

**As Passed by the House**

**127th General Assembly  
Regular Session  
2007-2008**

**Am. Sub. S. B. No. 7**

**Senator Grendell**

**Cosponsors: Senators Harris, Faber, Schaffer, Amstutz, Coughlin, Gardner,  
Padgett, Schuring, Clancy, Mumper, Carey, Niehaus, Austria, Buehrer,  
Goodman, Jacobson, Schuler, Spada, Stivers, Miller, R., Wilson  
Representatives Blessing, Wagoner, Coley, Bacon, Seitz, Batchelder, Adams,  
Aslanides, Bubp, Carmichael, Collier, Combs, Core, Daniels, Dolan,  
Domenick, Evans, Flowers, Gibbs, Goodwin, Hagan, J., Hite, Hottinger,  
Hughes, Jones, Oelslager, Peterson, Reinhard, Schindel, Setzer, Stebelton,  
Uecker, Wachtmann, Wagner, White, Zehringer**

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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, 163.12, 163.14, 163.15, 163.19, 2  
163.21, 163.53, 163.62, 303.26, 719.012, 1728.01, 3  
2505.02, and 3735.40 and to enact sections 1.08, 4  
163.021, 163.041, 163.051, 163.211, and 163.63 of 5  
the Revised Code to implement the recommendations 6  
of the Eminent Domain Task Force and to create 7  
other procedures to protect the rights of property 8  
owners. 9

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

**Section 1.** That sections 163.01, 163.02, 163.04, 163.05, 10  
163.06, 163.09, 163.12, 163.14, 163.15, 163.19, 163.21, 163.53, 11  
163.62, 303.26, 719.012, 1728.01, 2505.02, and 3735.40 be amended 12  
and sections 1.08, 163.021, 163.041, 163.051, 163.211, and 163.63 13

of the Revised Code be enacted to read as follows: 14

Sec. 1.08. As used in the Revised Code: 15

(A) "Blighted area" and "slum" mean an area in which at least 16  
seventy per cent of the parcels are blighted parcels and those 17  
blighted parcels substantially impair or arrest the sound growth 18  
of the state or a political subdivision of the state, retard the 19  
provision of housing accommodations, constitute an economic or 20  
social liability, or are a menace to the public health, safety, 21  
morals, or welfare in their present condition and use. 22

(B) "Blighted parcel" means either of the following: 23

(1) A parcel that has one or more of the following 24  
conditions: 25

(a) A structure that is dilapidated, unsanitary, unsafe, or 26  
vermin infested and that because of its condition has been 27  
designated by an agency that is responsible for the enforcement of 28  
housing, building, or fire codes as unfit for human habitation or 29  
use; 30

(b) The property poses a direct threat to public health or 31  
safety in its present condition by reason of environmentally 32  
hazardous conditions, solid waste pollution, or contamination; 33

(c) Tax or special assessment delinquencies exceeding the 34  
fair value of the land that remain unpaid thirty-five days after 35  
notice to pay has been mailed. 36

(2) A parcel that has two or more of the following conditions 37  
that, collectively considered, adversely affect surrounding or 38  
community property values or entail land use relationships that 39  
cannot reasonably be corrected through existing zoning codes or 40  
other land use regulations: 41

(a) Dilapidation and deterioration; 42

<u>(b) Age and obsolescence;</u>	43
<u>(c) Inadequate provision for ventilation, light, air, sanitation, or open spaces;</u>	44 45
<u>(d) Unsafe and unsanitary conditions;</u>	46
<u>(e) Hazards that endanger lives or properties by fire or other causes;</u>	47 48
<u>(f) Noncompliance with building, housing, or other codes;</u>	49
<u>(g) Nonworking or disconnected utilities;</u>	50
<u>(h) Is vacant or contains an abandoned structure;</u>	51
<u>(i) Excessive dwelling unit density;</u>	52
<u>(j) Is located in an area of defective or inadequate street layout;</u>	53 54
<u>(k) Overcrowding of buildings on the land;</u>	55
<u>(l) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;</u>	56 57
<u>(m) Vermin infestation;</u>	58
<u>(n) Extensive damage or destruction caused by a major disaster when the damage has not been remediated within a reasonable time;</u>	59 60 61
<u>(o) Identified hazards to health and safety that are conducive to ill health, transmission of disease, juvenile delinquency, or crime;</u>	62 63 64
<u>(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.</u>	65 66 67
<u>(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</u>	68 69 70

comparatively better use for any premises, property, structure, 71  
area, or portion of an area, or whether the property could 72  
generate more tax revenues if put to another use. 73

(D)(1) Notwithstanding any other provision of this section, 74  
absent any environmental or public health hazard that cannot be 75  
corrected under its current use or ownership, a property is not a 76  
blighted parcel because of any condition listed in division (B) of 77  
this section if the condition is consistent with conditions that 78  
are normally incident to generally accepted agricultural practices 79  
and the land is used for agricultural purposes as defined in 80  
section 303.01 or 519.01 of the Revised Code, or the county 81  
auditor of the county in which the land is located has determined 82  
under section 5713.31 of the Revised Code that the land is "land 83  
devoted exclusively to agricultural use" as defined in section 84  
5713.30 of the Revised Code. 85

(2) A property that under division (D)(1) of this section is 86  
not a blighted parcel shall not be included in a blighted area or 87  
slum. 88

**Sec. 163.01.** As used in sections 163.01 to 163.22 of the 89  
Revised Code: 90

(A) "Public agency" means any governmental corporation, unit, 91  
organization, instrumentality, or officer authorized by law to 92  
appropriate property in the courts of this state. ~~"Private~~ 93

(B) "Private agency" means any ~~other~~ corporation, firm, 94  
partnership, voluntary association, joint-stock association, or 95  
company that is not a public agency and that is authorized by law 96  
to appropriate property in the courts of this state. "Agency" 97  
includes 98

(C) "Agency" means any public agency or private agency. 99

~~(B)~~(D) "Court" includes means the court of common pleas and 100

or the probate court of any county in which the property sought to be appropriated is located in whole or in part.

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

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

(G) "Public utility" has the same meaning as in section 4905.02 of the Revised Code and also includes a public utility owned or operated by one or more municipal corporations, an electric cooperative, and an agency holding a certificate of public convenience and necessity granted by the federal energy regulatory commission.

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

(a) A public utility, municipal power agency, or common carrier;

(b) A private entity that occupies a port authority transportation facility or an incidental area within a publicly owned and occupied project;

(c) A private entity when the agency that takes the property establishes by a preponderance of the evidence that the property is a blighted parcel or is included in a blighted area.

(2) All of the following are presumed to be public uses: utility facilities, roads, sewers, water lines, public schools,

public institutions of higher education, private institutions of 131  
higher education that are authorized to appropriate property under 132  
section 3333.08 of the Revised Code, public parks, government 133  
buildings, port authority transportation facilities, projects by 134  
an agency that is a public utility, and similar facilities and 135  
uses of land. 136

(I) "Electric cooperative" has the same meaning as in section 137  
4928.01 of the Revised Code. 138

(J) "Good faith offer" means the written offer that an agency 139  
that is appropriating property must make to the owner of the 140  
property pursuant to division (B) of section 163.04 of the Revised 141  
Code before commencing an appropriation proceeding. 142

(K) "Goodwill" means the calculable benefits that accrue to a 143  
business as a result of its location, reputation for 144  
dependability, skill or quality, and any other circumstances that 145  
result in probable retention of old, or acquisition of new, 146  
patronage. 147

(L) "Municipal power agency" has the same meaning as in 148  
section 3734.058 of the Revised Code. 149

(M) "Port authority transportation facility" means any 150  
facility developed, controlled, or operated by a port authority 151  
for the purpose of providing passenger, cargo, or freight 152  
transportation services, such as airports, maritime ports, rail 153  
facilities, transit facilities, and support facilities directly 154  
related to any airport, maritime port, rail facility, or transit 155  
facility. 156

**Sec. 163.02.** ~~(A) Except as provided in divisions (B), (C),~~ 157  
~~(D), and (F) of this section, all~~ All appropriations of real 158  
property shall be made pursuant to sections 163.01 to 163.22 of 159  
the Revised Code, except as otherwise provided in this section, as 160

otherwise provided to abate a health nuisance or because of a 161  
public exigency as provided in division (B) of section 307.08, 162  
6101.181, 6115.221, 6117.39, or 6119.11 or division (D) of section 163  
504.19 of the Revised Code, or as otherwise provided to abate a 164  
health nuisance or because of a public exigency as provided in a 165  
municipal charter or ordinance. 166

~~(B) Subject to division (E) of this section, the~~ The director 167  
of transportation may appropriate real property pursuant to 168  
sections 163.01 to 163.22 of the Revised Code or as otherwise 169  
provided by law. 170

~~(C) Subject to division (E) of this section, a conservancy~~ 171  
~~district may appropriate real property by procedures prescribed in~~ 172  
~~Chapter 6101. of the Revised Code.~~ 173

~~(D) Subject to division (E) of this section, a sanitary~~ 174  
~~district may appropriate real property by procedures prescribed in~~ 175  
~~Chapter 6115. of the Revised Code.~~ 176

~~(E) When the director of transportation, a conservancy~~ 177  
~~district, or a sanitary district proceeds~~ Notwithstanding any 178  
authority to appropriate real property other than under sections 179  
163.01 to 163.22 of the Revised Code, ~~the proceedings are~~ any 180  
proceeding to appropriate real property is subject to division (B) 181  
of section 163.21 of the Revised Code. 182

~~(F) A county, township that has adopted a limited home rule~~ 183  
~~government, conservancy district, sanitary district, county sewer~~ 184  
~~district, or a regional water and sewer district also may~~ 185  
~~appropriate real property in the manner prescribed in division (B)~~ 186  
~~of section 307.08, 6101.181, 6115.221, 6117.39, or 6119.11 or~~ 187  
~~division (D) of section 504.19 of the Revised Code, as applicable.~~ 188

~~(G)(D)~~ Any instrument by which ~~the state or an agency of the~~ 189  
~~state~~ acquires real property pursuant to this section shall 190  
identify include all of the following: 191

(1) The name of the agency of the state that has the use and benefit of the real property as specified in the manner required by section 5301.012 of the Revised Code; 192  
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(2) A statement of the purpose of the appropriation as provided with the appropriation petition; 195  
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(3) A statement that the prior owner possesses a right of repurchase pursuant to section 163.211 of the Revised Code if the agency decides not to use the property for the purpose stated in the appropriation petition and the owner provides timely notice of a desire to repurchase. Nothing in this section affects the authority of the director of transportation to convey unneeded property pursuant to division (F) of section 5501.34 of the Revised Code. 197  
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(E) Nothing in this chapter precludes any person from voluntarily conveying a property to an agency that is considering appropriating the property or that offers to purchase the property under threat of appropriation. Any such voluntary conveyance of a property to an agency is deemed for all purposes to be a sale under the threat of appropriation for a public use. This division applies to a voluntary conveyance to an agency regardless of whether the property is a blighted property or is located in a blighted area, or the property subsequently could be found for any reason not to qualify for appropriation by the agency. 205  
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**Sec. 163.021.** (A) No agency shall appropriate real property except as necessary and for a public use. In any appropriation, the taking agency shall show by a preponderance of the evidence that the taking is necessary and for a public use. 215  
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(B) Before an agency appropriates property based on a finding that the area is a blighted area or a slum, the agency shall do both of the following: 219  
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(1) Adopt a comprehensive development plan that describes the public need for the property. The plan shall include at least one study documenting the public need. All of the costs of developing the plan shall be publicly financed. 222  
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(2) If the agency is governed by a legislative body, obtain a resolution from that legislative body affirming the public need for the property. 226  
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(C) No park board, park district, board of directors of a conservancy district, incorporated association with a purpose of establishing or preserving public parks and memorial sites, or similar park authority shall exercise any power of eminent domain to appropriate real property outside the county or counties in which the park authority is located unless the appropriation has the written approval of the legislative authority of each county in which the property is located, other than the county or counties in which the park authority is located. 229  
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(D) No agency shall appropriate property based on a finding that the parcel is a blighted parcel or that the area is a blighted area or slum by making that finding in, or in conjunction with, an emergency ordinance or resolution. 238  
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(E) If an appropriation is by a public agency that is not elected and an owner has provided the public agency with a written objection to the appropriation, the elected officials of the public agency or elected individual that appointed the unelected agency may veto that appropriation. If the unelected public agency was appointed by more than one public agency or elected individual, a majority vote of the elected officials of the appointing public agencies or elected individuals is required to veto the appropriation. If the public agency that is not elected is a state agency or instrumentality such as a university, the governor has the veto authority. The governor may delegate that authority but may not delegate that authority to the unelected 242  
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agency that seeks the appropriation. 254

Sec. 163.04. Appropriations shall be made (A) At least thirty 255  
days before filing a petition pursuant to section 163.05 of the 256  
Revised Code, an agency shall provide notice to the owner of the 257  
agency's intent to acquire the property. The notice shall be 258  
substantially in the form set forth in section 163.041 of the 259  
Revised Code. The notice shall be delivered personally on, or by 260  
certified mail to, the owner of the property or the owner's 261  
designated representative. 262

(B) Together with the notice that division (A) of this 263  
section requires, or after providing that notice but not less than 264  
thirty days before filing a petition pursuant to section 163.05 of 265  
the Revised Code, an agency shall provide an owner with a written 266  
good faith offer to purchase the property. The agency may revise 267  
that offer if before commencing an appropriation proceeding the 268  
agency becomes aware of conditions indigenous to the property that 269  
could not reasonably have been discovered at the time of the 270  
initial good faith offer or if the agency and the owner exchange 271  
appraisals prior to the filing of the petition. 272

(C) An agency may appropriate real property only after the 273  
agency obtains an appraisal of the property and provides a copy of 274  
the appraisal to the owner or, if more than one, each owner or to 275  
the guardian or trustee of each owner. The agency need not provide 276  
an owner with a copy of the appraisal when that owner is incapable 277  
of contracting in person or by agent to convey the property and 278  
has no guardian or trustee or is unknown, or the residence of the 279  
owner cannot with reasonable diligence be ascertained. When the 280  
appraisal indicates that the property is worth less than ten 281  
thousand dollars, the agency need only provide an owner, guardian, 282  
or trustee with a summary of the appraisal. The agency shall 283  
provide the copy or summary of the appraisal to an owner, 284

guardian, or trustee at or before the time the agency makes its 285  
first offer to purchase the property. A public utility or the head 286  
of a public agency may prescribe a procedure to waive the 287  
appraisal in cases involving the acquisition by sale or donation 288  
of property with a fair market value of ten thousand dollars or 289  
less. 290

(D) An agency may appropriate real property only after the 291  
agency is unable to agree on a conveyance or the terms of a 292  
conveyance, for any reason, with the any owner, or if more than 293  
one, any owner, or his the guardian or trustee, or when of any 294  
owner unless each owner is incapable of contracting in person or 295  
by agent to convey the property and has no guardian or trustee, or 296  
each owner is unknown, or is not a resident of this state, or his 297  
the residence of each owner is unknown to the agency and cannot 298  
the residence of no owner can with reasonable diligence be 299  
ascertained. 300

(E) An agency may appropriate real property for projects that 301  
will disrupt the flow of traffic or impede access to property only 302  
after the agency makes reasonable efforts to plan the project in a 303  
way that will limit those effects. This division does not apply to 304  
an agency if it initiated the project for which it appropriates 305  
the property under Title LV of the Revised Code. 306

**Sec. 163.041.** Before initiating an appropriation action, an 307  
agency shall provide notice to each property owner as required by 308  
division (A) of section 163.04 of the Revised Code. The notice 309  
shall be substantially in the following form: 310

NOTICE OF INTENT TO ACQUIRE 311

TO: ..... (owner(s))                      DATE: ..... 312

..... (agency) needs your property for a ..... 313

(description of the project) and will need to acquire the 314

following from you: 315

..... (general description of the property or  
easement to be acquired). 316  
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Ohio law authorizes ..... (agency) to obtain your property or 318  
an easement across your property for certain public purposes. The 319  
legal description of your property that ..... (agency) needs 320  
is: (is attached:) 321

We will be presenting you with a written offer based on our 322  
determination of the fair market value of your property. You will 323  
have ..... days (minimum of ten) from the time you receive that 324  
offer to accept or reject the offer. We will be willing to discuss 325  
the offer with you during that time. **You are not required to** 326  
**accept that offer.** If you reject the offer or we are unable to 327  
come to an agreement, we may have to exercise our eminent domain 328  
authority to appropriate your property, which requires a court 329  
procedure. In a court proceeding, you may disagree with any of the 330  
following: whether the project is necessary (except in quick 331  
takes), whether the project is a public use (except in quick 332  
takes), whether your property is blighted (if applicable), and 333  
whether our offer reflects the fair market value of the property. 334

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED 335  
RIGHTS: 336

1. By law, ..... (agency) is required to make a good 337  
faith effort to purchase (your property) (an easement across your 338  
property). 339

2. **You do not have to accept this offer** and ..... 340  
(agency) is not required to agree to your demands. 341

3. If you do not accept this offer, and we cannot come to an 342  
agreement on the acquisition of (your property)(an easement), 343  
..... (agency) has the right to file suit to acquire the 344  
(property)(easement) by eminent domain in the county in which the 345  
property is located. 346

4. You have the right to seek the advice of an attorney, real estate appraiser, or any other person of your choice in this matter. 347  
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5. (this paragraph does not apply to private agencies or to municipally owned public utilities) You have a right to appeal this decision and may object to this project's public purpose, necessity, designation of blight (if applicable), or valuation by writing, within ten business days of receiving this notice, to: 350  
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..... (name(s) and address(es) of the taking agency, as well as to the elected official(s) who appointed the taking agency if the taking agency is not elected). 355  
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(The elected official)(A majority of the elected officials) that appointed ..... (unelected agency) has/have the discretion to veto this project, and if they do so, it will not proceed. (This applies only if the taking agency is a public agency composed of officials who were not elected.) 358  
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6. We are required by law to provide you with a written offer and the appraisal or summary appraisal on which we base that offer (public agencies and public utilities may delete this phrase for properties valued at less than \$10,000 if they have adopted alternate procedures). 363  
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After a trial, a jury will decide the amount you are to be awarded for your property that is taken, for the damage that is caused by the taking, if applicable, and for other damages permitted by law, which could either exceed or be less than our offer. During the court proceeding, you have the right to testify as to the value of your property, and you and the agency are entitled to present evidence of the fair market value of the property (easement). 368  
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You may employ, at your own expense, appraisers and attorneys to represent you at this time or at any time during the 376  
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proceedings described in this notice. 378

If we go to court to determine the amount we pay for your 379  
property and the jury awards you an amount that is significantly 380  
in excess of a good faith offer, revised offer, or offer made 381  
after an exchange of appraisals, as provided by law, you may be 382  
entitled to recover attorney's fees, costs, and expenses, subject 383  
to certain statutory limits. 384

If we go to court to determine whether the project is 385  
necessary or for a public use, and the court decides that it is 386  
not necessary or not for a public use, the judge shall award you 387  
your full amount of attorney's fees, costs, and expenses. 388

You also have the right to request that the issue of the 389  
value of your property be submitted to nonbinding mediation. You 390  
must submit your written request for mediation within ten business 391  
days after you file an answer to the agency's petition for an 392  
appropriation proceeding. If a settlement is not reached at 393  
mediation, the matter will proceed to a jury valuation trial. 394

If you have any questions concerning this matter, you may 395  
contact us at: 396

..... (full name, mailing, and street address, and 397  
phone of the agency) 398

..... (signature of contact person) 399

..... (printed name and title of contact person) 400

Agent of ..... (if different than agency) 401

**Sec. 163.05.** An agency ~~which~~ that has met the requirements of 402  
~~section~~ sections 163.04 and 163.041 of the Revised Code, may 403  
commence proceedings in a proper court by filing a petition for 404  
appropriation of each parcel or contiguous parcels in a single 405  
common ownership, or interest or right therein. The petition of a 406  
private agency shall be verified as in a civil action ~~and all.~~ All 407

petitions shall contain: 408

(A) A description of each parcel of land or interest or right 409  
therein sought to be appropriated, such as will permit ready 410  
identification of the land involved; 411

(B) ~~In the case of a private agency, a~~ (1) A statement that 412  
~~such~~ the appropriation is necessary, for a public use, and, in the 413  
case of a public agency, a copy of the resolution of the public 414  
agency to appropriate; 415

(2) If the property being appropriated is a blighted parcel 416  
that is being appropriated pursuant to a redevelopment plan, a 417  
statement that shows the basis for the finding of blight and that 418  
supports that the parcel is part of a blighted area pursuant to 419  
the definition in section 1.08 of the Revised Code. 420

(C) A statement of the purpose of the appropriation; 421

(D) A statement of the estate or interest sought to be 422  
appropriated; 423

(E) The names and addresses of the owners, so far as they can 424  
be ascertained; 425

(F) A statement showing requirements of section 163.04 of the 426  
Revised Code have been met; 427

(G) A prayer for the appropriation; 428

~~(H)~~ In the event of an appropriation where the agency would 429  
require less than the whole of any parcel containing a residence 430  
structure and the required portion would remove a garage and 431  
sufficient land that a replacement garage could not be lawfully or 432  
practically attached, the appropriation shall be for the whole 433  
parcel and all structures unless, at the discretion of the owner, 434  
the owner waives this requirement, in which case the agency shall 435  
appropriate only the portion that the agency requires as well as 436  
the entirety of any structure that is in whole or in part on the 437

required portion. 438

In the event of the appropriation of less than the fee of any 439  
parcel or of a fee in less than the whole of any parcel of 440  
property, the agency shall either make available to the owner or 441  
shall file in the office of the county engineer, a description of 442  
the nature of the improvement or use which requires the 443  
appropriation, including any specifications, elevations, and grade 444  
changes already determined at the time of the filing of the 445  
petition, in sufficient detail to permit a determination of the 446  
nature, extent, and effect of the taking and improvement. A set of 447  
highway construction plans shall be acceptable in providing such 448  
description for the purposes of the preceding sentence in the 449  
appropriation of land for highway purposes. 450

Sec. 163.051. Either an owner of property or an agency may 451  
request that the issue of the value of the property be submitted 452  
to nonbinding mediation. Any request for mediation shall be made 453  
in writing within ten business days after the owner files an 454  
answer pursuant to section 163.08 of the Revised Code. The court 455  
shall appoint a mediator, and the mediation shall be conducted and 456  
concluded within fifty days after the owner filed an answer. Only 457  
a judge may extend the time for concluding the mediation, and the 458  
judge may do so only for the reason of an inability to obtain an 459  
appraisal. The agency shall pay the cost of mediation. 460

**Sec. 163.06.** (A) A public agency, other than an agency 461  
appropriating property for the purposes described in division (B) 462  
of this section, ~~which~~ that qualifies pursuant to Section 19 of 463  
Article I, Ohio Constitution, may deposit with the court at the 464  
time of filing the petition the value of such property 465  
appropriated together with the damages, if any, to the residue, as 466  
determined by the public agency, and thereupon take possession of 467  
and enter upon the property appropriated. The right of possession 468



upon deposit as provided in this division shall not extend to 469  
structures. 470

(B) A public agency appropriating property for the purpose of 471  
making or repairing roads which shall be open to the public, 472  
without charge, or for the purpose of implementing rail service 473  
under Chapter 4981. of the Revised Code, may deposit with the 474  
court at the time of filing the petition the value of such 475  
property appropriated together with the damages, if any, to the 476  
residue, as determined by the public agency, and stated in an 477  
attached declaration of intention to obtain possession and 478  
thereupon take possession of and enter upon the property 479  
appropriated, including structures situated upon the land 480  
appropriated for such purpose or situated partly upon the land 481  
appropriated therefor and partly upon adjoining land, so that such 482  
structures cannot be divided upon the line between such lands 483  
without manifest injury thereto. The jury, in assessing 484  
compensation to any owner of land appropriated under this division 485  
shall assess the value thereof in accordance with section 163.14 486  
of the Revised Code. The owner or occupant of such structures 487  
shall vacate the same within sixty days after service of summons 488  
as required under section 163.07 of the Revised Code, ~~at no cost~~ 489  
~~to the appropriating agency,~~ after which time the agency may 490  
remove said structures. In the event such structures are to be 491  
removed before the jury has fixed the value of the same, the 492  
court, upon motion of the agency, shall: 493

(1) Order appraisals to be made by three persons, one to be 494  
named by the owner, one by the county auditor, and one by the 495  
agency. Such appraisals may be used as evidence by the owner or 496  
the agency in the trial of said case but shall not be binding on 497  
said owner, agency, or the jury, and the expense of said 498  
appraisals shall be approved by the court and charged as costs in 499  
said case. 500

(2) Cause pictures to be taken of all sides of said structures; 501  
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(3) Compile a complete description of said structures, which shall be preserved as evidence in said case to which the owner or occupants shall have access. 503  
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(C) Any time after the deposit is made by the public agency under division (A) or (B) of this section, the owner may apply to the court to withdraw the deposit, and such withdrawal shall in no way interfere with the action except that the sum so withdrawn shall be deducted from the sum of the final verdict or award. Upon such application being made the court shall direct that the sum be paid to such owner subject to the rights of other parties in interest provided such parties make timely application as provided in section 163.18 of the Revised Code. Interest shall not accrue on any sums withdrawable as provided in this division. 506  
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**Sec. 163.09.** (A) If no answer is filed pursuant to section 163.08 of the Revised Code, and no approval ordered by the court to a settlement of the rights of all necessary parties, the court, on motion of a public agency, shall declare the value of the property taken and the damages, if any, to the residue to be as set forth in any document properly filed with the clerk of the court of common pleas by the public agency. In all other cases, the court shall fix a time, within twenty days from the last date that the answer could have been filed, for the assessment of compensation by a jury. 516  
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(B)(1) When an answer is filed pursuant to section 163.08 of the Revised Code and any of the matters relating to the right to make the appropriation, the inability of the parties to agree, or the necessity for the appropriation are specifically denied in the manner provided in that section, the court shall set a day, not less than five or more than fifteen days from the date the answer 526  
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was filed, to hear those matters. Upon those matters, the burden 532  
of proof is upon the ~~owner~~. A agency by a preponderance of the 533  
evidence except as follows: 534

(a) A resolution or ordinance of the governing or controlling 535  
body, council, or board of the agency declaring the necessity for 536  
the appropriation ~~shall be prima facie evidence~~ creates a 537  
rebuttable presumption of that the necessity in the absence of 538  
proof showing an abuse of discretion by the agency in determining 539  
that necessity for the appropriation if the agency is not 540  
appropriating the property because it is a blighted parcel or part 541  
of a blighted area or slum. 542

(b) The presentation by a public utility or common carrier of 543  
evidence of the necessity for the appropriation creates a 544  
rebuttable presumption of the necessity for the appropriation. 545

(c) Approval by a state or federal regulatory authority of an 546  
appropriation by a public utility or common carrier creates an 547  
irrebuttable presumption of the necessity for the appropriation. 548

(2) Subject to the irrebuttable presumption in division 549  
(B)(1)(c) of this section, only the judge may determine the 550  
necessity of the appropriation. If, as to any or all of the 551  
property or other interests sought to be appropriated, the court 552  
determines the matters in favor of the agency, the court shall set 553  
a time for the assessment of compensation by the jury within 554  
twenty not less than sixty days from the date of the 555  
journalization of that determination, subject to the right of the 556  
parties to request mediation under section 163.051 of the Revised 557  
Code and the right of the owner to an immediate appeal under 558  
division (B)(3) of this section. ~~An~~ Except as provided in division 559  
(B)(3) of this section, an order of the court in favor of the 560  
agency on any of the matters or on qualification under section 561  
163.06 of the Revised Code shall not be a final order for purposes 562  
of appeal. An order of the court against the agency on any of the 563

matters or on the question of qualification under section 163.06 564  
of the Revised Code shall be a final order for purposes of appeal. 565  
If a public agency has taken possession prior to such an order and 566  
such an order, after any appeal, is against the agency on any of 567  
the matters, the agency shall restore the property to the owner in 568  
its original condition or respond in damages, which may include 569  
the items set forth in division (A)(2) of section 163.21 of the 570  
Revised Code, recoverable by civil action, to which the state 571  
consents. 572

(3) An owner has a right to an immediate appeal if the order 573  
of the court is in favor of the agency in any of the matters the 574  
owner denied in the answer, unless the agency is appropriating 575  
property in time of war or other public exigency imperatively 576  
requiring its immediate seizure, for the purpose of making or 577  
repairing roads which shall be open to the public without charge, 578  
for the purpose of implementing rail service under Chapter 4981. 579  
of the Revised Code, or under section 307.08, 504.19, 6101.181, 580  
6115.221, 6117.39, or 6119.11 of the Revised Code or by a public 581  
utility owned and operated by a municipal corporation as the 582  
result of a public exigency. 583

(C) When an answer is filed pursuant to section 163.08 of the 584  
Revised Code, and none of the matters set forth in division (B) of 585  
this section is specifically denied, the court shall fix a time 586  
within twenty days from the date the answer was filed for the 587  
assessment of compensation by a jury. 588

(D) If answers are filed pursuant to divisions (B) and (C) of 589  
this section, or an answer is filed on behalf of fewer than all 590  
the named owners, the court shall set the hearing or hearings at 591  
such times as are reasonable under all the circumstances, but in 592  
no event later than twenty days after the issues are joined as to 593  
all necessary parties or twenty days after rule therefor, 594  
whichever is earlier. 595

(E) The court, with the consent of the parties, may order two or more cases to be consolidated and tried together, but the rights of each owner to compensation, damages, or both shall be separately determined by the jury in its verdict.

(F) If an answer is filed under section 163.08 of the Revised Code with respect to the value of property ~~appropriated under section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the result of a public exigency, the trier of fact shall determine that value based on the evidence presented, with neither party having~~ the burden of proof with respect to that value ~~is on the party or parties to the appropriation other than the property owners.~~

(G) If the court determines the matter in the favor of the owner as to the necessity of the appropriation or whether the use for which the agency seeks to appropriate the property is a public use, in a final, unappealable order, the court shall award the owner reasonable attorney's fees, expenses, and costs.

**Sec. 163.12.** (A) A view of the premises to be appropriated or of premises appropriated shall be ordered by the court when ~~demanded~~ requested by a party to the proceedings.

(B) The property owners shall open and close the case except that, if the premises are appropriated under section 163.06, 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the result of a public exigency, the party or parties other than the owners shall open and close the case.

(C) The court may amend any defect or informality in proceedings under sections 163.01 to 163.22 of the Revised Code. The court may cause new parties to be added and direct further notice to be given to a party in interest as the court considers proper.

(D) No part of the pleadings, ~~other than the petition,~~ shall 626  
be read or exhibited to the jury. 627

**Sec. 163.14.** (A) In appropriation proceedings the jury shall 628  
be sworn to impartially assess the compensation and damages, if 629  
any, without deductions for general benefits as to the property of 630  
the owner. 631

(B) The jury, in its verdict, shall assess the compensation 632  
for the property appropriated and damages, if any, to the residue, 633  
to be paid to the owners. When a building or other structure is on 634  
the property appropriated or when a building or other structure is 635  
situated partly upon the land appropriated and partly upon 636  
adjoining land so that the structure cannot be divided upon the 637  
line between such lands without manifest injury thereto, the jury, 638  
in assessing compensation to any owner of the land, shall assess 639  
the value thereof, as part of the compensation. The title to said 640  
structure shall vest in the agency which shall have the right to 641  
enter upon the adjoining land upon which any part of the structure 642  
is located for the purpose of removing said structure therefrom, 643  
after deposit in accordance with the verdict. Such removal shall 644  
be made within ninety days after taking title to the property 645  
appropriated; provided, that the court may extend removal time 646  
upon such conditions as the court requires. 647

(C) The jury, in its verdict, shall assess compensation to 648  
the owner of a business conducted on the property taken for loss 649  
of goodwill if the owner proves both of the following: 650

(1) The loss is caused by the taking of the property; 651

(2) The loss cannot reasonably be prevented by relocation of 652  
the business or by taking steps and adopting procedures that a 653  
reasonably prudent person would take and adopt in preserving the 654  
goodwill. 655

Compensation for loss of goodwill shall not be included in payments made under section 163.53 of the Revised Code, shall not be duplicated in any compensation otherwise awarded to the owner, shall not exceed ten thousand dollars, and shall not be awarded in appropriations of less than the entirety of the business property. 656  
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(D) The verdict shall be signed by at least three-fourths of the members of the jury. 661  
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(E) If a jury is discharged without rendering a verdict, another shall be impaneled at the earliest convenient time and shall make the inquiry and assessment. 663  
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**Sec. 163.15.** (A) As soon as the agency pays to the party entitled thereto or deposits with the court the amount of the award and the costs assessed against the agency, it may take possession; provided, that this shall not be construed to limit the right of a public agency to enter and take possession, as provided in section 163.06 of the Revised Code. When the agency is entitled to possession the court shall enter an order to such effect upon the record and, if necessary, process shall be issued to place the agency in possession. Whenever a final journal entry in an appropriation proceeding, granting to this state a fee title or any lesser estate or interest in real property is filed and journalized by the clerk of courts, the clerk of courts shall forthwith transmit to the county auditor a certified copy of said final journal entry who shall transfer the property on ~~his~~ the auditor's books and transmit said entry with proper endorsement to the county recorder for recording. The costs of filing such final journal entry with the county auditor and the county recorder shall be taxed as costs in the appropriation proceedings the same as other costs are taxed under section 163.16 of the Revised Code. 666  
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(B)(1) Whenever the appropriation of real property requires the owner, a commercial tenant, or a residential tenant identified 685  
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by the owner in a notice filed with the court to move or relocate, 687  
the agency shall make a payment to that person, upon proper 688  
application as approved by the agency, for all of the following: 689

(a) Actual reasonable expenses in moving the person and the 690  
person's family, business, farm operation, or other personal 691  
property; 692

(b) Actual direct losses of tangible personal property as a 693  
result of moving or discontinuing a business or farm operation, 694  
but not to exceed an amount equal to the reasonable expenses that 695  
would have been required to relocate such property, as determined 696  
by the agency; 697

(c) Actual reasonable expenses in searching for a replacement 698  
business or farm, but not to exceed two thousand five hundred 699  
dollars; 700

(d) Actual and reasonable expenses necessary to reestablish a 701  
farm, nonprofit organization, or small business at its new site, 702  
but not to exceed ten thousand dollars. 703

(2) If the agency does not approve a payment for which the 704  
owner applied under division (B)(1) of this section, the trier of 705  
fact, upon presentation of proof, shall determine whether to award 706  
a payment for the expenses described in division (B)(1) of this 707  
section and the amount of any award. The owner shall have the 708  
burden of proof with respect to those expenses. 709

(3)(a) In addition to any payments an owner of a business may 710  
receive under division (B)(1) of this section, an owner of a 711  
business who is required by an appropriation of real property to 712  
relocate the business may recover damages for the owner's actual 713  
economic loss resulting from the appropriation, as proven by the 714  
owner by a preponderance of the evidence. Compensation for actual 715  
economic loss under this division shall not include any attorney's 716  
fees and shall not duplicate any amount awarded as compensation 717



under this chapter. 718

(b) The amount of compensation awarded under division 719  
(B)(3)(a) of this section shall not exceed twelve months net 720  
profit of the business on an annualized basis. Except as otherwise 721  
provided in division (B)(3)(c) of this section, if the agency is 722  
appropriating property in time of war or other public exigency 723  
imperatively requiring its immediate seizure, for the purpose of 724  
making or repairing roads that shall be open to the public without 725  
charge, for the purpose of implementing rail service under Chapter 726  
4981. of the Revised Code, or under section 307.08, 504.19, 727  
6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the 728  
result of a public exigency, or the agency is a municipal 729  
corporation that is appropriating property as a result of a public 730  
exigency, the period for which the net profit of the business is 731  
calculated shall be twelve months minus the time period from the 732  
date the agency gives the notice required by section 163.04 of the 733  
Revised Code to the date the agency deposits the value of the 734  
property with the court pursuant to section 163.06 of the Revised 735  
Code or pays that amount to the owner, but in no event shall the 736  
compensation time period be less than fifteen days. If the period 737  
on which the loss is calculated is reduced to fifteen days and the 738  
relocation is unusually complex, the owner may request the agency 739  
to increase that period by up to fifteen additional days. If the 740  
agency fails to pay the compensation as provided under division 741  
(B)(3)(a) of this section or denies the request, the owner may 742  
seek an award of such compensation pursuant to this section. 743

(c) In case of an act of God or other public exigency that 744  
requires an immediate taking of property to protect public health 745  
or safety or in case of a voluntary conveyance, the amount of 746  
compensation awarded under division (B)(3)(a) of this section 747  
shall not exceed fifteen days net profit of the business on an 748  
annualized basis. The owner may request the agency to increase 749

that period by up to fifteen additional days. If the agency fails 750  
to pay the compensation as provided under division (B)(3)(a) of 751  
this section or denies the request, the owner may seek an award of 752  
such compensation pursuant to this section. 753

**Sec. 163.19.** Subject to sections 163.07 and 163.09 of the 754  
Revised Code, any party may prosecute appeals as in other civil 755  
actions from the judgment of the court. ~~The trial court upon~~ 756  
~~proper terms may suspend the execution of any order; but in all~~ 757  
~~eases where the agency pays or deposits the amount of the award~~ 758  
~~assessed and gives adequate security for any further compensation~~ 759  
~~and costs, as required by the court, the right to take and use the~~ 760  
~~property appropriated shall not be affected by such review by the~~ 761  
~~appellate courts.~~ 762

The owner may request, and the court may grant, a stay on 763  
appeal, provided that the owner posts a supersedeas bond in an 764  
amount the court determines. 765

**Sec. 163.21.** (A)(1) If it has not taken possession of 766  
property that is appropriated, an agency may abandon appropriation 767  
proceedings under sections 163.01 to 163.22 of the Revised Code at 768  
any time after the proceedings are commenced but not later than 769  
ninety days after the final determination of the cause. 770

(2) In all cases of abandonment as described in division 771  
(A)(1) of this section, the court shall enter a judgment against 772  
the agency for costs, including jury fees, and shall enter a 773  
judgment in favor of each affected owner, in amounts that the 774  
court considers to be just, for each of the following that the 775  
owner incurred: 776

(a) Witness fees, including expert witness fees; 777

(b) Attorney's fees; 778

(c) Other actual expenses. 779

(B)(1) ~~Except as provided in division (B)(2) of this section,~~ 780  
~~if in~~ In appropriation proceedings under sections 163.01 to 163.22 781  
of the Revised Code or, ~~as authorized by divisions (A) and (B),~~ 782  
~~(C), and (D)~~ of section 163.02 of the Revised Code, in for 783  
appropriation proceedings in time of a public exigency under other 784  
sections of the Revised Code, if the court determines that an 785  
agency is not entitled to appropriate particular property, the 786  
court shall enter both of the following: 787

(a) A judgment against the agency for costs, including jury 788  
fees; 789

(b) A judgment in favor of each affected owner, in amounts 790  
that the court considers to be just, for the owner's reasonable 791  
disbursements and expenses, to include witness fees, ~~including~~ 792  
expert witness fees, ~~for~~ attorney's fees, appraisal and 793  
engineering fees, and for other actual expenses that the owner 794  
incurred in connection with the proceedings. 795

(2) ~~This division does not apply to a state agency that is~~ 796  
~~subject to section 163.62 of the Revised Code in connection with~~ 797  
~~condemnation proceedings~~ Any award to an owner pursuant to this 798  
section shall be paid by the head of the agency for whose benefit 799  
the appropriation proceedings were initiated. 800

(C)(1) Except as otherwise provided in division (C)(2) or (3) 801  
of this section and subject to division (C)(5) of this section, 802  
when an agency appropriates property and the final award of 803  
compensation is greater than one hundred twenty-five per cent of 804  
the agency's good faith offer for the property or, if before 805  
commencing the appropriation proceeding the agency made a revised 806  
offer based on conditions indigenous to the property that could 807  
not reasonably have been discovered at the time of the good faith 808  
offer, one hundred twenty-five per cent of the revised offer, the 809  
court shall enter judgment in favor of the owner, in amounts the 810  
court considers just, for all costs and expenses, including 811

attorney's and appraisal fees, that the owner actually incurred. 812

(2) The court shall not enter judgment for costs and 813  
expenses, including attorney's fees and appraisal fees, if the 814  
agency is appropriating property in time of war or other public 815  
exigency imperatively requiring its immediate seizure, for the 816  
purpose of making or repairing roads that shall be open to the 817  
public without charge, for the purpose of implementing rail 818  
service under Chapter 4981. of the Revised Code, or under section 819  
307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the 820  
Revised Code as the result of a public exigency, or the agency is 821  
a municipal corporation that is appropriating property as a result 822  
of a public exigency, except that the court shall enter judgment 823  
in favor of the owner for costs and expenses, including attorney's 824  
and appraisal fees, that the owner actually incurred only if the 825  
property being appropriated is land used for agricultural purposes 826  
as defined in section 303.01 or 519.01 of the Revised Code, or the 827  
county auditor of the county in which the land is located has 828  
determined under section 5713.31 of the Revised Code that the land 829  
is "land devoted exclusively to agricultural use" as defined in 830  
section 5713.30 of the Revised Code and the final award of 831  
compensation is more than one hundred fifty per cent of the 832  
agency's good faith offer or a revised offer made by the agency 833  
under division (C)(1) or (3) of this section. 834

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(3) The court shall not enter judgment for costs and 836  
expenses, including attorney's fees and appraisal fees, that the 837  
owner actually incurred if the owner and the agency exchanged 838  
appraisals prior to the filing of the petition and the final award 839  
of compensation was not more than one hundred twenty-five per cent 840  
of the agency's first offer for the property made subsequent to 841  
the exchange of appraisals and at least thirty days before the 842  
filing of the petition. 843

(4) An award of costs and expenses, including attorney's and appraisal fees, that the owner actually incurred, under division (C) of this section shall not exceed the lesser of twenty-five per cent of the amount by which the final award of compensation exceeds the agency's initial good faith offer or revised offer or twenty-five per cent of the amount by which the final award of compensation exceeds the agency's last written offer made not less than forty-five days before the date initially designated for trial by the court. 844  
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(5)(a) An award of costs and expenses, including attorney's and appraisal fees, that the owner actually incurred, made under division (G) of section 163.09 of the Revised Code is not subject to the conditions and limitations set forth in divisions (C)(1), (2), (3), and (4) of this section. 853  
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(b) The court shall not enter judgment for costs and expenses, including attorney's fees and appraisal fees, under division (C) of this section unless not less than fifty days prior to the date initially designated by the court for trial the owner provided the agency with an appraisal or summary appraisal of the property being appropriated or with the owner's sworn statement setting forth the value of the property and an explanation of how the owner arrived at that value. 858  
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**Sec. 163.211.** If an agency decides not to use appropriated property for the purpose stated in the appropriation petition, the prior owner from whom the property was appropriated may repurchase the property for its fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by the court. The right of repurchase shall be extinguished if any of the following occur: 866  
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(A) The prior owner declines to repurchase the property. 874

(B) The prior owner fails to repurchase the property within 875  
sixty days after the public agency offers the property for 876  
repurchase. 877

(C) A plan, contract, or arrangement is authorized that 878  
commences an urban renewal project that includes the property. 879

(D) The agency grants or transfers the property to any other 880  
person or agency. 881

(E) Five years have passed since the property was 882  
appropriated. 883

(F) Prior to the filing of the petition for appropriation, 884  
the appropriated property was a blighted parcel, and the prior 885  
owner contributed to the blight. 886

**Sec. 163.53.** (A) Whenever the acquisition of real property 887  
for a program or project undertaken by a displacing agency will 888  
result in the displacement of any person, the head of the agency 889  
shall make a payment to any displaced person, upon proper 890  
application as approved by such agency head, for all of the 891  
following: 892

(1) Actual reasonable expenses in moving ~~himself~~ the person, 893  
~~his~~ the person's family, business, farm operation, or other 894  
personal property; 895

(2) Actual direct losses of tangible personal property as a 896  
result of moving or discontinuing a business or farm operation, 897  
but not to exceed an amount equal to the reasonable expenses that 898  
would have been required to relocate such property, as determined 899  
by the head of the displacing agency; 900

(3) Actual reasonable expenses in searching for a replacement 901  
business or farm, but not to exceed two thousand five hundred 902  
dollars; 903

(4) Actual and reasonable expenses necessary to reestablish a 904

displaced farm, nonprofit organization, or small business at its 905  
new site, but not to exceed ten thousand dollars. 906

(B) Any displaced person eligible for payments under division 907  
(A) of this section who is displaced from a dwelling and who 908  
elects to accept the payments authorized by this division in lieu 909  
of the payments authorized by division (A) of this section may 910  
receive an expense and dislocation allowance, determined according 911  
to a schedule established by the head of the displacing agency. 912

(C) Any displaced person eligible for payments under division 913  
(A) of this section who is displaced from ~~his~~ the person's place 914  
of business or from ~~his~~ the person's farm operation may qualify 915  
for the payment authorized by this division in lieu of the payment 916  
authorized by division (A) of this section. The payment authorized 917  
by this division shall consist of a fixed payment in an amount to 918  
be determined according to criteria established by the head of the 919  
lead agency, except that such payment shall be not less than one 920  
thousand dollars nor more than twenty thousand dollars. A person 921  
whose sole business at the displacement dwelling is the rental of 922  
such property to others does not qualify for a payment under this 923  
division. 924

(D)(1) Except as provided in section 5501.51 of the Revised 925  
Code, if a program or project undertaken by a displacing agency 926  
results in the relocation of a utility facility, and the purpose 927  
of the program or project was not to relocate or reconstruct any 928  
utility facility; and if the owner of the utility facility which 929  
is being relocated under such program or project has entered into 930  
a franchise or similar agreement with the state or local 931  
government on whose property, easement, or right-of-way such 932  
facility is located with respect to the use of such property, 933  
easement, or right-of-way; and if the relocation of such facility 934  
results in such owner incurring an extraordinary cost in 935  
connection with such relocation; then the displacing agency may, 936

in accordance with such rules as the head of the lead agency may 937  
adopt, provide to such owner a relocation payment which may not 938  
exceed the amount of such extraordinary cost, less any increase in 939  
the value of the new utility facility above the value of the old 940  
utility facility, and less any salvage value derived from the old 941  
utility facility. 942

(2) As used in division (D) of this section: 943

(a) "Extraordinary cost in connection with a relocation" 944  
means any cost incurred by the owner of a utility facility in 945  
connection with relocation of such facility that is determined by 946  
the head of the displacing agency, under such rules as the head of 947  
the lead agency shall adopt, to be a nonroutine relocation 948  
expense, to be a cost that owner ordinarily does not include in 949  
its annual budget as an expense of operation, and to meet such 950  
other requirements as the lead agency may prescribe in such rules. 951

(b) "Utility facility" means any electric, gas, water, steam 952  
power, or materials transmission or distribution system; any 953  
transportation system; any communications system, including cable 954  
television; and any fixture, equipment, or other property 955  
associated with the operation, maintenance, or repair of any such 956  
system; which is located on property owned by a state or local 957  
government or over which a state or local government has an 958  
easement or right-of-way. A utility facility may be publicly, 959  
privately, or cooperatively owned. 960

**Sec. 163.62.** (A) The court having jurisdiction of a 961  
proceeding instituted by a state agency to acquire real property 962  
by condemnation shall award the owner of any right, or title to, 963  
or interest in, such real property such sum as will in the opinion 964  
of the court reimburse such owner for ~~his~~ the owner's reasonable 965  
costs, disbursements, and expenses, including reasonable attorney, 966  
appraisal, and engineering fees, actually incurred because of the 967



condemnation proceeding, <del>if either:</del>	968
<del>(1) The final judgment is that the agency cannot acquire the</del>	969
<del>real property by condemnation; or</del>	970
<del>(2) The proceeding is abandoned by the state agency as</del>	971
<del>provided in division (G) of section 163.09 or division (A) or (C)</del>	972
<del>of section 163.21 of the Revised Code, as applicable.</del>	973
(B) Any award made pursuant to division (A) of this section	974
shall be paid by the head of the agency for whose benefit the	975
condemnation proceeding was instituted.	976
<u>Sec. 163.63. Any reference in the Revised Code to any</u>	977
<u>authority to acquire real property by "condemnation" or to take</u>	978
<u>real property pursuant to a power of eminent domain is deemed to</u>	979
<u>be an appropriation of real property pursuant to this chapter and</u>	980
<u>any such taking or acquisition shall be made pursuant to this</u>	981
<u>chapter.</u>	982
<u>Sec. 303.26. As used in sections 303.26 to 303.56, inclusive,</u>	983
of the Revised Code, unless a different meaning is clearly	984
indicated by the context:	985
(A) "Municipality" means any incorporated city or village of	986
the state.	987
(B) "Public body" means the state, any county, municipality,	988
township, board, commission, authority, district, or other	989
subdivision.	990
(C) "Federal government" means the United States or any	991
agency or instrumentality, corporate or otherwise thereof.	992
(D) "Slum area" <del>means an area within a county but outside the</del>	993
<del>corporate limits of any municipality, in which area there is a</del>	994
<del>predominance of buildings or improvements, whether residential or</del>	995
<del>nonresidential, which by reason of dilapidation, deterioration,</del>	996

~~age or obsolescence, inadequate provision for ventilation, light, 997  
air, sanitation, or open spaces, high density of population and 998  
overcrowding, or the existence of conditions which endanger life 999  
or property, by fire and other causes, or any combination of such 1000  
factors is conducive to ill health, transmission of disease, 1001  
infant mortality, juvenile delinquency, or crime, and is 1002  
detrimental to the public health, safety, morals, or welfare has 1003  
the meaning defined in section 1.08 of the Revised Code. 1004~~

~~(E) "Blighted area" means an area within a county but outside 1005  
the corporate limits of any municipality, which area by reason of 1006  
the presence of a substantial number of slum, deteriorated, or 1007  
deteriorating structures, predominance of defective or inadequate 1008  
street layout, faulty lot layout in relation to size, adequacy, 1009  
accessibility, or usefulness, insanitary or unsafe conditions, 1010  
deterioration of site or other improvements, diversity of 1011  
ownership, tax or special assessment delinquency exceeding the 1012  
fair value of the land, defective or unusual conditions to title, 1013  
or the existence of conditions which endanger life or property by 1014  
fire and other causes, or any combination of such factors, 1015  
substantially impairs or arrests the sound growth of a county, 1016  
retards the provision of housing accommodations, or constitutes an 1017  
economic or social liability and is a menace to the public health, 1018  
safety, morals, or welfare in its present condition and use has 1019  
the meaning defined in section 1.08 of the Revised Code. 1020~~

~~If such blighted area consists of open land, the provisions 1021  
of section 303.34 of the Revised Code shall apply. 1022~~

~~Any disaster area referred to in section 303.36 of the 1023  
Revised Code shall constitute a "blighted area". 1024~~

~~(F) "County renewal project" may include undertakings and 1025  
activities of a county in a county renewal area for the 1026  
elimination and for the prevention of the development or spread of 1027  
slums and blight, and may involve slum clearance and redevelopment 1028~~

in a county renewal area, or rehabilitation or conservation in a 1029  
county renewal area, or any combination or part thereof, in 1030  
accordance with a county renewal plan, and such aforesaid 1031  
undertakings and activities may include acquisition of a slum area 1032  
or a blighted area, or portion thereof; demolition and removal of 1033  
buildings and improvements; installation, construction, or 1034  
reconstruction of streets, utilities, parks, playgrounds, and 1035  
other improvements necessary for carrying out in the county 1036  
renewal area the county renewal objectives of sections 303.26 to 1037  
303.56, inclusive, of the Revised Code in accordance with the 1038  
county renewal plan; disposition of any property acquired in the 1039  
county renewal area, including sale, initial leasing, or retention 1040  
by the county itself, at its fair value for uses in accordance 1041  
with the county renewal plan; carrying out plans for a program of 1042  
voluntary or compulsory repair and rehabilitation of buildings or 1043  
other improvements in accordance with the county renewal plan; and 1044  
acquisition of any other real property in the county renewal area 1045  
where necessary to eliminate unhealthful, insanitary, or unsafe 1046  
conditions; lessen density, eliminate obsolete, or other uses 1047  
detrimental to the public welfare, or otherwise to remove or 1048  
prevent the spread of blight or deterioration, or to provide land 1049  
for needed public facilities. 1050

(G) "County renewal area" means a slum area or a blighted 1051  
area or a combination thereof which the board of county 1052  
commissioners designates as appropriate for a county renewal 1053  
project. 1054

(H) "County renewal plan" means a plan, as it exists from 1055  
time to time, for a county renewal project, which plan shall 1056  
conform to the general plan for the county, except as provided in 1057  
section 303.36 of the Revised Code, and shall be sufficiently 1058  
complete to indicate such land acquisition, demolition, and 1059  
removal of structures, redevelopment, improvements, and 1060

rehabilitation as may be proposed to be carried out in the county 1061  
renewal area, zoning, and planning changes, if any, land uses, 1062  
maximum densities, building requirements, and the plan's 1063  
relationship to definite local objectives respecting appropriate 1064  
land uses, improved traffic, public transportation, public 1065  
utilities, recreational and community facilities, and other public 1066  
improvements. 1067

(I) "Redevelopment" and derivatives thereof, when used with 1068  
respect to a county renewal area, mean development as well as 1069  
redevelopment. 1070

(J) "Real property" includes all lands, including 1071  
improvements and fixtures thereon, and property of any nature 1072  
appurtenant thereto, or used in connection therewith, and every 1073  
estate, interest, right, and use, legal or equitable, therein, 1074  
including terms for years and liens by way of judgment, mortgage, 1075  
or otherwise. 1076

(K) "Person" means any individual, firm, partnership, 1077  
corporation, company, association, joint stock association, or 1078  
body politic, and includes any trustee, receiver, assignee, or 1079  
other person acting in a similar representative capacity. 1080

(L) "Obligee" includes any bondholder, agents, or trustees 1081  
for any bondholders, or lessor demising to the county property 1082  
used in connection with a county renewal project, or any assignee 1083  
or assignees of such lessor's interest or any part thereof, and 1084  
the federal government when it is a party to any contract with the 1085  
county. 1086

(M) "Bond," as used in section 303.46 of the Revised Code, 1087  
means bonds, including refunding bonds, notes, interim 1088  
certificates of special indebtedness, debentures, or other 1089  
obligations of a county, payable and secured as authorized by 1090  
section 303.46 of the Revised Code. 1091

Sec. 719.012. In order to rehabilitate a building or 1092  
structure that a municipal corporation determines to be a threat 1093  
~~to the public health, safety, or welfare; that has been declared~~ 1094  
~~to be a public nuisance under Chapter 3707., 3709., or 3781. of~~ 1095  
~~the Revised Code; and that either has been found to be insecure,~~ 1096  
~~unsafe, structurally defective, unhealthful, or unsanitary under~~ 1097  
~~sections 715.26 to 715.30 of the Revised Code or violates a~~ 1098  
~~building code or ordinance adopted under section 731.231~~ blighted 1099  
property as defined in section 1.08 of the Revised Code, a 1100  
municipal corporation may appropriate, in the manner provided in 1101  
sections 163.01 to 163.22 of the Revised Code, any such building 1102  
or structure and the real property of which it is a part. The 1103  
municipal corporation shall rehabilitate the building or structure 1104  
or cause it to be rehabilitated within two years after the 1105  
appropriation, so that the building or structure is no longer a 1106  
public nuisance, insecure, unsafe, structurally defective, 1107  
unhealthful, or unsanitary, or a threat to the public health, 1108  
safety, or welfare, or in violation of a building code or 1109  
ordinance adopted under section 731.231 of the Revised Code. Any 1110  
building or structure appropriated pursuant to this section which 1111  
is not rehabilitated within two years shall be demolished. 1112

If during the rehabilitation process the municipal 1113  
corporation retains title to the building or structure and the 1114  
real property of which it is a part, then within one hundred 1115  
eighty days after the rehabilitation is complete, the municipal 1116  
corporation shall appraise the rehabilitated building or structure 1117  
and the real property of which it is a part, and shall sell the 1118  
building or structure and property at public auction. The 1119  
municipal corporation shall advertise the public auction in a 1120  
newspaper of general circulation in the municipal corporation once 1121  
a week for three consecutive weeks prior to the date of sale. The 1122  
municipal corporation shall sell the building or structure and 1123

real property to the highest and best bidder. No property that a 1124  
municipal corporation acquires pursuant to this section shall be 1125  
leased. 1126

**Sec. 1728.01.** As used in sections 1728.01 to 1728.13 of the 1127  
Revised Code: 1128

(A) "Governing body" means, in the case of a municipal 1129  
corporation, the city council or legislative authority. 1130

(B) "Community urban redevelopment corporation" means a 1131  
corporation qualified under Chapter 1728. of the Revised Code, to 1132  
acquire, construct, operate, and maintain a project hereunder, or 1133  
to acquire, operate, and maintain a project constructed by a 1134  
corporation so qualified under Chapter 1728. of the Revised Code, 1135  
and the term "corporation" when used within Chapter 1728. of the 1136  
Revised Code, shall be understood to be a contraction of the term 1137  
"community urban redevelopment corporation" except when the 1138  
context indicates otherwise. 1139

(C) "Impacted city" means a municipal corporation that meets 1140  
the requirements of either division (C) (1) or (2) of this 1141  
section: 1142

(1) In attempting to cope with the problems of urbanization, 1143  
to create or preserve jobs and employment opportunities, and to 1144  
improve the economic welfare of the people of the municipal 1145  
corporation, the municipal corporation has at some time: 1146

(a) Taken affirmative action by its legislative body to 1147  
permit the construction of housing by a metropolitan housing 1148  
authority organized pursuant to sections 3735.27 to 3735.39 of the 1149  
Revised Code within its corporate boundaries or to permit such a 1150  
metropolitan housing authority to lease dwelling units within its 1151  
corporate boundaries; and 1152

(b) Been certified by the director of the department of 1153

development that a workable program for community improvement 1154  
(which shall include an official plan of action for effectively 1155  
dealing with the problem of urban slums and blight within the 1156  
community and for the establishment and preservation of a 1157  
well-planned community with well-organized residential 1158  
neighborhoods of decent homes and suitable living environment for 1159  
adequate family life) for utilizing appropriate private and public 1160  
resources to eliminate, and to prevent the development or spread 1161  
of, slums and urban blight, to encourage needed urban 1162  
rehabilitation, to provide for the redevelopment of blighted, 1163  
deteriorated, or slum areas, to undertake such activities or other 1164  
feasible community activities as may be suitably employed to 1165  
achieve the objectives of such a program has been adopted. A 1166  
determination by the United States that the impacted city's 1167  
workable program meets the federal workable program requirements 1168  
shall be sufficient for the director's certification. 1169

(2) Been declared a major disaster area, or part of a major 1170  
disaster area, pursuant to the "Disaster Relief Act of 1970," 84 1171  
Stat. 1744, 42 U.S.C.A. 4401, as now or hereafter amended, and has 1172  
been extensively damaged or destroyed by a major disaster, 1173  
provided that impacted city status obtained pursuant to division 1174  
(C) (2) of this section lasts for only a limited period from the 1175  
date of the declaration, as determined by the rules promulgated 1176  
pursuant to division (G) of section 122.06 of the Revised Code, 1177  
but in the event that an impacted city, while qualified under such 1178  
division, enters into a financial agreement with a community urban 1179  
redevelopment corporation pursuant to section 1728.07 of the 1180  
Revised Code, a loss of certification under such rules shall not 1181  
affect that agreement or the project to which it relates. 1182

(D) "Community development plan" means a plan, as it exists 1183  
from time to time, for the redevelopment and renewal of a blighted 1184  
area, which plan shall conform to the general plan for the 1185

municipality, and shall be sufficiently complete to indicate such 1186  
land acquisition, demolition, and removal of structures, 1187  
redevelopment, improvements, and rehabilitation as may be proposed 1188  
to be carried out in such blighted area, zoning, and any planning 1189  
changes, land uses, maximum densities, and building requirements. 1190

(E) "~~Blighted area~~" ~~means an area within a municipality~~ 1191  
~~containing a majority of structures that have been extensively~~ 1192  
~~damaged or destroyed by a major disaster, or that, by reason of~~ 1193  
~~dilapidation, deterioration, age or obsolescence, inadequate~~ 1194  
~~provision for ventilation, light, air, sanitation, or open spaces,~~ 1195  
~~unsafe and unsanitary conditions or the existence of conditions~~ 1196  
~~which endanger lives or properties by fire or other hazards and~~ 1197  
~~causes, or that, by reason of location in an area with inadequate~~ 1198  
~~street layout, incompatible land uses or land use relationships,~~ 1199  
~~overcrowding of buildings on the land, excessive dwelling unit~~ 1200  
~~density, or other identified hazards to health and safety, are~~ 1201  
~~conducive to ill health, transmission of disease, juvenile~~ 1202  
~~delinquency and crime and are detrimental to the public health,~~ 1203  
~~safety, morals and general welfare~~ has the meaning defined in 1204  
section 1.08 of the Revised Code. 1205

(F) "Project" means: 1206

(1) As to blighted areas within all municipal corporations, 1207  
the undertaking and execution of the redevelopment of a blighted 1208  
area by a community urban redevelopment corporation, in whole or 1209  
in part, pursuant to a community development plan approved by the 1210  
governing body of the municipal corporation in which such blighted 1211  
area is situated and in accordance with an agreement for the sale 1212  
or lease of all or a portion of the land concerned in such 1213  
redevelopment to the corporation by a municipal corporation, or 1214  
agency, or authority including the work to be done in reference 1215  
thereto, the designation of the particular proposed buildings to 1216  
be constructed and their uses and purposes, the landscaping of the 1217



premises, the streets and access roads, recreational facilities, 1218  
if any, the furnishing of the public utilities, the financial 1219  
arrangements, and the terms and conditions of the proposed 1220  
municipal corporation and approval; and 1221

(2) In addition as to blighted areas within impacted cities, 1222  
the undertaking and activities of a community urban redevelopment 1223  
corporation in a blighted area for the elimination and for the 1224  
prevention of the development or spread of blight pursuant to a 1225  
community development plan approved by the governing body of the 1226  
impacted city and to the extent agreed to by the governing body of 1227  
the impacted city in the financial agreement provided for in 1228  
section 1728.07 of the Revised Code and may involve clearance and 1229  
redevelopment, or rehabilitation or conservation or any 1230  
combination or part thereof, in accordance with such community 1231  
development plan, and such aforesaid undertakings and activities 1232  
may include acquisition of a blighted area or portion by purchase 1233  
or otherwise, and demolition and removal of buildings and 1234  
improvements. 1235

(G) "Total project unit cost" or "total project cost" means 1236  
the aggregate of the following items as related to any unit of a 1237  
project if the project is to be undertaken in units or to the 1238  
total project if the project is not to be undertaken in units: 1239

(1) Cost of the land to the community urban redevelopment 1240  
corporation; 1241

(2) Architects', engineers', and attorneys' fees paid or 1242  
payable by the corporation in connection with the planning, 1243  
construction, and financing of the project; 1244

(3) Surveying and testing charges in connection therewith; 1245

(4) Actual construction cost as certified by the architect, 1246  
including the cost of any preparation of the site undertaken at 1247  
the corporation's expense; 1248

(5) Insurance, interest, and finance costs during construction;	1249
	1250
(6) Cost of obtaining initial permanent financing;	1251
(7) Commissions and other expenses paid or payable in connection with initial leasing;	1252
	1253
(8) Real estate taxes and assessments during the construction period;	1254
	1255
(9) Developer's overhead based on a percentage of division (G) (4) of this section, to be computed in accordance with the following schedule:	1256
	1257
	1258
\$500,000 or less - 10 per cent	1259
500,001 through \$ 1,000,000 - \$50,000 plus 8 per cent on excess above \$500,000	1260
	1261
1,000,001 through 2,000,000 - 90,000 plus 7 per cent on excess above 1,000,000	1262
	1263
2,000,001 through 3,500,000 - 160,000 plus 5.6667 per cent on excess above 2,000,000	1264
	1265
3,500,001 through 5,500,000 - 245,000 plus 4.25 per cent on excess above 3,500,000	1266
	1267
5,500,001 through 10,000,000 - 330,000 plus 3.7778 per cent on excess above 5,500,000	1268
	1269
Over 10,000,000 - 5 per cent	1270
(H) "Annual gross revenue" means the total annual gross rental and other income of a community urban redevelopment corporation from the project. If in any leasing, any real estate taxes or assessments on property included in the project, any premiums for fire or other insurance on or concerning property included in the project, or any operating or maintenance expenses ordinarily paid by a landlord are to be paid by the tenant, such payments shall be computed and deemed to be part of the rent and shall be included in the annual gross revenue. The financial	1271
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agreement provided for in section 1728.07 of the Revised Code 1280  
shall establish the method of computing such additional revenue, 1281  
and may establish a method of arbitration where either the 1282  
landlord or the tenant disputes the amount of such payments so 1283  
included in the annual gross revenue. 1284

(I) "Major disaster" means any tornado, storm, flood, high 1285  
water, wind-driven water, tidal wave, earthquake, fire, or other 1286  
catastrophe. 1287

**Sec. 2505.02.** (A) As used in this section: 1288

(1) "Substantial right" means a right that the United States 1289  
Constitution, the Ohio Constitution, a statute, the common law, or 1290  
a rule of procedure entitles a person to enforce or protect. 1291

(2) "Special proceeding" means an action or proceeding that 1292  
is specially created by statute and that prior to 1853 was not 1293  
denoted as an action at law or a suit in equity. 1294

(3) "Provisional remedy" means a proceeding ancillary to an 1295  
action, including, but not limited to, a proceeding for a 1296  
preliminary injunction, attachment, discovery of privileged 1297  
matter, suppression of evidence, a prima-facie showing pursuant to 1298  
section 2307.85 or 2307.86 of the Revised Code, a prima-facie 1299  
showing pursuant to section 2307.92 of the Revised Code, or a 1300  
finding made pursuant to division (A)(3) of section 2307.93 of the 1301  
Revised Code. 1302

(B) An order is a final order that may be reviewed, affirmed, 1303  
modified, or reversed, with or without retrial, when it is one of 1304  
the following: 1305

(1) An order that affects a substantial right in an action 1306  
that in effect determines the action and prevents a judgment; 1307

(2) An order that affects a substantial right made in a 1308  
special proceeding or upon a summary application in an action 1309

after judgment;	1310
(3) An order that vacates or sets aside a judgment or grants a new trial;	1311 1312
(4) An order that grants or denies a provisional remedy and to which both of the following apply:	1313 1314
(a) The order in effect determines the action with respect to the provisional remedy and prevents a judgment in the action in favor of the appealing party with respect to the provisional remedy.	1315 1316 1317 1318
(b) The appealing party would not be afforded a meaningful or effective remedy by an appeal following final judgment as to all proceedings, issues, claims, and parties in the action.	1319 1320 1321
(5) An order that determines that an action may or may not be maintained as a class action;	1322 1323
(6) An order determining the constitutionality of any changes to the Revised Code made by Am. Sub. S.B. 281 of the 124th general assembly, including the amendment of sections 1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.16, 3923.63, 3923.64, 4705.15, and 5111.018, and the enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of the Revised Code or any changes made by Sub. S.B. 80 of the 125th general assembly, including the amendment of sections 2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the Revised Code;	1324 1325 1326 1327 1328 1329 1330 1331 1332 1333
<u>(7) An order in an appropriation proceeding that may be appealed pursuant to division (B)(3) of section 163.09 of the Revised Code.</u>	1334 1335 1336
(C) When a court issues an order that vacates or sets aside a judgment or grants a new trial, the court, upon the request of either party, shall state in the order the grounds upon which the	1337 1338 1339

new trial is granted or the judgment vacated or set aside. 1340

(D) This section applies to and governs any action, including 1341  
an appeal, that is pending in any court on July 22, 1998, and all 1342  
claims filed or actions commenced on or after July 22, 1998, 1343  
notwithstanding any provision of any prior statute or rule of law 1344  
of this state. 1345

**Sec. 3735.40.** As used in sections 3735.27, 3735.31, and 1346  
3735.40 to 3735.50 of the Revised Code: 1347

(A) "Federal government" includes the United States, the 1348  
federal works administrator, or any other agency or 1349  
instrumentality, corporate or otherwise, of the United States. 1350

(B) "~~Slum area~~" ~~means any area where dwellings predominate~~ 1351  
~~which, by reason of dilapidation, overcrowding, faulty arrangement~~ 1352  
~~or design, lack of ventilation, light, or sanitary facilities, or~~ 1353  
~~any combination of these factors, are detrimental to safety,~~ 1354  
~~health, or morals~~ has the meaning defined in section 1.08 of the 1355  
Revised Code. 1356

(C) "Housing project" or "project" means any of the following 1357  
works or undertakings: 1358

(1) Demolish, clear, or remove buildings from any slum area. 1359  
Such work or undertaking may embrace the adaptation of such area 1360  
to public purposes, including parks or other recreational or 1361  
community purposes. 1362

(2) Provide decent, safe, and sanitary urban or rural 1363  
dwellings, apartments, or other living accommodations for persons 1364  
of low income. Such work or undertaking may include buildings, 1365  
land, equipment, facilities, and other real or personal property 1366  
for necessary, convenient, or desirable appurtenances, streets, 1367  
sewers, water service, parks, site preparation, gardening, 1368  
administrative, community, health, recreational, educational, 1369

welfare, or other purposes. 1370

(3) Accomplish a combination of the foregoing. "Housing 1371  
project" also may be applied to the planning of the buildings and 1372  
improvements, the acquisition of property, the demolition of 1373  
existing structures, the construction, reconstruction, alteration, 1374  
and repair of the improvements, and all other work in connection 1375  
therewith. 1376

(D) "Families of low income" means persons or families who 1377  
lack the amount of income which is necessary, as determined by the 1378  
metropolitan housing authority undertaking the housing project, to 1379  
enable them, without financial assistance, to live in decent, 1380  
safe, and sanitary dwellings, without overcrowding. 1381

(E) "Families" means families consisting of two or more 1382  
persons, a single person who has attained the age at which an 1383  
individual may elect to receive an old age benefit under Title II 1384  
of the "Social Security Act" or is under disability as defined in 1385  
section 223 of that act, 49 Stat. 622 (1935), 42 U. S. C. A. 401, 1386  
as amended, or the remaining member of a tenant family. 1387

(F) "Families" also means a single person discharged by the 1388  
head of a hospital pursuant to section 5122.21 of the Revised Code 1389  
after March 10, 1964. 1390

**Section 2.** That existing sections 163.01, 163.02, 163.04, 1391  
163.05, 163.06, 163.09, 163.12, 163.14, 163.15, 163.19, 163.21, 1392  
163.53, 163.62, 303.26, 719.012, 1728.01, 2505.02, and 3735.40 of 1393  
the Revised Code are hereby repealed. 1394

**Section 3.** The General Assembly finds that in order to 1395  
adequately protect property rights and ensure that vital public 1396  
improvements are completed in a timely manner, it is necessary to 1397  
provide for prompt appeals from adverse judgments in appropriation 1398  
actions. As a result, the General Assembly encourages the Supreme 1399

Court of Ohio to exercise its constitutional authority under 1400  
Section 5 of Article IV, Ohio Constitution, to adopt a procedural 1401  
rule requiring expedited appeals in appropriation actions. 1402

**Section 4.** In accordance with *City of Norwood v. Horney* 1403  
(2006), 110 Ohio St.3d 353, in which the Supreme Court held the 1404  
right of property to be a fundamental right protected by the 1405  
United States and Ohio Constitutions, the General Assembly finds 1406  
that the exercise of the power of eminent domain at any level of 1407  
government is a matter of statewide importance and hereby declares 1408  
its intention that this act be construed to apply generally 1409  
throughout the state. 1410

**Section 5.** Sections 1 and 2 of this act do not apply to 1411  
appropriation proceedings pending on the effective date of this 1412  
act. This section is not intended to indicate that such 1413  
appropriation proceedings do not have to comply with the 1414  
constitutional requirements set forth in *City of Norwood v. Horney* 1415  
(2006), 110 Ohio St.3d 353. 1416

**Section 6.** Section 2505.02 of the Revised Code is presented 1417  
in this act as a composite of the section as amended by both Am. 1418  
Sub. H.B. 516 and Am. Sub. S.B. 80 of the 125th General Assembly. 1419  
The General Assembly, applying the principle stated in division 1420  
(B) of section 1.52 of the Revised Code that amendments are to be 1421  
harmonized if reasonably capable of simultaneous operation, finds 1422  
that the composite is the resulting version of the section in 1423  
effect prior to the effective date of the section as presented in 1424  
this act. 1425