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ANNEXATION - GEORGIA

City of Atlanta v. Atlanta Independent School System

Supreme Court of Georgia - February 10, 2020 - S.E.2d - 2020 WL 609643

Independent school system filed declaratory judgment action challenging validity of city ordinance which annexed a city-owned parcel of land in county industrial district while expressly prohibiting co-expansion of school system's boundaries only with regard to the annexation.

The Superior Court denied city's motion to dismiss. City applied for interlocutory appeal, which was granted.

The Supreme Court held that matter did not amount to an actual, justiciable controversy.

Independent school system's declaratory judgment action challenging validity of city ordinance which annexed a city-owned parcel of land in county industrial district while expressly prohibiting co-expansion of school system's boundaries only with regard to the annexation amounted to a request for an improper advisory opinion and raised no actual, justiciable controversy, where school system did not articulate any future conduct upon which the court's resolution of the parties' dispute depended, and school system was in reality seeking a determination as to validity of local constitutional amendment addressing effect of city's annexation into county on ownership of school property, apparently in anticipation of future dust-ups between the parties concerning city's annexation authority.