

Town of Magnolia Springs

RESOLUTION NO. 2007-21

Authorizing Mayor to Enter into an Agreement with the Baldwin County Commission to Assume Ownership and Responsibility to Control, Manage, Supervise, Regulate, Repair, Maintain and Improve all Open and Unopened Right-of-Ways, Roads, Easements, Licenses and all Other Rights or Interests in Real Property within the Corporate Limits

— **WHEREAS**, the Town of Magnolia Springs' incorporation became effective and final on June 29, 2006; and

WHEREAS, Alabama law requires any municipality incorporated after August 1, 2004, to assume responsibility for all public streets or parts thereof lying within the incorporated limits no later than twenty-four (24) months after the incorporation is finalized; and

WHEREAS, Alabama Code section 11-49-80 provides that where the authority to control, manage, supervise, regulate, repair, maintain and improve a street or streets or part thereof lying within a municipal corporation is vested in the county commission of the county within which the municipal corporation is located, such municipality may assume the authority to control, manage, supervise, repair, maintain and improve such street or streets or part thereof, and further provides, together with Alabama Code section 11-49-81, procedures to effect such assumption of authority; and

— **WHEREAS**, subsection (e) of Alabama Code section 11-49-80 provides that nothing in that section, nor in section 11-49-81, shall prohibit a county and municipality from entering into a mutual agreement providing for an alternative arrangement for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of the municipality; and

WHEREAS, the Town of Magnolia Springs now desires to assume from the County the exclusive authority and responsibility to control, manage, supervise, regulate, repair, maintain and improve all open and unopened right-of-way, roads, easements, licenses and all other rights or interests in real property lying within its corporate limits pursuant to the terms and conditions of this mutual agreement; and

WHEREAS, the Town Council of Magnolia Springs, Alabama feels that it is in the best interest of the Town to authorize Mayor Charles S. Houser to enter into an agreement with the Baldwin County Commission to assume ownership and responsibility to control, manage, supervise, regulate, repair, maintain and improve all open and unopened right-of-ways, roads, easements, licenses and all other rights or interests in real property within the corporate limits and that the consideration described in said agreement between Magnolia Springs and the Baldwin County Commission, attached hereto as "Exhibit A," is full, fair and adequate consideration under the laws of Alabama.

— **NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Magnolia Springs, Alabama, that Mayor Charles S. Houser is hereby authorized to enter into an agreement with the Baldwin County Commission to assume ownership and responsibility to control, manage, supervise, regulate, repair, maintain and improve all open and unopened right-of-ways, roads, easements, licenses and all other rights or interests in real property within the corporate limits for the full and adequate consideration described in said agreement and attached hereto as "Exhibit A."

Adopted, this the 25th day of July, 2007


Charles S. Houser – Mayor

ATTEST:


Karen S. Biel – Town Clerk