AGENDA

April 15, 2013

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 8, 2013

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their April 9, 2013 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2013-08 Authorizing an Investment Policy of Public Funds

P.O. NO. 2013-09 Investment of Funds Outside the Political Subdivision

P.O. NO. 2013-10 Investment of Funds for more than 2 years but less than 5 years

P.O. NO. 2013-11 Additional Funds - Public Safety Funds - $500,000.00

8. Resolutions

R2013-08 Use Variance to allow for (3) Uses on a C-1 General Commercial Property - 3508 LWE

R2013-09 Use Variance to allow for Outdoor Vehicle Sales Event - University Park Mall (Gates Automotive)

R2013-10 Use Variance to allow (2) Above Ground Diesel Fuel Tanks - 1923 N Home St

R2013-11 Tax Abatement Compliance Reports for 2012

9. Ordinances on Second Reading

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

April 8, 2013

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 8, 2013 at 7:00 p.m. The meeting was called to order by President Mike Compton, and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following:

Roll Call.
Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.
Absent/Excused: Mr. Mammolenti.

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

The minutes from March 20, 2013 meeting were approved as received from the Clerk's Office.

Clerk Block read the following Appeals to the Council who assigned them to the Board of Zoning Appeals for their recommendations.

APPEAL No. 2013-08 Use Variance to allow for (3) Uses on a C-1 General Commercial Property – 3508 LWE

APPEAL No. 2013-09 Use Variance to allow for Outdoor Vehicle Sales Event – University Park Mall (Gates Automotive)

APPEAL No. 2023-11 Use Variance to allow (2) Above Ground Diesel Fuel Storage Tanks – 1923 N. Home Street

APPEAL No. 2013-12 Use Variance to allow a Professional Office/ Residential use with a 4'X7' Sign on a Residential Zoned Property – 4028 LWE

<u>NEW BUSINESS</u>

Mr. Emmons said he wanted to remind everyone of his Thursday April 18, 2013 neighborhood meeting at 7:00 p.m. at St. Bavo. He said Mr. Zeller from the Mishawaka Parks Department will speak regarding summer park events.

Mr. Reisdorf said he was proud to announce two of the wrestlers honored at the last Council Meeting; Tommy Forte finished 2nd in the Nation and Tristan Macri finished 5th in the Nation and both boys received All American Honors.

There being no further business to come before the Council, President Compton adjourned the meeting at 7:06 p.m.

Deborah S. Block ____________/s/	S. Michael Compton
Deborah S. Block, IAMC, MMC	S. Michael Compton,
City Clerk,	Presiding Officer

City of Mishawaka

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

April 10, 2013

RECEIVED
DEBORAH S. BLOCK, MMC
APR 10 2013
CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
April 9, 2013, 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 Variances were considered:

APPEAL #13-08 An appeal submitted by Stuart Fahlbeck requesting a Use Variance for **3508 Lincolnway East** to allow for three (3) uses on a C-1 General Commercial zoning district property.

The Board, with a vote of 5-0, forwarded *no recommendation* to the Common Council and if approved is subject to the following conditions:

1. The total number of vehicles stored on the property at any one time shall be limited to three (3). This includes trucks, vans, pick-ups, trailers, etc.
2. Truck size shall be no larger than a standard 26′ moving truck.
3. No outside storage or display of moving items, such as dollies, shall be permitted.
4. Curbing or wheel-stops shall be utilized in order to prevent encroachment of vehicles onto the adjacent city owned lot.
5. Parking spaces shall be striped.
6. Three commercial tenants are permitted on the site based on the current building and site layout. If any of these uses change to a more intensive use, a final site plan shall be filed and any site deficiencies for the property shall be brought up to meet all current City ordinances and engineering standards.

APPEAL #13-09 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 per year for the next three (3) years with temporary signage including banners and a mobile office facility for business transactions and securing of valuables.

The Board, with a vote of 5-0, recommended approval 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 2013, 2014, and 2015 as presented.

City Hall, 600 East Third Street, Mishawaka, IN 46544-2241 (574) 258-1625 FAX (574) 968-6999
E-mail planning @ Mishawaka.in.gov

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 #13-11 An appeal submitted by Rocky R. Geans Real Estate LLC requesting a Conditional Use Permit for **1923 North Home Street** to allow two (2) above ground diesel fuel storage tanks

The Board, with a vote of 5-0, recommended approval.

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Stuart Fahlbeck
Clint Emberton
Rocky Geans

STAFF REPORT

Location: 3508 Lincolnway East Date: April 9, 2013

Appeal: 13 08 Prepared By: KM

GENERAL INFORMATION

Applicant:	Stuart Fahlbeck
Status:	Property Owner
Request:	Use Variance to allow for three (3) tenants in a commercial building zoned C-1 General Commercial
Zoning Classification:	C-1 General Commercial
Lot Size:	Irregular
Applicable Regulations:	137.42 Board of Zoning Appeals (4) Variance of Use

SPECIAL INFORMATION

Area Development Pattern:	North:	R-1 Single Family Residential
	South:	C-1 General Commercial (residential use)
	East:	C-1 General Commercial (residential use)
	West:	C-1 General Commercial (residential use)
Thoroughfare:	Lincolnway East and Vistula	
School District:	School City of Mishawaka	
Township:	Penn	
Public Utilities:	All utilities are available to the site	
Comprehensive Plan:	General Commercial	

ANALYSIS

The Appellant is seeking a Use Variance to allow three tenants in a commercial building zoned C-1 General Commercial. The building previously housed Challenger Rentals (space is vacant), Creative Pool Renovations, and Twin Branch Pack-N-Ship. The Twin Branch Pack-N-Ship also offers U-Haul trucks/trailers to rent. The Zoning Ordinance by right would otherwise limit this property to one building with a maximum of two uses per Section 137-324 Commercial C-2 District which reads:

> *...Commercial developments which contain any combination of three or more contiguous uses from Section 137-326 Uses, shall constitute a shopping center and shall be zoned Commercial C-2 District.*

The Zoning Ordinance permits two tenants on one property; three or more tenants would require a C-2 Shopping Center Commercial zoning classification. However, the lot is not large enough to comply with the developmental standards of the C-2 Shopping Center Commercial District. The C-2 standards require 50-ft building setbacks and 25-ft pavement setbacks from all property lines. With these standards, a small multi-tenant building such as the proposed could not be developed thereby limiting the building's viability as a successful commercial property.

The Appellant states the portion of the building once occupied by Challenger Rental is vacant and therefore only two (2) uses are currently on the property. However, a tenant could occupy the space at some future time increasing the tenants to three (3) necessitating a Use Variance.

All pertinent City departments have reviewed the request. The Engineering Department has concerns with visibility for the public traveling the Lincolnway and Vistula corridors and recommends limiting the number of vehicles parked at the site. Other pertinent departments approved.

RECOMMENDATION

The Staff recommends in favor of Appeal #13-08 allowing a three tenant commercial building in a C-1 General Commercial zoned property subject to the following conditions:

1. The total number of vehicles stored on the property at any one time shall be limited to three (3). This includes trucks, vans, pick-ups, trailers, etc.
2. Truck size shall be no larger than a standard 26' moving truck.
3. No outside storage or display of moving items, such as dollies, shall be permitted.
4. Curbing or wheel-stops shall be utilized in order to prevent encroachment of vehicles onto the adjacent city owned lot.
5. Parking spaces shall be striped.
6. Three commercial tenants are permitted on the site based on the current building and site layout. If any of these uses change to a more intensive use, a final site plan shall be filed and any site deficiencies for the property shall be brought up to meet all current City ordinances and engineering standards.

This recommendation is based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction;

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 located in a commercial corridor and the proposed uses are permitted in the C-1 General Commercial zoning district;

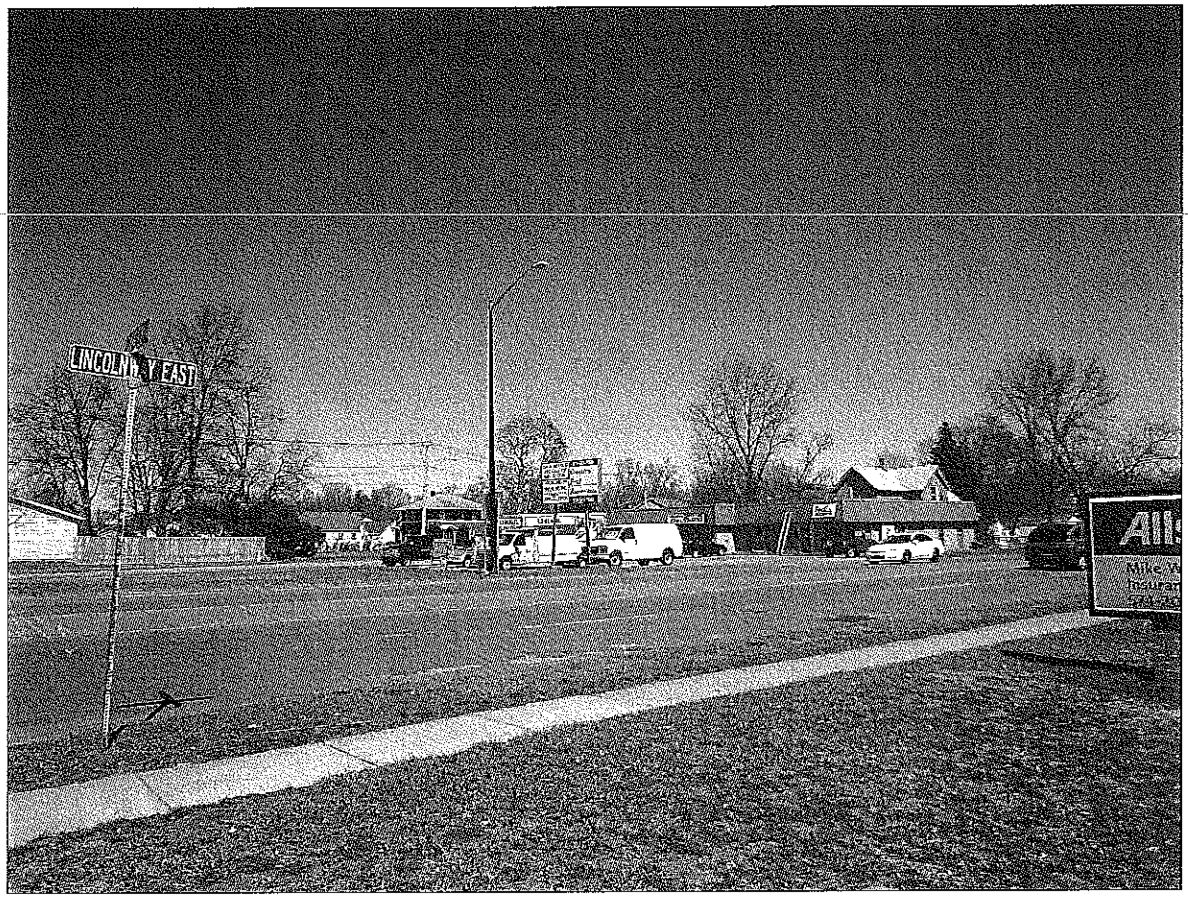
3. The need for the variance arises from some condition peculiar to the property involved in that the size of the lot is not large enough to comply with the developmental standards of the C-2 Shopping Center Commercial District. The C-2 standards require 50-ft building setbacks and 25-ft pavement setbacks from all property lines;

4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the small multi-tenant commercial use is not permitted on a single C-1 General Commercial lot; and

5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area as General Commercial.

ATTACHMENTS

Appeal, Aerial, Location Map



3508 Lincolnway East

STAFF REPORT

Location: 6501 Grape Road Date: April 9, 2013

Appeal: 13 09 Prepared By: KBP/KM

GENERAL INFORMATION

Applicant:	University Park Mall, LLC/Gates Chevy World
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. The event proposes utilizing three tents, temporary signage, and a mobile office facility.
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 Chevy World, 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. 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 the last three 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. A mobile office facility 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 Chevy World 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, 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. The Planning Department was contacted by 1st Source Bank (who has a branch to the north of the JC Penney parking lot) who indicated at last year's events the north mall service drive was blocked to traffic and mall customers were exiting the mall parking lot thru their drive and onto Cleveland Road creating a great deal of extra traffic. Staff is recommending, as a condition of approval, that all mall service drives shall remain open at all times.

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 13-09, 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, mobile office facility, 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 2013, 2014, and 2015 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: 1923 N Home Street Date: April 9, 2013

Appeal: 13- 11 Prepared By: GGS

GENERAL INFORMATION

Applicant:	Rocky R. Geans Real Estate LLC
Status:	Property Owner
Request:	Conditional Use Permit to install (2)above ground diesel fuel tanks
Zoning Classification:	I-2 Light Industrial District
Lot Size:	2.9 acres
Applicable Regulations:	Section 137-609(b) Conditional uses

SPECIAL INFORMATION

Area Development Pattern:	North:	R-1 Single Family Residential
	South:	I-2 Light Industrial
	East:	I-2 Light Industrial
	West:	I-2 Light Industrial
Thoroughfare:	N Home Street	
School District:	School City of Mishawaka	
Township:	Penn	
Public Utilities:	Available	
Comprehensive Plan:	Industrial	

ANALYSIS

The appellant, Rocky R. Geans Real Estate LLC, is requesting a conditional use permit to allow (2) 550 gallon above ground diesel fuel storage tanks on property located north of 1923 N Home Street. The site currently consists of the LL Geans construction company. The property is zoned I-2 Light Industrial. Above ground fuel storage tanks, as proposed by the appellant, are only allowed as a conditional use within I-2 Heavy Industrial Districts.

The Appellant states that the proposed fuel tanks will be used to provide fuel storage to fuel their fleet of vehicles and equipment. The diesel fuel tanks will be placed inside an appropriately designed concrete containment slab with a 6" curb to prevent any leakage of fuel. The proposed tanks will be approximately 30-ft from the existing building and approximately 80-ft from the residential property to the north.

All pertinent City Departments (Fire, Electric, Water, Building and Engineering) have reviewed and approved the proposed variance. The Water Department commented that the owner will have to amend their Well Head Protection Permit.

RECOMMENDATION

The Staff recommends in favor of Appeal 13-11 for a Conditional Use Permit to allow (2) 550 gallon above ground diesel fuel storage tanks at property located at 1923 N Home Street. This recommendation is based on the following findings of fact:

The recommendation is based on the following reasons:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the installation of the tank will conform to all applicable safety requirements as determined/interpreted by the City of Mishawaka Fire Department;
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 tanks will be set at least 80-feet from the adjacent residential properties to the north and will be placed in an appropriate concrete containment vault.
3. The need for the variance does arise from a condition peculiar to the property involved because an above ground fuel storage tank is not a permitted use in the I-2 Light Industrial District without a conditional use permit.
4. The strict application of the terms of this chapter constitutes an unnecessary hardship if applied to this property in that without the availability of onsite fuel, the company would not be able to fuel their vehicle and equipment fleet; and
5. Granting of this variance will not compromise the integrity of the *Mishawaka 2000 Comprehensive Plan* which indicates Industrial.

ATTACHMENTS

PHOTOGRAPHS, VARIANCE REQUEST, SITE PLAN, LOCATION MAP

View looking onto existing building

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Yvonne Milligan, Controller
Rebecca Miller, Deputy Controller

Date: March 20, 2013

To: Common Council

From: Yvonne

Re: Investment of Public Funds 13-08, 13-09, 13-10

Enclosed in your packet for the April 1st meeting are three ordinances pertaining to investing funds. Since December of 2010 we have used Umbaugh and Associates for our cash advisory services. Two of the ordinances are approving a continuation of Investment of Public Funds. One ordinance authorizes the City of Mishawaka to invest outside of the political subdivision and the second ordinance authorizes investing for more than two years but less than five years. The idea behind longer investment periods is a better interest rate for city funds.

The third ordinance is approving an investment policy for the City of Mishawaka. . I worked with Umbaugh and Associates to compose this policy.

If you have any questions or would like additional information, please call me.

City Hall • 600 East Third Street • P.O. Box 363 • Mishawaka, Indiana 46546-0363
Telephone: (574) 258-1622 • FAX (574) 258-1724

RECEIVED
DEBORAH S. BLOCK, MMC

APR 03 2013

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2013-08

ORDINANCE NO.________

AN ORDINANCE OF THE CITY OF MISHAWAKA, INDIANA,

AUTHORIZING AN INVESTMENT POLICY

INVESTMENT POLICY
CITY OF MISHAWAKA

WHEREAS, THE Common Council of the City of Mishawaka desires to establish an investment policy which authorizes investment of public funds of the City of Mishawaka as set forth with the following conditions.

Section1.

I. Purpose

The purpose of this investment policy (the "Policy") is to set forth the investment objectives and parameters for the management of public funds of the City of Mishawaka (the "City"). This investment policy is designed to safeguard funds on behalf of the City, to assure the availability of funds when needed, and provide a competitive investment return.

II. Scope

This policy applies to the investment of all funds of the City including but not limited to, the general fund, special revenue funds, debt service funds, project funds and trust and agency funds.

The City may consolidate fund balances to increase investment earnings and to increase efficiencies with regard to investment pricing, banking fees and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

III. General Objectives

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and return:

1. Safety
Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital. The objective will be to minimize credit risk and interest rate risk.

a. Credit Risk - The City will minimize credit risk, which is the risk of loss due to the failure of the security issuer or backer, by limiting investments to the types of securities listed in Section VI of this Investment Policy.

b. Interest Rate Risk - The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities prior to maturity.

2. *Liquidity*
The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Furthermore, since all possible cash demands cannot be anticipated, a portion of the portfolio may be placed in money market mutual funds or government investment pools which offer same day liquidity for short-term funds.

3. *Yield*
The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

IV. Standards of Care

1. *Delegation of Authority*
The City Controller, hereinafter referred to as the Investment Officer, shall be responsible to oversee the day-to-day management of the City's investments pursuant to Indiana Code 36-4-10-4.5. Should the City elect to select an outside investment advisor, such advisor or firm must be registered under the Investment Advisor's Act of 1940.

2. Prudence
The standard of prudence to be used by the Investment Officer shall be the "prudent person" standard and shall be applied in the context of managing all funds of the City. The "prudent person" standard states that, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

3. *Ethics and Conflicts of Interest*
The Investment Officer and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. The Investment Officer and employees shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio.

V. Authorized Financial Institutions and Broker/Dealers

1. *Authorized Financial Institutions and Broker/Dealers*
A list will be maintained of local financial institutions that are approved depositories for the receipt of public funds according to the State Board for Depositories. The City may pass a resolution pursuant to IC 5-13-9-5 expanding the list of approved financial institutions to include all Indiana depositories approved for the receipt of public funds according to the Indiana State Board for Depositories.

In addition, the City will only use broker/dealers that meet the following requirements:

- Primary dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule);
- Capital of no less than $10,000,000;
- Registered as a dealer under the Securities Exchange Act of 1934;
- A member of the National Association of Securities Dealers (NASD);
- Proof of state registration

VI. Suitable and Authorized Investments

Consistent with Indiana Code 5-13-9, the following investments will be permitted by this Policy:

(1) Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:
  (A) The United States Treasury.
  (B) A federal agency.
  (C) A federal instrumentality.
  (D) A federal government sponsored enterprise.

(2) Securities fully guaranteed and issued by any of the following:
  (A) A federal agency.
  (B) A federal instrumentality.
  (C) A federal government sponsored enterprise.

(3) Municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the twenty (20) years preceding the date of the purchase in accordance with IC 5-13-9.2.

(4) Money market mutual funds rated AAAm, or its equivalent, by Standard and Poor's Corporation or Aaa, or its equivalent, by Moody's Investors Service, Inc. in accordance with IC 5-13-9-2.5.

(5) Repurchase agreements in accordance with IC 5-13-9-3

(6) Transaction accounts, certificates of deposit and deposit accounts issued or offered by a designated depository of the City's political subdivision. The investing officer making a deposit in a certificate of deposit shall obtain quotes from each designated depository in accordance with IC 5-13-9-4.

(7) Certificates of deposit authorized by a resolution of the City in accordance with IC 5-13-9-5 and 5-13-9-5.3.

(8) Local government investment pools in accordance with IC 5-13-9-11.

Consistent with Indiana Code 36-1-7, the City may pass a resolution to enter into interlocal cooperation agreements for the joint exercise of powers, including the investment of public funds.

VII. Investment Parameters

1. *Maximum Maturities*
The City's investments must have a stated final maturity of not more than two years pursuant to IC 5-13-9-5.6. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as local government investment pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

The City may adopt an ordinance, pursuant to IC 5-13-9-5.7, authorizing its Investment Officer to make investments having a stated final maturity that is more than two (2) years but not more than five (5) years after the date of purchase. The total investments of the City with maturities of two (2) to five (5) years outstanding at the time of purchase may not exceed twenty-five percent (25%) of its total portfolio of public funds invested, including balances in transaction accounts. Such ordinance expires on the date on which this Policy expires, which may not exceed four (4) years.

2. *Competitive Bids*
The Investment Officer or its designee shall obtain competitive bids for investment with financial institutions in accordance with IC 5-13-9-4. The Investment Officer or its designee shall obtain bids from at least two brokers or financial institutions on all purchases of investment instruments on the secondary market. Overnight sweep investment instruments shall not be subject to this section.

VIII. Policy Considerations

1. Adoption and Expiration
This Policy shall be adopted by the City at a public meeting and shall expire four (4) years from the date of adoption in accordance with IC 5-13-9-5.7.

2. Exemption
Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

3. Amendments
This policy shall be reviewed periodically. Any changes must be approved by the Investment Officer and any other appropriate authority.

Section 2. This ordinance shall be in full force and effect from and after its passage by the common council, signature of the Mayor, attestation by the City Clerk.

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

This ______day of ___________________,2013 at ___________o'clock, _____.M.

____

Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this ___________day of

____________________, 2013 at _________________o'clock, _____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _________day of ____________________, 2013

at ____________o'clock, _____.M.

____

David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2013-09

ORDINANCE NO. ______

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO IC 5-13-9-5 AND 5-13-9-5.3

Whereas, the City of Mishawaka (the "City") desires pursuant to IC 5-13-9-5 to allow banks outside the political subdivision to submit quotes on public funds certificates of deposit for the purpose of investing its operating and utility funds and;

Whereas, the City also desires pursuant to IC 5-13-9-5.3 to invest in federally insured certificates of deposit under certain conditions.

Section 1: Now, therefore, pursuant to IC 5-13-9-5, the Common Council of the City of Mishawaka hereby authorizes the investing officer of the City to invest in certificates of deposit of depositories that have not been designated by the local board of finance but have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5. This authorization expires two (2) years after the adoption date.

Section 2: The Common Council of the City of Mishawaka also authorizes the investing officer to invest in certificates of deposit under certain conditions in accordance with IC 5-13-9-5.3 as follows:

(1) The funds are initially invested through a depository that is selected by the investing officer.

(2) The selected depository arranges for the deposit of the funds in certificates of deposit in one (1) or more federally insured banks or savings and loan associations, wherever located, for the account of the City.

(3) The full amount of the principal and any accrued interest of each certificate of deposit are covered by insurance of any federal deposit insurance agency.

(4) The selected depository acts as a custodian for the City with respect to the certificates of deposit issued for its account.

(5) At the same time that the City's funds are deposited and the certificates of deposit are issued, the selected depository receives an amount of deposits covered by insurance of any federal deposit insurance agency from customers of other institutions, wherever located, at least equal to the amount of the funds invested by the City through the selected depository.

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 ____________________,2013 at ___________o'clock, _____.M.

____

Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this ___________day of

____________________, 2013 at _________________o'clock, _____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _________day of ____________________,2013

at ____________o'clock, _____.M.

____

David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

APR 03 2013

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2013-10

ORDINANCE NO. ______

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO IC 5-13-9-5.7

Whereas, the City of Mishawaka (the "City") desires to allow the investment of public funds of the City for more than two (2) years and not more than five (5) years;

Section 1. Now, therefore, pursuant to IC 5-13-9-5.7, the Common Council of the City of Mishawaka hereby authorizes the investing officer to make investments having a stated final maturity that is more than two (2) years, but not more than five (5) years after the date of purchase under the following circumstances:

(a) The fiscal body of the City shall first adopt an investment policy authorizing the investment of public funds of the City for more than two (2) years and not more than five (5) years in accordance with IC 5-13-9-5.7(a) and (b).

(b) This ordinance and the power to make an investment having a stated final maturity that is more than two (2) years, but not more than five (5) years after the date of purchase expire on the date on which the investment policy expires, which may not exceed four (4) years.

(c) At the time an investment of public funds of the City is made having a stated final maturity that is more than two (2) years, but not more than five (5) years, the total of such investments of the City may not exceed twenty-five percent (25%) of the total portfolio of public funds invested by the City, including balances in transaction accounts.

(d) An investing officer may contract with a federally regulated investment advisor or other institutional money manager to make such investments.

<u>Section 2</u>. 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 ____________________,2013 at ___________o'clock, _____.M.

____

Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this ___________day of

____________________, 2013 at _________________o'clock, _____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _________day of ____________________,2013

at ____________o'clock, _____.M.

____

David A. Wood, Mayor

CITY OF MISHAWAKA

200 N. Church St.
Mishawaka, IN 46544

Police Department
Kenneth L. Witkowski, Chief
David A. Wood, Mayor

April 15, 2013

Mishawaka Common Council
Mayor David Wood
Yvonne Milligan, Controller
Budget/Finance Committee

Dear Honorable Members:

An emergency exists which requires an additional appropriation to the Public Safety Fund. P.O. 13-11

The Police Department wishes to appropriate $500,000 into the Capital Outlay line, 211-50-445-08, to purchase Motorola base stations. These funds will be used to upgrade a part of the public safety/public works radio system.

The City of Mishawaka, the Mishawaka Police Department, and Motorola have developed a plan to replace the STR 3000 base stations. The base stations send and receive radio transmissions and are a vital component within the public safety radio system. The STR 3000's will reach an end of life in July of 2014 and will be replaced with GTR 8000 base stations. Within this plan Motorola has provided an opportunity for the City of Mishawaka to receive a savings of $155,843. Therefore, we are requesting approval of the $500,000 transfer to the Public Safety Fund.

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

Respectfully,

Chief Kenneth Witkowski

Kenneth Witkowski
Chief, Mishawaka Police Department

KW:ds

RECEIVED
DEBORAH S. BLOCK, MMC

APR 09 2013

CITY CLERK
MISHAWAKA, IN

RECEIVED
DEBORAH S. BLOCK, MMC

APR 03 2013

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2013-11

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2013

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, 2013 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the Public Safety Fund of the City of Mishawaka the sum of $500,000.00 for assignment as follows:

Public Safety Fund

Public Safety Fund
Capital Outlay

211-50-445-08	Police Equipment(Motorola Base Stations)	$500,000.00

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 ________________,2013 at _____________

o'clock,________.M.

____
Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

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

on this___________________day of __________________,2013 at________

o'clock,_________________.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ___________day of ______________,2013 at

_________________o'clock, _______________.M.

____

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

APR 10 2013

CITY CLERK
MISHAWAKA, IN

APPEAL #13-08

RESOLUTION NO. 2013-08

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:

3508 Lincolnway East, 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 no 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 3508 Lincolnway East, Mishawaka, Indiana**, more particularly known and described as follows:

West ½ Lot 16 & Lot 17, Geyers 3rd Sub, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

The Use Variance will allow for three (3) tenants in a building zoned C-1 General Commercial subject to the following conditions:

1. The total number of vehicles stored on the property at any one time shall be limited to three (3). This includes trucks, vans, pick-ups, trailers, etc.
2. Truck size shall be no larger than a standard 26' moving truck.
3. No outside storage or display of moving items, such as dollies, shall be permitted.
4. Curbing or wheel-stops shall be utilized in order to prevent encroachment of vehicles onto the adjacent city owned lot.
5. Parking spaces shall be striped.
6. Three commercial tenants are permitted on the site based on the current building and site layout. If any of these uses change to a more intensive use, a final site plan shall be filed and any site deficiencies for the property shall be brought up to meet all current City ordinances and engineering standards.

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 all state and local building codes will be adhered to during construction;

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 located in a commercial corridor and the proposed uses are permitted in the C-1 General Commercial zoning district;

3. The need for the variance arises from some condition peculiar to the property involved in that the size of the lot is not large enough to comply with the developmental standards of the C-2 Shopping Center Commercial District. The C-2 standards require 50-ft building setbacks and 25-ft pavement setbacks from all property lines;

4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the small multi-tenant commercial use is not permitted on a single C-1 General Commercial lot; and

5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area as General Commercial.

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_________________, 2013, at ______o'clock _____ .m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of ____________________2013, at _______ o'clock ____m.

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

APPROVED by me this _______ day of______________________, 2013, at _______o'clock ______.m.

____
David A. Wood, Mayor

AP 13-08

DATE: March 12, 2013

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. 1. I, Stuart Fahlbeck, 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:

   W ½ LOT 16 & LOT 17 GEYERS 3RD SUB
   Parcel # 71-09-13-228-003.000-023
   3508 Lincolnway East
   Mishawaka, IN 46544

2. The above-described real estate presently has a zoning classification of C-1 General Commercial District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently occupies the above-described property in the following manner: We run and own our business called Twin Branch Pack and Ship, which is a FedEx authorized ship center, approved USPS Postal provider, DHL authorized ship center, Western Union, and Uhaul Dealer. These are all services that we offer through our Twin Branch Pack and Ship Store.

4. Appellant desires to continue to offer the service of Uhaul rental and to continue to operate as a Uhaul Dealer through our Twin Branch Pack and Ship store; which would require Uhaul trucks/trailers to be parked at our location as needed.

5. The Zoning Ordinance of the City of Mishawaka requires that the property is permitted to have only two (2) tenants because it is zoned C-1 General Commercial.

6. Strict adherence to the Ordinance requirements would create an unusual hardship in that it would significantly reduce our monthly income that we receive through our Uhaul rental service. Lack of income would definitely affect our ability to run our Twin Branch Pack and Ship store effectively and efficiently.

7. (1) Will approval be injurious to the public health, safety, morals, or general welfare of the community?

   NO. Public health, safety, morals, or general welfare do not seem to be a related issue, nor affected by this subject at hand.

   (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 value and use of the area adjacent to the property included will not be affected in a substantially adverse manner and has not been affected in the past.

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

NO. The business is maintained and runs through our Twin Branch Pack and Ship store.

(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 strict application of the terms would significantly reduce our services that we are able to offer to the community along with the reduction of our income.

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

NO. This would not in any way interfere with the Mishawaka 2000 Comprehensive Plan. In fact it would help to generate additional revenue to the community.

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

Stuart D. Fahlbeck

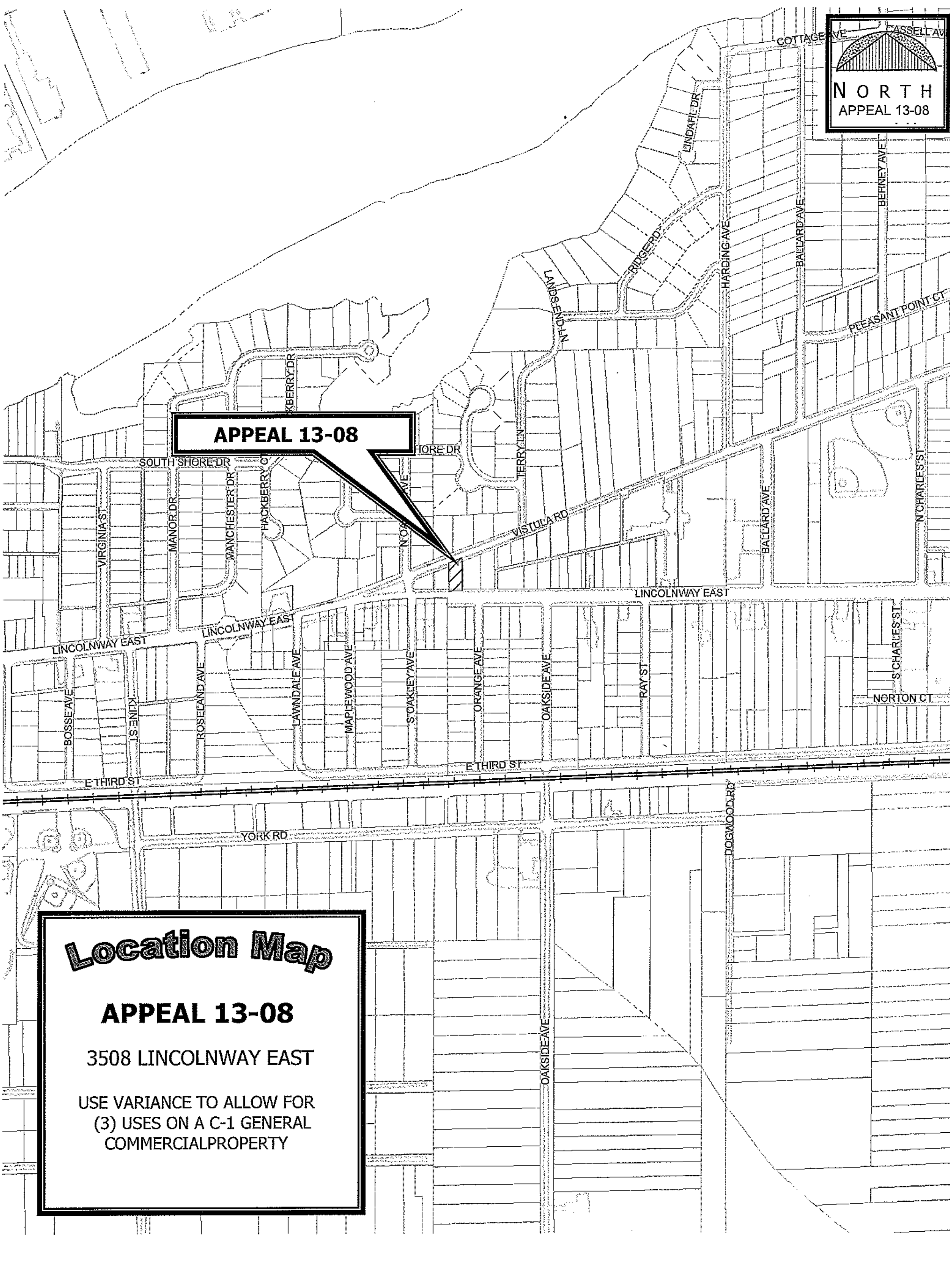
Signature of Property Owner/Title Holder

STUART D. FAHLBECK

Printed Name of Property Owner/Title Holder

CONTACT PERSON:

Stuart Fahlbeck
3508 Lincolnway East.
Mishawaka, IN 46544
574-320-6846 (Cell #)
574-257-3838 (Fax #)
Twinbranchpackandship@live.com


NORTH
APPEAL 13-08
APPEAL 13-08
Location Map
APPEAL 13-08
3508 LINCOLNWAY EAST
USE VARIANCE TO ALLOW FOR
(3) USES ON A C-1 GENERAL
COMMERCIALPROPERTY
LINCOLNWAY EAST
VISTULA RD
SOUTH SHORE DR
E THIRD ST
YORK RD
OAKSIDE AVE
ORANGE AVE
LAWNDALE AVE
MAPLEWOOD AVE
ROSELAND AVE
BOSSE AVE
VIRGINIA ST
MANOR DR
MANCHESTER DR
HARDING AVE
BALLARD AVE
DOGWOOD RD
RAY ST
NORTON CT
TERRY LN
RIDGE RD
LANDS END LN
LINDAHL DR
COTTAGE AVE
CASSELL AVE
BEHNEY AVE
PLEASANT POINT CT

RECEIVED
DEBORAH S. BLOCK, MMC
APR 10 2013
CITY CLERK
MISHAWAKA, IN

APPEAL #13-09

RESOLUTION NO. 2013- 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:

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 a mobile office facility for business transactions and securing of valuables subject to the following conditions of approval:

<u>USES:</u>

- 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 2013, 2014, and 2015 as presented.

<u>SITE PLAN:</u>

- 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.

<u>ACCESS/TRAFFIC CONTROL REQUIREMENTS:</u>

- 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.**

<u>SETBACKS:</u>

- 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.

<u>SIGNAGE/ATTENTION DEVICES:</u>

- 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_________________, 2013, at ______o'clock _____ .m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of _____________________2013, at _______ o'clock ___m.

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

APPROVED by me this _______ day of______________________, 2013, at _______o'clock ______.m.

____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

APR 02 2013

CITY CLERK
MISHAWAKA, IN

RECEIVED
MAR 15 2013
BUILDING, PLANNING
COMMUNITY DEVELOPMENT
AP 13-09

Date: 3/15/2013

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;

   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" East 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 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 May to be named, 2.) a specific 10 day period on June to be named, and 3.) a specific 10 day period in 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 three 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'. One 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 three 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 have petitioned your advice and made request of your services and time four consecutive years. 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 10/1/2015. 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 85 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 in 2010, 2011, and 2012 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 $1M 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 fan the flame of 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

UNIVERSITY PARK MALL | A Simon™ Mall

February 13, 2013

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 2012. The attached plot map details the 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 three 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.

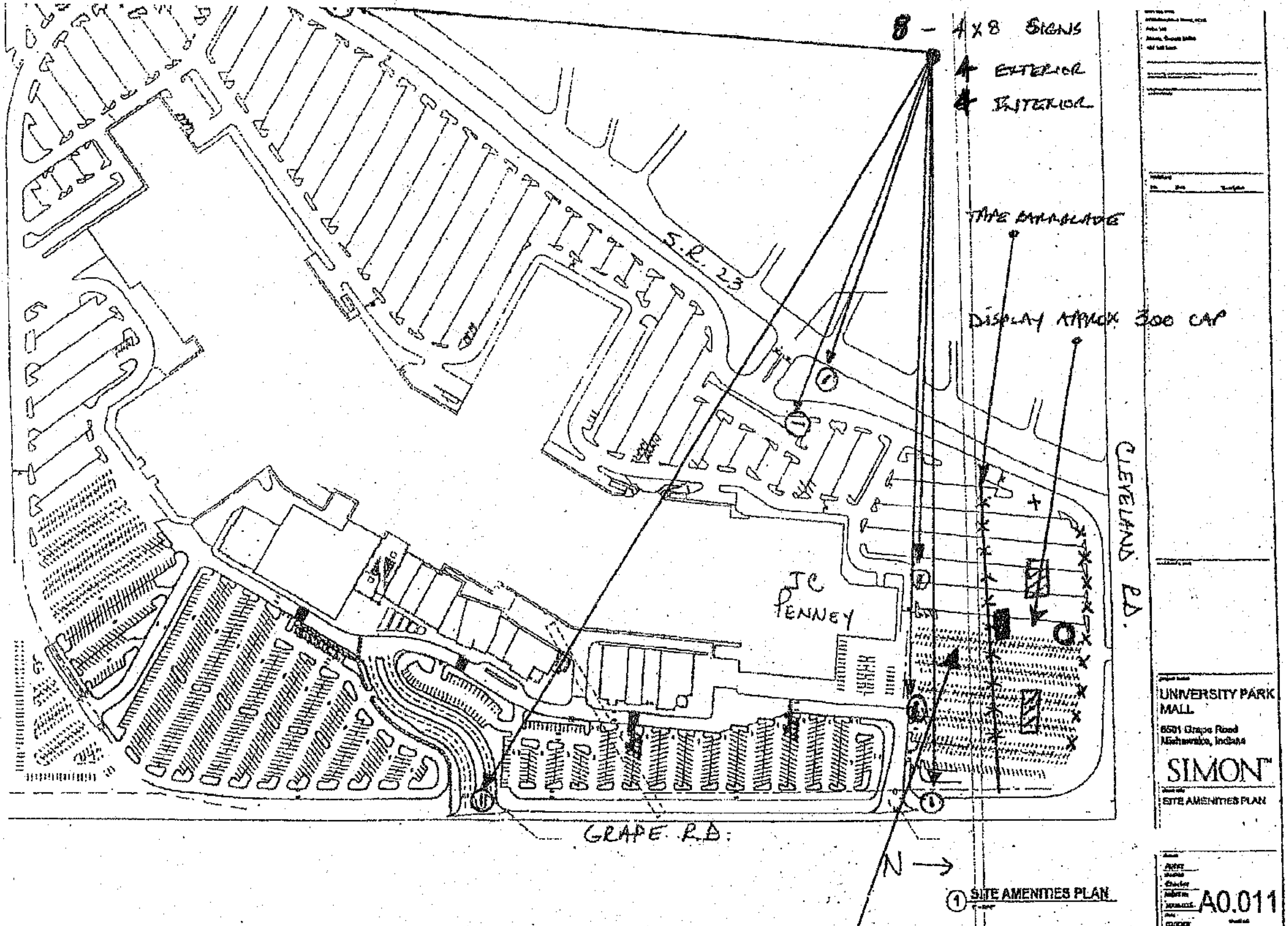
Sincerely,

Irene McKiernan

Irene McKiernan
Director of Marketing & Business Development
University Park Mall

cc: Austin Martin

smw/enclosure

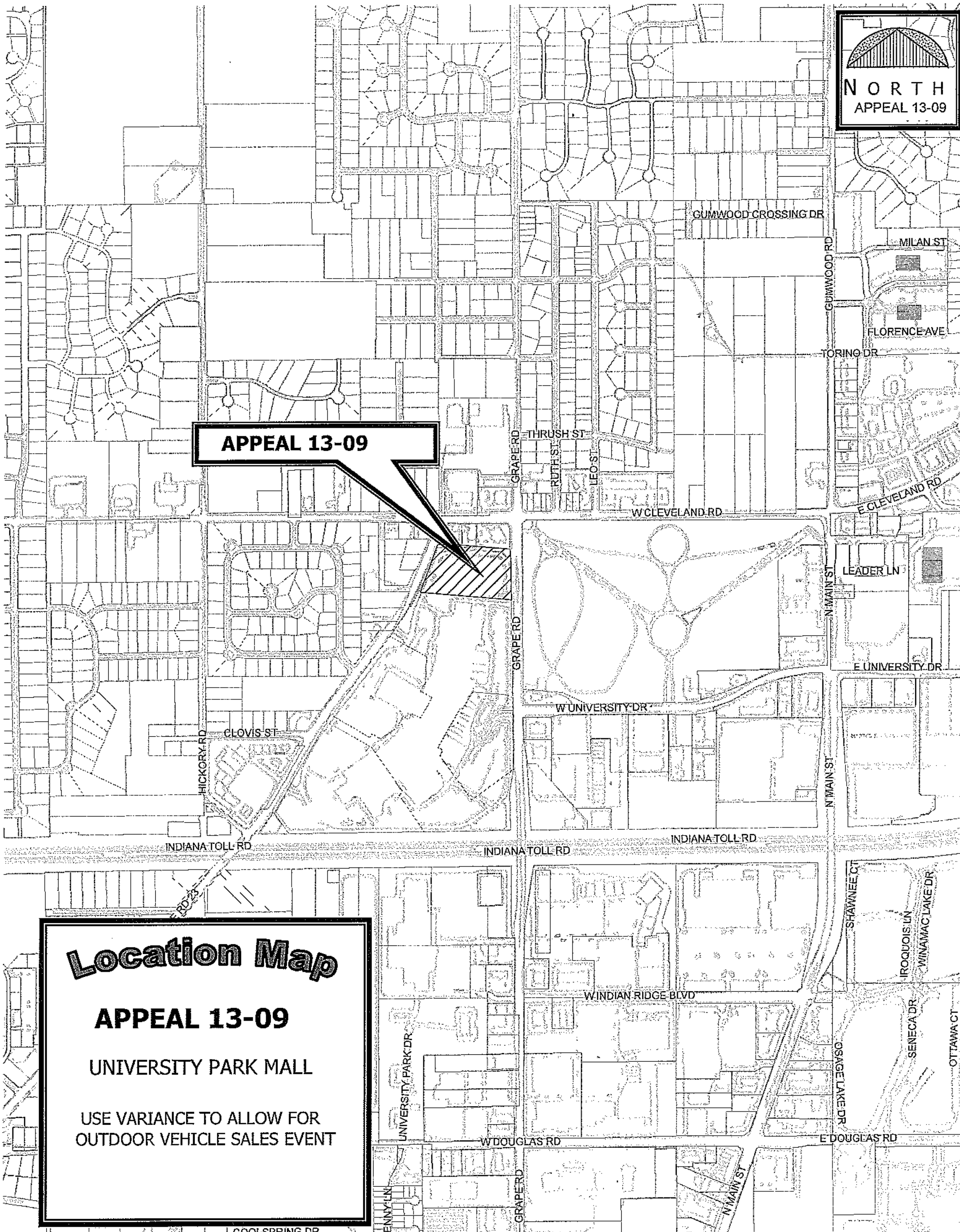


CUSTOMER, EMPLOYEE PARKING APPROX 200-250 CAP

▨ = TENTS

▩ = MOBILE OFFICE 12'X44'

X = ISLE BARRACADES



Location Map

APPEAL 13-09

UNIVERSITY PARK MALL

USE VARIANCE TO ALLOW FOR OUTDOOR VEHICLE SALES EVENT

RECEIVED
DEBORAH S. BLOCK, MMC

APR 10 2013

CITY CLERK
MISHAWAKA, IN

APPEAL #13-11

RESOLUTION NO. 2013- 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:

1923 North Home 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 a Conditional Use Permit for property located on **1923 North Home Street, Mishawaka, Indiana**, more particularly known and described as follows:

PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST JOSEPH COUNTY, CITY OF MISHAWAKA, INDIANA. DESCRIPTION AS FOLLOWS:

BEGINNING AT THE SOUTH EAST CORNER OF LOT 104, CITIZENS HOMES COMPANY'S McKINLEY HIGHWAY PLAT, RECORDED IN DEED RECORD BOOK 17 PAGE C, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, WHICH POINT IS ALSO THE PONT OF INTERSECTION OF THE WEST RIGHT OF WAY LINE OF HOME STREET WITH THE SOUTH LINE OF SAID CITIZEN'S HOMES COMPANY'S HIGHWAY PLAT: THENCE WESTERLY ON SAID SOUTH LINE A DISTANCE OF 828.615 FEET OF THE SOUTH WEST CORNER OF LOT 95, CITIZENS HOMES COMPANY'S McKINLEY HIGHWAY PLAT: WHICH POINT IS ALSO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF McKNIGHT STREET WITH THE SOUTH LINE OF CITIZENS HOMES COMPANY'S McKINLEY HIGHWAY PLAT: THENCE SOUTHERLY ON THE EAST RIGHT OF WAY LINE OF McKNIGHT STREET PRODUCED SOUTH. A DISTANCE 150.00 FEET: THENCE EASTERLY PARALLEL TO THE SOUTH LINE OF CITIZENS HOME'S COMPANY'S McKINLEY HIGHWAY PLAT, A DISTANCE OF 828.625

FEET TO THE WEST RIGHT OF WAY LINE OF THE HOME STREET: THENCE NORTHERLY ON SAID WEST RIGHT OF WAY LINE OF HOME STREET: THENCE NORTHERLY ON SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS AND EASEMENTS OF RECORD. THE AREA OF THE DESCRIBED TRACT IS 2.853 ACRES MORE OR LESS.

The Conditional Use Permit will allow two (2) 550 gallon above-ground diesel fuel storage tanks.

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 installation of the tank will conform to all applicable safety requirements as determined/interpreted by the City of Mishawaka Fire Department;
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 tanks will be set at least 80-feet from the adjacent residential properties to the north and will be placed in an appropriate concrete containment vault;
3. The need for the variance does arise from a condition peculiar to the property involved because an above ground fuel storage tank is not a permitted use in the I-2 Light Industrial District without a conditional use permit;
4. The strict application of the terms of this chapter constitutes an unnecessary hardship if applied to this property in that without the availability of onsite fuel, the company would not be able to fuel their vehicle and equipment fleet; and
5. Granting of this variance will not compromise the integrity of the *Mishawaka 2000 Comprehensive Plan* which indicates Industrial.

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_________________, 2013, at _______o'clock _____ .m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of _____________________2013, at _______ o'clock ___m.

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

APPROVED by me this _______ day of_______________________, 2013, at _______o'clock ______.m.

____
David A. Wood, Mayor

L.L.Geans
CONSTRUCTION CO.
1923 N. HOME ST. MISHAWAKA, INDIANA 46545-7287
PHONE:(574)255-9671 FAX:(574)255-8965 www.llgeans.com
Building your trust with solid service.

RECEIVED
DEBORAH S. BLOCK, MMC
APR 02 2013
CITY CLERK
MISHAWAKA, IN

RECEIVED
MAR 20 2013
BUILDING, PLANNING
COMMUNITY DEVELOPMENT
AP 13-11

DATE: March 20, 2013

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Rocky R. Geans of Rocky R. Geans Real Estate 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:

   Parcel Address – **1923 North Home Street**

   Legal Description – **BEG SE CORN LOT 104 CITIZEN HOMES CO 828.6' E&W X 150.0' N&S SEC 11 37 3E SPLIT OUT OF 27 1001 0455 WD3516**

2. 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.

3. Appellant presently occupies the above-described property in the following manner:

   Office building and Warehouse

4. Appellant desires to:

   Install two above-ground storage tanks for diesel fuel.

5. The Zoning Ordinance of the City of Mishawaka requires under **Section 137-609.-Uses** that this installation falls under **(b) Conditional uses** and needs to be conditionally approved by the Board of Zoning appeals.

6. Strict adherence to the Ordinance requirements would create an unusual hardship because:

   In order to take care of our equipment and vehicles, we currently drive them to an off-site location for fuel. The time and cost to drive to/from this off-site location is compounded by the fact that many times we have to wait on others to finish fueling.

7. Answers for a USE VARIANCE:

   (1) Will approval be injurious to the public health, safety, morals or general welfare of the community?

   No, because the storage tanks are double-sided, will have a walled area for containment, the dispensing method will be locked when not in use, and the tanks will be 200' away from residential homes.

(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, because there is no adverse effect from the above-ground diesel storage tanks.

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

No, because there are no peculiar conditions.

(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, because L.L.Geans' equipment and fleet of vehicles would be idle for a longer period than necessary (reference item #6 response). In order for L.L.Geans' to be more efficient and profitable, the equipment and fleet of vehicles must be in productive use as long as possible; having our own fuel storage capability would allow this to happen.

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

No. There will be no adverse development. This is an existing business and there will be no environmental impact because measures are being taken to ensure no fuel will pollute the soils and/or water resources.

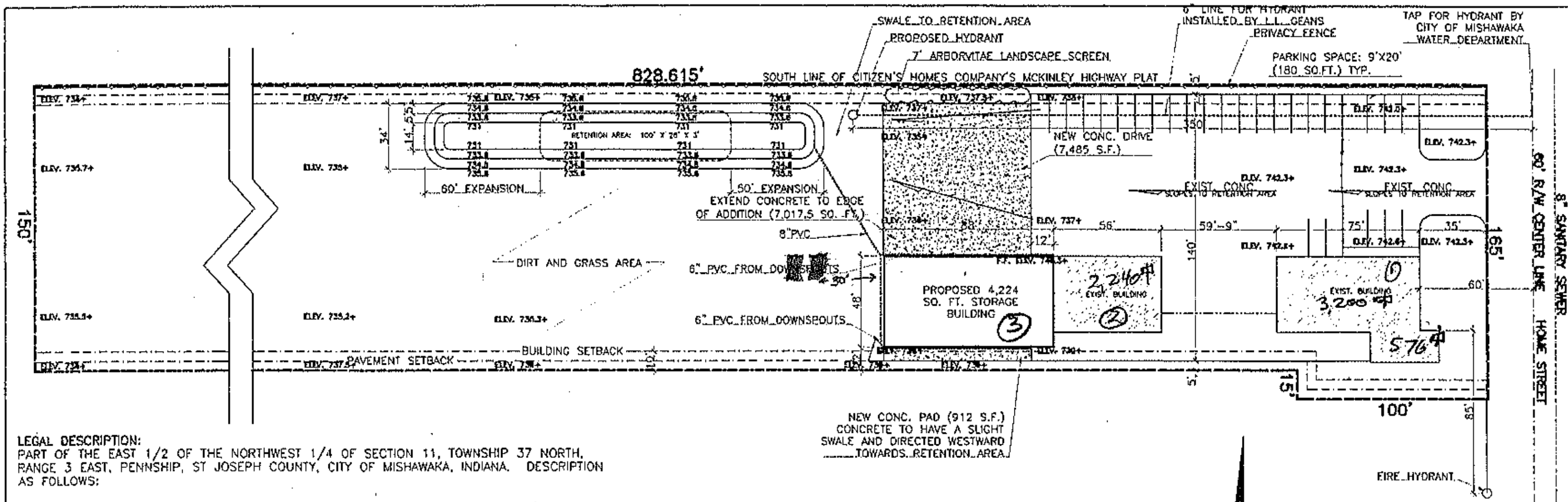
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

Rocky R. Geans, President

Rocky R. Geans Real Estate LLC
L. L. Geans Construction Company

CONTACT PERSON:

Name: Rocky R. Geans
Address: 1923 North Home Street, Mishawaka, IN 46545
Day Phone: (574) 255-9671
Fax Number: (574) 255-8965
Email: rocky@llgeans.com



LEGAL DESCRIPTION:
PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENNSHIP, ST JOSEPH COUNTY, CITY OF MISHAWAKA, INDIANA. DESCRIPTION AS FOLLOWS:

BEGINNING AT THE SOUTH EAST CORNER OF LOT 104, CITIZENS HOMES COMPANY'S MCKINLEY HIGHWAY PLAT, RECORDED IN DEED RECORD BOOK 17 PAGE C, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, WHICH POINT IS ALSO THE POINT OF INTERSECTION OF THE WEST RIGHT OF WAY LINE OF HOME STREET WITH THE SOUTH LINE OF SAID CITIZEN'S HOMES COMPANY'S HIGHWAY PLAY: THENCE WESTERLY ON SAID SOUTH LINE A DISTANCE OF 828.615 FEET OF THE SOUTH WEST CORNER OF LOT 95, CITIZENS HOMES COMPANY'S MCKINLEY HIGHWAY PLAT; WHICH POINT IS ALSO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF MCKINGHT STREET WITH THE SOUTH LINE OF CITIZENS HOMES COMPANY'S MCKINLEY HIGHWAY PLAY; THENCE SOUTHERLY ON THE EAST RIGHT OF WAY LINE OF MCKIGHT STREET PRODUCED SOUTH, A DISTANCE 150.00 FEET; THENCE EASTERLY PARALLEL TO THE SOUTH LINE OF CITIZENS HOMES COMPANY'S MCKINLEY HIGHWAY PLAY, A DISTANCE OF 828.625 FEET TO THE WEST RIGHT OF WAY LINE OF THE HOME STREET; THENCE NORTHERLY ON SAID WEST RIGHT OF WAY LINE OF HOME STREET; THENCE NORTHERLY ON SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

SUBJECT OT LEGAL HIGHWAYS AND EASEMENTS OF RECORD

THE AREA OF THE DESCRIBED TRACT IS 2.853 ACRES MORE OR LESS.

SITE PLAN

0 15' 30' 60' 120'

SCALE: 1" = 60'

N W E S

3,200
576
OFFICE TOTAL 3,776

BLDG No 1 BUILT IN: 1995 - STEEL BLDG 13' EAVE — SHOP TOTAL 4224
BLDG No 2 BUILT IN: 1998 - POLE BLDG 11' EAVE — 2240
BLDG No 3 BUILT IN: 2001 - POLE BLDG 15' EAVE — 6464

LAND USAGE:

TOTAL	125,792.25
BUILDING	10,059.6
CONCRETE DRIVE	29,491.49
GRASS AND DRAINABLE AREA	86,041.16
CONC. SIDEWALK, APPROACHES	200

FLOOR AREA RATIO

OFFICE & RESTROOM	3,586.0
GARAGE, SHOP AREA	6,473.6

PARKING RATIO
1 SPACE PER EMPLOYEE

TOTAL EMPLOYEES	25
NUMBER OF SPACES SHOWN	27

PROPERTY OWNER
ROCKY GEANS
1923 N. HOME ST.
MISHAWAKA, IN 46545
PHONE: 1-(219)-255-9671
FAX: 1-(219)-255-8965

DOCUMENTED HEIGHT MAY NOT EXCEED 60'
HEIGHT OF BUILDING: 23'

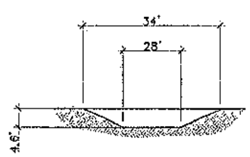
BUILDING USE DESCRIPTION:
THIS 4,224 SQUARE FOOT ADDITION WILL BE USED ONLY FOR STORAGE OF TOOLS AND/OR MATERIALS WHICH ARE NOT SUITED TO BE IN AN UNSHELTERED ENVIRONMENT. BUILDING DOES NOT REQUIRE AND WILL NOT HAVE: INSULATION, HEATING/COOLING SYSTEM AND PLUMBING. ELECTRICAL WILL BE INSTALLED AS SHOWN ON A1.

DRAINAGE:
NEW DEVELOPEMENT

BUILDING	4224 S.F.
PAVEMENT	8392 S.F.
TOTAL	12616 S.F. HARD SURFACE AREA =.29 AC

RETENTION
100 YR 24 HR STORM I = .234 C=1.0
Q=ACI
=(.29)(1.0)(.234)
=.68 CFS
24HR STORM=.136 AC-FT
=5924 CU. FT. RETENTION

RETENTION PROVIDED
EXTENSION OF EXISTING RETENTION AREA
EXPANDED SECTION AREA=110'X107.2 S.F.



TYPICAL SECTION AREA=107.2 S.F.

L.L.Geans CONSTRUCTION CO.
1923 North Home Street
Mishawaka, Indiana 46545-7287
Telephone (219)255-9671 FAX (219)255-8965

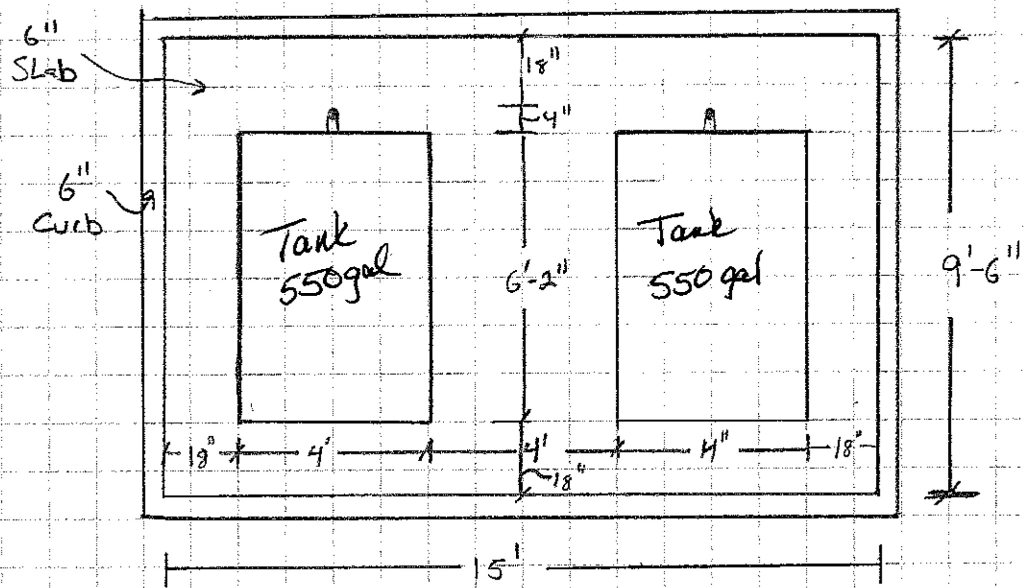
Issue	9/18/2001
Rev.	10/02/2001
Rev.	-
Rev.	-
Rev.	-
Rev.	-
Rev.	-

L. L. GEANS CONSTRUCTION

SITE PLAN

Job No. 2819

Sheet
S1



Notes:

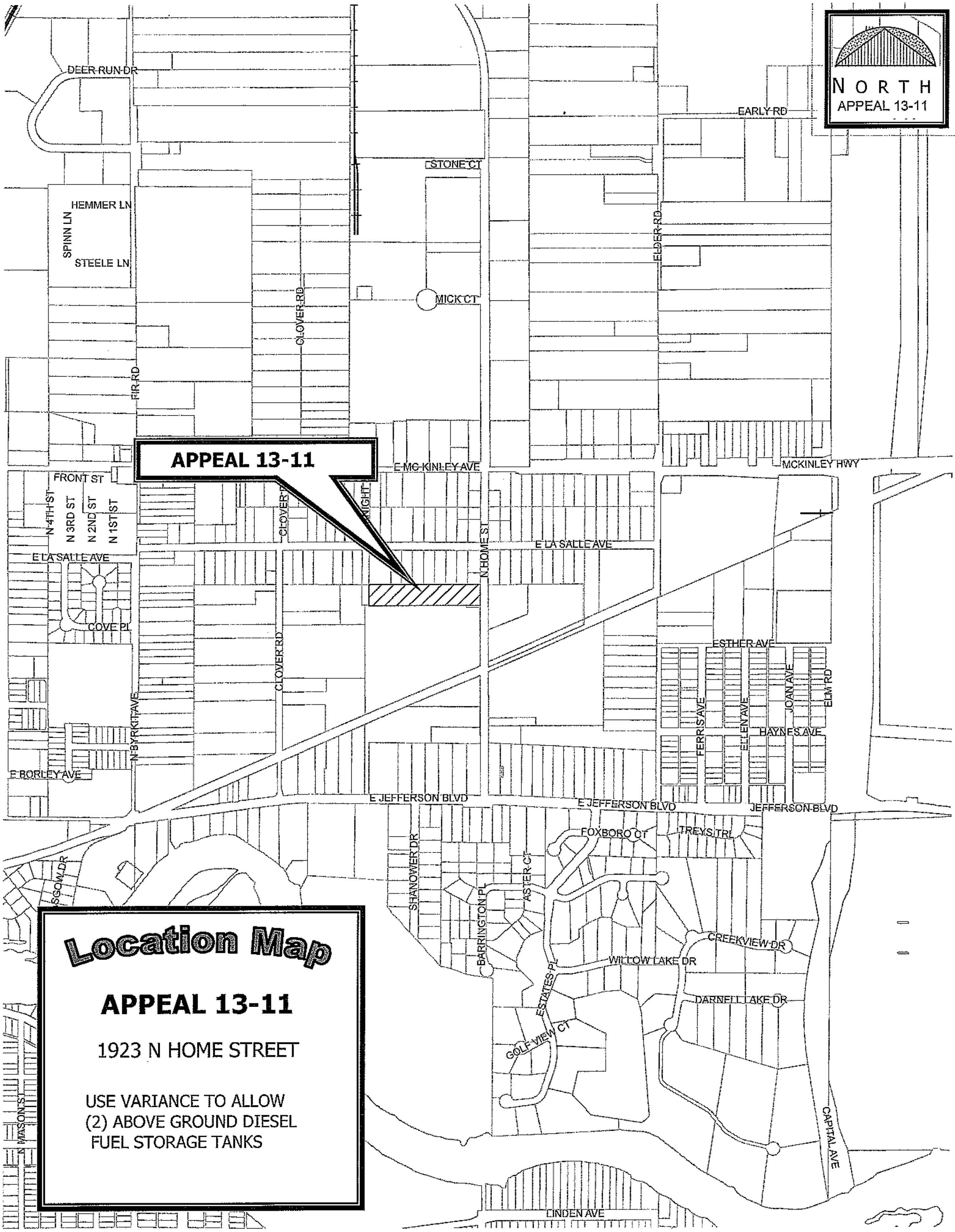
1. Curb will have pipe with threaded Cab for rain water drainage

2. Floor will slope to drain pipe.

Required volume: 550 gallons = 73.5243 cubic feet

Calculated volume of containment area:

15' x 9'-6" x 12" = 142.5 cubic Feet


NORTH
APPEAL 13-11
DEER RUN DR
EARLY RD
STONE CT
HEMMER LN
SPINN LN
STEELE LN
MICK CT
CLOVER RD
ELDER RD
FIR RD
APPEAL 13-11
E MC KINLEY AVE
MCKINLEY HWY
FRONT ST
N 4TH ST
N 3RD ST
N 2ND ST
N 1ST ST
E LA SALLE AVE
N HOME ST
E LA SALLE AVE
COVE PL
ESTHER AVE
CLOVER RD
N BYRKIT AVE
FERRIS AVE
ELLEN AVE
JOAN AVE
ELM RD
HAYNES AVE
E BORLEY AVE
E JEFFERSON BLVD
E JEFFERSON BLVD
JEFFERSON BLVD
FOXBORO CT
TREYS TRL
SHANOWER DR
BARRINGTON PL
ASTER CT
CREEKVIEW DR
WILLOW LAKE DR
ESTATES PL
DARNELL LAKE DR
GOLF VIEW CT
CAPITAL AVE
N MASON ST
LINDEN AVE
Location Map
APPEAL 13-11
1923 N HOME STREET
USE VARIANCE TO ALLOW
(2) ABOVE GROUND DIESEL
FUEL STORAGE TANKS

CITY OF MISHAWAKA

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

April 11, 2013

RECEIVED
DEBORAH S. BLOCK, MMC
APR 11 2013
CITY CLERK
MISHAWAKA, IN

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John 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. Dan Bilancio, At-Large City Council
Mr. Matt Mammolenti, At-Large City Council
Mr. John Roggeman, At-Large City Council
Mrs. Deborah Block, City Clerk

Re: Resolution for 2012 Tax Abatement Compliance Reports **Res 13-11**

Dear Council Members and Clerk:

Property owners who have applied for and been granted a tax abatement for either real or personal property on or after July 1, 1991, must file a report with the Mishawaka Common Council and the St. Joseph County Auditor's Office reporting the extent to which there has been compliance with the goals set forth in the Statement of Benefits filed at the time of the action granting the aforesaid abatement. Please note the Department of Local Government Finance requires one compliance form per project, thus, where applicable there are separate compliance forms for Real Estate (CF-1/Real Property) and Personal Property (CF-1/PP). There are five active tax abatements in the City of Mishawaka that required reporting for calendar year 2012. All companies have responded to our request to complete the Compliance with Statement of Benefits form. CF-1 forms/responses have been attached to this letter for your use and reference for four of the companies. One company, Long Term Care Investments was sold in the past year and we are in the process of receiving the completed form and expect to have it on Monday for the meeting. In short, four of the five abatements have either met their goals or have continued to show improvement, and in staff's opinion should be considered in substantial compliance. Staff is still researching the impact of the change in ownership of Long Term Care Investments, and why employment and payroll has dropped in the last year. We hope to have an explanation for Monday's meeting.

As you are aware, the CF-1 Compliance Forms for Real Estate and Personal Property are due to the County Auditor's Office by May 15th of each year. A copy of the history of the City's tax abatements from 1986 to present has been attached for your use. This summary identifies the current and recently closed abatements and is a good reference tool.

Staff has reviewed the information submitted by all companies. The abatements are listed by the age/date of approval of the abatement oldest to newest-

- **Nyloncraft Inc.-** This abatement was approved by the Council in December of 2007. The current employment is listed at 375. This is only 15 below the estimated 390 jobs envisioned to be created and retained at the time. The positive is that this is 60 more jobs than the 315 that were reported last

City Hall ◦ 600 East Third Street ◦ Mishawaka IN ◦ 46544-2241
Community Development ◦ Redevelopment ◦ Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning ◦ Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

year. For reference, total employment for Nyloncraft was listed at 200 in 2009. Another positive is that the total payroll for both added and retained employees is higher than what was originally projected. Similar to what staff reported last year, it is positive that the company is still open, located within Mishawaka, and has added employees. All of these represent the company's efforts to comply with the original SB-1 for the site, and indicates substantial compliance.

- **BD Mishawaka Development LLC** (St. Joseph Regional Medical Center Office Building)- It is important to note that this building, although connected to the hospital, is not owned by the hospital. Reporting for the LLC continues to be performed by BremnerDuke, the firm that developed the Medical Office building. Similar to last year, the building continues to be leased up and still contains vacant space. Based on conversations with staff, we have been told that approximately 60% of the building is occupied. As a result, the total expected hiring has not occurred. The total number of employees envisioned on the SB-1 in 2007 was 370 with a total estimated payroll of $10,555,000. To date 364 employees occupy the building with a total payroll of $20,056,178. This is an increase of 37 employees and close to 2.4 million dollars in increased payroll over the past year. Given that both the improvements have been completed as committed, and that hiring continues to improve with the overall payroll exceeding expectations, staff feels that this abatement should be considered in substantial compliance.

- **Long Term Care Investments, LLC** The property for Long Term Care Investments, LLC has been sold to Extendicare Health Services. As stated on their corporate website, Extendicare is one of North America's largest long-term care providers with 243 senior care centers and capacity for approximately 26,700 residents. Extendicare also owns and operates facilities in South Bend and Elkhart. Staff was able to obtain the total current number of employees and payroll from the new owner and that e-mail has been attached. We expect to have the completed CF-1 for Monday's meeting.

  This abatement was approved by the Council in June of 2009 and this is the last year of compliance reporting for the three year term. 120 jobs were estimated as part of the original SB-1. At the time of last years CF-1, employment was listed at 137. This year employment was identified at 121 jobs, 16 less than last year. Annual payroll has also dropped to $3,579,046, 2011's payroll was listed at $3,743,158, both being below the $4,071,600 committed. As indicated previously, all of the 18 million dollar investment as proposed has occurred. Staff also researched the corporate website and would note that three professional positions are open and are being advertised for the Mishawaka facility. Given the sale of the building and the new ownership, the fact that the initial investment was completed, the new owner is advertising for additional hiring, and that this is the last year of a three year abatement, staff feels that this abatement should be considered in substantial compliance for 2012, but will withhold a formal recommendation until Monday's meeting.

- **Jamil Packaging Corporation-** The CF-1 attached is for the abatement approved in 2011 for the addition of a specialty folder gluer. The total employment is up to 83 jobs, 3 more than last year, and 4 over the projected total of 79. Given that both the improvements and hiring were completed as committed, this abatement is in substantial compliance.

- **NAC (North American Composites)**- The CF-1 attached is for the abatement approved in 2012 for 1460 East 12th Street, for the North Central Indiana sales and distribution facility of North American Composites, headquartered in Lino Lakes Minnesota. The total employment is at 12 jobs. This is one more job than the 11 that were estimated on the SB-1 when the abatement was filed. On the CF-1, they indicated that 7 jobs were retained, and 5 new jobs were created. On the SB-1 they indicated that the 11 jobs would be additional employees. Staff has verified that all 12 positions are new to Mishawaka, and that the 7 jobs indicated as retained came from a different NAC location. NAC also provided a list of the improvements made to the building with the actual cost for the City's use and

City Hall ◦ 600 East Third Street ◦ Mishawaka IN ◦ 46544-2241
Community Development ◦ Redevelopment ◦ Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning ◦ Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

information. Total payroll was listed at $798,684, higher than the $750,000 listed on the SB-1. Given that the total employment, investment, and payroll is higher than the projected amounts, this abatement is in substantial compliance.

This information has been forwarded at this time to afford the Council time to review the relevant information. Although this has been prepared and will be presented at your April 15th meeting, the Council has the option of continuing this resolution to your first meeting in May without jeopardizing the compliance review which is required to be received by the Auditor no later than May 15th. If additional information is desired, or if the Council would like to review any individual abatement by committee, please contact me at your earliest convenience so that I can arrange for the necessary participants to attend.

Thank you. Please contact me if you have any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

APR 11 2013

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. R-13-11

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS

WHEREAS, property owners who have applied for and been granted a tax abatement for either real or personal property on and after July 1, 1991, must file a report with the Mishawaka Common Council and the County Auditor reporting the extent to which there has been compliance with the goals set forth in the Statement of Benefits filed at the time of the action granting the aforesaid abatement, and

WHEREAS, five (5) recipients of five (5) tax abatements have been found to be subject to this requirement, and each have submitted the proper reports, which have been reviewed and found to be in order.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka, Indiana:

1. That the "Compliance with Statement of Benefits" reports submitted by the following companies are found to be in order:

   - **Nyloncraft, Inc.**
   - **BD SJRMC Mishawaka Development, LLC**
   - **Long Term Care Investments, LLC**
   - **Jamil Packaging Corporation**
   - **NAC North American Composites**

2. That the aforesaid property owners are hereby found to be in substantial compliance, and

3. That the President of the Mishawaka Common Council is hereby authorized to approve the aforementioned reports.

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, on this ________ day of ____________, 2013.

____
Michael Compton, President

ATTEST:

____
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this ______ day of _________________, 2013.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me on this _______day of ____________, 2013 at ______o'clock, ____.m.

____
David A. Wood, Mayor

NYLONCRAFT, INC.
SPECIALIST IN ENGINEERED THERMOPLASTIC PRODUCTS
Plant Location: 616 West McKinley Avenue, Mishawaka, Indiana 46545
Telephone: (574) 256-1521

April 8, 2013

Mr. Kenneth B. Prince, City Planner
Department of Community and Economic Development
City Hall
600 East Third Street
Mishawaka, Indiana 46544

Re: Tax Abatement

Dear Mr. Prince:

Enclosed please find our completed Form CF-1, Compliance with Statement of Benefits, in accordance with State requirements.

Should you have any questions regarding the enclosure, please do not hesitate to contact me.

Sincerely,

Don Dames
Vice President of Finance, C.F.O., and Treasurer

cc: Mr. Peter H. Mullen
St. Joseph County Auditor

COMPLIANCE WITH STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51765 (R / 1-06)
Prescribed by the Department of Local Government Finance

FORM CF-1 / PP

INSTRUCTIONS:

1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between March 1, and May 15, of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between March 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Nyloncraft, Inc.	
Address of taxpayer *(number and street, city, state, and ZIP code)*: 616 W. McKinley Avenue, Mishawaka, IN 46545	
Name of contact person: Don Dames, CFO	Telephone number: (574) 256-1521

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body: Mishawaka Common Council		Resolution number: R2007-33 & R2007-35
Location of property: 616 W. McKinley Avenue, Mishawaka	County: St. Joseph	DLGF taxing district number: 710010023
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired: Various equipment as detailed on attachment to form SB-1		Estimated starting date *(month, day, year)*: 11/01/2007 Estimated completion date *(month, day, year)*: 12/31/2009

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	340.00	333
Salaries	11,774,880.00	13,538,000.00
Number of employees retained	340.00	291
Salaries	11,774,880.00	12,122,000.00
Number of additional employees	50.00	42
Salaries	1,133,823.00	1,416,000.00

SECTION 4 — COST AND VALUES

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	18,118,357.00	4,596,830.00					414,714.00	107,010.00
Plus: Values of proposed project	2,085,501.00	819,695.00					100,000.00	65,000.00
Less: Values of any property being replaced	-25,000.00	-3,750.00					0.00	0.00
Net values upon completion of project	20,178,858.00	5,412,775.00					514,714.00	172,010.00
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	18,118,357.00	4,596,830.00					414,714.00	107,010.00
Plus: Values of proposed project	410,153.00	187,452.00					0.00	0.00
Less: Values of any property being replaced	-8,000.00	-1,200.00					0.00	0.00
Net values upon completion of project	18,520,510.00	4,783,082.00					414,714.00	107,010.00

NOTE: The **COST** of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (d).

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
[signature]	CFO	04/08/2013

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991.

INSTRUCTIONS: (IC 6-1.1-12-5.9)

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the Township Assessor and the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.*
5. *If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the County Auditor; and (3) the Township Assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______________________________

Reasons for the determination (*attach additional sheets if necessary*)	
Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing ☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 5 above*)

Reasons for the determination (*attach additional sheets if necessary*)	
Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

Duke
REALTY CORPORATION

RECEIVED
APR 08 2013
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

March 29, 2013

Mr. Kenneth B. Prince
City of Mishawaka
Department of Community and Economic Development
600 East Third Street
Mishawaka, IN 46544-2231

Re: SJRMC Medical Office Building
611 E. Douglas Rd., Mishawaka, IN

Dear Mr. Prince:

Enclosed please find the Compliance with Statement of Benefits form (CF-1) for Real Estate Improvements located at the above referenced location.

If you have any questions, please don't hesitate to contact me by phone at (317) 808-6450 or by email at brock.cusano@dukerealty.com

Sincerely,

Brock Cusano
Property Manager

cc: Keith Konkoli
Ryan Rothacker

510 East 96th Street
Suite 250
Indianapolis, IN 46240
www.bremnerduke.com

Reset Form

COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R3 / 2-13)
Prescribed by the Department of Local Government Finance

20 12 PAY 20 13
FORM CF-1 / Real Property

PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

1. *This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.*
2. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
3. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
4. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))*
5. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: BD SJRMC Edison Lakes, LLC	County: St. Joseph
Address of taxpayer *(number and street, city, state, and ZIP code)*: c/o Duke Realty Limited Partnership, 600 E. 96th Street, Suite 100, Indianapolis, IN 46240	DLGF taxing district number: 71-022
Name of contact person: Ryan Rothacker	Telephone number: (317) 808-6922

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body: Common Council of the City of Mishawaka Indiana	Resolution number: R-2008-02	Estimated start date *(month, day, year)*: 02/11/2008
Location of property: 611 E. Douglas Road, Mishawaka, IN 46545		Actual start date *(month, day, year)*:
Description of real property improvements: Construction of a 205,573 sf medical office building & all parking as required. Building is connected to Saint Joseph Regional Medical Center Hospital.		Estimated completion date *(month, day, year)*: 08/01/2009
		Actual completion date *(month, day, year)*:

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	0	364
Salaries	0	20,056,178.00
Number of employees retained	0	
Salaries	0	
Number of additional employees	370	
Salaries	10,555,000.00	

SECTION 4 — COST AND VALUES

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values before project		
Plus: Values of proposed project	46,000,000.00	
Less: Values of any property being replaced		
Net values upon completion of project	46,000,000.00	
ACTUAL	COST	ASSESSED VALUE
Values before project		
Plus: Values of proposed project	37,765,910.00	20,890,900.00
Less: Values of any property being replaced		
Net values upon completion of project	44,000,000.00	

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
[signature]	Vice President-Asset Management	03/28/2013

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991

INSTRUCTIONS: (IC 6-1.1-12.1-5.1 and IC 6-1.1-12.1-5.9)

1. *Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).*
2. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______________________________

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)

Attested by:	Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

Time of hearing	☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 5 above*)

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)

Attested by:	Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

Ken Prince

From: OBrien, Robert E <ROBrien@Extendicare.com>
Sent: Thursday, April 11, 2013 11:30 AM
To: Ken Prince
Subject: RE: Long term Care, CF-1 Compliance

Importance: High

Hi Ken

The number of employees and payroll dollars are:

Employees – 121
Payroll - $3,579,046

Bob

Robert O'Brien
Group Controller

Extendicare Health Services
414.908.8718

From: Ken Prince [mailto:kprince@mishawaka.in.gov]
Sent: Thursday, April 11, 2013 9:55 AM
To: OBrien, Robert E
Subject: RE: Long term Care, CF-1 Compliance

Bob,

I'm sorry to ask, but I am under a deadline for the report and resolution to our Council. Even if you don't have the report finished, if you can identify the total number of employees and payroll dollars, It would allow me to forward something on with the official form to follow.

I need to file it in the next hour.

Let me know. Thanks,

Ken

From: Ken Prince
Sent: Thursday, April 11, 2013 8:30 AM
To: 'OBrien, Robert E'
Subject: RE: Long term Care, CF-1 Compliance

Bob,

Thank you for the prompt reply.

Yes, this will be the last compliance report for the current abatement.

Ken

Kenneth B. Prince ASLA, AICP
City Planner

City of Mishawaka
600 East Third Street
Mishawaka, IN 46544

(574) 258-1625
kprince@mishawaka.in.gov

From: OBrien, Robert E [mailto:ROBrien@Extendicare.com]
Sent: Wednesday, April 10, 2013 5:14 PM
To: Ken Prince; Nick Derda
Subject: RE: Long term Care, CF-1 Compliance

Hi Ken

I will forward the completed form to you tomorrow morning (Thursday). I should be able to pull the data requirement without issues. If otherwise I will let you know ASAP.

I do have one question, will this be the final report for this facility?

Bob

Robert O'Brien
Group Controller

Extendicare Health Services
414.908.8718

From: Ken Prince [mailto:kprince@mishawaka.in.gov]
Sent: Wednesday, April 10, 2013 3:53 PM
To: Nick Derda
Cc: OBrien, Robert E
Subject: RE: Long term Care, CF-1 Compliance

Mr. Obrien,

I apologize for the extremely late notice regarding the attached information.

We would like to include the required CF-1 for your Douglas Road property formerly held by Long Term Care Investments in our presentation to the Common Council next week. This is needed to insure that the final year of Tax Abatement for the project is maintained. I need to file my report with the Clerk's office in the morning (Thursday).

Please contact me at your earliest convenience to discuss the projects status, and hopefully the anticipated time of completion necessary for the form.

Sincerely,

Ken

Kenneth B. Prince ASLA, AICP
City Planner

City of Mishawaka
600 East Third Street
Mishawaka, IN 46544

(574) 258-1625
kprince@mishawaka.in.gov

From: Nick Derda [mailto:NickD@sni-law.com]
Sent: Wednesday, April 10, 2013 4:25 PM
To: Ken Prince
Cc: ROBrien@Extendicare.com
Subject: RE: Long term Care, CF-1 Compliance

Ken,
Here is the contact information you requested:

Robert O'Brien
Group Controller
Extendicare Health Services
414.908.8718

I have copied Mr. O'Brien on this email as well. Please let me know if you need any additional information.

Nick

Nicholas J. Derda
Sopko, Nussbaum, Inabnit & Kaczmarek
210 South Michigan Street
5th Floor - Plaza Building
Post Office Box 300
South Bend, Indiana 46624
Tel: 574/234-3000
Fax: 574/234-4220
E-mail: nickd@sni-law.com

(i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

From: Ken Prince [mailto:kprince@mishawaka.in.gov]
Sent: Wednesday, April 10, 2013 3:34 PM
To: Nick Derda
Subject: RE: Long term Care, CF-1 Compliance

Thank you.

If you could send me a contact as well to follow up with if needed, I'd appreciate it.

Ken

From: Nick Derda [mailto:NickD@sni-law.com]
Sent: Wednesday, April 10, 2013 3:31 PM
To: Ken Prince
Subject: RE: Long term Care, CF-1 Compliance

Ken,

Long Term Care has sold the property. I will forward your email to the new owners.

Nick

From: Ken Prince [mailto:kprince@mishawaka.in.gov]
Sent: Wednesday, April 10, 2013 2:55 PM
To: Nick Derda
Subject: Long term Care, CF-1 Compliance

Good afternoon Nick,

I had sent you a letter a few weeks ago concerning the filing of the CF-1 Compliance forms relative to the tax abatement for Long Term Care Investments, LLC.

I am in the process of preparing a submission to the Council for tomorrow. If you could inform me of the status I would appreciate it.

Thank you,

Sincerely,

Ken

Kenneth B. Prince ASLA, AICP
City Planner

City of Mishawaka
600 East Third Street
Mishawaka, IN 46544

COMPLIANCE WITH STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51765 (R / 1-06)
Prescribed by the Department of Local Government Finance

FORM CF-1 / PP

INSTRUCTIONS:

1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between March 1, and May 15, of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between March 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: JAMIL PACKAGING CORPORATION	
Address of taxpayer *(number and street, city, state, and ZIP code)*: 1420 INDUSTRIAL DRIVE MISHAWAKA, IN 46544	
Name of contact person: DAVID A. DIROLL	Telephone number: (574) 256-2600

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body: CITY OF MISHAWAKA COMMON COUNCIL		Resolution number: R 2011-08
Location of property: 1420 INDUSTRIAL DRIVE MISHAWAKA, IN 46544	County: ST. JOSEPH	DLGF taxing district number: 71022
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired: EXPERTFOLD 300 A-4 SPECIALTY FOLDER GLUER		Estimated starting date *(month, day, year)*:
		Estimated completion date *(month, day, year)*: 07/15/2011

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	73.00	83
Salaries	2,706,000.00	2,978,800.00
Number of employees retained	73.00	73
Salaries	2,706,000.00	2,718,400.00
Number of additional employees	6.00	10
Salaries	180,000.00	260,400.00

SECTION 4 — COST AND VALUES

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	5,158,748.00							
Plus: Values of proposed project	900,000.00							
Less: Values of any property being replaced	350,531.00							
Net values upon completion of project	5,708,217.00							
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	5,158,748.00							
Plus: Values of proposed project	846,673.16							
Less: Values of any property being replaced	350,531.00							
Net values upon completion of project	5,654,890.16							

NOTE: The **COST** of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (d).

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
David A Diroll	President	4-10-13

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991.

INSTRUCTIONS: (IC 6-1.1-12-5.9)

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the Township Assessor and the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.*
5. *If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the County Auditor; and (3) the Township Assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______________________

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member		Date signed (*month, day, year*)
Attested by:	Designating body	

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing ☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 5 above*)

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member		Date signed (*month, day, year*)
Attested by:	Designating body	

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

Ken Prince

From:	JDavis@NAComposites.com
Sent:	Tuesday, April 09, 2013 4:24 PM
To:	Ken Prince
Cc:	ILevy@interplastic.com; MBrost@nacomposites.com; sdittel@interplastic.com
Subject:	RE: CF-1 Form- Property Tax Abatement Compliance Report Mishawaka IN
Attachments:	201303191633.pdf; 2013 COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY - APRIL 9, 2013 - SIGNED.pdf; MISHAWAKA - COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY - TABLE 1 - LIST OF ACTUAL COSTS.pdf; MISHAWAKA - COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY - TABLE 2 - JOB POSITION LIST.pdf

Ken:

Below is the Compliance with Statement of Benefits - Personal Property (Form CF-1 / PP) of North American Composites Company.

Table 1 provides a list of the logistics and material handling equipment added between January 1, 2012 and March 31, 2013.

Table 2 includes a job position list. Seven (7) positions were available on January 1, 2012. All of these positions were retained.

The total salary figure is $798,684.00 Of this amount, $557,324 represents the total actual salary of the seven (7) retained positions. Five (5) positions were added. The total annual salary of these positions is $241,360.

I will mail you the original copies of these documents.

Please do not hesitate to contact me if you have questions or need additional information.

Thank you.

Jerry D. Davis
Vice President of Operations
North American Composites
300 Apollo Drive
Lino Lakes, MN 55014

Office: 651.766.5485
Fax: 651.765.8378
Cell: 651.324.5094
Email: JDavis@NAComposites.com

COMPLIANCE WITH STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51765 (R / 1-06)
Prescribed by the Department of Local Government Finance

FORM CF-1 / PP

INSTRUCTIONS:
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between March 1, and May 15, of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between March 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer NORTH AMERICAN COMPOSITES COMPANY	
Address of taxpayer *(number and street, city, state, and ZIP code)* 1460 EAST 12TH STREET, MISHAWAKA, INDIANA 46544	
Name of contact person JERRY D. DAVIS	Telephone number (651) 766-5485

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body CITY OF MISHAWAKA, INDIANA, DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT		Resolution number R2012-05 & R2012-06
Location of property 1460 EAST 12TH STREET	County ST. JOSEPH	DLGF taxing district number
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. NAC has completed improvements to the building for the proper storage and handling of hazardous materials and has purchased material handling and transportation equipment.		Estimated starting date *(month, day, year)* 01/01/2012 Estimated completion date *(month, day, year)* 03/31/2013

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees		12
Salaries		798,684.00
Number of employees retained	0.00	7
Salaries	0.00	0.00
Number of additional employees	11.00	5
Salaries	750,000.00	798,684.00

SECTION 4 — COST AND VALUES

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project								
Plus: Values of proposed project					1,223,500.00		22,500.00	
Less: Values of any property being replaced								
Net values upon completion of project					1,223,500.00		22,500.00	
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project					0.00		0.00	
Plus: Values of proposed project					1,376,177.00			
Less: Values of any property being replaced					0.00			
Net values upon completion of project					1,376,177.00		15,152.00	

NOTE: The **COST** of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (d).

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted	0	0
Amount of hazardous waste converted	0	0
Other benefits:	0	0

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
Jerry D. Davis	VICE PRESIDENT OF OPERATIONS	04/09/2013

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991.

INSTRUCTIONS: (IC 6-1.1-12-5.9)

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the Township Assessor and the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.*
5. *If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the County Auditor; and (3) the Township Assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ____________________

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing ☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 5 above*)

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

TABLE 1 - LOGISTICS AND MATERIAL HANDLING EQUIPMENT FROM JANUARY 1, 2012 TO MARCH 31, 2013

LOGISTICS AND MATERIAL HANDLING EQUIPMENT	NUMBER	QUANTITY	ACTUAL COST
Building Improvements for Product Storage and Containment	$843,885	1	$843,885
Freightliner Day Cab Tractors	$115,000	2	$230,000
Toyota Electric EE Rated Forklifts	$32,803	2	$65,606
Slitter Machine	$51,547	1	$51,547
Toyota Pallet Jacks	$4,500	2	$9,000
Ground Monitoring Equipment	$2,092	1	$2,092
Drum Grabber	$756	1	$756
Drum Grabber and Forklift Extension	$936	1	$936
Used Great Dane Refrigerated Trailer with Liftgate	$58,000	1	$58,000
New Great Dane Dry Van Trailer with Liftgate	$48,359	1	$48,359
Weigh Scales	$1,750	1	$1,750
GPS Units for Day Cab Tractors	$1,859	2	$3,717
Yard Signs	$2,735	1	$2,735
Parts Washer Machine	$933	1	$933
Pallet Racks for Warehouse Storage	$55,102	1	$55,102
Miscellaneous Equipment for Unloading Cargo Tanker Wagons of Product	$759	1	$759
Spill Kit and Safety Supplies	$1,000	1	$1,000
TOTAL			**$1,376,177**

HISTORY OF ALL TAX ABATEMENTS 1986-CURRENT

	Name	Common Council Approval Date	No. of Years Real Estate	No. of Years Machinery	No. of Retained Jobs (Proposed)	No. of New Jobs (Proposed)	No. of Retained Jobs (Actual)	No. of New Jobs (Actual)	Date of Latest CF1 Found	Capital Investment	Abated Through Collect CF-1s	Pay	Abatement Complete
1	Patrick Industries	October 20, 1986	10 Years			52			(-)	$ 8,622,845.00	1997	1998	YES
2	Former Baby Place	June 7, 1988	6 Years	0	0	38.5			(-)	$ 2,000,000.00	1995	1996	YES
3	Wheelabrator Area	December 19, 1988	10 Years		338	246			(-)	$ 2,500,000.00	1999	2000	YES
4	National - Standard	February 21, 1989	6 Years	5 Years	15	180			(-)	$ 10,100,000.00	1995	1996	YES
5	Thermoplastics Phase I	November 20, 1989	6 Years	5 Years	151	13			(-)	$ 2,500,000.00	1995	1996	YES
6	Thermoplastics Phase II	November 20, 1989	3 Years	5 Years	155	20			(-)	$ 3,200,000.00	1993	1994	YES
7	Contech Division I	July 2, 1990	6 Years			75			(-)	$ 10,962,483.00	1996	1997	YES
8	Hilti Steel	September 13, 1990	0	5 Years	n/a	14			(-)	$ 578,000.00	1996	1997	YES
9	Penz Products Inc.	September 24, 1990	3	0	76	10			(-)	$ 475,000.00	1994	1995	YES
10	Dodge Reliance Electrical I	January 7, 1991	0	5 Years	10	15			(-)	$ 1,050,000.00	1996	1997	YES
11	Janco Products, Inc.	May 6, 1991		5 Years	10	20			(-)	$ 220,000.00	1996	1997	YES
12	Thermoplastics Phase III	November 4, 1991	0	5 Years	150	19	150	51	Feb-93	$ 2,750,000.00	1996	1997	YES
13	National Steel Corporation	December 16, 1991	10 Years		250	130	250	32	Mar-01	$ 10,346,394.00	2002	2003	YES
14	Maron Products, Inc.	February 3, 1992	0	5 Years	38	10	41	11	Feb-95	$ 610,794.00	1998	1999	YES
15	Dodge Reliance Electrical II	July 6, 1992	0	5 Years	300+	0	300+	0	Mar-96	$ 3,000,000.00	1998	1999	YES
16	Thermoplastic Phase IV	October 19, 1992	6 Years		210	50	210	148	Mar-98	$ 6,812,832.00	1999	2000	YES
17	Contech Division II	April 19, 1993		5 Years	10		15	108	Mar-99	$ 1,206,461.00	1999	2000	YES
18	Dana/Ristance Corp./Standard Motor Produ	January 3, 1994	10 Years		80	60	42	88	Mar-05	$ 6,067,253.00	2004	2005	YES
19	United Limo	September 6, 1994	6 Years		77	8	77	8	Jan-01	$ 1,262,200.00	2001	2002	YES
20	Dearborn Crane	December 5, 1994	10 Years	5 Years	26	4	26	7	May-99	$ 612,841.00	2005	2006	YES
21	Scott Brass II	December 18, 1995	10 Years		73	31	73	13	Mar-06, Apr-01	$ 11,934,000.00	2006	2007	YES
22	Federal Window (Fedor)	December 18, 1995	6 Years	5 Years	8	8	8	26	Apr-02, Mar-01	$ 1,018,181.00	2002	2003	YES
23	Maron Products, Inc. II	December 18, 1995		5 Years	6	4	2	8	Apr-01	$ 250,000.00	2001	2002	YES
24	Quality Dining	April 15, 1996	10 Years		73	109	73	70	Mar-06	$ 5,087,402.00	2006	2007	YES
25	Baycote Metal Finishing	January 6, 1997	6 Years	5 Years	70	15	79	7	Jul-00	$ 1,800,000.00	2003	2004	YES
26	Krizman International	January 6, 1997	6 Years		225	20	225	20	Jul-00	$ 1,500,000.00	2003	2004	YES
27	Troyer	March 3, 1997	3 Years		60	40		0	(-)	$ 1,100,000.00	2001	2002	YES
28	Nyloncraft Incorporated	May 19, 1997	6 Years	5 Years	378	40	341	58	Feb-02	$ 7,598,531.00	2004	2005	YES
29	Ristance Corporation	October 20, 1997	6 Years	5 Years	139	18		0	(-)	$ 3,600,000.00	2004	2005	YES
30	DeWald Manufac. Inc./Power Gear/Enginee	October 20, 1997	6 Years	5 Years	62	15	62	40	Mar-05	$ 1,842,833.00	2004	2005	YES
31	Thermoplastic Phase V	December 1, 1997	6 Years	5 Years	299	70	299	19	Mar-00	$ 3,181,310.00	2003	2004	YES
32	Atchison/Dodge	December 1, 1999		5 Years	325	50	230		Mar-05	$ 2,000,000.00	2006	2007	YES
33	Sampson Fiberglass	March 6, 2000	3 Years		15	20	15	5	Feb-01	$ 375,000.00	2004	2005	YES
34	RMG Foundry LLC	March 6, 2000		5 Years	325	50	202	0	Feb-06	$ 2,000,000.00	2006	2007	YES
35	WF Associates (AMG Byrkit Facility)	November 19, 2001	10 Years		285	15	234	0	Apr-11	$ 2,650,000.00	2011	2012	YES
36	Nyloncraft Incorporated	March 20, 2003		5 Years	396	16	320	9	May-09	$ 1,168,064.00	2009	2010	YES
37	Nyloncraft Incorporated	November 6, 2003		5 Years	405	13	329	27	May-09	$ 2,730,304.00	2009	2010	YES
38	Plastimatics Arts Corporation	August 18, 2004		3 Years	31	4	31	16	May-06	$ 1,450,290.00	2007	2008	YES
39	Ironwood Enterprises, LLC	September 6, 2005	5 Years		14	49	27	34	May-09	$ 6,000,000.00	2010	2011	YES
40	Daman Products Company	October 17, 2005		3 Years	95	6	82	23	Feb-07	$ 1,118,980.00	2007	2008	YES
41	Culture Systems, Inc.	December 18, 2006	3 Years	3 Years	12	7	12	2	May-09	$ 1,200,000.00	2009	2010	YES
42	Patrick Industries (Metals Div)	June 19, 2006	5 Years	5 Years	172	26			Apr-10	$ 4,600,000.00	2011	2012	YES
43	Jamil Packaging Corporation	August 21, 2006		3 Years	51	5	51	5	May-10	$ 1,250,000.00	2010	2011	YES
44	Nyloncraft Incorporated	December 6, 2007		5 Years	340	50	291	12	Apr-13	$ 2,185,000.00	2012	2013	NO
45	BD Mishawaka Development LLC	February 4, 2008	10 Years		0	370	0	243	Mar-13	$ 46,000,000.00	2018	2019	NO
46	Jamil Packaging Corporation	May 1, 2008		3 Years	64	5	62	11	Apr-12	$ 1,650,000.00	2011	2012	YES
47	Long Term Care Investments, LLC	June 1, 2009	3 Years		0	120	0	67	4/1/2012	$ 18,000,000.00	2012	2013	NO
48	Jamil Packaging Corporation	16-May-11		3 Years	0	0	73	6	Apr-13	900,000	2014	2015	NO
49	North American Composites (NAC)	5-Mar-12		3 Years	0.0	10.0	7.0	5.0	Apr-13	$1,241,000	2015	2016	NO