

1 HB179
2 216515-1
3 By Representatives McMillan, Faust and Shiver (Constitutional
4 Amendment)
5 RFD: Baldwin County Legislation
6 First Read: 01-FEB-22

SYNOPSIS: This bill would propose a local constitutional amendment relating to Baldwin County to define the Bon Secour Landmark District within the county and to prohibit the annexation by local law of any property within the district into any municipality except under certain conditions.

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, relating to Baldwin County, to define the Bon Secour Landmark District within the county and to prohibit the annexation by local law of any property within the district into any municipality except under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become

1 valid as a part of the Constitution when all requirements of
2 this act are fulfilled:

3 PROPOSED AMENDMENT

4 (a) For the purposes of this amendment, the "Bon
5 Secour Landmark District" in Baldwin County is defined as
6 follows:

7 Beginning at the intersection of the centerline of
8 County Road 12 S and the centerline County Road 49; thence run
9 Easterly along the centerline of County Road 12 S to the
10 intersection of the centerline of County Road 12 S and the
11 centerline of County Road 65; thence run Southerly along the
12 centerline of County Road 65 a distance of 3,192 feet, more or
13 less, to a point; thence run Easterly 30 feet, more or less,
14 to the projected west boundary line of parcel
15 05-61-04-39-0-000-001.000; thence run Easterly along the north
16 line of said parcel to the centerline of Bon Secour River;
17 thence run Southwesterly following the meanderings along the
18 centerline and of Bon Secour River approximately 2,500 feet,
19 more of less, to the intersection of Keller Road; thence run
20 Easterly along the centerline of Keller Rd to the intersection
21 of the centerline of Keller Road and the centerline of Helton
22 Drive; thence run Southerly along the centerline of Helton
23 Drive to the intersection of the centerline of Helton Drive
24 and the centerline of County Road 10; thence run Westerly
25 along the centerline of County Road 10 a distance of 170 feet,
26 more or less, to a point; thence run Southerly 40 feet, more
27 or less, to the projected northeast corner of parcel

05-61-04-19-0-000-042.002; thence run Southerly along a boundary line of said parcel 90 feet, more or less, to a corner of said parcel; thence run Easterly along a boundary line of said parcel 9 feet, more or less, to a corner of said parcel; thence run Southerly along a boundary line of said parcel 66 feet, more or less, to a corner of said parcel; thence run Easterly along a boundary line of said parcel 42 feet, more or less to a corner of said parcel; thence run along the eastern boundary of parcel 05-61-04-19-0-000-042.002 Southerly 44 feet, more or less, to the southeast corner of said parcel; thence run Westerly along the north boundary line of parcel 05-61-04-19-0-000-043.000 223 feet, more or less, to the northwest corner of said parcel; thence run Southerly along the west boundary lines of parcels 05-61-04-19-0-000-043.000 and 05-61-04-19-0-000-043.001 a distance of 200 feet, more or less, to the southwest corner of parcel 05-61-04-19-0-000-043.001; thence run Westerly along the north boundary of parcel 05-61-04-19-0-000-045.000 a distance of 322 feet, more or less, to the northwest corner of said parcel; thence run Southerly along the west boundary lines of parcels 05-61-04-19-0-000-045.000, 05-61-04-19-0-000-046.000, 05-61-04-19-0-000-047.001, and 05-61-04-19-0-000-048.000 a distance of 860 feet, more or less, to the southwest corner of parcel 05-61-04-19-0-000-048.000; thence run Easterly along the projected southern boundary of said parcel 668 feet, more or less, to the centerline of Helton Drive; thence run Southerly

1 along the centerline of Helton Drive to the intersection of
2 the centerline of Helton Drive and the centerline of Helton
3 Lane; thence run Easterly along the centerline of Helton Lane
4 to the intersection of the centerline of Helton Lane and the
5 centerline of Fairmont Drive; thence run Southerly to the
6 centerline of Boggy Branch; thence run Westerly following the
7 meanderings along the centerline and of Boggy Branch to the
8 intersection of the centerline of Boggy Branch and the
9 centerline of the Bon Secour River; thence run Southwesterly
10 following the meanderings of the centerline of Bon Secour
11 River to the eastern margin of Bon Secour Bay; thence run
12 Northwesterly following the meanderings of the eastern margin
13 of Bon Secour Bay to the intersection of the eastern margin of
14 Bon Secour Bay and the eastern of boundary of Section 33
15 Township 8 South Range 3 East; thence run Northerly to the
16 intersection of the eastern boundary of Section 28 Township 8
17 South Range 3 East and the intersection of the centerline of
18 County Road 49; thence run Northerly 18,170 feet more or less,
19 to the Point of Beginning.

20 (b) No property within the Bon Secour Landmark
21 District may be annexed into any municipality by local law.

22 (c) Subsection (b) shall not apply to any
23 municipality incorporated after the ratification of this
24 amendment which includes any part of the Bon Secour Landmark
25 District.

1 (d) The Bon Secour Landmark District shall not be
2 considered a legal entity and shall not have any of the
3 following powers or authority:

4 (1) Standing to sue or be sued.

5 (2) Taxing authority.

6 (3) Zoning authority.

7 (4) Police power and public safety authority.

8 (5) Authority to adopt ordinances, rules, or
9 regulations within its boundaries.

10 (6) Any other authority or power commonly associated
11 with a legal entity.

12 Upon ratification of this constitutional amendment
13 and contingent upon the ratification of the Constitution of
14 Alabama of 2022, the Code Commissioner shall number and place
15 this amendment as appropriate in the constitution based upon a
16 logical sequence and the particular subject or topic of the
17 amendment. In this amendment, the Code Commissioner may change
18 capitalization, spelling, and punctuation for the purpose of
19 style and uniformity; correct manifest grammatical, clerical,
20 and typographical errors; and correct incorrect
21 cross-references. When publishing the Constitution of Alabama
22 of 2022, as amended, the Code Commissioner may omit this
23 instructional paragraph.

24 Section 2. An election upon the proposed amendment
25 shall be held at the general election in November 2022 in
26 accordance with Section 284.01 of the Constitution of Alabama
27 of 1901, now appearing as Section 284.01 of the Official

1 Recompilation of the Constitution of Alabama of 1901, as
2 amended, and the election laws of this state.

3 Section 3. The appropriate election official shall
4 assign a ballot number for the proposed constitutional
5 amendment on the election ballot and shall set forth the
6 following description of the substance or subject matter of
7 the proposed constitutional amendment:

8 "Relating to Baldwin County, proposing an amendment
9 to the Constitution of Alabama of 1901, to define the Bon
10 Secour Landmark District within the county and to prohibit the
11 annexation by local law of any property within the district
12 into any municipality except under certain conditions.

13 "Proposed by Act _____."

14 This description shall be followed by the following
15 language:

16 "Yes () No ()."