

Bond Case Briefs

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EMINENT DOMAIN - OHIO

State ex rel. Duncan v. Mentor

Supreme Court of Ohio - September 7, 2023 - N.E.3d - 2023 WL 5760701 - 2023-Ohio-3115

Property owner sought a writ of mandamus to compel city to commence appropriation proceedings for an alleged taking of his property.

The Eleventh District Court of Appeals granted city's motion to dismiss, and property owner appealed.

The Supreme Court held that property owner was not entitled to mandamus relief compelling city to commence appropriation proceedings for an alleged taking of his property.

Property owner was not entitled to mandamus relief compelling city to commence appropriation proceedings for an alleged taking of his property, where owner had an adequate remedy in the ordinary course of law as he could have appealed the zoning board's decision denying him a permit to place a houseboat on his property, which constituted the alleged taking of owner's property, and if the court of common pleas had reversed the denial of the permit, no taking would have occurred.