

ORDINANCE NO. 1700

**AN ORDINANCE TO APPROVE THE ANNEXATION OF
TERRITORY WITHIN THE CITY LIMITS OF THE
CITY OF FAIRHOPE, ALABAMA
(BALDWIN COUNTY COMMISSION)**

WHEREAS, Parker Road from US Hwy 98 easterly approximately 1,373 feet to the end of County maintenance, (hereinafter "Parker Road"), is a road or road segment inside the limit of the City of Fairhope; and

WHEREAS, an accurate description of Parker Road, together with a map thereof showing their relationship to the corporate limits of the City of Fairhope, is attached hereto as Exhibit "A" and incorporated herein; and

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

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

WHEREAS, the City of Fairhope desires to annex and assume responsibility for Parker Road, 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 Fairhope's desire to annex and assume responsibility for Parker Road in accordance with *Code of Alabama*, §11-49-80(b), (c) and (d), the Baldwin County Commission passed a resolution on September 1, 2020, authorizing the annexation and transfer of responsibility for Parker Road to the City of Fairhope, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, said resolution did petition the City of Fairhope for annexation and contained the signature of the owner of the described territory and a map of Parker Road showing their relationship to the corporate limits of the City of Fairhope; and

WHEREAS, the City Council of the City of Fairhope has determined that it is in the public interest that Parker Road be annexed into the City of Fairhope and that all legal requirements for annexing Parker Road have been met pursuant to *Code of Alabama*, §§11-42-20 to 24.

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

Section 1. The City Council of the City of Fairhope, Alabama, finds and declares as the legislative body thereof 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 Parker Road into the corporate limits of the City of Fairhope, and to assume responsibility for those portions of Parker Road, if any, that are already within the corporate limits of the City of Fairhope pursuant to *Code of Alabama*, §§11-49-80(b), (c) and (d), and 11-42-20 to 24.

Section 2. The boundary lines of the City of Fairhope, 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 Fairhope, Alabama, and in addition thereto the following described territory, to-wit:

Parker Road Right-Of-Way (From US HWY 98 East)

FROM THE POINT OF COMMENCEMENT AND BEGINNING AT THE NORTHWEST CORNER OF LOT #3 OF THE RESUBDIVISION OF THE REPLAT OF PHASE 1 OF FAIRHOPE VILLAGE, A PUD, AS PER PLAT THEREOF RECORDED IN THE BALDWIN COUNTY JUDGE OF PROBATE OFFICE, SLIDE 2424-F; RUN N 76°52'30" E, ±178.99 FEET TO A POINT; THENCE RUN N 4°22'12" W, ± 13.6' FEET TO A POINT; THENCE RUN S 88°38'46" E, ± 46.56 FEET TO A POINT; THENCE RUN S 88°38'46" E, ± 205.86 FEET TO A POINT; THENCE RUN S 89°39'33" E, ± 359.62 FEET TO A POINT; THENCE RUN S 89°39'33" E, ± 152.93 FEET TO A POINT; THENCE RUN S 89°39'33" E, ± 147.96 FEET TO A POINT; THENCE RUN N 0°26'41" E, ± 39.98 FEET TO A POINT; THENCE RUN N 89°38'36" E, ± 168.05 FEET TO A POINT; THENCE NORTH, ± 40.00 FEET TO A POINT; THENCE RUN N 89°22'00" W, ± 367.04 FEET TO A POINT (AT THE SOUTHEAST CORNER OF THE ROW OF HIGH RIDGE ROAD); THENCE RUN N 89°22'00" W, ± 50.00 FEET TO A POINT (AT THE SOUTHWEST CORNER OF HIGH RIDGE ROAD); THENCE RUN N 89°22'00" W, ± 256.00 FEET TO A POINT; THENCE RUN N 89°52'27" W, ± 334.28 FEET TO A POINT; THENCE RUN N 89°42'17" W, ± 72.75 FEET TO A POINT; THENCE RUN S 82°41'7.7" W, ± 70.70 FEET TO A POINT; THENCE RUN N 89°11'19" W, ± 132.39 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF US HIGHWAY 98; THENCE RUN ALONG THE EAST R.O.W. LINE S 13°02'00" E, ± 124.72 FEET TO THE POINT OF COMMENCEMENT AND BEGINNING; CONTAINING 2.27 ACRES, MORE OR LESS, LYING IN SECTIONS 5 & 8, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

Section 3. The territory described in this ordinance shall become a part of and lie within the corporate limits of the City of Fairhope, Alabama, upon publication of this ordinance.

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Section 4. To the extent that portions of Parker Road, if any, are already within the corporate limits of the City of Fairhope, but responsibility is vested in the County, the City of Fairhope hereby assumes responsibility of said portions of Parker Road 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 Fairhope's assumption of responsibility for Parker Road is in exchange for the County agreeing that it shall resurface, one time, Parker Road from US Hwy 98 easterly approximately 1,373 feet to the end of County maintenance with a minimum one and a half inch overlay. The Baldwin County Commission and the City of Fairhope respectively acknowledge and agree that this one time resurfacing has been scheduled to occur as soon as possible as consideration for this transfer, and may be completed prior to the transfer of maintenance. The Baldwin County Commission and the City of Fairhope agree that said consideration is a reasonable charge for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of the road described herein.

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.

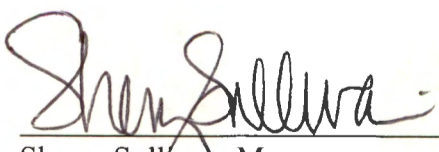
ADOPTED THIS THE 8TH DAY OF FEBRUARY, 2021


Jack Burrell, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

ADOPTED THIS THE 8TH DAY OF FEBRUARY, 2021

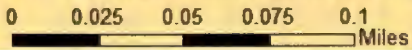

Sherry Sullivan, Mayor

Parker Road Right-Of-Way (From US HWY 98 East)

FROM THE POINT OF COMMENCEMENT AND BEGINNING AT THE NORTHWEST CORNER OF LOT #3 OF THE RESUBDIVISION OF THE REPLAT OF PHASE 1 OF FAIRHOPE VILLAGE, A PUD, AS PER PLAT THEREOF RECORDED IN THE BALDWIN COUNTY JUDGE OF PROBATE OFFICE, SLIDE 2424-F; RUN N 76°52'30" E, ±178.99 FEET TO A POINT; THENCE RUN N 4°22'12" W, ± 13.6' FEET TO A POINT; THENCE RUN S 88°38'46" E, ± 46.56 FEET TO A POINT; THENCE RUN S 88°38'46" E, ± 205.86 FEET TO A POINT; THENCE RUN S 89°39'33" E, ± 359.62 FEET TO A POINT; THENCE RUN S 89°39'33" E, ± 152.93 FEET TO A POINT; THENCE RUN S 89°39'33" E, ± 147.96 FEET TO A POINT; THENCE RUN N 0°26'41" E, ± 39.98 FEET TO A POINT; THENCE RUN N 89°38'36" E, ± 168.05 FEET TO A POINT; THENCE NORTH, ± 40.00 FEET TO A POINT; THENCE RUN N 89°22'00" W, ± 367.04 FEET TO A POINT (AT THE SOUTHEAST CORNER OF THE ROW OF HIGH RIDGE ROAD); THENCE RUN N 89°22'00" W, ± 50.00 FEET TO A POINT (AT THE SOUTHWEST CORNER OF HIGH RIDGE ROAD); THENCE RUN N 89°22'00" W, ± 256.00 FEET TO A POINT; THENCE RUN N 89°52'27" W, ± 334.28 FEET TO A POINT; THENCE RUN N 89°42'17" W, ± 72.75 FEET TO A POINT; THENCE RUN S 82°41'7.7" W, ± 70.70 FEET TO A POINT; THENCE RUN N 89°11'19" W, ± 132.39 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF US HIGHWAY 98; THENCE RUN ALONG THE EAST R.O.W. LINE S 13°02'00" E, ± 124.72 FEET TO THE POINT OF COMMENCEMENT AND BEGINNING; CONTAINING 2.27 ACRES, MORE OR LESS, LYING IN SECTIONS 5 & 8, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



Exhibit A
Transfer of Maintenance Agreement



RESOLUTION NO. 2020 - 130

**RESOLUTION OF THE COUNTY COMMISSION OF
BALDWIN COUNTY, ALABAMA,
AUTHORIZING ANNEXATION AND TRANSFER OF RESPONSIBILITY
FOR PARKER ROAD
FROM BALDWIN COUNTY TO THE CITY OF FAIRHOPE**

WHEREAS, Parker Road from US Highway 98 easterly approximately 1,373 feet to the end of County maintenance (hereinafter the "Parker Road"), is a road or road segment inside the corporate limits of the City of Fairhope; and

WHEREAS, an accurate description of Parker Road is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, those portions of Parker Road that are not already the responsibility of the City of Fairhope 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 Parker Road varies, as certain portions are either (i) maintained by the City of Fairhope, (ii) bounded on both sides by the corporate limits of the City of Fairhope as a result of annexation of territory after July 7, 1995, or (iii) bounded on one side by the corporate limits of Fairhope; and

WHEREAS, in order to clarify and simplify the City of Fairhope's assumption of responsibility for Parker Road in accordance with *Code of Alabama*, §11-49-80(b), (c) and (d), the Baldwin County Commission is submitting its consent and petition to the City of Fairhope to annex Parker Road and assume the responsibility thereof; and

WHEREAS, the City of Fairhope desires to assume responsibility for Parker Road, 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.

NOW, THEREFORE, BE IT RESOLVED by the Baldwin County Commission as follows:

Section 1. That Baldwin County hereby consents to and petitions for the annexation of Parker Road by the City of Fairhope pursuant to *Code of Alabama*, §11-49-80(c), and (d) and §11-42-20 et seq.

Section 2. To the extent that portions of Parker Road are within the City of Fairhope but maintained by the County, the Baldwin County Commission hereby consents to the assumption of responsibility for Parker Road by the City of Fairhope, pursuant to *Code of Alabama*, §11-49-80(b). In accordance with *Code of Alabama*, §11-49-81, the City of Fairhope's assumption of responsibility for Parker Road is in exchange for the County agreeing that it shall resurface, one

time, Parker Road from US Highway 98 easterly approximately 1,373 feet to the end of County maintenance with a minimum one and a half inch overlay. The Baldwin County Commission and the City of Fairhope respectively acknowledge and agree that this one time resurfacing has been scheduled to occur as soon as possible as consideration for this transfer, and may be completed prior to the transfer of maintenance.

Section 3. The Baldwin County Commission and the City of Fairhope agree that said consideration is a reasonable charge.

Section 4. If any part, section or subdivision of this resolution shall be held to be illegal, invalid, or unenforceable for any reason, such resolution 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** by the County Commission of Baldwin County, Alabama, on the 1st day of September, 2020.

BALDWIN COUNTY COMMISSION

By: Billie Jo Underwood
BILLIE JO UNDERWOOD
Its: Chairman

ATTEST:

Wayne Dyess
WAYNE DYESS
County Administrator





Parker Road from US Hwy 98 easterly
 approximately 1,373 feet to the end
 of County maintenance

Fairhope

Exhibit A

Transfer of Maintenance Agreement

