

Bond Case Briefs

Municipal Finance Law Since 1971

BRIDGES - OHIO

Independence v. Office of the Cuyahoga Ct. Executive

Supreme Court of Ohio - October 23, 2014 - N.E.3d - 2014 -Ohio- 4650

City appealed county's decision that bridge was not one of general and public utility, such that county was not responsible for bridge maintenance and repairs. The Court of Common Pleas reversed. County appealed. The Court of Appeals affirmed. County sought discretionary review.

The Supreme Court of Ohio held that:

- Doctrine of judicial estoppel did not bar city from arguing that road on which bridge was located was road of general and public utility, and
- Reliable, probative, and substantial evidence supported conclusion of Court of Common Pleas that road that connected village and city was one of general and public utility.

Reliable, probative, and substantial evidence supported conclusion of Court of Common Pleas in city's administrative appeal that road that connected village and city was one of general and public utility, and thus county was responsible for maintaining and repairing bridge that was located on road. Evidence indicated that road and bridge provided access to national park and only motor-vehicle access to railroad station, and bridge provided only means for accessing portion of road in city, two streets to which road connected in city, and businesses and facilities located off those streets.