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City of Tontitown v. First Security Bank

Court of Appeals of Arkansas, Division IV - May 24, 2017 - S.W.3d - 2017 Ark. App. 33320 - 17 WL 2274525

Property owner filed action for declaratory judgment alleging that city failed to take substantial steps to provide requested municipal services to property.

Following a bench trial, the Circuit Court entered judgment in favor of property owner. City appealed.

The Court of Appeals held that:

- Circuit Court had subject-matter jurisdiction;
- Services were not already available to property, such that city was required to take substantial steps to provide services to property; and
- City failed to take statutorily required substantial steps to provide municipal services to property.

Circuit Court had subject-matter jurisdiction over property owner's declaratory judgment action against city alleging that city failed to take substantial steps to provide requested municipal services to property, where statute that property owner alleged city had violated expressly provided that Circuit Courts had exclusive jurisdiction to hear all matters related to statute.

Services were not already available to property, and therefore city was statutorily required to take substantial steps to provide municipal services to property upon request by property owner. Although water and sewer services had been provided to the improved portion of the commercially zoned property, they had not been provided to the rest of the property, and development plans would have had to have been submitted in order to extend water and sewer service to rest of property.

City failed to take statutorily required substantial steps to provide municipal services to property upon request by property owner; although city made request for more definite statement from property owner, city did not inquire about development plans or explain what it needed from property owner.