

1 SB350
2 195345-8
3 By Senator Chambliss (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 30-APR-19

1 SB350

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4 ENROLLED, An Act,

5 To propose an amendment to the Constitution of
6 Alabama of 1901, relating to Tallapoosa County, to authorize
7 the Legislature by local law to provide for the establishment
8 of a road maintenance district as a public corporation in the
9 Willow Point Estates and to authorize the district to assess
10 and collect road maintenance charges for the maintenance of
11 certain roads in the district.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. The following amendment to the
14 Constitution of Alabama of 1901, is proposed and shall become
15 valid as a part of the Constitution when all requirements of
16 this act are fulfilled:

17 PROPOSED AMENDMENT

18 (a) In Tallapoosa County, the Legislature by local
19 law may provide for the establishment of a road maintenance
20 district as a public corporation composed of the owners of all
21 lots in the Willow Point Estates as further defined herein.

22 (b) For the purposes of this amendment, "Willow
23 Point Estates" means:

24 All recorded phases and lots in the subdivisions
25 known as Willow Point Estates or Willow Point recorded in the

1 office of the Judge of Probate of Tallapoosa County, which
2 includes, but are not limited to the following:

3 (1) Willow Point Estates - Phase 1, Plat Book 5,
4 Page 196, 06/22/1972.

5 (2) Willow Point Estates - Phase 3, Plat Book 5,
6 Page 201, 08/23/1972.

7 (3) Willow Point Estates - Phases 2-4 and 5, Plat
8 Book 6, Page 21, 08/01/1973.

9 (4) Willow Point Estates - Phase 6, Plat Book 56,
10 Page 140, 05/27/1977.

11 (5) Willow Point Estates - Phase 7, Plat Book 7,
12 Page 57, 03/03/1986.

13 (6) Willow Point Estates - Amended Phase 6, Lots 37
14 and 39, Plat Book 7, Page 73, 12/09/1986.

15 (7) Willow Point Estates - Phase 7A, Lot 22, Plat
16 Book 7, Page 78, 01/28/1987.

17 (8) Willow Point Estates - Phase VIII, Plat Book 7,
18 Page 82, 04/02/1987.

19 (9) Willow Point Estates - Phase VII B, Plat Book 7,
20 Page 85, 05/20/1987.

21 (10) Willow Point Estates - Phase VII C, Plat Book
22 7, Page 90, 01/19/1988.

23 (11) Willow Point Estates - Amended Phase VII C,
24 Plat Book 7, Page 128, 02/16/1989.

1 (12) Willow Point Estates - Phase IX, Plat Book 7,
2 Page 158, 07/31/1990.

3 (13) Willow Point Estates - Phase X, Plat Book 7,
4 Page 162, 09/26/1990.

5 (14) Willow Point Estates - Phase 2-A (Being a
6 Replat of Lots 15 and 16, Block A, Willow Point Estates at
7 Plat Book 6, Page 21), Plat Book 8, Page 1, 05/21/1993.

8 (15) Willow Point Estates - Phase Six "B", Plat Book
9 8, Page 72, 02/06/1997.

10 (16) Willow Point Estates - Replat of Lot 17, 18,
11 and 19 Willow Point Estates, Phase II 4 and 5, Plat Book 9,
12 Page 27, 09/15/1999.

13 (17) Willow Point Estates - Phase 3A, (Being a
14 Replat of Lot 7 of Willow Point Estates at Plat Book 5, Page
15 201), Plat Book 10, Page 17, 01/17/2002.

16 (18) Willow Point Estates - Resurvey of Lot #1,
17 Phase 1, Plat Book 10, Page 39, 07/16/2003.

18 (19) Willow Point Estates - Phase II-B, (Being a
19 Replat of Lots 1-6, Willow Point Estates, Block C, Phase 2, at
20 Plat Bk 6, Page 21), Plat Book 10, Page 50, 12/15/2003.

21 (20) Willow Point Estates - Phase VII-D, (Being a
22 Replat of Lots 20 and 21 of Willow Point Estates, Phase VII at
23 Plat Bk 7, Page 57), Plat Book 12, Page 91, 06/08/2016.

24 (21) Willow Point - Phase XI, Plat Book 8, Page 57,
25 06/19/96.

1 (22) Willow Point - Phase XII, Plat Book 8, Page 58,
2 06/19/96.

3 (23) Willow Point - Phase XII-A, Plat Book 10, Page
4 56, 04/23/04.

5 (24) Glynmere at Willow Point, Plat Book 11, Page
6 22, 11/04/05.

7 (c) The district may be established only after the
8 filing of a petition as provided in the local law in the
9 office of the judge of probate of the county and the approval
10 of the formation of the district by a majority vote of the
11 qualified voters, with each lot having one vote, voting in
12 favor of the formation of the district at a referendum
13 election conducted by the judge of probate pursuant to the
14 local law. Notwithstanding the foregoing, the district shall
15 not be established unless the owner of the roads in Willow
16 Point Estates, with the exception of subdivision (24) Glynmere
17 at Willow Point, joins in the petition and agrees to transfer
18 ownership of the roads to the district in the event that the
19 district is created. The ownership of the roads transferred to
20 the district shall be held by the district for the benefit of
21 the owners of lots in Willow Point Estates and the roads shall
22 be private roads for use by the property owners of lots in
23 Willow Point Estates and as provided by the district. After
24 the transfer of ownership of the roads to the district, the
25 duty to maintain the roads transferred is vested in the

1 district. After the district becomes operative and in the
2 manner provided by local law, the district may assess and
3 collect an annual road maintenance charge on the owner or
4 owners of each lot in Willow Point Estates. The proceeds of
5 the road maintenance charges shall be used by the district
6 only for the maintenance, construction, repair, and paving of
7 the roads and bridges, including rights-of-way, in the
8 district and for administration of the district. Failure to
9 pay the road maintenance charges in a timely manner as
10 provided by the district shall result in a lien on the
11 property which may be enforced in the manner provided by the
12 local law.

13 Section 2. An election upon the proposed amendment
14 shall be held at the primary election in 2020 in accordance
15 with Section 284.01 of the Constitution of Alabama of 1901,
16 now appearing as Section 284.01 of the Official Recompilation
17 of the Constitution of Alabama of 1901, as amended, and the
18 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 Tallapoosa County, proposing a local
25 amendment to the Constitution of Alabama of 1901, to authorize

1 the Legislature by local law to provide for the establishment
2 of a road maintenance district as a public corporation in
3 Willow Point Estates and to authorize the district to assess
4 and collect road maintenance charges for the maintenance of
5 certain roads in the district.

6 "Proposed by Act _____"

7 This description shall be followed by the following
8 language:

9 "Yes () No ()."

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB350

Senate 07-MAY-19

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 14-MAY-19

By: Senator Chambliss