

Barring An Appeal, Area Goes To Leland

Barring an appeal, a Superior Court judge ruled last week that Leland, not Belville, has legal stake to a business area claimed by both towns.

In an action filed last October against the Town of Belville, the court had been asked to interpret state statute and rule on whether Belville's annexation of the disputed area was valid.

The judgment by Superior Court Judge Dexter Brooks came last week, following a hearing Wednesday in Brunswick County Civil Superior Court in Bolivia. Judge Brooks, hearing court in Bladen County this week, was expected to sign an order in the case Tuesday.

Belville's governing board voted at a 6 p.m. meeting Sept. 12 to incorporate the area. However, that same day, Leland area residents—including residents of the disputed

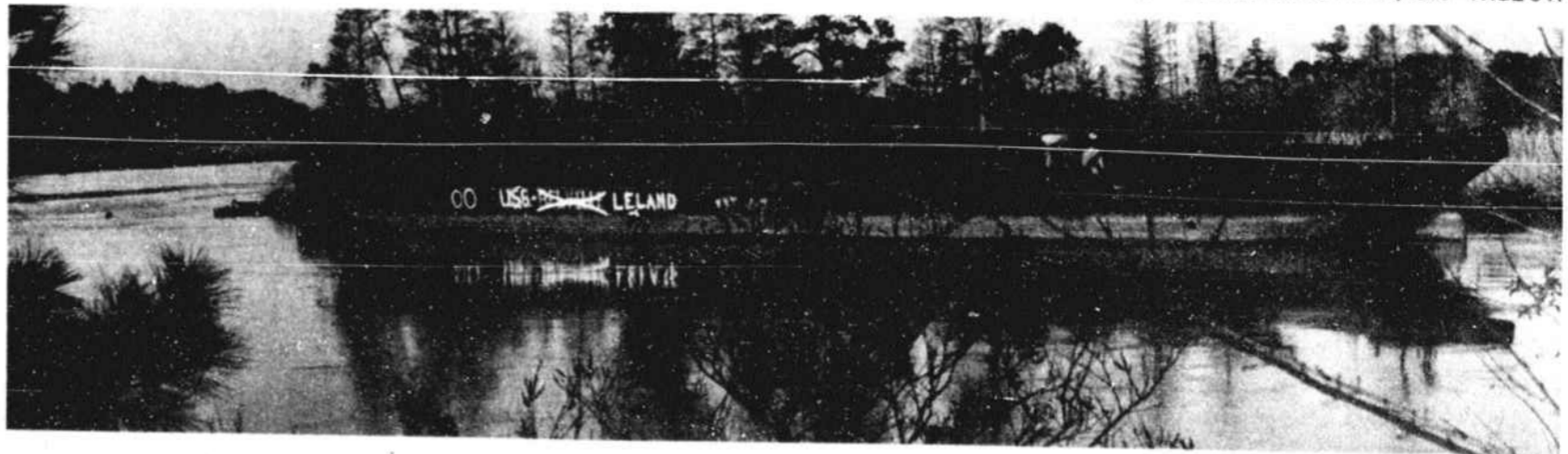
area—went to the polls and voted for incorporation.

Seeking a declaratory judgment in the matter were the Town of Leland and owners of property in the territory in question—E.G. Dale, Dorothy K. Everette, R.T. and Dora Barefoot, John R. Morgan and Boney Wilson & Sons, Inc.

Donald L. Smith of the Raleigh firm of Womble, Carlyle, Sandridge & Rice represented the property owners. A.A. Canoutas of Wilmington, town attorney, represented the town. Belville's town attorney is William Lynch. None of three attorneys could be reached for comment Tuesday.

In a memorandum of law filed Jan. 9, plaintiffs argued that Belville's annexation had not been accomplished before the incorporation.

Plaintiffs based Leland's claim on interpretation of the use of "prior to" in the act that provided for in-



STAFF PHOTO BY SUSAN USHER

IMMEDIATELY AFTER the successful Sept. 12 vote to incorporate Leland, an abandoned barge in the Brunswick River near Belville and Leland, was "rechristened" the *USS Leland*. A judge ruled Friday in Leland's favor in a dispute over which town had proper claim to a portion of the business district that Belville voted to annex the same day Leland voted to become a town.

corporation of the community. Specifically, the bill said Leland could annex the area it had targeted, provided that any part of the area which might be annexed by another municipality by an ordinance adopted "prior to" a favorable vote on incorporation would be left out.

Belville's board adopted the annexation ordinance approximately an hour before the polls closed on

Sept. 12., with the effective date of annexation specified as Oct. 23.

For the annexation to have taken effect before the incorporation of Leland, plaintiffs argued, the ordinance would need to have been adopted no later than Sept. 11, the day before the election or incorporation, in order to avoid absurd consequences such as confusion over who was eligible to vote in the in-

corporation referendum.

"Because Belville's annexation was not effective 'prior to' September 12, 1989, the territory in question was incorporated into Leland and no longer subject to annexation," the plaintiffs argued in a memorandum of law filed in the case.

Russell Baldwin, mayor of Leland, said Tuesday a order order had

been prepared and was to be presented to Brooks that day for his signature.

"It's strictly up to them (Belville) now. If they don't appeal it, it's over. Hopefully they will not appeal."

Belville has 10 days from the date the court order is signed in which to appeal the case to the N.C. Court of Appeals.

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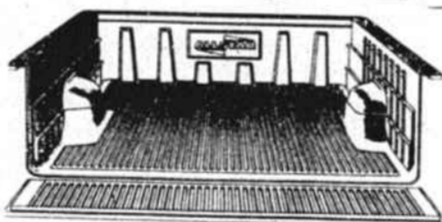
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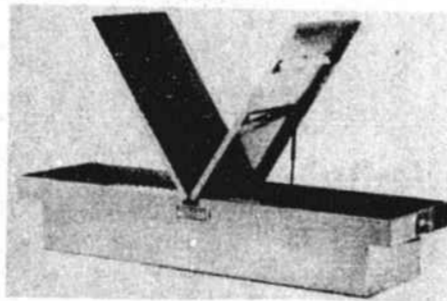
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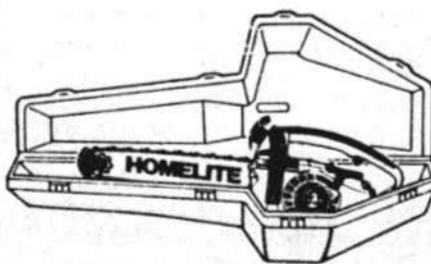
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