

Subject: Coweta County v. City of Senoia: Annexation Arbitration Request - Forza Senoia Partners, LLC
Date: Friday, November 18, 2022 at 3:45:04 PM Eastern Standard Time
From: Juli M Yoder
To: Fouts, Michael
CC: External - Lee, Nathan, Jon A. West
Attachments: Coweta County Objection Notification (AN 010-22 Forza Senoia Partners, LLC).pdf, AN 010-22 Notice of Annexation.pdf, AN 010-22 Notice of Objection.pdf

Mr. Fouts,

Thank you for following up on this matter.

The Georgia Department of Community Affairs has received materials (attached) from Coweta County pursuant to a request for an Annexation Arbitration Panel related to a proposed annexation of parcels on Highway 85.

Georgia law directs cities to notify the county in which the area proposed for annexation is located, within 5 business days upon accepting an application for annexation (O.C.G.A. 36-36-6). After review of the documents provided, the City accepted the application for annexation on June 10th, 2022. The 5th and final day the county could have been notified was June 17th, 2022. According to the documentation provided, the county was notified of the proposed annexation on September 14th, 2022 via FedEx overnight (tracking number: 813388773790).

As this process began prior to July 1st, 2022, it is held to the previous annexation arbitration statute (HB2). O.C.G.A. § 36-36-113(c) requires the County to provide notice of its objection which shall be delivered to the City *not later than the end of the thirtieth calendar day* following the date when the County received the City's initial notice of the proposed annexation. The 30th day following September 14th, 2022 is October 14th, 2022. It appears that the County's letter of objection was delivered to the City on October 31st, 2022, based on the date in the email delivering the objection to the municipality.

Lastly, O.C.G.A. § 36-36-113(c) requires that the letter of objection be delivered to the municipality by either certified mail or statutory overnight delivery. The County's letter of objection states that the method of delivery was both email and hand delivery.

Any one of the above items on their own, would have prevented us from being able to provide the County with the panel as requested. Because the county was notified outside of the statutory time frame, the untimely objection notice, and the manner in which the objection was delivered to the municipality, DCA respectfully declines to appoint an arbitration panel in this matter.

Regards,

--Juli Yoder



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Learn more about our commitment to [fair housing](#).

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