

Bond Case Briefs

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EMINENT DOMAIN - OHIO

State ex rel. Dynamic Industries, Inc. v. Cincinnati

Supreme Court of Ohio - November 10, 2016 - N.E.3d - 2016 WL 6646213 - 2016 -Ohio-7663

Property owner filed petition for writ of mandamus seeking to compel city, manager of city's department of planning and buildings, and head of department's historic conservation office to issue demolition permit.

The Court of Appeals dismissed petition. Property owner appealed.

The Supreme Court of Ohio held that:

- Court of Appeals lacked jurisdiction over claims for injunctive, declaratory, and monetary relief, and
- Property owner failed to exhaust administrative remedies.

Court of Appeals lacked jurisdiction over property owner's claims for injunctive, declaratory, and monetary relief stemming from city and city employees preventing property owner from demolishing building on owner's property.

Property owner failed to exhaust administrative remedies, and therefore constitutional takings claim against city and city employees stemming from city and employees preventing owner from demolishing building on owner's property was precluded, where property owner had not applied for a certificate of appropriateness.