

RESOLUTION #2025-118

RESOLUTION OF THE COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA, AUTHORIZING AND CONSENTING TO THE TRANSFER OF OWNERSHIP, MAINTENANCE, AND RESPONSIBILITY FOR A PORTION OF COUNTY ROAD 65 FROM BALDWIN COUNTY TO THE CITY OF FOLEY

WHEREAS, a portion of County Road 65 beginning approximately 620 feet north of the intersection of County Road 65 and Airport Road, and then commencing in a southerly direction for approximately 1,936 feet and ending at a point approximately 1,316 feet south of the intersection of County Road 65 and Airport Road, is a right-of-way inside or abutting the corporate limits of the City of Foley (hereinafter described as “County Road 65”); and

WHEREAS, an accurate description of County Road 65, 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, a portion of County Road 65 that is not already the responsibility of the City of Foley has been a County-maintained Road 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 Foley to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility of a portion of County Road 65, is in the best interest of Baldwin County; and

WHEREAS, the portion of County Road 65 subject to this agreement is bounded on both sides by the corporate limits of the City of Foley as a result of annexation of territory after July 7, 1995, or located within the City of Foley but responsibility is vested in the County; and

WHEREAS, in order to clarify and simplify the City of Foley’s assumption of responsibility for County Road 65 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 a portion of County Road 65 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 such portion of County Road 65 to facilitate the orderly development and maintenance of this area within 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 County Road 65 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 portion of County Road 65, if any, is 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 of County Road 65 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 County Road 65 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

MATTHEW P. MCKENZIE
CHAIRMAN

ATTEST:

ROGER H. RENDLEMAN
COUNTY ADMINISTRATOR