

STATE OF ALABAMA     )  
                                      )  
COUNTY OF BALDWIN    )

**RESOLUTION NO. 2019-098**

**RESOLUTION OF THE COUNTY COMMISSION OF  
BALDWIN COUNTY, ALABAMA**

**BE IT RESOLVED** by the Baldwin County Commission, in regular session assembled, that the Baldwin County Commission hereby approves, authorizes and directs the Attorney for the Baldwin County Commission to request an opinion from the Office of the Attorney General for the State of Alabama regarding the following issues:

1. Pursuant to the 2015 amendment of Ala. Code § 11-49-80, are Bluewater Drive and Pine Drive “county-maintained streets” within the meaning of Ala. Code § 11-49-80(a)(1) because the County had the “authority or responsibility to control, manage, supervise, regulate, repair, maintain, or improve” Bluewater Drive and Pine Drive during the one-year period preceding their annexation into the Town of Elberta?

2. If the answer to the foregoing is in the affirmative, is the Town of Elberta required to assume responsibility of Bluewater Drive and Pine Drive because they are within the municipal limits of the Town of Elberta and they were “County maintained streets” for the one-year period preceding their annexation into the Town of Elberta?

3. In the event that the 2015 amendment of Ala. Code § 11-49-80 is inapplicable, is the Town of Elberta still required to assume responsibility of Bluewater Drive and Pine Drive because the County did control, manage, supervise, regulate, repair, maintain, and improve Bluewater Drive and Pine Drive for a period of one year prior to the effective date of the annexation?

**BE IT FURTHER RESOLVED**, that this question is one in which the public is materially and primarily interested and that there are sufficient facts showing the nature and character of the question which make the advice sought necessary to the present performance of some official act incumbent upon the Baldwin County Commission to perform.

**DONE** under the seal of the County of Baldwin, at the county seat in Bay Minette, Alabama, on this the 4th day of June, 2019.

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, CHARLES F. GRUBER, Chairman of the Baldwin County Commission, do hereby certify that the foregoing is a true and correct copy of a resolution of the Baldwin County Commission adopted at its meeting on June 4, 2019, and that the same is in full force and effect.

WITNESS my hand and seal 4<sup>th</sup> day of June, 2019.

**BALDWIN COUNTY COMMISSION**

By:   
CHARLES F. GRUBER  
Its: Chairman

ATTEST:



WAYNE DYESS  
County Administrator

