

Bob Mollette
3rd Ward Councilman

1705 Franklin Blvd.
Portsmouth, Ohio 45662

Phone: 740-353-0099
email: mollette@adelphia.net

Correspondence#: 05-007

October 24, 2005

David W. Kuhn, Solicitor
City Building
728 2nd Street
Portsmouth, Ohio 45662

Re: Property Sold Throughout the City Without Eminent Domain Authorization

Dear Mr. Kuhn,

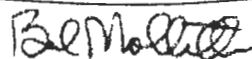
Please explain to me why the property at 1111 Third Street was sold through the City of Portsmouth for one (\$1) dollar on October 14, 2005. The third and final reading of an Ordinance for the City to use eminent domain to acquire this property failed at the October 10, 2005 City Council Meeting. The Instrument used for this transaction was prepared by local attorney's Johnson & Oliver and signed by Mayor Jim Kalb. It has been reported this property actually sold to the developer (Campus View Associates LLC) for just over \$80,000.00. It also appears this practice has been used for all previous transactions on properties included in the blight study for the Shawnee State University Student Housing/Urban Renewal Project.

I am concerned about the City's past, present, and possible future use of this practice. The Instrument used did not indicate a review by the City Solicitor. Were you, as the City Solicitor, consulted prior to the Mayor signing this Instrument? Is this action in conflict with any city, state, or federal laws?

Again, I am requesting your review and legal opinion into this matter. Contact me if you should have any questions.

November 28, 2005

Respectfully,



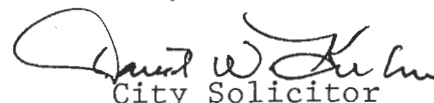
Bob Mollette
3rd Ward Council

The transaction described in the first paragraph is not a "practice" of the City; it is a contractual obligation, required by the agreement which the City entered into with Campus View previously.

rwm

Cc. Jo Ann Aeh (Revised)
Council (5)
Jim Kalb, Mayor
Trent Williams, City Auditor
David Green, County Auditor

I am not sure what "instrument" it is that you are referring to; however, I was consulted prior to the Mayor signing the deed for 1111 Third Street. This "action" is not in conflict with any laws.



City Solicitor