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GEORGE W. DUKE, III - Mayor
ERNIE SMITH - City Administrator

May 24, 2006

Honorable Albert Lipscomb, Chairman
Baldwin County Commission
312 Courthouse Square, Suite 12
Bay Minette, Alabama 36507

Re: County Road 4 West and County Road 6 West

Dear Commissioner Lipscomb:

This letter is written to relate our understanding of recent developments concerning County Road 4 West (CR4W) and County Road 6 West (CR6W) since adoption of our separate resolutions agreeing to the transfer of maintenance responsibility from the County to the City.

Although over 90% of all property fronting CR4W has already been annexed into the City, less than 50% of CR6W property has been annexed, and this unannexed property still in the County is unzoned. When offering to accept maintenance of CR6W, the City was counting upon County enforcement of lower development densities on these properties to induce property owners to annex into the City to obtain more favorable densities. Because enforcement of the more stringent County densities on unzoned property has been successfully challenged in court, there is no longer any incentive for these unzoned properties to annex into the City.

This situation represents a changed condition since the time we agreed to assume CR6W maintenance responsibility, and we must now regrettably decline to do so. It is our intention, however, to hold an annexation referendum in the foreseeable future which would include the properties fronting CR6W; should that referendum pass, or should those properties independently annex into Gulf Shores, we would then assume responsibility for CR6W maintenance.

What the City now proposes to the County is that we both pass new resolutions adopting the following new agreement:

1. The City will retain the \$116,000 given by the County for maintenance of CR4W and, with additional City and/or developer funding, repair and overlay the first mile of the road from 59 to the west side of the new Bon Secour and Waterdance

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developments. This may include asking the County paving crew, on a reimbursable basis, to place a binder layer over the first mile.

2. The County will again agree to pay the cost of a one-inch overlay (125 lb/sy) for the entire CR4W/CR6W loop, within 6 months of the time the City requests that they do so.

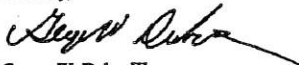
3. The City will, at this time, accept maintenance responsibility for the entire distance of CR4W to include that short extension of CR6W that runs westward from the west end of CR4W, including the Plash Island bridge, and:

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| Todd Lane | .14 mile |
| Plash Road | .50 mile |
| Bon Bay Drive | .40 mile |
| The Loop | .48 mile |
| Floyd Plash Lane | .16 mile |

4. When all properties on both sides of CR6W are annexed into the City by referendum or other means, the City will assume maintenance responsibility for this road.

Our City Administrator, Ernie Smith, has discussed the above with Commissioner Gruenloh, and our understanding is that he agrees with the above. Should you wish to discuss this subject further, please don't hesitate to call me at 968-1123 any time after 3:30 p.m.

Sincerely,



George W. Duke, III
Mayor

CDH/cdh

c: Commissioner Gruenloh
Cal Markert, County Engineer (Fax)
Donald Stewart (Fax)
File