

RESOLUTION NO. 1300

A RESOLUTION TO RE-ASSERT AUTHORITY OVER PLANNING JURISDICTION  
IN UNINCORPORATED AREAS NORTH OF THE INTRACOASTAL CANAL  
AND REPEAL RESOLUTION NO. 1204

WHEREAS, the City Council for the City of Orange Beach and the County Commission of Baldwin County entered into an agreement in the summer/fall of 1993 whereby the County would take over the planning duties reserved to the city in the unincorporated areas north of the Intracoastal canal which were inaccessible to the City of Orange Beach; and

WHEREAS, said agreement provided the City could re-assert its authority at any time after passage of a resolution requiring the same; and,

WHEREAS, the opening of the bridge across the Intracoastal canal has now made accessible that portion of the city's planning jurisdiction within the Orange Beach police jurisdiction in the unincorporated areas over which neither Foley or Gulf Shores has jurisdiction.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Orange Beach, Alabama, as follows:

SECTION 1.

That the City of Orange Beach hereby re-asserts planning jurisdiction and control over said area and that a certified copy of this Resolution shall be forwarded to the County Commission so that they may adjust their staff's responsibilities

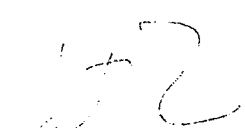
SECTION 2.

That Resolution No. 1204 is hereby repealed in its entirety

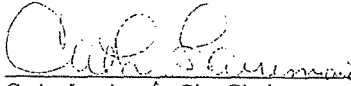
SECTION 3.

This Resolution shall become effective immediately upon its adoption.

ADOPTED this 18<sup>th</sup> day of July, 2000.

  
\_\_\_\_\_  
Steve Russo, Mayor

ATTEST:

  
\_\_\_\_\_  
Cathy Larrimore, City Clerk

AGREEMENT

BETWEEN  
THE BALDWIN COUNTY COMMISSION  
AND  
THE CITY OF ORANGE BEACH

WHEREAS, the BALDWIN COUNTY COMMISSION, hereinafter referred to as "the COMMISSION" and ORANGE BEACH, hereinafter referred to as "the MUNICIPALITY" desire to enter into an agreement concerning 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.

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Baldwin County Commission  
ORANGE BEACH

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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 municipality's 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. The City of Orange Beach reserves the right to reassert and exercise its jurisdiction and its prerogative of control in the area North of the intracoastal waterway upon its adoption of a Resolution by the City Council of its intent to so do, a certified copy of such Resolution to be transmitted to the County Commission, the same to constitute notice to the County Commission of said municipalities desire to exercise its jurisdiction as prescribed by law. The County Commission agrees to notify the City of Orange Beach of any effort or intent by any other municipality desiring to exercise jurisdiction and control over the territory North of the intracoastal waterway within the legal jurisdiction of Orange Beach pertaining to subdivision control.

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9. 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.

10. This agreement shall become effective when signed by the Mayor of Orange Beach and attested by the City Clerk after passage of a Resolution by the City Council authorizing such execution and upon the signature of the Chairman of the Baldwin County Commission properly attested after passage of a Resolution by the Baldwin County Commission authorizing such execution.

FOR: THE BALDWIN COUNTY COMMISSION

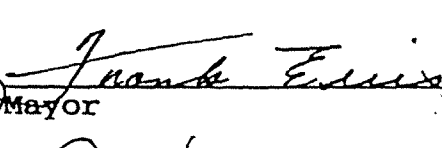
BY   
Chairman

Sept. 15, 1993  
DATE

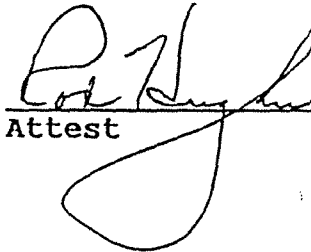
BY \_\_\_\_\_  
Attest

SEAL

FOR: ORANGE BEACH

BY   
Mayor

8/6/93  
DATE

BY   
Attest

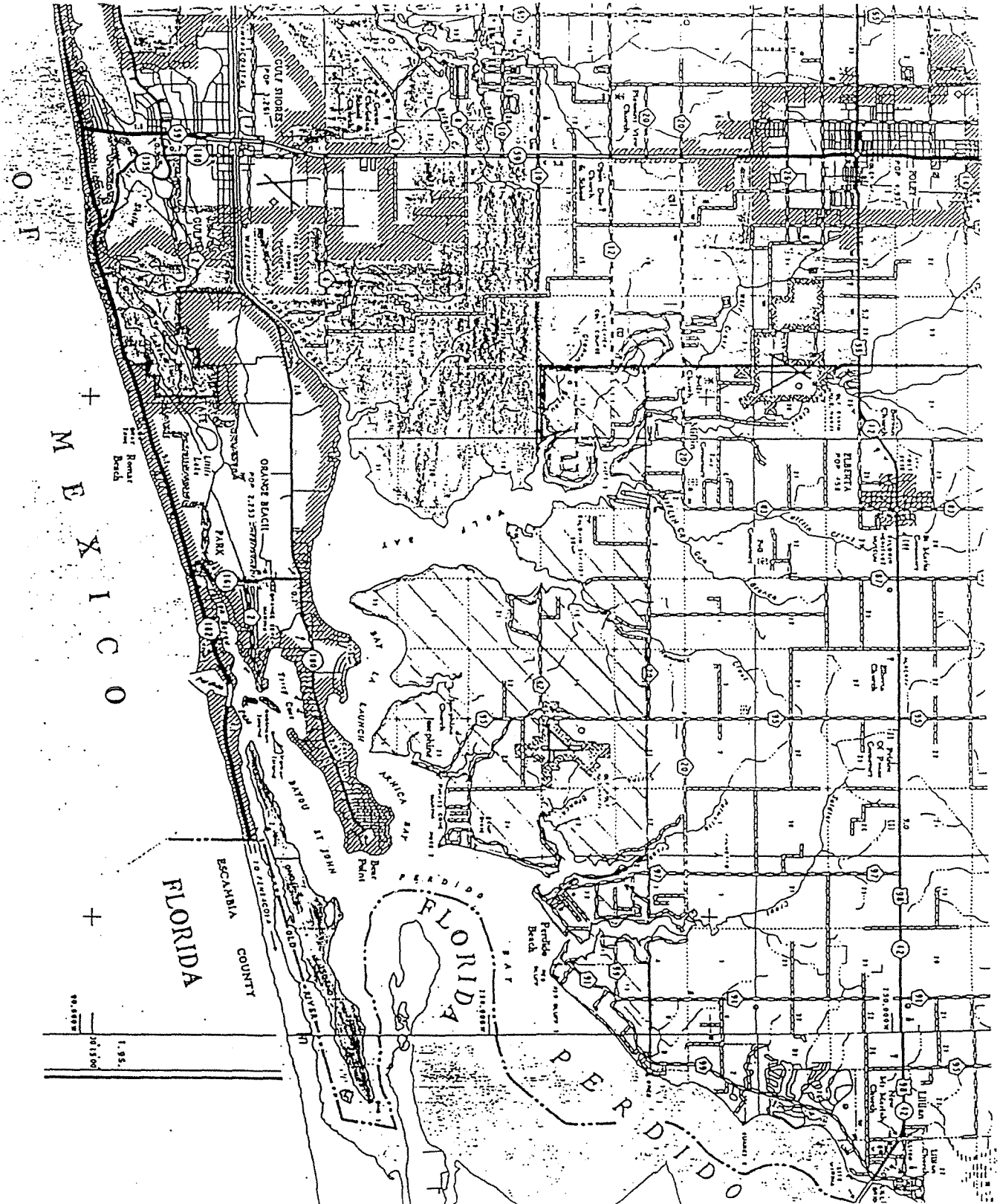
SEAL

## "EXHIBIT A"

### Description of Planning Jurisdiction FOR ORANGE BEACH

Beginning at the Southeast corner of Section 32, T-8-S, R-5-E, Baldwin County, Alabama the Point of Beginning; then run along the Center of Portage Creek and the Intercostal Canal in a Southwesterly direction to a point where the Centerline of the Intercostal Canal intersects the West Section Line of Section 11, T-9-S, R-4-E; then run South along the west Section Line of Section 11, T-9-S, R-4-E, to the Southwest Corner of Section 11, then run East along the South Line of Section 11, to the Half Section Line; then run North along the Half Section Line to the Northwest Corner of the South One Half of the Southwest Quarter of the Southeast Quarter of Section 11; then run East along the Quarter Line to the Northeast Corner of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 11; then run North along the Quarter Section Line to the Northwest Corner of the Southeast Quarter of the Southeast Quarter of Section 11, then run East along the Quarter Line to the Northeast Corner of the Southeast Quarter of the Southeast Quarter of Section 11; then run North along the East Section Line of Section 11 to the Half Section Corner; then run East along the Half Section Line of Section 12, T-9-S, R-4-E, to the Northeast Corner of the southwest Quarter of Section 12; then run South along the Half Section Line to the Southeast Corner of the Southwest Quarter of Section 12, T-9-S, R-4-E; then run South along the East Line of Section 13, T-9-S, R-4-E, to the Southeast Corner of the Northeast Quarter of the Northeast Quarter; then run West to the Southwest Corner of the Northwest Quarter of the Northeast Quarter; then run South along the Half Section Line to the Southeast Corner of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter; then run West to the Southwest Corner of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter; then run South to the Southeast Corner of the Southwest Quarter of the Northwest Quarter; then run West to the Southwest Corner of the Northwest Quarter of Section 13, T-9-S, R-4-E; then run West along the Half Section Line of Section 14, T-9-S, R-4-E, to the Southwest Quarter of Section 14, T-9-S, R-4-E; then run South to the Southeast Corner of the Northeast Quarter of the Southeast Quarter; then run West 200 feet; then run South to the water line at the Gulf of Mexico; then run in a Northeasterly direction along the Gulf of Mexico to the Florida State Line; then run North along the East Line of Section 1, T-4-S, R-33-W Tallahassee Meridian to the Center of Old River; then run in a Northerly direction along the center of Perdido Bay following the Alabama-Florida State Lines to where it intersects the North line of Section 31, T-8-S, R-6-E; then run in a westerly direction, along the center line of Arnica Bay and Bay La Launch to the Southeast corner of Section 32, T-8-S, R-2-E the POB.

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BALDWIN COUNTY COMMISSION  
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city of

Orange  
Beach

Alabama

"Gem of the Gulf Coast"

P.O. Box 458 — Orange Beach, Al 36561

MAYOR

J. F. (Frank) Ellis, Sr.

(205) 981-6979

COUNCIL MEMBERS

Robert N. Cauthen  
A. Ray Dempsey  
Dave U. Johnson  
James W. (Bill) Rawson  
M. Lafae Scheeter

September 21, 1993

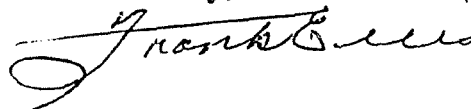
Mr. Don Koontz, Chairman  
COUNTY COMMISSION  
BALDWIN COUNTY  
P.O. BOX 1488  
Bay Minette, Alabama 36507

RE: EXTRATERRITORIAL AGREEMENT BETWEEN THE BALDWIN  
COUNTY COMMISSION AND THE CITY OF ORANGE BEACH

Dear Chairman Koontz:

I return herewith the documents referred to in your letter dated September 8, 1993 and respectfully request that the two copies of the agreement be executed in accordance with Paragraph 10 of the proposed agreement and that the same have attached thereto a certified copy of the Resolution of the County Commission authorizing the execution of the agreement.

Sincerely,



Frank Ellis  
Mayor

FE:mm

Enclosures

xc: John Dorgan, Public Works Director ✓

RECEIVED

SEP 22 1993

PUBLIC WORKS DEPT  
ADMINISTRATION



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

September 8, 1993

Mayor Frank Ellis  
City of Orange Beach  
Post Office Box 458  
Orange Beach, AL 36561

RE: Extraterritorial Agreement Between the Baldwin County  
Commission and the City of Orange Beach

Dear Mayor Ellis:

The Baldwin County Commission during their regularly held meeting of September 7, 1993 authorized me as Chairman to sign the attached Extraterritorial Agreement between the City of Orange Beach and the Baldwin County Commission.

Sincerely,

  
Don Koontz  
Chairman

DK/klk

cc: John Dorgan

Attachment

fellis.ltr



city of

Orange  
Beach

Alabama

"Gem of the Gulf Coast"

P.O. Box 458 — Orange Beach, AL 36561

MAYOR

J. F. (Frank) Ellis, Sr.

(205) 981-6979

COUNCIL MEMBERS

Robert N. Cauthen  
A. Ray Dempsey  
Dave U. Johnson  
James W. (Bill) Rawson  
M. Lafae Schecter

August 5, 1993

Mr. John Dorgan, Director  
Baldwin County Public Works Department  
203 Dickman Road  
Bay Minette, AL 36507

Dear Mr. Dorgan:

Herewith are duplicate originals of a proposed contract between the Baldwin County Commission and the City of Orange Beach relative to subdivision jurisdiction north of the Intracoastal Waterway.

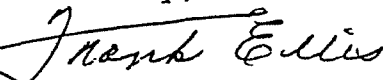
As Mr. Brown discussed with you, I have had him reword paragraph 8 of the agreement and it is my understanding that you have no objection to this change which he discussed with you over the telephone.

A certified copy of the resolution authorizing the mayor to execute the agreement is also attached.

Please present the contract to your Commission for authorization and return one copy of the duplicate original with all attachments including the Resolution of the County Commission for our permanent files.

I trust that all parties of interest will be satisfied with this resolution of the matter, but if you have any questions whatsoever, please feel free to call me.

Sincerely,



Frank Ellis

enclosures

RECEIVED

AUG 11 1993

PUBLIC WORKS

AGREEMENT BETWEEN BALDWIN COUNTY COMMISSION AND ORANGE BEACH

BE IT RESOLVED by the City Council of the City of Orange Beach, Alabama as follows:

SECTION 1.

That the Mayor and City Clerk/Treasurer are hereby authorized and directed to execute an agreement between the Baldwin County Commission and the City of Orange Beach with respect to subdivision regulation control and jurisdiction of that area North of the intracoastal waterway.

SECTION 2.

A true and correct copy of said agreement together with metes and bounds description of the subdivision jurisdiction of Orange Beach marked as "Exhibit A" is attached to and made a part of said agreement.

SECTION 3.

A map showing the area North of the intracoastal canal to be ceded to Baldwin County's Jurisdiction for subdivision regulation and control is also attached to said agreement the same being marked as Page 5.

SECTION 4.

Under the terms of said agreement, to wit, Paragraph 8 thereof, the City of Orange Beach reserves the right to reassert and exercise its jurisdiction and its prerogative of control in the area North of the intracoastal waterway upon its adoption of a Resolution by the City Council of its intent to so do.

ADOPTED this 3rd day of August, 1993.

Roderick T. Hughes  
City Clerk/Treasurer

I, THE UNDERSIGNED, BEING ELECTED OR APPOINTED QUALIFIED CITY CLERK OF THE CITY OF ORANGE BEACH, ALABAMA, HEREBY CERTIFY THAT THIS IS A TRUE, COMPLETE COPY OF Resolution No. 261

  
ROD HUGHES, CITY CLERK

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing Res. #261  
dated 8-4-93  
Orange Beach City Hall cm  
Orange Beach Police Dept. cm  
Orange Beach Post Office cm  
Orange Beach Water Board cm

City Clerk

Excerpt from the August 1, 2000 BCC  
minutes

Mr. Thompson asked if the citizens of Perdido Beach would have a vote if the City of Orange Beach tries to annex in which the Chairman said they would not. The County Attorney then stated that there are several ways in which you can annex. You can do it by legislative act or vote of the people. He felt that Mr. Thompson needed to address his comments to the City of Orange Beach and not the County.

Commissioner Middleton asked who is going to represent the citizens in the unincorporated areas that do not have anybody to stand up for them and take these peoples rights away from them if they do not want to be annexed into a municipality. The County Attorney said that is the rights of individuals and they have the right to protest it.

**CITY OF ORANGE BEACH - PLANNING JURISDICTION**

Chairman Burt asked Mr. Cowper to address the request of the City of Orange Beach to exercise their planning jurisdiction.

Mr. Cowper explained that back in April of this year, the County was notified by the City of Orange Beach that they wanted to re exert a planning jurisdiction on the north side of the inter coastal canal. The County responded to that and worked with those jurisdictions giving them a map highlighting their jurisdiction according to the agreements the County has with the various cities. Recently they received another letter from the City of Orange Beach concerning planning jurisdictions and stating that Orange Beach has passed an ordinance defining a planning jurisdiction which is equal to their police jurisdiction of 1½ mile.

Mr. Cowper said he has been in contact with the City of Orange Beach and the City of Gulf Shores about this issue. There is a lot of confusion about where the lines are drawn. Basically, the City of Orange Beach has began the process of annexing on the north side of the canal along the Foley Beach Express. The area where they are annexing is presently in Gulf Shores Planning jurisdiction and the area that Orange Beach has passed an ordinance to have planning jurisdiction is presently in Gulf Shores planning jurisdiction by agreement with the County. Mr. Cowper said this is a difficult and complex issue they will have to work out with the various cities of Orange Beach, Gulf Shores, Foley and Elberta.

Mr. Thompson said they would prefer to be under the Elberta jurisdiction and their response time would be quicker than Orange Beach. Mr. Cowper said he did not believe Elberta exercised a police jurisdiction.

Chairman Burt asked Mr. Cowper if he would have a recommendation to the Commission at the next Commission meeting regarding this in which Mr. Cowper said the plans are to have the recommendation at some time but could not commit to the next Commission meeting. Mr. Cowper said he has contacted the City of Orange Beach requesting maps and the City of Gulf Shores to get their most recent city limits. Mr. Cowper said a line needed to be drawn on a map indicating the planning jurisdiction of all of those municipalities and felt it would take some time to work through.

CHAIRMAN BURT ASKED FOR A RECOMMENDATION TO SEND THE CITY A LETTER STATING THAT THE COUNTY IS STUDYING THIS. MR. COWPER SAID HE CAN DRAFT THAT LETTER.

MOTION BY COMMISSIONER FAUST, SECONDED BY COMMISSIONER JENKINS TO ADJOURN THE BALDWIN COUNTY COMMISSION MEETING AT 11:35 A.M. UNANIMOUS.

*Frank Burt, Jr.*