

**STATE OF ALABAMA
COUNTY OF BALDWIN**

RESOLUTION # 2021-069

**TERMINATION OF
AGREEMENT BETWEEN
THE BALDWIN COUNTY COMMISSION AND
THE TOWN OF ELBERTA
CONCERNING THE EXERCISE OF
EXTRATERRITORIAL PLANNING JURISDICTION
AUTHORITY OVER SUBDIVISIONS**

WHEREAS, on October 2, 1992, the BALDWIN COUNTY COMMISSION, the governing body of Baldwin County, Alabama (hereinafter referred to as "the COMMISSION") and the TOWN OF ELBERTA, an Alabama municipal corporation (hereinafter referred to as "the MUNICIPALITY"), entered into an Agreement regarding the Planning Jurisdiction between the COMMISSION and the MUNICIPALITY (hereinafter referred to as "the PLANNING JURISDICTION AGREEMENT"); and

WHEREAS, the PLANNING JURISDICTION AGREEMENT provided the MUNICIPALITY will exercise review authority over all subdivision developments within the area described in Exhibit A; and

WHEREAS, the PLANNING JURISDICTION AGREEMENT is to "continue in force and effect until such time as it is mutually abolished by the COMMISSION and the MUNICIPALITY"; and

WHEREAS, the MUNICIPALITY, through its Town Council, voted on February 16, 2021, to return the Planning Jurisdiction outside the MUNICIPALITY'S corporate limits to the COMMISSION and petition the COMMISSION to mutually terminate the PLANNING JURISDICTION AGREEMENT.

NOW, THEREFORE, BE IT RESOLVED that the COMMISSION and the MUNICIPALITY do hereby mutually agree as follows:

1. The PLANNING JURISDICTION AGREEMENT between the COMMISSION and the MUNICIPALITY executed on October 2, 1992, shall be terminated effective on the latest of the following dates: adoption of this Resolution by the COMMISSION, adoption of this Resolution by the MUNICIPALITY, or April 30, 2021.
2. The MUNICIPALITY will have no review authority over subdivision developments outside of its corporate limits submitted to it after the effective termination of the PLANNING JURISDICTION AGREEMENT.
3. The MUNICIPALITY will have review authority over subdivision developments outside of its corporate limits properly submitted to it on or before the effective termination of the PLANNING JURISDICTION AGREEMENT.
4. After the effective termination of the PLANNING JURISDICTION AGREEMENT and to the extent permitted by law, the COMMISSION will exercise review authority over all subdivision developments for which any portion lies outside the corporate limits of the MUNICIPALITY, and does not lie entirely inside the corporate limits or extraterritorial

planning jurisdiction of any other municipality in Baldwin County, properly submitted to the COMMISSION.

5. COMMISSION and MUNICIPALITY understand and agree that any applicant who has properly initiated the MUNICIPALITY'S subdivision development review process prior to the effective termination of the PLANNING JURISDICTION AGREEMENT, shall have the option to voluntarily withdraw that application from the MUNICIPALITY, but will be required to complete the COMMISSION'S subdivision development review process in its entirety, including all necessary meetings, applications, and fees, with no credit for any reviews completed by, or fees paid to, the MUNICIPALITY.

IN WITNESS WHEREOF, the parties have set their hands and seals, by and through their duly authorized representatives, on the dates indicated below with the full intent and authority to bind the parties hereto.

Adopted and approved this 20th day of April, 2021.

COMMISSION:
BALDWIN COUNTY

BY:

Joe Davis, III
Chairman

5/4/2021
/Date

ATTEST:

Wayne Dyess
County Administrator

5/4/2021
/Date

MUNICIPALITY:
THE TOWN OF ELBERTA

BY:

Jim Hamley
Mayor

4/20/21
/Date

ATTEST:

Caryn Lee Weaver
Town Clerk

4/20/2021
/Date