

Bond Case Briefs

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DEDICATION - GEORGIA

Unified Government of Athens-Clarke Co. v. Stiles Apartments, Inc.

Supreme Court of Georgia - October 6, 2014 - S.E.2d - 2014 WL 4958235

Apartment owner brought suit against city to assert ownership over parking lot that was built by agreement partly on apartment owner's property and partly on city's property, and city counterclaimed for declaratory judgment, ejectment, and breach of contract. The Superior Court granted apartment owner's request for interlocutory injunction prohibiting city from asserting ownership or control over parking lot. City appealed. The Supreme Court affirmed. The Superior Court then determined the agreement under which parking lot was built was not intended to create or reserve public property rights in land owned by apartment owner. City appealed.

The Supreme Court of Georgia held that:

- 1954 agreement between city and apartment owner did not give to the general public unfettered access to the parking area;
- 1954 agreement did not constitute an unlawful dedication of public property to a purely private interest;
- 1954 agreement it was not subject to the statutory prohibition against binding successor councils;
- Apartment owner was not barred by laches or the statute of limitations when bringing its action in equity against city to establish rights in parking lot; and
- Apartment owner did not waive its right of control over the parking area.