

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF BROOKHAVEN
ANNEX19-01**

ORDINANCE ORD 2019-12-06A

AN ORDINANCE TO ANNEX PROPERTY LOCATED IN LAND LOTS 108, 109, 153, 154 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA INTO THE CORPORATE LIMITS OF THE CITY OF BROOKHAVEN, GEORGIA PURSUANT TO THE 60 PERCENT METHOD AS STATED IN CHAPTER 36 OF TITLE 36 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED; TO AUTHORIZE STAFF TO NOTIFY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS; TO PROVIDE AN EFFECTIVE DATE; AND FOR PURPOSES

WHEREAS, the owners of real property (the "Applicant") have applied to the City of Brookhaven (the "City") for annexation (the "Application") of real property located in Land Lot 108, 109, 153, and 154 of the 18th District, DeKalb County, as more fully described and delineated in Exhibit A and attached hereto (the "Property"); and

WHEREAS, the City has determined that the Property is contiguous with the existing corporate limits of the City in excess of one-eighth (1/8th) of the aggregate external boundary as required for such annexations under O.C.G.A. § 36-36-1 *et seq.*; and

WHEREAS, the City has determined that the Applicants are the title holders of record of 60% of the privately-owned land within the Property, as evidenced by the Clerk of Superior Court of DeKalb County, Georgia; and

WHEREAS, the City has lawfully provided notice to DeKalb County, Georgia of all required information including notice of the City's receipt of the Application for the annexation of the Property; and

WHEREAS, the City has the authority pursuant to O.C.G.A. § 36-36-1 *et seq.* to annex certain property into the corporate limits of the City of Brookhaven, and that the Mayor and Council of the City of Brookhaven have carefully reviewed the service delivery report attached as Exhibit B, which is attached to and incorporated as part of this ordinance, and finds that the annexation of the Property is in the best interests of the property owners of said area to be annexed and of the citizens of the City of Brookhaven; and

WHEREAS, the City has determined that the Application meets the requirements of the law pursuant to O.C.G.A. § 36-36-1 *et seq.*; and

WHEREAS, pursuant to State law, upon annexation, the City must submit a report to the Georgia Department of Community Affairs.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

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SECTION 1: Property known as "Lavista Park" and more fully described in the attached Exhibit "A" which is incorporated herein by reference, is hereby annexed into the existing corporate limited of the City of Brookhaven, Georgia.

SECTION 2: City staff is hereby authorized and directed to file a report identifying the Property annexed with the Georgia Department of Community Affairs and with the governing authority of DeKalb County, Georgia as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the Property.

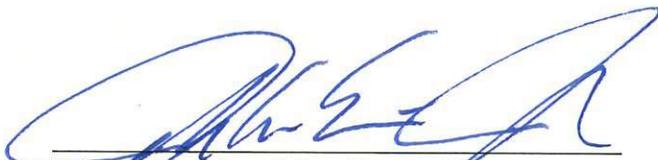
SECTION 3: The annexation shall become effective for ad valorem tax purposes on December 31 of the year during which such annexation occurred and for all other purposes shall become effective on the first day of the month following the month during which the requirements of Article 3 of Chapter 36, of Title 36 of the Official Code of Georgia Annotated have been met and in accordance with applicable provisions of Georgia law.

SECTION 4: All Ordinances or parts of Ordinances in conflict with the terms of this Ordinance shall be repealed.

SO ORDAINED AND EFFECTIVE, this the 10th day of December, 2019.

Approved by:

Approved as to Form and Content



John Arthur Ernst Jr., Mayor



Christopher Balen, City Attorney

Attest:



Susan Hiott, City Clerk

