

House Bill 374

By: Representatives Thomas of the 21st, Jasperse of the 11th, Anderson of the 10th, Carson of the 46th, Wilkerson of the 38th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
2 municipal annexation of territory, so as to repeal certain provisions relating to authority,
3 procedures, identification, and status of lands relative to municipal deannexation; to provide
4 for municipal deannexation of property by application of 100 percent of property owners; to
5 provide for procedures, conditions, and limitations; to provide for ad valorem taxes; to
6 provide for special tax districts for outstanding general obligation bonded indebtedness; to
7 provide for municipal deannexation of property by application of 60 percent of electors
8 and 60 percent of property owners; to provide definitions; to provide for procedures,
9 conditions, and limitations; to provide for services; to provide for hearings on such
10 applications; to provide for ad valorem taxes; to provide for special tax districts for
11 outstanding general obligation bonded indebtedness; to provide for appeals; to provide for
12 judgments; to provide dispute resolution procedures for disputed deannexations; to provide
13 definitions; to provide for related matters; to provide for an effective date; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 374

- 1 -

SECTION 1.

Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to municipal annexation of territory, is amended by revising Code Section 36-36-22, relating to authority, procedures, identification, and status of lands relative to deannexation, as follows:

"36-36-22.

~~Authority is granted to the governing bodies of the several municipal corporations of this state to deannex an area or areas of the existing corporate limits thereof, in accordance with the procedures provided in this article and in Article 1 of this chapter, upon the written and signed applications of all of the owners of all of the land, except the owners of any public street, road, highway, or right of way, proposed to be deannexed, containing a complete description of the lands to be deannexed and the adoption of a resolution by the governing authority of the county in which such property is located consenting to such deannexation. Lands to be deannexed at any one time shall be treated as one body, regardless of the number of owners, and all parts shall be considered as adjoining the limits of the municipal corporation when any one part of the entire body abuts such limits. When such application is acted upon by the municipal authorities and the land is, by ordinance, deannexed from the municipal corporation, an identification of the property so deannexed shall be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located in accordance with Code Section 36-36-3. When so deannexed, such lands shall cease to constitute a part of the lands within the corporate limits of the municipal corporation as completely and fully as if the limits had been marked and defined by local Act of the General Assembly~~ Reserved."

SECTION 2.

Said chapter is further amended by adding new articles to read as follows:

"ARTICLE 8

36-36-130.

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

36-36-131.

(a) Authority is granted to the governing authority of any municipality to deannex an area or areas of the existing corporate limits thereof, in accordance with the procedures provided in this article and in Article 1 of this chapter, upon the written and signed applications of all of the owners of all of the land, except the owners of any public street, road, highway, or right of way, proposed to be deannexed, containing a complete description of the lands to be deannexed, and upon the adoption of a resolution by the governing authority of the county in which such property is located consenting to such deannexation. If the governing authority of the county consents to the deannexation and the deannexation conforms with the requirements of this article, the governing authority of the municipal corporation is obligated to approve such deannexation unless it finds that the deannexation would be detrimental to the health, safety, and welfare of the residents and property owners of the area to be deannexed.

(b) Lands to be deannexed at any one time under this article shall be treated as one body, regardless of the number of owners, and all parts shall be considered as adjoining the limits of the municipality when any one part of the entire body abuts such limits; provided, however, that at least one-eighth of the aggregate external boundary or 50 feet of the area to be deannexed, whichever is less, either abuts directly on the municipal boundary or would directly abut on the municipal boundary if it were not otherwise separated from the municipal boundary by lands owned by the municipal corporation or some other political subdivision, by lands owned by this state, or by the definite width of:

65 (1) Any street or street right of way;

66 (2) Any creek or river; or

67 (3) Any right of way of a railroad or other public service corporation

68 which divides the municipal boundary and any area proposed to be deannexed.

69 (c) When such application is acted upon by the municipal governing authority and the land
70 is, by ordinance, deannexed from the municipality, an identification of the property so
71 deannexed shall be filed with the Department of Community Affairs and with the
72 governing authority of the county in which the property is located in accordance with Code
73 Section 36-36-3.

74 (d) When so deannexed, such lands shall cease to constitute a part of the lands within the
75 corporate limits of the municipality as completely and fully as if the limits had been
76 marked and defined by local Act of the General Assembly.

77 (e)(1) Except as provided in paragraph (2) of this subsection and Code
78 Section 36-36-133, when so deannexed, the land shall be deannexed from the
79 municipality effective for ad valorem tax purposes on December 31 of the year during
80 which such application is submitted and for all other purposes on the first day of the next
81 calendar quarter that begins at least one month after the month during which the
82 requirements of this article have been met.

83 (2) Unless otherwise agreed in writing by the governing authority of the county and a
84 municipal governing authority, where property zoned and used for commercial purposes
85 is deannexed from a municipality with an independent school system, the effective date
86 for the purposes of ad valorem taxes levied for educational purposes shall be
87 December 31 of the year after the year in which the requirements of this article have been
88 met.

89 (f) Property that has been deannexed from a municipality under this article shall not be
90 annexed again until at least two calendar years after the effective date of such deannexation
91 unless such annexation is accomplished by local Act of the General Assembly.

36-36-132.

There shall be no deannexation under this article that results in the formation of one or more unincorporated islands or in part of the area remaining in the municipal corporation no longer being a contiguous area of such municipal corporation.

36-36-133.

Property that has been deannexed from a municipality under this article shall be subject to all general obligation bonded indebtedness of the municipality which is outstanding on the effective date of such deannexation. On the effective date of such deannexation, a special tax district shall be created whose geographical boundary shall correspond to and be conterminous with the property that has been deannexed. The ad valorem taxes imposed by the municipality on the effective date of the deannexation to retire such bonded indebtedness shall continue to be imposed within such special district in the same manner and to the same extent that such ad valorem taxes were previously imposed by the municipality in accordance with the terms of the obligations of such bonded indebtedness. The governing authority of the municipality shall administer such special district for the purposes relating to such bonded indebtedness, including enforcement of the rights and remedies of the bondholders.

ARTICLE 9

36-36-150.

As used in this article, the term 'municipal corporation' means a municipal corporation which has a population of 200 or more persons according to the United States decennial census of 2020 or any future such census.

36-36-151.

As used in this article, the term 'contiguous area' means any area of which at least one-eighth of the aggregate external boundary, at the time deannexation procedures are completed, directly abuts the municipal boundary or 50 feet of the area to be deannexed, whichever is less. An area shall also be deemed a contiguous area when at least one-eighth of its aggregate external boundary would directly abut the municipal boundary if not otherwise separated, in whole or in part, from the municipal boundary by lands owned by the municipal corporation, by lands owned by a county, or by lands owned by this state or by the definite width of (1) any street or street right of way, (2) any creek or river, or (3) any right of way of a railroad or other public service corporation.

36-36-152.

(a) Authority is granted to the governing bodies of the several municipal corporations of this state to deannex from the existing corporate limits thereof incorporated areas, in accordance with the procedures provided in this article and in Article 1 of this chapter, upon the written and signed application of not less than 60 percent of the electors resident in the area included in any such application and of the owners of not less than 60 percent of the land area, by acreage, included in such application. The authority granted in this Code section is in addition to existing authority and is intended to provide a cumulative method of deannexing territory from municipal corporations in addition to those methods provided by present law.

(b) Each such application shall contain a complete description of the land proposed to be deannexed. Lands to be deannexed at any one time shall be treated as one body, regardless of the number of owners.

(c) Each person signing an application for deannexation shall also print or type thereon his or her name, address, and the date of signature. In addition, he or she shall indicate whether he or she is a landowner within the area to be deannexed, an elector, or both.

(d) For the purpose of determining the percentage of electors signing such application, the municipal governing authority shall obtain from the board of registrars of the county or counties in which the area lies a list of electors residing in such area. Such list shall be compiled by the board of registrars and shall be provided to the municipal governing authority in accordance with Code Section 21-2-227. The municipal governing authority shall bear the expense of the preparation of such list in the manner prescribed by such Code section.

(e) For the purpose of determining ownership of the property included within such application, the record titleholder of the fee simple title or his or her legal representative shall be considered the 'owner' of the property.

(f) Signatures of owners of public roads and other public land within the area to be deannexed shall not be required in satisfying the requirements of subsection (a) of this Code section and the acreage of such public properties shall be excluded from acreage calculations pertaining to the landowner approval required by subsection (a) of this Code section. This subsection applies only when the public properties are included in the area to be deannexed.

(g) The necessary number of signatures of landowners and electors shall be obtained within one calendar year following the date of the first signature obtained. Failure to collect the required number of signatures within the one-year period shall invalidate previously collected signatures. Nothing in this subsection shall prohibit collection of signatures from the same persons on subsequent applications for deannexation.

36-36-153.

There shall be no deannexation under this article that results in the formation of one or more unincorporated islands or in part of the area remaining in the municipal corporation no longer being a contiguous area of such municipal corporation.

36-36-154.

When the governing authority receives an application pursuant to Code Section 36-36-152, it shall, after investigation, determine whether such application complies with the requirements of this article. When it is determined that the application does not comply with the provisions of this article, the governing authority shall give notice to the persons presenting the application, stating wherein the application is deficient. When it is determined that the application is in compliance with the provisions of this article, such municipal governing authority shall proceed to act on such application in accordance with Code Section 36-36-156.

36-36-155.

(a) A municipal corporation exercising the authority provided for under this article shall make plans for the continuation, discontinuation, or transition of services to the area proposed to be deannexed and, prior to the public hearing provided for in Code Section 36-36-156, shall prepare a report setting forth its plans to continue, discontinue, or transition services to the area.

(b) The report required in subsection (a) of this Code section shall include:

(1) A map or maps of the municipality and adjacent territory, showing the present and proposed boundaries of the municipal corporation; and

(2) A statement setting forth the plans of the municipal corporation for the continuation, discontinuation, or transition of each major municipal service performed in the area to be deannexed.

(c) The plans required in subsection (a) of this Code section shall provide for the continuation, discontinuation, or transition of police protection, fire protection, garbage collection, and street maintenance services to the area to be deannexed on the date of deannexation.

(d) The report required in subsection (a) of this Code section shall be prepared and made available to the public at least 14 days prior to the public hearing required by Code Section 36-36-156.

36-36-156.

(a) The municipal governing authority shall hold a public hearing on any application which has been determined to meet the requirements of this article. Such hearing shall be held not less than 15 nor more than 45 days from the time such municipal governing authority makes a determination that the petition is valid. Notice of the time and place of the hearing shall be provided in writing to the persons presenting the application and shall be advertised in a newspaper of general circulation in the municipal corporation and in the area proposed for deannexation once a week for two consecutive weeks immediately preceding such hearing. Written notice of the time and place of the hearing shall also be sent by mail to the mailing address reflected in the property tax records for each property owner whose property is in the area proposed for annexation. Such written notice shall be mailed not less than 15 nor more than 45 days before the date of such hearing.

(b) During the public hearing resident of or persons owning property in the municipal corporation or in the area proposed for deannexation may be heard on the question of the deannexation of the area by the municipal corporation.

(c) Any property owner or elector may in writing withdraw his or her consent postmarked or received within three business days after the public hearing required by subsection (a) of this Code section.

36-36-157.

(a) When, after the public hearing, the municipal governing authority determines that the deannexation of the area proposed in the application is not detrimental to the health, safety, and welfare of the residents and property owners of the area proposed for deannexation,

215 and upon the adoption of a resolution consenting to such deannexation by the governing
216 authority of the county in which such property is located, the area shall be deannexed from
217 the municipal corporation by such adoption of a deannexing ordinance.

218 (b) The deannexing ordinance authorized by subsection (a) of this Code section shall be
219 adopted within 60 days following validation of the signature of the applicants, and the
220 municipal governing authority shall have a duty to adopt such ordinance if the requirements
221 of this article have been met.

222 (c) Following deannexation from the municipality, an identification of the property so
223 deannexed shall be filed with the Department of Community Affairs, the Legislative and
224 Congressional Reapportionment Office of the General Assembly, and with the governing
225 authority of the county in which the property is being deannexed is located.

226 (d) When so deannexed, such lands shall cease to constitute a part of the lands within the
227 corporate limits of the municipality as completely and fully as if the limits had been
228 marked and defined by local Act of the General Assembly.

229 (e)(1) Except as provided in paragraph (2) of this subsection and Code
230 Section 36-36-158, when so deannexed, the lands shall be deannexed from the
231 municipality effective for ad valorem tax purposes on December 31 of the year during
232 which such application is submitted and for all other purposes on the first day of the next
233 calendar quarter that begins at least one month after the month during which the
234 requirements of this article have been met.

235 (2) Unless otherwise agreed in writing by the governing authority of the county and a
236 municipal governing authority, when property zoned and used for commercial purposes
237 is deannexed from a municipality with an independent school system the effective date
238 for the purposes of ad valorem taxes levied for educational purposes shall be
239 December 31 of the year after the year in which the requirements of this article have been
240 met.

(f) Property that has been deannexed from a municipality under this article shall not be annexed again until at least two calendar years after the effective date of such deannexation unless such annexation is accomplished by local Act of the General Assembly.

36-36-158.

Property that has been deannexed from a municipality under this article shall be subject to all general obligation bonded indebtedness of the municipality which is outstanding on the effective date of such deannexation. On the effective date of such deannexation, a special tax district shall be created whose geographical boundary shall correspond to and be conterminous with the property that has been deannexed. The ad valorem taxes imposed by the municipal corporation on the effective date of the deannexation to retire such bonded indebtedness shall continue to be imposed within such special district in the same manner and to the same extent that such ad valorem taxes were previously imposed by the municipal corporation in accordance with the terms of the obligations of such bonded indebtedness. The municipal governing authority shall administer such special district for the purposes relating to such bonded indebtedness, including enforcement of the rights and remedies of the bondholders.

36-36-159.

(a) Within 30 days of the effective date of the ordinance deannexing land to the municipal corporation, any resident elector of the area so deannexed or any property owner of such area may bring a petition for declaratory judgment, in the superior court of the county of the legal situs of the deannexing municipal corporation, to determine the validity, in accordance with this article, of the application and the municipal corporation's action thereon. When a petition for declaratory judgment is filed the municipal governing authority shall file with the court the record of its official actions in regard to such application and shall include a certified copy of the deannexing ordinance with such filing.

(b) The judgment of the court on any such petition may declare the deannexation ordinance null and void upon a finding that the application and the municipal corporation's action thereon are not in substantial compliance with this article. Upon a finding that procedural defects or defects in the plan for service to the deannexed area exist, the court, when possible, shall frame a judgment to perfect such defect and uphold the ordinance.

(c) Actions provided for in this Code section shall be in accordance with Chapter 4 of Title 9.

(d) Any aggrieved party may obtain a review of a final judgment under this Code section as is provided by law in other cases.

ARTICLE 10

36-36-170.

The procedures of this article shall apply to all deannexations pursuant to this chapter but shall not apply to deannexations by local Acts of the General Assembly, and the maximum extent possible by construed and interpreted inline with comparable provision provided for in Article 7 of this chapter.

36-36-171.

As used in this article, the term:

(1) 'Cost' or 'costs' means expenses incurred by a county, municipality, and property owner or owners whose property is at issue, including, but not limited to, per diems, venue rental, teleconference charges, the use of court reporters or hearing officers, and arbitrators' fees and expenses.

(2) 'Department' means the Department of Community Affairs.

(3) 'Impacted school system' means a county or independent school system operating or providing services to the territory to be annexed or which would operate or provide services in a territory to be annexed.

(4) 'Notice' means a letter that includes a description of the property to be deannexed, a description of the proposed zoning classification and land use of the area to be deannexed, and pursuant to Code Section 36-66-4, information on the time and place of the public hearing on zoning of the property to be annexed.

(5) 'Verifiable delivery' means hand delivery, electronic mail, certified mail, or statutory overnight delivery, provided that the means of delivery allows for verification of the delivery of such notice.

36-36-172.

Within 30 days of a municipal corporation's acceptance of a petition of deannexation, the municipal corporation shall give notice to the governing authority of the county and any impacted school system in which the territory to be deannexed is located by verifiable delivery. Such notice shall include a copy of the deannexation petition which shall include the proposed zoning and land use for such area. The municipal corporation shall take no final action on such deannexation except as otherwise provided in this article.

36-36-173.

If the municipal corporation approves a deannexation petition or no objection is received as provided in Code Section 36-36-174, the deannexation may proceed as otherwise provided by law; provided, however, that the county shall not change the zoning or land use plan relating to the deannexed property to a more intense density than that stated in the notice provided for in Code Section 36-36-172 for one year after the effective date of the deannexation unless such change is made in the service delivery agreement or comprehensive plan and is adopted by the affected city and county and all required parties.

313 36-36-174.

314 (a) If the municipal corporation rejects, or within 120 days of receipt fails to act upon a
315 petition for deannexation, the county governing authority may by majority vote, as defined
316 by applicable general or local law, object to the rejection or inaction on the deannexation.

317 (b) The objection provided for in subsection (a) of this Code section shall document the
318 nature of the objection. If the municipal corporation rejected the deannexation after finding
319 that the deannexation would be detrimental to the health, safety, and welfare of the
320 residents and property owners of the area to be deannexed, such objection shall specifically
321 provide evidence that the deannexation would not be detrimental to the health, safety, and
322 welfare of the residents and property owners of the area to be deannexed. The objection
323 shall be delivered to the municipal governing authority and the department by verifiable
324 delivery to be received not later than the end of the forty-fifth calendar day following
325 receipt of the notice provided for in Code Section 36-36-172.

326 (c) In order for an objection pursuant to this Code section to be valid, the proposed
327 deannexation shall comply with the applicable requirements of Articles 8 and 9 of this
328 chapter and shall not result in a detrimental impact to the health, safety, and welfare of the
329 residents of the property to be deannexed.

330 36-36-175.

331 (a) Not later than the fifteenth calendar day following the date the department received the
332 first objection provided for in Code Section 36-36-114, an arbitration panel shall be
333 appointed as provided in this Code section.

334 (b) The arbitration panel shall be composed of five members to be selected as provided in
335 this subsection. The department shall develop three pools of arbitrators, one pool which
336 consists of persons who are currently or within the previous six years have been municipal
337 elected officials, one pool which consists of persons who are currently or within the
338 previous six years have been county elected officials, and one pool which consists of

persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government of the University of Georgia. The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than four panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year. The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, the Council of Local Governments, and similar organizations in developing and maintaining such pools.

(c) Upon receiving notice of a disputed deannexation, the department shall choose at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics; provided, however, that none of such selections shall include a person who is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county, and further provided that none of such selections shall include a person who has already served on four other arbitration panels in the then-current calendar year. The municipal corporation shall be permitted to strike or excuse two of the names chosen from the county officials pool; the county shall be permitted to strike or excuse two of the names chosen from the municipal officials pool; and the county and municipal corporation shall each be permitted to strike or excuse one of the names chosen from the academics pool.

(d) At the time any person is selected to serve on a panel for any particular deannexation dispute, he or she shall sign the following oath: 'I do solemnly swear or affirm that I will faithfully perform my duties as an arbitrator in a fair and impartial manner without favor or affection to any party, and that I have not and will not have any ex parte communication regarding the facts and circumstances of the matters to be determined, other than communications with my fellow arbitrators, and will only consider, in making my determination, those matters which may lawfully come before me.'

(e) The department shall develop and maintain a list of court reporters and hearing officers that may be employed by the department at the request of an arbitration panel to assist the panel in formulating the record before the panel. An arbitration panel may by majority vote of its members elect to employ court reporters and hearing officers from such list. Any costs or charges related to the employment of court reporters and hearing officers pursuant to this subsection shall be evenly divided between the city and the county.

(f) The department shall promulgate rules and regulations to provide for uniform procedures and operations of arbitration panels established pursuant to this article. Notwithstanding any provision of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' to the contrary, such proposed rules and regulations shall be submitted to the chairperson of the House Governmental Affairs Committee and the Senate Committee on State and Local Government Operations.

36-36-176.

(a)(1)(A) The arbitration panel appointed pursuant to Code Section 36-36-175 shall meet as soon after appointment as practicable and shall receive evidence and argument from the municipal corporation, the county, and the applicant or property owner and shall by majority vote render a decision which shall be binding on all parties to the dispute as provided for in this article not later than 60 days following such appointment, provided that the chairperson of the arbitration panel shall be authorized to extend such deadline one time for a period of up to ten business days. Notwithstanding anything in this subparagraph to the contrary, the municipal corporation and county may, by mutual agreement, postpone the arbitration procession for a period of up to 180 days to negotiate a potential settlement, and such postponement shall stay the 60 day deadline provided in this subparagraph.

(B) Meetings of the panel may occur in person, virtually, or via teleconference. The meetings of the panel in which evidence is submitted or arguments of the parties are

made, whether such meeting is in person, virtual, or via teleconference, shall be open to the public pursuant to Chapter 14 of Title 50, relating to open meetings.

(C) The panel shall first determine the validity of the grounds for objection as specified in the objection. If an objection involves a dispute as to whether or not the deannexation would result in a detrimental impact to the health, safety, and welfare of the residents and property owners of the area to be deannexed, the panel shall quantify such impact. As to any objection which the panel has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the deannexation and propose any reasonable mitigating measures as to an objection pertaining to preventing a detrimental impact upon the health, safety, and welfare of the residents and property owners of the area to be deannexed.

(2) In arriving at its determination, the panel shall consider all evidence presented to it regarding what, if any, impact the proposed deannexation would have on the health, safety, and welfare of the residents and property owners of the area to be deannexed.

(3) The county shall provide supporting evidence that the deannexation is consistent with the applicable provisions of this chapter and will not result in a detrimental impact upon the health, safety, and welfare of the residents and property owners of the area to be deannexed.

(4) The cost of the arbitration shall be equally divided between the city and the county as the facts of the appeal warrant; provided, however, that if the panel determines that any party has advanced a position that is not valid, the costs shall be borne by the party or parties that have advanced such position.

(5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.

(6) The panel shall deliver its findings and recommendations to the parties and the department by verifiable delivery. The department shall maintain a data base and record

of arbitration panel results and at least annually publish a report on such decisions and make such report freely available on the department's website.

(b) If the decision of the panel contains zoning, land use, or density conditions necessary to preserve the health, safety, and welfare of the residents and property owners of the area to be deannexed, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.

(c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-177.

(d) Notwithstanding the provisions of subsection (b) of Code Section 45-7-21, the members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the panel as authorized by law for members of the General Assembly.

(e) If the panel so agrees, any one or more additional deannexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other deannexations or the property to be deannexed in such other deannexations is within 2,500 feet of the subject property.

36-36-177.

The municipal or county governing authority or an applicant for deannexation may appeal the decision of the arbitration panel by filing an action in the superior court of the county within ten calendar days from receipt of the panel's findings and recommendations. The sole grounds for appeal shall be to correct errors of fact or of law, the bias or misconduct of an arbitrator, or the panel's abuse of discretion. The superior court shall schedule an expedited appeal and shall render a decision within 20 days from the date of filing. If the

court finds that an error of fact or of law has been made, that an arbitrator was biased or engaged in misconduct, or that the panel has abused its discretion, the court shall issue such orders governing the proposed deannexation as the circumstances may require, including remand to the panel. Any unappealed order shall be binding upon the parties. The appeal shall be assigned to a judge who is not a judge in the circuit in which the county is located.

36-36-178.

If the deannexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the county shall not change the zoning, land use, or density of the deannexed property for a period of two years unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. Following the conclusion of the dispute resolution process outlined in this article, the municipal corporation and an applicant for deannexation may either accept the recommendations of the arbitration panel and proceed with the remaining deannexation process or abandon the deannexation proceeding. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such conditions have expired as provided in this Code section.

36-36-179.

If at any time during the proceedings the municipal corporation or applicant abandons the proposed deannexation, the county shall not change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such period has expired. After final resolution of any objection, whether by agreement of the parties, act of the panel, or any appeal from

470 the panel's decision, the terms of such decision shall remain valid for the two-year period
471 and such deannexation may proceed at any time during the two years without any further
472 action or without any further right of objection by the county.

473 36-36-180.

474 The county, the municipal governing authorities, and the property owner or owners shall
475 negotiate in good faith throughout the deannexation proceedings provided by this article
476 and may at any time enter into a written agreement governing the deannexation. Such
477 agreement may provide for changing the zoning, land use, or density of the deannexed
478 property during a period of less than two years. If such agreement is reached after the
479 arbitration panel has been appointed and before its dissolution, such agreement shall be
480 adopted by the panel as its findings and recommendations. If such agreement is reached
481 after an appeal is filed in the superior court and before the court issues an order, such
482 agreement shall be made a part of the court's order. Any agreement reached as provided
483 in this Code section shall be recorded as provided in Code Section 36-36-176. Copies of
484 such agreement shall also be provided by the parties to the department in the same manner
485 as the findings and recommendations of an arbitration panel."

486 **SECTION 3.**

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

489 **SECTION 4.**

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