

RESOLUTION NO. 5123-12
AUTHORIZING THE MAYOR TO ENTER INTO AN EXTRATERRITORIAL
SUBDIVISION JURISDICTION AGREEMENT

WHEREAS, the Planning Commission has exercised extraterritorial jurisdiction over the regulation and enforcement of subdivisions in certain areas outside the City's corporate limits (hereinafter abbreviated as "ETJ"), in addition to exercising similar jurisdiction for those subdivisions located inside the City's corporate limits, and

WHEREAS, the City has annexed property that extends beyond the boundaries of the Planning Commission's ETJ, and

WHEREAS, the Alabama Legislature amended State law under enabling Act 2012-297 that allows and encourages counties, cities, and planning commissions to come to an agreement on the planning commission's ETJ, and

WHEREAS, Baldwin County, the Foley Planning Commission and the City of Foley desire to enter into an ETJ agreement that amends the City of Foley's Planning Commission's ETJ.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Foley, Alabama, as follows:

SECTION 1: Authorizes the Mayor to enter into an ETJ Agreement as attached and made a permanent part of this resolution.

SECTION 2: This Resolution shall become effective immediately upon its adoption as required by law.

PASSED, ADOPTED AND APPROVED THIS 17th day of September, 2012.



ATTEST:


Victoria Southern, CMC
City Clerk



John E. Koniari, Mayor

5123-12 #17

AGENDA REQUEST FORM

DATE OF WORK SESSION: 9/17/12

DATE OF COUNCIL MEETING: 9/17/12

DEPARTMENT AND PERSON SUBMITTING ITEM: CDD – Miriam Boutwell

DESCRIPTION OF TOPIC: (who, what, when, where, why, and how much)

State law was recently amended by legislative Act 2012-297 which changed certain aspects of the extra-territorial jurisdiction for subdivision planning. The City had annexed outside of its current ETJ so we are proposing expanding the boundary to a more logical area that includes our current limits. A new agreement is required which will be signed by a City representative, a Planning Commission representative and a County Commission representative.

DESCRIPTION FOR PUBLISHED AGENDA:

Discuss an extra-territorial Jurisdiction agreement for subdivision planning.

IS DOCUMENTATION ATTACHED (See attached list): Yes No

If item was previously approved under a Resolution or Ordinance have you included the number in the documentation? Yes No N/A

Is a copy of the Resolution/Ordinance attached? Yes No N/A

SOURCE OF FUNDING:

Please provide the amount requested: _____

Is this a budgeted item? Yes No

Please provide the budgeted amount: \$ _____ Account No. _____

If budgeted, is this a capital purchase, capital project, or special fund? _____

Was this item included in the Fiscal Year Capital Projects Plan? Yes No

If yes, please provide the amount included in Capital Projects Plan: \$ _____

=====Do Not Write Below This Line=====

Verified by the Finance Department:

Reviewed by: _____ Date: _____

Clerk's Office: Received by: _____ Date: _____ Time: _____

COUNTY OF BALDWIN
STATE OF ALABAMA

AGREEMENT

(regarding Foley Planning Commission's Extraterritorial Subdivision Jurisdiction)

THIS AGREEMENT is entered into by Baldwin County, Alabama, a political subdivision of the State of Alabama (hereinafter, "the County"), the City of Foley, an Alabama municipal corporation (hereinafter, "the City"), and the Planning Commission of the City of Foley (hereinafter, "the Planning Commission") effective as of the date the last party signs below.

WHEREAS, the Planning Commission has exercised extraterritorial jurisdiction over the regulation and enforcement of subdivisions in certain areas outside the corporate limits of the City (hereinafter abbreviated as "ETJ"), in addition to exercising similar jurisdiction for those subdivisions located inside the corporate limits of the City, for some time; and

WHEREAS, the City has annexed property which extends beyond the boundaries of the Planning Commission's ETJ; and

WHEREAS, state law was recently amended by Act 2012-297 of the Alabama Legislature which changes certain aspects of a municipal planning commission's ETJ; and

WHEREAS, state law allows and encourages counties, cities, and planning commissions to come to an agreement on a planning commission's ETJ; and

WHEREAS, the City, the County and the Planning Commission have reached such an agreement, and they desire to hereby reduce their agreement to writing and to amend the Planning Commission's ETJ going forward.

NOW, THEREFORE, in consideration of ten dollars, the mutual rights, obligations, and benefits bestowed on each party, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

Section 1. That the Planning Commission shall exercise sole jurisdiction over the regulation and enforcement of the development of subdivisions in the area shown on the map attached hereto as Exhibit "A" which is described on Exhibit "B" in addition to exercising similar jurisdiction for those areas that are now or are in the future located within the corporate limits of the City.

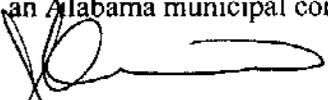
Section 2. That this Agreement shall be binding on the parties hereto, and a copy may be recorded in the Real Property Records of Baldwin County Probate Judge.

Section 3. Each individual, by signing below, represents and confirms that they have been authorized to execute this Agreement by a duly adopted resolution by the party they are signing on behalf of.

Section 4. Any and all prior or contrary agreements between these parties on the issue of the Planning Commission's ETJ is hereby terminated and replaced by this Agreement.

IN WITNESS WHEREOF, the parties have set their hands and seals on the dates indicated below with the full intent and authority to bind the parties hereto.

City of Foley
an Alabama municipal corporation



By: John E. Korian
Its: Mayor
Date: 2/12/2012

Baldwin County, Alabama
a political subdivision of the State of Alabama

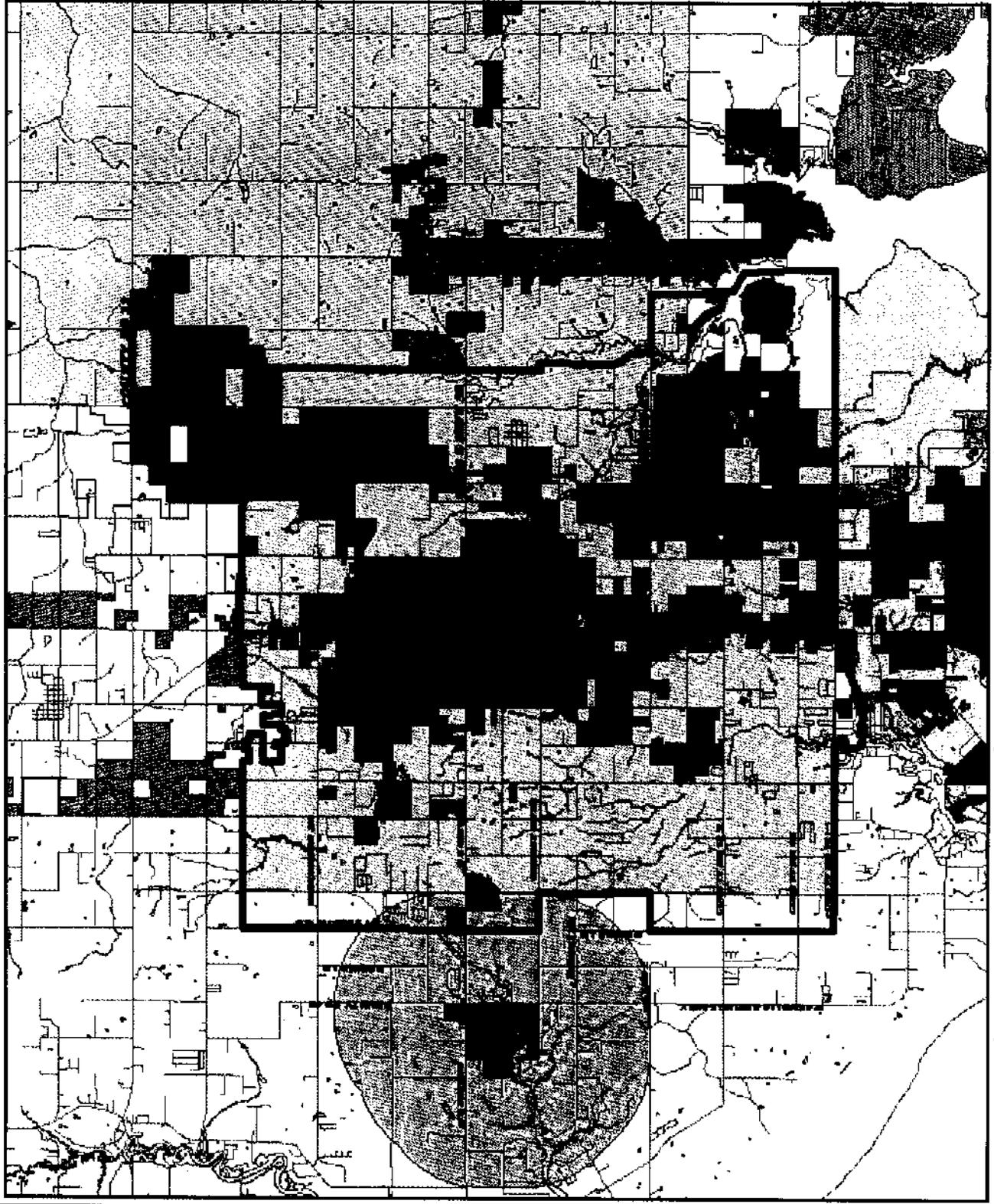
By: _____
Its: _____
Date: _____

City of Foley Planning Commission

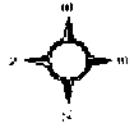
By: _____
Its: _____
Date: _____

Attachments: Exhibit "A" – Map of Foley Planning Commission's new ETJ
Exhibit "B" – Legal Description of Foley Planning Commission's new ETJ

Foley's Proposed ETJ Area



- Proposed ETJ Planning Boundary**
- Municipalities
 - Bay Minette
 - Bayshore
 - Elberta
 - Fairhope
 - Foley
 - Gulf Shores
 - Loxley
 - Magnolia Springs
 - Orange Beach
 - Perdido Beach
 - Robertsdale
 - Silverhill
 - Spanish Fort
 - Sumnerdale
 - ETJ Planning Boundary**
 - Bay Minette
 - Bayshore
 - Elberta
 - Fairhope
 - Foley
 - Gulf Shores
 - Loxley
 - Magnolia Springs
 - Orange Beach
 - Robertsdale
 - Silverhill
 - Spanish Fort
 - Sumnerdale



**Standard
Disclaimers
Apply
m/kmb
9.14.12**



Agenda's for September 17 2012

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**Donna Poole** All. Attached are the agendas for Tuesday, September 17, 2012 Wo
Sep 14 (3 days a

5 older messages

**Donna Poole** Thank you and I do have it on for tonight as an add on. Again, I sorr
9:03 AM (32 minutes a**Miriam Boutwell**

9:24 AM (11 minutes ago)

to me

*Exhibit B may not be completed today. I'll provide as soon as Butch checks Karen's legal**Miriam Boutwell, AICP**Community Development Director**City of Foley**200 North Alston Street**Foley, AL 36535**251-952-1011 (Phone)**251-971-3442 (Fax)**mboutwell@cityoffoley.org*

From: Donna Poole [<mailto:dpoole@cityoffoley.org>]**Sent:** Monday, September 17, 2012 8:54 AM**To:** Miriam Boutwell**Subject:** Re: Agenda's for September 17 2012Click here to [Reply](#) or [Forward](#)