

BALDWIN COUNTY COMMISSION AGENDA ACTION FORM

Meeting Type:	Baldwin County Commission – Regular
Meeting Date:	10/18/2016
Placement of Item on the Agenda:	PUBLIC HEARINGS: - HIGHWAY
Item Status:	New
Submitted By:	Lisa Sangster
From:	Cal Markert, P.E., County Engineer
ITEM TITLE	
Case No. VAC-16-6 - Vacation of a Portion of Bay View Park Lying between Lots 34 and 35 and Bay La Launch in City of Orange Beach	
STAFF RECOMMENDATION	
<p>Take the following actions:</p> <p>1) Approve the request from Charles O. Gibbs and Bingham O. Gibbs to vacate a portion of Bay View Park lying between Lots 34 and 35 and Bay La Launch as set out in East Orange Beach Subdivision as recorded in Map Book 1, Page 125; and</p> <p>2) Authorize the Chairman to execute Resolution #2017-005 which adopts the same and approves the vacation.</p>	
BACKGROUND INFORMATION	
Previous Commission Action/Background Information:	No
<p>Charles O. Gibbs and Bingham O. Gibbs are requesting a portion of Bay View Park lying between Lots 34 and 35 and Bay La Launch as set out in East Orange Beach Subdivision as recorded in Map Book 1, Page 125 be vacated by the County.</p> <p>Section 23-4-20(a) of the Code of Alabama requires that:</p> <p>Subject to the conditions set out in this subsection, any street or alley may be vacated, in whole or in part, by the owner or owners of the land abutting the street or alley or abutting that portion of the street or alley desired to be vacated by following the procedures set out herein. The owner or owners of the land abutting the street or alley to be vacated shall join in a written petition requesting that the street or alley be vacated and shall file the petition with the governing body with jurisdiction over the street or alley, or portion thereof, requesting the governing body's approval of the vacation. Following receipt of the written request for assent, the governing body shall act upon the request applying the same notice,</p>	

hearing, voting, and appeal procedures as set forth in Sections 23-4-2 and 23-4-5, and if the governing body approves the vacation, it shall have the same effect as provided therein, including that the vacation shall not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property, and if that right is not afforded by the remaining streets and alleys, another street or alley affording that right must be dedicated.

The notice (see attached) for the public hearing to be held on October 18, 2016, will be published for four consecutive weeks in all Gulf Coast newspapers. Staff also posted said notice on bulletin boards at the Bay Minette Administration Building, the Foley Satellite Courthouse, the Fairhope Satellite Courthouse and Central Annex in Robertsedale.

FINANCIAL IMPACT	
Does the recommendation have a financial impact?	No
LEGAL IMPACT	
Are there any legal documents required to be executed if this recommendation is approved?	Yes
Does this documentation require County Attorney's review and approval?	Yes
Has the documentation been reviewed and approved by the County Attorney?	Yes
Is this routine documentation reviewed and approved by Department Head?	No
ADVERTISING REQUIREMENTS	
Is advertising required for this recommendation?	Yes
Name(s) of newspaper:	Gulf Coast Newspapers
Is proof of publication attached?	No
Reason:	Notice is currently running in newspapers.
CONSISTENCY WITH B.C. STRATEGIC PLAN - 2006-2016	
Is the recommendation applicable to the goals set forth in the Strategic Plan?	No
What is the justification for approving the recommendation?	N/A
POLICY IMPACT	
Is the recommendation consistent with Commission Policy?	No
Reason:	N/A

PERSONNEL IMPACT	
Does the recommendation have personnel impact?	No
IMPLEMENTATION	
Is implementation for this item time sensitive?	No
Department(s)/Individual(s) responsible for follow up activities and specific actions required:	<p>Administration Staff have all necessary documents executed by the Chairman. Highway Department have the notice of action by the County Commission published in all Gulf Coast Newspapers within 14 days and record all necessary documents. (Recording required only if vacation is granted by the Commission.)</p> <p>Contact:</p> <p>Charles O. Gibbs and Bingham O. Gibbs 28 Oakridge Lane Danville, California 94506</p>
ATTACHMENTS	
<ol style="list-style-type: none"> 1. Resolution No. 2017-005.pdf 2. Location Map.pdf 3. Site Map.pdf 4. City Limits Map.pdf 5. Right-of-Way Sketch.pdf 6. Vacation Application.pdf 7. Vacation Petition.pdf 8. Public Notice.pdf 9. Property Owners with Addresses.pdf 10. Proof of Advertising (Forthcoming).pdf 	
APPROVALS	
Budget	
Personnel	
Administration	Keri Green 10/12/2016 4:37:15 PM
Chairman and County Administrator	Tucker Dorsey 10/12/2016 8:56:8 PM