



# Baldwin County Commission

## Legislation Details (With Text)

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**File #:** 20-0959      **Version:** 1  
**Type:** Consent      **Status:** Passed  
**File created:** 3/10/2020      **In control:** Baldwin County Commission Regular  
**On agenda:** 3/17/2020      **Final action:** 3/17/2020  
**Title:** Corte Road and Austin Road Improvements - Intergovernmental Service Agreement between Baldwin County and the City of Daphne

**Indexes:**

**Attachments:** 1. Intergovernmental Service Agreement, 2. Map, 3. City of Daphne - Letter of Request, 4. Intergovernmental Service Agreement (Approved 06-06-2017)

Date	Ver.	Action By	Action	Result
3/17/2020	1	Baldwin County Commission Regular	Approved	

**Meeting Type:** BCC Regular Meeting  
**Meeting Date:** 3/17/2020  
**Item Status:** New  
**From:** Joey Nunnally, P.E., County Engineer  
**Submitted by:** Stacy Appleton, Design Tech III

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### **ITEM TITLE**

Corte Road and Austin Road Improvements - Intergovernmental Service Agreement between Baldwin County and the City of Daphne

### **STAFF RECOMMENDATION**

Take the following actions:

1) Rescind the action taken by the Baldwin County Commission, during its regularly scheduled meeting on June 6, 2017, more specifically, the staff recommendation regarding Agenda Item GA1, which approved as follows:

*“APPROVE AN INTERGOVERNMENTAL SERVICE AGREEMENT BETWEEN THE BALDWIN COUNTY COMMISSION AND THE CITY OF DAPHNE FOR ROAD BED PREPARATION AND RIGHT-OF-WAY ACQUISITION ON PHASE I AND RIGHT-OF-WAY ACQUISITION ON PHASE II OF THE CORTE ROAD AND AUSTIN ROAD IMPROVEMENT PROJECT.”*

2) Approve and authorize the Chairman to execute an Intergovernmental Service Agreement with the City of Daphne which will rescind the previous agreement, approved during the June 6, 2017, Baldwin County Commission Regular Meeting, and establish new responsibilities for the proposed improvements to Corte Road and Austin Road.

### **BACKGROUND INFORMATION**

**Previous Commission action/date:**

April 18, 2017, BCC Regular Meeting:

1) Approved for the Baldwin County Commission to provide grading and compacting assistance in the preparation of the Corte Road roadbed prior to paving, subject to cost estimates provided by the City of Daphne and approved by the County Commission. The County agrees to provide labor and equipment only for compacting and grading. The City of Daphne will provide all design work and materials and shall be responsible for any other costs or expenses; and 2) Approved for the Baldwin County Commission to assist in R.O.W. acquisition for the City of Daphne associated with the initial two phases of the project by providing personnel to assist in the procurement of the needed R.O.W. the City will reimburse the County for all costs associated with the County managed R.O.W. project, but the County will agree to donate the Baldwin County employee personnel time and services as "in kind" services. The City will provide all required R.O.W. survey support; and 3) Denied the Baldwin County Commission's financial participation in the amount of two hundred thousand dollars (\$200,000). Total project cost for Phase I is estimated to be \$413,160 and \$488,950 for Phase II; and 4) To achieve the transfer of the maintenance obligations of Corte Road and the referenced portions of Austin Road, if deemed necessary by the County, approved for the Baldwin County Commission to deed to the City via quitclaim deed any County held R.O.W. within the identified road segments. Further, the County will agree to the City's annexation of the R.O.W. with the understanding that the City would be responsible for maintenance after annexation.

June 6, 2017, BCC Regular Meeting:

Approved an Intergovernmental Service Agreement between the Baldwin County Commission and the City of Daphne for road bed preparation and right-of-way acquisition on Phase I and right of-way acquisition on Phase II of the Corte Road and Austin Road improvement project. (the term of this agreement shall be for thirty-six (36) months from its effective date upon the date of full execution of both parties and may be terminated as set forth therein.)

During the September 19, 2017, BCC Regular Meeting, the Commission adopted its Fiscal Year 2018 Budget as follows which contained the appropriation of \$200,000.00 to the City of Daphne for the Corte Road and Austin Road Improvements:

As it relates to the Baldwin County Fiscal Year 2017-2018 budget, adopt Resolution #2017-129, which, pursuant to Amendment No. 750 and Amendment No. 772 to the Constitution Of Alabama 1901, and related to the promotion of local economic and industrial development, provides for respective determinations by the Baldwin County Commission that a variety of expenditures of public funds, as relates to a myriad of appropriations authorized by the Baldwin County Fiscal Year 2017-2018 budget, will respectively, serve valid and sufficient public purposes; and Adopted Resolution #2017-130 of the Baldwin County Commission which adopts the Baldwin County Fiscal Year 2017-2018 Budget.

August 7, 2018, BCC Regular Meeting:

The Commission did not approve an appropriation agreement to assist the City of Daphne with the Corte Road and Austin Road Improvements, said appropriation in the amount of \$200,000.00.

February 5, 2019, BCC Regular Meeting:

Adopted Resolution #2019-041 amending the Fiscal Year 2019 Budget (Resolution #2018-118 adopted September 18, 2018) to authorize the movement of \$200,000.00 from Highway Fund (Account 111.35000) to Corte Road - Road Materials (Account 0205217.5213) for the Corte Road and Austin Road Improvement Project.

**Background:**

Corte Road is a 1.04-mile-long County maintained dirt road located between County Road 13 and State Route 181. Corte Road is the last remaining dirt road west of State Route 181.

The City of Daphne determined that an additional east-west arterial connecting County Road 13 and State Highway 181 was needed in the Daphne area and requested the County's assistance. An Intergovernmental Service Agreement was approved in June 2017 that established responsibilities for the project. The Baldwin County Highway Department assisted the City of Daphne with in-kind services to obtain the right-of-way needed for the project.

The City of Daphne later decided to bid the project instead of using County forces to help with the construction.

This revised intergovernmental agreement will rescind the prior agreement and establish new responsibilities for the proposed improvements to Corte Road and Austin Road.

**FINANCIAL IMPACT**

**Total cost of recommendation:** \$200,000.00

**Budget line item(s) to be used:** 0205217.5213

**If this is not a budgeted expenditure, does the recommendation create a need for funding?**

\$200,000.00 was approved for road materials during the Fiscal Year 2018 budget for project # 0205217. In that year ROW acquisition costs of \$397,029.86 posted to project # 0205217. At Highway's request, the \$200,000.00 for road materials was carried over to Fiscal Year 2019 but no work was done. Currently, there is no budget for project # 0205217 posted to the system. An adjustment against fund balance will be done during the mid-year budget adjustment upon Commission approval of this agenda item.

**LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**

Yes

**Reviewed/approved by:** David Conner, Former County Attorney

**Additional comments:** N/A

**ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** No

**If the proof of publication affidavit is not attached, list the reason:** N/A

**FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** N/A

**Individual(s) responsible for follow up:** N/A

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**

Administration staff have three original agreements executed by Chairman sending one original to City of Daphne, keeping one original agreement and forwarding one original to Joey Nunnally, County Engineer.

Contact:

Mayor Dane Haygood

City of Daphne

P.O. Box 400

Daphne, Alabama 36526

**Additional instructions/notes:** N/A