

Bond Case Briefs

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ANNEXATION - GEORGIA

City of Atlanta v. Atlanta Independent School System

Supreme Court of Georgia. November 21, 2016--- S.E.2d ----2016 WL 6833419

City brought action seeking declaratory judgment that state house bill did not properly continue local constitutional amendment setting forth effects on territory of school systems and ownership of school property emanating from city's annexation of parts of county.

The Superior Court entered judgment declaring that local constitutional amendment was properly continued by the house bill. City appealed.

The Supreme Court of Georgia held that city's action did not present justiciable controversy.

City's action for declaratory judgment, seeking to confirm that state house bill did not properly continue local constitutional amendment setting forth effects on territory of school systems and ownership of school property emanating from city's annexation of parts of county, raised no justiciable controversy. Although three communities in county had submitted annexation petitions to become part of the city, no actual annexation of any of the properties was in question in the action, controversy was founded upon city's proposed annexation, and city simply wanted to know whether it was still subject to local constitutional amendment before it annexed county property.