

1 HB203  
2 203955-2  
3 By Representatives Faust, Simpson, McMillan, Shiver and Baker  
4 (Constitutional Amendment)  
5 RFD: Baldwin County Legislation  
6 First Read: 11-FEB-20

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ENROLLED, An Act,

To propose an amendment to the Constitution of Alabama of 1901, relating to Baldwin County, to define the Barnwell Landmark District within the county and to prohibit the annexation by local law of any property within the district into any municipality except under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

Part I.

(a) For the purposes of this amendment, the "Barnwell Landmark District" in Baldwin County is defined as follows:

Commence at the Southeast Corner of Old Battles Village, Phase One, on the North margin of Baldwin County Highway Number 34 (A.K.A. Old Battles Road), as shown by map or plat thereof recorded on Slide File 2312-B, Probate Records, Baldwin County, Alabama for a POINT OF BEGINNING: Thence run South to the South margin of said Baldwin County Highway Number 34 (A.K.A. Old Battles Road); thence run

1 Westward, along the South margin of said Baldwin County  
2 Highway Number 34 to the Southeast Corner of the intersection  
3 of Baldwin County Highway Number 34 (A.K.A. Old Battles Road)  
4 and Baldwin County Highway Number 3 (A.K.A. South Section  
5 Street); thence run Southward along the East margin of said  
6 Baldwin County Highway Number 3 to the Southeast Corner of the  
7 intersection of Baldwin County Highway Number 3 (A.K.A. South  
8 Section Street) and Baldwin County Highway Number 32 (A.K.A.  
9 Marlow Road); thence run Westward along the South margin of  
10 said Baldwin County Highway Number 32 and extension thereof to  
11 the East margin of Mobile Bay; thence run South and  
12 Southeastward along the East margin of Mobile Bay and Bon  
13 Secour Bay to the Westward side of the mouth of Weeks Bay;  
14 thence run North and Northeastward along the West margin of  
15 said Weeks Bay to the Westward side of the mouth of Fish  
16 River; thence run Northward along the West margin of said Fish  
17 River and the meanders thereof to the South margin of Baldwin  
18 County Highway Number 48 (A.K.A. Fairhope Avenue); thence run  
19 Westward along the South margin of said Baldwin County Highway  
20 Number 48 to the Southeast Corner of the intersection of  
21 Baldwin County Highway Number 48 (A.K.A. Fairhope Avenue) and  
22 Alabama State Highway Number 181; thence run Southward along  
23 the East margin of said Alabama State Highway Number 181 to  
24 the South margin of Baldwin County Highway Number 34 (A.K.A.  
25 Twin Beech Road); thence run Westward along the South margin

1 of said Baldwin County Highway Number 34 to the Southwest  
2 Corner of the intersection of Baldwin County Highway Number 34  
3 (A.K.A. Twin Beech Road) and Baldwin County Highway Number 13  
4 (A.K.A. Oberg Road); thence run Southward along the West  
5 margin of said Baldwin County Highway Number 13 to the South  
6 boundary of the current City of Fairhope Corporate Limits;  
7 thence run Westward along said Corporate Limits South boundary  
8 to the Southeast Corner of Saddlewood Subdivision, Phase 1, as  
9 shown by map or plat thereof recorded on Slide File 2500-E,  
10 Probate Records, Baldwin County, Alabama; thence continue  
11 Westward along said Saddlewood Subdivision, Phase 1 South  
12 boundary to the Southeast Corner of Saddlewood Subdivision,  
13 Phase 2, as shown by map or plat thereof recorded on Slide  
14 File 2542-D, Probate Records, Baldwin County, Alabama; thence  
15 continue Westward along said Saddlewood Subdivision, Phase 2  
16 South boundary to the Southeast Corner of Southland Place,  
17 Phase Two, a Planned Unit Development, as shown by map or plat  
18 thereof recoded on Slide File 2087-B, Probate Records, Baldwin  
19 County, Alabama; thence continue Westward along said Southland  
20 Place, Phase Two South boundary to the Southeast Corner of  
21 Southland Place, Phase One, a Planned Unit Development, as  
22 shown by map or plat thereof recorded on Slide 2051-E, Probate  
23 Records, Baldwin County, Alabama; thence continue Westward and  
24 Northward along said Southland Place, Phase One South boundary  
25 to the Southwest Corner of Southland Place, Phase One, a

1 Planned Unit Development on the East margin of U. S. Highway  
2 No. 98 (A.K.A. Greeno Road), as shown by map or plat thereof  
3 recorded on Slide File 2051-E, Probate Records, Baldwin  
4 County, Alabama; thence run West to the West margin of U. S.  
5 Highway No. 98 (A.K.A. Greeno Road); thence run Northward  
6 along the West margin of said U. S. Highway No. 98 to the  
7 South boundary of the current City of Fairhope Corporate  
8 Limits; thence run Westward along and following said Corporate  
9 Limits South boundary to the Southeast Corner of Huntington,  
10 Phase One, as shown by map or plat thereof recorded on Slide  
11 File 2184-D, Probate Records, Baldwin County, Alabama; thence  
12 continue Westward along the South boundary of said Huntington,  
13 Phase One to the Eastern boundary of the current City of  
14 Fairhope Corporate Limits; thence run Southward and Westward  
15 along and following said Corporate Limits to the East boundary  
16 line of Old Battles Village, Phase Three, a Planned Unit  
17 Development, according to the map or plat thereof recorded on  
18 Slide File 2632-A, Probate Records, Baldwin County, Alabama;  
19 thence run Southward along the East boundaries of said Old  
20 Battles Village, Phase Three, and Old Battles Village, Phase  
21 Two, a Planned Unit Development, and Old Battles Village,  
22 Phase One, a Planned Unit Development, as shown by maps or  
23 plats thereof recorded on Slide Files 2597-A and 2312-B,  
24 Probate Records, Baldwin County, Alabama to the Point Of  
25 Beginning.

1           LESS AND EXCEPT therefrom any portion of the above  
2 described property which lies within the corporate limits of  
3 the City of Fairhope, Alabama.

4           (b) No property within the Barnwell Landmark  
5 District may be annexed into any municipality by local law.

6           (c) Subsection (b) shall not apply to any  
7 municipality incorporated after the ratification of this  
8 amendment which includes any part of the Barnwell Landmark  
9 District.

10           (d) The Barnwell Landmark District shall not be  
11 considered a legal entity and shall not have any of the  
12 following powers or authority:

13                 (1) Standing to sue or be sued.

14                 (2) Taxing authority.

15                 (3) Zoning authority.

16                 (4) Police power and public safety authority.

17                 (5) Authority to adopt ordinances, rules, or  
18 regulations within its boundaries.

19                 (6) Any other authority or power commonly associated  
20 with a legal entity.

21           Part II.

22           Any landmark district created in Baldwin County by  
23 an amendment to this constitution prior to the ratification of  
24 this amendment shall not be considered a legal entity and  
25 shall not have any of the following powers or authority:

1           (1) Standing to sue or be sued.

2           (2) Taxing authority.

3           (3) Zoning authority.

4           (4) Police power and public safety authority.

5           (5) Authority to adopt ordinances, rules, or  
6 regulations within its boundaries.

7           (6) Any other authority or power commonly associated  
8 with a legal entity.

9           Section 2. An election upon the proposed amendment  
10 shall be held at the general election in November 2020 in  
11 accordance with Section 284.01 of the Constitution of Alabama  
12 of 1901, now appearing as Section 284.01 of the Official  
13 Recompilation of the Constitution of Alabama of 1901, as  
14 amended, and the election laws of this state.

15           Section 3. The appropriate election official shall  
16 assign a ballot number for the proposed constitutional  
17 amendment on the election ballot and shall set forth the  
18 following description of the substance or subject matter of  
19 the proposed constitutional amendment:

20           "Relating to Baldwin County, proposing an amendment  
21 to the Constitution of Alabama of 1901, to define the Barnwell  
22 Landmark District within the county and to prohibit the  
23 annexation by local law of any property within the district  
24 into any municipality except under certain conditions.

25           "Proposed by Act \_\_\_\_\_."

1                    This description shall be followed by the following  
2        language:  
3                    "Yes ( ) No ( )."



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 03-MAR-20.

Jeff Woodard  
Clerk

Senate	06-MAY-20	Amended and Passed
House	07-MAY-20	Concurred in Senate Amendment