

Senate Bill 412

By: Senators Crotts of the 17th and Brush of the 24th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 36-36-22 of the Official Code of Georgia Annotated, relating to
2 deannexation, so as to change the procedures for deannexation of territory from a
3 municipality; to authorize deannexation upon the agreement of 100 percent of the property
4 owners under certain circumstances; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 36-36-22 of the Official Code of Georgia Annotated, relating to deannexation,
9 is amended by striking the Code section in its entirety and inserting in lieu thereof a new
10 Code Section 36-36-22 to read as follows:

11 "36-36-22.

12 Authority is granted to the governing bodies of the several municipal corporations of this
13 state to deannex an area or areas of the existing corporate limits thereof, in accordance with
14 the procedures provided in this article and in Article 1 of this chapter, upon the written and
15 signed applications of all of the owners of all of the land, except the owners of any public
16 street, road, highway, or right of way, proposed to be deannexed, containing a complete
17 description of the lands to be deannexed ~~and the adoption of a resolution by the governing~~
18 ~~authority of the county in which such property is located consenting to such deannexation.~~
19 Lands to be deannexed at any one time shall be treated as one body, regardless of the
20 number of owners, and all parts shall be considered as adjoining the limits of the municipal
21 corporation when any one part of the entire body abuts such limits. Upon the presentation
22 of such an application by such land owners, the municipality shall adopt an ordinance
23 deannexing such land. If the municipality fails to pass a deannexation ordinance within 90
24 days after the presentation of an application by the land owners, such land owners may
25 seek a writ of mandamus from the superior court of the county in which the land is located
26 to compel the municipality to adopt such ordinance. When such application is acted upon

1 ~~by the municipal authorities and the land is, by ordinance,~~ deannexed from the municipal
2 corporation, an identification of the property so deannexed shall be filed by the
3 municipality with the Department of Community Affairs and with the governing authority
4 of the county in which the property is located in accordance with Code Section 36-36-3.
5 When so deannexed, such lands shall cease to constitute a part of the lands within the
6 corporate limits of the municipal corporation as completely and fully as if the limits had
7 been marked and defined by local Act of the General Assembly."

8 **SECTION 2.**

9 This Act shall become effective upon its approval by the Governor or upon its becoming law
10 without such approval.

11 **SECTION 3.**

12 All laws and parts of laws in conflict with this Act are repealed.