

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 313

Representatives Ujvagi, Winburn

**Cosponsors: Representatives Domenick, Patten, Murray, Hagan, Driehaus,
Williams, B., Foley, Skindell, Williams, S., Letson, Stewart, Lehner**

—

A BILL

To amend sections 323.78, 1724.03, 1724.04, and 1
5722.22 of the Revised Code to authorize a county 2
with a population greater than 100,000, or a 3
population between 78,000 and 81,000, to organize 4
a county land reutilization corporation, to 5
authorize a county treasurer of a county with such 6
a corporation to utilize the alternative 7
redemption period in actions to foreclose 8
abandoned lands, and to immunize a county land 9
reutilization corporation from liability for 10
breach of a common law duty in connection with a 11
parcel of land. 12

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

Section 1. That sections 323.78, 1724.03, 1724.04, and 13
5722.22 of the Revised Code be amended to read as follows: 14

Sec. 323.78. Notwithstanding anything in Chapters 323., 15
5721., and 5723. of the Revised Code, if the county treasurer of a 16
county ~~having a population of more than one million two hundred~~ 17
~~thousand as of the most recent decennial census~~ in which a county 18

land reutilization operates, in any petition for foreclosure of 19
abandoned lands, elects to invoke the alternative redemption 20
period, then upon any adjudication of foreclosure by any court or 21
the board of revision in any proceeding under section 323.25, 22
sections 323.65 to 323.79, or section 5721.18 of the Revised Code, 23
the following apply: 24

(A) Unless otherwise ordered by a motion of the court or 25
board of revision, the petition shall assert, and any notice of 26
final hearing shall include, that upon foreclosure of the parcel, 27
the equity of redemption in any parcel by its owner shall be 28
forever terminated after the expiration of the alternative 29
redemption period, that the parcel thereafter may be sold at 30
sheriff's sale either by itself or together with other parcels as 31
permitted by law; or that the parcel may, by order of the court or 32
board of revision, be transferred directly to a municipal 33
corporation, township, county, school district, or county land 34
reutilization corporation without appraisal and without a sale, 35
free and clear of all impositions and any other liens on the 36
property, which shall be deemed forever satisfied and discharged. 37

(B) After the expiration of the alternative redemption period 38
following an adjudication of foreclosure, by order of the court or 39
board of revision, any equity of redemption is forever 40
extinguished, and the parcel may be transferred individually or in 41
lots with other tax-foreclosed properties to a municipal 42
corporation, township, county, school district, or county land 43
reutilization corporation without appraisal and without a sale, 44
upon which all impositions and any other liens subordinate to 45
liens for impositions due at the time the deed to the property is 46
conveyed to a purchaser or transferred to a community development 47
organization, county land reutilization corporation, municipal 48
corporation, county, township, or school district, shall be deemed 49
satisfied and discharged. Other than the order of the court or 50

board of revision so ordering the transfer of the parcel, no 51
further act of confirmation or other order shall be required for 52
such a transfer, or for the extinguishment of any right of 53
redemption. 54

(C) Upon the expiration of the alternative redemption period 55
in cases to which the alternative redemption period has been 56
ordered, if no community development organization, county land 57
reutilization corporation, municipal corporation, county, 58
township, or school district has requested title to the parcel, 59
the court or board of revision may order the property sold as 60
otherwise provided in Chapters 323. and 5721. of the Revised Code, 61
and, failing any bid at any such sale, the parcel shall be 62
forfeited to the state and otherwise disposed of pursuant to 63
Chapter 5723. of the Revised Code. 64

Sec. 1724.03. (A) After the articles of incorporation have 65
been filed, and at the first meeting of the board of directors of 66
a county land reutilization corporation, the board shall adopt 67
regulations for the government of the corporation, the conduct of 68
its affairs, and the management of its property, consistent with 69
law and the articles. The content of the regulations shall be 70
governed by section 1702.11 of the Revised Code to the extent not 71
inconsistent with this chapter. 72

(B) The board of directors of a county land reutilization 73
corporation shall be composed of ~~at least five, seven, or nine~~ 74
members, including the county treasurer, at least two of the 75
members of the board of county commissioners, and ~~two~~ the 76
remaining members selected by the treasurer and the county 77
commissioners who are members of the corporation's board ~~and~~ 78
~~approved by a majority of the chief executive officers of all~~ 79
~~municipal corporations the majority of the territory of which is~~ 80
~~located in the county. The treasurer and county commissioners who~~ 81

~~are members of the board of directors shall establish the process~~ 82
~~by which such approval shall be obtained. The failure, refusal, or~~ 83
~~inability of any chief executive officer to respond in writing to~~ 84
~~any request for approval of the members selected by the treasurer~~ 85
~~and county commissioners within fourteen days shall be deemed an~~ 86
~~approval by the chief executive officer. Any such failure,~~ 87
~~refusal, or inability to respond shall not prevent the corporation~~ 88
~~from exercising its powers and authority under this chapter. A~~ 89
county treasurer and the county commissioners each may appoint a 90
representative, as a director of the corporation, to act for the 91
officer at any of the meetings of the corporation. Except as may 92
otherwise be authorized by the regulations of the corporation, all 93
members of the board of directors shall serve without 94
compensation, but shall be reimbursed for actual and necessary 95
expenses. 96

Sec. 1724.04. A county having a population of more than one 97
~~million two~~ hundred thousand, or between seventy-eight thousand 98
and eighty-one thousand, as of the most recent decennial census 99
that elects under section 5722.02 of the Revised Code to adopt and 100
implement the procedures set forth in sections 5722.02 to 5722.15 101
of the Revised Code may organize a county land reutilization 102
corporation under this chapter and Chapter 1702. of the Revised 103
Code for the purpose of exercising the powers granted to a county 104
under Chapter 5722. of the Revised Code. The county treasurer of 105
the county for the benefit of which the corporation is being 106
organized shall be the incorporator of the county land 107
reutilization corporation. The form of the articles of 108
incorporation of the corporation shall be approved by resolution 109
of the board of county commissioners of the county. 110

When the articles of incorporation of any community 111
improvement corporation, or any amendment, amended articles, 112
merger, or consolidation which provides for the creation of such a 113

corporation, are deposited for filing and recording in the office 114
of the secretary of state, the secretary of state shall submit 115
them to the attorney general for examination. If such articles, 116
amendment, amended articles, merger, or consolidation, are found 117
by the attorney general to be in accordance with Chapter 1724. of 118
the Revised Code, and not inconsistent with the constitution and 119
laws of the United States and of this state, the attorney general 120
shall endorse thereon the attorney general's approval and deliver 121
them to the secretary of state, who shall file and record them 122
pursuant to section 1702.07 of the Revised Code. 123

Sec. 5722.22. A county land reutilization corporation ~~shall~~ 124
is not be liable for damages arising from a, or subject to 125
equitable remedies, for breach of a common law duty, or for 126
violation of sections 3737.87 to 3737.891 of the Revised Code or 127
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6101., or 128
6111. of the Revised Code or any rule adopted or order, permit, 129
license, variance, or plan approval issued under any of those 130
chapters ~~that is or was committed by another person~~ in connection 131
with a parcel of land acquired by the county land reutilization 132
corporation. 133

Section 2. That existing sections 323.78, 1724.03, 1724.04, 134
and 5722.22 of the Revised Code are hereby repealed. 135