

## **RESOLUTION NO. 2021-075**

### **RESOLUTION OF THE COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA, AUTHORIZING ANNEXATION AND TRANSFER OF RESPONSIBILITY FOR A PORTION OF COUNTY ROAD 20 SOUTH**

**WHEREAS**, County Road 20 South from South McKenzie Street (SR-59) west approximately 660 feet to the end of County maintenance is a road or road segment inside or abutting the corporate limits of the City of Foley (herein the “Foley Road”); and

**WHEREAS**, the Foley Road includes all improvements within the right-of-way such as, but not limited to, the road, drainage structures, signs, trails, sidewalks, etc.; and

**WHEREAS**, an accurate description of the Foley Road is attached hereto as Exhibit “A” and incorporated herein; and

**WHEREAS**, those portions of the Foley Road 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 Road 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**, in order to clarify and simplify the City of Foley’s assumption of responsibility for the Foley Road 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 Road and to assume the responsibility thereof; and

**WHEREAS**, the City of Foley desires to assume responsibility for the Foley Road, 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

**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 Road 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 Road, 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 Road 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 Road is in exchange for the County agreeing that it shall resurface, one time, County Road 20 South from South McKenzie Street (SR-59) west approximately 660 feet to the end of County maintenance with a minimum overlay of one and one-half inch (1.5"). The Baldwin County Commission and the City of Foley respectively acknowledge and agree that this one time resurfacing has been scheduled to occur as soon as possible as consideration for this transfer, and may be completed prior to the transfer of maintenance. 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 holding shall not be 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 \_\_\_\_\_, 2021.

**BALDWIN COUNTY COMMISSION**

By: \_\_\_\_\_  
JOE DAVIS, III  
Its: Chairman

ATTEST:

\_\_\_\_\_  
WAYNE DYESS  
County Administrator