
ANNEXATION - SOUTH CAROLINA

National Trust for Historic Preservation in United States v. City of North Charleston

Court of Appeals of South Carolina - February 1, 2023 - S.E.2d - 2023 WL 1425317

City and property owner brought action against neighboring city, alleging its annexation of one-acre tract was void because tract was not contiguous or adjacent to neighboring city and portion of tract belonged to owner and had already been annexed into city.

Neighboring city counterclaimed. The Circuit Court dismissed city and owner's complaint for lack of standing, determined in the alternative that neighboring city failed to properly annex tract, and denied all parties' motions to reconsider. Parties cross-appealed.

The Court of Appeals held that:

- City and owner lacked standing under annexation statute, and
- City and owner lacked standing under public-interest doctrine.

City and property owner lacked standing under annexation statute to challenge neighboring city's annexation of one-acre tract, even if tract included four inches of property that belonged to owner and already had been annexed by city; neighboring city annexed tract pursuant to statute that provided for annexation only of property wholly owned by municipalities, neighboring city only intended and claimed to annex property within its proprietary rights, and any deviations in legal description or plat, or belief by neighboring city that it did own contested four inches, did not affect city's or owner's ownership rights.

City and property owner lacked standing under public-interest doctrine to challenge neighboring city's annexation of one-acre tract based on allegations that tract included four inches of property that belonged to owner and already had been annexed by city; annexation incited nothing more than boundary dispute between two municipalities, absence of challenge to annexation by state illustrated its position that matter did not rise to level of public concern, and neighboring city did not engage in any deceitful conduct that would necessitate finding standing under public-interest doctrine.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com