

**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.

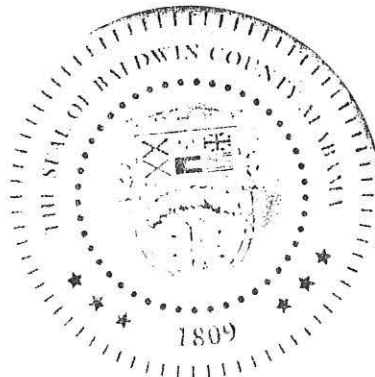
**ADOPTED** and **APPROVED** by the County Commission of Baldwin County, Alabama, on the 2nd day of June, 2020.

**BALDWIN COUNTY COMMISSION**

By: Billie Jo Underwood  
BILLIE JO UNDERWOOD  
Its: Chairman

ATTEST:

Wayne Dyess  
WAYNE DYESS  
County Administrator



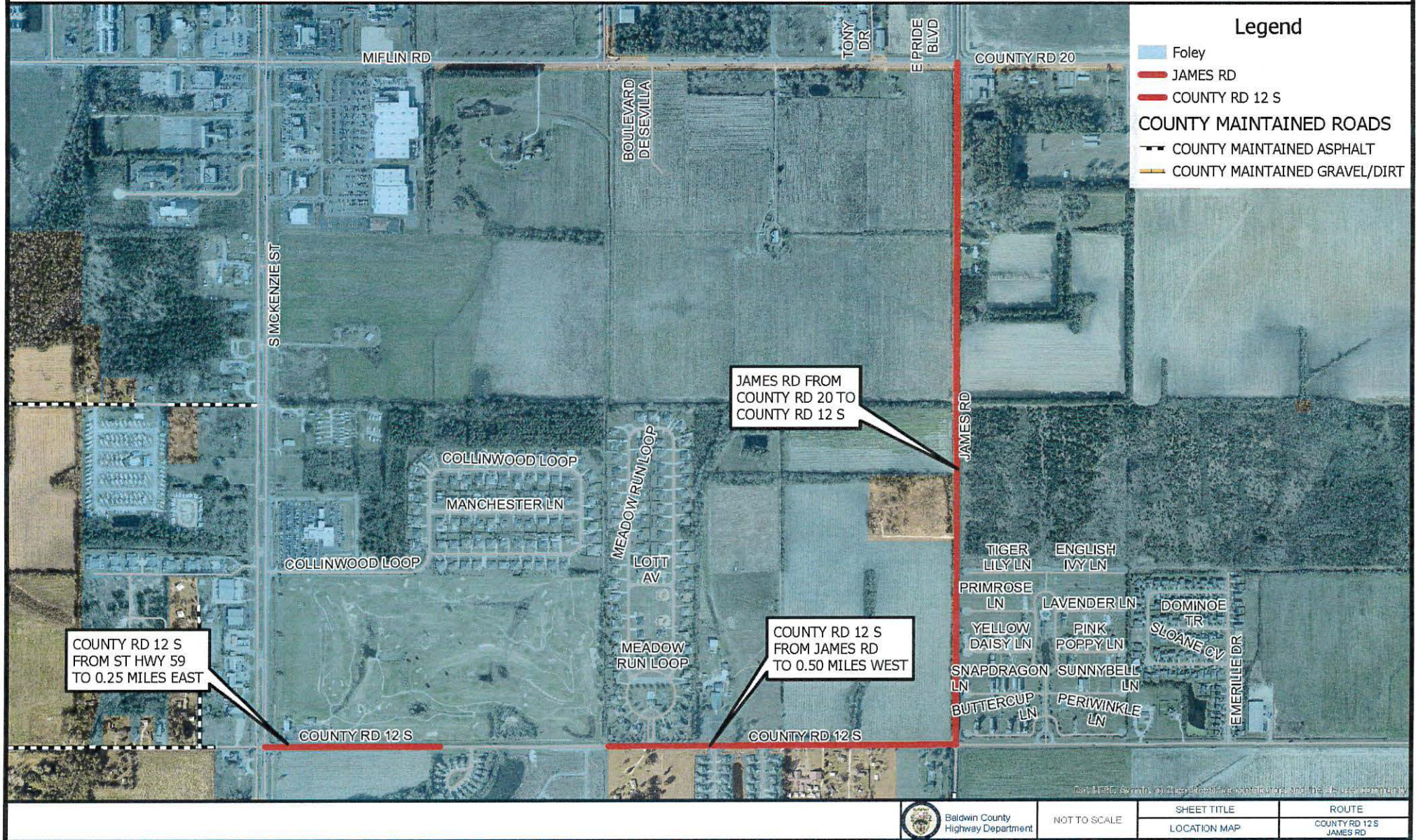




## Exhibit A

### Legend

- Foley
- JAMES RD
- COUNTY RD 12 S
- COUNTY MAINTAINED ROADS
  - COUNTY MAINTAINED ASPHALT
  - COUNTY MAINTAINED GRAVEL/DIRT



Baldwin County  
Highway Department

NOT TO SCALE

SHEET TITLE  
LOCATION MAP

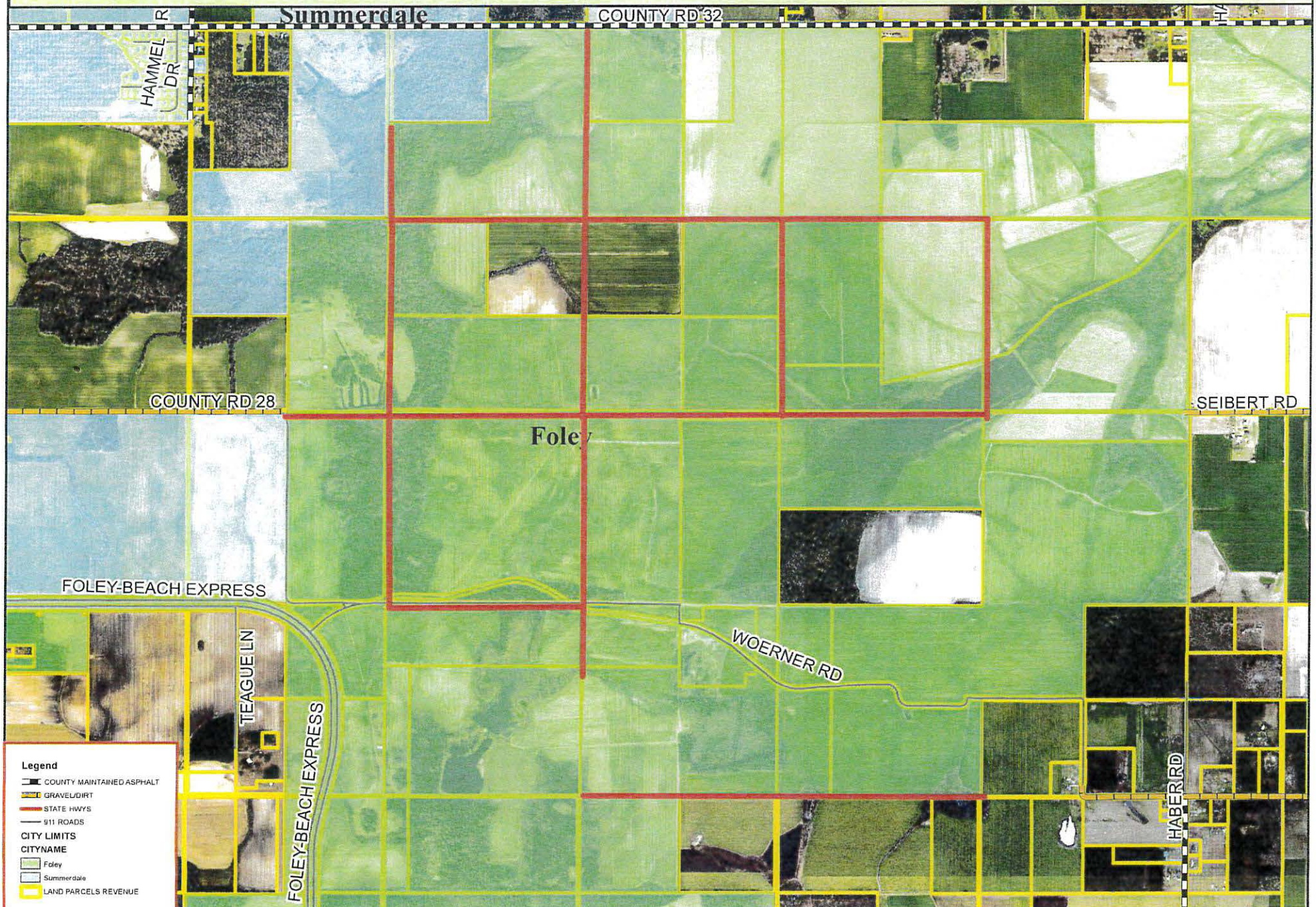
ROUTE  
COUNTY RD 12 S  
JAMES RD





# EXHIBIT "B" DEEDED RIGHT OF WAY TO BALDWIN COUNTY IN 1907 WITHIN THE TOWN LIMITS OF THE CITY OF FOLEY

**Exhibit B**





### **Exhibit "B"**

Description for certain Rights of Way conveyed to the Highway Commissioners of Baldwin County, Alabama, being a portion of the properties conveyed in Deed dated December 7, 1907 and recorded in Deed Book 22 page 314:

A strip of land 15 feet wide, East and West, off the North line of the South one-half of Section 1, less and except the Southeast Quarter;

A strip of land 20 feet wide, East and West, off the South line of the South one-half of Section 1, less and except the Southeast Quarter;

A strip of land 30 feet wide, North and South, on the half-Section line, through the South one-half of Section 1;

A strip of land 20 feet wide, North and South, off the West line of the Southwest Quarter of Section 1;

#### **Lying in Section 1 Township 7 South Range 4 East**

A strip of land 30 feet wide, North and South, on the half-Section line, through Section 2;

A strip of land 30 feet wide, East and West, through the West one-half of Section 2 on the half Section line;

A strip of land 15 feet wide, East and West, on the South line of the Southwest Quarter of the Northeast Quarter of Section 2;

A strip of land 15 feet wide, East and West, off the North line of the Southeast quarter of Section 2;

A strip of land 20 feet wide, East and West, off the South line of the South one half of Section 2;

A strip of land 20 feet wide, North and South, off the east line of the Southeast Quarter of Section 2;

A strip of land 20 feet wide, North and South, off the West line of Section 2, less and except the Northwest Quarter of the Northwest Quarter;

#### **Lying in Section 2 Township 7 South Range 4 East**

A strip of land 20 feet wide, North and South, off the East line of the Northeast Quarter of Section 3, less and except the Northeast Quarter of the Northeast Quarter;

#### **Lying in Section 3 Township 7 South Range 4 East**

A strip of land 20 feet wide, North and South, off the East line of the Northeast Quarter of Section 10;

A strip of land 15 feet wide, East and West, off the South line of the Northeast Quarter of Section 10;

A strip of land 20 feet wide, East and West, off the North line of Section 10, less and except the Northwest Quarter and the West one half of the Northeast Quarter;

**Lying in Section 10 Township 7 South Range 4 East**

A strip of land 20 feet wide, East and West, off the North line of the Northeast Quarter of the Northwest Quarter of Section 11;

A strip of land 20 feet wide, East and West, off the South line of the Northwest Quarter of Section 11;

A strip of land 15 feet wide, North and South, off the West line of the Northwest Quarter of the Southeast Quarter of Section 11;

A strip of land 15 feet wide, North and South, off the East line of the Northwest Quarter of Section 11;

A strip of land 20 feet wide, North and South, off the West line of the Southwest Quarter of the Northwest Quarter of Section 11;

**Lying in Section 11 Township 7 South Range 4 East**

A strip of land 20 feet wide, East and West, off the North line of Section 13, less and except the Northeast Quarter;

**Lying in Section 13 Township 7 South Range 4 East**

A strip of land 20 feet wide, East and West, off the North line of Section 14, less and except the North one half of the Northwest Quarter and the Northeast Quarter of the Northeast Quarter;

**Lying in Section 14 Township 7 South Range 4 East**