

Bond Case Briefs

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400 Edgewood, LLC v. City of Atlanta

Court of Appeals of Georgia - September 20, 2023 - S.E.2d - 2023 WL 6138228

City filed complaint in rem against owner of gas station and convenience store property, at or near which numerous criminal incidents occurred, seeking to abate alleged public nuisance at property.

The Municipal Court determined evidence supported finding that operation of business at property was nuisance and ordered owner to install additional security cameras, hire competent security, and reduce hours of operation for one year, and the Superior Court affirmed. Owner moved for discretionary appeal, which was granted.

The Court of Appeals held that Municipal Court exceeded its authority by ordering injunctive relief.

Municipal Court, which required owner of convenience store and gas station property, at or near which multiple criminal incidents occurred, to install additional security cameras, hire “competent” security, and reduce hours of operation for one year following determination that evidence supported finding that operation of business at property was nuisance, ordered injunctive relief, and thus exceeded its authority, in action brought by city against owner; court imposed affirmative duty on owner to both perform, by enhancing security measures, and refrain from performing, by limiting business’ hours of operation, specific acts.