

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - OHIO

Am. Metal Works, L.L.C. v. Waverly

Court of Appeals of Ohio, Fourth District, Pike County - January 6, 2017 - N.E.3d - 2017 WL 168858 - 2017 -Ohio- 135

Property owner brought action against village seeking to require village to establish a street, to declare that property owner had access as a member of the general public over the street, or to require the village to compensate it for its denial of access to the street.

The Court of Common Pleas granted summary judgment in favor of village. Property owner appealed.

The Court of Appeals held that:

- Trial court lacked statutory authority to establish municipal street outside of municipal corporation limits;
- Federal regulations did not prohibit use of community development block grant (CDBG) funds for assistance to for-profit business; and
- Village's actions did not result in common law dedication of private access road for public use.

Court lacked statutory authority to establish municipal street outside municipal corporation limits. Applicable statute allowed court to order the establishment or vacation of a street or alley in the immediate vicinity of a person owning a lot in the municipal corporation if it would be conducive to the general interests of the municipality.

Federal regulations did not prohibit recipient of community development block grant (CDBG) funds from providing assistance to for-profit businesses, and therefore use of funds for purchase of property that included private access road did not render private road a public highway.

Village's approval of lot split did not result in common law dedication of private access road to the public, where there was no expressed intention by the village to dedicate the private access road for public use, no actual offer on the part of the village to make that dedication, and no acceptance of the offer on behalf of the public.