

COUNTY OF BALDWIN
STATE OF ALABAMA

AGREEMENT
(TRANSFER OF UNOPENED RIGHT OF WAY
NORTH OF PERDIDO BEACH BOULEVARD AKA STATE ROUTE 182)

This Agreement is entered into between Baldwin County, Alabama, a political subdivision of the State of Alabama (“Baldwin County”), and the City of Orange Beach, Alabama, a municipal corporation (“City of Orange Beach”) effective as of the date stated below;

WHEREAS, an unopened right of way north of Perdido Beach Boulevard aka State Route 182, which is described in the attached Exhibit “A” depicted on the attached Exhibit “B”, is inside the corporate limits of the City of Orange Beach (the “unopened right of way”); and

WHEREAS, the City of Orange Beach desires to take over from Baldwin County sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility of the unopened right of way north of Perdido Beach Boulevard aka State Route 182 to facilitate the orderly development of this area of the City of Orange Beach in its corporate limits and exclusive police jurisdiction; and

WHEREAS, the City of Orange Beach has found and determined that taking over ownership, control, maintenance, and responsibility of the unopened right of way north of Perdido Beach Boulevard aka State Route 182 is in the best interest of the City of Orange Beach; and

WHEREAS, Baldwin County has found and determined that allowing the City of Orange Beach to take over ownership, control, maintenance, and responsibility of the unopened right of way north of Perdido Beach Boulevard aka State Route 182 is in the best interest of Baldwin County; and

WHEREAS, both the City of Orange Beach and Baldwin County have previously adopted Resolutions by their governing bodies assenting to this action and authorizing their respective officers to execute this Agreement;

WHEREAS, the City of Orange Beach and Baldwin County are authorized to enter into this type of agreement pursuant to Code of Alabama, Section 11-49-80 and other state laws and constitutional amendments;

NOW, THEREFORE, in consideration of ten dollars (\$10.00), the mutual covenants and benefits achieved hereby, and other good and valuable consideration, the City of Orange Beach and Baldwin County hereby agree as follows:

Section 1. That the City of Orange Beach shall take over and assume the sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the unopened right of way north of Perdido Beach Boulevard aka State Route 182, as described in the attached Exhibit "A" and shown on the attached Exhibit "B", effective as of the date the last party signs below.

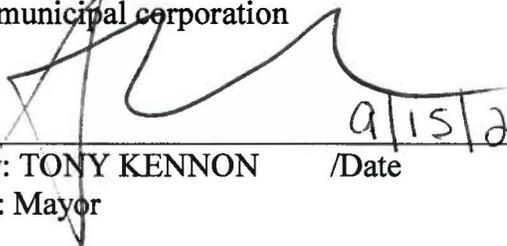
Section 2. That the City of Orange Beach hereby assumes such responsibility of the unopened right of way north of Perdido Beach Boulevard aka State Route 182 in its as-is, where-is, and with all faults condition, and the City of Orange Beach hereby agrees that Baldwin County has made no representations or warranties concerning the condition or nature of the unopened right of way north of Perdido Beach Boulevard aka State Route 182 and that the City of Orange Beach has made its own investigation and decisions to take this action.

Section 3. The City of Orange Beach shall indemnify, defend and hold Baldwin County and its Commissioners, affiliates, employees, agents, and representatives (collectively referred to in this sections as "BALDWIN COUNTY") harmless from and against any and all claims, demands, liabilities damages, losses, judgments, costs, and expenses including, without limitation, attorneys' fees and costs, for any and all personal injury (including death) and property damage of any kind or nature whatsoever, including claims for injunctive relief, condemnation or inverse condemnation, incurred by, asserted against, or imposed upon BALDWIN COUNTY, or as a result of or in any manner related to this Agreement, the provision of services, duties or obligations hereunder, or any act or omission, by the City of Orange Beach. This indemnification shall survive the expiration or termination of this Agreement.

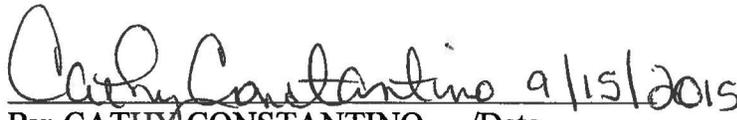
Section 4. That this Agreement contains the entire agreement of the parties concerning the unopened right of way north of Perdido Beach Boulevard aka State Route 182, and there are no other agreements, representations, covenants, or commitments by either party relating to this subject matter other than those contained in this agreement.

In Witness Whereof, the City of Orange Beach and Baldwin County, by and through their duly authorized officers, have set their hands and seals on the dates indicated below, and this Agreement is effective as of the date the last party signs below.

City of Orange Beach, Alabama
A municipal corporation


By: TONY KENNON /Date 9/15/2015
Its: Mayor

ATTEST:


By: CATHY CONSTANTINO /Date
Its: City Clerk

Baldwin County Commission
Baldwin County, Alabama
A political subdivision of the State of Alabama


By: CHARLES F. GRUBER /Date 9-22-15
Its: Chairman

ATTEST:

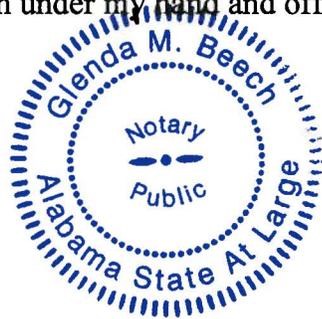

By: RONALD J. CINK /Date
Its: Interim County Administrator



State of Alabama)
County of Baldwin)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Tony Kennon, who name as Mayor of the City of Orange Beach and Cathy Constantino, who name as City Clerk of the City of Orange Beach, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the Agreement, they, as such officers and with full authority, executed the same voluntarily for and as the act of said City of Orange Beach.

Given under my hand and official seal, this the 15 day of Sept., 2015.



Glenda M. Beech
Notary Public, Baldwin County, Alabama
My Commission Expires: _____

Commission Expires 07/03/2016

State of Alabama)
County of Baldwin)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Charles F. Gruber, as Chairman of the Baldwin County Commission, and Ronald J. Cink, Interim County Administrator of the Baldwin County Commission, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the Agreement, they, as such officers and with full authority, executed the same voluntarily for and as the act of said Baldwin County Commission.

Given under my hand and official seal, this the 22nd day of September 2015.

Monica E. Taylor
Notary Public, Baldwin County, Alabama
My Commission Expires: _____ My Commission Expires 09/05/2016



EXHIBIT A

Legal Description

A part of the East One Half of the East One Half of the Southeast Quarter of Section 14, Township 9 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows to-wit:

It is the intent of this document to remise, release, quitclaim and convey unto the City of Orange Beach, Alabama, all of Baldwin County's right and title to that portion of right-of-way owned by Baldwin County, lying North of Perdido Beach Boulevard aka State Route 182, being shown in Amber Isle, a Planned Unit Development, as recorded in Slide 2200 B; said right-of -way being quitclaimed is described in Deed Book 262, page 434, in the Office of the Judge of Probate of Baldwin County, Alabama.



Section 14
Township 9 South
Range 4 East

CITY OF ORANGE BEACH REQUESTING 80' R/W TO BE DEEDED NORTH OF STATE ROUTE 182 (LYING IN AMBER ISLE SUBDIVISION)

Exhibit B

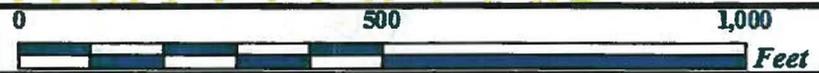


80' R/W AS RECORDED IN DEED BOOK 262 PG 434

182

ORIGINAL SIGNED BY MAYO

- Legend**
- LAND PARCELS
 - ASPHALT
 - GRAVEL/DIRT
 - NON MAINTAINED ROADS



RESOLUTION NO. 15-137

A RESOLUTION AUTHORIZING AND CONSENTING TO THE TRANSFER OF OWNERSHIP, MAINTENANCE, AND RESPONSIBILITY FOR AN UNOPENED RIGHT OF WAY NORTH OF PERDIDO BEACH BOULEVARD AKA STATE ROUTE 182 FROM BALDWIN COUNTY TO THE CITY OF ORANGE BEACH

WHEREAS, an unopened right of way north of Perdido Beach Boulevard, aka State Route 182, is inside the corporate limits of the City of Orange Beach; and

WHEREAS, the City of Orange Beach desires to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the unopened right of way north of Perdido Beach Boulevard, aka State Route 182 to facilitate the orderly development of this area of the City of Orange Beach in its corporate limits and exclusive police jurisdiction; and

WHEREAS, the City of Orange Beach has found and determined that taking over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility of the unopened right of way north of Perdido Beach Boulevard aka State Route 182 is in the best interest of the City of Orange Beach; and

WHEREAS, the City of Orange Beach 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 Orange Beach, Alabama, as follows:

Section 1. That the City of Orange Beach hereby agrees to accept and take over from Baldwin County the sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility of the unopened right of way north of Perdido Beach Boulevard aka State Route 182, which is described in the attached Exhibit "A".

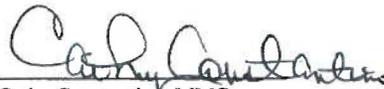
Section 2. That the Mayor, City Clerk, and other City officials are hereby authorized to execute and deliver such documents or agreements to Baldwin County as are necessary or requested to carry out the intent of this Resolution.

Section 3. Based on the condition and use of the unopened right of way north of Perdido Beach Boulevard, aka State Route 182 and the request by the City of Orange Beach, in accordance with Ala. Code Section 11-49-80 and 81 (1975), the County and the City of Orange Beach agree that the County shall not be required to pay any sum or sums for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of the unopened right of way north of Perdido Beach Boulevard aka State Route 182.

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 this 15th day of September, 2015.

CITY OF ORANGE BEACH



Cathy Constantino, MMC
City Clerk

THIS INSTRUMENT PREPARED BY:
BALDWIN COUNTY HIGHWAY DEPARTMENT
ROBERTSDALE, ALABAMA 36567

STATE OF ALABAMA) **RIGHT OF WAY NORTH OF**
) **PERDIDO BEACH BOULEVARD**
) **AKA STATE ROUTE 182**
COUNTY OF BALDWIN)

BALDWIN COUNTY, ALABAMA
TIM RUSSELL, PROBATE JUDGE
Filed/cert. 5/17/2016 1:42 PM
TOTAL \$ 12.00
2 Pages

1571179

QUITCLAIM DEED



KNOW ALL MEN BY THESE PRESENTS, that **Baldwin County, Alabama**, by and through the Baldwin County Commission, a political subdivision of the State of Alabama, hereinafter referred to as the Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration this day paid to Grantor by the City of Orange Beach, Alabama, an Alabama municipal corporation, hereinafter referred to as Grantee, the receipt and sufficiency of which is hereby acknowledged, has and by these presents does hereby REMISE , RELEASE, QUITCLAIM AND CONVEY unto the Grantee, all of Grantor's right, title, interest and claim in and to the following described real property, subject to the covenants contained herein and the rights of any utilities which may be on, over, or under said real estate, situated in Baldwin County, Alabama, to wit:

A part of the East One Half of the East One Half of the Southeast Quarter of Section 14, Township 9 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows to-wit:

It is the intent of this document to remise, release, quitclaim and convey unto the City of Orange Beach, Alabama, all of Baldwin County's right and title to that portion of right-of-way owned by Baldwin County, lying North of Perdido Beach Boulevard aka State Route 182, being shown in Amber Isle, a Planned Unit Development, as recorded in Slide 2200 B; said right-of-way being quitclaimed is described in Deed Book 262, page 434, in the Office of the Judge of Probate of Baldwin County, Alabama.

GRANTOR'S ADDRESS:
BALDWIN COUNTY HIGHWAY DEPARTMENT
P.O. BOX 220
SILVERHILL, ALABAMA 36576

GRANTEE'S ADDRESS:
CITY OF ORANGE BEACH
P. O. BOX 458
ORANGE BEACH, AL 36561

TO HAVE AND TO HOLD unto the said Grantee, or its successors and assigns for FOREVER.

IN WITNESS WHEREOF, the Grantor has hereunto caused this instrument to be executed by its duly authorized representative on this the 1st day of September, 2015.

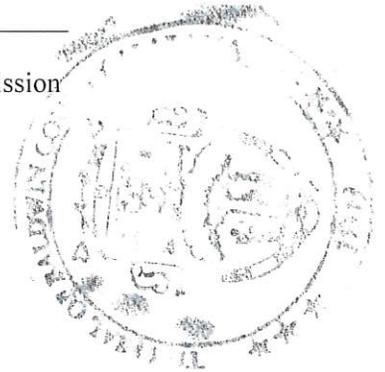
GRANTOR

BALDWIN COUNTY, ALABAMA,
by and through the Baldwin County Commission,
a political subdivision of the State of Alabama

By: Charles F. Gruber
Charles F. Gruber
Chairman of Baldwin County Commission

Attest

By: Ronald J. Cink
Ronald J. Cink
Interim County Administrator of Baldwin County Commission



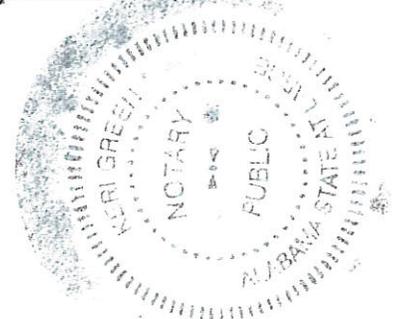
STATE OF ALABAMA

COUNTY OF BALDWIN

I, Keri Green, a Notary Public, in and for said County in said State, hereby certify that Charles F. Gruber, whose name as Chairman of the County Commission of BALDWIN COUNTY, ALABAMA, a political subdivision of the State of Alabama, and Ronald J. Cink, whose name as Interim County Administrator, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said political subdivision .

Given under my hand and seal this 1st day of September, 2015.

Keri Green
Notary Public, Baldwin County, Alabama
My Commission Expires: My Commission Expires 11/23/2015



GRANTOR'S ADDRESS:
BALDWIN COUNTY HIGHWAY DEPARTMENT
P.O. BOX 220
SILVERHILL, ALABAMA 36576

GRANTEE'S ADDRESS:
CITY OF ORANGE BEACH
P. O. BOX 458
ORANGE BEACH, AL 36561