

RESOLUTION  
FOR  
PLANNING JURISDICTION  
BETWEEN  
THE BALDWIN COUNTY COMMISSION  
AND  
SUMMERDALE

WHEREAS, the BALDWIN COUNTY COMMISSION, hereinafter referred to as "the COMMISSION" and SUMMERDALE, hereinafter referred to as "the MUNICIPALITY" desire to enter into an agreement concerning the areas of their respective planning jurisdictions, with the COMMISSION having responsibility for the review of subdivisions in the unincorporated areas of the County planning jurisdiction of any other municipality in Baldwin County, and the MUNICIPALITY having particular responsibility for the review of subdivisions located inside its corporate limits and all land lying within its planning jurisdiction; and

WHEREAS, State law authorizes a municipality to exercise such planning jurisdiction up to five (5) miles outside its corporate limits and not located in any other municipality;

NOW, THEREFORE, THE COMMISSION AND THE MUNICIPALITY do hereby mutually agree as follows:

1. The MUNICIPALITY'S planning jurisdiction shall include all land located inside its corporate limits and all land lying beyond its corporate limits as described on the attached "EXHIBIT A" and not located in any other municipality; provided, however, that the MUNICIPALITY may extend the territorial jurisdiction for planning to all land lying within five (5) miles of the corporate limits of the MUNICIPALITY and to any other territory which may be included on amendment of existing law, and not located in any other municipality, by adoption of a resolution extending said territorial jurisdiction, and submission of same to the COMMISSION which shall concur in such jurisdiction extension to the limit allowed by current law at its next meeting following receipt of the MUNICIPALITY'S resolution.

2. The MUNICIPALITY will exercise review authority over all subdivision developments within the area described in Exhibit A; provided, however, that if any part of a proposed subdivision lies within the MUNICIPALITY'S planning jurisdiction as described in "EXHIBIT A", then the MUNICIPALITY and not the COMMISSION will have responsibility for review of said subdivision.

3. The MUNICIPALITY will submit a copy of each plat approved within its extraterritorial planning jurisdiction to the County Engineer for his approval as required in Section 11-52-30 of the Code of Alabama, prior to such plat being filed for recording with the Judge of Probate of Baldwin County. The more strict requirements, whether of the municipality or of the county, must be complied with by the developer.

MISE 00774 PAGE 0643

4. The COMMISSION will exercise review authority through the Baldwin County Planning Commission over all subdivision developments lying outside the MUNICIPALITY'S planning jurisdiction of any other municipality in Baldwin County; provided that, where a proposed subdivision lies partly in the COMMISSION'S planning jurisdiction and partly in the MUNICIPALITY'S planning jurisdiction, it shall be the MUNICIPALITY'S responsibility to review said subdivision as described in Item 2 above.

5. Upon execution of agreements between the COMMISSION and each municipality in Baldwin County, the COMMISSION will have prepared a map delineating the respective planning jurisdictions of the COMMISSION and each municipality in Baldwin County, which map shall be incorporated into this agreement and become a part of it.

6. A copy of this agreement, including the map delineating the respective planning jurisdictions of the COMMISSION and the municipalities for the exercise of subdivision development controls shall be filed with the Judge of Probate of Baldwin County.

7. This agreement shall become effective upon the last date signed below and shall continue in force and effect until such time as it is mutually abolished by the COMMISSION and the MUNICIPALITY, or determined by proper authority to be invalid or inconsistent with state law.

8. It is expressly understood that this agreement can be modified or amended by mutual action of the COMMISSION and the MUNICIPALITY whenever such modification or amendment is deemed necessary.

9. Adoption:

FOR: THE BALDWIN COUNTY COMMISSION

BY *Tom Koontz*  
Chairman

5/11/93  
DATE

BY *Bryan G. Allen*  
Attest

SEAL

FOR: SUMMERDALE

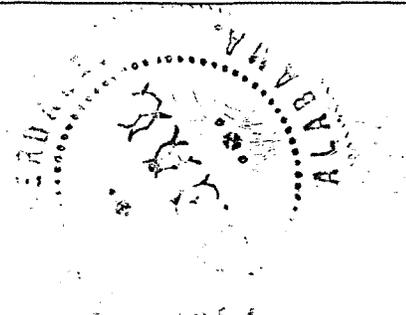
BY *D. DeWitt*  
Mayor

4-19-93  
DATE

BY *Layne Howell*  
Attest

SEAL

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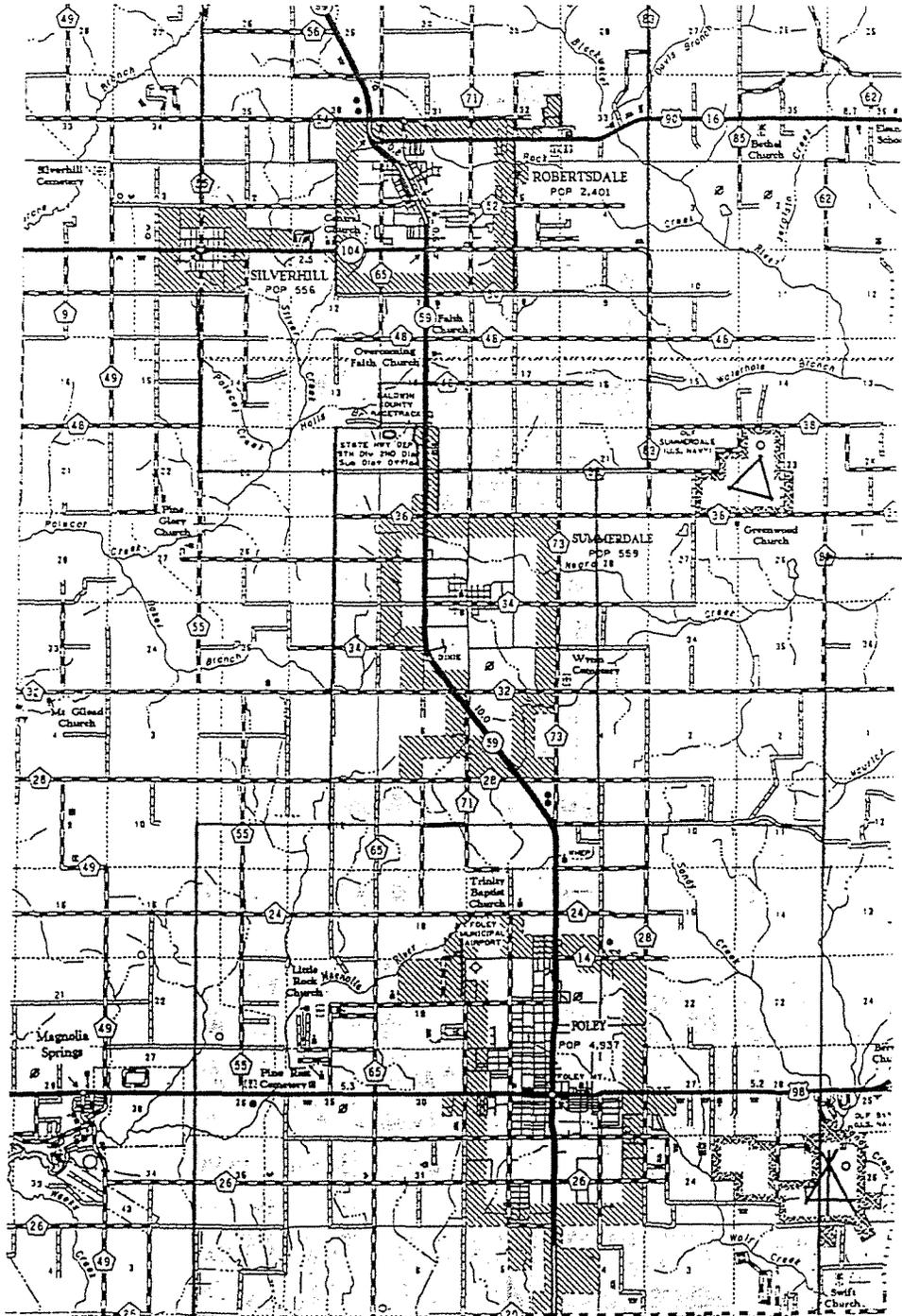


"EXHIBIT A"

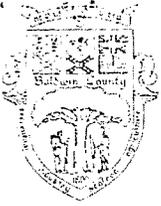
Description of Planning Jurisdiction  
FOR  
SUMMERDALE

Beginning at the Northwest Corner of the Northeast Quarter of Section 24, T-6-S, R-3-E the point of Beginning; then run East to the Northeast Corner of Section 24, T-6-S, R-3-E; then run North to the Northwest Corner of the Southwest Quarter of Section 18, T-6-S, R-4-E; then run East along the Half Section Lines to the Northeast Corner of the Southeast Quarter of Section 18, T-6-S, R-4-E; then run South to the Southeast Corner of the Northwest Quarter of Section 20, T-6-S, R-4-E; then run East along the Half Section Lines to the Northeast Corner of the Southwest Quarter of Section 21, T-6-S, R-4-E; then run South along the Half Section Lines to the Southeast Corner of the Northwest Quarter of Section 9, T-7-S, R-4-E; then run West along the Half Section Lines to the Southwest Corner of the Northeast Quarter of Section 12, T-7-S, R-3-E; then run North along the Half Section Lines to the Point of Beginning.

RESOLUTION  
PLANNING JURISDICTION  
Baldwin County Commission  
SUMMERDALE  
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COUNTY COMMISSION  
BALDWIN COUNTY  
P. O. BOX 1488  
BAY MINETTE, ALA.  
36507  
(205) 937-9561

- MEMBERS  
DIST 1. SAMUEL JENKINS  
2. FRANK BURT, JR.  
3. MICHAEL ALLEGRI  
4. DON KOONTZ  
5. C. DEAN HANSEN  
6. WENDY ALLEN  
7. MICHAEL G. HARPER
- ADMINISTRATOR  
JERRY BOYINGTON
- CLERK/TREASURER  
LOCKE W. WILLIAMS

May 5, 1993

Mr. John Dorgan  
Public Works Engineer  
Silverhill, AL 36576

RE: Extraterritorial Agreement - Ratification for Planning  
Jurisdiction Between the Baldwin County Commission and  
Summerdale

Dear Mr. Dorgan:

The Baldwin County Commission during their regularly held  
meeting of May 4, 1993 approved the Extraterritorial  
Agreement/Ratification for Planning Jurisdiction between the  
Baldwin County Commission and the City of Summerdale.

Attached you will find two (2) original executed copies of  
this agreement with one agreement to be forwarded on to the City  
of Summerdale.

Sincerely,

Don Koontz  
Chairman

DK/klk

Attachments

9jdorgan.ltr

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RECORDED  
STATE OF ALABAMA  
BALDWIN COUNTY  
JULY 1993  
MAY 17 2 10 PM '93  
JUDGE OF PROBATE

**RECEIVED**  
MAY 12 1993  
**PUBLIC WORKS**

MOTION BY COMMISSIONER HARPER, SECONDED BY COMMISSIONER JENKINS, TO APPROVE THE FOLLOWING RESOLUTION FOR PLANNING JURISDICTION BETWEEN THE BALDWIN COUNTY COMMISSION AND SUMMERDALE (EXTRA-TERRITORIAL JURISDICTION) AND TO AUTHORIZE THE CHAIRMAN TO SIGN SAID DOCUMENT:

RESOLUTION  
FOR  
PLANNING JURISDICTION  
BETWEEN  
THE BALDWIN COUNTY COMMISSION  
AND SUMMERDALE

WHEREAS, the BALDWIN COUNTY COMMISSION, hereinafter referred to as "the COMMISSION" and SUMMERDALE, hereinafter referred to as "the MUNICIPALITY" desire to enter into an agreement concerning the areas of their respective planning jurisdictions, with the COMMISSION having responsibility for the review of subdivisions in the unincorporated areas of the County planning jurisdiction of any other municipality in Baldwin County, and the MUNICIPALITY having particular responsibility for the review of subdivisions located inside its corporate limits and all land lying within its planning jurisdiction; and

WHEREAS, State law authorizes a municipality to exercise such planning jurisdiction up to five (5) miles outside its corporate limits and not located in any other municipality;

NOW, THEREFORE, THE COMMISSION AND THE MUNICIPALITY do hereby mutually agree as follows:

1. The MUNICIPALITY'S planning jurisdiction shall include all land located inside its corporate limits and all land lying beyond its corporate limits as described on the attached "EXHIBIT A" and not located in any other municipality; provided, however, that the MUNICIPALITY may extend the territorial jurisdiction for planning to all land lying within five (5) miles of the corporate limits of the MUNICIPALITY and to any other territory which may be included on amendment of existing law, and not located in any other municipality, by adoption of a resolution extending said territorial jurisdiction, and submission of same to the COMMISSION which shall concur in such jurisdiction extension to the limit allowed by current law at its next meeting following receipt of the MUNICIPALITY'S resolution.

2. The MUNICIPALITY will exercise review authority over all subdivision developments within the area described in Exhibit A; provided, however, that if any part of a proposed subdivision lies within the MUNICIPALITY'S planning jurisdiction as described in 'EXHIBIT A', then the MUNICIPALITY and not the COMMISSION will have responsibility for review of said subdivision.

3. The MUNICIPALITY will submit a copy of each plat approved within its extraterritorial planning jurisdiction to the County Engineer for his approval as required in Section 11-52-30 of the Code of Alabama, prior to such plat being filed for recording

with the Judge of Probate of Baldwin County. The more strict requirements, whether of the municipality or of the county, must be complied with by the developer.

4. The COMMISSION will exercise review authority through the Baldwin County Planning Commission over all subdivision developments lying outside the MUNICIPALITY'S planning jurisdiction of any other municipality in Baldwin County; provided that, where a proposed subdivision lies partly in the COMMISSION'S planning jurisdiction and partly in the MUNICIPALITY'S planning jurisdiction, it shall be the MUNICIPALITY'S responsibility to review said subdivision as described in Item 2 above.

5. Upon execution of agreements between the COMMISSION and each municipality in Baldwin County, the COMMISSION will have prepared a map delineating the respective planning jurisdictions of the COMMISSION and each municipality in Baldwin County, which map shall be incorporated into this agreement and become a part of it.

6. A copy of this agreement, including the map delineating the respective planning jurisdictions of the COMMISSION and the municipalities for the exercise of subdivision development controls shall be filed with the Judge of Probate of Baldwin County.

7. This agreement shall become effective upon the last date signed below and shall continue in force and effect until such time as it is mutually abolished by the COMMISSION and the MUNICIPALITY, or determined by proper authority to be invalid or inconsistent with State law.

8. It is expressly understood that this agreement can be modified or amended by mutual action of the COMMISSION and the MUNICIPALITY whenever such modification or amendment is deemed necessary.

9. Adoption:

FOR: THE BALDWIN COUNTY COMMISSION

BY Don Koontz s/s May 4, 1993  
Chairman DATE

BY Byron Calhoun s/s SEAL  
Attest

FOR: SUMMERDALE

BY David Wilson s/s April 19, 1993  
Mayor DATE

BY Faye Howell s/s SEAL  
Attest

## "EXHIBIT A"

Description of Planning Jurisdiction  
FOR  
SUMMERDALE

Beginning at the Northwest Corner of the Northeast Quarter of Section 24, T-6-S, R-3-E the point of Beginning; then run East to the Northeast Corner of Section 24, T-6-S, R-3-E; then run North to the Northwest Corner of the Southwest Quarter of Section 18, T-6-S, R-4-E; then run East along the Half Section Lines to the Northeast Corner of the Southeast Quarter of Section 18, T-6-S, R-4-E; then run South to the Southeast Corner of the Northwest Quarter of Section 20, T-6-S, R-4-E; then run East along the Half Section Lines to the Northeast Corner of the Southwest Quarter of Section 21, T-6-S, R-4-E; then run South along the Half Section Lines to the Southeast Corner of the Northwest Quarter of Section 9, T-7-S, R-4-E; then run West along the Half Section Lines to the Southwest Corner of the Northeast Quarter of Section 9, T-7-S, R-4-E; then run West along the Half Section Lines to the Southwest Corner of the Northeast Quarter of Section 12, T-7-S, R-3-E; then run North along the Half Section Lines to the Point of Beginning.

UNANIMOUS.

Chairman Koontz has requested that the Road & Bridge Committee investigate the utilization of engineering time in order to see if more time can be devoted to some of the maintenance situations that exist. MOTION BY COMMISSIONER JENKINS, SECONDED BY COMMISSIONER HARPER, TO ACCEPT THE AFOREMENTIONED STATEMENT AND HAVE THIS BE ONE OF THE FIRST NEW TASKS OF THE ROAD & BRIDGE CHAIRMAN. UNANIMOUS.

MOTION BY COMMISSIONER HANSEN, SECONDED BY COMMISSIONER HARPER, TO ALLOW THE EXCHANGE OF CHAIRMANSHIPS AS FOLLOWS:

Samuel Jenkins, Sr. is presently the Road & Bridge Chairman -- He will transfer to Chairman of the Human Resources Committee

Frank Burt is presently the Human Resources Chairman -- He will transfer to Chairman of the Road & Bridge Committee

UNANIMOUS.

MOTION BY COMMISSIONER ALLEN, SECONDED BY COMMISSIONER HARPER, TO APPROVE AND AUTHORIZE THE CHAIRMAN TO SIGN THE FOLLOWING AGREEMENT AS FOLLOWS:

"Agreement 93AGR085" dated May 4, 1993 and entered into by and between the Baldwin County Commission and Taras Hodivsky's d/b/a Hodivsky's Fence Company in which Mr. Hodivsky agrees to take down and relocate approximately 292 feet of 4 feet chain link fence, 4 top rail reset, reinstall D/O gate as drawn (see attached), on the Pleasant Road Project. Mr. Hodivsky further agrees to furnish the labor and equipment necessary to complete the project with Baldwin County agreeing to furnish the materials that cannot be reused to relocate the fence as instructed by the Baldwin County Public Works Department,