

**PRESS RELEASE**

**For Immediate Distribution**

From: Steve Linkmeyer and Brian Bischoff

Date: March 11, 2019

Re: City of Lawrenceburg v. Linkmeyer Development II

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The Indiana Court of Appeals last week upheld a trial court ruling in favor of the City of Lawrenceburg. In that case, Steve Linkmeyer and Brian Bischoff (on behalf of Linkmeyer Development II, LLC) sought relief for expenses incurred solely due to the City's failure to run utilities to the Waterview Apartments. The courts have sided with the City because the City Council did not independently confirm and ratify the agreement made by then Mayor Bill Cunningham and former city Utility Director, Mel Davis – that the City would run utilities to the Waterview Apartments.

There is no dispute that Mayor Cunningham and Director Davis signed the letter promising that the City would run utilities to the Waterview Apartments. A copy of that letter is attached. Linkmeyer and Bischoff relied upon that agreement when they moved forward to build the apartments. However, after running electricity all the way to those apartments, the City reneged on the remainder of the deal. It stopped the water and sewer lines at the edge of the larger 75 acre site. Linkmeyer Development then had to pick up the costs of running those lines approximately another mile to the 17 acre site of the apartment buildings.

The City's letter agreement to run utilities was a significant component of the developers' application to the State of Indiana for tax benefits associated with the project. The State relied upon that letter and the associated cost estimates in granting the requested tax credits.

Following a change in administration, the new Mayor and the City Council refused to honor the letter agreement. Their defense in court was that it was not ratified by the Council. It was this legal loophole that prompted the courts to rule in favor

of the City. Linkmeyer and Bischoff were unrepresented at the time. They trusted City government. They recognize now that doing so was a costly mistake.

The City benefitted significantly from the addition of the Waterview Apartments to its tax base. Now it has benefitted again by ducking a roughly One Million Dollar obligation to run utilities. In both cases, they have Linkmeyer and Bischoff to thank.

# CITY OF LAWRENCEBURG



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November 13, 2009

Dear Mr. Bischoff and Mr. Linkmeyer,

The City of Lawrenceburg, Indiana, wishes to encourage development of quality affordable housing.

Therefore, the City of Lawrenceburg has approved, through the Lawrenceburg Planning Commission, funding that specifically enhances the WaterView Apartment Development.

This funding, or monetary contribution, will be provided by the City to the WaterView Development in the form of infrastructure (utility lines). The area in which the development is to be constructed is a previously undeveloped area of the City and the utility lines will serve only the WaterView Apartments at this time. The value of the approved utility line installation contribution to the WaterView Development estimated to be in excess of \$295,000.00.

Cordially,

Mayor Bill Cunningham

Charles Davis  
Lawrenceburg Municipal Utilities

