

House Bill 523

By: Representatives Gullett of the 19th and Cannon of the 172nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated,
2 relating to annexation pursuant to application by 100 percent of landowners, so as to provide
3 that such annexations are contingent upon approval of the county in which the subject
4 property is located; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
9 annexation pursuant to application by 100 percent of landowners, is amended by revising
10 Code Section 36-36-21, relating to annexation upon application of all land owners, filing of
11 identification of annexed property with Department of Community Affairs and county
12 governing authority, and effect of annexation, as follows:

13 "36-36-21.

14 Authority is granted to the governing bodies of the several municipal corporations of this
15 state to annex to the existing corporate limits thereof unincorporated areas contiguous to
16 the existing corporate limits at the time of such annexation, in accordance with the

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17 procedures provided in this article and in Article 1 of this chapter, upon the written and
18 signed applications of all of the owners of all of the land, except the owners of any public
19 street, road, highway, or right of way, proposed to be annexed, containing a complete
20 description of the lands to be annexed. Notwithstanding any other provisions of this
21 chapter to the contrary, any proposed annexation pursuant to this article is contingent upon
22 the adoption of a resolution by the governing authority of the county in which such
23 property is located consenting to such annexation. Lands to be annexed at any one time
24 shall be treated as one body, regardless of the number of owners, and all parts shall be
25 considered as adjoining the limits of the municipal corporation when any one part of the
26 entire body abuts such limits. When such application is acted upon by the municipal
27 authorities and the land is, by ordinance, annexed to the municipal corporation, an
28 identification of the property so annexed shall be filed with the Department of Community
29 Affairs and with the governing authority of the county in which the property is located in
30 accordance with Code Section 36-36-3. When so annexed, such lands shall constitute a
31 part of the lands within the corporate limits of the municipal corporation as completely and
32 fully as if the limits had been marked and defined by local Act of the General Assembly.
33 Except as provided in subsection (c) of Code Section 36-36-20, nothing in this article shall
34 be construed to authorize annexation of the length of any public right of way except to the
35 extent that such right of way adjoins private property otherwise annexed by the municipal
36 corporation."

37 **SECTION 2.**

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