

COUNTY OF BALDWIN:

STATE OF ALABAMA:

RESOLUTION NO. 2018-083

**RESOLUTION OF THE COUNTY COMMISSION OF
BALDWIN COUNTY, ALABAMA
FOR THE VACATION OF RIGHT OF WAY BRINKS WILLIS ROAD AT THE FOLEY
BEACH EXPRESS**

RECITALS:

1. WHEREAS, on May 15, 2018, pursuant to Section 23-4-2, et seq., Code of Alabama 1975, as amended, the Baldwin County Commission authorized staff to begin advertising for the vacation of a portion of Brinks Willis Road, said right-of-way, or portion thereof, being more particularly described as:

Commencing at the southeast corner of Section 15, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run northerly along the east line of said Section 15, a distance of 2662 feet, more or less, to a point; thence run westerly a distance of 1340 feet, more or less, to a point on the west right of way line of Roscoe Road and being the Point of Beginning of the right of way herein described; thence run westerly along the north right of way line of Brinks Willis Road a distance of 40 feet, more or less, to the east right of way line of the Foley-Beach Express; thence run southerly along said right of way line a distance of 40 feet, more or less, to a point on the south right of way line of Brinks Willis Road; thence run easterly along said south right of way line a distance of 40 feet, more or less, to a point on the west line of Roscoe Road; thence run northerly along said right of way line a distance of 40 feet, more or less, to the Point of Beginning of the right of way herein to be vacated.

2. WHEREAS, in accordance with and subject to the provisions of Section 23-4-2, et seq., Code of Alabama (1975), the Baldwin County Commission desires to vacate that certain portion of Brinks Willis Road as described in Paragraph 1 of this Resolution, which was conveyed to the County by right of way deed, and, pursuant to applicable law, destroy the force and effect of any previous declaration, by common law or otherwise, which may have created rights accruing to Baldwin County on that portion of Brinks Willis Road as described in Paragraph 1, and to divest all public rights, including any and all rights which may have been acquired by prescription in and to that portion of Brinks Willis Road as described in Paragraph 1 of this Resolution.

3. WHEREAS, in accordance with and subject to the provisions of Section 23-4-2, et seq., Code of Alabama (1975), it is in the interest of the public that the portion of Brinks Willis Road as described in Paragraph 1 of this Resolution be closed and vacated, and this Resolution shall be filed in the Office of the Judge of Probate of Baldwin County, Alabama.

4. WHEREAS, the vacation of a portion of Brinks Willis Road as described in Paragraph 1 of this Resolution shall not deprive other property owners of such rights as they may have to convenient and reasonable means of ingress and egress to and from their property.

5. WHEREAS, the following property owners have property abutting the subject right-of-way, or portion thereof:

Pennstar, LLC

6. WHEREAS, on information and belief, there are no other property owners that have property affected by the vacation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA, that, in accordance with and subject to the provisions of Section 23-4-2, et seq., Code of Alabama (1975), the County Commission does assent to the vacation of that certain portion of Brinks Willis Road as described in Paragraph 1 of this Resolution, and the portion of Brinks Willis Road as described in Paragraph 1 of this Resolution is vacated and annulled and all public rights and easements therein divested of the lands described as that portion of Brinks Willis Road as described in Paragraph 1 of this Resolution.

The foregoing resolution was adopted and approved on the _____ day of _____, 2018, by the Baldwin County Commission.

Approved:

Frank Burt, Chairman
BALDWIN COUNTY COMMISSION

Attest:

Ronald J. Cink, County Administrator
BALDWIN COUNTY COMMISSION