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ANNEXATION - GEORGIA

Fulton County v. City of Atlanta

Supreme Court of Georgia - October 3, 2016 - S.E.2d - 2016 WL 5758991

City filed petition seeking declaratory judgment that its annexation of unincorporated county property would be lawful.

The Superior Court entered declaratory judgment for the city. County appealed.

The Supreme Court of Georgia held that city's action amounted to a request for an improper advisory opinion in absence of any municipal legislation to annex the property.

City's action for declaratory judgment, seeking to confirm its right to annex property in unincorporated county into its municipal boundaries, notwithstanding a putative prohibition against annexation or incorporation of such property in a local constitutional amendment, amounted to a request for an improper advisory opinion and raised no justiciable controversy in the absence of any municipal legislation to annex the property, where controversy between the city and county was founded upon proposed legislation and had no immediate legal consequences.