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Ruling allows APFO appeal

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A developer attorney said an appeal of a judge's ruling upholding Union County's adequate public facilities ordinance, or APFO, is forthcoming.

Superior Court Judge Chris Collier notified lawyers of his decision three weeks ago, but didn't file written notice until last Wednesday, opening the door for a 30-day period in which the plaintiff may appeal the ruling to the N.C. Court of Appeals.

"The case will be appealed but the notice has not been filed," said Dan Higgins, attorney for the Union Landowners Association, which claimed the county's controversial ordinance was unfair.

The APFO forces homebuilders to wait for school capacity or pay a fee to proceed.

Collier wrote in his decision that the APFO is "within the county's delegated authority and is constitutional," nixing developers' claims to the contrary.

County attorney H. Ligon Bundy said Union Landowners must file a written notice of appeal and serve him with a copy. The appeal will "relate to the fundamental underlying legal question: Does the county have authority to adopt the ordinance?" Higgins said.

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