

RESOLUTION NO. 2023-2-6d

**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
MORGANTOWN, 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 February 4, 2002 with the Town of Morgantown, 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 Morgantown 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

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Jana K Gray
Morgan County Recorder IN
Recorded as Presented




terminated effective February 7, 2023, at which time the County will assume planning and zoning jurisdiction over the Buffer Zone Area.

SECTION II

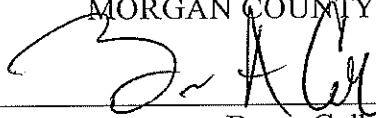
The Town's plan commission is hereby advised of the need to file a revised description or map defining the revised limits of its planning and zoning jurisdiction with the Morgan County Recorder pursuant to Indiana Code 36-7-4-205(f).

SECTION III

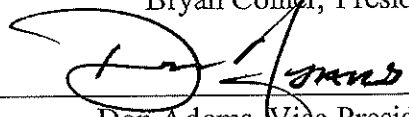
Prior to taking effect on February 7, 2023, this resolution shall be filed with the Morgan County Recorder. Not later than sixty (60) days after taking effect, this resolution shall be filed with the Indiana State Board of Accounts pursuant to Indiana Code 36-1-7-6. The executive of the Town shall promptly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

ADOPTED THIS 6th DAY OF FEBRUARY, 2023.

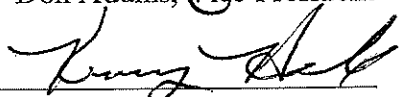
BOARD OF COMMISSIONERS OF
MORGAN COUNTY, INDIANA



Bryan Collier, President

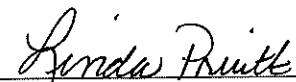


Don Adams, Vice-President



Kenny Hale, Member


ATTEST:



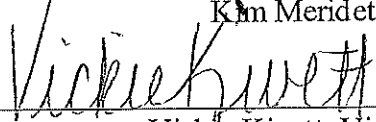
Linda Pruitt, Morgan County Auditor

ADOPTED THIS 6th DAY OF FEBRUARY, 2023.

COUNTY COUNCIL
MORGAN COUNTY, INDIANA



Kim Merideth, President



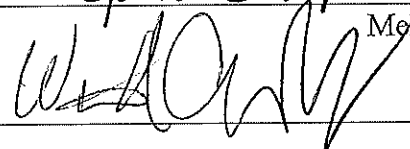
Vickie Kivett, Vice-President



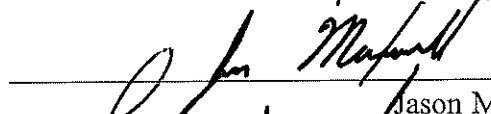
Brian Culp



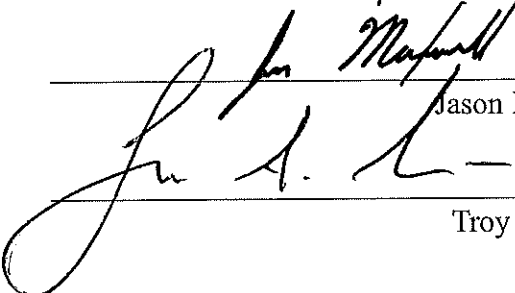
Melissa Greene



Chip Keller



Jason Maxwell



Troy Sprinkle

ATTEST:



Linda Pruitt, Morgan County Auditor

This instrument was prepared by Rhonda Cook, Cook Government Advisors, LLC, New Palestine, Indiana, 46163.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Rhonda Cook.

EXHIBIT A

Me.
20204803

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

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

AND WHEREFORE, Morgantown 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 Morgantown'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 Morgantown, the following:

1. Morgantown 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 Morgantown takes the necessary steps to modify, terminate, or otherwise alter the agreement.
3. The Clerk/Treasurer of Morgantown 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 Morgantown, pursuant to I.C. 36-1-7-3 (a)(5)(B).

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6. 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.

Dated: 3/5/02

Dated: 2-4-02

Edna Vaught
EDNA VAUGHT, President
Morgantown Town Council
(Morgantown Fiscal Body)

Norman Voyles
NORMAN VOYLES, President
Morgan County Commissioners

ATTEST:
[Signature]
Wendy L. Ford
Printed Name
Morgantown Clerk-Treasurer

ATTEST:
[Signature]
BRENDA ADAMS
Morgan County Auditor

RECEIVED
FOR RECORD
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[Signature]
MORGAN CO RECORDER

[Signature]
SAM CARDISLE, President
Morgan County Council
Morgan County Fiscal Body

ATTEST:
[Signature]
BRENDA ADAMS
Morgan County Auditor

This agreement prepared jointly by:
Phil Smith, 1589 Burton Lane, Martinsville, IN 46151
Peter R. Foley, Morgan County Attorney, Foley, Foley & Peden, P. O. Box 1435
Martinsville, IN 46151

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