



**UNIVERSITY OF
GEORGIA**

**Carl Vinson
Institute of Government**

**COMMITTED TO EXCELLENCE IN
GOVERNMENT**



**Carl Vinson
Institute of Government
UNIVERSITY OF GEORGIA**

COMMITTED TO EXCELLENCE IN GOVERNMENT



**Carl Vinson
Institute of Government**
UNIVERSITY OF GEORGIA



Carl Vinson
Institute of Government
UNIVERSITY OF GEORGIA



Georgia[®] Department of
Community Affairs

OFFICE OF PLANNING, RESEARCH, & GEOANALYTICS

*Helping to build strong, vibrant communities through
Education, Assistance, Partnerships & Incentives*

An Update on Recent Changes to **ANNEXATION**

Jon A. West, AICP, Director

DCA Office of Community Planning, Research, and Geoanalytics



Carl Vinson
Institute of Government
UNIVERSITY OF GEORGIA



2021-2022 Regular Session

*Two Critical Acts Affecting O.C.G.A.
36-36*

HB 1385

“NORMAL” FILING PROCEDURES

HB 1461

**PROCEDURES FOR RESOLVING
ANNEXATION CONFLICTS**



Carl Vinson
Institute of Government
UNIVERSITY OF GEORGIA

 Georgia[®] Department of
Community Affairs

O.C.G.A. § 36-36-3—*Who gets notice?*

(a) The clerk, city attorney, or other person designated by the governing authority of any municipality annexing property shall file a report identifying any property annexed with the Department of Community Affairs, **the Legislative and Congressional Reapportionment Office of the General Assembly**, and with the county governing authority of the in which the property being annexed is located. Such reports shall be filed, at a minimum, not more than 30 days following the last day of the quarter in which the annexation becomes effective but may be files more frequently.



O.C.G.A. § 36-36-3—*What do they get?*

(a) ...Each report shall include the following:

(1) The legal authority under which the annexation was accomplished, which shall be the ordinance or resolution number...or the Act number if effected by local Act of the General Assembly;



O.C.G.A. § 36-36-3—*What do they get?*

(a) ...Each report shall include the following:

(1) The legal authority under which the annexation was accomplished, which shall be the ordinance or resolution number...or the Act number if effected by local Act of the General Assembly;

(2) The name of the county in which the property being annexed is located; the total acreage being annexed; the enactment date and effective date of the annexation ordinance, resolution, or local Act of the General Assembly;

O.C.G.A. § 36-36-3—*What do they get?*

(a) ...Each report shall include the following:

(1) The legal authority under which the annexation was accomplished, which shall be the ordinance or resolution number...or the Act number if effected by local Act of the General Assembly;

(2) The name of the county in which the property being annexed is located; the total acreage being annexed; the enactment date and effective date of the annexation ordinance, resolution, or local Act of the General Assembly;

(3) A letter from the governing authority of any municipality...[confirming its intent to participate in BAS at their next possible opportunity];



O.C.G.A. § 36-36-3—*What do they get?*

(a) ...Each report shall include the following:

(1) The legal authority under which the annexation was accomplished, which shall be the ordinance or resolution number...or the Act number if effected by local Act of the General Assembly;

(2) The name of the county in which the property being annexed is located; the total acreage being annexed; the enactment date and effective date of the annexation ordinance, resolution, or local Act of the General Assembly;

(3) A letter from the governing authority of any municipality...[confirming its intent to participate in BAS at their next possible opportunity];

(4) A list identifying roadways, bridges, and rights of way on state routes that are annexed and, if necessary, the total mileage annexed; and

O.C.G.A. § 36-36-3—*What do they get?*

(a) ...Each report shall include the following:

- (1) The legal authority under which the annexation was accomplished, which shall be the ordinance or resolution number...or the Act number if effected by local Act of the General Assembly;
- (2) The name of the county in which the property being annexed is located; the total acreage being annexed; the enactment date and effective date of the annexation ordinance, resolution, or local Act of the General Assembly;
- (3) A letter from the governing authority of any municipality...[confirming its intent to participate in BAS at their next possible opportunity];
- (4) A list identifying roadways, bridges, and rights of way on state routes that are annexed and, if necessary, the total mileage annexed; and

(5) A digital shapefile of the annexed area.



O.C.G.A. § 36-36-3—*How is it sent?*

(b) The submission of a report required under subsection (a)...shall be made in writing and in electronic format to the Department of Community Affairs, **the Legislative and Congressional Reapportionment Office of the General Assembly**, and to others as required by the submitting municipality.

annexations@legis.ga.gov



O.C.G.A. § 36-36-3—How is it sent?

DCA's Web-Based Annexation Reporting System

Annexation Reports for Hampton

[Search for another government](#)

*Reports with a red background indicate an incomplete filing.

DCA Id	Annex Name	Authorization #	Acreage	Effective Date	Authorization Date	County	Annex Type	Ordinance Document	Comments
301665	Hampton	119		12/1/2001	11/13/2001	Henry	Annex		
301666	Hampton	126		12/1/2001	11/13/2001	Henry	Annex		
301667	Hampton	124		12/1/2001	11/13/2001	Henry	Annex		
301668	Hampton	121		12/1/2001	11/13/2001	Henry	Annex		
301893	Hampton	173	9.256	1/1/2003	12/6/2002	Henry	Annex		
302782	Hampton	179	229	7/1/2003	6/14/2003	Henry	Annex		
302780	Hampton	177	226.109	9/1/2003	8/5/2003	Henry	Annex		
302781	Hampton	178	95.84	9/1/2003	8/5/2003	Henry	Annex		
302783	Hampton	180	5.6	9/1/2003	8/20/2003	Henry	Annex		
303351	Hampton	03-19	1.25	1/1/2004	12/3/2003	Henry	Annex		
303352	Hampton	03-20	6.25	1/1/2004	12/9/2003	Henry	Annex		
303353	Hampton	03-21	7.5	1/1/2004	12/9/2003	Henry	Annex		
304732	Hampton	304732	43	11/1/2005	10/11/2005	Henry	De-annex		
304555	Hampton	304555	8.14	7/1/2006	6/13/2006	Henry	Annex		Annexation adopted by Ordinance No. 244. 2nd reading and adoption on 13 June 2006.
310227	Hampton	422	17.64	9/1/2016	8/9/2016	Henry	Annex		
311302	Hampton	496	1934.75	11/1/2019	10/15/2019	Henry	Annex	View Ordinance	The right-of-way affected includes +/- 0.57 mi. of Lower Woolsey Road; +/- 1.4 miles Richard Petty Blvd.; +/- 1.5 miles Bridges Drive; and +/- 0.63 mi. along Gene Allen Road. Subsequent right-of-way acreage will be added to maps provided by the US Census Bureau during the next regularly scheduled boundary and annexation survey of the municipality; typically each December for the City of Hampton.
312150	Hampton	480	2.22	4/1/2020	3/10/2020	Henry	Annex	View Ordinance	Parcel No. 041-01023001 540 South Hampton Road
312152	Hampton	482	41.01	4/1/2020	3/10/2020	Henry	Annex	View Ordinance	0 South Hampton Road Parcel No. 041-01023000
312218	Hampton	2022-568	572.24	5/1/2022	4/12/2022	Henry	Annex	View Ordinance	Parcel No. 039-01015000, 039-01015004, 040-01004004, 040-01047000, 040-01048000, 040-01002000, 040-01001000, 040-01050000, 040-01043000, and 040-01046000.
312219	Hampton	2020-569	803.17	5/1/2022	4/12/2022	HENRY	Annex	View Ordinance	Parcel No. 003-01042000, 003-01042003, and 004-01004001
312255	Hampton	2022-573	74.0	6/1/2022	5/10/2022	Henry	Annex	View Ordinance	Parcel No. 004-01004000
312256	Hampton	2022-572	5.75	6/1/2022	5/10/2022	Henry	Annex	View Ordinance	Parcel No. 022-01046000
312280	Hampton	2022-572	5.75	6/1/2022	5/10/2022	Henry	Annex	View Ordinance	Parcel No. 022-01046000
312429	Hampton	2021-549	132.95	10/1/2022	9/13/2022	Henry	Annex	View Ordinance	Parcel ID No. 010-01006000, 010-01022000, 010-01023000



O.C.G.A. § 36-36-3—Does the State review it?

(c)(1) DCA has 30 days from the receipt of the report to notify the local government if it has determined that the submission is incomplete. **The Reapportionment Office has 60 days.** If either one determines the submission to be incomplete, the annexing “shall file a corrected report within 45 days” from getting notice of the deficiency.



O.C.G.A. § 36-36-3—*What if you don't comply?*

(c)(2) No annexed area shall be added to the state map until such report has been properly submitted to [DCA] **and the Legislative and Congressional Reapportionment Office of the General Assembly.** [DCA] shall not provide certification of the annexation to the United Census Bureau unless the governing authority has filed a completed report as required under subsection (a) of this code section.

(c)(3) Compliance with the requirements of this code section shall be construed to be merely ancillary to and not an integral part of the annexation procedure such that an annexation shall, if otherwise authorized by law, become effective even though required filings under this code section are temporarily delayed.

O.C.G.A. § 36-36-3—How do they get help?

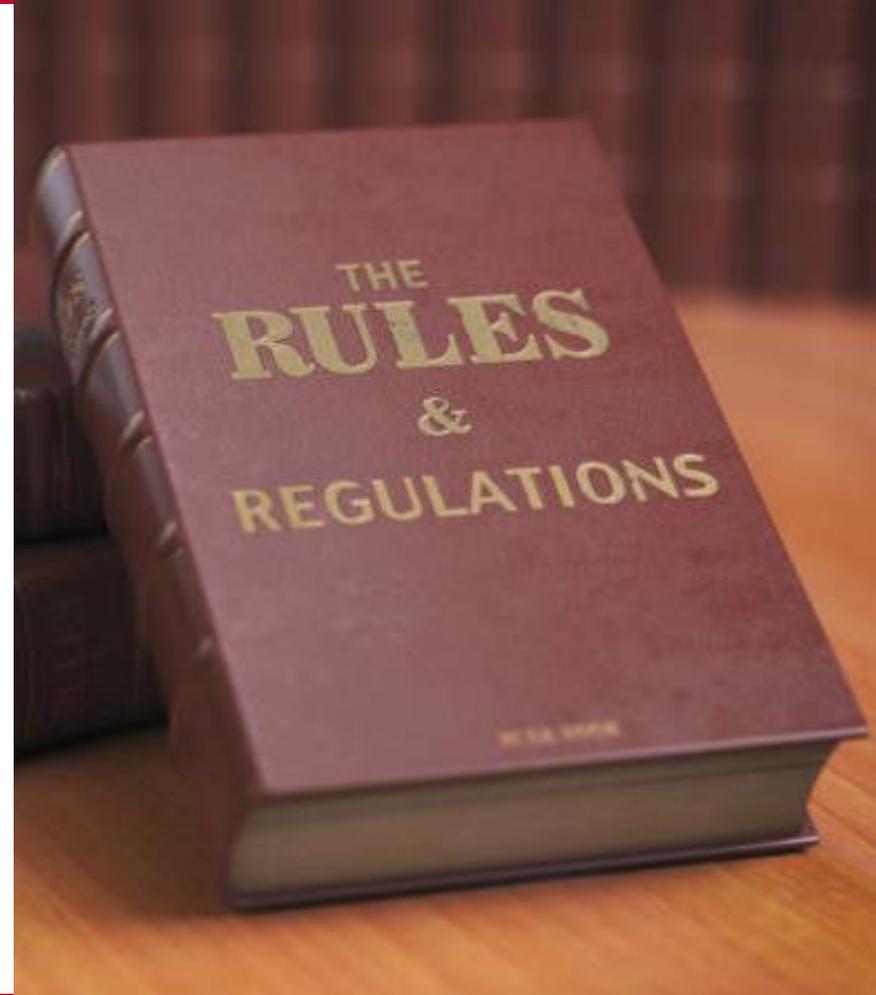
(d) The Department of Community Affairs may provide technical assistance to any municipality with respect to the requirements of subsection (a) of this code section.

(f) In the event that any municipality annexing property cannot produce the digital shapefile required by paragraph (5) of subsection (a) of this code section by utilizing its own geographic information system, the regional commission established pursuant to Article 2 of Chapter 8 of Title 50 for the county that includes such municipality shall assist such municipality in producing and providing such digital shapefile.



Annexation Arbitration--O.C.G.A. § 36-36-110, et seq.

Not exactly what I was asked to speak about today; but, it's worth knowing about, in case when it comes up and you're asked questions.



Annexation Arbitration--O.C.G.A. § 36-36-110, et seq.

- ❖ Added school systems as a party required to get notice of an annexation being considered by a municipality
- ❖ Requires “verifiable delivery” of notices
- ❖ Requires county to actually request a panel (rather than DCA magically intuiting that they need one)
- ❖ Adds the option of a court reporter and hearing officer to the process
- ❖ Provides more flexibility in the process timeline
- ❖ Option to hold meetings virtually
- ❖ Directs DCA to develop rules to govern the process (previously, the statute was the only formal, legislative guidance—and there were massive gaps)



Annexation Arbitration--O.C.G.A. § 36-36-110, et seq.

- ❖ Rules were adopted by DCA's board in November 2022, now in effect.
- ❖ Amended statute (HB 1461) available online at General Assembly's website: www.legis.ga.gov/legislation/62382
- ❖ New DCA Annexation Arbitration Standards available on DCA's website: <https://www.dca.ga.gov/node/8187>
- ❖ Looking forward to forthcoming update to ACCG/GMA Annexation Arbitration Handbook





Georgia[®] Department of
Community Affairs



Facebook.com/
GeorgiaDCA



@GADCACommunity
Affairs



Georgia
Department of
Community Affairs



@GA_DCA



@GA_DCA

www.dca.ga.gov



**UNIVERSITY OF
GEORGIA**

**Carl Vinson
Institute of Government**

Since 1927, the Carl Vinson Institute of Government has been an integral part of the University of Georgia. A public service and outreach unit of the university, the Institute of Government is the largest and most comprehensive university based organization serving governments in the United States through research services, customized assistance, training and development, and the application of technology.

Connect With Us!



**facebook.com
/VinsonInstitute**



**Carl Vinson
Institute of Government**



@CVIOG_UGA



www.cviog.uga.edu