

Resolution #2022-004

**AGREEMENT BETWEEN
THE BALDWIN COUNTY COMMISSION,
THE CITY OF ORANGE BEACH
AND THE
PLANNING COMMISSION OF THE CITY OF ORANGE BEACH
CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS
WITHIN THE PLANNING JURISDICTION OF THE
MUNICIPAL PLANNING COMMISSION**

The BALDWIN COUNTY COMMISSION, the governing body of Baldwin County, Alabama (hereinafter referred to as the "COMMISSION"), the CITY OF ORANGE BEACH, an Alabama municipal corporation (hereinafter referred to as the "MUNICIPALITY"), and the PLANNING COMMISSION OF THE CITY OF ORANGE BEACH (hereinafter referred to as the "MUNICIPAL PLANNING COMMISSION"), hereby enter into an agreement, the terms and conditions of which shall govern the regulation of subdivisions outside the MUNICIPALITY's corporate limits but within the MUNICIPAL PLANNING COMMISSION's planning jurisdiction for a period of time until July 25, 2023.

1. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the planning jurisdiction of the MUNICIPALITY shall include all land located in the corporate limits of the MUNICIPALITY.
2. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the COMMISSION shall be responsible for all regulation of subdivision planning outside the corporate limits of the MUNICIPALITY.
3. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the boundaries for the land subject to the provisions of this Agreement may automatically change from time to time as permitted by state law, and such changes shall not affect the validity or enforceability of this Agreement, except as expressly limited herein.
4. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that if any portion of a proposed subdivision is located within the MUNICIPAL PLANNING COMMISSION'S planning jurisdiction and outside the corporate limits of the MUNICIPALITY, the subdivision regulations of the MUNICIPALITY shall apply.
5. Except as provided in paragraph 3 regarding the automatic adjustment of planning jurisdiction boundaries as permitted by state law, it is expressly understood that this Agreement can be modified or amended only by mutual action of the COMMISSION, the MUNICIPALITY, and the MUNICIPAL PLANNING COMMISSION, whenever such modification is needed.

6. If any part, section, or subdivision of this Agreement shall be held to be illegal, invalid, or unenforceable for any reason, such holding shall not be held or construed to invalidate or impair the remaining provisions of this Agreement which shall continue in full force.

7. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that any previous Agreement entered into between the COMMISSION, MUNICIPALITY, and/or MUNICIPAL PLANNING COMMISSION regarding the regulation of subdivisions outside the MUNICIPALITY'S corporate limits but with the MUNICIPAL PLANNING COMMISSION'S planning jurisdiction, is hereby terminated and replaced by this Agreement.

8. This Agreement shall become effective on the later of the following two dates: (1) July 26, 2021, or (2) the date upon which the last of the following have been completed: a resolution adopted by the COMMISSION approving this Agreement, an ordinance adopted by the MUNICIPALITY approving this Agreement, and a resolution adopted by the MUNICIPAL PLANNING COMMISSION approving this Agreement.

9. This Agreement shall be published once a week for two consecutive weeks in a newspaper of general circulation in both the County and 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.

[SIGNATURES ON THE FOLLOWING PAGE]



ATTEST:

Wayne Dyess
County Administrator

COMMISSION:

BALDWIN COUNTY COMMISSION

Joe Davis, III
By: Chairman
Its:



ATTEST:

Renee Eberly
By: City Clerk
Its:

MUNICIPALITY:

ORANGE BEACH,
ALABAMA

Tony Kennon
By: Mayor
Its:

MUNICIPAL PLANNING COMMISSION:

PLANNING COMMISSION OF THE
CITY OF ORANGE BEACH, ALABAMA

Robert Stuart
By: Chairman
Its:

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Carietta Crook, a Notary Public in and for said County in said State, hereby certify that JOE DAVIS, III, whose name as Chairman of the BALDWIN COUNTY COMMISSION, and WAYNE DYESS, whose name as County Administrator of the BALDWIN COUNTY COMMISSION, the governing body of Baldwin County, Alabama, a political subdivision of the State of Alabama, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of such instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said commission on the day the same bears date.

Given under my hand and seal this 5th day of October, 2021.

Carietta Crook

Notary Public, Baldwin County, Alabama

My Commission Expires: My Commission Expires:

July 14, 2025



STATE OF ALABAMA
COUNTY OF BALDWIN

I, Rebekah M. Mathis, a Notary Public in and for said County in said State, hereby certify that Tony Kennon, whose name as Mayor of the ORANGE BEACH, ALABAMA, and Renee Eberly, whose name as City Clerk of the ORANGE BEACH, ALABAMA, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of such instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said municipality on the day the same bears date.

Given under my hand and seal this 14th day of September, 2021.

Rebekah M. Mathis

Notary Public, Baldwin County, Alabama

My Commission Expires: 6-28-25



STATE OF ALABAMA
COUNTY OF BALDWIN

I, Sunshine Smith, a Notary Public in and for said County in said State, hereby certify that Robert Stuart, whose name as Chairman of the PLANNING COMMISSION OF THE CITY OF ORANGE BEACH, ALABAMA, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Planning Commission on the day the same bears date.

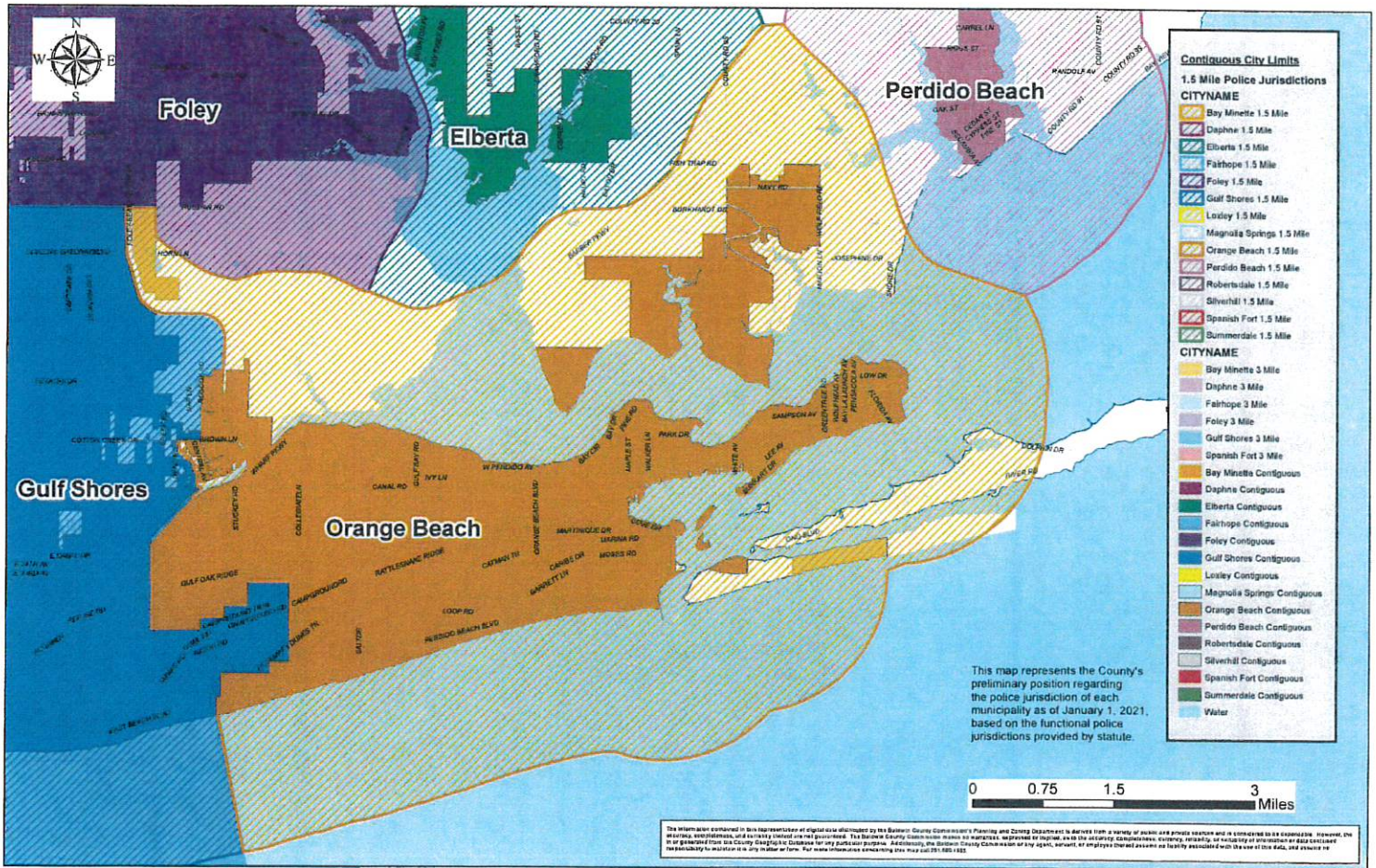
Given under my hand and seal this 20 day of September, 2021.

Sunshine Smith
Notary Public, Baldwin County, Alabama
My Commission Expires: _____

Sunshine Smith
Notary Public, Alabama State At Large
My Commission Expires June 19, 2024



Exhibit A – [MUNICIPALITY] Police Jurisdiction as of January 1, 2021



RESOLUTION NO. 21-178

**A RESOLUTION AUTHORIZING EXECUTION OF AN
AGREEMENT BETWEEN THE BALDWIN COUNTY COMMISSION,
THE CITY OF ORANGE BEACH, AND THE
PLANNING COMMISSION OF THE CITY OF ORANGE BEACH
CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS WITHIN THE
PLANNING JURISDICTION OF THE MUNICIPAL PLANNING COMMISSION**

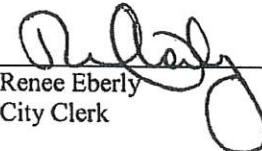
FINDINGS:

1. Act 2021-297 regulating municipal police and planning jurisdictions was signed into law by Governor Kay Ivey on April 27, 2021, and taking effect 90 days following its passage and approval by the Governor.
2. In response, Baldwin County Commission has proposed an agreement concerning the exercise of subdivision regulations within the planning jurisdiction of the municipal planning commission.
3. After having reviewed said agreement (attached Exhibit A), the City Council has determined that the provisions are in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Mayor is hereby authorized to execute an agreement in substantially the form and of substantially the content now before the Council between the City of Orange Beach, the Planning Commission of the City of Orange Beach, and the Baldwin County Commission, as an act for and on behalf of the City of Orange Beach subject to final approval by the City Attorney; and
2. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 17th DAY OF AUGUST, 2021.



Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21-178, which was duly and legally adopted at a regular meeting of the City Council on August 17, 2021.



City Clerk



THE COURIER • THE ONLOOKER • THE ISLANDER • THE BALDWIN TIMES

Printer Affidavit:

This is to certify the attached advertisement

Appeared in The Courier, The Islander & The Onlooker Issue of Gulf Coast Media.

Publication Date(s):

November 24, 2021

Account # 987101 PO # _____

Cost \$ 912.25 Ad # 282236

Bethany Summerlin

Bethany Summerlin

Sales Representative

Bill To:

BC Planning & Zoning

Mail payments to:

Gulf Coast Media PO Box 1677- Sumter, SC 29151

Sworn to and subscribe before me

This 24th day of November, 20 21

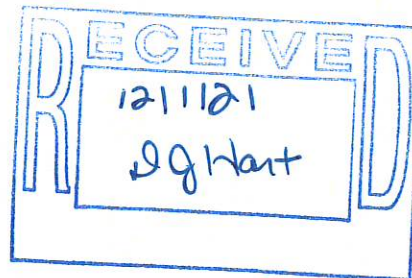
Amber Kimbler

Amber Kimbler

Notary Public for Alabama



AMBER KIMBLER
My Commission Expires
April 10, 2022



RESOLUTION NO. 21-178

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE BALDWIN COUNTY COMMISSION, THE CITY OF ORANGE BEACH, AND THE PLANNING COMMISSION OF THE CITY OF ORANGE BEACH CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS WITHIN THE PLANNING JURISDICTION OF THE MUNICIPAL PLANNING COMMISSION

FINDINGS:

1. Act 2021-297 regulating municipal police and planning jurisdictions was signed into law by Governor Kay Ivey on April 27, 2021, and taking effect 90 days following its passage and approval by the Governor.
2. In response, Baldwin County Commission has proposed an agreement concerning the exercise of subdivision regulations within the planning jurisdiction of the municipal planning commission.
3. After having reviewed said agreement (attached Exhibit A), the City Council has determined that the provisions are in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Mayor is hereby authorized to execute an agreement in substantially the form and of substantially the content now before the Council between the City of Orange Beach, the Planning Commission of the City of Orange Beach, and the Baldwin County Commission, as an act for and on behalf of the City of Orange Beach subject to final approval by the City Attorney; and
2. That this Resolution shall become effective immediately upon its adoption. ADOPTED THIS 17th DAY OF AUGUST, 2021.

ADOPTED THIS 17th DAY OF AUGUST 2021.

CERTIFICATE

I, Renee Sherry, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21-178, which was duly and legally adopted at a regular meeting of the City Council on August 17, 2021.

Renee Sherry
City Clerk

COMMISSION
BALDWIN COUNTY COMMISSION
ATTEST:
Kymberly Epps
County Administrator

MUNICIPALITY
ORANGE BEACH, ALABAMA
ATTEST:
Renee Sherry
City Clerk

MUNICIPAL PLANNING COMMISSION
PLANNING COMMISSION OF THE CITY OF ORANGE BEACH, ALABAMA
ATTEST:
DUSTIN
Chairman

STATE OF ALABAMA
COUNTY OF BALDWIN

I, *Timothy Burt*, a Notary Public in and for said County to said State, do hereby certify that the foregoing is a true and correct copy of the Resolution of the Baldwin County Commission, the governing body of Baldwin County, Alabama, as a matter of public interest of the State of Alabama, do signed and adopted by the Baldwin County Commission on the 17th day of August, 2021, and that the same is a true and correct copy of the same as the same was read and approved by the Baldwin County Commission on the 17th day of August, 2021.

Given under my hand and seal this 17th day of August, 2021.

STATE OF ALABAMA
COUNTY OF BALDWIN

I, *Timothy Burt*, a Notary Public in and for said County to said State, do hereby certify that the foregoing is a true and correct copy of the Resolution of the Baldwin County Commission, the governing body of Baldwin County, Alabama, as a matter of public interest of the State of Alabama, do signed and adopted by the Baldwin County Commission on the 17th day of August, 2021, and that the same is a true and correct copy of the same as the same was read and approved by the Baldwin County Commission on the 17th day of August, 2021.

Given under my hand and seal this 17th day of August, 2021.

Resolution #2021-004

AGREEMENT BETWEEN THE BALDWIN COUNTY COMMISSION, THE CITY OF ORANGE BEACH AND THE PLANNING COMMISSION OF THE CITY OF ORANGE BEACH CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS WITHIN THE PLANNING JURISDICTION OF THE MUNICIPAL PLANNING COMMISSION

THE BALDWIN COUNTY COMMISSION, the governing body of Baldwin County, Alabama (hereinafter referred to as the "COMMISSION"), the CITY OF ORANGE BEACH, an Alabama municipal corporation (hereinafter referred to as the "MUNICIPALITY"), and the PLANNING COMMISSION OF THE CITY OF ORANGE BEACH (hereinafter referred to as the "MUNICIPAL PLANNING COMMISSION"), hereby enter into an agreement, the terms and conditions of which shall govern the regulation of subdivisions outside the MUNICIPALITY's corporate limits but within the MUNICIPAL PLANNING COMMISSION's planning jurisdiction for a period of time until July 25, 2023.

1. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the planning jurisdiction of the MUNICIPALITY shall include all land located in the corporate limits of the MUNICIPALITY.
2. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the COMMISSION shall be responsible for all regulation of subdivision planning outside the corporate limits of the MUNICIPALITY.
3. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the boundaries for the land subject to the provisions of this Agreement may automatically change from time to time as permitted by state law, and such changes shall not affect the validity or enforceability of this Agreement, except as expressly limited herein.
4. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that if any portion of a proposed subdivision is located within the MUNICIPAL PLANNING COMMISSION'S planning jurisdiction and outside the corporate limits of the MUNICIPALITY, the subdivision regulations of the MUNICIPALITY shall apply.
5. Except as provided in paragraph 3 regarding the automatic adjustment of planning jurisdiction boundaries as permitted by state law, it is expressly understood that this Agreement can be modified or amended only by mutual action of the COMMISSION, the MUNICIPALITY, and the MUNICIPAL PLANNING COMMISSION, whenever such modification is needed.
6. If any part, section, or subdivision of this Agreement shall be held to be illegal, invalid, or unenforceable for any reason, such holding shall not be held or construed to invalidate or impair the remaining provisions of this Agreement which shall continue in full force.
7. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that any previous Agreement entered into between the COMMISSION, MUNICIPALITY, and/or MUNICIPAL PLANNING COMMISSION regarding the regulation of subdivisions outside the MUNICIPALITY'S corporate limits but with the MUNICIPAL PLANNING COMMISSION'S planning jurisdiction, is hereby terminated and replaced by this Agreement.
8. This Agreement shall become effective on the later of the following two dates: (1) July 26, 2021, or (2) the date upon which the last of the following have been completed: a resolution adopted by the COMMISSION approving this Agreement, an ordinance adopted by the MUNICIPALITY approving this Agreement, and a resolution adopted by the MUNICIPAL PLANNING COMMISSION approving this Agreement.
9. This Agreement shall be published once a week for two consecutive weeks in a newspaper of general circulation in both the County and 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.

STATE OF ALABAMA
COUNTY OF BALDWIN

I, *Timothy Burt*, a Notary Public in and for said County to said State, do hereby certify that the foregoing is a true and correct copy of the Resolution of the Baldwin County Commission, the governing body of Baldwin County, Alabama, as a matter of public interest of the State of Alabama, do signed and adopted by the Baldwin County Commission on the 17th day of August, 2021, and that the same is a true and correct copy of the same as the same was read and approved by the Baldwin County Commission on the 17th day of August, 2021.

Given under my hand and seal this 17th day of August, 2021.

STATE OF ALABAMA
COUNTY OF BALDWIN

I, *Timothy Burt*, a Notary Public in and for said County to said State, do hereby certify that the foregoing is a true and correct copy of the Resolution of the Baldwin County Commission, the governing body of Baldwin County, Alabama, as a matter of public interest of the State of Alabama, do signed and adopted by the Baldwin County Commission on the 17th day of August, 2021, and that the same is a true and correct copy of the same as the same was read and approved by the Baldwin County Commission on the 17th day of August, 2021.

Given under my hand and seal this 17th day of August, 2021.





THE COURIER • THE ONLOOKER • THE ISLANDER • THE BALDWIN TIMES

Printer Affidavit:

This is to certify the attached advertisement

Appeared in The Courier, The Islander & The Onlooker Issue of Gulf Coast Media.

Publication Date(s):

December 1, 2021

Account # 987101 PO # _____

Cost \$ 992.25 Ad # 282236

Bethany Summerlin

Bethany Summerlin

Sales Representative

Bill To:

BC Planning

Res # 21-178

Mail payments to:

Gulf Coast Media PO Box 1677- Sumter, SC 29151

Sworn to and subscribe before me

This 1st day of December, 20 21

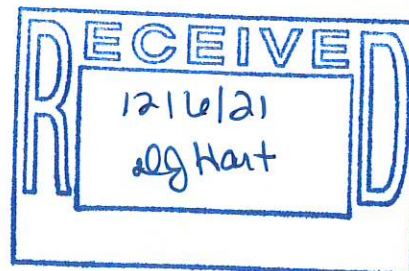
Amber Kimbler

Amber Kimbler

Notary Public for Alabama



AMBER KIMBLER
My Commission Expires
April 10, 2022



A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE BALDWIN COUNTY COMMISSION, THE CITY OF ORANGE BEACH, AND THE PLANNING COMMISSION OF THE CITY OF ORANGE BEACH CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS WITHIN THE PLANNING JURISDICTION OF THE MUNICIPAL PLANNING COMMISSION

FINDINGS:

1. Act 2021-297 regulating municipal police and planning jurisdictions was signed into law by Governor Kay Ivey on April 27, 2021, and taking effect 90 days following its passage and approval by the Governor.
2. In response, Baldwin County Commission has proposed an agreement concerning the exercise of subdivision regulations within the planning jurisdiction of the municipal planning commission.
3. After having reviewed said agreement (attached Exhibit A), the City Council has determined that the provisions are in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Mayor is hereby authorized to execute an agreement in substantially the form and of substantially the content now before the Council between the City of Orange Beach, the Planning Commission of the City of Orange Beach, and the Baldwin County Commission, as an act for and on behalf of the City of Orange Beach subject to final approval by the City Attorney; and
2. That this Resolution shall become effective immediately upon its adoption. ADOPTED THIS 17th DAY OF AUGUST, 2021.

ADOPTED THIS 17th DAY OF AUGUST, 2021

CERTIFICATE

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21-178, which was duly and legally adopted at a regular meeting of the City Council on August 17, 2021.

City Clerk

ATTEST:
Wayne Dwyer
County Administrator

ATTEST:
[Signature]
[Signature]
[Signature]

COMMISSION:
BALDWIN COUNTY COMMISSION

MUNICIPALITY:
ORANGE BEACH, ALABAMA

PLANNING COMMISSION OF THE CITY OF ORANGE BEACH, ALABAMA

STATE OF ALABAMA
COUNTY OF BALDWIN

I, [Signature], a Notary Public in and for said County in said State, do hereby certify that the foregoing is a true and correct copy of the Resolution of the Baldwin County Commission, the governing body of Baldwin County, Alabama, a political subdivision of the State of Alabama, as signed by the Commission and who are known to me, acknowledged before me on this day last, being informed of the contents of said instrument, that, as such officers and with full authority, executed the same voluntarily for and as the act of said commission on the day the same were signed.

Given under my hand and seal this 17th day of August, 2021.

STATE OF ALABAMA
COUNTY OF BALDWIN

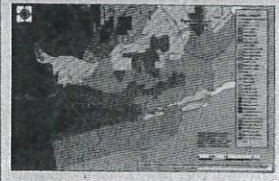
I, [Signature], a Notary Public in and for said County in said State, do hereby certify that the foregoing is a true and correct copy of the Resolution of the Orange Beach, Alabama, and Baldwin County Commission, the governing body of Orange Beach, Alabama, as signed by the Commission and who are known to me, acknowledged before me on this day last, being informed of the contents of said instrument, that, as such officers and with full authority, executed the same voluntarily for and as the act of said municipality on the day the same were signed.

Given under my hand and seal this 17th day of August, 2021.

STATE OF ALABAMA
COUNTY OF BALDWIN

I, [Signature], a Notary Public in and for said County in said State, do hereby certify that the foregoing is a true and correct copy of the Resolution of the Planning Commission of the City of Orange Beach, Alabama, as signed by the Commission and who are known to me, acknowledged before me on this day last, being informed of the contents of said instrument, that, as such officers and with full authority, executed the same voluntarily for and as the act of said Planning Commission on the day the same were signed.

Given under my hand and seal this 17th day of August, 2021.



**Resolution #2021-004
AGREEMENT BETWEEN
THE BALDWIN COUNTY COMMISSION,
THE CITY OF ORANGE BEACH
AND THE PLANNING COMMISSION OF THE CITY OF ORANGE BEACH
CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS
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9. This Agreement shall be published once a week for two consecutive weeks in a newspaper of general circulation in both the County and 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.