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ORDINANCE NO. 2025-2

**AN ORDINANCE TO ADOPT/EXTEND ADDITIONAL TRAFFIC REGULATIONS
ON PRIVATE ROADS AS REQUESTED BY
FOXCLIFF ESTATES SOUTH HOMEOWNERS' ASSOCIATION, INC.**

WHEREAS, Indiana Code § 9-21-1-2 permits Morgan County ("County") by its Board of Commissioners ("Commissioners") to adopt, by Ordinance, additional traffic regulations with respect to private roads within the County's jurisdiction; and,

WHEREAS, on multiple prior occasions, the Commissioners have adopted ordinances in accordance with the above-referenced authority and at the request of the Foxcliff Estates South Homeowners' Association, Inc. ("FESHA"), a privately-owned subdivision located entirely within the County; and,

WHEREAS, the existing contractual relationship between the County and FESHA for the enforcement of traffic regulation on FESHA's property has expired; and,

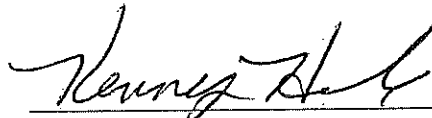
WHEREAS, in order to protect the health and welfare of County residents and in the reasonable exercise of its police powers, the Commissioners deem it appropriate to adopt an Ordinance providing for the continued enforcement of traffic regulations with respect to the private roadways located within and owned by FESHA, all of which is located within Washington Township, Morgan County, Indiana.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Morgan County, Indiana, that:

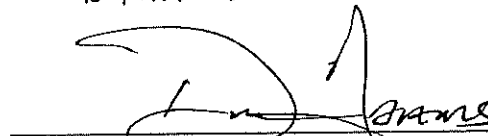
1. Attached hereto and labeled as Exhibit 1 is a list of certain additional traffic regulations that shall be enforced on privately-owned property with the Foxcliff Estates South community and owned by FESHA.
2. Morgan County, by its Board of Commissioners, and FESHA are hereby required to enter a Contractual Agreement setting forth the terms and responsibilities of the additional regulations.
3. The Contractual Agreement required above shall be recorded in the Office of the Recorder of Morgan County and is attached hereto as Exhibit 2.
4. The provisions of this Ordinance and the Contractual Agreement by and between Morgan County and FESHA may not conflict with or duplicate state law.
5. Any person violating this Ordinance may be fined an amount up to, and including, \$500.00. Any fines collected by a Court of law of paid by a person found to be in violation of this Ordinance shall be paid to the Morgan County General Fund.

6. Any violation of this Ordinance may be prosecuted in the name of Morgan County, Indiana before any Superior or Circuit Court of Morgan County, Indiana, by the Morgan County Attorney or Morgan County Prosecutor, per Indiana Code § 34-28-5-1.
7. This Ordinance shall be effective upon adoption and the traffic regulations set forth herein shall be effective upon the posting of the appropriate signage. Any modifications, changes, or amendments to the traffic regulations set forth on Exhibit A shall only be made by Ordinance and act of the Board of Commissioners.
8. Unless amended and extended by act of the Commissioners, this Ordinance shall be effective only through December 31, 2028 and shall terminate, become void, and be unenforceable thereafter.


DULY ADOPTED by the Board of Commissioners of Morgan County at a public meeting held on this, the 17th day of March, 2025.



KENNY HALE, President


BRYAN COLLIER, Commissioner
AKA Bryan A Collier
DON ADAMS, Commissioner

ATTEST:


LINDA PRUITT, AUDITOR OF
MORGAN COUNTY, INDIANA

CONTRACTUAL AGREEMENT

This Contract (hereinafter referred to as "Contract") is made and entered into this 17th day of March, 2025, by and between Foxcliff Estates South Homeowners Association, Inc. (hereinafter referred to as "FESHA") and the Morgan County Commissioners (hereinafter referred to as "Morgan County").

1. STATUTORY AUTHORITY. This Agreement between FESHA and Morgan County is pursuant to I.C. 9-21-1-2 and I.C. 9-21-1-3.

2. TERMS AND CONDITIONS. Morgan County agrees to adopt, by Ordinance, certain additional traffic regulations as they relate to the private roads in the Foxcliff Estates South subdivision. Said traffic regulations are attached hereto and marked as Exhibit "A".

Following the adoption of these additional traffic regulations, the Morgan County Sheriff's Department shall have the right and authority to enforce all traffic regulations and violations on the roads owned by FESHA. FESHA further authorizes the Morgan County Prosecutor and/or the Morgan County Attorney to prosecute any violations of the Ordinance.

3. TERM OF THE CONTRACT. This contract shall expire on December 31, 2028 unless renewed in writing.

4. INDEMNITY CLAUSE. FESHA agrees that Morgan County is not responsible for the design conditions of the roadways in Foxcliff Estates South subdivision. FESHA agrees to indemnify and hold harmless Morgan County with respect to any liability that may result from the above and from the posting of signage and the replacement of any road signage. FESHA is solely responsible for posting, maintaining, and replacing all signage.

This clause does not include any liability or lawsuits that result from the actions of Law Enforcement Officers or other County Officials carrying out the terms and conditions of this Contract.

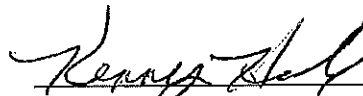
IN WITNESS WHEREOF, Morgan County and FESHA have signed and delivered this Agreement on the 17th day of March, 2025.

Signed by:



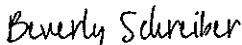
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Charles P. Molzon, President, FESHA



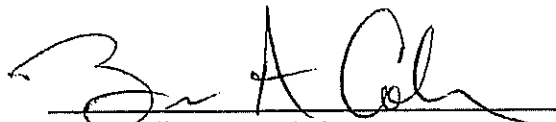
Kenny Hale, Commissioner

Signed by:



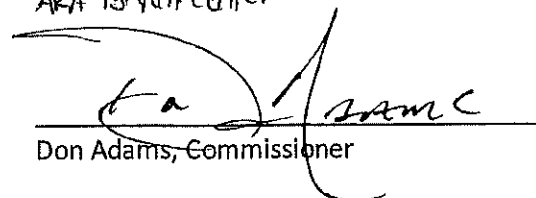
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Beverly Schreiber, Secretary, FESHA



Bryan Collier, Commissioner

AKA Bryan Collier



Don Adams, Commissioner

EXHIBIT "A"

**Foxcliff Estates South Traffic Regulations
March 2025**

No.	Type	Road	Location
1	Stop	NB North Country Club Road	Mapleturn Road
2	Stop	NB Foxcliff Drive South	Mapleturn Road
3	Stop	WB Fox Drive	North Country Club Road
4	Stop	EB Fox Drive	West Foxcliff Drive South
5	Stop	WB West Foxcliff Drive South	North Country Club Road
6	Stop	EB Country Club Court	North Country Club Road
7	Stop	SB North Country Club Road	Country Club Court
8	Stop	NB North Country Club Road	Country Club Court
9	Yield	NB Fox Cross Drive	Country Club Court
10	Stop	SB Golf Course Drive	North Country Club Road
11	Stop	EB Fox Cross Drive	North Country Club Road
12	Stop	WB Fox Lake Drive	North Country Club Road
13	Stop	EB Fox Court	North Country Club Road
14	Stop	WB Fox Court East	North Country Club Road
15	Stop	WB Grey Fox Court	Fox Court East
16	Yield	NB Fox Court East	Red Fox Court
17	Stop	WB Golf Course Lane	Grey Fox Drive
18	Stop	SB Grey Fox Drive	Sunderland Drive
19	Yield	WB Sunderland Drive	Silver Fox Drive East / West
20	Yield	WB Norwich Place	Southampton Drive
21	Speed	All Roadways 25 MPH Speed Limit	Entire Foxcliff Estates South
22	Warning	Slow – Children, Curve, Stop Ahead	At selected areas as needed
23	No Outlet	WB Country Club Court	Fox Cross Drive
24	No Outlet	NB Golf Course Drive	North Country Club Road
25	No Outlet	EB Fox Lake Drive	North Country Club Road
26	No Outlet	WB Fox Court	North Country Club Road
27	No Outlet	North Country Club Road	Fox Court
28	No Outlet	Fox Court East	Grey Fox Court
29	No Outlet	EB West Foxcliff Drive South	Fox Drive
30	No Outlet	WB Sunderland Drive	Grey Fox Drive
31	No Outlet	SB Southampton Drive	Norwich Place
32	No Parking	North Country Club Road (both sides)	Mapleturn Road to Fox Drive

It shall be the policy that the Board of Directors of Foxcliff Estates South may set rules of the road whenever they designate or determine the location of, necessity for, or extent of:

- 1) Traffic control devices
- 2) Speed limit
- 3) No passing zones
- 4) Through roadways and stop intersections
- 5) No parking zones
- 6) Restrictions on the use of roadways for certain periods or for certain vehicles, the designation or determination shall be by order of the Board of Directors and shall, except for subsection (1), be evidenced by official signs or markings.

The Board shall follow the Indiana Manual on Uniform Control Devices for Roads within Foxcliff Estates South, a subdivision of Morgan County.