

OFFICE OF CLERK OF BOARD OF ALDERMEN
CITY OF ATLANTA, GEORGIA

AN ORDINANCE

BY PLANNING AND DEVELOPMENT COMMITTEE

PROCEDURE FOR APPLICATION FOR ANNEXATION BY
PETITION TO THE CITY OF ATLANTA OF UNINCORPORATED
AREAS CONTIGUOUS TO THE CORPORATE CITY LIMITS
OF THE CITY OF ATLANTA.

BE IT ORDAINED by the Mayor and Board of Aldermen of the
City of Atlanta as follows:

SECTION 1. An application for annexation to the City of
Atlanta by petition of unincorporated areas contiguous to the
City Limits of the City of Atlanta shall be filed with the Mayor
and Board of Aldermen on or before May 1 of the year during
which said annexation shall be considered. Such applications
shall contain the written and signed application of not less than
sixty percent (60%) of the electors resident in the area proposed
for annexation and of the owners of not less than sixty percent
(60%) of the land area, by acreage, included in such application.
Each such application shall contain a complete legal description
and shall have attached thereto a complete survey by a competent
surveyor of the land proposed to be annexed. There also shall be
submitted with each application an opinion in writing by a member
of the State Bar of Georgia stating that each applicant who has
signed said application as an owner as provided in this ordinance
is the record title holder of the fee simple title of the property
claimed to be owned by such applicant or is the legal representa-
tive of the record title holder of the said property claimed to be
owned. Lands to be annexed at any one time shall be treated as
one body, regardless of the number of owners, and all parts shall

be considered as adjoining the limits of the City of Atlanta when any one part of the entire body abuts such limits. For the purpose of determining the percentage of electors signing such application, the Department of Planning shall obtain a list of electors residing in such area from the registrars of the county or counties in which the area lies. Said list shall be as compiled by the board of registrars and provided to the City of Atlanta in accordance with Section 34-636 of the Georgia Election Code, and the City of Atlanta shall bear the expense of the preparation of such lists in the manner prescribed by such section. For the purpose of determining ownership of the property included within such application the record title holder of the fee simple title, or his legal representative shall be considered the "owner" of such property.

SECTION 2. The Department of Planning shall furnish to the Planning and Development Committee the information necessary to determine whether such application complies with the requirements of this Ordinance. If it determines that such application does not comply with this Ordinance, the Planning and Development Committee shall notify, in writing, the persons presenting such application wherein the application is deficient. If it is determined that such application does comply with this Ordinance, the Committee shall proceed to set for public hearing said application in accordance with Section 3 hereof.

SECTION 3. The Planning and Development Committee shall set a public hearing during the month of July for an application which has been determined to meet the requirements of this Ordinance. Such hearing shall be held by said Committee not less

than fifteen (15) nor more than forty-five (45) days from the time the Committee makes a determination that such petition is valid. Notice of the time and place of such hearing shall be given, in writing, to the persons presenting the application and shall be advertised once a week for two consecutive weeks immediately preceding such hearing in a newspaper of general circulation in the City of Atlanta and in the area proposed for annexation. At such public hearing all persons resident or owning property in the City of Atlanta, or in the area proposed for annexation, may be heard on the question of annexation of such area by the City of Atlanta; provided, however, that any property owner may withdraw his consent at any time through the date of the public hearing. Following said hearing, the Planning and Development Committee shall prepare and submit a report to the Board of Aldermen which shall include a recommendation as to whether or not the land described in said application should be annexed to the City of Atlanta and, if applicable, the date such proposed annexation should become effective.

SECTION 4. If after such public hearing the Board of Aldermen, after considering the report and recommendation of the Planning and Development Committee, determines that the annexation to the City of Atlanta of the area proposed in the application would be in the best interest of the residents and property owners of the area proposed for annexation and of the citizens of the City of Atlanta, said area may be annexed to the municipality by the adoption of an annexing ordinance.

SECTION 5. "Contiguous area" shall mean any area which, at the time annexation procedures are initiated, coincides with the city limits line on at least one-eighth of the area's aggregate external boundary. Any area separated from the city limits boundary by a street or street right-of-way, a creek or river, the right-of-way of a railroad, or other public service corporation, lands owned by the city; lands owned by a county, or lands owned by the State of Georgia shall be a "contiguous area" within the meaning of this

Ordinance when such area coincides with either the city limits or such land or both on at least one-eighth of such area's aggregate external boundary. Provided there shall be no annexation across the boundary lines of any political subdivision under the provisions of this Ordinance.

SECTION 6. The City of Atlanta shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the public hearing provided for in Section 3 of this Ordinance, prepare a report setting forth such plans to provide services to such area. The report shall include:

- A. A map or maps of the municipality and adjacent territory to show the following information:
 - 1. The present and proposed boundaries of the City.
 - 2. The present major trunk water mains and sewer interceptors and outfalls as required by this section.

The above information and such information as listed below shall be prepared by the city department responsible for such service and such information and/or maps shall be forwarded to the Department of Planning no later than seven (7) days prior to the date on which the area proposed for annexation has been scheduled for public hearing.

B. A statement shall be prepared setting forth the plans of the City for extending to the area to be annexed each major service performed within the City at the time of annexation. Specifically, such plans shall:

- 1. Provide for extending police protection, fire protection, garbage collection and

street maintenance services to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the City prior to annexation. If a water distribution system is not available in the area to be annexed, the plans shall call for reasonably effective fire protection services until such time as water lines are made available in such area under existing City policies for the extension of water lines.

2. Provide for the extension of major trunk water mains and sewer outfall lines into the area to be annexed within twelve (12) months of the effective date of annexation so that when such lines are constructed, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in the City and sewer lines to individual lots or subdivisions.

SECTION 7. When such application is acted upon by the Mayor and Board of Aldermen and the land is, by ordinance, annexed to the City, a complete survey by a competent surveyor, not necessarily a county surveyor, shall be filed as a part of the ordinance annexing the territory and a copy certified to by the

City Clerk shall be filed with the Secretary of State of the State of Georgia and municipal ad valorem taxes shall not apply to property within the annexed territory until January 1 of the following year. When so annexed, such lands shall constitute a part of the lands within the corporate limits of the City as completely and fully as if the limits had been marked and defined by special act of the General Assembly.

SECTION 8. Nothing within this Ordinance shall prohibit the City of Atlanta from requiring the residents of the new annexed area to use City owned utilities when they are available.

SECTION 9. As provided in Ga. Laws 1966, pp. 409, 413, within thirty (30) days of the effective date of the Ordinance annexing such land to the City of Atlanta, any resident elector of the area so annexed or of the City of Atlanta, or any property owner of such area or of the City of Atlanta may bring a petition for declaratory judgment in the Superior Court of Fulton County to determine the validity of the application and the City's action thereon.

SECTION 10. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

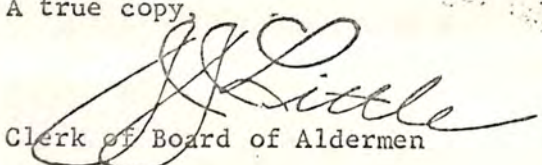
ADOPTED AS AMENDED BY THE BOARD OF ALDERMEN

September 19, 1966

APPROVED

September 20, 1966

A true copy,


Clerk of Board of Aldermen