



Legislation Text

File #: 24-0298, Version: 1

AN ORDINANCE AUTHORIZING TRANSFER OF THE CITY-OWNED PORTION OF THE FOLEY BEACH EXPRESS TO ALDOT AND RELATED MATTERS

WHEREAS, the City of Foley ("City") owns a portion of the Foley Beach Expressway ("FBE") and related right-of-way from where the FBE intersects with the Alabama Highway 59 right of way on the northern side of the City to where the FBE intersects with County Road 12 South on the southeastern side of the City (hereafter, the "City's Part of the FBE"), as shown on Exhibit "A" hereto; and

WHEREAS, the City is currently responsible for the maintenance and repair of the City's Part of the FBE and the related expenses; and

WHEREAS, the City is a party to that certain The "Foley-Beach Express" Agreement dated as of June 1, 1999, and amended in April of 2019, between Baldwin County, Alabama (the "County"), Baldwin County Bridge Company, L.L.C. ("BCBC") and the City (the "TriParty Agreement"); that certain Mutual Assignment, dated May 29, 1999 (the "Mutual Assignment"), between the City, BCBC and the County; and the City has approved the Access Management Plan (the "AMP") referenced in the TriParty Agreement and has agreed to follow the AMP in the operation of the City's Part of the FBE;

WHEREAS, the Alabama Department of Transportation ("ALDOT") is purchasing the Beach Express Bridge which spans the Intracoastal Waterway (the "BEX Bridge") together with all of the adjacent property owned by BCBC, which forms the southern portion of the Foley Beach Expressway, and will cease tolling such that the BEX Bridge and that portion of the adjacent property will be a free public bridge and thoroughfare;

WHEREAS, it is in the public interest for ALDOT to own and maintain all of the Foley Beach Expressway, including the City's Part of the FBE; and

WHEREAS, the City has determined that conveying the City's Part of the FBE to ALDOT would serve a public purpose and would result in substantial cost savings to the City; and

WHEREAS, as a consequence of the acquisition of the BEX Bridge, adjacent roadway, and the City's Part of the FBE, the City's ongoing obligations under the TriParty Agreement, Mutual Assignment, and approved AMP with respect to City's Part of the FBE are no longer necessary and as a result the agreements should be terminated;

NOW THEREFORE, be it ordained by the City Council of the City of Foley as follows:

1. That the City Council hereby finds and declares that the City's Part of the FBE (as illustrated by Exhibit "A") is no longer needed for municipal purposes, and that it is in the best interests of the City of Foley to donate the same to ALDOT;

2. In consideration for the undertakings of ALDOT described in the recitals above, pursuant to Code of Alabama, Section 11-47-20 and applicable law, the City hereby approves the transfer of all the City's right, title, interest in the City Part of the FBE to ALDOT and hereby authorizes and directs the Mayor and City Clerk of the City of Foley to prepare, execute, acknowledge, attest and deliver a quitclaim deed to ALDOT for the City's Part of the FBE and to execute any other agreements, including the "Roadway Transfer Agreement" and other documents approved by legal counsel for the City.

3. The Mayor is hereby authorized and directed to prepare and execute such agreements as are necessary and appropriate to terminate, (i) the TriParty Agreement; (ii) the Mutual Assignment; and, (iii) the AMP, together with any related documents pertaining to the same as reviewed and approved by legal counsel for the City.

4. That the officers of the City, or any one or more of them, are hereby authorized and directed to do and perform or cause to be done or performed in the name and on behalf of the City such other acts, and execute, deliver, file and record such other instruments, documents, certificates, and notifications, all as shall be required by law or necessary or desirable to carry out the provisions and purposes of this Ordinance.

5. That any prior actions taken or agreements made or documents executed by any officers of the City in connection with ALDOT and the transactions herein authorized and approved are hereby ratified, confirmed and approved.

6. That this Ordinance shall take effect immediately after its publication or posting as required by law, and all resolutions, ordinances, orders, or parts thereof in conflict or inconsistent with any provision herein are, to the extent of such conflict or inconsistency, hereby repealed.