

RESOLUTION NO. 2022 - 167

**RESOLUTION OF THE COUNTY COMMISSION OF
BALDWIN COUNTY, ALABAMA,
AUTHORIZING AND CONSENTING TO THE TRANSFER OF
OWNERSHIP, MAINTENANCE, AND RESPONSIBILITY FOR
PORTIONS OF 2ND STREET, 3RD STREET, LEDYARD STREET, TAYLOR
STREET, CHAPMAN STREET, AND ADAMS STREET**

WHEREAS, 2nd Street from Chapman Street south approximately 2,100 feet to the end of right of way, 3rd Street from Adams Street south approximately 2,800 feet to the end of right-of-way, Ledyard Street from Main Street to U.S. Highway 98, Taylor Street from 3rd Street to U.S. Highway 98, Chapman Street from 2nd Street to U.S. Highway 98, and Adams Street from 3rd Street to U.S Highway 98, are rights-of-way inside or abutting the corporate limits of the City of Fairhope (collectively described herein as the “Fairhope Roads”); and

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

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

WHEREAS, the character and nature of the Fairhope Roads varies, as certain portions are either (i) maintained by the City of Fairhope, (ii) bounded on both sides by the corporate limits of the City of Fairhope as a result of annexation of territory after July 7, 1995, (iii) bounded on one side by the corporate limits of Fairhope, or (iv) located within the City of Fairhope but responsibility is vested in the County; and

WHEREAS, in order to clarify and simplify the City of Fairhope’s assumption of responsibility for the Fairhope 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 City of Fairhope to annex the Fairhope Roads and to assume the responsibility thereof; and

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

WHEREAS, the City of Fairhope desires to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the Fairhope 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 Fairhope Roads by the City of Fairhope 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 Fairhope as are necessary or requested to carry out the intent of this Resolution.

Section 3. To the extent that portions of the Fairhope Roads, if any, are already located within the corporate limits of the City of Fairhope, 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 Fairhope Roads by the City of Fairhope, pursuant to *Code of Alabama*, §11-49-80(b), in addition to their annexation or re-annexation as described herein. In accordance with *Code of Alabama*, §11-49-81, the City of Fairhope's assumption of responsibility for the Fairhope Roads is in exchange for the payment of One Hundred Dollars (\$100.00) from the County. The Baldwin County Commission and the City of Fairhope 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 _____ day of _____, 2022.

BALDWIN COUNTY COMMISSION

By: _____
JAMES E. (JEB) BALL
Its: Chairman

ATTEST:

RON CINK
Budget Director