

1 HB591
2 65098-2
3 By Representative Payne (Constitutional Amendment)
4 RFD: County and Municipal Government
5 First Read: 09-MAR-04

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ENROLLED, An Act,

Proposing an amendment to the Constitution of Alabama of 1901, to authorize the City of Trussville to annex certain property; to provide for the levy of an ad valorem tax for public school purposes in the City of Trussville; and to provide for the rate of levy of the tax and the manner of conducting elections with respect to the tax.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

Any provision of the constitution and laws of the State of Alabama to the contrary notwithstanding, the City of Trussville shall have (a) the power to annex and include within its corporate limits the following described property:

(i) A part of Section 28 and Section 33, Township 16 South, Range 1 East, in St. Clair County, Alabama, more particularly described as follows:

Begin at the southwest corner of Section 28, Township 16 South, Range 1 East; thence north along the west line to the northwest corner of Lot 1-A, Cahaba Valley Estates, Second Sector, Resurvey of Lots 1 and 2, Map Book

1 A105-5; thence northeasterly along the north line of said Lot
2 1-A; thence continue northeasterly along the north line of
3 Lots 3, 4, 5, 6, 7, 8, 9, and 10, Cahaba Valley Estates,
4 Second Sector, Map Book E, Page 28; thence southeasterly along
5 the east line of Lots 10 and 11, Cahaba Valley Estates, Second
6 Sector, Map Book E/28 and continue southeasterly along the
7 east line of Lots 7 and 6, Cahaba Valley Estates, Map Book D,
8 Page 4; thence continue southeasterly ± 1165 feet; thence
9 southeasterly ± 250 feet; thence northeasterly ± 45 feet to a
10 point on the east line of the southwest quarter of said
11 Section 28; thence south along the east line to the southeast
12 corner of the southwest quarter of said Section 28; thence
13 west along the south line to the southwest corner of said
14 Section 28, said point being the point of beginning.

15 Also: Begin at the northwest corner of Section 33,
16 Township 16 South, Range 1 East; thence east along the north
17 line to the northeast corner of the northwest quarter of the
18 northwest quarter of said Section 33; thence south along the
19 east line of said quarter-quarter section ± 320 feet to the
20 northerly right-of-way line of the old Trussville-Talladega
21 Road; thence southwesterly along said northerly right-of-way
22 line to the center line of the Cahaba River; thence
23 southwesterly along the center line of the Cahaba River to the
24 west line of Section 33; thence north along the west line to

1 the northwest corner of said Section 33, said point being the
2 point of beginning.

3 (ii) A part of Section 10, 11, 15, 14, and 22,
4 Township 16 South, Range 1 East, in St. Clair County, Alabama,
5 more particularly described as follows:

6 Begin at the SW corner of Section 15, Township 16
7 South, Range 1 East, St. Clair County, Alabama; thence North
8 to the NW corner of said section; thence East to the SW corner
9 of the SW 1/4 of the SE 1/4 of Section 10, Township 16 South,
10 Range 1 East, St. Clair County, Alabama, thence North to the
11 NW corner of said 1/4-1/4 section; thence north to the NW
12 Corner of the NW 1/4 of the SE 1/4 of said section; thence
13 East to the NE corner of the NE 1/4 of the SE 1/4 of said
14 section; thence North to the NW corner of the SW 1/4 of the NW
15 1/4 of Section 11, Township 16 South, Range 1 East, St. Clair
16 County, Alabama; thence East to the NE Corner of said 1/4-1/4
17 section; thence East to NW corner of lot 33 Hidden Lake
18 Estates as recorded in map book 2, page 65 in the Office of
19 the Judge of Probate in St. Clair County; thence Southwesterly
20 along the west line of said Hidden Lake Estates to the SW
21 corner of lot 16 of said Hidden Lake Estates; thence West to
22 the NE corner of Section 15, Township 16 South, Range 1 East,
23 St. Clair County, Alabama; thence South to the SE corner of
24 the SE 1/4 of the NE 1/4; thence West to the SW corner of said
25 1/4-1/4 section; thence South to the NW corner of the SE 1/4

1 of the SE 1/4 of said section; thence East to the NE corner of
2 said 1/4-1/4 section; thence East to the NE corner of the SE
3 1/4 of the SW 1/4 of Section 14, Township 16 South, Range 1
4 East, St. Clair County, Alabama; thence South to the SE corner
5 of said 1/4-1/4 section; thence West to the NE corner of
6 Section 22, Township 16 South, Range 1 East, St. Clair County,
7 Alabama; thence South to the SE corner of the NE 1/4 of the NE
8 1/4 of said section; thence West to the NE corner of the SW
9 1/4 of the NE 1/4 of said section; then Southwesterly to the
10 SE corner of the SW 1/4 of the SW 1/4 of the NE 1/4 of said
11 section; thence West to the SW corner of the SW 1/4 of the NW
12 1/4 of said section; thence North to the NW corner of Section
13 22, the SW corner of Section 15, Township 16 South, Range 1
14 East, St. Clair County, Alabama, and the POINT OF BEGINNING;

15 and

16 (b) In addition to the power to levy and collect ad
17 valorem tax each year at the rate authorized immediately prior
18 to the adoption of this amendment, the further power to levy
19 and collect each year an additional tax for public school
20 purposes, without limit as to time, as hereinafter provided,
21 based upon the value of the property therein as fixed for
22 state taxation; provided, that the said tax herein provided
23 for shall be levied in such manner and at a rate not exceeding
24 five (5) mills with respect to property situated in that part
25 of the said city that lies in Jefferson County and not

1 exceeding 21.6 mills with respect to property situated in that
2 part of the said city that lies in St. Clair County; it being
3 recognized that the said city lies in more than one county and
4 that, immediately prior to the adoption of this amendment, the
5 number of mills of county-levied school tax varied depending
6 on the county in which such portion of the city was located;
7 provided, further, the total number of mills levied pursuant
8 to this amendment, when added to the number of mills levied
9 for public school or educational purposes, by all taxing
10 authorities, other than the State of Alabama, on property
11 situated in that part of the city that lies in St. Clair
12 County shall not exceed the number of mills levied for public
13 school or educational purposes on property situated in that
14 part of the city that lies in Jefferson County. No such
15 additional tax shall be levied under the authority of this
16 amendment unless a majority of the qualified electors of said
17 municipal corporation voting in the election on the adoption
18 of this amendment shall vote for such adoption; provided that
19 if the majority of the qualified electors of the said
20 municipal corporation voting in the said election should not
21 vote in favor of such adoption, or if the majority of the
22 qualified electors of the said municipal corporation at any
23 election subsequently called under the authority of this
24 amendment should not vote in favor of the levy of the said
25 additional tax at an election so called, the governing body of

1 the said municipal corporation may call other elections
2 hereunder on the question of the levy of said tax without
3 further act of the Legislature, but not more than one such
4 election shall be held during any period of twelve consecutive
5 months.

6 Each election held under the provisions hereof shall
7 be ordered, held, canvassed, and may be contested in the same
8 manner as may be provided by law applicable to municipal
9 corporations for elections to authorize the issuance of
10 municipal bonds.

11 Any annexation heretofore approved by the City of
12 Trussville with respect to property lying within the territory
13 described hereinabove is hereby ratified, validated, and
14 confirmed.

15 The annexation herein provided for shall not in any
16 way be subject to the provisions of Amendment No. 460 to this
17 constitution.

18 Section 2. An election upon the above proposed
19 amendment shall be held at the next general, special, primary,
20 or constitutional amendment election after the expiration of
21 three months from the final adjournment of the current session
22 of the Legislature. The election shall be held in accordance
23 with the provisions of Sections 284 and 285 of the
24 Constitution of Alabama of 1901, as amended, and the general
25 election laws of this state.

1 Section 3. Notice of the election and of the
2 proposed amendment shall be given by proclamation of the
3 Governor, which proclamation shall be published once a week
4 for four successive weeks next preceding the day appointed for
5 the election in a newspaper in each county of the state. In
6 every county in which no newspaper is published, a copy of the
7 notice shall be posted at each courthouse and post office.

8 Section 4. The appropriate election official shall
9 assign a ballot number for the proposed constitutional
10 amendment on the election ballot and shall set forth the
11 following description of the substance or subject matter of
12 the proposed constitutional amendment:

13 "Relating to the City of Trussville in Jefferson and
14 St. Clair Counties, proposing an amendment to the Constitution
15 of Alabama of 1901, to authorize the City of Trussville to
16 annex certain property; to provide for the levy of an ad
17 valorem tax for public school purposes in the City of
18 Trussville; and to provide for the rate of levy of the tax and
19 the manner of conducting elections with respect to the tax.

20 "Proposed by Act _____"

21 This description shall be followed by the following
22 language:

23 "Yes () No ()."

