

The County Edge

Lawsuit challenges involuntary annexation

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MONROE - Less than a week before the village of Marvin's controversial involuntary annexation of 1,455 lots was to officially take effect, a group of impacted residents filed suit alleging a technicality.

A group of residents opposed to the involuntary annexation filed suit on Aug. 22, challenging the validity of the ordinance. The 106 residents cited three claims that question the legality of the ordinance, according to court records.

In their first claim, the residents state the village's resolution of intent does not adequately describe boundaries of the annexation area. They argue that Marvin leaders failed to describe the boundaries in its notice of public hearing. State law requires that the annexation report must be available at the village clerk's office 30 days prior to the public informational meeting.

Plaintiffs contend in their second claim that annexation fails to meet "subdivision" and "use" tests. Although the village claims in its annexation report that more than 62 percent of the area annexed is residential and undeveloped with an acreage consisting of lots or tracts three acres or less, the plaintiffs argue that the area does not qualify because it's less than 60 percent.

Thirdly, the lawsuit contends that Marvin does not provide substantive services typically associated with full-service towns. While the village claims to provide police protection with a contracted service with the Union County Sheriff's Office, residents counter that they were receiving the same protection as a county resident. Plaintiffs also argue that the village's contract with the sheriff's office was not in effect for the annexed area when the resolution of intent or the annexation report was adopted.

Robert E. Hornik, counsel for the plaintiffs, previously won a similar lawsuit against Marvin a few years earlier when he showed that the village failed to provide adequate services. At the time, Marvin had no contract deputies.

Conversely, Hornik lost an involuntary annexation in Weddington when an appellate court agreed that the town offered sufficient services.