AGENDA

Wednesday, May 9, 2018

Meetings of Standing Committees
Council Conference Room
6:45 P.M.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of the Minutes of the Previous Regular Meeting**

   April 16, 2018

5. **Petitions, Communications, Remonstrance and Memorials**

   Petition No. 2018-12 Rezone from I-1 Industrial to R-1 Single Family 1111 Webster

   Petition No. 2018-13 Rezone from C-1 General Commercial to R-1 Single Family for two Existing Houses and Accessory Building 421 & 501 S. Capital

   Petition No. 2018-14 Rezone from C-1 General Commercial to C-4 Auto Oriented Commercial for Car Wash East of 906 W. Edison

6. **Report of Special Committee**
7. **Ordinances on First Reading**
8. **Resolutions**

   R2018-10 Fiscal Plan for Annexation Juday Creek Golf Course of 137.89 acres located 14770 Lindy Dr, Granger

9. **Ordinances on Second Reading**

   P.O NO. 2018-08 Rezone from C-1 to C-7 Auto Oriented Restaurant 4515 LWE (Assigned to Land Use Planning Committee)

   P.O. NO.2018-09 Sewage Works Revenue Bond (Assigned to Budget and Finance Committee)

10. **Privilege of the Floor – Non-Agenda Items**
11. **Unfinished Business**

    P.O NO. 2018-05 Annex and Zone - 137.89 acres - east of Fir Rd, south of Toll Rd, west of Grand Trunk S-2 PUD for golf course, golf maintenance, club house, banquet facility and municipal wellfield and water production facility(Assigned to Land Use Planning Committee) **VOTE ONLY**

    P.O. NO. 2018-07 PUD Amendment - for development of an apartment complex - south of Vistula, east of Bittersweet (Assigned to Land Use Planning Committee)

12. **New Business**
13. **Adjournment**

At this time I know of no other business to come before the Council.

Deborah S. Block, IAMC, MMC, City Clerk

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
April 16, 2018

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday April 16, 2018, at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance.

Roll Call.
Present: Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.
Absent: Mrs. Voelker, Mr. Compton.

Others present; Council Attorney, Mike Trippel.

The minutes from the April 09, 2018 meeting were approved as received from the City Clerk's Office.

Clerk Block read the following Petition to the council, who referred them to the City Plan Commission for their recommendations.

PETITION NO.18-11 Rezone from C-1 TO C7 Auto Oriented Restaurant 4515 LWE.

Clerk Block read a letter from the City Plan Commission regarding recommendations from their April 10, 2018 meeting.

PETITION NO.18-11 A petition submitted by RMH Franchise Corporation, owner, Mishawaka Retail LLC, contingent purchaser, requesting to rezone **4515 Lincolnway East** from C-1 General Commercial District to C-7 Automobile Oriented Restaurant Commercial District.

The Commission, with a vote of 9-0, recommended approval.

Clerk Block read the following reports to the council, no action was necessary;

Presentation of Encumbrances

Presentation of the Tax Increment Finance Report 2017

Clerk Block read the following ordinances by title and were set for public hearing at the next meeting.

PROPOSED ORDINANCE NO. 2018-08

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

(Rezone from C-1 to C-7 Auto Oriented Restaurant 4515 LWE)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-09

AN ORDINANCE CONCERNING THE CONSTRUCTION OF ADDITION AND IMPROVEMENTS TO THE SEW AGE WORKS OF THE CITY OF MISHAWAKA, THE ISSUANCE OF REVENUE BONDS TO PROVIDE THE COST THERFOR, THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SAID WORKS, THE SAFEGUARDING OF THE INTEREST OF THE OWNER OF SAID REVENUE BONDS, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT THEREWITH,

(Sewage Work Revenue Bond)
(Assigned to the Budget and Finance Committee)

Clerk Block read the following resolutions by title and were opened for public hearing.

RESOLUTION NO. 2018-09

A RESOLUTION HONORING THE MISHAWAKA HIGH SCHOOL ART PROGRAM

Ryan Sergeant, Mishawaka School Art Teacher expressed this was the best for art achievement. He said this was the most talented group he has ever had. Mr. Sergeant thanked the council for the acknowledgement.

Mr. Tanner expressed he was very impressed by the amount of involvement the students had in the community. He continued to say everything the students did in the community showed the character they developed and the amount of goodwill they have given back.

Mr. Canarecci thanked Mr. Sergeant for his hard work. He expressed it was exciting to recognize students for other accomplishments other than sports.

Mr. Mammolenti thanked the students for their hard work and dedication.

Mr. Emmons expressed they were fortunate to have quality teachers at the schools, a quality teacher brought out the best in students. He congratulated Mr. Sergeant.

Question was called for at 7:15 P.M. for **RESOLUTION NO. 2018-09** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

RESOLUTION NO. 2018-08

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS
(Tax Abatement Compliance Report 2017)

Ken Prince, City Planner stated by law the city had to go through the compliance of every tax abatement the city issued. He said the city issued 14 abatements that were currently active. Mr. Prince mentioned the Barak Iron Rock Development were two of the abatements, which the Redevelopment Commission let expire and the project would not be moving forward. He went on to say 9 of the 12 abatements were in compliance and have exceeded or working towards their expectations. Mr. Prince said 3 of the active abatements were for projects that have not begun or completed, which was the case for Lippert Components. He listed the active abatements. Mr. Prince briefly discussed other Compliance reports that were submitted by the following companies: BD SJRMC Mishawaka Development, LLC, NAC North American Composites, Long Term Care Investments V, LLC, Barak River Rock, LLC, WellPet, LLC (Regrind System 2014 & High Speed Packaging Line 2015), Deerborn Crane and Engineering Company, Inc., Bayer Healthcare, Patrick Industries Inc., River Walk Development Group LLC, Lippert Components Manufacturing Inc., Jamil Packaging Corporation.

Mr. Banicki questioned the 3 abatements that have not begun construction, he asked would the abatement begin when they break ground or at the completion of the project. Mr. Prince explained they match the length of the abatement with the length of time to start the project. Mr. Prince said they did some modification when Lippert Components came in, Lippert essentially had to start construction on other things by July 2018 for the abatement to start. He said if a business was applying for a 3-year abatement, they give 3 years to begin construction before the abatement begins. Mr. Prince continued to say he replicated from previous application since he has been head of the Redevelopment Department. He said they were modifying to have a reasonable start process. Mr. Banicki asked would 3 years on every project be reasonable. Mr. Prince said businesses should apply in advanced before they begin construction to prepare construction documents on a lengthy project, he believed 3 years was reasonable to get through that investment. Mr. Prince said after the 3 years they question someone's ability on if the project would move forward. He went on to discuss the River Rock Apartment project on Mishawaka Avenue, Mr. Sivan planned on moving forward sooner but they ran into a soil issue that was unexpected. Mr. Prince said the city inadvertently delayed the Riverwalk Apartment project. He continued to say they felt they have rectified it on the compliance report. Mr. Prince said they believe there were outstanding circumstance that delayed the project. Mr. Banicki also asked if a developer were to sell their property before construction would the abatement follow the project. Mr. Prince believed the abatement would follow the project. He continued to say it would not matter as long as the new developer followed through and reached the same commitment in the same product.

Mr. Mammolenti questioned if a new developer were to come in on a project would they vote for the abatement again. Mr. Prince said if a new developer came in wanting to modify their vision, yes they would have to come before the council but if they pick up the same project and meet the same threshold, they would not.

Mr. Canarecci asked for clarification that the abatement would not start until improvements on the property began. Mr. Prince said yes.

Mr. Mammolenti questioned the taxes the developer would pay on the undeveloped lands assessed value prior to construction. Mr. Prince stated the abatement was based on improvement of the land. He said if the assessment for the land doubled from 1 to 2 million dollars, he believed the developer would pay the original tax amount and the abatement would only apply to the improvement. Mr. Trippel, Council Attorney replied Mr. Prince's statement was correct.

Mr. Tanner presumed the expectations for Lippert Components dropped. Mr. Prince said it was not a drop, when Lippert came in they explained there would be a two year ramp up period for hiring. He continued to say Lippert hired 230 employees. Mr. Prince said he imagined after next year that number would significantly increase. He said there was no reason to have concern at this time.

Mr. Emmons asked what Lippert's plans were for their purchase of Independent Concrete property. Mr. Prince said their original plan was to expand the building to build loading docks, which they have continued to re-evaluate. He also mentioned to his understanding Lippert was looking for other properties to do acquisition. Mr. Prince said they had a gentleman that was interested in moving his paint shop from his current location because of Lippert's expansion plans.

Question was called for at 7:34 P.M. for **RESOLUTION NO. 2018-08** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

<u>NEW BUSINESS</u>

Mr. Deal announced the Twin Branch Neighborhood Meeting would be April 18th, at 7:00PM at Fire Station # 4 on Harrison Road. The speaker would be Mayor Dave Wood, presenting his State of the City.

Mr. Emmons's announced the 1st District Neighborhood Meeting would be April 19th, at 7:00PM at St. Bavos School. The speaker would be Mayor Dave Wood, presenting his State of the City.

Mr. Mammolenti reminded the regular meeting of May 7th was changed to May 9th due to Election Day.

William Simmons from Discovery Middle School was required to attend the meeting to receive his merit badge.

ADJOURNMENT 7:37 P.M.

Deborah S. Block /s/	Matt Mammolenti /s/
Deborah S. Block, IAMC, MMC, City Clerk	Matt Mammolenti, President

RECEIVED

APR 16 2018

BUILDING, PLANNING
COMMUNITY DEVELOPMENT

DATE: April 16, 2018

Honorable Members of the
Common Council
City of Mishawaka, Indiana and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

PETITION TO REZONE

The undersigned, Brittany Conard, respectfully shows they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Lot 12 of Northern Indiana Realty Company's first addition/1111 Webster Street Mishawaka, IN. 46545

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-1 Light Industrial District. Said property is currently occupied as a single family residence.

Petitioner(s) desire said real estate to be rezoned to the R-1 Single Family Residential District. Petitioner(s) further state that they intend to utilize said land for continued use as a single family residence.

Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka

Signature(s) of Property Owner(s)

Brittany Conard

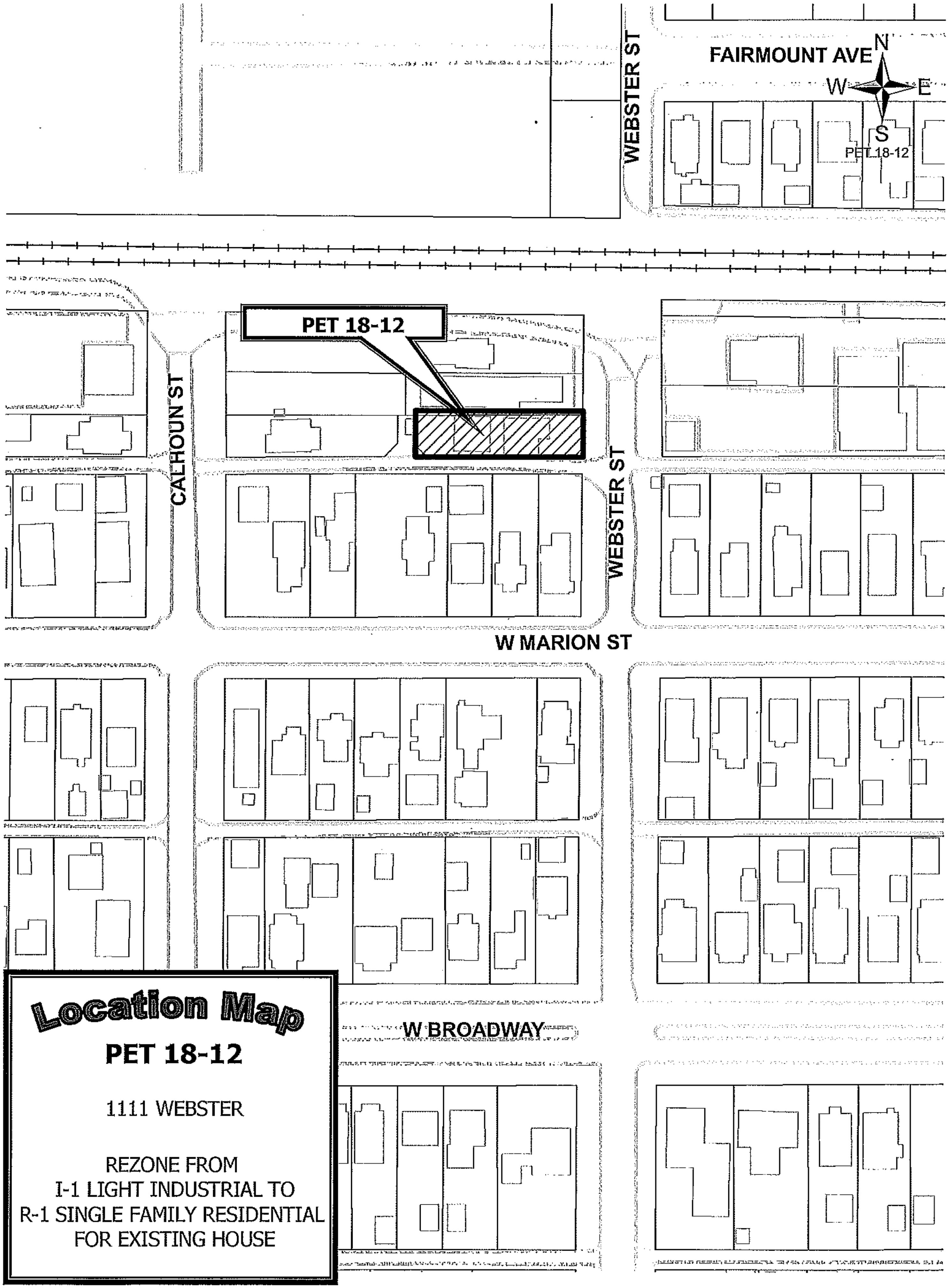
CONTACT PERSON:
BRITTANY CONARD
ADDRESS: 3617 Vistula Road Mishawaka, IN. 46544
PHONE NUMBER: (574)360-6048
FAX: N/A
EMAIL: BNCONARD@aol.com

RECEIVED
DEBORAH S. BLOCK MMC

MAY 01 2018

CITY CLERK
MISHAWAKA, IN

Pet 18-12


FAIRMOUNT AVE
N
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E
S
PET 18-12
WEBSTER ST
PET 18-12
CALHOUN ST
WEBSTER ST
W MARION ST
W BROADWAY
Location Map
PET 18-12
1111 WEBSTER
REZONE FROM
I-1 LIGHT INDUSTRIAL TO
R-1 SINGLE FAMILY RESIDENTIAL
FOR EXISTING HOUSE

April 15, 2018

Honorable Members of the Common Council, City of Mishawaka, Indiana and
Mishawaka City Plan Commission, City of Mishawaka, Indiana

421 S. CAPITAL
501 S. CAPITAL

Petition to Rezone:

Joyce L. Vance is the owner of lot number Three Hundred Sixteen (316) Brookside Second Addition to City of Mishawaka and lot number Three Hundred Seventeen (317) Brookside Second Addition to City of Mishawaka. Presently both lots are zoned Commercial C-1 and Vance Refrigeration was the business residing on the lots since 1949. Vance Refrigeration shutdown in 2005 and James H. Vance passed in 2017. The properties have been utilized as a residential setting from the 2005 date. Recently Joyce L. Vance has become a resident of the Hearth at Juday Creek, Mishawaka, Indiana. Joyce L. Vance and Power of Attorney James J. Vance request to rezone lots 316 and 317 to Residential R-1 for the sale of the properties.

Wherefore, Joyce L. Vance prey and respectfully request that the Common Council of the city of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Signature of Property Owner

Joyce L. Vance Joyce L. Vance POA James J. Vance.

Contact Person

James J. Vance
71093 Dawn Dr
Union, MI 49130
574-596-5989
jim.anita.vance@gmail.com

PET 18-13

RECEIVED
APR 17 2018
BUILDING & PLANNING
COMMUNITY DEVELOPMENT

See attached for full legal description

RECEIVED
DEBORAH S. BLOCK MMC
MAY 01 2018
CITY CLERK
MISHAWAKA, IN

Christa Hill

From:	Christa Hill
Sent:	Thursday, April 05, 2018 12:32 PM
To:	'jim.anita.vance@gmail.com'
Subject:	Rezoning 421 and 501 S Capital Avenue
Attachments:	421-501 S Capital Mailing Labels.pdf

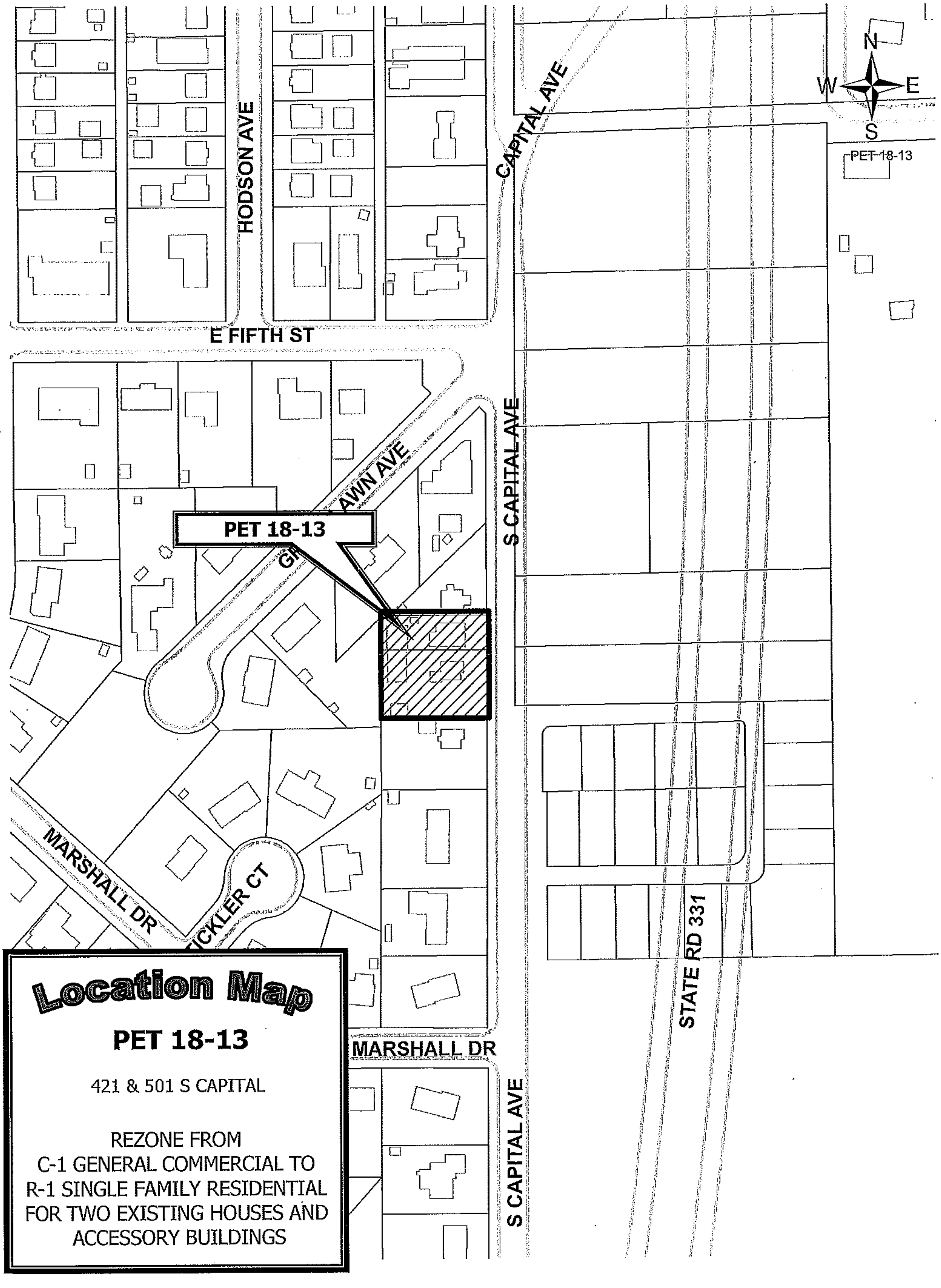
Mr. Vance,

The legal description for 421 S Capital is Lot 316 Brookside 2nd Addition and part of vacated alley adjacent.
The legal description for 501 S Capital is Lots 317 and 318 Brookside 2nd Addition and part of vacated alley adjacent.

Attached is the list of property owners within 300 feet of said property. Please provide stamped envelopes addressed to each. You can make labels or simply cut and paste. If you notice several for the same property owner, for instance State Indiana INDOT Laporte District, they only need one envelope.

Please let me know if you have questions about the procedure. Our zoning records only go back to 1958, but there is no record of a rezoning taking place at these addresses.

Christa Hill
Associate Planner
574-258-1625
Chill2@mishawaka.in.gov



N
W
E
S
PET 18-13
HODSON AVE
CAPITAL AVE
E FIFTH ST
S CAPITAL AVE
PET 18-13
MARSHALL DR
STATE RD 331
MARSHALL DR
S CAPITAL AVE
Location Map
PET 18-13
421 & 501 S CAPITAL
REZONE FROM
C-1 GENERAL COMMERCIAL TO
R-1 SINGLE FAMILY RESIDENTIAL
FOR TWO EXISTING HOUSES AND
ACCESSORY BUILDINGS

Pet 18-14

Date: April 15, 2018

To The: Honorable Members of the
Common Council of the
City of Mishawaka, Indiana

RE: Donald & Patricia Cressy Foundation
Petition for Rezoning:

The undersigned, respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT # 1 OF THE PLAT OF "FAMILY EXPRESS MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NUMBER 1614939 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE ALONG THE WEST LINE OF SAID LOT, NORTH 00°45'56" WEST (BEARINGS ASSUMED) A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 88°51'23" EAST A DISTANCE OF 166.67 FEET MORE OR LESS TO THE EAST LINE OF PROPERTY OWNED BY THE DONALD AND PATRICIA CRESSY FOUNDATION; THENCE ALONG SAID EAST LINE SOUTH 00°45'56" EAST A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE SOUTH 89°14'04" WEST ALONG SAID NORTH LINE A DISTANCE OF 166.67 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 1.50 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

Also, commonly known as the vacant land West of and adjacent to 906 West Edison Road, Mishawaka, Indiana 46545.

The above described parcel of land is presently zoned "C-1" Commercial District.

The Petitioners desire said real estate, to be rezoned to the "C-4" Commercial District classification. The purpose for the rezoning is to allow for the real estate to be purchased by an interested party who desires to build a carwash facility on the site.

Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of real estate located in the City of Mishawaka.

M. Rose Meissner

Name: M. Rose Meissner, Secretary/Treasurer
For the Donald & Patricia Cressy Foundation
574-271-4060

Contact person:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574) 234-4003

LEGAL DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT # 1 OF THE PLAT OF "FAMILY EXPRESS MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NUMBER 1614939 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE ALONG THE WEST LINE OF SAID LOT, NORTH 00°45'56" WEST (BEARINGS ASSUMED) A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 88°51'23" EAST A DISTANCE OF 166.67 FEET MORE OR LESS TO THE EAST LINE OF PROPERTY OWNED BY THE DONALD AND PATRICIA CRESSY FOUNDATION; THENCE ALONG SAID EAST LINE SOUTH 00°45'56" EAST A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE SOUTH 89°14'04" WEST ALONG SAID NORTH LINE A DISTANCE OF 166.67 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 1.50 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

PETITIONERS:

Donald & Patricia Cressy Foundation
205 W. Jefferson Blvd, Suite 610
South Bend, Indiana 46624

LAND SURVEYOR:

Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003

REZONING REQUEST:

REZONING FROM "C-1" COMMERCIAL DISTRICT TO "C-4" COMMERCIAL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF A CARWASH FACILITY ON THE SITE.

To The: Honorable Members of the
Common Council and the Plan Commission
of the City of Mishawaka, Indiana

April 15, 2018

RE: Donald & Patricia Cressy Foundation
Rezoning & Subdivision Request:

Dear Council Members and Plan Commission Members,

This letter is to inform the Board Members that we have granted authority to Danch, Harner & Associates to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Rezoning Request and subdivision will be heard.

If you have any questions concerning this matter, please feel free to give me a call at 271-4060.

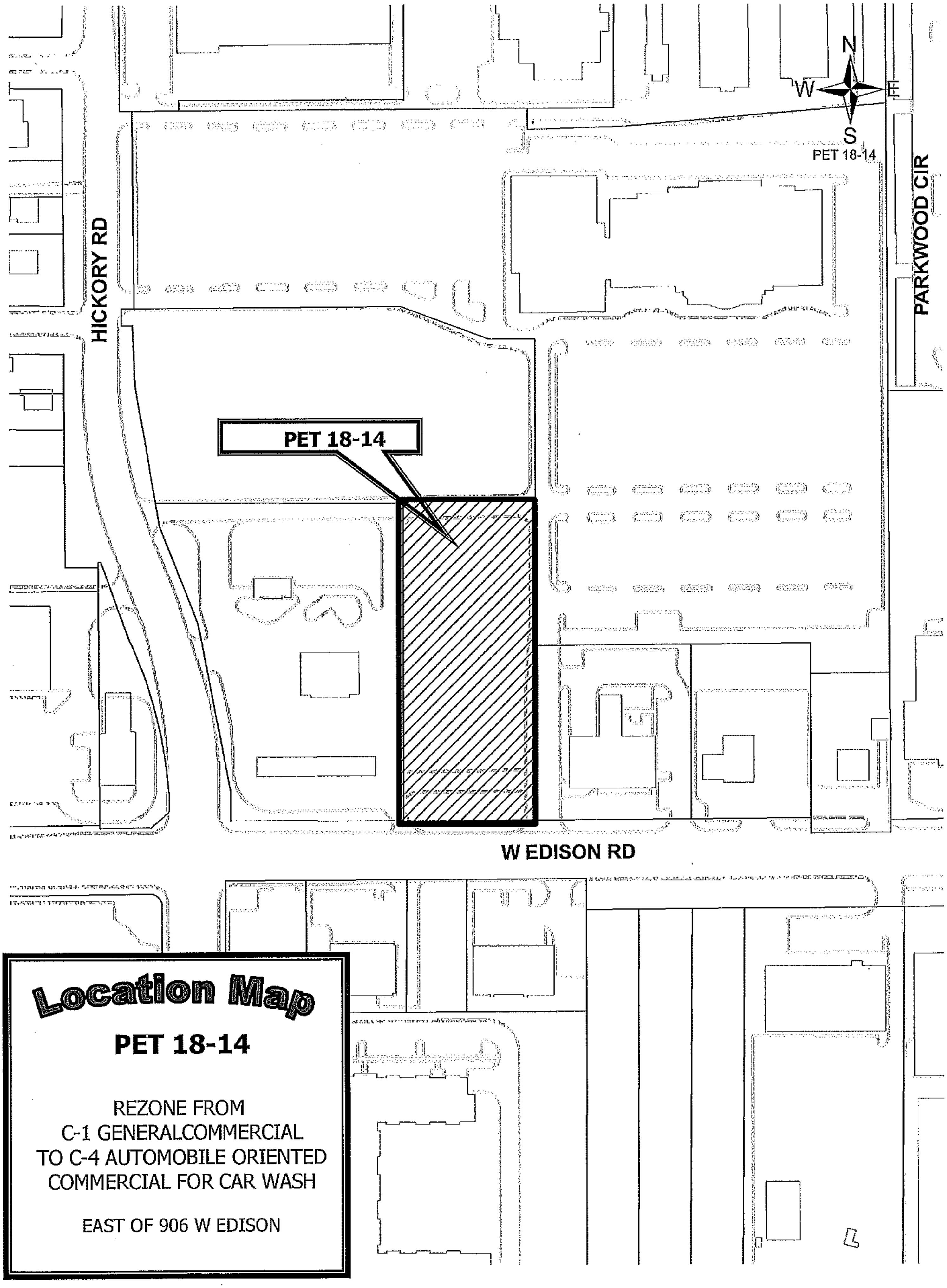
Sincerely,

M. Rose Meissner

Name: M. Rose Meissner, Secretary/Treasurer

For the Donald & Patricia Cressy Foundation
(574) 271-4060

File No. Edison Carwash "C" Md.


N
W
E
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PET 18-14
HICKORY RD
PARKWOOD CIR
PET 18-14
W EDISON RD
Location Map
PET 18-14
REZONE FROM
C-1 GENERALCOMMERCIAL
TO C-4 AUTOMOBILE ORIENTED
COMMERCIAL FOR CAR WASH
EAST OF 906 W EDISON

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING**

May 2, 2018

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 01 2018

CITY CLERK
MISHAWAKA, IN

Mr. Dale Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. Ross Deal, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Joe Canarecci, At Large City Council
Mr. Matt Mammolenti, At Large City Council
Mr. Bryan Tanner, At Large City Council
Mrs. Deborah S. Block, City Clerk

Re: Fiscal Plans and Approving Resolutions for proposed Ordinances to Annex and Zone property into the City of Mishawaka: Juday Creek Golf Course, 14770 Lindy Drive – North of Douglas Road, East of Fir Road & South of the Indiana Toll Road

Dear Council Members and Clerk:

Attached herewith for your review is a copy of the Fiscal Plan and approving resolution prepared by the Department of City Planning in accordance with the requirements of the State of Indiana Code Section 36-4-3-3.1. This document provides basic information about the areas to be annexed, and describes how the City of Mishawaka will provide services to the area to be annexed.

Prior to preparing a fiscal plan, copies of the proposed request are forwarded to all applicable City Departments. The Departments are then asked what expenditures/costs will be required to service the area and if the request can be accommodated with the funds currently approved within the City Budget. In this case, given that the property is immediately adjacent to existing City limits, and that the property will continue to be occupied and used as a part of the golf course, no additional expenditures are anticipated at this time for the golf course use. The Mishawaka Utilities Water Division will finance the new wellfield and water production facilities located on both the property to be annexed and on adjacent land.

Staff will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on May 7, 2018.

If you have any questions, please feel free to contact our office at your convenience.

Sincerely,

Derek J. Spier, AICP
Senior Planner & Economic Development Specialist

cc: David A. Wood, Mayor

RESOLUTION NO. 2018-10

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTY LOCATED AT:

Juday Creek Golf Course consisting of 137.89 acres and being commonly located at 14770 Lindy Drive, Granger, IN 46530.

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

Parcel A

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1540.43 feet along the east line of said west half to the southeast corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706 and the **Point of Beginning** of this description;

thence continuing South 00 degrees 23 minutes 28 seconds East 454.11 feet along said east line to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract;

thence North 07 degrees 32 minutes 53 seconds East 299.78 feet;

thence North 82 degrees 27 minutes 07 seconds West 38.43 feet;

thence North 07 degrees 32 minutes 53 seconds East 84.50 feet to said south line of the Northwest Quarter of the Southwest Quarter of Section 26;

thence South 89 degrees 41 minutes 45 seconds West 336.65 feet along said south line to the southeast corner of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198, located on the west line of said Northwest Quarter of the Southwest Quarter of Section 26;

thence North 00 degrees 16 minutes 56 seconds West 1330.05 feet (1330.24 feet by Instrument #8617056) along the west line of said quarter-quarter section to a 5/8" rebar found at the West Quarter Corner of said Section 26;

thence South 89 degrees 37 minutes 13 seconds West 664.48 feet (669.28 feet by Instrument #8617056) along the south line of the Northeast Quarter of said Section 27 to the southeast corner of Calvary Chapel, Inc. Replat, the plat of which is recorded in Instrument #9802248;

thence North 00 degrees 34 minutes 35 seconds West 1109.50 feet (distance quoted from Instrument #8617056) along the east line of said Calvary Chapel, Inc. Replat and the east line of The Hearth PUD, the plat of which is recorded in Instrument #0902128, to the southeasterly right-of-way line of Indiana East-West Toll Road;

thence along the right-of-way line of said Indiana East-West Toll Road, Northeasterly 439.67 feet (433.19 feet by Instrument #8617056) along an arc to the left and having a radius of 7789.44 feet (distance quoted from Instrument #8617056) and subtended by a long chord having a bearing of North 52 degrees 56 minutes 11 seconds East and a length of 439.61 feet (433.14 feet by Instrument #8617056);

thence North 51 degrees 19 minutes 10 seconds East 499.23 feet along said right-of-way line to a concrete monument with a 5/8" rebar found at the northwest corner of Juday Creek Estates Section 3, the plat of which is recorded in Instrument #8717305;

thence along the southerly boundary of said Juday Creek Estates Section 3 for the following nine courses:

1) thence South 01 degrees 10 minutes 05 seconds East 299.30 feet (distance quoted from plat);

2) thence South 38 degrees 29 minutes 44 seconds East 259.14 feet (distance quoted from plat);

3) thence South 02 degrees 23 minutes 51 seconds East 288.74 feet (distance quoted from plat);

4) thence South 66 degrees 42 minutes 48 seconds East 192.51 feet (distance quoted from plat);

5) thence North 77 degrees 55 minutes 33 seconds East 199.88 feet (distance quoted from plat);

6) thence North 20 degrees 46 minutes 53 seconds East 180.23 feet (distance quoted from plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 87 of said Juday Creek Estates Section 3;

7) thence North 01 degrees 43 minutes 08 seconds West 71.51 feet (71.56 feet by plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 88 of said Juday Creek Estates Section 3;

8) thence Northeasterly 349.29 feet (349.34 feet by plat) along an arc to the right and having a radius of 563.87 feet (565.00 feet by plat) and subtended by a long chord having a bearing of North 33 degrees 46 minutes 20 seconds East and a length of 343.74 feet (343.80 feet by plat) to a concrete monument with a 5/8" rebar found at a southeasterly corner of Lot 92 of said Juday Creek Estates Section 3;

9) thence North 51 degrees 31 minutes 06 seconds East 82.51 feet (82.36 feet by plat) to a concrete monument with a 5/8" rebar found at the westerly corner of Lot 140 of said Juday Creek Estates Section 3;

thence continuing North 51 degrees 31 minutes 06 seconds East 30.30 feet along the northwestern line of said Lot 140;

thence South 50 degrees 55 minutes 50 seconds East 468.40 feet;

thence South 74 degrees 24 minutes 57 seconds East 231.39 feet to the south line of said Lot 140;

thence continuing South 74 degrees 24 minutes 57 seconds East 47.92 feet to the prolonged east line of said Lot 140;

thence North 15 degrees 12 minutes 47 seconds East 13.70 feet to a concrete monument with a 5/8" rebar found at the southeast corner of said Lot 140;

thence continuing North 15 degrees 12 minutes 47 seconds East 93.32 feet along the east line of said Lot 140 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 1, the plat of which is recorded in Instrument #8620781;

thence along the south line of said Juday Creek Estates Section 1, Southeasterly 409.36 feet (409.62 feet by plat) along an arc to the left and having a radius of 1510.02 feet (1500.24 feet by plat) and subtended by a long chord having a bearing of South 82 degrees 32 minutes 24 seconds East and a length of 408.11 feet (408.34

feet by plat), to a concrete monument with a 5/8" rebar found at a bend in the south line of Lot 20 of said Juday Creek Estates Section 1;

thence North 89 degrees 41 minutes 37 seconds East 144.78 feet (144.99 feet by plat) along the south line of said Juday Creek Estates Section 1 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706;

thence North 89 degrees 41 minutes 37 seconds East 471.80 feet (469.77 feet by plat) along the south line of said Juday Creek Estates Section 2 to the Point of Beginning and containing 114.68 acres, more or less.

Parcel B

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1994.54 feet along the east line of said west half to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract to the **Point of Beginning** of this description;

thence continuing South 75 degrees 31 minutes 19 seconds West 574.29 feet along said northwesterly line to the centerline of Juday Creek;

thence South 22 degrees 49 minutes 58 seconds West 514.85 feet (515.52 feet by Instrument #8617056) along the centerline of said Juday Creek to the north line of a tract of land conveyed to DeForest M. Clymer, Opal F. Clymer, Ronald J. Clymer and Larry E. Clymer by Deed Book 790, Page 176, dated August 6, 1974;

thence, parallel with the south line of the East Half of Section 27, North 89 degrees 57 minutes 29 seconds West 309.34 feet (303.02 feet by Instrument #8617056) along the north line of said Clymer tract to the easterly right-of-way line of Fir Road as conveyed to St. Joseph County, Indiana by Instrument #0418616, dated February 24, 2004;

thence North 29 degrees 08 minutes 50 seconds West 36.09 feet (distance quoted from Instrument #0418616) along the easterly right-of-way line of said Fir Road a northeasterly corner of said right-of-way;

thence South 60 degrees 51 minutes 10 seconds West 10.00 feet along said right-of-way line;

thence North 29 degrees 08 minutes 50 seconds West 761.56 feet along the right-of-way line;

thence along said right-of-way line, Northwesterly 337.06 feet along an arc to the right and having a radius of 1115.92 feet and subtended by a long chord having a bearing of North 20 degrees 29 minutes 40 seconds West and a length of 335.78 feet to the prolonged south line of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198;

thence South 89 degrees 48 minutes 25 seconds East 9.38 feet along the prolonged south line of said Brittany Minor Subdivision to a concrete monument with a 5/8" rebar found at the southwest corner of said subdivision;

thence continuing South 89 degrees 48 minutes 25 seconds East 1246.33 feet (1246.20 feet by plat and Instrument #8617056) along the south line of said Brittany Minor Subdivision to the west line of the West Half of said Section 26;

thence North 89 degrees 41 minutes 45 seconds East 336.65 feet along the north line of the Southwest Quarter of the Southwest Quarter of said Section 26;

thence South 07 degrees 32 minutes 53 seconds West 84.50 feet;

thence South 82 degrees 27 minutes 07 seconds East 38.43 feet;

thence South 07 degrees 32 minutes 53 seconds West 299.78 feet to the **Point of Beginning** and containing 23.21 acres, more or less.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

PASSED by the Common Council of the City of Mishawaka, Indiana, this ________ day

of _________________, 2018, at ___________ o'clock ___.M.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ________ day of __________________

2018, at __________o'clock ___.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _________ day of ___________________ 2018, at

___________ o'clock ____.M.

____
David A. Wood, Mayor

City of Mishawaka

City of Mishawaka, Department of Redevelopment & Lindy's, Inc.
Proposed Municipal Well Field & Juday Creek Golf Course
14770 Lindy Drive
Annexation

Property located North of Douglas Road, East of Fir Road & South of the Indiana Toll Road

May 2018

Prepared by:
City of Mishawaka
Department of Building, City Planning & Community Development
600 E. Third Street
Mishawaka, IN
46544-2241

Phone: (574) 258-1625
Fax: (574) 968-6999
E-mail: planning@mishawaka.in.gov

David A. Wood, Mayor

Mishawaka City Council

Dale Emmons	1st District
Mike Bellovich	2nd District
Ross Deal	3rd District
Kate Voelker	4th District
Michael Compton	5th District
Ron Banicki	6th District
Joe Canarecci	At Large
Matt Mammolenti	At Large
Bryan Tanner	At Large

CITY OF MISHAWAKA, DEPARTMENT OF REDEVELOPMENT & LINDY'S INC.
MUNICIPAL WELL FIELD & GOLF COURSE
ANNEXATION FISCAL PLAN

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JUDAY CREEK GOLF COURSE CONSISTING OF 137.89 ACRES AND BEING COMMONLY LOCATED AT 14770 LINDY DRIVE, GRANGER, IN 46530.

SEE TAB B - BASIC DATA & FINANCIAL ANALYSIS / SECTION A FOR THE COMPLETE LEGAL DESCRIPTION.

TAB A- CITY OF MISHAWAKA ANNEXATION POLICY

CITY OF MISHAWAKA ANNEXATION POLICY

GENERAL POLICY

The City of Mishawaka recognizes that as the population of St. Joseph County grows and development trends change, there will be a continuous demand for infrastructure and urban services provided by cities such as Mishawaka. Infrastructure includes, but is not limited to, water, sanitary sewer, electric, and transportation. Urban services include, but are not limited to, police, fire, and emergency medical services. With a stable tax rate, low crime rate, outstanding public schools, and strong neighborhoods, the City of Mishawaka is a livable community where families and businesses desire to locate. The expansion of infrastructure and services combined with the desire of families and businesses to locate in Mishawaka has necessitated the City to create a policy on annexation.

It is the policy of the City of Mishawaka to encourage the growth of the City boundary in a compact and contiguous manner concurrently with the extension of infrastructure and services. Although exceptions will be considered for large industrial projects or proposals related to specific economic development efforts, the City recognizes that compact and contiguous growth promotes the cost-effective delivery of services.

The City of Mishawaka continues to promote the logical expansion of infrastructure into the unincorporated areas of the county contiguous to the City on request provided there is availability. The voluntary extension of infrastructure, such as water and sewer, requires the benefactor(s) of that infrastructure to waive or consent to future annexation at the time of connection. The extension of infrastructure does not automatically equate to the immediate annexation of property. To meet the statutory requirements for annexation, both infrastructure and urban services must be provided. As such, many unincorporated areas are currently provided with public rate-supported utilities by the City that will not be suitable for annexation in the foreseeable future. Thus, it is the policy of the City of Mishawaka that the initiation of annexation be undertaken only at a time when the City determines that both infrastructure and urban services can be provided for unincorporated area adjacent to the City. To consider annexation, infrastructure and urban services must be available to the proposed annexation area at a standard that is comparable to similar geographic and use areas that currently exist within the City of Mishawaka.

IMPACT OF ST. JOSEPH COUNTY GROWTH

The City of Mishawaka also recognizes the impact growth and development currently occurring in unincorporated St. Joseph County has on annexation efforts. There has been a trend in St. Joseph County to allow for development on septic and well systems sporadically throughout the county. As is currently the case in St. Joseph County, there are numerous examples of the problems associated with this type of sprawling development. Septic systems based on poor installation or lack of maintenance; contribute to the pollution of both surface and groundwater. Based on groundwater concerns, residents desire to connect to public water systems. Residents are also calling for urban services, rather than the rural services typically provided by county governments. Residential streets need to be plowed, and emergency response times for police, fire and emergency medical services frequently exceed the times typically expected of suburban development.

As the population of these areas increase, the demand/need for infrastructure and increased urban services will grow exponentially. Due to the sprawling nature of this development, the cost for providing infrastructure and urban services to the existing City of Mishawaka standard far exceeds the tax revenue generated by these areas. This point has been addressed within this annexation policy because of the past concerns expressed by some residents/property owners of these areas who have been historically opposed to annexation. These concerns, for the most part, are based in fear and do not reflect the reality of the practical constraints of annexation. For the record, the cost of providing services, based on the sprawled growth and statutory limitations, makes it both undesirable and not readily feasible for the City of Mishawaka to annex large non-contiguous developed areas.

This point has also been included to identify the reciprocal concern of the City relative to the sprawling growth within unincorporated St. Joseph County. Currently, the taxpayers within the City of Mishawaka pay City taxes to sustain infrastructure and a desired level of urban services. Furthermore, the taxpayers of the City of Mishawaka also pay county taxes that are used in part to provide similar services to county residents. Cities are wholly responsible for these services within their respective jurisdictional areas. These services include, but are not limited to, road maintenance, police patrols, and emergency medical services. These are services subsidized by general county tax dollars that the City of Mishawaka contributes to but does not receive the corresponding reciprocal benefit. The taxpayers of the county do not pay taxes that directly or indirectly support these services within the City. Based on the current division of general county funds, this equates to the City of Mishawaka financially subsidizing the sprawling growth of the county. Accordingly, the City of Mishawaka continues to seek a more equitable distribution of existing general county tax revenues. Furthermore, based on this existing inequity, it is an important objective of the City to work with county officials to ensure that there are not future increases in spending to address the problems associated with sprawling unincorporated development. The City also recognizes the need to develop fair cost-sharing practices to provide for regional services that does not adversely impact the residents of the City, while still providing for the needed/desired services in the unincorporated county.

Although the equitable distribution of tax dollars is an important concern, the City also recognizes that the problems associated with this sprawling unincorporated development also impacts the City of Mishawaka. The City is impacted by the limitations existing development has on future City growth, and the corresponding increased costs of extending infrastructure. As such, the City of Mishawaka will continue to work with the county in a cooperative effort, where possible, to address problems. However, it is only fair that the residents and property owners of a particular problem area caused by sprawling development should be the party wholly responsible for the costs of desired/needed infrastructure or services- not the tax payers of the City of Mishawaka.

STATUTORY LIMITATIONS

The City of Mishawaka also recognizes the burden placed on municipalities within St. Joseph County based on the statutory requirements on Municipal Annexation and Dis-annexation. The controlling legislation on annexation is established by the Indiana Code 36-4-3-series.

The statute also places minimum requirements on municipalities regarding providing services to proposed annexation areas, the timing of implementation, and contiguity requirements. The statute also requires that a fiscal plan be adopted showing how the costs associated with providing services will be paid. An estimated amount of time required for voluntary annexation is three to four months. The increased time required to process an annexation has placed a burden on real estate transactions and development on the fringe of the City. It is not uncommon to have annexation placed as a condition on the sale of property by the buyer. Annexation is typically requested because City services are desired or needed to serve the proposed project. This increased time frame when compared to the traditional rezoning process has the potential for directing appropriate contiguous growth away from the City due to the lack of suitable available property that can be developed in a short period of time.

IMPLEMENTATION OF POLICY

The stringent statutory requirements of annexation have necessitated the creation of a policy of the City of Mishawaka to evaluate the geographic boundary of each proposed voluntary annexation relative to the surrounding unincorporated properties. The purpose of this evaluation is to examine the proposed annexation area to the existing City limits relative to providing a compact and contiguous City boundary.

Annexation law significantly limits the ability of municipalities to annex property without the consent of the majority of property owners. Therefore, the City has deemed it necessary to review adjacent unincorporated properties that have not requested annexation at the time a voluntary annexation is proposed. Although this may ultimately necessitate the annexation of property without the consent of a minority of the adjacent property owners, this policy provides for a means to expand the City boundary in a compact and contiguous manner that would otherwise not be possible based on statutory requirements.

A secondary purpose of this policy is to reduce the number of separate contiguous annexation petitions that are likely to be filed within a short period of time. The potential inclusion of additional property as part a proposed annexation petition will counteract the discouraging development influence of time limitations placed by the Indiana Code.

In the past, voluntary annexations without this policy have created a chaotic City boundary that promotes the inefficient delivery of services for both the City of Mishawaka and St. Joseph County. Chaotic refers only to the physical geographic location of the boundary. Common chaotic configurations include *saw-tooth shapes, islands,* and *adjacent pockets.* The attributes of these boundary configurations are described as follows:

A *saw-tooth boundary* refers to shape where contiguous properties located along a single roadway change municipal boundaries multiple times in a relative short distance. This situation creates difficulties in providing for the efficient delivery of services. Specifically, it is more difficult for the postal service, police, fire, and emergency medical providers to determine the physical limits of jurisdictions in the field. Under non-emergency circumstances, this situation is likely to result in inconveniences only. However, in emergency situations, confusion on boundary locations in the field has the potential to delay providing potentially life saving services, or could otherwise promote providing double coverage for the area limiting the ability of one provider to respond to other calls.

An *island* refers to unincorporated areas that are physically surrounded by the incorporated City. This situation provides for the inefficient delivery of services for both the City of Mishawaka and unincorporated St. Joseph County. Services such as trash removal, snow plowing, road maintenance, police, fire, and emergency medical services could all potentially require one service provider to travel through another service provider's jurisdictional area. This inherently inefficient situation potentially increases the costs of providing services for both jurisdictions.

Adjacent pockets refers to unincorporated area that is reasonably adjacent to the City and is currently served at least in part by City infrastructure. When the infrastructure was provided to these areas, these areas were typically located on the fringes of the City where other services were either not available or desired at the time. However, as the demand for growth and development continues, the demand for additional services also grows. Over time, pockets are also typically provided with some peripheral City services without expense. Emergency service providers within the City of Mishawaka and St. Joseph County have consistently worked together to provide reciprocal assistance in responding to calls when the other provider is either occupied or at a considerable distance, provided resources are available. Typically, due to the general location adjacent to the City and the increased ability of the City to provide services, these pocket areas will intermittently receive City emergency services.

Furthermore, pockets become obstacles to the future expansion of infrastructure and services. They are considered obstacles due to the contiguity requirements established by the Indiana Code for annexation. If these pockets are not annexed over time, the City is prevented from expanding. The annexation of these pocket areas not only allows for the continued growth of the City, but also provides for the efficient and equitable delivery of services.

<u>SUMMARY</u>

- It is the policy of the City of Mishawaka to encourage the growth of the City boundary in a compact and contiguous manner concurrently with the extension of infrastructure and services.

- It is the policy of the City of Mishawaka that the annexation be undertaken only at a time when the City determines that both infrastructure and urban services can be provided for unincorporated area adjacent to the City.

- To address existing sprawl and inequitable distribution of general county tax dollars, it is the policy of the City of Mishawaka that the residents and property owners of a particular problem area caused by sprawling development should be the party wholly responsible for the costs of desired/needed infrastructure or services- not the taxpayers of the City of Mishawaka.

- The stringent statutory requirements of annexation have necessitated the creation of a policy of the City of Mishawaka to evaluate the geographic boundary of each proposed voluntary annexation relative to the surrounding unincorporated properties to promote the efficient delivery of services and remove chaotic boundary configurations.

JUDAY CREEK GOLF COURSE CONSISTING OF 137.89 ACRES AND BEING COMMONLY LOCATED AT 14770 LINDY DRIVE, GRANGER, IN 46530.

SEE TAB B - BASIC DATA & FINANCIAL ANALYSIS / SECTION A FOR THE COMPLETE LEGAL DESCRIPTION.

TAB B- BASIC DATA & FISCAL ANALYSIS

BASIC DATA & FISCAL ANALYSIS

A. LOCATION AND SIZE

The area proposed for annexation is illustrated on the following maps and shown on the accompanying aerials. This area is legally described as follows:

Parcel A

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1540.43 feet along the east line of said west half to the southeast corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706 and the Point of Beginning of this description;

thence continuing South 00 degrees 23 minutes 28 seconds East 454.11 feet along said east line to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract;

thence North 07 degrees 32 minutes 53 seconds East 299.78 feet;

thence North 82 degrees 27 minutes 07 seconds West 38.43 feet;

thence North 07 degrees 32 minutes 53 seconds East 84.50 feet to said south line of the Northwest Quarter of the Southwest Quarter of Section 26;

thence South 89 degrees 41 minutes 45 seconds West 336.65 feet along said south line to the southeast corner of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198, located on the west line of said Northwest Quarter of the Southwest Quarter of Section 26;

thence North 00 degrees 16 minutes 56 seconds West 1330.05 feet (1330.24 feet by Instrument #8617056) along the west line of said quarter-quarter section to a 5/8" rebar found at the West Quarter Corner of said Section 26;

thence South 89 degrees 37 minutes 13 seconds West 664.48 feet (669.28 feet by Instrument #8617056) along the south line of the Northeast Quarter of said Section 27 to the southeast corner of Calvary Chapel, Inc. Replat, the plat of which is recorded in Instrument #9802248;

thence North 00 degrees 34 minutes 35 seconds West 1109.50 feet (distance quoted from Instrument #8617056) along the east line of said Calvary Chapel, Inc. Replat and the east line of The Hearth PUD, the plat of which is recorded in Instrument #0902128, to the southeasterly right-of-way line of Indiana East-West Toll Road;

thence along the right-of-way line of said Indiana East-West Toll Road, Northeasterly 439.67 feet (433.19 feet by Instrument #8617056) along an arc to the left and having a radius of 7789.44 feet (distance quoted from Instrument #8617056) and subtended by a long chord having a bearing of North 52 degrees 56 minutes 11 seconds East and a length of 439.61 feet (433.14 feet by Instrument #8617056);

thence North 51 degrees 19 minutes 10 seconds East 499.23 feet along said right-of-way line to a concrete monument with a 5/8" rebar found at the northwest corner of Juday Creek Estates Section 3, the plat of which is recorded in Instrument #8717305;

thence along the southerly boundary of said Juday Creek Estates Section 3 for the following nine courses:

1) thence South 01 degrees 10 minutes 05 seconds East 299.30 feet (distance quoted from plat);

2) thence South 38 degrees 29 minutes 44 seconds East 259.14 feet (distance quoted from plat);

3) thence South 02 degrees 23 minutes 51 seconds East 288.74 feet (distance quoted from plat);

4) thence South 66 degrees 42 minutes 48 seconds East 192.51 feet (distance quoted from plat);

5) thence North 77 degrees 55 minutes 33 seconds East 199.88 feet (distance quoted from plat);

6) thence North 20 degrees 46 minutes 53 seconds East 180.23 feet (distance quoted from plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 87 of said Juday Creek Estates Section 3;

7) thence North 01 degrees 43 minutes 08 seconds West 71.51 feet (71.56 feet by plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 88 of said Juday Creek Estates Section 3;

8) thence Northeasterly 349.29 feet (349.34 feet by plat) along an arc to the right and having a radius of 563.87 feet (565.00 feet by plat) and subtended by a long chord having a bearing of North 33 degrees 46 minutes 20 seconds East and a length of 343.74 feet (343.80 feet by plat) to a concrete monument with a 5/8" rebar found at a southeasterly corner of Lot 92 of said Juday Creek Estates Section 3;

9) thence North 51 degrees 31 minutes 06 seconds East 82.51 feet (82.36 feet by plat) to a concrete monument with a 5/8" rebar found at the westerly corner of Lot 140 of said Juday Creek Estates Section 3;

thence continuing North 51 degrees 31 minutes 06 seconds East 30.30 feet along the northwestern line of said Lot 140;

thence South 50 degrees 55 minutes 50 seconds East 468.40 feet;

thence South 74 degrees 24 minutes 57 seconds East 231.39 feet to the south line of said Lot 140;

thence continuing South 74 degrees 24 minutes 57 seconds East 47.92 feet to the prolonged east line of said Lot 140;

thence North 15 degrees 12 minutes 47 seconds East 13.70 feet to a concrete monument with a 5/8" rebar found at the southeast corner of said Lot 140;

thence continuing North 15 degrees 12 minutes 47 seconds East 93.32 feet along the east line of said Lot 140 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 1, the plat of which is recorded in Instrument #8620781;

thence along the south line of said Juday Creek Estates Section 1, Southeasterly 409.36 feet (409.62 feet by plat) along an arc to the left and having a radius of 1510.02 feet (1500.24 feet by plat) and subtended by a long chord having a bearing of South 82 degrees 32 minutes 24 seconds East and a length of 408.11 feet (408.34 feet by plat), to a concrete monument with a 5/8" rebar found at a bend in the south line of Lot 20 of said Juday Creek Estates Section 1;

thence North 89 degrees 41 minutes 37 seconds East 144.78 feet (144.99 feet by plat) along the south line of said Juday Creek Estates Section 1 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706;

thence North 89 degrees 41 minutes 37 seconds East 471.80 feet (469.77 feet by plat) along the south line of said Juday Creek Estates Section 2 to the Point of Beginning and containing 114.68 acres, more or less.

Parcel B

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1994.54 feet along the east line of said west half to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract to the Point of Beginning of this description;

thence continuing South 75 degrees 31 minutes 19 seconds West 574.29 feet along said northwesterly line to the centerline of Juday Creek;

thence South 22 degrees 49 minutes 58 seconds West 514.85 feet (515.52 feet by Instrument #8617056) along the centerline of said Juday Creek to the north line of a tract of land conveyed to DeForest M. Clymer, Opal F. Clymer, Ronald J. Clymer and Larry E. Clymer by Deed Book 790, Page 176, dated August 6, 1974;

thence, parallel with the south line of the East Half of Section 27, North 89 degrees 57 minutes 29 seconds West 309.34 feet (303.02 feet by Instrument #8617056) along the north line of said Clymer tract to the easterly right-of-way line of Fir Road as conveyed to St. Joseph County, Indiana by Instrument #0418616, dated February 24, 2004;

thence North 29 degrees 08 minutes 50 seconds West 36.09 feet (distance quoted from Instrument #0418616) along the easterly right-of-way line of said Fir Road a northeasterly corner of said right-of-way;

thence South 60 degrees 51 minutes 10 seconds West 10.00 feet along said right-of-way line;

thence North 29 degrees 08 minutes 50 seconds West 761.56 feet along the right-of-way line;

thence along said right-of-way line, Northwesterly 337.06 feet along an arc to the right and having a radius of 1115.92 feet and subtended by a long chord having a bearing of North 20 degrees 29 minutes 40 seconds West and a length of 335.78 feet to the prolonged south line of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198;

thence South 89 degrees 48 minutes 25 seconds East 9.38 feet along the prolonged south line of said Brittany Minor Subdivision to a concrete monument with a 5/8" rebar found at the southwest corner of said subdivision;

thence continuing South 89 degrees 48 minutes 25 seconds East 1246.33 feet (1246.20 feet by plat and Instrument #8617056) along the south line of said Brittany Minor Subdivision to the west line of the West Half of said Section 26;

thence North 89 degrees 41 minutes 45 seconds East 336.65 feet along the north line of the Southwest Quarter of the Southwest Quarter of said Section 26;

thence South 07 degrees 32 minutes 53 seconds West 84.50 feet;

thence South 82 degrees 27 minutes 07 seconds East 38.43 feet;

thence South 07 degrees 32 minutes 53 seconds West 299.78 feet to the Point of Beginning and containing 23.21 acres, more or less.

Commonly known as: Juday Creek Golf Course consisting of 137.89 acres and being commonly located at 14770 Lindy Drive, Granger, IN 46530.

Annexation Area

The area to be annexed is generally located north of Douglas Road, east of Fir Road, and south of the Indiana Toll Road, and includes two parcels of property occupied by the Juday Creek Golf Course. The annexation area consists only of the golf course holes and excludes the existing club house (14770 Lindy Drive) and adjacent parking lot. The two (2) parcels have current tax identification numbers of 006-1011-0131.79 and 006-1011-0131.82. The property is bound with approximately 7,357 linear feet being incorporated into the City, while the remaining adjacent properties are located in unincorporated St. Joseph County. The property is currently zoned "R" Residential within unincorporated St. Joseph County. If annexed, the Petitioner desires to zone the property to S-2 Planned Unit Development to permit use for a golf course, golf maintenance, and club house/banquet facilities; and a municipal wellfield and water production facilities. There are no plans for developing the property as it will continue to be occupied and used as is with the exception of the installing infrastructure for the City's new wellfield.

Contiguity with the Existing City Limits

The property to be annexed into the City is approximately 137.89 acres. The external boundary of the annexation area measures +/-16,502 linear feet with +/-7,357 linear feet being contiguous with the current corporate boundary of the City of Mishawaka. The border of the contiguous area is 44.6% of the total external boundary. This is in excess of the minimum 12.5%, or 1/8, of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

B. TOPOGRAPHY AND EXISTING USE/IMPROVEMENTS

The area is characterized as being relatively flat with intermittent rolling hills but minimal relief across the site. Per the generalized two (2) foot contour topographic maps, elevations across the site range from approximately 768 feet to the north near the club house and the Indiana Toll Road to 748 feet to the south near the Fir Road and Douglas Road intersection. The elevation change occurs over more than a three-quarter mile distance. The property currently includes an 18-hole private golf course. Several small ponds and creeks are sporadically located throughout the course. Juday Creek borders portions of the southern boundary. The only structures on site are a small golf course maintenance building and an irrigation pump house. The club house and adjacent parking lot are not located within the annexation area.

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is currently zoned R Residential within unincorporated St. Joseph County and is occupied by the Juday Creek Golf Course, an 18-hole private course. If the Mishawaka Common Council approves the annexation request, the area will be zoned to S-2 Planned Unit Development to permit use for a golf course, golf maintenance, and club house/banquet facilities; and a municipal wellfield and water production facilities.

D. ASSESSMENT

The territory to be annexed consists of two (2) parcels. The Land and Improvement Valuations shown below are based upon current GIS parcel data:

Tax ID Number	Property Owner	Number of Acres	Land & Imp. Valuation
006-1011-0131.79	CITY OF MISHAWAKA, DEPT. OF REDEVELOPMENT	114.68	$698,400* (INCLUDES BOTH PARCELS)
006-1011-0131.82	LINDY'S, INC.**	23.21	$698,400* (INCLUDES BOTH PARCELS)

** The total current valuation, which includes a land value of $419,000 and an improvement/building value of $279,400, is per the latest available tax records based on the property being owned by Lindy's Inc. For the purposes of the below analysis, a future land value of $0 was used since both parcels will be owned by the City of Mishawaka.*
*** This parcel is expected to be transferred to the City of Mishawaka, Department of Redevelopment.*

E. CURRENT TAX RATE

The City's tax rate 2017 payable 2018 was $2.0516 per $100 of assessed valuation. For property owners in Harris Township, in which this proposed annexation is located, the total taxes will be $3.9957 per $100 of assessed valuation. Property owners in this area currently pay $2.1602 per $100 of assessed valuation. These rates are based on the best information available at the time this plan was prepared. Actual tax rates may vary.

Tax District	**Existing Tax Rate**	**Tax Rate after Annexation**
Harris Township	2.1602	3.9957

The City's tax rate has remained relatively stable over the years:

2017	$2.0516
2016	$1.9977
2015	$1.8750
2014	$2.0062
2013	$1.9086
2012	$1.8186
2011	$1.7362
2010	$1.6741
2009	$1.6557
2008	$1.5283
2007	$1.3326
2006	$1.3899
2005	$1.3382
2004	$1.3313
2003	$1.2476
2002	$1.8627
2001	$5.5007 [1]
2000	$5.2417

[1] *Change in Tax Code*

F. NEW ADDRESSES

If the proposed annexation is approved, the properties will be zoned S-2 Planned Unit Development to allow for the continued use for a golf course, golf maintenance, and club house/banquet facilities; and a municipal wellfield and water production facilities. No change in the current address is anticipated as the club house will remain on property located within unincorporated St. Joseph County. No structures exist within the annexation area except for a small maintenance building and an irrigation pump house. Addresses would be assigned by the City of Mishawaka Engineering Department if and when the property is developed.

G. DETERMINATION OF SERVICE STANDARDS AND COSTS

Every proposed annexation area to the City of Mishawaka is reviewed by each pertinent City department or agency that would ultimately be required to provide infrastructure and/or urban services to a given area. Departments were asked to evaluate the location, area, and existing conditions of this proposed annexation area relative to providing infrastructure and urban services at a standard that is identical to other areas of the City. In determining required services, departments reviewed the area relative to similar geographic and use areas that currently exist within the City of Mishawaka.

The standards for infrastructure and services provided by the City of Mishawaka, broken down by department, have been included within this document following Tab C. After establishing an understanding of the existing conditions, each department or agency was asked to identify any capital improvements required to serve the proposed annexation area to meet existing city standards. Although no development is currently proposed for the property, it will be the responsibility of any future property owner/ developer to bear any expense required to connect to existing City services. Given the location of the proposed annexation area, adjacent to the existing city limits, and, considering no to minimal changes in the land use, each department identified that non-infrastructure-related services could be provided to the proposed annexation area with no additional expenditures. Increased maintenance costs for non-rate supported services, were identified as minimal and well within the approved budgets for each department.

Given that no consequential additional expenditures are anticipated, the itemization of costs associated with providing each service is not possible relative to the annexation area. However, to document that funds have been approved and are available for the services identified, a copy of the approved year 2018 City budget has been attached to the Summary of Service Report for each applicable non-rate supported department. These budgets identify the costs for personnel, equipment, repairs, and other expenditures anticipated for the budget year. Budgets for any department are available for the review of the public upon request at City Hall.

H. TERMS AND CONDITIONS

The City of Mishawaka will provide a level of basic services, including infrastructure and urban services, at a standard that is comparable to similar geographic and use areas that currently exist within the City of Mishawaka. The specific date of implementation of services has been identified within the description of specific services where applicable. Given the location of the proposed annexation area, the existing and proposed land uses, and the presence of existing infrastructure, no capital expenditures are required to serve the proposed annexation area. Basic services, not otherwise specified, will be provided to the annexation area within one year of the effective date of the annexation as required by law. However, it is anticipated that the majority of basic services will be available immediately or at least in a timely manner.

The effective date of annexation, if approved, will be thirty days from the date of approval of the annexation ordinance as required by law.

I. FISCAL IMPACT ON TAXPAYERS, MUNICIPAL FINANCES, AND POLITICAL SUBDIVISIONS

Analysis:

The properties proposed to be annexed are currently owned by the City of Mishawaka, Department of Redevelopment (Parcel A / Tax ID Number 006-1011-0131.79) and Lindy's Inc. (Parcel B / Tax ID Number 006-1011-0131.82). Parcel B will be transferred to the City of Mishawaka then both Parcel A and B will be leased back to Lindy's Inc. for continued use of the property for the Juday Creek Golf Course.

As previously outlined, no development is proposed within the annexation area except for improvements for a new municipal wellfield and adjacent water production facility. The Mishawaka Utilities Water Division will finance these improvements via a city issued bond to be repaid through revenue generated by the sale of water to its customers. No tax dollars will support the development of the wellfield or water production facility.

Although no property taxes will be generated by the parcels due to being publically-owned, the City has entered into a lease agreement with Lindy's Inc. where the City receives annual lease payments for the use of the property. The lease will be reviewed and renewed every 5 years, and the payments will be increased for inflation over time. In addition, once constructed, the new wellfield will increase the capital assets of the water utility. This will result in a larger payment in lieu taxes payment from the water utility to the City. Overall, although the change in property status from private to public will reduce a small amount of tax revenue in the short term, in the long term, the well field will provide additional water capacity that will allow for the long term growth and expansion of the City which otherwise would not be possible. This will greatly benefit all taxing units over time.

The current and future political subdivisions and their associated tax rates were determined by the geography of the property and the attached "Tax Rate Chart for the year 2017 payable 2018". (See Tab "D" / Appendix "C".) This chart is provided by the St. Joseph County Auditor's Office.

Current property assessed Valuation:

$419,000

Future anticipated property assessed Valuation:

$0

Current and Anticipated Future Property Taxes Generated from the Property:

The current property taxes that are being generated from the property were determined utilizing the State of Indiana Department of Local Government Finance Gateway website calculator located at https://gateway.ifionline.org/CalculatorsDLGF/TaxCalculator.aspx.

The website requires you to enter the geographic location of the property by County, Township, and School Corporation. You then enter the type of property, if it is a homestead (owner-occupied residential); residential rental, non-homestead residential, and agricultural; or other. You then input the assessed valuation and it estimates the maximum tax bill as well as the property tax cap credit if applicable.

This calculation has been done with a scenario before annexation for other property, then following annexation identifying the property as now being subject to the City tax rate. In this case, there will be no tax revenue generated from the property post-annexation due the parcels being government-owned.

The estimated property tax value for the property is as follows:

Prior to annexation: $13,318

Following annexation: $0

Political Subdivisions before Annexation:

Percent of tax rate and corresponding yearly estimated property tax revenue*

- St. Joseph County (32.0%) - $4,261.76
- Harris Township (15.9%) - $2,117.56
- PHM School Corporation (42.0%) - $5,593.56
- Mishawaka Penn Harris Library (7.5%) - $998.85
- Airport Authority (2.6%) - $346.27

** Estimates may not equal estimated tax value due to rounding.*

The current tax rate of all of these entities combined is 2.1602.

Political Subdivisions following Annexation:

Percent of tax rate and corresponding yearly estimated revenue for government-owned property of existing taxing units upon annexation*

- St. Joseph County (17.3%) - $0 (-$4,261.76 per year)
- Harris Township (0.2%) - $0 (-$2,117.56 per year)
- PHM School Corporation (22.7%) - $0 (-$5,593.56 per year)
- Mishawaka Penn Harris Library (4.1%) - $0 (-$998.85 per year)
- Airport Authority (1.4%) - $0 (-$346.27)
- South Bend Transpo (2.9%) - $0
- City of Mishawaka (51.3%) - $0

** Estimates may not equal estimated tax value due to rounding.*

The current tax rate of all of these entities combined is 3.9957.

Four Year Projection of Property Tax Revenue following Annexation (above numbers x4)

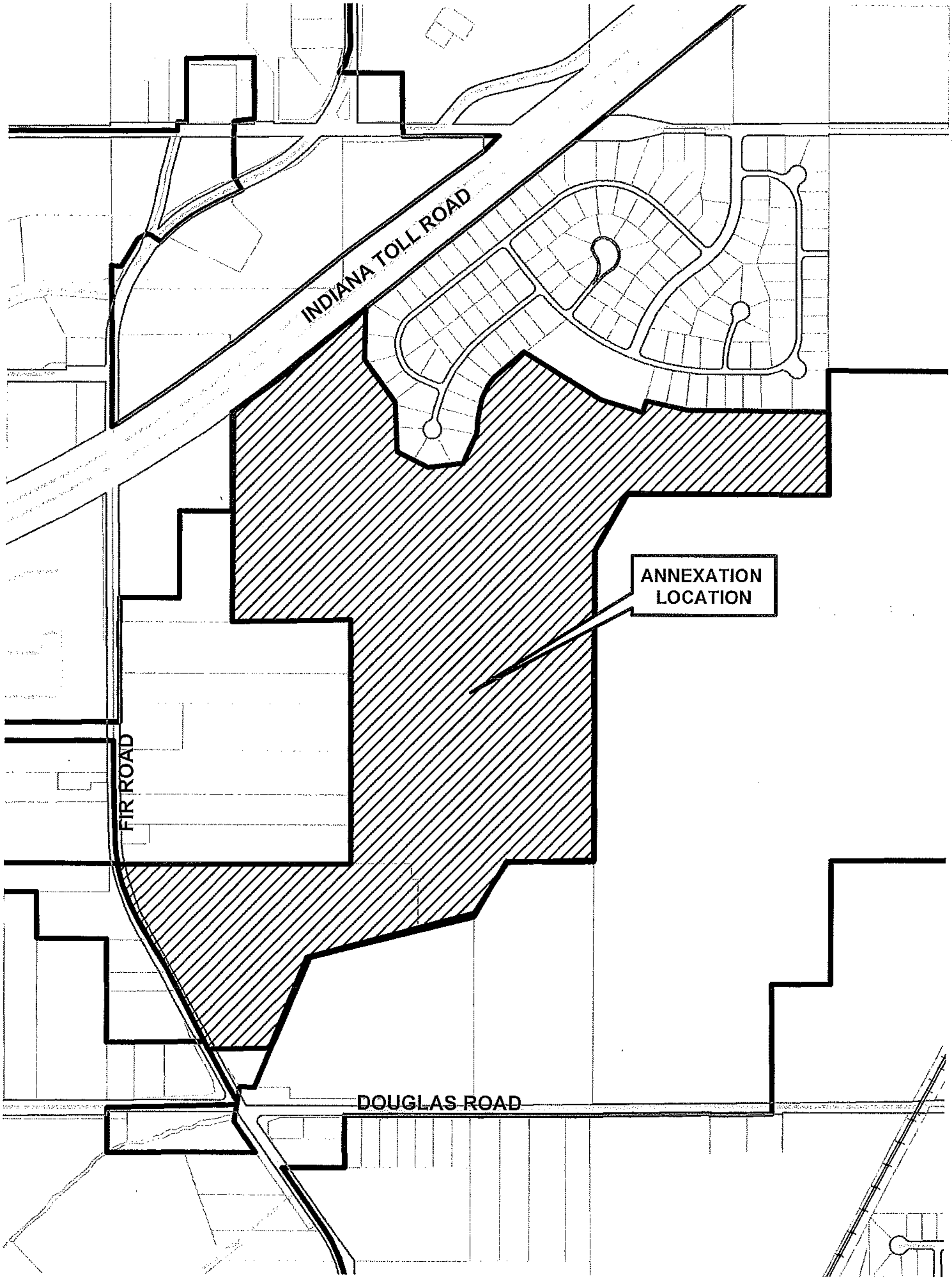
Straight line projection assuming existing use remains and the tax rate and assessed valuation remains constant

- St. Joseph County $0
- Harris Township $0
- PHM School Corporation $0
- Mishawaka Penn Harris Library $0
- Airport Authority $0
- South Bend Transpo $0
- City of Mishawaka $0

J. ASSUMED INDEBTEDNESS & COUNTY INFRASTRUCTURE REIMBURSEMENT

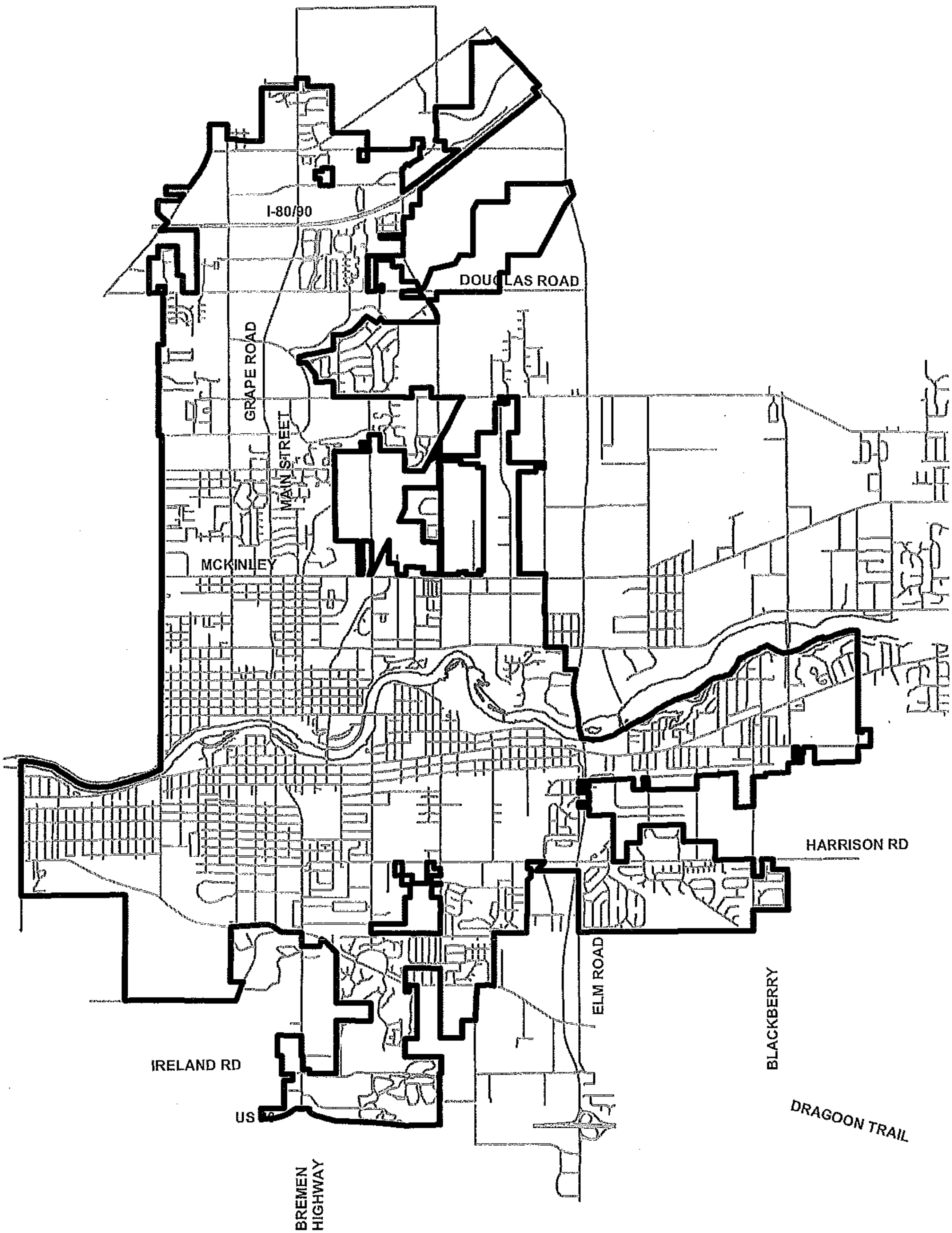
Pursuant to I.C. 36-4-3-4.2 under certain circumstances the City would be required to assume a portion of indebtedness as it would pertain to the proposed annexation area. Specifically, this would be required if the County had used property tax revenue to repay debt used to build infrastructure within the annexation area, or if income tax was being generated from the property in question that was being used to pay off applicable county wide debt that would now be allocated to the City upon annexation.

Upon reviewing the site and the information identified in Tab "D" / Appendix "D", there is no County infrastructure debt associated within the proposed annexation, nor is there any outstanding county debt on infrastructure that is payable by a local option income tax.

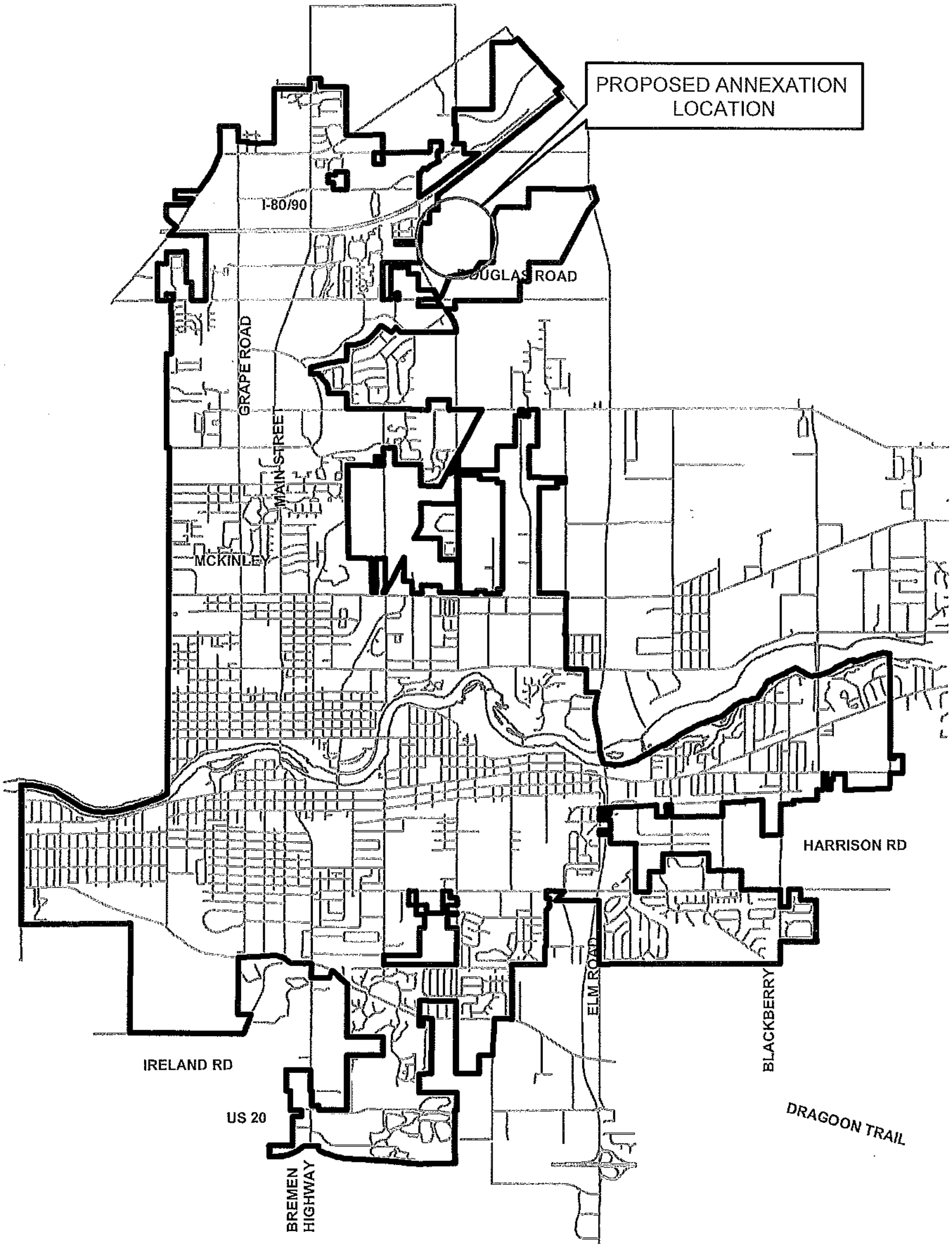


LOCATION MAP

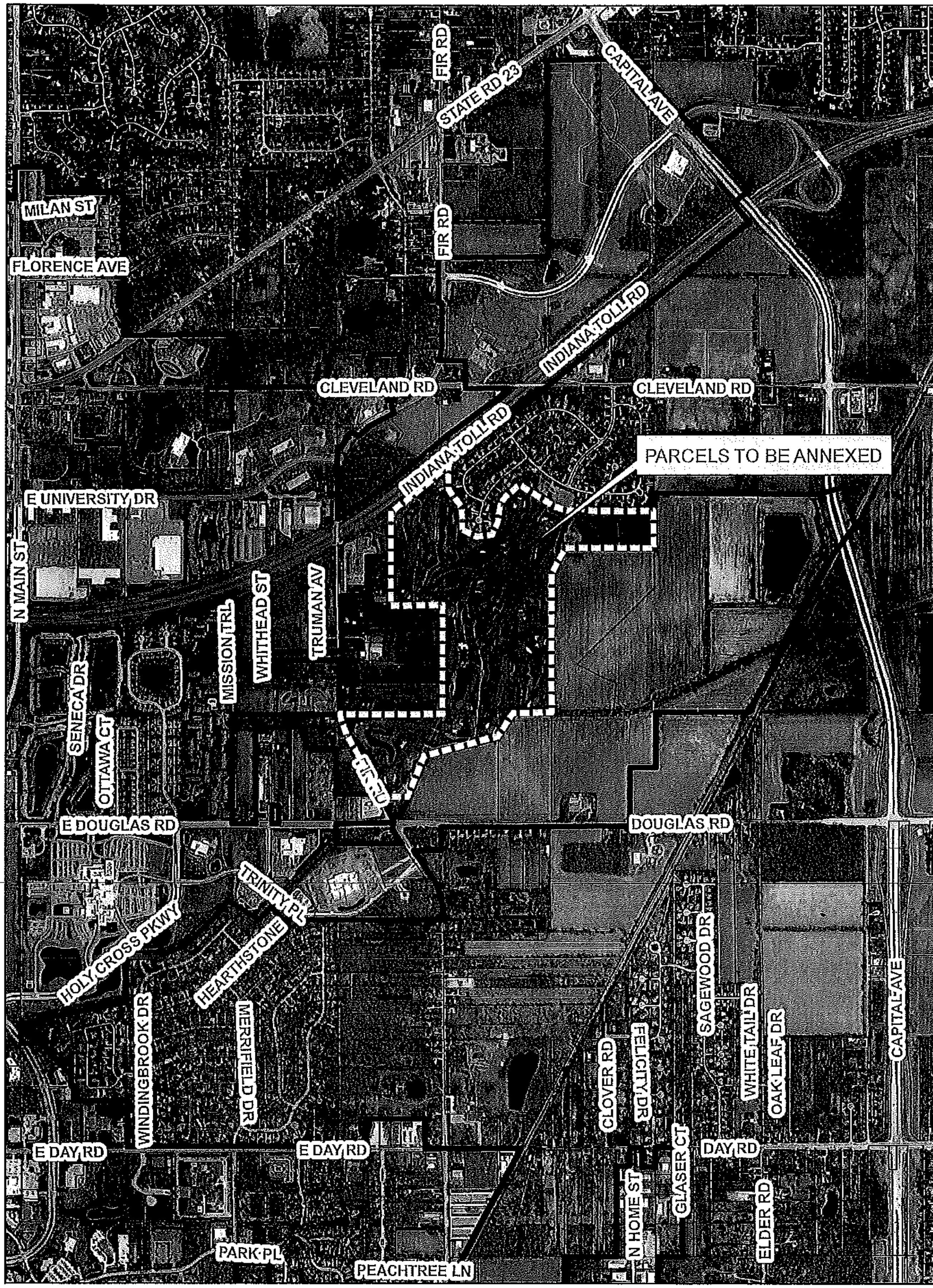
MAP OF EXISTING CITY LIMITS



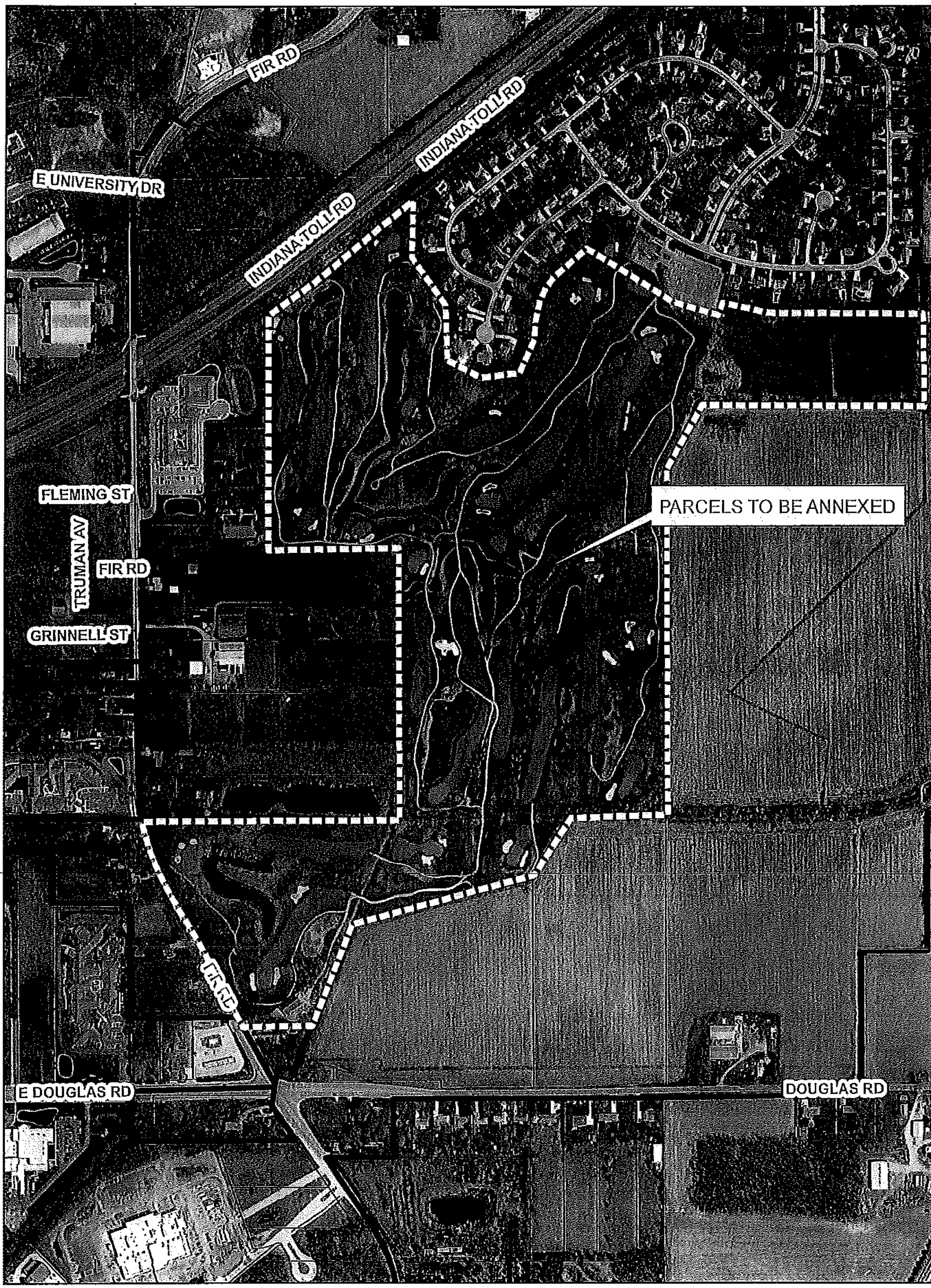
MAP OF PROPOSED CITY LIMITS



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED

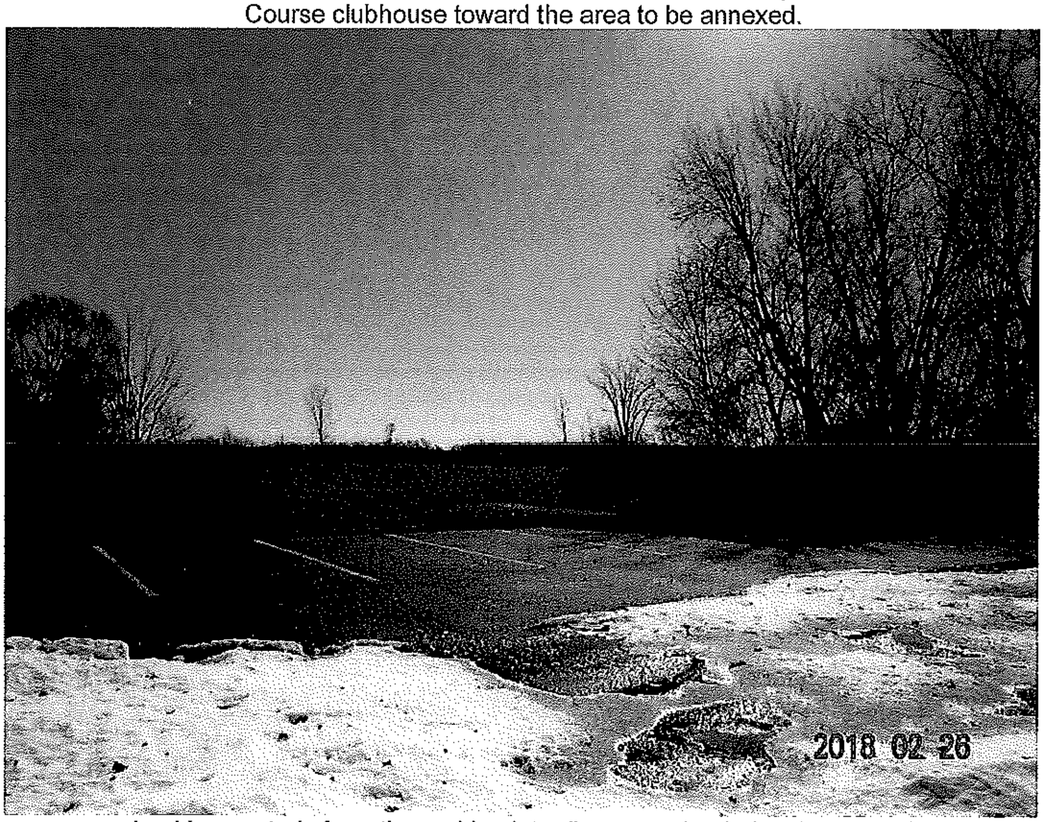


AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED

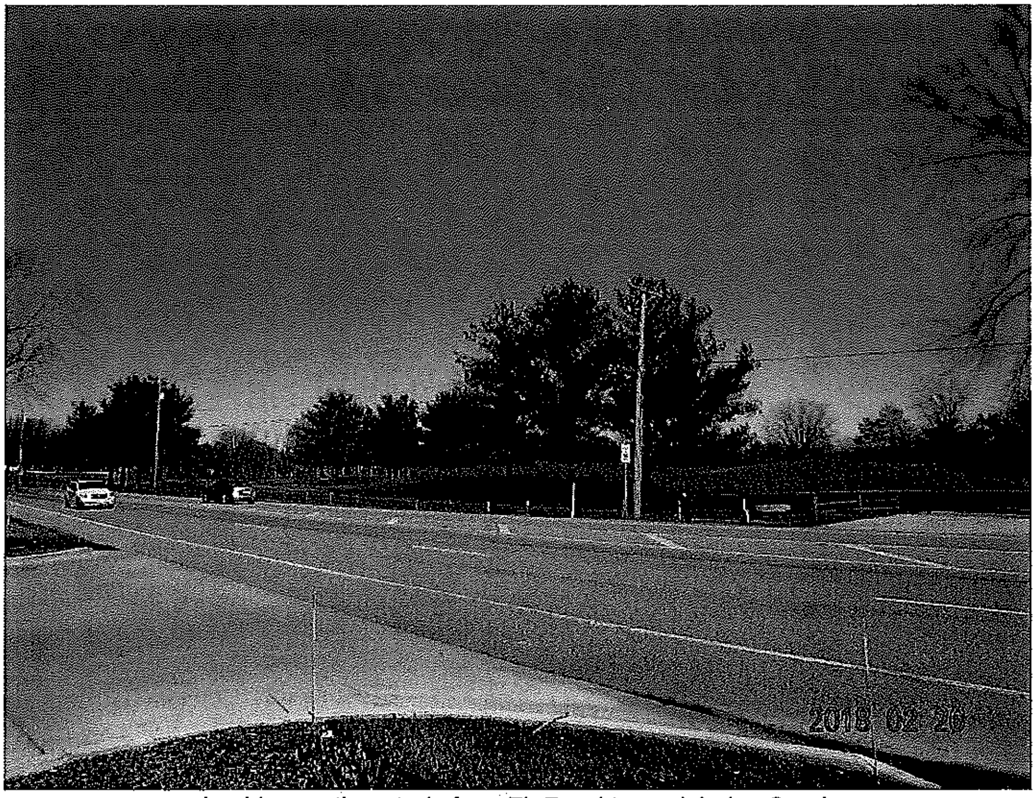


PHOTOGRAPHS OF PROPERTY TO BE ANNEXED

Looking southerly from the parking lot adjacent to the Juday Creek Golf Course clubhouse toward the area to be annexed.



Looking easterly from the parking lot adjacent to the Juday Creek Golf Course clubhouse toward the area to be annexed.



Looking northeasterly from Fir Road toward Juday Creek
Golf Course and the area to be annexed.

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING

February 16, 2018

TO THE:

Honorable Members of the Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: Petition for Annexation and Zoning Classification

The undersigned City of Mishawaka and Lindy's, Inc., (see attached letter), respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

See attached.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located North of Douglas Road, East of Fir Road, South of the Indiana Toll Road (I-80/90), and West of the East line of the West Half of Section 26, Township 38 North, Range 3 East, Harris Township, and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with an S-2 Planned Unit Development District. Petitioners further state they intend to utilize both Parcel A and Parcel B for a golf course, golf maintenance, and club house/banquet facilities; and a municipal wellfield and water production facilities.

Accompanying this petition is a drawing, to scale, showing the above-described parcels of real estate.

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with an S-2 Planned Unit Development District.

Kenneth B. Prince, ASLA, AICP
City Planner

Contact Person:

Derek J. Spier, AICP
Senior Planner & Economic Development Specialist
City of Mishawaka
600 E. Third Street
Mishawaka, IN 46544
Ph. 574-258-1625
dspier@mishawaka.in.gov

February 16, 2018

City of Mishawaka
Department of City Planning
600 E. Third Street
Mishawaka, IN 46544

RE: Petition for Annexation and Zoning Classification
Letter of Support

Honorable Members of the Common Council & City Plan Commission:

As the property owner of Parcel B within the proposed annexation area, I am in support of the annexation and rezoning petition as submitted. This parcel will continue to be occupied and used as a part of the Juday Creek Golf Course.

Thank you for your consideration, and please do not hesitate to contact me at (574) 277-4653 if you have any questions.

Sincerely,

Lindy's, Inc.
Linda Rogers

Parcel A

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1540.43 feet along the east line of said west half to the southeast corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706 and the **Point of Beginning** of this description;

thence continuing South 00 degrees 23 minutes 28 seconds East 454.11 feet along said east line to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract;

thence North 07 degrees 32 minutes 53 seconds East 299.78 feet;

thence North 82 degrees 27 minutes 07 seconds West 38.43 feet;

thence North 07 degrees 32 minutes 53 seconds East 84.50 feet to said south line of the Northwest Quarter of the Southwest Quarter of Section 26;

thence South 89 degrees 41 minutes 45 seconds West 336.65 feet along said south line to the southeast corner of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198, located on the west line of said Northwest Quarter of the Southwest Quarter of Section 26;

thence North 00 degrees 16 minutes 56 seconds West 1330.05 feet (1330.24 feet by Instrument #8617056) along the west line of said quarter-quarter section to a 5/8" rebar found at the West Quarter Corner of said Section 26;

thence South 89 degrees 37 minutes 13 seconds West 664.48 feet (669.28 feet by Instrument #8617056) along the south line of the Northeast Quarter of said Section 27 to the southeast corner of Calvary Chapel, Inc. Replat, the plat of which is recorded in Instrument #9802248;

thence North 00 degrees 34 minutes 35 seconds West 1109.50 feet (distance quoted from Instrument #8617056) along the east line of said Calvary Chapel, Inc. Replat and the east line of The Hearth PUD, the plat of which is recorded in Instrument #0902128, to the southeasterly right-of-way line of Indiana East-West Toll Road;

thence along the right-of-way line of said Indiana East-West Toll Road, Northeasterly 439.67 feet (433.19 feet by Instrument #8617056) along an arc to the left and having a radius of 7789.44 feet (distance quoted from Instrument #8617056) and subtended by a long chord having a bearing of North 52 degrees 56 minutes 11 seconds East and a length of 439.61 feet (433.14 feet by Instrument #8617056);

thence North 51 degrees 19 minutes 10 seconds East 499.23 feet along said right-of-way line to a concrete monument with a 5/8" rebar found at the northwest corner of Juday Creek Estates Section 3, the plat of which is recorded in Instrument #8717305;

thence along the southerly boundary of said Juday Creek Estates Section 3 for the following nine courses:

1) thence South 01 degrees 10 minutes 05 seconds East 299.30 feet (distance quoted from plat);
2) thence South 38 degrees 29 minutes 44 seconds East 259.14 feet (distance quoted from plat);
3) thence South 02 degrees 23 minutes 51 seconds East 288.74 feet (distance quoted from plat);
4) thence South 66 degrees 42 minutes 48 seconds East 192.51 feet (distance quoted from plat);
5) thence North 77 degrees 55 minutes 33 seconds East 199.88 feet (distance quoted from plat);
6) thence North 20 degrees 46 minutes 53 seconds East 180.23 feet (distance quoted from plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 87 of said Juday Creek Estates Section 3;

7) thence North 01 degrees 43 minutes 08 seconds West 71.51 feet (71.56 feet by plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 88 of said Juday Creek Estates Section 3;

8) thence Northeasterly 349.29 feet (349.34 feet by plat) along an arc to the right and having a radius of 563.87 feet (565.00 feet by plat) and subtended by a long chord having a bearing of North 33 degrees 46 minutes 20 seconds East and a length of 343.74 feet (343.80 feet by plat) to a concrete monument with a 5/8" rebar found at a southeasterly corner of Lot 92 of said Juday Creek Estates Section 3;

9) thence North 51 degrees 31 minutes 06 seconds East 82.51 feet (82.36 feet by plat) to a concrete monument with a 5/8" rebar found at the westerly corner of Lot 140 of said Juday Creek Estates Section 3;

thence continuing North 51 degrees 31 minutes 06 seconds East 30.30 feet along the northwestern line of said Lot 140;

thence South 50 degrees 55 minutes 50 seconds East 468.40 feet;

thence South 74 degrees 24 minutes 57 seconds East 231.39 feet to the south line of said Lot 140;

thence continuing South 74 degrees 24 minutes 57 seconds East 47.92 feet to the prolonged east line of said Lot 140;

thence North 15 degrees 12 minutes 47 seconds East 13.70 feet to a concrete monument with a 5/8" rebar found at the southeast corner of said Lot 140;

thence continuing North 15 degrees 12 minutes 47 seconds East 93.32 feet along the east line of said Lot 140 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 1, the plat of which is recorded in Instrument #8620781;

thence along the south line of said Juday Creek Estates Section 1, Southeasterly 409.36 feet (409.62 feet by plat) along an arc to the left and having a radius of 1510.02 feet (1500.24 feet by plat) and subtended by a long chord having a bearing of South 82 degrees 32 minutes 24 seconds East and a length of 408.11 feet (408.34 feet by plat), to a concrete monument with a 5/8" rebar found at a bend in the south line of Lot 20 of said Juday Creek Estates Section 1;

thence North 89 degrees 41 minutes 37 seconds East 144.78 feet (144.99 feet by plat) along the south line of said Juday Creek Estates Section 1 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706;

thence North 89 degrees 41 minutes 37 seconds East 471.80 feet (469.77 feet by plat) along the south line of said Juday Creek Estates Section 2 to the Point of Beginning and containing 114.68 acres, more or less.

Parcel B

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1994.54 feet along the east line of said west half to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract to the **Point of Beginning** of this description;

thence continuing South 75 degrees 31 minutes 19 seconds West 574.29 feet along said northwesterly line to the centerline of Juday Creek;

thence South 22 degrees 49 minutes 58 seconds West 514.85 feet (515.52 feet by Instrument #8617056) along the centerline of said Juday Creek to the north line of a tract of land conveyed to DeForest M. Clymer, Opal F. Clymer, Ronald J. Clymer and Larry E. Clymer by Deed Book 790, Page 176, dated August 6, 1974;

thence, parallel with the south line of the East Half of Section 27, North 89 degrees 57 minutes 29 seconds West 309.34 feet (303.02 feet by Instrument #8617056) along the north line of said Clymer tract to the easterly right-of-way line of Fir Road as conveyed to St. Joseph County, Indiana by Instrument #0418616, dated February 24, 2004;

thence North 29 degrees 08 minutes 50 seconds West 36.09 feet (distance quoted from Instrument #0418616) along the easterly right-of-way line of said Fir Road a northeasterly corner of said right-of-way;

thence South 60 degrees 51 minutes 10 seconds West 10.00 feet along said right-of-way line;

thence North 29 degrees 08 minutes 50 seconds West 761.56 feet along the right-of-way line;

thence along said right-of-way line, Northwesterly 337.06 feet along an arc to the right and having a radius of 1115.92 feet and subtended by a long chord having a bearing of North 20 degrees 29 minutes 40 seconds West and a length of 335.78 feet to the prolonged south line of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198;

thence South 89 degrees 48 minutes 25 seconds East 9.38 feet along the prolonged south line of said Brittany Minor Subdivision to a concrete monument with a 5/8" rebar found at the southwest corner of said subdivision;

thence continuing South 89 degrees 48 minutes 25 seconds East 1246.33 feet (1246.20 feet by plat and Instrument #8617056) along the south line of said Brittany Minor Subdivision to the west line of the West Half of said Section 26;

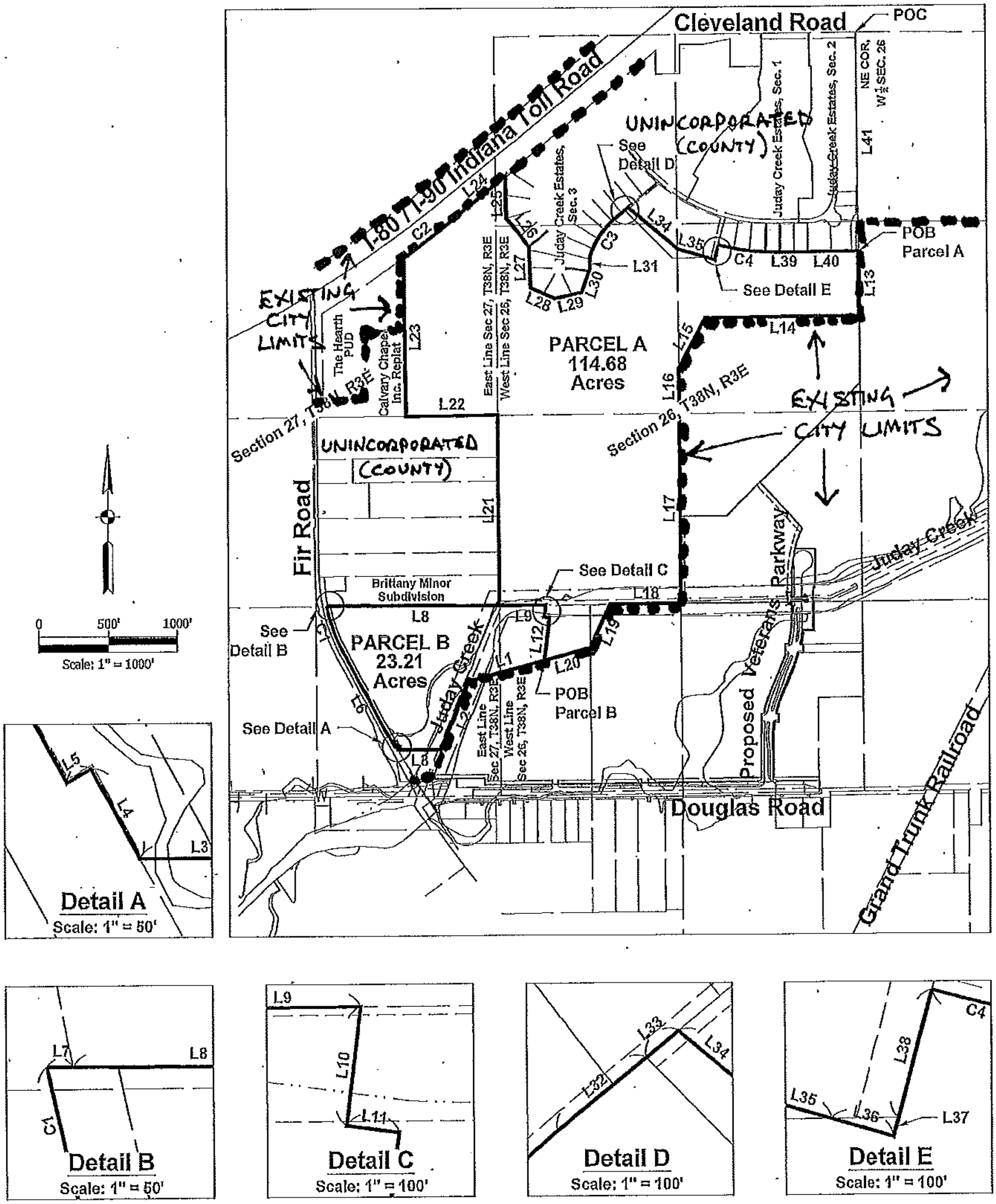
thence North 89 degrees 41 minutes 45 seconds East 336.65 feet along the north line of the Southwest Quarter of the Southwest Quarter of said Section 26;

thence South 07 degrees 32 minutes 53 seconds West 84.50 feet;

thence South 82 degrees 27 minutes 07 seconds East 38.43 feet;

thence South 07 degrees 32 minutes 53 seconds West 299.78 feet to the **Point of Beginning** and containing 23.21 acres, more or less.

ANNEXATION EXHIBIT



LFA LAWSON-FISHER ASSOCIATES P.C. 525 W. WASHINGTON AVENUE SOUTH BEND, INDIANA 46601 PH. (574) 234-3167	CITY OF MISHAWAKA DOUGLAS ROAD IMPROVEMENTS	DRAWN: RLH CHK: MMS DATE: 2/18	PROJECT NUMBER 201610.45
	ANNEXATION PROPERTY BOUNDARIES PARCELS A AND B	27	SHEETS 1 of 2

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ANNEXATION EXHIBIT

LINE TABLE		
Line #	Bearing	Distance
L1	S75°31'19"W	574.29'
L2	S22°49'58"W	514.85'
L3	N89°57'29"W	309.34'
L4	N29°08'50"W	36.09'
L5	S60°51'10"W	10.00'
L6	N29°08'50"W	761.56'
L7	S89°48'25"E	9.38'
L8	S89°48'25"E	1246.33'
L9	N89°41'45"E	336.65'
L10	S07°32'53"W	84.50'
L11	S82°27'07"E	38.43'
L12	S07°32'53"W	299.78'
L13	S00°23'28"E	454.11'
L14	S89°33'41"W	1123.32'
L15	S29°21'33"W	403.32'
L16	S00°20'06"E	317.63'
L17	S00°16'03"E	1327.59'
L18	S89°41'45"W	516.79'
L19	S25°29'19"W	333.44'
L20	S75°31'19"W	350.00'
L21	N00°16'56"W	1330.05'
L22	S89°37'13"W	664.48'
L23	N00°34'35"W	1109.50'
L24	N51°19'10"E	499.23'
L25	S01°10'05"E	299.30'
L26	S38°29'44"E	259.14'
L27	S02°23'51"E	288.74'
L28	S66°42'48"E	192.51'
L29	N77°55'33"E	199.88'
L30	N20°46'53"E	180.23'
L31	N01°43'08"W	71.51'
L32	N51°31'06"E	82.51'
L33	N51°31'06"E	30.30'
L34	S50°55'50"E	468.40'
L35	S74°24'57"E	231.39'
L36	S74°24'57"E	47.92'
L37	N15°12'47"E	13.70'
L38	N15°12'47"E	93.32'
L39	N89°41'37"E	144.78'
L40	N89°41'37"E	471.80'
L41	S00°23'28"E	1540.43'

CURVE TABLE				
Curve #	Length	Radius	Chord Bearing	Chord Distance
C1	337.06'	1115.92'	N20°29'40"W	335.78'
C2	439.67'	7789.44'	N52°56'11"E	439.61'
C3	349.29'	563.87'	N33°46'20"E	343.74'
C4	409.36'	1510.02'	S82°32'24"E	408.11'

LFA
LAWSON-FISHER ASSOCIATES P.C.
525 W. WASHINGTON AVENUE
SOUTH BEND, INDIANA 46601
PH. (574) 234-3167

CITY OF MISHAWAKA
DOUGLAS ROAD IMPROVEMENTS

DRAWN: RLH
CHK: MMS
DATE: 2/18

PROJECT NUMBER
201610.45

ANNEXATION PROPERTY BOUNDARIES
PARCELS A AND B

28

SHEETS
2 of 2

rlh - Feb 15, 2018 - 3:14pm U:\2016\201610_00 Mish DouglasRd\Cad\Survey\161060_Exhibit-Annexation.dwg

JUDAY CREEK GOLF COURSE CONSISTING OF 137.89 ACRES AND BEING COMMONLY LOCATED AT 14770 LINDY DRIVE, GRANGER, IN 46530.

SEE TAB B - BASIC DATA & FINANCIAL ANALYSIS / SECTION A FOR THE COMPLETE LEGAL DESCRIPTION.

TAB C- SUMMARY OF SERVICES

SUMMARY OF SERVICES

The City of Mishawaka, known as the Princess City, was incorporated in 1833 with only a few hundred residents. Now, with an estimated population of nearly 50,000 present-day Mishawaka is continuing to grow. From the bustling Grape Road corridor to the quiet paths of the Shiojiri Garden at Merrifield Park, the city offers residents a comforting sense of community where people like to live, work and raise families.

The backbone of any city is its services, and no unincorporated area of St. Joseph County can come close to matching the number and quality of services offered in the City of Mishawaka.

Some of the services provided are basic: electric, sewer, and water. Others, such as strong police and fire protection, efficient trash removal and access to parks and libraries, greatly improve the quality of life.

Sewer, water and electric services in the City are not paid by tax dollars; rather, Mishawaka Utilities services are all paid for through the low rates given to property owners.

Instead of dealing with septic systems, property owners can tap into lines provided by Mishawaka Utilities Wastewater Division. The Division has a plant staffed 24 hours a day, and maintenance technicians are available at all times to respond to emergencies. The City's sewer insurance program provides sewer coverage for each single-family residential homeowner on the public sewer system for a small monthly fee, paid with the Mishawaka Utilities bill. With this program, the homeowner is protected from paying the cost of catastrophic sewer repairs outside the home. A $42 million expansion of the wastewater treatment plant was completed in June 2008.

The City's water rates have traditionally been among the lowest in the state. The Water Division completed a $26 million capital improvement project in 2003. Several improvements to the overall system were made including the addition of a new well field, the replacement of water mains, and the extension of services to some areas that previously did not have water service.

Another service provided by Mishawaka Utilities is the distribution of electricity. Although Mishawaka Utilities does not generate or produce power, electricity is purchased at a wholesale rate and is distributed by Mishawaka Utilities. Mishawaka Utilities is not supported by tax dollars, but rather through revenue generated by the sales of electricity to its consumers.

But property owners get more out of being in the City of Mishawaka than just those basic services. Public safety is a priority in the City, with about 50 percent of the budget going toward fire, police and emergency medical services.

Mishawaka has a full-time Fire Department, with four stations. The Department maintains a Class 3 fire rating with the Insurance Services Office. The lower the rating, the lower a resident's homeowner's insurance will be. Additionally, the department's response time is excellent, and fire trucks arrive within three minutes to a call for 90 percent of the city.

The Mishawaka Police Department, with approximately 90 officers and employees, responds to critical incidents within three to five minutes. The Department offers many personal services within its Community Relations and Street Crimes Units, and the Riverwalk Beat. These services include attendance at neighborhood watch meetings, administering various programs for school-aged children and senior citizens, and focusing on crime reduction in high crime areas of the city.

The City's EMS Department is a centralized system that responded to approximately 7,400 calls in 2017. The City, with its population of nearly 50,000, responds to about 50% more calls than the County ambulance service does, with its population of over 100,000 residents spread over a much larger area. The business of "saving lives" has a very narrow window of four to six minutes, so the quicker an ambulance can respond, the more likely a life will be saved.

The efficiency of the City's Street Department is unmatched when it comes to snow removal, compared to St. Joseph County. Like other services, the county cannot provide a similar level of service because resources are spread out over a much larger area. In the event of a windstorm that blows trees and limbs into the streets, the City usually can have streets reopened in less than an hour.

Access to leisure activities is readily available in the City of Mishawaka. Residents can use all 27 City parks and the Eberhart-Petro golf course. Park rentals, for events such as weddings and receptions, are also less expensive for residents of the City.

Additionally, residents of the City of Mishawaka have access to all three branches of the Mishawaka-Penn-Harris Public Library. The Main Branch, on Church Street in downtown Mishawaka, and the Bittersweet Branch on the City's east side, and the Harris Branch on Elm Road in Granger.

Trash pick-up in the City is also inexpensive and efficient, with the monthly fee for single-family trash pickup at $13.86. For senior citizens, the rate is $11.09. The rates include the cost of recycling, which is picked up on the same day the trash.

With the exception of the trash removal, library use and Mishawaka Utilities services, the vehicle with which to pay for the rest of the City's services is through city property taxes. And the City of Mishawaka has a long history of having a low, stable tax rate – in fact, the rate has remained relatively stable for the past 10 years.

With its rich history, Mishawaka continues to prepare and grow for the future. New development within the City's Central Business District and the continued development of the city's commercial and industrial sectors guarantee its strength in the future. This growth allows the tax rates to remain low. With the low tax rate and the multitude of services provided, the City of Mishawaka is an excellent place to build homes, start businesses, and raise families.

SANITARY SEWER, TRANSPORTATION, AND DRAINAGE

Existing Sewer Infrastructure

The City has an existing 10" gravity sanitary sewer main parallel to the western right-of-way line of Fir Road as well as an existing 18" gravity sanitary sewer main parallel to the northern right-of-way line of Douglas Road. Furthermore, a proposed 15" gravity sanitary sewer main is to be constructed with the Veterans Parkway extension north of Douglas Road in 2019. Considering the above sanitary sewer locations and existing parcel layout, the parcel sanitary sewer connection has been designed with access from the 10" gravity sanitary sewer main located on Fir Road. The sanitary extension and connection are included with the Douglas Road Phase II Construction Project that is scheduled the summer of 2018. Regardless of the connecting point for sanitary sewer, the City's sanitary sewer system has ample capacity to serve this annexation property. This sewer extension will discharge into an existing sanitary sewer system that is publicly maintained and ultimately discharges to the City of Mishawaka's Waste Water Treatment Plant.

Existing Road/Transportation Infrastructure

This annexation only fronts Fir Road, and is one parcel north of the Douglas Road intersection. Fir Road is a two-lane road section, one travel lane in each direction. This annexation will not adversely affect the capacity of Fir Road. A future City road project will include widening of Douglas Road to two travel lanes in each direction and a center turn lane from Fir Road east to the eastern city limits. This project also includes a new road, Veterans Parkway, which is located east of Fir Road and extends north of Douglas Road approximately 1,600 feet. Veterans Parkway will include one travel lane in each direction and a center turn lane.

Existing Storm Sewer/Drainage Infrastructure

Regarding any new development or redevelopment within the annexation area, sites are required to retain the stormwater generated by the development on site at the rate of the 100-year return storm frequency. This requirement provides significant protection to both existing and proposed developments regarding the impact of stormwater run-off. Several different engineering methods are considered acceptable by the City of Mishawaka to calculate this requirement. The simplest method of calculation is using the one-line rational equation. However, the Rational Method, Curve Number Method, and TR-55 Method are also acceptable and tend to be more advanced, taking into consideration the percolation rate of soil types and ratios of developed impervious surfaces. The choice of one method over another typically is due to factors of site size, soil type, and design preference. Juday Creek runs through both parcels and additional measure may be required to protect any runoff flowing into it. With no new development planned for these parcels, the City would not require any additional stormwater/drainage infrastructure to be constructed at this time.
If any new development is proposed, the developer is required to bear all costs associated with stormwater management. Any proposed positive outlet to the nearby Juday Creek from any basin will require prior written approval of the St. Joseph County Drainage Board and the City of Mishawaka and limited to the undeveloped state. All land disturbing activities will require full compliance with the City's Erosion Control Ordinance.

Planned Capital Expenditures, Staff and Rates

If annexed, the City Engineering Department, Street Department, and Sewer Department will be responsible for maintenance of public streets, storm sewers, or sanitary sewer systems within dedicated City right-of-way. Any streets constructed within the parcels will remain privately maintained by the site owners and/or a Commercial Owners Association if established. The City Departments do not require any additional funds than what is currently allocated within the present City budget. For general information, the repair and maintenance of sanitary sewers is supported by rates paid by its users. Otherwise, as a general percentage of City expenditures, approximately 15 cents of every dollar of the City budget is allocated for street and storm sewer expenditures.

Personal Service Programs

The Engineering Department works closely with the Mishawaka Utilities Sewer Maintenance Department regarding the maintenance of the City sewer system. We maintain construction records for all sanitary and storm sewers and providing technical and administrative assistance on sewer repairs and for the Sewer Lateral Insurance Program that was initiated in 1986.

Specifically, the Sewer Lateral Insurance Program covers each single-family residential homeowner on the public sewer system within the City of Mishawaka. For a $1.50 monthly fee (included on homeowner's Mishawaka Utilities sewer bill), the homeowner is protected from paying catastrophic sanitary sewer repair costs for the portion of sewer lateral between the street right-of-way and outside of foundation wall of the home. Currently, this annexation area proposes an S-2 Planned Unit Development use, and therefore is not eligible for this program.

CITY OF MISHAWAKA
2018 BUDGET

ENGINEERING DEPARTMENT
101-13

1 PERSONAL SERVICES			
Salaries and Wages			biweekly
411-01	Director of Engineering	75,404.00	2,900.15
411-02	Assistant Director	62,439.00	2,401.48
	Project Manager	52,772.00	2,029.70
	Traffic Manager	51,434.00	1,978.23
	Project Coordinator	38,082.00	1,464.70
	Office Manager	33,273.00	1,279.72
			313,404.00
Other Personal Services			
411-65	PE Certification	10,000.00	192.31
			323,404.00
2 SUPPLIES			
Office Supplies			
421-90	General Supplies	4,000.00	
			4,000.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-06	Consulting	5,000.00	
Communication and Transportation			
432-03	Travel and Training	1,750.00	
Repairs and Maintenance			
436-01	Equipment Repair	2,500.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	1,000.00	
			10,250.00
			337,654.00

ELECTRIC SERVICE

Services and Rates

Mishawaka Utilities – Electric Division does not currently serve the proposed annexation area. *If the annexation is approved, Mishawaka Utilities – Electric Division will attempt to acquire the service area from AEP as it is not already in our franchise boundary. If AEP releases the service area to Mishawka Utilities, we can supply both single phase and three phase service.*

The costs of providing service for future/planned development will be the responsibility of applicant(s) for service (reference Terms and Conditions, Section 9.0). The necessary expenditure to make connection to an applicant for service will be considered to be warranted when the estimated total revenue (i.e., net revenue) as estimated by the Utility for a period of two and one-half (2½) years to be realized by the Utility from permanent and continuing Customers on such an extension is at least equal to the estimated cost of such extension.

Whenever, in the opinion of the Utility, the necessary expenditure to make connection to an applicant for service is not warranted by the Utility's estimate of prospective revenues to be derived there from, or whenever, in the opinion of the Utility, the permanence of the Customer's load is questionable, the Utility may require the applicant to make an advance deposit for line construction or service connection. Or, the Utility may require a long-term agreement, an aid to construction payment, monthly minimum charge or such definite and written guarantee from a Customer, or group of Customers, in addition to any minimum payment required by the Rate Schedule. This requirement may also be made covering the payment by the Customer of the cost of tapping existing transmission or distribution lines for light or power service or both, when such service will not provide sufficient load or revenue, in the opinion of the Utility, to justify the cost of tapping said lines.

In those cases where it is not feasible or practicable to construct lines on public rights of way and it is necessary to secure easements or line-clearing permits on private property, the applicant or applicants shall secure the same without cost to the Utility or assist the Utility in obtaining such easements or line-clearing permits on private property before construction shall commence. The Utility shall be under no obligation to construct lines in the event the necessary easements or line-clearing permits cannot be so obtained.

Personnel

Mishawaka Utilities – Electric Division has a staff of 47 employees. The Division, under the direction of the Electric Division Manager, is divided into the departments of engineering, construction, metering and operations:

Engineering:	Consists of the System Reliability Supervisor, Substation Supervisor, Substation Technician, Engineering Projects Manager, and support engineering personnel.
Construction:	Consists of the Construction Superintendent, two Construction Foremen, and support construction personnel (Journeymen, Apprentices and Linemen).
Metering:	Consists of Metering Department Manager and support metering personnel.
Operations:	Consists of the Operations Coordinator along with supporting personnel in dispatch/stores.

Description of Services

Normal working hours are from 7:30 a.m. to 4:00 p.m. Monday through Friday. During these hours, the Electric Division staff is available to provide immediate response to any system perturbation.

Services provided after normal working hours are on an emergency basis only. Customers requiring assistance can call the after-hours answering service, where a call is then placed to a duty supervisor to assess the situation. The duty supervisor then calls out required support personnel (via the answering service).

Mishawaka Utilities – Electric Division is well equipped to respond to problems associated with providing electric service. The electric division utilizes a wide breadth of equipment to meet the needs of the consumer. Major equipment includes loaders, backhoes, trenchers, boring machines, pushing machines, trailers, compressors, forklifts, bucket and line trucks, and pole trailers.

The service response time to restore from a loss of electricity resulting from storm damage or other physical line damage is typically less than AEP (AEP customers are spread geographically over a much larger area). However, since Mishawaka Utilities does not produce power, the utility is not able to control service problems based on the generation of power and has minimal control of transmission to, or within, Mishawaka.

Costs Associated with Services

Mishawaka Utilities is not supported by tax dollars, but rather through revenue generated by the sales of electricity to its consumers. Mishawaka Utilities does not generate or produce power. Mishawaka Utilities purchases electricity at a wholesale rate and is responsible for distributing it to every customer within the service area. Based on the large numbers of customers in a relatively small geographic area, Mishawaka Utilities is able to deliver electricity more economically than larger companies such as AEP. Although AEP actually generates or produces power, the cost for delivering the electricity to the consumer is greater because the customers are spread geographically over a much larger area. Actual rates will vary over time.

FIRE PROTECTION/EMS

The Mishawaka Fire/EMS Department is one of the area's best, with quick response times, excellent training, and the latest equipment.

Staffing and Response Times

The Mishawaka Fire Department currently has four stations located strategically throughout the City of Mishawaka. The Fire Department and the Emergency Medical Services Department merged January 1, 2002.

In accordance with the firefighter's union Collective Bargaining Agreement and the City of Mishawaka, minimum staffing of 29 personnel are available at all times. The department also has three members working in the City's Fire Inspection Bureau.

The Department's response time is excellent. The Fire Department responds to calls within three minutes for 90 percent of the City.

Fire Stations

The four fire stations are located in strategic areas around the City:

Station No. 1, built in 1991, is located on Union Street near downtown. It is staffed by a minimum of eleven (11) firefighters manning one Sutphen pumper truck, one aerial truck, a 105' Sutphen aerial/pumper combination), one heavy-duty K.M.E. rescue truck and one A.L.S. Paramedic ambulance unit.

Station No. 2, located at 2332 N. Main St., is staffed by five (5) to six (6) firefighters at all times, manning one Sutphen pumper truck, and one A.L.S. Paramedic ambulance unit. If annexed, this would be the primary responding station since it is the nearest to the site.

Station No. 3, located at 333 E. Douglas Road, is staffed by eight (8) firefighters at all times, manning one Seagrave pumper truck, one 105' Pierce Quint aerial/pumper combination, and one A.L.S. Paramedic ambulance unit.
Station No. 4, located at 3000 Harrison Road, is staffed by 5 firefighters manning one Seagrave pumper truck, and one Battalion Chief Vehicle.

All engine and ladder Companies are certified advanced life support non-transport.

For the year 2017 out of 7,432 runs 5,731 or roughly 77% were medical in nature. The Mishawaka Fire Department restructured going to a three-platoon system. With the addition of a third ambulance we were able to move ambulances out of one central location to be closer to the neighborhoods they served. This and the availability of paramedics on some engine companies have decreased the time in which it takes to start lifesaving interventions if needed. Engine and ladder companies also have Advanced E.M.T.'s on board who may begin vital treatment such as 12 lead E.K.G.'s, establishing I.V. lines, and administration of a handful of drugs. Once the ambulance arrives the paramedics take over in the continuum of care depending upon the severity of the call.

Equipment

Equipment for the department is very comparable with what is available to surrounding township departments, but the City's fire department offers other advantages not available to the township fire departments. By having 29-36 firefighters on duty at any given time Mishawaka is able to send more resources depending upon the nature of the call. The Mishawaka Fire Department has three ladder/pumper trucks available for emergencies. Two of these are in service at all times with the third being a reserve. Depending upon the location, some outside fire departments utilize mutual aid agreements in the event of the need for an aerial device.

The City maintains a fifteen (15) member Dive/Rescue team for water emergencies.

Training

The fire department undergoes year-round training in all areas of suppression, haz-mat, emergency medical, inspection, water rescue, public education, confined space, high angle rescue, extrication and others.

In order to work on an ambulance, the State of Indiana requires personnel to be Emergency Medical Technicians (minimum training). Generally speaking, while employed with an ambulance service, employees have an opportunity to advance their skills. Training is offered at two additional levels, Advanced EMT, (IV therapy, cardiac monitoring) and Paramedic, (addition of several other medications). The EMS division is highly regarded by other services and municipalities in our area offering paramedic service.

All firefighters hired by the City of Mishawaka must become an Advanced level E.M.T within eighteen (18) months of hiring and maintain it throughout their career.

In the calendar year 2017 each firefighter took part in an average of 200+ hours of continuing education.

Complete training records for all personnel are available.

Fire Insurance Rating

Mishawaka maintains a Class 3 fire rating with the Insurance Services Office. The lower the number in the rating, the lower a homeowner's insurance policy could be. Thus, properties that are annexed into the city could see a reduction in property insurance.

During the last audit in November of 2012 Mishawaka's rating improved from 72.25% out of a maximum of 100% in 2003 to 78.65% out of 100% in 2012.

We are currently only 1.35% away from a Class two (2) designation of which there are only three (3) in the State of Indiana.

We are waiting for improvements as a result of the ongoing Public Safety Answering Point mergers and some other internal improvements to occur before we asked to be reevaluated by the I.S.O.

Of course, the only way to determine if a reduction will occur is to contact applicable insurance providers. Homeowner's insurance portion that is fire related would benefit the least while those of a business would have a much larger impact.

For comparison, many township departments have ratings of 7 to 9. After our next reevaluation we believe Mishawaka's fire insurance rating will be the same as the City of South Bend, which is a two (2).

Future Plans

Additional personnel will become necessary in the future as the City grows. This increase is due in part to the increased role the department plays as the first responder unit for medical and accident calls. Given the numerous locations of fire stations in the city, the Fire Department is able to respond to emergency medical and accident situations in a shorter period of time than the emergency medical units alone.

The next Station slated for major improvements is Station #2 located at 2332 North Main Street. Planning and funding are being researched now.

Plans are also underway to place a fourth A.L.S. Paramedic ambulance in service as future growth of the department allows.

Potential increases in personnel, equipment, and buildings, are evaluated on a continual basis. Although these increases represent the anticipated long term needs of the department, these increases are not needed in the short term to provide the consistent high level of service that has been historically provided to the city.

Citizen Programs

The fire department provides regular fire inspections for businesses located in the area, and home inspections upon request.

In 2016 the Fire Prevention Bureau performed 1,109 fire inspections of new and existing buildings in Mishawaka.

In addition, residents are encouraged to take part in the department's smoke detector giveaway and installation programs.

Fire Marshals give extinguisher demonstrations and emergency planning procedures upon request to businesses in the City. Participants use real extinguishers on mock up fires to prepare them for the real thing.

The department also participates in drive through flu clinics, C.P.R. classes, Triad pill drops, car seat installations and clinics throughout the year.

Costs Associated With Services

If annexed, the City of Mishawaka Fire Department is capable of providing a level of service for the area that is equal to the services currently provided for the City. Given the proximity of the proposed annexation area, the Fire Department does not require any additional funds than what have been allocated within the current city budget to provide these services. For general information purposes, a copy of the year 2018 budget has been included for reference.

CITY OF MISHAWAKA
2018 BUDGET

FIRE/EMS DEPARTMENT
101-19

1 PERSONAL SERVICES - ***see salary ordinance for changes***

Salaries and Wages			biweekly
411-01	Fire Chief	70,288.00	2,703.40
411-02	Assistant Chief		
	3 @ 64,831	194,493.00	2,493.50
	Battalion Chief		
	3 @ 63,401	190,203.00	2,438.50
	Captains 15 @ 60,315	904,725.00	2,319.81
	Lieutenants		
	15 @ 58,655	879,825.00	2,255.97
	Fire Inspectors		
	3 @ 58,135	174,405.00	2,235.96
	Driver Operator		
	30 @ 57,032	1,710,960.00	2,193.52
	Master Firefighters		
	34 @ 56,279	1,913,486.00	2,164.59
	1st Class Firefighter		
	11 @ 54,279	597,069.00	2,086.90
			6,635,454.00
	Civilian		
	Executive Secretary	33,556.00	1,290.62
			33,556.00
Other Personal Services			
411-12	Specialty Pay	220,550.00	
411-13	Out of Rank Pay	50,000.00	
411-60	Overtime	600,000.00	
411-66	Uniform Allowance 113 @ 1250	141,250.00	
411-67	Pension Equalization	10,300.00	
			1,022,100.00
Employee Benefits			
413-01	Social Security	12,500.00	
413-02	Medicare	112,000.00	
413-03	PERF-14.2%	29,000.00	
413-05	Health Insurance	3,000,000.00	
413-06	Life/Disability Insurance	6,500.00	
413-09	77 Pension 20.5%	1,258,000.00	
			4,418,000.00
			12,109,110.00

FIRE/EMS DEPARTMENT
101-19

2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	6,000.00	
Operating Supplies			
422-01	Operating Supplies	200,000.00	
422-03	Medical Supplies	125,000.00	
Other Supplies			
429-10	Public Education Training/ Seminar Supplies/Refreshments	6,000.00	
			337,000.00
3 OTHER SERVICES AND CHARGES			
Repairs and Maintenance			
436-01	Building/ Equipment Repair	100,000.00	
436-91	Laundry Maintenance	3,000.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	3,000.00	
			106,000.00
			12,552,110.00

PARKS AND RECREATION OPPORTUNITIES

Parks and Recreation

Mishawaka offers 27 public parks, each with its own unique natural attributes. For boating enthusiasts, there are four parks with boat launches into the St. Joseph River. East of the American Electric Dam by Capital Avenue, the river provides opportunities for water-skiers and sailors. Mishawaka parks also have an excellent swimming pool, splash pads, as well as accommodations for tennis and various field sports, including a very popular softball program. Disc golf is another popular park sport. The City also contains the Eberhart-Petro 18 hole municipal golf course located along the St. Joseph River.

Some Mishawaka parks contain attractive areas for walking and picnicking, and nearly all have playground equipment and play field areas. Three parks, Shiojiri Niwa, Battell, and the Robert Beutter Riverfront Park, have attractive landscape and water amenities and are routinely the place for weddings, special events, and family pictures. The parks in Mishawaka range in size from 0.2 acres to 90 acres for the Eberhart-Petro Golf Course.

The responsibility for development of the parks and recreation system for the City rests with the Board of Parks and Recreation. The Board consists of four members and a member from the Board of School Trustees and a member from the Library Board.

Staff and Equipment

The park office staff consists of the Superintendent, Office Coordinator, Program Coordinator, and Secretary. There are 4 Park Divisions (Recreation/Special Events, Golf, Aquatics/Ice Rink, and Landscape). 3 Have Division Directors and the Landscape Division is headed by the Landscape Manager.

The Mishawaka Parks Department provides budget support for its park maintenance through the Central Services Department, which manages all operations and maintenance staff and equipment for streets, parks, motor pool, and some electrical service vehicles.

Costs Associated With Services

All programs implemented through the Mishawaka Park and Recreation Department are available to all who wish to participate in them or rent the facilities. Listings of all park and recreation rates are available through the City of Mishawaka Park Department.

If annexed, the existing park system will continue to provide a level of service for the area that is equal to the services currently provided for the rest of the city. Resident services will begin immediately upon annexation.

For general information purposes, a copy of the year 2018 budget has been included for reference.

CITY OF MISHAWAKA
2018 BUDGET

PARK AND RECREATION
204-50

1 PERSONAL SERVICES				
Salaries and Wages				biweekly
411-01	Department Head	65,304.00		2,511.69
411-02	Regular Employees	479,334.00		
	Group 1: 14 @19.51*2092	571,409.00	1,116,047.00	
411-03	Temporary/Summer Help	377,000.00	377,000.00	
	Directors	1,800.00		
	Reimburse CS Assts. 1.25	64,317.00		
	Reimburse MVH director 5%	3,058.00	69,175.00	
			1,562,222.00	
Other Services Personal				
411-60	Overtime	30,000.00		
411-63	Longevity	12,050.00		
411-64	FTO	15,000.00	57,050.00	
Employee Benefits				
413-01	Social Security	101,000.00		
413-02	Medicare	24,000.00		
413-03	PERF 14.2%	177,000.00		
413-04	Unemployment	5,000.00		
413-05	Employee Insurance Benefits	375,000.00		
413-06	Life Insurance	1,500.00	683,500.00	
			2,302,772.00	
2 SUPPLIES				
Office Supplies				
421-90	Office Supplies	5,000.00		
Operating Supplies				
422-02	Gas, Oil, Parts, etc.	73,000.00		
Other Supplies				
429-09	Merrifield Complex Supplies	15,000.00		
429-14	Maintenance Supplies	60,000.00		
429-15	Program Supplies	40,000.00		
429-16	Golf Course Concessions	40,000.00		
429-18	Athletic Event Supplies	20,000.00		
429-20	Golf Course Supplies	30,000.00		
429-21	Other Concessions	5,000.00		
429-23	Merrifield/BC Concessions	20,000.00		
			308,000.00	

CITY OF MISHAWAKA
2018 BUDGET

PARK AND RECREATION
204-50

3 OTHER SERVICES AND CHARGES

Professional Services			
431-09	Health Screenings/Vaccines	8,000.00	
Communication and Transportation			
432-02	Postage and Freight	2,000.00	
432-03	Travel and Training	3,000.00	
432-04	Telephone	7,000.00	
Printing and Advertising			
433-01	Printing/Newsletter etc.	10,000.00	
Insurance			
434-90	Insurance Premiums/Deductibles	120,000.00	
Utility Services			
435-01	MU/AEP Charges	370,000.00	
435-02	NIPSCO	30,000.00	
Repairs and Maintenance			
436-01	Equipment/Facility Repair	50,000.00	
436-90	Service Contracts	95,000.00	
Rentals			
437-05	Uniforms/Port-o-lets	11,500.00	
Other Services and Charges			
439-03	Subscription, Dues, etc.	1,400.00	
439-09	Miscellaneous/Charges	1,000.00	
439-18	Instructor Fees	20,500.00	
439-19	Official/Referee Fees	10,000.00	
439-21	Recreation Event/Entertainment	30,000.00	
439-93	Sales Tax	25,000.00	
			794,400.00
			3,405,172.00

CITY OF MISHAWAKA
2018 BUDGET

PARK AND RECREATION NON-REVERTING
214-50

1 PERSONAL SERVICES			
Salaries and Wages			
411-03	Temporary Help	15,000.00	
			15,000.00
2 SUPPLIES			
Other Supplies			
429-09	Wilson Hill Supplies	7,500.00	
429-16	Golf Course Concessions	10,000.00	
429-17	Landscaping/Chemical Supplies	60,000.00	
			77,500.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-06	Consulting	75,000.00	
Communication and Transportation			
432-04	Wilson Hill Phone and Internet	2,500.00	
Repairs and Maintenance			
436-01	Golf Cart Repair	5,000.00	
436-20	Merrifield Pool and Rink Repair	15,000.00	
436-21	Wilson Building Repair	10,000.00	
436-90	Animal Control	15,000.00	
	GPS Contract	28,000.00	
			150,500.00
4 CAPITAL OUTLAYS			
Machinery and Equipment			
444-10	Golf Carts	65,000.00	
			65,000.00
			308,000.00

POLICE AND CRIME PREVENTION

The City of Mishawaka's Police Department provides residents with professional public protection and safety, helping keep the city's crime rate low. The officers are among the area's most well-trained, receiving the best training, using top-of-the-line equipment and offering personal service to Mishawaka residents.

Staffing

There are currently a total of 7 full time civilians within the Mishawaka Police Department, and are budgeted for 106 sworn officers. The Department has 23 officers on the day shift, 25 on the afternoon shift, and 23 on midnights, making for a total of 71 officers in the Uniform Division.

Because of a State Mandate, effective on January 1, 2015, the four dispatch centers in St. Joseph County (including the Mishawaka Public Safety Dispatch Center) were required to consolidate into two Dispatch Centers. The former Mishawaka Police Dispatchers are now employed by St. Joseph County; hence the reduction in civilian employees for the MPD.

There are also 9 officers in the Investigative Division and 6 officers assigned to special duty (special crimes, domestic violence, school resource, etc.)

All police officers in the State are required to successfully complete the basic program at the Indiana Law Enforcement Academy within the first year of employment. This is a 15-week program. Current ILEA standards require each Officer to complete 24 hours of service training per year. The Mishawaka Police Department averages 64 hours of training, compared with minimums of 24+ statewide.

Equipment

The Police Department has a take-home patrol car program. Currently, there are 103 take-home vehicles. Each car contains standard first aid equipment for immediate response. Each officer is also well equipped with standard equipment such as side-arms, shotguns, Tasers. and body armor. All officers have been provided with digital cameras for recording accident and crime scenes. In addition, 22 cars are equipped with video cameras to record events on patrol. The City provides for the continual maintenance, repair, and replacement of equipment. Standard equipment items such as cars and firearms are on a set replacement schedule for both reliability and performance.

Several years ago the City purchased a radar trailer, which detects a motorist's speed and flashes it on a screen, for $9,000. This equipment assists in controlling speed by making motorists aware of their current rate of travel. This equipment can also specifically be used in the annexation area.

The Police Department has three School Resource officers available with School City of Mishawaka. One officer is assigned to Mishawaka High School, one officer is assigned to John Young Middle School and one is assigned to the elementary schools. The cost of these officers is shared with School City.

The Community Relations Unit

The Community Relations Officers handle various public relationship events such as Neighborhood Watch meetings, MPD tours for boy scouts and schools, reading to kids, bike safety rodeos, and participating in Tri-Ad Senior Citizens Organization. The unit is partnered with Nixle.com (a California-based Internet messaging-service provider). This provider offers a standardized, secure, and certified communication platform for local police departments, municipalities, and their agencies to communicate important, neighborhood-level information to the residents of their communities. This has been a great success with improving how we get crime information and other important information out to the public.

The unit also handles neighborhood complaints, such as drug houses, speeding, neighbor disputes, and other "quality of life" issues.

Street Crimes Unit

The Street Crimes Unit was implemented in July of 2009. The goal of this Unit is to concentrate efforts in high crime areas of the city and work in conjunction with the Police Department's Investigative Division to identify criminals and solve crimes. So far, the SCU has worked very hard at their mission and has proven to be quite a success. Because of their determination and self-motivation, the Unit has taken several criminals, weapons and drugs off the streets and has seen crime decrease in the high crime neighborhoods.

Riverwalk Beat

A "Riverwalk beat" was implemented in 2015 and determined to very successful. Several methods of patrol have been utilized, including the Kawasaki mule, bicycles and motorcycle. The extra patrols have minimized reported vandalism that was seen in previous years. The renovation of Central Park has brought an increase of visitors to both the park and Riverwalk. The MPD continues its patrol efforts in the parks enhanced with the installation of a video camera surveillance system throughout the Riverwalk, Beutter and Central Park. Several emergency call boxes will also be installed, thus enhancing the safety of all Riverwalk users.

CAPS Program

The Citizens in Alliance with Police (CAPS) Program has much success in patrolling the Riverwalk and City parks and has expanded to two teams of volunteers that can be seen on the weekends.

Response Time and Crime Statistics

On average, the Mishawaka Police Department responds to critical incidents within three to five minutes. This is comparable to three to seven minutes in South Bend. South Bend has a modestly larger coverage area. Response times for the county were not available; however, with the St. Joseph County Police Department's much larger coverage area per officer, it is anticipated that the response time within the City of Mishawaka is significantly lower than in the county.

Mishawaka crime rates in general continue to remain low for cities of comparable sizes. Serious crimes such as rapes, robberies, assaults, thefts, auto thefts have dropped from 2016 to 2017. There was an increase in robberies from 2016 to 2017. Overall there was a 2% decrease in crime in 2017. Mishawaka had 2 homicides in 2016. In 2017 there were 3 homicides.

For general information purposes, a copy of the year 2018 budget has been included for reference. The budget itemizes the costs of providing services for the entire city.

Costs Associated with Services

If annexed, the City of Mishawaka Police Department is capable of providing a level of service for the area that is equal to the services currently provided within the City of Mishawaka. The Police Department does not require any additional funds than what has been allocated within the current city budget to provide these services. No capital expenditures are required in association with this proposed annexation.

CITY OF MISHAWAKA
2018 BUDGET

POLICE DEPARTMENT
101-20

1 PERSONAL SERVICES - ***see salary ordinance for changes***

Salaries and Wages			biweekly
411-01	Police Chief	70,737.00	2,720.64
411-02	Assistant Chief		
	3 @65,277	195,831.00	2,510.66
	Captains		
	6 @ 59,725	358,350.00	2,297.11
	Lieutenants		
	14 @ 58,584	820,176.00	2,253.24
	Sergeants		
	20 @ 57,480	1,149,600.00	2,210.76
	1st Patrol Officer		
	46 @ 56,728	2,609,488.00	2,181.83
	2nd Patrol Officer		
	18 @ 54,728	985,104.00	2,104.13
			6,189,286.00
	Civilians		
	Executive Secretary	33,556.00	
	Administrative Secretary	33,273.00	
	Secretary 2 @ 32,825	65,650.00	
	Parking Personnel	32,825.00	
	Property Manager	36,939.00	
	Services Administrator	38,163.00	240,406.00
	Crossing Guards 21 @ 7,317	153,657.00	
411-03	Substitute Crossing Guard	2,000.00	
	Temporary Help/Part-time	20,000.00	175,657.00
Other Personal Services			
411-60	Overtime/ Court-time Officer-Non Officer	500,000.00	
411-66	Uniform Allowance		
	1 @ 600, 106 @ 2050	217,900.00	
	Equipment Allowance	30,000.00	
			747,900.00
Employee Benefits			
413-01	Social Security	27,000.00	
413-02	Medicare	107,000.00	
413-03	PERF 14.2%	35,000.00	
413-05	Health Insurance	2,650,000.00	
413-06	Life Insurance	6,250.00	
413-10	77 Pension 19.5%	1,195,000.00	
			4,020,250.00
			11,373,499.00

CITY OF MISHAWAKA
2018 BUDGET

POLICE DEPARTMENT
101-20

2 SUPPLIES			
Operating Supplies			
422-01	Operating Supplies	35,000.00	
Other Supplies			
429-11	Seminars/ Community Relations	1,000.00	
			36,000.00
3 OTHER SERVICES AND CHARGES			
Communication and Transportation			
432-03	Travel and Training	2,000.00	
Printing and Advertising			
433-01	Printing	1,800.00	
Repairs and Maintenance			
436-01	Building Repair/ Maintenance Service Contracts	90,000.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	3,000.00	
439-11	Special Expense	13,000.00	
439-12	Canine Expenses	3,000.00	
439-16	Crime Stoppers Program	5,000.00	
			117,800.00
			11,527,299.00

STREET DEPARTMENT

The Mishawaka Street Department, with its large staff and several trucks and multiple pieces of equipment, constantly maintains the City's streets and is prompt at answering to emergencies.

Staffing

The Mishawaka Street Department, headed by the Street Commissioner, has 32 union employees, two clerical personnel and two assistant street commissioners. The telephone is staffed 24 hours a day, and one manager is on call at all times, so that most emergencies can be handled in less than one hour.

Equipment

The Department uses 3 tandem axle and 11 single-axle trucks for the majority of the City's snow plowing. The Department also has 12 4-wheel drive trucks used for plowing smaller streets.

If the need arises during a winter storm, the Department also can call upon the Utilities and Parks departments to help supplement the snow removal efforts.

Along with the three loaders, two graders and the help of the manpower and equipment from other departments, the City can put a total of seven loaders, five backhoes and four additional trucks on the road to help remove snow. St. Joseph County does not have as many resources and has a larger area to plow; therefore, it takes the county longer to clear their roads.

Services

The City's leaf pick-up program is completed on a weekly basis every fall, compared with the County's leaf pick-up program, which is done by quadrants.

The City also has an aggressive street sweeping schedule, with all streets swept every 10 days. The County does little street sweeping.

Also, in the event of a wind storm that blows trees into streets, the City can have the street re-opened, in most cases, in less than an hour. The county can take six to eight hours, as evidenced by calls from residents on streets just outside the City's boundaries.

Costs Associated with Services

If annexed, the City of Mishawaka Street Department is capable of providing a level of service for the area that is equal to the services currently provided for similar geographic areas within the City of Mishawaka. Given the proximity of the proposed annexation area, bordered to the south and east by the existing City limits, the Street Department does not require any additional funds than what have been allocated within the current city budget to provide these services. No capital expenditures are required in association with this proposed annexation. Services will begin within one year of the date of annexation as required by law.

For general information purposes, a copy of the year 2018 budget has been included for reference.

CITY OF MISHAWAKA
2018 BUDGET

CENTRAL SERVICES DEPARTMENT
101-22

1 PERSONAL SERVICES				
Salaries and Wages				biweekly
411-02	Assistant 4 @51,453	205,812.00		1,978.94
	Fleet Maintenance Technician			
	6 @ 20.55*2092	257,944.00		
	Group 1: 4 @ 19.51*2092	163,260.00		
	PT maintenance 1040 hrs @ 11.00	11,440.00		
	Reimburse MVH Director-61,148*5%	3,058.00		
			641,514.00	
Other Services Personal				
411-60	Overtime	15,000.00		
411-63	Longevity	4,575.00		
			19,575.00	
			661,089.00	
2 SUPPLIES				
Office Supplies				
421-90	Office Supplies	2,000.00		
Operating Supplies				
422-02	Gas, Oil, etc.	800,000.00		
422-05	Equipment/ Vehicle/Maint Supplies	110,000.00		
Other Supplies				
429-08	Uniform/ Supplies	4,250.00		
			916,250.00	
3 OTHER SERVICES AND CHARGES				
Professional Services				
431-09	Health Screenings/ Vaccines	1,000.00		
Communication and Transportation				
432-03	Travel and Training	1,500.00		
Repairs and Maintenance				
436-01	Building Repair / Equipment/Maint	70,000.00		
Rentals				
437-05	Uniforms	5,000.00		
Other Services and Charges				
439-09	Miscellaneous Charges	2,500.00		
			80,000.00	
			1,657,339.00	

MOTOR VEHICLE HIGHWAY
201-50

1 PERSONAL SERVICES			
Salaries and Wages			biweekly
411-01	Street Commissioner	61,148.00	2,351.83
411-02	Office Administrator	33,769.00	1,298.82
	Office Manager	33,273.00	1,279.72
	Group 1: 32 @ 19.51*2092	1,306,077.00	
	CS reimburse-51,453* 1.55 for assts.	79,753.00	
			1,514,020.00
Other Services Personal			
411-60	Overtime	80,000.00	
411-63	Longevity	16,820.00	
411-64	FTO (Flexible Time Off) Plan	8,000.00	
			104,820.00
Employee Benefits			
413-01	Social Security	100,500.00	
413-02	Medicare	24,000.00	
413-03	PERF 14.2%	230,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Ins Benefits	640,000.00	
413-06	Life Insurance	2,250.00	
			1,001,750.00
			2,620,590.00
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	1,500.00	
Operating Supplies			
422-02	Gas, Oil, etc.	100,000.00	
Repair and Maintenance Supplies			
423-03	Equipment/ Parts, Supplies	175,000.00	
Other Supplies			
429-08	Uniform Supplies	5,000.00	
429-13	Traffic Supplies	35,000.00	
			316,500.00

CITY OF MISHAWAKA
2018 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

3 OTHER SERVICE AND CHARGES			
Professional Services			
431-09	Health Screenings/ Vaccines	5,000.00	
Communication and Transportation			
432-03	Travel and Training	5,000.00	
432-04	Telephone/ Paging	7,500.00	
Printing and Advertising			
433-02	Publications	500.00	
Insurance			
434-90	Insurance Premiums/Deductibles	150,000.00	
Utility Service			
435-01	MU Charges	135,000.00	
435-02	NIPSCO	100,000.00	
Repairs and Maintenance			
436-01	Building/ Equipment Repair	200,000.00	
Rentals			
437-05	Uniforms	8,000.00	
Other Services and Charges			
439-09	Miscellaneous Charges	3,000.00	
			614,000.00
4 CAPITAL OUTLAYS			
Improvements Other than Buildings			
442-01	Street Repair		
	Community Crossings Grant match	183,000.00	
			183,000.00
			3,734,090.00

LOCAL ROAD AND STREET
202-50

4 CAPITAL OUTLAYS

Improvements other than Buildings			
442-01	Street Repair/Summer Program	680,000.00	
			680,000.00

LOIT SPECIAL DISTRIBUTION
257-50

4 CAPITAL OUTLAYS

Machinery and Equipment			
445-02	Street Equipment	180,000.00	
			180,000.00

WASTE DISPOSAL AND RECYCLING SERVICES

Waste Disposal and Recycling Services

Trash pick-up in the City of Mishawaka is inexpensive and efficient. The monthly fee for single family trash pickup is $13.86. This includes trash, yard waste and recycling. Residents also are allowed to place up to two large items out each week for removal with their regular trash. Large items could include furniture, appliances, and similar objects that are not readily placed within containers.

A discounted rate of $11.09 per month is provided for senior citizens.

Similar to the county and other municipalities, trash removal services are not offered to multiple family developments, commercial, or industrial businesses. The waste stream generated from these uses varies widely and usually require private dumpsters. These uses are required to contract for services through private trash contractors. Given that portion of the proposed annexation is an industrial facility; waste disposal will be the responsibility of the property owner with no involvement from the City.

Leaf pick-up and Fifth Street recycling center

The leaf pick-up and Christmas tree pick-up programs are done through the City's street department. The Fifth Street Recycling Center offers Organic recycling for residents of Mishawaka only. Brush, Grass and Leaves may be brought in, by residents at no charge.

WASTEWATER

Services

Services are provided by the Mishawaka Wastewater Division 24-hours a day. There are at least two operators staffing the facility at all times. Additionally, maintenance technicians can be called in during off-hours to respond to emergencies. The thirty remote sewage lift stations are continuously monitored by radio telemetry.

Facilities

Mishawaka's wastewater treatment plant is a Class IV facility that was recently expanded to provide an average design capacity of 20 million gallons per day (MGD). The peak design capacity is 42 MGD. The plant is designed to operate in the conventional activated sludge mode. Single stage nitrification is achieved in the activated sludge process to convert ammonia to nitrate. Phosphorus is removed both biologically and by chemical precipitation using ferrous chloride. Solids generated in the treatment process are anaerobically digested and mechanically dewatered. These biosolids are land applied on area farm fields for soil conditioning and fertilizing. The treated effluent from the facility is disinfected with sodium hypochlorite, then treated with sodium bisulfite to remove any chlorine residual. The dechlorinated effluent is aerated to add dissolved oxygen.

For the year 2017, an average flow of 10.33 MGD was treated. The average cBOD removal was 98% and the average suspended solids removal was 98%.

Staff

Twenty six people staff the wastewater utility. There are 5 managers/supervisors, 4 chemists, 9 operators, 6 maintenance technicians, 1 biosolids technician, and 1 pretreatment technician. At least two operators are on duty at all times.

Support Personnel

The Wastewater Division relies on the Mishawaka Utilities Business Office for support functions such as billing, budget tracking, and customer service. The City's Engineering Division works closely with the Wastewater Division on plan reviews for sewer and lift station additions. Consulting engineering firms are used to design improvements and for comprehensive studies.

Past and Planned Capital Improvements

A $42 million upgrade was completed in mid 2008 for the wastewater utility. This upgrade was necessary to provide capacity for service area growth and to address the CSO requirements established in Mishawaka's NPDES permit and CSO control regulations. The upgrade increased both the dry weather flow capacity and the plant's capability to treat wet weather flows. Construction began in November 2005 and was substantially complete in June 2008.

The capital improvements increased the wastewater treatment plant's capacity from 12 MGD to 20 MGD. The hydraulic peak capacity increased from 24 MGD to 42 MGD. The scope of the wastewater treatment plant improvements include the following elements:

- Parallel 60-inch interceptor sewer from CSO 009 to treatment plant
- Influent Pump Station Expansion
- Additional Fine Screen
- New Grit Separation and Washing Equipment
- New Scum Concentrating Equipment
- Addition of Two New Grit Removal Tanks
- Addition of Two New Primary Clarifiers
- Addition of Two New Aeration Tanks
- Addition of Two New Final Clarifiers
- Addition of Chlorine Contact Tank
- Conversion From Gaseous Chlorine and Sulfur Dioxide to Liquid Sodium Hypochlorite and Sodium Bisulfite Disinfection
- Rehabilitation of Ferrous Chloride Storage and Feed System
- Addition of two WAS Gravity Belt Thickener

- Addition of a second belt filter press for biosolids dewatering
- New Anaerobic Digester and Rehabilitation of Existing Digesters Including New Covers
- Modifications to the Plant Electrical Feed
- Installation of a high efficiency turbo aeration blower
- New Process Air Blower Equipment
- Administration Building Modifications
- Expansion of Maintenance Facilities
- Site Landscaping

In 2013, the Carriage Lane and Winding Brook lift stations were replaced and stand-by emergency generators were added. The Southampton lift station was upgraded to include a stand-by emergency generator as well.

In 2017, the Oakland St. lift station was replaced.

In 2018, the west side final clarifier troughs are to be replaced. Also, design has begun on miscellaneous plant improvements to include replacement of the manual bar screen with a new automated fine screen, improvements to the hypochlorite disinfection system, improvements to CSO 009, and replacement of the existing air monitoring systems in the Headworks and Digester Control Buildings. Also, design has begun on the replacement of the Home St. lift station to be constructed in 2019.

Future capital improvements focusing on the Combined Sewer Overflow Long Term Control Plan will consist mainly of sewer system improvements to convey greater volumes of wet weather flow to the Wastewater Plant for treatment as well as sewer separation.

Statistical Information

Mishawaka's wastewater treatment plant exhibits outstanding performance. For the year 2017 the average removals and effluent concentrations were as follows:

	Percent Removal	Effluent Concentration mg/l
CBOD	98%	<2.0
Total Suspended Solids	98%	<2.6
Phosphorus	83%	0.56
Ammonia Nitrogen	97%	<0.8

During 2017 there were 2 exceedances of NPDES permit effluent mercury limitations. The permit limit for mercury is 3.2 parts per trillion as an annual average over the most recent (rolling) 12 month period. This is a very low limit and treatment plants are not designed specifically for mercury removal. A part per trillion is the equivalent of one inch in sixteen million miles. Compliance with this limit is dependent on controlling discharges of mercury at their source. The Utility is developing a Mercury Minimization Plan to address source control of mercury discharges.

Costs Associated with Services

Mishawaka Utilities Wastewater Division is predominately supported through revenue generated by the rates charged to customers. 2005 was the first full year of construction of the Wastewater Treatment Plant Upgrade and Expansion. The project was completed in June of 2008. The City financed $41.9 million for the plant improvements through a low interest State Revolving Fund Program loan, which will save considerable interest expense throughout the twenty year life of the loan. The expansion serves the dual purpose of providing capacity for continued growth in the community and will cut annual combined sewer overflow (CSO) volume in-half. Because a portion of the expanded capacity will serve growth in the Northwest TIF area, TIF funding has been pledged to the Wastewater Division to assist in funding debt service payments. An annual TIF distribution of $3.36 million reduces the rate increases necessary to fund the expansion's bond payments.

Residents of St. Joseph County who have access to city sanitary sewer pay the same sewer rate provided to residents of the city. However, Wastewater Utility customers whose premises are served by the utility and are located within the City limits shall receive a credit applied towards their monthly sewer bill in recognition of the portion of the principal and interest on Wastewater Utility bonds paid by the City from TIF revenues. City sewer facilities are available to the proposed annexation area and will have no impact on the level of service provided by the city. Mishawaka Utilities currently provides a level of service for the area that is equal to the rest of the City. No additional Wastewater Division capital expenditures are required in association with this proposed annexation.

WATER SERVICE

Water Utilities

The Mishawaka Utilities Water Division is a medium-sized public water utility that serves a population and area larger than just the City of Mishawaka. The combined well fields average about 7 million gallons pumped each day, with a peak daily rate of 25 mgd and a maximum capacity of 32 mgd. The water is treated with chlorine, fluoride and phosphate and is regularly and comprehensively tested in accordance with state and federal regulations. The city public water supply consistently exceeds the strict standards set forth by the United States Environmental Protection Agency and the Indiana Department of Environmental Management.

Serving the Proposed Annexation Area

An existing sixteen (16) inch distribution main is located on the South side of Douglas Road and runs for approx. 450'. There is also a (16) inch main on the North side of Douglas that will be activated later in 2018. A (20) inch distribution main runs north on Fir on the east side of the road for 300' before crossing to the west side of the road and reducing to (16) inch in the proposed annexation area.
There are (2) fire hydrants located on Fir road on the western edge of the proposed annexation property.

The costs associated with the extension of water service to the individual property, including tap fees, are paid by developer's/property owners, and are not paid by Mishawaka Utilities. For existing properties with wells, a 1-inch copper service line is typically provided to the property line for future connection. Similar to other areas of the city, the customer would be required to pay for the tap in order to use the service. The property owner also would be responsible to run the service from the property line to any future proposed development and install a meter setter in accordance with Water Division standards.

Staff and Services

The Mishawaka Utilities Water Division has a 24-hour emergency answering service line, which calls the supervisor on duty on a cellular telephone. Crews generally report on site within an hour of an emergency. On average, service outages only last about three hours.

There are a total of twenty-nine (29) employees in the Water Division consisting of twenty (20) union employees and nine (9) salaried personnel. An additional administrative staff of four (4) people and an office staff of twenty-three (23) carries out all billing and clerical work for both the electric and water divisions.

The Water Division has twenty-seven (27) vehicles and eight (8) large specialized pieces of equipment to serve the area.

Services to Residents

The Mishawaka Utilities Water Division provides three programs to replace lead services within the City's water system.

1. The Division replaces any lead service that is in need of repair.
2. The Division replaces any lead service to a current customer when the customer replaces the line from the street shut-off to the house.
3. The Division replaces any lead service that is not currently in use by a customer at a reduced cost to customer when a new structure is built.

Services to Residents – (Cont.)

The Division has no benefits geared strictly toward senior citizens, but it does accept money from the Project Safe program, provided by Real Services. Real Services provides state funds to pay utility bills of low-income families that fall within a certain income range. The low-income families must fill out an application, at the Real Services office, to become eligible for this benefit.

Costs Associated with Services

Mishawaka Utilities Water Division is not supported by tax dollars, but rather through revenue generated by the sales of water to its consumers. All costs associated with providing water service are rate generated. No tax dollars are used to provide this service. If annexed, Mishawaka Utilities is capable of providing a level of service for the area that is equal to the services currently provided within the City.

JUDAY CREEK GOLF COURSE CONSISTING OF 137.89 ACRES AND BEING COMMONLY LOCATED AT 14770 LINDY DRIVE, GRANGER, IN 46530.

SEE TAB B - BASIC DATA & FINANCIAL ANALYSIS / SECTION A FOR THE COMPLETE LEGAL DESCRIPTION.

TAB D - APPENDICES

RESOLUTION NO. 2018-10

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTY LOCATED AT:

Juday Creek Golf Course consisting of 137.89 acres and being commonly located at 14770 Lindy Drive, Granger, IN 46530.

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

Parcel A

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1540.43 feet along the east line of said west half to the southeast corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706 and the **Point of Beginning** of this description;

thence continuing South 00 degrees 23 minutes 28 seconds East 454.11 feet along said east line to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract;

thence North 07 degrees 32 minutes 53 seconds East 299.78 feet;

thence North 82 degrees 27 minutes 07 seconds West 38.43 feet;

thence North 07 degrees 32 minutes 53 seconds East 84.50 feet to said south line of the Northwest Quarter of the Southwest Quarter of Section 26;

thence South 89 degrees 41 minutes 45 seconds West 336.65 feet along said south line to the southeast corner of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198, located on the west line of said Northwest Quarter of the Southwest Quarter of Section 26;

thence North 00 degrees 16 minutes 56 seconds West 1330.05 feet (1330.24 feet by Instrument #8617056) along the west line of said quarter-quarter section to a 5/8" rebar found at the West Quarter Corner of said Section 26;

thence South 89 degrees 37 minutes 13 seconds West 664.48 feet (669.28 feet by Instrument #8617056) along the south line of the Northeast Quarter of said Section 27 to the southeast corner of Calvary Chapel, Inc. Replat, the plat of which is recorded in Instrument #9802248;

thence North 00 degrees 34 minutes 35 seconds West 1109.50 feet (distance quoted from Instrument #8617056) along the east line of said Calvary Chapel, Inc. Replat and the east line of The Hearth PUD, the plat of which is recorded in Instrument #0902128, to the southeasterly right-of-way line of Indiana East-West Toll Road;

thence along the right-of-way line of said Indiana East-West Toll Road, Northeasterly 439.67 feet (433.19 feet by Instrument #8617056) along an arc to the left and having a radius of 7789.44 feet (distance quoted from Instrument #8617056) and subtended by a long chord having a bearing of North 52 degrees 56 minutes 11 seconds East and a length of 439.61 feet (433.14 feet by Instrument #8617056);

thence North 51 degrees 19 minutes 10 seconds East 499.23 feet along said right-of-way line to a concrete monument with a 5/8" rebar found at the northwest corner of Juday Creek Estates Section 3, the plat of which is recorded in Instrument #8717305;

thence along the southerly boundary of said Juday Creek Estates Section 3 for the following nine courses:

1) thence South 01 degrees 10 minutes 05 seconds East 299.30 feet (distance quoted from plat);

2) thence South 38 degrees 29 minutes 44 seconds East 259.14 feet (distance quoted from plat);

3) thence South 02 degrees 23 minutes 51 seconds East 288.74 feet (distance quoted from plat);

4) thence South 66 degrees 42 minutes 48 seconds East 192.51 feet (distance quoted from plat);

5) thence North 77 degrees 55 minutes 33 seconds East 199.88 feet (distance quoted from plat);

6) thence North 20 degrees 46 minutes 53 seconds East 180.23 feet (distance quoted from plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 87 of said Juday Creek Estates Section 3;

7) thence North 01 degrees 43 minutes 08 seconds West 71.51 feet (71.56 feet by plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 88 of said Juday Creek Estates Section 3;

8) thence Northeasterly 349.29 feet (349.34 feet by plat) along an arc to the right and having a radius of 563.87 feet (565.00 feet by plat) and subtended by a long chord having a bearing of North 33 degrees 46 minutes 20 seconds East and a length of 343.74 feet (343.80 feet by plat) to a concrete monument with a 5/8" rebar found at a southeasterly corner of Lot 92 of said Juday Creek Estates Section 3;

9) thence North 51 degrees 31 minutes 06 seconds East 82.51 feet (82.36 feet by plat) to a concrete monument with a 5/8" rebar found at the westerly corner of Lot 140 of said Juday Creek Estates Section 3;

thence continuing North 51 degrees 31 minutes 06 seconds East 30.30 feet along the northwestern line of said Lot 140;

thence South 50 degrees 55 minutes 50 seconds East 468.40 feet;

thence South 74 degrees 24 minutes 57 seconds East 231.39 feet to the south line of said Lot 140;

thence continuing South 74 degrees 24 minutes 57 seconds East 47.92 feet to the prolonged east line of said Lot 140;

thence North 15 degrees 12 minutes 47 seconds East 13.70 feet to a concrete monument with a 5/8" rebar found at the southeast corner of said Lot 140;

thence continuing North 15 degrees 12 minutes 47 seconds East 93.32 feet along the east line of said Lot 140 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 1, the plat of which is recorded in Instrument #8620781;

thence along the south line of said Juday Creek Estates Section 1, Southeasterly 409.36 feet (409.62 feet by plat) along an arc to the left and having a radius of 1510.02 feet (1500.24 feet by plat) and subtended by a long chord having a bearing of South 82 degrees 32 minutes 24 seconds East and a length of 408.11 feet (408.34

feet by plat), to a concrete monument with a 5/8" rebar found at a bend in the south line of Lot 20 of said Juday Creek Estates Section 1;

thence North 89 degrees 41 minutes 37 seconds East 144.78 feet (144.99 feet by plat) along the south line of said Juday Creek Estates Section 1 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706;

thence North 89 degrees 41 minutes 37 seconds East 471.80 feet (469.77 feet by plat) along the south line of said Juday Creek Estates Section 2 to the Point of Beginning and containing 114.68 acres, more or less.

Parcel B

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1994.54 feet along the east line of said west half to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract to the **Point of Beginning** of this description;

thence continuing South 75 degrees 31 minutes 19 seconds West 574.29 feet along said northwesterly line to the centerline of Juday Creek;

thence South 22 degrees 49 minutes 58 seconds West 514.85 feet (515.52 feet by Instrument #8617056) along the centerline of said Juday Creek to the north line of a tract of land conveyed to DeForest M. Clymer, Opal F. Clymer, Ronald J. Clymer and Larry E. Clymer by Deed Book 790, Page 176, dated August 6, 1974;

thence, parallel with the south line of the East Half of Section 27, North 89 degrees 57 minutes 29 seconds West 309.34 feet (303.02 feet by Instrument #8617056) along the north line of said Clymer tract to the easterly right-of-way line of Fir Road as conveyed to St. Joseph County, Indiana by Instrument #0418616, dated February 24, 2004;

thence North 29 degrees 08 minutes 50 seconds West 36.09 feet (distance quoted from Instrument #0418616) along the easterly right-of-way line of said Fir Road a northeasterly corner of said right-of-way;

thence South 60 degrees 51 minutes 10 seconds West 10.00 feet along said right-of-way line;

thence North 29 degrees 08 minutes 50 seconds West 761.56 feet along the right-of-way line;

thence along said right-of-way line, Northwesterly 337.06 feet along an arc to the right and having a radius of 1115.92 feet and subtended by a long chord having a bearing of North 20 degrees 29 minutes 40 seconds West and a length of 335.78 feet to the prolonged south line of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198;

thence South 89 degrees 48 minutes 25 seconds East 9.38 feet along the prolonged south line of said Brittany Minor Subdivision to a concrete monument with a 5/8" rebar found at the southwest corner of said subdivision;

thence continuing South 89 degrees 48 minutes 25 seconds East 1246.33 feet (1246.20 feet by plat and Instrument #8617056) along the south line of said Brittany Minor Subdivision to the west line of the West Half of said Section 26;

thence North 89 degrees 41 minutes 45 seconds East 336.65 feet along the north line of the Southwest Quarter of the Southwest Quarter of said Section 26;

thence South 07 degrees 32 minutes 53 seconds West 84.50 feet;

thence South 82 degrees 27 minutes 07 seconds East 38.43 feet;

thence South 07 degrees 32 minutes 53 seconds West 299.78 feet to the **Point of Beginning** and containing 23.21 acres, more or less.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

PASSED by the Common Council of the City of Mishawaka, Indiana, this ________ day

of ________________, 2018, at __________ o'clock ___.M.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _______ day of _________________ 2018, at _________o'clock ___.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ________ day of __________________ 2018, at __________ o'clock ___.M.

____
David A. Wood, Mayor

PETITION #18-06

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-05

ORDINANCE NO. ________

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

Parcel A

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1540.43 feet along the east line of said west half to the southeast corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706 and the **Point of Beginning** of this description;

thence continuing South 00 degrees 23 minutes 28 seconds East 454.11 feet along said east line to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract;

thence North 07 degrees 32 minutes 53 seconds East 299.78 feet;

thence North 82 degrees 27 minutes 07 seconds West 38.43 feet;

thence North 07 degrees 32 minutes 53 seconds East 84.50 feet to said south line of the Northwest Quarter of the Southwest Quarter of Section 26;

thence South 89 degrees 41 minutes 45 seconds West 336.65 feet along said south line to the southeast corner of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198, located on the west line of said Northwest Quarter of the Southwest Quarter of Section 26;

thence North 00 degrees 16 minutes 56 seconds West 1330.05 feet (1330.24 feet by Instrument #8617056) along the west line of said quarter-quarter section to a 5/8" rebar found at the West Quarter Corner of said Section 26;

thence South 89 degrees 37 minutes 13 seconds West 664.48 feet (669.28 feet by Instrument #8617056) along the south line of the Northeast Quarter of said Section 27 to the southeast corner of Calvary Chapel, Inc. Replat, the plat of which is recorded in Instrument #9802248;

thence North 00 degrees 34 minutes 35 seconds West 1109.50 feet (distance quoted from Instrument #8617056) along the east line of said Calvary Chapel, Inc. Replat and the east line of The Hearth PUD, the plat of which is recorded in Instrument #0902128, to the southeasterly right-of-way line of Indiana East-West Toll Road;

thence along the right-of-way line of said Indiana East-West Toll Road, Northeasterly 439.67 feet (433.19 feet by Instrument #8617056) along an arc to the left and having a radius of 7789.44 feet (distance quoted from Instrument #8617056) and subtended by a long chord having a bearing of North 52 degrees 56 minutes 11 seconds East and a length of 439.61 feet (433.14 feet by Instrument #8617056);

thence North 51 degrees 19 minutes 10 seconds East 499.23 feet along said right-of-way line to a concrete monument with a 5/8" rebar found at the northwest corner of Juday Creek Estates Section 3, the plat of which is recorded in Instrument #8717305;

thence along the southerly boundary of said Juday Creek Estates Section 3 for the following nine courses:

1) thence South 01 degrees 10 minutes 05 seconds East 299.30 feet (distance quoted from plat);

2) thence South 38 degrees 29 minutes 44 seconds East 259.14 feet (distance quoted from plat);

3) thence South 02 degrees 23 minutes 51 seconds East 288.74 feet (distance quoted from plat);

4) thence South 66 degrees 42 minutes 48 seconds East 192.51 feet (distance quoted from plat);

5) thence North 77 degrees 55 minutes 33 seconds East 199.88 feet (distance quoted from plat);

6) thence North 20 degrees 46 minutes 53 seconds East 180.23 feet (distance quoted from plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 87 of said Juday Creek Estates Section 3;

7) thence North 01 degrees 43 minutes 08 seconds West 71.51 feet (71.56 feet by plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 88 of said Juday Creek Estates Section 3;

8) thence Northeasterly 349.29 feet (349.34 feet by plat) along an arc to the right and having a radius of 563.87 feet (565.00 feet by plat) and subtended by a long chord having a bearing of North 33 degrees 46 minutes 20 seconds East and a length of 343.74 feet (343.80 feet by plat) to a concrete monument with a 5/8" rebar found at a southeasterly corner of Lot 92 of said Juday Creek Estates Section 3;

9) thence North 51 degrees 31 minutes 06 seconds East 82.51 feet (82.36 feet by plat) to a concrete monument with a 5/8" rebar found at the westerly corner of Lot 140 of said Juday Creek Estates Section 3;

thence continuing North 51 degrees 31 minutes 06 seconds East 30.30 feet along the northwestern line of said Lot 140;

thence South 50 degrees 55 minutes 50 seconds East 468.40 feet;

thence South 74 degrees 24 minutes 57 seconds East 231.39 feet to the south line of said Lot 140;

thence continuing South 74 degrees 24 minutes 57 seconds East 47.92 feet to the prolonged east line of said Lot 140;

thence North 15 degrees 12 minutes 47 seconds East 13.70 feet to a concrete monument with a 5/8" rebar found at the southeast corner of said Lot 140;

thence continuing North 15 degrees 12 minutes 47 seconds East 93.32 feet along the east line of said Lot 140 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 1, the plat of which is recorded in Instrument #8620781;

thence along the south line of said Juday Creek Estates Section 1, Southeasterly 409.36 feet (409.62 feet by plat) along an arc to the left and having a radius of 1510.02 feet (1500.24 feet by plat) and subtended by a long chord having a bearing of South 82 degrees 32 minutes 24 seconds East and a length of 408.11 feet (408.34 feet by plat), to a concrete monument with a 5/8" rebar found at a bend in the south line of Lot 20 of said Juday Creek Estates Section 1;

thence North 89 degrees 41 minutes 37 seconds East 144.78 feet (144.99 feet by plat) along the south line of said Juday Creek Estates Section 1 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706;

thence North 89 degrees 41 minutes 37 seconds East 471.80 feet (469.77 feet by plat) along the south line of said Juday Creek Estates Section 2 to the Point of Beginning and containing 114.68 acres, more or less.

Parcel B

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1994.54 feet along the east line of said west half to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract to the **Point of Beginning** of this description;

thence continuing South 75 degrees 31 minutes 19 seconds West 574.29 feet along said northwesterly line to the centerline of Juday Creek;

thence South 22 degrees 49 minutes 58 seconds West 514.85 feet (515.52 feet by Instrument #8617056) along the centerline of said Juday Creek to the north line of a tract of land conveyed to DeForest M. Clymer, Opal F. Clymer, Ronald J. Clymer and Larry E. Clymer by Deed Book 790, Page 176, dated August 6, 1974;

thence, parallel with the south line of the East Half of Section 27, North 89 degrees 57 minutes 29 seconds West 309.34 feet (303.02 feet by Instrument #8617056) along the north line of said Clymer tract to the easterly right-of-way line of Fir Road as conveyed to St. Joseph County, Indiana by Instrument #0418616, dated February 24, 2004;

thence North 29 degrees 08 minutes 50 seconds West 36.09 feet (distance quoted from Instrument #0418616) along the easterly right-of-way line of said Fir Road a northeasterly corner of said right-of-way;

thence South 60 degrees 51 minutes 10 seconds West 10.00 feet along said right-of-way line;

thence North 29 degrees 08 minutes 50 seconds West 761.56 feet along the right-of-way line;

thence along said right-of-way line, Northwesterly 337.06 feet along an arc to the right and having a radius of 1115.92 feet and subtended by a long chord having a bearing of North 20 degrees 29 minutes 40 seconds West and a length of 335.78 feet to the prolonged south line of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198;

thence South 89 degrees 48 minutes 25 seconds East 9.38 feet along the prolonged south line of said Brittany Minor Subdivision to a concrete monument with a 5/8" rebar found at the southwest corner of said subdivision;

thence continuing South 89 degrees 48 minutes 25 seconds East 1246.33 feet (1246.20 feet by plat and Instrument #8617056) along the south line of said Brittany Minor Subdivision to the west line of the West Half of said Section 26;

thence North 89 degrees 41 minutes 45 seconds East 336.65 feet along the north line of the Southwest Quarter of the Southwest Quarter of said Section 26;

thence South 07 degrees 32 minutes 53 seconds West 84.50 feet;

thence South 82 degrees 27 minutes 07 seconds East 38.43 feet;

thence South 07 degrees 32 minutes 53 seconds West 299.78 feet to the **Point of Beginning** and containing 23.21 acres, more or less.

COMMON ADDRESS: 138 acres near Northeast Corner of Fir and Douglas Roads

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development District.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The subject parcels, which are occupied by the Juday Creek Golf Course, are adjacent to agricultural land approved for commercial, office, and single-family residential use to the east and south; single-family residential lots, the golf course club house, and the toll road to the north; and single-family residential parcels, a church, an assisted living facility, and a convenience store/gas station to the west. A municipal wellfield and water production facilities are proposed within the subject parcel and on the adjacent property to the east. Fir Road and Douglas Road are moderately travelled corridors on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City.

2. Character of Buildings in Area – The character of buildings along both the Fir Road and Douglas Road corridors vary greatly and include, but are not limited to, agricultural land, low-density single family residential homes, a convenience store/gas station, a golf course, skilled nursing/long-term care facilities, an assisted living facility, hotels, a hospital/medical offices, and a television/radio broadcast station.

3. The most desirable/highest and best use – With the property's location between an existing single-family residential neighborhood to the north and vacant agricultural land approved for commercial and office use to the south and east, the most desirable use for the property is for its continued use as a golf course, and a planned municipal wellfield and water production facilities.

4. Conservation of property values – The proposed zoning will not be injurious to property values in the surrounding area because the property will continue be used as a golf course with little to no change in the present use.

5. Comprehensive Plan – The parcel is not located within the boundaries of the City of Mishawaka Comprehensive Plan. However, the existing and proposed land uses are reasonably consistent with the goals, objectives and policies of the Comprehensive Plan.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _______ day of ________________, 2018, at _______ o'clock ___.M.

____
Presiding Officer

Proposed Ordinance No. ______________

Ordinance No. ___________

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of ________________, 2018, at _____ o'clock ____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _______________, 2018, at _____ ______o'clock ____.M.

____
David A. Wood, Mayor

Appendix "C"

Tab Rate Chart for the year 2017 payable 2018

Notice is hereby given that the Tax Duplicates for the Taxing Units of St. Joseph County, for the year 2017 payable 2018, are now in the hands of the St. Joseph County Auditor, who is ready to receive the Taxes charged thereon.
The following table shows the rate of taxation on each $100.00 of Taxable Real Estate, Personal Property and Mobile Homes. The first installment will be delinquent after May 10, 2018.
Second installment will be delinquent after November 12, 2018. Michael J. Hamann, Auditor of St. Joseph County.

1.

Fund	Fund Name	71 001 Centre Township	71 002 South Bend - Centre	71 003 Clay Township	71 004 South Bend - Clay	71 005 Mishawaka - Clay	71 006 Indian Village	71 007 Roseland	71 008 German Township	71 009 South Bend - German	71 010 Greene Township	71 011 Harris Township	71 014 Lincoln Township	71 015 Walkerton	71 016 Madison Township
101	County General	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610
124	Cumulative Reassessment	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117
180	Debt Service	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111
188	Bond & Int/ Debt Serv Ex CB	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185
702	Highway														
706	LR & S														
790	Cumulative Bridge	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098
792	Major Cumulative Bridge	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183
801	Health	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182
822	Medical Center														
1301	Park & Recreation	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239
2391	Cumulative Capital Development	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183
711	Total COUNTY	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908
61	Township Rainy Day														
101	Township General Fund			0.0260	0.0260	0.0260	0.0260	0.0260				0.0095	0.0675	0.0675	0.0122
113	Nonreverting														
601	Twp Community Bldg										0.0069				
840	Twp Poor Relief/Twp Assistance			0.0059	0.0059	0.0059	0.0059	0.0059	0.0075	0.0075	0.0013	0.0004			
885	Twp Poor Relief Debt														
1101	Twp EMS Fund														
1111	Twp Fire										0.1504				0.0765
1181	Twp Fire Bldg Debt Fund														
1182	Twp Fire Equipment Debt														
1187	Twp Emerg Fire Loan														
1190	Twp Cum Fire														0.0069
1312	Twp Recreation								0.0055	0.0055					
1481	Twp Fire Bldg Debt Ex CB														
1482	Twp Fire Equip Debt Ex CB														
8604	Twp Fire Territory General	0.4561		0.3043			0.3043	0.3043	0.3043			0.3043			
8692	Twp Fire Terrority Equip Repla	0.0301		0.0292			0.0292	0.0292	0.0292			0.0292			
712	Total TOWNSHIP	0.4862	0.0000	0.3654	0.0319	0.0319	0.3654	0.3654	0.3465	0.0130	0.1586	0.3434	0.0675	0.0675	0.0956
0	City Bond/Debt														
61	City/Town Rainy Day														
101	City General		2.8267		2.8267	1.7003		0.3575		2.8267				1.1723	
180	City Debt Service														
181	City/Town Debt Payment														
182	City/Town Bond #2													0.1995	
189	City Debt Serv Ex CB														
280	BOND-GEN SINKIN														
341	City Fire Pension														
342	City Police Pension														
381	City Debt Payment Ex CB														
706	City/Town LR & S														
708	City MVH					0.0701		0.1028						0.0297	
720	City/Town Major Moves Spc														
1101	City Ambulance/EMS														
1191	City Cum Fire Special														
1301	City Park & Rec		0.6651		0.6651	0.1982				0.6651				0.1959	
1303	City/Town Park							0.1029							
1380	Park Bond		0.0293		0.0293					0.0293				0.0325	
1386	City Park Bond Exempt CB														
2120	City Cemetary														
2379	City/Town CCI														
2391	City Cum Cap Development		0.0303		0.0303	0.0484		0.0126		0.0303				0.0473	
6290	City Cum Sewer					0.0346									
8604	City Town Fire Territory Gen												0.3631	0.3631	
8692	City Town Fire Terr Eqp Replac												0.0331	0.0331	
713	Total CITY/TOWN	0.0000	3.5514	0.0000	3.5514	2.0516	0.0000	0.5758	0.0000	3.5514	0.0000	0.0000	0.3962	2.0734	0.0000
22	Referendum-Exempt Operating														
61	School Rainy Day														
101	School General														
180	School Debt Service	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.2401	0.1100	0.1100	0.2401
186	School Retirement/Pension Debt														
188	School Debt Service Exempt CB	0.3628	0.3628	0.3628	0.3628	0.3628	0.3628	0.3628	0.3628	0.3628	0.3628	0.1043	0.3260	0.3260	0.1043
189	School Pension Debt Ex CB	0.0744	0.0744	0.0744	0.0744	0.0744	0.0744	0.0744	0.0744	0.0744	0.0744	0.0281	0.0217	0.0217	0.0281
287	Referendum Debt-Exempt Capital														
608	School Historic Society	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050			0.0050
1214	School Capital Projects	0.3073	0.3073	0.3073	0.3073	0.3073	0.3073	0.3073	0.3073	0.3073	0.3073	0.2583	0.2746	0.2746	0.2583
2016	School Art Institue	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050	0.0050			0.0050
2083	2013 STATE LOAN														
6301	School Transportation Fund	0.3686	0.3686	0.3686	0.3686	0.3686	0.3686	0.3686	0.3686	0.3686	0.3686	0.2463	0.1886	0.1886	0.2463
6302	School Bus Replacement	0.0244	0.0244	0.0244	0.0244	0.0244	0.0244	0.0244	0.0244	0.0244	0.0244	0.0205	0.0458	0.0458	0.0205
714	Total SCHOOL	1.1685	1.1685	1.1685	1.1685	1.1685	1.1685	1.1685	1.1685	1.1685	1.1685	0.9076	0.9667	0.9667	0.9076
0	Library Debt														
61	Rainy Day														
101	Library General	0.3038	0.3038	0.3038	0.3038	0.3038	0.3038	0.3038	0.3038	0.3038	0.3038	0.1353	0.0862	0.0862	
180	Library Debt Service												0.0931	0.0931	
188	Library Debt Serv Exempt CB	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0276			
286	Library Lease/Rent Exempt CB														
382	Library Debt #2 Exempt CB														
1220	Library Capital Project														
2011	Library LIRF														
2301	Library Construction														
715	Total LIBRARY	0.3309	0.3309	0.3309	0.3309	0.3309	0.3309	0.3309	0.3309	0.3309	0.3309	0.1629	0.1793	0.1793	0.0000
8001	So Bend Transpo		0.1174		0.1174	0.1174				0.1174					
8090	So Bend Transpo Spec Tran Cum														
8101	Airport Authority General	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314
8180	Airport Sp Airport Debt	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210
8181	Airport Auth Bond Ex CB														
8190	Airport Authority Cum Bldg	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031
8210	Sp Solid Waste Ma														
8485	SB Redevel Bond #1 Ex CB		0.0178		0.0178					0.0178					
716	Total SPECIAL UNIT	0.0555	0.1907	0.0555	0.1907	0.1729	0.0555	0.0555	0.0555	0.1907	0.0555	0.0555	0.0555	0.0555	0.0555
	Total Tax Rates (Less Convervancy)	2.7319	5.9323	2.6111	5.9642	4.4466	2.6111	3.1869	2.5922	5.9453	2.4043	2.1602	2.3560	4.0332	1.7495

Property Tax System 03/20/2018 11:43 AM by kgregori

1. Harris Township Tax Rates - Prior to Annexation

Tab Rate Chart for the year 2017 payable 2018 Tab Rate Chart for the year 2017 payable 2018
Notice is hereby given that the Tax Duplicates fcNotice is hereby given that the Tax Duplicates for the Taxing Units of St. Joseph County, for the year 2017 payable 2018, are now in the hands of the St. Joseph County Auditor, who is ready to receive the Taxes charged thereon.
The following table shows the rate of taxation oThe following table shows the rate of taxation on each $100.00 of Taxable Real Estate, Personal Property and Mobile Homes. The first installment will be delinquent after May 10, 2018.
Second installment will be delinquent after NovSecond installment will be delinquent after November 12, 2018. Michael J. Hamann, Auditor of St. Joseph County.

2.

		71 017	71 018	71 022	71 023	71 025	71 026	71 027	71 028	71 029	71 030	71 031	71 032	71 033	71 034	71 035	71 036	71 037
Fund	Fund Name	Olive Township	New Carlisle	Mishawaka - Phm Scho	Mishawaka-Penn	Portage Township	South Bend - Portage	Union Township	Lakeville	Warren Township	Osceola	Penn Township	Penn Township - Mish	South Bend - Penn	Liberty Township	North Liberty	Mishawaka - Harris	South Bend Warren
101	County General	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610	0.5610
124	Cumulative Reassessment	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117	0.0117
180	Debt Service	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111	0.0111
185	Bond & Int/ Debt Serv Ex CB	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185
702	Highway																	
706	LR & S																	
790	Cumulative Bridge	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098
792	Major Cumulative Bridge	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183
801	Health	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182	0.0182
822	Medical Center																	
1301	Park & Recreation	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239	0.0239
2391	Cumulative Capital Development	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183	0.0183
711	Total COUNTY	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908	0.6908
61	Township Rainy Day																	
101	Township General Fund	0.0179	0.0179	0.0144	0.0144	0.0159	0.0159	0.0951	0.0951	0.0408	0.0144	0.0144	0.0144	0.0144	0.0786	0.0786	0.0095	0.0408
113	Nonreverting																	
601	Twp Community Bldg																	
840	Twp Poor Relief/Twp Assistance	0.0051	0.0051	0.0205	0.0205	0.0368	0.0368				0.0205	0.0205	0.0205	0.0205			0.0004	
885	Twp Poor Relief Debt																	
1101	Twp EMS Fund	0.0474																
1111	Twp Fire	0.0600								0.3055		0.2558	0.2558		0.0810	0.0810		
1181	Twp Fire Bldg Debt Fund														0.0578	0.0578		
1182	Twp Fire Equipment Debt																	
1187	Twp Emerg Fire Loan																	
1190	Twp Cum Fire	0.0137								0.0297		0.0296	0.0296		0.0229	0.0229		
1312	Twp Recreation	0.0011	0.0011															
1481	Twp Fire Bldg Debt Ex CB																	
1482	Twp Fire Equip Debt Ex CB																	
8604	Twp Fire Territory General					0.4561		0.1111	0.1111									
8692	Twp Fire Terrority Equip Repla					0.0301		0.0314	0.0314									
712	Total TOWNSHIP	0.1452	0.0241	0.0349	0.0349	0.5389	0.0527	0.2376	0.2376	0.3760	0.0349	0.3203	0.3203	0.0349	0.2403	0.2403	0.0099	0.0408
0	City Bond/Debt																	
61	City/Town Rainy Day																	
101	City General		1.0179	1.7003	1.7003		2.8267		0.7820		0.3070			2.8267		1.1084	1.7003	2.8267
180	City Debt Service		0.0940															
181	City/Town Debt Payment																	
182	City/Town Bond #2																	
188	City Debt Serv Ex CB																	
280	BOND-GEN SINKIN																	
341	City Fire Pension																	
342	City Police Pension																	
381	City Debt Payment Ex CB																	
706	City/Town LR & S																	
705	City MVH		0.1901	0.0701	0.0701				0.2545		0.0375						0.0701	
720	City/Town Major Moves Spc																	
1101	City Ambulance/EMS																	
1191	City Cum Fire Special		0.0116															
1301	City Park & Rec			0.1982	0.1982		0.6651							0.6651			0.1982	0.6651
1303	City/Town Park															0.2392		
1380	Park Bond						0.0293							0.0293				0.0293
1386	City Park Bond Exempt CB																	
2120	City Cemetary		0.0422															
2379	City/Town CCI																	
2391	City Cum Cap Development		0.0487	0.0484	0.0484		0.0303		0.0445		0.0434			0.0303		0.0393	0.0484	0.0303
6290	City Cum Sewer			0.0346	0.0346												0.0346	
8604	City Town Fire Territory Gen																	
8692	City Town Fire Terr Eqp Replac																	
713	Total CITY/TOWN	0.0000	1.4045	2.0516	2.0516	0.0000	3.5514	0.0000	1.0810	0.0000	0.3879	0.0000	0.0000	3.5514	0.0000	1.3869	2.0516	3.5514
22	Referendum-Exempt Operating				0.2434								0.2434					
61	School Rainy Day																	
101	School General																	
180	School Debt Service	0.0725	0.0725	0.2401	0.0799	0.0210	0.0210	0.2843	0.2843	0.0210	0.2401	0.2401	0.0799	0.2401	0.1100	0.1100	0.2401	0.0210
186	School Retirement/Pension Debt																	
188	School Debt Service Exempt CB	0.4480	0.4480	0.1043	0.8182	0.3628	0.3628			0.3628	0.1043	0.1043	0.8182	0.1043	0.3260	0.3260	0.1043	0.3628
189	School Pension Debt Ex CB	0.0106	0.0106	0.0281		0.0744	0.0744			0.0744	0.0281	0.0281		0.0281	0.0217	0.0217	0.0281	0.0744
287	Referendum Debt-Exempt Capital	0.0759	0.0759		0.0952								0.0952					
605	School Historic Society			0.0050	0.0050	0.0050	0.0050			0.0050	0.0050	0.0050	0.0050	0.0050			0.0050	0.0050
1214	School Capital Projects	0.3065	0.3065	0.2583	0.3447	0.3073	0.3073	0.1641	0.1641	0.3073	0.2583	0.2583	0.3447	0.2583	0.2746	0.2746	0.2583	0.3073
2016	School Art Institue			0.0050		0.0050	0.0050			0.0050	0.0050	0.0050		0.0050			0.0050	0.0050
2083	2013 STATE LOAN																	
6301	School Transportation Fund	0.2344	0.2344	0.2463	0.0854	0.3686	0.3686	0.2619	0.2619	0.3686	0.2463	0.2463	0.0854	0.2463	0.1886	0.1886	0.2463	0.3686
6302	School Bus Replacement	0.0483	0.0483	0.0205	0.0142	0.0244	0.0244	0.0256	0.0256	0.0244	0.0205	0.0205	0.0142	0.0205	0.0458	0.0458	0.0205	0.0244
714	Total SCHOOL	1.1962	1.1962	0.9076	1.6860	1.1685	1.1685	0.7359	0.7359	1.1685	0.9076	0.9076	1.6860	0.9076	0.9667	0.9667	0.9076	1.1685
0	Library Debt																	
61	Rainy Day																	
101	Library General	0.2410	0.2410	0.1353	0.1353	0.3038	0.3038	0.3038	0.3038	0.3038	0.1353	0.1353	0.1353	0.1353	0.3038	0.3038	0.1353	0.3038
180	Library Debt Service																	
188	Library Debt Serv Exempt CB			0.0276	0.0276	0.0271	0.0271	0.0271	0.0271	0.0271	0.0276	0.0276	0.0276	0.0276	0.0271	0.0271	0.0276	0.0271
286	Library Lease/Rent Exempt CB	0.1317	0.1317															
382	Library Debt #2 Exempt CB																	
1220	Library Capital Project																	
2011	Library LIRF																	
2301	Library Construction																	
715	Total LIBRARY	0.3727	0.3727	0.1629	0.1629	0.3309	0.3309	0.3309	0.3309	0.3309	0.1629	0.1629	0.1629	0.1629	0.3309	0.3309	0.1629	0.3309
8001	So Bend Transpo			0.1174	0.1174		0.1174							0.1174			0.1174	0.1174
8090	So Bend Transpo Spec Tran Cum																	
8101	Airport Authority General	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314	0.0314
8180	Airport Sp Airport Debt	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210	0.0210
8181	Airport Auth Bond Ex CB																	
8190	Airport Authority Cum Bldg	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031
8210	Sp Solid Waste Ma																	
8485	SB Redevel Bond #1 Ex CB						0.0178							0.0178				0.0178
716	Total SPECIAL UNIT	0.0555	0.0555	0.1729	0.1729	0.0555	0.1907	0.0555	0.0555	0.0555	0.0555	0.0555	0.0555	0.1907	0.0555	0.0555	0.1729	0.1907
	Total Tax Rates (Less Conservancy)	2.4604	3.7438	4.0207	4.7991	2.7846	5.9850	2.0507	3.1317	2.6217	2.2396	2.3371	2.9155	5.5383	2.2842	3.6711	3.9957	5.9731

Property Tax System Property Tax System 03/20/2018 11:43 AM by kgregori

↑

2. Mishawaka/Harris Township Tax Rates - Post Annexation

St. Joseph County
Submitted to the State on Friday, February 26, 2016
Report printed on Thursday, April 26, 2018
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Basic Debt Information

Debt Name: JAIL BUILDING CORPORATION
Debt Status: Outstanding
Type of Indebtedness: Lease
Base CUSIP Number: 790613
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution:
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 7/15/2015

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): ST. JOSEPH COUNTY JAIL BUILDING CORPORATION
Does this debt refinance or refund any previously outstanding debt? Yes

Purpose/Cost

Purpose of Debt: Jail Construction
Total Project Cost: $11,401,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
12/31/2015	$1,730,000			$1,730,000			$1,000	$1,730,000		
6/30/2016	$1,610,000			$1,610,000			$1,000	$1,610,000		
12/31/2016	$1,614,000			$1,614,000			$1,000	$1,614,000		
6/30/2017	$1,615,000			$1,615,000			$1,000	$1,615,000		
12/31/2017	$1,610,000			$1,610,000			$1,000	$1,610,000		
6/30/2018	$1,614,000			$1,614,000			$1,000	$1,614,000		
12/31/2018	$1,608,000			$1,608,000			$1,000	$1,608,000		
Total	**$11,401,000**			**$11,401,000**			**$7,000**	**$11,401,000**		

St. Joseph County
Submitted to the State on
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Basic Debt Information

Debt Name: Mental Health Revenue Refunding Bonds, Series 2012 (Limited Tax)
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number: 79062V
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 5-1-5 and 36-2-6-18
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: St. Joseph County, Indiana
Current Debt Limit: $53,332,514.00
Current Debt Capacity (after issuance of this debt): $41,332,514.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution:
Date of Appropriation Resolution:
Date of Debt Sale: 9/13/2012
Date of Debt Closing: 9/27/2012

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (Mental Health Property Tax Levy) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? Yes

Purpose/Cost

Purpose of Debt: Current refunding of outstanding Economic Development Refunding Revenue Bonds, Series 1997
Total Project Cost: $4,355,660.76

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
2/15/2021	$265,000	3.00	$3,975	$268,975		$541,925				$0
8/15/2020	$265,000	3.00	$7,950	$272,950		$0				$265,000
2/15/2020	$260,000	3.00	$11,850	$271,850		$542,525				$530,000
8/15/2019	$255,000	3.00	$15,675	$270,675		$0				$790,000
2/15/2019	$250,000	3.00	$19,425	$269,425		$541,975				$1,045,000
8/15/2018	$250,000	2.50	$22,550	$272,550		$0				$1,295,000
2/15/2018	$250,000	2.50	$25,675	$275,675		$553,850				$1,545,000
8/15/2017	$250,000	2.00	$28,175	$278,175		$0				$1,795,000
2/15/2017	$250,000	2.00	$30,675	$280,675		$548,700				$2,045,000
8/15/2016	$235,000	2.00	$33,025	$268,025		$0				$2,295,000
2/15/2016	$235,000	3.00	$36,550	$271,550		$545,450				$2,530,000

8/15/2015	$235,000	2.00	$38,900	$273,900		$0				$2,765,000
2/15/2015	$235,000	2.00	$41,250	$276,250		$544,750				$3,000,000
8/15/2014	$225,000	2.00	$43,500	$268,500		$0				$3,235,000
2/15/2014	$225,000	2.00	$45,750	$270,750		$543,750				$3,460,000
8/15/2013	$225,000	2.00	$48,000	$273,000		$0				$3,685,000
2/15/2013	$170,000	2.00	$38,103	$208,103		$208,103				$3,910,000
10/30/2012	$0	0.00	$0	$0		$0				$4,080,000
Total	**$4,080,000**		**$491,028**	**$4,571,028**		**$4,571,028**				

Notes

St. Joseph County
Submitted to the State on
Report printed on Thursday, April 26, 2018
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Basic Debt Information

Debt Name: Economic Development Income Tax Revenue Bonds of 2014
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number: 790607
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 6-3.5-7
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: St. Joseph County
Current Debt Limit: $52,426,723.00
Current Debt Capacity (after issuance of this debt): $35,171,723.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 9/16/2014
Date of Appropriation Resolution:
Date of Debt Sale: 12/11/2014
Date of Debt Closing: 12/30/2014

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: Primary
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Construct a new Public Safety Answering Point and renovate existing facility to serve as a backup
Total Project Cost: $9,155,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received: 11/18/2014
Date Construction Started: 9/30/2014
Estimated Date of Substantial Completion: 9/30/2015

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
6/30/2015	$210,000	2.00	$131,866	$341,866						$8,945,000
12/31/2015	$215,000	2.00	$129,766	$344,766		$686,631				$8,730,000
6/30/2016	$215,000	2.00	$127,616	$342,616						$8,515,000
12/31/2016	$220,000	2.00	$125,466	$345,466		$688,081				$8,295,000
6/30/2017	$220,000	2.00	$123,266	$343,266						$8,075,000
12/31/2017	$225,000	2.00	$121,066	$346,066		$689,331				$7,850,000
6/30/2018	$225,000	2.00	$118,816	$343,816						$7,625,000
12/31/2018	$225,000	2.00	$116,566	$341,566		$685,381				$7,400,000
6/30/2019	$230,000	2.00	$114,316	$344,316						$7,170,000
12/31/2019	$230,000	2.00	$112,016	$342,016		$686,331				$6,940,000
6/30/2020	$235,000	2.00	$109,716	$344,716						$6,705,000

12/31/2020	$235,000	2.00	$107,366	$342,366		$687,081				$6,470,000
6/30/2021	$240,000	3.00	$105,016	$345,016						$6,230,000
12/31/2021	$240,000	3.00	$101,416	$341,416		$686,431				$5,990,000
6/30/2022	$245,000	3.00	$97,816	$342,816						$5,745,000
12/31/2022	$250,000	3.00	$94,141	$344,141		$686,956				$5,495,000
6/30/2023	$255,000	3.00	$90,391	$345,391						$5,240,000
12/31/2023	$255,000	3.00	$86,566	$341,566		$686,956				$4,985,000
6/30/2024	$260,000	3.00	$82,741	$342,741						$4,725,000
12/31/2024	$265,000	3.00	$78,841	$343,841		$686,581				$4,460,000
6/30/2025	$190,000	3.00	$74,866	$264,866						$4,270,000
12/31/2025	$195,000	3.00	$72,016	$267,016		$531,881				$4,075,000
6/30/2026	$200,000	3.00	$69,091	$269,091						$3,875,000
12/31/2026	$200,000	3.00	$66,091	$266,091		$535,181				$3,675,000
6/30/2027	$205,000	3.13	$63,091	$268,091						$3,470,000
12/31/2027	$205,000	3.13	$59,888	$264,888		$532,978				$3,265,000
6/30/2028	$210,000	3.25	$56,684	$266,684						$3,055,000
12/31/2028	$215,000	3.25	$53,272	$268,272		$534,956				$2,840,000
6/30/2029	$215,000	3.38	$49,778	$264,778						$2,625,000
12/31/2029	$220,000	3.38	$46,150	$266,150		$530,928				$2,405,000
6/30/2030	$225,000	3.38	$42,438	$267,438						$2,180,000
12/31/2030	$225,000	3.38	$38,641	$263,641		$531,078				$1,955,000
6/30/2031	$230,000	3.50	$34,844	$264,844						$1,725,000
12/31/2031	$235,000	3.50	$30,819	$265,819		$530,663				$1,490,000
6/30/2032	$240,000	3.50	$26,706	$266,706						$1,250,000
12/31/2032	$240,000	3.50	$22,506	$262,506		$529,213				$1,010,000
6/30/2033	$245,000	3.63	$18,306	$263,306						$765,000
12/31/2033	$250,000	3.63	$13,866	$263,866		$527,172				$515,000
6/30/2034	$255,000	3.63	$9,334	$264,334						$260,000
12/31/2034	$260,000	3.63	$4,713	$264,713		$529,047				$0
Total	**$9,155,000**		**$3,027,870**	**$12,182,870**		**$12,182,857**				

Notes

St. Joseph County
Submitted to the State on
Report printed on Thursday, April 26, 2018
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Basic Debt Information

Debt Name: St. Joseph County, Indiana, Limited Tax Bridge Refunding Bonds of 2014
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number:
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 5-1-5-1
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: St. Joseph County
Current Debt Limit: $50,094,655.00
Current Debt Capacity (after issuance of this debt): $42,059,655.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution:
Date of Appropriation Resolution: 10/14/2014
Date of Debt Sale: 12/3/2014
Date of Debt Closing: 12/18/2014

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? Yes

Purpose/Cost

Purpose of Debt: Costs of a bridge and infrastructure improvements and refunds the Bridge Funding Bonds of 2005
Total Project Cost: $2,808,995.56

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
6/30/2015	$150,000	0.46	$14,330	$164,330						$2,485,000
12/30/2015	$150,000	0.57	$13,090	$163,090		$327,420				$2,335,000
6/30/2016	$145,000	0.69	$12,662	$157,662						$2,190,000
12/30/2016	$145,000	0.80	$12,162	$157,162		$314,824				$2,045,000
6/30/2017	$515,000	0.93	$11,582	$526,582						$1,530,000
12/30/2017	$510,000	1.06	$9,187	$519,187		$1,045,769				$1,020,000
6/30/2018	$500,000	1.20	$6,484	$506,484						$520,000
12/30/2018	$520,000	1.34	$3,484	$523,484		$1,029,968				$0
Total	**$2,635,000**		**$82,981**	**$2,717,981**		**$2,717,981**				

St. Joseph County
Submitted to the State on Friday, February 17, 2017
Report printed on Thursday, April 26, 2018
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Basic Debt Information

Debt Name: St. Joseph County Redevelopment District, Special Taxing District Bonds of 2016
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number: 79062M
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized: I.C. 36-7-14 & I.C. 36-7-25
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: St. Joseph County Redevelopment District
Current Debt Limit: $28,513,058.00
Current Debt Capacity (after issuance of this debt): $15,333,058.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s): Tri-County News and South Bend Tribune
Date of Public Hearing: 7/1/2016
Date of Final Approval/Lease Execution:
Date of Appropriation Resolution: 7/12/2016
Date of Debt Sale: 11/21/2016
Date of Debt Closing: 11/30/2016

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Provide funds to finance various improvements in or serving the NewCarlisle EconomicDevelopmentArea
Total Project Cost: $9,197,753.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
8/1/2017			$196,716	$196,716						$8,730,000
2/1/2018			$146,925	$146,925		$343,641				$8,730,000
8/1/2018			$146,925	$146,925						$8,730,000
2/1/2019	$565,000	3.00	$146,925	$711,925		$858,850				$8,165,000
8/1/2019			$138,450	$138,450						$8,165,000
2/1/2020	$490,000	3.00	$138,450	$628,450		$766,900				$7,675,000
8/1/2020			$131,100	$131,100						$7,675,000
2/1/2021	$505,000	3.00	$131,100	$636,100		$767,200				$7,170,000
8/1/2021			$123,525	$123,525						$7,170,000
2/1/2022	$520,000	3.00	$123,525	$643,525		$767,050				$6,650,000
8/1/2022			$115,725	$115,725						$6,650,000

2/1/2023	$535,000	3.00	$115,725	$650,725		$766,450				$6,115,000
8/1/2023			$107,700	$107,700						$6,115,000
2/1/2024	$550,000	3.00	$107,700	$657,700		$765,400				$5,565,000
8/1/2024			$99,450	$99,450						$5,565,000
2/1/2025	$565,000	3.00	$99,450	$664,450		$763,900				$5,000,000
8/1/2025			$90,975	$90,975						$5,000,000
2/1/2026	$585,000	3.00	$90,975	$675,975		$766,950				$4,415,000
8/1/2026			$82,200	$82,200						$4,415,000
2/1/2027	$600,000	3.00	$82,200	$682,200		$764,400				$3,815,000
8/1/2027			$73,200	$73,200						$3,815,000
2/1/2028	$620,000	3.00	$73,200	$693,200		$766,400				$3,195,000
8/1/2028			$63,900	$63,900						$3,195,000
2/1/2029	$265,000	4.00	$63,900	$328,900		$392,800				$2,930,000
8/1/2029			$58,600	$58,600						$2,930,000
2/1/2030	$275,000	4.00	$58,600	$333,600		$392,200				$2,655,000
8/1/2030			$53,100	$53,100						$2,655,000
2/1/2031	$290,000	4.00	$53,100	$343,100		$396,200				$2,365,000
8/1/2031			$47,300	$47,300						$2,365,000
2/1/2032	$300,000	4.00	$47,300	$347,300		$394,600				$2,065,000
8/1/2032			$41,300	$41,300						$2,065,000
2/1/2033	$310,000	4.00	$41,300	$351,300		$392,600				$1,755,000
8/1/2033			$35,100	$35,100						$1,755,000
2/1/2034	$325,000	4.00	$35,100	$360,100		$395,200				$1,430,000
8/1/2034			$28,600	$28,600						$1,430,000
2/1/2035	$335,000	4.00	$28,600	$363,600		$392,200				$1,095,000
8/1/2035			$21,900	$21,900						$1,095,000
2/1/2036	$350,000	4.00	$21,900	$371,900		$393,800				$745,000
8/1/2036			$14,900	$14,900						$745,000
2/1/2037	$365,000	4.00	$14,900	$379,900		$394,800				$380,000
8/1/2037			$7,600	$7,600						$380,000
2/1/2038	$380,000	4.00	$7,600	$387,600		$395,200				$0
Total	**$8,730,000**		**$3,306,741**	**$12,036,741**		**$12,036,741**				

Notes

St. Joseph County
Submitted to the State on Thursday, April 12, 2018
Report printed on Thursday, April 26, 2018
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: 2017 General Obligation (Guaranteed Energy Savings) Bonds
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number:
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: Saint Joseph County
Current Debt Limit: $54,674,687.00
Current Debt Capacity (after issuance of this debt): $44,174,687.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing: 8/8/2017
Date of Final Approval/Lease Execution: 8/15/2017
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 10/12/2017

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Capital improvements to County facilities for energy savings
Total Project Cost: $10,574,935.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
12/30/2017	$0	2.00	$53,062	$53,062		$53,062	$0			$10,500,000
6/30/2018	$260,000	2.00	$122,450	$382,450			$0			$10,240,000
12/30/2018	$315,000	2.00	$119,850	$434,850		$817,300	$0			$9,925,000
6/30/2019	$320,000	2.00	$116,700	$436,700			$0			$9,605,000
12/30/2019	$325,000	2.00	$113,500	$438,500		$875,200	$0			$9,280,000
6/30/2020	$325,000	2.00	$110,250	$435,250			$0			$8,955,000
12/30/2020	$330,000	2.00	$107,000	$437,000		$872,250	$0			$8,625,000
6/30/2021	$330,000	2.00	$103,700	$433,700			$0			$8,295,000
12/30/2021	$335,000	2.00	$100,400	$435,400		$869,100	$0			$7,960,000
6/30/2022	$340,000	2.00	$97,050	$437,050			$0			$7,620,000
12/30/2022	$345,000	2.00	$93,650	$438,650		$875,700	$0			$7,275,000
6/30/2023	$345,000	2.00	$90,200	$435,200			$0			$6,930,000

12/30/2023	$350,000	2.00	$86,750	$436,750		$871,950	$0			$6,580,000
6/30/2024	$355,000	2.00	$83,250	$438,250			$0			$6,225,000
12/30/2024	$355,000	2.00	$79,700	$434,700		$872,950	$0			$5,870,000
6/30/2025	$360,000	2.00	$76,150	$436,150			$0			$5,510,000
12/30/2025	$365,000	2.00	$72,550	$437,550		$873,700	$0			$5,145,000
6/30/2026	$365,000	2.13	$68,900	$433,900			$0			$4,780,000
12/30/2026	$370,000	2.25	$65,022	$435,022		$868,922	$0			$4,410,000
6/30/2027	$375,000	2.38	$60,859	$435,859			$0			$4,035,000
12/30/2027	$380,000	2.38	$56,406	$436,406		$872,266	$0			$3,655,000
6/30/2028	$385,000	2.50	$51,894	$436,894			$0			$3,270,000
12/30/2028	$390,000	2.50	$47,082	$437,082		$873,975	$0			$2,880,000
6/30/2029	$395,000	2.75	$42,206	$437,206			$0			$2,485,000
12/30/2029	$400,000	2.75	$36,775	$436,775		$873,981	$0			$2,085,000
6/30/2030	$405,000	3.00	$31,275	$436,275			$0			$1,680,000
12/30/2030	$410,000	3.00	$25,200	$435,200		$871,475	$0			$1,270,000
6/30/2031	$415,000	3.00	$19,050	$434,050			$0			$855,000
12/30/2031	$425,000	3.00	$12,825	$437,825		$871,875	$0			$430,000
6/30/2032	$430,000	3.00	$6,450	$436,450		$436,450	$0			$0
Total	**$10,500,000**		**$2,150,156**	**$12,650,156**		**$12,650,156**	**$0**			

Notes

2017 GO Energy Savings Bond. Closed 10/12/17. Gateway debt unlocked and information updated on 4/12/18.

St. Joseph County
Submitted to the State on Thursday, October 19, 2017
Report printed on Thursday, April 26, 2018
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: 2015 PSAP Equipment Lease (US Bank)
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number:
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 3/31/2015
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 3/31/2015

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (PSAP Charges) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology and Equipment for a 911 Center
Total Project Cost: $12,000,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
12/30/2014	$661,240	2.22	$7,323			$1,337,127		$668,563		$0
6/30/2014	$653,997	2.22	$14,566					$668,563		$661,240
12/31/2023	$646,833	2.22	$21,730			$1,337,127		$668,563		$1,315,237
6/30/2023	$639,748	2.22	$28,815					$668,563		$1,962,070
12/31/2022	$632,741	2.22	$35,823			$1,337,127		$668,563		$2,601,818
6/30/2022	$625,810	2.22	$42,754					$668,563		$3,234,559
12/31/2021	$618,955	2.22	$49,609			$1,337,127		$668,563		$3,860,369
6/30/2021	$612,175	2.22	$56,388					$668,563		$4,479,324
12/31/2020	$605,469	2.22	$63,094			$1,337,125		$668,563		$5,091,499
6/30/2020	$598,838	2.22	$69,724					$668,571		$5,696,968
12/31/2019	$592,278	2.22	$76,286			$1,337,127		$668,563		$6,295,806
6/30/2019	$585,790	2.22	$82,773					$668,563		$6,888,084

12/31/2018	$579,374	2.22	$89,190			$1,337,127		$668,563		$7,473,874
6/30/2018	$573,027	2.22	$95,536					$668,563		$8,053,248
12/31/2017	$566,751	2.22	$101,813			$1,337,127		$668,563		$8,626,275
6/30/2017	$560,543	2.22	$108,021					$668,563		$9,193,026
12/31/2016	$554,403	2.22	$114,161			$1,337,127		$668,563		$9,753,569
6/30/2016	$548,329	2.22	$120,234					$668,563		$10,307,972
12/31/2015	$542,324	2.22	$126,240			$1,337,127		$668,563		$10,856,301
6/30/2015	$601,375	2.22	$67,188					$668,563		$11,398,625
Total	**$12,000,000**		**$1,371,268**			**$13,371,268**		**$13,371,268**		

Notes

2015 PSAP Equipment and Technology Lease. US Bank. $12,000,000 original principal amount.

St. Joseph County
Submitted to the State on Wednesday, November 15, 2017
Report printed on Thursday, April 26, 2018
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: 2017 PSAP US Bank Technology Lease Amendment
Debt Status: Outstanding
Type of Indebtedness: Lease
Base CUSIP Number:
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 11/14/2017
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 11/14/2017

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (PSAP Charges for Services) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): Saint Josephy County
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology Improvements at County 911 Center
Total Project Cost: $2,500,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
11/16/2027	$140,017	2.46	$1,730			$283,494		$141,747		$0
5/16/2027	$138,327	2.46	$3,420					$141,747		$140,017
11/16/2026	$136,659	2.46	$5,098			$283,494		$141,747		$278,344
5/16/2026	$134,990	2.46	$6,757					$141,747		$415,003
11/16/2025	$133,352	2.46	$8,395			$283,494		$141,747		$549,993
5/16/2025	$131,734	2.46	$10,013					$141,747		$683,345
11/16/2024	$130,135	2.46	$11,612			$283,494		$141,747		$815,079
5/16/2024	$128,556	2.46	$13,191					$141,747		$945,214
11/16/2023	$126,996	2.46	$14,751			$283,494		$141,747		$1,073,770
5/16/2023	$125,454	2.46	$16,293					$141,747		$1,200,766
11/16/2022	$123,932	2.46	$17,815			$283,494		$141,747		$1,326,220
5/16/2022	$122,428	2.46	$19,319					$141,747		$1,450,152

11/16/2021	$120,942	2.46	$20,805			$283,494		$141,747		$1,572,580
5/16/2021	$119,474	2.46	$22,273					$141,747		$1,693,522
11/16/2020	$118,024	2.46	$23,723			$283,494		$141,747		$1,812,996
5/16/2020	$116,592	2.46	$25,155					$141,747		$1,931,020
11/16/2019	$115,177	2.46	$26,570			$283,494		$141,747		$2,047,612
5/16/2019	$113,779	2.46	$27,968					$141,747		$2,162,789
11/16/2018	$112,398	2.46	$29,348			$283,494		$141,747		$2,276,568
5/16/2018	$111,034	2.46	$30,713					$141,747		$2,388,966
Total	**$2,500,000**		**$334,949**			**$2,834,940**		**$2,834,940**		

Notes

2017 PSAP Technology Lease Amendment in the amount of $2,500,000 with U.S. Bank. Approved by Commissioners on 11/14/17.

St. Joseph County
Submitted to the State on Monday, January 22, 2018
Report printed on Friday, April 27, 2018
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: 2015 Taxable Economic Development Revenue Bonds (General Sheet Metal)
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number:
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination: 1/7/2015
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 5/1/2015
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 5/27/2015

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (Company Guarantee) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: General Sheet Metal Expenditures
Total Project Cost: $3,300,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
2/1/2016		3.00	$67,100	$67,100	$67,100					$3,300,000
8/1/2016		3.00	$49,500	$49,500	$49,500	$116,600				$3,300,000
2/1/2017		3.00	$49,500	$49,500	$49,500					$3,300,000
8/1/2017		3.00	$49,500	$49,500	$49,500	$99,000				$3,300,000
2/1/2018		3.00	$49,500	$49,500	$49,500					$3,300,000
8/1/2018	$90,000	3.00	$49,500	$139,500	$0	$189,000				$3,210,000
2/1/2019	$100,000	3.00	$48,150	$148,150	$0					$3,110,000
8/1/2019	$105,000	3.00	$46,650	$151,650	$0	$299,800				$3,005,000
2/1/2020	$105,000	3.00	$45,075	$150,075	$0					$2,900,000
8/1/2020	$105,000	3.00	$43,500	$148,500	$0	$298,575				$2,795,000
2/1/2021	$110,000	3.00	$41,925	$151,925	$0					$2,685,000
8/1/2021	$110,000	3.00	$40,275	$150,275	$0	$302,200				$2,575,000

2/1/2022	$110,000	3.00	$38,625	$148,625	$0					$2,465,000
8/1/2022	$115,000	3.00	$36,975	$151,975	$0	$300,600				$2,350,000
2/1/2023	$120,000	3.00	$35,250	$155,250	$0					$2,230,000
8/1/2023	$135,000	3.00	$33,450	$168,450	$0	$323,700				$2,095,000
2/1/2024	$135,000	3.00	$31,425	$166,425	$0					$1,960,000
8/1/2024	$135,000	3.00	$29,400	$164,400	$0	$330,825				$1,825,000
2/1/2025	$140,000	3.00	$27,375	$167,375	$0					$1,685,000
8/1/2025	$140,000	3.00	$25,275	$165,275	$0	$332,650				$1,545,000
2/1/2026	$145,000	3.00	$23,175	$168,175	$0					$1,400,000
8/1/2026	$145,000	3.00	$21,000	$166,000	$0	$334,175				$1,255,000
2/1/2027	$150,000	3.00	$18,825	$168,825	$0					$1,105,000
8/1/2027	$150,000	3.00	$16,575	$166,575	$0	$335,400				$955,000
2/1/2028	$155,000	3.00	$14,325	$169,325	$0					$800,000
8/1/2028	$155,000	3.00	$12,000	$167,000	$0	$336,325				$645,000
2/1/2029	$160,000	3.00	$9,675	$169,675	$0					$485,000
8/1/2029	$160,000	3.00	$7,275	$167,275	$0	$336,950				$325,000
2/1/2030	$160,000	3.00	$4,875	$164,875	$0					$165,000
8/1/2030	$165,000	3.00	$2,475	$167,475	$0	$332,350				$0
Total	**$3,300,000**		**$968,150**	**$4,268,150**	**$265,100**	**$4,268,150**				

Notes
Debt Schedule No. 15 2015 Taxable Economic Development Revenue Bonds (General Sheet Metal).

Report Builder » Select Report » Bond/Lease Report

Appendix "D"
Indebtedness of Harris Township

Report Builder: Bond/Lease Report

County	St. Joseph	Unit Type	Township
Unit	HARRIS TOWNSHIP	Debt Status	No Debt
Debt Type	No Debt	Source of Repayment	No Debt
Debt Name	No Debt		

View Report

1 of 1 Find | Next

The unit you have selected has no current debt to report.

Indiana Gateway Report
gateway.ifionline.org

4/26/2018 12:49:45 PM

Page 1

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APR 11 2018
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MISHAWAKA, IN

1st Reading 4-16-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-11

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO.2018-08

ORDINANCE NO. ______

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Lots 9, 10, and 11 in Oakland First Addition, Penn Township, St. Joseph County, Indiana, as per plat thereof recorded May 9, 1922, in Plat Book 10, pages 188 and 189, in the Office of the Recorder of St. Joseph County, Indiana

COMMON ADDRESS: 4515 Lincolnway East

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-7 Automobile Oriented Restaurant Commercial District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – Lincolnway East is a major east/west corridor, and at its intersection with Bittersweet Road has a wide variety of commercial uses.

2. Character of Buildings – The existing building will be reused with façade changes to distinguish the two different tenants.

3. The Most Desirable/Highest and Best Use – Being along one of most heavily travelled corridors in the City, the most desirable use of the property is a higher intensity commercial use.

4. Conservation of Property Values – The rezoning should not be injurious to property values in the area. The Lincolnway East and Bittersweet intersection is a mix of commercial uses, therefore, C-7 Automobile Oriented Restaurant Commercial uses are compatible with the existing uses along the corridor.

5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, identified most of the Lincolnway corridor, between Capital and Bittersweet as General Commercial. Since the C-7 District still allows all C-1 General Commercial uses, it still meets the goals of the Comprehensive Plan.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _________day of ____________________, 2018, at ________ o'clock ___.M.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ________ day of ___________________, 2018, at _________ o'clock ____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ________ day of __________________, 2018, at _________o'clock ____.M.

____
David A. Wood, Mayor

Pet. 18-11

MAR 2 1 2018

March 20, 2018

Honorable Members of the Common Council
City of Mishawaka, Indiana and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: PETITION TO REZONE

The undersigned, Mishawaka Retail LLC ("Petitioner"), respectfully shows that it is the contract purchaser of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

See attached **Exhibit A** (the "Real Estate"). 4515 Lincolnway East

Upon closing, Petitioner will own one hundred percent (100%) of the Real Estate which currently carries a zoning classification of C-1 General Commercial District. The Real Estate is a former Applebee's restaurant.

Petitioner desires that the Real Estate be rezoned to C-7 Automobile Oriented Restaurant Commercial District in order to allow Petitioner to construct a small retail center containing a Starbucks with a drive-thru, as well as a cellular phone store.

Wherefore, the Petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Mishawaka Retail LLC
by Donald J. Smith, Katz Korin Cunningham, PC

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DEBORAH S. BLOCK, MMC
APR 11 2018
CITY CLERK
MISHAWAKA, IN

CONTACT PERSON:

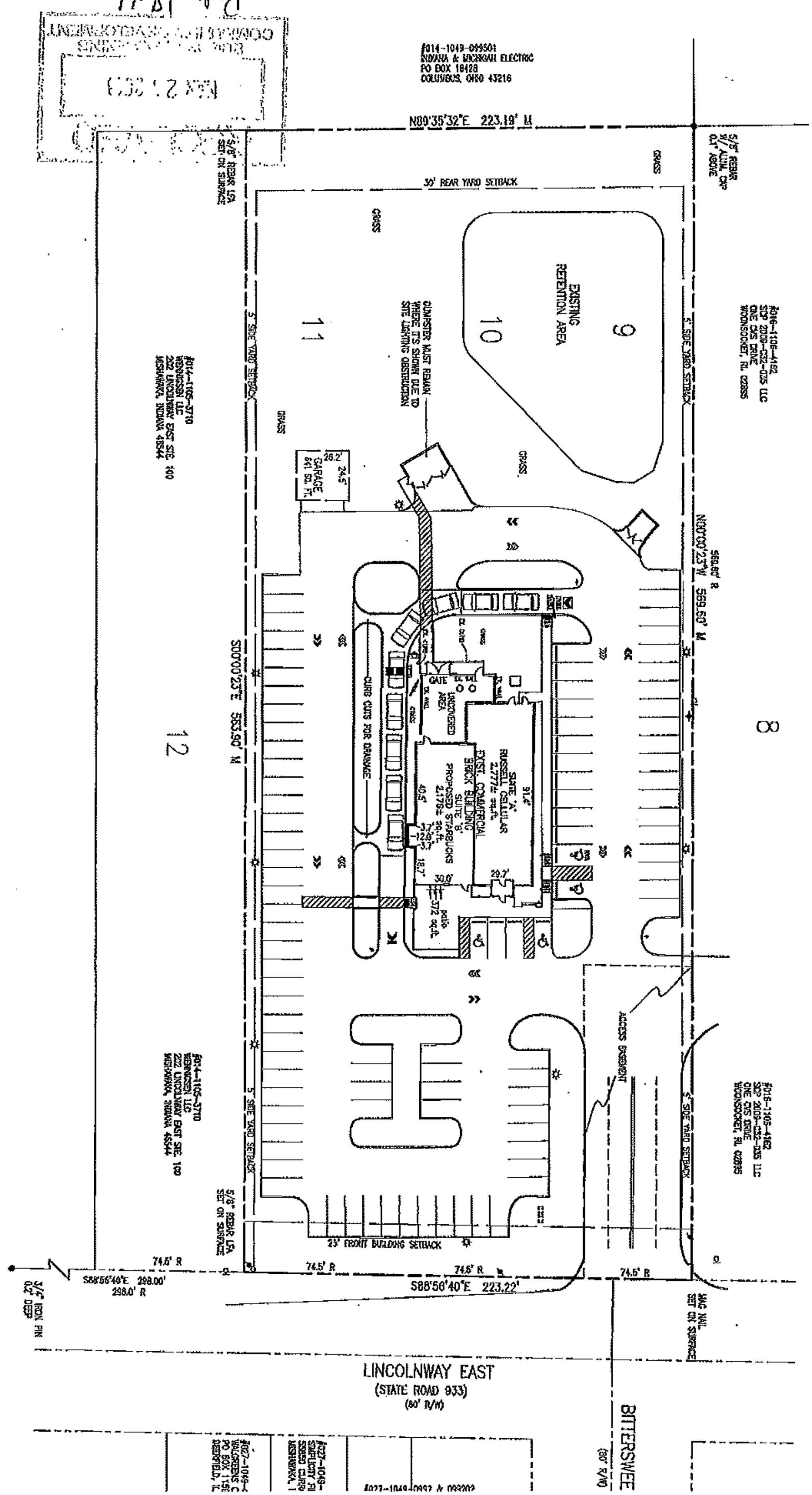
Donald J. Smith
Katz Korin Cunningham PC
334 North Senate Avenue
Indianapolis, IN 46204
(317) 464-1100
dsmith@kkclegal.com

EXHIBIT A
LEGAL DESCRIPTION

The land referred to in this Commitment, situated in the County of St Joseph, State of Indiana, is described as follows:

Lots 9, 10, and 11 in Oakland First Addition, Penn Township, St. Joseph County, Indiana, as per plat thereof recorded May 9, 1922, in Plat Book 10, pages 188 and 189, in the Office of the Recorder of St. Joseph County, Indiana.

Property Address: 4515 Lincoln Way East, Mishawaka, Indiana
Tax Id. No.: 027-1105-3708 / 71-10-18-251-001.000-022



#014-1049-099501
INDIANA & MICHIGAN ELECTRIC
PO BOX 16428
COLUMBUS, OHIO 43216
N89°35'32"E 223.19' M
30' REAR YARD SETBACK
5' SIDE YARD SETBACK
EXISTING RETENTION AREA
9
10
11
8
12
DUMPSTER MUST REMAIN WHERE IT'S SHOWN DUE TO SITE LIGHTING OBSTRUCTION
GRASS
GARAGE
641 SQ. FT.
N00°00'23"W 569.60' M
S00°00'23"E 563.90' M
CURB CUTS FOR DRAINAGE
EXIST. COMMERCIAL BRICK BUILDING
SUITE "A"
RUSSELL CELLULAR
2,777± sq.ft.
SUITE "B"
PROPOSED STARBUCKS
2,173± sq.ft.
UNCOVERED AREA
GATE
ACCESS EASEMENT
25' FRONT BUILDING SETBACK
S88°56'40"E 223.22'
74.6' R
LINCOLNWAY EAST
(STATE ROAD 933)
(80' R/W)
BITTERSWEE

RECEIVED
DEBORAH S. BLOCK, MMC

APR 12 2018

CITY CLERK
MISHAWAKA, IN

1st Reading 4-16-18
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2018-09

ORDINANCE NO. ___________

An Ordinance concerning the construction of additions and improvements to the sewage works of the City of Mishawaka, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith

WHEREAS, the City of Mishawaka, Indiana ("City") has heretofore established, constructed and financed its sewage works, and now owns and operates said sewage works pursuant to IC 36-9-23; and

WHEREAS, the Common Council finds that certain improvements and extensions to said works are necessary; that plans, specifications and estimates have been prepared and filed by the engineers employed by the City for the construction of said improvements and extensions which are more fully set forth in Exhibit A hereto and made a part hereof ("Project"), which plans and specifications have been or will be submitted to all governmental authorities having jurisdiction, particularly the Indiana Department of Environmental Management, will be approved by the aforesaid governmental authorities and are incorporated herein by reference and will be open for inspection at the office of the Clerk as required by law; and

WHEREAS, the City will advertise for and receive bids for the construction of the Project; said bids will be subject to the City's determination to construct the Project and subject to the City obtaining funds to pay for the Project; that on the basis of the engineer's estimates, the cost of the Project, as defined in IC 36-9-1-8, including estimated incidental expenses, is in the amount of Thirteen Million One Hundred Fifty Thousand Dollars ($13,150,000); and

WHEREAS, the Common Council finds that the City has no funds on hand to apply on the cost of the Project, and that the entire balance is to be financed by the issuance of sewage works revenue bonds, in one or more series, issued and, if necessary, bond anticipation notes, in one or more series ("BANs") in an aggregate amount not to exceed $13,150,000; and

WHEREAS, the Common Council finds that there are now outstanding bonds originally issued to finance the construction of additions and improvements to the sewage works and payable out of the revenues therefrom designated "Sewage Works Revenue Bonds of 2010, Series A," dated January 28, 2010 ("2010A Bonds"), originally issued in the amount of $2,398,000, now outstanding in the amount of $1,612,000, and maturing semiannually over a period ending March 1, 2030, which 2010A Bonds constitute a first charge upon the Net Revenues (as hereinafter defined) of the sewage works; and

WHEREAS, the Common Council finds that there are now outstanding bonds originally issued to finance the refunding of certain outstanding sewage works bonds designated "Sewage Works Refunding Revenue Bonds of 2015," dated August 20, 2015 ("2015 Bonds"), originally issued in the amount of $34,755,000, now outstanding in the amount of $28,580,000, and maturing semiannually over a period ending March 1, 2027, which 2015 Bonds constitute a first charge upon the Net Revenues of the sewage works, on a parity with the 2010A Bonds; and

WHEREAS, the Common Council finds that there are now outstanding bonds originally issued to finance the refunding of certain outstanding sewage works bonds and the construction of additions and improvements to the sewage works and payable out of the revenues therefrom designated "Sewage Works Revenue and Refunding Revenue Bonds of 2017, Series A," dated December 12, 2017 ("2017A Bonds"), originally issued in the amount of $16,315,000, now outstanding in the amount of $15,630,000, and maturing semiannually over a period ending

September 1, 2034, which 2017A Bonds constitute a first charge upon the Net Revenues of the sewage works, on a parity with the 2010A Bonds and the 2015 Bonds; and

WHEREAS, the Common Council finds that there are now outstanding bonds originally issued to finance the refunding of certain outstanding sewage works bonds and the construction of additions and improvements to the sewage works and payable out of the revenues therefrom designated "Sewage Works Revenue and Refunding Revenue Bonds of 2017, Series B," dated December 12, 2017 ("2017B Bonds"), originally issued and now outstanding in the amount of $24,210,000, and maturing semiannually over a period ending September 1, 2034, which 2017B Bonds constitute a first charge upon the Net Revenues of the sewage works, on a parity with the 2010A Bonds, the 2015 Bonds and the 2017A Bonds; and

WHEREAS, the 2010A Bonds, the 2015 Bonds, the 2017A Bonds and the 2017B Bonds are hereafter referred to as the Outstanding Bonds; and

WHEREAS, the ordinances authorizing the issuance of the Outstanding Bonds permit the issuance of additional bonds ranking on a parity with the Outstanding Bonds provided that certain conditions can be met, and the City finds that the finances of the sewage works will enable the City to meet the conditions for the issuance of additional parity bonds and that, accordingly, the revenue bonds authorized herein shall constitute a first charge on the Net Revenues of the sewage works, on a parity with the Outstanding Bonds; and

WHEREAS, the Mishawaka Redevelopment Commission ("Redevelopment Commission") has previously adopted and amended a Declaratory Resolution designating and declaring an area known as the Consolidated Tax Increment Financing District ("Area") as an economic development area and an allocation area within the meaning of IC 36-7-14, and the Declaratory Resolution was ratified and confirmed by the Redevelopment Commission; and

WHEREAS, in connection with the issuance of the 2010A Bonds, the 2017A Bonds and the 2017B Bonds, the Redevelopment Commission adopted resolutions ("Resolutions") which pledge an annual amount of all real and personal property tax proceeds in the Area allocated and deposited in the Allocation Fund created pursuant to IC 36-7-14 ("Tax Increment") to the payment of the 2010A Bonds, the 2017A Bonds and the 2017B Bonds and the funding of any reserves for such 2010A Bonds, 2017A Bonds and 2017B Bonds; and

WHEREAS, in connection with the issuance of bonds under this ordinance, the Redevelopment Commission has adopted or will adopt a resolution ("2018 Resolution") to allow the pledge of Tax Increment as described in the Resolutions, to also apply to the payment of all bonds issued under this ordinance, and the funding of any reserves for all bonds issued under this ordinance; and

WHEREAS, the Redevelopment Commission's Resolutions and 2018 Resolution direct that the Pledged Tax Increment (as hereafter defined) shall be used as Net Revenues of the sewage works; and

WHEREAS, the Common Council has been advised that Tax Increment has been pledged to the payment of the City of Mishawaka, Indiana, Redevelopment District Tax Increment Revenue Bonds, Series 2015 ("2015 Tax Increment Bonds") and the City of Mishawaka, Indiana, Redevelopment District Tax Increment Revenue Bonds, Series 2017 ("2017 Tax Increment Bonds"); the resolutions authorizing such 2015 Tax Increment Bonds and 2017 Tax Increment Bonds (collectively, "Tax Increment Bonds") pledge Tax Increment to the Tax Increment Bonds, but such pledges do not include the Pledged Tax Increment which Pledged Tax Increment is junior and subordinate to the payment of the Tax Increment Bonds; and

WHEREAS, the bonds to be issued pursuant to this ordinance will constitute a first charge against the Net Revenues of the sewage works, on a parity with the Outstanding Bonds, and are to be issued subject to the provisions of the laws of IC 5-1-14 and IC 36-9-23, each as in effect on the issue date of the bonds authorized herein (collectively, "Act"), and the terms and restrictions of this ordinance; and

WHEREAS, the City desires to authorize the issuance of BANs hereunder, in one or more series, if necessary, and to authorize the refunding of the BANs, if issued;

WHEREAS, the City reasonably expects to reimburse certain preliminary costs of the Project with proceeds of debt to be incurred by the City in an amount not to exceed $13,150,000; and

WHEREAS, the Common Council has been advised that it may be cost efficient to purchase municipal bond insurance and a debt service reserve surety for the bonds authorized herein; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of said revenue bonds and BANs have been complied with in accordance with the provisions of the Act;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. Authorization of Project; Reimbursement. The City proceed with the construction of the Project in accordance with the plans and specifications heretofore prepared and filed by consulting engineers employed by the City, which plans and specifications are now on file or will be subsequently placed on file in the office of the Clerk of the City, and are hereby adopted and approved, and by reference made a part of this ordinance as fully as if the same were attached hereto and incorporated herein. Two copies of the additional final plans and specifications and the cost estimates will be placed on file in the office of the Clerk of the City and be open for public inspection pursuant to IC 36 1 5 4. The estimated cost of the Project is expected not to exceed $13,150,000, plus investment earnings on the BAN and bond proceeds. The terms "sewage works," "works" and words of like import where used in this ordinance shall be construed to mean the Treatment Works, as defined in the Financial Assistance Agreement, dated January 28, 2010 ("Financial Assistance Agreement") between the City and the Authority as part of its wastewater loan program established and existing pursuant to IC 4-4-11 and IC 13-18-13 ("SRF Program"), and includes the existing structures and property of the sewage works and all enlargements, extensions, additions and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired. The Project shall be constructed in accordance with the plans, specifications and cost estimates heretofore mentioned, which Project is hereby approved. The Project shall be constructed and the BANs and bonds herein authorized shall be issued pursuant to and in accordance with the Act.

The City hereby declares its official intent to complete the Project, to reimburse certain costs of completing the Project with proceeds of debt to be incurred by the City, and to issue debt not exceeding $13,150,000 in aggregate principal amount for purposes of paying and reimbursing costs of the Project.

Section 2. Issuance of BANs and Bonds; Registrar and Paying Agent; Book-Entry Provisions. (a) The City shall issue, if necessary, its BANs for the purpose of procuring interim financing to apply on the cost of the Project. The City may issue its BANs, in one or more series, in an aggregate amount not to exceed Thirteen Million One Hundred Fifty Thousand Dollars ($13,150,000) to be designated "Sewage Works Bond Anticipation Notes of _____" (to be completed with the year in which issued and appropriate series designation, if any). The BANs shall be sold at not less than 99% of their par value, shall be numbered consecutively from 1 upward, shall be in any multiples of One Thousand Dollars ($1,000) as set forth in the hereinafter defined Bond Anticipation Note Agreement for the BANs, shall be dated as of the date of delivery thereof, and shall bear interest at a rate not to exceed 3% per annum (the exact rate or rates to be determined through negotiation with the purchaser of the BANs) payable at maturity or upon redemption. The BANs will mature no later than two (2) years after their date of delivery. The BANs are subject to renewal or extension at an interest rate or rates not to exceed 3% per annum (the exact rate or rates to be negotiated with the purchaser of the BANs). The term of the BANs and all renewal BANs may not exceed five years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof.

(b) The BANs shall be issued pursuant to IC 5-1.5-8-6.1 if sold to the Indiana Bond Bank or pursuant to IC 5-1-14-5 if sold to a financial institution or any other purchaser. The City shall pledge to the payment of the principal of and interest on the BANs the proceeds from the issuance of revenue bonds pursuant to and in the manner prescribed by the Act.

The revenue bonds will be payable solely out of and constitute a first charge against the Net Revenues (herein defined as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance, excluding transfers for payment in lieu of property taxes ("PILOTs")), of the sewage works of the City, on a parity with the Outstanding Bonds. The Net Revenues of the sewage works shall include the Pledged Tax Increment. For purposes of this ordinance, the "Pledged Tax Increment" shall mean an annual amount not to exceed $3,360,000 of Tax Increment remaining after payment of the Tax Increment Bonds available for deposit under this ordinance. The Pledged Tax Increment is pledged to pay, on a parity basis, the debt service on and fund reserves for the 2010A Bonds, the 2017A Bonds, the 2017B Bonds and the Bonds issued under this ordinance. The Pledged Tax Increment shall remain in force for so long as the Bonds authorized under this ordinance are outstanding, provided, however, that (i) the Pledged Tax Increment may be reduced or shall be increased (but not in excess of $3,360,000 annually) so that Net Revenues of the sewage works (including Pledged Tax Increment) in the fiscal year are not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all bonds payable from the Net Revenues of the sewage works; or (ii) Pledged Tax Increment shall no longer be pledged or treated as Net Revenues of the sewage works upon the one time showing that prior to the City's determination to release the Pledged Tax Increment from the payment of the bonds, the sewage rates and charges are increased sufficiently so that the increased rates and charges applied to the previous fiscal year's operations would have produced Net Revenues (not including Pledged Tax Increment) for said year equal to not less than one hundred twenty-five (125%) of the maximum annual interest and principal requirements of all bonds payable from the Net Revenues of the sewage works. For purposes of this subsection, the records of the sewage works shall be analyzed and all showings prepared annually by a certified public accountant employed by the City for that purpose within 120 days of the close of each fiscal year.

(c) The City shall issue its sewage works revenue bonds, in one or more series, in the aggregate principal amount not to exceed $13,150,000 to be designated "Sewage Works Revenue Bonds of ____" to be completed with the year in which issued and appropriate series designation, if any ("Bonds"), for the purpose of procuring funds to apply on the cost of the Project, refunding the BANs, if issued, and issuance costs, including premiums for municipal bond insurance and a debt service reserve surety.

The Bonds shall be issued and sold at a price not less than 99% of par value, shall be issued in fully registered form in denominations of $5,000 or integral multiples thereof, numbered consecutively from 1 up, originally dated as of the first day of the month in which they are issued or sold or their date of delivery, as determined by the Controller with the advice of the City's financial advisor, and shall bear interest at a rate or rates not exceeding 6% per annum (the exact rate or rates to be determined by bidding). Interest is payable semiannually on March 1 and September 1 in each year, commencing on the first March 1 or the first September 1 after the date of issuance of the Bonds, as determined by the Controller, with the advice of the City's financial advisor. Principal shall be payable in lawful money of the United States of America, at the principal office of the Paying Agent (as hereinafter defined) and such Bonds shall mature semiannually on March 1 and September 1 or be subject to mandatory sinking fund redemption on March 1 and September 1 over a period ending no later than September 1, 2040, and in such amounts that will produce as level annual debt service as practicable with $5,000 denominations, taking into account the annual debt service of the Outstanding Bonds.

All or a portion of the Bonds may be issued as one or more term bonds, upon election of the purchaser. Such term bonds shall have a stated maturity or maturities on March 1 or September 1 on the dates as determined by the purchaser, but in no event later than the final serial maturity date of the Bonds as determined in accordance with the above paragraph. The term bonds shall be subject to mandatory sinking fund redemption and final payment(s) at maturity at 100% of the principal amount thereof, plus accrued interest to the redemption date, on principal payment dates which are hereinafter determined in accordance with the above paragraph.

Interest on the Bonds and BANs shall be calculated according to a 360-day calendar year containing twelve 30-day months.

Each series of Bonds shall rank on a parity with the other for all purposes, including the pledge of Net Revenues under this ordinance.

(d) The Controller is hereby authorized to contract with a qualified financial institution to serve as Registrar and Paying Agent for the Bonds, which Registrar is hereby charged with the responsibility of authenticating the Bonds ("Registrar" or "Paying Agent"). The Controller is hereby authorized to enter into such agreements or understandings with such institution as will enable the institution to perform the services required of a Registrar and Paying Agent. The Controller is further authorized to pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent, and such fees may be paid from the Sewage Works Sinking Fund continued hereunder to pay the principal of and interest on the Bonds and fiscal agency charges.

As to the BANs and as to the Bonds, if acceptable to the purchaser, the Controller may serve as Registrar and Paying Agent and in that case is hereby charged with the duties of Registrar and Paying Agent.

The principal of the Bonds shall be payable at the principal office of the Paying Agent. All payments of interest on the Bonds and principal of and interest on the BANs shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof as the names appear as of the fifteenth day of the month preceding the interest payment date ("Record Date"), at the addresses as they appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the Bonds and BANs shall be made in any coin or currency of the United States of America, which on the date of such payment, shall be legal tender for the payment of public and private debts.

Each Bond shall be transferable or exchangeable only upon the books of the City kept for that purpose at the principal office of the Registrar, by the registered owner thereof in person, or by its attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity and the same series shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the City. The City and the Registrar and Paying Agent for the Bonds may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent upon giving 30 days' notice in writing to the City and by first class mail to each registered owner of the Bonds then outstanding, and such resignation will take effect at the end of such 30 day period or upon the earlier appointment of a successor registrar and paying agent by the City.

Any such notice to the City may be served personally or sent by registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the City, in which event the City may appoint a successor registrar and paying agent. The City shall notify each registered owner of the Bonds then outstanding by first class mail of the removal of the Registrar and Paying Agent. Notices to the registered owners of the Bonds shall be deemed to be given when mailed by first class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar.

Upon the appointment of any successor registrar and paying agent by the City, the Controller is authorized and directed to enter into such agreements and understandings with such successor registrar and paying agent as will enable the institution to perform the services required of a registrar and paying agent for the Bonds. The Controller is further authorized to pay such fees as the successor registrar and paying agent may charge for the services it provides as registrar and paying agent and such fees may be paid from the Sewage Works Sinking Fund continued in Section 14 hereof. Any predecessor registrar and paying agent shall deliver all of the Bonds and any cash or investments in its possession with respect thereto, together with the registration books, to the successor registrar and paying agent.

Interest on Bonds which are authenticated on or before the Record Date which precedes the first interest payment date shall be paid from their original date. Interest on Bonds authenticated subsequent to the Record Date which precedes the first interest payment date thereon shall be paid from the interest payment date to which interest has been paid as of the date on which such Bonds are authenticated, unless a Bond is authenticated between the Record Date and the interest payment date in which case the interest shall be paid from such interest payment date.

(e) The City has determined that it may be beneficial to the City to have the Bonds held by a central depository system pursuant to an agreement between the City and The Depository Trust Company, New York, New York ("Depository Trust Company") and have transfers of the Bonds effected by book-entry on the books of the central depository system ("Book Entry System"). The Bonds may be initially issued in the form of a separate single authenticated fully registered bond for the aggregate principal amount of each separate maturity of the Bonds. In such case, upon initial issuance, the ownership of such Bonds shall be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company.

With respect to the Bonds registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, the City and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner ("Beneficial Owner")) of the Bonds with respect to (i) the accuracy of the records of the Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any notice with respect to the Bonds including any notice of redemption, or (iii) the payment to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any amount with respect to the principal of, or premium, if any, or interest on the Bonds except as otherwise provided herein.

No person other than the Depository Trust Company shall receive an authenticated Bond evidencing an obligation of the City to make payments of the principal of and premium, if any, and interest on the Bonds pursuant to this ordinance. The City and the Registrar and Paying

Agent may treat as and deem the Depository Trust Company or CEDE & CO. to be the absolute bondholder of each of the Bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such Bonds; (ii) giving notices of redemption and other notices permitted to be given to bondholders with respect to such Bonds; (iii) registering transfers with respect to such Bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the order of the Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the City's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. Upon delivery by the Depository Trust Company to the City of written notice to the effect that the Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this ordinance shall refer to such new nominee of the Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any Bond is registered in the name of CEDE & CO., as nominee of the Depository Trust Company, all payments with respect to the principal of and premium, if any, and interest on such Bonds and all notices with respect to such Bonds shall be made and given, respectively, to the Depository Trust Company as provided in a representation letter from the City to the Depository Trust Company.

Upon receipt by the City of written notice from the Depository Trust Company to the effect that the Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of the Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the Bonds shall no longer be restricted to being registered in the register of the City kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, but may be registered in whatever name or names the bondholders transferring or exchanging the Bonds shall designate, in accordance with the provisions of this ordinance.

If the City determines that it is in the best interest of the bondholders that they be able to obtain certificates for the fully registered Bonds, the City may notify the Depository Trust Company and the Registrar, whereupon the Depository Trust Company will notify the Beneficial Owners of the availability through the Depository Trust Company of certificates for the Bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the bonds as requested by the Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever the Depository Trust Company requests the City and the Registrar to do so, the Registrar and the City will cooperate with the Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the fully registered Bonds of any Beneficial Owner's Depository Trust Company account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the Bonds.

If the Bonds shall no longer be restricted to being registered in the name of the Depository Trust Company, the Registrar shall cause the Bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such Bonds printed until it shall have received from the City indemnification for all costs and expenses associated with such printing.

In connection with any notice or other communication to be provided to bondholders by the City or the Registrar with respect to any consent or other action to be taken by bondholders, the City or the Registrar, as the case may be, shall establish a record date for such consent or other action and give the Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

So long as the Bonds are registered in the name of the Depository Trust Company or CEDE & CO. or any substitute nominee, the City and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written representation from the Beneficial Owners of the Bonds or from the Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the Bonds and setting forth the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and the Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the bondholders for purposes of this ordinance and the City and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the bondholders. Along with any such certificate or representation, the Registrar may request the Depository Trust Company to deliver, or cause to be delivered, to the Registrar a list of all Beneficial Owners of the bonds, together with the dollar amount of each Beneficial Owner's interest in the Bonds and the current addresses of such Beneficial Owners.

The City is authorized to issue its BANs in book-entry form and, in that case, all of the provisions set forth in this subsection (d) shall apply.

Section 3. Redemption of BANs and Bonds. (a) Effective 180 days after the date of issuance, the BANs are prepayable by the City, in whole or in part, on any date, upon 20 days' notice to the owner of the BANs, without premium.

(b) The Bonds of this issue are redeemable at the option of the City, but no sooner than September 1, 2027, and thereafter on any date, on thirty (30) days' notice, in whole or in part, in the order of maturity as determined by the City, and by lot within a maturity, at face value plus accrued interest to the date fixed for redemption. The exact redemption dates shall be established by the Controller, with the advice of the City's financial advisor, prior to the sale of the Bonds.

(c) If any Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the City, any Bonds maturing as term bonds which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each Bond maturing as a term bond so delivered or canceled shall be credited by the Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of the Bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such Bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date.

Each $5,000 denomination shall be considered a separate bond for purposes of optional and mandatory redemption. If less than an entire maturity is called for redemption, the Bonds to be called for redemption shall be selected by lot by the Registrar. If some Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.

(d) Notice of redemption shall be given not less than thirty (30) days prior to the date fixed for redemption unless such redemption notice is waived by the owner of the Bond or Bonds redeemed. Such notice shall be mailed to the address of the registered owner as shown on the registration record of the City as of the date which is forty-five (45) days prior to such redemption date. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the City. Interest on the Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

Section 4. Execution of Bonds and BANs. Each of the BANs and Bonds shall be executed in the name of the City by the manual or facsimile signature of the Mayor, countersigned by the manual or facsimile signature of its Controller and attested by the manual or facsimile signature of its Clerk, and the seal of the City shall be affixed, imprinted or impressed to or on each of the BANs and Bonds manually, by facsimile or any other means; and these officials, by the execution of a Signature and No Litigation Certificate, shall adopt as and for their own proper signatures the facsimile signatures appearing on the Bonds or BANs. In case any officer whose signature or facsimile signature appears on the Bonds or BANs shall cease to be such officer before the delivery of the Bonds or BANs, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

The BANs and Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration herein.

The Bonds shall also be authenticated by the manual signature of the Registrar, and no Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed.

Section 5. Form of Bonds. The form and tenor of the Bonds shall be substantially as follows, all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof:

> [Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City of Mishawaka, Indiana, or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.]

UNITED STATES OF AMERICA

STATE OF INDIANA COUNTY OF ST. JOSEPH

CITY OF MISHAWAKA
SEWAGE WORKS REVENUE BOND OF ____________, [SERIES _____]

[INTEREST RATE]	[MATURITY DATE]	ORIGINAL DATE	AUTHENTICATION DATE	[CUSIP]

REGISTERED OWNER:

PRINCIPAL SUM:

The City of Mishawaka ("City"), in St. Joseph County, State of Indiana, for value received, hereby promises to pay to the Registered Owner (named above) or registered assigns, solely out of the special revenue fund hereinafter referred to, the Principal Sum set forth above [on the Maturity Date set forth above] **OR** [on September 1 and March 1 on the dates and in the amounts as set forth on Exhibit A attached hereto] (unless this hereinafter defined Bond be subject to and shall have been duly called for redemption and payment as provided for herein), and to pay interest hereon until the Principal Sum shall be fully paid at the [Interest Rate specified above] **OR** [interest rate[s] per annum set forth on Exhibit A attached hereto] from the interest payment date to which interest has been paid next preceding the Authentication Date of this Bond unless this Bond is authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment in which case it shall bear interest from such interest payment date, or unless this Bond is authenticated on or before __________________, 20______, in which case it shall bear interest from the Original Date, which interest is payable semiannually on the first days of September and March of each year, beginning on ____________________, 20_____. Interest shall be calculated according to a 360-day calendar year containing twelve 30-day months.

The principal of this Bond is payable at the principal office of ___________________________ ("Registrar" or "Paying Agent"), in the _________ of _____________, Indiana. All payments of interest on this Bond shall be paid by check mailed one business day prior to the interest payment date to the registered owner hereof, as of the fifteenth day of the month preceding such payment, at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the Bond shall be made in any coin or currency of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

This Bond shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the City shall not be obligated to pay this Bond or the interest hereon except from the special fund provided from the Net Revenues, on a parity with the Outstanding Bonds (each as hereinafter defined).

This Bond is [the only] one of an authorized issue of Bonds of the City[, to be issued in series,] [of like tenor and effect, except as to numbering, interest rate[, series designation] and dates of maturity,] in the total amount of _________ Dollars ($___________) [for this series] ("Bonds"), numbered from 1 up, issued for the purpose of providing funds to be applied on the cost of additions and improvements to the City's sewage works[, to refund interim notes issued in anticipation of the Bonds] and to pay incidental expenses [, including premiums for municipal bond insurance and a debt service reserve surety], as authorized by an Ordinance adopted by the Common Council of the City on the _____ day of _____________, 2018, entitled "An Ordinance concerning the construction of additions and improvements to the sewage works of the City of

Mishawaka, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith" ("Ordinance"), and in strict compliance with the provisions of IC 5-1-14 and IC 36-9-23, each as in effect on the issue date of the Bonds (collectively, "Act").

Pursuant to the provisions of the Act and the Ordinance, the principal and interest of this Bond and all other Bonds of said issue, [including the Sewage Works Revenue Bonds of ______, Series ______ ("Series ____ Bonds"),] and any bonds hereafter issued on a parity therewith, are payable solely from the Sewage Works Sinking Fund (continued by the Ordinance) to be provided from the Net Revenues (defined as the gross revenues of the sewage works of the City remaining after the payment of the reasonable expenses of operation, repair and maintenance, excluding transfers for payment in lieu of property taxes) of the sewage works of the City. The bonds of this issue of which this bond is a part rank on a parity with the Outstanding Bonds (as defined in the Ordinance). Under the Ordinance, Net Revenues include the Pledged Tax Increment (as defined in the Ordinance) subject to Section 2(b) of the Ordinance.

The City irrevocably pledges the entire Net Revenues of said sewage works to the prompt payment of the principal of and interest on the Bonds authorized by the Ordinance, of which this is one, and any bonds ranking on a parity therewith, including the Outstanding Bonds [and the Series ___ Bonds], to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works, as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act and the Ordinance. If the City or the proper officers of the City shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this Bond, the owner of this Bond shall have all of the rights and remedies provided for in the Act, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this Bond and the interest hereon.

[The Bonds shall be initially issued in a Book Entry System (as defined in the Ordinance). The provisions of this Bond and of the Ordinance are subject in all respects to the provisions of the Letter of Representations between the City and The Depository Trust Company, or any substitute agreement, effecting such Book Entry System.]

The City further covenants that it will set aside and pay into its Sewage Works Sinking Fund a sufficient amount of the Net Revenues of said works to meet: (a) the interest on all bonds which by their terms are payable from the revenues of the sewage works, as such interest shall fall due; (b) the necessary fiscal agency charges for paying the bonds and interest; (c) the principal of all bonds which by their terms are payable from the revenues of the sewage works, as such principal shall fall due; and (d) an additional amount to [create and] maintain the reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of said works, on a parity with the Outstanding Bonds [and the Series ____ Bonds].

The Bonds of this issue maturing on _______________ 1, 20___, and thereafter, are redeemable at the option of the City on __________ 1, 20___, or any date thereafter, on thirty (30) days' notice, in whole or in part, in the order of maturity as determined by the City and by lot within a maturity, at face value together with the following premiums:

__% if redeemed on ______________ 1, 20___ or thereafter
on or before _________, 20___;
0% if redeemed on _______________ 1, 20___, or thereafter
prior to maturity;

plus in each case accrued interest to the date fixed for redemption.

[The Bonds maturing on _________________ 1, 20____ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on the dates and in the amounts set forth below:

_______Term Bond	
Date	Amount
*	

*Final Maturity]

Each Five Thousand Dollars ($5,000) principal amount shall be considered a separate bond for purposes of optional [and mandatory] redemption. If less than an entire maturity is called for redemption, the Bonds to be redeemed shall be selected by lot by the Registrar. [If some Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.]

Notice of such redemption shall be mailed to the address of the registered owner as shown on the registration records of the City, as of the date which is forty-five (45) days prior to such redemption date, not less than thirty (30) days prior to the date fixed for redemption unless the notice is waived by the registered owner of this Bond. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the City. Interest on the Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

If this Bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with its depository bank, an amount sufficient to pay such Bond or the redemption price, as the case may be, and thereafter the registered owner shall look only to the funds so deposited in trust with said bank for payment and the City shall have no further obligation or liability in respect thereto.

This Bond is transferable or exchangeable only upon the books of the City kept for that purpose at the office of the Registrar, by the registered owner hereof in person, or by its attorney duly authorized in writing, upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or to the registered owner, as the case may be, in exchange therefor. The City, the Registrar and any paying agent for this Bond may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

This Bond is subject to defeasance prior to redemption or payment as provided in the Ordinance referred to herein. THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. The Ordinance may be amended without the consent of the owners of the Bonds as provided in the Ordinance, if the Common Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the Bonds.

The Bonds maturing in any one year are issuable only in fully registered form in the denomination of $5,000 or any integral multiple thereof not exceeding the aggregate principal amount of the Bonds maturing in such year.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the preparation and complete execution, issuance and delivery of this Bond have been done and performed in regular and due form as provided by law.

This Bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Mishawaka, in St. Joseph County, Indiana, has caused this Bond to be executed in its corporate name by the manual or facsimile signature of its Mayor, countersigned with the manual or facsimile signature of the Controller, its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Clerk.

CITY OF MISHAWAKA, INDIANA

[SEAL]

By: ______________________________
Mayor

COUNTERSIGNED

By: ______________________________
Controller

Attest:

____
Clerk

[BOND INSURANCE LEGEND]

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

It is hereby certified that this Bond is one of the Bonds described in the Ordinance.

______________________________,
As Registrar

By: ______________________________
Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto ______________________________, the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints ____________________, attorney, to transfer the within Bond in the books kept for the registration thereof with full power of substitution in the premises.

Dated:______________________________

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

[EXHIBIT A]

[End of bond form]

Section 6. Preparation and Sale of BANs and Bonds; Official Statement; Continuing Disclosure; Bond Insurance. (a) The Controller is hereby authorized and directed to have the BANs and Bonds prepared, and the Mayor, the Controller and the Clerk are hereby authorized and directed to execute the BANs and Bonds in the form and manner herein provided. The Controller is hereby authorized and directed to deliver the BANs and Bonds to the respective purchasers thereof after sale made in accordance with the provisions of this ordinance, provided that at the time of the delivery the Controller shall collect the full amount which the respective purchasers have agreed to pay therefor, which amount shall not be less than 99% of the par value of the BANs, and not less than 99% of the par value of the Bonds, as the case may be. The City may receive payment for the BANs in installments. Each series of Bonds, when fully paid for and delivered to the purchaser, shall be the binding special revenue obligations of the City, payable out of the Net Revenues of the City's sewage works to be set aside into the Sinking Fund as herein provided, on a parity with the Outstanding Bonds. The proceeds derived from the sale of the Bonds shall be and are hereby set aside for application on the cost of the Project hereinbefore referred to, the refunding of the BANs, if issued, and the expenses necessarily incurred in connection with the BANs and Bonds. The proper officers of the City are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

(b) Distribution of an Official Statement (preliminary and final) for the Bonds, prepared by H.J. Umbaugh & Associates, Certified Public Accountants, LLP, on behalf of the City, is hereby authorized and approved and the Mayor and the Controller are authorized and directed to execute the Official Statement on behalf of the City in a form consistent with the ordinance. The Mayor or Controller is hereby authorized to designate the preliminary Official Statement as "nearly final" for purposes of Rule 15c2-12 as promulgated by the Securities and Exchange Commission ("Rule").

(c) If the Bonds are subject to the Rule, a continuing disclosure undertaking ("Undertaking") for the Bonds is hereby authorized and approved by the Common Council, and the Mayor and Controller are hereby authorized and directed to complete, execute and attest the same on behalf of the City. Notwithstanding any other provisions of this ordinance, failure of the City to comply with the Undertaking shall not be considered an event of default under the Bonds or this ordinance.

(d) In the event the financial advisor to the City certifies to the City that it would be economically advantageous for the City to obtain a municipal bond insurance policy the City hereby authorizes the purchase of such an insurance policy. The acquisition of a municipal bond insurance policy is hereby deemed economically advantageous in the event the difference between the present value cost of (a) the total debt service on the Bonds if issued without municipal bond insurance and (b) the total debt service on the Bonds if issued with municipal bond insurance, is greater than the cost of the premium on the municipal bond insurance policy. If such an insurance policy is purchased, the Mayor and the Controller are hereby authorized to execute and deliver all agreements with the provider of the policy to the extent necessary to comply with the terms of such insurance policy and the commitment to issue such policy. Such agreement shall be deemed a part of this ordinance for all purposes and is hereby incorporated herein by reference.

Section 7. Bond Sale Notice. Prior to the sale of the Bonds, the Controller shall cause to be published either (i) a notice of such sale in the *South Bend Tribune* and the *Mishawaka Enterprise*, two times, at least one week apart, the first publication made at least fifteen (15) days before the date of the sale and the second publication being made at least three (3) days before the date of the sale, or (ii) a notice of intent to sell in the *South Bend Tribune,* the *Mishawaka Enterprise* and the *Court & Commercial Record,* all in accordance with IC 5-1-11 and IC 5-3-1. A notice of sale may also be published one time in the *Court & Commercial Record,* and a notice or summary notice may also be published in *The Bond Buyer* in New York, New York. The notice shall state the character and amount of the Bonds, the maximum rate of interest thereon, the terms and conditions upon which bids will be received and the sale made, and such other information as the Controller and the attorneys employed by the City shall deem advisable and any summary notice may contain any information deemed so advisable. The notice will also state that the winning bidder will agree to assist the City in establishing the issue price under Treas. Reg. Section 1.148-1(f) ("Issue Price Regulation"). The criteria for establishing the issue price under the Issue Price Regulation shall be set forth in the Preliminary Official Statement and/or the bid form. The notice may provide, among other things, that electronic bidding will be permitted and that the successful bidder shall be required to submit a certified or cashier's check or a wire transfer of funds in an amount equal to 1% of the principal amount of the Bonds described in the notice and that in the event the successful bidder shall fail or refuse to accept delivery of the Bonds and pay for the same as soon as the Bonds are ready for delivery, or at the time fixed in the notice of sale, then said check and the proceeds thereof shall be the property of the City and shall be considered as its liquidated damages on account of such default; that bidders for the Bonds will be required to name the rate or rates of interest which the Bonds are to bear, not exceeding the maximum rate hereinbefore fixed, and that such interest rate or rates shall be in multiples of one-eighth (1/8) or one-hundredth (1/100) of one percent (1%). No conditional bid or bid for less than 99% of the face amount of the Bonds will be considered. The opinion of Ice Miller LLP, bond counsel of Indianapolis, Indiana, approving the legality of the Bonds, will be furnished to the purchaser at the expense of the City.

The Bonds shall be awarded by the Controller to the best bidder who has submitted his bid in accordance with the terms of this ordinance, IC 5-1-11 and the notice. The best bidder will be the one who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the Bonds to their maturities, adding thereto the discount bid, if any, and deducting the premium bid, if any. The right to reject any and all bids shall be reserved. If an acceptable bid is not received on the date of sale, the sale may be continued from day to day thereafter without further advertisement for a period of thirty (30) days, during which time no bid which provides a higher net interest cost to the City than the best bid received at the time of the advertised sale will be considered.

Section 8. Use of Proceeds. Any accrued interest received at the time of the delivery of the Bonds, and premium, if any, shall be deposited in the Sewage Works Sinking Fund, continued in Section 14. The remaining proceeds from the sale of the Bonds, to the extent not used to refund BANs, and BAN proceeds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts to be designated as "City of Mishawaka, Sewage Works Construction Account" ("Construction Account"). All funds deposited to the credit of the Sewage Works Sinking Fund or Construction

Account shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly IC 5-13, and the acts amendatory thereof and supplemental thereto. The funds in the Construction Account shall be expended only for the purpose of paying the cost of the Project, refunding the BANs, if issued, or as otherwise required by the Act or for the expenses of issuance of the Bonds or BANs. The cost of obtaining the services of Ice Miller LLP, H.J. Umbaugh & Associates, Certified Public Accountants, LLP and the City Attorney shall be considered as a part of the cost of the Project on account of which the BANs and Bonds are issued. Any balance or balances remaining unexpended in such special account or accounts after completion of the Project, which are not required to meet unpaid obligations incurred in connection with such Project, shall either (1) be paid into the Sewage Works Sinking Fund and used solely for the purposes of the Sewage Works Sinking Fund or (2) be used for the same purpose or type of project for which the Bonds were originally issued, all in accordance with IC 5-1-13, as amended and supplemented.

Section 9. Financial Records and Accounts. The City shall keep proper records and books of account, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues received on account of the operation of the sewage works, all disbursements made therefrom and all transactions relating to the utility. Copies of all such statements and reports shall be kept on file in the office of the Clerk. The City shall maintain on file the audited financial statements of said works prepared by the State Board of Accounts.

Section 10. Pledged Tax Increment. The Net Revenues of the sewage works shall continue to include the Pledged Tax Increment. The Pledged Tax Increment is pledged to the payment of the Bonds, on a parity with the 2010A Bonds, the 2017A Bonds and the 2017B Bonds, subject to Section 2(b) of this ordinance.

Section 11. Pledge of Net Revenues. The interest on and the principal of the Bonds issued pursuant to the provisions of this ordinance, and any bonds hereafter issued on a parity therewith, shall constitute a first charge on all the Net Revenues, on a parity with the Outstanding Bonds, and such Net Revenues are hereby irrevocably pledged to the payment of the interest on and principal of such Refunding Bonds, to the extent necessary for that purpose.

Section 12. Revenue Fund. The City shall segregate, deposit and keep in a special fund, separate and apart from all other funds of the City, all gross revenues received on account of the sewage works, which special fund was established and designated as the "City of Mishawaka, Indiana, Sewage Works Revenue Fund" ("Revenue Fund") and is continued hereby. Out of said revenues the proper and reasonable expenses of operation, repair and maintenance of the sewage works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, reserves shall be funded, and the costs of replacements, extensions, additions and improvements shall be paid as hereinafter provided. No moneys derived from the revenues of the sewage works shall be transferred to the general fund of the City or be used for any purpose not connected with the sewage works so long as any bonds payable from the revenues of the sewage works are outstanding.

Section 13. Operation and Maintenance Fund. The Operation and Maintenance Fund ("O&M Fund") is hereby continued. On the last day of each calendar month, a sufficient amount of revenues of the sewage works shall be transferred from the Revenue Fund to the O&M Fund. The balance maintained in this Fund shall be sufficient to pay the expenses of operation, repair and maintenance of the works for the then next succeeding two (2) calendar months. The moneys credited to this Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the sewage works on a day-to-day basis, but none of the moneys in the O&M Fund shall be used for PILOTs, depreciation, replacements, improvements, extensions or additions. Any monies in said Fund may be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the sewage works, or if necessary to eliminate any deficiencies in credits to or minimum balance in the Reserve Accounts described below.

Section 14. Sewage Works Sinking Fund (a) The Sewage Works Sinking Fund ("Sinking Fund") is hereby continued for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the sewage works and the payment of any fiscal agency charges in connection with the payment of bonds. The Sinking Fund shall consist of a Debt Service Account, and two Reserve Accounts hereby continued. The Sinking Fund shall be continued until all of the bonds payable from the Net Revenues of the sewage works have been paid.

(a) Debt Service Account. All Pledged Tax Increment shall be deposited into the Sinking Fund and shall be deemed as Net Revenues of the sewage works. Upon receipt by the City, the Pledged Tax Increment shall be credited to the Debt Service Account. Any Pledged Tax Increment received by the City in excess of the requirements of the Debt Service Account shall be used to satisfy the requirements of the 1994 Reserve Account and the 1999 Reserve Account (each as hereinafter defined) on a parity basis. After making the required monthly payments into the O&M Fund, Net Revenues shall be deposited into the Debt Service Account monthly, as available, in an amount sufficient for the payment of: (a) the amount required for the interest on the all Outstanding Bonds, the Bonds and any bonds hereafter issued and payable by their terms from the Net Revenues of the sewage works; (b) the principal of all Outstanding Bonds, the Bonds and any bonds hereinafter issued and payable by their terms from the Net Revenues of the sewage works; and (c) the necessary fiscal agency charges for paying the principal of and interest on all Outstanding Bonds, the Bonds and any bonds hereafter issued and payable by their terms from the Net Revenues of the sewage works. After accounting for the amount of Pledged Tax Increment on deposit in the Debt Service Account, the monthly payments into the Debt Service Account shall be in an amount equal to at least one-sixth (1/6) of the amount required during the next succeeding six (6) calendar months for the payment of interest on and principal of the Outstanding Bonds, the Bonds, and all bonds hereafter issued payable by their terms from the Net Revenues of the sewage works, and an amount necessary to pay the bank fiscal agency charges as the same become payable. The City shall, from the sums deposited in the Sinking Fund and credited to the Debt Service Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of bank fiscal agency charges.

(b) Reserve Accounts. (i) The 2015 Bonds are secured by the 1994 Reserve Account described below. The 2010A Bonds purchased by the Authority as part of its SRF Program and the 2017A Bonds and 2017B Bonds are secured by the 1999 Reserve Account described below. The 1999 Reserve Account will serve as the reserve for the Bonds issued hereunder.

(ii) 1994 Reserve Account. The reserve account continued for the 2015 Bonds ("1994 Reserve Account") is hereby continued. The 1994 Reserve Account serves as the reserve for the 2015 Bonds and it may also serve as the reserve for any series of future bonds not purchased by the Authority as part of its SRF Program. The 1994 Reserve Account contains a surety which funds, in part, the required balance for the 1994 Reserve Account with the remaining balance being funded with cash. The balance to be maintained in the 1994 Reserve Account, taking into account the surety held therein and the cash, shall equal the maximum annual debt service on the 2015 Bonds ("Reserve Requirement").

The 1994 Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the 2015 Bonds and any future bonds not purchased by the Authority as part of its SRF Program but secured by the 1994 Reserve Account, and the moneys in the 1994 Reserve Account shall be used to pay current principal and interest on the 2015 Bonds to the extent that moneys in the Debt Service Account are insufficient for that purpose. No moneys in the 1994 Reserve Account shall secure or be used to pay the principal of or interest on the 2010A Bonds, the 2017A Bonds, the 2017B Bonds or the Bonds issued under this ordinance. Any moneys in the 1994 Reserve Account in excess of the Reserve Requirement shall be transferred to the Sewage Works Improvement Fund.

(iii) 1999 Reserve Account. The 1999 Reserve Account ("1999 Reserve Account") is hereby continued. The 1999 Reserve Account shall continue to serve as the reserve for the 2010A Bonds, the 2017A Bonds and the 2017B Bonds and shall also serve as the reserve for any future bonds purchased by the Authority as part of its SRF Program. The 1999 Reserve Account shall also serve as the reserve for the Bonds issued under this ordinance. The balance therein shall equal but not exceed the maximum annual debt service on the Bonds, the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, and any parity bonds issued in the future by the City which are payable from the Net Revenues of the sewage works and secured by the 1999 Reserve Account ("1999 Reserve Requirement"). If the initial deposit into the 1999 Reserve Account does not cause the balance therein to equal the 1999 Reserve Requirement or if no deposit is made, an amount of Net Revenues shall be deposited to the 1999 Reserve Account on the last day of each calendar month until the balance therein equals the 1999 Reserve Requirement. The monthly deposits shall be equal in amount and sufficient to accumulate the 1999 Reserve Requirement within five years of the date of delivery of the Bonds. The 1999 Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the 2010A Bonds, the 2017A Bonds, the 2017B Bonds and the Bonds, and the moneys therein shall be used to pay current principal and interest on the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, and the Bonds to the extent that moneys in the Debt Service Account are insufficient for that purpose. No moneys in the 1999 Reserve Account shall secure or be used to pay the principal of or interest on the 2015 Bonds. Any moneys in the 1999 Reserve Account in excess of the 1999 Reserve Requirement shall be transferred to the Sewage Works Improvement Fund.

(iv) Deficiency Restoration. Any deficiency in the balance maintained in the 1994 Reserve Account and the 1999 Reserve Account shall be made up on a parity (pro rata) basis, from the next available Net Revenues remaining after credits into the Debt Service Account.

Section 15. Sewage Works Improvement Fund. The Sewage Works Improvement Fund ("Improvement Fund") is hereby continued. Any excess revenues over and above the requirements of the O&M Fund and Sinking Fund may be transferred or credited from the Revenue Fund to the Improvement Fund, and said Fund shall be used for improvements, replacements, additions and extensions of the sewage works and to make payments representing PILOTs. The City reserves the right to transfer PILOTs from the Improvement Fund no more frequently than semiannually in accordance with the Act, and only if all required transfers have been made to the Sinking Fund and the accounts of the Sinking Fund contain the required balances as of the date the PILOTs are paid. In no event shall any PILOTs be treated as an expense of operation and maintenance, nor in any case shall it be payable from the O&M Fund or the Sinking Fund. Moneys in the Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in any of the Reserve Accounts of the Sinking Fund or may be transferred to the O&M Fund to meet unforeseen contingencies in the operation, repair and maintenance of the sewage works.

Section 16. Maintenance of Funds; Investments. The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the City. The O&M Fund and the Improvement Fund may be maintained in a single account, or accounts, but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the City and apart from the Sinking Fund account or accounts. All moneys deposited in the accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in obligations in accordance with the applicable laws, including particularly Indiana Code, Title 5, Article 13, as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this ordinance.

Section 17. Defeasance of the Bonds. If, when the Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Bonds or a portion thereof then outstanding shall be paid; or

(i) cash (insured at all times by the Federal Deposit Insurance Corporation or otherwise collateralized with obligations described in (ii) below), or (ii) direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Bonds or any designated portion thereof issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the City's sewage works.

Section 18. Rate Covenant. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by the works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewage system of the City, or that in any way uses or is served by such works, at a level adequate to produce and maintain sufficient revenue (including user and other charges, fees, income or revenues available to the City), together with the Pledged Tax Increment reasonably expected to be collected and available to provide for the timely payment of debt service on the Bonds, the 2010A Bonds, the 2017A Bonds and the 2017B Bonds, to provide for the proper Operation and Maintenance (as defined in the Financial Assistance Agreement) of the sewage works, to comply with and satisfy all covenants contained in this ordinance and the Financial Assistance Agreement and to pay all obligations of the sewage works and of the City with respect to the sewage works. Such rates and charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient, together with the Pledged Tax Increment reasonably expected to be collected and available to provide for the timely payment of debt service on the

Bonds, the 2010A Bonds, the 2017A Bonds and the 2017B Bonds, to meet the expenses of Operation and Maintenance of the sewage works and the requirements of the Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the City and all departments thereof, and shall be paid by the City or the various departments thereof as the charges accrue.

For purposes of determining whether the Pledged Tax Increment will be considered to be reasonably expected to be collected and available to provide for the timely payment of debt service, the following shall control:

(a) the estimated Pledged Tax Increment to be collected shall be based on the existing assessed valuation (unless such valuation has been challenged by the owner of the property, in which case the prior assessed value shall be used) and the then current tax rate;

(b) any delinquent payments of property taxes constituting Pledged Tax Increment shall not be considered available; and

(c) if there is any pending challenge against the establishment or propriety of the Pledged Tax Increment, or its proposed use under this ordinance, such challenged portion of the Pledged Tax Increment shall not be considered available.

If in any year while the Bonds, the 2010A Bonds, the 2017A Bonds or the 2017B Bonds are outstanding, the Net Revenues of the sewage works and the Pledged Tax Increment received from (a) the June settlement is less than the next September 1 payment on all outstanding bonds or (b) the June settlement (after payment of such September 1 payment), together with the December settlement, is less than the next March 1 payment on all outstanding bonds, then the City shall take all steps required to immediately increase sewage works rates and charges to the level required to provide for the timely payment of debt service on all outstanding bonds. Any such increase shall be enacted to be effective within 45 days after the receipt of the June or December settlement, as the case may be.

Section 19. Additional Bond Provisions. The City reserves the right to authorize and issue additional BANs at any time ranking on a parity with the BANs. The City shall not issue any additional obligations payable from or secured by the Pledged Tax Increment without the prior written consent of the Authority. The City reserves the right to authorize and issue additional bonds or other obligations payable out of the Net Revenues of its sewage works ranking on a parity with the Bonds for the purpose of financing the cost of future additions, extensions and improvements to its sewage works, or to refund obligations, subject to the following conditions:

(a) All required payments into the Sinking Fund shall have been made in accordance with the provisions of this ordinance, and the interest on and principal of all bonds payable from the Net Revenues of the sewage works shall have been paid to date in accordance with their terms.

(b) The Net Revenues of the sewage works, including the Pledged Tax Increment, in the fiscal year immediately preceding the issuance of any such parity bonds shall be not less than one hundred twenty five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of the parity bonds, the sewage rates and charges shall be increased sufficiently so that the increased rates and charges, if realized and when applied to the previous fiscal year's operations would have produced Net Revenues for said year, including the Pledged Tax Increment, equal to not less than one hundred twenty five percent (125%) of the maximum annual interest and principal requirements of all bonds payable from the revenues of the sewage works, including additional parity bonds proposed to be issued. For purposes of this subsection, the records of the sewage works shall be analyzed and all showings shall be prepared by an independent certified public accountant employed by the City for that purpose who shall certify the satisfaction of the foregoing conditions for the issuance of parity bonds.

(c) The interest on the additional parity bonds shall be payable semiannually on the first days of March and September and the principal of, or mandatory sinking fund redemption dates for, the additional parity bonds shall be payable semiannually on March 1 and September 1.

(d) The reserve shall be satisfied for the additional parity bonds either as of the date of delivery of said additional parity bonds or through equal monthly deposits of Net Revenues sufficient to accumulate the reserve in a manner commensurate with and proportional to the provisions established by Section 14 of this ordinance.

(e) So long as any 2010A Bonds are outstanding and owned by the Authority as part of the SRF Program, (i) the City obtains the consent of the Authority, (ii) the City has faithfully performed and is in compliance with each of its obligations, agreements and covenants contained in the Financial Assistance Agreement and the ordinance authorizing the Outstanding Bonds, and (iii) the City is in compliance with its National Pollutant Discharge Elimination System permits, except for non-compliance for which purpose the parity bonds are issued, including refunding bonds issued prior to, but part of the overall plan to eliminate such non-compliance.

Section 20. Further Covenants of the City; Maintenance, Insurance, Pledge Not To Encumber, Subordinate Indebtedness, and Contract with Bondholders. For the purpose of further safeguarding the interests of the owners of the BANS and the Bonds, it is hereby specifically provided as follows:

(a) All contracts let by the City in connection with the construction of the Project shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to 100% of the amount of such contracts, to insure the completion of said contracts in accordance with their terms, and such contractors shall also be required to carry such employers' liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

(b) The Project shall be constructed under plans and specifications approved by a competent engineer designated by the City. All estimates for work done or material furnished shall first be checked by the engineer and approved by the City.

(c) So long as any of the Bonds or BANs are outstanding, the City shall at all times maintain the sewage works system in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as any of the Bonds or BANs are outstanding, the City shall maintain insurance on the insurable parts of said works, of a kind and in an amount, including fidelity bonds, such as would normally be carried by private corporations engaged in a similar type of business and, so long as any 2010A Bonds are owned by the Authority as part of its SRF Program, acceptable to the Authority. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. All insurance proceeds shall be used in replacing or repairing the property destroyed or damaged, unless, so long as the 2010A Bonds are owned by the Authority as part of its SRF Program, the Authority consents to a different use.

(e) So long as any of the Bonds or BANs are outstanding, the City shall not mortgage, pledge or otherwise encumber the property and plant of its sewage works system, or any part thereof, nor shall it sell, lease or otherwise dispose of any part of the same, excepting only such machinery, equipment or other property as may be replaced, or shall no longer be necessary for use in connection with said utility; provided, however, the City shall obtain the prior written consent of the Authority so long as any 2010A Bonds are owned by the Authority as part of its SRF Program.

(f) For so long as any 2010A Bonds are outstanding and owned by the Authority as part of the SRF Program, the City shall not borrow any money, enter into any contract or agreement or incur any other liabilities in connection with the sewage works, other than for normal operating expenditures, without the prior written consent of the Authority if such undertaking would involve, commit or use the revenues of the sewage works.

(g) Except as otherwise specifically provided in Section 19 of this ordinance, so long as any of the Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, issued or executed by the City except such as shall be made junior and subordinate in all respects to the Bonds, unless all of the Bonds are redeemed or defeased coincidentally with the delivery of such additional bonds or other obligations.

(h) The City shall take all action or proceedings necessary and proper, to the extent permitted by law, to require connection of all property where liquid and solid waste, sewage, night soil or industrial waste is produced with available sanitary sewers. The City shall, insofar as possible, and to the extent permitted by law, cause all such sanitary sewers to be connected with said sewage works.

(i) The provisions of this ordinance shall constitute a contract by and between the City and the owners of the Bonds and BANs herein authorized, and after the issuance of the Bonds or BANs, this ordinance shall not be repealed or amended in any respect which will adversely affect the rights or interests of the owners of the Bonds or BANs, nor shall the Common Council adopt any law, ordinance or resolution which in any way adversely affects the rights of the bondholders so long as any of the Bonds or BANs, or the interest thereon, remain unpaid. Except in the case of changes described in Section 21(a)-(f), this ordinance may be amended, however, without the consent of the owners of the Bonds or BANs, if the Common Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the Bonds or BANs.

(j) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds and BANs herein authorized for the uses and purposes herein set forth, and the owners of the Bonds and BANs shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of the governing Act. The provisions of this ordinance shall also be construed to create a trust in the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of that Fund as in this ordinance set forth. The owners of the Bonds shall have all the rights, remedies and privileges set forth in the provisions of the governing Act hereinbefore referred to, including the right to have a receiver appointed to administer said sewage works, in the event the City shall fail or refuse to fix and collect sufficient rates and charges for those purposes, or shall fail or refuse to operate and maintain said system and to apply the revenues derived from the operation thereof, or if there be a default in the payment of the principal of or interest on any of the Bonds or in the event of default in respect to any of the provisions of this ordinance or the governing Act.

Section 21. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds issued pursuant to this ordinance and then outstanding shall have the right from time to time, to consent to and approve the adoption by the Common Council of the City of such ordinance or ordinances supplemental hereto or amendatory hereof, as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on, or any mandatory sinking fund redemption date for, any Bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues or Net Revenues of the sewage works ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any Bond or Bonds issued pursuant to this ordinance over any other Bond or Bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance; or

(f) A reduction in the Reserve Requirement or the 1999 Reserve Requirement.

If the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk of the City, no owner of any Bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Common Council of the City from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the City and all owners of Bonds then outstanding, shall thereafter be determined, exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the City and of the owners of the Bonds authorized by this ordinance, and the terms and provisions of the Bonds and this ordinance, or any supplemental or amendatory ordinance, may be modified or altered in any respect with the consent of the City and the consent of the owners of all the Bonds then outstanding.

Section 22. Investment of Funds. (a) The Controller is hereby authorized to invest moneys pursuant to the provisions of this ordinance and IC 5-1-14-3 (subject to applicable requirements of federal law to insure such yield is then current market rate) to the extent necessary or advisable to preserve the exclusion from gross income of interest on the Bonds and BANs under federal law.

(a) The Controller shall keep full and accurate records of investment earnings and income from moneys held in the funds and accounts referenced herein. In order to comply with the provisions of the ordinance, the Controller is hereby authorized and directed to employ consultants or attorneys from time to time to advise the City as to requirements of federal law to preserve the tax exclusion. The Controller may pay any fees as operation expenses of the sewage works.

Section 23. Tax Covenants. In order to preserve the exclusion of interest on the Bonds and BANs from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as existing on the date of issuance of the Bonds or BANs, as the case may be ("Code"), and as an inducement to purchasers of the Bonds and BANs, the City represents, covenants and agrees that:

(a) The sewage works will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. No person or entity other than the City or another state or local governmental unit will use more than 10% of the proceeds of the Bonds or BANs or property financed by the Bond or BAN proceeds other than as a member of the general public. No person or entity other than the City or another state or local governmental unit will own property financed by Bond or BAN proceeds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person's or entity's use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Bonds or BANs, as the case may be. If the City enters into a management contract for the sewage works, the terms of the contract will comply with IRS Revenue Procedure 2017-33, as it may be amended, supplemented or superseded for time to time, so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than 10% of the proceeds of the Bonds or BANs, as the case may be.

(b) No more than 10% of the principal of or interest on the Bonds or BANs will (under the terms of the Bonds or BANs, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be derived from payments (whether or not to the City) in respect of such property or borrowed money used or to be used for a private business use.

(c) No more than 5% of the Bond or BAN proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Bond or BAN proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Bond or BAN proceeds.

(d) The City reasonably expects, as of the date hereof, that the Bonds and BANs will not meet either the private business use test described in paragraph (a) and (b) above or the private loan test described in paragraph (c) above.

(e) No more than 5% of the proceeds of the Bonds or BANs will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The City will not take any action nor fail to take any action with respect to the Bonds or BANs that would result in the loss of the exclusion from gross income for federal tax purposes on the Bonds or BANs pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion. The City covenants and agrees not to enter into any contracts or arrangements which would cause the Bonds or BANs to be treated as private activity bonds under Section 141 of the Code.

(g) It shall be not an event of default under this ordinance if the interest on any Bond or BAN is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Bonds or BANs, as the case may be.

(h) The City covenants that it will rebate any arbitrage profits to the United States to the extent required by the Code and the regulations promulgated thereunder.

(i) These covenants are based solely on current law in effect and in existence on the date of delivery of such Bonds or BANs, as the case may be.

Section 24. Issuance of BANs. (a) The City, having satisfied all the statutory requirements for the issuance of its Bonds, may elect to issue its BAN or BANs to a financial institution, the Indiana Bond Bank or any other purchaser pursuant to a Bond Anticipation Note Purchase Agreement ("Purchase Agreement") to be entered into between the City and the purchaser of the BAN or BANs. The Common Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of initially issuing the Bonds to provide interim financing for the Project until permanent financing becomes available. It shall not be necessary for the

City to repeat the procedures for the issuance of its Bonds, as the procedures followed before the issuance of the BAN or BANs are for all purposes sufficient to authorize the issuance of the Bonds and the use of the proceeds to repay the BAN or BANs.

(b) The Mayor and the Controller are hereby authorized and directed to execute a Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The Mayor and the Controller may also take such other actions or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the Bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith.

Section 25. Non-Compliance with Tax Covenants. Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Bonds and BANs from gross income under federal law ("Tax Exemption") need not be complied with if the City receives an opinion of nationally recognized bond counsel that any Tax Sections are unnecessary to preserve the Tax Exemption.

Section 26. Rates and Charges. The present rates and charges of the sewage works are set forth in Ordinance No. 5568 adopted on March 6, 2017, which ordinance is incorporated herein by reference.

Section 27.Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that this ordinance shall not be construed as modifying, amending or repealing the ordinances authorizing the Outstanding Bonds or as adversely affecting the rights of the owners of the Outstanding Bonds.

Section 28. Headings. The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this ordinance.

Section 29. Effective Date. This ordinance shall be in full force and effect from and after its passage and execution by the Mayor.

Passed and adopted by the Common Council of the City of Mishawaka, Indiana on the

____ day of ________________, 2018.

COMMON COUNCIL OF THE CITY OF MISHAWAKA

____

Matt Mammolenti, Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, Clerk

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of

______________, 2018, at ___:___ ___.m.

____

Deborah S. Block, IAMC, MMC, Clerk

Presented to and approved by me, the Mayor of the City of Mishawaka, Indiana, and

signed this _______ day of ________________, 2018, at ___:___ ___.m.

____

David A. Wood, Mayor

EXHIBIT A

Project Description

The projects to be funded include the costs associated with engineering design, construction, construction supervision, and contingencies related to projects to improve the sewage works treatment plant and collection and conveyance sewers including, but not limited to projects in the Linden, Milburn, and Crawford Park areas.

1st Reading 3-19-18
2nd Reading
Passed
Failed
Continued To

PETITION #18-06

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-05

ORDINANCE NO. ________

RECEIVED
DEBORAH S. BLOCK, MMC
MAR 15 2018
CITY CLERK
MISHAWAKA, IN

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

Parcel A

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1540.43 feet along the east line of said west half to the southeast corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706 and the **Point of Beginning** of this description;

thence continuing South 00 degrees 23 minutes 28 seconds East 454.11 feet along said east line to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract;

thence North 07 degrees 32 minutes 53 seconds East 299.78 feet;

thence North 82 degrees 27 minutes 07 seconds West 38.43 feet;

thence North 07 degrees 32 minutes 53 seconds East 84.50 feet to said south line of the Northwest Quarter of the Southwest Quarter of Section 26;

thence South 89 degrees 41 minutes 45 seconds West 336.65 feet along said south line to the southeast corner of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198, located on the west line of said Northwest Quarter of the Southwest Quarter of Section 26;

thence North 00 degrees 16 minutes 56 seconds West 1330.05 feet (1330.24 feet by Instrument #8617056) along the west line of said quarter-quarter section to a 5/8" rebar found at the West Quarter Corner of said Section 26;

thence South 89 degrees 37 minutes 13 seconds West 664.48 feet (669.28 feet by Instrument #8617056) along the south line of the Northeast Quarter of said Section 27 to the southeast corner of Calvary Chapel, Inc. Replat, the plat of which is recorded in Instrument #9802248;

thence North 00 degrees 34 minutes 35 seconds West 1109.50 feet (distance quoted from Instrument #8617056) along the east line of said Calvary Chapel, Inc. Replat and the east line of The Hearth PUD, the plat of which is recorded in Instrument #0902128, to the southeasterly right-of-way line of Indiana East-West Toll Road;

thence along the right-of-way line of said Indiana East-West Toll Road, Northeasterly 439.67 feet (433.19 feet by Instrument #8617056) along an arc to the left and having a radius of 7789.44 feet (distance quoted from Instrument #8617056) and subtended by a long chord having a bearing of North 52 degrees 56 minutes 11 seconds East and a length of 439.61 feet (433.14 feet by Instrument #8617056);

thence North 51 degrees 19 minutes 10 seconds East 499.23 feet along said right-of-way line to a concrete monument with a 5/8" rebar found at the northwest corner of Juday Creek Estates Section 3, the plat of which is recorded in Instrument #8717305;

thence along the southerly boundary of said Juday Creek Estates Section 3 for the following nine courses:

1) thence South 01 degrees 10 minutes 05 seconds East 299.30 feet (distance quoted from plat);
2) thence South 38 degrees 29 minutes 44 seconds East 259.14 feet (distance quoted from plat);
3) thence South 02 degrees 23 minutes 51 seconds East 288.74 feet (distance quoted from plat);
4) thence South 66 degrees 42 minutes 48 seconds East 192.51 feet (distance quoted from plat);
5) thence North 77 degrees 55 minutes 33 seconds East 199.88 feet (distance quoted from plat);
6) thence North 20 degrees 46 minutes 53 seconds East 180.23 feet (distance quoted from plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 87 of said Juday Creek Estates Section 3;
7) thence North 01 degrees 43 minutes 08 seconds West 71.51 feet (71.56 feet by plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 88 of said Juday Creek Estates Section 3;

8) thence Northeasterly 349.29 feet (349.34 feet by plat) along an arc to the right and having a radius of 563.87 feet (565.00 feet by plat) and subtended by a long chord having a bearing of North 33 degrees 46 minutes 20 seconds East and a length of 343.74 feet (343.80 feet by plat) to a concrete monument with a 5/8" rebar found at a southeasterly corner of Lot 92 of said Juday Creek Estates Section 3;

9) thence North 51 degrees 31 minutes 06 seconds East 82.51 feet (82.36 feet by plat) to a concrete monument with a 5/8" rebar found at the westerly corner of Lot 140 of said Juday Creek Estates Section 3;

thence continuing North 51 degrees 31 minutes 06 seconds East 30.30 feet along the northwestern line of said Lot 140;

thence South 50 degrees 55 minutes 50 seconds East 468.40 feet;

thence South 74 degrees 24 minutes 57 seconds East 231.39 feet to the south line of said Lot 140;

thence continuing South 74 degrees 24 minutes 57 seconds East 47.92 feet to the prolonged east line of said Lot 140;

thence North 15 degrees 12 minutes 47 seconds East 13.70 feet to a concrete monument with a 5/8" rebar found at the southeast corner of said Lot 140;

thence continuing North 15 degrees 12 minutes 47 seconds East 93.32 feet along the east line of said Lot 140 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 1, the plat of which is recorded in Instrument #8620781;

thence along the south line of said Juday Creek Estates Section 1, Southeasterly 409.36 feet (409.62 feet by plat) along an arc to the left and having a radius of 1510.02 feet (1500.24 feet by plat) and subtended by a long chord having a bearing of South 82 degrees 32 minutes 24 seconds East and a length of 408.11 feet (408.34 feet by plat), to a concrete monument with a 5/8" rebar found at a bend in the south line of Lot 20 of said Juday Creek Estates Section 1;

thence North 89 degrees 41 minutes 37 seconds East 144.78 feet (144.99 feet by plat) along the south line of said Juday Creek Estates Section 1 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706;

thence North 89 degrees 41 minutes 37 seconds East 471.80 feet (469.77 feet by plat) along the south line of said Juday Creek Estates Section 2 to the Point of Beginning and containing 114.68 acres, more or less.

Parcel B

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1994.54 feet along the east line of said west half to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract to the **Point of Beginning** of this description;

thence continuing South 75 degrees 31 minutes 19 seconds West 574.29 feet along said northwesterly line to the centerline of Juday Creek;

thence South 22 degrees 49 minutes 58 seconds West 514.85 feet (515.52 feet by Instrument #8617056) along the centerline of said Juday Creek to the north line of a tract of land conveyed to DeForest M. Clymer, Opal F. Clymer, Ronald J. Clymer and Larry E. Clymer by Deed Book 790, Page 176, dated August 6, 1974;

thence, parallel with the south line of the East Half of Section 27, North 89 degrees 57 minutes 29 seconds West 309.34 feet (303.02 feet by Instrument #8617056) along the north line of said Clymer tract to the easterly right-of-way line of Fir Road as conveyed to St. Joseph County, Indiana by Instrument #0418616, dated February 24, 2004;

thence North 29 degrees 08 minutes 50 seconds West 36.09 feet (distance quoted from Instrument #0418616) along the easterly right-of-way line of said Fir Road a northeasterly corner of said right-of-way;

thence South 60 degrees 51 minutes 10 seconds West 10.00 feet along said right-of-way line;

thence North 29 degrees 08 minutes 50 seconds West 761.56 feet along the right-of-way line;

thence along said right-of-way line, Northwesterly 337.06 feet along an arc to the right and having a radius of 1115.92 feet and subtended by a long chord having a bearing of North 20 degrees 29 minutes 40 seconds West and a length of 335.78 feet to the prolonged south line of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198;

thence South 89 degrees 48 minutes 25 seconds East 9.38 feet along the prolonged south line of said Brittany Minor Subdivision to a concrete monument with a 5/8" rebar found at the southwest corner of said subdivision;

thence continuing South 89 degrees 48 minutes 25 seconds East 1246.33 feet (1246.20 feet by plat and Instrument #8617056) along the south line of said Brittany Minor Subdivision to the west line of the West Half of said Section 26;

thence North 89 degrees 41 minutes 45 seconds East 336.65 feet along the north line of the Southwest Quarter of the Southwest Quarter of said Section 26;

thence South 07 degrees 32 minutes 53 seconds West 84.50 feet;

thence South 82 degrees 27 minutes 07 seconds East 38.43 feet;

thence South 07 degrees 32 minutes 53 seconds West 299.78 feet to the **Point of Beginning** and containing 23.21 acres, more or less.

COMMON ADDRESS: 138 acres near Northeast Corner of Fir and Douglas Roads

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development District.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The subject parcels, which are occupied by the Juday Creek Golf Course, are adjacent to agricultural land approved for commercial, office, and single-family residential use to the east and south; single-family residential lots, the golf course club house, and the toll road to the north; and single-family residential parcels, a church, an assisted living facility, and a convenience store/gas station to the west. A municipal wellfield and water production facilities are proposed within the subject parcel and on the adjacent property to the east. Fir Road and Douglas Road are moderately travelled corridors on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City.
2. Character of Buildings in Area – The character of buildings along both the Fir Road and Douglas Road corridors vary greatly and include, but are not limited to, agricultural land, low-density single family residential homes, a convenience store/gas station, a golf course, skilled nursing/long-term care facilities, an assisted living facility, hotels, a hospital/medical offices, and a television/radio broadcast station.

3. The most desirable/highest and best use – With the property's location between an existing single-family residential neighborhood to the north and vacant agricultural land approved for commercial and office use to the south and east, the most desirable use for the property is for its continued use as a golf course, and a planned municipal wellfield and water production facilities.

4. Conservation of property values – The proposed zoning will not be injurious to property values in the surrounding area because the property will continue be used as a golf course with little to no change in the present use.

5. Comprehensive Plan – The parcel is not located within the boundaries of the City of Mishawaka Comprehensive Plan. However, the existing and proposed land uses are reasonably consistent with the goals, objectives and policies of the Comprehensive Plan.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _______ day of __________________, 2018, at _______ o'clock ___.M.

____
Presiding Officer

Proposed Ordinance No. 18-05

Ordinance No. ___________

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ______ day of ________________, 2018, at ______ o'clock ____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _______________, 2018, at _____ ______o'clock _____.M.

____
David A. Wood, Mayor

PET 18-06

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **DEPARTMENT OF PLANNING**

February 16, 2018

TO THE:

Honorable Members of the Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: Petition for Annexation and Zoning Classification

The undersigned City of Mishawaka and Lindy's, Inc., (see attached letter), respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

See attached.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located North of Douglas Road, East of Fir Road, South of the Indiana Toll Road (I-80/90), and West of the East line of the West Half of Section 26, Township 38 North, Range 3 East, Harris Township, and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with an S-2 Planned Unit Development District. Petitioners further state they intend to utilize both Parcel A and Parcel B for a golf course, golf maintenance, and club house/banquet facilities; and a municipal wellfield and water production facilities.

Accompanying this petition is a drawing, to scale, showing the above-described parcels of real estate.

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with an S-2 Planned Unit Development District.

Kenneth B. Prince, ASLA, AICP
City Planner

RECEIVED
DEBORAH S. BLOCK, MMC
MAR 01 2018
CITY CLERK
MISHAWAKA, IN

Contact Person:

Derek J. Spier, AICP
Senior Planner & Economic Development Specialist
City of Mishawaka
600 E. Third Street
Mishawaka, IN 46544
Ph. 574-258-1625
dspier@mishawaka.in.gov

February 16, 2018

City of Mishawaka
Department of City Planning
600 E. Third Street
Mishawaka, IN 46544

RE: Petition for Annexation and Zoning Classification
Letter of Support

Honorable Members of the Common Council & City Plan Commission:

As the property owner of Parcel B within the proposed annexation area, I am in support of the annexation and rezoning petition as submitted. This parcel will continue to be occupied and used as a part of the Juday Creek Golf Course.

Thank you for your consideration, and please do not hesitate to contact me at (574) 277-4653 if you have any questions.

Sincerely,

, SEC.

Lindy's, Inc.
Linda Rogers

Parcel A

Legal Description

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Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1540.43 feet along the east line of said west half to the southeast corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706 and the **Point of Beginning** of this description;

thence continuing South 00 degrees 23 minutes 28 seconds East 454.11 feet along said east line to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract;

thence North 07 degrees 32 minutes 53 seconds East 299.78 feet;

thence North 82 degrees 27 minutes 07 seconds West 38.43 feet;

thence North 07 degrees 32 minutes 53 seconds East 84.50 feet to said south line of the Northwest Quarter of the Southwest Quarter of Section 26;

thence South 89 degrees 41 minutes 45 seconds West 336.65 feet along said south line to the southeast corner of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198, located on the west line of said Northwest Quarter of the Southwest Quarter of Section 26;

thence North 00 degrees 16 minutes 56 seconds West 1330.05 feet (1330.24 feet by Instrument #8617056) along the west line of said quarter-quarter section to a 5/8" rebar found at the West Quarter Corner of said Section 26;

thence South 89 degrees 37 minutes 13 seconds West 664.48 feet (669.28 feet by Instrument #8617056) along the south line of the Northeast Quarter of said Section 27 to the southeast corner of Calvary Chapel, Inc. Replat, the plat of which is recorded in Instrument #9802248;

thence North 00 degrees 34 minutes 35 seconds West 1109.50 feet (distance quoted from Instrument #8617056) along the east line of said Calvary Chapel, Inc. Replat and the east line of The Hearth PUD, the plat of which is recorded in Instrument #0902128, to the southeasterly right-of-way line of Indiana East-West Toll Road;

thence along the right-of-way line of said Indiana East-West Toll Road, Northeasterly 439.67 feet (433.19 feet by Instrument #8617056) along an arc to the left and having a radius of 7789.44 feet (distance quoted from Instrument #8617056) and subtended by a long chord having a bearing of North 52 degrees 56 minutes 11 seconds East and a length of 439.61 feet (433.14 feet by Instrument #8617056);

thence North 51 degrees 19 minutes 10 seconds East 499.23 feet along said right-of-way line to a concrete monument with a 5/8" rebar found at the northwest corner of Juday Creek Estates Section 3, the plat of which is recorded in Instrument #8717305;

thence along the southerly boundary of said Juday Creek Estates Section 3 for the following nine courses:

1) thence South 01 degrees 10 minutes 05 seconds East 299.30 feet (distance quoted from plat);
2) thence South 38 degrees 29 minutes 44 seconds East 259.14 feet (distance quoted from plat);
3) thence South 02 degrees 23 minutes 51 seconds East 288.74 feet (distance quoted from plat);
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5) thence North 77 degrees 55 minutes 33 seconds East 199.88 feet (distance quoted from plat);
6) thence North 20 degrees 46 minutes 53 seconds East 180.23 feet (distance quoted from plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 87 of said Juday Creek Estates Section 3;

7) thence North 01 degrees 43 minutes 08 seconds West 71.51 feet (71.56 feet by plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 88 of said Juday Creek Estates Section 3;

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9) thence North 51 degrees 31 minutes 06 seconds East 82.51 feet (82.36 feet by plat) to a concrete monument with a 5/8" rebar found at the westerly corner of Lot 140 of said Juday Creek Estates Section 3;

thence continuing North 51 degrees 31 minutes 06 seconds East 30.30 feet along the northwestern line of said Lot 140;

thence South 50 degrees 55 minutes 50 seconds East 468.40 feet;

thence South 74 degrees 24 minutes 57 seconds East 231.39 feet to the south line of said Lot 140;

thence continuing South 74 degrees 24 minutes 57 seconds East 47.92 feet to the prolonged east line of said Lot 140;

thence North 15 degrees 12 minutes 47 seconds East 13.70 feet to a concrete monument with a 5/8" rebar found at the southeast corner of said Lot 140;

thence continuing North 15 degrees 12 minutes 47 seconds East 93.32 feet along the east line of said Lot 140 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 1, the plat of which is recorded in Instrument #8620781;

thence along the south line of said Juday Creek Estates Section 1, Southeasterly 409.36 feet (409.62 feet by plat) along an arc to the left and having a radius of 1510.02 feet (1500.24 feet by plat) and subtended by a long chord having a bearing of South 82 degrees 32 minutes 24 seconds East and a length of 408.11 feet (408.34 feet by plat), to a concrete monument with a 5/8" rebar found at a bend in the south line of Lot 20 of said Juday Creek Estates Section 1;

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thence North 89 degrees 41 minutes 37 seconds East 471.80 feet (469.77 feet by plat) along the south line of said Juday Creek Estates Section 2 to the Point of Beginning and containing 114.68 acres, more or less.

Parcel B

Legal Description

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thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

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thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract to the **Point of Beginning** of this description;

thence continuing South 75 degrees 31 minutes 19 seconds West 574.29 feet along said northwesterly line to the centerline of Juday Creek;

thence South 22 degrees 49 minutes 58 seconds West 514.85 feet (515.52 feet by Instrument #8617056) along the centerline of said Juday Creek to the north line of a tract of land conveyed to DeForest M. Clymer, Opal F. Clymer, Ronald J. Clymer and Larry E. Clymer by Deed Book 790, Page 176, dated August 6, 1974;

thence, parallel with the south line of the East Half of Section 27, North 89 degrees 57 minutes 29 seconds West 309.34 feet (303.02 feet by Instrument #8617056) along the north line of said Clymer tract to the easterly right-of-way line of Fir Road as conveyed to St. Joseph County, Indiana by Instrument #0418616, dated February 24, 2004;

thence North 29 degrees 08 minutes 50 seconds West 36.09 feet (distance quoted from Instrument #0418616) along the easterly right-of-way line of said Fir Road a northeasterly corner of said right-of-way;

thence South 60 degrees 51 minutes 10 seconds West 10.00 feet along said right-of-way line;

thence North 29 degrees 08 minutes 50 seconds West 761.56 feet along the right-of-way line;

thence along said right-of-way line, Northwesterly 337.06 feet along an arc to the right and having a radius of 1115.92 feet and subtended by a long chord having a bearing of North 20 degrees 29 minutes 40 seconds West and a length of 335.78 feet to the prolonged south line of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198;

thence South 89 degrees 48 minutes 25 seconds East 9.38 feet along the prolonged south line of said Brittany Minor Subdivision to a concrete monument with a 5/8" rebar found at the southwest corner of said subdivision;

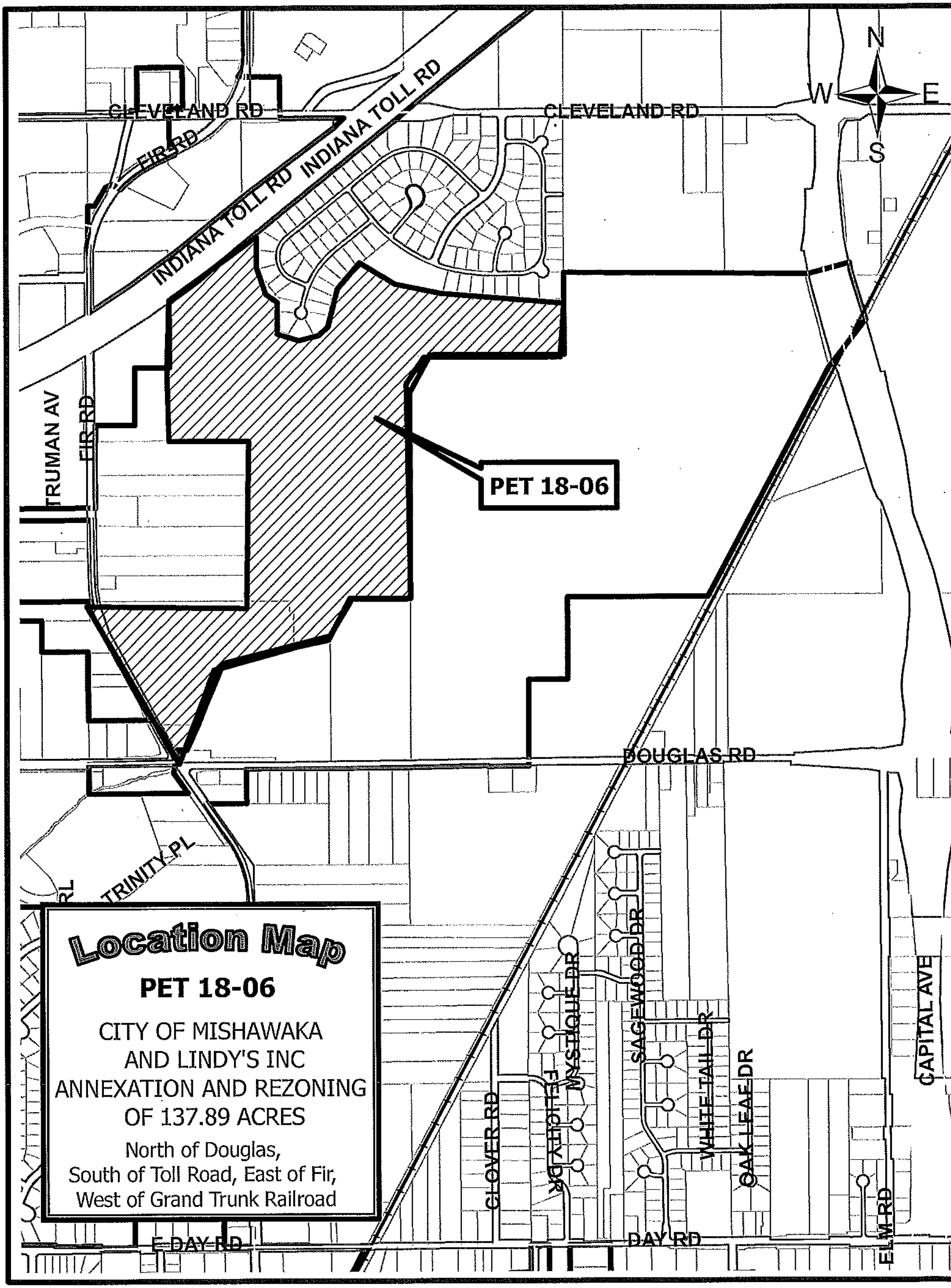
thence continuing South 89 degrees 48 minutes 25 seconds East 1246.33 feet (1246.20 feet by plat and Instrument #8617056) along the south line of said Brittany Minor Subdivision to the west line of the West Half of said Section 26;

thence North 89 degrees 41 minutes 45 seconds East 336.65 feet along the north line of the Southwest Quarter of the Southwest Quarter of said Section 26;

thence South 07 degrees 32 minutes 53 seconds West 84.50 feet;

thence South 82 degrees 27 minutes 07 seconds East 38.43 feet;

thence South 07 degrees 32 minutes 53 seconds West 299.78 feet to the **Point of Beginning** and containing 23.21 acres, more or less.



CLEVELAND RD
CLEVELAND RD
FIR RD
INDIANA TOLL RD
INDIANA TOLL RD
N
W
E
S
TRUMAN AV
FIR RD
PET 18-06
DOUGLAS RD
TRINITY PL
MYSTIQUE DR
SAGEWOOD DR
WHITE TAIL DR
OAK LEAF DR
FELICITY DR
CLOVER RD
CAPITAL AVE
ELM RD
E DAY RD
DAY RD
Location Map
PET 18-06
CITY OF MISHAWAKA
AND LINDY'S INC
ANNEXATION AND REZONING
OF 137.89 ACRES
North of Douglas,
South of Toll Road, East of Fir,
West of Grand Trunk Railroad

1st Reading 3-19-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-09

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-07

ORDINANCE NO. ______

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

A tract of land in the Southeast Quarter of Section 7, and the Northeast Quarter of Section 18, all in Township 37 North, Range 4 East, Penn Township, St. Joseph County, Indiana, more particularly described as follows:

Commencing at a Progressive cap pin at the Southwest corner of the Southeast Quarter of said Section 7, also being the Northwest corner of the Northeast Quarter of said Section 18; thence North 89°35'54" East, (basis of bearings established by INDOT VRS Base, using Indiana East NAD83 coordinate system), along the South line of said Southeast Quarter and the North line of said Northeast Quarter, 729.02 feet to the Southeast corner of BSP Apartments LLC's property as described in Document #1200755, and the Point of Beginning being 0.3 feet South of a MB map pin; thence North 00°22'54" West, along the East line of said BSP Apartments LLC's property, 722.10 feet to a McCrea cap pin on the Southerly line of Vistula Road; thence North 69°24'23" East, along said Southerly line, 885.18 feet to a McCrea cap pin; thence South 00°22'54" East, parallel with said East line, 1027.63 feet to a McCrea cap pin on the South line of said Southeast Quarter; thence South 00°05'49" West, parallel with the West line of said Northeast Quarter 174.00 feet to a McCrea cap pin on the South line of Mervin D. Lung's property as described in Document #1523215; thence South 89°36'23" West, along said South line, 830.67 feet to a point being 0.4 feet East of a ½" pipe; thence North 00°05'49" East, parallel with said West line, 173.88 feet to the Point of Beginning, containing 20.00 acres more or less.

COMMON ADDRESS: Vistula Road 700' east of Bittersweet Road which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow for the construction of a 205 unit multi-family residential apartment complex.

Uses:

1. Permitted uses shall be limited to a 205 unit multi-family residential apartment complex and other accessory uses including but not limited to a club house, playground, dog park, and detached parking garages.

Utilities:

1. The developer shall connect to the City of Mishawaka sanitary sewer, water, and electric as directed by applicable codes, the City Director of Engineering, the Manager of the Water Division, and the Manager of the Electric Division. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.
2. The extension of all other utilities to and throughout the site shall be applicant/developer's cost and expense.

Stormwater Management Infrastructure:

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

Landscaping:

1. Landscaping/screening shall be provided as required by the standards of the C-1 General Commercial Zoning District. No landscaping shall be required where existing mature vegetation is preserved, provided the area is a minimum of 25' in width.

Signage:

1. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.

Road Improvements/Right-of-Way Dedication:

1. Road improvements along Vistula Road shall be installed as determined by the Department of Engineering.
2. Additional right-of-way and/or easements may be required along Vistula Road as determined by review of the City Director of Engineering and City Planner. If required, the right-of-way and/or easements shall be dedicated as a part the subdivision plat.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.

Proposed Ordinance No: 18-07

Ordinance No: ______________________________

Parking:

1. Total number of parking spaces required shall be a minimum of 1.5 spaces per unit.

Architectural Requirements:

1. Building materials and colors shall comply with the C-1 General Commercial Zoning District

Pedestrian Access/Circulation

1. A sidewalk shall be installed along the south side of Vistula Road within the dedicated right-of-way and along the entire property frontage.

Other:

1. All other developmental standards not identified shall comply with the R-3 Multiple-Family Residential standards.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The subject parcel is vacant agricultural land located within an area of varying land uses including multi-family and single-family residential, commercial, industrial, and agricultural.

2. Character of Buildings – The character of the buildings within the surrounding area is mixed with multi-family and single-family residential buildings to the north and west, a multi-tenant commercial strip center to the southwest, industrial to the south, and agricultural to the east.

3. The most desirable/highest and best use – Because of the parcel's proximity to existing multi-family and single-family residential uses to the north and west, the most desirable use for the property is residential. Furthermore, the Bercado Farms PUD shows that the part of the PUD to be amended was originally approved for medium density residential development (apartments, condominiums, and related services and recreational areas).

4. Conservation of property values - The proposed PUD amendment to permit a multi-family residential development should not be injurious to property values in the surrounding area. Other similar multi-family residential apartment developments are located in the area. Furthermore, the proposed development will be required to comply with the C-1 General Commercial landscaping/screening requirements.

5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan identified medium density residential (Apartment Complexes & Nursing Facilities) as the preferred land use.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

Proposed Ordinance No: 18-07

Ordinance No: ______________________________

PASSED by the Common Council of the City of Mishawaka, Indiana, this __________day of _____________________, 2018, at _________ o'clock ___.M.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _________ day of ____________________, 2018, at _________ o'clock ____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _________ day of __________________, 2018, at _________o'clock ____.M.

____
David A. Wood, Mayor

Honorable Members of the Common Council
City of Mishawaka, Indiana and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

February 21, 2018

Re: Petition for PUD Amendment

The undersigned developer (In Good Company) respectfully shows that they are proposing to purchase the below stated property for development of an apartment complex based on the attached preliminary site plan. The undersigned current property owner (Mervin D. Lung Revocable Trust) authorizes the filing of the PUD amendment for the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana.

Part of Mervin D. Lung's property as described in Document #1523215;

A tract of land in the Southeast Quarter of Section 7, and the Northeast Quarter of Section 18, all in Township 37 North, Range 4 East, Penn Township, St Joseph County, Indiana, more particularly described as follows:

Commencing at a Progressive cap pin at the Southwest corner of the Southeast Quarter of said Section 7, also being the Northwest corner of the Northeast Quarter of said Section 18; thence North 89°35'54" East, (basis of bearings established by INDOT VRS Base, using Indiana East NAD83 coordinate system), along the South line of said Southeast Quarter and the North line of said Northeast Quarter, 729.02 feet to the Southeast corner of BSP Apartments LLC's property as described in Document #1200755, and the Point of Beginning being 0.3 feet South of a MB cap pin; thence North 00°22'54" West, along the East line of said BSP Apartments LLC's property, 722.10 feet to a McCrea cap pin on the Southerly line of Vistula Road; thence North 69°24'23" East, along said Southerly line, 885.18 feet to a McCrea cap pin; thence South 00°22'54" East, parallel with said East line, 1027.63 feet to a McCrea cap pin on the South line of said Southeast Quarter; thence South 00°05'49" West ,parallel with the West line of said Northeast Quarter 174.00 feet to a McCrea cap pin on the South line of Mervin D. Lung's property as described in Document #1523215; thence South 89°36'23" West, along said South line, 830.67 feet to a point being 0.4 feet East of a 1/2" pipe; thence North 00°05'49" East, parallel with said West line, 173.88 feet to the Point of Beginning, containing 20.00 acres more or less.

Petitioners own one hundred percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for the previously planned Bercado Farms development. Petitioners desire said real estate to be amended to allow for the proposed apartment complex by In Good Company.

RECEIVED
DEBORAH S. BLOCK, MMC
MAR 01 2018
CITY CLERK
MISHAWAKA, IN

RECEIVED
FEB 21 2018
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

PET 18-09

The petitioners respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of Mishawaka.

Respectfully,

Michael Sakich, Managing Partner
In Good Company

LAKE CITY BANK, TRUSTEE
BY: Jennifer 2King, V.P + TO

Mervin D Lung Revocable Trust

Mike Reese
The Troyer Group
550 Union St.
Mishawaka, IN 46544
(574) 259-9976
mwr@troyergroup.com

Concept Summary

The layout creates a smaller residential main street down the center of the property, with a visual terminus into the clubhouse. Garages and perpendicular parking spaces are clustered around the outer loop road providing convenient vehicular access to all units. The outer buildings also face the perimeter walking trail that measures about 3/4 of a mile in length. This concept clusters the garages and parking to make the center and outer edge of the property more visually appealing.

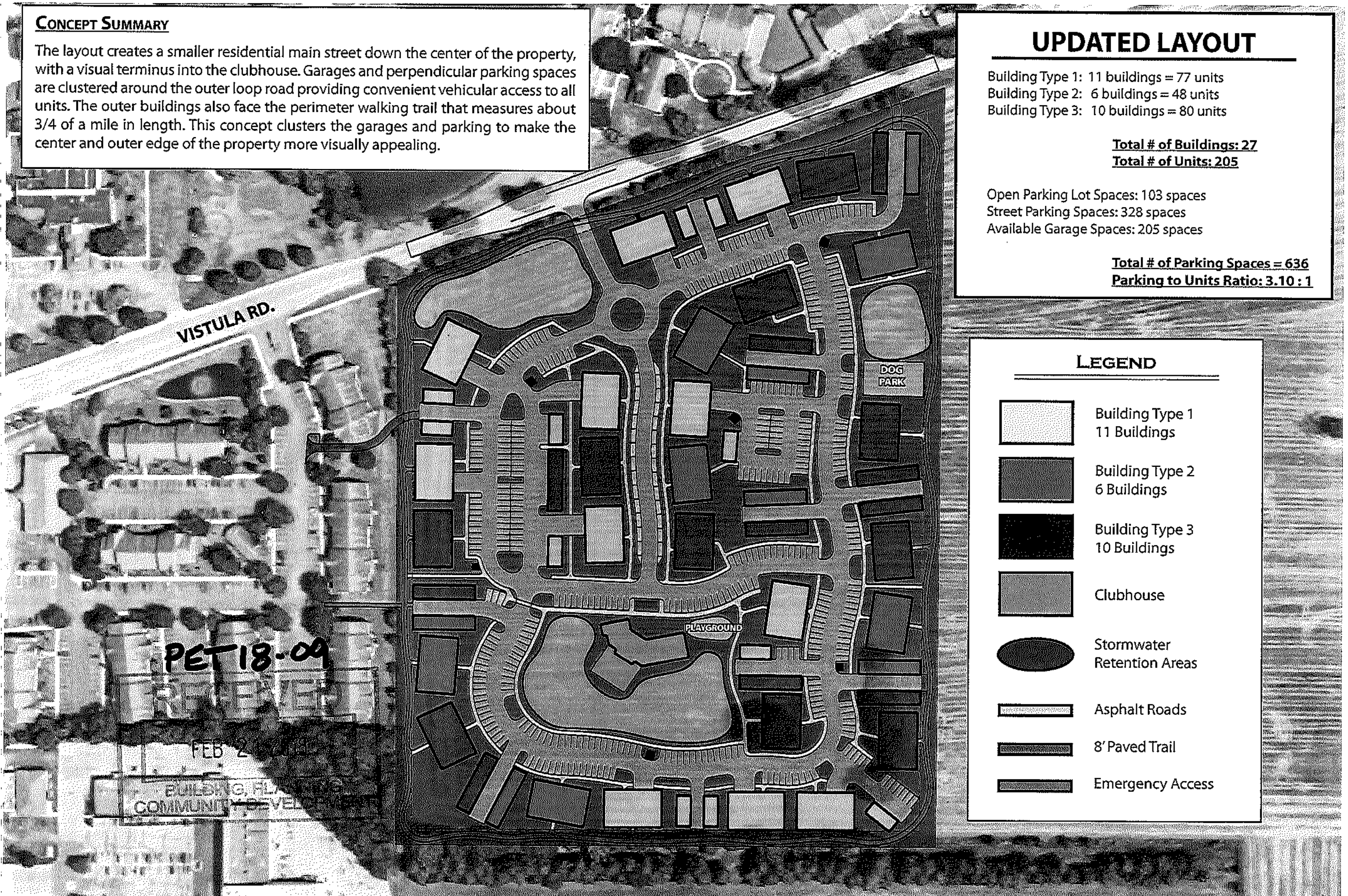
UPDATED LAYOUT

Building Type 1: 11 buildings = 77 units
Building Type 2: 6 buildings = 48 units
Building Type 3: 10 buildings = 80 units

Total # of Buildings: 27
Total # of Units: 205

Open Parking Lot Spaces: 103 spaces
Street Parking Spaces: 328 spaces
Available Garage Spaces: 205 spaces

Total # of Parking Spaces = 636
Parking to Units Ratio: 3.10 : 1



Legend

Building Type 1
11 Buildings

Building Type 2
6 Buildings

Building Type 3
10 Buildings

Clubhouse

Stormwater
Retention Areas

Asphalt Roads

8' Paved Trail

Emergency Access

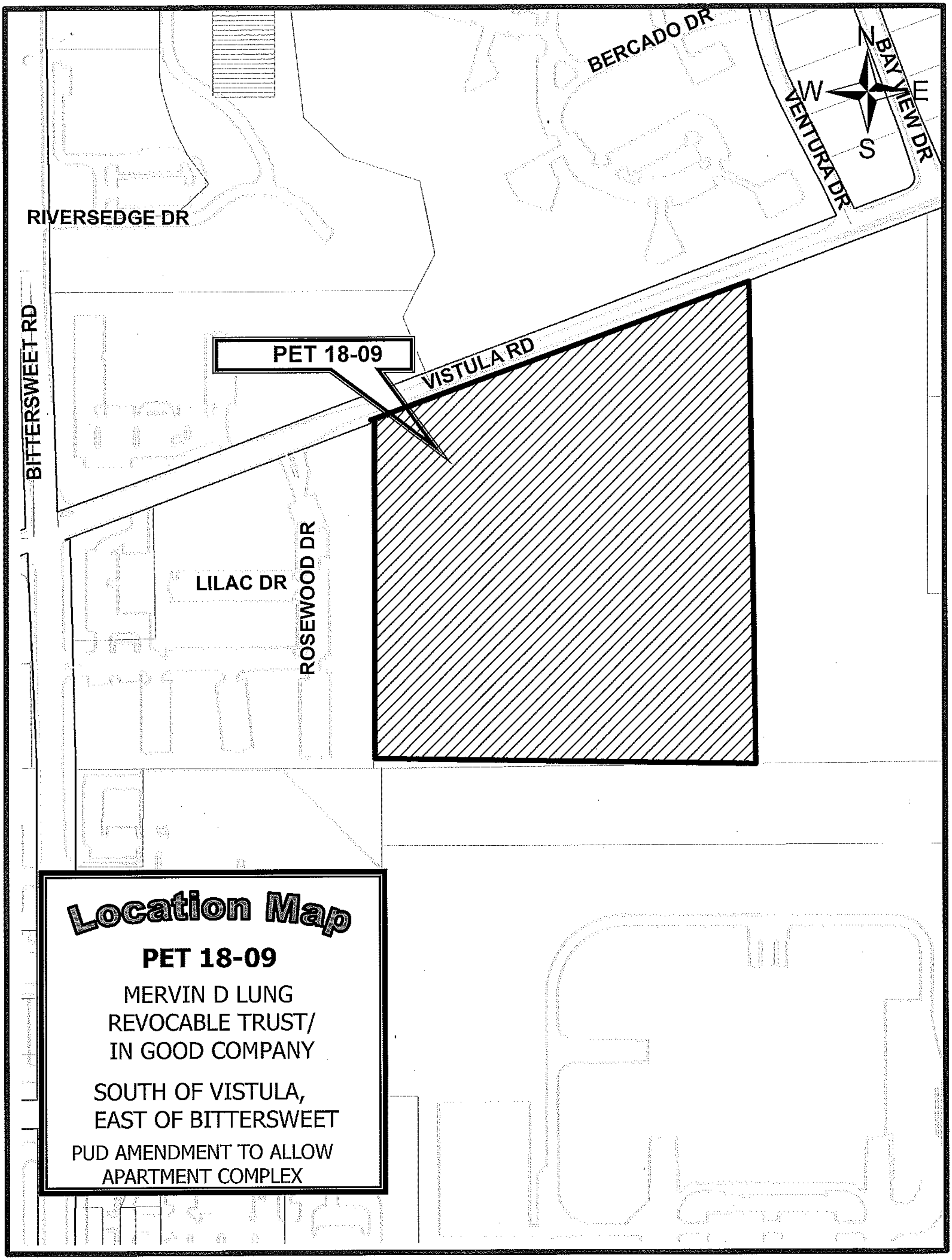
troyer group
Together, We Will

MISHAWAKA APARTMENT DEVELOPMENT

SITE LAYOUT CONCEPTS

FEBRUARY 2018

IGC
Residential Property Management
In Good Company


BERCADO DR
N
W
E
S
BAY VIEW DR
VENTURA DR
RIVERSEDGE DR
BITTERSWEET RD
PET 18-09
VISTULA RD
LILAC DR
ROSEWOOD DR
Location Map
PET 18-09
MERVIN D LUNG
REVOCABLE TRUST/
IN GOOD COMPANY
SOUTH OF VISTULA,
EAST OF BITTERSWEET
PUD AMENDMENT TO ALLOW
APARTMENT COMPLEX