

**Topic:** Alternative Dispute Resolution  
**Resource Type:** Regulations  
**State:** Georgia  
**Jurisdiction Type:** Municipal  
**Municipality:** County of Montgomery  
**Year (adopted, written, etc.):** 1998  
**Community Type – applicable to:** Urban; Suburban; Rural  
**Title:** County of Montgomery Land Use Classification Ordinance – Alternative Dispute Resolution Provision  
**Document Last Updated in Database:** January 27, 2016

### ***Abstract***

The County and cities therein resolved to use a formalized dispute resolution process when there is a conflict involving property annexations or land use plans.

### ***Resource***

#### **RESOLUTION ESTABLISHING A PROCESS TO RESOLVE INTERGOVERNMENTAL LAND USE CLASSIFICATION DISPUTES PURSUANT TO PROPERTY ANNEXATIONS AND LAND USE PLANS**

**WHEREAS**, the Montgomery County Board of Commissioners and the Mayors and Councils of its political jurisdictions have found it necessary, desirable and in the public interest to establish a formal process to resolve land use disputes as these relate to property annexation and land use plans,

And

**WHEREAS**, the Montgomery County Board of Commissioners and the governing bodies of the county's municipal jurisdictions have jointly developed a cooperative plan to resolve said issues,

**BE IT THEREFORE RESOLVED** by the Montgomery County Board of Commissioners of Montgomery County, Georgia and the governing bodies of the Cities of Ailey, Alston, Higgston, Mount Vernon, Tarrytown, and Uvalda, **IT IS HEREBY RESOLVED** by the Authority of same:

**Section 1.** Effective immediately upon the adoption of this Resolution by the respective governments, the following process for resolving land use disputes shall be implemented:

1. Prior to initiating any formal annexation activities, the municipality will notify the

county of a proposed annexation and provide information on location of property, size of area, and proposed land use or zoning classifications(s) (if applicable) of the property.

Within 30 days following receipt of the above information, the county will forward to the city a statement either: (a) indicating that the county has no objection to the proposed land use for the property; or (b) describing its bona fide objection(s) to the city's proposed land use classification, providing supporting evidence, and listing any possible stipulations or conditions that would alleviate the county's objection(s);

2. If the county has no objection to the city's proposed land use or zoning classification, the city is free to proceed with the annexation. If the county fails to respond to the city's notice in writing within the deadline, the city is free to proceed with the annexation and the county loses its right to invoice the dispute resolution process, or object to land use changes after the annexation.

3. If the county notifies the city that it has a bona fide land use classification objection(s), the city will respond to the county in writing within 30 days of receiving the county objection(s) by either: (a) agreeing to implement the county's stipulations and conditions and thereby resolve the county's objections(s); (b) agreeing with the county and stopping action on the proposed annexation; (c) disagreeing that the county's objections(s) are bona fide, the city will initiate a joint meeting of the respective governments to resolve the issue(s);

4. If the city initiates mediation, the city and county will agree on a mediator, mediation schedule and determine participants in the mediation. The city and county agree to share equally any costs associated with the mediation.

5. An annexation proposal shall not be effective until any bona fide land use classification objections raised by the county are resolved pursuant to the dispute resolution process.

6. However, the final resolution of any recommendation of a land use classification will be accorded to the governing body considering the annexation. In cases of land use disputes not related to annexation proposals, the final resolution of a land use dispute will be accorded to will be accorded to the jurisdiction in which the subject property is located. Notwithstanding, a government may seek declaratory judgment in a court of proper jurisdiction pursuant to a land use decision.

**Section 2.** All ordinances and resolutions in conflict herewith are hereby repealed.

*Adopted June 2, 1998*