

Bond Case Briefs

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Croft v. Morgan County

Supreme Court of Utah - August 12, 2021 - P.3d - 2021 WL 3557629 - 2021 UT 46

Residents brought action to challenge county's rejection of their application to submit an ordinance approving the development of a ski resort community to a referendum.

The Second District Court dismissed the challenge for lack of jurisdiction, and residents appealed.

The Supreme Court held that, as a matter of first impression, residents could not have obtained an extraordinary writ in the Supreme Court, and thus were not required to file a petition for extraordinary writ and properly filed their challenge in the district court.

Residents who sought to challenge county's rejection of their application to submit an ordinance approving the development of a ski resort community to a referendum could not have obtained an extraordinary writ in the Supreme Court, and thus were not required to file a petition for extraordinary writ and properly filed their challenge in the district court, where construction of the ski resort was not imminent, referendum did not need to be immediately placed on the ballot to avoid the ski resort's construction, referendum application was not tied to any specific election or other deadline, and, while 18 months had passed since the referendum application was rejected, their alleged injury could still be redressed through a referendum.