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EMINENT DOMAIN - OHIO

Lifestyle Communities, Ltd. v. City of Worthington, Ohio

United States District Court, S.D. Ohio, Eastern Division - December 27, 2024 - F.Supp.3d - 2024 WL 5237674

Real estate developer brought action against city, asserting claims under the First and Fifth Amendments and corresponding provisions of the Ohio Constitution, along with other claims, and seeking declaratory judgment after city denied developer's application to rezone recently purchased property as a planned unit development and replaced existing land use plan with a resolution that emphasized the desirability of a large contiguous greenspace on the property. Parties filed cross-motions for summary judgment.

The District Court held that:

- Factor concerning the economic impact of a regulation on the claimant weighed against a finding that city's actions were a partial regulatory taking;
- Factor concerning extent to which a regulation has interfered with distinct investment-backed expectations weighed against finding that city's actions resulted in a partial regulatory taking;
- City's actions involved adjusting the benefits and burdens of economic life to promote the common good, weighing against finding of a partial regulatory taking;
- City council did not direct staff to ignore real estate developer or developer's rezoning application;
- City's denial of rezoning application was not an adverse action motivated by developer's exercise of its right to petition;
- City's routine application of 40-year-old city ordinance by imposing 180-day waiting period before developer could reapply to have property rezoned was not an adverse action; and
- City's passage of resolution that emphasized desirability of a large contiguous greenspace on the property was not an adverse action motivated by developer's exercise of right to petition.

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