

City to be able to acquire land through eminent domain, it needs authorizing legislation from the governing body. It seems that the state is the best level to apply for such power, since it has strong appropriation powers. For example, in Ohio, an appropriate place to begin is with the Ohio Legislature. The Housing and Public Lands Committee of the Ohio House of Representatives might address these issues. You can get in touch with the committee staff or try to contact the members of the committee. One approach would be to send members a letter explaining your ideas. You could also contact your own state Representative or Senator for advice.

In trying to initiate an appropriation proceeding, you may face two major obstacles. First, you may need to convince the governmental authority that Victory City's eminent domain needs are for a "public use", even though it is a private corporation. The Fourteenth Amendment to the Federal Constitution, providing that no state shall deprive any person of property without due process of law, forbids any state to take, or to authorize any person to take, private property for a private use. The legislature has no power to authorize the taking of the property of an individual, without his consent, for the private use of another, even on the payment of full compensation. The Ohio Supreme Court has held that private property may be taken whenever the public safety, public health, public interest, or public convenience requires such a taking. Beyond this, no exact definition of the term "public use" has been agreed upon.

Second, it would be a good idea to draft a plan for financing the costs of the land appropriations before you contact the governmental authority. An owner of land taken by appropriation proceedings is entitled to compensation for the land taken. The requirement to pay is absolute; compensation is mandated by the Constitutions of Ohio and the United States, and under the statutes which execute the constitutional provisions. An issue arises, then, how to raise the funds needed to pay the owners the fair market value of the condemned land.