

As Passed by the Senate

**127th General Assembly
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Am. Sub. S. B. No. 7

Senator Grendell

**Cosponsors: Senators Harris, Faber, Schaffer, Amstutz, Coughlin, Gardner,
Padgett, Schuring, Clancy, Mumper, Carey, Niehaus, Austria, Buehrer,
Goodman, Jacobson, Schuler, Spada, Stivers, Miller, R., Wilson**

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A B I L L

To amend sections 163.01, 163.02, 163.03, 163.04, 1
163.05, 163.06, 163.08, 163.09, 163.12, 163.14, 2
163.15, 163.16, 163.17, 163.19, 163.20, 163.21, 3
163.22, 163.52, 163.53, 163.54, 163.55, 163.56, 4
163.57, 163.58, 163.59, 163.60, 163.61, 163.62, 5
303.26, 719.012, 725.01, 725.02, 725.05, 725.11, 6
1728.01, 3735.40, and 3735.59, and to enact 7
sections 1.08, 163.021, 163.211, and 163.63, and 8
to repeal section 163.51 of the Revised Code to 9
implement recommendations of the Eminent Domain 10
Task Force and to create other procedures to 11
protect the rights of property owners. 12

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

Section 1. That sections 163.01, 163.02, 163.03, 163.04, 13
163.05, 163.06, 163.08, 163.09, 163.12, 163.14, 163.15, 163.16, 14
163.17, 163.19, 163.20, 163.21, 163.22, 163.52, 163.53, 163.54, 15
163.55, 163.56, 163.57, 163.58, 163.59, 163.60, 163.61, 163.62, 16
303.26, 719.012, 725.01, 725.02, 725.05, 725.11, 1728.01, 3735.40, 17
and 3735.59 be amended and sections 1.08, 163.021, 163.211, and 18

163.63 of the Revised Code be enacted to read as follows: 19

Sec. 1.08. As used in the Revised Code: 20

(A) "Blighted property" means a property that to which either 21
of the following applies: 22

(1) The property has either of the following conditions: 23

(a) The property contains a structure that is dilapidated, 24
unsanitary, unsafe, or vermin infested, and because of its 25
condition an agency that is responsible for the enforcement of 26
housing, building, or fire codes has designated it unfit for human 27
habitation or use. 28

(b) The property poses a direct threat to public health or 29
safety in its present condition by reason of environmentally 30
hazardous conditions, solid waste pollution, or contamination. 31

(2) The property has two or more of the following conditions: 32

(a) The property or a structure on the property constitutes a 33
public nuisance because of its physical condition, use, or 34
occupancy. 35

(b) The property contains a structure that in its current 36
condition is a fire hazard or otherwise is dangerous to the safety 37
of persons or property. 38

(c) The property contains a structure from which the 39
utilities, plumbing, heating, sewerage, or other necessary 40
facilities have been disconnected, destroyed, removed, or rendered 41
ineffective so that the property is unfit for its intended use. 42

(d) The property is a vacant or unimproved lot or parcel in a 43
predominantly built-up-neighborhood that, by reason of neglect or 44
lack of maintenance, has become a place for accumulation of trash 45
and debris, or a haven for vermin. 46

(e) The property has tax delinquencies that exceed the value 47

of the property. 48

(f) The property or a structure on the property has 49
significant code violations that substantially affect health or 50
safety, and at least one year has passed since an appropriate code 51
enforcement agency provided notice to the owner of the need to 52
rehabilitate the property or structure, and the property or 53
structure has not been substantially rehabilitated. 54

(g) The property is an abandoned property, meaning that the 55
owner or estate in possession of the property has declared it to 56
be abandoned, or the property is occupied by a person who does not 57
have a legal or equitable right to occupy the property and the 58
entity taking the property is unable to identify and communicate 59
with the owner despite making reasonable efforts. 60

(B) "Blighted area" and "slum" mean a delineated area that 61
the taking agency establishes, that is comprised of contiguous 62
properties, and in which over ninety per cent of all properties 63
within the borders of the delineated area are blighted properties. 64
Only properties within the delineated boundaries may be considered 65
in the determination that an area is a "blighted area" or "slum." 66
No area may be designated as a "blighted area" or "slum" unless 67
the boundaries of that area are clearly delineated on a map that 68
is made available to the public. 69

(C)(1) When determining whether a property is a blighted 70
property or whether an area is a blighted area or slum, no person 71
shall consider whether the property could generate more tax 72
revenues if put to another use. 73

(2) No agency with the power to appropriate property shall 74
use that power as a substitute for the enforcement of nuisance 75
laws. 76

(D) Notwithstanding any other provision of this section, 77
absent any environmental or public health hazard that cannot be 78

corrected under its current use or ownership, a property is not a 79
blighted property because of any condition that is a blighting 80
condition under division (A) of this section if its condition is 81
consistent with conditions that are normally incident to generally 82
accepted agricultural practices and the land is used for purposes 83
consistent with the definition of "agriculture" in section 1.61 of 84
the Revised Code, or the county auditor of the county in which the 85
land is located has determined under section 5713.31 of the 86
Revised Code that the land is "land devoted exclusively to 87
agricultural use" as defined in section 5713.30 of the Revised 88
Code. 89

Sec. 163.01. As used in ~~sections 163.01 to 163.22 of the~~ 90
~~Revised Code~~ this chapter: 91

(A) "Public agency" means any governmental corporation, 92
instrumentality, unit, organization, or officer authorized by law 93
to appropriate property in the courts of this state. "~~Private~~ 94
"Public agency" does not include a utility owned by a municipal 95
corporation. 96

(B) "Private agency" means any ~~other~~ corporation, firm, 97
partnership, voluntary association, joint-stock association, or 98
company that is not a "public agency," authorized by law to 99
appropriate property in the courts of this state. "~~Agency~~" 100
includes 101

~~(B)~~(C) "Agency" means any public agency or private agency 102
authorized by law to appropriate property in the courts of this 103
state. "Agency" includes a utility owned by a municipal 104
corporation. 105

(D) "Business" means any lawful activity, excepting a farm 106
operation, conducted primarily for one or more of the following: 107

(1) The purchase, sale, lease, and rental of personal and 108

<u>real property, and for the manufacture, processing, or marketing</u>	109
<u>of products, commodities, or any other personal property;</u>	110
<u>(2) The sale of services to the public;</u>	111
<u>(3) By a nonprofit organization;</u>	112
<u>(4) Solely for the purposes of section 163.53 of the Revised</u>	113
<u>Code, for assisting in the purchase, sale, resale, manufacture,</u>	114
<u>processing, or marketing of products, commodities, personal</u>	115
<u>property, or services by the erection and maintenance of an</u>	116
<u>outdoor advertising display or displays, whether or not such</u>	117
<u>display or displays are located on the premises on which any of</u>	118
<u>the above activities are conducted.</u>	119
<u>(E) "Comparable replacement dwelling" means any dwelling that</u>	120
<u>is decent, safe, and sanitary; adequate in size to accommodate the</u>	121
<u>occupants; within the financial means of the displaced person;</u>	122
<u>functionally equivalent to the displaced person's dwelling; in an</u>	123
<u>area not subject to unreasonable adverse environmental conditions;</u>	124
<u>and in a location generally not less desirable than the location</u>	125
<u>of the displaced person's dwelling with respect to public</u>	126
<u>utilities, facilities, services, and the displaced person's place</u>	127
<u>of employment.</u>	128
<u>(F) "Court" includes means the court of common pleas and or</u>	129
<u>the probate court of any county in which the property sought to be</u>	130
<u>appropriated is located in whole or in part.</u>	131
<u>(G) "Displaced person" means any person who moves from</u>	132
<u>real property or moves personal property from real property on</u>	133
<u>which the person is a residential tenant or conducts a business or</u>	134
<u>farm operation, when that move is a direct result of a written</u>	135
<u>notice of intent to acquire or the acquisition of that real</u>	136
<u>property, in whole or in part, under a program or project an</u>	137
<u>agency undertakes or as a direct result of rehabilitation,</u>	138
<u>demolition, or other displacing activity on real property by an</u>	139

agency, and the head of the agency determines that the 140
displacement is permanent. 141

"Displaced person" does not include a person who has been 142
determined, according to criteria the head of the agency 143
establishes, to be either in unlawful occupancy of the 144
displacement dwelling or to have occupied that dwelling for the 145
purpose of obtaining assistance under this chapter, or a person 146
who became an occupant of the dwelling after its acquisition and 147
whose occupancy is on a rental basis for a short term or a period 148
subject to termination when the property is needed for the program 149
or project. 150

(H) "Farm operation" means any activity conducted solely or 151
primarily for the production of one or more agricultural products 152
or commodities, including timber, for sale or home use, and 153
customarily producing such products or commodities in sufficient 154
quantity to be capable of contributing materially to the 155
operator's support. 156

(I) "Mortgage" means the classes of liens commonly given to 157
secure advances on, or the unpaid purchase price of, real 158
property, under the laws of Ohio, together with the credit 159
instruments, if any, secured thereby. 160

(J) "Owner" ~~includes~~ means any individual, partnership, 161
association, or corporation having any estate, title, or interest 162
in any real property sought to be appropriated. 163

~~(D)~~(K) "Person" includes any individual, partnership, 164
corporation, or association. 165

(L) "Real property," "land," or "property" ~~includes~~ means any 166
estate, title, or interest in any real property ~~which~~ that is 167
authorized to be appropriated by the agency in question, unless 168
the context otherwise requires. 169

(M) "Goodwill" means the calculable benefits that accrue to a 170

business as a result of its location, reputation for 171
dependability, skill or quality, and any other circumstances that 172
result in probable retention of old, or acquisition of new, 173
patronage. 174

Sec. 163.02. (A) ~~Except as provided in divisions (B), (C),~~ 175
~~(D), and (F) of this section, all~~ All appropriations of real 176
property shall be made pursuant to ~~sections 163.01 to 163.22 of~~ 177
~~the Revised Code~~ this chapter, except as otherwise provided in 178
section 163.06 of the Revised Code or because of a public exigency 179
as provided in division (B) of section 307.08, 6101.181, 6115.221, 180
6117.39, or 6119.11, or division (D) of section 514.19 of the 181
Revised Code. 182

(B) ~~Subject to division (E) of this section, the~~ The director 183
of transportation may appropriate real property pursuant to 184
~~sections 163.01 to 163.22 of the Revised Code~~ this chapter or as 185
otherwise provided by law. 186

(C) ~~Subject to division (E) of this section, a conservancy~~ 187
~~district may appropriate real property by procedures prescribed in~~ 188
~~Chapter 6101. of the Revised Code.~~ 189

(D) ~~Subject to division (E) of this section, a sanitary~~ 190
~~district may appropriate real property by procedures prescribed in~~ 191
~~Chapter 6115. of the Revised Code.~~ 192

(E) ~~When the director of transportation, a conservancy~~ 193
~~district, or a sanitary district proceeds~~ Notwithstanding any 194
authority to appropriate real property ~~other than under sections~~ 195
~~163.01 to 163.22 of the Revised Code, the proceedings are to the~~ 196
contrary, any proceeding to appropriate real property is subject 197
to division (B) of section 163.21 of the Revised Code. 198

(F) ~~A county, township that has adopted a limited home rule~~ 199
~~government, conservancy district, sanitary district, county sewer~~ 200

~~district, or a regional water and sewer district also may~~ 201
~~appropriate real property in the manner prescribed in division (B)~~ 202
~~of section 307.08, 6101.181, 6115.221, 6117.39, or 6119.11 or~~ 203
~~division (D) of section 504.19 of the Revised Code, as applicable.~~ 204

~~(G)~~(D) Any instrument by which the state or an agency of the 205
state acquires real property pursuant to this ~~section~~ chapter 206
shall ~~identify~~ include all of the following: 207

(1) The name of the agency of the state that has the use and 208
benefit of the real property as specified in the manner that 209
section 5301.012 of the Revised Code requires; 210

(2) A statement of the purpose of the appropriation as 211
provided with the appropriation petition; 212

(3) A statement that the prior owner possesses a right of 213
repurchase pursuant to section 163.211 of the Revised Code if the 214
agency decides not to use the property for the purpose stated in 215
the appropriation petition and the owner provides timely notice of 216
a desire to repurchase. Nothing in this section affects the 217
authority of the director of transportation to convey unneeded 218
property pursuant to division (F) of section 5501.34 of the 219
Revised Code. 220

(E) Nothing in this chapter precludes any person from 221
voluntarily conveying a property to an agency that is considering 222
appropriating the property or that offers to purchase the property 223
under threat of appropriation. Any such voluntary conveyance of a 224
property to an agency is deemed for all purposes to be a sale 225
under the threat of appropriation for a public use. This division 226
applies to a voluntary conveyance to an agency regardless of 227
whether the property is a blighted property or is located in a 228
blighted area, or the property subsequently could be found for any 229
reason not to qualify for appropriation by the agency. 230

Sec. 163.021. (A)(1) No agency shall appropriate real property except as necessary and for a public use. In any appropriation, the taking agency shall show by a preponderance of the evidence that the taking is necessary and for a public use.

(2) "Public use" does not include any taking that is for conveyance to a private commercial enterprise, for economic development, or solely for the purpose of increasing public revenue, unless the taking agency shows by a preponderance of the evidence that the property being appropriated is within a blighted area and the taking is pursuant to a redevelopment plan having a purpose of eliminating blight that has been adopted by the legislative authority where the property is located.

(3) All of the following are presumed to be a public use: utility facilities, roads, sewers, water lines, public schools, public parks, government buildings, projects by an agency that is a public utility as defined in section 4905.02 of the Revised Code or an agency holding a certificate of public convenience and necessity granted by the federal energy regulatory commission, an electric cooperative as defined in section 4928.01 of the Revised Code, and similar facilities and uses of land.

(B)(1) No public agency that is not elected may appropriate real property unless the public agency or elected individual that appointed the agency approves the appropriation or a majority of the appointing public agencies or elected individuals approve the appropriation if more than one agency or individual participated in the appointment. If the agency that is not elected is a state agency or a state instrumentality such as a university, the approval shall be by the governor.

(2) Approval pursuant to this division shall be obtained for each appropriation or each project for which the agency proposes to appropriate property. If the project includes more than one

property, an agency may request approval for the project only if 262
that request includes a description of all affected properties in 263
the project by the street address of each property or other method 264
of identification by which an owner reasonably would be made aware 265
that the owner's property is included in the project. If the 266
agency adds properties to the project following an approval, the 267
agency shall seek an additional approval for appropriation of 268
those additional properties pursuant to the same procedures and 269
requirements as the initial approval. Authority to approve 270
appropriations may not be delegated to an agency that is not 271
elected. 272

(C) No park board, park district, board of directors of a 273
conservancy district, incorporated association with a purpose of 274
establishing or preserving public parks and memorial sites, or 275
similar park authority shall appropriate real property unless that 276
property is located within the entity's jurisdiction. 277

(D) Any public agency with authority to appropriate property 278
outside its jurisdiction shall obtain approval for the proposed 279
appropriation from the legislative authority where the property is 280
located and shall include a copy of that approval with any 281
petition for appropriation. 282

Sec. 163.03. Any agency may, upon the notice prescribed in 283
this section, prior to or subsequent to the filing of a petition 284
pursuant to section 163.05 of the Revised Code, enter upon any 285
lands, waters, and premises for the purpose of making such 286
surveys, soundings, drillings, appraisals, and examinations as are 287
necessary or proper for the purpose of the agency under ~~sections~~ 288
~~163.01 to 163.22, inclusive, of the Revised Code,~~ this chapter and 289
~~such that~~ entry shall does not constitute a trespass. Notice of 290
~~such~~ a proposed entry shall be given to the owner or the person in 291
possession by such means as are reasonably available not less than 292

forty-eight hours nor more than thirty days prior to the date of 293
~~such~~ the proposed entry. 294

The agency shall make restitution or reimbursement for any 295
actual damage resulting to ~~such~~ lands, waters, and premises and to 296
improvements or personal property located in, on, along, over, or 297
under ~~such~~ those lands, waters, and premises, as a result of ~~such~~ 298
activities this section authorizes. If the parties are unable to 299
agree upon restitution or other settlement, damages are 300
recoverable by civil action to which the state or agency hereby 301
consents. 302

Sec. 163.04. (A)(1) Any public agency that appropriates real 303
property shall adopt procedures under which the public is entitled 304
to provide input on a proposed appropriation. Any procedure shall 305
include notice and a reasonable public comment period. For at 306
least two consecutive weeks prior to any appropriation, the agency 307
shall provide a weekly notice of the proposed appropriation in a 308
newspaper of general circulation in the county in which the 309
appropriation is proposed. If the notice is for a project that 310
includes more than one property, the notice shall describe the 311
project and identify each property in the project by the 312
property's street address or other method reasonably designed to 313
enable an owner to recognize that the owner's property is included 314
in the project. Any notice shall specify the dates during which 315
the agency will accept written comment and set forth the address 316
to which persons may submit comment. The notice this division 317
requires may be made for the appropriation of an individual 318
property or for a project so long as the notice for a project 319
clearly identifies each property in that project and each owner is 320
given an opportunity to provide comment. If the agency adds 321
additional properties to the project, the agency shall repeat the 322
procedure this division describes for those additional properties. 323
During the period of public comment, the agency shall accept from 324

any person a written comment addressing the proposed appropriation 325
and any project for which that appropriation would be made. 326

(2) Any public agency that is not elected by the public also 327
shall hold at least one public hearing per appropriation or 328
project following the two weeks' published notice that this 329
section requires. The agency's notice shall include, in addition 330
to all requirements of division (A)(1) of this section, notice of 331
the time, date, and location of the public hearing. A public 332
hearing may be held for an individual property or for a project so 333
long as the notice for a project clearly identifies each property 334
in that project and each owner is given an opportunity to provide 335
comment at the public hearing. If the agency adds additional 336
properties to the project, the agency shall repeat the procedure 337
this division describes for those additional properties. 338

(3) Any agency that is a public utility as defined in section 339
4905.02 of the Revised Code, an electric cooperative as defined in 340
section 4928.01 of the Revised Code, or a utility owned by a 341
municipal corporation satisfies the notice and hearing 342
requirements of this division if the agency has a certificate 343
granted by a regulatory agency for the facility or project for 344
which property will be appropriated. If the public utility, 345
electric cooperative, or utility owned by a municipal corporation 346
does not have such a certificate, it shall provide notice to all 347
affected property owners at least thirty days prior to any initial 348
offer to purchase property. The notice shall inform the owner that 349
all or a portion of the property is necessary for a project, 350
describe the nature of that project, and describe each property to 351
be acquired by street address or other reasonable method that 352
would enable an owner to identify the property. 353

(4) This division does not apply to any appropriation to 354
eliminate a health nuisance or pursuant to a public exigency as 355
described in division (A) of section 163.02 or section 163.06 of 356

the Revised Code. 357

(B) No agency shall appropriate property unless prior to 358
filing a petition for appropriation the agency makes a good faith 359
offer to the owner and provides the owner or the guardian, agent, 360
or trustee of the owner with a copy of an appraisal, a summary 361
appraisal if the agency performed only a summary appraisal, or a 362
written explanation of how the agency established the value of the 363
property. The agency need not provide the owner, guardian, agent, 364
or trustee an appraisal, summary appraisal, or written explanation 365
of value if none of the persons to be provided the information is 366
known or their residence or business address cannot be ascertained 367
with reasonable diligence. The tax records of the county auditor 368
shall not be used to determine a property's value in an 369
appropriation action, but county tax payment records shall be 370
prima facie evidence of ownership for purposes of an adverse 371
possession action. 372

(C) Appropriations shall be made only after the agency is 373
unable to agree on a conveyance or the terms of a conveyance, for 374
any reason, with the ~~any~~ owner, ~~or if more than one, any owner, or~~ 375
~~his~~ ~~the~~ guardian or trustee, ~~or when any of any owner, unless no~~ 376
owner is ~~incapable~~ capable of contracting in person or by agent 377
and has no guardian or trustee, ~~or is unknown, or is not a~~ 378
~~resident of this state, or his~~ the residence is unknown to the 379
agency and or business address of any of these persons who could 380
approve a conveyance cannot ~~with reasonable diligence~~ be 381
ascertained with reasonable diligence. 382

Sec. 163.05. An agency ~~which~~ that has met the requirements of 383
section 163.04 of the Revised Code, may commence proceedings in a 384
proper court by filing a petition for appropriation of each parcel 385
or contiguous parcels in a single common ownership, or interest or 386
right therein. The petition of a private agency shall be verified 387

as in a civil action ~~and all.~~ All petitions shall contain: 388
389

(A) A description of each parcel of land or interest or right 390
therein sought to be appropriated, such as will permit ready 391
identification of the land involved; 392

(B) ~~In the case of a private agency, a~~ (1) A statement that 393
~~such~~ the appropriation is necessary, for a public use, and, in the 394
~~case of~~ if a public agency or an agency for which a resolution or 395
approval is required, a copy of the resolution or approval of the 396
public agency to appropriate; 397

(2) A statement showing the appraised value or the agency's 398
estimated value of the property and affirming that the stated 399
amount was offered to the owner as compensation; 400

(3) If the property is part of a blighted area that is being 401
appropriated pursuant to a redevelopment plan, a statement that 402
shows the basis for the finding of blight and that supports that 403
the redevelopment area in which the parcel is located is a 404
"blighted area" as defined in section 1.08 of the Revised Code, 405
and a map that clearly sets forth the delineated boundaries of the 406
redevelopment area. 407

(C) A statement of the purpose of the appropriation; 408

(D) A statement of the estate or interest sought to be 409
appropriated; 410

(E) The names and addresses of the owners, so far as they can 411
be ascertained; 412

(F) A statement showing requirements of section 163.04 of the 413
Revised Code have been met; 414

(G) A prayer for the appropriation; 415

~~(H)~~ In the event of an appropriation where the agency would 416
require less than the whole of any parcel containing a residence 417

structure and the required portion would remove a garage and 418
sufficient land that a replacement garage could not be lawfully or 419
practically attached, the appropriation shall be for the whole 420
parcel and all structures unless, at the discretion of the owner, 421
the owner waives this requirement, in which case the agency shall 422
appropriate only the portion that the agency requires as well as 423
the entirety of any structure that is in whole or in part on the 424
required portion. 425

In the event of the appropriation of less than the fee of any 426
parcel or of a fee in less than the whole of any parcel of 427
property, the agency shall either make available to the owner or 428
shall file in the office of the county engineer, a description of 429
the nature of the improvement or use which requires the 430
appropriation, including any specifications, elevations, and grade 431
changes already determined at the time of the filing of the 432
petition, in sufficient detail to permit a determination of the 433
nature, extent, and effect of the taking and improvement. A set of 434
highway construction plans shall be acceptable in providing such 435
description for the purposes of the preceding sentence in the 436
appropriation of land for highway purposes. 437

Sec. 163.06. (A) A public agency, other than an agency 438
appropriating property for the purposes described in division (B) 439
of this section, ~~which qualifies~~ that is appropriating property 440
due to a public exigency that requires its immediate seizure 441
pursuant to Section 19 of Article I, Ohio Constitution, may 442
deposit with the court at the time of filing the petition the 443
value of such property appropriated together with the damages, if 444
any, to the residue, as determined by the public agency, and 445
thereupon take possession of and enter upon the property 446
appropriated. The right of possession upon deposit as provided in 447
this division ~~shall~~ does not extend to structures. 448

(B)(1) A public agency appropriating property for the purpose 449
of making or repairing roads ~~which shall~~ that will be open to the 450
public, without charge, or for the purpose of implementing rail 451
service under Chapter 4981. of the Revised Code, may deposit with 452
the court at the time of filing the petition the value of ~~such the~~ 453
property appropriated together with the damages, if any, to the 454
residue, as determined by the public agency, and stated in an 455
attached declaration of intention to obtain possession ~~and~~ 456
~~thereupon,~~ take possession ~~of,~~ and enter upon the property 457
appropriated, including structures situated upon the land 458
appropriated ~~for such purpose~~ or situated partly upon the land 459
appropriated ~~therefor~~ and partly upon adjoining land, so that ~~such~~ 460
the structures cannot be divided upon the line between ~~such the~~ 461
lands without manifest injury ~~thereto. The~~ 462

(2) The jury, in assessing compensation to any owner of land 463
appropriated under this division, shall assess the value ~~thereof~~ 464
of the property in accordance with section 163.14 of the Revised 465
Code. The owner or occupant of ~~such structures~~ the structure shall 466
vacate the ~~same~~ structure within sixty days after service of 467
summons as required under section 163.07 of the Revised Code, ~~at~~ 468
~~no cost to the appropriating agency,~~ after which time the agency 469
may remove ~~said any~~ structures. ~~In~~ 470

(3) In the event ~~such the~~ structures are to be removed before 471
the jury has fixed ~~the~~ their value ~~of the same,~~ the court, upon 472
motion of the agency, shall do all of the following: 473

~~(1)~~(a) Order appraisals to be made by three persons, one to 474
be named by the owner, one by the county auditor, and one by the 475
agency. Such appraisals may be used as evidence by the owner or 476
the agency in the trial of ~~said the~~ case but shall not be binding 477
on ~~said the~~ owner, agency, or ~~the~~ jury, and the expense of ~~said~~ 478
the appraisals shall be approved by the court and charged as costs 479
~~in said case.~~ 480

~~(2)(b)~~ Cause pictures to be taken of all sides of ~~said the~~ structures; 481
482

~~(3)(c)~~ Compile a complete description of ~~said the~~ structures, 483
which shall be preserved as evidence ~~in said case~~ to which the 484
owner or occupants shall have access. 485

(C) Any time after the deposit is made by the public agency 486
under division (A) or (B) of this section, the owner may apply to 487
the court to withdraw the deposit, and ~~such that~~ withdrawal shall 488
in no way interfere with the action except that the sum ~~so~~ 489
withdrawn shall be deducted from the sum of the final verdict or 490
award. Upon ~~such an~~ application being made, the court shall direct 491
that the sum be paid to ~~such the~~ owner subject to the rights of 492
other parties in interest provided ~~such those~~ parties make timely 493
application as provided in section 163.18 of the Revised Code. 494
Interest shall not accrue on any sums withdrawable as provided in 495
this division. 496

(D) If the award exceeds one hundred twenty-five per cent of 497
the amount the agency deposited with the court, the owner shall be 498
awarded attorney's fees, appraisal fees, and expenses as specified 499
in division (B) of section 163.14 of the Revised Code. 500

Sec. 163.08. (A) Any owner may file an answer to ~~such the~~ 501
petition described in section 163.05 of the Revised Code. ~~Such Any~~ 502
answer shall be verified as in a civil action and shall contain a 503
general denial or specific denial of each material allegation not 504
admitted. The agency's right to make the appropriation, whether 505
the appropriation is for a public use, the inability of the 506
parties to agree, and the necessity for the appropriation shall be 507
resolved by the court in favor of the agency unless such matters 508
are ~~specifically~~ denied in the answer ~~and the facts relied upon in~~ 509
~~support of such denial are set forth therein, provided, when.~~ 510

(B)(1) When property is taken in time of war or other public 511

exigency, imperatively requiring its immediate seizure or for the 512
purpose of making or repairing roads, which shall be open to the 513
public, without charge, an answer may not deny the right to make 514
the appropriation, the inability of the parties to agree, or the 515
necessity for the appropriation. A 516

(2) A petition for appropriation, filed by the director of 517
transportation, which contains a declaration and journalization of 518
~~his~~ the director's intent to construct a state highway or 519
interstate highway, shall constitute a presumption that ~~such~~ the 520
appropriation is for the purpose of making or repairing roads 521
which shall be open to the public without charge. At a hearing on 522
an issue whether a taking sought by the director of transportation 523
is for the purpose of making or repairing roads open to the public 524
without charge, a set of construction plans made by or for the 525
director and showing the proposed use of the property in 526
connection with the construction or repair of such a road is 527
presumptive evidence of such purpose, notwithstanding that no 528
money has been appropriated for such construction or repair. 529

(C) An answer shall be served in accordance with Civil Rule 530
12. If the agency involved in the action is a private agency, no 531
more than one extension of the time authorized by Civil Rule 12 532
for serving an answer shall be granted pursuant to Civil Rule 6, 533
and that extension shall not exceed thirty days. 534

Sec. 163.09. (A) If no answer is filed pursuant to section 535
163.08 of the Revised Code, and no approval ordered by the court 536
to a settlement of the rights of all necessary parties, the court, 537
on motion of a public agency, shall declare the value of the 538
property taken and the damages, if any, to the residue to be as 539
set forth in any document properly filed with the clerk of the 540
court of common pleas by the public agency. ~~In all other cases,~~ 541
~~the court shall fix a time, within twenty days from the last date~~ 542

that the answer could have been filed, for the assessment of 543
compensation by a jury. 544

(B)(1) When an answer is filed pursuant to section 163.08 of 545
the Revised Code and any of the matters relating to the right to 546
make the appropriation, the inability of the parties to agree, 547
whether the appropriation is for a public use, whether a property 548
is located in a blighted area, or the necessity for the 549
appropriation are specifically denied in the manner provided in 550
that section, the court shall set a day, not less than five or 551
more than fifteen days from the date the answer was filed, to hear 552
those matters. Upon those matters, when the owner has established 553
a prima facie case as to any matter denied, the burden of proof 554
with respect to that matter is upon the ~~owner~~ agency by a 555
preponderance of the evidence. ~~A resolution or ordinance of the~~ 556
~~governing or controlling body, council, or board of the agency~~ 557
~~declaring the necessity for the appropriation shall be prima facie~~ 558
~~evidence of that necessity in the absence of proof showing an~~ 559
~~abuse of discretion by the agency in determining that necessity.~~ 560
~~If,~~ The public necessity of the taking is an issue for the court 561
to determine. 562

(2) If, as to any or all of the property or other interests 563
sought to be appropriated, the court determines the matters in 564
favor of the agency, the court shall set a time for the assessment 565
of compensation by the jury within twenty days from the date of 566
the journalization of that determination. ~~An~~ 567

(3)(a) An owner has a right to an immediate appeal if the 568
order of the court is in favor of the agency in any of the matters 569
the owner denied in the answer. 570

(b) An order of the court in favor of the agency on any of 571
the matters or on qualification under section 163.06 of the 572
Revised Code ~~shall~~ is not be a final order for purposes of appeal. 573
An order of the court against the agency on any of the matters or 574

on the question of qualification under section 163.06 of the 575
Revised Code ~~shall be~~ is a final order for purposes of appeal. ~~If~~ 576

(4) If a public agency has taken possession prior to ~~such an~~ 577
a final order and ~~such an order,~~ after any appeal, that order is 578
against the agency on any of the matters, the agency shall restore 579
the property to the owner in its original condition or respond in 580
damages, which may include the items set forth in division (A)(2) 581
of section 163.21 of the Revised Code, recoverable by civil 582
action, to which the state consents. 583

(C) When an answer is filed pursuant to section 163.08 of the 584
Revised Code, and none of the matters set forth in division (B) of 585
this section is ~~specifically~~ denied, the court shall fix a time 586
within twenty days from the date the answer was filed for the 587
assessment of compensation by a jury. 588

(D) If answers are filed pursuant to divisions (B) and (C) of 589
this section, or an answer is filed on behalf of fewer than all 590
the named owners, the court shall set the hearing or hearings at 591
~~such times as~~ that are reasonable under all the circumstances, but 592
in no event later than twenty days after the issues are joined as 593
to all necessary parties or twenty days after rule therefor, 594
whichever is earlier. 595

(E) The court, with the consent of the parties, may order two 596
or more cases to be consolidated and tried together, but the 597
rights of each owner to compensation, damages, or both shall be 598
separately determined by the jury in its verdict. 599

(F) If an answer is filed under section 163.08 of the Revised 600
Code with respect to the value of property ~~appropriated under~~ 601
~~section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of~~ 602
~~the Revised Code as the result of a public exigency,~~ the burden of 603
proof with respect to that value is on the party or parties to the 604
appropriation other than the property owners. 605

(G) In any final, unappealable order that is against the agency as to the necessity of an appropriation, the owner shall be awarded reasonable attorney's fees, expenses, and costs as set forth in division (B) of section 163.21 of the Revised Code. 606
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Sec. 163.12. (A) A view of the premises to be appropriated or of premises appropriated shall be ordered by the court when ~~demanded~~ requested by a party to the proceedings. 610
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(B) The property owners shall open and close the case except that, if the premises are appropriated under section 163.06, 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the result of a public exigency, the party or parties other than the owners shall open and close the case. 613
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(C) The court may amend any defect or informality in proceedings under ~~sections 163.01 to 163.22 of the Revised Code~~ this chapter. The court may cause new parties to be added and direct further notice to be given to a party in interest as the court considers proper. 618
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(D) No part of the pleadings, ~~other than the petition,~~ shall be read or exhibited to the jury. 623
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Sec. 163.14. (A)(1) In appropriation proceedings the jury shall be sworn to impartially assess the compensation and damages, if any, without deductions for general benefits as to the property of the owner. 625
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(2) The jury, in its verdict, shall assess the compensation for the property appropriated and damages, if any, to the residue, to be paid to the owners. When a building or other structure is on the property appropriated or when a building or other structure is situated partly upon the land appropriated and partly upon adjoining land so that the structure cannot be divided upon the line between ~~such~~ those lands without manifest injury ~~thereto~~, the 629
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jury, in assessing compensation to any owner of the land, shall 636
assess the value ~~thereof~~, of such a building as part of the 637
compensation. The title to ~~said the~~ structure shall vest in the 638
agency which shall have the right to enter upon ~~the~~ any adjoining 639
land upon which any part of the structure is located for the 640
purpose of removing ~~said the~~ structure ~~therefrom~~, after deposit in 641
accordance with the verdict. ~~Such~~ The removal shall be made within 642
ninety days after taking title to the property appropriated; 643
provided, that the court may extend removal time upon ~~such~~ 644
conditions as the court requires. 645

(3) The jury, in its verdict, shall assess compensation to 646
the owner of a business conducted on the property taken, or on the 647
remainder if the property is part of a larger parcel, for loss of 648
goodwill if the owner proves both of the following: 649

(a) The loss is caused by the taking of the property or the 650
injury to the remainder; and 651

(b) The loss cannot reasonably be prevented by relocation of 652
the business or by taking steps and adopting procedures that a 653
reasonably prudent person would take and adopt in preserving the 654
goodwill. 655

Compensation for loss of goodwill shall not be included in 656
payments made under section 163.53 of the Revised Code and shall 657
not be duplicated in any compensation otherwise awarded to the 658
owner. 659

(B)(1) If the amount of compensation the jury awards to an 660
owner is greater than one hundred twenty-five per cent of the 661
value the agency included in the appropriation petition as the 662
value of the property and the amount offered to the owner in a 663
good faith offer, the court shall award the owner reasonable 664
attorney's fees and expenses incurred or contracted, including 665
appraisal fees. 666

(2) Any award of attorney's fees pursuant to this section shall be in an amount the judge determines appropriate, not to exceed twenty-five per cent of the amount by which the awarded value exceeds the appraised value that was stated on the appropriation petition or, in the case of an appropriation due to exigency, the amount deposited with the court. 667
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(3) Any award of expert witness fees shall be in an amount the judge determines appropriate, not to exceed a total of ten thousand dollars. If cases have been consolidated, the judge shall determine the portion of that amount to be distributed on behalf of each parcel included in the consolidated case. 673
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(4) The agency shall deposit any amount awarded pursuant to this division with the court for distribution. 678
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(C) The verdict shall be signed by at least three-fourths of the members of the jury. 680
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(D) If a jury is discharged without rendering a verdict, another shall be impaneled at the earliest convenient time and shall make the inquiry and assessment. 682
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Sec. 163.15. (A) As soon as the agency pays to the owner or party entitled thereto or deposits with the court the amount of the award and the costs assessed against the agency, ~~it~~ the agency may take possession~~7~~, provided~~7~~ that this right of possession shall not be construed to limit the right of a public agency to enter and take possession~~7~~ due to a public exigency as provided in section 163.06 of the Revised Code. When the owner has accepted the award or all appeals have been exhausted, the agency is entitled to possession the court shall enter an order to such effect upon the record and, if necessary, process shall be issued to place the agency in possession. ~~Whenever~~ 685
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(B) Whenever a final journal entry in an appropriation 696

proceeding, granting to this state a fee title or any lesser 697
estate or interest in real property is filed and journalized by 698
the clerk of courts, the clerk of courts shall forthwith transmit 699
to the county auditor a certified copy of ~~said~~ the final journal 700
entry ~~who~~ and the auditor shall transfer the property on ~~his~~ the 701
books and transmit ~~said~~ the entry with proper endorsement to the 702
county recorder for recording. The costs of filing ~~such~~ the final 703
journal entry with the county auditor and the county recorder 704
shall be taxed as costs in the appropriation proceedings the same 705
as other costs are taxed under section 163.16 of the Revised Code. 706

Sec. 163.16. The court costs, including jury fees, of any 707
proceeding shall be paid ~~as the court directs, except as may be~~ 708
~~provided for in cases subject to division (A)(2) or (B)(1) of~~ 709
~~section 163.21 of the Revised Code~~ by the agency that is 710
appropriating the property. ~~The agency may offer to confess~~ 711
~~judgment for the amount to be stated and the court costs then made~~ 712
~~in favor of any owner who in any manner enters an appearance or~~ 713
~~upon whom service has been made. If such owner refuses to accept~~ 714
~~such offer and as a result of the trial does not receive more, he~~ 715
~~shall pay all court costs accruing after the offer.~~ 716

Sec. 163.17. (A) Where the agency has the right to take 717
possession of the property before the verdict upon payment into 718
court of a deposit for an appropriation due to a public exigency 719
pursuant to section 163.06 of the Revised Code, and a portion of 720
~~said~~ that deposit may be withdrawn immediately by the owner, the 721
amount of the verdict ~~which~~ that exceeds the portion of the 722
deposit withdrawable ~~shall be~~ is subject to interest from the date 723
of taking to the date of actual payment of the award. 724

(B) Where the agency has no right to take possession of the 725
property before the verdict, if the award is not paid to the owner 726
or deposited in court within twenty-one days after journalization 727

of the verdict, interest thereafter shall accrue, except that 728
where the owner appeals, interest shall not accrue until the 729
agency takes possession. 730

(C) If the owner appeals and is granted a larger award, 731
interest shall be paid on the additional amount awarded from the 732
date of taking possession to the date of actual payment or date of 733
deposit with immediate right of withdrawal. 734

(D) If the agency wishes to appeal, it may require the 735
deposit to remain with the court pending final disposition of the 736
case, provided it pays interest on the final award from date of 737
taking possession to the date the money is actually paid or made 738
available to the owner, provided, the owner may withdraw the 739
entire award upon posting an appropriate refund bond set by the 740
court, and provided, that where a building or other structure is 741
taken, the court may, on application of the owner, permit the 742
owner to withdraw a reasonable portion of the award allocable to 743
the building without giving bond. 744

(E) If the amount of any deposit actually withdrawn by the 745
owner exceeds the final award from which no appeal is or can be 746
taken, then the owner at the time of entry of judgment on ~~such~~ 747
that award shall refund at once to the court for the account of 748
the agency the amount of such excess plus interest on ~~such~~ that 749
excess from the date of withdrawal of ~~such~~ the excess until the 750
date of ~~such~~ the refund, and upon the failure of the owner to make 751
~~such~~ a refund, the agency shall be entitled to a money judgment 752
against the owner. 753

(F) Except for cases involving the department of 754
transportation, interest as provided for in this section shall be 755
at the rate of interest for judgments as set forth in section 756
1343.03 of the Revised Code. In a case involving the appropriation 757
of property by the department of transportation, and the 758
department is the sole public agency seeking to appropriate 759

property in the case, interest as provided for in this section 760
shall be at the per annum rate of either the interest rate as 761
defined and established in division (B) of section 5703.47 of the 762
Revised Code, or ten per cent, whichever is less. 763

Sec. 163.19. Subject to sections 163.07 and 163.09 of the 764
Revised Code, any party may prosecute appeals as in other civil 765
actions from the judgment of the court. ~~The trial court upon 766
proper terms may suspend the execution of any order; but in all 767
cases where the agency pays or deposits the amount of the award 768
assessed and gives adequate security for any further compensation 769
and costs, as required by the court, the right to take and use the 770
property appropriated shall not be affected by such review by the 771
appellate courts. 772~~

Any appeal in an appropriation action shall be heard in an 773
expedited manner and any owner shall have the right to an 774
immediate appeal as specified in section 163.09 of the Revised 775
Code. 776

Either party may request, and the court may grant, a stay on 777
appeal, provided that the owner posts a supersedeas bond in an 778
amount the court determines. 779

Sec. 163.20. An agency may appropriate in accordance with 780
~~sections 163.01 to 163.22, inclusive, of the Revised Code, this 781
chapter~~ any property in which an interest has been appropriated, 782
in order to perfect title in itself. 783

Sec. 163.21. (A)(1) ~~If it~~ An agency that has not taken 784
possession of property that is appropriated, ~~an agency~~ may abandon 785
appropriation proceedings under ~~sections 163.01 to 163.22 of the 786
Revised Code~~ this chapter at any time after the proceedings are 787
commenced but not later than ninety days after the final 788
determination of the cause. 789

(2) In all cases of abandonment ~~as described in division~~ 790
~~(A)(1) of this section,~~ the court shall enter a judgment against 791
the agency for costs, including jury fees, and shall enter a 792
judgment in favor of each affected owner, in amounts that the 793
court considers to be just, for each of the following that the 794
owner incurred: 795

(a) Witness fees, including expert witness fees, appraisal 796
fees, and engineering fees; 797

(b) Attorney's fees; 798

(c) Other actual and reasonable costs, expenses, and 799
disbursements. 800

(B)(1) ~~Except as provided in division (B)(2) of this section,~~ 801
~~if in~~ In appropriation proceedings under ~~sections 163.01 to 163.22~~ 802
~~of the Revised Code~~ this chapter or, as authorized by divisions 803
(A) and (B), ~~(C), and (D)~~ of section 163.02 of the Revised Code, 804
~~in~~ for appropriation proceedings under other sections of the 805
Revised Code, if the court determines that an agency is not 806
entitled to appropriate particular property, the court shall enter 807
both of the following: 808

(a) A judgment against the agency for costs, including jury 809
fees; 810

(b) A judgment in favor of each affected owner, in amounts 811
that the court considers to be just, for the owner's reasonable 812
costs, disbursements, and expenses, to include witness fees, 813
~~including~~ expert witness fees, ~~for~~ attorney's fees, appraisal and 814
engineering fees, and for other actual expenses that the owner 815
incurred in connection with the proceedings. 816

(2) ~~This division does not apply to a state agency that is~~ 817
~~subject to section 163.62 of the Revised Code in connection with~~ 818
~~condemnation proceedings~~ Any award to an owner pursuant to this 819
section shall be paid by the head of the agency for whose benefit 820

the appropriation proceedings were initiated. 821

Sec. 163.211. (A) If an agency abandons a project or decides 822
not to use appropriated property for the purpose stated in the 823
appropriation petition, the prior owner from whom the property was 824
appropriated may repurchase the property if that owner provided 825
timely notice to the agency that the owner desires to repurchase 826
the property and the agency has not conveyed or transferred title 827
to the property to another person or agency. 828

(B) The right of repurchase is extinguished five years after 829
the agency acquires the property or prior to that time if any of 830
the following occur: 831

(1) The prior owner declines to repurchase the property; 832

(2) The prior owner fails to repurchase the property within 833
sixty days after the agency offers the property for repurchase; 834

(3) The property qualified as blighted property at the time 835
it was appropriated. 836

(C) Nothing in this section affects the authority of the 837
director of transportation to convey unneeded property pursuant to 838
division (F) of section 5501.34 of the Revised Code. 839

(D) The fair market value of the property that an owner may 840
repurchase pursuant to this section may be determined by mutual 841
agreement of the owner and the agency. If they are unable to 842
agree, the court shall determine the fair market value. The owner 843
shall pay for the property the lesser of that fair market value 844
that the court determines or the price the agency paid for the 845
acquisition, increased by the amount by which the consumer price 846
index increased since that acquisition. 847

Sec. 163.22. All proceedings brought under ~~sections 163.01 to~~ 848
~~163.22 of the Revised Code~~ this chapter shall be governed by the 849

law applicable in civil actions and the Rules of Civil Procedure, 850
including, but not limited to, the rules governing discovery, 851
except as otherwise provided in those sections. The proceedings 852
shall be advanced as a matter of immediate public interest and 853
concern and shall be heard by the court at the earliest 854
practicable moment. 855

Sec. 163.52. (A) The failure of an ~~acquiring~~ agency to 856
satisfy a requirement of section 163.59 of the Revised Code does 857
not affect the validity of any property acquisition by purchase or 858
~~condemnation~~ appropriation. 859

(B) Nothing in sections ~~163.51~~ 163.52 to 163.62 of the 860
Revised Code shall be construed as creating, in any ~~condemnation~~ 861
appropriation proceeding brought under the power of eminent 862
domain, any element of value or damage not in existence 863
immediately prior to June 11, 1971. 864

Sec. 163.53. (A) Whenever the acquisition of real property 865
for a program or project undertaken by a ~~displacing an~~ agency will 866
result in the displacement of any person, the head of the agency 867
shall make a payment to any displaced person, upon proper 868
application as approved by ~~such~~ the agency head, for all of the 869
following: 870

(1) Actual reasonable expenses in moving ~~himself~~ the person, 871
~~his~~ and the person's family, business, farm operation, or other 872
personal property; 873

(2) Actual direct losses of tangible personal property as a 874
result of moving or discontinuing a business or farm operation, 875
but not to exceed an amount equal to the reasonable expenses that 876
would have been required to relocate ~~such~~ the property, as 877
determined by the head of the ~~displacing~~ agency; 878

(3) Actual reasonable expenses in searching for a replacement 879

business or farm, not to exceed twenty-five hundred dollars; 880

(4) Actual and reasonable expenses necessary to reestablish a 881
displaced farm, nonprofit organization, or small business at its 882
new site, but not to exceed ten thousand dollars. 883

(B) Any displaced person eligible for payments under division 884
(A) of this section who is displaced from a dwelling ~~and who~~ 885
~~elects to accept the payments authorized by this division may~~ 886
elect, in lieu of the payments authorized by division (A) of this 887
section ~~may,~~ to receive an expense and dislocation allowance, 888
determined according to a schedule established by the head of the 889
displacing agency. 890

(C) Any displaced person eligible for payments under division 891
(A) of this section who is displaced from ~~his~~ the person's place 892
of business or from ~~his~~ the person's farm operation may qualify 893
for the payment authorized by this division in lieu of the payment 894
authorized by division (A) of this section. The payment authorized 895
by this division shall consist of a fixed payment in an amount ~~to~~ 896
~~be determined according to criteria established by the head of the~~ 897
~~lead agency~~ based on the average annual net income of the business 898
or farm operation for the two years prior to the displacement, 899
except that such payment shall be not less than one thousand 900
dollars nor more than twenty thousand dollars. A person whose sole 901
business at the displacement dwelling is the rental of ~~such~~ the 902
property to others does not qualify for a payment under this 903
division. 904

(D)(1) Except as provided in section 5501.51 of the Revised 905
Code, if a program or project undertaken by a ~~displacing~~ an agency 906
results in the relocation of a utility facility, and the purpose 907
of the program or project was not to relocate or reconstruct any 908
utility facility~~+~~, and if the owner of the utility facility ~~which~~ 909
that is being relocated under ~~such~~ the program or project has 910
entered into a franchise or similar agreement with the state or 911

local government on whose property, easement, or right-of-way ~~such~~ 912
~~the~~ facility is located with respect to the use of ~~such the~~ 913
property, easement, or right-of-way~~;~~, and if the relocation of 914
~~such the~~ facility results in ~~such the~~ owner incurring an 915
extraordinary cost in connection with ~~such the~~ relocation~~; then,~~ 916
the ~~displacing~~ agency may, in accordance with ~~such~~ rules as the 917
head of the lead agency ~~may adopt~~ adopts, provide to ~~such the~~ 918
owner a relocation payment ~~which that~~ may not exceed the amount of 919
~~such any~~ extraordinary cost, less any increase in the value of the 920
new utility facility above the value of the old utility facility, 921
and less any salvage value derived from the old utility facility. 922

(2) As used in division (D) of this section: 923

(a) "Extraordinary cost in connection with a relocation" 924
means any cost incurred by the owner of a utility facility in 925
connection with relocation of ~~such the~~ facility that is determined 926
by the head of the displacing agency, under ~~such~~ rules as the head 927
of the lead agency ~~shall adopt~~ adopts, to be a nonroutine 928
relocation expense, to be a cost that owner ordinarily does not 929
include in its annual budget as an expense of operation, and to 930
meet such other requirements as the lead agency may prescribe ~~in~~ 931
~~such rules~~ by rule. 932

(b) "Utility facility" means any electric, gas, water, steam 933
power, or materials transmission or distribution system; any 934
transportation system; any communications system, including cable 935
television; and any fixture, equipment, or other property 936
associated with the operation, maintenance, or repair of any such 937
system; which is located on property owned by a state or local 938
government or over which a state or local government has an 939
easement or right-of-way. A utility facility may be publicly, 940
privately, or cooperatively owned. 941

Sec. 163.54. (A) In addition to payments this chapter 942

otherwise authorized by sections 163.51 to 163.62 of the Revised Code authorizes, the head of the ~~displacing~~ agency displacing the owner shall make an additional payment ~~not to exceed twenty two thousand five hundred dollars~~ to any displaced person who is displaced from a dwelling actually owned and occupied by ~~him~~ the person for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the ~~displacing~~ agency, equals the reasonable cost of a comparable replacement dwelling.

(2) The amount, if any, which will compensate the ~~displaced~~ person for any increased interest costs and other debt service costs which the person is required to pay for financing the acquisition of a comparable replacement dwelling. This amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage ~~which~~ that was a valid lien on the dwelling for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of the dwelling.

(3) Reasonable expenses the person incurred ~~by the displaced person~~ for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(B) The additional payment ~~authorized by this section shall~~ this section authorizes may be made only to a displaced person who purchases and occupies a replacement dwelling ~~which~~ that is decent, safe, and sanitary not later than the end of the one-year period beginning on the date on which ~~he~~ the person receives from the ~~displacing~~ agency final payment of all costs of the acquired dwelling, or on the date on which the ~~displacing~~ agency's obligation under division (B)(3) of section 163.56 of the Revised

Code is met, whichever is later, except that the ~~displacing~~ agency 975
may extend the period for good cause. If the period is extended, 976
the payment under this section shall be based on the costs of 977
relocating the person to a comparable replacement dwelling within 978
one year after the displaced person receives from the ~~displacing~~ 979
agency final payment of all costs of the acquired dwelling. 980

Sec. 163.55. (A) In addition to amounts this chapter 981
~~otherwise authorized by sections 163.51 to 163.62 of the Revised~~ 982
~~Code~~ authorizes, the head of a ~~displacing an~~ agency shall make a 983
rent supplement payment to or for any displaced person displaced 984
from any dwelling not eligible to receive a payment under section 985
163.54 of the Revised Code ~~which~~ if the dwelling was actually and 986
lawfully occupied by ~~such the~~ displaced person for not less than 987
ninety days prior to the initiation of negotiations for 988
acquisition of ~~such the~~ dwelling, or in any case in which 989
displacement is not a direct result of acquisition, not less than 990
ninety days prior to such other event as the head of the lead 991
agency ~~shall prescribe~~ prescribes. The payment shall consist of 992
the amount necessary to enable the displaced person to lease or 993
rent for a period not to exceed forty-two months, a comparable 994
replacement dwelling, ~~but not to exceed five thousand two hundred~~ 995
~~fifty dollars~~. At the discretion of the head of the displacing 996
agency, a payment under this division may be made in periodic 997
installments. Computation of a payment under this division to a 998
low-income displaced person shall take into account the person's 999
income. 1000

(B) Any person eligible for a payment under division (A) of 1001
this section may elect to apply the payment to a down payment on, 1002
and other incidental expenses pursuant to, the purchase of a 1003
decent, safe, and sanitary replacement dwelling. The person ~~may,~~ 1004
~~under criteria established by the head of the displacing agency,~~ 1005
~~be is~~ eligible ~~under this division~~ for the ~~maximum payment allowed~~ 1006

greater of five thousand two hundred fifty dollars or the amount 1007
the person would have received under division (A) of this section, 1008
except that, in the case of a displaced home owner who has owned 1009
and occupied the displacement dwelling for at least ninety days 1010
but not more than one hundred eighty days immediately prior to the 1011
initiation of negotiations for the acquisition of ~~such~~ the 1012
dwelling, the payment shall not exceed the payment the person 1013
would otherwise have received under section 163.54 of the Revised 1014
Code had the person owned and occupied the displacement dwelling 1015
one hundred eighty days immediately prior to the initiation of the 1016
negotiations. 1017

Sec. 163.56. (A)(1) Projects or programs that cause persons 1018
to be displaced persons shall be planned in a manner that 1019
recognizes, at an early stage in the planning of ~~such~~ those 1020
programs or projects and before the commencement of any ~~actions~~ 1021
action that will cause displacements, the problems associated with 1022
the displacement of individuals, families, businesses, and farm 1023
operations, and in a manner that provides for the resolution of 1024
~~such~~ those problems in order to minimize adverse impacts on 1025
displaced persons and to expedite program or project advancement 1026
and completion. 1027

(2) Whenever a program or project ~~undertaken by a displacing~~ 1028
an agency undertakes will result in the displacement of any 1029
person, the head of ~~the displacing~~ that agency shall provide a 1030
relocation assistance advisory program for displaced persons which 1031
shall offer the services described in division (B) of this 1032
section. If the head of the ~~displacing~~ agency determines that any 1033
person occupying property immediately adjacent to the real 1034
property acquired is caused substantial economic injury because of 1035
the acquisition, ~~he~~ the head of the agency may offer that person 1036
relocation advisory services under the program. 1037

(B) Each relocation assistance advisory program required by 1038
division (A) of this section shall include ~~such~~ any measures, 1039
facilities, or services as may be necessary or appropriate in 1040
order to do all of the following: 1041

(1) Determine the need, if any, of displaced persons for 1042
relocation assistance; 1043

(2) Provide current and continuing information on the 1044
availability, prices, and rentals, of comparable decent, safe, and 1045
sanitary sales and rental housing, and of suitable commercial 1046
properties and locations for displaced businesses and farm 1047
operations; 1048

(3) Assure that, within a reasonable period of time, prior to 1049
any displacement there will be available comparable replacement 1050
dwellings, as ~~defined by~~ the head of the displacing agency 1051
defines, equal in number to the number of and available to the 1052
displaced persons who require such dwellings, except that the head 1053
of the ~~displacing~~ agency may prescribe by ~~regulation~~ rule 1054
situations when such assurances may be waived; 1055

(4) Assist a displaced person displaced from ~~his~~ the 1056
displaced person's business or farm operation in obtaining and 1057
becoming established in a suitable replacement location; 1058

(5) Supply information concerning federal and state housing 1059
programs, disaster loan programs, and other federal or state 1060
programs offering assistance to displaced persons; 1061

(6) Provide other advisory services to displaced persons in 1062
order to minimize hardships to them in adjusting to relocation. 1063

Sec. 163.57. (A) If a project cannot proceed to ~~actual~~ 1064
construction because comparable replacement sale or rental housing 1065
is not available, and the head of the displacing agency determines 1066
that ~~such~~ comparable housing cannot otherwise be made available, 1067

he the head may take ~~such~~ any action as ~~is~~ necessary or 1068
appropriate to provide ~~such~~ that housing by use of funds 1069
authorized for ~~such~~ the project. The head of the ~~displacing~~ agency 1070
may use this section to exceed the maximum amounts ~~which~~ that may 1071
be paid under sections 163.54 and 163.55 of the Revised Code on a 1072
case-by-case basis for good cause as determined in accordance with 1073
rules ~~adopted~~ the head adopts under Chapter 119. of the Revised 1074
Code ~~by the head of the lead agency.~~ 1075

(B) No person shall be required to move from ~~his~~ a dwelling 1076
on account of any project, unless the ~~displacing~~ agency head is 1077
satisfied that replacement housing, in accordance with section 1078
163.56 of the Revised Code, is available to ~~such~~ the person. 1079

(C) The acquisition of replacement housing sites and the 1080
acquisition, rehabilitation, relocation, and construction of 1081
replacement housing shall be considered to be for a public 1082
purpose, and displacing agencies may properly expend their 1083
~~respective~~ funds to carry out the purposes of sections ~~163.51~~ 1084
163.52 to 163.62 of the Revised Code. 1085

(D) In order to prevent unnecessary expenses and duplications 1086
of functions, and to promote uniform and effective administration 1087
of relocation assistance programs for displaced persons under 1088
sections ~~163.51~~ 163.52 to 163.62 of the Revised Code, a displacing 1089
agency may enter into contracts with any individual, firm, 1090
association, or corporation for services in connection with such 1091
programs, or may carry out its functions under sections ~~163.51~~ 1092
163.52 to 163.62 of the Revised Code through any federal or state 1093
governmental agency or instrumentality having an established 1094
organization for conducting relocation assistance programs. The 1095
~~displacing~~ agency shall, in carrying out the relocation assistance 1096
activities described in this section, whenever practicable, 1097
utilize the services of state or local housing agencies, or other 1098
agencies having experience in the administration or conduct of 1099

similar housing assistance activities. 1100

Sec. 163.58. (A) Except as otherwise provided in rules 1101
adopted under division (B) of this section, the head of ~~each~~ 1102
~~displacing any agency is authorized to~~ displacing persons pursuant 1103
to this chapter may establish such regulations and procedures as 1104
~~he may determine to be~~ the head of the agency determines necessary 1105
to assure: 1106

(1) That the payments and assistance authorized by sections 1107
~~163.51~~ 163.52 to 163.62 of the Revised Code ~~shall be~~ are 1108
administered in a manner ~~which~~ that is fair and reasonable, and as 1109
uniform as practicable; 1110

(2) That a displaced person who makes proper application for 1111
a payment authorized ~~for such person~~ by sections ~~163.51~~ 163.52 to 1112
163.62 of the Revised Code shall be paid promptly after a move or, 1113
in hardship cases, be paid in advance; 1114

(3) That any person aggrieved by a determination as to 1115
eligibility for ~~a~~ an authorized payment ~~authorized by such~~ 1116
~~sections,~~ or the amount of a payment, may have ~~his~~ the application 1117
reviewed by the head of the displacing agency having authority 1118
over the ~~applicable~~ program or project. 1119

(B) Notwithstanding any provision of the Revised Code to the 1120
contrary, the ~~lead~~ agency shall adopt ~~such~~ rules as may be 1121
necessary to implement sections ~~163.51~~ 163.52 to 163.62 of the 1122
Revised Code in a manner ~~which~~ that is as fair, reasonable, and 1123
uniform as practicable. ~~As used in this section, "lead agency"~~ 1124
~~means the state agency that the governor shall designate to carry~~ 1125
~~out the duties prescribed by this division.~~ 1126

Sec. 163.59. In order to encourage and expedite the 1127
acquisition of real property by agreements with owners, to avoid 1128
litigation and relieve congestion in the courts, to assure 1129

consistent treatment for owners in the many state and federally 1130
assisted programs, and to promote public confidence in public land 1131
acquisition practices, heads of ~~acquiring~~ agencies acquiring real 1132
property pursuant to this chapter shall do or ensure the 1133
acquisition satisfies all of the following: 1134

(A) ~~The~~ That the head of an ~~acquiring the~~ agency ~~shall make~~ 1135
makes every reasonable effort to acquire expeditiously real 1136
property by negotiation. 1137

(B) ~~In order for an acquiring agency to acquire real~~ 1138
~~property, the~~ The acquisition ~~shall be~~ is for a defined public 1139
purpose that is to be achieved in a defined and reasonable period 1140
of time. An acquisition of real property that complies with 1141
section 5501.31 of the Revised Code satisfies the defined public 1142
purpose requirement of this division. 1143

(C) Real property to be acquired ~~shall be~~ is appraised before 1144
the initiation of negotiations, and the owner or the owner's 1145
designated representative ~~shall be~~ is given a reasonable 1146
opportunity to accompany the appraiser during the appraiser's 1147
inspection of the property, ~~except that the~~. The head of the ~~lead~~ 1148
agency may prescribe a procedure to waive the appraisal in cases 1149
involving the acquisition by sale or donation of property with a 1150
low fair market value, in which case, the agency shall provide a 1151
summary appraisal or a written statement that describes how the 1152
agency determined the value of the property. If the appraisal 1153
values the property to be acquired at more than ten thousand 1154
dollars, the head of the acquiring agency ~~concerned~~ shall ~~make~~ 1155
~~every reasonable effort to~~ provide a copy of the appraisal, 1156
summary appraisal, or written statement of value to the owner 1157
pursuant to section 163.04 of the Revised Code. As used in this 1158
section, "appraisal" means a written statement independently and 1159
impartially prepared by a qualified appraiser, or a written 1160
statement prepared by an employee of the acquiring agency ~~who is a~~ 1161

~~qualified appraiser~~, setting forth an opinion of defined value of 1162
an adequately described property as of a specified date, supported 1163
by the presentation and analysis of relevant market information. 1164

(D) Before the initiation of negotiations for real property, 1165
the head of the ~~acquiring~~ agency ~~concerned~~ shall establish an 1166
amount that the head ~~of the acquiring agency~~ believes to be just 1167
compensation for the property and shall make a prompt offer to 1168
acquire the property for no less than the full amount so 1169
established. In no event shall that amount be less than the 1170
agency's approved appraisal of the fair market value of the 1171
property. Any decrease or increase in the fair market value of 1172
real property prior to the date of valuation caused by the public 1173
improvement for which the property is acquired, or by the 1174
likelihood that the property would be acquired for that 1175
improvement, other than that due to physical deterioration within 1176
the reasonable control of the owner, will be disregarded in 1177
determining the compensation for the property. 1178

The head of the ~~acquiring~~ agency ~~concerned~~ shall provide the 1179
owner of real property to be acquired with a written statement of, 1180
and summary of the basis for, the amount that the head ~~of the~~ 1181
~~acquiring agency~~ established as just compensation. Where 1182
appropriate, the just compensation for real property acquired and 1183
for damages to remaining real property shall be separately stated. 1184

The owner shall be given a reasonable opportunity to consider 1185
the agency's offer ~~of the acquiring agency for the real property~~, 1186
to present material that the owner believes is relevant to 1187
determining the fair market value of the property, and to suggest 1188
modification in the proposed terms and conditions of the 1189
acquisition. The acquiring agency shall consider the owner's 1190
presentation and suggestions. 1191

(E) If information presented by the owner or a material 1192
change in the character or condition of the real property 1193

indicates the need for new appraisal information, or if a ~~period~~ 1194
~~of~~ more than two years has elapsed since the time of the appraisal 1195
~~of the property~~, the head of the ~~acquiring~~ agency ~~concerned~~ shall 1196
have the appraisal updated or obtain a new appraisal. If updated 1197
appraisal information or a new appraisal indicates that a change 1198
in the acquisition offer is warranted, the head ~~of the acquiring~~ 1199
~~agency~~ shall promptly reestablish the amount of the just 1200
compensation for the property and offer that amount to the owner 1201
in writing. 1202

(F) No owner shall be required to surrender possession of 1203
real property before the ~~acquiring~~ agency ~~concerned~~ pays the 1204
agreed purchase price, or deposits with the court for the benefit 1205
of the owner an amount not less than the agency's approved 1206
appraisal of the fair market value of the property, or the amount 1207
of the award of compensation in the condemnation proceeding for 1208
the property. 1209

(G) The construction or development of a public improvement 1210
shall be ~~so~~ scheduled so that no person lawfully occupying real 1211
property shall be required to move from a dwelling, or to move the 1212
person's business or farm operation, without at least ninety days' 1213
written notice from the head of the ~~acquiring~~ agency ~~concerned~~ of 1214
the date by which the move is required. 1215

(H) If the head of an ~~acquiring~~ agency permits an owner or 1216
tenant to occupy the real property acquired on a rental basis for 1217
a short term or for a period subject to termination on short 1218
notice, the amount of rent required shall not exceed the fair 1219
rental value of the property to a short-term occupier. 1220

(I) In no event shall the head of an ~~acquiring~~ agency either 1221
advance the time of condemnation, or defer negotiations or 1222
condemnation and the deposit of funds in court for the use of the 1223
owner, or take any other action coercive in nature, in order to 1224
compel an agreement on the price to be paid for the real property. 1225

(J) When any interest in real property is acquired by an an 1226
appropriation pursuant to this chapter or otherwise by exercise of 1227
the power of eminent domain, the head of the ~~acquiring~~ agency 1228
~~concerned~~ shall institute the formal ~~condemnation~~ appropriation 1229
proceedings pursuant to this chapter. No head of an ~~acquiring~~ 1230
agency shall intentionally make it necessary for an owner to 1231
institute legal proceedings to prove the fact of the taking of the 1232
owner's real property. 1233

(K) If the acquisition of only part of a property would leave 1234
its owner with an uneconomic remnant, the head of the ~~acquiring~~ 1235
agency ~~concerned~~ shall offer to acquire that remnant. For the 1236
purposes of this division, an uneconomic remnant is a parcel of 1237
real property in which the owner is left with an interest after 1238
the partial acquisition of the owner's property and which the head 1239
of the agency concerned has determined has little or no value or 1240
utility to the owner. 1241

An acquisition of real property may continue while an 1242
acquiring agency carries out the requirements of divisions (A) to 1243
(K) of this section. 1244

This section applies only when the acquisition of real 1245
property may result in an exercise of the power of eminent domain. 1246

Sec. 163.60. (A) If the head of a ~~state~~ an agency acquires 1247
any interest in real property pursuant to this chapter or 1248
otherwise, ~~he~~ the head shall acquire at least an equal interest in 1249
all buildings, structures, or other improvements located upon the 1250
real property ~~so acquired~~ and ~~which he~~ that the head requires to 1251
be removed from ~~such real~~ the property or ~~which he~~ that the head 1252
determines will be adversely affected by the use to which ~~such~~ 1253
~~real~~ the property will be put. 1254

(B) For the purpose of determining the just compensation to 1255
be paid for any building, structure, or other improvement required 1256

to be acquired by division (A) of this section, ~~such~~ the building, 1257
structure, or other improvement shall be deemed to be a part of 1258
the real property to be acquired notwithstanding the right or 1259
obligation of a tenant, as against the owner of any other interest 1260
in the real property, to remove ~~such~~ the building, structure, or 1261
improvement at the expiration of ~~his~~ the tenant's term, and the 1262
fair market value ~~which~~ ~~such~~ that the building, structure, or 1263
improvement contributes to the fair market value of the real 1264
property to be acquired, or the fair market value of ~~such~~ the 1265
building, structure, or improvement for removal from the real 1266
property, whichever is the greater, shall be paid to the tenant 1267
~~therefor~~. 1268

(C) Payment under this section shall not result in 1269
duplication of any payments otherwise authorized by law. No ~~such~~ 1270
payment under this section shall be made unless the owner of the 1271
land involved disclaims all interest in the improvements of the 1272
tenant. In consideration for any such payment, the tenant shall 1273
assign, transfer, and release all ~~his~~ the tenant's right, title, 1274
and interest in and to such improvements. 1275

Sec. 163.61. The head of ~~a state~~ an agency, as soon as 1276
practicable after the date of payment of the purchase price or the 1277
date of deposit in court of funds to satisfy the award of 1278
compensation in ~~a condemnation~~ an appropriation proceeding to 1279
acquire real property, whichever is the earlier, shall reimburse 1280
the owner, to the extent the head of such agency considers fair 1281
and reasonable, for expenses ~~he~~ the owner necessarily incurred 1282
for: 1283

(A) Transfer taxes, and similar expenses incidental to 1284
conveying such real property to the ~~state~~ agency; 1285

(B) Penalty costs for prepayment of any pre-existing recorded 1286
mortgage entered into in good faith encumbering ~~such~~ the real 1287

property; 1288

(C) The pro rata portion of any real property taxes paid 1289
which are allocable to a period subsequent to the date of vesting 1290
title in the state or ~~state~~ agency, or the effective date of 1291
possession of ~~such~~ the real property by the agency, whichever is 1292
the earlier. 1293

Sec. 163.62. ~~(A)~~ The court having jurisdiction of a 1294
proceeding instituted by a ~~state~~ an agency to acquire real 1295
property ~~by condemnation pursuant to this chapter~~ shall award the 1296
owner of any right, or title to, or interest in, ~~such~~ that real 1297
property ~~such sum as will in the opinion of the court reimburse~~ 1298
~~such owner for his reasonable costs, disbursements, and expenses,~~ 1299
~~including reasonable attorney, appraisal, and engineering fees,~~ 1300
~~actually incurred because of the condemnation proceeding, if~~ 1301
~~either:~~ 1302

~~(1) The final judgment is that the agency cannot acquire the~~ 1303
~~real property by condemnation; or~~ 1304

~~(2) The proceeding is abandoned by the state agency.~~ 1305

~~(B) Any award made pursuant to division (A) of this section~~ 1306
~~shall be paid by the head of the agency for whose benefit the~~ 1307
~~condemnation proceeding was instituted pursuant to section 163.21~~ 1308
~~of the Revised Code.~~ 1309

Sec. 163.63. Any reference in the Revised Code to an 1310
authority to acquire real property by "condemnation" or to take 1311
real property pursuant to a power of eminent domain is deemed to 1312
be an appropriation of real property and any such taking or 1313
acquisition shall be made pursuant to this chapter. Any section of 1314
the Revised Code that authorizes the appropriation of real 1315
property pursuant to sections 163.01 to 163.22 of the Revised Code 1316
is an authority to appropriate real property pursuant to this 1317

chapter and that appropriation shall be made pursuant to this 1318
chapter. 1319

Sec. 303.26. As used in sections 303.26 to 303.56, inclusive, 1320
of the Revised Code, unless a different meaning is clearly 1321
indicated by the context: 1322

(A) "Municipality" means any incorporated city or village of 1323
the state. 1324

(B) "Public body" means the state, any county, municipality, 1325
township, board, commission, authority, district, or other 1326
subdivision. 1327

(C) "Federal government" means the United States or any 1328
agency or instrumentality, corporate or otherwise thereof. 1329

~~(D) "Slum area" means an area within a county but outside the 1330
corporate limits of any municipality, in which area there is a 1331
predominance of buildings or improvements, whether residential or 1332
nonresidential, which by reason of dilapidation, deterioration, 1333
age or obsolescence, inadequate provision for ventilation, light, 1334
air, sanitation, or open spaces, high density of population and 1335
overcrowding, or the existence of conditions which endanger life 1336
or property, by fire and other causes, or any combination of such 1337
factors is conducive to ill health, transmission of disease, 1338
infant mortality, juvenile delinquency, or crime, and is 1339
detrimental to the public health, safety, morals, or welfare.~~ 1340

~~(E) "Blighted area" means an area within a county but outside 1341
the corporate limits of any municipality, which area by reason of 1342
the presence of a substantial number of slum, deteriorated, or 1343
deteriorating structures, predominance of defective or inadequate 1344
street layout, faulty lot layout in relation to size, adequacy, 1345
accessibility, or usefulness, insanitary or unsafe conditions, 1346
deterioration of site or other improvements, diversity of 1347~~

~~ownership, tax or special assessment delinquency exceeding the~~ 1348
~~fair value of the land, defective or unusual conditions to title,~~ 1349
~~or the existence of conditions which endanger life or property by~~ 1350
~~fire and other causes, or any combination of such factors,~~ 1351
~~substantially impairs or arrests the sound growth of a county,~~ 1352
~~retards the provision of housing accommodations, or constitutes an~~ 1353
~~economic or social liability and is a menace to the public health,~~ 1354
~~safety, morals, or welfare in its present condition and use has~~ 1355
~~the meaning defined in section 1.08 of the Revised Code.~~ 1356

If ~~such~~ any blighted area consists of open land, the 1357
provisions of section 303.34 of the Revised Code ~~shall~~ apply. 1358

Any disaster area referred to in section 303.36 of the 1359
Revised Code ~~shall constitute~~ constitutes a "blighted area". 1360

~~(F)~~(E) "County renewal project" may include undertakings and 1361
activities of a county in a county renewal area for the 1362
elimination and for the prevention of the development or spread of 1363
slums and blight, and may involve slum clearance and redevelopment 1364
in a county renewal area, or rehabilitation or conservation in a 1365
county renewal area, or any combination or part thereof, in 1366
accordance with a county renewal plan, and such aforesaid 1367
undertakings and activities may include acquisition of a slum area 1368
or a blighted area, or portion thereof; demolition and removal of 1369
buildings and improvements; installation, construction, or 1370
reconstruction of streets, utilities, parks, playgrounds, and 1371
other improvements necessary for carrying out in the county 1372
renewal area the county renewal objectives of sections 303.26 to 1373
303.56, inclusive, of the Revised Code in accordance with the 1374
county renewal plan; disposition of any property acquired in the 1375
county renewal area, including sale, initial leasing, or retention 1376
by the county itself, at its fair value for uses in accordance 1377
with the county renewal plan; carrying out plans for a program of 1378
voluntary or compulsory repair and rehabilitation of buildings or 1379

other improvements in accordance with the county renewal plan; and 1380
acquisition of any other real property in the county renewal area 1381
where necessary to eliminate unhealthful, insanitary, or unsafe 1382
conditions; lessen density, eliminate obsolete, or other uses 1383
detrimental to the public welfare, or otherwise to remove or 1384
prevent the spread of blight or deterioration, or to provide land 1385
for needed public facilities. 1386

~~(G)~~(F) "County renewal area" means a slum area or a blighted 1387
area or a combination thereof which the board of county 1388
commissioners designates as appropriate for a county renewal 1389
project. 1390

~~(H)~~(G) "County renewal plan" means a plan, as it exists from 1391
time to time, for a county renewal project, which plan shall 1392
conform to the general plan for the county, except as provided in 1393
section 303.36 of the Revised Code, and shall be sufficiently 1394
complete to indicate such land acquisition, demolition, and 1395
removal of structures, redevelopment, improvements, and 1396
rehabilitation as may be proposed to be carried out in the county 1397
renewal area, zoning, and planning changes, if any, land uses, 1398
maximum densities, building requirements, and the plan's 1399
relationship to definite local objectives respecting appropriate 1400
land uses, improved traffic, public transportation, public 1401
utilities, recreational and community facilities, and other public 1402
improvements. 1403

~~(I)~~(H) "Redevelopment" and derivatives thereof, when used 1404
with respect to a county renewal area, mean development as well as 1405
redevelopment. 1406

~~(J)~~(I) "Real property" includes all lands, including 1407
improvements and fixtures thereon, and property of any nature 1408
appurtenant thereto, or used in connection therewith, and every 1409
estate, interest, right, and use, legal or equitable, therein, 1410
including terms for years and liens by way of judgment, mortgage, 1411

or otherwise. 1412

~~(K)~~(J) "Person" means any individual, firm, partnership, 1413
corporation, company, association, joint stock association, or 1414
body politic, and includes any trustee, receiver, assignee, or 1415
other person acting in a similar representative capacity. 1416

~~(L)~~(K) "Obligee" includes any bondholder, agents, or trustees 1417
for any bondholders, or lessor demising to the county property 1418
used in connection with a county renewal project, or any assignee 1419
or assignees of such lessor's interest or any part thereof, and 1420
the federal government when it is a party to any contract with the 1421
county. 1422

~~(M)~~(L) "Bond," as used in section 303.46 of the Revised Code, 1423
means bonds, including refunding bonds, notes, interim 1424
certificates of special indebtedness, debentures, or other 1425
obligations of a county, payable and secured as authorized by 1426
section 303.46 of the Revised Code. 1427

Sec. 719.012. In order to rehabilitate a building or 1428
structure that a municipal corporation determines to be a ~~threat~~ 1429
~~to the public health, safety, or welfare; that has been declared~~ 1430
~~to be a public nuisance under Chapter 3707., 3709., or 3781. of~~ 1431
~~the Revised Code; and that either has been found to be insecure,~~ 1432
~~unsafe, structurally defective, unhealthful, or unsanitary under~~ 1433
~~sections 715.26 to 715.30 of the Revised Code or violates a~~ 1434
~~building code or ordinance adopted under section 731.231~~ blighted 1435
property of the Revised Code, a municipal corporation may 1436
appropriate, in the manner provided in ~~sections 163.01 to 163.22~~ 1437
Chapter 163. of the Revised Code, any such building or structure 1438
and the real property of which it is a part. The municipal 1439
corporation shall rehabilitate the building or structure or cause 1440
it to be rehabilitated within two years after the appropriation, 1441
so that the building or structure is no longer a public nuisance, 1442

insecure, unsafe, structurally defective, unhealthful, or 1443
unsanitary, or a threat to the public health, safety, or welfare, 1444
or in violation of a building code or ordinance adopted under 1445
section 731.231 of the Revised Code. Any building or structure 1446
appropriated pursuant to this section which is not rehabilitated 1447
within two years shall be demolished. 1448

If during the rehabilitation process the municipal 1449
corporation retains title to the building or structure and the 1450
real property of which it is a part, ~~then~~ within one hundred 1451
eighty days after the rehabilitation is complete, the municipal 1452
corporation shall appraise the rehabilitated building or structure 1453
and the real property of which it is a part, and ~~shall~~ sell the 1454
building or structure and property at public auction. The 1455
municipal corporation shall advertise the public auction in a 1456
newspaper of general circulation in the municipal corporation once 1457
a week for three consecutive weeks prior to the date of sale. The 1458
municipal corporation shall sell the building or structure and 1459
real property to the highest and best bidder. No property that a 1460
municipal corporation acquires pursuant to this section shall be 1461
leased. 1462

Sec. 725.01. As used in sections 725.01 to 725.11 of the 1463
Revised Code: 1464

~~(A) "Slum area" means an area within a municipal corporation,~~ 1465
~~in which area there is a predominance of buildings or~~ 1466
~~improvements, whether residential or nonresidential, which by~~ 1467
~~reason of dilapidation, deterioration, age or obsolescence,~~ 1468
~~inadequate provision for ventilation, light, air, sanitation, or~~ 1469
~~open spaces, high density of population and overcrowding, or the~~ 1470
~~existence of conditions which endanger life or property, by fire~~ 1471
~~and other causes, or any combination of such factors, is conducive~~ 1472
~~to ill health, transmission of disease, infant mortality, juvenile~~ 1473

~~delinquency, or crime, and is detrimental to public health, 1474
safety, morals, or welfare. 1475~~

~~(B) "Blighted area" means an area within a municipal 1476
corporation, which area by reason of the presence of a substantial 1477
number of slums, deteriorated or deteriorating structures, 1478
predominance of defective or inadequate street layout, faulty lot 1479
layout in relation to size, adequacy, accessibility, or 1480
usefulness, unsanitary or unsafe conditions, deterioration of site 1481
or other improvements, diversity of ownership, tax or special 1482
assessment delinquency exceeding the fair value of the land, 1483
defective or unusual conditions to title, or the existence of 1484
conditions which endanger life or property by fire and other 1485
causes, or any combination of such factors, substantially impairs 1486
or arrests the sound growth of a municipal corporation, retards 1487
the provision of housing accommodations, or constitutes an 1488
economic or social liability and is a menace to the public health, 1489
safety, morals, or welfare in its present condition and use. 1490~~

~~(C)(A)(1) "Development agreement" means an agreement that 1491
includes as a minimum all of the following agreements between a 1492
municipal corporation as obligee and the following parties as 1493
obligors: 1494~~

~~(a) An agreement to construct or rehabilitate the structures 1495
and facilities described in the development agreement on real 1496
property described in the agreement situated in an urban renewal 1497
area, the obligor of such agreement to be a party determined by 1498
the legislative authority of the municipal corporation to have the 1499
ability to perform or cause the performance of the agreement; 1500~~

~~(b) The agreement required by section 725.04 of the Revised 1501
Code, the obligor of the agreement to be the owner or owners of 1502
the improvements to be constructed or rehabilitated; 1503~~

~~(c) An agreement of the owner or owners of the fee simple of 1504~~

the real property to which the development agreement pertains, as 1505
obligor, that the owner or owners and their successors and assigns 1506
shall use, develop, and redevelop the real property in accordance 1507
with, and for the period of, the urban renewal plan and shall so 1508
bind their successors and assigns by appropriate agreements and 1509
covenants running with the land enforceable by the municipal 1510
corporation. 1511

(2) A municipal corporation on behalf of the holders of urban 1512
renewal bonds may be the obligor of any of the agreements 1513
described in division ~~(C)~~(A)(1) of this section. 1514

~~(D)~~(B) "Revenues" means all rentals received under leases 1515
made by the municipal corporation in any part or all of one or 1516
more urban renewal areas; all proceeds of the sale or other 1517
disposition of property of the municipal corporation in any part 1518
or all of one or more urban renewal areas; and all urban renewal 1519
service payments collected from any part or all of one or more 1520
urban renewal areas. 1521

~~(E)~~(C) "Urban renewal area" means a slum area or a blighted 1522
area or a combination thereof which the legislative authority of 1523
the municipal corporation designates as appropriate for an urban 1524
renewal project. 1525

~~(F)~~(D) "Urban renewal bonds" means, unless the context 1526
indicates a different meaning, definitive bonds, interim receipts, 1527
temporary bonds, and urban renewal refunding bonds issued pursuant 1528
to sections 725.01 to 725.11 of the Revised Code, and bonds issued 1529
pursuant to Article XVIII, Section 3, Ohio Constitution, for the 1530
uses specified in section 725.07 of the Revised Code. 1531

~~(G)~~(E) "Urban renewal refunding bonds" means the refunding 1532
bonds authorized by section 725.07 of the Revised Code. 1533

~~(H)~~(F) "Urban renewal plan" means a plan, as it exists from 1534
time to time, for an urban renewal project, which plan shall 1535

conform to the general plan for the municipal corporation, if any, 1536
and shall be sufficiently complete to indicate such land 1537
acquisition, demolition, and removal of structures, redevelopment, 1538
improvements, and rehabilitation as may be proposed to be carried 1539
out in the urban renewal area, zoning, and planning changes, if 1540
any, land uses, maximum densities, and building requirements. 1541

~~(F)~~(G) "Urban renewal project" may include undertakings and 1542
activities of a municipal corporation in an urban renewal area for 1543
the elimination and for the prevention of the development or 1544
spread of slums and blight, and may involve slum clearance and 1545
redevelopment in an urban renewal area, or rehabilitation or 1546
conservation in an urban renewal area, or any combination or part 1547
thereof, in accordance with an urban renewal plan, and such 1548
aforesaid undertakings and activities may include acquisition of a 1549
slum area or a blighted area, or portion thereof, demolition and 1550
removal of buildings and improvements; installation, construction, 1551
or reconstruction of streets, utilities, parks, playgrounds, 1552
public buildings and facilities, and other improvements necessary 1553
for carrying out in the urban renewal area the urban renewal 1554
objectives in accordance with the urban renewal plan, disposition 1555
of any property acquired in the urban renewal area, including 1556
sale, leasing, or retention by the municipal corporation itself, 1557
at its fair value for uses in accordance with the urban renewal 1558
plan; carrying out plans for a program of voluntary or compulsory 1559
repair and rehabilitation of buildings or other improvements in 1560
accordance with the urban renewal plan; the acquisition, 1561
construction, enlargement, improvement, or equipment of property, 1562
structures, equipment, or facilities for industry, commerce, 1563
distribution, or research from the proceeds of urban renewal bonds 1564
issued pursuant to division (C) of section 725.05 of the Revised 1565
Code; and acquisition of any other real property in the urban 1566
renewal area where necessary to eliminate unhealthful, unsanitary, 1567
or unsafe conditions, lessen density, eliminate obsolete, or other 1568

uses detrimental to the public welfare, or otherwise to remove or 1569
prevent the spread of blight or deterioration, or to provide land 1570
for needed public facilities. 1571

~~(J)~~(H) "Urban renewal debt retirement fund" means a fund, 1572
created pursuant to section 725.03 of the Revised Code by the 1573
legislative authority of a municipal corporation when authorizing 1574
a single issue or a series of urban renewal bonds, to be used for 1575
payment of the principal of and interest and redemption premium on 1576
such urban renewal bonds, trustee's fees, and costs and expenses 1577
of providing credit facilities, put arrangements, and interest 1578
rate hedges, and for fees and expenses of agents, and other fees, 1579
costs, and expenses, in connection with arrangements under 1580
sections 9.98 to 9.983 of the Revised Code; or when authorizing 1581
the repayment of loans from the state issued pursuant to Chapter 1582
164. of the Revised Code and used for urban renewal projects, to 1583
be used to repay the principal and interest on such loans. When so 1584
authorized by the legislative authority of a municipal 1585
corporation, such a fund may be used for both purposes permitted 1586
under this division. 1587

~~(K)~~(I) "Urban renewal service payments" means the urban 1588
renewal service payments, in lieu of taxes, provided for in 1589
section 725.04 of the Revised Code. 1590

~~(L)~~(J) "Improvements" means the structures and facilities 1591
constructed or rehabilitated pursuant to a development agreement. 1592

~~(M)~~(K) "Exemption period" means that period during which all 1593
or a portion of the assessed valuation of the improvements has 1594
been exempted from real property taxation pursuant to section 1595
725.02 of the Revised Code. 1596

Sec. 725.02. (A) The portion of the assessed valuation of 1597
improvements constructed pursuant to a development agreement, and 1598
the portion of the increase in the assessed valuation after the 1599

commencement of rehabilitation of improvements rehabilitated 1600
pursuant to a development agreement declared to be a public 1601
purpose in the development agreement shall be exempt from real 1602
property taxation by all political subdivisions and taxing 1603
districts. Except as otherwise provided in division (B) of this 1604
section, the portion of the assessed valuation of improvements 1605
declared to be a public purpose and exempted from taxation shall 1606
not exceed seventy-five per cent of the assessed valuation of the 1607
improvements for each year of the exemption period. 1608

(B) With the approval under this division of the board of 1609
education of the city, local, or exempted village school district 1610
within the territory of which the improvements are or will be 1611
located, the portion of the assessed valuation of improvements 1612
exempted from taxation may exceed seventy-five per cent, but shall 1613
not exceed one hundred per cent. The legislative authority of the 1614
municipal corporation shall deliver to the board of education a 1615
notice stating its intent to declare improvements to be a public 1616
purpose under the agreement. The notice shall be delivered not 1617
later than forty-five days prior to execution of the agreement by 1618
the legislative authority, excluding Saturdays, Sundays, and legal 1619
holidays as defined in section 1.14 of the Revised Code. The 1620
notice shall describe the parcel and the improvements, provide an 1621
estimate of the true value in money of the improvements, specify 1622
the period for which the improvements would be exempted from 1623
taxation and the percentage of the assessed valuation of the 1624
improvements that would be exempted, and indicate the date on 1625
which the legislative authority intends to execute the agreement. 1626
The board of education, by resolution adopted by a majority of the 1627
board, may approve the exemption for the exemption percentage 1628
specified in the notice, may disapprove the exemption for the 1629
percentage of the improvements to be exempted in excess of 1630
seventy-five per cent, or may approve the exemption on the 1631
condition that the legislative authority and the board negotiate 1632

an agreement providing for compensation to the school district 1633
equal in value to a percentage of the taxes that would be payable 1634
on the portion of the assessed valuation of the improvements in 1635
excess of seventy-five per cent were that portion to be subject to 1636
taxation. The board of education shall certify its resolution to 1637
the legislative authority not later than fourteen days prior to 1638
the date the legislative authority intends to execute the 1639
agreement as indicated in the notice. If the board of education 1640
approves the exemption on the condition that a compensation 1641
agreement be negotiated, the board in its resolution shall propose 1642
a compensation percentage. If the board of education and the 1643
legislative authority negotiate a mutually acceptable compensation 1644
agreement, the legislative authority may declare up to one hundred 1645
per cent of the assessed valuation of the improvements to be a 1646
public purpose and exempted from taxation. If the board and the 1647
legislative authority fail to negotiate a mutually acceptable 1648
compensation agreement, the legislative authority may declare not 1649
more than seventy-five per cent of the assessed valuation of the 1650
improvements to be a public purpose and exempted from taxation. If 1651
the board fails to certify a resolution to the legislative 1652
authority within the time prescribed by this division, the 1653
legislative authority thereupon may declare up to one hundred per 1654
cent of the assessed valuation of the improvements to be a public 1655
purpose and exempted from taxation. The legislative authority may 1656
execute a development agreement at any time after the board of 1657
education certifies its resolution approving the exemption to the 1658
legislative authority, or, if the board approves the exemption on 1659
the condition that a mutually acceptable compensation agreement be 1660
negotiated, at any time after the compensation agreement is agreed 1661
to by the board and the legislative authority. 1662

If a board of education has adopted a resolution waiving its 1663
right to approve exemptions from taxation granted pursuant to 1664
development agreements and the resolution remains in effect, 1665

approval of such exemptions by the board is not required under 1666
this division. If a board of education has adopted a resolution 1667
allowing a legislative authority to deliver the notice required 1668
under this division fewer than forty-five business days prior to 1669
the legislative authority's execution of the agreement, the 1670
legislative authority shall deliver the notice to the board not 1671
later than the number of days prior to such execution as 1672
prescribed by the board in its resolution. If a board of education 1673
adopts a resolution waiving its right to approve exemptions or 1674
shortening the notification period, the board shall certify a copy 1675
of the resolution to the legislative authority. If the board of 1676
education rescinds such a resolution, it shall certify notice of 1677
the rescission to the legislative authority. 1678

If the legislative authority is not required by this division 1679
to notify the board of education of the legislative authority's 1680
intent to declare improvements to be a public purpose, the 1681
legislative authority shall comply with the notice requirements 1682
imposed under section 5709.83 of the Revised Code, unless the 1683
board has adopted a resolution under that section waiving its 1684
right to receive such a notice. 1685

(C) The exemption shall commence on the date of the execution 1686
of the development agreement therefor and extend for the number of 1687
years designated in the development agreement and thereafter for 1688
so long as there are outstanding any urban renewal bonds payable 1689
from the urban renewal service payments provided for in the 1690
development agreement. Any such exemption shall be claimed and 1691
allowed in the same or a similar manner as in the case of other 1692
real property exemptions and no such claim shall be allowed unless 1693
the municipal corporation wherein said property is located 1694
certifies that an exemption period has been specified and that a 1695
development agreement has been entered into and is in effect. If 1696
an exemption status changes during a tax year, the procedure for 1697

the apportionment of the taxes for said year shall be the same as 1698
in the case of other changes in tax exemption status during the 1699
year. 1700

(D) An agreement that satisfies the requirements of either 1701
division ~~(C)(A)~~(1)(a) or ~~(C)(A)~~(1)(c) of section 725.01 of the 1702
Revised Code may be amended to satisfy all of the remaining 1703
requirements of ~~the other two of~~ division ~~(C)(1)(a), (b), or (c)~~ 1704
(A) of section 725.01 of the Revised Code and to establish the 1705
period of exemption pursuant to this section at any time prior to 1706
the completion of the construction or rehabilitation of the 1707
improvements of which all or a portion of the assessed valuation 1708
is to be exempt from real property taxation pursuant to this 1709
section. The execution of the amendment of such agreement shall be 1710
the execution of the development agreement for the purpose of this 1711
section. 1712

Sec. 725.05. A municipal corporation creating an urban 1713
renewal debt retirement fund pursuant to section 725.03 of the 1714
Revised Code, may: 1715

(A) Issue unvoted urban renewal bonds, which pledge and are 1716
payable solely from all or any portion of the revenues ~~as defined~~ 1717
~~in division (D) of section 725.01 of the Revised Code.~~ The 1718
revenues pledged shall be placed in the urban renewal debt 1719
retirement fund established for such urban renewal bonds and 1720
applied to the payment of interest on, principal of and redemption 1721
premium for such urban renewal bonds, trustee's fees, and costs 1722
and expenses of providing credit facilities, put arrangements, and 1723
interest rate hedges, and for fees and expenses of agents, and 1724
other fees, costs, and expenses, in connection with arrangements 1725
under sections 9.98 to 9.983 of the Revised Code. 1726

(B) Issue unvoted urban renewal bonds, which pledge the full 1727
faith and credit of the municipal corporation and that may also 1728

pledge and be payable from all or any portion of the revenues as 1729
~~defined in division (D) of section 725.01 of the Revised Code.~~ 1730

For bonds issued pursuant to this division, the ordinance 1731
provided for in section 725.06 of the Revised Code shall provide 1732
for the levying of a tax on real and tangible personal property, 1733
within the ten-mill limitation, sufficient in amount to pay the 1734
interest on and to provide a sinking fund for all of the principal 1735
of the urban renewal bonds authorized by that ordinance for their 1736
final redemption at maturity; but the amount of the tax to be 1737
levied in any year may be reduced by the amount available for such 1738
purposes from revenues, and any available moneys in the applicable 1739
urban renewal debt retirement fund. The ordinance providing for 1740
the levy of a tax pursuant to this division shall provide both of 1741
the following: 1742

(1) That the first principal maturity of the urban renewal 1743
bonds or the first mandatory sinking fund deposit therefor shall 1744
not be later than seven years following the issuance of the bonds; 1745

(2) That no principal maturity, mandatory sinking fund 1746
requirement, or combination thereof, shall be more than one and 1747
one-half times the amount of the next preceding principal 1748
maturity, mandatory sinking fund requirement, or combination 1749
thereof. 1750

A copy of such ordinance levying such tax shall be certified 1751
by the fiscal officer of the municipal corporation to the county 1752
auditor of the county in which the municipal corporation is 1753
located. The revenues pledged and the moneys derived from the levy 1754
of such tax shall be placed in the urban renewal debt retirement 1755
fund established for such urban renewal bonds and applied to the 1756
payment of interest on, principal of, and redemption premium for 1757
such urban renewal bonds, trustee's fees, and costs and expenses 1758
of providing credit facilities, put arrangements, and interest 1759
rate hedges, and for fees and expenses of agents, and other fees, 1760

costs, and expenses, in connection with arrangements under 1761
sections 9.98 to 9.983 of the Revised Code. 1762

(C) Issue unvoted urban renewal bonds pursuant to Article 1763
VIII, Section 13, Ohio Constitution, to create and preserve jobs 1764
and employment opportunities and to improve the economic welfare 1765
of the people of the municipal corporation, which pledge and are 1766
payable from revenues ~~as defined in division (D) of section 725.01~~ 1767
~~of the Revised Code~~ and from any moneys selected by the municipal 1768
corporation that are not moneys raised by taxation. 1769

For bonds issued pursuant to this division, the urban renewal 1770
project and the ordinance provided for in section 725.06 of the 1771
Revised Code shall provide for the acquisition, construction, 1772
enlargement, improvement, or equipment of property, structures, 1773
equipment or facilities for industry, commerce, distribution, or 1774
research and for the obligating and pledging of moneys not raised 1775
by taxation as selected by the legislative authority of the 1776
municipal corporation sufficient in amount to pay all or any 1777
portion of the interest on and to provide a sinking fund for all 1778
or any portion of the principal of the urban renewal bonds 1779
authorized by the ordinance for their final redemption at 1780
maturity. The revenues pledged and the moneys so obligated and 1781
pledged shall be deposited in the urban renewal debt retirement 1782
fund established for such urban renewal bonds and applied to the 1783
payment of interest on, principal of, and redemption premium for 1784
such urban renewal bonds, trustee's fees, and costs and expenses 1785
of providing credit facilities, put arrangements, and interest 1786
rate hedges, and for fees and expenses of agents, and other fees, 1787
costs, and expenses, in connection with arrangements under 1788
sections 9.98 to 9.983 of the Revised Code. The amount of the 1789
moneys so deposited in any year may be reduced by the amount 1790
available for such purposes from revenues ~~as defined in division~~ 1791
~~(D) of section 725.01 of the Revised Code~~, and any available 1792

moneys in the applicable urban renewal debt retirement fund. 1793

(D) Make and enter into all contracts and agreements 1794
necessary or incidental to the exercise of its powers under 1795
sections 725.01 to 725.11 of the Revised Code. 1796

Sec. 725.11. Urban renewal bonds issued under sections 725.01 1797
to 725.11 of the Revised Code may be secured by a trust agreement 1798
between the municipal corporation and a corporate trustee, which 1799
trustee may be any trust company or bank having the powers of a 1800
trust company within or without the state. 1801

Any such trust agreement and the ordinance providing for the 1802
issuance of such bonds may pledge or assign all revenues ~~as~~ 1803
~~defined in division (D) of section 725.01 of the Revised Code,~~ or 1804
any part thereof, and all moneys deposited into the urban renewal 1805
debt retirement fund established for such bonds pursuant to 1806
section 725.03 of the Revised Code and may provide for the holding 1807
in trust by the trustee to the extent provided for in the 1808
ordinance authorizing such bonds, of all such revenues and moneys. 1809

Any such trust agreement, or any ordinance providing for the 1810
issuance of such bonds, may contain such provisions for protecting 1811
and enforcing the rights and remedies of the bondholders as are 1812
reasonable and proper and not in violation of law, including 1813
covenants setting forth the duties of the municipal corporation. 1814

Any bank or trust company incorporated under the laws of this 1815
state which may act as trustee or as depository of the proceeds of 1816
bonds or revenues may furnish such indemnifying bonds or may 1817
pledge such securities as are required by the municipal 1818
corporation. Any such trust agreement may set forth the rights and 1819
remedies of the bondholders and of the trustee, and may restrict 1820
the individual right of action by bondholders as is customary in 1821
trust agreements or trust indentures securing bonds or debentures 1822
of corporations. Such trust agreements may contain such other 1823

provisions as the municipal corporation deems reasonable and 1824
proper for the security of the bondholders. 1825

Sec. 1728.01. As used in sections 1728.01 to 1728.13 of the 1826
Revised Code: 1827

(A) "Governing body" means, in the case of a municipal 1828
corporation, the city council or legislative authority. 1829

(B) "Community urban redevelopment corporation" means a 1830
corporation qualified under Chapter 1728. of the Revised Code, to 1831
acquire, construct, operate, and maintain a project hereunder, or 1832
to acquire, operate, and maintain a project constructed by a 1833
corporation so qualified under Chapter 1728. of the Revised Code, 1834
and the term "corporation" when used within Chapter 1728. of the 1835
Revised Code, shall be understood to be a contraction of the term 1836
"community urban redevelopment corporation" except when the 1837
context indicates otherwise. 1838

(C) "Impacted city" means a municipal corporation that meets 1839
the requirements of either division (C) (1) or (2) of this 1840
section: 1841

(1) In attempting to cope with the problems of urbanization, 1842
to create or preserve jobs and employment opportunities, and to 1843
improve the economic welfare of the people of the municipal 1844
corporation, the municipal corporation has at some time: 1845

(a) Taken affirmative action by its legislative body to 1846
permit the construction of housing by a metropolitan housing 1847
authority organized pursuant to sections 3735.27 to 3735.39 of the 1848
Revised Code within its corporate boundaries or to permit such a 1849
metropolitan housing authority to lease dwelling units within its 1850
corporate boundaries; and 1851

(b) Been certified by the director of the department of 1852
development that a workable program for community improvement 1853

(which shall include an official plan of action for effectively 1854
dealing with the problem of urban slums and blight within the 1855
community and for the establishment and preservation of a 1856
well-planned community with well-organized residential 1857
neighborhoods of decent homes and suitable living environment for 1858
adequate family life) for utilizing appropriate private and public 1859
resources to eliminate, and to prevent the development or spread 1860
of, slums and urban blight, to encourage needed urban 1861
rehabilitation, to provide for the redevelopment of blighted, 1862
deteriorated, or slum areas, to undertake such activities or other 1863
feasible community activities as may be suitably employed to 1864
achieve the objectives of such a program has been adopted. A 1865
determination by the United States that the impacted city's 1866
workable program meets the federal workable program requirements 1867
shall be sufficient for the director's certification. 1868

(2) Been declared a major disaster area, or part of a major 1869
disaster area, pursuant to the "Disaster Relief Act of 1970," 84 1870
Stat. 1744, 42 U.S.C.A. 4401, as now or hereafter amended, and has 1871
been extensively damaged or destroyed by a major disaster, 1872
provided that impacted city status obtained pursuant to division 1873
(C) (2) of this section lasts for only a limited period from the 1874
date of the declaration, as determined by the rules promulgated 1875
pursuant to division (G) of section 122.06 of the Revised Code, 1876
but in the event that an impacted city, while qualified under such 1877
division, enters into a financial agreement with a community urban 1878
redevelopment corporation pursuant to section 1728.07 of the 1879
Revised Code, a loss of certification under such rules shall not 1880
affect that agreement or the project to which it relates. 1881

(D) "Community development plan" means a plan, as it exists 1882
from time to time, for the redevelopment and renewal of a blighted 1883
area, which plan shall conform to the general plan for the 1884
municipality, and shall be sufficiently complete to indicate such 1885

land acquisition, demolition, and removal of structures, 1886
redevelopment, improvements, and rehabilitation as may be proposed 1887
to be carried out in such blighted area, zoning, and any planning 1888
changes, land uses, maximum densities, and building requirements. 1889

(E) ~~"Blighted area" means an area within a municipality 1890
containing a majority of structures that have been extensively 1891
damaged or destroyed by a major disaster, or that, by reason of 1892
dilapidation, deterioration, age or obsolescence, inadequate 1893
provision for ventilation, light, air, sanitation, or open spaces, 1894
unsafe and unsanitary conditions or the existence of conditions 1895
which endanger lives or properties by fire or other hazards and 1896
causes, or that, by reason of location in an area with inadequate 1897
street layout, incompatible land uses or land use relationships, 1898
overcrowding of buildings on the land, excessive dwelling unit 1899
density, or other identified hazards to health and safety, are 1900
conducive to ill health, transmission of disease, juvenile 1901
delinquency and crime and are detrimental to the public health, 1902
safety, morals and general welfare.~~ 1903

~~(F) "Project" means:~~ 1904

(1) As to blighted areas within all municipal corporations, 1905
the undertaking and execution of the redevelopment of a blighted 1906
area by a community urban redevelopment corporation, in whole or 1907
in part, pursuant to a community development plan approved by the 1908
governing body of the municipal corporation in which such blighted 1909
area is situated and in accordance with an agreement for the sale 1910
or lease of all or a portion of the land concerned in such 1911
redevelopment to the corporation by a municipal corporation, or 1912
agency, or authority including the work to be done in reference 1913
thereto, the designation of the particular proposed buildings to 1914
be constructed and their uses and purposes, the landscaping of the 1915
premises, the streets and access roads, recreational facilities, 1916
if any, the furnishing of the public utilities, the financial 1917

arrangements, and the terms and conditions of the proposed 1918
municipal corporation and approval; and 1919

(2) In addition as to blighted areas within impacted cities, 1920
the undertaking and activities of a community urban redevelopment 1921
corporation in a blighted area for the elimination and for the 1922
prevention of the development or spread of blight pursuant to a 1923
community development plan approved by the governing body of the 1924
impacted city and to the extent agreed to by the governing body of 1925
the impacted city in the financial agreement provided for in 1926
section 1728.07 of the Revised Code and may involve clearance and 1927
redevelopment, or rehabilitation or conservation or any 1928
combination or part thereof, in accordance with such community 1929
development plan, and such aforesaid undertakings and activities 1930
may include acquisition of a blighted area or portion by purchase 1931
or otherwise, and demolition and removal of buildings and 1932
improvements. 1933

~~(G)~~(F) "Total project unit cost" or "total project cost" 1934
means the aggregate of the following items as related to any unit 1935
of a project if the project is to be undertaken in units or to the 1936
total project if the project is not to be undertaken in units: 1937

(1) Cost of the land to the community urban redevelopment 1938
corporation; 1939

(2) Architects', engineers', and attorneys' fees paid or 1940
payable by the corporation in connection with the planning, 1941
construction, and financing of the project; 1942

(3) Surveying and testing charges in connection therewith; 1943

(4) Actual construction cost as certified by the architect, 1944
including the cost of any preparation of the site undertaken at 1945
the corporation's expense; 1946

(5) Insurance, interest, and finance costs during 1947
construction; 1948

(6) Cost of obtaining initial permanent financing;	1949
(7) Commissions and other expenses paid or payable in connection with initial leasing;	1950 1951
(8) Real estate taxes and assessments during the construction period;	1952 1953
(9) Developer's overhead based on a percentage of division (G) <u>(F)</u> (4) of this section, to be computed in accordance with the following schedule:	1954 1955 1956
\$500,000 or less - 10 per cent	1957
500,001 through \$ 1,000,000 - \$50,000 plus 8 per cent on excess above \$500,000	1958 1959
1,000,001 through 2,000,000 - 90,000 plus 7 per cent on excess above 1,000,000	1960 1961
2,000,001 through 3,500,000 - 160,000 plus 5.6667 per cent on excess above 2,000,000	1962 1963
3,500,001 through 5,500,000 - 245,000 plus 4.25 per cent on excess above 3,500,000	1964 1965
5,500,001 through 10,000,000 - 330,000 plus 3.7778 per cent on excess above 5,500,000	1966 1967
Over 10,000,000 - 5 per cent	1968
(H) <u>(G)</u> "Annual gross revenue" means the total annual gross rental and other income of a community urban redevelopment corporation from the project. If in any leasing, any real estate taxes or assessments on property included in the project, any premiums for fire or other insurance on or concerning property included in the project, or any operating or maintenance expenses ordinarily paid by a landlord are to be paid by the tenant, such payments shall be computed and deemed to be part of the rent and shall be included in the annual gross revenue. The financial agreement provided for in section 1728.07 of the Revised Code shall establish the method of computing such additional revenue, and may establish a method of arbitration where either the	1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980

landlord or the tenant disputes the amount of such payments so 1981
included in the annual gross revenue. 1982

~~(I)~~(H) "Major disaster" means any tornado, storm, flood, high 1983
water, wind-driven water, tidal wave, earthquake, fire, or other 1984
catastrophe. 1985

Sec. 3735.40. As used in sections 3735.27, 3735.31, and 1986
3735.40 to 3735.50 of the Revised Code: 1987

(A) "Federal government" includes the United States, the 1988
federal works administrator, or any other agency or 1989
instrumentality, corporate or otherwise, of the United States. 1990

~~(B) "Slum area" means any area where dwellings predominate 1991
which, by reason of dilapidation, overcrowding, faulty arrangement 1992
or design, lack of ventilation, light, or sanitary facilities, or 1993
any combination of these factors, are detrimental to safety, 1994
health, or morals. 1995~~

~~(C)~~ "Housing project" or "project" means any of the following 1996
works or undertakings: 1997

(1) Demolish, clear, or remove buildings from any slum area. 1998
Such work or undertaking may embrace the adaptation of such area 1999
to public purposes, including parks or other recreational or 2000
community purposes. 2001

(2) Provide decent, safe, and sanitary urban or rural 2002
dwellings, apartments, or other living accommodations for persons 2003
of low income. Such work or undertaking may include buildings, 2004
land, equipment, facilities, and other real or personal property 2005
for necessary, convenient, or desirable appurtenances, streets, 2006
sewers, water service, parks, site preparation, gardening, 2007
administrative, community, health, recreational, educational, 2008
welfare, or other purposes. 2009

(3) Accomplish a combination of the foregoing. "Housing 2010

project" also may be applied to the planning of the buildings and 2011
improvements, the acquisition of property, the demolition of 2012
existing structures, the construction, reconstruction, alteration, 2013
and repair of the improvements, and all other work in connection 2014
therewith. 2015

~~(D)~~(C) "Families of low income" means persons or families who 2016
lack the amount of income which is necessary, as determined by the 2017
metropolitan housing authority undertaking the housing project, to 2018
enable them, without financial assistance, to live in decent, 2019
safe, and sanitary dwellings, without overcrowding. 2020

~~(E)~~(D) "Families" means families consisting of two or more 2021
persons, a single person who has attained the age at which an 2022
individual may elect to receive an old age benefit under Title II 2023
of the "Social Security Act" or is under disability as defined in 2024
section 223 of that act, 49 Stat. 622 (1935), 42 U. S. C. A. 401, 2025
as amended, or the remaining member of a tenant family. 2026

~~(F)~~(E) "Families" also means a single person discharged by 2027
the head of a hospital pursuant to section 5122.21 of the Revised 2028
Code after March 10, 1964. 2029

Sec. 3735.59. A metropolitan housing authority may contract 2030
with persons, associations, or corporations, or with the state, a 2031
state department or agency, or a state public body as defined in 2032
section 3735.51 of the Revised Code for furnishing to the 2033
authority food services, health clinics, medical services, or 2034
other services for tenants of the authority who are not able to 2035
provide for themselves. 2036

The director of any state department may enter into 2037
agreements with a metropolitan housing authority for furnishing 2038
such services to the authority for tenants described in division 2039
~~(F)~~(E) of section 3735.40 of the Revised Code pursuant to terms 2040
agreed upon between the director and the authority and for such 2041

compensation as will reimburse the department for the services 2042
rendered. 2043

Section 2. That existing sections 163.01, 163.02, 163.03, 2044
163.04, 163.05, 163.06, 163.08, 163.09, 163.12, 163.14, 163.15, 2045
163.16, 163.17, 163.19, 163.20, 163.21, 163.22, 163.52, 163.53, 2046
163.54, 163.55, 163.56, 163.57, 163.58, 163.59, 163.60, 163.61, 2047
163.62, 303.26, 719.012, 725.01, 725.02, 725.05, 725.11, 1728.01, 2048
3735.40, and 3735.59 and section 163.51 of the Revised Code are 2049
hereby repealed. 2050