

Town of Perdido Beach

Transfer of Responsibility for Streets
Within the Corporate Limits of the Town
from Baldwin County to the Town

Incorporation

The Town of Perdido
Beach was Declared
Incorporated
June 10, 2009

Town Officers were
Installed
August 20, 2009

Responsibility for Rights-of-Way

Authority

Code of Alabama Sections

- 11-41-1
- 11-49-80
- 11-49-81

Section 11-41-1

- “...After August 1, 2004, any municipality incorporated...shall assume responsibility to control, manage, supervise, regulate, repair, maintain, and improve all public streets...within the incorporated limits no later than 24 months after the incorporation is finalized.”

Section 11-49-80

(a) Where the authority to control, manage, supervise, regulate, repair, maintain, and improve...streets...within a municipal corporation is vested in the county commission of the county...a municipal corporation may resume or take over the authority to control...such...streets...designated in the resolution adopted by the governing body...”

Section 11-49-81

“Such resolution shall designate the sum or sums ascertained to be the reasonable charge to be paid by such county for being relieved of the burden of the control...of such streets...and no such resolution shall become effective until and unless the county shall by appropriate action of its county commission pay or contract to pay such sum or sums as may be designated in such resolution.”

Section 11-49-80

(e) “Nothing contained in Sections 11-49-80 and 11-49-81 shall prohibit a county and municipality from entering into a mutual agreement providing for an alternative arrangement for the control...of public streets...within the corporate limits of an incorporated municipality.”

League of Municipalities

Final Report on the 2004 Regular Session

- Status of Dangerous Legislation

“A number of bills introduced during the 2004 Regular Session were adverse to the interests of municipal government.”

“Make newly-incorporated municipalities responsible for the maintenance of county roads within their boundaries.”

Association of County Commissioners

ACCA Magazine – Fall Issue 2004

“Act 2004-504 (Code Section 11-41-1) amends prior law regarding incorporation...previously... county roads within a newly incorporated town remained the responsibility of the county....Counties will need to let the municipal officials know...that they must take over the roads within 24 months...

ACCA (con't)

“...counties are encouraged to work with municipal officials to reach a mutually beneficial agreement on maintenance and control of roads in the municipality.”

Town of Magnolia Springs

Resolution 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 Rights-of-Way, Roads, Easements, Licenses and all Other Rights or Interests in Real Property within the Corporate Limits

Magnolia Springs (con't)

“...WHEREAS...Section 11-49-80...together with...Section 11-49-81, procedures to effect such assumption of authority.”

Agreement: Magnolia Springs/Baldwin County

County agrees to:

- Pave 2500 linear feet within the corporate limits.
- Grade and gravel 8 (eight) streets within the corporate limits
- Grade and gravel such other streets inside the corporate limits as may be mutually agreed by the Town of Magnolia Springs and the Baldwin County Highway Department

Agreement (con't)

3. “It is the expressed intention of the County and Magnolia Springs that Magnolia Springs be vested with full ownership...”

5. “The parties agree and acknowledge that the above noted consideration is full, fair and adequate consideration under the laws of Alabama.”

Time Line of Meetings

- April, 2010 – First meeting between Town and County Staff to discuss streets within the Town Limits
- **(April 20, 2010 – Deep water Horizon Incident)**
- October 21, 2010 – Meetings resumed between Town and County
- November 4, 2010 – Meeting Cancelled
- January and February, 2011 – Attempts to Set Meeting Dates Unsuccessful
- March 14, 2011 – Meeting Town Hall
- April 28, 2011 – Meeting Town Hall
- May 26, 2011 – Meeting County Commission Work Session
- June 16, 2011 – Meeting BC Road & Bridge – Cancelled
- August 3, 2011 – Meeting Town Hall
- August 9, 2011 – Meeting BC Commission Work Session
- August 25, 2011 – Meeting Road & Bridges

Town of Perdido Beach

First Year of Incorporation

- June 10, 2009 – Incorporation Finalized
- August 20, 2009 – Officials Installed
- September 3, 2009 – First Council Meeting
- Sep. – Dec. 2009 – Funds Available \$17,000 Donated by Residents
- Dec., 2009 – \$50,000 Line of Credit
- Sep., 2010 - \$45,000 Franchise Fee (Designated to Pay Debt on Line of Credit)
- Sep., 2009 – Dec., 2010 – Limited Revenue from any and all Sources – No Property Tax Revenue

Second Year

June 1, 2010 – July 1, 2011

- Revenue Sources Established
- Revenue Received – Approx. \$137,000
 - Expenditures – Approx. \$68,000
 - Approx. Balance - \$69,000

Baldwin County

Funds generated by taxes paid by property owners owning property **within the corporate limits of the Town of Perdido Beach.**

Calculations are approximate and are based on revenue remitted to the Town of Perdido Beach by the Baldwin County Revenue Department for the year 2010. **One mil - \$13,000**

Baldwin County (con't)

First Year of Incorporation of the Town
(June 10, 2009 – June 10, 2010)

Road & Bridges @ 2.5 mils X \$13,000 = **\$32,000**

General Budget @ 5.0 mils X \$13,000 = \$65,000

Total @ 7.5 mils X \$13,000 - **\$97,000**

Baldwin County (con't)

Second Year of Incorporation of the Town

\$97,000

Total for Two Years = **\$195,000**

Road & Bridges = **\$65,000**

Town of Perdido Beach Resolution

Resolution 2011-11 Authorizing the Mayor to Enter into an Agreement with the Baldwin County Commission for the Town to Assume Responsibility to Control, Manage, Supervise, Regulate, Repair, Maintain and Improve all Public Streets or Parts Thereof Lying Within the Incorporated Limits of the Town of Perdido Beach, Alabama

Pursuant to Alabama Code Sections 11-49-80 and
11-49-81

Considerations

- Funds equal to paving Pensacola Ave. (.34 miles)
- Funds equal to additional rock on five (5) streets within the Town Limits
- Funds equal to culvert repairs on five (5) streets within the Town Limits
- Other maintenance/repairs within the Town Limits as mutually agreed by the County Commission and the Town of Perdido Beach

Considerations (con't)

The total sum designated in the resolution is based on estimates supplied to the Town of Perdido Beach by the Baldwin County Highway Department for the projects described.

The total sum designated in Resolution 2011-11 is ascertained to be the reasonable charge to be paid by Baldwin County for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of such streets as designated in Resolution 2011-11 pursuant to Alabama Code Section 11-49-81.

The designated sum is \$232,946.93