

Senate Bill 82

By: Senators Weber of the 40th, Johnson of the 1st, Shafer of the 48th and Williams of the 19th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To incorporate the City of Dunwoody in DeKalb County; to provide for a charter for the City
 2 of Dunwoody; to provide for incorporation, boundaries, and powers of the city; to provide
 3 for general powers and limitations on powers; to provide for a governing authority of such
 4 city and the powers, duties, authority, election, terms, method of filling vacancies,
 5 compensation, expenses, qualifications, prohibitions, and districts relative to members of
 6 such governing authority; to provide for inquiries and investigations; to provide for
 7 organization and procedures; to provide for ordinances; to provide for codes; to provide for
 8 a charter commission; to provide for the office of mayor and certain duties and powers
 9 relative to the office of mayor; to provide for administrative responsibilities; to provide for
 10 boards, commissions, and authorities; to provide for a city manager, a city attorney, a city
 11 clerk, a tax collector, a city accountant, and other personnel; to provide for a municipal court
 12 and the judge or judges thereof; to provide for practices and procedures; to provide for ethics
 13 and disclosures; to provide for taxation, licenses, and fees; to provide for franchises, service
 14 charges, and assessments; to provide for bonded and other indebtedness; to provide for
 15 accounting and budgeting; to provide for purchases; to provide for homestead exemptions;
 16 to provide for bonds for officials; to provide for other matters relative to the foregoing; to
 17 provide for a referendum; to provide effective dates and transitional provisions governing the
 18 transfer of various functions and responsibilities from DeKalb County to the City of
 19 Dunwoody; to provide for severability; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 ARTICLE I

2 CREATION, INCORPORATION, POWERS

3 **SECTION 1.01.**

4 Incorporation.

5 This Act shall constitute the charter of the City of Dunwoody, Georgia. The City of
6 Dunwoody, Georgia, in the County of DeKalb, and the inhabitants thereof, are constituted
7 and declared a body politic and corporate under the same name and style of the "City of
8 Dunwoody" and by that name shall have perpetual succession, may sue and be sued, plead
9 and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may
10 have and use a common seal.

11 **SECTION 1.02.**

12 Corporate boundaries.

13 The boundaries of the City of Dunwoody shall be those set forth and described in Appendix
14 A of this charter, and said Appendix A is incorporated into and made a part of this charter.
15 The city clerk shall maintain a current map and written legal description of the corporate
16 boundaries of the city, and such map and description shall incorporate any changes which
17 may hereafter be made in such corporate boundaries.

18 **SECTION 1.03.**

19 Powers and construction.

20 (a) This city shall have all powers possible for a city to have under the present or future
21 Constitution and laws of this state as fully and completely as though they were specifically
22 enumerated in this Act. This city shall have all the powers of self-government not otherwise
23 prohibited by this Act or by general law.

24 (b) The powers of this city shall be construed liberally in favor of the city. The specific
25 mention or failure to mention particular powers shall not be construed as limiting in any way
26 the powers of this city. These powers shall include, but not be limited to, the following:

27 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
28 large of animals and fowl, and to provide for the impoundment of same if in violation of
29 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
30 destruction of animals and fowl when not redeemed as provided by ordinance; and to
31 provide punishment for violation of ordinances enacted hereunder;

- 1 (2) Appropriations and expenditures. To make appropriations for the support of the
2 government of the city; to authorize the expenditure of money for any purposes
3 authorized by this charter and for any purpose for which a municipality is authorized by
4 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 5 (3) Building regulation. To regulate and to license the erection and construction of
6 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
7 and heating and air conditioning codes; and to regulate all housing and building trades
8 to the extent permitted by general law;
- 9 (4) Business regulation and taxation. To levy and to provide for the collection of
10 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
11 by Title 48 of the O.C.G.A. or other such applicable laws as are or may hereafter be
12 enacted; to permit and regulate the same; to provide for the manner and method of
13 payment of such regulatory fees and taxes; and to revoke such permits after due process
14 for failure to pay any city taxes or fees;
- 15 (5) Condemnation. To condemn property inside or outside the corporate limits of the
16 city for present or future use and for any corporate purpose deemed necessary by the city
17 council utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other
18 applicable laws as are or may hereafter be enacted;
- 19 (6) Contracts. To enter into contracts and agreements with other governmental entities
20 and with private persons, firms, and corporations;
- 21 (7) Emergencies. To establish procedures for determining and proclaiming that an
22 emergency situation exists within or without the city, and to make and carry out all
23 reasonable provisions deemed necessary to deal with or meet such an emergency for the
24 protection, safety, health, or well-being of the citizens of the city;
- 25 (8) Environmental protection. To protect and preserve the natural resources,
26 environment, and vital areas of the city, the region, and the state through the preservation
27 and improvement of air quality, the restoration and maintenance of water resources, the
28 control of erosion and sedimentation, the management of storm water and establishment
29 of a storm water utility, the management of solid and hazardous waste, and other
30 necessary or beneficial actions for the protection of the environment;
- 31 (9) Ethics. To adopt ethics ordinances and regulations governing such things as, but not
32 limited to, the conduct of municipal elected officials, appointed officials, contractors,
33 vendors and employees, establishing procedures for ethics complaints, and setting forth
34 penalties for violations of such rules and procedures;
- 35 (10) Fire regulations. To fix and establish fire limits and from time to time to extend,
36 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

1 general law, relating to both fire prevention and detection and to fire fighting; and to
2 prescribe penalties and punishment for violations thereof;

3 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
4 and disposal and other sanitary service charge, tax, or fee for such services as may be
5 necessary in the operation of the city from all individuals, firms, and corporations
6 residing in or doing business therein benefiting from such services; to enforce the
7 payment of such charges, taxes, or fees; and to provide for the manner and method of
8 collecting such service charges, taxes, or fees;

9 (12) General health, safety, and welfare. To define, regulate, and prohibit any act,
10 practice, conduct, or use of property which is detrimental to health, sanitation,
11 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
12 enforcement of such standards;

13 (13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
14 any purpose related to powers and duties of the city and the general welfare of its
15 citizens, on such terms and conditions as the donor or grantor may impose;

16 (14) Health and sanitation. To prescribe standards of health and sanitation and to
17 provide for the enforcement of such standards;

18 (15) Homestead Exemption. To establish and maintain procedures for offering
19 homestead exemptions to residents of the city and maintaining current homestead
20 exemptions of residents of the city as authorized by Act of the General Assembly;

21 (16) Jail sentences. To provide that persons given jail sentences in the city's court may
22 work out such sentences in any public works or on the streets, roads, drains, and other
23 public property in the city; to provide for commitment of such persons to any jail; to
24 provide for the use of pretrial diversion and any alternative sentencing allowed by law;
25 or to provide for commitment of such persons to any county work camp or county jail by
26 agreement with the appropriate county officials;

27 (17) Motor vehicles. To regulate the operation of motor vehicles and exercise control
28 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
29 of the city;

30 (18) Municipal agencies and delegation of power. To create, alter, or abolish
31 departments, boards, offices not specified in this charter, commissions, authorities, and
32 agencies of the city, and to confer upon such agencies the necessary and appropriate
33 authority for carrying out all the powers conferred upon or delegated to the same;

34 (19) Municipal debts. To appropriate and borrow money for the payment of debts of the
35 city and to issue bonds for the purpose of raising revenue to carry out any project,
36 program, or venture authorized by this charter or the laws of the State of Georgia;

1 (20) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
2 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
3 outside the property limits of the city;

4 (21) Municipal property protection. To provide for the preservation and protection of
5 property and equipment of the city and the administration and use of same by the public;
6 and to prescribe penalties and punishment for violations thereof;

7 (22) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
8 of public utilities, including but not limited to a system of waterworks, sewers and drains,
9 sewage disposal, storm water management, gasworks, electricity generating plants, cable
10 television and other telecommunications, transportation facilities, public airports, and any
11 other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations,
12 and penalties; and to provide for the withdrawal of service for refusal or failure to pay the
13 same;

14 (23) Nuisance. To define a nuisance and provide for its abatement whether on public or
15 private property;

16 (24) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
17 the authority of this charter and the laws of the State of Georgia;

18 (25) Planning and zoning. To provide comprehensive city planning for city land use,
19 signage and outside advertising, and development by zoning; and to provide subdivision
20 regulation and the like as the city council deems necessary and reasonable to insure a
21 safe, healthy, and aesthetically pleasing community;

22 (26) Police and fire protection. To exercise the power of arrest through duly appointed
23 police officers, and to establish, operate, or contract for a police and a fire-fighting
24 agency;

25 (27) Public hazards; removal. To provide for the destruction and removal of any
26 building or other structure that is or may become dangerous or detrimental to the public;

27 (28) Public improvements. To provide for the acquisition, construction, building,
28 operation, maintenance, abolition, discontinuance or change to another use of public
29 ways, parks and playgrounds, recreational facilities, cemeteries, public buildings,
30 libraries, public housing, parking facilities, and charitable, cultural, educational,
31 recreational, conservation, sport, detentional, penal, and medical institutions, agencies,
32 and facilities; to provide any other public improvements, inside or outside the corporate
33 limits of the city and to regulate the use of public improvements; and for such purposes,
34 property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other
35 applicable laws as are or may hereafter be enacted;

36 (29) Public peace. To provide for the prevention and punishment of loitering, disorderly
37 conduct, drunkenness, riots, and public disturbances;

- 1 (30) Public transportation. To organize and operate such public transportation systems
2 as are deemed beneficial;
- 3 (31) Public utilities and services. To grant franchises or make contracts for, or impose
4 taxes on, public utilities and public service companies; and to prescribe the rates, fares,
5 regulations, and standards and conditions of service applicable to the service to be
6 provided by the franchise grantee or contractor, insofar as not in conflict with valid
7 regulations of the Public Service Commission;
- 8 (32) Regulation of roadside areas. To prohibit or regulate and control the erection,
9 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
10 and all other structures or obstructions upon or adjacent to the rights of way of streets and
11 roads or within view thereof, within or abutting the corporate limits of the city; and to
12 prescribe penalties and punishment for violation of such ordinances;
- 13 (33) Retirement. To provide and maintain a retirement plan for officers and employees
14 of the city;
- 15 (34) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
16 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
17 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
18 walkways within the corporate limits of the city; to grant franchises and rights of way
19 throughout the streets and roads and over the bridges and viaducts for the use of public
20 utilities; and to require real estate owners to repair and maintain in a safe condition the
21 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 22 (35) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
23 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
24 and sewerage system; to levy on those to whom sewers and sewerage systems are made
25 available a sewer service fee, charge, or sewer tax for the availability or use of the
26 sewers; to provide for the manner and method of collecting such service charges and for
27 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
28 or fees to those connected with the system;
- 29 (36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
30 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
31 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
32 paper, and other recyclable materials and to provide for the sale of such items;
- 33 (37) Special assessments. To levy and provide for the collection of special assessments
34 to cover the costs for any public improvements;
- 35 (38) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation,
36 and collection of taxes on all property subject to taxation; provided, however, that:

1 (A) For the first three fiscal years of operation, from December, 2007 through
 2 December, 2010, the millage rate imposed for ad valorem taxes on real property shall
 3 not exceed 3.04 unless a higher limit is recommended by resolution of the city council
 4 and approved by a majority of the qualified voters of the City of Dunwoody;

5 (B) For all years, the fair market value of all property subject to taxation shall be
 6 determined according to the tax digest of DeKalb County, as provided in Code Section
 7 48-5-352 of the O.C.G.A.; and

8 (39) Taxes: other. To levy and collect such other taxes and fees as may be allowed now
 9 or in the future by law;

10 (40) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 11 number of such vehicles; to require the operators thereof to be licensed; to require public
 12 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 13 regulate the parking of such vehicles;

14 (41) Tourism, Conventions, and Trade Shows. To provide for the structure, operation, or
 15 management of the Dunwoody Convention and Visitors Bureau and to authorize the City
 16 of Dunwoody to contract with private sector nonprofit organizations or other
 17 governmental agencies to promote tourism, conventions, and trade shows.

18 (42) Urban redevelopment. To organize and operate an urban redevelopment program;
 19 and

20 (43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 21 and immunities necessary or desirable to promote or protect the safety, health, peace,
 22 security, good order, comfort, convenience, or general welfare of the city and its
 23 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 24 all powers granted in this charter as fully and completely as if such powers were fully
 25 stated herein; and to exercise all powers now or in the future authorized to be exercised
 26 by other municipal governments under other laws of the State of Georgia; and any listing
 27 of particular powers in this charter shall not be held to be exclusive of others or restrictive
 28 of general words and phrases granting powers, but shall be held to be in addition to such
 29 powers unless expressly prohibited to municipalities under the Constitution or applicable
 30 laws of the State of Georgia.

31 **SECTION 1.04.**

32 Exercise of powers.

33 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
 34 employees shall be carried into execution as provided by this Act. If this charter makes no

1 provision, such shall be carried into execution as provided by ordinance or as provided by
 2 pertinent laws of the State of Georgia.

3 **SECTION 1.05.**

4 Tourism, conventions, and trade shows.

5 The Dunwoody Convention and Visitors Bureau is hereby created.

6 **ARTICLE II**

7 **GOVERNMENT STRUCTURE, ELECTIONS,**
 8 **AND LEGISLATIVE BRANCH**

9 **SECTION 2.01.**

10 City council creation; number; election.

11 (a) The legislative authority of the government of the City of Dunwoody, except as
 12 otherwise specifically provided in this Act, shall be vested in a city council of which the
 13 mayor shall be a voting member.

14 (b) The city council of Dunwoody, Georgia shall consist of six members, plus the mayor.
 15 There shall be three council districts, designated Council Districts 1 through 3, as described
 16 in Appendix B of this Act, which is attached to and made a part of this charter of the City of
 17 Dunwoody. Two councilmembers shall be elected from each of the three council districts,
 18 designated Council Posts 1A, 1B, 2A, 2B, 3A, and 3B. Each person desiring to offer as a
 19 candidate for councilmember shall designate the council district and post for which he or she
 20 is offering. Councilmembers shall be elected by a majority vote of the qualified electors of
 21 the city at large voting at the elections of the city. In the event that no candidate for a council
 22 post obtains a majority vote of the qualified electors of the city at large, then a run-off
 23 election shall be held. The two candidates receiving the most votes in the election for such
 24 council post will be included in the run-off election, and the councilmember shall be elected
 25 by a majority vote of the qualified electors of the city at large voting at such run-off election.
 26 Each candidate for election to the city council must reside in the district he or she seeks to
 27 represent, but such districts shall be residency districts only and not voting districts.

28 (c) Councilmembers for each district post shall be elected on a staggered basis in alternate
 29 election cycles such that every two years the post of one councilmember from each district
 30 is up for election.

31 (d) In order to assure staggered elections of the councilmembers, in the first election of the
 32 city council the terms for the candidates elected for Council Posts 1A, 2A, and 3A shall

1 expire upon the administration of the oath of office to their successors elected in the regular
2 elections held in November 2009 as provided in Section 2.02(b). The terms for the
3 candidates elected for Council Posts 1B, 2B, and 3B shall expire upon the administration of
4 the oath of office to their successors elected in the regular elections held in November 2011
5 as provided in Section 2.02(b).

6 (e) A mayor of the City of Dunwoody, with the powers and duties specified herein, shall be
7 elected. The mayor shall be elected by a majority vote of the qualified electors of the city
8 at large voting at the elections of the city. In the event that no candidate for mayor obtains
9 a majority vote of the qualified electors of the city at large voting at the elections of the city
10 then a run-off election shall be held. The two candidates receiving the most votes in the
11 election will be included in the run-off election, and the mayor shall be elected by a majority
12 vote of the qualified electors of the city at large voting at such run-off election. The term of
13 the first elected mayor shall expire upon the administration of the oath of office to his or her
14 successor elected in the regular election held in November 2011 as provided in Section
15 2.02(b).

16 **SECTION 2.02.**

17 Mayor and councilmembers; terms and qualifications for office.

18 (a) For all elections subsequent to the first election, the mayor and councilmembers shall
19 serve for terms of four years and until their terms shall expire upon the administration of the
20 oath of office to their successors. No person shall be eligible to serve as mayor or
21 councilmember unless that person shall have been a resident of the City of Dunwoody for
22 a continuous period of at least 12 months immediately prior to the date of the election for
23 mayor or councilmember, shall continue to reside therein during that person's period of
24 service, and shall continue to be registered and qualified to vote in municipal elections of the
25 City of Dunwoody. In addition to the above requirements, no person shall be eligible to
26 serve as a councilmember representing a council district unless that person has been a
27 resident of the district such person seeks to represent for a continuous period of at least six
28 months immediately prior to the date of the election for councilmember and continues to
29 reside in such district during that person's period of service.

30 (b) An election shall be held on the third Tuesday in September, 2007, to elect the first
31 mayor and city council. At such election, the first mayor and council shall be elected to
32 serve for the initial terms of office specified in Sections 2.01(d) and 2.01(e). Thereafter, the
33 time for holding regular municipal elections shall be on the Tuesday next following the first
34 Monday in November of each odd-numbered year beginning in 2009.

- 1 (c) The number of successive terms an individual may hold a position as a councilmember
2 shall be unlimited.
- 3 (d) The number of successive terms an individual may hold the position of Mayor shall be
4 limited to two terms. An individual who serves as mayor for two consecutive terms, may
5 stand for subsequent elections provided the individual is not the mayor at time of such
6 elections.
- 7 (e) The initial judgment about the qualification and election of elected officials of the city
8 shall be made by the city council.

9 **SECTION 2.03.**

10 Vacancy; filling of vacancies; suspensions.

- 11 (a) Elected officials of the city cannot hold other elected or public offices. The elected
12 offices of the city's government will become vacant upon the member's death, resignation,
13 removal, or forfeiture of office. The following shall result in an elected city official
14 forfeiting his or her office: (1) Violating the provisions of this charter; (2) Being convicted
15 of a felony or a crime of moral turpitude, or (3) Failing to attend one-third of the regular
16 meetings of the council in a three-month period without being excused by the council.
- 17 (b) The office of mayor shall become vacant upon the incumbent's death, resignation,
18 forfeiture of office, or removal from office in any manner authorized by this Act or the
19 general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the
20 remainder of the unexpired term by a special election if such vacancy occurs 12 months or
21 more prior to the expiration of the term of that office. If such vacancy occurs within 12
22 months of the expiration of the term of that office, the city council or those members
23 remaining shall appoint a successor for the remainder of the term. This provision shall also
24 apply to a temporary vacancy created by the suspension from office of the mayor.
- 25 (c) The office of a councilmember shall become vacant upon the incumbent's death,
26 resignation, forfeiture of office, or removal from office in any manner authorized by this Act
27 or the general laws of the State of Georgia. A vacancy in the office of a councilmember shall
28 be filled for the remainder of the unexpired term by a special election if such vacancy occurs
29 12 months or more prior to the expiration of the term of that office. If such vacancy occurs
30 within 12 months of the expiration of the term of that office, the mayor shall appoint a
31 successor for the remainder of the term subject to the approval of the city council or those
32 members remaining. This provision shall also apply to a temporary vacancy created by the
33 suspension from office of a councilmember.

SECTION 2.04.

Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designation.

SECTION 2.05.

Election votes.

The candidates for mayor and city council who receive a majority vote of the qualified electors of the city at large voting at the elections of the city shall be elected to a term of office.

SECTION 2.06.

Applicability of general laws; qualifying; other provisions.

All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended. Except as otherwise provided by this Act, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate, including but not limited to the establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 2.07.

Compensation and expenses.

(a) The annual salary of the mayor shall be \$36,000.00 and the annual salary for each councilmember shall be \$18,000.00. Such salaries shall be paid from municipal funds in monthly installments. The mayor shall be provided an annual expense allowance of \$8,000.00 and each councilmember shall be provided an annual expense allowance of \$4,000.00 for the reimbursement of expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials of the city.

(b) The city council may provide by ordinance for the provision of insurance, retirement, workers' compensation, and other employee benefits to the mayor and councilmembers.

SECTION 2.08.

Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as may be provided by ordinance.

SECTION 2.09.

Meetings, oath of office, and mayor pro tempore.

(a) The city council shall meet on the first working day in January immediately following each regular municipal election. The meeting shall be called to order by the mayor-elect and the oath of office shall be administered to the newly elected mayor and councilmembers collectively by a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly swear or affirm that I will faithfully execute the office of [councilmember or mayor as the case may be] of the City of Dunwoody, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Dunwoody. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of my district and the City of Dunwoody for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interests of the City of Dunwoody to the best of my ability without fear, favor, affection, reward, or expectation thereof."

(b) Following the induction of the mayor and councilmembers, the city council, by a majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore, who shall serve for a term of two years and until a successor is elected and qualified. The number of successive terms an individual may hold a position as mayor pro tempore shall be unlimited.

(c) The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent

1 because of sickness or disqualification, any one of the remaining councilmembers, chosen
2 by the councilmembers present, shall be clothed with all the rights and privileges of the
3 mayor as described herein and shall perform the mayor's duties in the same manner as the
4 mayor pro tempore.

5 (d) The city council shall, at least once a month, hold regular meetings at such times and
6 places as prescribed by ordinance. The city council may recess any regular meeting and
7 continue such meeting on any day or hour it may fix and may transact any business at such
8 continued meeting as may be transacted at any regular meeting.

9 (e) Special meetings of the city council may be held on the call of either the mayor and one
10 councilmember or three councilmembers. Notice of such special meetings shall be delivered
11 to all councilmembers, the mayor, and the city manager personally, by registered mail, or by
12 electronic means at least 24 hours in advance of the meeting. Such notice shall not be
13 required if the mayor, all councilmembers, and city manager are present when the special
14 meeting is called. Such notice of any special meeting may be waived by the mayor, a
15 councilmember, or the city manager in writing before or after such a meeting and attendance
16 at the meeting shall also constitute a waiver of notice. The notice of such special meeting
17 shall state what business is to be transacted at the special meeting. Only the business stated
18 in the call may be transacted at the special meeting.

19 **SECTION 2.10.**

20 Quorum; voting.

21 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact
22 business for the city council. The mayor shall be counted toward the making of a quorum.
23 Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall
24 be recorded in the minutes, but on the request of any member there shall be a roll-call vote.
25 In order for any ordinance, resolution, motion, or other action of the city council to be
26 adopted, the measure must receive at least three affirmative votes and must receive the
27 affirmative votes of a majority of those voting. No councilmember shall abstain from voting
28 on any matter properly brought before the city council for official action except when such
29 councilmember has a conflict of interest which is disclosed in writing prior to or at the
30 meeting and made a part of the minutes. Any councilmember present and eligible to vote on
31 a matter and refusing to do so for any reason other than a properly disclosed and recorded
32 conflict of interest shall be deemed to have voted against the question involved. The mayor
33 shall have one vote on all matters brought before the council.

34 (b) The following types of actions require an ordinance in order to have the force of law:

- 1 (1) Adopt or amend an administrative code or establish, alter or abolish a department,
 2 office not specified in this charter, or agency;
 3 (2) Provide for fine or other penalty;
 4 (3) Levy taxes;
 5 (4) Grant, renew, or extend a franchise;
 6 (5) Regulate a rate for a public utility;
 7 (6) Authorize the borrowing of money;
 8 (7) Convey, lease or encumber city land;
 9 (8) Regulate land use and development; and
 10 (9) Amend or repeal an ordinance already adopted.
- 11 (c) The city council shall establish by ordinance procedures for convening emergency
 12 meetings. In an emergency, an ordinance can be passed without notice or hearings if the city
 13 council passes the ordinance by three-fourths vote; provided, however, that the city council
 14 cannot in an emergency meeting:
- 15 (1) Levy taxes;
 16 (2) Grant, renew, or extend a franchise;
 17 (3) Regulate a rate for a public utility; or
 18 (4) Borrow money.

19 **SECTION 2.11.**

20 General power and authority of the city council.

- 21 (a) Except as otherwise provided by law or by this charter, the city council shall be vested
 22 with all the powers of government of the City of Dunwoody as provided by Article I of this
 23 charter.
- 24 (b) In addition to all other powers conferred upon it by law, the city council shall have the
 25 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
 26 regulations, not inconsistent with this charter and the Constitution and the laws of the State
 27 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
 28 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
 29 or well-being of the inhabitants of the City of Dunwoody and may enforce such ordinances
 30 by imposing penalties for violation thereof.

SECTION 2.12.

Administrative and service departments.

(a) Except for the office of city manager and the elected positions provided for in this charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices not specified in this charter, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs and government of the city. The city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance and shall be subject to the general supervision and guidance of the mayor and city council.

SECTION 2.13.

Prohibitions.

(a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly

1 or indirectly, in any manner whatsoever in business dealings with the governmental body
 2 by which he or she is engaged; provided, however, that neither the mayor, city
 3 councilmember, nor a candidate for office may accept campaign contributions in excess
 4 of \$200.00 or in-kind services or goods valued at more than \$200.00 from any person,
 5 firm, or entity in connection with any such campaign;

6 (5) Represent other private interests in any action or proceeding against this city or any
 7 portion of its government; or

8 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
 9 any business or entity in which he or she has a financial interest.

10 (b) Any elected official, appointed officer, or employee who has any private financial
 11 interest, directly or indirectly, in any contract or matter pending before or within any
 12 department of the city shall disclose such private interest to the city council. The mayor or
 13 any councilmember who has a private interest in any matter pending before the city council
 14 shall disclose in writing such private interest and such disclosure shall be entered on the
 15 records of the city council, and he or she shall disqualify himself or herself from participating
 16 in any decision or vote relating thereto. Any elected official, appointed officer, or employee
 17 of any agency or political entity to which this charter applies who shall have any private
 18 financial interest, directly or indirectly, in any contract or matter pending before or within
 19 such entity shall disclose such private interest to the governing body of such agency or entity.

20 (c) No elected official, appointed officer, or employee of the city or any agency or entity to
 21 which this charter applies shall use property owned by such governmental entity for personal
 22 benefit, convenience, or profit, except in accordance with policies promulgated by the city
 23 council or the governing body of such agency or entity.

24 (d) Any violation of this section which occurs with the knowledge, express or implied, of
 25 a party to a contract or sale shall render said contract or sale voidable at the option of the city
 26 council.

27 (e) Except as authorized by law, no member of the city council shall hold any other elective
 28 city office or be employed by any city or county government during the term for which
 29 elected.

30 **SECTION 2.14.**

31 **Boards, commissions, and authorities.**

32 (a) All members of boards, commissions, and authorities of the city shall be appointed by
 33 the mayor subject to confirmation by the city council for such terms of office and such
 34 manner of appointment as provided by ordinance, except where other appointing authority,

1 term of office, or manner of appointment is prescribed by this charter or by applicable state
2 law.

3 (b) No member of any board, commission, or authority of the city shall hold any elective
4 office in the city. Councilmembers and the mayor, however, may serve as ex officio
5 members of such boards, commissions, or authorities, without a vote.

6 (c) Any vacancy in office of any member of a board, commission, or authority of the city
7 shall be filled for the unexpired term in the manner prescribed for original appointment,
8 except as otherwise provided by this charter or any applicable law of the State of Georgia.

9 (d) No member of any board, commission, or authority shall assume office until he or she
10 shall have executed and filed with the designated officer of the city an oath obligating
11 himself or herself to faithfully and impartially perform the duties of his or her office, such
12 oath to be prescribed by ordinance of the city council and administered by the mayor or a
13 judicial officer authorized to administer oaths.

14 (e) Any member of a board, commission, or authority may be removed from office for cause
15 by a vote of a majority of the councilmembers in accordance with state laws.

16 (f) Members of boards, commissions, and authorities may receive such compensation and
17 expenses in the performance of their official duties as prescribed by ordinance.

18 (g) Except as otherwise provided by this charter or by applicable state law, each board,
19 commission, or authority of the city government shall elect one of its members as
20 chairperson and one member as vice chairperson for terms of one year and may elect as its
21 secretary one of its own members or may appoint as secretary an employee of the city. Each
22 board, commission, or authority of the city government may establish such bylaws, rules, and
23 regulations not inconsistent with this charter, ordinances of the city, or applicable state law
24 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be
25 filed with the designated officer of the city.

26

SECTION 2.15.

27

Ordinance form; procedures.

28 (a) Every proposed ordinance and resolution shall be introduced in writing and the city
29 council shall have the authority to approve, disapprove, or amend the same. A resolution
30 may be passed at the time it is offered, but an ordinance shall not be adopted until the title
31 of said ordinance shall have been read at two city council meetings, provided that the
32 beginning of said meetings be not less than 24 hours nor more than 60 days apart. This
33 requirement of two readings shall not apply to emergency ordinances, to ordinances passed
34 during the first 90 days from the date on which the city begins operation, to ordinances
35 adopted at the first business meeting of the city council in a calendar year, or to ordinances

1 adopted at the first meeting of the initial city council as elected under section 2.02 (b). The
 2 catchlines of sections of this charter or any ordinance printed in boldface type, italics, or
 3 otherwise, are intended as mere catchwords to indicate the contents of the section, and:

4 (1) Shall not be deemed or taken to be titles of such sections or as any part of the section;
 5 and

6 (2) Shall not be so deemed when any of such sections, including the catchlines, are
 7 amended or reenacted unless expressly provided to the contrary.

8 Furthermore, the chapter, article, and section headings contained in this Act shall not be
 9 deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of
 10 the provisions of any chapter, article, or section hereof.

11 (b) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the
 12 conduct of its business, including procedures and penalties for compelling the attendance of
 13 absent councilmembers. Such rules may include punishment for contemptuous behavior
 14 conducted in the presence of the city council.

15 **SECTION 2.16.**

16 Submission of ordinances to the city clerk.

17 (a) Every ordinance, resolution, and other action adopted by the city council shall be
 18 presented to the city clerk. The city clerk shall record upon the ordinance the date of its
 19 delivery from the city council.

20 (b) If an ordinance or resolution has been passed by the city council and delivered to the
 21 city clerk, it shall become effective on the date the ordinance is passed by the city council or
 22 on such other date as may be specified in the ordinance.

23 **ARTICLE III**

24 **EXECUTIVE BRANCH**

25 **SECTION 3.01.**

26 Powers and duties of the mayor.

27 (a) The mayor shall:

28 (1) Preside over all meetings of the city council;

29 (2) Set the agenda for meetings of the city council after receiving input from members
 30 of the city council, the city manager, and the public; provided, however, that an additional
 31 item shall be added to the agenda upon the written request of two or more members of
 32 the city council;

- 1 (3) Serve as the ceremonial head of the city and as its official representative to federal,
 2 state, and local governmental bodies and officials;
- 3 (4) Sign all orders, checks, and warrants for payment of money within a level of
 4 authorization as established by the city council;
- 5 (5) Execute all contracts, deeds, and other obligations of the city within a level of
 6 authorization as established by the city council;
- 7 (6) Vote in all matters before the city council as provided in Section 2.10(a) of this
 8 charter;
- 9 (7) Make all appointments of city officers as provided by this charter;
- 10 (8) Serve in a part-time capacity and be compensated accordingly; and
- 11 (9) Perform any other duties and exercise any other powers required by state or federal
 12 law or authorized by a duly adopted ordinance that is not in conflict with this charter.
- 13 (b) The mayor shall have the authority to transfer appropriations within a department, fund,
 14 service, strategy or organizational unit but only with approval of the city council.
- 15 (c) The mayor shall have the authority to certify that a supplemental appropriation is
 16 possible due to unexpected revenue increases but only with approval of the city council.
- 17 (d) The mayor shall have all of the powers specifically granted to the mayor elsewhere in
 18 this charter regardless of whether such powers are enumerated in this Section 3.01.

19 **SECTION 3.02.**

20 City manager; appointment and qualification.

21 The mayor shall appoint, subject to confirmation by the city council, an officer whose title
 22 shall be the "city manager." The city manager shall be appointed without regard to political
 23 beliefs and solely on the basis of his or her education and experience in the accepted
 24 competencies and practices of local government management.

25 **SECTION 3.03.**

26 City manager; chief administrative officer.

27 The city manager shall be the chief administrative officer of the government of the city. The
 28 city manager must devote all of his or her working time and attention to the affairs of the city
 29 and shall be responsible to the mayor and city council for the proper and efficient
 30 administration of the affairs of the city over which said officer has jurisdiction.

SECTION 3.04.

City manager; powers and duties enumerated.

The city manager shall have the power, and it shall be his or her duty to:

- (1) See that all laws and ordinances are enforced;
- (2) Appoint and employ all necessary employees of the city, provided that the power of this appointment shall not include officers and employees who by this charter are appointed or elected by the mayor and the city council or departments not under the jurisdiction of the city manager;
- (3) Remove employees appointed and employed under Section 3.04(2), without the consent of the city council and without assigning any reason therefor;
- (4) Exercise supervision and control of all departments and all divisions created in this charter or that may hereafter be created by the city council except as otherwise provided in this charter;
- (5) Attend all meetings of the city council, without a right to vote, but with a right to take part in the discussions as seen fit by the chair; provided, however, that regardless of the decision of the meeting chair the city manager may take part in any discussion and report on any matter requested and approved by the city council at such meeting. The city manager shall be entitled to notice of all special meetings;
- (6) Recommend to the city council, after prior review and comment by the mayor, for adoption such measures as the city manager may deem necessary or expedient;
- (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;
- (8) Make and execute all lawful contracts on behalf of the city as to matters within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the city council;
- (9) Sign all orders, checks, and warrants for payment of money within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no such order, check, or warrant requiring a budget amendment shall be valid and binding until after approval of the city council;
- (10) Act as budget officer to prepare and submit to the city council, after review and comment by the mayor, prior to the beginning of each fiscal year a budget of proposed

1 expenditures for the ensuing year, showing in as much detail as practicable the amounts
2 allotted to each department of the city government and the reasons for such estimated
3 expenditures;

4 (11) Keep the city council at all times fully advised as to the financial condition and
5 needs of the city;

6 (12) Make a full written report to the city council on the fifteenth of each month showing
7 the operations and expenditures of each department of the city government for the
8 preceding month, and a synopsis of such reports shall be published by the city clerk;

9 (13) Fix all salaries and compensation of city employees in accordance with the city
10 budget and the city pay and classification plan; and

11 (14) Perform such other duties as may be prescribed by this charter or required by
12 ordinance or resolution of the city council.

13 **SECTION 3.05.**

14 City council interference with administration.

15 Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the
16 city council or its members shall deal with city officers and employees who are subject to the
17 direction or supervision of the city manager solely through the city manager, and neither the
18 city council nor its members shall give orders to any such officer or employee, either publicly
19 or privately.

20 **SECTION 3.06.**

21 City manager; removal.

22 (a) The mayor and city council may remove the city manager from office in accordance with
23 the following procedures:

24 (1) The city council shall adopt by affirmative vote of a majority of all its members a
25 preliminary resolution removing the city manager and may suspend the city manager
26 from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered
27 promptly to the city manager;

28 (2) Within five days after a copy of the resolution is delivered to the city manager, he or
29 she may file with the city council a written request for a public hearing. This hearing
30 shall be held at a city council meeting not earlier than 15 days nor later than 30 days after
31 the request is filed. The city manager may file with the city council a written reply not
32 later than five days before the hearing; and

1 (3) The city council may adopt a final resolution of removal, which may be made
 2 effective immediately, by affirmative vote of four of its members at any time after five
 3 days from the date when a copy of the preliminary resolution was delivered to the city
 4 manager, if he or she has not requested a public hearing, or at any time after the public
 5 hearing if he or she has requested one.

6 (b) The city manager shall continue to receive his or her salary until the effective date of a
 7 final resolution of his or her removal. The action of the city council in suspending or
 8 removing the city manager shall not be subject to review by any court or agency.

9 (c) If the city manager is suspended in accordance with subsection (a) of this section or
 10 becomes disabled and is unable to carry out the duties of the office or if the city manager
 11 dies, the acting city manager shall perform the duties of the city manager until the city
 12 manager's disability is removed or until the city manager is replaced. Removal of the city
 13 manager because of disability shall be carried out in accordance with the provisions of
 14 subsection (a) of this section.

15 **SECTION 3.07.**

16 Acting city manager.

17 (a) The mayor with the approval of the city council may appoint any person to exercise all
 18 powers, duties, and functions of the city manager during the city manager's suspension under
 19 Section 3.06(a), temporary absence from the city, or during the city manager's disability.

20 (b) In the event of a vacancy in the office of city manager, the mayor may designate with the
 21 approval of the city council a person as acting city manager, who shall exercise all powers,
 22 duties, and functions of the city manager until a city manager is appointed.

23 **SECTION 3.08.**

24 City attorney.

25 The mayor shall appoint the city attorney(s) together with such assistant city attorneys as
 26 may be deemed appropriate subject to confirmation by the city council and shall provide for
 27 the payment of such attorney(s) for services rendered to the city. The city attorney(s) shall
 28 be responsible for representing and defending the city in all litigation in which the city is a
 29 party; may be the prosecuting officer in the municipal court; shall attend the meetings of the
 30 city council as directed; shall advise the city council, mayor, other officers, and employees
 31 of the city concerning legal aspects of the city's affairs; and shall perform such other duties
 32 as may be required by virtue of his or her position as city attorney. The city attorney(s) shall
 33 review all contracts of the city but shall not have the power to bind the city.

SECTION 3.09.

City clerk.

The mayor may appoint a city clerk subject to confirmation by the city council to keep a journal of the proceedings of the city council; to maintain in a safe place all records and documents pertaining to the affairs of the city; and to perform such duties as may be required by law or ordinance or as the mayor or city manager may direct.

SECTION 3.10.

Tax collector.

The mayor may appoint a tax collector subject to confirmation by the city council to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city; and the tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

SECTION 3.11.

City accountant.

The mayor may appoint a city accountant subject to confirmation by the city council to perform the duties of an accountant.

SECTION 3.12.

City internal auditor.

The city council shall appoint an internal auditor to audit the financial records and expenditures of city funds and to report the results of such audits in writing to the city council at times and intervals set by the city council but no less than quarterly. Such audit reports shall, at a minimum, identify all city expenditures and other financial matters that the internal auditor either determines are not in compliance with or cannot conclusively be determined to be in compliance with (a) the provisions of this charter, (b) the applicable city budget, and (c) applicable ordinances, resolutions, or other actions duly adopted or approved under the provisions of this charter.

SECTION 3.13.

Consolidation of functions.

The city manager, with the approval of the city council, may consolidate any two or more of the positions of city clerk, city tax collector, and city accountant, or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions. The city manager may also, with the approval of the city council, perform all or any part of the functions of any of the positions or offices in lieu of the appointment of other persons to perform the same.

SECTION 3.14.

Position classification and pay plans; employment at will.

The city manager shall be responsible for the preparation of a position classification and a pay plan which shall be submitted to the city council for approval. Said plan may apply to all employees of the city of Dunwoody and any of its agencies and offices. When a pay plan has been adopted by the city council, neither the city council nor the city manager shall increase or decrease the salaries of individual employees except in conformity with such pay plan or pursuant to an amendment of said pay plan duly adopted by the city council. Except as otherwise provided in this charter, all employees of the city shall be subject to removal or discharge, with or without cause, at any time.

ARTICLE IV**MUNICIPAL COURT****SECTION 4.01.**

Creation.

There is established a court to be known as the Municipal Court of the City of Dunwoody which shall have jurisdiction and authority to try offenses against the laws and ordinances of said city and to punish for a violation of the same. Such court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law, including ordinances of the city; to punish witnesses for nonattendance and to punish also any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before said court to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of, and in accordance with, the provisions of such laws and all laws

1 subsequently enacted amendatory thereof. Said court shall be presided over by the judge of
 2 said court. In the absence or disqualification of the judge, the judge pro tempore shall
 3 preside and shall exercise the same powers and duties as the judge when so acting.

4 **SECTION 4.02.**

5 Judge(s).

6 (a) No person shall be qualified or eligible to serve as judge unless he or she shall have
 7 attained the age of 28 years and shall have been a member of the State Bar of Georgia for a
 8 minimum of three years. The judge(s) shall be nominated by the mayor subject to approval
 9 by the city council. The compensation and number of the judges shall be fixed by the city
 10 council.

11 (b) The judge pro tempore shall serve as requested by the judge, shall have the same
 12 qualifications as the judge, shall be nominated by the mayor subject to approval of the city
 13 council, and shall take the same oath as the judge.

14 (c) Before entering on duties of his or her office, the judge and judge pro tempore shall take
 15 an oath before an officer duly authorized to administer oaths in this state declaring that he
 16 or she will truly, honestly, and faithfully discharge the duties of his or her office to the best
 17 of his or her ability without fear, favor, or partiality. The oath shall be entered upon the
 18 minutes of the city council.

19 (d) The judge, or judge pro tempore, shall serve for a term of four years but may be removed
 20 from the position by a two-thirds vote of the entire membership of the city council or shall
 21 be removed upon action taken by the State Judicial Qualifications Commission for:

- 22 (1) Willful misconduct in office;
 23 (2) Willful and persistent failure to perform duties;
 24 (3) Habitual intemperance;
 25 (4) Conduct prejudicial to the administration of justice which brings the judicial office
 26 into disrepute; or
 27 (5) Disability seriously interfering with the performance of duties, which is, or is likely
 28 to become, of a permanent character.

29 **SECTION 4.03.**

30 Convening.

31 The municipal court shall be convened at such times as designated by ordinance or at such
 32 times as deemed necessary by the judge to keep current the dockets thereof.

SECTION 4.04.

Jurisdiction; powers.

(a) The municipal court shall try and punish for crimes against the City of Dunwoody and for violation of its ordinances. The municipal court may fix punishment for offenses within its jurisdiction to the fullest extent allowed by state law.

(b) The municipal court shall have authority to recommend to the city council for approval a schedule of fees to defray the cost of operation.

(c) The municipal court shall have authority to establish bail and recognizances to insure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as security for appearances of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding at such time and an execution issued thereon by serving the defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City of Dunwoody, or the property so deposited shall have a lien against it for the value forfeited.

(d) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears, by probable cause, that a state law has been violated.

(e) The municipal court shall have the authority to administer oaths and to perform all other acts necessary or proper to the conduct of said court.

(f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoena, and warrants which may be served as executed by any officer as authorized by this charter or by state law.

(g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial powers throughout the entire area of the City of Dunwoody granted by state laws generally to municipal courts, and particularly by such laws as authorize the abatement of nuisances.

SECTION 4.05.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of DeKalb County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.06.

Rules for court.

With the approval of the city council, the judge(s) shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court.

ARTICLE V**FINANCE AND FISCAL****SECTION 5.01.**

Fiscal year.

The city council shall set the fiscal year by ordinance. Said fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department or institution, agency, and activity of the city government, unless otherwise provided by state or federal law.

SECTION 5.02.

Preparation of budgets.

The city council shall provide, by ordinance, the procedures and requirements for the preparation and execution of an annual operating budget and a capital budget, including requirements as to the scope, content, and form of such budgets and programs.

SECTION 5.03.

Submission of operating budget to city council.

(a) On or before a date fixed by the city council, but no later than the first day of the ninth month of the fiscal year currently ending, the city manager shall, after input, review and comment by the mayor, submit to the city council a proposed operating budget and capital budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor and city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as they may deem pertinent. The operating budget, capital budget, the budget message, and all supporting documents shall be filed in the office of the city manager and shall be open to public inspection.

1 (b) Prior to passage of the budget, the city council shall hold a special public hearing at
2 which the budget will be presented and public comment on the budget will be solicited. The
3 date, time and place of the special public hearing shall be announced no less than 21 days
4 prior to the scheduled date for such hearing.

5 (c) All unencumbered balances of appropriations in the current operating budget at the end
6 of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
7 from which such appropriations were made. When a supplemental appropriation is certified
8 by the city manager to exist, these appropriations can be spent during the current fiscal year
9 following passage of a supplemental appropriation ordinance.

10 **SECTION 5.04.**

11 Action by city council on budget.

12 (a) The city council may amend the operating budget or capital budget proposed by the city
13 manager in accordance with Section 5.03(a), except that the budget, as finally amended and
14 adopted, must provide for all expenditures required by law or by other provisions of this
15 charter and for all debt service requirements for the ensuing fiscal year; and the total
16 appropriations from any fund shall not exceed the estimated fund balance, reserves, and
17 revenues constituting the fund availability of such fund.

18 (b) The city council shall adopt a budget on or before the first day of the eleventh month of
19 the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed
20 deadline, the operating budget and capital budget proposed by the mayor and city manager
21 shall be adopted without further action by the city council.

22 **SECTION 5.05`**

23 Procurement and property management.

24 No contract with the city shall be binding on the city unless it is in writing. The city council
25 may adopt procedures for the authorization of certain contracts without city attorney review
26 or city council approval. Absent the foregoing, no contract with the city shall be binding on
27 the city unless:

28 (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
29 is signed by the city attorney to indicate such drafting or review; and

30 (2) It is made or authorized by the city council and such approval is entered in the city
31 council journal of proceedings.

SECTION 5.06.

Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

SECTION 5.07.

Audits.

(a) There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing cost to the public.

(b) As a minimum, all audits and budgets of the city shall satisfy the requirements of Chapter 81 of Title 36 of the O.C.G.A. relating to local government audits and budgets.

SECTION 5.08.

Homestead exemption; freeze.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Dunwoody, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Base year" means the taxable year immediately preceding the taxable year in which the exemption under this section is first granted to the most recent owner of such homestead.

(3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, with the additional qualification that it shall include not more than five contiguous acres of homestead property.

(b) Each resident of the City of Dunwoody is granted an exemption on that person's homestead from City of Dunwoody ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead. This exemption shall not apply to taxes assessed on improvements to the homestead or additional land that is added to the homestead after January 1 of the base year. If any real property is added to or removed from the homestead,

1 the base year assessed value shall be adjusted to reflect such addition or removal, and the
 2 exemption shall be recalculated accordingly. The value of that property in excess of such
 3 exempted amount shall remain subject to taxation.

4 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 5 section unless the person or person's agent files an application with the governing authority
 6 of the City of Dunwoody, or the designee thereof, giving such information relative to
 7 receiving such exemption as will enable the governing authority of the City of Dunwoody,
 8 or the designee thereof, to make a determination regarding the initial and continuing
 9 eligibility of such owner for such exemption. The governing authority of the City of
 10 Dunwoody, or the designee thereof, shall provide application forms for this purpose.

11 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 12 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 13 as long as the owner occupies the residence as a homestead. After a person has filed the
 14 proper application as provided in subsection (c) of this section, it shall not be necessary to
 15 make application thereafter for any year, and the exemption shall continue to be allowed to
 16 such person. It shall be the duty of any person granted the homestead exemption under
 17 subsection (b) of this section to notify the governing authority of the City of Dunwoody, or
 18 the designee thereof, in the event that person for any reason becomes ineligible for that
 19 exemption.

20 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 21 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 22 school district ad valorem taxes for educational purposes. The homestead exemption granted
 23 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 24 exemption applicable to municipal ad valorem taxes for municipal purposes.

25 (f) The exemption granted by subsection (b) of this section shall apply only to taxable years
 26 2008 through 2011. Unless renewed or extended by subsequent Act of the General
 27 Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable
 28 year 2012 or any subsequent taxable year.

29 **SECTION 5.09.**

30 Homestead exemption; senior citizens; disabled.

31 (a) As used in this section, the term:

32 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 33 purposes levied by, for, or on behalf of the City of Dunwoody, including, but not limited
 34 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
2 the O.C.G.A., as amended.

3 (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of
4 Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall
5 not include income received as retirement, survivor, or disability benefits under the
6 federal Social Security Act or under any other public or private retirement, disability, or
7 pension system, except such income which is in excess of the maximum amount
8 authorized to be paid to an individual and such individual's spouse under the federal
9 Social Security Act. Income from such sources in excess of such maximum amount shall
10 be included as income for the purposes of this Act.

11 (4) "Senior citizen" means a person who is 65 years of age or over on or before January
12 1 of the year in which application for the exemption under subsection (b) of this section
13 is made.

14 (b) Each resident of the City of Dunwoody who is disabled or is a senior citizen is granted
15 an exemption on that person's homestead from City of Dunwoody ad valorem taxes for
16 municipal purposes in the amount of \$14,000.00 of the assessed value of that homestead.
17 The exemption granted by this subsection shall only be granted if that person's income,
18 together with the income of the spouse who also occupies and resides at such homestead does
19 not exceed \$15,000.00 for the immediately preceding year. The value of that property in
20 excess of such exempted amount shall remain subject to taxation.

21 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section
22 as being disabled, the person claiming such exemption shall be required to obtain a
23 certificate from not more than three physicians licensed to practice medicine under
24 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such
25 physician or physicians such person is mentally or physically incapacitated to the extent
26 that such person is unable to be gainfully employed and that such incapacity is likely to
27 be permanent. Such certificate or certificates shall constitute part of and be submitted
28 with the application provided for in paragraph (2) of this subsection.

29 (2) A person shall not receive the homestead exemption granted by subsection (b) of this
30 section unless the person or person's agent files an application with the governing
31 authority of the City of Dunwoody, or the designee thereof, giving the person's age,
32 income, and such additional information relative to receiving such exemption as will
33 enable the governing authority of the City of Dunwoody, or the designee thereof, to make
34 a determination regarding the initial and continuing eligibility of such owner for such
35 exemption. The governing authority of the City of Dunwoody, or the designee thereof,
36 shall provide application forms for this purpose.

1 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 2 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 3 as long as the owner occupies the residence as a homestead. After a person has filed the
 4 proper application, as provided in subsection (c) of this section, it shall not be necessary to
 5 make application thereafter for any year and the exemption shall continue to be allowed to
 6 such person. It shall be the duty of any person granted the homestead exemption under
 7 subsection (b) of this section to notify the governing authority of the City of Dunwoody, or
 8 the designee thereof, in the event that person for any reason becomes ineligible for that
 9 exemption.

10 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 11 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 12 school district ad valorem taxes for educational purposes. The homestead exemption granted
 13 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 14 exemption applicable to municipal ad valorem taxes for municipal purposes.

15 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 16 beginning on or after January 1, 2008.

17 **SECTION 5.10.**

18 Homestead exemption; general.

19 (a) As used in this section, the term:

20 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 21 purposes levied by, for, or on behalf of the City of Dunwoody, including, but not limited
 22 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

23 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 24 the O.C.G.A., as amended.

25 (b) Each resident of the City of Dunwoody is granted an exemption on that person's
 26 homestead from City of Dunwoody ad valorem taxes for municipal purposes in the amount
 27 of \$10,000.00 of the assessed value of that homestead. The value of that property in excess
 28 of such exempted amount shall remain subject to taxation.

29 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 30 section unless the person or person's agent files an application with the governing authority
 31 of the City of Dunwoody, or the designee thereof, giving such information relative to
 32 receiving such exemption as will enable the governing authority of the City of Dunwoody,
 33 or the designee thereof, to make a determination regarding the initial and continuing
 34 eligibility of such owner for such exemption. The governing authority of the City of
 35 Dunwoody, or the designee thereof, shall provide application forms for this purpose.

1 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 2 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 3 as long as the owner occupies the residence as a homestead. After a person has filed the
 4 proper application, as provided in subsection (c) of this section, it shall not be necessary to
 5 make application thereafter for any year and the exemption shall continue to be allowed to
 6 such person. It shall be the duty of any person granted the homestead exemption under
 7 subsection (b) of this section to notify the governing authority of the City of Dunwoody, or
 8 the designee thereof, in the event that person for any reason becomes ineligible for that
 9 exemption.

10 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 11 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 12 school district ad valorem taxes for educational purposes. The homestead exemption granted
 13 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 14 exemption applicable to municipal ad valorem taxes for municipal purposes.

15 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 16 beginning on or after January 1, 2008.

17 **SECTION 5.11.**

18 Homestead exemption; 25 percent.

19 (a) As used in this section, the term:

20 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 21 purposes levied by, for, or on behalf of the City of Dunwoody, including, but not limited
 22 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

23 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 24 the O.C.G.A., as amended.

25 (b) Each resident of the City of Dunwoody is granted an exemption on that person's
 26 homestead from City of Dunwoody ad valorem taxes for municipal purposes in the amount
 27 of 25 percent of the assessed value of that homestead, but not less than \$5,000.00 nor more
 28 than \$8,000.00. The value of that property in excess of such exempted amount shall remain
 29 subject to taxation.

30 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 31 section unless the person or person's agent files an application with the governing authority
 32 of the City of Dunwoody, or the designee thereof, giving such information relative to
 33 receiving such exemption as will enable the governing authority of the City of Dunwoody,
 34 or the designee thereof, to make a determination regarding the initial and continuing

1 eligibility of such owner for such exemption. The governing authority of the City of
2 Dunwoody, or the designee thereof, shall provide application forms for this purpose.

3 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
4 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
5 as long as the owner occupies the residence as a homestead. After a person has filed the
6 proper application, as provided in subsection (c) of this section, it shall not be necessary to
7 make application thereafter for any year and the exemption shall continue to be allowed to
8 such person. It shall be the duty of any person granted the homestead exemption under
9 subsection (b) of this section to notify the governing authority of the City of Dunwoody, or
10 the designee thereof, in the event that person for any reason becomes ineligible for that
11 exemption.

12 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
13 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
14 school district ad valorem taxes for educational purposes. The homestead exemption granted
15 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
16 exemption applicable to municipal ad valorem taxes for municipal purposes.

17 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
18 beginning on or after January 1, 2008.

19 **SECTION 5.12.**

20 Homestead exemption; surviving spouses.

21 (a) As used in this section, the term:

22 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
23 purposes levied by, for, or on behalf of the City of Dunwoody, including, but not limited
24 to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

25 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
26 the O.C.G.A., as amended.

27 (3) "Unremarried surviving spouse" of a member of the armed forces includes the
28 unmarried widow or widower of a member of the armed forces who is receiving spousal
29 benefits from the United States Department of Veterans Affairs.

30 (b) Any person who is a resident of the City of Dunwoody and who is an unremarried
31 surviving spouse of a member of the armed forces of the United States, which member has
32 been killed in or has died as a result of any war or armed conflict in which the armed forces
33 of the United States engaged, whether under United States command or otherwise, shall be
34 granted a homestead exemption from all City of Dunwoody ad valorem taxation for
35 municipal purposes in the amount of the greater of \$32,500.00 or the maximum amount

1 which may be granted to a disabled veteran under Section 2102 of Title 38 of the United
2 States Code, as amended. As of January 1, 2006, the maximum amount which may be
3 granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as
4 amended, is \$50,000.00. The exemption shall be on the homestead which the unremarried
5 surviving spouse owns and actually occupies as a residence and homestead. In the event
6 such surviving spouse remarries, such person shall cease to be qualified to continue the
7 exemption under this Act effective December 31 of the taxable year in which such person
8 remarries. The value of all property in excess of such exemption granted to such unremarried
9 surviving spouse shall remain subject to taxation.

10 (c) In order to qualify for the exemption provided for in this Act, the unremarried surviving
11 spouse shall furnish to the governing authority of the City of Dunwoody, or the designee
12 thereof, documents from the Secretary of Defense evidencing that such unremarried
13 surviving spouse receives spousal benefits as a result of the death of such person's spouse
14 who as a member of the armed forces of the United States was killed or died as a result of
15 a war or armed conflict while on active duty or while performing authorized travel to or from
16 active duty during such war or armed conflict in which the armed forces of the United States
17 engaged, whether under United States command or otherwise, pursuant to the Survivor
18 Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or
19 pursuant to any preceding or subsequent federal law which provides survivor benefits for
20 spouses of members of the armed forces who were killed or who died as a result of any war
21 or armed conflict.

22 (d) An unremarried surviving spouse filing for the exemption under this section shall be
23 required to file with the governing authority of the City of Dunwoody, or the designee
24 thereof, information relative to marital status and other such information which the governing
25 authority of the City of Dunwoody, or the designee thereof, deems necessary to determine
26 eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption
27 only once with the governing authority of the City of Dunwoody, or the designee thereof.
28 Once filed, the exemption shall automatically be renewed from year to year, except that the
29 governing authority of the City of Dunwoody, or the designee thereof, may require annually
30 that the holder of an exemption substantiate his or her continuing eligibility for the
31 exemption. It shall be the duty of any person granted the homestead exemption under this
32 section to notify the governing authority of the City of Dunwoody, or the designee thereof,
33 in the event that person for any reason becomes ineligible for such exemption.

34 (e) The exemption granted by this section shall be in lieu of and not in addition to any other
35 exemption from ad valorem taxation for municipal purposes which is equal to or lower in
36 amount than such exemption granted by this section. If the amount of any other exemption
37 from ad valorem taxation for municipal purposes applicable to any resident qualifying under

1 this section is greater than or is increased to an amount greater than the amount of the
2 applicable exemption granted by this section, such other exemption shall apply and shall be
3 in lieu of and not in addition to the exemption granted by this section.

4 (f) The exemptions granted by this section shall apply to all tax years beginning on or after
5 January 1, 2008.

6 **SECTION 5.13.**

7 Homestead exemption; one mill equivalent.

8 (a) As used in this section, the term:

9 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
10 purposes levied by, for, or on behalf of the City of Dunwoody, including, but not limited
11 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

12 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
13 the O.C.G.A., as amended.

14 (b) Each resident of the City of Dunwoody is granted an exemption on that person's
15 homestead from City of Dunwoody ad valorem taxes for municipal purposes in an amount
16 that provides the dollar equivalent of a one mill reduction of the millage rate applicable to
17 the homestead property with respect to ad valorem taxes for municipal purposes for the
18 taxable year. The value of that property in excess of such exempted amount shall remain
19 subject to taxation.

20 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
21 section unless the person or person's agent files an application with the governing authority
22 of the City of Dunwoody, or the designee thereof, giving such information relative to
23 receiving such exemption as will enable the governing authority of the City of Dunwoody,
24 or the designee thereof, to make a determination regarding the initial and continuing
25 eligibility of such owner for such exemption. The governing authority of the City of
26 Dunwoody, or the designee thereof, shall provide application forms for this purpose.

27 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
28 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
29 as long as the owner occupies the residence as a homestead. After a person has filed the
30 proper application, as provided in subsection (c) of this section, it shall not be necessary to
31 make application thereafter for any year and the exemption shall continue to be allowed to
32 such person. It shall be the duty of any person granted the homestead exemption under
33 subsection (b) of this section to notify the governing authority of the City of Dunwoody, or
34 the designee thereof, in the event that person for any reason becomes ineligible for that
35 exemption.

1 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 2 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 3 school district ad valorem taxes for educational purposes. The homestead exemption granted
 4 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 5 exemption applicable to municipal ad valorem taxes for municipal purposes.

6 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 7 beginning on or after January 1, 2008.

8 **ARTICLE VI**

9 **GENERAL PROVISIONS.**

10 **SECTION 6.01.**

11 **DeKalb County Special Services Tax District.**

12 For the taxable years beginning on or after January 1, 2008, the adjusted ad valorem tax
 13 millage rate and amount for service charges or fees for district services for the Dunwoody
 14 special services tax district shall be 0 percent. This section is enacted pursuant to the
 15 authority granted to the General Assembly under Section 1 of that local constitutional
 16 amendment providing that certain municipalities in DeKalb County shall constitute special
 17 services tax districts, Resolution Act. No. 168; House Resolution No. 715-1916; Ga. L. 1978,
 18 p. 2468, to control the subject matter of such local constitutional amendment. Municipal
 19 services provided by DeKalb County for the City of Dunwoody will be established through
 20 intergovernmental agreements or established as otherwise authorized by statute.

21 **SECTION 6.02.**

22 **Referendum and initial election.**

23 (a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 24 superintendent of DeKalb County shall call a special election for the purpose of submitting
 25 this Act to the qualified voters of the proposed City of Dunwoody for approval or rejection.
 26 The superintendent shall set the date of such election for the third Tuesday in June, 2007.
 27 The superintendent shall issue the call for such election at least 30 days prior to the date
 28 thereof. The superintendent shall cause the date and purpose of the election to be published
 29 once a week for two weeks immediately preceding the date thereof in the official organ of
 30 DeKalb County. The ballot shall have written or printed thereon the words:

31 "() YES Shall the Act incorporating the City of Dunwoody in DeKalb County
 32 according to the charter contained in the Act and the homestead exemptions
 33 () NO described in the Act be approved?"

1 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 2 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 3 cast on such question are for approval of the Act, it shall become of full force and effect as
 4 provided in Section 6.02 of this charter, otherwise it shall be void and of no force and effect.
 5 The initial expense of such election shall be borne by DeKalb County. Within two years
 6 after the elections if the incorporation is approved, the City of Dunwoody shall reimburse
 7 DeKalb County for the actual cost of printing and personnel services for such election and
 8 for the initial election of the mayor and councilmembers pursuant to Subsection 2.02(d) of
 9 this charter. It shall be the duty of the superintendent to hold and conduct such election. It
 10 shall be his or her further duty to certify the result thereof to the Secretary of State.

11 (b) For the purposes of the referendum election provided for in subsection (a) of this section
 12 and for the purposes of the special election of the City of Dunwoody to be held on the third
 13 Tuesday in September, 2007, the qualified electors of the City of Dunwoody shall be those
 14 qualified electors of DeKalb County residing within the corporate limits of the City of
 15 Dunwoody as described by Appendix A of this charter. At subsequent municipal elections,
 16 the qualified electors of the City of Dunwoody shall be determined pursuant to the authority
 17 of Chapter 2 of Title 21 of the O.C.G.A. known as the "Georgia Election Code."

18 (c) Only for the purposes of holding and conducting the referendum election provided for
 19 by subsection (a) of this section and holding and conducting the special election of the City
 20 of Dunwoody to be held on the third Tuesday in September, 2007, the election
 21 superintendent of DeKalb County is vested with the powers and duties of the election
 22 superintendent of the City of Dunwoody and the powers and duties of the governing
 23 authority of the City of Dunwoody.

24 **SECTION 6.03.**

25 Effective dates and transition.

26 (a) The initial mayor and councilmembers shall take the oath of office the next business day
 27 after certification of the election of such officers, and by action of quorum may, prior to
 28 December 1, 2007, meet and take actions binding on the city.

29 (b) There shall be a two-year transition period as allowed by law. Upon at least 30 days'
 30 prior written notice to the governing authority of DeKalb County by the the governing
 31 authority of City of Dunwoody, responsibility for any service or function shall be transferred
 32 to the City of Dunwoody.

33 (c) Beginning at 12:01 A. M. on December 1, 2007, the City of Dunwoody shall be removed
 34 from the special tax district, as provided in Code Section 36-31-11 and shall then be
 35 empowered to collect taxes, fees, assessments, fines, and forfeitures, and other moneys
 36 within the territorial limits of the city; provided, however, that the city shall remain part of

1 the special district for the provision of fire services in DeKalb County until such time the city
2 elects by resolution to be removed from such special district.

3 (d) During the transition period, all ordinances of DeKalb County shall be automatically
4 considered adopted by the City of Dunwoody within the territorial limits of the city unless
5 otherwise amended, repealed, or replaced by the city.

6 **SECTION 6.04.**

7 Directory nature of dates.

8 It is the intention of the General Assembly that this Act be construed as directory rather than
9 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
10 action called for in this Act for providential cause, delay in securing approval under the
11 federal Voting Rights Act, or any other reason, it is the intention of the General Assembly
12 that the action be delayed rather than abandoned. Any delay in performing any action under
13 this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this
14 Act. Without limiting the generality of the foregoing it is specifically provided that:

15 (1) If it is not possible to hold the referendum election provided for in Section 6.01 of
16 this Act on the date specified in that section, then such referendum shall be held as soon
17 thereafter as is reasonably practicable; and

18 (2) If it is not possible to hold the first election provided for in Section 2.02 of this Act
19 on the date specified in that section, then there shall be a special election for the initial
20 members of the governing authority to be held as soon thereafter as is reasonably
21 practicable, and the commencement of the initial terms of office shall be delayed
22 accordingly.

23 **SECTION 6.05.**

24 Charter commission.

25 The mayor and city council may at any time call for a charter commission to review the
26 city's experience and recommend to the General Assembly any changes to the charter.
27 Members of the charter commission shall be appointed as follows: one by the mayor, one by
28 the city council, and one by each member of the Georgia House of Representatives or Senate
29 whose district lies wholly or partially within the corporate boundaries of the city. All
30 members of the charter commission must reside in the City of Dunwoody. The commission
31 must complete the recommendations within the time frame required by the city council.

SECTION 6.06.

Severability.

3 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
4 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
5 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
6 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
7 adjudged invalid or unconstitutional were not originally a part hereof. The General
8 Assembly hereby declares that it would have passed the remaining parts of this Act if it had
9 known that such part or parts hereof would be declared or adjudged invalid or
10 unconstitutional.

SECTION 6.07.

Repealer.

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

1 APPENDIX A
 2 LEGAL DESCRIPTION
 3 CORPORATE LIMITS
 4 CITY OF DUNWOODY, DEKALB COUNTY, GEORGIA

5 All that tract or parcel of land lying and being in the 6th and 18th Land Districts of DeKalb
 6 County, Georgia, and more particularly described as follows:

7 Beginning at the intersection of the north-south boundary of the 17th and 18th Land Districts
 8 with the northerly right-of-way of Interstate Highway 285, said highway having a
 9 right-of-way width of 300 feet; thence proceeding northerly, 19,074 feet, more or less, along
 10 the boundary of the 17th and 18th Land Districts, said boundary also being the boundary of
 11 Fulton and DeKalb Counties, to a point, said point being the corner common to Land Lots
 12 23 and 24 of the 17th Land District and Land Lots 378 and 384 of the 18th Land District;
 13 thence easterly, 138 feet, more or less, along the northern line of Land Lot 378 to a point,
 14 said line also being the boundary of Fulton and DeKalb Counties; thence southeasterly, 220
 15 feet, more or less, along the boundary of Fulton and DeKalb Counties to a point, said point
 16 being the southeast property corner of the tract or parcel of land now or formerly known as
 17 DeKalb County Tax Parcel 18 378 6 1; thence southeasterly, 208 feet, more or less, along
 18 the boundary of Fulton and DeKalb Counties to a point, said point being on Lot 1 of the
 19 Weldstone Manor No. 1 Subdivision; thence southwesterly, 150 feet, more or less, along the
 20 boundary of Fulton and DeKalb Counties to a point, said point being a property corner of Lot
 21 1 of the Weldstone Manor No. 1 Subdivision; thence southeasterly, 100 feet, more or less,
 22 along the boundary of Fulton and DeKalb Counties to a point, said point being on Lot 11 of
 23 the Weldstone Manor No. 1 Subdivision; thence southeasterly, 75 feet, more or less, along
 24 the boundary of Fulton and DeKalb Counties crossing Spalding Drive, said drive having a
 25 60 foot right-of-way width, to a point on the easterly right-of-way of Spalding Drive, said
 26 point being a property corner of Lot 8 of Spalding Estates No. 1 Subdivision; thence
 27 southeasterly, 30 feet, more or less, along the boundary of Fulton and DeKalb Counties to
 28 a point, said point being a property corner of Lot 8 of Spalding Estates No. 1 Subdivision;
 29 thence southeasterly, 90 feet, more or less, along the boundary of Fulton and DeKalb
 30 Counties to a point, said point being on the northern property line of Lot 8 of Spalding
 31 Estates No. 1 Subdivision; thence northeasterly, 60 feet, more or less, along the boundary of
 32 Fulton and DeKalb Counties to a point, said point being a corner of a tract or parcel of land
 33 now or formerly known as DeKalb County Tax Parcel 18 378 9 110; thence northeasterly,
 34 459 feet, more or less, along the boundary of Fulton and DeKalb Counties to a point, said
 35 point being a property corner of a parcel or tract of land now or formerly known as DeKalb

1 County Tax Parcel 18 378 9 75; thence northeasterly, 669 feet, more or less, along the
2 boundary of Fulton and DeKalb Counties to a point, said point being a property corner of a
3 tract or parcel of land now or formerly known as DeKalb County Tax Parcel 18 378 9 80 and
4 on the northern line of Land Lot 378; thence easterly, 262 feet, more or less, along the
5 northern line of Land Lot 378, said line also being the boundary of Fulton and DeKalb
6 Counties, to a point, said point being a property corner of a tract or parcel of land now or
7 formerly known as DeKalb County Tax Parcel 18 384 1 7; thence northeasterly, 210 feet,
8 more or less, along the boundary of Fulton and DeKalb Counties to a point, said point being
9 a corner on a tract or parcel of land now or formerly known as DeKalb County Tax Parcel
10 18 384 1 8; thence northeasterly, 170 feet, more or less, along the boundary of Fulton and
11 DeKalb Counties to a point, said point being a corner on a tract or parcel of land now or
12 formerly known as DeKalb County Tax Parcel 18 384 1 8; thence northeasterly, 202 feet,
13 more or less, along the boundary of Fulton and DeKalb Counties to a point, said point being
14 a corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel 18
15 384 1 17; thence northeasterly, 171 feet, more or less, along the boundary of Fulton and
16 DeKalb County to a point, said point being on a tract or parcel of land now or formerly
17 known as DeKalb County Tax Parcel 18 384 4 5; thence northeasterly, 122 feet, more or
18 less, along the boundary of Fulton and DeKalb Counties to a point, said point being on a tract
19 or parcel of land now or formerly known as DeKalb County Tax Parcel 18 384 4 5; thence
20 northeasterly, 225 feet, more or less, along the boundary of Fulton and DeKalb Counties
21 crossing Whitehall Walk to a point, said point being a corner on a tract or parcel of land now
22 or formerly known as DeKalb County Tax Parcel 18 384 5 7; thence easterly, 98 feet, more
23 or less, along the boundary of Fulton and DeKalb Counties to a point, said point being on a
24 tract or parcel of land now or formerly known as DeKalb County Tax Parcel 18 384 5 6;
25 thence southeasterly, 197 feet, more or less, along the boundary of Fulton and DeKalb
26 Counties to a point, said point being on a tract or parcel of land now or formerly known as
27 DeKalb County Tax Parcel 18 384 5 5; thence northeasterly, 405 feet, more or less, along
28 the boundary of Fulton and DeKalb Counties crossing Roberts Drive to a point, said point
29 being the northwestern property corner of a tract or parcel of land now or formerly known
30 as DeKalb County Tax Parcel 18 383 2 11; thence northeasterly, 320 feet, more or less,
31 along the boundary of Fulton and DeKalb Counties to a point, said point being a property
32 corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel 18
33 383 2 10; thence northeasterly, 140 feet, more or less, along the boundary of Fulton and
34 DeKalb Counties to a point, said point being of the centerline of Dunwoody Club Drive, said
35 drive having a 50 foot right-of-way width; thence southeasterly, 2,156 feet, more or less,
36 along the boundary of Fulton and DeKalb Counties, said boundary being parallel to and 25
37 feet southwest from the northern right-of-way of Dunwoody Club Drive, to a point, said

1 point being the intersection of the boundary of the 6th and 18th Land District with the
2 boundary of Fulton and DeKalb Counties; thence generally southeasterly, 4,230 feet, more
3 or less, along the boundary of Fulton and DeKalb Counties, said boundary being parallel to
4 and 20 feet southwest from the northern right-of-way of Dunwoody Club Drive, to a point,
5 said point being the intersection of the boundary of Fulton and DeKalb County with Land
6 Lot Line 340-353; thence generally southeasterly, 3,931 feet, more or less, along the
7 boundary of Fulton and DeKalb Counties, said boundary contained within the right-of-way
8 of Dunwoody Club Drive, to a point, said point being the intersection of the boundary of
9 Fulton and DeKalb Counties with Land Lot Line 339-341; thence generally southeasterly,
10 1,967 feet, more or less, along the boundary of Fulton and DeKalb Counties, said boundary
11 being parallel to and 20 feet southwest from the northern right-of-way of Dunwoody Club
12 Drive, to a point, said point being the intersection of the boundary of Fulton and DeKalb
13 Counties with Land Lot Line 338-339; thence generally southeasterly, 3,140 feet, more or
14 less, along the boundary of Fulton and DeKalb Counties, said boundary being parallel to and
15 25 feet southwest from the northern right-of-way of Dunwoody Club Drive, to a point, said
16 point being the intersection of the boundary of Fulton and DeKalb Counties with Land Lot
17 Line 310-338; thence generally southeasterly, 1,460 feet, more or less, along the boundary
18 of Fulton and DeKalb Counties, said boundary being parallel to and 30 feet southwest from
19 the northerly right-of-way of Dunwoody Club Drive, to a point, said point being the
20 intersection of the boundary of Fulton and DeKalb Counties with Land Lot Line 310-311;
21 thence southeasterly, 1,182 feet, more or less, along the boundary of Fulton and DeKalb
22 Counties, said boundary being parallel to and 30 southwest from the northerly right-of-way
23 of Dunwoody Club Drive, to a point, said point being the intersection of the boundary of
24 Fulton and DeKalb Counties with the centerline of Happy Hollow Road, said road having
25 a 70 foot right-of-way width, thence northeasterly, 30 feet, more or less, along the centerline
26 of Happy Hollow Road to a point; thence northeasterly, 40 feet, more or less, to a point, said
27 point being the intersection of the northerly right-of-way of Dunwoody Club Drive with the
28 easterly right-of-way of Happy Hollow Road, said road having a 60 foot right-of-way;
29 thence northeasterly, 511 feet, more or less, along the extended northern property line of a
30 tract or parcel of land now or formerly know as DeKalb County Tax Parcel 6 311 1 2, said
31 line also being the boundary of Fulton and DeKalb Counties, to a point, said point being a
32 property corner of a tract or parcel of land now or formerly known as DeKalb County Tax
33 Parcel 6 311 1 1; thence northeasterly, 676 feet, more or less, along the northern property
34 line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel 6-311
35 1 1, said line also being the boundary of Fulton and DeKalb Counties, to a point, said point
36 being a common boundary corner of Fulton, DeKalb and Gwinnett Counties; thence
37 southeasterly, 471 feet, more or less, along the boundary of Gwinnett and DeKalb Counties

1 to a point on the northern right-of-way of Dunwoody Club Creek, said creek drive having a
2 50 foot right-of-way width; thence southeasterly, 70 feet, more or less, crossing Dunwoody
3 Club Creek along the boundary of Gwinnett and DeKalb Counties to a point on the southerly
4 right-of-way of Dunwoody Club Creek, said point being the northeastern property corner of
5 a tract of parcel of land now of formerly know as DeKalb County Tax Parcel 6 311 5 3;
6 thence southeasterly, 381 feet, more or less, along the boundary of Gwinnett and DeKalb
7 Counties to a point on the centerline of Dunwoody Club Drive; thence southeasterly, 510
8 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point, said point
9 being the intersection of the boundary of Gwinnett and DeKalb Counties with Land Lot Line
10 307-311; thence northeasterly, 1,301 feet, more or less, along Land Lot Line 307-311, said
11 line also being the boundary of Gwinnett and DeKalb Counties, to a point, said point being
12 the corner common to Land Lots 306, 307, 311 and 312; thence southeasterly, 3,223 feet,
13 more or less, along Line Lot Line 306-307, said line also being the boundary of Gwinnett and
14 DeKalb Counties, to a point, said point being the corner common to Land Lots 280, 281, 306
15 and 307; thence southwesterly, 1,909 feet, more or less, along Land Lot Line 280-307, said
16 line also being the boundary of Gwinnett and DeKalb Counties, to a point; thence
17 southeasterly, 3,404 feet, more or less, along the boundary of Gwinnett and DeKalb Counties
18 to a point, said point being the intersection of the boundary of Gwinnett and DeKalb
19 Counties with Land Lot Line 277-380; thence southeasterly, 1,870 feet, more or less, along
20 the boundary of Gwinnett and DeKalb Counties to a point, said point being the intersection
21 of the boundary of Gwinnett and DeKalb Counties with a control of access line for Peachtree
22 Industrial Boulevard, said control of access line being parallel to and 75 feet northwesterly
23 from the centerline of Peachtree Industrial Boulevard and also being a point in common on
24 the City Limits of the cities of Dunwoody and Doraville; thence southwesterly, 2,000 feet,
25 more or less, along the aforesaid control of access line of Peachtree Industrial Boulevard to
26 a point, said point being the intersection of the aforesaid control of access line with the
27 boundary between the 6th and 18th Land Districts of DeKalb County; thence continuing
28 southwesterly, 1,350 feet, more or less, along the aforesaid control of access line of Peachtree
29 Industrial Boulevard to a point, said point being the intersection of the control of access line
30 with Land Lot Line 341-356; thence westerly, 131 feet, more or less, along Land Lot Line
31 341-356 to a point, said point being the intersection of Land Lot Line 341-356 with the
32 northerly right-of-way line of Peachtree Industrial Boulevard, said boulevard having a 250
33 foot right-of-way width; thence westerly, 1,490 feet, more or less, along Land Lot Line 341-
34 356 to a point, said point being the corner common to Land Lots 341, 342, 355 and 356;
35 thence westerly, 1,000 feet, more or less, along Land Lot Line 342-355 to a point, said point
36 being the northeastern property corner of a tract or parcel of land now or formerly known as
37 DeKalb County Tax Parcel 18 342 7 18; thence southeasterly, 405 feet, more or less, along

1 the westerly right-of-way of Tilly Mill Road to a point, said point being the southeastern
2 property corner of a tract or parcel of land now or formerly known as DeKalb County Tax
3 Parcel 18 342 1 99; thence 730 feet, more or less, along the existing Doraville City Limit
4 Line, said line lying within the right-of-way of Tilly Mill Road, to a point, said point; thence
5 southwesterly, 50 feet, more or less, perpendicular to the existing Doraville City Limit to a
6 point, said point being a common property corner to tracts or parcels of land now or formerly
7 known as DeKalb County Tax Parcels 18 342 1 65 and 66; thence generally southwesterly,
8 552 feet, more or less, along the centerline of Nancy Creek to a point, said point being the
9 intersection of the centerline of Nancy Creek with southern property line of Chateau at
10 Dunwoody Condominiums; thence westerly, 759 feet, more or less, along the southern
11 property line of the Chateau at Dunwoody Condominiums to southwestern property corner
12 of the Chateau at Dunwoody Condominiums; thence westerly, 667 feet, more or less, along
13 the southerly property line of Phase 13 of the Dunwoody North Subdivision to the southeast
14 corner of Lot Number 1 in Phase 2 of the Dunwoody North Subdivision; thence
15 southeasterly, 130 feet, more or less, to a point, said point being the common property corner
16 of Lot Numbers 24 and 25 in the McArthur Estates Subdivision; thence southwesterly, 474.8
17 feet, more or less, along the back property lines of Lots Lumbers 25 and 26 in the McArthur
18 Estates Subdivision to the common corner of Lot Numbers 27 and 28 in the McArthur
19 Estates Subdivision and a tract or parcel of land now or formerly known as DeKalb County
20 Tax Parcel 18 343 1 1; thence generally southeasterly, 1,177 feet, more or less, along the
21 centerline of an unnamed creek tributary to Nancy Creek along the back property lines of Lot
22 Number 40 through Lot Number 27 in McArthur Estates Subdivision to a point, said point
23 being the intersection of the aforesaid creek with Land Lot Line 335-342; thence westerly,
24 944 feet, more or less, along Land Lot Line 335-342 to the common corner of Land Lots 334,
25 335, 342 and 343; thence southerly 701 feet, more or less, along Land Lot Line 334-335 to
26 a point, said point being the intersection of Land Lot Line 334-335 with the northerly right-
27 of-way of Interstate Highway 285, said interstate having a 300 foot right-of-way and limit
28 of access width; thence southerly along Land Lot Line 334-335 across Interstate Highway
29 to a point on the southerly right-of-way and limit of access of Interstate Highway 285;
30 thence generally northwesterly, 2,654 feet, more or less, along the southerly right-of-way
31 and limit of access of Interstate Highway 285 and its extension to the centerline of North
32 Peachtree Road, said North Peachtree Road centerline being 2,475.6 feet measured along the
33 centerline of Interstate Highway 285 from the intersection of Land Lot Line 334-335 with
34 the northerly right-of-way of Interstate Highway 285; thence northeasterly, 130 feet, more
35 or less, along the centerline of North Peachtree Road to a point, said point being the
36 intersection of the aforesaid North Peachtree Road centerline with the southern limit of
37 access for Interstate Highway 285 west of North Peachtree Road; thence westerly along the

1 southern limit of access for Interstate Highway 285 to a point, said point being the
2 intersection of the aforesaid limit of access with the centerline of Shallowford Road, said
3 Shallowford Road centerline being 2,530.09 feet from the centerline of North Peachtree Road
4 measured along the centerline of Interstate Highway 285; thence westerly along the southern
5 limit of access of Interstate Highway 285 to a point, said point being the intersection of the
6 aforesaid limit of access with the centerline of Chamblee Dunwoody Road, said Chamblee
7 Dunwoody Road being 2,903.65 feet from the centerline of Shallowford Road measured
8 along the centerline of Interstate Highway 285; thence generally southwesterly, 75 feet,
9 more or less, along the centerline of Chamblee Dunwoody Road to a point, thence westerly,
10 108 feet, more or less, to a point, said point being the beginning of the southerly right-of-way
11 and limit of access for Interstate Highway 285 on the west of Chamblee Dunwoody Road;
12 thence generally westerly along the southerly right-of-way and limit of access of Interstate
13 Highway 285 to a point, said point being on the centerline of Ashford Dunwoody Road, said
14 Ashford Dunwoody Road centerline being 7,238.73 feet from the centerline of Chamblee
15 Dunwoody Road measured along the centerline of Interstate Highway 285; thence
16 southwesterly, 100 feet, more or less, to a point, said point being the northeastern property
17 corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel 18
18 330 15 1; thence westerly, 340 feet, more or less, along the northern property line of a tract
19 or parcel of land now or formerly known as DeKalb County Tax Parcel 18 330 15 1 to a
20 point, said point being the northwestern property corner of a tract or parcel of land now or
21 formerly known as DeKalb County Tax Parcel 18 330 15 1; thence westerly, 660 feet, more
22 or less, to a point, said point being the northeastern property corner of a tract or parcel of land
23 now or formerly known as DeKalb County Tax Parcel 18 329 2 5; thence southwesterly,
24 2,048 feet, more or less, along the southerly right-of-way and limit of access of Interstate
25 Highway 285 to a point, said point being the intersection of the southerly right-of-way and
26 limit of access of Interstate Highway 285 with the boundary of the 17th and 18th Land
27 Districts, said Land District boundary being 3,034.24 feet from the centerline of Ashford
28 Dunwoody Road measured along the centerline of Interstate Highway 285 and also the
29 boundary of Fulton and DeKalb Counties; thence northerly, 322 feet, more or less, along the
30 boundary of the 17th and 18th Land Districts to a point on the northern right-of-way of
31 Interstate Highway 285, said highway having a 300 foot right-of-way width, said point being
32 the point of beginning.

33 The above-described Corporate Limits for the proposed City of Dunwoody contains an area
34 of 13.2 square miles, more or less, has a perimeter of 17 miles more or less, and are shown
35 more fully on the map entitled *Proposed City of Dunwoody, DeKalb County, Georgia,*
36 *January 2007* prepared by Keck & Wood, Inc.

1 APPENDIX B - PART 1
 2 LEGAL DESCRIPTION
 3 COUNCIL DISTRICT 1 LIMITS

4 CITY OF DUNWOODY, DEKALB COUNTY, GEORGIA

5 All that tract or parcel of land lying and being in Land Lot 353 of the 6th Land District and
 6 Land Lots 329, 345, 346, 347, 348, 349, 350, 351, 352, 362, 363, 364, 365, 366, 367, 375,
 7 376, 377, 378, 379, 380, 383 and 384 of the 18th Land Districts of DeKalb County, Georgia,
 8 and more particularly described as follows:

9 Beginning at the intersection of the north-south boundary of the 17th and 18th Land Districts
 10 with the northerly right-of-way of Interstate Highway 285, said highway having a
 11 right-of-way width of 300 feet; thence proceeding northerly, 19,074 feet, more or less, along
 12 the boundary of the 17th and 18th Land Districts, said boundary also being the boundary of
 13 Fulton and DeKalb Counties, to a point, said point being the corner common to Land Lots
 14 23 and 24 of the 17th Land District and Land Lots 378 and 384 of the 18th Land District;
 15 thence easterly, 138 feet, more or less, along the northern line of Land Lot 378 to a point,
 16 said line also being the boundary of Fulton and DeKalb Counties; thence southeasterly, 220
 17 feet, more or less, along the boundary of Fulton and DeKalb Counties to a point, said point
 18 being the southeast property corner of the tract or parcel of land now or formerly known as
 19 DeKalb County Tax Parcel 18 378 6 1; thence southeasterly, 208 feet, more or less, along
 20 the boundary of Fulton and DeKalb Counties to a point, said point being on Lot 1 of the
 21 Weldstone Manor No. 1 Subdivision; thence southwesterly, 150 feet, more or less, along the
 22 boundary of Fulton and DeKalb Counties to a point, said point being a property corner of Lot
 23 1 of the Weldstone Manor No. 1 Subdivision; thence southeasterly, 100 feet, more or less,
 24 along the boundary of Fulton and DeKalb Counties to a point, said point being on Lot 11 of
 25 the Weldstone Manor No. 1 Subdivision; thence southeasterly, 75 feet, more or less, along
 26 the boundary of Fulton and DeKalb Counties crossing Spalding Drive, said drive having a
 27 60 foot right-of-way width, to a point on the easterly right-of-way of Spalding Drive, said
 28 point being a property corner of Lot 8 of Spalding Estates No. 1 Subdivision; thence
 29 southeasterly, 30 feet, more or less, along the boundary of Fulton and DeKalb Counties to
 30 a point, said point being a property corner of Lot 8 of Spalding Estates No. 1 Subdivision;
 31 thence southeasterly, 90 feet, more or less, along the boundary of Fulton and DeKalb
 32 Counties to a point, said point being on the northern property line of Lot 8 of Spalding
 33 Estates No. 1 Subdivision; thence northeasterly, 60 feet, more or less, along the boundary of
 34 Fulton and DeKalb Counties to a point, said point being a corner of a tract or parcel of land
 35 now or formerly known as DeKalb County Tax Parcel 18 378 9 110; thence northeasterly,

1 459 feet, more or less, along the boundary of Fulton and DeKalb Counties to a point, said
2 point being a property corner of a parcel or tract of land now or formerly known as DeKalb
3 County Tax Parcel 18 378 9 75; thence northeasterly, 669 feet, more or less, along the
4 boundary of Fulton and DeKalb Counties to a point, said point being a property corner of a
5 tract or parcel of land now or formerly known as DeKalb County Tax Parcel 18 378 9 80 and
6 on the northern line of Land Lot 378; thence easterly, 262 feet, more or less, along the
7 northern line of Land Lot 378, said line also being the boundary of Fulton and DeKalb
8 Counties, to a point, said point being a property corner of a tract or parcel of land now or
9 formerly known as DeKalb County Tax Parcel 18 384 1 7; thence northeasterly, 210 feet,
10 more or less, along the boundary of Fulton and DeKalb Counties to a point, said point being
11 a corner on a tract or parcel of land now or formerly known as DeKalb County Tax Parcel
12 18 384 1 8; thence northeasterly, 170 feet, more or less, along the boundary of Fulton and
13 DeKalb Counties to a point, said point being a corner on a tract or parcel of land now or
14 formerly known as DeKalb County Tax Parcel 18 384 1 8; thence northeasterly, 202 feet,
15 more or less, along the boundary of Fulton and DeKalb Counties to a point, said point being
16 a corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel 18
17 384 1 17; thence northeasterly, 171 feet, more or less, along the boundary of Fulton and
18 DeKalb County to a point, said point being on a tract or parcel of land now or formerly
19 known as DeKalb County Tax Parcel 18 384 4 5; thence northeasterly, 122 feet, more or
20 less, along the boundary of Fulton and DeKalb Counties to a point, said point being on a tract
21 or parcel of land now or formerly known as DeKalb County Tax Parcel 18 384 4 5; thence
22 northeasterly, 225 feet, more or less, along the boundary of Fulton and DeKalb Counties
23 crossing Whitehall Walk to a point, said point being a corner on a tract or parcel of land now
24 or formerly known as DeKalb County Tax Parcel 18 384 5 7; thence easterly, 98 feet, more
25 or less, along the boundary of Fulton and DeKalb Counties to a point, said point being on a
26 tract or parcel of land now or formerly known as DeKalb County Tax Parcel 18 384 5 6;
27 thence southeasterly, 197 feet, more or less, along the boundary of Fulton and DeKalb
28 Counties to a point, said point being on a tract or parcel of land now or formerly known as
29 DeKalb County Tax Parcel 18 384 5 5; thence northeasterly, 405 feet, more or less, along
30 the boundary of Fulton and DeKalb Counties crossing Roberts Drive to a point, said point
31 being the northwestern property corner of a tract or parcel of land now or formerly known
32 as DeKalb County Tax Parcel 18 383 2 11; thence northeasterly, 320 feet, more or less,
33 along the boundary of Fulton and DeKalb Counties to a point, said point being a property
34 corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel 18
35 383 2 10; thence northeasterly, 140 feet, more or less, along the boundary of Fulton and
36 DeKalb Counties to a point, said point being of the centerline of Dunwoody Club Drive, said
37 drive having a 50 foot right-of-way width; thence southeasterly, 2,156 feet, more or less,

1 along the boundary of Fulton and DeKalb Counties, said boundary being parallel to and 25
2 feet southwest from the northern right-of-way of Dunwoody Club Drive, to a point, said
3 point being the intersection of the boundary of the 6th and 18th Land District with the
4 boundary of Fulton and DeKalb Counties; thence generally southeasterly, 2,000 feet, more
5 or less, along the boundary of Fulton and DeKalb Counties, said boundary being parallel to
6 and 20 feet southwest from the northern right-of-way of Dunwoody Club Drive, to a point,
7 said point being the intersection of the boundary of Fulton and DeKalb County with the
8 centerline of Woodsong Trail, said trail having a 60 foot right-of-way width; thence
9 generally southeasterly, 1,289 feet, more or less, along the centerline of Woodsong Trail to
10 a point, said point being the intersection of the centerline of Woodsong Trail with the
11 centerline of Woodsong Drive, said drive having a 60 foot right-of-way; thence generally
12 southerly, 861 feet, more or less, along the centerline of Woodsong Drive to a point, said
13 point being the intersection of the centerline of Woodsong Drive with the centerline of
14 Barcroft Way, said way having a 50 foot right-of-way; thence generally southwesterly, 574
15 feet, more or less, along the centerline of Barcroft Way to a point, said point being the
16 intersection of the centerline of Barcroft Way with the centerline of Withmere Way, said way
17 having a 50 foot right-of-way width; thence northwesterly, 285 feet, more or less, along the
18 centerline of Withmere Way to a point, said point being the intersection of the centerline of
19 Withmere Way with the centerline of Mount Vernon Way, said way having a 50 foot
20 right-of-way width; thence southeasterly, 5,592 feet, more or less, along the centerline of
21 Mount Vernon Way to a point, said point being the intersection of the centerline of Mount
22 Vernon Way with the centerline of Mount Vernon Road, said road having a 100 foot
23 right-of-way width, thence generally westerly, 3,101 feet, more or less, along the centerline
24 of Mount Vernon Road, said road having a 100 foot right-of-way width, to a point, said point
25 being the intersection of the centerline of Mount Vernon Road with the centerline of
26 Chamblee Dunwoody Road; thence southeasterly, 8,700 feet, more or less, along the
27 centerline of Chamblee Dunwoody Road to a point, said point being the intersection of the
28 centerline of Chamblee Dunwoody Road with the centerline Peeler Road to the northeast and
29 Chamblee Dunwoody Road to the southwest; thence generally southerly, 3,214 feet, more
30 or less, along the centerline of Chamblee Dunwoody Road to a point, said point being the
31 intersection of the centerline of Chamblee Dunwoody Road with the northerly right-of-way
32 of Interstate Highway 285; thence southwesterly, 875.9 feet, more or less, along the
33 centerline of Chamblee Dunwoody Road crossing Interstate Highway 285 to a point, said
34 point being the intersection of the centerline of Chamblee Dunwoody Road with the
35 southerly right-of-way of Interstate Highway 285; thence northwesterly, 50 feet, more or
36 less, to a point, said point being a property corner of a tract or parcel of land now or formerly
37 known as DeKalb County Tax Parcel 18 345 4 3; thence northwesterly, 82 feet, more or less,

1 along the property line of a tract or parcel of land now or formerly known as DeKalb County
2 Tax Parcel 18 345 4 3 to a point on the southerly right or way of Interstate Highway 285,
3 thence generally westerly along the southerly right-of-way and limit of access of Interstate
4 Highway 285 to a point, said point being on the centerline of Ashford Dunwoody Road, said
5 Ashford Dunwoody Road centerline being 7,238.73 feet from the centerline of Chamblee
6 Dunwoody Road measured along the centerline of Interstate Highway 285; thence
7 southwesterly, 100 feet, more or less, to a point, said point being the northeastern property
8 corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel 18
9 330 15 1; thence westerly, 340 feet, more or less, along the northern property line of a tract
10 or parcel of land now or formerly known as DeKalb County Tax Parcel 18 330 15 1 to a
11 point, said point being the northwestern property corner of a tract or parcel of land now or
12 formerly known as DeKalb County Tax Parcel 18 330 15 1; thence westerly, 660 feet, more
13 or less, to a point, said point being the northeastern property corner of a tract or parcel of land
14 now or formerly known as DeKalb County Tax Parcel 18 329 2 5; thence southwesterly,
15 2,048 feet, more or less, along the southerly right-of-way and limit of access of Interstate
16 Highway 285 to a point, said point being the intersection of the southerly right-of-way and
17 limit of access of Interstate Highway 285 with the boundary of the 17th and 18th Land
18 Districts, said Land District boundary being 3,034.24 feet from the centerline of Ashford
19 Dunwoody Road measured along the centerline of Interstate Highway 285 and also the
20 boundary of Fulton and DeKalb Counties; thence northerly, 322 feet, more or less, along the
21 boundary of the 17th and 18th Land Districts to a point on the northern right-of-way of
22 Interstate Highway 285, said highway having a 300 foot right-of-way width, said point being
23 the point of beginning.

24 The above-described Council District Number 1 Limits for the proposed City of Dunwoody
25 contains an area of 4.9 square miles more or less, with a perimeter of 12.0 miles more or less,
26 and are shown more fully on the map entitled *Council Districts, Proposed City of Dunwoody,*
27 *DeKalb County, Georgia, January 2007* prepared by Keck & Wood, Inc.

APPENDIX B - PART 2

LEGAL DESCRIPTION

COUNCIL DISTRICT 2 LIMITS

CITY OF DUNWOODY, DEKALB COUNTY, GEORGIA

5 All that tract or parcel of land lying and being in Land Lots 339, 340, 341 and 353 of the 6th
6 Land District and Land Lots 343, 344, 345, 352, 353, 354, 359, 360, 361, 362, 363, 366, 367,
7 368, 369, 370, 372, 373, 374, 375, 380, 381 and 382 of the 18th Land Districts of DeKalb
8 County, Georgia, and more particularly described as follows:

9 Beginning at the intersection of the northerly right-of-way of Interstate Highway 285 with
10 the centerline of Chamblee Dunwoody Road; thence proceeding generally northerly, 3,214
11 feet, more or less, along the centerline of Chamblee Dunwoody Road to a point, said point
12 being the intersection of the centerline of Chamblee Dunwoody Road with the centerline
13 of Peeler Road to the north and Chamblee Dunwoody Road to the west; thence
14 northwesterly, 8,700 feet, more or less, along the centerline of Chamblee Dunwoody Road
15 to a point, said point being the intersection of the centerline of Chamblee Dunwoody Road
16 with the centerline of Mount Vernon Road, said road having a 100 foot right-of-way width;
17 thence generally easterly, 3,101 feet, more or less, along the centerline of Mount Vernon
18 Road to a point, said point being the intersection of the centerline of Mount Vernon Road
19 with the centerline of Mount Vernon Way, said way having a 50 foot right-of-way width;
20 thence northwesterly, 5,592 feet, more or less, along the centerline of Mount Vernon Way
21 to a point, said point being the centerline of Mount Vernon Way with the centerline of
22 Withmere Way, said way having a 50 foot right-of-way width; thence southeasterly, 285
23 feet, more or less, along the centerline of Withmere Way to a point, said point being the
24 intersection of the centerline of Withmere Way with the centerline of Barcroft Way, said
25 way having a 50 foot right-of-way width; thence generally northeasterly, 574 feet, more
26 or less, along the centerline of Barcroft Way to a point, said point being the intersection of
27 the centerline of Barcroft Way with the centerline of Woodsong Drive, said drive having
28 a 60 foot right-of-way width; thence generally northerly, 861 feet, more or less, along the
29 centerline of Woodsong Drive to a point, said point being the intersection of the centerline
30 of Woodsong Drive with the centerline of Woodsong Trail; thence northwesterly, 1,289
31 feet, more or less, along the centerline of Woodsong Trail to a point, said point being the
32 intersection of the centerline of Woodsong Trail with boundary of Fulton and DeKalb
33 Counties, said boundary being parallel to and 20 feet northeast of the from the northern
34 right-of-way of Dunwoody Club Drive; thence generally southeasterly, 2,229 feet, more
35 or less, along the boundary of Fulton and DeKalb Counties, said boundary being parallel
36 to and 20 feet southwest from the northern right-of-way of Dunwoody Club Drive, to a

1 point, said point being the intersection of the boundary of Fulton and DeKalb County with
2 Land Lot Line 340-353; thence generally southeasterly, 3,931 feet, more or less, along the
3 boundary of Fulton and DeKalb Counties, said boundary contained within the right-of-way
4 of Dunwoody Club Drive, to a point, said point being the intersection of the boundary of
5 Fulton and DeKalb Counties with Land Lot Line 339-341; thence generally southeasterly,
6 1,787 feet, more or less, along the boundary of Fulton and DeKalb Counties, said boundary
7 being parallel to and 20 feet southwest from the northern right-of-way of Dunwoody Club
8 Drive, to a point, said point being the intersection of the boundary of Fulton and DeKalb
9 Counties with the centerline of Mount Vernon Road, said road having a 100 foot
10 right-of-way width; thence southwesterly, 651 feet, more or less, along the centerline of
11 Mount Vernon Road to a point, said point being the intersection of the centerline of Mount
12 Vernon Road with the centerline of North Peachtree Road, said road having a 100 foot
13 right-of-way; thence southeasterly, 1,411 feet, more or less, along the centerline of North
14 Peachtree Road to a point, said point being the intersection of the centerline of North
15 Peachtree Road with the boundary of the 6th and 18th Land Districts; thence southeasterly,
16 1,470 feet, more or less, along the centerline of North Peachtree Road to a point, said point
17 being the intersection of the centerline of North Peachtree Road with Land Lot Line 370-
18 372; thence generally southerly, 3,692 feet, more or less, along the centerline of North
19 Peachtree Road to a point, said point being the intersection of the centerline of North
20 Peachtree Road with Land Lot Line 359-370; thence generally southerly, 2,852 feet, more
21 or less, along the centerline of North Peachtree Road to a point, said point being the
22 intersection of the centerline of North Peachtree Road with Land Lot Line 354-359; thence
23 generally southerly, 3,326 feet, more or less, along the along the centerline of North
24 Peachtree Road to a point, said point being the intersection of the centerline of North
25 Peachtree Road with :Land Lot Line 343-354; thence southerly, 2,214 feet, more or less,
26 along the centerline of North Peachtree Road to a point, said point being the intersection
27 of the centerline of North Peachtree Road with the northerly limit of access of Interstate
28 Highway 285 west of North Peachtree Road; thence southwesterly, 450 feet, more or less,
29 along the centerline of North Peachtree Road crossing Interstate Highway 285 to a point,
30 said point being the intersection of the centerline of North Peachtree Road with the
31 southerly limit of access of Interstate Highway 285 west of North Peachtree Road; thence
32 westerly along the southern limit of access for Interstate Highway 285 to a point, said point
33 being the intersection of the aforesaid limit of access with the centerline of Shallowford
34 Road, said Shallowford Road centerline being 2,530.09 feet from the centerline of North
35 Peachtree Road measured along the centerline of Interstate Highway 285; thence westerly
36 along the southern limit of access of Interstate Highway 285 to a point, said point being the
37 intersection of the aforesaid limit of access with the centerline of Chamblee Dunwoody

1 Road, said Chamblee Dunwoody Road being 2,903.65 feet from the centerline of
2 Shallowford Road measured along the centerline of Interstate Highway 285; thence
3 generally northeasterly, 700 feet, more or less, along the centerline of Chamblee
4 Dunwoody Road to a point, said point being the beginning.

5 The above-described Council District Number 2 Limits for the proposed City of Dunwoody
6 contains an area of 4.7 square miles, more or less, with a perimeter of 10.2 miles more or
7 less, and are shown more fully on the map entitled *Council Districts, Proposed City of*
8 *Dunwoody, DeKalb County, Georgia, January 2007* prepared by Keck & Wood, Inc.

1 APPENDIX B - PART 3
 2 LEGAL DESCRIPTION
 3 COUNCIL DISTRICT 3 LIMITS

4 CITY OF DUNWOODY, DEKALB COUNTY, GEORGIA

5 All that tract or parcel of land lying and being in Land Lots 277, 278, 279, 280, 307, 308,
 6 309, 310, 311, 338 and 339 of the 6th Land District and Land Lots 334, 342, 343, 354, 355,
 7 356, 358, 359, 370, 371, and 372 of the 18th Land Districts of DeKalb County, Georgia, and
 8 more particularly described as follows:

9 Beginning at the intersection of the northerly limit of access of Interstate Highway 285
 10 west of North Peachtree Road with the centerline of North Peachtree Road; thence
 11 proceeding northerly, 2,214 feet, more or less, along the centerline of North Peachtree
 12 Road to a point, said point being the intersection of the centerline of North Peachtree Road
 13 with Land Lot Line 343-354; thence northerly, 3,326 feet, more or less, along the
 14 centerline of North Peachtree Road to a point, said point being the intersection of the
 15 centerline of North Peachtree Road with Land Lot Line 354-359; thence generally
 16 northerly, 2,852 feet, more or less, along the centerline of North Peachtree Road to a point,
 17 said point being the intersection of the centerline of North Peachtree Road with Land Lot
 18 Line 359-370; thence northerly, 3,692 feet, more or less, along the centerline of North
 19 Peachtree Road to a point, said point being the centerline of North Peachtree Road with
 20 Land Lot Line 370-372; thence northwesterly, 1,470 feet, more or less, along the
 21 centerline of North Peachtree Road to a point, said point being the intersection of the
 22 centerline of North Peachtree Road with the boundary of the 6th and 18th Land Districts;
 23 thence northwesterly, 1,411 feet, more or less, along the centerline of North Peachtree
 24 Road to a point, said point being the intersection of the centerline of North Peachtree Road
 25 with the centerline of Mount Vernon Road; thence northeasterly, 651 feet, more or less,
 26 along the centerline of Mount Vernon Road to a point, said point being the intersection of
 27 the centerline of Mount Vernon Road with the boundary of Fulton and DeKalb Counties;
 28 thence generally southeasterly, 180 feet, more or less, along the boundary of Fulton and
 29 DeKalb Counties, said boundary being parallel to and 20 feet southwest from the northern
 30 right-of-way of Dunwoody Club Drive, to a point, said point being the intersection of the
 31 boundary of Fulton and DeKalb Counties with Land Lot Line 338-339; thence generally
 32 southeasterly, 3,140 feet, more or less, along the boundary of Fulton and DeKalb Counties,
 33 said boundary being parallel to and 25 feet southwest from the northern right-of-way of
 34 Dunwoody Club Drive, to a point, said point being the intersection of the boundary of
 35 Fulton and DeKalb Counties with Land Lot Line 310-338; thence generally southeasterly,
 36 1,460 feet, more or less, along the boundary of Fulton and DeKalb Counties, said boundary

1 being parallel to and 30 feet southwest from the northerly right-of-way of Dunwoody Club
2 Drive, to a point, said point being the intersection of the boundary of Fulton and DeKalb
3 Counties with Land Lot Line 310-311; thence southeasterly, 1,182 feet, more or less, along
4 the boundary of Fulton and DeKalb Counties, said boundary being parallel to and 30
5 southwest from the northerly right-of-way of Dunwoody Club Drive, to a point, said point
6 being the intersection of the boundary of Fulton and DeKalb Counties with the centerline
7 of Happy Hollow Road, said road having a 70 foot right-of-way width, thence
8 northeasterly, 30 feet, more or less, along the centerline of Happy Hollow Road to a point;
9 thence northeasterly, 40 feet, more or less, to a point, said point being the intersection of
10 the northerly right-of-way of Dunwoody Club Drive with the easterly right-of-way of
11 Happy Hollow Road, said road having a 60 foot right-of-way; thence northeasterly, 511
12 feet, more or less, along the extended northern property line of a tract or parcel of land now
13 or formerly know as DeKalb County Tax Parcel 6 311 1 2, said line also being the
14 boundary of Fulton and DeKalb Counties, to a point, said point being a property corner of
15 a tract or parcel of land now or formerly known as DeKalb County Tax Parcel 6 311 1 1;
16 thence northeasterly, 676 feet, more or less, along the northern property line of a tract or
17 parcel of land now or formerly known as DeKalb County Tax Parcel 6-311 1 1, said line
18 also being the boundary of Fulton and DeKalb Counties, to a point, said point being a
19 common boundary corner of Fulton, DeKalb and Gwinnett Counties; thence southeasterly,
20 471 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point on
21 the northern right-of-way of Dunwoody Club Creek, said creek drive having a 50 foot
22 right-of-way width; thence southeasterly, 70 feet, more or less, crossing Dunwoody Club
23 Creek along the boundary of Gwinnett and DeKalb Counties to a point on the southerly
24 right-of-way of Dunwoody Club Creek, said point being the northeastern property corner
25 of a tract of parcel of land now of formerly know as DeKalb County Tax Parcel 6 311 5 3;
26 thence southeasterly, 381 feet, more or less, along the boundary of Gwinnett and DeKalb
27 Counties to a point on the centerline of Dunwoody Club Drive; thence southeasterly, 510
28 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point, said
29 point being the intersection of the boundary of Gwinnett and DeKalb Counties with Land
30 Lot Line 307-311; thence northeasterly, 1,301 feet, more or less, along Land Lot Line 307-
31 311, said line also being the boundary of Gwinnett and DeKalb Counties, to a point, said
32 point being the corner common to Land Lots 306, 307, 311 and 312; thence southeasterly,
33 3,223 feet, more or less, along Line Lot Line 306-307, said line also being the boundary
34 of Gwinnett and DeKalb Counties, to a point, said point being the corner common to Land
35 Lots 280, 281, 306 and 307; thence southwesterly, 1,909 feet, more or less, along Land Lot
36 Line 280-307, said line also being the boundary of Gwinnett and DeKalb Counties, to a
37 point; thence southeasterly, 3,404 feet, more or less, along the boundary of Gwinnett and

1 DeKalb Counties to a point, said point being the intersection of the boundary of Gwinnett
2 and DeKalb Counties with Land Lot Line 277-380; thence southeasterly, 1,870 feet, more
3 or less, along the boundary of Gwinnett and DeKalb Counties to a point, said point being
4 the intersection of the boundary of Gwinnett and DeKalb Counties with a control of access
5 line for Peachtree Industrial Boulevard, said control of access line being parallel to and 75
6 feet northwesterly from the centerline of Peachtree Industrial Boulevard and also being a
7 point in common on the City Limits of the cities of Dunwoody and Doraville; thence
8 southwesterly, 2,000 feet, more or less, along the aforesaid control of access line of
9 Peachtree Industrial Boulevard to a point, said point being the intersection of the aforesaid
10 control of access line with the boundary between the 6th and 18th Land Districts of DeKalb
11 County; thence continuing southwesterly, 1,350 feet, more or less, along the aforesaid
12 control of access line of Peachtree Industrial Boulevard to a point, said point being the
13 intersection of the control of access line with Land Lot Line 341-356; thence westerly, 131
14 feet, more or less, along Land Lot Line 341-356 to a point, said point being the intersection
15 of Land Lot Line 341-356 with the northerly right-of-way line of Peachtree Industrial
16 Boulevard, said boulevard having a 250 foot right-of-way width; thence westerly, 1,490
17 feet, more or less, along Land Lot Line 341-356 to a point, said point being the corner
18 common to Land Lots 341, 342, 355 and 356; thence westerly, 1,000 feet, more or less,
19 along Land Lot Line 342-355 to a point, said point being the northeastern property corner
20 of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel 18 342
21 7 18; thence southeasterly, 405 feet, more or less, along the westerly right-of-way of Tilly
22 Mill Road to a point, said point being the southeastern property corner of a tract or parcel
23 of land now or formerly known as DeKalb County Tax Parcel 18 342 1 99; thence 730
24 feet, more or less, along the existing Doraville City Limit Line, said line lying within the
25 right-of-way of Tilly Mill Road, to a point, said point; thence southwesterly, 50 feet, more
26 or less, perpendicular to the existing Doraville City Limit to a point, said point being a
27 common property corner to tracts or parcels of land now or formerly known as DeKalb
28 County Tax Parcels 18 342 1 65 and 66; thence generally southwesterly, 552 feet, more or
29 less, along the centerline of Nancy Creek to a point, said point being the intersection of the
30 centerline of Nancy Creek with southern property line of Chateau at Dunwoody
31 Condominiums; thence westerly, 759 feet, more or less, along the southern property line
32 of the Chateau at Dunwoody Condominiums to southwestern property corner of the
33 Chateau at Dunwoody Condominiums; thence westerly, 667 feet, more or less, along the
34 southerly property line of Phase 13 of the Dunwoody North Subdivision to the southeast
35 corner of Lot Number 1 in Phase 2 of the Dunwoody North Subdivision; thence
36 southeasterly, 130 feet, more or less, to a point, said point being the common property
37 corner of Lot Numbers 24 and 25 in the McArthur Estates Subdivision; thence

1 southwesterly, 474.8 feet, more or less, along the back property lines of Lots Lumbers 25
2 and 26 in the McArthur Estates Subdivision to the common corner of Lot Numbers 27 and
3 28 in the McArthur Estates Subdivision and a tract or parcel of land now or formerly
4 known as DeKalb County Tax Parcel 18 343 1 1; thence generally southeasterly, 1,177
5 feet, more or less, along the centerline of an unnamed creek tributary to Nancy Creek along
6 the back property lines of Lot Number 40 through Lot Number 27 in McArthur Estates
7 Subdivision to a point, said point being the intersection of the aforesaid creek with Land
8 Lot Line 335-342; thence westerly, 944 feet, more or less, along Land Lot Line 335-342
9 to the common corner of Land Lots 334, 335, 342 and 343; thence southerly 701 feet,
10 more or less, along Land Lot Line 334-335 to a point, said point being the intersection of
11 Land Lot Line 334-335 with the northerly right-of-way of Interstate Highway 285, said
12 interstate having a 300 foot right-of-way and limit of access width; thence southerly along
13 Land Lot Line 334-335 across Interstate Highway to a point on the southerly right-of-way
14 and limit of access of Interstate Highway 285; thence generally northwesterly, 2,654 feet,
15 more or less, along the southerly right-of-way and limit of access of Interstate Highway
16 285 and its extension to the centerline of North Peachtree Road, said North Peachtree Road
17 centerline being 2,475.6 feet measured along the centerline of Interstate Highway 285 from
18 the intersection of Land Lot Line 334-335 with the northerly right-of-way of Interstate
19 Highway 285; thence northerly, 520 feet, more or less, along the centerline of North
20 Peachtree Road crossing Interstate Highway 285 to a point, said point being the
21 intersection of the northerly limit of access of Interstate Highway 285 west of North
22 Peachtree Road with the centerline of North Peachtree Road and the point of beginning.

23 The above-described Council District Number 3 Limits for the proposed City of Dunwoody
24 contains an area of 3.6 square miles, more or less, with a perimeter of 10.1 miles more or
25 less, and are shown more fully on the map entitled *Voting Districts, Proposed City of*
26 *Dunwoody, DeKalb County, Georgia, January 2007* prepared by Keck & Wood, Inc.

1

APPENDIX C

2

CERTIFICATE AS TO MINIMUM STANDARDS

3

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

4 I, Senator Dan Weber, Georgia State Senator from the 40th District and the author of this bill
 5 introduced at the 2007 session of the General Assembly of Georgia, which grants an original
 6 municipal charter to the City of Dunwoody, do hereby certify that this bill is in compliance
 7 with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the
 8 area embraced within the original incorporation in this bill is in all respects in compliance
 9 with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A.

10 This certificate is executed to conform to the requirements of Code Section 36-31-5 of the
 11 O.C.G.A.

12 So certified this ____ day of _____, 2007.

13

14

15

16

Honorable Dan Weber
 Senator, 40th District
 Georgia State Senate