

21

5

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

**A JOINT RESOLUTION OF THE MORGAN COUNTY BOARD OF COMMISSIONERS  
AND MORGAN COUNTY COUNCIL TERMINATING AN INTERLOCAL  
AGREEMENT BETWEEN MORGAN COUNTY AND THE CITY OF MARTINSVILLE,  
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 City of Martinsville, Indiana ("City"), as shown in **Exhibit A**, to allow the City to exercise jurisdiction over planning and zoning, including the issuance of building permits and inspections, within the area two miles outside of the City'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 Martinsville 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

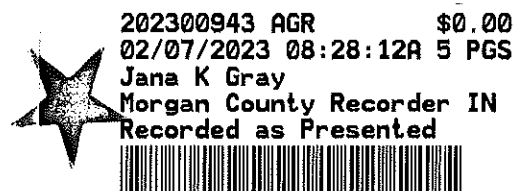
**WHEREAS**, on February 6, 2023, the Commissioners adopted Ordinance No. 2023-4 ("Ordinance"), effective February 7, 2023, to terminate the City's jurisdiction of planning and zoning in the Buffer Zone Area; and

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

**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 the County and the City allowing the City 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.



## SECTION II

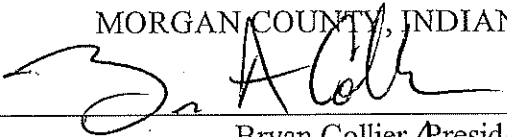
The City's plan commission is hereby advised of the need to file a revised description or map defining the revised limits of its planning and zoning jurisdiction with the Morgan County Recorder pursuant to Indiana Code 36-7-4-205(f).

## SECTION III

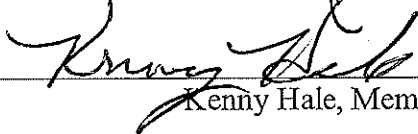
Prior to taking effect on February 7, 2023, this resolution shall be filed with the Morgan County Recorder. Not later than sixty (60) days after taking effect, this resolution shall be filed with the Indiana State Board of Accounts pursuant to Indiana Code 36-1-7-6. The executive of the City shall promptly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

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

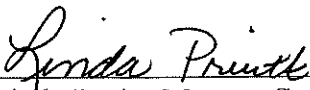
### BOARD OF COMMISSIONERS OF MORGAN COUNTY, INDIANA

  
Bryan Collier, President

  
Don Adams, Vice President

  
Kenny Hale, Member

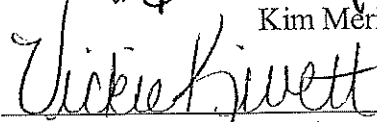
ATTEST:

  
Linda Pruitt, Morgan County Auditor

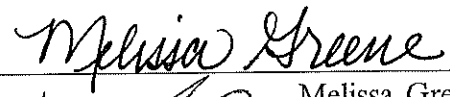
ADOPTED THIS 6<sup>th</sup> DAY OF FEBRUARY, 2023.

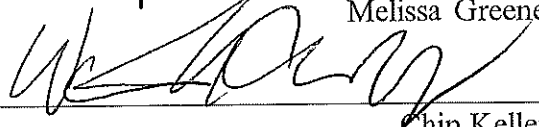
COUNTY COUNCIL  
MORGAN COUNTY, INDIANA

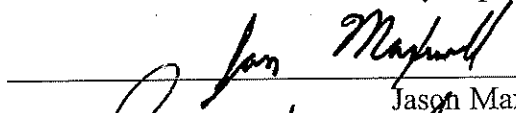
  
\_\_\_\_\_  
Kim Merideth, President

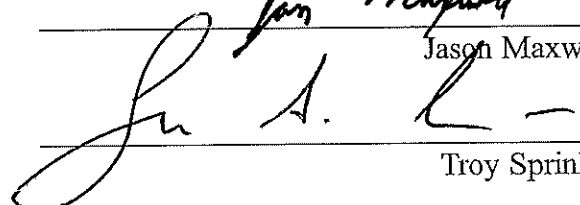
  
\_\_\_\_\_  
Vickie Kivett, Vice-President

  
\_\_\_\_\_  
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

11-80  
2-0001  
13-00

20201221

(2)

*Resolution #2002-123*

INTERLOCAL AGREEMENT BETWEEN  
COUNTY OF MORGAN AND CITY OF MARTINSVILLE, INDIANA

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

AND WHEREFORE, Martinsville 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 the City of Martinsville'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 Martinsville, the following:


1. Martinsville 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 Martinsville takes the necessary steps to modify, terminate, or otherwise alter the agreement.
3. The Clerk/Treasurer of Martinsville 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 City of Martinsville, pursuant to I.C. 36-1-7-3 (a)(6)(B).

/

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 7<sup>th</sup> day of January, 2002, by the  
Martinsville City Council.  
  
SHANNON BUSKIRK, Mayor  
City of Martinsville  
RECEIVED  
FOR RECORD  
02 JAN 17 PM 12:36  
Karen Brummett  
MORGAN CO RECORDER

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  
RECEIVED  
FOR RECORD  
02 JAN 15 PM 1:10  
Karen Brummett  
MORGAN CO RECORDER

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

2  
20201044

20201221