

# **Bond Case Briefs**

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## **ANNEXATION - INDIANA**

### **Certain Martinsville Annexation Territory Landowners v. City of Martinsville**

**Court of Appeals of Indiana - October 2, 2014 - N.E.3d - 2014 WL 4925679**

On August 12, 2012, the City of Martinsville adopted Ordinance 2012-1667, amending the initial proposal and reducing the amount of land to be annexed to 3,030 acres surrounding the City. Remonstrators - landowners in the annexed territory - filed a petition remonstrating against the proposed annexation. A trial was conducted, and after hearing evidence and arguments, the trial court entered its judgment on January 15, 2014 against the Remonstrators and upholding the annexation. The Remonstrators appealed.

On appeal, the Remonstrators argued that the trial court erred in denying their challenge to the proposed annexation by the City. The City, however, contended that the Remonstrators' appeal should be dismissed as moot because the annexation had become final, and therefore, there was no effective relief that the court could render to the Remonstrators.

The Court of Appeals held that challenges to the annexation of land will become moot when the annexation becomes effective unless the remonstrators request an injunction or a stay ordering the municipality to not proceed with the proposed annexation pending appeal.

Therefore, absent an injunction or a stay of the annexation procedure, if an annexation becomes final before a review of the matter can be completed, any challenge to a proposed annexation will become moot.