



Baldwin County Commission

Legislation Text

File #: 18-0701, **Version:** 2

Meeting Type: BCC Regular Meeting

Meeting Date: 8/7/2018

Item Status: Replacement

From: Ronald J. Cink, County Administrator

Submitted by: Anu Gary, Admin/Records Mgr

ITEM TITLE

*City of Daphne - Appropriation Agreement for Corte Road Right-of-Way Acquisition (Baldwin County Fiscal Year 2017-2018 County Budget)

STAFF RECOMMENDATION

As related to, and as authorized by, the Baldwin County Fiscal Year 2017-2018 Budget (Resolution #2017-129; Resolution #2017-130), execute an Agreement with the City of Daphne, Alabama, to assist the City of Daphne with the Corte Road and Austin Road Improvements, said appropriation in the amount of \$200,000.00.

The term of the Agreement shall commence August 7, 2018, and expire September 30, 2018, and may be terminated per the parameters as set forth therein, respectively.

BACKGROUND INFORMATION

Previous Commission action/date: N/A

Background: Reason for Replacement Item: Staff recommendation and proposed agreement were revised by County Attorney and additional background information regarding Commission action was added to the agenda item.

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 has determined that an additional east-west arterial connecting County Road 13 and State Highway 181 is needed in the Daphne area and has requested the County's assistance. The matter has been discussed during several work sessions since November 2016.

In a letter dated March 15, 2017 (attached) the City requested the County to assist with road bed preparation on Corte Road, Right-of-way (ROW) acquisition on both Corte Road and Austin Road, and financial participation in the amount of \$200,000.00.

During the April 18, 2017, regular meeting, the Commission approved the following:

“MOTION BY COMMISSIONER J. TUCKER DORSEY, SECONDED BY COMMISSIONER CHARLES F. GRUBER, TO APPROVE 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. **MOTION PASSED.**”

“MOTION BY COMMISSIONER J. TUCKER DORSEY, SECONDED BY COMMISSIONER FRANK BURT, JR., TO APPROVE 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. **MOTION PASSED.**”

“MOTION BY COMMISSIONER J. TUCKER DORSEY, SECONDED BY COMMISSIONER CHARLES F. GRUBER, TO ACHIEVE THE TRANSFER OF THE MAINTENANCE OBLIGATIONS OF CORTE ROAD AND THE REFERENCED PORTIONS OF AUSTIN ROAD, IF DEEMED NECESSARY BY THE COUNTY, APPROVE 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. **MOTION PASSED.**”

“MOTION BY COMMISSIONER CHARLES F. GRUBER, SECONDED BY COMMISSIONER J. TUCKER DORSEY, TO DENY THE REQUEST TO APPROVE FOR THE BALDWIN COUNTY COMMISSION’S FINANCIAL PARTICIPATION IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00). TOTAL PROJECT COST FOR PHASE I IS ESTIMATED TO BE \$413,160.00 AND \$488,950.00 FOR PHASE II. **MOTION PASSED.**”

During the June 6, 2017, regular meeting, the Commission approved the following:

“MOTION BY COMMISSIONER J. TUCKER DORSEY, SECONDED BY COMMISSIONER CHARLES F. GRUBER, TO 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. (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.) **MOTION PASSED.**”

During the FY2018 Budget Deliberations, the Commission further discussed the City of Daphne's request for assistance in the amount of \$200,000.00.

During the September 19, 2017, regular meeting, the Commission adopted its FY2018 Budget as follows which contained the appropriation of \$200,000.00 to the City of Daphne for the Corte Road and Austin Road Improvements:

MOTION BY COMMISSIONER CHARLES F. GRUBER, SECONDED BY COMMISSIONER J. TUCKER DORSEY, 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. **MOTION PASSED.**

MOTION BY COMMISSIONER CHARLES F. GRUBER, SECONDED BY COMMISSIONER J. TUCKER DORSEY, TO ADOPT RESOLUTION #2017-130 OF THE BALDWIN COUNTY COMMISSION WHICH ADOPTS THE BALDWIN COUNTY FISCAL YEAR 2017-2018 BUDGET. **MOTION PASSED.**

FINANCIAL IMPACT

Total cost of recommendation: \$200,000.00

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?
Yes.

Reviewed/approved by: County Attorney has reviewed and approved.

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: N/A

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

Honorable Dane Haygood
Mayor
City of Daphne
P. O. Box 400
Daphne, Alabama 36526

Cc: Ron Cink
Christie Davis
Joey Nunnally
Frank Lundy
Lisa Sangster

Additional instructions/notes: N/A