

April 17, 1997  
Journal-News, Attention: Dirk Allen  
228 Court Street  
Hamilton, OH 45011

Letter to the Editor:

The Journal-News editorial on April 10 contended that "eminent domain should be the last resort" for the Transportation Improvement District. I could not agree more. However, the editorial's argument fosters two unfortunate misconceptions. It implies that eminent domain has not been the TID's last option. This is simply not true. Eminent domain is the last and the least used method to acquire property for TID projects. Furthermore, the perspective taken by the Journal-News builds on a myth that the use of eminent domain is a sign of dissension.

Eminent domain is not adversarial. It is an equitable way to let a third party settle otherwise irreconcilable differences. Eminent domain exists to protect the rights of property owners. And the TID views it that way.

Of 246 parcels along the corridor of the Butler Regional Highway, 214 parcels (87%) already have been acquired. Only 14 cases (5%) are in appropriation, and TID is negotiating with the hope of resolution in six of these cases. ODOT's average number of cases taken to appropriation is 15-18%. Unfortunately, the limited use of eminent domain by the TID, stories of the majority of parcels equitably acquired, and the over 85 families that successfully relocated are not covered by the media. Regarding the First Church of the Nazarene, the use of eminent domain has been avoided. Conversations with the minister and the lawyers representing the church led to an amicable settlement which was always our goal. Eminent domain was not used. In the case of Mr. Green's property, we repeatedly have asked Mr. Green for his estimates of the value of his property. Because he is unwilling or unable to provide this, we have been unable to settle this matter. But we continue to attempt to work with Mr. Green toward an equitable solution.

Overall, the TID has achieved a successful balance between fair settlements with property owners and responsible use of taxpayer dollars. As of April 11, the TID's cost of right-of-way acquisitions are 94.9% of the originally projected cost and 104.9% of fair market value estimates. Compared to ODOT's average of over 110% of FMVE, TID saves significant taxpayer dollars. Acting to meet specific, local needs, the TID approach is faster, better and cheaper. To judge the TID based on one or two cases is unfair and, in some ways, inaccurate. The TID's local perspective represents less time, less cost, and responsible local interest in the well-being of the individuals and communities involved.

H. Darrell Barger  
TID Executive Director