

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 774

Representative Miller, A.

A BILL

To amend sections 163.021 and 163.05 of the Revised 1
Code to amend the law regarding eminent domain 2
and to declare an emergency. 3

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

Section 1. That sections 163.021 and 163.05 of the Revised 4
Code be amended to read as follows: 5

Sec. 163.021. (A) No agency shall appropriate real 6
property except as necessary and for a public use. In any 7
appropriation, the taking agency shall show by a preponderance 8
of the evidence that the taking is necessary and for a public 9
use. 10

(B) (1) Before an agency appropriates property based on a 11
finding that the area is a blighted area or a slum, the agency 12
shall do both of the following: 13

~~(1)~~ (a) Adopt a comprehensive development plan that 14
describes the public need for the property. The plan shall 15
include at least one study documenting the public need. All of 16
the costs of developing the plan shall be publicly financed. 17

~~(2)~~ (b) If the agency is governed by a legislative body, 18

obtain a resolution from that legislative body affirming the 19
public need for the property. 20

(2) Division (B) (1) of this section does not apply to the 21
appropriation of one or more parcels for the purpose of 22
remediating blight on those specific parcels and that is 23
supported by a finding that the parcels taken are blighted 24
parcels. 25

(C) No park board, park district, board of directors of a 26
conservancy district, incorporated association with a purpose of 27
establishing or preserving public parks and memorial sites, or 28
similar park authority shall exercise any power of eminent 29
domain to appropriate real property outside the county or 30
counties in which the park authority is located unless the 31
appropriation has the written approval of the legislative 32
authority of each county in which the property is located, other 33
than the county or counties in which the park authority is 34
located. 35

(D) No agency shall appropriate property based on a 36
finding that the parcel is a blighted parcel or that the area is 37
a blighted area or slum by making that finding in, or in 38
conjunction with, an emergency ordinance or resolution. 39

(E) If an appropriation is by a public agency that is not 40
elected and an owner has provided the public agency with a 41
written objection to the appropriation, the elected officials of 42
the public agency or elected individual that appointed the 43
unelected agency may veto that appropriation. If the unelected 44
public agency was appointed by more than one public agency or 45
elected individual, a majority vote of the elected officials of 46
the appointing public agencies or elected individuals is 47
required to veto the appropriation. If the public agency that is 48

not elected is a state agency or instrumentality such as a 49
university, the governor has the veto authority. The governor 50
may delegate that authority but may not delegate that authority 51
to the unelected agency that seeks the appropriation. 52

Sec. 163.05. An agency that has met the requirements of 53
sections 163.04 and 163.041 of the Revised Code, may commence 54
proceedings in a proper court by filing a petition for 55
appropriation of each parcel or contiguous parcels in a single 56
common ownership, or interest or right therein. The petition of 57
a private agency shall be verified as in a civil action. All 58
petitions shall contain: 59

(A) A description of each parcel of land or interest or 60
right therein sought to be appropriated, such as will permit 61
ready identification of the land involved; 62

(B) (1) A statement that the appropriation is necessary, 63
for a public use, and, in the case of a public agency, a copy of 64
the resolution of the public agency to appropriate; 65

(2) If the property being appropriated is a blighted 66
parcel that is being appropriated pursuant to a redevelopment 67
plan, rather than to remediate blight on that particular parcel, 68
a statement that shows the basis for the finding of blight and 69
that supports that the parcel is part of a blighted area 70
pursuant to the definition in section 1.08 of the Revised Code. 71

(C) A statement of the purpose of the appropriation; 72

(D) A statement of the estate or interest sought to be 73
appropriated; 74

(E) The names and addresses of the owners, so far as they 75
can be ascertained; 76

(F) A statement showing requirements of section 163.04 of 77
the Revised Code have been met; 78

(G) A prayer for the appropriation. 79

In the event of an appropriation where the agency would 80
require less than the whole of any parcel containing a residence 81
structure and the required portion would remove a garage and 82
sufficient land that a replacement garage could not be lawfully 83
or practically attached, the appropriation shall be for the 84
whole parcel and all structures unless, at the discretion of the 85
owner, the owner waives this requirement, in which case the 86
agency shall appropriate only the portion that the agency 87
requires as well as the entirety of any structure that is in 88
whole or in part on the required portion. 89

In the event of the appropriation of less than the fee of 90
any parcel or of a fee in less than the whole of any parcel of 91
property, the agency shall either make available to the owner or 92
shall file in the office of the county engineer, a description 93
of the nature of the improvement or use which requires the 94
appropriation, including any specifications, elevations, and 95
grade changes already determined at the time of the filing of 96
the petition, in sufficient detail to permit a determination of 97
the nature, extent, and effect of the taking and improvement. A 98
set of highway construction plans shall be acceptable in 99
providing such description for the purposes of the preceding 100
sentence in the appropriation of land for highway purposes. 101

Section 2. That existing sections 163.021 and 163.05 of 102
the Revised Code are hereby repealed. 103

Section 3. This act is hereby declared to be an emergency 104
measure necessary for the immediate preservation of the public 105

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| peace, health, and safety. The reason for such necessity is the | 106 |
| public health threat caused by chronically blighted properties. | 107 |
| Therefore, this act shall go into immediate effect. | 108 |