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Colt's Neck Homeowners Association v. Franklin County, Ohio Board of Commissioners

Supreme Court of Ohio - July 22, 2026 - N.E.3d - 2026 WL 2103717 - 2026-Ohio-2751

Homeowners association appealed from the order of the joint board of commissioners from two counties issued after the statutorily required first hearing on a proposed joint-county ditch improvement, which directed the engineer for one county to prepare reports, plans, and schedules needed for the proposed ditch improvement.

The Court of Common Pleas granted the defendants' motions to dismiss, and homeowners association appealed. The Tenth District Court of Appeals reversed and remanded. Defendants appealed, and the Tenth District Court of Appeals certified that a conflict existed between its judgment and that of the Fifth District Court of Appeals in a separately filed case, in which the homeowners association had challenged the same order of the joint board of county commissioners.

The Supreme Court held that:

- Any error regarding jurisdictional-priority rule, based on association having first filed separate appeal challenging joint board's order in Licking County Court of Common Pleas, was forfeited;
- An affected landowner may file appeal from order of joint board of county commissioners in any of the counties in which proposed joint-county ditch improvement will occur;
- Upon association's filing of its appeal of the joint board of county commissioners' order, a panel of judges consisting of one judge of court of common pleas from each of the counties had to be convened;
- Any affected landowner may appeal order issued by joint board of county commissioners to a court of common pleas, including order directing county engineer to prepare reports, plans, and schedules needed for proposed joint-county ditch improvement;
- Association was an affected landowner with standing and statutory authority to appeal joint board of county commissioners' order; and
- Landowner whose procedural rights have allegedly been violated at first hearing on proposed joint-county ditch improvement is an affected landowner with standing to appeal the order resulting from that hearing.