

HoosierOpportunity.com

Your Resource For Local Careers


TheCR.com

The Commercial Review
Jay County's daily newspaper
 Portland, Indiana (260) 726-3141

Dunkirk files suit

City, DIDC seek to sever ties with Todd Building Group

Mary Freda, Reporter

Thursday, April 11, 2019 4:10 PM

DUNKIRK — The City of Dunkirk and Dunkirk Industrial Development Corporation have filed suit against Todd Building Group.

The lawsuit, which was filed today in Jay Circuit Court, requests the city and DIDC be released from their agreement with Todd Building Group LLC and that funds they have distributed for the project be reimbursed after the developers said it was “impossible” to meet its July 1 deadline.

The sum requested in the suit is \$89,473.44 — the amount of the \$150,000 in loans that has been distributed thus far, as well as interest, attorney fees and costs of taking the court action.



When contacted for comment today, Todd Building Group co-developer Ray Willey said he had not yet had an opportunity to review the legal documents.

Todd Building Group developers reported to DIDC at a March 18 meeting that they would not be able to meet the agreed-upon deadline.

“In retrospect, I probably made a mistake in negotiating ... I probably should have asked for three years or so,” Willey said. “It’s a little bit of an ambitious timeline to start with.”

After finding out Willey and co-developer Bill Brown wouldn’t meet the deadline and had yet to secure permanent financing, council discussed pursuing legal action during its March 25 meeting. It discussed the matter further during an executive session Monday, with council and DIDC agreeing to pursue legal action against Todd Building Group.

Discussion to renovate Todd Opera House, 209 S. Main St., began in March 2017 when Brown and Willey pitched the plan — also known as the Todd Project — to Dunkirk City Council.

STATE OF INDIANA
COUNTY OF JAY

IN THE JAY CIRCUIT COURT
2019 TERM
38C01-1904-PL-_____

CITY OF DUNKIRK, INDIANA
and
DUNKIRK INDUSTRIAL DEVELOPMENT CORP., INC

v.

TODD BUILDING GROUP, LLC

COMPLAINT FOR DECLARATORY JUDGMENT AND DAMAGES

Comes now the Plaintiffs, by counsel, and for their Complaint would show the court as follows:

FACTS COMMON TO ALL COUNTS

1. Plaintiff City of Dunkirk, Indiana (hereinafter "Dunkirk") is an Indiana municipality.
2. Plaintiff Dunkirk Industrial Development Corporation, Inc. (hereinafter DIDC) is an

The initial redevelopment plan pitched to council included two phases. Phase one outlined the addition of two restaurants — one Mexican and one barbecue — to the first floor of the former Todd Opera House location. Phase two included renovating the second floor to include an entertainment venue.

Willey and Brown also requested the city and DIDC each provide Todd Building Group with a \$75,000 loan. If completed on time, the loans would've converted into grants.

The plan was approved on a 3-2 vote at council's meeting June 12, 2017.

In November 2017, Willey told The Commercial Review that Dunkirk residents could expect Firehouse BBQ to open by spring 2018. That target was not met.

According to the contract between the city, DIDC and Todd Building Group, the deadline for both restaurants to be open and in operation is July 1. The contract also calls for a capital campaign to raise funds for phase two of the project to be started by July 1, 2020.

Related Articles

[Missing deadline](#)
[Agreement passes](#)
[Dunkirk project is in limbo](#)
[Dunkirk project delayed](#)
[A work in progress](#)
[Dunkirk strikes deal](#)
[Plans call for restaurants](#)

The Commercial Review, Jay County's Daily Newspaper
P.O. Box 1049 Portland, IN 47371