

**OTTAWA COUNTY MUNICIPAL COURT
OTTAWA COUNTY, OHIO**

Johnson's Island Property

Case No: CVI2100054

Plaintiff

vs.

Anthony Cianciola
Elizabeth Cianciola
Defendant

Magistrate's Decision & Recommendation

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Hearing was held on above captioned case.

Plaintiff representative present with Attorney John Coppeler. Defendants Anthony and Elizabeth Cianciola present unrepresented.

Plaintiff presented evidence by way of witness testimony and exhibits.

Defendant presented evidence by way of witness testimony and exhibits.

The case involves maintenance of roads on Johnsons Island and more specifically fees assessed owners for the maintenance of the roads.

Johnson Island is just that an island with lots, some with homes some vacant. There are 300 owners of lots. Some owners own more than 1 lot.

Roads on the island are maintained by owners of property managed and overseen by a road commission consisting of representatives of 2 home owner associations and 1 representative of those owners not a member of either association. The commission has quarterly meetings open to owners of property on Island. Defendants choose not to attend. It takes a super majority to take action.

The assessments are per owner not per lot as all owners have use of all roads.

The commission hired an engineering firm to recommend necessary maintenance and repairs to roads on the island.

All owners are then assessed a required contribution yearly of 1/300th share.

Cianciolas and approximately five other owners object and fail to contribute insisting they would pay a share of bills for work done. The commission describes need for the assessments for practical purposes as contractors' need for partial payment up front followed by full payment making it impractical to assess costs at time maintenance is needed.

The court finds the defendants are responsible for their fair share of the upkeep of the roads on the island.

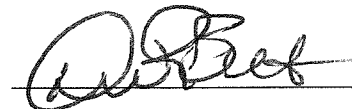
The court further finds the assessments are only used for upkeep repair and administrative fees as they relate to the roads. See Johnsons Island vs Donna Gauman, Ottawa County Municipal Court case CVI2100053.

The commission assessments are equal to all owners and may change from time to time based on the needs to maintain the roads for all owners.

It would be unfair for 280 owners to pay the assessments and 20 not to contribute but still use the roads.

The assessments are fair and necessary for road maintenance.

Therefore the court awards plaintiff \$1643.00 for their fair share of the upkeep representing the defendants share for 2019 2020 and 2021 including \$255 for emergency causeway repairs.



David R. Boldt, Magistrate

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Distribution: John C. Coppler, Attorney for Plaintiff
Anthony Cianciola
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