



House Budget and Research Office

COVERDELL LEGISLATIVE OFFICE BUILDING, ROOM 412
ATLANTA, GEORGIA 30334
404-656-5050

MARTHA R. WIGTON
DIRECTOR

Annexation Methods

Municipalities in Georgia have been growing at a rapid rate through annexations over the past 20 years, with over 40 percent of the state's population living within city limits.¹ State law provides for five annexation methods, including a method by which state lawmakers may change the corporate boundaries of a municipality. The first two types of annexations below give local residents a method to petition their government for annexation or deannexation, followed by two methods by which a local government may annex territory. It is important to note that annexations and deannexations may not create "unincorporated islands", which are defined as unincorporated areas that are completely surrounded by the corporate limits of one or more municipalities.

Municipalities may decide to annex territory for a litany of reasons, including as part of a long-term growth strategy and to accommodate or control urban expansion. Landowners in an area may wish to become part of a city so they may be able to use city services and infrastructure, such as sidewalks and parks.² Benefits of annexation may include contiguity, land management, environmental protection, economic interests, expanding the tax base, and promoting economic growth. Moreover, annexation may alleviate public pressure for more urban services that are already available from a municipality. Some landowners may be opposed to annexation due to the belief that the new city services do not equate to the increased tax burdens. County governments may oppose an annexation if they believe the annexation will affect the county's land use plan, zoning, or other ordinances.³

During the 2007 General Session, HB 2 passed, which set up an arbitration panel for disputes between a city and county when an annexation changes zoning, land use, or density. The arbitration process uses a five-person panel, composed of two city elected officials, two county elected officials, and an academic. The Department of Community Affairs (DCA) administers the appointment of the panels. The process begins when a county is notified by a city of a proposed annexation. The county may file an objection to the annexation within 30 days of receipt of the notice and request DCA provide an arbitration panel. The panel is not authorized to approve or deny any particular annexation proposal, but may attach zoning, land use, or density conditions to the property in question. These conditions will remain in force for one year, but the decision may be appealed in court. The arbitration process does not apply to annexations by local acts.⁴

100 Percent Method

A municipality may annex or deannex land upon the petition and application of all property owners in the area. Although the property owners may petition the city's governing body, the final decision to annex or deannex the area is made by the city government. The area to be annexed must be contiguous with the

¹ <https://www.gacities.com/Resources/GMA-Handbooks-Publications/Handbook-for-Georgia-Mayors-and-Councilmembers/Part-Three-MANAGEMENT-of-MUNICIPAL-GOVERNMENT/Annexation.aspx>

² <https://www.gacities.com/Resources/GMA-Handbooks-Publications/Handbook-for-Georgia-Mayors-and-Councilmembers/Part-Three-MANAGEMENT-of-MUNICIPAL-GOVERNMENT/Annexation.aspx>

³ <http://accg.org/story2.php?id=1050>

⁴ O.C.G.A. 36-36-110

municipal boundaries, with 1/8th of the aggregate external boundary or 50 feet of the area abutting the city limits. A municipality may not annex into an adjoining county where the municipality is not already located without the county's approval. Within 10 business days of receiving an application, the municipality shall give written notice, including a description of the land or a map, to the county of its intent to annex land. The county may request a meeting to discuss the annexation within 15 days of receipt of the notice and the meeting must be held within 15 days of the meeting request unless otherwise agreed to by the two governments.

Unless the county adopts a resolution opposing the annexation within 30 days of the completion of the meeting or after the receipt of the notice if no meeting was requested, the annexation will be automatically approved. Before making a decision, the county government must consider if:

- the annexation is reasonable for long-range economic and overall well-being of the counties, school districts, and municipalities affected by the annexation;
- the health, safety, and welfare of property owners and citizens of the county, municipalities, and area proposed to be annexed will be negatively affected by the annexation;
- the annexation has any negative fiscal impact on the county, school districts, and other municipalities that have not been mitigated by an agreement; and
- the interests of the property owner seeking annexation.

If the county opposes the annexation, the municipality may challenge the decision by filing a complaint in the superior court of the adjoining county in which the annexation was to take place; however, the challenge must be heard by either a judge or senior judge who is not from the circuit in which either the county or the municipality is located. If the court overturns the county's decision based on the above factors, the annexation may proceed.⁵

60 Percent Method

Municipalities with a population of 200 or more may use the 60 percent method to annex an area where 1/8th of the aggregate external boundary directly abuts the municipal boundary. A written application must be signed by 60 percent or more of the electors and 60 percent or more of the landowners by acreage. These signatures must be attained within one year of the first signature, otherwise the signatures become invalid. The municipality must prepare a plan for extending municipal services to the area and then hold a public hearing before annexing the area through ordinance. Annexations across county boundaries are prohibited using this method.⁶

Resolution and Referendum

In this method, a municipality must pass a resolution, which includes a description the boundaries of the area and a date for a public hearing that states its intent to consider annexation. The date for the public hearing must take place between 30 to 60 days after the resolution's passage. The city must also prepare a plan for the extension of services, which will be made available, in addition to a summary of the report, to the public in the city clerk's office at least 14 days prior to the public hearing. All people residing or owning property in the area to be annexed, in addition to all residents of the city, will be given the opportunity to be heard during the public hearing. A referendum, under special election procedures found in Georgia Code Title 21, Chapter 2, will be called by the municipality between 30 to 60 days after the public hearing. Only those registered to vote in the proposed annexation area will be able to vote in the referendum, which must pass by a majority vote to go into effect. If a referendum fails, two years must elapse before annexation of the same area or a portion of the area may be attempted again under the resolution and referendum method.

The area to be annexed must be contiguous or adjacent to the corporate limits, at least 1/8th of the aggregate external boundaries must coincide with the city's boundary, must not be part of another city or county, and must not receive water, sewer, police, or fire protection from another government other than

⁵ O.C.G.A. Title 36, Chapter 36, Article 2

⁶ O.C.G.A. Title 36, Chapter 36, Article 3

the annexing city unless the other government waives this requirement. In most cases, the area to be annexed must be developed for urban purposes, meaning it has a total resident population of at least two people for each acre on the date of the resolution's adoption. Additionally, the area must be subdivided into lots and tracts so that 60 percent or more of the total acreage consists of lots and tracts of five acres or less, in size and at least 60 percent of the total number of lots and tracts are one acre or less in size. A non-urban area may also be annexed if the area lies between the municipality and the area to be annexed or the area must be annexed in order to extend services through the area to the urban area.⁷

Unincorporated Islands

In 1992, the General Assembly created an additional method of annexation for municipalities to address the issue of unincorporated islands, which are completely surrounded by the boundaries of one or more cities. Municipalities of 200 or more people are able to individually annex the land through passage of an ordinance without the application of property owners, voters, or a public hearing as long as the property meets the definition of an unincorporated island and is contiguous to the city's boundaries; however, the city is not obligated to annex unincorporated islands. An unincorporated island under this method had to be in existence on January 1, 1991. If more than one city surrounds the island, then the city which abuts the unincorporated island with the largest percentage of its external boundary is permitted to annex the area unless a different agreement is reached with another city.⁸

Local Act

Perhaps the easiest method of annexing or deannexing territory is through a local act of the General Assembly, which must follow typical local bill procedures. Local bills that propose annexation of an area comprised of more than 50 percent, by acreage, of property used for "residential purposes" may include a requirement for referendum approval. "Residential purposes" means any lot or tract of five acres or less that also has a dwelling on the land. If the number of residents in an area to be annexed under this type of local bill exceeds three percent of the population of the municipality or 500, whichever is less, a referendum is required for the bill to go into effect. House Rules and the House Intragovernmental Coordination Committee require signatures on the bill from both the municipality and the county affected before the bill may be placed on the local consent calendar.⁹

⁷ O.C.G.A. Title 36, Chapter 36, Article 4

⁸ O.C.G.A. Title 36, Chapter 36, Article 6

⁹ O.C.G.A. Title 36, Chapter 36, Article 1 and 1A