

**RESOLUTION NO. 2023-2-6c**

**A JOINT RESOLUTION OF THE MORGAN COUNTY BOARD OF COMMISSIONERS  
AND MORGAN COUNTY COUNCIL TERMINATING AN INTERLOCAL  
AGREEMENT BETWEEN MORGAN COUNTY AND THE TOWN OF  
MOORESVILLE, INDIANA**

**WHEREAS**, the Board of Commissioners (“Commissioners”) of Morgan County, Indiana, (“County”) is the executive and legislative body of the County and the Morgan County Council (“Council”) is the fiscal body of the County; and

**WHEREAS**, the Commissioners with approval from the Council are granted the authority under Indiana Code 36-1-7 to enter into interlocal agreements with other political subdivisions; and

**WHEREAS**, pursuant to a zoning ordinance adopted by the Commissioners on October 15, 2001, the Commissioners and Council entered into an interlocal agreement (“Agreement”) on December 17, 2001 with the Town of Mooresville, Indiana (“Town”), as shown in **Exhibit A**, to allow the Town to exercise jurisdiction over planning and zoning, including the issuance of building permits and inspections, within the area two miles outside of the Town’s municipal boundaries (the “Buffer Zone Area”); and

**WHEREAS**, Section 2 of the Agreement states that the Agreement shall renew automatically unless Morgan County or Mooresville takes the necessary steps to modify, terminate, or otherwise alter the Agreement; and

**WHEREAS**, Indiana Code 36-7-4-205 provides that at its discretion, the county legislative body may terminate a municipal Buffer Zone Area via passage of an ordinance; and

**WHEREAS**, on February 6, 2023, the Commissioners adopted Ordinance No. 2023-4 (“Ordinance”), effective February 7, 2023, to terminate the Town’s jurisdiction of planning and zoning in the Buffer Zone Area; and

**WHEREAS**, the Commissioners and Council, desire at this time to terminate the Agreement with the Town.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS  
OF MORGAN COUNTY AND THE MORGAN COUNTY COUNCIL:**

**SECTION I**

The Agreement, as shown in **Exhibit A**, between Morgan County and the Town allowing the Town to exercise jurisdiction over planning and zoning in the Buffer Zone Area is hereby terminated effective February 7, 2023, at which time the County will assume planning and zoning jurisdiction over the Buffer Zone Area.

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Jana K Gray  
Morgan County Recorder IN  
Recorded as Presented  


**SECTION II**

The Town's plan commission is hereby advised of the need to file a revised description or map defining the revised limits of its planning and zoning jurisdiction with the Morgan County Recorder pursuant to Indiana Code 36-7-4-205(f).

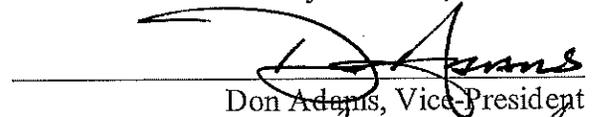
**SECTION III**

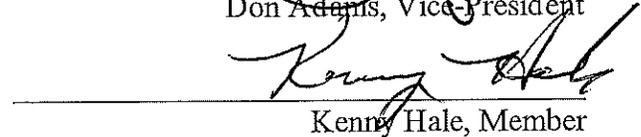
Prior to taking effect on February 7, 2023, this resolution shall be filed with the Morgan County Recorder. Not later than sixty (60) days after taking effect, this resolution shall be filed with the Indiana State Board of Accounts pursuant to Indiana Code 36-1-7-6. The executive of the Town shall promptly be sent a copy of this resolution after its passage.

ADOPTED THIS 6<sup>th</sup> DAY OF FEBRUARY, 2023.

BOARD OF COMMISSIONERS OF  
MORGAN COUNTY, INDIANA

  
Bryan Collier, President

  
Don Adams, Vice-President

  
Kenny Hale, Member

ATTEST:

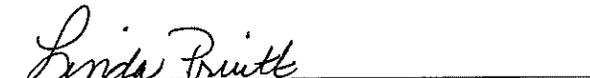
  
Linda Pruitt, Morgan County Auditor

EXHIBIT A

20202405

(3)

INTERLOCAL AGREEMENT BETWEEN  
COUNTY OF MORGAN AND TOWN OF MOORESVILLE, INDIANA

WHEREFORE, the Town of Mooresville, Indiana (hereinafter "Mooresville") has been exercising certain jurisdiction over planning and zoning within its established boundaries and buffer zones since their creation;

AND WHEREFORE, Mooresville wishes to continue to exert such control over the issuance of building permits and inspections within those areas,

AND WHEREFORE, the County of Morgan, Indiana (hereinafter "Morgan County") does not wish to control the issuance of building permits and inspections within Mooresville's buffer zones.

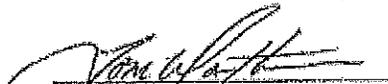
NOW THEREFORE, to the extent that this agreement does not conflict with other local, State, or Federal laws, pursuant to I.C. 36-1-7-1, *et seq.*, it is hereby agreed between Morgan County and Mooresville, the following:

1. Mooresville shall have exclusive jurisdiction over its planning and zoning within its buffer zones and, specifically, the right to determine whether building permits should or should not issue within its buffer zones, the right to inspect any buildings for compliance within such buffer zones, and the right to charge, collect, and use fees for such permits and/or inspections.
2. This agreement shall remain in force for a period of five (5) years, after which it shall renew automatically unless Morgan County or Mooresville takes the necessary steps to modify, terminate, or otherwise alter the agreement.
3. The Clerk/Treasurer of Mooresville shall have the duty of receiving, disbursing and accounting for all moneys obtained, pursuant to I.C. 36-1-7-4, so that approval of the Attorney General for this agreement is not required.
4. This agreement shall be administered through a joint board consisting of a representative of the Morgan County Board of Commissioners, and a representative of the Town of Mooresville, pursuant to I.C. 36-1-7-3 (a)(5)(B).

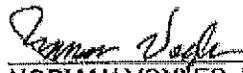
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5. Before this agreement takes effect, it shall be recorded with the Morgan County Recorder. This agreement shall be effective upon the date of adoption by both parties and shall be filed with the State Board of Accounts pursuant to I.C. 36-1-7-6 within sixty days thereafter.

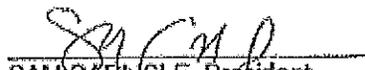
Passed and Approved this 4 day of December <sup>2001</sup>, by the  
Mooresville Town Council.

  
TO WARTHEN, President  
Mooresville Town Council  
(Mooresville Fiscal Body)

Passed and Approved this 17 day of December, 2001, by the  
Board of Commissioners of Morgan County.

  
NORMAN VOYLES, President  
Morgan County Board of Commissioners

Passed and Approved this 17 day of December, 2001, by the  
Morgan County Council.

  
SAM CARLISLE, President  
Morgan County Council  
(Morgan County Fiscal Body)

This agreement prepared by:

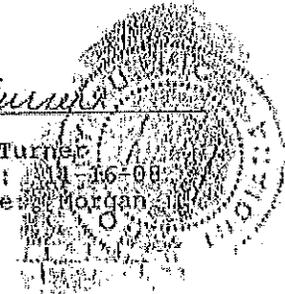
Peter R. Foley, Morgan County Attorney, Foley, Foley & Peden, P. O. Box 1435  
Martinsville, IN 46151

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Before me the undersigned, a Notary Public for the County of Morgan, State of Indiana, personally appeared Tom Warthen, President of the Mooresville Town Council, and acknowledged the execution of the foregoing Interlocal Agreement Between the County of Morgan and the Town of Mooresville, Indiana this 4th day of December, 2001.

*Marla Dawn Turner*  
Notary Public  
Printed: Marla Dawn Turner  
My Commission Expires: 11-16-08  
My County of Residence: Morgan



Before me the undersigned, a Notary Public in and for the County of Morgan, State of Indiana, personally appeared Norman Voyles, President of the Morgan County Board of Commissioners and Sam Carlisle, President of the Morgan County Council, and acknowledged the execution of the foregoing Interlocal Agreement between the County of Morgan and the Town of Mooresville, Indiana, this 17th day of December, 2001.

*Peter R. Foley*  
Notary Public  
Printed: Peter R. Foley  
My Commission Expires: 12-01-09  
My County of Residence: Morgan



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RECORD

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*Kelcia K. ...*  
MORGAN CO RECORDER

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