

Atlanta Cannot Keep Five Areas It Annexed From Fulton, Judge Says

A Fulton County judge has overturned the recent annexations of five South Fulton neighborhoods into the city of Atlanta, saying the city's process was flawed.

Atlanta had rushed the annexations in an attempt to expand its borders before residents in unincorporated Fulton County vote this fall on whether to form the City of South Fulton. But Fulton County Superior Court Judge Alford Dempsey said in a Thursday order that Atlanta failed to complete the annexations in time.

State law says annexations become effective on the first day of the month following the month they are approved. The Atlanta annexations were all approved in June. But by legislation, the boundaries for the City of South Fulton were set July 1.

Because the June annexations would have gone into effect July 1 — and state law says they needed to be done before the boundaries of proposed city were set — they do not count, the order said.

Additionally, the order said, city did not leave enough time for required hearings and did not properly verify all of the signatures of residents petitioning for annexation. Some people who signed the petitions were registered Fulton County voters, but did not live in the areas to be annexed.

The ruling means that residents of Danforth Road, The Cottages at Cascade, Cascade Manor and Cascade Falls will vote in a November referendum on the proposed the City of South Fulton. The Cascade Business Corridor, which is a commercial area, would also revert to unincorporated Fulton County, and would be part of a new city if it is formed.

“People need certainty before they vote to create a new city,” said **Josh Belinfante**, an attorney who represented the residents who did not want to be part of Atlanta. “These areas are now part of unincorporated Fulton County. They have the opportunity to vote on the City of South Fulton.”

In addition to issues with the process, Dempsey said he took into account the uncertainty about whether schools in the annexed area would become a part of Atlanta Public Schools. The state Supreme Court heard arguments in a case that would determine the answer to that question, but has not yet issued a ruling.

In his order, Dempsey said there were few issues more pressing than where children go to school.

An Atlanta spokesperson said in a statement that the city is “weighing all of its legal options.” The city started providing services to the annexed areas July 1 “and is disappointed” with the order, the statement

said.

Fulton County commissioners have been outspoken about the problems they have with the annexation process. State law does not provide a mechanism for the county to check that signatures are valid, and there are only limited reasons why a county can object to the annexation of its unincorporated areas.

In a statement, Fulton County Chairman John Eaves said he appreciated the court's scrutiny "to ensure the process of annexation was followed as spelled out in the law."

"Our constituents have expressed their concerns about annexation, and we believe the court rendered a fair decision," he said.

Belinfante, the attorney, said residents in another annexed area, Loch Lomond, have also filed suit raising objections to their annexation. A hearing date in that case has not been set.

Some of the residents who filed suit didn't oppose the annexation by Atlanta because they wanted to become a part of the City of South Fulton, Belinfante said, and they intend to vote against cityhood.

"If the referendum fails, Atlanta can go on and try again," he said.