

AGENDA

Monday, June 2, 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**

May 19, 2014

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

Mayor Wood's Youth Council Leadership Presentation

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**
- 8. Resolutions**
- 9. Ordinances on Second Reading**

P.O. NO. 2014-06 Amending Business Regulations - Leadsonline (Assigned to Public Health and Safety Committee)

P.O. NO. 2014-07 Walker PUD Amendment West side of Capital Ave. North side of Grande Vista Parkway (assigned to Land Use Planning Committee)

P.O. 2014-08 Rezone from I-1 Industrial to C-9 Auto Detailing Facility - 2340 Schumacher Dr. (Assigned to Land Use Planning Committee)

P.O. NO. 2014-09 Vacation of Public Right of Way and Underlying Utility Easement Rights - Evergreen Rd. I-80/90 Toll Rd. and Capital Ave. (Assigned to Land Use Planning Committee)

P.O. NO. 2014-10 Rezone from I-2 heavy Industrial to R-1 Single Family - 1709 Elder Rd. (Assigned to Land Use Planning Committee)

P.O. NO. 2014-11 Vacation of Public Right of Way - Main St. Underpass at Grand Trunk Western Railroad (Assigned to Land Use Planning 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
May 19, 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 May 19, 2014 at 7:00 p.m. The meeting was called to order by Vice President Woody Emmons all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Absent/Excused: Mr. Mammolenti.

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

Clerk Block read a letter from the Board of Zoning Appeals Recommendations from their May 13, 2014 Public Hearing.

APPEAL NO. 2014-06 An appeal submitted by Teachers Credit Union and Hameln III LLC a requesting Use Variance for 1110 South Ironwood Drive to allow an automotive sales lot on C-7 Automobile Oriented Restaurant Commercial zoned property.
RECOMMENDED APPROVAL subject to the three (3) year time limit being removed.

Clerk Block read a letter from the Plan Commission Recommendations from their May 13, 2014 Public Hearing.

PETITION NO. 2014-05 A request submitted by Capital Avenue Properties, LLC, requesting a PUD Amendment for the Walker Planned Unit Development (West side of Capital Avenue, north side of Grande Vista Parkway) to allow for the addition of drive-thru facilities, and off-street parking ratio of 10 spaces per 1,000 square feet of gross building floor area. **RECOMMENDED APPROVAL** with the following conditions:

1. Required off-street parking for the proposed drive thru-facility lot shall be a ratio of (10) parking spaces per 1000 square feet of gross building floor area.
2. Required building setback along the northwest lot line along Capital Avenue shall be a minimum of 25-feet for the proposed drive-thru facility lot.
3. Required pavement setback along the northwest lot line along Capital Avenue shall be a minimum of 5-feet fro the proposed drive-thru facility lot.
4. The proposed access drive may be utilized on a temporary basis up until the time the adjacent parcel is developed parcel is developed. At that time, the temporary access

drive shall be removed and a common access drive for both lots shall be provided. Appropriate easements shall be created at that time.

A letter from the City Plan Commission regarding recommendations from their May 13, 2014 meeting.

A public hearing on Vacation 2014-01 as required by State Statute on behalf of Beacon Health Systems, Inc., Memorial Health Systems, Inc., Capital Avenue Properties, LLC, Mary A. Golata, Golata Family Trust and Golata Charitable Remainder Unitrust for vacation of the following described public right of way and underlying utility Easement Rights – Evergreen Rd between I 80/90 Toll Rd and Capital Ave.

Darryl Knipp, Abonmarche and Associates 750 Lincoln Way East, South Bend said all property owners are in agreement and in favor of this cleanup for future development.

A public hearing on Vacation 2014-02 as required by State Statute on behalf of Ken Prince for the City of Mishawaka for vacation of Main Street Underpass at Grand Trunk Western Railroad City of Mishawaka.

Dave Thomas Director of Community Development said Fairview Cemetery easements would be retained for landscaping and improvements.

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

Clerk Block read **PROPOSED ORDINANCE NO. 2014-06** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-06

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 Business Regulations - Leadsonline)

Assigned to Public Health and Safety Committee

PROPOSED ORDINANCE NO. 2014-07

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

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

Assigned to Land Use Planning Committee

PROPOSED ORDINANCE NO. 2014-08

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

(Rezone from I-1 Industrial to C-9 Auto Detailing Facility – 2340 Schumacher Drive)
Assigned to Land Use Planning Committee

PROPOSED ORDINANCE NO. 2014-09

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

(Vacation of Public Right of Way and Underlying Utility Easement Rights – Evergreen
Road, I-80/90 Toll Road and Capital Avenue)
Assigned to Land Use Planning Committee

PROPOSED ORDINANCE NO. 2014-10

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

(Rezone I-2 Heavy Industrial to R-1 Single Family – 1709 Elder Road)
Assigned to Land Use Planning Committee

PROPOSED ORDINANCE NO. 2014-11

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

(Vacation of Public Right of Way – Main Street Underpass
at Grand Trunk Western Railroad)
Assigned to Land Use Planning Committee

Clerk Block read **RESOLUTION NO. R2014-10** opening it for public hearing.

RESOLUTION NO. 2014-10

**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

Confirming Resolution
1133 East 5th Street

Dave Thomas, Director of Community Development said Dearborn Crane identified the investment at \$750,000, this however, dose not correlate directly into assessed valuation. He said in researching the current site the assessed evaluation for real estate improvements was \$330,000 and in this case there was no history of recent investment to judge or compare how the proposed investment might impact the assessed valuation, so to make an estimate the staff has made a common sense approach for the purpose of projecting an assessed value increase would be based on the following small demolition, adding small building additions, and significant drainage and parking improvements, and have come to the hypothesis that the imposed increase would not equate to more than 50% over the existing assessed valuation or \$165,000. He said this amount was reasonable for abatement evaluation purposes; they have done this only in attempt to provide an educated guess as to what the resulting assessment would be.

Mr. Thomas said this was a three year tax abatement, in the first year 2014 payable 2016 the taxes abated would be \$6,408, the second year 2015 payable 2016 the taxes abated would be \$4,272 and in the third year 2016 payable in 2017 the taxes abated would be \$2,136 for a total amount of abated taxes to be \$12,816. He said in regards to the recommendation the administration completely supports the request as submitted. Mr. Thomas said the vast majority of Dearborn Crane & Engineering Business was from outside the region providing an influx of money to the community. He said knowing that local economies grow by existing businesses expansion they feel the approval of this abatement would supply support for this expansion as well as for future investment.

Joan Mansfield, 1602 East Cedar Street, South Bend, said she wanted to answer the question proposed to her at the last meeting considering the average wage and was calculated at \$25.43 plus the benefits package would be just under \$40 per hour. She said the total square footage of their existing building was 35,480 square feet plus the 7,200 square feet that net out after the demolition and rebuild would bring them to 42,680 square feet.

Question was called for at 7:20 p.m.  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Clerk Block read **RESOLUTION NO. R2014-11** opening it for public hearing.

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

1110 South Ironwood Drive, Mishawaka, Indiana – Auto Sales Facility

Mike Danch, Danch Harner & Associates 1643 Commerce Drive, South Bend, said he was representing the petitioner in their request. He said this property was located at the north-east corner of Dragoon Trail and Ironwood Drive with a building classification of C-7 and used for automotive sales for approximately 7 or 8 years. Mr. Danch said they have gone through a Land Use Variance with the City Of Mishawaka and City Council and were approved for Automobile sales at this location with the stipulation lasting for 3 years at a time and they are now at a position where the person leasing the facility would like to purchase it. He said what they are asking the Council to do was to approve the Land Use Variance on a permanent basis.

Mr. Danch stated the gentleman running this operation was Bob Braker who has done a lot of landscaping and improvements to the site, he needs to have a permanent zoning for the bank to grant his loan. He said what they would ask was for the variance to be removed, there would still be restrictions on how the property was used and if anything should happen at this location the city would have the ability to shut them down or to fine them accordingly.

Mr. Banicki said he has noticed it would be much cleaner if they would clean up what they have like trimming the bushes and tress; the other thing that concerns him was they are actually parking vehicles on the grass in the city right of way. Mr. Danch said he was not aware of that and they have not had any complaints of that nature before he would certainly make a phone call.

Mr. Emmons asked if they would be changing the hours and would the lighting stay the same. Mr. Danch said they would not be changing either of those things. Mr. Emmons said they needed to stay the same on the number of cars they have on the lot with no double parking. Mr. Danch said they would abide be that. Mr. Emmons asked as Mr. Banicki did that they maintain the landscaping. Mr. Danch said now that it would be owner occupied it would make a great deal of difference and also allow them to do additional things to the site.

Question was called for at 7:27 p.m.  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

NEW BUSINESS

Mr. Compton made a motion to re-appoint Mr. Randy Squadroni to the Transpo board, with a second by Mr. Banicki the motion carried.

Vice President Emmons reminded everyone of the Memorial Day Parade downtown Mishawaka May 26, 2014.

There being no further business to come before the Council, Vice President Emmons adjourned the meeting at 7:30 .m.

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

Woody Emmons
Woody Emmons, Presiding Officer

MAY 15 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-06

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, the Mishawaka Police Department makes best efforts to recover stolen property for victims of crime whenever possible; and

WHEREAS, electronic reporting services are now available to law enforcement to improve and enhance efforts to that end; and

WHEREAS, the Mishawaka Police Department has identified LeadsOnline as the best electronic reporting service available; and

WHEREAS, more than 3,000 police departments throughout Indiana and the United States have successfully used LeadsOnline, and adopting the use of LeadsOnline will facilitate coordination with those departments for the successful recovery of stolen property; and

WHEREAS, LeadsOnline is compatible with the National Crime Information Center, which is a computerized index of criminal justice information available to federal, state, and local law enforcement agencies; and

WHEREAS, it is in the best interests of the residents of the City of Mishawaka to adopt and implement LeadsOnline; and

WHEREAS, certain amendments to the Business Regulations of the Mishawaka Code of Ordinances are necessary to implement the use of LeadsOnline; and

WHEREAS, on April 13, 2014, the Mishawaka Board of Public Works and Safety approved Resolution Number 2014-03, 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 18-67 (b) in its entirety and replace with the following:

The person licensed shall maintain and preserve data on or through an electronic or computer data system database on a daily basis for the preceding 24-hr period of all purchases of any precious metal items. Such information shall be sent via electronic forms of transmission to the Police Department using the Records Management System used by the Police Department for the proceeding 24-hour period on a daily basis. The reports must contain the seller's name, address, social security number, the price paid for each item, the purchase date and time, a description of each article purchased, including identifying marks and the manufacturer (where known), and the seller's driver's license number or the number of any other identification issued by a governmental authority bearing the seller's photograph, and the account number from one additional piece of recognized identification. The form shall also bear a clear, inked impression of the seller's right thumb print and the same transaction number as recorded in the dealer's record book as required.

Repeal Section 18-157 (a) in its entirety and replace with the following:

Every dealer shall maintain and preserve data on or through an electronic or computer data system database on a daily basis for the preceding 24-hr period of all purchases of any precious metal items. Such information shall be sent via electronic forms of transmission to the Police Department using the Records Management System used by the Police Department for the proceeding 24-hour period on a daily basis. The reports must contain the seller's name, address, social security number, the price paid for each item, the purchase date and time, a description of each article purchased, including identifying marks and the manufacturer (where known), and the seller's driver's license number or the number of any other identification issued by a governmental authority bearing the seller's photograph, and the account number from one additional piece of recognized identification. The form shall also bear a clear, inked impression of the seller's right thumb print and the same transaction number as recorded in the dealer's record book as required by paragraph (2) below.

In Section 18-159, replace "seven" with "ten."

In Section 18-162, replace "seven" with "ten."

Repeal Section 18-614 (c) (6) in its entirety and replace with the following:

Full name, date of birth, and address of the seller.

Repeal Section 18-614 (c) (7) in its entirety and replace with the following:

Driver's license number or social security number of the seller.

In Section 18-614 (g), add the following:

The dealer may maintain the information required by this subsection in a computer program compatible with a program maintained by the Police Department or pre-approved by the Police Department.

In Section 18-616, replace "seven" with "ten."

Section 2. 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



200 N. Church Street
Mishawaka, IN 46544

Police Department

David A. Wood, Mayor

May 15, 2014

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 15 2014

Honorable Members of the Common Council
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: Proposed Ordinance Amendment to the Business Regulations Ordinance Relating to Pawnbrokers, Precious Metal Dealers, and Secondhand Stores.

Honorable Members:

In recent years several businesses have popped up in our area and taken advantage of the value in used consumer merchandise and precious metals. Although the majority of these transactions are legitimate, criminals do take advantage of the opportunity to sell stolen merchandise and property for cash. I am aware of dozens of instances in which our Detectives have recovered stolen property at such businesses with in the City of Mishawaka and other communities. In order to assist in the recovery of stolen property and streamline the investigative process, I have worked with our City Attorney's Office to draft the attached ordinance amendment for City Council's review.

The primary goal of the ordinance is to require businesses who engaged in purchasing or pawning secondhand items to be required to electronically reporting of all transactions required by State Law. Unfortunately, some businesses operating in the City of Mishawaka do not report transactions and it is unknown how many opportunities to identify criminal activity have been lost. One reason may be the cumbersome nature of reporting transactions to the Police Department. State Law requires specific information about each transaction be sent to the Police Department. Upon receipt of the transaction, the Mishawaka Department places this information in a binder. The information is many time not legible and the information is not complete. Detectives have a difficult time sifting through the information given by the businesses.

The Mishawaka Police Department has been in contact with Leads Online to help streamline the reporting process by providing an electronic method of reporting transactions. The transactions are uploaded once a day and do not require a separate fax or form to be mailed to the police department. Once this information is uploaded, Detectives can conduct a broad search in the database from their workstation. They don't have to call or drive out to every business in the city or surrounding area in an attempt to locate stolen property. In addition, Leads Online will alert Detectives via e-mail if there is a known stolen item is pawned or sold. Currently, a few businesses in Mishawaka are registered with Leads Online. The City of South Bend has passed an amendment to their Business Regulations Ordinance requiring their businesses in their city to register with Leads Online.

Through-out the State of Indiana there are hundreds of businesses registered with Leads Online and over 600 million transactions have been reported across jurisdictional boundaries.

Although the Police Department will realize efficiencies from electronic reporting, our business community will benefit as well. There is no fee associated with registering and reporting transactions to Leads Online and reporting is fast, simple, and secure with a web-based system which is available 24 hours a day, 7 days a week. In addition, there is no software, hardware, or upgrades to buy. In a larger sense, our business community will be taking proactive steps to curtail criminal activity by streamlining the reporting process and further ensuring they are not purchasing stolen goods.

Please call or e-mail me with any questions.

Thank-You.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Gebo', with a stylized flourish at the end.

Dan Gebo

Assistant Chief of Police of Mishawaka

MAY 15 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2014- 03

MISHAWAKA BOARD OF WORKS AND PUBLIC SAFETY

A RESOLUTION APPROVING AMENDMENTS TO THE BUSINESS REGULATIONS ORDINANCE RELATING TO PAWNBROKERS, PRECIOUS METAL DEALERS, AND SECONDHAND STORES TO ACCOMMODATE THE ACQUISITION AND USE OF NEW PROPERTY TRACKING TECHNOLOGY.

WHEREAS, the Mishawaka Police Department makes best efforts to recover stolen property for victims of crime whenever possible; and

WHEREAS, electronic reporting services are now available to law enforcement to improve and enhance efforts to that end; and

WHEREAS, the Mishawaka Police Department has identified LeadsOnline as the best electronic reporting service available; and

WHEREAS, more than 3,000 police departments throughout Indiana and the United States have successfully used LeadsOnline, and adopting the use of LeadsOnline will facilitate coordination with those departments for the successful recovery of stolen property; and

WHEREAS, LeadsOnline is compatible with the National Crime Information Center, which is a computerized index of criminal justice information available to federal, state, and local law enforcement agencies; and

WHEREAS, it is in the best interests of the residents of the City of Mishawaka to adopt and implement LeadsOnline; and

WHEREAS, certain amendments to the Business Regulations of the Mishawaka Code of Ordinances are necessary to implement the use of LeadsOnline.

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 18-67 (b) in its entirety and replace with the following:

The person licensed shall maintain and preserve data on or through an electronic or computer data system database on a daily basis for the preceding 24-hr period of all purchases of any precious metal items. Such information shall be sent via electronic forms of transmission to the Police

Department using the Records Management System used by the Police Department for the preceding 24-hour period on a daily basis. The reports must contain the seller's name, address, social security number, the price paid for each item, the purchase date and time, a description of each article purchased, including identifying marks and the manufacturer (where known), and the seller's driver's license number or the number of any other identification issued by a governmental authority bearing the seller's photograph, and the account number from one additional piece of recognized identification. The form shall also bear a clear, inked impression of the seller's right thumb print and the same transaction number as recorded in the dealer's record book as required.

Repeal Section 18-157 (a) in its entirety and replace with the following:

Every dealer shall maintain and preserve data on or through an electronic or computer data system database on a daily basis for the preceding 24-hr period of all purchases of any precious metal items. Such information shall be sent via electronic forms of transmission to the Police Department using the Records Management System used by the Police Department for the preceding 24-hour period on a daily basis. The reports must contain the seller's name, address, social security number, the price paid for each item, the purchase date and time, a description of each article purchased, including identifying marks and the manufacturer (where known), and the seller's driver's license number or the number of any other identification issued by a governmental authority bearing the seller's photograph, and the account number from one additional piece of recognized identification. The form shall also bear a clear, inked impression of the seller's right thumb print and the same transaction number as recorded in the dealer's record book as required by paragraph (2) below.

In Section 18-159, replace "seven" with "ten."

In Section 18-162, replace "seven" with "ten."

Repeal Section 18-614 (c) (6) in its entirety and replace with the following:

Full name, date of birth, and address of the seller.

Repeal Section 18-614 (c) (7) in its entirety and replace with the following:

Driver's license number or social security number of the seller.

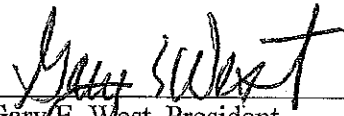
In Section 18-614 (g), add the following:

The dealer may maintain the information required by this subsection in a computer program compatible with a program maintained by the Police Department or pre-approved by the Police Department.

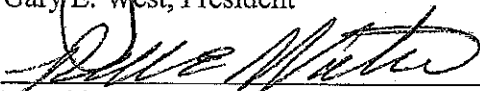
In Section 18-616, replace "seven" with "ten."

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

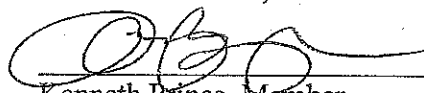
ADOPTED by the Board of Public Works and Safety of the City of Mishawaka, on this 13th day of May, 2014.



Gary E. West, President



Ronald E. Watson, Vice President



Kenneth Prince, Member

ATTEST:



Kari Myers, Clerk of the Board

MAY 15 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-07

ORDINANCE NO. _____

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

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

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

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

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.

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow for a drive-thru restaurant facility subject to the following conditions of approval:

1. Required off-street parking for the proposed drive thru-facility lot shall be a ratio of (10) parking spaces per 1000 sf of gross building floor area.
2. Required building setback along the northwest lot line along Capital Avenue shall be a minimum of 25-ft for the proposed drive-thru facility lot.
3. Required pavement setback along the northwest lot line along Capital Avenue shall be a minimum of 5-ft for the proposed drive-thru facility lot.

ORDINANCE NO. _____

PROP. ORD. NO. 14-07

4. The proposed access drive may be utilized on a temporary basis up until the time the adjacent parcel is developed. At that time, the temporary access drive shall be removed and a common access drive for both lots shall be provided. Appropriate easements shall be created at that time.

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

1. The subject parcel is located within a commercial planned unit development.
2. The area is currently vacant land. However, because the property is located within a commercial PUD, the character of the buildings within the surrounding area will be commercial.
3. Because of the parcels' location and the proposed future commercial development in the area, the highest and best use for the property is commercial in nature.
4. The proposed zoning will not be injurious to property values in the surrounding neighborhood, because vast majority of adjacent property remains undeveloped. The proposed extension of City infrastructure will actually add value to adjacent properties.
5. This specific property was guided as commercial in the joint Comprehensive Plan Amendment prepared jointly by both St. Joseph County and the City of Mishawaka, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The continued change and expansion of the commercial areas of the City are commensurate to the City's status as a regional area of commerce. The substantial residential growth that occurred in the unincorporated County (the unincorporated area of Granger) also contributes to the need/demand for services.

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

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

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

ORDINANCE NO. _____

PROP. ORD. NO. 14-07

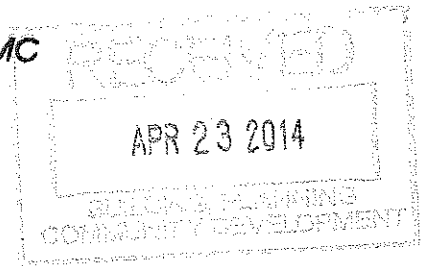
APPROVED by me this _____ day of _____, 2014, at
o'clock _____.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

CITY CLERK
MISHAWAKA, IN



Ret 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.

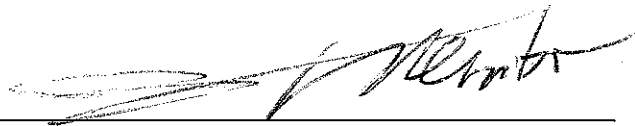
Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development (PUD) specifically for a mixed use commercial development including all C-1 General Commercial uses.

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.



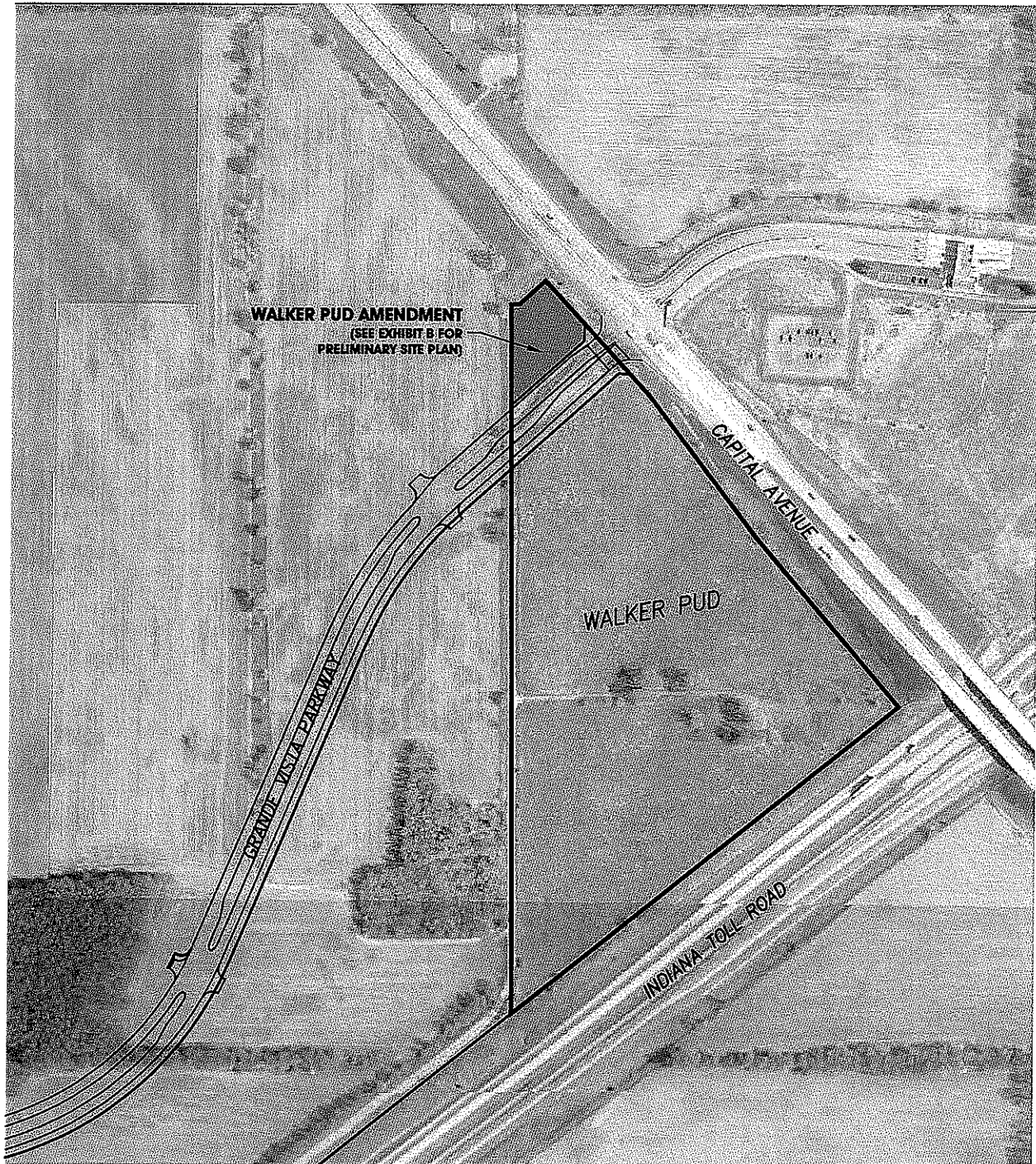
John Becker, Member

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



DATE: 4-23-14 ACI JOB #: 14-0183 SHT: 1 of 2
COPYRIGHT 2014 - ABONMARCHE CONSULTANTS, INC.

EXHIBIT B

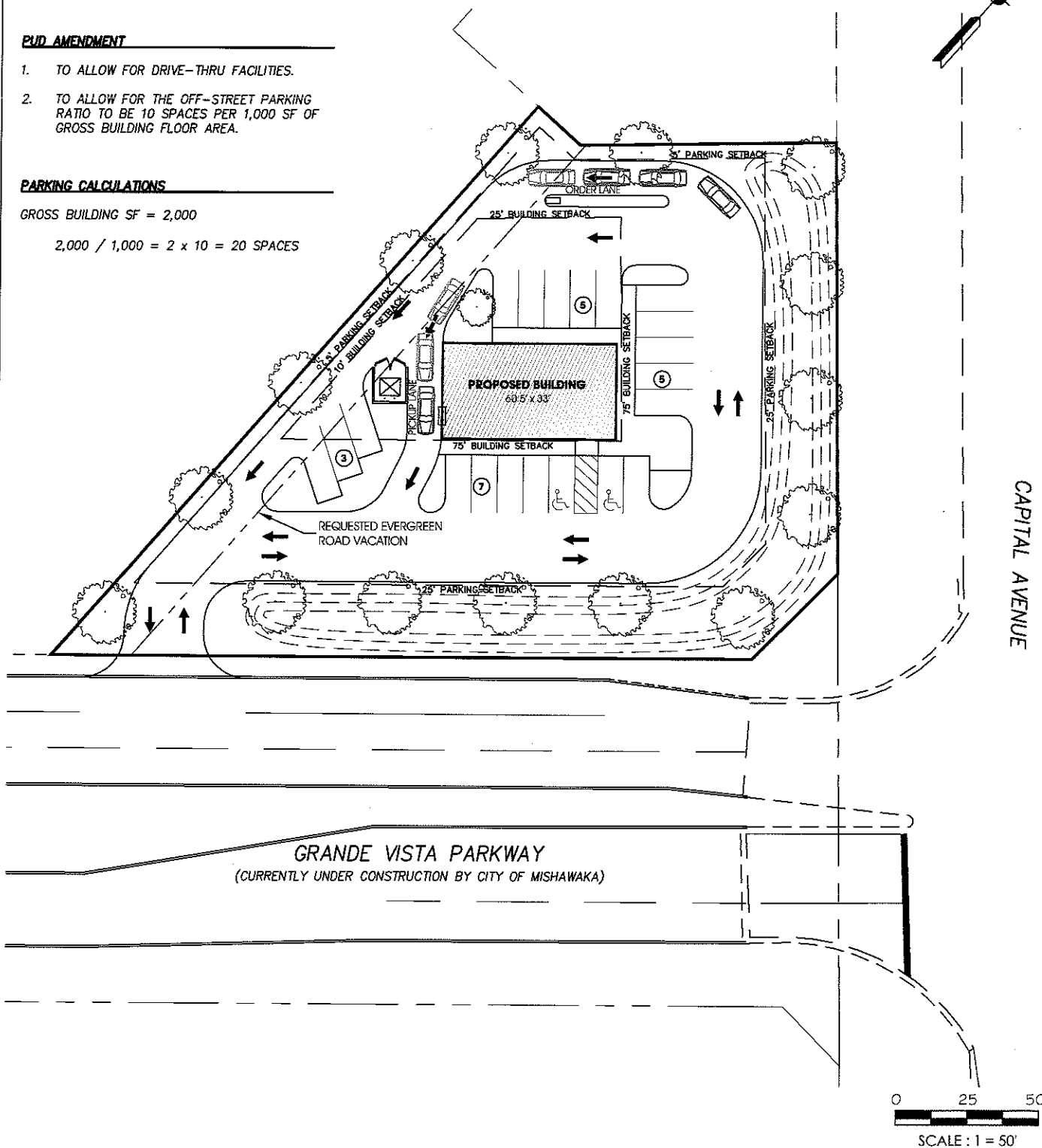
PUD AMENDMENT

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

$$2,000 / 1,000 = 2 \times 10 = 20 \text{ SPACES}$$



WALKER PUD AMENDMENT

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



DATE: 4-23-14 ACI JOB #: 14-0183
COPYRIGHT 2014 - ABONMARCHE CONSULTANTS, INC.

SHT: 2 of 2

MAY 15 2014

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-06
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2014-08
ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

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 MCKINLEY 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.

COMMON ADDRESS: 2340 Schumacher Drive

which real estate is now classified as I-1 Light Industrial District shall hereafter be within and a part of that District known as C-9 Automotive Sales Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

Proposed Ordinance No: 14-08

Ordinance No: _____

1. Given the property's close proximity to industrial and commercially zoned property the C-9 zoning would be compatible with the surrounding commercial properties and the existing automotive sales use located to the south.
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an industrial project, staff feels that the most desirable use for this property is the C-9 Automotive Sales zoning.
3. Because the parcel is located adjacent to commercial properties and adjacent to existing auto sales uses, the C-9 zoning classification would be compatible and is a desirable use for this property;
4. The C-9 zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding commercial area by further expanding commercial development in the area.
5. The proposed C-9 Automobile Oriented Restaurant Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2014, at _____ o'clock ____M.

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

Proposed Ordinance No: 14-08

Ordinance No: _____

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

David A. Wood, Mayor

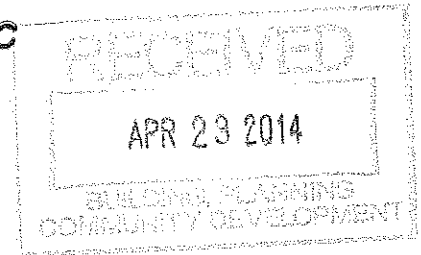
RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

CITY CLERK
MISHAWAKA, IN

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.

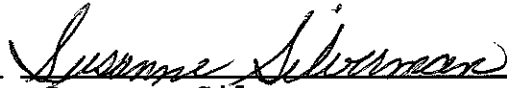
The Petitioners desire said real estate, to be Rezoned to the
"C-9" Commercial District classification. The purpose for the
Rezoning is to allow for the real estate to be purchased by an
interested party who desires to renovate the existing building
into an Automotive Detailing facility on the site.

Wherefore, the Petitioners pray and respectfully request that
the Common Council of the City of Mishawaka refer this matter to

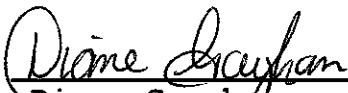
the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of real estate located in the City of Mishawaka.



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


Susanne Silverman


Diane Gaughan

MAY 15 2014

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

PETITION #14-07

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2014-09

ORDINANCE NO. _____

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

WHEREAS, Beacon Health Systems, Inc., Memorial Health Systems Inc., Capital Avenue Properties, LLC, Mary A. Golata, Golata Family Trust, and Golata Charitable Remainder Unitrust have filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioners own all land that abuts the public right-of-way sought to be vacated;

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

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

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

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

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

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

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as hereinafter described.

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

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

INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PROPOSED ORDINANCE NO. 14-09

ORDINANCE NO.

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.

COMMONLY KNOWN AS: Portion of Evergreen Road – Northwest of Capital Avenue and Indiana Toll Road

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

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

PROPOSED ORDINANCE NO. 14-09

ORDINANCE NO. __

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

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2014.

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

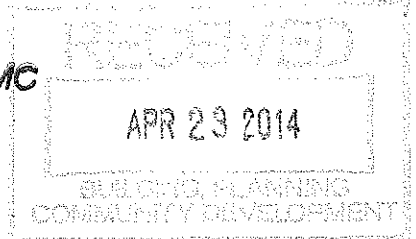
APPROVED by me this ____ day of _____, 2014, at ____ o'clock ____ .M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

CITY CLERK
MISHAWAKA, IN



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:

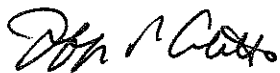
A PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

Mary A. Golata

*Signed
copy to
follow.*

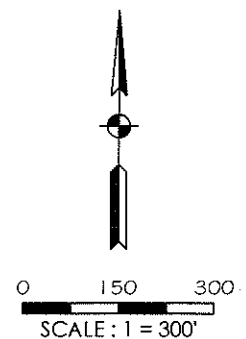
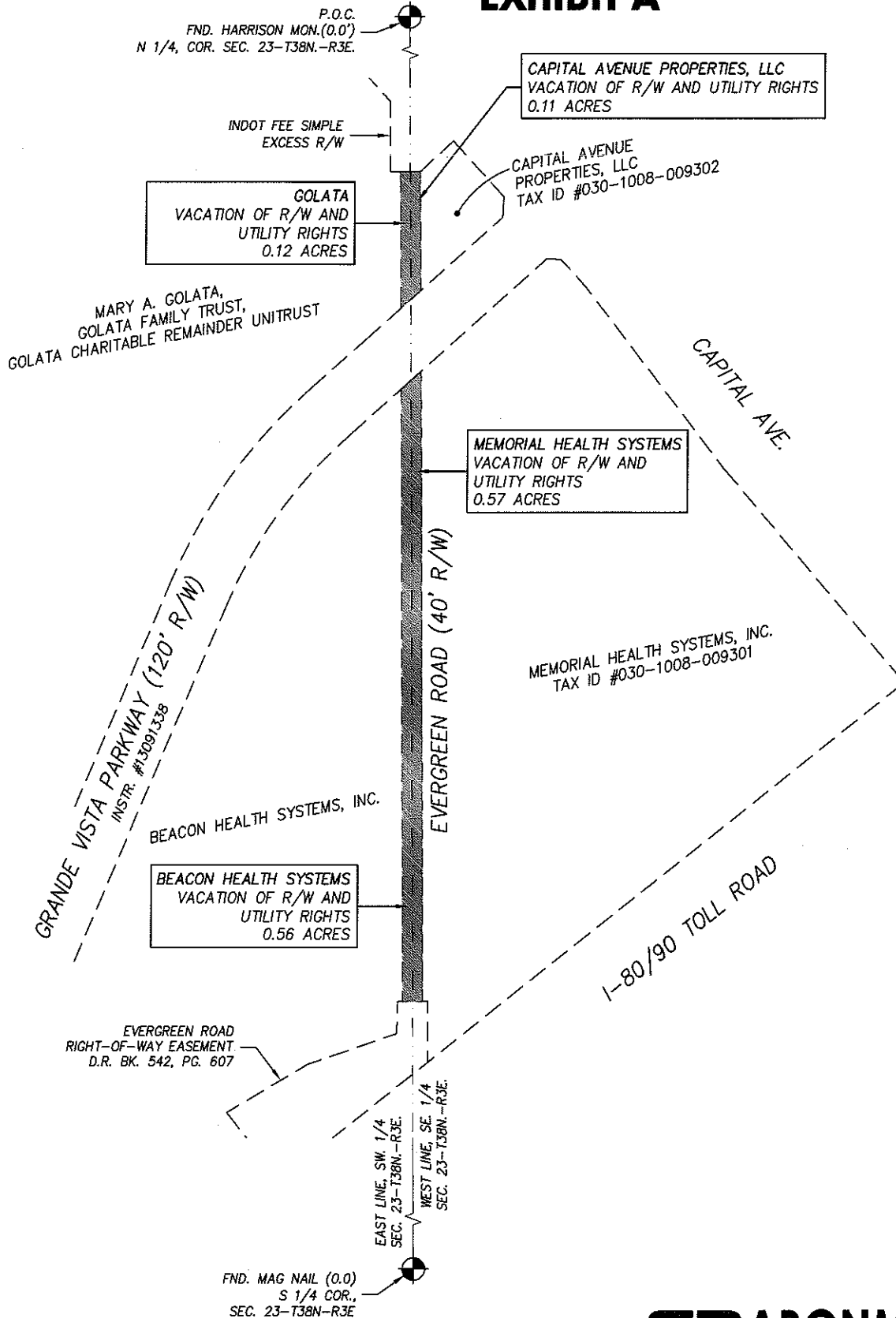
Raymond L. Golata, Trustee
Golata Family Trust

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



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 #: 14-0127
COPYRIGHT 2013 - ABONMARCHÉ CONSULTANTS, INC.

SHT: 1 of 1

* * * Communication Result Report (May. 8. 2014 9:16AM) * * *

1) Mishawaka City Clerk
2)

Date/Time: May. 8. 2014 9:15AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
2825 Memory TX	92566207	P. 2	OK	

Reason for error

M. 1) Hang up or line fail
M. 3) No answer
M. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection

RECEIVED
DEBORAH S. BLOCK, MMC

APR 23 2014

APR 23 2014

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

CITY CLERK
MISHAWAKA, IN

Pet 14-07

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:

* * * Communication Result Report (May. 8. 2014 9:16AM) * * *

1) Mishawaka City Clerk
2)

Date/Time: May. 8. 2014 9:15AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
2824	Memory TX	92566207	P. 2	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection



RECEIVED
DEBORAH S. BLOCK, MMC

APR 28 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

* * * Communication Result Report (May. 12. 2014 10:02AM) * * *

1) Mishawaka City Clerk
2)

Date/Time: May. 12. 2014 10:01AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
2833 Memory TX	92566207	P. 7	OK	

Reason for error
 mm. 1) Hang up or line fail
 mm. 3) No answer
 mm. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection

RECEIVED
 DEBORAH S. BLOCK, MMC

APR 23 2014

APR 23 2014

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

CITY CLERK
 MISHAWAKA, IN

Pet 14-07

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:

els County Parcels

Re c	PARCELID	NAME_1	MAILINGAD D	MAILINGCIT	MAILI NGST	MAILIN GZIP	PROP_ADD R	PROP_CITY	PRO P_ST	PROP_ ZIP
1	006-1008-010001	MICHIANA COVENANT CHURCH INC	14567 Cleveland Rd	Granger	IN	46530	14567 CLEVELAND RD	Granger	IN	46530
2	006-1011-013204	WRIGHT LANE A & DORA PAULINE THE WRIGHT FAMILY REVOCABLE LIVING TRUST REVS L/E DURING NATURAL LIFE	14272 Cleveland Rd	Granger	IN	46530	N SIDE CLEVELAND W/ BYPASS S OF	Granger	IN	46530
3	006-1008-0093	WALKER GEORGE AUGUST WALKER JEROME FRANCIS MCCAY ROSALIE ANN BULKIN N CAROLYN LEE DEFREEUW VIRGINIA MAY	52200 Snowberry Road	New Carlisle	IN	46552	52590 EVERGREEN RD	Granger	IN	46530
4	030-1008-009301	MEMORIAL HEALTH SYSTEM INC	615 N Michigan St	South Bend	IN	46601	EVERGREEN RD	Granger	IN	46530
5	030-1008-0100	BEACON HEALTH SYSTEMS INCORPORATED	615 N Michigan St	South Bend	IN	46601	52641 EVERGREEN RD	Granger	IN	46530
6	006-1008-0093	WALKER GEORGE AUGUST WALKER JEROME FRANCIS MCCAY ROSALIE ANN BULKIN N CAROLYN LEE DEFREEUW VIRGINIA MAY	52200 Snowberry Road	New Carlisle	IN	46552	52590 EVERGREEN RD	Granger	IN	46530
7	030-1008-0100	BEACON HEALTH SYSTEMS INCORPORATED	615 N Michigan St	South Bend	IN	46601	52641 EVERGREEN RD	Granger	IN	46530
8	030-1008-009302	CAPITAL AVENUE PROPERTIES LLC	2400 Miracle lane	Mishawaka	IN	46545	EVERGREEN RD	Granger	IN	46530

Lane Wright 272-2081 or 298-0532

these records

MAY 15 2014

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-08
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2014-10
ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

80' X 398.3' beginning center of Elder Road, 730' north to center of Jefferson, Section 11 37 3e Lot 26, Citizens Homes Co.

COMMON ADDRESS: 1709 Elder Road

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

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

1. There are some industrial zonings in the neighborhood, but the neighborhood surrounding the property to the north, south, and east are used as single family dwellings, and its historic use as a single family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an industrial project, staff feels that the most desirable use for this property is its historical single-family use;

Proposed Ordinance No: 2014-10

Ordinance No: _____

3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for industrial use, however, the Plan calls for low density residential immediately to the south and to the east, and its historic use as a single family home is compatible and consistent with the historic residential uses in the area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2014, at _____ o'clock ____M.

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

PAGE 1

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

April 24, 2014

CITY CLERK
MISHAWAKA, IN

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

Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: Petition to Rezone

The undersigned MARKESKI, binski

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' Beginning Center
of Elder Rd 730' North to Center
of Jefferson Section 11 37 3e Lot 26
Citizens Homes Co Jefferson Rd Pro.

Tax & Investment
#5207428

FHA #203151-8980672

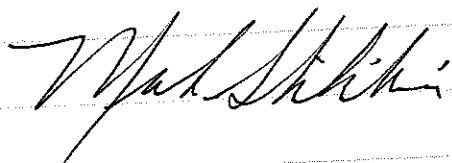
Pet 14-08

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 Real Estate to be rezoned to Residential district

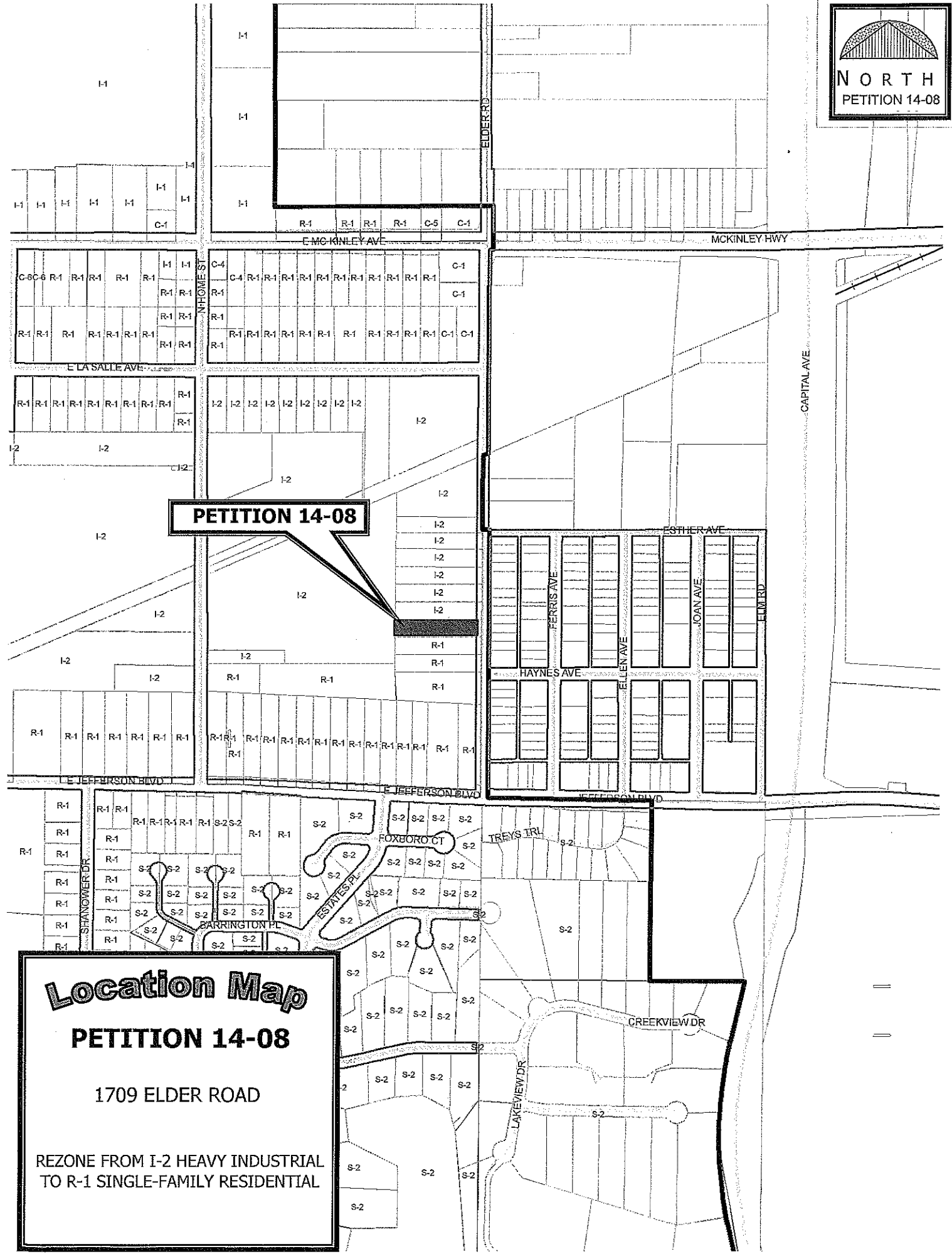
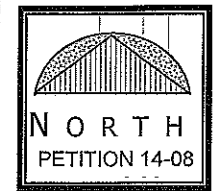
Petitioner further states that he intends to utilize said land for Storage garage.

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



CONTACT Person
MARK SKIBINSKI
1709 Elder Rd Mish, IN.

MARK SKIBINSKI (574) 360-8725



PETITION 14-08

Location Map
PETITION 14-08

1709 ELDER ROAD

REZONE FROM I-2 HEAVY INDUSTRIAL
TO R-1 SINGLE-FAMILY RESIDENTIAL

MAY 15 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

PETITION #14-09

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-11

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as hereinafter described.

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

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

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:

PROPOSED ORDINANCE NO. 14-11

ORDINANCE NO.

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.

COMMONLY KNOWN AS: A Portion of Main Street between Jefferson Boulevard and Edgar Avenue

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

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

PROPOSED ORDINANCE NO. 14-11

ORDINANCE NO. __

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2014.

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

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

cel County Parcels

Rec	PARCELID	NAME_1	MAILINGAD D	MAILINGCIT	MAILI NGS	MAILI NGZIP	PROP_CITY	PRO P_ST	PROP ZIP
<u>1</u>	016-2046-158601	CITY OF MI SHAWAKA	1625 N Post Rd	Indianapolis	IN	46219	Mishawaka	IN	46545
<u>2</u>	016-2041-140801	CITY OF MI SHAWAKA MISC/TRAN S NOTES	Dept of Publi c Works	Mishawaka	IN	46544	Mishawaka	IN	46545
<u>3</u>	016-2046-1582	FAIRVIEW CEMETERY	1415 N Main St	Mishawaka	IN	46544	Mishawaka	IN	46545