

Oh. Mun. L. § 56:5

Baldwin's Ohio Practice, Local Government Law--Municipal | September 2019 Update

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Part II. Forms

Chapter 56. Appropriation of Property—Forms

I. Ordinance, Resolution, Notice

§ 56:5. Ordinance appropriating fee simple (quick-take procedure)

(Source: Columbus)

Author's Note:

This form set forth is for a quick-take procedure established by R.C. Chapter 163. However, with the exception of this form and § 56:11, the forms provided in this chapter are *not* for quick-take procedures. The quick-take procedures can be used by a municipality only in those instances where it is appropriating property for the purpose of making or repairing roads open to the public without charge, or if it is appropriating property in time of war or other public exigency imperatively requiring immediate seizure (O Const Art I § 19; *Worthington v Carskadon*, 18 Ohio St. 2d 222 (1969); *Cassidy v. Columbus*, 31 Ohio App. 2d 100 (1972)). Therefore, the other forms in this chapter will have to be altered for conformance with the quick-take procedures of R.C. Chapter 163 if the municipality is appropriating property in situations where "quick-take" is authorized.

[Title, preamble if desired, and ordaining or resolving clause. §§ 38:1 to 38:4]

§ 1. Fee simple title in and to the following described parcel of real estate is hereby appropriated for the public purpose of the _____ Project, pursuant to Chapter _____, _____ City Codes, the Charter of the City of _____, and the Constitution and laws of the State of Ohio:

[legal description]

§ 2. The Council hereby fixes the value of the fee simple interest as \$_____, which sum shall be deposited with the Court of Common Pleas, _____ County, Ohio, for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of _____ shall take possession of and enter upon the property pursuant to law.

§ 3. The Council finds that the appropriation is necessary for the stated public purposes, that the City has been unable to agree with an owner of the property and the other requirements of R.C. 163.04 have been met, and that the City intends to obtain immediate possession of the property, which immediate possession is necessary for the stated public purposes.

§ 4. The City Attorney is directed to file a petition for appropriation in a court of competent jurisdiction, to have a jury impaneled to assess the compensation to be paid for the real estate described above.

§ 5. \$ _____, or so much thereof as may be needed, is appropriated from ____ Fund ____, Code ____.

[Effective date or emergency clause, and authentication. §§ 38:11 to 38:13]

Cross References:

[§ 18:15](#)

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Footnotes

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