

1 HB475
2 206932-3
3 By Representative McMillan (Constitutional Amendment)
4 RFD: Baldwin County Legislation
5 First Read: 04-MAY-20

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8 SYNOPSIS: This bill would propose a local
9 constitutional amendment relating to Baldwin County
10 to define the Josephine Landmark District with
11 certain exceptions and to prohibit the annexation
12 by local law of any property within the district
13 into any municipality except under certain
14 conditions. The proposed amendment would further
15 specify that any landmark district created in
16 Baldwin County would not be considered a legal
17 entity.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

22
23 To propose an amendment to the Constitution of
24 Alabama of 1901, relating to Baldwin County, to define the
25 Josephine Landmark District with certain exceptions and to
26 prohibit the annexation by local law of any property within
27 the district into any municipality except under certain

1 conditions and to further specify that any landmark district
2 in Baldwin County would not be considered a legal entity.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following amendment to the
5 Constitution of Alabama of 1901, is proposed and shall become
6 valid as a part of the Constitution when all requirements of
7 this act are fulfilled:

8 PROPOSED AMENDMENT

9 PART I.

10 (a) For the purposes of this amendment, the
11 "Josephine Landmark District" in Baldwin County is defined as
12 follows:

13 The northeast boundary is defined as the area east
14 of County Road CR95 and south of Leiterman Road. The eastern
15 boundary is defined as the west side of Palmetto Creek to
16 Perdido Bay. The southeast boundary is from the mouth of
17 Palmetto Creek, southward on the western shore of Perdido Bay
18 to Ross Point. The southern boundary is the northern shore of
19 the Intracoastal Waterway, made up of Arnica Bay and Bay La
20 Launch to Sapling Point. The southwestern boundary is from
21 Sapling Point along the eastern shore of Wolf Bay and Hammock
22 Bay and the area on the east side of Hammock Creek to County
23 Road CR20. The northwest boundary is from the intersection of
24 Hammock Creek and County Road CR20 northward along the east
25 side of Hammock Creek to its east-west alignment with Totsch
26 Lane to its intersection with County Road CR95 thence south to
27 Leiterman Road. Less and except from the above described

1 property any property recognized as in the corporate limits of
2 the City of Orange Beach, any parcels contiguous by ownership
3 to and/or adjoining Ingram Bayou and its outlet to Perdido
4 Bay, and any parcels contiguous to and/or adjoining Sapling
5 Point, Hatchet Point, or Stone Quarry Bayou, and less and
6 except any of the following parcels designated by the
7 following tax parcel identification numbers (PIN numbers) in
8 the Office of the Revenue Commissioner of Baldwin County: PIN
9 numbers 243096, 23420, 29685, 6495, 170193, 7819, 252146,
10 4382, 62645, 3933, 71555, 31512, 71556, 68510, 68787, 68516,
11 68521, 68043, 43787, 71557, 68788, 68789, 68790, 68791, 25604,
12 68968, 68783, 40060, 33684, 35747, 71558, 13332, 71559, 68041,
13 69235, 68784, 68785, 109027, 55503, 55127, 54421, 104623,
14 106940, 235371, 68786, 71560, 347875, 71561, 102271, 22856,
15 68522, 78791, 78745, 78746, 83093, 82884, 78036, 8409, 19296,
16 45475, 1608, 65650, 62859, 66371, 43789, 23446, 82959, 22853,
17 68523, 71503, 82894, 71563, 31498, 33433, 49992, 83131, 83092,
18 68526, 31513, 62666, 109160, 68527, 18508, 102286, 44053,
19 102287, 68044, 31511, 102288, 47154, 98931, 12567, 12596,
20 64241, 60007, 34135, 120943, 200372, 51852, 43178, 4239, 7590,
21 32892, 68779, 22855, 31497, 83316, 42105, 309800, 307118,
22 62860, 64434, 64435, 64436, 75553, 20632, 31514, 65816,
23 320743, 68524, 68525, 320740, 47157, 72595, 73312, 244676,
24 51871, 55382, 5857, 36033, 72046, 72047, 72048, 74173, 229686,
25 229687, 229688, 229689, 229690.

26 (b) No property within the Josephine Landmark
27 District may be annexed into any municipality by local law.

1 (c) Subsection (b) shall not apply to any
2 municipality incorporated after the ratification of this
3 amendment which includes any part of the Josephine Landmark
4 District.

5 (d) The sole purpose of this amendment is to
6 prohibit annexation of any portion of the Josephine Landmark
7 District by local law. Further, this amendment does not create
8 or grant authority or powers which would exist if the district
9 were a municipal corporation. The district shall not, by this
10 amendment, acquire any authority or powers other than the
11 prohibition of the annexation of any portion of the district
12 by local law.

13 (e) The Josephine Landmark District shall not be
14 considered a legal entity and shall not have any of the
15 following powers or authority:

16 (1) Standing to sue or be sued.

17 (2) Taxing authority.

18 (3) Zoning authority.

19 (4) Police power and public safety authority.

20 (5) Authority to adopt ordinances, rules, or
21 regulations within its boundaries.

22 (6) Any order authority or power commonly associated
23 with a legal entity.

24 (f) This amendment shall be terminated five years
25 from adoption of this amendment unless further extended by a
26 vote of the Baldwin County Legislative Delegation.

27 PART II.

1 Any landmark district created in Baldwin County by
2 an amendment to this constitution prior to the ratification of
3 this amendment shall not be considered a legal entity and
4 shall not have any of the following powers or authority:

5 (1) Standing to sue or be sued.

6 (2) Taxing authority.

7 (3) Zoning authority.

8 (4) Police power and public safety authority.

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

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

13 Section 2. An election upon the proposed amendment
14 shall be held at the general election in November 2020 in
15 accordance with Section 284.01 of the Constitution of Alabama
16 of 1901, now appearing as Section 284.01 of the Official
17 Recompilation of the Constitution of Alabama of 1901, as
18 amended, and the election laws of this state.

19 Section 3. The appropriate election official shall
20 assign a ballot number for the proposed constitutional
21 amendment on the election ballot and shall set forth the
22 following description of the substance or subject matter of
23 the proposed constitutional amendment:

24 "Relating to Baldwin County, proposing an amendment
25 to the Constitution of Alabama of 1901, to define the
26 Josephine Landmark District with certain exceptions and to
27 prohibit the annexation by local law of any property within

1 the district into any municipality except under certain
2 conditions and to further specify that any landmark district
3 in Baldwin County would not be considered a legal entity.

4 "Proposed by Act _____."

5 This description shall be followed by the following
6 language:

7 "Yes () No ()."