



Legislation Text

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AN ORDINANCE TO APPROVE THE ANNEXATION OF TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF FOLEY, ALABAMA

DESCRIPTION OF TOPIC: (who, what, when, where, why, and how much)

Taking over maintenance of James Road and portions of County Road 12. **June 15th will be the first reading of this Ordinance. The second reading and final approval is July 6th. ***Council could suspend the rules and adopt the Ordinance at the June 15th meeting, if they choose to do so.**

SOURCE OF FUNDING:

None

WHEREAS, James Road from County from County Road 12 South to County Road 20, and County Road 12 South from State Highway 59 to James Road, are rights-of-way inside or abutting the corporate limits of the City of Foley (collectively described herein as "the Foley Roads"); and

WHEREAS, a map thereof showing their relationship to the corporate limits of the City of Foley, is attached hereto as Exhibit "A" and incorporated herein; and

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

WHEREAS, the character and nature of the Foley Roads varies, as certain portions are either (i) maintained by the City of Foley, (ii) bounded on both sides by the corporate limits of the City of Foley as a result of annexation of territory after July 7, 1995, (iii) bounded on one side by the corporate limits of Foley, or (iv) located within the City of Foley but maintained by the County; and

WHEREAS, the City of Foley desires to annex and assume responsibility for the Foley Roads, to the extent it is not already maintaining portions thereof, in order to facilitate the orderly development and maintenance of this area and its corporate limits; and

WHEREAS, in order to accomplish the City of Foley's desire to annex and assume responsibility for the Foley Roads in accordance with Code of Alabama, §11-49-80(b), (c) and (d), the Baldwin County Commission passed a resolution on June 2, 2020, authorizing annexation and transfer of responsibility for the Foley Roads, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, said resolution did petition the City of Foley for annexation and contained the

signature of the owner of the described territory and a map of the Foley Roads showing their relationship to the corporate limits of the City of Foley; and

WHEREAS, the City of Foley has determined that it is in the public interest that the Foley Roads be annexed to the City of Foley and that all legal requirements for annexing the Foley Roads have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FOLEY, ALABAMA, AS FOLLOWS:

Section 1. The City Council of Foley, Alabama, finds and declares as the legislative body hereof that it is in the best interest of the citizens of the City, and the citizens of the affected area, to annex and bring the territory described herein as the Foley Roads into the City of Foley, and to assume responsibility for those portions of the Foley Roads, if any, that are already within the corporate limits of the City of Foley pursuant to Code of Alabama, §11-49-80(b), (c) and (d), and Code of Alabama, §11-42-20, et seq.

Section 2. The boundary lines of the City of Foley, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Foley, Alabama, and in addition thereto the following described territory, to-wit:

James Road from County from County Road 12 South to County Road 20, and County Road 12 South from State Highway 59 to James Road, and

Lying in Section 1 Township 7 South Range 4 East

A strip of land 15 feet wide, East and West, off the North line of the South one-half of Section 1, less and except the Southeast Quarter;

A strip of land 20 feet wide, East and West, off the South line of the South one-half of Section 1, less and except the Southeast Quarter;

A strip of land 30 feet wide, North and South, on the half-Section line, through the South one-half of Section 1;

A strip of land 20 feet wide, North and South, off the West line of the Southwest Quarter of Section 1, and

Lying in Section 2 Township 7 South Range 4 East

A strip of land 30 feet wide, North and South, on the half-Section line, through Section 2;

A strip of land 30 feet wide, East and West, through the West one-half of Section 2 on the half

Section line;

A strip of land 15 feet wide, East and West, on the South line of the Southwest Quarter of the Northeast Quarter of Section 2;

A strip of land 15 feet wide, East and West, off the North line of the Southeast quarter of Section 2;

A strip of land 20 feet wide, East and West, off the South line of the South one half of Section 2;

A strip of land 20 feet wide, North and South, off the east line of the Southeast Quarter of Section 2;

A strip of land 20 feet wide, North and South, off the West line of Section 2, less and except the Northwest Quarter of the Northwest Quarter, and

Lying in Section 3 Township 7 South Range 4 East

A strip of land 20 feet wide, North and South, off the East line of the Northeast Quarter of Section 3, less and except the Northeast Quarter of the Northeast Quarter, and

Lying in Section 10 Township 7 South Range 4 East

A strip of land 20 feet wide, North and South, off the East line of the Northeast Quarter of Section 10;

A strip of land 15 feet wide, East and West, off the South line of the Northeast Quarter of Section 10;

A strip of land 20 feet wide, East and West, off the North line of Section 10, less and except the Northwest Quarter and the West one half of the Northeast Quarter, and

Lying in Section 11 Township 7 South Range 4 East

A strip of land 20 feet wide, East and West, off the North line of the Northeast Quarter of the Northwest Quarter of Section 11;

A strip of land 20 feet wide, East and West, off the South line of the Northwest Quarter of Section 11; A strip of land 15 feet wide, North and South, off the West line of the Northwest Quarter of the Southeast Quarter of Section 11;

A strip of land 15 feet wide, North and South, off the East line of the Northwest Quarter of Section 11; A strip of land 20 feet wide, North and South, off the West line of the Southwest Quarter of the Northwest Quarter of Section 11, and

Lying in Section 13 Township 7 South Range 4 East

A strip of land 20 feet wide, East and West, off the North line of Section 13, less and except the Northeast Quarter, and

Lying in Section 14 Township 7 South Range 4 East

A strip of land 20 feet wide, East and West, off the North line of Section 14, less and except the North one half of the Northwest Quarter and the Northeast Quarter of the Northeast Quarter, and

Section 3. The territory described in this ordinance shall become a part of the corporate limits of Foley, Alabama, upon publication of this ordinance.

Section 4. To the extent that portions of the Foley Roads, if any, are already within the corporate limits of the City of Foley, but maintained by the County, the City of Foley hereby assumes responsibility of said portions of the Foley Roads pursuant to Code of Alabama, §11-49-80(b), in addition to their 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 County agreeing that it shall resurface, one time, James Road from County Road 12 South to County Road 20 with a minimum one and a half inch overlay. The Baldwin County Commission and the City of Foley agree that said consideration is a reasonable charge.

Section 5. This ordinance shall be published as provided by law, and a certified copy of the same, together with a certified copy of the resolution and petition of the Baldwin County Commission, shall be filed with the Probate Judge of Baldwin County, Alabama.

Section 6. If any part, section or subdivision of this ordinance shall be held to be illegal, invalid, or unenforceable for any reason, such ordinance shall not be held or construed to invalidate or impair the remaining provisions of this ordinance, which shall continue in full force and effect notwithstanding such holding.