



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
EPA NEW ENGLAND

Date: January 4, 2001
Subject: Karpa Property
From: Cynthia E. Catri
Senior Enforcement Counsel
To: File

October 23, 2000 with Greg Jonsson, Esq., Cynthia Catri (EPA), Jim Brown (EPA), Edward Fallon (COE), and Quentin Walsh (COE) to discuss EPA's offer and access to the property.

Mr. Jonsson conveyed that Mr. Vohnoutka was insulted by the offer and that he had a current offer from a developer for \$450,000. He felt he owned riparian property and that the remediation resulted in a regulatory taking given the remainder of property left after EPA's proposed property interest acquisition. He claimed the value of the property was reduced by virtue of it being connected with the Superfund site and that the prior value could be proved through offers and assessed value. His client felt he couldn't do any worse through condemnation, and he asked to see the appraisal and for an explanation of the methodology.

Mr. Fallon explained the methodology of the appraisal and informed Mr. Jonsson that his client could get an independent appraisal as long as it followed federal guidelines. Again, he reiterated that property is not riparian and that EPA was taking a permanent easement to allow future development of the parcel. Mr. Fallon mentioned that the Government was aware of the current offer and that the prior option for \$750,000 did not come to fruition. The Government again expressed its desire to meet with the developer to explain remediation activities.

Mr. Jonsson would recommend to his client that EPA, COE and developer meet and would discuss getting an independent appraisal and signing the right of entry. Mr. Fallon to provide federal guidelines for appraisal.

NEGOTIATOR'S REPORT PART I	1. PROJECT NAME AND LOCATION New Bedford Harbor CDF'C'	2. TRACT NUMBER 101 & 101E
THRU:	TO:	FROM: Edward J. Fallon & Quentin Walsh
3. NAME AND ADDRESS OF OWNERS: APRAK Realty Trust (Richard Vohnoutka) Sawyer Street, New Bedford, MA Plat 93 Lot 263		
3. AREA Permanent Easements 51,034 + S.F. Temporary Easement 3,402 + S.F.	4. APPROVED APPRAISED VALUE \$ 31,570.00 (.77 Acres) \$ 9,430.00 (.23 Acres) \$ 930.00	6. GOVERNMENT'S INITIAL OFFER \$ 41,930.00

POC: Attorney Greg Jonsson (508) 636-6991

September 12, 2000

Quentin Mailed offers to owners.

September 14, 2000

Quentin Received return receipts from mailing.

September 28, 2000

Telephoned Attorney Greg Jonsson and left message to return my call.

September 29, 2000

Second telephone call to Attorney Greg Jonsson and left message to return my call.

October 6, 2000

Third telephone call to Attorney Greg Jonsson and left message to return my call otherwise we would be forced to begin condemnation proceedings due to non-responsiveness. Secretary said he would call back around 12:30PM. No call received by close of business.

October 23, 2000

Cindy Catri, Quentin and I met with Attorney Greg Jonsson. Mr. Vohnoutka was not present and called while the meeting was in progress to say that he was unable to attend but that Mr. Jonsson could act in his behalf. Mr. Jonsson said that his client was insulted with the government's offer in light of the proposed offer by a potential developer of \$450,000. I informed Mr. Jonsson that if the proposed offer by the developer was in fact a bonafide purchase and sales or offer to purchase we might be able to consider it as a basis for negotiations but without seeing the entire document we could not make any commitments. Otherwise, Mr. Vohnoutka's only other avenue was to contract for his own appraisal, so long as it confirmed with the governments guidelines, and he could then submit it for review by the government and if it was found to have more validity and was approved could form the basis for a new offer. The meeting concluded with us continuing our discussions after we have a chance to meet with the proposed developers scheduled for October 31, 2000.

October 31, 2000

We meet with the proposed developer, Mr. Vohnoutka, and City of New Bedford at the office trailer on Sawyer Street. An overview of the project and effects of the real estate were given by EPA and COE. We explained to the proposed contractor that we were willing and able to modify our proposed design plans to accommodate their proposed plans so that any impact on their project would/could be minimized. We further explained that the real estate acquisitions were kept to a minimum to allow for

November 20, 2000

Quentin received a fax from Attorney Jonsson (dated Sat Nov. 18) asking why we have not responded to his clients counter offer of \$301,500.00 dated Nov. 10, 2000. To date we have not received any offer and I called the Attorney and asked for a copy. Jonsson stated that the counter offer was based on the difference between \$450,000 for the original offer from the proposed developer and a recent new offer of \$148,500. Jonsson said that the new offer was made after our meeting with the developer and was based on our plans for construction of the CDF. I told him that we and the developer must sit down to discuss their plans, which we have not yet seen, to reassure them that our plans could be modified to assist their plans. He assured me that he would contact the developer and plan it meet ASAP. He further stated that, no, there was no appraisal or any other documentation to support any of the value estimates discussed and that he was going to recommend to Mr. Vohnoutka that he sign a new ROE and to go forward with his own appraisal.

November 28, 2000

In again faxed a new copy of right-of-entry to Greg Jonsson for Mr. Vohnoutka to sign.

November 29, 2000

Called Mr. Jonsson left message to return call re ROE. And meeting with developer.

December 6, 2000

Called Mr. Jonsson numerous times since the 29th and left messages, none returned. Today, Mr. Jonsson and I talked about setting up a meeting with the developer in the near future, tentative date of the 13th, he will call back latter to confirm. Also stated that GEVEAU & Co. of New Bedford would be doing an appraisal of his client's property.

December 11, 2000

Called Mr. Jonsson yet again, not in office and did not return my call. Recommended to Cindy that we proceed with an access order and letter to the attorney indicating that if a response, in writing is not received within seven days that we proceed with filing condemnation proceedings due to non-responsiveness by Mr. Vohnoutka.

8. NEGOTIATOR'S RECOMMENDATION	8A. SIGNATURE, TITLE AND DATE
9. INTERIM RECOMMENDATION (<i>Proj. Mgr. Or Ch. Acq. Br.</i>)	9A. SIGNATURE, TITLE AND DATE
10. INTERIM RECOMMENDATION (<i>Ch. R.E.Div.</i>)	10A. SIGNATURE, TITLE AND DATE
11. CHECK APPLICABLE ITEMS COUNTER OFFER IN THE AMT. OF \$ _____ ACCEPTED _____ REJECTED BY: ___ DIST ___ DIV. ___ OCE ___ OSA	
_____ SIGNATURE	_____ TITLE _____ DATE