

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

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8 SYNOPSIS: Under existing law, if all of the property
9 owners in an area consent to annexation of that
10 property, the property may be annexed without an
11 act of the Legislature. Property within overlapping
12 police jurisdictions of two or more incorporated
13 municipalities, limited to a boundary which is
14 equidistant from the respective corporate limits of
15 the municipalities, may be annexed under certain
16 conditions.

17 This bill would allow annexation of all of
18 the property in overlapping police jurisdictions
19 upon consent of all of the property owners and
20 assent to the annexation by all of the affected
21 municipalities by adoption of a resolution.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

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

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

9 "§11-42-21.

10 "(a) Whenever all of the owners of property located
11 and contained within an area contiguous to the corporate
12 limits of any incorporated municipality located in the state
13 ~~of Alabama~~ and ~~such~~ the property does not lie within the
14 corporate limits or police jurisdiction of any other
15 municipality, shall sign and file a written petition with the
16 city clerk of ~~such~~ the municipality requesting that ~~such~~ the
17 property ~~or territory~~ be annexed to the ~~said~~ municipality, and
18 the governing body of ~~such~~ the municipality adopts an
19 ordinance assenting to the annexation of ~~said~~ the property to
20 ~~such~~ the municipality, the corporate limits of ~~said~~ the
21 municipality shall be extended and rearranged so as to embrace
22 and include ~~such~~ the property, and ~~such~~ the property ~~or~~
23 ~~territory~~ shall become a part of the corporate area of ~~such~~
24 the municipality upon the date of the publication of ~~said~~ the
25 ordinance.

26 "(b) (1) ~~It is provided further, that in~~ In the event
27 any ~~such~~ incorporated municipality's police jurisdiction

1 overlaps with the police jurisdiction of one or more other
2 incorporated municipalities, the governing body of ~~each such~~
3 any one of the incorporated municipality municipalities may
4 exercise the authority of this article, in ~~such the~~
5 overlapping portions of their police jurisdiction, to a
6 boundary which is equidistant from the respective corporate
7 limits of each of ~~such the~~ incorporated municipalities which
8 have overlapping police jurisdictions.

9 "(2) ~~, and provided further,~~ If all of the owners of
10 property located and contained within ~~such the~~ area to be
11 annexed sign and file a written petition with the city clerk
12 of the incorporated municipality requesting that the property
13 be annexed to the incorporated municipality, and ~~such the~~
14 property is contiguous to the corporate limits of ~~such an the~~
15 incorporated municipality, ~~shall sign and file a written~~
16 ~~petition with the city clerk of such incorporated municipality~~
17 ~~requesting that such property be annexed to said incorporated~~
18 ~~municipality~~ and the governing body of ~~such the~~ incorporated
19 municipality adopts an ordinance assenting to the annexation
20 of ~~said the~~ property to ~~such the~~ municipality, the corporate
21 limits of ~~said the~~ municipality shall be extended and
22 rearranged so as to embrace and include ~~such the~~ property and
23 ~~such the~~ property ~~or territory~~ shall become part of the
24 corporate area of ~~such the~~ municipality upon the date of the
25 publication of ~~said the~~ ordinance.

26 "(c) If an incorporated municipality intends to
27 exercise its rights pursuant to subsection (b), but would have

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

15 "(d) The petition required by this section shall
16 contain an accurate description of the property ~~or territory~~
17 proposed to be annexed together with a map of the ~~said~~
18 ~~territory~~ property showing its relationship to the corporate
19 limits of the municipality to which ~~said~~ the property is
20 proposed to be annexed and the signatures of all of the owners
21 of the property ~~or territory~~ described. It shall be the duty
22 of the governing body to file a description of the property ~~or~~
23 ~~territory~~ annexed in the office of the judge of probate of the
24 county in which the municipality is located."

25 Section 2. This act shall become immediately
26 following its passage and approval by the Governor, or its
27 otherwise becoming law.

