HB343

LD3VAYW-1

By Representative Holk-Jones (Constitutional Amendment)

RFD: Baldwin County Legislation

First Read: 19-Mar-24

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

To 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:

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 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 of less, to 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 Helton Lane; thence run Easterly along the centerline of Helton Lane to the intersection of the centerline of Helton Lane and the centerline of Fairmont Drive; thence run Southerly to the centerline of Boggy Branch; thence run Westerly following the meanderings along the centerline and of Boggy Branch to the intersection of the centerline of Boggy Branch and the centerline of the Bon Secour River; thence run Southwesterly

following the meanderings of the centerline of Bon Secour River to the eastern margin of Bon Secour Bay; thence run Northwesterly following the meanderings of the eastern margin of Bon Secour Bay to the intersection of the eastern margin of Bon Secour Bay and the eastern of boundary of Section 33 Township 8 South Range 3 East; thence run Northerly to the intersection of the eastern boundary of Section 28 Township 8 South Range 3 East and the intersection of the centerline of County Road 49; thence run Northerly 18,170 feet more or less, to the Point of Beginning.

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

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

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

(1) Standing to sue or be sued.

(2) Taxing authority.

(3) Zoning authority.

(4) Police power and public safety authority.

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

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

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as

appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; and translate effective dates.

END PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284, 284.01, and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Baldwin County, proposing an amendment to the Constitution of Alabama of 2022, 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.

Proposed by Act ____."

This description shall be followed by the following language:

"Yes( ) No( )."

Section 3. The proposed amendment shall become valid as part of the Constitution of Alabama of 2022, when approved by a majority of the qualified electors voting thereon.

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