

House Bill 764

By: Representative Golick of the 30th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated,
2 relating to annexation of unincorporated islands, so as to provide for objections to defeat
3 such annexations; to provide for notices; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Article 6 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
7 annexation of unincorporated islands, is amended by striking Code Section 36-36-92, relating
8 to procedures for annexation, and inserting in its place the following:

9 "36-36-92.

10 (a) The governing body of each municipal corporation of the state may annex to the
11 existing corporate limits thereof all or any portion of unincorporated islands which are
12 contiguous to the existing limits at the time of such annexation upon compliance with the
13 procedures set forth in this article and in accordance with the procedures provided in
14 Article 1 of this chapter.

15 (b) Annexation of unincorporated islands as authorized in subsection (a) of this Code
16 section shall be accomplished by ordinance at a regular meeting of the municipal governing
17 authority ~~within 30~~ no sooner than 60 and no later than 90 days after written notice of
18 intent to annex such property is mailed to the owner of such property at the last known
19 address for such owner as it appears on the ad valorem tax records of the county in which
20 such property is located unless owners of at least 60 percent of the land area, by acreage,
21 sought to be annexed, object to such annexation within 30 days following the mailing of
22 such notice. Such notice shall also include the following statement in bold capital letters:
23 YOU MAY OBJECT TO THIS ANNEXATION BY SENDING A WRITTEN
24 OBJECTION, SIGNED BY EACH RECORD TITLEHOLDER OF THE FEE SIMPLE
25 TITLE, OR HIS OR HER LEGAL REPRESENTATIVE, BY CERTIFIED MAIL OR

1 STATUTORY OVERNIGHT DELIVERY TO THE FOLLOWING ADDRESS WITHIN
 2 30 DAYS AFTER THIS NOTICE WAS MAILED:

3 (Address to which objections must be sent)

4 Such objection shall be in writing, signed by the record titleholder of the fee simple title
 5 or his or her legal representative, and transmitted by certified mail or statutory overnight
 6 delivery to the address listed for such objections on the municipal governing authority's
 7 notice of intent to annex. If the requisite number of objections is timely received, the
 8 proposed annexation shall not occur and a proposal to annex any of the property so
 9 proposed to be annexed may not be proposed again until at least 24 months following the
 10 mailing by the municipal governing authority of the first notification regarding the defeated
 11 proposal. Nothing in this Code section shall limit annexation by any other method
 12 authorized by law other than the method authorized under this article. After the adoption
 13 of the annexation ordinance, an identification of the property annexed shall be filed with
 14 the Department of Community Affairs and with the governing authority of the county in
 15 which the property is located, in accordance with Code Section 36-36-3.

16 (c) Annexation of an unincorporated island as authorized by subsection (a) of this Code
 17 section, which unincorporated island directly abuts more than one municipality, shall be
 18 by the municipality which abuts the unincorporated island along the greatest percentage of
 19 its external boundary as provided in this Code section, unless otherwise agreed to by the
 20 affected municipalities.

21 (d) Annexations under this article shall be at the sole discretion of the governing body of
 22 each municipality subject to the objections authorized under subsection (b) of this Code
 23 section.

24 (e) Municipal services to the annexed area shall be provided on substantially the same
 25 basis and in the same manner as such services are provided within the rest of the municipal
 26 corporation; provided, however, the extension of water and sewer services shall be
 27 according to the policies in effect in such municipal corporation for extending water and
 28 sewer lines to individual lots and subdivisions.

29 (f) The provisions of this article with regard to annexation of unincorporated islands is
 30 severable as to each city and to the annexation of each unincorporated island therein. The
 31 implementation of each annexation pursuant to this article is contingent upon preclearance
 32 of each annexation by the U.S. Justice Department pursuant to Section 5 of the Voting
 33 Rights Act of 1965, 42 U.S.C. 1973(c). Any city annexing an unincorporated island
 34 pursuant to this article shall submit such annexation to the U.S. Justice Department for
 35 preclearance not later than 90 days following the date of adoption of the annexation
 36 ordinance by the municipal governing authority."

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SECTION 2.

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