



Legislation Text

File #: 24-0215, Version: 1

A RESOLUTION 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, the City of Foley 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 the City of Foley; 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, 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.

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 the City of Foley hereby agrees to accept and take over from Baldwin County the sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the above listed roads.

Section 2. 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 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.