

RESOLUTION NO. 2024-096

**RESOLUTION OF THE COUNTY COMMISSION OF
BALDWIN COUNTY, ALABAMA,
AUTHORIZING AND CONSENTING TO THE TRANSFER OF
OWNERSHIP, MAINTENANCE, AND RESPONSIBILITY FOR
PORTIONS OF NW 1ST STREET, SW 1ST STREET,
COUNTY ROAD 71 S, E BROADWAY AVENUE,
AND W BROADWAY AVENUE**

WHEREAS, the following are rights-of-way inside or abutting the corporate limits of the Town of Summerdale: (i) NW 1st Street from the intersection of E Broadway Avenue approximately 1,320 feet north to the intersection of W Shriver Avenue; (ii) SW 1st Street from the intersection of State Highway 59 approximately 6,200 feet north to the intersection of E Broadway Avenue; (iii) County Road 71 S from the intersection of County Road 28 approximately 4,080 feet north to the intersection of State Highway 59; (iv) W Broadway Avenue from the intersection of State Highway 59 approximately 2,500 feet east to the intersection of SW 1st Street; and (v) E Broadway Avenue from the intersection of SW 1st Street approximately 5,400 feet east to the intersection of County Road 73 (collectively “Summerdale Roads”); and

WHEREAS, an accurate description of the Summerdale Roads, together with a map with legal descriptions thereof showing its relationship to the corporate limits of the Town of Summerdale, is attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS, the portions of the Summerdale Roads that are not already the responsibility of the Town of Summerdale 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 Town of Summerdale to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the Summerdale Roads is in the best interest of Baldwin County; and

WHEREAS, the Summerdale Roads subject to this agreement are bounded on both sides by the corporate limits of the Town of Summerdale as a result of annexation of territory after July 7, 1995, or located within the Town of Summerdale but responsibility is vested in the County; and

WHEREAS, in order to clarify and simplify the Town of Summerdale’s assumption of responsibility for the Summerdale Roads 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 Town of Summerdale to annex the Summerdale Roads 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 Town of Summerdale desires to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the Summerdale Roads 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 the Summerdale Roads by the Town of Summerdale 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 Town of Summerdale as are necessary or requested to carry out the intent of this Resolution.

Section 3. To the extent that portions of the Summerdale Roads, if any, are already located within the corporate limits of the Town of Summerdale, but responsibility is vested in the County, the Baldwin County Commission hereby consents to the assumption of responsibility of said portion or portions of the Summerdale Roads by the Town of Summerdale, 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 Town of Summerdale's assumption of responsibility for the Summerdale Roads is in exchange for the County agreeing that it shall resurface, one time, the Summerdale Roads and street parking per Exhibit B with a minimum one inch (1") overlay, including all existing crosswalks and striping, and install an additional one-foot (1') paved shoulder and add cross drain headwalls to SW 1st Street from Hamm Avenue to State Highway 59. The Baldwin County Commission and the Town of Summerdale 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 Town of Summerdale 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 roads 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 2nd day of July, 2024.

BALDWIN COUNTY COMMISSION

By: Billie Jo Underwood
BILLIE JO UNDERWOOD
Its: Chairman

ATTEST:

Roger H. Rendleman
ROGER H. RENDLEMAN
County Administrator

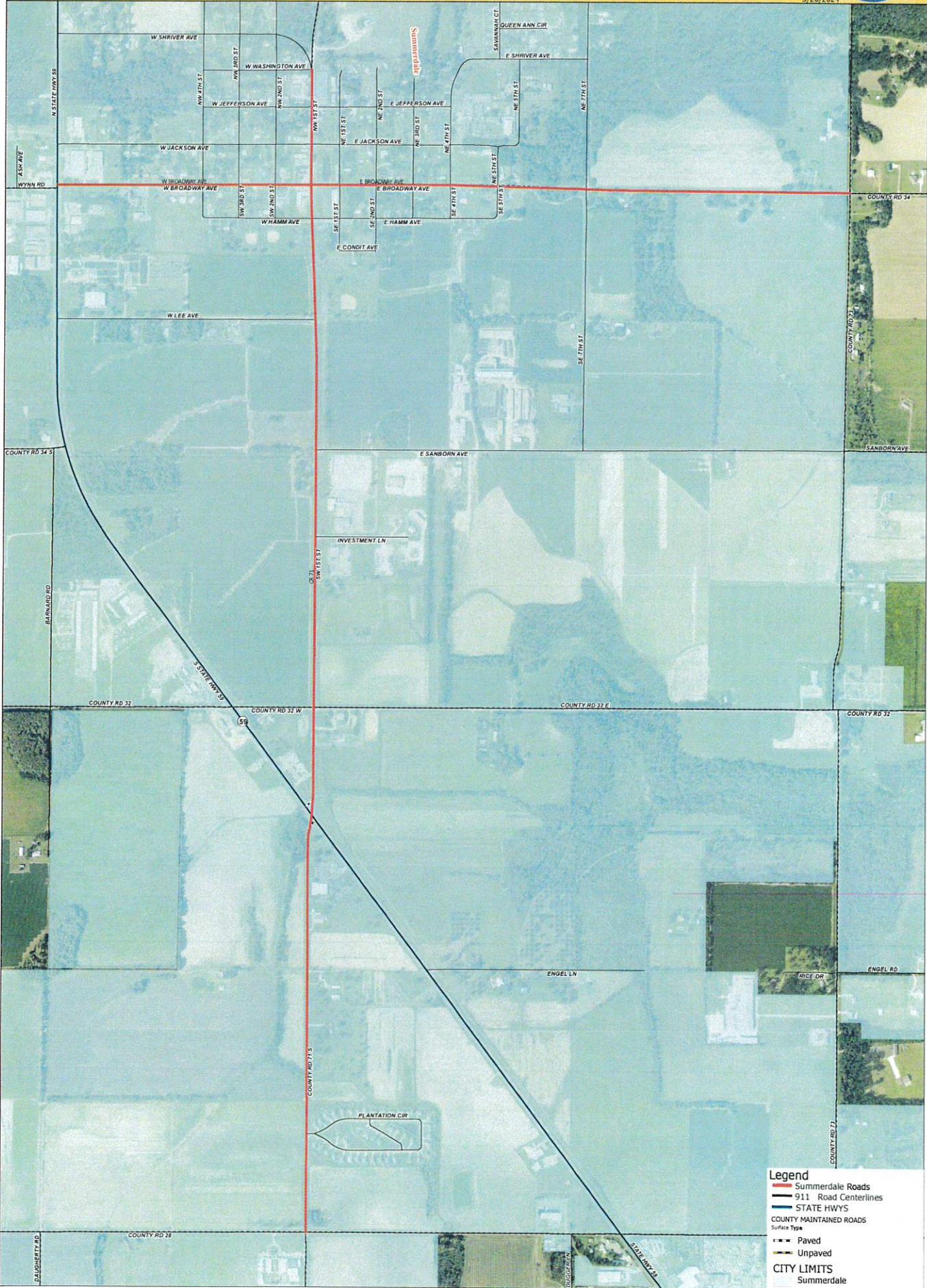




Town of Summerdale Roads



3/20/2024



Legend

- Summerdale Roads
- 911 Road Centerlines
- STATE HWYS
- COUNTY MAINTAINED ROADS
- Surface Type
 - Paved
 - Unpaved
- CITY LIMITS
- Summerdale

NW 1st ST:

A part of the Northeast Quarter of the Southeast Quarter and part of the Southeast Quarter of the Southeast Quarter in Section 30, Township 6 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the Town of Summerdale, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Summerdale roads, also known as NW 1st Street, beginning at the intersection of E Broadway Avenue and NW 1st Street, running north approximately 1,320 feet to the north intersection of West Shriver Avenue. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, trails, sidewalks, etc. Said right-of-way being Quitclaimed is part of property in Slide 68-B and also referenced as Map Book 1 page 133. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

SW 1st ST:

A part of the West half of the Northwest Quarter and part of the West half of the Southwest Quarter in Section 32, Township 6 South, Range 4 East; A part of the East half of the Northeast Quarter and part of the East half of the Southeast Quarter of Section 31, Township 6 South, Range 4 East; A part of the Northwest Quarter of the Northwest Quarter of Section 5, Township 7 South, Range 4 East; A part of the Northeast Quarter of the Northeast Quarter of Section 6, Township 7 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the Town of Summerdale, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Summerdale roads, also known as SW 1 Street, beginning at the intersection of E Broadway Avenue and SW 1st Street, running south approximately 6,200 feet to the east right-of-way line State Highway 59. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, trails, sidewalks, etc. Said right-of-way being Quitclaimed is part of property conveyed in Deed Book 22 page 314, Deed Book 26 page 34 and Slide 2382-C. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

COUNTY ROAD 71 S:

A part of the West half of the Northwest Quarter and part of the West half of the Southwest Quarter of Section 5, Township 7 south, Range 4 East; a part of the East half of the Northeast Quarter and the East half of the Southeast Quarter of Section 6, Township 7 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the Town of Summerdale, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Summerdale roads, also known as County Road 71 S, beginning at the west right of way line of State Highway 59 running south for approximately 4080 feet to the north right-of-way line of County Road 28. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, trails, sidewalks, etc. Said right-of-way being Quitclaimed is part of property conveyed in Deed Book 22 page 314, Real Property Book 397 page 1377, Real Property Book 397 page 1378, Real Property Book 397 page 1379, Real Property Book 397 page 1380, Real Property Book 397 page 1382, and Probate Court Case 5471. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

W BROADWAY AVE:

A part of the Southeast Quarter of Section 30, Township 6 South, Range 4 East, and part of the Northeast Quarter of Section 31, Township 6 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the Town of Summerdale, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Summerdale roads, also known as W Broadway Avenue, beginning at the west right-of-way line of State Highway 59, running east approximately 2,500 feet to the intersection of SW 1st Street and W Broadway Avenue. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, trails, sidewalks, etc. Said right-of-way being Quitclaimed is part of property in Slide 472-A also referenced as Map Book 5 page 293. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

E BROADWAY AVE:

A part of the Southwest Quarter and part of the Southeast Quarter of Section 29, Township 6 South, Range 4 East, and part of the Northwest Quarter and part of the Northeast Quarter of Section 32, Township 6 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the Town of Summerdale, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Summerdale roads, also known as E Broadway Avenue, beginning at the intersection of E Broadway and SW 1st Street running east approximately 5,400 feet to the west right-of-way line of County Road 73. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, trails, sidewalks, etc. Said right-of-way being Quitclaimed is part of property conveyed in Real Property Book 386, page 942, Real Property Book 386, page 945, Real Property Book 386, page 946, Slide 679-A also referenced as Miscellaneous Book 1, page 21 and portion of Real Property Book 401, page 263 at the intersection of E Broadway Avenue and County Road 73. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.



Town of Summerdale Additional Resurfacing Areas



5/17/2024

W JEFFERSON AVE

E JEFFERSON AVE

W JACKSON AVE

E JACKSON AVE

NW 2ND ST

NW 1ST ST

NE 1ST ST

W BROADWAY AVE

E BROADWAY AVE

SW 2ND ST

SW 1ST ST

SE 1ST ST

Legend

- Additional Paving Area
- 911 Road Centerline
- COUNTY MAINTAINED ROAD
- Surface Type

