

## School district's eminent domain plan may hinge on "necessity" definition

Dublin City School District made headlines recently with the announcement of its plan to use eminent domain to appropriate the former Verizon building on Emerald Parkway and convert the building into a nontraditional high school.



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The building was recently purchased by Emerald Parkway Valley Equity Group for \$5.9 million. After the purchase, Emerald lined up sufficient tenants to fully lease the building, including one tenant interested in 70 percent of the available space. However, the district's announcement led that major potential tenant to back out.

Dublin City Schools isn't the only district whose expansion plans threaten commercial property. Upper Arlington City School District is rumored to have a potential plan to use

eminent domain to expand existing school buildings by demolishing rental properties and a dental office.

These expansion plans raise the question of whether school districts are permitted to appropriate viable commercial properties for school purposes. The answer depends on the specific facts involved, but Ohio law is generally favorable to school districts.

Ohio Revised Code 3313.39 empowers school districts to use eminent domain. "[W]hen it is necessary, in the opinion of any board of education, to procure or enlarge: (A) any site for a building to be used for public school purposes whether as classrooms, auditorium, or for technical training, administrative, storage, or other educational purposes ... the board may

proceed to appropriate such property."

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Not only does the statute give school districts the discretion to determine whether a property is "necessary" for school purposes, but the law also sets a low bar for demonstrating necessity. Although an appropriation must be necessary for a public purpose, "necessary" means only that which is reasonably convenient or useful to the public. Absolute physical necessity is not required. Further, under Ohio Revised Code 163.09(B)(1)(a), the passage by a school board of a resolution declaring the necessity of an appropriation shifts the burden to the property owner to prove it is not necessary.

In the case of Dublin, the district selected the building to alleviate an overcrowding problem at its existing schools, rather than build a new school at a cost of at least \$75 million. The

district also reportedly chose the building over several other properties because of its central location and open floor plan. On July 11, the school board passed a resolution declaring the appropriation necessary. Only time – and the Franklin County Court of Common Pleas – will tell whether Emerald can save its valuable commercial property through a necessity challenge given these facts.

Property owners whose commercial properties are threatened by eminent domain should consult with qualified counsel at their earliest opportunity to preserve their rights and maximize their monetary recovery.

*This article is intended solely to provide broad, general information, not legal advice. Readers should seek advice from a licensed attorney with regard to any specific legal issues. Statements or opinions expressed are those of the author and do not necessarily reflect those of the Columbus Bar Association, its officers, board, or staff.*

## Update marketing strategies to find new connections

As the digital marketplace changes for advertisers, we are always asked what works. It is a hard question, but there are three areas that remain constant in digital marketing.



Barb Burgie  
Burgie MediaFusion

**Understand who you are.** Do you know your brand? What do you sell, and what makes you different from others who do the same thing? Knowing who you are and sharing how you are different is key in digital marketing.

**Define your target audience.** Defining who you are trying to reach through each digital marketing strategy is critical to success. It is unlikely that one digital platform will meet all of your different target markets, so understanding who is using what platform and how to market to them effectively on that particular medium is crucial.

**Review your strategies.** This is the simplest and the hardest part to marketing. Setting goals and then reviewing each strategy to determine

if indeed you are reaching your benchmarks is critical. Many companies think they can "set it and forget it," but that doesn't work. Programming posts for weeks in advance and reviewing engagements at the end of the month might mean you missed out. You need to review each campaign regularly and make changes if messages are missing the audiences and not connecting with your clients.

Digital marketing is going to change quickly. Don't be afraid of the pace. Instead, think of the opportunity you have to learn about where your organization finds success and how you might use tools to reach new audiences. Do this, and you can connect with individuals you would never have had the opportunity to meet otherwise.

For more information on what strategy might be best for your company, email us at: info@burgiemediafusion.com.

## Branding and client development in the digital age

In a digital marketplace that's constantly evolving, identifying your audience and delivering the right message at the right time is a growing challenge. Long gone are the days of "Mad Men"-era branding. Today, your brand is what your audience makes it to be. In fact, every tweet, online review and local listing collectively defines your story. Law firms can no longer simply build a website and expect results. It's like that proverbial tree in the forest – if no one can find your site, it's all for nothing.



Alaina Shearer  
Cement Marketing

first, true digital influencers. Today, she leads her agency and clients to digital branding success through proven digital marketing strategies.

During this workshop you'll learn how to bring your brand to life online using primary and secondary research to discover what is working and what isn't. Law firms will learn how to audit their digital property,

create a content strategy and then how to develop authentic and engaging content relevant to their audience. We all have great ideas, but what good is a great idea poorly executed? Leave this workshop inspired with the strategic big picture thinking necessary to reach your digital marketing goals. For more information and to register, visit [www.cbalaw.org](http://www.cbalaw.org).

Where should you begin? On Aug. 24, the Columbus Bar Association will present "Client Development in the Digital Age," a workshop led by Alaina Shearer, president and founder of Cement Marketing and one of the region's

[www.cbalaw.org](http://www.cbalaw.org)  
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## Jack Levey | REAL PROPERTY CHAIR

As chair of the Columbus Bar Association's Real Property Committee, attorney Jack Levey organizes monthly speakers to inform members about latest information on new legislation, current legal topics and the real estate industry.

Currently an attorney with Plunket Cooney, Levey's projects have included the construction and leasing of the Greater Columbus Convention Center, the ground leases for Nationwide Arena and the creation of the Capital Crossroads Special Improvement District in downtown Columbus.

The Real Property Committee allows lawyers who practice commercial or residential real estate law the chance to meet fellow attorneys, from solo practitioners to large firms and in-house counsel. The committee meets the first Monday of each month.