



Ohio Revised Code

Section 188.05 Servient estate damage award limitations.

Effective: May 17, 2021

Legislation: House Bill 2 - 134th General Assembly

(A) If the owner of the servient estate of an easement described in section 188.02 of the Revised Code brings an action regarding the use, apportionment, or sublease of the easement for broadband service, the court may award damages to the owner equal to not more than the difference between the following:

- (1) The fair market value of the owner's interest in the property of the estate immediately before the provision of broadband service;
- (2) The fair market value of the owner's interest in the property of the estate immediately after the provision of broadband service.

(B) Any damages awarded under division (A) of this section shall be a fixed amount that shall not continue, accumulate, or accrue.

(C) The values described in division (A) of this section shall be established by the testimony of a qualified real estate appraiser.
