

1 SB287  
2 206247-2  
3 By Senators Chambliss and Whatley (Constitutional Amendment)  
4 RFD: Local Legislation  
5 First Read: 10-MAR-20

1 SB287

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4 ENROLLED, An Act,

5 To propose an amendment to the Constitution of  
6 Alabama of 1901, relating to Tallapoosa County, to authorize  
7 the Legislature by local law to provide for the establishment  
8 of a road maintenance district as a public corporation in the  
9 Willow Point Estates and to authorize the district to assess  
10 and collect road maintenance charges for the maintenance of  
11 certain roads in the district.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 PROPOSED AMENDMENT

18 (a) In Tallapoosa County, the Legislature by local  
19 law may provide for the establishment of a road maintenance  
20 district as a public corporation composed of the owners of all  
21 lots in the Willow Point Estates as further defined herein.

22 (b) For the purposes of this amendment, "Willow  
23 Point Estates" means:

24 All recorded phases and lots in the subdivisions  
25 known as Willow Point Estates or Willow Point recorded in the

1 office of the Judge of Probate of Tallapoosa County, which  
2 includes, but are not limited to the following:

3 (1) Willow Point Estates - Phase 1, Plat Book 5,  
4 Page 196, 06/22/1972.

5 (2) Willow Point Estates - Phase 3, Plat Book 5,  
6 Page 201, 08/23/1972.

7 (3) Willow Point Estates - Phases 2-4 and 5, Plat  
8 Book 6, Page 21, 08/01/1973.

9 (4) Willow Point Estates - Phase 6, Plat Book 56,  
10 Page 140, 05/27/1977.

11 (5) Willow Point Estates - Phase 7, Plat Book 7,  
12 Page 57, 03/03/1986.

13 (6) Willow Point Estates - Amended Phase 6, Lots 37  
14 and 39, Plat Book 7, Page 73, 12/09/1986.

15 (7) Willow Point Estates - Phase 7A, Lot 22, Plat  
16 Book 7, Page 78, 01/28/1987.

17 (8) Willow Point Estates - Phase VIII, Plat Book 7,  
18 Page 82, 04/02/1987.

19 (9) Willow Point Estates - Phase VII B, Plat Book 7,  
20 Page 85, 05/20/1987.

21 (10) Willow Point Estates - Phase VII C, Plat Book  
22 7, Page 90, 01/19/1988.

23 (11) Willow Point Estates - Amended Phase VII C,  
24 Plat Book 7, Page 128, 02/16/1989.

1                   (12) Willow Point Estates - Phase IX, Plat Book 7,  
2 Page 158, 07/31/1990.

3                   (13) Willow Point Estates - Phase X, Plat Book 7,  
4 Page 162, 09/26/1990.

5                   (14) Willow Point Estates - Phase 2-A (Being a  
6 Replat of Lots 15 and 16, Block A, Willow Point Estates at  
7 Plat Book 6, Page 21), Plat Book 8, Page 1, 05/21/1993.

8                   (15) Willow Point Estates - Phase Six "B", Plat Book  
9 8, Page 72, 02/06/1997.

10                   (16) Willow Point Estates - Replat of Lot 17, 18,  
11 and 19 Willow Point Estates, Phase II 4 and 5, Plat Book 9,  
12 Page 27, 09/15/1999.

13                   (17) Willow Point Estates - Phase 3A, (Being a  
14 Replat of Lot 7 of Willow Point Estates at Plat Book 5, Page  
15 201), Plat Book 10, Page 17, 01/17/2002.

16                   (18) Willow Point Estates - Resurvey of Lot #1,  
17 Phase 1, Plat Book 10, Page 39, 07/16/2003.

18                   (19) Willow Point Estates - Phase II-B, (Being a  
19 Replat of Lots 1-6, Willow Point Estates, Block C, Phase 2, at  
20 Plat Bk 6, Page 21), Plat Book 10, Page 50, 12/15/2003.

21                   (20) Willow Point Estates - Phase VII-D, (Being a  
22 Replat of Lots 20 and 21 of Willow Point Estates, Phase VII at  
23 Plat Bk 7, Page 57), Plat Book 12, Page 91, 06/08/2016.

24                   (21) Willow Point - Phase XI, Plat Book 8, Page 57,  
25 06/19/96.

1                   (22) Willow Point - Phase XII, Plat Book 8, Page 58,  
2                   06/19/96.

3                   (23) Willow Point - Phase XII-A, Plat Book 10, Page  
4                   56, 04/23/04.

5                   (24) Glynmere at Willow Point, Plat Book 11, Page  
6                   22, 11/04/05.

7                   (c) The district may be established only after the  
8                   filing of a petition as provided in the local law in the  
9                   office of the judge of probate of the county and the approval  
10                  of the formation of the district by a majority vote of the  
11                  qualified voters, with each lot having one vote, voting in  
12                  favor of the formation of the district at a referendum  
13                  election conducted by the judge of probate pursuant to the  
14                  local law. Notwithstanding the foregoing, the district shall  
15                  not be established unless the owner of the roads in Willow  
16                  Point Estates, with the exception of subdivision (24) Glynmere  
17                  at Willow Point, joins in the petition and agrees to transfer  
18                  ownership of the roads to the district in the event that the  
19                  district is created. The ownership of the roads transferred to  
20                  the district shall be held by the district for the benefit of  
21                  the owners of lots in Willow Point Estates and the roads shall  
22                  be private roads for use by the property owners of lots in  
23                  Willow Point Estates and as provided by the district. After  
24                  the transfer of ownership of the roads to the district, the  
25                  duty to maintain the roads transferred is vested in the

1 district. After the district becomes operative and in the  
2 manner provided by local law, the district may assess and  
3 collect an annual road maintenance charge on the owner or  
4 owners of each lot in Willow Point Estates. The proceeds of  
5 the road maintenance charges shall be used by the district  
6 only for the maintenance, construction, repair, and paving of  
7 the roads and bridges, including rights-of-way, in the  
8 district and for administration of the district. Failure to  
9 pay the road maintenance charges in a timely manner as  
10 provided by the district shall result in a lien on the  
11 property which may be enforced in the manner provided by the  
12 local law.

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

19 Section 3. The appropriate election official shall  
20 assign a ballot number for the proposed constitutional  
21 amendment on the election ballot and shall set forth the  
22 following description of the substance or subject matter of  
23 the proposed constitutional amendment:

24 "Relating to Tallapoosa County, proposing a local  
25 amendment to the Constitution of Alabama of 1901, to authorize

1 the Legislature by local law to provide for the establishment  
2 of a road maintenance district in Willow Point Estates and to  
3 allow property owners in Willow Point Estates to assess  
4 themselves to pay for road maintenance.

5 "Proposed by Act \_\_\_\_\_"

6 This description shall be followed by the following  
7 language:

8 "Yes ( ) No ( )."

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB287

Senate 05-MAY-20

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 07-MAY-20

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By: Senator Chambliss