

For Immediate Release

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NFIB Fights to Protect Property Rights in Ohio

Washington, D.C., March 3, 2014 – The National Federation of Independent Business (NFIB) Small Business Legal Center has filed an *amicus* brief in *Westerville v Taylor*. The outcome of this case will impact how property owners are compensated in eminent domain cases, which is an important issue of property rights for small business.

“For many small-business owners—retailers especially—property is essential to their livelihood and the success of their business,” **said Roger Geiger, Vice President, NFIB/Ohio Executive Director**. “A small business owner should have the right to just compensation when a city exercises eminent domain in order to take his property for landscaping and so-called beautification. We are committed to ensuring that small business owners get a fair shake when they suffer a taking.”

“This case raises an issue of tremendous importance to the small business community because it raises fundamental questions as to how commercial property owners should be compensated in partial takings cases,” **said Karen Harned, Executive Director of NFIB’s Small Business Legal Center**. “This is a question of great practical concern for small businesses owners because they have often invested substantial personal assets into their property and business. As such, when the government chooses to exercise the power of eminent domain, these owners are placed in a vulnerable position. We urge the Court to rule in favor of the small business landowner here.”

In 2011, a judge ruled that the City of Westerville could exercise eminent domain to take commercial property owned by James Taylor. The taking was part of a beautification project. In addition to taking ownership of the parameter of Taylor’s property—including condemnation of a strip of land across one of the property’s existing access points, the City has taken easements, which will allow the City to control landscaping on Taylor’s remaining property.

The case is currently on appeal, as the City argues the Court of Common Pleas erred in allowing a jury to award Taylor damages for lost access rights and lost visibility resulting from the taking. But, as NFIB Legal Center argues, the lower court got it right. The taking will result in lost visibility to and from Taylor’s commercial property and this adversely affects the value of his remaining property. And in taking the strip of land across one of property’s existing access points, the City has taken valuable access rights. The NFIB Legal Center maintains that the Constitution requires full compensation for the resulting depreciation in value of his land.

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The NFIB Small Business Legal Center is a 501(c)(3) organization created to protect the rights of America's small business owners by providing advisory material on legal issues and by ensuring that the voice of small business is heard in the nation's courts. The National Federation of Independent Business is the nation's leading small business association, with offices in Washington, D.C.