

**A RESOLUTION OF THE
TOLEDO METROPOLITAN AREA COUNCIL OF GOVERNMENTS
OPPOSING AMENDMENTS TO THE LAW
REGARDING EMINENT DOMAIN IN OHIO HOUSE BILL 64**

WHEREAS, the Toledo Metropolitan Area Council of Governments (TMACOG) is a voluntary association of local governments and non-governmental partners in northwest Ohio and southeast Michigan, organized on May 31, 1968, and established under Chapter 167 of the Ohio Revised Code and the Michigan Public Act No. 7 (EX-SESS), and has carried out comprehensive metropolitan and regional planning since that date; and

WHEREAS, the Toledo Metropolitan Area Council of Governments (TMACOG) is designated as the Metropolitan Planning Organization (MPO) by the Governor through the Ohio Department of Transportation in cooperation with local elected officials and is authorized to carry out the continuing, cooperative, and comprehensive transportation planning process (Process) for the Toledo Metropolitan Planning Area that results in plans and programs that consider all transportation modes and supports community development and social goals; and

WHEREAS, the MPO has been designated by the United States Department of Transportation (U.S.DOT) and the Ohio Department of Transportation (ODOT) to direct, coordinate, and administer the Process in the Toledo Metropolitan Planning Area as mandated by the Congress in Titles 23 and 49 U.S.C.; and

WHEREAS, numerous local communities and park districts have worked extensively to create a plan for a comprehensive network of nonmotorized trails throughout the region; and

WHEREAS, the Ohio Revised Code currently permits the appropriate use eminent domain to secure real estate for recreational trails for public use; and

WHEREAS, eminent domain should be a method of last resort to obtain real estate required for implementation of transportation projects inclusive of recreational trails; and

WHEREAS, Ohio House Bill 64 removes the capability of local project sponsors to use eminent domain for “recreational trails” with the language of, “Excludes the use of property as a recreational trail as a “public use” for which property may be appropriated.”; and

WHEREAS, Ohio HB 64 modifies numerous provisions to eminent domain that adversely affect a taking entities ability to complete necessary pubic infrastructure improvements by eliminating rebuttable presumptions that property takings are necessary and raise the burden of proof on local governments, by drawing out court proceedings and increase litigation costs for communities, expands required attorneys’ fee, cost and expense awards due to property owners in appropriation actions, allows property owners who allege their property has been appropriated outside of the required judicial process to sue for inverse condemnation, and seeks to make provisions retroactive to January 1, 2019; and,

WHEREAS, enactment of Ohio House Bill 64 would severely hamper the efforts of local governments seeking to create robust transportation networks and economic development opportunities.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOLEDO METROPOLITAN AREA COUNCIL OF GOVERNMENTS:

THAT, TMACOG opposes Ohio House Bill 64 in its present form, which is overly restrictive and significantly hampers a public entities ability to utilize this measure of last resort to serve the public effectively; and

THAT, copies of this resolution be forwarded to sponsors and cosponsors of House Bill 64, as well as members of the Northwest Ohio delegation to the Ohio General Assembly.

Adopted by the Board of Trustees on June 21, 2023.

Yea_____ Nay _____, Abstain _____

Michael A. Aspacher, Chair
Toledo Metropolitan Area
Council of Governments (TMACOG)

Sandy Spang, President
Toledo Metropolitan Area
Council of Governments (TMACOG)