



COUNTY COMMISSION

BALDWIN COUNTY
312 Courthouse Square, Suite 12
BAY MINETTE, ALABAMA 36507
(251) 937-0264
Fax (251) 580-2500
www.baldwincountyal.gov

MEMBERS
DISTRICT 1. FRANK BURT, JR.
2. CHRIS ELLIOTT
3. J. TUCKER DORSEY
4. CHARLES F. GRUBER

January 17, 2017

The Honorable Bob Holk
Mayor
Town of Magnolia Springs
Post Office Box 890
Magnolia Springs, Alabama 36555
Attn: Mrs. Karen S. Biel, Town Clerk

RE: Agreement with the Town of Magnolia Springs, Alabama - Enforcement of Flood Damage Prevention Ordinance

Dear Mayor Holk:

The Baldwin County Commission, during its regularly scheduled meeting held on January 17, 2017, took the following actions:

- 1) With respect to Section 34-14A-12 of the Code of Alabama 1975, authorized the Baldwin County Building Inspection Department to enforce the Town of Magnolia Springs' Municipal Flood Damage Prevention Ordinance No. 2010-08, and any amendments thereto, with the understanding that:
 - a) All fees collected under this authorization and by the Baldwin County Building Inspection Department shall be retained by the Baldwin County Commission; and
 - b) The Town of Magnolia Springs shall issue and approve Land Use Certificates on any construction within the corporate limits of said Town; and
- 2) Authorized the execution of the *Agreement between the Baldwin County Commission and the Town of Magnolia Springs, Alabama* to accomplish the aforementioned. The term of this *Agreement* shall be for thirty-six (36) months beginning on the date of full execution, and either party shall be entitled to terminate the *Agreement* by passing a resolution expressing said party's desire to terminate and providing written notice of the same to the other party.

Enclosed is a **fully executed** *Agreement* for your file.

The Honorable Bob Holk
January 17, 2017
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If you have any questions or need further assistance, please do not hesitate to contact me at (251) 990-4606 or Mike Howell, Building Official, at (251) 972-6837.

Sincerely,



T. CHRISTOPHER ELLIOTT, Chairman
Baldwin County Commission

TCE/met Item BE6

cc: Mike Howell
Kim Nelson
Ron Cink

ENCLOSURE

AGREEMENT
BETWEEN
THE BALDWIN COUNTY COMMISSION
AND THE
TOWN OF MAGNOLIA SPRINGS, ALABAMA
[Enforcement of the Flood Damage Prevention Ordinance]

WHEREAS, the BALDWIN COUNTY COMMISSION, hereinafter referred to as “the COMMISSION,” and the TOWN OF MAGNOLIA SPRINGS, ALABAMA, hereinafter referred to as “the MUNICIPALITY”, desire to enter into an agreement concerning the enforcement of the MUNICIPALITY’s Flood Damage Prevention Ordinance, Ordinance No. 2010-08, within the corporate limits of the MUNICIPALITY consistent with Section 34-14A-12 of the Code of Alabama (1975); and

WHEREAS, the MUNICIPALITY has requested that the COMMISSION enforce the MUNICIPALITY’s Flood Damage Prevention Ordinance, Ordinance No. 2010-08, and any amendments thereto, within the corporate limits of the MUNICIPALITY and hereby assents to said enforcement.

NOW, THEREFORE, the COMMISSION and the MUNICIPALITY do hereby agree, pursuant to all authority under Alabama and/or applicable law, as follows:

1. The COMMISSION shall enforce the MUNICIPALITY’s Flood Damage Prevention Ordinance, Ordinance 2010-08, and any amendments there to, within the corporate limits of the MUNICIPALITY.
2. All fees generated from said administration and enforcement of the MUNICIPALITY’s Flood Damage Prevention Ordinance, Ordinance No. 2010-08, and any amendments there to, shall be the property of and retained by the COMMISSION
3. The MUNICIPALITY shall be responsible for the issuance and approval of Land Use Certificates on any construction within the corporate limits of the MUNICIPALITY.
4. This Agreement shall be for a term of thirty-six (36) months from the date of full execution of this Agreement, and either party shall be entitled to terminate the Agreement by passing a resolution expressing said party’s desire to terminate and providing written notice of the same to the other party.

5. The MUNICIPALITY shall fully indemnify and hold the COMMISSION, its Commissioners, departments, employees, supervisors, agents, representatives and attorneys (hereinafter referred to collectively in this paragraph as the "Commission") completely harmless from any and all claims, demands, notices, violations, findings, actions or orders of whatsoever kind or character which may arise from, or which are in any way related to, the work done and duties or obligations performed by the COMMISSION pursuant to this Agreement, including, without limitation, attorney fees and legal expenses and costs incurred as a result of the County enforcing, defending or complying with this Agreement, or otherwise addressing any actions or claims related in any way to this Agreement. This provision shall survive the expiration or termination of this Agreement.

IN WITNESS WHEREOF, the COMMISSION and MUNICIPALITY have fully executed the Agreement on this day and year last written below by their duly authorized representatives.

BALDWIN COUNTY COMMISSION

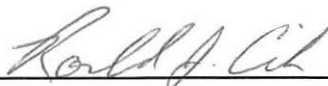
 11/17/17

T. CHRISTOPHER ELLIOTT

Date

Chairman

ATTEST:



RONALD J. CINK

County Administrator/Budget Director



TOWN OF MAGNOLIA SPRINGS

Bob Holk 12-13-2016

Bob Holk

Date

Mayor



Karen S. Biel

KAREN S. BIEL

Town Clerk

This Instrument prepared by:

KIMBERLEY J. NELSON

Office Administrator/Building Inspection

201 East Section Avenue

Foley, AL 36535

TOWN OF
MAGNOLIA SPRINGS

RESOLUTION 2016-22

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BALDWIN COUNTY COMMISSION FOR BALDWIN COUNTY TO ENFORCE, WITHIN THE CORPORATE LIMITS OF THE TOWN OF MAGNOLIA SPRINGS, ALABAMA, THE BUILDING CODES OF BALDWIN COUNTY, ALABAMA AND THE FLOOD DAMAGE PREVENTION ORDINANCE 2010-08 OF THE TOWN OF MAGNOLIA SPRINGS, ALABAMA.

WHEREAS, the Town Council believes it would be in the Town's best interest to authorize the Baldwin County Commission to enforce, within the corporate limits of the Town of Magnolia Springs, the building codes of Baldwin County and the Flood Damage Prevention Ordinance 2010-08 of the Town of Magnolia Springs. The Town also authorizes payment to Baldwin County of any associated fees related to enforcement, within the corporate limits of the Town of Magnolia Springs, of the Building Codes of Baldwin County and the Flood Damage Prevention Ordinance of the Town of Magnolia Springs. This authorization is consistent with Title 34-14A- 12 of the Code of Alabama 1975.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Town of Magnolia Springs, Alabama, that Mayor Bob Holk is hereby authorized to enter into an agreement with the Baldwin County Commission, for the purpose of authorizing Baldwin County to enforce, within the corporate limits of the Town of Magnolia Springs, Alabama, the Building Codes of Baldwin County and the Flood Damage Prevention Ordinance Number 2010-08 of the Town of Magnolia Springs. Said agreement shall last until such time as the Town of Magnolia Springs, Alabama, takes action to rescind such authority.

Adopted, this the 13th day of December, 2016



Bob Holk – Mayor

ATTEST:



Karen S. Biel – Town Clerk