LANDOWNER DECISIONS AND SATISFACTION
IN EMINENT DOMAIN PROCEEDINGS
FOR INTERSTATE 675 (DAYTON BYPASS)

A Thesis

Presented in Partial Fulfillment of the Requirements for
the degree Master of Science in the
Graduate School of the Ohio State University

by

Daniel R. Halterman, B.S.

* * * * *

The Ohio State University
1986

Master's Examination Committee: Approved by
Robert L. Vertrees
Kenneth Pearlman
Ted Napier

Robert L. Vertrees
Adviser
School of Natural Resources
To my parents, who instilled in me early the importance and necessity of both land stewardship and justice, which are basic concepts in this thesis.
ACKNOWLEDGEMENTS

The following persons contributed in major or minor ways to the research effort and/or preparation of this thesis.

Bob Bash, Ohio Farm Bureau Federation
Charles Corcoran, Ohio Department of Transportation
Mr. and Mrs. Kenneth Halterman
Professor Ted Napier
Professor Ken Pearlman
Professor Robert Vertrees
VITA

December 14, 1958 . . . . . . Born - Wadsworth, Ohio

1981 . . . . . . . . B.S., Kent State University, Kent, Ohio


1986-Present . . . . . Water Projects Coordinator, Ohio Environmental Council, Columbus, Ohio

FIELD OF STUDY

Major Field: Land and Water Resources Policy and Planning
# LIST OF TABLES

<table>
<thead>
<tr>
<th>TABLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Population of Beavercreek Township, 1940-1980</td>
<td>30</td>
</tr>
<tr>
<td>2. Characteristics of respondents</td>
<td>38</td>
</tr>
<tr>
<td>3. Payment increases and case length by case disposition</td>
<td>40</td>
</tr>
<tr>
<td>4. Responses to statements about the land condemnation proceedings, with a test for contingency between group responses</td>
<td>43</td>
</tr>
<tr>
<td>5. Percent of respondents consulting other persons in deciding to accept or reject the initial compensation offer</td>
<td>48</td>
</tr>
<tr>
<td>6. Information respondents felt would have been useful for decision making had it been available</td>
<td>50</td>
</tr>
<tr>
<td>7. Perceptions of state officials' behavior</td>
<td>52</td>
</tr>
<tr>
<td>8. Length of the land condemnation proceedings</td>
<td>55</td>
</tr>
<tr>
<td>9. Respondents feelings about the land condemnation proceedings, with a test for differences between group responses</td>
<td>57</td>
</tr>
<tr>
<td>10. Correlation of responses for factors related to feelings about the land condemnation experience</td>
<td>59</td>
</tr>
<tr>
<td>11. Responses of the appropriated group to statements specific to the appropriations proceedings</td>
<td>62</td>
</tr>
</tbody>
</table>


LIST OF FIGURES

FIGURES                        PAGE

1. Map of the study area, showing the portion of I-675 studied................. 3

2. Decision tree for I-675 landowners, with perceived effects of the land condemnation experience.................. 68
TABLE OF CONTENTS

DEDICATION .................................................. ii
ACKNOWLEDGEMENTS ........................................ iii
VITA .............................................................. iv
LIST OF TABLES ............................................... v
LIST OF FIGURES ............................................. vi

CHAPTER PAGE

I. INTRODUCTION AND PURPOSE ....................... 1
   Goal and Objectives .................................. 2
   Definitions ............................................. 3
   Thesis Format .......................................... 6

II. FORMULATION OF HYPOTHESES ....................... 7
   General Principles of Eminent Domain .............. 7
   Decisions and Satisfaction ......................... 18
   Hypotheses ............................................. 23

III. REVIEW OF RELATED STUDIES ..................... 24

IV. METHODOLOGY ........................................... 28
   Description of Study Site ......................... 28
   History of I-675 ....................................... 31
   Research Design, Instrument and Implementation .. 33

V. RESULTS AND DISCUSSION ......................... 37
   Survey Results and Findings ..................... 37
   Conclusion and Comments .......................... 64
   Recommendations .................................... 70

APPENDICES

A. Survey Questionnaire ................................ 73
B. Cover Letter For Questionnaire .................. 80
C. Legal Citations For Court Cases ................ 82

REFERENCES ................................................ 84
CHAPTER I

INTRODUCTION AND PURPOSE

When government agencies acquire lands through the power of eminent domain, landowners are faced with the decision of whether to accept the government's cash offer for their real property or to attempt to achieve a better payment through negotiations or court action. The law requires payment of "just compensation" to owners of acquired parcels of land. This does not mean that the remuneration is optimal for all affected landowners, who generally desire the largest payment they are able to receive for their property. The acquiring agency, on the other hand, is concerned with making the smallest payment which meets the just compensation requirement. These conflicting goals sometimes lead to frustration and ill will on both sides.

Concern with the problems of eminent domain settlements has led to ongoing efforts over the years to improve the laws and their application. Many organizations are presently promoting changes in eminent domain laws designed to make the procedures and payments
fairer for landowners. At the time this research was in progress, the Ohio General Assembly was, for the second time in as many legislative sessions, considering changes to the eminent domain section of the Ohio Revised Code.

The Ohio Farm Bureau Federation requested this study be done to provide that organization with Ohio-specific information on landowners' perceptions about having land taken by right of eminent domain. Knowledge gained from studying past land acquisition proceedings and affected landowners' attitudes and feelings about their experiences may be valuable information for both policy makers and persons facing eminent domain proceedings in the future.

GOAL AND OBJECTIVES

The goal of this study of a section of Interstate 675 in Ohio (the Dayton bypass; Figure 1) is to increase our knowledge of landowner satisfaction with payments received for land acquired by the state through eminent domain proceedings. Past research involving questions of eminent domain has dealt heavily with objective problems such as land valuation, changes in land values, and differences in payments. The present thesis analyzes landowners' satisfaction with eminent domain
Figure 1. Map of Study Area, Showing Portion of I-675 Studied.
proceedings for an interstate highway and with the payments received for land taken. Two objectives form the foundation of the study:

1) To determine if court-awarded payments are significantly larger than the corresponding largest government offers. Or, stated otherwise, to determine if landowners may expect greater compensation through contesting the government payment offer.

2) To determine if landowners who challenge the government's payment offers in court and receive a larger payment are more satisfied with their final payments than are those landowners who settle by negotiations. Or, stated otherwise, to determine if satisfaction with final payment amounts is greater for those who go through appropriations than for those who do not.

By testing hypotheses developed in Chapter II, this study will determine if differences between compensation payments and satisfaction exist.

DEFINITIONS

Certain terms or derivations of the same words are used in the following discussion on eminent domain and throughout this thesis. The following definitions are taken from Black's Law Dictionary (fifth edition, 1979),
a standard legal reference.

Appropriation - Taking of private property for public use in the exercise of the power of eminent domain (p 93). (More specifically, the legal proceedings instituted by a government agency leading to a trial if negotiations between the agency and a landowner do not provide an agreement as to compensation.)

Compensation - Payment to owners of lands taken or injured by the exercise of the power of eminent domain (p 256).

Condemnation - Process of taking private property for public use through the power of eminent domain (p 264).

Damages - The amount of compensation to be paid...for injury to, or depreciation of, land adjoining that taken (p 352). (More specifically, payment made to compensate for loss in value to the remaining land when only a portion of the entire parcel is acquired by condemnation.)

Eminent domain - The power to take private property for public use by the state, municipalities, and private persons or corporations authorized to exercise functions of public character (p 470).

Partial taking - The taking of part of an owner's property under the laws of eminent domain. Compensation must be based on damages or benefits to the remaining property as well as the value of the part taken (p 470). As used herein, refers to a taking of all the property rights of a portion of a parcel of land.
THESIS FORMAT

Because this research is based on legal principles of the power of eminent domain and its effects on landowners, a description of historical and contemporary aspects of eminent domain follow in Chapter II. The section provides a general introduction to eminent domain and is background information necessary for understanding some of the concerns and feelings expressed by the landowners involved in the study. In the same chapter, the psychology of decision-making and satisfaction is briefly reviewed, again to provide a rudimentary background useful for comprehending why certain points were included in the questionnaire. Hypotheses for testing were developed from concepts in Chapter II and are there presented.

Pertinent literature on eminent domain research is reviewed in Chapter III. Descriptions of the study site, the history of the highway project studied, and the methodology used in the research are given in Chapter IV.

In Chapter V results are presented and discussed, and conclusions drawn.
CHAPTER II
FORMULATION OF HYPOTHESES

The following discussions on eminent domain and decisions and satisfaction include basic concepts which form the foundation for the hypotheses presented at the end of this chapter.

GENERAL PRINCIPLES OF EMINENT DOMAIN

From the earliest years of our nation a general principle of law has been the right of the government to acquire private land for public use. Recognized as "a sovereign power, inherent in every sovereign government" (Ohio Jurisprudence 1982, p 22; Cooper v. Williams, 1831; legal citations are referenced in Appendix C), the idea of eminent domain in the United States is based in the natural-law concept of the 17th and 18th centuries, with some modifications. Whereas the natural-law basis of eminent domain saw the state as immune from liability for taking property, lawmakers in the United States wisely saw the need for the power to be used for only public purposes, with compensation to be paid for property taken (Barlowe 1978, pp 588-589). With this
foundation, the concept of eminent domain in the United States has undergone nearly two centuries of development, which continues to this day.

The Fifth Amendment to the U. S. Constitution, an amendment which became effective in 1791, protects the rights of landowners with the clause "...nor shall private property be taken for public use, without just compensation." The Fourteenth Amendment, ratified in 1896, similarly limits the power of the individual states by requiring each to maintain legislation authorizing its power of eminent domain with provisions corresponding to those in the U. S. Constitution (Ohio Jurisprudence 1982, p 25; Cincinnati v. Louisville & N. R. Co., 1910). While this requirement for payment of just compensation is equally as important as the right to take land, the determination of "the amount of compensation [to be paid]...remains a complex and intriguing question" (Albany Law Review 1974, p 585).

Judicial interpretations of the meaning of just compensation traditionally defined it as the fair market value (FMV) of the property in question. This standard is a suitable basis for most decisions, but the United States Supreme Court ruled in 1949 (United States v. Cors) that the wording of the Fifth Amendment does not limit just compensation to merely the market value. In
essence the Court "'refused to make a fetish even of market value, since that may not be the best measure of value in some cases'" (Sackman 1981, pp 182-183).

This and subsequent rulings have liberalized the concept of just compensation. Whereas in the past a government agency could "just compensate" (Albany Law Review 1974, p 583), the contemporary ideal is for the owner to be "paid the equivalent in money and [be] put in as good position pecuniarily as he would have occupied had his property not been taken" (Slavitt 1974, p 259). For example, in cases where only a portion of a property is taken, just compensation based on the market value of only the parcel actually acquired may not be sufficient compensation for the damage to the value of the remaining land.

Such so-called partial takes are common for construction of limited-access highways. The 250 - 300 feet wide rights-of-way (Schmidt 1980, p 588) require the acquisition of strips of land, usually parts of larger parcels. Partial takes were traditionally compensated only for the value of the land actually taken, without regard for either the direct damages to the value of the remaining land or consequential damages to the adjoining property. Court decisions (especially the landmark 1949 case "United States v. Cors") and the
passage of the federal Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 have changed this (Slavitt 1974, p 245). Agencies now make payments for both the parcel of land acquired (compensation payments) and for loss in value to the remaining parcel (damages payments) (Albany Law Review 1974, pp 587-588). Barlowe (p 595) has described the varied effects partial takes may have on adjoining properties and their values.

This movement toward fairer treatment of landowners in eminent domain proceedings is further evidenced by cases which "indicate a trend away from technical formulation in determining damage in favor of an individually-oriented damage assessment that effectively compensates an individual in [his] particular situation" (Albany Law Review 1974, p 599). However, fair market value remains the common determinant of compensation to be paid.

A typical contemporary definition of fair market value is stated in Ohio Eminent Domain Practice (Knepper and Frye 1977, p 177):

Fair market value is the amount of money which could be obtained on the open market at a voluntary sale of the property. It is the amount that a purchaser who is willing, but not required to buy, would pay and that a seller who is willing, but not required to sell, would accept, when both are fully aware and informed of all circumstances involving value and use of the property.
A determination of market value for a given parcel is commonly based on recent sales prices of comparable parcels in the area (American Bar Association 1968, p 8), and "the utilization of comparable sales to establish value has judicial blessing in Ohio" (Knepper and Frye 1977, p 232; Masheter v. Hoffman, 1973). This generally requires the services of a professional real estate appraiser. However, no professional opinion can be completely objective, even if developed by a professional appraiser. This often accounts for differences between the market values determined by appraisers for the government and by landowners' appraisers.

The laws contain no provisions for accounting for non-market values in determining the amount of compensation to be paid. Non-market values cannot be objectively determined, hence the use and acceptance of fair market value as the legally recognized basis for compensation. Landowners often feel their home and land are worth more than the amount of money they could be sold or purchased for. This factor could be the basis for differences in how people feel about the outcome of land condemnation.

With regard to partial takings, which are very common for highway construction, it has been recognized
for some time that it is not equitable to simply prorate the percentage value of the parcel taken from the value of the entire property. If the parcel taken is the most valuable portion, such a proration would undervalue that parcel. Therefore the total amount of compensation would not be "just" (Sackman 1981, p 195). Traditionally damage payments for partial takes were contingent on the land being physically contiguous and under the same title, as well in the same use. Court decisions have given unity of use the greater emphasis, and have not necessarily required that the land meet the tests of physical contiguity or unity of title (Ackerman 1982, pp 422, 424). In Ohio unity of use (meaning being used for the same economic purpose) is the principal determinant for damages payments in cases of partial takings (Ohio Jurisprudence 1982, p 170; Deercreek Local Board of Education v. Payne, 1949).

Partial takes typically are a source of a large percentage of court cases when land is acquired through eminent domain. The value of the portion of land taken is easier to determine and agree upon than is the value of damage to the remaining land (American Bar Association 1968, p 50). "If partial taking never occurred in condemnation, the amount of litigation in the courts would be reduced considerably" (Rogers 1957, p 393).
If after a suitable time the agency and a landowner cannot agree on a mutually acceptable value for the land and damages, the agency may start appropriations proceedings. Ohio law does not spell out a required time period for negotiations (Ohio Jurisprudence 1982, pp 316-317; Cincinnati v. Home Federal Savings and Loan Assoc., 1967). Negotiations may continue between the attorneys for both the landowner and the agency even after the case has been filed in court. Such a format may lead to a settlement, to an agreement for arbitration, or agreement for a non-jury trial (Ohio Jurisprudence 1982, p 404; Wilder v. Commissioners of Hamilton County, 1885). Generally, "settlement is obviously the favored method for resolution of all types of litigation including controversies associated with appropriation" (Knepper and Frye 1977, p 52). For attorneys on both sides it is common sense to settle out of court if and when negotiations produce an agreement at least as satisfactory as may be expected from a court or jury award (Bishop 1980, p 225).

If negotiation does not provide a settlement, the case is initially decided in the Common Pleas Court of the county where the acquired land is located. In normal appropriations cases, the issues to be decided upon are usually the same. If it concerns a total take,
the jury must determine the value of the entire parcel on the date of taking. If it concerns a partial take, the issues usually are the value of the part taken and the value of the remainder, plus the increase in value (if any) to the remainder due to the project (American Bar Association 1968, p 9). Expert witnesses for both sides present testimony, and the jury sets the amount of the compensation and/or damages payments to be awarded. The outcome of such trials is partially dependent on the location of the court, because juries tend to behave differently in some areas than in others. It is possible that the same evidence presented in neighboring counties could result in highly disparate awards (Szilagi 1985). Ohio law requires payment of the award within twenty-one days of the granting of the award. If more time passes, interest must also be paid (Knepper and Frye 1977, p 45).

The preceding overview describes eminent domain principles in general, whether for a highway, reservoir, park or hospital. In Ohio three state agencies exercise the power of eminent domain: the Ohio Department of Transportation (ODOT), the Ohio Department of Natural Resources (ODNR), and the Ohio Department of Administrative Services (DAS, which acquires lands for all state agencies except ODOT and ODNR). The major
procedural difference among the three is ODOT's authority to exercise so-called "quick takes" of land, whereby the agency may take possession of land by filing the appropriate papers and depositing a sum of money equal to the appraised fair market value of the property with the Common Pleas Court of the county where the land is located (Corcoran 1985). ODNR has a policy against appropriating land, and has not appropriated any parcels during the past twelve years. This policy reflects the flexibility of the agency's policies regarding park boundaries and the limitations imposed by biennial funding, both of which minimize the desirability of appropriating land (Nogawick 1985). The DAS usually acquires entire parcels of land because its operations are mostly in urban areas where lots are typically small. When in rare instances appropriation proceedings are instituted by DAS, nearly all are settled by negotiation prior to reaching the judicial hearings stage (Penrod 1985).

Most pertinent to this study are the policies of the Ohio Department of Transportation. To eliminate bias in appraisals of property to be acquired, ODOT contracts for the services of private independent appraisers, all of whom must be certified by the American Institute of Real Estate Appraisers. This helps assure that the value
arrived at should be the same whether the appraiser is working for the agency or for the landowner. Once ODOT has determined the fair market value (and damages, if applicable), a member of the acquisitions staff visits the landowner and presents the agency's offer. Departmental policy requires a waiting period of from one to two weeks after the initial visit before making further contact. If the offer is acceptable, an agreement is signed; if not, both sides make counter offers in an attempt to reach a mutually satisfying settlement. If no settlement can be reached through such negotiations, ODOT commences appropriation proceedings (Corcoran 1985).

The following observations about eminent domain from many years of experience working for ODOT were provided by Charles Corcoran, Administrator of the Bureau of Acquisitions for the agency (1985).

To a large extent the number of contested cases (landowners rejecting the ODOT compensation offers) reflects the generally perceived need for and/or the perceived benefits of the new highway.

For a given project, ODOT considers an acceptable number of contested cases to be about ten percent of the total. If more than twenty-five percent are contested, it is assumed that an error has been made in the appraisals.

Landowners are more apt to contest these days, as people in general have become more conscious of how the system works.
Landowners prefer court awards of increased, non-taxable, damages payments to increased compensation payments, which are taxable.

In a given county, juries tend to behave in a similar manner in setting awards in land condemnation cases.

These are presented as experientially-based observations which add to the understanding of how ODOT personnel perceive landowners' attitudes in eminent domain proceedings.
DECISIONS AND SATISFACTION

The present study is concerned more with the decisions made by landowners than with the decision making process itself. Decision theory is a broad field of study, and inclusion of a major review is beyond the scope and thrust of this work. A few major points are pertinent, however, and are discussed.

Traditional decision theories were based on quantifying all alternatives in terms of monetary units so that a rational, economically oriented choice could be made which would maximize the monetarily measurable benefits of the outcome. Some contemporary theories attempt to distinguish achievement of desired satisfaction without necessarily using "rational" processes (Gray and Tallman 1984, p 147). One generally accepted concept in decision theory for the ideal world is the use of maximization of expected utility as the decision rule for choosing between alternatives, and it "is the only decision criterion that should be considered by a 'rational' person" (Hogarth 1980, pp 134, 152). Decision makers (landowners, in the present study) expect that the outcome of their decision will be best for them. It is hypothesized, therefore, that in eminent domain proceedings, the overall reaction to the entire land condemnation experience is positive to the
same degree for both those landowners accepting an early offer (negotiated group) and those concluding their cases in court (appropriated group).

This maximizing process is recognized as not being necessarily optimal in the real (as opposed to the theoretical, ideal) world; selection of the one absolute best alternative may not be desirable or necessary for many decisions.

"Satisficing" refers to another decision making strategy which is useful in some instances where maximizing is not. In satisficing, minimum acceptable standards are set for each alternative, and the first alternative meeting its predetermined standard is the one chosen. A "best" choice is made, one expected to provide satisfaction. It is not necessarily equivalent to a choice selected by maximizing (Wheeler and Janis 1980, pp 98-99). Satisficing may be employed by landowners when negotiating a settlement if they feel that a larger expected court award may not necessarily be worth the expenditure of time and money required to achieve it. Because theory says people expect to be satisfied with the outcomes of their decisions, it is hypothesized that satisfaction with compensation payments alone is equal for both groups.

Decisions are usually judged by the success of the
outcome or by satisfaction with the results. But the
process used to make the decision may actually be a more
logical determinant of the quality of the decision,
since a sound decision may lead to either a desirable or
undesirable outcome (Wheeler and Janis 1980, pp 4-5).
Sound decisions are made by following a decision making
framework, which optimally permits some control over
both implementation of the decision and reaction to
problems that may arise. A framework helps minimize
decision problems resulting from failure to adequately
consider consequences of the decision. "[People] may
consider the material or tangible consequences of the
choice [such as the possibility of receiving a larger
compensation or damage award] and ignore...consequences
[such as the unforeseen expenditure of time and money
involved in litigation]" (Wheeler and Janis 1980, p 52).

Most decision making frameworks or pathways are
similar to the following:

Five Stages of Effective Decision Making (Wheeler
and Janis 1980, pp 6-9) (With notes referring to
eminent domain proceedings.)

1) Accepting the challenge (In eminent domain
proceedings, decision making is forced upon
landowners usually by circumstance.)

2) Searching for alternatives (For landowners, the
common alternatives are: accept initial
compensation offer; reject offer and negotiate;
settle out of court during appropriations
proceedings; accept court decision.)
3) Evaluating alternatives (Expert advice from attorneys, appraisers, and real estate agents can help landowners analyze their options.)

4) Becoming committed (Decide which alternative is "best").

5) Adhering to the decision (Implement the decision.)

This is presented as a general framework for minimizing the possibility of making a poor decision, not as an example of the definitive decision making process. At the third stage, evaluating alternatives, expert advice is often necessary. The advice of family and friends is recognized as supplementing the knowledge of experts, and is an acceptable part of good decision making (Wheeler and Janis 1980, p 154).

Whether one maximizes or satisfices in decision making, the objective is to achieve a desirable outcome, to be satisfied. Webster's II New Riverside Dictionary (1984) defines satisfaction in two ways: 1) the fulfillment or gratification of a need, desire, or appetite and 2) compensation for injury or loss. In this study we are concerned with the former more abstract definition. While all the landowners received "compensation for...loss," they may not have received "fulfillment or gratification of a...desire" for what they perceive to be adequate compensation. In the
context of this study, satisfaction is an abstract concept, and means different things to different people. Studies of satisfaction with life and employment are myriad. A common conclusion is that material goods alone do not determine satisfaction with even the material aspect of life, for it "depends not on the absolute amount of goods [one] has, but on how this amount compares with what he thinks he needs" (Easterlin 1973, p 8). Satisfaction with compensation in eminent domain proceedings may also depend partly on such a comparison, or on a comparison with perceived compensation received by others (Michalos 1980, p 389). As a test of this, it is hypothesized that satisfaction with compensation payments is related to how landowners perceive their compensation compares to that of their neighbors.

In voluntary activities (e.g. deciding whether or not to accept a compensation offer), satisfaction may be partly self-fulfilling since "people tend to choose those activities which they believe have a fairly high probability of providing the desired outcome" (Collins 1983, p 15). Landowners may expect the result of their decision to negotiate or litigate to turn out to be best for them. They plan on being more pleased or satisfied with the results of their decision than with any
alternative. This idea is related to the theories of maximizing and satisficing presented above.

HYPOTHESES

Based upon subsets of decision theory reviewed in this chapter, the following are the hypotheses developed to meet the objectives of the study.

It is hypothesized that:

1) both the appropriated group and the negotiated group have equally positive overall reactions to the land condemnation experience;

2) satisfaction with compensation payments alone is equal for both groups;

3) satisfaction with compensation payments depends in part on how landowners perceive their compensation compares to that of their neighbors.

Further, to determine if members of the appropriated group were more "adversarial" about the experience than were members of the negotiated group, it is hypothesized that:

4) the appropriated group perceived more negatively the behavior of the state land acquisition personnel than did the negotiated group.
CHAPTER III
REVIEW OF RELATED STUDIES

Relatively little research has been done relating landowner decisions and satisfaction with final compensation payments in highway projects, which is the focus of this study. Hallberg and Flinchbaugh (1968) studied the factors involved in landowner decisions to accept or contest the state's initial compensation offer in land acquisition proceedings for the interstate highway system in Pennsylvania. A majority (about 70%) of the respondents agreed that the power of eminent domain is necessary. The others were opposed to government taking of land because they felt they received inadequate compensation for land taken. More than half of all landowners contested the initial offer (Hallberg and Flinchbaugh 1968, pp 19, 14). For all cases it was hypothesized that the only reason for contesting the appraisal was the perceived "inequitability of the State's offer," which may have been ameliorated somewhat by their decision since the results provide "evidence to suggest that the commonwealth lost and the property holder gained by
contesting" (Flinchbaugh 1967, pp 3, 26).

A 1974 study concerning large scale relocation of residents for the Ohio Transportation Research Center reported on the sociological impacts of this aspect of eminent domain proceedings. The report described affected persons' sense of being "powerless to determine their own future," which may lead to resistance against the program (Napier and Wright 1974, p 6). It is possible that even in highway construction projects where the number of relocated persons is relatively small (as was the case for I-675), resistance could be demonstrated in part by landowners not accepting the compensation offers and thereby "punishing" the government by increasing the administrative workload.

The feeling of being victims of consequence is common in the literature on relocation for public works projects. Opposition to planned rights-of-way, disagreement over the need for the expressway, and resentment over the planning process were the three most common reasons for opposing construction of urban expressways, according to a survey of urban dwellers in the late 1960s (Charles River Associates 1970, pp 59-62).

The results of a study specifically concerned with satisfaction with payments received for condemned land
for a reservoir in Kentucky are directly related to the present study. The land for the reservoir was acquired from 1966 to 1969, predating both the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 and major changes in the Corps of Engineers' land appraisal policies. Nearly 70% of all landowners were not satisfied with their final payments. This dissatisfaction was based in part on how they perceived the payments their neighbors received: more than half felt they fared worse than their neighbors, and only 8% felt they came out ahead of their neighbors (Korsching 1980, p 333). These data are in agreement with one aspect of satisfaction theory, so-called equity theory, which "is based on a perceived difference between what one gets and what one thinks one is entitled to get, given what some reference person or group gets" (Michalos 1980, p 389). In a similar study of community relocation in New Hampshire, 64% of respondents felt their final settlement was less than the fair market value of their property (Adler and Jansen 1978).

A study of persons relocated for I-90 in Cleveland, Ohio showed that more than 40% of respondent homeowners were not "entirely satisfied" with compensation payments (Colony 1971, p 113). It is difficult to ascertain whether this response was due entirely to those persons
having been relocated, or if the same level of dissatisfaction would have been evident had they simply lost some portion of their land and would not have been relocated. In the same study, about three-quarters of respondents replied favorably to a direct question about State employees' behavior during land acquisition. However, nearly one-third commented negatively about right-of-way personnel in response to an open-ended question (Colony 1971, pp 104-105).

Some of the land for I-675 in the area of this case study was acquired before passage in 1970 of the Uniform Relocation Assistance and Real Property Acquisition Act. A study in Texas comparing attitudes and experiences of highway relocatees from lands acquired before and after passage of the Act found no significant differences in those parameters for the two groups, even though the Act liberalized overall compensation policy (Social and Economic Effects of Highways 1976, p 153). The results are from only people who were relocated, but may be applicable to the present study since land for I-675 was also acquired both before and after passage of the Act.
CHAPTER IV
METHODOLOGY

DESCRIPTION OF STUDY SITE

Beavercreek Township, included in the Dayton - Springfield Standard Metropolitan Statistical Area, is in western Greene County in southwestern Ohio. The eastern, unincorporated part of the township is mainly agricultural, with a population of about 3,000. The City of Beavercreek comprises the western half of the township. It is a rapidly growing residential community of approximately 30,000 inhabitants. Incorporated as a village in 1979, Beavercreek was designated a city in February, 1980. Interstate 675 runs through the City of Beavercreek. The portion of I-675 in this study is the segment between N. Fairfield Road and U. S. Route 35.

Located midway between Dayton and Xenia, Beavercreek had rapid population growth during the 1950s and 1960s, due mostly to the popularity of suburban living (Map of Beavercreek, Ohio 1985). This trend continued through the 1970s: of 10,187 housing units existing in then Beavercreek Village in 1979, more than one-third (36.3%) had been built between 1970 and 1980 (1980 Census of
Housing, Detailed Housing Characteristics, Ohio). The rapid population growth of Beaver Creek Township over the past 40 years is shown in Table 1. The increased size of the community and its proximity to a metropolitan center necessitated expansion of the region's infrastructure, including transportation corridors such as I-675. The population is also mobile: at the time of the 1980 Census, nearly half (47.1%) of the population of Beaver Creek Village had changed residences since 1975 (1980 Census of Population, General Social and Economic Characteristics, Ohio). Beaver Creek Township accounts for about one-fourth of the total Greene County population of nearly 130,000 (1980 Census of Population, General Social and Economic Characteristics, Ohio). Two-thirds of the area of incorporated Beaver Creek is either undeveloped or agricultural land (Map of Beaver Creek, Ohio 1985).

The City of Beaver Creek is an upper middle class community. In 1979, the population of the Beaver Creek Village had a median family income of $29,371 and per capita income of $9,324, compared to Ohio (median family income of $20,909 and per capita income of $7,285) and the entire United States (median family income of $19,917 and per capita income of $7,298). The poverty level in Beaver Creek Township (2.2%) is much lower than
both the state and national averages (10.3% and 12.4%, respectively) (1980 Census of Population, General Social and Economic Characteristics, Ohio, and 1980 Census of Population, General Social and Economic Characteristics, United States).

TABLE 1

POPULATION OF BEAVERCREEK TWP., 1940-1980

<table>
<thead>
<tr>
<th>Year</th>
<th>1940</th>
<th>1950</th>
<th>1960</th>
<th>1970</th>
<th>1980</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>3,014</td>
<td>5,327</td>
<td>16,680</td>
<td>26,555</td>
<td>33,364</td>
</tr>
<tr>
<td>% Increase per decade</td>
<td>-</td>
<td>77%</td>
<td>213%</td>
<td>59%</td>
<td>26%</td>
</tr>
<tr>
<td>Cumulative % increase</td>
<td>-</td>
<td>77%</td>
<td>453%</td>
<td>781%</td>
<td>1006%</td>
</tr>
</tbody>
</table>

HISTORY OF INTERSTATE 675

In 1957 the Bureau of Public Roads (now in the U. S. Department of Transportation) authorized a Dayton bypass, the proposed I-675, as part of the interstate highway system. Meetings were held with local officials in early 1960 for the purpose of selecting possible route locations. These led to issuance of a report in May of that year which recommended that the route be located east of Dayton. In 1963 Ohio transportation officials and the Montgomery-Greene County Regional Transportation Committee agreed upon an alignment for I-675 which became (with minor changes) the approved alignment in January, 1965. With the official approval of the route formalized in July of that year, Ohio hired two consulting engineering firms to begin preparing construction plans for the northern and southern halves of the route in 1966.

The first contract for construction was let in June, 1972. The northernmost sections of the highway, about nine miles in length, were under construction before preparation of environmental impact statements was deemed necessary. In 1973 an environmental assessment of the remaining two-thirds (about seventeen miles) of right-of-way was completed, resulting in the preparation of an environmental impact statement for those sections.
Contracts for the two sections in this study, totalling approximately 4.2 miles, were let in December, 1981 and June, 1982, and the sections were completed in April and October, 1984. The last contract for I-675 was let in July, 1984. Of the 26 total miles, approximately 16 miles were open to traffic as of October, 1984. Final completion date is set for July 31, 1986.

Total cost for the entire project at its start was $132 million (numbers in round figures); average cost per mile was about $5 million. The 4.2 mile portion in this study, about 16% of the total length, had a projected cost of $34 million, nearly 25% of total project cost. The average cost per mile for these two sections was $8.1 million (I-675 Environmental Impact Statement 1981, Chapter 1, "Historical Review").
RESEARCH DESIGN, INSTRUMENT AND IMPLEMENTATION

Research Design

The methodology of this study closely follows basic case study research strategy. The use of multiple sources of evidence helps insure defensible conclusions, since case studies depend more on analytical rather than statistical generalizations (Yin 1984, p 39).

A survey of landowners who had land taken for construction of I-675 generated information on the attitudes of persons directly affected by land acquisition. Because the objective of this research was to determine differences in satisfaction with compensation payments, only persons who had firsthand experience with the land condemnation process composed the study population. Ohio Department of Transportation (ODOT) records provided data on each parcel of land acquired for the highway.

Study Site Selection

Consultation with the director of the Bureau of Acquisitions of ODOT led to selection of two adjacent, recently completed sections of I-675 for the study. The sections (ODOT designations GRE-675-7.43 and GRE-675-5.45) were chosen based on their being the most recently completed portions of the interstate highway system in Ohio and because they pass through both residential and
undeveloped or agricultural lands. Minimization of possible recall error on the part of respondents was a factor in selecting the relatively recent sections. At the time the study was being designed, appropriations proceedings were not yet concluded for some parcels in sections of the highway still under construction. It was felt that inclusion of landowners still in the decision making process could bias the results of the study, and for this reason the most recent cases were excluded from use in the study. Right-of-way acquisition for the two sections involved one hundred parcels of land.

Right-of-way summary sheets provided by ODOT supplied parcel numbers and sizes, names of landowners, the amount of land taken from each parcel, and the designated future use of each acquired parcel. Other ODOT records provided listings of the State's initial fair market value payment offer for each parcel, court-awarded payments for those cases ending in court, and the absolute and percentage increases in payments (over and above the ODOT offers) awarded by the court.

Survey Questionnaire

Survey data was collected by the use of a questionnaire based on the "Total Design Method" of Dillman (1980) for effective questionnaire response.
Portions of the questionnaire were based on that used by Hallberg and Flinchbaugh (1966), which should strengthen the comparability of these results to those of previous research (Stewart 1984, p 113). Because the major objective of the study is based on a comparison of landowners who settled by negotiation with landowners who sought more favorable payments in court, the questionnaire was designed in two formats for use by those two groups of people. The questionnaire carried attitudinal, closed-ended, and open-ended questions, and was designed with a separate group of questions for only those landowners who received court-awarded payments. The entire questionnaire and cover letter are given in Appendices A and B.

Out of the 100 parcels of land and 90 owners involved, twenty-one (21) cases with twenty owners were resolved by court action. All of those, plus a simple random sample of equal size (n=20) from the remainder made up the survey sample.

Implementation of the Survey

Since the majority of the people in the sample still reside in or near Beavercreek Township, and because of the relatively small sample size, it was decided to hand deliver the questionnaire with the expectation that the personal contact would increase the response rate.
Working from the list of landowner names supplied by ODOT, a study of tax records at the Greene County Administration Building in Xenia provided the present addresses of nearly all the persons in the sample. Others were located by telephone calls to persons in the local phone directory with the same surnames. Eighteen of the appropriated landowners were located, as were twenty from the negotiated group, for a total usable sample of thirty-eight (38) individuals and businesses. Delivery of the questionnaire took less than 12 working hours over two days. Twenty-five (25) questionnaires were hand delivered or taped to doors, and twelve (12) were mailed to those individuals living outside the immediate area. One elderly individual refused to accept the questionnaire.

Sixteen respondents (43%) returned their questionnaires within two weeks, after which post card reminders were mailed to the rest. This generated the return of five more questionnaires. Two weeks later follow-up phone calls were made to all non-respondents, and four more questionnaires were received. A total of twenty-five (25) questionnaires, 68% of the total number distributed, were returned. Twelve were from the appropriated group (75% response) and thirteen were from the negotiated group (68% response).
CHAPTER V
RESULTS AND DISCUSSION

SURVEY RESULTS AND FINDINGS

Characteristics of respondents

In order to understand the type of people in the study population, and to determine if certain personal attributes affected or determined decision making or satisfaction, basic socioeconomic information was requested on the survey. Collectively, each respondent's age, educational level and employment status provides a description of the socioeconomic characteristics of the study population. Data on age and educational level attained is summarized in Table 2. A rank sum test showed no significant difference in age or formal education between the appropriated and negotiated groups. About half (52%) of all respondents are employed either full or part time, with the remainder being retired. When the condemnation proceedings took place, 79% of all respondents were employed full or part time. A chi-square test of independence on employment at the time of the condemnation proceedings showed that being employed or
retired did not determine whether an individual negotiated or went through appropriations.

TABLE 2
CHARACTERISTICS OF RESPONDENTS

<table>
<thead>
<tr>
<th>Variable</th>
<th>Total Sample</th>
<th>Appropriated Group</th>
<th>Negotiated Group</th>
<th>P-value*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X  SD</td>
<td>X  SD</td>
<td>X  SD</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>62.6 11.6</td>
<td>65.3 8.6</td>
<td>60.2 13.7</td>
<td>0.2009</td>
</tr>
<tr>
<td>Years of education</td>
<td>13.1 3.4</td>
<td>14.0 4.3</td>
<td>12.3 12.2</td>
<td>0.2420</td>
</tr>
</tbody>
</table>

NOTES: X refers to the arithmetic mean; SD refers to the standard deviation.

* P-value was generated for a Wilcoxon Rank Sum Test for differences between populations.

ODOT-supplied data

The director of acquisitions for ODOT supplied information on the length of time each case took to conclude and the increase in payment gained by landowners, where applicable. This information was readily available for only the parcels in the northern half of the study area, but should be a close approximation to values for other parcels, according to
ODOT personnel. The data show that those landowners in the appropriated group averaged a 44.5% increase (mean value) in payment received over the State's final offer prior to commencing appropriation proceedings. Cases ending with a court verdict averaged a 42.8% increase, and cases settled out of court saw an average increase of 47.3%. Increases ranged from 0.0% (no increase) in one case, to a 135% increase. The length of time from initial contact until signing an agreement averaged approximately 9 months (mean) for all cases, with a low of 4.4 months (mean) for the negotiated group, 12.0 months for cases ending with a verdict, and 14.4 months for cases settled out of court. This is summarized in Table 3.

Kruskal-Wallis one-way analyses of variance (a=0.05) showed no significant difference in the increases in payments between the verdict group and the out-of-court settlement group. The negotiated group was not included in the test, because the data supplied were based on only appropriations cases. Testing for differences in the number of months a case was active found a highly significant difference between the low values of the negotiated group and the high values of the appropriated group (composed of the two subgroups ending with verdicts or out-of-court settlements). This agrees with
TABLE 3
PAYMENT INCREASES AND CASE LENGTH BY CASE DISPOSITION

<table>
<thead>
<tr>
<th>Variable</th>
<th>All Cases</th>
<th>Negotiated Cases</th>
<th>Verdict Cases</th>
<th>Settled out-of-court Cases</th>
<th>( \chi^2 )</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Increase in payment</td>
<td>44.5 39.0</td>
<td>-</td>
<td>42.8 45.7</td>
<td>47.3 27.4</td>
<td>0.58</td>
<td>0.45</td>
</tr>
<tr>
<td>Number of months cases active</td>
<td>8.8 7.3</td>
<td>4.4 3.4</td>
<td>12.0 6.8</td>
<td>14.4 8.9</td>
<td>15.76</td>
<td>0.0004*</td>
</tr>
</tbody>
</table>

NOTES: \( \chi^2 \) values from Kruskal-Wallis oneway analysis of variance.
* Significant difference at \( \alpha = 0.05 \).
Hailberg's findings in Pennsylvania that contesting the State's initial offer usually results in higher payment to the landowner.

Responses from the questionnaires gave an overall mean value of approximately 16 months as the amount of time cases were active (variable TIMESET). This value does not agree with the ODOT-supplied figures. The difference may be accounted for by two factors: respondents may have been confused by the question, and recall error (the length of time since the events occurred, more than ten years in many cases, could have distorted respondents' memories).

**Attitudinal statements and questions**

The first nine statements on the questionnaire referred to both various general aspects of eminent domain and land condemnation and specific points related to the landowners affected by I-675. These were included both as a means of determining differences between the two study groups regarding feelings about some factors in decision making and some outcome satisfaction factors, and as a means of determining if some feelings depended on whether respondents settled amicably or through appropriations. Possible responses to the statements ranged from "Strongly Agree" to
"Strongly Disagree" on a scale of 1 to 5. Due to the small number of respondents (25), for 2 X 2 contingency table analyses the responses were collapsed into two categories: "Strongly Agree," "Agree," and "Undecided" termed "Agree;" and "Disagree" and "Strongly Disagree" termed "Disagree." Table 4 summarizes response frequencies for the nine statements and includes results of chi-square contingency tests for group responses. At \( \alpha = 0.05 \) none of the responses were significantly dependent on group. Kruskall-Wallis one-way analyses of variance for responses to these statements yielded only one significant difference between group responses. For the statement "The State paid fair prices for land taken for I-675" a chi-square value of 4.1 (significance level of 0.04) was generated.

Responses to the statement "The highway was not put in a good location for the community" indicated general satisfaction with the route's location. More than half of all respondents (52%) disagreed with the statement, showing I-675's location was perceived as being beneficial to the community (regardless of any disbenefits to the individual landowner).

Regarding the statement "The State made a fair offer for damages to the value of your remaining land" (for those cases where only a portion of a given parcel was
<table>
<thead>
<tr>
<th>Statement</th>
<th>All Respondents</th>
<th>Appropriated Group</th>
<th>Negotiated Group</th>
<th>( \chi^2 )</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% Agree % Disagree</td>
<td>% Agree % Disagree</td>
<td>% Agree % Disagree</td>
<td>( \chi^2 )</td>
<td>Significance</td>
</tr>
<tr>
<td>The State did not supply sufficient information to allow landowners to</td>
<td>56 44</td>
<td>59 41</td>
<td>54 46</td>
<td>0.000</td>
<td>1.000</td>
</tr>
<tr>
<td>make good decisions regarding compensation offers.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The behavior of State personnel affected your decision to accept</td>
<td>48 52</td>
<td>42 58</td>
<td>54 46</td>
<td>0.043</td>
<td>0.835</td>
</tr>
<tr>
<td>the compensation offer or not.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For the community, I-675 was not put in a good location.</td>
<td>48 52</td>
<td>59 41</td>
<td>38 62</td>
<td>0.352</td>
<td>0.553</td>
</tr>
<tr>
<td>The State made a fair offer for damages to the value of your remaining</td>
<td>37 63</td>
<td>58 42</td>
<td>16 84</td>
<td>2.844</td>
<td>0.092</td>
</tr>
<tr>
<td>land.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The government's right to take land for public purposes is necessary.</td>
<td>76 24</td>
<td>75 25</td>
<td>77 23</td>
<td>0.000</td>
<td>1.000</td>
</tr>
<tr>
<td>The State paid fair prices for land taken for I-675.</td>
<td>56 44</td>
<td>33 67</td>
<td>77 23</td>
<td>3.205</td>
<td>0.073</td>
</tr>
</tbody>
</table>
### TABLE 4 - Continued
RESPONSES TO STATEMENTS ABOUT THE LAND CONDEMNATION PROCEEDINGS
WITH A TEST FOR CONTINGENCY BETWEEN GROUP RESPONSES

<table>
<thead>
<tr>
<th>Statement</th>
<th>All Respondents</th>
<th>Appropriated Group</th>
<th>Negotiated Group</th>
<th>$\chi^2$</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% Agree</td>
<td>% Disagree</td>
<td>% Agree</td>
<td>% Disagree</td>
<td>% Agree</td>
</tr>
<tr>
<td>The land condemnation proceedings were not carried out in a fair manner.</td>
<td>54</td>
<td>46</td>
<td>59</td>
<td>41</td>
<td>50</td>
</tr>
<tr>
<td>The final settlement payment for your land was satisfactory.</td>
<td>48</td>
<td>52</td>
<td>25</td>
<td>75</td>
<td>70</td>
</tr>
<tr>
<td>For you, I-675 was not put in a good location.</td>
<td>48</td>
<td>52</td>
<td>59</td>
<td>41</td>
<td>39</td>
</tr>
</tbody>
</table>

**NOTES:** $\chi^2$ values are Yates' corrected chi-square, generated when N > 20 for 2 x 2 contingency tables.

At $\alpha = 0.05$, none of the $\chi^2$ values are significant.
taken), the overall response was negative. Only slightly more than one-third of all respondents agreed that offers for damages were fair. Because the appropriated group challenged offers, it was expected those responses would be more negative; a majority of 84% disagreed with the statement.

A statement regarding the necessity of eminent domain ("The government's right to take land for public purposes is necessary") found two-thirds (68%) of all respondents agreeing. The appropriated group had 67% agree, and the negotiated group similarly responded with 69% agreeing. These results are very close to Hallberg's findings of 70% agreement with a similar statement.Apparently the right to take land is not an issue, but the amount of compensation is. It would be interesting to know what the response distribution to this statement would have been from the general population, and from persons who have never faced eminent domain proceedings personally.

The statement "The land condemnation proceedings were not carried out in a fair manner" had 26% of all respondents agree that the proceedings were not fair. The appropriated group had 59% agreeing or undecided, and the negotiated group had an overall more positive perception of the proceedings, shown by the response of
50% agreeing or undecided. If the amount of compensation is the major concern of landowners, it is not the only factor of importance. The findings indicate that the perceived fairness of how the condemnation proceedings are carried out is separate from the perceived fairness of the compensation offered or received.

Responses to the statement "The final settlement payment for your land was satisfactory" found 44% of all respondents agreeing, 4% undecided, and more than half (52%) disagreeing. This disagreement was most evident in the appropriated group, with fully three-quarters disagreeing and the remainder agreeing. The negotiated group had an almost opposite response distribution, with 62% agreeing, 8% undecided, and 30% disagreeing. The chi-square contingency test giving a corrected chi-square value showed responses being independent of group, but analysis of variance did show a significant difference between the group responses. This statement was the only one yielding a significant difference in any analysis, but the difference was expected to be more obvious. The hypothesis that satisfaction with compensation payments alone is equal for both groups must therefore be rejected.
The final statement in the initial list, "For you, I-675 was not put in a good location," had responses from the appropriated group of 41% agreeing, 8% undecided, and 41% disagreeing. The negotiated group had 39% agreeing and 61% disagreeing (favoring the location, regardless of personal problems it caused). These responses are similar to those for the statement on location regarding the community as a whole. Such similar responses seem indicative of a general feeling by the respondents that because they collectively compose the community, a benefit to the individual is seen as a benefit to the community.

Responses to decision making-related questions

Given a list of persons who may have helped the landowner decide to accept the State's initial compensation offer or not, respondents were asked to indicate which were consulted. "Spouse" was the most common aid, followed by "No one." Responses are shown in Table 5, ranked in order of apparent importance based on total responses, and with results of chi-square tests of independence for responses by group. The only significant value was for the negotiated group, for consulting "spouse."
TABLE 5

PERCENT OF RESPONDENTS CONSULTING OTHER PERSONS IN DECIDING TO ACCEPT OR REJECT THE INITIAL COMPENSATION OFFER

<table>
<thead>
<tr>
<th>Person Consulted</th>
<th>Percent of Respondents Consulting</th>
<th></th>
<th></th>
<th></th>
<th>( \chi^2 )</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All Respondents</td>
<td>Appropriated Group</td>
<td>Negotiated Group</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spouse</td>
<td>33</td>
<td>8</td>
<td>58</td>
<td></td>
<td>5.93*</td>
</tr>
<tr>
<td>No one</td>
<td>29</td>
<td>33</td>
<td>25</td>
<td></td>
<td>0.32</td>
</tr>
<tr>
<td>Attorney</td>
<td>25</td>
<td>33</td>
<td>17</td>
<td></td>
<td>1.11</td>
</tr>
<tr>
<td>Appraiser</td>
<td>25</td>
<td>33</td>
<td>17</td>
<td></td>
<td>1.11</td>
</tr>
<tr>
<td>Neighbor</td>
<td>8</td>
<td>0</td>
<td>17</td>
<td></td>
<td>1.91</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>8</td>
<td>0</td>
<td></td>
<td>1.12</td>
</tr>
</tbody>
</table>

NOTE: This refers only to decision making regarding the first compensation offer, not to any subsequent legal action.

\( \chi^2 \) values are from 2 x 2 contingency table analysis.

* Significant value at \( \chi = 0.05 \).
A related question, presented separately because it refers not to the first decision but to consequent action, asked if a private real estate appraiser was hired to determine the value of the condemned parcel. Forty percent (40%) of all respondents did have their land professionally appraised, but of this number 90% were in the appropriated group. Only one landowner in the negotiated group felt it was necessary to incur the costs of expert help in this area. It is significant that the owners in the negotiated group did not even take the basic step of having a private appraisal done.

Presented with a list of topics related to land condemnation, respondents were asked to indicate which would have contributed to decision making in their respective cases. Information on "The State's appraisal methods" and "Land valuation" received the highest number of checks. Responses are shown in Table 6, ranked in order of apparent importance based on total responses, and with results of chi-square tests of independence for responses by group; no significant values were found.

Public meetings held by State officials were attended by less than one-third of all respondents (six from the appropriated group and one from the negotiated group), all of whom considered the meetings to be of
<table>
<thead>
<tr>
<th>Information on:</th>
<th>Responses Indicating Perceived Potential Usefulness (%)</th>
<th>( \chi^2 )</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All Respondents</td>
<td>Appropriated Group</td>
</tr>
<tr>
<td>The State's appraisal methods</td>
<td>73</td>
<td>89</td>
</tr>
<tr>
<td>Land valuation</td>
<td>64</td>
<td>78</td>
</tr>
<tr>
<td>Landowner rights</td>
<td>55</td>
<td>22</td>
</tr>
<tr>
<td>The highway project</td>
<td>55</td>
<td>56</td>
</tr>
<tr>
<td>The State's obligations</td>
<td>50</td>
<td>33</td>
</tr>
<tr>
<td>Challenging the compensation offer</td>
<td>46</td>
<td>56</td>
</tr>
<tr>
<td>Eminent domain</td>
<td>36</td>
<td>44</td>
</tr>
</tbody>
</table>

**NOTES:** \( \chi^2 \) values from 2 x 2 contingency tables.
At \( \alpha = 0.05 \), none of the \( \chi^2 \) values are significant.
"little use" or "not useful" in deciding how to best handle their cases.

Only four respondents attended at least one public meeting on I-675 held by the private sector, and considered the usefulness to range from "useful" to "not useful." The low attendance rates for both publicly- and privately sponsored meetings could be indicative of inadequate publicity; perceived usefulness of both types of meetings could be indicative of the meetings having covered topics not entirely relevant to landowners' concerns.

Respondents were presented with a list of words describing different human behaviors, and were asked to indicate which described the behavior of the State's land acquisition personnel. The "positive" behavior terms (polite, informative, understanding, knowledgeable) received 35 checks, and the "negative" terms (obstinate, rude, tightlipped) received 12. Of 21 marks from the appropriated group, 62% were "positive." Of 26 marks from the negotiated group, 85% were "positive." Responses are summarized in Table 7, ranked in order of response frequency based on total responses, and with results of chi-square tests of independence for responses by group. Only for the variable descriptor "rude" was a significant value generated. A chi-square
TABLE 7
PERCEPTIONS OF STATE OFFICIALS' BEHAVIOR

<table>
<thead>
<tr>
<th>Behavior Type</th>
<th>All Respondents</th>
<th>Appropriated Group</th>
<th>Negotiated Group</th>
<th>$\chi^2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polite (+)</td>
<td>67</td>
<td>50</td>
<td>83</td>
<td>1.96</td>
</tr>
<tr>
<td>Informative (+)</td>
<td>33</td>
<td>25</td>
<td>42</td>
<td>0.52</td>
</tr>
<tr>
<td>Understanding (+)</td>
<td>29</td>
<td>25</td>
<td>33</td>
<td>0.11</td>
</tr>
<tr>
<td>Tightlipped (-)</td>
<td>25</td>
<td>17</td>
<td>33</td>
<td>0.68</td>
</tr>
<tr>
<td>Rude (-)</td>
<td>17</td>
<td>33</td>
<td>0</td>
<td>5.16*</td>
</tr>
<tr>
<td>Knowledgeable (+)</td>
<td>17</td>
<td>8</td>
<td>25</td>
<td>1.01</td>
</tr>
<tr>
<td>Obstinate (-)</td>
<td>8</td>
<td>17</td>
<td>0</td>
<td>2.27</td>
</tr>
</tbody>
</table>

NOTE: Positive attributes or behaviors are designated (+), and negative attributes or behaviors are designated (-).

$\chi^2$ values are from 2 x 2 contingency tables.

* Significant value at $\alpha = 0.05$. 
test of independence showed no significant difference between the two groups' overall "positive" and "negative" responses. Because the appropriated group was contesting the State's authority and decisions, a greater "negative" response was expected from that group but was not received. This suggests rejection of the hypothesis stating that the appropriated group perceived more negatively the behavior of the State's land acquisition personnel than did the negotiated group. For having often-unpleasant duties to carry out, the land acquisition personnel seem to have presented a positive image.

Of all respondents 36% accepted and settled on the State's first compensation and/or damages offer. Of the remainder, half settled by negotiations at some point during litigation, and half ended with court decisions. One individual identified by ODOT as being in the appropriated group wrote on his questionnaire that his was a negotiated settlement. Of the appropriated group, approximately one-fourth (27%) settled out-of-court and the remaining 73% ended with court decisions. In the negotiated group nearly two-thirds (62%) settled on the first offer and the remaining 38% settled later by negotiations.
Respondents were asked to write in the number of months between the date of the State's first offer and the date of agreement on payment, and the number of months between the date of agreement and the date payment was received. Table 8 summarizes this response data.

Satisfaction questions

Because people often determine satisfaction based on their perception of what others have or get (Michalos 1980, p 389), respondents were asked if they felt their final settlement was worse than, about the same as, or better than what their neighbors received. Of a total of 22 responses, 27% felt they did worse than neighbors did, 64% felt they did about the same as neighbors, and 9% felt they did better. This is close to the 8% reported by Korschning for the Kentucky reservoir study. The appropriated group had 44% "worse than," 44% "about the same as," and 12% "better than," and the negotiated group had responses of 15% "worse than," and 77% and 11% "about the same as" and "better than" respectively. Again, even with increased compensation payments the appropriated group seems to be less satisfied than the negotiated group. Analysis of variance showed no statistically significant difference between the two
<table>
<thead>
<tr>
<th>Time Variable</th>
<th>All Respondents</th>
<th>Appropriated Group</th>
<th>Negotiated Group</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Range</td>
<td>X</td>
<td>SD</td>
</tr>
<tr>
<td>Number of months between dates of compensation offer</td>
<td>6.0-36.0</td>
<td>15.6</td>
<td>10.3</td>
</tr>
<tr>
<td>and agreement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of months between dates of agreement and</td>
<td>1.0-24.0</td>
<td>4.8</td>
<td>5.7</td>
</tr>
<tr>
<td>receipt of payment</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
groups, however. A chi-square contingency table for responses to this question by group yielded a chi-square value significant at 0.058. Response was not dependent on group. Therefore, the hypothesis stating that satisfaction with compensation payments depends in part on how landowners perceive their compensation compares to that of their neighbors is rejected.

To gauge the landowners' feelings about their experience in land condemnation and the changes in those feelings over time, three questions were posed: 1) How did you feel [at the time you reached an agreement] about your land condemnation experience? (variable THENFEEL); 2) How do you feel now about that experience? (variable NOWFEEL); 3) How would you describe the overall, long-term personal effects of that experience? (variable NETEFEEX). Possible responses ranged from "Very Negative" to "Very Positive" on a scale of 0 to 9. Results are summarized in Table 9. For all respondents, the three questions had the same mean response value (rounded) of 4 ("Low Neutral"). A Kruskal-Wallis one-way analysis of variance test (a=0.05) for differences between the appropriated and negotiated groups' responses found no significant difference between the groups. The hypothesis that both groups had equally positive overall reactions to the land condemnation
TABLE 9

RESPONDENTS' FEELINGS ABOUT THE LAND CONDEMNATION PROCEEDINGS, WITH A TEST FOR DIFFERENCES BETWEEN GROUP RESPONSES

<table>
<thead>
<tr>
<th>Question</th>
<th>All Respondents</th>
<th>Appropriated Group</th>
<th>Negotiated Group</th>
<th>( \chi^2 )</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>How did you feel (immediately after reaching an agreement) about your land condemnation experience?</td>
<td>3.8 3.2</td>
<td>4.3 3.7</td>
<td>3.4 2.7</td>
<td>0.1928</td>
<td>0.6606</td>
</tr>
<tr>
<td>How do you feel now about that experience?</td>
<td>4.4 3.5</td>
<td>4.9 3.7</td>
<td>3.9 3.5</td>
<td>0.6365</td>
<td>0.4250</td>
</tr>
<tr>
<td>How would you describe the overall, long-term personal effects of that experience?</td>
<td>4.0 3.5</td>
<td>4.3 3.8</td>
<td>3.8 3.5</td>
<td>0.1290</td>
<td>0.7195</td>
</tr>
</tbody>
</table>

NOTES: \( \chi^2 \) values from Kruskall-Wallis oneway analysis of variance.

At \( \alpha = 0.05 \), none of the \( \chi^2 \) values are significant.
experience must be rejected. While the groups' responses were found to not be significantly different, the responses were not positive but were on the negative side of "neutral".

The finding of no differences is significant in itself, for it implies that compensation amounts do not determine satisfaction. Landowners fighting for and receiving larger payments for their land felt no better (but no worse) about the experience than did those landowners who accepted the first offer or negotiated an amicable agreement. In a capitalist society and economy, it may seem somewhat surprising that more money does not necessarily bring greater satisfaction. This may be evidence of the importance of non-market values in a market-based economy.

Determinations of rank order correlations for these three variables (THENFEEL, NOWFEEL, NETEFEX) with each other and with the number of months each case was active (TIMESET) and the number of months until payment was received (TIMEPAY) found some marginally strong and some very strong correlations. Results are summarized in Table 10. The very strong correlations highlighted in Table 10 are discussed.

Significant correlations for the variables THENFEEL, NOWFEEL, NETEFEX with each other seem reasonable to
## TABLE 10

**CORRELATION OF RESPONSES FOR FACTORS RELATED TO FEELINGS ABOUT THE LAND CONDEMNATION EXPERIENCE**

<table>
<thead>
<tr>
<th>Variables</th>
<th>Timeset</th>
<th>Timepay</th>
<th>Thenfeel</th>
<th>Nowfeel</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All respondents</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thenfeel</td>
<td>-0.3128</td>
<td>0.1699</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nowfeel</td>
<td>-0.2083</td>
<td>0.2180</td>
<td>0.6517</td>
<td></td>
</tr>
<tr>
<td>Netefex</td>
<td>-0.0023</td>
<td>-0.0050</td>
<td>0.7749*</td>
<td>0.8973*</td>
</tr>
<tr>
<td><strong>Appropriated Group</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thenfeel</td>
<td>-0.2627</td>
<td>0.2804</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nowfeel</td>
<td>-0.5975</td>
<td>0.4308</td>
<td>0.8601*</td>
<td></td>
</tr>
<tr>
<td>Netefex</td>
<td>-0.2885</td>
<td>0.2145</td>
<td>0.9856*</td>
<td>0.8047*</td>
</tr>
<tr>
<td><strong>Negotiated Group</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thenfeel</td>
<td>-0.6029</td>
<td>-0.2001</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nowfeel</td>
<td>0.2941</td>
<td>-0.3811</td>
<td>0.4773</td>
<td></td>
</tr>
<tr>
<td>Netefex</td>
<td>0.4030</td>
<td>-0.5289</td>
<td>0.4673</td>
<td>0.9886*</td>
</tr>
</tbody>
</table>

**NOTES:** Correlation coefficients are Spearman's r.

* Substantively important correlation

**Variables:**

- **Thenfeel** - "How did you feel (at the time you reached an agreement) about your land condemnation experience?"
- **Nowfeel** - "How do you feel now about that experience?"
- **Netefex** - "How would you describe the overall, long-term personal effects of that experience?"
- **Timeset** - the number of months between the dates of the first compensation offer and reaching an agreement.
- **Timepay** - the number of months between the dates of reaching an agreement and receiving payment.
expect. If the concept from decision theory that one determines to be satisfied with his decision is valid, one's feelings when an event occurs (measured by THENFEEL) should be close to his feelings later (or in the present, measured by NOWFEEL). Likewise, his overall feelings (measured by NETEFEX) might reasonably be very close to those shown by THENFEEL and NOWFEEL. The results from all respondents show this relationship, as do the results from the appropriated group. The negotiated group had a significant correlation only for NOWFEEL with NETEFEX (present feelings correlates strongly with overall feelings) but not for the other combinations.

Significant correlations involving TIMESSET and TIMEPAY with THENFEEL, NOWFEEL, and NETEFEX were found in both groups, but not in the total responses. A significant negative correlation value was found for NOWFEEL with TIMESSET in the appropriated group; how respondents in that group feel now about their land condemnation experience is inversely related to the amount of time involved in their cases. The negotiated group had two significant negative values, for THENFEEL with TIMESSET and for NETEFEX with TIMEPAY. For this group, respondents' original feelings are inversely related to the length of time involved in the cases, and
the overall effects of the experience are inversely related to the amount of time it took to receive the payments once an agreement was reached. It seems reasonable that a rapid conclusion is favored by all parties, assuming it is a satisfactory conclusion (thus the negative correlation values for time-related variables). Reasons for the lack of negative values for all possible correlations, therefore, is a point for further study.

The same test for correlation between THENFEEL, NOWFEEL, and NETEFEX with respondents' ages and levels of education yielded no statistically significant values. A landowner's feelings about his experience in eminent domain proceedings apparently do not depend on his age or the amount of formal education he has had.

**Appropriated group-specific responses**

This section deals with responses to those statements presented to only those in the appropriated group. Four attitudinal statements referring specifically to appropriations proceedings and litigation yielded the the information from nine respondents summarized in Table 11. Possible responses ranged from "Strongly Agree" to "Strongly Disagree" on a scale of from 1 to 5.
<table>
<thead>
<tr>
<th>Statement</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Considering the time and money you spent to achieve your settlement,</td>
<td></td>
</tr>
<tr>
<td>the court action was worthwhile.</td>
<td>55 0 45</td>
</tr>
<tr>
<td>The compensation payment you received was a fair value for the land taken.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>22 0 78</td>
</tr>
<tr>
<td>A negotiated settlement is preferable to a court verdict.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>55 11 34</td>
</tr>
<tr>
<td>(If applicable) The payment you received for damages to your remaining</td>
<td></td>
</tr>
<tr>
<td>land was a fair amount.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>22 0 78</td>
</tr>
</tbody>
</table>
The responses indicate that nearly half of those receiving larger awards from litigation felt their efforts were not worthwhile; nearly 80% felt the final compensation payment was not a fair value. The fact that more than half the respondents believe a negotiated settlement is preferable to a court verdict is possibly due to dissatisfaction with the outcome of litigation, because few (2 of 9 cases) actually negotiated an out-of-court settlement and could speak from experience. Overall, the responses are more negative than positive in character.

Of the ten respondents subject to appropriations proceedings, nine (90%) hired attorneys to represent them. The remaining individual's situation remained undetermined. Of those nine, five retained a specialist in land condemnation, while three were represented by their family attorney, and one organization utilized the services of its corporate counselor.

Some form of contingency fee was applied in two-thirds of the nine cases, a standard fee in two cases, and some "other" arrangement was made in one case.

The final disposition of the litigation for the nine respondents was court verdicts in seven (78%) of the cases, with the remainder being settled by reaching out-of-court settlements.
CONCLUSION AND COMMENTS

This study had the goal of adding to the body of knowledge regarding to what degree affected landowners are satisfied with the results of eminent domain proceedings instituted against them. Two objectives, developed specifically to provide information desired by the Ohio Farm Bureau Federation, formed the base of the study. The first, to determine if court-awarded payments are larger than the corresponding compensation offers, was found to be true for the cases studied. In all but one of the cases in which landowners rejected the State's offers in favor of going through appropriations proceedings, increased payments were received for the acquired land. But this leads to the major objective of the study, which was to determine if landowners who challenge the government offer in court and receive a larger payment are more satisfied with their final payments than are those landowners who settle by negotiations. The results show this not to be true. For all but one variable, in comparisons of the satisfaction rankings and attitudinal responses, tests showed no significant differences between the two groups. The only significant difference was found in responses to the variable measuring satisfaction with the amount of compensation paid, a difference which was
expected. Both groups had responses which indicate neutrality in overall satisfaction and attitudes toward the various factors of the entire experience.

Some limitations of the study deserve discussion. Land acquisition for the sections of I-675 studied took place from the late 1960s to the late 1970s. The range of time during which the acquisition proceeded and the number of years since it was completed may limit the validity of some of the conclusions. Unpleasant memories tend to fade with time, so some attitudinal factors analyzed may be different now than they were during or immediately following the proceedings. Also, some of the parcels were acquired before passage of the 1970 Uniform Relocation Assistance and Real Property Acquisitions Act which liberalized payments and relocation assistance to owners of lands acquired for federal projects. There could be inherent differences in the payments made for lands acquired before and after enactment of that law; the study does not attempt to control for this factor.

Methodological limitations include the small sample size (n=25), use of three distribution methods for delivering the questionnaire, and depending on individual respondents' determinations of "satisfaction" regarding events which occurred more than 20 years ago.
in some cases.

If this study has helped our understanding of the social effects of eminent domain, several of the factors studied and some of the concerns of the landowners have been made moot by existing or proposed changes in eminent domain law and policy. The 1970 Uniform Relocation Assistance and Real Property Acquisitions Act set standards for land condemnation activities and compensation payments for highway construction. More recently, proposed changes to the Ohio Revised Code would ameliorate several of the problems specifically hinted at by landowners' responses in the study (Table 6). H. B. No. 453, in committee hearings at this writing, would require the preparation of an informational pamphlet written in easily understood language describing the rights and responsibilities of both landowners and the acquiring agency (Sec. 163.021). The legislation would also require the agency to provide a copy of the pamphlet to all affected landowners prior to starting negotiations, and even prior to making entry to property for purposes of preliminary surveys (Sec. 163.03 (B) and Sec. 163.04 (B)(1)). Sec. 163.04 would also require the agency's fair market value appraisal to include a description of the valuation process and the factors included and would allow for the preparation of
Suspected missing p. 67
OVERALL EFFECTS OF
LAND CONDEMNATION
EXPERIENCE

INITIAL
COMPENSATION
OFFER

ACCEPT → High Neutral

REJECT → NEGOTIATIONS

APPROPRIATIONS
PROCEEDINGS

VERDICT → High Neutral

OUT-OF-COURT
SETTLEMENT → High Neutral

Figure 2. Decision Tree for I-675 Landowners, with Perceived Effects of the Land Condemnation Experience.
interference in their lives as completely without
benefit or right, and will behave and feel accordingly.
Others will face such circumstances as they face any
other personally unpleasant part of life, as merely
another responsibility of citizenship that must be
borne, and work toward an amicable conclusion.

What, then, (if anything) determines if one will be
in the appropriated group or the negotiated group? With
a much larger sample and a greater number of personal
information variables, a suitable answer might be
discernible. It seems that the determining factor
definitely is not the amount of money offered as
compensation. Probably it is as much a personal,
individual attribute (one's constitution, as it were) as
it is the circumstances surrounding the proposed taking.

Shakespeare claimed in "The Merchant of Venice" that
"He that is satisfied is well paid." The majority of
people who had their land taken for construction of I-675 were not "paid" in the currency of satisfaction, and
few received great satisfaction even from having been
"well paid."
RECOMMENDATIONS

Policy Recommendations

If one goal of eminent domain is to provide just compensation, the study's conclusions indicate the need for some public policy changes. The following are four recommendations for improving the way land condemnation is carried out in Ohio or elsewhere.

- Enact HB 453. Increased understanding by landowners of the process of eminent domain proceedings is probably useful in their decision-making; the provisions for an informational pamphlet and for more "open" land evaluations are points germane to the findings of this study.

- Presently, major state agencies such as the Ohio Department of Administrative Services and the Ohio Department of Transportation maintain professional, full-time land acquisition staffs and have relatively good policies. Local government entities, infrequently involved in land condemnation, probably do not have staff members well experienced in landowner relations. It would be in the best interest of both landowners and local government entities if technical land acquisition assistance were available from a state agency.
- One owner in the study has paid over $1,100 in taxes since 1974 on a landlocked parcel of land. Policies regarding outright acquisition of non-economic remnant parcels should be standardized, if not liberalized.

- Some mechanism should be implemented to compensate landowners for non-market values of their land. Efforts to make non-market compensation (i.e. planting trees in lieu of merely paying the market value of existing trees) might increase landowner acceptance of land acquisition.

Recommendations for Further Research

The results of this study leave many questions unanswered and prompt new questions. The negative correlation values for time-related variables with satisfaction variables was expected for all possible correlations. The reasons for positive correlation values in some combinations might be interesting to know.

The results show that age and education level were not significant factors in determining whether individual landowners negotiated a settlement or opted to litigate. Knowing what personal attributes might determine one's probable reaction to land condemnation
could be of enormous value to acquiring agencies and to landowners as well.

Non-market values, which are not provided for in determining "fair market value" or in setting "just compensation," need to be accounted for in some way. Research aimed at determining just compensation for non-market amenities of land would be desirable for landowners and could aid acquiring agencies by permitting less time-consuming and costly proceedings.
APPENDIX A

SURVEY QUESTIONNAIRE
I-675 THEN AND NOW:
HOW DO BEAVERCREEK LANDOWNERS FEEL?

A SURVEY OF SELECTED LANDOWNERS WHO
HAD LAND TAKEN FOR CONSTRUCTION OF I-675

INSTRUCTIONS: You previously owned land which was taken for
construction of I-675. If the land taken was
in one person's name, that individual should
fill out the questionnaire. If the land was
in multiple ownership, the person responsible
for paying taxes should fill it out.

School of Natural Resources
210 Kottman Hall
2120 Coffey Road
Columbus, OH 43210-1085
(A)

Listed here are eight statements about your experience in having land taken by the government for Interstate 675. Please read each statement carefully, then circle the response that best describes how you feel about each statement: Strongly Agree (SA), Agree (A), Undecided (U), Disagree (D), Strongly Disagree (SD).

Q1 The State did not supply sufficient information to allow landowners to make good decisions regarding compensation offers. SA A U D SD

Q2 The behavior of State personnel affected your decision to accept the compensation offer or not. SA A U D SD

Q3 For the community, I-675 was not put in a good location. SA A U D SD

Q4 The State made a fair offer for damages to the value of your remaining land. SA A U D SD

Q5 The government's right to take land for public purposes is necessary. SA A U D SD

Q6 The State paid fair prices for land taken for I-675. SA A U D SD

Q7 The land condemnation proceedings were not carried out in a fair manner. SA A U D SD

Q8 The final settlement payment for your land was satisfactory. SA A U D SD

Q9 For you, I-675 was not put in a good location. SA A U D SD

(B)

Q1 How do you believe your final settlement compared with your neighbors' final settlements? (Circle number)
   1 WORSE THAN OTHERS
   2 ABOUT THE SAME AS OTHERS
   3 BETTER THAN OTHERS

Q2 Did you hire a private real estate appraiser to determine the value of your property? (Circle number)
   1 YES
   2 NO
Q3 How much time passed between the date of the State's first offer and the date of agreement on the final settlement? (Fill in) ___ MONTHS

Q4 How much time passed between the date of the final settlement and the date payment was received? (Fill in) ___ MONTHS

Q5 Listed below are several kinds of information. Which would have contributed to your handling of the eminent domain proceedings? (Circle all numbers that apply)

1 INFORMATION ABOUT EMINENT DOMAIN
2 INFORMATION ABOUT LANDOWNER RIGHTS
3 INFORMATION ABOUT THE STATE'S OBLIGATIONS
4 INFORMATION ABOUT THE HIGHWAY PROJECT ITSELF
5 INFORMATION ABOUT LAND VALUATION
6 INFORMATION ABOUT THE STATE'S APPRAISAL METHODS
7 INFORMATION ABOUT CHALLENGING THE COMPENSATION OFFER
8 INFORMATION ABOUT (Write in) ____________________________________

Q6 Did you accept the State's first offer? (Circle number)

1 YES
2 NO

Q6' (If "NO") Did you achieve your final settlement by negotiations or by court action? (Circle number)

1 NEGOTIATIONS
2 COURT ACTION

Q7 Who helped you decide to accept or reject the State's first offer? (Circle all numbers that apply)

1 SPOUSE
2 NEIGHBOR
3 ATTORNEY
4 APPRAISER
5 OTHER (Specify)
6 NO ONE

Q8 Did you attend any public meetings concerning I-675 held by State officials? (Circle number)

1 YES
2 NO

Q8' (If "YES") How useful was the meeting to you in deciding how to reach an optimal settlement? (Circle number)

VERY USEFUL USEFUL NOT USEFUL
1 2 3 4 5
Q9 Did you attend any public meetings concerning I-675 held by private organizations or individuals? (Circle number)
1 YES
2 NO

Q9' (If "YES") How useful was the meeting to you in deciding how to reach an optimal settlement? (Circle number)

1 VERY USEFUL
2 USEFUL
3 NOT USEFUL

Q10 How would you describe the behavior of the State personnel who dealt with you? (Circle all numbers that apply)
1 POLITE
2 OBSTINATE
3 INFORMATIVE
4 UNDERSTANDING
5 RUDE
6 TIGHTLIPPED
7 KNOWLEDGEABLE
8 OTHER (Write in)

(C)

Please think back to the time immediately after your settlement was made final.

Q1 How did you feel then about your land condemnation experience? (Circle number)

1 VERY NEGATIVE
2 SOMEWHAT NEGATIVE
3 NEUTRAL
4 SOMEWHAT POSITIVE
5 VERY POSITIVE

Q2 How do you feel now about that experience? (Circle number)

1 VERY NEGATIVE
2 SOMEWHAT NEGATIVE
3 NEUTRAL
4 SOMEWHAT POSITIVE
5 VERY POSITIVE

Q3 How would you describe the overall, long-term personal effects of that experience? (Circle number)

1 VERY NEGATIVE
2 SOMEWHAT NEGATIVE
3 NEUTRAL
4 SOMEWHAT POSITIVE
5 VERY POSITIVE
Because you and the State were unable to negotiate a mutually acceptable settlement, the State initiated formal land appropriation proceedings against you. The following section refers to your experience with those legal proceedings.

(A)

Listed here are four statements about your court experience in this case. Please circle the response which best describes how you feel about each statement: Strongly Agree (SA), Agree (A), Undecided (U), Disagree (D), Strongly Disagree (SD).

Q1 Considering the time and money you spent to achieve your settlement, the court action was worthwhile. SA A U D SD

Q2 The compensation payment you received was a fair value for the land taken. SA A U D SD

Q3 A negotiated settlement is preferable to a court verdict. SA A U D SD

Q4 (If applicable) The payment you received for damages to your remaining land was a fair amount. SA A U D SD

(B)

Q1 Did you hire an attorney? (Circle number)
1 YES
2 NO

Q1' (If "YES") Was the attorney (Circle all numbers that apply)
1 YOUR FAMILY ATTORNEY
2 A SPECIALIST IN LAND CONDEMNATION
3 OTHER (Specify) ________________________________

Q1'' (If "YES" on Q1) What fee arrangements did you make with the attorney? (Circle number)
1 STANDARD FEE
2 STANDARD FEE PLUS PERCENTAGE OF AWARD
3 STANDARD FEE PLUS PERCENTAGE OF INCREASE IN PAYMENT
4 PERCENTAGE OF AWARD
5 PERCENTAGE OF INCREASE IN PAYMENT
6 OTHER (Specify) ________________________________

Q2 Was your case made final by a court verdict or by negotiated settlement before the trial ended? (Circle number)
1 VERDICT
2 SETTLEMENT

Q3 Why did you decide to take your case to court? (Please answer in your own words).
The following questions are about you since your land was taken for I-675.

Q1  What is your present age? ______ YEARS

Q2  How many years of formal education have you had? ______ YEARS

Q3  Are you presently (Circle number)
   1 EMPLOYED FULL-TIME
   2 EMPLOYED PART-TIME
   3 UNEMPLOYED
   4 RETIRED
   5 FULL-TIME HOMEMAKER

Q4  When your land was taken for I-675, were you (Circle number)
   1 EMPLOYED FULL-TIME
   2 EMPLOYED PART-TIME
   3 UNEMPLOYED
   4 RETIRED
   5 FULL-TIME HOMEMAKER

Q5  Have you moved since your land was taken for I-675? (Circle number)
   1 YES
   2 NO

Q5' (If "YES") Why did you move? (Circle number)
   1 HOME WAS TAKEN FOR HIGHWAY
   2 DID NOT WANT TO LIVE SO CLOSE TO THE HIGHWAY
   3 TO BE CLOSER TO WORK
   4 OTHER (Specify) _____________________________

What would you say if you had the opportunity to tell legislators or policy makers how landowners feel about the way they are treated by government personnel when their land is acquired for public purposes?

If you would like to make any other comments about your experience with eminent domain proceedings for I-675, please feel free to include them here.

*** THANK YOU VERY MUCH FOR SHARING THIS INFORMATION!! ***

If you would like a summary of the results, write "Copy of results requested" along with your name and address on the back of the return envelope. You will receive a copy as soon as possible.
APPENDIX B

COVER LETTER FOR QUESTIONNAIRE
August 13, 1985

Dear Friend:

I am helping to conduct a study of how people feel about their experience in having had land taken by the government for highway construction. This research will provide data for my master's thesis, and the results will be available to interested organizations and government agencies.

Some years ago, the Ohio Department of Transportation took part of your land to build Interstate 675. Having experienced land condemnation firsthand, your views are important for helping affect policies to improve the equitability of payments to landowners who may face similar situations in the future. The enclosed, short questionnaire will provide useful information from people, including yourself, who have been involved in eminent domain proceedings for I-675. In order for the results to be representative of all landowners who had land taken for I-675, it is very important that each questionnaire be completed and returned.

Your responses will be held in complete confidentiality. The return envelope has an identification number for mailing purposes only, so we can check your name off the mailing list when the questionnaire is returned. Your name will never be placed on the questionnaire, nor will any individual responses be made available. Please do not sign the questionnaire.

If you have any questions, please write or call collect. My telephone number is (614) 299-4780.

I truly appreciate your assistance, and thank you for your time.

Sincerely,

Daniel R. Halterman
Graduate Student Researcher,
Land and Water Resources Policy and Planning
APPENDIX C

LEGAL CITATIONS FOR COURT CASES
CASE NOTES

Cooper v. Williams, 4 O 253 (1831).


Wilder v. Commissioner of Hamilton County, 41, OS 601 (1885).
BIBLIOGRAPHY


October, 1982.


Corcoran, Charles, Administrator of Acquisitions, Ohio Department of Transportation. Personal communication, April 15, April 24, May 13, and May 24, 1985.


Hallberg, M. C. and Flinchbaugh, B. L. 1968. Analysis


Nogawick, Jim, Administrator, Real Estate Office, Ohio Department of Natural Resources. Personal communication, June 7, 1985.


Penrod, John, Director of Land Operations, Bureau of Real Estate, Ohio Department of Administrative Services. Personal communication, June 11, 1985.


Sackman, Julius L. 1981. The bread and butter of eminent domain. Institute on Planning, Zoning, and
Eminent Domain 1981:181-211.


Szilagi, Dick, Assistant Attorney General for Transportation, Ohio Department of Transportation. Personal communication, April 19, 1985.

