

Bond Case Briefs

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MUNICIPAL CORPORATIONS - NORTH CAROLINA

Town of Midland v. Harrell

Supreme Court of North Carolina - October 20, 2023 - S.E.2d - 2023 WL 6933512

Town filed action against developers, seeking order of abatement, a permanent mandatory injunction, and collection of civil penalties, costs, and attorney's fees after developers failed to maintain subdivision roads.

Town and developers filed cross-motions for summary judgment. The Superior Court granted summary judgment in favor of town, and denied developers' motion for relief from judgment.

Developers appealed, and the Court of Appeals affirmed in part and reversed in part. Developers appealed based on dissenting opinion.

The Supreme Court held that ordinance authorized town to file suit against subdivision developers for failure to maintain subdivision streets without first obtaining approval of the town council.

Town development ordinance regarding developer maintenance of subdivisions streets not accepted by dedication, which provided that, if a penalty is not paid or settlement not reached "the matter shall be referred to legal counsel," authorized town to file suit against subdivision developers for failure to maintain subdivision streets without first obtaining approval of the town council.