

Bond Case Briefs

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Burke County v. Askin

Supreme Court of Georgia - March 4, 2014 - S.E.2d - 2014 WL 818937

Landowner sought writ of mandamus to compel county to repair and maintain five roads abutting his property in subdivision. The Superior Court granted writ as to three roads. County appealed, and landowner cross-appealed. The Supreme Court of Georgia vacated and remanded. On remand, the Superior Court again issued a writ of mandamus granting the relief requested, and county appealed.

The Supreme Court of Georgia held that:

- County was precluded from relitigating the issue of whether the Superior Court erred in granting landowner mandamus relief by compelling county to construct and maintain a previously unopened segment of roadway on the basis that mandamus relief is limited to requests regarding existing public roads;
- Superior Court's grant of mandamus relief to landowner did not constitute a manifest abuse of discretion, and
- County's refusal to complete unfinished segment of subdivision road was arbitrary, capricious, unreasonable and a gross abuse of discretion.