNESCO World Heritage Site." Exhibit I.
74. On December 8, 2016, the Senate of the 131st General Assembly of the State of Ohio adopted Senate Concurrent Resolution 16, in which the members of the Senate stated that they "recognize the Hopewell Ceremonial Earthworks as having universal cultural significance and express support for the nomination of the Hopewell Ceremonial Earthworks as a UNESCO World Heritage Site." Exhibit J.

AUTHORITY TO APPROPRIATE

75. Article 1, Section 19 of the Ohio Constitution states that “Private property shall ever be held inviolate, but subservient to the public welfare” and authorizes the taking of real property for public use as long as the property owner is justly compensated.
76. The Ohio History Connection, on behalf of the State of Ohio: “may acquire and hold any real estate in this state ... which is the site of any historic or prehistoric mound [or] earth works...; or which is any site or area established by scientific exploration or historical record as having been occupied or created by [indigenous people]”. R.C. 1743.07.
77. If the Ohio History Connection is “unable to agree upon the price to be paid for such real estate,” it “may acquire such real estate in accordance with sections 163.01 to 163.22, inclusive, of the Revised Code.” *See* R.C. 1743.07.
78. In the event that the Ohio History Connection exercises its authority to appropriate property, the “proceedings shall be instituted in the name of the state and the attorney general shall represent the state.” *See* R.C. 1743.07.
79. R.C. 1743.07 was originally enacted by the General Assembly in 1913 as General Code Section 10198-1, and that section, as originally enacted and to this day, has granted the Ohio History Connection the right to acquire real estate that is the site of a “prehistoric mound, earth or stone works” through eminent domain proceedings. Exhibit K.
80. Since 1913, the public policy of the State of Ohio, as declared by the General Assembly in enacting General Code Section 10198-1, is that the Ohio History Connection may exercise the sovereign power of eminent domain on behalf of the State of Ohio to take private property which is the site of “prehistoric mound, earth or stone works” for public use.

81. The Fifth District Court of Appeals has found that R.C. 1743.07, formerly General Code Section 10198-1, authorizes the Ohio History Connection “to acquire and hold lands which are the sites of any historic or prehistoric mounds or earthworks.” *Licking Cty. Agricultural Soc. v. Bd. of Cty. Commrs.*, 48 Ohio App. 528, 534, 194 N.E. 606 (5th Dist.1934)(“The lands here in question are the sites of prehistoric mounds and earthworks, such as have no counterpart in any lands owned by any of the other counties of the state; and this fact, together with the fact that the Ohio State Archaeological and Historical Society was and is a society specially authorized to acquire lands of this kind, made it proper and appropriate for the Legislature to authorize the conveyance of the particular property here in question by a special act for the purpose.”).
82. The United States Supreme Court has held that every contract made between states and individuals is subordinate to the state’s power of eminent domain. *W. River Bridge Co. v. Dix*, 47 U.S. (6 How.) 507, 529, 12 L.Ed. 535 (1848).
83. The Ohio Supreme Court has held that all private rights must be held as subordinate and subject to the control of “indispensable functions of civil authority” such as the right of eminent domain, the right of taxation, and the right of legislative control over existing laws by amendment and repeal. *Milan & Richland Plank-Road Co. v. Husted*, 3 Ohio St. 578, 583-584 (1854), citing *W. River Bridge Co.*, 47 U.S. at 529 (“The obligations of contracts, and, indeed, all rights of private property, rest upon those incidental or implied conditions, which are superinduced by the pre-existing and higher authority of the laws of nature, of nations, and of the community in which they exist.”).

84. The United States Supreme Court has held that a state government cannot contract away an essential attribute of its sovereignty, including the power of eminent domain. *United States v. Winstar Corp.*, 518 U.S. 839, 843, 116 S.Ct. 2432, 135 L.Ed.2d 964 (1996).
85. On October 18, 2018, the Ohio History Connection adopted a resolution declaring the necessity and its intention to appropriate the leasehold estate of Defendant Moundbuilders Country Club Company. A copy of the resolution is attached and incorporated herein as Exhibit L.
86. The Ohio History Connection seeks to acquire the leasehold estate for public use, namely, for the public purpose of operating the Property as a public park for the exploration, examination, improvement, and preservation of prehistoric sites and monuments for educational, scientific, and memorial purposes.
87. The appropriation is necessary for the following reasons, among others:
- A. To operate the property as a public park;
 - B. To fully protect, restore, and preserve the earthworks on the Property;
 - C. To establish full public access to the Property for educational, scientific, research, and memorial purposes;
 - D. To equip the Property with appropriate educational maintenance facilities;
and
 - E. To complete a nomination of the Property to the United Nations Educational, Scientific, and Cultural Organization World Heritage List in order to share the cultural, scientific, and historic significance of the Property with the entire World and to elevate the Property's status to one of local, statewide, national, and international importance.
88. The Ohio History Connection hand-delivered to Moundbuilders Country Club a written Notice of Intent to Acquire and Good Faith Offer on August 28, 2018, more than thirty days prior to the filing of this action, as required by R.C. 163.04. See Exhibit M.

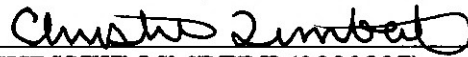
89. The Ohio History Connection negotiated with Moundbuilders Country Club Company for five years, attempting to arrive at an agreement for the Ohio History Connection to acquire the leasehold estate and for Moundbuilders Country Club Company to be compensated for that leasehold estate.
90. The Ohio History Connection has been unable to agree with Moundbuilders Country Club Company on the terms of an acquisition and compensation of the leasehold estate.
91. An independent appraiser hired by the Ohio History Connection determined the value of the leasehold estate to be Eight Hundred Thousand Dollars (\$800,000). Exhibit M (Appraisal attached).

THEREFORE, the Ohio History Connection prays that the Court:

- A. Find that Plaintiff has complied with R.C. 163.01, et seq., and is entitled to appropriate the subject property;
- B. Enter a judgment ordering the appropriation and possession of the real property or interest in real property and for the conveyance of the title to or easement interest in such property to the Ohio History Connection;
- C. Upon the failure of the leasehold owner to file an answer, pursuant to R.C. 163.09, declare the value of the property or property interest appropriated herein and of damages, if any, to the residue, to be in the sum stated in Paragraph 91 of this Petition;
- D. Cause a jury to be impaneled to make inquiry into and assess compensation to be paid and damages, if any, to the residue, for the appropriation of the within described property or property interests;
- E. Grant Plaintiff all such other relief to which Plaintiff might be entitled.

MICHAEL DEWINE (0009181)

Attorney General of Ohio



CHRISTIE LIMBERT (0090897)

JENNIFER S. M. CROSKY (0072379)

KEITH O'KORN (0069834)

Assistant Attorneys General

Executive Agencies Section

30 E. Broad St. 26th Floor

Columbus, Ohio 43215

Phone: (614) 644-1402

Fax: (855) 669-2150

christie.limbert@ohioattorneygeneral.gov

jennifer.croskey@ohioattorneygeneral.gov

keith.o'korn@ohioattorneygeneral.gov

JURY DEMAND

Plaintiff Ohio History Connection demands a trial by jury for all issues so triable.

VERIFICATION

I, Lox Albert "Burt" Logan Jr., declare as follows:

1. I am over the age of twenty-one, under no disability, and am competent to testify to the matters contained in this Verification.
2. I am the Executive Director and Chief Executive Officer of the Ohio History Connection and have personal knowledge of the factual statements in this Petition.
3. I verify under penalty of perjury under the laws of the State of Ohio that the factual statements in this Petition are true and correct.

Further Affiant Sayeth Naught.



Burt Logan, Executive Director and Chief Executive Officer

Sworn to before me and signed in my presence, a Notary Public in and for said State and Franklin County, on this 15th day of November, 2018.


Notary Public

JERRI LETCAVITS
Notary Public, State of Ohio
My Commission Expires 06-20-2019