

Bond Case Briefs

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ANNEXATION - SOUTH CAROLINA

Vicary v. Town of Awendaw

Supreme Court of South Carolina - December 19, 2018 - S.E.2d - 2018 WL 6627317

Residents brought action against town, seeking declaratory judgment that town's annexation of property located in national forest was void.

Following bench trial, the Circuit Court ruled in residents' favor. Town appealed. The Court of Appeals reversed. Residents petitioned for certiorari review, which petition was granted.

The Supreme Court of South Carolina held that:

- Residents credibly alleged that town engaged in nefarious conduct in purportedly complying with statute governing annexation methods and, thus, had standing to challenge town's annexation of property, and
- Public importance exception to general standing rules applied to provide residents with standing to challenge town's annexation of property.

Town residents credibly alleged that town engaged in nefarious conduct in purportedly complying with statute governing annexation methods and, thus, residents had standing to challenge town's annexation of ten-foot wide strip of land over a mile long in national forest; because there was only one property owner at issue, namely the federal government, the town effectively used the "0% method," which was not sanctioned as appropriate method under governing statute.

Public importance exception to general standing rules applied to provide town residents with standing to challenge town's annexation of ten-foot wide strip of land over a mile long in national forest; future guidance was needed to determine the validity of town's repeated use of decade-old letter as valid petition for annexation and town allegedly did not comply with proper procedure, instead representing to public that it had received signed petition from National Forest Service when in fact it had not.