



Baldwin County Commission

Legislation Text

File #: 21-0892, **Version:** 1

Meeting Type: BCC Regular Meeting

Meeting Date: 7/20/2021

Item Status: New

From: Wayne Dyess, County Administrator

Submitted by: Anu Gary, Administrative Services Manager

ITEM TITLE

Baldwin Regional Area Transit System Hub Property Located in Foley, Alabama - Termination of Lease Agreement, Acceptance of Property from City of Foley and Reciprocal Easement Agreement

STAFF RECOMMENDATION

Take the following actions:

- 1) Approve the termination of the Lease Agreement between the City of Foley and the Baldwin County Commission originally entered into on June 2, 1969, for the property leased by the County and used as a BRATS Hub (between N. Poplar Street and Juniper Street) in Foley, Alabama, said termination to be effective once the eastern half of the property has been conveyed to the Baldwin County Commission by the City of Foley; and
- 2) Authorize the Chairman to execute a notice of termination of the Lease Agreement to the City of Foley; and
- 3) Authorize the Chairman to execute the Statutory Warranty Deed along with any other necessary documents accepting the subject property from the City of Foley; and
- 4) Authorize the Chairman to execute a Reciprocal Easement Agreement between the City of Foley and the Baldwin County Commission, which allows either party to park vehicles on the other party's portion of the subdivided property and walk between the parcels. The agreement will be effective upon full execution of the document.

The approval of the acceptance of the subject property by Baldwin County and the approval of the Reciprocal Easement Agreement are contingent upon County Attorney's review and approval of the final documents to be received from the City of Foley.

BACKGROUND INFORMATION

Previous Commission action/date: May 17, 2021, BCC Work Session - Discussion
May 18, 2021, BCC Regular Meeting - Last action taken

Background: Final Reciprocal Easement Agreement and Statutory Warranty Deed with exhibits are forthcoming from the City of Foley once the City Council finalizes its approval of the property conveyance.

The City of Foley would like to have a safe room constructed on a property currently leased by the County and used as a BRATS Hub. The property is located between N. Poplar Street and Juniper Street in Foley. The proposed safe room will accommodate up to 200 first responders. The City of Foley has proposed terminating the long-term lease between the City and the County and deeding a portion of the property to the County for use as a parking area for BRATS and first responders.

The Foley City Council took action on July 6, 2021, to begin the process to terminate the lease agreement, convey the eastern half of the property to the County, and approve the cross parking agreement for the property. The City Council will have a public hearing and take final action to finalize the approval at its July 19, 2021, City Council meeting.

When the City builds the safe room on the western portion of the property, a fence with a gate will be placed on the property, with the City providing the County with the gate access or leaving the gate open, whichever option the County prefers.

The original lease agreement for this property was approved on June 2, 1969 between the City of Foley and the Baldwin County Commission. The lease agreement is still in effect and is not due to expire until May 31, 2068.

May 18, 2021, BCC Regular Meeting - The Commission approved the request from the City of Foley regarding the use of a portion of County leased property, currently used as the BRATS Hub, located between N. Poplar Street and Juniper Street in Foley, Alabama, as a location for a proposed first responder safe room and parking area, contingent upon the following terms:

- 1) The City and County terminating the long-term lease on the entire property allowing for the 130-spot parking alternative for the first responder safe room on the western half of the property.
- 2) The County accepting the eastern half of the property from the City as a County-owned property.
- 3) The County and City entering into a cross parking agreement so both the County and the City can use the parking on the property.
- 4) The City coordinating with the County so that the County can book the use of the facility for training needs when the facility is not being used for emergencies or City training.

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?

Yes, County Attorney review and approval is required.

Reviewed/approved by: Pending legal approval at this time. 07/09/2021 akg

Additional comments: Chairman will execute the Statutory Warranty Deed, Reciprocal Easement Agreement, and any other documents at a later date, pending Foley City Council final approval and County Attorney final review and approval of documents.

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 Department

Action required (list contact persons/addresses if documents are to be mailed or emailed):
Correspondence to the City of Foley (include a copy of the lease agreement with correspondence).

The Honorable Ralph Hellmich, Mayor
City of Foley
407 E. Laurel Avenue
Foley, Alabama 36535
Attn: Michael Thompson, City Administrator

cc:
Wayne Dyess
Ann Simpson
Cian Harrison

Ron Cink
Wanda Gautney

Additional instructions/notes: Administration - Do not update contract on BCAP until lease termination date is determined, add to Tickler and follow up. Begin Deed Book preparations for this property acquisition by adding previous agenda items/minutes, deed book entry name: BRATS Hub Property Foley.