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ANNEXATION - LOUISIANA

Little Capitol of Louisiana, Inc. v. Town of Henderson

Court of Appeal of Louisiana, Third Circuit - March 6, 2013 - So.3d - 2012-1089 (La.App. 3 Cir. 3/6/13)

Reasonableness of annexation is a fact-driven inquiry that requires a weighing of evidence and is thus not suited to summary judgment proceedings.

Opponents objected to town's annexation of land, filing a Petition in Opposition to Annexation and Extension of the Corporate Limits of the Town. Plaintiffs asserted that the annexation was solely for the purpose of providing revenue to the town, that the town could not provide any services to the area to be annexed, and that, as a result, the annexation was unreasonable.

The trial court granted plaintiff's motion for summary judgment, stating that, "Plaintiffs have sustained their burden of proof that the annexation is unreasonable by an abundance of the evidence."

The court of appeal reversed, stating, "In an annexation contest, what is reasonable or unreasonable depends largely upon the particular facts in any given situation. Such a fact-driven inquiry necessarily involves a weighing of evidence. Consideration of the weight of the evidence is improper on a motion for summary judgment, and it is not the function of the trial court on a motion for summary judgment to determine or even inquire into the merits of the issues raised."

"After reviewing the 'the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits submitted,' this court cannot, without weighing the evidence, assess the reasonableness of the annexation. Therefore, we find that a grant of summary judgment is not appropriate. Accordingly, the judgment of the trial court is reversed, and the matter is remanded to the trial court for further proceedings."