

SUPREME COURT OF OHIO

State ex rel. Village of Chagrin Falls v. Geauga County Board of Commissioners

96 Ohio St. 3d 400 (Ohio 2002) · Decided October 2, 2002

SUMMARY

The Ohio Supreme Court held that the village had a plain and adequate remedy through an R.C. Chapter 2506 administrative appeal from the county commissioners’ denial of its annexation petition. The court concluded that the common pleas court could remand the matter for further proceedings and could consider additional evidence under the applicable statute. The court also held that the village waived constitutional claims not raised below and had not established judicial bias in the record.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Douglas, J.; Resnick, J.; F.E. Sweeney, J.; Pfeifer, J.; Cook, J.; Lundberg Stratton, J.
JURISDICTION	Ohio
DECIDED	October 2, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	The village appealed as of right from the dismissal of its mandamus action by the Court of Appeals for Geauga County.
STANDARD OF REVIEW	Whether the village had a plain and adequate remedy in the ordinary course of law sufficient to preclude mandamus; review of the court of appeals' dismissal of the mandamus action.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; precedential.
PARTIES	Village of Chagrin Falls v. Geauga County Board of Commissioners

TOPICS

- municipal law
- judicial review of agency action
- administrative law
- appellate procedure
- remedies

PRACTICE AREAS

- municipal law
- administrative law
- civil procedure
- extraordinary writs

QUESTIONS PRESENTED

1. Whether the village's R.C. Chapter 2506 administrative appeal was a plain and adequate remedy that precluded extraordinary relief in mandamus.
2. Whether a common pleas court hearing an R.C. Chapter 2506 appeal may remand an administrative decision for further proceedings, including a new hearing.
3. Whether the common pleas court may consider additional evidence under R.C. 2506.03.
4. Whether the village preserved constitutional claims concerning its annexation rights and the alleged suspension of former R.C. 709.031(A).
5. Whether the village established a basis for disqualification or bias of the court of appeals judge.

HOLDINGS

1. The village had a plain and adequate remedy in the ordinary course of law through its pending R.C. Chapter 2506 administrative appeal, so mandamus was unavailable.
2. A common pleas court hearing an R.C. Chapter 2506 administrative appeal may reverse an administrative decision and remand the matter to the administrative body for further proceedings, including a new hearing.
3. The common pleas court may consider additional evidence when one of the circumstances specified in R.C. 2506.03(A)(1) through (5) applies.
4. The village waived its constitutional claims by failing to raise them in the court of appeals, although it could raise those claims in its administrative appeal.
5. The Supreme Court of Ohio would not decide the bias claim because the record contained no evidence supporting it, and a judge is not automatically disqualified merely because the judge previously sponsored or voted on legislation later reviewed in a judicial capacity.

KEY QUOTATIONS

“In order for an alternative remedy to constitute an adequate remedy at law, it must be complete, beneficial, and speedy.” (401)

“Under Superior Metal and the foregoing appellate cases, common pleas courts are authorized under R.C. 2506.04 to reverse an administrative decision and remand the cause to the administrative body to conduct further proceedings on the matter.” (402-403)

“Therefore, the village has an adequate remedy by way of its R.C. Chapter 2506 appeal from the board’s denial of its second annexation petition to raise its claims.” (403)

FACTUAL BACKGROUND

The Village of Chagrin Falls sought to annex 182.264 acres from Bainbridge Township. After the board denied the village’s first petition following a hearing, the village filed a second petition concerning the same property. The board denied the second petition on res judicata grounds without conducting a hearing, and the village pursued both a mandamus action and an administrative appeal.

PROCEDURAL HISTORY

The village filed an annexation petition in 1998, which the Geauga County Board of Commissioners denied after a hearing. In 2001, the village filed a second petition concerning the same property; the board denied it on res judicata grounds without conducting another hearing. The village sought a writ of mandamus to compel a hearing, but the court of appeals dismissed the action sua sponte because the village had an adequate remedy through an R.C. Chapter 2506 administrative appeal. The Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Gaydosh v. Twinsburg, 93 Ohio St. 3d 576, 578, 757 N.E.2d 357 (2001)
- State ex rel. Natl. Elec. Contrs. Assn., Ohio Conference v. Ohio Bur. of Emp. Serv., 83 Ohio St. 3d 179, 183, 699 N.E.2d 64 (1998)
- Superior Metal Products, Inc. v. Ohio Bur. of Emp. Serv., 41 Ohio St. 2d 143, 146, 70 O.O.2d 263, 324 N.E.2d 179 (1975)
- Neary v. Moraine Bd. of Zoning Appeals, 2d Dist. No. 17428, 1999 WL 960777 (July 30, 1999)
- Hensel v. Lake Twp. Bd. of Zoning Appeals, 5th Dist. No. 2001-CA-00046, 2001-Ohio-1377, 2001 WL 1131058
- Perez v. Cleveland Bd. of Zoning Appeals, 8th Dist. No. 75166, 2000 WL 23123 (Jan. 13, 2000)
- In re Rocky Point Plaza Corp., 86 Ohio App. 3d 486, 496-497, 621 N.E.2d 566 (1993)
- Zannieri v. Norwalk Bd. of Bldg. & Zoning Appeals, 101 Ohio App. 3d 737, 740, 656 N.E.2d 711 (1995)
- Mad River Sportsman's Club, Inc. v. Jefferson Twp. Bd. of Zoning Appeals, 92 Ohio App. 3d 273, 277, 634 N.E.2d 1046 (1993)
- Elbert v. Bexley Planning Comm., 108 Ohio App. 3d 59, 72, 670 N.E.2d 245 (1995)
- In re Annexation of Certain Territory, 82 Ohio App. 3d 377, 381, 612 N.E.2d 477 (1992)
- Heiney v. Sylvania Twp. Bd. of Zoning Appeals, 126 Ohio App. 3d 391, 397, 710 N.E.2d 725
- State ex rel. Willis v. Sheboy, 6 Ohio St. 3d 167, 6 OBR 225, 451 N.E.2d 1200 (1983)
- State ex rel. Porter v. Cleveland Dept. of Pub. Safety, 84 Ohio St. 3d 258, 259, 703 N.E.2d 308 (1998)
- State ex rel. BSW Dev. Group v. Dayton, 83 Ohio St. 3d 338, 345, 699 N.E.2d 1271 (1998)
- State ex rel. Vickers v. Summit Cty. Council, 93 Ohio St. 3d 526, 529, 757 N.E.2d 310 (2001)
- Buell v. Mitchell, 274 F.3d 337, 346 (6th Cir. 2001)