

1 SB158
2 115333-1
3 By Senator Ross
4 RFD: Governmental Affairs
5 First Read: 12-JAN-10

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

17 This bill would provide that any
18 municipality in Alabama may use these same
19 procedures available to these Class 4
20 municipalities to annex unincorporated property
21 enclosed within the corporate limits of the
22 municipality.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to municipalities; to provide an additional
2 annexation method to allow municipalities to annex
3 unincorporated territory which has been enclosed within the
4 corporate limits of the municipality for a period of one year
5 or more.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Any unincorporated municipality in this
8 state shall have the following additional power and authority:

9 (1) To annex all or any portion of any
10 unincorporated territory or territories which are enclosed
11 within the corporate limits of the municipality and have been
12 enclosed for a period of one year or more on the effective
13 date of this section. The municipality shall adopt an
14 ordinance finding and declaring that the unincorporated
15 territory or territories set forth and described therein have
16 been enclosed for a period of one year or more on the
17 effective date of this section and that the annexation of the
18 unincorporated territory or territories is in the best
19 interest of the public good and welfare of the municipality.
20 Annexation of the unincorporated territory or territories
21 described in the ordinance shall be effective following the
22 adoption and the publication thereof as required by law, and
23 the filing of a copy of the ordinance, together with a map of
24 the territory or territories annexed in the office of the
25 judge of probate of the county or counties where the annexed
26 territory is located. Any annexation made pursuant to this

1 subdivision shall be made within one year of the effective
2 date of this section.

3 (2) To annex all or any portion of any
4 unincorporated territory or territories which are enclosed
5 within the corporate limits of the municipality, which have
6 been enclosed for a period of one year or more and which are
7 15 acres in size or less. The municipality shall adopt an
8 ordinance finding and declaring that the unincorporated
9 territory or territories set forth and described therein are
10 enclosed within the corporate limits of the municipality and
11 have been enclosed for a period of one year or more on the
12 date of the adoption of the ordinance and that the annexation
13 of the unincorporated territory or territories is in the best
14 interest of the public good and welfare of the municipality.
15 Annexation of the unincorporated territory or territories
16 described in the ordinance shall be effective following the
17 adoption and the publication thereof as required by law, and
18 the filing of a copy of the ordinance, together with a map of
19 the territory or territories annexed in the office of the
20 judge of probate of the county or counties where the annexed
21 territory is located.

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