

Bond Case Briefs

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ANNEXATION - GEORGIA

City of Norcross v. Gwinnett County

Court of Appeals of Georgia - May 11, 2020 - S.E.2d - 2020 WL 2313685

Commercial property owner brought action against City and County, and asserted claims for inverse condemnation and nuisance and sought damages caused by damaged drainage system, declaratory and mandamus relief, and attorney fees and expenses, and County sought a declaration that city was responsible for repairing the drainage system.

The trial court granted summary judgment to county and denied summary judgment to city. City appealed.

The Court of Appeals held that county, rather than city, was responsible for maintaining drainage system following annexation by city.

County, rather than city, was responsible for maintaining drainage system following annexation by city; county was expressly granted easements over private property to the purposes of using, maintaining, and operating the drainage system, the conveyance instrument explicitly stated the county would maintain the system, and the easements were not abandoned, terminated, or legally transferred when city annexed business park on which the drainage system was located.