

## ANNEXATION PROCEDURES

In accordance with State of Alabama Law, there are three methods by which municipalities can annex territory: Act of the State Legislature, election of the territory, or petition from contiguous property owners.

At the appendix is a copy of Section 65 Municipal Annexation of Property taken from Selected Readings for the Municipal Official, as published by the Alabama League of Municipalities. This outlines the three methods of annexation.

This procedural manual is only for the annexation method by petition from contiguous property owners.

### I. Petition for Annexation

The following procedures shall be used:

- a. A petition is filed with the City Clerk or the annexation coordinator. [Form No. 1]
- b. The petition is reviewed for compliance with State Law Requirements and for completeness. The annexation coordinator shall establish an annexation file and complete the checklist for review [Form Number 2].

### II. Required Reviews

The following reviews of the petition for annexation are required:

- a. Review by the City Attorney for legal sufficiency
- b. Review by the Guntersville Planning Commission.

Refer to zoning ordinance, Article 14, Paragraph 14-3 for procedure by the Planning Commission. See sample memorandum from Planning Commission. Appendix E.

- c. Complete Check List [Form Number 3]

### III. Presentation to the City Clerk

After all reviews are completed, the petition in proper form is presented to the City Clerk. The Clerk shall prepare an ordinance assenting to the annexation and place on the Agenda of the City Council. Upon adoption and publication the area becomes a part of the corporate limits of the city on the date the ordinance is published in the Advertiser-Gleam newspaper. The Clerk or coordinator shall file and record the ordinance with the Marshall County Probate Judge. All costs for publication, advertising and recording are billed to the petitioner.

#### IV. Distribution and Notice of Annexation

Once an area becomes a part of the city through annexation, the City Clerk shall notify the Federal and State agencies listed on the distribution list [Form 4]. Before this distribution is made, it is required by the voting rights act that all annexations of property be reported to the U.S. Attorney General. The annexation is submitted to:

Chief, Voting Section  
Civil Rights Division  
Room 7254 – NWB  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

(See Sample Transmission Letter Appendix F)

After review by the Department of justice, the City Clerk will be advised. (See Sample Letter Appendix H.) The final distribution should now be made. This distribution is important as the annexation affects City Services and tax distributions. (See form Number 4) distribution list for notice of annexations (See Sample Distribution Letter-Appendix J).

The Building Official makes an annual report (Boundary and Annexation Survey) to the U.S. Census Bureau.

#### V. Documentation

Final documentation of the annexation ordinance is critical. The coordinator shall insure that the annexation file is completely documented in order that the process is clearly recorded. Copies of the checklists, all reviews, and correspondence shall be in the file. The official file is maintained by the City Clerk.