

Miller Quoted in Law360 Story Titled “Panel Says Ohio Broke Promise In Brewery District Land Fight”

Related Professionals

Joseph R. Miller

Related Services

Land Use, Zoning, Real Property
and Eminent Domain

Litigation and Appeals

NEWS | 2.8.2024

Joe Miller, a partner in the Vorys Columbus office, was quoted in a Law360 story about a lawsuit filed against the Ohio Department of Transportation by a pair of property owners. According to the story, the Columbus businesses were promised, in an eminent domain settlement agreement, that they would be given a parcel of land suitable for 12 parking spaces to replace the parking spots they lost when the Ohio Department of Transportation took their property for an interstate improvement project. A panel of judges from Ohio's 10th District Court of Appeals found that the state agency's counsel acknowledged it did not deliver what it promised in the settlement.

The story states:

“Because the state never gave IHV that land despite promising to do so in the settlement agreement for its eminent domain proceedings, the lower court was correct to award damages to the property owners, the panel said. The Tuesday decision comes after the case went before the Ohio Supreme Court, which ruled in June that the settlement agreement was enforceable and remanded it to the Ohio Court of Appeals in a reversal of the intermediate appellate court's initial ruling on the matter.

With the note from above that the settlement is in fact enforceable, the panel concluded that the lower court was correct to enforce it against the transportation department given its failure to provide the parking mitigation property. The opinion rejected the state's arguments that failing to transfer the property was not a breach and that the lower court did not have the authority to award damages nor attorney fees to IHV against the transportation department, affirming the trial court's judgment entirely.

Joseph Miller, counsel for IHV, lauded the panel's decision in a Wednesday statement emailed to Law360.

“This decision represents a great victory for private property owners and private property rights,” Miller said. ‘Condemning

authorities are not above the law. The court correctly recognized that government agencies must be held to the agreements that they make with landowners.”

Read more on the [Law360 website](#). (Subscription may be required)

