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City Wins Lawsuit Against Developer

Defendant held responsible for cutting down hundreds of trees in reservoir buffer zone

COLUMBUS, OH—In a judgment issued by Delaware County Common Pleas Court Judge W. Duncan Whitney, the City of Columbus prevailed in its lawsuit against a developer accused of “recklessly” trespassing and cutting down 2.7 acres of trees and other vegetation on city property.

Assistant City Attorneys Westley Phillips and Andrew Miller represented the city in the case originally filed against developer SSA Ltd. in 2010. The lawsuit asserted that SSA, in its attempts to develop “a large retail store...and a strip mall” on land adjacent to the city property, was liable when it hired and specifically instructed a contractor to cut and remove trees located on the city’s property. The city property is considered public parkland and serves as a buffer zone to help control run off and protect the shoreline of the O’Shaughnessy Reservoir.

“We are pleased that Judge Whitney considered the facts of the case and ruled in the city’s favor,” said City Attorney Richard C. Pfeiffer, Jr.

The city’s property line was “easily distinguishable” from SSA’s land due to monuments that the city had placed, along with the “natural density of growth of the trees and other vegetation” on the city’s property, which was acquired by Columbus in 1923.

SSA also hired an engineering and surveying company to create plans for their proposed development, and therefore had “direct knowledge of the property line location.”

The Court determined that the reasonable cost of restoration of the lost trees and vegetation was \$14,369. However, in finding “the trespass by SSA, Ltd. and its agent to be reckless,” the Court awarded the city treble damages in the full amount of \$43,109.

“Not only was public parkland damaged, but those trees also provide important environmental benefits that help keep the public’s drinking water supply clean,” said Assistant City Attorney Westley Phillips. “We are happy the general public will not have to foot the bill to restore what was lost.”

The full Court decision may be read [here](#).