

SUPREME COURT OF MISSISSIPPI

A & F Properties, LLC v. Madison County Board of Supervisors,
Lake Caroline, Inc. and Lake Caroline Owners Association

933 So. 2d 296 (Miss. 2006) · No. No. 2004-CC-02302-SCT · Decided June 29, 2006

SUMMARY

The Mississippi Supreme Court affirmed the circuit court's judgment upholding the Madison County Board of Supervisors' denial of A & F Properties' request to convert a golf course into a residential subdivision. The court held that the request was premature because the parties' contract required the property to remain a golf course through December 31, 2006, and because an earlier unappealed Board ruling barred reconsideration. The court concluded that the matter was not yet ripe for adjudication and that it could not issue an advisory opinion.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Randolph, Justice; Smith, C.J.; Waller, P.J.; Cobb, P.J.; Easley, J.; Carlson, J.; Graves, J.; Randolph, J.; Dickinson, J.
JURISDICTION	Mississippi
DECIDED	June 29, 2006
DOCKET	No. 2004-CC-02302-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Madison County Circuit Court's affirmance of the Madison County Board of Supervisors' denial of A & F Properties, LLC's request to amend the Lake Caroline Master Plan to permit conversion of a golf course into a residential subdivision.
STANDARD OF REVIEW	Administrative agency decisions are reviewed under the substantial-evidence, arbitrary-or-capricious, scope-of-authority, and constitutional-or-statutory-rights standards. Questions of law, including contract construction, are reviewed de novo.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	A & F Properties, LLC v. Madison County Board of Supervisors, Lake Caroline, Inc., Lake Caroline Owners Association

TOPICS

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QUESTIONS PRESENTED

1. Whether AFP's request to amend the Lake Caroline Master Plan and approve residential development was premature under the parties' contract.
2. Whether AFP's renewed request was barred by the Board's unappealed prior ruling under administrative res judicata or collateral estoppel.
3. Whether the circuit court properly affirmed the Board's denial of AFP's request.

HOLDINGS

1. The request was premature because the contract unambiguously required AFP to maintain the property as a golf course until December 31, 2006, unless it sold the property to another party that would maintain it as a golf course.
2. The Board's initial ruling that AFP's request was premature was binding after AFP failed to appeal it, and administrative res judicata or collateral estoppel barred AFP from submitting the same substantive request again before the contractual expiration date.
3. The court lacked power to issue an advisory opinion concerning a request that would not ripen until after December 31, 2006.

KEY QUOTATIONS

“Here, the plain, unambiguous language of the LCI-AFP Contract mandates that the property be maintained as a golf course until December 31, 2006.” (933 So. 2d at 301)

“In denying AFP's request, the Board erroneously ignored its binding initial ruling of prematurity.” (933 So. 2d at 302)

“Until that time, when this action ripens, this Court has no power to issue an advisory opinion.” (933 So. 2d at 302)

FACTUAL BACKGROUND

Lake Caroline, Inc. conveyed 154 acres in the Lake Caroline Planned Unit Development to A & F Properties, LLC, which agreed to develop and maintain an eighteen-hole golf course on the property through December 31, 2006. The contract also restricted competing golf-course operations and provided a right of first refusal if AFP sold the golf course during the first seven years. After developing the property as a golf course, AFP sought to convert it into a residential subdivision, but the Madison County Board of Supervisors denied the request after a public hearing. AFP later submitted a substantially similar request to a newly constituted Board without appealing the first denial.

PROCEDURAL HISTORY

The Board denied AFP's initial request in December 2003, tabling the matter until after November 2006. AFP did not appeal that ruling and instead submitted a substantially similar request to a newly constituted Board in March 2004. The Board denied the renewed request, and the Madison County Circuit Court affirmed. The Mississippi Supreme Court affirmed, holding that the request was premature under the contract and barred by the Board's unappealed initial ruling.

DISPOSITION

affirmed

CASES CITED

- Ladner v. Harrison County Board of Supervisors, 793 So. 2d 637, 638 (Miss. 2001)
- Barnes v. Board of Supervisors, DeSoto County, 553 So. 2d 508, 511 (Miss. 1989)
- Board of Law Enforcement Officers Standards & Training v. Butler, 672 So. 2d 1196, 1199 (Miss. 1996)
- Harrah's Vicksburg Corp. v. Pennebaker, 812 So. 2d 163, 170 (Miss. 2001)
- Ferrara v. Walters, 919 So. 2d 876, 881-82 (Miss. 2005)
- Warwick v. Gautier Utility District, 738 So. 2d 212, 215 (Miss. 1999)
- Mississippi State Highway Commission v. Patterson Enterprises, Ltd., 627 So. 2d 261, 263 (Miss. 1993)
- Biddix v. McConnell, 911 So. 2d 468, 471 (Miss. 2005)
- G.B. 'Boots' Smith Corp. v. Cobb, 860 So. 2d 774, 776-77 (Miss. 2003)
- Rotenberry v. Hooker, 864 So. 2d 266, 269 (Miss. 2003)
- Royer Homes of Mississippi, Inc. v. Chandeleur Homes, Inc., 857 So. 2d 748, 752-53 (Miss. 2003)
- Simmons v. Bank of Mississippi, 593 So. 2d 40, 42-43 (Miss. 1992)
- Pursue Energy Corp. v. Perkins, 558 So. 2d 349, 352 (Miss. 1990)
- Mississippi Farm Bureau Mutual Insurance Co. v. Walters, 908 So. 2d 765, 769 (Miss. 2005)
- State Automobile Mutual Insurance Co. v. Glover, 253 Miss. 477, 176 So. 2d 256, 258 (1965)
- Smith v. University of Mississippi, 797 So. 2d 956, 963 (Miss. 2001)
- Zimmerman v. Three Rivers Planning & Development District, 747 So. 2d 853, 861 (Miss. Ct. App. 1999)
- Hood v. Mississippi Department of Wildlife Conservation, 571 So. 2d 263, 268 (Miss. 1990)
- In re Summers, 325 U.S. 561, 567, 65 S. Ct. 1307, 89 L. Ed. 1795 (1945)
- Furstein v. Hill, 218 Conn. 610, 627, 590 A.2d 939 (1991)
- Allred v. Webb, 641 So. 2d 1218, 1220 (Miss. 1994)
- Insured Savings & Loan Association v. State, 242 Miss. 547, 554, 135 So. 2d 703, 706 (1961)

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