

RESOLUTION NO. 2019-040

**AUTHORIZING AND CONSENTING TO THE TRANSFER OF OWNERSHIP,
MAINTENANCE, AND RESPONSIBILITY FOR PORTIONS OF KIRKMAN LANE,
KIRKMAN LANE NORTH, AND TAYLOR STREET IN THE CITY OF FAIRHOPE**

WHEREAS, Kirkman Lane from Marietta Drive to approximately 396 feet east of Marietta Drive; Kirkman Lane North from Kirkman Lane to approximately 201 feet north of Kirkman Lane; and Taylor Street from Main Street to End of Maintenance, are roads or road segments inside the corporate limits of the City of Fairhope and collectively described herein as “the Fairhope Roads”; and

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

NOW, THEREFORE, BE IT RESOLVED by the Baldwin County Commission as follows:

Section 1. That Baldwin County hereby agrees to and consents to transfer to the City of Fairhope the sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the Fairhope Roads.

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. That County hereby agrees that it shall resurface (one time) that portion of the Fairhope Roads with a minimum 1 and ½ inch overlay, and that the City’s obligations under Section 1 shall not commence until the completion of said project and transfer of right-of-way by County.

Section 4. Based on the condition and use of that portion of the Fairhope Roads, in accordance with Ala. Code Section 11-49-80 and 81 (1975), the County and the City of Fairhope agree that the County shall not be required to pay any sum or sums for being relieved of the burden of the ownership, control, management, supervision, repair, maintenance and improvement of the Fairhope Roads.

Section 5. 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 this _____ day of _____, 2019.

BALDWIN COUNTY

BY: _____ /
Charles F. (Skip) Gruber /Date
Chairman

ATTEST:

_____/_____
Ronald J. Cink /Date
County Administrator