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ANNEXATION - GEORGIA

City of Atlanta v. Mays

Supreme Court of Georgia - June 5, 2017 - S.E.2d - 2017 WL 2414629

Residents of proposed annexation areas petitioned for declaratory judgment challenging annexations by city.

The Superior Court found the annexations to be invalid. City appealed.

The Supreme Court of Georgia held that:

- City's purported annexation of five unincorporated areas of contiguous county would not have become effective until the first day of the month following the month during which the requirements for municipal annexations had been met, rather than the date the mayor signed each annexation ordinance, and
- House bill that provided for the creation of a newly incorporated city did not violate the Uniformity Clause.

Pursuant to statute governing the effective date of annexations, court declared that city's purported annexation of five unincorporated areas of contiguous county would not have become effective until the first day of the month following the month during which the requirements for municipal annexations had been met, rather than the date the mayor signed each annexation ordinance, and thus, was beyond the deadline for annexation set by house bill that created a newly incorporated city out of those unincorporated areas.

House bill that provided for the creation of a newly incorporated city did not violate the Uniformity Clause. Once five unincorporated areas of county were made part of newly incorporated city, the general law governing the effective dates of annexation operated to prevent another city from annexing those areas, and any annexation power of the city would have been subordinate to the General Assembly's power to annex and incorporate.