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ANNEXATION - NORTH CAROLINA

Town of Pinebluff v. Moore County

Supreme Court of North Carolina - April 3, 2020 - S.E.2d - 2020 WL 1652564

Town brought action against county, seeking a writ of mandamus directing county board of commissioners to adopt a resolution authorizing town's extraterritorial jurisdiction expansion.

The Superior Court granted summary judgment to town. County appealed.

The Supreme Court held that no irreconcilable conflict existed between amended subsection of extraterritorial jurisdiction statute, allowing town to extend its extraterritorial jurisdiction two miles beyond an annexed area, and previously-enacted subsection of statute, which stated that, absent certain exceptions, a city could not extend its extraterritorial jurisdiction into an area in which county was exercising each of its powers enumerated by subsection, and therefore amendment did not repeal by implication the previously-enacted subsection; interpreted together, statute stated that town could extend its extraterritorial jurisdiction beyond annexed area only if the extension also complied with the provisions of previously-enacted subsection.

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