

# **Bond Case Briefs**

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## **LEASES - ALABAMA**

### **Kennamer v. City of Guntersville**

**Supreme Court of Alabama - May 29, 2020 - So.3d - 2020 WL 2781243**

City resident who objected to city's granting of a property lease to a developer brought action against city, mayor, city council, and developer in which he sought a declaratory judgment that the lease was void.

The Circuit Court dismissed action. City resident appealed.

The Supreme Court held that that retail businesses were to be included in the development was not a reason to find that city, by granting the lease, exceeded its authority under State Constitution's provision allowing a municipality to lease real property for the purpose of any commercial facilities of any kind.

The Supreme Court, when considering appeal from dismissal of city resident's action for a declaratory judgment that property lease that city granted to condominium developer was void, would not consider resident's argument that operating a condominium development did not fall within the State Constitution's provision allowing a municipality to lease real property for the purpose of any industrial, commercial, research, or service facilities of any kind; resident did not present such an argument in the circuit court, and resident did not offer such an argument in his initial appellate brief.

That retail businesses were to be included in development arising from property lease that city granted developer was not a reason to find that city, by granting the lease, exceeded its authority under State Constitution's provision allowing a municipality to lease real property for the purpose of any commercial facilities of any kind.