
EMINENT DOMAIN - OHIO

State ex rel. Boggs v. Cleveland

Supreme Court of Ohio - November 13, 2025 - N.E.3d - 2025 WL 3166369 - 2025-Ohio-5094

Homeowner brought mandamus action against city seeking to compel institution of appropriation proceedings for home located at edge of neighboring township near city's airport, alleging that low overhead flights and other airport operations interfered with occupants' use and enjoyment of home to such extent that a taking resulted.

The Court of Common Pleas granted city's motion for summary judgment. Homeowner appealed. The Court of Appeals affirmed. Homeowner sought further review.

The Supreme Court held that:

- Appropriation statute's section permitting municipality to appropriate property for establishing airports, landing fields, or other air navigation facilities did not apply, but
- Homeowner had standing to pursue action to obtain just compensation for government taking.

Appropriation statute's section permitting municipality to appropriate property for establishing airports, landing fields, or other air navigation facilities did not provide basis for homeowner's inverse-condemnation claim for home located at edge of neighboring township near city's airport, alleging that low overhead flights and other airport operations interfered with occupants' use and enjoyment of home to such extent that a taking resulted; section permitted appropriation of land or water only for purposes of establishing airport or landing field, but homeowner alleged a physical invasion of airspace by an already established airport.

Homeowner had standing to pursue mandamus action for inverse condemnation of home located at edge of neighboring township near city's airport, alleging that low overhead flights and other airport operations interfered with occupants' use and enjoyment of home to such extent that a taking resulted; while the home-rule provision of the Ohio Constitution was generally interpreted as limiting a municipality's authority to institute eminent-domain proceedings to appropriate property outside its boundaries, that did not mean that municipality was relieved of its duty to pay compensation under Constitution's eminent-domain provision if it did in fact take private property outside its borders.

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