

NORTHFIELD DEVELOPMENT COMPANY, INC. v. THE CITY OF BURLINGTON, a
Political Subdivision of the State of North Carolina

No. 63A00

(Filed 6 October 2000)

No Headnotes.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 136 N.C. App. 272, 523 S.E.2d 743 (2000), affirming and modifying in part and reversing and remanding in part an order entered 13 October 1999 and an order and judgment entered 13 October 1999 by Allen (J.B., Jr.), J., in Superior Court, Alamance County. On 4 May 2000, the Supreme Court granted discretionary review of additional issues. Heard in the Supreme Court 14 September 2000.

Smith, James, Rowlett & Cohen, LLP, by J. David James, for plaintiff-appellant and -appellee.

Faison & Gillespie, by Reginald B. Gillespie, Jr., for defendant-appellant and -appellee.

Jordan Price Wall Gray Jones & Carlton, PLLC, by F. Frank Gray and Emily W. Eisele, on behalf of the North Carolina Manufactured Housing Institute, amicus curiae.

PER CURIAM.

As to the issue on direct appeal based on the dissenting opinion, we affirm the majority decision of the Court of Appeals. We conclude that the petitions for discretionary review as to additional issues were improvidently allowed.

AFFIRMED IN PART; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED
IN PART.