

Bond Case Briefs

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ANNEXATION - INDIANA

Holcomb v. City of Bloomington

Supreme Court of Indiana - December 15, 2020 - N.E.3d - 2020 WL 7349155

City brought declaratory judgment action against Governor, challenging statute that stopped city's proposed annexation of several areas of land and prohibiting city from trying to annex the areas for five years.

The Circuit Court entered summary judgment in favor of city. Governor appealed.

The Supreme Court held that:

- Statute stopping city's annexation vested enforcement authority in Governor, and thus Governor was proper defendant;
- Prudential concerns did not render case nonjusticiable; and
- Statute was a special law when a general law could have been made, rendering it unconstitutional.

Statute stopping city's proposed annexation of several areas of land and prohibiting city from trying to annex the areas for five years vested enforcement authority in Governor, and thus Governor was proper defendant in city's declaratory judgment action challenging statute; annexation statutes primarily impacted public, rather than private relations, statute at issue did not require challengers to use remonstrance process to challenge annexation, as was generally required to enforce annexation laws, and was incompatible with remonstrance procedure, annexation statutes impacted citizens' relationship to municipal bodies that were subdivisions of the state, and Governor was the constitutional officer vested with executive power of the state, giving him an interest in the relationships between public and state's subdivisions.

Prudential concerns with regard to Governor being named defendant in city's challenge to statute stopping city's proposed annexation of several areas of land and prohibiting city from trying to annex the areas for five years did not render case nonjusticiable, but rather, compelled court to reach the merits; requiring city to sue different defendant would have resulted in substantial delay and cost to taxpayers, but court would ultimately have reached same result on underlying question, there was no other defendant for city to sue unless city first expressly violated statute, and separation of powers principles compelled court to check an unconstitutional action of other branches of government.

Speed of city's attempted annexation of areas of land, opposition to the annexation, and city's drawing of annexation boundaries to cover areas with existing remonstrance waivers in order to minimize opposition to annexation were not unique circumstances of city's proposed annexation that warranted special treatment that precluded legislature from making a general law applicable to city, and thus statute stopping city's proposed annexation and prohibiting city from trying to annex the areas for five years was unconstitutional special legislation; 133 days for city to complete annexation process was within the statutory time frame for annexations, which allowed them to take place in 120 days, landowners commonly opposed annexations and did not shy away from using statutory remonstrance process to challenge them, and remonstrance waivers were commonly discussed and

incorporated into determining which areas were suitable for annexation.