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Contact:

Marc Johnson, City Manager

mjohnson@chambleega.com

770-986-5026

CHAMBLEE, GA-

Georgia Court of Appeals Rules Unanimously in Favor of the City of Chamblee Regarding the Annexation Dispute over Century Center with the City of Brookhaven

On October 23, 2014, the Georgia Court of Appeals issued a unanimous ruling in the case of City of Brookhaven, Georgia et al. v City of Chamblee, Georgia. In its ruling the Court wrote “the trial court properly granted Chamblee’s motion for summary judgment and denied Highwoods’s motion.”

The appeal stems from Brookhaven’s attempt to approve the annexation of the Century Center commercial development owned by Highwoods Properties after the Governor had signed into law an act calling for a referendum on an annexation of certain property into the City of Chamblee. That Act specifically set out the boundaries of the land to be considered for annexation. In an attempt to stop that annexation until after the scheduled referendum, Chamblee filed a petition in DeKalb Superior Court seeking a declaratory judgment and injunctive relief against Brookhaven. The Superior Court initially issued a temporary restraining order enjoining Brookhaven from voting on the annexation. On August 19, 2013, the Superior Court issued an interlocutory injunction barring the City of Brookhaven “from acting to annex any portion of the [Annexation Area] until further order of this Court.” Then on October 28, 2013, the Superior Court issued an order granting summary judgment to Chamblee and allowing Chamblee to proceed with the annexation.

It is Highwood’s Properties’ appeal of this ruling that the Appellate Court ruled on. In its ruling, the Court clearly agreed with every argument Chamblee made in defense of the voters’ right to decide whether they wished to approve the annexation of the area specifically described by the Legislature without it having been altered by the City of Brookhaven. The Court rejected “Highwood’s contention that the Act was not in effect until after the referendum and that the trial

court properly relied on the Act in granting summary judgment to Chamblee.” They also concluded that Brookhaven “could not exercise its power to annex Century Center out of the designated Annexation Area while the referendum process was pending.” In doing so, they found “that permitting Brookhaven to annex the Century Center property would clearly restrict, limit, and/or impair the General Assembly’s authority to annex in this case.” The Court further wrote “Allowing Brookhaven to annex a portion of this territory before the referendum could take place would, in essence, allow it to unilaterally effectuate an amendment to the Act during a period of time when the General Assembly was not even in session.”

To say that Chamblee officials are pleased with the ruling would be an understatement. It is truly unfortunate that the citizens of Chamblee were burdened with the time and expense of this court battle when those resources could have been much better spent providing services to the newly annexed area. Chamblee can only hope now that the City of Brookhaven and Highwoods Properties will accept the Appellate Court’s ruling and allow the annexation to move forward in its entirety without the uncertainty and as the General Assembly clearly intended.