

Chapter 909 EMINENT DOMAIN

909.01 Appropriation of property.

Property may be appropriated by the city for any public or municipal purpose, and subject only to the limitations imposed by the Constitution of Ohio, such appropriation shall be made as herein provided. By such appropriation the city may acquire a fee simple title or any less estate, easement, or use as determined to be necessary by city council.

909.02 Passage of resolution of intent.

Whenever it is deemed necessary by the city council to appropriate private property for a public purpose, the city council shall pass a resolution declaring the intention of appropriating the property for a public purpose, defining the purpose of the appropriation, and setting forth a pertinent description of the land and the estate or interest therein desired to be appropriated.

909.03 Service of resolution of intent.

Upon the passage of a resolution under Section 909.02, Columbus City Codes, declaring an intent to appropriate property, the Ccity Attorney shall cause written notice to be given to the owner of, person in possession of, or person having an interest of record in every piece of property sought to be appropriated, or to an authorized agent. Such notice shall be served by Certified Mail, or by personal service by a person designated by the Ccity Attorney, or by residence service by a person designated by the Ccity Attorney. Said person shall certify return of or failure of service to the Ccity Attorney. If such owner or agent cannot be found, notice shall be given by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the city.

909.04 Ordinance to appropriate—Determination of value.

After service of notice of the resolution of intent to appropriate, the city council may pass an ordinance directing the appropriation to proceed. Except in appropriation actions for the purpose of making or repairing roads, or other public exigencies under Section 19, Article I, Ohio Constitution, which shall be governed by Title 1, Chapter 163, Revised Code, if possession of the property is necessary prior to the assessment of compensation by a jury, city council shall in such ordinance declare the city's intention and necessity to obtain immediate possession of the property appropriated and shall secure the payment of the compensation that might be assessed by a jury by causing the deposit with the Court of Common Pleas of Franklin County, as security, of a sum of money not less than the appraised value of the property, as determined by an independent, qualified appraiser retained by the city, plus sixty (60) percent of such appraised value. That portion of the security deposit designated as the appraised value may be withdrawn by the owner prior to the final verdict. Upon the deposit of such security with said court the city may take possession of and enter upon said property, including the buildings and structures, thereon, for the purposes for which the property was appropriated, and, if buildings or structures are located partly upon the land appropriated and partly upon the adjoining land, so that such buildings or structures cannot be divided upon the line between such lands without manifest injury thereto, the city may enter upon such adjoining land upon which any part of the buildings or structures are located for the purpose of removing said buildings or structures.

909.05 Procedures for structures taken.

If buildings or structures are located upon the land appropriated, or located partly upon the land appropriated and partly upon adjoining land so that such buildings or structures cannot be divided upon the line between such lands without manifest injury thereto, and such buildings or structures are removed before the owner accepts that portion of any deposit representing the appraised value of the property or the jury has fixed the value of the same, the Ceity Attorney, upon notification from the Director of Public Service that such buildings or structures are to be removed, shall cause an appraisal to be made by three (3) persons, one (1) to be appointed by the owner, one (1) by the Ceity Attorney, and one (1) by the Ceounty Auditor. Such appraisal may be used as evidence by either the city or the owner in the trial of the case, but neither the city, nor the owner, shall be bound by such appraisal. The making of such appraisal may be waived in writing by the owner. The Director of Public Service shall cause pictures to be taken of all sides of such building or structure and shall compile a complete description of such structure for the purpose of perpetuating evidence of the nature of such structure which may be presented as evidence in the case by either the city or the owner and to which the owner shall have complete access.

909.06 Structures only partly taken.

Upon passage of an appropriation ordinance as provided in Section 909.04, Columbus City Codes, the Ceity Attorney shall file a complaint with the Court of Common Pleas of Franklin County, which complaint: shall describe each parcel of land or contiguous parcels in a single common ownership, or interest or right therein sought to be appropriated, such as will permit ready identification of the land involved; shall contain a statement of the purpose of the appropriation; shall contain a statement of the estate or interest sought to be appropriated; shall contain the names and addresses of the owners, so far as they can be ascertained; shall contain a statement that the city and an owner have been unable to agree; shall contain a copy of the ordinance of appropriation, or have a copy attached thereto as an exhibit and incorporated into the said complaint; shall contain a prayer for the appropriation, and, if a determination of the appraised value has been made, the complaint shall contain a statement of the appraised value of the property, which appraised value may include damage, if any, to the residue and in addition, where immediate possession is to be taken of the property, a statement of the amount of the additional percentage deposit provided for in Section 909.04 and such amount or amounts shall be deposited with the court to serve either as the value of the property appropriated, and damage, if any, to the residue, or as a security deposit. If no answer is filed by an owner on or before the third Saturday after the return day of the summons or service by publication as provided by state general law the owners of the property appropriated will be deemed to have accepted that portion of the amount deposited equal to or represented by the appraised value, in full compensation for the taking and damages, if any, to the residue, and the title of the property appropriated shall vest in the city, for the purposes for which such property was appropriated. All subsequent proceedings with regard thereto shall be in the manner provided by state general law for the appropriation of property by municipal corporations in this state.

909.07 (Repealed by Ord. 150-66.)