

File

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to provide for the cancellation of executions; to repeal Code section 24-3327, relating to the execution and filing of an acknowledgment of the payment of a judgment; to provide the procedure connected therewith; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. Code Chapter 39-6, relating to the satisfaction of executions, is hereby amended by adding at the end thereof the following two Code sections:

"39-609. When a payment on the execution shall be made which does not entirely satisfy the judgment upon which the execution has been issued, the plaintiff in fi. fa. or his attorney shall authorize the clerk to enter the amount of such payments upon the execution.

"39-610. Upon the satisfaction of the entire debt upon which the execution has been issued, the plaintiff in fi. fa. or his attorney shall direct the clerk to cancel the execution and mark the judgment satisfied."

Section 2. Code section 24-3327, relating to the execution and filing of an acknowledgment of the payment of a judgment, is hereby repealed in its entirety.

Repealed.

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved March 10, 1966.

MUNICIPALITIES—ANNEXATION BY PETITION,
PROCEDURE, ETC.

No. 513 (Senate Bill No. 182).

An Act to provide for a method, in addition to existing methods, for the annexation of areas contiguous to incorporated municipalities upon the application of not less than

sixty percent (60%) of the land area included in such application and the owners of at least sixty percent (60%) of the land area included in such application; to provide for municipal services to such areas; to provide for public hearings; to provide for the procedure connected therewith; to define contiguous area; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. Authority is hereby granted to the governing bodies of the several incorporated municipalities of this State to annex to the existing corporate limits thereof unincorporated areas which are contiguous to the existing corporate limits at the time of such annexation, upon the written and signed application of not less than sixty percent (60%) of the electors resident in the area included in any such application and of the owners of not less than sixty percent (60%) of the land area, by acreage, included in such application. The authority hereby granted is in addition to existing authority, and is intended to provide a cumulative method of annexing territory to incorporated municipalities in addition to those methods provided by present law.

Annexation.

Each such application shall contain a complete description of the land proposed to be annexed. 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 municipality when any one part of the entire body abuts such limits.

Applications.

For the purpose of determining the percentage of electors signing such application the municipal governing body shall obtain a list of electors residing in such area from the board of registrars of the county, or counties in which the area lies. Said list shall be compiled by the board of registrars and provided to the municipal governing body in accordance with section 34-636 of the Georgia Election Code, and the municipal governing body shall bear the expense of the preparation of such lists in the manner prescribed by such section.

Electors.

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.

Owner.

Section 2. Whenever the governing body of a municipality shall receive such an application it shall, after investigation, determine whether such application complies with the requirements of this Act. If it is determined that such application does not comply with this Act, the governing body shall notify in writing the persons presenting such application stating wherein the application is deficient. If it is determined that such application does comply with this Act the municipal governing body shall proceed to act on said application in accordance with section 3 hereof.

Procedure.

Section 3. The municipal governing body shall hold a public hearing on any such application which has been determined to meet the requirements of this Act. Such hearing shall be held not less than fifteen (15) nor more than forty-five (45) days from the time the governing body 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 municipality and in the area proposed for annexation.

Hearings.

At such public hearing all persons resident or owning property in the municipality or in the area proposed for annexation may be heard on the question of the annexation of such area by the municipality; provided, however, that any property owner may withdraw his consent at any time through the date of the public hearing.

Section 4. If after such public hearing the governing body determines that the annexation to the municipality 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 municipality, said area may be annexed to the municipality by the adoption of an annexing ordinance.

Same.

Contiguous
area.

Section 5. "Contiguous area" shall mean any area which, at the time annexation procedures are initiated, coincides with the municipal boundary on at least one-eighth of the area's aggregate external boundary. Any area separated from the municipal 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 Act when such area coincides with either the municipal boundary 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 Act.

Section 6. A municipality exercising authority under this Act 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 Act, prepare a report setting forth such plans to provide services to such area. The report shall include:

Report.

(a) A map or maps of the municipality and adjacent territory to show the following information:

(1) The present and proposed boundaries of the municipality.

(2) The present major trunk water mains and sewer interceptors and outfalls, and the proposed extensions of such mains and outfalls as required by this Section.

(b) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality 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 municipality.

prior to annexation. If a water distribution system is not available in the area to be annexed, the plans must call for reasonably effective fire protection services until such time as water lines are made available in such area under existing municipal policies for the extension of water lines.

(2) Provide for extension of major trunk water mains and sewer outfall lines into the area to be annexed within twelve 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 such municipality for extending water and sewer lines to individual lots or subdivisions.

Section 7. When such application is acted upon by the municipal authorities and the land is, by ordinance, annexed to the municipality, 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 clerk or similar official of the municipality 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 municipality as completely and fully as if the limits had been marked and defined by special Act of the General Assembly.

Plat,
taxes, etc.

"Incorporated municipality" as used in this Act shall mean an incorporated municipality which has a population of 200 or more persons according to the 1960 Federal Decennial census or any future such census.

Incorporated
municipality.

Section 8. Nothing within this Act shall prohibit the municipality from requiring the residents of the new annexed area to use city owned utilities when they are available.

Utilities.

Section 9. Within thirty (30) days of the effective date of the ordinance annexing such land to the municipality,

Declaratory
judgment.

any resident elector of the area so annexed or of the municipality, or any property owner of such area or of the municipality, may bring a petition for declaratory judgment in the superior court of the county of the legal situs of the annexing municipality to determine the validity, in accordance with this Act, of the application and the municipality's action thereon. Whenever such a petition is filed with the municipal governing body shall file with the court the record of their official actions in regard to such application and a certified copy of the annexing ordinance.

The judgment of the court on any such petition may declare the annexation ordinance null and void upon a finding that the application, and the municipality's action thereon, are not in substantial compliance with this Act. Upon a finding that procedural defects or defects in the plan for service to the annexed area exist, the court shall, where possible, frame a judgment to perfect such defect and uphold the ordinance.

Actions provided for in this section shall be in accordance with the Declaratory Judgment Act, and any aggrieved party may obtain a review of a final judgment under this section as by law in other cases provided.

Section 10. All laws and parts of laws in conflict herewith are hereby repealed.

Approved March 10, 1966.

MEMORIAL TO COMMEMORATE WALTER F.
GEORGE.

No. 160 (Senate Resolution No. 55).

A Resolution.

Authorizing a statue, bust or other memorial of Walter Franklin George to be placed in the halls of the Capitol of the State of Georgia; and for other purposes.