

Sub. H. B. No. 96  
As Passed by the Senate  
LOCCD3

\_\_\_\_\_ moved to amend as follows:

In line 18272, delete "Public use" does not include any taking by a public" 1 2

Delete lines 18273 through 18285 and insert "Public use" does not 3  
include any taking of property for use as a trail for hiking, bicycling, 4  
horseback riding, ski touring, canoeing, or other nonmotorized forms of 5  
recreational travel. This division does not apply to either of the 6  
following: 7

(a) A regional transit authority acting pursuant to section 306.36 8  
of the Revised Code to acquire right-of-way, within one hundred fifty feet 9  
of and parallel to a public road, for a transit facility; 10

(b) A public or private agency taking property for the construction 11  
of a sidewalk within one hundred fifty feet of, and parallel to, a public 12  
road." 13

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

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<b>Eminent domain and recreational trails</b>	15
<b>R.C. 163.01</b>	16
Replaces the Senate-passed bill's eminent domain provision	17
concerned with recreational trails with the House-passed	18
provision, plus two exceptions. The House-passed version	19
establishes that the taking of property for recreational trails	20
does not satisfy the public use requirement of Ohio's eminent	21
domain law.	22
The two new exceptions provide that the provision does not	23
apply to either of the following:	24
-- A regional transit authority using eminent domain to	25
acquire right-of-way, within 150 feet of and parallel to a	26
public road, for a transit facility;	27
-- A public or private agency taking property for the	28
construction of a sidewalk within 150 feet of, and parallel to,	29
a public road.	30