

# **Bond Case Briefs**

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## **ANNEXATION - GEORGIA**

### **City of Tucker v. City of Clarkston**

**Court of Appeals of Georgia - June 15, 2023 - S.E.2d - 2023 WL 4009762**

City brought a petition for declaratory judgment and injunctive relief against a neighboring city, county, county housing authority, and a developer, alleging that defendants had illegally annexed a 14-acre parcel, ownership of which was acquired by developer, which included four acres of land that was incorporated into the plaintiff city.

The trial court granted defendants' motion to dismiss, and plaintiff city appealed.

The Court of Appeals held that action was mooted when neighboring city de-annexed the contested four acres and developer delivered written request asking plaintiff city to annex that parcel.

City's petition for declaratory judgment and injunctive relief against neighboring city, county, county housing authority, and a developer, for allegedly illegally annexing a 14-acre parcel, ownership of which was acquired by developer, which included four acres of land that was incorporated into the petitioning city, was moot after neighboring city divided the 14-acre parcel into two parts and de-annexed the contested four acres, and developer delivered written request asking petitioning city to annex the four-acre parcel; neighboring city and developer took all necessary steps to return the four acres of incorporated land to petitioning city, and even if entire annexation was unlawful, petitioning city could only obtain relief over the four acres that fell within its borders.