AGREEMENT BETWEEN THE STATE OF ALABAMA DEPARTMENT OF TRANSPORTATION AND BALDWIN COUNTY COMMISSION

FOR THE TRANSFER OF CERTAIN PUBLIC ROADS MAINTENANCE RESPONSIBILITIES, AND ACCESS MANAGEMENT RESPONSIBILITIES

This AGREEMENT is made and entered into by and between the State of Alabama, Alabama

Department of Transportation, hereinafter referred to as ALDOT, and the Baldwin County Commission,
hereinafter referred to as the COUNTY, and

WHEREAS, the COUNTY owns Roscoe Road and related right-of-way lying south from Foley Beach Expressway to County Road 4, County Road 4 and related right-of-way from Geno Road east approximately 3,430 feet to the end of County maintenance (also known as Cotton Creek Drive and Brown Lane), the County owned and maintained sections of the Foley Beach Expressway and related right-of-way, and the Baldwin Beach Express south of the I-10 denied access limit and all right-of-way for the Baldwin Beach Express south of the I-10 denied access limit, hereinafter referred to as the ROADWAYS;

WHEREAS, the COUNTY is currently responsible for the maintenance and repair of the ROADWAYS and the related expenses;

WHEREAS, the COUNTY is a party to a certain "Foley-Beach Express" Agreement dated June 1, 1999, and First Amendment dated April of 2019, and Second Amendment Dated August of 2023, between the City of Foley, Alabama ("Foley"), Baldwin County Bridge Company, L.L.C. ("BCBC") and the COUNTY (the "TriParty Agreement");

WHEREAS, the COUNTY has approved the Access Management Plan (the "AMP") referenced in the TriParty Agreement and has agreed to follow the AMP in the operation of the COUNTY's portion of the Foley Beach Expressway;

WHEREAS, the COUNTY is a party to a certain Mutual Assignment, dated May 29, 1999 (the "Mutual Assignment"), between Foley, BCBC and the COUNTY;

WHEREAS, the COUNTY adopted Resolution #2023-105 on May 2, 2023 authorizing the transfer of the Roadways and certain rights and responsibilities of the COUNTY under the TriParty Agreement, Access Management Plan, and Mutual Assignment; and

WHEREAS, it is in the public interest for ALDOT and the COUNTY to cooperate in the preparation and execution of an agreement necessary and appropriate to delegate and assign such rights and responsibilities to ALDOT and transfer ownership and maintenance of such roads as illustrated on Exhibit 1, Attachment A; Exhibit 2, Attachment A; Exhibit 3, Attachment A; & Exhibit 4, Attachment A attached hereto and made a part thereof, and more fully described as follows:

TRANSFER OF RIGHT OF WAY

"A part of Sections 4, 9, 15, 16, 21, 22, 27, 28, 33, 34, Township 5 South, Range 4 East; A part of Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33, 34, Township 6 South, Range 4 East; A part of Sections 3, 4, 9, 10, Township 7 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

Baldwin Beach Express south of the I-10 denied access limit (north right-of-way of County Road 68 aka Buc-ee's Boulevard and Baldwin Beach Express) and all right-of-way for the Baldwin Beach Express south of the I-10 denied access limit (intersection of County Road 68) to the intersection of the Foley Beach Express. Including all improvements within the right-of-way. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own."

"A part of Sections 15, 22, 26, 27, 35, Township 8 South, Range 4 East, Baldwin County Alabama and being more fully described as follows:

County owned and maintained sections of the Foley Beach Expressway and related right-of-way, from County Road 12 South to approximately 300 feet south of Bradford Road, to the end of County maintenance. Including all improvements within the right-of-way. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own."

"A part of the South half of Section 26, Township 8 South, Range 4 East and part of Section 35, Township 8 South, Range 4 East, Baldwin County Alabama and being more fully described as follows:

Roscoe Road lying south of Foley Beach Express to County Road 4 aka Cotton Creek Drive, Brown Lane and related right-of-way, Including all improvements within the right-

of-way. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own."

"A part of the South half of Section 35, Township 8 South, Range 4 East and a part of the North half of Section 2, Township 9 South, Range 4 East, Baldwin County Alabama and being more fully described as follows:

County Road 4 aka Cotton Creek Drive, Brown Lane and related right-of-way from Geno Road east approximately 3,430 feet to the end of County maintenance. It is the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own."

NOW THEREFORE, ALDOT and the COUNTY for, and in consideration of the roadways stated herein, do hereby mutually promise and agree as follows:

The COUNTY agrees to transfer its possession and ownership of the above-described ROADWAYS and to execute quitclaim deeds, attached hereto as Exhibits 1, 2, 3, & 4 to ALDOT transferring any and all rights, title, and interest the COUNTY may possess in the above-described ROADWAYS.

ALDOT agrees to assume ownership and maintenance of the above-described ROADWAYS upon execution and delivery of the quitclaim deeds attached as Exhibits 1, 2, 3, & 4.

The COUNTY agrees to delegate and assign to ALDOT the COUNTY's rights and responsibilities under Section 2(d) of the TriParty Agreement relating to the application of the Access Management Plan to the portion of the Foley Beach Expressway owned and maintained by the COUNTY and under the Mutual Assignment.

The COUNTY agrees to delegate and assign to ALDOT the COUNTY's obligation and covenant to maintenance the COUNTY's portion of the Foley Beach expressway under Section 2(e) of the TriParty Agreement.

The COUNTY agrees to delegate and assign to ALDOT the COUNTY's obligations with respect to permitted signage in Section 4(d) of the TriParty Agreement.

The COUNTY agrees to delegate and assign to ALDOT the COUNTY's rights and responsibilities under the AMP, including, without limitation, the assumption of the position of

"Permitting Agency" under the AMP for the portion of the Foley Beach Expressway owned and maintained by the COUNTY.

ALDOT, by accepting assignment of such rights and responsibilities under this Agreement, agrees to defend Permitting Agency decisions made by ALDOT in accordance with the assigned rights and responsibilities under the AMP.

By entering into this Agreement, the COUNTY is not an agent of the State, its officers, employees, agents or assigns. The COUNTY is an independent entity from the State and nothing in this Agreement creates an agency relationship between the parties.

IN WITNESS WHEROF, the parties hereto have caused this Agreement to be executed by those officers, officials and persons thereunto duly authorized, and this Agreement is deemed to be dated and to be effective upon its execution by all the parties.

[Balance of page intentionally left blank]



BY: (SIGNATURE)

ROGER H. RENDLEMAN COUNTY ADMINISTRATOR BALDWIN COUNTY COMMISSION

DATE: 11 07 2023

(AFFIX SEAL)

BALDWIN COUNTY COMMISSION

SIGNATURE) Under word

BILLIE JO UNDERWOOD CHAIRMAN BALDWIN COUNTY COMMISSION

DATE: 1107 2023

RECOMMENDED:

EDWARD N. AUSTIN CHIEF ENGINEER

ALABAMA DEPARTMENT OF TRANSPORTATION

THIS AGREEMENT HAS BEEN LEGALLY REVIEWED AND APPROVED AS TO FORM AND CONTENT.

WILLIAM F. PATTY

CHIEF LEGAL COUNSEL

ALABAMA DEPARTMENT OF TRANSPORTATION

APPROVED:

ALABAMA DEPARTMENT OF TRANSPORTATION

JOHX R. COOPER

TRANSPORTATION DIRECTOR

Date: 11 8

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

STATE OF ALABAMA)
COUNTY OF BALDWIN)

BALDWIN BEACH EXPRESS FROM INTERSECTION OF COUNTY ROAD 68 AKA TO BUC-EE'S BLVD TO INTERSECTION OF FOLEY BEACH EXPRESS

BALDWIN COUNTY, ALABAMA HARRY D'OLIVE, JR. PROBATE JUDGE Filed/cert. 11/ 9/2023 9:59 AM TOTAL \$ 22.00 4 Pages

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 **STATE OF ALABAMA**, Alabama Department of Transportation, 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 Sections 4, 9, 15, 16, 21, 22, 27, 28, 33, 34, Township 5 South, Range 4 East; A part of Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33, 34, Township 6 South, Range 4 East; A part of Sections 3, 4, 9, 10, Township 7 South, Range 4 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the STATE OF ALABAMA, Alabama Department of Transportation, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along the following:

Baldwin Beach Express south of the I-10 denied access limit (north right-of-way of County Road 68 aka Buc-ee's Boulevard and Baldwin Beach Express) and all right-of-way for the Baldwin Beach Express south of the I-10 denied access limit (intersection of County Road 68) to the intersection of the Foley Beach Express. Including all improvements within the right-of-way. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own. SEE ATTACHMENT "A"

Subject to any reservations, restrictions, exceptions, and encumbrances of record.

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 _____ day of Nounch___, 2023.

GRANTOR

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

Billie Jo Underwood

Chairman of Baldwin County Commission

Attest

Roger H. Rendleman County Administrator

STATE OF ALABAMA

COUNTY OF BALDWIN

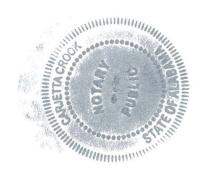
Given under my hand and seal this

day of Nuyanher, 2023

Notary Public, Baldwin County, Alabama

My Commission Expires:

July 14, 2025



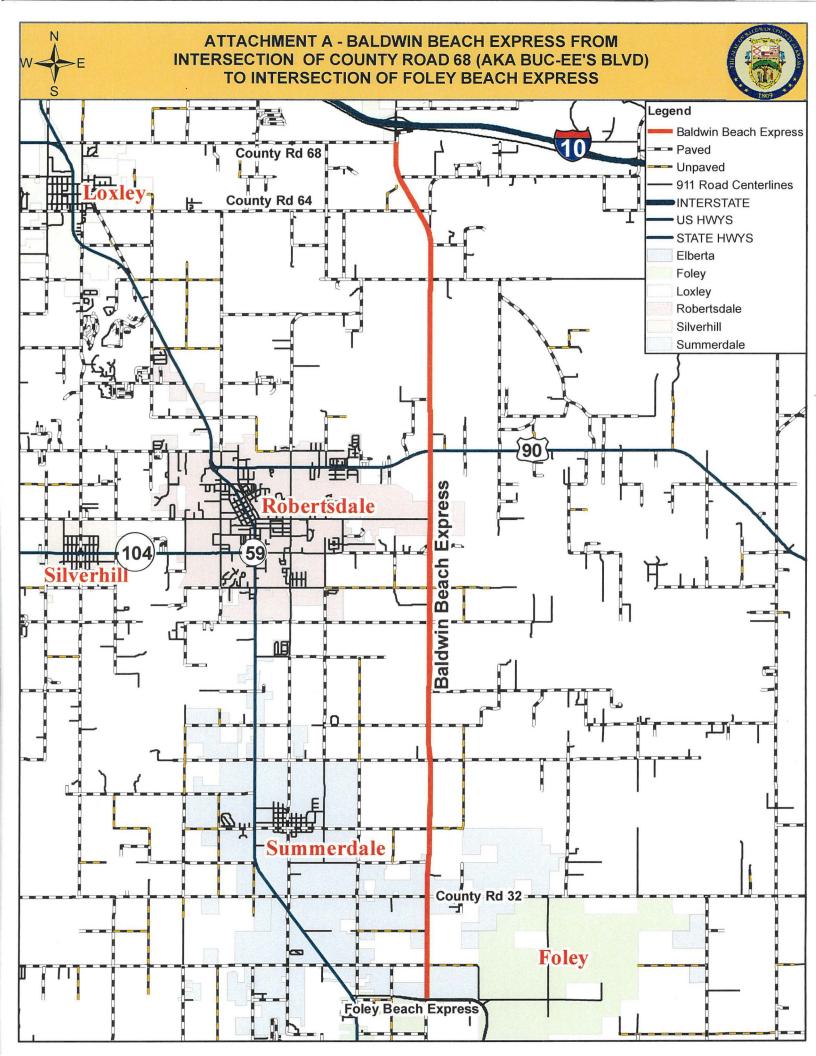


EXHIBIT 2

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

STATE OF ALABAMA)

COUNTY OF BALDWIN)

FOLEY BEACH EXPRESS
FROM COUNTY ROAD 12
SOUTH TO APPROXIMATELY
300 FEET SOUTH OF BRADFORD
ROAD TO END OF COUNTY
MAINTENANCE

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed/cert. 11/ 9/2023 10:01 AM
TOTAL \$ 22.00
4 Pages

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 **STATE OF ALABAMA**, Alabama Department of Transportation, 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 Sections 15, 22, 26, 27, 35, Township 8 South, Range 4 East, Baldwin County Alabama and being more fully described as follows:

It is the intent to convey unto the STATE OF ALABAMA, Alabama Department of Transportation, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along the following:

GRANTOR'S ADDRESS:

GRANTEE'S ADDRESS:

County owned and maintained sections of the Foley Beach Expressway and related right-of-way, from County Road 12 South to approximately 300 feet south of Bradford Road, to the end of County maintenance. Including all improvements within the right-of-way. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own. SEE ATTACHMENT "A"

Subject to any reservations, restrictions, exceptions, and encumbrances of record.

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 _____ day of _______, 2023.

GRANTOR

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

y: Billie Jo Underwood

Chairman of Baldwin County Commission

Attest

Roger H. Rendleman

County Administrator

STATE OF ALABAMA

COUNTY OF BALDWIN

, a Notary Public, in and for said County in said State, hereby certify that <u>Billie Jo Underwood</u>, whose name as Chairman of the County Commission of BALDWIN COUNTY, ALABAMA, a political subdivision of the State of Alabama, and <u>Roger H. Rendleman</u>, whose name as 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

lay of Julenti, 2023

Notary Public, Baldwin County, Alabama

My Commission Expires:

My Commission Expires:
July 14, 2025



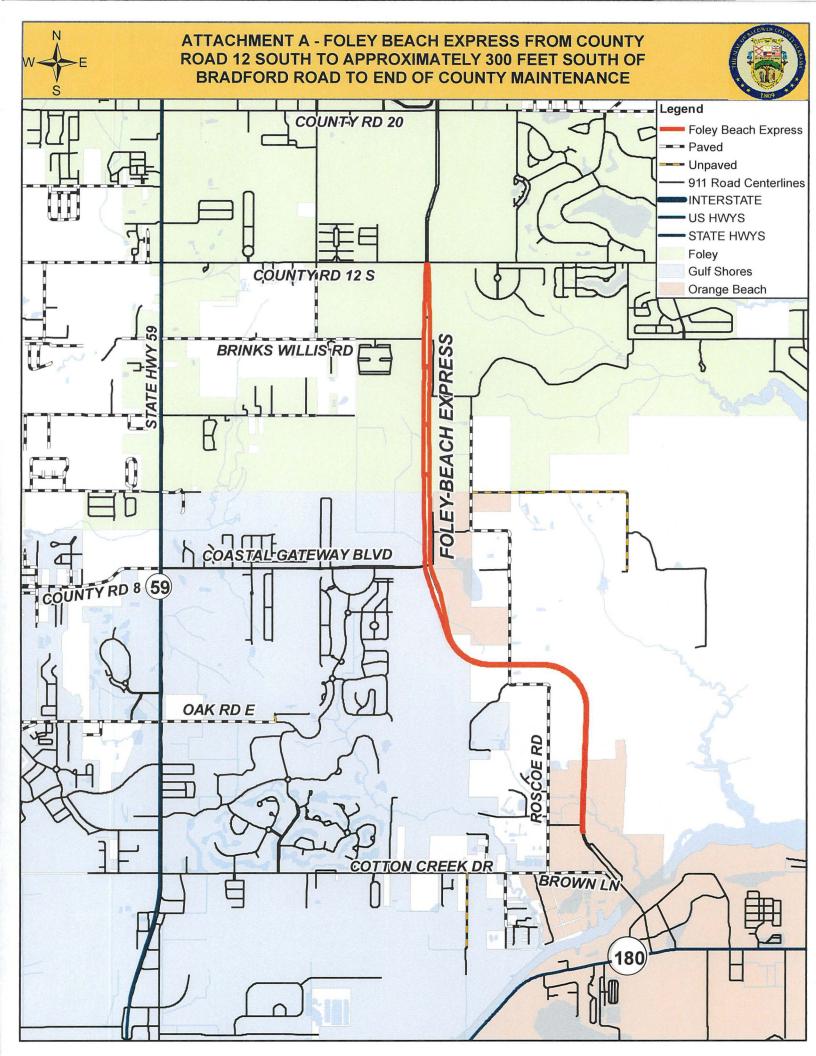


EXHIBIT 3

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

STATE OF ALABAMA)

COUNTY OF BALDWIN)

ROSCOE ROAD LYING SOUTH OF TO FOLEY BEACH EXPRESS TO CR 4 AKA COTTON CREEK DRIVE

> BALDWIN COUNTY, ALABAMA HARRY D'OLIVE, JR. PROBATE JUDGE Filed/cert. 11/ 9/2023 10:01 AM TOTAL \$ 22.90 4 Pages

2094767

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 **STATE OF ALABAMA**, Alabama Department of Transportation, 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 South half of Section 26, Township 8 South, Range 4 East and part of Section 35, Township 8 South, Range 4 East, Baldwin County Alabama and being more fully described as follows:

It is the intent to convey unto the STATE OF ALABAMA, Alabama Department of Transportation, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along the following:

Roscoe Road lying south of Foley Beach Express to County Road 4 aka Cotton Creek Drive, Brown Lane and related right-of-way. Including all improvements within the right-of-way. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

GRANTEE'S ADDRESS:

GRANTOR'S ADDRESS:

SEE ATTACHMENT "A"

Subject to any reservations, restrictions, exceptions, and encumbrances of record.

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



GRANTOR

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

Billie Jo Underwood

Chairman of Baldwin County Commission

Attest

Roger H. Rendleman

County Administrator

STATE OF ALABAMA

COUNTY OF BALDWIN

, a Notary Public, in and for said County in said State, hereby certify that <u>Billie Jo Underwood</u>, whose name as Chairman of the County Commission of BALDWIN COUNTY, ALABAMA, a political subdivision of the State of Alabama, and <u>Roger H. Rendleman</u>, whose name as 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

day of

ch, 2023.

Mannana Maria

Notary Public, Baldwin County, Alabama

My Commission Expires:

July 14, 2025

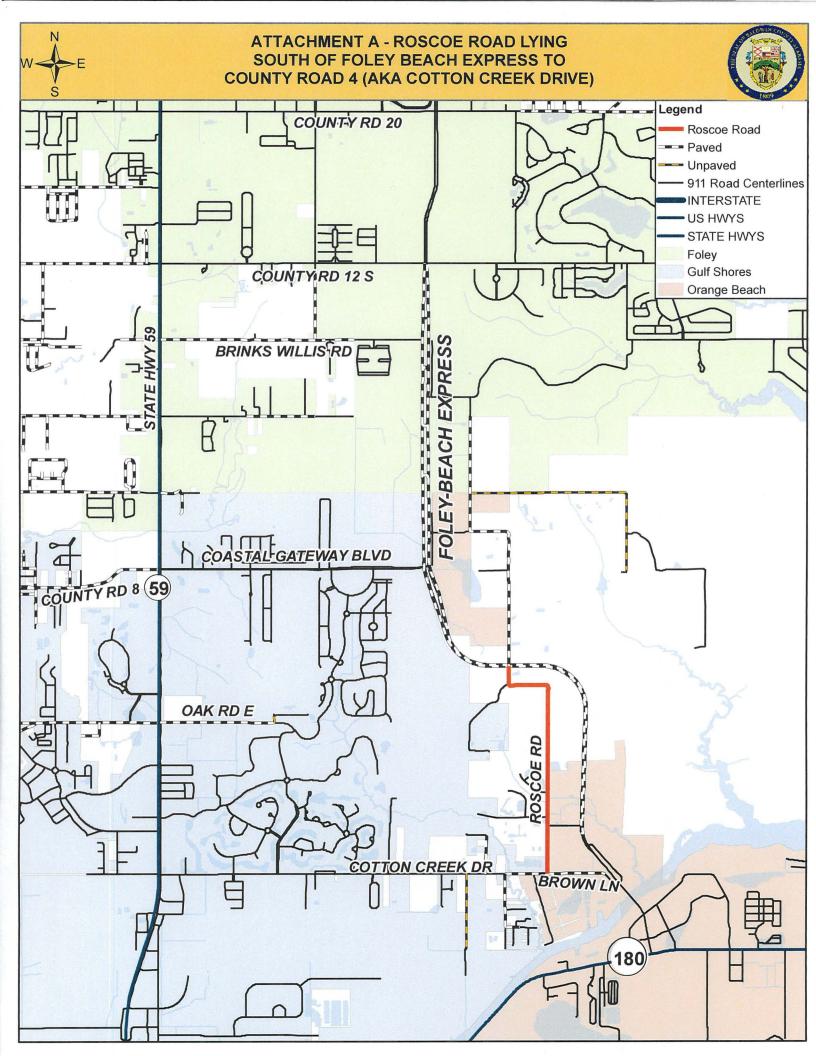


EXHIBIT 4

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

STATE OF ALABAMA)

COUNTY OF BALDWIN)

COUNTY ROAD 4 AKA COTTON CREEK DRIVE AND BROWN LANE FROM GENO ROAD EAST APPROXIMATELY 3,430 FEET

Filed/cert. 11/ 9/2023 10:02 AM

BALDWIN COUNTY, ALABAMA HARRY D'OLIVE, JR. PROBATE JUDGE

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 STATE OF ALABAMA, Alabama Department of Transportation, 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 South half of Section 35, Township 8 South, Range 4 East and a part of the North half of Section 2, Township 9 South, Range 4 East, Baldwin County Alabama and being more fully described as follows:

It is the intent to convey unto the STATE OF ALABAMA, Alabama Department of Transportation, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along the following:

County Road 4 aka Cotton Creek Drive, Brown Lane and related right-of-way from Geno Road east approximately 3,430 feet to the end of County maintenance. It is the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

SEE ATTACHMENT "A"

GRANTOR'S ADDRESS:

BALDWIN COUNTY HIGHWAY DEPARTMENT P.O. BOX 220 SILVERHILL, ALABAMA 36576

GRANTEE'S ADDRESS:

STATE OF ALABAMA ALABAMA DEPARTMENT OF TRANSPORTATION 1409 COLISEUM BOULEVARD MONTGOMERY, ALABAMA 36110

Subject to any reservations, restrictions, exceptions, and encumbrances of record.

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 be executed by its duly authorized representative on this the Duenten , 2023.



GRANTOR

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

Billie Jo Underwood Chairman of Baldwin County Commission

Attest

Roger H. Rendleman County Administrator

STATE OF ALABAMA

COUNTX OF BALDWIN

, a Notary Public, in and for said County in said State, hereby certify that Billie Jo Underwood, whose name as Chairman of the County Commission of BALDWIN COUNTY, ALABAMA, a political subdivision of the State of Alabama, and Roger H. Rendleman, whose name as 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

Notary Public, Baldwin County, Alabama

My Commission Expires:

GRANTEE'S ADDRESS

STATE OF ALABAMA ALABAMA DEPARTMENT OF TRANSPORTATION 1409 COLISEUM BOULEVARD MONTGOMERY, ALABAMA 36110

GRANTOR'S ADDRESS:

BALDWIN COUNTY HIGHWAY DEPARTMENT

SILVERHILL, ALABAMA 36576

