LRS97-457R1:N:2/4/97:FC/hh

2/26/97
Fax to Jack Mayausky
Anniston
Let me know what
you think.
Rita

SB 302

SYNOPSIS: Under existing law, there are several methods by which property can be annexed to a municipality.

This bill would provide an additional method of annexation by petition of a majority of the residents who live in an area proposed to be annexed together with a petition of a majority of landowners who own 75 percent of the land in the area proposed to be annexed. After a hearing according to the procedures provided, the property could be annexed by the municipality by ordinance. The property would be subject to ad valorem tax only after certain municipal services are provided.

A B I L L

T O B E E N T I T L E D

DSW 133069

A N A C T

To provide an additional alternative procedure for incorporated municipalities to incorporate into their

boundaries certain contiguous unincorporated territory upon petitions of residents and landowners under certain conditions; to require that certain municipal services be furnished in the area as a condition to the assessment of ad valorem taxation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The following procedure may be used to annex land into a municipality provided the land is located in the State of Alabama, is contiguous to the corporate limits of the municipality, and does not lie within the corporate limits or police jurisdiction of any other municipality. When a majority of the residents, who live in an area of property or territory, sign and file a written petition with the municipal clerk of the municipality requesting that the

property or territory be annexed to the municipality, and when a majority of the landowners, who own 75 percent of the land in the same area of property or territory, sign and file a written petition with the municipal clerk of the municipality requesting that the property or territory be annexed to the municipality, the governing body of the municipality may provide, by ordinance, for the annexation of the property or territory to the municipality as provided in this act. The petition shall accurately describe the property or territory proposed to be annexed and shall be accompanied by a map of the property or territory.

Page 2

(b) Upon the filing of the petition, the governing body shall cause the petitions to be published for one insertion in a newspaper of general circulation published in the annexing municipality, or, if there is no newspaper, then by posting a copy of the petition in four conspicuous

places within the municipality, together with a notice specifying the date, hour, and place that the governing body of the municipality will meet, which shall be not less than 10 days after the publication or posting of the petition and notice, to consider the adoption of an ordinance annexing the property or territory described in the petition to the municipality.

On the date set in the public notice, the governing body of the municipality shall hold a public meeting to consider the petition and to hear any person who desires to be heard, either in favor of or in opposition to the annexation of the property or territory to the municipality. At the hearing, any resident or landowner who signed a petition for annexation may have his or her name removed from the petition upon request. At the conclusion of the hearing, if a majority of the residents shall remain on the petition, presented by residents and if a majority of the landowners, who own 75 percent of the land in an area of property or territory considered for annexation, shall remain on the petition presented by landowners, the governing body of the municipality may proceed to adopt an ordinance annexing the

property or territory to the municipality, and the corporate

limits of the municipality shall be extended and rearranged to include the property or territory, and the property or territory shall become a part of the corporate area of the municipality upon the effective date of the ordinance. If either petition fails to meet the requirements set out in this section, the property or territory shall not be annexed by ordinance pursuant to this act. It shall be the duty of the governing body to file a description of the property or territory annexed in the office of the judge of probate in the county in which the municipality is located. "Owner," as used in this act, shall mean the person in whose name the property is assessed for ad valorem tax purposes in the absence of proof to the contrary.

(c) In the event any municipality's police jurisdiction overlaps the police jurisdiction of one or more other incorporated municipalities, property or territory

may

be annexed by the governing body of each municipality pursuant to this act in the overlapping portions of their police jurisdictions to a boundary which is equidistant from the respective corporate limits of each incorporated municipality.

(d) The area annexed pursuant to this act shall not be subject to assessment for ad valorem taxation by the annexing municipality until the annexing municipality shall make available, furnish, or cause to be furnished by the municipality or through any board whose members are appointed by the governing body of the municipality to the area and the

residents in that area the following municipal services:

Police protection, fire protection, and street maintenance.

These services shall be furnished on the same basis and at the same level of quality as the respective services are furnished to the residents of the municipality prior to the annexation.

In addition, the annexing municipality shall endeavor to furnish any of the following services to the annexed area

STLCOPCB4033032

if the services are furnished to the residents of the municipality: Water service, garbage collection, sanitary sewer service, and street lighting. The governing body of the annexing municipality, each year when it adopts an ordinance assessing the real property within the municipality for ad valorem taxation, shall describe in the ordinance the area which has been previously subject to the municipality's ad valorem taxation and shall describe, in addition, any part of the area annexed in which the city is furnishing the municipal services required by this act prior to the assessment for ad valorem tax, during the year for which the ad valorem tax is being levied.

Section 2. The provisions of this act are supplemental and shall not be construed to repeal any law not in direct conflict with this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

****
*** ACTIVITY REPORT ***
****

TRANSMISSION OK

TX/RX NO.	5746
CONNECTION TEL	86218553
CONNECTION ID	
START TIME	02/26 13:25
USAGE TIME	02'50
PAGES	8
RESULT	OK

DSW 133077