

Bond Case Briefs

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ANNEXATION - MISSISSIPPI

Matter of Enlargement and Extension of Municipal Boundaries of City of Petal v. Gulf South Pipeline Company, LP

Supreme Court of Mississippi - September 10, 2020 - So.3d - 2020 WL 5642034

City petitioned to ratify proposed annexation of six square miles to city's limits.

The Chancery Court granted the city's petition, as modified, to correct errors from previous annexation that resulted in erroneous split of some parcels or tracts of land between city and county. City appealed.

The Supreme Court held that:

- The ten-day time limit for appealing an annexation decision is procedural, rather than jurisdictional, overruling *Wood v. Warren*, 193 So. 2d 123 and *Fisher v. Crowe*, 289 So. 2d 921;
- Objectors had 30 days, as provided by the rules, rather than ten days, as provided by statute, to appeal from chancellor's annexation order;
- City failed to show that parcel, which contained a natural salt dome that petroleum companies to store gas underground, was reasonably within a path of growth of city, as required to support city's annexation of parcel;
- Sufficient evidence existed to support chancellors finding that city's population growth and seemingly limited available land due to slope constraint, did not warrant annexation of two areas; and
- Sufficient evidence existed to support chancellor's decision to grant annexation of two areas comprised of roughly six square miles of land due to errors from a prior annexation that resulted in an erroneous split of some parcels or tracts of land between city and county.