

RESOLUTION NO. 2016-____

**AUTHORIZING AND CONSENTING TO THE TRANSFER OF MAINTENANCE OF
CERTAIN PORTIONS OF COUNTY ROAD 12 S TO THE CITY OF FOLEY**

WHEREAS, the Baldwin County Commission (hereinafter “County”) is the duly formed governing body in and for Baldwin County, Alabama, and the City of Foley (hereinafter “City”) is an incorporated municipality of the State of Alabama; and

WHEREAS, that portion of County Road 12 S beginning at the City’s corporate limits (approximately 250 feet west of State Route 59) to State Route 59 (hereinafter “Section A”) as shown in the attached Exhibit A, is inside the corporate limits of the City of Foley; and

WHEREAS, City desires to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for Section A of County Road 12 S in order to facilitate the orderly development and maintenance of this area in its corporate limits; and

WHEREAS, City has found and determined that taking over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for Section A of County Road 12 S is in the best interest of the City; and

WHEREAS, that portion of County Road 12 S from approximately 1450 feet east of the Foley Beach Express to approximately 4185 feet east of the Foley Beach Express (hereinafter “Section B”) as shown in the attached Exhibit B, is inside or adjacent to the corporate limits of City; and

WHEREAS, City desires to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for Section B of County Road 12 S in order to facilitate the orderly development and maintenance of this area in its corporate limits; and

WHEREAS, City has found and determined that taking over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for Section B of County Road 12 S is in the best interest of the City; and

WHEREAS, the City of Foley has the legal authority to carry out the intent of this resolution pursuant to Code of Alabama, Section 11-49-80 and other state laws and constitutional amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foley, Alabama, as follows:

Section 1. That City hereby agrees to accept and take over from County the sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for County Road 12 S beginning at the City’s corporate limits (approximately 250 feet west of State Route 59) to State Route 59 (Section A) as shown in the attached Exhibit A. The City’s obligations under this section shall commence after County resurfaces Section A of County Road 12 S (one time) with a minimum 1 and ½ inch overlay.

Section 2. Based on the condition and use of Section A of County Road 12 S, and the request by the City, in accordance with Ala. Code Section 11-49-80 and 81 (1975), the County and City agree that, with the exception of the County's agreement to resurface Section A of County Road 12 S as set forth in Section 1, the County shall not be required to pay any sum or sums, or provide any other services, for being relieved of the ownership, control, management, supervision, repair, improvement and responsibility for Section A of County Road 12 S.

Section 3. That City hereby agrees to accept and take over from County the sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for County Road 12 S from approximately 1450 feet east of the Foley Beach Express to approximately 4185 feet east of the Foley Beach Express (Section B) as shown in the attached Exhibit B.

Section 4. Based on the condition and use of Section B of County Road 12 S, and the request by City, in accordance with Ala. Code Section 11-49-80 and 81 (1975), the County and the City of Foley agree that County shall pay to City, within 30 days of the transfer of maintenance and ownership outlined in Section 3 above, \$45,000 for the cost of resurfacing Section B of CR 12 S. Furthermore, County shall, within 30 days of receipt of an invoice from City, pay one-half of the cost of any overruns related to the City's CR 12 S resurfacing project with the County's contribution to overruns not to exceed \$8500. The County's obligation to contribute to overruns will cease if City fails to deliver an invoice for actual project overrun costs within 100 days of the execution of an agreement to transfer maintenance between the parties. No other payments or services shall be required to be provided by the County.

Section 5. That the Mayor, City Clerk, and other City officials are hereby authorized to execute and deliver such documents or agreements to Baldwin County as are necessary or requested to carry out the intent of this Resolution.

Section 6. 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 this ____ day of _____, 2016.

CITY OF FOLEY

John Koniar /Date
Mayor

ATTEST:

/Date



EXHIBIT A - CR 12 S FROM CITY LIMITS TO SR 59 (SECTION A)

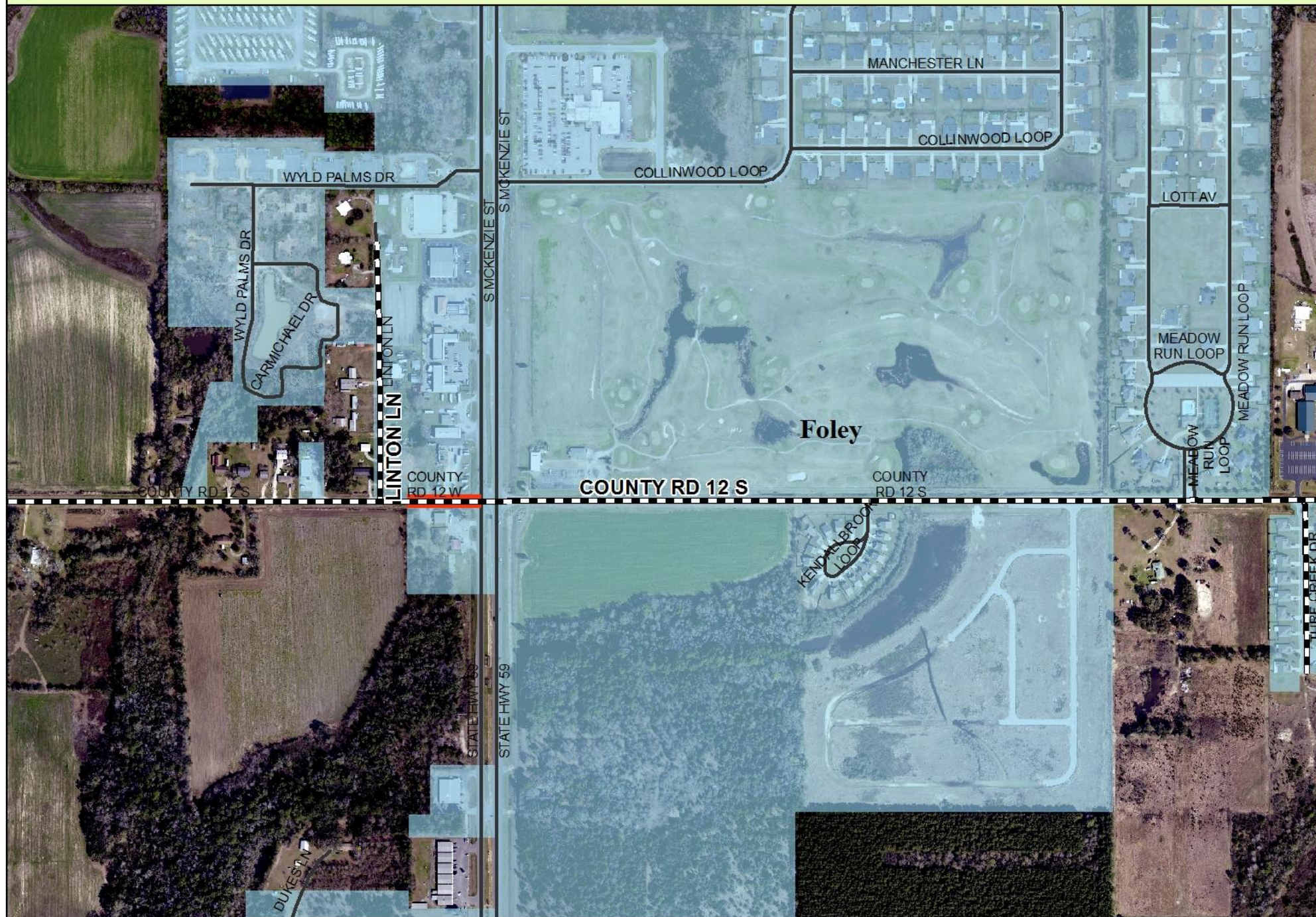




EXHIBIT B - CR 12 S EAST OF THE FBE (SECTION B)

