



Ohio Revised Code

Section 5709.481 Voluntary assessments.

Effective: October 3, 2023

Legislation: House Bill 33

(A) The governing board of a regional transportation improvement project may negotiate and enter into a voluntary agreement with the owner or owners of any parcel located in a transportation financing district created by the board whereby the owner or owners agree to subject the parcel to an assessment levied by the governing board and the governing board agrees to use the proceeds of that assessment for the purposes described in division (A) of section 5595.06 of the Revised Code.

(B) The agreement shall specify the amount and duration of the assessment. The assessment may not be collected after the dissolution of the associated regional transportation improvement project under section 5595.13 of the Revised Code.

(C) The governing board shall annually compute the amount of each assessment imposed by an agreement under this section and certify the amount to the owner or owners of the parcel and to the county auditor of the county in which the parcel is located. The county auditor shall enter the assessment on the tax list of real property opposite against which it is charged, and certify the assessment to the county treasurer. The assessment shall be charged and collected in the same manner as real property taxes and shall be treated in the same manner as real property taxes for all purposes of the lien described in section 323.11 of the Revised Code, including the priority and enforcement of the lien. Money collected from the assessment shall be paid immediately to the governing board. The county treasurer shall maintain a record of all payments of assessments under this section.

(D) The governing board may negotiate and enter into as many agreements under this section as are necessary or useful in serving the principal purposes and goals described in the resolution creating the district. One agreement may impose an assessment on more than one parcel only if the owner or owners of all such parcels have approved the agreement.

(E) An agreement may be amended for the purposes of subjecting additional parcels to the assessment by resolution adopted by the governing board and approved by the owner or owners of



the additional parcels. An agreement may be rescinded or may be amended for any purpose other than subjecting additional parcels to the assessment by resolution adopted by the governing board and approved by the owner or owners of every parcel that is subject to the assessment imposed under the agreement.

(F) An agreement under this section is hereby deemed to be a covenant running with each parcel of land that is subject to the agreement. The covenant is fully binding on behalf of and enforceable by the governing board against any person who subsequently acquires an interest in the land and all of that person's successors and assigns. No purchase agreement for real estate or any interest in real estate that is subject to such an agreement shall be enforceable by the seller or binding upon the purchaser unless the purchase agreement specifically refers to the agreement. If a conveyance of such real estate or interest in such real estate is made pursuant to a purchase agreement that does not make such a reference, the agreement shall continue to be a covenant running with the land fully binding on behalf of and enforceable by the governing board against the person accepting the conveyance pursuant to the purchase agreement.