

STATE OF ALABAMA)
COUNTY OF BALDWIN)

RESOLUTION NO. 2020-058

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

WHEREAS, by resolution dated June 4, 2019, the Baldwin County Commission approved, authorized and directed 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?

WHEREAS, on or around June 4, 2019, the Baldwin County Commission submitted its request to the Office of the Attorney General for the State of Alabama for an opinion on the issues above;

WHEREAS, as of the date of this Resolution, the Office of the Attorney General for the State of Alabama has not yet issued an opinion on any of the issues described above; and

WHEREAS, the Baldwin County Commission desires to amend its Request for an Attorney General Opinion dated June 4, 2019, to request an opinion on the two additional issues set forth below.

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 amend its Request for an Attorney General Opinion dated June 4, 2019, to request an opinion on the following two additional issues:

4. In the event that Ala. Code § 11-49-80 does not require the Town of Elberta to assume responsibility of Bluewater Drive and Pine Drive, does Alabama law otherwise place the responsibility for control, management, supervision, regulation, repair, maintenance or improvement upon the County given the language of Ala. Code § 11-49-80(c)?

5. If the answer to Question 4 is in the negative, is the County required to provide any additional control, management, supervision, regulation, repair, maintenance or improvement of Bluewater Drive or Pine Drive beyond that which it has to date?

BE IT FURTHER RESOLVED, that these questions are ones which the public is materially and primarily interested and that there are sufficient facts showing the nature and character of the questions 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 February, 2020.

STATE OF ALABAMA
COUNTY OF BALDWIN

I, BILLIE JO UNDERWOOD, 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 February 4, 2020, and that the same is in full force and effect.

WITNESS my hand and seal 4th day of February, 2020.

BALDWIN COUNTY COMMISSION

By: Billie Jo Underwood
BILLIE JO UNDERWOOD
Its: Chairman

ATTEST:

Wayne Dyess
WAYNE DYESS
County Administrator

