

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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

Sub. S. B. No. 7

Senator Grendell

**Cosponsors: Senators Harris, Faber, Schaffer, Amstutz, Coughlin, Gardner,
Padgett, Schuring, Clancy, Mumper, Carey, Niehaus**

—

A B I L L

To amend sections 163.01, 163.02, 163.03, 163.04,	1
163.05, 163.06, 163.08, 163.09, 163.12, 163.14,	2
163.15, 163.16, 163.17, 163.19, 163.20, 163.21,	3
163.22, 163.52, 163.53, 163.54, 163.55, 163.56,	4
163.57, 163.58, 163.59, 163.60, 163.61, 163.62,	5
303.26, 719.012, 725.01, 725.02, 725.05, 725.11,	6
1728.01, 3735.40, and 3735.59, and to enact	7
sections 1.08, 163.021, 163.211, and 163.63, and	8
to repeal section 163.51 of the Revised Code to	9
implement recommendations of the Eminent Domain	10
Task Force and to create other procedures to	11
protect the rights of property owners.	12

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

Section 1. That sections 163.01, 163.02, 163.03, 163.04,	13
163.05, 163.06, 163.08, 163.09, 163.12, 163.14, 163.15, 163.16,	14
163.17, 163.19, 163.20, 163.21, 163.22, 163.52, 163.53, 163.54,	15
163.55, 163.56, 163.57, 163.58, 163.59, 163.60, 163.61, 163.62,	16
303.26, 719.012, 725.01, 725.02, 725.05, 725.11, 1728.01, 3735.40,	17
and 3735.59 be amended and sections 1.08, 163.021, 163.211, and	18

163.63 of the Revised Code be enacted to read as follows: 19

Sec. 1.08. As used in the Revised Code: 20

(A) "Blighted property" means a property that to which either 21
of the following applies: 22

(1) The property contains a structure that is dilapidated, 23
unsanitary, unsafe, or vermin infested, and because of its 24
condition an agency that is responsible for the enforcement of 25
housing, building, or fire codes has designated it unfit for human 26
habitation or use. 27

(2) The property has two or more of the following conditions: 28

(a) The property or a structure on the property constitutes a 29
public nuisance because of its physical condition, use, or 30
occupancy. 31

(b) The property contains a structure that in its current 32
condition is a fire hazard or otherwise is dangerous to the safety 33
of persons or property. 34

(c) The property contains a structure from which the 35
utilities, plumbing, heating, sewerage, or other necessary 36
facilities have been disconnected, destroyed, removed, or rendered 37
ineffective so that the property is unfit for its intended use. 38

(d) The property is a vacant or unimproved lot or parcel in a 39
predominantly built-up-neighborhood that, by reason of neglect or 40
lack of maintenance, has become a place for accumulation of trash 41
and debris, or a haven for vermin. 42

(e) The property has tax delinquencies that exceed the value 43
of the property. 44

(f) The property or a structure on the property has 45
significant code violations that substantially affect health or 46
safety, and at least one year has passed since an appropriate code 47

enforcement agency provided notice to the owner of the need to 48
rehabilitate the property or structure, and the property or 49
structure has not been substantially rehabilitated. 50

(g) The property poses a direct threat to public health or 51
safety in its present condition by reason of environmentally 52
hazardous conditions, solid waste pollution, or contamination. 53

(h) The property is an abandoned property, meaning that the 54
owner or estate in possession of the property has declared it to 55
be abandoned, or the property is occupied by a person who does not 56
have a legal or equitable right to occupy the property and the 57
entity taking the property is unable to identify and communicate 58
with the owner despite making reasonable efforts. 59

(B) "Blighted area" and "slum" mean a delineated area that 60
the taking agency establishes, that is comprised of contiguous 61
properties, and in which over ninety per cent of all properties 62
within the borders of the delineated area are blighted properties. 63
Only properties within the delineated boundaries may be considered 64
in the determination that an area is a "blighted area" or "slum." 65
No area may be designated as a "blighted area" or "slum" unless 66
the boundaries of that area are clearly delineated on a map that 67
is made available to the public. 68

(C)(1) When determining whether a property is a blighted 69
property or whether an area is a blighted area or slum, no person 70
shall consider whether the property could generate more tax 71
revenues if put to another use. 72

(2) No agency with the power to appropriate property shall 73
use that power as a substitute for the enforcement of nuisance 74
laws. 75

(D) Notwithstanding any other provision of this section, 76
absent any environmental or public health hazard that cannot be 77
corrected under its current use or ownership, a property is not a 78

blighted property because of any condition that is a blighting 79
condition under division (A) of this section if its condition is 80
consistent with conditions that are normally incident to generally 81
accepted agricultural practices and the land is used for purposes 82
consistent with the definition of "agriculture" in section 1.61 of 83
the Revised Code, or the county auditor of the county in which the 84
land is located has determined under section 5713.31 of the 85
Revised Code that the land is "land devoted exclusively to 86
agricultural use" as defined in section 5713.30 of the Revised 87
Code. 88

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

(A) "Public agency" means any governmental corporation, 91
instrumentality, unit, organization, or officer authorized by law 92
to appropriate property in the courts of this state. ~~"Private~~ 93
"Public agency" does not include a utility owned by a municipal 94
corporation. 95

(B) ~~"Private~~ agency" means any ~~other~~ corporation, firm, 96
partnership, voluntary association, joint-stock association, or 97
company that is not a "public agency," authorized by law to 98
appropriate property in the courts of this state. ~~"Agency"~~ 99
~~includes~~ 100

~~(B)~~(C) "Agency" means any public agency or private agency 101
authorized by law to appropriate property in the courts of this 102
state. "Agency" includes a utility owned by a municipal 103
corporation. 104

(D) "Business" means any lawful activity, excepting a farm 105
operation, conducted primarily for one or more of the following: 106

(1) The purchase, sale, lease, and rental of personal and 107
real property, and for the manufacture, processing, or marketing 108

<u>of products, commodities, or any other personal property;</u>	109
<u>(2) The sale of services to the public;</u>	110
<u>(3) By a nonprofit organization;</u>	111
<u>(4) Solely for the purposes of section 163.53 of the Revised</u>	112
<u>Code, for assisting in the purchase, sale, resale, manufacture,</u>	113
<u>processing, or marketing of products, commodities, personal</u>	114
<u>property, or services by the erection and maintenance of an</u>	115
<u>outdoor advertising display or displays, whether or not such</u>	116
<u>display or displays are located on the premises on which any of</u>	117
<u>the above activities are conducted.</u>	118
<u>(E) "Comparable replacement dwelling" means any dwelling that</u>	119
<u>is decent, safe, and sanitary; adequate in size to accommodate the</u>	120
<u>occupants; within the financial means of the displaced person;</u>	121
<u>functionally equivalent to the displaced person's dwelling; in an</u>	122
<u>area not subject to unreasonable adverse environmental conditions;</u>	123
<u>and in a location generally not less desirable than the location</u>	124
<u>of the displaced person's dwelling with respect to public</u>	125
<u>utilities, facilities, services, and the displaced person's place</u>	126
<u>of employment.</u>	127
<u>(F) "Court" includes means the court of common pleas and or</u>	128
<u>the probate court of any county in which the property sought to be</u>	129
<u>appropriated is located in whole or in part.</u>	130
<u>(C)(G) "Displaced person" means any person who moves from</u>	131
<u>real property or moves personal property from real property on</u>	132
<u>which the person is a residential tenant or conducts a business or</u>	133
<u>farm operation, when that move is a direct result of a written</u>	134
<u>notice of intent to acquire or the acquisition of that real</u>	135
<u>property, in whole or in part, under a program or project an</u>	136
<u>agency undertakes or as a direct result of rehabilitation,</u>	137
<u>demolition, or other displacing activity on real property by an</u>	138
<u>agency, and the head of the agency determines that the</u>	139

displacement is permanent. 140

"Displaced person" does not include a person who has been 141
determined, according to criteria the head of the agency 142
establishes, to be either in unlawful occupancy of the 143
displacement dwelling or to have occupied that dwelling for the 144
purpose of obtaining assistance under this chapter, or a person 145
who became an occupant of the dwelling after its acquisition and 146
whose occupancy is on a rental basis for a short term or a period 147
subject to termination when the property is needed for the program 148
or project. 149

(H) "Farm operation" means any activity conducted solely or 150
primarily for the production of one or more agricultural products 151
or commodities, including timber, for sale or home use, and 152
customarily producing such products or commodities in sufficient 153
quantity to be capable of contributing materially to the 154
operator's support. 155

(I) "Mortgage" means the classes of liens commonly given to 156
secure advances on, or the unpaid purchase price of, real 157
property, under the laws of Ohio, together with the credit 158
instruments, if any, secured thereby. 159

(J) "Owner" ~~includes~~ means any individual, partnership, 160
association, or corporation having any estate, title, or interest 161
in any real property sought to be appropriated. 162

~~(D)~~(K) "Person" includes any individual, partnership, 163
corporation, or association. 164

(L) "Real property," "land," or "property" ~~includes~~ means 165
estate, title, or interest in any real property ~~which~~ that is 166
authorized to be appropriated by the agency in question, unless 167
the context otherwise requires. 168

(M) "Goodwill" means the calculable benefits that accrue to a 169
business as a result of its location, reputation for 170

dependability, skill or quality, and any other circumstances that 171
result in probable retention of old, or acquisition of new, 172
patronage. 173

Sec. 163.02. (A) ~~Except as provided in divisions (B), (C),~~ 174
~~(D), and (F) of this section, all~~ All appropriations of real 175
property shall be made pursuant to ~~sections 163.01 to 163.22 of~~ 176
~~the Revised Code~~ this chapter, except as otherwise provided in 177
section 163.06 of the Revised Code or because of a public exigency 178
as provided in division (B) of section 307.08, 6101.181, 6115.221, 179
6117.39, or 6119.11, or division (D) of section 514.19 of the 180
Revised Code. 181

(B) ~~Subject to division (E) of this section, the~~ The director 182
of transportation may appropriate real property pursuant to 183
~~sections 163.01 to 163.22 of the Revised Code~~ this chapter or as 184
otherwise provided by law. 185

(C) ~~Subject to division (E) of this section, a conservancy~~ 186
~~district may appropriate real property by procedures prescribed in~~ 187
~~Chapter 6101. of the Revised Code.~~ 188

~~(D) Subject to division (E) of this section, a sanitary~~ 189
~~district may appropriate real property by procedures prescribed in~~ 190
~~Chapter 6115. of the Revised Code.~~ 191

~~(E) When the director of transportation, a conservancy~~ 192
~~district, or a sanitary district proceeds~~ Notwithstanding any 193
authority to appropriate real property ~~other than under sections~~ 194
~~163.01 to 163.22 of the Revised Code, the proceedings are to the~~ 195
contrary, any proceeding to appropriate real property is subject 196
to division (B) of section 163.21 of the Revised Code. 197

~~(F) A county, township that has adopted a limited home rule~~ 198
~~government, conservancy district, sanitary district, county sewer~~ 199
~~district, or a regional water and sewer district also may~~ 200

~~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.~~

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

(1) The name of the agency ~~of the state~~ that has the use and
benefit of the real property as, specified in the manner that
section 5301.012 of the Revised Code ~~requires~~;

(2) A statement of the purpose of the appropriation as
provided with the appropriation petition;

(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.

(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.

Sec. 163.021. (A)(1) No agency shall appropriate real

property except as necessary and for a public use. In any 231
appropriation, the taking agency shall show by a preponderance of 232
the evidence that the taking is necessary and for a public use. 233

(2) "Public use" does not include any taking that is for 234
conveyance to a private commercial enterprise, for economic 235
development, or solely for the purpose of increasing public 236
revenue, unless the taking agency shows by a preponderance of the 237
evidence that the property being appropriated is within a blighted 238
area and the taking is pursuant to a redevelopment plan having a 239
purpose of eliminating blight that has been adopted by the 240
legislative authority where the property is located. 241

(3) All of the following are presumed to be a public use: 242
utility facilities, roads, sewers, water lines, public schools, 243
public parks, government buildings, projects by an agency that is 244
a public utility as defined in section 4905.02 of the Revised Code 245
or an agency holding a certificate of public convenience and 246
necessity granted by the federal energy regulatory commission, an 247
electric cooperative as defined in section 4928.01 of the Revised 248
Code, and similar facilities and uses of land. 249

(B)(1) No public agency that is not elected may appropriate 250
real property unless the public agency or elected individual that 251
appointed the agency approves the appropriation or a majority of 252
the appointing public agencies or elected individuals approve the 253
appropriation if more than one agency or individual participated 254
in the appointment. If the agency that is not elected is a state 255
agency or a state instrumentality such as a university, the 256
approval shall be by the governor. 257

(2) Approval pursuant to this division shall be obtained for 258
each appropriation or each project for which the agency proposes 259
to appropriate property. If the project includes more than one 260
property, an agency may request approval for the project only if 261
that request includes a description of all affected properties in 262

the project by the street address of each property or other method 263
of identification by which an owner reasonably would be made aware 264
that the owner's property is included in the project. If the 265
agency adds properties to the project following an approval, the 266
agency shall seek an additional approval for appropriation of 267
those additional properties pursuant to the same procedures and 268
requirements as the initial approval. Authority to approve 269
appropriations may not be delegated to an agency that is not 270
elected. 271

(C) No park board, park district, board of directors of a 272
conservancy district, incorporated association with a purpose of 273
establishing or preserving public parks and memorial sites, or 274
similar park authority shall appropriate real property unless that 275
property is located within the entity's jurisdiction. 276

(D) Any public agency with authority to appropriate property 277
outside its jurisdiction shall obtain approval for the proposed 278
appropriation from the legislative authority where the property is 279
located and shall include a copy of that approval with any 280
petition for appropriation. 281

Sec. 163.03. Any agency may, upon the notice prescribed in 282
this section, prior to or subsequent to the filing of a petition 283
pursuant to section 163.05 of the Revised Code, enter upon any 284
lands, waters, and premises for the purpose of making such 285
surveys, soundings, drillings, appraisals, and examinations as are 286
necessary or proper for the purpose of the agency under ~~sections~~ 287
~~163.01 to 163.22, inclusive, of the Revised Code,~~ this chapter and 288
~~such that~~ entry ~~shall~~ does not constitute a trespass. Notice of 289
~~such~~ a proposed entry shall be given to the owner or the person in 290
possession by such means as are reasonably available not less than 291
forty-eight hours nor more than thirty days prior to the date of 292
~~such~~ the proposed entry. 293

The agency shall make restitution or reimbursement for any 294
actual damage resulting to ~~such~~ lands, waters, and premises and to 295
improvements or personal property located in, on, along, over, or 296
under ~~such~~ those lands, waters, and premises, as a result of ~~such~~ 297
activities this section authorizes. If the parties are unable to 298
agree upon restitution or other settlement, damages are 299
recoverable by civil action to which the state or agency hereby 300
consents. 301

Sec. 163.04. (A)(1) Any public agency that appropriates real 302
property shall adopt procedures under which the public is entitled 303
to provide input on a proposed appropriation. Any procedure shall 304
include notice and a reasonable public comment period. For at 305
least two consecutive weeks prior to any appropriation, the agency 306
shall provide a weekly notice of the proposed appropriation in a 307
newspaper of general circulation in the county in which the 308
appropriation is proposed. If the notice is for a project that 309
includes more than one property, the notice shall describe the 310
project and identify each property in the project by the 311
property's street address or other method reasonably designed to 312
enable an owner to recognize that the owner's property is included 313
in the project. Any notice shall specify the dates during which 314
the agency will accept written comment and set forth the address 315
to which persons may submit comment. The notice this division 316
requires may be made for the appropriation of an individual 317
property or for a project so long as the notice for a project 318
clearly identifies each property in that project and each owner is 319
given an opportunity to provide comment. If the agency adds 320
additional properties to the project, the agency shall repeat the 321
procedure this division describes for those additional properties. 322
During the period of public comment, the agency shall accept from 323
any person a written comment addressing the proposed appropriation 324
and any project for which that appropriation would be made. 325

(2) Any public agency that is not elected by the public also 326
shall hold at least one public hearing per appropriation or 327
project following the two weeks' published notice that this 328
section requires. The agency's notice shall include, in addition 329
to all requirements of division (A)(1) of this section, notice of 330
the time, date, and location of the public hearing. A public 331
hearing may be held for an individual property or for a project so 332
long as the notice for a project clearly identifies each property 333
in that project and each owner is given an opportunity to provide 334
comment at the public hearing. If the agency adds additional 335
properties to the project, the agency shall repeat the procedure 336
this division describes for those additional properties. 337

(3) Any agency that is a public utility as defined in section 338
4905.02 of the Revised Code, an electric cooperative as defined in 339
section 4928.01 of the Revised Code, or a utility owned by a 340
municipal corporation satisfies the notice and hearing 341
requirements of this division if the agency has a certificate 342
granted by a regulatory agency for the facility or project for 343
which property will be appropriated. If the public utility, 344
electric cooperative, or utility owned by a municipal corporation 345
does not have such a certificate, it shall provide notice to all 346
affected property owners at least thirty days prior to any initial 347
offer to purchase property. The notice shall inform the owner that 348
all or a portion of the property is necessary for a project, 349
describe the nature of that project, and describe each property to 350
be acquired by street address or other reasonable method that 351
would enable an owner to identify the property. 352

(4) This division does not apply to any appropriation to 353
eliminate a health nuisance or pursuant to a public exigency as 354
described in division (A) of section 163.02 or section 163.06 of 355
the Revised Code. 356

(B) No agency shall appropriate property unless prior to 357

filing a petition for appropriation the agency makes a good faith 358
offer to the owner and provides the owner or the guardian, agent, 359
or trustee of the owner with a copy of an appraisal, a summary 360
appraisal if the agency performed only a summary appraisal, or a 361
written explanation of how the agency established the value of the 362
property. The agency need not provide the owner, guardian, agent, 363
or trustee an appraisal, summary appraisal, or written explanation 364
of value if none of the persons to be provided the information is 365
known or their residence or business address cannot be ascertained 366
with reasonable diligence. The tax records of the county auditor 367
shall not be used to determine a property's value in an 368
appropriation action, but county tax payment records shall be 369
prima facie evidence of ownership for purposes of an adverse 370
possession action. 371

(C) Appropriations shall be made only after the agency is 372
unable to agree on a conveyance or the terms of a conveyance, for 373
any reason, with the any owner, or if more than one, any owner, or 374
his the guardian or trustee, or when any of any owner, unless no 375
owner is incapable capable of contracting in person or by agent 376
and has no guardian or trustee, or is unknown, or is not a 377
resident of this state, or his the residence is unknown to the 378
agency and or business address of any of these persons who could 379
approve a conveyance cannot with reasonable diligence be 380
ascertained with reasonable diligence. 381

Sec. 163.05. An agency ~~which~~ that has met the requirements of 382
section 163.04 of the Revised Code, may commence proceedings in a 383
proper court by filing a petition for appropriation of each parcel 384
or contiguous parcels in a single common ownership, or interest or 385
right therein. The petition of a private agency shall be verified 386
as in a civil action ~~and all.~~ All petitions shall contain: 387

388

(A) A description of each parcel of land or interest or right 389
therein sought to be appropriated, such as will permit ready 390
identification of the land involved; 391

(B) ~~In the case of a private agency, a~~ (1) A statement that 392
~~such~~ the appropriation is necessary, for a public use, and, ~~in the~~ 393
~~ease of~~ if a public agency or an agency for which a resolution or 394
approval is required, a copy of the resolution or approval of the 395
public agency to appropriate; 396

(2) A statement showing the appraised value or the agency's 397
estimated value of the property and affirming that the stated 398
amount was offered to the owner as compensation; 399

(3) If the property is part of a blighted area that is being 400
appropriated pursuant to a redevelopment plan, a statement that 401
shows the basis for the finding of blight and that supports that 402
the redevelopment area in which the parcel is located is a 403
"blighted area" as defined in section 1.08 of the Revised Code, 404
and a map that clearly sets forth the delineated boundaries of the 405
redevelopment area. 406

(C) A statement of the purpose of the appropriation; 407

(D) A statement of the estate or interest sought to be 408
appropriated; 409

(E) The names and addresses of the owners, so far as they can 410
be ascertained; 411

(F) A statement showing requirements of section 163.04 of the 412
Revised Code have been met; 413

(G) A prayer for the appropriation; 414

~~(H)~~ In the event of an appropriation where the agency would 415
require less than the whole of any parcel containing a residence 416
structure and the required portion would remove a garage and 417
sufficient land that a replacement garage could not be lawfully or 418

practically attached, the appropriation shall be for the whole 419
parcel and all structures unless, at the discretion of the owner, 420
the owner waives this requirement, in which case the agency shall 421
appropriate only the portion that the agency requires as well as 422
the entirety of any structure that is in whole or in part on the 423
required portion. 424

In the event of the appropriation of less than the fee of any 425
parcel or of a fee in less than the whole of any parcel of 426
property, the agency shall either make available to the owner or 427
shall file in the office of the county engineer, a description of 428
the nature of the improvement or use which requires the 429
appropriation, including any specifications, elevations, and grade 430
changes already determined at the time of the filing of the 431
petition, in sufficient detail to permit a determination of the 432
nature, extent, and effect of the taking and improvement. A set of 433
highway construction plans shall be acceptable in providing such 434
description for the purposes of the preceding sentence in the 435
appropriation of land for highway purposes. 436

Sec. 163.06. (A) A public agency, other than an agency 437
appropriating property for the purposes described in division (B) 438
of this section, ~~which qualifies~~ that is appropriating property 439
due to a public exigency that requires its immediate seizure 440
pursuant to Section 19 of Article I, Ohio Constitution, may 441
deposit with the court at the time of filing the petition the 442
value of such property appropriated together with the damages, if 443
any, to the residue, as determined by the public agency, and 444
thereupon take possession of and enter upon the property 445
appropriated. The right of possession upon deposit as provided in 446
this division ~~shall~~ does not extend to structures. 447

(B)(1) A public agency appropriating property for the purpose 448
of making or repairing roads ~~which shall~~ that will be open to the 449

public, without charge, or for the purpose of implementing rail 450
service under Chapter 4981. of the Revised Code, may deposit with 451
the court at the time of filing the petition the value of ~~such the~~ 452
property appropriated together with the damages, if any, to the 453
residue, as determined by the public agency, and stated in an 454
attached declaration of intention to obtain possession ~~and~~ 455
~~thereupon,~~ take possession ~~of,~~ and enter upon the property 456
appropriated, including structures situated upon the land 457
appropriated ~~for such purpose~~ or situated partly upon the land 458
appropriated ~~therefor~~ and partly upon adjoining land, so that ~~such~~ 459
~~the~~ structures cannot be divided upon the line between ~~such the~~ 460
lands without manifest injury ~~thereto~~. The 461

(2) The jury, in assessing compensation to any owner of land 462
appropriated under this division, shall assess the value ~~thereof~~ 463
of the property in accordance with section 163.14 of the Revised 464
Code. The owner or occupant of ~~such structures~~ the structure shall 465
vacate the ~~same~~ structure within sixty days after service of 466
summons as required under section 163.07 of the Revised Code, ~~at~~ 467
~~no cost to the appropriating agency,~~ after which time the agency 468
may remove ~~said any~~ structures. ~~In~~ 469

(3) In the event ~~such the~~ structures are to be removed before 470
the jury has fixed ~~the their~~ value ~~of the same~~, the court, upon 471
motion of the agency, shall do all of the following: 472

~~(1)~~(a) Order appraisals to be made by three persons, one to 473
be named by the owner, one by the county auditor, and one by the 474
agency. Such appraisals may be used as evidence by the owner or 475
the agency in the trial of ~~said the~~ case but shall not be binding 476
on ~~said the~~ owner, agency, or ~~the~~ jury, and the expense of ~~said~~ 477
the appraisals shall be approved by the court and charged as costs 478
~~in said case.~~ 479

~~(2)~~(b) Cause pictures to be taken of all sides of ~~said the~~ 480
structures; 481

~~(3)(c)~~ Compile a complete description of ~~said the~~ structures, 482
which shall be preserved as evidence ~~in said case~~ to which the 483
owner or occupants shall have access. 484

(C) Any time after the deposit is made by the public agency 485
under division (A) or (B) of this section, the owner may apply to 486
the court to withdraw the deposit, and ~~such that~~ withdrawal shall 487
in no way interfere with the action except that the sum ~~so~~ 488
withdrawn shall be deducted from the sum of the final verdict or 489
award. Upon ~~such an~~ application being made, the court shall direct 490
that the sum be paid to ~~such the~~ owner subject to the rights of 491
other parties in interest provided ~~such those~~ parties make timely 492
application as provided in section 163.18 of the Revised Code. 493
Interest shall not accrue on any sums withdrawable as provided in 494
this division. 495

(D) If the award exceeds one hundred twenty-five per cent of 496
the amount the agency deposited with the court, the owner shall be 497
awarded attorney's fees, appraisal fees, and expenses as specified 498
in division (B) of section 163.14 of the Revised Code. 499

Sec. 163.08. (A) Any owner may file an answer to ~~such the~~ 500
petition described in section 163.05 of the Revised Code. ~~Such Any~~ 501
answer shall be verified as in a civil action and shall contain a 502
general denial or specific denial of each material allegation not 503
admitted. The agency's right to make the appropriation, whether 504
the appropriation is for a public use, the inability of the 505
parties to agree, and the necessity for the appropriation shall be 506
resolved by the court in favor of the agency unless such matters 507
are ~~specifically~~ denied in the answer ~~and the facts relied upon in~~ 508
~~support of such denial are set forth therein, provided, when.~~ 509

(B)(1) When property is taken in time of war or other public 510
exigency, imperatively requiring its immediate seizure or for the 511
purpose of making or repairing roads, which shall be open to the 512

public, without charge, an answer may not deny the right to make 513
the appropriation, the inability of the parties to agree, or the 514
necessity for the appropriation. A 515

(2) A petition for appropriation, filed by the director of 516
transportation, which contains a declaration and journalization of 517
~~his~~ the director's intent to construct a state highway or 518
interstate highway, shall constitute a presumption that ~~such~~ the 519
appropriation is for the purpose of making or repairing roads 520
which shall be open to the public without charge. At a hearing on 521
an issue whether a taking sought by the director of transportation 522
is for the purpose of making or repairing roads open to the public 523
without charge, a set of construction plans made by or for the 524
director and showing the proposed use of the property in 525
connection with the construction or repair of such a road is 526
presumptive evidence of such purpose, notwithstanding that no 527
money has been appropriated for such construction or repair. 528

(C) An answer shall be served in accordance with Civil Rule 529
12. If the agency involved in the action is a private agency, no 530
more than one extension of the time authorized by Civil Rule 12 531
for serving an answer shall be granted pursuant to Civil Rule 6, 532
and that extension shall not exceed thirty days. 533

Sec. 163.09. (A) If no answer is filed pursuant to section 534
163.08 of the Revised Code, and no approval ordered by the court 535
to a settlement of the rights of all necessary parties, the court, 536
on motion of a public agency, shall declare the value of the 537
property taken and the damages, if any, to the residue to be as 538
set forth in any document properly filed with the clerk of the 539
court of common pleas by the public agency. ~~In all other cases,~~ 540
~~the court shall fix a time, within twenty days from the last date~~ 541
~~that the answer could have been filed, for the assessment of~~ 542
~~compensation by a jury.~~ 543

(B)(1) When an answer is filed pursuant to section 163.08 of 544
the Revised Code and any of the matters relating to the right to 545
make the appropriation, the inability of the parties to agree, 546
whether the appropriation is for a public use, whether a property 547
is located in a blighted area, or the necessity for the 548
appropriation are ~~specifically~~ denied in the manner provided in 549
that section, the court shall set a day, not less than five or 550
more than fifteen days from the date the answer was filed, to hear 551
those matters. Upon those matters, when the owner has established 552
a prima facie case as to any matter denied, the burden of proof 553
with respect to that matter is upon the ~~owner~~ agency by a 554
preponderance of the evidence. ~~A resolution or ordinance of the~~ 555
~~governing or controlling body, council, or board of the agency~~ 556
~~declaring the necessity for the appropriation shall be prima facie~~ 557
~~evidence of that necessity in the absence of proof showing an~~ 558
~~abuse of discretion by the agency in determining that necessity.~~ 559
~~If,~~ The public necessity of the taking is an issue for the court 560
to determine. 561

(2) If, as to any or all of the property or other interests 562
sought to be appropriated, the court determines the matters in 563
favor of the agency, the court shall set a time for the assessment 564
of compensation by the jury within twenty days from the date of 565
the journalization of that determination. ~~An~~ 566

(3)(a) An owner has a right to an immediate appeal if the 567
order of the court is in favor of the agency in any of the matters 568
the owner denied in the answer. 569

(b) An order of the court in favor of the agency on any of 570
the matters or on qualification under section 163.06 of the 571
Revised Code ~~shall~~ is not be a final order for purposes of appeal. 572
An order of the court against the agency on any of the matters or 573
on the question of qualification under section 163.06 of the 574
Revised Code ~~shall be~~ is a final order for purposes of appeal. ~~If~~ 575

(4) If a public agency has taken possession prior to ~~such an~~ 576
a final order and ~~such an order~~, after any appeal, that order is 577
against the agency on any of the matters, the agency shall restore 578
the property to the owner in its original condition or respond in 579
damages, which may include the items set forth in division (A)(2) 580
of section 163.21 of the Revised Code, recoverable by civil 581
action, to which the state consents. 582

(C) When an answer is filed pursuant to section 163.08 of the 583
Revised Code, and none of the matters set forth in division (B) of 584
this section is ~~specifically~~ denied, the court shall fix a time 585
within twenty days from the date the answer was filed for the 586
assessment of compensation by a jury. 587

(D) If answers are filed pursuant to divisions (B) and (C) of 588
this section, or an answer is filed on behalf of fewer than all 589
the named owners, the court shall set the hearing or hearings at 590
~~such times as~~ that are reasonable under all the circumstances, but 591
in no event later than twenty days after the issues are joined as 592
to all necessary parties or twenty days after rule therefor, 593
whichever is earlier. 594

(E) The court, with the consent of the parties, may order two 595
or more cases to be consolidated and tried together, but the 596
rights of each owner to compensation, damages, or both shall be 597
separately determined by the jury in its verdict. 598

(F) If an answer is filed under section 163.08 of the Revised 599
Code with respect to the value of property ~~appropriated under~~ 600
~~section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of~~ 601
~~the Revised Code as the result of a public exigency~~, the burden of 602
proof with respect to that value is on the party or parties to the 603
appropriation other than the property owners. 604

(G) In any final, unappealable order that is against the 605
agency as to the necessity of an appropriation, the owner shall be 606

awarded reasonable attorney's fees, expenses, and costs as set 607
forth in division (B) of section 163.21 of the Revised Code. 608

Sec. 163.12. (A) A view of the premises to be appropriated or 609
of premises appropriated shall be ordered by the court when 610
~~demanded~~ requested by a party to the proceedings. 611

(B) The property owners shall open and close the case except 612
that, if the premises are appropriated under section 163.06, 613
307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the 614
Revised Code as the result of a public exigency, the party or 615
parties other than the owners shall open and close the case. 616

(C) The court may amend any defect or informality in 617
proceedings under ~~sections 163.01 to 163.22 of the Revised Code~~ 618
this chapter. The court may cause new parties to be added and 619
direct further notice to be given to a party in interest as the 620
court considers proper. 621

(D) No part of the pleadings, ~~other than the petition,~~ shall 622
be read or exhibited to the jury. 623

Sec. 163.14. (A)(1) In appropriation proceedings the jury 624
shall be sworn to impartially assess the compensation and damages, 625
if any, without deductions for general benefits as to the property 626
of the owner. 627

(2) The jury, in its verdict, shall assess the compensation 628
for the property appropriated and damages, if any, to the residue, 629
to be paid to the owners. When a building or other structure is on 630
the property appropriated or when a building or other structure is 631
situated partly upon the land appropriated and partly upon 632
adjoining land so that the structure cannot be divided upon the 633
line between ~~such~~ those lands without manifest injury ~~thereto,~~ the 634
jury, in assessing compensation to any owner of the land, shall 635
assess the value ~~thereof,~~ of such a building as part of the 636

compensation. The title to ~~said~~ the structure shall vest in the 637
agency which shall have the right to enter upon ~~the~~ any adjoining 638
land upon which any part of the structure is located for the 639
purpose of removing ~~said~~ the structure ~~therefrom~~, after deposit in 640
accordance with the verdict. ~~Such~~ The removal shall be made within 641
ninety days after taking title to the property appropriated⁷, 642
provided⁷ that the court may extend removal time upon ~~such~~ 643
conditions as the court requires. 644

(3) The jury, in its verdict, shall assess compensation to 645
the owner of a business conducted on the property taken, or on the 646
remainder if the property is part of a larger parcel, for loss of 647
goodwill if the owner proves both of the following: 648

(a) The loss is caused by the taking of the property or the 649
injury to the remainder; and 650

(b) The loss cannot reasonably be prevented by relocation of 651
the business or by taking steps and adopting procedures that a 652
reasonably prudent person would take and adopt in preserving the 653
goodwill. 654

Compensation for loss of goodwill shall not be included in 655
payments made under section 163.53 of the Revised Code and shall 656
not be duplicated in any compensation otherwise awarded to the 657
owner. 658

(B)(1) If the amount of compensation the jury awards to an 659
owner is greater than one hundred twenty-five per cent of the 660
value the agency included in the appropriation petition as the 661
value of the property and the amount offered to the owner in a 662
good faith offer, the court shall award the owner reasonable 663
attorney's fees and expenses incurred or contracted, including 664
appraisal fees. 665

(2) Any award of attorney's fees pursuant to this section 666
shall be in an amount the judge determines appropriate, not to 667

exceed twenty-five per cent of the amount by which the awarded 668
value exceeds the appraised value that was stated on the 669
appropriation petition or, in the case of an appropriation due to 670
exigency, the amount deposited with the court. 671

(3) Any award of expert witness fees shall be in an amount 672
the judge determines appropriate, not to exceed a total of ten 673
thousand dollars. If cases have been consolidated, the judge shall 674
determine the portion of that amount to be distributed on behalf 675
of each parcel included in the consolidated case. 676

(4) The agency shall deposit any amount awarded pursuant to 677
this division with the court for distribution. 678

(C) The verdict shall be signed by at least three-fourths of 679
the members of the jury. 680

(D) If a jury is discharged without rendering a verdict, 681
another shall be impaneled at the earliest convenient time and 682
shall make the inquiry and assessment. 683

Sec. 163.15. (A) As soon as the agency pays to the owner or 684
party entitled ~~thereto or deposits with the court~~ the amount of 685
the award and the costs assessed against the agency, ~~it~~ the agency 686
may take possession~~7~~, provided~~7~~, that this right of possession 687
shall not be construed to limit the right of a public agency to 688
enter and take possession~~7~~ due to a public exigency as provided in 689
section 163.06 of the Revised Code. When the owner has accepted 690
the award or all appeals have been exhausted, the agency is 691
entitled to possession the court shall enter an order to such 692
effect upon the record and, if necessary, process shall be issued 693
to place the agency in possession. ~~Whenever~~ 694

(B) Whenever a final journal entry in an appropriation 695
proceeding, granting to this state a fee title or any lesser 696
estate or interest in real property is filed and journalized by 697

the clerk of courts, the clerk of courts shall forthwith transmit 698
to the county auditor a certified copy of ~~said the~~ final journal 699
entry ~~who~~ and the auditor shall transfer the property on ~~his the~~ 700
books and transmit ~~said the~~ entry with proper endorsement to the 701
county recorder for recording. The costs of filing ~~such the~~ final 702
journal entry with the county auditor and the county recorder 703
shall be taxed as costs in the appropriation proceedings the same 704
as other costs are taxed under section 163.16 of the Revised Code. 705

Sec. 163.16. The court costs, including jury fees, of any 706
proceeding shall be paid ~~as the court directs, except as may be~~ 707
~~provided for in cases subject to division (A)(2) or (B)(1) of~~ 708
~~section 163.21 of the Revised Code~~ by the agency that is 709
appropriating the property. ~~The agency may offer to confess~~ 710
~~judgment for the amount to be stated and the court costs then made~~ 711
~~in favor of any owner who in any manner enters an appearance or~~ 712
~~upon whom service has been made. If such owner refuses to accept~~ 713
~~such offer and as a result of the trial does not receive more, he~~ 714
~~shall pay all court costs accruing after the offer.~~ 715

Sec. 163.17. (A) Where the agency has the right to take 716
possession of the property before the verdict upon payment into 717
court of a deposit for an appropriation due to a public exigency 718
pursuant to section 163.06 of the Revised Code, and a portion of 719
~~said that~~ deposit may be withdrawn immediately by the owner, the 720
amount of the verdict ~~which that~~ exceeds the portion of the 721
deposit withdrawable ~~shall be~~ is subject to interest from the date 722
of taking to the date of actual payment of the award. 723

(B) Where the agency has no right to take possession of the 724
property before the verdict, if the award is not paid to the owner 725
or deposited in court within twenty-one days after journalization 726
of the verdict, interest thereafter shall accrue, except that 727
where the owner appeals, interest shall not accrue until the 728

agency takes possession. 729

(C) If the owner appeals and is granted a larger award, 730
interest shall be paid on the additional amount awarded from the 731
date of taking possession to the date of actual payment or date of 732
deposit with immediate right of withdrawal. 733

(D) If the agency wishes to appeal, it may require the 734
deposit to remain with the court pending final disposition of the 735
case, provided it pays interest on the final award from date of 736
taking possession to the date the money is actually paid or made 737
available to the owner, provided the owner may withdraw the 738
entire award upon posting an appropriate refund bond set by the 739
court, and provided that where a building or other structure is 740
taken, the court may, on application of the owner, permit the 741
owner to withdraw a reasonable portion of the award allocable to 742
the building without giving bond. 743

(E) If the amount of any deposit actually withdrawn by the 744
owner exceeds the final award from which no appeal is or can be 745
taken, then the owner at the time of entry of judgment on ~~such~~ 746
that award shall refund at once to the court for the account of 747
the agency the amount of such excess plus interest on ~~such~~ that 748
excess from the date of withdrawal of ~~such~~ the excess until the 749
date of ~~such~~ the refund, and upon the failure of the owner to make 750
~~such~~ a refund, the agency shall be entitled to a money judgment 751
against the owner. 752

(F) Except for cases involving the department of 753
transportation, interest as provided for in this section shall be 754
at the rate of interest for judgments as set forth in section 755
1343.03 of the Revised Code. In a case involving the appropriation 756
of property by the department of transportation, and the 757
department is the sole public agency seeking to appropriate 758
property in the case, interest as provided for in this section 759
shall be at the per annum rate of either the interest rate as 760

defined and established in division (B) of section 5703.47 of the Revised Code, or ten per cent, whichever is less.

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

Any appeal in an appropriation action shall be heard in an expedited manner and any owner shall have the right to an immediate appeal as specified in section 163.09 of the Revised Code.

Either party may request, and the court may grant, a stay on appeal, provided that the owner posts a supersedeas bond in an amount the court determines.

Sec. 163.20. An agency may appropriate in accordance with ~~sections 163.01 to 163.22, inclusive, of the Revised Code, this chapter~~ any property in which an interest has been appropriated, in order to perfect title in itself.

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

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

~~(A)(1) of this section,~~ the court shall enter a judgment against 790
the agency for costs, including jury fees, and shall enter a 791
judgment in favor of each affected owner, in amounts that the 792
court considers to be just, for each of the following that the 793
owner incurred: 794

(a) Witness fees, including expert witness fees, appraisal 795
fees, and engineering fees; 796

(b) Attorney's fees; 797

(c) Other actual and reasonable costs, expenses, and 798
disbursements. 799

(B)(1) ~~Except as provided in division (B)(2) of this section,~~ 800
~~if in~~ In appropriation proceedings under ~~sections 163.01 to 163.22~~ 801
~~of the Revised Code this chapter~~ or, as authorized by divisions 802
~~(A) and (B), (C), and (D)~~ of section 163.02 of the Revised Code, 803
~~in~~ for appropriation proceedings under other sections of the 804
Revised Code, if the court determines that an agency is not 805
entitled to appropriate particular property, the court shall enter 806
both of the following: 807

(a) A judgment against the agency for costs, including jury 808
fees; 809

(b) A judgment in favor of each affected owner, in amounts 810
that the court considers to be just, for the owner's reasonable 811
costs, disbursements, and expenses, to include witness fees, 812
including expert witness fees, ~~for~~ attorney's fees, appraisal and 813
engineering fees, and for other actual expenses that the owner 814
incurred in connection with the proceedings. 815

(2) ~~This division does not apply to a state agency that is~~ 816
~~subject to section 163.62 of the Revised Code in connection with~~ 817
~~condemnation proceedings~~ Any award to an owner pursuant to this 818
section shall be paid by the head of the agency for whose benefit 819
the appropriation proceedings were initiated. 820

Sec. 163.211. (A) If an agency abandons a project or decides 821
not to use appropriated property for the purpose stated in the 822
appropriation petition, the prior owner from whom the property was 823
appropriated may repurchase the property if that owner provided 824
timely notice to the agency that the owner desires to repurchase 825
the property and the agency has not conveyed or transferred title 826
to the property to another person or agency. 827

(B) The right of repurchase is extinguished five years after 828
the agency acquires the property or prior to that time if any of 829
the following occur: 830

(1) The prior owner declines to repurchase the property; 831

(2) The prior owner fails to repurchase the property within 832
sixty days after the agency offers the property for repurchase; 833

(3) The property qualified as blighted property at the time 834
it was appropriated. 835

(C) Nothing in this section affects the authority of the 836
director of transportation to convey unneeded property pursuant to 837
division (F) of section 5501.34 of the Revised Code. 838

(D) The fair market value of the property that an owner may 839
repurchase pursuant to this section may be determined by mutual 840
agreement of the owner and the agency. If they are unable to 841
agree, the court shall determine the fair market value. The owner 842
shall pay for the property the lesser of that fair market value 843
that the court determines or the price the agency paid for the 844
acquisition, increased by the amount by which the consumer price 845
index increased since that acquisition. 846

Sec. 163.22. All proceedings brought under ~~sections 163.01 to~~ 847
~~163.22 of the Revised Code~~ this chapter shall be governed by the 848
law applicable in civil actions and the Rules of Civil Procedure, 849
including, but not limited to, the rules governing discovery, 850

except as otherwise provided in those sections. The proceedings 851
shall be advanced as a matter of immediate public interest and 852
concern and shall be heard by the court at the earliest 853
practicable moment. 854

Sec. 163.52. (A) The failure of an ~~acquiring~~ agency to 855
satisfy a requirement of section 163.59 of the Revised Code does 856
not affect the validity of any property acquisition by purchase or 857
~~condemnation~~ appropriation. 858

(B) Nothing in sections ~~163.51~~ 163.52 to 163.62 of the 859
Revised Code shall be construed as creating, in any ~~condemnation~~ 860
appropriation proceeding brought under the power of eminent 861
domain, any element of value or damage not in existence 862
immediately prior to June 11, 1971. 863

Sec. 163.53. (A) Whenever the acquisition of real property 864
for a program or project undertaken by a ~~displacing~~ an agency will 865
result in the displacement of any person, the head of the agency 866
shall make a payment to any displaced person, upon proper 867
application as approved by ~~such~~ the agency head, for all of the 868
following: 869

(1) Actual reasonable expenses in moving ~~himself~~ the person, 870
~~his~~ and the person's family, business, farm operation, or other 871
personal property; 872

(2) Actual direct losses of tangible personal property as a 873
result of moving or discontinuing a business or farm operation, 874
but not to exceed an amount equal to the reasonable expenses that 875
would have been required to relocate ~~such~~ the property, as 876
determined by the head of the ~~displacing~~ agency; 877

(3) Actual reasonable expenses in searching for a replacement 878
business or farm, not to exceed twenty-five hundred dollars; 879

(4) Actual and reasonable expenses necessary to reestablish a 880

displaced farm, nonprofit organization, or small business at its 881
new site, but not to exceed ten thousand dollars. 882

(B) Any displaced person eligible for payments under division 883
(A) of this section who is displaced from a dwelling ~~and who~~ 884
~~elects to accept the payments authorized by this division may~~ 885
elect, in lieu of the payments authorized by division (A) of this 886
section ~~may, to~~ receive an expense and dislocation allowance, 887
determined according to a schedule established by the head of the 888
displacing agency. 889

(C) Any displaced person eligible for payments under division 890
(A) of this section who is displaced from ~~his~~ the person's place 891
of business or from ~~his~~ the person's farm operation may qualify 892
for the payment authorized by this division in lieu of the payment 893
authorized by division (A) of this section. The payment authorized 894
by this division shall consist of a fixed payment in an amount ~~to~~ 895
~~be determined according to criteria established by the head of the~~ 896
~~lead agency~~ based on the average annual net income of the business 897
or farm operation for the two years prior to the displacement, 898
except that such payment shall be not less than one thousand 899
dollars nor more than twenty thousand dollars. A person whose sole 900
business at the displacement dwelling is the rental of ~~such the~~ 901
property to others does not qualify for a payment under this 902
division. 903

(D)(1) Except as provided in section 5501.51 of the Revised 904
Code, if a program or project undertaken by ~~a displacing an~~ agency 905
results in the relocation of a utility facility, and the purpose 906
of the program or project was not to relocate or reconstruct any 907
utility facility~~+,~~ and if the owner of the utility facility ~~which~~ 908
that is being relocated under ~~such the~~ program or project has 909
entered into a franchise or similar agreement with the state or 910
local government on whose property, easement, or right-of-way ~~such~~ 911
the facility is located with respect to the use of ~~such the~~ 912

property, easement, or right-of-way~~+~~, and if the relocation of 913
~~such the~~ facility results in ~~such the~~ owner incurring an 914
extraordinary cost in connection with ~~such the~~ relocation~~;~~ then, 915
the ~~displacing~~ agency may, in accordance with ~~such~~ rules as the 916
head of the lead agency ~~may adopt~~ adopts, provide to ~~such the~~ 917
owner a relocation payment ~~which that~~ may not exceed the amount of 918
~~such any~~ extraordinary cost, less any increase in the value of the 919
new utility facility above the value of the old utility facility, 920
and less any salvage value derived from the old utility facility. 921

(2) As used in division (D) of this section: 922

(a) "Extraordinary cost in connection with a relocation" 923
means any cost incurred by the owner of a utility facility in 924
connection with relocation of ~~such the~~ facility that is determined 925
by the head of the displacing agency, under ~~such~~ rules as the head 926
of the lead agency ~~shall adopt~~ adopts, to be a nonroutine 927
relocation expense, to be a cost that owner ordinarily does not 928
include in its annual budget as an expense of operation, and to 929
meet such other requirements as the lead agency may prescribe ~~in~~ 930
~~such rules~~ by rule. 931

(b) "Utility facility" means any electric, gas, water, steam 932
power, or materials transmission or distribution system; any 933
transportation system; any communications system, including cable 934
television; and any fixture, equipment, or other property 935
associated with the operation, maintenance, or repair of any such 936
system; which is located on property owned by a state or local 937
government or over which a state or local government has an 938
easement or right-of-way. A utility facility may be publicly, 939
privately, or cooperatively owned. 940

Sec. 163.54. (A) In addition to payments this chapter 941
~~otherwise authorized by sections 163.51 to 163.62 of the Revised~~ 942
~~Code authorizes~~, the head of the ~~displacing~~ agency displacing the 943

owner shall make an additional payment ~~not to exceed twenty two~~ 944
~~thousand five hundred dollars~~ to any displaced person who is 945
displaced from a dwelling actually owned and occupied by ~~him~~ the 946
person for not less than one hundred eighty days prior to the 947
initiation of negotiations for the acquisition of the property. 948
Such additional payment shall include the following elements: 949

(1) The amount, if any, which when added to the acquisition 950
cost of the dwelling acquired by the ~~displacing~~ agency, equals the 951
reasonable cost of a comparable replacement dwelling. 952

(2) The amount, if any, which will compensate the ~~displaced~~ 953
person for any increased interest costs and other debt service 954
costs which the person is required to pay for financing the 955
acquisition of a comparable replacement dwelling. This amount 956
shall be paid only if the dwelling acquired by the displacing 957
agency was encumbered by a bona fide mortgage ~~which~~ that was a 958
valid lien on the dwelling for not less than one hundred eighty 959
days prior to the initiation of negotiations for the acquisition 960
of the dwelling. 961

(3) Reasonable expenses the person incurred ~~by the displaced~~ 962
~~person~~ for evidence of title, recording fees, and other closing 963
costs incident to the purchase of the replacement dwelling, but 964
not including prepaid expenses. 965

(B) The additional payment ~~authorized by this section shall~~ 966
this section authorizes may be made only to a displaced person who 967
purchases and occupies a replacement dwelling ~~which~~ that is 968
decent, safe, and sanitary not later than the end of the one-year 969
period beginning on the date on which ~~he~~ the person receives from 970
the ~~displacing~~ agency final payment of all costs of the acquired 971
dwelling, or on the date on which the ~~displacing~~ agency's 972
obligation under division (B)(3) of section 163.56 of the Revised 973
Code is met, whichever is later, except that the ~~displacing~~ agency 974
may extend the period for good cause. If the period is extended, 975

the payment under this section shall be based on the costs of 976
relocating the person to a comparable replacement dwelling within 977
one year after the displaced person receives from the ~~displacing~~ 978
agency final payment of all costs of the acquired dwelling. 979

Sec. 163.55. (A) In addition to amounts this chapter 980
~~otherwise authorized by sections 163.51 to 163.62 of the Revised~~ 981
~~Code~~ authorizes, the head of a ~~displacing an~~ agency shall make a 982
rent supplement payment to or for any displaced person displaced 983
from any dwelling not eligible to receive a payment under section 984
163.54 of the Revised Code ~~which~~ if the dwelling was actually and 985
lawfully occupied by ~~such the~~ displaced person for not less than 986
ninety days prior to the initiation of negotiations for 987
acquisition of ~~such the~~ dwelling, or in any case in which 988
displacement is not a direct result of acquisition, not less than 989
ninety days prior to such other event as the head of the lead 990
agency ~~shall prescribe~~ prescribes. The payment shall consist of 991
the amount necessary to enable the displaced person to lease or 992
rent for a period not to exceed forty-two months, a comparable 993
replacement dwelling, ~~but not to exceed five thousand two hundred~~ 994
~~fifty dollars~~. At the discretion of the head of the displacing 995
agency, a payment under this division may be made in periodic 996
installments. Computation of a payment under this division to a 997
low-income displaced person shall take into account the person's 998
income. 999

(B) Any person eligible for a payment under division (A) of 1000
this section may elect to apply the payment to a down payment on, 1001
and other incidental expenses pursuant to, the purchase of a 1002
decent, safe, and sanitary replacement dwelling. The person ~~may,~~ 1003
~~under criteria established by the head of the displacing agency,~~ 1004
~~be is~~ eligible ~~under this division~~ for the ~~maximum payment allowed~~ 1005
greater of five thousand two hundred fifty dollars or the amount 1006
the person would have received under division (A) of this section, 1007

except that, in the case of a displaced home owner who has owned 1008
and occupied the displacement dwelling for at least ninety days 1009
but not more than one hundred eighty days immediately prior to the 1010
initiation of negotiations for the acquisition of ~~such~~ the 1011
dwelling, the payment shall not exceed the payment the person 1012
would otherwise have received under section 163.54 of the Revised 1013
Code had the person owned and occupied the displacement dwelling 1014
one hundred eighty days immediately prior to the initiation of the 1015
negotiations. 1016

Sec. 163.56. (A)(1) Projects or programs that cause persons 1017
to be displaced persons shall be planned in a manner that 1018
recognizes, at an early stage in the planning of ~~such~~ those 1019
programs or projects and before the commencement of any ~~actions~~ 1020
action that will cause displacements, the problems associated with 1021
the displacement of individuals, families, businesses, and farm 1022
operations, and in a manner that provides for the resolution of 1023
~~such~~ those problems in order to minimize adverse impacts on 1024
displaced persons and to expedite program or project advancement 1025
and completion. 1026

(2) Whenever a program or project ~~undertaken by a displacing~~ 1027
an agency undertakes will result in the displacement of any 1028
person, the head of ~~the displacing~~ that agency shall provide a 1029
relocation assistance advisory program for displaced persons which 1030
shall offer the services described in division (B) of this 1031
section. If the head of the ~~displacing~~ agency determines that any 1032
person occupying property immediately adjacent to the real 1033
property acquired is caused substantial economic injury because of 1034
the acquisition, ~~he~~ the head of the agency may offer that person 1035
relocation advisory services under the program. 1036

(B) Each relocation assistance advisory program required by 1037
division (A) of this section shall include ~~such~~ any measures, 1038

facilities, or services as may be necessary or appropriate in 1039
order to do all of the following: 1040

(1) Determine the need, if any, of displaced persons for 1041
relocation assistance; 1042

(2) Provide current and continuing information on the 1043
availability, prices, and rentals, of comparable decent, safe, and 1044
sanitary sales and rental housing, and of suitable commercial 1045
properties and locations for displaced businesses and farm 1046
operations; 1047

(3) Assure that, within a reasonable period of time, prior to 1048
any displacement there will be available comparable replacement 1049
dwellings, as ~~defined by~~ the head of the displacing agency 1050
defines, equal in number to the number of and available to the 1051
displaced persons who require such dwellings, except that the head 1052
of the ~~displacing~~ agency may prescribe by ~~regulation~~ rule 1053
situations when such assurances may be waived; 1054

(4) Assist a displaced person displaced from ~~his~~ the 1055
displaced person's business or farm operation in obtaining and 1056
becoming established in a suitable replacement location; 1057

(5) Supply information concerning federal and state housing 1058
programs, disaster loan programs, and other federal or state 1059
programs offering assistance to displaced persons; 1060

(6) Provide other advisory services to displaced persons in 1061
order to minimize hardships to them in adjusting to relocation. 1062

Sec. 163.57. (A) If a project cannot proceed to ~~actual~~ 1063
construction because comparable replacement sale or rental housing 1064
is not available, and the head of the displacing agency determines 1065
that ~~such~~ comparable housing cannot otherwise be made available, 1066
~~he the head~~ may take ~~such~~ any action as ~~is~~ necessary or 1067
appropriate to provide ~~such~~ that housing by use of funds 1068

authorized for ~~such the~~ project. The head of the ~~displacing~~ agency 1069
may use this section to exceed the maximum amounts ~~which that~~ may 1070
be paid under sections 163.54 and 163.55 of the Revised Code on a 1071
case-by-case basis for good cause as determined in accordance with 1072
rules ~~adopted the head adopts~~ under Chapter 119. of the Revised 1073
Code ~~by the head of the lead agency~~. 1074

(B) No person shall be required to move from ~~his a~~ dwelling 1075
on account of any project, unless the ~~displacing~~ agency head is 1076
satisfied that replacement housing, in accordance with section 1077
163.56 of the Revised Code, is available to ~~such the~~ person. 1078

(C) The acquisition of replacement housing sites and the 1079
acquisition, rehabilitation, relocation, and construction of 1080
replacement housing shall be considered to be for a public 1081
purpose, and displacing agencies may properly expend their 1082
~~respective~~ funds to carry out the purposes of sections ~~163.51~~ 1083
163.52 to 163.62 of the Revised Code. 1084

(D) In order to prevent unnecessary expenses and duplications 1085
of functions, and to promote uniform and effective administration 1086
of relocation assistance programs for displaced persons under 1087
sections ~~163.51~~ 163.52 to 163.62 of the Revised Code, a displacing 1088
agency may enter into contracts with any individual, firm, 1089
association, or corporation for services in connection with such 1090
programs, or may carry out its functions under sections ~~163.51~~ 1091
163.52 to 163.62 of the Revised Code through any federal or state 1092
governmental agency or instrumentality having an established 1093
organization for conducting relocation assistance programs. The 1094
~~displacing~~ agency shall, in carrying out the relocation assistance 1095
activities described in this section, whenever practicable, 1096
utilize the services of state or local housing agencies, or other 1097
agencies having experience in the administration or conduct of 1098
similar housing assistance activities. 1099

Sec. 163.58. (A) Except as otherwise provided in rules 1100
adopted under division (B) of this section, the head of ~~each~~ 1101
~~displacing any agency is authorized to displacing persons pursuant~~ 1102
~~to this chapter may~~ establish such regulations and procedures as 1103
~~he may determine to be the head of the agency determines~~ necessary 1104
to assure: 1105

(1) That the payments and assistance authorized by sections 1106
~~163.51~~ 163.52 to 163.62 of the Revised Code ~~shall be~~ are 1107
administered in a manner ~~which~~ that is fair and reasonable, and as 1108
uniform as practicable; 1109

(2) That a displaced person who makes proper application for 1110
a payment authorized ~~for such person~~ by sections ~~163.51~~ 163.52 to 1111
163.62 of the Revised Code shall be paid promptly after a move or, 1112
in hardship cases, be paid in advance; 1113

(3) That any person aggrieved by a determination as to 1114
eligibility for ~~a~~ an authorized payment ~~authorized by such~~ 1115
~~sections,~~ or the amount of a payment, may have ~~his~~ the application 1116
reviewed by the head of the displacing agency having authority 1117
over the ~~applicable~~ program or project. 1118

(B) Notwithstanding any provision of the Revised Code to the 1119
contrary, the ~~lead~~ agency shall adopt ~~such~~ rules as may be 1120
necessary to implement sections ~~163.51~~ 163.52 to 163.62 of the 1121
Revised Code in a manner ~~which~~ that is as fair, reasonable, and 1122
uniform as practicable. ~~As used in this section, "lead agency"~~ 1123
~~means the state agency that the governor shall designate to carry~~ 1124
~~out the duties prescribed by this division.~~ 1125

Sec. 163.59. In order to encourage and expedite the 1126
acquisition of real property by agreements with owners, to avoid 1127
litigation and relieve congestion in the courts, to assure 1128
consistent treatment for owners in the many state and federally 1129

assisted programs, and to promote public confidence in public land 1130
acquisition practices, heads of ~~acquiring~~ agencies acquiring real 1131
property pursuant to this chapter shall do or ensure the 1132
acquisition satisfies all of the following: 1133

(A) ~~The~~ That the head of ~~an acquiring the~~ agency ~~shall make~~ 1134
makes every reasonable effort to acquire expeditiously real 1135
property by negotiation. 1136

(B) ~~In order for an acquiring agency to acquire real~~ 1137
~~property, the~~ The acquisition ~~shall be~~ is for a defined public 1138
purpose that is to be achieved in a defined and reasonable period 1139
of time. An acquisition of real property that complies with 1140
section 5501.31 of the Revised Code satisfies the defined public 1141
purpose requirement of this division. 1142

(C) Real property to be acquired ~~shall be~~ is appraised before 1143
the initiation of negotiations, and the owner or the owner's 1144
designated representative ~~shall be~~ is given a reasonable 1145
opportunity to accompany the appraiser during the appraiser's 1146
inspection of the property, ~~except that the~~. The head of the ~~lead~~ 1147
agency may prescribe a procedure to waive the appraisal in cases 1148
involving the acquisition by sale or donation of property with a 1149
low fair market value, in which case, the agency shall provide a 1150
summary appraisal or a written statement that describes how the 1151
agency determined the value of the property. If the appraisal 1152
values the property to be acquired at more than ten thousand 1153
dollars, the head of the acquiring agency ~~concerned~~ shall ~~make~~ 1154
~~every reasonable effort to~~ provide a copy of the appraisal, 1155
summary appraisal, or written statement of value to the owner 1156
pursuant to section 163.04 of the Revised Code. As used in this 1157
section, "appraisal" means a written statement independently and 1158
impartially prepared by a qualified appraiser, or a written 1159
statement prepared by an employee of the acquiring agency ~~who is a~~ 1160
~~qualified appraiser,~~ setting forth an opinion of defined value of 1161

an adequately described property as of a specified date, supported 1162
by the presentation and analysis of relevant market information. 1163

(D) Before the initiation of negotiations for real property, 1164
the head of the ~~acquiring agency concerned~~ shall establish an 1165
amount that the head ~~of the acquiring agency~~ believes to be just 1166
compensation for the property and shall make a prompt offer to 1167
acquire the property for no less than the full amount so 1168
established. In no event shall that amount be less than the 1169
agency's approved appraisal of the fair market value of the 1170
property. Any decrease or increase in the fair market value of 1171
real property prior to the date of valuation caused by the public 1172
improvement for which the property is acquired, or by the 1173
likelihood that the property would be acquired for that 1174
improvement, other than that due to physical deterioration within 1175
the reasonable control of the owner, will be disregarded in 1176
determining the compensation for the property. 1177

The head of the ~~acquiring agency concerned~~ shall provide the 1178
owner of real property to be acquired with a written statement of, 1179
and summary of the basis for, the amount that the head ~~of the~~ 1180
~~acquiring agency~~ established as just compensation. Where 1181
appropriate, the just compensation for real property acquired and 1182
for damages to remaining real property shall be separately stated. 1183

The owner shall be given a reasonable opportunity to consider 1184
the agency's offer ~~of the acquiring agency for the real property~~, 1185
to present material that the owner believes is relevant to 1186
determining the fair market value of the property, and to suggest 1187
modification in the proposed terms and conditions of the 1188
acquisition. The acquiring agency shall consider the owner's 1189
presentation and suggestions. 1190

(E) If information presented by the owner or a material 1191
change in the character or condition of the real property 1192
indicates the need for new appraisal information, or if ~~a period~~ 1193

~~of~~ more than two years has elapsed since the time of the appraisal 1194
~~of the property~~, the head of the ~~acquiring~~ agency ~~concerned~~ shall 1195
have the appraisal updated or obtain a new appraisal. If updated 1196
appraisal information or a new appraisal indicates that a change 1197
in the acquisition offer is warranted, the head ~~of the acquiring~~ 1198
~~agency~~ shall promptly reestablish the amount of the just 1199
compensation for the property and offer that amount to the owner 1200
in writing. 1201

(F) No owner shall be required to surrender possession of 1202
real property before the ~~acquiring~~ agency ~~concerned~~ pays the 1203
agreed purchase price, or deposits with the court for the benefit 1204
of the owner an amount not less than the agency's approved 1205
appraisal of the fair market value of the property, or the amount 1206
of the award of compensation in the condemnation proceeding for 1207
the property. 1208

(G) The construction or development of a public improvement 1209
shall be ~~so~~ scheduled so that no person lawfully occupying real 1210
property shall be required to move from a dwelling, or to move the 1211
person's business or farm operation, without at least ninety days' 1212
written notice from the head of the ~~acquiring~~ agency ~~concerned~~ of 1213
the date by which the move is required. 1214

(H) If the head of an ~~acquiring~~ agency permits an owner or 1215
tenant to occupy the real property acquired on a rental basis for 1216
a short term or for a period subject to termination on short 1217
notice, the amount of rent required shall not exceed the fair 1218
rental value of the property to a short-term occupier. 1219

(I) In no event shall the head of an ~~acquiring~~ agency either 1220
advance the time of condemnation, or defer negotiations or 1221
condemnation and the deposit of funds in court for the use of the 1222
owner, or take any other action coercive in nature, in order to 1223
compel an agreement on the price to be paid for the real property. 1224

(J) When any interest in real property is acquired by an 1225
appropriation pursuant to this chapter or otherwise by exercise of 1226
the power of eminent domain, the head of the ~~acquiring~~ agency 1227
~~concerned~~ shall institute the formal ~~condemnation~~ appropriation 1228
proceedings pursuant to this chapter. No head of an ~~acquiring~~ 1229
agency shall intentionally make it necessary for an owner to 1230
institute legal proceedings to prove the fact of the taking of the 1231
owner's real property. 1232

(K) If the acquisition of only part of a property would leave 1233
its owner with an uneconomic remnant, the head of the ~~acquiring~~ 1234
agency ~~concerned~~ shall offer to acquire that remnant. For the 1235
purposes of this division, an uneconomic remnant is a parcel of 1236
real property in which the owner is left with an interest after 1237
the partial acquisition of the owner's property and which the head 1238
of the agency concerned has determined has little or no value or 1239
utility to the owner. 1240

An acquisition of real property may continue while an 1241
acquiring agency carries out the requirements of divisions (A) to 1242
(K) of this section. 1243

This section applies only when the acquisition of real 1244
property may result in an exercise of the power of eminent domain. 1245

Sec. 163.60. (A) If the head of a ~~state~~ an agency acquires 1246
any interest in real property pursuant to this chapter or 1247
otherwise, ~~he~~ the head shall acquire at least an equal interest in 1248
all buildings, structures, or other improvements located upon the 1249
real property ~~so acquired~~ and ~~which he~~ that the head requires to 1250
be removed from ~~such real~~ the property or ~~which he~~ that the head 1251
determines will be adversely affected by the use to which ~~such~~ 1252
~~real~~ the property will be put. 1253

(B) For the purpose of determining the just compensation to 1254
be paid for any building, structure, or other improvement required 1255

to be acquired by division (A) of this section, ~~such the~~ building, 1256
structure, or other improvement shall be deemed to be a part of 1257
the real property to be acquired notwithstanding the right or 1258
obligation of a tenant, as against the owner of any other interest 1259
in the real property, to remove ~~such the~~ building, structure, or 1260
improvement at the expiration of ~~his the tenant's~~ term, and the 1261
fair market value ~~which such that the~~ building, structure, or 1262
improvement contributes to the fair market value of the real 1263
property to be acquired, or the fair market value of ~~such the~~ 1264
building, structure, or improvement for removal from the real 1265
property, whichever is the greater, shall be paid to the tenant 1266
~~therefor.~~ 1267

(C) Payment under this section shall not result in 1268
duplication of any payments otherwise authorized by law. No ~~such~~ 1269
payment under this section shall be made unless the owner of the 1270
land involved disclaims all interest in the improvements of the 1271
tenant. In consideration for any such payment, the tenant shall 1272
assign, transfer, and release all ~~his the tenant's~~ right, title, 1273
and interest in and to such improvements. 1274

Sec. 163.61. The head of ~~a state~~ an agency, as soon as 1275
practicable after the date of payment of the purchase price or the 1276
date of deposit in court of funds to satisfy the award of 1277
compensation in ~~a condemnation~~ an appropriation proceeding to 1278
acquire real property, whichever is the earlier, shall reimburse 1279
the owner, to the extent the head of such agency considers fair 1280
and reasonable, for expenses ~~he the owner~~ necessarily incurred 1281
for: 1282

(A) Transfer taxes, and similar expenses incidental to 1283
conveying such real property to the ~~state~~ agency; 1284

(B) Penalty costs for prepayment of any pre-existing recorded 1285
mortgage entered into in good faith encumbering ~~such the~~ real 1286

property; 1287

(C) The pro rata portion of any real property taxes paid 1288
which are allocable to a period subsequent to the date of vesting 1289
title in the state or ~~state~~ agency, or the effective date of 1290
possession of ~~such~~ the real property by the agency, whichever is 1291
the earlier. 1292

Sec. 163.62. ~~(A)~~ The court having jurisdiction of a 1293
proceeding instituted by ~~a state~~ an agency to acquire real 1294
property ~~by condemnation pursuant to this chapter~~ shall award the 1295
owner of any right, or title to, or interest in, ~~such~~ that real 1296
property ~~such sum as will in the opinion of the court reimburse~~ 1297
~~such owner for his reasonable costs, disbursements, and expenses,~~ 1298
~~including reasonable attorney, appraisal, and engineering fees,~~ 1299
~~actually incurred because of the condemnation proceeding, if~~ 1300
~~either:~~ 1301

~~(1) The final judgment is that the agency cannot acquire the~~ 1302
~~real property by condemnation; or~~ 1303

~~(2) The proceeding is abandoned by the state agency.~~ 1304

~~(B) Any award made pursuant to division (A) of this section~~ 1305
~~shall be paid by the head of the agency for whose benefit the~~ 1306
~~condemnation proceeding was instituted pursuant to section 163.21~~ 1307
~~of the Revised Code.~~ 1308

Sec. 163.63. Any reference in the Revised Code to an 1309
authority to acquire real property by "condemnation" or to take 1310
real property pursuant to a power of eminent domain is deemed to 1311
be an appropriation of real property and any such taking or 1312
acquisition shall be made pursuant to this chapter. Any section of 1313
the Revised Code that authorizes the appropriation of real 1314
property pursuant to sections 163.01 to 163.22 of the Revised Code 1315
is an authority to appropriate real property pursuant to this 1316

chapter and that appropriation shall be made pursuant to this 1317
chapter. 1318

Sec. 303.26. As used in sections 303.26 to 303.56, inclusive, 1319
of the Revised Code, unless a different meaning is clearly 1320
indicated by the context: 1321

(A) "Municipality" means any incorporated city or village of 1322
the state. 1323

(B) "Public body" means the state, any county, municipality, 1324
township, board, commission, authority, district, or other 1325
subdivision. 1326

(C) "Federal government" means the United States or any 1327
agency or instrumentality, corporate or otherwise thereof. 1328

~~(D) "Slum area" means an area within a county but outside the~~ 1329
~~corporate limits of any municipality, in which area there is a~~ 1330
~~predominance of buildings or improvements, whether residential or~~ 1331
~~nonresidential, which by reason of dilapidation, deterioration,~~ 1332
~~age or obsolescence, inadequate provision for ventilation, light,~~ 1333
~~air, sanitation, or open spaces, high density of population and~~ 1334
~~overcrowding, or the existence of conditions which endanger life~~ 1335
~~or property, by fire and other causes, or any combination of such~~ 1336
~~factors is conducive to ill health, transmission of disease,~~ 1337
~~infant mortality, juvenile delinquency, or crime, and is~~ 1338
~~detrimental to the public health, safety, morals, or welfare.~~ 1339

~~(E) "Blighted area" means an area within a county but outside~~ 1340
~~the corporate limits of any municipality, which area by reason of~~ 1341
~~the presence of a substantial number of slum, deteriorated, or~~ 1342
~~deteriorating structures, predominance of defective or inadequate~~ 1343
~~street layout, faulty lot layout in relation to size, adequacy,~~ 1344
~~accessibility, or usefulness, insanitary or unsafe conditions,~~ 1345
~~deterioration of site or other improvements, diversity of~~ 1346

~~ownership, tax or special assessment delinquency exceeding the~~ 1347
~~fair value of the land, defective or unusual conditions to title,~~ 1348
~~or the existence of conditions which endanger life or property by~~ 1349
~~fire and other causes, or any combination of such factors,~~ 1350
~~substantially impairs or arrests the sound growth of a county,~~ 1351
~~retards the provision of housing accommodations, or constitutes an~~ 1352
~~economic or social liability and is a menace to the public health,~~ 1353
~~safety, morals, or welfare in its present condition and use has~~ 1354
~~the meaning defined in section 1.08 of the Revised Code.~~ 1355

If ~~such~~ any blighted area consists of open land, the 1356
provisions of section 303.34 of the Revised Code ~~shall~~ apply. 1357

Any disaster area referred to in section 303.36 of the 1358
Revised Code ~~shall constitute~~ constitutes a "blighted area". 1359

~~(F)~~(E) "County renewal project" may include undertakings and 1360
activities of a county in a county renewal area for the 1361
elimination and for the prevention of the development or spread of 1362
slums and blight, and may involve slum clearance and redevelopment 1363
in a county renewal area, or rehabilitation or conservation in a 1364
county renewal area, or any combination or part thereof, in 1365
accordance with a county renewal plan, and such aforesaid 1366
undertakings and activities may include acquisition of a slum area 1367
or a blighted area, or portion thereof; demolition and removal of 1368
buildings and improvements; installation, construction, or 1369
reconstruction of streets, utilities, parks, playgrounds, and 1370
other improvements necessary for carrying out in the county 1371
renewal area the county renewal objectives of sections 303.26 to 1372
303.56, inclusive, of the Revised Code in accordance with the 1373
county renewal plan; disposition of any property acquired in the 1374
county renewal area, including sale, initial leasing, or retention 1375
by the county itself, at its fair value for uses in accordance 1376
with the county renewal plan; carrying out plans for a program of 1377
voluntary or compulsory repair and rehabilitation of buildings or 1378

other improvements in accordance with the county renewal plan; and 1379
acquisition of any other real property in the county renewal area 1380
where necessary to eliminate unhealthful, insanitary, or unsafe 1381
conditions; lessen density, eliminate obsolete, or other uses 1382
detrimental to the public welfare, or otherwise to remove or 1383
prevent the spread of blight or deterioration, or to provide land 1384
for needed public facilities. 1385

~~(G)~~(F) "County renewal area" means a slum area or a blighted 1386
area or a combination thereof which the board of county 1387
commissioners designates as appropriate for a county renewal 1388
project. 1389

~~(H)~~(G) "County renewal plan" means a plan, as it exists from 1390
time to time, for a county renewal project, which plan shall 1391
conform to the general plan for the county, except as provided in 1392
section 303.36 of the Revised Code, and shall be sufficiently 1393
complete to indicate such land acquisition, demolition, and 1394
removal of structures, redevelopment, improvements, and 1395
rehabilitation as may be proposed to be carried out in the county 1396
renewal area, zoning, and planning changes, if any, land uses, 1397
maximum densities, building requirements, and the plan's 1398
relationship to definite local objectives respecting appropriate 1399
land uses, improved traffic, public transportation, public 1400
utilities, recreational and community facilities, and other public 1401
improvements. 1402

~~(I)~~(H) "Redevelopment" and derivatives thereof, when used 1403
with respect to a county renewal area, mean development as well as 1404
redevelopment. 1405

~~(J)~~(I) "Real property" includes all lands, including 1406
improvements and fixtures thereon, and property of any nature 1407
appurtenant thereto, or used in connection therewith, and every 1408
estate, interest, right, and use, legal or equitable, therein, 1409
including terms for years and liens by way of judgment, mortgage, 1410

or otherwise. 1411

~~(K)~~(J) "Person" means any individual, firm, partnership, 1412
corporation, company, association, joint stock association, or 1413
body politic, and includes any trustee, receiver, assignee, or 1414
other person acting in a similar representative capacity. 1415

~~(L)~~(K) "Obligee" includes any bondholder, agents, or trustees 1416
for any bondholders, or lessor demising to the county property 1417
used in connection with a county renewal project, or any assignee 1418
or assignees of such lessor's interest or any part thereof, and 1419
the federal government when it is a party to any contract with the 1420
county. 1421

~~(M)~~(L) "Bond," as used in section 303.46 of the Revised Code, 1422
means bonds, including refunding bonds, notes, interim 1423
certificates of special indebtedness, debentures, or other 1424
obligations of a county, payable and secured as authorized by 1425
section 303.46 of the Revised Code. 1426

Sec. 719.012. In order to rehabilitate a building or 1427
structure that a municipal corporation determines to be a ~~threat~~ 1428
~~to the public health, safety, or welfare; that has been declared~~ 1429
~~to be a public nuisance under Chapter 3707., 3709., or 3781. of~~ 1430
~~the Revised Code; and that either has been found to be insecure,~~ 1431
~~unsafe, structurally defective, unhealthful, or unsanitary under~~ 1432
~~sections 715.26 to 715.30 of the Revised Code or violates a~~ 1433
~~building code or ordinance adopted under section 731.231~~ blighted 1434
property of the Revised Code, a municipal corporation may 1435
appropriate, in the manner provided in ~~sections 163.01 to 163.22~~ 1436
Chapter 163. of the Revised Code, any such building or structure 1437
and the real property of which it is a part. The municipal 1438
corporation shall rehabilitate the building or structure or cause 1439
it to be rehabilitated within two years after the appropriation, 1440
so that the building or structure is no longer a public nuisance, 1441

insecure, unsafe, structurally defective, unhealthful, or 1442
unsanitary, or a threat to the public health, safety, or welfare, 1443
or in violation of a building code or ordinance adopted under 1444
section 731.231 of the Revised Code. Any building or structure 1445
appropriated pursuant to this section which is not rehabilitated 1446
within two years shall be demolished. 1447

If during the rehabilitation process the municipal 1448
corporation retains title to the building or structure and the 1449
real property of which it is a part, ~~then~~ within one hundred 1450
eighty days after the rehabilitation is complete, the municipal 1451
corporation shall appraise the rehabilitated building or structure 1452
and the real property of which it is a part, and ~~shall~~ sell the 1453
building or structure and property at public auction. The 1454
municipal corporation shall advertise the public auction in a 1455
newspaper of general circulation in the municipal corporation once 1456
a week for three consecutive weeks prior to the date of sale. The 1457
municipal corporation shall sell the building or structure and 1458
real property to the highest and best bidder. No property that a 1459
municipal corporation acquires pursuant to this section shall be 1460
leased. 1461

Sec. 725.01. As used in sections 725.01 to 725.11 of the 1462
Revised Code: 1463

~~(A) "Slum area" means an area within a municipal corporation,~~ 1464
~~in which area there is a predominance of buildings or~~ 1465
~~improvements, whether residential or nonresidential, which by~~ 1466
~~reason of dilapidation, deterioration, age or obsolescence,~~ 1467
~~inadequate provision for ventilation, light, air, sanitation, or~~ 1468
~~open spaces, high density of population and overcrowding, or the~~ 1469
~~existence of conditions which endanger life or property, by fire~~ 1470
~~and other causes, or any combination of such factors, is conducive~~ 1471
~~to ill health, transmission of disease, infant mortality, juvenile~~ 1472

~~delinquency, or crime, and is detrimental to public health,~~ 1473
~~safety, morals, or welfare.~~ 1474

~~(B) "Blighted area" means an area within a municipal~~ 1475
~~corporation, which area by reason of the presence of a substantial~~ 1476
~~number of slums, deteriorated or deteriorating structures,~~ 1477
~~predominance of defective or inadequate street layout, faulty lot~~ 1478
~~layout in relation to size, adequacy, accessibility, or~~ 1479
~~usefulness, unsanitary or unsafe conditions, deterioration of site~~ 1480
~~or other improvements, diversity of ownership, tax or special~~ 1481
~~assessment delinquency exceeding the fair value of the land,~~ 1482
~~defective or unusual conditions to title, or the existence of~~ 1483
~~conditions which endanger life or property by fire and other~~ 1484
~~causes, or any combination of such factors, substantially impairs~~ 1485
~~or arrests the sound growth of a municipal corporation, retards~~ 1486
~~the provision of housing accommodations, or constitutes an~~ 1487
~~economic or social liability and is a menace to the public health,~~ 1488
~~safety, morals, or welfare in its present condition and use.~~ 1489

~~(C)~~(A)(1) "Development agreement" means an agreement that 1490
includes as a minimum all of the following agreements between a 1491
municipal corporation as obligee and the following parties as 1492
obligors: 1493

(a) An agreement to construct or rehabilitate the structures 1494
and facilities described in the development agreement on real 1495
property described in the agreement situated in an urban renewal 1496
area, the obligor of such agreement to be a party determined by 1497
the legislative authority of the municipal corporation to have the 1498
ability to perform or cause the performance of the agreement; 1499

(b) The agreement required by section 725.04 of the Revised 1500
Code, the obligor of the agreement to be the owner or owners of 1501
the improvements to be constructed or rehabilitated; 1502

(c) An agreement of the owner or owners of the fee simple of 1503

the real property to which the development agreement pertains, as 1504
obligor, that the owner or owners and their successors and assigns 1505
shall use, develop, and redevelop the real property in accordance 1506
with, and for the period of, the urban renewal plan and shall so 1507
bind their successors and assigns by appropriate agreements and 1508
covenants running with the land enforceable by the municipal 1509
corporation. 1510

(2) A municipal corporation on behalf of the holders of urban 1511
renewal bonds may be the obligor of any of the agreements 1512
described in division ~~(C)~~(A)(1) of this section. 1513

~~(D)~~(B) "Revenues" means all rentals received under leases 1514
made by the municipal corporation in any part or all of one or 1515
more urban renewal areas; all proceeds of the sale or other 1516
disposition of property of the municipal corporation in any part 1517
or all of one or more urban renewal areas; and all urban renewal 1518
service payments collected from any part or all of one or more 1519
urban renewal areas. 1520

~~(E)~~(C) "Urban renewal area" means a slum area or a blighted 1521
area or a combination thereof which the legislative authority of 1522
the municipal corporation designates as appropriate for an urban 1523
renewal project. 1524

~~(F)~~(D) "Urban renewal bonds" means, unless the context 1525
indicates a different meaning, definitive bonds, interim receipts, 1526
temporary bonds, and urban renewal refunding bonds issued pursuant 1527
to sections 725.01 to 725.11 of the Revised Code, and bonds issued 1528
pursuant to Article XVIII, Section 3, Ohio Constitution, for the 1529
uses specified in section 725.07 of the Revised Code. 1530

~~(G)~~(E) "Urban renewal refunding bonds" means the refunding 1531
bonds authorized by section 725.07 of the Revised Code. 1532

~~(H)~~(F) "Urban renewal plan" means a plan, as it exists from 1533
time to time, for an urban renewal project, which plan shall 1534

**As Reported by the Senate State and Local Government and Veterans Affairs
Committee**

conform to the general plan for the municipal corporation, if any, 1535
and shall be sufficiently complete to indicate such land 1536
acquisition, demolition, and removal of structures, redevelopment, 1537
improvements, and rehabilitation as may be proposed to be carried 1538
out in the urban renewal area, zoning, and planning changes, if 1539
any, land uses, maximum densities, and building requirements. 1540

~~(I)~~(G) "Urban renewal project" may include undertakings and 1541
activities of a municipal corporation in an urban renewal area for 1542
the elimination and for the prevention of the development or 1543
spread of slums and blight, and may involve slum clearance and 1544
redevelopment in an urban renewal area, or rehabilitation or 1545
conservation in an urban renewal area, or any combination or part 1546
thereof, in accordance with an urban renewal plan, and such 1547
aforesaid undertakings and activities may include acquisition of a 1548
slum area or a blighted area, or portion thereof, demolition and 1549
removal of buildings and improvements; installation, construction, 1550
or reconstruction of streets, utilities, parks, playgrounds, 1551
public buildings and facilities, and other improvements necessary 1552
for carrying out in the urban renewal area the urban renewal 1553
objectives in accordance with the urban renewal plan, disposition 1554
of any property acquired in the urban renewal area, including 1555
sale, leasing, or retention by the municipal corporation itself, 1556
at its fair value for uses in accordance with the urban renewal 1557
plan; carrying out plans for a program of voluntary or compulsory 1558
repair and rehabilitation of buildings or other improvements in 1559
accordance with the urban renewal plan; the acquisition, 1560
construction, enlargement, improvement, or equipment of property, 1561
structures, equipment, or facilities for industry, commerce, 1562
distribution, or research from the proceeds of urban renewal bonds 1563
issued pursuant to division (C) of section 725.05 of the Revised 1564
Code; and acquisition of any other real property in the urban 1565
renewal area where necessary to eliminate unhealthful, unsanitary, 1566
or unsafe conditions, lessen density, eliminate obsolete, or other 1567

uses detrimental to the public welfare, or otherwise to remove or 1568
prevent the spread of blight or deterioration, or to provide land 1569
for needed public facilities. 1570

~~(J)~~(H) "Urban renewal debt retirement fund" means a fund, 1571
created pursuant to section 725.03 of the Revised Code by the 1572
legislative authority of a municipal corporation when authorizing 1573
a single issue or a series of urban renewal bonds, to be used for 1574
payment of the principal of and interest and redemption premium on 1575
such urban renewal bonds, trustee's fees, and costs and expenses 1576
of providing credit facilities, put arrangements, and interest 1577
rate hedges, and for fees and expenses of agents, and other fees, 1578
costs, and expenses, in connection with arrangements under 1579
sections 9.98 to 9.983 of the Revised Code; or when authorizing 1580
the repayment of loans from the state issued pursuant to Chapter 1581
164. of the Revised Code and used for urban renewal projects, to 1582
be used to repay the principal and interest on such loans. When so 1583
authorized by the legislative authority of a municipal 1584
corporation, such a fund may be used for both purposes permitted 1585
under this division. 1586

~~(K)~~(I) "Urban renewal service payments" means the urban 1587
renewal service payments, in lieu of taxes, provided for in 1588
section 725.04 of the Revised Code. 1589

~~(L)~~(J) "Improvements" means the structures and facilities 1590
constructed or rehabilitated pursuant to a development agreement. 1591

~~(M)~~(K) "Exemption period" means that period during which all 1592
or a portion of the assessed valuation of the improvements has 1593
been exempted from real property taxation pursuant to section 1594
725.02 of the Revised Code. 1595

Sec. 725.02. (A) The portion of the assessed valuation of 1596
improvements constructed pursuant to a development agreement, and 1597
the portion of the increase in the assessed valuation after the 1598

commencement of rehabilitation of improvements rehabilitated 1599
pursuant to a development agreement declared to be a public 1600
purpose in the development agreement shall be exempt from real 1601
property taxation by all political subdivisions and taxing 1602
districts. Except as otherwise provided in division (B) of this 1603
section, the portion of the assessed valuation of improvements 1604
declared to be a public purpose and exempted from taxation shall 1605
not exceed seventy-five per cent of the assessed valuation of the 1606
improvements for each year of the exemption period. 1607

(B) With the approval under this division of the board of 1608
education of the city, local, or exempted village school district 1609
within the territory of which the improvements are or will be 1610
located, the portion of the assessed valuation of improvements 1611
exempted from taxation may exceed seventy-five per cent, but shall 1612
not exceed one hundred per cent. The legislative authority of the 1613
municipal corporation shall deliver to the board of education a 1614
notice stating its intent to declare improvements to be a public 1615
purpose under the agreement. The notice shall be delivered not 1616
later than forty-five days prior to execution of the agreement by 1617
the legislative authority, excluding Saturdays, Sundays, and legal 1618
holidays as defined in section 1.14 of the Revised Code. The 1619
notice shall describe the parcel and the improvements, provide an 1620
estimate of the true value in money of the improvements, specify 1621
the period for which the improvements would be exempted from 1622
taxation and the percentage of the assessed valuation of the 1623
improvements that would be exempted, and indicate the date on 1624
which the legislative authority intends to execute the agreement. 1625
The board of education, by resolution adopted by a majority of the 1626
board, may approve the exemption for the exemption percentage 1627
specified in the notice, may disapprove the exemption for the 1628
percentage of the improvements to be exempted in excess of 1629
seventy-five per cent, or may approve the exemption on the 1630
condition that the legislative authority and the board negotiate 1631

an agreement providing for compensation to the school district 1632
equal in value to a percentage of the taxes that would be payable 1633
on the portion of the assessed valuation of the improvements in 1634
excess of seventy-five per cent were that portion to be subject to 1635
taxation. The board of education shall certify its resolution to 1636
the legislative authority not later than fourteen days prior to 1637
the date the legislative authority intends to execute the 1638
agreement as indicated in the notice. If the board of education 1639
approves the exemption on the condition that a compensation 1640
agreement be negotiated, the board in its resolution shall propose 1641
a compensation percentage. If the board of education and the 1642
legislative authority negotiate a mutually acceptable compensation 1643
agreement, the legislative authority may declare up to one hundred 1644
per cent of the assessed valuation of the improvements to be a 1645
public purpose and exempted from taxation. If the board and the 1646
legislative authority fail to negotiate a mutually acceptable 1647
compensation agreement, the legislative authority may declare not 1648
more than seventy-five per cent of the assessed valuation of the 1649
improvements to be a public purpose and exempted from taxation. If 1650
the board fails to certify a resolution to the legislative 1651
authority within the time prescribed by this division, the 1652
legislative authority thereupon may declare up to one hundred per 1653
cent of the assessed valuation of the improvements to be a public 1654
purpose and exempted from taxation. The legislative authority may 1655
execute a development agreement at any time after the board of 1656
education certifies its resolution approving the exemption to the 1657
legislative authority, or, if the board approves the exemption on 1658
the condition that a mutually acceptable compensation agreement be 1659
negotiated, at any time after the compensation agreement is agreed 1660
to by the board and the legislative authority. 1661

If a board of education has adopted a resolution waiving its 1662
right to approve exemptions from taxation granted pursuant to 1663
development agreements and the resolution remains in effect, 1664

approval of such exemptions by the board is not required under 1665
this division. If a board of education has adopted a resolution 1666
allowing a legislative authority to deliver the notice required 1667
under this division fewer than forty-five business days prior to 1668
the legislative authority's execution of the agreement, the 1669
legislative authority shall deliver the notice to the board not 1670
later than the number of days prior to such execution as 1671
prescribed by the board in its resolution. If a board of education 1672
adopts a resolution waiving its right to approve exemptions or 1673
shortening the notification period, the board shall certify a copy 1674
of the resolution to the legislative authority. If the board of 1675
education rescinds such a resolution, it shall certify notice of 1676
the rescission to the legislative authority. 1677

If the legislative authority is not required by this division 1678
to notify the board of education of the legislative authority's 1679
intent to declare improvements to be a public purpose, the 1680
legislative authority shall comply with the notice requirements 1681
imposed under section 5709.83 of the Revised Code, unless the 1682
board has adopted a resolution under that section waiving its 1683
right to receive such a notice. 1684

(C) The exemption shall commence on the date of the execution 1685
of the development agreement therefor and extend for the number of 1686
years designated in the development agreement and thereafter for 1687
so long as there are outstanding any urban renewal bonds payable 1688
from the urban renewal service payments provided for in the 1689
development agreement. Any such exemption shall be claimed and 1690
allowed in the same or a similar manner as in the case of other 1691
real property exemptions and no such claim shall be allowed unless 1692
the municipal corporation wherein said property is located 1693
certifies that an exemption period has been specified and that a 1694
development agreement has been entered into and is in effect. If 1695
an exemption status changes during a tax year, the procedure for 1696

the apportionment of the taxes for said year shall be the same as 1697
in the case of other changes in tax exemption status during the 1698
year. 1699

(D) An agreement that satisfies the requirements of either 1700
division ~~(C)(A)~~(1)(a) or ~~(C)(A)~~(1)(c) of section 725.01 of the 1701
Revised Code may be amended to satisfy all of the remaining 1702
requirements of ~~the other two of~~ division ~~(C)(1)(a), (b), or (c)~~ 1703
(A) of section 725.01 of the Revised Code and to establish the 1704
period of exemption pursuant to this section at any time prior to 1705
the completion of the construction or rehabilitation of the 1706
improvements of which all or a portion of the assessed valuation 1707
is to be exempt from real property taxation pursuant to this 1708
section. The execution of the amendment of such agreement shall be 1709
the execution of the development agreement for the purpose of this 1710
section. 1711

Sec. 725.05. A municipal corporation creating an urban 1712
renewal debt retirement fund pursuant to section 725.03 of the 1713
Revised Code, may: 1714

(A) Issue unvoted urban renewal bonds, which pledge and are 1715
payable solely from all or any portion of the revenues ~~as defined~~ 1716
~~in division (D) of section 725.01 of the Revised Code.~~ The 1717
revenues pledged shall be placed in the urban renewal debt 1718
retirement fund established for such urban renewal bonds and 1719
applied to the payment of interest on, principal of and redemption 1720
premium for such urban renewal bonds, trustee's fees, and costs 1721
and expenses of providing credit facilities, put arrangements, and 1722
interest rate hedges, and for fees and expenses of agents, and 1723
other fees, costs, and expenses, in connection with arrangements 1724
under sections 9.98 to 9.983 of the Revised Code. 1725

(B) Issue unvoted urban renewal bonds, which pledge the full 1726
faith and credit of the municipal corporation and that may also 1727

pledge and be payable from all or any portion of the revenues as 1728
~~defined in division (D) of section 725.01 of the Revised Code.~~ 1729

For bonds issued pursuant to this division, the ordinance 1730
provided for in section 725.06 of the Revised Code shall provide 1731
for the levying of a tax on real and tangible personal property, 1732
within the ten-mill limitation, sufficient in amount to pay the 1733
interest on and to provide a sinking fund for all of the principal 1734
of the urban renewal bonds authorized by that ordinance for their 1735
final redemption at maturity; but the amount of the tax to be 1736
levied in any year may be reduced by the amount available for such 1737
purposes from revenues, and any available moneys in the applicable 1738
urban renewal debt retirement fund. The ordinance providing for 1739
the levy of a tax pursuant to this division shall provide both of 1740
the following: 1741

(1) That the first principal maturity of the urban renewal 1742
bonds or the first mandatory sinking fund deposit therefor shall 1743
not be later than seven years following the issuance of the bonds; 1744

(2) That no principal maturity, mandatory sinking fund 1745
requirement, or combination thereof, shall be more than one and 1746
one-half times the amount of the next preceding principal 1747
maturity, mandatory sinking fund requirement, or combination 1748
thereof. 1749

A copy of such ordinance levying such tax shall be certified 1750
by the fiscal officer of the municipal corporation to the county 1751
auditor of the county in which the municipal corporation is 1752
located. The revenues pledged and the moneys derived from the levy 1753
of such tax shall be placed in the urban renewal debt retirement 1754
fund established for such urban renewal bonds and applied to the 1755
payment of interest on, principal of, and redemption premium for 1756
such urban renewal bonds, trustee's fees, and costs and expenses 1757
of providing credit facilities, put arrangements, and interest 1758
rate hedges, and for fees and expenses of agents, and other fees, 1759

costs, and expenses, in connection with arrangements under 1760
sections 9.98 to 9.983 of the Revised Code. 1761

(C) Issue unvoted urban renewal bonds pursuant to Article 1762
VIII, Section 13, Ohio Constitution, to create and preserve jobs 1763
and employment opportunities and to improve the economic welfare 1764
of the people of the municipal corporation, which pledge and are 1765
payable from revenues ~~as defined in division (D) of section 725.01~~ 1766
~~of the Revised Code~~ and from any moneys selected by the municipal 1767
corporation that are not moneys raised by taxation. 1768

For bonds issued pursuant to this division, the urban renewal 1769
project and the ordinance provided for in section 725.06 of the 1770
Revised Code shall provide for the acquisition, construction, 1771
enlargement, improvement, or equipment of property, structures, 1772
equipment or facilities for industry, commerce, distribution, or 1773
research and for the obligating and pledging of moneys not raised 1774
by taxation as selected by the legislative authority of the 1775
municipal corporation sufficient in amount to pay all or any 1776
portion of the interest on and to provide a sinking fund for all 1777
or any portion of the principal of the urban renewal bonds 1778
authorized by the ordinance for their final redemption at 1779
maturity. The revenues pledged and the moneys so obligated and 1780
pledged shall be deposited in the urban renewal debt retirement 1781
fund established for such urban renewal bonds and applied to the 1782
payment of interest on, principal of, and redemption premium for 1783
such urban renewal bonds, trustee's fees, and costs and expenses 1784
of providing credit facilities, put arrangements, and interest 1785
rate hedges, and for fees and expenses of agents, and other fees, 1786
costs, and expenses, in connection with arrangements under 1787
sections 9.98 to 9.983 of the Revised Code. The amount of the 1788
moneys so deposited in any year may be reduced by the amount 1789
available for such purposes from revenues ~~as defined in division~~ 1790
~~(D) of section 725.01 of the Revised Code~~, and any available 1791

moneys in the applicable urban renewal debt retirement fund. 1792

(D) Make and enter into all contracts and agreements 1793
necessary or incidental to the exercise of its powers under 1794
sections 725.01 to 725.11 of the Revised Code. 1795

Sec. 725.11. Urban renewal bonds issued under sections 725.01 1796
to 725.11 of the Revised Code may be secured by a trust agreement 1797
between the municipal corporation and a corporate trustee, which 1798
trustee may be any trust company or bank having the powers of a 1799
trust company within or without the state. 1800

Any such trust agreement and the ordinance providing for the 1801
issuance of such bonds may pledge or assign all revenues ~~as~~ 1802
~~defined in division (D) of section 725.01 of the Revised Code,~~ or 1803
any part thereof, and all moneys deposited into the urban renewal 1804
debt retirement fund established for such bonds pursuant to 1805
section 725.03 of the Revised Code and may provide for the holding 1806
in trust by the trustee to the extent provided for in the 1807
ordinance authorizing such bonds, of all such revenues and moneys. 1808

Any such trust agreement, or any ordinance providing for the 1809
issuance of such bonds, may contain such provisions for protecting 1810
and enforcing the rights and remedies of the bondholders as are 1811
reasonable and proper and not in violation of law, including 1812
covenants setting forth the duties of the municipal corporation. 1813

Any bank or trust company incorporated under the laws of this 1814
state which may act as trustee or as depository of the proceeds of 1815
bonds or revenues may furnish such indemnifying bonds or may 1816
pledge such securities as are required by the municipal 1817
corporation. Any such trust agreement may set forth the rights and 1818
remedies of the bondholders and of the trustee, and may restrict 1819
the individual right of action by bondholders as is customary in 1820
trust agreements or trust indentures securing bonds or debentures 1821
of corporations. Such trust agreements may contain such other 1822

provisions as the municipal corporation deems reasonable and 1823
proper for the security of the bondholders. 1824

Sec. 1728.01. As used in sections 1728.01 to 1728.13 of the 1825
Revised Code: 1826

(A) "Governing body" means, in the case of a municipal 1827
corporation, the city council or legislative authority. 1828

(B) "Community urban redevelopment corporation" means a 1829
corporation qualified under Chapter 1728. of the Revised Code, to 1830
acquire, construct, operate, and maintain a project hereunder, or 1831
to acquire, operate, and maintain a project constructed by a 1832
corporation so qualified under Chapter 1728. of the Revised Code, 1833
and the term "corporation" when used within Chapter 1728. of the 1834
Revised Code, shall be understood to be a contraction of the term 1835
"community urban redevelopment corporation" except when the 1836
context indicates otherwise. 1837

(C) "Impacted city" means a municipal corporation that meets 1838
the requirements of either division (C) (1) or (2) of this 1839
section: 1840

(1) In attempting to cope with the problems of urbanization, 1841
to create or preserve jobs and employment opportunities, and to 1842
improve the economic welfare of the people of the municipal 1843
corporation, the municipal corporation has at some time: 1844

(a) Taken affirmative action by its legislative body to 1845
permit the construction of housing by a metropolitan housing 1846
authority organized pursuant to sections 3735.27 to 3735.39 of the 1847
Revised Code within its corporate boundaries or to permit such a 1848
metropolitan housing authority to lease dwelling units within its 1849
corporate boundaries; and 1850

(b) Been certified by the director of the department of 1851
development that a workable program for community improvement 1852

(which shall include an official plan of action for effectively 1853
dealing with the problem of urban slums and blight within the 1854
community and for the establishment and preservation of a 1855
well-planned community with well-organized residential 1856
neighborhoods of decent homes and suitable living environment for 1857
adequate family life) for utilizing appropriate private and public 1858
resources to eliminate, and to prevent the development or spread 1859
of, slums and urban blight, to encourage needed urban 1860
rehabilitation, to provide for the redevelopment of blighted, 1861
deteriorated, or slum areas, to undertake such activities or other 1862
feasible community activities as may be suitably employed to 1863
achieve the objectives of such a program has been adopted. A 1864
determination by the United States that the impacted city's 1865
workable program meets the federal workable program requirements 1866
shall be sufficient for the director's certification. 1867

(2) Been declared a major disaster area, or part of a major 1868
disaster area, pursuant to the "Disaster Relief Act of 1970," 84 1869
Stat. 1744, 42 U.S.C.A. 4401, as now or hereafter amended, and has 1870
been extensively damaged or destroyed by a major disaster, 1871
provided that impacted city status obtained pursuant to division 1872
(C) (2) of this section lasts for only a limited period from the 1873
date of the declaration, as determined by the rules promulgated 1874
pursuant to division (G) of section 122.06 of the Revised Code, 1875
but in the event that an impacted city, while qualified under such 1876
division, enters into a financial agreement with a community urban 1877
redevelopment corporation pursuant to section 1728.07 of the 1878
Revised Code, a loss of certification under such rules shall not 1879
affect that agreement or the project to which it relates. 1880

(D) "Community development plan" means a plan, as it exists 1881
from time to time, for the redevelopment and renewal of a blighted 1882
area, which plan shall conform to the general plan for the 1883
municipality, and shall be sufficiently complete to indicate such 1884

land acquisition, demolition, and removal of structures, 1885
redevelopment, improvements, and rehabilitation as may be proposed 1886
to be carried out in such blighted area, zoning, and any planning 1887
changes, land uses, maximum densities, and building requirements. 1888

(E) ~~"Blighted area" means an area within a municipality 1889~~
~~containing a majority of structures that have been extensively 1890~~
~~damaged or destroyed by a major disaster, or that, by reason of 1891~~
~~dilapidation, deterioration, age or obsolescence, inadequate 1892~~
~~provision for ventilation, light, air, sanitation, or open spaces, 1893~~
~~unsafe and unsanitary conditions or the existence of conditions 1894~~
~~which endanger lives or properties by fire or other hazards and 1895~~
~~causes, or that, by reason of location in an area with inadequate 1896~~
~~street layout, incompatible land uses or land use relationships, 1897~~
~~overcrowding of buildings on the land, excessive dwelling unit 1898~~
~~density, or other identified hazards to health and safety, are 1899~~
~~conducive to ill health, transmission of disease, juvenile 1900~~
~~delinquency and crime and are detrimental to the public health, 1901~~
~~safety, morals and general welfare. 1902~~

~~(F)~~ "Project" means: 1903

(1) As to blighted areas within all municipal corporations, 1904
the undertaking and execution of the redevelopment of a blighted 1905
area by a community urban redevelopment corporation, in whole or 1906
in part, pursuant to a community development plan approved by the 1907
governing body of the municipal corporation in which such blighted 1908
area is situated and in accordance with an agreement for the sale 1909
or lease of all or a portion of the land concerned in such 1910
redevelopment to the corporation by a municipal corporation, or 1911
agency, or authority including the work to be done in reference 1912
thereto, the designation of the particular proposed buildings to 1913
be constructed and their uses and purposes, the landscaping of the 1914
premises, the streets and access roads, recreational facilities, 1915
if any, the furnishing of the public utilities, the financial 1916

arrangements, and the terms and conditions of the proposed 1917
municipal corporation and approval; and 1918

(2) In addition as to blighted areas within impacted cities, 1919
the undertaking and activities of a community urban redevelopment 1920
corporation in a blighted area for the elimination and for the 1921
prevention of the development or spread of blight pursuant to a 1922
community development plan approved by the governing body of the 1923
impacted city and to the extent agreed to by the governing body of 1924
the impacted city in the financial agreement provided for in 1925
section 1728.07 of the Revised Code and may involve clearance and 1926
redevelopment, or rehabilitation or conservation or any 1927
combination or part thereof, in accordance with such community 1928
development plan, and such aforesaid undertakings and activities 1929
may include acquisition of a blighted area or portion by purchase 1930
or otherwise, and demolition and removal of buildings and 1931
improvements. 1932

~~(G)~~(F) "Total project unit cost" or "total project cost" 1933
means the aggregate of the following items as related to any unit 1934
of a project if the project is to be undertaken in units or to the 1935
total project if the project is not to be undertaken in units: 1936

(1) Cost of the land to the community urban redevelopment 1937
corporation; 1938

(2) Architects', engineers', and attorneys' fees paid or 1939
payable by the corporation in connection with the planning, 1940
construction, and financing of the project; 1941

(3) Surveying and testing charges in connection therewith; 1942

(4) Actual construction cost as certified by the architect, 1943
including the cost of any preparation of the site undertaken at 1944
the corporation's expense; 1945

(5) Insurance, interest, and finance costs during 1946
construction; 1947

(6) Cost of obtaining initial permanent financing;	1948
(7) Commissions and other expenses paid or payable in connection with initial leasing;	1949 1950
(8) Real estate taxes and assessments during the construction period;	1951 1952
(9) Developer's overhead based on a percentage of division (G) <u>(F)</u> (4) of this section, to be computed in accordance with the following schedule:	1953 1954 1955
\$500,000 or less - 10 per cent	1956
500,001 through \$ 1,000,000 - \$50,000 plus 8 per cent on excess above \$500,000	1957 1958
1,000,001 through 2,000,000 - 90,000 plus 7 per cent on excess above 1,000,000	1959 1960
2,000,001 through 3,500,000 - 160,000 plus 5.6667 per cent on excess above 2,000,000	1961 1962
3,500,001 through 5,500,000 - 245,000 plus 4.25 per cent on excess above 3,500,000	1963 1964
5,500,001 through 10,000,000 - 330,000 plus 3.7778 per cent on excess above 5,500,000	1965 1966
Over 10,000,000 - 5 per cent	1967
(H) <u>(G)</u> "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 agreement provided for in section 1728.07 of the Revised Code shall establish the method of computing such additional revenue, and may establish a method of arbitration where either the	1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979

landlord or the tenant disputes the amount of such payments so 1980
included in the annual gross revenue. 1981

~~(I)~~(H) "Major disaster" means any tornado, storm, flood, high 1982
water, wind-driven water, tidal wave, earthquake, fire, or other 1983
catastrophe. 1984

Sec. 3735.40. As used in sections 3735.27, 3735.31, and 1985
3735.40 to 3735.50 of the Revised Code: 1986

(A) "Federal government" includes the United States, the 1987
federal works administrator, or any other agency or 1988
instrumentality, corporate or otherwise, of the United States. 1989

~~(B) "Slum area" means any area where dwellings predominate 1990
which, by reason of dilapidation, overcrowding, faulty arrangement 1991
or design, lack of ventilation, light, or sanitary facilities, or 1992
any combination of these factors, are detrimental to safety, 1993
health, or morals. 1994~~

~~(C)~~ "Housing project" or "project" means any of the following 1995
works or undertakings: 1996

(1) Demolish, clear, or remove buildings from any slum area. 1997
Such work or undertaking may embrace the adaptation of such area 1998
to public purposes, including parks or other recreational or 1999
community purposes. 2000

(2) Provide decent, safe, and sanitary urban or rural 2001
dwellings, apartments, or other living accommodations for persons 2002
of low income. Such work or undertaking may include buildings, 2003
land, equipment, facilities, and other real or personal property 2004
for necessary, convenient, or desirable appurtenances, streets, 2005
sewers, water service, parks, site preparation, gardening, 2006
administrative, community, health, recreational, educational, 2007
welfare, or other purposes. 2008

(3) Accomplish a combination of the foregoing. "Housing 2009

project" also may be applied to the planning of the buildings and 2010
improvements, the acquisition of property, the demolition of 2011
existing structures, the construction, reconstruction, alteration, 2012
and repair of the improvements, and all other work in connection 2013
therewith. 2014

~~(D)~~(C) "Families of low income" means persons or families who 2015
lack the amount of income which is necessary, as determined by the 2016
metropolitan housing authority undertaking the housing project, to 2017
enable them, without financial assistance, to live in decent, 2018
safe, and sanitary dwellings, without overcrowding. 2019

~~(E)~~(D) "Families" means families consisting of two or more 2020
persons, a single person who has attained the age at which an 2021
individual may elect to receive an old age benefit under Title II 2022
of the "Social Security Act" or is under disability as defined in 2023
section 223 of that act, 49 Stat. 622 (1935), 42 U. S. C. A. 401, 2024
as amended, or the remaining member of a tenant family. 2025

~~(F)~~(E) "Families" also means a single person discharged by 2026
the head of a hospital pursuant to section 5122.21 of the Revised 2027
Code after March 10, 1964. 2028

Sec. 3735.59. A metropolitan housing authority may contract 2029
with persons, associations, or corporations, or with the state, a 2030
state department or agency, or a state public body as defined in 2031
section 3735.51 of the Revised Code for furnishing to the 2032
authority food services, health clinics, medical services, or 2033
other services for tenants of the authority who are not able to 2034
provide for themselves. 2035

The director of any state department may enter into 2036
agreements with a metropolitan housing authority for furnishing 2037
such services to the authority for tenants described in division 2038
~~(F)~~(E) of section 3735.40 of the Revised Code pursuant to terms 2039
agreed upon between the director and the authority and for such 2040

compensation as will reimburse the department for the services 2041
rendered. 2042

Section 2. That existing sections 163.01, 163.02, 163.03, 2043
163.04, 163.05, 163.06, 163.08, 163.09, 163.12, 163.14, 163.15, 2044
163.16, 163.17, 163.19, 163.20, 163.21, 163.22, 163.52, 163.53, 2045
163.54, 163.55, 163.56, 163.57, 163.58, 163.59, 163.60, 163.61, 2046
163.62, 303.26, 719.012, 725.01, 725.02, 725.05, 725.11, 1728.01, 2047
3735.40, and 3735.59 and section 163.51 of the Revised Code are 2048
hereby repealed. 2049