

AGENDA

July 16, 2012

**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**

July 2, 2012 (Page 3)

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

Dare City Champions Madison Hess Liberty School
Riley Chapla Twin Branch

A letter from the City Plan Commission regarding recommendations from their July 10, 2012 meeting. (Page 10)

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

P.O. NO. 2012-15 Additional Funds - Corporate Counsel - \$39,500.00 (Page 17)

P.O. NO. 2012-16 Vacation of Public Right of Way - East/West Alley N of Madison St between Cedar St and Pine St. (Page 20)

P.O. NO. 2012-17 Rezone from S-1 Open Space to C-3 City Center Commercial - Fish Ladder Lane and a portion of Central Park (Page 23)

P.O. NO. 2012-18 Adopting Revised Rates and Charges for Water Utilities (Page 27)

- 8. Resolutions**

R2012-24 Fiscal Plan for Annexation SE corner of Main St and Douglas Rd - S-2 PUD (Page 43)

- 9. Ordinances on Second Reading**

P.O. NO 2012-14 - Annex and Zone S-2 PUD - Mixed Use Commercial and Medical - SE corner of Main St. & Douglas Rd **Vote** (Page 110)

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 2, 2012

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 July 2, 2012 at 7:00 p.m. The meeting was called to order by President John Roggeman; and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following:

Dale "Woody" Emmons 1st District Councilman – Absent

Mike Bellovich 2nd District Councilman – Present

John Reisdorf 3rd District Councilman – Present

Marsha McClure 4th District Councilman – Present

Michael Compton 5th District Councilman – Present

Ronald Banicki 6th District Councilman – Present

John Roggeman Councilman At Large – Present

Matt Mammolenti, Councilman At Large – Present

Dan Bilancio, Councilman at Large – Present

A quorum was obtained.

Others present; Mary Ellen Hazen Chief Deputy I absent, Linda Dotson, Chief Deputy II, and Council Attorney Mike Trippel.

The minutes from the June 18, 2012 meeting were approved as received from the Clerk's Office.

Clerk Block presented the following Petitions to the Council, who referred them to the Board of Zoning Appeals and Plan Commission for their recommendation.

Petition No. 2012-14

Vacation of Public Right of Way – East/West Alley N. of Madison Street between Cedar and Pine Streets.

Petition No. 2012-16

Rezone from S-1 Open Space to C-3 City Center commercial – Fish Ladder Lane and a portion of Central Park.

Clerk Block read **PROPOSED ORDINANCE NO. 2012-12** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-12

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 R-1 to C-1 – 312 East 11th Street and property East of 312 East 11th Street)

Mr. Compton reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Banicki, the motion carried.

Bill Pemberton 1333 Patriot Court, President of Direct Line Communications said they have a parking issue and have been off loading construction equipment and vehicles from the administrative staff into the neighborhood streets and it became apparent that if they should continue to grow they would need more and more parking space. He went on to say they have recently acquired the property on McKinley Highway and moved their electric group to that location, which has helped the situation significantly.

Mr. Pemberton said they acquired the property at 312 East 11th Street last fall, it was directly behind his existing property and allows them availability for more parking and also a place to plow the snow in the winter leaving his existing parking lot open to more parking availability. He said they have raised the house on this property but the garage remains, and they will be maintaining it until they need the additional parking space.

Mr. Pemberton said they were requesting the rezoning of this property to C-1 Commercial Zoning.

Marshall Vervynct, 1028 Creekside Court said this property belonged to his sister and he maintains a hobby work shop in the garage on the property.

Question was called for at 7:10 p.m. on **PROPOSED ORDINANCE NO.2012-12** 

Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure.

Clerk Block read **PROPOSED ORDINANCE NO. 2012-13** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-13

**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 Com – North East Corner of Grape Road & Edison
Lakes Parkway (Panda Express))

Mrs. McClure reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Banicki, the motion carried.

Jason Stucker representative of Clover Architects 109 Lowell Avenue Suite 700 in Oberlin, Kansas, designer of the project, said they would recommend the project to go forward they believe it would be a good fit since there were none other like this in the area.

Mr. Banicki asked if there was currently a Panda Express in the area. Mr. Stucker said there was one in the mall and they would be keeping their store open. Mr. Banicki asked if they had a crew that would come in and build this, a general contractor, local people or who. Mr. Stucker said it was handled by Bidding Process, once his company does the drawing and hand it over to Panda Express it was up to them. Mr. Banicki said he would appreciate it if he would inform them that he would like to see as many local people as possible used on this project. Mr. Stucker said he would make note of that and submit it to them. Mr. Banicki stated if they needed some recommendations they would be able to help him with that.

Mr. Compton asked Mr. Stucker to fill him in on the drive-thru type restaurant they had in mind, all the Panda Express eateries he was familiar with were store fronts like the one at the mall. Mr. Stucker said it would be a sit down restaurant with a drive-thru window, with the drive-thru being the main driver of their revenue. He went on to say there would be 52 seats inside with an outdoor patio. Mr. Compton reiterated what Mr. Banicki said that it was important to him also not to have a cookie cutter box thrown up by a roving crew where no one locally can compete with that.. He went on to say it is not fair to the local people to ask them to come and eat at this establishment when they never had an opportunity to bid on the job or work on the project. Mr. Compton said he would support this but asked Mr. Stucker if it could be more then a suggestion from him that he wants to see local people working on this project. Mr. Stucker said Panda Express is a National account and his company is one architect they use nation wide, but he would certainly pass this along.

Mr. Mammolenti said Mr. Stucker mentioned the drive thru would be the primary source, would there be anyway to determine what the car volume would be per day at this site. Mr. Stucker said that he did not know, the design they have is of 8 cars in the drive up all of which would be on their property, and there would be no public curb cut onto Grape Road and the current cut on Edison Lakes parkway would remain there but the Panda Express exits would be off of Meijer's property.

Question was called for at 7:16 p.m. on **PROPOSED ORDINANCE NO. 2012-13** the



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure.

Clerk Block read **PROPOSED ORDINANCE NO. 2012-14** opening it for public hearing

PROPOSED ORDINANCE NO. 2012-14

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

(Annex and Zone S-2 PUD – Mixed-use commercial and Medical – SE corner of Main
Street & Douglas Road)

President Roggeman stated there would be no vote on this proposed ordinance at this meeting.

Gregg Hixenbaugh 559 Webster Street said he was representing the petitioner, also present was Daryl Knip and Brad Mosness of Abonmarche along with Tony Magaldi the developer of this project, who are asking for this annexation, and zoning. He distributed documents to the council showing the location of the property being at the Northern part of Mishawaka on the South East corner of Main Street and Douglas Road and is approximately 29.5 acres

Mr. Hixenbaugh went on to explain the property would contain a mix of both commercial and medical uses, which they feel, are consistent with the surrounding properties. He said they have one specific use they have planned out that they want to highlight for the Council. Mr. Hixenbaugh said on lot number one, which is closest to Edison Road they have anticipated, upon Council approval they would be bringing in a Golden Corral Restaurant to the community.

Mr. Hixenbaugh stated the developer is committed to making this building an attractive welcoming building which is consistent with Golden Corral's rigorous standard for development of all their stores as they also believe it would be in keeping with the developmental standards that have been established by the City of Mishawaka for the Main Street Corridor. He said this would be a 4 to 5 million dollar investment and moving forward would spur things bigger and better to come along. Mr. Hixenbaugh said their time line was to have it built for the up coming holiday season, perhaps right after Thanksgiving but before Christmas was their target. He said a general contractor has not been chosen at this time but the developer was certainly open to inclusion of local labor in this process. Mr. Hixenbaugh went on to say they would continue to discuss with them the conditions that were set out both in the staff report and in the proposed ordinance and given the length of those conditions there was a chance that during this ongoing dialogue that there would be some modifications, so they were anticipating, prior to the approval of this proposal there would be some amendments to the ordinance in order to clarify some of those understandings, and conditions. He said by and large his clients are overwhelmingly in agreement with the conditions that have been suggested by the Planning Department and look forward to working through this process.

Mr. Banicki said on the map handed to them there seems to be a turn off of Douglas Road into the property was the developer donating property to allow for an ingress and egress. Mr. Hixenbaugh said they have discussed this with the Engineering Department and they reached an agreement regarding that issue and he wanted to defer the comment to Mr. Knip.

Daryl Knip, Abonmarche Consultants 750 Lincolnway East, South Bend said Mr. Hixenbaugh was correct in saying that Mr. Magaldi has agreed to dedicate the additional right of way for the deceleration lane and construct the road. Mr. Banicki said there would not be an additional cost to the city, Mr. Knip said that was correct. Mr. Banicki asked if the infrastructure would be born by the developer. Mr. Hixenbaugh said yes and there would not be a request for tax abatement and there was not an anticipation that TIF Funding would support it unless it comes from a way that TIF supports all development in general so this is a project where this gentlemen was willing to make a private investment of a significant amount of money in the City Of Mishawaka with the Council's approval.

Mr. Compton asked if there was a time line for a road connecting to Cheddars. Mr. Hixenbaugh said some of the internal road construction would depend on all of the surrounding parcels. Mr. Compton asked about the triangular parcel directly on Main Street. Mr. Hixenbaugh said his clients were not interested in that parcel at this point and time.

Mr. Compton said as Mr. Hixenbaugh well knows he likes to see Mishawaka/Michiana workers on the projects here so if he could influence the developer on that he would greatly appreciate it. Mr. Hixenbaugh said he anticipated that and he has advised his clients to expect to have that issue brought up and they were willing to work through the process to allow local entities a fair shake at being a part of this development.

Mr. Mammolenti asked if the service road on the property would be the responsibility of the city or the developer. Mr. Hixenbaugh stated this was privately owned and maintained but set to city standards such at a time could be dedicated to the city and maintained as a thorough fare.

Joe Grabble, 202 Lincolnway East said the community interest in this project has been overwhelming; he has never received so many phone calls on one project. He wanted to thank the administration for their help and support in navigating the lengthy channels to make this project happen here, as well as Mr. Magaldi who looked at a wide range of sites in Indiana before choosing this site and he couldn't be more pleased and he and the developer are both committed to local labor.

Mr. Magaldi 3918 Harrison creek Ct. said he was the developer of this project and was excited about bring Golden Corral to Mishawaka. He said they require 16 weeks of training for General Managers and 10 weeks of training for managers

Mr. Reisdorf asked how many employees they would have how many would be full time and if they would be local people. Mr. Magaldi said he would hire approximately 130 and not sure at this time how many of those would be full time. He said the managerial staff was primarily family.

Mr. Compton reiterated Mr. Reisdorf's question as to if these were local people. Mr. Magaldi said yes they would be. Mr. Compton asked if he thought this market could support this business as he has heard other stores saying this area market was just not quite

there. Mr. Magaldi said he had knowledge that Golden Corral tried to bring in the same store twice and have failed and he contributes his success to Joe Grabble and John Piraccini's hard work in bringing this here. He said if Golden Corral would be bringing it here it would be a much larger store and if they felt Mishawaka could support a larger store then his store should be very doable.

Mr. Roggeman closed the public hearing on **PROPOSED ORDINANCE NO. 2012-14.**

PRIVILEGE OF THE FLOOR

Dave Wood, Mayor said he wanted to mention there would be fire works downtown at Beutter Park on the 5th of July at dusk, they were having it on the 5th as a concert has already been scheduled for that night..

Mayor Wood said recently Mishawaka celebrated the 40th Anniversary with their Sister City Shiojiri of Japan with a visit, sending a delegation from our city. He said Brock Hunt, the Building Commissioner went at his own expense as well and Don and Nancy Crawford, taking gifts from our city and bringing back gifts from theirs. Mayor Wood said they would be putting the gifts in a display case in city hall. He said it has been a proud and long lasting relationship.

Kay Green 1807 East Jefferson Boulevard said she has a problems with the way a citizen has to apply for disability ramps and that they should not be included with patios, garages, fences and so on. She said when you have a family member who must add a ramp to their home to allow them to come and go freely it is not something that adds to property value it is a necessity. Ms. Green said this can not design to a persons own specifications to add beauty to their home, it is dictated by law how it must be done. She said she was required to send letters to residence three hundred feet from each corner of her property to notify them of the change in her parents property with only two weeks to get this done as her father was coming home from the hospital. Ms. Green said at the same time she was doing all of this she had to fine builders. She said there has to be an easier way to do this, it is not a home improvement, she could not imagine her parents having to do this themselves if they were not around to help them, just because they were 5 feet too close to the property line. Ms. Green asked the Council to please look into this for future people in need.

Mr. Compton said he agrees city politics at times can seem over burdensome but there are reasons for it that are put into place that make sense at the time but there was always consequences and they apologize for that. He said as far as ramps, slopes etc. he was thinking those might be defined by the Federal Disability Act and so the city does not have influence on that. Mr. Compton said the Carpenter's Union Local 413 in South Bend has a program to put in ramps and they have all the stats on how to do that, and if they don't do it for free it is not very much, they do this as a donation project for the community.

NEW BUSINESS

Mr. Reisdorf said he wanted to thank Mr. Terry Zeller from the Parks Department for coming to the Twin Branch Neighborhood Watch Meeting and announce there would be no July meeting.

There being no further business to come before the Council, President Roggeman adjourned the meeting at 7:48 p.m.

Debbie S. Block /s/
/s/ Debbie S. Block, IAMC, MMC
Officer City Clerk,

□□ John J. Roggeman
John J. Roggeman, Presiding



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

July 11, 2012

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
July 10, 2012, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed Ordinances were considered:

PETITION #12-14 A petition submitted by the City of Mishawaka Redevelopment Commission requesting to vacate the east/west alley north of Madison Street between N. Cedar Street and N. Pine Street.

The Commission, with a vote of 8-0, recommended approval.

PETITION #12-16 A petition submitted by the City of Mishawaka Redevelopment Commission requesting to rezone Fish Ladder Lane and a portion of Central Park from S-1 Extensive Open Space and Public Use District to C-3 City Center Commercial District.

The Commission, with a vote of 8-0, recommended approval.

Pursuant to I.C. 36-7-4-605 the Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed Ordinances regarding the above matters.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

Enclosures

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 12 2012

CITY CLERK
MISHAWAKA, IN

STAFF REPORT

Location: East/West alley east of Pine Street & north of Madison Street

Date: July 10, 2012

PET: 12 14

Prepared By: GGS

GENERAL INFORMATION

Applicant: City of Mishawaka
Status: Adjacent property owners
Request: To vacate alley
Zoning Classification: Public right-of-way
Lot Size: 130'x14'
Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: C-3 City Center Commercial & R-1 Single Family Residential
South: C-3 City Center Commercial
East: R-1 Single Family Residential
West: C-3 City Center Commercial

Thoroughfare: Pine Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: Public Right-of-Way

Comprehensive Plan: Residential

ANALYSIS

The petitioner, City of Mishawaka, is requesting to vacate a public alley way. The alley to be vacated is a 130-feet long, 14-ft wide, east/west alley located to the east off of North Pine and north of Madison Street. The purpose of the proposed alley vacation is to allow for future development of the Foundation for the Center for Hospice's campus. The north/south alley serving this area will be extended and will connect to the newly created park street.

RECOMMENDATION

The Staff recommends in favor of Petition 12-14 to allow for the vacation of an east/west alley located east of North Pine Street and north of Madison Street. This recommendation is based upon the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.

- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Photographs, Right-of-Way vacation petition



View looking down alley to be vacated from Pine Street

STAFF REPORT

Location: Fish Ladder Lane & Portion of Central Park

Date: July 10, 2012

Petition: 12 16

Prepared By: GGS

GENERAL INFORMATION

Applicant: The City of Mishawaka

Status: Property Owners

Request: Rezone property from S-1 Open/Public Space to C-3 City Center Commercial

Zoning Classification: S-1 Open/Public Space

Lot Size: Approximately 0.23 Acres

Applicable Regulations: Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-1 Open Space (Central Park)
South: C-3 City Center Commercial
East: S-1 Open Space (Central Park) & R-1 Single Family Residential
West: S-1 Open Space (Central Park)

Thoroughfare: Fish Ladder Lane

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: Open Space

ANALYSIS

The petitioner is requesting to rezone Fish Ladder Lane and a portion of Central Park from S-1 Open/Public Space to C-3 City Center Commercial. The rezoning has been requested to allow for the construction of a "new Center for Hospice Care Campus that will not only provide needed hospice and palliative care services, but will also act as the new headquarters for the Center for Hospice Care and the Hospice Foundation." The plan includes the phased construction of a new hospice house, community bereavement center, palliative care center, and administrative/support services. The proposed rezoning is an expansion the rezoning requested in this area that was approved last year for the hospice campus. The area to be rezoned consists of property that is included into the subdivision of land that the Center for Hospice will take ownership of.

The C-3 City Center zoning district zoning was requested for the complex based on staff's recommendation. Specifically, the City Center zoning provides a significant amount of flexibility while containing the most stringent qualitative design standards of any zoning district. It was specifically created concurrent with the demolition of the formal Uniroyal properties and was intended to provide a standard for new development in the downtown. As illustrated in the final site plan that was approved last

month, the proposed buildings have a campus like design that blend well into the river/residential/park setting of the area.

RECOMMENDATION

The Planning Department recommends approval of Petition 12-16 to rezone Fish Ladder Lane and a portion of Central Park from S-1 Open/Public Space to C-3 City Center Commercial. This recommendation is based on the following findings of fact:

1. Existing Conditions- The properties proposed to be rezoned are located in an area of historically mixed uses. The proposed use, as a Center for Hospice campus, is low intensity that provides a nice transition between the adjacent single family homes and Central Park. The existing C-3, City Center, zoning district is located directly across the river to the south. Public infrastructure and connections to the downtown exist through the Mishawaka Riverwalk system and the proximity of the project to the Cedar Street bridge.
2. Character of Buildings – The existing buildings located in the area include a combination of one and two story commercial and residential structures. The proposed development includes a combination of one and two story commercial campus like buildings that will compliment surrounding uses and structures. The proposed C-3 City Center Zoning District has the most stringent qualitative development requirements of any City zoning district.
3. The most desirable/highest and best use - Because of the low intensity nature of the combined office and residential care facility, the proposed use compliments the surrounding residential and park uses. The development of the property is also limited based on the City's control of a portion of the property intended for development. City control insures that regardless of the underlying zoning, the site will be constructed for the intended use and is not speculative.
4. Conservation of property values- The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because the property will be developed with a low intensity combined office and residential care facility. The rezoning would allow for the redevelopment of the larger neighborhood that includes public infrastructure projects. The quality and investment in new construction will help insure that the adjacent property values are retained and possibly increased.
5. Comprehensive Plan – The properties were designated by the Mishawaka 2000 Comprehensive Plan as Open Space. The proposed rezoning is consistent with the 2000 Mishawaka Comprehensive Plan, created in 1990, because the property will be developed with a low intensity combined office and residential care facility, that will complement the surrounding park and single family residential uses.

ATTACHMENTS

Photographs, Petition, Location Map,



View looking down Fish Ladder Lane

PROPOSED ORDINANCE NO. 2012-15

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2012

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA INDIANA, THAT:

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2012 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the General Fund of the City of Mishawaka the sum of \$39,500.00 for assignment as follows:
General Fund

Corporate Counsel

Personal Services

101.02.411.02 Regular Employees \$ 4,500.00

Other Services and Charges

101.02.434.90 Claims 35,000.00

Total \$39,500.00

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

on this _____ day of _____, 2012 at _____

o'clock, _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana
on this _____ day of _____, 2012 at _____
o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2012 at
_____ o'clock, _____.M.

David A. Wood, Mayor



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF LAW

July 12, 2012

Honorable Members of the Common Council
City Hall

Re: Emergency and Expenditure of Additional Funds

Dear Honorable Members:

The Department of Law of the City of Mishawaka is hereby requesting an additional appropriation for personal services for the former staff attorney in the amount of \$4,500.00 and for additional claims in the amount of \$35,000.00 with regard to litigation not covered by the City's insurance carrier.

Thank you for your consideration in this matter.

Respectfully submitted,

John P. Gourley
Corporation Counsel
and City Attorney

JPG:ck

cc: Mayor David A. Wood
Yvonne Milligan, City Controller

John P. Gourley Corporation Counsel 4100 Edison Lakes Pkwy. Mishawaka, IN 46545 (574) 243-4100 Fax: (574) 232-9789	Geoffrey D. Spiess Staff Attorney 600 E. Third Street Mishawaka, IN 46544 (574) 258-1702 Fax: (574) 254-0194	David V. Bent Assistant City Attorney 320 W. Fourth Street Mishawaka, IN 46544 (574) 255-3680 Fax: (574) 255-3969	Robert C. Beutter Assistant City Attorney 4100 Edison Lakes Pkwy. Mishawaka, IN 46545 (574) 243-4100 Fax: (574) 232-9789
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www.mishawaka.in.gov

PETITION #12-14

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. _____

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 City of Mishawaka Redevelopment Commission has filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner is owner of all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as 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 east/west alley measuring approximately 130-feet deep by 14-feet wide north of and adjacent to Lot 10 and south of and adjacent to Lot 11 Riverside Addition to the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

PROPOSED ORDINANCE NO. _____

ORDINANCE NO. __

COMMONLY KNOWN AS: The east/west alley north of Madison Street
between Cedar Street and Pine Street

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict 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 _____, 2012.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2012,
at _____ o'clock _____ M.

Deborah S. Block, IAMC, MMC, City Clerk

PROPOSED ORDINANCE NO. _____

ORDINANCE NO. __

APPROVED by me this _____ day of _____, 2012, at _____
o'clock _____.M.

David A. Wood, Mayor

PETITION 12-16

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. _____

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:

Parcel 1:

A part of the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Northwest corner of said Section; thence South 0 degrees 03 minutes 55 seconds West 673.90 feet along the west line of said Section to the north line of that parcel land described in Deed Record 8912144, St. Joseph County Recorder's Office; thence North 70 degrees 41 minutes 40 seconds East 99.03 feet along said north line to the northeast corner of said Deed Record to the point of beginning of this description; thence North 69 degrees 18 minutes 34 seconds East 173.61 feet; thence easterly 226.81 feet along an arc to the right having a radius of 2,181.58 feet and subtended by a long chord having a bearing of North 72 degrees 17 minutes 16 seconds East and a length of 226.71 feet; thence southeasterly 106.74 feet along a non-tangent arc to the left having a radius of 212.00 feet and subtended by a long chord having a bearing of South 64 degrees 58 minutes 20 seconds East and a length of 105.61 feet; thence westerly 301.15 feet along a non-tangent arc to the left having a radius of 2,115.59 feet and subtended by a long chord having a bearing of South 73 degrees 23 minutes 15 seconds West and a length of 300.90 feet; thence South 69 degrees 18 minutes 34 seconds West 175.21 feet to the east line of that parcel of land described in Deed Record 8912144; thence North 19 degrees 18 minutes 20 seconds West 46.42 feet along said east line; thence North 19 degrees 18 minutes 20 seconds West 19.59 feet along said east line to the point of beginning and containing 0.65 acres, more or less.

Proposed Ordinance No: _____

Ordinance No: _____

Parcel 2:

A part of the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Northwest corner of said Section; thence South 0 degrees 03 minutes 55 seconds West 673.90 feet along the west line of said Section to the north line of that parcel of land described in Deed Record, St. Joseph County, Recorder; thence North 70 degrees 41 minutes 40 seconds East 99.03 feet along said north line to the northeast corner of said Deed Record; thence North 69 degrees 18 minutes 34 seconds East 82.43 feet to the point of beginning of this description; thence northeasterly 38.00 feet along an arc to the right having a radius of 120.00 feet and subtended by a long chord having a bearing of North 47 degrees 00 minutes 04 seconds East and a length of 37.84 feet; thence easterly 78.44 feet along an arc to the right having a radius of 150.00 feet and subtended by a long chord having a bearing of North 68 degrees 14 minutes 57 seconds East and a length of 77.55 feet; thence northeasterly 98.49 feet along an arc to the left having a radius of 123.79 feet and subtended by a long chord having a bearing of North 58 degrees 03 minutes 33 seconds East and a length of 95.91 feet; thence North 35 degrees 16 minutes 00 seconds East 34.80 feet; thence northeasterly 48.53 feet along an arc to the right having a radius of 125.78 feet and subtended by a long chord having a bearing of North 46 degrees 19 minutes 11 seconds East and a length of 48.23 feet; thence South 76 degrees 53 minutes 32 seconds East 13.36 feet; thence South 31 degrees 53 minutes 32 seconds East 13.07 feet; thence southeasterly 69.03 feet along an arc to the left having a radius of 212.00 feet and subtended by a long chord having a bearing of South 41 degrees 13 minutes 14 seconds East and a length of 68.73 feet; thence westerly 226.81 feet along an arc to the left having a radius of 2,181.58 feet and subtended by a long chord having a bearing of South 72 degrees 17 minutes 16 seconds West and a length of 226.71 feet; thence South 69 degrees 18 minutes 34 seconds West 91.19 feet to the point of beginning and containing 0.23 acres, more or less.

COMMON ADDRESS: Fish Ladder Lane and Portion of Central Park

which real estate is now classified as S-1 Extensive Open Space and Public Use District shall hereafter be within and a part of that District known as C-3 City Center Commercial District and 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 - The properties proposed to be rezoned are located in an area of historically mixed uses. The proposed use, as a Center for Hospice campus, is low intensity that provides a nice transition between the adjacent single family homes and Central Park. The existing C-3, City Center, zoning district is located directly across the river to the south. Public infrastructure and connections to the downtown exist through the Mishawaka Riverwalk system and the proximity of the project to the Cedar Street bridge.
2. Character of Buildings – The existing buildings located in the area include a combination of one and two story commercial and residential structures. The proposed development includes a combination of one and two story commercial campus like buildings that will compliment surrounding uses and

Proposed Ordinance No: _____

Ordinance No: _____

structures. The proposed C-3 City Center Zoning District has the most stringent qualitative development requirements of any City zoning district.

3. The most desirable/highest and best use - Because of the low intensity nature of the combined office and residential care facility, the proposed use compliments the surrounding residential and park uses. The development of the property is also limited based on the City's control of a portion of the property intended for development. City control insures that regardless of the underlying zoning, the site will be constructed for the intended use and is not speculative.
4. Conservation of property values - The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because the property will be developed with a low intensity combined office and residential care facility. The rezoning would allow for the redevelopment of the larger neighborhood that includes public infrastructure projects. The quality and investment in new construction will help insure that the adjacent property values are retained and possibly increased.
5. Comprehensive Plan – The properties were designated by the Mishawaka 2000 Comprehensive Plan as Open Space. The proposed rezoning is consistent with the 2000 Mishawaka Comprehensive Plan, created in 1990, because the property will be developed with a low intensity combined office and residential care facility, that will complement the surrounding park and single family residential uses.

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 _____, 2012, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2012, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: _____

Ordinance No: _____

APPROVED by me this _____ day of _____, 2012, at _____
_____o'clock _____.M.

David A. Wood, Mayor

PROPOSED ORDINANCE NO. 2012-18

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING REVISED RATES AND CHARGES FOR
WATER SERVICES FURNISHED BY THE CITY OF MISHAWAKA'S
MUNICIPAL WATER UTILITY**

WHEREAS, the City of Mishawaka, Indiana, operates a municipal water utility through its agency Mishawaka Utilities (the "Utility") for the purpose of acquiring and distributing water to aid City and surrounding areas; and,

WHEREAS, the existing rates and charges for water services provided by the Utility were placed into effect following approval by the Indiana Utility Regulatory Commission (the "Commission") in Cause No. 41395, Order dated June 16, 2000; and,

WHEREAS, the Utility engaged H.J. Umbaugh & Associates to study the Utility's revenue requirements for water service under IC 8-1.5-3.8 and IC 8-1.5-2-28, and develop, in addition to other information, annual pro forma revenues and expenses for the test year ended December 31, 2011; and,

WHEREAS, H.J. Umbaugh & Associates has studied the Utility's annual revenue requirements and determined that the Utility's annual pro forma operating revenues from water service do not produce an adequate net operating income, and such revenues need to be increased to provide income for the revenue requirements set forth in IC 8-1.5-3-8 and IC 8-1.5-2-28; and,

WHEREAS, the Utility Board of the City of Mishawaka has recommended to the Common Council that it approve by Ordinance the revised rates and charges for water service developed by H.J. Umbaugh & Associates, which rates and charges are set forth as part of Exhibits "A" and "B" attached hereto; and,

WHEREAS, the Common Council of the City of Mishawaka, Indiana now finds that (i) the Utility's annual revenues from rates and charges for water service should be increased with the Utility's annual revenues from water service increasing by \$1,264,219; and (ii) the rates and charges for water service attached hereto as part of Exhibits "A" and "B" have been set to recover the necessary increases in the Utility's annual revenues from water service and so that they are non-discriminatory, "reasonable and just charges" for services within the meaning of IC 8-1.5-3-8;

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

Section 1. The rates and charges for water service attached hereto as part of Exhibits "A" and "B" are hereby adopted as and for the rates and charges to be utilized by the Utility when charging customers for water service, effective as set forth below.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed; provided, however, that the existing rates and charges for water service shall remain in full force and effect until the rates and charges fixed by this Ordinance shall be approved by the Commission, and until such time as the Order of said Commission approving said new rates and charges shall direct.

Section 3. This Ordinance shall be in full force and effect from and after its passage; provided, however, that the rates and charges for water service shall not become effective unless and until approved by the Indiana Utility Regulatory Commission in Cause No. _____, or until such time as said Commission shall direct.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ON THIS ____ DAY OF _____, 2012.

Common Council
City of Mishawaka, Indiana

John J. Roggeman, President

ATTEST:

Deborah S. Block, IAMC, MMC City Clerk

Presented by me, the undersigned City Clerk of the City of Mishawaka, Indiana, to the Mayor of the City of Mishawaka, Indiana, for approval on the ____ day of _____, 2012 at _____ o'clock __.m.

Deborah S. Block, IAMC, MMC City Clerk

Having examined the foregoing Ordinance, I do as the Mayor of the City of Mishawaka, Indiana, approve said Ordinance and return the same to the City Clerk of the City of Mishawaka, Indiana, this ____ day of _____, 2012.

Dave Wood, Mayor
City of Mishawaka, Indiana

EXHIBIT A

SCHEDULE OF RATES AND CHARGES

MISHAWAKA UTILITY AND MISHAWAKA CLAY UTILITY - INSIDE CITY

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY
(Mishawaka Utility and Mishawaka – Clay Utility)

For the use of and the service rendered by the Water Utility of the City of Mishawaka, Indiana, the following rates and charges based upon the amount of water supplied by said Water Utility.

Residential & Multi-Unit

Per 100
Cubic Feet

(a) **Metered Rates Per Month**

All consumption \$ 1.69

(b) **Customer Base Charge**

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 5.80
1"	5.80

Commercial & Municipal

(a) **Metered Rates Per Month**

Per 100
Cubic Feet
\$ 1.72

All consumption

(b) **Customer Base Charge**

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 5.80
1"	11.45
1 1/2"	20.85
2"	32.10
3"	58.40
4"	95.95
6"	189.90
8"	302.60
10"	434.10

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY
(Mishawaka Utility and Mishawaka - Clay Utility)

(Cont'd)

Industrial & Municipal

(a) <u>Metered Rates Per Month</u>	<u>Per 100 Cubic Feet</u>
First 7,750 cubic feet	\$ 1.80
Over 7,750 cubic feet	1.14

(b) Customer Base Charge

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
3"	\$ 58.40
4"	95.95
6"	189.90
8"	302.60
10"	434.10

Hydrant Rental

Private hydrants - per annum	\$ 526.90
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Private Fire Protection Service

Sprinkler connection - per annum	
1"	\$ 14.64
1 1/2"	32.93
2"	58.54
3"	131.73
4"	234.18
6"	526.90
8"	936.71
10"	1,463.61
12"	2,107.60

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY
(Mishawaka Utility and Mishawaka - Clay Utility)

(Cont'd)

Fire Protection Charge

A monthly fire protection charge shall be assessed to and collected from each customer of Mishawaka Utility based on meter size, according to the following schedule:

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 4.09
1"	10.23
1 1/2"	20.45
2"	32.72
3"	61.35
4"	102.25
6"	204.50
8"	327.20
10"	470.35

Non-Recurring Charges

Refer to Appendix "B".

Current rate effective _____.

Pursuant to Cause No. _____, approved _____.

EXHIBIT B

SCHEDULE OF RATES AND CHARGES

MISHAWAKA UTILITY AND MISHAWAKA CLAY UTILITY - OUTSIDE RATES

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY
(Mishawaka Utility and Mishawaka - Clay Utility)

For the use of and the service rendered by the Water Utility of the City of Mishawaka, Indiana, the following rates and charges based upon the amount of water supplied by said Water Utility.

Residential & Multi-Unit

(a) <u>Metered Rates Per Month</u>	<u>Per 100 Cubic Feet</u>
All Consumption	\$ 1.96

(b) **Customer Base Charge**

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 6.80
1"	6.80

Commercial & Municipal

(a) <u>Metered Rates Per Month</u>	<u>Per 100 Cubic Feet</u>
All Consumption	\$ 1.97

(b) **Customer Base Charge**

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 6.80
1"	13.95
1-1/2"	25.85
2"	40.15
3"	73.50
4"	121.15
6"	240.25
8"	383.15
10"	549.90

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY
(Mishawaka Utility and Mishawaka - Clay Utility)

(Cont'd)

Industrial & Municipal

(a) <u>Metered Rates Per Month</u>	<u>Per 100 Cubic Feet</u>
First 7,750 cubic feet	\$ 1.68
Over 7,750 cubic feet	1.30
(b) <u>Customer Base Charge</u>	

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
3"	\$ 73.50
4"	121.15
6"	240.25
8"	383.15
10"	549.90

Hydrant Rental

Private hydrants - per annum	\$ 526.90
------------------------------	-----------

Private Fire Protection Service

Sprinkler connection - per annum	
1"	\$ 14.64
1 1/2"	32.93
2"	58.54
3"	131.73
4"	234.18
6"	526.90
8"	936.71
10"	1,463.61
12"	2,107.60

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY
(Mishawaka Utility and Mishawaka - Clay Utility)

(Cont'd)

Fire Protection Charge

A monthly fire protection charge shall be assessed to and collected from each customer of Mishawaka Utility based on meter size, according to the following schedule:

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 4.09
1"	10.23
1 1/2"	20.45
2"	32.72
3"	61.35
4"	102.25
6"	204.50
8"	327.20
10"	470.35

Non-Recurring Charges

Refer to Appendix "B".

Current rate effective _____.

Pursuant to Cause No. _____, approved _____.

APPENDIX B

NON-RECURRING CHARGES

MISHAWAKA (INDIANA) UTILITIES WATER AND CLAY WATER DIVISION
NON-RECURRING CHARGES

<u>Description of Charge</u>	<u>Charge</u>
Deposit	
3 months normal bill for service location- minimum	\$ 20.00
Reconnect/Disconnect Charge	
Office hours	\$ 20.00
After hours and Saturdays	\$ 50.00
Sundays and Holidays	\$ 65.00
Penalty for Late Payment	10% on the first \$3.00 3% on the balance
Dishonored Negotiable Instrument Charge	\$ 20.00
Turn on Water Services	
Off and on for repair	Office Hours No charge
Off and on for testing plumbing	Office Hours No charge
Turn-on after shut-off for cause	Office Hours \$ 20.00
Evenings and Saturdays	\$ 50.00
Sundays and Holidays	\$ 65.00
Over 3 hours call-out (time per hour per man)	\$ 16.00
Construction Permit Fees	
150 Day Residential in City:	\$ 50.00
Outside City:	\$ 75.00
240 Day Commercial in City:	per building \$ 120.00
Outside City:	per building \$ 145.00
	or \$5.00 per unit (whichever is larger)
320 Day Industrial in City:	per building \$ 600.00
Outside City:	per building \$ 625.00
New Account Service Charges	
5/8" - 3/4" meter (touch pad)	\$ 20.00
1" meter	\$ 20.00
1-1/2" meter	\$ 20.00
2" meter	\$ 20.00
3" and larger meter	\$ 25.00
Sprinkling Meters Turn-on and Turn off Charges	\$ 20.00
Meter Charges for a New Service Address	
5/8" - 3/4" meter	\$ 70.00
1" meter	\$ 120.00
1-1/2" meter	\$ 230.00
2" meter	\$ 300.00
3" and larger meter	Actual current cost

MISHAWAKA (INDIANA) UTILITIES WATER AND CLAY WATER DIVISION

NON-RECURRING CHARGES

(Cont'd)

<u>Description of Charge</u>	<u>Charge</u>
Violation of Turn-on	
First Offense: Cost of damage repair plus additional deposit	\$ 50.00
Subsequent Offense: Cost of damage repair plus additional deposit	\$ 250.00
Damage to Existing System	Actual cost of repair
Meter Test at Customer Request	(No charge if meter proves defective)
5/8" - 3/4" meter	\$ 15.00
1" meter	\$ 20.00
1 1/2" - 2" meter	\$ 50.00
3" and larger meter	Actual cost
Violation of Fire Service Agreement	
Actual cost of damages plus an additional deposit of	\$ 250.00
Hydrant Permit Charge	\$ 35.00
Hydrant Use Agreement	
Deposit	\$ 650.00
Per hour labor or call-out charges	\$ 16.00
Damages to hydrant repair cost to be deducted from deposit before refund	
plus cost of actual consumption or	\$ 35.00
per month (whichever is larger)	
Township Hydrant Use (Fire Department Use Only)	
Cost of water plus	\$ 25.00
Thawing Service	
First thaw of a season	\$ 50.00
Subsequent thawing of same season	Time and Material
Tapping Permit	
Existing taps never used and no fee paid at time of installation	
Residential 3/4" \$ 300.00 plus land improvement charge	
1" \$ 400.00 plus land improvement charge	
Commercial 3/4" \$ 300.00 plus land improvement charge	
1" \$ 400.00 plus land improvement charge	
Residential 1-1/2" \$ 600.00 plus land improvement charge	
2" \$ 800.00 plus land improvement charge	
Commercial 1-1/2" \$ 600.00 plus land improvement charge	
2" \$ 800.00 plus land improvement charge	
Commercial/	
Industrial 4" \$1,000.00 plus land improvement charge	
6" \$1,200.00 plus land improvement charge	
8" \$1,400.00 plus land improvement charge	
10" \$1,600.00 plus land improvement charge	
12" \$1,800.00 plus land improvement charge	
(1" through 20")	Time and Material

MISHAWAKA (INDIANA) UTILITIES WATER AND CLAY WATER DIVISION

NON-RECURRING CHARGES

(Cont'd)

<u>Description of Charge</u>	<u>Charge</u>
Lend Replacement Tap Costs	
5/8" - 3/4"	\$ 800.00
1"	\$ 900.00
1-1/2"	\$1,100.00
2"	\$1,200.00
Land Improvement Charges	
Non-residential	(100 ft. minimum or actual frontage- whichever is the larger of the two)
6" water main	per lineal ft. \$ 12.00
8" water main	per lineal ft. \$ 16.00
10" water main	per lineal ft. \$ 20.00
12" water main	per lineal ft. \$ 24.00
14" water main	per lineal ft. \$ 28.00
16" water main	per lineal ft. \$ 32.00
20" water main	per lineal ft. \$ 40.00
24" water main	per lineal ft. \$ 48.00
Lead Improvement Charges	
Residential	(1/2 the current cost of a 6" water main (100 feet the maximum)

RESOLUTION NO. 2012-

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 PROPERTIES LOCATED AT:

Southeast Main Street and Douglas Road

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:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBERED THIRTY-THREE (33), TOWNSHIP NUMBERED THIRTY-EIGHT (38) NORTH, RANGE NUMBERED THREE (3) EAST, CONTAINING THIRTY (30) ACRES, MORE OR LESS.

ALSO: BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER, A DISTANCE OF 660.40 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 35 MINUTES 56 SECONDS WEAT ALONG THE WEST LINE OF SAID EAST HALF, A DISTANCE OF 40.00 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST, A DISTANCE OF 82.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF DOUGLAS ROAD; THENCE CONTINUING NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST ALONG THE NORTH RIGHT OF WAY OF DOUGLAS ROAD, A DISTANCE OF 578.08 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 40 MINUTES 39 SECONDS EAST ALONG THE SAID EAST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL

CONTAINING 0.61 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

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 _____, 2012, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____
2012, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____ 2012, at
_____ o'clock ____M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

July 11, 2012

Mr. Dale Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Marsha G. McClure, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At Large City Council
Mr. Matt Mammolenti, At Large City Council
Mr. John J. Roggeman, 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: Southeast Main Street & Douglas Road

Dear Council Members and Clerk:

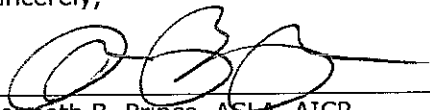
Attached herewith for your review is a copy of the Fiscal Plans and approving resolutions prepared by the Department of City Planning in accordance with the requirements of the State of Indiana Code Section 36-4-3-3.1. This document provides basic information about the areas to be annexed, and describes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

As you may be aware, to prepare 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 entailed 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 developer is responsible for extending all utilities, no additional expenditures are anticipated at this time.

I will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on July 16, 2012.

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

Sincerely,


Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241 •

Building Phone: (574) 258-1607 Fax: (574) 968-6999

Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999

Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

July 11, 2012

Mr. Dale Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Marsha G. McClure, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At Large City Council
Mr. Matt Mammolenti, At Large City Council
Mr. John J. Roggeman, 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: Southeast Main Street & Douglas Road

Dear Council Members and Clerk:

Attached herewith for your review is a copy of the Fiscal Plans and approving resolutions 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.

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City of Mishawaka

*Southeast Main Street &
Douglas Road*

*Property located southeast
of Main Street and Douglas
Road*

July, 2012

**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@mishawak.in.gov**

David A. Wood, Mayor



Mishawaka City Council

Dale Emmons
Mike Bellovich
John Reisdorf
Marsha G. McClure
Michael Compton
Ron Banicki
Dan Bilancio
Matt Mammolenti
John J. Roggeman

1st District
2nd District
3rd District
4th District
5th District
6th District
At Large
At Large
At Large

SOUTHEAST MAIN STREET & DOUGLAS ROAD FISCAL PLAN

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Annexation Fiscal Plan

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBERED THIRTY-THREE (33), TOWNSHIP NUMBERED THIRTY-EIGHT (38) NORTH, RANGE NUMBERED THREE (3) EAST, CONTAINING THIRTY (30) ACRES, MORE OR LESS.

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BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER, A DISTANCE OF 660.40 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 35 MINUTES 56 SECONDS WEAT ALONG THE WEST LINE OF SAID EAST HALF, A DISTANCE OF 40.00 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST, A DISTANCE OF 82.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF DOUGLAS ROAD; THENCE CONTINUING NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST ALONG THE NORTH RIGHT OF WAY OF DOUGLAS ROAD, A DISTANCE OF 578.08 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 40 MINUTES 39 SECONDS EAST ALONG THE SAID EAST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.61 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

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.

SUMMARY

- 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.

Annexation Fiscal Plan

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBERED THIRTY-THREE (33), TOWNSHIP NUMBERED THIRTY-EIGHT (38) NORTH, RANGE NUMBERED THREE (3) EAST, CONTAINING THIRTY (30) ACRES, MORE OR LESS.

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TAB B- BASIC DATA

BASIC DATA

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:

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Annexation Area

The property to be annexed is located at the southeast corner of Main Street and Douglas Road. The property is bounded on all sides by property incorporated into the City. 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 allow for mixed use commercial and medical development.

Contiguity with the Existing City Limits

The land to annexed into the City is approximately 29.5 acres total. The perimeter of the annexation area measures approximately 5389.17 linear feet. The total 5389.17 linear feet is contiguous with the corporate boundary of the City of Mishawaka. . The border of the contiguous area is 100% of the total perimeter area. This is in excess of the 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

The area is characterized as being relatively flat. The property consists of vacant land (agricultural).

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is currently zoned Residential within St. Joseph County. The property consists of vacant land. If the Mishawaka Common Council approves the annexation request, the area will be rezoned S-2 Planned Unit Development.

D. ASSESSMENT

The territory to be annexed consists of one parcel. The Land and Improvement Valuation verified by the St. Joseph County Assessor's Office in July 2012 are shown below: (Land & Imp. Valuation for annexed parcel based on percentage of overall parcel)

Tax ID Number	Property Owner	Number of Acres	Land & Imp. Valuation
002-2024-058901	John Joseph Coussens	29.22	\$44,700

E. CURRENT TAX RATE

The City's tax rate 2011 payable 2012 was \$1.8186 per \$100 of assessed valuation. For property owners in Clay Township, in which this proposed annexation is located, the total taxes will be \$4.0759 per \$100 of assessed valuation. Property owners in this area currently pay \$2.4435 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
Clay Township	2.4435	4.0759

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

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 *
2000	\$5.2417

- Change in Tax Code

F. NEW ADDRESSES

If the proposed annexation is approved, the property will be zoned S-2 Planned Unit Development. The property will be developed in accordance with the requirements of the City of Mishawaka Zoning Ordinance. Addresses would be assigned by the City of Mishawaka Engineering Department.

G. DETERMINATION OF SERVICE STANDARDS AND COSTS

Each proposed annexation area of 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.

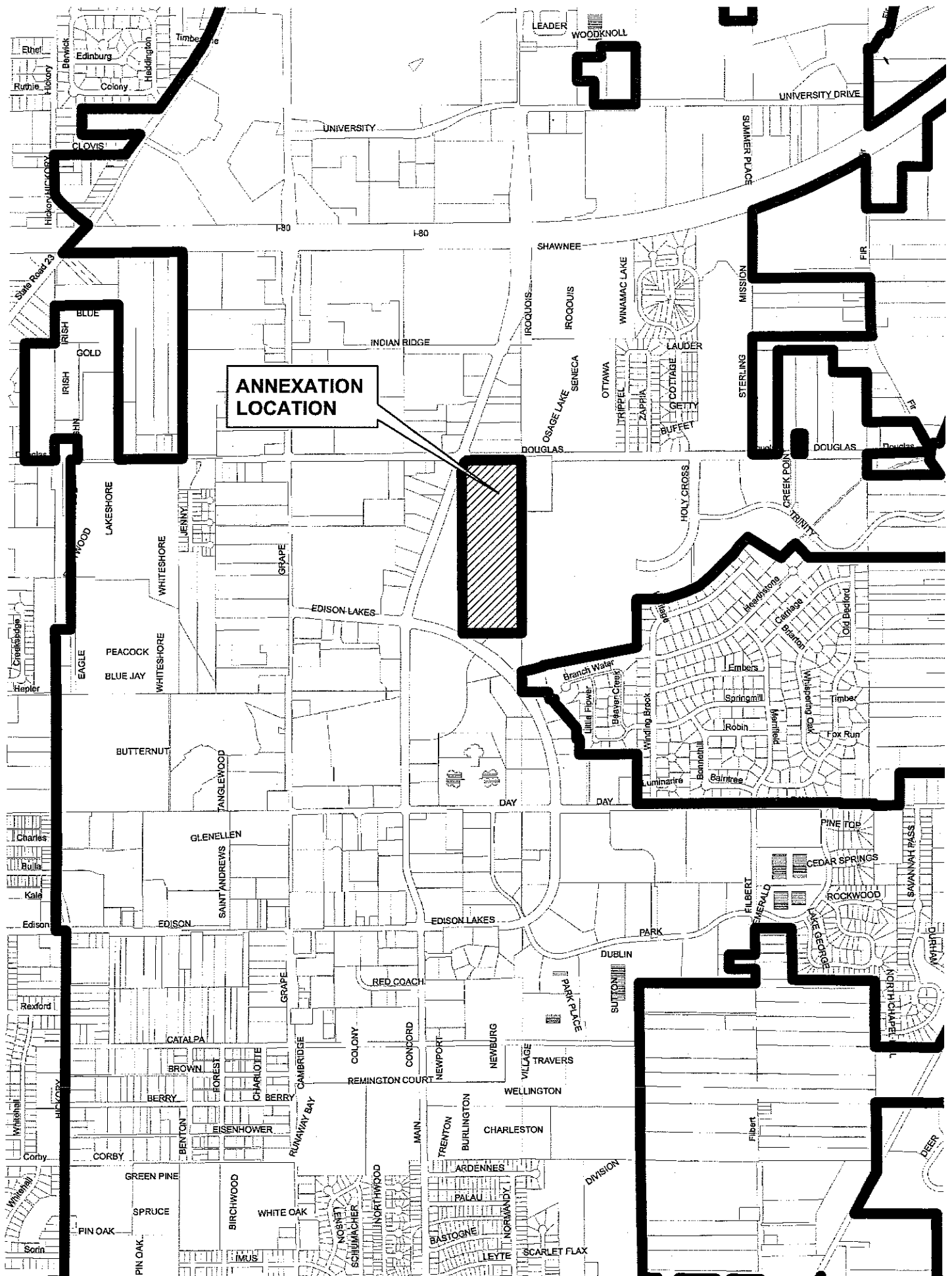
The standards for infrastructure and services provided by the City of Mishawaka, broken down by department, have been included within this document following Tab B. After establishing an understanding of the existing conditions, each department or agency was asked to identify any capital improvements required to serve the proposed annexation area to meet existing city standards. Physical infrastructure such as streets, sewer, and water were identified as already being provided to a level that met City standards. It is the responsibility of the 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 the relatively small size of the area, 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 2012 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.

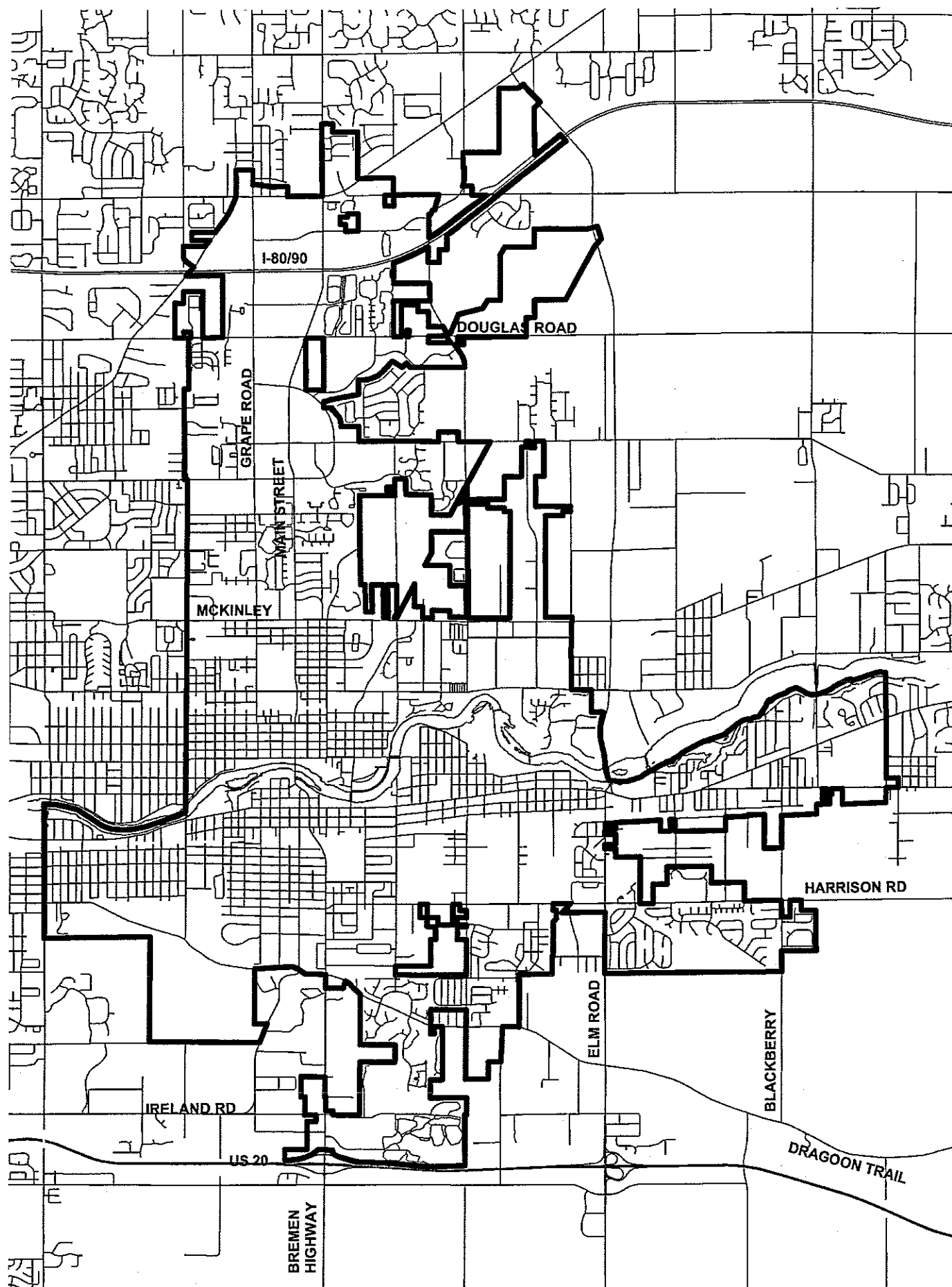
H. TERMS AND CONDITIONS

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 size of the area, 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.

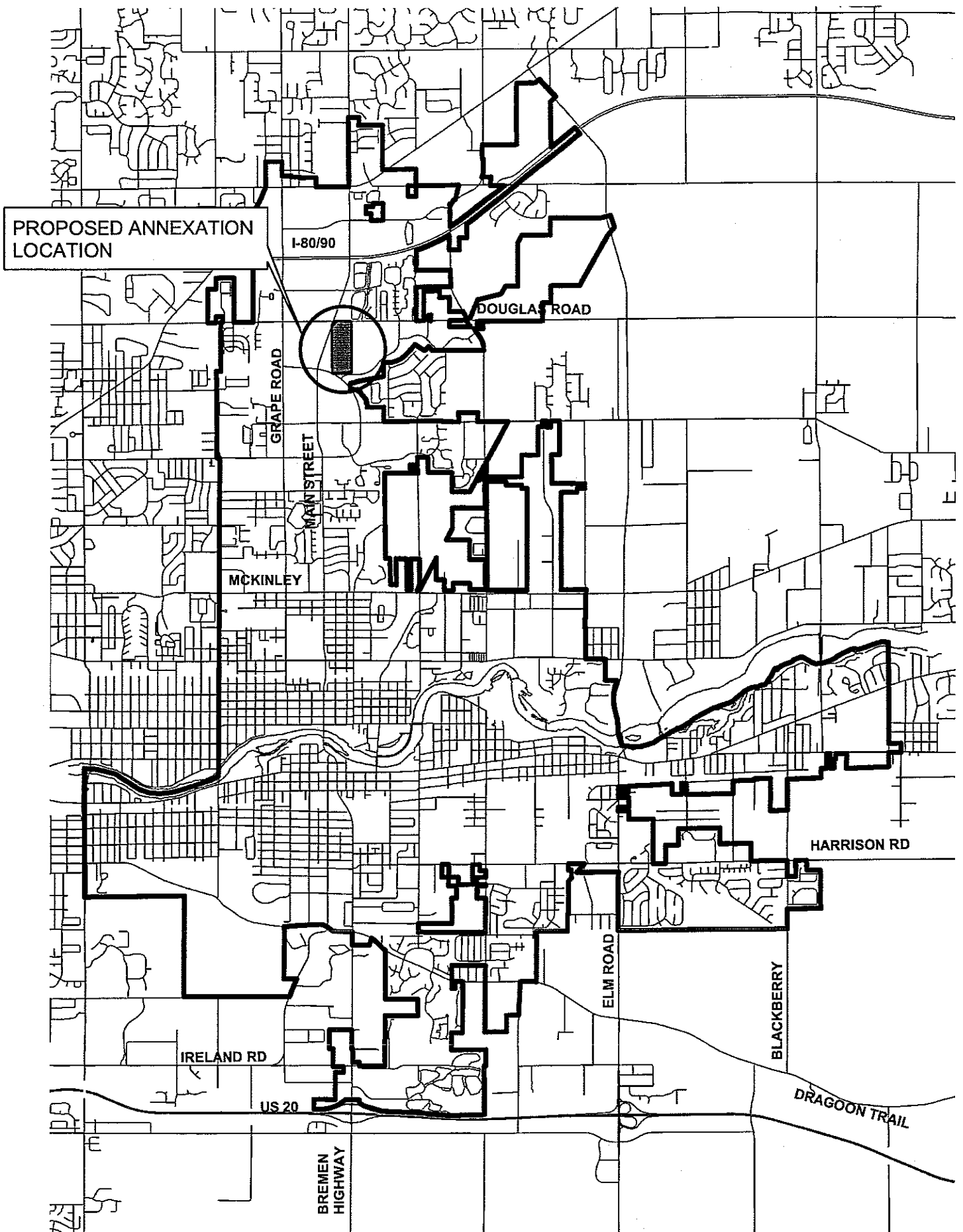
The effective date of annexation, if approved, will be thirty days from the date of approval of the annexation ordinance as required by law.



LOCATION MAP



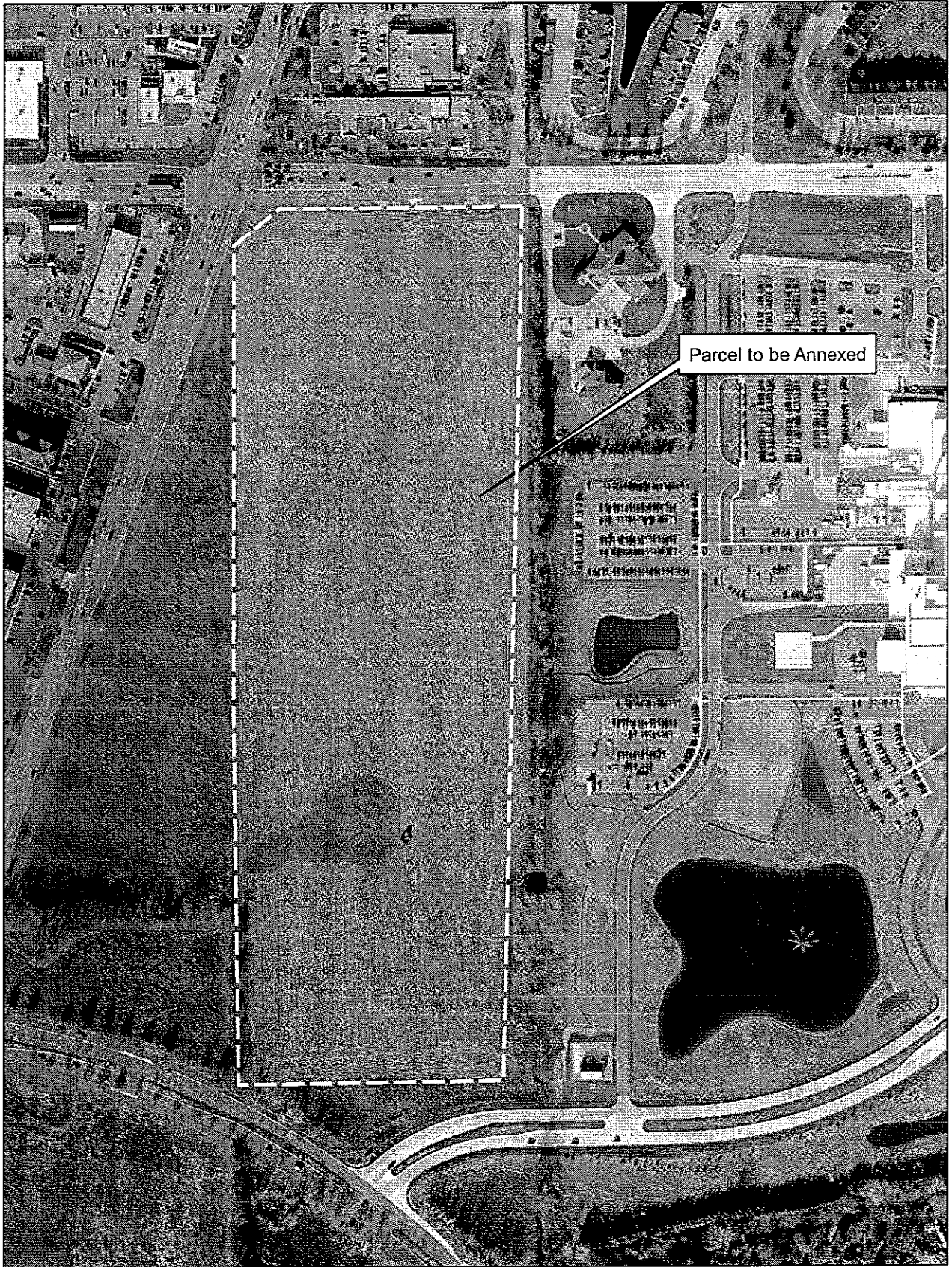
MAP OF EXISTING CITY LIMITS



MAP OF PROPOSED CITY LIMITS



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED

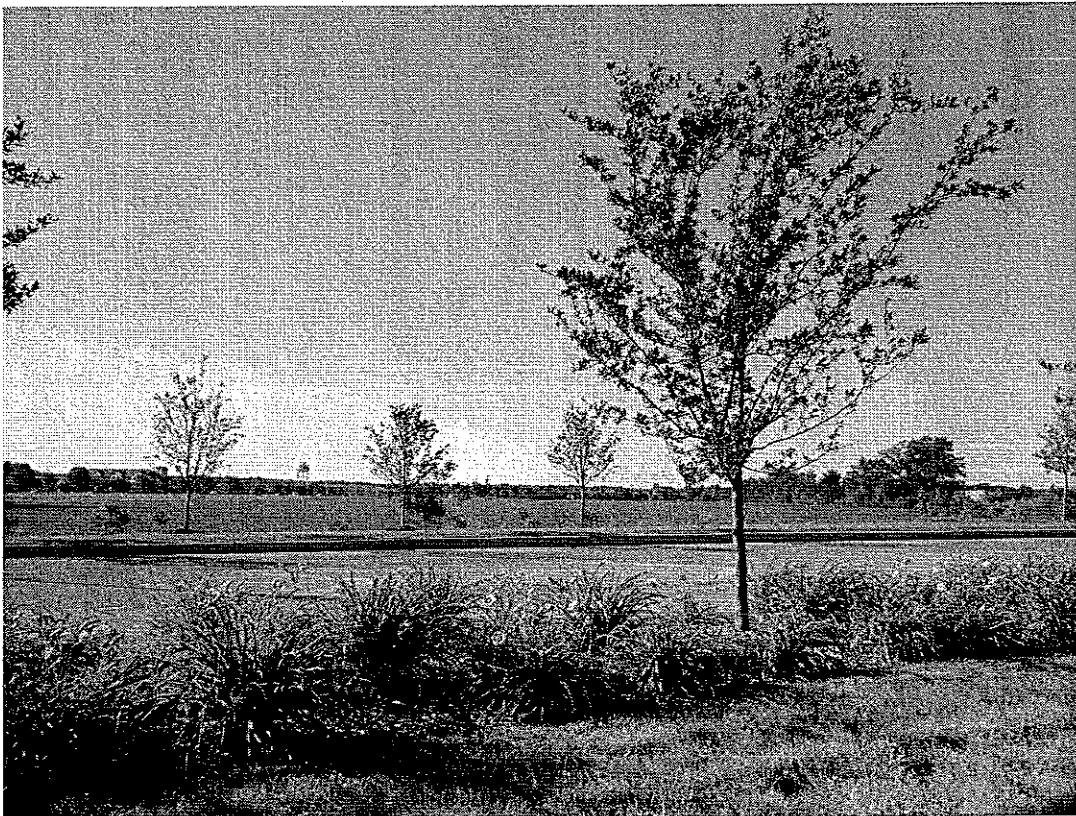


AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED

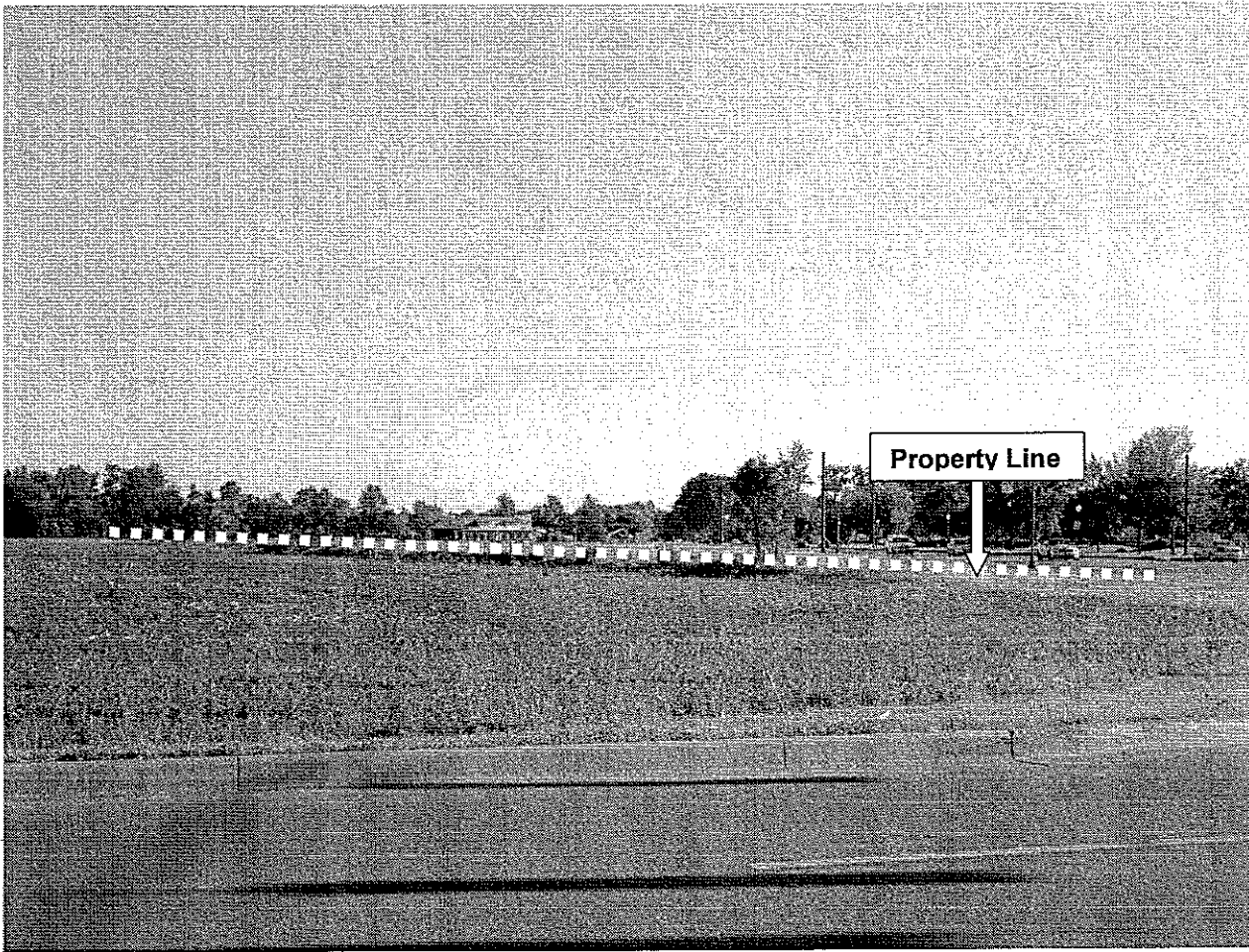
PROPOSED ANNEXATION PHOTOS



View from Douglas Road looking southwest across the site toward the Cheddar's Restaurant currently under construction.



View from Holy Cross Parkway, looking north over the existing farm field



View from the east side of the intersection of Douglas Road and Main Street looking south

Annexation Fiscal Plan

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBERED THIRTY-THREE (33), TOWNSHIP NUMBERED THIRTY-EIGHT (38) NORTH, RANGE NUMBERED THREE (3) EAST, CONTAINING THIRTY (30) ACRES, MORE OR LESS.

ALSO: BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER, A DISTANCE OF 660.40 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 35 MINUTES 56 SECONDS WEST ALONG THE WEST LINE OF SAID EAST HALF, A DISTANCE OF 40.00 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST, A DISTANCE OF 82.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF DOUGLAS ROAD; THENCE CONTINUING NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST ALONG THE NORTH RIGHT OF WAY OF DOUGLAS ROAD, A DISTANCE OF 578.08 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 40 MINUTES 39 SECONDS EAST ALONG THE SAID EAST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.61 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

TAB C- SUMMARY OF SERVICES

DATE: May 23, 2012

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
COUSSENS PROPERTY, ±30 ACRES**

The undersigned John Joseph Coussens respectfully shows that he is the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBERED THIRTY-THREE (33), TOWNSHIP NUMBERED THIRTY-EIGHT (38) NORTH, RANGE NUMBERED THREE (3) EAST, CONTAINING THIRTY (30) ACRES, MORE OR LESS.

ALSO:

BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

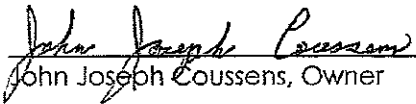
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Petitioner owns One Hundred (100%) percent of the above described parcel of land, excluding the right-of-way of Douglas Road, and is located within Section 33, Township 38 North, Range 3 East, Clay Township, St. Joseph County, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with a "S-2" Planned Unit Development District zoning classification. Petitioner further states they intend to utilize said land for a mixed-use commercial and medical development.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and conceptual development plan.

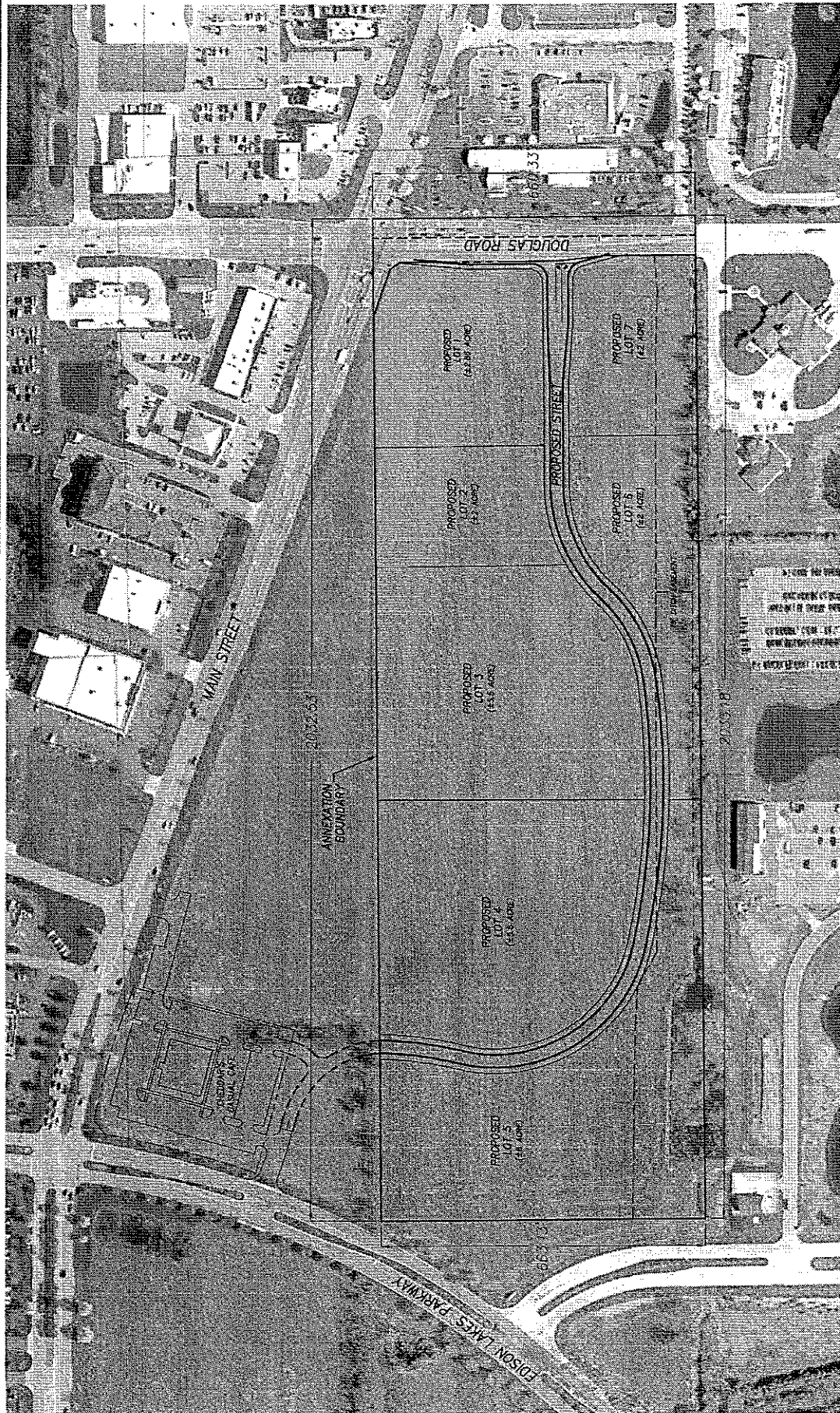
Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, 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 annexing the above described parcel of real estate to the City of Mishawaka with an "S-2" Planned Unit Development District zoning classification.


John Joseph Coussens, Owner

CONTACT PERSON:

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com

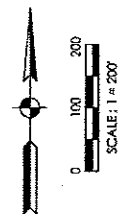


COUSSENS PARCEL ANNEXATION

EAST HALF OF NORTHEAST QUARTER OF SECTION 33,
TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP,
ST. JOSEPH COUNTY, INDIANA



DATE: 06-04-12 ACLOS #: 12-0038 SHE: 1 of 1
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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 more than 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 \$40 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 has recently completed a \$26 million capital improvement project that will further improve the city's water system. Improvements include adding a new well field, replacing water mains, and extending services to some areas that currently do 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.

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 five 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 130 officers and employees, responds to critical incidents within three to five minutes. The Department offers many personal services. The personal service unit is divided into five entities; Community Relations Officers, a department training officers, and Street Crime Officers (SCU), DARE and School Resource Officers (SROs).

The City's EMS Department is a centralized system that responds to approximately 4,000 calls per year. The City, with its population of approximately 50,000, responds to about the same number of calls as the County ambulance service does, with its population of over 80,000 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. In addition, residents pay less for use of the Eberhart-Petro golf course than non-residents. 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 \$12.80. For senior citizens, the rate is \$10.44. 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 within Douglas Road and at the manhole structures an 8" gravity sanitary main stubbed and capped to the south. This 8" sanitary sewer stub is available for extension and intended for the parcel to utilize as the sanitary connection throughout the development of the annexed parcel. In addition, there is one 12" gravity stub to the north in Edison Lakes Parkway as well as multiple 8" gravity stubs in Main Street to the east right-of-way between Edison Lakes Parkway and Douglas Road. However these locations other than Douglas would require an easement to cross property not currently under the ownership of this proposed plat and annexation. The Owner/Developer will be required to develop a master utility plan for the entire parcel and extend gravity sanitary sewer main to serve the proposed developments within the site. 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 parcel fronts Douglas Road east of the Fir Road intersection. A City widening project improved the Douglass Road and Main Street intersection to include two left turn lanes, two through lanes and one right turn lane on all four of the approaches. Therefore the location of the new access point on Douglas Road is critical to not interfere with the two dedicated left turn lanes and appropriate for the existing center turn lane. The Owner/developer will be required to provide right-of-way improvements to accommodate the size of the proposed development, i.e. deceleration lane or sharing access with adjacent parcels. In addition, any on-site access road improvements will remain privately maintained. Once the site plan is developed and reviewed in relation to adjacent parcels, the appropriate method of access will be determined, which may require additional right-of-way or easements to be dedicated.

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.

In determining the required volume for stormwater storage, the development is divided into areas of pervious surface types; i.e. green space, and impervious hard surfaces, such as rooftops and pavement. The calculation takes into consideration the extensiveness of the development. The greater the quantity of hard surface, the more stormwater runoff that is generated, the greater the volume required to be managed on site. The management of stormwater can be through a drywell or series of drywells that are interconnected with perforated pipe and aggregate box or discharged to a basin or series of basins, or any combination thereof.

Specifically, the developer is required to bear all costs associated with stormwater management. Any proposed positive outlet to the nearby legal drains 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 of Mishawaka Engineering, 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 this parcel will remain privately maintained by the site owner 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 a mixed use, and therefore may not eligible for this program.

CITY OF MISHAWAKA
2012 BUDGET

ENGINEERING DEPARTMENT
101-13

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Director of Engineering	69,526.00
411-02	Assistant Director	57,492.00
	Project Coordinator	34,884.00
	Project Manager	48,520.00
	Traffic Manager	47,277.00
411-03	Temporary help	<u>15,000.00</u>

272,699.00

Other Personal Services

411-65	PE Bonus	<u>5,000.00</u>
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5,000.00

277,699.00

2 SUPPLIES

Office Supplies

421-90	General Supplies	<u>4,000.00</u>
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4,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	5,000.00
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Communication and Transportation

432-03	Travel and Training	1,500.00
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Repairs and Maintenance

436-01	Equipment Repair	3,000.00
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Other Services and Charges

439-03	Subscriptions , Dues, etc.	<u>500.00</u>
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10,000.00

291,699.00

ELECTRIC SERVICE

Services and Rates

Mishawaka Utilities – Electric Division *currently serves the proposed annexation area as it is already in our franchise boundary.* We will serve the area with existing Grape or University circuits.

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 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 42 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 Chief Engineer, Substation Supervisor, Engineering Projects Manager, and support engineering personnel.
- Construction: Consists of the Construction Superintendent, two Construction Foremen, and support construction personnel (Journeyman, 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 five stations including the Emergency Medical Services branch of the Department. The Fire Department and the Emergency Medical Services Department merged January 1, 2002.

In accordance with the firefighter's union, minimum staffing of 27 personnel are available at all times. The department also has four 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 five 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 nine firefighters manning one pumper truck, one Quint (a combination pumper and 105-foot aerial apparatus), one heavy-duty rescue truck and one command vehicle.

Station No. 2, located at 2332 N. Main St., is staffed by four firefighters at all times, manning one pumper truck.

Station No. 3, located at 333 E. Douglas Road, is staffed by six firefighters manning one pumper truck and one 75-foot Quint aerial.

Station No. 4, located at 2319 Lincolnway East, is staffed by four firefighters manning one pumper truck. To be relocated along Harrison Road, west of Capital Avenue.

Station No. 5, built in 1989, is located at 333 East Mishawaka Avenue. It is staffed with paramedics.

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

The proposed annexed are will be serviced by Station No. 3, which is approximately 2 miles.

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. For one, the City has two ladder trucks, which are not available at this time to volunteer departments. Volunteer departments utilize mutual aid agreements in the event of the need for an aerial device.

Volunteer departments also don't have as easy access to a water rescue team. The water rescue team in the City is on duty 24 hours a day, 7 days a week.

The City's Fire Department currently owns four thermal imaging systems. Many of the volunteer departments do not have these systems. To our knowledge, the City of South Bend has two of these units. The units are used for rescue because they allow the firefighter to "see" through the smoke and go directly to a victim in need. Furthermore, firefighters can lessen the damage to the building by being able to go directly to the source of heat.

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Equipment

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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 three additional levels. Advanced EMT, (IV therapy, cardiac monitoring), EMT-Intermediate, (addition of advanced airway skills and the administration of certain medications), Paramedic, (addition of several other medications). The EMS division is on par with other services and municipalities in our area offering paramedic service. 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. Of course, the only way to determine if a reduction will occur is to contact applicable insurance providers. For comparison, many township departments have ratings of 7 to 9. Mishawaka's fire insurance rating is the same as the City of South Bend.

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.

Future expansion of the department's run volume will dictate increases in personnel and stations for future growth of the City. For instance, Station 4, built in 1929, is too small to fit the majority of the fire apparatus built today because of increases in height and length of vehicles. In addition, consideration must be given to the increased weight loads placed upon the building by today's apparatus, as opposed to the weight of the vehicles in 1929. Towards the end of 2011, property was annexed into the City of Mishawaka, along Harrison Road and east of Capital Avenue, for a new fire station. The new fire station will replace Station No. 4's current location at Lincolnway East.

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 addition, residents are encouraged to take part in the department's smoke detector giveaway and installation programs. The fire department maintains a fully staffed water rescue team at all times for those areas where water hazards raise concerns.

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, bordered to the south and east by the existing City limits, 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 2012 budget has been included for reference.

CITY OF MISHAWAKA
2012 BUDGET

FIRE/EMS DEPARTMENT
101-19

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Fire Chief	64,778.00	
411-02	Assistant Chief		
	3 @59712	179,136.00	
	Chief Fire Prevention	56,188.00	
	Battalion Chief		
	2 @ 56453	112,906.00	
	Captains 11 @ 54555	600,105.00	
	Shift Supervisors 3 @ 54027	162,081.00	
	Lieutenants		
	8 @53498	427,984.00	
	Fire Inspectors		
	3 @53498	160,494.00	
	Paramedics 9 @53498	481,482.00	
	Driver Operator		
	32 @52473	1,679,136.00	
	Master Firefighters		
	33 @51775	1,708,575.00	
	1st Class Firefighter		
	5 @ 49775	248,875.00	
			5,881,740.00
	Specialty Pay	130,000.00	
	<u>Civilian</u>		
	Executive Secretary	30,682.00	
			160,682.00

Other Personal Services

411-60	Overtime	525,000.00	
411-66	Uniform Allowance		
	111 @ 1,250.00	138,750.00	
411-67	Pension Equalization	<u>49,700.00</u>	
			713,450.00

Employee Benefits

413-01	Social Security	45,000.00	
413-02	Medicare	100,000.00	
413-03	PERF-12.25%	85,000.00	
413-05	Health Insurance	1,960,000.00	
413-06	Life/Disability Insurance	14,500.00	
413-09	77 Pension 22.7%	<u>1,255,000.00</u>	
			3,459,500.00

10,215,372.00

CITY OF MISHAWAKA
2012 BUDGET

FIRE/EMS DEPARTMENT
101-19

2012
Budget

2 SUPPLIES

Office Supplies

421-90 Office Supplies 4,000.00

Operating Supplies

422-01 Operating Supplies 150,000.00

Other Supplies

429-10 Public Education
Training/ Seminar
Supplies/Refreshments 4,000.00

158,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-10 New Hire Testing/Physicals 100,000.00

Communication and Transportation

432-03 Travel and Training 20,000.00

Repairs and Maintenance

436-01 Building/ Equipment Repair 70,000.00

436-90 Service Contracts 150,000.00

436-91 Laundry Maintenance 3,500.00

Other Services and Charges

439-03 Subscriptions, Dues, etc. 3,000.00

346,500.00

10,719,872.00

CITY OF MISHAWAKA
2012 BUDGET

FIRE PENSION
702-50

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-02 Secretary Salary 3,000.00

Pension Board Members
5 @ 750.00 per yr 3,750.00

411-05 Pension Benefits 2,433,222.00

Retired Firefighters

Eligible Firefighters

Dependents

411-07 Death Benefits 36,000.00

2,475,972.00

2 SUPPLIES

Office Supplies

429-09 Misc Supplies 1,000.00

1,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-01 Legal Fees 2,000.00

Communication and Transportation

432-03 Travel and Training 500.00

Repairs and Maintenance

436-01 Equipment repair 500.00

3,000.00

2,479,972.00

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 and maintenance 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, assistant superintendent, program coordinator, a landscape supervisor, office manager and secretary/bookkeeper. Park employees also consist of supporting staff at Battell Center, Eberhart Golf Course, and Merrifield pool.

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. Residents of the City of Mishawaka are also given discounts on user fees. For example, for 2010, the holiday/weekend rate for golf at Eberhart-Petro for residents is \$17. The corresponding rate for non-residents is \$22. Similar discounts are provided for season pass golf rates, park and pavilion rentals, clubhouse rentals, ice skating, and pool passes. 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 2012 budget has been included for reference.

CITY OF MISHAWAKA
2012 BUDGET

PARK AND RECREATION
204-50

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Department Head	60,151.00	
411-02	Regular Employees	370,000.00	
	Group 1: 15 @ 17.88 * 2092	562,000.00	
	Reimburse CS Assts. 125%	59,119.00	
	Reimburse MVH director 5%	2,815.00	1,054,085.00
411-03	Temporary/Summer Help	330,000.00	
			1,384,085.00

Other Services Personal

411-60	Overtime	35,000.00	
411-62	Night Bonus	5,000.00	
411-63	Longevity	14,820.00	
411-64	FTO	21,000.00	
			75,820.00

Employee Benefits

413-01	Social Security	95,000.00	
413-02	Medicare	25,000.00	
413-03	PERF 12.25%	140,000.00	
413-04	Unemployment	25,000.00	
413-05	Employee Insurance Benefits	380,000.00	
413-06	Life Insurance	1,600.00	
			<u>666,600.00</u>
			2,126,505.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	5,000.00	
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Operating Supplies

422-02	Gas, Oil, Parts, etc.	50,000.00	
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Other Supplies

429-14	Maintenance Supplies	60,000.00	
429-15	Program Supplies	25,000.00	
429-17	Landscaping, Chemical Supplies	80,000.00	
429-18	Athletic Event Supplies	16,000.00	
429-20	Golf Course Supplies	30,000.00	
429-21	Concessions	60,000.00	
429-09	Merrifield Complex supplies	50,000.00	376,000.00

CITY OF MISHAWAKA
2012 BUDGET

PARK AND RECREATION
204-50

2012
Budget

3 OTHER SERVICES AND CHARGES

Professional Services

431-06 Consulting	50,000.00
431-09 Health Screenings/ Vaccines	5,000.00

Communication and Transportation

432-02 Postage and Freight	2,000.00
432-03 Travel and Training	3,000.00
432-04 Telephone/ Pager	7,000.00

Printing and Advertising

433-01 Printing/Newsletter etc.	5,200.00
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Insurance

434-90 Insurance Premiums/Deductibles	110,000.00
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Utility Services

435-01 MU/AEP Charges	276,000.00
435-02 NIPSCO	60,000.00

Repairs and Maintenance

436-01 Equipment / Facility Repair	30,000.00
436-90 Service Contracts	65,000.00

Rentals

437-05 Uniforms/Port-o-lets	11,500.00
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Other Services and Charges

439-03 Subscription, Dues, etc.	1,400.00
439-09 Miscellaneous/Charges	1,000.00
439-18 Instructor Fees	25,000.00
439-19 Official/Referee Fees	5,000.00
439-21 Recreation Event/ Entertainment	18,000.00
439-93 Sales Tax	25,000.00

700,100.00

3,202,605.00

CITY OF MISHAWAKA
2012 BUDGET

PARK AND RECREATION NON-REVERTING
214-50

2012
Budget

2 SUPPLIES

Other Supplies

429-17 Landscaping

30,000.00

30,000.00

4 CAPITAL OUTLAYS

Improvements Other than Buildings

442-05 George Wilson Improvements

5,000.00

443-94 Softball Field/Diamond Improve.

10,000.00

443-95 Cart Path Improvements

50,000.00

444-05 Beutter Park Irrigation

9,000.00

Machinery and Equipment

444-11 Pool/Rink Equipment

20,000.00

444-12 Golf Equipment/Carts

89,000.00

183,000.00

213,000.00

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 34 full time civilians within the Mishawaka Police Department, and are slotted for 105 sworn officers. The Department has 23 officers on the day shift, 24 on the afternoon shift, and 22 on midnights, making for a total of 69 officers in the uniform division.

There are also 10 officers in the detective bureau and 7 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 two School Resource officers available with School City of Mishawaka. One officer is assigned to Mishawaka High School, and the other officer is assigned to John Young Middle School. The cost of these officers is shared with School City.

Personal Services

On July 2009 the Police Department restructured the Neighborhood Enforcement Team (NET) by eliminating positions and renaming the unit. The unit is divided into five entities; Community Relations Officers, a department training officer and Street Crime Officers (SCU), DARE and School Resource Officers (SROs).

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.

One (1) Community Relations Officer was assigned to patrol the City parks over the summer. The main concentration was in the downtown parks, which has shown an increase in vandalism. Since the park officer has started patrolling the parks, we have seen a drop in criminal activity.

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 have seen crime decrease in the high crime neighborhoods.

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, assaults, burglaries and auto thefts have dropped from 2010 to 2011. Crimes such as robberies and arsons have increased between 2010 and 2011. Mishawaka had 2 homicides in 2011. In 2010 there was 1 homicide. One of the potential reasons for this increase is the continued development of commercial areas within the city. As the city continues to prosper, these areas become target areas for these crimes. This point further illustrates why such a significant portion of the city budget goes to police and crime prevention. The Mishawaka Police department responded to 45,128 calls for service in 2011 with the dispatch center receiving 105,031 calls. The Department had 28,991...911 calls in the dispatch center in 2011.

For general information purposes, a copy of the year 2012 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
2012 BUDGET

POLICE DEPARTMENT
101-20

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Police Chief	65,194.00
411-02	Assistant Chief	
	3 @ 60127	180,381.00
	Captains	
	7 @ 54972	384,804.00
	Lieutenants	
	11 @ 53914	593,054.00
	Sergeants	
	21 @ 52889	1,110,669.00
	Corporals	
	50 @ 52191	2,609,550.00
	Patrol Officer	
	10 @ 50191	501,910.00

5,445,562.00

Civilian

	Executive Secretary	30,682.00
	Administrative Secretary	30,420.00
	Secretary 2 @ 30004	60,008.00
	Dispatcher 14 @ 18.15 per hr	477,500.00
	Parking Personnel	30,004.00
	Property Manager	33,823.00
	Dispatch Specialist @ \$18.35/hr	34,480.00
	Dispatch Coordinator	38,636.00
	Services Administrator	34,958.00
	Crossing Guards 21 @ 6793	142,653.00
	Summer School @ 20.00 day per guard	2,000.00
411-03	Substitute Crossing Guard	4,000.00
	Temporary Help/Part-time	<u>15,000.00</u>

934,164.00

Other Personal Services

411-60	Overtime/ Court-time Officer	450,000.00
411-66	Uniform Allowance	<u>133,000.00</u>
	21@170, 1@500, 103@1,250	583,000.00

583,000.00

Employee Benefits

413-01	Social Security	65,000.00
413-02	Medicare	102,000.00
413-03	PERF 12.25%	108,000.00
413-05	Health Insurance	2,085,000.00
413-06	Life Insurance	8,000.00
413-10	77 Pension 22.7%	1,174,000.00

3,542,000.00
10,504,726.00

CITY OF MISHAWAKA
2012 BUDGET

POLICE DEPARTMENT
101-20

2012
Budget

<u>SUPPLIES</u>		
2 <u>Operating Supplies</u>		
422-01	Operating Supplies	70,000.00
<u>Other Supplies</u>		
429-11	Seminars/ Community Relations	<u>1,000.00</u>
		71,000.00
<u>OTHER SERVICES AND CHARGES</u>		
3 <u>Professional Services</u>		
431-09	New Hire Testing/Vaccines/Physicals	22,000.00
<u>Communication and Transportation</u>		
432-03	Travel and Training	4,000.00
<u>Printing and Advertising</u>		
433-01	Printing	1,800.00
<u>Repairs and Maintenance</u>		
436-01	Building Repair/ Maintenance Service Contracts	75,000.00
<u>Other Services and Charges</u>		
439-03	Subscriptions, Dues, etc.	5,000.00
439-11	Special Expense	13,000.00
439-12	Canine Expenses	4,000.00
439-16	Crime Stoppers Program	<u>5,000.00</u>
		129,800.00
		<u>10,705,526.00</u>

STREET DEPARTMENT

The Mishawaka Street Department, with its large staff and several trucks and other 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 29 union employees, two clerical personnel and two assistant street commissioners. The telephone is staffed 24 hours a day, and one manager and one equipment operator are 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, three 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 no longer provided.

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 2012 budget has been included for reference.

CITY OF MISHAWAKA
2012 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

2012
Budget

1 PERSONAL SERVICES

Salaries and Wages

411-01	Street Commissioner	56,293.00	
411-02	Office Manager	30,420.00	
	Secretary	30,004.00	
	Group 1: 32 @ 17.88 * 2092	1,197,000.00	
	CS reimburse 155% for assts.	73,400.00	
			1,387,117.00

Employee Benefits

411-60	Overtime	81,500.00	
411-62	Night Bonus .60/.55 per hr	8,000.00	
411-63	Longevity	18,120.00	
411-64	FTO (Flexible Time Off) Plan	<u>8,000.00</u>	115,620.00

Other Services Personal

413-01	Social Security	94,000.00	
413-02	Medicare	23,000.00	
413-03	PERF12.25%	185,000.00	
413-04	Unemployment	10,000.00	
413-05	Employee Ins Benefits	500,000.00	
413-06	Life Insurance	- 2,200.00	<u>814,200.00</u>
			2,316,937.00

2 SUPPLIES

Office Supplies

421-90-	Office Supplies	1,500.00	
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Operating Supplies

422-02	Gas, Oil, Etc.	180,000.00	
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Repair and Maintenance Supplies

423-01	Street Materials	100,000.00	
423-03	Equipment/ Parts, Supplies	160,000.00	

Other Supplies

429-08	Uniform supplies	4,000.00	
429-13	Traffic Supplies	36,000.00	
429-91	Salt	<u>224,000.00</u>	
			705,500.00

CITY OF MISHAWAKA
2012 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

2012
Budget

3 OTHER SERVICE AND CHARGES

Professional Services

431-04	Snow Removal	5,000.00
431-09	Health Screenings/ Vaccines	6,000.00

Communication and Transportation

432-03	Travel and Training	5,000.00
432-04	Telephone/ Paging	5,000.00

Printing and Advertising

433-02	Publications	250.00
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Insurance

434-90	Insurance Premiums/Deductibles	150,000.00
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Utility Service

435-01	MU Charges	110,000.00
435-02	NIPSCO	27,000.00

Repairs and Maintenance

436-01	Building/ Equipment Repair	160,000.00
436-93	Signal Maintenance	58,000.00

Rentals

437-05	Uniforms	8,000.00
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Other Services and Charges

439-09	Miscellaneous Charges	<u>3,000.00</u>
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537,250.00

4 CAPITAL OUTLAY

Machinery and Equipment

445-02	Street Equipment	200,000.00
445-03	Office Equipment	<u>1,000.00</u>

201,000.00

3,760,687.00

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 \$12.80. 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 \$10.44 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 vary 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 is run by the Solid Waste Management District. It is open to all residents and non-residents for disposal of hazardous materials, such as paint and household chemicals. Tires, magazines, and cardboard/office paper also are collected there for recycling.

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 twenty-eight 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 2011, an average flow of 11.43 MGD was treated. The average cBOD removal was 98% and the average suspended solids removal was 97%.

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.

Planned Capital Improvements for 2012 and Beyond

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

Future capital improvements are focused on the Combined Sewer Overflow Long Term Control Plan and 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 and in-line storage in selected areas.

Statistical Information

Mishawaka's wastewater treatment plant exhibits outstanding performance. From January 2000 through December 2011 average removals and effluent concentrations are as follows:

	Percent Removal	Effluent Concentration mg/l
CBOD	97%	2.7
Total Suspended Solids	96%	3.3
Phosphorus	79%	0.6
Ammonia Nitrogen	89%	2.4

During this time period there were few exceedances of NPDES permit effluent limitations. In the winter of 2007 extreme cold weather caused freezing of chlorine feed lines which resulted in loss of disinfection for several days.

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 \$3.3 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. Given that the infrastructure currently exists, no additional 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 22 mgd and a maximum capacity of 33 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 twelve (12) inch distribution main is located along East Douglas Road parallel to the north property line of the property being considered for annexation. There exists a twelve (12) inch stub from this water main extending south to near the property line, poised to serve this parcel. Also, there is a twelve (12) inch distribution main along the extreme north west corner of this property along Main Street that could be used to serve this parcel. A twelve (12) inch distribution main is located along Edison Lakes Parkway as well. The costs associated with the extension of water service to the individual property, including tap fees, are paid by developers/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 the house 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 eight (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.

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.

Annexation Fiscal Plan

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBERED THIRTY-THREE (33), TOWNSHIP NUMBERED THIRTY-EIGHT (38) NORTH, RANGE NUMBERED THREE (3) EAST, CONTAINING THIRTY (30) ACRES, MORE OR LESS.

ALSO: BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER, A DISTANCE OF 660.40 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 35 MINUTES 56 SECONDS WEAT ALONG THE WEST LINE OF SAID EAST HALF, A DISTANCE OF 40.00 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST, A DISTANCE OF 82.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF DOUGLAS ROAD; THENCE CONTINUING NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST ALONG THE NORTH RIGHT OF WAY OF DOUGLAS ROAD, A DISTANCE OF 578.08 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 40 MINUTES 39 SECONDS EAST ALONG THE SAID EAST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.61 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

TAB D - APPENDICES

RESOLUTION NO. 2012-

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 PROPERTIES LOCATED AT:

Southeast Main Street and Douglas Road

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:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBERED THIRTY-THREE (33), TOWNSHIP NUMBERED THIRTY-EIGHT (38) NORTH, RANGE NUMBERED THREE (3) EAST, CONTAINING THIRTY (30) ACRES, MORE OR LESS.

ALSO: BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER, A DISTANCE OF 660.40 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 35 MINUTES 56 SECONDS WEAT ALONG THE WEST LINE OF SAID EAST HALF, A DISTANCE OF 40.00 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST, A DISTANCE OF 82.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF DOUGLAS ROAD; THENCE CONTINUING NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST ALONG THE NORTH RIGHT OF WAY OF DOUGLAS ROAD, A DISTANCE OF 578.08 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 40 MINUTES 39 SECONDS EAST ALONG THE SAID EAST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL

CONTAINING 0.61 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS,
AND RIGHT OF WAY OF RECORD.

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 _____, 2012, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____
2012, at _____ o'clock ____M.

Deborah S. Block, CMC, City Clerk

APPROVED by me this _____ day of _____ 2012, at
_____ o'clock ____M.

David A. Wood, Mayor

PETITION #12-13

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO.

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:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBERED THIRTY-THREE (33), TOWNSHIP NUMBERED THIRTY-EIGHT (38) NORTH, RANGE NUMBERED THREE (3) EAST, CONTAINING THIRTY (30) ACRES, MORE OR LESS.

ALSO: BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER, A DISTANCE OF 660.40 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 35 MINUTES 56 SECONDS WEAT ALONG THE WEST LINE OF SAID EAST HALF, A DISTANCE OF 40.00 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST, A DISTANCE OF 82.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF DOUGLAS ROAD; THENCE CONTINUING NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST ALONG THE NORTH RIGHT OF WAY OF DOUGLAS ROAD, A DISTANCE OF 578.08 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 40 MINUTES 39 SECONDS EAST ALONG THE SAID EAST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.61 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

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 to allow for the construction of a mixed use commercial development including all C-1 General Commercial uses and permitting developmental standards that allow for hotel buildings to be a maximum of 70', and one additional freestanding multi-tenant sign:

Uses:

1. Permitted uses shall be limited to those uses identified in the C-1 (General Commercial) and C-2 (Shopping Center Commercial) zoning districts based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
3. Off-premise signs/billboards shall be prohibited.

Traffic Impact:

1. Phasing of improvements, including the proposed internal collector drive (proposed street) shall be as determined by the City Director of Engineering.
2. The number and or type of curb cuts on any City Street and the internal access drive/street shall be as determined appropriate by the City Director of Engineering. Improvements shall take place consistent with an approved master plan as required herein.

Internal Road connections:

1. Private vehicular connections between this property and adjacent properties shall be required, the location and number of connections required shall be determined as part of future planned unit development site plan submissions. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval. The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between properties. The exact location of these connection points shall be subject to review and approval by the City.

Stormwater Run-off/Utilities/Infrastructure:

1. The applicant/developer shall prepare a master plan to identify and provide for appropriate access and utility extensions. All improvements shall be subject to the review and approval of the City Director of Engineering.
2. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering. The 75' Drainage Easement on the east side of the property shall remain vegetated. Any proposed encroachment into this easement shall require compensatory improvements to the vegetation and or ditch as may be directed by the City Director of Engineering, subject to the review and approval of the St. Joseph County Drainage Board.
3. All costs associated with the extension of utilities, road improvements, or other infrastructure shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

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.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large site) and to otherwise further the intent of this chapter as follows. No more than three freestanding site signs shall be located along Douglas Road, regardless of the number of lots proposed. All freestanding signs shall otherwise be designed as per the applicable City requirements:
 - a. Each outlot/development parcel may be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 150 lineal feet.
 - b. One multi-tenant sign shall be permitted along Douglas Road (separate from the two outlots shown with Douglas Road Frontage). This sign shall be exclusively for properties that do not have a freestanding sign on Douglas Road. If constructed, this sign shall be constructed in a center landscape median within the proposed entry drive, or otherwise separated and made to be distinctly separate from the outlot signage located along Douglas Road. This sign shall be limited to 12' in height and contain a display area of no more than 60 square feet. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. The sign

shall include a masonry base no less than 5' in height. All freestanding signs shall be separated from each other by a minimum of 150 lineal feet.

2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.

3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed buildings shall be constructed of 100% approved materials as identified within Section 105.76 of the City of Mishawaka Municipal code as amended, except that hardi-board may be used as an accent material, not to exceed 1/3 of the area of any single building face. Materials and colors shall be varied to provide architectural interest. The use of hardi-board on the rear face of the restaurant building proposed for construction on Lot #1 of the planned unit development, as depicted in the architectural rendering and other information which has been presented to the Council, will be deemed to comply with this condition. However, appropriate landscaping (as depicted in the final planned unit development site plan) must be used to provide additional screening of the rear face of the restaurant building from view. The use of hardi-board as an accent material in this fashion will be limited to Lot #1 of the planned unit development only.

2. For all development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided. A minimum 25' building setback from the Indiana Toll Road right-of-way shall be provided.

3. The maximum building height for the site shall be 48', except for hotel uses that shall be permitted to construct a maximum of four stories not to exceed 70' in height.

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between internal lots/development parcels. A minimum 20' pavement setback shall be provided along all public right-of-way and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.

2. For large shopping areas where shopping carts are utilized, Cart corrals shall be provided. Corral's shall be identified and removed from total number of parking spaces provided. Curbed landscape islands shall be provided to break up large pavement areas as determined by the Planning Commission as part of the review of any planned unit development site plan.

3. Earth mounding shall be provided along public road right-of-way, between parking areas and public streets. A minimum 20-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district. All side property lines within 100' of Main Street right-of-way shall comply with the front yard landscaping standards identified within the C-1 General Commercial zoning district.
4. Sidewalks and utilities may be provided within required 20' green landscaped areas. If sidewalks and utilities are located within the required 20-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.
5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from public right-of-way and internal collector drives.

Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

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

1. Existing Conditions - The subject parcel is located adjacent to Douglas Road, an arterial roadway. Significant retail shopping areas have been proposed and developed on the north side of the City in reasonable proximity to the site. The site has been marketed and guided by the City's investment in infrastructure to commercial oriented development for many years.
2. Character of Buildings in Area - The area is predominantly commercial. The character of many of the buildings in the vicinity of this site are high quality commercial.
3. The most desirable/highest and best use - Because of the parcels' location and the significant commercial development on the north side of the City, serving as a regional area of commerce, combined with the proximity of Main Street, makes the most desirable use for the property a heavy mix of intensive commercial and professional office and service uses.

4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area, because the vast majority of adjacent property is commercial. The proposed extension of City infrastructure as planned by the developer will increase property values.

5. Comprehensive Plan - This property has been guided as medium density residential as part of the City's 2000 Comprehensive Plan. This plan was developed in the early 1990's and doesn't reflect the major commercial construction that has taken place including the 350 million dollar St. Joseph Regional Medical Center

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 _____, 2012, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2012, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2012, at _____ o'clock _____.M.

David A. Wood, Mayor

PETITION #12-13

JUL 12 2012

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2012-14

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:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBERED THIRTY-THREE (33), TOWNSHIP NUMBERED THIRTY-EIGHT (38) NORTH, RANGE NUMBERED THREE (3) EAST, CONTAINING THIRTY (30) ACRES, MORE OR LESS.

ALSO: BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER, A DISTANCE OF 660.40 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 35 MINUTES 56 SECONDS WEAT ALONG THE WEST LINE OF SAID EAST HALF, A DISTANCE OF 40.00 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST, A DISTANCE OF 82.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF DOUGLAS ROAD; THENCE CONTINUING NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST ALONG THE NORTH RIGHT OF WAY OF DOUGLAS ROAD, A DISTANCE OF 578.08 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 40 MINUTES 39 SECONDS EAST ALONG THE SAID EAST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.61 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

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 to allow for the construction of a mixed use commercial development including all C-1 General Commercial uses and permitting developmental standards that allow for hotel buildings to be a maximum of 70', and one additional freestanding multi-tenant sign:

Uses:

1. Permitted uses shall be limited to those uses identified in the C-1 (General Commercial) and C-2 (Shopping Center Commercial) zoning districts based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
3. Off-premise signs/billboards shall be prohibited.

Traffic Impact:

1. Phasing of improvements, including the proposed internal collector drive (proposed street) shall be as determined by the City Director of Engineering.
2. The number and or type of curb cuts on any City Street and the internal access drive/street shall be as determined appropriate by the City Director of Engineering. Improvements shall take place consistent with an approved master plan as required herein.

Internal Road connections:

1. Private vehicular connections between this property and adjacent properties shall be required, the location and number of connections required shall be determined as part of future planned unit development site plan submissions. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval. The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between properties. The exact location of these connection points shall be subject to review and approval by the City.

Stormwater Run-off/Utilities/Infrastructure:

1. The applicant/developer shall prepare a master plan to identify and provide for appropriate access and utility extensions. All improvements shall be subject to the review and approval of the City Director of Engineering.
2. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering. The 75' Drainage Easement on the east side of the property shall remain vegetated. Any proposed encroachment into this easement shall require compensatory improvements to the vegetation and or ditch as may be directed by the City Director of Engineering, subject to the review and approval of the St. Joseph County Drainage Board.
3. All costs associated with the extension of utilities, road improvements, or other infrastructure shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

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.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large site) and to otherwise further the intent of this chapter as follows. No more than three freestanding site signs shall be located along Douglas Road, regardless of the number of lots proposed. All freestanding signs shall otherwise be designed as per the applicable City requirements:
 - a. Each outlot/development parcel may be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 150 lineal feet.
 - b. One multi-tenant sign shall be permitted along Douglas Road (separate from the two outlots shown with Douglas Road Frontage). This sign shall be exclusively for properties that do not have a freestanding sign on Douglas Road. If constructed, this sign shall be constructed in a center landscape median within the proposed entry drive, or otherwise separated and made to be distinctly separate from the outlot signage located along Douglas Road. This sign shall be limited to 12' in height and contain a display area of no more than 60 square feet. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. The sign

shall include a masonry base no less than 5' in height. All freestanding signs shall be separated from each other by a minimum of 150 lineal feet.

2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.

3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed buildings shall be constructed of 100% approved materials as identified within Section 105.76 of the City of Mishawaka Municipal code as amended, except that hardi-board may be used as an accent material, not to exceed 1/3 of the area of any single building face. Materials and colors shall be varied to provide architectural interest. The use of hardi-board on the rear face of the restaurant building proposed for construction on Lot #1 of the planned unit development, as depicted in the architectural rendering and other information which has been presented to the Council, will be deemed to comply with this condition. However, appropriate landscaping (as depicted in the final planned unit development site plan) must be used to provide additional screening of the rear face of the restaurant building from view. The use of hardi-board as an accent material in this fashion will be limited to Lot #1 of the planned unit development only.

2. For all development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided. A minimum 25' building setback from the Indiana Toll Road right-of-way shall be provided.

3. The maximum building height for the site shall be 48', except for hotel uses that shall be permitted to construct a maximum of four stories not to exceed 70' in height.

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between internal lots/development parcels. A minimum 20' pavement setback shall be provided along all public right-of-way and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.

2. For large shopping areas where shopping carts are utilized, Cart corrals shall be provided. Corral's shall be identified and removed from total number of parking spaces provided. Curbed landscape islands shall be provided to break up large pavement areas as determined by the Planning Commission as part of the review of any planned unit development site plan.

3. Earth mounding shall be provided along public road right-of-way, between parking areas and public streets. A minimum 20-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district. All side property lines within 100' of Main Street right-of-way shall comply with the front yard landscaping standards identified within the C-1 General Commercial zoning district.
4. Sidewalks and utilities may be provided within required 20' green landscaped areas. If sidewalks and utilities are located within the required 20-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.
5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from public right-of-way and internal collector drives.

Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

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

1. Existing Conditions - The subject parcel is located adjacent to Douglas Road, an arterial roadway. Significant retail shopping areas have been proposed and developed on the north side of the City in reasonable proximity to the site. The site has been marketed and guided by the City's investment in infrastructure to commercial oriented development for many years.
2. Character of Buildings in Area - The area is predominantly commercial. The character of many of the buildings in the vicinity of this site are high quality commercial.
3. The most desirable/highest and best use - Because of the parcels' location and the significant commercial development on the north side of the City, serving as a regional area of commerce, combined with the proximity of Main Street, makes the most desirable use for the property a heavy mix of intensive commercial and professional office and service uses.

4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area, because the vast majority of adjacent property is commercial. The proposed extension of City infrastructure as planned by the developer will increase property values.

5. Comprehensive Plan - This property has been guided as medium density residential as part of the City's 2000 Comprehensive Plan. This plan was developed in the early 1990's and doesn't reflect the major commercial construction that has taken place including the 350 million dollar St. Joseph Regional Medical Center

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 _____, 2012, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2012, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2012, at _____ o'clock _____.M.

David A. Wood, Mayor