

RESOLUTION NO. 2025-091

**RESOLUTION OF THE COUNTY COMMISSION
OF BALDWIN COUNTY, ALABAMA,
AUTHORIZING AND CONSENTING TO THE TRANSFER OF
OWNERSHIP, MAINTENANCE, AND RESPONSIBILITY
FOR CERTAIN UNOPENED AND/OR UNNAMED RIGHTS-OF-WAYS
FROM BALDWIN COUNTY TO THE CITY OF FOLEY**

WHEREAS, Certain Unopened and/or Unnamed Rights-of-Ways are located east of the Foley Beach Express and north of U.S. Route 98 inside or abutting the corporate limits of the City of Foley (collectively described herein as the “Foley Rights-of-Ways”); and

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

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

WHEREAS, the character and nature of the Foley Rights-of-Ways varies, as certain portions are either (i) located within the City of Foley but responsibility is vested in the County, (ii) bounded on one side by the corporate limits of Foley, or (iii) abutting or otherwise touching the corporate limits of the City of Foley; and

WHEREAS, in order to clarify and simplify the City of Foley’s assumption of responsibility for Foley Rights-of-Ways 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 Foley to annex Foley Rights-of-Ways 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 Foley desires to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for Foley Rights-of-Ways in order to facilitate the orderly development and maintenance of this area and 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 Foley Rights-of-Ways by the City of Foley pursuant to *Code of Alabama*, §11-49-80(b), (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 Foley as are necessary or requested to carry out the intent of this Resolution.

Section 3. To the extent that portions of Foley Rights-of-Ways, if any, are already located within the corporate limits of the City of Foley but responsibility is vested in the County, the Baldwin County Commission hereby consents to the assumption of responsibility of said portion or portions of Foley Rights-of-Ways by the City of Foley, 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 Foley's assumption of responsibility for Foley Rights-of-Ways is in exchange for the payment of One Hundred Dollars (\$100.00) from the County. The Baldwin County Commission and the City of Foley 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 _____, 2025.

BALDWIN COUNTY COMMISSION

By: _____
MATTHEW P. MCKENZIE
Its: Chairman

ATTEST:

ROGER H. RENDLEMAN
County Administrator