

Bond Case Briefs

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Hoagland Family Limited Partnership v. Town of Clear Lake

Court of Appeals of Indiana - August 28, 2019 - N.E.3d - 2019 WL 4050038

Following settlement of inverse condemnation litigation, town filed complaint seeking order requiring landowner to connect to sewer system.

The Circuit Court granted summary judgment for landowner, and town appealed. The Court of Appeals reversed and remanded with instructions. On remand, the Circuit Court ordered landowner to be in compliance with town's ordinance, including payment of all fees, and that town was not required to initiate eminent domain proceedings. Both parties appealed.

The Court of Appeals held that:

- Penalty timeline set forth in town ordinance was not triggered against landowner until after first appeal of proceedings was certified;
- Ordinance enacted after town filed action against landowner did not apply to landowner;
- Trial court erred by requiring landowner to pay attorney's fees; and
- Landowner was not entitled to discovery sanctions against town.