

Bond Case Briefs

Municipal Finance Law Since 1971

TAX - INDIANA

City of Lawrenceburg v. Franklin County

Court of Appeals of Indiana - August 28, 2019 - N.E.3d - 2019 WL 4050295

County brought action against city for breach of contract, stemming from city's alleged failure to make payments to county under agreement to share gaming tax revenue.

The Superior Court entered summary judgment in favor of county. City appealed.

The Court of Appeals held that:

- City did not waive its argument that agreement was void by statute, and
- City's agreement with county was void by statute.

City did not waive its argument that agreement to share gaming tax revenue was void by statute, in county's breach of contract action against city, though city did not assert that agreement was void by statute in its answer and raised argument for the first time in summary judgment proceedings; county had ample time to respond and did respond to city's arguments made at summary judgment, county designated no evidence showing prejudice from timing of city's arguments, and argument was a purely legal argument that did not necessitate a fully developed factual record to address.

City's agreement to share gaming tax revenue with county was void by statute, in county's breach of contract action against city, though revenue sharing statute allowed city to share its gambling revenue with county without county having to provide actual consideration; statute governing obligations of city beyond amount of money appropriated required city to appropriate all necessary funds to fulfill agreement at time it was executed, and city did not appropriate any money to fulfill agreement at time it was executed.