

1 SB359
2 184533-1
3 By Senators Smitherman, Dunn, Coleman-Madison, Waggoner and
4 Shelnuttt (N & P)
5 RFD: Local Legislation, Jefferson County
6 First Read: 06-APR-17

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Jefferson County; to amend Section
14 45-37-90.05 of the Code of Alabama 1975, relating to the
15 Birmingham-Jefferson Civic Center Authority; to alter the
16 boundaries within which the authority is authorized to
17 construct, maintain, control, or operate and manage a civic
18 center.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 45-37-90.05 of the Code of
21 Alabama 1975, is amended to read as follows:

22 "§45-37-90.05.

23 "(a) The authority shall be authorized to construct,
24 maintain, control, operate, and manage a civic center in the
25 county seat within the following described area:

26 "~~POB — Begin at the intersection of Carraway Blvd.~~
27 ~~and 13th Avenue North then west along 13th Avenue to the~~

1 intersection of 21st Place and 22nd Street North, then
2 southwest along 21st Place to intersection with 13th Avenue
3 North, then northwest along 13th Avenue North to intersection
4 with 19th Street North, then south along 19th Street North to
5 intersection with 11th Avenue North, then west along 11th
6 Avenue North to intersection with 17th Street North, then
7 south along 17th Street North for a distance of approximately
8 100 feet to a point at the southwest corner of the south
9 boundary of the Fountain Heights Neighborhood Improvement
10 Plan, then west along the south boundary of the Fountain
11 Heights Neighborhood Improvement Plan until the boundary
12 intersects with the north right of way of Interstate 59/20,
13 then eastward along the interstate right of way until the
14 right of way intersects with Carraway Blvd. then north along
15 Carraway Blvd. to 13th Avenue North at the point of beginning.

16 "Beginning at the intersection of Thirteenth Avenue
17 North and Twenty-sixth Street North (Carraway Boulevard);
18 thence Southerly along Twenty-sixth Street North (Carraway
19 Boulevard) to the Connector Road; thence Southerly along the
20 Connector Road to Twenty-sixth Street North; thence Southerly
21 along Twenty-sixth Street North to Eighth Avenue North
22 (Reverend Abraham Woods Jr. Boulevard); thence Westerly along
23 Eighth Avenue North (Reverend Abraham Woods Jr. Boulevard) to
24 Twenty-third Street North; thence Northerly along Twenty-third
25 Street North to the Southerly Right of Way of Interstate
26 59/20; thence Westerly along the Southerly Right of Way of
27 Interstate 59/20 to Fifteenth Street North; thence Northerly

1 along Fifteenth Street North to Eleventh Avenue North; thence
2 Easterly along Eleventh Avenue North to Nineteenth Street
3 North; thence Northerly along Nineteenth Street North to
4 Thirteenth Avenue North; thence Easterly along Thirteenth
5 Avenue North to Twenty-first Place North; thence Northerly
6 along Twenty-first Place North to Thirteenth Avenue North;
7 thence Easterly along Thirteenth Avenue North to Twenty-third
8 Street North; thence Northerly along Twenty-third Street North
9 to Fifteenth Avenue North; thence Westerly along Fifteenth
10 Avenue North to Twenty-second Street North; thence Northerly
11 along Twenty-second Street North to Seventeenth Avenue North;
12 thence Westerly along Seventeenth Avenue North to FL
13 Shuttlesworth Drive; thence Northerly along FL Shuttlesworth
14 Drive to Nineteenth Avenue North; thence Easterly along
15 Nineteenth Avenue North to Twenty-fifth Street North; thence
16 Northerly along Twenty-fifth Street North to Twentieth Avenue
17 North; thence Easterly along Twentieth Avenue North to
18 Twenty-seventh Street North; thence Southerly along
19 Twenty-seventh Street North to Nineteenth Avenue North; thence
20 Westerly along Nineteenth Avenue North to Twenty-sixth Street
21 North; thence Southerly along Twenty-sixth Street North to
22 Fifteenth Avenue North; thence Easterly along Fifteenth Avenue
23 North to the Westerly Right of Way of Norfolk Southern
24 Railway; thence Southerly along the Westerly Right of Way of
25 Norfolk Southern Railway to Thirteenth Avenue North; thence
26 Westerly along Thirteenth Avenue North to Twenty-sixth Street
27 North (Carraway Boulevard) and to the Point of Beginning.

1 "(b) The area shall not be extended unless the
2 extension thereof has been first approved by a resolution
3 adopted by the governing body of the county and a resolution
4 adopted by the governing body of the county seat. The
5 authority shall be authorized to construct, maintain, control,
6 own, operate, and manage any or all facilities useful or
7 necessary to provide for public meetings, athletic contests,
8 concerts, theatrical performances, trade shows, exhibitions,
9 or any other events which contribute to the cultural
10 betterment of the community or which entertain or educate the
11 persons attending such events. The facilities which the
12 authority may construct, maintain, control, own, operate, and
13 manage shall include, without limitation, all or any of the
14 following to be situated in or near the civic center:
15 Buildings to provide offices to be used by any person,
16 including, without limitation, the United States of America,
17 the State of Alabama, the county, any municipality within the
18 county, or any agency, instrumentality, public corporation, or
19 subdivision of such governmental entities; and buildings to
20 house or accommodate public facilities of any person,
21 including, without limitation, the United States of America,
22 the State of Alabama, the county, any municipality within the
23 county, or any agency, instrumentality, public corporation, or
24 subdivision of such governmental entities; parking facilities,
25 streets, boulevards, walkways, parkways, and parks; monuments,
26 statues, and other structures beautifying the civic center;
27 community houses or meeting houses and auditoriums; arenas,

1 convention halls, and convention sites; music halls, theatres,
2 and museums; hotels or motels of sufficient size and quality
3 to accommodate persons attending conventions, restaurants,
4 meeting rooms, and administrative facilities; places of
5 recreation; and art exhibits and other exhibits for the
6 advancement of the humanities and the cultural development and
7 edification of the citizens of the county and of the
8 municipalities located therein.

9 "(c) The authority shall have the power:

10 "(1) To sue and be sued.

11 "(2) To acquire property and rights and interests in
12 property by gift, lease, or purchase, or by the exercise of
13 eminent domain.

14 "(3) To have a seal and alter the same at pleasure.

15 "(4) To appoint officers, agents, employees, and
16 attorneys, and to fix their compensation.

17 "(5) To make bylaws for the management and
18 regulation of its affairs.

19 "(6) To make contracts, and to execute all
20 instruments necessary or convenient to lease or purchase and
21 own real or personal property to be used for the furtherance
22 of the purposes for the accomplishment of which the authority
23 is created.

24 "(7) To arrange, sponsor, and conduct programs and
25 exhibits in the civic center for the advancement of the
26 cultural, civic, and scientific interests and welfare of the

1 citizens of the county and of the municipalities thereof and
2 for the advancement of the humanities.

3 "(8) To promote, sponsor, and operate in the civic
4 center exhibitions and recreational activities.

5 "(9) To charge fees for admission.

6 "(10) To lease or sublease to any person, including,
7 without limitation, the United States of America, the State of
8 Alabama, the county, any municipality within the county, or
9 any agency, instrumentality, public corporation, or
10 subdivision of such governmental entities, any property owned
11 or leased by or under the control of the authority.

12 "(11) To purchase or lease real property and rights
13 of easements therein necessary or convenient for its corporate
14 purposes and to use the same so long as its corporate
15 existence shall continue.

16 "(12) To accept or receive gifts, bequests, and
17 devises.

18 "(13) To sell, convey, lease, mortgage, deed in
19 trust, contract for the management of, or otherwise deal with
20 all or any part of the property, both real and personal, of
21 the authority, in the furtherance of the purposes for the
22 accomplishment of which the authority is created.

23 "(14) To do all things necessary or convenient to
24 carry out the powers expressly given herein.

25 "(d) For the aforesaid purposes, and for no other
26 purposes, the authority shall be authorized to use and apply
27 the proceeds of any taxes which the Legislature provides shall

1 be payable to the authority and the proceeds of any fees or
2 charges that the authority is authorized to collect and retain
3 pursuant to this part.

4 "(e) Subject to the conditions stated in the
5 sentence next following, the county, and each municipality
6 thereof, are authorized, but not required, to lease, sell,
7 donate, or otherwise convey to the authority, real or personal
8 property, including park properties, without authorization by
9 election of the qualified voters of the county or of the
10 municipality; and subject to the conditions stated in the
11 sentence next following, the county, and each municipality
12 thereof, are authorized, but not required, to appropriate
13 public funds of the county or of the municipality, as the case
14 may be, to the authority, to be used by the authority for
15 purposes hereinabove enumerated. The county shall not lease,
16 sell, donate, or convey any property to the authority, or
17 appropriate any money to the authority, unless the governing
18 body of the county has determined that such lease, sale,
19 donation, conveyance, or appropriation will benefit the people
20 of the county to such an extent as to fully warrant and
21 justify the lease, sale, donation, conveyance, or
22 appropriation; and no municipality shall lease, sell, donate,
23 or convey any property to the authority or appropriate any
24 money to the authority unless the governing body of such
25 municipality has determined that such lease, sale, donation,
26 conveyance, or appropriation will benefit the people of the

1 municipality to such an extent as to fully warrant and justify
2 the lease, sale, donation, conveyance, or appropriation.

3 "(f) The authority may adopt a plan for development
4 of property in its area of operation that is in furtherance of
5 its corporate purposes. The authority may acquire property
6 with the intent of selling, leasing, or otherwise disposing of
7 such property to any person in connection with, or in
8 furtherance of, any such development plan. If the authority
9 sells, leases, or otherwise conveys any of its property to a
10 person other than a governmental entity, such conveyance shall
11 be for fair market value, as determined by the board of
12 directors of the authority upon such evidence as it shall
13 consider appropriate. For purposes of determining the fair
14 market value of property so conveyed, the authority may take
15 into account any restrictions or standards imposed on the use
16 of such property by the terms of such conveyance or by a
17 development plan adopted by the authority that affects the
18 potential use of such property.

19 "(g) The authority shall be authorized to invest any
20 of its funds not needed to meet disbursements in any
21 securities or obligations that the county or any municipality
22 within the state is authorized to invest its own funds, or to
23 deposit such funds in any bank or financial institution
24 selected by the authority.

25 "(h) This part shall not be construed to limit the
26 right, power, or authority of any municipality to operate
27 facilities similar to the facilities provided for by this

1 part. Without limiting the generality of the next foregoing
2 sentence, it is expressly provided that this part shall not in
3 any way affect any auditorium, art museum, or other facility
4 presently owned or hereafter acquired by any municipality,
5 whether situated in the civic center or elsewhere."

6 Section 2. All laws or parts of laws which conflict
7 with this act are repealed.

8 Section 3. The provisions of this act are severable.
9 If any part of this act is declared invalid or
10 unconstitutional, that declaration shall not affect the part
11 which remains.

12 Section 4. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.