

RESOLUTION NO. 2023-141

**RESOLUTION OF THE COUNTY COMMISSION OF
BALDWIN COUNTY, ALABAMA,
AUTHORIZING AND CONSENTING TO THE TRANSFER OF
OWNERSHIP, MAINTENANCE, AND RESPONSIBILITY FOR
PORTIONS OF BELGROVE AVENUE**

WHEREAS, Belgrove Avenue from the intersection of State Highway 181 approximately 355 feet east, is a right-of-way inside or abutting the corporate limits of the City of Daphne (the portion of Belgrove Avenue described in this ordinance is hereinafter referred to as “Belgrove Avenue”); and

WHEREAS, an accurate description of Belgrove Avenue, together with a map thereof showing its relationship to the corporate limits of the City of Daphne, is attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS, some portions of Belgrove Avenue that are not already the responsibility of the City of Daphne have been County-maintained streets for a period of at least one (1) year prior to the effective date of this instrument; and

WHEREAS, Baldwin County has found and determined that allowing the City of Daphne to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for Belgrove Avenue is in the best interest of Baldwin County; and

WHEREAS, the portion of Belgrove Avenue subject to this agreement is bounded on both sides by the corporate limits of the City of Daphne as a result of annexation of territory after July 7, 1995, or located within the City of Daphne but responsibility is vested in the County; and

WHEREAS, in order to clarify and simplify the City of Daphne’s assumption of responsibility for Belgrove Avenue in accordance with *Code of Alabama*, §11-49-80(b), (c), and (d), the Baldwin County Commission is submitting its consent and petition to the City of Daphne to annex Belgrove Avenue and to assume the responsibility thereof; and

WHEREAS, Baldwin County has the legal authority to carry out the intent of this resolution pursuant to *Code of Alabama*, §11-49-80 and other state laws and constitutional amendments; and

WHEREAS, the City of Daphne desires to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for Belgrove Avenue in order to facilitate the orderly development and maintenance of this area in its corporate limits.

NOW, THEREFORE, BE IT RESOLVED by the Baldwin County Commission as follows:

Section 1. That the Baldwin County Commission hereby consents to and petitions for the annexation of Belgrove Avenue by the City of Daphne pursuant to *Code of Alabama*, §§11-49-80(c), and (d) and 11-42-20 to 24.

Section 2. That the Chairman of the Baldwin County Commission and other appropriate County officials are hereby authorized to execute and deliver such documents or agreements to the City of Daphne as are necessary or requested to carry out the intent of this Resolution.

Section 3. To the extent that portions of Belgrove Avenue, if any, are already located within the corporate limits of the City of Daphne, but responsibility is vested in the County, the Baldwin County Commission hereby consents to the assumption of responsibility of said portion or portions of Belgrove Avenue by the City of Daphne, pursuant to *Code of Alabama*, §11-49-80(b), in addition to its annexation or re-annexation as described herein. In accordance with *Code of Alabama*, §11-49-81, the City of Daphne's assumption of responsibility for Belgrove Avenue is in exchange for the County agreeing that it shall resurface, one time, Belgrove Avenue from the intersection of State Highway 181 approximately 355 feet east with a minimum overlay of one inch (1"). The Baldwin County Commission and the City of Daphne respectively acknowledge and agree that this one time resurfacing has been scheduled to occur as soon as possible as consideration for this transfer, and may be completed prior to the transfer of maintenance. The Baldwin County Commission and the City of Daphne agree that said consideration is a reasonable charge for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of the road described herein.

Section 4. If any part, section or subdivision of this Resolution shall be held to be illegal, invalid or unenforceable for any reason, such holding shall not be held or construed to invalidate or impair the remaining provisions of this Resolution which shall continue in full force and effect notwithstanding such holding.

ADOPTED and **APPROVED** by the County Commission of Baldwin County, Alabama, on the _____ day of _____, 2023.

BALDWIN COUNTY COMMISSION

By: _____
CHARLES F. GRUBER
Its: Chairman

ATTEST:

ROGER H. RENDLEMAN
County Administrator