



BALDWIN COUNTY COMMISSION

POLICY #9.21	
Subject	Public Water Accesses and Road Right-of-Ways Terminating at Bodies of Water
Date Adopted	August 5, 2014
Agenda Item	BG1
Obsolete Versions	Policy #13 - Adopted by BCC on March 7, 1990

POLICY STATEMENT

This policy sets forth the Baldwin County Commission's general policy when considering any formal action regarding public water accesses and rights-of-ways terminating at bodies of water to include, but not be limited to, the Gulf of Mexico, bays, rivers, canals, creeks or channels that can be used as a means of travel or transport or for recreational purposes.

1. Requests to Vacate: Requests by adjoining riparian property owners to vacate public water accesses and road right-of-ways terminating at such bodies of water shall be denied.
2. Public Lands: The public water accesses and road right-of-ways, whether they are maintained by the County or not, shall remain as public lands. Requests from citizens of areas in near proximity to these parcels to allow them (citizens) to clear, cleanup, maintain, etc., any of these parcels for public use will be handled on a case by case basis as determined by the County Commission, in its discretion. If such request is approved, the County Commission will not, however, allow interference with the practical, peaceful use of these parcels by the public.
3. Adjoining Riparian Property Owners: The County Commission recognizes the sensitivity of these parcels to the many adjoining riparian property owners. However, it is the responsibility of these property owners to determine, prior to the purchase of property, if the property lies adjoining a public water access or road right-of-way.

It is the County Commission's policy to preserve these areas for public use, and attempts to block, fence off or otherwise deny the use of these parcels to the public will not be accepted. Precedents have already been set by the state courts regarding public right in regards to these parcels. The County Commission merely recognizes and accepts these court precedents.

The rights of adjoining riparian property owners to the peaceful possession of their lots or land are also recognized. In cases involving rowdiness, disturbance of the peace, etc., by the public in the use of these parcels will be a matter to be settled between the adjoining property owners, the violators, law enforcement officials and, if necessary, the courts.

PROCEDURAL REQUIREMENT

In order to carry out this policy, the following steps must be taken:

1. The County Commission will consider any request related to public water accesses and road right-of-ways terminating at bodies of water at a public hearing.
2. The County Commission reserves the right to waive this policy and the procedural requirements set forth herein, if deemed necessary, in its discretion.

FORMS/ATTACHMENTS/EXHIBITS

1. N/A