

1 HB191
2 197064-5
3 By Representative Collins
4 RFD: State Government
5 First Read: 02-FEB-21
6 PFD: 01/28/2021

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

Relating to annexation; to amend Section 11-42-21, Code of Alabama 1975, to provide for the annexation of all of the property in overlapping police jurisdictions upon consent of all of the parties and all of the affected municipalities under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-42-21, Code of Alabama 1975, is amended to read as follows:

"§11-42-21.

"(a) Whenever all of the owners of property located and contained within an area contiguous to the corporate limits of any incorporated municipality located in the state ~~of Alabama~~ and ~~such~~ the property does not lie within the corporate limits or police jurisdiction of any other municipality, shall sign and file a written petition with the city clerk of ~~such~~ the municipality requesting that ~~such~~ the property ~~or territory~~ be annexed to the ~~said~~ municipality, and the governing body of ~~such~~ the municipality adopts an ordinance assenting to the annexation of ~~said~~ the property to ~~such~~ the municipality, the corporate limits of ~~said~~ the municipality shall be extended and rearranged so as to embrace and include ~~such~~ the property, and ~~such~~ the property ~~or territory~~ shall become a part of the corporate area of ~~such~~

1 the municipality upon the date of the publication of ~~said~~ the
2 ordinance.

3 "(b) (1) ~~It is provided further, that in~~ In the event
4 any ~~such~~ incorporated municipality's police jurisdiction
5 overlaps with the police jurisdiction of one or more other
6 incorporated municipalities, the governing body of ~~each such~~
7 any one of the incorporated ~~municipality~~ municipalities may
8 exercise the authority of this article, in ~~such~~ the
9 overlapping portions of their police jurisdiction, to a
10 boundary which is equidistant from the respective corporate
11 limits of each of ~~such~~ the incorporated municipalities which
12 have overlapping police jurisdictions.

13 "(2) ~~, and provided further,~~ If all of the owners of
14 property located and contained within ~~such~~ the area to be
15 annexed sign and file a written petition with the city clerk
16 of the incorporated municipality requesting that the property
17 be annexed to the incorporated municipality, and ~~such~~ the
18 property is contiguous to the corporate limits of ~~such an~~ the
19 incorporated municipality, ~~shall sign and file a written~~
20 ~~petition with the city clerk of such incorporated municipality~~
21 ~~requesting that such property be annexed to said incorporated~~
22 ~~municipality~~ and the governing body of ~~such~~ the incorporated
23 municipality adopts an ordinance assenting to the annexation
24 of ~~said~~ the property to ~~such~~ the municipality, the corporate
25 limits of ~~said~~ the municipality shall be extended and

1 rearranged so as to embrace and include ~~such~~ the property and
2 ~~such~~ the property ~~or territory~~ shall become part of the
3 corporate area of ~~such~~ the municipality upon the date of the
4 publication of ~~said~~ the ordinance.

5 "(c) If an incorporated municipality intends to
6 exercise its rights pursuant to subsection (b), but would have
7 to perform more than one annexation pursuant to the
8 equidistant rule provided by subsection (b) to acquire the
9 entire parcel of property it intends to annex, the
10 incorporated municipality may request that all of the
11 municipalities whose police jurisdictions overlap assent to
12 the annexation by adoption of a resolution of the governing
13 body of each of the municipalities, and if the governing body
14 of the annexing municipality adopts an ordinance assenting to
15 the annexation of the property to the municipality, then the
16 corporate limits of the municipality shall be extended and
17 rearranged so as to embrace and include the property, and the
18 property shall become a part of the corporate area of the
19 municipality upon the date of the publication of the
20 ordinance.

21 "(d) The petition required by this section shall
22 contain an accurate description of the property ~~or territory~~
23 proposed to be annexed together with a map of the ~~said~~
24 ~~territory~~ property showing its relationship to the corporate
25 limits of the municipality to which ~~said~~ the property is

1 proposed to be annexed and the signatures of all of the owners
2 of the property ~~or territory~~ described. It shall be the duty
3 of the governing body to file a description of the property ~~or~~
4 ~~territory~~ annexed in the office of the judge of probate of the
5 county in which the municipality is located."

6 Section 2. This act shall become immediately
7 following its passage and approval by the Governor, or its
8 otherwise becoming law.

