

House Bill 123

By: Representatives England of the 108th, Jones of the 46th, Houston of the 170th, McCall of the 30th, Sheldon of the 105th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
2 municipal annexation of territory, so as to change certain provisions relating to authority,
3 procedures, identification, and status of lands relative to municipal deannexation; to provide
4 procedures applicable to municipal deannexation of property pursuant to application of
5 landowners thereof; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of
9 territory, is amended by revising Code Section 36-36-22, relating to authority, procedures,
10 identification, and status of lands relative to deannexation, 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. When such application~~
22 ~~is acted upon by the municipal authorities and the land is, by ordinance, deannexed from~~
23 ~~the municipal corporation, an identification of the property so deannexed shall be filed with~~
24 ~~the Department of Community Affairs and with the governing authority of the county in~~
25 ~~which the property is located in accordance with Code Section 36-36-3. When so~~
26 ~~deannexed, such lands shall cease to constitute a part of the lands within the corporate~~

1 ~~limits of the municipal corporation as completely and fully as if the limits had been marked~~
 2 ~~and defined by local Act of the General Assembly. Reserved~~"

3 **SECTION 2.**

4 Said chapter is further amended by adding a new article to read as follows:

5 "ARTICLE 7

6 36-36-100.

7 The procedures of this article shall apply to all deannexations pursuant to this chapter but
 8 shall not apply to deannexations by local Acts of the General Assembly.

9 36-36-101.

10 (a) An area or areas within the existing corporate limits of a municipality that are
 11 contiguous to the unincorporated area of a county within which the municipality is located
 12 shall be deannexed in accordance with the procedures provided in this Code section. Such
 13 deannexation shall occur upon the written and signed application of:

14 (1) All of the owners of all of the lands, except the owners of any public street, road,
 15 highway, or right of way, proposed to be deannexed; or

16 (2) Not less than 60 percent of the electors resident in the area included in any such
 17 application and of the owners of not less than 60 percent of the land area, by acreage,
 18 included in such application.

19 (b) The application required by subsection (a) of this Code section shall contain a complete
 20 description of the lands to be deannexed. In addition, a copy of a resolution by the
 21 governing authority of the county in which such property is located consenting to such
 22 deannexation shall also be included in the application.

23 (c) When a complete application is submitted to the municipal authorities, the land shall
 24 be deannexed from the municipal corporation effective for ad valorem tax purposes on
 25 December 31 of the year during which such application is submitted and for all other
 26 purposes on the first day of the next calendar quarter which begins at least one month after
 27 the month during which the requirements of this article have been met.

28 (d) An identification of the property so deannexed shall be filed with the Department of
 29 Community Affairs and with the governing authority of the county in which the property
 30 is located in accordance with Code Section 36-36-3.

31 (e) When deannexed pursuant to this Code section, such lands shall cease to constitute a
 32 part of the lands within the corporate limits of the municipal corporation as completely and
 33 fully as if the limits had been marked and defined by local Act of the General Assembly.

1 (f) Lands to be deannexed at any one time shall be treated as one body, regardless of the
2 number of owners, and all parts shall be considered as adjoining the limits of the municipal
3 corporation when any one part of the entire body abuts such limits.

4 (g) For the purposes of this Code section, property shall be considered contiguous to the
5 unincorporated area of a county if the area proposed for deannexation either abuts directly
6 on an unincorporated area or would directly abut on the unincorporated area if it were not
7 otherwise separated from the municipal boundary by lands owned by a municipal
8 corporation, the county, or some other political subdivision; lands owned by this state; the
9 definite width of any street or street right of way; any creek or river; or any right of way
10 of a railroad or other public service corporation.

11 (h) Property that has been annexed to a municipal corporation shall not be deannexed
12 pursuant to the provisions of this Code section until at least two calendar years after the
13 date the annexation of said property became effective.

14 (i) Property that is included within the municipal boundaries of a newly incorporated
15 municipality shall not be subject to deannexation pursuant to the provisions of this Code
16 section until at least two calendar years after the date the incorporation became effective.

17 (j) Property that has been deannexed from a municipal corporation pursuant to the
18 provisions of this Code section shall not be annexed again until at least two calendar years
19 after the date the deannexation of said property became effective, unless such annexation
20 is accomplished by local Act of the General Assembly."

21 **SECTION 3.**

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