

Bond Case Briefs

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ANNEXATION - INDIANA

American Cold Storage v. City of Boonville

Supreme Court of Indiana - January 21, 2014 - 2014 WL 218392

Landowners who owned property in annexed territory brought declaratory judgment action and written remonstrance, asserting that city's annexation should not take place. The Superior Court entered partial judgment in favor of city on city's motion to dismiss and determined landowners had standing to pursue declaratory judgment action. City brought interlocutory appeal. The Court of Appeals affirmed in part, reversed in part, and remanded. On remand, the Superior Court dismissed the complaint and, following appeal and remand, denied landowners' motion to correct error. Landowners appealed. The Court of Appeals reversed and remanded.

On city's petition to transfer, the Supreme Court of Indiana held that land which comprised any portion of state highway that was included in annexed territory should have been considered and counted as a single parcel for purposes of determining whether remonstrance protesting annexation was signed by at least 65% of the owners of the annexed territory.