

Georgia Supreme Court hears Atlanta annexation case

Legislation the General Assembly passed last year leading to the creation of the city of South Fulton should not prohibit Atlanta from annexing five neighborhoods now part of the new city, a lawyer representing Atlanta argued Monday.

As a local act, House Bill 514 did not supersede the general state law allowing municipalities throughout Georgia to annex adjacent areas, Robbie Ashe told members the Georgia Supreme Court.

"Georgia courts have consistently struck down local acts that modify how general law is exercised," he said.

At issue is a lower court ruling last September that dismissed Atlanta's bid to annex the five neighborhoods. In November, two months after the ruling, voters ratified the formation of the City of South Fulton, which includes the areas in dispute.

Ashe also argued that the Atlanta City Council approved ordinances annexing the five neighborhoods last June – and Mayor Kasim Reed signed them – before the July 1 effective date of the South Fulton cityhood legislation.

"Annexation occurs when the legislative process to do the annexation is completed," he said.

But **Josh Belinfante**, the lawyer representing several taxpayers who challenged the annexations, said the trial judge was correct in ruling that Atlanta's timing in approving the annexations was improper because the annexations didn't take effect until July 1, the same day as House Bill 514.

Belinfante also maintained the city's effort to annex the formerly unincorporated neighborhoods is legally moot because those areas are now part of the city of South Fulton. He noted that council elections in the new city are set to take place on Tuesday, and South Fulton will begin operations May 1.

"It would be incredibly disruptive if the court were to remove [the lower court] order," he said.

The two sides also disputed whether Atlanta met the legal requirements governing annexations, including gaining petition signatures supporting annexation from at least 60 percent of the affected property owners.