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Coweta County v. City of Newnan

Court of Appeals of Georgia - March 10, 2025 - S.E.2d - 2025 WL 749951

County brought action against city for declaratory judgment and injunctive relief, seeking to enjoin city from finalizing annexation of land without first resolving county's objection through statutory dispute resolution process.

The trial court dismissed county's claim for injunctive relief as moot and resolved county's claim for declaratory judgment in favor of city. County appealed.

The Court of Appeals held that:

- County's claim for injunctive relief was rendered moot when activity sought to be enjoined had been completed, and
- As an issue of first impression, city's annexation of land was not void on the ground that city failed to comply with statutory dispute resolution process.

County's claim for injunctive relief against city, seeking to enjoin city from finalizing proposed annexation of land without first resolving county's objection through statutory dispute resolution process, was rendered moot when the activity sought to be enjoined had been completed; when county filed its petition for injunctive relief, city had proposed — but had not yet finalized — the annexation, and by the time county's petition was heard by the trial court, however, city had passed the annexation ordinance.

City's annexation of land was not void on the ground that city failed to comply with statutory dispute resolution process before adopting an ordinance annexing the property; although the statutory dispute resolution process used the word "shall" throughout and clearly described the arbitration process as a precursor step to annexation in the event of a county objection, there was no statutory provision stating that failure to comply with the statutory process resulted in annexation being invalid.