AGENDA

Wednesday, May 7, 2014

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 14, 2014

5. Petitions, Communications, Remonstrance and Memorials

appeal No. 2014-06 Land Use and Variance Requests 1110 S Ironwood Dr. - Auto Sales Facility

Petition No. 2014-05 Walker PUD Amendment West Side of Capital Ave. North Side of Grande Vista Parkway

Petition No. 2014-06 Rezone from I-1 Industrial to C-9 Auto Detailing Facility - 2340 Schumacher Dr.

Petition No. 2014-07 Vacation of Public Right of Way and Underlying Utility Easement Rights - Evergreen Rd. I-80/90 Toll Rd and Capital Ave.

Petition No. 2014-08 Rezone from I-2 Heavy Industrial to R-1 Single Family - 1709 Elder Rd.

Petition No. 2014-09 Vacation of Public Right of Way - Main St. Underpass at Grand Trunk Western Railroad

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

R2014-08 Tax Abatement Compliance Reports for 2013

R2014-09 Declaratory Resolution - Dearborn Crane and Engineering - 1133 East 5th St.

9. Ordinances on Second Reading

P.O. NO. 2014-05 Amending Taxicab Regulations (Assigned to Public Health and Safety Committee)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
April 14, 2014

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 Tuesday, April 14, 2014 at 7:00 p.m. The meeting was called to order by President Matt Mammolenti all were asked to stand for the Pledge of Allegiance. President Mammolenti called for a moment of silence for the passing of Steve Obren father of George Obren Director of Code Enforcement.

Roll Call.

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

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

The minutes from the April 1, 2014 meeting were approved as received from the City Clerk's Office.

The following proposed ordinances were given first reading, and assigned to committee, to be set for public hearing at the next regular meeting.

PROPOSED ORDINANCE NO. 2014-05

AN ORDINANCE AMENDING CHAPTER 18 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE BUSINESS REGULATIONS ORDINANCE: OF THE CITY OF MISHAWAKA, INDIANA
(Amending Taxicab Regulations)
Assigned to Public Health and Safety Committee

NEW BUSINESS

Mr. Roggeman stated in Mr. Emmons absence he would like to announce his neighborhood watch meeting would be this Thursday April 16, 2014 at 7:00 p.m. at St. Bavo School. He said the speaker would be Senator John Broden.

Mr. Mammolenti said his neighborhood watch meeting would be at Twin Branch School, 87:00 p.m. on April 16, 2014 with Mike Carpenter, new Code Enforcement Officer as his speaker.

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 7:04 p.m.

Deborah S. Block ______________________	Matt Mammolenti______________________
Deborah S. Block, IAMC, MMC, City Clerk	Matt Mammolenti, Presiding Officer

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

CITY CLERK
MISHAWAKA, IN

RECEIVED

APR 23 2014

BUILDING, PLANNING
COMMUNITY DEVELOPMENT

AP 14-06

Date: April 21, 2014

Mishawaka Board
of Zoning Appeals

RE: Land Use and Variance
Requests

FOR: Hameln III LLC and
Teachers Credit Union
110 S. Main Street
South Bend, Indiana 46601

Petition Address: 1110 South Ironwood Drive,
Mishawaka, Indiana 46544

The undersigned appellants respectfully show the Board:

1). That they are the owners of the below-described real estate located in the City of Mishawaka, Indiana, to-wit:

That part of the Southwest Quarter of Section 17, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, being described as follows; Lots # 67, 68 and 69 of the Plat of "Lafayette Place Addition to the City of Mishawaka" as recorded in Plat Book # 10 on Page # 140 in the Records of the St. Joseph County, Indiana Recorder's Office, excepting therefrom the right-of-way taken along the West and South sides of said property.
Containing 0.25 acres more or less.
Subject to all legal highways, easements and restrictions of record.

ALSO Commonly known as 1110 South Ironwood Drive, Mishawaka, Indiana 46544.

2). The above described real estate presently has a Zoning classification of "C-7" COMMERCIAL DISTRICT" under the Zoning Ordinance of the City of Mishawaka.

3). The Appellants have been the owners of the property as shown in the records of the County Auditor's Office. The existing buildings have been used for an Automotive Sales Lot which was approved as a Land Use Variance by the Mishawaka City Council on April 19th, 2010. The Land use variance was approved for a period of three (3) years. The Appellants have been approached by an interested party who desires to acquire the property and to continue to use the property for an Automotive Sales Lot as an approved Land Use Variance as allowed under the "C-7" Commercial District classification. The Appellants would desire to continue to use the property as approved by the Mishawaka Board of Zoning Appeals and the Mishawaka Common Council in 2010 as a permanent Land Use Variance and not limited to a specific time period.

Based on discussions with the City's Planning staff and review of the City's Zoning Ordinance, an automotive sales facility requires a "C-4" Commercial District classification. As the previous Land Use Variance was limited to a three (3) period of time, the only options available to the owner and contingent purchaser would to either request a rezoning from the "C-7" Commercial District classification to the "C-4" Commercial District classification or request a Land Use Variance to allow for the continuance of an Automotive Sales facility under the existing "C-7" Commercial classification. The preference from discussions with the Planning Commission staff was to request a "Land Use" Variance. This would leave the property as Commercial which fits with the surrounding area and would allow the placement of any necessary restrictions on the proposed commercial use. The request for the "Land Use" variance also requires approval of a few Variances to operate the proposed Automotive Sales facility within the "C-4" Commercial District. The Variances relate to developmental standards required for "C-4" Commercial uses. The Variances are in regards to the location of pavement for display of vehicles, landscaping, location of an existing accessory building and screening requirements.

4). After discussions with the Mishawaka Planning Staff and as stated above, it was determined that in order to allow for continuance of the Automotive Sales facility, the best procedure would be to request approval of Land Use Variance in an "C-7" Commercial District. This process would help to maintain the existing Commercial character of the area and not introduce a more intense Zoning classification into the established commercial use area. The Automotive Sales facility would continue as previously approved, other than the Land Use Variance would be permanent. This would help maintain the existing character of the area.

5). The Appellants are also requesting a few Variances from Developmental standards for the "C-4" Commercial District classification for the operation of the Automotive Sales facility.

The first Variance request is from providing the required minimum perimeter trees at a spacing of 40 ft. on center along the West and South property lines for the Ironwood Drive and Dragoon Trail street frontages and perimeter trees at a spacing of 60 ft. on center along the North and East property lines to providing no additional trees and use existing trees. The trees shown on the site plan were required as part of the approval of the original Land Use Variance and the owners would desire to be allowed to continue to use these trees without any additional ones being required. The Appellants do not believe approval of this Variance would adversely affect any surrounding property.

The second Variance request is from providing plant screening along a minimum of 75% of the area shown for display of vehicles to existing shrubbery shown along Ironwood Drive and Dragoon Trail. The Appellants would state that the shrubs shown along the street frontages were also required as part of the original Land Use Variance approval and they would ask to be allowed to continue to said shrubbery screening for the site. The Appellants do not believe approval of this Variance would be detrimental to any surrounding property.

The third Variance request is from the minimum required 10 foot setback for pavement for display vehicles along Ironwood Drive and Dragoon Trail to a minimum of 0 foot and from the minimum required five foot pavement setback along the East property line to a minimum of 0 foot as shown for existing pavement. The existing pavement has been as shown for the past few decades and the Appellants would ask to allowed to continue to use the pavement as shown and not be required to remove it along said property lines. The Appellants do not believe approval of this Variance would adversely affect any surrounding property.

The fourth Variance request is to allow the existing accessory building located at the Northeast corner of the site to encroach into the side yard along the North property line to a minimum of 0.76 feet and the rear yard along the East property line to a minimum of 0 feet as shown. The accessory building shown is existing and has been for the past several decades. The Appellants would ask for approval to leave the building as shown. The Appellants do not believe approval of this Variance would adversely affect any surrounding property.

The last Variance request is from the requirement of providing a minimum 7 ft. high opaque screening fence along the East property line to no screening fence. This property was previously used for a gasoline service station and an Automotive Sales facility. The commercial uses for the site go back a few decades. There has been no fencing against the East property during this period of time. It does not appear that this use has had a negative impact on the adjacent property across the existing public alley. The Appellants do not believe approval of this Variance would have a detrimental impact on any adjacent property.

6). The Appellants and contingent purchasers would state that if the proposed Land Use Variance and Developmental standard Variances were approved, it would not adversely affect the adjacent properties or the surrounding neighborhood. The Appellants and contingent purchasers would hope that the Board Members would agree, that the allowing the proposed Automotive Sales facility, meets the intent of the requested Land Use Variance and Developmental standards within the "C-7" Commercial District.

For the above stated reasons, the Appellants and contingent purchasers would contend that approval of the Land Use Variance and Developmental standards Variances would not be injurious to the public health, safety, morals and general welfare of the Community. The use and value of the area adjacent to the property included in the above requests will not be affected in a substantially adverse manner. The need for the above requested Land Use Variance and Developmental standard Variances arises from a condition peculiar to the Appellant's property and that the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the Appellant's property. The Appellants and contingent purchasers would also state that approval of the requested Land Use Variance and Developmental standard Variances would not interfere substantially with the Comprehensive Plan for this entire area.

The Appellants and contingent purchasers therefore prays and respectfully requests a hearing on this appeal and that after such hearing the Board recommends approval of the Land Use Variance and approves the requested Developmental standard Variances.

Teachers Credit Union

By: ______________________ Vice President

Mark Noeldner
574-274-8724

Hameln III LLC

By: ______________________

Joseph S. Grabill Sr.
574-229-6791
Authorized Agent

RECEIVED
APR 23 2014

Mishawaka Board of Zoning Appeals
Mishawaka Common Council
600 East Third Street
Mishawaka, Indiana 46544

April 21, 2014

RE: Hameln III LLC, Teachers Credit Union
Land Use & Variance Requests for
1110 South Ironwood Drive, Mishawaka, In:

Dear Board Members and Council Members,

This letter is to inform the Board Members that we have granted authority to Danch, Harner & Associates to represent us at the Mishawaka Board of Zoning Appeals meeting at which our Land Use Variance and Developmental Standard Variance Requests will be heard.

If you have any questions concerning this matter, please feel free to give me a call at 574-274-8724.

Sincerely,

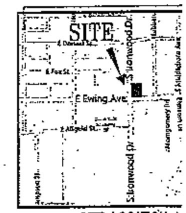
Hameln III LLC
By: ____________
Joseph S. Grabill Sr.
574-229-6791
AUTHORIZED AGENT

Teachers Credit Union
By: ____________ Vice President
Mark Noeldner
574-274-8724

File No. 140120

BZA SITE PLAN

THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



SITE LOCATION M

NTS

LEGAL DESCRIPTION:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS; LOTS # 67, 68 AND 69 OF THE PLAT OF "LAFAYETTE PLACE ADDITION TO THE CITY OF MISHAWAKA" AS RECORDED IN PLAT BOOK # 10 ON PAGE # 140 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, EXCEPTING THEREFROM THE RIGHT-OF-WAY TAKEN ALONG THE WEST AND SOUTH SIDES OF SAID PROPERTY.
CONTAINING 0.25 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

ALSO COMMONLY KNOWN AS 1110 SOUTH IRONWOOD DRIVE, MISHAWAKA, INDIANA 46544.

TABULATED SITE DATA

1). ACREAGE OF SITE ....

2). PROPOSED LAND USE: AUTOMOTIVE SALES FACILITY.

3). PARKING RATIO REQUIRED BY ORDINANCE;

A. AUTOMOTIVE USES; 5.5 SPACES PER 1,000 SQ.FT. OF GROSS FLOOR AREA;
NUMBER OF SPACES REQUIRED FOR 530 SQ.FT. OF GROSS FLOOR AREA ....
NUMBER OF SPACES PROVIDED..............................

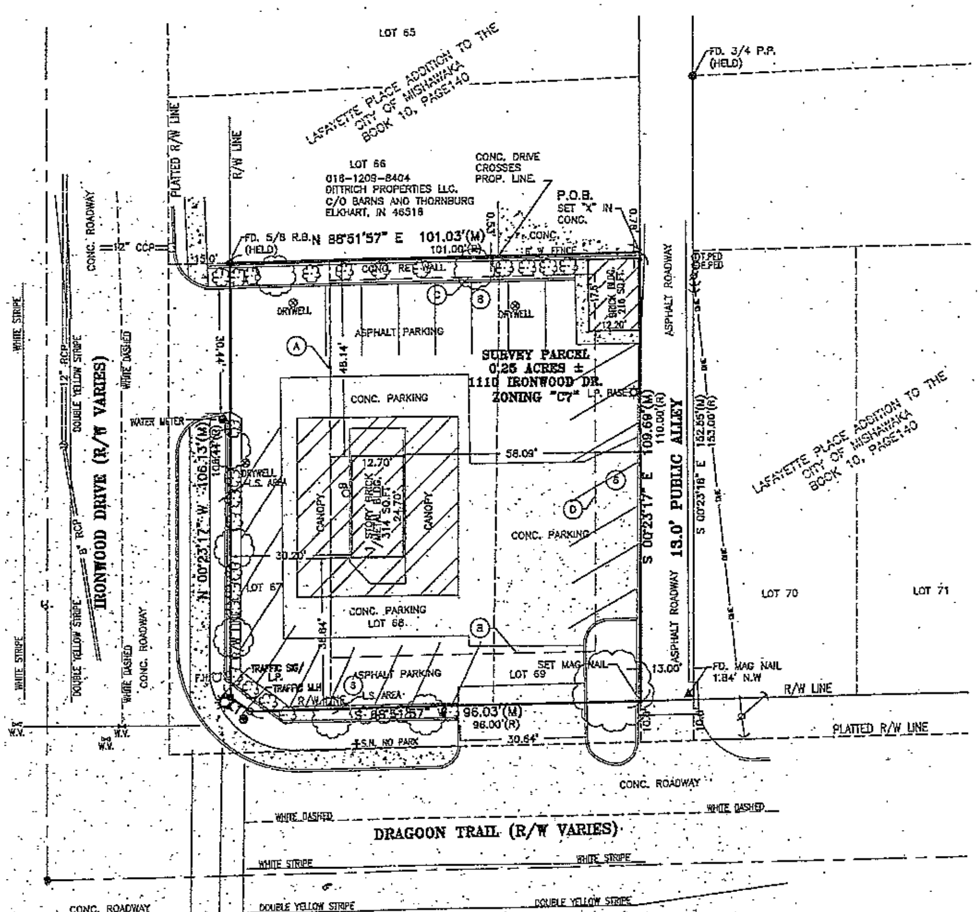
4). PROPOSED LAND COVERAGE:

	SQUARE FOOT
A. BUILDINGS	53
B. PARKING, WALKS AND DRIVES..............	9,45
C. OPEN SPACE	9(
TOTAL	10,89

5). BUILDINGS SHOWN ARE 1 STORY.

6). FACILITY IS CONNECTED TO MISHAWAKA UTILITIES.

7). DRIVEWAY OPENINGS ARE EXISTING.



LAND USE VARIANCE REQUESTS:

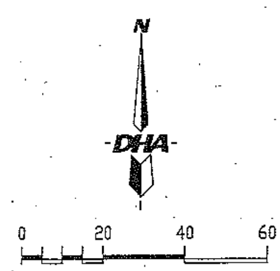
1. Approval of "Land Use Variance" to permit the operation of an Automotive Sales facility in a "C-7" Commercial Distric

DEVELOPMENTAL STANDARD VARIANCE REQUESTS:

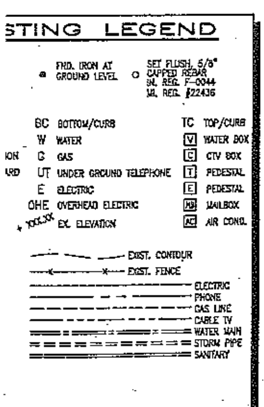
1. Variance from providing the required minimum perimeter t spacing of 40 ft. on center along the West and South pro lines for the Ironwood Drive and Dragoon Trail street fr and perimeter trees at a spacing of 60 ft. on center alo North and East property lines to providing no additional and use existing trees.
2. Variance request is from providing plant screening along minimum of 75% of the area shown for display of vehicles existing shrubbery shown along Ironwood Drive and Dragoo
3. Variance request is from the minimum required 10 foot se pavement for display vehicles along Ironwood Drive and D Trail to a minimum of 0 foot and from the minimum requir foot pavement setback along the East property line to a of 0 foot as shown for existing pavement.
4. Variance request is to allow the existing accessory buil located at the Northeast corner of the site to encroach side yard along the North property line to a minimum of and the rear yard along the East property line to a mini feet as shown.
5. Variance request is from the requirement of providing a ft. high opaque screening fence along the East property no screening fence.

APPELLANTS:
Hamein III LLC and
Teachers Credit Union
110 S. Main Street
South Bend, Indiana 46601

LAND SURVEYOR:
Danch, Harner & Associa
1643 Commerce Drive
South Bend, Indiana 466
(574) 234-4003



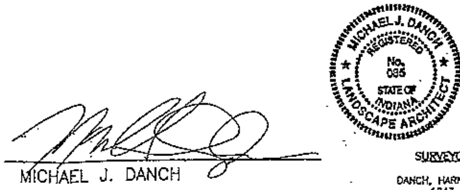
SCALE 1' = 20'



LINE	BEARING	DISTANCE
L1 M	N 55°26'59" W	8.10'
L1 R	N 54°58'13" W	8.10'

BUILDING SETBACKS
PER CITY OF MISHAWAKA

- (A) 25.0' FRONT-YARD SETBACK LINE
- (B) 12.5' FRONT YARD SETBACK LINE
- (C) 5.0' SIDE-YARD SETBACK LINE
- (D) 11.0' REAR-YARD SETBACK LINE



MICHAEL J. DANCH

SURVEYORS & ENGINEERS:
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH

DATE	DRAWN BY:	REVISIONS	
4/21/14	DBH		
SCALE	CHECKED BY:	DATE	BY
1" = 20'	MJD		
FILE #	PROJ. MANGR:		
140120	MDJ		

RECEIVED
DEBORAH S. BLOCK, MMC
APR 29 2014
CITY CLERK
MISHAWAKA, IN

RECEIVED
APR 23 2014
PLANNING
COMMUNITY DEVELOPMENT

Pet 14-05

DATE: April 23, 2014

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

RE: PETITION FOR PUD AMENDMENT

Walker PUD
(West Side of Capital Avenue, North Side of Grande Vista Parkway)

The undersigned Capital Avenue Properties, LLC, respectfully show they are the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

A PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, 2,072.14 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°55'23" EAST, 20.00 FEET; THENCE NORTH 47°22'53" EAST, 88.98 FEET TO THE SOUTHERLY RIGHT OF WAY OF CAPITAL AVENUE; THENCE SOUTH 42°35'06"EAST ALONG SAID SOUTHERLY RIGHT OF WAY, 149.05 FEET; THENCE SOUTH 03°13'40"WEST, 41.74 FEET; THENCE SOUTH 48°15'13" WEST, 243.30 FEET TO SAID WEST LINE; THENCE NORTH 00°33'26" WEST ALONG SAID WEST LINE, 253.15 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.79 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

The above legal description is per Instrument Number 1317726 recorded in the Office of the Recorder of St. Joseph County, Indiana.

Common Address: West side of Capital Avenue and the north side of Grande Vista Parkway, Mishawaka, Indiana.

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development (PUD) specifically for a mixed use commercial development including all C-1 General Commercial uses.

The purpose of this petition is to revise the approved preliminary site plan and its associated conditions to allow for an additional use on the property. Petitioner desires said real estate to be amended as follows:

1. To allow for drive-thru facilities.

2. To allow for the off-street parking ratio to be 10 spaces per 1,000 square feet of gross building floor area.

Wherefore, Petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of Mishawaka.

Accompanying this petition is a drawing showing the above-described parcel of real estate, preliminary site plan showing the additional use, and supporting documentation.

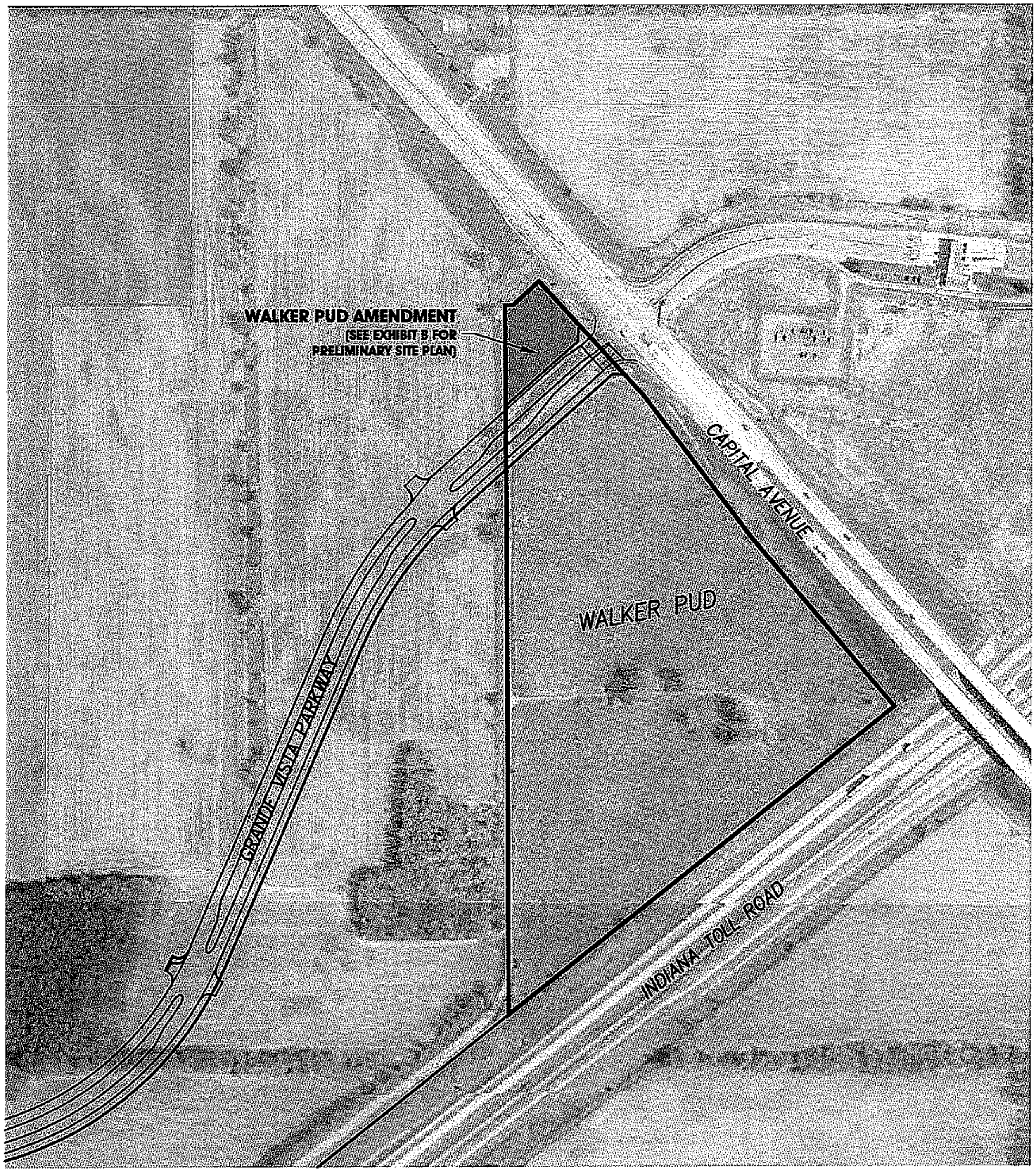
John Becker, Member

Capital Avenue Properties, LLC
2400 Miracle Lane
Mishawaka, IN 46545

CONTACT PERSON:

Daryl S. Knip, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
dknip@abonmarche.com

EXHIBIT A



0 200 400

SCALE : 1 = 400'

WALKER PUD AMENDMENT

EAST HALF OF SECTION 23, TOWNSHIP 38 NORTH,
RANGE 3 EAST, HARRIS TOWNSHIP,
ST. JOSEPH COUNTY, INDIANA

ABONMARCHE
Confidence By Design

DATE: **4-23-14** ACI JOB #: **14-0183** SHT: **1** of **2**

Z:\ENG_2014\14-0183 BECKER\dwg\2014-4-18 Concept\14-0183 PUD Exhibit A.dwg, EXHIBIT A, 4/23/2014 12:49:22 PM, 1:1

EXHIBIT B

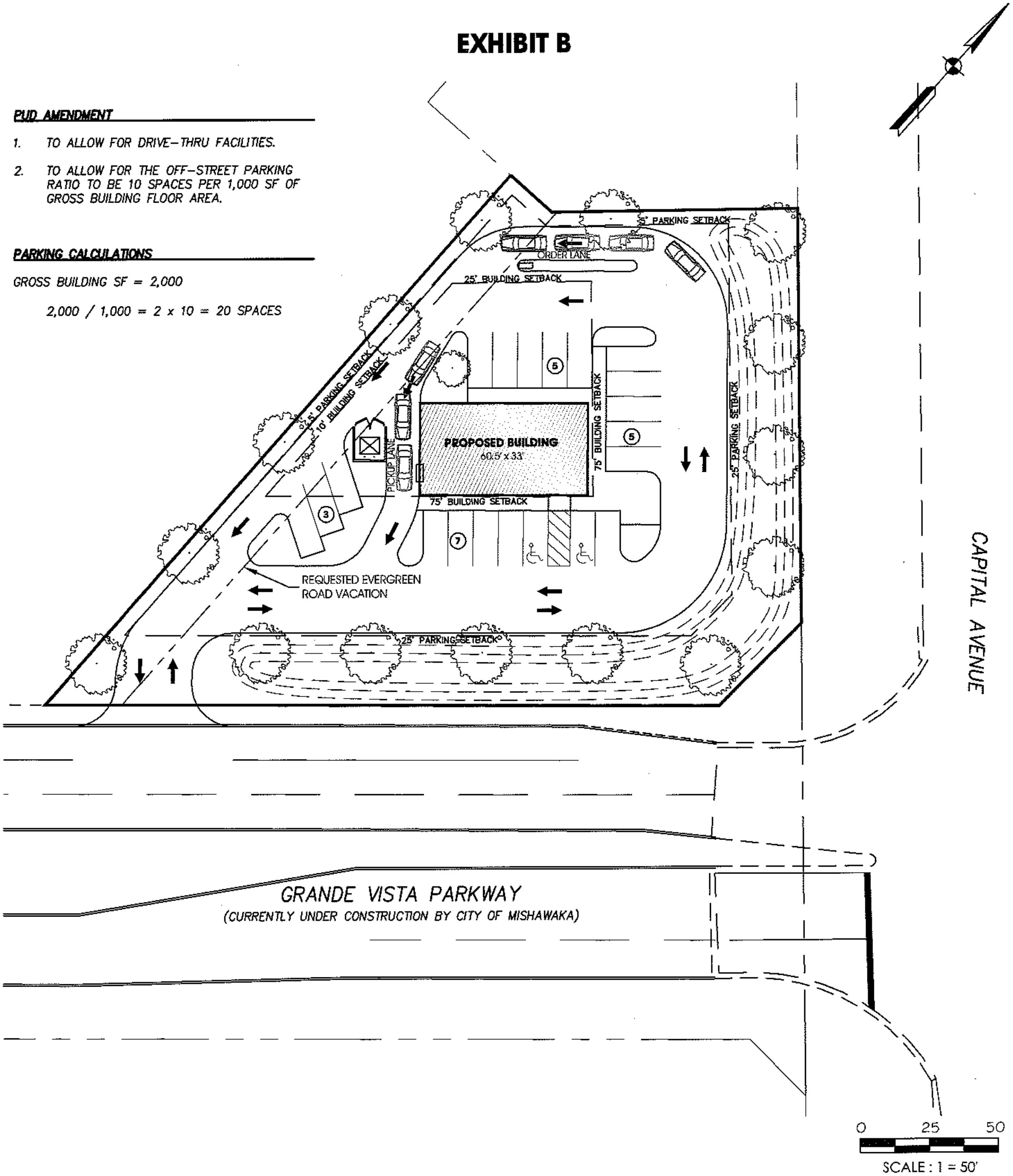
PUD AMENDMENT

1. *TO ALLOW FOR DRIVE-THRU FACILITIES.*
2. *TO ALLOW FOR THE OFF-STREET PARKING RATIO TO BE 10 SPACES PER 1,000 SF OF GROSS BUILDING FLOOR AREA.*

PARKING CALCULATIONS

GROSS BUILDING SF = 2,000

2,000 / 1,000 = 2 x 10 = 20 SPACES



WALKER PUD AMENDMENT

WEST SIDE OF CAPITAL AVENUE AND THE NORTH SIDE OF GRANDE VISTA PARKWAY, MISHAWAKA, INDIANA

ABONMARCHE
Confidence By Design

DATE: **4-23-14** ACI JOB #: **14-0183** SHT: **2** of **2**

RECEIVED
DEBORAH S. BLOCK, MMC
APR 29 2014
CITY CLERK
MISHAWAKA, IN

RECEIVED
APR 23 2014
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Pet 14-06

Date: April 16, 2014

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

RE: Lawrence & Susanne Silverman and Diane Gaughan,
Petition for Rezoning at 2340 Schumacher Drive,
Mishawaka, Indiana:

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

A PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT ON THE EAST LINE OF SCHUMACHER DRIVE WHICH IS NORTH 00°00'00" EAST A DISTANCE OF 373.30 FEET MORE OR LESS FROM THE INTERSECTION OF THE EAST LINE OF SCHUMACHER DRIVE WITH THE NORTH LINE OF MC KINLEY AVENUE, THENCE NORTH 00°00'00" EAST ALONG SAID EAST LINE A DISTANCE OF 356.80 FEET MORE OR LESS, THENCE NORTH 90°00'00" EAST A DISTANCE OF 407.63 FEET MORE OR LESS TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER, THENCE SOUTHEASTERLY ALONG SAID EAST LINE A DISTANCE OF 373.30 FEET MORE OR LESS, THENCE SOUTH 90°00'00" WEST A DISTANCE OF 412.00 FEET MORE OR LESS TO THE PLACE OF BEGINNING.
CONTAINING 3.34 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

Also commonly known as 2340 Schumacher Drive, Mishawaka, Indiana 46545.

The above described parcel of land is presently zoned "I-1" Industrial District.

The Petitioners desire said real estate, to be Rezoned to the "C-9" Commercial District classification. The purpose for the Rezoning is to allow for the real estate to be purchased by an interested party who desires to renovate the existing building into an Automotive Detailing facility on the site.

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

Lawrence Silverman
51605 Buckingham Court
Granger, Indiana 46530

Susanne Silverman
51605 Buckingham Court
Granger, Indiana 46530

Diane Gaughan
51605 Buckingham Court
Granger, Indiana 46530

Contact person:

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

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

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

April 16, 2014

RE: Lawrence & Susanne Silverman and Diane Gaughan,
Petition for Rezoning at 2340 Schumacher Drive,
Mishawaka, Indiana:

Dear Council & Plan Commission Members,

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

If you have any questions concerning this matter, please feel free to give me (us) a call at 574-272-9084.

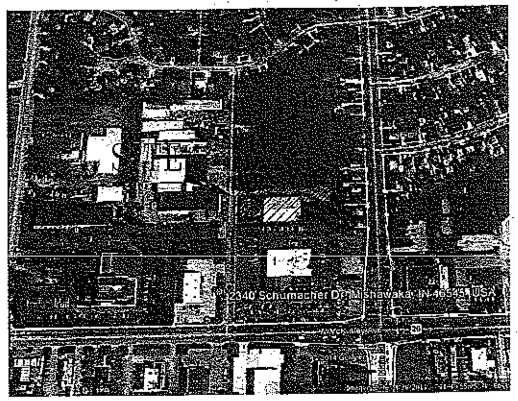
Sincerely,

Lawrence Silverman
Lawrence Silverman

Susanne Silverman
Susanne Silverman

Diane Gaughan
Diane Gaughan

File No. 140142 "C" MD

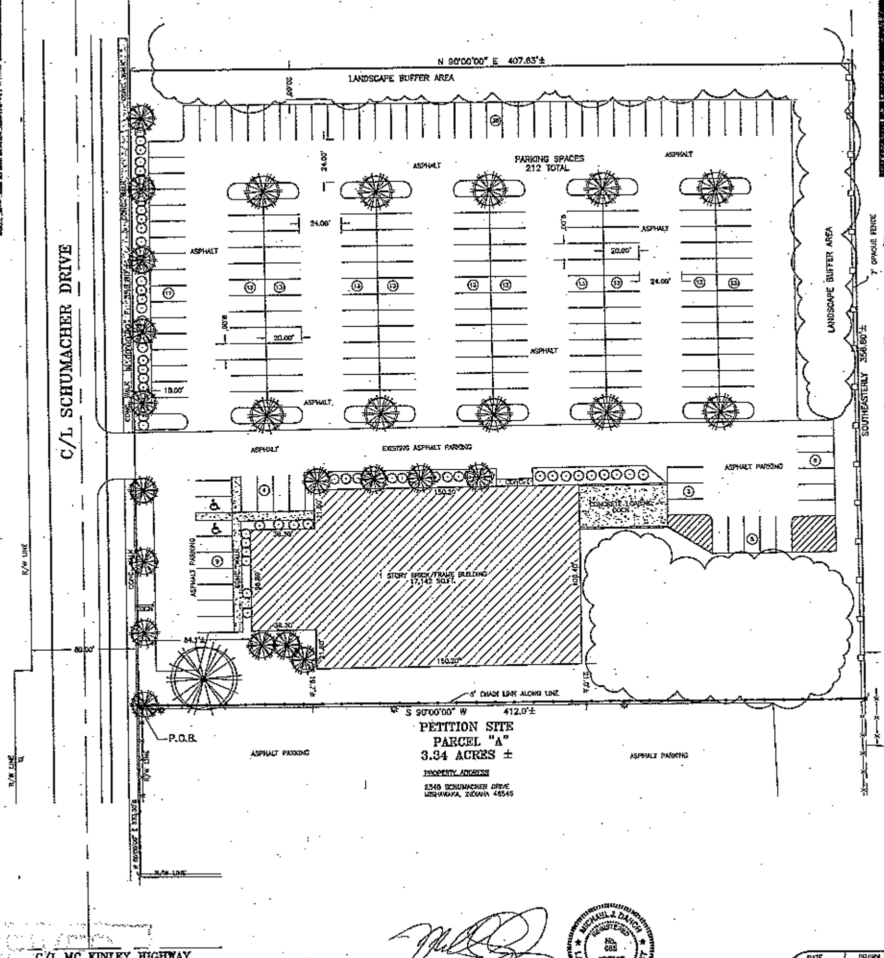


PRELIMINARY SITE PLAN

PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

LEGAL DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT ON THE EAST LINE OF SCHUMACHER DRIVE WHICH IS NORTH 00°00'00" EAST A DISTANCE OF 373.30 FEET MORE OR LESS FROM THE INTERSECTION OF THE EAST LINE OF SCHUMACHER DRIVE WITH THE NORTH LINE OF MC KINLEY AVENUE, THENCE NORTH 00°00'00" EAST ALONG SAID EAST LINE A DISTANCE OF 356.80 FEET MORE OR LESS, THENCE NORTH 90°00'00" EAST A DISTANCE OF 407.63 FEET MORE OR LESS TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER, THENCE SOUTHEASTERLY ALONG SAID EAST LINE A DISTANCE OF 373.30 FEET MORE OR LESS, THENCE SOUTH 90°00'00" WEST A DISTANCE OF 412.00 FEET MORE OR LESS TO THE PLACE OF BEGINNING.
CONTAINING 3.34 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD



PETITIONERS:

LAWRENCE SILVERMAN
51605 BUCKINGHAM COURT
GRANGER, INDIANA 46530

SUSANNE SILVERMAN
51605 BUCKINGHAM COURT
GRANGER, INDIANA 46530

DIANE GAUGHAN
51605 BUCKINGHAM COURT
GRANGER, INDIANA 46530

LAND SURVEYOR:

DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, INDIANA 46628
(574) 234-4003.

REZONING REQUEST:

REZONING FROM "I-1" INDUSTRIAL DISTRICT TO "C-5" COMMERCIAL DISTRICT TO ALLOW FOR THE RENOVATE THE EXISTING BUILDING INTO AN AUTOMOTIVE DETAILING FACILITY ON THE SITE.

TABULATED SITE DATA

1). ACREAGE OF SITE .... 3.34 AC.

2). PROPOSED LAND USE: AUTOMOTIVE DETAILING & SALES FACILITY.

3). PARKING RATIO REQUIRED BY ORDINANCE:

A. AUTOMOTIVE USES: 5.5 SPACES PER 1,000 SQ. FT. OF GROSS FLOOR AREA:
NUMBER OF SPACES REQUIRED FOR 17,142 SQ. FT. OF GROSS FLOOR AREA .... 95 SPACES
NUMBER OF SPACES PROVIDED .... 212 SPACES

4). PROPOSED LAND COVERAGE:	SQUARE FOOTAGE	% OF SITE
A. BUILDINGS	17,142	11.78
B. PARKING, WALKS AND DRIVES	86,135	59.20
C. OPEN SPACE	42,214	29.02
TOTAL	145,491	100.00

5). BUILDING SHOWN IS 1 STORY.

6). FACILITY IS CONNECTED TO MISHAWAKA UTILITIES.

7): DRIVEWAY OPENING SHOWN IS EXISTING.

GENERAL SURVEY DISCLAIMER NOTES:

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

ANY UTILITY OR EASEMENT LOCATIONS, IF SHOWN, ARE APPROXIMATE. THE CLIENT MUST FIELD VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THIS LAND SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR SIZE OF EXISTING UTILITIES OR THE EXISTENCE OR NONEXISTENCE OF ADDITIONAL UNDERGROUND UTILITIES OR STRUCTURES.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING, ZONING AND SUBDIVISION ORDINANCES.

UNLESS SPECIFICALLY SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO INDICATE THE PRESENCE OR ABSENCE OF WETLANDS AND HAZARDOUS OR ENVIRONMENTALLY INJURIOUS MATERIALS. THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE SAME.

ANY INFORMATION ON THIS DRAWING IS NOT INTENDED TO BE SUITABLE FOR REUSE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHERS OR EXTENSION OF THIS PROJECT OR FOR ANY USE ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADOPTION BY THE ENGINEER, ARCHITECT OR SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER, ARCHITECT OR SURVEYOR.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION MAY BEGIN.

MICHAEL J. DANCH

MICHAEL J. DANCH REGISTERED No. 685 STATE OF INDIANA LANDSCAPE ARCHITECT

SURVEYORS & ENGINEERS:
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH

-DHA-

SCALE 1" = 30'

DATE	DRAWN BY:	REVISIONS	
4-18-14	PJH	DATE	BY
SCALE 1" = 30'	CHECKED BY: MJD		
FILE # 140122	PROJ. MANGR: SMM		

SHEET 1 OF 1

Danch, Harner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners
DHA

RECEIVED
DEBORAH S. BLOCK, MMC
APR 29 2014
CITY CLERK
MISHAWAKA, IN

RECEIVED
APR 23 2014
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Pet 14-07

DATE: April 23, 2014

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

RE: **PETITION FOR VACATION OF PUBLIC RIGHT OF WAY AND UNDERLYING UTILITY EASEMENT RIGHTS**

Evergreen Road
(Between I-80/90 Toll Road and Capital Avenue)

The undersigned Beacon Health Systems, Inc., Memorial Health Systems, Inc., Capital Avenue Properties, LLC, Mary A. Golata, Golata Family Trust, and Golata Charitable Remainder Unitrust respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

A PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23, 2,072.20 FEET TO THE POINT OF BEGINNING AND A POINT ON THE WESTERLY RIGHT-OF-WAY OF CAPITAL AVENUE; THENCE NORTH 89°55'23" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY, 20.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE SOUTH 00°33'26" EAST ALONG SAID EASTERLY RIGHT-OF-WAY, 235.48 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF GRANDE VISTA PARKWAY; THENCE SOUTH 48°15'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, 53.15 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 00°33'26" WEST ALONG SAID WESTERLY RIGHT-OF-WAY, 270.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF CAPITAL AVENUE; THENCE NORTH 89°26'36" EAST, 20.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.23 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

ALSO CONTAINING:

A PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23, 2,484.81 FEET TO THE POINT OF BEGINNING AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF GRANDE VISTA PARKWAY; THENCE NORTH 48°15'13" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, 26.58 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE SOUTH 00°33'26" EAST ALONG SAID EASTERLY RIGHT-OF-WAY, 169.65 FEET; THENCE SOUTH 00°25'21" EAST CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY, 1,073.97 FEET TO A POINT ON THE NORTH LINE OF THE EVERGREEN ROAD RIGHT-OF-WAY EASEMENT AS RECORDED IN DEED RECORD BOOK 542, PAGE 607 IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 89°34'33" WEST ALONG SAID NORTH LINE, 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 00°25'21" WEST ALONG SAID WESTERLY RIGHT-OF-WAY, 1,073.97 FEET; THENCE NORTH 00°33'26" WEST CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, 134.55 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF GRANDE VISTA PARKWAY; THENCE NORTH 48°15'13" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, 26.58 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 1.13 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way.

Wherefore, the Petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacating the above described right of way located in the City of Mishawaka.

Accompanying this petition is a drawing, to scale, showing the above-described right of way and underlying utility easement rights to be vacated.

Jeffrey P. Costello, CPA,
Vice-President and Chief Financial Officer
Beacon Health Systems, Inc.

Jeffrey P. Costello, CPA,
Vice-President and Chief Financial Officer
Memorial Health Systems, Inc.

John Becker, Member
Capital Avenue Properties, LLC

CONTACT PERSON:

Daryl S. Knip, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
dknip@abonmarche.com

Signed copy to follow.

Mary A. Golata

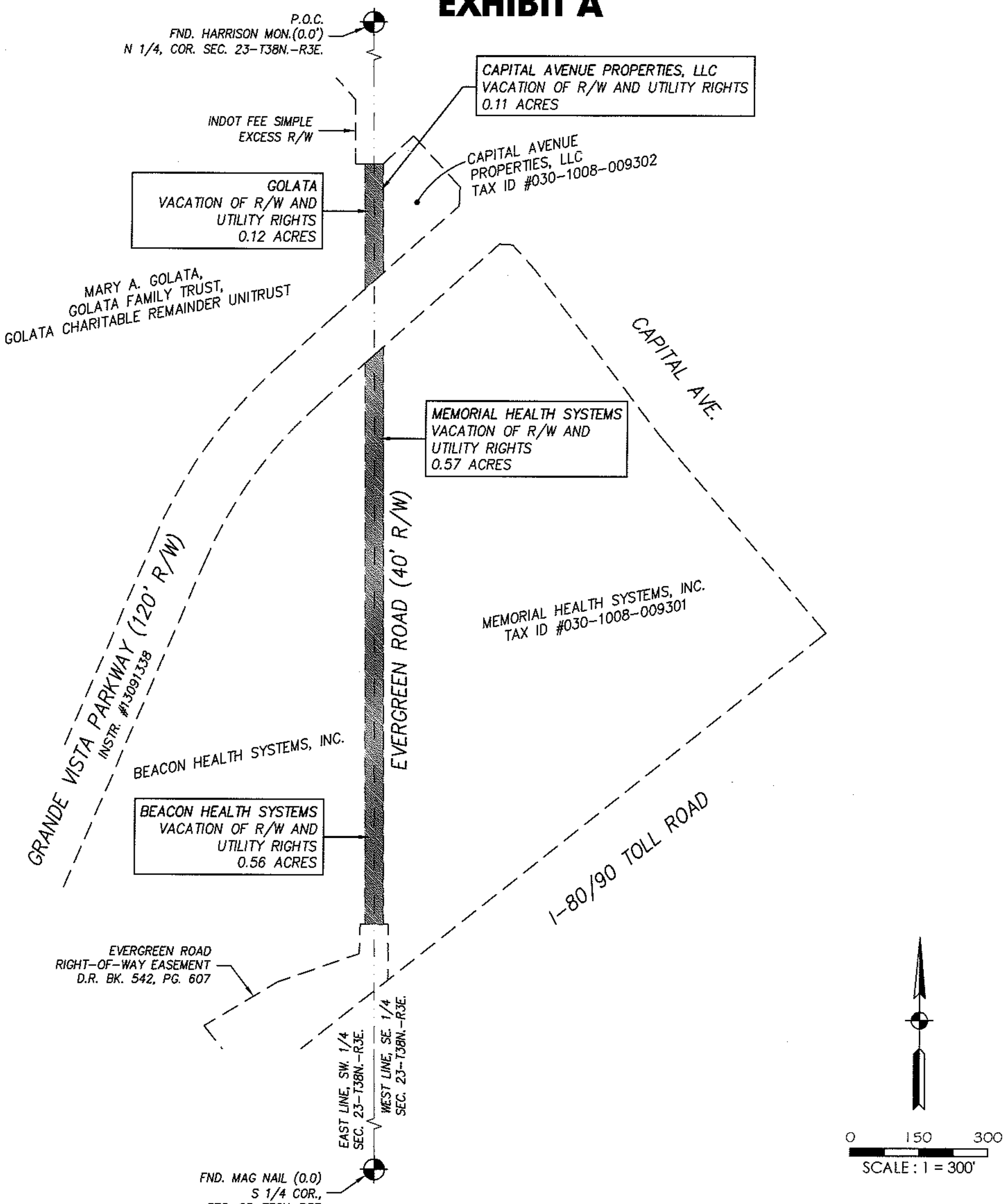
Raymond L. Golata, Trustee
Golata Family Trust

Raymond L. Golata, Trustee
Golata Charitable Remainder Unitrust

CONTACT PERSON:

Daryl S. Knip, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
dknip@abonmarche.com

EXHIBIT A



ABONMARCHE
Confidence By Design

EVERGREEN ROAD
VACATION OF RIGHT-OF-WAY
AND UTILITY EASEMENT RIGHTS
(BETWEEN I-80/90 TOLL ROAD AND CAPITAL AVENUE)

DATE: 04-23-14 ACI JOB #: 14-0128 14-0127 SHT: 1 of 1

RECEIVED
DEBORAH S. BLOCK, MMC
APR 29 2014
CITY CLERK
MISHAWAKA, IN

April 24, 2014
Honorable Members of the
Common Council City of Mishawaka, Indiana
and
Mishawaka City Plan Common
City of Mishawaka, Indiana

RE: Petition to Rezone
The underigned MARKESKibinski
Respectfully Show he is the owner
of the following described Realstate
Located in the City of Mishawaka,
County of St Joseph, State of Indiana,
to wit;

Parcel #27-1001-0325
Commonly Known AS 1709 Elder Rd.

Records Read 80' x 398.3' Beginng Center
of Elder Rd 730' North to Center
of Jefferson Section 11 37 3e Lot 26
Citizens Homes Co Jefferson Rd Pro.

Tax & Fuenstment
#5207428
FHA#203151-8980672

Pet 14-08

Petitioner owns 100% percent of the described parcel of land which carries a zoning classification of Commercial district Said Property is home owner occupied.

Petitioner desires said Realestate to be rezoned to Residential district

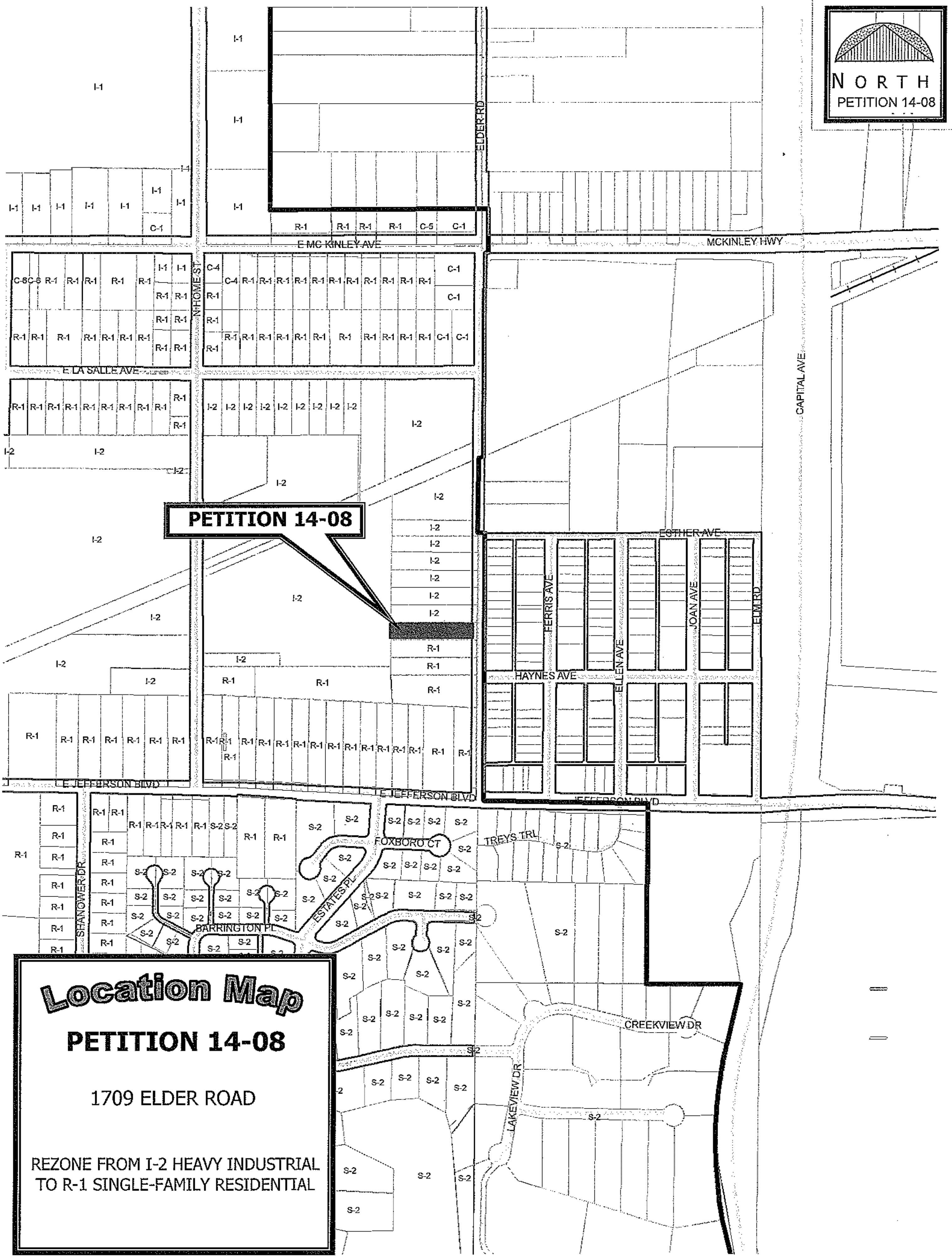
Petitioner furthur states that he intends to utilitze said Land for Storage garage.

Wherefore the Petitioner pray and Respectfully Request that the Common Council of City of Mishawaka Refer this matter to the Mishawaka city plan Commision and that After hearing, an appropriate ordinance be enacted Rezoning the above described parcel of land located in City of Mishawaka.

Mark Skibinski

MARK SKIBINSKI

CONTACT PERSON
MARK SKIBINSKI
1709 Elder Rd Mish, IN.
(574) 360-8125


NORTH
PETITION 14-08
PETITION 14-08
E MC KINLEY AVE
MCKINLEY HWY
ELDER RD
N HOME ST
E LA SALLE AVE
CAPITAL AVE
ESTHER AVE
FERRIS AVE
ELLEN AVE
JOAN AVE
ELM RD
HAYNES AVE
E JEFFERSON BLVD
JEFFERSON BLVD
SHANOWER DR
FOXBORO CT
TREYS TRL
ESTATES PL
BARRINGTON PL
CREEKVIEW DR
LAKEVIEW DR
Location Map
PETITION 14-08
1709 ELDER ROAD
REZONE FROM I-2 HEAVY INDUSTRIAL
TO R-1 SINGLE-FAMILY RESIDENTIAL

Signed copies to follow.

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

CITY CLERK
MISHAWAKA, IN

Date: April 4, 2014

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

Re: Petition for Vacation of Public Right of Way
Main Street Underpass at Grand Trunk Western Railroad
City of Mishawaka, Indiana, Project No. ENT-07-020

The undersigned authorized representatives of the City of Mishawaka, Indiana, respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described non-navigable public right of way being a part of the excess land acquired by the completion of the above referenced project, as the located in the City of Mishawaka, St. Joseph County, Indiana:

(A) A part of Main Street lying within the Northeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

Beginning at the intersection of the west line of Main Street (30 foot half right of way) with the north line of Jefferson Boulevard (20 foot half right of way), as both existed July 19, 2001; thence North 0 degrees 09 minutes 39 seconds East 825.09 feet along said west line, also being the east line of the Mishawaka Fairview Cemetery Association to the North line of the Mishawaka Fairview Cemetery Association; thence North 89 degrees 47 minutes 12 seconds East 0.80 feet along said North line prolonged to a point between the East extents of the fence Columns and the West back of walk on the West side of Main Street as both existed March 01, 2014; thence along the following lines between the East extents of the fence Columns and the West back of walk (typical separation less than 0.2 feet) the next 8 calls; (1) South 0 degrees 01 minute 56 seconds East 21.89 feet; (2) South 0 degrees 07 minutes 58 seconds West 28.43 feet; (3) South 0 degrees 15 minutes 11 seconds West 32.57 feet; (4) South 0 degrees 15 minutes 55 seconds West 57.75 feet; (5) South 0 degrees 08 minutes 15 seconds East 34.58 feet; (6) South 0 degrees 16 minutes 31 seconds West 58.84 feet; (7) South 0 degrees 07 minutes 18 seconds West 56.51 feet; (8) South 0 degrees 41 minutes 38 seconds East 58.89 feet; thence leaving the lines between the East extents of the fence Columns and the West back of walk (typical separation less than 0.2 feet) South 0 degrees 09 minutes 31 seconds West 57.75 feet; thence South 0 degrees 08 minutes 56 seconds West 57.56 feet; thence South 10 degrees 52 minutes 42 seconds East 50.04 feet; thence South 11 degrees 07 minutes 58 seconds East 57.74 feet; thence South 11 degrees 08 minutes 17 seconds East 28.12 feet; thence South 10 degrees 45 minutes 46 seconds East 65.19 feet; thence South 6 degrees 42 minutes 50 seconds East 57.89 feet; thence South 1 degree 49 minutes 00 seconds East 59.91 feet; thence South 41 degrees 29 minutes 58 seconds West 18.57 feet; thence South 27 degrees 35 minutes 14 seconds West 26.92 feet; thence South 72 degrees 38 minutes 39 seconds West 26.01 feet to the point of beginning and containing 0.265 acres, more or less.

Pet 14-09

Petition for Vacation of Public Right of Way
Main Street Underpass at Grand Trunk Western Railroad
City of Mishawaka, Indiana, Project No. ENT-07-020

The above described tract is shown as Parcel 48 on the attached Exhibit 'B'

Easements for Existing Utilities retained on Vacation Parcel.

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way.

Wherefore, the Petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacated the above described right of way located in the City of Mishawaka.

Dave Wood, Mayor
City of Mishawaka, Indiana
Owner Adjacent to Parcel (A)

Merrill Crull, President
Mishawaka Fairview Cemetery Association
Owner Adjacent to Parcel (A)

Contact Person:
James Lietzan
DLZ Indiana, LLC
2211 E. Jefferson Boulevard
South Bend, Indiana 46615
Phone (574) 245-1660
Fax (574) 236-4471

RESOLUTION NO. R-14-08

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

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, four (4) recipients of four (4) 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**
   - **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.

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

CITY CLERK
MISHAWAKA, IN

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, on this ________ day of ____________, 2014.

____
Matt Mammolenti, President

ATTEST:

____
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this ______ day of _________________, 2014.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me on this _______day of _____________, 2014 at ______o'clock, ____.m.

____
David A. Wood, Mayor

April 29, 2014

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

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 2013 Tax Abatement Compliance Reports

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 four active tax abatements in the City of Mishawaka that required reporting for calendar year 2013. 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.

Three other abatements approved by the Council in 2013/2014 were not sent letters by the City because the benefits in each case were not slated to begin until 2014, which would not require reporting until 2015. These abatements include the Long Term Care Investment's proposed rehabilitation Center on Fir Road north of Douglas, the Barak Group's River Rock mixed use project north of Mishawaka Avenue west of Main Street, and WellPet's advanced manufacturing improvements.

In short, two of the four active abatements have either met their goals or have continued to show improvement. The other two abatements are close, but have lost positions in the past year. In staff's opinion, all capital improvements proposed by the respective companies have been installed, and for those who are down in employment levels have provided reasonable explanations and that all the abatements should be considered in substantial compliance for 2013.

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. Usually, we try to present these compliance reports at your second meeting in April, however, with the change in meeting dates, staff was not able to assemble the reports in time for distribution at the earlier April meeting.

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

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 321. Nyloncraft, lost a total of 12 jobs over the past year. Given the volatility in the auto parts business and that the timeframe of this abatement crossed the great recession, staff believes that the factors impacting employment are outside of Nyloncraft's control. Given the physical improvements associated with the abatement were installed and that it is the final year of the abatement, staff's opinion is that the abatement for Nyloncraft should be considered in substantial compliance. The current 321 positions are below the estimated 390 jobs envisioned to be created and retained at the time. In comparison, total employment for Nyloncraft was listed at 200 in 2009. Similar to what staff reported last year, it is positive that the company is still open, located within Mishawaka, and is a stable large manufacturing employer. All of these represent the company's efforts to comply with the original SB-1 for the site, and indicates substantial compliance. Attached to the CF-1 submitted is a brief e-mail identifying the reason for the staff reduction, as well as an explanation from legal Council on how the timeframe for the abatement in this case follows the time of the capital improvement.

- **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 is now being performed by Healthcare Realty out of Nashville Tennessee. Local property management is now being performed by Newmark Grubb Cressy & Everett. The property was purchased from BremnerDuke, the firm that developed the Medical Office building, since the last reporting period. Similar to last year, the building is not completely full and still contains vacant space. This fact combined with the ups and downs of specific areas of the healthcare industry have resulted in not meeting the total expected hiring. 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, 353 employees occupy the building, down 11 from 2012. Annual salaries were reported as $19,629,257, down from the $20,056,178 reported in 2012. The property manager reported that the decrease was due to normal fluctuations in hiring, and noted some changes that have occurred to certain tenants as part of an e-mail chained attached to this letter. They also indicated that the occupancy of the building is currently at 87%. Given that both the improvements have been completed as committed, and that hiring continues to be relatively stable the overall payroll continues to exceed expectations, staff feels that this abatement should be considered in substantial compliance.

- **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 106 jobs, 23 more than last year, and 27 over the projected total of 79. Estimated salaries for the abatement were listed at $2,706,000. The actual salaries with the additional employment are now at $3,435,482. 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 continues to remain at 12 jobs. This is one more job than the 11 that were estimated on the SB-1 when the abatement was filed. Total payroll was listed at $801,969 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.

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

This information has been forwarded at this time to afford the Council time an extra few days to review the relevant information. Unfortunately, the Council does not have the option this year of continuing this resolution to your next 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 or Dave Thomas at your earliest convenience so that we can arrange for the necessary participants to attend the May 7th Meeting. I also want to let you know that I have a conflict for the May 7th Meeting and that Dave Thomas will be presenting on behalf of the Administration.

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

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor
Dave Thomas, Community Development Director

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

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 (Dougla	June 1, 2009	3 Years		0	120	0	67	4/1/2012	$ 18,000,000.00	2012	2013	YES
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
50	Long Term Care Investments, LLC (Fir)	Oct-7-2013	4 Years		0	61			N/A	$15,000,000	2017	2018	NO
51	Barak Group Mixed Use	Nov-6-2013	5 Years		0	5			N/A	$17,000,000	2018	2019	NO
52	WellPet LLC	Januar- 8-2014		5 Years	91	6			N/A	$2,000,000	2018	2019	NO

NYLONCRAFT, INC.

SPECIALIST IN ENGINEERED THERMOPLASTIC PRODUCTS

Plant Location: *616 West McKinley Avenue, Mishawaka, Indiana 46545*
Telephone: (574) 256-1521

RECEIVED
APR 14 2014
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

April 14, 2014

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 (R2 / 5-13)
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 ext 243

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 the attachment to form SB-1		Estimated starting date *(month, day, year)* 11/01/2007 Estimated completion date *(month, day, year)* 12/31/09

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	340.00	321.00
Salaries	11,774,880.00	13,666,000.00
Number of employees retained	340.00	291.00
Salaries	11,774,880.00	12,122,000.00
Number of additional employees	50.00	30.00
Salaries	1,133,823.00	1,544,000.00

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)*
	CFO	04/14/2014

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 6-1.1-12.1-5.9)

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: Antonides, Errol @ NCI <Antonides.E@nyloncraft.com>
Sent: Thursday, April 24, 2014 11:18 AM
To: Ken Prince
Subject: RE: Nyloncraft, Inc. Form CF-1

Hi, Ken –

Looking at the "actual" column, I show we that reported current employment at 321 this year and 333 last year. The main reason for the decline is that GM redesigned some parts that we had on their large pickups, and the new parts were awarded to another supplier.

I also spoke with our VP of Human Resources who advised me that we have had some turnover, and we need to replace five to seven positions in the production area.

Thanks again for your help.

Regards,
Errol

From: Ken Prince [mailto:kprince@mishawaka.in.gov]
Sent: Thursday, April 24, 2014 11:06 AM
To: Antonides, Errol @ NCI
Subject: RE: Nyloncraft, Inc. Form CF-1

Errol,

I'm sorry for the confusion, the drop appears to be 54 positions from last year. Again, we understand the volatility in the business, but I still need something to include in the Council report.

Thanks,

Ken

From: Ken Prince
Sent: Thursday, April 24, 2014 10:53 AM
To: 'Antonides, Errol @ NCI'
Subject: RE: Nyloncraft, Inc. Form CF-1

Good morning Errol,

In reviewing last year's CF-1, it appears that total employment has dropped by 19 positions. Please provide a brief description on the reason(s) for the drop. I need to include this in my letter to the Council.

Thank you,

Ken

Ken Prince

From: Rompola, Randolph R. <Randolph.Rompola@FaegreBD.com>
Sent: Monday, April 21, 2014 9:32 PM
To: Ken Prince
Subject: RE: Nyloncraft, Inc. Form CF-1

Ken, apologize I did not respond sooner. I had one of my state tax partners take a look at this question. We have reviewed the email chain below and the attached Resolution No. R 2007-35 ("Resolution"), and our view is that, based on the following discussion, the taxpayer should be entitled to deductions for each of the years, 2010, 2011, 2012, 2013, and 2014.

The Resolution does the following 3 basic things: it establishes an Economic Revitalization Area ("ERA") for a three-year period commencing on 12/4/07, approves a Statement of Benefits submitted by the taxpayer describing the project, and provides for personal property abatement deductions over a 5 -year deduction period.

We presume you focused upon the language in Paragraph 2 (c) in questioning whether deductions are somehow only available until 12/4/12. Paragraph 2(c) of the Resolution appears to be the City's determination (required to be made under IC 6-1.1-12.1-4.5(e)) regarding which statutory deduction period is to apply—here a 5-year (rather than a 10-year, or some other) deduction period is adopted. While the language in Paragraph 2(c) may be a but unclear, we do not think the intent of the language is to cut off deductions on a date certain. We are not aware of any authority under IC 6-1.1-12.1 for a City to do that (for example, while IC 6-1.1-12.1-2(i) permits the designating body to limit to a date certain the ERA designation, there is no similar provision made for limiting deduction periods to a date certain), and, moreover, any such limitation would not be consistent with the statutory scheme for abatement in general (see, for example, IC 6-1.1-12.1-2-(j).) Also, it is clear that under the language of the Resolution, the ERA designation does terminate on a date certain-- 3 years after 12/4/07—see Paragraph 2(a). However, in contrast, the 5-year period referenced in Paragraph 2(c) is not tied to any date—it is simply a reference to a 5-year period, consistent with the fact that Paragraph 2(c) is the City's determination under the statute that a 5-year deduction period would apply.

It appears that part of the equipment ("assets costing $220,210") comprising the approved project, was installed after March 1, 2009 ("the Property") and, therefore, first became eligible on March 1, 2010 for personal property abatement deductions. We assume that a claim for a deduction in the amount of 100% of the assessed value of the Property was made on the taxpayer's 2010 return, and that four subsequent claims for deductions equaling 80%, 60%, 40% and 20% of the assessed value of the Property were made on the taxpayer's 2011, 2012, 2013, and 2014 personal property tax returns, respectively, consistent with the 5-year deduction period adopted in Paragraph 2(c) of the Resolution.

Of course, we've not seen all of the applicable documents—SB-1s, CF-1's, returns etc.-- just the attached Resolution. However, based on the information we do have below, and consistent with the language of the Resolution and the applicable statutes (IC 6-1.1-12.1)—the final year for an abatement deduction on the Property would be 2014.

We would be happy to discuss further with you. Randy

From: Ken Prince [mailto:kprince@mishawaka.in.gov]
Sent: Monday, April 21, 2014 8:59 AM
To: Rompola, Randolph R.
Subject: RE: Nyloncraft, Inc. Form CF-1

Good morning Randy,

Have you had a chance to look at this yet?

Ken

From: Rompola, Randolph R. [mailto:Randolph.Rompola@FaegreBD.com]
Sent: Wednesday, April 16, 2014 1:44 PM
To: Ken Prince
Subject: Re: Nyloncraft, Inc. Form CF-1

Am in mtg but will look at later this afternoon. Randy

Sent from my iPhone.

On Apr 16, 2014, at 1:29 PM, "Ken Prince" <kprince@mishawaka.in.gov> wrote:

> Good afternoon Randy,
>
> Please review the e-mail chain below. This is an abatement that was approved at the end of 2007. They did not make the final capital investment until 2009. My understanding is that the abatement does not continue with the delay in capital investment, and that it would expire 5 years from the effective date, or in this case, essentially through 2012. In Resolutions that have been passed recently, the time has been identified by tax year, so there shouldn't be any confusion in the future.
>
> Please let me know legally if that is accurate, if it can be extended, we definitely want to extend the benefit, I just didn't think that it worked that way.
>
> Thanks,
>
> Ken
>
> ---
>
> **From:** Antonides, Errol @ NCI [mailto:Antonides.E@nyloncraft.com]
> **Sent:** Wednesday, April 16, 2014 1:06 PM
> **To:** Ken Prince
> **Subject:** RE: Nyloncraft, Inc. Form CF-1
>
> Good afternoon Mr. Prince,
>
> I understood that you were out of the office until today. Thanks for your quick response!
>
> Our records indicate that we added assets costing $220,210 for this project from 3/02/09 through 12/31/09, so those would have first appeared on our return of 3/01/10. That would make this year's return the fifth and final for this abatement.
>
> Thanks again for your help.
>
> Best regards,
> Errol
>
> Errol Antonides
> Controller - Nyloncraft, Inc.
> Ph: (574) 256-1521, ext 260

Fax: (574) 255-3278

From: Ken Prince [mailto:kprince@mishawaka.in.gov]
Sent: Wednesday, April 16, 2014 11:41 AM
To: Antonides, Errol @ NCI
Subject: RE: Nyloncraft, Inc. Form CF-1

Good morning Mr. Antonides,

Thank you for forwarding the CF-1 compliance information. I had the 5-year abatement listed as expiring last year. We did not send out a reminder letter because that was my understanding. The abatement was approved at the end of 2007. Essentially the abatement should have been applicable for 2008, 2009, 2010, 2011, and 2012. Last year's CF-1 filed in 2013 completed the reporting, unless I missed something. Let me know if you concur.

I attached the approved confirming resolution for your use and reference.

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: Antonides, Errol @ NCI [mailto:Antonides.E@nyloncraft.com]
Sent: Monday, April 14, 2014 11:37 AM
To: Ken Prince; Peg Strantz
Subject: Nyloncraft, Inc. Form CF-1

Dear Mr. Prince:

Attached is a copy of our completed form CF-1 along with the letter of transmittal. I am emailing this copy due to the approaching deadline. The original will be mailed today.

Thanks for your help.

Best regards,
Errol Antonides
Controller – Nyloncraft, Inc.
Ph: (574) 256-1521, ext 260
Fax: (574) 255-3278

<201404161137.pdf>

HEALTHCARE REALTY
3310 West End Avenue, Suite 700
Nashville, Tennessee 37203
P 615.269.8175
www.healthcarerealty.com

April 8, 2014

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

Re: 611 E. Douglas Road, Mishawaka IN
Form CF-1

Dear Mr. Prince,

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

If you have any questions, please don't hesitate to contact me at (615) 269-8396 or by e-mail at: ksullivan@healthcarerealty.com

Thank you,

Kim Sullivan

Kim Sullivan
Associate Vice President
Asset Management

cc: Rob Pryor, CPM, Senior Property Manager
Vince Brown, AEGIS

COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

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

20 13 PAY 20 14

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: HR of Indiana LLC	County: St. Joseph
Address of taxpayer *(number and street, city, state, and ZIP code)*: 3310 West End Avenue, Nashville, TN 37203	DLGF taxing district number: 71-022
Name of contact person: Kim Sullivan	Telephone number: (615) 269-8396

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body: Common Council of the City of Mishawaka	Resolution number: R-2008-02	Estimated start date *(month, day, year)*: 2/11/2008
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 and all parking as required. Building is connected to Saint Joseph Regional Medical Center Hospital.		Estimated completion date *(month, day, year)*:
		Actual completion date *(month, day, year)*: 8/1/2009

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	0	353
Salaries	0	19,629,257
Number of employees retained	0	
Salaries	0	
Number of additional employees	370	
Salaries	10,555,000	

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	
Less: Values of any property being replaced		
Net values upon completion of project	46,000,000	
ACTUAL	COST	ASSESSED VALUE
Values before project		
Plus: Values of proposed project	37,765,910	21,030,800
Less: Values of any property being replaced		
Net values upon completion of project	44,000,000	

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)*
Kim Sullivan	AVP, Asset Management	4/8/2014

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.

2013 Tax Info

	Tenant	Employees	Salaries
1	Midwest Cardio		
2	SJRMC	231	$13,546,463.87
3	Centre PC	33	$2,322,799.75
4	Alick	3	$94,661.94
5	Midwest Eye	9	$497,427.00
6	Mishawaka Phar.	4	$194,052.00
7	MRI	7	$554,391.00
8	Southbend Lab	65	$2,416,961.00
9	Midwest Orthotic	1	$2,500.00
		353	$19,629,257

Ken Prince

From: Sullivan, Kim <KSullivan@healthcarerealty.com>
Sent: Tuesday, April 29, 2014 11:01 AM
To: Ken Prince
Cc: 'Vince Brown'
Subject: FW: Form CF-1 611 E. Douglas Rd, Mishawaka, IN

Ken,

Please see our local property manager's response below to your question. The current occupancy of the building is 87%. Please let us know if you need any additional information.

Kim

KIM SULLIVAN
AVP, Asset Management

Healthcare Realty
3310 West End Avenue, Suite 700
Nashville, Tennessee 37203
P: 615.269.8175

From: Rob Pryor [mailto:RobPryor@cressyandeverett.com]
Sent: Monday, April 28, 2014 3:36 PM
To: Sullivan, Kim
Cc: Egan, Brian; Wilson, Lee
Subject: RE: Form CF-1 611 E. Douglas Rd, Mishawaka, IN

Kim-

SJRMC absorbed Midwest Cardiology in 2013. According to Saint Joseph Regional Medical Center's Chief Human Resource Officer, They have not had a purposeful reduction in staff. The employee number is not static, it happened to just be a bit lower in 2013 versus 2012 due to a normal fluctuation. The salary number tracks the employee number. The manager for the South Bend Clinic had a similar response, they have not reduced staff, they have had employees move to other facilities, or quit. They have been very active in hiring to keep the lab properly staffed. In 2013 Midwest Orthotics reduced the number of hours they are open a week in the building which impacted staffing.

Please let me know if you need anything else.

Thanks

Rob Pryor, CPM
Senior Property Manager
Management Services

Newmark Grubb Cressy & Everett
4100 Edison Lakes Parkway, Suite 350
Mishawaka, IN 46545

T 574.271.4060

D 574.485.1554
robpryor@cressyandeverett.com
Independently Owned and Operated

From: Sullivan, Kim [mailto:KSullivan@healthcarerealty.com]
Sent: Thursday, April 24, 2014 11:53 AM
To: Rob Pryor
Cc: Egan, Brian
Subject: FW: Form CF-1 611 E. Douglas Rd, Mishawaka, IN

Rob,

Can you provide the vacancy information and do you know who can provide information on the employment / salary drop from last year? Thank you.

Kim

From: Ken Prince [mailto:kprince@mishawaka.in.gov]
Sent: Thursday, April 24, 2014 10:51 AM
To: Sullivan, Kim
Subject: RE: Form CF-1 611 E. Douglas Rd, Mishawaka, IN

Kim,

I am preparing the reporting letter for our Council and noticed there was a drop in employment and salary from the previous year. I would appreciate it if you could provide a paragraph explanation. Also if you could provide us with an update on the percentage of the building that is still vacant.

Thanks. Let me know if you have any questions.

Ken

From: Sullivan, Kim [mailto:KSullivan@healthcarerealty.com]
Sent: Monday, April 07, 2014 4:42 PM
To: Ken Prince
Cc: 'Vince Brown'; 'RobPryor@cressyandeverett.com'
Subject: RE: Form CF-1 611 E. Douglas Rd, Mishawaka, IN

Thank you.

From: Ken Prince [mailto:kprince@mishawaka.in.gov]
Sent: Monday, April 07, 2014 3:26 PM
To: Sullivan, Kim
Cc: 'Vince Brown'; 'RobPryor@cressyandeverett.com'
Subject: RE: Form CF-1 611 E. Douglas Rd, Mishawaka, IN

Thank you. I'll let you know if anything else is required.

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: Sullivan, Kim [mailto:KSullivan@healthcarerealty.com]
Sent: Monday, April 07, 2014 4:10 PM
To: Ken Prince
Cc: 'Vince Brown'; 'RobPryor@cressyandeverett.com'
Subject: Form CF-1 611 E. Douglas Rd, Mishawaka, IN

Mr. Prince,

Attached please find the Compliance with Statement of Benefits form (CF-1) for Real Estate Improvements located at 611 E. Douglas Road, Mishawaka, IN. I believe I have completed the forms and attached the requested documentation correctly but please let me know if you see any discrepancies. I will forward the original by mail.

Thank you.

Kim Sullivan

KIM SULLIVAN
AVP, Asset Management

Healthcare Realty
3310 West End Avenue, Suite 700
Nashville, Tennessee 37203
P: 615.269.8175

COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R2 / 5-13)
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 Dr, Mishawka, IN 46544	
Name of contact person: David Herschberger	Telephone number: (574) 2562600

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 Dr, 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	106.00
Salaries	2,706,000.00	3,435,482.00
Number of employees retained	73.00	73.00
Salaries	2,706,000.00	2,733,400.00
Number of additional employees	6.00	33.00
Salaries	180,000.00	702,082.00

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	846,673.17							
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 Dirkf	President	3/27/14

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 6-1.1-12.1-5.9)

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.

COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R2 / 5-13)
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 completed improvements to the building for the proper storage and handling of hazardous materials and purchased material handling and transportation equipment. These activities were completed in early 2013.

Estimated starting date (month, day, year): 04/01/2013

Estimated completion date (month, day, year): 03/31/2014

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees		12.00
Salaries		601,959.00
Number of employees retained		12.00
Salaries		601,959.00
Number of additional employees	11.00	
Salaries	750,000.00	

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								
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								
Plus: Values of proposed project								
Less: Values of any property being replaced								
Net values upon completion of project								

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (d). NO IMPROVEMENTS MADE 4/1/13-3/31/14

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	0.00	0.00
Amount of hazardous waste converted	0.00	0.00
Other benefits:	0.00	0.00

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	VP OF OPERATIONS	APRIL 14, 2014

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 6-1.1-12.1-5.9)

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.

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 01 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. R 2014- 9

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA

Dearborn Crane and Engineering

DECLARATORY RESOLUTION

WHEREAS, the Common Council of the City of Mishawaka, Indiana, has pursuant to the "Deduction for Rehabilitation or Redevelopment of Real Property in Economic Revitalization Area Act" (Indiana Code 6-1.1-12.1-1 et. seq.) as amended hereinafter referred to as the "Act", determined and declared that the following described area in the City of Mishawaka, County of St. Joseph, State of Indiana, is an "Economic Revitalization Area":

A lot or parcels of land described as follows:

Tax Key #16-1125-4936; also legally described as:

Parts of lots 28 and 29 as shown on Stokes survey of farm lots, in the southeast quarter of section 15, Township 37 North, Range 3 East, Mishawaka Indiana, Described as follows:

Beginning on the West line of the Northeast Quarter of the Southeast Quarter of Section 15, Township 37 North, Range 3 East, 66 Feet South of the North Line of the Southeast Quarter of said Section 15, which point is the intersection of the south right-of-way line of 5th Street and the West line of Lot 28 of Stokes survey of farm lots; thence easterly on the south right of way of 5th Street , a distance of 440.4 feet to the east line of said Lot 28; thence southerly on the east line of said Lot 28, a distance of 252.01 feet; thence westerly parallel to and 252.00 feet (by perpendicular measurement) south of the south right-of-way line of 5th Street, a distance of 649.76 feet (624.82' measured) to a point that is 50 feet (by perpendicular measurement) (75' measured) east of the West line of Lot 29 of Stokes survey farm lots. Thence northerly parallel to and 50.00 feet (by perpendicular measurement) (75 feet measured) East of the West line of said Lot 29, a distance of 252.00 Feet to the South right-of-way of 5th Street; Thence easterly on said South right-of-way line, a distance of 207.78 (182.78' calculated) feet to the point of beginning.

More commonly known as 1133 East 5th Street

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

WHEREAS, this declaration of the above described area as an "Economic Revitalization Area" shall expire one (1) year from the effective date of the declaration unless officially extended by the Common Council of the City of Mishawaka, Indiana, and

WHEREAS, the area so described above, shall be eligible for a deduction from an increase in assessed valuation resulting from the redevelopment or rehabilitation of said property, and

WHEREAS, an owner or occupant of the area described above shall be eligible for a deduction from assessed valuation resulting from the improvement of real property used within that area so described.

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

1. That the area described hereinabove is hereby declared to be an "Economic Revitalization Area" within the meaning of the Act; and

2. That the City Clerk shall cause notice of the adoption of this Resolution to be published pursuant to I.C. 5-3-1, and shall file a copy of this Resolution with the St. Joseph County Assessor; and

3. That the City Clerk shall include in such notice the substance of this Resolution, a description of the affected area, that this Resolution may be inspected in the County Assessor's office or the office of the Mishawaka City Clerk, the date when the Common Council will receive and hear all remonstrance and objections from interested persons, and any other information required by Section 6-1.1-12.1-2.5 of the Act; and

4. That the City Clerk shall file a copy of the aforesaid public notice along with a copy of this Resolution and the Statement of Benefits (Form SB-1) with the officers of each taxing unit that has the authority to levy property taxes in the geographic area where the aforesaid economic revitalization area is located; and

5. That following the legal publication and on the date published in the public notice, a public hearing shall be held by the Common Council, at which time the Common Council shall receive and hear all remonstrance and objections from interested persons and shall then take final action determining whether the qualifications for an Economic Revitalization Area have been met and confirming, modifying and confirming, or rescinding this Resolution; and

6. That the determination of the Common Council shall be final except that an appeal may be taken and heard as provided by I.C. 6-1.1-12.1-2.5 (d) and (e).

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 7th day of May, 2014.

____

Matt Mammolenti, President

ATTEST:

____

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of

____________________, 2014.

____

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of ____________________, 2014, at _____

o'clock ____.M.

____

David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR
BUILDING - COMMUNITY DEVELOPMENT - PLANNING

April 30, 2014

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 Mamolenti, At-Large City Council
Mr. John Roggeman, At-Large City Council
Mrs. Deborah Block, City Clerk

Re: Declaratory Resolution 2014-9, Tax Abatement- Dearborn Crane and Engineering

Dear Council Members and Clerk:

Attached is Declaratory Resolution 2014-9 for a tax abatement request that has been filed for consideration at your Wednesday May 7th Meeting. The request is for Dearborn Crane and Engineering which is proposing to demolish small portions of the existing building, add a 7,200 square foot addition, and perform significant paving and drainage improvements to the site totaling an estimated $750,000. The manufacturing facility is located at 1133 East 5th Street, in the City of Mishawaka, and is adjacent to the 5th Street Recycling Facility. Dearborn has indicated that as part of the proposed improvements they would be retaining their existing 24 employees and would be adding 3 additional positions. Although they indicated to staff that hiring may in fact exceed 3, staff indicated a preference to have a conservative estimate. In working with staff, Dearborn is requesting a standard three-year abatement on the real estate improvements.

Although the dollar amount of the investment and number of new positions are on the low end of what the City typically has approved for abatements, the Administration strongly supports the proposed abatement. In this case, the company is a long term Mishawaka business, these are good manufacturing jobs, the company has long term plans to grow in this location if they are able, and their trade area is prominently outside the region which brings dollars back to the community. A copy of their application and relevant materials has been attached for your review with the staff prepared resolution. In addition, the City's abatement history since 1986 has been attached for your use and comparison.

As you are aware, Tax Abatement requests before the Common Council are considered in two steps. The first step is the Declaratory Resolution where the abatement is essentially accepted for consideration. Once the Declaratory Resolution is approved, the Clerk's Office has specific

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

advertising requirements to notify other taxing entities within the jurisdiction that could be impacted by the abatement. This allows for input from those other taxing units prior to the Council's consideration and vote on the request. The second step is the hearing and consideration of a confirming resolution where the merits of the request are considered. The only item being considered at the May 7th meeting is the declaratory resolution, which staff is recommending approval of to allow the appropriate advertising to take place. If approved, staff will prepare a more detailed analysis of the request as part of your consideration of the confirming resolution.

As I indicated previously, I will be unable to attend the meeting, but Dave Thomas, our Community Development Director will be speaking in support of the request at the meeting.

Please do not hesitate to contact me with any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor
Dave Thomas, Community Development Director

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

City of Mishawaka
Building – Community Development - Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/RE) be submitted prior to the initiation of the project. Additionally, **final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.**

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/RE) and last page of the application. Incomplete or unsigned applications will not be accepted. A **non-refundable application fee** of $300.00 is required when making an application for Economic Revitalization Area designation and is payable to the **City of Mishawaka** at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back" an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:
City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Kenneth B. Prince, City Planner
574-258-1625
kprince@mishawaka.in.gov

1. Name of the company for which Economic Revitalization Area (ERA) designation is being requested:

Dearborn Crane and Engineering

2. State the name, title, address and telephone number of a company representative who may be contacted concerning this application:

Name and Title: Simon Addicott, President

Address: 1133 E Fifth Street Mishawaka, IN 46544

Telephone: 574/303-6571

3. State the name, title, address and telephone number of a company representative who may be sent annual compliance surveys. Please note that the annual survey will determine if your company is compliant with the terms of the abatement agreement and whether the abatement will continue or be terminated, so the contact should be made aware of the survey's importance.

Name and Title: Joan Mansfield, VP/GM

Address: 1133 E Fifth Street Mishawaka, IN 46544

Telephone: 574/208-6851

4. Location of property for which ERA designation (real property tax abatement) is being sought (this information is available through the Township Assessor's Office):

a) Street Address: 1133 E Fifth Street

b) Township: Penn

c) Taxing District Number: 023

d) Council District Number: 2

e) Tax Parcel Number(s): 71-09-15-426-001.000-023/016-1125-4936

f) Current Zoning of the Property: I2 Heavy Industrial

g) Case/approval number of any variance, rezoning, or approval petition(s) which is/are required or have been obtained for this project: ______

5. What is the amount of the most recent assessment attributable to (this information is available from the most recent property tax form):

Land: 50,000

Improvements: 330,000

Inventory: n/a

Equipment: 94,610

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? X Yes ____ No

7. Does your company currently conduct manufacturing operations at this location? If so, how long has your company been at this location? Yes, Since 1954

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. 333923

b) Please list any special certifications/designations.
Union Shop- Shopmen's Local 292S

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka.
No

9. What is the size of the real estate that will be developed? (in acres) 3.6

10. What is the estimated construction or rehabilitation cost? $750,000

11. Have building permits been obtained? *(Please note that state statute requires petitioner to file abatement application before obtaining permits) ____ Yes X No

12. What is the anticipated date for construction to begin? May 1, 2014

13. What is the anticipated date for project completion? August 2014

14. Profile of Company that will occupy the property for which tax abatement is being requested:

a) Are your employees represented by a union? If so, by whom? Yes, 292 Shopmen's-Ironworkers.

b) Number of current full time permanent hourly employees by skill level (include average hourly wage rate excluding benefits and overtime)

Skilled 13 Average hourly wage rate for skilled positions $20

Semi-skilled - Average hourly wage rate for unskilled positions ______

Clerical 2 Average hourly wage rate for clerical positions $11.75

Salaried 9 Average salary (per hour) for salaried positions $28.12

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 24

c) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.)
Sick time, vacation, health insurance, 401K

d) Approximate value of benefits for existing and new employees on a per hour basis (e.g. benefits are valued at an additional $3.00 per hour, etc.) $6.00

e) What is the total dollar amount spent on retained salaries? 2013=$1,353,211

f) Number of created full-time permanent hourly employees by skill level (include average hourly wage rate excluding benefits and overtime)

Skilled 2 Average hourly wage rate for skilled positions $20

Semi-skilled ______ Average hourly wage rate for unskilled positions ______

Clerical ______ Average hourly wage rate for clerical positions ______

Salaried 1 Average salary (per hour) for salaried positions $21

*It is our hope that this is the minimum number of employees we would add.

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) ______

g) What is the total dollar amount to be spent on new salaries? $126,000

h) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees $24.30

Retained hourly employees $24.30

New hourly employees $20.50

h) (if applicable)What is the usual market for goods or services produced by the company? List the percentage of the company's product or service that reaches:

Inside St. Joseph County:	1 %
Outside St. Joseph County, but inside Indiana:	14 %
Outside Indiana, but within 500 miles	21 %
Outside of 500 miles	63.4%
Outside of the United States:	.6 %

i) (if applicable)List the name and location (City and State) of your five largest vendors or suppliers:

1. R&M — Pittsburgh, PA
2. Gorbel — Fishers, NY
3. Contractors Steel — Chicago IL
4. Harrington — Manheim, PA
5. CW Leasing Transport — South Bend, IN

17. Describe the project for which tax abatement is being requested. Include the types of improvements that will be made, and indicate whether improvement is freestanding or an expansion to existing facility. In addition, indicate whether your company will utilize the entire project space or lease a portion of it to an outside company.

Dearborn is planning to undertake a two part improvement. Part 1 consists of regarding and paving the site and improving drainage around the site. Included in this work is connecting the facility to the city sewer system. Part 2 of the improvement is to pace an 85 foot by 90 foot addition to the building. Included in this renovation will be some other equipment in the interior of the building such as new overhead cranes. While Dearborn will be replacing approximately 3200 square feet of existing with the new 7200 square foot addition it will make the entire 7200 square feet more usual and provide better fabrication area.
This new area will be utilized 100 percent by Dearborn in its production and service departments.

18. Briefly describe the product or service of the company/business which will occupy the property for which tax abatement is being requested.

Dearborn design, builds, installs modernizes and services overhead electric traveling bridge cranes.

We also sell and service jib cranes and gantry cranes.

19. What evidence can be provided to show the positive impact the abatement will have on the project property and surrounding area?

The site improvements will improve drainage around the entire site and facilitate some of the drainage from 5th street as well as clean up the access to the property from 5th street. Parking will be improved and the curb appeal for the building will be better. Also the building will be improved on the interior to make it a more functional facility from east to west through the building.

20. Please give a detailed description of what the impact on your business will be if the proposed project is not undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

If the new project is not undertaken then the ability to grow the business at its present location will be hindered and Dearborn will have to look at other avenues to increase production possibly at other facilities outside of the Mishawaka area. The new ownership is pushing to increase sales and production at this facility and this expansion and site improvements are needed to facilitate this increased production. Attached I have also included the exhibits that you will need.

21. Will you require any additional assistance from the City of Mishawaka?

No

22. Have you applied for any assistance from the State of Indiana?

No

23. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Real Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement savings received.

Jim Mansfield

Signature of Owner or Authorized Representative

Vice President

Title

April 4, 2014

Date

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R5 / 12-13)
Prescribed by the Department of Local Government Finance

20____ PAY 20____

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

☑ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.*
3. *To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.*
4. *A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)*
5. *For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Cha Cha Properties LLC and Dearborn Crane and Engineering		
Address of taxpayer (*number and street, city, state, and ZIP code*): 1133 E Fifth Street Mishawaka, IN 46544		
Name of contact person: Yatish J Joshi	Telephone number: (574) 208-6851	E-mail address: yjoshi@gtacontainers.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: Mishawaka City Council		Resolution number:
Location of property:	County: St. Joseph	DLGF taxing district number:
Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*): Improving the property drainage and paving the site, connecting to city sewer system and adding 80x85 ft. addition to the building. The building will be equipped with overhead cranes resulting in more usable space to provide a more efficient fabricating area.		Estimated start date (*month, day, year*): 05/19/2014 Estimated completion date (*month, day, year*): 09/30/2014

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
24.00	$1,353,211.00	24.00	$1,353,211.00	3.00	$126,000.00

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	150,000.00	380,000.00
Plus estimated values of proposed project	750,000.00	
Less values of any property being replaced	0.00	
Net estimated values upon completion of project	900,000.00	

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

Estimated solid waste converted (*pounds*) ______________ Estimated hazardous waste converted (*pounds*) ______________

Other benefits

We will be improving drainage along Fifth Street, improving our access points to our property, we will abandon our septic system and being using municipal sewer system.

SECTION 6 — TAXPAYER CERTIFICATION

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

Signature of authorized representative: Joan D. Mansfield	Date signed (*month, day, year*): 04/08/2014
Printed name of authorized representative: Joan D Mansfield	Title: Vice President/ General Manager

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed ___________ calendar years* *(see below)*. The date this designation expires is ______________________________.

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to $ ________________.

D. Other limitations or conditions *(specify)*________________________________

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below) ☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☐ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved *(signature and title of authorized member of designating body)*	Telephone number ( )	Date signed *(month, day, year)*
Printed name of authorized member of designating body	Name of designating body	
Attested by *(signature and title of attester)*	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4-1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

Yatish J. Joshi
215 S. Hawthorne Drive
South Bend, IN 46617
574-288-3459
yjoshi@gtacontainers.com

April 4, 2014

City of Mishawaka
Department of Planning

RE: Dearborn Crane & Engineering Company

Dear Reader,

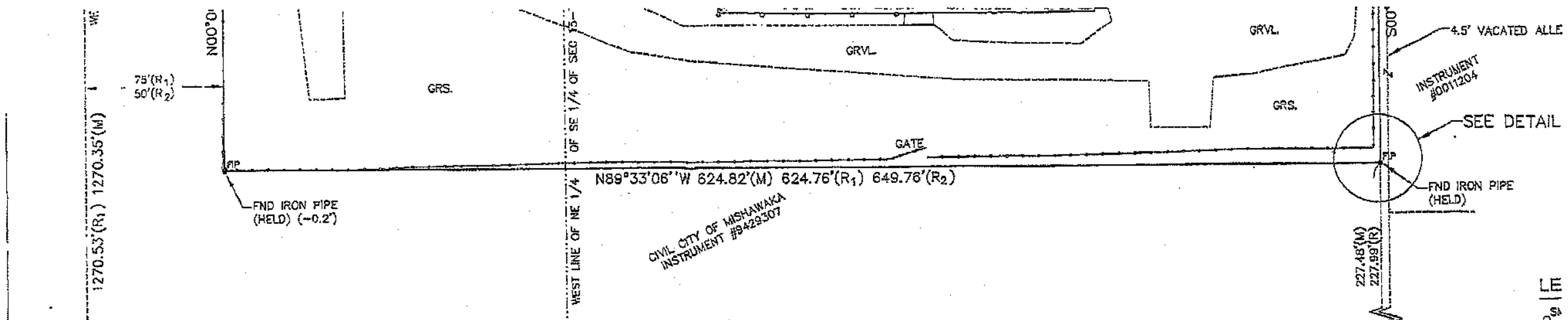
I have lived in this area for over 25 years and own GTA Containers, Inc., a manufacturer located in South Bend. I became interested in Dearborn Crane & Engineering in 2012 and subsequently purchased the real estate and operating assets of the business in early 2013. One of the things that attracted me to Dearborn Crane was the deep roots it has established in the community. Several employees have been with Dearborn for over 20 years and several families have worked there for multiple generations.

My goal is to make Dearborn the top crane manufacturer and service provider in the nation and a company that will continues to provide skilled employment opportunities and benefits to its people. In the year that I have owned the business, Dearborn has added 3 jobs and has developed a business plan to expand sales and service revenues.

An extensive facility renovation will be necessary for this business plan to be implemented. Multi-year real estate and property tax abatements on the improvements will be needed. I trust you value Dearborn Crane as a long term Mishawaka resident and will approve our abatement request so that Dearborn can stay at its location on 5th Street.

Very truly yours,

Yatish J. Joshi
Chairman
Dearborn Crane & Engineering Company



SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 12, OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS RESULT OF:

A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS:
B) OCCUPATION OR POSSESSION LINES;
C) CLARITY OR AMBIGUITY OF THE RECORD DESCRIPTION USED AND OF ADJOINERS' DESCRIPTIONS AND THE RELATIONSHIP OF THE LINES OF THE SUBJECT TRACT WITH ADJOINERS' LINES:
D) THE RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS.

CLIENT NAME: DEARBORN OVERHEAD CRANE
OWNERS OF RECORD: CHA CHA PROPERTIES, LLC
TYPE OF SURVEY AND PURPOSE: RETRACEMENT SURVEY FOR PROPOSED IMPROVEMENTS

A) THE REFERENCE MONUMENTS USED AND HELD ARE AS SHOWN ON THE SURVEY. THEY ARE THOUGHT TO BE ORIGINAL MONUMENTS.

B) CHAIN-LINK FENCES ALONG THE WEST, SOUTH AND EAST LINES AS SHOWN.

C) AMBIGUITY OF RECORD DESCRIPTIONS: THERE IS A 25' OVERLAP ON THE WEST SIDE OF THE SURVEYED TRACT PER DOCUMENT #1302367. TALKING TO THE TITLE COMPANY THAT PREPARED THE DESCRIPTION, THEY ADVISED THAT PROBLEMS MAY EXIST. MONUMENTS AND FENCES FOUND IN THE FIELD VERIFY THAT THE OVERLAP APPEARS TO BE AN ERROR WITH THE DEED. DOCUMENT #9429307 IS THE SENIOR DEED, IF AN OVERLAP DOES EXIST.

D) THE CLASSIFICATION OF THIS SURVEY IS A SUBURBAN SURVEY: 0.14 FEET (40 MILLIMETERS) PLUS 100 PARTS PER MILLION.

AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS MY OPINION THAT THE UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY ARE AS FOLLOWS:

DUE TO VARIANCES IN REFERENCE MONUMENTS: 0.7'
DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: 25'
DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: +/-8'

NOTES:
PLATS AND NOTES USED.

1. ABONMARCHE RECORDS
2. COUNTY GIS.
3. ADJOINING DEEDS
4. SURVEY BY FISHER FOR THE CITY OF MISHAWAKA, RECYCLING CENTER.

GPS WAS USED TO COLLECT THE DATA FOR THE PROJECT.

THE FIELD WORK FOR THIS PROJECT WAS PERFORMED ON 11/1/13.

NO TITLE WORK WAS PROVIDED AT THE TIME OF SURVEY.

BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM

DEED DESCRIPTION

PARTS OF LOTS 28 AND 29 AS SHOWN ON STOKES SURVEY OF FARM LOTS, IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, MISHAWAKA, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, 66 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15, WHICH POINT IS THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 5TH STREET AND THE WEST LINE OF LOT 28 OF STOKES SURVEY OF FARM LOTS; THENCE EASTERLY ON THE SOUTH RIGHT OF WAY OF 5TH STREET, A DISTANCE OF 440.4 FEET TO THE EAST LINE OF SAID LOT 28; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 28, A DISTANCE OF 252.01 FEET; THENCE WESTERLY PARALLEL TO AND 252.00 FEET (BY PERPENDICULAR MEASUREMENT) SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 5TH STREET, A DISTANCE OF 649.76 FEET (624.82' MEASURED) TO A POINT THAT IS 50.00 FEET (BY PERPENDICULAR MEASUREMENT) (75 FEET MEASURED) EAST OF THE WEST LINE OF LOT 29 OF STOKES SURVEY OF FARM LOTS; THENCE NORTHERLY PARALLEL TO AND 50.00 FEET (BY PERPENDICULAR MEASUREMENT) (75 FEET MEASURED) EAST OF THE WEST LINE OF SAID LOT 29, A DISTANCE OF 252.00 FEET TO THE SOUTH RIGHT-OF-WAY OF 5TH STREET; THENCE EASTERLY ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 207.78 (182.78' CALCULATED) FEET TO THE POINT OF BEGINNING.

LAND SURVEYOR'S CERTIFICATE:

I, MICHAEL J. ROZYCKI, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, AND THAT THIS SURVEY WAS PERFORMED WHOLLY BY OR UNDER MY DIRECTION ON NOVEMBER 1, 2013 AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, WAS EXECUTED ACCORDING TO THE SURVEY REQUIREMENTS IN TITLE 865, ARTICLE 1.1, CHAPTER 12, SECTIONS 1 THROUGH 29 OF THE INDIANA ADMINISTRATIVE CODE (IAC).

I AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

MICHAEL J. ROZYCKI, P.L.S. DATE
PROFESSIONAL LAND SURVEYOR #LS20500010
STATE of INDIANA

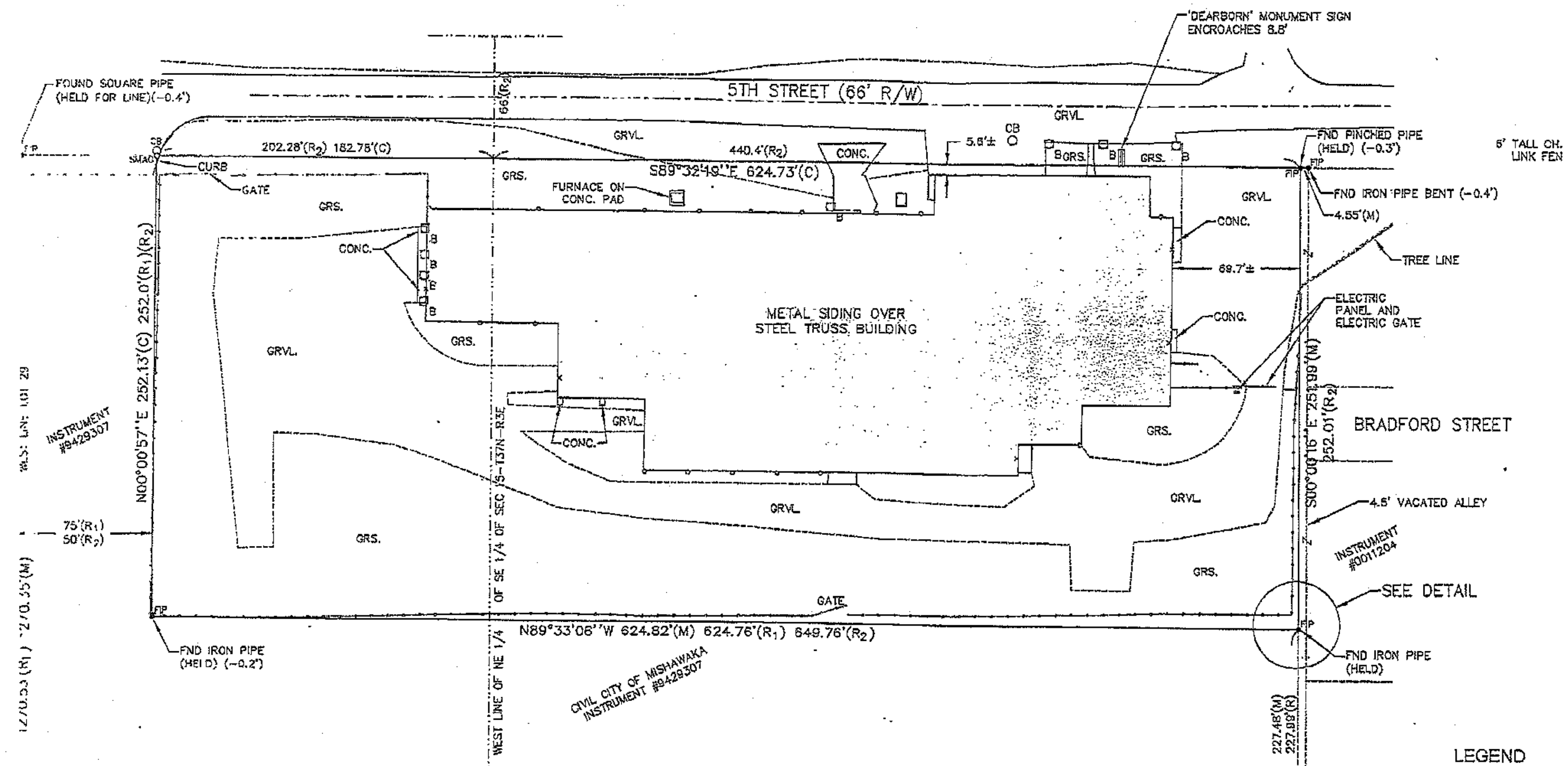
MICHAEL J. ROZYCKI ★ REGISTERED LS20500010 STATE OF INDIANA LAND SURVEYOR

NO.	REVISION DESCRIPTION:

EXHIBIT A Page 1

PLAT OF SURVEY

SE. 1/4, SEC. 15, T37N, R3E, CITY OF MISHAWAKA, PENN TWP., ST. JOSEPH COUNTY, INDIANA



SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE, THE

DEED DESCRIPTION

Pavement Sections

1	1.5" HAC Surface 3" HAC Base 6" Aggregate Base

Note: Estimated 46,400 SF

1a	6" Asphalt Curb

Note: 160 LF

2	1.5" HAC Surface 3" HAC Base 6" Aggregate Base

Note: Estimated 1,400 SF

3	1.5" HAC Surface Existing Pavement

Note: Estimated 2,900 SF

Concrete Section

4	6" Reinforced Concrete 6" Aggregate Base

Concrete Slab Sizes

4a - 8' x 22'
4b - 8' x 24'
4c - 8' x 46'
4d - 8' x 25'
4e - 10' x 39'
4f - 8' x 20'
4g - 23' x 23'

Note: Estimated 2,400 SF

Pipe Details

All Piping To Be Hancor SURE-LOK
Or Equivalent

5a - 140 lf 8" Diameter with 3 Downspout Connections
5b - 145 lf 8" Diameter with 6 Downspout Connections
5c - 45 lf 10" Diameter with Metal End Section at Outlet
6a - 40 lf 8" Diameter with 2 Downspout Connections
6b - 40 lf 8" Diameter with 2 Downspout Connections
6c - 40 lf 8" Diameter with no Downspout Connections
6d - 80 lf 10" Diameter with Metal End Section at Outlet
7 - 80 lf 10" Diameter with Metal End Section at Inlet and Outlet
8 - 80 lf 8" Diameter Overflow Between Structures

Drainage Structures

Concrete Structures
Or Equivalent

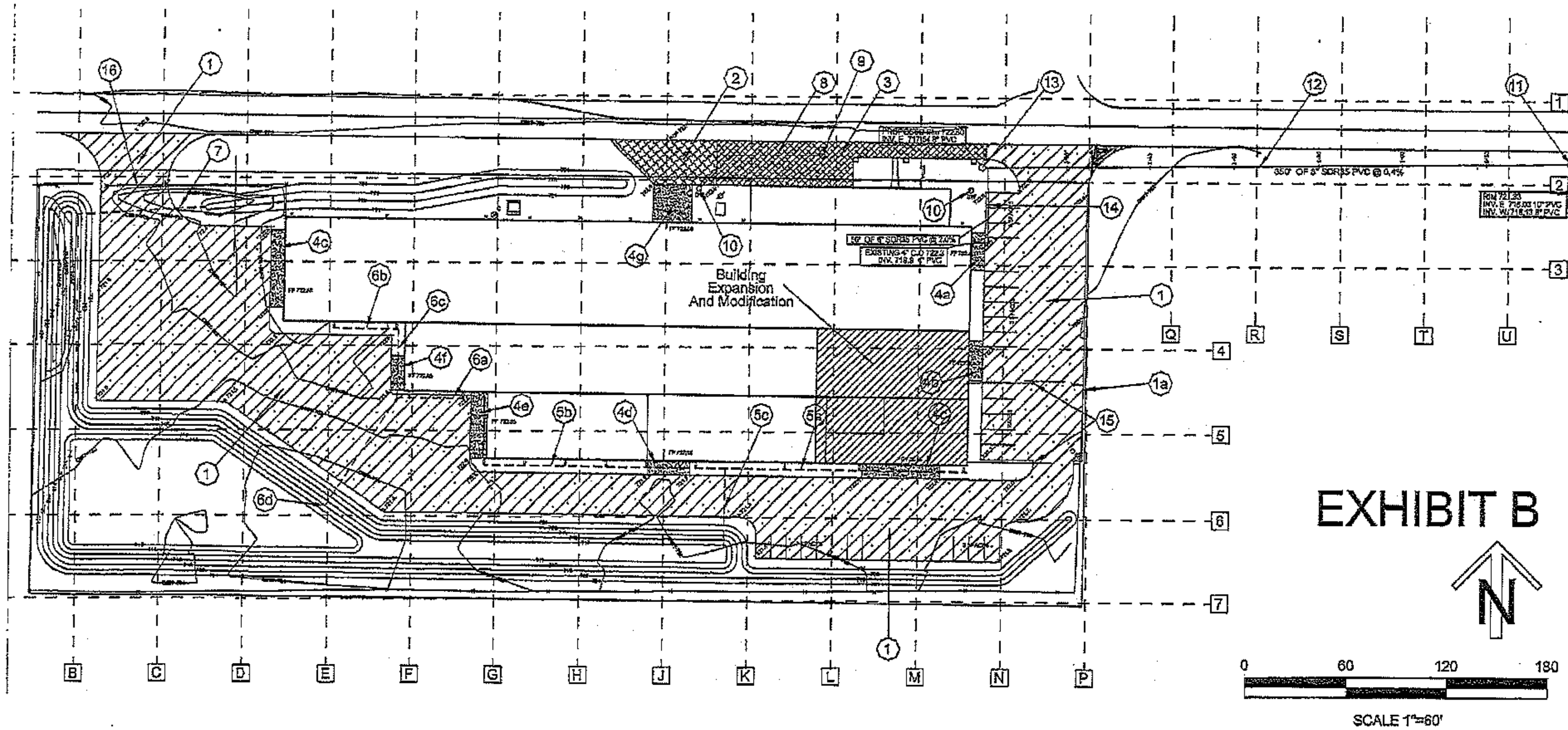
9 - Existing Structure To Be Repaired Casting To Be Adjusted To Grade
10 - 600 Gallon Drywell with Casting and Open Grate

Sanitary Structures

11 - Existing Sanitary Manhole To Be Modified To Accept New Sanitary Pipe
12 - 350 LF of 8" Diameter SDR35 Pipe
13 - New Concrete Manhole Structure With Casting and Lid
14 - 50 LF of 6" Diameter SDR35 Pipe To Tie Into Existing 4" Building Pipe - Provide Cleanout To Grade

Miscellaneous Items

15 - Removal and Relocation of Gate and Power for Gate
16 - Relocation of Existing Gate and Fence As Needed for Entrance and Grading



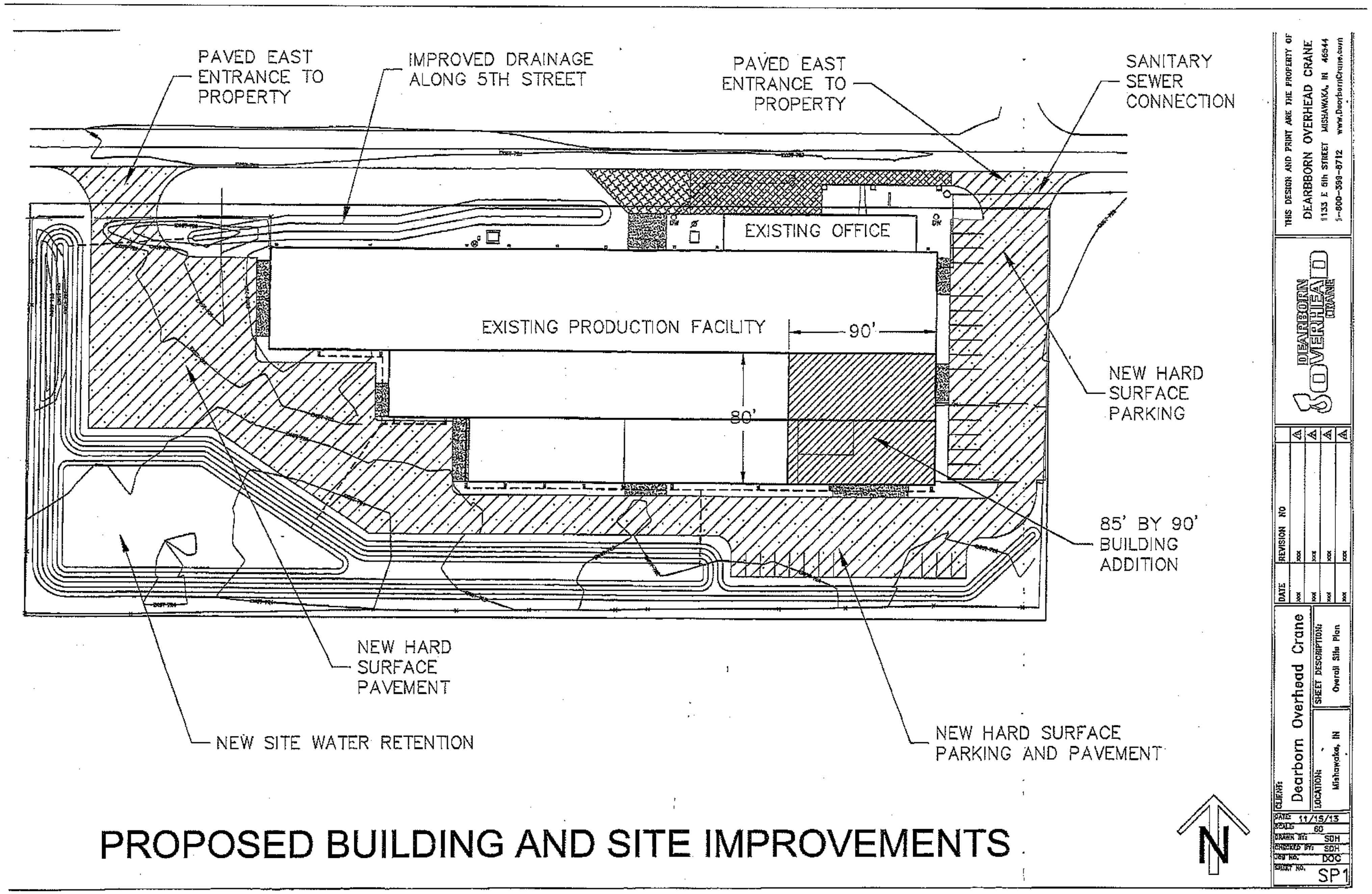
THIS DESIGN AND PRINT ARE THE PROPERTY OF
DEARBORN OVERHEAD CRANE
1133 E 5th STREET MISHAWAKA, IN 46544
1-800-399-8712 www.DearbornCrane.com

DEARBORN OVERHEAD CRANE

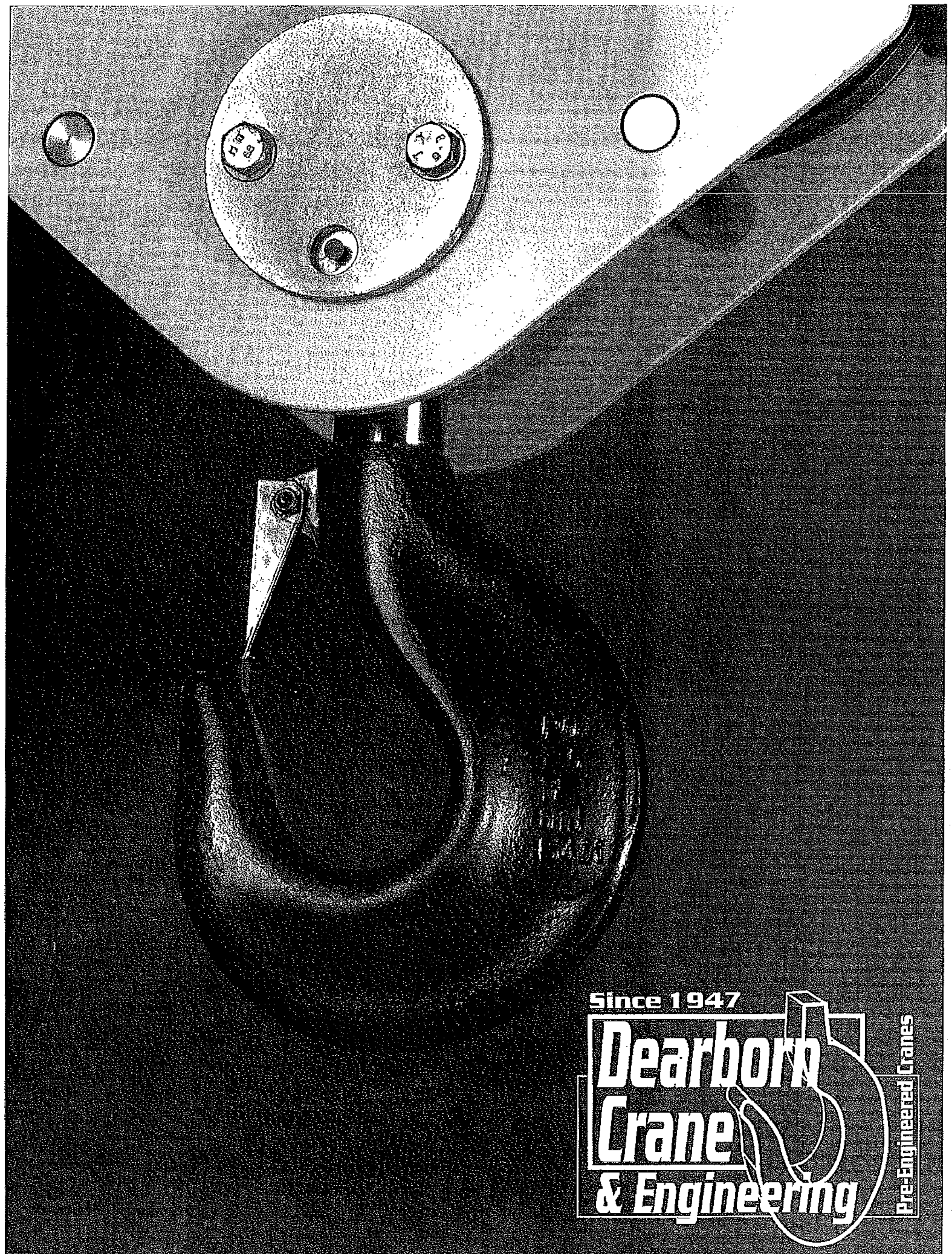
DATE	REVISION NO
xxx	xxx
xxx	xxx
xxx	xxx
xxx	xxx

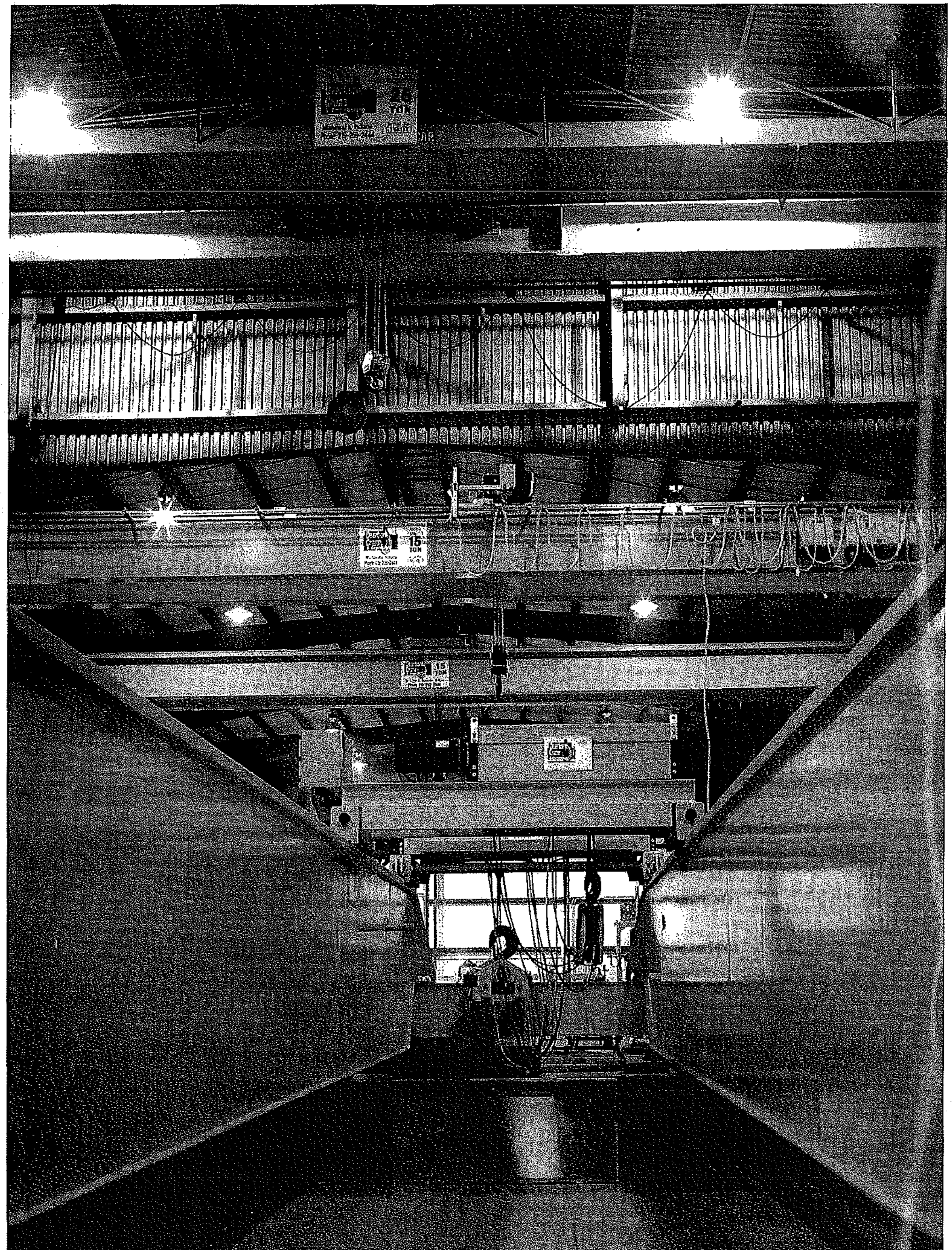
CLIENT: Dearborn Overhead Crane
LOCATION: Mishawaka, IN
SHEET DESCRIPTION: Overall Site Plan

DATE:	11/15/13
SCALE:	60
DRAWN BY:	SDH
CHECKED BY:	SDH
JOB NO.	DOC
SHEET NO.	SP1



PROPOSED BUILDING AND SITE IMPROVEMENTS

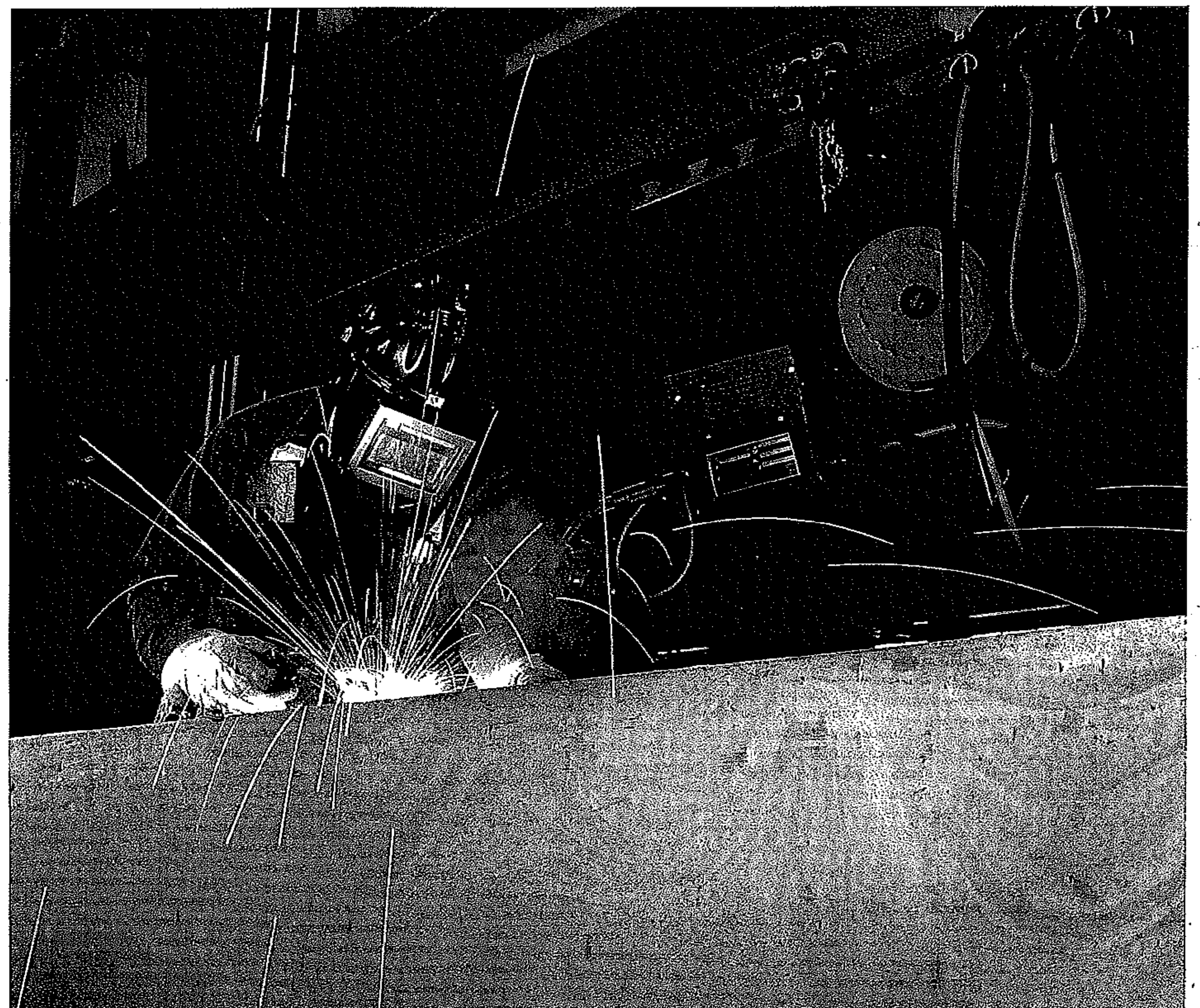

Since 1947
Dearborn
Crane
& Engineering
Pre-Engineered Cranes


25 TON
15 TON
15 TON

We build a better crane, because we're building a better company.

Founded in 1947, Dearborn Fabricating & Engineering Co. was a general material handling manufacturer. In 1993, we changed our name to **Dearborn Crane & Engineering.** This name change represented our goal to build on our experience and success as a crane manufacturer and we began our journey to change the status quo in the marketplace. The result of our focused efforts and resources is a superior product called the **Dearborn Pre-Engineered Crane.**

We live and breathe Continuous Improvement.

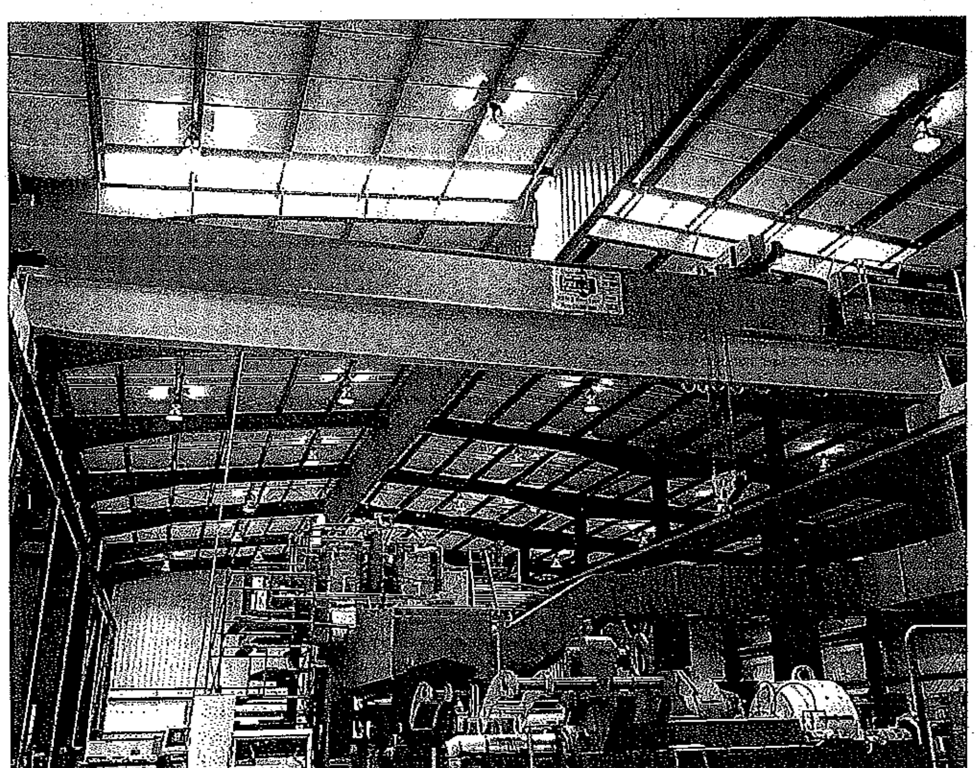


The welders at Dearborn Crane and Engineering wear air-purifying helmets with light activated lenses. Thanks to this safety innovation, our welders can concentrate on their work in partially-assembled crane beams.

The benefits of a pre-engineered crane.

Others promise a customized crane. Dearborn Crane & Engineering takes the opposite view. Utilizing the computer, Dearborn has standardized the design and manufacture of overhead cranes. This means our customers never get a prototype, they always get a proven piece of technology.

- HIGHER QUALITY is the result when a standardized product is made by a process that can be analyzed and improved. This process yields:
  - Improved documentation
  - Standardized engineering
  - Responsive customer service
- BETTER RESPONSE TIME is possible with automated processes and modular concepts. This results in:
  - Accurate loadings data
  - Reliable engineering
  - Efficient manufacturing procedures
- BETTER VALUE is gained from a crane produced with controlled costs and increased dependability.



This 20-ton Dearborn Pre-Engineered Crane is one of several cranes installed for Stripco Sales, Inc. We also supply cranes nationwide to architectural, engineering, and contracting customers; government and municipal customers; manufacturing customers and many Japanese projects based in the United States.

The staff at Dearborn Crane & Engineering is continually evaluating and implementing ways to improve our products and services.

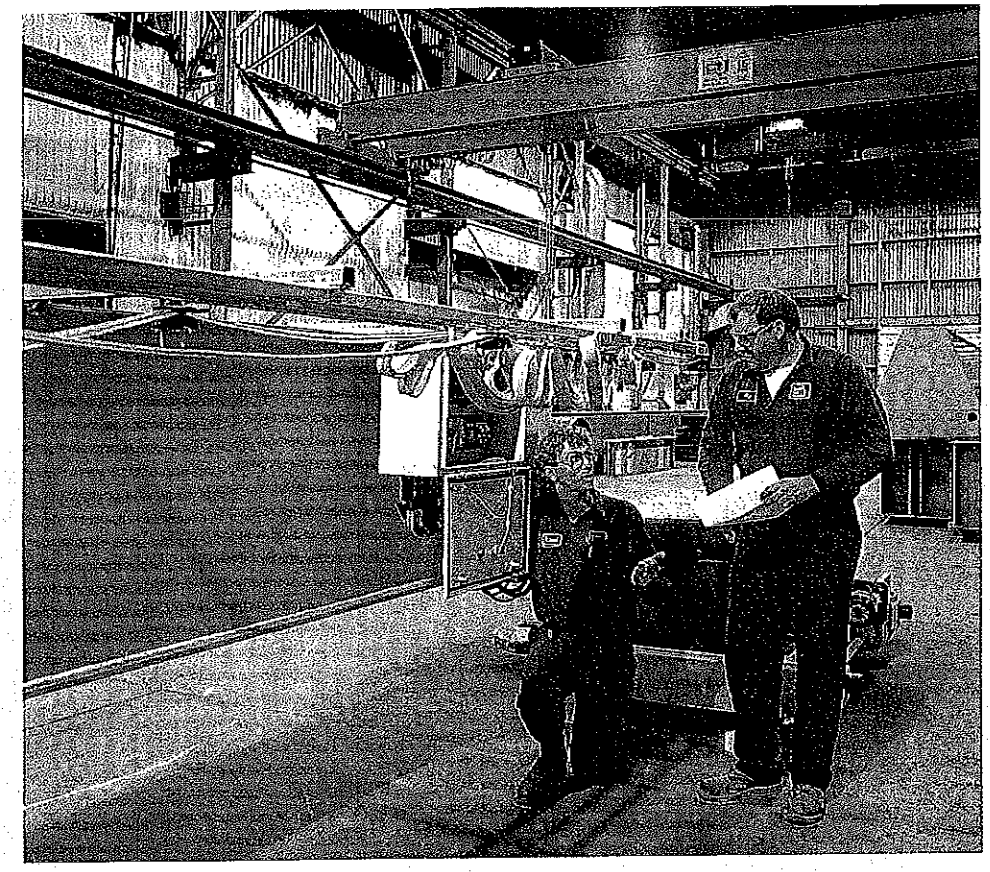
The Dearborn Pre-Engineered Crane is a good example of forward-thinking in engineering and manufacturing. It's a radical concept that works. It's cost-competitive and built to a superior standard.

We have computerized every aspect of our business that benefits from faster turnaround and absolute accuracy. Accurate loadings by computer provide timely and cost effective information for builders. Our database allows us to determine the exact crane for each customer's application.

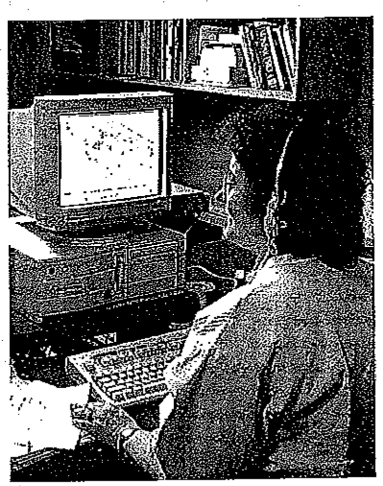
We provide 24-hour emergency service. Because of our standardization process, we have the parts stocked and the procedures in place to repair your crane quickly and minimize downtime.

A spirit of cooperation and dedication.

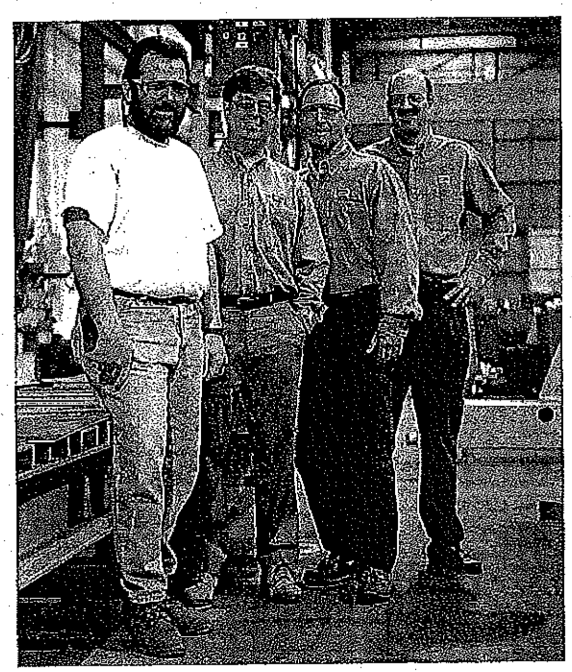
With innovative training programs and a spirit of teamwork, we're building a workplace that all of our employees can appreciate. We have an average shop employment longevity of 10 years and an average office employment longevity of 12 years.



A clean work environment, improved safety programs, documented work processes and revised product flow all contribute to the positive attitude and focused work habits of the Dearborn staff.



Computers are only tools to serve our customers better. While we continually look for ways to process information faster and with more accuracy, we never lose sight of the importance of a helpful, knowledgeable support staff.



The diversity and experience of the Dearborn Crane & Engineering management team have been tremendous assets in the development of a better crane... and a better company. From left to right are Ray Lyvers, Production Manager; Larry Dunville, President; John Brickley, Engineering; and John Miller, Controller.

In 1994, we implemented Open-book Management. Through continuous in-house training, each employee understands the finances, management, computer operations and production concerns of our company. Every employee is empowered to contribute to the success of Dearborn Crane & Engineering.

How do our internal operations benefit our customers? It's simple: Superior performance in all areas of the company mean a higher quality product with attentive support service.

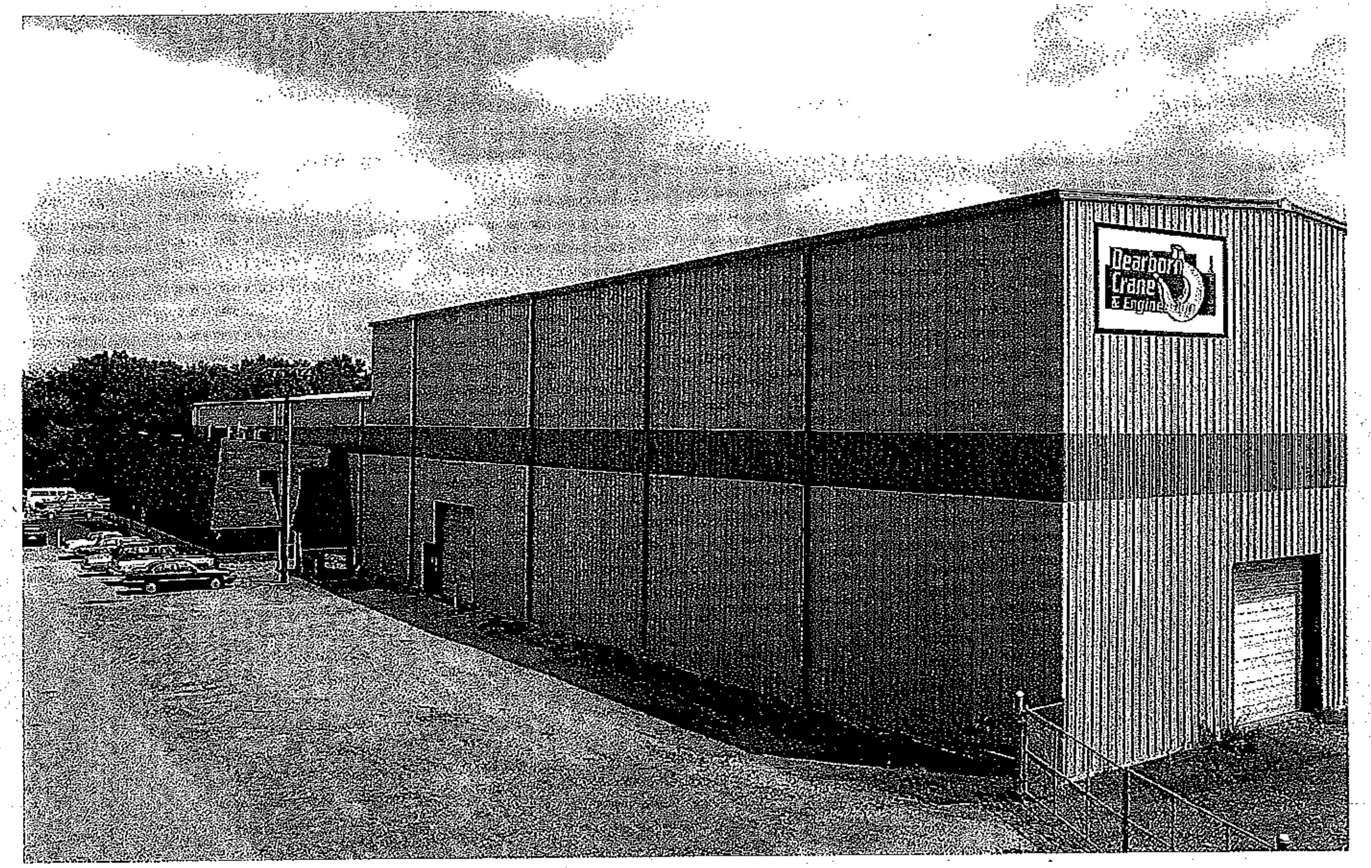
We encourage our customers (and potential customers) to visit our plant and meet our staff. Please call us if you would like to make arrangements for a plant tour, attend the next crane seminar, or if you would like more information on our cranes and crane support services. We look forward to hearing from you.

Telephone:

1-800-Crane-58
1-888-DC-CanDo
(219)259-2444

Fax:

(219)256-6612



In our northern Indiana facility, we manufacture and assemble cranes up to 80 tons with a span of 120'. Our crane support services include: 24-hour emergency service, parts, OSHA periodic inspections/preventive maintenance, operator training, maintenance manuals and crane seminars.

Since 1947

Dearborn Crane & Engineering

Pre-Engineered Cranes

1133 East Fifth Street
Mishawaka, Indiana 46544

Telephone: 1-800-272-6358 or (219)259-2444
Fax: (219)256-6612

bp
Ford Gatorade DUPONT AMOCO

BRIDGESTONE TOYOTA CHRYSLER Chevron ConocoPhillips Whirlpool

DANA DELPHI LOTUS Honeywell Kellogg's THE KENNEDY CENTER IRISH

OWENS CORNING SOLO SUNBELT RENTALS United Rentals MICHIGAN STATE UNIVERSITY CATERPILLAR

WEIL-McLAIN Cornell University ENKEI YAMAHA USS

HUMMER Cummins AEP AMERICAN ELECTRIC POWER GE BOEING SPACEX BOSCH

NASA LAMBORGHINI AIR PRODUCTS THE METROPOLITAN MUSEUM OF ART DANA

The Kennedy Center AVERY DENNISON Barton Malow Burkhart FLUOR USMC

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	[illegible]	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 (Dougla	June 1, 2009	3 Years		0	120	0	67	4/1/2012	$ 18,000,000.00	2012	2013	YES
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
50	Long Term Care Investments, LLC (Fir)	Oct-7-2013	4 Years		0	61			N/A	$15,000,000	2017	2018	NO
51	Barak Group Mixed Use	Nov-6-2013	5 Years		0	5			N/A	$17,000,000	2018	2019	NO
52	WellPet LLC	Januar- 8-2014		5 Years	91	6			N/A	$2,000,000	2018	2019	NO

RECEIVED
DEBORAH S. BLOCK, MMC

APR 10 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 4-14-14
2nd Reading
Passed
Failed
Continued To

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-05

ORDINANCE NO. ___________

AN ORDINANCE AMENDING CHAPTER 18 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE "BUSINESS REGULATIONS ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA

WHEREAS, circumstances warrant changes to taxicab licensing rules and fees from time to time; and

WHEREAS, adding a visible decal to the exterior of taxicabs will facilitate enforcement of taxicab licenses by the Mishawaka Police Department; and

WHEREAS, the current fees for taxicab licenses have not increased since at least 1985; and

WHEREAS, an increase in fees will offset the cost of producing the decals; and

WHEREAS, a deadline coinciding with the end of the calendar year will improve administrative efficiency for both licensees and City administrative employees; and

WHEREAS, on April 1, 2014, the Mishawaka Board of Public Works and Safety approved Resolution Number 2014-01, approving the changes herein.

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

Section 1. Chapter 18, of the Municipal Code of the City of Mishawaka, commonly known as the "Business Regulations Ordinance," be, and the same is, hereby amended as follows:

Repeal Section 18-226 in its entirety and replace with the following:

18-226. Issuance.

For every vehicle so licensed, the city controller shall issue *(a)* a license certificate, fully identifying the licensed vehicle, which shall be conspicuously displayed in the licensed vehicle at all times, and *(b) a decal to be conspicuously displayed on the upper left side of the rearmost vertical exterior surface of the vehicle.*

Replace the fees in Section 18-227(a) as follows:

(1) $20.00 replaces $15.00
(2) $25.00 replaces $20.00
(3) $35.00 replaces $30.00

Add the following language at the beginning of Section 18-227 (b):

"Beginning on January 1, 2015,"

In Section 18-227 (b), replace "April" with "January."

In Section 18-227 (b), replace "March" with "December."

<u>Section 2.</u> This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of ____________, 2014, at ______o'clock _____.M.

____
Matt Mammolenti
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ______ day of _____________, 2014, at _________o'clock ____.M.

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

APPROVED by me this _____ day of _______________, 2014, at ________ o'clock _____.M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **DEPARTMENT OF LAW**

RECEIVED
DEBORAH S. BLOCK, MMC

APR 10 2014

CITY CLERK
MISHAWAKA, IN

April 10, 2014

Mishawaka Common Council
600 East Third Street
Mishawaka, Indiana 46544

Re: Taxicab Ordinance Amendment

Mr. President and Honorable Council Members:

I respectfully request your approval of the attached proposed amendment of the taxicab sections of the Business Regulations Ordinance.

The Mishawaka Police Department is requesting the requirement of an external decal in order to more effectively enforce the vehicle license requirement with less intrusion on the operation of taxicabs (with an external decal, officers could verify compliance without stopping the vehicle). In addition to requiring a decal, to be provided by the City Controller to taxicab owners upon renewal of their vehicle licenses, the proposed amendments include increasing the license fee by $5.00 per vehicle to offset the cost of the decal, and changing the renewal deadline to the end of the calendar year.

By way of comparison, the cost of the vehicle license will remain lower than in neighboring South Bend ($50.00 per vehicle, regardless of capacity), and the change of the deadline will simplify the process for taxicab owners, police officers and the administration.

I am available to discuss any questions or concerns you may have. Thank you in advance for your consideration.

Sincerely,

Geoff Spiess
Staff Attorney

John P. Gourley
Corporation Counsel
4100 Edison Lakes Parkway
Mishawaka, Indiana 46545
(574) 243-4100
fax: (574) 232-9789

Geoffrey D. Spiess
Staff Attorney
600 East Third Street
Mishawaka, Indiana 46544
(574) 258-1702
fax: (574) 254-0197

David V. Bent
Assistant City Attorney
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Mishawaka, Indiana 46544
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fax: (574) 255-3969

Robert C. Beutter
Assistant City Attorney
4100 Edison Lakes Parkway
Mishawaka, Indiana 46545
(574) 243-4100
fax: (574) 232-9789

RECEIVED
DEBORAH S. BLOCK, MMC

APR 10 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2014-01

MISHAWAKA BOARD OF WORKS AND PUBLIC SAFETY

A RESOLUTION APPROVING THE REQUIREMENT OF AN EXTERIOR DECAL FOR LICENSED TAXICABS IN THE CITY OF MISHAWAKA AND AN INCREASE IN TAXICAB LICENSE FEES

WHEREAS, circumstances warrant changes to taxicab licensing rules and fees from time to time; and

WHEREAS, adding a visible decal to the exterior of taxicabs will facilitate enforcement of taxicab licenses by the Mishawaka Police Department; and

WHEREAS, the current fees for taxicab licenses have not increased since at least 1985; and

WHEREAS, a deadline coinciding with the end of the calendar year will improve administrative efficiency for both licensees and City administrative employees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of the City of Mishawaka that:

Section 1. Chapter 18, of the Municipal Code of the City of Mishawaka, commonly known as the "Business Regulations Ordinance," be, and the same is, hereby amended as follows:

Repeal Section 18-226 in its entirety and replace with the following:

18-226. Issuance.

For every vehicle so licensed, the city controller shall issue *(a)* a license certificate, fully identifying the licensed vehicle, which shall be conspicuously displayed in the licensed vehicle at all times, and *(b) a decal to be conspicuously displayed on the upper left side of the rearmost vertical exterior surface of the vehicle.*

Replace the fees in Section 18-227(a) as follows:

(1) \$20.00 replaces \$15.00;
(2) \$25.00 replaces \$20.00;
(3) \$35.00 replaces \$30.00 .

Add the following language at the beginning of Section 18-227 (b):

"Beginning on January 1, 2015,"

In Section 18-227 (b), replace "April" with "January."

In Section 18-227 (b), replace "March" with "December."

Section 2. This Resolution shall be forwarded to the Mishawaka Common Council for its review and final action.

ADOPTED by the Board of Public Works and Safety of the City of Mishawaka, on this 1st day of April, 2014.

Gary E. West, President

Ronald E. Watson, Vice President

Kenneth B. Prince, Member

ATTEST:

Kari Myers

Kari Myers, Clerk of the Board