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IN THE COURT OF APPEALS OF NORTH CAROLINA

2021-NCCOA-113

No. COA19-311-2

Filed 6 April 2021

Cabarrus County, No. 16-CVS-3017

METRO DEVELOPMENT GROUP, LLC; Niblock Development Corp.; Lennar Carolinas, LLC; Shea Real Estate Investments, LLC; True Homes, LLC; and Craft Development, LLC, Plaintiffs,

v.

CITY OF CONCORD, Defendant.

Appeal by Plaintiffs and cross-appeal by Defendant from summary judgment entered 10 October 2018 by Judge Joseph N. Crosswhite in Cabarrus County Superior Court. Heard in the Court of Appeals 18 September 2019, and opinion filed 17 December 2019. Remanded to this Court by order of the North Carolina Supreme Court for reconsideration in light of *JVC Enterprises, LLC v. City of Concord*, \_\_\_ N.C. \_\_\_, 2021-NCSC-14 (March 12, 2021).

*Scarbrough & Scarbrough, PLLC, by John F. Scarbrough, for Plaintiffs-Appellants.*

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

INMAN, Judge.

METRO DEV. GRP., LLC v. CITY OF CONCORD

2021-NCCOA-113

*Opinion of the Court*

¶ 1

We reconsider our prior opinion in this matter, *Metro Dev. Grp., LLC v. City of Concord*, 269 N.C. App. 109, 836 S.E.2d 346, 2019 WL 6876685 (2019) (unpublished), in light of *JVC Enterprises, LLC v. City of Concord*, \_\_\_ N.C. \_\_\_, 2021-NCSC-14 (March 12, 2021). As we recognized in our prior opinion, this appeal and cross-appeal is entirely controlled by *JVC Enterprises. Metro Dev. Grp.*, 2019 WL 6876685 at \*1. We therefore affirm the trial court's entry of summary judgment in favor of Defendant and the dismissal of Plaintiffs' complaint consistent with our Supreme Court's holding in that case. *JVC Enterprises*, \_\_\_ N.C. at \_\_\_, 2021-NCSC-14, ¶ 1.

AFFIRMED.

Report per Rule 30(e).