



ANNEXATION

APPLICATION PACKET

- Annexation Offer
- Annexation Overview
- Annexation Application
- Letter of Request (to be annexed)
- Conflict of Interest Certification w/ Definitions

NORCROSS CITY GOVERNMENT
Economic Development
Effective Date: May 1, 2011
Deadline Date: September 15, 2011

ANNEXATION OVERVIEW

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

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 Norcross.

Annexation fees are waived through September 15, 2011

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 City Hall and ask for the Economic Development Manager, Rusty Warner. Please call during the business week, 8:30-5:00 p.m. Rusty will be happy to discuss the annexation with you over the phone or will schedule a pre-annexation conference. Please contact Rusty at 678-421-2027.



ANNEXATION APPLICATION

City Ordinance § 115-310 (a) requires that the applicant must be the owner.

OWNER INFORMATION

Owner's Name: _____
Owner's Address: _____
Phone: _____ Fax: _____ Email: _____

COMPANY/ CONTACT INFORMATION

Contact Name: _____
Company Name: _____
Contact Address: _____
Phone: _____ Fax: _____ Email: _____

PROPERTY LOCATION

Tax Parcel Number _____ Lot Size in Acres _____
Property Address: _____
Number of Existing Structures: _____ Existing Use: _____

REQUIRED ATTACHMENTS

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

OWNER'S SIGNATURE

**I hereby certify that I have received a copy of city code § 115-311
*Procedure for Public Hearing***

Signature

Date

CITY USE, ONLY. DO NOT WRITE IN THIS BOX.

Date received: _____ Application Number: _____
NOTES: _____

DEADLINE AND HEARING SCHEDULE

The _____ meets on the _____ Monday of each month. All applications must be submitted by the _____nd
Monday of the previous month.



ANNEXATION LETTER OF REQUEST 100% Method

PROPERTY ADDRESS: _____

To the Mayor and city Council of Norcross, Georgia,

We, the undersigned, all of the owners of all real property of the territory described herein, respectfully request that the City Council annex this territory to the City of Norcross, 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 Norcross, 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 as necessary)

CITY USE ONLY, DO NOT WRITE IN THIS BOX

Date Received: _____

Receipt# _____



CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et seq. Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

*Before me, the undersigned notary public, this day, personally, appeared _____
to me known, who being duly sworn according to law, deposes the following:*

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a City of Norcross Mayor/Council Member or a Member of the Planning and Zoning Board

_____ (YES or NO)

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (LIST ALL WHICH AGGREGATE TO \$250.00 OR MORE)	DATE CONTRIBUTION WAS MADE (WITHIN THE LAST TWO YEARS)

Attach additional sheets if necessary to disclose or describe all contributions.



DATE RECEIVED: _____ CASE#: _____ ACCEPTED BY: _____

§ 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 preceding 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.