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3 SENATE COUNTY AND MUNICIPAL GOVERNMENT COMMITTEE SUBSTITUTE  
4 FOR SB266  
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9 SYNOPSIS: Under existing law, a municipality may annex  
10 property by statutory procedures or by local law.  
11 Additionally, Section 11-44B-24 of the Code of  
12 Alabama 1975, authorizes any Class 4 municipality  
13 organized in accordance with Chapter 44B of Title  
14 11 of the Code of Alabama 1975, to permissively  
15 annex unincorporated territory that has been  
16 enclosed within the corporate limits of the  
17 municipality for a period of one year or more.

18 This bill would provide that any  
19 municipality in Alabama may commence a procedure to  
20 annex an unincorporated territory enclosed within  
21 the corporate limits of the municipality which has  
22 been enclosed within the corporate limits of the  
23 municipality for over one year. This bill would  
24 also provide for notice to the owner or owners of  
25 the territory prior to any proposed annexation and

1           would require consent of the owner or owners in  
2           order for the annexation to be effective.

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4                           A BILL  
5                           TO BE ENTITLED  
6                           AN ACT

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

15       BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

25           (c) Annexation of the unincorporated territory  
26 proposed to be annexed described in the resolution of the

1 council may thereafter be approved by ordinance of the council  
2 which shall be effective following the adoption and the  
3 publication thereof as required by law, and the filing of a  
4 copy of the ordinance, together with a map of the territory  
5 annexed in the office of the judge of probate of the county or  
6 counties where the annexed territory is located. A  
7 municipality may not annex any part of an industrial park  
8 established pursuant to Chapter 23 of Title 11, Code of  
9 Alabama 1975.

10 (d) The annexation of territory may not thereafter  
11 be proposed pursuant to this section after the owner or owners  
12 have withheld consent as provided in this section.

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