

AGENDA

Wednesday, May 8, 2019

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

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

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

April 15, 2019

5. Petitions, Communications, Remonstrance and Memorials

Petition No. 2019-06 PUD Amendment Addition of Property for Parking and Stormwater Management for Proposed Multi-family Housing Development-North of the Edison Lakes Parkway and Holy Cross Parkway Intersection

Presentation of Encumbered Funds

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2019-12 Correction to Ordinance No 5594 Annexation of 16839 Douglas Rd by Scrivener's Error

8. Resolutions

9. Ordinances on Second Reading

P.O. NO. 2019-09 Rezone from R-1 Res to I-1 Light Ind for Mini Storage Warehousing 215 & 217 S. Elder.(Assigned to Land Use Planning Committee)

P.O. NO. 2019-10 Additional Funds Merrifield Improvements \$18,500.00(Assigned to Budget and Finance Committee)

P.O. NO. 2019-11 Amending Civil City 2019 Salary Ordinance(Assigned to Budget and Finance Committee)

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
April 15, 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 April 15, 2019, at 7:00 p.m. The meeting was called to order by President Dale “Woody” Emmons all were asked to stand for the Pledge of Allegiance.

 Roll Call.

Present: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

Absent: Mrs. Petko Reisdorf.

Minutes for the Regular Meeting of April 01, 2019 were approved as received from the Clerk’s Office.

Clerk Block read a letter from the City Plan Commission regarding their recommendations from their April 09, 2019 meeting.

PETITION #19-05 A petition submitted by Marc Campbell requesting to rezone **215 and 217 South Elder Street** from R-1 Single Family Residential District to I-1 Light Industrial District.

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

Clerk Block read the following proposed ordinances by title, assigned to a committee and set for public hearing at the next meeting.

PROPOSED ORDINANCE NO. 2019-09

**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.**

(Rez from R-1 to I1 Ind. 215 & 217 S. Elder)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2019-10

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2019**

(Add Funds – Merrifield Improvements \$18,500)
(Assigned to the Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2019 -11

**AN ORDINANCE AMENDING ORDINANCE 5642 THE FIXING THE
SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT,
MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE
MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE
YEAR BEGINNING JANUARY 1, 2019.**

(Amd Civil City 2019 Salary Ord)
(Assigned to the Budget and Finance Committee)

UNFINISHED BUSINESS

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

RESOLUTION NO. 2019-13

**RESOLUTION OF THE CITY OF MISHAWAKA, INDIANA
ADOPTING THE ST. JOSEPH COUNTY
MULTI-HAZARD MITIGATION PLAN**

John Antonucci, Director of St. Joseph County Emergency Management Agency said they submitted the plan to the honorable council to review. He continued to say they were opened to any corrections. Mr. Antonucci mentioned the plan was adopted several years ago, this was a 5-year update.

Mrs. Voelker said the plan was impressive, there was a lot of hard work and people involved in the plan. She asked why the plan was not adopted at the time it was created in 2017. Mr. Antonucci explained the Polus Center, which was ran by Indiana University was awarded a contract to update this plan. He continued to say they were tediously working their way through the process for over 2 years. Mr. Antonucci said they had a lot of leadership changes over the years. Mrs. Volker asked when the plan would be updated again. Mr. Antonucci said the next update would be 2025. He explained FEMA pulled all grant funding from the State of Indiana because of the City of Kokomo. Mr. Antonucci said their Mitigation Plan was up in 2015, but due to the pulling of the grant funding, they were not able to get it to the Polus Center until late 2016. He said this plan would take affect in 2020. Mrs. Voelker commented as a Historic Preservation member not all of the historic structures in Mishawaka were listed. She asked was it possible to correct for this plan. Mr. Antonucci replied sure, if they supplied information. He added anything that happens in St. Joseph County need to be filed such as the historic preservation impact, which would include any grant money or applications.

Mr. Hixenbaugh thanked Mr. Antonucci for his patients to give them the opportunity to review the plan. He expressed his appreciation to Mr. Antonucci and Fire Chief Gregg Hunt. Mr. Antonucci said they were doing their level best. He said he was the 5th director in 8 years, the last several years he could feel everyone's concerns at the agency. Mr. Antonucci mentioned he

was in his 5th year as Director, they were going to continue to build relations and they wished to participate in the city's emergency plan and do everything they could for the City of Mishawaka.

Question was called for at 7:13 P.M. for **RESOLUTION 2019-13**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.**

RESOLUTION NO. 2019-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS AND WITHDRAWING A PREVIOUSLY APPROVED REAL PROPERTY TAX ABATEMENT FOR BAYER HEALTHCARE

Ken Prince, City Planner said the abatement for Bayer Healthcare granted in 2015 did not come to fruition. He continued to say the company was consolidating their operations and moving logistics from Mishawaka to New Jersey. Mr. Prince said as a result the Vice President of Operations submitted a letter officially requesting withdrawal of the abatement. He explained if the resolution was approved the abatement would essentially be terminated and would no longer be submitted for compliance in the future. Mr. Prince went on to discuss the River walk Development, LLC apartment project. He said they submitted a progress report but there was not an actual compliance report because the project has not begun. Mr. Prince said the staff reviewed 10 active abatements in the city. He said documents were attached for the councils review and the administration felt the documents represented compliance. Mr. Prince stated some were in more compliance than others. He reported details on each active abatement. Mr. Prince continued to say the administration felt all active abatements should be considered to be in compliance at this time with further evaluations for the ones ramping up.

Mr. Tanner asked particularly regarding WellPet, when wages increase substantially when employment was flat, did the city have a metric for reporting whether the increase was from managements, administrative or labor and whether it was made during overtime to compensate for the flat staffing. Mr. Prince said they did not request for that information, whatever they receive from the CF1 was what they asked and relied on. He believed WellPet's management was out of Boston, the majority of higher-level management was offsite. Mr. Prince continued to say the second scenario of overtime would probably be the accurate scenario for WellPet, which was his assumption.

Mr. Mammolenti questioned the abatement for River Walk Development, LLC. He asked was the abatement tied to two parcels, potentially to the future boutique hotel. Mr. Prince replied no, it was confusing because the original partners split. He said the originals partners built the River Rock Apartments together, the Barack group decided to separate. Mr. Prince said the Management partner of the River Walk was Scott Sivan and the partner for the hotel was Nir Davison.

Mr. Compton thanked Mr. Prince for the detailed report. He also thanked Tom Bauters, Lippert Components for attending the Budget and Finance Committee meeting. Mr. Compton said they spoke extensively about what they do and why the company had not met their numbers for their abatement. He continued to say the company took a small down turn in the RV Industry and they moved jobs from one facility to another. Mr. Compton continued to say Lippert made business decisions that could have brought more jobs here. He mentioned they knew Lippert made a large investment in the facility, which was not covered by the tax abatement. Mr. Compton went on to say Lippert also had another facility in Mishawaka which was not tax abated, employing 120. He said the committee felt comfortable with where the industry stood, and they would continue to watch their progress. Mr. Compton said Mr. Bauters felt confident they would reach the numbers they projected, but it was going to take a little more time. He thanked Mr. Bauters for his time and helping the committee understand where they were with the tax abatement. Mr. Prince recalled there was a question regarding the amount of property of Lippert Components acquired in Mishawaka. Mr. Bauters provided a map to show the council.

Mr. Mammolenti recalled last year when the North American Composites requested the abatement, he asked would the company do any bulk filling. He said at that time the company said no. Mr. Mammolenti said he has driven by several times to notice they were doing off loading on bulk tank wagons. Mr. Prince said they would make the inquire.

Mr. Emmons thanked Mr. Prince for his work. He asked how many abatements were actually active. Mr. Prince explained there were 12 abatements on file, minus Bayer it would be 11. He continued to say 10 were constructed which actually required reporting.

Mayor Wood thanked Mr. Prince for his hard work. He reiterated the support for the abatements. Mayor Wood continued to say abatements were rare in the City of Mishawaka compared to all of the neighboring cities. He said it was also rare the administration supported abatements. Mayor Wood stated the city has had 60 abatements going back to 1986. He said the administration believed the abatements should be used as an incentive to promote the city's strategic goals such as high value economic development and to help overcome extenuating circumstance such as high site development cost or to assist in creation of high paying jobs. Mayor Wood said the administration understood, respected and valued the council's oversight. He continued to say they believed their process in Mishawaka served as the best practice. Mayor Wood spoke specifically of his support on the Lippert Components abatement. He said this company could have set up shop in any community, he was glad the company chose Mishawaka to make a significant investment. Mayor Wood continued to say Lippert invested millions into a brown field site. He mentioned he had the opportunity to tour the facility; the improvements Lippert made would serve the city for a very long time. Mayor Wood said they did quality work. He reiterated to the companies that Mishawaka was a great place to do business, Mishawaka was opened and willing to help with abatements to meet strategic objectives.

Tom Bauters, Assistant Treasurer and Tax Director for Lippert Components expressed the company was pleased to be in Mishawaka. He continued to say the building was now finished with the exception of completing the parking lot and fencing. Mr. Bauters went on to say they acquired 20 acres to the east with a plan to do phase two down the road as business continues. He stated in 2013 they were at 1 billion dollars, today they were at 2.5 billion dollars. Mr. Bauters said they had over 9,000 employees; 6,000 were in the State of Indiana, 600 were in St. Joseph County and 200 were in Mishawaka. He said their plan was to continue to grow. Mr.

Bauters said they made 40 acquisitions in the last 20 years and they had a number in place they were currently pursuing. He continued to say the facility at Byrkit was a distribution facility set up to sell aftermarket parts sold to retail, whole sale and distributors. Mr. Bauters said the market was booming and doing extremely well despite the RV softening in the market. He said they had nothing but great expectations for this location. Mr. Bauters expressed he appreciated the support from City Planner Ken Prince and Mayor Wood. He said they had a plant in Elkhart and South Bend, but they had to relocate activities to the Byrkit street location. He continued to say they have made some decisions to the building and they were planning an open house and ribbon cutting for the facility. He hoped the council would attend to tour the facility, he believed everyone would be impressed with the world class, state of the art facility. Mr. Bauters went on to say they were very excited about the opportunity to continue to grow, they had 390,000 square feet in Mishawaka. He went on to discuss their Edison Lakes office. He said they moved 119 high paying jobs to Edison Lakes and brought in resources and college educated engineers, IT, sales and accountants. Mr. Bauters said half of their executive leadership was at the Edison Lakes building. He stated the total compensation was substantially higher than what they promised on the SB1 with 340 employees in Mishawaka.

Members of the council thanked Lippert for coming to Mishawaka bringing high paying jobs and for the charitable outreach in the community. They expressed they were lucky to have Lippert and improvements made to the building were great.

Mr. Tanner asked was an abatement necessary for a 2.5-billion-dollar company to initiate and complete the activities. Mr. Bauters said Michigan offered Lippert a generous amount for a distribution center in their area. He continued to say giving the employment constraints in Elkhart county, they chose to stay in Indiana. Mr. Bauters said they also looked in Northern Indiana and Southern Michigan.

Mr. Hixenbaugh thanked Mr. Bauters for the report last week. He said the council felt it was important to have a conversation about the status of the jobs that were discussed at the time the abatement was approved. Mr. Hixenbaugh said Mr. Bauters did a good job of placing the numbers in the proper context. He continued to say he had no problem concluding in shortfalls the anticipated number was a result of factors beyond the control of Lippert. Mr. Hixenbaugh stated the council, the administration and companies take tax abatements very seriously and work hard to make sure the decision made were followed through.

Questioned was called for at 7:55 P.M. for **RESOLUTION NO. 2019-14**   **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

NEW BUSINESS

Mr. Mammolenti announced the Twin branch neighborhood meeting would be April 17th at 7 P.M., at Fire Station 4. He said Mayor Wood would be presenting the State of the City.

Mr. Emmons announced the 1st District Neighborhood meeting would be April 25th at 7 P.M. at St. Bavo's Church.

Ken Prince, City Planner announced the Mishawaka Food Pantry would be hosting a Trivia Night on April 26th.

A moment of silence for city employee Adrian Peterson of the Water Works Division.

ADJOURNMENT 8:03 P.M.

Deborah S. Block /s/
Deborah S. Block, IAMC, MMC, City Clerk

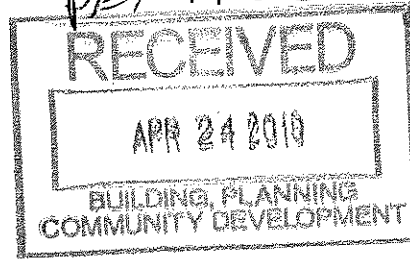
Dale “Woody” Emmons /s/
Dale “Woody” Emmons, President

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 01 2019

CITY CLERK
MISHAWAKA, IN

April 24, 2019



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

RE: PETITION FOR PUD AMENDMENT

The undersigned John Coussens and Cressy Land Investments LLC respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

PARCEL 1

SEE ATTACHED EXHIBIT A FOR REVISED LEGAL

NORTHWEST CORNER OF EDISON LAKES PARKWAY AND PROPOSED CONNECTOR ROAD ENTERING NEW CAMPUS

PARCEL 6, MARBACH, BRADY & WEAVER ALTA LAND TITLE SURVEY, JOB 35-02, DRAWING A-22500, REVISED 8/7/02

LEGAL DESCRIPTION

PART OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, SITUATED IN CLAY TOWNSHIP, ST. JOSEPH COUNTY, STATE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE MARKING THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 33; THENCE NORTH 00 18' 40" WEST ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 33 A DISTANCE OF 239.20 FEET TO A POINT IN THE CENTERLINE OF JUDAY CREEK; THENCE CONTINUING NORTH 00 18' 40" WEST ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 33 A DISTANCE OF 420.24 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89 57' 13" WEST PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 33 A DISTANCE OF 195.85 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 290.00 FEET, AN ARC LENGTH OF 72.89 FEET AND BEING SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 82 50' 44" WEST AND A LENGTH OF 72.70 FEET TO A POINT OF TANGENCY; THENCE SOUTH 75 38' 41" WEST A DISTANCE OF 51.51 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 185.43 FEET, AND AN ARC LENGTH OF 84.88 FEET AND BEING SUBTENDED BY A LONG CHORD HAVING A BEARING OF 62 31' 54" WEST AND A LENGTH OF 84.14 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 302.00 FEET, AN ARC LENGTH OF 73.98 FEET AND BEING SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 42 24' 03" WEST AND A LENGTH OF 73.80 FEET; THENCE SOUTH 35 22' 58" WEST A DISTANCE OF 9.13 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EDISON

LAKES PARKWAY; THENCE NORTH 55° 58' 48" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF EDISON LAKES PARKWAY A DISTANCE OF 206.29 FEET; THENCE NORTHWESTWARDLY ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2008.26 FEET, AN ARC LENGTH OF 35.91 FEET AND BEING SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 62° 31' 50" WEST AND A LENGTH OF 35.91 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 33; THENCE NORTH 00° 14' 01" WEST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 33; THENCE SOUTH 89° 57' 13" EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 33; THENCE SOUTH 00° 18' 40" EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 33 A DISTANCE OF 5.00 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION

AND

Parcel 2

A PARCEL OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 00°40'39" WEST ALONG THE EAST LINE OF SAID QUARTER SECTION, 627.38 FEET TO THE POINT OF BEGINNING, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HOLY CROSS PARKWAY; THENCE THE NEXT (3) THREE COURSES ALONG THE NORTHERLY AND NORTHWESTERLY RIGHT-OF-WAY LINE OF HOLY CROSS PARKWAY; (1) THENCE SOUTH 89°09'31" WEST, 70.43 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 465.00 FEET, SUBTENDED BY A CHORD LENGTH OF 320.19 FEET, BEARING SOUTH 69°00'52" WEST; (2) THENCE SOUTHWESTERLY ALONG SAID CURVE, 326.88 FEET; (3) THENCE SOUTH 85°58'37" WEST, 37.60 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF EDISON LAKES PARKWAY; THENCE NORTH 56°39'42" WEST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF EDISON LAKES PARKWAY, 47.45 FEET; THENCE NORTH 35°01'08" EAST, 7.98 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 302.00 FEET, SUBTENDED BY A CHORD LENGTH OF 73.80 FEET, BEARING NORTH 42°02'13" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE, 73.98 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 185.43 FEET, SUBTENDED BY A CHORD LENGTH OF 84.14 FEET, BEARING NORTH 62°10'04" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE, 84.88 FEET; THENCE NORTH 75°16'51" EAST, 51.51 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 290.00 FEET, SUBTENDED BY A CHORD LENGTH OF 72.70 FEET, BEARING NORTH 82°28'54" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE, 72.89 FEET; THENCE NORTH 89°40'57" EAST, 195.85 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 00°40'39" EAST ALONG SAID EAST LINE, 32.06 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.58 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

COMMON ADDRESS: *North of the Edison Lakes Parkway and Holy Cross Parkway Intersection*

Exhibit A - PARCEL 1

Northwest Corner of Edison Lakes Parkway and Proposed Connector Road Entering New Campus
Parcel 6, Marbach, Brady & Weaver ALTA Land Title Survey, Job 35-02, Drawing A-22500, revised 8/7/02

Legal Description

Part of the Northeast Quarter (NE $\frac{1}{4}$) of Section 33, Township 38 North, Range 3 East, situated in Clay Township, St. Joseph County, State of Indiana, being more particularly described as follows:

Commencing at an iron pipe marking the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33; thence North 00 18' 40" West along the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33 a distance of 239.20 feet to a point in the centerline of Juday Creek; thence continuing North 00 18' 40" West along the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33 a distance of 420.24 feet to the place of beginning of this description; thence North 89 57' 13" West parallel with the South line of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33 a distance of 195.85 feet to a point of curvature of a tangent curve; thence Southwesterly along a curve to the left, said curve having a radius of 290.00 feet, an arc length of 72.89 feet and being subtended by a long chord having a bearing of South 82 50' 44" West and a length of 72.70 feet to a point of tangency; thence South 75 38' 41" West a distance of 51.51 feet to a point of curvature of a tangent curve; thence southwesterly along a curve to the left, said curve having a radius of 185.43 feet, and an arc length of 84.88 feet and being subtended by a long chord having a bearing of 62 31' 54" West and a length of 84.14 feet to a point of compound curvature; thence southwesterly along a curve to the left said curve having a radius of 302.00 feet, an arc length of 73.98 feet and being subtended by a long chord having a bearing of South 42 24' 03" West and a length of 73.80 feet; thence South 35 22' 58" West a distance of 9.13 feet to a point on the Northerly right-of-way line of Edison Lakes Parkway; thence North 55 58' 48" West along the Northerly right-of-way line of Edison Lakes Parkway a distance of 2.06 feet; thence North 61 51' 37" West along the Northerly right-of-way line of Edison Lakes Parkway a distance of 206.29 feet; thence Northwestwardly along a curve to the left, said curve having a radius of 2008.26 feet, an arc length of 35.91 feet and being subtended by a long chord having a bearing of North 62 31' 50" West and a length of 35.91 feet to a point on the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33; thence North 00 14' 01" West along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33 a distance of 12.94 feet to a rebar marking the Southwest Corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33; thence South 89 57' 13" East along the South line of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33 a distance of 663.09 feet to an iron pipe marking the Southeast Corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33; thence South 00 18' 40" East along the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33 a distance of 5.00 feet to the place of beginning of this description

Petitioner(s) own one hundred (100%) percent of the above described parcels which carry zoning classifications of S-2 Planned Unit Development specifically for
A hospital with medical buildings and a helipad.. Said parcels are currently vacant.
Petitioner(s) desire said real estate to be amended to allow for:

1. *Expansion of the Coussens-Golden Corral PUD, as approved per Ordinance 5348 and amended per Ordinance 5646, to include the property as described above. The property is owned by Cressy Land Investments and zoned S-2 PUD. Saxon Partners, the contingent developer of a proposed multi-family housing project, is acquiring the above described property which is adjacent to the southern boundary of the existing Coussens-Golden Corral PUD. The parcel(s) is currently zoned S-2 PUD, and are part of the St. Joseph Medical Edison Lakes PUD approved as Ordinance #5035 and #5222. The parcel(s) will allow for parking to accommodate the Multi-family Housing development, and be a part of the overall storm water management plan for the site.*

As such, we are requesting that the parcels be released from the existing St. Joseph Medical Edison Lakes PUD Ordinance regulations, and be incorporated into the Coussens-Golden Corral PUD, as amended under ordinance #5646.

Accompanying this petition is a drawing, to scale, showing the above described parcel of real estate, and showing the proposed location and size of the proposed building structures.

Petitioners further agree to the remaining standards and conditions as they exist in the current PUD Ordinance #5646.

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.


Signed _____

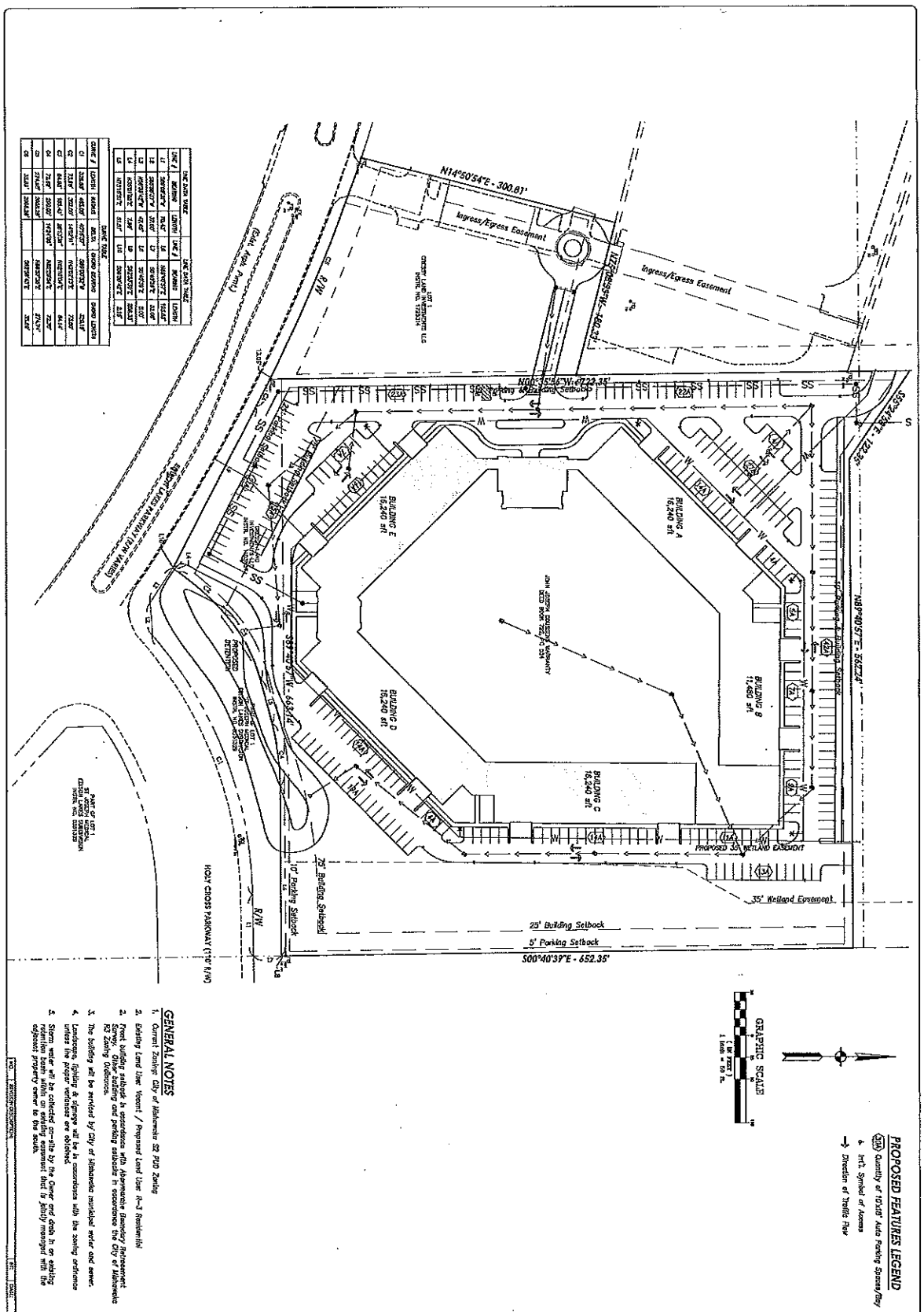
John Coussens


Signed _____

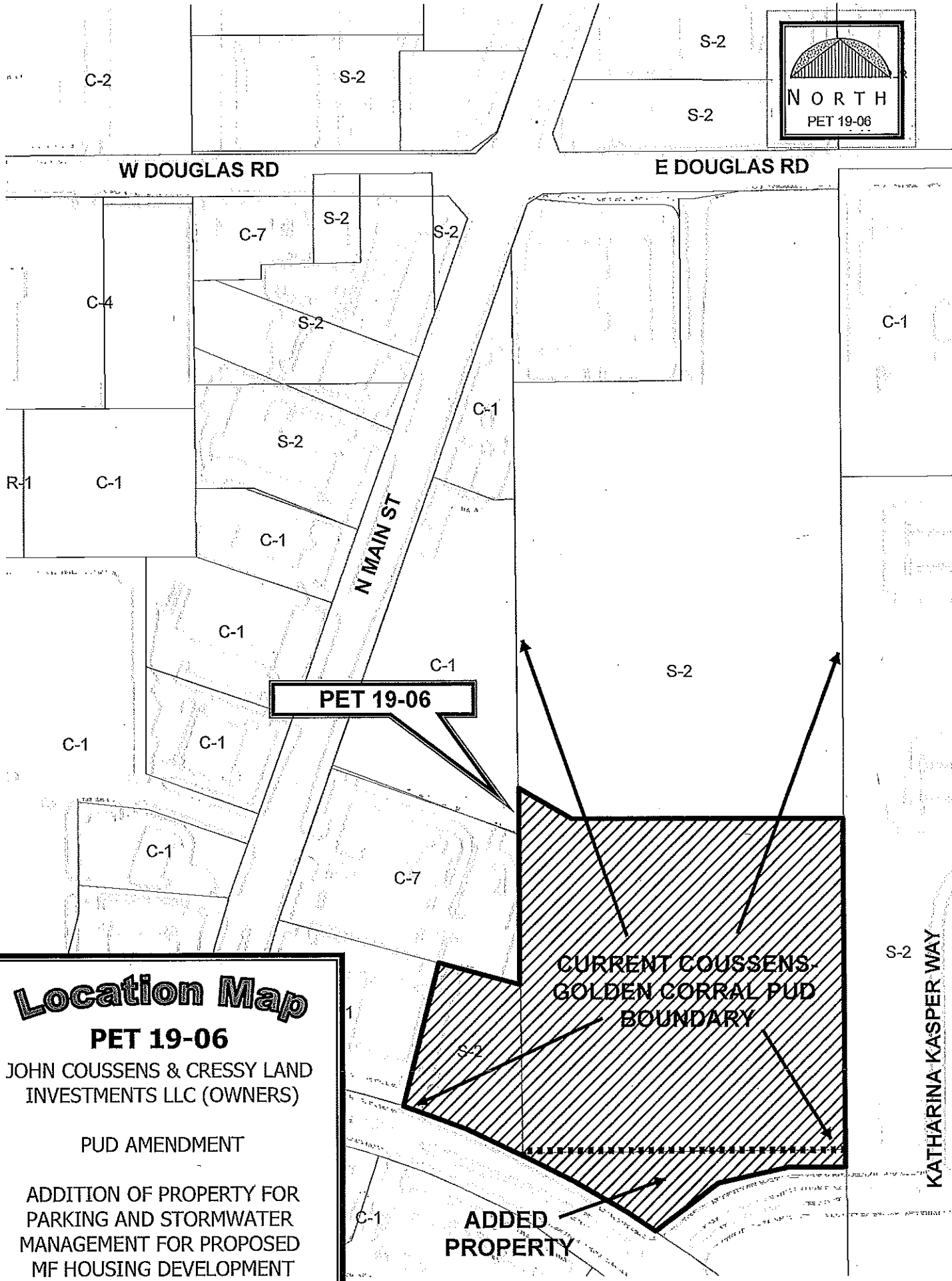
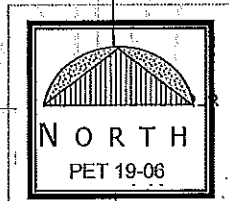
George Cressy
Cressy Land Investments LLC

CONTACT PERSON:

Name: Mike Huber, Abonmarche Consultants
Address 750 Lincoln Way East, South Bend, IN 46601
Phone Number/ Fax 574.347.4610
Email mhuber@abonmarche.com



DATE: 08/14/2014		DATE: 08/14/2014	
DATE / USER / REVISION	DATE / USER / REVISION	DATE / USER / REVISION	DATE / USER / REVISION
01 / 08/14/2014 / 01	02 / 08/14/2014 / 02	03 / 08/14/2014 / 03	04 / 08/14/2014 / 04
05 / 08/14/2014 / 05	06 / 08/14/2014 / 06	07 / 08/14/2014 / 07	08 / 08/14/2014 / 08
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97 / 08/14/2014 / 97	98 / 08/14/2014 / 98	99 / 08/14/2014 / 99	100 / 08/14/2014 / 100



Location Map

PET 19-06

JOHN COUSSENS & CRESSY LAND INVESTMENTS LLC (OWNERS)

PUD AMENDMENT

ADDITION OF PROPERTY FOR PARKING AND STORMWATER MANAGEMENT FOR PROPOSED MF HOUSING DEVELOPMENT

CURRENT COUSSENS-GOLDEN CORRAL PUD BOUNDARY

ADDED PROPERTY

KATHARINA KASPER WAY



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurt Vardaman, Deputy Controller

Date: April 15, 2019
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: **Presentment of encumbered funds**

Due to contracts not completed or invoices not paid in the year in which they were budgeted, these earmarked dollars move forward to the next year's budget. Most are capital related and contractual as detailed in the attached report.

Please contact me with any questions.

c: David A. Wood

PAGE-1

County	Saint Joseph	Unit Name	Mishawaka
514	2017	71	Date- 04/02/2019
ID	YEAR	CO	

County	Saint Joseph	Unit Name	Mishawaka
514 ID	2017 YEAR	71 CO	Date- 04/02/2019
	FUND: GENERAL	01	DEPARTMENT MAYOR
		100000 PERSONAL SERVICES	
		200000 SUPPLIES	\$300.00
		300000 OTHER SERVICES AND CHARGES	
		400000 CAPITAL OUTLAY	
		9999 TOTAL	\$300.00
	FUND: GENERAL	02	DEPARTMENT CONTROLLER
		100000 PERSONAL SERVICES	
		200000 SUPPLIES	\$287.23
		300000 OTHER SERVICES AND CHARGES	\$1,647.76
		400000 CAPITAL OUTLAY	\$97,108.97
		9999 TOTAL	\$99,043.96
	FUND: GENERAL	03	DEPARTMENT CLERK
		100000 PERSONAL SERVICES	
		200000 SUPPLIES	
		300000 OTHER SERVICES AND CHARGES	
		400000 CAPITAL OUTLAY	
		9999 TOTAL	\$0.00
	FUND: GENERAL	04	DEPARTMENT HUMAN RESOURCES
		100000 PERSONAL SERVICES	
		200000 SUPPLIES	\$31.23
		300000 OTHER SERVICES AND CHARGES	\$692.00
		400000 CAPITAL OUTLAY	
		9999 TOTAL	\$723.23
	FUND: GENERAL	05	DEPARTMENT INFORMATION TECHNOLOGY
		100000 PERSONAL SERVICES	
		200000 SUPPLIES	\$473.64
		300000 OTHER SERVICES AND CHARGES	
		400000 CAPITAL OUTLAY	
		9999 TOTAL	\$473.64
	FUND: GENERAL	07	DEPARTMENT CITY COUNCIL
		100000 PERSONAL SERVICES	
		200000 SUPPLIES	
		300000 OTHER SERVICES AND CHARGES	\$560.35
		400000 CAPITAL OUTLAY	
		9999 TOTAL	\$560.35

PAGE-2

County	Saint Joseph	Unit Name	Mishawaka
514 ID	2017 YEAR	71 CO	Date- 04/02/2019
FUND: GENERAL	13	DEPARTMENT	ENGINEERING
100000	PERSONAL SERVICES		
200000	SUPPLIES	\$231.00	
300000	OTHER SERVICES AND CHARGES	\$1,000.00	
400000	CAPITAL OUTLAY		
9999	TOTAL	\$1,231.00	
FUND: GENERAL	19	DEPARTMENT	FIRE
100000	PERSONAL SERVICES	\$31,330.16	
200000	SUPPLIES	\$35,892.53	
300000	OTHER SERVICES AND CHARGES	\$6,026.08	
400000	CAPITAL OUTLAY		
9999	TOTAL	\$73,248.77	
FUND: GENERAL	20	DEPARTMENT	POLICE
100000	PERSONAL SERVICES	\$22,952.64	
200000	SUPPLIES	\$6,040.08	
300000	OTHER SERVICES AND CHARGES	\$16,151.93	
400000	CAPITAL OUTLAY	\$0.00	
9999	TOTAL	\$45,144.65	
FUND: GENERAL	15	DEPARTMENT	BUILDING
100000	PERSONAL SERVICES		
200000	SUPPLIES		
300000	OTHER SERVICES AND CHARGES		
400000	CAPITAL OUTLAY		
9999	TOTAL		
FUND: GENERAL	22	DEPARTMENT	CENTRAL SERVICES
100000	PERSONAL SERVICES	\$8,502.56	
200000	SUPPLIES	\$4,306.26	
300000	OTHER SERVICES AND CHARGES	\$226.87	
400000	CAPITAL OUTLAY		
9999	TOTAL	\$13,035.69	
FUND: GENERAL	21	DEPARTMENT	PLANNING
100000	PERSONAL SERVICES		
200000	SUPPLIES	\$327.27	
300000	OTHER SERVICES AND CHARGES		
400000	CAPITAL OUTLAY		
9999	TOTAL	\$327.27	

PAGE-3

County	Saint Joseph	Unit Name	Mishawaka
514	2017	71	Date- 04/02/2019
ID	YEAR	CO	
	FUND: GENERAL	06	DEPARTMENT LAW
	100000	PERSONAL SERVICES	
	200000	SUPPLIES	
	300000	OTHER SERVICES AND CHARGES	\$580.75
	400000	CAPITAL OUTLAY	
	9999	TOTAL	\$580.75
	FUND: GENERAL	14	DEPARTMENT CODE
	100000	PERSONAL SERVICES	
	200000	SUPPLIES	
	300000	OTHER SERVICES AND CHARGES	
	400000	CAPITAL OUTLAY	
	9999	TOTAL	\$0.00
	FUND: GENERAL	28	DEPARTMENT REDEVELOPMENT
	100000	PERSONAL SERVICES	
	200000	SUPPLIES	
	300000	OTHER SERVICES AND CHARGES	
	400000	CAPITAL OUTLAY	
	9999	TOTAL	\$0.00
	FUND: GENERAL		
	100000	PERSONAL SERVICES	\$62,785.36
	200000	SUPPLIES	\$47,889.24
	300000	OTHER SERVICES AND CHARGES	\$26,885.74
	400000	CAPITAL OUTLAY	\$97,108.97
	9999	TOTAL	\$234,669.31

PAGE-4

[illegible]



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

May 1, 2019

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Annexation Ordinance 5594

Clerk Block:

It has come to our attention Ordinance 5594, annexing property at 16839 Douglas Road, contained an incomplete legal description. It is attached as Exhibit A.

The resolution for fiscal plan for this annexation, however, contained the correct legal description. It is attached as Exhibit B.

Attached is a revised ordinance draft with a full correct legal description.

Respectfully,

Christa Hill, Associate Planner

1st Reading 5-8-19
 2nd Reading
 Passed
 Failed
 Continued To

PETITION #17-24

MAY 02 2019

CITY OF MISHAWAKA, INDIANA

CITY CLERK
 MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2019-12

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:

Twelve (12) rods off of the West side of the following described real estate: A part of the Southwest quarter of Section 28, Township 38 North, Range 3 East, bounded by a line running as follows, viz: Commencing at a point 72 rods West of the Southeast corner of said quarter Section; thence running West 44 rods; thence North 160 rods; thence East 44 rods; thence South 160 rods to the place of beginning containing 44 acres of land more or less, and being Lots Numbered 1 and 2 as described in the order of partition recorded in Partition Record No. 1, page 139, in the records of the Court of Common Pleas of said County, in the case of Clarissa Johnson vs. William C. Johnson, et al., excepting from said described tract 1.4 acres taken off of and from the entire width of the North end thereof heretofore conveyed to the State of Indiana for the Indiana East-West Toll Road, as recorded in Deed Record 534, page 131, of the records of St. Joseph County, Indiana.

Also excepting: A parcel of land being a part of the Southwest quarter of Section 28, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana, more fully described as: Commencing at the Southeast corner of said Southwest quarter of said Section 28; thence North 90°00'00" West, 1716 feet, along the South line of said Southwest quarter; thence North 00°12'17" East 640 feet (previously recorded as North 00°20'40" West) to the POINT OF BEGINNING; thence North 90°00'00" West, 198 feet, parallel with said South line; thence North 00°12'17" East, 1691.11 feet, (previously recorded as North 00°20'40" West) to the South right-of-way line of the Indiana East-West Tollway (I-80 and I-90); thence North 89°48'44" East, 198 feet, (previously recorded as North 89°17'22" East) along said South right-of-way line; thence South 00°12'17" West, 1691.76 feet, (previously recorded as South 00°20'40" East) to the POINT OF BEGINNING. Also known as Tract: EPA Parcel #1, said parcel containing 7.69 acres, more or less (Young Landscape Nursery, Inc.).

COMMON ADDRESS: 16839 Douglas Road

Proposed Ordinance No. _____

Ordinance No. _____

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-3 Multi-Family Residential District.

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

1. Existing Conditions – This would start to fill in the gap along Douglas Road between the 7-Eleven and University Park apartments.
2. Character of Buildings in Area - Adjacent land uses include several multi-family or medium density residential uses and some commercial uses, on one of the entrances into the City.
3. The most desirable/highest and best use – Because of the parcel's location along the corridor and surrounding uses, the most desirable use for the property is to continue and expand the multi-family use.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed use is compatible with the adjacent multi-family and commercial uses.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan did not specifically identify this area, but did note the other medium density residential uses in the area along Douglas Road. The petition to annex the property as R-3 Multi-Family Residential is consistent with the Comprehensive Plan.

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

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

Proposed Ordinance No. _____

Ordinance No. _____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2019, at _____ o'clock
_____.M.

David A. Wood, Mayor

Remonstrance Period 11-24-17

RECEIVED
DEBORAH S. BLOCK, MMC

1st Reading 9-18-17

PETITION #17-24

SEP 13 2017

2nd Reading 10-2-17

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

Passed

10-16-17

PROPOSED ORDINANCE NO. 2017-37

Failed

Continued To

ORDINANCE NO. 5594

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:

Twelve (12) rods off of the West side of the following described real estate: A part of the Southwest quarter of Section 28, Township 38 North, Range 3 East, bounded by a line running as follows, viz: Commencing at a point 72 rods West of the Southeast corner of said quarter Section; thence running West 44 rods; thence North 160 rods; thence East 44 rods; thence South 160 rods to the place of beginning containing 44 acres of land more or less, and being Lots Numbered 1 and 2 as described in the order of partition recorded in Partition Record No. 1, page 139, in the records of the Court of Common Pleas of said County, in the case of Clarissa Johnson vs. William C. Johnson, et al., excepting from said described tract 1.4 acres taken off of and from the entire width of the North end thereof heretofore conveyed to the State of Indiana for the Indiana East-West Toll Road, as recorded in Deed Record 534, page 131, of the records of St. Joseph County, Indiana.

COMMON ADDRESS: 16839 Douglas 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-3 Multi-Family Residential District.

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

1. Existing Conditions – This would start to fill in the gap along Douglas Road between the 7-Eleven and University Park apartments.

Proposed Ordinance No. 2017-34

Ordinance No. 5594

2. Character of Buildings in Area - Adjacent land uses include several multi-family or medium density residential uses and some commercial uses, on one of the entrances into the City.
3. The most desirable/highest and best use - Because of the parcel's location along the corridor and surrounding uses, the most desirable use for the property is to continue and expand the multi-family use.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed use is compatible with the adjacent multi-family and commercial uses.
5. Comprehensive Plan - The Mishawaka 2000 Comprehensive Plan did not specifically identify this area, but did note the other medium density residential uses in the area along Douglas Road. The petition to annex the property as R-3 Multi-Family Residential is consistent with the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this 16th day of October, 2017, at 7:22 o'clock P.M.



Presiding Officer

ATTEST:

Ross Deal



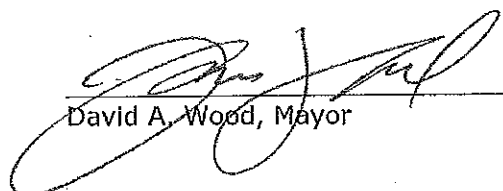
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this 17th day of October, 2017, at 9:18 o'clock A.M.



Deborah S. Block, IAMC, MMC, City Clerk

A APPROVED by me this 17 day of October, 2017, at 9:54 o'clock A.M.



David A. Wood, Mayor

E-RECORDED

simplifile®

ID: Ord No 5594
County: St Joseph
Date: 12-4-17 Time: 11:30 AM

OCT 10 2017

Appendix "A"
Resolution Adopting Fiscal Plan

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2017- 26

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:

16839 Douglas Road, Mishawaka, IN 46545

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:

Twelve (12) rods off of the West side of the following described real estate: A part of the Southwest quarter of Section 28, Township 38 North, Range 3 East, bounded by a line running as follows, viz: Commencing at a point 72 rods West of the Southeast corner of said quarter Section; thence running West 44 rods; thence North 160 rods; thence East 44 rods; thence South 160 rods to the place of beginning containing 44 acres of land more or less, and being Lots Numbered 1 and 2 as described in order of partition recorded in Partition Record No. 1, page 139, in the records of the Court of Common Pleas of said County, in the case of Clarissa Johnson vs. William C. Johnson, et al., excepting from said described tract 1.4 acres taken off of and from the entire width of the North end thereof heretofore conveyed to the State of Indiana for the Indiana East-West Toll Road, as recorded in Deed Record 534, page 131, of the records of St. Joseph County, Indiana.

Also excepting: A parcel of land being a part of the Southwest quarter of Section 28, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana, more fully described as: Commencing at the Southeast corner of said Southwest quarter of said Section 28; thence North 90°00'00" West, 1716 feet, along the South line of said Southwest quarter; thence North 00°12'17" East 640 feet (previously recorded as North 00°20'40" West) to the POINT OF BEGINNING; thence North 90°00'00" West, 198 feet, parallel with said South line; thence North 00°12'17" East, 1691.11 feet, (previously recorded as North 00°20'40" West) to the South right-of-way line of the Indiana East-West Tollway (I-80 and I-90); thence North 89°48'44" East, 198 feet, (previously recorded as North 89°17'22" East) along said South right-of-way line;

thence South 00°12'17" West, 1691.76 feet, (previously recorded as South 00°20'40" East) to the POINT OF BEGINNING. Also known as Tract: EPA Parcel #1, said parcel containing 7.69 acres, more or less (Young Landscape Nursery, Inc.).

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.

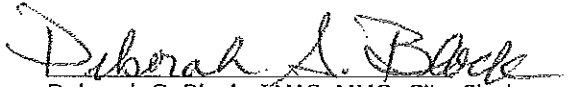
Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

PASSED by the Common Council of the City of Mishawaka, Indiana, this 16th day of October, 2017, at 7:30 o'clock P.M.

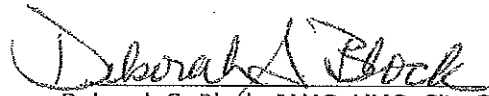

Presiding Officer

Ross Deal

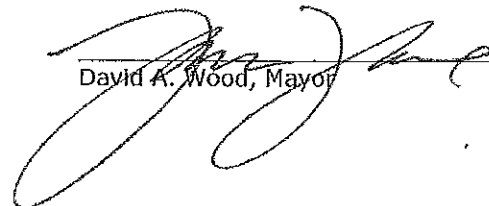
ATTEST:


Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this 17th day of October 2017, at 9:09 o'clock A.M.


Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this 17 day of October 2017, at 9:54 o'clock A.M.


David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 19-05

RECEIVED
DEBORAH S. BLOCK, MMC

CITY OF MISHAWAKA, INDIANA

APR 10 2019

PROPOSED ORDINANCE NO. 2019-09

CITY CLERK
MISHAWAKA, IN

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 twenty (20) feet south of the right of way of the New York Central Lines, where the same is crossed by the east line of the East Half (1/2) of the West Half (1/2) of Section Eighteen (18), Township Thirty-seven (37) North, Range Four (4) East; thence running south four (4) rods; thence west forty (40) rods; thence north four (4) rods; thence east forty (40) rods; thence east forty (40) rods to the place of beginning.

COMMON ADDRESS: 215 South Elder Street

Also a tract of land in the West Half (1/2) of the Northwest Quarter (1/4) of Section eighteen (18), Township thirty-seven (37) North, Range four (4) East described as: Beginning at a point on the east line of said Half Quarter Section, five hundred eighty-five (585) feet north of a stone marking the southeast corner of said Half Quarter Section, thence north along the east line of said Half Quarter Section a distance of sixty-six (66) feet, thence west parallel with the right of way of the New York Central Railroad Company crossing said Section, six hundred sixty-two and sixty-two hundredths (662.62) feet, more or less, to the center line of said Half Quarter Section, thence south sixty-six (66) feet; thence east six hundred sixty-two and sixty-five hundredths (662.65) feet, more or less to the place of beginning, containing one (1) acre, more or less and being designated as Lot Numbered Two (2) on the unrecorded plat of Ward's Subdivision, in St. Joseph County, Indiana. Also a tract of land five (5) feet in width, north and south and one hundred fifty (150) feet in length, east and west, taken out of and from the southeast corner of the following described tract, two-wit: A lot or parcel of

Proposed Ordinance No: _____

Ordinance No: _____

land in the West Half (1/2) of the Northwest Quarter (1/4) of Section numbered eighteen (18), Township thirty-seven (37) North, Range four (4) east described as follows: beginning at a point twenty (20) feet south of the intersection of the south line of the right of way of the New York Central Railroad Company with the west line of the East Half (1/2) of the West Half (1/2) of said Section eighteen (18); thence south four (4) rods; thence west forty (40) rods; thence north four (4) rods; thence east four (4) rods to the place of beginning, now within and a part of the City of Mishawaka. Commonly described as 217 South Elder Street.

COMMON ADDRESS: 217 South Elder Street

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

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

1. Existing Conditions – The subject property consists of two parcels with the south parcel including a single-family house and detached garage, and the north parcel being vacant. Adjacent land uses include a plumbing contractor to the east zoned heavy industrial, low density single-family properties to the south, vacant property zoned heavy industrial to the west, and an active rail line to the north.
2. Character of Buildings – The character of the buildings in the area are industrial to the east, and single-family residential to the south and to the north across the railroad tracks and E. 3rd Street.
3. The most desirable/highest and best use – Because of the parcel's location adjacent to existing low-density residential uses and an industrial (contractor) use, and a vacant property zoned for heavy industrial use, the most desirable use for the property is either continued use as single-family residential or an industrial use.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area since it is compatible with the existing adjacent uses. Additionally, the site shall comply with all screening and landscaping requirements along property lines that are contiguous to residentially zoned properties.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, recommended medium density residential use within this property. However, the proposed land use is consistent with the existing adjacent industrial use and vacant property zoned for heavy industrial use.

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

Proposed Ordinance No: _____

Ordinance No: _____

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.

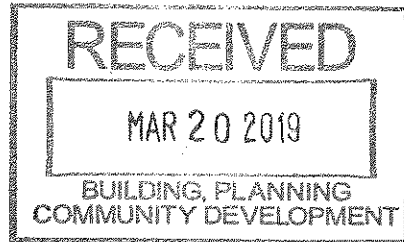
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

March 20, 2019

MAR 27 2019

CITY CLERK
MISHAWAKA, IN



Pet 19-05

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

Re: Petition for Rezone

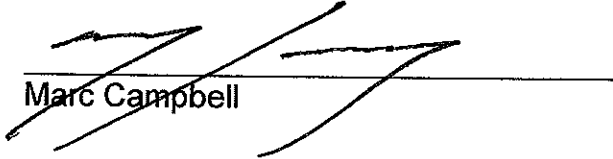
The undersigned, Marc Campbell respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph County, Indiana, to wit:

Beginning at a point twenty (20) feet south of the right of way of the New York Central Lines, where the same is crossed by the east line of the East Half (1/2) of the West Half (1/2) of Section Eighteen (18), Township Thirty-seven (37) North, Range Four (4) East; thence running south four (4) rods; thence west forty (40) rods; thence north four (4) rods; thence east forty (40) rods; thence east forty (40) rods to the place of beginning. Commonly described as 215 S Elder Street, Tax ID 016-1107-4168; Also a tract of land in the West Half (1/2) of the Northwest Quarter (1/4) of Section eighteen (18), Township thirty-seven (37) North, Range four (4) East described as: Beginning at a point on the east line of said Half Quarter Section, five hundred eighty-five (585) feet north of a stone marking the southeast corner of said Half Quarter Section, thence north along the east line of said Half Quarter Section a distance of sixty-six (66) feet, thence west parallel with the right-of-way of the New York Central Railroad Company crossing said Section, six hundred sixty-two and sixty-two hundredths (662.65) feet, more or less, to the center line of said Half Quarter Section, thence south sixty-six (66) feet, thence east six hundred sixty-two and sixty-five hundredths (662.65) feet, more or less, to the place of beginning, containing one (1) acre, more or less and being designated as Lot Numbered Two (2) on the unrecorded plat of Ward's Subdivision, in St. Joseph County, Indiana. Also, a tract of land five (5) feet in width, north and south and one hundredth fifty (150) feet in length, east and west, taken out of and from the southeast corner of the following described tract, to-wit: A lot or parcel of land in the West Half (1/2) of the Northwest Quarter (1/4) of Section numbered eighteen (18), Township thirty-seven (37) North, Range four (4) east described as follows: beginning at a point twenty (20) feet south of the intersection of the south line of the right of way of the New York Central Railroad Company with the west line of the East Half (1/2) of the West Half (1/2) of said Section eighteen (18); thence south four (4) rods; thence west forty (40) rods; thence north four (4) rods; thence east four (40) rods to the place of beginning, now within and a part of the City of Mishawaka. Commonly described as 217 S Elder Street, Tax ID 016-016-1107-4169.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 Single Family Residential District. Said property is residential containing a house and garage.

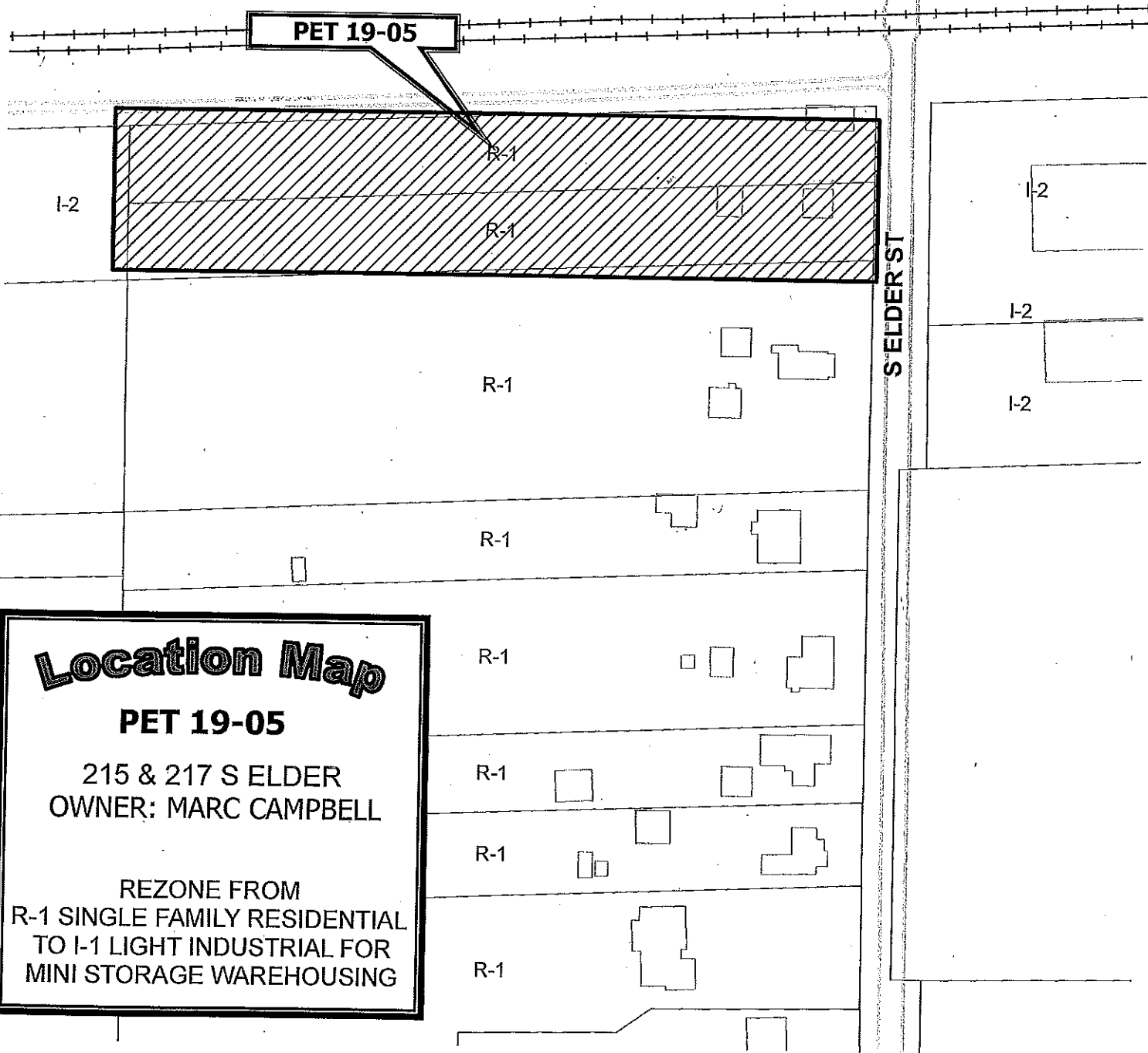
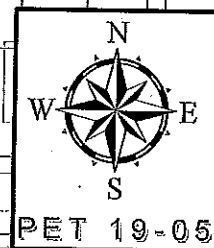
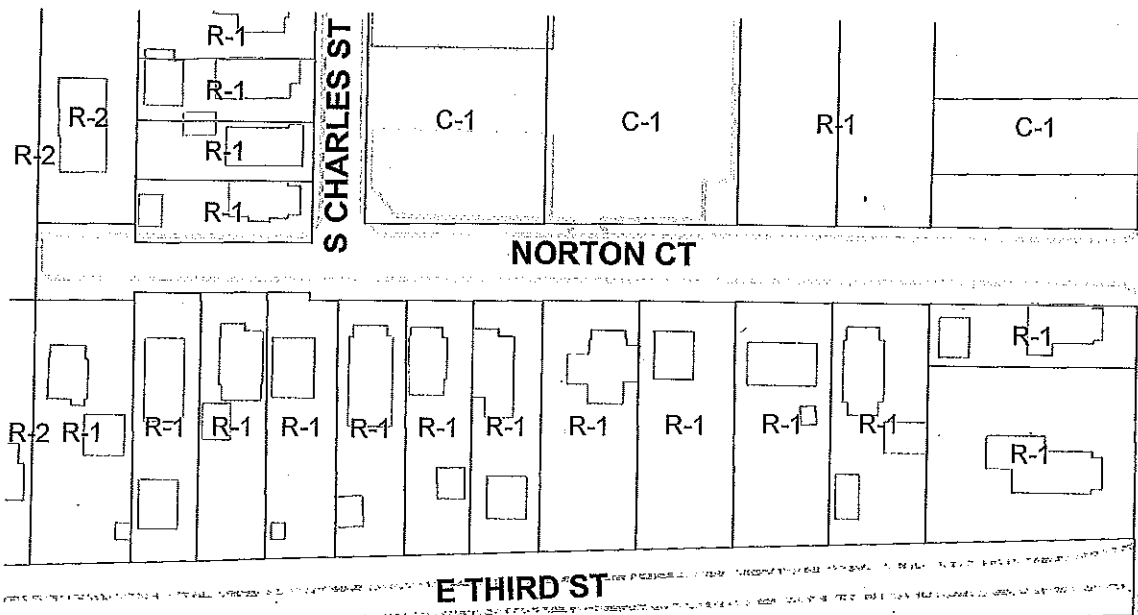
Petitioner(s) desire said real estate to be rezoned to L-1 Light Industrial District.
Petitioner(s) further state that they intend to utilize said land for mini self-storage facility to serve the surrounding community.

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



Marc Campbell

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
Phone: 574-233-1841



Location Map

PET 19-05

215 & 217 S ELDER
OWNER: MARC CAMPBELL

REZONE FROM
R-1 SINGLE FAMILY RESIDENTIAL
TO I-1 LIGHT INDUSTRIAL FOR
MINI STORAGE WAREHOUSING

RECEIVED
DEBORAH S. BLOCK, MMC

APR 11 2019

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2019-10

ORDINANCE NO. _____

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2019**

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

Section 1. An emergency exists which requires the appropriation of additional
funds for the fiscal year ending December 31, 2019 in addition to that set out in detail in the
published budget.

Section 2. There is hereby appropriated from the Park Non-Reverting Fund of the
City of Mishawaka the sum of \$18,500.00 for assignment as follows:

Park Non-Reverting

Other Services and Charges

214-50-436-20

Merrifield Improvements

\$18,500.00

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

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

On this _____ day of _____, 2019 at _____ o'clock, _____. M.

Dale "Woody" Emmons, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of _____, 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



DAVID A. WOOD, MAYOR

PARKS AND RECREATION DEPARTMENT
ADMINISTRATION OFFICE

Date: March 28, 2019
To: Mishawaka Common Council
From: Phil Blasko, Superintendent of Parks
Re: Additional Appropriation of Park Department Funds

Mr. President and Honorable Council Members:

Due to unexpected circumstances, the Parks and Recreation Department must move forward with repairs to the Merrifield Pool Slide. In order to accommodate the cost, an additional appropriation of funds in the amount of \$18,500 from the non-reverting accounts is needed.

Thank you for your consideration of this matter. Should you have any questions, please do not hesitate to contact me at (574) 258-1664 or pblasko@mishawaka.in.gov.

Respectfully submitted,

Phil Blasko, Superintendent of Parks

cc: Honorable Mayor Dave Wood
Rebecca Miller, City Controller

RECEIVED
DEBORAH S. BLOCK, MMC

APR 11 2019

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2019 - 11

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 5642 THE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2019.

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

Section 1. The biweekly salaries of all employees of the City of Mishawaka except the Mishawaka Park Department, Elected Officials and the Mishawaka Utilities for the year beginning January 1, 2019 and shall be payable in 26 bi-weekly pay periods commencing on January 11, 2019.

BIWEEKLY HOURLY

PART-TIME HELP

7.25-30.00

CENTRAL SERVICES/MVH:

GROUP 3

18.20

Section 2. This ordinance shall be in full force and effect from and after its signing and attestation.

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

this _____ day of _____ 2019, at _____ o'clock, ____m.

Dale "Woody" Emmons, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on 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

APR 11 2019

CITY OF MISHAWAKA

CITY CLERK
MISHAWAKA, IN

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis D. Vardaman, Deputy Controller

Date: April 11, 2019
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: Amend Civil City 2019 Salary Ordinance 5627

I am requesting first reading on the City salary amendment as two corrections are needed:

Part Time:

As salaries have increased, certain specialized positions have employees in a part time status. Employees benefit from the flexible hours, and the City saves money on health insurance (\$29,000 per employee for the family plan) and contributions to their pension at 14.2%.

I am requesting to amend the **Part Time** position from \$7.25 - \$25.00 per hour to \$7.25 - \$30.00.

Central Services/MVH:

Group 3 was not calculated correctly for 2019.

I am requesting to amend this wage from \$18.11/hour to \$18.20/hour.

Thank you for your consideration and please contact me with any questions.

c: David A. Wood, Mayor
Geoff Spiess, HR Director/Corporation Counsel
Tim Ryan, Street Commissioner
Chris Jamrose, Director of Engineering/City Engineer