

JOHNS CREEK TIMELINE BILLBOARD LITIGATION

- 2003-2005** Action Outdoor Advertising JV, LLC; KH Outdoor LLC; Granite State Outdoor Advertising, Inc.; Boardworks Outdoor Advertising Company, Inc.; Steven Galberaith and Larry Roberts filed outdoor advertising applications with Fulton County.
- 2005** Fulton County denies them, citing its sign ordinance.
- Billboard companies challenge sign ordinance, filing a lawsuit against the county. Fulton County judge ruled in favor of the billboard companies, declaring Fulton County's sign ordinance unconstitutional on First Amendment grounds.
- Instead of passing a new sign ordinance, Fulton County decides that judge's decision only applies to part of its ordinance and continues to deny permits.
- Billboard companies apply to Fulton County for approx. 75 sign permits north of I-285, in advance of new cities in north Fulton being formed.
- 2005-2006** Cities of Sandy Springs, John Creek and Milton established.
- 2007** Cities of Sandy Springs, Johns Creek, Alpharetta and Milton are consolidated with Fulton County's against the billboard companies, saying billboard companies should abide by cities' ordinances, which are more restrictive.
- While the sign companies suits were pending, the Supreme Court determine in a separate appeal that the Fulton County sign ordinance was unconstitutional under the United States Constitution. (Fulton County v. Galberaith, 282 Ga. 314 (2007).
- 5/27/10** Judge Melvin K. Westmoreland of the Fulton Superior Court enters an Order directing all cities including the City of Johns Creek to "permit Plaintiffs INSTANTER to construct, maintain and operate all signs for which they submitted applications and have brought this action."
- The Court's holdings:

- 1) Creation of new cities by the General Assembly did not divest the Plaintiffs of their rights vested under the Constitution to construct signs in accordance with the applications they filed with Fulton County at a time when Fulton County had no valid regulations on signs.
- 2) Overlay districts in cities and county did not defeat Plaintiffs' entitlement to the approval of their sign applications.
- 3) The denial of Plaintiffs' applications constitutes the unconstitutional temporary taking of Plaintiffs' private property without compensation.

June 2011

Georgia Supreme Court rules in *Fulton County v. Action Outdoor Advertising* that the county's sign ordinance is unconstitutional and states that since Fulton County had no valid sign ordinance during the years the companies applied for permits, there was no restriction on construction of signs. Therefore, billboard companies were "vested" and new cities could not enact their own sign ordinances after-the-fact to retroactively deny permits to billboard companies.

Holdings of the Supreme Court:

- 1) The County sign ordinance was wholly void and of no force and effect from the date it was enacted.
- 2) The void Fulton County sign ordinance could not be used as the basis for the denial of the sign companies' applications.
- 3) Therefore, the sign companies obtained vested rights in the issuance of the permits they sought.
- 4) Overlay districts did not regulate billboards.
- 5) Cities' contention that the sign companies' rights did not vest because they do not own nor have sign leasehold interests in all of the properties on which the signs are to be located has no merit.
- 6) Subsequent creation of new cities within unincorporated Fulton County did not divest the companies of their vested rights to construct signs pursuant to the applications they filed in Fulton County.
- 7) Cities could not retroactively impose their regulations to deprive applicants of their vested rights to use the property.

2011-2014

Fulton County negotiates a deal with billboard companies in which it would backdate all requested permits.

2013

Sandy Springs, Johns Creek, Alpharetta and Milton negotiate individually with billboard companies on number/kind/placement of billboards. Sandy Springs, Alpharetta and Milton settle their cases with billboard companies with total number to be built far less than originally requested

Sept. 2014

First billboard is erected in Alpharetta, southwest corner of Old Milton and Kimball Bridge.