

ORDINANCE NO. 2021 - 20

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

WHEREAS, I. C. 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 expires on December, 31, 2021; and,

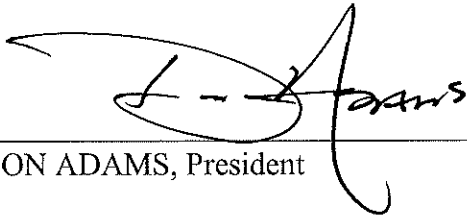
WHEREAS, in order to protect the health and welfare of County residents and in the reasonable exercise of its police powers, the Commissioners deem it appropriate to adopt an Ordinance providing for the enforcement of traffic regulations with respect to the private roadways located within and owned by 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 A 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 authorized to enter in 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 B.
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 I.C. 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 only be effective through December 31, 2024 and shall terminate, become void, and be unenforceable thereafter.

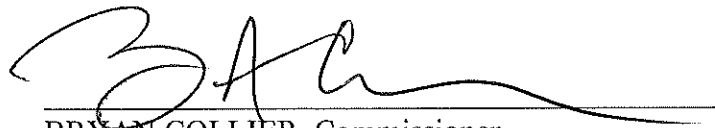
DULY ADOPTED by the Board of Commissioners of Morgan County at a public meeting held on this, the 29 day of December, 2021.



DON ADAMS, President

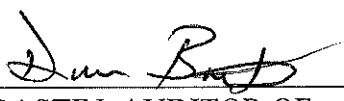


KENNY HALE, Commissioner



BRYAN COLLIER, Commissioner

ATTEST:



DAN BASTIN, AUDITOR OF
MORGAN COUNTY, INDIANA

Exhibit "A"**Foxcliff Estates South Traffic Regulations
October 2015**

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 Director's 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 Traffic Control Devices for Roads within Foxcliff Estates South, a subdivision of Morgan County.

CONTRACTUAL AGREEMENT FOR MORGAN COUNTY SHERIFF'S
DEPARTMENT TO ENFORCE TRAFFIC REGULATIONS AND VIOLATIONS
WITHIN FOXCLIFF ESTATES SOUTH HOMEOWNERS' ASSOCIATION, INC.

Comes now the Board of County Commissioners of Morgan County (hereinafter referred to as "Morgan County"), and Foxcliff Estates South Homeowners' Association, Inc. (hereinafter referred to as "FESHA") and enter into this Contractual Agreement for the Morgan County Sheriff's Department to enforce all traffic regulations and violations on the private roads within the FESHA, and in so doing respectfully show as follows:

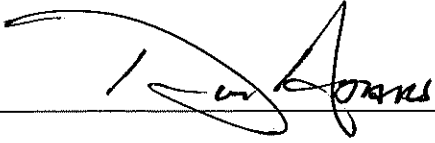
- 1 That the parties, most recently, entered into a Contractual Agreement dated August 31, 2018, for the Morgan County Sheriff's Department to enforce traffic regulations and violations on the roads owned by FESHA.
- 2 That contract expires on December 31, 2021.
- 3 The Morgan County Sheriff's Department has been enforcing traffic regulations and violations on the roads owned by FESHA, and agrees to continue do so based upon this Contractual Agreement.
- 4 This contract shall be effective beginning January 1, 2022, and continue until December 31, 2024, unless renewed in writing.
- 5 INDEMNITY CLAUSE: FESHA agrees that Morgan County is not responsible for the design conditions of the roadways in the Foxcliff Estates South Subdivision. FESHA agrees to Indemnify and hold harmless Morgan County with respect to any liability that may result from the above or 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.

- 6 The traffic regulations which Morgan County will enforce are contained in the previous Contractual Agreement as Exhibit A, and attached, unchanged, to this current Agreement as reference. In addition, the Morgan County Sheriff's Department may enforce any other Indiana State laws related to the operation, registration and licensing of motor vehicles.

IN WITNESS WHEREOF, Morgan County and FESHA have signed and delivered this Agreement on the _____ day of _____, 2021.

Michael Hinshaw, President, FESHA

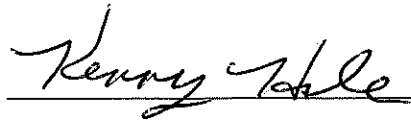
A handwritten signature in black ink, appearing to read "Don Adams", written over a horizontal line.

Don Adams, Commissioner

A handwritten signature in black ink, appearing to read "Bryan Collier", written over a horizontal line.

Bryan Collier, Commissioner

Michael Spencer, Secretary, FESHA

A handwritten signature in black ink, appearing to read "Kenny Hale", written over a horizontal line.

Kenny Hale, Commissioner