

# **Bond Case Briefs**

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## **ANNEXATION - NORTH CAROLINA**

### **Roanoke Country Club, Inc. v. Town of Williamston**

**Court of Appeals of North Carolina - May 6, 2014 - Slip Copy - 2014 WL 1794896**

Petitioners challenged the annexation of their property, alleging that the annexation, a) violated N.C. Gen.Stat. § 160A-49, which requires that the annexation report be made available to the public at the office of the municipal clerk; and b) violated N.C. Gen.Stat. § 160A-48, which requires that a municipal governing board use recorded property lines and streets as boundaries when fixing new municipal boundaries.

The court rejected the first argument, finding that N.C. Gen.Stat. § 160A-49(c) does not require that a complete copy of the annexation report be made available for distribution to the public. Instead, the statute only requires that the complete report be made *available* to the public at the office of the municipal clerk.

The court then rejected Petitioners' argument that annexation boundaries which cross over streets are not permitted by N.C. Gen.Stat. § 160A-48(e), finding that the statute simply requires the use of streets as boundaries. It does not specify that the boundary must continuously follow a particular side of a street.

The court also rejected Petitioners' argument that the use of a private street as a boundary was not permitted by N.C. Gen.Stat. § 160A-48(e), finding that the statute merely requires the use of a "street" as a boundary; there is no requirement that the street be designated as public.

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