

Bond Case Briefs

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ANNEXATION - INDIANA

Certain Home Place Annexation Territory Landowners v. City of Carmel

Court of Appeals of Indiana - October 31, 2017 - N.E.3d - 2017 WL 4929936

Landowners in unincorporated township, which was proposed annexation area, filed a petition remonstrating against city's proposed annexation.

The Hamilton Superior Court granted petition. City appealed. The Court of Appeals reversed and remanded. On remand, the Hamilton Superior Court ruled in favor of city, and landowners appealed.

The Court of Appeals held that landowners failed to prove that fire protection was being adequately furnished by a provider other than city so as to prevent annexation.

Landowners in unincorporated township, which was proposed annexation area, failed to prove that fire protection was being adequately furnished by a provider other than city so as to prevent annexation pursuant to statute, stating that proposed annexation will not take place if court finds that fire protection services are adequately furnished by provider other than the municipality seeking annexation. City and township signed a contract whereby city agreed to furnish fire protection service to residents of township outside limits of city, township did not have fire department and did not employ any firefighters, and township did not contribute any resources to the fire department, such as personnel, training, or additional equipment.