

Bond Case Briefs

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ANNEXATION - INDIANA

Town of Brownsburg v. Fight Against Brownsburg Annexation

Supreme Court of Indiana - June 5, 2019 - N.E.3d - 2019 WL 2366730

Owners of annexed land, acting through a political action committee, brought remonstrance action based on claim that town did not meet the statutory annexation requirements, and owners also sought a declaratory judgment.

After a bench trial, the Superior Court entered judgment for landowners' committee, but dismissed the declaratory-judgment action. Town appealed, and landowners' committee cross-appealed.

On petition to transfer, the Supreme Court held that:

- Sufficient evidence supported finding that the territory in question failed to meet statutory requirement that 60% of territory be subdivided, and
- Town failed to show that the territory was needed and could be used by the town for its development in the reasonably near future.

Sufficient evidence supported finding that territory that municipality wished to annex failed to meet statutory requirement that 60% of territory be subdivided, where town's expert witness used six different methods for determining whether the annexation area was 60% subdivided, only one of the expert's methods considered the urban character of the proposed annexed area, and the trial court chose to credit the testimony of expert witness for objectors to the annexation that the area in question was 17.54% subdivided, which a figure that the expert witness, who was a county cartographer, calculated after compiling a list detailing, by name, the 36 residential subdivisions and 19 minor residential plats within the annexed territory.

Town failed to show that the territory that it wanted to annex was needed and could be used by the town for its development in the reasonably near future, where plans for extending a parkway through the annexation area did not involve the town and involved an unknown timeframe, a possible bridge crossing an interstate highway in the annexation area was in the planning stages but not scheduled for installation for nine years, school corporation that owned acres in the annexation area and no planned projects for the area, and town had no plans for a substantial majority of the annexation area.