

Bond Case Briefs

Municipal Finance Law Since 1971

ANNEXATION - OHIO

State ex rel. Cornell v. Greene Cty. Bd. Commrs.

Court of Appeals of Ohio, Second District, Greene County - December 19, 2014 - Slip Copy - 2014 -Ohio- 5584

A petition for mandamus was filed by landowner requesting that the court order the Greene County Board of County Commissioners to review and grant landowner's petitions to annex property located in Beavercreek Township into the City of Beavercreek.

The Court of Appeals held that:

- Rather than exercise discretion, County Commissioners are required to approve annexation if a petition complies with the technical statutory requirements;
- Landowner's filing of a second, corrected, annexation petition triggered the Commissioners' clear legal duty to act on the petition within the statutory timeframe;
- The Commissioners had a clear legal duty to grant the petition, and landowner had a clear legal right to have it granted;
- As landowner was entitled to have the petition granted, and there was available no adequate remedy at law, the petition for writ of mandamus was granted.