



**House Civil Justice Committee  
Interested Party Testimony – House Bill 288 (D. Manning)  
Jason Warner – Manager of Government Affairs, Greater Ohio Policy Center  
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Chairman Hambley, Vice Chairman Patton, Ranking Member Brown and Members of the House Civil Justice Committee; thank you for providing this opportunity to present interested party testimony to the committee regarding House Bill 288, legislation which seeks to eliminate certain eminent domain authority for park districts.

My name is Jason Warner, and I am the Manager of Government Affairs at the Greater Ohio Policy Center (GOPC). Greater Ohio is the state's champion for urban revitalization and sustainable growth. Our mission is to improve the communities of Ohio through smart growth strategies and research. Our vision is a revitalized Ohio.

It is with these principles in mind that I appear before the committee today to address our concerns with House Bill 288, which, if enacted, would prohibit the use of eminent domain for providing a recreational trail.

Whenever issues related to the use of eminent domain are raised, so too is the level of passion which people advocate either for or against it. Let me be clear, eminent domain should always be used as a last resort, only when it is for a legitimate public purpose and only when the public interest is being served. People can disagree over the ultimate result, but it cannot be argued that public parks and recreational trails are not serving a legitimate public purpose.

We have several concerns with House Bill 288 as it is currently drafted and pending before the committee. First, as the bill analysis prepared by the Legislative Service Commission notes, there are serious concerns that the bill could prevent any application of eminent domain for any public park purpose. To quote directly from the bill analysis:

*“The edges of the bill’s reach are undefined. The bill plainly prohibits the use of eminent domain for the sole purpose of providing a recreational trail. What is not plain, however, is whether the bill’s prohibition applies to a taking with many purposes, one of which is a recreational trail. For example, it is unclear whether the bill will permit a taking to provide land for a park with several amenities, including a recreational trail.”*

Beyond the undefined reach of the bill, we are also concerned about the dangerous precedent enactment of House Bill 288 could set for the state. Enactment of the bill would erode local control over the issue of development of public parks and public spaces. Furthermore, it represents a slippery slope, potentially leading to the further eroding of local control and home rule authority. This bill infringes on the rights of cities and townships to develop their own land use policies and implement thoughtful projects that advance the quality of life for their residents.

To be clear, all of us at one point or other have been concerned about the use of eminent domain and the ultimate impact that it can have on a community. The past century has been rife

with examples of the use of eminent domain and the negative consequences that it has had on a community. Neighborhoods across Ohio have been left decimated because of the use of eminent domain to construct highways or other rights of way – yet it has never been suggested that we ban the state’s ability to use eminent domain for these legitimate public purposes.

Here to, we cannot have a knee-jerk reaction to an issue that in the long term could have negative consequences for the state as a whole. While we sympathize with the individuals who have testified in support of the bill, we are also cognizant of the fact that the legislature cannot allow the needs of a few of outweigh the needs of the many. We strongly encourage the members of the committee to consider the consequences of the enactment of this bill and what it could mean for the state of Ohio in the years to come.

Chairman Hambley and members of the committee, thank you for the opportunity to provide interested party testimony on House Bill 288. I appreciate the time and attention of the committee today and would be happy to address any questions the committee may have.