AGENDA

Monday, March 18, 2019

EXECUTIVE SESSION

6:00 PM

Subject Matter

Lease or Purchase of Property

IC 5-14-1.5-6.1(b)(2)(D)

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**

   March 04, 2019

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

   A letter from the Board of Zoning Appeals regarding recommendations from their March 12, 2019 meeting.

   A letter from the City Plan Commission regarding recommendations from their March 12, 2019 meeting.

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

   P.O. NO. 2019-07 Rezoning from I-2 Heavy Industrial to R-1 Single Family Res. Vacant Property - 13880 Scout Lane

   P.O. NO. 2019-08 PUD Amendment to allow Microblading/Semi-Permanent Makeup - University Gardens 6910 N. Main St. Unit 13D

8. **Resolutions**

   R2019-07 Fiscal Plan for Annexation of 16525 Arthur St and 52781 Grape Rd and adjacent Right of Way

   R2019-08 Use Variance for Temporary Sales Trailer - SE corner of Front and Spring Sts.

   R2019-09 Use Variance for Trailer Sales in I-2 Heavy Industrial - 520 S. Byrkit

R2019-10 Use Variance for Accessory Structure without a Primary Structure - 517 Ell

R2019-11 Use Variance to allow Used Car Sales for Two 10-day Annual Events for a Three Year Period - University Park Mall 6501 N. Grape Rd. parking lot North of JC Penney

R2019-12 Conditional Use to Permit a Cell Tower not to exceed 185' in height - Part of 500 S. Union St. 0.30 acres of 22.4 acre parent parcel

9. Ordinances on Second Reading

P.O. NO. 2019-06 Annex and Zone to R-1 & R-3 for 6 Single Family Residential lots & 7 Townhomes - 16525 Arthur St. and 52781 Grape Rd and vacant 2 acre lot. **(Assigned to Land Use Planning Committee) VOTE ONLY**

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

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
March 04, 2019

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 March 04, 2019, at 7:00 p.m. The meeting was called to order by Vice President Banicki all were asked to stand for the Pledge of Allegiance.

Roll Call.
Present: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh.
Absent: Mr. Mammolenti, Mr. Emmons.

Minutes for the Regular Meeting of February 18, 2019 were approved as received from the Clerk's Office.

Clerk Block read the following appeals and petitions to the council who referred them to the Board of Zoning Appeals and the City Plan Commission for their recommendation.

APPEAL NO. 2019-04 Use Variance for Temporary Sales Trailer – SE Corner of Front & Spring Streets

APPEAL NO. 2019-05 Use Variance for Trailer Sales in I-2 Heavy Industrial – 520 S. Byrkit

APPEAL NO. 2019-06 Use Variance for Accessory Structure without a Primary Structure 517 Ell

APPEAL NO. 2019-08 Use Variance to allow Used Car Sales for Two 10-day Annual events for a Three Year Period University Park Mall 6501 N. Grape Rd. Parking Lot N. Of JC Penney

APPEAL NO. 2019-09 Conditional Use to Permit a Cell Tower Not to Exceed 185'in Height – Part of 500 S. Union St 0.30 Acres of 22.4 acre Parent Parcel

PETITION NO. 2019-02 Rezoning from I-2 Heavy Industrial to R-1 Single Family Res. Vacant Property – 13880 Scout Ln

PETITION NO. 2019-03 PUD Amendment to allow Microblading/Semi-Permanent Makeup University Gardens – 6910 N. Main Street – Unit 13D

Clerk Block read the following proposed ordinances by title and opened the public hearing.

PROPOSED ORDINANCE NO. 2019-05

AN ORDINANCE AMENDING PART I, CHAPTER 62, OF THE MUNICIPAL CODE OF THE CITY OF MISHWAKA, INDIANA, AS FROM TIME TO TIME AMENDED
(Amending Sewer Insurance Fund & Charges)
(Assigned to the Budget and Finance Committee)

Mr. Hixenbaugh reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the council as a whole. This is signed by the entire committee upon a second by Mr. Tanner motion carried.

Jim Schrader, General Manager Mishawaka Utilities said the Sewer Insurance program has been in place since 1990. He continued to say it was a self-funded or rate payer insurance program for sewer failure between the sewer hookup from the middle of the street to the home. Mr. Schrader said this program has been well accepted in the past, it was a situation done in two formats. He explained they collected the monthly premium and they also had a deductible the homeowner would pay if a failure occurred. Mr. Schrader went on to say this program has fallen in the rears in terms of being self-sufficient, an adjustment must be made. He said rather than change the deductible they were proposing to change the monthly premium from $1.50 to $2.20. Mr. Schrader said this would make the program self-sufficient and self-funding again. He stated 2008 was the last time rates were adjusted and the fourth change since 1990. Mr. Schrader said this was only for residential owners or multi-tenant residential homes in the city limits. He mentioned other cities had a similar program, each community operates their program based on their particular needs.

Mr. Tanner thanked Mr. Schrader for his proactive approach by contacting the council in advance. Mr. Schrader said this was important for the homeowners to have this program. He said average cost would be $5500 for repair work. Mr. Schrader continued to say with the insurance homeowners would pay the deductible of $250.

Question was called for at 7:09 P.M. for **PROPOSED ORDINANCE NO. 2019-05** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh. Thus, it becomes **ORDINANCE NO. 5649.**

PROPOSED ORDINANCE NO. 2019-06

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

(Annex & Zone R-1 & R-3 6 Singles Family Res & 7 Townhomes 1625 Arthur St. & 52781 Grape Rd.)
(Assigned to the Land Use Planning Committee)

NO VOTE – PUBLIC HEARING ONLY

Terry Lang, Lang Feeney & Associates represented petitioners. He said over the last two years the petitioners purchased parcels north of the JCPenney Furniture Store. Mr. Lang continued to say they were looking to extend into the city and zone appropriately for residential and multifamily use. He said they would extend city utilities and water which was located immediately to the south on the JCPenney property. Mr. Lang said they believed the residential use were target price for homes they were considering somewhere between $350,000 to $400,000. He mentioned similar homes were being sold on Gumwood at the same price range. Mr. Lang stated this would probably be a 2-year project. He said they knew they had to wait due to the census being taken next year. Mr. Lang said they would slowly go through the process and then follow up with necessary construction plans and other appropriate things.

Mr. Banicki asked has Mr. Lang met with any neighbors close by. Mr. Lang said they did hold a public meeting at the church near by on Cleveland and US 31, there may have been 12 to 14 of residents who attended. Mr. Lang continued to say they discussed what they were proposing. He said he explained there would be some single-family homes and townhomes and price they were targeting. Mr. Lang mentioned some residence expressed their shock for the pricing of the homes. He said he explained homes in the area were in the same market price currently and they were selling fast. Mr. Lang went on to say he believed the petitioner realized they were adjacent to the city, utilities were not far, and even if they were in the county, they would look at the approximate same density in the county for sewer and water. He said at this point they were looking at the improvements necessary for street and sidewalk along Arthur Street. Mr. Lang said he believed the meeting with the residents was very informative. Mr. Banicki asked was any of the council invited to residential meeting. Mr. Lang replied no, it was put together quickly by the residents and their attorney. He said they received 3-hour notice. Mr. Banicki mentioned he was contacted regarding the property. He said he had some concerns regarding the size of the lots for the residential property. Mr. Banicki asked was one lot going to be made into 3 homes, would the homes be attached and how wide were the lots. Mr. Lang replied yes, with sewer and water. He said the homes would be 3 separate single-family homes on lots 65 to 70 ft wide and by the depths on the site plan. He explained they were lots created by the county ordinance, if they were in the county without sewer and water, they would have a half acre lot. Mr. Lang said the current sewer and water allowed them to decrease the square footage, they did not have to worry about well and septic location in the area. He mentioned the villas being built in Cobblestone Square were almost the identical lot size.

Mr. Compton asked was the plan to be a villa property or single-family homes. Mr. Lang said at this point of time they were determining on whether there would be a homeowner’s association. He assumed it would-be single-family homes at this point, but plans could change.

Mr. Tanner questioned Ken Prince, City Planner on the minimum frontage on a lot. Mr. Prince said it was 60 feet, but in older neighborhoods it went as low as 40 feet. He continued to say new plats would have to meet 60 feet or have a variance. Mr. Prince said the other lots in the neighborhood were developed under the county standard for septic and water system. He said the city standards were completely different. Mr. Tanner asked as long at the petitioners maintained the frontage, they would not have to request for a variance. Mr. Prince replied correct.

Public hearing was closed at 7:18 P.M.

UNFINISHED BUSINESS

RESOLUTION NO. 2019-06

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:
1316 West Dragoon Trail Mishawaka, Indiana

Ken Prince, City Planner gave update on the proposed property as requested. He said the Building and Fire Department went back to the property for re-inspection, they were waiting for a part for the alarm system. Mr. Prince said the Fire Department verified the alarm system was in place and operational and they received the report earlier in the day that indicated the property complied.

Leanne Suarez, COO of Journey's Behavior Learning Center was there for any questions.

Mr. Hixenbaugh thanked Ken Prince, City Planner and the Building and Fire Department for following up on the property. He also thanked the petitioners for working with the city departments in order to take care of questions and concerns expressed at the last meeting.

Questioned was called for at 7:22 P.M for **RESOLUTION NO. 2019-06** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).**Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh.

ADJOURNMENT 7:22 P.M.

Deborah S. Block /s/	Ron Banicki /s/
Deborah S. Block, IAMC, MMC, City Clerk	Ron Banicki, Vice President

City of Mishawaka

DAVID A. WOOD, MAYOR **DEPARTMENT OF CITY PLANNING**

March 13, 2019

RECEIVED
DEBORAH S. BLOCK, MMC
MAR 13 2019
CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
March 12, 2019, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use/Conditional Use Variances were considered:

APPEAL #19-04 An appeal submitted by F&C Mishawaka Development, LLC, requesting a Use Variance for **216 North Spring Street** to allow for a temporary sales trailer through December 31, 2019.

The Board, with a vote of 4-0, recommended approval subject to the following:

1. A site plan with exact placement and dimensioned setbacks must be submitted before a permit can be issued.
2. Details on the mounting or placing of the trailers must be submitted before a permit can be issued.
3. After the trailer is removed, restore any disturbed area.

APPEAL #19-05 An appeal submitted by Lodder Dieter W & Monika M Living Trust on behalf of ABI Attachments, Inc., requesting a Use Variance for **520 South Byrkit Avenue** to allow trailer sales in I-2 Heavy Industrial Zoning District.

The Board, with a vote of 4-0, recommended approval subject to the following:

1. No on-site signage advertising trailer/vehicle sales.

APPEAL #19-06 An appeal submitted by Ahmed Jojo requesting a Use Variance for vacant lot south of **519 Ell Street** to permit an accessory structure without a primary structure on the lot.

The Board, with a vote of 4-0, recommended approval subject to the following:

1. If the properties are not sold at the same time, or to the same owner, the second storage shed on 517 Ell Street will be removed.

APPEAL #19-08 An appeal submitted by Gates Automotive Group on behalf of University Park Mall LLC requesting a Use Variance for **6501 Grape Road** to permit three (3) separate off-site Used Car Sales as follows: ten (10) days in May, ten (10) days in June, and ten (10) days in August for three (3) consecutive years, with temporary signage including banners, and two (2) mobile office facilities for business transactions and securing of valuables.

The Board with a vote of 4-0, recommended approval subject to the following:

USES:

- The event shall be limited to the display and sales of automobiles and light trucks for three (3) ten (10) day periods (dates to be determined) in May, June, and August of 2019, 2020, and 2021 as presented.

SITE PLAN:

- A site plan/layout shall be submitted identifying the location of display areas, visitor parking, tents portable toilets, temporary lighting, and other related temporary improvements subject to staff review and approval. Written approval of the site plan/layout shall be required from University Park Mall, LLC.

ACCESS/TRAFFIC CONTROL REQUIREMENTS:

- Access to the event use shall be through existing mall entrances. Additional restrictions may be requested by the City of Mishawaka the Director of Engineering as deemed appropriate as part of the review of a site plan/layout. The City of Mishawaka Police Department may also request any modifications to layout, parking, access, or attention devices during the event if it is deemed problematic to through traffic, or any safety issue is identified.
- **All mall service drives shall remain open at all times.**

SETBACKS:

- All tents, display/parking areas, portable toilets and large inflatable balloons shall be setback a minimum of 25 feet from any road right-of-way and 10 feet from any internal access drive.

SIGNAGE/ATTENTION DEVICES:

- A plan identifying the location and type of all signage/attention devices shall be submitted subject to staff review and approval. A maximum of two (2) temporary signs no larger than 4' X 8' shall be permitted on Grape Road. A maximum of two temporary signs shall be permitted along State Road 23. **No inflatable air balloons shall be permitted.** All signs and attention getting devices shall not flash or be animated where they are overtly distracting to the motoring public. Internal directional signs shall also be permitted as necessary provided they are not visible from surrounding major roadways

APPEAL #19-09 An appeal submitted by JLJ Group LLC, on behalf of Charles S. Hayes Inc., dba Hayes Towers, requesting a Conditional Use at .30 acres of **500 Union Street** to permit a 185' communications (cell) tower.

The Board, with a vote of 4-0, recommended approval subject to the following:

1. The monopole tower shall not exceed more than 185 ft. in height including all attached appurtenances and/or antenna.

2. A 6' minimum to 8' maximum high security fence with vinyl slats shall be provided around the base of the tower to fully enclose all future buildings and equipment. Barbed wire may be utilized.

3. An Administrative Site Plan shall be submitted for the property. The site plan shall be consistent with the preliminary site plan as submitted.

4. A recorded ingress/egress easement, or equivalent documentation, showing legal access between the compound area and the Union Street public right-of-way shall be provided prior to site plan approval or issuance of an improvement location permit.

5. The proposed access drive between the vacated portion of Union Street and the access gate into the compound shall be paved.

6. A storm water drainage plan shall be submitted to include an adequate system and means to capture all runoff from the new impervious surface areas.

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

STAFF REPORT

Location:	Southeast corner of Front and Spring Streets	Date:	March 12, 2019
Appeal	19 04	Prepared By:	CH

GENERAL INFORMATION

Applicant:	City of Mishawaka (F&C Mishawaka Development, LLC)
	Property Owner (Tenant)
Request:	Use Variance for Temporary Sales Office
Zoning Classification:	C-3 City Center Commercial
Lot Size:	0.22 acres
Applicable Regulations:	137-357 C-3 City Center Commercial Uses 137-42 Board of Zoning Appeals

SPECIAL INFORMATION

Area Development Pattern:	North:	C-3 City Center Commercial
	South:	C-3 City Center Commercial
	East:	C-3 City Center Commercial
	West:	C-3 City Center Commercial
Thoroughfare:	Front Street between Mill Street and Hill Street	
School District:	School City of Mishawaka	
Township:	Penn	
Public Utilities:	Available	
Comprehensive Plan:	General Commercial	

ANALYSIS

The Appellant is requesting a Use Variance to permit a 48' x12' temporary sales office for The Mill @ Ironworks development. The trailer will be located on the southeast corner of Spring and Front Streets for a period of approximately six months, but not to extend beyond December 31, 2019.

The Zoning Ordinance permits one temporary construction building incidental to the erection of buildings. The temporary sales office will provide a safe place for potential tenants to visit in close proximity to the development, without entering the construction area.

The Appellant has also applied for a Design Review Waiver before the Plan Commission to allow up to 4 banners signs to be placed on the trailer for as long as the trailer is in place.

All pertinent City departments have reviewed and approved the request. However, the Engineering Department questioned if any utilities were required.

RECOMMENDATION

Staff recommends ***approval*** of Appeal #19-04 to permit a 48' x 12' temporary sales office to be located at the southeast corner of Front and Spring Streets through December 31, 2019 subject to the following conditions:

1. A site plan with exact placement and dimensioned setbacks must be submitted before a permit can be issued.
2. Details on the mounting or placing of the trailers must be submitted before a permit can be issued.
3. After the trailer is removed, restore any disturbed area.

This recommendation is based upon the following Findings of Fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the structure will be professionally installed, maintained, and removed upon the end of use or by the end of the year.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the site they plan to occupy is vacant, and located close to the project without being inside the construction limits.

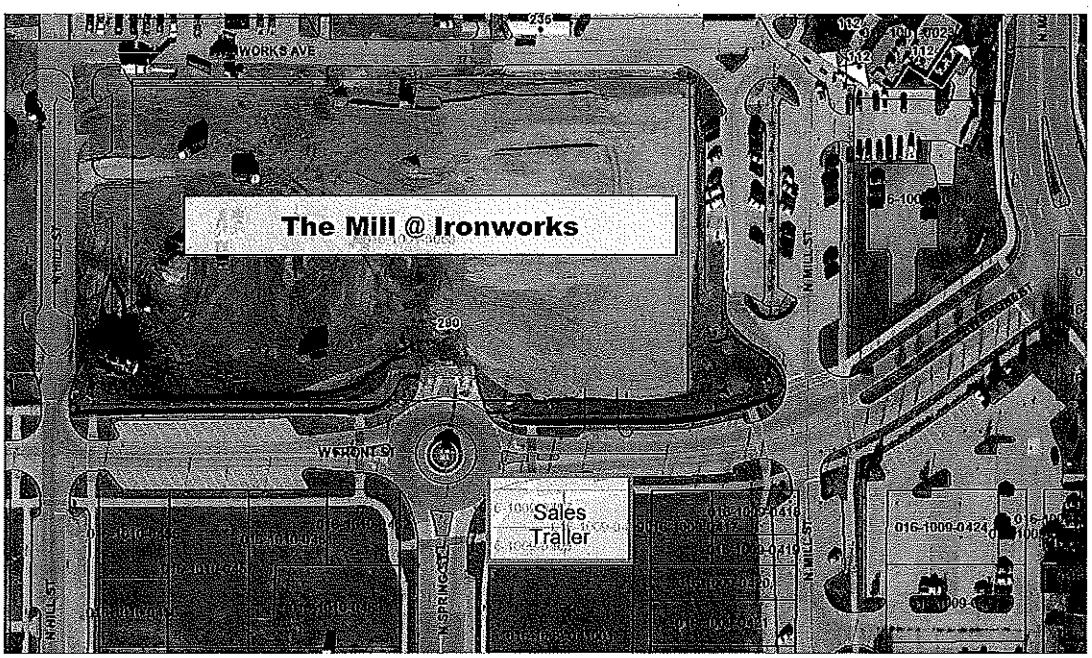
3. The need for the variance arises from some condition peculiar to the property in that the Zoning Ordinance does not allow for additional temporary offices on a property besides the construction trailer and it wouldn't be safe/practical to incorporate the construction office and sales office into the same building.

4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the Zoning Ordinance does not allow for the use of an additional temporary structure on the property during construction of the main building and The Mill @ Ironworks development would not be allowed to conduct on-site advanced sales without it.

5. The recommendation is consistent, and/or, not in conflict with Comprehensive Plan which indicates commercial/office uses for this area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, APPEAL, LOCATION MAP



A view north of the area for the trailer/banners with The Mill @ Ironworks in the background.

A view southeast of the area for the trailer with Liberty Mutual in the background.

STAFF REPORT

Location: 520 S. Byrkit Ave Date: March 12, 2019

Appeal: 19 05 Prepared By: CH

GENERAL INFORMATION

Applicant:	Dieter W. & Monica M. Lodder Living Trust/ABI Attachments, Inc.
Status:	Property Owner/Tenant
Request:	Use Variance to allow for trailer sales
Zoning Classification:	I-2 Heavy Industrial
Lot Size:	5.89 acres
Applicable Regulations:	Section 137-609 I-2 Heavy Industrial Uses Section 137-42 Board of Zoning Appeals Use Variance

SPECIAL INFORMATION

Area Development Pattern:	North: I-2 Heavy Industrial South: I-2 Heavy Industrial East: I-2 Heavy Industrial West: R-1 Single Family Residential
Thoroughfare:	Byrkit Ave
School District:	School City of Mishawaka
Township:	Penn
Public Utilities:	All utilities are available to the site
Comprehensive Plan:	Industrial

ANALYSIS

The Appellants are requesting a Use Variance to allow trailer sales in I-2 Heavy Industrial District. ABI Attachments, Inc. is the manufacturer of innovative tractor, ATV/UTV, skid steer & truck attachments. The Use Variance is to obtain a dealer license from the State of Indiana. The trailers will not be located on site. According to the Appellant, on-site activities are limited to phone-based sales and completion of titling paperwork. The property is surrounded by other industrial uses and residential across the street (to the west).

The I-2 Heavy Industrial District does allow for outside storage; however, Staff would like to put the condition on this Use Variance that there will be no signage promoting trailer sales. The purpose for this condition is to ensure that this Use Variance does not provide for a growth of more traditional car and vehicle sales along this corridor.

All pertinent City departments have reviewed and approved.

RECOMMENDATION

The Planning Staff recommends approval of Appeal #19-05 to allow trailer sales in an I-2 Heavy Industrial District, subject to the following conditions:

1. No on-site signage advertising trailer/vehicles sales.

This recommendation is based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because there will be no changes to the existing structure as the on-site activities are limited to phone calls and paperwork.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties are zoned for industrial uses and the sales are not happening on-site.

3. The need for the variance arises from some condition peculiar to the property in that it is located in an industrial area and does not allow for the proposed trailer sales. The trailer sales will not happen on-site, but a State of Indiana dealer license application lists this address.

4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property because there is no district that allows both uses. It would not be practical to rezone the property for the trailer sales, because the C-4 Automobile Oriented Commercial District doesn't allow for the manufacturing that is ABI Attachments, Inc's main business. The only means by which to allow the proposed automobile use and maintain the current industrial portion is through the Use Variance process.

5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

ATTACHMENTS

Photographs, Appeal, Location Map

A view northeast from Byrkit Avenue of the building and parking area at 520 S. Byrkit Avenue.

STAFF REPORT

Location: 517 Ell Street Date: March 12, 2019

Appeal: 19 06 Prepared By: CH

GENERAL INFORMATION

Applicant:	Ahmed Jojo
Status:	Property Owner
Request:	Use Variance for an accessory structure without a primary structure
Zoning Classification:	R-1 Single Family Residential
Lot Size:	0.12 acres
Applicable Regulations:	Section 137-165 R-1 Single Family Uses Section 137-42 Board of Zoning Appeals Use Variance

SPECIAL INFORMATION

Area Development Pattern:	North:	R-1 Single Family Residential
	South:	S-1 Extensive Open Space and Public Use (Central Park)
	East:	R-1 Single Family Residential
	West:	S-1 Extensive Open Space and Public Use
Thoroughfare:	Pine Street	
School District:	School City of Mishawaka	
Township:	Penn	
Public Utilities:	All utilities are available to the site	
Comprehensive Plan:	Low Density Residential	

ANALYSIS

The Appellant is requesting a Use Variance to allow an accessory structure without a primary structure in the R-1 Single Family Residential District. The Appellant has lived at 517 N. Pine Street, which is northeast across Ell Street, since 1994. When the property on Ell Street was purchased in 1999, it was for his children to have a play area. The house was demolished in 2000, but the 12' x 20' detached accessory building remained. This is considered legal non-conforming. Sometime after the November 2017 aerials were taken, a 12' x 32' accessory building was placed on the lot, without a permit.

Mr. Jojo uses the new storage shed to store yard supplies and recreational items. The shed will not require utilities. There will be no cars stored in the shed, so it will not need a driveway.

517 Ell is the last lot on a dead-end street. There is a 22-foot elevation change between Ell Street and the parking lot for Central Park. Typically, Staff wouldn't support an accessory building on a lot without a primary structure, however, the Appellant made the following statement: *"At the time of sale, every attempt will be made to keep these properties together. If the properties are not sold at the same time, or to the same owner, the second storage shed on 517 Ell St. will be removed."*

All pertinent City departments have reviewed and approved this request.

RECOMMENDATION

The Planning Staff recommends approval of Appeal #19-05 to allow trailer sales in an I-2 Heavy Industrial District, subject to the following conditions:

1. If the properties are not sold at the same time, or to the same owner, the second storage shed on 517 Ell St. will be removed.

This recommendation is based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the structure was professionally built and meets all setback requirements.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because this is the last lot on a dead end street. Neighboring property owners are the City of Mishawaka, the Appellant, and the neighbor to the north.

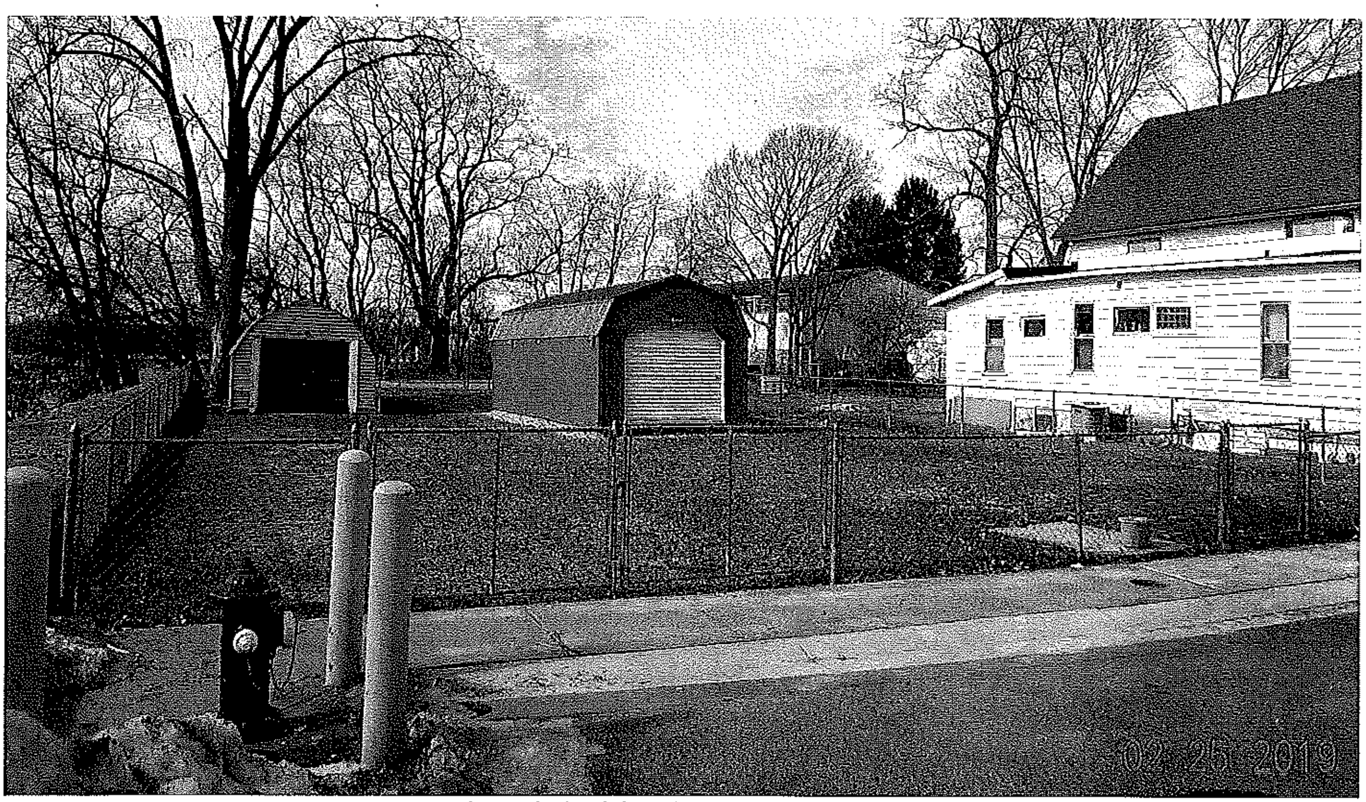
3. The need for the variance arises from some condition peculiar to the property because the Appellant owns two properties, and uses them as one, but they are separated by a street.

4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property because the lot which the house sits on has very little open space. An accessory structure could not be placed at 517 N. Pine Street without variances.

5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

ATTACHMENTS

Photographs, Appeal, Location Map



Existing 12' x 20' Shed (Left) New 12' x 32' Shed (Middle)

STAFF REPORT

Location: 6501 Grape Road Date: March 12, 2019

Appeal: 19 08 Prepared By: KM

GENERAL INFORMATION

Applicant:	University Park Mall, LLC/Gates Automotive Group
Status:	Property Owner/Applicant
Request:	Use Variance to allow for the temporary use of mall parking lot for three (3) used car sales events per year for the next three (3) years (2019-2021). The event proposes utilizing three tents, temporary signage, and two (2) mobile office facilities
Zoning Classification:	C-2 Shopping Center Commercial
Lot Size:	Approximately 75 acres, more or less
Applicable Regulations:	137.42 Board of Zoning Appeals (4) Variance of Use

SPECIAL INFORMATION

Area Development Pattern:	North:	C-1 General Commercial
	South:	C-2 Shopping Center Commercial
	East:	S-1 Extensive Open Space and Public Use
	West:	St. Joseph County
Thoroughfare:	Grape Road, State Road 23	
School District:	South Bend Community School Corporation	
Public Utilities:	All utilities are available or can be extended	
Comprehensive Plan:	General Commercial	

ANALYSIS

The petitioner, Gates Automotive Group, is seeking a Use Variance to allow for the temporary use of a portion of the University Park Mall parking lot for three (3) used car sales events per year for the next three (3) years. One ten (10) day event is proposed in May, one in June, and one in August of each year.

Prior to 2010, Gates off-site car sales event was a regular event often held at the University of Notre Dame or other regional locations outside of Mishawaka. In 2010 the City approved two sales events at this location for ten (10) days each and again in 2013 and 2016 sales for a period of three (3) years. University Park Mall was again chosen for the site of this year's event due to its high visibility location and the availability of space. The property is located in a very high visibility area with easy access, adequate customer and employee parking.

Identical to past years, the Appellant states traffic would access the site from existing mall entrances and vehicles for sale, as well as parking areas, would be staged in the parking area north of J C Penney, west of Grape Road and east of State Road 23. Drive aisles will be blocked to through traffic and customer and employee parking will be clearly marked. Tents and portable toilets would be provided during the event. Two (2) mobile office facilities for business transactions and securing of valuables will also be provided.

The applicant is also proposing to utilize temporary signage to promote the event. No inflatable air balloons shall be permitted.

Gates Automotive Group indicates this area will easily accommodate up to 350 display cars, three portable tents up to 30' X 60' providing shelter for customers and employees, a mobile office facility, portable toilets, portable trash containers, parking for 50 employees and 100 customers at any one time. The site is also ideal for the proposed carnival like environment because it is located on a heavily traveled commercial corridor. The primary access points to the Mall occur at existing traffic signals for added safety and convenience. The site is also located a considerable distance away from residential uses.

When the approvals were granted in 2010, 2013, and 2016, Staff suggested that as a City we would evaluate the sale to determine if there were problems and then evaluate further requests based on past experiences. No issues have been reported with previous events. Staff is recommending, as a condition of approval, that all mall service drives shall remain open at all times. Conditions of approval listed below are identical to previous years.

The Engineering Department advises no signage in City right-of-way. Other pertinent City departments have reviewed and approved of the request.

RECOMMENDATION (S)

Staff recommends in ***favor*** of Appeal #19-08, Use Variance, to allow for the temporary use of a portion of the University Park Mall parking lot for an off-site car sales event for three (3) ten day periods per year, for the next three years. The event proposes utilizing three (3) tents, two (2) mobile office facilities, and temporary signage. The Use Variance is subject to the following conditions:

USES:

- The event shall be limited to the display and sales of automobiles and light trucks for ten (10) days in May, June, and August of 2019, 2020, and 2021 as presented.

SITE PLAN:

- A site plan/layout shall be submitted identifying the location of display areas, visitor parking, tents portable toilets, temporary lighting, and other related temporary improvements subject to staff review and approval. Written approval of the site plan/layout shall be required from University Park Mall, LLC.

ACCESS/TRAFFIC CONTROL REQUIREMENTS:

- Access to the event use shall be through existing mall entrances. Additional restrictions may be requested by the City of Mishawaka the Director of Engineering as deemed appropriate as part of the review of a site plan/layout. The City of Mishawaka Police Department may also request any modifications to layout, parking, access, or attention devices during the event if it is deemed problematic to through traffic, or any safety issue is identified.
- **All mall service drives shall remain open at all times.**

SETBACKS:

- All tents, display/parking areas, portable toilets and large inflatable balloons shall be setback a minimum of 25 feet from any road right-of-way and 10 feet from any internal access drive.

SIGNAGE/ATTENTION DEVICES:

- A plan identifying the location and type of all signage/attention devices shall be submitted subject to staff review and approval. A maximum of two (2) temporary signs no larger than 4' X 8' shall be permitted on Grape Road. A maximum of two temporary signs shall be permitted along State Road 23. **No inflatable air balloons shall be permitted.** All signs and attention getting devices shall not flash or be animated where they are overtly distracting to the motoring public. Internal directional signs shall also be permitted as necessary provided they are not visible from surrounding major roadways.

This recommendation is based upon the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the development is temporary and will maintain certain minimum developmental standards as outlined herein;

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the area is surrounded by commercial development;

3. The need for the variance arises from some condition peculiar to the property involved in that the C-2 zoning does not permit vehicle sales, even on a very limited basis, thus requiring the Use Variance for the proposed use;

4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the ordinance as drafted, would not permit the Appellant to hold their regional event at this site, specifically, the University Park Mall is one of the few regional facilities that has been inherently constructed to handle this type of event by having the appropriate access, lighting, and parking;

5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial and the surrounding area is one of the largest consolidated retail areas in the State of Indiana.

ATTACHMENTS

Photographs, Appeal, Site Plan, Aerial, Location Map

STAFF REPORT

Location: 500 S. Union Street	Date: March 12, 2019
Appeal: 19-09	Prepared By: DJS

GENERAL INFORMATION

Applicant:	Charles S. Hayes, Inc., dba Hayes Towers / JLJ Group, LLC
Status:	Contingent Property Owner / Property Owner
Request:	Conditional Use Permit to allow a telecommunications facility consisting of a 180′ monopole tower (185′ overall with appurtenances) and a fenced compound for associated buildings and equipment
Zoning Classification:	I-2 Heavy Industrial
Lot Size:	Approximate 80′ x 160′ area in the northwest corner of the 22.4 acre parcel
Applicable Regulations:	Section 137-43 / Conditional Use Permits & Section 137-608 thru 610 / Industrial I-2 District

SPECIAL INFORMATION

Area Development Pattern:	North:	Norfolk Southern Rail Line & C-3 City Center Commercial District (Retail/Family Dollar & Vacant Space, Bar/Future Hop Station, and Restaurant/Oliva's)
	South:	I-2 Heavy Industrial District (Vacant Building & Parking Lot/Former RMG Foundry & Office/The Troyer Group)
	East:	I-2 Heavy Industrial District (Vacant Building/Former RMG Foundry)
	West:	Vacated Union Street Right-of-Way & I-2 Heavy Industrial District (Parking Lot/The Troyer Group)

Thoroughfare:	Union Street (vacated)
School District:	School City of Mishawaka
Public Utilities:	All utilities are available and/or will be extended to the site at the owner's expense
Comprehensive Plan:	Industrial (Manufacturing, Warehousing and Distribution)

ANALYSIS

The Applicant, Hayes Towers, with authorization from JLJ Group, LLC, is requesting a Conditional Use Permit to allow a telecommunications facility to be located at 500 S. Union Street. The facility will consist of a 180′ monopole tower (185′ overall with appurtenances) and an approximate 8,600 sq. ft. compound area for associated buildings and equipment.

Hayes Towers, or another related entity, will be purchasing 0.30 acres of the 22.4 acre parcel from JLJ Group, LLC. The area to be acquired is located along a vacated portion of Union Street adjacent to the railroad tracks. Currently, it includes a small fenced-in paved area and part of an unused parking lot. RMG Foundry previously occupied the property until closing in 2006.

The approximate 80'x160' compound area will be constructed at the base of the proposed tower within the far northwest corner of the 22.4 acre parcel. It will be enclosed with a 6' high chain link security fence with vinyl privacy slats and will provide four (4) separate 20'x30' leased areas for buildings and equipment. Although barbed wire fencing is not currently proposed, it is permitted within the I-2 Heavy Industrial District. No additional landscaping will be provided or is required.

Access to the site will be provided from the south via a private drive. This drive is located within property currently owned by TDR Real Estate LLC and occupied by the Troyer Group, and within a portion of vacated Union Street (Resolution 6-1978). When vacated, the City of Mishawaka retained full utility easement rights across the vacated right-of-way. *If not already in place, an ingress/egress easement shall be obtained and recorded between the area to be purchased and entrance to the site at the Union Street and E. 7th Street intersection.* As shown on the preliminary site plan, a new access drive will be installed between vacated Union Street and the fenced compound area. This drive shall be paved.

The monopole tower will initially have one carrier, but will be designed to accommodate wireless communications antennas for up to four (4) LTE carriers.

The location of the tower, as proposed, sits within a mixed-use area consisting of industrial and office properties south of the railroad tracks, and commercial and residential properties north of the tracks. The nearest residential property from the proposed base of the tower is approximately 240' to the northwest across the tracks. A row of evergreen trees and privacy fence are present north the tracks at the end of Union Street providing screening between this area and the proposed tower location.

The Zoning Ordinance of the City of Mishawaka requires "communication broadcasting towers" to be constructed as a conditional use in the I-2 Heavy Industrial Zoning District. Due to the unique requirements for locating such facilities, and in consideration of the tower height and equipment pads needed, requests to erect towers and construct the accompanying equipment need to be evaluated on an individual basis.

The Staff feels that the proposed use of the site for a telecommunications facility and tower is appropriate given the context and location within a primarily industrial, office, and commercial area. Furthermore, existing screening/buffering is present between the residential uses north of the railroad tracks and the proposed tower location. Communication towers require a specific geographic location and elevation to ensure proper coverage. The proposed location represents an optimal location for one of these towers required for the desired coverage.

At the time of writing this Staff Report, the Planning Department received one phone call from an adjacent property owner questioning the health impacts of cell towers.

As a reminder to the Board, <u>Federal law does not allow local government to consider "environmental factors" relative to the review and approval of cell phone towers and technology.</u>

If the conditional use is approved, a detailed final site plan will be required for administrative review and approval prior to obtaining the necessary improvement location and building permits. The final site plan shall address all the applicable zoning (height, area, and development regulations), utility (storm water drainage, electric, gas, etc.), grading, erosion control, and any other required improvements.

All pertinent City Department have reviewed and approved the conditional use request providing no comments.

RECOMMENDATION

The staff recommends in favor Appeal 19-09 to allow a telecommunications facility consisting of a 180' monopole tower (185' overall with appurtenances) and a fenced compound for associated buildings and equipment located at 500 S. Union Street subject to the following conditions:

1) The monopole tower shall not exceed more than 185 ft. in height including all attached appurtenances and/or antenna.

2) A 6′ minimum to 8′ maximum high security fence with vinyl slats shall be provided around the base of the tower to fully enclose all future buildings and equipment. Barbed wire may be utilized.

3) An Administrative Site Plan shall be submitted for the property. The site plan shall be consistent with the preliminary site plan as submitted.

4) A recorded ingress/egress easement, or equivalent documentation, showing legal access between the compound area and the Union Street public right-of-way shall be provided prior to site plan approval or issuance of an improvement location permit.

5) The proposed access drive between the vacated portion of Union Street and the access gate into the compound shall be paved.

6) A storm water drainage plan shall be submitted to include an adequate system and means to capture all runoff from the new impervious surface areas.

This recommendation is based upon the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The property on which the tower is to be located is adjacent to industrial, commercial, and office uses, with limited residential uses north of the railroad tracks. Screening/buffering is present between the area north of the railroad tracks and the proposed tower location. The tower and compound will be securely fenced and will be constructed and managed according to all regulatory codes.

2. The use and value of the area adjacent to the property included in the conditional use permit will not be affected in a substantially adverse manner. The adjacent area consists primarily of industrial, office, and commercial development, with adequate screening/buffering between the proposed tower location on the applicant's property and the limited residential properties to the north.

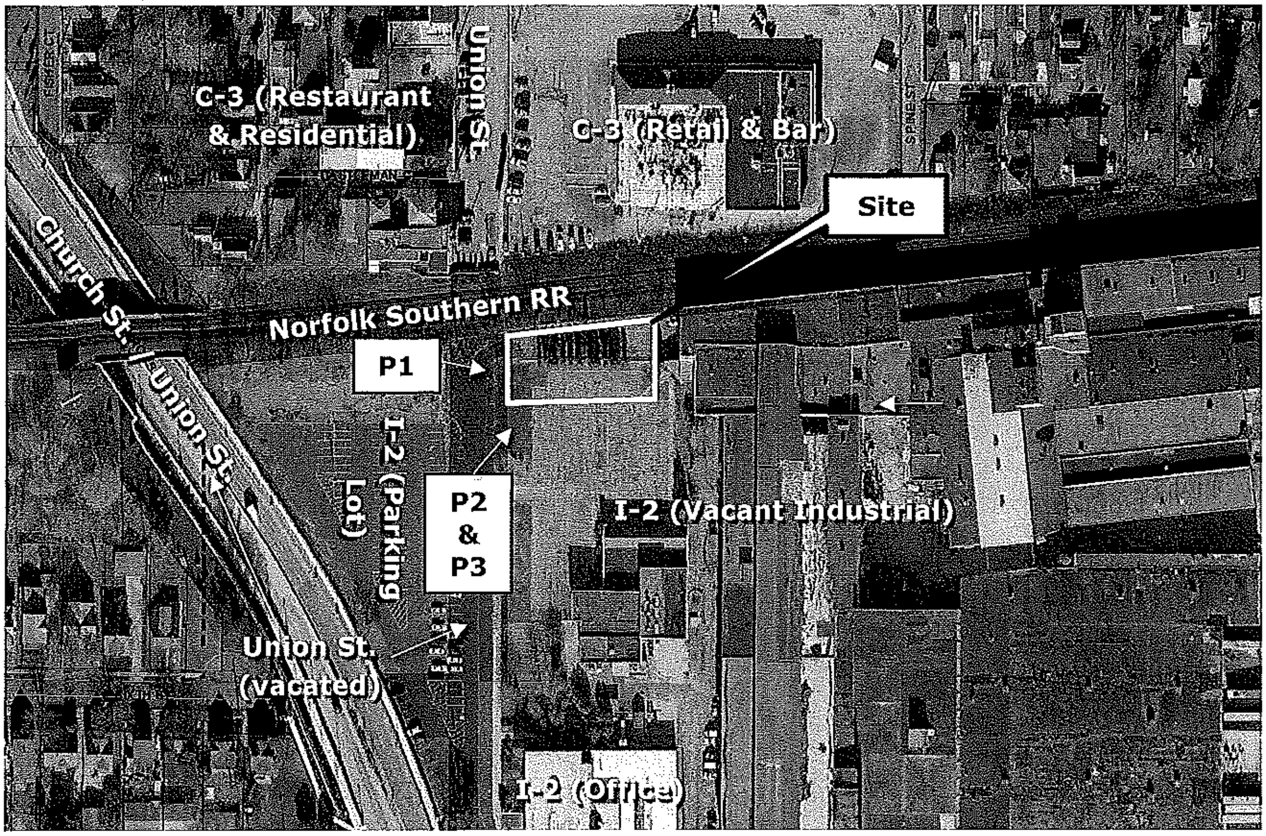
3. The conditions of approval shall mitigate any potentially adverse impact of the proposed use upon the adjacent properties.

4. Adequate measures will be taken to provide proper utilities, drainage, paved access roads, and fencing for safety precautions. Additional landscape buffering will not be required due to the adjacent uses being predominantly industrial, office, and commercial, with the limited residential uses to the north being adequately screened. The tower compound will be unmanned and will not cause traffic congestion.

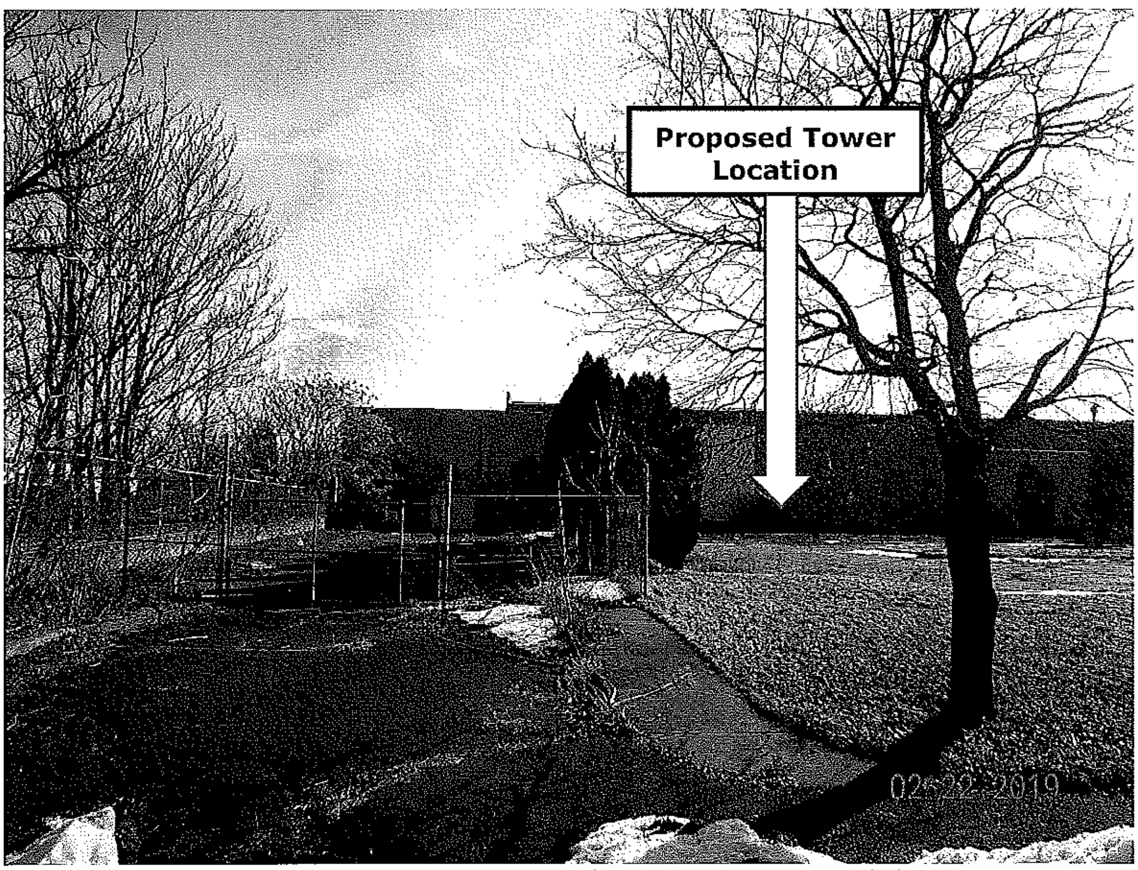
5. The granting of this conditional use is in the best interests of the community. The use of cellular phones and technology are continually increasing creating a higher demand for better cellular coverage for public safety entities, businesses, municipalities and residents. The proposed tower at this location is necessary to fill gaps in coverage within the surrounding area. The tower will not place additional demands on public services and facilities in excess of current capacity. No sanitary sewer or water or other public services are required. No traffic will be generated. Adequate electric service is available.

ATTACHMENTS

Aerial, Photograph(s), Appeal, Preliminary Site Plan, Location Map



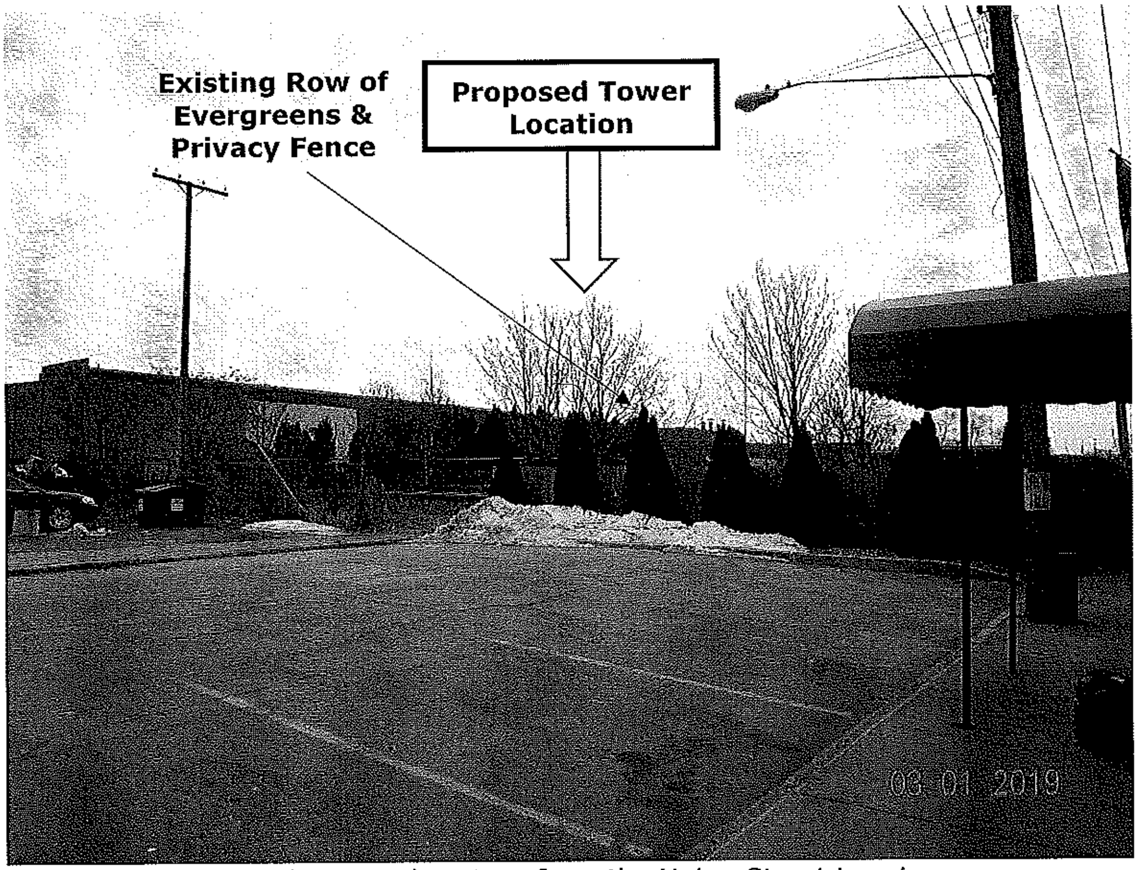
Aerial Photograph
500 S. Union Street – Proposed Tower Location



P1. Looking easterly from vacated Union Street toward the site.

P2. Looking northeasterly toward the site from vacated Union Street.

P2. Looking northern along vacated Union Street and
the private drive to provide access to the site.



P2. Looking southeastern from the Union Street terminus north of the railroad tracks toward the site.

City of Mishawaka

DAVID A. WOOD, MAYOR **DEPARTMENT OF CITY PLANNING**

March 13, 2019

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 13 2019

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
March 12, 2019, 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 #19-02 A petition submitted by James Douglas Cole requesting to rezone **13880 Scout Lane** from I-2 Heavy Industrial District to R-1 Single Family Residential District.

The Commission, with a vote of 6-0, recommended approval.

PETITION #19-03 A petition submitted by Thomas J. and Kathleen A. Herrman requesting to amend the University Gardens Planned Unit Development, **6910 North Main Street, Granger**, to allow for microblading/semi-permanent make-up services.

The Commission, with a vote of 7-0, 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

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

STAFF REPORT

Location: 13880 Scout Lane Date: March 12, 2019

Petition: 19 02 Prepared By: KM

GENERAL INFORMATION

Applicant:	James Douglas Cole
Status:	Property Owner
Request:	Rezone from I-2 Heavy Industrial District to R-1 Single Family Residential
Zoning Classification:	I-2 Heavy Industrial District
Lot Size:	Irregular (approximately 1 acre)
Applicable Regulations:	Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	C-7 Automobile Oriented Restaurant Commercial District
	South:	St. Joseph County
	East:	I-2 Heavy Industrial District
	West:	I-2 Heavy Industrial District
Thoroughfare:	Scout Lane accessible by Seventh Street	
School District:	School City of Mishawaka	
Public Utilities:	Available	
Comprehensive Plan:	Low Density Residential	

ANALYSIS

The Petitioner is requesting to rezone 13880 Scout Lane from I-2 Heavy Industrial District. The property is located immediately south of the Conrail tracks and east of Capital Avenue. There are no industrial uses in the vicinity of the property.

The Petitioner states he is seeking to rezone the property in order to build a new single family home or sell as a residential property. Previously, a single family home was located on the property, but it was demolished sometime after 2013 due to a fire. It should be noted, Eller Ditch runs through the property and is a County regulated ditch and any new home would need to be located at least 75' from the top of the ditch bank.

The Engineering Department states: It may be difficult to connect to City utilities for this property. We would allow well/septic if County Health Department would permit.

Other pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 19-02 to rezone 13880 Scout Lane from I-2 Heavy Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are no industrial uses near the property, and the neighborhood to the south (county) and west across Capital Avenue are used as single family dwellings, with The Res also being located to the south of this property. and its historic use as a single family property would be compatible to the area;

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an industrial project, staff feels that the most desirable use for this property is a single-family use;

3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

4. As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,

5. The City's Comprehensive Plan calls for low density residential and its historic use as a residential property is compatible and consistent with the historic residential uses in the area.

ATTACHMENTS

PETITION, PHOTOGRAPHS, AERIAL, LOCATION MAP

13880 Scout Lane


02.22.2019


02.22.2019

STAFF REPORT

Location: 6910 N. Main Street, Unit 13 Date: March 12, 2019

Petition: 19 03 Prepared By: KM

GENERAL INFORMATION

Applicant:	Thomas J. and Kathleen A. Herrman/Danielle Rzepka
Status:	Property Owners/Tenant
Request:	Amend University Gardens PUD to allow microblading/semi-permanent make-up services
Zoning Classification:	S-2 Planned Unit Development
Lot Size:	Irregular
Applicable Regulations:	Section 137-671 to 137-679 S-2 Planned Unit Development District Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	S-2 Planned Unit Development
	South:	S-2 Planned Unit Development
	East:	R-3 Multi-Family Residential
	West:	S-2 Planned Unit Development
Thoroughfare:	Southeast corner of Main Street and Cleveland Road (S.R. 23)	
School District:	Penn-Harris-Madison	
Township:	Harris	
Public Utilities:	All utilities are available to the site	
Comprehensive Plan:	Service Commercial	

ANALYSIS

The petitioners are requesting to amend the University Gardens Office Park Planned Unit Development to allow for microblading services within one of the units. Microblading is a form of semi-permanent makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments.

University Gardens Office Park PUD was established in 1980 as a professional and commercial development and the uses have generally followed the C-6 Linear Office Commercial District. The need to amend the PUD arises from the fact that a tattoo establishment is not an approved use within the C-6 zoning district.

In March, 2018, a similar PUD Amendment was approved for Units 21 and 22 also allowing for microblading services. ***It should be noted that while microblading is a service that can be found in a spa or beauty salon, it is a form of tattoo and not specifically permitted within the zoning district or the PUD as established.***

Also, the requested amendment does not amend the entire PUD, but specifically Unit 13 that the Petitioner owns.

All pertinent City Departments have reviewed this request and recommend approval.

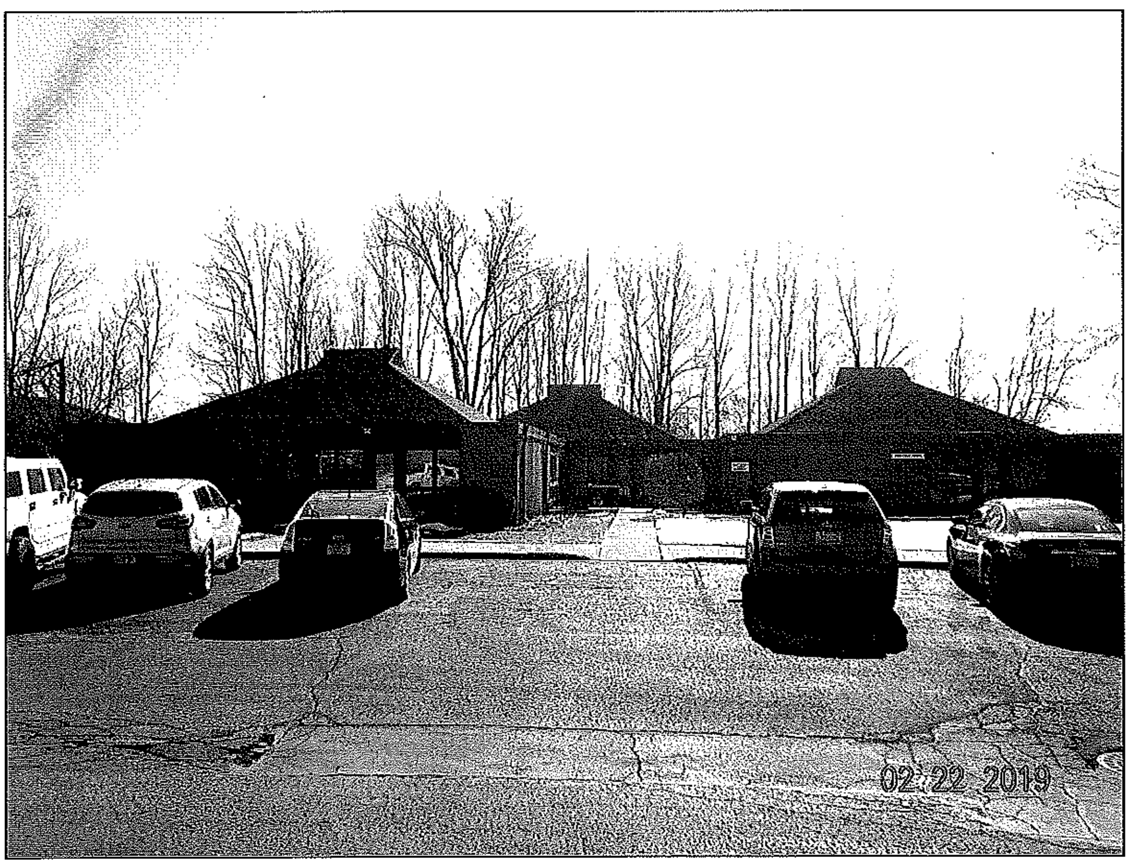
RECOMMENDATION

Staff recommends in favor of Petition #19-03 to amend the University Gardens PUD to allow microblading services in Unit 13. This recommendation is based on the following findings of fact:

1. Existing Conditions – The use will be located near other buildings with similar personal services/salon uses.
2. Character of Buildings in Area - The character of the buildings located within this development and the surrounding area are professional and commercial.
3. The most desirable/highest and best use – Because of the parcel's location within the professional/commercial development, the most desirable use for the property is commercial/personal services.
4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development.
5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial uses.

ATTACHMENTS

Photographs, Petition, Aerial, Location Map



View of building

View of unit

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 13 2019

CITY CLERK
MISHAWAKA, IN

1st Reading 3-18-19
2nd Reading
Passed
Failed
Continued To

PETITION 19-02

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2019-07

ORDINANCE NO. ______

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

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

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

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Beginning at a point on the South line of the New York Central Railroad right-of-way 666.69 feet Easterly, (measured along the South right-of-way line of the New York Central Railroad) of the intersection of the South line of New York Central right-of-way and the West line of Section 13, Township 37 North, Range 3 East; thence Easterly 364.31 feet to the centerline of Mariellen Avenue; thence Southerly 90 degrees 00 minutes; 239.13 feet along said centerline of Mariellen Avenue; thence Westerly parallel to the South line of the New York Central right-of-way 373.77 feet; thence North parallel to the West line of Section 13, Township 37 North, Range 3 East, Two Hundred Thirty-nine and Thirty-one hundredths 239.31 feet to the place of beginning. All land described herein is located in the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Thirteen (13), Township Thirtyseven (37) North, Range Three (3) East, Penn Township, St. Joseph County, Indiana, and contains Two (2) acres, more or less.

Excepting therefrom:

A part of the Southwest Quarter of the Northwest Quarter of Section 13, Township 37 North, Range 3 East, St. Joseph County, Indiana, and being described as follows: Beginning the Northwest corner of the grantor's land being on the South line of the New York Central Railroad right-of-way North 87 degrees 40 minutes 42 seconds East 666.69 feet (distance quoted from Instrument #0403430) from the intersection of the West line of said Section 13; thence North 87 degrees 40 minutes 42 seconds East 361.51 feet (364.31 feet by Instrument #0403430) along said South line to the centerline of Mariellen Avenue and the Northeast corner of the grantor's land; thence South 2 degrees 57 minutes 20 seconds East 69.94 feet; thence South 84 degrees

46 minutes 09 seconds West 61.85 feet; thence South 75 degrees 16 minutes 15 seconds West 102.39 feet; thence South 84 degrees 37 minutes 32 seconds West 150.21 feet; thence North 57 degrees 19 minutes 47 seconds West 61.03 feet; thence South 87 degrees 40 minutes 42 seconds West 3.16 feet to the West line of the grantor's land; thence North 0 degrees 01 minute 11 seconds West 67.05 feet along said West line to the point of beginning and containing 0.728 acres, more or less.

COMMON ADDRESS: 13880 Scout Lane

which real estate is now classified as I-2 Heavy Industrial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. There are no industrial uses near the property, and the neighborhood to the south (county) and west across Capital Avenue are used as single family dwellings, with The Res also being located to the south of this property. and its historic use as a single family property would be compatible to the area;

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an industrial project, staff feels that the most desirable use for this property is a single-family use;

3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

4. As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,

5. The City's Comprehensive Plan calls for low density residential and its historic use as a residential property is compatible and consistent with the historic residential uses in the area.

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 ______________________, 2019, at _________ o'clock ____.M.

____
Presiding Officer

Proposed Ordinance No: 2019-07

Ordinance No: ____________________

ATTEST:

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

PRESENTED by me to the Mayor this ________ day of ____________________, 2019, at _________ o'clock ____.M.

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

APPROVED by me this ________ day of __________________, 2019, at ________o'clock ____.M.

____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 26 2019

CITY CLERK
MISHAWAKA, IN

PET 19-02

RECEIVED
FEB 19 2019
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Date: 2-16-19

Honorable Members of the

Common Council

City of Mishawaka, Indiana

And Mishawaka City Plan Commission

City of Mishawaka, Indiana

PETITION TO REZONE

James Douglas Cole owner and titleholder of record for 13880 Scout Lane, Mishawaka, County of St. Joseph, Indiana 46544

Key # 71-09-13-155-004.000-023

Legal Description; 364.31 Ft On Nyc Rr By 200 Ft Deep Mid Pt Se Nw Ex N 0.728Ac sold to State 13 37 3e cont 0.932 Fishburn Survay 15/16 Split#37001-22-2215

Petitioner owns 100% of the above property which carries a zoning classification of I-2 and currently vacant with no buildings on it.

Petitioner desires said real estate to be re-zoned to R-1. Current property is vacant land and petitioner would like to either build residential home on it or sell as R-1

Wherefore, the petitioner pray and respectfully request that the common council of the city of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above describe parcel of land located in the City of Mishawaka.

James Douglas Cole

CONTACT PERSON

Mike Finkler –Realtor –At Home Realty Group

3505 Lincolnway E, Mishawaka Indiana 46544

574-876-4137

mfinkler@AOL.com

2. The estate or interest in the land described or referred to in this Preliminary Title Report is Fee Simple.

3. Title to said estate or interest in said land is at the effective date hereof vested in: James Douglas Cole

4. The land referred to in this Preliminary Title Report is located in the County of Saint Joseph, State of Indiana described as follows:

SEE ATTACHED EXHIBIT "A"

Valid only if Schedule B is attached.
Schedule A consists of 2 page(s)

EXHIBIT A

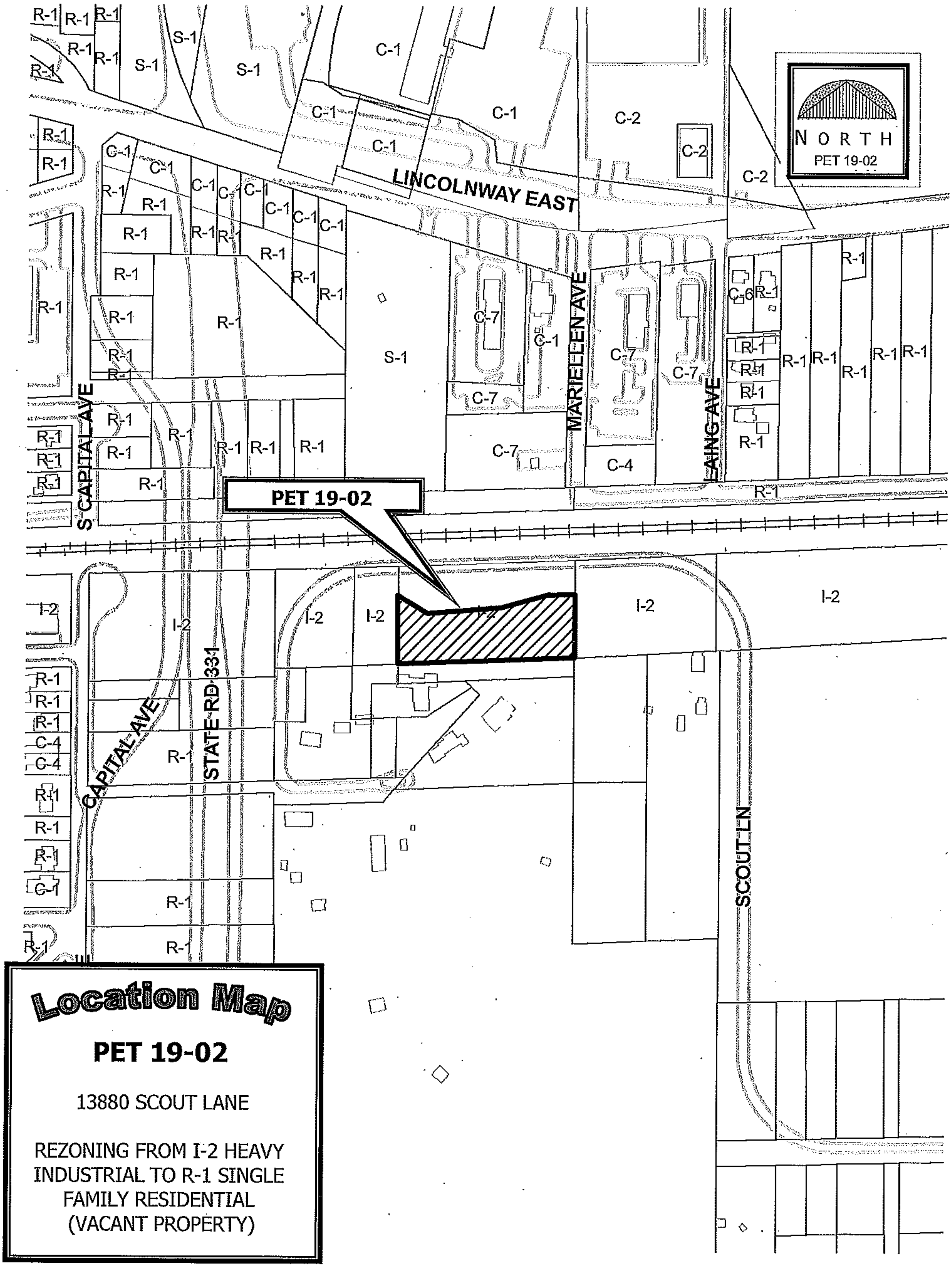
Beginning at a point on the South line of the New York Central Railroad right-of-way 666.69 feet Easterly, (measured along the South right-of-way line of the New York Central Railroad) of the intersection of the South line of New York Central right-of-way and the West line of Section 13, Township 37 North, Range 3 East; thence Easterly 364.31 feet to the centerline of Mariellen Avenue; thence Southerly 90 degrees 00 minutes; 239.13 feet along said centerline of Mariellen Avenue; thence Westerly parallel to the South line of the New York Central rightof-way 373.77 feet; thence North parallel to the West line of Section 13, Township 37 North, Range 3 East, Two Hundred Thirty-nine and Thirty-one hundredths 239.31 feet to the place of beginning. All land described herein is located in the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Thirteen (13), Township Thirtyseven (37) North, Range Three (3) East, Penn Township, St. Joseph County, Indiana, and contains Two (2) acres, more or less.

Excepting therefrom:

A part of the Southwest Quarter of the Northwest Quarter of Section 13, Township 37 North, Range 3 East, St. Joseph County, Indiana, and being described as follows: Beginning the Northwest corner of the grantor's land being on the South line of the New York Central Railroad right-of-way North 87 degrees 40 minutes 42 seconds East

666.69 feet (distance quoted from Instrument #0403430) from the intersection of the West line of said Section 13; thence North 87 degrees 40 minutes 42 seconds East 361.51 feet (364.31 feet by Instrument #0403430) along said South line to the centerline of Mariellen Avenue and the Northeast corner of the grantor's land; thence South 2 degrees 57 minutes 20 seconds East 69.94 feet; thence South 85 degrees 46 minutes 09 seconds West 61.85 feet; thence South 75 degrees 16 minutes 15 seconds West 102.39 feet; thence South 84 degrees 37 minutes 32 seconds West 150.21 feet, thence North 57 degrees 19 minutes 47 seconds West 61.03 feet; thence South 87 degrees 40 minutes 42 seconds West 3.16 feet to the West line of the grantor's land; thence North 0 degrees 01 minute 11 seconds West 67.05 feet along said West line to the point of beginning and containing 0.728 acres, more or less.

Valid only if Schedule B is attached.
Schedule A consists of 2 page(s)



NORTH
PET 19-02
LINCOLNWAY EAST
MARIELLEN AVE
LAING AVE
S CAPITAL AVE
CAPITAL AVE
STATE RD 331
SCOUT LN
PET 19-02
Location Map
PET 19-02
13880 SCOUT LANE
REZONING FROM I-2 HEAVY INDUSTRIAL TO R-1 SINGLE FAMILY RESIDENTIAL (VACANT PROPERTY)

1st Reading 3-18-19
2nd Reading
Passed
Failed
Continued To

PETITION 19-03

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2019-08

ORDINANCE NO. ______

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

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

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

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Harris Township, St. Joseph County, State of Indiana, to-wit:

Unit 13, University Gardens Office Park

COMMON ADDRESS: 6910 North Main Street

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow microblading services in Unit 13 only.

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

1. Existing Conditions – The use will be located near other buildings with similar personal services/salon uses.

2. Character of Buildings in Area - The character of the buildings located within this development and the surrounding area are professional and commercial.

3. The most desirable/highest and best use – Because of the parcel's location within the professional/commercial development, the most desirable use for the property is commercial/personal services.

4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development.

5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial 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 ____________________, 2019, at ________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________ day of ____________________, 2019, at _________ o'clock ____.M.

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

APPROVED by me this ________ day of __________________, 2019, at _________o'clock ____.M.

____
David A. Wood, Mayor

Pet 19-03

RECEIVED
FEB 20 2019
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

February 18th 2019

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

RE: PETITION OF PUD AMENDMENT

The undersigned, Thomas J. Herrman, respectfully show they are the owners of the following described real estate located in the City of Mishawka, county of St. Joseph, State of Indiana, to-wit:

University Gardens, LLC
6910 North Main Street Suite 13D
Granger, IN 46530

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification S-2 Planned Unit Development specifically for leased commercial space/office use.

Legal Description of land: Unit 13 University Garden Office Park. Parcel or Identification number 71-04-27-102-015.000-036 / 030-1001-000418. Property Address: 6910 N Gumwood RD, Granger, IN 46530.

Petitioner(s) desire said real estate to be amended to allow for Aesthetic Beauty Studio, LLC (Danielle Rzepka, Owner and leaser of unit 13D) use the space for Microblading/Semi-Permanent Makeup).

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

Thomas J. Herrman, owner

Contact Person
Jennifer Herrman
574-274-2524
jhermann@hgservices.com

RECEIVED
DEBORAH S. BLOCK, MMC
FEB 26 2019
CITY CLERK
MISHAWAKA, IN

Danielle Rzepka
574-250-2195
danirzepka@gmail.com

February 18th 2019

Pet 19-03

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

RECEIVED
FEB 20 2019
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

RE: PETITION FOR PUD AMENDMENT of:

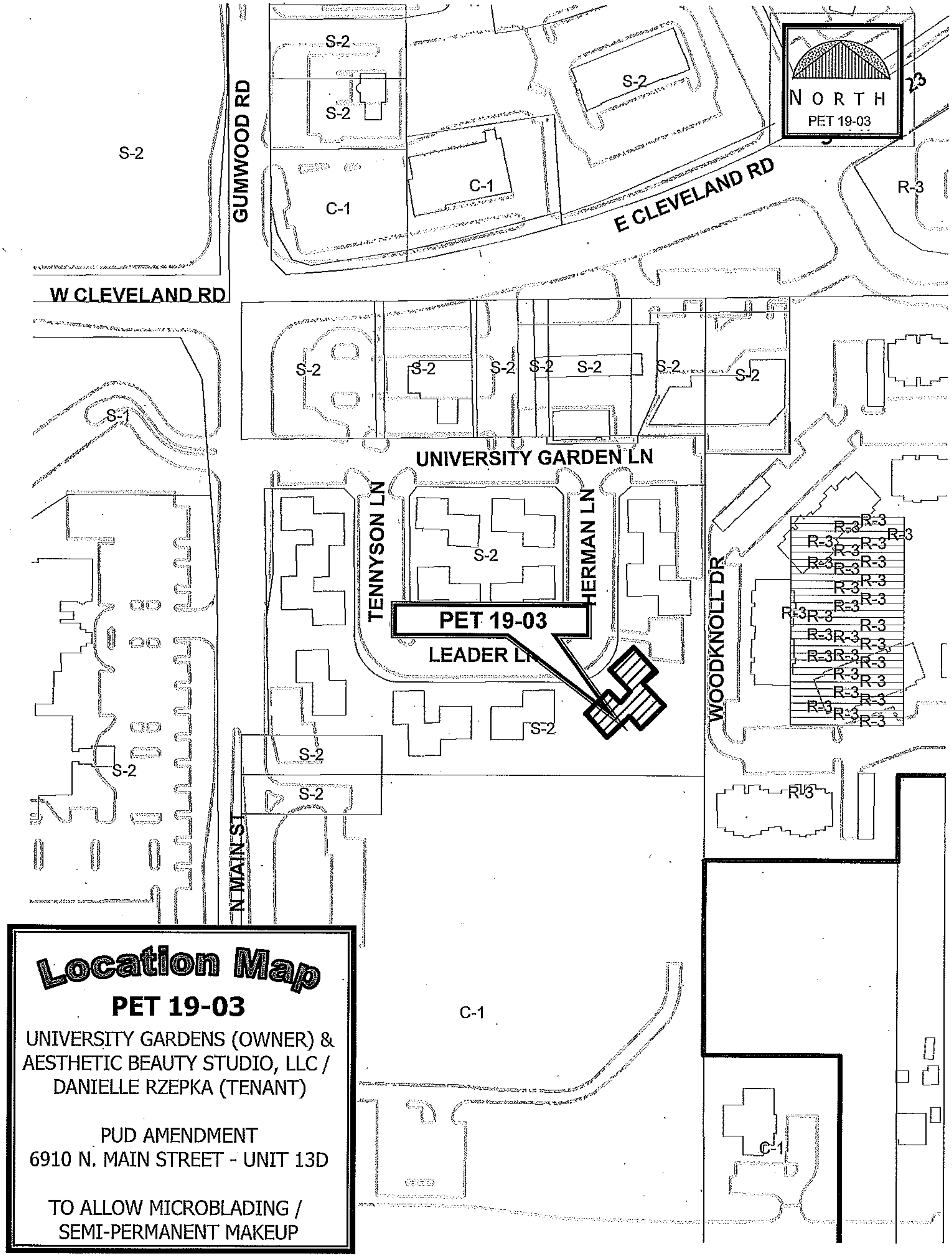
University Gardens suite 13D
6910 North Main Street
Granger, IN 46530

I, Thomas J. Herrman hereby authorize permission to Danielle Rzepka, owner of Aesthetic Beauty Studio, LLC, to act on behalf of myself in any and all court hearings and paperwork filings in order to grant an amendment to PUD for Suite 13D located at 6910 North Main Street Granger, in St. Joseph county, in the State of Indiana.

Signed,

Thomas J. Herrman

Danielle Rzepka, Aesthetic Beauty Studio, LLC


NORTH
PET 19-03
GUMWOOD RD
W CLEVELAND RD
E CLEVELAND RD
UNIVERSITY GARDEN LN
TENNYSON LN
HERMAN LN
LEADER LN
WOODKNOLL DR
N MAIN ST
PET 19-03
S-1
S-2
C-1
R-3
Location Map
PET 19-03
UNIVERSITY GARDENS (OWNER) &
AESTHETIC BEAUTY STUDIO, LLC /
DANIELLE RZEPKA (TENANT)
PUD AMENDMENT
6910 N. MAIN STREET - UNIT 13D
TO ALLOW MICROBLADING /
SEMI-PERMANENT MAKEUP

CITY OF MISHAWAKA

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

March 7, 2019

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 07 2019

CITY CLERK
MISHAWAKA, IN

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

Re: Fiscal Plans and Approving Resolutions for proposed Ordinances to Annex and Zone property into the City of Mishawaka: 16525 Arthur Street and 52781 Grape Road, Granger, IN 46530, and the adjacent Arthur Street and Grape Road right-of-way

Dear Council Members and Clerk:

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

Prior to preparing a fiscal plan, copies of the proposed request are forwarded to all applicable City Departments. The Departments are then asked what expenditures/costs will be required to service the area and if the request can be accommodated with the funds currently approved within the City Budget. In this case, given that the property is immediately adjacent to existing City limits, and that the developer is responsible for installing, and extending, all utilities to the site and constructing any required improvements within the public right-of-way, no additional expenditures are anticipated at this time.

Staff will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on March 18, 2019.

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

Sincerely,

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

cc: David A. Wood, Mayor

RESOLUTION NO. 2019 - 07

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

16525 Arthur Street and 52781 Grape Road, Granger, IN 46530 and the adjacent Arthur Road and Grape Road right-of-way to include approximately 3.4 acres

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:

A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET TO THE BEGINNING; THENCE CONTINUING NORTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 145.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°55'02" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 6.96 FEET; THENCE NORTH 00°00'00" WEST A DISTANCE OF 167.90 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 302.00 FEET TO A POINT OF THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 312.90 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 2.15 ACRES MORE OR LESS.

SAID ABOVE PARCEL TO ZONED R-1 SINGLE FAMILY DISTRICT.

A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 295.04 FEET TO THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 183.43 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 1.24 ACRES MORE OR LESS.

SAID ABOVE PARCEL TO ZONED R-3 MULTI-FAMILY DISTRICT.

COMMON ADDRESS: 16525 ARTHUR STREET AND 52781 GRAPE ROAD, GRANGER, IN 46530

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 ________________, 2019, at __________ o'clock __.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _______ day of _________________

2019, at _________o'clock __.M.

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

APPROVED by me this ________ day of __________________ 2019, at

__________ o'clock ___.M.

____
David A. Wood, Mayor

City of Mishawaka

DJSJ, LLC & Don Jr. and Jennifer Shaum
Single-Family & Multi-Family Residential Uses
16525 Arthur Street &
52781 Grape Road
Annexation

Property located West of Grape Road & North of Cleveland Road

March 2019

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

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

DJSJ, LLC & DON JR. AND JENNIFER SHAUM
ANNEXATION FISCAL PLAN

TABLE OF CONTENTS

R-1 SINGLE FAMILY DISTRICT: A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET TO THE BEGINNING; THENCE CONTINUING NORTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 145.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°55'02" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 6.96 FEET; THENCE NORTH 00°00'00" WEST A DISTANCE OF 167.90 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 302.00 FEET TO A POINT OF THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 312.90 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 2.15 ACRES MORE OR LESS.

R-3 MULTI-FAMILY DISTRICT: A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 295.04 FEET TO THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 183.43 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 1.24 ACRES MORE OR LESS.

COMMON ADDRESSES: 16525 ARTHUR STREET AND 52781 GRAPE ROAD, GRANGER, IN 46530

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.

R-1 SINGLE FAMILY DISTRICT: A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET TO THE BEGINNING; THENCE CONTINUING NORTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 145.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°55'02" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 6.96 FEET; THENCE NORTH 00°00'00" WEST A DISTANCE OF 167.90 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 302.00 FEET TO A POINT OF THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 312.90 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 2.15 ACRES MORE OR LESS.

R-3 MULTI-FAMILY DISTRICT: A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 295.04 FEET TO THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 183.43 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 1.24 ACRES MORE OR LESS.

COMMON ADDRESSES: 16525 ARTHUR STREET AND 52781 GRAPE ROAD, GRANGER, IN 46530

TAB B- BASIC DATA & FISCAL ANALYSIS

BASIC DATA & FISCAL ANALYSIS

A. LOCATION AND SIZE

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

A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET TO THE BEGINNING; THENCE CONTINUING NORTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 145.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°55'02" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 6.96 FEET; THENCE NORTH 00°00'00" WEST A DISTANCE OF 167.90 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 302.00 FEET TO A POINT OF THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 312.90 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 2.15 ACRES MORE OR LESS.

SAID ABOVE PARCEL TO BE ZONED R-1 SINGLE FAMILY DISTRICT.

A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 295.04 FEET TO THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 183.43 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 1.24 ACRES MORE OR LESS.

SAID ABOVE PARCEL TO BE ZONED R-3 MULTI-FAMILY DISTRICT.

COMMON ADDRESS: 16525 ARTHUR STREET AND 52781 GRAPE ROAD, GRANGER, IN 46530

Annexation Area

The area to be annexed includes two (2) parcels of property located west of Grape Road approximately 1,000 feet north of West Cleveland Road (S.R. 23). According to GIS parcel data, the common addresses are 16525 Arthur Road and 52781 Grape Road. The property at 16525 Arthur Road, which has a current tax identification number of 002-2030-0886, is occupied with a single family house. The other property at 52781 Grape Road is vacant and has a current tax identification number of 002-2017-0366. The parcels are bound to the south with approximately 295 linear feet being incorporated into the City, while the remaining adjacent properties are located in unincorporated St. Joseph County. The property is presently zoned R Single Family District within unincorporated St. Joseph County. If annexed, the north 2.15 acres will be zoned R-1 Single Family Residential District to allow six (6) single family residential lots fronting Arthur Street. The south 1.24 acres will be zoned R-3 Multi-Family Residential District to allow an approximate 10,500 sq. ft. three-story building with seven (7) town home units. The proposed configuration of the lots and the development is conceptually shown on the preliminary site plan.

Contiguity with the Existing City Limits

The property to be annexed into the City, including the existing Arthur Road and Grape Road public right-of-way, is approximately 3.4 acres. The external boundary of the annexation area measures +/-1,597 linear feet with +/-295 linear feet being contiguous with the current corporate boundary of the City of Mishawaka. The border of the contiguous area is 18.5% of the total external boundary. This is in excess of the minimum 12.5%, or 1/8, of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

B. TOPOGRAPHY AND EXISTING USE/IMPROVEMENTS

The area is characterized as being relatively flat with minimal relief across the site. Per the generalized two (2) foot contour topographic maps, elevations on the property range from over 802 feet along the northern boundary to 798 feet within the southeast corner along Grape Road. The property at 16525 Arthur Road includes a single-family residential house and an accessory structure. The other property to the south at 52781 Grape Road is unimproved land consisting of a large wooded area.

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is currently zoned R Residential within unincorporated St. Joseph County and includes a single-family residential house with an accessory structure and a vacant wooded lot. If the Mishawaka Common Council approves the annexation request, the north 2.15 acres will be zoned to R-1 Single Family Residential to allow for six (6) single family residential lots. The south 1.24 acres will be zoned to R-3 Multi-Family Residential to allow a multi-unit residential building with seven (7) town homes.

D. ASSESSMENT

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

Tax ID Number	Property Owner	Number of Acres	Land & Imp. Valuation
002-2030-0886 (16525 ARTHUR ST.)	DON SHAUM JR. & JENNIFER SHAUM	0.68 ACRES (EXCLUDING THE ADJ. R/W)	$57,100
002-2017-0366 (52781 GRAPE RD.)	DJSJ, LLC	2.00 ACRES (EXCLUDING THE ADJ. R/W)	$3,000

E. CURRENT TAX RATE

The City's tax rate 2018 payable 2019 was $2.0701 per $100 of assessed valuation. For property owners in Clay Township, in which this proposed annexation is located, the total taxes will be $4.3752 per $100 of assessed valuation. Property owners in this area currently pay $2.5101 per $100 of assessed valuation. These rates are based on the best information available at the time this plan was prepared. Actual tax rates will vary.

The delay in the effective date of the annexation, which will be January 2020 due to the decennial census, will result in different tax rates from those used in this analysis.

Normally tax rates do not fluctuate greatly from year to year that would significantly affect this analysis.

Tax District	Existing Tax Rate	Tax Rate after Annexation
Clay Township	2.5101	4.3752

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

2018	$2.0701
2017	$2.0516
2016	$1.9977
2015	$1.8750
2014	$2.0062
2013	$1.9086
2012	$1.8186
2011	$1.7362
2010	$1.6741
2009	$1.6557
2008	$1.5283
2007	$1.3326
2006	$1.3899
2005	$1.3382
2004	$1.3313
2003	$1.2476
2002	$1.8627
2001	$5.5007 [1]
2000	$5.2417

[1] *Change in Tax Code*

F. NEW ADDRESSES

If the proposed annexation is approved, the properties will be zoned R-1 Single Family Residential and R-3 Multi-Family Residential to allow six (6) single family residential lots and seven (7) multi-family residential (town home) units. The property will be developed in accordance with the requirements of the City of Mishawaka Zoning and Subdivision Ordinance, and the staff report/analysis for rezoning petition #19-01. Addresses will be assigned by the City of Mishawaka Engineering Department when the property is developed.

G. DETERMINATION OF SERVICE STANDARDS AND COSTS

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

The standards for infrastructure and services provided by the City of Mishawaka, broken down by department, have been included within this document following Tab C. After establishing an understanding of the existing conditions, each department or agency was asked to identify any capital improvements required to serve the proposed annexation area to meet existing city standards. It will be the responsibility of any current or future property owner/developer to bear any expense required to connect to existing City services. Given the location of the proposed annexation area, adjacent to the existing city limits, and, considering the 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 2019 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.

If approved, the effective date of the annexation will not be until January 1, 2020. State statutes (I.C. 36-4-3-7 (b)) do not allow municipalities to annex property during the year preceding a year in which a federal decennial census is conducted. Due to the delay in the effective date of the ordinance, the City of Mishawaka cannot approve any future site plans or issue any permits until 2020.

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

Analysis:

The two (2) properties proposed to be annexed include a single family residence with an accessory structure on the northern parcel, and a vacant/unimproved wooded parcel to the south. If the annexation is approved, the Petitioner is proposing to demolish the existing structures and construct six (6) single-family residential homes and a seven (7) unit multi-family residential building as conceptually shown on the preliminary site plan.

Per information presented by the Petitioner's surveyor and engineering consultant at the February 12, 2019 Plan Commission meeting, the developer anticipates construction to begin on the single-family homes within the next two years. Completion of these homes, and the rate at which the lots will be developed, will be dependent upon future market demand. The single-family homes are proposed to be constructed prior to the development of the multi-unit residential building. Due to the unknown timeframe for the multi-family residential component, the following analysis only includes the single-family homes.

If construction begins within the next two years, as anticipated, the annexation is expected to significantly increase the assessed valuations and provide positive impacts to a majority of other taxing districts. The Petitioner's consultant indicated the single-family homes will range from $350,000 to $400,000 with an average market value of $375,000. This equates to an anticipated net market value of approximately $2.25 million for the six (6) new homes. Based upon other single-family residential construction in St. Joseph County, these homes are expected to yield an initial assessed valuation of $2.1375 million (95% of the market value). The following analysis assumes that the homes will be owner-occupied and does not include the multi-family residential building due to the uncertainty with this part of the development. If developed, the proposed seven (7) units in the multi-family residential building will further increase the assessed valuations and provide additional tax revenue.

The current and future political subdivisions and their associated tax rates were determined by the geography of the property and the attached "Tax Rate Chart for the year 2018 payable 2019". (See Tab "D" / Appendix "C".) This chart is provided by the St. Joseph County Auditor's Office.

As previously mentioned, the actual tax rates will vary due to the delay in the effective date of the annexation.

Current property assessed Valuation:

$60,100

Future anticipated property assessed valuation:

$2,137,500

Current Property Taxes Generated from the Property:

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

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

This calculation has been done with a scenario before annexation for residential rental, non-homestead residential, and agricultural for the property located at 16525 Arthur Street (Tax Parcel #002-2030-0886); and for other (vacant) for the property located at 52781 Grape Road (Tax Parcel #002-2017-0366); then following annexation for homestead (owner-occupied residence) identifying the property as now being subject to the City tax rate.

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

Prior to annexation: $1,465

Following annexation: $27,225 (For the single-family homes only)

Political Subdivisions before Annexation:

Percent of tax rate and corresponding yearly estimated property tax revenue*
- St. Joseph County (26.5%) - $388.23
- Clay Township (14.1%) - $206.57
- South Bend Community School Corporation (45.1%) - $660.72
- St. Joseph County Public Library (13.1%) - $191.92
- Airport Authority (1.4%) - $20.51

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

The current tax rate of all of these entities combined is 2.5101.

The tax rate will increase to 4.3752 upon annexation to the City, however, the homestead (owner-occupied residence) tax cap rate including the exempt rate is at 1.3876. Even though the cap is set at 1.3876, the revenue will increase due to the estimated increase in assessed valuation realized from the proposed single-family residential use. Thus, the distribution of property tax revenue will increase for existing tax entities, except for Clay Township, based on getting a larger percentage of revenue when the City tax rate, and to a very minor extent, the South Bend Transpo rate is added to the overall rate.

Political Subdivisions following Annexation:

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

- St. Joseph County (15.2%) - $4,138.20 (+$3,749.97 per year)
- Clay Township (0.7%) - $190.58 (-$15.99 per year)
- South Bend Community School Corporation (25.9%) - $7,051.28 (+$6,390.56 per year)
- St. Joseph County Public Library (7.5%) - $2,041.88 (+$1,849.96 per year)
- Airport Authority (0.8%) - $217.80 (+$197.29 per year)
- South Bend Transpo (2.7%) - $735.08
- City of Mishawaka (47.3%) - $12,877.43

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

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

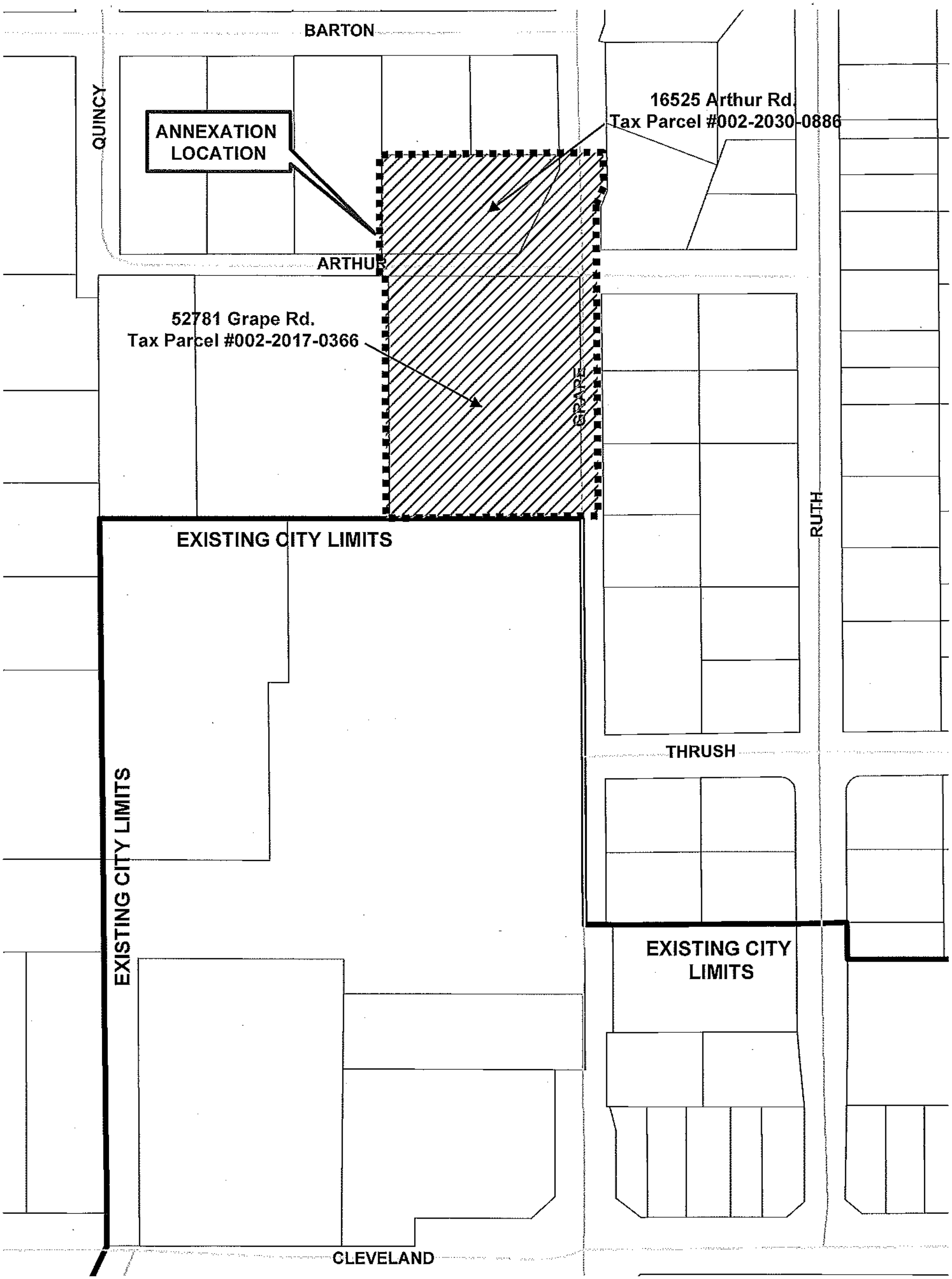
Straight line projection assuming existing use remains and the tax rate and assessed valuation remains constant

- St. Joseph County $16,552.80
- Clay Township $762.32
- South Bend Community School Corp. $28,205.12
- St. Joseph County Public Library $8,167.52
- Airport Authority $871.20
- South Bend Transpo $2,940.32
- City of Mishawaka $51,509.72

J. ASSUMED INDEBTEDNESS & COUNTY INFRASTRUCTURE REIMBURSEMENT

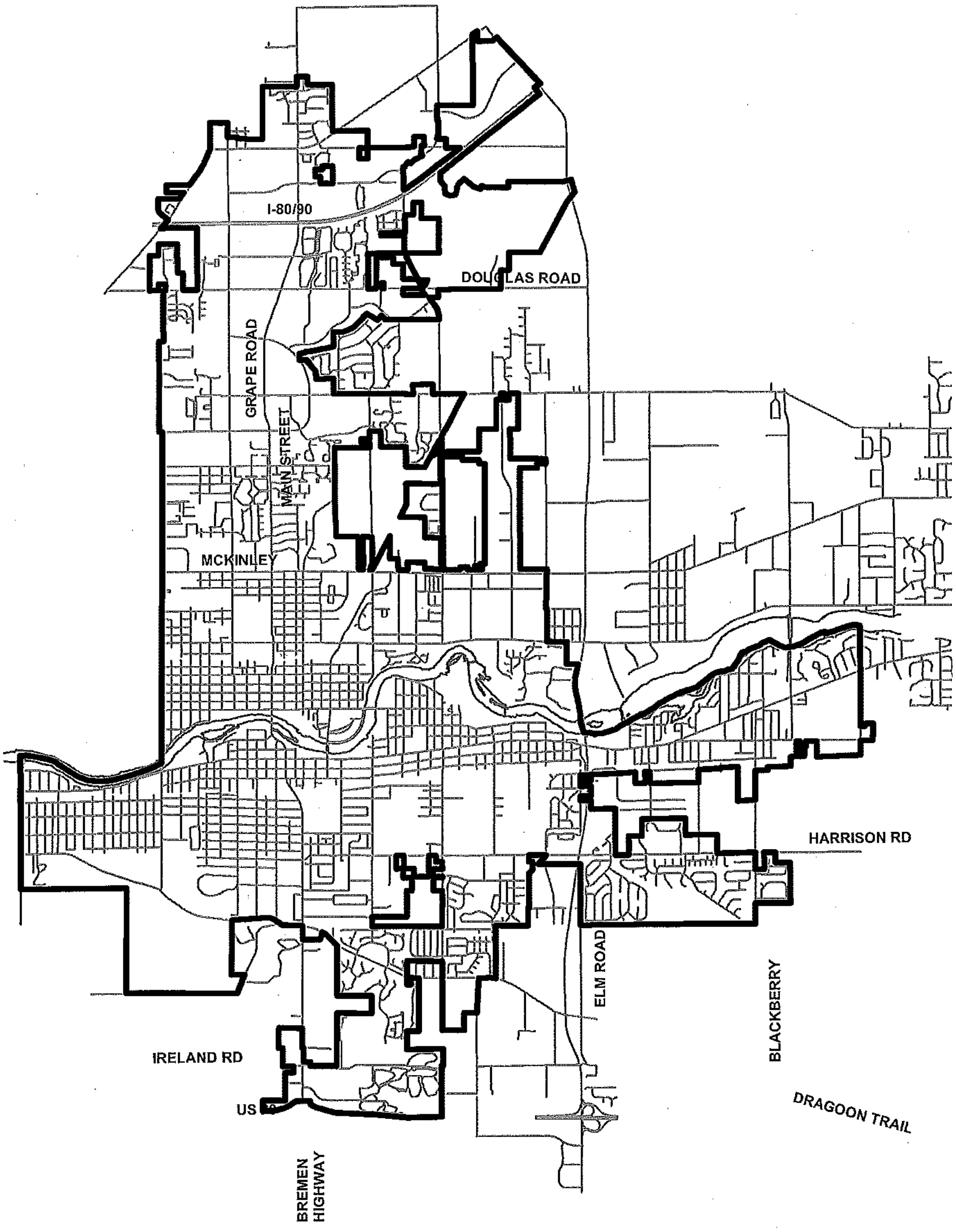
Pursuant to I.C. 36-4-3-4.2 under certain circumstances the City would be required to assume a portion of indebtedness as it would pertain to the proposed annexation area. Specifically, this would be required if the County had used property tax revenue to repay debt used to build infrastructure within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

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

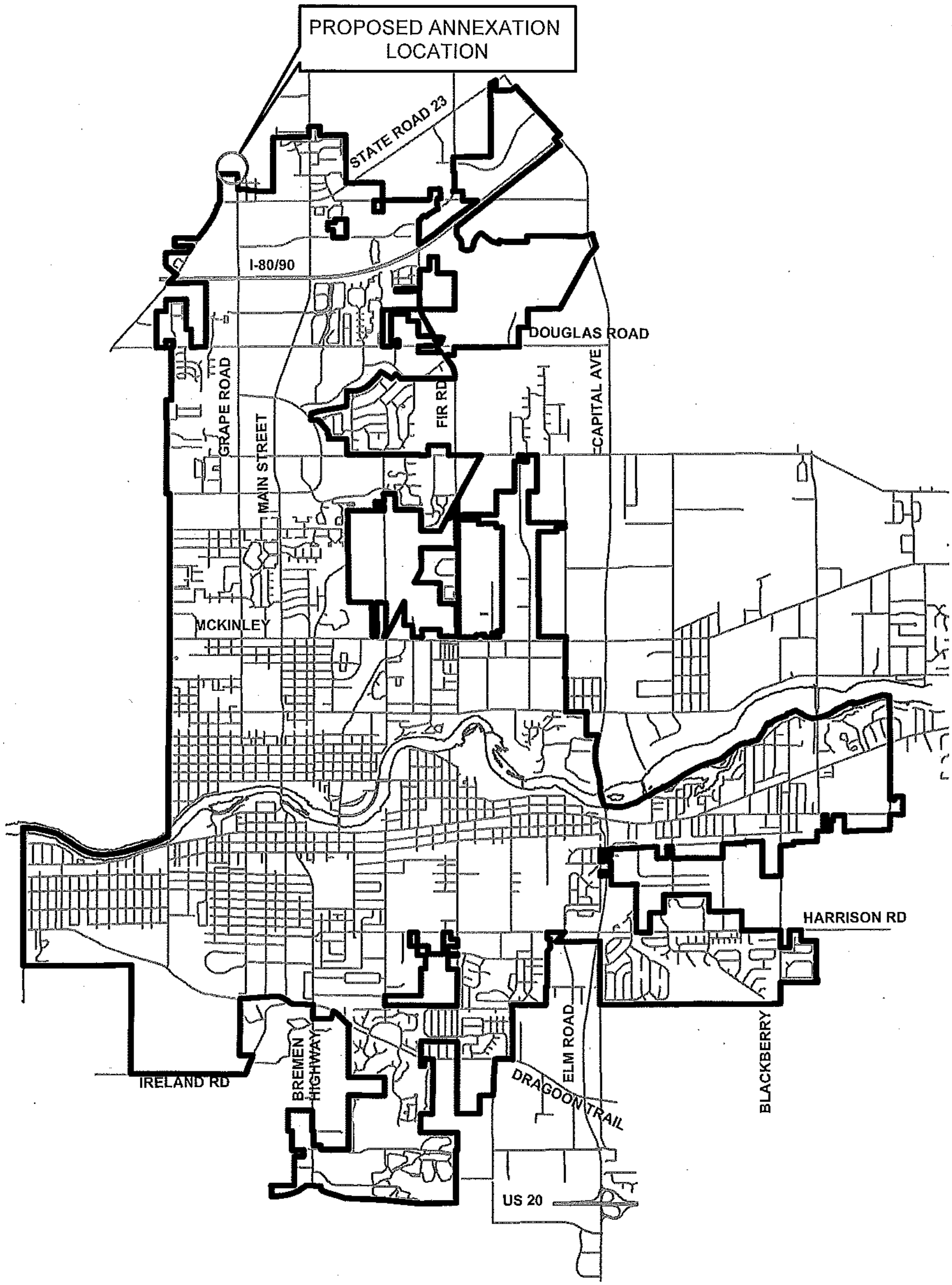


LOCATION MAP

MAP OF EXISTING CITY LIMITS



MAP OF PROPOSED CITY LIMITS



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED

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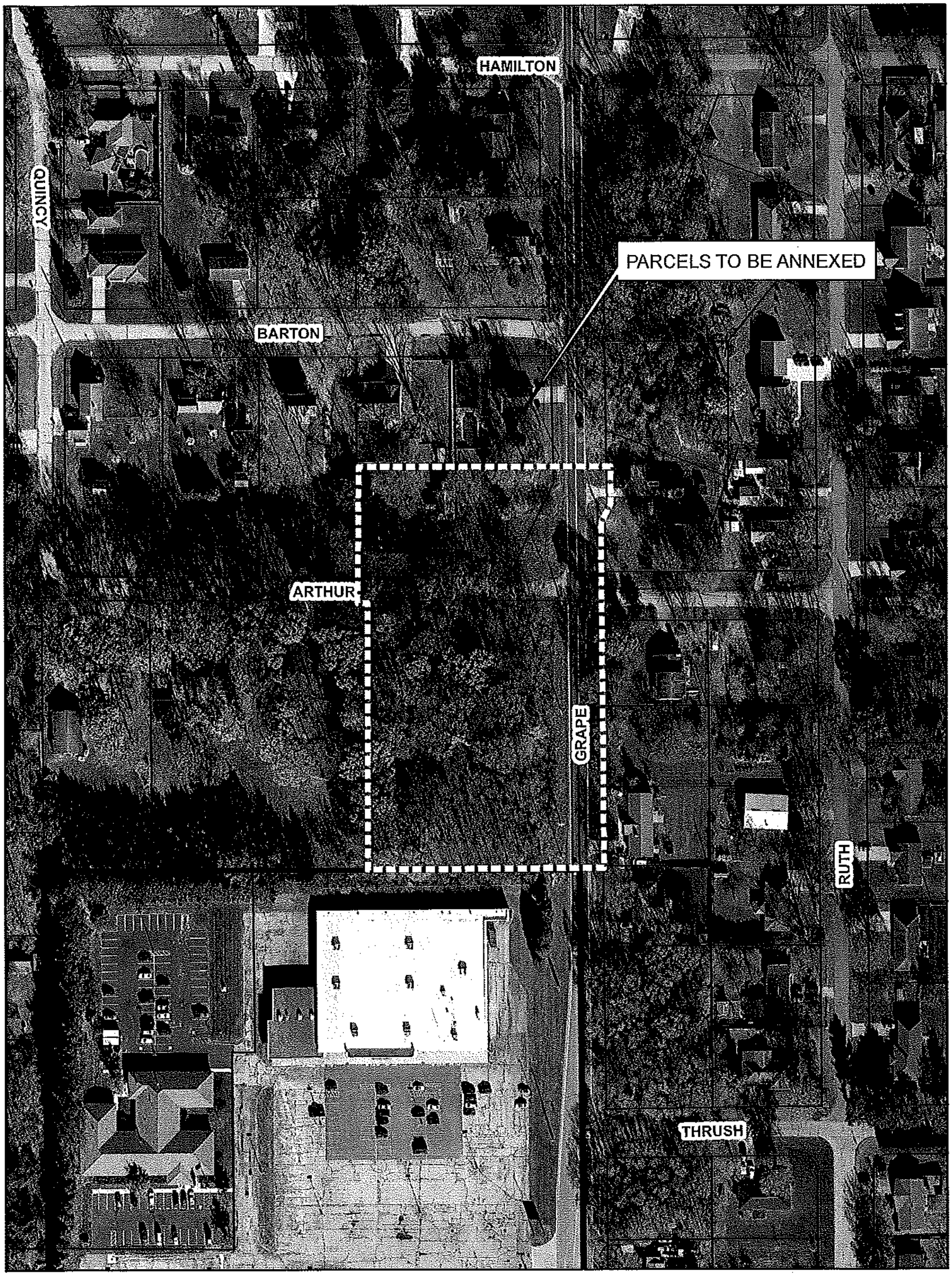
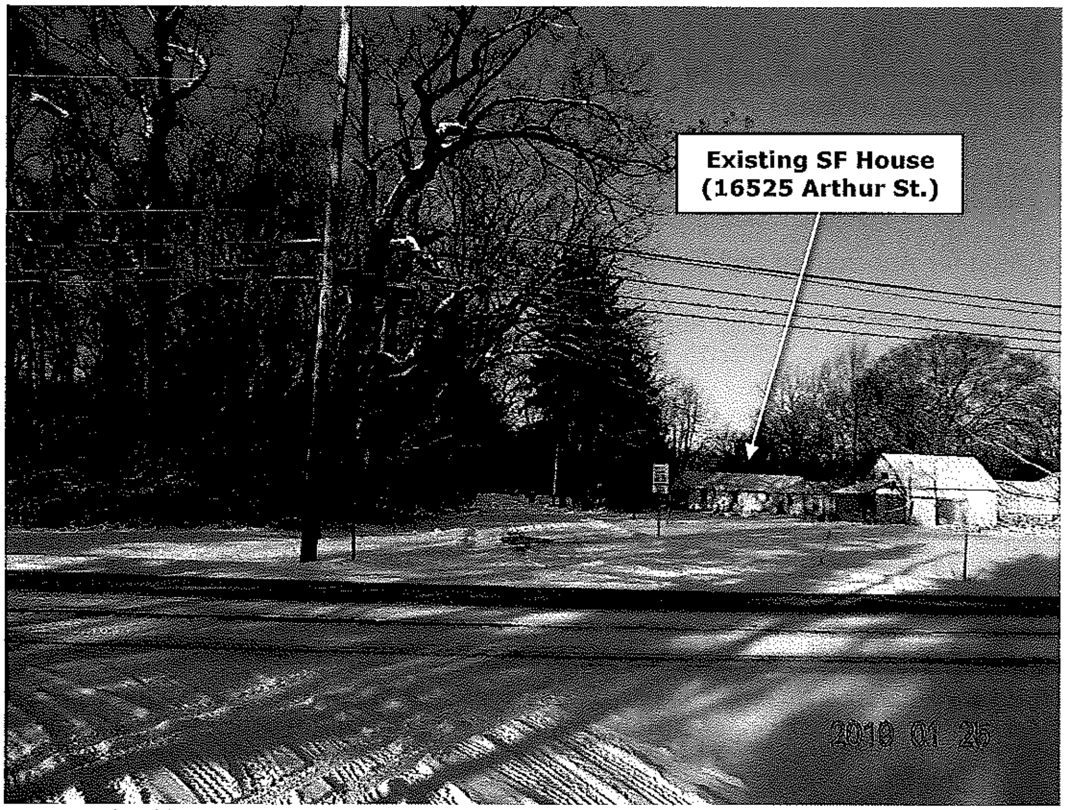


PHOTOGRAPHS OF PROPERTY TO BE ANNEXED



Looking westerly along Arthur Street and toward the site from Grape Road.

Looking Southwesterly from Grape Road toward the site.

January 22, 2019

PCT 19-01

RECEIVED

JAN 23 2019

BUILDING, PLANNING
COMMUNITY DEVELOPMENT

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

RE: Petition for Annexation and Zoning Classification

The undersigned DJSJ, LLC, Don Shaum, JR AND Jennifer Shaum respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

R-1 Multi Family District Area

A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the southeast corner of Lot 1 as shown on the Recorded plat of Crone's Arthur Street Minor Subdivision in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9320384; thence North 00°00'00" West along the east line of said Lot 1, a distance of 183.43 feet to the point of beginning; thence continuing North 00°00'00" West along said east line, a distance of 145.00 feet to the northeast corner of said Lot 1; thence North 89°55'02" West along the north line of said Lot 1, a distance of 6.96 feet; thence North 00°00'00" West a distance of 167.900 feet; thence South 89°55'02" East, a distance of 302.00 feet to a point of the east right-of-way line of Grape Road; thence South 00°00'00" East along said east line, a distance of 312.90 feet; thence North 89°55'02" West, a distance of 295.04 feet to the point of beginning containing 2.15 acres more or less.

R-3 Multi Family District Area

A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the southeast corner of Lot 1 as shown on the Recorded plat of Crone's Arthur Street Minor Subdivision in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9320384; thence North 00–00'00" West along the east line of said Lot 1, a distance of 183.43 feet; thence South 89–55'02" East, a distance of 295.04 feet to the east right-of-way line of Grape Road; thence South 00–00'00" East along said east line, a distance of 183.43 feet; thence North 89-55'02" West, a distance of 295.04 feet to the point of beginning containing 1.24 acres more or less.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located 16525 Arthur Street and 52781 Grape Road, both in Granger, Indiana and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a R-1 Residential District and R-3 Residential District. Petitioners further state they intend to utilize said land for single family and multi-family units.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

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

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a R-1 Residential District and R-3 Residential District.

x Donald L Shaum Jr

DJSJ, LLC

By Don Shaum Jr (print name)

22040 County Road 20

Goshen, Indiana 46525

x Donald L Shaum Jr

Don Shaum, Jr.

22040 County Road 20

Goshen, Indiana 46525

x Jennifer L. Shaum

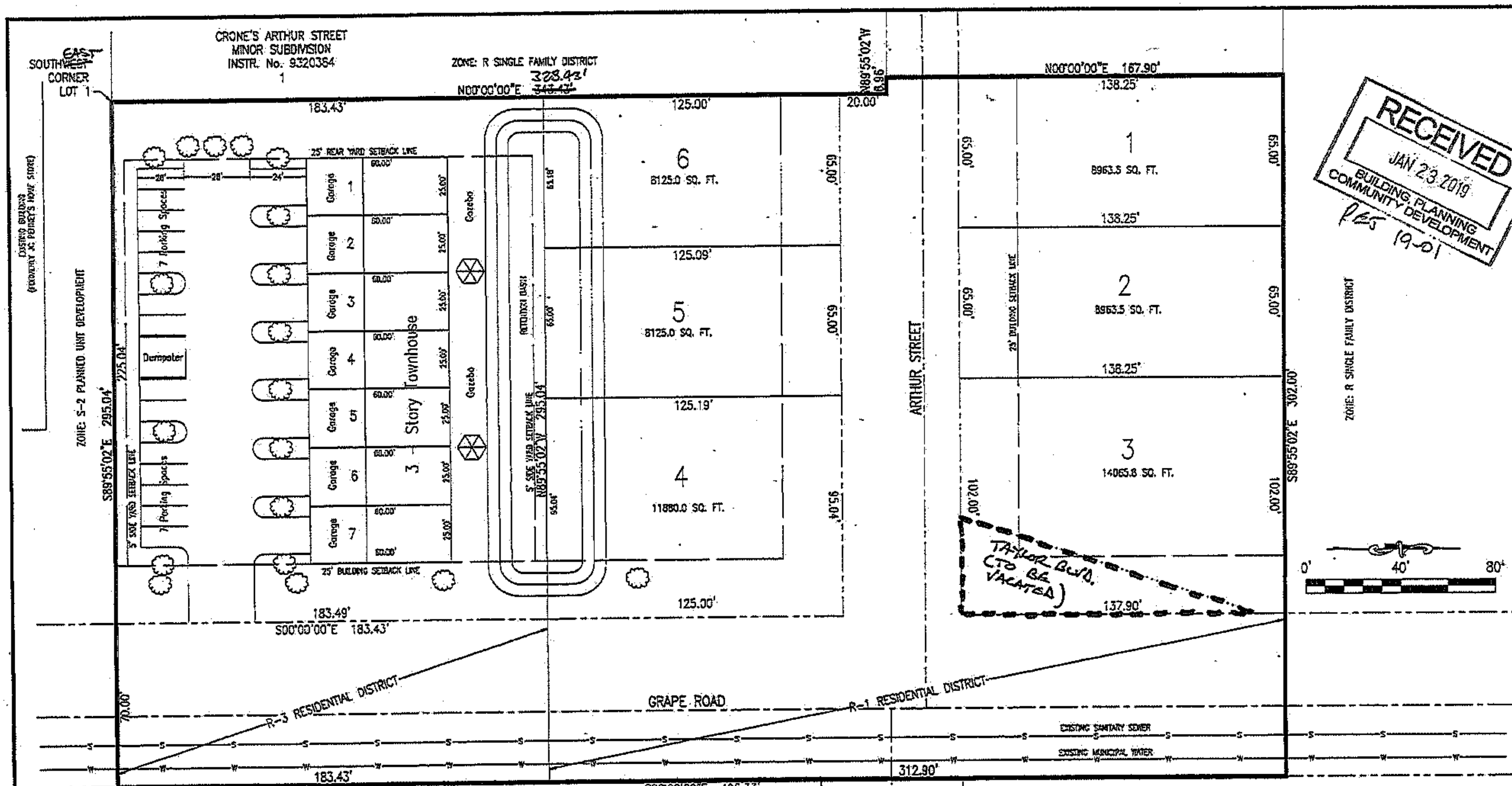
Jennifer Shaum

22040 County Road 20

Goshen, Indiana 46525

Contact Person:

Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com



SITE PLAN

PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1841

Land Surveyors • Soil Scientists

Scale	1" = 40'	Drawn	JMS
Date	1-22-19	Job Name	
Rev.		Job No.	
Rev.			

R-1 SINGLE FAMILY DISTRICT: A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET TO THE BEGINNING; THENCE CONTINUING NORTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 145.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°55'02" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 6.96 FEET; THENCE NORTH 00°00'00" WEST A DISTANCE OF 167.90 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 302.00 FEET TO A POINT OF THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 312.90 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 2.15 ACRES MORE OR LESS.

R-3 MULTI-FAMILY DISTRICT: A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 295.04 FEET TO THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 183.43 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 1.24 ACRES MORE OR LESS.

COMMON ADDRESSES: 16525 ARTHUR STREET AND 52781 GRAPE ROAD, GRANGER, IN 46530

TAB C- SUMMARY OF SERVICES

SUMMARY OF SERVICES

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

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

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

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

Instead of dealing with septic systems, property owners can tap into lines provided by Mishawaka Utilities Wastewater Division. The Division has a plant staffed 24 hours a day, and maintenance technicians are available at all times to respond to emergencies. The City's sewer insurance program provides sewer coverage for each single-family residential homeowner on the public sewer system for a small monthly fee, paid with the Mishawaka Utilities bill. With this program, the homeowner is protected from paying the cost of catastrophic sewer repairs outside the home. A $42 million expansion of the wastewater treatment plant was completed in June 2008. From 2013 to 2019, capital improvements to the wastewater system were made including the replacement of three lift stations, three emergency generators, and final clarifier troughs. Additional plant and system improvements are planned in the upcoming years.

The City's water rates have traditionally been among the lowest in the state. The Water Division completed a $26 million capital improvement project in 2003. Several improvements to the overall system were made including the addition of a new well field, the replacement of water mains, and the extension of services to some areas that previously did not have water service. Planned future improvements include a new water treatment facility and well field near Juday Creek in the northeast part of the City expected to break ground in 2020 or 2021.

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

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

Mishawaka has a full-time Fire Department, with four stations. The Department maintains a Class 3 fire rating with the Insurance Services Office (ISO). This rating is anticipated to drop to Class 2 in future years when the City requests reevaluation. The lower the rating, the lower a resident's homeowner's insurance will be. Additionally, the department's response time is excellent, and fire trucks arrive within three minutes to a call for 90 percent of the city.

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

The City's EMS Department is a centralized system that responded to approximately 8,000 calls in 2018. The City, with its population of nearly 50,000, responds to about 50% more calls than the County ambulance service does, with its population of over 100,000 residents spread over a much larger area. The business of "saving lives" has a very narrow window of four to six minutes, so the quicker an ambulance can respond, the more likely a life will be saved.

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

Access to leisure activities is readily available in the City of Mishawaka. Residents can use all 28 City parks and the Eberhart-Petro golf course. Park rentals, for events such as weddings and receptions, are also less expensive for residents of the City.

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

Trash pick-up in the City is also inexpensive and efficient, with the monthly fee for single-family trash pickup at $13.86. For senior citizens, the rate is $11.09. The rates include the cost of recycling and yard waste, 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 15 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 Sanitary Sewer Infrastructure

The City has an existing 18" gravity sanitary sewer main flowing north to south, on the west side of Grape Road that is terminated at the manhole structure just north of Thrush Street. The sanitary sewer main shall be extended north to Arthur Street and west on Arthur Street to the western boundary of this annexation. Individual sanitary sewer connections shall be made to each proposed single-family residential lot and the townhouse development. The sanitary sewer extension/connections shall be the responsibility of the owner/developer. The City's sanitary sewer system has ample capacity to serve this annexation property.

Existing Road/Transportation Infrastructure

This annexation is a corner lot and has frontage along both Grape Road and Arthur Street. Grape Road is a two-lane arterial road with travel lanes in each direction, one northbound travel lane, and one southbound travel lane. Arthur Street is a two-lane local street with travel lanes in each direction, one eastbound travel lane, and one westbound travel lane. This intersection has an offset configuration on Arthur Street with a two-way stop for east and westbound traffic on Arthur Street at Grape Road. These streets are currently maintained by the St. Joseph County Department of Public Works. Arthur Street and Grape Road shall be reconstructed with additional public right-of-way to meet current City Engineering Standards.

The six single-family homes shall have individual access from Arthur Street via residential drive approaches. No access for the single-family homes shall be from Grape Road. Access for the proposed townhomes shall have a single commercial drive approach. A deceleration lane/passing blister will be evaluated when further details of development are provided for review.

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 100-year return storm frequency for a 24-hour duration. 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. The developer is required to bear all costs associated with stormwater management and all land disturbing activities shall fully comply with the City's Erosion & Sediment Control Ordinance.

Planned Capital Expenditures, Staff and Rates

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

Personal Service Programs

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

Specifically, the Sewer Insurance Program covers each single-family residential homeowner connected to the public sewer system within the City of Mishawaka. Currently a $1.50 monthly fee is included in the monthly bill. However, under review and consideration with City Council this spring of 2019, the monthly fee has been proposed to be raised to $2.20. The Sewer insurance program protects the homeowner from paying catastrophic sanitary sewer repair costs for the portion of sanitary sewer lateral between the street right-of-way and outside the foundation wall of the home. Currently, this annexation area proposes an R-1 Single Family Residential, and therefore are eligible for this program. The townhomes located within the proposed R-3 Multi-Family Residential district may, or may not, be eligible for this program, which will be determined when further details of development are provided for review.

CITY OF MISHAWAKA
2019 BUDGET

ENGINEERING DEPARTMENT
101-13

1 PERSONAL SERVICES ***-see salary ordinance 5642 for amendments***

Salaries and Wages			biweekly
411-01	Director of Engineering	77,036.00	2,962.89
411-02	Assistant Director	63,876.00	2,456.75
	Project Manager	54,065.00	2,079.41
	Traffic Manager	52,706.00	2,027.14
	Project Coordinator	39,155.00	1,505.93
	Office Manager	34,273.00	1,318.16
	City GIS Coordinator	51,377.00	1,976.03
			372,488.00
Other Personal Services			
411-65	PE Certification	10,000.00	192.31
			382,488.00

2 SUPPLIES

Office Supplies			
421-90	General Supplies	8,000.00	
			8,000.00

3 OTHER SERVICES AND CHARGES

Professional Services			
431-06	Consulting	5,000.00	
Communication and Transportation			
432-03	Travel and Training	6,050.00	
Repairs and Maintenance			
436-01	Equipment Repair	2,500.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	1,000.00	
			14,550.00
			405,038.00

ELECTRIC SERVICE

Services and Rates

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

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

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

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

Personnel

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

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

Description of Services

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

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

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

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

Costs Associated with Services

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

FIRE PROTECTION/EMS

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

Staffing and Response Times

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

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

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

Fire Stations

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

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

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

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

Station No. 4, located at 3000 Harrison Road, is staffed by 5 firefighters manning one Seagrave pumper truck, and one Battalion Chief Vehicle.

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

For the year 2018 out of 8,009 runs 5,908 or roughly 74% were medical in nature. The Mishawaka Fire Department restructured going to a three-platoon system. With the addition of a third ambulance we were able to move ambulances out of one central location to be closer to the neighborhoods they served. This and the availability of paramedics on some engine companies have decreased the time in which it takes to start lifesaving interventions if needed. Engine and ladder companies also have Advanced E.M.T.'s on board who may begin vital treatment such as 12 lead E.K.G.'s, establishing I.V. lines, and administration of a handful of drugs. Once the ambulance arrives the paramedics take over in the continuum of care depending upon the severity of the call.

Equipment

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

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

Training

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

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

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

In the calendar year 2018 each firefighter took part in an average of 200+ hours of continuing education.

Complete training records for all personnel are available.

Fire Insurance Rating

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

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

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

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

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

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

Future Plans

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

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

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

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

Citizen Programs

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

In 2018 the Fire Prevention Bureau performed 2,128 fire inspections of new and existing buildings in Mishawaka.

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

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

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

Costs Associated With Services

If annexed, the City of Mishawaka Fire Department is capable of providing a level of service for the area that is equal to the services currently provided for the City. Given the proximity of the proposed annexation area, the Fire Department does not require any additional funds than what have been allocated within the current city budget to provide these services. For general information purposes, a copy of the year 2019 budget has been included for reference.

CITY OF MISHAWAKA
2019 BUDGET

FIRE/EMS DEPARTMENT
101-19

1 PERSONAL SERVICES - ***see salary ordinance 5642 for amendments***

Salaries and Wages			biweekly
411-01	Fire Chief	71,844.00	2,763.21
411-02	Assistant Chief		
	3 @ 66,304	198,912.00	2,550.13
	Battalion Chief		
	3 @ 64,853	194,559.00	2,494.31
	Captains 15 @ 61,721	925,815.00	2,373.87
	Lieutenants		
	15 @ 60,036	900,540.00	2,309.07
	Fire Inspectors		
	3 @ 60,036	180,108.00	2,309.07
	Driver Operator		
	30 @ 58,388	1,751,640.00	2,245.67
	1st Class Firefighter		
	34 @ 57,826	1,966,084.00	2,224.07
	Master Firefighters		
	11 @ 55,574	611,314.00	2,137.46
			6,800,816.00
	Civilian		
	Executive Secretary	34,561.00	1,329.24
			34,561.00
Other Personal Services			
411-12	Specialty Pay	234,050.00	
411-60	Overtime	600,000.00	
411-66	Uniform Allowance 115 @ 1250	143,750.00	
411-67	Pension Equalization	10,700.00	
			988,500.00
Employee Benefits			
413-01	Social Security	12,000.00	
413-02	Medicare	114,000.00	
413-03	PERF-14.2%	28,000.00	
413-05	Health Insurance	3,000,000.00	
413-06	Life/Disability Insurance	6,500.00	
413-08	Deferred Comp Match	67,000.00	
413-09	77 Pension 20.5%	1,363,250.00	
			4,590,750.00
			12,414,627.00

CITY OF MISHAWAKA
2019 BUDGET

FIRE/EMS DEPARTMENT
101-19

2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	6,000.00	
Operating Supplies			
422-01	Operating Supplies	200,000.00	
422-03	Medical Supplies	125,000.00	
Other Supplies			
429-10	Public Education Training/ Seminar Supplies/Refreshments	6,000.00	
			337,000.00
3 OTHER SERVICES AND CHARGES			
Repairs and Maintenance			
436-01	Building/ Equipment Repair	100,000.00	
436-91	Laundry Maintenance	3,000.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	3,000.00	
			106,000.00
			12,857,627.00

PARKS AND RECREATION OPPORTUNITIES

Parks and Recreation

Mishawaka offers 28 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. Disc golf is another popular park sport. The City also contains the Eberhart-Petro 18 hole municipal golf course located along the St. Joseph River.

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

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

Staff and Equipment

The park office staff consists of the Superintendent, Office Coordinator, and Community Center Director. There are 5 Park Divisions (Recreation, Special Events, Golf, Aquatics/Ice Rink, and Landscape). Four (4) have Division Directors and the Landscape Division is headed by the Landscape Manager.

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

Costs Associated With Services

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

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

For general information purposes, a copy of the year 2019 budget has been included for reference.

CITY OF MISHAWAKA
2019 BUDGET

PARK AND RECREATION
204-50

1 PERSONAL SERVICES					
Salaries and Wages					biweekly
411-01	Department Head	66,784.00			2,568.60
411-02	Regular Employees	479,334.00			
	Group 1: 14 @20.04*2092	586,932.00	1,133,050.00		
411-03	Temporary/Summer Help	496,000.00	496,000.00		
	Directors	1,800.00			
	Reimburse CS Assts. 1.25	65,906.00			
	Reimburse MVH director 5%	3,129.00	70,835.00		
			1,699,885.00		
Other Services Personal					
411-60	Overtime	30,000.00			
411-63	Longevity	12,050.00			
411-64	FTO	15,000.00	57,050.00		
Employee Benefits					
413-01	Social Security	106,000.00			
413-02	Medicare	25,000.00			
413-03	PERF 14.2%	171,000.00			
413-04	Unemployment	5,000.00			
413-05	Employee Insurance Benefits	375,000.00			
413-06	Life Insurance	1,500.00			
413-08	Deferred Comp Match	11,000.00			
			694,500.00		
			2,451,435.00		
2 SUPPLIES					
Office Supplies					
421-90	Office Supplies	5,000.00			
Operating Supplies					
422-02	Gas, Oil, Parts, etc.	73,000.00			
Other Supplies					
429-09	Merrifield Complex Supplies	25,000.00			
429-14	Maintenance Supplies	60,000.00			
429-15	Program Supplies	43,000.00			
429-16	Golf Course Concessions	40,000.00			
429-18	Athletic Event Supplies	20,000.00			
429-19	Battell Center Supplies	22,500.00			
429-20	Golf Course Supplies	35,000.00			
429-21	Other Concessions	5,000.00			
429-23	Merrifield/BC Concessions	20,000.00			
			348,500.00		

PARK AND RECREATION
204-50

3 OTHER SERVICES AND CHARGES

Professional Services			
431-09	Health Screenings/Vaccines	8,000.00	
Communication and Transportation			
432-02	Postage and Freight	2,000.00	
432-03	Travel and Training	3,000.00	
432-04	Telephone	7,000.00	
Printing and Advertising			
433-01	Printing/Newsletter etc.	10,000.00	
Insurance			
434-90	Insurance Premiums/Deductibles	120,000.00	
Utility Services			
435-01	MU/AEP Charges	370,000.00	
435-02	NIPSCO	30,000.00	
Repairs and Maintenance			
436-01	Equipment/Facility Repair	50,000.00	
436-90	Service Contracts	95,000.00	
Rentals			
437-05	Uniforms/Port-o-lets	11,500.00	
Other Services and Charges			
439-03	Subscription, Dues, etc.	1,400.00	
439-09	Miscellaneous/Charges	1,000.00	
439-18	Instructor Fees	20,500.00	
439-19	Official/Referee Fees	10,000.00	
439-21	Recreation Event/Entertainment	41,000.00	
439-93	Sales Tax	25,000.00	
			805,400.00
			3,605,335.00

CITY OF MISHAWAKA
2019 BUDGET

PARK AND RECREATION NON-REVERTING
214-50

1 PERSONAL SERVICES			
Salaries and Wages			
411-03	Temporary Help	15,000.00	
			15,000.00
2 SUPPLIES			
Other Supplies			
429-17	Landscaping/Chemical Supplies	60,000.00	
			60,000.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-06	Consulting	75,000.00	
Communication and Transportation			
432-04	Wilson Hill Phone and Internet	2,500.00	
Repairs and Maintenance			
436-01	Golf Cart Repair	5,000.00	
436-90	Animal Control	15,000.00	
	GPS Contract	28,200.00	
			125,700.00
			200,700.00

POLICE AND CRIME PREVENTION

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

Staffing

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

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

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

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

Equipment

The Police Department has a take-home patrol car program. Currently, there are 106 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, 35 cars are equipped with video cameras to record events on patrol. The City provides for the continual maintenance, repair, and replacement of equipment. Standard equipment items such as cars and firearms are on a set replacement schedule for both reliability and performance.

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

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

The Community Relations Unit

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

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

Street Crimes Unit

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

Riverwalk Beat

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

CAPS Program

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

Response Time and Crime Statistics

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

Mishawaka crime rates in general continue to remain low for cities of comparable sizes. Serious crimes such as homicides, rapes, assaults, auto thefts and arsons have increased from 2017 to 2018. There was a decrease in robberies, burglaries and larcenies from 2017 to 2018. Overall there was a 1% increase in crime in 2018. Mishawaka had 3 homicides in 2017. In 2018 there were 5 homicides.

For general information purposes, a copy of the year 2019 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
2019 BUDGET

POLICE DEPARTMENT
101-20
1 PERSONAL SERVICES - ***see salary ordinance 5642 for amendments***

			biweekly
Salaries and Wages			
411-01	Police Chief	72,299.00	2,780.69
411-02	Assistant Chief		
	3 @66,758	200,274.00	2,567.58
	Captains		
	6 @ 61,121	366,726.00	2,350.80
	Lieutenants		
	14 @ 59,964	839,496.00	2,306.30
	Sergeants		
	20 @ 58,843	1,176,860.00	2,263.16
	1st Patrol Officer		
	46 @ 58,079	2,671,634.00	2,233.80
	2nd Patrol Officer		
	18 @ 56,029	1,008,522.00	2,154.95
			6,335,811.00
	Civilians		
	Executive Secretary	34,561.00	
	Administrative Secretary	34,273.00	
	Secretary 2 @ 33,818	67,636.00	
	Parking Personnel	33,818.00	
	Property Manager	37,994.00	
	Services Administrator	39,236.00	247,518.00
	Crossing Guards 21 @ 7,428	155,988.00	
411-03	Substitute Crossing Guard	2,000.00	
	Temporary Help/Part-time	20,000.00	177,988.00
Other Personal Services			
411-60	Overtime/ Court-time Officer-Non Officer	500,000.00	
411-66	Uniform Allowance		
	1 @ 600, 108 @ 2050	222,000.00	
411-02	Shift Differential 2nd @350 3rd @ 700	57,600.00	
411-66	Equipment Allowance	30,000.00	
			809,600.00
Employee Benefits			
413-01	Social Security	29,000.00	
413-02	Medicare	113,890.00	
413-03	PERF 14.2%	35,148.00	
413-05	Health Insurance	2,650,000.00	
413-06	Life Insurance	6,250.00	
413-07	Deferred Comp Benefit	65,000.00	
413-10	77 Pension 19.5%	1,195,000.00	
			2,899,288.00
			10,470,205.00

CITY OF MISHAWAKA
2019 BUDGET

POLICE DEPARTMENT
101-20

2 SUPPLIES			
Operating Supplies			
422-01	Operating Supplies	35,000.00	
Other Supplies			
429-11	Seminars/ Community Relations	1,000.00	
			36,000.00
3 OTHER SERVICES AND CHARGES			
Communication and Transportation			
432-03	Travel and Training	2,000.00	
Printing and Advertising			
433-01	Printing	1,800.00	
Repairs and Maintenance			
436-01	Building Repair/ Maintenance Service Contracts	90,000.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	3,000.00	
439-11	Special Expense	13,000.00	
439-12	Canine Expenses	3,000.00	
439-16	Crime Stoppers Program	5,000.00	
			117,800.00
			10,624,005.00

STREET DEPARTMENT

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

Staffing

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

Equipment

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

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

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

Services

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

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

Also, in the event of a wind storm that blows trees into streets, the City can have the street reopened, 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 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 2019 budget has been included for reference.

CITY OF MISHAWAKA
2019 BUDGET

CENTRAL SERVICES DEPARTMENT
101-22

1 PERSONAL SERVICES				
Salaries and Wages				biweekly
411-02	Assistant 4 @52,725	210,900.00		1,978.94
	Fleet Maintenance Technician			
	6 @ 21.10*2092	264,834.00		
	Group 1: 4 @ 20.04*2092	167,724.00		
	PT maintenance 1040 hrs @ 11.00	11,440.00		
	Reimburse MVH Director-62,566*5%	3,128.00		
			658,026.00	
Other Services Personal				
411-60	Overtime	15,000.00		
411-63	Longevity	6,595.00		
			21,595.00	
			679,621.00	
2 SUPPLIES				
Office Supplies				
421-90	Office Supplies	2,000.00		
Operating Supplies				
422-02	Gas, Oil, etc.	800,000.00		
422-05	Equipment/ Vehicle/Maint Supplies	110,000.00		
Other Supplies				
429-08	Uniform/ Supplies	5,750.00		
			917,750.00	
3 OTHER SERVICES AND CHARGES				
Professional Services				
431-09	Health Screenings/ Vaccines	1,000.00		
Communication and Transportation				
432-03	Travel and Training	1,000.00		
Repairs and Maintenance				
436-01	Building Repair / Equipment/Maint	70,000.00		
Rentals				
437-05	Uniforms	5,000.00		
Other Services and Charges				
439-09	Miscellaneous Charges	1,500.00		
			78,500.00	
			1,675,871.00	

CITY OF MISHAWAKA
2019 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

1 PERSONAL SERVICES

Salaries and Wages			biweekly
411-01	Street Commissioner	62,566.00	2,406.35
411-02	Office Administrator	34,777.00	1,337.56
	Office Manager	34,273.00	1,318.16
	Group 1: 32 @ 20.04*2092	1,341,792.00	
	CS reimburse-52,725* 1.55 for assts.	81,724.00	
			1,555,132.00
Other Services Personal			
411-60	Overtime	80,000.00	
411-63	Longevity	18,300.00	
411-64	FTO (Flexible Time Off) Plan	8,000.00	
			106,300.00
Employee Benefits			
413-01	Social Security	98,000.00	
413-02	Medicare	23,000.00	
413-03	PERF 14.2%	224,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Ins Benefits	640,000.00	
413-06	Life Insurance	2,250.00	
413-07	Deferred Comp Benefit	14,000.00	
			1,006,250.00
			2,667,682.00

2 SUPPLIES

Office Supplies			
421-90	Office Supplies	1,500.00	
Operating Supplies			
422-02	Gas, Oil, etc.	100,000.00	
Repair and Maintenance Supplies			
423-03	Equipment/ Parts, Supplies	175,000.00	
Other Supplies			
429-08	Uniform Supplies	7,000.00	
429-13	Traffic Supplies	35,000.00	

MOTOR VEHICLE HIGHWAY 201-50			318,500.00
3 OTHER SERVICE AND CHARGES			
Professional Services			
431-09	Health Screenings/ Vaccines	5,000.00	
Communication and Transportation			
432-03	Travel and Training	3,000.00	
432-04	Telephone/ Paging	7,500.00	
Printing and Advertising			
433-02	Publications	500.00	
Insurance			
434-90	Insurance Premiums/Deductibles	175,000.00	
Utility Service			
435-01	MU Charges	165,000.00	
435-02	NIPSCO	70,000.00	
Repairs and Maintenance			
436-01	Building/ Equipment Repair	200,000.00	
Rentals			
437-05	Uniforms	8,000.00	
Other Services and Charges			
439-09	Miscellaneous Charges	3,000.00	
			637,000.00
4 CAPITAL OUTLAYS			
Improvements Other than Buildings			
442-01	Street Repair		
	Community Crossings Grant match	300,000.00	
			300,000.00
			3,923,182.00

CITY OF MISHAWAKA
2019 BUDGET

LOCAL ROAD AND STREET
202-50

4 CAPITAL OUTLAYS

<u>Improvements other than Buildings</u>

442-01	Street Repair/Summer Program	733,000.00	
			733,000.00

LOIT SPECIAL DISTRIBUTION
257-50

3 OTHER SERVICES AND CHARGES

<u>Professional Services</u>

431-06	Consulting	5,977.00	
			5,977.00

WASTE DISPOSAL AND RECYCLING SERVICES

Waste Disposal and Recycling Services

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

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

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

Leaf pick-up and the Organic Center

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

WASTEWATER

Services

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

Facilities

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

For the year 2018, an average flow of 11.53 MGD was treated. The average cBOD removal was 98% and the average suspended solids removal was 97%.

Staff

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

Support Personnel

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

Past and Planned Capital Improvements

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

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

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

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

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

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

In 2019, the west side final clarifier troughs will be replaced. Also in 2019 a contract was awarded for miscellaneous plant improvements to include replacement of the manual bar screen with a new automated fine screen, improvements to the hypochlorite disinfection system, improvements to CSO 009, and replacement of the existing air monitoring systems in the Headworks and Digester Control Buildings. Also, in early 2019 a bid was awarded for the replacement of the Home St. lift station to be constructed in 2019.

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

Statistical Information

Mishawaka's wastewater treatment plant exhibits outstanding performance. For the year 2018 the average removals and effluent concentrations were as follows:

	Percent Removal	Effluent Concentration mg/l
CBOD	98%	<2.6
Total Suspended Solids	97%	<3.5
Phosphorus	84%	0.52
Ammonia Nitrogen	98%	<0.36

During 2019 there was 1 exceedances of NPDES permit effluent mercury limitations. The permit limit for mercury is 3.2 parts per trillion as an annual average over the most recent (rolling) 12 month period. In February the annual average was 3.7 parts per trillion. This is a very low limit and treatment plants are not designed specifically for mercury removal. A part per trillion is the equivalent of one inch in sixteen million miles. Compliance with this limit is dependent on controlling discharges of mercury at their source. The Utility has developed a Mercury Minimization Plan to address source control of mercury discharges.

Costs Associated with Services

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

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

WATER SERVICE

Water Utilities

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

Serving the Proposed Annexation Area

There is a 14" water main on the left side of Gumwood Road, which ends just past the now vacant 52781 Grape Road property at the proposed annexation site property line. A water main extension would need to be done to extend water to the property. The owner should also note that with multi story units a booster pump might be needed to supply water to the upper floors. That cost is the responsibility of the owner.

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

Staff and Services

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

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

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

Services to Residents

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

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

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.

R-1 SINGLE FAMILY DISTRICT: A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET TO THE BEGINNING; THENCE CONTINUING NORTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 145.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°55'02" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 6.96 FEET; THENCE NORTH 00°00'00" WEST A DISTANCE OF 167.90 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 302.00 FEET TO A POINT OF THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 312.90 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 2.15 ACRES MORE OR LESS.

R-3 MULTI-FAMILY DISTRICT: A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 295.04 FEET TO THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 183.43 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 1.24 ACRES MORE OR LESS.

COMMON ADDRESSES: 16525 ARTHUR STREET AND 52781 GRAPE ROAD, GRANGER, IN 46530

TAB D - APPENDICES

RESOLUTION NO. 2019 - 07

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

16525 Arthur Street and 52781 Grape Road, Granger, IN 46530 and the adjacent Arthur Road and Grape Road right-of-way to include approximately 3.4 acres

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:

> A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET TO THE BEGINNING; THENCE CONTINUING NORTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 145.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°55'02" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 6.96 FEET; THENCE NORTH 00°00'00" WEST A DISTANCE OF 167.90 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 302.00 FEET TO A POINT OF THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 312.90 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 2.15 ACRES MORE OR LESS.
>
> SAID ABOVE PARCEL TO ZONED R-1 SINGLE FAMILY DISTRICT.

A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 AS SHOWN ON THE RECORDED PLAT OF CRONE'S ARTHUR STREET MINOR SUBDIVISION IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS INSTRUMENT NO. 9320384; THENCE NORTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 183.43 FEET; THENCE SOUTH 89°55'02" EAST, A DISTANCE OF 295.04 FEET TO THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 183.43 FEET; THENCE NORTH 89°55'02" WEST, A DISTANCE OF 295.04 FEET TO THE POINT OF BEGINNING CONTAINING 1.24 ACRES MORE OR LESS.

SAID ABOVE PARCEL TO ZONED R-3 MULTI-FAMILY DISTRICT.

COMMON ADDRESS: 16525 ARTHUR STREET AND 52781 GRAPE ROAD, GRANGER, IN 46530

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 __________________, 2019, at ____________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _______ day of __________________

2019, at _________o'clock ___.M.

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

APPROVED by me this ________ day of ___________________ 2019, at

__________ o'clock ____.M.

____
David A. Wood, Mayor

Appendix "B"
Annexation Ordinance

PETITION #19-01

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:

R-1 Single Family District: A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the southeast corner of Lot 1 as shown on the Recorded plat of Crone's Arthur Street Minor Subdivision in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9320384; thence North 00°00'00" West along the east line of said Lot 1, a distance of 183.43 feet to the beginning; thence continuing North 00°00'00" West along said east line, a distance of 145.00 feet to the northeast corner of said Lot 1; thence North 89°55'02" West along the north line of said Lot 1, a distance of 6.96 feet; thence North 00°00'00" West a distance of 167.90 feet; thence South 89°55'02" East, a distance of 302.00 feet to a point of the east right-of-way line of Grape Road; thence South 00°00'00" East along said east line, a distance of 312.90 feet; thence North 89°55'02" West, a distance of 295.04 feet to the point of beginning containing 2.15 acres more or less.

R-3 Multi-Family District: A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the southeast corner of Lot 1 as shown on the Recorded plat of Crone's Arthur Street Minor Subdivision in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9320384; thence North 00°00'00" West along the east line of said Lot 1, a distance of 183.43 feet; thence South 89°55'02" East, a distance of 295.04 feet to the east right-of-way line of Grape Road; thence South 00°00'00" East along said east line, a distance of 183.43 feet; thence North 89°55'02" West, a distance of 295.04 feet to the point of beginning containing 1.24 acres more or less.

COMMON ADDRESS: 16525 Arthur Street and 52781 Grape Road

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 R-1 Single Family Residential District and R-3 Multi-Family Residential District.

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

1. Existing Conditions - The subject parcels are located along a moderately travelled section of Grape Road adjacent to property zoned for commercial, retail, office, restaurant, and single family residential uses. The annexation area consists of an existing single-family house and vacant land. Adjacent land uses include an office, commercial, and restaurant to the south, and single family residential to north, west, and east.

2. Character of Buildings in Area - The character of the buildings located adjacent to and in the surrounding area are commercial and residential. Single family residential homes are located to the north, west, and east of the property, with an office building and vacant retail building and restaurant to the south.

3. The most desirable/highest and best use - With the property's location adjacent to both commercial and single family residential uses, the most desirable uses for the property are transitional multi-family and single family residential as proposed.

4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed uses will provide a transition from the commercial uses to the south and the single family residential uses to the north.

5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family and single family uses are reasonably consistent with adjacent land uses along this portion of the Grape Road corridor.

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 ________________, 2019, at _______ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ______ day of ________________, 2019, at o'clock ______.M.

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

APPROVED by me this ______ day of ________________, 2019, at ______ ________o'clock ________.M.

____
David A. Wood, Mayor

1. 2.

Appendix "C"

Tab Rate Chart for the year 2018 payable 2019

Notice is hereby given that the Tax Duplicates for the Taxing Units of St. Joseph County, for the year 2018 payable 2019, are now in the hands of the St. Joseph County Auditor, who is ready to receive the Taxes charged thereon.
The following table shows the rate of taxation on each $100.00 of Taxable Real Estate, Personal Property and Mobile Homes. The first installment will be delinquent after May 10, 2019.
Second installment will be delinquent after November 12, 2019. Michael J. Hamann, Auditor of St. Joseph County.

Fund	Fund Name	71 001 Centre Township	71 002 South Bend - Centre	71 003 Clay Township	71 004 South Bend - Clay	71 005 Mishawaka - Clay	71 006 Indian Village	71 007 Roseland	71 008 German Township	71 009 South Bend - German	71 010 Greene Township	71 011 Harris Township	71 014 Lincoln Township	71 015 Walkerton	71 016 Madison Township
101	County General	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532
124	Cumulative Reassessment	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135
180	Debt Service	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086
702	Highway														
706	LR & S														
720	Major Moves SPC														
790	Cumulative Bridge	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098
792	Major Cumulativa Bridge	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180
801	Health	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192
822	Medical Center														
1301	Park & Recreation	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237
2391	Cumulative Capital Development	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180
711	Total COUNTY	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640
61	Township Rainy Day														
101	Township General Fund			0.0260	0.0260	0.0260	0.0260	0.0260				0.0098	0.0680	0.0680	0.0125
601	Twp Community Bldg										0.0067				
840	Twp Poor Relief/Twp Assistance			0.0043	0.0043	0.0043	0.0043	0.0043	0.0094	0.0094	0.0012				
1101	Twp EMS Fund														
1111	Twp Fire										0.1509				0.0784
1181	Twp Fire Bldg Debt Fund														
1187	Twp Emerg Fire Loan														
1190	Twp Cum Fire														0.0300
1312	Twp Recreation								0.0052	0.0052					
8604	Twp Fire Territory General	0.2999		0.2943			0.2943	0.2943	0.2943			0.2943			
8692	Twp Fire Terrority Equip Repla	0.0266		0.0282			0.0282	0.0282	0.0282			0.0282			
712	Total TOWNSHIP	0.3265	0.0000	0.3528	0.0303	0.0303	0.3528	0.3528	0.3371	0.0146	0.1588	0.3323	0.0680	0.0680	0.1209
61	City/Town Rainy Day														
101	City General		2.8140		2.8140	1.7650		0.5699		2.8140				1.1474	
180	City Debt Service														
181	City/Town Debt Payment														
182	City/Town Bond #2													0.1234	
341	City Fire Pension														
342	City Police Pension														
706	City/Town LR & S														
708	City MVH													0.0288	
720	City/Town Major Moves Spc														
1191	City Cum Fire Special														
1301	City Park & Rec		0.6621		0.6621	0.2228				0.6621				0.1923	
1303	City/Town Park														
1380	Park Bond		0.0461		0.0461					0.0461					
2120	City Cemetary														
2379	City/Town CCI														
2391	City Cum Cap Development		0.0300		0.0300	0.0477		0.0370		0.0300				0.0453	
6290	City Cum Sewer					0.0346									
8604	City Town Fire Territory Gen												0.3662	0.3662	
8692	City Town Fire Terr Eqp Replac												0.0325	0.0325	
713	Total CITY/TOWN	0.0000	3.5522	0.0000	3.5522	2.0701	0.0000	0.6069	0.0000	3.5522	0.0000	0.0000	0.9987	1.9359	0.0000
22	Referendum-Exempt Operating														
61	School Rainy Day														
180	School Debt Service	0.0474	0.0474	0.0474	0.0474	0.0474	0.0474	0.0474	0.0474	0.0474	0.0474	0.2853	0.0882	0.0882	0.2853
188	School Debt Service Exempt CB	0.3145	0.3145	0.3145	0.3145	0.3145	0.3145	0.3145	0.3145	0.3145	0.3145	0.0630	0.3825	0.3825	0.0630
189	School Pension Debt Ex CB	0.0643	0.0643	0.0643	0.0643	0.0643	0.0643	0.0643	0.0643	0.0643	0.0643	0.0134	0.0226	0.0226	0.0134
287	Referendum Debt-Exempt Capital														
3101	Education														
3300	Operations	0.7050	0.7050	0.7050	0.7050	0.7050	0.7050	0.7050	0.7050	0.7050	0.7050	0.5483	0.6091	0.6091	0.5483
714	Total SCHOOL	1.1312	1.1312	1.1312	1.1312	1.1312	1.1312	1.1312	1.1312	1.1312	1.1312	0.9100	1.1024	1.1024	0.9100
61	Rainy Day														
101	Library General	0.2976	0.2976	0.2976	0.2976	0.2976	0.2976	0.2976	0.2976	0.2976	0.2976	0.1349	0.0869	0.0869	
180	Library Debt Service	0.0214	0.0214	0.0214	0.0214	0.0214	0.0214	0.0214	0.0214	0.0214	0.0214		0.0706	0.0706	
188	Library Debt Serv Exempt CB	0.0088	0.0088	0.0088	0.0088	0.0088	0.0088	0.0088	0.0088	0.0088	0.0088	0.0270			
286	Library Lease/Rent Exempt CB														
2011	Library LIRF														
715	Total LIBRARY	0.3278	0.3278	0.3278	0.3278	0.3278	0.3278	0.3278	0.3278	0.3278	0.3278	0.1619	0.1575	0.1575	0.0000
8001	So Bend Transpo		0.1175		0.1175	0.1175				0.1175					
8090	So Bend Transpo Spec Tran Cum														
8101	Airport Authority General	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312
8180	Airport Sp Airport Debt														
8190	Airport Authority Cum Bldg	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031
8210	Sp Solid Waste Ma														
716	Total SPECIAL UNIT	0.0343	0.1518	0.0343	0.1518	0.1518	0.0343	0.0343	0.0343	0.1518	0.0343	0.0343	0.0343	0.0343	0.0343
	Total Tax Rates (Less Convervancy)	2.4838	5.8270	2.5101	5.8573	4.3752	2.5101	3.1170	2.4944	5.8416	2.3161	2.1025	2.4249	3.9621	1.7292

Property Tax System 02/15/2019 01:46 PM by Kgregori

1. Clay Township Tax Rates - Prior to Annexation

2. Mishawaka - Clay Township Tax Rates - Post Annexation

Tab Rate Chart for the year 2018 payable 2019Tab Rate Chart for the year 2018 payable 2019
Notice is hereby given that the Tax Duplicates tNotice is hereby given that the Tax Duplicates for the Taxing Units of St. Joseph County, for the year 2018 payable 2019, are now in the hands of the St. Joseph County Auditor, who is ready to receive the Taxes charged thereon.
The following table shows the rate of taxation The following table shows the rate of taxation on each $100.00 of Taxable Real Estate, Personal Property and Mobile Homes. The first installment will be delinquent after May 10, 2019.
Second Installment will be delinquent after No Second installment will be delinquent after November 12, 2019. Michael J. Hamann, Auditor of St. Joseph County.

		71 017	71 018	71 022	71 023	71 025	71 026	71 027	71 028	71 029	71 030	71 031	71 032	71 033	71 034	71 035	71 036	71 037
Fund	Fund Name	Olive Township	New Carlisle	Mishawaka - Phm School	Mishawaka-Penn	Portage Township	South Bend - Portage	Union Township	Lakeville	Warren Township	Osceola	Penn Township	Penn Township - Mishawaka Schools	South Bend - Penn	Liberty Township	North Liberty	Mishawaka - Harris	South Bend Warren
101	County General	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532	0.5532
124	Cumulative Reassessment	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135
180	Debt Service	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086
702	Highway																	
706	LR & S																	
720	Major Moves SPC																	
790	Cumulative Bridge	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098	0.0098
792	Major Cumulative Bridge	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180
801	Health	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192	0.0192
822	Medical Center																	
1301	Park & Recreation	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237	0.0237
2391	Cumulative Capital Development	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180
711	Total COUNTY	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640	0.6640
61	Township Rainy Day																	
101	Township General Fund	0.0096	0.0096	0.0145	0.0145	0.0170	0.0170	0.0872	0.0872	0.0403	0.0145	0.0145	0.0145	0.0145	0.0759	0.0759	0.0098	0.0403
601	Twp Community Bldg																	
840	Twp Poor Relief/Twp Assistance	0.0033	0.0033	0.0206	0.0206	0.0352	0.0352				0.0206	0.0206	0.0206	0.0206				
1103	Twp EMS Fund	0.0813																
1111	Twp Fire	0.0728								0.3011					0.0810	0.0810		
1181	Twp Fire Bldg Debt Fund							0.0687	0.0687						0.0631	0.0631		
1187	Twp Emerg Fire Loan	0.1841																
1190	Twp Cum Fire	0.0137								0.0294					0.0229	0.0229		
1312	Twp Recreation																	
8604	Twp Fire Territory General					0.2999		0.1019	0.1019		0.2487	0.2487	0.2487					
8692	Twp Fire Terrority Equip Repla					0.0266		0.0288	0.0288		0.0333	0.0333	0.0333					
712	Total TOWNSHIP	0.3649	0.0129	0.0351	0.0351	0.3787	0.0522	0.2866	0.2866	0.3708	0.3171	0.3171	0.3171	0.0351	0.2419	0.2429	0.0098	0.0403
61	City/Town Rainy Day																	
101	City General		0.9356	1.7650	1.7650		2.8140		0.7129		0.2669			2.8140		1.2592	1.7650	2.8140
180	City Debt Service		0.0634															
181	City/Town Debt Payment																	
182	City/Town Bond #2																	
341	City Fire Pension																	
342	City Police Pension																	
706	City/Town LR & S																	
703	City MVH		0.2057						0.2470		0.0085							
720	City/Town Major Moves Spc																	
1191	City Cum Fire Special		0.0116															
1301	City Park & Rec			0.2228	0.2228		0.6621							0.6621			0.2228	0.6621
1303	City/Town Park															0.0729		
1380	Park Bond						0.0461							0.0461				0.0461
2120	City Cemetary		0.0377															
2379	City/Town CCD																	
2391	City Cum Cap Development		0.0463	0.0477	0.0477		0.0300		0.0426		0.0434			0.0300		0.0393	0.0477	0.0300
6290	City Cum Sewer			0.0346	0.0346												0.0346	
8604	City Town Fire Territory Gen																	
8692	City Town Fire Terr Eqp Replac																	
713	Total CITY/TOWN	0.0000	1.3503	2.0701	2.0701	0.0000	3.5522	0.0000	1.0025	0.0000	0.3188	0.0000	0.0000	3.5522	0.0000	1.3714	2.0701	3.5522
22	Referendum-Exempt Operating				0.2434								0.2434					
61	School Rainy Day																	
180	School Debt Service	0.0580	0.0580	0.2853	0.1200	0.0474	0.0474	0.5343	0.5343	0.0474	0.2853	0.2853	0.1200	0.2853	0.0382	0.0882	0.2853	0.0474
188	School Debt Service Exempt CB	0.2810	0.2810	0.0630	0.5964	0.3145	0.3145			0.3145	0.0630	0.0630	0.5964	0.0630	0.3825	0.3825	0.0630	0.3145
189	School Pension Debt Ex CB	0.0152	0.0152	0.0134		0.0643	0.0643			0.0643	0.0134	0.0134		0.0134	0.0226	0.0226	0.0134	0.0643
287	Referendum Debt-Exempt Capital	0.1662	0.1662		0.1027								0.1027					
3101	Education																	
3300	Operations	0.6265	0.6265	0.5483	0.4503	0.7050	0.7050	0.5333	0.5333	0.7050	0.5483	0.5483	0.4503	0.5483	0.6091	0.6091	0.5483	0.7050
714	Total SCHOOL	1.1469	1.1469	0.9100	1.5128	1.1312	1.1312	1.0676	1.0676	1.1312	0.9100	0.9100	1.5128	0.9100	1.1024	1.1024	0.9100	1.1312
61	Rainy Day																	
101	Library General	0.2695	0.2695	0.1349	0.1349	0.2976	0.2976	0.2976	0.2976	0.2976	0.1349	0.1349	0.1349	0.1349	0.2976	0.2976	0.1349	0.2976
180	Library Debt Service					0.0214	0.0214	0.0214	0.0214	0.0214					0.0214	0.0214		0.0214
188	Library Debt Serv Exempt CB			0.0270	0.0270	0.0088	0.0088	0.0088	0.0088	0.0088	0.0270	0.0270	0.0270	0.0270	0.0088	0.0088	0.0270	0.0088
286	Library Lease/Rent Exempt CB	0.1377	0.1377															
2011	Library LIRF																	
715	Total LIBRARY	0.4072	0.4072	0.1619	0.1619	0.3278	0.3278	0.3278	0.3278	0.3278	0.1619	0.1619	0.1619	0.1619	0.3278	0.3278	0.1619	0.3278
8001	So Bend Transpo			0.1175	0.1175		0.1175							0.1175			0.1175	0.1175
8090	So Bend Transpo Spec Tran Cum																	
8101	Airport Authority General	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312	0.0312
8180	Airport Sp Airport Debt																	
8190	Airport Authority Cum Bldg	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031	0.0031
8210	Sp Solid Waste Ma																	
716	Total SPECIAL UNIT	0.0343	0.0343	0.1518	0.1518	0.0343	0.1518	0.0343	0.0343	0.0343	0.0343	0.0343	0.0343	0.1518	0.0343	0.0343	0.1518	0.1518
	Total Tax Rates (Less Conservancy)	2.6172	3.6156	3.9929	4.5957	2.5360	5.8792	2.3803	3.3826	2.5281	2.4061	2.0873	2.6901	5.4750	2.3714	3.7428	3.9676	5.8673

Property Tax System   Property Tax System   02/15/2019 01:46 PM by Kgregori

Report Builder: Bond/Lease Report

County: St. Joseph
Unit: ST. JOSEPH COUNTY
Debt Type: All
Debt Name: Mental Health Revenue Refunding Bonds, Series 2012 (Limited Tax)
Unit Type: County
Debt Status: Outstanding Debt
Source of Repayment: All Sources of Repayment
View Report

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St. Joseph County
Submitted to the State on
Report printed on Wednesday, February 27, 2019
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

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

Code Cite

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

Debt Limitation

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

Date Information

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

Petition / Remonstrance

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

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No

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

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

Purpose/Cost

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

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

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

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
10/30/2012	$0	0.00	$0	$0		$0				$4,080,000
2/15/2013	$170,000	2.00	$38,103	$208,103		$208,103				$3,910,000
8/15/2013	$225,000	2.00	$48,000	$273,000		$0				$3,685,000
2/15/2014	$225,000	2.00	$45,750	$270,750		$543,750				$3,460,000
8/15/2014	$225,000	2.00	$43,500	$268,500		$0				$3,235,000
2/15/2015	$235,000	2.00	$41,250	$276,250		$544,750				$3,000,000
8/15/2015	$235,000	2.00	$38,900	$273,900		$0				$2,765,000
2/15/2016	$235,000	3.00	$36,550	$271,550		$545,450				$2,530,000
8/15/2016	$235,000	2.00	$33,025	$268,025		$0				$2,295,000
2/15/2017	$250,000	2.00	$30,675	$280,675		$548,700				$2,045,000
8/15/2017	$250,000	2.00	$28,175	$278,175		$0				$1,795,000
2/15/2018	$250,000	2.50	$25,675	$275,675		$553,850				$1,545,000
8/15/2018	$250,000	2.50	$22,550	$272,550		$0				$1,295,000
2/15/2019	$250,000	3.00	$19,425	$269,425		$541,975				$1,045,000
8/15/2019	$255,000	3.00	$15,675	$270,675		$0				$790,000
2/15/2020	$260,000	3.00	$11,850	$271,850		$542,525				$530,000
8/15/2020	$265,000	3.00	$7,950	$272,950		$0				$265,000
2/15/2021	$265,000	3.00	$3,975	$268,975		$541,925				$0
Total	**$4,080,000**		**$491,028**	**$4,571,028**		**$4,571,028**				

Notes

Report Builder: Bond/Lease Report

County: St. Joseph
Unit: ST. JOSEPH COUNTY
Debt Type: All
Debt Name: Economic Development Income Tax Revenue Bonds of 2014
Unit Type: County
Debt Status: Outstanding Debt
Source of Repayment: All Sources of Repayment
View Report

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St. Joseph County
Submitted to the State on
Report printed on Wednesday, February 27, 2019
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

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

Code Cite

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

Debt Limitation

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

Date Information

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

Petition / Remonstrance

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

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No

Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: Primary
Electric Revenues: No
Water Revenue: No
Wastewater Revenues: No
Grant Revenue: No
Other () : No

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

Purpose/Cost

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

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

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

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
6/30/2015	$210,000	2.00	$131,866	$341,866						$8,945,000
12/31/2015	$215,000	2.00	$129,766	$344,766		$686,631				$8,730,000
6/30/2016	$215,000	2.00	$127,616	$342,616						$8,515,000
12/31/2016	$220,000	2.00	$125,466	$345,466		$688,081				$8,295,000
6/30/2017	$220,000	2.00	$123,266	$343,266						$8,075,000
12/31/2017	$225,000	2.00	$121,066	$346,066		$689,331				$7,850,000
6/30/2018	$225,000	2.00	$118,816	$343,816						$7,625,000
12/31/2018	$225,000	2.00	$116,566	$341,566		$685,381				$7,400,000
6/30/2019	$230,000	2.00	$114,316	$344,316						$7,170,000
12/31/2019	$230,000	2.00	$112,016	$342,016		$686,331				$6,940,000
6/30/2020	$235,000	2.00	$109,716	$344,716						$6,705,000
12/31/2020	$235,000	2.00	$107,366	$342,366		$687,081				$6,470,000
6/30/2021	$240,000	3.00	$105,016	$345,016						$6,230,000
12/31/2021	$240,000	3.00	$101,416	$341,416		$686,431				$5,990,000
6/30/2022	$245,000	3.00	$97,816	$342,816						$5,745,000
12/31/2022	$250,000	3.00	$94,141	$344,141		$686,956				$5,495,000
6/30/2023	$255,000	3.00	$90,391	$345,391						$5,240,000
12/31/2023	$255,000	3.00	$86,566	$341,566		$686,956				$4,985,000
6/30/2024	$260,000	3.00	$82,741	$342,741						$4,725,000
12/31/2024	$265,000	3.00	$78,841	$343,841		$686,581				$4,460,000
6/30/2025	$190,000	3.00	$74,866	$264,866						$4,270,000
12/31/2025	$195,000	3.00	$72,016	$267,016		$531,881				$4,075,000
6/30/2026	$200,000	3.00	$69,091	$269,091						$3,875,000
12/31/2026	$200,000	3.00	$66,091	$266,091		$535,181				$3,675,000
6/30/2027	$205,000	3.13	$63,091	$268,091						$3,470,000
12/31/2027	$205,000	3.13	$59,888	$264,888		$532,978				$3,265,000
6/30/2028	$210,000	3.25	$56,684	$266,684						$3,055,000
12/31/2028	$215,000	3.25	$53,272	$268,272		$534,956				$2,840,000
6/30/2029	$215,000	3.38	$49,778	$264,778						$2,625,000
12/31/2029	$220,000	3.38	$46,150	$266,150		$530,928				$2,405,000
6/30/2030	$225,000	3.38	$42,438	$267,438						$2,180,000
12/31/2030	$225,000	3.38	$38,641	$263,641		$531,078				$1,955,000

6/30/2031	$230,000	3.50	$34,844	$264,844						$1,725,000
12/31/2031	$235,000	3.50	$30,819	$265,819		$530,663				$1,490,000
6/30/2032	$240,000	3.50	$26,706	$266,706						$1,250,000
12/31/2032	$240,000	3.50	$22,506	$262,506		$529,213				$1,010,000
6/30/2033	$245,000	3.63	$18,306	$263,306						$765,000
12/31/2033	$250,000	3.63	$13,866	$263,866		$527,172				$515,000
6/30/2034	$255,000	3.63	$9,334	$264,334						$260,000
12/31/2034	$260,000	3.63	$4,713	$264,713		$529,047				$0
Total	**$9,155,000**		**$3,027,870**	**$12,182,870**		**$12,182,857**				

Notes

Report Builder: Bond/Lease Report

County: St. Joseph
Unit: ST. JOSEPH COUNTY
Debt Type: All
Debt Name: St. Joseph County Redevelopment District, Special Taxing District Bonds of 2016
Unit Type: County
Debt Status: Outstanding Debt
Source of Repayment: All Sources of Repayment

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St. Joseph County
Submitted to the State on Friday, February 17, 2017
Report printed on Wednesday, February 27, 2019
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

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

Code Cite

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

Debt Limitation

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

Date Information

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

Petition / Remonstrance

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

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No

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

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

Purpose/Cost

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

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

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

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
8/1/2017			$196,716	$196,716						$8,730,000
2/1/2018			$146,925	$146,925		$343,641				$8,730,000
8/1/2018			$146,925	$146,925						$8,730,000
2/1/2019	$565,000	3.00	$146,925	$711,925		$858,850				$8,165,000
8/1/2019			$138,450	$138,450						$8,165,000
2/1/2020	$490,000	3.00	$138,450	$628,450		$766,900				$7,675,000
8/1/2020			$131,100	$131,100						$7,675,000
2/1/2021	$505,000	3.00	$131,100	$636,100		$767,200				$7,170,000
8/1/2021			$123,525	$123,525						$7,170,000
2/1/2022	$520,000	3.00	$123,525	$643,525		$767,050				$6,650,000
8/1/2022			$115,725	$115,725						$6,650,000
2/1/2023	$535,000	3.00	$115,725	$650,725		$766,450				$6,115,000
8/1/2023			$107,700	$107,700						$6,115,000
2/1/2024	$550,000	3.00	$107,700	$657,700		$765,400				$5,565,000
8/1/2024			$99,450	$99,450						$5,565,000
2/1/2025	$565,000	3.00	$99,450	$664,450		$763,900				$5,000,000
8/1/2025			$90,975	$90,975						$5,000,000
2/1/2026	$585,000	3.00	$90,975	$675,975		$766,950				$4,415,000
8/1/2026			$82,200	$82,200						$4,415,000
2/1/2027	$600,000	3.00	$82,200	$682,200		$764,400				$3,815,000
8/1/2027			$73,200	$73,200						$3,815,000
2/1/2028	$620,000	3.00	$73,200	$693,200		$766,400				$3,195,000
8/1/2028			$63,900	$63,900						$3,195,000
2/1/2029	$265,000	4.00	$63,900	$328,900		$392,800				$2,930,000
8/1/2029			$58,600	$58,600						$2,930,000
2/1/2030	$275,000	4.00	$58,600	$333,600		$392,200				$2,655,000
8/1/2030			$53,100	$53,100						$2,655,000
2/1/2031	$290,000	4.00	$53,100	$343,100		$396,200				$2,365,000
8/1/2031			$47,300	$47,300						$2,365,000
2/1/2032	$300,000	4.00	$47,300	$347,300		$394,600				$2,065,000
8/1/2032			$41,300	$41,300						$2,065,000

2/1/2033	$310,000	4.00	$41,300	$351,300		$392,600				$1,755,000
8/1/2033			$35,100	$35,100						$1,755,000
2/1/2034	$325,000	4.00	$35,100	$360,100		$395,200				$1,430,000
8/1/2034			$28,600	$28,600						$1,430,000
2/1/2035	$335,000	4.00	$28,600	$363,600		$392,200				$1,095,000
8/1/2035			$21,900	$21,900						$1,095,000
2/1/2036	$350,000	4.00	$21,900	$371,900		$393,800				$745,000
8/1/2036			$14,900	$14,900						$745,000
2/1/2037	$365,000	4.00	$14,900	$379,900		$394,800				$380,000
8/1/2037			$7,600	$7,600						$380,000
2/1/2038	$380,000	4.00	$7,600	$387,600		$395,200				$0
Total	**$8,730,000**		**$3,306,741**	**$12,036,741**		**$12,036,741**				

Notes

Report Builder: Bond/Lease Report

County: St. Joseph
Unit: ST. JOSEPH COUNTY
Debt Type: All
Debt Name: 2017 General Obligation (Guaranteed Energy Savings) Bonds
Unit Type: County
Debt Status: Outstanding Debt
Source of Repayment: All Sources of Repayment
View Report

1 of 1 Find | Next

St. Joseph County
Submitted to the State on Thursday, April 12, 2018
Report printed on Wednesday, February 27, 2019
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

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

Code Cite

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

Debt Limitation

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

Date Information

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

Petition / Remonstrance

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

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No

Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wastewater Revenues: No
Grant Revenue: No
Other () : No

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

Purpose/Cost

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

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

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

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
12/30/2017	$0	2.00	$53,062	$53,062		$53,062	$0			$10,500,000
6/30/2018	$260,000	2.00	$122,450	$382,450			$0			$10,240,000
12/30/2018	$315,000	2.00	$119,850	$434,850		$817,300	$0			$9,925,000
6/30/2019	$320,000	2.00	$116,700	$436,700			$0			$9,605,000
12/30/2019	$325,000	2.00	$113,500	$438,500		$875,200	$0			$9,280,000
6/30/2020	$325,000	2.00	$110,250	$435,250			$0			$8,955,000
12/30/2020	$330,000	2.00	$107,000	$437,000		$872,250	$0			$8,625,000
6/30/2021	$330,000	2.00	$103,700	$433,700			$0			$8,295,000
12/30/2021	$335,000	2.00	$100,400	$435,400		$869,100	$0			$7,960,000
6/30/2022	$340,000	2.00	$97,050	$437,050			$0			$7,620,000
12/30/2022	$345,000	2.00	$93,650	$438,650		$875,700	$0			$7,275,000
6/30/2023	$345,000	2.00	$90,200	$435,200			$0			$6,930,000
12/30/2023	$350,000	2.00	$86,750	$436,750		$871,950	$0			$6,580,000
6/30/2024	$355,000	2.00	$83,250	$438,250			$0			$6,225,000
12/30/2024	$355,000	2.00	$79,700	$434,700		$872,950	$0			$5,870,000
6/30/2025	$360,000	2.00	$76,150	$436,150			$0			$5,510,000
12/30/2025	$365,000	2.00	$72,550	$437,550		$873,700	$0			$5,145,000
6/30/2026	$365,000	2.13	$68,900	$433,900			$0			$4,780,000
12/30/2026	$370,000	2.25	$65,022	$435,022		$868,922	$0			$4,410,000
6/30/2027	$375,000	2.38	$60,859	$435,859			$0			$4,035,000
12/30/2027	$380,000	2.38	$56,406	$436,406		$872,266	$0			$3,655,000
6/30/2028	$385,000	2.50	$51,894	$436,894			$0			$3,270,000
12/30/2028	$390,000	2.50	$47,082	$437,082		$873,975	$0			$2,880,000
6/30/2029	$395,000	2.75	$42,206	$437,206			$0			$2,485,000
12/30/2029	$400,000	2.75	$36,775	$436,775		$873,981	$0			$2,085,000
6/30/2030	$405,000	3.00	$31,275	$436,275			$0			$1,680,000
12/30/2030	$410,000	3.00	$25,200	$435,200		$871,475	$0			$1,270,000
6/30/2031	$415,000	3.00	$19,050	$434,050			$0			$855,000
12/30/2031	$425,000	3.00	$12,825	$437,825		$871,875	$0			$430,000
6/30/2032	$430,000	3.00	$6,450	$436,450		$436,450	$0			$0
Total	**$10,500,000**		**$2,150,156**	**$12,650,156**		**$12,650,156**	**$0**			

Notes

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

Report Builder: Bond/Lease Report

County: St. Joseph
Unit: ST. JOSEPH COUNTY
Debt Type: All
Debt Name: 2015 PSAP Equipment Lease (US Bank)
Unit Type: County
Debt Status: Outstanding Debt
Source of Repayment: All Sources of Repayment
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St. Joseph County
Submitted to the State on Thursday, October 19, 2017
Report printed on Wednesday, February 27, 2019
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

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

Code Cite

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

Debt Limitation

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

Date Information

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

Petition / Remonstrance

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

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No

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

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

Purpose/Cost

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

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

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

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
6/30/2015	$601,375	2.22	$67,188					$668,563		$11,398,625
12/31/2015	$542,324	2.22	$126,240			$1,337,127		$668,563		$10,856,301
6/30/2016	$548,329	2.22	$120,234					$668,563		$10,307,972
12/31/2016	$554,403	2.22	$114,161			$1,337,127		$668,563		$9,753,569
6/30/2017	$560,543	2.22	$108,021					$668,563		$9,193,026
12/31/2017	$566,751	2.22	$101,813			$1,337,127		$668,563		$8,626,275
6/30/2018	$573,027	2.22	$95,536					$668,563		$8,053,248
12/31/2018	$579,374	2.22	$89,190			$1,337,127		$668,563		$7,473,874
6/30/2019	$585,790	2.22	$82,773					$668,563		$6,888,084
12/31/2019	$592,278	2.22	$76,286			$1,337,127		$668,563		$6,295,806
6/30/2020	$598,838	2.22	$69,724					$668,571		$5,696,968
12/31/2020	$605,469	2.22	$63,094			$1,337,125		$668,563		$5,091,499
6/30/2021	$612,175	2.22	$56,388					$668,563		$4,479,324
12/31/2021	$618,955	2.22	$49,609			$1,337,127		$668,563		$3,860,369
6/30/2022	$625,810	2.22	$42,754					$668,563		$3,234,559
12/31/2022	$632,741	2.22	$35,823			$1,337,127		$668,563		$2,601,818
6/30/2023	$639,748	2.22	$28,815					$668,563		$1,962,070
12/31/2023	$646,833	2.22	$21,730			$1,337,127		$668,563		$1,315,237
6/30/2014	$653,997	2.22	$14,566					$668,563		$661,240
12/30/2014	$661,240	2.22	$7,323			$1,337,127		$668,563		$0
Total	$12,000,000		$1,371,268			$13,371,268		$13,371,268		

Notes

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

Report Builder: Bond/Lease Report

County	St. Joseph	Unit Type	County
Unit	ST. JOSEPH COUNTY	Debt Status	Outstanding Debt
Debt Type	All	Source of Repayment	All Sources of Repayment
Debt Name	2017 PSAP US Bank Technology Lease Amendment		

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St. Joseph County
Submitted to the State on Wednesday, November 15, 2017
Report printed on Wednesday, February 27, 2019
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

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

Code Cite

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

Debt Limitation

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

Date Information

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

Petition / Remonstrance

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

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No

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

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

Purpose/Cost

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

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

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

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
5/16/2018	$111,034	2.46	$30,713					$141,747		$2,388,966
11/16/2018	$112,398	2.46	$29,348			$283,494		$141,747		$2,276,568
5/16/2019	$113,779	2.46	$27,968					$141,747		$2,162,789
11/16/2019	$115,177	2.46	$26,570			$283,494		$141,747		$2,047,612
5/16/2020	$116,592	2.46	$25,155					$141,747		$1,931,020
11/16/2020	$118,024	2.46	$23,723			$283,494		$141,747		$1,812,996
5/16/2021	$119,474	2.46	$22,273					$141,747		$1,693,522
11/16/2021	$120,942	2.46	$20,805			$283,494		$141,747		$1,572,580
5/16/2022	$122,428	2.46	$19,319					$141,747		$1,450,152
11/16/2022	$123,932	2.46	$17,815			$283,494		$141,747		$1,326,220
5/16/2023	$125,454	2.46	$16,293					$141,747		$1,200,766
11/16/2023	$126,996	2.46	$14,751			$283,494		$141,747		$1,073,770
5/16/2024	$128,556	2.46	$13,191					$141,747		$945,214
11/16/2024	$130,135	2.46	$11,612			$283,494		$141,747		$815,079
5/16/2025	$131,734	2.46	$10,013					$141,747		$683,345
11/16/2025	$133,352	2.46	$8,395			$283,494		$141,747		$549,993
5/16/2026	$134,990	2.46	$6,757					$141,747		$415,003
11/16/2026	$136,659	2.46	$5,098			$283,494		$141,747		$278,344
5/16/2027	$138,327	2.46	$3,420					$141,747		$140,017
11/16/2027	$140,017	2.46	$1,730			$283,494		$141,747		$0
Total	**$2,500,000**		**$334,949**			**$2,834,940**		**$2,834,940**		

Notes

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

Report Builder: Bond/Lease Report

County: St. Joseph
Unit: ST. JOSEPH COUNTY
Debt Type: All
Debt Name: 2015 Taxable Economic Development Revenue Bonds (General Sheet Metal)
Unit Type: County
Debt Status: Outstanding Debt
Source of Repayment: All Sources of Repayment

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St. Joseph County
Submitted to the State on Monday, January 22, 2018
Report printed on Wednesday, February 27, 2019
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

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

Code Cite

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

Debt Limitation

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

Date Information

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

Petition / Remonstrance

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

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No

Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (Company Guarantee) : Primary

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

Purpose/Cost

Purpose of Debt: General Sheet Metal Expenditures
Total Project Cost: $3,300,000.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

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

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
2/1/2016		3.00	$67,100	$67,100	$67,100					$3,300,000
8/1/2016		3.00	$49,500	$49,500	$49,500	$116,600				$3,300,000
2/1/2017		3.00	$49,500	$49,500	$49,500					$3,300,000
8/1/2017		3.00	$49,500	$49,500	$49,500	$99,000				$3,300,000
2/1/2018		3.00	$49,500	$49,500	$49,500					$3,300,000
8/1/2018	$90,000	3.00	$49,500	$139,500	$0	$189,000				$3,210,000
2/1/2019	$100,000	3.00	$48,150	$148,150	$0					$3,110,000
8/1/2019	$105,000	3.00	$46,650	$151,650	$0	$299,800				$3,005,000
2/1/2020	$105,000	3.00	$45,075	$150,075	$0					$2,900,000
8/1/2020	$105,000	3.00	$43,500	$148,500	$0	$298,575				$2,795,000
2/1/2021	$110,000	3.00	$41,925	$151,925	$0					$2,685,000
8/1/2021	$110,000	3.00	$40,275	$150,275	$0	$302,200				$2,575,000
2/1/2022	$110,000	3.00	$38,625	$148,625	$0					$2,465,000
8/1/2022	$115,000	3.00	$36,975	$151,975	$0	$300,600				$2,350,000
2/1/2023	$120,000	3.00	$35,250	$155,250	$0					$2,230,000
8/1/2023	$135,000	3.00	$33,450	$168,450	$0	$323,700				$2,095,000
2/1/2024	$135,000	3.00	$31,425	$166,425	$0					$1,960,000
8/1/2024	$135,000	3.00	$29,400	$164,400	$0	$330,825				$1,825,000
2/1/2025	$140,000	3.00	$27,375	$167,375	$0					$1,685,000
8/1/2025	$140,000	3.00	$25,275	$165,275	$0	$332,650				$1,545,000
2/1/2026	$145,000	3.00	$23,175	$168,175	$0					$1,400,000
8/1/2026	$145,000	3.00	$21,000	$166,000	$0	$334,175				$1,255,000
2/1/2027	$150,000	3.00	$18,825	$168,825	$0					$1,105,000
8/1/2027	$150,000	3.00	$16,575	$166,575	$0	$335,400				$955,000
2/1/2028	$155,000	3.00	$14,325	$169,325	$0					$800,000
8/1/2028	$155,000	3.00	$12,000	$167,000	$0	$336,325				$645,000
2/1/2029	$160,000	3.00	$9,675	$169,675	$0					$485,000
8/1/2029	$160,000	3.00	$7,275	$167,275	$0	$336,950				$325,000
2/1/2030	$160,000	3.00	$4,875	$164,875	$0					$165,000
8/1/2030	$165,000	3.00	$2,475	$167,475	$0	$332,350				$0
Total	**$3,300,000**		**$968,150**	**$4,268,150**	**$265,100**	**$4,268,150**				

Notes

Debt Schedule No. 15 2015 Taxable Economic Development Revenue Bonds (General Sheet Metal).

Reports by Unit » Bond/Lease Report

Report Builder: Bond/Lease Report

County: St. Joseph
Unit: ST. JOSEPH COUNTY
Debt Type: All
Debt Name: 2019 Motorola PSAP CAD System Capital Lease
Unit Type: County
Debt Status: Outstanding Debt
Source of Repayment: All Sources of Repayment

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St. Joseph County
Submitted to the State on Monday, February 11, 2019
Report printed on Wednesday, February 27, 2019
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: 2019 Motorola PSAP CAD System Capital Lease
Debt Status: Outstanding
Type of Indebtedness: Lease
Base CUSIP Number:
Is this debt exempt from the property tax caps? Y

Code Cite

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

Debt Limitation

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

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 1/15/2019
Date of Appropriation Resolution:
Date of Debt Sale: 1/15/2019
Date of Debt Closing: 1/15/2019

Petition / Remonstrance

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

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No

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

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

Purpose/Cost

Purpose of Debt: New PSAP 911 CAD System
Total Project Cost: $2,976,131.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

Date Bids Received: 8/24/2018
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
2/1/2020	$377,837	3.91	$116,367			$494,204		$494,204		$2,598,294
2/1/2021	$392,611	3.91	$101,593			$494,204		$494,204		$2,205,683
2/1/2022	$407,962	3.91	$86,242			$494,204		$494,204		$1,797,721
2/1/2023	$423,913	3.91	$70,291			$494,204		$494,204		$1,373,802
2/1/2024	$440,488	3.91	$53,716			$494,204		$494,204		$933,319
2/1/2025	$457,711	3.91	$36,493			$494,204		$494,204		$475,608
2/1/2026	$475,608	3.91	$18,596			$494,204		$494,204		$0
Total	**$2,976,130**		**$483,298**			**$3,459,428**		**$3,459,428**		

Notes

Debt Schedule No. 25
2019 Motorola PSAP Lease
Approved by PSAP Executive Board on 12/14/18
Approved by County Commissioners on 12/15/19

Report Builder: Bond/Lease Report

County: St. Joseph
Unit Type: Township
Unit: CLAY TOWNSHIP
Debt Status: Outstanding Debt
Debt Type: All
Source of Repayment: All Sources of Repayment
Debt Name: E-One Engines Lease

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Clay Township, St. Joseph County
Submitted to the State on
Report printed on Wednesday, February 27, 2019
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Basic Debt Information

Debt Name: E-One Engines Lease
Debt Status: Outstanding
Type of Indebtedness: Lease
Base CUSIP Number:
Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 6-1.1-20.6
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

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

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 11/21/2013
Date of Appropriation Resolution: 11/21/2013
Date of Debt Sale:
Date of Debt Closing: 5/9/2014

Petition / Remonstrance

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

Debt Rating

Type of Rating	Insurance	Agency	Rating

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No

Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wastewater Revenues: No
Grant Revenue: No
Other () : No

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

Purpose/Cost

Purpose of Debt: Capital Equipment Lease Purchase
Total Project Cost: $1,540,870.00

Sources

Sources of Funds	Amount

Uses

Uses of Funds	Amount

Dates

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

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
6/30/2014	$141,000	1.75	$3,664					$144,664		
12/31/2014	$143,000	1.75	$11,699					$154,699		
6/30/2015	$145,000	1.75	$10,448					$155,448		
12/31/2015	$146,000	1.75	$9,179					$155,179		
6/30/2016	$147,500	1.75	$7,902					$155,402		
12/31/2016	$148,500	1.75	$6,611					$155,111		
6/30/2017	$150,000	1.75	$5,312					$155,312		
12/31/2017	$151,000	1.75	$3,999					$154,999		
6/30/2018	$152,000	1.75	$2,678					$154,678		
12/31/2018	$154,030	1.75	$1,348					$155,378		
Total	**$1,478,030**		**$62,840**					**$1,540,870**		

Notes

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 13 2019

CITY CLERK
MISHAWAKA, IN

APPEAL #19-04

RESOLUTION NO. 2019-08

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

Southeast Corner Front and Spring Streets, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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 the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **Southeast Corner of Front and Spring Streets, Mishawaka, Indiana**, more particularly known and described as follows:

> A parcel of land located in the Northeast Quarter of Section 16, Township 37 North, Range 3 East, in the City of Mishawaka, Penn Township, St. Joseph County, Indiana, being more particularly described as follows: Lot 2, St. Joseph Ironworks, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

The Use Variance will allow a 12' X 48' temporary sales office to be located at the site through December 31, 2019, subject to the following conditions:

1. A site plan with exact placement and dimensioned setbacks must be submitted before a permit can be issued.
2. Details on the mounting or placing of the trailers must be submitted before a permit can be issues.
3. After the trailer is removed, restore any disturbed area.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the structure will be professionally installed, maintained, and removed upon the end of use or by the end of the year.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the site they plan to occupy is vacant, and located close to the project without being inside the construction limits.

3. The need for the variance arises from some condition peculiar to the property in that the Zoning Ordinance does not allow for additional temporary offices on a property besides the construction trailer and it wouldn't be safe/practical to incorporate the construction office and sales office into the same building.

4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the Zoning Ordinance does not allow for the use of an additional temporary structure on the property during construction of the main building and The Mill @ Ironworks development would not be allowed to conduct on-site advanced sales without it.

5. The recommendation is consistent, and/or, not in conflict with Comprehensive Plan which indicates commercial/office uses for this area.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of_________________, 2019, at ______o'clock _____ .m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of _______________________2019, at _______ o'clock ____m.

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

APPROVED by me this _______ day of_________________________, 2019, at _______o'clock ______.m.

____
David A. Wood, Mayor

FLAHERTY & COLLINS
PROPERTIES

DEVELOPMENT · CONSTRUCTION · MANAGEMENT
One Indiana Square, Suite 3000 Indianapolis, IN 46204
317.816.9300 · 317.816.9301 · www.fcp.com

RECEIVED
FEB 07 2019
BUILDING, PLANNING
COMMUNITY DEVELOPMENT
AP 19-04

January 22, 2019

Board of Zoning Appeals
City of Mishawaka, IN

To Whom It May Concern,

The undersigned appellant respectfully requests approval to use land owned by the Mishawaka Redevelopment Commission for purposes of placing a temporary leasing trailer for The Mill at Ironworks Plaza project.

Attached are documents required with this request which include the following:

1. Use Variance Description
2. Plot plan showing location of leasing trailer
3. Image of proposed trailer
4. Proposed marketing signage at the trailer.

Hold Harmless- Obligation of the Developer. To the extent permitted by law, the Developer shall indemnify, hold harmless, and defend the Commission, the City, and all City Entities and agents from and against any and all claims, judgments, liabilities, losses, costs, and expenses (including, without limitation, reasonable attorneys' fees and court costs) directly arising from or connected with the intentional or negligent actions of the Developer or its employees, agents, or contractors; the performance of the Developer's Work; and/or the default by the Developer of any term or condition on its part to be performed or observed under this Agreement.

Further, the property around the trailer will be maintained and grass will be restored when trailer is removed.

We appreciate your consideration and please let us know if you need additional information.

Sincerely,

Brian R. Prince II, J.D
Principal
Vice President, Development
Flaherty & Collins Properties

RECEIVED
DEBORAH S. BLOCK, MMC
FEB 16 2019
CITY CLERK
MISHAWAKA, IN

DATE: January 22, 2019

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, ***F&C Mishawaka Development, LLC***, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

   A parcel of land located in the Northeast Quarter of Section 16, Township 37 North, Range 3 East, in the City of Mishawaka, Penn Township, St. Joseph County, Indiana, being more particularly described as follows:

   Commencing at the Northeast corner of Lot 11 in Edward M. Sharp's Addition to the City of Mishawaka, as recorded in Plat Book 2, Page 18 in the Office of the Recorder of St. Joseph County, Indiana; thence South 00°15'02" East (this and all subsequent bearings based on the Indiana Coordinate System of 1983, East zone), 148.50 feet along the east line of said Lot 11 to the north line of \Front Street (82.5 foot right of way); thence South 89°49'48" West, 264.02 feet
   along said north line to a 5/8" rebar with cap stamped "FIRM #0058" and the Point of Beginning;

   thence continuing South 89°49'48" West, 179.56 feet along said north line to a rebar with said cap; thence North 00°10'12" West, 20.00 feet to a rebar with said cap; thence South 89°49'48" West, 130.00 feet to a rebar with said cap; thence South 00°10'12" East, 20.00 feet to a rebar with said cap on said north line of Front Street; thence South 89°49'48" West, 221.61 feet along said north line to a rebar with said cap; thence North 00°10'12" West, 280.13 feet to a rebar with said cap; thence North 90°00'00" East, 508.33 feet to a rebar with said cap; thence South 00°08'54" West, 176.74 feet to a rebar with said cap; thence South 35°33'53" East, 51.73 feet to a rebar with said cap; thence South 54°26'16" East, 44.79 feet to a rebar with said cap; thence South 15°57'07" East, 23.93 feet to a rebar with said cap; thence South 77°41'44" West, 50.13 feet to the Point of Beginning, containing 3.288 acres, more or less.

   Request temporary use of City of Mishawaka % City Hall owned property located at:
   ALL OF LOT 4 & VAC ALLEY SO& ADJ PT OF LOT 6 E 33X66 & 4.150'X 66 ORIG PLATT ST JOE IRON WKS

   Parcel 71-09-16-206-004.000-023 1016-1009-04001
   216 N Spring Street

2. The above-described real estate presently has a zoning classification of C-3, City Center Commercial District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant proposes to occupy the above-described property in the following manner: We would like to put a temporary leasing office trailer on this site (216 N. Spring Street).

4. Appelant desires to place a temporary leasing office trailer on land that is designated as a city center, which typically would serve the entire community with a diversity of complementary and compatible land uses.

5. The Zoning Ordinance of the City of Mishawaka does not list temporary sales trailers as an intended use for the property. Section 137-359.

6. Strict adherence to this ordinance would create a hardship as not allowing a temporary leasing office trailer would significantly impact the marketing and pre-leasing efforts and thus compromise the overall success of the property, Mill at Ironworks Plaza.

7. Answer the following necessary questions for a **USE VARIANCE**:

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community?
No. Placing the temporary leasing trailer away from the construction area will be safer for the community.

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?
No, the placement of a temporary leasing trailer will not affect adjacent land in an adverse manner.

(3) Does the need for the variance arise from some condition peculiar to the property involved?
Yes, we would require our temporary leasing trailer to be located in close proximity to the multi-family property that we are building, Mill at Ironworks Plaza.

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?
No, the property that we request use of is vacant.

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?
No, this is a temporary situation and will only aid in the successful development of Mill at Ironworks Plaza, a public-private partnership.

WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

Brian R. Prince II, J.D.

CONTACT PERSON:

Name: Brian Prince
Address: One Indiana Square, Suite 3000, Indianapolis, IN 46204
Day Phone Number: 317-816-9300
Fax Number: 317-816-9301
Email: bprince@fico.com

① Trailer Location

Legend

SJC Parcel Dimensions
SJC Parcels
ELK Parcels
SJC Street
ELK Street
Building Footprint
Railroad
Railroad
Abandoned Railroad
Road Centerline
Railroad Bridge

Michiana Regional GIS Website

txtSubTitle

Map Generated By: Public
Date Printed: 1/14/2019

1 inch = 187.44 feet

0 0.01 0.02 0.04 Miles

N

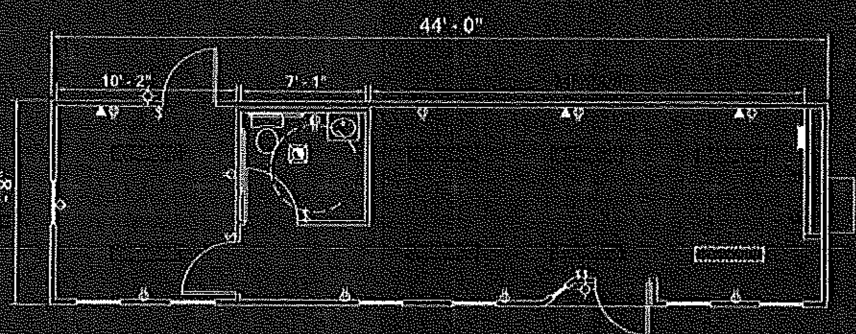
Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized without the express written permission of MACOG.

WILLSCOT

48' x 12' SALES OFFICE

In addition to your office solution, we can provide additional products and services that complete your space- creating a more productive, comfortable, and safe work environment.



CUSTOMIZATION

Steps & Ramps
Furniture & Appliances
Technology
[illegible]
Loss Protection

Dimensions

48' Long (including hitch)
44' Box size
12' Wide
8' Ceiling height

Exterior Finish

Aluminum or wood siding
I-Beam Frame
Standard drip rail gutters

Interior Finish

Vinyl covered gypsum walls
Commercial carpeting throughout
Gypsum or T-grid suspended ceiling

Electric

Fluorescent ceiling lights
Single phase electric and breaker panel

Heating/Cooling

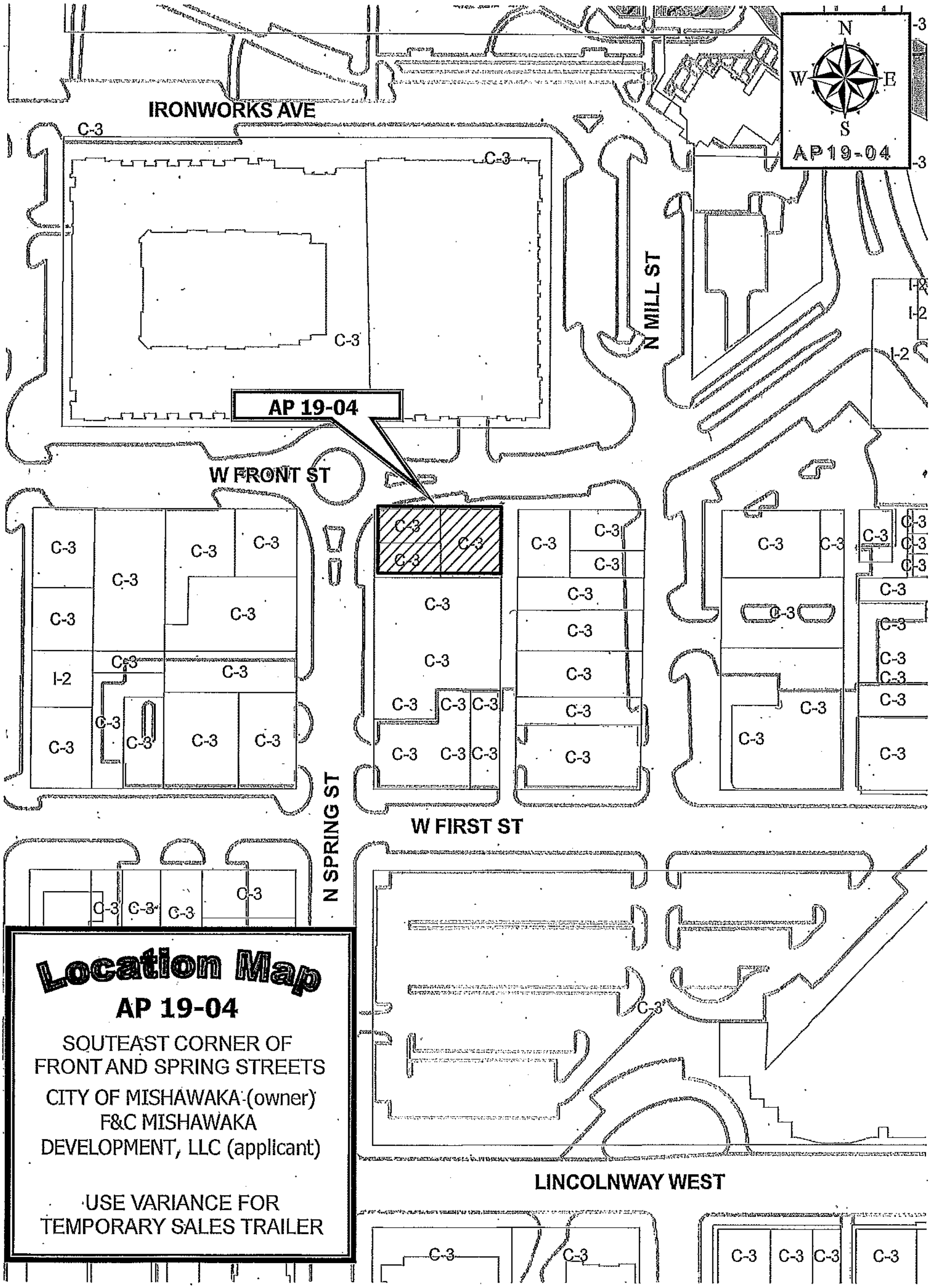
Central HVAC and duct heating

Windows/Doors

Large glass windows
French door

Other

Large display/reception area
Private office(s)
Handicapped accessible restroom
Coffee bar


N
S
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AP19-04
IRONWORKS AVE
N MILL ST
AP 19-04
W FRONT ST
N SPRING ST
W FIRST ST
LINCOLNWAY WEST
C-3
I-2
Location Map
AP 19-04
SOUTEAST CORNER OF
FRONT AND SPRING STREETS
CITY OF MISHAWAKA (owner)
F&C MISHAWAKA
DEVELOPMENT, LLC (applicant)
USE VARIANCE FOR
TEMPORARY SALES TRAILER

RECEIVED
DEBORAH S. BLOCK MMC

MAR 13 2019

CITY CLERK
MISHAWAKA, IN

APPEAL #19-05

RESOLUTION NO. 2019-09

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

520 South Byrkit Avenue, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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 the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **520 South Byrkit Avenue, Mishawaka, Indiana**, more particularly known and described as follows:

> Part of the Northwest Quarter of the Southwest Quarter of Section 14, Township 37 North, Range 3 East, St. Joseph County, Mishawaka, Indiana, described as follows: Commencing at the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 14, Township 37 North, Range 3 East; thence South 00°00'00" West on the West line of Section 14, a distance of 528.415 feet; thence North 89°51'00" East, a distance of 40.00 feet to the East right of way line of Byrkit Avenue and the point of beginning; thence continuing North 89°51'00" East, a distance of 775.44 feet; thence South 00°19'50" East, a distance of 331.51 feet; thence South 89°39'24" West, a distance of 777.375 feet to the East right of way line of Byrkit Avenue; thence North 00°00'00" East on the East right of way line of Byrkit Avenue and parallel to and 40.00 feet East of the West line of Section 14, a distance of 336.135 feet to the point of beginning.

The Use Variance will allow trailer sales in an I-2 Heavy Industrial Zoning District subject to the following condition:

1. No on-site signage advertising trailer/vehicle sales.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because there will be no changes to the existing structure as the on-site activities are limited to phone calls and paperwork.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties are zoned for industrial uses and the sales are not happening on-site.

3. The need for the variance arises from some condition peculiar to the property in that it is located in an industrial area and does not allow for the proposed trailer sales. The trailer sales will not happen on-site, but a State of Indiana dealer license application lists this address.

4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property because there is no district that allows both uses. It would not be practical to rezone the property for the trailer sales, because the C-4 Automobile Oriented Commercial District doesn't allow for the manufacturing that is ABI Attachments, Inc's main business. The only means by which to allow the proposed automobile use and maintain the current industrial portion is through the Use Variance process.

5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of_________________, 2019, at ______o'clock _____ .m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of ______________________2019, at _______ o'clock ____m.

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

APPROVED by me this ________ day of________________________, 2019, at _______o'clock ______.m.

____
David A. Wood, Mayor

AP 19-05

DATE: February 6, 2019

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, ABI Attachments, Inc., am the tenant of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

   Part of the Northwest Quarter of the Southwest Quarter of Section 14, Township 37 North, Range 3 East, St. Joseph County, Mishawaka, Indiana, described as follows: Commencing at the Northwest comer of the Northwest Quarter of the Southwest Quarter of Section 14, Township 37 North, Range 3 East; thence South 00°00'00" West on the West line of Section 14, a distance of 528.415 feet; thence North 89°51'00" East, a distance of 40.00 feet to the East right of way line of Byrkit Avenue and the point of beginning; thence continuing North 89°5100" East, a distance of 775.44 feet; thence South 00-19'50" East, a distance of 331.51 feet; thence South 89°39'24" West, a distance of 777.375 feet to the East right of way line of Byrkit Avenue; thence North 00°00'00" East on the East right of way line of Byrkit Avenue and parallel to and 40.00 feet East of the West line of Section 14, a distance of 336.135 feet to the point of beginning.

2. The owner of the property described above, the Dieter W. & Monica M. Lodder Living Trust, have authorized this request, as evidenced by written documentation included with this appeal.

3. The above-described real estate presently has a zoning classification of I-2 Heavy Industrial District under the Zoning Ordinance of the City of Mishawaka.

4. Appellant presently occupies the above-described property in the following manner: assembly of outdoor equipment used in the preparation and management of soil and the ground.

5. Appellant desires to obtain a use variance in order to sell trailers for use on public roadways that require titling and licensing in satisfaction of the requirements to obtain a dealer license from the State of Indiana. These trailers are resold and shipped directly to our customers from an out-of-state manufacturer, with these trailers never actually being on-site at the property described above. On-site activities are limited to phone-based sales and completion of titling paperwork for these trailers.

6. The Zoning Ordinance of the City of Mishawaka requires I-2 Heavy Industrial as described in Sec. 137-101 and Sec. 137-608 of the Municipal Code.

7. Strict adherence to the Ordinance requirements would create an unusual hardship because if we are unable to obtain the use variance described above, we will not be able to complete the zoning affidavit, which is required by the State of Indiana to obtain a dealer license. Without the dealer license, we would not be able to sell the trailers, resulting in a negative impact to our economic viability.

8. Answer the following necessary questions for a Use Variance:

   (1) Will approval be injurious to the public health, safety, morals or general welfare of the community?
   No, approval will not have any of the injurious effects mentioned above. We currently sell our products using phone-based techniques, which would be unchanged with approval. No additional equipment or traffic would occur since these titled trailers are resold and shipped directly to our customers from an out-of-state manufacturer.

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

No, approval will not have any adverse impact on the use and value of adjacent properties. We currently sell our products using phone-based techniques, which would be unchanged with approval. No additional equipment or traffic would occur since these titled trailers are resold and shipped directly to our customers from an out-of-state manufacturer.

(3) Does the need for the variance arise from some condition peculiar to the property involved?

No, the need for the variance only arises because of a requirement by the State of Indiana in order for us to obtain a dealer license, even though we only need the license to resell trailers that are shipped directly to our customers from an out-of-state manufacturer.

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

Yes, strict adherence to the Ordinance requirements would create an unusual hardship because if we are unable to obtain the use variance described above, we will not be able to complete the zoning affidavit, which is required by the State of Indiana to obtain a dealer license. Without the dealer license, we would not be able to sell the trailers, resulting in a negative impact to our economic viability.

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

No, approval will not interfere with the Plan. We currently sell our products using phone-based techniques, which would be unchanged with approval. No additional equipment or traffic would occur since these titled trailers are resold and shipped directly to our customers from an out-of-state manufacturer.

WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

Scott Holmes, President

CONTACT PERSON:

Name: John Dilling, VP of Finance
Address: 520 S Byrkit Ave, Mishawaka, IN 46544
Day Phone Number: 574-679-7853
Fax Number: 574-674-5433
Email: jdilling@abiattachments.com

Board of Zoning Appeals, City of Mishawaka
Department of City Planning
600 East Third Street, Room 201
Mishawaka, Indiana 46544

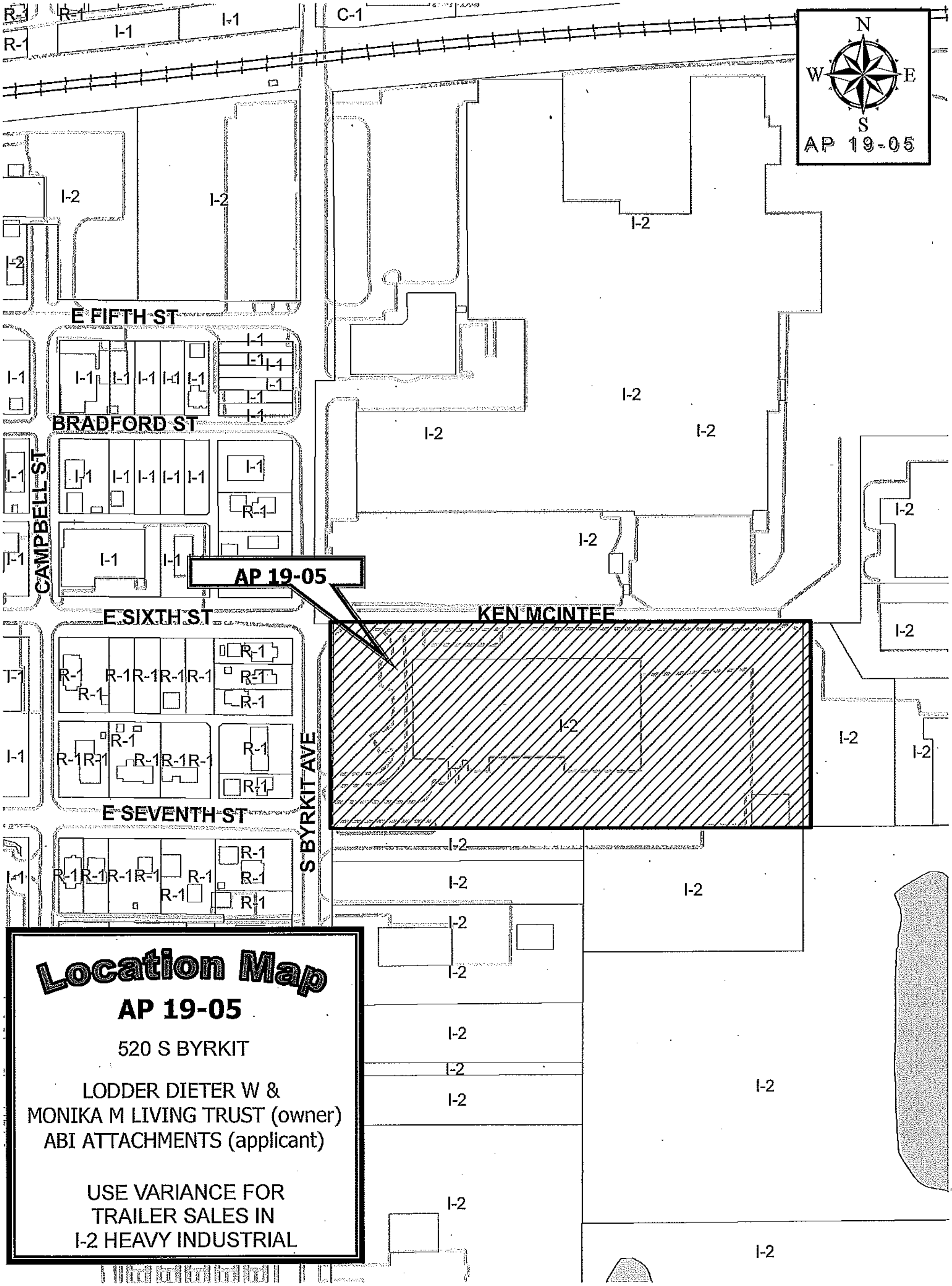
To Who it may concern:

This letter serves as authorization for ABI Attachments, Inc. to submit a request for a use variance to the Board of Zoning Appeals with the City of Mishawaka related to the property they lease located at 520 S Byrkit Ave, Mishawaka, which is owned by the Lodder Dieter W & Monika M Living Trust. We understand that the use variance request is being sought in order to sell trailers through their business and is a requirement to obtain a dealer license with the State of Indiana, even though these trailers are resold and shipped directly to their customers from an out-of-state manufacturer, with these titled trailers never actually being on-site at this property.

Sincerely,

Dieter W. & Monica M. Lodder
Living Trust, dated July 29, 1981,
As Amended May 31, 1985

By John W. Nelson
Attorney-in Fact



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AP 19-05
E FIFTH ST
BRADFORD ST
CAMPBELL ST
E SIXTH ST
E SEVENTH ST
S BYRKIT AVE
KEN MCINTEE
AP 19-05
R-1
I-1
I-2
C-1
Location Map
AP 19-05
520 S BYRKIT
LODDER DIETER W &
MONIKA M LIVING TRUST (owner)
ABI ATTACHMENTS (applicant)
USE VARIANCE FOR
TRAILER SALES IN
I-2 HEAVY INDUSTRIAL

RECEIVED
DEBORAH S. BLOCK MMC

MAR 13 2019

CITY CLERK
MISHAWAKA, IN

APPEAL #19-06

RESOLUTION NO. 2019-10

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

517 Ell Street, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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 the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **517 Ell Street, Mishawaka, Indiana**, more particularly known and described as follows:

Lot 10, V Brunners Sub, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

The Use Variance will allow an accessory structure without a primary structure subject to the following condition:

1. If the properties are not sold at the same time, or to the same owner, the second storage shed at 517 Ell Street will be removed.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the structure was professionally built and meets all setback requirements.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because this is the last lot on a dead end street. Neighboring property owners are the City of Mishawaka, the Appellant, and the neighbor to the north.

3. The need for the variance arises from some condition peculiar to the property because the Appellant owns two properties, and uses them as one, but they are separated by a street.

4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property because the lot which the house sits on has very little open space. An accessory structure could not be placed at 517 N. Pine Street without variances.

5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of________________, 2019, at ______o'clock _____ .m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of ____________________2019, at _______ o'clock ____m.

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

APPROVED by me this _______ day of_______________________, 2019, at _______o'clock ______.m.

____
David A. Wood, Mayor

Ahmed Jojo
517 N. Pine St.
Mishawaka, IN 46545
(574) 276-5501

RECEIVED
FEB 18 2019
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

AP 19-06

DATE: February 12, 2019

TO: Board of Zoning Appeals

City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Ahmed Jojo, am the owner of the following described real estate, 517 Ell located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:
Lot 10 V Brunners Sub

2. The above-described real estate presently has a zoning classification of R-1 Single Family Residential District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently occupies *(or proposes to occupy)* the above-described property in the following manner: *Extra yard space for 517 N. Pine Street.*

4. Appellant desires to add a storage shed sized *12' x 32' on a lot with an existing 12' x 20' storage shed.*

5. The Zoning Ordinance of the City of Mishawaka requires a primary structure before an accessory structure, like a storage shed, can be erected on the site. *This is an extension of the residence it just so happens to be across the street.*

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship: *The new storage shed is used more like a garage than a shed. It houses a kayak, a canoe, bikes, yard supplies, mower and riding tractor plow. There is currently no room on the house lot for the items I need and use.*

7. Answer the following necessary questions for a **USE VARIANCE** :
(1) Will approval be injurious to the public health, safety, morals or general welfare of the community? *No, it will not it was professionally built and is sturdy and safe.*

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *No, it will not be a negative item in the community since it is being used just like a garage.*

(3) Does the need for the variance arise from some condition peculiar to the property involved? *No it is a shed and is used for storage items.*

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *Yes, The properties at 517 N. Pine St. & 517 Ell St. are currently under the same ownership and used as one. At the time of sale, every attempt will be made to keep these properties together. If the properties are not sold at the same time or to the same owner, the 2nd storage shed on 517 Ell St. will be removed.*

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *No, it will not. I plan to live here for the rest of my life. I purchased this home in 1994 and have been a lifelong resident and community member. When I purchased the property behind me I had the house torn down so my 3 girls could have a play area and yard. The shed is not an eyesore by any means, it is not readily visible to most and I am using it just like a garage since I am limited at my residence for space.*

WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

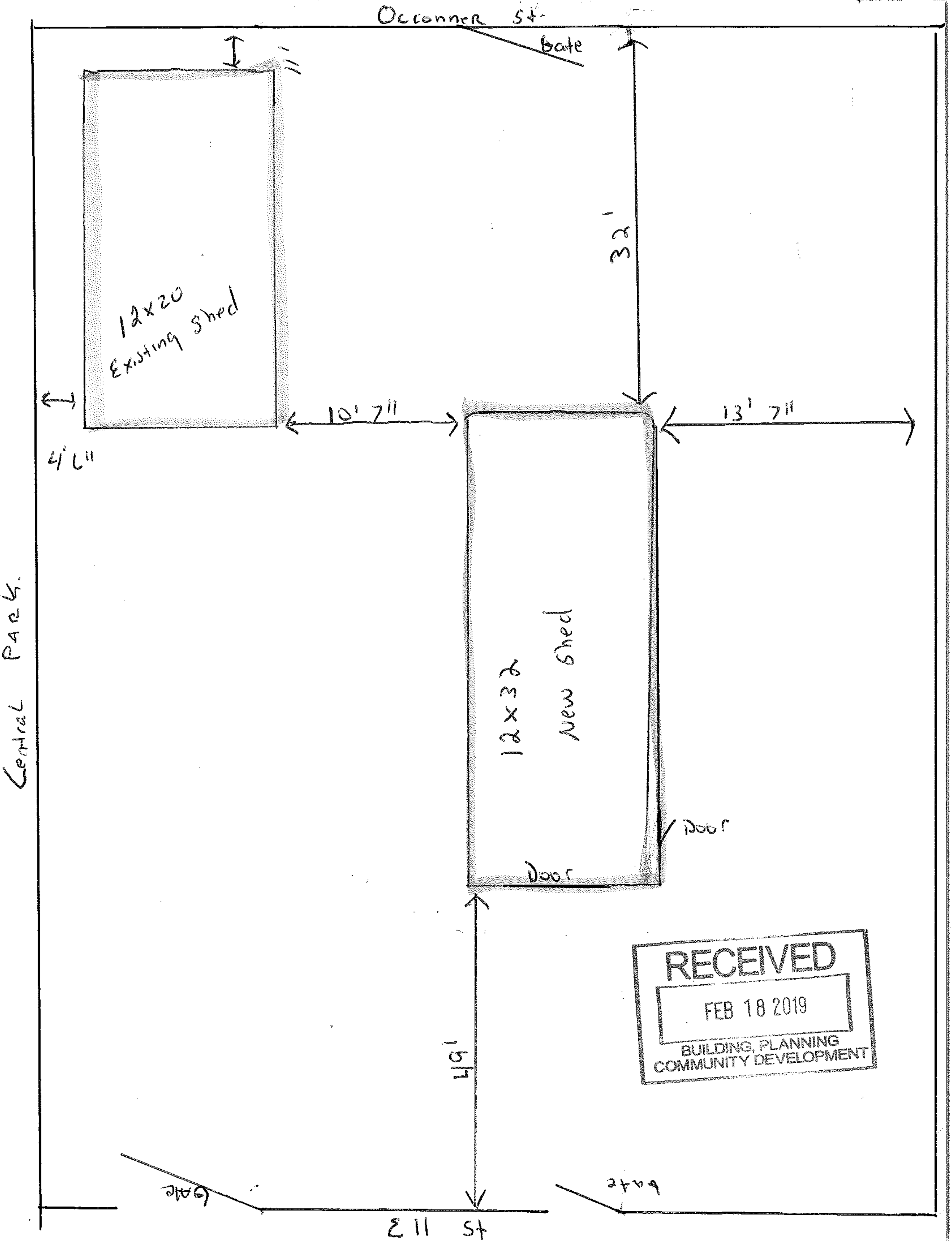
Ahmed Jojo

Signature of Property Owner/Title Holder Second Property Owner/Title Holder

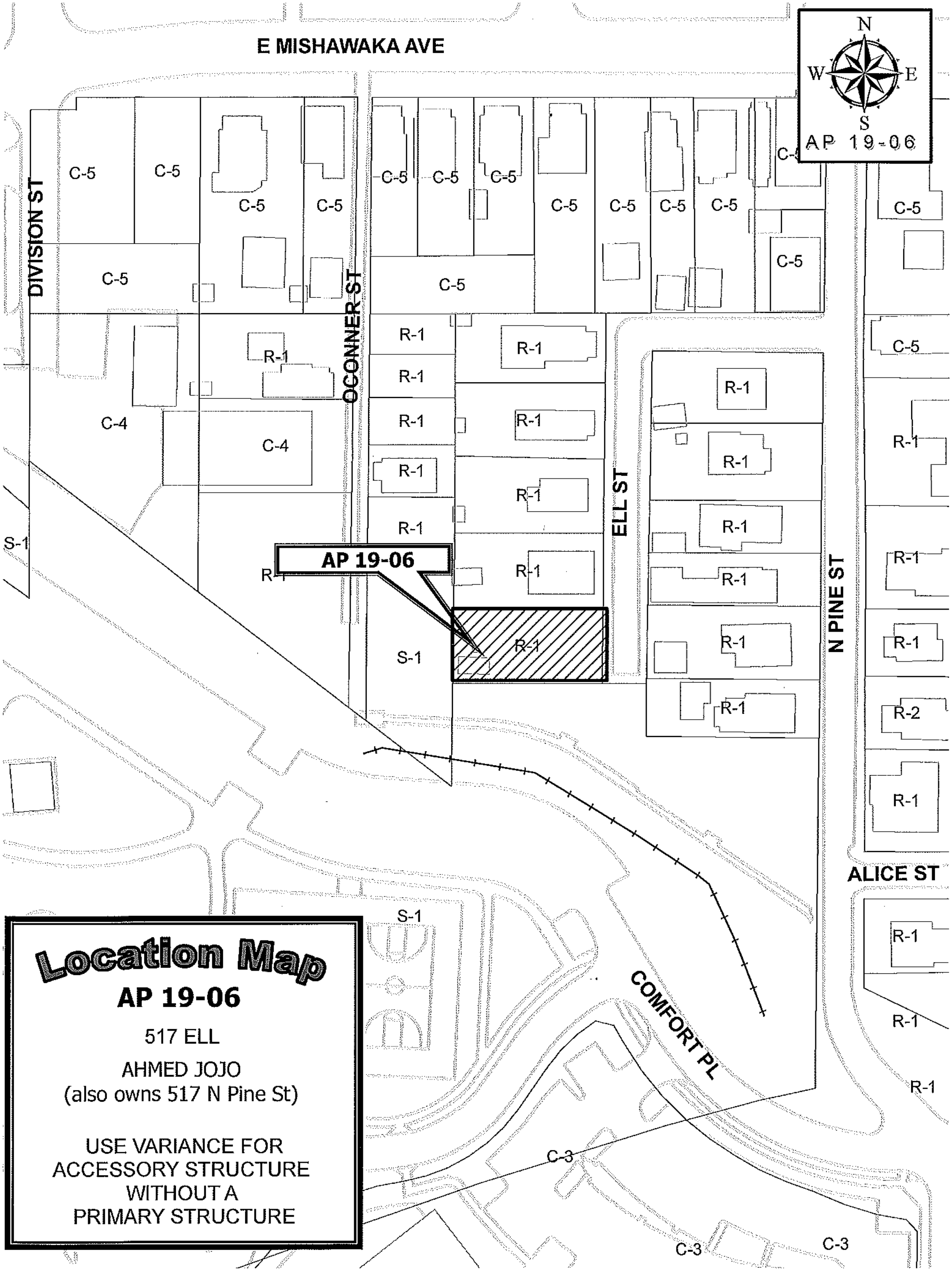
Ahmed Jojo

Print Name Here

CONTACT PERSON:
Name: Ahmed Jojo
Address: 517 N. Pine St. Mishawaka, IN 46545
Day Phone Number: (574) 254-1034
Fax Number: (574) 254-1034
Email: ajhvacr@gmail.com



Occonner St
Gate
11'
32'
12x20
Existing Shed
4' 6"
10' 7"
13' 7"
Central Park
12 x 32
New Shed
Door
Door
49'
Gate
Gate
E 11 St
RECEIVED
FEB 18 2019
BUILDING, PLANNING
COMMUNITY DEVELOPMENT


E MISHAWAKA AVE
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AP 19-06
DIVISION ST
OCONNER ST
ELL ST
N PINE ST
ALICE ST
COMFORT PL
C-5
C-4
C-3
R-1
R-2
S-1
AP 19-06
Location Map
AP 19-06
517 ELL
AHMED JOJO
(also owns 517 N Pine St)
USE VARIANCE FOR
ACCESSORY STRUCTURE
WITHOUT A
PRIMARY STRUCTURE

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 13 2019

CITY CLERK
MISHAWAKA, IN

APPEAL #19-08

RESOLUTION NO. 2019-**11**

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

6501 Grape Road, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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 the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **6501 Grape Road, Mishawaka, Indiana**, more particularly known and described as follows:

> Commencing at an Indiana Toll Road right-of-way monument at the intersection of the North right-of-way line of said Toll Road with the proposed West right-of-way line of Grape Road, said point also being the Principal Point and Place of Beginning and lying in and on the South line and 80.00 feet West of the East line of said Northwest Quarter of Section 28;
>
> thence South 89°37'13" West on and along the North right-of-way of the Indiana State Toll Road (said line also being the South line of the Northwest Quarter of Section 28), a distance of 723.71 feet to a point;
>
> thence North 35° 00' 00" West a distance of 382.67 feet to a point;
>
> thence North 55° 00' 00" East a distance of 41.50 feet to a point;
>
> thence North 35° 00' 00" West a distance of 459.50 feet to a point;
>
> thence North 60° 00' 00" West a distance of 430.30 feet to a point on the Easterly right-of-way line of Indiana State Route 23;

thence on and along the said Easterly right-of-way line a distance of 64.24 feet along an arc to the right having a radius of 2821.79 feet and a chord of 64.24 feet bearing North 35° 22′43.5″ East to a point;

thence South 50° 00′ 00″ East a distance of 385.71 feet to a point;

thence North 30° 00′ 00″ East a distance of 31.50 feet to a point;

thence South 60° 00′ 00″ East a distance of 83.08 feet to a point;

thence North 55° 00′ 00″ East a distance of 169.78 feet to a point;

thence North 30° 00′ 00″ East a distance of 101.13 feet to a point;

thence South 60° 00′ 00″ East a distance of 50.00 feet to a point;

thence North 30° 00′ 00″ East a distance of 55.00 feet to a point;

thence South 60° 00′ 00″ East a distance of 79.17 feet to a point;

thence North 30° 00′ 00″ East a distance of 198.00 feet to a point;

thence North 60° 00′ 00″ West a distance of 114.17 feet to a point;

thence North 30° 00′ 00″ East a distance of 75.07 feet to a point;

thence North 05° 00′ 00″ East a distance of 225.09 feet to a point;

thence North 60° 00′ 00″ West a distance of 358.49 feet to a point on the said Easterly right-of-way line of Indiana State Route 23;

thence North 37° 08′ 02″ East on and along the said Easterly right-of-way line a distance of 70.52 feet to a point;

thence 452.832 feet along an arc to the left having a radius of 1807.446 feet and a chord of 451.649 feet bearing North 29° 57′ 23″ East to a point;

thence North 22° 46′45″ East a distance of 319.93 feet to a point;

thence North 89° 49′12″ East a distance of 312.39 feet to a point;

thence South 86° 33′ 43.1″ East a distance of 320.02 feet to a point on the proposed West right-of-way line of Grape Road;

thence South 01° 01′ 41″ East on and along the said West right-of-way line of Grape Road a distance of 370.02 feet to a point;

thence South 00° 24′32″ East a distance of 1484.91 feet to a point;

thence South 10° 04′ 57″ West a distance of 186.59 feet to a point;

thence South 00° 24′ 32″ East a distance of 320.00 feet to the Principal Point and Place of Beginning.

The Use Variance will permit three (3) separate off-site Used Car Sales per year for the next three (3) years with temporary signage including banners and two (2) mobile office facilities for business transactions and securing of valuables subject to the following conditions of approval:

USES:

- The event shall be limited to the display and sales of automobiles and light trucks for three (3) ten (10) day periods (dates to be determined) in May, June, and August of 2019, 2020, and 2021 as presented.

SITE PLAN:

- A site plan/layout shall be submitted identifying the location of display areas, visitor parking, tents portable toilets, temporary lighting, and other related temporary improvements subject to staff review and approval. Written approval of the site plan/layout shall be required from University Park Mall, LLC.

ACCESS/TRAFFIC CONTROL REQUIREMENTS:

- Access to the event use shall be through existing mall entrances. Additional restrictions may be requested by the City of Mishawaka the Director of Engineering as deemed appropriate as part of the review of a site plan/layout. The City of Mishawaka Police Department may also request any modifications to layout, parking, access, or attention devices during the event if it is deemed problematic to through traffic, or any safety issue is identified.
- **All mall service drives shall remain open at all times.**

SETBACKS:

- All tents, display/parking areas, portable toilets and large inflatable balloons shall be setback a minimum of 25 feet from any road right-of-way and 10 feet from any internal access drive.

SIGNAGE/ATTENTION DEVICES:

- A plan identifying the location and type of all signage/attention devices shall be submitted subject to staff review and approval. A maximum of two (2) temporary signs no larger than 4′ X 8′ shall be permitted on Grape Road. A maximum of two temporary signs shall be permitted along State Road 23. **No inflatable air balloons shall be permitted.** All signs and attention getting devices shall not flash or be animated where they are overtly distracting to the motoring public. Internal directional signs shall also be permitted as necessary provided they are not visible from surrounding major roadways

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the development is temporary and will maintain certain minimum developmental standards as outlined herein;

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the area is surrounded by commercial development;

3. The need for the variance arises from some condition peculiar to the property involved in that the C-2 zoning does not permit vehicle sales, even on a very limited basis, thus requiring the Use Variance for the proposed use;

4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the ordinance as drafted, would not permit the Appellant to hold their regional event at this site, specifically, the University Park Mall is one of the few regional facilities that has been inherently constructed to handle this type of event by having the appropriate access, lighting, and parking;

5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial and the surrounding area is one of the largest consolidated retail areas in the State of Indiana.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of________________, 2019, at ______o'clock _____ .m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of ____________________2019, at _______ o'clock ___m.

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

APPROVED by me this _______ day of______________________, 2019, at _______o'clock ______.m.

____
David A. Wood, Mayor

AP 19-08

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 26 2019

CITY CLERK
MISHAWAKA, IN

Date: 2/19/2019

To: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant, Gates Automotive Group, Clint Emberton GSM, respectfully shows the board:

1. I, Clint Emberton, (appellant) on behalf of University Park Mall, (owner) am petitioner of the following described real estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to wit:

   University Park Mall
   6501 Grape Road
   Legal Description

   Commencing at an Indiana Toll Road right-of-way monument at the intersection of the North right–of-way line of said Toll Road with the proposed West right-of-way line of Grape Road, said point also being the Principal Point and Place of Beginning and lying in and on the South line and 80.00 feet West of the East line of said Northwest Quarter of Section 28;

   thence South 89°37'13" West on and along the North right-of-way of the Indiana State Toll Road (said line also being the South line of the Northwest Quarter of Section 28), a distance of 723.71 feet to a point;

   thence North 35° 00' 00" West a distance of 382.67 feet to a point;

   thence North 55° 00' 00" East a distance of 41.50 feet to a point;

   thence North 35° 00' 00" West a distance of 459.50 feet to a point;

   thence North 60° 00' 00" West a distance of 430.30 feet to a point on the Easterly right-of-way line of Indiana State Route 23;

   thence on and along the said Easterly right-of-way line a distance of 64.24 feet along an arc to the right having a radius of 2821.79 feet and a chord of 64.24 feet bearing North 35° 22' 43.5" East to a point;

   thence South 50° 00' 00" East a distance of 385.71 feet to a point;

   thence North 30° 00' 00" East a distance of 31.50 feet to a point;

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thence North 30° 00' 00" East a distance of 75.07 feet to a point;

thence North 05° 00' 00" East a distance of 225.09 feet to a point;

thence North 60° 00' 00" West a distance of 358.49 feet to a point on the said Easterly right-of-way line of Indiana State Route 23;

thence North 37° 08' 02" East on and along the said Easterly right-of-way line a distance of 70.52 feet to a point;

thence 452.832 feet along an arc to the left having a radius of 1807.446 feet and a chord of 451.649 feet bearing North 29° 57' 23" East to a point;

thence North 89° 49' 12" East a distance of 312.93 feet to a point;

thence South 86° 33' 43.1" East a distance of 320.02 feet to a point on the proposed West right-of-way line of Grape Road;

thence South 01° 01' 41" East on and along the said West right-of-way- line of Grape Road a distance of 370.02 feet to a point;

thence South 00° 24' 32" East a Distance of 1484.91 feet to a point;

thence South 10° 04' 57" West a distance of 186.59 feet to a point;

thence South 00° 24' 32" East a distance of 320.00 feet to the Principal Point and Place of Beginning.

2. The above described real estate presently has a zoning classification of C-2, Shopping Center Commercial District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant, on behalf of University Park Mall, presently occupies or proposes to occupy the North parking lot portion, Directly North of JC Penny retail store, and East to the SR 23 boundary of University Park Mall and West to the University Park Mall boundary at Grape Road of the above described property in the following manner:

4. The Gates Automotive Group desires to occupy the property on three separate occasions, 1.) A specific 10 day period in June to be named, 2.) a specific 10 day period on August to be named for offsite Used Car Sale activities. These activities will be consistent with the previous activities that have been approved by the Board of Zoning Approval, City of Mishawaka, for the past six consecutive years. These events have been executed to the guidelines set forth without cause for internal review or discipline. The hours of operation shall be from 10 am until dusk. The property shall be used "As-Is" with no permanent changes to be made. Additionally, Gates Automotive Group, within the current Zoning Constraints of the City of Mishawaka, would request permission for (8) temporary signs consistent with previous approvals. Three portable tents will be erected to provide shade and shelter for customers and staff not to exceed 30' x 60'. Two 12 x 60 powered mobile office facility for business transactions, consumer privacy compliance, and securing of valuables. Adequate temporary restroom facilities will be provided including but not limited to handicap accessible facilities and washing stations for sanitary concerns. Trash receptacles will be stationed in (8) eight locations through out the site emptied twice daily. As always, appropriate traffic control measures are the highest of priority. Safety cones, barricades, and safety banners will be used to provide clear and safe traffic patterns and parking for University Park Mall guest, offsite sale customers, employees of both the Mall and Gates Automotive Group.

4-1. The Gates Automotive Group request special consideration from the board. Our request for approval the past six years has gone virtually unopposed. The Board has been generous to grant our request. Additionally, the Council has been gracious to accept the Boards recommendation and grant our request. Gates values the time that the Members of the Board dedicate to our Community. We last petitioned your advice and made request of your services three years ago and were granted a three year approval with conditions. We (Gates and University Park Mall) would like to request a comprehensive approval for the next three years. This approval would have to adhere to the guidelines as have been approved for the previous years. This approval could be withdrawn by either party, at any time with 90 days notice. The approval would expire on 10/1/2021. In the consideration of time, effort, and repetition of request, we pray that you carefully review this addition to the submitted request.

5. The Zoning Ordinance of the City of Mishawaka requires, (1) per section 157.14, Prohibit Signage in all Zoning Districts state; it shall be unlawful to erect or maintain temporary signs, except as permitted under 157.16 Temporary Freestanding Sign Permits. (2) The parking area of the University Park Mall in question is Zoned C-2, Shopping Center Commercial.

6. Strict adherence to the Ordinance requirements enforced would prohibit Gates from selling used vehicles from that location, and (2) Using banners, tents and other miscellaneous materials to promote our Used Car Sales Event.

7. Approval of this request will not be injurious to the public health, safety, morals, or general welfare of the community at large. Gates Automotive Group, having been a local family owned business for 90 years, is involved in and committed to the well being of the City of Mishawaka and the fine citizens who reside here. The use and the value of the area and the adjacent properties included in the variance will not be adversely affected. Quite to the contrary, this event has and will continue to stimulate revenues for the local community. Numerous local media outlets, employees of surrounding business enterprises, subcontractors and vendors involved in staging this event and certainly tax revenues for State and local Government will be positively impacted.

7-1. The need for the variance arises due to the fact that the property is located in the City of Mishawaka and is currently not being used for the same purpose as the request is being made. The property is also located in a very high visibility area with easy access, adequate customer and employee parking.

7-2. Strict application to the terms of this chapter constitutes an unnecessary hardship if applied to this property due to the fact that Gates Used Car Sales are successful in part because of the safe and festive atmosphere created by our marketing and executed by our well trained employees. The previous approvals graciously granted by the by The Board of Zoning Appeals beginning in 2010, and commencing last year, 2018, were beneficial for Gates, the University Park mall, and the Community of Mishawaka as a whole. The events were organized in an effective, safe, and non-offensive manner to the community. Over the last three years, the State of Indiana has enjoyed tax revenues totaling over $1.5M dollars. Additionally, the payrolls, invoices, numerous hired vendors, and outsourced services have generated hundreds of thousands in revenue that stay in the local Community. We have driven nearly ten thousand curious and interested buyers to this market since inception which has been beneficial to the University Park Mall and other local businesses. We believe that the approval of the above request will in no manner fall short of our previous year's success and benefit to the Community at large. We strongly encourage the approval of our request and believe we can do our share to encourage economic momentum. Restricting the use of this property will also limit the ability for Gates' to stimulate a vibrant market and promote an event that surrounding communities have come to expect and enjoy.

8. Approval will in no manner interfere with the Mishawaka 2000 Comprehensive Plan as the property is already defined as Commercial.

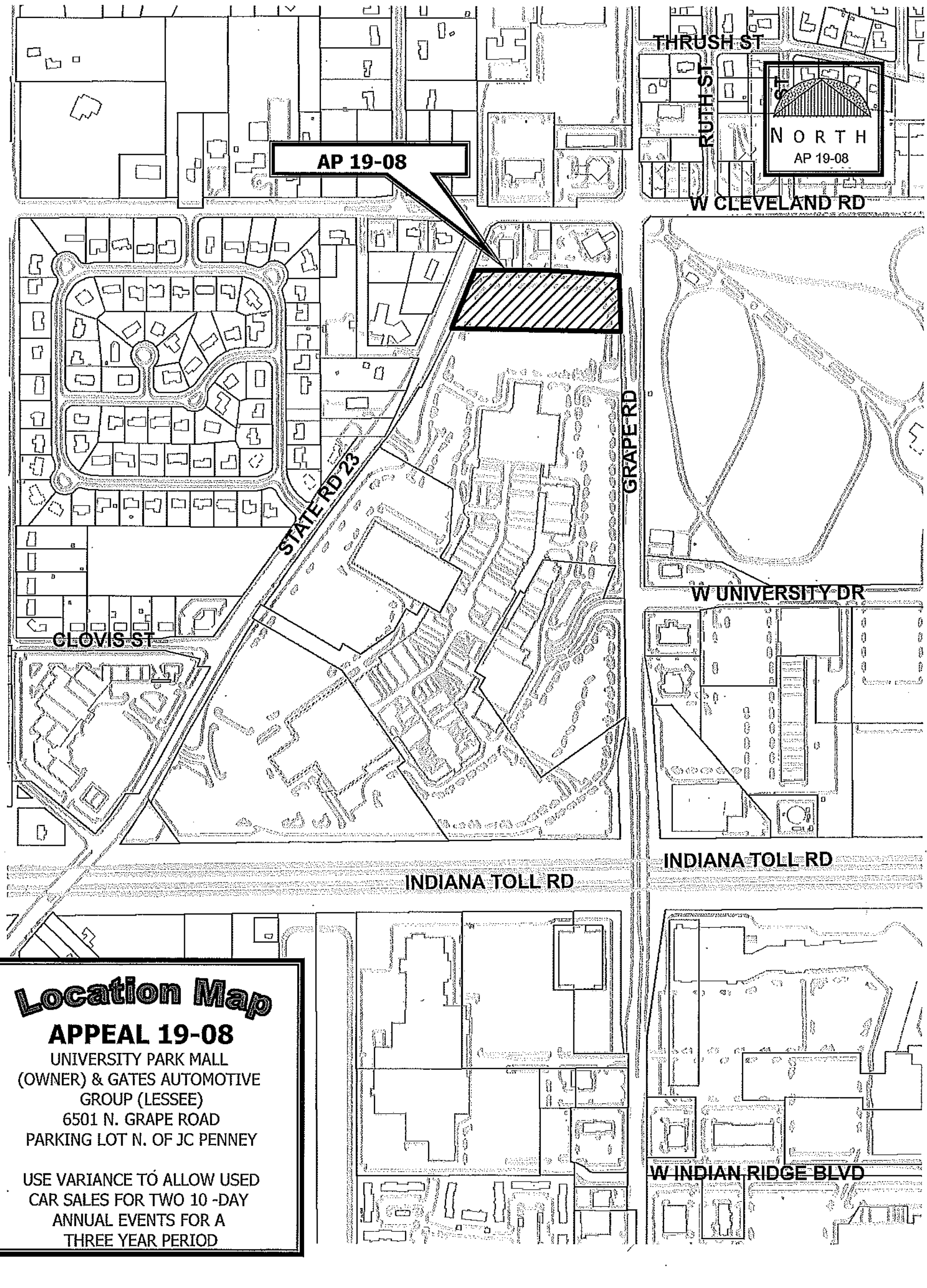
Wherefore the Gates Automotive Group prays and respectfully requests a hearing on this appeal and that after such a hearing, the Board grants the requested variance.

Property Owner Signature: See Attached Authorization

Property Owner Name: University Park Mall

Contact Person(s):

Clint A, Emberton
GSM, Gates Automotive Group
636 W. McKinley Avenue
Mishawaka, IN 46545
Phone: 574-340-0395
Fax: 574-291-6088
Email: cemberton@gatestoyota.com


THRUSH ST
RUTH ST
NORTH
AP 19-08
AP 19-08
W CLEVELAND RD
GRAPE RD
STATE RD 23
W UNIVERSITY DR
CLOVIS ST
INDIANA TOLL RD
INDIANA TOLL RD
W INDIAN RIDGE BLVD
Location Map
APPEAL 19-08
UNIVERSITY PARK MALL
(OWNER) & GATES AUTOMOTIVE
GROUP (LESSEE)
6501 N. GRAPE ROAD
PARKING LOT N. OF JC PENNEY
USE VARIANCE TO ALLOW USED
CAR SALES FOR TWO 10 -DAY
ANNUAL EVENTS FOR A
THREE YEAR PERIOD

RECEIVED
FEB 19 2019
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

UNIVERSITY PARK MALL
A SIMON MALL

AP 19-08

February 19, 2019

City of Mishawaka
600 East Third Street
Mishawaka, IN 46545

To Whom It May Concern:

This letter will serve as University Park Mall's authorization for Gates to utilize a designated portion of our parking lot to promote its line of vehicles during requested dates in 2019 (lease reference: 9710-1217-SBV-07355). The attached plot map details the planned placement of vehicles and tents in our north parking lot near JC Penney.

We have a good working relationship with Gates Automotive and the shows over the past four years were all well organized and professional. University Park Mall and its merchants benefit from these types of promotions by means of traffic and sales.

Please do not hesitate to contact me for clarification or if further information is needed.

Sincerely,

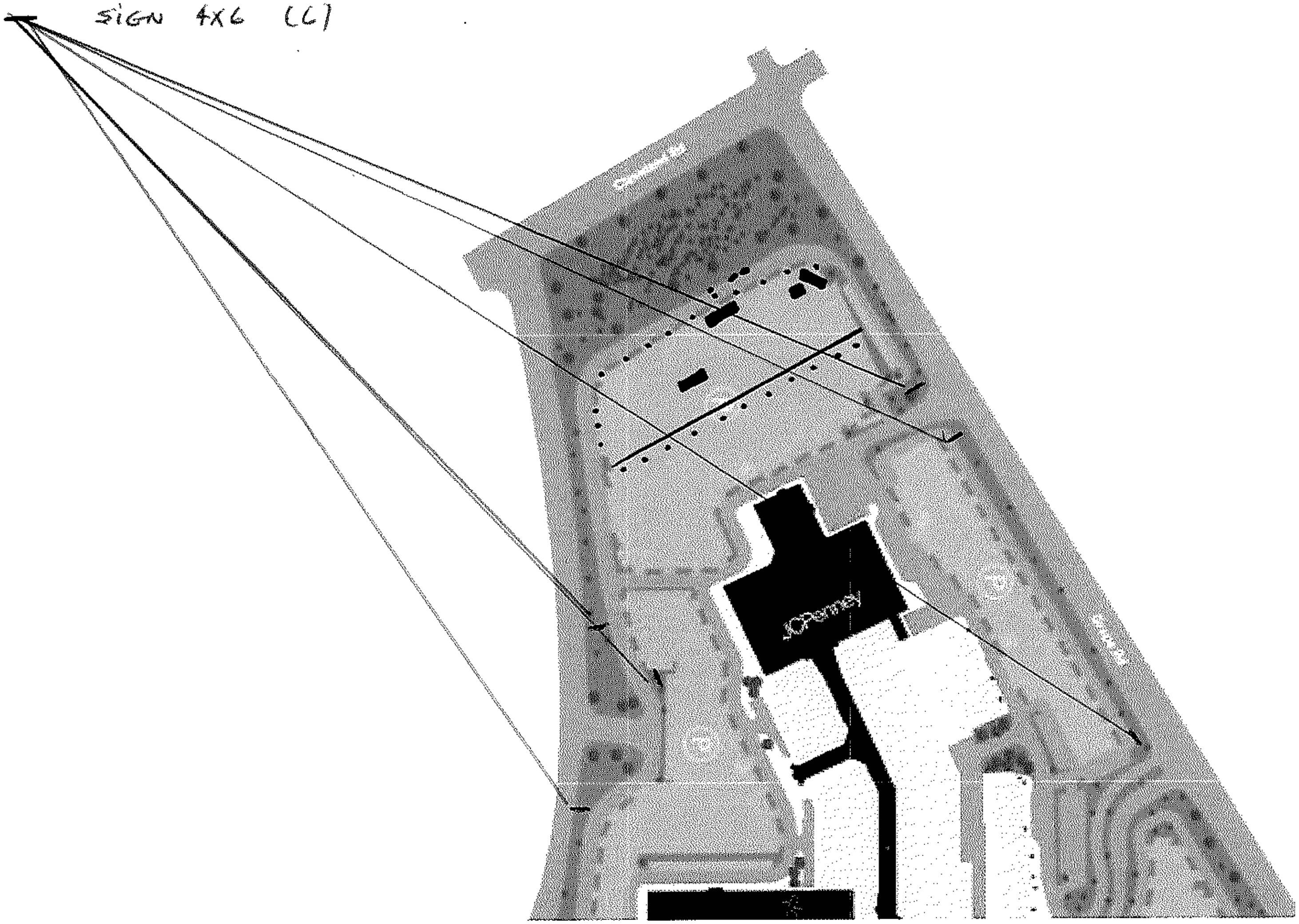
Lily Tikijian

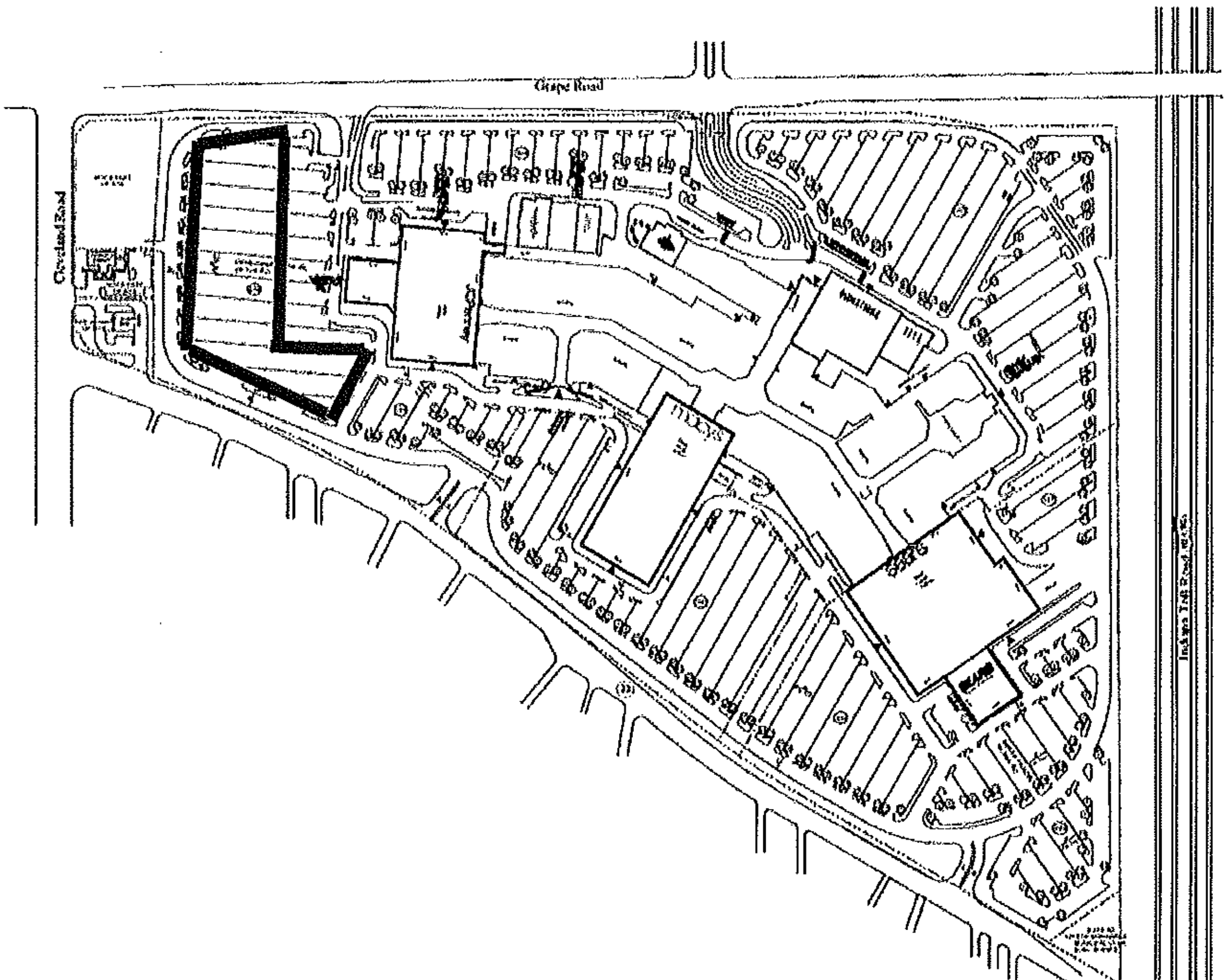
Lily Tikijian
Director of Marketing & Business Development
University Park Mall

cc: Wes Mehr

smw/enclosure

- PORTABLE FACILITIES (2)
- 12X12 TENT (1)
- 30X60 TENT (2)
- MOBILE OFFICES (2)
- SAFTEY CONES
- SIGN 4X6 (6)





University Park Mall
6501 N. Grape Road
Mishawaka, IN 46545

SIMON

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 13 2019

CITY CLERK
MISHAWAKA, IN

APPEAL #19-09

RESOLUTION NO. 2019- **12**

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

500 South Union Street, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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 the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **500 South Union Street, Mishawaka, Indiana**, more particularly known and described as follows:

> THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, AND ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF THE ORIGINAL UNION STREET AND THE SOUTH RIGHT-OF-WAY LINE OF THE CONRAIL RAILROAD, SAID POINT ALSO BEING THE NORTHWEST CORNER OF A PARCEL OF GROUND IDENTIFIED AS TAX KEY NUMBER 016-1126-4943 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA AUDITOR'S OFFICE; THENCE IN A NORTHEASTERLY DIRECTION (ALL BEARINGS ASSUMED) ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE CONRAIL RAILROAD FOR A DISTANCE OF 161 FEET MORE OR LESS; THENCE SOUTH A DISTANCE OF 90 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 160 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF SAID ORIGINAL UNION STREET; THENCE NORTH ALONG SAID EAST LINE A DISTANCE OF 71 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 0.30 ACRES MOR OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

The Use Variance will allow a telecommunications facility consisting of a 180′ monopole tower (185′ overall height with appurtenances) and a fenced compound for associated buildings and equipment subject to the following conditions:

1. The monopole tower shall not exceed more than 185 ft. in height including all attached appurtenances and/or antenna.

2. A 6′ minimum to 8′ maximum high security fence with vinyl slats shall be provided around the base of the tower to fully enclose all future buildings and equipment. Barbed wire may be utilized.

3. An Administrative Site Plan shall be submitted for the property. The site plan shall be consistent with the preliminary site plan as submitted.

4. A recorded ingress/egress easement, or equivalent documentation, showing legal access between the compound area and the Union Street public right-of-way shall be provided prior to site plan approval or issuance of an improvement location permit.

5. The proposed access drive between the vacated portion of Union Street and the access gate into the compound shall be paved.

6. A storm water drainage plan shall be submitted to include an adequate system and means to capture all runoff from the new impervious surface areas.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The property on which the tower is to be located is adjacent to industrial, commercial, and office uses, with limited residential uses north of the railroad tracks. Screening/buffering is present between the area north of the railroad tracks and the proposed tower location. The tower and compound will be securely fenced and will be constructed and managed according to all regulatory codes.

2. The use and value of the area adjacent to the property included in the conditional use permit will not be affected in a substantially adverse manner. The adjacent area consists primarily of industrial, office, and commercial development, with adequate screening/buffering between the proposed tower

location on the applicant's property and the limited residential properties to the north.

3. The conditions of approval shall mitigate any potentially adverse impact of the proposed use upon the adjacent properties.

4. Adequate measures will be taken to provide proper utilities, drainage, paved access roads, and fencing for safety precautions. Additional landscape buffering will not be required due to the adjacent uses being predominantly industrial, office, and commercial, with the limited residential uses to the north being adequately screened. The tower compound will be unmanned and will not cause traffic congestion.

5. The granting of this conditional use is in the best interests of the community. The use of cellular phones and technology are continually increasing creating a higher demand for better cellular coverage for public safety entities, businesses, municipalities and residents. The proposed tower at this location is necessary to fill gaps in coverage within the surrounding area. The tower will not place additional demands on public services and facilities in excess of current capacity. No sanitary sewer or water or other public services are required. No traffic will be generated. Adequate electric service is available.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of_________________, 2019, at ______o'clock _____.m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of ____________________2019, at _______ o'clock ___m.

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

APPROVED by me this _______ day of_____________________, 2019, at
______o'clock _____.m.

____
David A. Wood, Mayor

www.telecompark.com
HAYES TOWERS

AP 19-09

February 20, 2019

Board of Zoning Appeals
600 E Third Street
City of Mishawaka, Indiana 46544

Re: Application for a Conditional Use Permit

The undersigned Appellant respectfully shows the Board:

1. Petitioner proposes to purchase the following described real estate located in the City of Mishawaka, St. Joseph County, State of Indiana, to-wit:

   THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, and ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF THE ORIGINAL UNION STREET AND THE SOUTH RIGHT-OF-WAY LINE OF THE CONRAIL RAILROAD, SAID POINT ALSO BEING THE NORTHWEST CORNER OF A PARCEL OF GROUND IDENTIFIED AS TAX KEY NUMBER 016-1126-4943 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA AUDITOR'S OFFICE; THENCE IN A NORTHEASTERLY DIRECTION (ALL BEARINGS ASSUMED) ALONG SAID SOUTH RIGHT-OF- WAY LINE OF THE CONRAIL RAILROAD FOR A DISTANCE OF 161 FEET MORE OR LESS; THENCE SOUTH A DISTANCE OF 90 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 160 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF SAID ORIGINAL UNION STREET; THENCE NORTH ALONG SAID EAST LINE A DISTANCE OF 71 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 0.30 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

2. The above described real estate presently has a zoning classification of I2 District under the Zoning Ordinance of the City of Mishawaka.

3. Petitioner presently occupies *(or proposes to occupy)* the above described property in the following manner:

   Hayes Towers, or a related entity, proposes to occupy above-described property with a 180' high (185' overall) monopole type telecommunications tower.

4. Petitioner desires to obtain a conditional use permit in order to build a telecommunication tower.

5. The Zoning Ordinance of the City of Mishawaka states, in Section 137-609B, that a Communication broadcast tower may be a conditionally approved use for property already zoned industrial I-2 district.

1. *Will approval be injurious to the public health, safety, morals or general welfare of the community?*

   No. The proposed use will not be injurious to the public health, safety, morals or general welfare because the compound will be securely fenced and no dangerous materials will be used at the site.

2. *Will the use and value of the area adjacent to the property included in the conditional use permit be affected in a substantially adverse manner?*

   No, adjacent property will not be affected in a substantially adverse manner. In preparing this petition, Hayes Towers consulted with the Mishawaka City Planner's Office and will continue to work with the Planner's Office to ensure that the project will be designed, constructed, and maintained in an appropriate manner.

3. *Will adequate conditions be stipulated to mitigate any potentially adverse impact of the conditional use permit upon adjacent property?*

   Yes, Hayes Towers will continue to work with the BZA, Common Council and Mishawaka City Planner's Office to design and build the tower compound according to zoning ordinances and recommendations.

4. *Will adequate measures be taken to provide proper utilities, drainage, paved access roads, landscape buffering, fencing, leakproof dikes, safety precautions, and to minimize traffic congestion?*

   Yes, Hayes Towers will take all measures necessary to provide the proper utilities, drainage, paved access roads and a 6' fence for safety precautions. The site will be an unmanned facility and will not cause traffic congestion.

5. *Why is the granting of the conditional use permit in the best interest of the community?*

   The granting of the conditional use permit is in the best interest of the community because public safety entities, businesses, municipalities and residents need reliable cellular coverage on a daily basis. This tower is necessary to fill coverage gaps in areas surrounding the tower. The tower will not place demands on public services and facilities in excess of current capacity. No sewer or water or other public services are required at the site, no additional traffic will be generated, and adequate electric service is available.

Wherefore, Petitioner prays and respectfully requests a hearing on this application and that after such hearing the Board grant the requested Conditional Use Permit.

Anne Hayes

Purchaser of Property

CONTACT PERSON:
Name: Anne Hayes
Address: 814 Marietta Street, South Bend, IN 46601
Phone: 574-233-1296
AHAYES@TELECOMPARK.COM

Board of Zoning Appeals
City of Mishawaka, Indiana
600 E Third Street
Mishawaka, IN 46544

Re: Petition For the construction of a monopole type communications tower.

To: The Honorable Board,

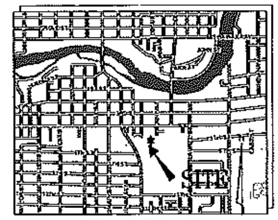
Please be advised that Charles S. Hayes Inc. dba Hayes Towers, has been directed to represent my interest at the public hearing of the Board of Zoning Appeals of Mishawaka, Indiana at which this petition is to be considered.

John C. Cocquyt

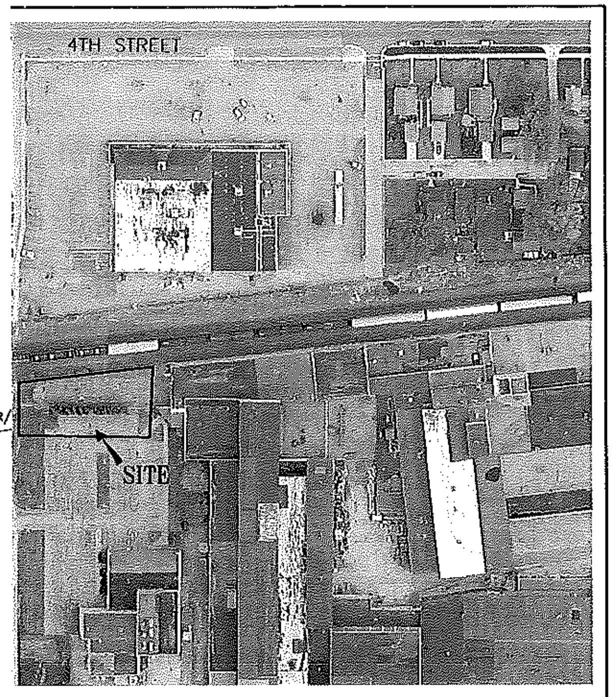
JLJ Group LLC, John Cocquyt

LEGAL DESCRIPTION:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF THE ORIGINAL UNION STREET AND THE SOUTH RIGHT-OF-WAY LINE OF THE CONRAIL RAILROAD, SAID POINT ALSO BEING THE NORTHWEST CORNER OF A PARCEL OF GROUND IDENTIFIED AS TAX KEY NUMBER 016-1126-4943 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA AUDITOR'S OFFICE; THENCE IN A NORTHEASTERLY DIRECTION (ALL BEARINGS ASSUMED) ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE CONRAIL RAILROAD FOR A DISTANCE OF 161 FEET MORE OR LESS; THENCE SOUTH A DISTANCE OF 90 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 160 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF SAID ORIGINAL UNION STREET; THENCE NORTH ALONG SAID EAST LINE A DISTANCE OF 71 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 0.30 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.



SITE LOCATION MAP
N.T.S.



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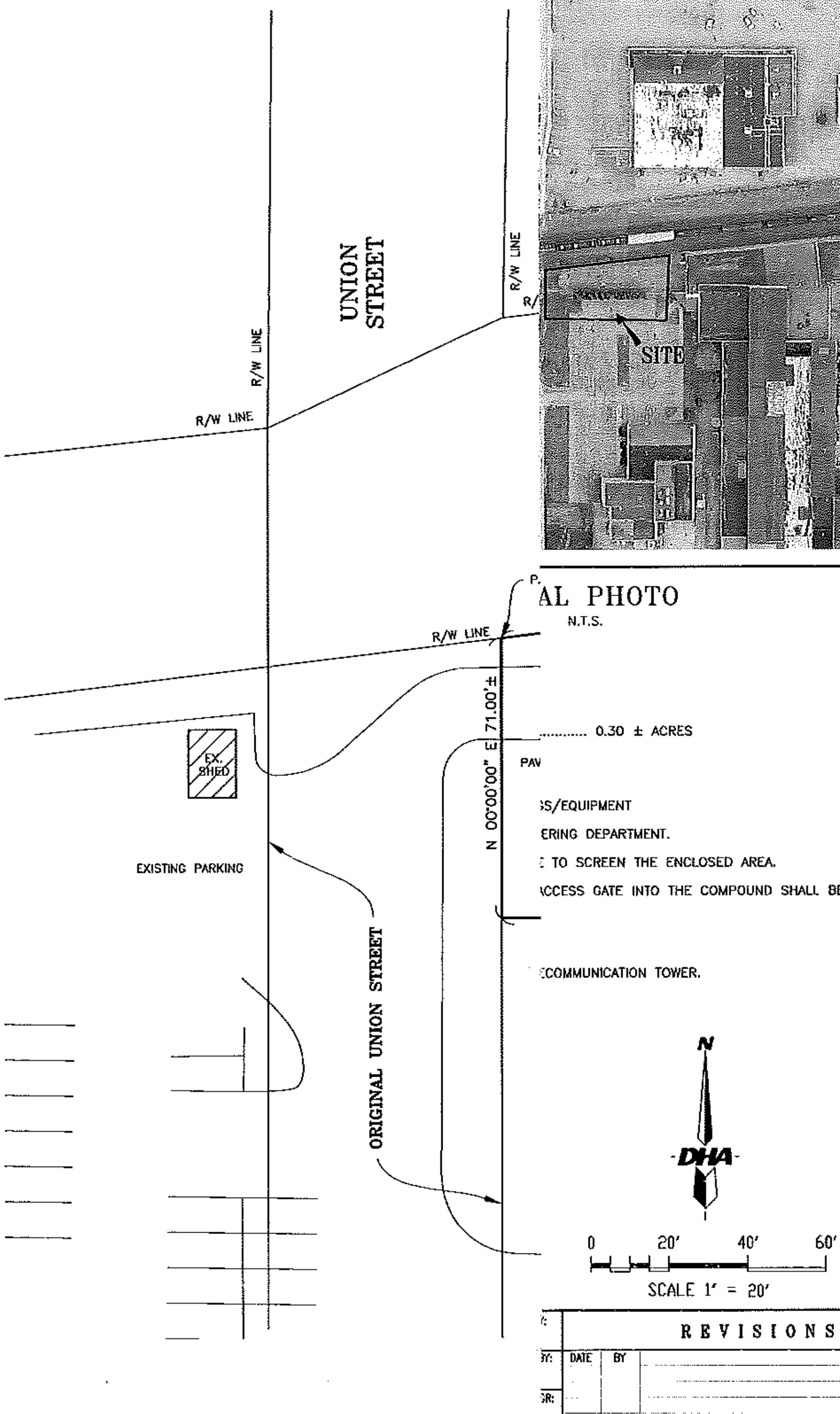
N.T.S.



.... 0.30 ± ACRES

S/EQUIPMENT

ERING DEPARTMENT.

TO SCREEN THE ENCLOSED AREA.

CCESS GATE INTO THE COMPOUND SHALL BE

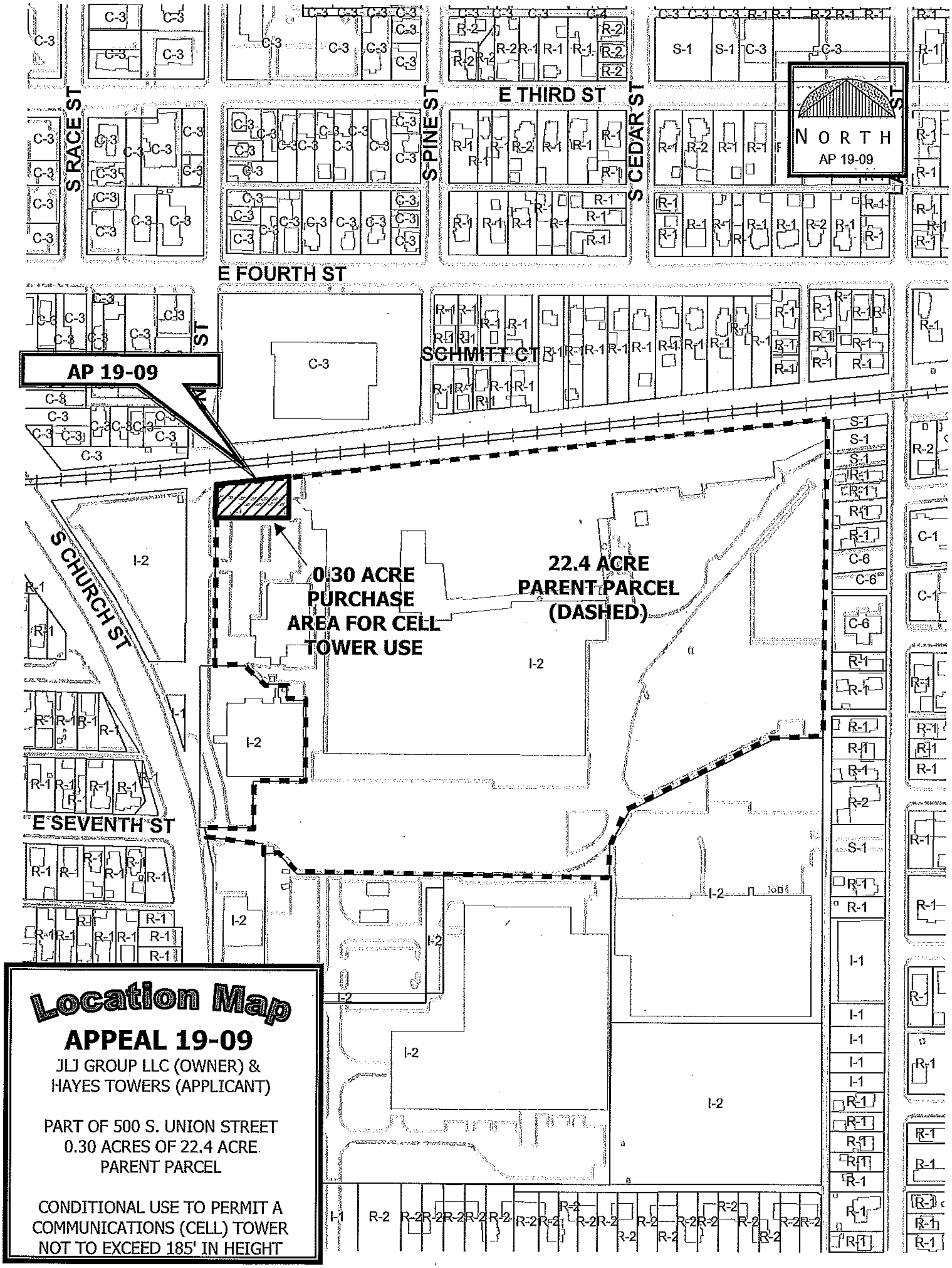
COMMUNICATION TOWER.

Danch, Harner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners
Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119
1643 Commerce Drive • South Bend, IN 46628

REVISIONS

DATE	BY	

SHEET 1 OF 1



E THIRD ST
E FOURTH ST
S RACE ST
S PINE ST
S CEDAR ST
SCHMITT CT
S CHURCH ST
E SEVENTH ST
NORTH
AP 19-09
AP 19-09
0.30 ACRE PURCHASE AREA FOR CELL TOWER USE
22.4 ACRE PARENT PARCEL (DASHED)
Location Map
APPEAL 19-09
JLJ GROUP LLC (OWNER) &
HAYES TOWERS (APPLICANT)
PART OF 500 S. UNION STREET
0.30 ACRES OF 22.4 ACRE
PARENT PARCEL
CONDITIONAL USE TO PERMIT A
COMMUNICATIONS (CELL) TOWER
NOT TO EXCEED 185' IN HEIGHT

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 14 2019

CITY CLERK
MISHAWAKA, IN

1st Reading 2-18-19
2nd Reading
Passed
Failed
Continued To

PETITION #19-01

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2019-06

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:

R-1 Single Family District: A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the southeast corner of Lot 1 as shown on the Recorded plat of Crone's Arthur Street Minor Subdivision in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9320384; thence North 00°00'00" West along the east line of said Lot 1, a distance of 183.43 feet to the beginning; thence continuing North 00°00'00" West along said east line, a distance of 145.00 feet to the northeast corner of said Lot 1; thence North 89°55'02" West along the north line of said Lot 1, a distance of 6.96 feet; thence North 00°00'00" West a distance of 167.90 feet; thence South 89°55'02" East, a distance of 302.00 feet to a point of the east right-of-way line of Grape Road; thence South 00°00'00" East along said east line, a distance of 312.90 feet; thence North 89°55'02" West, a distance of 295.04 feet to the point of beginning containing 2.15 acres more or less.

R-3 Multi-Family District: A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the southeast corner of Lot 1 as shown on the Recorded plat of Crone's Arthur Street Minor Subdivision in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9320384; thence North 00°00'00" West along the east line of said Lot 1, a distance of 183.43 feet; thence South 89°55'02" East, a distance of 295.04 feet to the east right-of-way line of Grape Road; thence South 00°00'00" East along said east line, a distance of 183.43 feet; thence North 89°55'02" West, a distance of 295.04 feet to the point of beginning containing 1.24 acres more or less.

COMMON ADDRESS: 16525 Arthur Street and 52781 Grape Road

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

Proposed Ordinance No. 2019-06

Ordinance No. __________
of Mishawaka, Indiana, and shall carry a classification for zoning of R-1 Single Family Residential District and R-3 Multi-Family Residential District.

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

1. Existing Conditions - The subject parcels are located along a moderately travelled section of Grape Road adjacent to property zoned for commercial, retail, office, restaurant, and single family residential uses. The annexation area consists of an existing single-family house and vacant land. Adjacent land uses include an office, commercial, and restaurant to the south, and single family residential to north, west, and east.

2. Character of Buildings in Area - The character of the buildings located adjacent to and in the surrounding area are commercial and residential. Single family residential homes are located to the north, west, and east of the property, with an office building and vacant retail building and restaurant to the south.

3. The most desirable/highest and best use - With the property's location adjacent to both commercial and single family residential uses, the most desirable uses for the property are transitional multi-family and single family residential as proposed.

4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed uses will provide a transition from the commercial uses to the south and the single family residential uses to the north.

5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family and single family uses are reasonably consistent with adjacent land uses along this portion of the Grape Road corridor.

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 __________________, 2019, at _______ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

Proposed Ordinance No. 2019-06

Ordinance No. ___________

PRESENTED by me to the Mayor this ______ day of _________________, 2019, at o'clock _____.M.

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

APPROVED by me this _____ day of ________________, 2019, at _____ ______o'clock ______.M.

____
David A. Wood, Mayor

PET 19-01

January 22, 2019

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

RE: Petition for Annexation and Zoning Classification

The undersigned DJSJ, LLC, Don Shaum, JR AND Jennifer Shaum respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

R-1 Multi Family District Area

A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the southeast corner of Lot 1 as shown on the Recorded plat of Crone's Arthur Street Minor Subdivision in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9320384; thence North 00°00'00" West along the east line of said Lot 1, a distance of 183.43 feet to the point of beginning; thence continuing North 00°00'00" West along said east line, a distance of 145.00 feet to the northeast corner of said Lot 1; thence North 89°55'02" West along the north line of said Lot 1, a distance of 6.96 feet; thence North 00°00'00" West a distance of 167.900 feet; thence South 89°55'02" East, a distance of 302.00 feet to a point of the east right-of-way line of Grape Road; thence South 00°00'00" East along said east line, a distance of 312.90 feet; thence North 89°55'02" West, a distance of 295.04 feet to the point of beginning containing 2.15 acres more or less.

R-3 Multi Family District Area

A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the southeast corner of Lot 1 as shown on the Recorded plat of Crone's Arthur Street Minor Subdivision in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9320384; thence North 00-00'00" West along the east line of said Lot 1, a distance of 183.43 feet; thence South 89-55'02" East, a distance of 295.04 feet to the east right-of-way line of Grape Road; thence South 00-00'00" East along said east line, a distance of 183.43 feet; thence North 89-55'02" West, a distance of 295.04 feet to the point of beginning containing 1.24 acres more or less.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located 16525 Arthur Street and 52781 Grape Road, both in Granger, Indiana and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a R-1 Residential District and R-3 Residential District. Petitioners further state they intend to utilize said land for single family and multi-family units.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

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

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a R-1 Residential District and R-3 Residential District.

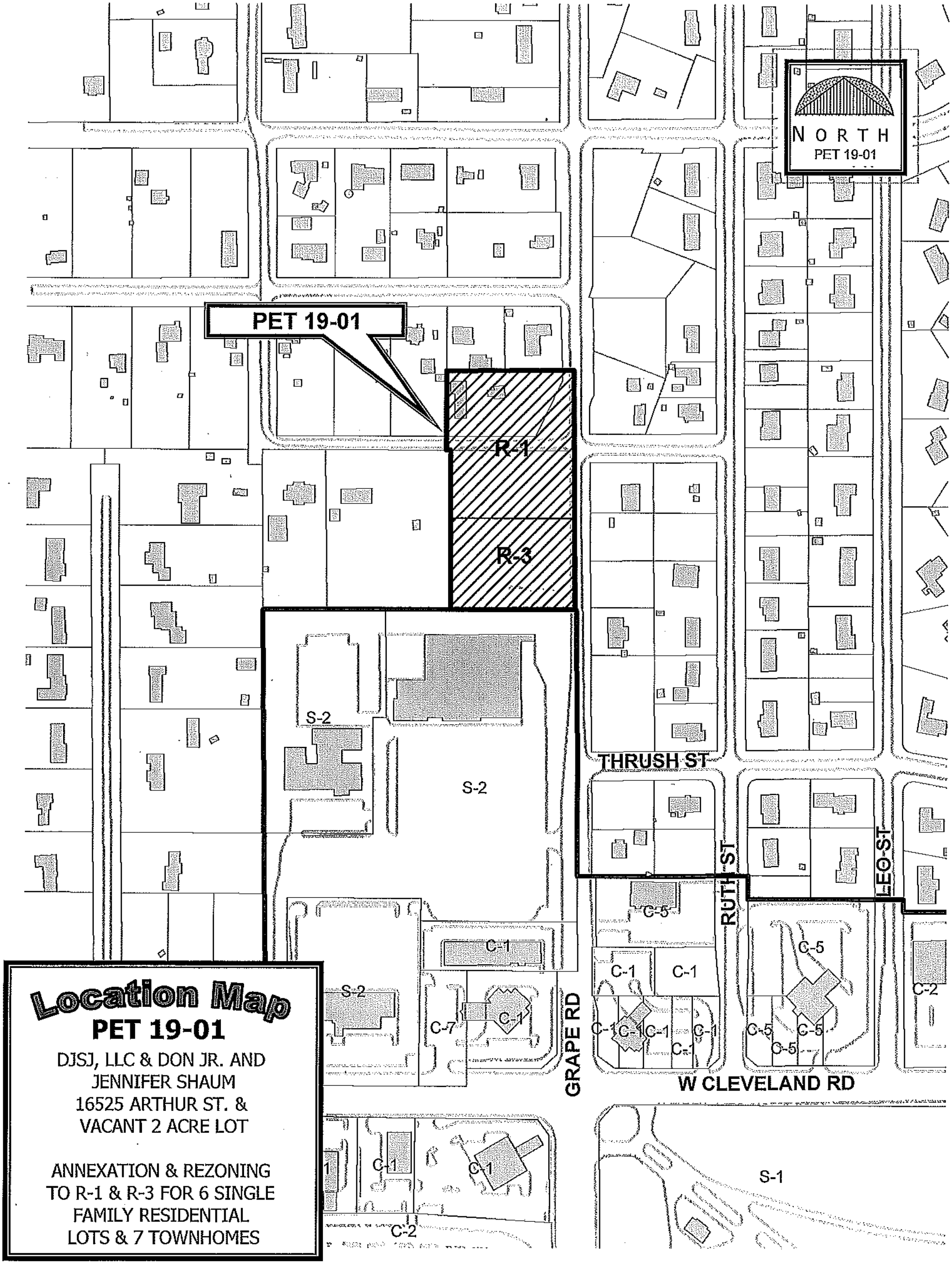
x Donald I Shaum Jr
DJSJ, LLC
By Don Shaum Jr (print name)
22040 County Road 20
Goshen, Indiana 46525

x Donald I Shaum Jr
Don Shaum, Jr.
22040 County Road 20
Goshen, Indiana 46525

x Jennifer Shaum
Jennifer Shaum
22040 County Road 20
Goshen, Indiana 46525

Contact Person:

Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com


NORTH
PET 19-01
PET 19-01
R-1
R-3
S-2
S-2
S-2
THRUSH ST
RUTH ST
LEO ST
C-5
C-1
C-1
C-1
C-5
C-2
C-7
C-1
C-5
C-5
C-5
GRAPE RD
W CLEVELAND RD
C-1
C-1
C-2
S-1
Location Map
PET 19-01
DJSJ, LLC & DON JR. AND
JENNIFER SHAUM
16525 ARTHUR ST. &
VACANT 2 ACRE LOT
ANNEXATION & REZONING
TO R-1 & R-3 FOR 6 SINGLE
FAMILY RESIDENTIAL
LOTS & 7 TOWNHOMES