

As Introduced

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**REPRESENTATIVES Young, Brinkman, Britton, Carey, Carmichael, DeWine,
Fessler, Flowers, Hagan, Lendrum, Schaffer, Schmidt, Seaver, Webster,
Willamowski**

A B I L L

To amend section 163.59 of the Revised Code to require 1
acquiring state agencies to make every reasonable 2
effort to provide a copy of the appraisal to the 3
owner of real property appraised at more than 4
\$10,000, to require those agencies to update or 5
obtain new appraisals under certain circumstances, 6
and to specify that their acquisition of property 7
must be for a clearly defined public purpose that 8
is to be achieved in a defined and reasonable 9
period of time. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 163.59 of the Revised Code be amended 11
to read as follows: 12

Sec. 163.59. In order to encourage and expedite the 13
acquisition of real property by agreements with owners, to avoid 14
litigation and relieve congestion in the courts, to assure 15
consistent treatment for owners in the many state and federally 16
assisted programs, and to promote public confidence in public land 17
acquisition practices, heads of acquiring agencies shall, ~~to the~~ 18

~~greatest extent practicable, be guided by~~ do or ensure the 19
acquisition satisfies all of the following policies: 20

(A) The head of an acquiring agency shall make every 21
reasonable effort to acquire expeditiously real property by 22
negotiation. 23

(B) In order for an acquiring agency to acquire real 24
property, the acquisition shall be for a clearly defined public 25
purpose that is to be achieved in a defined and reasonable period 26
of time. 27

(C) Real property shall be appraised before the initiation of 28
negotiations, and the owner or ~~his~~ the owner's designated 29
representative shall be given ~~an~~ a reasonable opportunity to 30
accompany the appraiser during ~~his~~ the appraiser's inspection of 31
the property, except that the head of the lead agency may 32
prescribe a procedure to waive the appraisal in cases involving 33
the acquisition by sale or donation of property with a low fair 34
market value. If the appraisal values the property at more than 35
ten thousand dollars, the head of the acquiring agency concerned 36
shall make every reasonable effort to provide a copy of the 37
appraisal to the owner. As used in this section, "appraisal" means 38
a written statement independently and impartially prepared by a 39
qualified appraiser setting forth an opinion of defined value of 40
an adequately described property as of a specified date, supported 41
by the presentation and analysis of relevant market information. 42

~~(C)~~(D) Before the initiation of negotiations for real 44
property, the head of the acquiring agency concerned shall 45
establish an amount ~~which he~~ that the head of the acquiring agency 46
believes to be just compensation ~~therefor~~ for the property and 47
shall make a prompt offer to acquire the property for no less than 48
the full amount so established. In no event shall ~~such that~~ amount 49
be less than the agency's approved appraisal of the fair market 50

value of ~~such~~ the property. Any decrease or increase in the fair 51
market value of real property prior to the date of valuation 52
caused by the public improvement for which ~~such~~ the property is 53
acquired, or by the likelihood that the property would be acquired 54
for ~~such~~ that improvement, other than that due to physical 55
deterioration within the reasonable control of the owner, will be 56
disregarded in determining the compensation for the property. ~~The~~ 57

The head of the acquiring agency concerned shall provide the 59
owner of real property to be acquired with a written statement of, 60
and summary of the basis for, the amount ~~he~~ that the head of the 61
acquiring agency established as just compensation. Where 62
appropriate, the just compensation for ~~the~~ real property acquired 63
and for damages to remaining real property shall be separately 64
stated. 65

(D) The owner shall be given a reasonable opportunity to 66
consider the offer of the acquiring agency for the real property, 67
to present material that the owner believes is relevant to 68
determining the fair market value of the property, and to suggest 69
modification in the proposed terms and conditions of the 70
acquisition. The acquiring agency shall consider the owner's 71
presentation and suggestions. 72

(E) If information presented by the owner or a material 73
change in the character or condition of the real property 74
indicates the need for new appraisal information, or if a 75
significant delay has occurred since the time of the appraisal of 76
the property, the head of the acquiring agency concerned shall 77
have the appraisal updated or obtain a new appraisal. If updated 78
appraisal information or a new appraisal indicates that a change 79
in the acquisition offer is warranted, the head of the acquiring 80
agency shall promptly reestablish the amount of the just 81
compensation for the property and offer that amount to the owner 82

in writing. 83

(F) No owner shall be required to surrender possession of 84
real property before the acquiring agency concerned pays the 85
agreed purchase price, or deposits with the court for the benefit 86
of the owner, an amount not less than the agency's approved 87
appraisal of the fair market value of ~~such~~ the property, or the 88
amount of the award of compensation in the condemnation proceeding 89
for ~~such~~ the property. 90

~~(E)~~(G) The construction or development of a public 91
improvement shall be so scheduled that no person lawfully 92
occupying real property shall be required to move from a dwelling, 93
or to move ~~his~~ the person's business or farm operation, without at 94
least ninety days' written notice from the head of the acquiring 95
agency concerned, of the date by which ~~such~~ the move is required. 96
Whenever possible, the head of the acquiring agency concerned 97
shall make every reasonable effort to finalize the acquisition of 98
the property before this notice is provided. 99

~~(F)~~(H) If the head of an acquiring agency permits an owner or 100
tenant to occupy the real property acquired on a rental basis for 101
a short term or for a period subject to termination on short 102
notice, the amount of rent required shall not exceed the fair 103
rental value of the property to a short-term occupier. 104

~~(G)~~(I) In no event shall the head of an acquiring agency 105
either advance the time of condemnation, or defer negotiations or 106
condemnation and the deposit of funds in court for the use of the 107
owner, or take any other action coercive in nature, in order to 108
compel an agreement on the price to be paid for the real property. 109

~~(H)~~(J) If any interest in real property is to be acquired by 110
exercise of the power of eminent domain, the head of the acquiring 111
agency concerned shall institute formal condemnation proceedings. 112
No head of an acquiring agency ~~head~~ shall intentionally make it 113

necessary for an owner to institute legal proceedings to prove the 114
fact of the taking of ~~his~~ the owner's real property. 115

~~(I)~~(K) If the acquisition of only part of a property would 116
leave its owner with an uneconomic remnant, the head of the 117
acquiring agency concerned shall offer to acquire that remnant. 118
For the purposes of this division, an uneconomic remnant is a 119
parcel of real property in which the owner is left with an 120
interest after the partial acquisition of the owner's property and 121
which the head of the agency concerned has determined has little 122
or no value or utility to the owner. 123

Section 2. That existing section 163.59 of the Revised Code 124
is hereby repealed. 125