

1 HB191  
2 197064-1  
3 By Representative Collins  
4 RFD: County and Municipal 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.

