

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement ("Agreement") is entered into by and between the Baldwin County Commission (hereinafter "County") and the City of Bay Minette, Alabama (hereinafter "City"), as follows:

RECITALS

WHEREAS, the County is the duly formed governing body in and for Baldwin County, Alabama, and the City is an incorporated municipality of the State of Alabama; and

WHEREAS, on August 2, 2022, the County adopted and approved Resolution _____, attached hereto and incorporated herein, authorizing entering into an Agreement to assume jurisdiction over the South Alabama Megasite and handle all necessary permitting for its development; and

WHEREAS, on August 1, 2022, the City adopted and approved Resolution 0822-02, attached hereto and incorporated herein, relinquishing jurisdiction over the South Alabama Megasite; and

WHEREAS, the County and the City desire for the County to assume all responsibility for regulating and issuing building permits for the South Alabama Megasite;

WHEREAS, the County and City agree that such an arrangement is in the best interests of both parties and the citizens of Baldwin County and the City; and

WHEREAS, Alabama Act 2021-297 authorizes the parties to enter into an agreement determining which governing body will have jurisdiction over property in a municipality's police jurisdiction;

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the sufficiency of which being hereby acknowledged, the County and City do hereby agree as follows:

1. **Recitals:** The recitals set out above are incorporated into this Agreement as though the same were set out in full in this paragraph.
2. **Independent Entities:** By entering into this Agreement, the City is not an agent of the County, its officers, employees, agents or assigns. The City is an independent entity from the County, and nothing in this Agreement creates an agency relationship between the parties.
3. **Purpose:** The parties acknowledge and agree that the purpose of this Agreement is for the County to assume jurisdiction over and manage all permitting for the South Alabama Megasite, which is shown on Exhibit "A" hereto, and for the City

to relinquish jurisdiction over the same in perpetuity.

4. **Approval and Effective Date:** This Agreement shall become effective upon the date of full execution by both parties ("Effective Date").
5. **Entire Agreement:** This Agreement represents the entire and integrated agreement between County and City and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement by and through their duly authorized representatives as of the date of full execution below.

BALDWIN COUNTY COMMISSION

DATE: _____

BY: _____
JAMES E. BALL
Chairman

ATTEST:

RONALD J. CINK
County Administrator

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **JAMES E. BALL**, as Chairman of the Baldwin County Commission, and **RONALD CINK**, as County Administrator of the Baldwin County Commission, whose names 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 Agreement, they, as such officers and with full authority, executed the same voluntarily for and as the act of said Baldwin County Commission.

Given under my hand and official seal, this the _____ day of _____, 2022.

NOTARY PUBLIC
Print Name: _____
My Commission Expires: _____

CITY OF BAY MINETTE

BY: _____
ROBERT A. "BOB" WILLS
Mayor

ATTEST:

RITA DIEDTRICH
City Clerk

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that, **ROBERT A. "BOB" WILLS**, whose name as Mayor of the City of Bay Minette, and **RITA DIEDTRICH**, whose name as City Clerk of the City of Bay Minette, 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 Agreement, they, as such officers and with full authority, executed the same voluntarily for and as the act of said City of Bay Minette.

Given under my hand and official seal, this the ____ day of _____, 2022.

NOTARY PUBLIC
Print Name: _____
My Commission Expires: _____

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