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Exercising Dominion Over Metropolitan Growth: A CASE STUDY OF CHARLESTON, SOUTH CAROLINA

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College of Charleston

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College of Charleston

Post World War II metropolitan growth created challenges for cities as suburbanization depleted the resources of the municipality. The growth also contributed to political conflict as rival jurisdictions sought to maintain or extend dominion over that growth. The conflict and success of the dominion strategies are affected by laws governing annexation and incorporation and by urban regimes. Although annexation statutes may be restrictive, a city that is willing to test the limits of the law and pursue aggressive annexation policies may successfully challenge rival jurisdictions and thereby extend its dominion.

INTRODUCTION

Metropolitan growth can be attributed to several factors¹ and as metropolitan areas expand, central cities, edge cities, and suburbs frequently must make political decisions to exercise dominion over new development. Because pat-

terns of urban development are not "preordained," community leaders can pursue multiple strategies to secure the advantages of dominion, including influence over land use and access to economic resources (Hoch 1984; Rusk 1993). Although leaders may cooperate to guide development, municipal governments often seek to extend their jurisdiction through annexation. Conflict arising from competing interests is often a function of urban regimes and laws that govern annexation and incorporation.

Post World War II suburban growth created challenges for established cities throughout the nation and contributed to declining city-center economies, fragmented governments, and deteriorating infrastructures (Goldfield and Brownell, 1990). In Charleston County, South Carolina, this decline posed economic and political challenges for the peninsular City of Charleston. As Map 1 shows, the city is geographically separated from some suburban development by two rivers and was prevented from annexation to the north by the 1972 incorporation of the City of North Charleston. To reverse the economic decline and to preempt incorporation of other cities along its edge, Charleston intensified its annexation efforts.

When accelerated economic development in Charleston County began in the 1980s, competition between governmental jurisdictions increased as each attempted to exercise dominion over unincorporated areas. As the city increased annexation efforts, suburban residents, public service districts, and the county organized resistance in order to preserve their independence and territorial integrity. Our case study of the metropolitan area of Charleston examines the strategies and conflicts associated with annexation and incorporation in order to explain the legal dimension of metropolitan growth and jurisdictional conflict. In particular, we examine two principal questions relating to the issue of annexation. First, how do urban regimes affect attempts to
annex? Second, how does interpretation of the law promote or inhibit a jurisdiction’s exercise of dominion?

**EXERCISING DOMINION**

Anthony Orum in *Apprehending the City*, sets forth propositions relating to rival jurisdictions and discusses the importance of historical context in understanding political choices of cities seeking to exercise control over development. According to Orum, “cities as sovereign territorial systems engage in political action and struggles against other cities, as well as against rival political sovereignties” (Orum 1995, 24). Struggles
may be due to the desire to control land use as indicated by the NIMBY\textsuperscript{2} perspective, to maintain or increase revenues, and to exercise power over expenditures and policy. Suburban residents regard independence as the means to preserve a way of life. Public service districts view service sovereignty as a matter of survival. For cities, dominion becomes crucial when suburbanization depletes their human and economic resources, contributing to a loss of revenue and a decline in city infrastructure.

The effects of suburban migration were manifest in the City of Charleston as retail activity, housing developments, and middle class movement to unincorporated areas of the county. By 1976, the population of the peninsula was declining by about 13% a year, over 25% of the population lived below the poverty level, unemployment for the unskilled was in double digits, and city revenues had declined by approximately 12% during the previous five years (Lundberg 1989, 1). The once thriving downtown of the city was vacant, and newly elected Mayor Joseph Riley confronted the need for resources necessary to revitalize the city center. He simultaneously pursued two strategies: the development of a local economy and the annexation of suburban property.

The development of the tourism industry in the historic city was an option consistent with the character of the city and supported by evidence from other municipalities that pursued "the mayor's trophy collection"\textsuperscript{3} (Friedan and Sagalyn 1990, 43-47). Revitalization in Charleston replicated these collections. Projects included the Omni Hotel (renamed Charleston Place), the restoration of commercial buildings, development of the old market place, a waterfront park, and construction of an aquarium.

\textsuperscript{2}Not in My Back Yard.

\textsuperscript{3}The "mayor's trophy collection" refers to capital projects intended to attract tourists and residents to areas to be revitalized. They include a festival marketplace, convention center, river park, and/or aquarium.
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ium. These projects demanded capital financing on a scale not previously seen by Charleston. Community Development Block Grants and Urban Development Action Grants provided the initial impetus for redevelopment and municipal bonds were issued to fund both rehabilitation of existing historical structures and new construction. Contributions from the private sector were sought and obtained. However, matching funds and local capital obligations required an infusion of revenues that could only be obtained through the extension of dominion over suburban areas through annexation.

As the city pursued an aggressive annexation campaign, several obstacles inevitably led to conflict. Suburbanization creates regional development and enclaves that, in most instances, are geographically contiguous but "politically independent of the central city" (Kleniewski 1997, 96). However, the contiguity of landmass in the Charleston area is interrupted by rivers, harbors, and marsh. Consequently, suburban areas were geographically separated from the central city and separationist attitudes of suburban residents intensified. Because development is inherently a "locational good" that does not distribute benefits equally (Swanstrom 1998, 280), suburban residents resent government actions that use their taxes to subsidize revitalization of other regions in the metropolitan area (Schneider 1992, 33-44). Residents who believed they would have no return from money invested in the redevelopment of the city allied with elected and appointed officials of public service districts to resist the annexation efforts of Charleston. Economic boosters allied with Mayor Riley (Whitson and Judd 1996, 151-152).

URBAN REGIMES

Urban regimes are coalitions of political actors who seek to dominate policy in the metropolitan area. Although the explanatory value of regime theory is debated (Imbrosscio 1998),
Clarence Stone argues that business interests can use substantial resources to become a “highly attractive partner in the governance of the city.” Policy is a function of the “governing arrangements” that are “shaped by the distribution of resources and their political use” (Stone 1998, 253). Anthony Orum states that “cities use individual actors or groups to carry out their purposes in pursuing dominance over their material environment or dominion over rival political sovereignties, and individual actors as entrepreneurs use cities for their own specific ends as well” (Orum 1995, 24). Thus, coalitions form in order to influence policy.

Local coalitions including business interests, organizations such as the Chamber of Commerce, neighborhood associations, and civic groups vary with respect to both resources and the scope of their interests. Regime, elite, and pluralist theorists offer different explanations for both the formation of coalitions and the power they exercise. However, most studies indicate that the most constant and influential actors in economic development and land use policy are business groups, the Chamber of Commerce, and realtors.4 These groups formed an alliance with Mayor Riley in order to promote economic development, restoration of the city center, and the enlargement of the city’s jurisdiction.

The success of the City of Charleston’s urban regime and its annexation campaign is illustrated by the city’s expansion between 1960 and 1998. Between 1960 and 1987, the city grew from an estimated 6.12 to 39.97 square miles. As Table 1 documents, the greatest growth has occurred since 1987. In the last twelve years, the city has annexed an additional 48.17 square

### TABLE 1
City of Charleston Annexation, 1987-1998

<table>
<thead>
<tr>
<th>Year</th>
<th>Square Miles Estimate January 1</th>
<th>Square Miles Annexed</th>
<th>Housing Units Annexed</th>
<th>Population Estimate January 1</th>
<th>Persons Annexed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>39.97</td>
<td>1.58</td>
<td>19</td>
<td>80,679</td>
<td>67</td>
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<tr>
<td>1988</td>
<td>41.55</td>
<td>0.55</td>
<td>19</td>
<td>80,786</td>
<td>43</td>
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<tr>
<td>1989</td>
<td>42.10</td>
<td>1.80</td>
<td>224</td>
<td>81,908</td>
<td>464</td>
</tr>
<tr>
<td>1990</td>
<td>43.90</td>
<td>8.20</td>
<td>14</td>
<td>80,414*</td>
<td>124</td>
</tr>
<tr>
<td>1991</td>
<td>52.10</td>
<td>18.20</td>
<td>17</td>
<td>81,432</td>
<td>31</td>
</tr>
<tr>
<td>1992</td>
<td>70.30</td>
<td>1.80</td>
<td>1,916</td>
<td>82,207</td>
<td>4,463</td>
</tr>
<tr>
<td>1993</td>
<td>72.10</td>
<td>0.67</td>
<td>1,472</td>
<td>87,372</td>
<td>4,011</td>
</tr>
<tr>
<td>1994</td>
<td>72.77</td>
<td>0.40</td>
<td>441</td>
<td>92,249</td>
<td>1,069</td>
</tr>
<tr>
<td>1995</td>
<td>73.17</td>
<td>13.80</td>
<td>262</td>
<td>94,140</td>
<td>682</td>
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<td>1996</td>
<td>87.00</td>
<td>0.27</td>
<td>238</td>
<td>95,679</td>
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<td>1997</td>
<td>87.27</td>
<td>0.87</td>
<td>267</td>
<td>97,793</td>
<td>674</td>
</tr>
<tr>
<td>1998</td>
<td>88.14</td>
<td>0.66</td>
<td>73</td>
<td>100,122</td>
<td>144</td>
</tr>
</tbody>
</table>

Source: Department of Planning and Urban Development, City of Charleston.

*Census estimate.

miles. The geographical expansion has led to a 20% increase in the population from 80,679 to over 100,000 persons.

The city crossed the Ashley River in 1960 and began annexation of the suburban areas of West Ashley. In the 1970s, it began to extend its jurisdiction to James Island. Then, in 1992, the city crossed the Cooper River to annex Daniel Island in neighboring Berkeley County. Although a portion of the annexed land was sparsely populated and consisted of marshland, the approach accomplished two objectives. First, it prevented the
neighboring cities of Mt. Pleasant and North Charleston from acquiring adjacent land. Second, it resulted in the annexation of corridors that would prevent incorporation of edge cities. The strategy had two major impacts. First it limited the resources rival jurisdictions could command and second, it produced a source of revenue that Charleston could use for its revitalization efforts.

While suburban neighborhood associations and civic groups do not necessarily oppose economic growth, they are frequently concerned with the distribution of resources and/or political independence from the central city. As the city continued to annex, residents and the James Island and St. Andrews Public Service Districts increasingly became concerned that their resources would be siphoned and their power diluted. They formed coalitions and developed strategies to defend suburban independence. These strategies included information campaigns designed to discourage residents from joining the city; law suits challenging annexations, and an attempt to create a separate municipality.

**RIVAL JURISDICTIONS AND DOMINION**

Historically, annexation has been a popular means by which cities have added territory and population and thereby expanded the tax base. Two factors affect the ability of cities to annex. The first is state law. In general, annexation law in South Carolina is considered restrictive. South Carolina has lagged behind most of the other rapidly growing sunbelt states in modifying its annexation laws; several other sunbelt states liberalized their annexation laws in the 1970s. Cities in South Carolina have only three methods by which they may annex (see Figure 1). The method of annexation depends upon the number of acres and individually owned properties to be annexed. The 75% petition method is too constraining unless the area is largely undeveloped.
FIGURE 1
Means of Annexation in South Carolina

(1) The 75% Petition Method by Ordinance. Any area which is contiguous to a municipality may be annexed by the filing of a petition signed by at least 75% of the freeholders who own at least 75% of the assessed valuation of the real property in the area. The annexation is complete if the council enacts an ordinance declaring the area to be annexed to the municipality. No election is needed.

(2) The 100% Petition Method by Ordinance. Any area which is contiguous to a municipality may be annexed by the filing of a petition signed by all property owners in the area. The annexation is complete upon adoption of an ordinance by council.

(3) The Special Ordinance Method. Special ordinance methods exist for property owned by the municipality, county, school district, federal and state government, a corporation, church or religious group and for property in street or highway.

and controlled by a few owners; in this instance, the number of petitioners may exceed the challengers by the requisite number of signatures and the method may be viable. The special ordinance procedure for annexation of public entities is seldom used because the governing bodies must submit a petition and they are usually not inclined to relinquish any sovereignty. The 100% method may be used when an area is well developed because each property owner who petitions by this method cannot be challenged. Consequently, the 100% method is the principle means used by the City of Charleston to acquire additional territory.

The second factor with which a city must contend in annexation decisions is rival jurisdictions; there may be other in-
corporated entities adjacent to the city such as public service districts serving the unincorporated areas. In the case of Charleston, Mt. Pleasant and North Charleston border the city to the East and North respectively and all three jurisdictions compete for control over adjacent unincorporated areas. On the south, Charleston borders the Atlantic Ocean. Early annexation by Charleston was to the west and southwest into the area identified as West Ashley and the James Island, served by public service districts. More recently, the city has moved further southwest onto Johns Island and northeast into part of the Cainhoy Peninsula that lies between North Charleston and Mt. Pleasant. Charleston has aggressively met challenges from rival jurisdictions through hostile annexations and an interpretation of the law that enables to city to carve corridors or annex one property at a time. The city alternately relies on the 75- and 100% annexation methods available under South Carolina law as circumstance dictates.

Charleston’s first excursion west of the Ashley River occurred in 1960. Relying on the majority petition and election procedure then in effect, the city annexed two unincorporated areas served by the St. Andrews Public Service District. A suit challenging the action was filed and reviewed by the Supreme Court of South Carolina in 1961. Appellants argued that the Public Service District was a municipal corporation, that annexation of a portion of the corporation was illegal, that the areas annexed were not contiguous with the City of Charleston, and that the annexation precluded “compactness and unity required of municipal corporations.” The Court, however, ruled that “[the] public service district was not a municipal corporation, within contemplation of [the] annexation statute, and annexation of portion thereof to city was not invalid even though the question of annexation was submitted to voters of only those portions of district which were proposed to be annexed.” The Court further
held that the annexation statute did not "limit the extent or shape of the territory" nor did the river "constitute a barrier to complete amalgamation of the communities upon its opposite banks" (Tovey v. City of Charleston, 237 S.C. 475; 117 S.E.2d 872, 1961). The Tovey case set a precedent for subsequent annexation on adjacent islands.

Public service districts and residents continued to oppose the encroachment of Charleston and, in 1988, the state Supreme Court reviewed an appeal that consolidated five separate legal challenges from residents and the James Island and St. Andrews Public Service Districts. The James Island public service district was a party in four of the five actions. St. Andrews joined James Island in one case and filed a separate action in another case. These cases argued that water and marsh precluded the homogeneity, unity, and compactness of the City of Charleston. Therefore, annexations west of the Ashley River filed to meet the test of contiguity. Each of the five annexations had been invalidated by a circuit court but the Supreme Court reversed the opinions. The Court held that "the statutory word 'contiguous' must be afforded its ordinary meaning of 'touching'...the fact that [an area] shares a common boundary with the annexing municipality is sufficient" (Bryant v. City of Charleston, 295 S.C. 408; 368 S.E.2d 899, 1988).

In 1992, the city moved northeast with its annexation of Daniel Island, which borders the Cooper River. Relying on the precedent set in the Tovey case, three jurisdictions could claim contiguity with Daniel Island: Charleston, North Charleston, and Mt. Pleasant. While each were initially involved in negotiations with the Guggenheim Foundation, the sole owner of the island, Charleston moved for a hostile takeover with the assistance of one of the city’s principal policy actors, Griffith Reality, which has had a long standing relationship with the Mayor and the city.
Geography, the interpretation and application of the law, and an urban alliance contributed to the successful annexation of the disputed property. If the Guggenheim Foundation did not agree, annexation could be forced through the 75% method. However, this method relied upon property owners' cooperation on two other islands, Parker and Rhodens. Charleston viewed the three islands in combination as constituting one landmass separated only by the transparency of water. Property owners of Rhodens Island petitioned for annexation giving the city two signatures; the Griffith family agreed to the annexation of Parker Island giving the city ten signatures; the Guggenheim Foundation had a disputed two or three signatures. Thus, the city was poised for a hostile takeover and, in a called meeting of the council, held the first reading of the ordinance. To avoid court costs associated with the disputed signatures, the Foundation requested information from the city about both its bond rating and its service ability. The Foundation finally agreed to annexation. Daniel Island was annexed through the 100% petition method. Parker Island was not annexed; Rhodens Island was.

The South Carolina statute also provides for the annexation of property owned by the state or federal governments including public roads. According to the law,

Whenever the whole or any part of any street, roadway or highway has been accepted for and is under permanent public maintenance by a city, a county or the State Highway Department, that portion of any right-of-way area not exceeding the width thereof lying beyond but abutting on the corporate limits of the city may be annexed to and incorporated within the city by adoption of an ordinance so declaring, without necessity for election of any sort (S.C. Code Ann. section 5-3-110, 1976).

Information relating to annexation policy and procedure was obtained from interviews with Ernest Andrade, Annexation Officer for the City of Charleston, on March 5 and May 21, 1999.
Municipalities are only required to obtain consent from the public agency that maintains the road. Charleston has used public roads in order to meet contiguity requirements. Use of roads allows the city to extend its jurisdiction over individual properties within a subdivision through the 100% petition method. While contiguity is not apparent because houses on either side of the one or two houses annexed by the city remain in the area served by the public service district, the annexation does meet the conditions set forth in law. Consequently, municipalities that have aggressive policies can increase their dominion incrementally.

Charleston adopted an information campaign strategy to win homeowners to the prospect of annexation. The annexation officer of Charleston, following guidelines established by the Municipal Association of South Carolina (Kearney 1999, 9), sent information to suburban residents citing advantages of city services and taxes as compared to public service districts. One by one, homeowners joined the city. Although the service districts opposed these policies and countered with their own information campaign, an estimated 10,000 of the 30,000 residents of James Island now reside in the city and about 45,000 of the 60,000 people west of the Ashley River now live within the city’s jurisdiction. As Table 2 shows, the City Department of Planning and Urban Development estimates the 1998 population growth of Charleston to be approximately 2,828 persons. Currently, the greater development within the city is occurring on Daniel Island, the Cainhoy Peninsula, and James Island respectively. Therefore, population losses on the peninsula of Charleston are countered by substantial gains in other regions as developers in conjunction with the city continue to build new residential areas.
### TABLE 2

**Population Growth, City of Charleston, 1997-1998**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Peninsula</td>
<td>39,105</td>
<td>39,081</td>
<td>-24</td>
<td>&lt;1.0</td>
</tr>
<tr>
<td>West Ashley</td>
<td>47,656</td>
<td>49,021</td>
<td>1,365</td>
<td>3.0</td>
</tr>
<tr>
<td>James Island</td>
<td>11,418</td>
<td>12,565</td>
<td>1,147</td>
<td>10.0</td>
</tr>
<tr>
<td>Johns Island</td>
<td>1,598</td>
<td>1,731</td>
<td>133</td>
<td>8.0</td>
</tr>
<tr>
<td>Daniel Island/Cainhoy</td>
<td>346</td>
<td>553</td>
<td>207</td>
<td>60.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100,123</strong></td>
<td><strong>102,951</strong></td>
<td><strong>2,828</strong></td>
<td><strong>2.8</strong></td>
</tr>
</tbody>
</table>

Source: Department of Planning and Urban Development, City of Charleston.

Note: Estimates include annexations and new residential construction/demolition permits.

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**INCORPORATION AND DOMINION**

Another challenge to annexation is the incorporation of new cities. Charleston was the first city to be incorporated in South Carolina when it was issued a charter on June 23, 1722. The charter, proposed by the first appointed colonial governor, Sir Francis Nicholson, reportedly was modeled after the charter of New York City. In 1783, the General Assembly passed an act creating Charleston as a municipal subdivision (Graham and Moore 1994, 204). Originally, cities were incorporated under general act charters approved by the General Assembly. When the South Carolina Constitution was revised in 1973, cities were granted home rule and Section 8 of Article VIII mandated that the General Assembly provide by general law the method by which new municipalities could be incorporated. The section further provided that the incorporation of a new city could occur only "...with the consent of a majority of the electors voting in such election who reside in and are entitled by law to vote within"
EXERCISING DOMINION OVER METROPOLITAN GROWTH

the district proposed to be incorporated.” The Home Rule statute adopted by the General Assembly allowed the Secretary of State to issue a certificate of incorporation when the region to be incorporated has

(1) a population density of at least 300 persons per square mile except for the sea islands and coastal areas within two miles of the Atlantic Ocean.

(2) no territory within five miles of an active incorporated municipality.

(3) filed a feasible plan for providing for municipal services (Underwood 1989, 202).

When the proposed municipality has a population of more than 15,000 or has petitioned the nearest city or town for annexation and has been refused, the five-mile rule is not applicable. However, when the Secretary of State issues a certificate of incorporation for the new city, the procedures can be challenged by suit within 60 days of the certification. Thus, when the Town of James Island was incorporated, the City of Charleston immediately filed a suit challenging the legality of the procedure.

In the fall of 1992, residents in the unincorporated area of James Island voted for incorporation and the Town of James Island was certified by the Secretary of State. As a barrier island, petitioners were exempt from the population density provision. The five-mile limit was avoided because the total population of the area to be incorporated exceeded 15,000. In its suit, however, the City of Charleston argued that the population requirement was met only because the geographical area of the town illegally crossed waterways and marshes that had previously been annexed by the city. The Town of James Island argued that waterways considered transparent for the purpose of annexation could be considered transparent for incorporation, and that publicly-
owned marshland did not constitute a legal barrier to contiguity necessary for the town to meet the population requirements. Thus, if marsh and waterways were no barrier to annexation, they were no barriers to incorporation.

Three years lapsed before a South Carolina Circuit Court of Appeals heard the case. Because the town had functioned as a corporate entity during this period, it claimed *de facto* status as a municipality. The issue of *de facto* municipal status together with the question of contiguity provided the legal basis for the contentions of the disputing parties. The circuit court held in favor of the plaintiff, the City of Charleston. Town of James Island appealed. In 1996, the South Carolina Supreme Court reviewed the case and considered four questions: First, “did the [circuit] court err in finding that the Town lacked the requisite contiguity?” Second, “was the action properly/timely instituted under” South Carolina law? Third, do respondents have standing? And fourth, “did the Court err in finding [the] Town was not a *de facto* municipal corporation?”

The Supreme Court found that the action was timely and respondents had standing. The court then reviewed the questions of contiguity and *de facto* status. With respect to contiguity, the Court, citing *Tovey*, held that “contiguity is not destroyed by water or marshlands which separate parcels of highland.” However, the court found that argument made by James Island disregarded “the fact that the waters/wetlands it seeks to use to establish contiguity have already been annexed by another municipality.” Turning to the question of the *de facto* municipal corporation, the Court declined “to confer the status of a *de facto* municipality simply due to the length of the appeal” (*Glaze v. Grooms*, 324 S.C. 249; 478 S.E.2d 841, 1996).

Having successfully challenged the incorporation of the Town of James Island, Charleston effectively eliminated one barrier to its dominion over the island. Immediately following the
court’s decision, the city sent letters to unincorporated property holders explaining the advantages of annexation. The advantages included, according to the city, lower taxes. The James Island public service district countered with a letter stating that the district was solvent and that residents who did not wish to be annexed did not have to fear losing service. Since the initial effort to increase its jurisdiction, the city has pursued annexation, property by property, often through the 100% annexation method that enables one home owner at a time to petition for annexation.

CONCLUSION

Although South Carolina annexation law is considered restrictive, aggressive annexation strategies of municipalities can overcome barriers to the expansion of their jurisdictions. As cities test the limits of the law, legal refinement may actually act as a facilitator as opposed to a barrier to the exercise of dominion through annexation. The aggressive strategies of Charleston have contributed to such refinement. In its successful defense of legal challenges to annexations, the city has been instrumental in obtaining definitions of the law that more liberally construe the meaning of the words found in the state statutes.

First is the meaning of “contiguity.” While residents may define contiguity as high ground that is adjacent to the municipality, court interpretations have found that water and marsh are essentially transparent and therefore offer no legal impediment to the annexation of property. Consequently, suburbs and public service districts no longer have a legal argument that will serve to combat encroachment of a city that has adopted an aggressive campaign to extend its dominion. Thus, both the sense of isolation afforded by rivers and the legal basis the rivers offered for continued independence of suburban areas has been consistently eroded.
Second are the meanings of “unity” and “compactness.” Courts have held that size and irregular shape of property do not violate the statutory provision for the enlargement of municipal boundaries. Furthermore, the South Carolina statute permits the annexation of roads and bridges that provide access from one region to another, thereby satisfying the contiguity requirement. Therefore, the statute and its interpretation enable cities to incrementally annex property through the 100% petition method, although continuity is not readily apparent to all suburban residents.

The application of the law as suited to the circumstance may give the aggressive city an advantage over adjacent municipalities. When aided by an urban regime that has control over a substantial portion of the property to be annexed, the city, using the 75% method, can force an annexation of land for which several jurisdictions may be competing. Cities that form alliances with entrepreneurs obtain substantial support for increasing their dominion over metropolitan growth.

Cities may also use the law to carve corridors through unincorporated land and thereby prevent the incorporation of edge cities. With court rulings relating to water and marsh, the annexing jurisdiction does not need to contend with reluctant property owners in order to effectively divide landmass and preempt challenges to subsequent efforts to annex. The same principle applies in the use of public roads and the 100% annexation method that link the city to parcels of land otherwise separated by unincorporated areas within a given geographical region.

Although South Carolina state law governing annexation is restrictive, a willingness to test laws governing both annexation and incorporation coupled with urban regimes and aggressive policies enable cities to challenge effectively efforts of other jurisdictions to maintain or extend their dominion. While these
policies inevitably create political conflict, cities that have a well defined metropolitan growth plan and annexation policy can extend their jurisdiction over areas that are developed or developing.

REFERENCES


South Carolina Code Annotated. Section 5-3-110; 1976.


