

Bond Case Briefs

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EMINENT DOMAIN - INDIANA

Town of Ellettsville v. DeSpirito

Supreme Court of Indiana - November 29, 2018 - N.E.3d - 2018 WL 6257491

Neighboring dominant estate owner filed petition for judicial review of town plan commission's approval of servient estate owner's request to relocate sewer line easement which served neighboring property order for servient estate to be redeveloped.

The Circuit Court granted dominant estate owner's motion for summary judgment. Transfer was granted.

The Supreme Court of Indiana held that once an easement's location is fixed, neither the servient nor dominant estate-holder can relocate or modify the easement without the other's consent.