

Bond Case Briefs

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ANNEXATION - OHIO

State ex rel. National Lime and Stone Company v. Marion County Board of Commissioners

Supreme Court of Ohio - October 31, 2017 - N.E.3d - 2017 WL 4990584 - 2017 -Ohio- 8348

Mining company filed a petition for writ of mandamus, seeking to compel county board of commissioners to approve its petition which sought to annex company's real property to city.

The Court of Appeals dismissed the petition. Company appealed.

The Supreme Court of Ohio held that:

- Railroad fell within the exception to statutory definition of "owner," and therefore, was not a required signatory to the municipal annexation petition; and
- Mandamus was appropriate to compel county commissioners to approve petition for municipal annexation.

Railroad, which owned land within territory that landowner sought annexation of, fell within exception to statutory definition of "owner," and therefore, was not a required signatory to the municipal annexation petition. Deeds under which railroad claimed interest granted a fee simple interest in the land, and thus railroad's property interest in the territory proposed for annexation was a railroad right-of-way held in fee, a statutory exemption.

Mandamus was appropriate to compel county commissioners to approve landowner's petition for municipal annexation. Landowner had satisfied all conditions for annexation, and statute expressly provided that mandamus was the appropriate remedy to compel commissioners to perform their duties in such annexation proceedings.