

As Reported by the House Judiciary Committee

**127th General Assembly
Regular Session
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Sub. H. B. No. 5

Representative Gibbs

**Cosponsors: Representatives Blessing, Wagoner, Seitz, Dolan, Latta, Coley,
Harwood, Batchelder, Bacon**

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A B I L L

To amend sections 163.01, 163.02, 163.04, 163.05, 1
163.06, 163.09, 163.14, 163.15, 163.19, 163.21, 2
163.53, 163.62, 303.26, 719.012, 725.01, 1728.01, 3
2505.02, and 3735.40 and to enact sections 1.08, 4
163.021, 163.211, and 163.63 of the Revised Code 5
to implement the recommendations of the Eminent 6
Domain Task Force and to create other procedures 7
to protect the rights of property owners. 8

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

Section 1. That sections 163.01, 163.02, 163.04, 163.05, 9
163.06, 163.09, 163.14, 163.15, 163.19, 163.21, 163.53, 163.62, 10
303.26, 719.012, 725.01, 1728.01, 2505.02, and 3735.40 be amended 11
and sections 1.08, 163.021, 163.211, and 163.63 of the Revised 12
Code be enacted to read as follows: 13

Sec. 1.08. As used in the Revised Code: 14

(A) "Blighted area" and "slum" mean an area in which at least 15
fifty per cent of the parcels are blighted parcels and those 16
blighted parcels substantially impair or arrest the sound growth 17
of the state or a political subdivision of the state, retard the 18

<u>provision of housing accommodations, constitute an economic or</u>	19
<u>social liability, or are a menace to the public health, safety,</u>	20
<u>morals, or welfare in their present condition and use.</u>	21
<u>(B) "Blighted parcel" means either of the following:</u>	22
<u>(1) A parcel that has one or more of the following</u>	23
<u>conditions:</u>	24
<u>(a) Conditions that constitute a nuisance;</u>	25
<u>(b) Environmental contamination;</u>	26
<u>(c) Vermin infestation;</u>	27
<u>(d) Tax or special assessment delinquencies exceeding the</u>	28
<u>fair value of the land.</u>	29
<u>(2) A parcel that has two or more of the following</u>	30
<u>conditions:</u>	31
<u>(a) Dilapidation and deterioration;</u>	32
<u>(b) Age and obsolescence;</u>	33
<u>(c) Inadequate provision for ventilation, light, air,</u>	34
<u>sanitation, or open spaces;</u>	35
<u>(d) Unsafe and unsanitary conditions;</u>	36
<u>(e) Hazards that endanger lives or properties by fire or</u>	37
<u>other causes;</u>	38
<u>(f) Noncompliance with building, housing, or other codes;</u>	39
<u>(g) Nonworking or disconnected utilities;</u>	40
<u>(h) Is vacant or contains an abandoned structure;</u>	41
<u>(i) Excessive dwelling unit density;</u>	42
<u>(j) Is located in an area of defective or inadequate street</u>	43
<u>layout;</u>	44
<u>(k) Overcrowding of buildings on the land;</u>	45

(l) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness; 46
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(m) An incompatible land use or a use that creates land use relationships that cannot be reasonably corrected through enforcement of existing zoning codes or other land use regulations; 48
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(n) Extensive damage or destruction caused by a major disaster when the damage has not been remediated within a reasonable time; 52
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(o) Identified hazards to health and safety that are conducive to ill health, transmission of disease, juvenile delinquency, or crime; 55
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(p) Ownership or multiple ownership of a single parcel when the owner, or a majority of the owners of a parcel in the case of multiple ownership, cannot be located. 58
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(C) When determining whether a property is a blighted parcel or whether an area is a blighted area or slum for the purposes of this section, no person shall consider whether there is a comparatively better use for any premises, property, structure, area, or portion of an area, or whether the property could generate more tax revenues if put to another use. 61
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(D) Notwithstanding any other provision of this section, absent any environmental or public health hazard that cannot be corrected under its current use or ownership, a property is not a blighted parcel because of any condition listed in division (B) of this section if the condition is consistent with conditions that are normally incident to generally accepted agricultural practices and the land is used for agricultural purposes as defined in section 303.01 or 519.01 of the Revised Code, or the county auditor of the county in which the land is located has determined under section 5713.31 of the Revised Code that the land is "land 67
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devoted exclusively to agricultural use" as defined in section 77
5713.30 of the Revised Code. 78

Sec. 163.01. As used in sections 163.01 to 163.22 of the 79
Revised Code: 80

(A) "Public agency" means any governmental corporation, unit, 81
organization, instrumentality, or officer authorized by law to 82
appropriate property in the courts of this state. ~~"Private~~ 83

"Private agency" means any ~~other~~ corporation, firm, 84
partnership, voluntary association, joint-stock association, or 85
company that is not a public agency and that is authorized by law 86
to appropriate property in the courts of this state. ~~"Agency"~~ 87
includes 88

(C) "Agency" means any public agency or private agency. 89

~~(B)~~(D) "Court" includes means the court of common pleas ~~and~~ 90
or the probate court of any county in which the property sought to 91
be appropriated is located in whole or in part. 92

~~(C)~~(E) "Owner" includes means any individual, partnership, 93
association, or corporation having any estate, title, or interest 94
in any real property sought to be appropriated. 95

~~(D)~~(F) "Real property," "land," or "property" includes any 96
estate, title, or interest in any real property ~~which~~ that is 97
authorized to be appropriated by the agency in question, unless 98
the context otherwise requires. 99

(G) "Public utility" has the same meaning as in section 100
4905.02 of the Revised Code and also includes an electric 101
cooperative. 102

(H)(1) "Public use" does not include any taking that is for 103
conveyance to a private commercial enterprise, economic 104
development, or solely for the purpose of increasing public 105
revenue, unless the property is conveyed or leased to one of the 106

<u>following:</u>	107
<u>(a) A public utility, common carrier, or municipal power agency;</u>	108
<u>(b) A private entity that occupies an incidental area within a publicly owned and occupied project;</u>	110
<u>(c) A private entity that establishes by a preponderance of the evidence that the property is a blighted parcel or a blighted area.</u>	112
<u>(2) All of the following are presumed to be public uses: utility facilities, roads, sewers, water lines, public schools, public parks, government buildings, projects by an agency that is a public utility or an agency holding a certificate of public convenience and necessity granted by the federal energy regulatory commission, and similar facilities and uses of land.</u>	113
<u>(I) "Electric cooperative" has the same meaning as in section 4928.01 of the Revised Code.</u>	114
<u>(J) "Municipal power agency" has the same meaning as in section 3734.058 of the Revised Code.</u>	115
Sec. 163.02. (A) Except as provided in divisions (B), (C), (D), and (F) of this section, all <u>All</u> appropriations of real property shall be made pursuant to sections 163.01 to 163.22 of the Revised Code, <u>except as otherwise provided in this section or as otherwise provided to abate a health nuisance or because of a public exigency as provided in division (B) of section 307.08, 6101.181, 6115.221, 6117.39, or 6119.11, or division (D) of section 504.19 of the Revised Code.</u>	116
(B) Subject to division (E) of this section, the <u>The</u> director of transportation may appropriate real property pursuant to sections 163.01 to 163.22 of the Revised Code or as otherwise provided by law.	117
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~~(C) Subject to division (E) of this section, a conservancy district may appropriate real property by procedures prescribed in Chapter 6101. of the Revised Code.~~ 137
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~~(D) Subject to division (E) of this section, a sanitary district may appropriate real property by procedures prescribed in Chapter 6115. of the Revised Code.~~ 140
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~~(E) When the director of transportation, a conservancy district, or a sanitary district proceeds Notwithstanding any authority to appropriate real property other than under sections 163.01 to 163.22 of the Revised Code, ~~the proceedings are any proceeding to appropriate real property is~~ subject to division (B) of section 163.21 of the Revised Code.~~ 143
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~~(F) A county, township that has adopted a limited home rule government, conservancy district, sanitary district, county sewer district, or a regional water and sewer district also may appropriate real property in the manner prescribed in division (B) of section 307.08, 6101.181, 6115.221, 6117.39, or 6119.11 or division (D) of section 504.19 of the Revised Code, as applicable.~~ 149
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~~(G)(D) Any instrument by which the state or an agency of the state acquires real property pursuant to this section shall identify include all of the following:~~ 155
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~~(1) The name of the agency of the state that has the use and benefit of the real property as ~~specified in section 5301.012 of the Revised Code;~~~~ 158
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~~(2) A statement of the purpose of the appropriation as provided with the appropriation petition;~~ 161
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~~(3) A statement that the prior owner possesses a right of repurchase within five years after the property is appropriated if the agency decides not to use the property for the stated purpose, as provided in section 163.211 of the Revised Code.~~ 163
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Sec. 163.021. (A) No agency shall appropriate real property 167
except as necessary and for a public use. In any appropriation, 168
the taking agency shall show by a preponderance of the evidence 169
that the taking is necessary and for a public use. 170

(B) Before an agency appropriates property based on a finding 171
that the area is a blighted area or a slum, the agency shall do 172
both of the following: 173

(1) Adopt a comprehensive development plan that describes the 174
public need for the property. The plan shall include at least two 175
studies documenting the public need. All of the costs of 176
developing the plan shall be publicly financed. 177

(2) If the agency is governed by a legislative body, obtain a 178
resolution from that legislative body affirming the public need 179
for the property. 180

(C) No park board, park district, board of directors of a 181
conservancy district, incorporated association with a purpose of 182
establishing or preserving public parks and memorial sites, or 183
similar park authority shall exercise any power of eminent domain 184
to appropriate real property outside the county or counties in 185
which the park authority is located unless the appropriation has 186
the written approval of the legislative authority of each county 187
in which the property is located, other than the county or 188
counties in which the park authority is located. 189

Sec. 163.04. Appropriations shall be made (A) A public agency 190
may appropriate real property only after a reasonable public 191
comment period. The public agency shall give notice of the 192
proposed appropriation and the opportunity for public comment once 193
a week for two consecutive weeks in a newspaper of general 194
circulation in the county in which the appropriation is proposed. 195
During the public comment period, the public agency shall, at a 196

minimum, permit any person to submit a written statement 197
addressing the proposed appropriation. This division does not 198
apply to any appropriation to abate a health nuisance or because 199
of a public exigency as provided in division (B) of section 200
307.08, 6101.181, 6115.221, 6117.39, or 6119.11 or division (D) of 201
section 504.19 of the Revised Code, to any appropriation by a 202
public utility owned by a municipal corporation, or to an agency 203
that complies with section 5511.01 of the Revised Code. 204

(B) An agency may appropriate real property only after the 205
agency obtains an appraisal of the property and provides a copy of 206
the appraisal to the owner or, if more than one, each owner, or 207
guardian or trustee of each owner. The agency need not provide an 208
owner with a copy of the appraisal when that owner is incapable of 209
contracting in person or by agent to convey the property and has 210
no guardian or trustee, is unknown, or is not a resident of this 211
state, or the residence of the owner cannot with reasonable 212
diligence be ascertained. When the appraisal indicates that the 213
property is worth less than ten thousand dollars, the agency need 214
only provide an owner, guardian, or trustee with a summary of the 215
appraisal. The agency shall provide the copy or summary of the 216
appraisal to an owner, guardian, or trustee at or before the time 217
the agency makes its first offer to purchase the property. A 218
public utility or the head of a public agency may prescribe a 219
procedure to waive the appraisal in cases involving the 220
acquisition by sale or donation of property with a fair market 221
value of ten thousand dollars or less. 222

(C) An agency may appropriate real property only after the 223
agency is unable to agree on a conveyance or the terms of a 224
conveyance, for any reason, with ~~the~~ any owner, ~~or if more than~~ 225
~~one, any owner, or his~~ the guardian or trustee, ~~or when~~ of any 226
owner unless each owner is incapable of contracting in person or 227
by agent to convey the property and has no guardian or trustee, ~~or~~ 228

each owner is unknown, or is not a resident of this state, or ~~his~~ 229
the residence of each owner is unknown to the agency and ~~cannot~~ 230
the residence of no owner can with reasonable diligence be 231
ascertained. 232

(D) An agency may appropriate real property for projects that 233
will disrupt the flow of traffic or impede access to property only 234
after the agency makes reasonable efforts to plan the project in a 235
way that will limit those effects. This division does not apply to 236
an agency if it initiated the project for which it appropriates 237
the property under Title LV of the Revised Code. 238

Sec. 163.05. An agency ~~which that~~ has met the requirements of 239
section 163.04 of the Revised Code, may commence proceedings in a 240
proper court by filing a petition for appropriation of each parcel 241
or contiguous parcels in a single common ownership, or interest or 242
right therein. The petition of a private agency shall be verified 243
as in a civil action ~~and all.~~ All petitions shall contain: 244

(A) A description of each parcel of land or interest or right 246
therein sought to be appropriated, such as will permit ready 247
identification of the land involved; 248

(B) ~~In the case of a private agency, a~~ (1) A statement that 249
~~such the~~ appropriation is necessary, for a public use, and, in the 250
case of a public agency, a copy of the resolution of the public 251
agency to appropriate; 252

(2) If the property being appropriated is a blighted parcel 253
that is being appropriated pursuant to a redevelopment plan, a 254
statement that shows the basis for the finding of blight and that 255
supports that the parcel is part of a blighted area pursuant to 256
the definition in section 1.08 of the Revised Code. 257

(C) A statement of the purpose of the appropriation; 258

(D) A statement of the estate or interest sought to be 259
appropriated; 260

(E) The names and addresses of the owners, so far as they can 261
be ascertained; 262

(F) A statement showing requirements of section 163.04 of the 263
Revised Code have been met; 264

(G) A prayer for the appropriation; 265

~~(H)~~ In the event of an appropriation where the agency would 266
require less than the whole of any parcel containing a residence 267
structure and the required portion would remove a garage and 268
sufficient land that a replacement garage could not be lawfully or 269
practically attached, the appropriation shall be for the whole 270
parcel and all structures, unless the owner agrees to a partial 271
appropriation. 272

In the event of the appropriation of less than the fee of any 273
parcel or of a fee in less than the whole of any parcel of 274
property, the agency shall either make available to the owner or 275
shall file in the office of the county engineer, a description of 276
the nature of the improvement or use which requires the 277
appropriation, including any specifications, elevations, and grade 278
changes already determined at the time of the filing of the 279
petition, in sufficient detail to permit a determination of the 280
nature, extent, and effect of the taking and improvement. A set of 281
highway construction plans shall be acceptable in providing such 282
description for the purposes of the preceding sentence in the 283
appropriation of land for highway purposes. 284

Sec. 163.06. (A) A public agency, other than an agency 285
appropriating property for the purposes described in division (B) 286
of this section, ~~which~~ that qualifies pursuant to Section 19 of 287
Article I, Ohio Constitution, may deposit with the court at the 288

time of filing the petition the value of such property 289
appropriated together with the damages, if any, to the residue, as 290
determined by the public agency, and thereupon take possession of 291
and enter upon the property appropriated. The right of possession 292
upon deposit as provided in this division shall not extend to 293
structures. 294

(B) A public agency appropriating property for the purpose of 295
making or repairing roads which shall be open to the public, 296
without charge, or for the purpose of implementing rail service 297
under Chapter 4981. of the Revised Code, may deposit with the 298
court at the time of filing the petition the value of such 299
property appropriated together with the damages, if any, to the 300
residue, as determined by the public agency, and stated in an 301
attached declaration of intention to obtain possession and 302
thereupon take possession of and enter upon the property 303
appropriated, including structures situated upon the land 304
appropriated for such purpose or situated partly upon the land 305
appropriated therefor and partly upon adjoining land, so that such 306
structures cannot be divided upon the line between such lands 307
without manifest injury thereto. The jury, in assessing 308
compensation to any owner of land appropriated under this division 309
shall assess the value thereof in accordance with section 163.14 310
of the Revised Code. The owner or occupant of such structures 311
shall vacate the same within sixty days after service of summons 312
as required under section 163.07 of the Revised Code, ~~at no cost~~ 313
~~to the appropriating agency,~~ after which time the agency may 314
remove said structures. In the event such structures are to be 315
removed before the jury has fixed the value of the same, the 316
court, upon motion of the agency, shall: 317

(1) Order appraisals to be made by three persons, one to be 318
named by the owner, one by the county auditor, and one by the 319
agency. Such appraisals may be used as evidence by the owner or 320

the agency in the trial of said case but shall not be binding on 321
said owner, agency, or the jury, and the expense of said 322
appraisals shall be approved by the court and charged as costs in 323
said case. 324

(2) Cause pictures to be taken of all sides of said 325
structures; 326

(3) Compile a complete description of said structures, which 327
shall be preserved as evidence in said case to which the owner or 328
occupants shall have access. 329

(C) Any time after the deposit is made by the public agency 330
under division (A) or (B) of this section, the owner may apply to 331
the court to withdraw the deposit, and such withdrawal shall in no 332
way interfere with the action except that the sum so withdrawn 333
shall be deducted from the sum of the final verdict or award. Upon 334
such application being made the court shall direct that the sum be 335
paid to such owner subject to the rights of other parties in 336
interest provided such parties make timely application as provided 337
in section 163.18 of the Revised Code. Interest shall not accrue 338
on any sums withdrawable as provided in this division. 339

Sec. 163.09. (A) If no answer is filed pursuant to section 340
163.08 of the Revised Code, and no approval ordered by the court 341
to a settlement of the rights of all necessary parties, the court, 342
on motion of a public agency, shall declare the value of the 343
property taken and the damages, if any, to the residue to be as 344
set forth in any document properly filed with the clerk of the 345
court of common pleas by the public agency. In all other cases, 346
the court shall fix a time, within twenty days from the last date 347
that the answer could have been filed, for the assessment of 348
compensation by a jury. 349

(B)(1) When an answer is filed pursuant to section 163.08 of 350
the Revised Code and any of the matters relating to the right to 351

make the appropriation, the inability of the parties to agree, or 352
the necessity for the appropriation are specifically denied in the 353
manner provided in that section, the court shall set a day, not 354
less than five or more than fifteen days from the date the answer 355
was filed, to hear those matters. Upon those matters, the burden 356
of proof is upon the ~~owner~~. A agency by a preponderance of the 357
evidence except as follows: 358

(a) A resolution or ordinance of the governing or controlling 359
body, council, or board of the agency declaring the necessity for 360
the appropriation shall be prima facie evidence creates a 361
rebuttable presumption of that the necessity in the absence of 362
proof showing an abuse of discretion by the agency in determining 363
that necessity for the appropriation. 364

(b) The presentation by a public utility of evidence of the 365
necessity for the appropriation creates a rebuttable presumption 366
of the necessity for the appropriation. 367

(c) Approval by a state regulatory authority of an 368
appropriation by a public utility creates an irrebuttable 369
presumption of the necessity for the appropriation. 370

(2) Subject to the irrebuttable presumption in division 371
(B)(1)(c) of this section, only the judge may determine the 372
necessity of the appropriation. If, as to any or all of the 373
property or other interests sought to be appropriated, the court 374
determines the matters in favor of the agency, the court shall set 375
a time for the assessment of compensation by the jury within 376
twenty days from the date of the journalization of that 377
determination. ~~An~~ Except as provided in division (B)(3) of this 378
section, an order of the court in favor of the agency on any of 379
the matters or on qualification under section 163.06 of the 380
Revised Code shall not be a final order for purposes of appeal. An 381
order of the court against the agency on any of the matters or on 382
the question of qualification under section 163.06 of the Revised 383

Code shall be a final order for purposes of appeal. If a public 384
agency has taken possession prior to such an order and such an 385
order, after any appeal, is against the agency on any of the 386
matters, the agency shall restore the property to the owner in its 387
original condition or respond in damages, which may include the 388
items set forth in division (A)(2) of section 163.21 of the 389
Revised Code, recoverable by civil action, to which the state 390
consents. 391

(3) An owner has a right to an immediate appeal if the order 392
of the court is in favor of the agency in any of the matters the 393
owner denied in the answer, unless the agency is appropriating 394
property in time of war or other public exigency imperatively 395
requiring its immediate seizure, for the purpose of making or 396
repairing roads which shall be open to the public without charge, 397
for the purpose of implementing rail service under Chapter 4981. 398
of the Revised Code, or under section 307.08, 504.19, 6101.181, 399
6115.221, 6117.39, or 6119.11 of the Revised Code as the result of 400
a public exigency. 401

(C) When an answer is filed pursuant to section 163.08 of the 402
Revised Code, and none of the matters set forth in division (B) of 403
this section is specifically denied, the court shall fix a time 404
within twenty days from the date the answer was filed for the 405
assessment of compensation by a jury. 406

(D) If answers are filed pursuant to divisions (B) and (C) of 407
this section, or an answer is filed on behalf of fewer than all 408
the named owners, the court shall set the hearing or hearings at 409
such times as are reasonable under all the circumstances, but in 410
no event later than twenty days after the issues are joined as to 411
all necessary parties or twenty days after rule therefor, 412
whichever is earlier. 413

(E) The court, with the consent of the parties, may order two 414
or more cases to be consolidated and tried together, but the 415

rights of each owner to compensation, damages, or both shall be 416
separately determined by the jury in its verdict. 417

(F) If an answer is filed under section 163.08 of the Revised 418
Code with respect to the value of property appropriated under 419
section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of 420
the Revised Code as the result of a public exigency, the burden of 421
proof with respect to that value is on the party or parties to the 422
appropriation other than the property owners. 423

(G) If the court determines the matter in the favor of the 424
owner as to the necessity of the appropriation, in a final, 425
unappealable order, the court shall award the owner reasonable 426
attorney's fees and costs. 427

Sec. 163.14. In appropriation proceedings the jury shall be 428
sworn to impartially assess the compensation and damages, if any, 429
without deductions for general benefits as to the property of the 430
owner. 431

The jury, in its verdict, shall assess the compensation for 432
the property appropriated and damages, if any, to the residue, to 433
be paid to the owners. When a building or other structure is on 434
the property appropriated or when a building or other structure is 435
situated partly upon the land appropriated and partly upon 436
adjoining land so that the structure cannot be divided upon the 437
line between such lands without manifest injury thereto, the jury, 438
in assessing compensation to any owner of the land, shall assess 439
the value thereof, as part of the compensation. The title to said 440
structure shall vest in the agency which shall have the right to 441
enter upon the adjoining land upon which any part of the structure 442
is located for the purpose of removing said structure therefrom, 443
after deposit in accordance with the verdict. Such removal shall 444
be made within ninety days after taking title to the property 445
appropriated; provided, that the court may extend removal time 446

upon such conditions as the court requires. When the property 447
appropriated was being used for a business, the jury shall assess 448
compensation for any lost business and any loss of goodwill up to 449
five thousand dollars. 450

The verdict shall be signed by at least three-fourths of the 451
members of the jury. 452

If a jury is discharged without rendering a verdict, another 453
shall be impaneled at the earliest convenient time and shall make 454
the inquiry and assessment. 455

Sec. 163.15. (A) As soon as the agency pays to the party 456
entitled thereto or deposits with the court the amount of the 457
award and the costs assessed against the agency, it may take 458
possession; provided, that this shall not be construed to limit 459
the right of a public agency to enter and take possession, as 460
provided in section 163.06 of the Revised Code. When the agency is 461
entitled to possession the court shall enter an order to such 462
effect upon the record and, if necessary, process shall be issued 463
to place the agency in possession. Whenever a final journal entry 464
in an appropriation proceeding, granting to this state a fee title 465
or any lesser estate or interest in real property is filed and 466
journalized by the clerk of courts, the clerk of courts shall 467
forthwith transmit to the county auditor a certified copy of said 468
final journal entry who shall transfer the property on ~~his~~ the 469
auditor's books and transmit said entry with proper endorsement to 470
the county recorder for recording. The costs of filing such final 471
journal entry with the county auditor and the county recorder 472
shall be taxed as costs in the appropriation proceedings the same 473
as other costs are taxed under section 163.16 of the Revised Code. 474

(B) Whenever the appropriation of real property requires a 475
person to move or relocate, the agency shall make a payment to 476
that person, upon proper application as approved by the agency, 477

for all of the following: 478

(1) Actual reasonable expenses in moving the person and the 479
person's family, business, farm operation, or other personal 480
property; 481

(2) Actual direct losses of tangible personal property as a 482
result of moving or discontinuing a business or farm operation, 483
but not to exceed an amount equal to the reasonable expenses that 484
would have been required to relocate such property, as determined 485
by the agency; 486

(3) Actual reasonable expenses in searching for a replacement 487
business or farm, but not to exceed two thousand five hundred 488
dollars; 489

(4) Actual and reasonable expenses necessary to reestablish a 490
farm, nonprofit organization, or small business at its new site, 491
but not to exceed ten thousand dollars. 492

Sec. 163.19. Subject to sections 163.07 and 163.09 of the 493
Revised Code, any party may prosecute appeals as in other civil 494
actions from the judgment of the court. ~~The trial court upon~~ 495
~~proper terms may suspend the execution of any order; but in all~~ 496
~~cases where the agency pays or deposits the amount of the award~~ 497
~~assessed and gives adequate security for any further compensation~~ 498
~~and costs, as required by the court, the right to take and use the~~ 499
~~property appropriated shall not be affected by such review by the~~ 500
~~appellate courts.~~ 501

Sec. 163.21. (A)(1) If it has not taken possession of 502
property that is appropriated, an agency may abandon appropriation 503
proceedings under sections 163.01 to 163.22 of the Revised Code at 504
any time after the proceedings are commenced but not later than 505
ninety days after the final determination of the cause. 506

(2) In all cases of abandonment as described in division 507

(A)(1) of this section, the court shall enter a judgment against the agency for costs, including jury fees, and shall enter a judgment in favor of each affected owner, in amounts that the court considers to be just, for each of the following that the owner incurred:

(a) Witness fees, including expert witness fees;

(b) Attorney's fees;

(c) Other actual expenses.

(B)(1) ~~Except as provided in division (B)(2) of this section, if in~~ In appropriation proceedings under sections 163.01 to 163.22 of the Revised Code or, as authorized by divisions (A) and (B), ~~(C), and (D)~~ of section 163.02 of the Revised Code, in for appropriation proceedings in time of a public exigency under other sections of the Revised Code, if the court determines that an agency is not entitled to appropriate particular property, the court shall enter both of the following:

(a) A judgment against the agency for costs, including jury fees;

(b) A judgment in favor of each affected owner, in amounts that the court considers to be just, for the owner's reasonable costs, disbursements, and expenses, to include witness fees, ~~including~~ expert witness fees, ~~for~~ attorney's fees, appraisal and engineering fees, and for other actual expenses that the owner incurred in connection with the proceedings.

(2) ~~This division does not apply to a state agency that is subject to section 163.62 of the Revised Code in connection with condemnation proceedings~~ Any award to an owner pursuant to this section shall be paid by the head of the agency for whose benefit the appropriation proceedings were initiated.

(C)(1) Except as otherwise provided in division (C)(2) or (3)

of this section, when an agency appropriates property and the 538
final award of compensation is greater than one hundred 539
twenty-five per cent of the agency's first offer for the property 540
or, if before commencing the appropriation proceeding the agency 541
made a revised offer based on conditions indigenous to the 542
property that could not reasonably have been discovered at the 543
time of the first offer, one hundred twenty-five per cent of the 544
revised offer, the court shall enter judgment in favor of the 545
owner, in amounts the court considers just, for all costs and 546
expenses, including attorney's and appraisal fees, that the owner 547
actually incurred. 548

(2) When an agency has negotiated in good faith with the 549
owner or the owner's representative before and after filing an 550
action to appropriate property or when the nature of the property 551
interest to be appropriated is inordinately complex or unique or 552
of such a nature that expert appraisers may reasonably disagree, 553
the court shall not enter judgment in favor of the owner for 554
attorney's fees or costs unless the final award of compensation is 555
more than one hundred fifty per cent of the agency's first or 556
revised offer. If the final award of compensation is more than one 557
hundred fifty per cent of the agency's first or revised offer, the 558
court shall enter judgment in favor of the owner for attorney's 559
fees or costs or both in amounts that the court considers just. 560

(3) Divisions (C)(1) and (2) of this section do not apply in 561
either of the following circumstances: 562

(a) The agency is appropriating property in time of war or 563
other public exigency imperatively requiring its immediate 564
seizure, for the purpose of making or repairing roads which shall 565
be open to the public without charge, for the purpose of 566
implementing rail service under Chapter 4981. of the Revised Code, 567
or under section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 568
6119.11 of the Revised Code as the result of a public exigency, or 569

the agency is a municipal corporation that is appropriating 570
property as a result of a public health exigency. 571

(b) The owner and the agency exchanged appraisals prior to 572
the filing of the petition and the final award of compensation was 573
not more than one hundred twenty-five per cent of the agency's 574
first offer for the property made subsequent to the exchange of 575
appraisals and at least thirty days before the filing of the 576
petition. 577

Sec. 163.211. If an agency decides not to use appropriated 578
property for the purpose stated in the appropriation petition, the 579
prior owner from whom the property was appropriated may repurchase 580
the property for its fair market value as determined by an 581
independent appraisal. The right of repurchase shall be 582
extinguished if any of the following occur: 583

(A) The prior owner declines to repurchase the property. 584

(B) The prior owner fails to repurchase the property within 585
sixty days after the public agency offers the property for 586
repurchase. 587

(C) A plan, contract, or arrangement is authorized that 588
commences an urban renewal project that includes the property. 589

(D) The agency grants or transfers the property to any other 590
person or agency. 591

(E) Five years have passed since the property was 592
appropriated. 593

(F) Prior to the filing of the petition for appropriation, 594
the appropriated property was a blighted parcel, and the prior 595
owner contributed to the blight. 596

Sec. 163.53. (A) Whenever the acquisition of real property 597
for a program or project undertaken by a displacing agency will 598

result in the displacement of any person, the head of the agency 599
shall make a payment to any displaced person, upon proper 600
application as approved by such agency head, for all of the 601
following: 602

(1) Actual reasonable expenses in moving ~~himself~~ the person, 603
~~his~~ the person's family, business, farm operation, or other 604
personal property; 605

(2) Actual direct losses of tangible personal property as a 606
result of moving or discontinuing a business or farm operation, 607
but not to exceed an amount equal to the reasonable expenses that 608
would have been required to relocate such property, as determined 609
by the head of the displacing agency; 610

(3) Actual reasonable expenses in searching for a replacement 611
business or farm, but not to exceed two thousand five hundred 612
dollars; 613

(4) Actual and reasonable expenses necessary to reestablish a 614
displaced farm, nonprofit organization, or small business at its 615
new site, but not to exceed ten thousand dollars. 616

(B) Any displaced person eligible for payments under division 617
(A) of this section who is displaced from a dwelling and who 618
elects to accept the payments authorized by this division in lieu 619
of the payments authorized by division (A) of this section may 620
receive an expense and dislocation allowance, determined according 621
to a schedule established by the head of the displacing agency. 622

(C) Any displaced person eligible for payments under division 623
(A) of this section who is displaced from ~~his~~ the person's place 624
of business or from ~~his~~ the person's farm operation may qualify 625
for the payment authorized by this division in lieu of the payment 626
authorized by division (A) of this section. The payment authorized 627
by this division shall consist of a fixed payment in an amount to 628
be determined according to criteria established by the head of the 629

lead agency, except that such payment shall be not less than one 630
thousand dollars nor more than twenty thousand dollars. A person 631
whose sole business at the displacement dwelling is the rental of 632
such property to others does not qualify for a payment under this 633
division. 634

(D)(1) Except as provided in section 5501.51 of the Revised 635
Code, if a program or project undertaken by a displacing agency 636
results in the relocation of a utility facility, and the purpose 637
of the program or project was not to relocate or reconstruct any 638
utility facility; and if the owner of the utility facility which 639
is being relocated under such program or project has entered into 640
a franchise or similar agreement with the state or local 641
government on whose property, easement, or right-of-way such 642
facility is located with respect to the use of such property, 643
easement, or right-of-way; and if the relocation of such facility 644
results in such owner incurring an extraordinary cost in 645
connection with such relocation; then the displacing agency may, 646
in accordance with such rules as the head of the lead agency may 647
adopt, provide to such owner a relocation payment which may not 648
exceed the amount of such extraordinary cost, less any increase in 649
the value of the new utility facility above the value of the old 650
utility facility, and less any salvage value derived from the old 651
utility facility. 652

(2) As used in division (D) of this section: 653

(a) "Extraordinary cost in connection with a relocation" 654
means any cost incurred by the owner of a utility facility in 655
connection with relocation of such facility that is determined by 656
the head of the displacing agency, under such rules as the head of 657
the lead agency shall adopt, to be a nonroutine relocation 658
expense, to be a cost that owner ordinarily does not include in 659
its annual budget as an expense of operation, and to meet such 660
other requirements as the lead agency may prescribe in such rules. 661

(b) "Utility facility" means any electric, gas, water, steam power, or materials transmission or distribution system; any transportation system; any communications system, including cable television; and any fixture, equipment, or other property associated with the operation, maintenance, or repair of any such system; which is located on property owned by a state or local government or over which a state or local government has an easement or right-of-way. A utility facility may be publicly, privately, or cooperatively owned.

Sec. 163.62. (A) The court having jurisdiction of a proceeding instituted by a state agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for ~~his~~ the owner's reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceeding, if ~~either~~ any of the following occurs:

(1) The final judgment is that the agency cannot acquire the real property by condemnation; ~~or~~ .

(2) The proceeding is abandoned by the state agency.

(3) The state agency is a public agency as defined in division (A) of section 163.01 of the Revised Code and the final award of compensation is greater than one hundred twenty-five per cent of the state agency's first offer for the property or, if before commencing the appropriation proceeding the public agency made a revised offer based on conditions indigenous to the property that could not reasonably have been discovered at the time of the first offer, one hundred twenty-five per cent of the revised offer, unless the agency is appropriating property in time of war or other public exigency imperatively requiring its immediate seizure, for the purpose of making or repairing roads

which shall be open to the public without charge, for the purpose 693
of implementing rail service under Chapter 4981. of the Revised 694
Code, or under section 307.08, 504.19, 6101.181, 6115.221, 695
6117.39, or 6119.11 of the Revised Code as the result of a public 696
exigency. 697

(B) Any award made pursuant to division (A) of this section 698
shall be paid by the head of the agency for whose benefit the 699
condemnation proceeding was instituted. 700

Sec. 163.63. Any reference in the Revised Code to any 701
authority to acquire real property by "condemnation" or to take 702
real property pursuant to a power of eminent domain is deemed to 703
be an appropriation of real property pursuant to this chapter and 704
any such taking or acquisition shall be made pursuant to this 705
chapter. 706

Sec. 303.26. As used in sections 303.26 to 303.56, ~~inclusive,~~ 707
of the Revised Code, unless a different meaning is clearly 708
indicated by the context: 709

(A) "Municipality" means any incorporated city or village of 710
the state. 711

(B) "Public body" means the state, any county, municipality, 712
township, board, commission, authority, district, or other 713
subdivision. 714

(C) "Federal government" means the United States or any 715
agency or instrumentality, corporate or otherwise thereof. 716

(D) ~~"Slum area" means an area within a county but outside the~~ 717
~~corporate limits of any municipality, in which area there is a~~ 718
~~predominance of buildings or improvements, whether residential or~~ 719
~~nonresidential, which by reason of dilapidation, deterioration,~~ 720
~~age or obsolescence, inadequate provision for ventilation, light,~~ 721
~~air, sanitation, or open spaces, high density of population and~~ 722

~~overcrowding, or the existence of conditions which endanger life~~ 723
~~or property, by fire and other causes, or any combination of such~~ 724
~~factors is conducive to ill health, transmission of disease,~~ 725
~~infant mortality, juvenile delinquency, or crime, and is~~ 726
~~detrimental to the public health, safety, morals, or welfare has~~ 727
~~the meaning defined in section 1.08 of the Revised Code.~~ 728

(E) ~~"Blighted area" means an area within a county but outside~~ 729
~~the corporate limits of any municipality, which area by reason of~~ 730
~~the presence of a substantial number of slum, deteriorated, or~~ 731
~~deteriorating structures, predominance of defective or inadequate~~ 732
~~street layout, faulty lot layout in relation to size, adequacy,~~ 733
~~accessibility, or usefulness, insanitary or unsafe conditions,~~ 734
~~deterioration of site or other improvements, diversity of~~ 735
~~ownership, tax or special assessment delinquency exceeding the~~ 736
~~fair value of the land, defective or unusual conditions to title,~~ 737
~~or the existence of conditions which endanger life or property by~~ 738
~~fire and other causes, or any combination of such factors,~~ 739
~~substantially impairs or arrests the sound growth of a county,~~ 740
~~retards the provision of housing accommodations, or constitutes an~~ 741
~~economic or social liability and is a menace to the public health,~~ 742
~~safety, morals, or welfare in its present condition and use has~~ 743
~~the meaning defined in section 1.08 of the Revised Code.~~ 744

If such blighted area consists of open land, the provisions 745
of section 303.34 of the Revised Code shall apply. 746

Any disaster area referred to in section 303.36 of the 747
Revised Code shall constitute a "blighted area". 748

(F) "County renewal project" may include undertakings and 749
activities of a county in a county renewal area for the 750
elimination and for the prevention of the development or spread of 751
slums and blight, and may involve slum clearance and redevelopment 752
in a county renewal area, or rehabilitation or conservation in a 753
county renewal area, or any combination or part thereof, in 754

accordance with a county renewal plan, and such aforesaid 755
undertakings and activities may include acquisition of a slum area 756
or a blighted area, or portion thereof; demolition and removal of 757
buildings and improvements; installation, construction, or 758
reconstruction of streets, utilities, parks, playgrounds, and 759
other improvements necessary for carrying out in the county 760
renewal area the county renewal objectives of sections 303.26 to 761
303.56, inclusive, of the Revised Code in accordance with the 762
county renewal plan; disposition of any property acquired in the 763
county renewal area, including sale, initial leasing, or retention 764
by the county itself, at its fair value for uses in accordance 765
with the county renewal plan; carrying out plans for a program of 766
voluntary or compulsory repair and rehabilitation of buildings or 767
other improvements in accordance with the county renewal plan; and 768
acquisition of any other real property in the county renewal area 769
where necessary to eliminate unhealthful, insanitary, or unsafe 770
conditions; lessen density, eliminate obsolete, or other uses 771
detrimental to the public welfare, or otherwise to remove or 772
prevent the spread of blight or deterioration, or to provide land 773
for needed public facilities. 774

(G) "County renewal area" means a slum area or a blighted 775
area or a combination thereof which the board of county 776
commissioners designates as appropriate for a county renewal 777
project. 778

(H) "County renewal plan" means a plan, as it exists from 779
time to time, for a county renewal project, which plan shall 780
conform to the general plan for the county, except as provided in 781
section 303.36 of the Revised Code, and shall be sufficiently 782
complete to indicate such land acquisition, demolition, and 783
removal of structures, redevelopment, improvements, and 784
rehabilitation as may be proposed to be carried out in the county 785
renewal area, zoning, and planning changes, if any, land uses, 786

maximum densities, building requirements, and the plan's 787
relationship to definite local objectives respecting appropriate 788
land uses, improved traffic, public transportation, public 789
utilities, recreational and community facilities, and other public 790
improvements. 791

(I) "Redevelopment" and derivatives thereof, when used with 792
respect to a county renewal area, mean development as well as 793
redevelopment. 794

(J) "Real property" includes all lands, including 795
improvements and fixtures thereon, and property of any nature 796
appurtenant thereto, or used in connection therewith, and every 797
estate, interest, right, and use, legal or equitable, therein, 798
including terms for years and liens by way of judgment, mortgage, 799
or otherwise. 800

(K) "Person" means any individual, firm, partnership, 801
corporation, company, association, joint stock association, or 802
body politic, and includes any trustee, receiver, assignee, or 803
other person acting in a similar representative capacity. 804

(L) "Obligee" includes any bondholder, agents, or trustees 805
for any bondholders, or lessor demising to the county property 806
used in connection with a county renewal project, or any assignee 807
or assignees of such lessor's interest or any part thereof, and 808
the federal government when it is a party to any contract with the 809
county. 810

(M) "Bond," as used in section 303.46 of the Revised Code, 811
means bonds, including refunding bonds, notes, interim 812
certificates of special indebtedness, debentures, or other 813
obligations of a county, payable and secured as authorized by 814
section 303.46 of the Revised Code. 815

Sec. 719.012. In order to rehabilitate a building or 816

structure that a municipal corporation determines to be a ~~threat~~ 817
~~to the public health, safety, or welfare; that has been declared~~ 818
~~to be a public nuisance under Chapter 3707., 3709., or 3781. of~~ 819
~~the Revised Code; and that either has been found to be insecure,~~ 820
~~unsafe, structurally defective, unhealthful, or unsanitary under~~ 821
~~sections 715.26 to 715.30 of the Revised Code or violates a~~ 822
~~building code or ordinance adopted under section 731.231~~ blighted 823
property as defined in section 1.08 of the Revised Code, a 824
municipal corporation may appropriate, in the manner provided in 825
sections 163.01 to 163.22 of the Revised Code, any such building 826
or structure and the real property of which it is a part. The 827
municipal corporation shall rehabilitate the building or structure 828
or cause it to be rehabilitated within two years after the 829
appropriation, so that the building or structure is no longer a 830
public nuisance, insecure, unsafe, structurally defective, 831
unhealthful, or unsanitary, or a threat to the public health, 832
safety, or welfare, or in violation of a building code or 833
ordinance adopted under section 731.231 of the Revised Code. Any 834
building or structure appropriated pursuant to this section which 835
is not rehabilitated within two years shall be demolished. 836

If during the rehabilitation process the municipal 837
corporation retains title to the building or structure and the 838
real property of which it is a part, then within one hundred 839
eighty days after the rehabilitation is complete, the municipal 840
corporation shall appraise the rehabilitated building or structure 841
and the real property of which it is a part, and shall sell the 842
building or structure and property at public auction. The 843
municipal corporation shall advertise the public auction in a 844
newspaper of general circulation in the municipal corporation once 845
a week for three consecutive weeks prior to the date of sale. The 846
municipal corporation shall sell the building or structure and 847
real property to the highest and best bidder. No property that a 848
municipal corporation acquires pursuant to this section shall be 849

leased. 850

Sec. 725.01. As used in sections 725.01 to 725.11 of the 851
Revised Code: 852

(A) "~~Slum area~~" ~~means an area within a municipal corporation,~~ 853
~~in which area there is a predominance of buildings or~~ 854
~~improvements, whether residential or nonresidential, which by~~ 855
~~reason of dilapidation, deterioration, age or obsolescence,~~ 856
~~inadequate provision for ventilation, light, air, sanitation, or~~ 857
~~open spaces, high density of population and overcrowding, or the~~ 858
~~existence of conditions which endanger life or property, by fire~~ 859
~~and other causes, or any combination of such factors, is conducive~~ 860
~~to ill health, transmission of disease, infant mortality, juvenile~~ 861
~~delinquency, or crime, and is detrimental to public health,~~ 862
~~safety, morals, or welfare has the meaning defined in section 1.08~~ 863
~~of the Revised Code.~~ 864

(B) "~~Blighted area~~" ~~means an area within a municipal~~ 865
~~corporation, which area by reason of the presence of a substantial~~ 866
~~number of slums, deteriorated or deteriorating structures,~~ 867
~~predominance of defective or inadequate street layout, faulty lot~~ 868
~~layout in relation to size, adequacy, accessibility, or~~ 869
~~usefulness, unsanitary or unsafe conditions, deterioration of site~~ 870
~~or other improvements, diversity of ownership, tax or special~~ 871
~~assessment delinquency exceeding the fair value of the land,~~ 872
~~defective or unusual conditions to title, or the existence of~~ 873
~~conditions which endanger life or property by fire and other~~ 874
~~causes, or any combination of such factors, substantially impairs~~ 875
~~or arrests the sound growth of a municipal corporation, retards~~ 876
~~the provision of housing accommodations, or constitutes an~~ 877
~~economic or social liability and is a menace to the public health,~~ 878
~~safety, morals, or welfare in its present condition and use has~~ 879
~~the meaning defined in section 1.08 of the Revised Code.~~ 880

(C)(1) "Development agreement" means an agreement that 881
includes as a minimum all of the following agreements between a 882
municipal corporation as obligee and the following parties as 883
obligors: 884

(a) An agreement to construct or rehabilitate the structures 885
and facilities described in the development agreement on real 886
property described in the agreement situated in an urban renewal 887
area, the obligor of such agreement to be a party determined by 888
the legislative authority of the municipal corporation to have the 889
ability to perform or cause the performance of the agreement; 890

(b) The agreement required by section 725.04 of the Revised 891
Code, the obligor of the agreement to be the owner or owners of 892
the improvements to be constructed or rehabilitated; 893

(c) An agreement of the owner or owners of the fee simple of 894
the real property to which the development agreement pertains, as 895
obligor, that the owner or owners and their successors and assigns 896
shall use, develop, and redevelop the real property in accordance 897
with, and for the period of, the urban renewal plan and shall so 898
bind their successors and assigns by appropriate agreements and 899
covenants running with the land enforceable by the municipal 900
corporation. 901

(2) A municipal corporation on behalf of the holders of urban 902
renewal bonds may be the obligor of any of the agreements 903
described in division (C)(1) of this section. 904

(D) "Revenues" means all rentals received under leases made 905
by the municipal corporation in any part or all of one or more 906
urban renewal areas; all proceeds of the sale or other disposition 907
of property of the municipal corporation in any part or all of one 908
or more urban renewal areas; and all urban renewal service 909
payments collected from any part or all of one or more urban 910
renewal areas. 911

(E) "Urban renewal area" means a slum area or a blighted area 912
or a combination thereof which the legislative authority of the 913
municipal corporation designates as appropriate for an urban 914
renewal project. 915

(F) "Urban renewal bonds" means, unless the context indicates 916
a different meaning, definitive bonds, interim receipts, temporary 917
bonds, and urban renewal refunding bonds issued pursuant to 918
sections 725.01 to 725.11 of the Revised Code, and bonds issued 919
pursuant to Article XVIII, Section 3, Ohio Constitution, for the 920
uses specified in section 725.07 of the Revised Code. 921

(G) "Urban renewal refunding bonds" means the refunding bonds 922
authorized by section 725.07 of the Revised Code. 923

(H) "Urban renewal plan" means a plan, as it exists from time 924
to time, for an urban renewal project, which plan shall conform to 925
the general plan for the municipal corporation, if any, and shall 926
be sufficiently complete to indicate such land acquisition, 927
demolition, and removal of structures, redevelopment, 928
improvements, and rehabilitation as may be proposed to be carried 929
out in the urban renewal area, zoning, and planning changes, if 930
any, land uses, maximum densities, and building requirements. 931

(I) "Urban renewal project" may include undertakings and 932
activities of a municipal corporation in an urban renewal area for 933
the elimination and for the prevention of the development or 934
spread of slums and blight, and may involve slum clearance and 935
redevelopment in an urban renewal area, or rehabilitation or 936
conservation in an urban renewal area, or any combination or part 937
thereof, in accordance with an urban renewal plan, and such 938
aforesaid undertakings and activities may include acquisition of a 939
slum area or a blighted area, or portion thereof, demolition and 940
removal of buildings and improvements; installation, construction, 941
or reconstruction of streets, utilities, parks, playgrounds, 942
public buildings and facilities, and other improvements necessary 943

for carrying out in the urban renewal area the urban renewal 944
objectives in accordance with the urban renewal plan, disposition 945
of any property acquired in the urban renewal area, including 946
sale, leasing, or retention by the municipal corporation itself, 947
at its fair value for uses in accordance with the urban renewal 948
plan; carrying out plans for a program of voluntary or compulsory 949
repair and rehabilitation of buildings or other improvements in 950
accordance with the urban renewal plan; the acquisition, 951
construction, enlargement, improvement, or equipment of property, 952
structures, equipment, or facilities for industry, commerce, 953
distribution, or research from the proceeds of urban renewal bonds 954
issued pursuant to division (C) of section 725.05 of the Revised 955
Code; and acquisition of any other real property in the urban 956
renewal area where necessary to eliminate unhealthful, unsanitary, 957
or unsafe conditions, lessen density, eliminate obsolete, or other 958
uses detrimental to the public welfare, or otherwise to remove or 959
prevent the spread of blight or deterioration, or to provide land 960
for needed public facilities. 961

(J) "Urban renewal debt retirement fund" means a fund, 962
created pursuant to section 725.03 of the Revised Code by the 963
legislative authority of a municipal corporation when authorizing 964
a single issue or a series of urban renewal bonds, to be used for 965
payment of the principal of and interest and redemption premium on 966
such urban renewal bonds, trustee's fees, and costs and expenses 967
of providing credit facilities, put arrangements, and interest 968
rate hedges, and for fees and expenses of agents, and other fees, 969
costs, and expenses, in connection with arrangements under 970
sections 9.98 to 9.983 of the Revised Code; or when authorizing 971
the repayment of loans from the state issued pursuant to Chapter 972
164. of the Revised Code and used for urban renewal projects, to 973
be used to repay the principal and interest on such loans. When so 974
authorized by the legislative authority of a municipal 975
corporation, such a fund may be used for both purposes permitted 976

under this division.	977
(K) "Urban renewal service payments" means the urban renewal service payments, in lieu of taxes, provided for in section 725.04 of the Revised Code.	978 979 980
(L) "Improvements" means the structures and facilities constructed or rehabilitated pursuant to a development agreement.	981 982
(M) "Exemption period" means that period during which all or a portion of the assessed valuation of the improvements has been exempted from real property taxation pursuant to section 725.02 of the Revised Code.	983 984 985 986
Sec. 1728.01. As used in sections 1728.01 to 1728.13 of the Revised Code:	987 988
(A) "Governing body" means, in the case of a municipal corporation, the city council or legislative authority.	989 990
(B) "Community urban redevelopment corporation" means a corporation qualified under Chapter 1728. of the Revised Code, to acquire, construct, operate, and maintain a project hereunder, or to acquire, operate, and maintain a project constructed by a corporation so qualified under Chapter 1728. of the Revised Code, and the term "corporation" when used within Chapter 1728. of the Revised Code, shall be understood to be a contraction of the term "community urban redevelopment corporation" except when the context indicates otherwise.	991 992 993 994 995 996 997 998 999
(C) "Impacted city" means a municipal corporation that meets the requirements of either division (C) (1) or (2) of this section:	1000 1001 1002
(1) In attempting to cope with the problems of urbanization, to create or preserve jobs and employment opportunities, and to improve the economic welfare of the people of the municipal corporation, the municipal corporation has at some time:	1003 1004 1005 1006

(a) Taken affirmative action by its legislative body to 1007
permit the construction of housing by a metropolitan housing 1008
authority organized pursuant to sections 3735.27 to 3735.39 of the 1009
Revised Code within its corporate boundaries or to permit such a 1010
metropolitan housing authority to lease dwelling units within its 1011
corporate boundaries; and 1012

(b) Been certified by the director of the department of 1013
development that a workable program for community improvement 1014
(which shall include an official plan of action for effectively 1015
dealing with the problem of urban slums and blight within the 1016
community and for the establishment and preservation of a 1017
well-planned community with well-organized residential 1018
neighborhoods of decent homes and suitable living environment for 1019
adequate family life) for utilizing appropriate private and public 1020
resources to eliminate, and to prevent the development or spread 1021
of, slums and urban blight, to encourage needed urban 1022
rehabilitation, to provide for the redevelopment of blighted, 1023
deteriorated, or slum areas, to undertake such activities or other 1024
feasible community activities as may be suitably employed to 1025
achieve the objectives of such a program has been adopted. A 1026
determination by the United States that the impacted city's 1027
workable program meets the federal workable program requirements 1028
shall be sufficient for the director's certification. 1029

(2) Been declared a major disaster area, or part of a major 1030
disaster area, pursuant to the "Disaster Relief Act of 1970," 84 1031
Stat. 1744, 42 U.S.C.A. 4401, as now or hereafter amended, and has 1032
been extensively damaged or destroyed by a major disaster, 1033
provided that impacted city status obtained pursuant to division 1034
(C) (2) of this section lasts for only a limited period from the 1035
date of the declaration, as determined by the rules promulgated 1036
pursuant to division (G) of section 122.06 of the Revised Code, 1037
but in the event that an impacted city, while qualified under such 1038

division, enters into a financial agreement with a community urban 1039
redevelopment corporation pursuant to section 1728.07 of the 1040
Revised Code, a loss of certification under such rules shall not 1041
affect that agreement or the project to which it relates. 1042

(D) "Community development plan" means a plan, as it exists 1043
from time to time, for the redevelopment and renewal of a blighted 1044
area, which plan shall conform to the general plan for the 1045
municipality, and shall be sufficiently complete to indicate such 1046
land acquisition, demolition, and removal of structures, 1047
redevelopment, improvements, and rehabilitation as may be proposed 1048
to be carried out in such blighted area, zoning, and any planning 1049
changes, land uses, maximum densities, and building requirements. 1050

(E) ~~"Blighted area" means an area within a municipality 1051
containing a majority of structures that have been extensively 1052
damaged or destroyed by a major disaster, or that, by reason of 1053
dilapidation, deterioration, age or obsolescence, inadequate 1054
provision for ventilation, light, air, sanitation, or open spaces, 1055
unsafe and unsanitary conditions or the existence of conditions 1056
which endanger lives or properties by fire or other hazards and 1057
causes, or that, by reason of location in an area with inadequate 1058
street layout, incompatible land uses or land use relationships, 1059
overcrowding of buildings on the land, excessive dwelling unit 1060
density, or other identified hazards to health and safety, are 1061
conducive to ill health, transmission of disease, juvenile 1062
delinquency and crime and are detrimental to the public health, 1063
safety, morals and general welfare has the meaning defined in 1064
section 1.08 of the Revised Code. 1065~~

(F) "Project" means: 1066

(1) As to blighted areas within all municipal corporations, 1067
the undertaking and execution of the redevelopment of a blighted 1068
area by a community urban redevelopment corporation, in whole or 1069
in part, pursuant to a community development plan approved by the 1070

governing body of the municipal corporation in which such blighted 1071
area is situated and in accordance with an agreement for the sale 1072
or lease of all or a portion of the land concerned in such 1073
redevelopment to the corporation by a municipal corporation, or 1074
agency, or authority including the work to be done in reference 1075
thereto, the designation of the particular proposed buildings to 1076
be constructed and their uses and purposes, the landscaping of the 1077
premises, the streets and access roads, recreational facilities, 1078
if any, the furnishing of the public utilities, the financial 1079
arrangements, and the terms and conditions of the proposed 1080
municipal corporation and approval; and 1081

(2) In addition as to blighted areas within impacted cities, 1082
the undertaking and activities of a community urban redevelopment 1083
corporation in a blighted area for the elimination and for the 1084
prevention of the development or spread of blight pursuant to a 1085
community development plan approved by the governing body of the 1086
impacted city and to the extent agreed to by the governing body of 1087
the impacted city in the financial agreement provided for in 1088
section 1728.07 of the Revised Code and may involve clearance and 1089
redevelopment, or rehabilitation or conservation or any 1090
combination or part thereof, in accordance with such community 1091
development plan, and such aforesaid undertakings and activities 1092
may include acquisition of a blighted area or portion by purchase 1093
or otherwise, and demolition and removal of buildings and 1094
improvements. 1095

(G) "Total project unit cost" or "total project cost" means 1096
the aggregate of the following items as related to any unit of a 1097
project if the project is to be undertaken in units or to the 1098
total project if the project is not to be undertaken in units: 1099

(1) Cost of the land to the community urban redevelopment 1100
corporation; 1101

(2) Architects', engineers', and attorneys' fees paid or 1102

corporation from the project. If in any leasing, any real estate 1133
taxes or assessments on property included in the project, any 1134
premiums for fire or other insurance on or concerning property 1135
included in the project, or any operating or maintenance expenses 1136
ordinarily paid by a landlord are to be paid by the tenant, such 1137
payments shall be computed and deemed to be part of the rent and 1138
shall be included in the annual gross revenue. The financial 1139
agreement provided for in section 1728.07 of the Revised Code 1140
shall establish the method of computing such additional revenue, 1141
and may establish a method of arbitration where either the 1142
landlord or the tenant disputes the amount of such payments so 1143
included in the annual gross revenue. 1144

(I) "Major disaster" means any tornado, storm, flood, high 1145
water, wind-driven water, tidal wave, earthquake, fire, or other 1146
catastrophe. 1147

Sec. 2505.02. (A) As used in this section: 1148

(1) "Substantial right" means a right that the United States 1149
Constitution, the Ohio Constitution, a statute, the common law, or 1150
a rule of procedure entitles a person to enforce or protect. 1151

(2) "Special proceeding" means an action or proceeding that 1152
is specially created by statute and that prior to 1853 was not 1153
denoted as an action at law or a suit in equity. 1154

(3) "Provisional remedy" means a proceeding ancillary to an 1155
action, including, but not limited to, a proceeding for a 1156
preliminary injunction, attachment, discovery of privileged 1157
matter, suppression of evidence, a prima-facie showing pursuant to 1158
section 2307.85 or 2307.86 of the Revised Code, a prima-facie 1159
showing pursuant to section 2307.92 of the Revised Code, or a 1160
finding made pursuant to division (A)(3) of section 2307.93 of the 1161
Revised Code. 1162

(B) An order is a final order that may be reviewed, affirmed, 1163
modified, or reversed, with or without retrial, when it is one of 1164
the following: 1165

(1) An order that affects a substantial right in an action 1166
that in effect determines the action and prevents a judgment; 1167

(2) An order that affects a substantial right made in a 1168
special proceeding or upon a summary application in an action 1169
after judgment; 1170

(3) An order that vacates or sets aside a judgment or grants 1171
a new trial; 1172

(4) An order that grants or denies a provisional remedy and 1173
to which both of the following apply: 1174

(a) The order in effect determines the action with respect to 1175
the provisional remedy and prevents a judgment in the action in 1176
favor of the appealing party with respect to the provisional 1177
remedy. 1178

(b) The appealing party would not be afforded a meaningful or 1179
effective remedy by an appeal following final judgment as to all 1180
proceedings, issues, claims, and parties in the action. 1181

(5) An order that determines that an action may or may not be 1182
maintained as a class action; 1183

(6) An order determining the constitutionality of any changes 1184
to the Revised Code made by Am. Sub. S.B. 281 of the 124th general 1185
assembly, including the amendment of sections 1751.67, 2117.06, 1186
2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 1187
2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.16, 3923.63, 1188
3923.64, 4705.15, and 5111.018, and the enactment of sections 1189
2305.113, 2323.41, 2323.43, and 2323.55 of the Revised Code or any 1190
changes made by Sub. S.B. 80 of the 125th general assembly, 1191
including the amendment of sections 2125.02, 2305.10, 2305.131, 1192

2315.18, 2315.19, and 2315.21 of the Revised Code;	1193
<u>(7) An order in an appropriation proceeding that may be</u>	1194
<u>appealed pursuant to division (B)(3) of section 163.09 of the</u>	1195
<u>Revised Code.</u>	1196
(C) When a court issues an order that vacates or sets aside a	1197
judgment or grants a new trial, the court, upon the request of	1198
either party, shall state in the order the grounds upon which the	1199
new trial is granted or the judgment vacated or set aside.	1200
(D) This section applies to and governs any action, including	1201
an appeal, that is pending in any court on July 22, 1998, and all	1202
claims filed or actions commenced on or after July 22, 1998,	1203
notwithstanding any provision of any prior statute or rule of law	1204
of this state.	1205
Sec. 3735.40. As used in sections 3735.27, 3735.31, and	1206
3735.40 to 3735.50 of the Revised Code:	1207
(A) "Federal government" includes the United States, the	1208
federal works administrator, or any other agency or	1209
instrumentality, corporate or otherwise, of the United States.	1210
(B) " Slum area " means any area where dwellings predominate	1211
which, by reason of dilapidation, overcrowding, faulty arrangement	1212
or design, lack of ventilation, light, or sanitary facilities, or	1213
any combination of these factors, are detrimental to safety,	1214
health, or morals <u>has the meaning defined in section 1.08 of the</u>	1215
<u>Revised Code.</u>	1216
(C) "Housing project" or "project" means any of the following	1217
works or undertakings:	1218
(1) Demolish, clear, or remove buildings from any slum area.	1219
Such work or undertaking may embrace the adaptation of such area	1220
to public purposes, including parks or other recreational or	1221
community purposes.	1222

(2) Provide decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes.

(3) Accomplish a combination of the foregoing. "Housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

(D) "Families of low income" means persons or families who lack the amount of income which is necessary, as determined by the metropolitan housing authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding.

(E) "Families" means families consisting of two or more persons, a single person who has attained the age at which an individual may elect to receive an old age benefit under Title II of the "Social Security Act" or is under disability as defined in section 223 of that act, 49 Stat. 622 (1935), 42 U. S. C. A. 401, as amended, or the remaining member of a tenant family.

(F) "Families" also means a single person discharged by the head of a hospital pursuant to section 5122.21 of the Revised Code after March 10, 1964.

Section 2. That existing sections 163.01, 163.02, 163.04, 163.05, 163.06, 163.09, 163.14, 163.15, 163.19, 163.21, 163.53, 163.62, 303.26, 719.012, 725.01, 1728.01, 2505.02, and 3735.40 of

the Revised Code are hereby repealed. 1254

Section 3. The General Assembly finds that in order to 1255
adequately protect property rights and ensure that vital public 1256
improvements are completed in a timely manner, it is necessary to 1257
provide for prompt appeals from adverse judgments in appropriation 1258
actions. As a result, the General Assembly encourages the Supreme 1259
Court of Ohio to exercise its constitutional authority under 1260
Section 5 of Article IV, Ohio Constitution, to adopt a procedural 1261
rule requiring expedited appeals in appropriation actions. 1262

Section 4. The General Assembly finds that to ensure the 1263
fairness of appropriation proceedings under Chapter 163. and other 1264
provisions of the Revised Code, persons who testify in such 1265
proceedings as to the value of property should be licensed 1266
appraisers who are required to follow the Uniform Standards of 1267
Professional Appraisal Practice. Therefore, the General Assembly 1268
respectfully requests the Supreme Court to adopt rules to require 1269
that a witness who testifies in an appropriation proceeding as to 1270
the value of property hold a professional license as a real estate 1271
appraiser and to adhere to professional standards of practice. 1272

Section 5. Section 2505.02 of the Revised Code is presented 1273
in this act as a composite of the section as amended by both Am. 1274
Sub. H.B. 516 and Am. Sub. S.B. 80 of the 125th General Assembly. 1275
The General Assembly, applying the principle stated in division 1276
(B) of section 1.52 of the Revised Code that amendments are to be 1277
harmonized if reasonably capable of simultaneous operation, finds 1278
that the composite is the resulting version of the section in 1279
effect prior to the effective date of the section as presented in 1280
this act. 1281