

RESOLUTION NO. 2016-104

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

WHEREAS, Baldwin County 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 Baldwin County Commission as follows:

Section 1. That County hereby agrees to and consents to transfer to City 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.

Section 2. That County hereby agrees that it shall resurface (one time) Section A of County Road 12 S with a minimum 1 and ½ inch overlay and that City's obligations under Section 1 shall not commence until the completion of said County Project.

Section 3. 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 burden of the ownership, control, management, supervision, repair, maintenance and improvement and responsibility for Section A of County Road 12 S.

Section 4. That County hereby agrees to and consents to transfer to City 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 (hereinafter "Section B") as shown in the attached Exhibit B.

Section 5. That County hereby agrees that, within 30 days of the transfer of maintenance and ownership outlined in Section 4 above, County shall pay to the City \$45,000 for the cost of resurfacing Section B of CR 12 S.

Section 6. That 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 obligations 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 the maintenance transfer agreement.

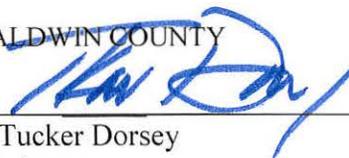
Section 7. Based on the condition and use of Section B of County Road 12 S, and the request by the City, in accordance with Ala. Code Section 11-49-80 and 81 (1975), the County and the City of Foley agree that, with the exception of the payments set forth in Sections 5 and 6, the County shall not be required to pay any sum or sums, or provide any other services, for being relieved of the burden of ownership, control, management, supervision, repair, maintenance, improvement and responsibility for County Road 12 S.

Section 8. That the Chairman of the Baldwin County Commission and other appropriate County officials are hereby authorized to execute and deliver such documents or agreements to the City of Foley as are necessary or requested to carry out the intent of this Resolution.

Section 9. 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 16th day of August, 2016.

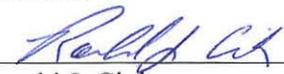
BALDWIN COUNTY



J. Tucker Dorsey
Chairman

8/16/16
/Date

ATTEST:



Ronald J. Cink
County Administrator

8/16/2016
/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)

