

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **TAX - OHIO**

### **Cincinnati v. Testa**

**Supreme Court of Ohio - May 14, 2015 - N.E.3d - 2015 -Ohio- 1775**

City appealed decision of state tax commissioner, revoking real estate tax exemption for golf courses owned by city and operated by private entity. The Board of Tax Appeals (BTA) reversed the commissioner's decision. Commissioner appealed.

The Supreme Court of Ohio held that golf courses owned by city and operated by private entity were used exclusively for a public purpose, as required for the courses to be qualify for public property real estate tax exemption.

City exercised extensive control over the courses, courses were used to make golfing available to the general public, sales of food, beverages, management fee paid to private operator was a flat fee unconnected with financial performance of the courses, merchandise from which private operator derived revenue were incidental to courses' public purpose, and management agreement did not grant private operator with exclusive right to possession of the courses, and city personnel were on the courses on a daily basis.