

1 HB126
2 196892-1
3 By Representative Nordgren
4 RFD: County and Municipal Government
5 First Read: 05-MAR-19

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8 SYNOPSIS: Under existing law, the county commission of
9 a county is required to approve any proposed plat
10 for the subdivision of land and issue a permit to
11 develop the land after a review of the plat by the
12 county engineer or his or her designee. This law
13 does not apply to the sale or deed of land by the
14 owner to an immediate family member.

15 This bill would require any plat of a
16 subdivision of land outside of the corporate limits
17 of a municipality to state affirmatively whether or
18 not the county commission has agreed to accept
19 responsibility for maintenance of any roads on the
20 plat prior to the county commission approving the
21 plat. The bill would also require any contract for
22 the sale of a lot or deed to a homeowner to
23 affirmatively state the same information.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to subdivisions of land outside of the
3 corporate limits of any municipalities; to amend Section
4 11-24-2 of the Code of Alabama 1975, to require any plat and
5 any contract of sale or deed of a lot under certain conditions
6 to affirmatively state whether or not the county commission of
7 the county has agreed to accept responsibility for maintenance
8 of any road or roads appearing on the plat as county roads.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 11-24-2 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§11-24-2.

13 "(a) It shall be the duty of the owner and developer
14 of each subdivision to have all construction completed in
15 conformity with this chapter and, prior to beginning any
16 construction or development, to submit the proposed plat to
17 the county commission for approval and obtain a permit to
18 develop as required in this section. The permit to develop
19 shall be obtained before the actual sale, offering for sale,
20 transfer, or lease of any lots from the subdivision or
21 addition to the public, it must include a plan to deliver
22 utilities including water, and shall only be issued upon
23 approval of the proposed plat by the county commission. As a
24 condition for the issuance of a permit and approval of a plat
25 of a subdivision outside of the corporate limits of a
26 municipality under this chapter, the county commission shall
27 require that the plat affirmatively state whether or not the

1 county commission has agreed to accept any road or roads
2 appearing on the plat as county roads and to be responsible
3 for maintenance of the roads. As a condition for the issuance
4 of a permit, the county commission may require any of the
5 following for approval of the proposed plat:

6 "(1) The filing and posting of a reasonable surety
7 bond with the county commission by the developers of the
8 proposed subdivisions or proposed additions to guarantee the
9 actual construction and installation are in accordance with
10 approved plans for public streets, public roads, drainage
11 structures, and public utilities.

12 "(2) The names and addresses of each adjoining
13 landowner and utility subject to the notice as provided in
14 subsection (b).

15 (3) A permit fee, which shall not exceed twenty-five
16 dollars (\$25).

17 "(b) No proposed plat shall be approved or
18 disapproved by the county commission without first being
19 reviewed by the county engineer or his or her designee.
20 Following the review, the county engineer or his or her
21 designee shall certify to the commission whether the proposed
22 plat meets the county's regulations. If the proposed plat
23 meets the regulations, it shall be approved by the commission.
24 Should the proposed plat be determined by the county engineer
25 to be deficient in any regard, the county engineer shall
26 detail the deficiency to the county commission along with a
27 recommendation that it be disapproved. Notice of the

1 recommendation of the engineer shall be sent to the owner or
2 developer whose name and address appears on the submitted
3 proposed plat by registered or certified mail at least 10 days
4 before the recommendation shall be presented to the county
5 commission for action. A similar notice shall be mailed to the
6 owners of land immediately adjoining the platted land as their
7 names appear upon the plats in the office of the county tax
8 assessor and their addresses appear in the directory of the
9 county or on the tax records of the county and to each utility
10 affected thereby. Each utility notified in writing by the
11 commission shall be given at least 10 days to review the
12 proposed plat and submit a written report to the commission as
13 to whether all provisions affecting the service to be provided
14 by the utility are reasonable and adequate. If any utility
15 affected by the proposed plat is not properly notified then
16 the approval or disapproval by the county commission shall not
17 be valid until the affected utility has been given at least 10
18 days' notice prior to such approval or disapproval as provided
19 by this subsection.

20 "(c) In addition to the foregoing, once the owner or
21 developer of all proposed subdivisions or proposed additions
22 to existing subdivisions of land situated outside the
23 corporate limits of any municipality in the county has met all
24 requirements of the county's regulations, he or she shall
25 submit the final plat of the developed subdivision or addition
26 to existing subdivision to the county engineer for signature
27 verifying that the subdivision or addition to existing

1 subdivision meets the county's regulations. After the final
2 plat has been signed by the county engineer, it shall be filed
3 for record or received for filing in the office of the judge
4 of probate. Subject to the penalties set out in Section
5 11-24-3, it shall be a violation of this chapter for the
6 developer to file or to have filed any plat, deed, property
7 description, or document of property transfer without full
8 compliance with this section.

9 "(d) Notwithstanding the provisions of subsections
10 (a), (b), and (c), this section shall not apply to the sale,
11 deed, or transfer of land by the owner to an immediate family
12 member, except that, in the event that there is any sale,
13 deed, or transfer of land by the owner or an immediate family
14 member to someone other than an immediate family member, this
15 chapter shall then apply to any subdivision of property as
16 defined in subdivision (4) of subsection (a) of Section
17 11-24-1.

18 "(e) Upon the first sale or transfer by a developer
19 or home builder of a lot in a subdivision to which this
20 section applies to a residential homeowner outside of the
21 corporate limits of a municipality, the contract for sale and
22 the deed to the homeowner or homeowners shall affirmatively
23 state whether or not the county commission of the county has
24 agreed to accept any road or roads appearing on the plat as
25 county roads and whether or not the county commission shall be
26 responsible for maintenance of the roads."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.