



AGENDA

June 05, 2023

**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): 2341 564 9449
Meeting password: Y5UxhWDz3a5**

**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: 23415649449@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of May 15, 2023

5. Petitions, Communications, Remonstrance and Memorial

Petition No. 2023-11	Rezone from R-1 Single Family Residential to R-2 Two Family Residential to match existing use as a duplex - 712 Division St.
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Petition No. 2023-12	Rezone from S-1 Extensive Open Space to C-3 City Center Commercial - Northeast corner of Cedar & E. Third St.
Petition No. 2023-13	Annex and Zone to I-1 Light Industrial District for proposed Self Storage - Vacant land south of 1505 S. Byrkit
Petition No. 2023-14	Annex and Rezone to C-4 Automobile Oriented Commercial - 100' North of the Northeast corner of E. McKinley & Maplehurst

Presentment of Encumbered Funds and the Annual Operational Report for Local Roads, Street, and Bridges - No Council Action Required

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2023-21	Authorizing an Investment Policy (Requestion 1 st & 2 nd Reading)
P.O. No. 2023-22	Authorizing the Investment of Public Funds (Requestion 1 st & 2 nd Reading)
P.O. No. 2023-23	Authorizing the Investment of Public Funds outside City Limits (Requestion 1 st & 2 nd Reading)

8. Resolutions

R2023-13	Civil City Property Disposal of old City Hall 600 E. Third Street & surrounding properties
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9. Ordinances on Second Reading

P.O No. 2023-17	Annex & Establish Zoning as C-1 General Commercial District - 15793 E. University Dr. Public Hearing- No Vote
P.O No. 2023-18	Rezone from I-2 Heavy Light Industrial to R-1 Single Family Residential to match existing use - 2027 E. Lasalle (Assigned to Land Use Planning Committee)

P.O. No. 2023-19

Transfer:

MVHR to Local Bridge & Road Matching Grant
Fund - \$774,648.69

AND

Addition Appropriation:

Local Road & Bridge Matching Grant Fund
\$1,549,297.00

(Assigned to Budget & Finance Committee)

P.O. No. 2023-20

Amending Ordinance 5811 Civil City Salary
Ordinance (Requesting postponement)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

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>

If technology is needed to present, please advise the Clerk's Office by 4:00pm the Friday before the meeting by
emailing: dblock@mishawaka.in.gov or calling 574-258-1616.

Download Council Packet Link:

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

Deborah S. Block, IAMC, CMO, 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

May 15, 2023

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday, May 15, 2023 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

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.

Clerk Block called the roll.

Roll Call.

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

Others Present: Clerk Block, Mike Trippel, Council Attorney

Minutes for the Regular Meeting on May 8, 2023 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 May 9th meeting.

Petition No. 2023-09 Annex and Rezone property – 15793 E University Drive to C-1 General Commercial District

Petition No. 2023-10 Rezone property – 2027 E Lasalle from I-2 Heavy Industrial District to R-1 Single-Family Residential District

Clerk Block noted that Mrs. Voelker had just arrived to the meeting virtually. Mr. Hixenbaugh stated the record would reflect that Mrs. Voelker was participating remotely, meaning there would be a vote on all items.

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

PROPOSED ORDINANCE NO. 2023-17

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

**Annex & Establish Zoning as C-1 General Commercial District – 15793 E. University Dr.
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2023-18

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

**Rezone from I-2 Heavy Light Industrial to R-1 Single Family Residential to match existing
use – 2027 E. Lasalle
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2023-19

**AN ORDINANCE TRANSFERRING FUNDS FROM THE MOTOR VEHICLE
HIGHWAY RESTRICTED FUND OF THE CITY OF MISHAWAKA TO THE LOCAL
ROAD & BRIDGE MATCHING GRANT FUND OF THE CITY OF MISHAWAKA FOR
THE CALENDAR YEAR ENDING DECEMBER 31, 2023 AND AN ORDINANCE
APPROPRIATING ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31,
2023**

**Transfer: MVHR to Local Bridge & Road Matching Grant Fund - \$774,648.49 AND
Additional Appropriation: Local Road & Bridge Matching Grant Fund - \$1,549,297.00
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2023-20

**AN ORDINANCE AMENDING CHAPTER 5811 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**

**Amending Ordinance 5811 Civil City Salary Ordinance
(Assigned to Budget & Finance Committee)**

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

RESOLUTION R2023-10

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: 17018 STATE ROAD 23 Fiscal Plan for Annexation of 17018 State Road 23

Ken Prince, Director of Planning and Community Development, spoke in favor of **RESOLUTION R2023-10**. Mr. Prince stated that evening, they had two annexation fiscal plans on their agenda and these were very small annexations, with one being on State Road 23 and the other already had the frontage on McKinley in the city and just had to do with the back portion of the property. Mr. Prince stated as required by Indiana Code, they had to prepare a fiscal plan identifying that they provided services as part of every annexation. Mr. Prince stated as part of that process, they distributed the request to every department and each department identified they could provide service within their respective existing budget. Mr. Prince stated the contiguity requirement had been met and it was a 1.29 acre parcel and it was 28% contiguous to the city. Mr. Prince stated this was adjacent to the All Secure Self Storage units that had been proposed. Mr. Prince stated he was happy to answer any questions.

Tim McCollough, McCollough Scholten Construction 2112 Aeroplex Drive Elkhart, IN, spoke in favor of **RESOLUTION R2023-10**. Mr. McCollough stated he was representing All Secure Self Storage that evening and they were asking for annexation and change of zoning for future commercial development.

Steve Ruby, Abonmarche Consulting, spoke in favor of **RESOLUTION R2023-10**. Mr. Ruby stated he was representing the petitioners and as Mr. Prince mentioned, this was contiguous to the property and also in the area for the city's services and it was the back portion of the site that would be annexed into the city.

Question was called for at 7:09PM for **RESOLUTION R2023-10**. **Motion carried by unanimous roll call vote (summary: Yes = 9).**

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

RESOLUTION R2023-11

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: 2014 E. MCKINLEY AVE Fiscal Plan for Annexation of 2014 E. McKinley Ave.

Ken Prince, Director of Planning and Community Development, spoke in favor of **RESOLUTION R2023-10**. Mr. Prince apologized for having Mr. Ruby speak under the previous resolution as this resolution was the matter he was involved in. Mr. Prince stated with

that, he would not repeat what he just said and that the parcel was 1.82 acres and was 50% contiguous to the city. Mr. Prince stated he was happy to answer any questions.

Steve Ruby, Abonmarche Consulting, spoke in favor of **RESOLUTION R2023-11**. Mr. Ruby clarified that his matter was for the annexation at this address and apologized for the mistake. Mr. Hixenbaugh thanked Mr. Ruby.

Question was called for at 7:12PM for **RESOLUTION R2023-11. Motion carried by unanimous roll call vote (summary: Yes = 9).**

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

RESOLUTION R2023-12

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AMENDING RESOLUTION R2023-03 WHICH ADOPTED A PLAN FOR DISTRIBUTION OF THE PROCEEDS OF THE CITY OF MISHAWAKA'S GRANT FROM THE AMERICAN RESCUE PLAN ACT OF 2021 Amending Resolution No. 2023-03 American Rescue Plan Act

Becky Maguire, City Controller, spoke in favor of **RESOLUTION R2023-12**. Mrs. Maguire stated previously, they had a project approved for \$5.5 million in ARPA funds, West Street Phase 3B, and this project came in under-bid, so Engineering and the city would like to take the difference, \$900,000, and use it towards another project along the same lines. Mrs. Maguire stated this would be for CSO 23A which involved the long-term control plan. Mrs. Maguire stated this would be for the full length of Manor Drive and Manchester Drive north of Lincolnway East and the project included extensive water main replacement with upsizing water main diameter and moving for fire capacity as well as led service replacement, new storm sewer including sewer separation with reconfiguration of CSO 23A, sanitary lateral replacement, new concrete curb and gutter, new ADA ramps and sidewalk and pulled out pavement replacement.

Mr. Mammolenti asked what the total cost of the project was and what the additional money would cover. Mrs. Maguire stated she did not know the full cost but it was more than the \$900,000 and they were just using the remaining money from the \$5.5 million from ARPA.

Question was called for at 7:15PM for **RESOLUTION R2023-12. Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, 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. 2023-13

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

**Annexing and Establishing Zoning as C-1 General Commercial District – 17018 State Rd.
23 (West of 5996 State Rd. 23)**

VOTE ONLY

Mr. Mammolenti reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Clerk Block polled the council on the Committee Report. Voting began at 7:16PM. **Motion carried by unanimous roll call vote (summary: Yes = 9).**

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

Mr. Hixenbaugh stated given that this was an annexation and pursuant to state law they held the statutorily required public hearing at their last council meeting, at that point the floor was opened for any questions or comments from the council.

Question was called for at 7:17PM for **PROPOSED ORDINANCE NO. 2023-13. Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5838.**

PROPOSED ORDINANCE NO. 2023-14

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

Annex and Rezone portions of I-1 Light Industrial – Property East of 2014 E. McKinley

VOTE ONLY

Mr. Bellovich reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Clerk Block polled the council on the Committee Report. Voting began at 7:18PM. **Motion carried by unanimous roll call vote (summary: Yes = 9).**

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

Mr. Hixenbaugh stated given that this was an annexation and pursuant to state law they held the statutorily required public hearing at their last council meeting, at that point the floor was opened for any questions or comments from the council.

Question was called for at 7:19PM for **PROPOSED ORDINANCE NO. 2023-14. Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5839.**

PROPOSED ORDINANCE NO. 2023-16

AN ORDINANCE REESTABLISHING A CUMULATIVE CAPITAL DEVELOPMENT FUND

Mr. Emmons reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Clerk Block polled the council on the Committee Report. Voting began at 7:20PM. **Motion carried by unanimous roll call vote (summary: Yes = 9).**

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

Becky Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE 2023-16.** Mrs. Maguire thanked the Council for having a special meeting for first reading to make this possible for that month and meet their statutory deadlines. Mrs. Maguire stated the Cumulative Capital Development Fund had a max rate of .05 and it trended down year to year and occasionally needed to be reestablished to earn that max rate. Mrs. Maguire stated she was asking for approval for a modest increase to move from .045 to .05 and she was told by the state that the trending would no longer happen, so hopefully this would be the last time she would have to come forward on this item. Mrs. Maguire stated this fund provided the budget for their IT Department and as they knew, the budget needed to increase periodically every year, because of different items the IT Department had to pay for. Mrs. Maguire stated since it was a tax increase, it was estimated that a homeowner whose home was assessed at approximately \$200,000 would see their tax bill increase a modest \$5 per year.

Question was called for at 7:23PM for **PROPOSED ORDINANCE NO. 2023-16. Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5839.**

PRIVILEGE OF THE FLOOR

Connie Johnson, 1719 Panama Street, spoke under PRIVILEGE OF THE FLOOR. Mrs. Johnson wanted to thank the councilmembers that were at the Southwest Little League meeting last

Thursday night and she heard a lot of the neighbors saying how much they appreciated them coming down. Mrs. Johnson thanked the Council for being there and for providing the information that they did.

UNFINISHED BUSINESS

PROPOSED ORDINANCE NO. 2023-10

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA AMENDING TITLE III, CHAPTER 34 OF THE MISHAWAKA MUNICIPAL CODE

Amending the Municipal Code Personnel Policies – Call to Active Military Duty

Mr. Hazen made a motion to postpone **PROPOSED ORDINANCE NO. 2023-10** to the June 19th regularly scheduled council meeting. Mr. Bellovich seconded the motion, thus Clerk Block polled the council on Mr. Hazen's motion.

Clerk Block polled the council on the motion. Voting began at 7:26PM. **Motion carried by unanimous roll call vote (summary: Yes = 9).**

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

NEW BUSINESS

Mr. Mammolenti made a brief reminder that the monthly Twin Branch Neighborhood Watch meeting would take place Wednesday May 17th at 7PM at Fire Station #4 on Harrison Road. Mr. Mammolenti stated Mayor Wood, as he did every year, would be giving his State of the City Address and Barnaby's pizza would be served,

Mr. Emmons announced the West End Neighborhood meeting for May was postponed and they would meet again in June on the third Thursday and at that meeting, Pete DeKever would be talking about the history of Mishawaka.

ADJOURNMENT 7:27PM

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

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

DATE: 4/19/23

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

P-23-11
Received
MAY 11 2023
Planning and
Community Development

RE: PETITION TO REZONE

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

40 ft North end Lot 57 GWR Fowlers 1st
Commonly known as 712 Division

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 Single Family District. Said property has had two units since 1949.

Petitioner(s) desire said real estate to be rezoned to R-2 Two-Family District. Petitioner(s) further state that they intend to utilize said land for continued 2 units after a fire.

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 rezoning the above described parcel of land located in the City of Mishawaka.



Typewritten name also: Danial Williams, Manager RWP Investments, LLC

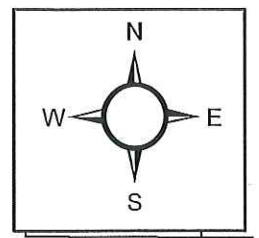
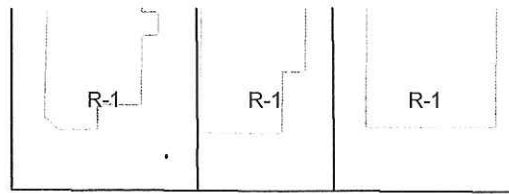
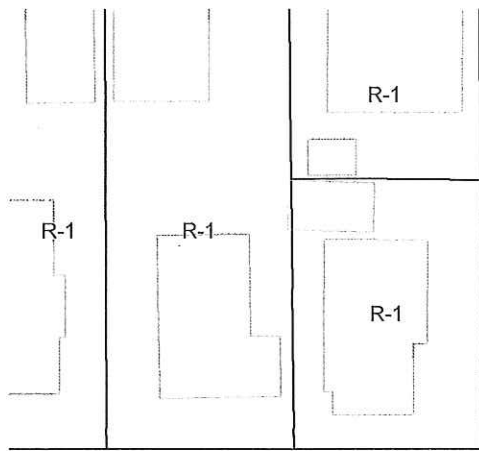
CONTACT PERSON:

Lee A. Clark
Email: lee@empiremichiana.com
Office: 574.217.8468
Cell: 574.707.5052
Mailing: P.O. Box 8318
South Bend, IN 46660
Office: 2537 Grape Rd.
Mishawaka, IN 46545

Deborah S. Block, IAMC, MMC

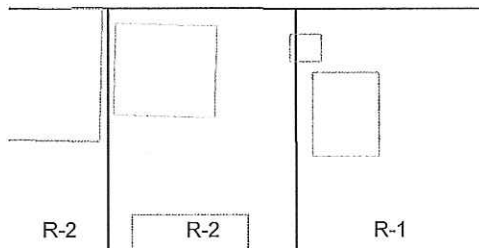
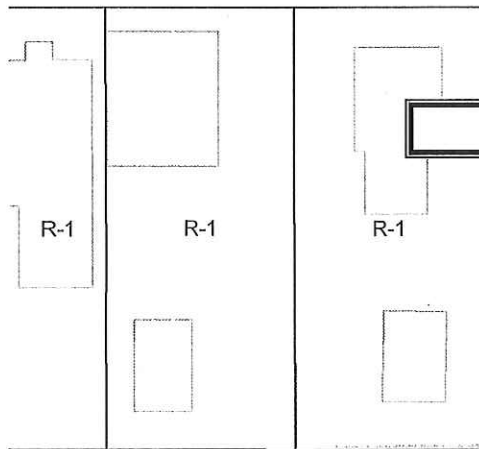
JUN 01 2023

City Clerk
Mishawaka, IN



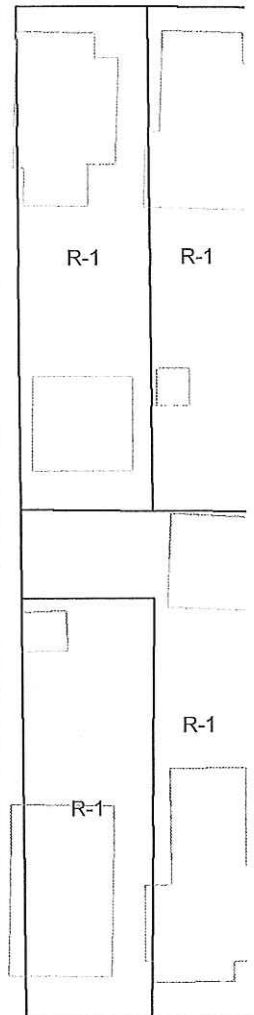
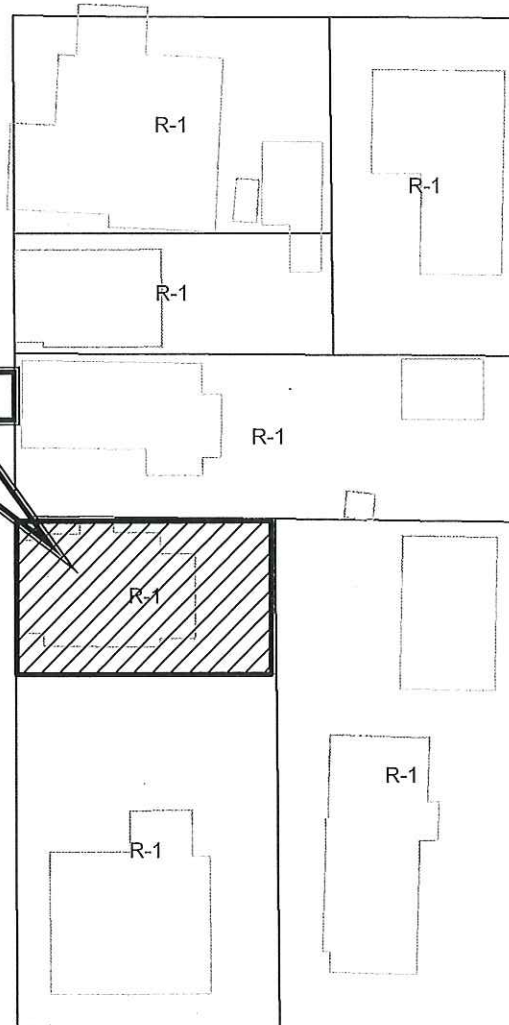
E LAWRENCE ST

E LAWRENCE ST



PET 23-11

DIVISION ST



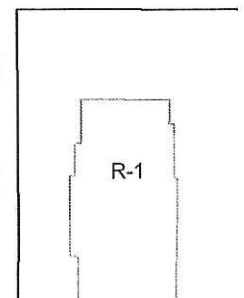
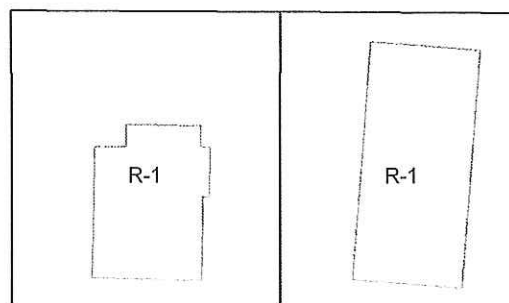
E GROVE ST

Location Map

PET 23-11

OWNER: RWP INVESTMENT LLC
LOCATION: 712 DIVISION

REZONING FROM
R-1 SINGLE FAMILY RESIDENTIAL
TO R-2 TWO FAMILY RESIDENTIAL
TO MATCH EXISTING USE
AS A DUPLEX



DATE: 5/18/23

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

PM 23-12

Received

MAY 24 2023

Planning and
Community Development

RE: PETITION TO REZONE

The undersigned City of Mishawaka 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:

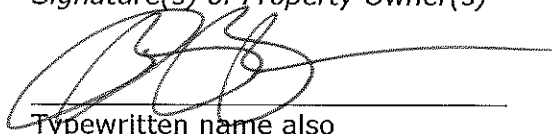
Lots 28-30 Barbee's Sub
Located west of and adjacent to 600 E Third

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-1 Extensive Open Space District. Said property is excess *landscaping next to former City Hall building.*

Petitioner(s) desire said real estate to be rezoned to C-3 City Center Commercial District. Petitioner(s) further state that they intend to utilize said land for sale to the United Way to provide services to the community.

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 rezoning the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)



Typewritten name also

Deborah S. Block, IAMC, MMC

JUN 01 2023

City Clerk
Mishawaka, IN

CONTACT PERSON:

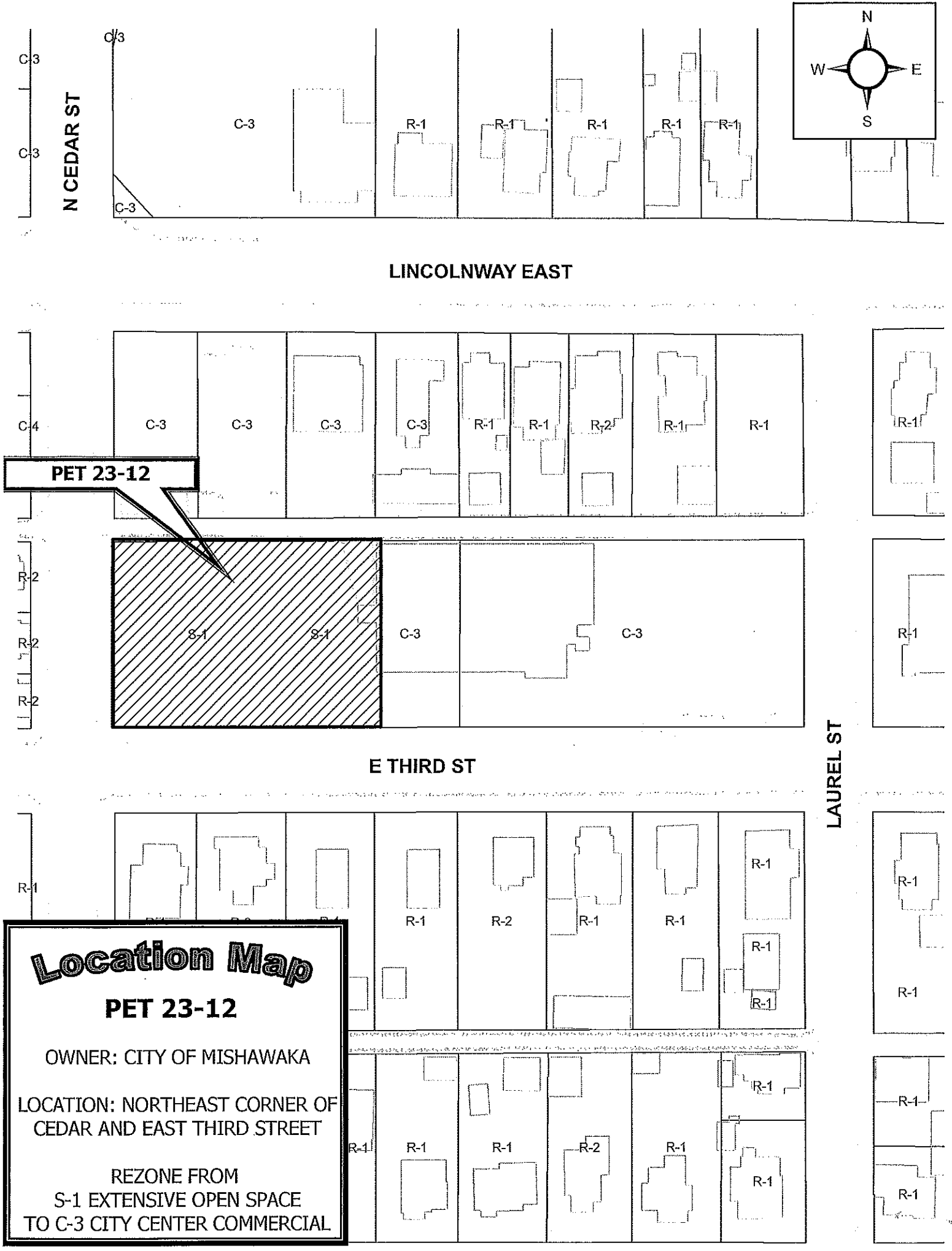
NAME: KEN PRINCE

ADDRESS: 100 LWW

PHONE NUMBER: 574-258-1625

FAX: 574-968-6999

EMAIL: KPRINCE@MISHAWAKA.IN.GOV



May 15th 2023

Honorable Members of the Common Council
City of Mishawaka, Indiana

Mishawaka City Plan Commission
City of Mishawaka, Indiana

P65 23-13

Received

MAY 25 2023

Planning and
Community Development

RE: Storage of America Petition for Annexation and Zoning Classification I-1 Light Industrial District
19.38 Acres Part of the NE ¼ of Section 22, Township 37 N & Range 3 East,
Penn Township, St. Joseph County, Indiana

The undersigned (Storage of America, LLC & Byrkit Property Group, LLC) respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

19.38 Acres Part of the NE ¼ of Section 22, Township 37 N & Range 3 East, Penn Township, St. Joseph County, Indiana and more commonly described as ¼-mile south of the intersection of S. Byrkit Avenue (Fir Road) and E. 12th Avenue in Mishawaka, Indiana . (SEE ATTACHED)

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located in Penn township, St. Joseph County, Indiana and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a **I-1 Light Industrial District**. Petitioners further state they intend to utilize said land for (state intended use). *SELF STORAGE*

Accompanying this petition is an ALTA Survey and Proposed Site Plan depicting the above-described parcel of real estate and the proposed buildings, layout of buildings and related site improvements associated with the Storage Facility.

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, 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 annexing the above-described parcel of real estate to the City of Mishawaka with a **I-1 Light Industrial District**.


Property Owner Signature

THOMAS M. FITZPATRICK, V.P. Developer Storage of America
Print Property Owner Name

Contact Person: **Mr. Tom Fitzpatrick, PE**

Company **Storage of America**
Address 1201 E. 5th Street, Anderson, IN 46012
Phone (616) 209.2162
Email tfitzpatrick@storageofamerica.com

Deborah S. Block, MMC, MMC

JUN 01 2023

City Clerk
Mishawaka, IN

LEGAL DESCRIPTION:

OUTLOT "A" AS SHOWN ON THE RECORD PLAT OF BRYKIT STREET MINOR SUBDMSION, RECORDED AUGUST 16, 1985 AS INSTRUMENT NUMBER 8517188 IN THE OFFICE OF THE RECORDER OF SAINT JOSEPH COUNTY, INDIANA.

INCLUDING THE ADJACENT BYRKIT AVENUE (FIR ROAD) PUBLIC RIGHT-OF-WAY.

PROPOSED SITE PLAN

CALL JULIE BEFORE YOU DIG
(800)892-0123 OR 811

NO.	REVISIONS	DESCRIPTION	DATE

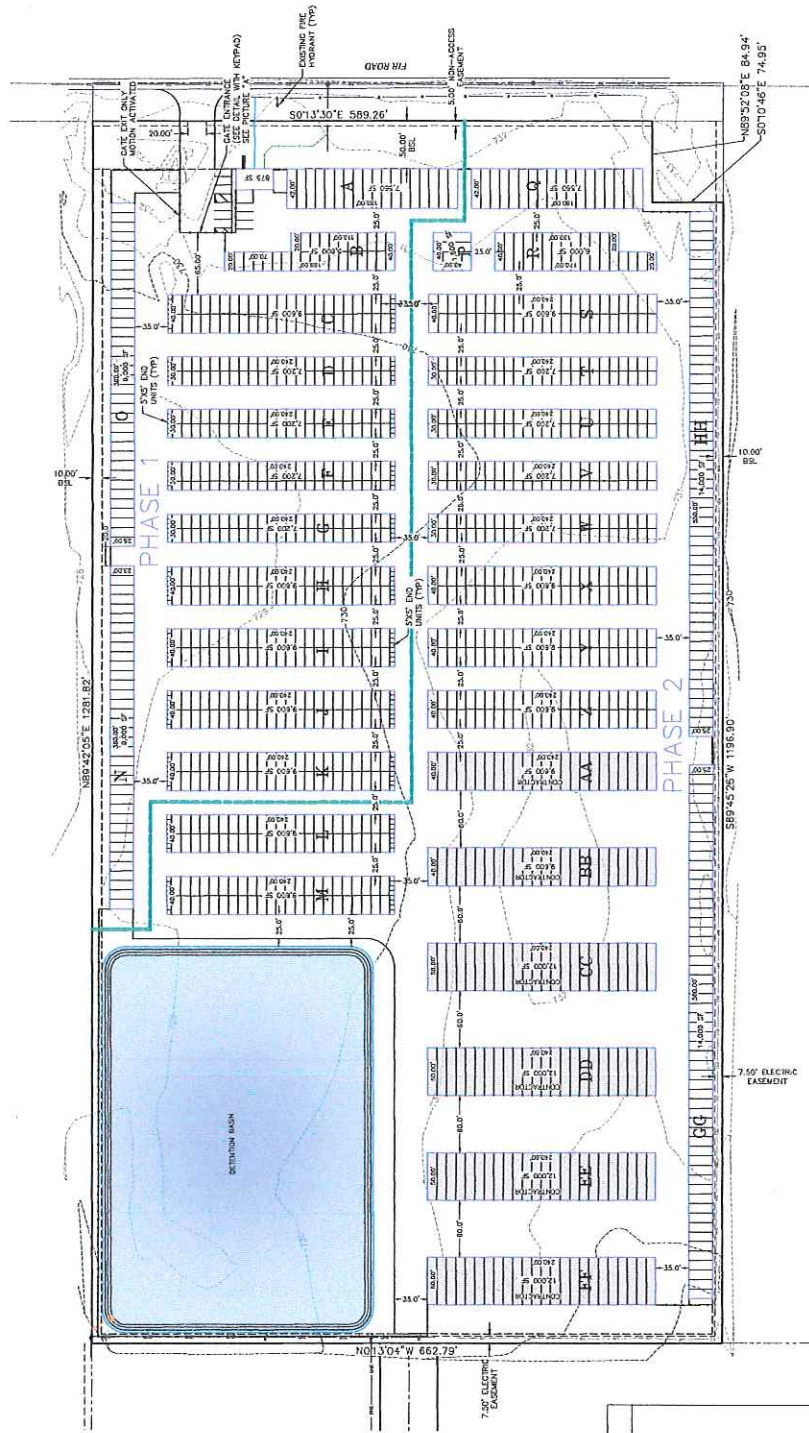
Landmark
ENGINEERING GROUP
CIVIL, ENGINEERING AND LAND SURVEYING
10000 N. 100TH AVE., SUITE 4
MISHAWAKA, IN 46340
(219) 222-1704



PROPOSED SITE PLAN
STORAGE OF AMERICA
MISHAWAKA, INDIANA

C2

01-22-1704



- NOTE:
1. NO OUTSIDE STORAGE OF RV'S OR BOATS
 2. EXTERIOR LANDSCAPING PER CITY ZONE 2 ORDINANCE
 3. WALL PACK LIGHTS ON ALL EXTERIOR WALLS
 4. TOTAL LEASE AREA = 302,270 SF
 5. TOTAL LEASE AREA OF PHASE 1 = 108,160 SF
 6. TOTAL LEASE AREA OF PHASE 2 = 194,110 SF

PHASE 1
STORAGE SF = 108,160
PHASE 2
STORAGE SF = 128,310
CONTRACTOR SF = 94,500
TOTAL = 302,270 SF

**PRELIMINARY - NOT
FOR CONSTRUCTION**

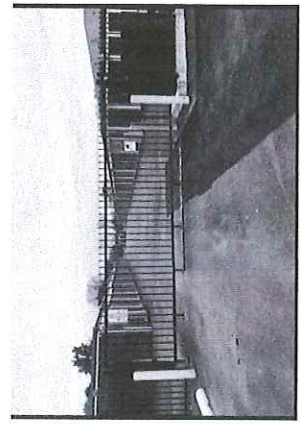
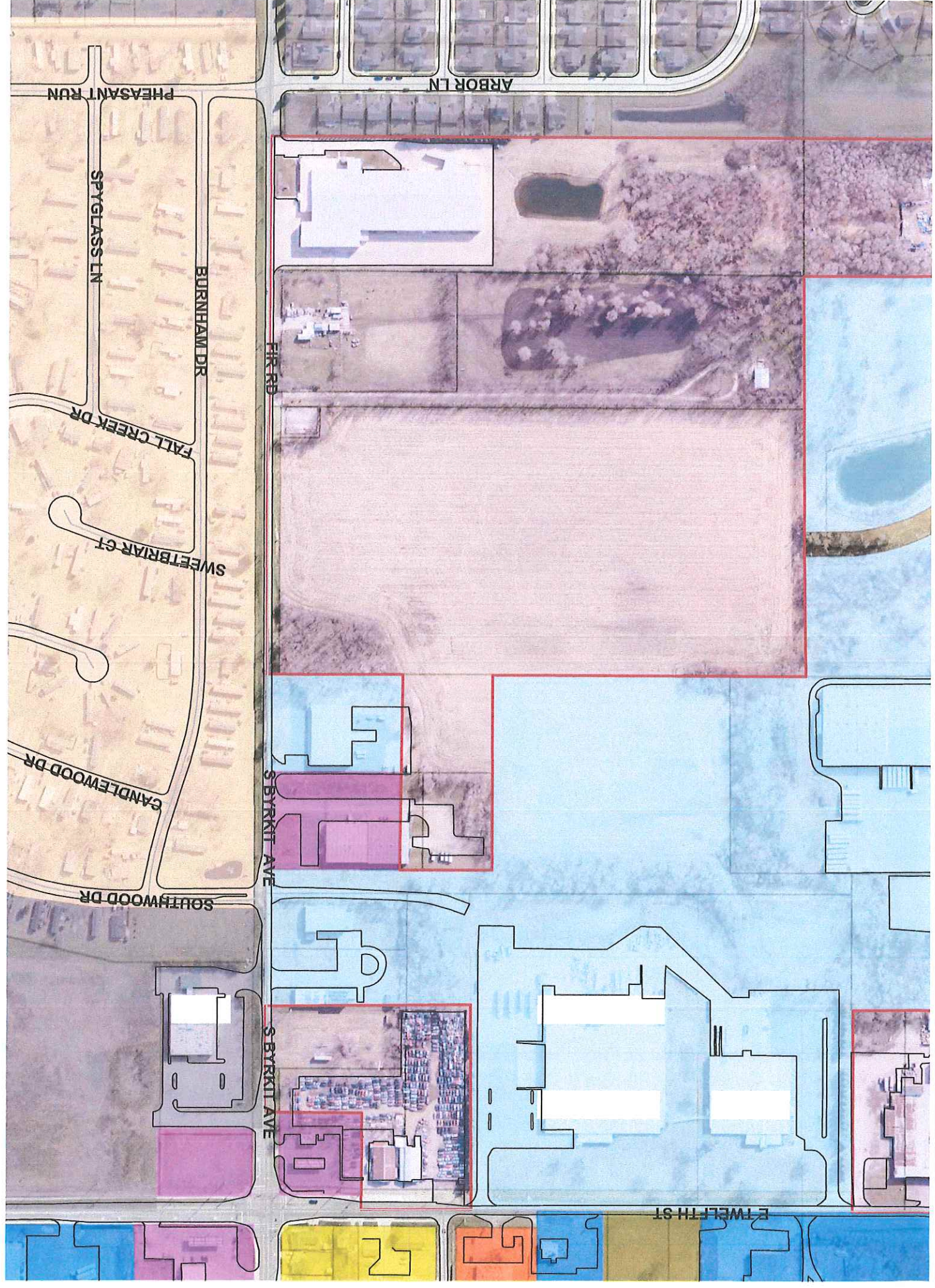


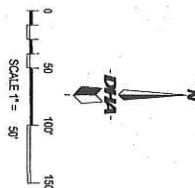
PHOTO "A"

LEGEND

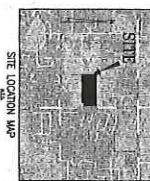
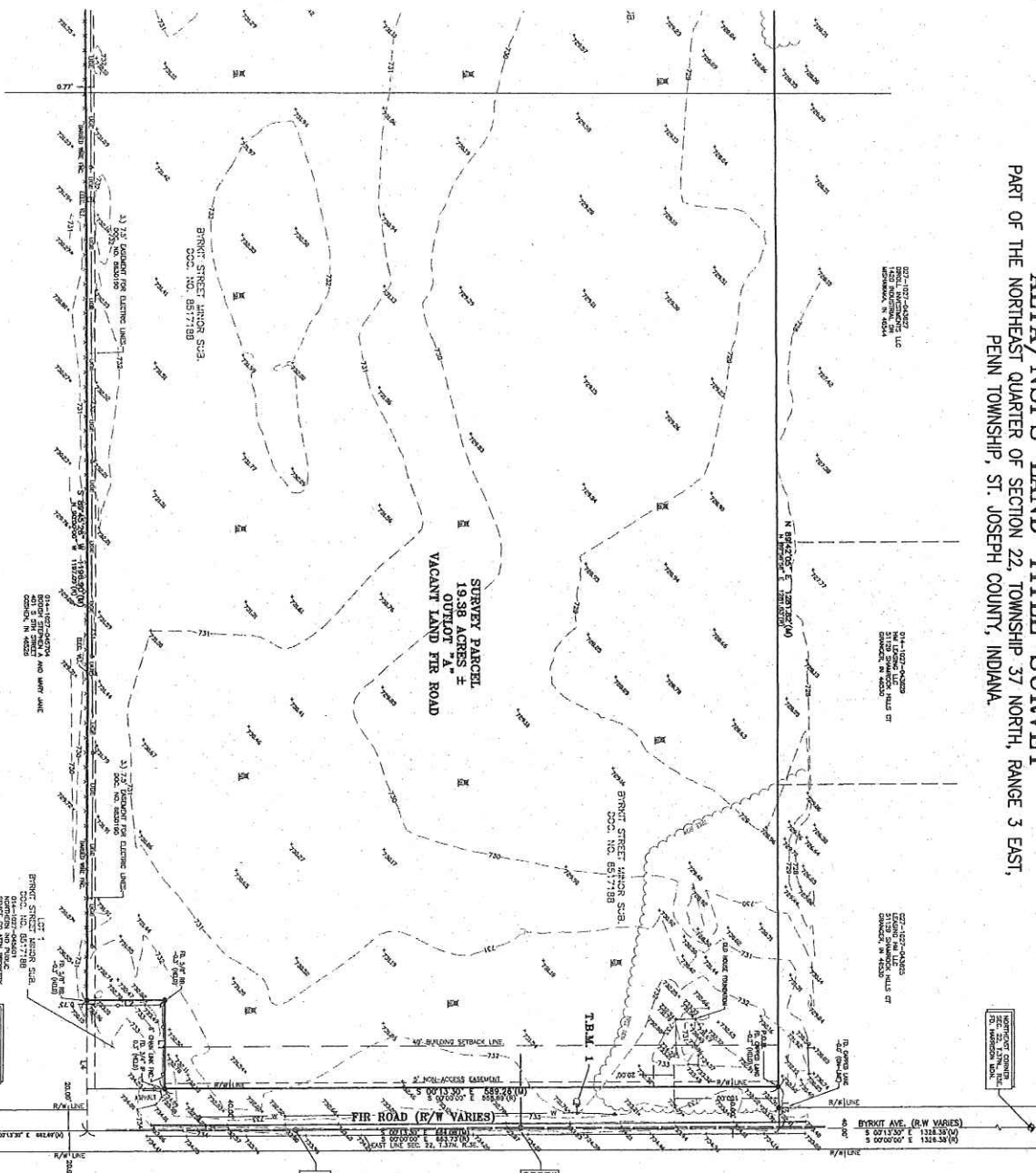
- FOUND IRON ROD
- SET 1/2" IRON ROD
- W/RED PLASTIC CAP #18440
- PROPERTY LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- EXISTING CURB AND GUTTER
- EXISTING WATERMAN
- EXISTING FIRE HYDRANT
- PROPOSED WATER LINE
- PROPOSED FIRE HYDRANT
- PROPOSED CURB BOX
- PROPOSED TIES
- EXISTING WATER VALVE
- EXISTING STORM INLET
- EXISTING CATCH BASIN
- EXISTING STORM MANHOLE
- EXISTING SANITARY SEWER
- EXISTING SANITARY MANHOLE
- EXISTING OVERHEAD ELEC. LINE
- EXISTING TELEPHONE LINE
- EXISTING UNDERGROUND
- EXISTING UNDERGROUND MEDIA/FIBER OPTICS LINE
- GAS LINE
- EXISTING TELEPHONE PEDESTAL
- EXISTING TELEPHONE PEDESTAL
- EXISTING LIGHT POLE
- EXISTING POWER POLE

LANDMARK ENGINEERING GROUP, INC.
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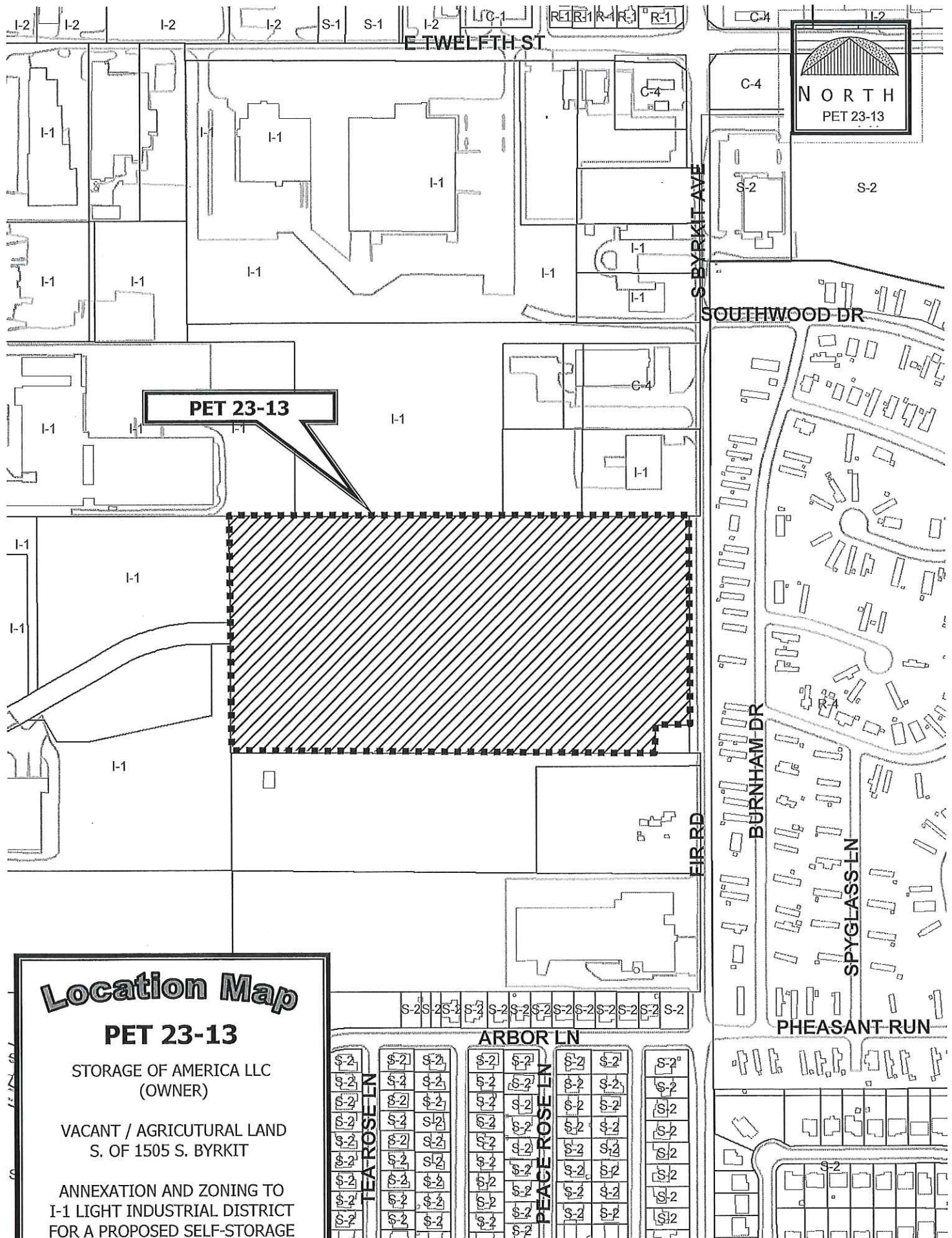




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DATE		DRAWN BY:		REVISIONS	
2/9/23		SCALE	ORDERED BY:	DATE	BY
1" = 30'		MJD			
FILE #		PROJ. NUMBER			
2202953		SKM			



Ref 23-14

DATE:

TO THE:

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

RE: Petition for Annexation and Zoning Classification

This is not a fill in form. It is to be
used merely as a guide in preparing
your petition.

Deborah S. Block, IAMC. MM

JUN 01 2023

City Clerk
Mishawaka, IN

The undersigned 1500 McKinley LLC respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

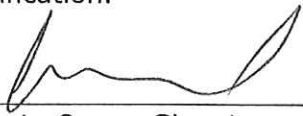
PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 395.98 FEET; THENCE WEST 310.93 FEET TO A POINT WHICH IS 396 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 3 (SAID POINT ALSO BEING ON THE EAST LINE OF MAPLEHURST STREET); THENCE SOUTH ALONG THE EAST LINE OF SAID MAPLEHURST STREET 396 FEET TO THE SOUTH LINE; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 3, 311.14 FEET TO THE PLACE OF BEGINNING, EXCEPTING THE SOUTH 110'.

Petitioners own One Hundred (100%) percent of the above-described parcel of land located in the State of Indiana and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a C-4 Zoning District. Petitioners further state they intend to utilize said land for construction of individual storage units.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, 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 annexing the above-described parcel of real estate to the City of Mishawaka with a C-4 zoning classification.



Property Owner Signature

STOYAN STOYANOV
PRINT - Stoyan Stoyanov - Member

5-23-2023

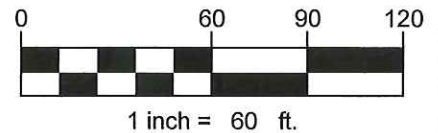
DATE

CONTACT PERSON:

Stoyan Stoyanov
1500 E. McKinley Avenue
Mishawaka, IN 46545
574-329-8909
sales@cars2you.com

J. Bernard Feeney
1405 N. Michigan Street
Plymouth, IN 46563
574-936-3469
bfeeney@gowightman.com

MAPLEHURST AVE.



PROJECT:

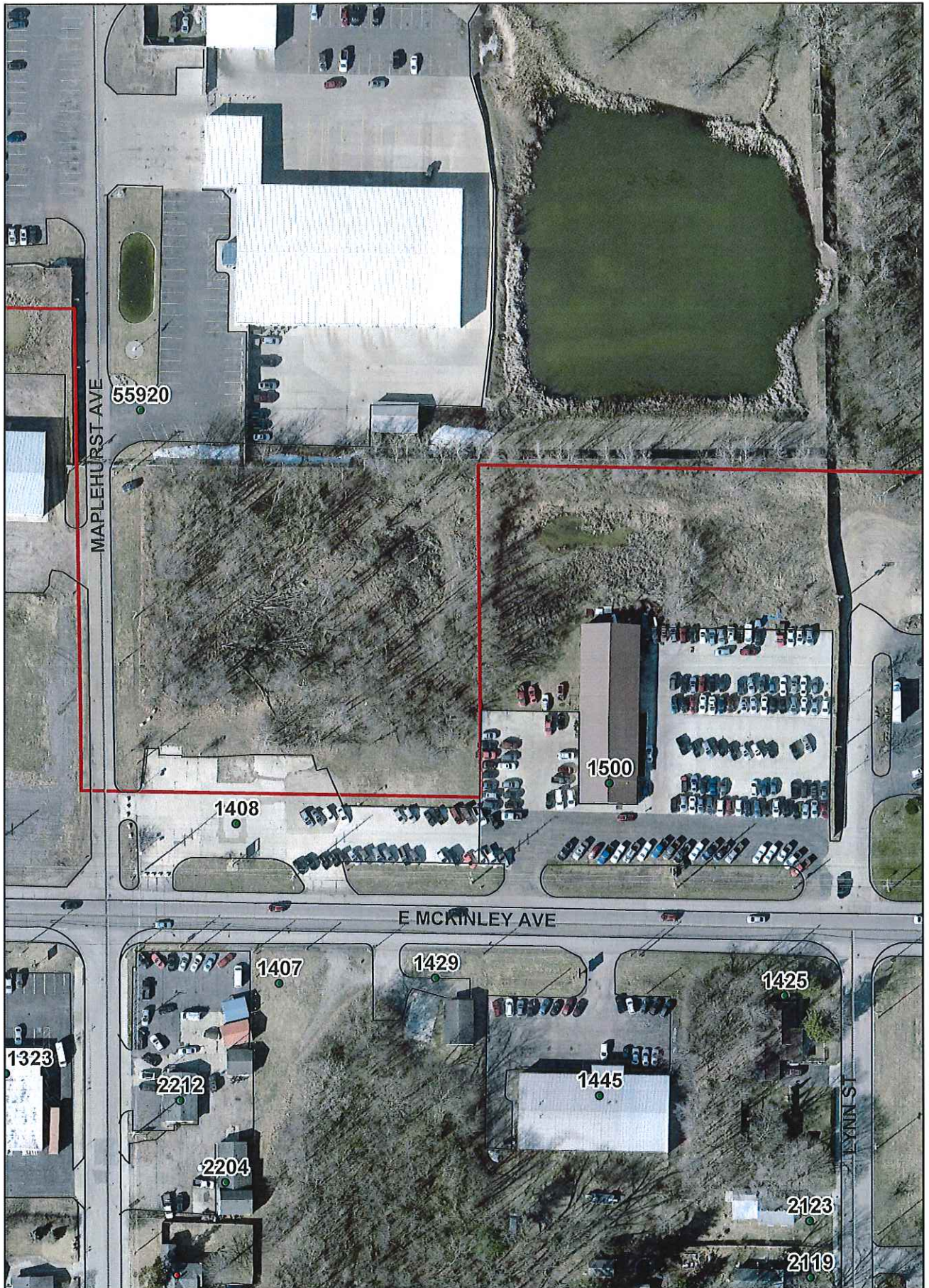
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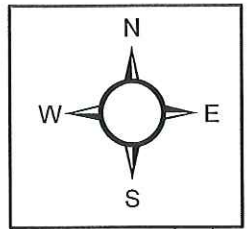
SCALE:

05/01/2023

 $1' = 60''$

10F1





C-1

PET 23-14

EXISTING CITY LIMITS

C-1

C-1

C-1

C-4

C-1

C-4

C-1

E MCKINLEY AVE

C-4

C-4

C-4

C-4

C-1

C-1

I-1

LYNN ST

I-1

I-1

Location Map

PET 23-14

OWNER: 1500 MCKINLEY LLC

LOCATION: 100' NORTH OF THE
NORTHEAST CORNER OF
E MCKINLEY AND MAPLEHURST

ANNEXATION AND REZONING
TO C-4 AUTOMOBILE
ORIENTED COMMERCIAL

R-1

R-1

R-1

R-1

R-1



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Deborah S. Block, IAC, MMC

JUN 01 2023

City Clerk
Mishawaka, IN

Date: June 1, 2023
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: **Presentment of encumbered funds**

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

Please contact me with any questions.

c: David A. Wood

PAGE-1

<u>County</u>	<u>Saint Joseph</u>	<u>Unit Name</u>	<u>Mishawaka</u>
514	2023	71	Date- 05/18/23

<u>County</u>	<u>Saint Joseph</u>	<u>Unit Name</u>	<u>Mishawaka</u>
514 ID	2023 YEAR	71 CO	Date- 05/18/23
			DEPARTMENT
	FUND: GENERAL	01	MAYOR
		100000 PERSONAL SERVICES	
		200000 SUPPLIES	\$786.90
		300000 OTHER SERVICES AND CHARGES	\$1,495.40
		400000 CAPITAL OUTLAY	
		9999 TOTAL	\$2,282.30
	FUND: GENERAL	02	CONTROLLER
		100000 PERSONAL SERVICES	
		200000 SUPPLIES	\$2,149.09
		300000 OTHER SERVICES AND CHARGES	\$7,159.32
		400000 CAPITAL OUTLAY	\$96,493.45
		9999 TOTAL	\$105,800.86
	FUND: GENERAL	03	CLERK
		100000 PERSONAL SERVICES	\$353.84
		200000 SUPPLIES	\$182.20
		300000 OTHER SERVICES AND CHARGES	\$2,909.00
		400000 CAPITAL OUTLAY	
		9999 TOTAL	\$3,444.84
	FUND: GENERAL	04	HUMAN RESOURCES
		100000 PERSONAL SERVICES	\$653.90
		200000 SUPPLIES	
		300000 OTHER SERVICES AND CHARGES	
		400000 CAPITAL OUTLAY	
		9999 TOTAL	\$653.90
	FUND: GENERAL	05	INFORMATION TECHNOLOGY
		100000 PERSONAL SERVICES	
		200000 SUPPLIES	\$75.65
		300000 OTHER SERVICES AND CHARGES	
		400000 CAPITAL OUTLAY	
		9999 TOTAL	\$75.65
	FUND: GENERAL	07	CITY COUNCIL
		100000 PERSONAL SERVICES	
		200000 SUPPLIES	\$27.18
		300000 OTHER SERVICES AND CHARGES	\$270.06
		400000 CAPITAL OUTLAY	
		9999 TOTAL	\$297.24

PAGE-3

County	Saint Joseph	Unit Name	Mishawaka
514	2023	71	Date- 05/18/23
ID	YEAR	CO	

LAW

06

200000	SUPPLIES
--------	----------

300000	OTHER SERVICES AND CHARGES
--------	----------------------------

\$2,323.70

400000	CAPITAL OUTLAY
--------	----------------

9999	TOTAL
------	-------

\$2,323.70

14

100000	PERSONAL SERVICES
--------	-------------------

200000	SUPPLIES
--------	----------

300000	OTHER SERVICES AND CHARGES
--------	----------------------------

400000	CAPITAL OUTLAY
--------	----------------

9999	TOTAL
------	-------

\$0.00

28

REDEVELOPMENT

100000	PERSONAL SERVICES
--------	-------------------

200000	SUPPLIES
--------	----------

300000	OTHER SERVICES AND CHARGES
--------	----------------------------

400000	CAPITAL OUTLAY
--------	----------------

9999	TOTAL
------	-------

\$0.00

FUND: GENERAL	
----------------------	--

100000	PERSONAL SERVICES
--------	-------------------

\$148,763.35

200000	SUPPLIES
--------	----------

\$115,735.72

300000	OTHER SERVICES AND CHARGES
--------	----------------------------

\$238,321.46

400000	CAPITAL OUTLAY
--------	----------------

\$96,493.45

9999	TOTAL
------	-------

\$599,313.98

ENCUMBRANCES PAGE-6

The following appropriations which have been encumbered (carried forward by contract or purchase order) by this unit from the 2022 budget Year to the 2023 Budget year, identified by Fund, Department or Function, and by Major Budget classification as applicable.		
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<u>County</u>	<u>Saint Joseph</u>	<u>Unit Name</u>	<u>Mishawaka</u>
514 ID	2023 YEAR	71 CO	Date- 06/18/23
	FUND:	POLICE PENSION	
	703	100000 PERSONAL SERVICES	
		200000 SUPPLIES	
		300000 OTHER SERVICES AND CHARGES	
		400000 CAPITAL OUTLAY	
		9999 TOTAL	\$0.00
	TOTALS:		
		100000 PERSONAL SERVICES	\$272,738.31
		200000 SUPPLIES	\$230,419.78
		300000 OTHER SERVICES AND CHARGES	\$659,410.42
		400000 CAPITAL OUTLAY	\$2,087,135.00
		9999 TOTAL	\$3,249,703.51



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Deborah S. Block, AMC, MMC

JUN 01 2023

City Clerk
Mishawaka, IN

Date: June 1, 2023
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: **Presentment of the Annual Operational Report for Local Roads and Streets and Bridges**

Indiana Code 8-17-4.1-7 requires this report to be filed with the governing body annually. This report has been prepared by the Street Department with input and review from Engineering and Finance.

Please contact me with any questions.

c: David A. Wood
Chris Jamrose
Tim Ryan

ST. JOSEPH COUNTY, INDIANA

CITY OF **MISHAWAKA**
(For City or Town Reports) *(Name of Unit)*
(City and Town Form 225 Only)

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES
(IC 8-17-4.1)

FOR THE YEAR ENDED
December 31, 2022

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 1 Financial Statement

Section 1 - Financial Statement	Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge
Cash - January 1	\$1,531,729.95	\$306,814.26	\$1,066,366.50	
Receipts				
Operating Receipts				
Taxes	\$2,504,324.30	\$0.00	\$0.00	\$0.00
Intergovernmental	\$1,182,307.12	\$1,058,293.49	\$929,131.56	\$0.00
Charges for Services	\$0.00	\$0.00	\$0.00	\$0.00
Other Operating Receipts	\$12,214.94	\$0.00	\$26,200.00	\$0.00
Total Operating Receipts	\$3,698,846.36	\$1,058,293.49	\$955,331.56	\$0.00
Other Financing Sources				
Bond Proceeds	\$0.00	\$0.00	\$0.00	\$0.00
Note/Loan Proceeds	\$0.00	\$0.00	\$0.00	\$0.00
Interfund Loan Proceeds	\$0.00	\$0.00	\$0.00	\$0.00
Investments Matured or Sold	\$0.00	\$0.00	\$0.00	\$0.00
Transfers In	\$0.00	\$539,053.54	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
Total Receipts	\$3,698,846.36	\$1,597,347.03	\$955,331.56	\$0.00
Disbursements				
Operating Disbursements				
General Administration & Unallocated	\$2,505,143.67	\$0.00	\$0.00	\$0.00
Construction, Reconstruction & Preservation	\$524,820.00	\$1,514,233.69	\$459,791.68	\$0.00
Maintenance & Repair	\$0.00	\$0.00	\$751,397.43	\$0.00
Total Operating Disbursements	\$3,029,963.67	\$1,514,233.69	\$1,211,189.11	\$0.00
Other Financing Sources				
Debt Service - Principal	\$0.00	\$0.00	\$0.00	\$0.00
Debt Service - Interest	\$0.00	\$0.00	\$0.00	\$0.00
Interfund Loan Payments	\$0.00	\$0.00	\$0.00	\$0.00
Interfund Loans Made	\$0.00	\$0.00	\$0.00	\$0.00
Investments Purchased	\$0.00	\$0.00	\$0.00	\$0.00
Transfers Out	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
Total Disbursements	\$3,029,963.67	\$1,514,233.69	\$1,211,189.11	\$0.00
Excess				
Over (Under) Total Disbursements	\$668,882.69	\$83,113.34	-\$255,857.55	\$0.00
Cash - December 31	\$2,200,612.64	\$389,927.60	\$810,508.95	\$0.00
Investments - December 31				
Cash and Investments - December 31	\$2,200,612.64	\$389,927.60	\$810,508.95	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 1 Financial Statement

Total Common Funds	Other Funds	Total All Funds
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\$2,904,910.71		
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\$2,504,324.30	\$1,348,724.95	\$3,853,049.25
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\$3,169,732.17	\$0.00	\$3,169,732.17
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\$0.00	\$0.00	\$0.00
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\$38,414.94	\$0.00	\$38,414.94
-------------	--------	-------------

<u>\$5,712,471.41</u>	<u>\$1,348,724.95</u>	<u>\$7,061,196.36</u>
-----------------------	-----------------------	-----------------------

\$0.00	\$0.00	\$0.00
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\$0.00	\$0.00	\$0.00
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\$0.00	\$0.00	\$0.00
--------	--------	--------

\$0.00	\$0.00	\$0.00
--------	--------	--------

\$539,053.54	\$0.00	\$539,053.54
--------------	--------	--------------

\$0.00	\$0.00	\$0.00
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<u>\$6,251,524.95</u>	<u>\$1,348,724.95</u>	<u>\$7,600,249.90</u>
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\$2,505,143.67	\$585,057.81	\$3,090,201.48
----------------	--------------	----------------

\$2,498,845.37	\$171,457.85	\$2,670,303.22
----------------	--------------	----------------

\$751,397.43	\$592,209.29	\$1,343,606.72
--------------	--------------	----------------

<u>\$5,755,386.47</u>	<u>\$1,348,724.95</u>	<u>\$7,104,111.42</u>
-----------------------	-----------------------	-----------------------

\$0.00	\$0.00	\$0.00
--------	--------	--------

\$0.00	\$0.00	\$0.00
--------	--------	--------

\$0.00	\$0.00	\$0.00
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\$0.00	\$0.00	\$0.00
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\$0.00	\$0.00	\$0.00
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\$0.00	\$0.00	\$0.00
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\$0.00	\$0.00	\$0.00
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<u>\$5,755,386.47</u>	<u>\$1,348,724.95</u>	<u>\$7,104,111.42</u>
-----------------------	-----------------------	-----------------------

\$496,138.48

\$3,401,049.19

\$3,401,049.19

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 2 Receipts

Section 2 - Detail of Receipts

Receipts	Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge	Other Funds	Total All Funds	CREDIT	(Insert Other Fund)	(Insert Other Fund)	(Insert Other Fund)
Taxes										
General Property Taxes	\$1,625,545.08				\$0.00	\$1,625,545.08				
LIT - Certified Shares					\$0.00	\$0.00				
LIT - Economic Development Income Tax					\$1,348,724.95	\$1,348,724.95	\$1,348,724.95			
Wheel and Sur Tax	\$878,779.22				\$0.00	\$878,779.22				
Other Taxes					\$0.00	\$0.00				
Total Taxes	\$2,504,324.30	\$0.00	\$0.00	\$0.00	\$1,348,724.95	\$3,853,049.25	\$1,348,724.95	\$0.00	\$0.00	\$0.00
Intergovernmental										
Motor Vehicle Highway Distribution	\$1,058,293.46	\$1,058,293.49			\$0.00	\$2,116,586.95				
Local Road and Street Distribution			\$914,146.23		\$0.00	\$914,146.23				
Financial Institution Tax Distribution					\$0.00	\$0.00				
Vehicle/Aircraft Excise Tax Distribution	\$124,013.66				\$0.00	\$124,013.66				
State Grants					\$0.00	\$0.00				
Federal Grants			\$14,985.33		\$0.00	\$14,985.33				
Total Intergovernmental	\$1,182,307.12	\$1,058,293.49	\$929,131.56	\$0.00	\$0.00	\$3,159,732.17	\$0.00	\$0.00	\$0.00	\$0.00
Charges for Services										
Federal State and Local Reimbursement for Services					\$0.00	\$0.00				
Other Charges for Services					\$0.00	\$0.00				
Total Charges for Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other Operating Receipts										
Interest					\$0.00	\$0.00				
Refunds/Reimbursements	\$8,648.39		\$26,200.00		\$0.00	\$34,848.39				
Contributions/Donations					\$0.00	\$0.00				
Transfers from Toll Facilities					\$0.00	\$0.00				
Miscellaneous	\$3,566.55				\$0.00	\$3,566.55				
Total Other Operating Receipts	\$12,214.94	\$0.00	\$26,200.00	\$0.00	\$0.00	\$38,414.94	\$0.00	\$0.00	\$0.00	\$0.00
Other Financing Sources										
Bond Proceeds					\$0.00	\$0.00				
Note/Loan Proceeds					\$0.00	\$0.00				
Interfund Loan Proceeds					\$0.00	\$0.00				
Investments Matured or Sold					\$0.00	\$0.00				
Transfer In		\$539,053.54			\$0.00	\$539,053.54				
Other					\$0.00	\$0.00				
Total Other Financing Sources	\$0.00	\$539,053.54	\$0.00	\$0.00	\$0.00	\$539,053.54	\$0.00	\$0.00	\$0.00	\$0.00
Total Receipts	\$3,698,846.36	\$1,597,347.03	\$955,331.56	\$0.00	\$1,348,724.95	\$7,600,249.90	\$1,348,724.95	\$0.00	\$0.00	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 2 Receipts

Section 2 - Detail of Receipts

Receipts

Taxes

General Property Taxes
LIT - Certified Shares
LIT - Economic Development Income Tax
Wheel and Sur Tax
Other Taxes

Total Taxes

Intergovernmental

Motor Vehicle Highway Distribution
Local Road and Street Distribution
Financial Institution Tax Distribution
Vehicle/Aircraft Excise Tax Distribution
State Grants
Federal Grants
Other Intergovernmental

Total Intergovernmental

Charges for Services

Federal State and Local Reimbursement for Services
Other Charges for Services
Total Charges for Services
Other Operating Receipts

Interest

Refunds/Reimbursements
Contributions/Donations
Transfers from Toll Facilities
Miscellaneous

Total Other Operating Receipts

Other Financing Sources

Bond Proceeds
Note/Loan Proceeds
Interfund Loan Proceeds
Investments Matured or Sold
Transfer In
Other

Total Other Financing Sources

Total Receipts

(Insert Other Fund)	(Insert Other Fund)	(Add columns to the left)
\$0.00	\$0.00	\$0.00

\$0.00	\$0.00	\$0.00

\$0.00	\$0.00	\$0.00

\$0.00	\$0.00	\$0.00

\$0.00	\$0.00	\$0.00

\$0.00	\$0.00	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Page 6 of 10

Part of State Form 54400 (X-2018)

Section 3 Disbursements

**Section 3 - Detail of
Disbursements**

Disbursements

General Administration & Unallocated

Personal Services

Supplies

Other Services and Charges

Capital Outlay

Total General Administration & Unallocated

Construction, Reconstruction & Preservation

Personal Services

Supplies

Other Services and Charges

Capital Outlay

Total Construction, Reconstruction & Preservation

Maintenance and Repair

Winter Operations

Personal Services

Supplies

Other Services and Charges

Capital Outlay

Total Winter Operations

Other Maintenance and Repair

Personal Services

Supplies

Other Services and Charges

Capital Outlay

Total Other Maintenance and Repair

Total Maintenance and Repair

Other Financing Uses

Debt Service - Principal

Debt Service - Interest

Interfund Loan Payments

Interfund Loans Made

Investments Purchased

Transfer Out

Other

Total Other Financing Uses

Total Disbursements

	Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge
Personal Services	\$2,442,971.20			
Supplies	\$33,306.13			
Other Services and Charges	\$28,866.34			
Capital Outlay				
Total General Administration & Unallocated	\$2,505,143.67	\$0.00	\$0.00	\$0.00
Personal Services				
Supplies				
Other Services and Charges				
Capital Outlay	\$524,820.00	\$1,514,233.69	\$459,791.68	
Total Construction, Reconstruction & Preservation	\$524,820.00	\$1,514,233.69	\$459,791.68	\$0.00
Personal Services				
Supplies				
Other Services and Charges				
Capital Outlay			\$444,279.77	
Total Winter Operations	\$0.00	\$0.00	\$444,279.77	\$0.00
Personal Services				
Supplies				
Other Services and Charges				
Capital Outlay			\$307,117.66	
Total Other Maintenance and Repair	\$0.00	\$0.00	\$307,117.66	\$0.00
Total Maintenance and Repair	\$0.00	\$0.00	\$751,397.43	\$0.00
Debt Service - Principal				
Debt Service - Interest				
Interfund Loan Payments				
Interfund Loans Made				
Investments Purchased				
Transfer Out				
Other				
Total Other Financing Uses	\$0.00	\$0.00	\$0.00	\$0.00
Total Disbursements	\$3,029,963.67	\$1,514,233.69	\$1,211,189.11	\$0.00

Section 3 Disbursements

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 3 Disbursements

Section 3 - Detail of Disbursements	Total Other Funds	Total All Funds	CREDIT	(Insert Other Fund)
Disbursements				
General Administration & Unallocated				
Personal Services	\$0.00	\$2,442,971.20		
Supplies	\$121,827.70	\$155,133.83	\$121,827.70	
Other Services and Charges	\$463,230.11	\$492,096.45	\$463,230.11	
Capital Outlay	\$0.00	\$0.00		
Total General Administration & Unallocated	\$585,057.81	\$3,090,201.48	\$585,057.81	\$0.00
Construction, Reconstruction & Preservation				
Personal Services	\$0.00	\$0.00		
Supplies	\$171,457.85	\$171,457.85	\$171,457.85	
Other Services and Charges	\$0.00	\$0.00		
Capital Outlay	\$0.00	\$2,498,845.37		
Total Construction, Reconstruction & Preservation	\$171,457.85	\$2,670,303.22	\$171,457.85	\$0.00
Maintenance and Repair				
Winter Operations				
Personal Services	\$0.00	\$0.00		
Supplies	\$168,611.28	\$168,611.28	\$168,611.28	
Other Services and Charges	\$0.00	\$0.00		
Capital Outlay	\$0.00	\$444,279.77		
Total Winter Operations	\$168,611.28	\$612,891.05	\$168,611.28	\$0.00
Other Maintenance and Repair				
Personal Services	\$0.00	\$0.00		
Supplies	\$191,271.27	\$191,271.27	\$191,271.27	
Other Services and Charges	\$232,326.74	\$232,326.74	\$232,326.74	
Capital Outlay	\$0.00	\$307,117.66		
Total Other Maintenance and Repair	\$423,598.01	\$730,715.67	\$423,598.01	\$0.00
Total Maintenance and Repair	\$592,209.29	\$1,343,606.72		
Other Financing Uses				
Debt Service - Principal	\$0.00	\$0.00		
Debt Service - Interest	\$0.00	\$0.00		
Interfund Loan Payments	\$0.00	\$0.00		
Interfund Loans Made	\$0.00	\$0.00		
Investments Purchased	\$0.00	\$0.00		
Transfer Out	\$0.00	\$0.00		
Other	\$0.00	\$0.00		
Total Other Financing Uses	\$0.00	\$0.00	\$0.00	\$0.00
Total Disbursements	\$1,348,724.95	\$7,104,111.42	\$1,348,724.95	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 3 Disbursements

**Section 3 - Detail of
Disbursements**

Disbursements

General Administration & Unallocated

Personal Services

Supplies

Other Services and Charges

Capital Outlay

(Insert Other Fund)	(Insert Other Fund)	(Insert Other Fund)	(Insert Other Fund)	(Insert Other Fund)
---------------------------	---------------------------	---------------------------	---------------------------	---------------------------

\$0.00 \$0.00 \$0.00 \$0.00 \$0.00

Total General Administration & Unallocated

Construction, Reconstruction & Preservation

Personal Services

Supplies

Other Services and Charges

Capital Outlay

\$0.00 \$0.00 \$0.00 \$0.00 \$0.00

Total Construction, Reconstruction & Preservation

Maintenance and Repair

Winter Operations

Personal Services

Supplies

Other Services and Charges

Capital Outlay

\$0.00 \$0.00 \$0.00 \$0.00 \$0.00

Total Winter Operations

Other Maintenance and Repair

Personal Services

Supplies

Other Services and Charges

Capital Outlay

\$0.00 \$0.00 \$0.00 \$0.00 \$0.00

Total Other Maintenance and Repair

Total Maintenance and Repair

Other Financing Uses

Debt Service - Principal

Debt Service - Interest

Interfund Loan Payments

Interfund Loans Made

Investments Purchased

Transfer Out

Other

\$0.00 \$0.00 \$0.00 \$0.00 \$0.00

Total Other Financing Uses

Total Disbursements

\$0.00 \$0.00 \$0.00 \$0.00 \$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 5 Mileage Changes

Section 5 - Mileage

	Actual Mileage (Dec 31)	Change from prior year	Reason(s)
Concrete	4.77		
Asphalt	175.73		
Chip Seal			
Composite	0.77		
Brick	0.10		
Gravel	0.30		
Unimproved			
Total Miles	191.67	0	

Part of State Form 54400 (8-10)

Submitted by:

DATE: 20

County Highway Supervisor

DATE: 20

Board of County Commissioners

Submitted by:

DATE: 31-May 2023 Tim Ryan
Street Commissioner or Supervisor

DATE: 30-May 2023 Mayor David A. Wood
Mayor or President of Town Council

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, AMC, MMC

MAY 31 2023

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2023-21

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MISHAWAKA, INDIANA,
AUTHORIZING AN INVESTMENT POLICY

INVESTMENT POLICY
CITY OF MISHAWAKA

Section 1.

I. Purpose

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

II. Scope

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

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

III. General Objectives

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

1. Safety

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

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

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

2. Liquidity

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

3. Yield

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

IV. Standards of Care

1. Delegation of Authority

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

2. Prudence

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

3. Ethics and Conflicts of Interest

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

V. Authorized Financial Institutions and Broker/Dealers

1. Authorized Financial Institutions and Broker/Dealers

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

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

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

- A member of the National Association of Securities Dealers (NASD);
- Proof of state registration

VI. Suitable and Authorized Investments

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

- (1) Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:
 - (A) The United States Treasury.
 - (B) A federal agency.
 - (C) A federal instrumentality.
 - (D) A federal government sponsored enterprise.
- (2) Securities fully guaranteed and issued by any of the following:
 - (A) A federal agency.
 - (B) A federal instrumentality.
 - (C) A federal government sponsored enterprise.
- (3) Municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the twenty (20) years preceding the date of the purchase in accordance with IC 5-13-9.2.
- (4) Money market mutual funds rated AAAM, or its equivalent, by Standard and Poor's Corporation or Aaa, or its equivalent, by Moody's Investors Service, Inc. in accordance with IC 5-13-9-2.5.
- (5) Repurchase agreements in accordance with IC 5-13-9-3
- (6) Transaction accounts, certificates of deposit and deposit accounts issued or offered by a designated depository of the City's political subdivision. The investing officer making a deposit in a certificate of deposit shall obtain quotes from each designated depository in accordance with IC 5-13-9-4.
- (7) Certificates of deposit authorized by a resolution of the City in accordance with IC 5-13-9-5 and 5-13-9-5.3.
- (8) Local government investment pools in accordance with IC 5-13-9-11.

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

VII. Investment Parameters

1. Maximum Maturities

The City's investments must have a stated final maturity of not more than two years pursuant to IC 5-13-9-5.6. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as local government investment

pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

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

2. Competitive Bids

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

VIII. Policy Considerations

1. Adoption and Expiration

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

2. Exemption

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

3. Amendments

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

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

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

On this _____ day of _____, 2023 at _____ o'clock, _____. M.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

on this _____ day of _____, 2023 at _____ o'clock, _____. M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2023 at

_____ o'clock, _____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Deborah S. Block, AMC, MMC

MAY 31 2023

City Clerk
Mishawaka, IN

Date: June 1, 2023
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: Investment of Public Funds

For the June 5th meeting I am requesting first and second reading of three ordinances that involve the investing of City funds and are required by statute. The maturity ordinance and investment policy were adopted in 2013 with four-year renewal terms. I did miss the 2021 renewal so we are getting back on track.

The maturity ordinance allows investments longer than two years but less than five years, and the related investment policy sets forth investment objectives and parameters for the management of public funds to provide a competitive return. The third ordinance is renewed annually and authorizes the City of Mishawaka to invest outside of its political subdivision.

We use Baker Tilly to manage our investment process and it's been very successful. With numerous outstanding bonds, having Baker Tilly manage bidding, timelines, and documentation is invaluable.

I may not be available for the 19th meeting and Kayla Yoder, our Deputy Controller, has agreed to speak at the public hearing. The alternative is to suspend Council rules, so the public hearings occur on the 5th.

Please contact me with any questions.

c: David A. Wood, Mayor
Kayla Yoder, Deputy Controller

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC

MAY 31 2023

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2023-22

ORDINANCE NO. _____

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

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

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

- (a) The fiscal body of the City shall first adopt an investment policy authorizing the investment of public funds of the City for more than two (2) years and not more than five (5) years in accordance with IC 5-13-9-5.7(a) and (b).
- (b) This ordinance and the power to make an investment having a stated final maturity that is more than two (2) years, but not more than five (5) years after the date of purchase expire on the date on which the investment policy expires, which may not exceed four (4) years.
- (c) At the time an investment of public funds of the City is made having a stated final maturity that is more than two (2) years, but not more than five (5) years, the total of such investments of the City may not exceed twenty-five percent (25%) of the total portfolio of public funds invested by the City, including balances in transaction accounts.
- (d) An investing officer may contract with a federally regulated investment advisor or other institutional money manager to make such investments.

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

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

On this _____ day of _____, 2023 at _____ o'clock, _____. M.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

on this _____ day of _____, 2023 at _____ o'clock, _____. M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2023 at

_____ o'clock, _____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Deborah S. Block, IAC, MMC

MAY 31 2023

City Clerk
Mishawaka, IN

Date: June 1, 2023
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: Investment of Public Funds

For the June 5th meeting I am requesting first and second reading of three ordinances that involve the investing of City funds and are required by statute. The maturity ordinance and investment policy were adopted in 2013 with four-year renewal terms. I did miss the 2021 renewal so we are getting back on track.

The maturity ordinance allows investments longer than two years but less than five years, and the related investment policy sets forth investment objectives and parameters for the management of public funds to provide a competitive return. The third ordinance is renewed annually and authorizes the City of Mishawaka to invest outside of its political subdivision.

We use Baker Tilly to manage our investment process and it's been very successful. With numerous outstanding bonds, having Baker Tilly manage bidding, timelines, and documentation is invaluable.

I may not be available for the 19th meeting and Kayla Yoder, our Deputy Controller, has agreed to speak at the public hearing. The alternative is to suspend Council rules, so the public hearings occur on the 5th.

Please contact me with any questions.

c: David A. Wood, Mayor
Kayla Yoder, Deputy Controller

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC

MAY 31 2023

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2023-23

ORDINANCE NO. _____

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

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

Section 1. Now, therefore, pursuant to IC 5-13-9-5, the Common Council of the City of Mishawaka hereby authorizes the investing officer of the City to invest in certificates of deposit of depositories that have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5. This authorization expires one (1) year after the adoption date.

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

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

On this _____ day of _____, 2023 at _____ o'clock, _____. M.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

on this _____ day of _____, 2023 at _____ o'clock, _____. M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2023 at

_____ o'clock, _____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Deborah S. Block, AMC, MMC

MAY 31 2023

City Clerk
Mishawaka, IN

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Please contact me with any questions.

c: David A. Wood, Mayor
Kayla Yoder, Deputy Controller

JUN 01 2023

City Clerk
Mishawaka, IN

RESOLUTION NO. 2023-13
Civil City Property Disposal
600 East Third Street, 605 Lincolnway East, and 637 Lincolnway East

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 replaced the former Mishawaka City Hall Building located at 600 East Third Street as part of the construction of a new City Hall located at 100 Lincolnway West. The new City Hall has been fully occupied since October of 2022; and

WHEREAS, the building located at 600 East Third Street has been vacant since that time; and

WHEREAS, it is the desire of the City to repurpose the properties located at 600 East Third Street and adjacent to the former City Hall so that they are productive and contribute to the vitality of the City and more specifically the residential neighborhood in which they are located; 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, representing the Redevelopment Commission, the City Administration was contacted by multiple entities with interest in the property and assembled interest in all the properties that would result in a comprehensive re-use of the former City Hall properties; and

WHEREAS, interest was received from United Way to re-use the former City Hall building at 600 East Third Street for a 1-Roof Community center where multiple not-for-profit service organizations like the Boys and Girls Club and Head Start would have an opportunity to serve the community; and

WHEREAS, interest was received from the Women's Care Center to re-use the vacant property and parking lot located at 605 East Lincolnway East for Women's Care Center Office that provides pregnancy support services and counseling; and

WHEREAS, interest was received from Mishawaka Building Trades to re-use the vacant property at 637 East Lincolnway East for the construction of a new single family home as part of the trades program educating students from Mishawaka High School; and

WHEREAS, working with the City Council, the City Administration advertised, mailed written notice to over a hundred nearby property owners, and conducted a neighborhood meeting in January of 2023 on these three identified proposals to obtain input and feedback; and

WHEREAS, multiple presentations were made by the interested organizations at this meeting, which included a question and answer period. By enlarge, the comments and feedback on the proposals were supported by the neighborhood; and

WHEREAS, the legal description of the parcels that make up the properties associated with this resolution are as follows:

- 637 Lincolnway East, Lot 1 Poppendicks 1st, Tax key number: 016-1026-1063
- 605 Lincolnway East, Lot 23 Barbees Sub, Lot 24 & W1/2 Vac Alley Barbees Sub, Tax key numbers: 016-1026-1040 and 016-1026-1041
- 600 East Third Street, Lots 27-28-29-30 Barbees Sub, Lots 5, 6, 7, 8 Poppendicks 1st, Tax key numbers: 016-1026-1044, 016-1026-1064

Location Maps are attached and mad part of the resolution; and

WHEREAS, IC 36-1-11-1 identifies the sale or lease of property by the City to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code does not require the independent appraisal and offering the property for public bid; and

WHEREAS, the three proposals from these not for profit entities represent an investment of over 10 million dollars; and

WHEREAS, the two proposals that contain parking lots include a commitment to share a portion of the existing parking with the public during nights and weekends; and

WHEREAS, on May 22nd, 2023 the Redevelopment Commission entered into Buy-Sell agreements with each identified entity, contingent on the approval of the Mishawaka Common Council; and

WHEREAS, the Redevelopment Commission identified the belief that the sale of the properties and associated projects comply with applicable federal, state and local laws; and

WHEREAS, the Redevelopment Commission and each entity understood and agreed that certain actions contemplated would be required to be undertaken by persons, agencies or entities that were not party to the Buy-Sell Agreements 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:
 - 637 Lincolnway East, Lot 1 Poppendicks 1st, Tax key number: 016-1026-1063
 - 605 Lincolnway East, Lot 23 Barbees Sub, Lot 24 & W1/2 Vac Alley Barbees Sub, Tax key numbers: 016-1026-1040 and 016-1026-1041
 - 600 East Third Street, Lots 27-28-29-30 Barbees Sub, Lots 5, 6, 7, 8 Poppendicks 1st, Tax key numbers: 016-1026-1044, 016-1026-1064
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 June _____, 2023.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC
Clerk of the City of Mishawaka, Indiana

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____
day of June _____, 2023, at the hour of _____ .m.

Deborah S. Block, IAMC, MMC
Clerk of the City of Mishawaka, Indiana

This Resolution approved and signed by me on the ____ day of June, 2023, at the
hour of _____ .m.

David A. Wood
Mayor of the City of Mishawaka, Indiana

Resolution 2023-13 Disposal of former City Hall Properties

Ken Prince <kprince@mishawaka.in.gov>

Thu 6/1/2023 11:48 AM

To: Deb Block <dblock@mishawaka.in.gov>; Raven S. Boston <rboston@mishawaka.in.gov>; Michael Hixenbaugh <mhixenbaugh@mishawaka.in.gov>

Cc: DL-Council <DL-Council@mishawaka.in.gov>; David A. Wood <dwood@mishawaka.in.gov>

 4 attachments (18 MB)

Resolution 2023- 13 Common Council City property Disposal 600 East Third and adjacent properties.doc; Buy Sell 605 East Lincolnway Sell to Womens Care Center.pdf; Buy Sell 637 East Lincolnway Sell to Mishawaka Building Trades.pdf; Buy Sell 600 East Third Street Sell to United Way.pdf;

Good morning,

Attached is Council Resolution 2023-13 that if approved would authorize the previously discussed disposal of the former City Hall properties. The plan for this disposal has been discussed extensively and included a positive public meeting with the neighborhood that was held in January. The only Council action required is for the authorization of the sale. This authorization is required because these sites were not originally acquired as redevelopment properties. The disposal of civil city property follows different procedures than redevelopment properties per the Indiana Code. Similar resolutions were approved by the Council for both the former Police Station and the Mishawaka Utilities Business Office. At the May Redevelopment Commission meeting, a buy-sell agreement was approved for each property/entity subject to the approval of this resolution by the Common Council.

Mayor Wood will be presenting this resolution on Monday; I have an excused absence because of Isaak's graduation. 😊

The only other action required by the Council prior to closing is to rezone the western portion of former City Hall site from S-1 Open Space to C-3 City Center Commercial to match the remaining site. In the 1980's when the conversion was made from Bingham School to City Hall, the site of the Princess Mishawaka Sculpture was zoned S-1 and identified as Bingham Park, but the title of the property remained with the Civil City and was never transferred to the Park Board which would have required a separate disposal process as required by the Indiana Code. The Princess Sculpture has since been relocated to the east expanded end of Battell Park. In terms of functional park space, once completed, Marvin's Garden and the connection to the Riverwalk currently under construction at the northwest corner of the intersection of Lincolnway and Cedar Street will be a far more functional and usable park space when compared to the former City Hall green space. The rezoning will be heard by the Planning Commission at their June meeting and will likely be before the Council at your first meeting in July. If that change in zoning is approved, we will then be able to proceed with the property closings later in the summer.

Below is the summary of the buy-sell agreements that was provided to the Redevelopment Commission. I have also attached the buy-sell agreements for your use and reference.

If you have any questions, please don't hesitate to reach out.

As always, we appreciate your consideration.

Sincerely,

Ken

- **Buy Sell Agreement with Mishawaka Building Trades-** selling vacant property located at 637 Lincolnway East (single residential lot) for the construction of a new single family home.
This property is currently vacant and is located at the southwest corner of the intersection of Laurel Street and Lincolnway East. As far back as I can remember, this has been a vacant lot(although likely a former home site) that the City would occasionally use to dump excess snow on. It was likely acquired at a point in time where there was a perceived need to potentially expand City Hall and the associated parking in the future. This need no longer exists for the City. The lot was also not easily used by the future owner of the City Hall building which warrants the separate sale. This agreement sells the property to Mishawaka Building Trades for \$1 to allow them to construct a two story home on the lot. This matches the current zoning classification of the property which is R-1 single family residential. Actual construction will not occur for a number of years based on Mishawaka Building Trades current lot ownership and schedule. The transfer of the property is intended to occur this summer, with Building Trades assuming the maintenance responsibilities upon acquisition. A representative from Mishawaka Building Trades will be attending the meeting to answer questions.
- **Buy Sell Agreement with Women's Care Center-** selling vacant property and parking lot located at 605 Lincolnway East for the construction of a new Women's Care Center. This sale includes the vacant lot and parking lot located at the southeast corner of Lincolnway and Cedar Street. The vacant lot used to contain a residential home that was gutted and vacant until the City acquired the lot and demolished the structure. The intent at the time was to provide the potential to be able to expand the parking lot that served predominantly employees working at City Hall. As part of the agreement, the Women's Care Center will be providing an easement over the parking area that will allow the public to park there during the evenings and weekends when the lot is not typically being used by the Care Center. This will provide overflow parking for downtown events, Marvin's Garden gateway park, and the repurposed City Hall building for special larger events. As part of the agreement, the City is also committing to assist with the widening of the alley to accommodate two way traffic to access the parking lot. The proposed sale price, consistent with other not-for-profit transactions is \$1. The property is currently zoned C-3 which allows for zero lot line construction. Before construction could begin, a site plan will need to be reviewed and approved by applicable City Departments. A representative will be attending the meeting to answer questions.
- **Buy Sell Agreement with United Way of St. Joseph County Indiana-** selling the former Mishawaka City Hall (Bingham School) and adjacent property located at 600 East Third Street for renovation and new construction to establish a United Way 1Roof concept community center. The 1Roof concept includes bringing together a variety of community not for profit social safety net services such as Boys and Girls Club and Head Start to serve the local community. As a City, we feel fortunate that United Way had a need for this type of building at the same time the City was looking to dispose of it. Since the former City Hall used to be Bingham School and was set up for classrooms, the repurposing for the intended use is feasible. Still, the estimated reinvestment in the site is estimated to cost over 8 million dollars. The acquisition

includes all property north of Third Street to the alley, between Cedar Street and Laurel Street. In addition to renovating the existing building, a new gym and additional classroom space is proposed on the western portion of the property where the Princess Mishawaka sculpture used to be located. The former City Hall portion of the property is zoned C-3 City Center Commercial. The area of the former sculpture was zoned S-1 Open space when the former City Hall was established and will need to be changed to C-3 City Center Commercial prior to the sale. Staff will prepare the change in zoning application and file it for the June meeting of the City Planning Commission. As part of the public meeting that was held there were a number of questions concerning the demand for parking. The existing parking lot on the east end of the site is intended to be retained and will provide adequate parking for the facility on a daily basis. The site contains much more parking than the new 1Roof facility recently opened in South Bend where the intent was specifically to rely on street parking and walk up services. For special events, parking will likely spill over into the neighborhood, but in general, the impact should be comparable to the historic uses of the site as a school/city hall. We also received a question regarding if the playground that is proposed would be open to the public, particularly on the weekends. United Way identified that the intent would be to allow for the public to use it. That being said, if problems were encountered, United Way would be under no obligation to keep it open and could lock it. Representatives from United Way will be attending the meeting to answer questions.

Kenneth B. Prince
Executive Director

City of Mishawaka
Planning and Community Development
PLEASE NOTE OUR NEW ADDRESS

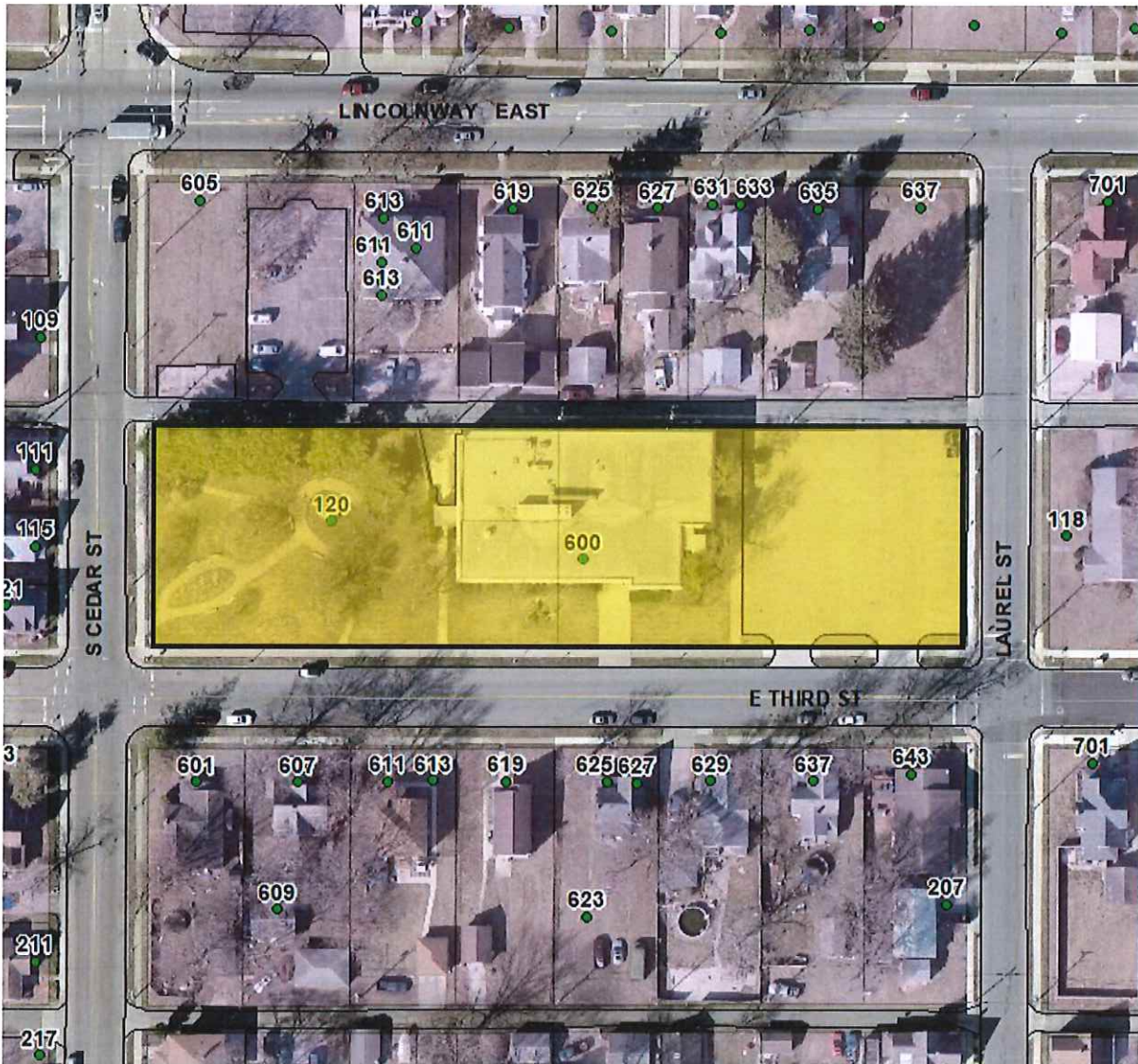
100 Lincolnway West

Mishawaka, IN 46544

Phone- (574) 258-1625

Email- kprince@mishawaka.in.gov

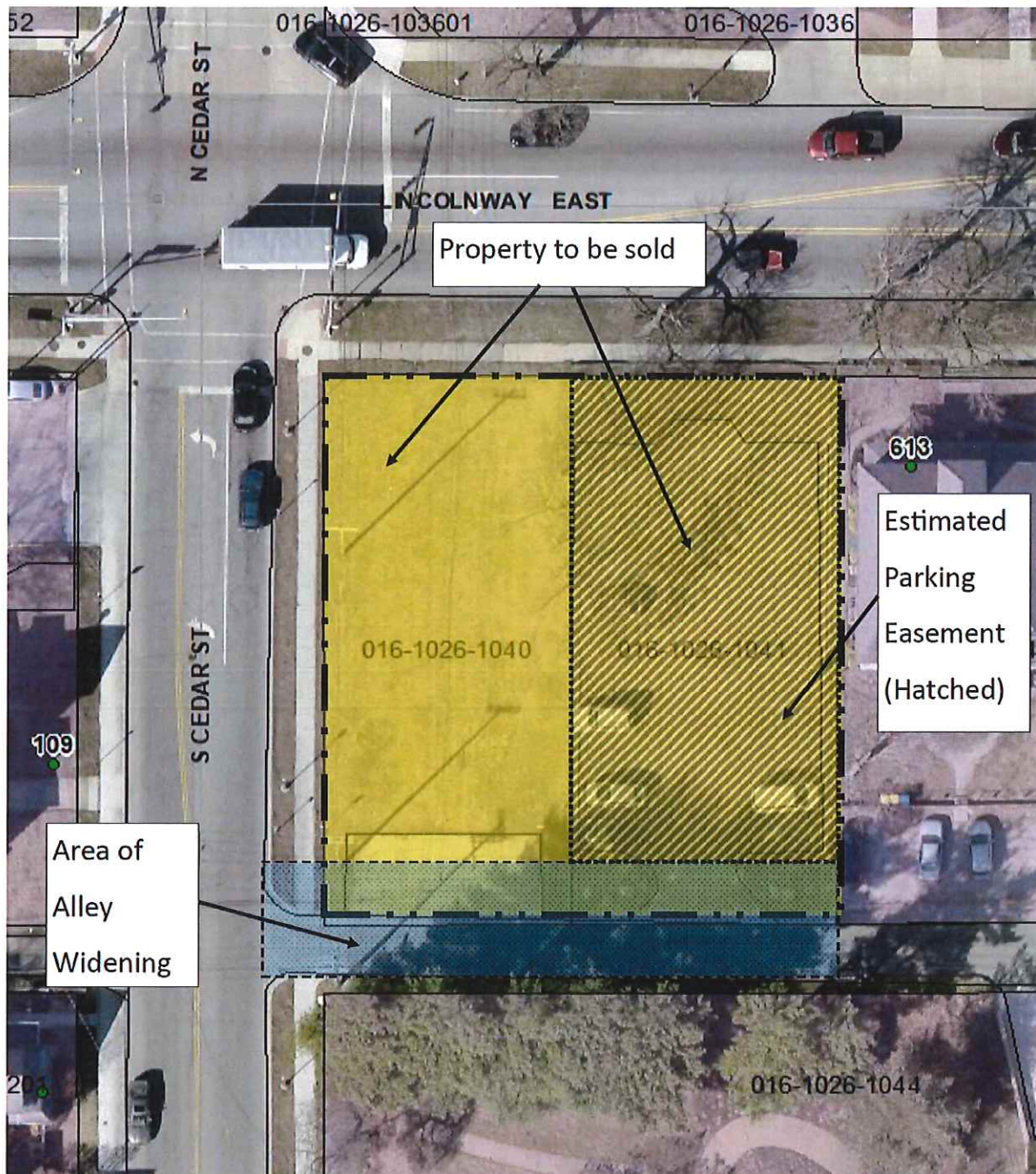
Website- www.mishawaka.in.gov



Location Map:

600 East Third Street, Mishawaka IN 46544

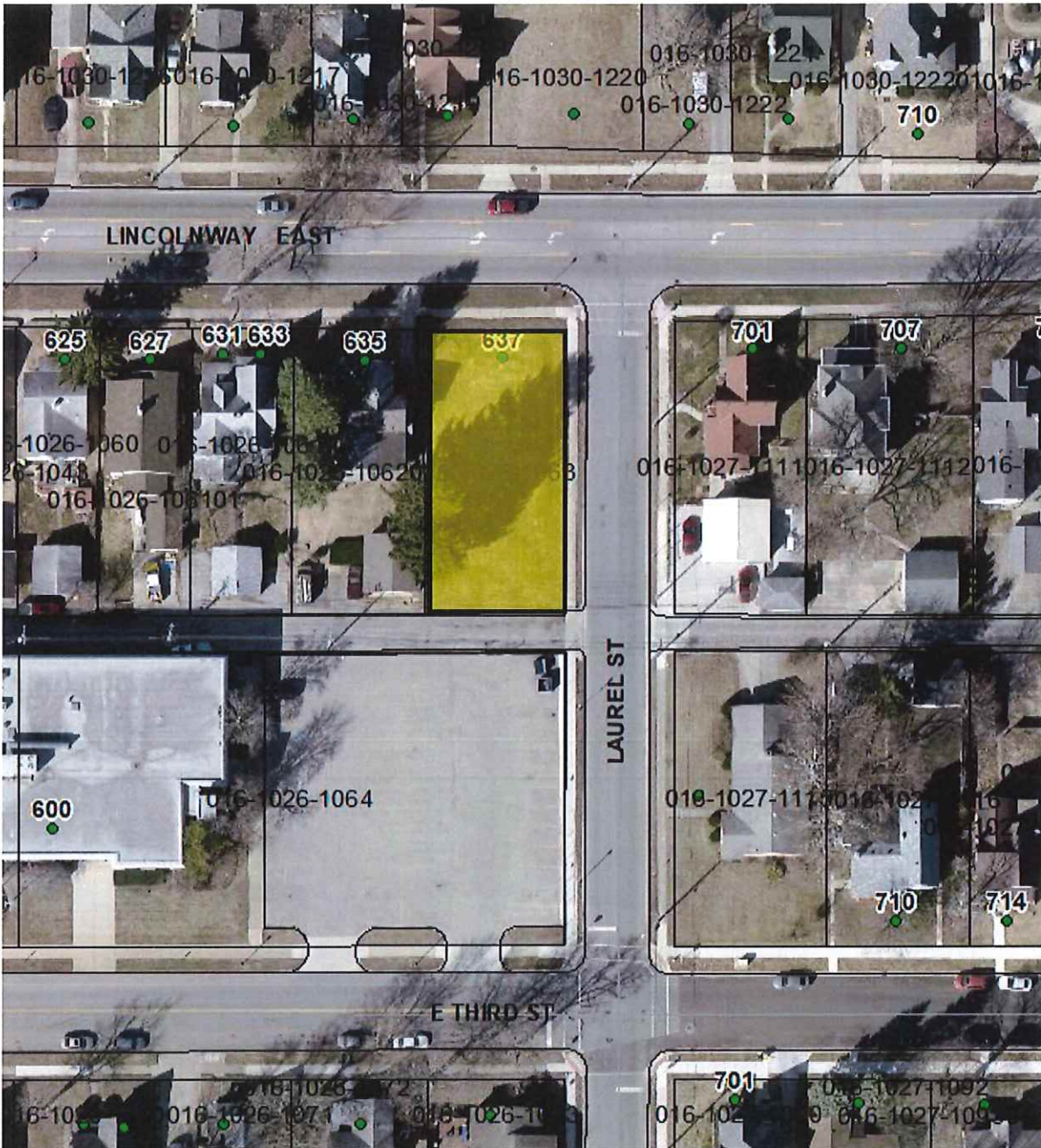




Location Map:

605 Lincolnway East, Mishawaka IN 46544





Location Map:

637 Lincolnway East, Mishawaka IN 46544



BUY AND SELL AGREEMENT

THIS AGREEMENT, made and entered into as of the 22nd day of May, 2023 by and between the **CITY OF MISHAWAKA, INDIANA**, acting by and through its Redevelopment Commission, 100 Lincolnway West, Mishawaka, Indiana 46544 (hereinafter referred to as “Seller”), and Women’s Care Center, with offices located at 360 N. Notre Dame Avenue, South Bend Indiana 46617, an Indiana not for profit corporation (hereinafter referred to as “Buyer”).

WITNESSETH THAT:

The Seller promises and agrees to sell and convey to the Buyer, and the Buyer promises and agrees to purchase of and from the Seller, for the sum of one dollar (\$1.00) (the “Purchase Price”), the property located at 605 Lincolnway East, City of Mishawaka, St. Joseph County, Indiana, (the “Property”) more particularly described as follows:

Lot 23 Barbees Sub

Lot 24 & W1/2 Vac Alley Barbees Sub

Tax key numbers: 016-1026-1040 and 016-1026-1041

This sale is contingent on the approval of the sale by the Mishawaka Common Council. As identified by the Indiana Code authorization of the sale/disposal of public property that requires the approval of the Common Council of the City of Mishawaka.

Further Buyer Obligations:

1. The Buyer agrees to construct an office building to serve as a Women’s Care Center to provide counseling and medical services to pregnant women located on the property in accordance with the general description attached as Exhibit A. The Buyer shall complete the new building, landscaping and other related improvements no later than June 1, 2025.
2. The Buyer agrees to provide a minimum of 18 parking spaces on the property for public use on evenings and weekends when the office is not in use. The perpetual care and maintenance of this parking area shall be solely the Buyer’s obligation. The intent of the parking is to provide for overflow parking for the City’s Riverwalk, the church located across the street, and community events that are envisioned at the repurposed former City Hall building located at 600 East Third Street. This lot, at the discretion of the Buyer, may be posted and enforced to restrict any overnight parking, and other yet to be determined issues that may arise that impact the ability to perpetually care and maintain this lot. An easement shall be created and recorded concurrent with closing in a form and manner acceptable to both the Buyer and Seller enumerating these public access rights.
3. The Buyer agrees to construct an ADA accessible access between the existing parking lot intended to be used hence forward for public use on evenings and weekends and the existing sidewalk located just north of the parking area along Lincolnway. The construction shall be completed concurrent with the occupancy of the proposed office building. The form and

manner of this connection shall be determined by the Buyer noting that use of this access is required to serve the public on evenings and weekends. Directing the location of this access as close as possible to the intersection of Cedar Street and Lincolnway is beneficial to its intended purpose.

Further Seller Obligations:

1. The Seller agrees at its cost and expense to widen the east/west alley located south of the property between the entrance of the existing parking area and Cedar Street for two way traffic (24' width minimum). It is understood and acknowledged that the widening will all occur on the north side of the alley that will reduce/impact the buildable area on the property. A permanent easement or right-of-way associated with the widening shall be dedicated at or before the property closing. Design and construction of the widening shall be coordinated between the Buyer and Seller. The Alley located to the east of the widening may be made one way at the discretion of the Seller. The Seller shall complete the widening on or before the anticipated completion and occupancy of the proposed office.

Subject to and upon the terms and conditions hereinafter set forth:

1. Buyer shall obtain, at Buyer's expense, a commitment for a \$100,000 Owner's Policy of Title Insurance in which the title insurance company shall agree to insure merchantable title in the name of the Buyer after delivery of a Warranty Deed to Buyer from Seller. Any defects in title which tend to render the same un-merchantable shall be submitted by the Buyer to the Seller in writing and the Seller shall be given reasonable time to correct the same. If the Seller shall fail or refuse to cause such defects to be corrected, Buyer shall have the option of accepting title subject to defects, or of terminating this Agreement.
2. After the title to the Property has been approved by the Buyer, and upon payment of the balance of the purchase price by the Buyer to the Seller, the Seller shall execute and deliver all necessary documents conveying the real estate interests above described to the Buyer, free and clear of all liens and encumbrances, except as provided herein, and subject to all covenants, restrictions, easements, and zoning ordinances of record.
3. It is understood and agreed by the parties hereto that Buyer is purchasing the Property and personal property covered by this Agreement in an "as is" condition and that Seller has made no guarantees or warranties, expressed or implied, concerning said personal property, real estate, or any improvements thereon. The Buyer has conducted and chosen to rely exclusively on its own inspections of the Property in proceeding with this transaction to purchase the Property. The Buyer hereby assumes any liability the seller may have for the condition of the Property, environmental or otherwise, as a result of the Seller's ownership of the property. The Buyer agrees to defend, indemnify, and hold harmless the Seller from and against all damages, claims, fines, or liability for injuries to (including death of) persons or damage to or loss of property, real or personal, or expense in any manner connected with the activities of the Buyer, its agents, contractors, employees involving the Property. The Seller hereby represents that it has not taken any

action that would reasonably result in a lien or encumbrance being placed against the Property.

4. This Transaction shall be closed on or about the 30th day of June, 2023, or at such other time as the Seller and Buyer agree. Buyer agrees to pay all closing costs associated with this transaction. The closing shall occur at Metropolitan Title Company at 4100 Edison Lakes Parkway, Mishawaka IN, 46545.
5. Seller shall deliver possession of the Property to the Buyer at the time of closing. The Seller agrees to deliver property possession to the buyer with no tenants occupying the premises nor with any tenants holding any lease hold interest in the Property. The Buyer shall be permitted to inspect the Property on the day of closing to ensure it is not occupied. It is understood that the Buyer is responsible for all property maintenance and costs associated with property concurrent with closing.
6. Risk of loss or damage to any improvements located upon the Property shall remain with the Seller until the time of closing.
7. Seller acknowledges that the sale is voluntary. The Seller also acknowledges that the estimate of the fair market value of the Property has been approximated at \$100,000. Seller further acknowledges that since the purchase is a voluntary, arm's length transaction, Seller would not be eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or any other law or regulation.
8. Seller shall pay all real estate taxes for the current year and all prior taxes. Taxes for the current year, shall be prorated to the date of closing based upon the last official tax rate. As a government entity, it is also acknowledged that it is likely that no taxes are due given the long term ownership by the City
9. The covenants, agreements, and conditions herein contained shall be binding upon the parties hereto and shall also extend to and be binding upon their respective heirs, legal representatives, and assigns.
10. The parties each represent that no real estate commissions are due and owing to any party with respect to this transaction.
11. A. The Seller represents and warrants the following to be true and accurate as of the effective date of this Agreement:
 - (a) The Seller warrants and represents that it has no knowledge of: a) any hazardous substance at, under (including the groundwater) or upon the Property except those that may be age related to the construction materials that were formerly used in the construction of a home that used to exist on the property; or b) any hazardous substances released from the Property onto any other property or into the waters of the State, the groundwater or any publicly or privately owned well.

(b) To the best of Seller's knowledge, neither the Property nor the Seller, due to any of the Seller's past operations on the Property, are subject to any judicial or administrative proceedings or to any order from, or agreement with, any Governmental Authority respecting: (i) any violation or alleged violation of any environmental laws or (ii) any remedial action or (iii) any claims arising from the release or threatened release of a hazardous substance to, at or from the Property.

(c) The Seller has not received any written or, to the best of Seller's knowledge, any oral communications from any Governmental Authority informing the Seller of any investigation being or to be conducted by a Governmental Authority with regard to the release or threatened release of a hazardous substance to, at or from the Property.

(d) No environmental lien has attached to or been asserted against all or any portion of the Property.

12. This Agreement embodies the entire agreement between the parties and cannot be varied except by the written agreement of the parties. No representation, promise, or inducement not included in this Agreement shall be binding upon the parties hereto.
13. This Agreement shall be governed by and construed in accordance with the laws of the State of Indiana and venue for any action shall be the State Courts of St. Joseph County, Indiana.
14. This Agreement shall not be effective or binding until fully executed by the parties hereto. This Agreement may be executed in counterparts.
15. This Agreement will survive closing.
16. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect and shall in no way be affected, impaired or invalidated.
17. Each party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to accomplish the actions contemplated by this Agreement and to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.
18. This Agreement was negotiated by the parties at arm's length and each of the parties hereto has reviewed this Agreement after the opportunity to consult with independent counsel. Neither party shall maintain that the language in this Agreement shall be construed against any signatory hereto.
19. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.

20. The undersigned persons executing and delivering this Agreement on behalf of each of the parties respectively represent and certify that they are duly authorized and are fully empowered to execute and deliver this Agreement and that all necessary action has been taken and done.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

SELLER

BUYER

CITY OF MISHAWAKA, INDIANA,
acting by and through its Redevelopment
Commission

Women's Care Center

By:

President

Signature

ATTEST:

Secretary

Printed Name and Title

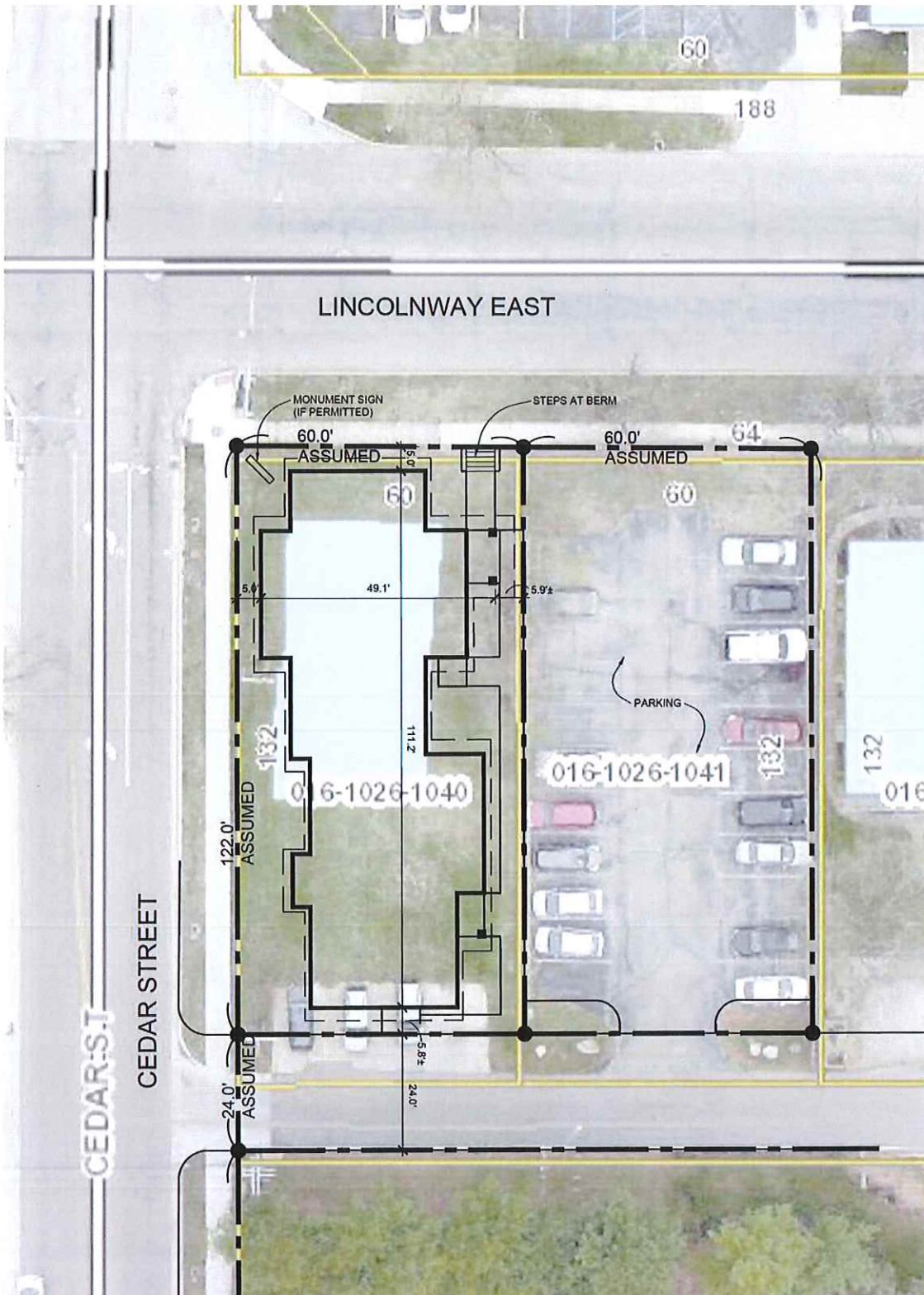


Location Map:

605 Lincolnway East, Mishawaka IN 46544

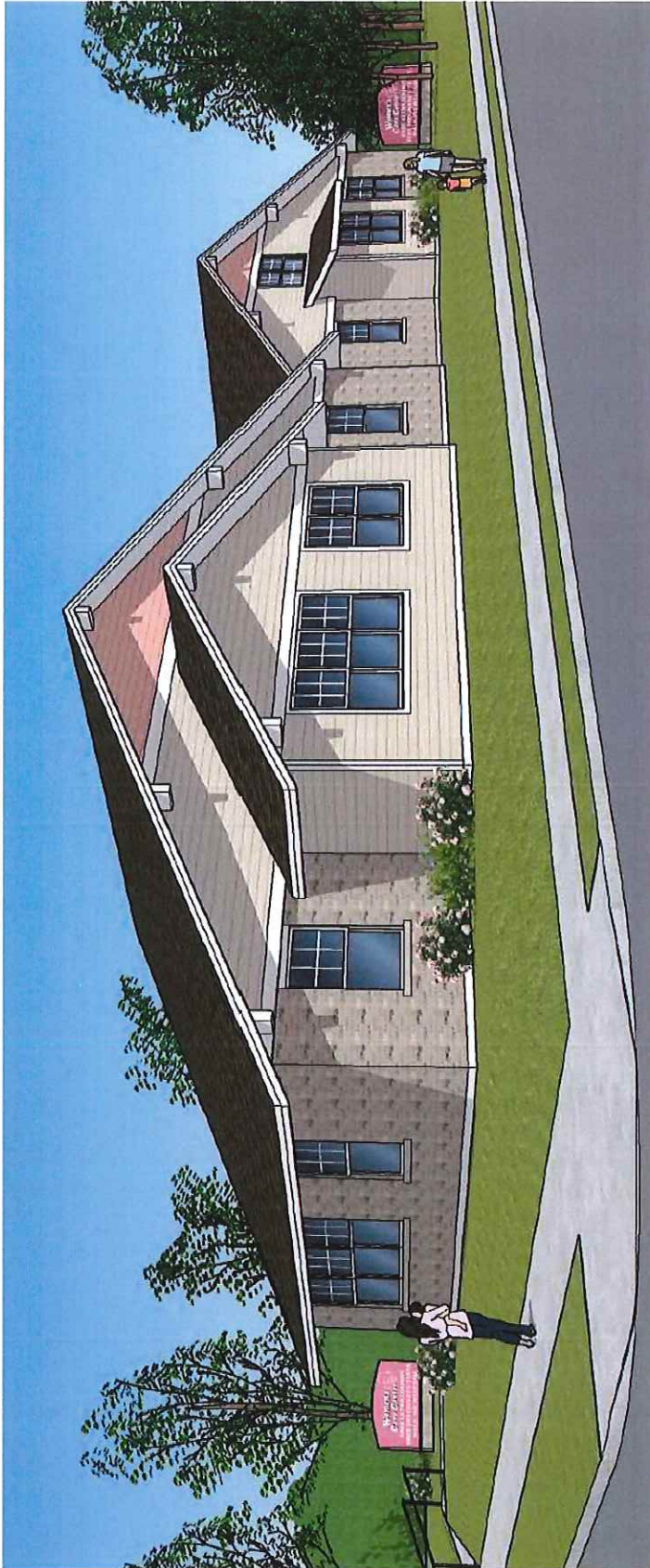


Exhibit A



SITE DEVELOPMENT PLAN

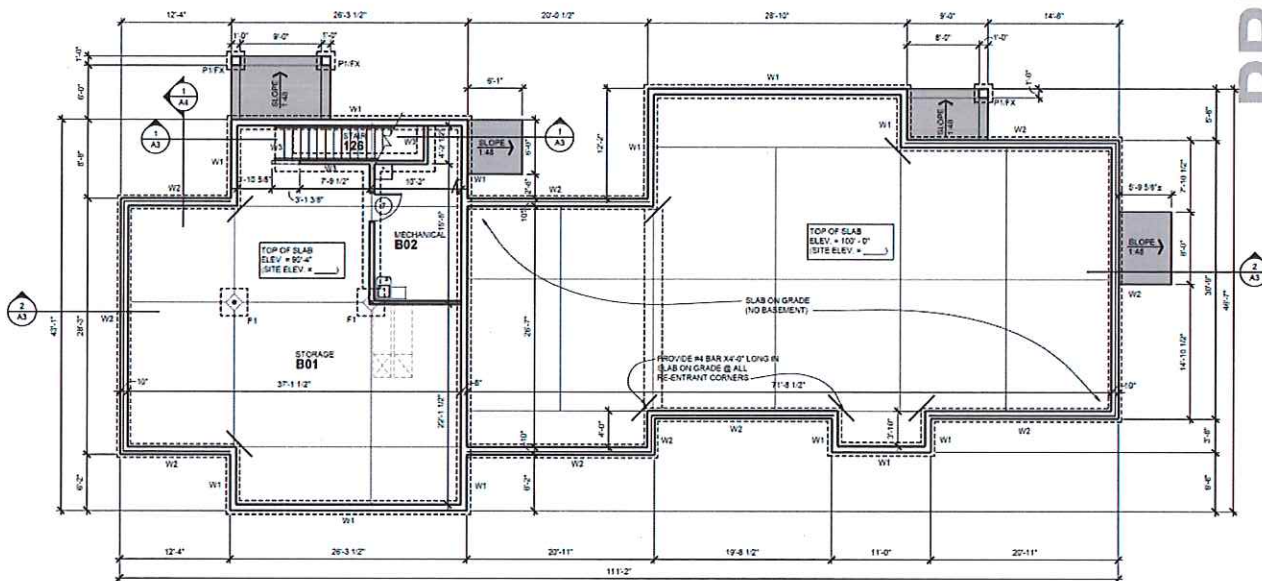
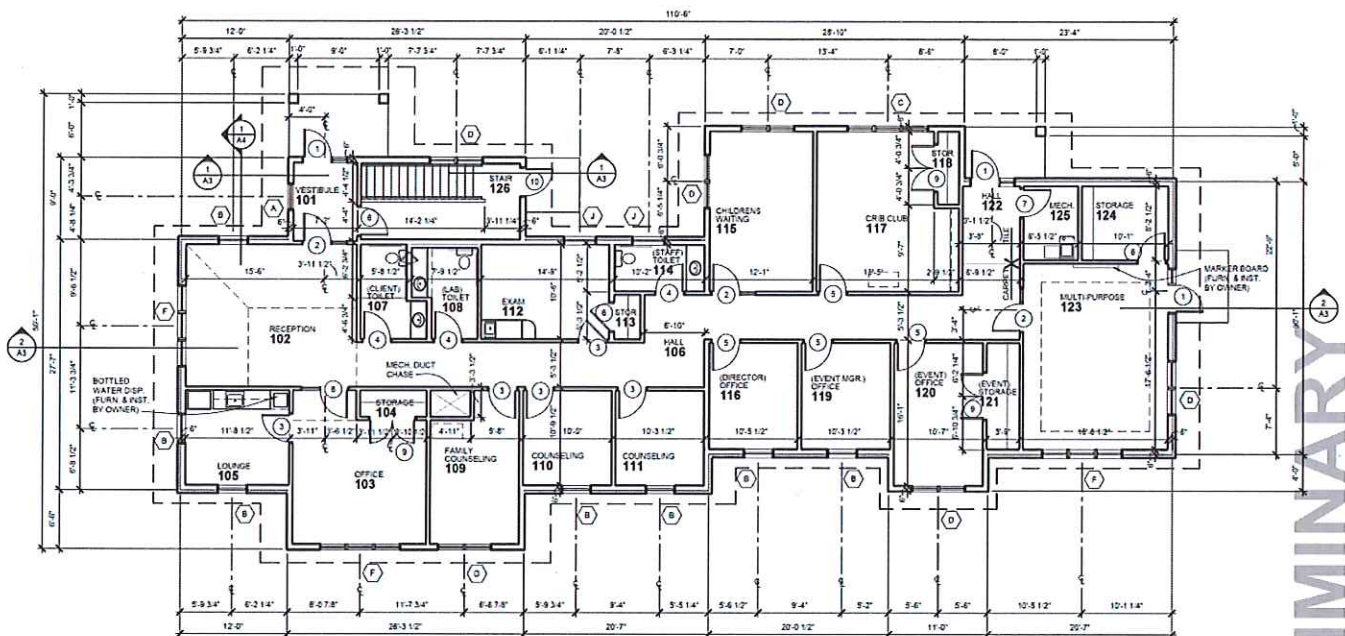
SCALE: 1/20" = 1'-0"



Women's
Care Center

NEW FACILITY
601 LINCOLNWAY EAST
MISHAWAKA, INDIANA
MAY 17, 2023

ALLIANCE
ARCHITECTS



BUY AND SELL AGREEMENT

THIS AGREEMENT, made and entered into as of the 22nd day of May, 2023 by and between the **CITY OF MISHAWAKA, INDIANA**, acting by and through its Redevelopment Commission, 100 Lincolnway West, Mishawaka, Indiana 46544 (hereinafter referred to as "Seller"), and Mishawaka Building Trades, Inc. (MBT), 1202 Lincolnway East, Mishawaka Indiana 46544, an Indiana not for profit corporation (hereinafter referred to as "Buyer").

WITNESSETH THAT:

The Seller promises and agrees to sell and convey to the Buyer, and the Buyer promises and agrees to purchase of and from the Seller, for the sum of one dollar (\$1.00) (the "Purchase Price"), the property located at 637 Lincolnway East, City of Mishawaka, St. Joseph County, Indiana, (the "Property") more particularly described as follows:

Lot 1 Poppendicks 1st

Tax key number: 016-1026-1063

Further Buyer Obligations:

1. The Buyer agrees to construct a single family home currently located on the property in accordance with the general description attached as Exhibit A. The Buyer shall complete the new home, landscaping and other related improvements no later than June 1, 2029.

Subject to and upon the terms and conditions hereinafter set forth:

1. Buyer shall obtain, at Buyer's expense, a commitment for a \$20,000 Owner's Policy of Title Insurance in which the title insurance company shall agree to insure merchantable title in the name of the Buyer after delivery of a Warranty Deed to Buyer from Seller. Any defects in title which tend to render the same un-merchantable shall be submitted by the Buyer to the Seller in writing and the Seller shall be given reasonable time to correct the same. If the Seller shall fail or refuse to cause such defects to be corrected, Buyer shall have the option of accepting title subject to defects, or of terminating this Agreement.
2. After the title to the Property has been approved by the Buyer, and upon payment of the balance of the purchase price by the Buyer to the Seller, the Seller shall execute and deliver all necessary documents conveying the real estate interests above described to the Buyer, free and clear of all liens and encumbrances, except as provided herein, and subject to all covenants, restrictions, easements, and zoning ordinances of record.
3. It is understood and agreed by the parties hereto that Buyer is purchasing the Property and personal property covered by this Agreement in an "as is" condition and that Seller has made no guarantees or warranties, expressed or implied, concerning said personal property, real estate, or any improvements thereon. The Buyer has conducted and chosen to rely exclusively on its own inspections of the Property in proceeding with this

transaction to purchase the Property. The Buyer hereby assumes any liability the seller may have for the condition of the Property, environmental or otherwise, as a result of the Seller's ownership of the property. The Buyer agrees to defend, indemnify, and hold harmless the Seller from and against all damages, claims, fines, or liability for injuries to (including death of) persons or damage to or loss of property, real or personal, or expense in any manner connected with the activities of the Buyer, its agents, contractors, employees involving the Property. The Seller hereby represents that it has not taken any action that would reasonably result in a lien or encumbrance being placed against the Property.

4. This Transaction shall be closed on or about the 30th day of June, 2023, or at such other time as the Seller and Buyer agree. Buyer agrees to pay all closing costs associated with this transaction. The closing shall occur at Metropolitan Title Company at 4100 Edison Lakes Parkway, Mishawaka IN, 46545.
5. Seller shall deliver possession of the Property to the Buyer at the time of closing. The Seller agrees to deliver property possession to the buyer with no tenants occupying the premises nor with any tenants holding any lease hold interest in the Property. The Buyer shall be permitted to inspect the Property on the day of closing to ensure it is not occupied. It is understood that the Buyer is responsible for all property maintenance and costs associated with property concurrent with closing.
6. Risk of loss or damage to any improvements located upon the Property shall remain with the Seller until the time of closing.
7. Seller acknowledges that the sale is voluntary. The Seller also acknowledges that the estimate of the fair market value of the Property has been approximated at \$20,000. Seller further acknowledges that since the purchase is a voluntary, arm's length transaction, Seller would not be eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or any other law or regulation.
8. Seller shall pay all real estate taxes for the current year and all prior taxes. Taxes for the current year, shall be prorated to the date of closing based upon the last official tax rate. As a government entity, it is also acknowledged that it is likely that no taxes are due given the long term ownership by the City
9. The covenants, agreements, and conditions herein contained shall be binding upon the parties hereto and shall also extend to and be binding upon their respective heirs, legal representatives, and assigns.
10. The parties each represent that no real estate commissions are due and owing to any party with respect to this transaction.
11. A. The Seller represents and warrants the following to be true and accurate as of the effective date of this Agreement:

(a) The Seller warrants and represents that it has no knowledge of: a) any hazardous substance at, under (including the groundwater) or upon the Property except those that may be age related to the construction materials that were used in the construction of the home; or b) any hazardous substances released from the Property onto any other property or into the waters of the State, the groundwater or any publicly or privately owned well.

(b) To the best of Seller's knowledge, neither the Property nor the Seller, due to any of the Seller's past operations on the Property, are subject to any judicial or administrative proceedings or to any order from, or agreement with, any Governmental Authority respecting: (i) any violation or alleged violation of any environmental laws or (ii) any remedial action or (iii) any claims arising from the release or threatened release of a hazardous substance to, at or from the Property.

(c) The Seller has not received any written or, to the best of Seller's knowledge, any oral communications from any Governmental Authority informing the Seller of any investigation being or to be conducted by a Governmental Authority with regard to the release or threatened release of a hazardous substance to, at or from the Property.

(d) No environmental lien has attached to or been asserted against all or any portion of the Property.

12. This Agreement embodies the entire agreement between the parties and cannot be varied except by the written agreement of the parties. No representation, promise, or inducement not included in this Agreement shall be binding upon the parties hereto.
13. This Agreement shall be governed by and construed in accordance with the laws of the State of Indiana and venue for any action shall be the State Courts of St. Joseph County, Indiana.
14. This Agreement shall not be effective or binding until fully executed by the parties hereto. This Agreement may be executed in counterparts.
15. This Agreement will survive closing.
16. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect and shall in no way be affected, impaired or invalidated.
17. Each party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to accomplish the actions contemplated by this Agreement and to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.
18. This Agreement was negotiated by the parties at arm's length and each of the parties hereto has reviewed this Agreement after the opportunity to consult with independent

counsel. Neither party shall maintain that the language in this Agreement shall be construed against any signatory hereto.

19. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.
20. The undersigned persons executing and delivering this Agreement on behalf of each of the parties respectively represent and certify that they are duly authorized and are fully empowered to execute and deliver this Agreement and that all necessary action has been taken and done.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

SELLER

BUYER

CITY OF MISHAWAKA, INDIANA,
acting by and through its Redevelopment
Commission

Mishawaka Building Trades
(MBT, Inc.)

By:

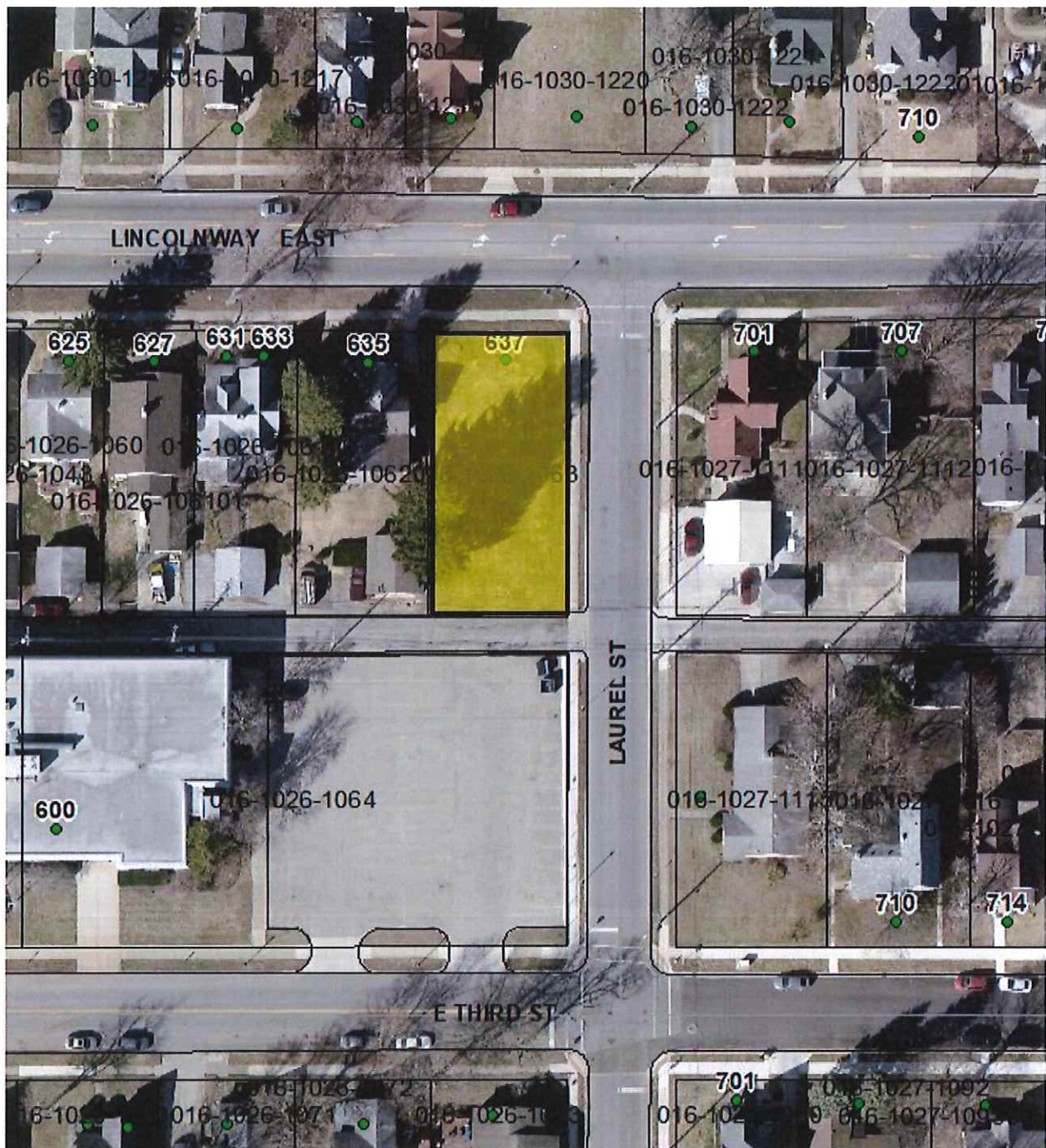
President

Signature

ATTEST:

Secretary

Printed Name and Title



Location Map:

637 Lincolnway East, Mishawaka IN 46544



Exhibit A



Concept of a traditional two story home with front entry porch. A detached garage and drive for parking will be provided from the east west alley on the south side of the lot. Exact colors and details will be determined at the time of construction.



MBT

Mishawaka Building Trades, Inc.

1202 Lincoln Way East

Mishawaka, IN 46544

Phone: 254-7468

4/24/2023

It is a beautiful day in the Princess City;

Since 1978 the Mishawaka Building Trades along with Mishawaka High School students have been building new single family homes in the City of Mishawaka. We are wanting to expand on our students' skills to include urban renovation. This would include focusing on single family homes or the rehabilitation of multi family homes back to single family homes.

We wish to purchase the vacant lot located at 637 Lincolnway East Mishawaka IN 46544 from the City of Mishawaka for our Mishawaka Building Trades Program. We propose to build a single family home. This would be a great showcase home for our Mishawaka Building Trades Program and continued partnership with our city and community. We look forward to maintaining our partnership and working together in the future.

Cheers,

Ben Modlin
Treasurer MBT Inc.
modlinb@mishawaka.k12.in.us

BUY AND SELL AGREEMENT

THIS AGREEMENT, made and entered into as of the 22nd day of May, 2023 by and between the **CITY OF MISHAWAKA, INDIANA**, acting by and through its Redevelopment Commission, 100 Lincolnway West, Mishawaka, Indiana 46544 (hereinafter referred to as “Seller”), and United Way of St. Joseph County Indiana, 3517 East Jefferson Boulevard, South Bend Indiana 46615, an Indiana not for profit corporation (hereinafter referred to as “Buyer”).

WITNESSETH THAT:

The Seller promises and agrees to sell and convey to the Buyer, and the Buyer promises and agrees to purchase of and from the Seller, for the sum of one dollar (\$1.00) (the “Purchase Price”), the property located at 600 East Third Street, City of Mishawaka, St. Joseph County, Indiana, (the “Property”) more particularly described as follows:

Lots 27-28-29-30 Barbees Sub

Lots 5, 6, 7, 8 Poppendicks 1st

Tax key numbers: 016-1026-1044, 016-1026-1064

This sale is contingent on the approval of the sale by the Mishawaka Common Council. As identified by the Indiana Code authorization of the sale/disposal of public property that requires the approval of the Common Council of the City of Mishawaka.

Further Buyer Obligations:

1. The Buyer agrees to renovate the former City Hall building and construct an addition to serve as a United Way 1Roof concept that includes early childhood learning, after school care, community center and other social services that may evolve over time. The acquisition includes the renovation and repurposing of the existing former City Hall building, as well as, a significant addition that includes gym and programming space. Improvements shall be reasonably consistent with the plans and images attached as Exhibit A. The Buyer shall complete the renovation, new building, landscaping and other related improvements no later than December 31, 2025. The estimated construction and renovation cost is over 8 million dollars.
2. The Buyer agrees to provide parking spaces on the property for public use on evenings and weekends when the building is not in use. The perpetual care and maintenance of this parking area shall be solely the Buyer’s obligation. The intent of the parking is to provide for overflow parking for the City’s Riverwalk and downtown events that occasionally extend out into adjacent neighborhoods. This lot, at the discretion of the Buyer, may be posted and enforced to restrict any overnight parking, and other yet to be determined issues that may arise that impact the ability to perpetually care and maintain this lot. An easement shall be created and recorded concurrent with closing in a form and manner acceptable to both the Buyer and Seller enumerating these public access rights.

Subject to and upon the terms and conditions hereinafter set forth:

1. Buyer shall obtain, at Buyer's expense, a commitment for a \$300,000 Owner's Policy of Title Insurance in which the title insurance company shall agree to insure merchantable title in the name of the Buyer after delivery of a Warranty Deed to Buyer from Seller. Any defects in title which tend to render the same un-merchantable shall be submitted by the Buyer to the Seller in writing and the Seller shall be given reasonable time to correct the same. If the Seller shall fail or refuse to cause such defects to be corrected, Buyer shall have the option of accepting title subject to defects, or of terminating this Agreement.
2. After the title to the Property has been approved by the Buyer, and upon payment of the balance of the purchase price by the Buyer to the Seller, the Seller shall execute and deliver all necessary documents conveying the real estate interests above described to the Buyer, free and clear of all liens and encumbrances, except as provided herein, and subject to all covenants, restrictions, easements, and zoning ordinances of record.
3. It is understood and agreed by the parties hereto that Buyer is purchasing the Property and personal property covered by this Agreement in an "as is" condition and that Seller has made no guarantees or warranties, expressed or implied, concerning said personal property, real estate, or any improvements thereon. The Buyer has conducted and chosen to rely exclusively on its own inspections of the Property in proceeding with this transaction to purchase the Property. The Buyer hereby assumes any liability the seller may have for the condition of the Property, environmental or otherwise, as a result of the Seller's ownership of the property. The Buyer agrees to defend, indemnify, and hold harmless the Seller from and against all damages, claims, fines, or liability for injuries to (including death of) persons or damage to or loss of property, real or personal, or expense in any manner connected with the activities of the Buyer, its agents, contractors, employees involving the Property. The Seller hereby represents that it has not taken any action that would reasonably result in a lien or encumbrance being placed against the Property.
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11. A. The Seller represents and warrants the following to be true and accurate as of the effective date of this Agreement:
 - (a) The Seller warrants and represents that it has no knowledge of: a) any hazardous substance at, under (including the groundwater) or upon the Property except those that may be age related to the construction materials that were formerly used in the construction of a home that used to exist on the property; or b) any hazardous substances released from the Property onto any other property or into the waters of the State, the groundwater or any publicly or privately owned well.
 - (b) To the best of Seller's knowledge, neither the Property nor the Seller, due to any of the Seller's past operations on the Property, are subject to any judicial or administrative proceedings or to any order from, or agreement with, any Governmental Authority respecting: (i) any violation or alleged violation of any environmental laws or (ii) any remedial action or (iii) any claims arising from the release or threatened release of a hazardous substance to, at or from the Property.
 - (c) The Seller has not received any written or, to the best of Seller's knowledge, any oral communications from any Governmental Authority informing the Seller of any investigation being or to be conducted by a Governmental Authority with regard to the release or threatened release of a hazardous substance to, at or from the Property.
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16. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect and shall in no way be affected, impaired or invalidated.
17. Each party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to accomplish the actions contemplated by this Agreement and to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.
18. This Agreement was negotiated by the parties at arm's length and each of the parties hereto has reviewed this Agreement after the opportunity to consult with independent counsel. Neither party shall maintain that the language in this Agreement shall be construed against any signatory hereto.
19. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.
20. The undersigned persons executing and delivering this Agreement on behalf of each of the parties respectively represent and certify that they are duly authorized and are fully empowered to execute and deliver this Agreement and that all necessary action has been taken and done.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

SELLER

BUYER

CITY OF MISHAWAKA, INDIANA,
acting by and through its Redevelopment
Commission

United Way of St. Joseph County IN

By:

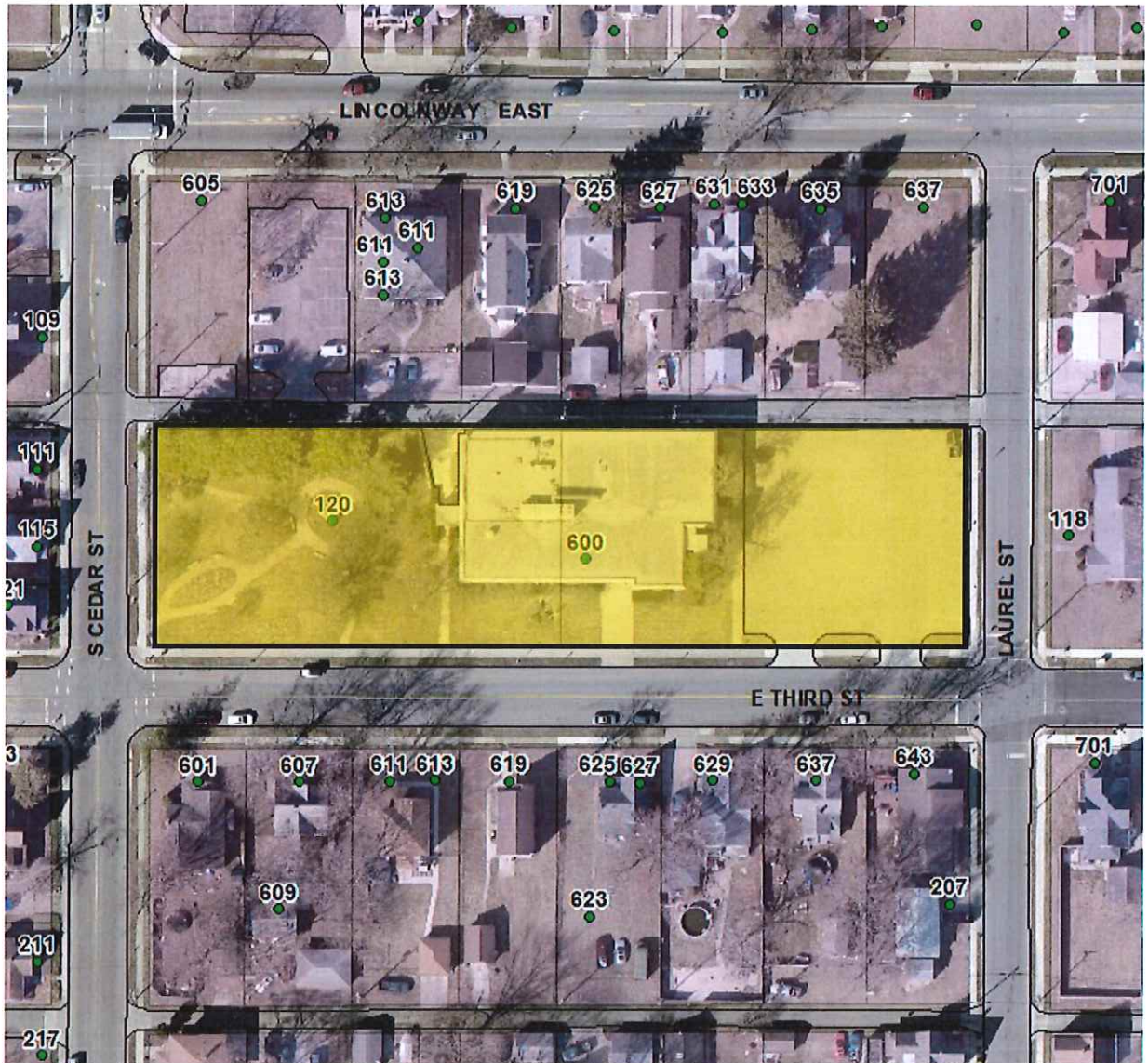
President

Signature

ATTEST:

Secretary

Printed Name and Title



Location Map:

600 East Third Street, Mishawaka IN 46544



Exhibit A

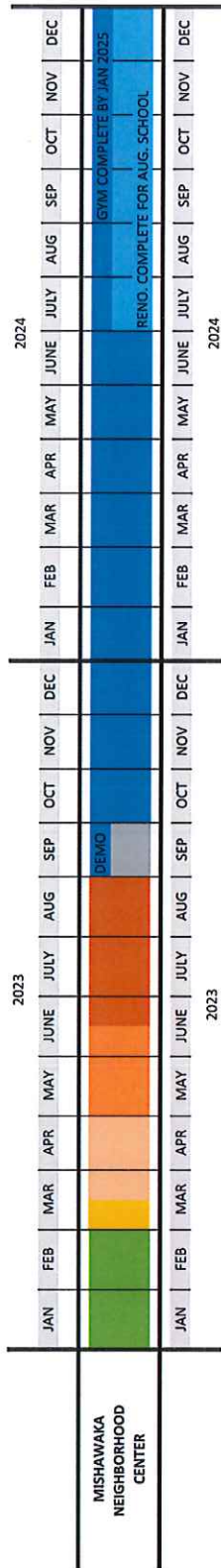


PROJECT # 191004
AR
 KOS
 DESIGN

ONE ROOF MISHA WAKA
 NEIGHBORHOOD CENTER
 DECEMBER 7, 2022

1ROOF
 St. Joe County
 United Way
 of St. Joseph County



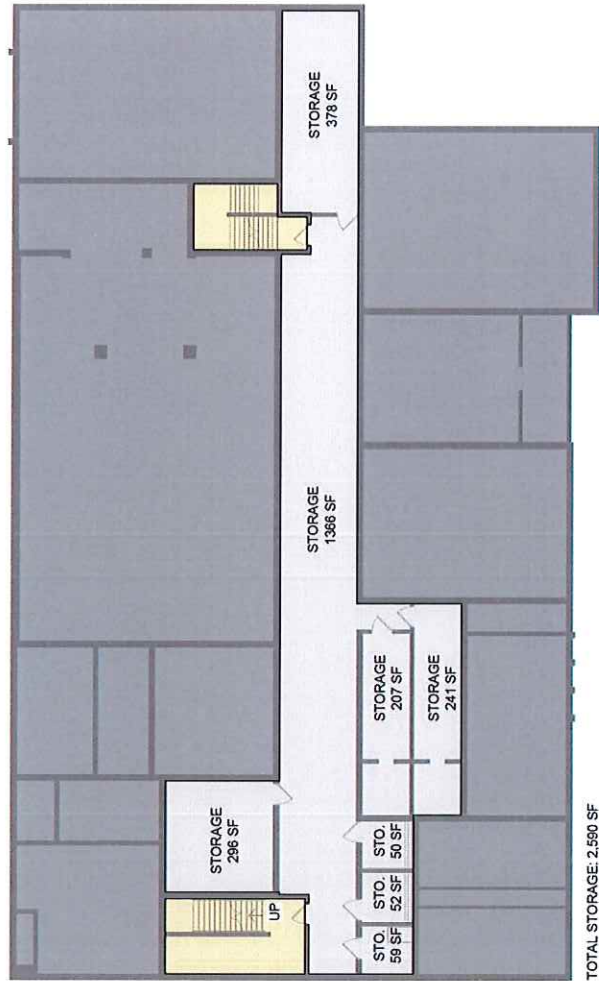


- Facility Assessment
- Programming / Budget
- Schematic Design
- Construction
- Design Development
- Move In
- Construction Documents
- Sub-Contractor Bidding

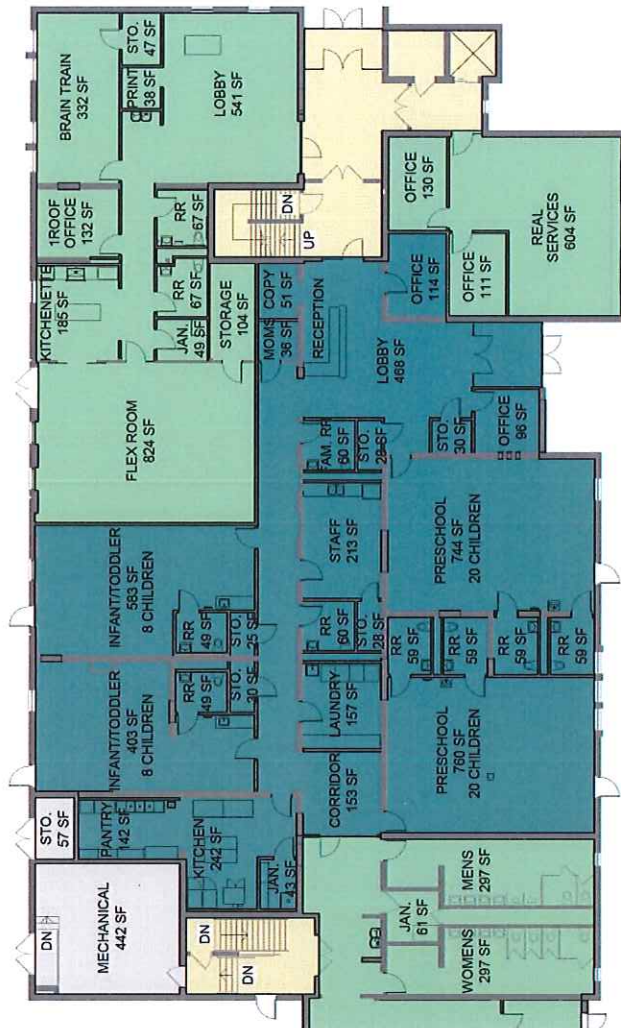


ONE ROOF MISHAWAKA FORMER CITY HALL RENOVATION & ADDITION MARCH 01, 2023





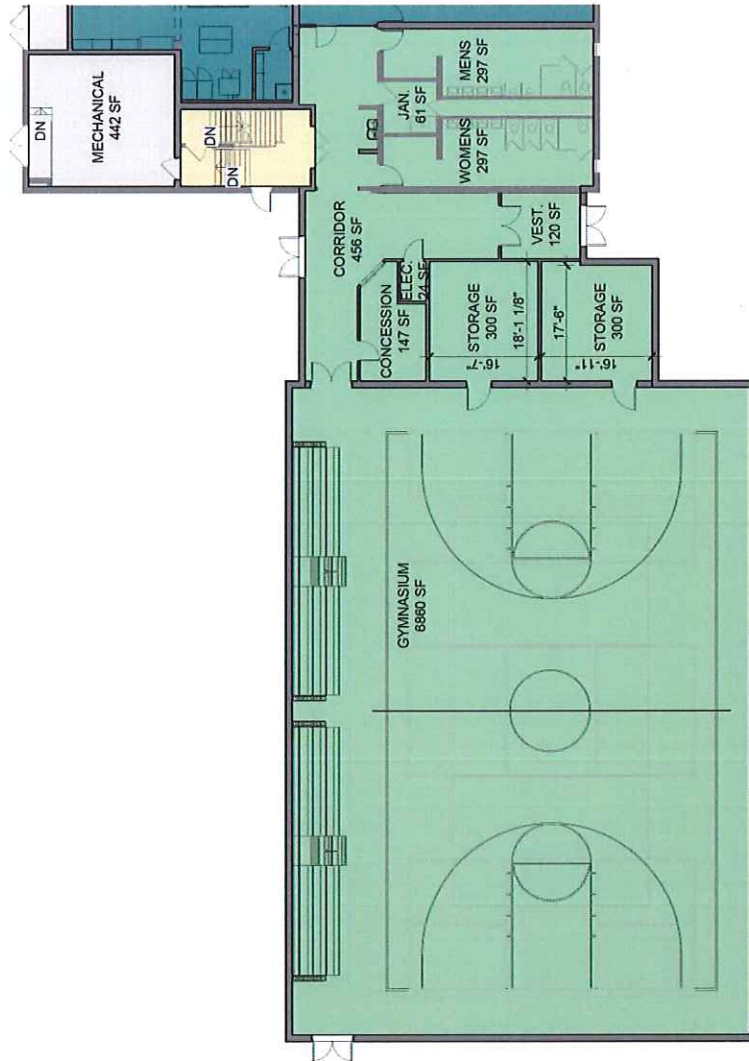
BASEMENT FLOOR PLAN
SCALE: 1/16" = 1'-0"



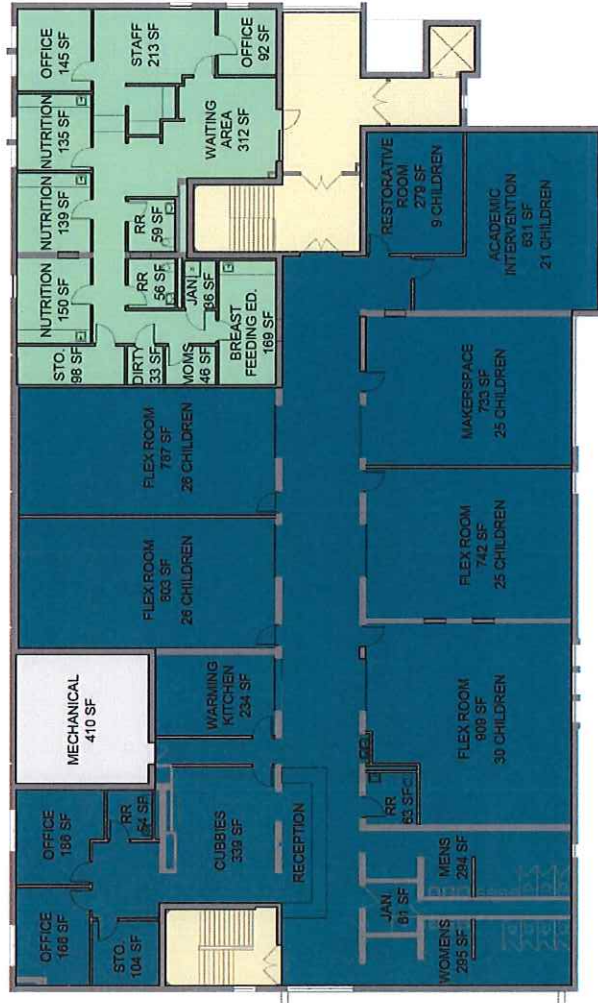
PROJECT # 1910.05

AR KOS
DESIGN





TOTAL ADDITION: 8,660 SF
 FIRST FLOOR PLAN - ADDITION
 SCALE: 1/16" = 1'-0"



SECOND FLOOR PLAN
SCALE: 1/16" = 1'-0"

PETITION #23-09

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-17

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:

APN/Parcel ID(s): 71-04-27-103-007.000-011

THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS:

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER

OF SAID SECTION WHICH IS SOUTH 00 DEGREES 19 MINUTES 07 SECONDS EAST, 662.17 FEET, MORE OR

LESS, AND NORTH 89 DEGREES 23 MINUTES 52 SECONDS EAST, 1328.17 FEET, MORE OR LESS, FROM A

BRASS PLUG MARKING THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTH 00 DEGREES 19

MINUTES 07 SECONDS EAST ALONG SAID EAST LINE, 660.00 FEET, MORE OR LESS, TO THE SOUTH LINE OF

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION AND THE CENTERLINE OF

CASS ROAD (now E University Drive); THENCE SOUTH 89 DEGREES 26 MINUTES 49 SECONDS WEST ALONG SAID SOUTH LINE AND

CENTERLINE, 333.00 FEET, MORE OR LESS; THENCE NORTH 00 DEGREES 19 MINUTES 07 SECONDS WEST,

660.00 FEET, MORE OR LESS; THENCE NORTH 89 DEGREES 26 MINUTES 49 SECONDS EAST, 333.00 FEET,

MORE OR LESS, TO THE POINT OF BEGINNING.

COMMON ADDRESS: 15793 E University Dr

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

Proposed Ordinance No. 2023-17

Ordinance No. _____

of Mishawaka, Indiana, and shall carry a classification for zoning of C-1 General Commercial District.

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

1. Existing Conditions – The subject property is located along a heavily travelled section of East University Drive serving as a commercial corridor. Traffic volumes in the immediate vicinity are expected to remain consistent due to the existing commercial development along the road. The property, which is vacant/wooded, is adjacent to multi-family on the north, a church on the east; a single-family house within unincorporated St. Joseph County on the west; and a shopping center across East University Drive on the south.
2. Character of Buildings in the Area – The character of buildings and land uses located along the University Drive corridor between Grape Road and Fir Road include mainly commercial land uses.
3. The most desirable/highest and best use – Because of the property's location along a heavily travelled commercial corridor, the most desirable use for the property is commercial. As a pocket of unincorporated land, the highest and best use would be to develop it in the City like the surrounding property.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. When the property is ready to be developed, a detailed final site plan for the development must be submitted to address all the applicable regulations, which would require screening of any residential properties.
5. Comprehensive Plan – This property is on the edge of the Mishawaka 2000 Comprehensive Plan, identified as service commercial, which was completed before most of the development along East University Drive, so is still reasonably consistent with the adjacent land uses.

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 _____, 2023, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2023, at o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No. 2023-17

Ordinance No. _____

APPROVED by me this _____ day of _____, 2023, at _____ o'clock
_____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 15793 E University Drive

Date: May 9, 2023

Petition: 23- 09

Prepared By: CH

GENERAL INFORMATION

Applicant: Cass Road LLC/Nifong Realty

Status: Property Owner / Contingent Purchaser & Developer

Request: To annex property and establish zoning as C-1 General Commercial District

Existing Zoning: Unincorporated St. Joseph County (R Single Family District)

Proposed Zoning: C-1 General Commercial District

Lot Size: Approximately 5.05 acres (including the University Drive right-of-way)

Applicable Regulations: Section 137-300 to 137-303 / C-1 General Commercial District &
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: R-3 Multi-Family Residential (Spring Lake apartments)
South: C-2 Shopping Center Commercial (University Commons)
East: R-1 Single Family Residential (Granger Community Church)
West: Unincorporated St. Joseph County – R Single Family (house)

Thoroughfare: East University Drive

School District: Penn-Harris-Madison

Township: Harris

Public Utilities: All utilities are available and/or will be extended to/throughout the site at the developer's expense.

Comprehensive Plan: This area was not included in the boundary of the Mishawaka 2000 Comprehensive Plan, but is immediately adjacent to property designated at Service Commercial.

ANALYSIS**Proposal:**

The applicant is proposing to annex and establish C-1 General Commercial District zoning for an undeveloped property just to the west of Granger Community Church's property.

The 5.05 acre site, currently known at 15793 E University Drive (Parcel ID 71-04-27-103-007.000-011), is located on the north side of East University Drive, east of North Main Street. The parcel has 333' of frontage on East University Drive, and is vacant wooded property.

The applicant is requesting a zoning classification of C-1 General Commercial District which allows a variety of retail, office, and service uses. A preliminary site plans shows a two-tenant building and associated parking. With the C-1 District, a maximum of two tenants per building are permitted. There is no landscaping or drainage shown.

If the proposed rezoning and annexation request is approved, a detailed final site plan 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, prior to any permits being issued. Electric, Engineering, and Planning have provided comments to help with the development of said site plan. Some hurdles include Lashbaugh Ditch, existing water, sewer, and electric utilities crossing the site, elevation changes and the location of access points. A subdivision plat will be required to dedicate right of way and establish easements.

Annexation:

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. Having three sides contingent to the existing City boundary, approximately 1,332 feet, or 66%, of the total 1,998 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 on the north side of East University Drive, approximately 1,000' east of North Main Street, and is bordered to the north Spring Lake Apartments; to the west by a single-family house located within unincorporated St. Joseph County; to the south University Commons shopping center; and to the east by Granger Community Church. The University Drive corridor between Grape Road and Fir Road includes a variety of commercial uses, with a church and multi-family development.

Zoning Change:

Staff believes that the proposed zoning of this property to the C-1 General Commercial District is appropriate given the primarily commercial uses along University Drive and recent mixed-use commercial and residential development proposed at the northeast corner of North Main Street and East University Drive. This helps to fill a gap in the City Boundary.

Transportation/Roads:

According to the latest available traffic counts, there were 15,114 annual average daily trips (AADT) (September 2021) along East University Drive, east of Main Street. The counts at this location have increased steadily over the past 20 years ranging from a low of 9,543 AADT (July 2009) to a high of 15,270 AADT (October 2018). The University Commons shopping center was built in 2002. With the existing commercial development in the northern Mishawaka and Granger areas, it is anticipated that traffic volumes will remain relatively consistent in future years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff, the County Engineering Department, and INDOT, does not show any planned added travel lanes along the University Drive corridor. University Drive is currently a four-lane road between Grape Road and Fir Road with dedicated turn lanes at the signalized intersections.

All pertinent City Departments have reviewed and approved the request for annexation and zoning with the Planning, Engineering, and Electric Departments making comments pertaining to the eventual development of the site.

RECOMMENDATION

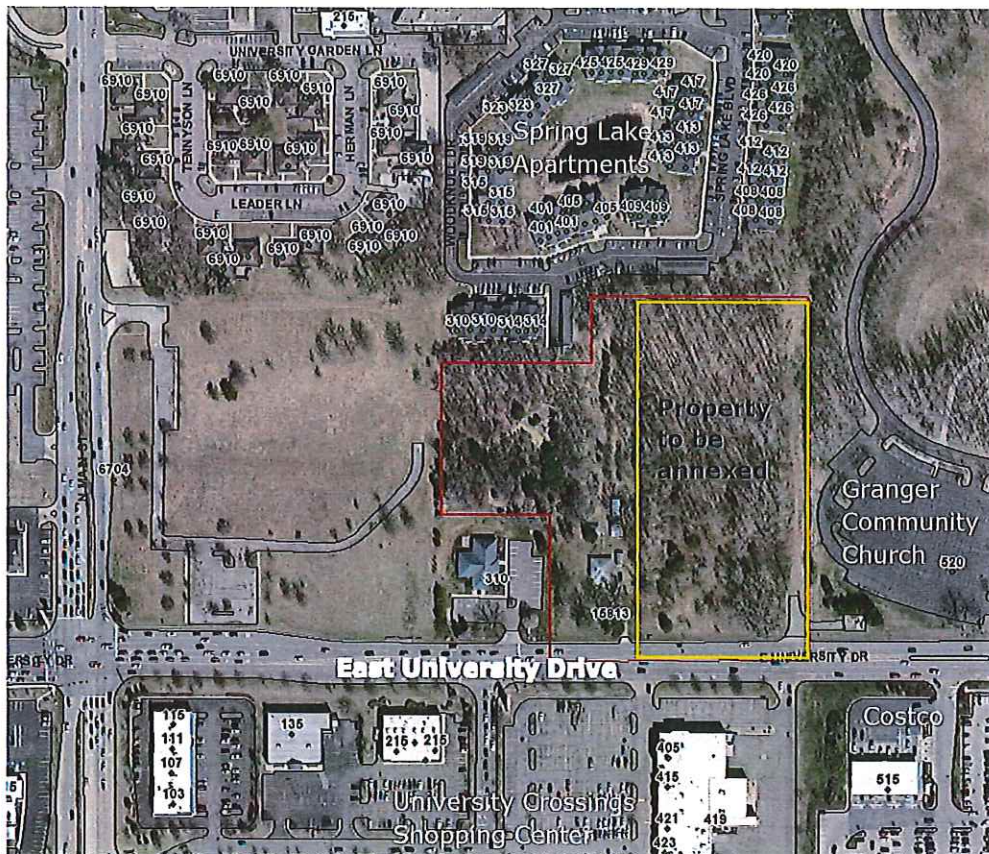
Staff recommends in **favor** of Petition 23-09 to annex and establish zoning as C-1 General Commercial District for property located on the north side of East University Drive, east of North Main Street (15793 E University Dr.).

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along a heavily travelled section of East University Drive serving as a commercial corridor. Traffic volumes in the immediate vicinity are expected to remain consistent due to the existing commercial development along the road. The property, which is vacant/wooded, is adjacent to multi-family on the north, a church on the east; a single-family house within unincorporated St. Joseph County on the west; and a shopping center across East University Drive on the south.
2. Character of Buildings in the Area – The character of buildings and land uses located along the University Drive corridor between Grape Road and Fir Road include mainly commercial land uses.
3. The most desirable/highest and best use – Because of the property's location along a heavily travelled commercial corridor, the most desirable use for the property is commercial. As a pocket of unincorporated land, the highest and best use would be to develop it in the City like the surrounding property.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. When the property is ready to be developed, a detailed final site plan for the development must be submitted to address all the applicable regulations, which would require screening of any residential properties.
5. Comprehensive Plan – This property is on the edge of the Mishawaka 2000 Comprehensive Plan, identified as service commercial, which was completed before most of the development along East University Drive, so is still reasonably consistent with the adjacent land uses.

ATTACHMENTS

Aerial Map, Photographs, Rezoning & Annexation Petition, Preliminary Site Plan, and Location Map





A view due north from University Crossings Shopping Center



A view northwest of the neighboring property including veterinarian office



A view northeast from University Crossings Shopping Center of the lift station



A view west from Granger Community Church parking lot

3/28/23

TO THE:

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

PET 23-09
Received
APR 11 2023
Planning and
Community Development

RE: Petition for Annexation and Zoning Classification

The undersigned as agent for Cass Road, LLC respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

APN/Parcel ID(s): 71-04-27-103-007.000-011

THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 27,
TOWNSHIP 38 NORTH,
RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS
DESCRIBED AS:

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE
NORTHWEST QUARTER
OF SAID SECTION WHICH IS SOUTH 00 DEGREES 19 MINUTES 07 SECONDS EAST,
662.17 FEET, MORE OR
LESS, AND NORTH 89 DEGREES 23 MINUTES 52 SECONDS EAST, 1328.17 FEET, MORE
OR LESS, FROM A
BRASS PLUG MARKING THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTH
00 DEGREES 19
MINUTES 07 SECONDS EAST ALONG SAID EAST LINE, 660.00 FEET, MORE OR LESS, TO
THE SOUTH LINE OF
THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION AND
THE CENTERLINE OF
CASS ROAD; THENCE SOUTH 89 DEGREES 26 MINUTES 49 SECONDS WEST ALONG
SAID SOUTH LINE AND
CENTERLINE, 333.00 FEET, MORE OR LESS; THENCE NORTH 00 DEGREES 19 MINUTES
07 SECONDS WEST,
660.00 FEET, MORE OR LESS; THENCE NORTH 89 DEGREES 26 MINUTES 49 SECONDS
EAST, 333.00 FEET,
MORE OR LESS, TO THE POINT OF BEGINNING.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located in Indiana and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a Commercial C1 District. Petitioners further state they

intend to utilize said land for a retail development consisting of one building to accommodate two retail tenants.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s). Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, 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 annexing the above described parcel of real estate to the City of Mishawaka with a Commercial C2 Zoning Classification.

Signed: 

Cass Road, LLC
Thomas G. Horka, Managing Member
131 South Taylor Street
South Bend, IN 46601
TELEPHONE NUMBER
thomashorka@smail.com

Copy To:

Dave Holzem

Nifong Realty

895 Lombardi Ave.

Green Bay, WI 54304

djh@nifongrealty.com

920-432-7300



April 5, 2023

Christa Hill
Senior Planner
City of Mishawaka
Planning and Community Development
100 Lincolnway West
Mishawaka, IN 46544

Regarding University Drive rezoning application

Hello Christa,

As per our phone conversation today, I have enclosed 12 stamps for the envelopes.

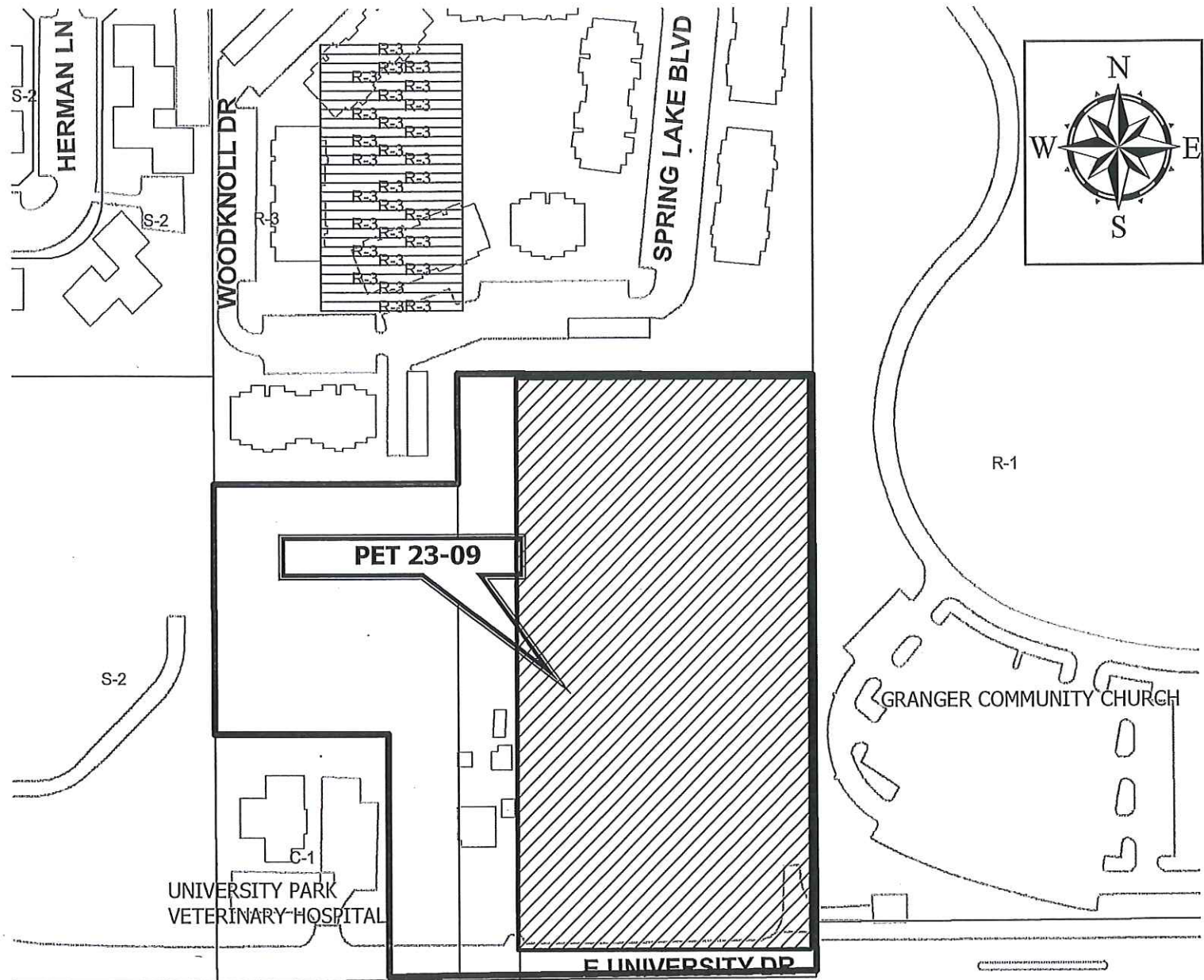
I would also like to change our request to C1 commercial zoning. We designed the site per C1 guidelines but inadvertently requested C2 commercial.

If you have any questions, feel free to call

A handwritten signature in black ink, appearing to read "Dave Holzem", with a long, sweeping horizontal line extending to the right.

Dave Holzem
Nifong Realty
920-432-7300
djh@nifongrealty.com

Nifong Realty, Inc
Real Estate Development, Leasing-Sales, Property Management
895 Lombardi Avenue, Green Bay, WI 54304
920-432-7300
djh@nifongrealty.com



Location Map

PET 23-09

OWNER: CASS ROAD LLC

ADDRESS: 15793 E UNIVERSITY DR

ANNEX PROPERTY INTO
THE CITY OF MISHAWAKA
AND ESTABLISH ZONING AS
C-1 GENERAL COMMERCIAL DISTRICT

COSTCO

PETITION 23-10

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-18

ORDINANCE NO. _____

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

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

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

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

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

Lot 108 Citizen's Home Co Mckinley Hwy Plat

COMMON ADDRESS: 2027 E LaSalle

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

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

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

Proposed Ordinance No: 2023-18

Ordinance No:

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

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2023, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2023, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2023, at _____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 2027 E. LaSalle Ave.

Date: May 9, 2023

Petition: 23 10

Prepared By: SA

GENERAL INFORMATION

Applicant: Michael A. Reaves

Status: Property Owner

Request: Rezone from I-2 Heavy Industrial District to R-1 Single Family Residential

Zoning Classification: I-2 Heavy Industrial District

Lot Size: 80' x 260'/0.48 Acres

Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District
South: I-2 Heavy Industrial District (Industrial)
East: I-2 Heavy Industrial District (Residential)
West: I-2 Heavy Industrial District (Residential)

Thoroughfare: East LaSalle Avenue between North Home Street and Elder Road

School District: Penn-Harris-Madison School District

Public Utilities: Available

Comprehensive Plan: Industrial

ANALYSIS

The Petitioner, Michael Reaves, is requesting to rezone 2027 E. LaSalle Avenue from I-2 Heavy Industrial District to R-1 Single Family Residential. The property is located between North Home Street and Elder Road. Homes located across the street are zoned R-1 Single Family Residential and homes not already rezoned R-1 on the south side of East LaSalle Avenue are zoned I-2 Heavy Industrial. There are industrial uses located behind the home.

The Petitioner is also requesting an appeal for an oversized garage addition and it needs proper R-1 zoning. Prior to the 1980's residential uses were permitted in industrial zoned districts. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain districts. Originally constructed in 1959 as a private residence, the home historically has remained residential in its use.

Pertinent City Departments have reviewed and approved the request.

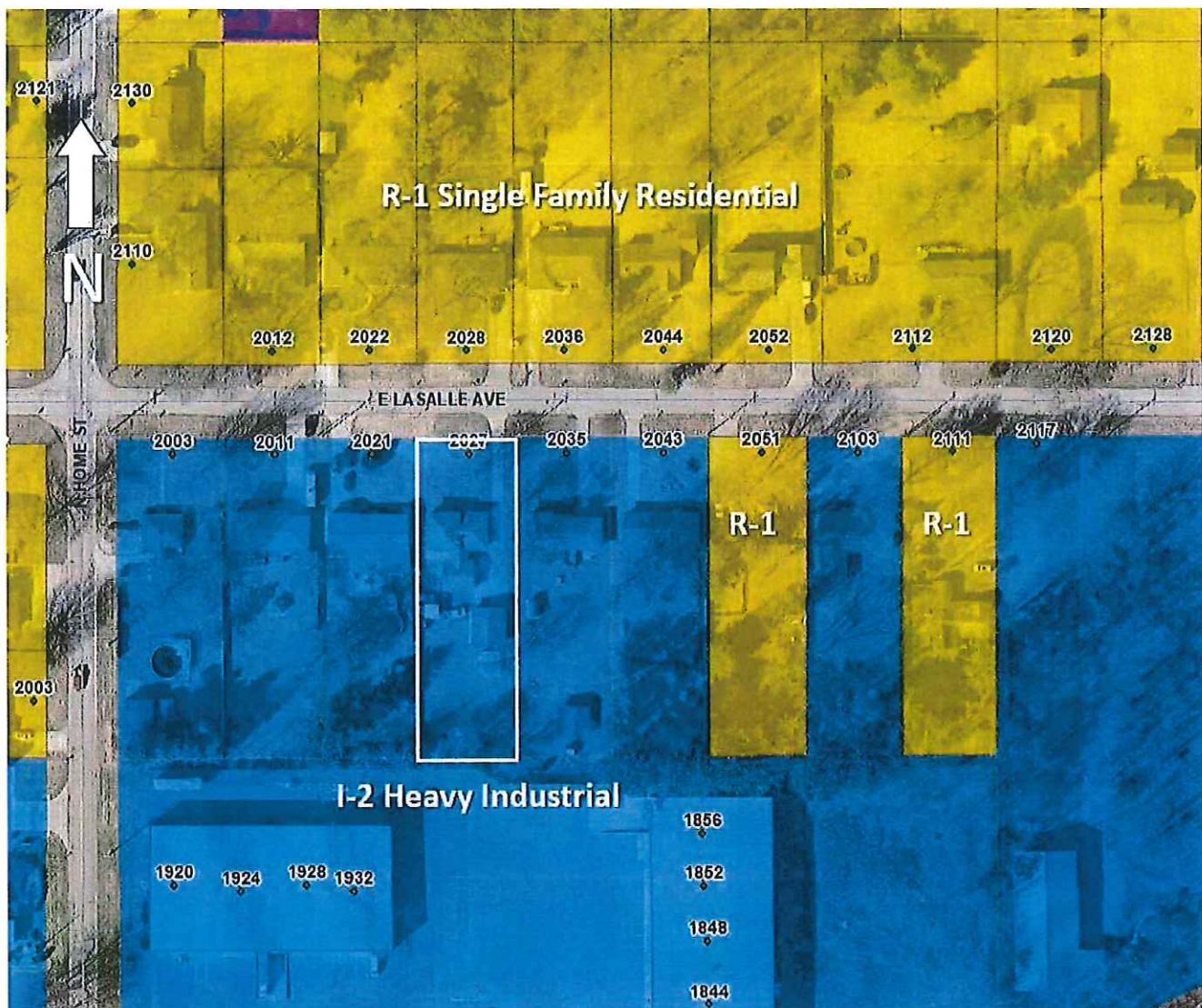
RECOMMENDATION

The Planning Department recommends **approval** of Petition 23-10 to rezone 2027 East LaSalle Avenue from I-2 Heavy Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are industrial uses south of the property, but the neighborhood surrounding the property to the north, west, and east are used as single family dwellings, and its historic use as a single family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an industrial project, staff feels that the most desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for industrial use, however, its historic use as a single family home is compatible and consistent with the historic residential uses in the area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP



Aerial



House at 2027 E. LaSalle Ave.



House on the north side of E. LaSalle Ave.

DATE: 04/06/2023

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

PET 23-10
Received

APR 11 2023

Planning and
Community Development

RE: PETITION TO REZONE

The undersigned Michael A Reaves 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:

Lot 108 Citizens Home Co Mckinley Hy Plat
2027 East Lasalle Ave Mishawaka Indiana 46545

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-2 Heavy Industrial District. Said property is *(State the existing use of the real estate)*.

Petitioner(s) desire said real estate to be rezoned to R-1 Single Family District. Michael A Reaves Petitioner(s) further state that they intend to utilize said land for Residential single-family dwelling on a platted lot with outbuilding(s) for storage of personal family assets. We would like to add-on to our existing outbuilding to store classic cars.

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 rezoning the above described parcel of land located in the City of Mishawaka.



Michael A Reaves

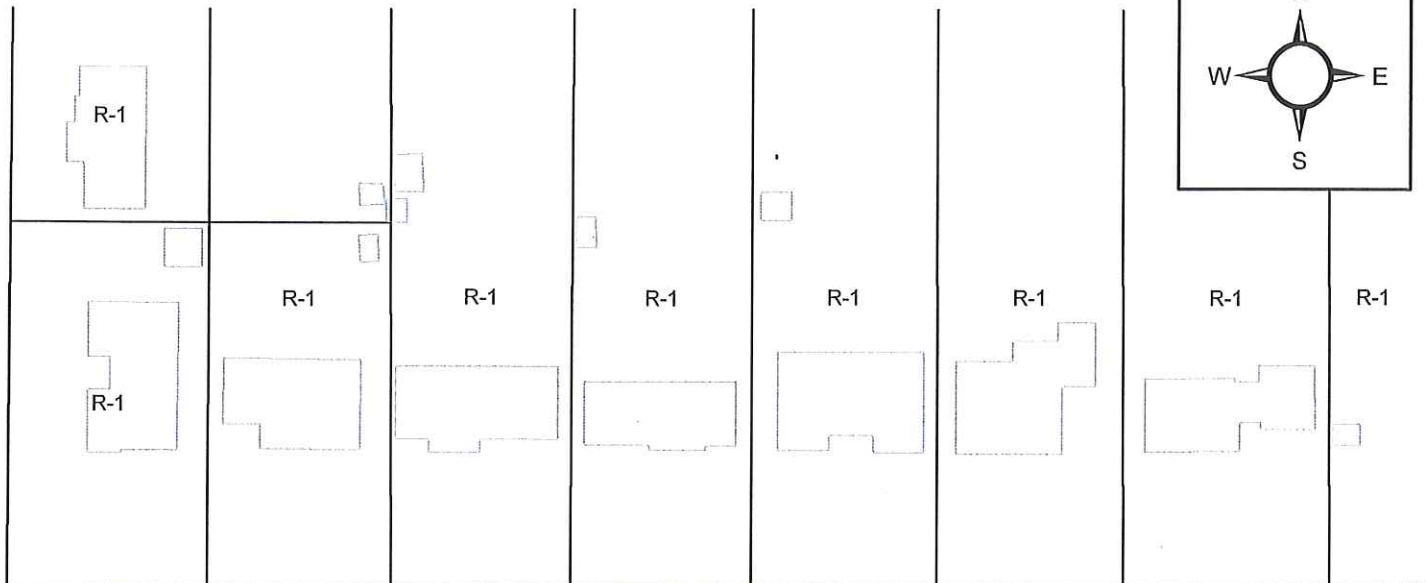
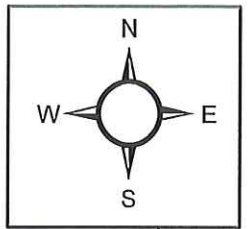
CONTACT PERSON:

NAME MICHAEL A REAVES

ADDRESS 2027 EAST LASALLE AVE MISHAWAKA INDIANA 46545

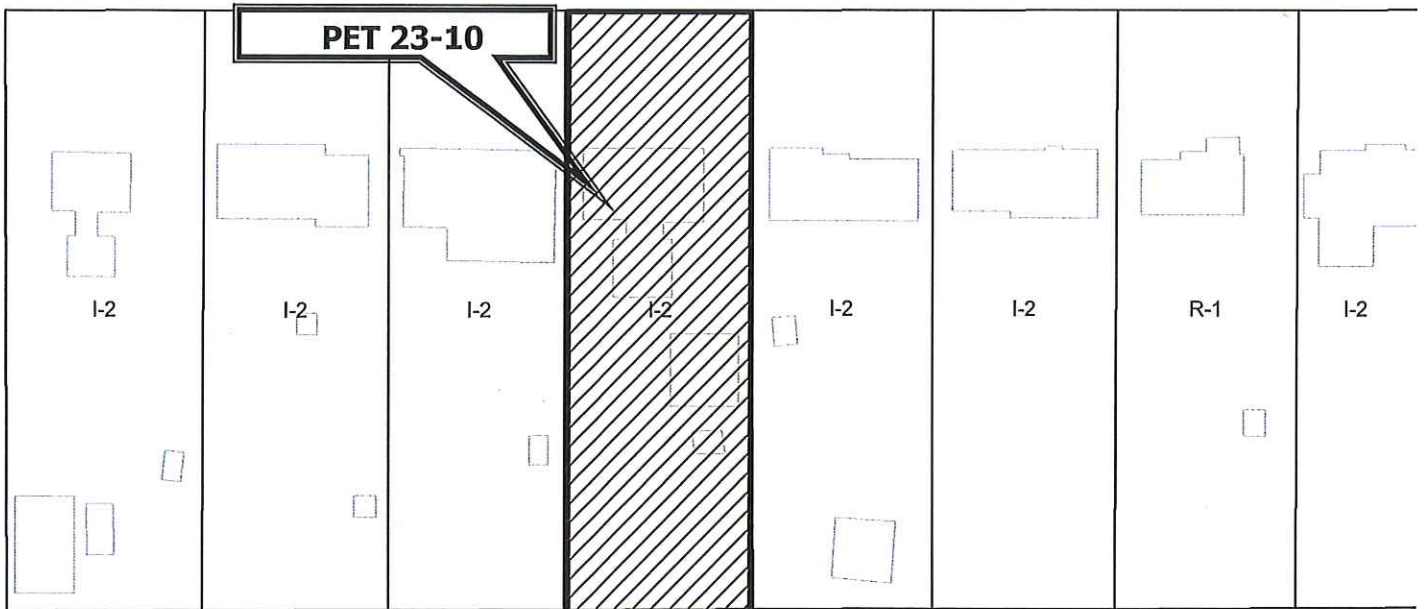
PHONE NUMBER 574-250-0590

EMAIL CORRENIA.HOUGHTON@KGPCO.COM



E LASALLE AVE

N HOME ST



Location Map

PET 23-10

OWNER: MICHAEL A REAVES

LOCATION: 2027 E LASALLE

REZONE PROPERTY FROM
I-2 HEAVY INDUSTRIAL TO
R-1 SINGLE FAMILY RESIDENTIAL
TO MATCH EXISTING USE

I-2

MAY 11 2023

City Clerk
Mishawaka, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2023 -19

ORDINANCE NO. _____

AN ORDINANCE TRANSFERRING FUNDS FROM THE
MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE
CITY OF MISHAWAKA TO THE LOCAL ROAD & BRIDGE
MATCHING GRANT FUND OF THE CITY OF MISHAWAKA
FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2023
AND AN ORDINANCE APPROPRIATING ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2023

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

Section 1. There is hereby transferred from the Motor Vehicle Highway Restricted
(MVHR) Fund of the City of Mishawaka to the Local Road & Bridge Matching Grant Fund of
the City of Mishawaka the sum of \$774,648.69 as required for the Community Crossing
Grant.

Motor Vehicle Highway Restricted Fund (MVHR)

From:

Capital Outlays

2203-50-442-01

Street Repair

\$774,648.69

Local Bridge and Road Matching Grant Fund

To:

Other Services and Charges

2404-50-436-03

Street Repair

\$774,648.69

Section 2. Which requires the appropriation of additional funds for the fiscal year
ending December 31, 2023 in addition to that set out in detail in the published budget.

Section 3. There is hereby appropriated from the Local Bridge and Road
Matching Grant Fund of the City of Mishawaka the sum of \$1,549,297.00 for assignment as
follows:

Local Road & Bridge Matching Grant Fund

Other Services and Charges

2404-50-436-03

Street Repair

\$1,549,297.00

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

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

on this _____ day of _____, 2023 at _____

o'clock, _____. M.

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 _____, 2023 at _____

o'clock, _____. M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2023 at

_____ o'clock, _____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: May 11, 2023
To: Honorable Members of the Common Council
From: Rebecca Maguire

Re: Transfer from MVH Restricted and Additional Appropriation Local Road
& Bridge Matching Fund

I am requesting for first reading, approval for the transfer of \$774,648.69 from the Motor Vehicle Highway Restricted Fund to the Local Road & Bridge Matching Grant Fund as this is our necessary match for the Community Crossings Grant. These funds are budgeted funds for the purpose of the match.

This transfer along with the \$774,648.31 grant already received from the State must be appropriated. Therefore, I am also requesting approval of the additional appropriation for a total of \$1,549,297.00.

This ordinance allows for both the transfer and appropriation in this fund and is required every year to show proper accounting of the grant and match.

Thank you for your consideration. Please contact me with any questions.

c: David A. Wood, Mayor
Christine Jamrose, City Engineer/Director

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC

MAY 11 2023

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2023 -20

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 5811 THE 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. Ordinance number 5811 passed by the Common Council of the City of Mishawaka, Indiana, on the 17th of October, 2022 is hereby amended as follows:

CIVILIAN POLICE CERTIFICATION:

BIWEEKLY

MAJOR CRIMES EVIDENCE TECHNICIAN

\$76.92

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

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

this _____ day of _____ 2023, 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 _____ 2023, at _____

o'clock, ____ m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2023, at _____ o'clock,

____ m.

David A. Wood, Mayor



CITY OF MISHAWAKA



Police Department
100 Lincolnway West
Mishawaka, IN 46544

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

May 15, 2023

Mishawaka Common Council
Mayor Dave Wood

Re: Major Crimes Evidence Technician

Mr. President and Honorable Council Members:

The Forensic Analyst position is new to the Mishawaka Police Department and the responsibilities of this position are currently evolving and changing. The MPD's Forensic Analyst, Kelly Gorny, has a Major Degree in Forensic Science and a Minor Degree in Criminal Justice. She also brings eight years of experience in this field from another police agency.

Needless to say, her expertise is needed as an on-call status crime scene tech at major crime scenes during off-duty hours. With her experience, having Ms. Gorny's presence at crime scenes is crucial for the integrity of evidence collection.

Also, Ms. Gorny's presence at call-outs helps preserve the chain of evidence and can also save over-time by officers not needing to stay after shift to package evidence for the lab as she takes full responsibility for preparation for the State Lab or analyzing it herself.

I would like to request Kelly Gorny to be paid the Major Crimes Evidence Technician Stipend.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ken Witkowski", with a long horizontal line extending to the right.

Kenneth L. Witkowski
Chief of Police