

House Bill 521 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Anderson of the 10<sup>th</sup>, LaHood of the 175<sup>th</sup>, Leverett of the 123<sup>rd</sup>, Cannon of the 172<sup>nd</sup>, Kelley of the 16<sup>th</sup>, 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 annexation of territory, so as to provide for equal reporting requirements for annexations and  
3 deannexations; to provide that certain such annexations are contingent upon approval of the  
4 county in which the subject property is located; to revise procedures related to the  
5 deannexation of certain properties; to provide for related matters; to provide for an effective  
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of  
10 territory, is amended by revising Code Section 36-36-3, relating to report identifying annexed  
11 property, maps and surveys, technical assistance to municipalities, and preclearance, as  
12 follows:

13 "36-36-3.

14 (a) The clerk, city attorney, or other person designated by the governing authority of any  
15 municipality annexing or deannexing property shall file a report identifying any property  
16 annexed or deannexed with the Department of Community Affairs, the Legislative and

H. B. 521 (SUB)

17 Congressional Reapportionment Office of the General Assembly, and with the county  
18 governing authority of the county in which the property being annexed or deannexed is  
19 located. Such reports shall be filed, at a minimum, not more than 30 days following the  
20 last day of the quarter in which the annexation or deannexation becomes effective but may  
21 be filed more frequently. Each report shall include the following:

22 (1) The legal authority under which the annexation or deannexation was accomplished,  
23 which shall be the ordinance or resolution number for any annexation or deannexation  
24 effected pursuant to Article 2, 3, 4, ~~or 6,~~ or 8 of this chapter or the Act number if effected  
25 by local Act of the General Assembly;

26 (2) The name of the county in which the property being annexed or deannexed is located;  
27 the total acreage annexed or deannexed; the enactment date and effective date of the  
28 annexation or deannexation ordinance, resolution, or local Act of the General Assembly;

29 (3) A letter from the governing authority of any municipality annexing or deannexing  
30 property stating its intent to add the annexed area to, or remove the deannexed area from,  
31 maps provided by the United States Bureau of the Census during their next regularly  
32 scheduled boundary and annexation survey of the municipality and stating that the survey  
33 and map will be completed as instructed and returned to the United States Bureau of the  
34 Census;

35 (4) A list identifying roadways, bridges, and rights of way on state routes that are  
36 annexed or deannexed and, if necessary, the total mileage annexed or deannexed; and

37 (5) A digital shapefile of the annexed or deannexed area.

38 (b) The submission of a report required under subsection (a) of this Code section shall be  
39 made in writing and in electronic format to the Department of Community Affairs, the  
40 Legislative and Congressional Reapportionment Office of the General Assembly, and to  
41 others as required by the submitting municipality.

42 (c)(1) The Department of Community Affairs shall notify the clerk, city attorney, or  
43 other person designated by the governing authority of the annexing or deannexing

44 municipality within 30 days after receipt of a report submitted under subsection (a) of this  
45 Code section if it determines the submission to be incomplete. The Legislative and  
46 Congressional Reapportionment Office of the General Assembly shall notify the clerk,  
47 city attorney, or other person designated by the governing authority of the annexing or  
48 deannexing municipality within 60 days after receipt of a report submitted under  
49 subsection (a) of this Code section if it determines the submission to be incomplete. The  
50 annexing or deannexing municipality shall file a corrected report with the department,  
51 Legislative and Congressional Reapportionment Office of the General Assembly, and the  
52 county governing authority where the annexed or deannexed property is located within  
53 45 days from the date of the notice of any deficiency.

54 (2) No annexed or deannexed area shall be added to or removed from the state map until  
55 such report has been properly submitted to the Department of Community Affairs and the  
56 Legislative and Congressional Reapportionment Office of the General Assembly. The  
57 Department of Community Affairs shall not provide a certification of annexation or  
58 deannexation to the United States Census Bureau unless the governing authority of the  
59 annexing or deannexing municipality has filed a completed report as required under  
60 subsection (a) of this Code section.

61 (3) Compliance with the requirements of this Code section shall be construed to be  
62 merely ancillary to and not an integral part of the annexation or deannexation procedure  
63 such that an annexation or deannexation shall, if otherwise authorized by law, become  
64 effective even though required filings under this Code section are temporarily delayed.

65 (d) The Department of Community Affairs may provide technical assistance to any  
66 municipality with respect to the requirements of subsection (a) of this Code section.

67 (e) The Department of Community Affairs shall maintain the annexation and deannexation  
68 reports submitted to it pursuant to this Code section for two years. Annexation Such  
69 reports shall be subject to disclosure and inspection under Article 4 of Chapter 18 of Title  
70 50 while maintained in the possession of the Department of Community Affairs. Two

71 years after receipt of an annexation or deannexation report from a municipality, the  
72 Department of Community Affairs shall transfer possession of such report to the Division  
73 of Archives and History for permanent retention.

74 (f) In the event that any municipality annexing or deannexing property cannot produce the  
75 digital shapefile required by paragraph (5) of subsection (a) of this Code section by  
76 utilizing its own geographic information system, the regional commission established  
77 pursuant to Article 2 of Chapter 8 of Title 50 for the county that includes such municipality  
78 shall assist such municipality in producing and providing such digital shapefile.

79 (g) The governing authority of any municipality annexing or deannexing property shall  
80 add all annexed areas to, and remove all deannexed areas from, maps provided by the  
81 United States Census Bureau during the next regularly scheduled boundary and annexation  
82 survey of the municipality, complete the survey and map as instructed, and return them to  
83 the United States Census Bureau within the time frame requested."

84 **SECTION 2.**

85 Said chapter is further amended is amended by revising Code Section 36-36-21, relating to  
86 annexation upon application of all land owners, filing of identification of annexed property  
87 with Department of Community Affairs and county governing authority, and effect of  
88 annexation, as follows:

89 "36-36-21.

90 (a) Authority is granted to the governing bodies of the several municipal corporations of  
91 this state to annex to the existing corporate limits thereof unincorporated areas contiguous  
92 to the existing corporate limits at the time of such annexation, in accordance with the  
93 procedures provided in this article and in Article 1 of this chapter, upon the written and  
94 signed applications of all of the owners of all of the land, except the owners of any public  
95 street, road, highway, or right of way, proposed to be annexed, containing a complete  
96 description of the lands to be annexed. Lands to be annexed at any one time shall be

97 treated as one body, regardless of the number of owners, and all parts shall be considered  
98 as adjoining the limits of the municipal corporation when any one part of the entire body  
99 abuts such limits. When such application is acted upon by the municipal authorities and  
100 the land is, by ordinance, annexed to the municipal corporation, an identification of the  
101 property so annexed shall be filed with the Department of Community Affairs and with the  
102 governing authority of the county in which the property is located in accordance with Code  
103 Section 36-36-3. When so annexed, such lands shall constitute a part of the lands within  
104 the corporate limits of the municipal corporation as completely and fully as if the limits had  
105 been marked and defined by local Act of the General Assembly. Except as provided in  
106 subsection (c) of Code Section 36-36-20, nothing in this article shall be construed to  
107 authorize annexation of the length of any public right of way except to the extent that such  
108 right of way adjoins private property otherwise annexed by the municipal corporation.  
109 (b) Notwithstanding any other provisions of this chapter to the contrary, in any county in  
110 which an airport is owned or operated either by such county or a local authority and such  
111 airport is adjacent to 9,000 acres or more of property currently or formerly owned by a  
112 municipality that has no incorporated territory within such county, any proposed  
113 annexation pursuant to this article is contingent upon the adoption of a resolution by the  
114 governing authority of such county consenting to such annexation."

115 **SECTION 3.**

116 Said chapter is further amended in Code Section 36-36-131, relating to application for  
117 deannexation, scope, filing of notification of deannexation, and reannexation, by revising  
118 subsection (a) as follows:

119 "(a) Authority is granted to the governing authority of any municipality to deannex an area  
120 or areas of the existing corporate limits thereof, in accordance with the procedures provided  
121 in this article and in Article 1 of this chapter, upon the written and signed applications of  
122 all of the owners of all of the land, except the owners of any public street, road, highway,

123 or right of way, proposed to be deannexed, containing a complete description of the lands  
124 to be deannexed; provided, however, that no more than ten parcels of property may be  
125 deannexed in one action and only upon the adoption of a resolution by the governing  
126 authority of the county in which such property is located consenting to such deannexation.  
127 If the governing authority of the county consents to the deannexation and the deannexation  
128 conforms with the requirements of this article, the governing authority of the municipal  
129 corporation shall approve such deannexation unless it finds that the deannexation would  
130 be detrimental to the health, safety, and welfare of the residents and property owners of the  
131 area to be deannexed or to the area remaining within the municipality. If the county is the  
132 owner of all parcels proposed for deannexation and the governing authority of the county  
133 consents, the governing authority of the municipal corporation shall approve such  
134 deannexation within 90 days of the date of the filing of a deannexation application unless  
135 it finds that the deannexation would be detrimental to the health, safety, and welfare of the  
136 residents and property owners of the area to be deannexed or to the area remaining within  
137 the municipality."

138 **SECTION 4.**

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

141 **SECTION 5.**

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