

1 HB431  
2 206247-1  
3 By Representative Oliver (Constitutional Amendment)  
4 RFD: Local Legislation  
5 First Read: 10-MAR-20

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8 SYNOPSIS: This bill would propose a local amendment to  
9 the Constitution of Alabama of 1901, relating to  
10 Tallapoosa County, to authorize the Legislature by  
11 local law to provide for the establishment of a  
12 road maintenance district as a public corporation  
13 in the Willow Point Estates and to authorize the  
14 district to assess and collect road maintenance  
15 charges for the maintenance of certain roads in the  
16 district.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
21

22 To propose an amendment to the Constitution of  
23 Alabama of 1901, relating to Tallapoosa County, to authorize  
24 the Legislature by local law to provide for the establishment  
25 of a road maintenance district as a public corporation in the  
26 Willow Point Estates and to authorize the district to assess

1 and collect road maintenance charges for the maintenance of  
2 certain roads in the district.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8 PROPOSED AMENDMENT

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

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

15 All recorded phases and lots in the subdivisions  
16 known as Willow Point Estates or Willow Point recorded in the  
17 office of the Judge of Probate of Tallapoosa County, which  
18 includes, but are not limited to the following:

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

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

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

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

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

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

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

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

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

11                   (10) Willow Point Estates - Phase VII C, Plat Book  
12 7, Page 90, 01/19/1988.

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

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

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

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

22                   (15) Willow Point Estates - Phase Six "B", Plat Book  
23 8, Page 72, 02/06/1997.

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

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

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

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

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

12           (21) Willow Point - Phase XI, Plat Book 8, Page 57,  
13 06/19/96.

14           (22) Willow Point - Phase XII, Plat Book 8, Page 58,  
15 06/19/96.

16           (23) Willow Point - Phase XII-A, Plat Book 10, Page  
17 56, 04/23/04.

18           (24) Glynmere at Willow Point, Plat Book 11, Page  
19 22, 11/04/05.

20           (c) The district may be established only after the  
21 filing of a petition as provided in the local law in the  
22 office of the judge of probate of the county and the approval  
23 of the formation of the district by a majority vote of the  
24 qualified voters, with each lot having one vote, voting in  
25 favor of the formation of the district at a referendum  
26 election conducted by the judge of probate pursuant to the  
27 local law. Notwithstanding the foregoing, the district shall

1 not be established unless the owner of the roads in Willow  
2 Point Estates, with the exception of subdivision (24) Glynmere  
3 at Willow Point, joins in the petition and agrees to transfer  
4 ownership of the roads to the district in the event that the  
5 district is created. The ownership of the roads transferred to  
6 the district shall be held by the district for the benefit of  
7 the owners of lots in Willow Point Estates and the roads shall  
8 be private roads for use by the property owners of lots in  
9 Willow Point Estates and as provided by the district. After  
10 the transfer of ownership of the roads to the district, the  
11 duty to maintain the roads transferred is vested in the  
12 district. After the district becomes operative and in the  
13 manner provided by local law, the district may assess and  
14 collect an annual road maintenance charge on the owner or  
15 owners of each lot in Willow Point Estates. The proceeds of  
16 the road maintenance charges shall be used by the district  
17 only for the maintenance, construction, repair, and paving of  
18 the roads and bridges, including rights-of-way, in the  
19 district and for administration of the district. Failure to  
20 pay the road maintenance charges in a timely manner as  
21 provided by the district shall result in a lien on the  
22 property which may be enforced in the manner provided by the  
23 local law.

24 Section 2. An election upon the proposed amendment  
25 shall be held at the general election in 2020 in accordance  
26 with Section 284.01 of the Constitution of Alabama of 1901,  
27 now appearing as Section 284.01 of the Official Recompilation

1 of the Constitution of Alabama of 1901, as amended, and the  
2 election laws of this state.

3 Section 3. The appropriate election official shall  
4 assign a ballot number for the proposed constitutional  
5 amendment on the election ballot and shall set forth the  
6 following description of the substance or subject matter of  
7 the proposed constitutional amendment:

8 "Relating to Tallapoosa County, proposing a local  
9 amendment to the Constitution of Alabama of 1901, to authorize  
10 the Legislature by local law to provide for the establishment  
11 of a road maintenance district in Willow Point Estates and to  
12 allow property owners in Willow Point Estates to assess  
13 themselves to pay for road maintenance.

14 "Proposed by Act \_\_\_\_\_"

15 This description shall be followed by the following  
16 language:

17 "Yes ( ) No ( )."