



COUNTY COMMISSION

BALDWIN COUNTY
312 Courthouse Square, Suite 12
BAY MINETTE, ALABAMA 36507
(251) 937-0264
Fax (251) 580-2500
www.baldwincountyal.gov

MEMBERS
DISTRICT 1. JAMES E. BALL
2. MATTHEW P. MCKENZIE
3. BILLIE JO UNDERWOOD
4. CHARLES F. GRUBER

March 19, 2024

The Honorable Ralph Hellmich
Mayor
City of Foley
Post Office Box 1750
Foley, Alabama 36535

**RE: Resolution #2024-089 - Transfer of Portions of Certain Roads to
City of Foley**

Dear Mayor Hellmich:

The Baldwin County Commission, during its regularly scheduled meeting held on March 19, 2024, adopted *Resolution #2024-089* authorizing the transfer of portions of Angie Drive, Barin Field Road, Bodenhamer Road, Hickory Street South, Keller Road, Pettibone Lane, Robert Lane Drive and Sandy Ridge Road from Baldwin County to the City of Foley.

Please find enclosed a **fully executed copy** of *Resolution #2024-089* for your files.

If you have any questions or need further assistance, please do not hesitate to contact me or Mark Acreman, Assistant County Engineer, at (251) 937-0264.

Sincerely,

BILLIE JO UNDERWOOD, Chairman
Baldwin County Commission

BJU/jb Item CO5

cc: Frank Lundy
Mark Acreman
Seth Peterson
Lisa Sangster

ENCLOSURE(S)

RESOLUTION NO. 2024-089

**RESOLUTION OF THE COUNTY COMMISSION OF
BALDWIN COUNTY, ALABAMA,
AUTHORIZING AND CONSENTING TO THE TRANSFER OF
OWNERSHIP, MAINTENANCE, AND RESPONSIBILITY FOR
PORTIONS OF ANGIE DRIVE, BARIN FIELD ROAD, BODENHAMER
ROAD, HICKORY STREET SOUTH, KELLER ROAD, PETTIBONE
LANE, ROBERT LANE DRIVE, AND SANDY RIDGE ROAD
FROM BALDWIN COUNTY TO THE CITY OF FOLEY**

WHEREAS, Angie Drive from Sandy Ridge Road to the north 1,972-feet, Barin Field Road approximately 150-feet south of the intersection of U.S. Highway 98 to the south approximately 885-feet, Bodenhamer Road from the intersections of Sandy Ridge Road and Breckner Road to approximately 2,061-feet south, Hickory Street South from the intersection of County Road 20 to approximately 1,204-feet south, Keller Road from approximately 2,855-feet east of State Highway 59 to approximately 2,334-feet east, Keller Road from the intersection of State Highway 59 to approximately 300-feet west, Pettibone Lane from the intersection of Bodenhamer Road to approximately 1,907-feet west, Robert Lane Drive from approximately 330-feet south of U.S. Highway 98 to 969-feet south, and Sandy Ridge Road from the intersection of Lymon Lane to approximately 517-feet west, are rights-of-way inside or abutting the corporate limits of the City of Foley (hereinafter "Foley Roads"); and

WHEREAS, an accurate description of the Foley Roads, together with a map thereof showing its relationship to the corporate limits of the City of Foley, is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, some portions of Foley Roads that are not already the responsibility of the City of Foley have been County-maintained streets for a period of at least one (1) year prior to the effective date of this instrument; and

WHEREAS, Baldwin County has found and determined that allowing the City of Foley to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for Foley Roads is in the best interest of Baldwin County; and

WHEREAS, the portions of the Foley Roads subject to this agreement are bounded on both sides by the corporate limits of the City of Foley as a result of annexation of territory after July 7, 1995, or located within the City of Foley but responsibility is vested in the County; and

WHEREAS, in order to clarify and simplify the City of Foley assumption of responsibility for the Foley Roads in accordance with *Code of Alabama*, §11-49-80(b), (c), and (d), the Baldwin County Commission is submitting its consent and petition to the City of Foley to annex the Foley Roads and to assume the responsibility thereof; and

WHEREAS, Baldwin County has the legal authority to carry out the intent of this resolution pursuant to *Code of Alabama*, §11-49-80 and other state laws and constitutional amendments; and

WHEREAS, the City of Foley desires to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the Foley Roads in order to facilitate the orderly development and maintenance of this area in its corporate limits.

NOW, THEREFORE, BE IT RESOLVED by the Baldwin County Commission as follows:

Section 1. That the Baldwin County Commission hereby consents to and petitions for the annexation of the Foley Roads by the City of Foley pursuant to *Code of Alabama*, §11-49-80(c), and (d) and 11-42-20 to 24.

Section 2. That the Chairman of the Baldwin County Commission and other appropriate County officials are hereby authorized to execute and deliver such documents or agreements to the City of Foley as are necessary or requested to carry out the intent of this Resolution.

Section 3. To the extent that portions of the Foley Roads, if any, are already located within the corporate limits of the City of Foley, but responsibility is vested in the County, the Baldwin County Commission hereby consents to the assumption of responsibility of said portion or portions of the Foley Roads by the City of Foley, pursuant to *Code of Alabama*, §11-49-80(b), in addition to its annexation or re-annexation as described herein. In accordance with *Code of Alabama*, §11-49-81, the City of Foley's assumption of responsibility for the Foley Roads is in exchange for the payment of One Hundred Dollars (\$100.00) from the County. The Baldwin County Commission and the City of Foley agree that said consideration is a reasonable charge for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of the road described herein.

Section 4. If any part, section or subdivision of this Resolution shall be held to be illegal, invalid or unenforceable for any reason, such holding shall not be held or construed to invalidate or impair the remaining provisions of this Resolution which shall continue in full force and effect notwithstanding such holding.

ADOPTED and **APPROVED** by the County Commission of Baldwin County, Alabama, on the 19th day of March, 2024.

BALDWIN COUNTY COMMISSION

By:

Billie Jo Underwood

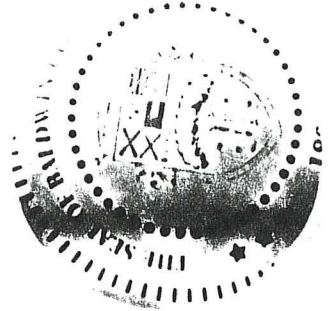
BILLIE JO UNDERWOOD

Its:

Chairman

ATTEST:

Roger H. Rendleman
ROGER H. RENDLEMAN
County Administrator



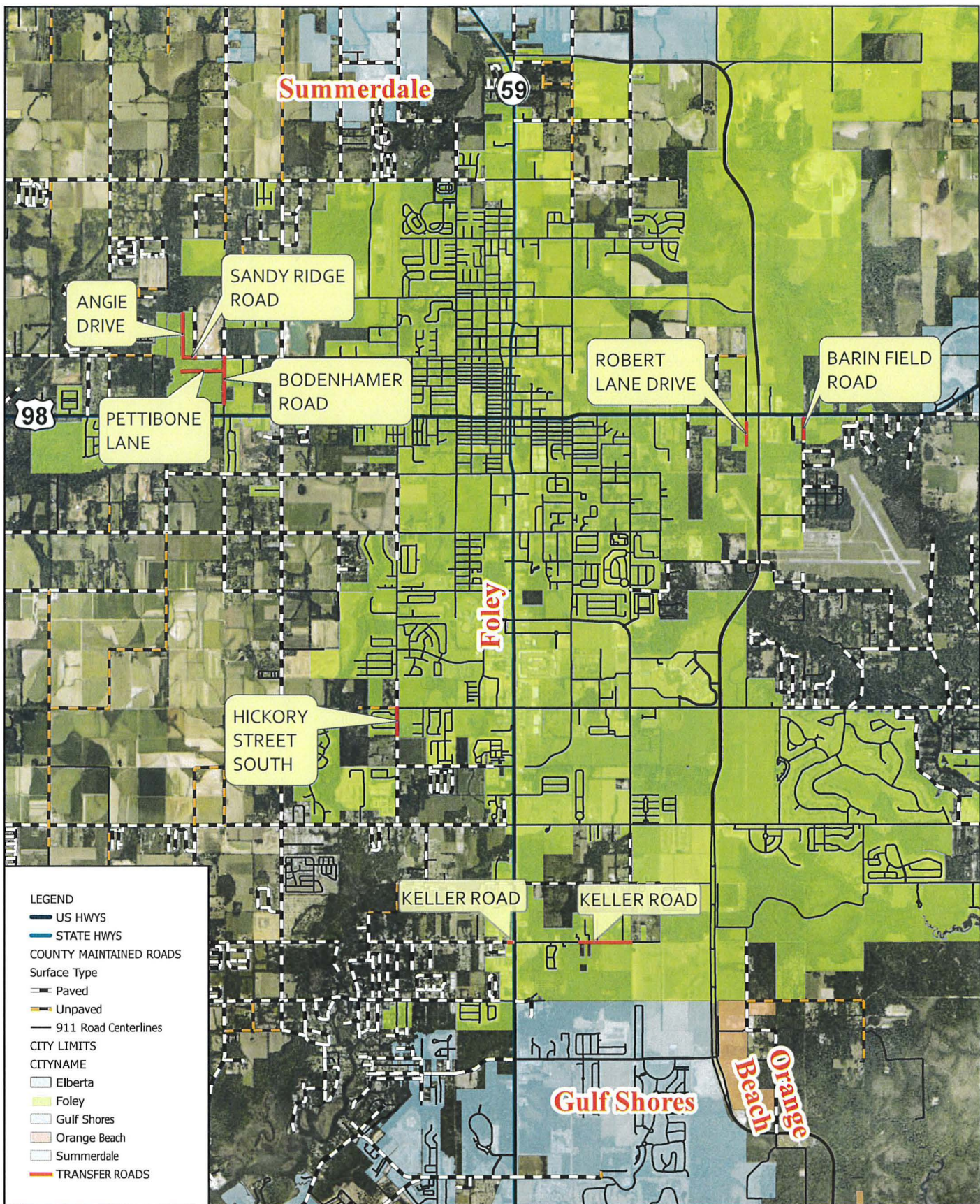


EXHIBIT A CITY OF FOLEY TRANSFER ROADS



Angie Drive:

A part of the Southwest Quarter of Section 24, Township 54 South, Range 3 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Foley, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Foley Roads, beginning at the north right-of-way line of Sandy Ridge Road running in a northerly direction for approximately 1,972 feet to the end of right-of-way being conveyed. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property dedicated in Map Book 9, page 101, aka Slide 807-A. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

Barin Field Road:

A part of the Southwest Quarter of Section 26, Township 7 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Foley, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Barin Field Road, beginning approximately 150 feet from the south right-of-way line of US 98, thence running in a southerly direction for approximately 885 feet to the end of right-of-way being conveyed. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of described in Slide 1380-A and Deed Book 22, page 314. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

Bodenhamer Road:

A part of the Southwest Quarter of Section 25, Township 7 South, Range 3 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Foley, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Bodenhamer Road, beginning at the intersection of Sandy Ridge Road and Breckner Road, thence running in a southerly direction for approximately 2,061 feet to the end of County maintenance. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property described in Deed Book 22 page 318. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

Hickory Street South:

A part of the Northeast Quarter of Section 7, Township 8 South, Range 4 East, and a part of the Northwest Quarter of Section 8, Township 8 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Foley, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Hickory Street South, beginning approximately 40 feet south of the Northeast corner of Section 7, Township 8 South, Range 4 East, thence running in a southerly direction for approximately 1,204 feet to the end of right-of-way being conveyed. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property in Deed Book 407, page 1069, Deed Book 407, page 1070, Deed Book 407, page 1071, Instrument 2019655 and Instrument 2062519. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

Keller Road:

A part of the Southeast Quarter of Section 16, Township 8 South, Range 4 East, and a part of the Northeast Quarter of Section 21, Township 8 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Foley, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Keller Road, beginning approximately 2,855 feet east of State Highway 59, thence running in an easterly direction for approximately 2,334 feet to the end of County maintenance. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property conveyed in Deed Book 425, page 74, Deed Book 425, page 75, Deed Book 425, page 76, Deed Book 482, page 137, Deed Book 482, page 139 and Deed Book 482, page 140. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

Keller Road:

A part of the Southeast Quarter of the Southeast Quarter of Section 17, Township 8 South, Range 4 East and a part of the Northeast Quarter of the Northeast Quarter of Section 20, Township 8 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Foley, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Keller Road, beginning at the west right-of-way line of State Route 59, thence running westerly approximately 300 feet to the end of right-of-way being conveyed. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property conveyed in Real Property Book 396, page 1075, Probate Court Case 4674 and shown on Map Book 8, page 65 aka Slide 719-B. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

Pettibone Lane:

A part of the North half of the Northwest Quarter of Section 25, Township 7 South, Range 3 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Foley, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Pettibone Lane, beginning at the west right-of-way line of Bodenhamer Road, thence running in a westerly direction for approximately 1,907 feet to the end of County maintenance. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property shown in attached map. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

Robert Lane Drive:

A part of the Southeast Quarter of Section 27, Township 7 South, Range 4 East, and a part of the Southwest Quarter of Section 26, Township 7 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Foley, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Robert Lane Drive, beginning approximately 330 feet south of U S highway 98, thence running in a southerly direction for approximately 969 feet to the end of County maintenance. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property conveyed in Deed Book 22, page 314. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

Sandy Ridge Road:

A part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 7 South, Range 3 East, and a part of the Northwest Quarter of the Northwest Quarter of Section 25, Township 7 South, Range 3 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Foley, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Sandy Ridge Road, beginning at the west right-of-way line of Lymon Lane and the intersection of Sandy Ridge Road, thence running in a westerly direction for approximately 517 feet to the end of right-of-way being conveyed. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property conveyed in Deed Book 22, page 318. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.