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A B I L L

To amend sections 163.52 and 163.59 of the Revised 1
Code to require acquiring state agencies to make 2
every reasonable effort to provide a copy of the 3
appraisal to the owner of real property appraised 4
at more than \$10,000, to require those agencies to 5
update or obtain new appraisals under certain 6
circumstances, and to specify that their 7
acquisition of property must be for a defined 8
public purpose that is to be achieved in a defined 9
and reasonable period of time. 10

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

Section 1. That sections 163.52 and 163.59 of the Revised 11
Code be amended to read as follows: 12

Sec. 163.52. (A) ~~Section~~ The failure of an acquiring agency 13
to satisfy a requirement of section 163.59 of the Revised Code 14
~~creates no rights or liabilities and shall~~ does not affect the 15

validity of any property ~~acquisitions~~ acquisition by purchase or 16
condemnation. 17

(B) Nothing in sections 163.51 to 163.62, ~~inclusive,~~ of the 18
Revised Code, shall be construed as creating, in any condemnation 19
proceeding brought under the power of eminent domain, any element 20
of value or damage not in existence immediately prior to ~~the~~ 21
~~effective date of such sections~~ June 11, 1971. 22

Sec. 163.59. In order to encourage and expedite the 23
acquisition of real property by agreements with owners, to avoid 24
litigation and relieve congestion in the courts, to assure 25
consistent treatment for owners in the many state and federally 26
assisted programs, and to promote public confidence in public land 27
acquisition practices, heads of acquiring agencies shall, ~~to the~~ 28
~~greatest extent practicable, be guided by~~ do or ensure the 29
acquisition satisfies all of the following policies: 30

(A) The head of an acquiring agency shall make every 31
reasonable effort to acquire expeditiously real property by 32
negotiation. 33

(B) In order for an acquiring agency to acquire real 34
property, the acquisition shall be for a defined public purpose 35
that is to be achieved in a defined and reasonable period of time. 36
An acquisition of real property that complies with section 5501.31 37
of the Revised Code satisfies the defined public purpose 38
requirement of this division. 39

(C) Real property to be acquired shall be appraised before 40
the initiation of negotiations, and the owner or ~~his~~ the owner's 41
designated representative shall be given ~~an~~ a reasonable 42
opportunity to accompany the appraiser during ~~his~~ the appraiser's 43
inspection of the property, except that the head of the lead 44
agency may prescribe a procedure to waive the appraisal in cases 45
involving the acquisition by sale or donation of property with a 46

low fair market value. If the appraisal values the property to be 47
acquired at more than ten thousand dollars, the head of the 48
acquiring agency concerned shall make every reasonable effort to 49
provide a copy of the appraisal to the owner. As used in this 50
section, "appraisal" means a written statement independently and 51
impartially prepared by a qualified appraiser, or a written 52
statement prepared by an employee of the acquiring agency who is a 53
qualified appraiser, setting forth an opinion of defined value of 54
an adequately described property as of a specified date, supported 55
by the presentation and analysis of relevant market information. 56

~~(C)~~(D) Before the initiation of negotiations for real 57
property, the head of the acquiring agency concerned shall 58
establish an amount ~~which he~~ that the head of the acquiring agency 59
believes to be just compensation ~~therefor~~ for the property and 60
shall make a prompt offer to acquire the property for no less than 61
the full amount so established. In no event shall ~~such that~~ amount 62
be less than the agency's approved appraisal of the fair market 63
value of ~~such the~~ property. Any decrease or increase in the fair 64
market value of real property prior to the date of valuation 65
caused by the public improvement for which ~~such the~~ property is 66
acquired, or by the likelihood that the property would be acquired 67
for ~~such that~~ improvement, other than that due to physical 68
deterioration within the reasonable control of the owner, will be 69
disregarded in determining the compensation for the property. ~~The~~ 70

The head of the acquiring agency concerned shall provide the 72
owner of real property to be acquired with a written statement of, 73
and summary of the basis for, the amount ~~he~~ that the head of the 74
acquiring agency established as just compensation. Where 75
appropriate, the just compensation for ~~the~~ real property acquired 76
and for damages to remaining real property shall be separately 77
stated. 78

~~(D)~~ The owner shall be given a reasonable opportunity to consider the offer of the acquiring agency for the real property, to present material that the owner believes is relevant to determining the fair market value of the property, and to suggest modification in the proposed terms and conditions of the acquisition. The acquiring agency shall consider the owner's presentation and suggestions. 79 80 81 82 83 84 85

(E) If information presented by the owner or a material change in the character or condition of the real property indicates the need for new appraisal information, or if a period of more than two years has elapsed since the time of the appraisal of the property, the head of the acquiring agency concerned shall have the appraisal updated or obtain a new appraisal. If updated appraisal information or a new appraisal indicates that a change in the acquisition offer is warranted, the head of the acquiring agency shall promptly reestablish the amount of the just compensation for the property and offer that amount to the owner in writing. 86 87 88 89 90 91 92 93 94 95 96

(F) No owner shall be required to surrender possession of real property before the acquiring agency concerned pays the agreed purchase price, or deposits with the court for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of ~~such~~ the property, or the amount of the award of compensation in the condemnation proceeding for ~~such~~ the property. 97 98 99 100 101 102 103

~~(E)~~(G) The construction or development of a public improvement shall be so scheduled that no person lawfully occupying real property shall be required to move from a dwelling, or to move ~~his~~ the person's business or farm operation, without at least ninety days' written notice from the head of the acquiring agency concerned, of the date by which ~~such~~ the move is required. 104 105 106 107 108 109

~~(F)~~(H) If the head of an acquiring agency permits an owner or 110

tenant to occupy the real property acquired on a rental basis for 111
a short term or for a period subject to termination on short 112
notice, the amount of rent required shall not exceed the fair 113
rental value of the property to a short-term occupier. 114

~~(G)~~(I) In no event shall the head of an acquiring agency 115
either advance the time of condemnation, or defer negotiations or 116
condemnation and the deposit of funds in court for the use of the 117
owner, or take any other action coercive in nature, in order to 118
compel an agreement on the price to be paid for the real property. 119

~~(H)~~ If (J) When any interest in real property is ~~to be~~ 120
acquired by exercise of the power of eminent domain, the head of 121
the acquiring agency concerned shall institute the formal 122
condemnation proceedings. No head of an acquiring agency ~~head~~ 123
shall intentionally make it necessary for an owner to institute 124
legal proceedings to prove the fact of the taking of ~~his~~ the 125
owner's real property. 126

~~(I)~~(K) If the acquisition of only part of a property would 127
leave its owner with an uneconomic remnant, the head of the 128
acquiring agency concerned shall offer to acquire that remnant. 129
For the purposes of this division, an uneconomic remnant is a 130
parcel of real property in which the owner is left with an 131
interest after the partial acquisition of the owner's property and 132
which the head of the agency concerned has determined has little 133
or no value or utility to the owner. 134

An acquisition of real property may continue while an 135
acquiring agency carries out the requirements of divisions (A) to 136
(K) of this section. 137

This section applies only when the acquisition of real 138
property may result in an exercise of the power of eminent domain. 139

Section 2. That existing sections 163.52 and 163.59 of the 140
Revised Code are hereby repealed. 141