



# Baldwin County Commission

## Legislation Details (With Text)

**File #:** 20-0885      **Version:** 1  
**Type:** Discussion Items      **Status:** Passed  
**File created:** 3/2/2020      **In control:** Baldwin County Commission Regular  
**On agenda:** 3/17/2020      **Final action:** 3/17/2020  
**Title:** Baldwin County Intracoastal Waterway (ICW) Boat Launch Project - Making Final Recorded Documents a Part of the Record

**Indexes:**

**Attachments:** 1. Letter of Intent - Forty Seven Canal Place, LLC 20180515, 2. Forty Seven Canal Place, LLC - Purchase and Sale Agreement 20181002, 3. Resolution 2019-012 SIGNED 20181016, 4. First Amendment to Purchase and Sale Agreement 20190115, 5. Second Amendment to Purchase and Sale Agreement 20190314, 6. Third Amendment to Purchase and Sale Agreement 20190725, 7. Fourth Amendment to Purchase and Sale Agreement 20190827, 8. ADCNR - GOMESA Grant Agreement 20190920, 9. Fifth Amendment to Purchase and Sale Agreement 20191002, 10. Recorded Statutory Warrant Deed (Instrument No. 1791221)

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

**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 3/17/2020

**Item Status:** New

**From:** Wayne Dyess, County Administrator

**Submitted by:** Anu Gary, Administrative Services Manager, Monica English, Assistant Administrative Services Manager

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### ITEM TITLE

Baldwin County Intracoastal Waterway (ICW) Boat Launch Project - Making Final Recorded Documents a Part of the Record

### STAFF RECOMMENDATION

Make the recorded Statutory Warranty Deed (Instrument No. 1791221) and all associated documents for the purchase of 45 acres of property on the Gulf Intracoastal Waterway, a part of the record.

### BACKGROUND INFORMATION

**Previous Commission action/date:** See dates below.

**Background:**

**PREVIOUS BCC ACTION TAKEN:**

October 15, 2019, BCC Regular Meeting - Make part of the record, the following documentation related to the Purchase and Sale Agreement, originally approved during the October 2, 2018, Baldwin County Commission regular meeting, related to the purchase of approximately 45 acres of property on the Gulf Intracoastal Waterway:

1) Fifth Amendment to the Purchase and Sale Agreement, dated October 2, 2019, which amended Section 3.2 of the Agreement, extending the inspection date to October 22, 2019.

May 15, 2018, BCC Regular Meeting - The Commission authorized the Chairman to execute a Letter of Intent to FortySeven Canal Place, LLC for the purchase of approximately 45 acres of property on the Gulf Intracoastal Waterway, adjacent and east of the Foley Beach Express Bridge, at 22800 Brown Lane, Orange Beach, Alabama.

October 2, 2018, BCC Regular Meeting - The Commission authorized the execution of the Purchase and Sale Agreement for the 45 acres of property on the Gulf Intracoastal Waterway and committed to investing \$7.5 million dollars to acquire said property.

October 16, 2018, BCC Regular Meeting - The Commission adopted Resolution #2019-012 in support of State funding assistance for the Baldwin County Intracoastal Waterway (ICW) Boat Launch Project and authorize the Chairman to execute correspondence to the Honorable Kay Ivey, Governor of the State of Alabama, regarding the same.

January 8, 2019, BCC Work Session - The Commission discussed the Purchase Agreement approved and executed on October 2, 2018, for the purchase of the property.

January 15, 2019, BCC Regular Meeting - The Commission authorized the Chairman to execute any extensions to the Purchase and Sale Agreement, originally approved during the October 2, 2018, Baldwin County Commission regular meeting related to the purchase of 45 acres of property on the Gulf Intracoastal Waterway

January 15, 2019 - First Amendment to the Purchase and Sale Agreement was signed by the Commission Chairman and dated January 15, 2019, which amended Section 3.2 of the Agreement, extending the inspection date from 120 days after the effective date of the Agreement, to March 18, 2019; and

March 14, 2019 - Second Amendment to the Purchase and Sale Agreement was signed by the Commission Chairman and dated March 14, 2019, which amended Section 3.2 of the Agreement, extending the inspection date from March 18, 2019, to July 31, 2019.

April 2, 2019, BCC Regular Meeting - The Commission made part of the record, the following documentation related to the Purchase and Sale Agreement, originally approved during the October 2, 2018, Baldwin County Commission regular meeting, related to the purchase of approximately 45 acres of property on the Gulf Intracoastal Waterway:

1) First Amendment to the Purchase and Sale Agreement, dated January 15, 2019, which amended Section 3.2 of the Agreement, extending the inspection date to March 18, 2019; and

2) Second Amendment to the Purchase and Sale Agreement, dated March 14, 2019, which amended Section 3.2 of the Agreement, extending the inspection date to July 31, 2019.

August 6, 2019, BCC Regular Meeting - The Commission made part of the record, the following documentation related to the Purchase and Sale Agreement, originally approved during the October 2, 2018, Baldwin County Commission regular meeting, related to the purchase of approximately 45 acres of property on the Gulf Intracoastal Waterway:

1) Third Amendment to the Purchase and Sale Agreement, dated July 25, 2019, which amended Section 3.2 of the Agreement, extending the inspection date to August 30, 2019

September 20, 2019, BCC Regular Meeting - The Commission made part of the record, the following documentation related to the Purchase and Sale Agreement, originally approved during the October 2, 2018, Baldwin County Commission regular meeting, related to the purchase of approximately 45 acres of property on the Gulf Intracoastal Waterway:

1) Fourth Amendment to the Purchase and Sale Agreement, dated August 27, 2019, which amended Section 3.2 of the Agreement, extending the inspection date to September 13, 2019

September 20, 2019, BCC Regular Meeting - The Commission approved and authorized the Chairman to execute the Gulf of Mexico Security Act (GOMESA) Grant Agreement (Alabama Department of Conservation and Natural Resources ADCNR) in the amount of \$7,500,000.00 for the property acquisition of 45 acres for the Intracoastal Waterway Boat Launch project. *(This agreement shall be effective upon full execution by both parties and terminate ninety (90) days after the end of the Project Period (September 30, 2020), unless extended in writing by ADCNR by amendment. Agreement terms also included in Paragraphs 7, 18 and 22 of the agreement.)*

#### GENERAL BACKGROUND:

The proposed Baldwin County ICW Boat Launch Project on the Gulf Intracoastal Waterway is designed to accommodate the construction of 14 boat launches, 8 fishing piers, 8 staging piers, 12 small picnic gazebos, wharf area, restroom facilities and parking for over 450 vehicles, with space available to accommodate additional amenities in potential future phases.

#### FINANCIAL IMPACT

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

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

#### LEGAL IMPACT

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

N/A

**Reviewed/approved by:** N/A

**Additional comments:** N/A

**ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** N/A

**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:** Administration:

- 1) Make Statutory Warranty Deed part of the record.
- 2) Add to file (for Deed Book).

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

N/A

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