



# Baldwin County Commission

## Legislation Details (With Text)

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**File #:** 23-0519      **Version:** 1

**Type:** Consent      **Status:** Agenda Ready

**File created:** 1/6/2023      **In control:** Baldwin County Commission Regular

**On agenda:** 1/17/2023      **Final action:**

**Title:** Execution of IRS Form 8283 for Donated Right-of-Way on Project No. HW08392 - Boros Road (Tract 13)

**Indexes:**

**Attachments:** 1. IRS Form 8283 - Boros Road (Tract 13) (REDACTED), 2. Fee Simple Warranty Deed, 3. Map

Date	Ver.	Action By	Action	Result
1/17/2023	1	Baldwin County Commission Regular		

**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 1/17/2023

**Item Status:** New

**From:** Joey Nunnally, P.E., County Engineer  
Seth Peterson, P.E., Pre-Construction Manager  
Tate Chalfant, Right-of-Way Manager

**Submitted by:** Lisa Sangster, Administrative Support Specialist IV

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### **ITEM TITLE**

Execution of IRS Form 8283 for Donated Right-of-Way on Project No. HW08392 - Boros Road (Tract 13)

### **STAFF RECOMMENDATION**

Take the following actions:

- 1) Accept 0.942 acres on Boros Road (Tract 13) as a right-of-way donated to Baldwin County by Gary Baxter Froeba and Lynne Kaiser Froeba as Co-Trustees of The Gary and Lynne Froeba Revocable Trust dated August 12, 2019, on October 3, 2022 (Instrument No. 2028318 of Baldwin County Judge of Probate); and
- 2) Related to the aforesaid, authorize the Chairman to execute IRS form 8283 for the donated right-of-way.

### **BACKGROUND INFORMATION**

**Background:** On October 3, 2022, the Baldwin County Highway Department accepted a right-of-way donation on Boros Road from Gary Baxter Froeba and Lynne Kaiser Froeba as Co-Trustees of The Gary and Lynne Froeba Revocable Trust dated August 12, 2019.

By the Chairman executing the IRS Form 8283, the County is not indicating that it agrees with the

valuation of the property, but rather the County is acknowledging the fact that the County did receive the property.

The only part of the form that will be signed by the Chairman is Part IV, Donee Acknowledgement, in which:

- 1) The date of receipt of the donation is acknowledged; and
- 2) The County affirms that it will file an IRS information return should it dispose of the property within three (3) years after the date of receipt; and
- 3) The County states whether it intends to use the property for an unrelated use.

**Previous Commission action/date:** N/A

### **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**

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**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 Staff prepare correspondence and have Chairman sign IRS form. Mail original to Gary and Lynne Froeba and send copy to Tate Chalfant.

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

Contact:

Gary and Lynne Froeba  
923 Country Club Road  
Asheville, North Carolina 28804-2621

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