

AGENDA

October 03, 2022

**MEETING WILL BE HELD AT
THE NEW CITY HALL
Located at 100 Lincolnway WEST**

Meetings of Standing Committees
Council Conference Room
6:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00PM

WebEx Telephone Number:1-408-418-9388
Meeting Number (access code): 2331 709 0908
Meeting Password:hPvHxCEW878

Livestream #1: <https://www.facebook.com/cityofmishawaka/>
Livestream #2: @MichianaAccessTV on Facebook
Livestream #3: Michiana Access TV
(Comcast and AT&T U-Verse Channel 99)

To connect on-line join using Microsoft Lync or Microsoft Skype for Business

Dial:23317090908@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of September 19, 2022

5. Petitions, Communications, Remonstrance and Memorial

Petition No. 2022-18 PUD Amendment for a restaurant with Drive-
Thru Reduced Parking and Fiber Cement Board-
5540 N. Main St.

A public hearing on Vacation 2022-02 required by State Statute on behalf of Thomas McLaughlin, Cory Smith, & Erin Corcoran, the first east/west alley, north of Wilson Blvd. between Lot 44 and (Combined lot) 45, 46,47 in battell's 2nd addition.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2022-34	Elected Officials Salary Ordinance for 2023
P.O. NO. 2022-35	Civil City Employee salary Ordinance for 2023
P.O. NO. 2022-36	Public Safety Salary Ordinance for 2023

8. Resolutions

R2022-24	Fiscal Plan for Annexation 14325 Cleveland Road
R2022-25	Declaratory Resolution for Tax Abatement for Front Street, LLC. And/or Its Assigns - W. Front, N. Hill, W. First, and N. Spring Streets
R2022-26	Declaratory Resolution for a Tax Abatement for Heilos Hydraulics Americas, LLC - 1811 N. Home Street
R2022-27	Authorizing the Sell of City Owned property (Current Police Station)
R2022-28	Joint Resolution Supporting Inspire Mishawaka

9. Ordinances on Second Reading

P.O. No. 2022-22	Annexation and Rezone to S-2 PUD for commercial use - 14325 Cleveland Rd. (Assigned to Land Use Planning Committee) VOTE ONLY
P.O. No. 2022-30	Rezone from C-2 Shopping Center to S-1 Extensive Open Space to remain a natural open space due to floodplain - V/L south of 4601 Grape Rd. (Assigned to Land Use Planning Committee)

P.O. No.2022-31	Vacation of public right-of-way for 1 st alley between lots 44, 45, 46, and 47 - Battell's 2 nd Park Addition (Assigned to Land Use Planning Committee)
P.O. No. 2022-32	Civil City Budget and Tax Levy for 2023 NO VOTE
P.O. No. 2022-33	Approving Mishawaka Utilities offering Water Service Line Warranty Program

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

R2022-17	Use Variance to allow Food Truck in the parking lot of Pilo's Body Shop - 1017 Jefferson Blvd.
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12. New Business

13. Adjournment -

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page, <https://www.facebook.com/cityofmishawaka/> and on the Michiana Access TV Facebook page, <https://www.facebook.com/MichianaAccessTV>

Council Packet Link:

At this time, I know of no other business to come before the Council.

Deborah S. Block, IAMC, MMC, City Clerk

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the

scheduled program, service and/or meeting. To make arrangements contact Susan Kile, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 19, 2022

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Monday, September 19, 2022 at 7:00PM for their final council meeting in the old City Hall building. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Clerk Block called the roll.

Roll Call.

Present: Mrs. DeMaegd (P), Mr. Banicki (P), Mr. Hazen (P), Mr. Mammolenti (P), Mr. Emmons (P), Mr. Bellovich (P), Mr. Compton (P), Mrs. Voelker (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Block, Mike Trippel

Members attending virtually do so by WebEx. Public that attend can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

Minutes for the Regular Meeting of September 6, 2022 were approved as received from the Clerk's Office.

Clerk Block read the following letter from the City Plan Commission regarding their recommendations from their September 13, 2022 meeting.

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed ordinances were considered:

PETITION #22-14 A petition submitted by Anthony Rucano requesting to rezone vacant land south of 4601 Grape Road from C-2 Shopping Center Commercial District to S-1 Extensive Open Space and Public Use District due to being located within the floodplain.

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

PETITION #22-15 A petition submitted by Thomas McLaughlin, Cory Smith, and Erin Corcoran requesting to vacate the east/west alley between 515 Clay Street and 804 Wilson Boulevard.

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

Pursuant to I.C. 36-7-4-605 the Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed ordinances regarding the above matters.

Swearing-In of the Mayor's Youth Council

Mayor Wood spoke before the council. Mayor Wood stated this was a very bittersweet for him with it being the last meeting in those chambers and for him having worked in some way in those chambers for well over 20 years. Mayor Wood stated he found it highly appropriate that this was the last swearing in he would do in those chambers as well and he couldn't think of a better group than their future to swear in that evening. Mayor Wood stated they were swearing in what he considered to be his most important group that they had as long as he had been Mayor in Mishawaka. Mayor Wood stated this was their 12th youth council class of the city of Mishawaka and the kids were highly exceptional leaders after they had come through the program. Mayor Wood stated they achieved at the highest levels and they were kids from all three of their area high schools, Mishawaka High School, Marian High School and Penn High School and they were sophomores, juniors and seniors who gave up their time to help make Mishawaka a better place for them. Mayor Wood stated they started this to educate, specifically about local government, to do some community service and to have the future leaders step up and be leaders themselves to make the community better. Mayor Wood stated they knew about the program as they had it every year and there may be some new faces who they may not know about but he asked a lot of their youth council members. Mayor Wood stated they asked them to show up, to be prompt, to dress business casual, asked them to come out of their shell to get to know the other students and to contribute to meetings. Mayor Wood stated they fed them pretty well, but they had seen the kids do remarkable things. Mayor Wood stated just as an example, they had all of the branches of the United States military had members of the Mishawaka Mayor's youth council serving in their academies. Mayor Wood stated they had police and fire candidates who had served in the youth council as well as an individual studying to be a priest who was serving in the Vatican at that time who came through the youth council. Mayor Wood stated he appreciated in particular that they had staff members in the city of Mishawaka who had gone through the youth council and were providing service for the future that was sparked when being on the youth council. Mayor Wood stated you did not have to look very far around town to see the contributions that the youth council had made, with Heroes Park being completely conceived, designed and implanted by the Mayor's youth council and it was award winning as well as the best project in the state of Indiana last year. Mayor Wood stated the youth council got to design their own space in City Hall last year and that was coming along quite nicely as well. Mayor Wood stated it would be a meeting space for the youth council as well as a community room for their citizens. Mayor Wood stated this year, he had an extra special project that they would learn about and would get to design and it would be a high-profile project and very visible. Mayor Wood stated he knew the kids would go off and chase their dreams and go far and wide to pursue whether it was their education or whatever the case. Mayor Wood stated but eventually, they hoped that they consider coming back to Mishawaka to realize their dreams and see where they end up. Mayor Wood stated they see kids maintain connections they had that they wouldn't otherwise if it weren't for the youth council and they see kids start dating because of the program as well and that was a good thing. Mayor Wood stated it was a program that was run by

volunteers and he gave thanks to his assistant Lou Ann Hazen, his receptionist Deb Gregg and his wife Jamie for all of the work they did behind the scenes. Mayor Wood stated this was also a bittersweet year for him, because it would be the last time where he would have had a kid of his own go through the program. Mayor Wood stated they treated this as a government body with swearing them in under essentially the same oath that he, the council and all of their department managers swore on and would swear in on the bible all of the police and fire swore in on as well. Mayor Wood stated they would get them going, learn the Robert's rules of order, would pick their own leaders, elect their own president as well as vice president, treasurer, secretary and would run meetings like the common council ran theirs and learn a little bit about government. Mayor Wood stated they would also take some special trips that year to learn more about Mishawaka and the city government as a whole. Mayor Wood stated they would be starting pretty immediately to gather donations, contributions and gifts for their Thanksgiving food drive where they would distribute Thanksgiving meals to the less fortunate in Mishawaka and they had distributed thousands over the course of the last 12 years. Mayor Wood stated they had over 200 youth council members who were out there in and around their community and actively serving. Mayor Wood stated this program was recognized around the state of Indiana and their kids came back after competing for awards and grants to make their community better and typically win. Mayor Wood stated a lot of communities around Indiana and in the Midwest had called and wanted to model off of their program. Mayor Wood stated they knew that it was a best practice but they also would get to go down to Bloomington in the next couple of months to be with other youth councils around from around the state and it would be a great opportunity to share with their peers and try to improve their community and sometimes get to learn about things that they might not otherwise know or learn about. Mayor Wood stated they would also have an opportunity in the first part of the year to go down to the state house on legislative day. Mayor Wood stated they would take a group down to learn about state government and they would get to meet state reps, state senators and maybe even the governor and see state government in action. Mayor Wood stated that was what they had in order and he could not be more proud of the kids and was also proud of their parents as well, because this was a commitment that went beyond the students. Mayor Wood stated it was an entire family commitment and thanked all of the family members who were present that evening for allowing their students to serve and he believed it was something they should be very proud of, because they would leave a mark on the community that they would get to see and their kids and grandkids would get to see as well. Mayor Wood called them up individually and handed them their oath and pin and they would be sworn in together.

Ava Fox, Audrey Wandling, Bella Schaetzle, Brady Fisher, Delaney Duval, Elaina Wright, Ian Szpisjak, Isaak Prince, Jackson Horvath, James Wood, Jocelyn Niedbalski, Joel Cocquyt, Liam Bauschke, Luke VanTornhout, Nicholas Froehlke, Nishorgo Proshun, Patricia Kirk, Patrick Anderson, Patrick DeKever, Reagan Sutherland, Will Schalliol and Wilson Wright were all sworn in by Mayor Wood.

Mr. Hixenbaugh thanked Mayor Wood, Mrs. Wood, Mrs. Hazen and Ms. Gregg for the work they did and offered congratulations to all of their incoming Mayor's youth council members and they looked forward to seeing what they accomplished over the course of the next year.

Clerk Block read the following proposed ordinances by title and assigned committee.

PROPOSED ORDINANCE NO. 2022-30

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 C-2 Shopping Center to S-1 Extensive Open Space to remain a natural open space due to floodplain – V/L south of 4601 Grape Rd.
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2022-31

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 for 1st alley between lots 44, 45, 46 and 47 – Battell’s 2nd Park Addition
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2022-32

**CIVIL CITY BUDGET AND TAX LEVY FOR 2023
(Assigned to Budget and Finance Committee)**

PROPOSED ORDINANCE NO. 2022-33

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA CHAPTER 62 ARTICLE 3 WATER SERVICE AND APPROVING THE OFFERING OF A WATER SERVICE LINE WARRANTY PROGRAM TO CUSTOMERS OF THE MISHAWAKA MUNICIPAL UTILITIES
(Assigned to Public Improvements Committee)**

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

RESOLUTION R2022-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, MAKING A FINAL DETERMINATION AND CONFIRMING THE DESIGNATION OF AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA, COMMONLY KNOWN AS 2754 LINCOLNWAY EAST & ADJACENT PARCELS AS AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF REAL PROPERTY TAX ABATEMENT FOR BARAK GROUP, L.L.C., and/or ITS ASSIGNS

Derek Spier, City Planner, spoke in favor of **RESOLUTION R2022-21**. Mr. Spier stated as previously referenced when the council considered this two weeks ago, the developer, the Barack Group, was proposing to renovate and convert the existing Mishawaka Inn at 2754 Lincolnway East into a 47 to 60 unit multi-family residential apartment building. Mr. Spier stated the second phase was anticipated to include a new building which would include another 46 to 50 units which would result in 93 to 100 new units on the four-acre site. Mr. Spier stated the total investment, including the acquisition of the property was estimated at \$7 to \$8 million. Mr. Spier stated the first phase of the construction was expected to begin in 2023 and the second phase in the second quarter of 2024. Mr. Spier stated the proposal was a five-year abatement and it was a little higher than the normal annual abatement schedule so this one's proposed started at 100% and then declining 5% annually over the five-year life of the abatement. Mr. Spier stated the abatement schedule was identical to the one that was submitted for the River Rock Apartments on Mishawaka Avenue and the one that was approved for the River Walk project that was never constructed north of the river and west of Central Park. Mr. Spier stated there was a lot of assumption and the best thing that they could do was use the Department of Local Government Finance as an online calculator and they would input the location and the assessed valuation and the class of the property and then it would output the anticipated tax bill for the property. Mr. Spier stated when they used the calculator, they used the current tax rates and they used an estimated assessed valuation of \$1.3 million for phase 1 and \$4.1 million for phase 2. Mr. Spier stated that would have an annual tax bill estimated at \$31,000 for phase 1 and \$96,000 for phase 2 and they came up with the assessed valuations by using an estimate of 80% of the construction value, so that could be a little high. Mr. Spier stated it was anticipated that would probably be lower than that, so the estimates as far as taxes paid over the life of the abatement and abated are likely on the high side. Mr. Spier stated looking at the analysis for the life of the abatement, they calculated that taxes paid on the increased investment would be \$64,000 and the taxes abated would be approximately \$575,000 so that was in line with the other residential abatements that were approved previously and previously referenced. Mr. Spier stated Mike Huber was there representing the Barak Group and if they had any specific questions on the actual project, he'd be happy to answer them.

Mr. Banicki stated this showed there would be zero taxes and asked for clarification if that was not right. Mr. Spier stated it said that because it would be 100% abatement and it was still going to happen. Mr. Banicki asked if he could tell him what the taxes were on it at that time. Mr. Spier stated 2% was the cap for the rental and he thought there was an exempt of maybe 2.3, so at that time, the property values were around \$600,000 so it was about \$12,000 to \$13,000 a year as far as the property taxes were. Mr. Banicki stated even on the phase 2, that was a vacant property and there was still value to that property before it was built. Mr. Spier stated that was correct. Mr. Banicki then asked if there was still value and it was not zero. Mr. Spier stated there was also more than one parcel there so there was actually the main parcel that the hotel sat on, so there were three separate parcels in total and it would affect all of the parcels with two of them having land value on them.

Mike Huber, Abonmarche Consultants, represented Barak Group, spoke in favor of **RESOLUTION R2022-21**. Mr. Huber stated he thought Derek did a great job outlining the property and they were at the meeting a couple of weeks ago. Mr. Huber reiterated some of the timeline questions that there might and currently, the property was paying about \$13,000 and

they thought even after phase 1, they were going to see over close to 200% increase in that property tax going into what the new project and would generate the amount of the abatement which actually accounted to about under 10% or so of the total project cost. Mr. Huber stated if you thought about the investment that Mr. Davidson was making in the project, they understood as an underutilized and underperforming property as currently constructed, the level of investment that was being projected for the site was a significant win for the city and over the long term. Mr. Huber stated he knew it was a lot for the first five years' worth of taxes but long term it was going to generate a lot of revenue, a lot more than the current state for the city in the future. Mr. Huber stated it was a highly visible property and you would see some savings in the lack of public safety calls to that building and along with the other improvements they saw in the corridor with the Dunkin' Donuts and the Wendy's, it could help transform the gateway a little bit. Mr. Huber stated they understood that in Northern Indiana at that current time, there was a housing crunch and they thought this would be a market rate program project, however the units were a little on the smaller side so we thought the rents were going to be not luxury and kind of lower than what they saw with a lot of luxury apartments. Mr. Huber stated even if mortgage rates continued to run high, he thought that was going to continue rental housing pressures. Mr. Huber stated in terms of timeline, the developer had closed on the property and was in the process of a lot of the predevelopment as he hired the engineers, architects and they were in the building doing analysis and trying to determine what the right layouts were with the right mixes. Mr. Huber stated they anticipated pulling permits for the construction for the first phase of the project in the Spring of 2023 and also anticipated about a 12 to 18 month construction schedule depending on supply chain issues and delivery of supplies and those kinds of things and then they would follow up probably 4 to 6 months after that with predevelopment starting on the second building in phase two and then another 12 to 18 months beyond that for construction of that. Mr. Huber stated they were probably looking at late 2023, early 2024 to start on the phase two building. Mr. Huber noted the abatement periods for the projects would not actually start until the permits were secured. Mr. Huber stated he would be happy to answer any additional questions and believed John Piraccini may want to make some comments.

Mrs. Voelker asked if he could remind her of the square footage of the apartment. Mr. Huber stated what they were looking at in terms of what they had right then was the current existing hotel rooms, which he thought were in the 300 to 400 square foot range would be a studio with a kitchen in. Mr. Huber stated that two bedrooms would basically be two of those and three bedrooms would be three of those. Mrs. Voelker asked if he had any idea what the rent would be for a studio. Mr. Huber stated right now, just with preliminary numbers, they were looking at probably \$800 for the studio up to \$1,100 for the two bedrooms and something a little higher than that for the three bedrooms. Mr. Huber stated they would not be at the high end but more with the market rate prices.

John Piraccini, 633 Windy Cove Court, was present representing Caldwell Banker Commercial Real Estate. Mr. Piraccini stated he was pretty proud to be a part of the project and the administration had been great to work through the long process with. Mr. Piraccini stated he had this for sale for a long time and he knew it was easy to give an abatement for something that was going to create 50 to 60 jobs in manufacturing or something along those lines, so these were unique. Mr. Piraccini stated he lived on this end of town and drive by the property numerous times and it was nice to see the opportunity there and he did not believe there was anyone who

would be against it. Mr. Piraccini stated it could easily be bought and left how it was and just fixed up because when changing it from an extended stay to an apartment, you had to completely warp it and that was substantial. Mr. Piraccini stated he thought it helped because in this end of town, they did not have a lot of housing growth besides in the south, so it was going to spur a hundred and some units and Mr. Davidson already bought it and he was committed and they had been on this a very long time. Mr. Piraccini stated he appreciated their support.

Mr. Hazen stated in the three years he had been involved with this project, it had at least 10 different people looking at it and trying to invest in it and if that was correct. Mr. Piraccini stated there had been quite a few and some walked away because they wrestled with the cost and they were really trying to avoid putting lipstick on a pig and they were fortunate Dunkin' Donuts had turned the site down about three times and so did Wendy's, but then the pandemic brought a heavy demand for drive-thru's so it made it like a supply and demand thing and they were fortunate they could land Dunkin' on that site too. Mr. Hazen stated he had talked to Mr. Piraccini many times about the property and there were a few people who would have bought the property and left it how it was, because it was making some money and Mr. Piraccini kind of steered away from that because he knew that was not what the city wanted and he appreciated that. Mr. Piraccini stated he believed it was the owner that wanted to close it and he told him not to because he felt that it would at least be generating something and if it were to close then all of a sudden they would have been fighting an even worse issue and he made it known they needed to keep it.

Mr. Banicki thanked Mr. Piraccini for his work on this and it would really beautify the area. Mr. Banicki stated he knew someone who had lived there for over 10 years and she was quite surprised when they actually reduced her rent already, so that was well received and then also the ability for some of the folks who had nowhere to go, with them going to be able to stay there during some of the construction was a good move. Mr. Banicki stated if it got too bad, he was sure they may be relocated for a short period of time. Mr. Piraccini stated he knew that was a sensitive issue and that had been said from day one that they did not want to be accused of running people out of their homes and it may be a point where the utilities get shut off or they just can't stay there anymore because of construction but they had been working with the situation. Mr. Piraccini stated when it got out to the media and as it got out to the public that it was going to get sold, a lot of people took off. Mr. Piraccini stated that may have been a blessing in disguise because it might make it easier for the transition, but the last thing they would want to do would be to force people out.

Mr. Hixenbaugh stated there was a statement in the staff report that was well written and jumped out at him and it indicated that it was important when looking at these type of projects to look at the opportunities to redevelop underperforming commercial structures to continue to pave the way for future investment. Mr. Hixenbaugh asked based upon his experience and knowledge of commercial development, if he would agree with that statement that this was not only good for the particular property, but supported further economic development in that stretch of Mishawaka on into the future. Mr. Piraccini stated he agreed 100%.

Mayor Wood wanted to be on record supporting the resolution and as they knew, tax abatements in general were very rare in the city of Mishawaka and he could not even remember the last one

they did and it had to have been a couple of years ago. Mayor Wood stated abatements for housing projects were even rarer and they tried to make sure that they went through them on the administrative side to make sure they were the right fit for the city and Mayor Wood stated they believed this one was the right fit. Mayor Wood stated they had been looking for stability on this particular site for a long time and this project provided that stability. Mayor Wood stated he also thought it was important to remind people that this was not the city handing out cash and this was phased in new improvements and this was an abatement on phased in new improvements, so while it did not necessarily cost them anything up front, it was the phased in benefit incentive to builders and it allowed them to have a little more stability with building costs. Mayor Wood stated they thought this was warranted because of the increased costs of doing a project such as this and it was, as mentioned, an incentive-based phased in on the improvements but ultimately over time would benefit the city in not only providing a staple site and staple project, but allowing for some economic growth around there but also the tax revenue generated long term could be much significantly improved over where it had been in the past.

Mr. Hazen wanted to repeat what Mr. Piraccini said that three years ago when he was out campaigning, this by far was the number one issue with everyone he talked to and continued to be a top priority as far as wanting to do something with the old LHN. Mr. Hazen stated the way he looked at it, if you looked at \$13,000 taxes over five years it came out to \$65,00 and they were saying they would make \$64,000 anyways, so it would be no cost to them to get rid of an eyesore and something that should clean up the area tremendously, especially with Capital Avenue right there and he would be supporting this.

Mr. Compton stated he thought a lot about this, talked to some council members and talked to some community members and he would not be able to support this. Mr. Compton stated he thought a lot about it and Mr. Spier made a comment that compared the abatements to other residential abatements they had given and he appreciated that and it showed the council that they were not doing anything outside of what they had not done before, but he thought they were setting the precedent. Mr. Compton stated he thought they had at least two more apartment projects coming to their community and he could almost guarantee they would be asking for this because this was what they had done and it became a standard and that was what he wanted to caution the council on future abatements. Mr. Compton stated he wanted this to be successful and he thought that Mr. Hazen was correct but he struggled with tax abatements on apartment projects. Mr. Compton stated they had given two with one of the projects not going forward and the other moving along well. Mr. Compton stated a third project, there was some state money that went into it that made it successful so they did not have to give an abatement. Mr. Compton stated he struggled with it and in his mind this was not what abatements were for. Mr. Compton stated abatements were for jobs and he could appreciate what Mr. Piraccini said that there would be construction and maintenance jobs in these apartments in the future, but that was where he stood.

Mr. Mammolenti thanked Mr. Hazen and Mr. Compton for their comments that pertained to this project and also Mr. Piraccini along with everyone else involved in putting the project in motion. Mr. Mammolenti piggybacked on Mr. Compton's comment and he did not think it was a standard or at least in his opinion or how he viewed abatements and he knew as a council in a city, they tended to look at these and scrutinize abatements and not hand them out very easily.

Mr. Mammolenti stated when he made this decision, the personal reflection he did was, was it going to bring stable, high-paying jobs to attract businesses to the area and he also looked at it as revitalizing certain underdeveloped areas and he did not think anyone he talked to from the resident side of things were happy with the way the building looked and how their first responders had been called to that location several times. Mr. Mammolenti stated he believed it was time something needed to be done and he thought in order to get that done, if it took a minor tax abatement that would get the return on investment very quickly as Mr. Hazen mentioned, he was all for it. Mr. Mammolenti stated he would be in support of the resolution that evening.

Mr. Banicki stated there a couple of things he hoped would happen there, with one being they use a lot of local labor and get their neighbors working whether it was renovations of this or whatever the case. Mr. Banicki stated they needed to make sure local people work and not shipping people out from out of town and money leaving town. Mr. Banicki stated the other thing was there needed to be stiff management of this building. Mr. Banicki stated there were other apartments, such as the 100 Center apartments where it was like the inmates were running the asylum and they had to make sure whoever was running this would be running it with a stiff fist and hoped whoever managed this would not allow it to turn into some place where the police had to be on site 24/7. Mr. Banicki stated he would support this.

Mr. Emmons stated even though this project was not in his district, he did travel that area and a number of times people had come to him and asked him what was going to happen out there and why the city had not done something to incorporate that area, make it productive, make it viable and make it something substantial to where it was proud to be there. Mr. Emmons stated it had been a number of years where nothing had been done and it was not only a blight to him but to the city as well. Mr. Emmons stated if they had the chance to improve that area for something that would benefit not only the people but also the area, he would be in favor of supporting it.

Mr. Hixenbaugh appreciated the thoughtful comments on the part of his colleagues and he did not mind stating for the record that in concept, he agreed with everything Mr. Compton was said. Mr. Hixenbaugh stated he did not recall in his time on the council having ever voting in favor of a residential facility receiving a tax abatement of that type and the prior abatements that were approved were in between terms for him. Mr. Hixenbaugh stated he would have some concerns about voting in favor of the resolution but for the information that had been provided to them that evening in the prior public hearing and then integrating that into an analysis of the law. Mr. Hixenbaugh stated one of the things they had to find in order to grant a tax abatement was that the area itself was undesirable for or impossible of normal development and occupancy and he thought they heard that evening about the extended time that the market turned its nose up at the property and investors ran away from it when they found out what the cost of the development would be. Mr. Hixenbaugh stated with the fact that they had somebody who was willing to step up at that time on this particular property was a distinguishing factor in his mind. Mr. Hixenbaugh stated as had been said, this was an eyesore for many years and not too long ago, if people had told him that someone was willing to invest \$8 million on this particular property, he would have questioned it. Mr. Hixenbaugh stated he was pleased that a high-quality development had been placed in front of them and it looked like it was going to occur. Mr. Hixenbaugh stated he thought it was important that the timeframe that had been embedded in the abatement be complied with. Mr. Hixenbaugh stated this was not an unlimited opportunity to sit on the site and

not develop it and three years would start to click fairly quickly in this situation, so it had to be done and could not be like what happened across the river on Mishawaka Avenue. Mr. Hixenbaugh stated but with that provides all about the limited timeframe, with the prospect of the investment of as much as \$8 million being invested in the site and on balance, he found that as the law required, the totality of the benefits there was sufficient to justify the abatement. Mr. Hixenbaugh stated he would be voting in favor of it.

Question was called at 7:26PM for **RESOLUTION R2022-21 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mrs. Voelker Mr. Hixenbaugh.

No: Mr. Compton. The resolution passed 8-1.

RESOLUTION R2022-22

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA ADOPTING A PLAN FOR DISTRIBUTION OF THE PROCEEDS OF THE CITY OF MISHAWAKA'S GRANT FROM THE AMERICAN RESCUE PLAN ACT OF 2021.

Amending R2022-10 the American Rescue Plan

Mr. Hixenbaugh began the public hearing with some comments of his own since the council was intimately involved in the preparation of the document and would ask Mr. Mammolenti to chime in as well. Mr. Hixenbaugh stated the resolution in front of them that evening really was a next step into the process they initiated going on almost two years ago. Mr. Hixenbaugh stated they were now at the stage where the special committee that the council put together had a chance to look at the request for funding by various entities in the community and the resolution, along with the companion appropriations ordinance that also would appear on the agenda later that evening set the stage for them to be able to actually distribute some grants and subsidies to a list of community partners. Mr. Hixenbaugh stated before he turned things over to Mr. Mammolenti, just for the record and for the benefit of the public, the projects that were imbedded in the resolution and proposed for funding were Boys and Girls Club, United Way, Head Start, One Roof Project in the amount of \$750,000, Youth Services Bureau in the amount of \$375,000, Troop Town in the amount of \$325,000, Mishawaka Building Trades Program in the amount of \$275,000, The Mishawaka Penn Harris Public Library in the amount of \$50,000, and The Res in the amount of \$35,000. Mr. Hixenbaugh stated this had been a collaborative process between the council and the administration and they appreciated their participation as well. Mr. Hixenbaugh thanked all of the applicants and they had a larger group who submitted applications and they unfortunately were not able to fund all of them but all of them had merit to them and hopefully they would be able to move forward in the community. Mr. Hixenbaugh thanked the Controller, Becky Maguire, their financial consultants over at Baker Tilly and their Council Attorney, Mike Trippel for their assistance in putting it together. Mr. Hixenbaugh also thanked the special committee that they formed chaired by Mr. Mammolenti and also consisting of Mr. Compton and Mrs. Voelker. Mr. Hixenbaugh stated they did an admirable job of vetting the projects and really taking a hard look at making sure they were spending the money in a responsible way. Mr. Hixenbaugh stated in addition to setting the stage for recipients to receive the amounts he

indicated earlier, this also embedded within their resolution and within the receipt of the money, some accountability. Mr. Hixenbaugh stated there was a grant agreement that the individual recipients would be asked to execute and a reporting component of that to make sure that they were being good stewards and that the people receiving the money were being good stewards of this once in a generation opportunity to do good in Mishawaka in ways that they would not have been able to do absent the receipt of the funding. Mr. Hixenbaugh stated he appreciated the work of all involved.

Mr. Mammolenti thanked the members, Mr. Compton and Mrs. Voelker and also thanked the council as well. Mr. Mammolenti stated it was always the committee's mission to have this kind of collaborative discussion with the council and he made a promise early on that everybody would at least have a voice in the decision and he thanked everybody for doing that as well. Mr. Mammolenti echoed Mr. Hixenbaugh's thanks and thanked the Mayor and his staff, Mr. Prince, Mrs. Maguire and the financial consultants and he knew Mr. Trippel and Mr. Hixenbaugh did a lot of work on the back end from the paperwork and composing a lot of the literature and the legal documents, so he really appreciated that as well. Mr. Mammolenti said a special thanks to all the applicants and stated it was a difficult decision and unfortunately they had a certain amount of funds they could give and when the committee formed, they wanted to reach as many people in the city as quickly and widely as they could and they tried to make a real impact on the city and the residents. Mr. Mammolenti stated he was extremely proud of the applicants potentially receiving funds that evening depending on the vote and he thought they did a great job in terms of capturing exactly what they set out to do. Mr. Mammolenti stated with some of the programs, like One Roof, they started from infants to the grave so everybody was included. Mr. Mammolenti thought they did a great job with their applicants and reaching as many people as possible. Mr. Mammolenti thanked another thanks to everyone involved in making the decisions and the applicants for everything they did in the community to help their residents, their veterans, their young children, their elderly and everyone that was in need of it. Mr. Mammolenti felt like they hit the target on this one with the recipients that evening and he looked forward to getting the updates and hearing the progress and lives changed based on what they could do. Mr. Mammolenti thanked everyone once more.

Bob Shriner, 519 Miami Club Court and Treasurer for the Preservation of the Res, spoke in favor of **RESOLUTION R2022-22AA**. Mr. Shriner thanked them on behalf of the Res for the money that they could receive from this and like him the buildings were getting older out there and it took a lot of money to keep them up to date and to do so without having to raise what they charged people who utilized them. Mr. Shriner thanked them all very much for this donation to them.

Jacqueline Cronk, Boys and Girls Club CEO, 502 East Sample St, stated on behalf of the Boys and Girls Club, Head Start and United Way, they were ecstatic. Mrs. Cronk stated they could assure them they would work diligently to put their investment to good work and that they could hopefully see kids running the hallways of the building in the not too distant future and that the lasting impact of that investment would be felt throughout Mishawka for a long time. Mrs. Cronk thanked them very much.

Chris Elmrick, 1202 Lincolnway East, spoke on behalf of the Mishawaka Building Trades in the

School City of Mishawaka and thanked them all very much. Mr. Emrick stated from the Mayor and Mr. Prince presenting the home to them at 324 East Mishawaka Avenue, and to be able to have funds to actually complete the home and start their renovation, these were projects they wanted to do with their students to start expanding with not just the construction, but the rehabs as well. Mr. Emrick stated this was phenomenal and an incredible opportunity and their students were already out there doing some of the demolition part that did not cost much money and they would love for them to stop by and see the project at its beginning. Mr. Emrick stated they would be doing a construction project in the Habitat neighborhood as well and on behalf of all of them at School City of Mishawaka and Mishawaka High School and their Building Trades program, he thanked them very much.

Mrs. Voelker stated she was particularly excited about this because with the Historic Commission, they started talking with Mishawaka Building Trades almost a year and a half ago about possibly putting a program together to start rehabbing their old housing stock in the city of Mishawaka with hopes of revitalizing neighborhoods in another way and also that it would be great for the students involved in the program to not only have the knowledge of building new homes, but most of them lived in old homes that needed repair. Mrs. Voelker thought it would be great skills for their students to have going forward and hoped this donation would allow the Building Trades to expand into other compromised parts of the city and making an impact for many years to come and was really excited about the opportunity. Mrs. Voelker stated the Historic Commission was interested in coming out to volunteer and hoped they could help with some other aspects of the home at 324 East Mishawaka Avenue. Mr. Emrick stated they definitely welcomed that and this was just their startup and the seed money to the program. Mr. Emrick stated they would be looking at other homes in the area and they wanted it to be a sustainable program just as their new construction had been.

Mr. Emmons stated he had a soft spot for the program as a former industrial arts teacher and he wanted this program to succeed and he also used to substitute teach at the high school in the Building Trades program, so he got to see firsthand what they did and when they were building new homes. Mr. Emmons stated he was very proud of the homes they built in the past and his sister-in-law actually lived in one of them. Mr. Emmons stated this program meant a lot to him and he hoped it succeeded and he hoped this donation really helped.

Christina McGovern, Director of Development Youth Service Bureau of Saint Joseph County 2222 Lincolnway West, thanked the council for all of their due diligence and knew this was not an easy job by any means and this truly will be transformational for young people in the community and the need for their services was going to continue to grow. Mrs. McGovern stated this building would be life changing for so many and thanked the council once again.

Jim Method, Mishawaka Troop Town, stated from himself and the entire team, they wanted to express their gratitude and thanks for approving their request for the funds. Mr. Method stated if they traveled down Jefferson lately, they saw the removal of the trees and the funds they received from the city would allow them to continue demolition in the fall and they already contacted the Mishawaka Fire Chief. Mr. Method stated they would conduct training in the buildings before demolition and hoped to have them down before Veterans Day. Mr. Method stated everything was coming along and understood Clerk Block shared the site plan with the

council 2 weeks ago and that had already been approved by the Engineering Department, the Fire Marshal and everyone else involved so everything was truly in line with where they wanted to be. Mr. Method stated they would continue their fundraising efforts next spring and offered his deepest thank you once again.

Ben Modlin, 1202 Lincolnway, commended the council for all of the wonderful programs with the ARPA funds they were supporting. Mr. Modlin stated him as a parent, had children in Boys and Girls Club and him as a teacher, had students that really would benefit from a lot of the programs and his wife loved the library and he had many family members who were veterans as well. Mr. Modlin stated this was a wonderful way to reach out into their community and really invest and to grow it. Mr. Modlin thanked them very much and was very appreciate of all of the groups that funding was going to.

Mr. Mammolenti wanted to thank everyone on the council for their patience and also the applicants for their patience as well. Mr. Mammolenti stated her knew it was a long process and it was a labor of love, but he thought the committee wanted to do this right instead of rushing it. Mr. Mammolenti stated he did, in that sense, want to apologize that it may have taken a little bit longer than they originally hoped, but he could not over reiterate the fact that they believed they hit mark enough. Mr. Mammolenti stated in every aspect, as Mr. Modlin mentioned, they were investing in their youth and their future of the city of Mishawaka and those who had served as well. Mr. Mammolenti stated he couldn't thank everybody enough and couldn't wait to see this start rolling.

Mr. Compton stated he too got a little frustrated that it didn't move along like they thought, but when dealing with funds from the federal government, there were hurdles and reporting and regulation and it seemed to hold things up. Mr. Compton stated they did have to take their time and do it right, cross their T's, dot their I's so they could be as efficient as possible. Mr. Compton stated with all of the groups they chose to support, it was about housing and youth and he believed they covered quite a bit of that in what they were doing. Mr. Compton stated these were things that would carry on well into the future in their community and there some things you got to do as a city councilman that had a long term effect and this was one of them. Mr. Compton thanked their Federal Government that this was made available to them and thanked Mayor Wood along with the council for the way they chose to distribute the funds, because he believed they did good and would continue to do so long into the future.

Mr. Banicki thanked everyone for their hard work and congratulated all of the organizations that were awarded that evening and each and every one of them would make a difference in the area whether it was directly in his neighborhood or someone else's neighborhood. Mr. Banicki stated these were all positive things that would really improve things and they were so appreciative of the donations. Mr. Banicki congratulated them and offered his thanks to all parties involved.

Mr. Hixenbaugh thanked everyone involved in the process and congratulated all of the recipients and hopefully this would not be the last time they saw them and looked forward to hearing from them as the project rolled out. Mr. Hixenbaugh stated there would be some reporting and legal leads that went along with it, but most of them were already adept to that and wanted them to consider themselves an open invitation to step up to the podium in the new city hall and provide

the council updates as they see fit.

Question was called at 8:18PM for **RESOLUTION R2022-22 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker Mr. Hixenbaugh. The resolution passed 9-0.

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

PROPOSED ORDINANCE NO. 2022-27

**AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF
MISHAWAKA SEWER DEPARTMENT AND THE TEAMSTERS LOCAL UNION
NUMBER 364 AMENDING THE COLLECTIVE BARGAINING AGREEMENT
EXPIRING ON THE 31ST DAY OF DECEMBER 2024**

**Amendment to Collective Bargaining Between the City and Local 364 Sewer Department –
Expiring 12-31-2024**

Mr. Bellovich reported the Committee of Personnel recommended this proposed ordinance should be adopted. This was signed by the entire committee and upon a second by Mr. Banicki, the motion carried.

Tom Dolly, 1701 Bennington Drive and Department Manager for Sewer Maintenance for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2022-27**. Mr. Dolly stated he was in favor due to the fact that the laws have changed on obtaining CDL licensing and they had a couple of young guys they hired and once they get into the department, they are given a 90 day probationary period and that was for them to look at their work and for them to obtain their CDL if they did not have one. Mr. Dolly stated if they did not have the CDL license within 90 days, their contract stated that they had to be terminated and they could give them an extension, but it could only be one extension. Mr. Dolly stated this had been needed when it was drawn and they did have the classes approved and the city certified to train other employees. Mr. Dolly stated they had guys who went through it and all passed it and two of his guys went on to obtain their CDL license last week. Mr. Dolly stated he was in favor of this and appreciated their consideration on the matter.

Question was called at 8:23PM for **PROPOSED ORDINANCE NO. 2022-27 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5802**

PROPOSED ORDINANCE NO. 2022-28

**AN ORDINANCE APPROVING AN AMENDMENT TO COLLECTIVE BARGAINING
AGREEMENT BETWEEN THE CITY OF MISHAWAKA AND THE MISHAWAKA
FRATERNAL ORDER OF POLICE LODGE 91**

**Amendment to Collective Bargaining Between the city and Mishawaka Fraternal Order of
Police Lodge 91 – Expiring 12-31-2022**

Mr. Banicki reported the Committee of Personnel recommended this proposed ordinance should be adopted. This was signed by the entire committee and upon a second by Mr. Mammolenti, the motion carried.

Craig Nowacki, Assistant Chief of Mishawaka Police Department, spoke in favor of **PROPOSED ORDINANCE NO. 2022-28**. Chief Nowacki stated this was a contract language change incorporating ERT, which was the new emergency response team so they would be able to have those procedures in their contract as far as utilizing them, activating them and getting them on scene. Chief Nowacki stated it was unanimously voted on by the FOP as well as approved by the City Attorney as well as the Board of Public Works.

Mrs. Voelker asked if he could give an example of when they may need to do this. Chief Nowacki stated if you had maybe a state of emergency in the city or any occasion where they were going to need to get officers in and get them in quick when they may not be having response from other officers responding to it. Chief Nowacki stated they had people who could be on call and they could be activated.

Question was called at 8:26PM for **PROPOSED ORDINANCE NO. 2022-28 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5803**

PROPOSED ORDINANCE NO. 2022-29

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE
EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31,
2022**

**Additional Funds – ARP Coronavirus Local Fiscal Recovery Grant – Boys and Girls Club (\$750,000.00) – Youth Service Bureau (\$375,000.00) – Troop Town (\$325,000) – Mishawaka Building Trades (\$275,000.00) – M-P-H Public Library (\$50,000.00) – The Res (\$35,000.00)
– Total (\$1,810,000.00)**

Mr. Banicki reported the Committee of Budget & Finance recommended this proposed ordinance should be adopted. This was signed by the entire committee and upon a second by Mr. Mammolenti, the motion carried.

Mr. Hixenbaugh clarified for the record that this was the companion piece to the resolution passed before in order to comply with state law, they needed to actually appropriate the money so the people that were congratulated earlier could actually receive the money.

Ben Modlin, 1202 Lincolnway, spoke in favor of **PROPOSED ORDINANCE NO. 2022-29**. Mr. Modlin stated all of these wonderful organizations would greatly benefit from the investment and he thanked the council very much.

Mr. Hixenbaugh added thanks to their Controller, Becky Maguire, who prepared the ordinance and made sure they could spend the money.

Question was called at 8:29PM for **PROPOSED ORDINANCE NO. 2022-29 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5804**

PRIVILEGE OF THE FLOOR

Mayor Wood spoke under Privilege of the Floor. Mayor Wood gave the council an update on the Ready Grant Program that Indiana made available using their ARPA funding and they provided through a competitive process \$40 million to the local RDA, their regional RDA made up of Elkhart, St. Joseph and Marshall Counties. Mayor Wood stated they began a process to seek out projects and to then go through and scrutinize them and that day it culminated in an announcement of awards, the city of Mishawaka received \$5 million for their athletic facility on the far north side. Mayor Wood stated they also received a \$200,000 award for George Wilson Park and so they were very pleased to have had their considerations taken very seriously and awarded. Mayor Wood stated they did not get a couple of other but they thought these projects here would make a big impact towards what Indiana was trying to do as far as promoting regionalism to attract people to their area. Mayor Wood concluded stating the city did pretty well that day.

Mr. Hixenbaugh thanked Mayor Wood and everyone else involved in submitting those applications and filling out the necessary forms and documentation to make it happen.

Mrs. Voelker congratulated them and stated it was a lot of hard work and was excited about the athletic fields. Mrs. Voelker also stated she was looking forward to figuring out how to make the other ones happen. Mayor Wood stated it was a big team effort and every good team had a captain and Ken Prince was the one heading the project and was heavily involved.

UNFINISHED BUSINESS

RESOLUTION R2022-17

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: 1017 EAST JEFFERSON BOULEVARD, MISHAWAKA, INDIANA.

Use Variance to allow Food Truck in the parking lot of Pilo's Body Shop – 1017 E. Jefferson Blvd.

(Petitioner Requesting Postponement)

Mr. Compton made a motion to honor the petitioner's request and Mr. Banicki seconded the motion. The matter passed unanimously and would be heard on Monday October 3rd, 2022 at the next regularly scheduled council meeting in the New City Hall building.

NEW BUSINESS

RESOLUTION NO. 2022 - 23

**A RESOLUTION OF THE COMMON COUNCIL AND CITY CLERK
OF THE CITY OF MISHAWAKA, INDIANA**

WHEREAS, the City of Mishawaka has conducted public business at the current City Hall, located at 600 East 3rd Street, Mishawaka, Indiana, since March of 1986; and

WHEREAS, the regular meeting on September 19, 2022, will represent the last time that the Common Council and City Clerk of the City of Mishawaka will conduct a Council meeting in the current City Hall before moving to the new City Hall located in downtown Mishawaka; and

WHEREAS, while the Common Council and City Clerk are excited by the prospect of better meeting the needs of the community following the move to the new City Hall, it is nevertheless appropriate to acknowledge the many contributions to the public good that have occurred in the current City Hall; and

WHEREAS, the Common Council and City Clerk appreciate the participation in Council meetings by the numerous members of the public who have appeared before the Council in the current City Hall over the course of time to exercise their rights as citizens; and

WHEREAS, the Common Council and City Clerk further wish to acknowledge the service to the citizens of Mishawaka that has been provided by the many City employees who have worked in the current City Hall over the course of time; and

WHEREAS, the Common Council and City Clerk further wish to honor the public service by every elected or appointed official who has worked diligently to promote the best interests of the community in the current City Hall over the course of time.

NOW THEREFORE, BE IT RESOLVED, by the Common Council and the City Clerk of the City of Mishawaka that heartfelt thanks are extended to all those individuals recognized above, who have played a vital role in making Mishawaka a better place to live, work, and play by virtue of their time spent in the current City Hall located at 600 East 3rd Street, Mishawaka, Indiana.

Mayor Wood spoke in favor of the resolution. Mayor Wood expressed his excitement to move into the new building, but also that it was equally sad to leave the chambers and this had been

home for them for a long, long time and his entire existence in city government. Mayor Wood stated this was a welcoming place and it was not the building that made it that, although this felt like home and it was the hundreds of public servants, elected officials and volunteers that made the building what it was. Mayor Wood stated as they moved into the future of the city of Mishawaka, he was confident that they would see their best days ahead because of the great team that made up the buildings they would occupy. Mayor Wood stated this place would always hold a special place in his heart and was glad they had a productive use for it. Mayor Wood stated this would likely be a neighborhood center in the heart of the neighborhood and once again serving kids from Mishawaka and he could not think of a better use than that. Mayor Wood stated they were sad to see it go, but they knew the life of the building would serve for generations to come hopefully in Mishawaka and on a personal note, he was honored to sit up on the dais in the past as a councilman and looked forward to the future.

Debbie Ladyga-Block, Mishawaka City Clerk, spoke in favor of the resolution. Clerk Block stated they moved into this building in March of 1986 and she was there for two weeks, employed in the City Clerk's Office for those two weeks before she left and went to private business for six years before coming back to the city in 1992. Clerk Block stated she experienced the old building and it was more than timeless but it was a great old building. Clerk Block stated she was extremely excited to move into the New City Hall with it being a state-of-the-art building and it would be her third city hall and hopefully would be a longtime city hall. Clerk Block pointed out that the little alcoves in the wall were actually for the gymnasium and cafeteria and that was where the tables for the kid's lunches were and they closed up into the alcoves and their esteemed former councilman, John Gleissner would tell many stories about the building because he also taught there in the past. Clerk Block stated there was so much history there with her office being the Principal's Office and the Mayor's Office being the Nurse's Office and when you thought about the building and of all the people who walked the halls and sat in their seats, she wanted to thank the council for doing the resolution and stated Mr. Hixenbaugh did a great job writing it and thanked all who were present that evening.

Mr. Hixenbaugh thanked Clerk Block in her assistance in putting the resolution together. Mr. Hixenbaugh stated as Mayor Wood said, it was bittersweet and he thought they were all excited for the move but there were a lot of memories there. Mr. Hixenbaugh stated he had talked to Mr. Compton about playing basketball in the gym years ago when they went to Battell Elementary School and when he practiced law, he appeared before the council a couple of times before taking office. Mr. Hixenbaugh stated there were fond memories there and the Mayor was completely correct in saying it was not about the building, but the people in it and he thought back to the Dotti Wayne's, Primo Fonte's and the John Piraccini's and the Bill Pemberton's and all who sat up there, it brought back very pleasant memories for many of them. Mr. Hixenbaugh stated his own personal trip down memory lane was reviewing the resolution that was passed in 1986 when they moved from the former city hall and it brought a little tear to his eye when he saw that his Uncle George was one of the councilmen at that point in time who signed off on that resolution so he took a little bit of family pride in being part of this. Mr. Hixenbaugh stated it was one of the great pleasures in his life to serve with all of them in the building and he looked forward to continuing to serve with them as they moved into the new facility and his hope was

that the best of what they had done there would follow them downtown to Mishawaka and that they would continue to do good work that they did each and every time they came together to represent the City of Mishawaka.

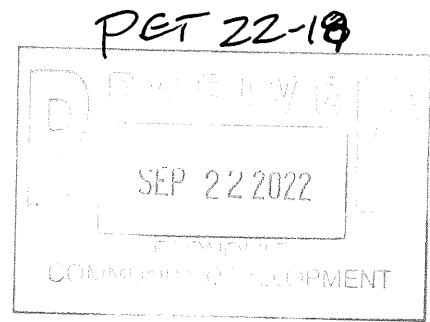
Question was called at 8:43PM for **RESOLUTION R2022-23 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker Mr. Hixenbaugh. The resolution passed 9-0.

ADJOURNMENT 8:44PM

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

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President



DATE: September 19, 2022

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

RE: PETITION FOR PUD AMENDMENT – 5540 North Main Street

The undersigned **Jinder Food Services Inc.** respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 28; THENCE NORTH 0 DEGREES 06 MINUTES 19 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 596.36 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 06 MINUTES 19 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 80.00 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 58 SECONDS WEST, A DISTANCE OF 372.32 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MAIN STREET; THENCE SOUTH 20 DEGREES 00 MINUTES 16 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF MAIN STREET, A DISTANCE OF 85.12 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 58 SECONDS EAST, A DISTANCE OF 401.74 FEET TO THE PLACE OF BEGINNING.

5540 North Main Street, Mishawaka, Indiana, 46544
County Parcel ID: 029-1002-038413

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for **Restaurant-use (Windy City Gyros/Mancino's Italian Eatery)**.

Petitioner(s) desire said real estate to be amended to allow for **a Drive-Through Restaurant-use/Coffee Shop based on the C-7 Zoning District with the following requested modification:**

- 1. Required parking spaces for this use to be reduced from 15 spaces per 1,000 square feet of gross floor area to 13 spaces per 1,000 square feet of gross floor area.***

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

Jinder Food Services Inc. - Owner

/var/folders/dd/shz18y2n58lbtqgl72ks4jr00000gn/T/com.microsoft.Outlook/Outlook Temp/7Brew PUD Submittal
Petition.doc

an appropriate ordinance be enacted amending the PUD of the herein described parcel of land located in the City of Mishawaka.

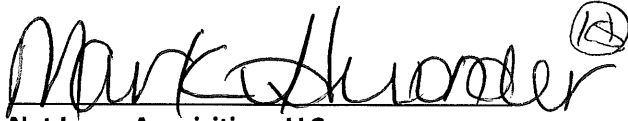


Jinder Food Services Inc. - Owner

Net Lease Acquisitions LLC
Owner Under Contract

CONTACT PERSON:

Mark Huonder – Net Lease Acquisitions LLC
1000 Forest Park Blvd., Suite 401
Fort Worth, TX 76610
(651) 357-5723
mh@netleaseproperties.com



Net Lease Acquisitions LLC
Owner Under Contract

CONTACT PERSON:

Mark Huonder – Net Lease Acquisitions LLC
1000 Forest Park Blvd., Suite 401
Fort Worth, TX 76610
(651) 357-5723
mh@netleaseproperties.com

0 20 40
SCALE: 1" = 20'

1. SITE IS ZONED S-2- PLANNED UNIT DISTRICT PER CITY OF MISHAWAKA, IN.

2. BOUNDARY INFORMATION IS GRAPHICALLY SCALED, THIS PROJECT LOTS AND ACRESAGES SHALL BE CONSIDERED APPROXIMATE ONLY.

3. BUILDING SETBACKS AS PER THE CITY OF MISHAWAKA, IN CODE (ASSUMED PER C-7).

FRONT YARD= 25'
SIDE YARD = 5'
REAR YARD = 30'

PROPOSED BUILDING: COFFEE SHOP

REQUIRED PARKING PER C-7 ZONING DISTRICT:
(DRIVE-THRU RESTAURANT): -

15 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA

TOTAL REQUIRED: 8 SPACES

PROVIDED STANDARD SPACES	0 SPACE
PROVIDED H.G. ACCESSIBLE SPACES	1 SPACE

[illegible]

13 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA

PROVIDED OVERALL PARKING RATIO: 13.72/1,000 S.F.

PROPERTY ADDRESS:
5540 NORTH MAIN STREET MISHAWAKA, IN 46545

ACREAGE:
0.71 ACRES

LEGAL DESCRIPTION:
A PARCEL OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 28,
TOWNSHIP 36 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWA,
ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 28; THENCE NORTH 0 DEGREES 06 MINUTES 19 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 596.35 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 06 MINUTES 19 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 80.00 FEET; THENCE NORTH 69 DEGREES 57 MINUTES 58 SECONDS WEST, A DISTANCE OF 373.22 FEET TO THE EASTERN RIGHT-OF-WAY LINE OF MAIN STREET; THENCE SOUTH 20 DEGREES 16 MINUTES 16 SECONDS WEST ALONG SAID EASTERN RIGHT-OF-WAY LINE OF MAIN STREET, A DISTANCE OF 63.12 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 58 SECONDS EAST, A DISTANCE OF 401.74 FEET TO THE PLACE OF BEGINNING.

Three working days prior to the start of any excavation on this site, the Contractor shall contact 1-800-362-5544 for utility location information.

FOR REVIEW PURPOSES ONLY

BFA
Engineering • Surveying

SHEET NAME
CONCEPTUAL SITE
PLAN 1.0
CSP-1.0

REVISIONS

1		A ₁
Bys		A ₁
2		
Bys		A ₁
3		
Bys		A ₁
4		
Bys		A ₁

CKED
B.S.
ATE

09/22/22
SCALE
1"=20'

SHEET NAME
CONCEPTUAL SITE

CSP-1.0

C-1

C-1

C-1

W INDIAN RIDGE BLVD



S-2

S-2

S-2

PET 22-18

S-2

R-3

TIMBERLAND DR

N MAIN S

S.R. 23

S-2

S-2

S-2

S-2

OSAGE LAKE DR

GRAPE RD

Location Map

PET 22-18

JINDER FOOD SERVICES, INC. &
NET LEASE ACQUISITIONS LLC

5540 N. MAIN STREET

PUD AMENDMENT FOR A
RESTAURANT WITH DRIVE-THRU,
REDUCED PARKING &
FIBER CEMENT BOARD

E DOUGLAS RD

C-1

NOTICE OF HEARING

VACATION NO.	<u>2022-02</u>
PETITION NO.	<u>2022-15</u>
DATE of HEARING	<u>10-03-2022</u>
TIME of HEARING	<u>7:00PM</u>

A petition has been filed by Thomas McLaughlin, Cory Smith and Erin Corcoran.

Public right-of-way vacation for the 1st east/west alley between lots 44 and lots 45, 46, and 47 – 515 Clay Street and 804 Wilson Boulevard

NOTICE IS HEREBY GIVEN that a regular meeting of the Mishawaka Common Council will be held on October 03, 2022 at 7:00 pm in the Council Chambers, City Hall, 100 Lincolnway West, Mishawaka, Indiana. A Public hearing will be conducted on a proposed ordinance at which time any interested person may appear, be represented by agent or present in writing any reasons they may have for the granting or denying of a proposed ordinance. You are requested to prepare your case, in detail, and present all evidence relating to this proposed ordinance at the time of scheduled hearing.

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

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

PROPOSED ORDINANCE NO. 2022-34

ORDINANCE NO. _____

AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023

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

Section 1. The biweekly salaries of the following elected officials of the City of Mishawaka, Indiana, for the fiscal year beginning January 1, 2023 shall be payable in 26 equal biweekly pay periods beginning January 6, 2023 in the following amounts:

	Biweekly salary
Mayor	\$ 3,427.71
Clerk	2,432.95
Council member	507.53

Section 2. Clerk Certifications

IN ACCREDITED MUNICIPAL CLERK (IAMC)	38.47
CERTIFIED MUNICIPAL CLERK (CMC)	48.08
MASTER MUNICIPAL CLERK (MMC)	67.31
CERTIFIED PUBLIC FINANCE ADMINISTRATOR (CPFA)	57.90

The MMC pay substitutes and replaces the CMC pay. Pursuant to the IIMC rules, the MMC replaces the CMC and that later designation is dropped.

Section 3. Any prior ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after its publication, passage, signing and due attestation.

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

This _____ day of _____, 2022, at ____ o'clock, __. m.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor, this _____ day of _____ 2022, at _____
o'clock, _____. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2022, at _____ o'clock, _____. m.

David A. Wood, Mayor

ORDINANCE _____

AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT SWORN PUBLIC SAFETY, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS, AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2023.

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

Section 1. The biweekly salaries of all employees of the City of Mishawaka except sworn Public Safety, the Mishawaka Park Department, Elected Officials and the Mishawaka Utilities for the year beginning January 1, 2023 and shall be payable in 26 bi-weekly pay periods commencing on January 6, 2023.

BIWEEKLY SALARY

MAYOR'S EXECUTIVE ASSISTANT	\$ 2,005.35
MAYOR'S ADMINISTRATIVE ASSISTANT	\$ 1,797.36
MAYOR'S EXECUTIVE SECRETARY	\$ 1,523.36

CONTROLLER	\$ 3,371.05
DEPUTY CONTROLLER	\$ 2,363.59
ACCOUNTANT	\$ 1,839.50
PAYROLL CLERK	\$ 1,677.04
BOOKKEEPER A	\$ 1,717.43
BOOKKEEPER B	\$ 1,491.25
BOOKKEEPER C	\$ 1,396.20
PURCHASING MANAGER	\$ 1,927.31
PURCHASING AGENT	\$ 1,734.99

CERTIFICATIONS:	
CPA CERTIFICATION FT	192.31
CERTIFIED PUBLIC FUNDS INVESTMENT MGR*	19.23
ADVANCED CPFIM*	38.47
CERTIFIED PUBLIC FINANCE ADMINISTRATOR*	57.90
ADVANCED CPFA*	76.93

*only one may be held at a time

CHIEF DEPUTY CLERK I	\$ 1,816.01
CHIEF DEPUTY CLERK II	\$ 1,724.47

CERTIFICATIONS:	
IN ACCREDITED MUNICIPAL CLERK (IAMC)	38.47
CERTIFIED MUNICIPAL CLERK (CMC)*	48.08
MASTER MUNICIPAL CLERK (MMC)*	67.31
CERTIFIED PUBLIC FINANCE ADMINSTRATOR	57.90

*only one may be held at a time

HR DIRECTOR	\$ 2,473.88
ASST DIRECTOR	\$ 1,756.61
OFFICE ADMINISTRATOR	\$ 1,533.13
HR OFFICE MANAGER	\$ 1,522.68
HR CERTIFICATION	19.23

DIRECTOR OF IT	\$ 2,852.05
ASSISTANT DIRECTOR OF IT	\$ 2,553.08
SYSTEM SPECIALIST IV	\$ 2,355.00
SYSTEM SPECIALIST III	\$ 2,001.08
SYSTEM SPECIALIST II	\$ 1,906.24
SYSTEM SPECIALIST I	\$ 1,760.47
CORPORATE COUNSEL	\$ 2,312.38
1 st DEPUTY CITY ATTORNEY	\$ 2,676.41
2 nd DEPUTY ASST CITY ATTORNEY	\$ 747.46
COUNCIL ATTORNEY	\$ 747.46
DIRECTOR OF ENGINEERING	\$ 3,371.05
ASSISTANT DIRECTOR	\$ 2,798.48
PROJECT MANAGER	\$ 2,712.41
TRAFFIC MANAGER	\$ 2,312.84
CONSTRUCTION COORDINATOR	\$ 2,079.94
TECHNICIAN	\$ 2,066.41
GIS COORDINATOR	\$ 2,312.84
PROJECT COORDINATOR	\$ 1,723.59
LOCATOR/INSPECTOR	\$ 1,768.66
OFFICE ADMINISTRATOR	\$ 1,533.13
OFFICE MANAGER	\$ 1,522.68
PE BONUS FT	192.31
IDEM REVIEW BOARD BONUS	153.85
FIRE ADMINSTRATIVE ASSISTANT	\$ 1,797.36
FIRE OFFICE ADMINISTRATOR	\$ 1,533.02
FIRE EXECUTIVE SECRETARY	\$ 1,523.36
FIRE OFFICE MANAGER	\$ 1,518.46
POLICE RECRUIT	\$ 1,819.35
ADMINISTRATIVE ASSISTANT	\$ 1,797.36
FORENSIC SCIENCE LAB TECHNICIAN/ PROPERTY ROOM SPECIALIST	\$ 1,996.61
CRIME ANALYST	\$ 1,672.65
PROPERTY MANAGER	\$ 1,672.65
EXECUTIVE SECRETARY	\$ 1,523.74
ADMINISTRATIVE SECRETARY	\$ 1,542.74
SERVICES ADMINISTRATOR	\$ 1,727.04
OFFICE MANAGER	\$ 1,643.95
PROPERTY CLERK	\$ 1,475.91
SECRETARY	\$ 1,523.41
PARKING PERSONNEL	\$ 1,523.41
CROSSING GUARDS	21 pays@ 388.28
CLOTHING:	
PARKING PERSONNEL	600
FORENSIC SCI. LAB ANALYST/PR. SP.	1,000
IDAC SPECIALIST	1,700
CROSSING GUARD SUBSTITUTE	20 per day
SUMMER SCHOOL CROSS GUARD	20 per day

DIRECTOR OF CODE ENFORCEMENT	\$ 2,548.20
OFFICE ADMINISTRATOR	\$ 1,533.13
OFFICE MANAGER	\$ 1,522.68
CODE ENF OFFICER A	\$ 2,074.86
CODE ENF OFFICER B	\$ 1,741.65
BUILDING COMMISSIONER	\$ 2,607.91
ASSISTANT BUILDING COMMISSIONER	\$ 2,456.84
OFFICE ADMINISTRATOR	\$ 1,533.13
OFFICE MANAGER	\$ 1,522.68
INSPECTOR A	\$ 2,498.13
INSPECTOR B	\$ 2,268.84
PERMIT TECH I	\$ 1,807.69
EXECUTIVE DIRECTOR	\$ 3,371.05
SENIOR PLANNER/ECONOMIC DEVELOPMENT SPECIALIST	\$ 2,302.31
CITY PLANNER	\$ 2,754.87
SENIOR PLANNER	\$ 2,267.78
ASSOCIATE PLANNER	\$ 1,991.43
ADMINISTRATIVE PLANNER	\$ 1,778.03
OFFICE MANAGER	\$ 1,511.22
DIRECTOR OF COMMUNITY DEVELOPMENT	\$ 2,861.96
TIF CONSTRUCTION MANAGER	\$ 2,712.41
PROGRAM CONSTRUCTION MANAGER	\$ 2,462.13
PROGRAM COORDINATOR	\$ 1,797.95
GRANT MANAGER	\$ 2,258.40
GRANT SPECIALIST	\$ 1,538.29
CENTRAL SERVICES ASSISTANT	\$ 2,313.72
STREET COMMISSIONER	\$ 2,924.99
OFFICE ADMINISTRATOR	\$ 1,599.99
OFFICE MANAGER	\$ 1,522.68
SECRETARY	\$ 1,491.43

BIWEEKLY HOURLY

PART-TIME HELP	7.25-30.00
CENTRAL SERVICES: FLEET MAINTENANCE TECHNICIAN	24.12
CENTRAL SERVICES/MVH: GROUP 1	22.92
GROUP 2	21.72
GROUP 3	20.83
NIGHT BONUS/SHIFT DIFFERENTIAL	.55/.60
PROJECT COORDINATOR	1.00
CDL TRAINER	2500

ANNUAL/MISC

BOARD OF PUBLIC WORKS AND SAFETY AND
UTILITY BOARD

PRESIDENT

1500

MEMBER

1000

PLAN COMMISSION

600

BZA MEMBER

375

INSURANCE STIPEND:

ASST CITY ATTORNEY & COUNCIL ATTORNEY

500 per month

Section 2. The City will contribute a match of 100% of the employee's contribution not to exceed 1% of the employee's base biweekly pay for all employees eligible for participation in the State's 457(b) plan.

Section 3. Longevity Bonus will be provided annually to the Central Service and Motor Vehicle Highway Teamster employees. The Longevity Bonus will be offered to the employees as additional pay. The Longevity Bonus shall be payable annually on the first paycheck following each employee's anniversary date with the regular payroll. The annual Longevity Bonus will be based on the following schedule. Said schedule is based upon completed years of service.

<u>Years of Service</u>	<u>Annual Increments</u>	<u>Bonus</u>
5	0	150
6	75	225
7	75	300
8	75	375
9	75	450
10	75	525

An additional \$80.00 will be added for each year of service after the 10th year.

Section 4. The Administration may pay up to 15% less than annual salaries listed to new employees during the first twelve-month period, except for those public safety salaries which have been negotiated by the Common Council and all other salaries negotiated as part of a Collective Bargaining Agreement.

Section 5. This ordinance shall be in full force and effect from and after its signing and attestation.

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

this _____ day of _____ 2022, at _____ o'clock, _____. m.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this ____ day of _____ 2022, at ____ o'clock, __. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ____ day of _____ 2022, at ____ o'clock, __. m.

David A. Wood, Mayor

PROPOSED ORDINANCE 2022-36

ORDINANCE _____

AN ORDINANCE FIXING THE SALARIES OF ALL SWORN PUBLIC SAFETY OFFICERS FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2023.

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

Section 1. The biweekly salaries of all Sworn Public Safety Officers for the year beginning January 1, 2023 and shall be payable in 26 bi-weekly pay periods commencing on January 6, 2023.

BIWEEKLY SALARY

FIRE CHIEF	\$ 3,283.92
ASSISTANT CHIEF	\$ 3,047.04
CHIEF FIRE PREVENTION	\$ 2,669.07
BATTALION CHIEF	\$ 2,771.67
CAPTAINS	\$ 2,638.20
FIRE INSPECTOR CAPT	\$ 2,638.20
LIEUTENANT	\$ 2,566.05
FIRE INSPECTOR LT	\$ 2,566.05
DRIVER OPERATOR	\$ 2,495.10
1 st CLASS FIREFIGHTER	\$ 2,482.56
MASTER FIREFIGHTER	\$ 2,375.54
PROBATION - FF/EMT	\$ 2,159.77

POLICE CHIEF	\$ 3,303.46
ASSISTANT CHIEF	\$ 3,067.03
CAPTAIN	\$ 2,672.92
LIEUTENANT	\$ 2,607.17
SERGEANT	\$ 2,545.08
1 st CLASS OFFICER	\$ 2,482.56
2 nd CLASS OFFICER	\$ 2,216.25
PROBATION	\$ 2,013.24
2 ND SHIFT DIFFERENTIAL	13.46
3 RD SHIFT DIFFERENTIAL	26.92

FIRE:		ANNUAL/MISC
SPECIALTY PAY:		

	<u>TIER1</u>	<u>TIER 2</u>
ADVANCED EMT	1,000	3,000
PARAMEDIC	2,000	4,000
LEAD PARAMEDIC	4,000	100/shift
2 ND SEAT ADV EMT/PARA		50/shift
WATER RESCUE/RECOVERY LEADER		1,050
WATER DIVE/RESCUE TEAM MEMBER		950

DIVER APPRENTICE	500
SELF-CONTAINED BREATHING APPARATUS TEAM TECHNICIAN MECHANIC	1,000 2,500 1,500
INFORMATION TECHNOLOGY	1,250
UNIFORM ALLOWANCE	1,250
POLICE:	
UNIFORM ALLOWANCE	2,050
EQUIPMENT MAINT ALLOWANCE	1,250

Section 2. The City will contribute the employee portion of 3% to the Public Employees Retirement fund for all employees eligible for participation in the Public Employees Retirement Fund.

Section 3. The City will contribute 3% of the employee portion to the 1977 Fire Pension for all employees eligible for participation in the 1977 Fire Pension Fund.

Section 4. The City will contribute 2% of the employee portion to the 1977 Police Pension for all employees eligible for participation in the 1977 Police Pension Fund.

Section 5. The City will contribute a match of 100% of the employee's contribution not to exceed 1% of the employee's base biweekly pay for all employees eligible for participation in the State's 457(b) plan.

Section 6. The Administration may pay up to 15% less than annual salaries listed to new employees during the first twelve-month period, except for those public safety salaries which have been negotiated by the Common Council and all other salaries negotiated as part of a Collective Bargaining Agreement.

Section 7. This ordinance shall be in full force and effect from and after its signing and attestation.

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

this _____ day of _____ 2022, at _____ o'clock, _____. m.

ATTEST:

Gregg Hixenbaugh, Presiding Officer

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this ____ day of _____ 2022, at ____ o'clock, __. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ____ day of _____ 2022, at ____ o'clock, __. m.

David A. Wood, Mayor

SEP 22 2022

City Clerk
Mishawaka, IN

RESOLUTION NO. 2022-24

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

14325 Cleveland Road, Granger, IN 46530 including four tax parcels and the adjacent Cleveland Road and Capital Avenue public right-of-way.

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-

0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING.
CONTAINING 60.01 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Section II. Following the review of documents prepared by the Department of Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____,

2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____ 2022, at
_____ o'clock ____M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

September 22, 2022

Deborah S. Block, AMC, MMC

Dale Emmons, 1st District City Council
Mike Bellovich, 2nd District City Council
Anthony Hazen, 3rd District City Council
Kate Voelker, 4th District City Council
Michael Compton, 5th District City Council
Ron Banicki, 6th District City Council
Gregg Hixenbaugh, At Large City Council
Matt Mammolenti, At Large City Council
Maggie DeMaegd, At Large City Council
Deborah S. Block, City Clerk

SEP 22 2022

City Clerk
Mishawaka, IN

Re: Fiscal Plans and Approving Resolutions for proposed Ordinances to Annex and Zone property into the City of Mishawaka: 14325 Cleveland Road including Four (4) Tax Parcels – Property generally bound by Cleveland Road, the Indiana Toll Road, and Capital Road

Dear Council Members and Clerk:

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

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

Staff will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on October 3, 2022.

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

Sincerely,


Derek J. Spier, AICP
City Planner

cc: David A. Wood, Mayor

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241

Building Phone: (574) 258-1607 Fax: (574) 968-6999

Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999

Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999

Don't let a Black man die

SEP 22 2022

City Clerk
Mishawaka, IN



City of Mishawaka

*Wright, McCay, Walker, DeFreeuw, Bulkin & Dora
14325 Cleveland Rd Annexation*

*Property located South of the
Indiana Toll Road & West of Capital Avenue*

October 2022

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

Phone: (574) 258-1625
Fax: (574) 968-6999
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WRIGHT, MCCAY, WALKER, DEFREEUW, BULKIN & DORA
14325 CLEVELAND RD – SOUTH OF THE INDIANA TOLL ROAD & WEST OF CAPITAL AVENUE
ANNEXATION FISCAL PLAN

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Annexation Fiscal Plan

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING.
CONTAINING 60.01 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

TAB A- CITY OF MISHAWAKA **ANNEXATION POLICY**

CITY OF MISHAWAKA ANNEXATION POLICY

GENERAL POLICY

The City of Mishawaka recognizes that as the population of St. Joseph County grows and development trends change, there will be a continuous demand for infrastructure and urban services provided by cities such as Mishawaka. Infrastructure includes, but is not limited to, water, sanitary sewer, electric, and transportation. Urban services include, but are not limited to, police, fire, and emergency medical services. With a stable tax rate, low crime rate, outstanding public schools, and strong neighborhoods, the City of Mishawaka is a livable community where families and businesses desire to locate. The expansion of infrastructure and services combined with the desire of families and businesses to locate in Mishawaka has necessitated the City to create a policy on annexation.

It is the policy of the City of Mishawaka to encourage the growth of the City boundary in a compact and contiguous manner concurrently with the extension of infrastructure and services. Although exceptions will be considered for large industrial projects or proposals related to specific economic development efforts, the City recognizes that compact and contiguous growth promotes the cost-effective delivery of services.

The City of Mishawaka continues to promote the logical expansion of infrastructure into the unincorporated areas of the county contiguous to the City on request provided there is availability. The voluntary extension of infrastructure, such as water and sewer, requires the benefactor(s) of that infrastructure to waive or consent to future annexation at the time of connection. The extension of infrastructure does not automatically equate to the immediate annexation of property. To meet the statutory requirements for annexation, both infrastructure and urban services must be provided. As such, many unincorporated areas are currently provided with public rate-supported utilities by the City that will not be suitable for annexation in the foreseeable future. Thus, it is the policy of the City of Mishawaka that the initiation of annexation be undertaken only at a time when the City determines that both infrastructure and urban services can be provided for unincorporated area adjacent to the City. To consider annexation, infrastructure and urban services must be available to the proposed annexation area at a standard that is comparable to similar geographic and use areas that currently exist within the City of Mishawaka.

IMPACT OF ST. JOSEPH COUNTY GROWTH

The City of Mishawaka also recognizes the impact growth and development currently occurring in unincorporated St. Joseph County has on annexation efforts. There has been a trend in St. Joseph County to allow for development on septic and well systems sporadically throughout the county. As is currently the case in St. Joseph County, there are numerous examples of the problems associated with this type of sprawling development. Septic systems based on poor installation or lack of maintenance; contribute to the pollution of both surface and groundwater. Based on groundwater concerns, residents desire to connect to public water systems. Residents are also calling for urban services, rather than the rural services typically provided by county governments. Residential streets need to be plowed, and emergency response times for police, fire and emergency medical services frequently exceed the times typically expected of suburban development.

As the population of these areas increase, the demand/need for infrastructure and increased urban services will grow exponentially. Due to the sprawling nature of this development, the cost for providing infrastructure and urban services to the existing City of Mishawaka standard far exceeds the tax revenue generated by these areas. This point has been addressed within this annexation policy because of the past concerns expressed by some residents/property owners of these areas who have been historically opposed to annexation. These concerns, for the most part, are based in fear and do not reflect the reality of the practical constraints of annexation. For the record, the cost of providing services, based on the sprawled growth and statutory limitations, makes it both undesirable and not readily feasible for the City of Mishawaka to annex large non-contiguous developed areas.

This point has also been included to identify the reciprocal concern of the City relative to the sprawling growth within unincorporated St. Joseph County. Currently, the taxpayers within the City of Mishawaka pay City taxes to sustain infrastructure and a desired level of urban services. Furthermore, the taxpayers of the City of Mishawaka also pay county taxes that are used in part to provide similar services to county residents. Cities are wholly responsible for these services within their respective jurisdictional areas. These services include, but are not limited to, road maintenance, police patrols, and emergency medical services. These are services subsidized by general county tax dollars that the City of Mishawaka contributes to but does not receive the

corresponding reciprocal benefit. The taxpayers of the county do not pay taxes that directly or indirectly support these services within the City. Based on the current division of general county funds, this equates to the City of Mishawaka financially subsidizing the sprawling growth of the county. Accordingly, the City of Mishawaka continues to seek a more equitable distribution of existing general county tax revenues. Furthermore, based on this existing inequity, it is an important objective of the City to work with county officials to ensure that there are not future increases in spending to address the problems associated with sprawling unincorporated development. The City also recognizes the need to develop fair cost-sharing practices to provide for regional services that does not adversely impact the residents of the City, while still providing for the needed/desired services in the unincorporated county.

Although the equitable distribution of tax dollars is an important concern, the City also recognizes that the problems associated with this sprawling unincorporated development also impacts the City of Mishawaka. The City is impacted by the limitations existing development has on future City growth, and the corresponding increased costs of extending infrastructure. As such, the City of Mishawaka will continue to work with the county in a cooperative effort, where possible, to address problems. However, it is only fair that the residents and property owners of a particular problem area caused by sprawling development should be the party wholly responsible for the costs of desired/needed infrastructure or services- not the tax payers of the City of Mishawaka.

STATUTORY LIMITATIONS

The City of Mishawaka also recognizes the burden placed on municipalities within St. Joseph County based on the statutory requirements on Municipal Annexation and Dis-annexation. The controlling legislation on annexation is established by the Indiana Code 36-4-3-series.

The statute also places minimum requirements on municipalities regarding providing services to proposed annexation areas, the timing of implementation, and contiguity requirements. The statute also requires that a fiscal plan be adopted showing how the costs associated with providing services will be paid. An estimated amount of time required for voluntary annexation is three to four months. The increased time required to process an annexation has placed a burden on real estate transactions and development on the fringe of the City. It is not uncommon to have annexation placed as a condition on the sale of property by the buyer. Annexation is typically requested because City services are desired or needed to serve the proposed project. This increased time frame when compared to the traditional rezoning process has the potential for directing appropriate contiguous growth away from the City due to the lack of suitable available property that can be developed in a short period of time.

IMPLEMENTATION OF POLICY

The stringent statutory requirements of annexation have necessitated the creation of a policy of the City of Mishawaka to evaluate the geographic boundary of each proposed voluntary annexation relative to the surrounding unincorporated properties. The purpose of this evaluation is to examine the proposed annexation area to the existing City limits relative to providing a compact and contiguous City boundary.

Annexation law significantly limits the ability of municipalities to annex property without the consent of the majority of property owners. Therefore, the City has deemed it necessary to review adjacent unincorporated properties that have not requested annexation at the time a voluntary annexation is proposed. Although this may ultimately necessitate the annexation of property without the consent of a minority of the adjacent property owners, this policy provides for a means to expand the City boundary in a compact and contiguous manner that would otherwise not be possible based on statutory requirements.

A secondary purpose of this policy is to reduce the number of separate contiguous annexation petitions that are likely to be filed within a short period of time. The potential inclusion of additional property as part a proposed annexation petition will counteract the discouraging development influence of time limitations placed by the Indiana Code.

In the past, voluntary annexations without this policy have created a chaotic City boundary that promotes the inefficient delivery of services for both the City of Mishawaka and St. Joseph County. Chaotic refers only to the physical geographic location of the boundary. Common chaotic configurations include *saw-tooth shapes*, *islands*, and *adjacent pockets*. The attributes of these boundary configurations are described as follows:

A *saw-tooth boundary* refers to shape where contiguous properties located along a single roadway change municipal boundaries multiple times in a relative short distance. This situation creates difficulties in providing for the efficient delivery of services. Specifically, it is more difficult for the postal service, police, fire, and emergency medical providers to determine the physical limits of jurisdictions in the field. Under non-emergency circumstances, this situation is likely to result in inconveniences only. However, in emergency situations, confusion on boundary locations in the field has the potential to delay providing potentially life saving services, or could otherwise promote providing double coverage for the area limiting the ability of one provider to respond to other calls.

An *island* refers to unincorporated areas that are physically surrounded by the incorporated City. This situation provides for the inefficient delivery of services for both the City of Mishawaka and unincorporated St. Joseph County. Services such as trash removal, snow plowing, road maintenance, police, fire, and emergency medical services could all potentially require one service provider to travel through another service provider's jurisdictional area. This inherently inefficient situation potentially increases the costs of providing services for both jurisdictions.

Adjacent pockets refers to unincorporated area that is reasonably adjacent to the City and is currently served at least in part by City infrastructure. When the infrastructure was provided to these areas, these areas were typically located on the fringes of the City where other services were either not available or desired at the time. However, as the demand for growth and development continues, the demand for additional services also grows. Over time, pockets are also typically provided with some peripheral City services without expense. Emergency service providers within the City of Mishawaka and St. Joseph County have consistently worked together to provide reciprocal assistance in responding to calls when the other provider is either occupied or at a considerable distance, provided resources are available. Typically, due to the general location adjacent to the City and the increased ability of the City to provide services, these pocket areas will intermittently receive City emergency services.

Furthermore, pockets become obstacles to the future expansion of infrastructure and services. They are considered obstacles due to the contiguity requirements established by the Indiana Code for annexation. If these pockets are not annexed over time, the City is prevented from expanding. The annexation of these pocket areas not only allows for the continued growth of the City, but also provides for the efficient and equitable delivery of services.

SUMMARY

- It is the policy of the City of Mishawaka to encourage the growth of the City boundary in a compact and contiguous manner concurrently with the extension of infrastructure and services.
- It is the policy of the City of Mishawaka that the annexation be undertaken only at a time when the City determines that both infrastructure and urban services can be provided for unincorporated area adjacent to the City.
- To address existing sprawl and inequitable distribution of general county tax dollars, it is the policy of the City of Mishawaka that the residents and property owners of a particular problem area caused by sprawling development should be the party wholly responsible for the costs of desired/needed infrastructure or services- not the taxpayers of the City of Mishawaka.
- The stringent statutory requirements of annexation have necessitated the creation of a policy of the City of Mishawaka to evaluate the geographic boundary of each proposed voluntary annexation relative to the surrounding unincorporated properties to promote the efficient delivery of services and remove chaotic boundary configurations.

Annexation Fiscal Plan

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING. CONTAINING 60.01 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

TAB B- BASIC DATA & FISCAL **ANALYSIS**

BASIC DATA & FISCAL ANALYSIS

A. LOCATION AND SIZE

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

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING.

CONTAINING 60.01 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: 14325 CLEVELAND ROAD, GRANGER, IN 46530

Annexation Area

The area to be annexed includes four parcels of land (Tax Parcels #006-1011-0132.03, -0132.04, -132.06, and 006-1008-0093) located on the north side of Cleveland Road approximately 820' west of Capital Avenue. The southwest parcel includes a single-family residential home and accessory structures. All other parcels are vacant of structures and are currently tillable farmland. The property is bound to the north with approximately 2,122.1 linear feet being incorporated into the City, while the remaining adjacent properties are located in unincorporated St. Joseph County. The property is currently zoned "R" Single Family District within unincorporated St. Joseph County. If annexed, the property will be zoned S-2 Planned Unit Development District and acquired by a contingent purchaser for a phased commercial development. The preliminary site plan shows several automobile dealerships and related accessory uses. No specific users or contingent purchaser has been identified.

Contiguity with the Existing City Limits

The property to be annexed into the City totals 60.01 acres including the adjacent Cleveland Road and Capital Avenue rights-of-way. The external boundary of the annexation area measures 7,842.74 linear feet with 2,122.1 linear feet being contiguous with the current corporate boundary of the City of Mishawaka. The border of the contiguous area is 27.1% of the total external boundary. This is in excess of the minimum 12.5%, or 1/8, of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

B. TOPOGRAPHY AND EXISTING USE/IMPROVEMENTS

The property is flat to gently rolling and generally slopes from the east to the west. Per the generalized two (2) foot contour topographic maps, elevations range from approximately 790 feet in the southeast part of the property to less than 780 feet in the far northwest corner of the property along the Indiana Toll Road. The southwest parcel includes a single family house and accessory structures. All other parcels are void of structures and are currently tillable farmland. Tree rows are present along a majority of the eastern property line where not adjacent to Capital Avenue and along the south property line of the northern parcel. These tree rows break up the adjoining fields.

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is currently zoned R Single Family District within unincorporated St. Joseph County and is mostly agricultural property. A single-family house and accessory structures are located on the southwest parcel. If the Mishawaka Common Council approves the annexation request, the area will be zoned to the S-2 Planned Unit Development District to allow for commercial use.

D. ASSESSMENT

The territory to be annexed consists of four (4) parcels of property. The Land and Improvement Valuations shown below are based upon current GIS parcel data:

Tax ID Number	Property Owner	Number of Acres*	Land & Imp. Valuation
006-1011-0132.03	ROBERT A. WRIGHT	10 ACRES	\$23,600
006-1011-0132.04	LANE WRIGHT, PAULINE DORA, ET. AL	18.48 ACRES	\$20,000

006-1011-0132.06	GARY E. WRIGHT	10.02 ACRES	\$8,000
006-1008-0093	ROSALIE A. MCCAY REVOCABLE TRUST, ET. AL.	11.57 ACRES	\$19,600

**Acreages are per the City of Mishawaka/Michiana Area Council of Governments GIS parcel data and includes the adjacent Cleveland Road right-of-way.*

E. CURRENT TAX RATE

The City's tax rate 2021 payable 2022 was \$2.0002 per \$100 of assessed valuation. For property owners in Harris Township, in which this proposed annexation is located, the total taxes will be \$3.9001 per \$100 of assessed valuation. Property owners in this area currently pay \$2.0883 per \$100 of assessed valuation. These rates are based on the best information available at the time this plan was prepared. Actual tax rates may vary.

Tax District	Existing Tax Rate	Tax Rate after Annexation
Harris Township	2.0883	3.9001

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

2021	\$2.0002
2020	\$1.9952
2019	\$2.0226
2018	\$2.0701
2017	\$2.0516
2016	\$1.9977
2015	\$1.8750
2014	\$2.0062
2013	\$1.9086
2012	\$1.8186
2011	\$1.7362
2010	\$1.6741
2009	\$1.6557
2008	\$1.5283
2007	\$1.3326
2006	\$1.3899
2005	\$1.3382
2004	\$1.3313
2003	\$1.2476
2002	\$1.8627
2001	\$5.5007 ¹
2000	\$5.2417

¹ Change in Tax Code

F. NEW ADDRESSES

If the proposed annexation is approved, the property will be zoned S-2 Planned Unit Development District to allow for commercial use. The property shall be developed in accordance with the requirements of the City of Mishawaka Zoning Ordinance. Addresses for each building will be assigned by the City of Mishawaka Engineering Department when the property is developed.

G. DETERMINATION OF SERVICE STANDARDS AND COSTS

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

The standards for infrastructure and services provided by the City of Mishawaka, broken down by department, have been included within this document following Tab C. After establishing an understanding of the existing conditions, each department or agency was asked to identify any capital improvements required to serve the proposed annexation area to meet existing city standards. It will be the responsibility of any future property owner/ developer to bear any expense required to extend, when applicable, and connect to existing City services. Given the location of the proposed annexation area adjacent to the existing city limits, each department identified that non-infrastructure-related services could be provided to the proposed annexation area with no additional expenditures. Increased maintenance costs for non-rate supported services, were identified as minimal and well within the approved budgets for each department.

Given that no consequential additional expenditures are anticipated, the itemization of costs associated with providing each service is not possible relative to the annexation area. However, to document that funds have been approved and are available for the services identified, a copy of the approved year 2022 City budget has been attached to the Summary of Service Report for each applicable non-rate supported department. These budgets identify the costs for personnel, equipment, repairs, and other expenditures anticipated for the budget year. Budgets for any department are available for the review of the public upon request at City Hall.

H. TERMS AND CONDITIONS

The City of Mishawaka will provide a level of basic services, including infrastructure and urban services, at a standard that is comparable to similar geographic and use areas that currently exist within the City of Mishawaka. The specific date of implementation of services has been identified within the description of specific services where applicable. Given the location of the proposed annexation area and requirement that all utilities will be extended to the property at the property owner's expense, no capital expenditures are required to serve the proposed annexation area. Basic services, not otherwise specified, will be provided to the annexation area within one year of the effective date of the annexation as required by law. However, it is anticipated that the majority of basic services will be available immediately or at least in a timely manner.

The effective date of annexation, if approved, will be thirty days from the date of approval of the annexation ordinance as required by law.

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

Analysis:

The four (4) properties proposed to be annexed includes one (1) single family house and two (2) accessory structures on the southwest parcel. A majority of the property is vacant agricultural land. If the annexation is approved, the contingent developer is proposing to demolish all structures and construct a phased commercial development.

As indicated on the preliminary site plan, the development will consist of approximately 240,000 sq. ft. of new buildings, including but not limited to, new and used automobile dealerships, automobile repair and service, and body shops. Although development phasing is not shown on the plan, the property will be developed in multiple phases with

the anticipated investment as outlined below. If approved, the S-2 Planned Unit Development zoning will also permit uses identified in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash Districts. Per the PUD conditions of approval, filling stations shall be prohibited.

The property is expected to be developed over many years dependent on timing of the required infrastructure improvements, and the market conditions and demand for the proposed uses. If construction begins in the next couple of years, as anticipated, the annexation is expected to significantly increase the assessed valuations and provide positive impacts to all taxing units.

The developer estimated total project costs at \$50 million over a ten plus year period. Approximately \$18 million is anticipated to be constructed within the first four years following annexation. Due to the uncertainty of actual phasing, the following analysis only includes the anticipated tax impacts of the approximate \$18 million investment over the first four years. Based upon similar automobile dealerships along the Grape Road corridor and the appraised commercial land values in northern Mishawaka, the investment is expected to yield an initial assessed valuation of approximately \$9.4 million. This estimate includes \$6 million for the buildings (84,000 sq. ft. x \$72 per sq. ft. for commercial property) and \$3.4 million for the land valuation. The land valuation is based upon \$200,000 per acre for the development of one-third of the 51 acre property. The appraised commercial land values for property in northern Mishawaka ranges from \$130,000 to \$270,000 per acre.

Although not included in this analysis, future phases of the proposed development would result in an additional increase in the assessed valuations and provide additional tax revenue if constructed. These phases are anticipated to include an approximate \$32 million investment.

The current and future political subdivisions and their associated tax rates were determined by the geography of the property and the attached "Tax Rate Chart for the year 2021 payable 2022". (See Tab "D" / Appendix "C".) This chart is provided by the St. Joseph County Auditor's Office.

Current property assessed valuation:

\$71,200

Future anticipated property assessed valuation:

\$9,400,000

Current Property Taxes Generated from the Property:

The current property taxes that are being generated from the property were determined utilizing an online estimator available through the Indiana Gateway for Government Units > Taxpayer Portal > Tax Bill Estimator website. The current URL address for this estimator is <https://gateway.ifonline.org/CalculatorsDLGF/taxcalculator.aspx>.

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

This calculation has been done with a scenario before annexation for residential rental, non-homestead residential, and agricultural property, then following annexation for other (commercial) identifying the property as now being subject to the City tax rate.

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

Prior to annexation: \$1,424

Following annexation: \$282,000

Political Subdivisions before Annexation:

Percent of tax rate and corresponding yearly estimated property tax revenue*

- St. Joseph County (31.5%) - \$448.56
- Harris Township (14.7%) - \$209.33
- Penn-Harris-Madison School Corporation (45.0%) - \$640.80
- Mishawaka-Penn-Harris Public Library (6.8%) - \$96.83
- Airport Authority (2.0%) - \$28.48

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

The current tax rate of all of these entities combined is 2.0883%.

The tax rate will increase to 3.9001% upon annexation to the City, however, the other (vacant) tax cap rate including the exempt rate is set at 3%. Even though the cap is set at 3%, the revenue will increase due to the estimated increase in assessed valuation realized from the proposed commercial development. Thus, the distribution of property tax revenue is anticipated to increase for all existing tax entities based on getting a larger percentage of revenue when the City tax rate, and to a very minor extent, the South Bend Transpo rate is added to the overall rate.

Political Subdivisions following Annexation:

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

- St. Joseph County (16.9%) - \$47,658 (+\$47,209.44 per year)
- Harris Township (0.2%) - \$564.00 (+\$354.67 per year)
- Penn-Harris-Madison School Corporation (24.1%) - \$67,962.00 (+\$67,321.20 per year)
- Mishawaka-Penn-Harris Public Library (3.6%) - \$10,152.00 (+\$10,055.17 per year)
- Airport Authority (1.1%) - \$3,102.00 (+\$3,073.52 per year)
- South Bend Transpo (2.8%) - \$7,896
- City of Mishawaka (51.3%) - \$144,666.00

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

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

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

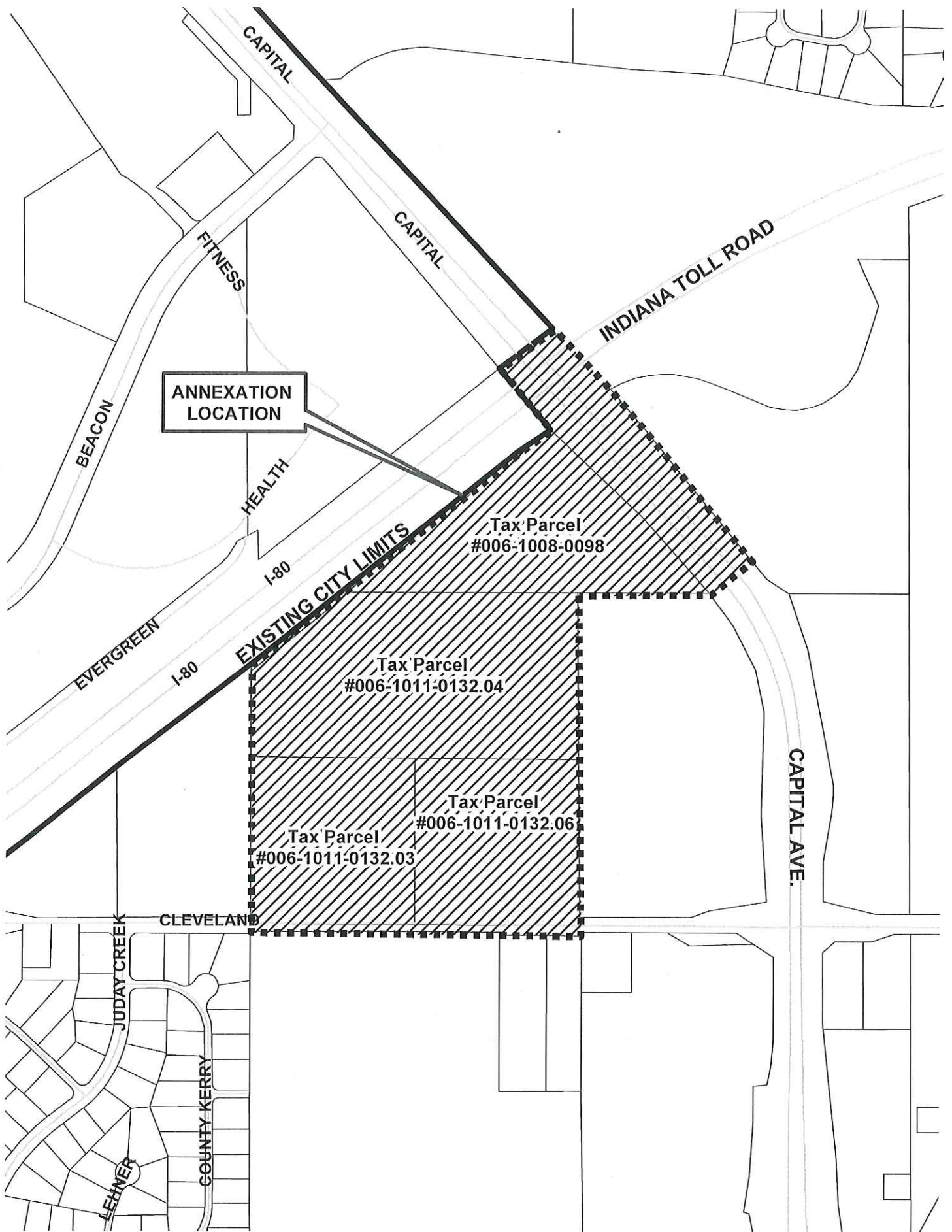
• St. Joseph County	\$190,632.00
• Harris Township	\$2,256.00
• Penn-Harris-Madison School Corporation	\$271,848.00
• Mishawaka-Penn-Harris Public Library	\$40,608.00
• Airport Authority	\$12,408.00
• South Bend Transpo	\$31,584.00
• City of Mishawaka	\$578,664.00

J. ASSUMED INDEBTEDNESS & COUNTY INFRASTRUCTURE REIMBURSEMENT

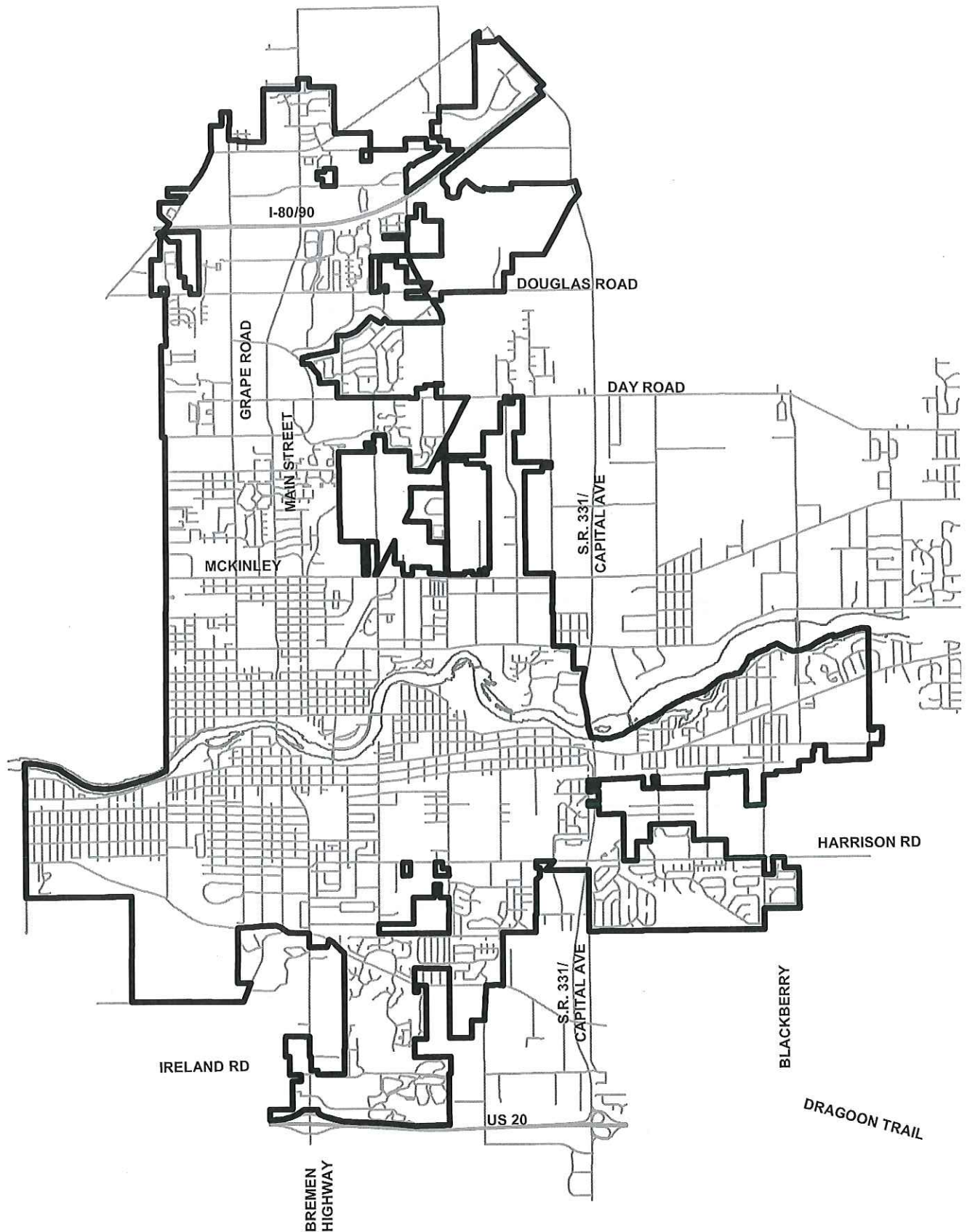
Pursuant to I.C. 36-4-3-4.2 under certain circumstances the City would be required to assume a portion of indebtedness as it would pertain to the proposed annexation area.

Specifically, this would be required if the County had used property tax revenue to repay debt used to build infrastructure within the annexation area, or if income tax was being generated from the property in question that was being used to pay off applicable county wide debt that would now be allocated to the City upon annexation.

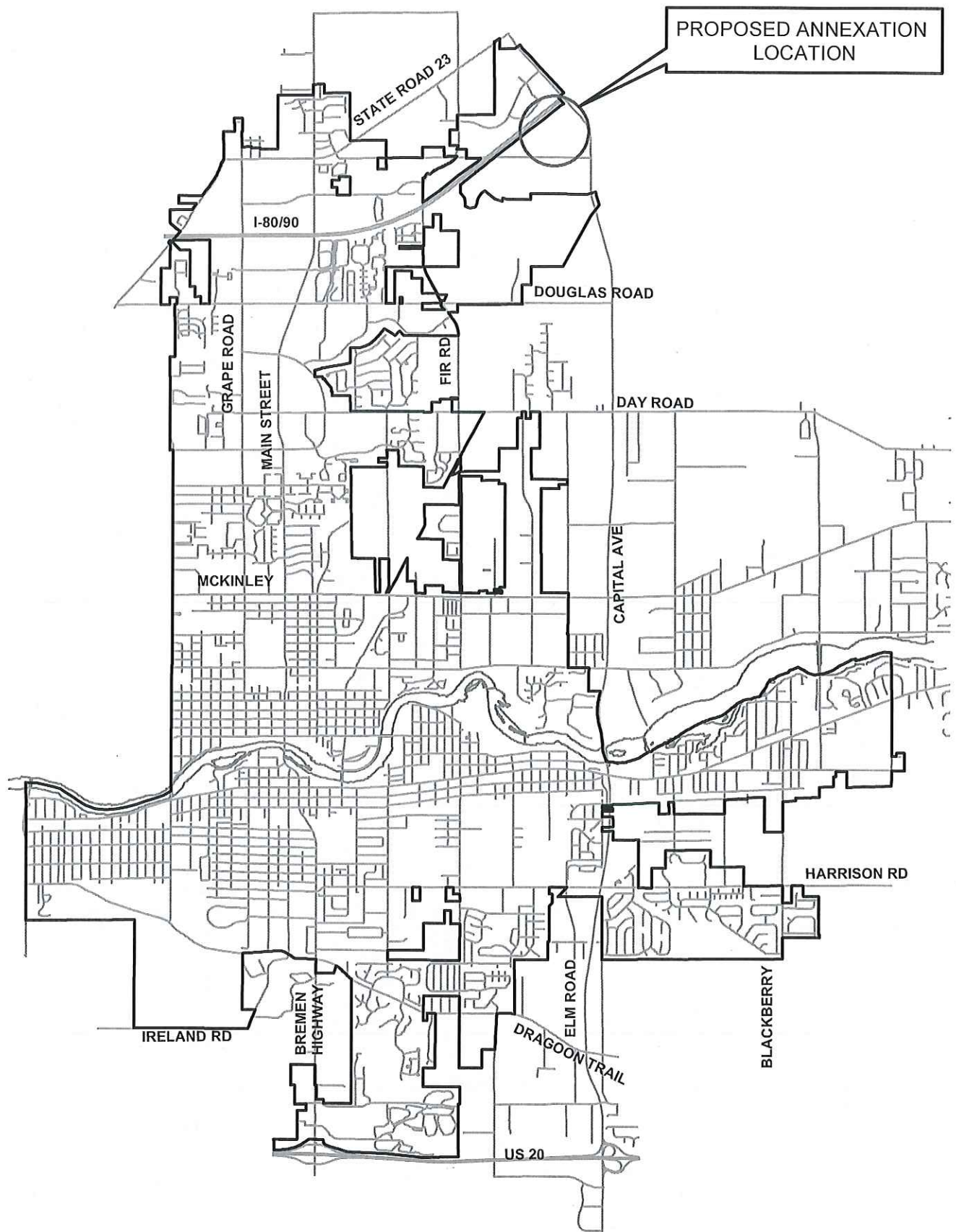
Upon reviewing the site and the information identified in Tab "D" / Appendix "D", there is no County infrastructure debt associated within the proposed annexation, nor is there any outstanding county debt on infrastructure that is payable by a local option income tax.



MAP OF EXISTING CITY LIMITS



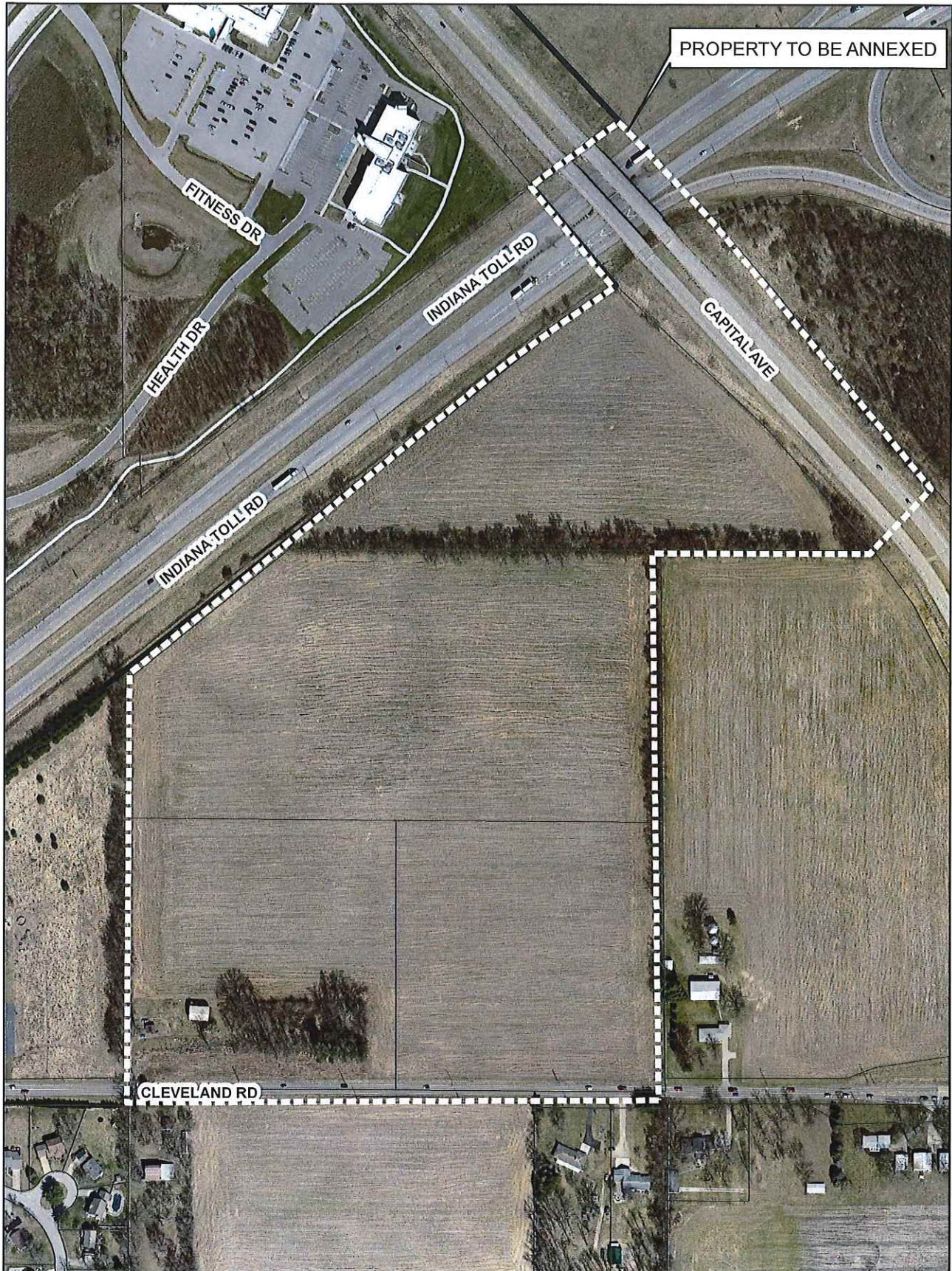
MAP OF PROPOSED CITY LIMITS



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED



PHOTOGRAPHS OF PROPERTY TO BE ANNEXED



Looking northerly from the southwest corner of the property along Cleveland Road. The existing house, as shown, and adjacent accessory structure are the only structures in the annexation area.



Looking southwesterly into the annexation area from the Capital Avenue bridge over the Toll Road.

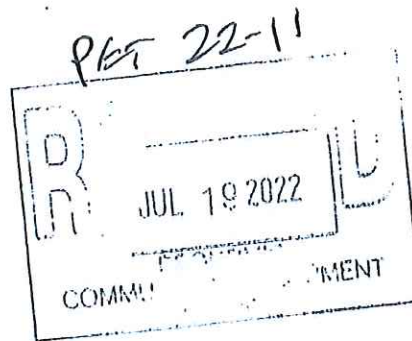


Looking southeasterly into the annexation area from the Beacon property north of the Toll Road.

Date: June 25, 2022

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

Re: Petition for Annexation & Rezoning for:



Robert Wright	Gary Wright
14492 Cleveland Road	19499 Darden Road
Granger, Indiana 46530	South Bend, Indiana 46637

Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and
Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and
Jerome Francis Walker each with 1/5 interest.

Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate
during natural life.

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

Annexation and Rezoning Legal Description:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE
NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3
EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE
PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF
SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH
QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON
THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-
90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO
(2) COURSES, NORTH 51°26'34" EAST, A DISTANCE OF 1322.08 FEET, AND NORTH
55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-
OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-
WAY LINE OF CAPITAL AVENUE FOR THE NEXT FIVE (5) COURSES, SOUTH
42°40'53" EAST, A DISTANCE OF 31.28 FEET (REC. SOUTH 42°34'37" EAST, 28.51 FEET),
AND SOUTH 45°32'38" EAST, A DISTANCE OF 100.12 FEET (REC. SOUTH 45°26'22"
EAST, 100.12), AND THENCE SOUTH 48°23'31" EAST, A DISTANCE OF 402.00 FEET
(REC. SOUTH 48°17'15" EAST, 402.00 FEET), AND SOUTH 41°51'47" EAST, A DISTANCE
OF 350.13 FEET (REC. SOUTH 41°45'31" EAST, 350.13 FEET), AND SOUTH 37°41'14"
EAST, A DISTANCE OF 55.20 FEET (REC. SOUTH 37°34'58" WEST, 55.20 FEET) TO A
POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER
OF SAID SECTION 23; THENCE NORTH 89°51'36" WEST ALONG SAID NORTH LINE OF
THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A
DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST
QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH
00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE
OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD;

VOID / SEE REVISED
ATTACHED LEGAL 8/9/22

THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING. CONTAINING 51.52 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Also commonly known as 14201 Block of Cleveland Road (A.K.A. 52590 Evergreen Road), 14301 Block of Cleveland Road, 14325 Cleveland Road, Granger, IN 46530.

The above-described parcels of land are presently zoned "R" Single Family District in the unincorporated county.

Petitioners desire to annex and rezone the real estate described above to the "S-2" Planned Unit Development District classification. The purpose for the annexation and rezoning is to allow for a mixed land use development allowing uses permitted in the following Districts: "C-1" Commercial, "C-2" Commercial, "C-4" Commercial, "C-7" Commercial, "C-9" Commercial and "C-10" Commercial.

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 annexation and rezoning the above-described parcel of real estate located in the City of Mishawaka.

REVISED 8-9-22 ANNEXATION & REZONING LEGAL DESCRIPTION:

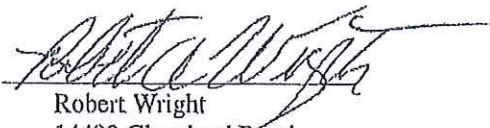
A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING. CONTAINING 60.01 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Robert Wright
14492 Cleveland Road
Granger, Indiana 46530
Ph. No. _____

Gary Wright
Gary Wright
19499 Darden Road
South Bend, Indiana 46637
Ph. No. 574-318-1497

For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest.
Ph. No. _____

Lane Wright Dora Pauline Wright
For: Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life.
Ph. No. 574-272-2081



Robert Wright
14492 Cleveland Road
Granger, Indiana 46530
Ph. No. 574 245 0051

Gary Wright
19499 Darden Road
South Bend, Indiana 46637
Ph. No. _____

For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest.
Ph. No. _____

For: Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life.
Ph. No. _____

Robert Wright

14492 Cleveland Road

Granger, Indiana 46530

Ph. No. _____

Gary Wright

19499 Darden Road

South Bend, Indiana 46637

Ph. No. _____

For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest.

Ph. No. 574-298-9690 Rosalie Mc Cay X

574-248-7772 Virginia De Freeuw X

Darlene S. Walker ph. 574-570-9505 X

For: Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life.

Ph. No. _____

Sandra Walker 574-276-1350

X Sandra Walker

Rosalie Mc Cay
Virginia De Freeuw
Darlene S. Walker

Annexation Fiscal Plan

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING.
CONTAINING 60.01 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

TAB C- SUMMARY OF SERVICES

SUMMARY OF SERVICES

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

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

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

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

Instead of dealing with septic systems, property owners can tap into lines provided by Mishawaka Utilities Wastewater Division. The Division has a plant staffed 24 hours a day, and maintenance technicians are available at all times to respond to emergencies. The City's sewer insurance program provides sewer coverage for each single-family residential homeowner on the public sewer system for a small monthly fee, paid with the Mishawaka Utilities bill. With this program, the homeowner is protected from paying the cost of catastrophic sewer repairs outside the home. A \$42 million expansion of the wastewater treatment plant was completed in June 2008. From 2013 to 2021, capital improvements and maintenance to the wastewater system were made including the replacement of four lift stations and repair of an existing station (Holy Cross Parkway), three emergency generators, final clarifier trough repair, and anaerobic digester cleaning. Additional plant and system improvements with a focus of implementing the Combined Sewer Overflow Long Term Control Plan are planned in the upcoming years.

The City's water rates have traditionally been among the lowest in the state. The Water Division completed a \$26 million capital improvement project in 2003. Several improvements to the overall system were made including the addition of a new well field, the replacement of water mains, and the extension of services to some areas that previously did not have water service. In late 2019, a new 2 million gallon reservoir went online with the rehabilitation of the old 3 million gallon tank occurring throughout 2020. The 3 million gallon tank went online in January 2021. Construction on a new water treatment facility and well field along Veteran's Parkway near Juday Creek and a new 1.5 million gallon elevated tank in the north part of the City began in June 2021. Both projects are anticipated to be complete and come on-line in the summer of 2023. Planning for the next major project began which will include replacement of the storage reservoir at the Virgil Treatment Plant.

Another service provided by Mishawaka Utilities is the distribution of electricity. Although Mishawaka Utilities does not generate or produce power, electricity is purchased at a wholesale rate and is distributed by Mishawaka Utilities. Mishawaka Utilities is not supported by tax dollars, but rather through revenue generated by the sales of electricity to its consumers. System improvements occurring in 2021 include continued work on the new Union Substation, the first of seven planned conversion substation projects, and upgrading over 75 utility transformers in the downtown area to dual voltage.

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

Mishawaka has a full-time Fire Department, with four stations. The Department maintains a Class 2 fire rating with the Insurance Services Office (ISO) rating improving from a Class 3 rating in November 2019. The City nearly received a Class 1 rating of which there are only five in the State of Indiana. It is expected that a Class 1 rating will be achieved during the next

reevaluation. The lower the rating, the lower a resident's homeowner's insurance will be. Additionally, the department's response time is excellent, and fire trucks arrive within three minutes to a call for 90 percent of the city.

The Mishawaka Police Department, with approximately 100 officers and employees, responds to critical incidents within three to five minutes. The Department offers many personal services within its Community Relations and Street Crimes Units, and the Riverwalk Beat. These services include attendance at neighborhood watch meetings, administering various programs for school-aged children and senior citizens, and focusing on crime reduction in high crime areas of the city.

The City's EMS Department is a centralized system that responded to nearly 9,700 calls in 2021. The City, with its population of over 51,000, responds to about 50% more calls than the County ambulance service does, with its population of almost 120,000 residents spread over a much larger area. The business of "saving lives" has a very narrow window of four to six minutes, so the quicker an ambulance can respond, the more likely a life will be saved.

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

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

Additionally, residents of the City of Mishawaka, with the exception of those living in Clay Township, have access to all three branches of the Mishawaka-Penn-Harris Public Library. The Main Branch on Church Street in downtown Mishawaka, the Bittersweet Branch on the City's east side, and the Harris Branch on Elm Road in Granger. Those living in the City and Clay Township have access to any of the St. Joseph County Public library branches.

Trash pick-up in the City is also inexpensive and efficient, with the monthly fee for single-family trash pickup at \$14.86. For senior citizens, the rate is \$12.09. The rates include the cost of recycling and yard waste, which is picked up on the same day the trash.

With the exception of the trash removal, library use and Mishawaka Utilities services, the vehicle with which to pay for the rest of the City's services is through city property taxes. And the City of Mishawaka has a long history of having a low, stable tax rate – in fact, the rate has remained relatively stable for the past 15 years.

With its rich history, Mishawaka continues to prepare and grow for the future. New development within the City's Central Business District and the continued development of the city's commercial and industrial sectors guarantee its strength in the future. This growth allows the tax rates to remain low. With the low tax rate and the multitude of services provided, the City of Mishawaka is an excellent place to build homes, start businesses, and raise families.

SANITARY SEWER, TRANSPORTATION, AND DRAINAGE

Existing Sanitary Sewer Infrastructure

The City currently does not serve this site with sanitary sewer. Sanitary sewer shall be extended to the site for connection to the proposed development per City of Mishawaka Engineering Standards. The intent is for a future City project to provide sanitary sewer along extended Veterans Parkway to Cleveland Rd. The cost of the sanitary sewer connection to the site shall be the responsibility of the owner/developer. This sanitary sewer connection will discharge into the sanitary sewer system that is publicly maintained and ultimately discharges to the City of Mishawaka's Wastewater Treatment Plant. The City's sanitary sewer system has ample capacity to serve this annexation property for the proposed use.

Existing Road/Transportation Infrastructure

This annexation has frontage along Cleveland Road, which is currently a two-lane County Road (one lane in each direction). With the existing traffic volume along Cleveland Road, and the anticipated additional traffic volumes, improvements to Cleveland Road will be required. At a minimum, dedicated right and left turn lanes into the site should be added along. With the future anticipated extension of Veterans Parkway, coordination between that project and the proposed drive approaches into this site shall be done to best align. Intersection improvements with Cleveland Road and future Veterans Parkway/Drive approach into site may also be needed to help facilitate traffic and maintain a reasonable level of service.

Existing Storm Sewer/Drainage Infrastructure

Regarding any new development or redevelopment within the annexation area, sites are required to retain the stormwater generated by the development on site at the rate of 100-year return storm frequency for a 24-hour duration. A geotechnical investigation shall be conducted to determine the existing soil conditions and seasonal groundwater table, as they may limit the amount of runoff that will infiltrate into the ground. This requirement provides significant protection to both existing and proposed developments regarding the impact of stormwater run-off. Several different engineering methods are considered acceptable by the City of Mishawaka to calculate this requirement. The simplest method of calculation is using the one-line rational equation. However, the Rational Method, Curve Number Method, and TR-55 Method are also acceptable and tend to be more advanced, taking into consideration the percolation rate of soil types and ratios of developed impervious surfaces. The choice of one method over another is typically due to factors of site size, soil type, and design preference. The developer is required to bear all costs associated with stormwater management and all land disturbing activities shall fully comply with the City's Erosion & Sediment Control Ordinance.

Planned Capital Expenditures, Staff and Rates

If annexed, any streets and utilities within the annexed parcel will remain privately maintained by the site owner. The City Departments do not require any additional funds than what is currently allocated within the present City budget. For general information, the repair and maintenance of sanitary sewers is supported by rates paid by its users. Otherwise, as a general percentage of City expenditures, approximately 15 cents of every dollar of the City budget is allocated for street and storm sewer expenditures.

Personal Service Programs

The Engineering Department works closely with the Sewer Department regarding the maintenance of the City sewer system. Construction records are kept for all sanitary and storm sewers and technical/administrative assistance is provided on sewer repairs for the Sewer Lateral Insurance Program. Specifically, the Sewer Lateral Insurance Program covers each single-family residential homeowner connected to the public sewer system within the City of Mishawaka. For a \$2.20 monthly fee, which is included in the Mishawaka Utilities sewer bill, the homeowner is protected from paying catastrophic sanitary sewer repair costs for the portion of sewer lateral between the street right-of-way and outside of foundation wall of the home. Currently, this annexation area is not intended to include any single family residential, and therefore is not eligible for this program.

CITY OF MISHAWAKA
2022 BUDGET

ENGINEERING DEPARTMENT
101-13

1 PERSONAL SERVICES - *see salary ordinance for updated wages*

<u>Salaries and Wages</u>		biweekly
411-01	Director of Engineering	82,664.00 3,179.35
411-02	Assistant Director	68,623.00 2,639.34
	Project Manager	66,513.00 2,558.17
	Traffic Manager	56,715.00 2,181.32
	Project Coordinator	42,265.00 1,625.57
	Office Manager	37,339.00 1,436.09
	City GIS Coordinator	<u>56,715.00</u> 2,181.32
<i>Utility salary ordinance displays utility portion of salaries</i>		410,834.00

Other Personal Services

411-65	PE Certification	<u>10,000.00</u> 192.31
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420,834.00

2 SUPPLIES

Office Supplies

421-90	General Supplies	<u>8,000.00</u>
		8,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	5,000.00
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Communication and Transportation

432-03	Travel and Training	6,000.00
432-04	Telephone/Technology	750.00

Repairs and Maintenance

436-01	Equipment Repair	2,500.00
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Other Services and Charges

439-03	Subscriptions, Dues, etc.	<u>1,000.00</u>
		15,250.00
		<u>444,084.00</u>

ELECTRIC SERVICE

Services and Rates

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

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

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

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

Personnel

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

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

Description of Services

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

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

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

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

Costs Associated with Services

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

FIRE PROTECTION/EMS

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

Staffing and Response Times

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

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

The Department's response time is excellent. The Fire Department's average response time to calls is just over 6 minutes within the City.

Fire Stations

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

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

Station No. 2, located at 2332 N. Main St., is staffed by five (5) to six (6) firefighters at all times, manning one Sutphen pumper truck, and one A.L.S. Paramedic ambulance unit.

Station No. 3, located at 333 E. Douglas Road, is staffed by eight (8) firefighters at all times, manning one Seagrave pumper truck, one aerial truck (a 105' Sutphen aerial/pumper combination,) and one A.L.S. Paramedic ambulance unit. If annexed, this would be the primary responding station since it is the nearest to the site.

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

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

For the year 2021 out of 9,658 runs 7,318 or roughly 76% were medical in nature. Total calls for service increased 17% from the prior year's 8,269 runs. The Mishawaka Fire Department restructured going to a three-platoon system in 2013. With the addition of a third ambulance we were able to move ambulances out of one central location to be closer to the neighborhoods they served. This and the availability of paramedics on some engine companies have decreased the time in which it takes to start lifesaving interventions if needed. Engine and ladder companies also have Advanced E.M.T.'s on board who may begin vital treatment such as 12 lead E.K.G.'s, establishing I.V. lines, and administration of a handful of drugs. Once the ambulance arrives the paramedics take over in the continuum of care depending upon the severity of the call.

Equipment

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

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

Training

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

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

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

In the calendar year 2021 each firefighter took part in an average of 200+ hours of continuing education.

Complete training records for all personnel are available.

Fire Insurance Rating

Mishawaka maintains a Class 2 fire rating with the Insurance Services Office. The lower the number in the rating, the lower a homeowner's insurance policy could be. Thus, properties that are annexed into the city could see a reduction in property insurance. There are only thirty-four (34) Class 2 departments in Indiana.

During the last audit in November of 2019 Mishawaka's rating improved from 78.65% out of a maximum of 100% in 2012 to 88.35% out of 100% in 2020.

We are currently only 1.65% away from a Class one (1) designation of which there are only five (5) in the State of Indiana.

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

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

For comparison, many township departments have ratings of 7 to 9. After our next reevaluation we believe Mishawaka's fire insurance rating will be the highest possible a Class one (1).

Future Plans

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

The next Station slated for major improvements is Station #2 located at 2332 North Main Street and we anticipate breaking ground on the new station early in 2023.

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

Potential increases in personnel, equipment, and buildings, are evaluated on a continual basis. Although these increases represent the anticipated long term needs of the department, these increases are not

needed in the short term to provide the consistent high level of service that has been historically provided to the city.

Citizen Programs

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

In 2021 the Fire Prevention Bureau performed 1,023 fire inspections of new and existing buildings in Mishawaka.

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

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

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

Costs Associated With Services

If annexed, the City of Mishawaka Fire Department is capable of providing a level of service for the area that is equal to the services currently provided for the City. Given the proximity of the proposed annexation area, the Fire Department does not require any additional funds than what have been allocated within the current city budget to provide these services. For general information purposes, a copy of the year 2022 budget has been included for reference.

CITY OF MISHAWAKA
2022 BUDGET

FIRE/EMS DEPARTMENT
101-19

1 PERSONAL SERVICES - *see salary ordinance for updated wages*

Salaries and Wages

			biweekly
411-01	Fire Chief	85,382.00	3,283.92
411-02	Assistant Chief		
	4 @ 79,223	362,669.00	3,047.04
	Battalion Chief		
	3 @ 72,064	216,192.00	2,771.67
	Captain 15 @ 68,594	1,028,910.00	2,638.20
	Lieutenant		
	15 @ 66,718	1,000,770.00	2,566.05
	Fire Inspector		
	1 @ 68,594 2 @ 66,718	202,030.00	2,638.20 2,566.05
	Driver Operator		
	30 @ 64,873	1,946,190.00	2,495.10
	1st Class Firefighter		
	34 @ 64,547	2,194,598.00	2,482.56
	Master Firefighter		
	11 @ 61,765	<u>679,415.00</u>	2,375.54
			7,716,156.00

Civilian

Administrative Assistant	<u>44,074.00</u>	1,695.15
		44,074.00

Other Personal Services

411-12	Specialty Pay	283,300.00	
411-60	Overtime	750,000.00	
411-66	Uniform Allowance 115 @ 1,250	143,750.00	
411-67	Pension Equalization	<u>11,300.00</u>	
			<u>1,188,350.00</u>
			8,948,580.00

Employee Benefits

413-01	Social Security	13,954.00	
413-02	Medicare	127,961.00	
413-03	INPRS 14.2%	31,960.00	
413-05	Health Insurance	2,800,000.00	
413-06	Life/Disability Insurance	6,500.00	
413-08	Deferred Comp Match	70,000.00	
413-09	77 Pension 20.5%	<u>1,520,000.00</u>	
			<u>4,570,375.00</u>
			13,518,955.00

CITY OF MISHAWAKA
2022 BUDGET

FIRE/EMS DEPARTMENT
101-19

2 SUPPLIES

Office Supplies

421-90 Office Supplies 6,000.00

Operating Supplies

422-01 Operating Supplies 200,000.00

422-03 Medical Supplies 150,000.00

Other Supplies

429-10 Public Education
Training/ Seminar
Supplies/Refreshments 6,000.00

362,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Clinic Services 35,800.00

431-11 Physicals 45,000.00

Communication and Transportation

432-03 Travel and Training 65,000.00

Repairs and Maintenance

436-01 Building/ Equipment Repair 150,000.00

Professional Services

436-90 Service Contracts 177,000.00

436-91 Laundry Maintenance 3,000.00

Other Services and Charges

439-03 Subscriptions, Dues, etc. 20,000.00

495,800.00

14,376,755.00

PARKS AND RECREATION OPPORTUNITIES

Parks and Recreation

Mishawaka offers 28 public parks, each with its own unique natural attributes. For boating enthusiasts, there are four parks with boat launches into the St. Joseph River. East of the American Electric Dam by Capital Avenue, the river provides opportunities for water-skiers and sailors. Mishawaka parks also have an excellent swimming pool, splash pads, as well as accommodations for tennis and various field sports. Disc golf is another popular park sport. The City also contains the Eberhart-Petro 18 hole municipal golf course located along the St. Joseph River.

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

The Ball-Band Biergarten, opening in July 2020, is a unique event and gathering space along the popular Riverwalk and increasingly vibrant downtown. The center of the building will provide a service area for beverages and limited concessions to be enjoyed by all ages.

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

Staff and Equipment

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

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

Costs Associated With Services

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

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

For general information purposes, a copy of the year 2020 budget has been included for reference.

CITY OF MISHAWAKA
2022 BUDGET

PARK AND RECREATION
204-50

1 PERSONAL SERVICES - *see salary ordinance for updated wages*

Salaries and Wages

biweekly

411-01	Department Head	72,420.00	2,785.38
411-02	Regular Employees	556,757.00	
	Group 1: 14@21.61*2092	633,025.00	
411-03	Temporary/Summer Help	650,000.00	1,912,202.00
	CS reimburse - 56,736* 1.25 for assts.	87,941.00	
	Reimburse MVH Director - 72,420*5%	3,621.00	91,562.00
			<u>2,003,764.00</u>

Other Services Personal

411-60	Overtime	25,000.00	
411-63	Longevity	15,200.00	
411-64	FTO	10,000.00	50,200.00

Employee Benefits

413-01	Social Security	120,000.00	
413-02	Medicare	28,000.00	
413-03	PERF 14.2%	180,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Insurance Benefits	360,000.00	
413-06	Life Insurance	1,500.00	
413-08	Deferred Comp Match	8,000.00	
			<u>702,500.00</u>

2 SUPPLIES 2,756,464.00

Office Supplies

421-90	Office Supplies	8,000.00	
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Operating Supplies

422-02	Gas, Oil, Parts, etc.	73,000.00	
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Other Supplies

429-09	Merrifield Complex Supplies	32,000.00	
429-14	Maintenance Supplies	81,500.00	
429-15	Program Supplies	37,500.00	
429-16	Golf Course Concessions	40,000.00	
429-18	Athletic Event Supplies	46,000.00	
429-19	Battell Center Supplies	15,000.00	
429-20	Golf Course Supplies	50,000.00	
429-21	Other Concessions	5,000.00	
429-23	Merrifield Concessions	<u>28,000.00</u>	
			416,000.00

CITY OF MISHAWAKA
2022 BUDGET

PARK AND RECREATION
204-50

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Health Screenings/Vaccines 8,000.00

Communication and Transportation

432-02 Postage and Freight 2,000.00

432-03 Travel and Training 8,000.00

432-04 Telephone 7,000.00

Printing and Advertising

433-01 Printing/Newsletter etc. 10,000.00

Insurance

434-90 Insurance Premiums/Deductibles 130,000.00

Utility Services

435-01 MU/AEP Charges 500,000.00

435-02 NIPSCO 50,000.00

Repairs and Maintenance

436-01 Equipment/Facility Repair 90,000.00

436-90 Service Contracts 150,000.00

Rentals

437-05 Uniforms/Port-o-lets 17,500.00

Other Services and Charges

439-03 Subscription, Dues, etc. 3,000.00

439-09 Miscellaneous/Charges 1,000.00

439-18 Instructor Fees 15,000.00

439-19 Official/Referee Fees 10,000.00

439-21 Recreation Event/Entertainment 48,000.00

439-93 Sales Tax 25,000.00

1,074,500.00

4,246,964.00

CITY OF MISHAWAKA
2022 BUDGET

PARK AND RECREATION NON-REVERTING
214-50

1 PERSONAL SERVICES

Salaries and Wages

411-03	Temporary Help	<u>25,000.00</u>	25,000.00
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2 SUPPLIES

Other Supplies

429-09	Merrifield Supplies and Repairs	35,000.00	
429-09	Wilson Supplies and Repairs	12,000.00	
429-17	Landscaping/Chemical Supplies	<u>70,000.00</u>	117,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	95,000.00	
436-90	Animal Control	15,000.00	

Communication and Transportation

432-04	Wilson Hill Phone and Internet	2,500.00	
436-90	GPS Contract	19,000.00	

Repairs and Maintenance

436-01	Golf Cart Repair	5,000.00	
436-22	Athletic Field Maintenance	<u>8,000.00</u>	144,500.00

4 CAPITAL OUTLAYS

Machinery and Equipment

444-10	Golf Carts	68,900.00	
445-17	Dog Park	<u>50,000.00</u>	
			<u>118,900.00</u>
			405,400.00

POLICE AND CRIME PREVENTION

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

Staffing

There are currently a total of 8 full time civilians within the Mishawaka Police Department, and are budgeted for 108 sworn officers. The Department has 25 officers on the day shift, 25 on the afternoon shift, and 25 on midnights, making for a total of 75 (*when fully manned*) officers in the Uniform Division.

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

There are also 9 officers in the Investigative Division and 8 officers assigned to special duty (special crimes, domestic violence, school resource, etc.)

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

Equipment

The Police Department has a take-home patrol car program. Currently, there are 108 take-home vehicles. Each car contains standard first aid equipment for immediate response. Each officer is also well equipped with standard equipment such as side-arms, shotguns, Tasers, and body armor. All officers have been provided with digital cameras for recording accident and crime scenes. In addition, 22 cars are equipped with video cameras to record events on patrol. The City provides for the continual maintenance, repair, and replacement of equipment. Standard equipment items such as cars and firearms are on a set replacement schedule for both reliability and performance.

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

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

The Community Relations Unit

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

improving how we get crime information and other important information out to the public. The unit also handles neighborhood complaints, such as drug houses, speeding, neighbor disputes, and other "quality of life" issues.

Street Crimes Unit

The Street Crimes Unit was implemented in July of 2009. There are 4 officers assigned to the Unit. The goal of this Unit is to concentrate efforts in high crime areas of the city and work in conjunction with the Police Department's Investigative Division to identify criminals and solve crimes. So far, the SCU has worked very hard at their mission and has proven to be quite a success. Because of their determination and self-motivation, the Unit has taken several criminals, weapons and drugs off the streets and has seen crime decrease in the high crime neighborhoods.

Riverwalk Beat

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

CAPS Program

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

Response Time and Crime Statistics

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

The Uniform Division was tasked with covering 41,603 calls for service in 2021. That is a decrease of 1,595 calls from the previous year. These numbers also reflect reporting on 2,415 vehicle crashes.

Mishawaka crime rates in general continue to remain low for cities of comparable sizes. Serious crimes such as rape, robberies and assaults have increased from 2020 to 2021. There was a decrease in burglaries and thefts from 2020 to 2021. Overall, there was a 4% increase in crime in 2021. Mishawaka had 4 homicides in 2021. In 2020 there were 6 homicides.

For general information purposes, a copy of the year 2022 budget has been included for reference. The budget itemizes the costs of providing services for the entire city.

Costs Associated with Services

If annexed, the City of Mishawaka Police Department is capable of providing a level of service for the area that is equal to the services currently provided within the City of Mishawaka. The Police Department does not require any additional funds than what has been allocated within the current city budget to provide these services. No capital expenditures are required in association with this proposed annexation.

CITY OF MISHAWAKA
2022 BUDGET

POLICE DEPARTMENT
101-20

1 PERSONAL SERVICES - *see salary ordinance for updated wages*

Salaries and Wages

biweekly

411-01	Police Chief	85,890.00	3,303.46
411-02	Assistant Chief		
	3 @ 79,743	239,229.00	3,067.03
	Captain		
	6 @ 69,496	416,976.00	2,672.92
	Lieutenant		
	14 @ 67,787	949,018.00	2,607.17
	Sergeant		
	20 @ 66,173	1,323,460.00	2,545.08
	1st Class Patrol Officer		
	46 @ 64,547	2,969,162.00	2,482.56
	2nd Class Patrol Officer		
	18 @ 57,623	<u>1,037,214.00</u>	<u>2,216.25</u>

7,020,949.00

Civilians

	Administrative Assistant	44,074.00	1,695.15
	Administrative Secretary	37,831.00	1,455.01
	Secretary 2 @ 37,357	76,912.00	1,436.78
	Parking Personnel	37,357.00	1,436.78
	Property Manager	41,016.00	1,577.53
	Office Manager	<u>39,246.00</u>	1,509.44

276,436.00

	Crossing Guards 20 @ 7,922	158,440.00	
411-03	Substitute Crossing Guard	2,000.00	
	Temporary Help/Part-time	20,000.00	
411-65	IDACS Specialist	<u>500.00</u>	180,940.00

Other Personal Services

411-02	Shift Differential 2nd @350 3rd @ 700	57,600.00	
411-60	Overtime/ Court-time Officer-Non Officer	600,000.00	
411-66	Uniform Allowance 1@600, 108@2050	222,000.00	
411-66	Equipment Allowance 108@1250	135,000.00	1,014,600.00

Employee Benefits

413-01	Social Security	30,000.00	
413-02	Medicare	120,000.00	
413-03	INPRS 14.2%	40,000.00	
413-05	Health Insurance	2,650,000.00	
413-06	Life Insurance	6,250.00	
413-08	Deferred Comp Benefit	65,000.00	
413-10	77 Pension 20.5%	<u>1,429,000.00</u>	<u>4,340,250.00</u>

12,833,175.00

CITY OF MISHAWAKA
2022 BUDGET

POLICE DEPARTMENT
101-20

2 SUPPLIES

Operating Supplies

422-01 Operating Supplies 110,000.00

Other Supplies

429-11 Seminars/ Community Relations 1,000.00

111,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Clinic Services 35,800.00

431-11 New Hire Physicals 32,000.00

Communication and Transportation

432-03 Travel and Training 2,000.00

Printing and Advertising

433-01 Printing 1,800.00

Repairs and Maintenance

436-01 Building Repair/ Maintenance 100,000.00

436-90 Service Contracts 400,000.00

Other Services and Charges

439-03 Subscriptions, Dues, etc. 3,000.00

439-09 Miscellaneous Charges 5,000.00

439-11 Special Expense 13,000.00

439-12 Canine Expenses 9,000.00

601,600.00

13,545,775.00

STREET DEPARTMENT

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

Staffing

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

Equipment

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

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

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

Services

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

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

Also, in the event of a wind storm that blows trees into streets, the City can have the street reopened, in most cases, in less than an hour. The county can take six to eight hours, as evidenced by calls from residents on streets just outside the City's boundaries.

Costs Associated with Services

If annexed, the City of Mishawaka Street Department is capable of providing a level of service for the area that is equal to the services currently provided for similar geographic areas within the City of Mishawaka. Given the proximity of the proposed annexation area, bordered to the south by the existing City limits, the Street Department does not require any additional funds than what have been allocated within the current city budget to provide these services. No capital expenditures are required in association with this proposed annexation. Services will begin within one year of the date of annexation as required by law.

For general information purposes, a copy of the year 2020 budget has been included for reference.

CITY OF MISHAWAKA
2022 BUDGET

CENTRAL SERVICES DEPARTMENT
101-22

1 PERSONAL SERVICES - <i>see salary ordinance for updated wages</i>		
<u>Salaries and Wages</u>		biweekly
411-02 Assistant 4 @ 56,736	226,944.00	2,182.15
Fleet Maintenance Technician		
6 @ 22.75*2092	285,558.00	
Group 1: 4 @ 21.61*2092	180,832.00	
PT maintenance 1040 hrs @ 11.00	11,440.00	
Reimburse MVH Director - 72,420*5%	<u>3,621.00</u>	
		708,395.00
<u>Other Services Personal</u>		
411-60 Overtime	15,000.00	
411-63 Longevity	<u>5,000.00</u>	
		<u>20,000.00</u>
		728,395.00
2 SUPPLIES		
<u>Office Supplies</u>		
421-90 Office Supplies	2,000.00	
<u>Operating Supplies</u>		
422-02 Gas, Oil, etc.	800,000.00	
422-05 Equipment/ Vehicle/Maint Supplies	110,000.00	
<u>Other Supplies</u>		
429-08 Uniform/ Supplies	<u>5,750.00</u>	
		917,750.00
3 OTHER SERVICES AND CHARGES		
<u>Professional Services</u>		
431-09 Health Screenings/ Vaccines	1,000.00	
<u>Communication and Transportation</u>		
432-03 Travel and Training	1,000.00	
<u>Repairs and Maintenance</u>		
436-01 Building Repair / Equipment/Maint	70,000.00	
<u>Rentals</u>		
437-05 Uniforms	10,000.00	
<u>Other Services and Charges</u>		
439-09 Miscellaneous Charges	<u>1,500.00</u>	
		83,500.00
		<u>1,729,645.00</u>

CITY OF MISHAWAKA
2022 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

1 PERSONAL SERVICES - *see salary ordinance for updated wages*

Salaries and Wages

			biweekly
411-01	Street Commissioner	72,420.00	2,785.38
411-02	Office Administrator	37,592.00	1,445.84
	Office Manager	37,339.00	1,436.09
	Group 1: 32 @ 21.61*2092	1,446,660.00	
	CS reimburse - 56,736* 1.55 for assts.	87,941.00	
			1,681,952.00

Other Services Personal

411-60	Overtime	80,000.00	
411-63	Longevity	15,000.00	
411-64	FTO (Flexible Time Off) Plan	<u>8,000.00</u>	
			103,000.00

Employee Benefits

413-01	Social Security	105,000.00	
413-02	Medicare	24,000.00	
413-03	INPRS 14.2%	241,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Ins Benefits	600,000.00	
413-06	Life Insurance	1,900.00	
413-07	Deferred Comp Benefit	<u>10,000.00</u>	
			<u>986,900.00</u>
			2,771,852.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	1,500.00	
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Other Supplies

429-08	Uniform Supplies	7,000.00	
429-13	Traffic Supplies	<u>35,000.00</u>	
			43,500.00

3 OTHER SERVICE AND CHARGES

Professional Services

431-09	Health Screenings/ Vaccines	5,000.00	
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Communication and Transportation

432-03	Travel and Training	3,000.00	
432-04	Telephone/ Paging	7,500.00	

Printing and Advertising

433-02	Publications	500.00	
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CITY OF MISHAWAKA
2022 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

Rentals

437-05 Uniforms 16,000.00

Other Services and Charges

439-09 Miscellaneous Charges 3,000.00 35,000.00

4 CAPITAL OUTLAYS **MVHR**

Improvements Other than Buildings

442-01 Street Repair 1,500,000.00
1,500,000.00
4,350,352.00

LOCAL ROAD AND STREET
202-50

4 CAPITAL OUTLAYS

Improvements other than Buildings

442-01 Street Repair 500,000.00
442-04 Sidewalk and Curb Program 300,000.00
50/50 Program 25,000.00
445-02 MVH Equipment 265,000.00
1,090,000.00

WASTE DISPOSAL AND RECYCLING SERVICES

Waste Disposal and Recycling Services

Trash pick-up in the City of Mishawaka is inexpensive and efficient. The monthly fee for single family trash pickup is \$14.86. This includes trash, yard waste and recycling. Residents also are allowed to place up to two large items out each week for removal with their regular trash. Large items could include furniture, appliances, and similar objects that are not readily placed within containers.

A discounted rate of \$12.09 per month is provided for senior citizens.

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

Leaf pick-up and the Organic Center

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

Wastewater

Services

Services are provided by the Mishawaka Wastewater Division 24-hours a day, 7 days per week. There are at least two operators staffing the facility at all times. Additionally, maintenance technicians can be called in during off-hours to respond to emergencies. The twenty-nine remote sewage lift stations are continuously monitored by radio telemetry.

Facilities

Mishawaka's wastewater treatment plant is a Class IV facility that was expanded in 2008 to provide an average design capacity of 20 million gallons per day (MGD). The peak design capacity is 42 MGD. The plant is designed to operate in the conventional activated sludge mode. Single stage nitrification is achieved in the activated sludge process to convert ammonia to nitrate. Phosphorus is removed both biologically and by chemical precipitation using ferrous chloride. Solids generated in the treatment process are anaerobically digested and mechanically dewatered. These biosolids are land applied on area farm fields for soil conditioning and fertilizing. The treated effluent from the facility is disinfected with sodium hypochlorite, then treated with sodium bisulfite to remove any chlorine residual.

For the year 2021, an average flow of 9.23 MGD was treated. The average cBOD removal was 98% and the average suspended solids removal was 98%.

Staff

Twenty-six people staff the wastewater utility. There are 5 managers/supervisors, 3 chemists, 11 operators, 5 maintenance technicians, 1 project coordinator and 1 biosolids technician. At least two operators are on duty at all times.

Support Personnel

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

Past and Planned Capital Improvements

A \$42 million upgrade was completed in 2008 for the wastewater utility. This upgrade was necessary to provide capacity for service area growth and to address the CSO requirements established in Mishawaka's NPDES permit and CSO control regulations. The upgrade increased both the dry weather flow capacity and the plant's capability to treat wet weather flows. Capital improvements increased the wastewater treatment plant's capacity from 12 MGD to 20 MGD. The hydraulic peak capacity increased from 24 MGD to 42 MGD. The scope of the wastewater treatment plant improvements includes the following elements:

- Parallel 60-inch interceptor sewer from CSO 009 to treatment plant
- Influent pump station expansion
- Additional fine screen
- New grit separation and washing equipment
- Addition of two grit removal tanks
- Addition of two primary clarifiers
- Addition of two aeration tanks
- Addition of two final clarifiers
- Addition of a chlorine contact tank
- Conversion from gaseous chlorine and sulfur dioxide to liquid sodium hypochlorite and sodium bisulfite disinfection
- Rehabilitation of ferrous chloride storage and feed system
- Addition of two WAS gravity belt thickener
- Addition of a second belt filter press for biosolids dewatering
- New anaerobic digester and rehabilitation of existing digesters including new covers
- Modifications to the plant electrical feed
- Installation of a high efficiency turbo aeration blower

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

In 2017, the Oakland St. lift station was replaced. In 2020 the Willow Creek Lift Station was completely re-built following a catastrophic failure of the station.

Construction of miscellaneous plant improvements included replacement of the manual bar screen with a new automated fine screen, improvements to the hypochlorite disinfection system, improvements to CSO 009, and replacement of the existing air monitoring systems in the Headworks and Digester Control Buildings was substantially completed in 2019. Also, replacement of the Home St. lift station was completed in 2019.

In 2020, the replacement of the effluent troughs in the 4 west side final clarifiers was completed.

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

Statistical Information

Mishawaka's wastewater treatment plant exhibits outstanding performance. For the year 2021 the average removals and plant data were as follows:

	2021
Average Flow (MGD)	9.23
Peak Flow (MGD)	61.5
BOD Removed (%)	98
Phosphorus Removed (%)	84
Ammonia Removed (%)	98
Solids Removed (%)	98
Biosolids Produced (dry tons)	1344
Electricity Use (MkWH)	4.9
Natural Gas Use (Mcf)	7.6
Total Precipitation (inches)	40.03

During 2021 there were no exceedances of NPDES permit effluent mercury limitations.

Costs Associated with Services

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

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

WATER SERVICE

Water Utilities

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

Serving the Proposed Annexation Area

Currently there is no water main fronting the property at 14325 Cleveland Road. A new water treatment plant is under construction on Veteran's Parkway approximately 4000' to the south. It is scheduled to be on line in mid, late summer 2023. A water main extension would need to be done to reach this property.

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

Staff and Services

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

There are a total of thirty-three (33) employees in the Water Division consisting of twenty (24) union employees and nine (9) salaried personnel. An additional administrative staff of four (4) people and an office staff of twenty-three (23) carries out all billing and clerical work for both the electric and water divisions.

The Water Division has twenty-seven (28) vehicles and eight (9) large specialized pieces of equipment to serve the area.

Services to Residents

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

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

The Division has no benefits geared strictly toward senior citizens, but it does accept money from the Project Safe program, provided by Real Services. Real Services provides state funds to pay utility bills of low-income families that fall within a certain income range. The low-income families must fill out an application, at the Real Services office, to become eligible for this benefit.

Costs Associated with Services

Mishawaka Utilities Water Division is not supported by tax dollars, but rather through revenue generated by the sales of water to its consumers. All costs associated with providing water service are rate generated. No tax dollars are used to provide this service. If annexed, Mishawaka Utilities is capable of providing a level of service for the area that is equal to the services currently provided within the City.

Annexation Fiscal Plan

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING.
CONTAINING 60.01 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

TAB D - APPENDICES

RESOLUTION NO. 2022-24

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

14325 Cleveland Road, Granger, IN 46530 including four tax parcels and the adjacent Cleveland Road and Capital Avenue public right-of-way.

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-

0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING.
CONTAINING 60.01 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Section II. Following the review of documents prepared by the Department of Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____,

2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____ 2022, at
_____ o'clock ____M.

David A. Wood, Mayor

PETITION #22-11

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. _____

ORDINANCE NO. _____

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

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF

Proposed Ordinance No. _____

Ordinance No. _____

THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING. CONTAINING 60.01 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: 14325 Cleveland Road, Granger

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development District, subject to the attached conditions.

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

1. Existing Conditions – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St. Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, planned extension of Veteran's Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. Landscaping and screening compliant with the commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development to include commercial

Proposed Ordinance No. _____

Ordinance No. _____

uses is reasonably consistent the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.

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 _____, 2022, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at _____ o'clock _____.M.

David A. Wood, Mayor

Appendix "C"

1.

Tab Rate Chart for the year 2021 payable 2022

Notice is hereby given that the Tax Duplicates for the Taxing Units of St. Joseph County, for the year 2021 payable 2022, are now in the hands of the St. Joseph County Auditor, who is ready to receive the Taxes charged thereon. The following table shows the rate of taxation on each \$100.00 of Taxable Real Estate, Personal Property and Mobile Homes. The first installment will be delinquent after May 10, 2022. Second installment will be delinquent after November 10, 2022. Michael J. Hamann, Auditor of St. Joseph County.

		71 001	71 002	71 003	71 004	71 005	71 006	71 007	71 008	71 009	71 010	71 011	71 014	71 015	71 016	71 017
		Centre Township	South Bend - Centre	Clay Township	South Bend - Clay	Mishawaka - Clay	Indian Village	Roseland	German Township	South Bend - German	Greene Township	Harris Township	Lincoln Township	Walkerton	Madison Township	Olive Township
Fund	Fund Name															
61	County Rainy Day															
101	County General	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120
124	Cumulative Reassessment	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170
180	Debt Service	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078
702	Highway															
706	IR & S															
770	Major Moves SPC															
790	Cumulative Bridge	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095
792	Major Cumulative Bridge	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
801	Health	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213
1301	Park & Recreation	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232
2391	Cumulative Capital Development	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
71 1	Total COUNTY	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574
61	Township Rainy Day															
101	Township General Fund	0.0069	0.0069	0.0277	0.0277	0.0277	0.0277	0.0277			0.0131	0.0077	0.0458	0.0458	0.0072	0.0460
180	TOWNSHIP DEBT SERVICE															
601	Twp Community Bldg										0.0113					
840	Twp Poor Relief/Twp Assistance			0.0019	0.0019	0.0019	0.0019	0.0019	0.0045	0.0045	0.0113	0.0010	0.0187	0.0187	0.0071	0.0015
1111	Twp Fire										0.0068				0.0895	
1181	Twp Fire Bldg Debt Fund										0.2861					
1183	Twp Fire Equipment Debt															
1190	Twp Cum Fire														0.0300	
1312	Twp Recreation								0.0091	0.0091			0.0011	0.0011		0.0151
2120	Township Cemetery															0.5579
8604	Twp Fire Territory General	0.5805		0.2721			0.2721	0.2721	0.2721	0.2721		0.2721				0.0313
8692	Twp Fire Territory Equip Repla	0.0308		0.0269			0.0269	0.0269	0.0269	0.0269		0.0269				
71 2	Total TOWNSHIP	0.6182	0.0069	0.3286	0.0296	0.0296	0.3286	0.3286	0.3126	0.0136	0.3173	0.3077	0.0656	0.0656	0.1338	0.6518
61	City/Town Rainy Day															
101	City General		2.6125		2.6125	1.6437		0.5242		2.6125					0.9152	
180	City Debt Service														0.1151	
181	City/Town Debt Payment															
341	City Fire Pension															
342	City Police Pension															
706	City/Town IR & S															
708	City MVH					0.1326		0.0496							0.1207	
720	City/Town Major Moves Spc															
1301	City Park & Rec		0.6146		0.6146	0.1789				0.6146					0.2229	
1303	City/Town Park															
1380	Park Bond		0.0372		0.0372					0.0372					0.1010	
2120	City Cemetery															
2379	City/Town CCI															
2391	City Cum Cap Development		0.0282		0.0282	0.0450		0.0336		0.0282					0.0390	
6290	City Cum Sewer															
8604	City Town Fire Territory Gen													0.3686		
8692	City Town Fire Terr Eqp Replac													0.0292		
71 3	Total CITY/TOWN	0.0000	3.2925	0.0000	3.2925	2.0002	0.0000	0.6074	0.0000	3.2925	0.0000	0.0000	0.3978	1.9117	0.0000	0.0000
22	Referendum-Exempt Operating	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334					
61	School Rainy Day															
180	School Debt Service	0.2877	0.2877	0.2877	0.2877	0.2877	0.2877	0.2877	0.2877	0.2877	0.2877	0.4066	0.4535	0.4535	0.4066	0.4919
186	School Retirement/Pension Debt												0.0139			
287	Referendum Debt-Exempt Capital	0.0669	0.0669	0.0669	0.0669	0.0669	0.0669	0.0669	0.0669	0.0669	0.0669					0.1441
3101	Education															
3300	Operations	0.7268	0.7268	0.7268	0.7268	0.7268	0.7268	0.7268	0.7268	0.7268	0.7268	0.5321	0.5794	0.5794	0.5321	0.6783
71 4	Total SCHOOL	1.4148	1.4148	1.4148	1.4148	1.4148	1.4148	1.4148	1.4148	1.4148	1.4148	0.9387	1.0468	1.0468	0.9387	1.3143
61	Rainy Day															
101	Library General	0.2792	0.2792	0.2792	0.2792	0.2792	0.2792	0.2792	0.2792	0.2792	0.2792	0.1260	0.0875	0.0875		0.2781
180	Library Debt Service	0.0221	0.0221	0.0221	0.0221	0.0221	0.0221	0.0221	0.0221	0.0221	0.0221	0.0161	0.0326	0.0326		0.0281
2011	Library LIB															
71 5	Total LIBRARY	0.3013	0.3013	0.3013	0.3013	0.3013	0.3013	0.3013	0.3013	0.3013	0.3013	0.1421	0.1201	0.1201	0.0000	0.3062
8001	So Bend Transpo		0.1106		0.1106	0.1106				0.1106						
8090	So Bend Transpo Spec Tran Cum															
8101	Airport Authority General	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294
8180	Airport Sp Airport Debt															
8190	Airport Authority Cum Bldg	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130
8210	Sp Solid Waste Ma															
71 6	Total SPECIAL UNIT	0.0424	0.1530	0.0424	0.1530	0.1530	0.0424	0.0424	0.0424	0.1530	0.0424	0.0424	0.0424	0.0424	0.0424	0.0424
	Total Tax Rates (Less Conservancy)	3.0341	5.8259	2.7445	5.8486	4.5563	2.7445	3.3519	2.7285	5.8326	2.7332	2.0883	2.3301	3.8440	1.7723	2.9721

Property Tax System

06/01/2022 09:08 AM by KGREGORI



1. Harris Township Tax Rates - Prior to Annexation

Tab Rate Chart for the year 2021 payable 2021 Tab Rate Chart for the year 2021 payable 2022

Notice is hereby given that the Tax Duplicates for the Taxing Units of St. Joseph County, for the year 2021 payable 2022, are now in the hands of the St. Joseph County Auditor, who is ready to receive the Taxes charged thereon. The following table shows the rate of taxation on each \$100.00 of Taxable Real Estate, Personal Property and Mobile Homes. The first installment will be delinquent after May 10, 2022. Michael J. Hamann, Auditor of St. Joseph County.

		71 018	71 022	71 023	71 025	71 026	71 027	71 028	71 029	71 030	71 031	71 032	71 033	71 034	71 035	71 036	71 037
		New Carlisle	Mishawaka - Phm School	Mishawaka - Penn	Portage Township	South Bend - Portage	Union Township	Lakeville	Warren Township	Osceola	Penn Township	Penn Township - Mishawaka Schools	South Bend - Penn	Liberty Township	North Liberty	Mishawaka - Harris	South Bend Warren
Fund	Fund Name																
61	County Rainy Day																
101	County General	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120	0.5120
124	Cumulative Reassessment	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170	0.0170
180	Debt Service	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078	0.0078
700	Highway																
706	LR & S																
720	Major Moves SPC																
790	Cumulative Bridge	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095
792	Major Cumulative Bridge	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
801	Health	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213	0.0213
1301	Park & Recreation	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232	0.0232
2391	Cumulative Capital Development	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
71 1	Total COUNTY	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574	0.6574
61	Township Rainy Day																
101	Township General Fund	0.0460	0.0131	0.0131			0.0809	0.0809	0.0380	0.0131	0.0131	0.0131	0.0131	0.0690	0.0690	0.0077	0.0380
180	TOWNSHIP DEBT SERVICE									0.0601	0.0601	0.0601					
601	Twp Community Bldg																
840	Twp Poor Relief/Twp Assistance	0.0015	0.0207	0.0207						0.0207	0.0207	0.0207	0.0207			0.0010	
1111	Twp Fire								0.2849					0.0657	0.0657		
1181	Twp Fire Bldg Debt Fund						0.0834	0.0834	0.1077								
1187	Twp Fire Equipment Debt						0.0528	0.0528									
1190	Twp Cum Fire								0.0333					0.0229	0.0229		
1317	Twp Recreation																
7120	Township Cemetery	0.0151															
8604	Twp Fire Territory General	0.5579			0.5805		0.0945	0.0945		0.2348	0.2348	0.2348	0.2348				
8692	Twp Fire Territory Equip Repla	0.0313			0.0306		0.0331	0.0331		0.0320	0.0320	0.0320	0.0320				
71 2	Total TOWNSHIP	0.6518	0.0338	0.0338	0.6113	0.0000	0.3447	0.3447	0.4639	0.3607	0.3607	0.3607	0.0338	0.1576	0.1576	0.0087	0.0380
61	City/Town Rainy Day																
101	City General	0.8048	1.6437	1.6437		2.6125		0.6822		0.2362			2.6125		1.0015	1.6437	2.6125
180	City Debt Service	0.0584															
181	City/Town Debt Payment																
341	City Fire Pension																
342	City Police Pension																
706	City/Town LR & S																
708	City NWI	0.2466	0.1326	0.1326				0.2773		0.0098					0.0739	0.1326	
720	City/Town Major Moves Spc																
1301	City Park & Rec		0.1789	0.1789		0.6146							0.6146		0.1456	0.1789	0.6146
1303	City/Town Park																
1380	Park Bond					0.0372							0.0372				0.0372
7120	City Cemetery	0.0456															
7379	City/Town CCI																
7391	City Cum Cap Development	0.0410	0.0450	0.0450		0.0282		0.0421		0.0422			0.0282		0.0436	0.0450	0.0282
6290	City Cum Sewer																
8604	City Town Fire Territory Gen																
8692	City Town Fire Terr Equip Replac																
71 3	Total CITY/TOWNSHIP	1.1964	2.0002	2.0002	0.0000	3.2925	0.0000	1.0016	0.0000	0.2882	0.0000	0.0000	3.2925	0.0000	1.2640	2.0002	3.2925
27	Referendum-Exempt Operating			0.2434	0.3334	0.3334				0.3334							0.3334
61	School Rainy Day																
180	School Debt Service	0.4919	0.4066	0.6671	0.2877	0.2877	0.5112	0.5112	0.2877	0.4066	0.4066	0.6671	0.4066	0.4535	0.4535	0.4066	0.2877
186	School Retirement/Pension Debt													0.0139			
287	Referendum Debt-Exempt Capital	0.1441		0.1145	0.0669	0.0669			0.0669				0.1145				0.0669
3101	Education																
3300	Operations	0.6783	0.5321	0.4155	0.7268	0.7268	0.5323	0.5323	0.7268	0.5321	0.5321	0.4155	0.5321	0.5794	0.5794	0.5321	0.7268
71 4	Total SCHOOL	1.3143	0.9387	1.4405	1.4148	1.4148	1.0435	1.0435	1.4148	0.9387	0.9387	1.4405	0.9387	1.0468	1.0468	0.9387	1.4148
61	Rainy Day																
101	Library General	0.2781	0.1260	0.1260	0.2790	0.2790	0.2790	0.2790	0.2790	0.1260	0.1260	0.1260	0.1260	0.2790	0.2790	0.1260	0.2790
180	Library Debt Service	0.0281	0.0161	0.0161	0.0271	0.0271	0.0271	0.0271	0.0271	0.0161	0.0161	0.0161	0.0161	0.0221	0.0221	0.0161	0.0271
2011	Library LIBF																
71 5	Total LIBRARY	0.3062	0.1421	0.1421	0.3061	0.3061	0.3061	0.3061	0.3061	0.1421	0.1421	0.1421	0.1421	0.3061	0.3061	0.1421	0.3061
8001	So Bend Transpo		0.1106	0.1106		0.1106							0.1106			0.1106	0.1106
8090	So Bend Transpo Spec Tran Cum																
8101	Airport Authority General	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294	0.0294
8180	Airport Sp Airport Debt																
8190	Airport Authority Cum Bldg	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130
8210	Sp Solid Waste Ma																
71 6	Total SPECIAL UNIT	0.0424	0.1530	0.1530	0.0424	0.1530	0.0424	0.0424	0.0424	0.0424	0.0424	0.0424	0.1530	0.0424	0.0424	0.1530	0.1530
	Total Tax Rates (Less Conservancy)	4.1685	3.9252	4.4270	3.0272	5.8190	2.3853	3.3909	2.8798	2.4295	2.1413	2.6431	5.2175	2.2055	3.4701	3.9001	5.8570

Property Tax System

Property Tax System

06/01/2022 09:03 AM by KREGORI



2. Mishawaka - Harris Tax Rates - Post Annexation

Appendix "D"
Indebtedness of St. Joseph County

St. Joseph County

Submitted to the State on

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2019

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: Mental Health Revenue Refunding Bonds, Series 2012 (Limited Tax)

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 79062V

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 5-1-5 and 36-2-6-18

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y

Applicable Issuer: St. Joseph County, Indiana

Current Debt Limit: \$53,332,514.00

Current Debt Capacity (after issuance of this debt): \$41,332,514.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution:

Date of Appropriation Resolution:

Date of Debt Sale: 9/13/2012

Date of Debt Closing: 9/27/2012

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other (Mental Health Property Tax Levy) : Primary

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? Yes

Purpose/Cost

Purpose of Debt: Current refunding of outstanding Economic Development Refunding Revenue Bonds, Series 1997

Total Project Cost: \$4,355,660.76

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	-------------	-------------------

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

Notes

St. Joseph County

Submitted to the State on

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2019

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: Mental Health Revenue Refunding Bonds, Series 2012 (Limited Tax)

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 79062V

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 5-1-5 and 36-2-6-18

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y

Applicable Issuer: St. Joseph County, Indiana

Current Debt Limit: \$53,332,514.00

Current Debt Capacity (after issuance of this debt): \$41,332,514.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution:

Date of Appropriation Resolution:

Date of Debt Sale: 9/13/2012

Date of Debt Closing: 9/27/2012

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other (Mental Health Property Tax Levy) : Primary

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? Yes

Purpose/Cost

Purpose of Debt: Current refunding of outstanding Economic Development Refunding Revenue Bonds, Series 1997

Total Project Cost: \$4,355,660.76

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	-------------	-------------------

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

Notes

St. Joseph County

Submitted to the State on Friday, February 17, 2017

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2023

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: St. Joseph County Redevelopment District, Special Taxing District Bonds of 2016

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 79062M

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized: I.C. 36-7-14 & I.C. 36-7-25

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y

Applicable Issuer: St. Joseph County Redevelopment District

Current Debt Limit: \$28,513,058.00

Current Debt Capacity (after issuance of this debt): \$15,333,058.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s): Tri-County News and South Bend Tribune

Date of Public Hearing: 7/1/2016

Date of Final Approval/Lease Execution:

Date of Appropriation Resolution: 7/12/2016

Date of Debt Sale: 11/21/2016

Date of Debt Closing: 11/30/2016

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
----------------	-----------	--------	--------

Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Provide funds to finance various improvements in or serving the NewCarlisle EconomicDevelopmentArea

Total Project Cost: \$9,197,753.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	-------------	-------------------

									Credit	
2/1/2038	\$380,000	4.00	\$7,600	\$387,600		\$395,200				\$0
8/1/2037			\$7,600	\$7,600						\$380,000
2/1/2037	\$365,000	4.00	\$14,900	\$379,900		\$394,800				\$380,000
8/1/2036			\$14,900	\$14,900						\$745,000
2/1/2036	\$350,000	4.00	\$21,900	\$371,900		\$393,800				\$745,000
8/1/2035			\$21,900	\$21,900						\$1,095,000
2/1/2035	\$335,000	4.00	\$28,600	\$363,600		\$392,200				\$1,095,000
8/1/2034			\$28,600	\$28,600						\$1,430,000
2/1/2034	\$325,000	4.00	\$35,100	\$360,100		\$395,200				\$1,430,000
8/1/2033			\$35,100	\$35,100						\$1,755,000
2/1/2033	\$310,000	4.00	\$41,300	\$351,300		\$392,600				\$1,755,000
8/1/2032			\$41,300	\$41,300						\$2,065,000
2/1/2032	\$300,000	4.00	\$47,300	\$347,300		\$394,600				\$2,065,000
8/1/2031			\$47,300	\$47,300						\$2,365,000
2/1/2031	\$290,000	4.00	\$53,100	\$343,100		\$396,200				\$2,365,000
8/1/2030			\$53,100	\$53,100						\$2,655,000
2/1/2030	\$275,000	4.00	\$58,600	\$333,600		\$392,200				\$2,655,000
8/1/2029			\$58,600	\$58,600						\$2,930,000
2/1/2029	\$265,000	4.00	\$63,900	\$328,900		\$392,800				\$2,930,000
8/1/2028			\$63,900	\$63,900						\$3,195,000
2/1/2028	\$620,000	3.00	\$73,200	\$693,200		\$766,400				\$3,195,000
8/1/2027			\$73,200	\$73,200						\$3,815,000
2/1/2027	\$600,000	3.00	\$82,200	\$682,200		\$764,400				\$3,815,000
8/1/2026			\$82,200	\$82,200						\$4,415,000
2/1/2026	\$585,000	3.00	\$90,975	\$675,975		\$766,950				\$4,415,000
8/1/2025			\$90,975	\$90,975						\$5,000,000
2/1/2025	\$565,000	3.00	\$99,450	\$664,450		\$763,900				\$5,000,000
8/1/2024			\$99,450	\$99,450						\$5,565,000
2/1/2024	\$550,000	3.00	\$107,700	\$657,700		\$765,400				\$5,565,000
8/1/2023			\$107,700	\$107,700						\$6,115,000
2/1/2023	\$535,000	3.00	\$115,725	\$650,725		\$766,450				\$6,115,000
8/1/2022			\$115,725	\$115,725						\$6,650,000
2/1/2022	\$520,000	3.00	\$123,525	\$643,525		\$767,050				\$6,650,000
8/1/2021			\$123,525	\$123,525						\$7,170,000
2/1/2021	\$505,000	3.00	\$131,100	\$636,100		\$767,200				\$7,170,000
8/1/2020			\$131,100	\$131,100						\$7,675,000
2/1/2020	\$490,000	3.00	\$138,450	\$628,450		\$766,900				\$7,675,000
8/1/2019			\$138,450	\$138,450						\$8,165,000
2/1/2019	\$565,000	3.00	\$146,925	\$711,925		\$858,850				\$8,165,000
8/1/2018			\$146,925	\$146,925						\$8,730,000

2/1/2018			\$146,925	\$146,925		\$343,641				\$8,730,000
8/1/2017			\$196,716	\$196,716						\$8,730,000
Total	\$8,730,000		\$3,306,741	\$12,036,741		\$12,036,741				

Notes

St. Joseph County

Submitted to the State on Thursday, April 12, 2018

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2021

Date of last payment or bond expiration: 7/1/2025 12:00:00 AM

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: N

Basic Debt Information

Debt Name: 2017 General Obligation (Guaranteed Energy Savings) Bonds

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number:

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y

Applicable Issuer: Saint Joseph County

Current Debt Limit: \$54,674,687.00

Current Debt Capacity (after issuance of this debt): \$44,174,687.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing: 8/8/2017

Date of Final Approval/Lease Execution: 8/15/2017

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 10/12/2017

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Capital improvements to County facilities for energy savings

Total Project Cost: \$10,574,935.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

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

Notes

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

St. Joseph County

Submitted to the State on Thursday, October 19, 2017

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2019

Date of last payment or bond expiration: 12/31/2024 12:00:00 AM

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: Y

Basic Debt Information

Debt Name: 2015 PSAP Equipment Lease (US Bank)

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 3/31/2015

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 3/31/2015

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other (PSAP Charges) : Primary

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology and Equipment for a 911 Center

Total Project Cost: \$12,000,000.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

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

Notes

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

St. Joseph County

Submitted to the State on Wednesday, November 15, 2017

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2020

Date of last payment or bond expiration: 12/31/2028 12:00:00 AM

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: Y

Basic Debt Information

Debt Name: 2017 PSAP US Bank Technology Lease Amendment

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 11/14/2017

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 11/14/2017

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other (PSAP Charges for Services) : Primary

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): Saint Josephy County

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology Improvements at County 911 Center

Total Project Cost: \$2,500,000.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

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

Notes

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

St. Joseph County

Submitted to the State on Monday, January 22, 2018

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2020

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: 2015 Taxable Economic Development Revenue Bonds (General Sheet Metal)

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination: 1/7/2015

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 5/1/2015

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 5/27/2015

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other (Company Guarantee) : Primary

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: General Sheet Metal Expenditures

Total Project Cost: \$3,300,000.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

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

Notes

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

St. Joseph County

Submitted to the State on Monday, February 11, 2019

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2042

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: 2019 Motorola PSAP CAD System Capital Lease

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 1/15/2019

Date of Appropriation Resolution:

Date of Debt Sale: 1/15/2019

Date of Debt Closing: 1/15/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
----------------	-----------	--------	--------

Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: New PSAP 911 CAD System

Total Project Cost: \$2,976,131.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received: 8/24/2018

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	--------------------	-------------------

2/1/2020	\$377,837	3.91	\$116,367			\$494,204		\$494,204		\$2,598,294
2/1/2021	\$392,611	3.91	\$101,593			\$494,204		\$494,204		\$2,205,683
2/1/2022	\$407,962	3.91	\$86,242			\$494,204		\$494,204		\$1,797,721
2/1/2023	\$423,913	3.91	\$70,291			\$494,204		\$494,204		\$1,373,802
2/1/2024	\$440,488	3.91	\$53,716			\$494,204		\$494,204		\$933,319
2/1/2025	\$457,711	3.91	\$36,493			\$494,204		\$494,204		\$475,608
2/1/2026	\$475,608	3.91	\$18,596			\$494,204		\$494,204		\$0
Total	\$2,976,130		\$483,298			\$3,459,428		\$3,459,428		

Notes

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

St. Joseph County

Submitted to the State on Thursday, October 24, 2019

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: St. Joseph County Redevelopment District Special Taxing District Bonds of 2019 (SS Double Tracking)

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 79062M

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 36-7-14 and 36-7-25

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y

Applicable Issuer: St. Joseph County Redevelopment District

Current Debt Limit: \$33,579,426.00

Current Debt Capacity (after issuance of this debt): \$16,039,426.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 8/13/2019

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 10/17/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
----------------	-----------	--------	--------

Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Finance a portion of County's share of the South Shore Double Tracking Project

Total Project Cost: \$9,508,859.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	-------------	-------------------

									Credit	
8/1/2020			\$213,740			\$213,740				\$9,375,000
2/1/2021			\$135,469							\$9,375,000
8/1/2021			\$135,469			\$270,938				\$9,375,000
2/1/2022			\$135,469							\$9,375,000
8/1/2022			\$135,469			\$270,938				\$9,375,000
2/1/2023			\$135,469							\$9,375,000
8/1/2023			\$135,469			\$270,938				\$9,375,000
2/1/2024			\$135,469							\$9,375,000
8/1/2024			\$135,469			\$270,938				\$9,375,000
2/1/2025			\$135,469							\$9,375,000
8/1/2025			\$135,469			\$270,938				\$9,375,000
2/1/2026			\$135,469							\$9,375,000
8/1/2026			\$135,469			\$270,938				\$9,375,000
2/1/2027			\$135,469							\$9,375,000
8/1/2027			\$135,469			\$270,938				\$9,375,000
2/1/2028			\$135,469							\$9,375,000
8/1/2028			\$135,469			\$270,938				\$9,375,000
2/1/2029			\$135,469							\$9,375,000
8/1/2029			\$135,469			\$270,938				\$9,375,000
2/1/2030			\$135,469							\$9,375,000
8/1/2030			\$135,469			\$270,938				\$9,375,000
2/1/2031			\$135,469							\$9,375,000
8/1/2031			\$135,469			\$270,938				\$9,375,000
2/1/2032			\$135,469							\$9,375,000
8/1/2032			\$135,469			\$270,938				\$9,375,000
2/1/2033			\$135,469							\$9,375,000
8/1/2033			\$135,469			\$270,938				\$9,375,000
2/1/2034	\$750,000		\$135,469							\$8,625,000
8/1/2034			\$124,219			\$1,009,688				\$8,625,000
2/1/2035	\$800,000		\$124,219							\$7,825,000
8/1/2035			\$112,219			\$1,036,438				\$7,825,000
2/1/2036	\$2,475,000		\$112,219							\$5,350,000
8/1/2036			\$75,094			\$2,662,313				\$5,350,000
2/1/2037	\$2,600,000		\$75,094							\$2,750,000
8/1/2037			\$36,094			\$2,711,188				\$2,750,000
2/1/2038	\$2,750,000		\$36,094			\$2,786,094				\$0
Total	\$9,375,000		\$4,566,655			\$13,941,655				

Notes

Debt Schedule No. 32 - 2019 Redevelopment South Shore Double Tracking Bond. County Share. Closing on October 17, 2019. Financial advisor - Cender & Company. Bond Counsel - Barnes & Thornburg and Thorne Grodchnik.

St. Joseph County

Submitted to the State on Thursday, October 24, 2019

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: 2019 U.S. Bank Police Radio Lease

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 7/2/2019

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 8/15/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
----------------	-----------	--------	--------

Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Purchase of radios for the police department

Total Project Cost: \$1,760,003.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	--------------------	-------------------

2/15/2020	\$115,840	2.49	\$21,947	\$137,787			\$137,787		\$1,644,163
8/15/2020	\$117,285	2.49	\$20,502	\$137,787		\$275,574	\$137,787		\$1,526,878
2/15/2021	\$118,747	2.49	\$19,040	\$137,787			\$137,787		\$1,408,131
8/15/2021	\$120,228	2.49	\$17,559	\$137,787		\$275,574	\$137,787		\$1,287,903
2/15/2022	\$121,727	2.49	\$16,060	\$137,787			\$137,787		\$1,166,176
8/15/2022	\$123,245	2.49	\$14,542	\$137,787		\$275,574	\$137,787		\$1,042,931
2/15/2023	\$124,782	2.49	\$13,005	\$137,787			\$137,787		\$918,149
8/15/2023	\$126,338	2.49	\$11,449	\$137,787		\$275,574	\$137,787		\$791,811
2/15/2024	\$127,914	2.49	\$9,874	\$137,787			\$137,787		\$663,897
8/15/2024	\$129,509	2.49	\$8,279	\$137,787		\$275,574	\$137,787		\$534,388
2/15/2025	\$131,124	2.49	\$6,664	\$137,787			\$137,787		\$403,264
8/15/2025	\$132,759	2.49	\$5,029	\$137,787		\$275,574	\$137,787		\$270,505
2/15/2026	\$134,414	2.49	\$3,373	\$137,787			\$137,787		\$136,091
8/15/2026	\$136,091	2.49	\$1,699	\$137,794		\$275,581	\$137,794		\$0
Total	\$1,760,003		\$169,022	\$1,929,025		\$1,929,025	\$1,929,025		

Notes

Debt Schedule No. 30. U.S. Bank Capital Lease for police radios. seven years. 14 semi-annual payments.

St. Joseph County

Submitted to the State on Friday, October 25, 2019

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: 2019 U.S. Bank Election Equipment Lease

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 7/2/2019

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 7/19/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
----------------	-----------	--------	--------

Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Purchase of new election equipment

Total Project Cost: \$2,500,000.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	--------------------	-------------------

1/15/2020	\$235,946	2.56	\$31,975	\$267,921				\$267,921		\$2,264,054
7/15/2020	\$238,964	2.56	\$28,957	\$267,921		\$535,842		\$267,921		\$2,025,090
1/15/2021	\$242,021	2.56	\$25,901	\$267,921				\$267,921		\$1,783,069
7/15/2021	\$245,116	2.56	\$22,805	\$267,921		\$535,842		\$267,921		\$1,537,953
1/15/2022	\$248,251	2.56	\$19,670	\$267,921				\$267,921		\$1,289,702
7/15/2022	\$251,426	2.56	\$16,495	\$267,921		\$535,842		\$267,921		\$1,038,276
1/15/2023	\$254,642	2.56	\$13,280	\$267,921				\$267,921		\$783,634
7/15/2023	\$257,899	2.56	\$10,023	\$267,921		\$535,842		\$267,921		\$525,735
1/15/2024	\$261,197	2.56	\$6,724	\$267,921				\$267,921		\$264,538
7/15/2024	\$264,538	2.56	\$3,384	\$267,925		\$535,846		\$267,925		\$0
Total	\$2,500,000		\$179,214	\$2,679,214		\$2,679,214		\$2,679,214		

Notes

Debt Schedule No. 31. 2019 U.S. Bank Election Equipment Lease. 5-year lease. Paid with Cumulative Capital Development Fund. Vendor RBM Consulting.

St. Joseph County

Submitted to the State on Saturday, January 16, 2021

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: 2020 Ducomb Center Body Scanner US Bank Lease

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 5/20/2020

Date of Appropriation Resolution: 5/12/2020

Date of Debt Sale: 2/19/2020

Date of Debt Closing: 5/21/2020

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
----------------	-----------	--------	--------

Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other (Fee Revenue) : Primary

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): U.S. Bank Leasing

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Purchase of body scanner for Ducomb Center

Total Project Cost: \$149,000.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion: 9/2/2020

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	--------------------	-------------------

7/15/2020	\$24,838	2.16	\$805	\$25,643		\$25,643		\$25,643		\$124,162
1/15/2021	\$24,302	2.16	\$1,341	\$25,643				\$25,643		\$99,860
7/15/2021	\$24,564	2.16	\$1,078	\$25,643		\$51,286		\$25,643		\$75,296
1/15/2022	\$24,829	2.16	\$813	\$25,643				\$25,643		\$50,466
7/15/2022	\$25,098	2.16	\$545	\$25,643		\$51,286		\$25,643		\$25,369
1/15/2023	\$25,369	2.16	\$274	\$25,643		\$25,643		\$25,643		\$0
Total	\$149,000		\$4,856	\$153,858		\$153,858		\$153,858		

Notes

Fund 0027 - U.S. Bank Ducomb Lease
Debt Schedule No. 34
U.S. Bank Leasing

St. Joseph County

Submitted to the State on Thursday, February 17, 2022

Report printed on Monday, September 19, 2022

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: 2021 Ducomb Center U.S. Bank Equipment Lease

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 11/9/2021

Date of Appropriation Resolution: 10/12/2021

Date of Debt Sale:

Date of Debt Closing: 11/12/2021

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
----------------	-----------	--------	--------

Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other (Fee Revenue) : Primary

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): U.S. Bank Leasing

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Ducomb Center vehicles, technology, vests, radios, and equipment

Total Project Cost: \$196,272.53

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	--------------------	-------------------

2/15/2022	\$19,517	1.75	\$992	\$20,509				\$20,509		\$176,756
8/15/2022	\$18,962	1.75	\$1,547	\$20,509				\$20,509		\$157,794
2/15/2023	\$19,128	1.75	\$1,381	\$20,509				\$20,509		\$138,666
8/15/2023	\$19,295	1.75	\$1,214	\$20,509				\$20,509		\$119,371
2/15/2024	\$19,464	1.75	\$1,045	\$20,509				\$20,509		\$99,907
8/15/2024	\$19,635	1.75	\$874	\$20,509				\$20,509		\$80,272
2/15/2025	\$19,806	1.75	\$703	\$20,509				\$20,509		\$60,466
8/15/2025	\$19,980	1.75	\$529	\$20,509				\$20,509		\$40,486
2/15/2026	\$20,155	1.75	\$354	\$20,509				\$20,509		\$20,331
8/15/2026	\$20,331	1.75	\$178	\$20,509				\$20,509		\$0
Total	\$196,273		\$8,817	\$205,090				\$205,090		

Notes

Debt Schedule No. 78



[Report Search](#) / Bond/Lease Report

Report Builder: Bond/Lease Report

County	St. Joseph	Unit Type	Township	View Report
Unit	HARRIS TOWNSHIP	Debt Status	No Debt	
Debt Type	No Debt	Source of Repayment	No Debt	
Debt Name	No Debt			

1 of 1

Find | Next

The unit you have selected has no current debt to report.



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

BUILDING - COMMUNITY DEVELOPMENT - PLANNING

September 26, 2022

Woody Emmons, 1st District City Council
Mike Bellovich, 2nd District City Council
Tony Hazen, 3rd District City Council
Kate Voelker, 4th District City Council
Mike Compton, 5th District City Council
Ron Banicki, 6th District City Council
Greg Hixenbaugh, At-Large City Council
Matt Mammolenti, At-Large City Council
Maggie DeMaegd, At-Large City Council
Deborah Block, City Clerk

**RE: Declaratory Resolution 2022-25
Tax Abatement- Front Street LLC
Proposed Mixed-Use Development**

Dear Council Members and Clerk:

Please find attached Declaratory Resolution 2022-25 pertaining to a petition for tax abatement that has been filed for consideration at the Monday, October 3rd meeting. The request is for Front Street LLC, managed by J. Patrick Matthews, which is proposing to construct a mixed-use building on an approximate 1.5 acre city-owned site. The property is bound by W. Front Street, N. Hill Street, W. First Street, and N. Spring Street, and located immediately south of the Mill at Ironworks and northwest of the new City municipal services building. The parcels included are shown on Exhibit A as attached to the resolution.

Project details have been provided in the description submitted with the abatement application, the Development Agreement entered into by the City of Mishawaka Redevelopment Commission and the developer, and the recently submitted site plan. The proposal consists of a four-story 79,000 sq. ft. mixed use building with first-floor commercial/restaurant space and residential units. The upper floors will be exclusively residential. The building will include approximately 4,600 sq. ft. of commercial space (3 tenants), 106 to 109 apartment units, a rooftop deck, and a 110 space surface parking lot. A copy of the site plan is attached to the abatement application. Construction is anticipated to begin in mid-November this year with completion approximately 15 months later in the spring of 2024. As indicated in the application, continuing supply chain issues may affect the construction timelines. Construction costs are estimated at \$25 million.

When the developer brought this project to the Redevelopment Commission in April, there was no intent to file a real property tax abatement. However since this time, dramatic inflationary pressures and increased cost of financing have changed the project pro forma leading to the filing of the abatement. The developer initially proposed a much larger abatement (10 years at 100%). Staff encouraged the developer to file what has historically been approved for residential property tax abatements in the downtown area or for distressed property. The purpose of the abatement is not to further incentivize the project, but to assist in mitigating the recent cost increases to allow the project to move forward.

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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

As recommended by Staff, the proposed request is for a five-year abatement on the improvements with a higher than normal annual percent abatement schedule starting at 100% the first year and decreasing 5% annually (95%, 90%, 85%, and 80%) over the 5 year life of the abatement. This abatement schedule is identical to the tax abatements that were approved for the completed River Rock apartments on Mishawaka Avenue, the planned River Walk apartments north of the river and west of Central Park, and the proposed redevelopment of the Mishawaka Inn for the Steelhead Apartments.

Identical to the River Rock and River Walk apartment projects which both received abatements in 2013 and 2017, respectively, this property is located within the City's consolidated TIF District. As such, the City of Mishawaka Redevelopment Commission was required to consider the request as the TIF designating body. This is an extra step in the normal abatement process. Consideration of abatements outside the TIF areas of the City is under the exclusive jurisdiction of the Common Council as the legislative body of the City. The Redevelopment Commission approval was required and appropriate because revenue generated from the new tax increment by developments such as this may be counted on to pay off debt obligations within the tax increment district. Thus, if the abatement were to be approved within the TIF district, it could jeopardize the repayment of bonds or other infrastructure improvements within the district. In this case, given the size of the TIF district relative to the size of the proposed project, this abatement request was determined by the Commission to not have a negative impact on the Commission's ability to complete projects or repay debt within the district. As such, on September 26, 2022, the Redevelopment Commission approved the request and forwarded it on to the Common Council.

A copy of the tax abatement application and Staff prepared declaratory resolution are attached for your review and information. 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 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 October 3rd 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 financial analysis of the request as part of your consideration of the confirming resolution which would tentatively be reviewed at your Monday, October 17th meeting.

Please do not hesitate to contact me with any questions.

Sincerely,


Derek J. Spier, AICP
City Planner

cc: David A. Wood, Mayor

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RESOLUTION NO. 2022 – 25

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA DECLARING CERTAIN AREAS
WITHIN THE CITY OF MISHAWAKA, INDIANA, COMMONLY KNOWN AS

**VACANT LAND BOUND BY W. FRONT STREET, N. HILL STREET, W.
FIRST STREET, AND N. SPRING STREET**

TO BE AN ECONOMIC REVITALIZATION AREA
AND ECONOMIC DEVELOPMENT TARGET AREA
FOR PURPOSES OF A REAL PROPERTY TAX ABATEMENT FOR

FRONT STREET, L.L.C. AND/OR ITS ASSIGNS

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk of the City of Mishawaka, Indiana for consideration by the Common Council of the City of Mishawaka, Indiana, requesting that fourteen (14) vacant unaddressed parcels located in a block bound by W. Front Street to the north, N. Hill Street to the west, W. First Street to the south, and N. Spring Street to the east, being more specifically Parcel Numbers 71-09-16-205-001.000-023, 71-09-16-205-002.000-023, 71-09-16-205-003.000-023, 71-09-16-205-004.000-023, 71-09-16-205-005.000-023, 71-09-16-205-006.000-023, 71-09-16-205-007.000-023, 71-09-16-205-008.000-023, 71-09-16-205-009.000-023, 71-09-16-205-010.000-023, 71-09-16-205-011.000-023, 71-09-16-205-012.000-023, 71-09-16-205-013.000-023, and 71-09-16-205-014.000-023 as shown on the attached Exhibit A, to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the “Act”).

WHEREAS, the City, through its redevelopment commission has conducted an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area and Economic Development Target Area under Indiana Code § 6-1.1-12.1-1 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Redevelopment Commission has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area and Economic Development Target Area.

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

1. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements under the Act for tax abatement;
2. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;
3. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
4. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
5. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;
6. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
7. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of the Act;
8. The Common Council hereby accepts the report and recommendation of the Redevelopment Commission that the area herein described be designated as an Economic Revitalization Area and Economic Development Target Area, and hereby adopts a Resolution designating this area as an Economic Revitalization Area and Economic Development Target Area for purposes of real property tax abatement;
9. The designation as an Economic Revitalization Area and Economic Development Target Area shall be limited to three (3) calendar years from the date of the adoption of this Resolution by the Common Council;
10. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration; AND
11. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this ____ day of October, 2022.

Gregg Hixenbaugh, President

ATTEST:

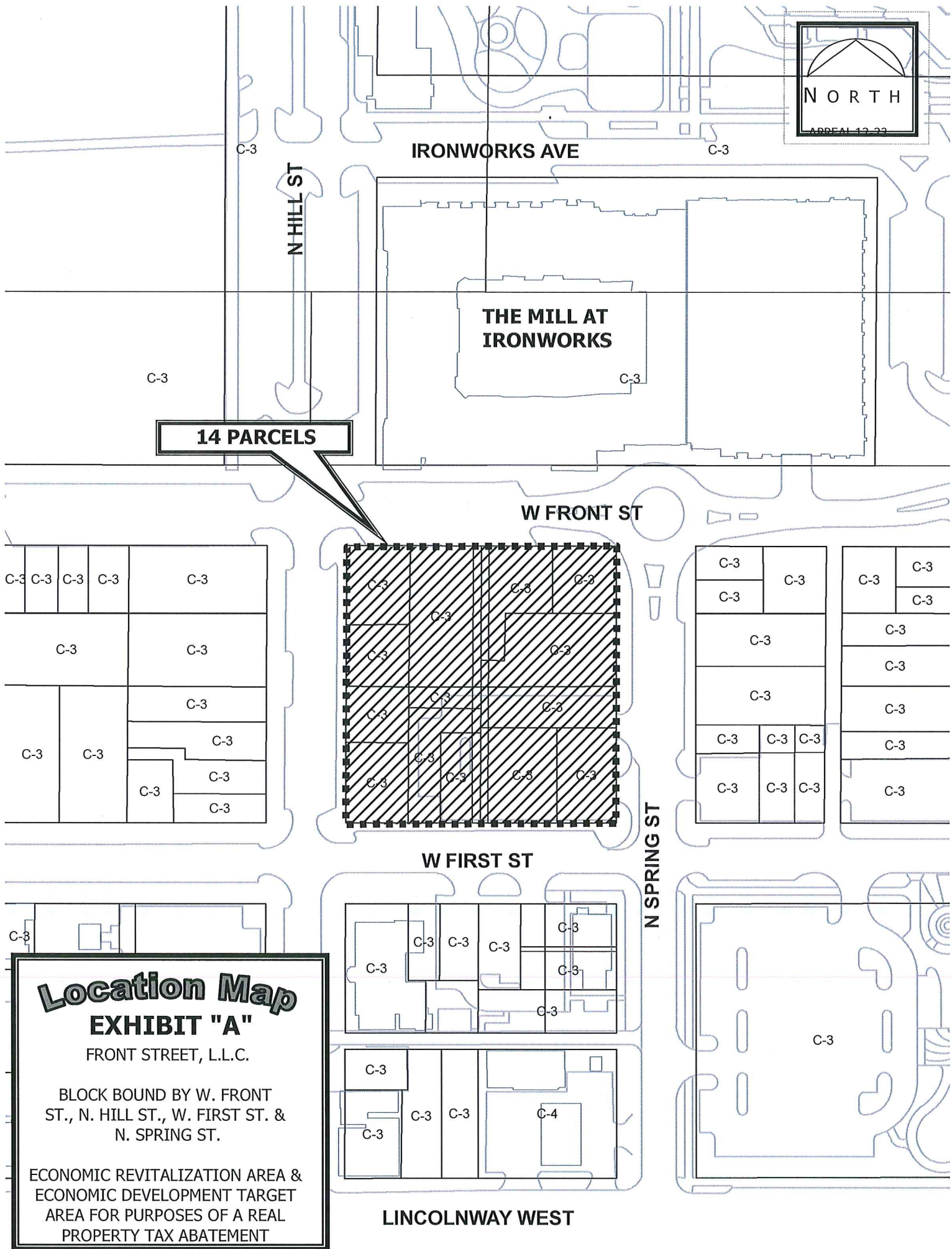
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this ____ day of _____, 2022.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me this ____ day of _____, 2022, at ____ o'clock ____ M.

David A. Wood, Mayor





STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

2022 PAY 2023

FORM SB-1 / Real Property

PRIVACY NOTICE

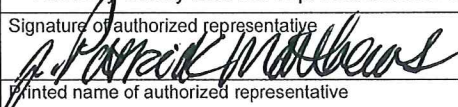
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

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 January 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 Front Street LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 1130 South Bend Ave. Ste. 350 South Bend, IN 46617					
Name of contact person J. Patrick Matthews		Telephone number (574) 315-9668		E-mail address Pat@7.Diamonds	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body Common Council of the City of Mishawaka				Resolution number	
Location of property Block of Front, Spring, Hill, and 1st Streets		County St. Joseph		DLGF taxing district number 71-091	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Development and construction of approx. 79,000 square feet of mixed use retail and residential including 108 residential units and 3 commercial units.				Estimated start date (month, day, year) November, 2022	
				Estimated completion date (month, day, year) November, 2023	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current Number 0.00	Salaries \$0.00	Number Retained 0.00	Salaries \$0.00	Number Additional 3.00	Salaries \$130,000.00
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values				337,500.00	
Plus estimated values of proposed project		25,000,000.00		25,000,000.00	
Less values of any property being replaced				337,500.00	
Net estimated values upon completion of project		25,000,000.00		25,000,000.00	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits Tax payer estimates that 2-3 new positions will be created within 1-year after project/building completion. This will also help the shortage of housing Downtown Mishawaka and drive additional retail and restaurants.					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) September 13, 2022	
Printed name of authorized representative J. Patrick Matthews			Title 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 _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- 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 (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	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. Except as provided in IC 6-1.1-12.1-18, 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. Except as provided in IC 6-1.1-12.1-18, 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.

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 CF-1 Found	Capital Investment**	Abated Through*** Collect CF-1s*	Pay*	Abatement Complete
1 Patrick Industries	October 20, 1986	10 Years		0	52			(-)	\$ 8,622,845.00	1997	1998	YES
2 Former Baby Place	June 7, 1988	6 Years	0	338	246			(-)	\$ 2,000,000.00	1995	1996	YES
3 Wheelabrator Area	December 19, 1988	10 Years		15	180			(-)	\$ 2,500,000.00	1999	2000	YES
4 National - Standard	February 21, 1989	6 Years	5 Years	338	246			(-)	\$ 10,100,000.00	1985	1986	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		n/a	14			(-)	\$ 10,962,483.00	1996	1997	YES
8 Hilti Steel	September 13, 1990	0	5 Years	76	10			(-)	\$ 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	20			(-)	\$ 1,050,000.00	1996	1997	YES
11 Janco Products, Inc.	May 6, 1991	0	5 Years	150	19			(-)	\$ 220,000.00	1996	1997	YES
12 Thermoplastics Phase III	November 4, 1991	0	5 Years	150	19			Feb-93	\$ 2,750,000.00	1996	1997	YES
13 National Steel Corporation	December 16, 1991	10 Years		250	130			Mar-01	\$ 10,346,394.00	2002	2003	YES
14 Maron Products, Inc.	February 3, 1992	0	5 Years	38	10			Feb-95	\$ 610,794.00	1998	1999	YES
15 Dodge Reliance Electrical II	July 6, 1992	0	5 Years	300+	0			Mar-96	\$ 3,000,000.00	1999	2000	YES
16 Thermoplastics Phase IV	October 19, 1992	6 Years		210	50			Mar-98	\$ 6,812,832.00	1999	2000	YES
17 Contech Division II	April 19, 1993	10 Years	5 Years	10	15			Mar-99	\$ 1,206,461.00	1999	2000	YES
18 Dana/Ristance Corp./Standard Motor Products - Wire and Cable Div.	January 3, 1994	10 Years		80	60			Mar-05	\$ 6,067,253.00	2004	2005	YES
19 United Limo	September 6, 1994	6 Years	5 Years	77	8			Jan-01	\$ 1,262,200.00	2001	2002	YES
20 Dearborn Crane	December 5, 1994	10 Years	5 Years	26	4			May-99	\$ 612,841.00	2005	2006	YES
21 Scott Brass II	December 18, 1995	10 Years		73	31			Mar-06, Apr-01	\$ 11,934,000.00	2006	2007	YES
22 Federal Window (Fedcor)	December 18, 1995	6 Years	5 Years	8	8			Apr-02, Mar-01	\$ 1,018,181.00	2002	2003	YES
23 Maron Products, Inc. II	December 18, 1995	5 Years	5 Years	6	4			Apr-01	\$ 250,000.00	2001	2002	YES
24 Quality Dinning	April 15, 1996	10 Years		73	109			Mar-06	\$ 5,087,402.00	2006	2007	YES
25 Baycote Metal Finishing	January 6, 1997	6 Years	5 Years	70	15			Jul-00	\$ 1,800,000.00	2003	2004	YES
26 Krizman International	January 6, 1997	6 Years	5 Years	225	20			Jul-00	\$ 1,500,000.00	2003	2004	YES
27 Troyer	March 3, 1997	3 Years		60	40			(-)	\$ 1,100,000.00	2001	2002	YES
28 InVincraft Incorporated	May 19, 1997	8 Years	5 Years	378	40			Feb-02	\$ 7,598,531.00	2004	2005	YES
29 Ristance Corporation	October 20, 1997	6 Years	5 Years	139	18			(-)	\$ 3,500,000.00	2004	2005	YES
30 DeWald Manufac. Inc./Power Gear/Engineered Solutions	October 20, 1997	6 Years	5 Years	62	15			Mar-05	\$ 1,842,833.00	2004	2005	YES
31 Thermoplastics Phase V	December 1, 1997	6 Years	5 Years	299	70			Mar-00	\$ 3,181,310.00	2003	2004	YES
32 Atchison/Dodge	December 1, 1999	5 Years	5 Years	325	50			Mar-05	\$ 2,000,000.00	2006	2007	YES
33 Sampson Fiberglass	March 6, 2000	3 Years		15	20			Feb-01	\$ 375,000.00	2004	2005	YES
34 RUG Foundry LLC	March 6, 2000	5 Years	5 Years	325	50			Feb-06	\$ 2,000,000.00	2006	2007	YES
35 WF Associates (AMG Byrkit Facility)	November 19, 2001	10 Years		285	15			Apr-11	\$ 2,650,000.00	2011	2012	YES
36 InVincraft Incorporated	March 20, 2003		5 Years	396	16			May-09	\$ 1,168,064.00	2009	2010	YES
37 InVincraft Incorporated	November 6, 2003		5 Years	405	13			May-09	\$ 2,730,304.00	2009	2010	YES
38 Plastics Arts Corporation	August 18, 2004		3 Years	31	4			May-06	\$ 1,450,290.00	2007	2008	YES
39 Ironwood Enterprises, LLC	September 6, 2005	5 Years		14	49			May-09	\$ 6,000,000.00	2010	2011	YES
40 Daman Products Company	October 17, 2005	3 Years	3 Years	95	6			Feb-07	\$ 1,118,380.00	2007	2008	YES
41 Culture Systems, Inc.	December 18, 2006	3 Years	3 Years	12	7			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	5 Years	3 Years	51	5			May-10	\$ 1,250,000.00	2010	2011	YES
44 InVincraft Incorporated	December 6, 2007		5 Years	340	50			Apr-13	\$ 2,185,000.00	2012	2013	YES
45 BD Mishawaka Development LLC	February 4, 2008	10 Years		0	370			Feb-21	\$ 44,000,000.00	2020	2021	YES
46 Jamil Packaging Corporation	May 1, 2008		3 Years	64	5			Apr-12	\$ 1,650,000.00	2011	2012	YES
47 Long Term Care Investments, LLC (Douglas)	June 1, 2009	3 Years		0	120			Apr-12	\$ 18,000,000.00	2012	2013	YES
48 Jamil Packaging Corporation	May 16, 2011		3 Years	73	6			Apr-16	\$ 900,000.00	2014	2015	YES
49 North American Composites (NAC)	March 5, 2012		3 Years	0	10			Mar-19	\$ 1,577,000.00	2018	2019	YES
50 Long Term Care Investments, LLC (Fir)	October 7, 2013	4 Years		0	61			Feb-21	\$ 14,490,000.00	2020	2021	YES
51 Barak River Rock LLC	November 6, 2013	5 Years		0	5 to 8			Feb-21	\$ 14,565,000.00	2021	2022	NO
52 WellPet LLC	January 8, 2014		5 Years	91	6			Mar-20	\$ 1,470,500.00	2019	2020	YES
53 Dearborn Crane	May 19, 2014	3 Years		24	3			Mar-19	\$ 859,100.00	2018	2019	YES
54 WellPet LLC	April 20, 2015		5 Years	115	4			Feb-21	\$ 1,800,000.00	2022	2023	NO
55 Barak Group LLC (Iron-Rock-Café)	September 21, 2015	6 Years						Apr-16	\$ 450,000.00	2020	2021	NO
56 Barak Group LLC (Iron-Rock-Condominiums)	September 21, 2015	6 Years						Apr-16	\$ 10,000,000.00	2020	2021	NO
57 Bayer Healthcare	October 19, 2015	40 Years		471	30-to-60			Feb-20	\$ 2,048,000.00	2020	2021	YES
58 Patrick Industries	February 15, 2016		3 Years	0	84			Feb-20	\$ 12,500,000.00	2026 or 2027/TBD	2027	NO
59 River Walk Development Group LLC (Multi-Family Residential)	June 5, 2017	5 Years		0	2			Feb-21	\$ 23,120,182.00	2028	2029	NO
60 Lippert Components	July 5, 2017	10 Years	10 Years	247 (relocated)	200			Feb-21	\$ 976,000.00	2020	2021	YES
61 Jamil Packaging Corporation	July 24, 2017		3 Years	112	8			Mar-20	\$ 1,088,000.00	2022	2023	NO
62 Jamil Packaging Corporation	February 18, 2019		3 Years	139	12			Mar-20	\$ 42,592,885.00	2027	2028	NO
63 WellPet LLC	April 12, 2021	5 Years	5 Years	125	5				\$ 730,000	2030	2031	NO
64 Barak Group (Steelhead Apartments / Multi-Family Residential)	September 19, 2021	5 Years		0	2							NO

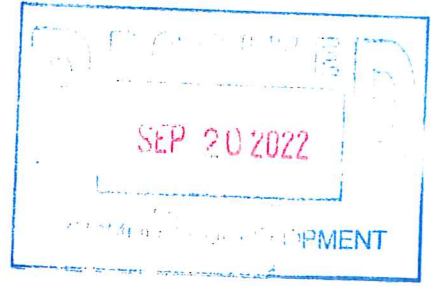
* The "Abated through collect CF-1s" and "Pay" column demonstrates the number of years from the completion of the project/final installation of the equipment and not the number of years from the date the abatement was approved.

The tax abatements highlighted above are active requiring the completion of annual compliance forms (CF-1s).

** The capital investment may be the proposed or actual levels of investment based on the current project status.

*** The abated through date was determined by the St. Joseph County Auditor's and/or Assessor's Office on March 30, 2020, and revised on March 16, 2021.

According to the applicants, #59 and #61 have expired so the CF-1s were not collected for 2020 abatement compliance reporting year.



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:

Front Street LLC

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

Name and Title: J. Patrick Matthews, Manager

Address: 1130 South Bend Ave., Ste. 350 South Bend, IN 46617

Telephone: (574) 315-9668

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: JP Wielgos, Manager

Address: 1130 South Bend Ave. Ste., 350 South Bend, IN 46617

Telephone: (574) 329-0743

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: TBD- (Block of Spring, Front, Hill, & 1st)

b) Township: ~~St. Joseph~~ PENN

c) Taxing District Number: ~~71-091~~ 023

d) Council District Number: District #4

e) Tax Parcel Number(s): See Exhibit B.

f) Current Zoning of the Property: C-3

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

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

- Land: See Exhibit B
- Improvements: \$0.00
- Inventory: \$0.00
- Equipment: \$0.00
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?
- No
- a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification.
- 53- Rental & Leasing
- b) Please list any special certifications/designations.
- N/A
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.
- Real Estate Development
- 1130 South Bend Ave., Ste. 350 South Bend, IN 46617
9. What is the size of the real estate that will be developed? (In acres) 1.8
10. What is the estimated construction or rehabilitation cost? \$25,000,000
11. Have building permits been obtained? *(Please note that state statute requires petitioner to file abatement application **before** obtaining permits) Yes X No
12. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States? X Yes No
13. What is the anticipated date for construction to begin? November 2022
14. What is the anticipated date for project completion? November 2023
15. 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? NA- Applicant is a Special Purpose Entity (SPE)

b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? X Yes No

c) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**). N/A Please see 15(a) above

Skilled Average hourly wage rate for skilled positions

Semi-skilled Average hourly wage rate for unskilled positions

Clerical Average hourly wage rate for clerical positions

Salaried Average salary (per hour) for salaried positions

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 0

d) What benefits are offered to your company's employees? (i.e., sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.) N/A Please See 15(a) above

e) 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.) N/A

f) What is the total dollar amount spent on retained salaries? N/A

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

Skilled 0 Average hourly wage rate for skilled positions 0

Semi-skilled 1-2 Average hourly wage rate for unskilled positions \$20.00

Clerical 0 Average hourly wage rate for clerical positions 0

Salaried 1 Average salary (per hour) for salaried positions \$50,000

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) 2-3

h) What is the total dollar amount to be spent on new salaries? \$130,000+

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

Current hourly employees N/A Please see 15(a) above

Retained hourly employees

New hourly employees

- j) (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: 100 %

Outside St. Joseph County, but inside Indiana: 0 %

Outside Indiana, but within 500 miles 0 %

Outside of 500 miles 0 %

Outside of the United States: 0 %

- k) (If applicable) List the name and location (City and State) of your five largest vendors or suppliers:

1. Big C Lumber - Granger, IN

2. RB Trucking & Towing - Niles, MI

3. Bergerson Construction - Union, MI

4. Spalding Design Group - Mishawaka, IN

5. Horizon Construction Group - Madison, WI

16. 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.

Please see description of Petitioner & Project attached as Exhibit A

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

See Exhibit A

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

See Exhibit A

19. 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.).

See Exhibit A

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

Petitioner seeks support and assistance from the City of Mishawaka with respect to parcel assembly, and all matters regarding the proposed development, all in accordance with the Development Agreement, entered between the Petitioner and the City of Mishawaka Redevelopment Commission.

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

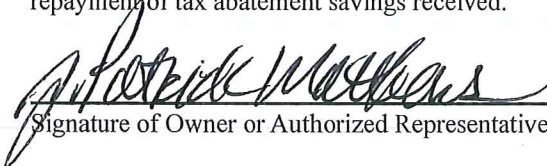
Petitioner has not applied for assistance from the State of Indiana regarding this proposed development project.

22. Miscellaneous Attachments Required:

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



Signature of Owner or Authorized Representative

Manager

Title

September 13, 2022

Date

EXHIBIT A

DESCRIPTION OF PETITIONER AND PROJECT

Front St. LLC, An Indiana Limited Liability Company, (the "Petitioner" or "Developer") and its affiliates, are engaged in the development of commercial and residential real estate in various geographic territories within the Michiana Area. The Developer is focused on development activity within the City of Mishawaka and has entered into a certain Development Agreement with the City of Mishawaka Redevelopment Commission, dated April 25, 2022, regarding a significant development project for the property bounded by Front St. on the North, West 1st Street on the South, N Hill Street on the West and N Spring Street on the East.

As more particularly set forth in the Development Agreement, the proposed project includes new investment to construct an integrated mixed-use project comprising one (1) four (4) story building with approximately 4,600 square feet of retail and commercial and 74,400 square feet of residential and amenity space. For a total of approximately 79,000 square feet of development. There are 3 separate commercial spaces and 108 residential apartments.

The Petitioner would like to start construction by mid-November 2022 with completion approximately 15 months later in the Spring of 2024. Supply chain issues continue to hamper construction timelines.

The total project cost is expected to be \$25,000,000.

As noted above, the proposed project involves a significant investment in the construction of retail space and 108 residential units. This project, as generally depicted on **Exhibit D**, is designed with unique architectural features and enhancements to support and promote the advancement of the Mishawaka River Center Master Plan with a nod towards the industrial machine that made this City. The site design includes pedestrian friendly features, architectural aspects and positioning to enhance the aesthetic views from and connectivity of residential areas with the downtown urban Mishawaka City Center.

The Petitioner had a market study completed in January 2019 and updated in June 2022. The study concluded that the Front Street community will enter an environment where rental apartment demand is likely to exceed supply over the next five years. Specifically, construction requirements for new market rate apartments throughout St. Joseph County will average 415 units annually through 2027 (2,075 units in total) if supply is made available and appropriate rent levels are maintained on a site-by-site basis. However, there are currently less than 1,000 rental units in the planning pipeline or under construction at this time county-wide including the Front Street community.

The proposed project is intended to provide significant benefits to the City of Mishawaka,

including but not limited to the following:

Projected investment of \$25,000,000 in the construction of the building improvements;

The Developer anticipates relying on local service providers and suppliers when reasonably possible for construction services and materials for completion of the project;

The overall design of the project includes an emphasis on architectural features and pedestrian friendly attributes to support the City's Master Plan and to create an inviting and vibrant community within and stemming from the project;

The Developer anticipates that, upon completion, the retail space will be leased for retail or restaurant.

This cooperation with the City will employ management and maintenance personnel, thereby creating new jobs with an estimated payroll of amounts in excess of \$200,000;

The project will result in greater density and an influx of more than 100 new high quality residents to support and frequent existing local retail and service businesses and other establishments, which should provide more local revenues and employment as those businesses expand and new ones open for operation;

The proposed development is also intended to serve as a catalyst for further projects with residential density and to support contributions for increasing traffic, patronage, and vibrancy of the downtown Mishawaka area.

As noted above, the Developer anticipates investing \$25,000,000 to successfully complete the construction of the proposed project. The success of the project and benefits provided to the City hinge on efforts to manage the real property tax liabilities during construction and the marketing period to lease-up units comprising the project.

The Developer kindly requests the Mishawaka City Council's support of a five (5) year real property tax abatement, with the following deduction schedule:

(Balance of page intentionally left blank)

Front St LLC
Five (5) Year Property Tax Abatement Schedule

<u>Number of Years</u>	<u>Applicable Abatement %</u>
1	100%
2	95%
3	90%
4	85%
5	80%

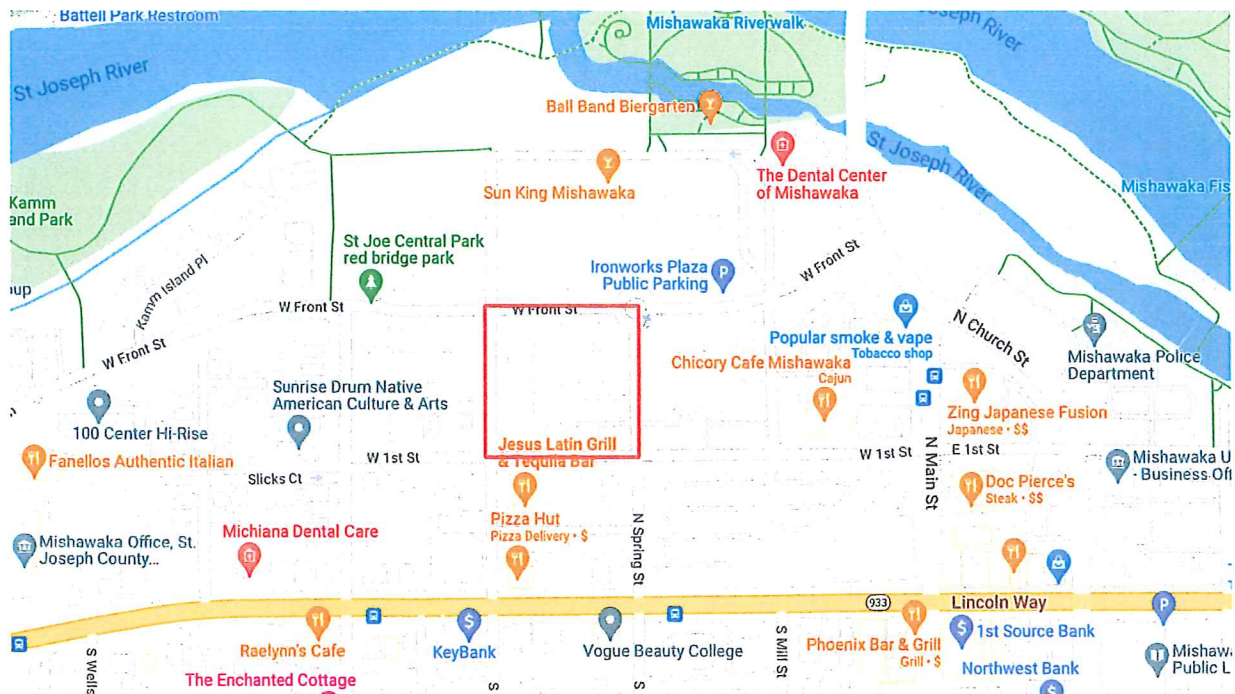
A five (5) year abatement corresponds with the Developer's commitment for total project completion and will span periods of construction and the initial marketing lease-up phase of the project. Importantly, the tax abatement will assist the petitioner with managing property tax expenses to spur initial growth and occupancy for the mutual benefit of the City and the stability of the project through rapid occupancy. Any property tax savings realized during the period of construction (through the five-year abatement) will certainly be recovered by the City over time based on the anticipated assessment of the property for many years to come.

Exhibit B

**Front Street LLC
Mishawaka Tax Abatement Parcels
September 13th, 2022**

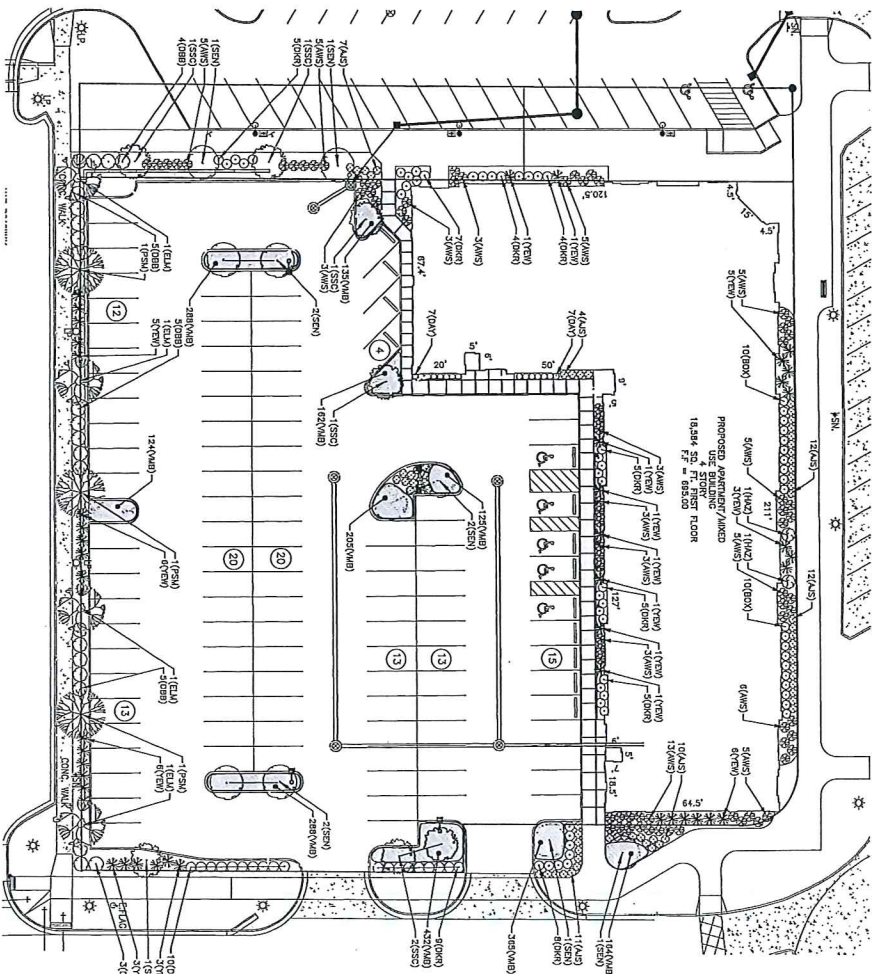
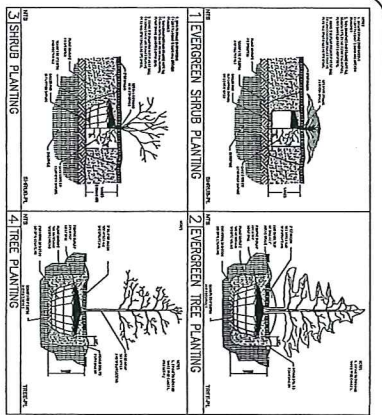
Parcel Number	Acrage	Assessed Value
71-09-16-205-001.000-023	0.12	26,400.00
71-09-16-205-003.000-023	0.09	21,600.00
71-09-16-205-004.000-023	0.08	18,800.00
71-09-16-205-005.000-023	0.12	19,200.00
71-09-16-205-002.000-023	0.25	38,100.00
71-09-16-205-008.000-023	0.04	11,700.00
71-09-16-205-006.000-023	0.11	17,500.00
71-09-16-205-007.000-023	0.09	18,800.00
71-09-16-205-009.000-023	0.14	21,800.00
71-09-16-205-010.000-023	0.10	23,800.00
71-09-16-205-011.000-023	0.21	32,000.00
71-09-16-205-012.000-023	0.13	27,600.00
71-09-16-205-013.000-023	0.18	26,800.00
71-09-16-205-014.000-023	0.14	33,400.00
Totals	1.80	\$337,500.00

Exhibit C



Staging of materials and equipment to be done on the outlined site.

CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA



TREES				
DAWN ASH	COMMON NAME	DAWNAL, NAME	SIZE	PLANTING
1	14	14	2 1/2' D.	BAR
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PERENNIALS / ORNAMENTAL GRASSES / GRASSY COVERS				
DAWN ASH	COMMON NAME	DAWNAL, NAME	SIZE	PLANTING
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95	14	14	2 1/2' D.	BAR
96	14	14	2 1/2' D.	BAR
97	14	14	2 1/2' D.	BAR
98	14	14	2 1/2' D.	BAR
99	14	14	2 1/2' D.	BAR
100	14	14	2 1/2' D.	BAR

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CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

BUILDING - COMMUNITY DEVELOPMENT - PLANNING

September 27, 2022

Woody Emmons, 1st District City Council
Mike Bellovich, 2nd District City Council
Tony Hazen, 3rd District City Council
Kate Voelker, 4th District City Council
Mike Compton, 5th District City Council
Ron Banicki, 6th District City Council
Greg Hixenbaugh, At-Large City Council
Matt Mammolenti, At-Large City Council
Maggie DeMaegd, At-Large City Council
Deborah Block, City Clerk

RE: Declaratory Resolution 2022-26
Tax Abatement- Helios Hydraulics Americas LLC
Real and Personal Tax Abatements- 1811 N. Home Street

Dear Council Members and Clerk:

Please find attached Declaratory Resolution 2022-26 pertaining to petitions for tax abatement that have been filed for consideration at the Monday, October 3rd meeting. The requests have been submitted by Helios Hydraulics Americas LLC with corporate offices located in Sarasota, Florida. The company has operations in five states including Florida, Ohio, Texas, California, and Oklahoma.

Helios Technologies, the parent company, recently purchased Daman Products, a manufacturer of hydraulic manifolds located at 1811 N. Home Street. Daman Products has been operating at this location since 1977. With the acquisition, the company is proposing to expand the facility including a significant building addition and installation of new equipment to expand current product lines and create new product lines. Total planned investment is approximately \$16.3 million.

Specifically, two abatements have been filed, one for the real property improvements and one for the personal property improvements in new manufacturing and IT equipment. The real property improvements include an estimated \$4.8 million building expansion adding an approximate 53,000 sq. ft. addition to the west side of the building. The parking lot and the existing stormwater retention basins will also be expanded to accommodate the new employees and provide storage for the additional water runoff from the new improvements. A Final Site Plan will be required for administrative review and approval by Planning Staff. The personal property request includes approximately \$11.5 million primarily for new manufacturing equipment and a very limited investment in IT equipment. Construction on the building addition and new equipment installation is expected to begin during the 4th quarter of 2022. Completion on the entire project is anticipated during the 2nd quarter of 2026.

For reference, Daman Products received a prior personal property tax abatement approved by the Council in 2005. This three (3) year abatement supported the purchase of \$1.1 million in manufacturing equipment. When filing, the company had 95 employees and estimated an additional 6 employees would be hired. As indicated in the applications and SB-1's, employment levels at the facility have increased over the years

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Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

from the 95 employees in 2005 to 139 employees present day. Commensurate with the increase in employment, total payroll has increase over these years from \$4.1 million to \$7.2 million.

With the current request, Helios Hydraulics Americas LLC will retain 139 employees while adding an estimated 73 jobs as a result of the investment. The hourly wage for the 71 skilled new positions, excluding benefits, is estimated at \$19.17. The hourly wage for the two (2) salaried positions, excluding benefits, is estimated at \$42.34. Total annual salaries for the new jobs is estimated at \$3 million. Benefits available to employees include sick and vacation time; health, dental, and vision insurance; and a 401 (k) with company match.

Per the anticipated levels of capital investment and employment growth, Staff is recommending a 5 year abatement for both the real and personal tax abatement requests. A standard phase-in for the real property abatement is recommended beginning 100% for the first year and decreasing 20% annually (80%, 60%, 40%, and 20%) over the 5 year life of the abatement. A higher than normal phase-in is recommended for the personal property abatement beginning at 100% for the first year and decreasing 10% annually (90%, 80%, 70%, and 60%) over the 5 year life of the abatement. Staff believes that a higher phase-in is warranted due to the more substantial investment in new equipment estimated at \$11.5 million. The tax phase-ins will only cover the increase in assessed real and personal property valuations resulting from the proposed building addition and new equipment.

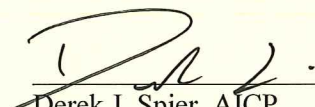
A copy of the tax abatement applications and the Staff prepared Declaratory Resolution are attached for your review and information. The property is not located within the City's tax increment finance district so review and approval by the Redevelopment Commission is not required.

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 Resolutions is approved, the Clerk's Office has specific 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 requests. The second step is the hearing and consideration of confirming resolutions where the merits of the requests are considered. The only items being considered at the October 3rd 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 financial analysis of the requests as part of your consideration of the confirming resolutions which would tentatively be reviewed at your Monday, October 17th meeting.

Please do not hesitate to contact me with any questions.

Sincerely,


Derek J. Spier, AICP
City Planner

cc: David A. Wood, Mayor
Kenneth B. Prince, AICP, ASLA
Executive Director of Planning & Community Development

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E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

RESOLUTION NO. 2022-26

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

Helios Hydraulics Americas LLC
1811 N. Home Street

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 Parcel ID Number:
71-09-11-177-002.000-022

A Parcel of land being a part of the northwest quarter of Section 11, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Indiana and being more particularly described as commencing at the west quarter section corner (southwest corner of the northwest quarter) of said Section 11; thence North 00°07'03" West (basis of bearings or this description) along the west line of said northwest quarter, a distance of 17.44 feet to its intersection with the centerline of the abandoned and former New York Central Railroad right-of-way; thence North 66°28'32" East, along said centerline, a distance of 1850.70 feet to the Place of Beginning for this description; thence North 00°10'57" West, parallel with the east right-of-way line of Clover Street, a distance of 864.15 feet; thence north 89°44'36" East a distance of 783.67 feet; thence south 00°12'07" East a distance of 15.00 feet; thence north 89°44'36" East, a distance of 100.00 feet to a point on the west right-of-way line of Home Street; thence south 00°12'07" east, on said west right-of-way line of Home Street, a distance of 468.89 feet to said centerline of said abandoned New York Central Railroad right-of-way; thence south 66°28'32" West along said centerline, a distance of 962.61 feet to the Place of Beginning containing 13.64 acres, more or less.

More commonly known as 1811 N. Home Street, Mishawaka, IN 46545.

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 four (4) years 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, and

WHEREAS, an owner or occupant of the area described above shall be eligible for a deduction from assessed valuation resulting from the acquisition of tangible personal 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 _____ day of _____, 2022.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of
_____, 2022.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me this _____ day of _____, 2022, at _____
o'clock _____.M.

David A. Wood, Mayor



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

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:

- 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.
- 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.
- 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 January 1 and May 10 of a subsequent year.
- 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)
- 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 Helios Hydraulics Americas LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 7456 16th Street East					
Name of contact person Lori Switzer		Telephone number (248) 390-4882		E-mail address lori.switzer@heliotechnologies.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body City of Mishawaka		Resolution number			
Location of property 1811 Home Street		County St Josesph		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Building and product line expansion.				Estimated start date (month, day, year) 2022	
				Estimated completion date (month, day, year) 2026	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current Number 139.00	Salaries \$7,200,000.00	Number Retained 139.00	Salaries \$7,200,000.00	Number Additional 73.00	Salaries \$3,000,000.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		1,572,400.00		1,572,400.00	
Plus estimated values of proposed project		4,800,000.00		4,800,000.00	
Less values of any property being replaced					
Net estimated values upon completion of project		6,372,400.00		6,372,400.00	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____			
Other benefits					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 9/23/2022	
Printed name of authorized representative Dave McCaffery				Title VP, Business Development and Treasury	

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 _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- 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 (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	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. Except as provided in IC 6-1.1-12.1-18, 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. Except as provided in IC 6-1.1-12.1-18, 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.



STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R5 / 1-21)

Prescribed by the Department of Local Government Finance

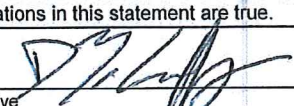
FORM SB-1 / PP

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.

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** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment 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 installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP 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/PP 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 Helios Hydraulics America LLC		Name of contact person Lori Switzer						
Address of taxpayer (number and street, city, state, and ZIP code) 7456 16th St E, Sarasota, FL 34243		Telephone number (248) 390-4882						
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT						
Name of designating body St. Joseph County		Resolution number (s)						
Location of property 1811 Home Street		County St. Joseph		DLGF taxing district number 022				
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) Misc Manufacturing equipment to expand current product lines and create new product lines.		ESTIMATED						
		START DATE		COMPLETION DATE				
		Manufacturing Equipment		11/01/2022	06/01/2026			
		R & D Equipment						
		Logist Dist Equipment						
IT Equipment		02/01/2023	06/01/2023					
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT						
Current Number 139	Salaries \$7.2mil	Number Retained 139	Salaries \$7.2mil	Number Additional 73	Salaries \$3mil			
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT						
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values	11,824,604	3,547,381						
Plus estimated values of proposed project	11,475,000	3,442,500					50,000	32,500
Less values of any property being replaced								
Net estimated values upon completion of project	23,299,604	6,989,881					50,000	32,500
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER						
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____						
Other benefits: This project will bring increased investment in local jobs, additional revenue to Indiana suppliers, and an increased tax base for the county and the state.								
SECTION 6		TAXPAYER CERTIFICATION						
I hereby certify that the representations in this statement are true.								
Signature of authorized representative 				Date signed (month, day, year) 9/23/2022				
Printed name of authorized representative Dave McCaffrey				Title VP, Business Development and Treasury				

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

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 _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

- | | | |
|--|--|---|
| 1. Installation of new manufacturing equipment; | ☐ Yes ☐ No | ☐ Enhanced Abatement per IC 6-1.1-12.1-18
Check box if an enhanced abatement was approved for one or more of these types. |
| 2. Installation of new research and development equipment; | ☐ Yes ☐ No | |
| 3. Installation of new logistical distribution equipment. | ☐ Yes ☐ No | |
| 4. Installation of new information technology equipment; | ☐ Yes ☐ No | |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

G. Other limitations or conditions (specify) _____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

- | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|--|
| ☐ Year 1 | ☐ Year 2 | ☐ Year 3 | ☐ Year 4 | ☐ Year 5 | ☐ Enhanced Abatement per IC 6-1.1-12.1-18
Number of years approved: _____
(Enter one to twenty (1-20) years; may not exceed twenty (20) years.) |
| ☐ Year 6 | ☐ Year 7 | ☐ Year 8 | ☐ Year 9 | ☐ Year 10 | |

I. 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.

Also we have 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 by: (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.

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. Except as provided in IC 6-1.1-12.1-18, 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.

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 CF-1 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	1993	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	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	0	5 Years	150	20			(-)	\$ 220,000.00	1996	1997	YES
12 Thermoplastics Phase III	November 4, 1991	0	5 Years	150	19		51	Feb-93	\$ 2,750,000.00	1996	1997	YES
13 National Steel Corporation	December 16, 1991	10 Years		250	130		32	Mar-01	\$ 10,346,394.00	2002	2003	YES
14 Maron Products, Inc.	February 3, 1992	0	5 Years	38	10		11	Feb-95	\$ 610,794.00	1998	1999	YES
15 Dodge Reliance Electrical II	July 6, 1992	0	5 Years	300+	0		0	Mar-96	\$ 3,000,000.00	1998	1999	YES
16 Thermoplastics Phase IV	October 19, 1992	6 Years	5 Years	210	50		148	Mar-98	\$ 6,812,832.00	1999	2000	YES
17 Contech Division II	April 19, 1993	10 Years	5 Years	10	15		108	Mar-99	\$ 1,206,461.00	1999	2000	YES
18 Dana/Ristance Corp./Standard Motor Products - Wire and Cable Div.	September 6, 1994	6 Years		60	60		42	Mar-05	\$ 6,067,253.00	2001	2002	YES
19 United Lino	December 5, 1994	10 Years	5 Years	77	8		77	Jan-01	\$ 1,262,200.00	2001	2002	YES
20 Dearborn Crane	December 18, 1995	10 Years	5 Years	26	4		26	May-99	\$ 612,841.00	2005	2006	YES
21 Scott Brass II	December 18, 1995	10 Years	5 Years	73	31		13	Mar-06, Apr-01	\$ 11,934,000.00	2006	2007	YES
22 Federal Window (Fedcor)	December 18, 1995	6 Years	5 Years	8	8		26	Apr-02, Mar-01	\$ 1,018,181.00	2002	2003	YES
23 Maron Products, Inc. II	December 18, 1995	5 Years	5 Years	6	4		8	Apr-01	\$ 250,000.00	2001	2002	YES
24 Quality Dinning	April 15, 1996	10 Years	5 Years	73	109		73	Mar-06	\$ 5,087,402.00	2006	2007	YES
25 Baycote Metal Finishing	January 6, 1997	6 Years	5 Years	70	15		79	Jul-00	\$ 1,800,000.00	2003	2004	YES
26 Krizman International	January 6, 1997	6 Years	5 Years	225	20		225	Jul-00	\$ 1,500,000.00	2003	2004	YES
27 Trover	March 3, 1997	3 Years	0	60	40		0	(-)	\$ 1,100,000.00	2001	2002	YES
28 InVincraft Incorporated	May 19, 1997	6 Years	5 Years	378	40		341	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/Engineered Solutions	October 20, 1997	6 Years	5 Years	62	15		62	Mar-05	\$ 1,842,833.00	2004	2005	YES
31 Thermoplastics Phase V	December 1, 1997	6 Years	5 Years	299	73		19	Mar-00	\$ 3,181,310.00	2004	2005	YES
32 Atchison/Dodge	December 1, 1999	5 Years	5 Years	325	50		230	Mar-05	\$ 2,000,000.00	2006	2007	YES
33 Sampson Fiberglass	March 6, 2000	3 Years		15	20		5	Feb-01	\$ 375,000.00	2004	2005	YES
34 RUG Foundry LLC	March 6, 2000	5 Years	5 Years	325	50		202	Feb-06	\$ 2,000,000.00	2011	2012	YES
35 WF Associates (AMG Byrkit Facility)	November 19, 2001	10 Years		285	15		234	Apr-11	\$ 2,650,000.00	2011	2012	YES
36 InVincraft Incorporated	March 20, 2003		5 Years	396	16		320	May-09	\$ 1,168,064.00	2009	2010	YES
37 InVincraft Incorporated	November 6, 2003		5 Years	405	13		27	May-09	\$ 2,730,304.00	2009	2010	YES
38 Plastics Arts Corporation	August 18, 2004		3 Years	31	4		16	May-06	\$ 1,450,290.00	2007	2008	YES
39 Ironwood Enterprises, LLC	September 6, 2005	5 Years		14	49		34	May-09	\$ 6,000,000.00	2010	2011	YES
40 Daman Products Company	October 17, 2005	5 Years	3 Years	95	6		82	Feb-07	\$ 1,118,380.00	2007	2008	YES
41 Culture Systems, Inc.	December 18, 2006	3 Years	3 Years	12	7		2	May-09	\$ 1,200,000.00	2009	2010	YES
42 Patrick Industries (Metals Div)	June 19, 2006	5 Years	5 Years	172	26		5	Apr-10	\$ 4,600,000.00	2011	2012	YES
43 Jamil Packaging Corporation	August 21, 2006	5 Years	3 Years	51	5		51	May-10	\$ 1,250,000.00	2010	2011	YES
44 InVincraft Incorporated	December 6, 2007	5 Years	5 Years	340	50		291	Apr-13	\$ 2,185,000.00	2012	2013	YES
45 BD Mishawaka Development LLC	February 4, 2008	10 Years		0	370		403	Feb-21	\$ 44,000,000.00	2020	2021	YES
46 Jamil Packaging Corporation	May 1, 2008	3 Years	3 Years	64	5		62	Apr-12	\$ 1,650,000.00	2011	2012	YES
47 Long Term Care Investments, LLC (Douglas)	June 1, 2009	3 Years		0	120		67	Apr-12	\$ 18,000,000.00	2012	2013	YES
48 Jamil Packaging Corporation	May 16, 2011		3 Years	73	6		29	Apr-16	\$ 900,000.00	2014	2015	YES
49 North American Composites (NAC)	March 5, 2012		3 Years	0	10		20	Mar-19	\$ 1,577,000.00	2018	2019	YES
50 Long Term Care Investments, LLC (Fir)	October 7, 2013	4 Years		0	61		72	Feb-21	\$ 14,490,000.00	2020	2021	YES
51 Barak River Rock LLC	November 6, 2013	5 Years		0	5 to 8		14	Feb-21	\$ 14,565,000.00	2021	2022	NO
52 WellPet LLC	January 8, 2014	3 Years	5 Years	91	6		33	Mar-20	\$ 1,470,500.00	2019	2020	YES
53 Dearborn Crane	May 19, 2014	3 Years		24	3		8	Mar-19	\$ 859,100.00	2018	2019	YES
54 WellPet LLC	April 20, 2015		5 Years	115	4		12	Feb-21	\$ 1,800,000.00	2022	2023	NO
55 Barak-Group LLC (Iron-Rock-Gaf6)	September 21, 2015	6 Years		471	30-to-60		TBD	Apr-16	\$ 460,000.00	2020	2021	NO
56 Barak-Group LLC (Iron-Rock-Condominiums)	September 21, 2015	6 Years		471	30-to-60		TBD	Apr-16	\$ 10,000,000.00	2020	2021	NO
57 Bayer-Healthcare	October 19, 2016	10 Years	3 Years	0	84		178	Mar-20	\$ 2,048,000.00	2020	2021	YES
58 Patrick Industries	February 15, 2016		3 Years	0	84		178	Mar-20	\$ 2,048,000.00	2020	2021	YES
59 River Walk Development Group LLC (Multi-Family Residential)	June 5, 2017	5 Years		0	2		2	Feb-21	\$ 12,500,000.00	2026 or 2027/TBD	2027	NO
60 Lippert Components	July 5, 2017	10 Years	10 Years	247 (relocated)	200		148	Feb-21	\$ 23,120,183.00	2028	2029	NO
61 Jamil Packaging Corporation	July 24, 2017		3 Years	112	8		28	Mar-20	\$ 976,000.00	2020	2021	YES
62 Jamil Packaging Corporation	February 18, 2019		5 Years	139	12		108	Mar-20	\$ 1,088,000.00	2022	2023	NO
63 WellPet LLC	April 12, 2021	5 Years	5 Years	125	5		TBD	TBD	\$ 42,592,885.00	2027	2028	NO
64 Barak Group (Steelhead Apartments / Multi-Family Residential)	September 19, 2021	5 Years		0	2		TBD	TBD	\$ 7,300,000	2030	2031	NO

* The "Abated through collect CF-1s" and "Pay" column demonstrates the number of years from the date of the abatement was approved.

The tax abatements highlighted above are active requiring the completion of annual compliance forms (CF-1s).

** The capital investment may be the proposed or actual levels of investment based on the current project status.

*** The abated through date was determined by the St. Joseph County Auditor's and/or Assessors Office on March 30, 2020, and revised on March 16, 2021.

According to the applicants, #59 and #61 have expired so the CF-1s were not collected for 2020 abatement compliance reporting year.



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:

Helios Hydraulics Americas LLC

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

Name and Title: **Lori Switzer**

Address: **7456 16th ST E**

Telephone: **Sarasota, FL 34243**

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: **Lori Switzer**

Address: **7456 16th ST E**

Telephone: **Sarasota, FL 34243**

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: **1811 Home Street**

b) Township: **Penn**

c) Taxing District Number: **022**

d) Council District Number: **010**

e) Tax Parcel Number(s): **71-09-11-177-002-000-022**

f) Current Zoning of the Property: **Industrial Light Manufacturing & Assembly**

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: 155,000

Improvements: 1,572,400

Inventory: _____

Equipment: _____

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? _____ 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, Daman Products purchased by Helios Hydraulics America LLC currently manufactures in this location since 1977.

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. 332999

b) Please list any special certifications/designations.

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. **Helios Technologies (parent) headquarters is located in Sarasota Florida. The company has operations in FL, OH, TX, CA, OK**

9. What is the size of the real estate that will be developed? (in acres) approx. 13

10. What is the estimated construction or rehabilitation cost? 4,800,000

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

12. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States? _____ Yes ☒ No

13. What is the anticipated date for construction to begin? 2022

14. What is the anticipated date for project completion? 2026

15. 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? No

b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? ☒ Yes _____ No

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

Skilled	<u>106</u>	Average hourly wage rate for skilled positions	<u>19.17</u>
Semi-skilled	<u> </u>	Average hourly wage rate for unskilled positions	<u> </u>
Clerical	<u>4</u>	Average hourly wage rate for clerical positions	<u>18.46</u>
Salaried	<u>29</u>	Average salary (per hour) for salaried positions	<u>42.34</u>

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 139

- d) 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, dental, vision, 401k match

- e) 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.) \$8.00

- f) What is the total dollar amount spent on retained salaries? \$7.2M

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

Skilled	<u>71</u>	Average hourly wage rate for skilled positions	<u>19.17</u>
Semi-skilled	<u> </u>	Average hourly wage rate for unskilled positions	<u> </u>
Clerical	<u> </u>	Average hourly wage rate for clerical positions	<u> </u>
Salaried	<u>2</u>	Average salary (per hour) for salaried positions	<u>42.34</u>

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) 73

- h) What is the total dollar amount to be spent on new salaries? \$3.0M

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

Current hourly employees	<u>19.17</u>
Retained hourly employees	<u>19.17</u>
New hourly employees	<u>19.17</u>

- j) (if applicable)What is the usual market for goods or services produced by the company? **OEM**

k) List the percentage of the company's product or service that reaches:

Inside St. Joseph County:	<u>0</u>	%
Outside St. Joseph County, but inside Indiana:	<u>3</u>	%
Outside Indiana, but within 500 miles	<u>19</u>	%
Outside of 500 miles	<u>75</u>	%
Outside of the United States:	<u>3</u>	%

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

1. Alro Steel Corporation Jackson MI
2. New Dimensions Precision Machining Union, IL
3. Powell Tool Supply Inc South Bend, IN
4. Mid States Bolt & Screw Co Burton, MI
5. Tomenson Machine Works Chicago, IL

16. 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.

Expansion of existing building, company will utilize entire project space.

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

Hydraulic Manifold production.

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

Job creation, cosmetic improvements to building, increase volume to local vendors

19. 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.).

Job loss, reduced production, expansion products moved to a different state.

20. Will you require any additional assistance from the City of Mishawaka? We are also requesting a
Personal Property abatement.

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

Yes

22. 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.



Digitally signed by David McCaffrey
Date: 2022.09.23 17:28:44 -04'00'

Signature of Owner or Authorized Representative

VP, Business Development and Treasury
Title

23-Sep-2022
Date



City of Mishawaka Building - Community Development - Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

PERSONAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/PP) 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/PP) 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 firm for which tax abatement is being requested:

Helios Hydraulics Americas LLC

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

Name and Title: Lori Switzer

Address: 7456 16th ST E

Telephone: Sarasota, FL 34243

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

Name and Title: Lori Switzer

Address: 7456 16th ST E

Telephone: Sarasota, FL 34243

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

a) Street Address: **1811 Home Street**

b) Township: **Penn**

c) Taxing District Number: **022**

d) Council District Number: **010**

e) Tax Parcel Number(s): **71-122-14623-00**

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

Land: _____

Improvements: _____

Inventory: _____

Equipment: 3,547,381

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? Yes X No
7. Does your firm currently conduct manufacturing operations at this location? If so, how long has your company been at this location?

Yes, Daman Products currently manufactures in this location since 1977

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. 332999

b) Please list any special certifications/designations.

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.

Helios Technologies (parent) headquarters is located in Sarasota Florida. The
company has operations in FL, OH, TX, CA, OK

9. What is the size of the existing facility in which the equipment will be installed?

Equipment will be installed in a new facility; we are also requesting an abatement for that project.

- a) What is your facility currently zoned? Industrial Light Manufacturing & Assembly
b) Do you need rezoning? No

10. Briefly describe the product(s) manufactured by your company. Hydraulic manifolds and other hydraulic products

11. Briefly describe the equipment to be installed by your company. Manufacturing equipment to expand current product lines, and produce new products

12. Has new manufacturing equipment been installed (Please note that state statute requires petitioner to delay installation until after abatement has been granted)? _____ Yes _____ **X** No

13. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States? _____ Yes _____ **X** No

14. What is the anticipated date for installation to begin? 2022

15. What is the anticipated date for project completion? 2026

***(If installation will occur over a multi-year/phased-in period or involve multiple pieces of equipment, please provide a separate detailed installation timetable and note when equipment will be ready to use in production and attach this information to the SB-1/PP.)**

See 16. b)

16. Does the equipment being installed serve the same function as the equipment currently in place at the facility? _____ Yes _____ **X** No

a) If no, please describe the new functions to be performed by the new manufacturing equipment:

The new equipment will be used to expand existing product lines and also the
creation of new product lines.

b) What is the estimated value of the equipment to be purchased for which personal property tax abatement is being requested? (If possible, please provide a written quote or estimate attached to this application.)

	2022	2023	2024	2026	Total
Equipment	2,600,000	2,750,000	4,000,000	1,750,000	11,100,000
Furn. & Fixtures					
Utility Upgrades		375,000			375,000
IT Equipment		50,000			50,000

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

a) Are your employees represented by a union? If so, by whom? **No**

b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? _____ **X** Yes _____ No

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

Skilled 106 Average hourly wage rate for skilled positions **\$19.17**

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

Clerical	<u>4</u>	Average hourly wage rate for clerical positions	<u>\$18.43</u>
Salaried	<u>29</u>	Average salary (per hour) for salaried positions	<u>\$42.34</u>
TOTAL NUMBER OF TEMPORARY/ON-CALL EMPLOYEES (if any)			<u>0</u>
TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time)			<u>139</u>

- d) 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, dental, vision, 401k match
- e) 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.) \$8.00
- d) What is the total dollar amount spent on retained salaries? \$7.2mil
- e) Number of newly created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	<u>71</u>	Average hourly wage rate for skilled positions	<u>19.17</u>
Semi-skilled	<u> </u>	Average hourly wage rate for unskilled positions	<u> </u>
Clerical	<u> </u>	Average hourly wage rate for clerical positions	<u> </u>
Salaried	<u>2</u>	Average salary (per hour) for salaried positions	<u>42.34</u>
TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time)			<u>73</u>

- f) What is the total dollar amount to be spent on new salaries? \$3.0mil
- g) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees	<u>19.17</u>
Retained hourly employees	<u>19.17</u>
New hourly employees	<u>19.17</u>

- j) What is the usual market for goods produced by the company? OEM

List the percentage of the company's product that reaches it:

Inside St. Joseph County: %

Outside St. Joseph County, but inside Indiana: 3 %

Outside Indiana, but within 500 miles 19 %

Outside of 500 miles 75 %

Outside of the United States: 3 %

- k) Where do your company's raw materials/supplies come from? List the percentage of the supplies that are acquired from each category:

Inside St. Joseph County: 5 %

Outside St. Joseph County, but inside Indiana: 5 %

Outside Indiana, but within 500 miles: 60 %

Outside 500 miles of Indiana: 30 %

Outside of the United States: %

- l) List the name and location (City and State) of your five largest vendors or suppliers:

1. Alro Steel Corporation Jackson MI

2. New Dimensions Precision Machining Union, IL

3. Powell Tool Supply Inc South Bend, IN

4. Mid States Bolt & Screw Co Burton, MI

5. Tomenson Machine Works Chicago, IL

18. Please give a detailed description of what the impact on your business will be if the new manufacturing equipment is not installed (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

Job loss, reduced production, expansion products moved to a different state.

19. Please briefly describe how and why the manufacturing equipment to be replaced or the facility in which equipment will be added is currently technologically, economically, or energy obsolete and how and why that obsolescence may lead to a decline in employment and tax revenues.

The manufacturing equipment is not replacing what is currently there; we are expanding operations to accommodate new product lines. The decline in employment and tax revenues would be caused by the new product lines and equipment investment being moved to a different state.

20. Will you require any additional assistance from the City of Mishawaka? We are also requesting a Real Property abatement.

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

22. 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 Personal 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.



Digitally signed by David McCaffrey
Date: 2022.09.23 17:30:19 -04'00'

Signature of Owner or Authorized Representative

VP, Business Development and Treasury
Title

23-Sep-2023
Date

Exhibit A

Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.

Parcel ID: 71-09-11-177-002.000-022

<http://in-stjoseph->

assessor.governmax.com/propertymax/ACAMA Indiana/tab_parcel_v0701.asp?t_nm=base&l_cr=4&t_wc=|p_arcelid=71%2D09%2D11%2D177%2D002%2E000%2D022&sid=0CB24A5B1EAA4149A8D910AFEBF4264D

St. Joseph County
INDIANA

Parcel

Parcel ID
71-09-11-177-002.000-022

Parcel Address
1811 HOME ST

AV - Total Land & Improv.
\$1,752,600

Date as of
5/17/2022 10:17:00 AM

Owner Information

Owner Name
Daman Properties LLC

Owner Address
1811 Home Street
Mishawaka IN 46545-7267

Transfer Date
05/17/1997

Location Information

District No.
022

Area No.
010

Parcel Address
1811 HOME ST

Section & Plat
022

State Assigned District No.
9-11B

Routing No.
1811 HOME ST

Parcel Address
1811 HOME ST

Legal Desc.
MID PART E 1/2 NW N OF RR EX PTS SOLD SEC 11-37-3E 99-00 SPLIT TO 27-1001-045506 98-99 SPLIT TO 27-1001-045505 2.85AC SPLIT TO 27 1001 045504 6-94

Parcel Information

Level
High
Low
Rolling
Swampy
Flood Hazard
Waterfront Property Type

Topography
Y
N
N
N
N

Services
Water
Sewer
Gas
Electricity
Sidewalk
Alley

Assessment Information

Current AV - Total Land
\$219,400

Current AV - Total Improv.
\$1,533,200

AV - Total Land & Improv.
\$1,752,600

AV - Commercial Land
\$219,400

AV - Comm. Improv.
\$1,533,200

AV - Comm. Land & Imp.
\$1,752,600

AV - Dwelling
\$0

AV - Farmland
\$0

AV - Res. Land & Lots
\$219,400

AV - Res. Improv.
\$1,533,200

AV - Res. Land & Improv.
\$1,752,600

AV - Non-Res. Land
\$219,400

AV - Non-Res. Imp.
\$1,533,200

AV - Non-Res. Land & Improv.
\$1,752,600

AV - Classified Land
\$0

AV - Homesite(s)
\$0

Legal Acreage
\$0

Average AV/Acre
\$0

Appraisal Date
\$0

Reason for Change Code
\$219,400

Prior AV - Total Land
\$1,533,200

Prior AV - Total Improv.
\$1,752,600

Adj. Factor Applied
\$0

0000
\$0
\$1,572,400
19
\$155,000
\$1,572,400
0.00

Certified values as of January 1, 2022

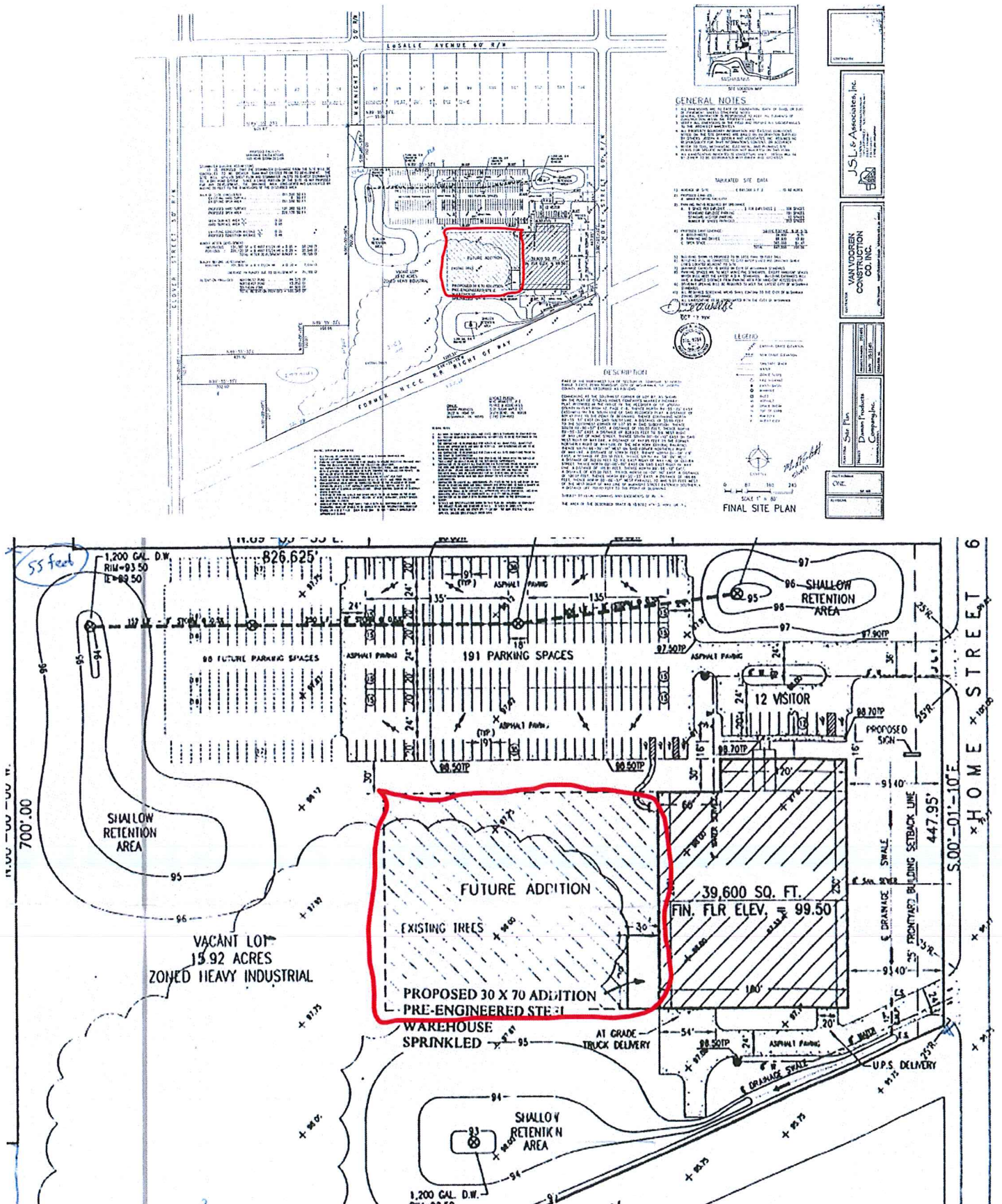
Exhibit A

Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.

A Parcel of land being a part of the northwest quarter of Section 11, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Indiana and being more particularly described as commencing at the west quarter section corner (southwest corner of the northwest quarter) of said Section 11; thence North 00°07'03" West (basis of bearings or this description) along the west line of said northwest quarter, a distance of 17.44 feet to its intersection with the centerline of the abandoned and former New York Central Railroad right-of-way; thence North 66°28'32" East, along said centerline, a distance of 1850.70 feet to the Place of Beginning for this description; thence North 00°10'57" West, parallel with the east right-of-way line of Clover Street, a distance of 864.15 feet; thence north 89°44'36" East a distance of 783.67 feet; thence south 00°12'07" East a distance of 15.00 feet; thence north 89°44'36" East, a distance of 100.00 feet to a point on the west right-of-way line of Home Street; thence south 00°12'07" east, on said west right-of-way line of Home Street, a distance of 468.89 feet to said centerline of said abandoned New York Central Railroad right-of-way; thence south 66°28'32" West along said centerline, a distance of 962.61 feet to the Place of Beginning containing 13.64 acres, more or less.

Exhibit B

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.



RESOLUTION NO. 2022-27
Civil City Property Disposal- 200 North Church Street

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, AUTHORIZING THE CITY OF MISHAWAKA
REDEVELOPMENT COMMISSION TO SELL MUNICIPALLY OWNED
PROPERTY IN ACCORDANCE WITH THE CITY OF MISHAWAKA
MUNICIPAL CODE CHAPTER 2, ARTICLE 5, DIVISION 3, SEC. 2-492
& 493**

WHEREAS, pursuant to the City of Mishawaka Municipal Code, whenever the Mayor or any department head determines that any personal property or real estate belonging to the City is no longer needed, a written request shall be presented to the Common Council for the passage of a resolution authorizing the sale of the property. The procedure for sale of the City property shall conform to current state law; and

WHEREAS, the City has decided to replace the existing Mishawaka Police Station currently located at 200 North Church Street as part of the construction of a new City Hall that is currently under construction; and

WHEREAS, redevelopment and the stimulation of economic development are of benefit to the health and welfare of the people of Indiana and the citizens of Mishawaka. Economic development is a public use and purpose for which public money may be spent; and

WHEREAS, the Redevelopment Commission is the entity of the City which has been delegated the power and duty to investigate, study, and develop areas within the corporate boundaries of the City of Mishawaka that has been determined to be stagnant or deteriorating in order to encourage economic development; and

WHEREAS, the City completed its "Mishawaka River Center Master Plan" in 1999; and

WHEREAS, the City as part of its "Mishawaka River Center Master Plan" envisioned creating a downtown that has mixed uses, is pedestrian friendly, and incorporates architecturally significant architecture; and

WHEREAS, the property located at 200 North Church Street is within the area guided by the "Mishawaka River Center Master Plan"; and

WHEREAS, the legal description of the parcels that make up 200 North Church Street are as follows:

Lots 2 & 4 and Vacated Race St. Original Plat of St. Joseph Iron Works. Property shall be re-platted concurrently with sale. The north 30'+/- of the property adjacent to the existing race shall be retained by the City to allow for the continued use of the property for the Mishawaka Riverwalk and future raceway improvements. The area of the property to be retained by the City shall be finalized and approved as directed by a Development and Purchase Agreement between the Developer and City of Mishawaka Redevelopment Commission.

WHEREAS, the City obtained two appraisals of the property located at 200 North Church Street and advertised the property for sale as required by the Indiana Code; and

WHEREAS, following advertising the property at appraised value, one offer for the property was received from a developer; and

WHEREAS, the Developer is Cressy and Everett Commercial Corporation. The Developer's proposal contemplates redeveloping the existing two story Police Station into a commercial real estate headquarters and an upscale wine bar/restaurant space with outside seating; and

WHEREAS, the Developer contemplates an investment of over 2 million dollars above the purchase price and intends to occupy the building for the office portion in the summer of 2023; and

WHEREAS, the Developer's proposal included a commitment to share a portion of the existing parking with the public during nights and weekends; and

WHEREAS, this project, as proposed, is one of multiple on-going anticipated architecturally significant, pedestrian friendly, and appropriately urban components of the Mishawaka River Center mixed-use development for downtown Mishawaka; and

WHEREAS, the Redevelopment Commission selected this proposal after considerable review and consideration; and

WHEREAS, the Redevelopment Commission believes that the Project complies with applicable federal, state and local laws under which the Project has been undertaken; and

WHEREAS, the Redevelopment Commission and the Developer entered into a Development Agreement on September 26th, 2022 concerning the sale of the property and completion of the Developer's Project; and

WHEREAS, the Redevelopment Commission and Developer each understood and agreed that certain actions contemplated by the Agreement are required to be undertaken by persons, agencies or entities that were not party to the Development Agreement and that any action by such third parties shall require independent approval by the respective person, agency, entity or governing body thereof; and

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

1. The City of Mishawaka Redevelopment Commission is authorized to sell the Civil City owned property at 200 North Church Street as identified herein; and
2. This Resolution shall be in full force and effect from and after its passage by the Common Council.

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on October 3, 2022.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block
Clerk of the City of Mishawaka, Indiana

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____
day of October _____, 2022, at the hour of _____ .m.

Deborah S. Block
Clerk of the City of Mishawaka, Indiana

This Resolution approved and signed by me on the ____ day of October, 2022, at
the hour of _____ .m.

David A. Wood
Mayor of the City of Mishawaka, Indiana

DEVELOPMENT AGREEMENT

By and Between

CITY OF MISHAWAKA REDEVELOPMENT COMMISSION

And

CRESSY COMMERCIAL REAL ESTATE

For:

Property located at 200 North Church Street, Mishawaka IN

Prepared By:
City of Mishawaka
Redevelopment Department
600 East Third Street
Mishawaka, IN 46544
(574) 258-1668

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SCHEDULE OF EXHIBITS

Exhibit "A"	Architectural Development and Site Plans
Exhibit "B"	General Description of Commission Owned Property
Exhibit "C"	Estimated Shared Parking Area

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT, made on September 26th 2022 by and between the City of Mishawaka Redevelopment Commission ("Commission"), established under the Redevelopment of Cities and Towns Act of 1953, as amended, being I.C. 36-7-14-1, et seq. ("Act"), and having its office at 100 Lincolnway West, Mishawaka, Indiana and Cressy Commercial Real Estate, an Indiana Company, and is assigns ("Developer"), having corporate offices at 4100 Edison Lakes Parkway, Suite 350, Mishawaka, Indiana.

RECITALS

WHEREAS, redevelopment and the stimulation of economic development are of benefit to the health and welfare of the people of Indiana and the citizens of Mishawaka. Economic development is a public use and purpose for which public money may be spent; and

WHEREAS, Commission has the power and duty to investigate, study, and develop areas within the corporate boundaries of the City of Mishawaka that the Commission has determined to be stagnant or deteriorating in order to encourage economic development; and

WHEREAS, the City completed its "Mishawaka River Center Master Plan" in 1999; and

WHEREAS, the City has acquired multiple properties over multiple decades as part of a comprehensive redevelopment effort; and

WHEREAS, the City as part of its "Mishawaka River Center Master Plan" envisioned creating a downtown that has mixed uses, is pedestrian friendly, and incorporates architecturally significant architecture; and

WHEREAS, the City has decided to replace the existing Mishawaka Police Station currently located at 200 North Church Street as part of the construction of a new City Hall that is currently under construction; and

WHEREAS, the City has obtained two appraisals of the property located at 200 North Church Street and advertised the property for sale as required by the Indiana Code; and

WHEREAS, following advertising the property at appraised value, one offer for the property was received; and

WHEREAS, the Developer's proposal contemplates renovating and modifying the existing building as a commercial office building that would house Cressy Commercial Real Estate's headquarters and a unique high end restaurant and bar concept within the former Police Station; and

WHEREAS, the Developer's proposal has been identified within the architectural development and site plans identified in Exhibit "A"; and

WHEREAS, the Developer's proposal an estimated investment of over 2 million dollars. ; and

WHEREAS, the Developer's proposal included a surface parking lot and a commitment to share a portion of the proposed parking with the public during nights and weekends; and

WHEREAS, this project, as proposed, is one of multiple on-going anticipated architecturally significant, pedestrian friendly, and appropriately urban components of the Mishawaka River Center mixed-use development for downtown Mishawaka; and

WHEREAS, the Developer has entered into good faith negotiations with the City regarding the acquisition and purchase of the property generally identified in **Exhibit "B"** that was advertised for redevelopment, which the Developer's bid was the only bid received for the property and

WHEREAS, the Commission has selected this proposal after considerable review and consideration; and

WHEREAS, the Commission believes that the Project complies with applicable federal, state and local laws under which the Project has been undertaken; and

WHEREAS, the Commission and Developer each understand and agree that certain actions contemplated by this Agreement are required to be undertaken by persons, agencies or entities that are not party to this Agreement and that any action by such third parties shall require independent approval by the respective person, agency, entity or governing body thereof; and

WHEREAS, the Commission and the Developer desire to enter into a Development Agreement concerning the sale of the property and completion of the Developer's Project.

NOW, THEREFORE, in consideration of the mutual promises and obligations in this Agreement, the adequacy of which consideration is hereby acknowledged, the Parties agree as follows:

SECTION 1.0 DEFINITIONS.

Defined terms are indicated in bold letters. Defined terms shall have the meaning set forth herein, whether or not such terms are used before or after the definitions are set forth. The following terms are more specifically defined below:

- | | | |
|----|------------------------|--|
| 1. | Plan Commission | City of Mishawaka, Plan Commission |
| 2. | Assessor | Penn Township Assessor |
| 3. | City | City of Mishawaka, Indiana |
| 4. | City Entities | Organizations or entities that act in an official capacity for the City of Mishawaka, including, but not limited to, the Administration, Board of Public Works and Safety, Common Council, Park Board, Historic Preservation Commission, and Mishawaka Utilities |
| 5. | Commission | City of Mishawaka, Redevelopment Commission |
| 6. | County | St. Joseph County, Indiana |

- | | | |
|-----|------------------|--|
| 7. | Developer | Cressy Commercial Real Estate |
| 8. | INDOT | Indiana Department of Transportation |
| 9. | Staff | Staff shall include any or all of the following employees of the City of Mishawaka: Director of Community and Economic Development, Director of Engineering, City Planner, Staff Attorney, and Corporation Counsel |
| 10. | State | State of Indiana |
| 11. | Term | The Term of this Agreement commencing upon the Effective Date. |
| 12. | Township | Penn Township, St. Joseph County, Indiana |

SECTION 2.0 EFFECTIVE DATE AND TERM.

2.1 Effective Date. This Agreement shall become effective upon the date this Agreement is executed by both the Commission and the Developer, whichever signature date is later ("Effective Date").

2.2 Term. The term of this Agreement ("Term") shall commence upon the Effective Date and shall continue until this Agreement is terminated in accordance with the provisions herein.

SECTION 3.0 RECITALS.

3.1 Recitals. The Recitals set forth above are a part of this Agreement for all purposes.

SECTION 4.0 DEVELOPER'S OBLIGATIONS.

4.1 Generally. The Developer agrees to remodel its cost and expense a two story architecturally significant former Police Station located at 200 North Church Street, including all necessary infrastructure and improvements associated therewith, excepting those specifically identified as part of the Commission's obligations as part of this Agreement. This shall specifically include all improvements necessary to complete the project as envisioned in Exhibit A. The Commission's obligations are limited only to those identified herein, therefore, any improvement, task, obligation, or cost required to complete this project that is not specifically identified as the Commission's in this Agreement shall be considered the Developer's obligation whether identified herein or not. Exhibit A identifies a concept and the general intent of the Developer. The Developer and the Commission each acknowledge and agree that the Developer intends to build approximately the same type, style, and size, of the conceptual project described on Exhibit A; however, (i) the layouts and size of the buildings may change according to market research and architectural considerations, (ii) the parking, circulation, and site design will change to accommodate grades, public parking areas, the connections to the Riverwalk, and improvements that may be committed by the Commission along the Race Street and First Street corridors that will dictate the required site refinements, and (iii) the architectural language of the buildings may

change according to technical, material, and aesthetic decisions (it being understood that the project will be subject to normal Planning Commission design review).

4.2 Developer's Deliveries. Unless otherwise stipulated, the Developer shall submit the following documentation and receive approval thereof within the schedule identified herein following the approval date of this Agreement. The cost for preparing and submitting this information shall be the responsibility of the Developer. The City review, unless otherwise stipulated within this Agreement, shall be the responsibility of the applicable City entity, although the Developer will pay the normal filing fees. Upon review and approval by applicable City entities, this documentation shall be incorporated as part of the official Commission file and bound to and enforceable by this Agreement by reference. The applicable City entity required to approve the referenced documents before incorporation is listed in italic print within the parentheses following the item. Each listed City entity will promptly grant approval of those items provided that complete information is submitted by the Developer, and that such documents are in accordance with applicable City codes, ordinances, applicable Indiana law, and the representations of the Developer in this Agreement. Any differences in the interpretation of this Agreement between the Developer and Staff may be brought to the Commission at any regular meeting for further guidance, direction, and resolution. The final determining authority on any issues relegated to Staff inherent to this Agreement shall be the Commission, except as otherwise provided by Indiana law.

- (i) Final Plat required for combining of properties into one lot. (*Staff and Plan Commission*)
- (ii) Temporary Real Estate Signage Proposals (*Staff*)
- (iii) Permanent Site and Building Signage (*Staff*)
- (iv) Erosion Control Plan (City of Mishawaka Engineering Department)
- (v) Final site and building plans, as prepared for recording. Must be submitted and approved prior to the closing relative to the purchase of Commission owned property. (*Staff and Planning Commission*)
- (vi) A listing of the name, address, principal officers, and contact information of the general contractor, sub-contractors, legal counsel, consultants, real estate agents, and other entities directly involved in the project. Must be submitted prior to closing on Commission owned property. (*Staff*)
- (vii) Maintenance of Traffic Plan including street closures and proposed truck routes for heavy construction vehicles. Must be submitted prior to the start of construction. (*Staff*)
- (viii) Construction parking and staging plan. (*Staff and Board of Public Works and Safety*)
- (ix) Temporary site security measure plan. Must be submitted prior to the start of construction. (*Staff*)
- (x) Documentation of Developer Funding. Must be submitted prior to the closing relative to the purchase of Commission owned property and start of construction. (*Staff*)
- (xi) Documentation of Developer Surety. Must be submitted prior to the start of construction. (*Staff*)
- (xii) Proof of Developer Insurance. Must be submitted prior to the start of construction. (*Staff*)

The City will use its best efforts to complete its review and approve of each of Developer's deliveries in a timely manner, typically within thirty (30) days after complete information for each item is submitted by the Developer, noting that by lead times for advertising, and standard public meeting schedules may elongate required review times.

The anticipated timeline for the project is as follows:

Commission approval of the Development Agreement-	September 2022
Common Council Approval required to sell property	October 2022
Right of access for portion of 200 North Church Street	November 2022
Completion of Developer Deliveries in section 4.2	December 2022
Documentation of Developer Funding-	December 2022
Developer Closing on 200 North Church Street	December 2022
Estimated Developer Start of Construction	January 2023
Estimated occupancy of renovated building	Summer 2023 (office)
	Fall 2023 (bar/rest)

It is also noted and agreed that First Street, Church Street, and Race Street are intended to remain open for the duration of construction and may not be used for construction parking or staging. Temporary closures may be permitted with proper notice and traffic control as may be approved by the Board of Public Works and Safety. As part of the planned expansion of the Mishawaka Riverwalk, as well as, potential street improvements, the construction access for both the Developer and City projects may need to be coordinated and potentially moved to coordinate the multiple projects.

4.3 Developer Purchase- of Commission Parcel.

(a) Developer shall purchase from Commission, and Commission shall sell to the Developer, a portion of the development Site as generally identified on Exhibit B (the "Commission Parcel"), subject to the terms and conditions of this Agreement for an amount of \$500,000 (five hundred thousand dollars). It is anticipated that the Commission Parcel exact size and configuration will be based on the final plat as prepared by the Developer. The plat shall reflect required easement and right-of-way dedication as may be required.

4.4 Commission Parcel Real Estate Taxes. All Real Estate Taxes on the Commission Parcel for any prior year shall be paid by the City and all Real Estate Taxes for the current year shall be prorated between the City and the Developer as of the Closing Date.

4.5 Developer Funding. Developer shall have cash in hand or will have obtained funding sufficient to fund the Developer's proposal identified in this Agreement as evidenced by written proposals concerning a construction loan and/or equity financing from one or more banks, lending institutions and/or investors. In supplement of, or in lieu of, written proposals from one or more banks, lending institutions and/or investors, the Developer may provide written documentation from an independent certified public accountant documenting the cash in hand to fund the project. Documented financing for the Developer's proposal shall match the professionally estimated project cost determined by the prepared and approved construction drawings, which includes a construction contingency.

4.6 Developer Performance Surety. Developer shall have obtained surety in the form of an irrevocable letter of credit, performance bond, or escrow funds in a form and manner reasonably acceptable to the Commission and the Developer. The amount of the surety shall be \$50,000. The Developer's surety may be accessed by the Commission in accordance with its terms and this Section upon default by Developer of its obligations under this Agreement. If a default by Developer occurs, the Commission shall give appropriate written notice thereof (which will include a description in reasonable detail of Developer's default) to Developer. Following thirty (30) days afforded to Developer to correct any default, the Commission may access the surety in accordance with its terms; provided, however, that if the nature of the default is such that it cannot reasonably be cured within such 30-day period, then the commencement of the cure by the Developer within such time period, and the diligent prosecution to completion of the cure thereafter, shall be deemed to be a cure within such 30-day period. The Developer's surety shall be released by the Commission once the project is entirely complete following occupancy of the Developer's project.

4.7 Required Permits and Fees. The Developer shall have obtained, or shall be able to obtain, all of the required permits for the Developer's project. The Commission and Staff shall facilitate, cooperate in, and provide all necessary or appropriate assistance in connection with obtaining the required permits. The cost for all required permits, filing fees, tap fees, or other cost not specifically identified as a Commission responsibility shall be the responsibility of the Developer.

4.8 Required Zoning Approvals. The property owned by the Commission is currently zoned C-3 City Center Commercial which permits the construction of a mixed use office/bar/restaurant as envisioned by right. Any additional variances, waivers or other deviations from City Ordinances required during the duration of this Agreement that were not obtained prior to executing this Agreement shall require the specific approval of the Commission prior to filing any such request. The Commission shall facilitate, cooperate in, and assist the Developer in obtaining variances, waivers or other deviations from City Ordinances that are mutually determined to be necessary or appropriate for the intended development.

4.9 Representations and Warranties by the Developer. The Developer represents and warrants to Commission that: (a) the Developer shall not enter into any contracts or undertakings that would limit, conflict with, or constitute a default of this Agreement; (b) the Developer is a limited liability company created and existing under the laws of the State of Indiana, and is duly authorized to do business in the State of Indiana; and (c) the Developer has the power to enter into this Agreement and to perform its obligations hereunder, and this Agreement is the legal, valid, and binding obligation of the Developer.

4.10 Maintenance and Repair during Construction. The Developer will maintain the development property and all affected adjacent City property and Streets, in good order, condition, and repair, and in compliance with all Laws throughout the construction phase of the project. Maintenance during the duration of this Agreement shall also include snow removal on all public walks and routine cleaning of the property and adjacent streets to remove construction debris and sediment emanating from the development property. It is also noted, that if the City has a contractor that is mobilized constructing City required projects that restricts access to these areas, maintenance and repair of those areas shall be coordinated between the City and the Developer.

4.11 Construction Parking/Street and Sidewalk Closure. All proposed sidewalk, Riverwalk, and street closures shall require the specific review and approval of the Board of Public Works and Safety; a site security plan shall be provided as identified in section 4.2 that provides

barriers and signage notifying and providing general protection to the public from the construction activities taking place. Additional space for Developer parking for construction crews may be available on adjacent properties. However, the Developer and associated contractors shall not unduly occupy current public street parking areas that has the potential to harm adjacent residents and/or businesses.

4.12 Advertising and Political signs. It is the expressed desire of the Commission that the redevelopment efforts of the City are not commercially or politically exploited on the project site during the duration of this Agreement. As such, the Developer agrees and acknowledges that no other signs, displays, banners, or advertising, other than one construction sign, and temporary real estate sign(s), shall be placed on each property within the development site during the duration of construction of the project and that the content of said signs shall not be in conflict with expressed desire of the Commission.

4.13 Project Construction Schedule/Completion Dates. The Developer hereby represents that the construction schedule and completion dates for the entire project will be as identified in Section 4.2 herein.

4.14 Minimize Neighborhood Disruption. The Developer hereby commits to minimize disruption to the neighborhood by appropriately parking construction vehicles, staging materials, keeping a neat and orderly site. The Developer shall coordinate significant construction activities with adjacent property owners. Prior to starting construction, the Developer shall mail a notice to all property owners within 300 feet of the site informing them of the project, what can be expected, and a contact name and phone number for the Developer that can be reached 24 hours a day during the duration of the project if problems occur. A copy of this letter shall also be sent to Staff for record and informational purposes.

4.15 City Use of Developer's Plans and Images. The Developer hereby commits to allow the Commission, City, and any City Entity the ability to reproduce and use images or materials concerning the development for official City business, including, but not limited to, posting such images or materials on the City Web site, to distribute such images or materials to the public for general informational purposes, and to make presentations that include the Developer's images; provided, that Developer's logo will be included in the corresponding image, materials, or presentation. Should the City desire use the Developer's plan's and images for other applications, the Developer shall be consulted and have input into the application and approve the use before it is used.

4.16 Good Standing of Developer Contractors and Consultants. The Developer understands that there is a desire of the Commission to insure the quality and timely completion of the development by insuring those that are principally involved in the project are in good standing with the City. The Developer hereby commits that all principal parties retained by the Developer to complete the project will be in good standing with the City at the time they are retained for the project. This will be documented in accordance with section 4.2 of this Agreement. Principal parties shall include the general contractor, lead sub-contractors, legal counsel, consultants, real estate agents, and other significant entities directly involved in the project. Good standing shall generally be considered as those who are currently licensed with the City or applicable authority, are current with all taxes or liabilities to the City, and have no outstanding material violations or grievances with the City of Mishawaka. All contracting and sub-contracting firms working on the Developer's project site shall be licensed through the City of Mishawaka Building Department, regardless of size.

4.17 Insurance. The Developer either individually, or through the general contractor, shall purchase and maintain throughout the duration of the Agreement, Comprehensive General Liability Insurance for the work being performed. The City of Mishawaka shall be named as an additional insured for the following minimum amounts or greater when required by law:

- A. Worker's compensation
 - I. State Statutory
 - 2. Employer's Liability \$500,000 Each accident,
\$500,000 Disease Each employee
\$500,000 Disease Policy Limit
- B. Comprehensive General Liability
 - I. Bodily Injury
 - a. \$1,000,000 Each occurrence
 - b. \$2,000,000 Annual aggregate, products and completed Operations
 - 2. Property Damage
 - a. \$1,000,000 Each occurrence
 - b. \$2,000,000 Annual aggregate
 - 3. Property Damage Liability Insurance will provide Explosion, Collapse and Underground coverage's where applicable.
 - 4. Personal Injury
 - a. \$1,000,000 Annual Aggregate
 - 5. The Contractor shall carry an Umbrella Policy in the amount of
 - a. \$5,000,000 Each occurrence(Minimum Umbrella \$5,000,000)
 - b. \$5,000,000 Annual Aggregate
- C. Comprehensive Automobile Liability
 - I. Bodily Injury and Personal Property
 - a. \$1,000,000 Combined Single Limit
- D. Contractual Liability Insurance
 - I. Bodily Injury
 - a. \$1,000,000 Each occurrence
 - b. \$2,000,000 Annual Aggregate, products and completed operations
 - 2. Property Damage
 - a. \$1,000,000 Each occurrence
 - b. \$2,000,000 Annual aggregate

The completed operations insurance required shall be maintained by Contractor for at least two (2) years after Substantial Completion. Contractor must provide evidence of a CG 2010 (or equivalent) and a CG 2037 (or equivalent); please attach the copy of the endorsement to the certificate.

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

4.19 Estimated Shared Parking Area. As part of the development plan approval process the Developer shall identify a portion of the proposed parking that will allow for shared use between the Developer and the City for public parking on nights and weekends. The area shall have a minimum of 44 spaces in the general area identified in Exhibit C. The exact area will be defined in the development plan approval process. An easement or other document acceptable to both the Developer and the City that identifies the rights and access shall be prepared and recorded as part of the development plan approval process.

4.20 Property Restoration and Perpetual Maintenance. As part of the development plan approval process the Developer shall prepare a plan to identify limits that will be maintained in perpetuity by the Developer. This is specifically for areas owned, or where easement rights are provided to the City. It is understood that the Developer has a vested interest in maintaining these areas to a higher standard than what the City can provide. Given the location of the property in a downtown setting, it is understood that the Developer will be responsible for routine maintenance of areas outside of the property that is envisioned as being sold to the Developer. This shall include but shall not be limited to the public parking lots, landscaping, and adjacent walks surrounding the Developer's Project site that are likely to be used continually by patrons of the Developer's project. Routine Maintenance shall include non-construction elements such as grass mowing, pond care, landscape trimming and beautification, trash removal, and snow plowing/removal. The Parties agree that they shall enter into a separate agreement to address the maintenance associated with this Section 4.19 and that the maintenance agreement shall survive the termination of this Agreement.

SECTION 5.0 COMMISSION'S OBLIGATIONS.

5.1 Property Taxes. All Real Estate Taxes on the Commission Parcel for any prior year shall be paid by the City and all Real Estate Taxes for the current year shall be prorated between the City and the Developer as of the Closing Date.

5.2 Title. Concurrent with the closing of the property, the Commission, at its cost and expense, shall have provided the Developer a satisfactory Title Commitment a minimum of 30 days prior closing. Also, at the closing, the Commission, at its cost and expense, shall deliver to the Developer a warranty deed together with a satisfactory owner's policy of title insurance with respect to the development site, issued by the title insurer and conforming to the Title Commitment. The minimum amount of title insurance to be provided to the Developer shall at least be equal the proposed purchase price of the property.

5.3 Title Commitment. Developer's title to the property shall not be subject to any title defects and will be free and clear of any liens or encumbrances; provided that: the Commission shall have time not to exceed 60 days to either to cure or remove any title defects, liens or encumbrances; or provide for the cure or removal of, or for insurance against, such title defects, liens or encumbrances ("Title Commitment").

5.4 City's responsibility for Commission Owned Property. The City has notified the Developer that the property located at 200 north Church Street has been used for the Mishawaka Police Station since its construction in the 1990's. The City has not performed any investigation for asbestos, lead paint, or any other environmental condition that may exist on the property. The Developer understands that the property is being purchased in an "as is" condition.

5.5 Potential Street/Public Right-of-way Improvements. It is understood that the Developer's proposed improvements are generally limited to the property and are not intended to significantly modify existing road right-of-way. The Commission at its cost and expense may, at its discretion, modify adjacent public streets as part of a larger redevelopment plan.

5.6 Public Utility Improvements. It is understood that the Developer has access to water, sanitary sewer, and electric service within the public right-of-way or public property immediately adjacent to the Property. The cost of providing other utilities outside the control of the City including natural gas, phone, cable, internet and the like shall be the responsibility of the Developer. Overflow outlet(s) for storm water shall also be provided to the Developer by the City. It is understood that the Developer is required to comprehensively address storm water for the Project as may be necessary for any pavement or building addition, including but not limited to creating a storm water storage/infiltration system designed to retain the developed state at 100-year return storm for a 24 hour duration with an allowable release rate limited to the undeveloped state (i.e. grass surface runoff with "C" coefficient of 0.2) using a 10-year return storm for a two hour duration, or as otherwise may be reduced or adjusted by the City Director of Engineering. Due to close proximity to the river, any required modification to the existing system constructed by the City shall include a water quality best management practice in the storm water management design. Due to the developments proximity to the River and City's desire to protect our investment by minimizing contaminants in the storm sewer, this discharge and any infiltration through underground storage will need to be protected from the automotive contaminants parking lot pavements generate. Therefore, best management practices will be required upstream of the storage infiltration system addressing oil, anti-freeze, fuel, grit, and sand. Examples of best management practices including but not limited to Swirl Concentrators and grit/sand removal systems sized for the upstream flow demand and not the discharge rate are anticipated. The overflow connection, if required, shall utilize reinforced concrete pipe (RCP) and other materials consistent with Mishawaka Board of Public Works and Safety standards as may be directed by the City Director of Engineering. The Commission shall work with the Developer to investigate utility extensions/connection points that are mutually beneficial to minimize both the work and the potential overlap of construction projects. To the extent possible, the Commission and the Developer shall work together to potentially reduce the costs for both entities.

5.7 Required Zoning and Platting. It is noted that the Commission owned property is currently zoned C-3 City Center Commercial which includes mixed use office/bar/restaurants as permitted uses by right. Any additional variances, waivers or other deviations from City Ordinances required during the duration of this Agreement that were not obtained prior to executing this Agreement shall require the specific approval of the Commission prior to filing any such request. If deemed appropriate by the Commission, the Commission shall facilitate, cooperate in, and provide all necessary or appropriate assistance in connection with, obtaining the variations that the Developer determines to be necessary or appropriate for the intended development.

5.8 Representations and Warranties by the Commission. The Commission represents and warrants to the Developer that: (a) the Commission shall not enter into any contracts or undertakings that would limit, conflict with, or constitute a default of this Agreement; (b) the Commission is a governing authority of the City organized and existing under the laws of the State of Indiana; and (c) the Commission has the power to enter into this Agreement and to perform its obligations hereunder, and this Agreement is the legal, valid, and binding obligation of Commission; and (d) the Commission is a governing body of the City's Department of Redevelopment and the Redevelopment District of the City.

5.9 Hold Harmless- Obligation of the Commission. To the extent not prohibited by law, the Commission shall indemnify, hold harmless, and defend the Developer from and against any and all claims, judgments, liabilities, losses, costs, and expenses (including, without limitation, reasonable attorneys' fees and court costs) directly arising from or connected with (i) the actions of the Commission, City, and City Entities associated with the fulfillment of this Agreement, and/or (ii) the default by the Commission of any term or condition on its part to be performed or observed under this Agreement.

5.10 Environmental Representations and Warranties and Indemnity by the Commission. The Commission represents and warrants that the City has not investigated and is not aware of known Hazardous Materials present on the proposed Property to be developed. The Commission warrants to Developer that since the City's acquisition of the Property there has not been a release, or known additional release, of Hazardous Materials upon the Property, as defined under any Federal law or law of the State of Indiana, and warrants that the Commission has obtained all necessary permits for the generation, storage, or transportation of any Hazardous Material on the Property; and further, the Commission agrees to indemnify and hold harmless Developer from and against any costs or expenses of any type or nature related to or arising from, or with respect to (i) any removal or remedial action incurred as a result of any governmental order resulting from or claimed to have resulted or arisen from the City's generation, storage, or transportation of Hazardous Materials on the Property during the City's period of ownership; and (ii) any breach by the Commission of any of its representations and warranties contained herein.

The Commission's obligation to indemnify and hold Developer harmless shall expire and be no longer enforceable upon the completion of all proposed subsurface work required to be performed by Developer in order to construct the Project, unless the Commission has been given notice from the Developer requesting indemnification of specific concern(s) prior to the completion of the underground portions of the Project, in which event the Commission shall be given time to adequately address said concern and shall continue to indemnify and hold harmless for any concern(s) present for which notice was given until the concerns are satisfactorily addressed by the Commission subject to the limitations identified herein.

As part of the acquisition of the Property by the Developer, Developer shall accept a deed restriction on the Property prohibiting the installation of private wells for consumption at the Property other than monitoring wells.

SECTION 6.0 MISCELLANEOUS DEVELOPMENT ISSUES.

6.1 Right of Entry. Simultaneously with the execution of this Agreement, Commission shall provide the Right of Entry to the Developer for non-invasive investigations.

6.2 Property Closing. Subject to the terms and conditions of this Agreement, the Closing shall take place at the office of the Title Insurer, or at such other place as the Developer and Commission mutually agree. It is understood that the City has a preference for Metropolitan Title and unless otherwise agreed to by both parties, the closing shall occur at Metropolitan Title. At the Closing, the Developer shall pay the Purchase Price for the Commission Parcel to Commission by immediately available funds and shall fulfill any other required conditions to closing as set forth in this Agreement. The deed of the property will be encumbered to reflect the provisions of this Agreement in a form reasonably satisfactory to Developer and the Commission's Legal Counsel. These encumbrances shall be removed concurrently with the termination of the Agreement.

6.3 Information. Any and all tests, inspections, examinations, studies, and investigations determined by Developer to be necessary or appropriate for the development shall be performed or caused to be performed by the Developer. At the Developer's request, the Commission shall share any existing information on or around the proposed development site with the Developer. The Commission does not warrant any information provided as to its accuracy for the purposes of designing or making decisions relative to the intended development. It is the Developer's responsibility to determine if the development site is suitable for the intended construction.

6.4 No Proceeding. As of the Closing Date, no action or proceeding before a court or other governmental body, agency, or instrumentality shall be pending (and no such action or proceeding shall be threatened) that would prevent the project from being carried out in accordance with this Agreement. It shall be the responsibility of both the Developer and Commission to make the other aware of any such action or proceeding known to them and to cooperate to prevent the entry of such an order or decree.

6.5 Coordination of Construction. The Developer and Commission acknowledge that the Developer's Work on the Development Site, and the Commission's Work on the adjacent property and streets, where they may be performed simultaneously, agree to coordinate all of the Developer's Work and the Commission's Work to: (a) facilitate the completion of such work in accordance with the appropriate plans and schedules; and (b) minimize interference with the performance of any such work. The Developer and Commission shall coordinate and actively cooperate with each other's consultants, contractors, and time schedule in executing the work to be performed by them.

6.6. Inspection Rights. Upon reasonable written notice delivered to the Developer, the Commission, Staff, and/or its Inspecting Representative, may perform such additional inspections of the Developer's work to determine compliance with this Agreement. This provision only pertains to the provisions of this Agreement and does not pertain to normal inspections required by applicable authorities concurrent with any construction project such as building department and utility inspections.

SECTION 7.0 AMENDMENTS.

7.1 Amendment. This Agreement may be amended from time to time, in whole or in part, by mutual written consent of the Parties or their successors in interest, in accordance with this Agreement.

7.2 Developer Initiated Proposed Amendment. If the Developer desires to make any material changes to this Agreement following approval by the Commission, then the Developer shall submit the proposed changes, in writing, to Commission for approval. Provided the request is received at least 10 days before a regularly scheduled Commission meeting, the Commission shall hear and shall deliver to the Developer written notice within 20 business days following the meeting that it approves or rejects the proposed changes; noting that: the Commission may reject all or any part of the proposed changes at its discretion. If the Commission rejects all or any part of the proposed changes, then such notice shall specify the part or parts that Commission is rejecting, and shall include the specific basis for such rejection.

7.3 Commission Initiated Proposed Amendment. If the Commission desires to make any material changes to this Agreement following approval by the Developer, then the Commission shall submit the proposed changes, in writing, to the Developer for approval. The Developer shall hear and shall deliver to the Commission written notice within 20 business days following the receipt of the request that it approves or rejects the proposed changes; noting that: the Developer may reject all or any part of the proposed changes at its discretion. If the Developer rejects all or any part of the proposed changes, then such notice shall specify the part or parts that the Developer is rejecting, and shall include the specific basis for such rejection.

SECTION 8.0 COOPERATION-IMPLEMENTATION.

8.1 Cooperation by Parties. Notwithstanding anything to the contrary set forth in this Section, in all instances the Developer and Commission shall act reasonably, cooperatively, and in good faith in their joint efforts to finalize the proposed development.

SECTION 9.0 COOPERATION IN THE EVENT OF LEGAL CHALLENGE.

9.1 Cooperation. In the event of any administrative, legal or equitable action or other proceeding instituted by any person not a party to this Agreement challenging the validity of any provision of this Agreement, the Parties shall cooperate in defending such action or proceeding to settlement or final judgment including all appeals. Each Party shall select its own legal counsel and retain such counsel at its own expense, and in no event shall Commission be required to bear the fees and costs of Developer's attorneys nor shall Developer be required to bear the fees and costs of Commission's attorneys. The Parties agree that this Section 9.1 shall constitute a separate Agreement entered into concurrently with this Agreement, and that if any other provision of this Agreement, or the Agreement as a whole, is invalidated, rendered null, or set aside by a court of competent jurisdiction, the Parties agree to be bound by the terms of this section, which shall survive such invalidation, nullification, or setting aside.

SECTION 10.0 DEFAULT- TERMINATION

10.1 Developer Default. Any material failure by the Developer to perform any term or provision of this Agreement, which failure continues uncured for a period of Thirty (30) Days following Developer's receipt of written notice of such failure from the Commission, unless such period is extended by written mutual consent, shall constitute a default under this Agreement. Any notice given pursuant to the preceding sentence shall specify the nature of the alleged failure and,

where appropriate, the manner in which said failure satisfactorily may be cured. If the nature of the alleged failure is such that it cannot reasonably be cured within such 30-Day period, then the commencement of the cure within such time period, and the diligent prosecution to completion of the cure thereafter, shall be deemed to be a cure within such 30-Day period. Upon the occurrence of a Developer Default under this Agreement, the Commission may choose any or all of the following: access required surety, and/or institute legal proceedings to enforce the terms of this Agreement. If the alleged default is cured, then no default shall exist and the Commission shall take no further action. Remedies of the Commission are further identified in section 10.3 of this Agreement.

10.2 Commission Default. Any failure by the Commission to perform any term or provision of this Agreement, which failure continues uncured for a period of (30) Days following written notice of such failure from the Developer, unless such period is extended by written mutual consent, shall constitute a default under this Agreement. Any notice given pursuant to the preceding sentence shall specify the nature of the alleged failure and, where appropriate, the manner in which said failure satisfactorily may be cured. If the nature of the alleged failure is such that it cannot reasonably be cured within such 30-Day period, then the commencement of the cure within such time period, and the diligent prosecution to completion of the cure thereafter, shall be deemed to be a cure within such 30-Day period. Upon the occurrence of a Commission Default under this Agreement, the Developer may choose to institute legal proceedings to enforce the terms of this Agreement. If the default is cured, then no default shall exist and the Developer shall take no further action. Remedies of Developer are further identified in Section 10.3 of this Agreement.

10.3 Remedies Upon an Event of Default. Whenever an Event of Default occurs by the Developer or the Commission, the non-defaulting party may exercise whatever rights and remedies are necessary or appropriate at law or in equity to: (i) collect any payments due under this Agreement; (ii) enforce the performance or observance of any term or condition of this Agreement (including, without limitation, the right to specifically enforce any such term or condition, it being acknowledged and understood by the parties that monetary damages are not an adequate remedy for the failure of any party to observe and/or perform any term or condition of this Agreement); or (iii) cure, for the account of the non-defaulting party, any failure to perform or observe a material term or condition of this Agreement to be performed or observed by it.

10.4 No Remedy Exclusive. No right or remedy herein conferred upon, or reserved to, a non-defaulting party is intended to be exclusive of any other available right or remedy, unless otherwise expressly stated; instead, each and every such right or remedy shall be cumulative, and shall be in addition to every other right or remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission by a non-defaulting party to exercise any right or remedy upon any Event of Default shall impair any such right or remedy, or be construed to be a waiver thereof, and any such right or remedy may be exercised from time to time, and as often as may be deemed to be expedient.

10.5 Enforced Delay in Performance for Causes Beyond Control of Party; Extension of Time of Performance. Notwithstanding anything to the contrary contained in this Agreement, neither Party shall be deemed to be in default where delays in performance or failures to perform are due to, and a necessary outcome of, war, insurrection, strikes or other labor disturbances, walk-outs, riots, floods, earthquakes, fires, casualties, acts of God, restrictions

imposed or mandated by other governmental entities, enactment of conflicting state or federal laws or regulations, new or supplemental environmental regulations, or similar basis for excused performance which is not within the reasonable control of the Party to be excused. Upon the request of either Party, an extension of time for such cause will be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

10.6 Termination of Agreement by Developer prior to Property closing. The Developer may elect to terminate this Agreement for any reason prior to the Developer's closing on the Commission's property.

10.7 Termination of Agreement following property closing. The Commission or Developer may not terminate this Agreement for any reason following Developer's closing on the property without a default as identified herein.

10.8 Termination of Agreement following property closing by Developer. Developer may terminate this Agreement on thirty (30) day notice following the Closing upon the Commission's default and failure to remedy that default within the cure periods set out in Section 10.2; and upon termination, (i) the Commission will reimburse the Developer for all documented expenses of Developer with respect to the development, including, without limit, to "make-whole" Developer for its efforts to develop the site, and (ii) Developer will re-convey to the Commission that portion of the development acquired from the Commission for an amount not to exceed the purchase price. The Developer, at Commission's cost and expense, shall provide the Commission a Title Commitment on such property. At the Closing, the Developer, at Commission's cost and expense, shall deliver to the Commission an owner's policy of title insurance with respect to the development site, issued by the title insurer and conforming to the Title Commitment, free and clear of any liens or encumbrances. The Title shall not be subject to any Title Defects; provided that: the Developer shall have ample time deemed appropriate by both the Developer and Commission to either to cure or remove the Title Defects; or provide for the cure or removal of, or for insurance against, the Title Defects. If this is not possible for whatever reason, the terms shall be negotiated by both parties, but any changes shall be approved or rejected at the sole discretion of the Commission.

10.9 Termination of Agreement following property closing by the Commission. If the Commission desires to terminate this Agreement for a default by the Developer, the Developer shall be required only to (i) re-convey the property to the Commission and restore the property to a condition comparable to when it was conveyed to the Developer; *provided, however*, that if substantial construction has occurred on the property, the Developer shall take action necessary to preserve the property until such time as it is otherwise conveyed to the Commission; and (ii) the Developer will reimburse the Commission for all documented expenses of Commission in negotiating this Agreement and fulfilling the obligations to be undertaken by the Commission from and after the date hereof in furtherance of the development. Any building that has received a certificate of occupancy from the City of Mishawaka in compliance with this Agreement shall be exempt, and not need to be re-conveyed to the Commission. The Developer, at its cost and expense, shall provide the Commission a Title Commitment on the property. At the Closing, the Developer, at its cost and expense, shall deliver to the Commission an owner's policy of title insurance with respect to the development site (or portion thereof), issued by the title insurer and conforming with the Title Commitment, free and clear of any liens or encumbrances. The Title shall not be subject to any Title Defects; provided that: the Developer shall have ample time deemed appropriate by both the Developer and Commission to either to cure or remove the Title Defects; or provide for the cure or removal of, or for insurance against, the Title Defects. If this is not possible for whatever reason, the terms shall be negotiated by both parties, but any changes shall be approved or rejected at the sole discretion of the Commission.

10.10 Natural Termination. Upon completion of all provisions of this Agreement, the Developer shall notify the Commission and request a final review of the project. The Commission shall then review the project and identify any outstanding items or deficiencies. If there are no outstanding items or deficiencies, Staff shall (i) provide written correspondence to the Developer on behalf of the Commission identifying that the project has been satisfactorily completed, (ii) release any required surety, (iii) release the restrictions in the deed from the Commission to the Developer, and (iv) declare, in writing, that this Agreement is terminated.

10.11 Termination based on Developer failure to proceed. It is understood that agreements for construction such as this are subject to market factors and circumstances that are beyond the control of the Developer. If the Developer fails to close on financing and start construction on the Project by March 30, 2022, this agreement shall terminate automatically as of that date unless the agreement is modified and extended by the mutual agreement of both parties.

SECTION 11.0 NO AGENCY, JOINT VENTURE OR PARTNERSHIP; CONFLICT OF INTEREST.

11.1 No Agency, Joint Venture or Partnership. It is specifically understood and agreed to by and between the Parties that:

- (1) The Project, as described in this Agreement, is a private development;
- (2) Commission has no interest or responsibilities for, or due to, third parties concerning any improvements;
- (3) Commission and Developer hereby renounce the existence of any form of agency relationship, joint venture or partnership between Commission and Developer and agree that nothing contained herein or in any document executed in connection herewith shall be construed as creating any such relationship between Commission and Developer.

11.2 Conflict of Interest; Commission Representatives Not Individually Liable. No member, official, or employee of the Commission or any City entity shall have any personal interest, direct or indirect, in the Agreement, nor shall any such member, official, or employee participate in any decision relating to the Agreement which affects his personal interests or the interests of any corporation, partnership, or association in which he/she is, directly or indirectly, interested. No member, official, or employee of the Commission shall be personally liable to the Developer, or any successor in interest, in the event of any default or breach by the Commission or for any amount which may become due to the Developer or successor or assign or on any obligations under the terms of the Agreement.

SECTION 12.0 MISCELLANEOUS.

12.1 Severability. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this

Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the parties. Notwithstanding the foregoing, if any material provision of this Agreement, or the application of such provision to a particular situation, is held to be invalid, void or unenforceable, Commission may, in Commission's sole and absolute discretion, terminate this Agreement by providing written notice of such termination to Developer.

12.2 Other Necessary Acts. Each Party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to accomplish the Project contemplated by this Agreement and to provide and secure to the other Party the full and complete enjoyment of its rights and privileges hereunder.

12.3 Waiver of Jury Trial. The parties acknowledge that disputes arising under this Agreement are likely to be complex and they desire to streamline and minimize the cost of resolving such disputes. In any legal proceeding, each party irrevocably waives the right to trial by jury in any action, counterclaim, dispute, or proceeding based upon, or related to the subject matter of this Agreement. This waiver applies to all claims against all parties to such actions and proceedings. This waiver is knowingly, intentionally, and voluntarily made by both parties.

12.5 Recordation. This Agreement or a Memorandum of Agreement may be recorded in the office of the St. Joseph County Recorder subsequent to its execution.

12.6 Equal Employment Opportunity. The Developer, for itself and its successors and assigns, agrees that during the construction of the Project:

(a) The Developer will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Developer agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

(b) The Developer will state, in all solicitations or advertisements for employees placed by or on behalf of the Developer, that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

12.7 Titles of Articles and Sections. Any titles of the several parts, sections, and paragraphs of this Agreement are inserted for convenience or reference only and shall be disregarded in construing or interpreting any of its provisions.

12.8 Counterparts. This Agreement may be executed in counterparts, all of which shall be deemed originals.

12.9 Notices and Demands. A notice, demand, or other communication under the Contract by either party to the other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally, and

(a) in the case of the Developer, is addressed to or delivered personally to the Developer as follows:

With a copy to:

Christen N. Fielding, CEO
Cressy Commercial Real Estate
4100 Edison Lakes Parkway, suite 350
Mishawaka, IN 46545

and

(b) in the case of the Commission is addressed to or delivered personally to:

With a copy to:

Kenneth B. Prince
City of Mishawaka
Redevelopment Commission
100 Lincolnway West
Mishawaka, IN 46544

Pat Hinkle, Corporation Counsel
City of Mishawaka
Department of Law
100 Lincolnway West
Mishawaka, IN 46544

or at such other address with respect to either such party as that party may from time to time designate in writing and forward to the other as provided in this Section.

12.10 Governing Law. This Agreement shall be interpreted and enforced according to the laws of the State of Indiana.

12.11 Corporate Authority. The undersigned persons executing and delivering this Agreement on behalf of the Developer represent and certify that they are the duly authorized agent of the corporation/company and have been fully empowered to execute and deliver this Agreement and that all necessary partnership action has been taken and done by Developer.

12.12 No Third-Party Beneficiaries. Nothing in this Agreement, express or implied, is intended or shall be construed to confer upon any person, firm, or corporation other than the parties hereto and their respective successors or assigns, any remedy or claim under or by reason of this Agreement or any term, covenant, or condition hereof, as third-party beneficiaries or otherwise, and all of the terms, covenants, and conditions hereof shall be for the sole and exclusive benefit of the parties herein.

12.13 Assignment. Developer shall not change or assign its rights under this Agreement without the prior written consent of the Commission; provided, however that the Developer may assign its rights under this Agreement to a special purpose entity set up to develop this project without the consent of the Commission, so long as such entity is owned in whole or in part by Cressy Commercial Real Estate, or its principals.

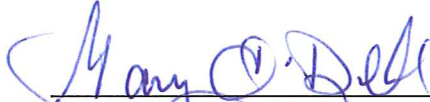
12.14 Further Assurances. The parties agree that they will each take any action and execute and deliver any document reasonably required to carry out the intents and purposes of

this Agreement. Without limitation, this shall include the furnishing of any Exhibit called for to be attached hereto or included herewith.

IN WITNESS WHEREOF, the Parties hereby execute this Agreement on the dates first written below. This Agreement shall become effective only upon the signature of both parties.

COMMISSION:

CITY OF MISHAWAKA, BY ITS
REDEVELOPMENT COMMISSION



Gary O'Dell, President

Janet Whitfield-Hyduk, Vice President



Kris Ermeti, Secretary

ATTEST:



Kenneth B. Prince, Executive Director

STATE OF INDIANA)

ST. JOSEPH COUNTY)SS:
)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gary L. O'Dell, Janet Whitfield-Hyduk, and Kris Ermeti known to me to be President, Vice President, and Secretary of the City of Mishawaka Redevelopment Commission and acknowledged the execution of the foregoing Agreement.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on _____, 20__.

My Commission Expires:

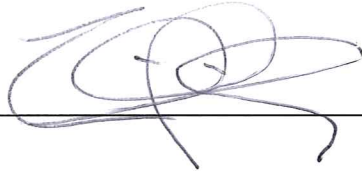
9-20-25



Notary Public KARI L. MYERS
Residing in St. Joseph County, Indiana

DEVELOPER:

Beacon Health System, Inc



Signature

Christen N. Fielding, Chief Executive Officer

STATE OF INDIANA)

)SS:

COUNTY OF ST. JOSEPH)

CRESSY COMMERCIAL REAL ESTATE

Correct this as necessary for Beacon Health System, Inc.

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Christen N. Fielding, known to be to be the Chief Executive Officer of Cressy Commercial Real Estate. and acknowledged the execution of the foregoing Agreement.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on September 26, 2022.



Notary Public

KARIE L. MYERS
Residing in St. Joseph County, Indiana

My Commission Expires:

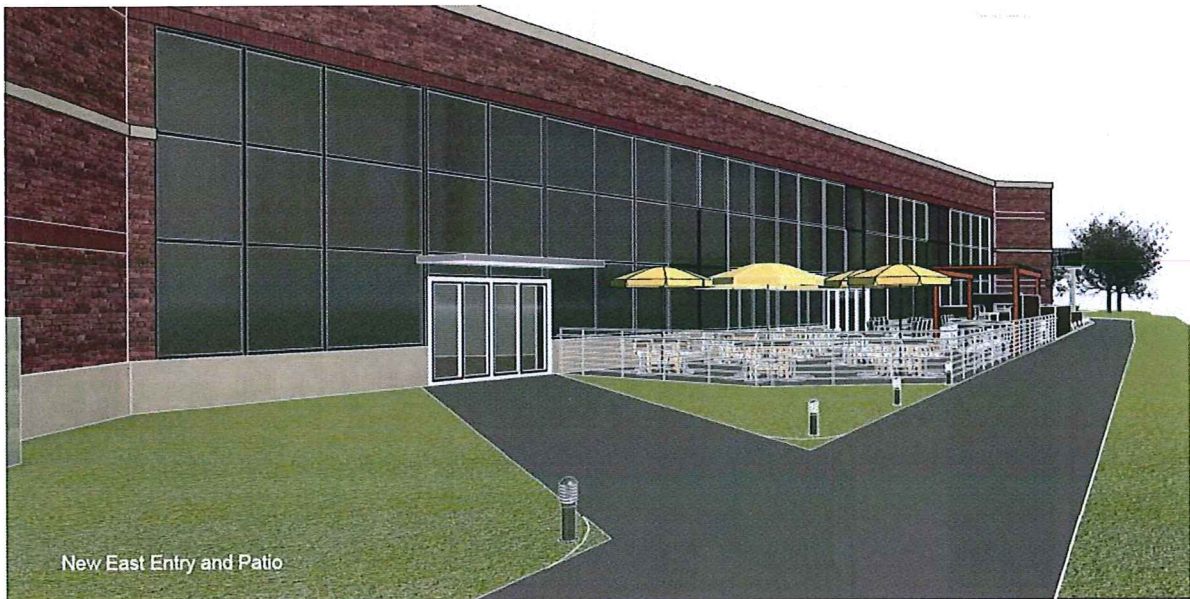
9-20-25

Exhibit "A"

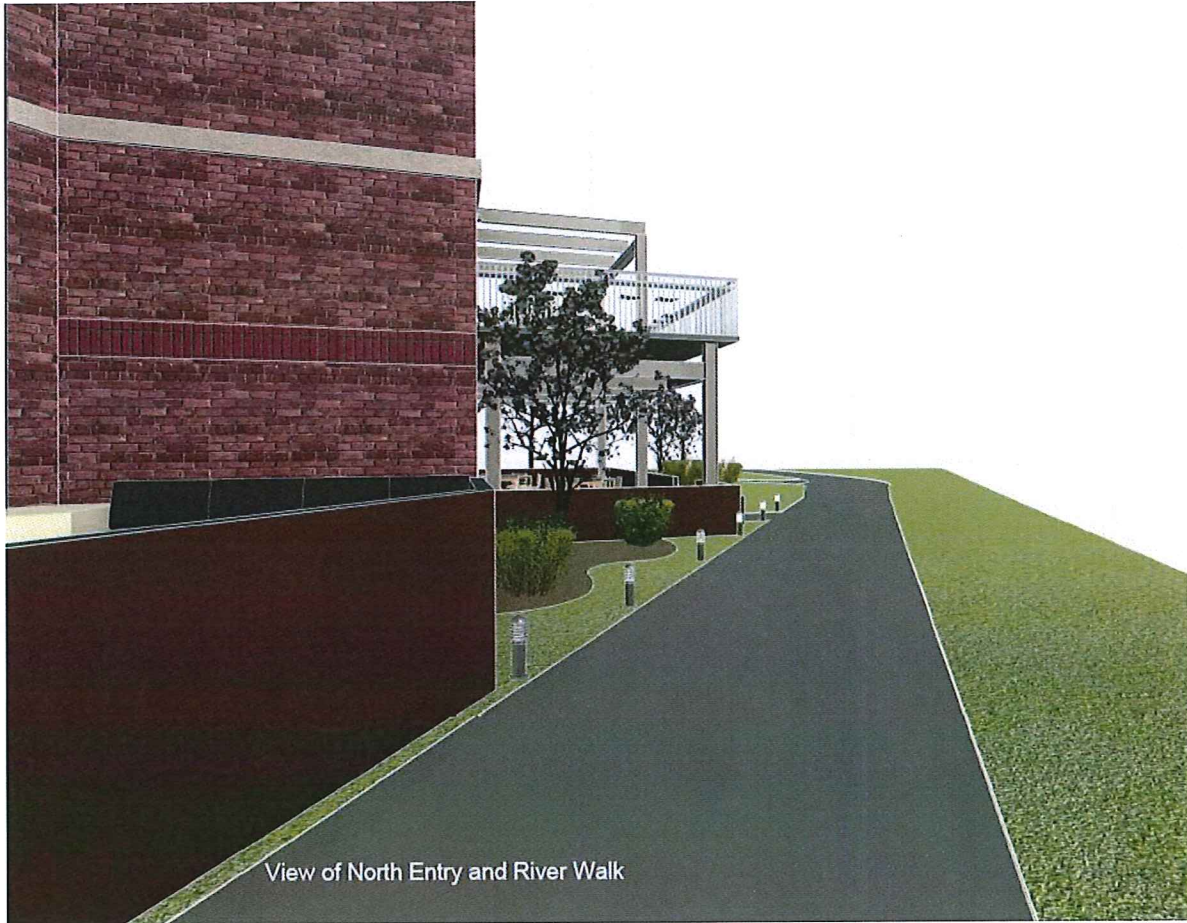
Architectural Development and Site Plans











View of North Entry and River Walk





Exhibit "B" General Description of Commission Owned Property

City of Mishawaka Police Station

Address: 200 North Church Street, Mishawaka IN 46544

Tax #:016-1011-0488

Legal Description: Lots 2 & 4 and Vacated Race St. Original Plat of St. Joseph Iron Works. Property shall be re-platted or right-of-way dedicated concurrently with sale. The property outlined below, in addition to any required additional right-of-way along Church Street and First Street shall be retained by the City to allow for the continued use of the property for the Mishawaka Riverwalk and future raceway and right-of-way improvements. The area of the property to be retained by the City will reduce the 2.08 acre parcel as currently described.

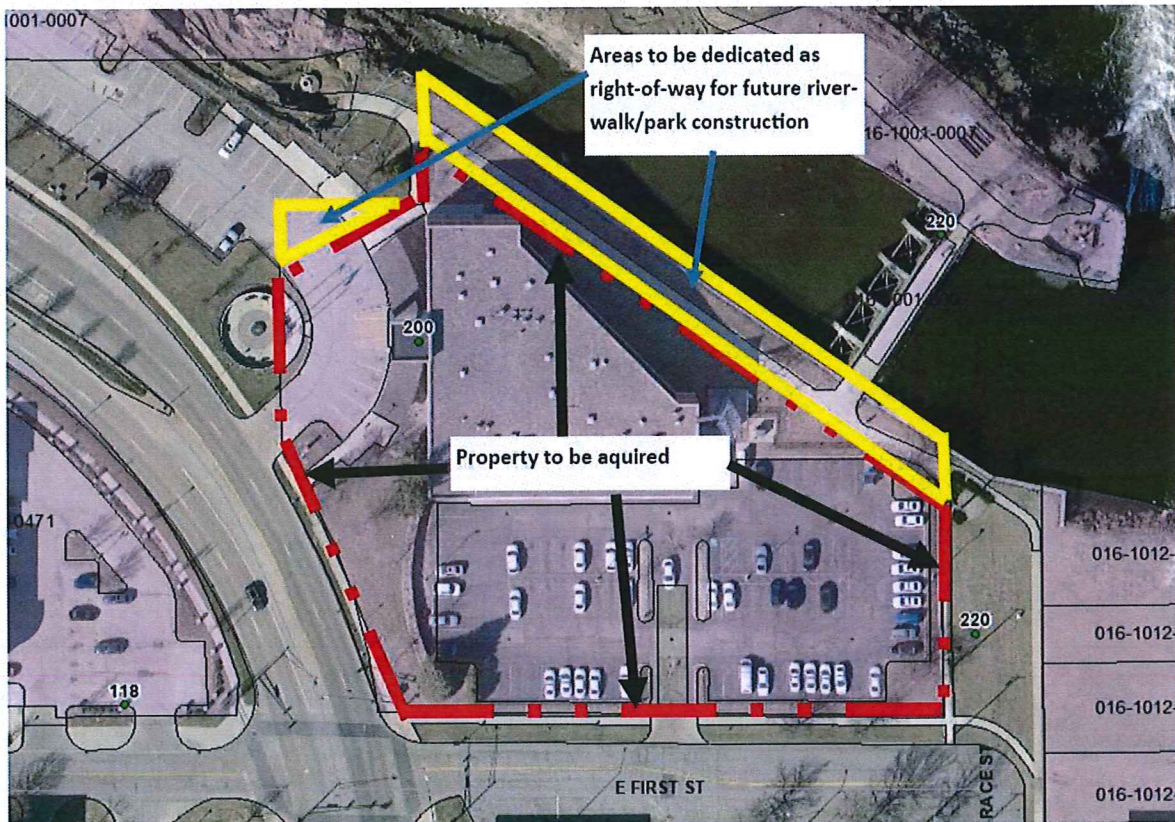
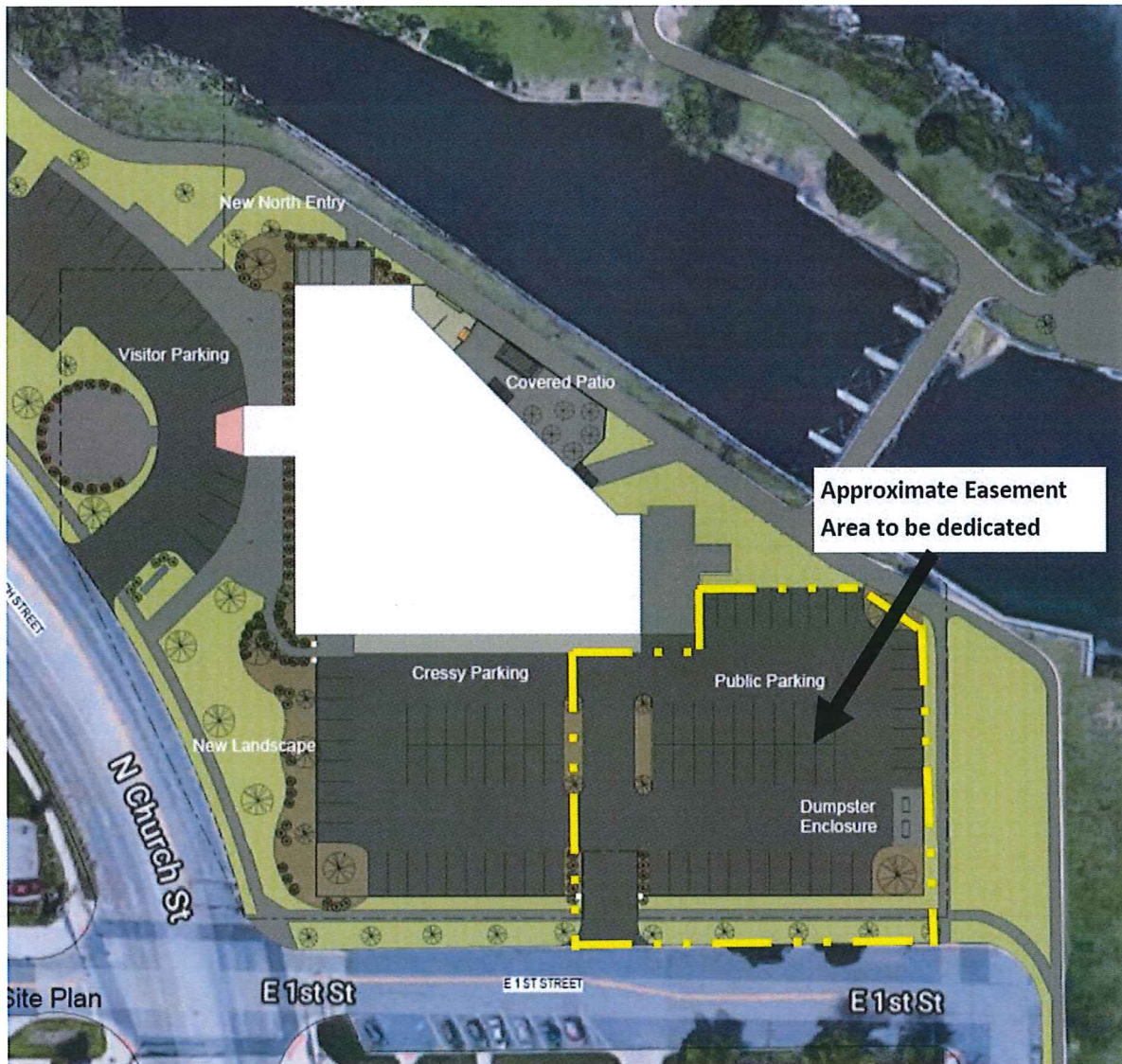


Exhibit "C" Estimated Shared Parking Area

Area to be dedicated as easement to allow for public parking after 5 pm weekly and all day on weekends and holidays



JOINT RESOLUTION NO. 2022-28

**A JOINT RESOLUTION OF THE CITY OF MISHAWAKA MAYOR, CLERK, AND COMMON COUNCIL
SUPPORTING INSPIRE MISHAWAKA IN ITS EFFORTS TO CATALYZE GROWTH IN ACTIVITY AND
COMMERCE IN OUR HISTORIC DOWNTOWN IN PARTNERSHIP WITH THE INDIANA MAIN STREET
PROGRAM.**

WHEREAS, the City of Mishawaka maintains a desire to promote our downtown area merchants to ensure economic growth and beautification of historic downtown Mishawaka, and;

WHEREAS, the Indiana Main Street Program has been established to assist communities that are committed to revitalization in their historic downtown commercial districts, and;

WHEREAS, the City of Mishawaka supports the revitalization and economic focus of the Indiana Main Street Program and desires to become a designated community, and;

WHEREAS, the City of Mishawaka acknowledges and pledges to partner with Inspire Mishawaka as the agency representing our community in pursuit of Indiana Main Street Program accreditation, and;

WHEREAS, Inspire Mishawaka has engaged with the City of Mishawaka Historic Preservation Commission as it relates to the design and advocacy for our historic sites and structures downtown, and;

WHEREAS, Inspire Mishawaka developed a business inventory and curriculum to foster stronger entrepreneurial community fabric through the Mishawaka Business Institute certification program, and;

WHEREAS, Inspire Mishawaka has established a strategic partnership with Visit South Bend Mishawaka to attract and promote activities in downtown such as Third Thursdays in the Mish, and;

WHEREAS, Inspire Mishawaka is collaborating with the Michiana Area Council of Governments to enhance the organizational capacity as it relates to Main Street accreditation and activities, and;

WHEREAS, through these partnerships and joint effort, Inspire Mishawaka has illustrated the capacity and dedication toward Economic Vitality, Design, Promotion, and Organization, otherwise known as the Four Point Approach to Community Transformation of the Main Street Program.

NOW, THEREFORE, the Common Council, Clerk, and Mayor of the City of Mishawaka hereby resolve:

The Mayor, Clerk, and Common Council of the City of Mishawaka hereby supports the Indiana Main Street Program and endorses the submission of application by Inspire Mishawaka to receive accreditation from and participation related to Indiana Main Street Program activities.

This resolution shall take effect from and after its passage.

PASSED AND ADOPTED by the Common Council, Clerk, and Mayor of the City of Mishawaka this _____ day of _____, 2022.

Dale “Woody” Emmons,
1st District

Mike Bellovich, 2nd District

Maggie DeMaegd,
3rd District

Kate Voelker, 4th District

S. Michael Compton
5th District

Deborah S. Block IAMC, MMC,
City Clerk

Ron Banicki, 6th District

Matt Mammolenti, Vice President
At Large

Anthony “Tony” Hazen, At Large

Gregg Hixenbaugh, At Large

David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION #22-11

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-22

ORDINANCE NO. _____

Deborah S. Block, IAMC, MMC

AUG 11 2022

City Clerk
Mishawaka, IN

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

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF

Ordinance No. _____

THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING. CONTAINING 60.01 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: 14325 Cleveland Road, Granger

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development District, subject to the attached conditions.

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

1. Existing Conditions – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St. Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, planned extension of Veteran's Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. Landscaping and screening compliant with the commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development to include commercial

Proposed Ordinance No. _____

Ordinance No. _____

uses is reasonably consistent the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.

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 _____, 2022, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at _____ o'clock _____.M.

David A. Wood, Mayor

**PETITION #22-11
14325 Cleveland Road
Conditions of Approval**

Uses:

1. Permitted uses shall be limited to those uses identified in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash zoning districts, except where noted herein, based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
3. Off-premise signs/billboards shall be prohibited.
4. Filling stations shall be prohibited.

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each planned unit development plan submission following the completion of a Traffic Impact Study. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering. Improvements shall be based on but not limited to a Traffic Impact Study provided by the applicant and reviewed/approved by the City Director of Engineering. The City Director of Engineering reserves the right to review and comment upon PUD or Site Plan submittal regarding access-drive, right-of-way improvements, and donation of right-of-way for these improvements.
2. Phasing of utility and road improvements, including internal collector drives associated with this project, shall be as determined by the City Director of Engineering.
3. The number and or type of curb cuts on all proposed drives shall limited based on Traffic Impact Study and as determined appropriate by the City Director of Engineering.

Internal Road Connections:

1. Private collector road connections shall be provided through the site as conceptually depicted on the planned unit development site plan. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval.

2. A hierarchy of the internal vehicular road network shall be provided. Turning lanes within the site may be required. Internal stacking and turning movements at intersections shall be provided and protected as necessary. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
3. At a minimum, internal sidewalks shall be provided throughout the development connecting parcels and adjacent roadways. This walk shall connect to any sidewalk that may be provided along Cleveland Road. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.
4. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering as required to protect the City Wellfield at Juday Creek.
2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.
3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering. Utilities, including municipal water and sewer, must be in place prior to the occupancy of any phase of the proposed development.

Lighting:

1. All site lighting shall be limited to a maximum of 30 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage and to otherwise further the intent of this chapter as follows. All freestanding signs shall otherwise be designed as per the applicable City requirements:
 - a. Two development signs per entry with a maximum sign display area shall be limited to 150 square feet per sign. Each sign may not exceed 25' in height and shall include a masonry base. Animated/Electronic Reader boards shall be limited to no more than 50 square feet per sign.

- b. Each outlot/development parcel may also be permitted one freestanding sign. These signs shall be limited to 15' in height and contain a display area of no more than 90 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.
2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.
3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed commercial buildings on the south half of the property shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest. Buildings on the north half of the property shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended, only where visible from adjacent public right-of-way.
2. For all commercial development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.
3. The maximum building height for any commercial building within the development shall be 60'

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.
3. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.
4. Sidewalks and utilities may be provided within required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.

5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St. Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, planned extension of Veteran's Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. Landscaping and screening compliant with the commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development to include commercial uses is reasonably consistent the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.

STAFF REPORT

Location: 14325 Cleveland Road including four tax parcels
Property is generally bound by Cleveland Road to south, the
Indiana Toll Road to the north, and Capital Avenue to the east

Date: August 9, 2022

Petition: 22- 11

Prepared By: DJS

GENERAL INFORMATION

Applicant: Robert A. Wright; Gary E. Wright; Rosalie McCay, a Revocable Trust and as Trustee, and George A. Walker and Virginia & Terry De Freeuw Trust and as Trustee, and Carolyn Bulkin and Jerome Frances Walker each with 1/5 interest; and Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life / Danch, Harner & Associates, Inc.

Status: Property Owners / Site Design, Engineering & Surveying Consultant

Request: To annex, establish zoning, and approve a preliminary site plan for a mixed use development containing commercial uses as permitted in the C-1, C-2, C-4, C-7, C-9, and C-10 Districts

Existing Zoning: Unincorporated St. Joseph County (R Single Family District)

Proposed Zoning: S-2 Planned Unit Development

Lot Size: 51.52 acres

Applicable Regulations: Section 137-300 to 137-303 / C-1 General Commercial & Section 137-41 / Amendments to Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern:

North:	Indiana Toll Road, Capital Avenue & S-2 Planned Unit Development (Medical & Office / Beacon Campus north of the Toll Road)
South:	Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
East:	Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
West:	Unincorporated St. Joseph County – R Single Family (Church / Michiana Covenant Presbyterian)

Thoroughfare: Cleveland Road

School District: Penn-Harris-Madison

Township: Harris

Public Utilities: All utilities will be extended to/throughout the site at the developer's/contingent owner's expense including all required roadway improvements.

Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Residential Growth.

ANALYSIS

Proposal:

The applicant is proposing to annex, establish zoning, and approve a preliminary planned unit development site plan to allow for commercial uses as permitted in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash Districts. It is our understanding that the property owners have a contingent purchaser for all the parcels who is interested in a phased commercial development to include several automobile dealerships and related accessory uses.

The 51.52 acre site, which includes four separate parcels (Tax Parcels 006-1011-0132.03, -0132.04, -0132.06, and 006-1008-0093), is located on the north side of Cleveland Road approximately 820' west of Capital Avenue. The southwest parcel appears to include a small single family residential home and a large accessory structure. All other parcels are vacant of structures and are currently tillable farmland. The adjacent properties to the north of the Toll Road were annexed into the City of Mishawaka in 2008 and 2012 with S-2 Planned Unit Development zoning classification allowing all C-1 General Commercial permitted uses. Portions of these PUDs have been subsequently amended to allow for other commercial uses and deviations from the original development regulations.

As indicated on the preliminary site plan, the commercial develop will include several new and used automobile dealerships and accessory uses, including but not limited to, automobile repair, service, and body shops. No specific users or contingent purchaser has been identified. Although development phasing is not shown on the plan, the property will likely be developed in multiple phases.

The applicant is requesting that all permitted uses per the above referenced commercial districts be allowed. Planning Staff believes that all of these uses, except for a filling station, as conceptually shown in the southwest corner of the site plan, are appropriate. The filling station use is not appropriate because the site is located within the City's Judy Creek Wellfield, 5-year time of travel, and the underground fuel storage tanks pose a potential threat to the wellfield. Staff is recommending that the property and each individual development parcel shall adhere to the required area, height, and development regulations of the most restrictive zoning district in which the use would be permitted unless otherwise outlined in the conditions of approval.

Two access locations off of Cleveland Road are being proposed to serve the development. These locations and all required roadway improvements, including but not limited to deceleration/acceleration lanes, passing blisters, and turning lanes, shall be subject to review and approval by the Engineering Department as a part of the planned unit development site plan review for each specific development parcel.

Due to the project being located within a future Juday Creek 5-year well head protection area, stormwater runoff cannot be handled on-site via a system of drywells. All runoff will have to maintained on-site via a surface stormwater retention or detention basin.

Although conceptual in nature, the plan shows landscaping along the perimeter of the property, within landscaping islands, and along access drives internal to the development. More detailed landscaping plans shall be submitted with each planned unit development site plan, and are subject to review and approval by the Planning Staff.

If the proposed rezoning and annexation request is approved, a detailed final site plan for each phase of the development must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

Annexation:

In 2008 and 2012, the Toll Road and adjacent properties to the north were annexed into the City and zoned S-2 Planned Unit Development for commercial use. Portions of the property have been developed with various medical related buildings (Beacon Medical Group).

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexations as outlined above, approximately 1515.57 feet, or 22.4%, of the total 6,751.72 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located to the north of Cleveland Road approximately 820' west of Capital Avenue, and is bordered to the north by the Indiana Toll Road and various medical related uses; to the west by a church located within unincorporated St. Joseph County; to the south by several single-family houses and agricultural land located within unincorporated St. Joseph County, and to the east by a single-family residential house and agricultural land located in unincorporated St. Joseph County. The Cleveland Road corridor between State Road 23 and Capital Avenue includes a variety of single and multi-family residential, assisted living/memory care, religious, and medical land uses.

Zoning Change:

Staff believes that the proposed zoning of this property to the S-2 Planned Unit Development District for various commercial uses is appropriate given the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka. With the completion of Beacon Parkway to the north, providing a major gateway into the City from the Toll Road and northeast part of St. Joseph County, development pressures within this portion of the city and county will only intensify in the future. Although located a quarter of a mile to south, the 250 acre Penn Farm properties were also annexed into the City in 2012 and zoned for C-1, C-5 Neighborhood Commercial, C-7, and C-8 High Density Suburban Commercial uses.

Transportation/Roads:

According to the latest available traffic counts, there were 10,999 annual average daily trips (AADT) (March 2022) along Cleveland Road east of Fir Road and 11,997 AADT (May 2022) along Cleveland Road west of Currant Road. The counts at these locations have increased over the last 15 years ranging from just under 8,900 AADT to their current peaks. With the existing and anticipated increase in commercial and residential development in the northern Mishawaka and Granger areas, it is anticipated that traffic volumes will remain relatively consistent and/or continue to increase in future years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, includes a grade separation project for the Canadian National railroad at Cleveland Road west of Capital Avenue. The construction date for this project is estimated for 2024. Added travel lanes are proposed along Cleveland Road between Ash Road (County Line) and Bittersweet Road for construction in 2025. A small road west of the Indiana Toll Road connecting Beacon Parkway to Cleveland Road is proposed for construction in 2030. Veteran's Parkway is proposed to be extended from its current northern terminus to Cleveland Road which would provide a connection to Douglas Road. This extension is proposed for construction in 2035. Anticipated completion dates for the above project may be amended in future years dependent on projected travel demand and funding.

All pertinent City Departments have reviewed and approved the request for annexation and zoning with the Engineering, Electric, and Water Departments providing the following comments:

Engineering Department:

1. There are currently no utilities serving this site.
2. Approaches onto Cleveland Road shall be constructed with the extension of Veteran's Parkway.

Electric Department:

1. The property is outside of the Mishawaka Utilities Electric Division service territory.

Water Department:

1. The project is located within a future Juday Creek 5-year well head protection area pending the construction of a new well field to the northeast of the Douglas Road and Fir Road intersection.

RECOMMENDATION

Staff recommends approval of Petition 22-11 to annex 51.52 acres of land and zone to S-2 Planned Unit Development to allow for a mixed use development containing commercial uses as permitted in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash Districts subject to the following conditions.

Conditions of Approval

Uses:

1. Permitted uses shall be limited to those uses identified in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash zoning districts based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
3. Off-premise signs/billboards shall be prohibited.
4. Filling stations shall be prohibited.

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each planned unit development plan submission following the completion of a Traffic Impact Study. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering. Improvements shall be based on but not limited to a Traffic Impact Study provided by the applicant and reviewed/approved by the City Director of Engineering. The City Director of Engineering reserves the right to review and comment upon PUD or Site Plan submittal regarding access-drive, right-of-way improvements, and donation of right-of-way for these improvements.
2. Phasing of improvements, including internal collector drives associated with this project shall be as determined by the City Director of Engineering.
3. The number and or type of curb cuts on all proposed drives shall limited based on Traffic Impact Study and as determined appropriate by the City Director of Engineering.

Internal Road Connections:

1. Private collector road connections shall be provided through the site as conceptually depicted on the planned unit development site plan. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by

the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval.

2. A hierarchy of the internal vehicular road network shall be provided. Turning lanes within the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected accordingly. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
3. At a minimum, internal sidewalks shall be provided throughout the development connecting parcels and adjacent roadways. This walk shall connect to any sidewalk that may be provided along Cleveland. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.
4. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.
2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.
3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage and to otherwise further the intent of this chapter as follows. All freestanding signs shall otherwise be designed as per the applicable City requirements:
 - a. Two development signs per entry with a maximum sign display area shall be limited to 150 square feet per sign. Each sign may not exceed 15' in height and shall include a masonry base. Animated/Electronic Reader boards shall be prohibited for these signs.
 - b. Each outlot/development parcel may also be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.
2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.

3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed commercial buildings shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest.
2. For all commercial development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.
3. The maximum building height for any commercial building within the development shall be 60'

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.
3. A 3-foot high earth mounding shall be provided along public road right-of-way and internal collector drives. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.
4. Sidewalks and utilities may be provided within required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.
5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St.

Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County.

2. Character of Buildings in the Area – The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, planned extension of Veteran's Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. Landscaping and screening compliant with the commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development to include commercial uses is reasonably consistent the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.

ATTACHMENTS

Aerial Map, Photographs, Rezoning & Annexation Petition, Preliminary Site Plan, and Location Map



Aerial Photograph
14325 Cleveland Road including four parcels
Proposed Commercial Development



P1. Looking northerly into the annexation area from the southwest corner of property.



P2. Looking southwesterly into the property from the Capital Avenue bridge over the Toll Road.

JUL 27 2022

City Clerk
Mishawaka, IN

Date: June 25, 2022

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

Re: Petition for Annexation & Rezoning for:

Robert Wright
14492 Cleveland Road
Granger, Indiana 46530

Gary Wright
19499 Darden Road
South Bend, Indiana 46637

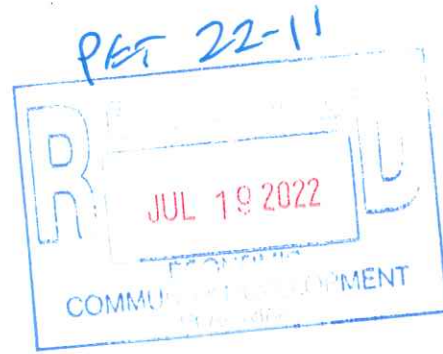
Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and
Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and
Jerome Francis Walker each with 1/5 interest.

Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate
during natural life.

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

Annexation and Rezoning Legal Description:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE
NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3
EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE
PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF
SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH
QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON
THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-
90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO
(2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH
55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-
OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-
WAY LINE OF CAPITAL AVENUE FOR THE NEXT FIVE (5) COURSES, SOUTH
42°40'53" EAST, A DISTANCE OF 31.28 FEET (REC. SOUTH 42°34'37" EAST, 28.51 FEET),
AND SOUTH 45°32'38" EAST, A DISTANCE OF 100.12 FEET (REC. SOUTH 45°26'22"
EAST, 100.12), AND THENCE SOUTH 48°23'31" EAST, A DISTANCE OF 402.00 FEET
(REC. SOUTH 48°17'15" EAST, 402.00 FEET), AND SOUTH 41°51'47" EAST, A DISTANCE
OF 350.13 FEET (REC. SOUTH 41°45'31" EAST, 350.13 FEET), AND SOUTH 37°41'14"
EAST, A DISTANCE OF 55.20 FEET (REC. SOUTH 37°34'58" WEST. 55.20 FEET) TO A
POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER
OF SAID SECTION 23; THENCE NORTH 89°51'36" WEST ALONG SAID NORTH LINE OF
THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A
DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST
QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH
00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE
OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD;



THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING. CONTAINING 51.52 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Also commonly known as 14201 Block of Cleveland Road (A.K.A. 52590 Evergreen Road), 14301 Block of Cleveland Road, 14325 Cleveland Road, Granger, IN 46530.

The above-described parcels of land are presently zoned "R" Single Family District in the unincorporated county.

Petitioners desire to annex and rezone the real estate described above to the "S-2" Planned Unit Development District classification. The purpose for the annexation and rezoning is to allow for a mixed land use development allowing uses permitted in the following Districts: "C-1" Commercial, "C-2" Commercial, "C-4" Commercial, "C-7" Commercial, "C-9" Commercial and "C-10" Commercial.

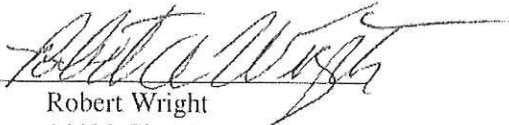
Wherefore, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexation and rezoning the above-described parcel of real estate located in the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

Robert Wright
14492 Cleveland Road
Granger, Indiana 46530
Ph. No. _____

Gary Wright
Gary Wright
19499 Darden Road
South Bend, Indiana 46637
Ph. No. 574-318-6497

For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and
Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and
Jerome Francis Walker each with 1/5 interest.
Ph. No. _____

Lane Wright Dora Pauline Wright
For: Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life
Estate during natural life.
Ph. No. 574-272-2081



Robert Wright

14492 Cleveland Road

Granger, Indiana 46530

Ph. No. 574 245 0051

Gary Wright

19499 Darden Road

South Bend, Indiana 46637

Ph. No. _____

For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest.

Ph. No. _____

For: Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life.

Ph. No. _____

Robert Wright

14492 Cleveland Road

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19499 Darden Road

South Bend, Indiana 46637

Ph. No. _____

For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest.

Ph. No. 574-298-9690 Rosalie McCay X
574-248-7772 Virginia DeFreeuw X

Darlene S. Walker ph. 574-520-9505 X

For: Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life.

Ph. No. _____

Sandra Walker, 574-876-1350

X Sandra Walker

Rosalie McCay
Virginia DeFreeuw
Darlene S. Walker

Mishawaka Common Council
Mishawaka Plan Commission
600 East Third Street
Mishawaka, Indiana 46544

June 25, 2022

Re: Petition for Annexation & Rezoning for:

Robert Wright
14492 Cleveland Road
Granger, Indiana 46530

Gary Wright
19499 Darden Road
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Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest.

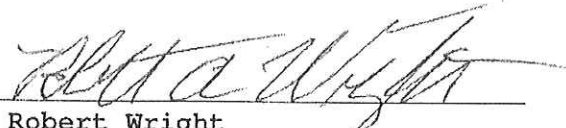
Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life.

Dear Common Council and 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 Common Council and Plan Commission meeting(s) at which our Annexation and Rezoning Petition request will be heard.

If you have any questions concerning this matter, please feel to contact me/us.

Sincerely,



Robert Wright

14492 Cleveland Road

Granger, Indiana 46530

Ph. No. 574 245 0051

Gary Wright

19499 Darden Road

South Bend, Indiana 46637

Ph. No. _____

For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest.

Ph. No. _____

For: Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life.

Ph. No. _____

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Ph. No. _____

Rosalie McCay
Virginia DeFreeuw
Darlene S. Walker

Sandra Walker. 574-876-1350

X Sandra Walker

Mishawaka Common Council
Mishawaka Plan Commission
600 East Third Street
Mishawaka, Indiana 46544

June 25, 2022

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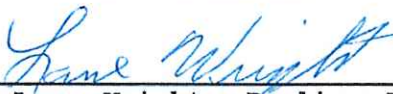
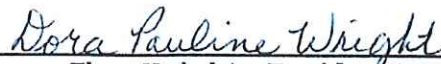
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Sincerely,

Robert Wright
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 Granger, Indiana 46530
 Ph. No. _____


 Gary Wright
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 South Bend, Indiana 46637
 Ph. No. 574-318-6447

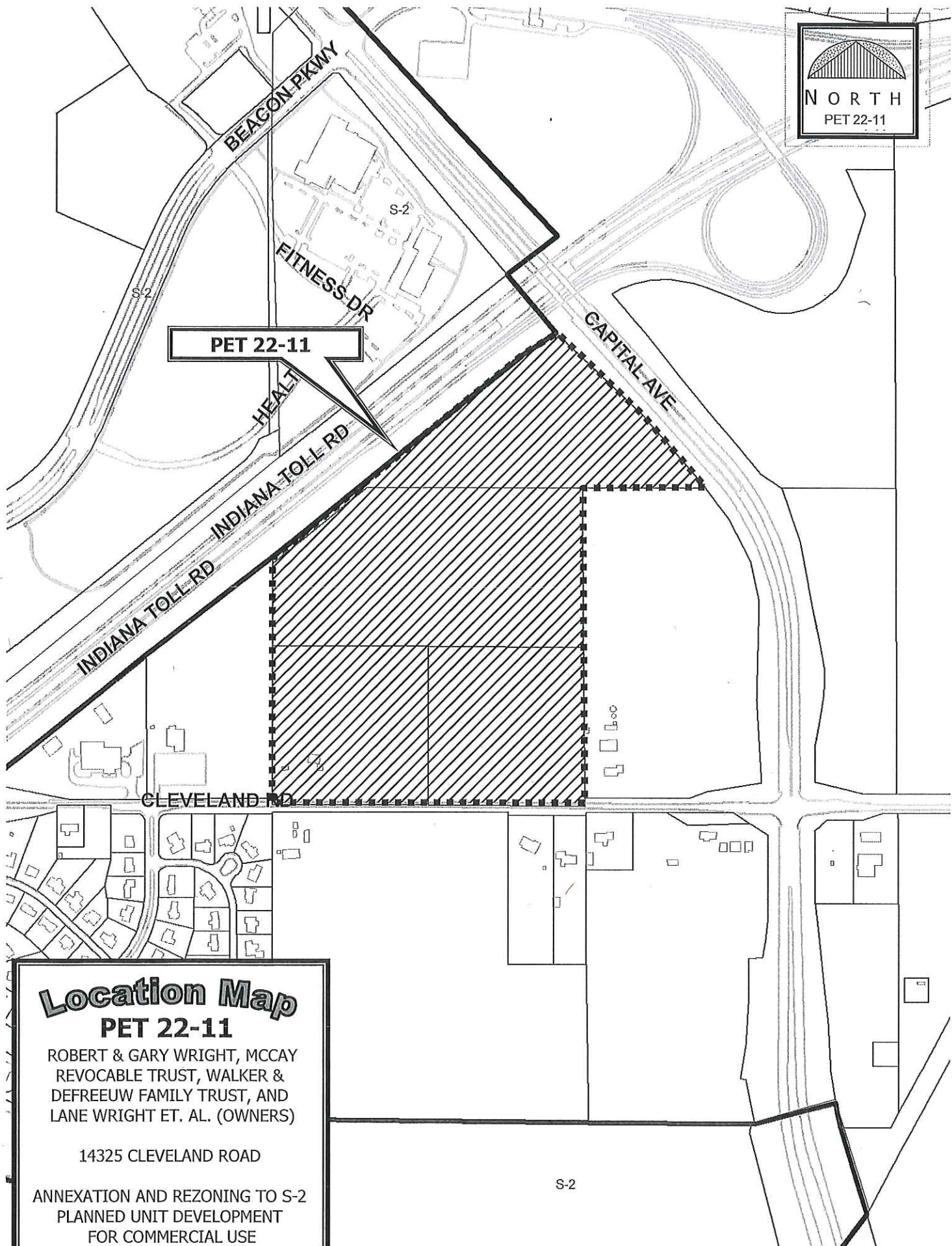
For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest.
 Ph. No. _____

 
 For: Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life.
 Ph. No. 574-272-2081

THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26,
IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



R. L. HARNER
REGISTERED
No.
910032



Location Map PET 22-11

ROBERT & GARY WRIGHT, MCCAY
REVOCABLE TRUST, WALKER &
DEFREEUW FAMILY TRUST, AND
LANE WRIGHT ET. AL. (OWNERS)

14325 CLEVELAND ROAD

ANNEXATION AND REZONING TO S-2
PLANNED UNIT DEVELOPMENT
FOR COMMERCIAL USE

S-2

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 22-14
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2022-30
ORDINANCE NO. _____

Deborah S. Block, IAC, MMC

SEP 14 2022

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:

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: LOT #2 OF THE PLAT OF "HEALTHQUEST-GRAPE ROAD MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NUMBER 0342657 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE. CONTAINING 2.52 ACRES MORE OR LESS. SUBJEC TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: Vacant land south of 4601 Grape Road

which real estate is now classified as C-2 Shopping Center Commercial District shall hereafter be within and a part of that District known as S-1 Extensive Open Space and Public Use District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions - Although the property is on Grape Road, a major commercial thoroughfare, the physical conditions of the site, Juday Creek and the Floodway/Flood Zone AE, make the site difficult to develop;
2. Character of Buildings - The character of the buildings along Grape Road are predominantly commercial, but additional green/open space would not deter from those uses;
3. The Most Desirable/highest and Best Use - Since the site is difficult to develop, downzoning the site to a non-commercial zone is the highest and best use.

Proposed Ordinance No: _____

Ordinance No: _____

Across Grape Road, the area of Floodway/Flood Zone AE were utilized for Lowe's retention basin;

4. Conservation of Property Values - The proposed rezoning should not be injurious to property values in the surrounding area as Grape Road is a major commercial corridor; and
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as General Commercial, however, given the restrictions on the lot due to Juday Creek and the Floodway/Flood Zone AE, downzoning to Extensive Open Space is compatible with physical conditions.

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 _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at _____ o'clock ____M.

David A. Wood, Mayor

SEP 01 2022

City Clerk
Mishawaka, IN

Date: August 17, 2022

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



RE: Anthony Rucano Petition for Rezoning:

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:

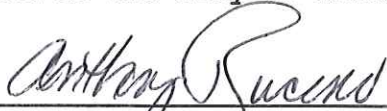
A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: LOT # 2 OF THE PLAT OF "HEALTHQUEST-GRAPE ROAD MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NUMBER 0342657 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE CONTAINING 2.52 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

Also, commonly known as the vacant land South of and adjacent to 4601 Grape Road, Mishawaka, Indiana 46545.

The above-described parcel of land is presently zoned "C-2" Commercial District.

The Petitioners desire said real estate, to be rezoned to the "S-1" Special District classification. The purpose for the rezoning is to allow for the real estate to be downzoned and remain as natural open space without the Commercial District classification. Presently the entire property falls within the 100-year flood plain and lies adjacent to Juday Creek.

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.



Name: Anthony Rucano

Contact person:
Anthony Rucano
14675 Wheaton Drive
Granger, Indiana 46530
(574) 296-1366

INDIANA HOMESTORY@SBCGLOBAL
NET

EDISON



JMS PLAZA

PET 22-14

LOWE'S

KOHL'S

TANGLEWOOD LN

GRAPE RD

Location Map

PET 22-14

ANTHONY RUCANO (OWNER)

V/L SOUTH OF 4601 GRAPE RD.

REZONING FROM C-2 SHOPPING CENTER
COMMERCIAL TO S-1 EXTENSIVE OPEN
SPACE TO REMAIN AS NATURAL OPEN
SPACE DUE TO LAND BEING
WITHIN THE FLOODPLAIN

STAFF REPORT

Location: vacant property south of 4601 Grape Road

Date: Sept. 13, 2022

Petition: 22 14

Prepared By: CH

GENERAL INFORMATION

Applicant: Anthony Rucano

Status: Property Owner

Request: Rezone from C-2 Shopping Center Commercial to S-1 Extensive Open Space

Zoning Classification: C-2 Shopping Center Commercial

Lot Size: 2.35 acres

Applicable Regulations: Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-2 Shopping Center Commercial (Charter Fitness and JMS Plaza)
South: C-1 General Commercial (vacant/retention pond)
East: C-1 General Commercial (Lowe's)
West: R-3 Multi-Family Commercial (Tanglewood)

Thoroughfare: Grape Road

School District: South Bend Community

Public Utilities: No utilities are required.

Comprehensive Plan: General Commercial (Downtown, Retail Sales, and Shopping Centers)

ANALYSIS

The Petitioners are requesting to rezone the above referenced property from C-2 Shopping Center Commercial to S-1 Extensive Open Space. Permitted uses in the S-1 District are cemeteries, country clubs or golf courses, public parks and playgrounds, and water pumping plants. The property is located on the west side of Grape Road, south of the Charter Fitness building at 4601 Grape Road.

The owner is requesting the property be rezoned to S-1 Extensive Open Space as a way to reduce his taxes. Juday Creek runs through the site. On either side of the creek is a 75' legal ditch easement. A majority of the lot is covered by the Floodway or Special Flood Hazard Area AE, Base Flood Elevations determined according to FEMA Panel 0204D dated January 6, 2011.

The floodplain restrictions limit how the site can be developed. Any building would need to be 2' above the 100 year flood elevation at a minimum. Other limitations include excavation and stormwater retention.

Over 20 years ago, attempts to develop never came to fruition. In addition to the small area of developable land, the City preferred access through the property to the north and not via an additional curb cut on Grape Road, which could not be agreed upon by the property owners. However, both parcels are currently owned by the same person.

All pertinent City Departments reviewed and approved the request.

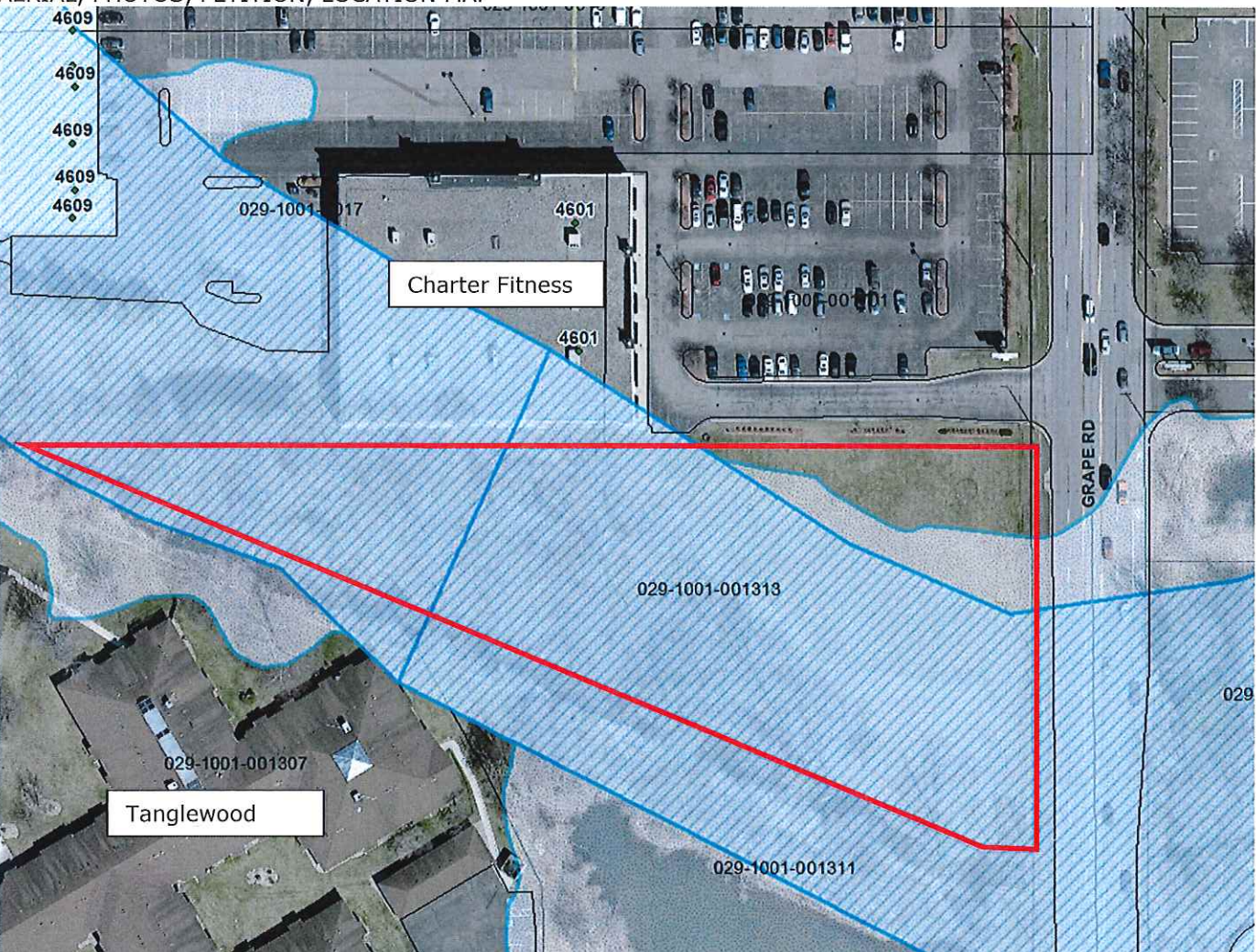
RECOMMENDATION

The Planning Department recommends **in favor** of Petition #22-14 to rezone the property south of 4601 Grape Road to S-1 Extensive Open Space. This recommendation is based upon the following findings of fact:

1. Existing Conditions. Although the property is on Grape Road, a major commercial thoroughfare, the physical conditions of the site, Juday Creek and the Floodway/Flood Zone AE, make the site difficult to develop.
2. Character of Buildings - The character of the buildings along Grape Road are predominantly commercial, but additional green/open space would not deter from those uses;
3. The most desirable/highest and best use – Since the site is difficult to develop, downzoning the site to a non-commercial zone is the highest and best use. Across Grape Road, the area of Floodway/Flood Zone AE were utilized for Lowe’s retention basin;
4. Conservation of property values - The proposed rezoning should not be injurious to property values in the surrounding area as Grape Road is a major commercial corridor; and
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as General Commercial, however, given the restrictions on the lot due to Juday Creek and the Floodway/Flood Zone AE, downzoning to Extensive Open Space is compatible with physical conditions.

ATTACHMENTS

AERIAL, PHOTOS, PETITION, LOCATION MAP



Red Outline - Area to be rezoned
Blue Hatched - Floodway
Blue Dotted - Flood Zone AE



A view south from the Charter Fitness parking lot



A view south from the Charter fitness driveway entrance



A view West across Grape Road from the Lowe's parking lot

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION #22-15
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2022-31
ORDINANCE NO. _____

Deborah S. Block, IAMC, MMC

SEP 14 2022

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, Thomas McLaughlin, Cory Smith, and Erin Corcoran LLC, have filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner owns part of 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:

The first east/west alley, north of Wilson Boulevard, between Lot 44 and (combined) Lots 45, 46, and 47 in Battell's 2nd Park Addition, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

COMMONLY KNOWN AS: 14' Wide East/West Alley North of Wilson Boulevard and West of Clay Street

PROPOSED ORDINANCE NO. 2022-31

ORDINANCE NO. __

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. Vacating the alley would help provide safety and security to an established neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. The alley is unpaved and only provides direct access to one garage, owned by the Petitioner.
- 3) The street 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. Utility easements will remain in 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 _____, 2022.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock _____ .M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _ day of _____, 2022, at _____ o'clock _____ .M.

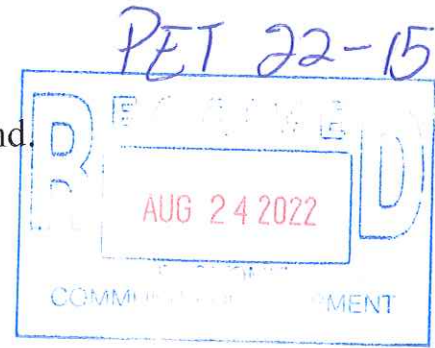
David A. Wood, Mayor

July 20, 2022

SEP 01 2022

City Clerk
Mishawaka, IN

To the Honorable members of the Common Council, and,
Mishawaka City Plan Commission, both of Mishawaka, Ind.



RE: Petition for Vacation of Public Right of Way

The undersigned, Thomas McLaughlin, Cory Smith and Erin Corcoran, respectfully request of the Mishawaka Common Council and the Mishawaka City Plan Commission to vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

The 1st E/W alley, N of Wilson Blvd., between lot 44 and (combined) lots 45, 46 and 47 in Battell's 2nd Park Addition (commonly known as between 515 Clay St and 804 Wilson Blvd.).

The purpose for this request is fourfold. Firstly, a theft has recently occurred from a (and the only) garage that is on the alley at the Clay St. address. Unimpeded access to this non-thoroughfare, non-logical-shortcut-to-anywhere alley, now that the 'sanctity' of it has been breached by parties unknown and will only open up further potential violations of the Clay St. property. For the last couple of years, an unusual vehicle* has also been parked regularly in the driveway of the Clay St. address that has the potential to attract vandalism from persons having unimpeded alley traverse. (*for educational, informational and advertising purposes)

Secondly, the backyard fence on this alley, where it intersects the N/S alley, had been hit numerous times over the years from persons unneedingly driving west in the alley then turning north. A boulder (duly marked) had been strategically placed to protect the fence some years back but it too has continued to be hit also... giving further evidence to the hazards that a normal property-marking fence in such a location is subject to. (That fence is presently freshly-removed... in the process of being replaced entirely with a new one. Damage to such new one is of course even more unwanted. Alley closure would allow the new fence to remain intact.)

Thirdly, an electric wire strung from a pole in the N/S alley to go along the west half of the E/W alley, to service the Wilson address house, hangs so low as to not give clearance to any possible trucks that would use the E/W alley without hitting it, except for the temporary measures privately undertaken to attempt to keep such wire out of harm's way.

Fourthly, the Mishawaka Engineering Department informed us last year that this alley, presently dirt/gravel, was on a list to be paved along with the intersecting N/S alley (repaving). I had discussed with Deborah Wheeler how this alley had indeed been resurfaced with crushed concrete some years ago, leaving it in excellent condition. However, subsequent to that, the alley was used as a shortcut thoroughfare for trucks and construction equipment for the sewer separation project on either Clay St. or Wilson Blvd., leaving the good surface now chewed up and back to where it was beforehand. Despite this, I politely declined Deborah's offer redo the alley yet again in an even more expensive way. Vacating the alley will keep yet more upkeep expense to the city from occurring.

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

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

Thomas M. McLaughlin

Thomas McLaughlin, Adj. Owner,
Lots 43+44, Battell's 2nd Park Addition
515 CLAY ST.

Cory W. Smith

Cory Smith/Erin Corcoran, Adj. Owners,
Lots 45+46+47, Battell's 2nd Park Addition
804 WILSON BLVD.

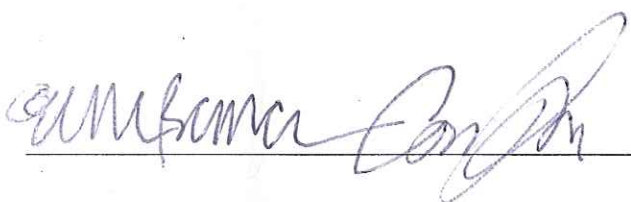
Contact Person:
Brian McLaughlin
515 Clay St.
Mishawaka, Ind.
574 339-6778

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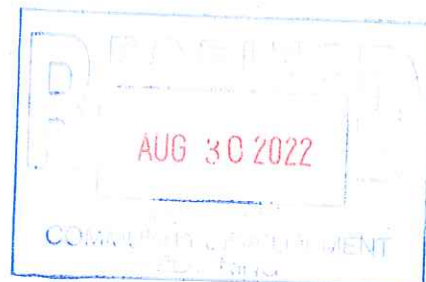
Petitioners further state that they are the owners of the properties immediately adjacent to the above-described right-of-way.

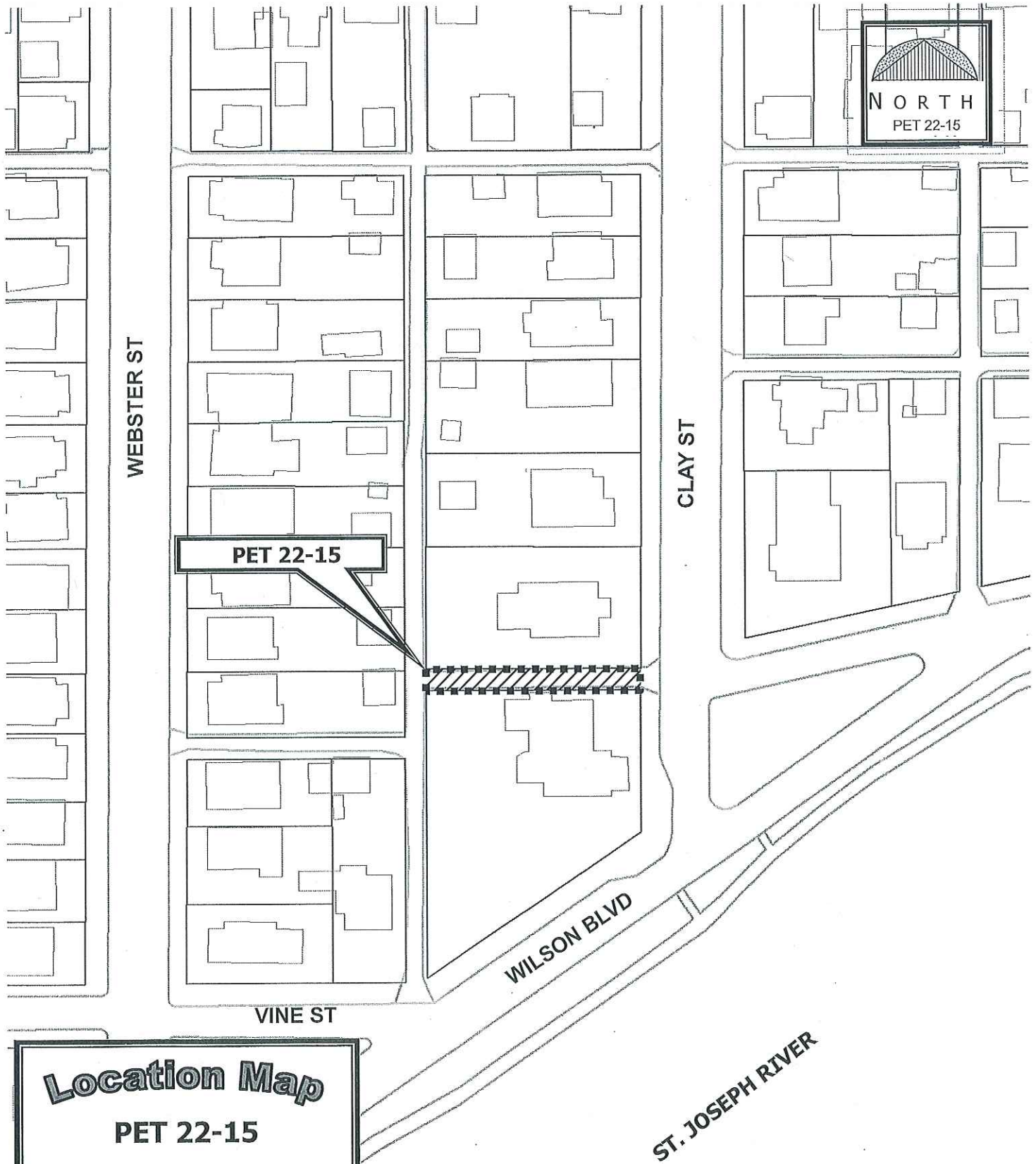
Wherefore, the Petitioners pray and respectfully request that the Common Council for the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after the hearing, an appropriate ordinance be enacted, vacating the above-described right-of-way located in the City of Mishawaka.

Thomas McLaughlin, Adj. Owner,
Lots 43+44, Battell's 2nd Park Addition


Cory Smith/Erin Corcoran, Adj. Owners,
Lots 45+46+47, Battell's 2nd Park Addition

Contact Person:
Brian McLaughlin
515 Clay St.
Mishawaka, Ind.
574 339-6778





WEBSTER ST

CLAY ST

PET 22-15

VINE ST

WILSON BLVD

ST. JOSEPH RIVER

Location Map

PET 22-15

THOMAS & PATRICIA A. MCLAUGHLIN AND
CORY SMITH & ERIN CORCORAN (OWNERS)

515 CLAY ST. & 804 WILSON BLVD.

PUBLIC RIGHT-OF-WAY VACATION FOR
THE 1ST E/W ALLEY LYING BETWEEN LOT
44 AND LOTS 45, 46, AND 47 IN BATTELL'S
2ND PARK ADDITION

Location Map

PET 22-15

THOMAS & PATRICIA A. MCLAUGHLIN AND
CORY SMITH & ERIN CORCORAN (OWNERS)

515 CLAY ST. & 804 WILSON BLVD.

PUBLIC RIGHT-OF-WAY VACATION FOR
THE 1ST E/W ALLEY LYING BETWEEN LOT
44 AND LOTS 45, 46, AND 47 IN BATTELL'S
2ND PARK ADDITION

ST. JOSEPH RIVER

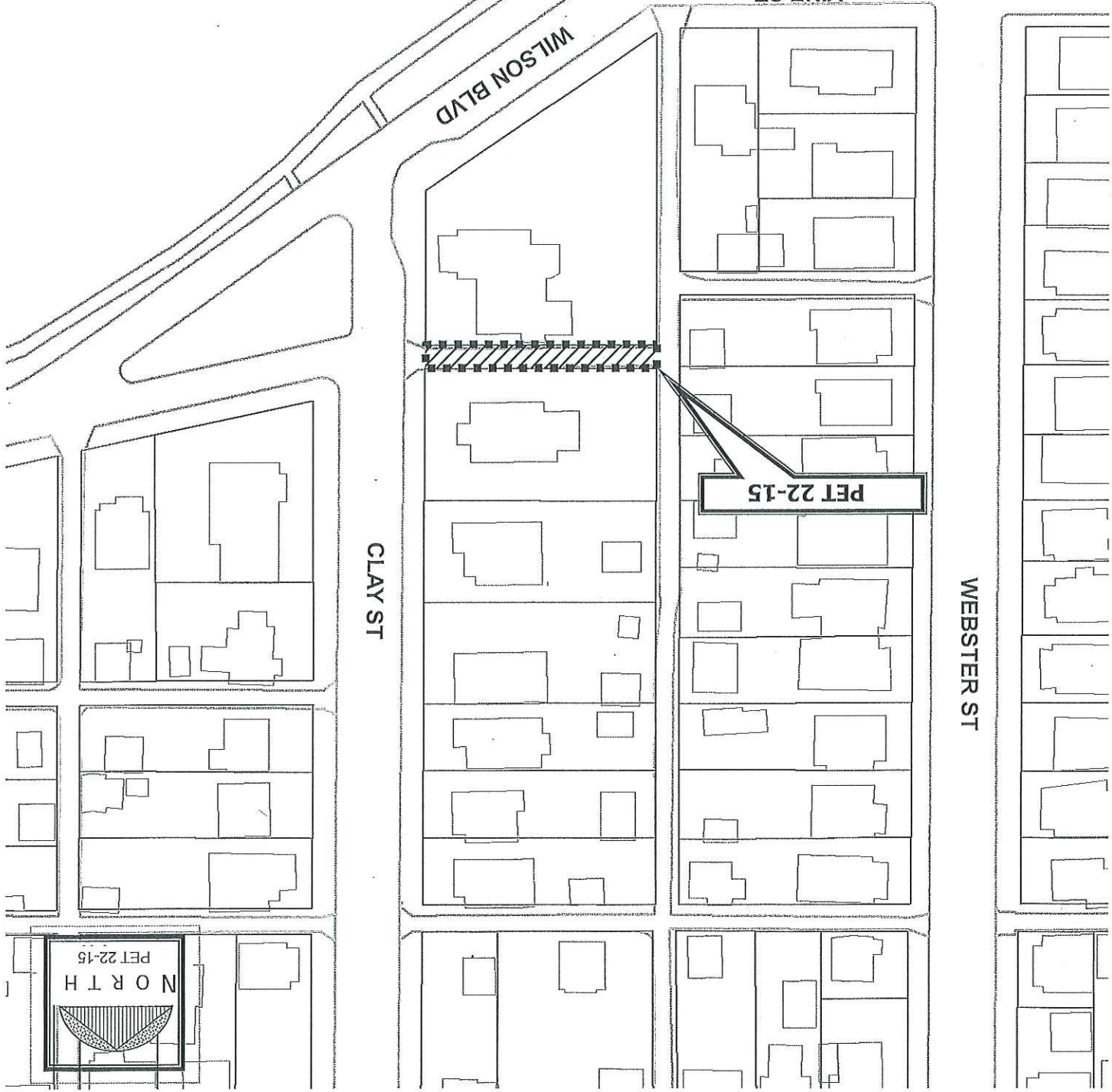
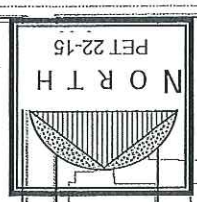
VINE ST

WILSON BLVD

CLAY ST

WEBSTER ST

PET 22-15



STAFF REPORT

Location: 14' wide Alley north of Wilson Blvd and west of Clay Street
Between 515 Clay St. & 804 Wilson Blvd.

Date: Sept. 13, 2022

Petition: 22-15

Prepared By: CH

GENERAL INFORMATION

Applicant: Thomas McLaughlin and Cory Smith & Erin Corcoran
Status: Adjacent Property Owners
Request: Vacate Public Right-of-Way
Zoning Classification: Right-of-Way
Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential (Residential)
South: R-1 Single Family Residential (Residential)
East: R-1 Single Family Residential (Residential)
West: R-1 Single Family Residential (Residential)

Thoroughfare: Clay Street and Wilson Blvd.

School District: Penn-Harris-Madison

Public Utilities: Public Right-of-Way

Comprehensive Plan: Low Density Residential (Single Family Homes)

ANALYSIS

The Petitioners are requesting to vacate a 14' wide east-west alley lying north of Wilson Blvd and west of Clay Street. The alley is adjacent to 515 Clay St. & 804 Wilson Blvd. It was originally platted between Lots 44 & 45 in Battell's Second Park Addition.

The owners of both 515 Clay and 804 Wilson signed the petition. The alley provides access from Clay Street to a north-south alley between Clay Street and Webster Street. It is offset with the east-west alley providing access between Webster Street and the north-south alley.

The parcel to the north (Tax ID 016-2019-0651/515 Clay), which includes Lots 43 & 44 Battell's Second Park Addition is owned by Thomas and Patricia (deceased) McLaughlin. The parcel to the south (Tax ID 016-2019-0658/804 Wilson Blvd), which includes Lots 45, 46, & 47 Battell's Second Park Addition is owned by Erin B Corcoran and Cory W Smith.

The alley is not paved, but does provide access the Petitioner's garage at 515 Clay. City Utilities have identified water, sanitary and electric within the limits of the alley. Engineering's recommendation is the right-of-way be converted to a utility easement. No buildings or other permanent structures shall be built

within the easement and access to the utilities shall be maintained. Since the petition does not request the release of any utility easement rights, an easement will remain within the vacated area.

The petitioners provided four reasons for the vacation;

- 1) Security. Items were stolen from the Petitioner's garage.
- 2) Damage to property. A fence and boulder, used to mark the property line, have been hit numerous times.
- 3) Safety. A low hanging electric wire could be compromised by larger vehicles (i.e. delivery trucks), and
- 4) Maintenance. Since the alley is unpaved, the City had resurfaced it with crushed concrete. When that deteriorated, Engineering offered to paved the alley. If vacated, the homeowners would be responsible for maintenance.

Additional Planning comments include the City is not responsible for removing the approach. It will be the responsibility of the Petitioner to install a sign, fence, etc. to indicate the alley is now private property.

Both Planning and Engineering would have reservations if any homeowners using the north-south alley would be negatively affected.

All City departments have reviewed the proposed right-of-way vacation and recommend approval.

RECOMMENDATION

Staff recommends in favor of Petition 22-15 to vacate the first east-west alley north of Wilson Blvd and west of Clay Street, between 515 Clay St. & 804 Wilson Blvd. The alley is adjacent to Lots 44 & 45 in Battell's Second Park Addition. This recommendation is based on the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. Vacating the alley would help provide safety and security to an established neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. The alley is unpaved and only provides direct access to one garage, owned by the Petitioner.
- 3) The street 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. Utility easements will remain in place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Aerial, Photos, Petition, Location Map





A view west from Clay Street



A view west of the alley from between the houses.



A view west of the alley looking at the north-south alley



A view north of the intersection with the north-south alley.



A view east from the alley towards Clay Street

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4
Generated 9/16/2022 12:00:04 PM

Proposed Ordinance No.2022-32

Ordinance / Resolution Number:

Be it ordained/resolved by the **Mishawaka Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2023** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MISHAWAKA CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Mishawaka Common Council**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Mishawaka Common Council	Common Council and Mayor	10/17/2022

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	\$40,674,726	\$39,402,054	3.0309
0254	LOCAL INCOME TAX	\$0	\$0	0.0000
0341	FIRE PENSION	\$0	\$0	0.0000
0342	POLICE PENSION	\$0	\$0	0.0000
0706	LOCAL ROAD & STREET	\$0	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$4,516,664	\$2,115,716	0.1627
1151	CONTINUING EDUCATION	\$0	\$0	0.0000
1301	PARK & RECREATION	\$4,549,352	\$3,310,959	0.2547
1310	PARK NONREVERTING - CAPITAL	\$0	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$0	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$700,000	\$2,874,180	0.2211
2411	ECONOMIC DEV INCOME TAX CEDIT	\$5,921,600	\$0	0.0000
6290	CUMULATIVE SEWER	\$0	\$0	0.0000
		\$56,362,342	\$47,702,909	3.6694

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
 Generated 9/16/2022 12:00:04 PM

Name		Signature
Gregg Hixenbaugh	Aye ☐ Nay ☐ Abstain ☐	
Matt Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Dale "Woody" Emmons	Aye ☐ Nay ☐ Abstain ☐	
Ron Banicki	Aye ☐ Nay ☐ Abstain ☐	
Kate Voelker	Aye ☐ Nay ☐ Abstain ☐	
Mike Compton	Aye ☐ Nay ☐ Abstain ☐	
Anthony "Tony" Hazen	Aye ☐ Nay ☐ Abstain ☐	
Mike Bellovich	Aye ☐ Nay ☐ Abstain ☐	
Maggie DeMaegd	Aye ☐ Nay ☐ Abstain ☐	

ATTEST		
Name	Title	Signature
Deborah Ladyga-Block	City Clerk	

MAYOR ACTION (For City use only)			
Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1

Yes ☐ No ☒

In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31

Yes ☐ No ☒

SEP 15 2022

City Clerk
Mishawaka, IN

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-33

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF
MISHAWAKA CHAPTER 62, ARTICLE III, WATER SERVICE AND APPROVING
THE OFFERING OF A WATER SERVICE LINE WARRANTY PROGRAM TO
CUSTOMERS OF THE MISHAWAKA MUNICIPAL UTILITIES**

Section 1. The Common Council for the City of Mishawaka approves the provision by Mishawaka Municipal Utilities to its customers of a water service line warranty program, as reflected in a resolution passed by the Mishawaka Board of Public Works and Safety/Utility Board on or about August 30, 2022.

Section 2. The water service line warranty program shall be offered at no cost to the City, but rather shall be paid by customers who voluntarily decide to participate in the program by purchasing coverage, which they may drop at any time.

Section 3. The City shall make the water service line warranty program available by entering into a contractual arrangement with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America, which is the administrator of the National League of Cities Service Line Warranty Program. However, the City may make changes in the specific provider for the water service line warranty program without further action by the Common Council.

Section 4. The water service warranty program shall cover: (a) property owner responsibility from the meter and/or curb box to the external wall of the home; (b) thawing of frozen external water lines; and (c) well service lines, if applicable.

Section 5. The initial cost for the water service warranty program shall be Five and 75/100 Dollars (\$5.75) per month, not inclusive of taxes. The provider of the water service line warranty program may adjust this fee in the future, provided that any such monthly fee adjustment shall not exceed Fifty Cents (\$0.50) in any twelve (12) month period. Any adjustment in the monthly fee in excess of Fifty Cents (\$0.50) must be agreed to by the City in writing, subject to approval by the Common Council.

Section 6. This Ordinance shall be in full force and effect from and after its passage, signing, and attestation.

Passed by the Common Council of the City of Mishawaka, Indiana, this ____ date of _____, 2022, at _____ o'clock, P.M.

Gregg A. Hixenbaugh
Presiding Officer

Attest:

Deborah S. Block, IAMC, MMC
City Clerk

Presented by me to the Mayor this _____ day of _____, 2022, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC
City Clerk

Approved by me this _____ day of _____, 2022, at _____ o'clock _____.M.

David A. Wood
Mayor

AUG 11 2022

City Clerk
Mishawaka, IN

APPEAL #22-27

RESOLUTION NO. 2022- 17

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:

1017 East Jefferson Boulevard, Mishawaka, Indiana

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

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

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

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

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **1017 East Jefferson Boulevard, Mishawaka, Indiana**, more particularly known and described as follows:

Lot Numbered Six (6) and the East 56 1/2 feet of Lot Numbered Five (5), all as shown on the recorded Plat of Bryan's Addition to the City of Mishawaka, located in the Northeast Quarter of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, recorded in the Office of the Recorder of St. Joseph County, Indiana, together with the West Half of the vacated alley lying East and adjacent.

EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land being a part of the Northeast Quarter of the East Half of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the Southeast corner of Lot 6 in Bryan's Addition to the City of Mishawaka as shown on the recorded Plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 0°51'01" West along the East line of said Lot 6, a distance of 4.49 feet; thence North 89°52'27" East, a distance of 257.79 feet to the West right of way line of Merrifield Avenue; thence South 0°55'03" East along said Merrifield Avenue, a distance of 8.00 feet; thence South 89°52'27" West, a distance of 217.84 feet; thence North 0°50'04" West, a distance of 3.42 feet; thence North 89°59'13" West, a distance of 40.00 feet to the place of beginning.

The Use Variance will allow a food truck in the C-1 General Commercial District subject to the following conditions:

1. The truck shall be located a minimum of 10' from the north property line.
2. Hours of operation shall be no more than six hours per day, three days per week.
3. Use Variance shall expire one year from the date of Common Council approval.

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

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. The secondary use of the property by adding a food truck is not anticipated to be injurious to the public health and safety due to its limited patronage. The operation of the truck will also be subject to the applicable inspections and permitting by the County Health Department and City Fire Department.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Adjacent properties are currently zoned and occupied with various automotive related and industrial uses. Adding a food truck as a secondary use should not negatively impact the adjacent property uses or values.
3. The need for the variance arises from some condition peculiar to the property as the C-1 General Commercial Zoning District does not permit a food truck.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. The Appellant would not be able to add a food truck with limited hours of operation as a secondary use of the property.
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided industrial development within this property and commercial use along the E. Jefferson Boulevard corridor.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2022,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at
_____ o'clock ____m.

David A. Wood, Mayor

STAFF REPORT

Location: 1017 E. Jefferson Blvd.

Date: August 9, 2022

Appeal: 22 - 27

Prepared By: DJS

GENERAL INFORMATION

Applicant: Sharon A. Helman / Pilo Bueno d/b/a Pilo's Body Shop & Auto Sales

Status: Property Owner / Tenant & Land Contract Purchaser

Request: Use Variance to allow a food truck in C-1 General Commercial District

Zoning Classification: C-1 General Commercial District

Lot Size: Approximate 140'x155' (0.5 acres)

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals – Use Variance ; Section 137-300 to 137-303 / C-1 General Commercial District

SPECIAL INFORMATION

Area Development Pattern: North: C-4 Automobile Oriented Commercial District (Automobile Repair & Service / Quality Automotive)
South: I-1 Light Industrial District (Industrial Electronics Repair & Machine Automation / TRS – Technical Repair Solutions & Vacant)
East: I-1 Light Industrial District (Automobile Sales)
West: C-4 Automobile Oriented Commercial District (Automobile Body Shop / Fred's Body Shop)

Thoroughfare: E. Jefferson Boulevard

School District: School City of Mishawka

Township: Penn

Public Utilities: All utilities are available and currently serve the property

Comprehensive Plan: Industrial

ANALYSIS

The Appellants, Sharon A. Helman and Pilo's Body Shop & Auto Sales (tenant), are requesting a Use Variance to allow a food truck to be located in the parking lot of an existing automotive repair and sales business. The property is bordered by automotive-related commercial and industrial uses.

In 2009, the current owner received a Use Variance (Appeal 09-28/Resolution 2009-20) to allow auto repair and sales within the approximate 3,500 sq. ft. building. The property had previously been occupied by several businesses including a retail bakery, truck storage and distribution facility, newspaper distribution center, and a children's fitness center. However, the building had been vacant for several months prior to the appeal being filed. The owner had not able to find a tenant for the property which was

zoned I-1 Light Industrial at that time. Following approval of the Use Variance, it appears that an auto repair and sales business did not immediately occupy the building or was only in business for a very short period.

In 2010, the property was then rezoned from the I-1 Light Industrial District to the C-1 General Commercial District (Petition 10-12/Ord. 5266) to allow for a take-out barbeque restaurant. No record of such a business operating from this property was found.

In 2011, a Use Variance (Appeal 11-14/Resolution 2011-04) was approved to again allow automobile repair and sales in the recently rezoned C-1 General Commercial property. Automotive repair and sales were no longer permitted due the property being rezoned the prior year. Following approval of the variance, the property appears to have been occupied by Fred's Body Shop until Pilo's Body Shop & Auto Sales occupying the property in early 2014.

The Appellant is proposing to operate a vending food truck from the premises within the far northeast corner of the property. Four designated parking spaces will be located in the west part of the parking lot, where highlighted on the site plan, for food orders only. Customers will walk up to the truck to order and will be given a pager to inform them when the food is ready for pick up. The proposed hours of operations are Thursday through Saturday from 10:00 am to 8:00 pm with potentially limited hours on Sunday.

The Appellant states that the goal of adding the food truck is to attract more business for the auto repair shop as well as create a secondary source of income. The truck will be owned and operated by Jose and Ernesto Bueno, who are the primary tenant's sons.

The zoning ordinance does not permit food trucks by right in any specific district including the C-1 General Commercial District. Planning Staff has had numerous discussions with the tenant beginning in July 2018 regarding the proposed food truck. Staff indicated that a use variance would likely be supported depending on where the truck would be placed, how parking would be addressed for the additional use, and the proposed hours of operation. The Engineering Department recommended that the truck be parked back away from the street approach/sidewalk to ensure proper sight distance for vehicles and pedestrians. The proposed parking spaces appear to be sufficient for the anticipated limited use of the food truck. The appellant previously indicated that the hours of operation would be very limited to include Thursday and Friday from 3:00 pm to 8:00 pm with limited hours on Saturday. Staff is recommending a condition be place on the Use Variance, if approved, to include these limited hours. The longer hours of operation, as requested in the appeal, are more appropriate for a permanent restaurant in another brick-and-mortar location and not as proposed as a secondary use on an existing commercial property.

The Fire Department commented that the food truck will be subject to inspections as an A-2 Use and Occupancy classification.

All other pertinent City Departments have reviewed and approved the Use Variance request without comments.

RECOMMENDATION

The Planning Staff recommends **approval** of Appeal #22-27 to allow a Use Variance for a food truck in the C-1 General Commercial District subject to the following Conditions:

1. The truck shall be located a minimum of 10' from the north property line.
2. The hours of operations shall be limited to Thursday and Friday from 3:00 pm to 8:00 pm with limited hours (less than 4 hours) on Saturday.

This recommendation is based on the following findings of fact:

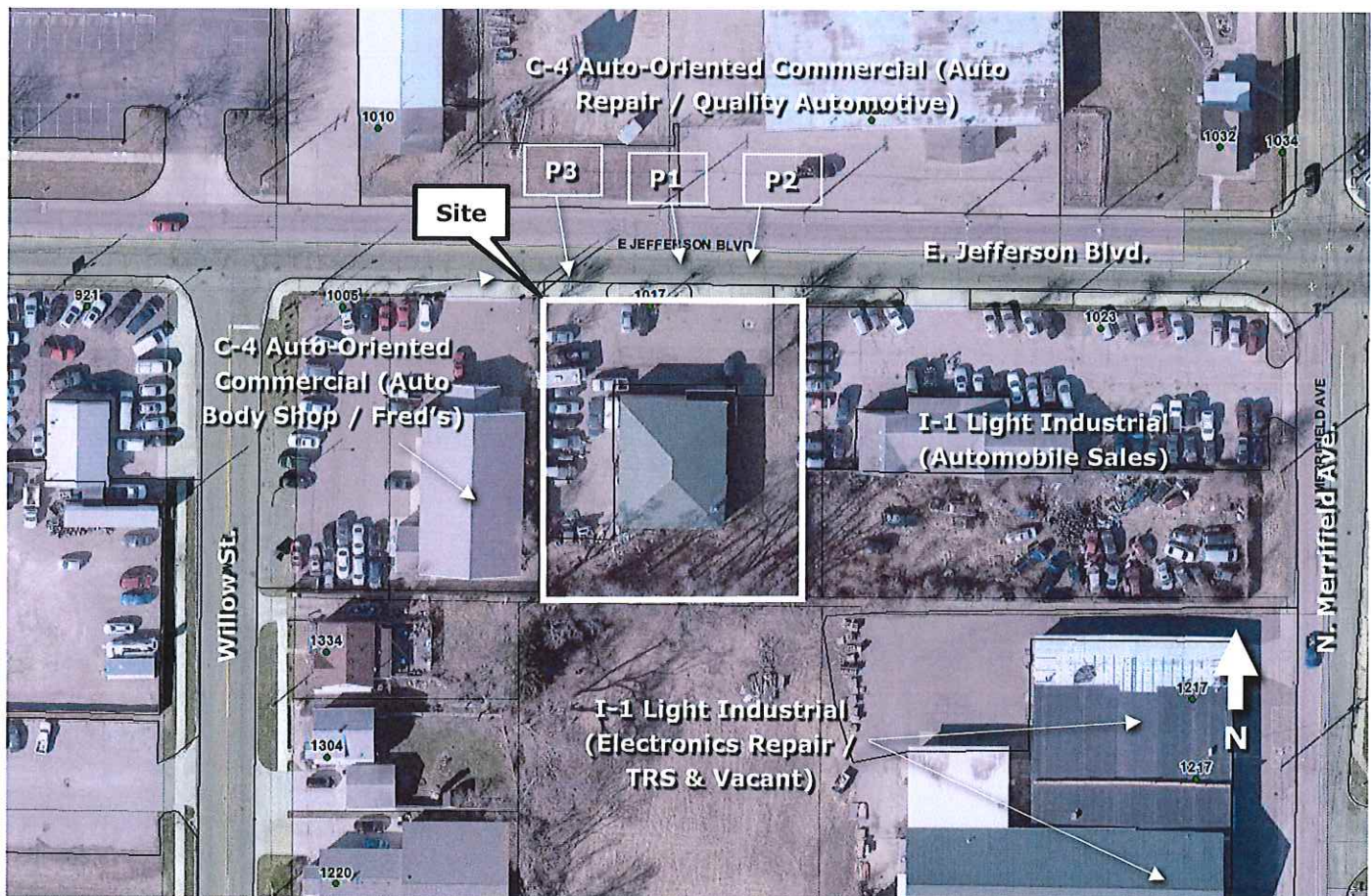
1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. The secondary use of the property by adding a food truck is not anticipated to be injurious to the public health and safety due to its limited patronage. The operation of the truck

will also be subject to the applicable inspections and permitting by the County Health Department and City Fire Department.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Adjacent properties are currently zoned and occupied with various automotive related and industrial uses. Adding a food truck as a secondary use should not negatively impact the adjacent property uses or values.
3. The need for the variance arises from some condition peculiar to the property as the C-1 General Commercial Zoning District does not permit a food truck.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. The Appellant would not be able to add a food truck with limited hours of operation as a secondary use of the property.
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided industrial development within this property and commercial use along the E. Jefferson Boulevard corridor.

ATTACHMENTS

Aerial Photograph, Site Photographs, Appeal, Site Plan with Proposed Food Truck Location and Parking Spaces, Location Map



Aerial Photograph
1017 E. Jefferson Boulevard
Pilo's Body Shop & Auto Sales



Food Truck to
be Relocated
for Operation
on Property

P1. Looking southerly toward the property from E. Jefferson Blvd.



Proposed
Food Truck
Location

P2. Looking southerly toward the property and proposed food truck location.

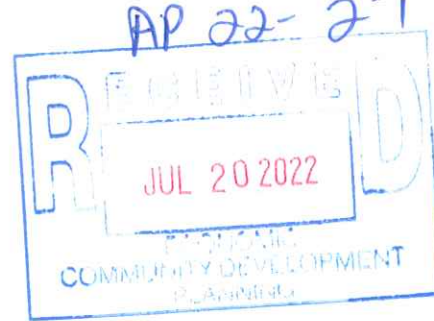


P3. Looking southerly toward the property and the proposed location of the four parking spaces.

Deborah S. Block, IAMC, MMC

JUL 27 2022

City Clerk
Mishawaka, IN



DATE: 7/20/2022

TO: Board of Zoning Appeals City of Mishawaka, Indiana

1. I, Sharon A Hellman, am the owner of the real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to wit:

Lot Numbered Six (6) and the East 56 1/2 feet of Lot Numbered Five (5), all as shown on the recorded Plat of Bryan's Addition to the City of Mishawaka, located in the Northeast Quarter of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, recorded in the Office of the Recorder of St. Joseph County, Indiana, together with the West Half of the vacated alley lying East and adjacent.

EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land being a part of the Northeast Quarter of the East Half of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the Southeast corner of Lot 6 in Bryan's Addition to the City of Mishawaka as shown on the recorded Plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 0°51'01» West along the East line of said Lot 6, a distance of 4.49 feet; thence North 89°52'27» East, a distance of 257.79 feet to the West right of way line of Merrifield Avenue; thence South 0°55'03" East along said Merrifield Avenue, a distance of 8.00 feet; thence South 89°52'27» West, a distance of 217.84 feet; thence North 0°50'04" West, a distance of 3.42 feet; thence North 89°59'13" West, a distance of 40.00 feet to the place of beginning.

(more commonly known as 1017 East Jefferson Boulevard, Mishawaka, Indiana 46545)

2. The above described real estate presently has a zoning classification of C-1 General Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. I Pablo Bueno Jr, presently occupy Pilo's Body Shop & Auto Sales LLC in the following manner: Body Shop & Auto Sales
4. Staff would like to support a vending food truck use located northeast of the property within the premises of "Pilo's Body Shop & Auto Sales LLC." Parking will be addressed through designated parking areas located in the far west area of the property for taco truck orders use only. With the use of restaurant pagers customers will walk up to order food and be given a pager to return to the taco truck when food is ready to be received. The use of pagers minimizes traffic when placing orders and prevents confusion. The proposed hours of operation would be from Thursday through Saturday 10 AM - 8 PM and potentially limited hours on Sunday. If zoning allows operation we would like to add limited hours on Sunday as we see fit. The goal is to attract more business for the auto repair shop as well as create a secondary source of

income to help reciprocate the cash flow and stimulate the local economy. The food truck will also enable me to provide financial security for my sons to help put one of them through college and help the other, who is a single father, provide for his son. The truck will be family owned and operated by Jose Bueno and Ernesto Bueno ; my sons. The taco truck will benefit local economic growth and bring new customers and bring advertisement's for "Pilo's Body Shop" through word of mouth.

5. The Zoning Ordinance is zoned C-1 and does not allow a food TRUCK USES 137-301.

6. Strict adherence to the Ordinance requirements would create an unusual hardship. Hardship is food truck not allowed. We would like to request an allowance to park a food truck.

1. Will approval be injurious to the public health, safety, morals or general welfare of the community? YES OR NO and explain your reason why.

No, approval of a use variance will not be injurious to the public health, safety, morals or general welfare of the community. Abiding by and compliantly adhering to the local guidelines and regulations regarding food operation and food safety to the public, will prevent any chance of a negative impact on the welfare of the community. By structuring a system based on city ordinance and regulations it will yield a safe outcome for the public.

2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? YES OR NO and explain your reason why.

No, the use and value of the area adjacent to the property included in the variance will not be affected in an adverse manner due the area having designated parking space and "To Go" style system that prevents any interference with the adjacent area described.

3. Does the need for the variance arise from some condition peculiar to the property involved? YES OR NO and explain your reason why.

Yes, the need for the variance arises from a peculiar condition of the property involved as food trucks are not currently permitted in the C-1 zoned property. If the same applies the variance arose from intent to build and restructure. Set a foundation for secondary source of economic growth and stimulation.

4. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? YES OR NO and explain your reason why.

Yes, food trucks are not permitted in the C-1 district or any commercial district in the city. The hardship can be minimized through parking on private property instead of city property.

5. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?
YES OR NO and explain your reason why.

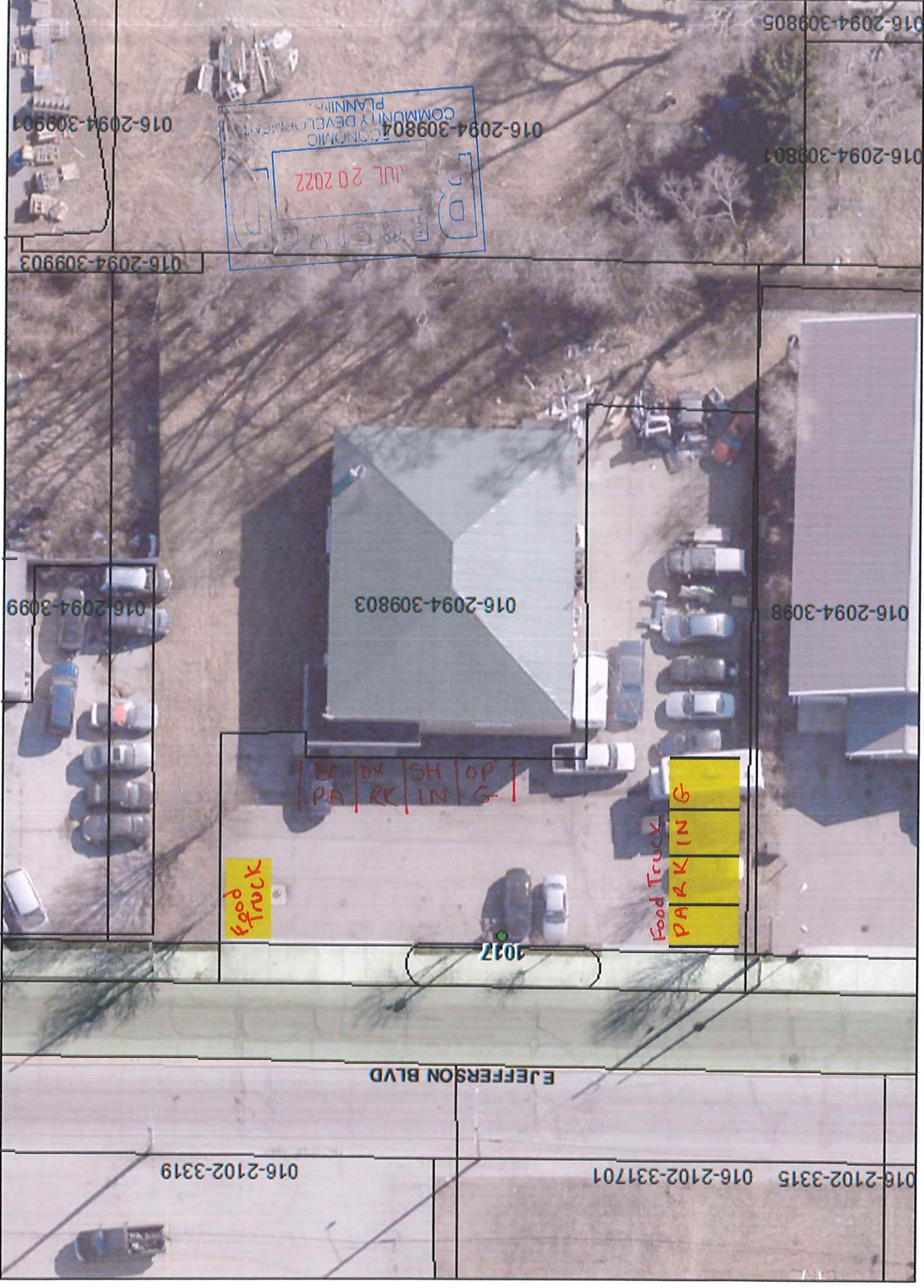
No, approval will not interfere with the Mishawaka 2000 Comprehensive Plan. Food truck will operate on private property. Food truck does not present a hazard or interference as size of interference is minimal if not active at all.

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


Sharon A. Helman

CONTACT PERSON: Sharon A. Helman
Name: Sharon A. Helman
Address: 16127 Cobblestone Square Dr
Day Phone Number: 574-286-9888

CONTACT PERSON #2 : Pilo Bueno
Name: Pablo Bueno Jr
Address: 1017 E Jefferson Blvd, Mishawaka, IN 46545
Day Phone Number: (574)-514-1749



ECONOMIC COMMUNITY DEVELOPMENT PLANNING
JUL 20 2022
016-2094-309804

SHOP PARKING

Food Truck

Food Truck
PARKING

1017

EJEFFERSON BLVD

016-2102-3315 016-2102-331701

016-2102-3319

016-2094-309901

016-2094-309903

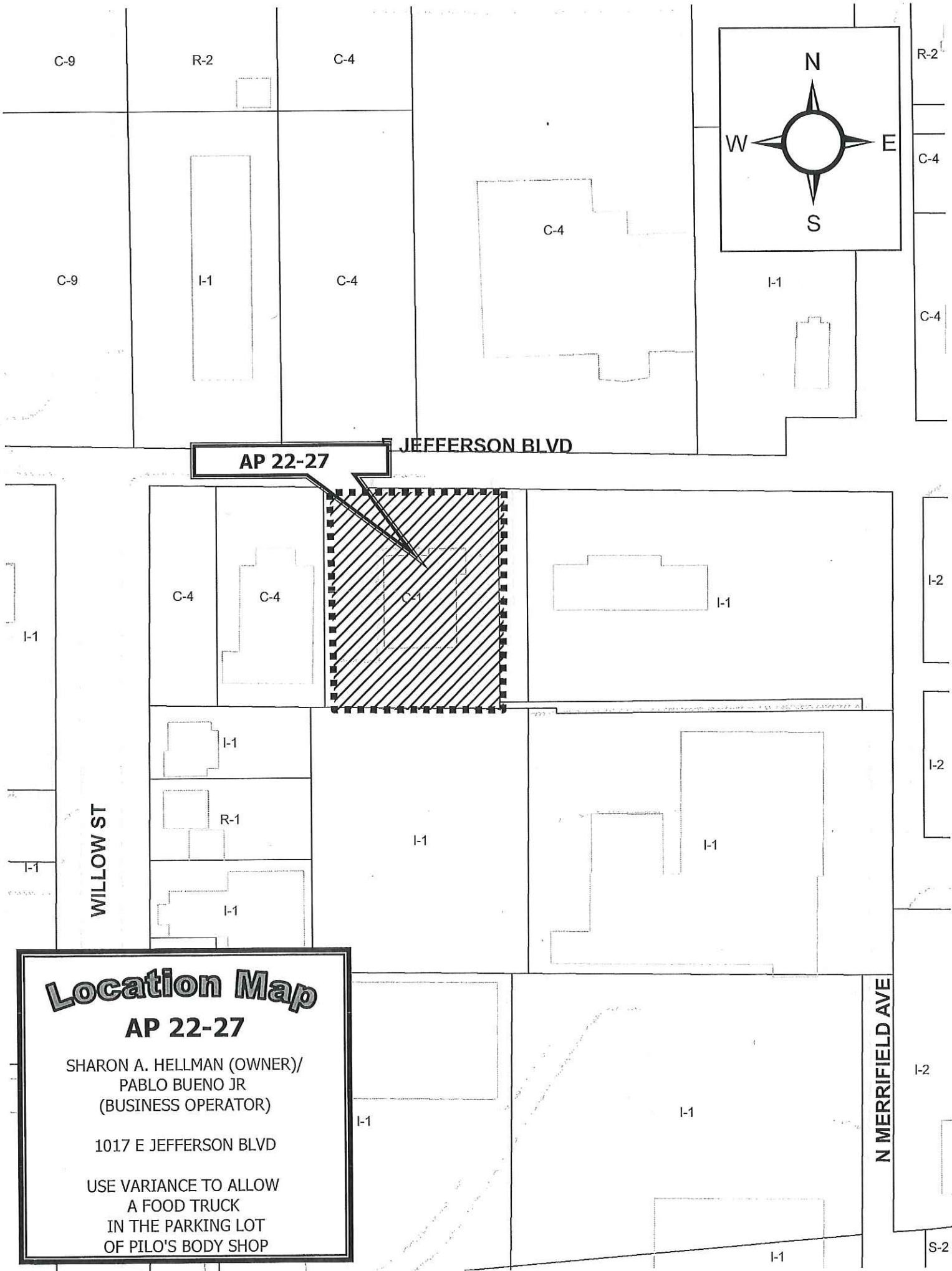
016-2094-3099

016-2094-309803

016-2094-3098

016-2094-309801

016-2094-309805



Location Map

AP 22-27

SHARON A. HELLMAN (OWNER)/
PABLO BUENO JR
(BUSINESS OPERATOR)

1017 E JEFFERSON BLVD

USE VARIANCE TO ALLOW
A FOOD TRUCK
IN THE PARKING LOT
OF PILO'S BODY SHOP