



Annexation Application Packet

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Annexation Overview

Welcome to the first step of becoming a business owner within the City of Doraville!

Enclosed are instructions, information and the tools necessary to start the annexation process. This information will be presented to the Mayor and City Council.

Annexation requests are considered solely by City Council, who has full discretion to grant or deny the Petition. Offers of annexation are limited to contiguous parcels to the City of Doraville.

To avoid delay in processing your request, please read the attached carefully and include all required information in your annexation application packet.

Prior to submitting the application, should you need assistance or have questions, please call the Development Department at (770) 451-8745 between 8:30 AM – 4:30 PM, Monday through Friday.

Annexation Application

Property Owner Information

Property Owner's Full Name: _____

Owner's Address: _____

Phone: _____ Fax: _____ Email: _____

Company/ Business Contact Information

Business Name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Property Location

Tax Parcel Identification Number: _____

Property Address: _____

Number of Existing Structures: _____ Existing Zoning Classification: _____

Required Application Documents

- Legal Description
- Date of Pre-Application Meeting _____
- Annexation Letter of Request
- Conflict of Interest Certification
- Site Plan (copy to scale) showing existing and proposed improvements

Owner's Signature

I hereby certify that I have received a copy of City Code Sec. 23-1604A. (*Public Hearings*)

Applicant Signature: _____ Date: _____

For City Use Only

Date Received: _____ Application Number: _____

Notes: _____

Public Hearing Notice

The Mayor and City Council holds regular business meetings at 6:30 P.M. on the first and the third Monday of each month unless one of those Mondays falls on a City-observed holiday, in which case, the Mayor and Council conducts regular business meetings the following evening at 6:30 P.M. All applications must be submitted at least two week prior to a regular Council meeting.



Annexation

Sample Letter of Request 100% Method

Property Address: _____

To the Mayor and City Council of Doraville, Georgia,

I (or We), the undersigned, owner (s) of all real property of the territory described herein, respectfully request that the City Council annex this territory into the City of Doraville, Georgia and extend the city boundaries to include same.

The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. Section 36-36-20) to the existing corporate limits of Doraville, Georgia and the description of such territory is as follows:

(Attach a complete description and survey of land to be annexed)

	Name (print)	Address	Signature
1)			
2)			
3)			
4)			
5)			

(Please add additional sheets if necessary)

For City Use Only

Application Received By: _____ Date: _____

§ 36-67A-1. Definitions

As used in this chapter, the term:

- (1) "Applicant" means any person who applies for annexation action and any attorney or other person representing or acting on behalf of a person who applies for annexation action.
- (2) "Business entity" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.
 - (2.1) "Campaign contribution" means a "contribution" as defined in paragraph (7) of Code Section 21-5-3
- (3) "Financial interest" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
- (4) "Local government" means any county or municipality of this state.
- (5) "Local government official" means any member of the governing authority of a local government or any member of a planning or zoning commission.
- (6) "Member of the family" means the spouse, mother, father, brother, sister, son, or daughter of a local government official.
 - (6.1) "Opponent" means any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.
 - (6.2) "Oppose" means to appear before, discuss with, or contact, either orally or in writing, any local government or local government official and argue against a rezoning action.
 - (6.3) "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.
- (7) "Property interest" means the direct ownership of real property and includes any percentage of ownership less than total ownership.
- (8) "Real property" means any tract or parcel of land and, if developed, any buildings or structures located on the land.
- (9) "Rezoning action" means action by local government adopting an amendment to a zoning -

ordinance which has the effect of rezoning real property from one zoning classification to another.

§ 36-67A-2. Disclosure of financial interests

A local government official who knew or reasonably should have known he or she:

(1) Has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider;

(2) Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider; or

(3) Has a member of the family having any interest described in paragraph (1) or (2) of this Code section shall immediately disclose the nature and extent of such interest, in writing, to the governing authority of the local government in which the local government official is a member. The local government official who has an interest as defined in paragraph (1) or (2) of this Code section shall disqualify himself from voting on the rezoning action. The disqualified local government official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. The disclosures provided for in this Code section shall be a public record and available for public inspection at any time during normal working hours.

§ 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preced—

ing the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

1)The name and official position of the local government official to whom the campaign contribution was made; and

(2)The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

§ 36-67A-4. Penalties

Any person knowingly failing to comply with the requirements of this chapter or violating the provisions of this chapter shall be guilty of a misdemeanor.

§ 36-67A-5. Appointment of disinterested special master if governing authority unable to attain a quorum

(a) Where one or more disqualifications required by this chapter result in the inability of the governing authority of the county or municipality to attain a quorum for the purpose of making a final decision when considering a rezoning action, the governing authority immediately shall petition the superior court wherein the property which is the subject of the rezoning is located for appointment of a disinterested special master for the purpose of hearing evidence regarding the proposed rezoning action and making a recommendation to the petitioning governing authority. The court, in its order appointing the special master, shall give such directions for notice and the service thereof as well as for the time in which a hearing must be held and recommendations issued as are just and appropriate under the circumstances and as are consistent with this chapter.

(b) The disinterested special master provided for in this Code section shall be appointed by the judge or judges of the superior courts of each judicial circuit and shall discharge the duties provided for in this Code section. The special master so appointed must be a competent attorney at law, be of good standing in his profession, and have at least three years' experience in the practice of law. He shall hold office at the pleasure of the judge and shall be removable at any time with or without cause. The court, in its order appointing the special master, shall designate the person or entity responsible for compensating the special master at a rate not less than \$50.00 per day nor more than \$250.00 per day for the time actually devoted to the —

hearing and consideration of the matter.

(c) The special master shall consider any factors relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property.

(d) The hearing provided for in this Code section and all records pertinent thereto shall be open and available to the public.

(e) Nothing contained in this Code section shall be construed as a delegation of the final decision-making powers of the governing authority to the special master and the recommendation of the special master is not a final decision as to the rezoning action.

Where a special master has been appointed and has made a recommendation, the disqualification requirement of Code Section 36-67A-2 shall be waived.

§ 36-67A-6. Voting on zoning decision if ordinance being adopted for first time or ordinance being revised pursuant to comprehensive plan

Nothing in this chapter shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title