

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 361

Senator Schaffer

To amend section 163.01 of the Revised Code to 1
prohibit the use of eminent domain for 2
recreational trails. 3

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

Section 1. That section 163.01 of the Revised Code be 4
amended to read as follows: 5

Sec. 163.01. As used in sections 163.01 to 163.22 of the 6
Revised Code: 7

(A) "Public agency" means any governmental corporation, 8
unit, organization, instrumentality, or officer authorized by 9
law to appropriate property in the courts of this state. 10

(B) "Private agency" means any corporation, firm, 11
partnership, voluntary association, joint-stock association, or 12
company that is not a public agency and that is authorized by 13
law to appropriate property in the courts of this state. 14

(C) "Agency" means any public agency or private agency. 15

(D) "Court" means the court of common pleas or the probate 16
court of any county in which the property sought to be 17
appropriated is located in whole or in part. 18

(E) "Owner" means any individual, partnership, 19

association, or corporation having any estate, title, or 20
interest in any real property sought to be appropriated. 21

(F) "Real property," "land," or "property" includes any 22
estate, title, or interest in any real property that is 23
authorized to be appropriated by the agency in question, unless 24
the context otherwise requires. 25

(G) "Public utility" has the same meaning as in section 26
4905.02 of the Revised Code and also includes a public utility 27
owned or operated by one or more municipal corporations, an 28
electric cooperative, and an agency holding a certificate of 29
public convenience and necessity granted by the federal energy 30
regulatory commission. 31

(H) (1) "Public use" does not include any taking that is 32
for conveyance to a private commercial enterprise, economic 33
development, or solely for the purpose of increasing public 34
revenue, unless the property is conveyed or leased to one of the 35
following: 36

(a) A public utility, municipal power agency, or common 37
carrier; 38

(b) A private entity that occupies a port authority 39
transportation facility or an incidental area within a publicly 40
owned and occupied project; 41

(c) A private entity when the agency that takes the 42
property establishes by a preponderance of the evidence that the 43
property is a blighted parcel or is included in a blighted area. 44

(2) "Public use" does not include any taking of property 45
for use as a trail for hiking, bicycling, horseback riding, ski 46
touring, canoeing, or other nonmotorized forms of recreational 47
travel. 48

(3) All of the following are presumed to be public uses: 49
utility facilities, roads, sewers, water lines, public schools, 50
public institutions of higher education, private institutions of 51
higher education that are authorized to appropriate property 52
under section 3333.08 of the Revised Code, public parks, 53
government buildings, port authority transportation facilities, 54
projects by an agency that is a public utility, and similar 55
facilities and uses of land. 56

(I) "Electric cooperative" has the same meaning as in 57
section 4928.01 of the Revised Code. 58

(J) "Good faith offer" means the written offer that an 59
agency that is appropriating property must make to the owner of 60
the property pursuant to division (B) of section 163.04 of the 61
Revised Code before commencing an appropriation proceeding. 62

(K) "Goodwill" means the calculable benefits that accrue 63
to a business as a result of its location, reputation for 64
dependability, skill or quality, and any other circumstances 65
that result in probable retention of old, or acquisition of new, 66
patronage. 67

(L) "Municipal power agency" has the same meaning as in 68
section 3734.058 of the Revised Code. 69

(M) "Port authority transportation facility" means any 70
facility developed, controlled, or operated by a port authority 71
for the purpose of providing passenger, cargo, or freight 72
transportation services, such as airports, maritime ports, rail 73
facilities, transit facilities, and support facilities directly 74
related to any airport, maritime port, rail facility, or transit 75
facility. 76

Section 2. That existing section 163.01 of the Revised 77

Code is hereby repealed.