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NEWS

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SPORTS

FEATURES

EDITORIAL

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STOCKS >>

TRAFFIC >>

OBITUARIES >>

COMMUNITIES >>

MULTIMEDIA >>

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Give property owners a vote

By JIM ELDRIDGE, Special to the News & Observer

Dwindling breed

Volunteer firefighters give way to paid ones as small towns turn to suburbs.

Haiti's leader OKs plan

But armed rebels and political opponents don't like the U.S.-backed power-sharing proposal.

Edwards makes bold jobs pledge

John Edwards and John Kerry would both chart a course on U.S. trade policy that differs from President Bush's.

Cooper rebuked in Gell case

AG handled retrial badly, law profs say.

Powwow aims to lure brains

Six middle-schoolers huddled together on the top bleacher in the N.C. School of Science and Mathematics gym, nudging and teasing each other the way teens often do.

Drivers may see more green

Raleigh intends to update its traffic signals to reduce congestion and time spent at red lights.

Four die in collision

Girl, 12, loses parents, sisters.

He wins friends and influences land deals

Sig Hutchinson stands behind the podium, speaking softly to the group before him.

Heels hold off Noles

UNC returns to .500 in ACC as FSU comeback

Involuntary annexation in North Carolina denies property owners one thing that matters greatly to them: the right to vote when their properties are being annexed.

This violates their [related](#)

constitutional rights and alienates them from their local governments -- all for a process that is accelerating the loss of this state's rural characteristics and that inevitably leads to costly and time-consuming litigation.

Borderwars

[What you can do](#)

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[Who should draw the lines?](#)

I represent residents who are challenging recent annexations by Eden and Winston-Salem. I was co-counsel in a federal case that challenged the constitutionality of North Carolina's annexation laws and have successfully defended the town of Belville in an annexation lawsuit brought by the neighboring town of Leland. These experiences have given me insight into the intensity of public opposition to forced annexation.

Generally, residents can challenge annexation by asking a local court to review whether the area to be annexed is sufficiently urbanized and whether the government meets various legal requirements, which include the ability to provide city services to the area to be annexed. Such an appeal can defeat an annexation, but there is nothing to prevent the local government from starting anew and fixing any technical flaws the next time around.

There are, however, other ways to challenge annexation. In addition to their appeals, my clients have filed complaints alleging that Eden and Winston-Salem failed to comply with requirements under their respective charters and/or N.C.'s Public Meetings Law. Their complaints also allege that North Carolina's laws violate their legal guarantee of equal protection by denying them the right to vote on the proposed annexation when some other residents do have that right.

The General Assembly has passed several little-known local acts that permit some people to vote on annexation. For example, residents outside River Bend, N.C., cannot be annexed unless a majority of voters in the proposed annexation area approve it in a referendum. Each local act -- and there are only a handful -- is different.

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comes up short.

Succeeding quietly

You won't see these coaches on ESPN - they aren't flashy and they aren't in trouble. But they are having an impact on local athletes.

UCLA victim No. 23

No. 1 Stanford stays unbeaten.

Randolph shows 'drive' to succeed

Versatile Duke big man making strides.

Wolfpack faces Husky non-conference test

The offer was first extended in May, Washington coach Lorenzo Romar said, but also was open-ended. Fox Sports Net said it would line the Huskies up against an ACC team and put the game on national television, on its Sunday night package. The catch: the Fox people couldn't tell Romar whom the Huskies would play.

Canes, Francis tie it up

In a draw with the Bruins, Canes captain Ron Francis scores to tie for 20th in career goals.

Tire wear wears on Cup teams

The Rock chews up rubber at a rapid rate.

Fat refunds?

Fat chance, for most people. The bulk of the savings will go to a narrow slice of people, mainly the wealthy.

Many fail to claim valuable tax credit

Thousands of low-income taxpayers across North Carolina fail to claim a credit that can lower their tax bills or increase their refunds.

Jobless also must pay taxes

Few job seekers realize that unemployment benefits are taxable

Because annexation results in a change of government for the affected residents, the U.S. Court of Appeals for the Fourth Circuit has declared it a matter of general public interest. And courts have ruled repeatedly that voting on matters of general public interest is a fundamental right.

When a legislative act denies a fundamental right, the government must show a compelling justification or risk having that act declared unconstitutional.

In my opinion, North Carolina cannot show a compelling reason for allowing some residents to vote on annexation while denying that right to others.

North Carolina's elected representatives should heed the public's significant hostility to forced annexation. Otherwise, they may be voted out of office. I have seen it happen right here in Wilmington.

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