

COPY

THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

**The CITY OF ATLANTA, a
municipal corporation and political
subdivision of the State of Georgia,
acting by and through its Mayor and
City Council,**

Petitioner,

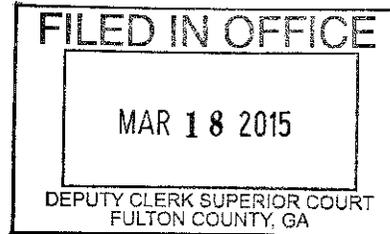
v.

**ATLANTA INDEPENDENT
SCHOOL SYSTEM, a political
subdivision of the State of Georgia
acting by and through its duly elected
Board,**

Respondent.

CIVIL ACTION FILE NO.

2015CV 258510



PETITION FOR DECLARATORY JUDGMENT

Petitioner City of Atlanta ("Atlanta"), by and through its undersigned attorneys, respectfully shows as follows:

Summary of Petition

1.

Atlanta seeks a declaratory judgment pursuant to O.C.G.A. §§ 9-4-1 *et seq.* that it may annex property within Fulton County into Atlanta's municipal boundaries without simultaneously expanding the boundaries of the Atlanta

Independent School System (“APS”). Under the terms of a 1950 local constitutional amendment (the “1950 Schools LCA”), annexation by Atlanta within Fulton County automatically expands APS’s boundaries to encompass the annexed area.

However, the 1950 Schools LCA was repealed by operation of Article XI, § I, ¶ IV of the Georgia Constitution of 1983 (“Article XI”) on July 1, 1987 because the General Assembly failed to enact valid legislation continuing the 1950 Schools LCA following adoption and ratification of the 1983 Constitution. The General Assembly’s attempt in 1986 to continue the 1950 Schools LCA both purported to amend the 1950 Schools LCA and misrepresented the contents of the 1950 Schools LCA, and therefore was unconstitutional and void.

Atlanta respectfully requests this Court declare that the 1950 Schools LCA is no longer effective and that an annexation by Atlanta within Fulton County would not automatically extend the boundaries of APS. Atlanta requests that this Court also declare that general state annexation law applies to such any such annexations, so that either the General Assembly or Atlanta may determine whether any annexation by Atlanta within Fulton County extends the boundaries of APS.

The Parties, Jurisdiction & Venue

2.

Petitioner is the City of Atlanta, a municipal corporation and political subdivision of the State of Georgia, acting by and through its Mayor and City Council as its governing authority.

3.

Atlanta owns property in unincorporated Fulton County located at that unincorporated portion of 711 Fulton Industrial Blvd, a/k/a 0 Fulton Industrial Blvd, NW, tax parcel 14F002200010198, Atlanta, Georgia 30336 (“the Parcel”). A portion of the Parcel’s boundary is contiguous to Atlanta’s current municipal limits and that portion is sufficient to permit annexation pursuant to O.C.G.A. §§ 36-36-20 and 36-36-21. A true and correct copy of a map showing the Parcel’s boundaries and the adjoining portion of Atlanta’s current municipal limits is attached as Exhibit A.

4.

Atlanta has been approached by property owners in unincorporated Fulton County regarding potential annexation. For instance, Atlanta officials are currently engaged in annexation discussions with members of the Loch Lomond and Sandtown communities, both of which are residential areas in unincorporated Fulton that are contiguous to Atlanta’s current municipal boundaries.

5.

As part of the discussions referenced in paragraph 4, the issue of whether annexations by Atlanta in southwest Fulton would automatically extend APS's boundaries has been raised by members of those communities, as well as other property owners in unincorporated Fulton. Atlanta is uncertain how to respond to such inquiries about school district assignment, education-related taxation, or other related issues, as it is unclear whether Atlanta may exercise its delegated home rule authority to selectively determine whether to expand APS's boundaries with any particular annexation.

6.

Respondent Atlanta Independent School System (APS) is a body corporate and a political subdivision of the State of Georgia, acting by and through its duly elected Board, and may be served with process through its Superintendent, Dr. Meria Carstarphen, at 130 Trinity Avenue, S.W., Atlanta, Georgia 30303.

7.

This Court has jurisdiction over this petition pursuant to O.C.G.A § 9-4-2.

8.

Venue is properly in this Court in that the Parcel subject to annexation is located entirely within Fulton County, Georgia and the Respondent is located within and headquartered within Fulton County. *See* Ga. Const. art. VI, § II, ¶ VI.

9.

Pursuant to O.C.G.A. § 9-4-7(c), Atlanta will timely serve a copy of this petition on the Attorney General of the State of Georgia.

Count One (Declaratory Judgment)

10.

Atlanta repeats and realleges the allegations set forth in paragraphs 1 through 9 as if fully set forth herein.

11.

In 1950, the Georgia General Assembly passed a local constitutional amendment to the Georgia Constitution of 1945 (subsequently continued into the Georgia Constitution of 1976) related to the educational aspects of annexation by Atlanta within Fulton County (the "1950 Schools LCA"). *See* Ga. L. 1950, p. 458. The 1950 Schools LCA was subsequently ratified by the voters. A true and correct copy of the 1950 Schools LCA is attached hereto as Exhibit B.

12.

The 1950 Schools LCA had two related subject matters.

13.

First, the 1950 Schools LCA provided that "when the corporate limits of the City of Atlanta are extended into Fulton County, the territory embraced therein

shall become a part of the independent school system of the City of Atlanta and shall cease to be a part of the school system of the county.” *Id.*, pp. 458-59.

14.

Second, the 1950 Schools LCA also provided that any “school property” within such annexed territory “shall become the property of the City of Atlanta.” *Id.*, p. 459 (emphasis added).

15.

Not only is the 1950 Schools LCA clear that any annexed “school property” becomes the property of the City of Atlanta, that outcome is confirmed by a subsequent local constitutional amendment passed in 1960. That 1960 local constitutional amendment provided for the City of Atlanta to assume certain debt of the Fulton County School System in return for transferred school properties, explicitly vests the ownership of the properties in the “City of Atlanta,” and provides that the debt service on the assumed debt will be paid for by general municipal taxation, not school taxes. *See* Ga. L. 1960, pp. 1441-44 (providing, *inter alia*, that the Fulton County Board of Education “surrender possession” of school buildings “to said City.”). A copy of the 1960 local constitutional amendment is attached as Exhibit C.

16.

The 1945 Georgia Constitution was replaced by the 1976 Georgia Constitution, which was in turn replaced by the 1983 Constitution effective July 1, 1983.

17.

The 1983 Constitution – Georgia’s current Constitution – expressly prohibited the enactment of further local constitutional amendments. *See* 1983 Ga. Const. Art. X, § I, ¶ I (“Only amendments which are of general and uniform applica[tion] throughout the state shall be proposed, passed, or submitted to the people.”).

18.

Article XI, § I, ¶ IV of the 1983 Constitution provided that certain local amendments to the 1945 and 1976 Constitutions – including the 1950 Schools LCA – would remain effective for four years, i.e., until July 1, 1987.

19.

Unless those local constitutional amendments were continued by local Act of the General Assembly during that four year period, they were “repealed and ... deleted” by operation of Article XI. *See* 1983 Ga. Const. Art. XI, § I, ¶ IV.

20.

Article XI only allowed those local constitutional amendments to be continued in their exact form, without any amendment. *See id.* ¶ IV(a) (“said amendments shall be repealed and shall be deleted as a part of this Constitution unless any such amendment shall be specifically continued in force and effect without amendment.”) (emphasis added).

HB 1620

21.

In 1986, the General Assembly passed House Bill 1620 (“HB 1620”). *See* Ga. L. 1986, pp. 4812-13. A true and correct copy of HB 1620 is attached as Exhibit D.

22.

The title, text, and public notice of HB 1620 correctly described the first portion of the 1950 Schools LCA, which provided that any territory annexed by Atlanta in Fulton County would become “part of the City of Atlanta independent school system.” Ga. L. 1986, p. 4812.

23.

However, the title, text, and public notice of HB 1620 did not correctly describe the other portion of the 1950 Schools LCA.

24.

HB 1620 thus purported to amend the 1950 Schools LCA, rather than continue it as written.

25.

As noted above, the 1950 Schools LCA addressed annexed territory and annexed school property separately. The 1950 Schools LCA expressly directed that any “school property” in territory annexed by Atlanta within Fulton County “shall become the property of the City of Atlanta.” Ga. L. 1950, p. 459 (emphasis added).

26.

In contrast, the title, text, and public notice of HB 1620 incorrectly represented that any annexed “school property” would “become a part of the City of Atlanta Independent School System.” See Ga. L. 1986, pp. 4812-13 (emphasis added).

27.

When the 1950 Schools LCA was adopted in 1950, APS was not a separate corporate entity but was instead part of Atlanta’s municipal government, as authorized by 1945 Ga. Const. Article VIII, § VII, ¶ I.

28.

In 1973, the General Assembly separated the governance and operations of APS from the municipal government of Atlanta by enacting separate charters for the two entities and removing essentially all educational powers and responsibilities from the municipal government. *See* Ga. L. 1973, p. 2167 (APS charter of 1973) and Ga. L. 1973, p. 2188 (City of Atlanta charter of 1973).

29.

The current 1983 Georgia Constitution no longer contains the language found in Article VIII of the 1945 Constitution that authorized municipalities to operate and maintain school systems.

30.

Instead, the 1983 Constitution provides that while the county and independent school systems “shall be continued,” management and control of those systems would henceforth be vested in constitutionally-created boards of education, with the power to cause taxes to be levied for the support of the schools. *Compare* 1983 Ga. Const. Art. VIII, § V, ¶¶ I, II *with* 1976 Ga. Const. Art. VIII, § V, ¶ VI.

31.

By 1986 – decades after the adoption of the 1950 Schools LCA, and two state constitutions later – the City of Atlanta and the Atlanta Independent School

System had become distinct political subdivisions with separate elected officials, budgets, legal status, and operations.

32.

By 1986, transferring property to the “City of Atlanta” was no longer the same as transferring property to the “Atlanta Independent School System.” The 1950 Schools LCA, with its required transfer of school properties to the *City of Atlanta*, had become anachronistic.

33.

APS’s separation and independence from Atlanta has been subsequently confirmed by Georgia’s legislature and courts several times. *See, e.g.*, Ga. L. 2003, p. 4154 (continuing the existence of the Atlanta Independent School System/APS); *Hunt v. City of Atlanta*, 245 Ga. App. 229, 230 (2000) (holding APS is a legal entity entirely distinct from the City of Atlanta’s municipal government).

34.

In attempting to amend the 1950 Schools LCA, the public notice, title and text of HB 1620 each omitted a material provision of the 1950 Schools LCA (that “school property” would become the property of the “City of Atlanta”). They also materially misled by reciting that the school property would become “part of the Atlanta Independent School System.” HB 1620 accordingly failed to put the public and the General Assembly on notice that, despite intervening structural

changes, continuing the 1950 Schools LCA would sever the responsibility to educate (which would continue to fall on APS) from the ownership of any annexed school properties (expressly vested in the City of Atlanta), as the 1950 Schools LCA was designed for, and only made sense within, a structure that had been abandoned 13 years earlier. HB 1620 misled the public and the General Assembly as to how the 1950 Schools LCA handled annexed school property.

35.

As HB 1620 attempted to amend the 1950 Schools LCA by changing the recipient of annexed school property from the City of Atlanta to APS, it violated Art. XI, §I, ¶ IV (a)'s requirement that any local constitutional amendment be continued "without amendment."

36.

HB 1620's title, text, and public notice were false and therefore fatally defective.

37.

As an act of the General Assembly, HB 1620 was subject to Ga. Const. Art. III, §V, ¶ IV – requiring that every bill distinctly describe the affected law and its alteration.

38.

The Georgia Supreme Court has held the requirement of 1983 Ga. Const. Art. III, §V, ¶ IV that every bill “distinctly describe” the affected law means that, at a minimum, the title and text of the bill must be accurate and cannot be misleading. *See Fortson v. Weeks*, 232 Ga. 472, 473-74 (1974). *Accord Nelson v. S. Guar. Ins. Co.*, 221 Ga. 804, 807 (1966).

39.

By omitting and misrepresenting material portions of the 1950 Schools LCA, HB 1620 violated the distinct description requirement of Art. III, § V, ¶ IV.

40.

As a local act of the General Assembly, HB 1620 was subject to a constitutional public notice requirement. *See Ga. Const. Art. III, § V, ¶ IX.*

41.

The Georgia Supreme Court has held the public notice must accurately describe the legislation. *See DeKalb Cnty. v. Atlanta Gas Light Co.*, 228 Ga. 512, 514 (1972) (invalidating local act where notice failed to reference provision striking earlier exception to taxation power).

42.

By omitting and misrepresenting material portions of the 1950 Schools LCA, HB 1620 violated the notice requirement of Art. III, § V, ¶ IX.

43.

Accordingly, the 1950 Schools LCA was not validly continued and stood repealed by Article XI on July 1, 1987.

44.

Atlanta owns the Parcel and wishes to annex it. Atlanta is not, however, certain whether the Parcel would therefore have to come within the boundaries of APS or whether Atlanta may instead opt to leave the Parcel outside the boundaries of APS, and seeks a declaration from this Court to resolve such uncertainty.

45.

Further, Atlanta is in conversations with other property owners in unincorporated Fulton County regarding potential annexation, and the issue of whether such annexations would automatically extend APS's boundaries is an active discussion topic. Atlanta does not know whether it may exercise its delegated authority to selectively determine whether to expand APS's boundaries with any particular annexation, and seeks guidance from this Court regarding its powers, rights, and responsibilities in that regard.

46.

Atlanta serves as the agent for collection of school taxes for any school system within its jurisdiction pursuant to 1983 Ga. Const. Art. VIII, § VI, ¶ I.

47.

Atlanta is required to annually levy such school taxes upon the assessed value of all taxable property within the territory served by any such school system. Thus, upon annexation within Fulton County, Atlanta must determine which school system is entitled to levy on such property, APS or Fulton County Schools.

48.

On March 17, 2015, Atlanta sent Fulton County notice regarding the proposed annexation of the Parcel as required by O.C.G.A. § 36-36-6. Said notice complied with O.C.G.A. § 36-36-9 and all other applicable requirements. A copy of that notice is attached hereto as Exhibit E.

49.

Atlanta also sent a copy of that notice to counsel for APS.

50.

On information and belief, APS contends that the 1950 Schools LCA is still valid and enforceable.

51.

As a result of the foregoing, there is an actual controversy between Atlanta and APS with respect to potential annexation by Atlanta within Fulton County, and uncertainty as to the parties' rights, status, and other legal relations that can be resolved only by a decree of this Court. Further, the ends of justice require that a

declaration of Atlanta's rights and other relations should be rendered by this Court because Atlanta is uncertain as to its rights, status, and other legal relations with APS, and that uncertainty can be resolved only by a decree of this Court.

52.

Atlanta is entitled to a judgment declaring its rights and other legal relations as follows: Atlanta may annex within Fulton County without automatically expanding the boundaries of APS, as the 1950 Schools LCA was never validly reenacted and thus stood repealed on July 1, 1987 by operation of 1983 Ga. Const. Art. XI, § 1, ¶ IV.

Prayer for Relief

WHEREFORE, Atlanta respectfully prays as follows:

- (1) that the Court take jurisdiction over this Petition for declaratory judgment;
- (2) that the Court settle the present controversy and afford Atlanta relief in the form of a declaration that:
 - a. HB 1620 was an unconstitutional attempt to amend the 1950 Schools LCA;
 - b. The 1950 Schools LCA was never validly continued and was thus repealed as of July 1, 1987 by Article XI; and that
 - c. Either the General Assembly or Atlanta, acting through statutory home rule power, may determine on a case-by-case basis whether

annexation by Atlanta within Fulton County extends APS' boundaries, and thus whose educational taxes should be levied within such annexed areas;

- (3) that the Court grant Atlanta an award of its costs on this Petition including an award of its reasonable attorney fees and expenses; and
- (4) that the Court grant Atlanta such other and further relief as the Court may find just and appropriate.

Dated this 18th day of March, 2015.



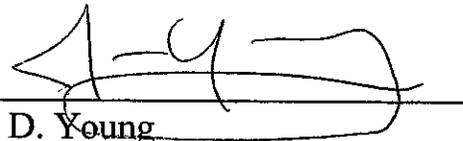
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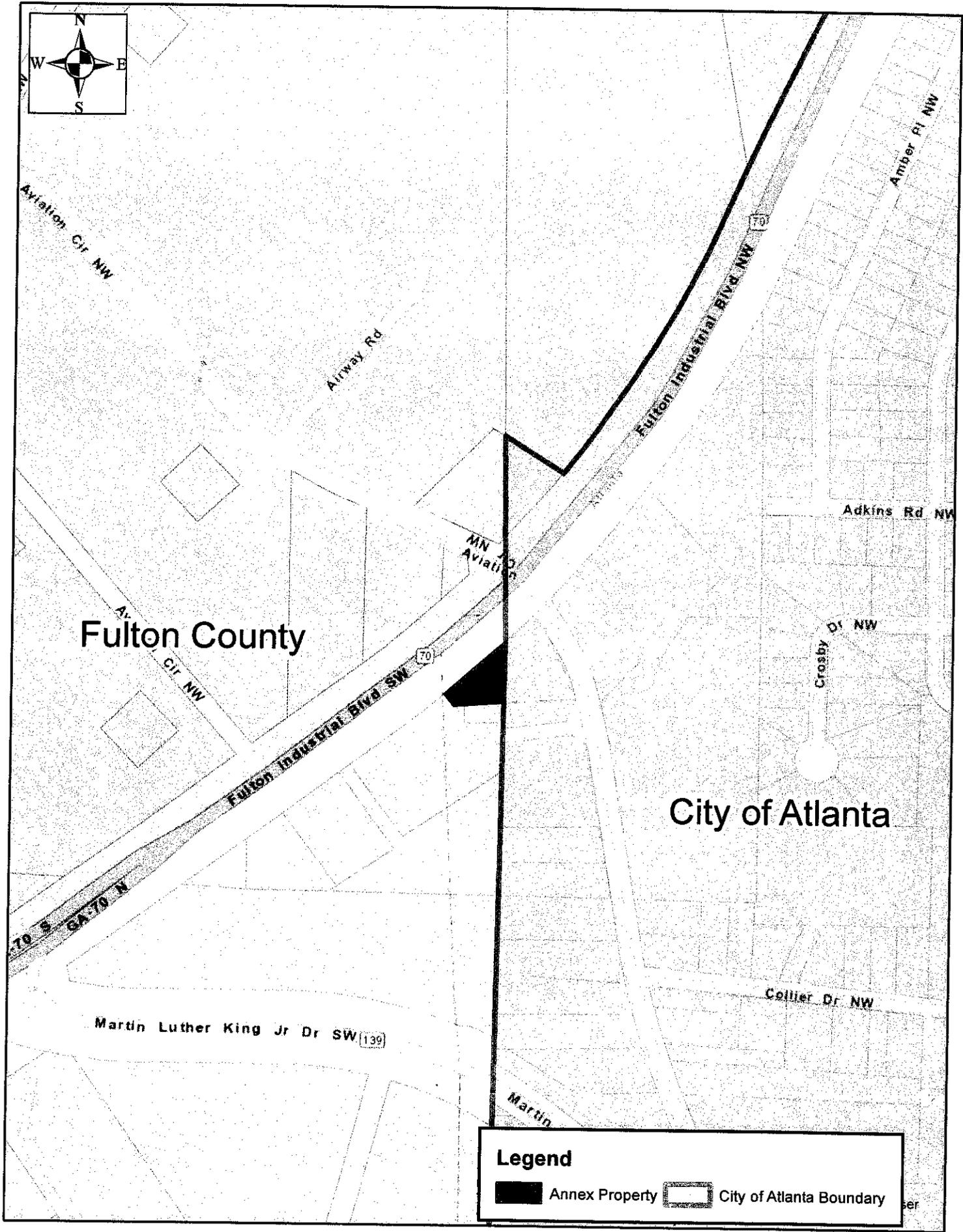
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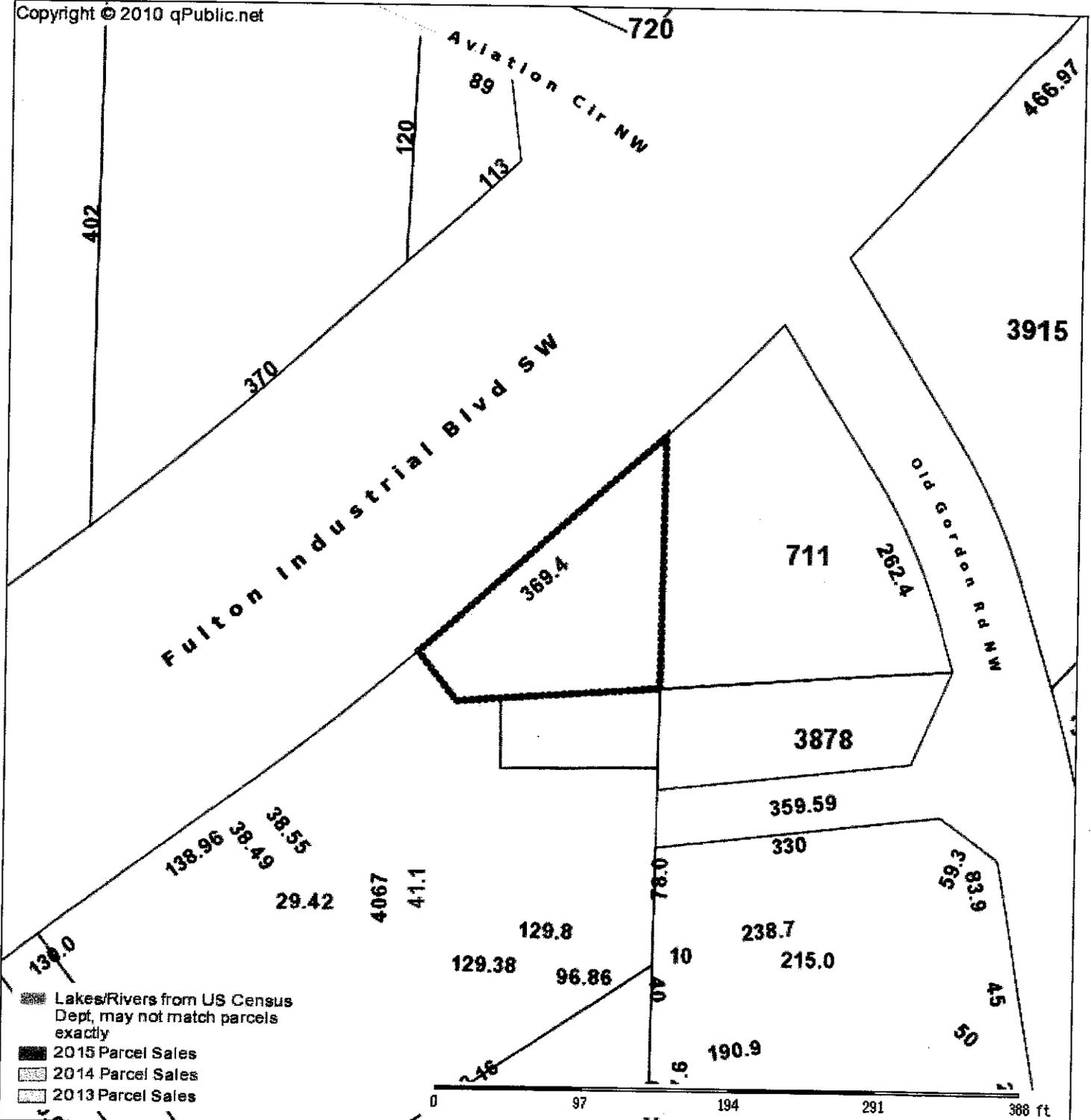
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Attorneys for the City of Atlanta

EXHIBIT A

FID Parcel Annexation



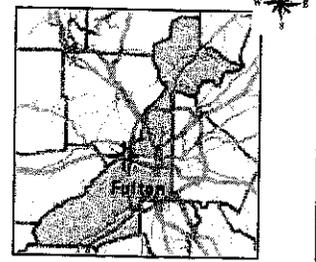


Fulton County Assessor

Parcel: 14F002200010198 Acres: 0.5688

Name: SUN TRUST BANK ATL
 Site: FULTON IND BLVD
 Sale:
 Mail: 7700 FORSYTH BLVD FLOOR 9
 SAINT LOUIS, MO 63105

Land Value:	112600
Building Value:	16600
Misc Value:	
Total Value:	129200



Fulton County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

Date printed: 03/16/15 : 09:41:31

EXHIBIT B

limits," and the words "Against ratification of the amendment to Article VII, Section VII, Paragraph I of the Constitution of Georgia, 1945, requiring the City of Atlanta to assume and pay a proportionate part of the Fulton County School District bonds upon extension of the corporate limits." Returns shall be made and results declared as required by law. If the said amendment be adopted as required by law by the qualified voters of Georgia, Fulton County and the City of Atlanta, said amendment shall become a part of Article VII, Section VII, Paragraph I of the Constitution of Georgia of 1945.

CITY OF ATLANTA—ADDED TERRITORY PART OF
CITY SCHOOL SYSTEM

Proposed Amendment to the Constitution.

No. 73 (House Resolution No. 182-969).

A RESOLUTION

Proposing to the qualified voters of the State of Georgia an amendment to Article VIII, Section V, Paragraph I of the Constitution of Georgia of 1945, so as to provide that upon extension of the corporate limits of the City of Atlanta into Fulton County, the territory embraced therein shall become a part of the independent school system of the City of Atlanta and shall cease to be a part of the school system of the county and that the school property located within the area embraced in the extension shall become the property of the City of Atlanta.

Be it enacted by the General Assembly of the State of Georgia and it is hereby enacted by authority of the same:

Section 1. That the Constitution of Georgia of 1945 be amended by adding to Article VII, Section V, Paragraph I, the following words:

Provided, however, that when the corporate limits of the City of Atlanta are extended into Fulton County, the territory embraced therein shall become a part of the independent

school system of the City of Atlanta and shall cease to be a part of the school system of the county. The school property located within the area embraced in the extension shall become the property of the City of Atlanta."

Added territory
part of city
school
system.

Section 2. Be it further enacted that when this amendment shall have been agreed to by the requisite two-thirds of the members of each house, with the "ayes" and "nays" entered thereon, it shall be published as required by law and submitted to the qualified voters of Georgia, Fulton County and the City of Atlanta for ratification or rejection at the next general election, at which constitutional amendments may be voted on. All persons voting at said election shall have written or printed on their ballots the words, "For ratification of the amendment to Article VII, Section V, Paragraph I of the Constitution of Georgia, 1945, providing that upon extension of the corporate limits of the City of Atlanta into Fulton County, the territory embraced therein shall become a part of the independent school system of the City of Atlanta, and shall cease to be a part of the school system of the county and that the school property located within the area embraced in the extension shall become the property of the City of Atlanta," and the words, "Against ratification of the amendment to Article VIII, Section V, Paragraph I of the Constitution of Georgia, 1945, providing that upon extension of the corporate limits of the City of Atlanta into Fulton County, the territory embraced therein shall become a part of the independent school system of the City of Atlanta, and shall cease to be a part of the school system of the county and that the school property located within the area embraced in the extension shall become the property of the City of Atlanta." Returns shall be made and the results declared as required by law. If the said amendment be adopted as required by law by the qualified voters of Georgia, Fulton County and the City of Atlanta, said amendment shall become a part of Article VIII, Section V, Paragraph I of the Constitution of Georgia of 1945.

Popular
vote.

EXHIBIT C

so as to provide for the election of members of the Board of Education of Glascock County by the people.

“Against ratification of amendment to the Constitution so as to provide for the election of members of the Board of Education of Glascock County by the people.”

All persons desiring to vote in favor of adopting the proposed amendment shall vote for ratification of the amendment, and all persons desiring to vote against the adoption of the proposed amendment shall vote against ratification.

If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this State. The returns of the election shall be made in like manner as returns for elections for members of the General Assembly, and it shall be the duty of the Secretary of State to ascertain the result and certify the result to the Governor, who shall issue his proclamation thereon.

Approved March 17, 1960

LIABILITY OF CITY OF ATLANTA WHEN PROPERTY
IN FULTON COUNTY SCHOOL DISTRICT IS
ANNEXED TO CITY OF ATLANTA

Proposed Amendment to the Constitution.

No. 218 (House Resolution No. 459-1136).

A Resolution

Proposing to the qualified voters of the State of Georgia an amendment to Article VII, Section VII, Paragraph 1 of the Constitution of Georgia of 1945.

Be it resolved by the General Assembly of the State of Georgia as follows:

Section 1. Article VII, Section VII, Paragraph 1 of the Constitution of Georgia of 1945 is hereby amended, effective with the approval of this amendment by the necessary vote of the people, by adding the following:

"The provisions of the amendment to this Constitution appearing in Georgia Laws, 1951, at pages 381-384, shall apply only to past annexations. In the future, at such time as any property within the Fulton County School District is annexed to the City of Atlanta, liabilities of said District shall be assumed by said City as follows:

"(1) Said City shall assume that proportion of the bonded indebtedness of said District outstanding at such time, which the value of property in the annexed area subject to taxation for the payment of such indebtedness at such time, bears to the total value of such property in said District at such time; provided however, that the determination of such proportion shall be made without inclusion of any area theretofore annexed or any bonded indebtedness theretofore assumed by said City.

"(2) Said City shall also assume any rental contracts or other obligations owing at such time by said District in consideration of the right of future ownership or possession or use of school property in the annexed area.

"While any of the foregoing liabilities thus assumed are outstanding, the amounts required to meet same during any year shall be paid by said City to the Board of Education of said District on or before December 31 of the previous year; and said City shall determine annually in advance the amounts thus required to be paid, and shall include same in its budget and necessary taxes levied and collected throughout the entire area of said City as extended shall include taxes for the purpose of paying same. So long as said City shall promptly pay such amounts, no taxes shall

be levied or collected on behalf of said District to pay same, as would otherwise be required by Article VII, Section VII, Paragraph I of this Constitution.

"No liability assumed by said City in connection with any such annexation shall be considered as a debt of said District for the purpose of determining the maximum debt which this Article permits said District to incur.

"If at the time of any such annexation said District is in possession of any funds which the Board of Education of said District has specifically allocated for construction of school buildings in the annexed area, such Board of Education shall expend such funds upon such construction even after such annexation, and when such funds have been expended shall surrender possession of such buildings to said City.

"Nothing herein shall be construed as affecting the rights of any holder of bonds of said District."

Section 2. Be it further enacted that when this amendment shall have been agreed to by the requisite two-thirds of the members of each House of the General Assembly, with the "Ayes" and "Nays" entered thereon, it shall be published as required by law and submitted to the qualified voters of the political subdivisions affected for ratification or rejection at the next general election at which constitutional amendments may be voted on. All persons voting at said election shall have written or printed on their ballots the words, "For ratification of the amendment to Article VII, Section VII, Paragraph I of the Constitution of 1945, providing for the assumption of certain Fulton County School District obligations by the City of Atlanta in the event of future extensions of its corporate limits," and the words, "Against ratification of the amendment of Article VII, Section VII, Paragraph I of the Constitution of Georgia of 1945, providing for the assumption of certain Fulton County School District obligations by the City of Atlanta in the event of

future extensions of its corporate limits." Returns shall be made and results declared as required by law. If said amendment be adopted as required by law, it shall become a part of Article VII, Section VII, Paragraph I of the Constitution of Georgia of 1945.

Approved March 23, 1960.

MILLAGE LIMITATION ON TAX LEVY FOR
EDUCATIONAL PURPOSES.

Proposed Amendment to the Constitution.

No. 219 (Senate Resolution No. 76).

A Resolution.

Proposing an amendment to the Constitution so as to change the provisions relating to the millage limitation for the tax levy for education; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Be it resolved by the General Assembly of Georgia:

Section 1. Article VIII, Section XII, Paragraph 1 of the Constitution, relating to taxation by counties for education, as amended by an amendment ratified November 2, 1954, and found in Georgia Laws 1953, November-December Session, page 252, is hereby amended by striking the following:

"The fiscal authority of the several counties shall levy a tax for the support and maintenance of education not less than five mills nor greater than fifteen mills (as recommended by the county board of education) upon the dollar of all taxable property in the county located outside independent school systems. The independent school system of Chatham county and the city of Savannah, being co-extensive with said

EXHIBIT D

CITY OF ATLANTA — INDEPENDENT SCHOOL SYSTEM;
ANNEXATION OF TERRITORY INTO CITY; LOCAL
CONSTITUTIONAL AMENDMENT CONTINUED

No. 1229 (House Bill No. 1620).

AN ACT

To continue in force and effect as a part of the Constitution of the State of Georgia that constitutional amendment providing that, upon the extension of the corporate limits of the City of Atlanta into Fulton County, the additional territory and school property located in the annexed area become a part of the City of Atlanta independent school system (Res. Act No. 73; H.R. 182-969; Ga. L. 1950, p. 458); to provide the authority for this Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. That constitutional amendment providing that, upon the extension of the corporate limits of the City of Atlanta into Fulton County, the additional territory and school property located in the annexed area become a part of the City of Atlanta independent school system (Res. Act No. 73; H.R. 182-969; Ga. L. 1950, p. 458) shall not be repealed or deleted on July 1, 1987, as a part of the Constitution of the State of Georgia but is specifically continued in force and effect on and after that date as a part of the Constitution of the State of Georgia.

Section 2. This Act is passed pursuant to Article XI, Section 1, Paragraph IV of the Constitution of the State of Georgia which authorizes the continuation of certain amendments to the Constitution.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

NOTICE OF INTENTION TO INTRODUCE LOCAL
LEGISLATION

Notice is hereby given that there will be introduced at the regular 1986 session of the General Assembly of Georgia a bill

to maintain the provisions of an amendment to the Constitution of the State of Georgia, as found in Ga. L. 1950, p. 458, which amendment provides that, upon the extension of the corporate limits of the City of Atlanta into Fulton County, the additional territory and school property located in the annexed area become a part of the City of Atlanta Independent School System; and for other purposes.

This 27th day of January, 1986.

W. M. Alexander
Legislative Coordinator
City of Atlanta
Jan 27 1986Req-2

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Lorenzo Benn, who, on oath, deposes and says that he is Representative from the 38th District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Fulton County Daily Report which is the official organ of Fulton County, on the following date: January 27, 1986.

/s/ Lorenzo Benn
Representative,
38th District

Sworn to and subscribed before me,
this 3rd day of February, 1986.

/s/ Connie F. Smith
Notary Public, Clayton County, Georgia.
My Commission Expires Nov. 21, 1989.
(SEAL)

Approved March 26, 1986.

EXHIBIT E



**CITY OF ATLANTA
OFFICE OF THE MUNICIPAL CLERK**

REONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GA 30303
(404) 330-6033
FAX (404) 658-6103

March 17, 2015

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
USPS Tracking No.: 7012 3050 0001 3961 1894

Honorable John H. Eaves
Chairman, District 1 (At Large)
Fulton County Board of Commissioners
141 Pryor Street SW, 10th floor
Atlanta, GA 30303

**Re: Application for annexation by 100% method of 0 Fulton Industrial
Boulevard NW, Atlanta, Georgia, 30336, tax parcel number
14F002200010198.**

Dear Mr. Eaves:

This letter has been sent to you, by certified mail return receipt requested, within five (5) business days of acceptance by the City of Atlanta of an annexation application, enclosed herein, for the above referenced property.

Please be advised that the City of Atlanta plans to initiate the legislative process to annex the above referenced property as depicted in the attached map at a regularly scheduled meeting of the City Council. If annexed, the City of Atlanta intends to concurrently adopt similar land use and zoning to that of Fulton County for the property, specifically an industrial land use classification and the I-1 (light industrial) zoning district.

Pursuant to O.C.G.A. § 36-36-7 and O.C.G.A. § 36-36-9, you must notify the governing authority of the City of Atlanta of any county facilities or property located within the property to be annexed, within five (5) business days of receipt of this letter in writing and by certified mail, return receipt requested.

Honorable John H. Eaves
March 17, 2017
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If the county has an objection under O.C.G.A. § 36-36-113, in accordance with the objection and resolution process, you must notify Charletta Wilson Jacks, Director Bureau of Planning, within thirty (30) calendar days of the receipt of this notice.

Thank you for your attention to this matter.

Sincerely,



Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta

RDJ/pcm

Enclosures:

CC: Atlanta City Council Members
Fulton County Commissioners
Cathy Hampton, City Attorney
Candace Byrd, Mayor's Chief of Staff
Charletta Wilson Jacks, Director of the Office of Planning

11:50 P.M.
OFFICE OF
MUNICIPAL CLERK

2015 MAR 17 AM 4:11



CITY OF ATLANTA

KASIM REED
MAYOR

55 TRINITY AVENUE, S.W.
ATLANTA, GEORGIA 30303-0300
TEL (404) 330-6100

March 17, 2015

Cesar Mitchell, President
Atlanta City Council
55 Trinity Avenue
Atlanta, Georgia 30303

Re: PETITION REQUESTING ANNEXATION

Dear President Cesar Mitchell:

I, the undersigned, on behalf of the City of Atlanta, the 100% owner of all real property of the territory described herein by virtue of that deed of gift recorded at Fulton county deed book 54686, page 379, respectfully request that the City Council of the City of Atlanta, Georgia annex this territory to the City of Atlanta, Georgia, and extend the city boundaries to include the same. I also request that the City Council of the City of Atlanta, Georgia adopt the industrial land use designation and the I-2 (heavy industrial) zoning classification, a land use designation and zoning classification compatible to that currently in existence in unincorporated Fulton County.

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

0 Fulton Industrial Boulevard NW, Atlanta, Georgia, 30336, tax parcel number 14F002200010198. This territory is depicted on tax parcel map from the Fulton County Tax Assessor, attached hereto as Exhibit "A".

Sincerely,

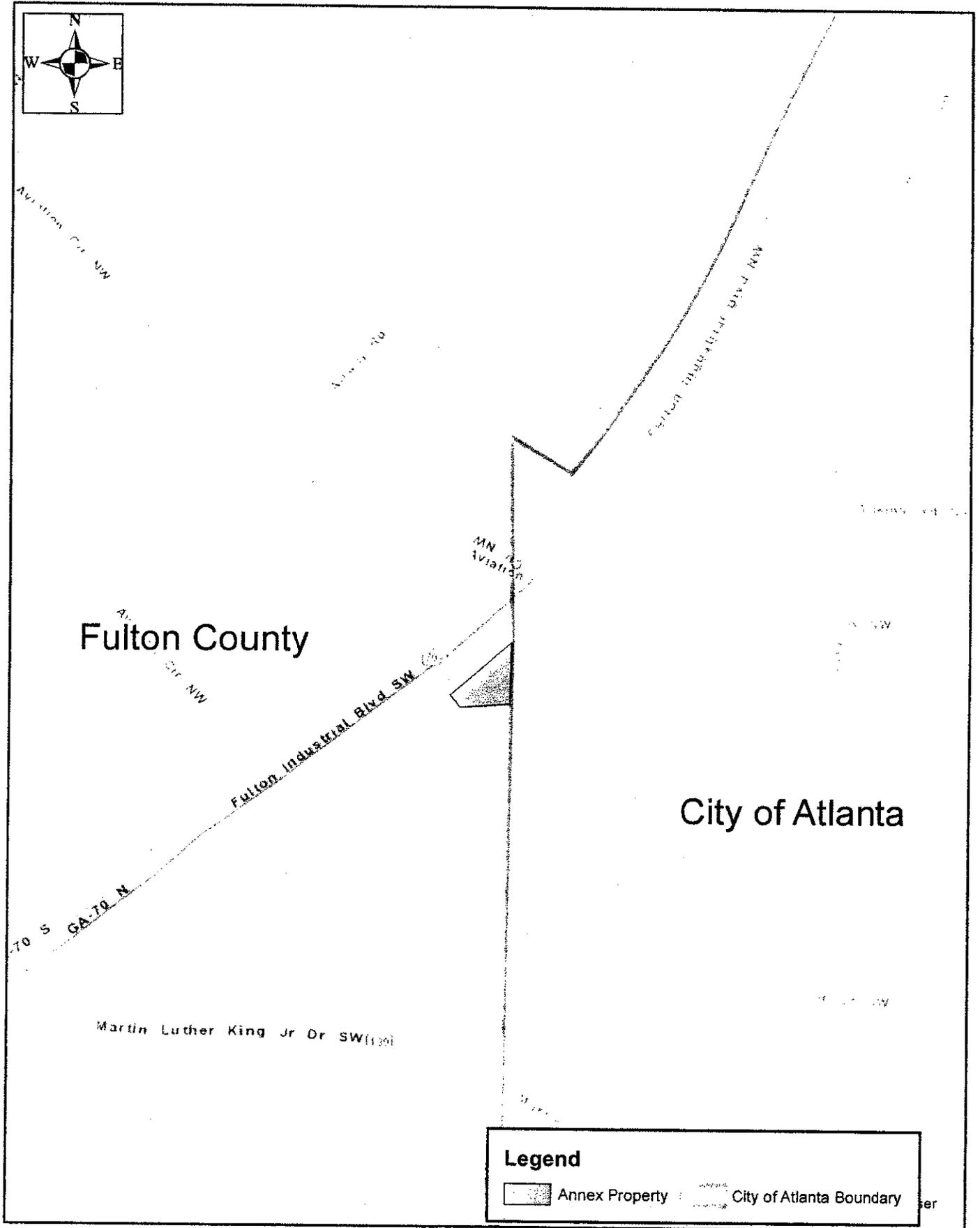
A handwritten signature in black ink, appearing to read 'Kasim Reed', written over a white background.

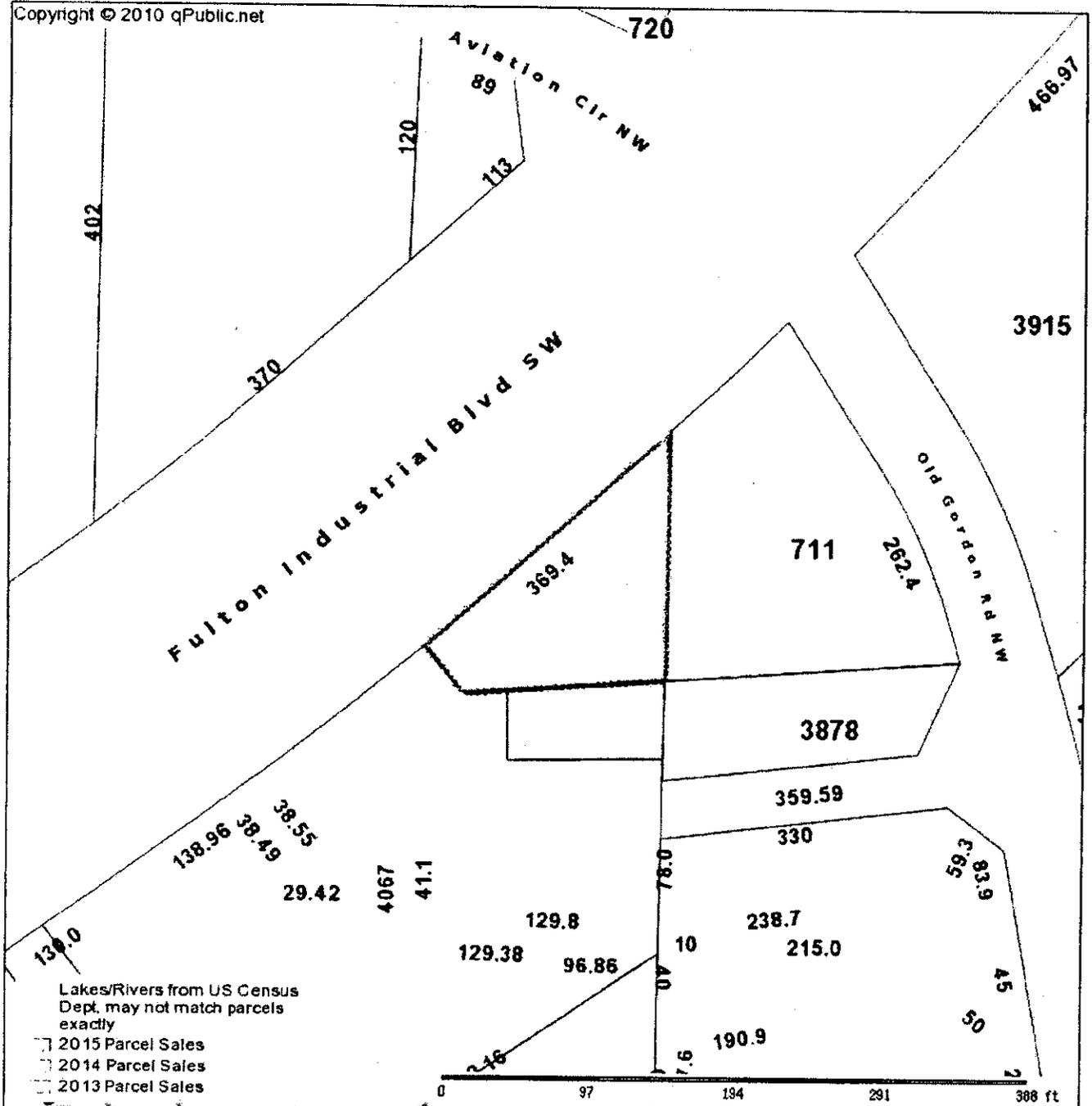
Kasim Reed

cc: Councilmember Carla Smith, District 1
Councilmember Kwanza Hall, District 2
Councilmember Ivory Lee Young, District 3
Councilmember Cleta Winslow, District 4

Councilmember Natalyn Archibong, District 5
Councilmember Alex Wan, District 6
Councilmember Howard Shook District 7
Councilmember Yolanda Adrean, District 8
Councilmember Felecia Moore, District 9
Councilmember C.T. Martin, District 10
Councilmember Keisha Bottoms, District 11
Councilmember Joyce Sheperd, District 12
Councilmember Michael Julian Bond, Post 1 at large
Councilmember Mary Norwood, Post 2 at large
Councilmember Andre Dickens, Post 3 at large
Municipal Clerk's Office

FID Parcel Annexation





Lakes/Rivers from US Census Dept. may not match parcels exactly

- 2015 Parcel Sales
- 2014 Parcel Sales
- 2013 Parcel Sales

Fulton County Assessor

Parcel: 14F002200010198 Acres: 0.5688

Name:	SUN TRUST BANK ATL	Land Value:	112600
Site:	FULTON IND BLVD	Building Value:	16600
Address:	7700 FORSYTH BLVD FLOOR 9	Misc Value:	
City/State:	SAINT LOUIS, MO 63105	Total Value:	129200



Fulton County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.
Date printed: 03/16/15 : 09:41:31

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to: John Eaves, Chairman Fulton County Board of Commissioners 141 Pryor St, S.W. 10th Floor Atlanta, GA 30303</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7012 3050 0001 3961 1894</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



7012 3961 1894
4691 796E 1894
7012 3050 0001 3961 1894

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OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: **John Eaves, Chairman**
Fulton County Bd of Commissioners
Street, Apt. No.,
or PO Box No.: **141 Pryor St SW, 10th Floor**
City, State, ZIP+4
ATLANTA, GA 30303

PS Form 3811, August 2000 See Reverse for Instructions

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ATLANTA GA 30303

Postage	\$ 11.40	0076 27 Postmark Here 03/17/2015
Certified Fee	\$3.30	
Return Receipt Fee (if endorsement Required)	\$2.70	
Restricted Delivery Fee (if endorsement Required)	\$0.00	
Total Postage & Fees	\$ 17.40	

Send To John W. Poye, Attorney
Western Commission
Apt. No. _____
or PO Box No. 141 Poyer St. SW, 10th Floor
City, State, ZIP+4 Atlanta GA 30303