

What are the different annexation  
methods?  
60% Method  
100% Method  
Referenda and Resolution  
Act of the General Assembly

## ANNEXATION PURSUANT TO THE 60% METHOD

### Petition Process:

Application must be filed with the City signed by at least 60% of registered voters in the area and at least 60% of the owners of the land area by acreage, except owners of public right of way ("Petitioners"). (O.C.G.A. § 36-36-32); and

1/8 of the external annexation boundary must abut the City's boundary (called "contiguous" in state law), but external boundary can be separated by streets, rivers, and local or state government-owned property and still be considered contiguous. (O.C.G.A. § 36-36-31)

### Evaluation by the City and Creation of Report:

The City must determine whether the Application meets legal requirements and is therefore considered valid. (O.C.G.A. § 36-36-34) In order to determine the percentage of electors signing the Application, the City must obtain a list of electors residing in the area to be annexed. (O.C.G.A. § 36-36-32)

If the Application is not valid, the City notifies Petitioners of deficiency. If Application is valid, the City begins process to consider annexation. (O.C.G.A. § 36-36-34)

City must prepare a plan for extending police, fire, garbage, and street maintenance services and public water/sewer. The City must also prepare certain required maps. (O.C.G.A. § 36-36-35)

Report must be prepared and available to public 14 days prior to public hearing.

The City must provide the same level of service to the residents of the annexed area as it provides to its own residents. (O.C.G.A. § 36-36-35)

### Public Hearing:

Held 15 to 45 days after Petition is deemed valid, as explained above. (O.C.G.A. § 36-36-36)

City must provide notice to Petitioners and advertise the public hearing. (O.C.G.A. § 36-36-36)

City residents and residents and owners of property in annexed area may be heard at hearing. (O.C.G.A. § 36-36-36)

Ordinance of Annexation:

If after the public hearing, the City wants to go forward with the annexation, it may do so by ordinance within 60 days of validation of all signatures on Application. (O.C.G.A. § 36-36-37)

Taxes and Effective Dates:

Annexation effective for tax purposes on December 31 of year during which annexation occurred. (O.C.G.A. § 36-36-2)

If annexing City has independent school district, payment of school taxes delayed one year if annexed area is zoned and used for commercial purposes, unless otherwise agreed to by the City and the County. (O.C.G.A. § 36-36-2(c)(2))

If an independent school district exists within the City, other effective dates may be established solely for determining school enrollment.<sup>1</sup> (O.C.G.A. § 36-36-2(c)(1))

For all other purposes, annexations are effective on the first day of the month following the month during which the requirements of the method are met. (O.C.G.A. § 36-36-2(a))

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<sup>1</sup> The current petition for annexation of Emory University under discussion does not appear to include any area which would require children to be enrolled in schools. If such an area were to be included in the annexation petition, school enrollment in the Atlanta public school system or the DeKalb County public school system, payment of school taxes, and ownership of affected school facilities would require further discussion and evaluation by the affected school systems and stakeholders.

## ANNEXATION PURSUANT TO THE 100% METHOD

### Petition Process:

Application filed by 100% of the owners of all the land ("Petitioners") (O.C.G.A. § 36-36-21); and

1/8 of the annexation boundary or 50 feet, whichever is less, must abut the City's boundary (called "contiguous" in state law), but external boundary can be separated by government owned property, streets, creeks, rivers or any railroad right of way and still be considered contiguous. The entire parcel or parcels owned by the Petitioner(s) must be annexed, and the areas of land annexed must comply with the City's minimum size requirements, if any, to construct a building or structure and able to be occupied. (O.C.G.A. § 36-36-20)

No Report or Public Hearing Required.

City annexes by Ordinance of Annexation. (O.C.G.A. § 36-36-21)

### Taxes:

Annexation effective for tax purposes on December 31st of year during which annexation occurred. (O.C.G.A. § 36-36-2)

If annexing City has independent school district, payment of School taxes delayed one year if annexed area is zoned and used for commercial purposes, unless otherwise agreed to by the City and the County. (O.C.G.A. § 36-36-2(c)(2))

If an independent school district exists within the City, other effective dates may be established solely for determining school enrollment.<sup>2</sup> (O.C.G.A. § 36-36-2(c)(1))

For all other purposes, annexations are effective on the first day of the month following the month during which the requirements of the method are met. (O.C.G.A. § 36-36-2(a))

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<sup>2</sup> The current petition for annexation of Emory University under discussion does not appear to include any area which would require children to be enrolled in schools. If such an area were to be included in the annexation petition, school enrollment in the Atlanta public school system or the DeKalb County public school system, payment of school taxes, and ownership of affected school facilities would require further discussion and evaluation by the affected school systems and stakeholders.

## ANNEXATION PURSUANT TO RESOLUTION AND REFERENDUM

Cities have the authority to annex areas by Resolution and Referendum. The City may annex any area if City and area to be annexed meet certain standards. O.C.G.A. § 36-36-53)

City must comply with certain general standards in state law like effective dates, reporting requirements to the state and notice to the County within 5 days of adoption of the Annexation Resolution. (O.C.G.A. § 36-36-53 and O.C.G.A. § 36-36-2 through O.C.G.A. § 36-36-11)

### Annexed Area:

Area must be adjacent or contiguous with City boundary and at least 1/8<sup>th</sup> of aggregate external boundary must coincide with City boundary. (O.C.G.A. § 36-36-54)

Right of City to annex areas is prohibited if area to be annexed receives certain identified governmental services, such as sewer/water service or fire and police protection, from other units of government. This prohibition can be waived by intergovernmental agreement between the City and the other affected unit of government. (O.C.G.A. § 36-36-54)

Area must be developed for "urban purposes" as that term is defined in state law. "Urban Purposes" is defined by focusing on percentages of certain residents (at least two persons for each acre) and various lot acreage sizes. (O.C.G.A. § 36-36-54(c))

### Plans and Reports on Extension of Services:

City must prepare a plan for extending police, fire, garbage, and street maintenance services and public water/sewer. The City must also prepare certain required maps. (O.C.G.A. § 36-36-56)

### Public Hearing:

After adoption of the Annexation Resolution, public hearing is required. City must comply with advertising requirements and City residents and residents and owners of property in annexed area may be heard at hearing. (O.C.G.A. § 36-36-57)

### Voter Approval:

Requires referendum to ratify or reject adoption of annexation resolution. (O.C.G.A. § 36-36-58)

Taxes:

Annexation effective for tax purposes on December 31st of year during which annexation occurred. (O.C.G.A. § 36-36-2)

If annexing City has independent school district, payment of school taxes delayed one year if annexed area is zoned and used for commercial purposes, unless otherwise agreed to by the City and the County. (O.C.G.A. § 36-36-2(c)(2))

If an independent school district exists within the City, other effective dates may be established solely for determining school enrollment.<sup>3</sup> (O.C.G.A. § 36-36-2(c)(1))

For all other purposes, annexations are effective on the first day of the month following the month during which the requirements of the method are met. (O.C.G.A. § 36-36-2(a))

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<sup>3</sup> The current petition for annexation of Emory University under discussion does not appear to include any area which would require children to be enrolled in schools. If such an area were to be included in the annexation petition, school enrollment in the Atlanta public school system or the DeKalb County public school system, payment of school taxes, and ownership of affected school facilities would require further discussion and evaluation by the affected school systems and stakeholders.

## ANNEXATION BY LOCAL ACT OF GENERAL ASSEMBLY

Under O.C.G.A. § 36-36-10, the General Assembly retains broad annexation powers.

If the proposed annexation of any area is comprised of more than 50% by acreage of property for "residential purposes, then annexation must occur by local act of the General Assembly. "Residential purposes" means lots of 5 acres or less on which is constructed a habitable dwelling. (O.C.G.A. §§ 36-36-15 and 36-36-16)

### Advertising:

Requires advertising to introduce a Local Act before the Act is introduced, no more than 60 days prior to the convening date of the session at which the Local Act is introduced. (O.C.G.A. § 28-1-14)

### Notice to County:

A copy of the notice to introduce local legislation, a copy of the Act itself, and a map or description of the property to be annexed must be sent by the author of the Local Act to the affected County and City at the same time the notice of intent is published. (O.C.G.A. § 36-36-6, § 28-1-14, § 36-36-9)

### Voter Approval:

Local Act may incorporate voter approval. Voter approval required if annexed area contains more than 500 people or more than 3% of City's population. (O.C.G.A. § 36-36-16)

### Taxes:

Annexations by Local Act become effective for ad valorem purposes on December 31 of the year in which the annexation occurred, but for all other purposes become effective on the date the Local Act becomes effective or on such date as is specified in the Act. (O.C.G.A. § 36-36-2(b))