

TOWN OF MAGNOLIA SPRINGS

Resolution 2007-18 Resolution ratifying and confirming Agreement with Baldwin County to establish the Town's Planning Jurisdiction

WHEREAS, the Town Council of Magnolia Springs, Alabama did, on March 12, 2007, authorize Mayor Charles S. Houser to enter into an agreement with the Baldwin County Commission concerning the exercise of jurisdictional authority over proposed subdivisions situated in the municipality's planning jurisdiction, and

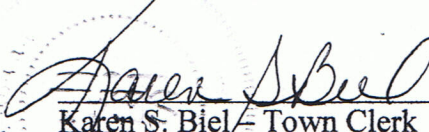
WHEREAS, an Agreement has been entered into between the Town of Magnolia Springs, Alabama and the Baldwin County Commission concerning the exercise of planning jurisdiction and

WHEREAS, a true and correct copy of the Agreement is attached to this Resolution and marked as "Exhibit A,"

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Magnolia Springs, Alabama that the Agreement attached to this Resolution and marked as "Exhibit A" is hereby approved and ratified.

Adopted this the 17th day of April, 2007

ATTEST:



Karen S. Biel - Town Clerk



Charles S. Houser - Mayor

"Exhibit A"

AGREEMENT BETWEEN
THE BALDWIN COUNTY COMMISSION
AND THE
TOWN OF MAGNOLIA SPRINGS CONCERNING THE EXERCISE OF
PLANNING JURISDICTION

Whereas, the BALDWIN COUNTY COMMISSION, hereinafter referred to as "the COMMISSION" and the TOWN OF MAGNOLIA SPRINGS, hereinafter referred to as "the MUNICIPALITY" desire to enter into an agreement concerning the areas of their respective planning jurisdictions, with the COMMISSION having the responsibility for the review of subdivisions in the unincorporated areas of the county lying outside the MUNICIPALITY's planning jurisdiction as more particularly defined herein, and not lying inside the 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 said planning jurisdiction; and

WHEREAS, Ala. Code 11-52-30 provides, *inter alia*, that the territorial jurisdiction of any municipal planning commission over the subdivision of land shall include all land located in the municipality and all land lying within five miles of the municipality and not located in any other municipality; and

WHEREAS, Alabama law authorizes the COMMISSION to regulate subdivisions in unincorporated areas of the County, including Ala. Code 11-24-1 et seq which provides for the COMMISSION'S authority over subdivisions inside extraterritorial planning jurisdictions of municipalities which did not have an organized and functioning planning commission on or before July 30, 1979; and

WHEREAS, Ala. Code 11-24-6 authorizes counties and municipalities to enter into agreements concerning the exercise of jurisdictional authority over proposed subdivisions situated in a municipality's planning jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, 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, as the same exist on the date of the Agreement, and all land lying beyond its corporate limits and not lying inside the planning jurisdiction of any other municipality, all as depicted on Exhibit A. Said planning jurisdiction may be expanded by the MUNICIPALITY by adoption of a resolution extending the territorial jurisdiction and submission of such resolution to the COMMISSION, which shall concur

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

IN WITNESS WHEREOF, the MUNICIPALITY, by signature of the Mayor and resolution of the MUNICIPALITY and the COMMISSION by duly adopted resolution.

Adopted, this the 8th day of March, 2007.

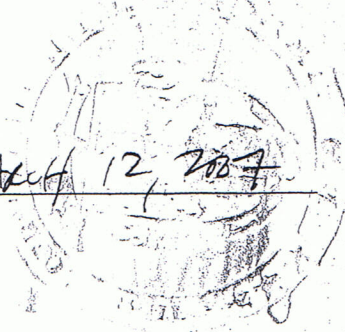
FOR: THE BALDWIN COUNTY COMMISSION

BY [Signature]
Chairman

March 12, 2007
DATE

BY [Signature]
Attest

SEAL



FOR: THE TOWN OF MAGNOLIA SPRINGS

BY [Signature]
Mayor

March 12, 2007
DATE

BY [Signature]
Attest

SEAL

