



To: Chairman Hambley and Members of the House Civil Law Committee
From: Dan Ralley, Assistant City Manager, City of Upper Arlington, Ohio
Date: September 24, 2019
Re: Opponent Testimony on House Bill 288

On behalf of the City of Upper Arlington, I am writing to express our opposition to HB 288 which would prohibit the use of eminent domain to build recreational and multi-use trails.

The call for additional sidewalks and connector pathways is among the most frequent and most popular requests of Upper Arlington residents. In recent years, the City of Upper Arlington has constructed over 15 miles of new sidewalks and multi-use trails throughout the community in order to promote pedestrian and bicycle use. We frequently hear how these sidewalks and recreational paths improve safety for pedestrians and bicyclists—especially school-aged children—and how they connect neighborhoods together in ways that fundamentally improve communities.

Recreational trails in Upper Arlington are typically eight-to-10-foot concrete paths that function like extra-wide sidewalks running parallel to existing streets. I am not aware of Upper Arlington utilizing eminent domain to construct recreational trails in the past, and we would only do so as a last resort after careful and deliberate conversations involving our City Council. But we have frequently run into problems with the existing right-of-way when constructing these types of projects. Areas of irregular right-of-way depths, or poorly defined right-of-way, necessitate that the City acquire additional right-of-way along existing roadways in order to construct some paths.

Unfortunately, in a mature, fully developed community like ours, we regularly run into situations where rights-of-way are not defined, and property ownership appears to run to the middle of an existing street on a plat map. In these situations, we are required to negotiate with property owners in order to obtain the right-of-way needed to construct a new sidewalk or trail.

On Tremont Road, one of our community's main thoroughfares, there was a break between two platted areas that resulted in a whole side street without any defined right-of-way. In this case—after protracted negotiations—while we did not have to utilize eminent domain, its availability likely influenced the property owner's willingness to negotiate and ultimately allow the



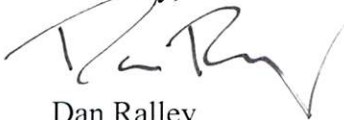
construction of an eight-foot multi-use trail that was constructed just a few feet from the back of the curb along Tremont Road.

More recently, we faced a similar situation on Lane Road, on the City's north side. In this instance, irregular right-of-way depths have prevented us from fully completing a pathway that would connect newer houses in our community to Thompson Park and the Lane Road library, as well as the Scioto River to the west. One property owner has been unwilling to negotiate and the project has stalled, much to the ire of other residents in this area who want to see and enjoy improved, non-motorized connections.

Removing eminent domain as a tool that is available for the construction of recreational trails will make the future growth of the trail network in Upper Arlington and Central Ohio much more difficult. There are other existing remedies and processes for issues that may have prompted this legislation. But, prohibiting the use of this tool would be finding a broad-brush solution to a very narrow problem.

Thank you for your consideration, should you have any questions or require further input on this matter, please do not hesitate to contact me.

Sincerely,



Dan Ralley
Assistant City Manager

CC: Upper Arlington City Council, Steven C. Schoeny, City Manager, Ashley Ellrod, City Clerk, Debbie McLaughlin, Parks & Recreation Director, Jeanine Hummer, City Attorney

