

Bond Case Briefs

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EMINENT DOMAIN - OHIO

State ex rel. US Bank Trust, National Association v. Cuyahoga County

Supreme Court of Ohio - April 4, 2023 - N.E.3d - 2023 WL 2762497 - 2023-Ohio-1063

Relator sought mandamus relief compelling counties to begin appropriation proceedings regarding properties foreclosed upon through expedited tax foreclosure proceedings for abandoned land.

The Eighth District Court of Appeals, the Sixth District Court of Appeals, and the Ninth District Court of Appeals dismissed. Relator appealed.

The Supreme Court held that:

- Relator had standing with respect to one property as owner of mortgage at time of foreclosure;
- Relator lacked standing with respect to another property as non-owner of mortgage at time of foreclosure; and
- Relator had adequate remedy in ordinary course of law, precluding mandamus relief.

Relator had standing to seek mandamus relief compelling county to begin appropriation proceedings regarding property that was foreclosed upon through expedited tax foreclosure proceeding for abandoned land, even though the mortgage assignment to relator was recorded almost a month after adjudication of foreclosure, where mortgage assignment was executed a month before adjudication.

Relator lacked standing to seek mandamus relief compelling county to begin appropriation proceedings regarding property that was foreclosed upon through expedited tax foreclosure proceeding for abandoned land, where relator did not own mortgage on the property at time of alleged taking, and relator made no showing that takings claim was assigned to it when it acquired the mortgage.

Relator had adequate remedy in ordinary course of law regarding two properties foreclosed upon through expedited tax foreclosure proceeding for abandoned land, and thus relator was not entitled to mandamus relief compelling county to begin appropriation proceedings; relator could have redeemed properties by paying what was due on tax liens, relator could have sought transfers of foreclosure actions from boards of revision to common pleas courts, and relator could have appealed boards' adjudications of foreclosure to common pleas courts.