

Bond Case Briefs

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Grdinich v. Plan Commission for Town of Hebron

Court of Appeals of Indiana - February 28, 2019 - N.E.3d - 2019 WL 966155

After town planning commission filed complaint for mandatory injunction against property owner, seeking court order requiring owner to remove pond from property, owner counterclaimed against commission and brought third-party complaint against town, and plan commission and town moved to dismiss counterclaim and complaint.

The Superior Court granted motion. Property owner appealed.

The Court of Appeals held that:

- Dismissal of owner's claim for declaratory judgment that pond on his property was not subject to regulation by municipal ordinance was improper;
- Owner pleaded sufficient operative facts to support claim that he was entitled to preliminary injunction;
- Owner pleaded sufficient operative facts to support promissory estoppel claim; and
- Owner pleaded insufficient operative facts to support inverse condemnation claim.