

**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 20<sup>th</sup> day of April, 2021.

**COMMISSION:**  
BALDWIN COUNTY

BY: Joe Davis, III 5/4/2021  
Chairman /Date

**ATTEST:**

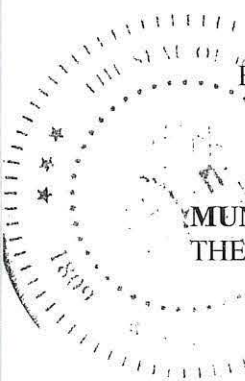
Wayne Dyess 5/4/2021  
County Administrator /Date

**MUNICIPALITY:**  
THE TOWN OF ELBERTA

BY: Jim Hamby 4/20/21  
Mayor /Date

**ATTEST:**

Caryn Lee Weaver 4/20/2021  
Town Clerk /Date



RECORD FEE  
STATE OF ALABAMA  
BALDWIN COUNTY  
IOPATENT THIS INSTRUMENT WAS  
FILED AND FEE COLLECTED ON

**RESOLUTION**  
**FOR**  
**PLANNING JURISDICTION**  
**BETWEEN**  
**THE BALDWIN COUNTY COMMISSION**  
**AND**  
**THE TOWN OF ELBERTA**

Oct 6 3 42 PM '92

RECORDED BY  
J. J. WEAVER  
1735-58  
JUDGE OF PROBATE

WHEREAS, the BALDWIN COUNTY COMMISSION, hereinafter referred to as "the COMMISSION" and THE TOWN OF ELBERTA, 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.

REC'D 480 PAGE 1735

RESOLUTION  
PLANNING JURISDICTION  
Baldwin County Commission  
The TOWN OF ELBERTA  
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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 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 *M. J. Gage*  
Chairman

DATE

6 October, 1992

BY *[Signature]*  
Attest

SEAL

FOR: THE TOWN OF ELBERTA

BY *Joe W. Cotton Jr.*  
Mayor

DATE

October 2, 1992

BY *Sandy Germany*  
Attest

SEAL



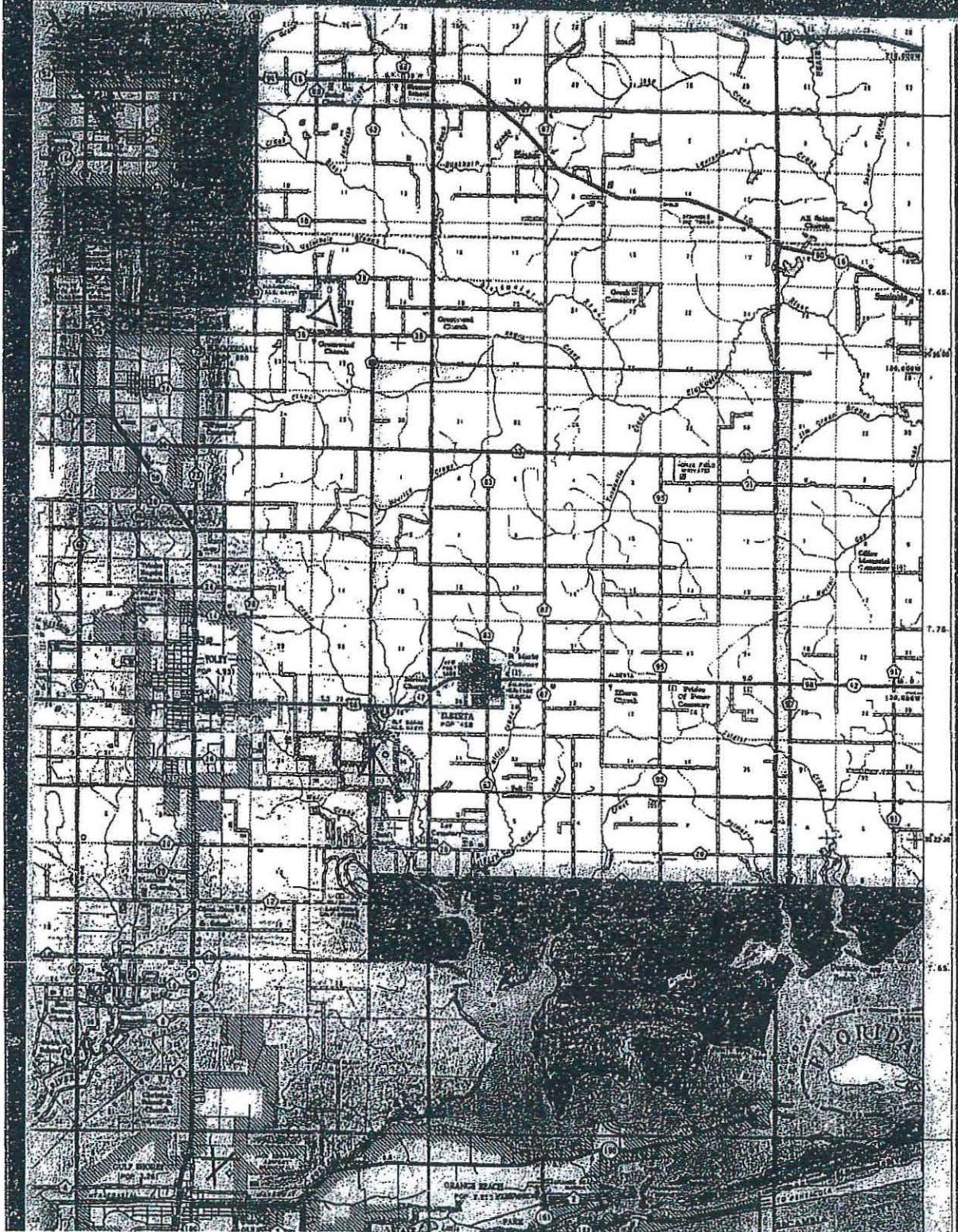
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**"EXHIBIT A"**

Description of Planning Jurisdiction  
FOR  
THE TOWN OF ELBERTA

Beginning at the Northwest Corner of the Southwest Quarter of Section 25, T-6-S, R-4-E, Baldwin County, Alabama, the Point of beginning; then run East along the Half Section Lines to the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 30, T-6-S, R-6-E; then run South along the Quarter Section Lines to the Southeast Corner of the Southwest Quarter of the Northwest Quarter of Section 7, T-8-S, R-6-E; then run West along the Half Section Lines to the Southwest Corner of the Northwest Quarter of Section 12, T-8-S, R-5-E; then run North along the Section Lines to the Northwest Corner of the Southwest Quarter of Section 25, T-6-S, R-4-E, the Point of Beginning.

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EXCERPT OF OCTOBER 6, 1992  
BCC MEETING MINUTES

219

PETITION  
TO THE  
BALDWIN COUNTY COMMISSION  
FROM THE  
PROPERTY OWNERS ON BRYANT'S LANDING ROAD

We the undersigned property owners, hereby respectfully request that the Baldwin County Commission accept the road maintenance on Bryant's Landing Road, Stockton.

(NOTE: The road is 1/2 mile in length and has a firm gravel/clay base.)

Thank you very much.

Unanimous.

The Public Works Engineer reappeared before the commission and informed them that he was contacted by Mr. Frank Courson, Secondary Roads Engineer on September 28, 1992, once again request Baldwin County to pave the parking lot of the Bradford Mental Health Building Parking Lot in Daphne. This request has no time restraint and is in the amount of \$11,563.00 which can be applied as matching funds for FAS Projects. Commissioner Ward asked the Public Works Engineer what was included in the cost in which Mr. Dorgan said labor and equipment. Motion by Commissioner Ward, seconded by Commissioner Foreman, to honor the request of the Secondary Roads Engineer and paving the parking lot of the Bradford Mental Health Building Parking Lot in Daphne in the amount of \$11,563.00 which can be applied as matching funds for FAS Projects. Unanimous.

Motion by Commissioner Foreman, seconded by Commissioner Ward, to accept and approve the following "Resolution for Planning Jurisdiction between the Baldwin County Commission and the Town of Elberta:

RESOLUTION  
FOR  
PLANNING JURISDICTION  
BETWEEN  
THE BALDWIN COUNTY COMMISSION  
AND  
THE TOWN OF ELBERTA

WHEREAS, the BALDWIN COUNTY COMMISSION, hereinafter referred to as "the COMMISSION" and THE TOWN OF ELBERTA, 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 their 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 is 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 plan 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 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.

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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 Michael Allegri, s/s October 6, 1992  
Chairman DATE

BY Jerry Boyington, s/s SEAL  
Attest

FOR: THE TOWN OF ELBERTA

BY Joe W. Cotton, Jr. s/s October 2, 1992  
Mayor DATE

BY Sandy Germany s/s SEAL  
Attest

"EXHIBIT A"

Description of Planning Jurisdiction  
FOR  
THE TOWN OF ELBERTA

Beginning at the Northwest Corner of the Southwest Quarter of Section 25, T-6-S, R-4-E, Baldwin County Alabama, the Point of Beginning; then run East along the Half Section Lines to the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 30, T-6-S, R-6-E; then run South along the Quarter Section Lines to the Southeast Corner of the Southwest Quarter of the Northwest Quarter of Section 7, T-8-S, R-6-E; then run West along the Half Section Lines to the Southwest Corner of the Northwest Quarter of Section 12, T-8-S, R-5-E; then run North along the Section Lines to the Northwest Corner of the Southwest Quarter of Section 25, T-6-S, R-4-E, the Point of Beginning.

Unanimous.

Motion by Commissioner Burt, seconded by Commissioner Foreman, to comply with the request of the Highway Manager on Smith Road in Whitehouse Forks as follows as this is an existing county maintained road:

1. The existing right-of-way be staked by the Engineering Department.
2. Construct roadbed.
3. Replace crossdrain pipe.
4. Add a suitable gravel topping.

Unanimous.

Motion by Commissioner Foreman, seconded by Commissioner Burt, to conduct temporary maintenance on Truck Trail 17. Unanimous.

Motion by Commissioner Allen, seconded by Commissioner Morrow, to accept the recommendation of the Baldwin County Library System and reappoint Ms. Karla Fields and Mr. Oscar Rich for a four (4) year term commencing October 1, 1992 and ending October 1, 1996 on the Baldwin County Library System Board of Directors. Unanimous.

Motion by Commissioner Ward, seconded by Commissioner Foreman, to correct the minutes of the June 4, 1991 Baldwin County Commission meeting and make the following memorandum dated November 19, 1990 from Claude Earl Fox, M.D., M.P.H., State Health Office retroactive to June 4, 1991:

November 19, 1990

M E M O R A N D U M

TO: Assistant State Health Officers,  
District and Local Health Officers,  
Health Services Administrators,  
Area Disease Control Coordinators,  
Area and County Nursing Directors,  
Area Immunization Manager, and  
Area and County Clerical Directors

FROM: Claude Earl Fox, M.D., M.P.H.  
State Health Officer

RE: Immunization Program Changes

At its November 14, 1990, meeting, the State Committee of Public Health adopted two policies which will significantly impact the provision of vaccines through county health departments.

(1) Second-dose measles vaccine will be limited in all counties to children in grades K-12 who are required by state rules to obtain a second dose of measles vaccine and to college students who are being vaccinated as part of a measles re-vaccination effort. Thus, health department second-dose measles vaccination will only be available to individuals currently enrolled in sixth and twelfth grades, children entering kindergarten, sixth and twelfth grades in the fall of 1991 and students currently enrolled or entering college in the fall of 1991. Student sin grades for which vaccination is not