

1 SB266
2 184358-3
3 By Senators Coleman-Madison, Smitherman and Dunn
4 RFD: County and Municipal Government
5 First Read: 02-MAR-17

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to municipalities; to provide an additional
12 annexation method to allow municipalities to annex an
13 unincorporated territory which has been enclosed within the
14 corporate limits of the municipality for a period of one year
15 or more; and to provide for notice to the owner or owners of
16 the territory prior to any annexation and consent of the owner
17 or owners under certain conditions.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) Any incorporated municipality may
20 annex an unincorporated territory that is enclosed within the
21 corporate limits of the municipality and has been enclosed for
22 a period of one year or more and which is 15 acres in size or
23 less pursuant to the procedures of this section. The
24 municipality shall adopt a proposal declaring that the
25 unincorporated territory set forth and described therein has
26 been enclosed for a period of one year or more and that the

1 annexation of the unincorporated territory is in the best
2 interest of the public good and welfare of the municipality.

3 (b) Prior to the adoption of an ordinance of
4 annexation under this section, the municipality shall provide
5 notice to the owner or owners of the territory proposed to be
6 annexed pursuant to this section, stating the date and time
7 the proposed annexation will be considered by the municipal
8 council. Notice shall be sent to the address of the owner or
9 owners as their names appear at the office of the county tax
10 assessor or revenue commissioner. The notice shall be sent by
11 certified or registered mail not less than 90 days before the
12 date the annexation will be considered by the municipal
13 council. Thereafter, the owner or owners of the territory
14 proposed to be annexed must sign a written statement with the
15 city clerk consenting or not consenting to the annexation, or
16 the owner or owners of the territory must appear at a hearing
17 before the council and either consent or not consent to the
18 proposed annexation. If the owner or owners of the territory
19 do not consent to the proposed annexation as provided above,
20 the proposed annexation shall be terminated. Notwithstanding
21 the foregoing, if the owner or owners of the territory after
22 notice and opportunity for a hearing do not signify intent to
23 withhold consent to the annexation either in writing or at the
24 meeting of the council, the municipality may proceed to adopt
25 an ordinance of annexation as further provided in this
26 section.

1 (c) If a proposed annexation is terminated because
2 the owner or owners did not consent to the proposed
3 annexation, the municipality may not propose a subsequent
4 annexation of the same property until at least three years
5 have passed after the date the previous proposed annexation
6 was terminated.

7 (d) Annexation of the unincorporated territory
8 proposed to be annexed described in the resolution of the
9 council may thereafter be approved by ordinance of the council
10 which shall be effective following the adoption and the
11 publication thereof as required by law, and the filing of a
12 copy of the ordinance, together with a map of the territory
13 annexed in the office of the judge of probate of the county or
14 counties where the annexed territory is located. A
15 municipality may not annex any part of an industrial park
16 established pursuant to Chapter 23 of Title 11, Code of
17 Alabama 1975.

18 (e) The annexation of territory may not thereafter
19 be proposed pursuant to this section after the owner or owners
20 have withheld consent as provided in this section.

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on County and Municipal Government 02-MAR-17

Read for the second time and placed on the calen-
dar with 1 substitute and..... 13-APR-17

Read for the third time and passed as amended 25-APR-17

Yeas 29
Nays 2

Patrick Harris,
Secretary.