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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA19-310

Filed: 17 December 2019

Cabarrus County, No. 17-CVS-210

JOURNEY CAPITAL, LLC; LAURELDALE, LLC; PENDLETON/CONCORD PARTNERS, LLC; PRESPRO, LLC; SKYBROOK, LLC, Plaintiffs,

v.

CITY OF CONCORD, Defendant.

Appeal by Plaintiffs and cross-appeal by Defendant from an order entered 10 October 2018 by Judge Joseph N. Crosswhite in Cabarrus County Superior Court. Heard in the Court of Appeals 18 September 2019.

Scarbrough & Scarbrough, PLLC, by James E. Scarbrough, John F. Scarbrough, and Madeline J. Trilling, and Ferguson, Hayes, Hawkins & DeMay, PLLC, by James R. DeMay, for Plaintiffs-Appellants.

Hamilton Stephens Steele + Martin, PLLC, by Keith J. Merritt, for Defendant-Appellee.

INMAN, Judge.

Journey Capital, LLC, Laureldale, LLC, Pendleton/Concord Partners, LLC, Prespro, LLC, and Skybrook, LLC, (“Plaintiffs”) appeal from an order entering summary judgment in favor of the City of Concord (the “City”) and dismissing

JOURNEY CAPITAL, LLC v. CITY OF CONCORD

Opinion of the Court

Plaintiffs' complaint. After careful review, we reverse and remand for further proceedings consistent with our holding in *JVC Enterprises, LLC v. City of Concord*, ___ N.C. App. ___, ___ S.E.2d ___, COA19-308 (2019), filed concurrently with this opinion.

Plaintiffs' appeal and Defendant's cross-appeal involve legal issues that are substantially identical to those addressed in *JVC Enterprises*, and—outside the identity of the claimants—its procedural history is substantively identical to that of *Bost Realty Co. v. City of Concord*, No. COA19-309 (N.C. Ct. App. Dec. 17, 2019) (unpublished). All arise from lawsuits brought by former real estate developers alleging the City lacked authority to levy prospective water and sewer fees prior to construction and the provision of water and wastewater services, and all turn on the interpretation of a 1986 session law consolidating the City's charter. *See* 1985 N.C. Sess. Laws ch. 861 (1986). Thus, for the reasons stated in those companion opinions, we reverse the trial court's entry of summary judgment in favor of the City and remand for further proceedings consistent with our holding in *JVC Enterprises*.

REVERSED AND REMANDED.

Judges BERGER and MURPHY concur.

Report per Rule 30(e).