

HB225 INTRODUCED



1 OZASWM-1
2 By Representative Holk-Jones (Constitutional Amendment)
3 RFD: Baldwin County Legislation
4 First Read: 04-Apr-23
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SYNOPSIS:

This bill would propose an amendment to the Constitution of Alabama of 2022, 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

This bill would propose an amendment to the Constitution of Alabama of 2022, 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 2022, is proposed and shall become valid as a part of the constitution when all requirements of this act are fulfilled:



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PROPOSED AMENDMENT

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

Beginning at the intersection of the centerline of County Road 12 S and the centerline County Road 49; thence run Easterly along the centerline of County Road 12 S to the intersection of the centerline of County Road 12 S and the centerline of County Road 65; thence run Southerly along the centerline of County Road 65 a distance of 3,192 feet, more or less, to a point; thence run Easterly 30 feet, more or less, to the projected west boundary line of parcel 05-61-04-39-0-000-001.000; thence run Easterly along the north line of said parcel to the centerline of Bon Secour River; thence run Southwesterly following the meanderings along the centerline and of Bon Secour River approximately 2,500 feet, more of less, to the intersection of Keller Road; thence run Easterly along the centerline of Keller Rd to the intersection of the centerline of Keller Road and the centerline of Helton Drive; thence run Southerly along the centerline of Helton Drive to the intersection of the centerline of Helton Drive and the centerline of County Road 10; thence run Westerly along the centerline of County Road 10 a distance of 170 feet, more or less, to a point; thence run Southerly 40 feet, more 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



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57 parcel; thence run Southerly along a boundary line of said
58 parcel 66 feet, more or less, to a corner of said parcel;
59 thence run Easterly along a boundary line of said parcel 42
60 feet, more or less to a corner of said parcel; thence run
61 along the eastern boundary of parcel 05-61-04-19-0-000-042.002
62 Southerly 44 feet, more or less, to the southeast corner of
63 said parcel; thence run Westerly along the north boundary line
64 of parcel 05-61-04-19-0-000-043.000 223 feet, more or less, to
65 the northwest corner of said parcel; thence run Southerly
66 along the west boundary lines of parcels
67 05-61-04-19-0-000-043.000 and 05-61-04-19-0-000-043.001 a
68 distance of 200 feet, more or less, to the southwest corner of
69 parcel 05-61-04-19-0-000-043.001; thence run Westerly along
70 the north boundary of parcel 05-61-04-19-0-000-045.000 a
71 distance of 322 feet, more or less, to the northwest corner of
72 said parcel; thence run Southerly along the west boundary
73 lines of parcels 05-61-04-19-0-000-045.000,
74 05-61-04-19-0-000-046.000, 05-61-04-19-0-000-047.001, and
75 05-61-04-19-0-000-048.000 a distance of 860 feet, more or
76 less, to the southwest corner of parcel
77 05-61-04-19-0-000-048.000; thence run Easterly along the
78 projected southern boundary of said parcel 668 feet, more of
79 less, to the centerline of Helton Drive; thence run Southerly
80 along the centerline of Helton Drive to the intersection of
81 the centerline of Helton Drive and the centerline of Helton
82 Lane; thence run Easterly along the centerline of Helton Lane
83 to the intersection of the centerline of Helton Lane and the
84 centerline of Fairmont Drive; thence run Southerly to the



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85 centerline of Boggy Branch; thence run Westerly following the
86 meanderings along the centerline and of Boggy Branch to the
87 intersection of the centerline of Boggy Branch and the
88 centerline of the Bon Secour River; thence run Southwesterly
89 following the meanderings of the centerline of Bon Secour
90 River to the eastern margin of Bon Secour Bay; thence run
91 Northwesterly following the meanderings of the eastern margin
92 of Bon Secour Bay to the intersection of the eastern margin of
93 Bon Secour Bay and the eastern of boundary of Section 33
94 Township 8 South Range 3 East; thence run Northerly to the
95 intersection of the eastern boundary of Section 28 Township 8
96 South Range 3 East and the intersection of the centerline of
97 County Road 49; thence run Northerly 18,170 feet more or less,
98 to the Point of Beginning.

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

101 (c) Subsection (b) shall not apply to any municipality
102 incorporated after the ratification of this amendment which
103 includes any part of the Bon Secour Landmark District.

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

- 107 (1) Standing to sue or be sued.
- 108 (2) Taxing authority.
- 109 (3) Zoning authority.
- 110 (4) Police power and public safety authority.
- 111 (5) Authority to adopt ordinances, rules, or
112 regulations within its boundaries.



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113 (6) Any other authority or power commonly associated
114 with a legal entity.

115 Upon ratification of this constitutional amendment, the
116 Code Commissioner shall number and place this amendment as
117 appropriate in the constitution omitting this instructional
118 paragraph and may make the following nonsubstantive revisions:
119 change capitalization, spelling, and punctuation for purposes
120 of style and uniformity; correct manifest grammatical,
121 clerical, and typographical errors; and correct incorrect
122 cross-references.

123 Section 2. An election upon the proposed amendment
124 shall be held in accordance with Sections 284 and 284.01 of
125 the Constitution of Alabama of 2022, and the election laws of
126 this state.

127 Section 3. The appropriate election official shall
128 assign a ballot number for the proposed constitutional
129 amendment on the election ballot and shall set forth the
130 following description of the substance or subject matter of
131 the proposed constitutional amendment:

132 "Relating to Baldwin County, proposing an amendment to
133 the Constitution of Alabama of 2022, to define the Bon Secour
134 Landmark District within the county and to prohibit the
135 annexation by local law of any property within the district
136 into any municipality except under certain conditions.

137 Proposed by Act ____."

138 This description shall be followed by the following
139 language:

140 "Yes () No ()."