

RESOLUTION NO. 2020 -088

**RESOLUTION OF THE COUNTY COMMISSION OF
BALDWIN COUNTY, ALABAMA,
AUTHORIZING ANNEXATION AND TRANSFER OF RESPONSIBILITY
FOR JAMES ROAD, COUNTY ROAD 12 SOUTH,
AND OTHER UNNAMED ROADS**

WHEREAS, James Road from County Road 12 South to County Road 20, and County Road 12 South from State Highway 59 to James Road, are rights-of-way inside or abutting the corporate limits of the City of Foley (collectively described herein as the “Foley Roads”); and

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

WHEREAS, in 1907 the Magnolia Land Company conveyed via quitclaim deed multiple unopened, unnamed rights-of way to Baldwin County that are located East of the Foley Beach Express and that are now inside or abutting the corporate limits of the City of Foley (collectively described herein as the “1907 Roads”); and

WHEREAS, an accurate description of the 1907 Roads, together with a map thereof showing their relationship to the corporate limits of the City of Foley, is attached hereto as Exhibit “B” and incorporated herein; and

WHEREAS, those portions of the Foley Roads that are not already the responsibility of the City of Foley have been County-maintained streets for a period of at least one (1) year prior to the effective date of this instrument; and

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

WHEREAS, the character and nature of the 1907 Roads varies, as certain portions are either (i) located within the City of Foley but responsibility is vested in the County, (ii) bounded on one side by the corporate limits of Foley, or (iii) abutting or otherwise touching the corporate limits of the City of Foley; and

WHEREAS, in order to clarify and simplify the City of Foley’s assumption of responsibility for the Foley Roads and the 1907 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 Foley to annex the Foley Roads and the 1907 Roads and to assume the responsibility thereof; and

WHEREAS, the City of Foley desires to assume responsibility for the Foley Roads, to the extent it is not already maintaining portions thereof, in order to facilitate the orderly development and maintenance of this area and its corporate limits; and

WHEREAS, the City of Foley desires to annex and assume responsibility for the 1907 Roads in order to facilitate the orderly development and maintenance of this area and 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 Foley Roads and the 1907 Roads by the City of Foley pursuant to *Code of Alabama*, §§11-49-80(c), and (d) and 11-42-20 to 24.

Section 2. To the extent that portions of the Foley Roads and the 1907 Roads, if any, are already located within the corporate limits of the City of Foley, 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 Foley Roads and the 1907 Roads by the City of Foley, 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 Foley's assumption of responsibility for the Foley Roads and the 1907 Roads is in exchange for the County agreeing that it shall resurface, one time, James Road from County Road 12 South to County Road 20 with a minimum overlay of one and one-half inch (1.5"). The Baldwin County Commission and the City of Foley 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 3. If any part, section or subdivision of this resolution shall be held to be illegal, invalid, or unenforceable for any reason, such resolution 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 _____, 2020.

BALDWIN COUNTY COMMISSION

By: _____
BILLIE JO UNDERWOOD
Its: Chairman

ATTEST:

WAYNE DYESS
County Administrator