

**RESOLUTION NO. 2016-105**

**AUTHORIZING AND CONSENTING TO THE TRANSFER OF MAINTENANCE OF CERTAIN PORTIONS OF THE FOLEY BEACH EXPRESS 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 the Foley Beach Express from the south right-of-way line of County Road 12 S to the north right-of-way line of County Road 20, including the traffic signals at the intersection of the Foley Beach Express and County Road 12 S and at the intersection of the Foley Beach Express and County Road 20, (hereinafter collectively referred to as "Section A") as shown in the attached Exhibit A, is inside the corporate limits of the City of Foley; and

**WHEREAS**, City desires to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for Section A of the Foley Beach Express 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 the Foley Beach Express is in the best interest of 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 Section A of the Foley Beach Express (which includes the Foley Beach Express from the south right-of-way line of County Road 12 S to the north right-of-way line of County Road 20, including the traffic signals at the intersection of the Foley Beach Express and County Road 12 S and at the intersection of the Foley Beach Express and County Road 20) as shown in the attached Exhibit A.

Section 2. That County's obligations under Section 1 above are contingent on the City's commitment to the continued enforcement of the terms of the "Foley-Beach Express" Agreement (hereinafter the "Tri-Party Agreement"), which was executed by all parties on or about June 1, 1999, for Section A of the Foley Beach Express.

Section 3. Based on the condition and use of Section A of the Foley Beach Express, and the request by City, in accordance with Ala. Code Section 11-49-80 and 81 (1975), County and City agree that the County shall not be required to pay any sum or sums for being relieved of the burden of the ownership, control, management, supervision, repair, maintenance and improvement of Section A of the Foley Beach Express.

Section 4. 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 5. 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 16<sup>th</sup> day of August, 2016.

BALDWIN COUNTY

J. Tucker Dorsey / 8/16/16  
Chairman /Date

**ATTEST:**

Ronald J. Cink / 8/16/2016  
County Administrator /Date





# EXHIBIT A - FBE FROM CR 12 S TO CR 20 (SECTION A)

