



AGENDA

June 19, 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): 2348 846 3650
Meeting password: BiuSvNME289**

**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 June 05, 2023

5. Petitions, Communications, Remonstrance and Memorial

A letter from the City Plan Commission regarding their recommendations from their June 13, 2023 meeting.

A letter from the Historic Preservation Commission regarding their recommendation from their June 06, 2023 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2023-24	Rezone from R-1 Single Family Residential to R-2 Two Family Residential to match existing use as a duplex - 712 Division St.
P.O. No. 2023-25	Rezone from S-1 Extensive Open Space to C-3 City Center Commercial - Northeast corner of Cedar & E. Third St.
P.O. No. 2023-26	Annex and Zone to I-1 Light Industrial District for proposed Self Storage - Vacant land south of 1505 S. Byrkit
P.O. No. 2023-27	Annex and Rezone to C-4 Automobile Oriented Commercial - 100' North of the Northeast corner of E. McKinley & Maplehurst
P.O. no. 2023-28	Approving & Authorizing Economic Revenue Bonds - Ironworks Phase II
P.O. No. 2023-29	Rezone from C-1 to R-3 Multi-Family Residential - 2406 Schumacher Dr. & adjacent property
P.O. No. 2023-30	Establishing 124 S. Race St. a Historic Landmark

8. Resolutions

R2023-14	Fiscal Plan for Annexation of 15793 E. University Dr.
R2023-15	Amending the Declaratory Resolution & Economic Development Plan for Consolidated Area Improvement Project

9. Ordinances on Second Reading

- | | |
|------------------|--|
| P.O No. 2023-17 | Annex & Establish Zoning as C-1 General Commercial District - 15793 E. University Dr. (Assigned to Land Use Planning Committee) Vote Only |
| P.O. No. 2023-20 | Amending Ordinance 5811 Civil City Salary Ordinance
(Assigned to Budget & Finance Committee) |
| P.O. No. 2023-21 | Authorizing an Investment Policy
(Assigned to Budget & Finance Committee) |
| P.O. No. 2023-22 | Authorizing the Investment of Public Funds
(Assigned to Budget & Finance Committee) |
| P.O. No. 2023-23 | Authorizing the Investment of Public Funds outside City Limits
(Assigned to Budget & Finance Committee) |

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

- | | |
|------------------|--|
| P.O. No. 2023-10 | Amending the Municipal Code Personnel Policies - Call to Active Military Duty
(Assigned to Personnel Committee)
Amendment Requested |
|------------------|--|

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

June 5, 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, June 5, 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 (A), Mr. Bellovich (P), Mr. Mammolenti (P), Mr. Banicki (P), Mr. Emmons (P), Mrs. DeMaegd (P), Mr. Compton (P), Mrs. Voelker (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Block

Minutes for the Regular Meeting on May 15, 2023 were approved as received from the Clerk's Office.

Clerk Block read the following petitions by title.

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.

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

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

Mr. Hixenbaugh stated the record would reflect that the information had been presented.

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

PROPOSED ORDINANCE NO. 2023-21

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

**Authorizing an Investment Policy
(Requesting 1st and 2nd Reading – Request had been withdrawn)
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2023-22

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

**Authorizing the Investment of Public Funds
(Requesting 1st and 2nd Reading – Request had been withdrawn)
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2023-23

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

**Authorizing the Investment of Public Funds outside City Limits
(Requesting 1st and 2nd Reading – Request had been withdrawn)
(Assigned to Budget & Finance Committee)**

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

RESOLUTION R2023-13

**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**

Civil City Property Disposal of old City Hall 600 E. Third Street & surrounding properties

Mayor Wood spoke in favor of **RESOLUTION R2023-13**. Mayor Wood stated he was filling in for Ken Prince that evening as he was watching his oldest son graduate that evening. Mayor Wood stated this was the disposal of all of the City Hall properties that were typically found

within the block that was bounded by Laurel Street to the east, Cedar Street to the west, Lincolnway to the north and 3rd Street to the south. Mayor Wood stated the biggest piece of property within that was the City Hall piece and as they had seen in the plans, they had graciously approved ARPA funding for that to be the home of the new one-roof concept from United Way of St. Joe County and the Boys and Girls Club. Mayor Wood stated they intended to renovate the building, the old school, into a neighborhood center that would have services that were critical in the nature to the citizens of the surrounding neighborhood. Mayor Wood stated they also intended with that to add a gym. Mayor Wood stated the former Bingham site of the old school, later park property, was zoned differently so they would be coming back and requesting a rezoning of that property for that particular project. Mayor Wood stated when they went through the process to relocate City Hall, they wanted very specifically to be hands on and whoever took over their old building, they wanted to be very comfortable and confident in them not only in taking it over, but renovating it as well and that it would be great not only for the neighborhood, but also the community as a whole. Mayor Wood stated they would typically give them their customary offer which would be the city giving the property to them for a dollar knowing that millions would be invested into it and they were going to bring vital services that were needed for the neighborhood, which more than made up for the property value. Mayor Wood stated they also had an alternative plan should no one step up and be interested in the building that they found suitable. Mayor Wood stated they had demolition dollars that they had allocated for it, so they did not now have to spend for the demolition of that building, which could have cost \$250,000 to \$500,000 and those were funds that conceivably be now saving. Mayor Wood stated the corner of Lincolnway and Cedar Street, the former Hitchman House, would be the future site of the Women's Care Center as they had outgrown their current facility on Lincolnway and they were looking to build a new office and service the building on that corner. Mayor Wood stated they would maintain the site as far as parking and that would still be allowable for public parking. Mayor Wood stated on the corner of Laurel and Lincolnway would be a future site of a two-story home built by the Mishawaka Building Trades and they were already very excited to take the site over and put in a home there that met the character of the neighborhood. Mayor Wood stated they specifically asked that they built a two-story and they were good with that. Mayor Wood stated they would also essentially be introducing a new park to that area which was catty-corner on the corner of Lincolnway and Cedar Street and that was currently under construction. Mayor Wood stated with the school, part of the restriction for the school transfer of that property over to the Boys and Girls Club was specifically that they asked that it not be turned into a charter school. Mayor Wood stated that was originally a School City building and they felt that just out of loyalty to School City of Mishawaka, they did not want a use there that competed with School City and so they asked that that restriction be put in. Mayor Wood stated the users had agreed to that and that would be part of the agreement as a result. Mayor Wood stated he would take any questions they had.

Mrs. Voelker stated she was really happy to see that the Building Trades, as they were doing on Mishawaka Avenue, were respecting the character of the neighborhood with the house they were planning on building. Mrs. Voelker stated it really paired nicely with the house across the street across Laurel and she just wanted to point that out. Mrs. Voelker also thanked Alliance Architects, because she remembered when Marty Murphy and the crew were there talking about the Women's Care Center and she made a comment to them about how she thought that the design of the building looked like it belonged in Granger and they did do some tweaking of it so

that it looked a little bit more arts and crafts. Mrs. Voelker thought it would fit better into the neighborhood and appreciated that change.

Mr. Compton asked who was going to own the Women's Care Center and if that was going to be a local hospital and if it was privately owned. Mayor Wood stated it was a nonprofit and they provided critical care for specifically pregnant women and services of that nature. Mayor Wood stated they were currently located right across from the 100 Center on Lincolnway as they had been for many years and they had just outgrown the space.

Mr. Hixenbaugh thanked Mayor Wood as well as Mr. Prince for the work they had done on this. Mr. Hixenbaugh stated as they discussed when they approved the coronavirus related partial funding for the United Way's One Roof project that in their mind checked off the boxes with regard to community services and the fact that the Building Trades program and the Women's Care Center also would be able to take advantage of that site only enhanced that benefit to Mishawaka. Mr. Hixenbaugh thanked all involved for the work that was done. Mayor Wood thanked the council for their partnership and buying into the vision and they could not be more excited about the site in its entirety. Mayor Wood stated they thought that it would be a great thing for not just the neighborhood but all of Mishawaka. Mr. Hixenbaugh stated for the record, and he was sure Mayor Wood agreed, that during the public comment and public meeting process that they had, they received no objection from the neighborhood. Mr. Hixenbaugh stated he thought they were all of one mind that this would be well received by the neighbors as well.

Question was called for at 7:14PM for **RESOLUTION R2023-13. Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 8-0.

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

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. PUBLIC HEARING –NO VOTE

Dave Holzem, Nifong Realty and Development out of Green Bay, spoke in favor remotely of **PROPOSED ORDINANCE NO. 2023-17.** Mr. Holzem stated they were a Midwest-Southeast developer of Midbec shopping centers, strip centers and so on. Mr. Holzem stated they had one tenant for the building and they were looking for a second tenant at the moment to develop the center on University Drive.

The public hearing was closed at 7:17PM. Mr. Hixenbaugh stated pursuant to Indiana law, no vote would be taken that evening but a vote would take place at their next council meeting on June 19th.

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

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

Karina Houghton, 2027 East Lasalle Avenue, spoke in favor remotely of **PROPOSED ORDINANCE NO. 2023-18**. Mrs. Houghton was petitioning to move from I-2 to R-1 residential for further upgrades to their property and for insurance purposes.

Mr. Compton asked if she intended to live in the home and if was this home and not a rental property or an investment property for herself. Mrs. Houghton stated they wanted to add a toll bar garage style addition to their house to store their classic cars in.

Question was called for at 7:21PM for **PROPOSED ORDINANCE NO. 2023-18. Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5841.**

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**

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

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-19**. Mrs. Maguire stated this was their annual procedure to fund the Community Crossing Grant. Mrs. Maguire stated they received \$774,648.49 from the state and they were matching that with the same amount from city funds where the difference was to make the total appropriation a whole number. Mrs. Maguire stated the state's portal did not accept cents in their portal and the Community Crossing fund, which paid for all of the road repair that the Engineering Department set for the year. Mrs. Maguire stated this was just the standard procedure they had to follow by statute.

Question was called for at 7:24PM for **PROPOSED ORDINANCE NO. 2023-19. Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5842.**

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
(Requesting Postponement to June 19th meeting)**

Mr. Compton made a motion to honor the petitioner's request and with a second from Mr. Banicki, a roll call vote was held. The motion passed unanimously and second reading and the public hearing on **PROPOSED ORDINANCE NO. 2023-20** was postponed until their next regularly scheduled council meeting on June 19th, 2023.

PRIVILEGE OF THE FLOOR

Christy Miller, 321 West 7th Street, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Miller invited the council to the last regular meeting of the summer for the West End Neighborhood Watch Wednesday June 7th at 7PM upstairs in the Youth Council conference area. Mrs. Miller stated they would be taking July off and in August they would see them at National Night Out and they would start up their regular meetings again on the first Wednesday of September. Mrs. Miller stated on June 7th, they would be graced with the presence of the St. Joe County Humane Society with Jenny Brown, Executive Director and Sarah Stanton, Outreach Coordinator. Mrs. Miller invited everybody to join them and all Mishawaka residents were welcome to attend.

NEW BUSINESS

Mr. Emmons announced the West End Neighborhood meeting would be on June 15th at St. Bavos at 7PM and their guest speaker would be Peter DeKever, who would be updating them on the history of Mishawaka. Mr. Emmons stated he looked forward to seeing everybody there and everyone was invited. Mr. Emmons stated as usual, they would have refreshments from West End Bakery.

ADJOURNMENT 7:28PM

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

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Kenneth B. Prince, ASLA, AICP, Executive Director

June 14, 2023

Deborah S. Block, IAMC, MMC

JUN 14 2023

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
June 13, 2023, Public Hearing

Honorable Members:

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

RESOLUTION #23-01 A resolution approving Amendments to the Declaratory Resolution and the Economic Development Plan for the Consolidated Area Improvement Project.

The Commission, with a vote of 8-0, recommended approval.

PETITION #23-06 A petition by Freed Capital, LLC requesting to rezone property at **2406 Schumacher & adjacent vacant property** from C-1 General Commercial District to R-3 Multi-Family Residential District. (Tabled from April 11th meeting)

The Commission, with a vote of 5-2, recommended approval. Sam Cressy abstained from vote.

PETITION #23-11 A petition by RWP Investment LLC requesting to rezone property at **712 Division St** from R-1 Single Family Residential to R - 2 Two Family Residential District.

The Commission, with a vote of 6-2, recommended approval.

PETITION #23-12 A petition by City Of Mishawaka requesting to rezone property **west of and adjacent to 600 E Third** from S - 1 Extensive Open Space District to C-3 City Center Commercial District.

The Commission, with a vote of 8-0, recommended approval.



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Kenneth B. Prince, ASLA, AICP, Executive Director

PETITION #23-13 A request submitted by Storage of America seeking to annex and establish zoning as I-1 Light Industrial District for **approximately 19.38 acres of vacant land south of 1505 S Byrkit Avenue.**

The Commission, with a vote of 8-0, recommended approval.

PETITION #23-14 A request submitted by 1500 McKinley LLC requesting to annex and establish zoning as C-4 Automobile Oriented Commercial for **property located 100' North of the NE corner of East McKinley and Maplehurst, Mishawaka, Indiana.**

The Commission, with a vote of 8-0, recommended approval.

Respectfully,

Donna M Burkart

Donna Burkart, Administrative Planner
Secretary, Plan Commission

STAFF REPORT

Location: 2406 Schumacher and adjacent vacant property

Date: April 11, 2023

Petition: 23 06

Prepared By: CH

GENERAL INFORMATION

Applicant: Freed Capital, LLC/Wightman (Terry Lang)

Status: Property Owners/Surveyor & Site Designer

Request: Rezone from C-1 General Commercial District & R-3 Multi-Family Residential to R-3 Multi-Family Residential

Zoning Classification: C-1 General Commercial District & R-3 Multi-Family Residential

Lot Size: 2.8 acres

Applicable Regulations: Sec. 137-40 Plan Commission;
Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map;
Sec. 137-215 thru 137-217 R-3 Multi-Family Residential Developmental Regulations

SPECIAL INFORMATION

Area Development Pattern: North: R-3 Multi-Family Residential (Town & Country Estates)
South: C-9 Automobile Sales (automobile sales, service & detailing)
East: R-1 Single Family Residential (Normain Heights)
West: I-1 Light Industrial (roofing wholesaler)

Thoroughfare: Schumacher Drive

School District: Penn-Harris-Madison

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

Comprehensive Plan: Low to medium density residential

ANALYSIS

The Petitioners are requesting to rezone the above referenced property from C-1 General Commercial District & R-3 Multi-Family Residential to R-3 Multi-Family Residential. The property is located at 2406 Schumacher and includes adjacent vacant property.

The property is 2.8 acres. There is an existing 1,200 square foot office building, which is proposed to be demolished. The remaining property is wooded. The northeast portion (where the retention pond is proposed) is currently zoned R-3 Multi-Family Residential.

The reason for the change is so the petitioner can build 6 four-unit residential buildings. With this petition the property owner is only seeking to establish the proper zoning for the proposed multi-family use. If approved, a site plan laying out phases of development will be required prior to the beginning of any construction or issuance of any permits. A detailed final site plan will address storm drainage, grading, utilities, landscaping, soil erosion control, and all other required improvements pertinent to the proposed development. A subdivision plat will also be required to establish all necessary easements.

Based on the proximity to single family residential homes, Planning Staff is requesting a written commitment limiting the building height standard of the R-2 Two Family District be applied, which is 35' as opposed to 120'. Planning also had questions about garages/parking spaces and number of bedrooms per unit.

The Engineering Department had no concerns with the change in zoning, however, did have comments that will need to be addressed on the subdivision and site plan. 1. Sanitary sewer shall be privately maintained and will not qualify for sewer insurance; 2. With roadway private, all maintenance (paving, plowing, etc.) would be the developer's responsibility; 3. Storm sewer easement shall be 30', not 20'; 4. Existing 10" sanitary stub is only 6' deep, so may need to be raised to provide adequate cover over pipe; 5. All proposed runoff shall be directed to proposed retention basin and be sized to handle 100 year, 24 hour storm event. This may have constraints with groundwater depths, provide Geotech report to confirm; 6. Sidewalk along Schumacher Dr within project limits shall be replaced.

Other pertinent City Departments reviewed and approved the request.

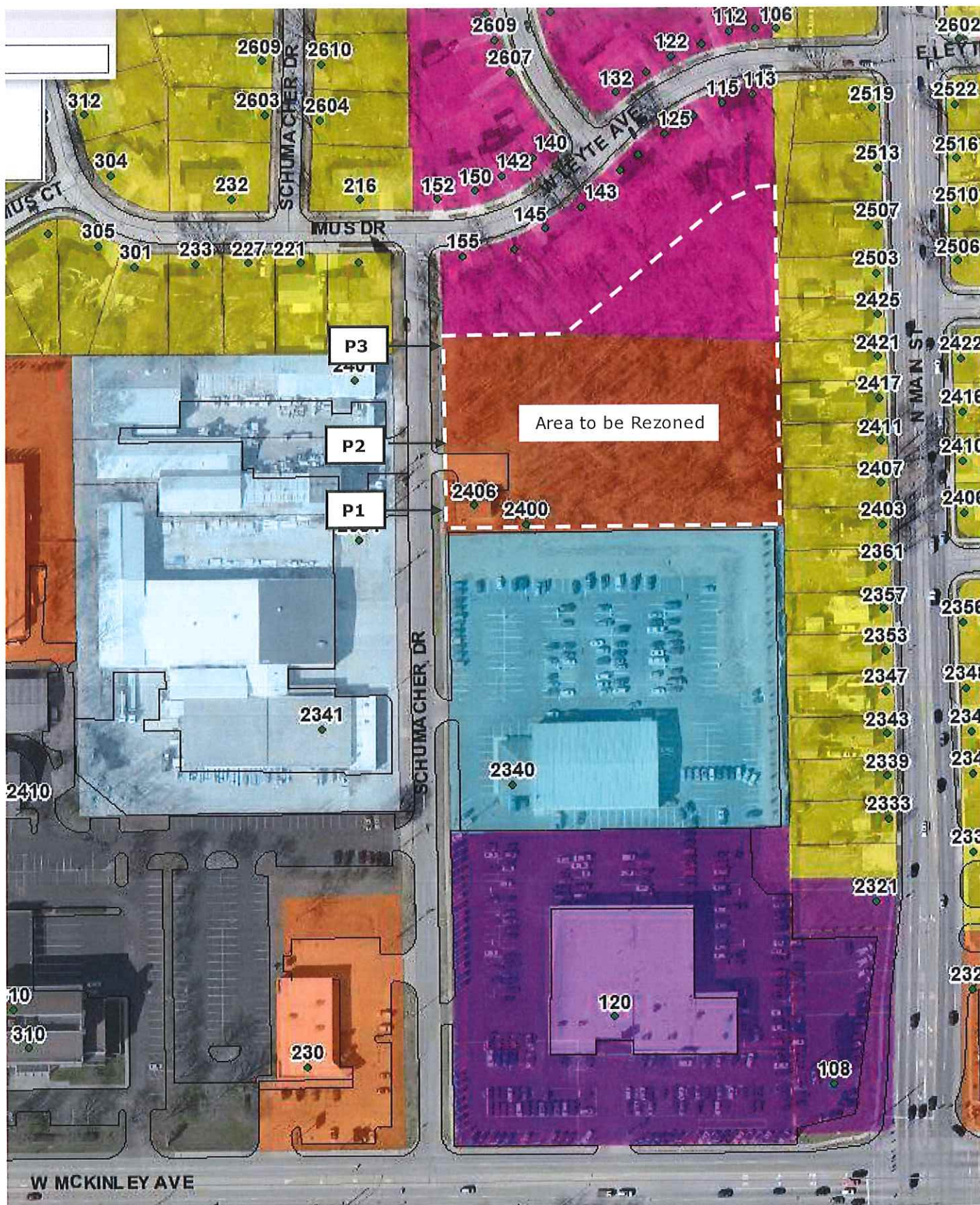
RECOMMENDATION

The Planning Department recommends **in favor** of Petition #23-06 to rezone the property at 2406 Schumacher Drive and the adjacent vacant property to R-3 Multi-Family Residential District. This recommendation is based upon the following findings of fact:

1. Existing Conditions - This area is tucked away on Schumacher Drive, off of McKinley Avenue, but abuts long standing residential developments like Normain Heights and Town & Country Estates.
2. Character of Buildings - The character of the buildings accessed from Schumacher Drive are commercial and industrial in nature, however there is residential to the north and east;
3. The most desirable/highest and best use - Because the parcel is partially zoned R-3 Multi-Family District and located near other residential uses, downzoning to the R-3 Multi-Family District is a desirable use for this property;
4. Conservation of property values - The proposed rezoning should not be injurious to property values in the surrounding area as this is a downzoning to match existing neighboring zoning; and
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as low to medium density residential, and the proposed development will be 12 units per acre.

ATTACHMENTS

PHOTOS, PETITION, SITE PLAN, AERIAL, LOCATION MAP





P1. Existing building at 2406 Schumacher (to be demolished)



P2. Parking lot and wooded area



P3: North end of the property against property facing Imus

STAFF REPORT

Location: 712 Division Street

Date: June 13, 2023

Petition: 23 11

Prepared By: DMB

GENERAL INFORMATION

Applicant: RWP Investments, LLC/Lee Clark, Empire Management

Status: Property Owner/Authorized Rep

Request: Rezone from R-1 Single Family Residential to R-2 Two Family Residential

Zoning Classification: R-1 Single Family Residential

Lot Size: 40' x 66'

Applicable Regulations: Sec. 137-186 Residential R-2 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: R-1 Single Family Residential District
East: R-1 Single Family Residential District
West: R-1 Single Family Residential District

Thoroughfare: Division Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner, RWP Investment LLC, is requesting to rezone 712 Division Street from R-1 Single Family Residential to R-2 Two-Family Residential. The property is located on Division Street south of East Lawrence Street and North of East Grove Street.

The Petitioner, Danial Williams with RWP Investments, LLC has continuously owned this property since 2020. The property has had 2 units since 1949. A fire occurred in which made the Petitioner to lose legal non-conforming status therefore needing rezoning.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 23-11 to rezone 712 Division Street from R-1 Single Family Residential District to R-2 Two Family Residential. This recommendation is based upon the following findings of fact:

1. Existing Conditions - There are Two Family residences in the vicinity, West of 712 Division along East Grove street;

2. Character of Buildings - Use and value of the area of this property has been residential and this particular property has been a duplex since 1949;
3. The most desirable/highest and best use – The best and most desirable use of this property is continuing its use as a 2-unit residence. It has been used as a 2-unit residence since 1949.
4. Conservation of property values – The rezoning of this property should not be injurious to property values in the area since it has been a 2-family residence since 1949 without any incident.
5. Comprehensive Plan – The proposal to rezone to R-2 is consistent with the Comprehensive Plan.

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP

Aerial with zoning



Front view of 712 Division Street



Rear view of 712 Division Street (white house in background)

STAFF REPORT

Location: Northeast corner of East Third Street and South Cedar Street

Date: June 13, 2023

Petition: 23 12

Prepared By: CH

GENERAL INFORMATION

Applicant: City of Mishawaka

Status: Property Owner

Request: Rezone from S-1 Extensive Open Space to C-3 City Center Commercial

Zoning Classification: S-1 Extensive Open Space

Lot Size: 0.54 acres

Applicable Regulations: Sec. 137-358 C-3 City Center Commercial District;
Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-3 City Center Commercial
South: R-1 Single Family Residential and R-2 Two Family Residential
East: C-3 City Center Commercial
West: R-2 Two Family Residential

Thoroughfare: East Third Street and South Cedar Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Open Space (public parks and nature preserves, golf courses, cemeteries, and schools)

ANALYSIS

The Petitioner is requesting to rezone the property directly west of the former City Hall from S-1 Extensive Open Space to C-3 City Center Commercial. The S-1 District has a limited list of uses, including cemeteries, country clubs or golf courses, public parks and playgrounds, and water pumping plants. The property is located at the northeast corner of Cedar Street and East Third Street, and is the former Bingham Park, the original site of Bingham School.

The City is preparing to sell the property to the United Way/Boys and Girls Club for their 1Roof program. The 1Roof program has plans to build a gymnasium addition on the former park, prompting rezoning prior to the property transfer.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 23-12 to rezone the park area west of the former City Hall building (600 E. Third St.) from S-1 Extensive Open Space to C-3 City Center Commercial. This recommendation is based upon the following findings of fact:

1. Existing Conditions – This corner is neighboring by single and multi-family residential units, and would allow the redevelopment of the former school turned municipal property;
2. Character of Buildings – The character of the buildings are predominantly residential, except for the former school turned municipal building directly adjacent;
3. Highest and Best Use - Because the parcel will be developed in conjunction with the adjacent property, matching the C-3 City Center Commercial zoning is a desirable use for this property;
4. Conservation of Property Values - As opposed to the limited uses that could occur with its current zoning, rezoning this property to the C-3 City Center Commercial will have a favorable and stabilizing impact on the neighborhood by providing additional services; and,
5. The City's Comprehensive Plan calls for Open Space, which matches its history as a school and municipal building. The C-3 City Center Commercial District allows a range of uses that would be compatible and support existing uses in the area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP

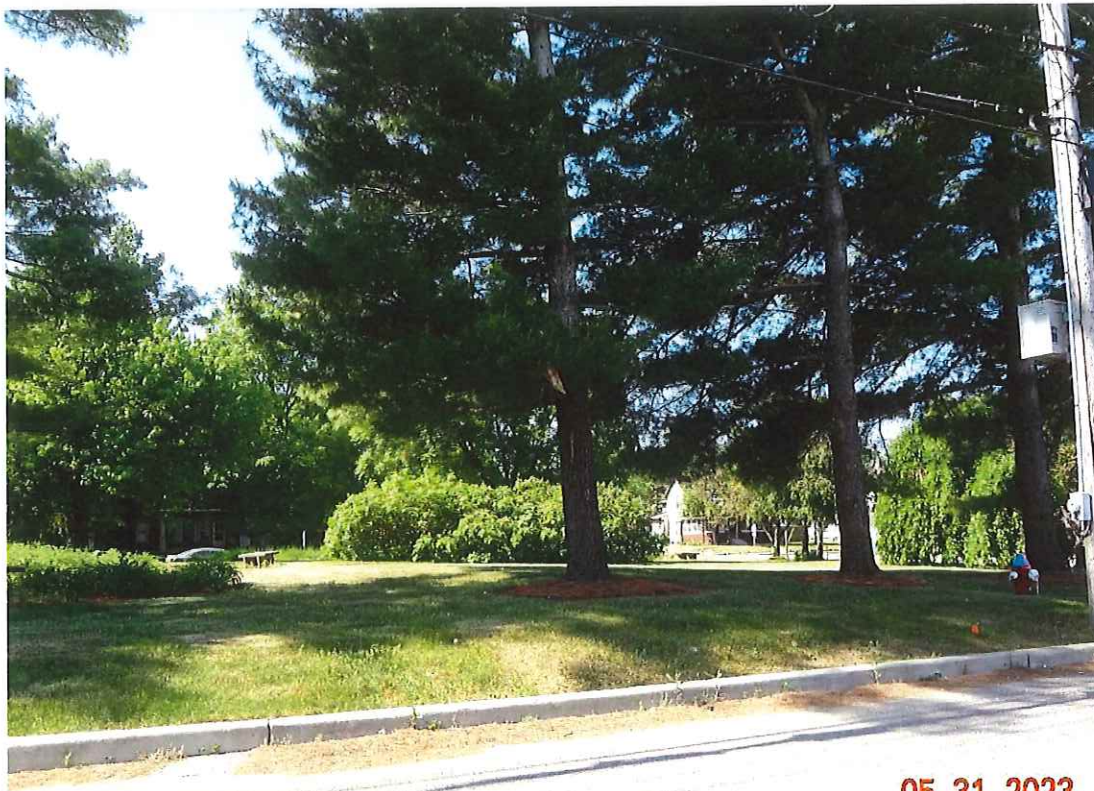




P1. A view of the park from Cedar Street



P2. A view of the park from Third Street



05 31 2023

P3. A view of the park from the alley to the north



Snapshot, taken between 1967 and 1984, showing the two Bingham Schools side by side.

STAFF REPORT

Location: Vacant Land South of 1505 S. Byrkit Avenue

Date: June 13, 2023

Petition: 23- 13

Prepared By: DJS

GENERAL INFORMATION

Applicant: Storage of America LLC / Landmark Engineering Group

Status: Property Owner & Developer / Surveyor, Engineer & Site Design Consultant

Request: To annex, establish zoning, and approve a preliminary site plan for a self-storage facility development

Existing Zoning: Unincorporated St. Joseph County (I Industrial District)

Proposed Zoning: I-1 Light Industrial District

Lot Size: Approximately 19.63 acres excluding the adjacent public right-of-way

Applicable Regulations: Section 137-585 to 137-587 / I-1 Industrial 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: I-1 Light Industrial (Vacant / Agricultural Land & Two-Tenant Building / Pemberton Davis (Electrical Contractor) & B&B Molders (Plastics Manufacturer)) & Unincorporated St. Joseph County – I Industrial (Vacant / Agricultural Land)

South: Unincorporated St. Joseph County – I Industrial (Residential & Public Utility / NIPSCO)

East: R-4 Manufactured Home Residential (Mobile Home Park / Village Green)

West: I-1 Light Industrial (Vacant & Storm Water Retention Basin / Merrifield Avenue Industrial Park)

Thoroughfare: Fir Road / S. Byrkit Avenue

School District: Penn-Harris-Madison

Township: Penn

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

Comprehensive Plan: Industrial

ANALYSIS**Proposal:**

The applicant is proposing to annex, establish zoning, and approve a preliminary site plan to allow for the construction of a mini-self storage facility.

The 19.38 acre site, which includes one parcel (tax parcel #014-1027-0456), is located on the west side of Fir Road (S. Byrkit Avenue) approximately 1,300 feet south of E. 12th Street. The parcel has approximately 589' of frontage on Fir Road and is currently vacant agricultural land. The adjacent property to the west was annexed in the City of the Mishawaka in 1997 with an I-1 Light Industrial zoning classification and subsequently subdivided for the purposes of industrial development. The parcels immediately adjacent to the west remain undeveloped and are mostly wooded with a large storm water retention basin serving the industrial subdivision. Three of the adjacent properties to the north were annexed in 1982, 1997, and 2021, and zoned I-1 Light Industrial. The property fronting S. Byrkit Avenue (1505 S. Byrkit Avenue) includes a two-tenant building currently occupied by Pemberton Davis Electric and B&B Molders. The property to the northwest includes several connected industrial buildings occupied by the Jamil Packaging Corporation. The vacant agricultural land to the north, which was annexed just two years ago, was purchased by the Jamil Packaging Corporation for a potential future expansion. The property to the east across Fir Road was annexed in 1970 with an R-4 Manufactured Home Residential zoning classification and developed as the Village Green mobile home park.

As indicated on the preliminary site plan, the development will include 34 storage unit buildings, an 875 sf office building and adjacent parking area near the entrance, access drives, and a large storm water retention basin. The property is to be developed in two phases. The first phase will consist of 13 storage unit buildings and the office within the northeast part of the site, the entrance and access drives, storm water retention basin, and other required infrastructure. The second phase will consist of the remaining 21 storage unit buildings, including 6 buildings with larger contractor storage units. Data provided on the plan indicates that the first phase will include 108,160 sf of storage space, while the second phase will include 129,310 sf of regular storage space and 64,800 sf of contractor storage space. Parking spaces for the office are required based on the maximum number of employees per shift. A total of nine (9) parking spaces are conceptually shown on the plan.

The applicant is requesting a zoning classification of I-1 Light Industrial District to permit the proposed mini-self storage facility. The preliminary site plan shows that the required height, area, and development regulations for the I-1 District (building and parking setbacks, off-street parking requirements, etc.) should be met. The front and side yard building setbacks shown on the plan exceed the I-1 District requirements.

A developmental variance will be required for the minimum 250' separation from any residential zoned property. Property to the east across Fir Road is zoned R-4 Manufactured Home Residential and occupied by the Village Green mobile home park. The developmental variance for the separation requirement shall be filed in conjunction with the final site plan. The need for any additional variances will be reviewed prior to the final site plan submittal to ensure that additional variances are not required.

One access off of Fir Road is proposed to serve the development. The Engineering Department commented that alternate means of ingress/egress, and the extension of the St. Jerome Street right-of-way through the property from the west should be considered. If St. Jerome Street is extended through the site, the road would have to be built to city standards, but the city would maintain it in perpetuity. A utility easement will be required for a future sanitary sewer extension from Fir Road (Byrkit) west to the St. Jerome right-of-way should right-of-way not be dedicated through the property. All other drives and parking lots interior to the site will be privately owned and maintained.

Landscaping shall be required within the front building setback along the entire Fir Road (Byrkit) frontage to include one (1) deciduous shade (overstory) tree planted 40' on-center or one (1) deciduous ornamental (understory tree) planted 25' on-center.

If the proposed rezoning and annexation request is approved, a detailed final site plan for each phase of the development must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), grading, erosion control, and any other required improvements.

Annexation:

Adjacent properties to the west, north, and east were annexed into the city between 1982 and 2021 and zoned for industrial and mobile home park use. A majority of the land to the north and west remains as undeveloped agricultural land or natural wooded areas.

Per the State of Indiana’s annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexations as outlined above, approximately 2,380 feet, or 59.6%, of the total 3,991 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located to the west of Fir Road (S. Byrkit Avenue) approximately 1,300’ south of E. 12th Street, and is bordered to the north by industrial properties and vacant agricultural land; to the west by vacant industrial properties; to the south by a single-family residential house zoned industrial within unincorporated St. Joseph County and a gas utility substation; and to the east by a mobile home park. The Fir Road (S. Byrkit Avenue) corridor between E. 12th Street and Dragoon Trail includes a variety of commercial, office, industrial, and residential uses.

Zoning Change:

Staff believes that the proposed zoning of this property to the I-1 Light Industrial District is appropriate given the adjacent industrial zoned or occupied properties to the west, north, and south. The entire pocket of adjacent unincorporated property is zoned for industrial uses. The Mishawaka 2000 Comprehensive Plan identified a planned or preferred use of the subject property and area bordered by Merrifield Avenue to the west, E. 12th Street to the north, Fir Road (S.Byrkit Avenue) to the east, and single-family residential areas to the south (Blair Hills and Rosewood) as industrial (manufacturing, warehousing, and distribution). The proposed mini-storage facility is a less intensive use than many uses permitted in the I-1 Light Industrial District.

Transportation/Roads:

According to the latest available traffic counts, there were 4,222 annual average daily trips (AADT) (September 2022) along S. Byrkit Road south of E. 12th Street. The only other historical count at this location was 3,541 AADT (August 2020). There were 2,684 AADT along Fir Road north of Dragoon Trail. Traffic counts at this location have been relatively consistent over the last 35 years from a high of 5,732 AADT (July 2011) to a low of 1,973 AADT (January 2001). The average count at this location, after subtracting the high and low count, was just under 3,300 AADT. 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 Fir Road (S. Byrkit Avenue) corridor. The road currently provides two-lanes of travel.

All pertinent City Departments have reviewed and approved the request for annexation and zoning.

The Engineering Department comments, as outlined above, shall be considered with the final site plan development. No comments were related specifically with the proposed annexation and zoning of the property.

The Fire Department commented that the applicant will need to meet with the Fire and Water Department prior to development.

The Electric Department questioned where the electrical service point will be provided for the project.

The Building and Water Departments had no comments related to the annexation and zoning.

RECOMMENDATION

Staff recommends in **favor** of Petition 23-13 to annex, establish zoning, and approved a preliminary site plan for property located on the west side of Fir Road (S. Byrkit Avenue) south of 1505 S. Byrkit Avenue. The property is proposed to be zoned I-1 Light Industrial District for a self-storage facility.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along a low travelled section of Fir Road (S. Byrkit Avenue) primarily utilized by the single-family residential areas to the south. Traffic volumes in the immediate vicinity are expected to remain consistent. The property, which currently is vacant agricultural land, is adjacent to industrial zoned or occupied property and agricultural land to the north; vacant and wooded industrial zoned property to the west; a single-family residential house zoned for industrial use to the south; and a mobile home park to the east.
2. Character of Buildings in the Area – The character of buildings and land uses located along Fir Road (S. Byrkit Avenue) corridor between E. 12th Street and Dagoon Trail vary and include commercial, office, industrial, and residential land uses.
3. The most desirable/highest and best use – Because of the property's location adjacent to industrial zoned or occupied areas, the most desirable use for the property is industrial.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use for the subject property and adjacent areas as industrial.

ATTACHMENTS

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



Aerial Photograph

Vacant Land S. of 1505 S. Byrkit Avenue Proposed Self-Storage Facility



P1. Looking northwesterly toward the property from the southwest corner and Fir Road.



P2. Looking westerly toward the property from Fir Road.

STAFF REPORT

Location: West of 1500 E. McKinley Avenue - Northeast corner of E.
McKinley Avenue & Maplehurst Avenue

Date: June 13, 2023

Petition: 23- 14

Prepared By: DJS

GENERAL INFORMATION

Applicant: 1500 McKinley LLC (d/b/a Cars2You on adjacent property to the east) / Wightman

Status: Property Owner / Surveyor & Site Design Consultant

Request: To annex, establish zoning, and approve a preliminary site plan for a self-storage facility

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

Proposed Zoning: C-4 Automobile Oriented Commercial with a Use Variance (AP 23-18) to allow a self-storage facility

Lot Size: 2.34 acres including the adjacent Maplehurst Avenue right-of-way

Applicable Regulations: Section 137-379 to 137-380 / C-4 Automobile Oriented Commercial District & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County – C Commercial District (Dealer-Only Automobile Auction / Greater Mishawaka Auto Auction)

South: C-4 Automobile Oriented Commercial (Used Automobile Sales / Cars2You and Rite Way Auto, Vacant, and Automobile Repair / Town & Country Tire and Auto)

East: C-4 Automobile Oriented Commercial (Used Automobile Sales / Cars2You owned by the Applicant)

West: C-1 General Commercial (Commercial Building)

Thoroughfare: E. McKinley Avenue & Maplehurst Avenue

School District: Penn-Harris-Madison

Township: Penn

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

Comprehensive Plan: Open Space

ANALYSIS

Proposal:

The petitioner, 1500 McKinley LLC, is proposing to annex, establish zoning, and approve a preliminary site plan to allow for the construction of a mini-self storage facility.

The 2.08 acre site, which includes one parcel (tax parcel 014-1019-0272.09), is located on the north side of E. McKinley Avenue east of Maplehurst Avenue. A majority of the site is a vacant wooded area with a small paved lot in the south part of the property previously serving the prior Swifty's gas station. The adjacent properties to the south and east are also owned by the applicant and occupied by the Cars2You used automobile sales business (1500 E. McKinley Avenue). Property to the south was annexed into the City of Mishawaka in 1940 as a part of a large approximate 5 sq. mile annexation and zoned for commercial use. The property to west across Maplehurst Avenue was annexed in 1995 and zoned for commercial use. The property to the east was annexed in 2010 and zoned for commercial use for the applicant's used automobile sales business.

As indicated on the preliminary site plan, the development will include 5 storage unit buildings, an entrance drive from E. McKinley Avenue, and the associated access drives. The storage unit buildings will be located on both the annexation parcel and the applicant-owned property to the south zoned C-4 Auto Oriented Commercial and currently used for display of vehicles. Although not shown on the plan, an off-site storm water retention basin will be provided within the applicant-owned property to the east. The existing retention basin serving the adjacent property is proposed to be expanded to provide additional storm water storage for the proposed storage unit property. No phasing is shown on the site plan so it is anticipated that it will be developed in one phase. An office building/space is also not shown within the property. No parking spaces will be required if there are no on-site employees.

A Use and Developmental Variance appeal (AP 23-18) was submitted concurrent with the annexation and zoning petition. A mini-storage facility, which is an I-1 Light Industrial use, is not a permitted use in the C-4 Auto Oriented Commercial District. Rezoning to the I-1 District zoning classification is not desired as it would allow for several permitted uses that would not be appropriate for the property. As a result, Planning Staff instructed that the C-4 Auto Oriented Commercial zoning and use variance be requested. The commercial zoning also requires landscaping and design regulations on the type of architectural materials that can be used on the buildings which are not required for industrial zoned property. Staff believes that due to the location along a highly travelled commercial corridor, commercial landscaping and design regulations were appropriate for the property.

Several developmental variances were also identified in the appeal including reduced building setbacks, an increased fence height in the required front setback, and a reduction in required parking to zero spaces. Since the appeal was filed, the preliminary site plan was revised which modify several of the developmental variances as requested. Specific conditions of approval and development regulations will be included as a part of the use variance approval.

If the proposed annexation and zoning 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.

Annexation:

Adjacent properties to the west, south, and east were annexed into the city between 1940 and 2010 and zoned for commercial use. Properties to the south and east are owned by the applicant and occupied by a use automobile sales business.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexations outlined above, a total of 922.93 feet, or 72.5%, of the entire 1273.86 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 north of E. McKinley Avenue east of Maplehurst Avenue, and is bordered to the north by a dealer-only automobile auction business within unincorporated St. Joseph County; to the west by a commercial building; to the south by used automobile sales businesses, vacant commercial property, and an automobile repair business; and to the east by a used automobile sales business owned by the appellant.

Zoning Change:

Staff believes the proposed zoning of the property to the C-4 Automobile Oriented Commercial District with a use variance to allow for a mini-self storage facility is appropriate given the adjacent commercial zoned and occupied properties. The commercial zoning will also require landscaping and design regulations for the buildings which are not often not required for storage facility developments on industrial zoned property. Rezoning to the C-4 District will also allow for all other C-4 permitted uses.

Transportation/Roads:

According to the latest available traffic counts along E. McKinley Avenue, there were 14,619 annual average daily trips (AADT) (May 2018) immediately east of N. Merrifield Avenue and 16,545 AADT (May 2022) immediately west of Fir Road/N. Byrkit Avenue. The counts at these location have been relatively constant over the last 20 years with peak counts between 19,000-22,000 AADT. With E. McKinley Avenue serving as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart, traffic volumes are anticipated to remain constant or increase in future years due to added travel lane projects as outlined below.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff, the County Engineering Department, and INDOT, includes added travel lanes along a 1.74 mile section of E. McKinley Avenue within the city limits between Elder Road and Division Street. The projected completion year for part of this project is 2029 with the entire project to be completed by 2035. The plan also includes added travel lanes along a 1.25 mile stretch of E. McKinley Avenue within unincorporated St. Joseph County between Ash Road (Elkhart County line) and Birch Road. The projected completion year for this added travel lane project is 2025.

All pertinent City Departments have reviewed and approved the proposed annexation, zoning, and preliminary site plan.

The Engineering Department had the following comments which shall be addressed with the final site plan and subdivision plat:

1. Remove the two existing drives at the corner of E. McKinley Avenue and Maplehurst Avenue. Throat shall be extended so vehicles don't back up on E. McKinley Ave. or come off of Maplehurst Ave.
2. The existing private lift station and force main shall be properly abandoned.
3. The site has restrictive covenants due to contaminated soils/groundwater from leaking underground storage tanks from previous owners. Confirm with the Indiana Department of Environmental Management that the proposed use is allowed.
4. A subdivision plat is required along with dedicating additional public right-of-way. A 60' half right-of-way shall be dedicated on the north side of E. McKinley Avenue.
5. A cross-access (ingress-egress) easement shall be provided to allow access to and from the adjacent property to the east.

RECOMMENDATION

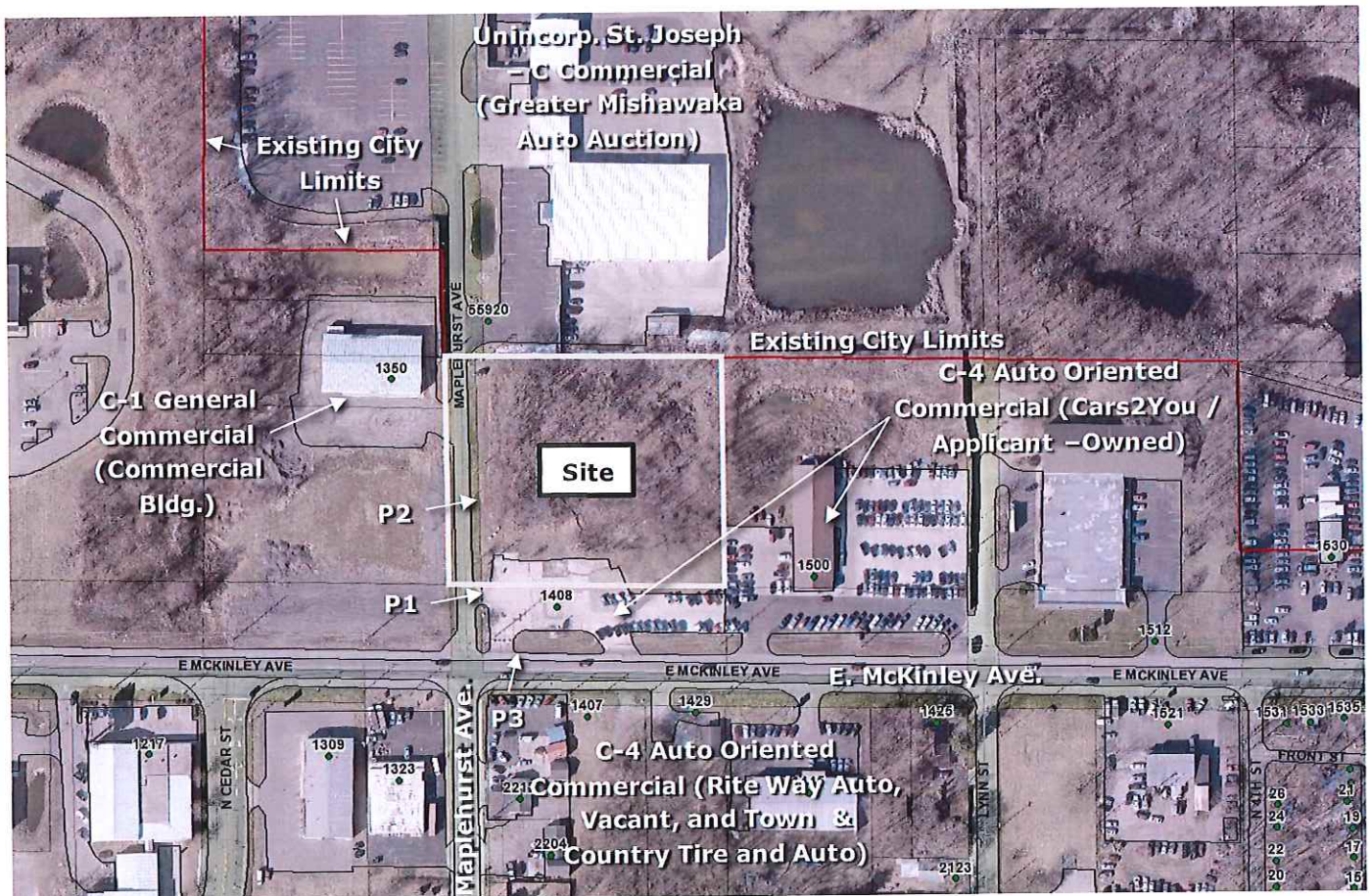
Staff recommends approval of Petition 23-14 to annex, establish zoning, and approve a preliminary site plan for property located at the northeast corner the E. McKinley Avenue and Maplehurst Avenue. The approval will zone the property to the C-4 Automobile Oriented Commercial District. A separate use variance (AP 23-18) is required to allow for the proposed mini-self storage facility.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled E. McKinley Avenue corridor that serves as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart. Traffic volumes in the immediate vicinity are anticipated to remain consistent or increase in future years due to added travel lane projects. The annexation parcel is mostly a vacant wooded area with a small paved lot in the south part of the property previously serving a prior gas station. Adjacent land uses include a dealer-only auto auction business to the north; a commercial building to the west; a used automobile sales businesses, vacant commercial property, and an automobile repair business to the south; and a used automobile sales business owned by the appellant to the east.
2. Character of Buildings in the Area – The character of buildings and land uses located along E. McKinley Avenue corridor vary greatly and include commercial, industrial, and residential land uses.
3. The most desirable/highest and best use – Because of the property's location along a highly travelled mixed use corridor, the most desirable use for the property is commercial or lesser intense industrial use including the proposed mini-self storage facility.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. All of the adjacent properties are either commercial zoned or occupied by commercial uses.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, identified a preferred land use of the subject property as open space. The plan does not reflect subsequent changes in the adjacent land use patterns from the mid-1990s to the early 2010s which permitted commercial uses to the west, north, and east. The proposed use is reasonably consistent with the goals and objectives of the plan and existing adjacent land uses.

ATTACHMENTS

Aerial Map, Photographs, Annexation and Zoning Petition, Preliminary Site Plan, and Location Map



Aerial Photograph
Vacant Land – N. of E. McKinley Avenue & E. of Maplehurst Avenue
Proposed Self-Storage Facility



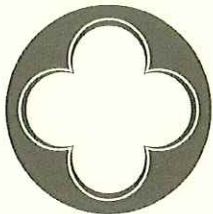
P1. Looking easterly from Maplehurst Avenue toward the applicant-owned property south of the annexation parcel.



P1. Looking easterly from Maplehurst Avenue toward the wooded area on the annexation parcel.



P3. Looking northerly from south of E. McKinley Avenue toward the property.



MISHAWAKA
HISTORIC
PRESERVATION
COMMISSION

Deborah S. Block, AMC, MMC

JUN 14 2023

City Clerk
Mishawaka, IN

June 7, 2023

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Historic Preservation Commission Recommendation
June 6, 2023 Public Hearing
Certification of Proposed Ordinance

Honorable Members:

A regular meeting of the Historic Preservation Commission was held on the above referenced date at which time the following Ordinance was considered:

HPC # 23-01

A proposed ordinance submitted by Robert Sullivan to establish 124 South Race Street, Mishawaka, Indiana, as a Local Historic Landmark. The property is legally described as: the southern 60.5' of Lot 4 and additional 12' of vacated Race St adjacent to Lot 4 & the southern 60.5' of the west half of Lot 2 in the Original Plat St Joe Iron Works, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

The Commission recommended approval.

Pursuant to I.C. 36-7-11 the Historic Preservation Commission hereby certifies to the Mishawaka Common Council the attached proposed Ordinance regarding the above matter.

Sincerely,

Christa Hill
Secretary, Historic Preservation Commission

enc

TOMORROW LIVES IN THE LIGHT OF OUR PAST

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC

JUN 14 2023

City Clerk
Mishawaka, IN

PETITION 23-11

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-24

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:

40 feet on the North End of Lot 57 in GWR Fowlers 1st Addition

COMMON ADDRESS: 712 Division Street

which real estate is now classified as R-1 Single Family Residential shall hereafter be within and a part of that District known as R-2 Two 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. Existing Conditions - There are Two Family residences in the vicinity, West of 712 Division along East Grove street;
2. Character of Buildings - Use and value of the area of this property has been residential and this particular property has been a duplex since 1949;
3. The most desirable/highest and best use – The best and most desirable use of this property is continuing its use as a 2-unit residence. It has been used as a 2-unit residence since 1949.
4. Conservation of property values – The rezoning of this property should not be injurious to property values in the area since it has been a 2-family residence since 1949 without any incident.

Proposed Ordinance No: _____

Ordinance No: _____

5. Comprehensive Plan – The proposal to rezone to R-2 is consistent with the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 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: 712 Division Street

Date: June 13, 2023

Petition: 23 11

Prepared By: DMB

GENERAL INFORMATION

Applicant: RWP Investments, LLC/Lee Clark, Empire Management

Status: Property Owner/Authorized Rep

Request: Rezone from R-1 Single Family Residential to R-2 Two Family Residential

Zoning Classification: R-1 Single Family Residential

Lot Size: 40' x 66'

Applicable Regulations: Sec. 137-186 Residential R-2 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: R-1 Single Family Residential District
East: R-1 Single Family Residential District
West: R-1 Single Family Residential District

Thoroughfare: Division Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner, RWP Investment LLC, is requesting to rezone 712 Division Street from R-1 Single Family Residential to R-2 Two-Family Residential. The property is located on Division Street south of East Lawrence Street and North of East Grove Street.

The Petitioner, Danial Williams with RWP Investments, LLC has continuously owned this property since 2020. The property has had 2 units since 1949. A fire occurred in which made the Petitioner to lose legal non-conforming status therefore needing rezoning.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

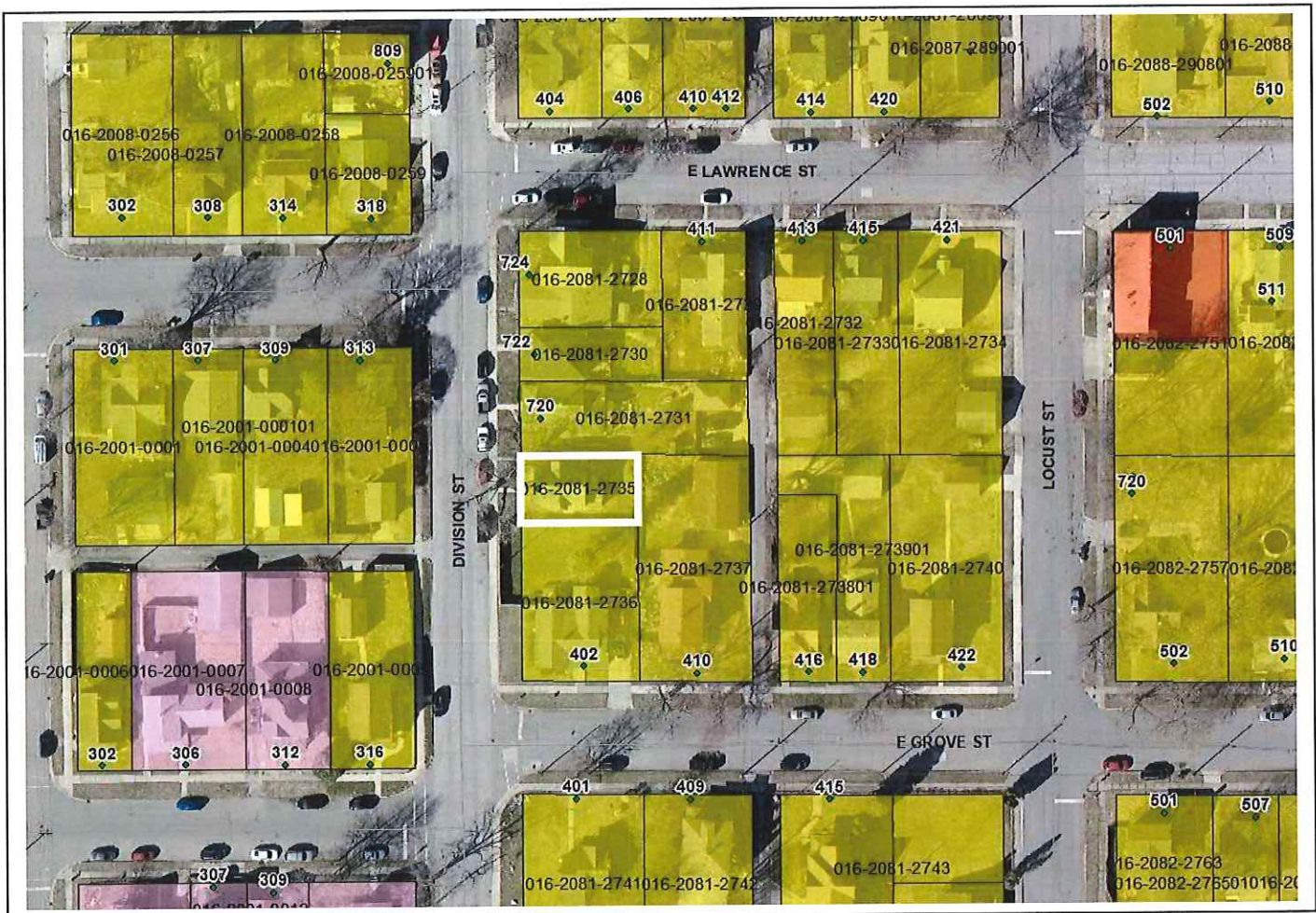
The Planning Department recommends **approval** of Petition 23-11 to rezone 712 Division Street from R-1 Single Family Residential District to R-2 Two Family Residential. This recommendation is based upon the following findings of fact:

1. Existing Conditions - There are Two Family residences in the vicinity, West of 712 Division along East Grove street;

2. Character of Buildings - Use and value of the area of this property has been residential and this particular property has been a duplex since 1949;
3. The most desirable/highest and best use – The best and most desirable use of this property is continuing its use as a 2-unit residence. It has been used as a 2-unit residence since 1949.
4. Conservation of property values – The rezoning of this property should not be injurious to property values in the area since it has been a 2-family residence since 1949 without any incident.
5. Comprehensive Plan – The proposal to rezone to R-2 is consistent with the Comprehensive Plan.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP



Aerial with zoning



Front view of 712 Division Street



Rear view of 712 Division Street (white house in background)

DATE: 4/19/23

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

P45 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

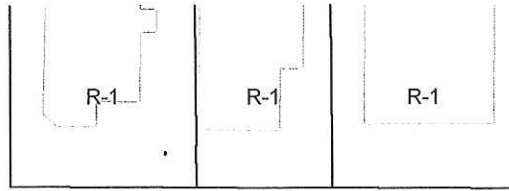
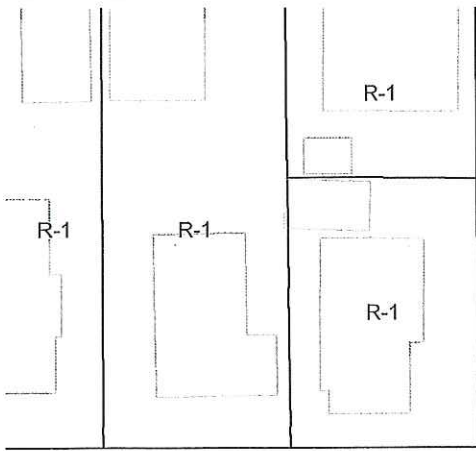
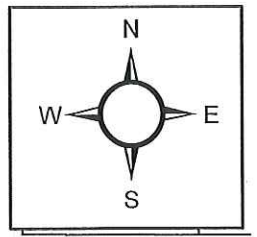
Deborah S. Block, IAMC, MMC

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

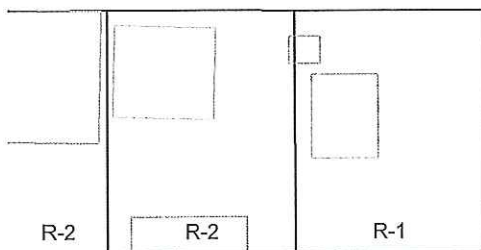
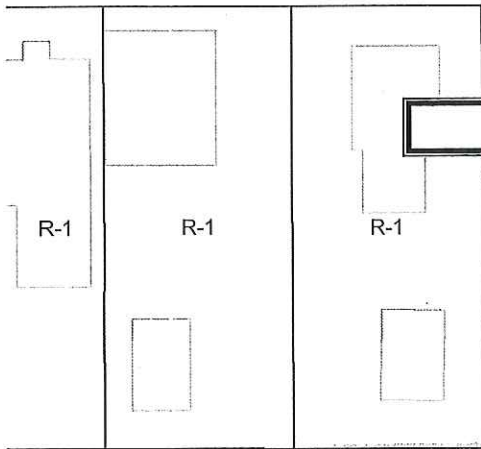
JUN 01 2023

City Clerk
Mishawaka, IN



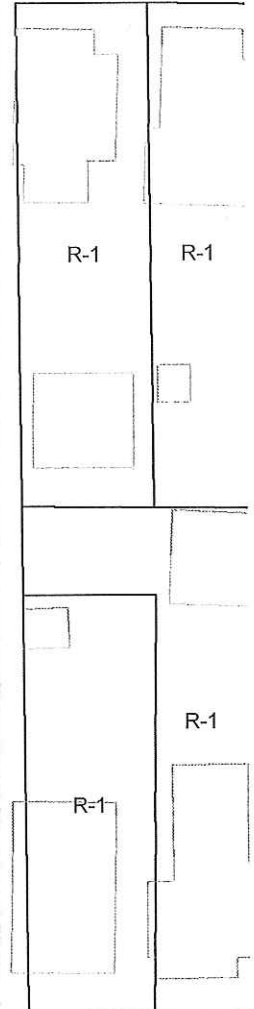
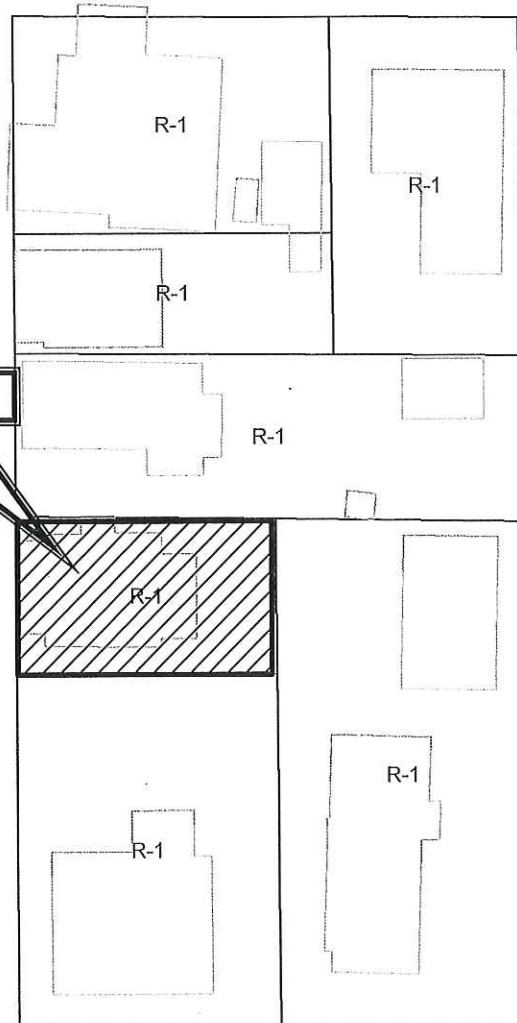
E LAWRENCE ST

E LAWRENCE ST

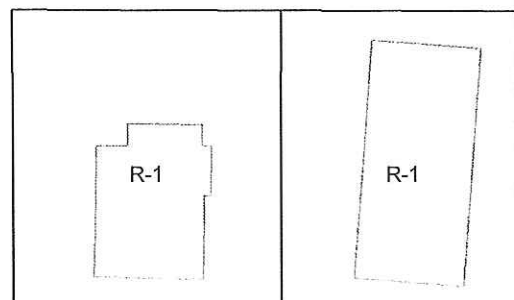


PET 23-11

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

1st Reading
2nd Reading
Passed
~~Failed~~
Continued To

Deborah S. Block, IAMC, MMC

JUN 14 2023

City Clerk
Mishawaka, IN

PETITION 23-12

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-25

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:

Lots 28-30 Barbee's Sub

COMMON ADDRESS: property west of and adjacent to 600 E Third

which real estate is now classified as S-1 Extensive Open Space District shall hereafter be within and a part of that District known as C-3 City Center Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions – This corner is neighboring by single and multi-family residential units, and would allow the redevelopment of the former school turned municipal property;
2. Character of Buildings – The character of the buildings are predominantly residential, except for the former school turned municipal building directly adjacent;
3. Highest and Best Use - Because the parcel will be developed in conjunction with the adjacent property, matching the C-3 City Center Commercial zoning is a desirable use for this property;
4. Conservation of Property Values - As opposed to the limited uses that could occur with its current zoning, rezoning this property to the C-3 City Center Commercial will

Proposed Ordinance No: _____

Ordinance No: _____

have a favorable and stabilizing impact on the neighborhood by providing additional services; and,

5. The City's Comprehensive Plan calls for Open Space, which matches its history as a school and municipal building. The C-3 City Center Commercial District allows a range of uses that would be compatible and support existing 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: Northeast corner of East Third Street and South Cedar Street Date: June 13, 2023
Petition: 23 12 Prepared By: CH

GENERAL INFORMATION

Applicant: City of Mishawaka
Status: Property Owner
Request: Rezone from S-1 Extensive Open Space to C-3 City Center Commercial
Zoning Classification: S-1 Extensive Open Space
Lot Size: 0.54 acres
Applicable Regulations: Sec. 137-358 C-3 City Center Commercial District;
Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-3 City Center Commercial
South: R-1 Single Family Residential and R-2 Two Family Residential
East: C-3 City Center Commercial
West: R-2 Two Family Residential
Thoroughfare: East Third Street and South Cedar Street
School District: School City of Mishawaka
Public Utilities: Available
Comprehensive Plan: Open Space (public parks and nature preserves, golf courses, cemeteries, and schools)

ANALYSIS

The Petitioner is requesting to rezone the property directly west of the former City Hall from S-1 Extensive Open Space to C-3 City Center Commercial. The S-1 District has a limited list of uses, including cemeteries, country clubs or golf courses, public parks and playgrounds, and water pumping plants. The property is located at the northeast corner of Cedar Street and East Third Street, and is the former Bingham Park, the original site of Bingham School.

The City is preparing to sell the property to the United Way/Boys and Girls Club for their 1Roof program. The 1Roof program has plans to build a gymnasium addition on the former park, prompting rezoning prior to the property transfer.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 23-12 to rezone the park area west of the former City Hall building (600 E. Third St.) from S-1 Extensive Open Space to C-3 City Center Commercial. This recommendation is based upon the following findings of fact:

1. Existing Conditions – This corner is neighboring by single and multi-family residential units, and would allow the redevelopment of the former school turned municipal property;
2. Character of Buildings – The character of the buildings are predominantly residential, except for the former school turned municipal building directly adjacent;
3. Highest and Best Use - Because the parcel will be developed in conjunction with the adjacent property, matching the C-3 City Center Commercial zoning is a desirable use for this property;
4. Conservation of Property Values - As opposed to the limited uses that could occur with its current zoning, rezoning this property to the C-3 City Center Commercial will have a favorable and stabilizing impact on the neighborhood by providing additional services; and,
5. The City's Comprehensive Plan calls for Open Space, which matches its history as a school and municipal building. The C-3 City Center Commercial District allows a range of uses that would be compatible and support existing uses in the area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP





P1. A view of the park from Cedar Street



P2. A view of the park from Third Street



P3. A view of the park from the alley to the north



Snapshot, taken between 1967 and 1984, showing the two Bingham Schools side by side.

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

Receive

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:

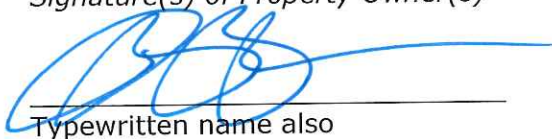
Lots 28-30 Barbee's Sub
Located west of and adjacent to 600 E Third

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

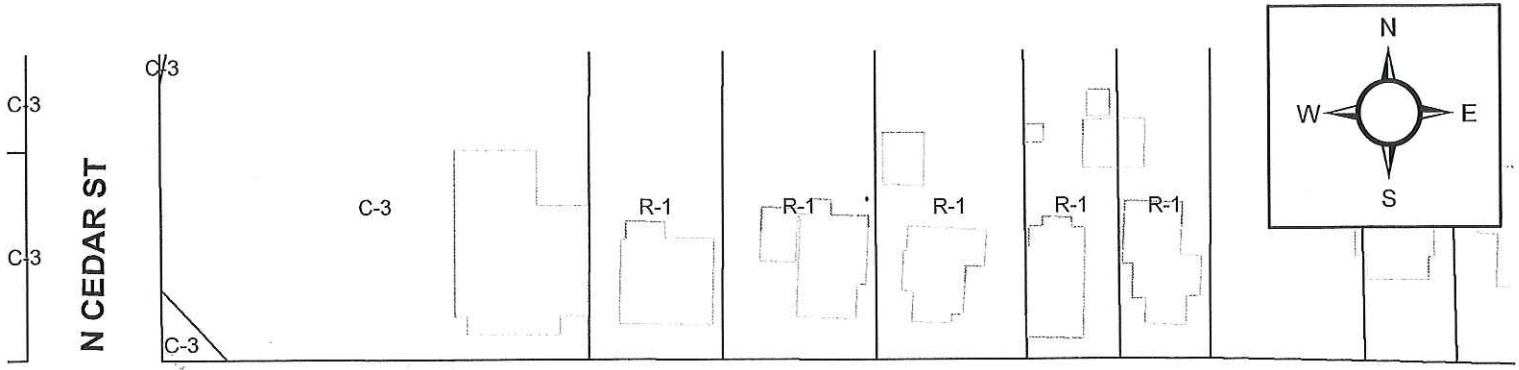
Deborah S. Block, IAMC, MMC

JUN 01 2023

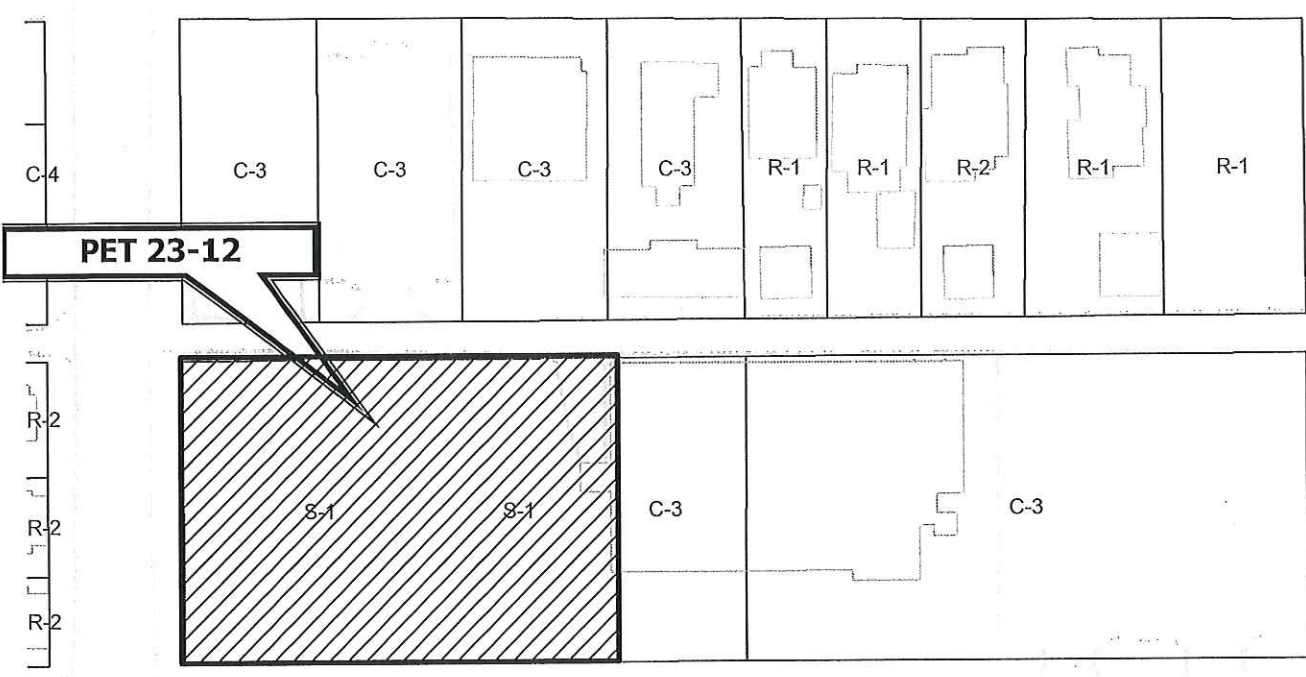
City Clerk
Mishawaka, IN

CONTACT PERSON:

NAME: KEN PRINCE
ADDRESS: 100 LWW
PHONE NUMBER: 574-258-1625
FAX: 574-968-6999
EMAIL: KPRINCE@MISHAWAKA.IN.GOV



LINCOLNWAY EAST



E THIRD ST

LAUREL ST

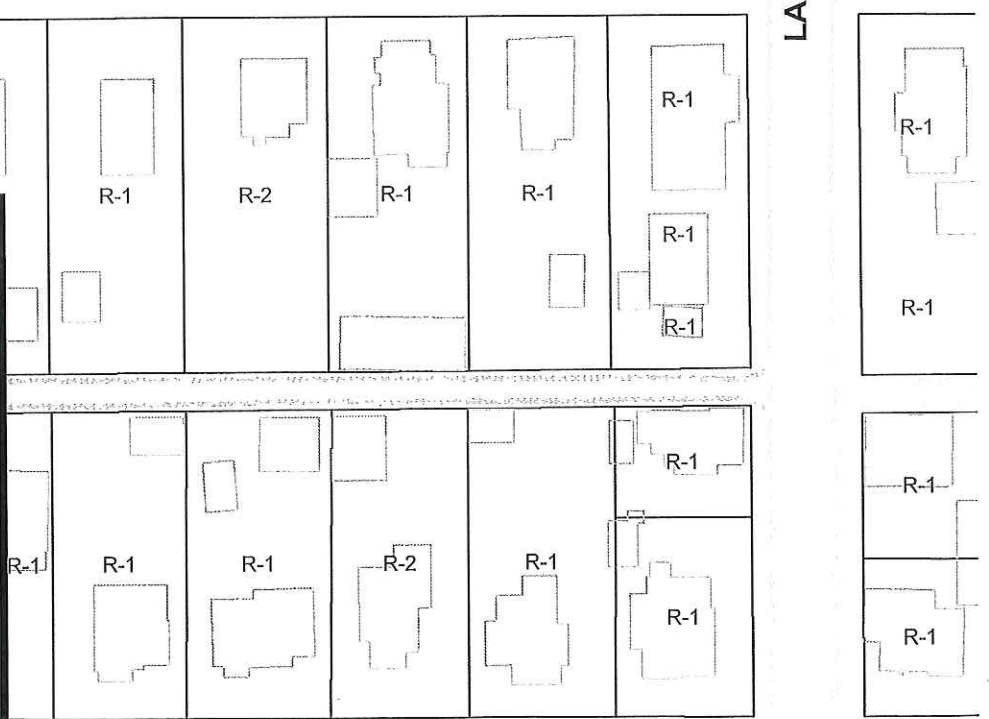
Location Map

PET 23-12

OWNER: CITY OF MISHAWAKA

LOCATION: NORTHEAST CORNER OF CEDAR AND EAST THIRD STREET

REZONE FROM
S-1 EXTENSIVE OPEN SPACE
TO C-3 CITY CENTER COMMERCIAL



PETITION #23-13

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-26

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:

OUTLOT "A" AS SHOWN ON THE RECORD PLAT OF BRYKIT STREET MINOR SUBDIVISION, 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.

COMMON ADDRESS: vacant land south of 1505 S Byrkit Avenue, Mishawaka, IN 46544

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of I-1 Light Industrial 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 low travelled section of Fir Road (S. Byrkit Avenue) primarily utilized by the single-family residential areas to the south. Traffic volumes in the immediate vicinity are expected to remain consistent. The property, which currently is vacant agricultural land, is adjacent to industrial zoned or occupied property and agricultural land to the north; vacant and wooded industrial zoned property to the west; a single-family residential house zoned for industrial use to the south; and a mobile home park to the east.
2. Character of Buildings in the Area – The character of buildings and land uses located along Fir Road (S. Byrkit Avenue) corridor between E. 12th Street and Dagoon Trail vary and include commercial, office, industrial, and residential land uses.

Proposed Ordinance No. _____

Ordinance No. _____

3. The most desirable/highest and best use – Because of the property's location adjacent to industrial zoned or occupied areas, the most desirable use for the property is industrial.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use for the subject property and adjacent areas as industrial.

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: Vacant Land South of 1505 S. Byrkit Avenue

Date: June 13, 2023

Petition: 23- 13

Prepared By: DJS

GENERAL INFORMATION

Applicant: Storage of America LLC / Landmark Engineering Group

Status: Property Owner & Developer / Surveyor, Engineer & Site Design Consultant

Request: To annex, establish zoning, and approve a preliminary site plan for a self-storage facility development

Existing Zoning: Unincorporated St. Joseph County (I Industrial District)

Proposed Zoning: I-1 Light Industrial District

Lot Size: Approximately 19.63 acres excluding the adjacent public right-of-way

Applicable Regulations: Section 137-585 to 137-587 / I-1 Industrial 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: I-1 Light Industrial (Vacant / Agricultural Land & Two-Tenant Building / Pemberton Davis (Electrical Contractor) & B&B Molders (Plastics Manufacturer)) & Unincorporated St. Joseph County – I Industrial (Vacant / Agricultural Land)

South: Unincorporated St. Joseph County – I Industrial (Residential & Public Utility / NIPSCO)

East: R-4 Manufactured Home Residential (Mobile Home Park / Village Green)

West: I-1 Light Industrial (Vacant & Storm Water Retention Basin / Merrifield Avenue Industrial Park)

Thoroughfare: Fir Road / S. Byrkit Avenue

School District: Penn-Harris-Madison

Township: Penn

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

Comprehensive Plan: Industrial

ANALYSIS**Proposal:**

The applicant is proposing to annex, establish zoning, and approve a preliminary site plan to allow for the construction of a mini-self storage facility.

The 19.38 acre site, which includes one parcel (tax parcel #014-1027-0456), is located on the west side of Fir Road (S. Byrkit Avenue) approximately 1,300 feet south of E. 12th Street. The parcel has approximately 589' of frontage on Fir Road and is currently vacant agricultural land. The adjacent property to the west was annexed in the City of the Mishawaka in 1997 with an I-1 Light Industrial zoning classification and subsequently subdivided for the purposes of industrial development. The parcels immediately adjacent to the west remain undeveloped and are mostly wooded with a large storm water retention basin serving the industrial subdivision. Three of the adjacent properties to the north were annexed in 1982, 1997, and 2021, and zoned I-1 Light Industrial. The property fronting S. Byrkit Avenue (1505 S. Byrkit Avenue) includes a two-tenant building currently occupied by Pemberton Davis Electric and B&B Molders. The property to the northwest includes several connected industrial buildings occupied by the Jamil Packaging Corporation. The vacant agricultural land to the north, which was annexed just two years ago, was purchased by the Jamil Packaging Corporation for a potential future expansion. The property to the east across Fir Road was annexed in 1970 with an R-4 Manufactured Home Residential zoning classification and developed as the Village Green mobile home park.

As indicated on the preliminary site plan, the development will include 34 storage unit buildings, an 875 sf office building and adjacent parking area near the entrance, access drives, and a large storm water retention basin. The property is to be developed in two phases. The first phase will consist of 13 storage unit buildings and the office within the northeast part of the site, the entrance and access drives, storm water retention basin, and other required infrastructure. The second phase will consist of the remaining 21 storage unit buildings, including 6 buildings with larger contractor storage units. Data provided on the plan indicates that the first phase will include 108,160 sf of storage space, while the second phase will include 129,310 sf of regular storage space and 64,800 sf of contractor storage space. Parking spaces for the office are required based on the maximum number of employees per shift. A total of nine (9) parking spaces are conceptually shown on the plan.

The applicant is requesting a zoning classification of I-1 Light Industrial District to permit the proposed mini-self storage facility. The preliminary site plan shows that the required height, area, and development regulations for the I-1 District (building and parking setbacks, off-street parking requirements, etc.) should be met. The front and side yard building setbacks shown on the plan exceed the I-1 District requirements.

A developmental variance will be required for the minimum 250' separation from any residential zoned property. Property to the east across Fir Road is zoned R-4 Manufactured Home Residential and occupied by the Village Green mobile home park. The developmental variance for the separation requirement shall be filed in conjunction with the final site plan. The need for any additional variances will be reviewed prior to the final site plan submittal to ensure that additional variances are not required.

One access off of Fir Road is proposed to serve the development. The Engineering Department commented that alternate means of ingress/egress, and the extension of the St. Jerome Street right-of-way through the property from the west should be considered. If St. Jerome Street is extended through the site, the road would have to be built to city standards, but the city would maintain it in perpetuity. A utility easement will be required for a future sanitary sewer extension from Fir Road (Byrkit) west to the St. Jerome right-of-way should right-of-way not be dedicated through the property. All other drives and parking lots interior to the site will be privately owned and maintained.

Landscaping shall be required within the front building setback along the entire Fir Road (Byrkit) frontage to include one (1) deciduous shade (overstory) tree planted 40' on-center or one (1) deciduous ornamental (understory tree) planted 25' on-center.

If the proposed rezoning and annexation request is approved, a detailed final site plan for each phase of the development must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), grading, erosion control, and any other required improvements.

Annexation:

Adjacent properties to the west, north, and east were annexed into the city between 1982 and 2021 and zoned for industrial and mobile home park use. A majority of the land to the north and west remains as undeveloped agricultural land or natural wooded areas.

Per the State of Indiana’s annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexations as outlined above, approximately 2,380 feet, or 59.6%, of the total 3,991 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located to the west of Fir Road (S. Byrkit Avenue) approximately 1,300’ south of E. 12th Street, and is bordered to the north by industrial properties and vacant agricultural land; to the west by vacant industrial properties; to the south by a single-family residential house zoned industrial within unincorporated St. Joseph County and a gas utility substation; and to the east by a mobile home park. The Fir Road (S. Byrkit Avenue) corridor between E. 12th Street and Dragoon Trail includes a variety of commercial, office, industrial, and residential uses.

Zoning Change:

Staff believes that the proposed zoning of this property to the I-1 Light Industrial District is appropriate given the adjacent industrial zoned or occupied properties to the west, north, and south. The entire pocket of adjacent unincorporated property is zoned for industrial uses. The Mishawaka 2000 Comprehensive Plan identified a planned or preferred use of the subject property and area bordered by Merrifield Avenue to the west, E. 12th Street to the north, Fir Road (S.Byrkit Avenue) to the east, and single-family residential areas to the south (Blair Hills and Rosewood) as industrial (manufacturing, warehousing, and distribution). The proposed mini-storage facility is a less intensive use than many uses permitted in the I-1 Light Industrial District.

Transportation/Roads:

According to the latest available traffic counts, there were 4,222 annual average daily trips (AADT) (September 2022) along S. Byrkit Road south of E. 12th Street. The only other historical count at this location was 3,541 AADT (August 2020). There were 2,684 AADT along Fir Road north of Dragoon Trail. Traffic counts at this location have been relatively consistent over the last 35 years from a high of 5,732 AADT (July 2011) to a low of 1,973 AADT (January 2001). The average count at this location, after subtracting the high and low count, was just under 3,300 AADT. 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 Fir Road (S. Byrkit Avenue) corridor. The road currently provides two-lanes of travel.

All pertinent City Departments have reviewed and approved the request for annexation and zoning.

The Engineering Department comments, as outlined above, shall be considered with the final site plan development. No comments were related specifically with the proposed annexation and zoning of the property.

The Fire Department commented that the applicant will need to meet with the Fire and Water Department prior to development.

The Electric Department questioned where the electrical service point will be provided for the project.

The Building and Water Departments had no comments related to the annexation and zoning.

RECOMMENDATION

Staff recommends in **favor** of Petition 23-13 to annex, establish zoning, and approved a preliminary site plan for property located on the west side of Fir Road (S. Byrkit Avenue) south of 1505 S. Byrkit Avenue. The property is proposed to be zoned I-1 Light Industrial District for a self-storage facility.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along a low travelled section of Fir Road (S. Byrkit Avenue) primarily utilized by the single-family residential areas to the south. Traffic volumes in the immediate vicinity are expected to remain consistent. The property, which currently is vacant agricultural land, is adjacent to industrial zoned or occupied property and agricultural land to the north; vacant and wooded industrial zoned property to the west; a single-family residential house zoned for industrial use to the south; and a mobile home park to the east.
2. Character of Buildings in the Area – The character of buildings and land uses located along Fir Road (S. Byrkit Avenue) corridor between E. 12th Street and Dragoon Trail vary and include commercial, office, industrial, and residential land uses.
3. The most desirable/highest and best use – Because of the property's location adjacent to industrial zoned or occupied areas, the most desirable use for the property is industrial.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use for the subject property and adjacent areas as industrial.

ATTACHMENTS

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



Aerial Photograph
Vacant Land S. of 1505 S. Byrkit Avenue Proposed Self-Storage Facility



P1. Looking northwesterly toward the property from the southwest corner and Fir Road.



P2. Looking westerly toward the property from Fir Road.

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**.

 *Thomas M. Fitzpatrick, V.P. Development Storage of America*
Property Owner Signature

THOMAS M. FITZPATRICK, V.P. Development 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	DATE

Landmark
CIVIL ENGINEERING AND LAND SURVEYING
3341 MISHAWAKA, SUITE 4
MISHAWAKA, IN 46545
PHONE: 773.793.7000
FAX: 773.793.7001

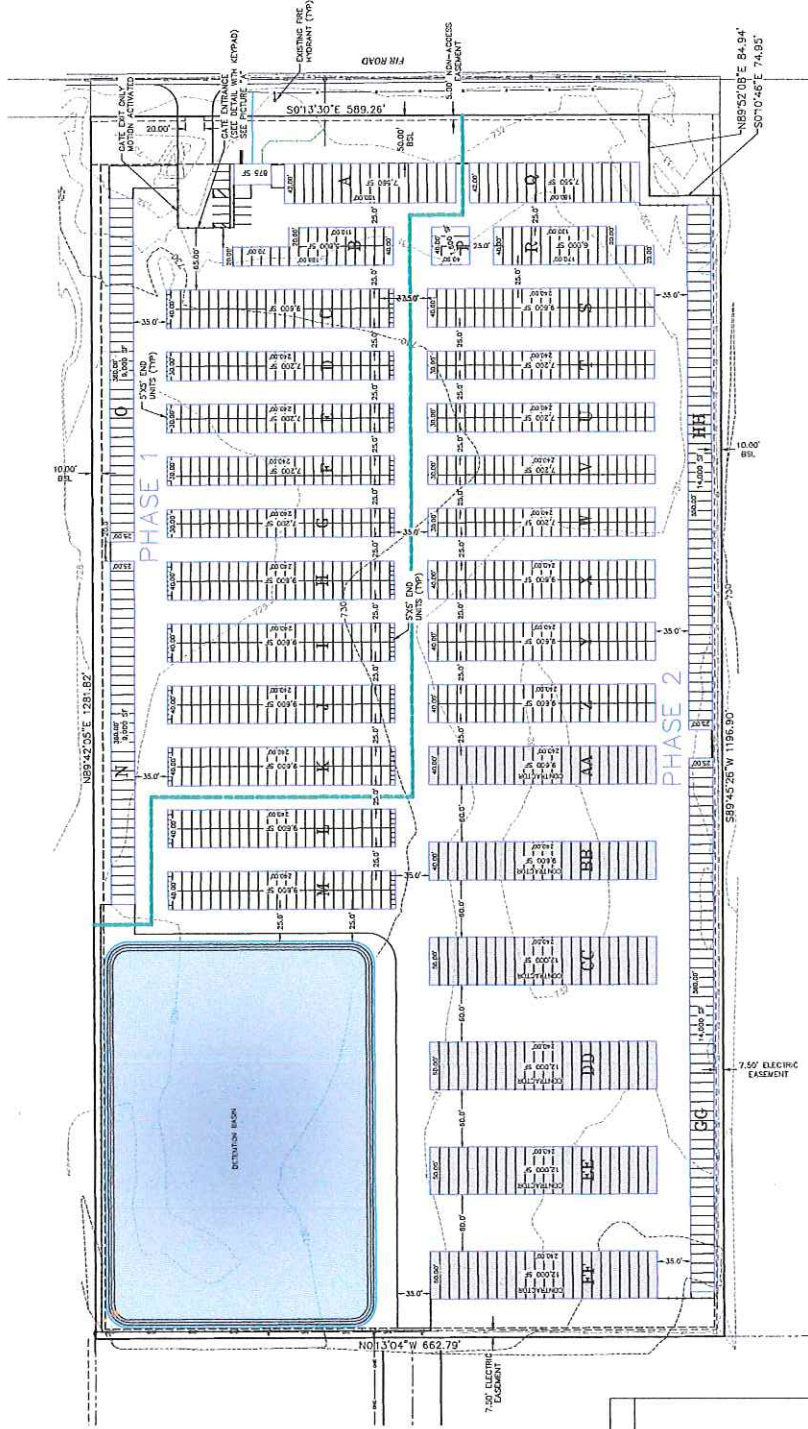


PROPOSED SITE PLAN
STORAGE OF AMERICA
MISHAWAKA, INDIANA

DATE: 12/22/2013
DRAWN BY: JLG
CHECKED BY: JLG
INCHES BY: MDO

C2

01-22-1704



EXISTING AND PROPOSED CONTOURS HAVE BEEN TURNED OFF FOR CLARITY - SEE SHADING PLAN SHEET C3

PRELIMINARY - NOT FOR CONSTRUCTION



- 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 = 129,310
CONTRACTOR SF = 64,800
- TOTAL = 302,270 SF

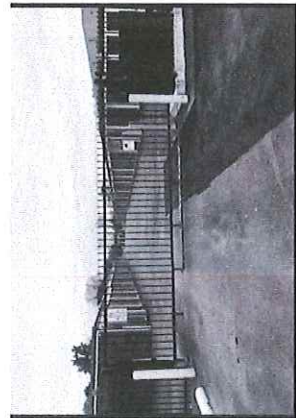
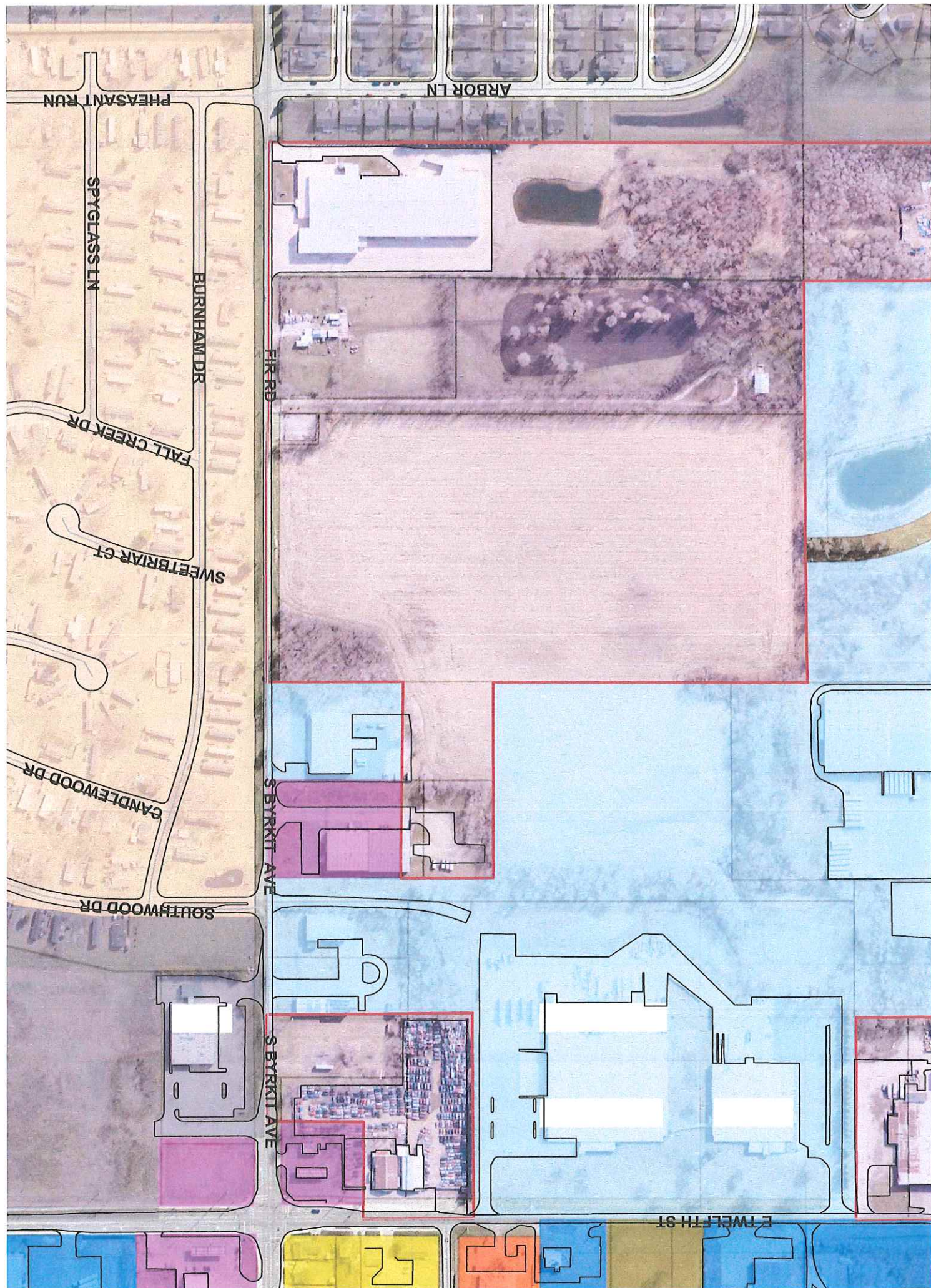
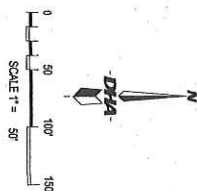


PHOTO "A"

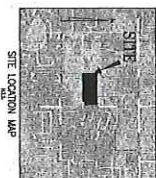
LEGEND

- FOUND IRON ROD
- W/RED PLASTIC CAP #13440
- PROPERTY LINE
- EXISTING LOT LINE/R.O.W.
- EASEMENT LINE
- BUILDING SETBACK LINE
- EXISTING CURB AND GUTTER
- EXISTING WATERMAIN
- EXISTING FIRE HYDRANT
- PROPOSED WATER LINE
- PROPOSED FIRE HYDRANT
- PROPOSED CURB BOX
- PROPOSED TIE
- EXISTING WATER VALVE
- EXISTING STORM INLET
- EXISTING STORM BASIN
- EXISTING STORM MANHOLE
- EXISTING SANITARY SEWER
- EXISTING SANITARY MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING OVERHEAD ELEC. LINE
- EXISTING TELEPHONE LINE
- EXISTING UNDERGROUND ELEC. LINE
- EXISTING UNDERGROUND TELEPHONE LINE
- EXISTING UNDERGROUND MEDIA/FIBER OPTIC LINE
- GAS LINE
- EXISTING TELEPHONE PEDestal
- EXISTING TELEPHONE PEDestal
- EXISTING LIGHT POLE
- EXISTING POWER POLE

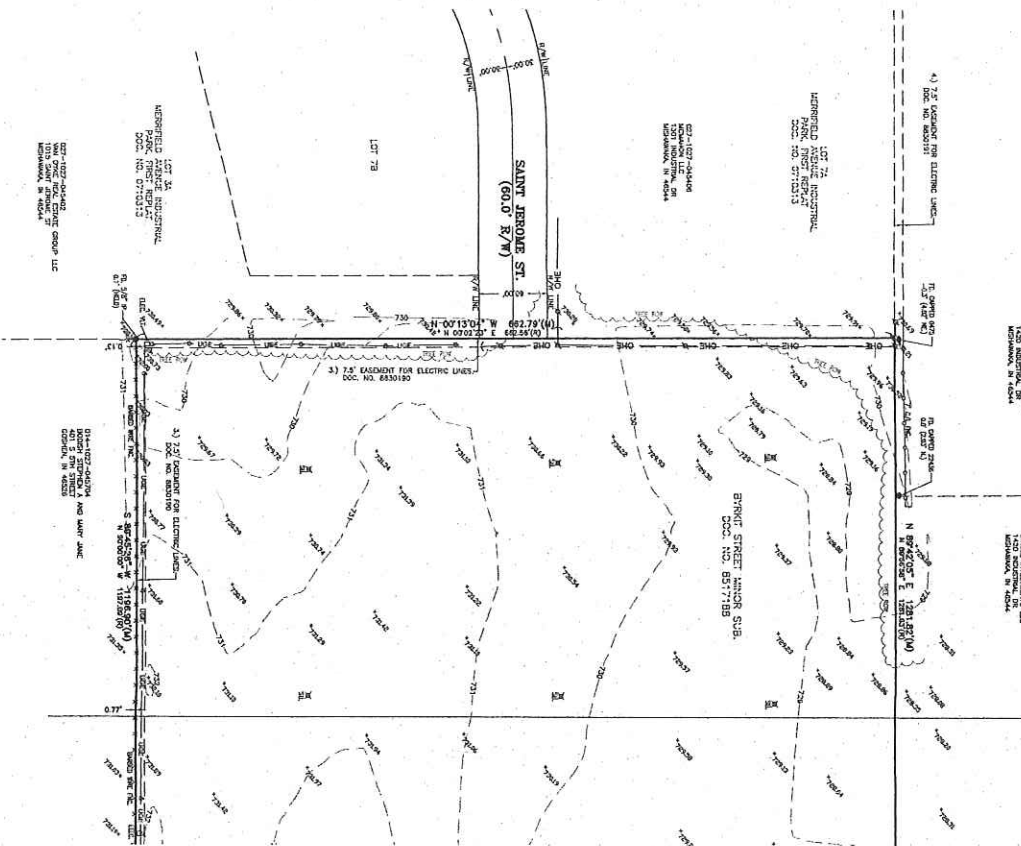




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4. STATE	4. STATE	4. STATE	4. STATE
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DATE	DRAWN BY:	REVISIONS
2/9/23	SMH	

[illegible]

INTERESTS & RELATIONS:
DANIEL, HANSEN & ASSOCIATES, INC.
1643 COMMERCE DRIVE

2/9/23	SMM		
SCALE	CHECKED BY:	DATE	BY
	MJD		

2

REVIEWS

Danch, Harner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners
Office (514) 334-4323 / (800) 244-4323 • Fax (514) 334-4111



FILE NUMBER, RLS: 1010052 DATE: 2-9-2025

RECEIVED

NOT REPRODUCED AND REPRODUCED UNDER THE CATEGORIES OF RESEARCH AND RESEARCH DESIGN IN THE TRADE, SERVICES, THE LOGOS AND THE TRADE MARKS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE UNITED STATES PATENT AND TRADEMARK OFFICE AND IS LOANED TO YOU BY THE UNITED STATES PATENT AND TRADEMARK OFFICE. IT IS TO BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS LOANED TO YOU AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE. FOR COPYRIGHT PROTECTION OF LAND SURVEYING AND AS PHOTOGRAPHED BY INDIANA ADMINISTRATIVE CODE 850, 11-1-12.

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DESIGN REQUIREMENTS FOR PLAYERS LAND TITLE SURVEYS, JOINTLY ESTABLISHED BY ALTA AND NRS, AND NRS, AND POLICIES ENDC 12.2.4.60b.76, 60.8.11.1, 16.17.18, AND 20 OF TABLE A THERETO. THE FILLING WAS COMPLETED ON 3/9/2023.

SUBJECTS CERTIFICATION:
TO: STATE OF MICHIGAN, U.S. DISTRICT COURT, EAST LANSING, MICHIGAN
FROM: ANDERSON TITLE INSURANCE COMPANY

NO DISCREPANCIES DET OTHER THAN SHOWN NONE

CONSENTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(c). (WITHOUT SIGNER INITIALS, AS SHOWN)

25. 1986 AC DOCUMENT 05091911. (0003) NOT AFFECT DIRECT PARENT, (0004) NORTH AND WEST OF PARENT).

1. TRAC, PROVISIONS AND CONDITIONS CONTAINED IN EXCERPT FOR ELECTRIC LINES IN FAVOR OF CITY OF KESAWAHAWA AND RECORDED OCTOBER 21, 1988 AS DOCUMENT 8001091, (WRITING SURVEY SPECIAL, AS SHOWN)
2. TRAC, PROVISIONS AND CONDITIONS CONTAINED IN EXCERPT FOR CITY OF KESAWAHAWA AND RECORDED OCTOBER 21, 1988 AS DOCUMENT 8001091, (WRITING SURVEY SPECIAL, AS SHOWN)
3. TRAC, PROVISIONS AND CONDITIONS CONTAINED IN EXCERPT FOR CITY OF KESAWAHAWA AND RECORDED OCTOBER 21, 1988 AS DOCUMENT 8001091, (WRITING SURVEY SPECIAL, AS SHOWN)
4. TRAC, PROVISIONS AND CONDITIONS CONTAINED IN EXCERPT FOR CITY OF KESAWAHAWA AND RECORDED OCTOBER 21, 1988 AS DOCUMENT 8001091, (WRITING SURVEY SPECIAL, AS SHOWN)

NOTES CORRESPONDING TO SCHEDULE II, PART 2 COMMITMENT NUMBER FILE NO. NCE-1144513807, EFFECTIVE AUGUST 21, 2022 @ 7:30 AM.

GENERAL NOTES:
1. NO BUILDING DEED OR THE PROPERTY OTHER THAN THOSE LOCATED AS SHOWN.
2. UTILITIES AND LOCATED FROM FIELD OBSERVATIONS. MUNICIPAL OR PRIVATE MAPS OR OTHER AVAILABLE INFORMATION.

4) REFERENCES: TITLE COMPANION PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NUMBER NTC-114613-NOT; THE RECORDED PLAY OF "GHOST SNEAK SHOW REMEDIATION," DOC. NO. EATINGS; THE RECORDED PLAY OF "HIGHLIGHT ABOUT INDUSTRIAL PARK," FIRST REPAT.; DOCUMENT NUMBER 071031X; REFERENCE SURVEY BY THIS FIRM FOR NUMBER 180151.

3) THAT THIS SURVEY WAS PERFORMED FROM PUBLIC RECORDS AND LEGAL DISPOSITIONS SUPPLIED BY CLIENT

BASED ON REVENUES FOR THIS SURVEY IS USING GPS COORDINATIONS (GEOCENTRIC NORTH).

[illegible]

THE RELATIVE POSITIVE, ACCURACY (DUE TO RANDOM ERRORS OF MEASUREMENT) OF THE CORNERS OF THE TARGET TARGET ESTABLISHED IN THIS STUDY IS WITHIN THE SPECIFICATIONS FOR AN URBAN SURVEY (10.0 FEET PLUS 50 PPM) AS DERIVED IN THE SACS AS A RESULT OF THE ABOVE

UNLESS OTHERWISE NOTED ON THE ATTACHED PLAN OR IN THE FOLLOWING FOOTNOTES, THERE IS NO COINCIDE OF OCCUPATION ALONG THE BOUNDARY LINES OF THE SELECTED TRACT, WITH FINES OR OTHER LIES OF OCCUPATION ARE EITHER ON OR IN THE AREA, THEY HAVE BEEN LOCATED ONLY AT THE CORNERS OF THE TRACTS. THE FOLLOWING ARE THE NAMES OF THE PERSONS WHOSE NAMES ARE ASSIGNED TO EACH STRIGHT LINE. AT THE CORNERS OF THE TRACTS, SUCH NAMES ARE ASSIGNED TO EACH STRIGHT

[illegible]

there may be differences with DDD diagnoses when compared with acquired diagnoses along the boundary lines shown here.

BOUNDARY SOLUTION CONDUCTED ON THE RECORD DISCREPANCY USED IN THIS QUARRY AS PROVIDED BY THE CLIENT. THE PURPOSE OF THIS SURVEY IS TO REVEAL THE BOUNDARY AS CORRECTED BY THE SUBJECT PROPERTY LIES IN THE NORTHERLY QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 12 EAST, 10TH TOWNSHIP, 10TH RANGE, COCONINO COUNTY, ARIZONA. THE SURVEY DATA SHOWN HEREON IS A LEGAL, BINDING, PROFESSIONAL SURVEY.

A) VARIANCES IN THE RETROGRADE MONUMENTS;
B) DISCREPANCIES IN RECORD DESCRIPTIONS AND PLATS;
C) INDETERMINATES IN LINES OF OCCUPATION AND
D) RANDOM ERRORS IN MEASUREMENT RELATIVE TO POINTS

1) IN ACCORDANCE WITH TITLE 249, ARTICLE 1.1, CHAPTER 12, SECTION 30 OF THE INDIAN ADMINISTRATIVE CODE, THE FOLLOWING DECLARATION AND OPINION ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATION OF THE LINES AND CORRIDORS ESTABLISHED ON THIS PROJECT AS A RESULT OF:

SURETYPED REPORT
TITLE/OWNER/CLIENT NAME: STOWAGE OF AMERICA, LLC, DRIFT PROPERTY GROUP, LLC, BY THE VIRTUE OF THE DEED RECORDED AS DOCUMENT 2020-00025, FIRST AMERICAN TITLE INSURANCE COMPANY

SITE LOCATION MAP

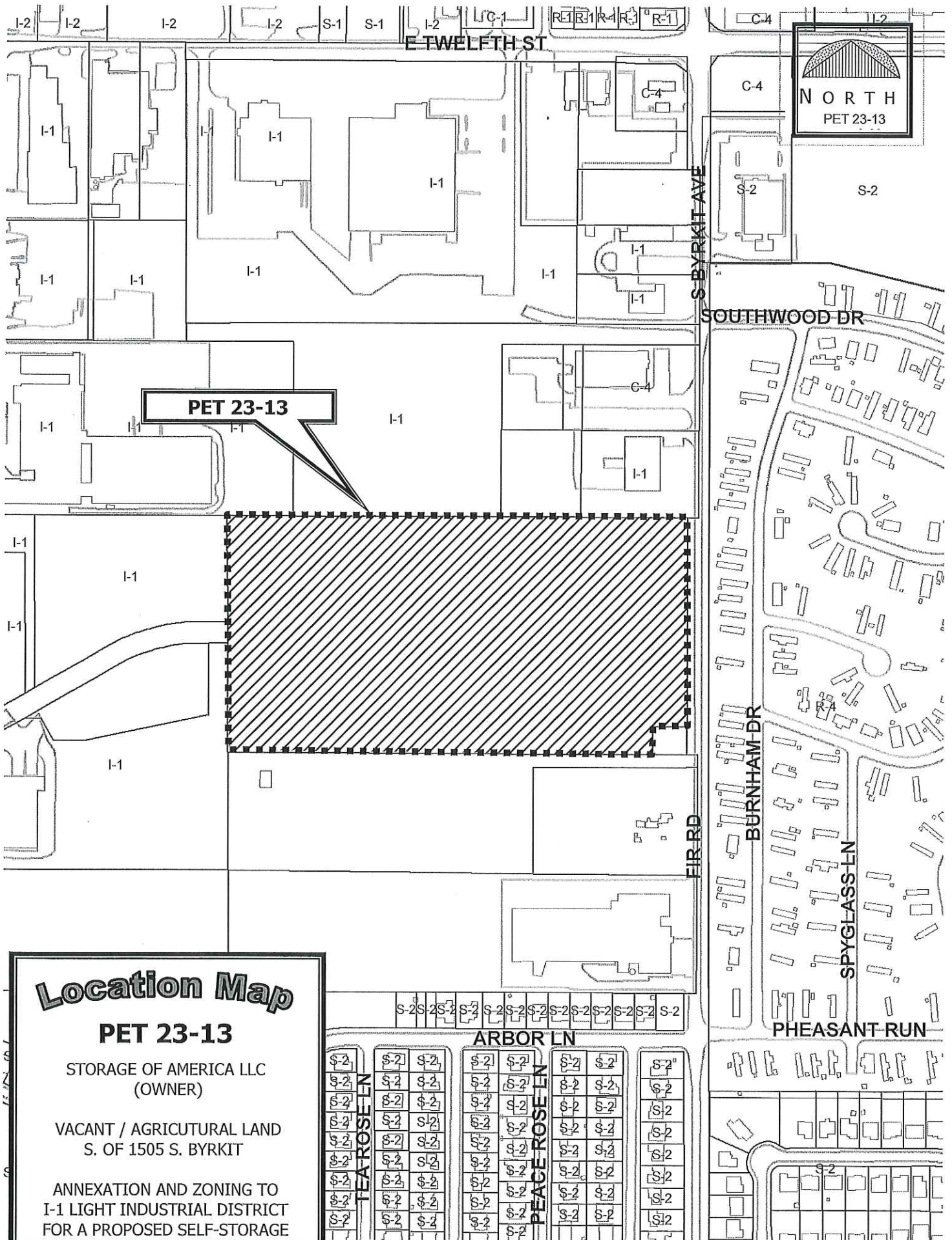


SEE
10

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PET 23-13

Location Map

PET 23-13

STORAGE OF AMERICA LLC
(OWNER)

VACANT / AGRICUTURAL LAND
S. OF 1505 S. BYRKIT

ANNEXATION AND ZONING TO
I-1 LIGHT INDUSTRIAL DISTRICT
FOR A PROPOSED SELF-STORAGE
FACILITY DEVELOPMENT

PETITION #23-14

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-27

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:

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 350.93 FEET TO A POINT WHICH IS 396 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 3 (SAID POINT ALSO BEING ON THE WEST 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, 351.14 FEET TO THE PLACE OF BEGINNING, EXCEPTING THE SOUTH 110'.

COMMON ADDRESS: property located 100' North of the Northeast corner of East McKinley and Maplehurst

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of C-4 Automobile Oriented Commercial.

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

1. Existing Conditions – The subject property is located along the heavily travelled E. McKinley Avenue corridor that serves as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart. Traffic volumes in the immediate vicinity are anticipated to remain consistent or increase in future years due to added travel lane projects. The annexation parcel is mostly a vacant wooded area with a small paved lot in the south part of the property previously serving a prior gas

Proposed Ordinance No. _____

Ordinance No. _____

station. Adjacent land uses include a dealer-only auto auction business to the north; a commercial building to the west; a used automobile sales businesses, vacant commercial property, and an automobile repair business to the south; and a used automobile sales business owned by the appellant to the east.

2. Character of Buildings in the Area – The character of buildings and land uses located along E. McKinley Avenue corridor vary greatly and include commercial, industrial, and residential land uses.
3. The most desirable/highest and best use – Because of the property's location along a highly travelled mixed use corridor, the most desirable use for the property is commercial or lesser intense industrial use including the proposed mini-self storage facility.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. All of the adjacent properties are either commercial zoned or occupied by commercial uses.

Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, identified a preferred land use of the subject property as open space. The plan does not reflect subsequent changes in the adjacent land use patterns from the mid-1990s to the early 2010s which permitted commercial uses to the west, north, and east. The proposed use is reasonably consistent with the goals and objectives of the plan and existing 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

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

David A. Wood, Mayor

STAFF REPORT

Location: West of 1500 E. McKinley Avenue - Northeast corner of E.
McKinley Avenue & Maplehurst Avenue

Date: June 13, 2023

Petition: 23- 14

Prepared By: DJS

GENERAL INFORMATION

Applicant: 1500 McKinley LLC (d/b/a Cars2You on adjacent property to the east) / Wightman

Status: Property Owner / Surveyor & Site Design Consultant

Request: To annex, establish zoning, and approve a preliminary site plan for a self-storage facility

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

Proposed Zoning: C-4 Automobile Oriented Commercial with a Use Variance (AP 23-18) to allow a self-storage facility

Lot Size: 2.34 acres including the adjacent Maplehurst Avenue right-of-way

Applicable Regulations: Section 137-379 to 137-380 / C-4 Automobile Oriented Commercial District & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County – C Commercial District (Dealer-Only Automobile Auction / Greater Mishawaka Auto Auction)

South: C-4 Automobile Oriented Commercial (Used Automobile Sales / Cars2You and Rite Way Auto, Vacant, and Automobile Repair / Town & Country Tire and Auto)

East: C-4 Automobile Oriented Commercial (Used Automobile Sales / Cars2You owned by the Applicant)

West: C-1 General Commercial (Commercial Building)

Thoroughfare: E. McKinley Avenue & Maplehurst Avenue

School District: Penn-Harris-Madison

Township: Penn

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

Comprehensive Plan: Open Space

ANALYSIS

Proposal:

The petitioner, 1500 McKinley LLC, is proposing to annex, establish zoning, and approve a preliminary site plan to allow for the construction of a mini-self storage facility.

The 2.08 acre site, which includes one parcel (tax parcel 014-1019-0272.09), is located on the north side of E. McKinley Avenue east of Maplehurst Avenue. A majority of the site is a vacant wooded area with a small paved lot in the south part of the property previously serving the prior Swifty's gas station. The adjacent properties to the south and east are also owned by the applicant and occupied by the Cars2You used automobile sales business (1500 E. McKinley Avenue). Property to the south was annexed into the City of Mishawaka in 1940 as a part of a large approximate 5 sq. mile annexation and zoned for commercial use. The property to west across Maplehurst Avenue was annexed in 1995 and zoned for commercial use. The property to the east was annexed in 2010 and zoned for commercial use for the applicant's used automobile sales business.

As indicated on the preliminary site plan, the development will include 5 storage unit buildings, an entrance drive from E. McKinley Avenue, and the associated access drives. The storage unit buildings will be located on both the annexation parcel and the applicant-owned property to the south zoned C-4 Auto Oriented Commercial and currently used for display of vehicles. Although not shown on the plan, an off-site storm water retention basin will be provided within the applicant-owned property to the east. The existing retention basin serving the adjacent property is proposed to be expanded to provide additional storm water storage for the proposed storage unit property. No phasing is shown on the site plan so it is anticipated that it will be developed in one phase. An office building/space is also not shown within the property. No parking spaces will be required if there are no on-site employees.

A Use and Developmental Variance appeal (AP 23-18) was submitted concurrent with the annexation and zoning petition. A mini-storage facility, which is an I-1 Light Industrial use, is not a permitted use in the C-4 Auto Oriented Commercial District. Rezoning to the I-1 District zoning classification is not desired as it would allow for several permitted uses that would not be appropriate for the property. As a result, Planning Staff instructed that the C-4 Auto Oriented Commercial zoning and use variance be requested. The commercial zoning also requires landscaping and design regulations on the type of architectural materials that can be used on the buildings which are not required for industrial zoned property. Staff believes that due to the location along a highly travelled commercial corridor, commercial landscaping and design regulations were appropriate for the property.

Several developmental variances were also identified in the appeal including reduced building setbacks, an increased fence height in the required front setback, and a reduction in required parking to zero spaces. Since the appeal was filed, the preliminary site plan was revised which modify several of the developmental variances as requested. Specific conditions of approval and development regulations will be included as a part of the use variance approval.

If the proposed annexation and zoning 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.

Annexation:

Adjacent properties to the west, south, and east were annexed into the city between 1940 and 2010 and zoned for commercial use. Properties to the south and east are owned by the applicant and occupied by a use automobile sales business.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexations outlined above, a total of 922.93 feet, or 72.5%, of the entire 1273.86 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 north of E. McKinley Avenue east of Maplehurst Avenue, and is bordered to the north by a dealer-only automobile auction business within unincorporated St. Joseph County; to the west by a commercial building; to the south by used automobile sales businesses, vacant commercial property, and an automobile repair business; and to the east by a used automobile sales business owned by the appellant.

Zoning Change:

Staff believes the proposed zoning of the property to the C-4 Automobile Oriented Commercial District with a use variance to allow for a mini-self story facility is appropriate given the adjacent commercial zoned and occupied properties. The commercial zoning will also require landscaping and design regulations for the buildings which are not often not required for storage facility developments on industrial zoned property. Rezoning to the C-4 District will also allow for all other C-4 permitted uses.

Transportation/Roads:

According to the latest available traffic counts along E. McKinley Avenue, there were 14,619 annual average daily trips (AADT) (May 2018) immediately east of N. Merrifield Avenue and 16,545 AADT (May 2022) immediately west of Fir Road/N. Byrkit Avenue. The counts at these location have been relatively constant over the last 20 years with peak counts between 19,000-22,000 AADT. With E. McKinley Avenue serving as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart, traffic volumes are anticipated to remain constant or increase in future years due to added travel lane projects as outlined below.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff, the County Engineering Department, and INDOT, includes added travel lanes along a 1.74 mile section of E. McKinley Avenue within the city limits between Elder Road and Division Street. The projected completion year for part of this project is 2029 with the entire project to be completed by 2035. The plan also includes added travel lanes along a 1.25 mile stretch of E. McKinley Avenue within unincorporated St. Joseph County between Ash Road (Elkhart County line) and Birch Road. The projected completion year for this added travel lane project is 2025.

All pertinent City Departments have reviewed and approved the proposed annexation, zoning, and preliminary site plan.

The Engineering Department had the following comments which shall be addressed with the final site plan and subdivision plat:

1. Remove the two existing drives at the corner of E. McKinley Avenue and Maplehurst Avenue. Throat shall be extended so vehicles don't back up on E. McKinley Ave. or come off of Maplehurst Ave.
2. The existing private lift station and force main shall be properly abandoned.
3. The site has restrictive covenants due to contaminated soils/groundwater from leaking underground storage tanks from previous owners. Confirm with the Indiana Department of Environmental Management that the proposed use is allowed.
4. A subdivision plat is required along with dedicating additional public right-of-way. A 60' half right-of-way shall be dedicated on the north side of E. McKinley Avenue.
5. A cross-access (ingress-egress) easement shall be provided to allow access to and from the adjacent property to the east.

RECOMMENDATION

Staff recommends approval of Petition 23-14 to annex, establish zoning, and approve a preliminary site plan for property located at the northeast corner the E. McKinley Avenue and Maplehurst Avenue. The approval will zone the property to the C-4 Automobile Oriented Commercial District. A separate use variance (AP 23-18) is required to allow for the proposed mini-self storage facility.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled E. McKinley Avenue corridor that serves as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart. Traffic volumes in the immediate vicinity are anticipated to remain consistent or increase in future years due to added travel lane projects. The annexation parcel is mostly a vacant wooded area with a small paved lot in the south part of the property previously serving a prior gas station. Adjacent land uses include a dealer-only auto auction business to the north; a commercial building to the west; a used automobile sales businesses, vacant commercial property, and an automobile repair business to the south; and a used automobile sales business owned by the appellant to the east.
2. Character of Buildings in the Area – The character of buildings and land uses located along E. McKinley Avenue corridor vary greatly and include commercial, industrial, and residential land uses.
3. The most desirable/highest and best use – Because of the property's location along a highly travelled mixed use corridor, the most desirable use for the property is commercial or lesser intense industrial use including the proposed mini-self storage facility.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. All of the adjacent properties are either commercial zoned or occupied by commercial uses.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, identified a preferred land use of the subject property as open space. The plan does not reflect subsequent changes in the adjacent land use patterns from the mid-1990s to the early 2010s which permitted commercial uses to the west, north, and east. The proposed use is reasonably consistent with the goals and objectives of the plan and existing adjacent land uses.

ATTACHMENTS

Aerial Map, Photographs, Annexation and Zoning Petition, Preliminary Site Plan, and Location Map



Aerial Photograph
Vacant Land – N. of E. McKinley Avenue & E. of Maplehurst Avenue
Proposed Self-Storage Facility



P1. Looking easterly from Maplehurst Avenue toward the applicant-owned property south of the annexation parcel.



P1. Looking easterly from Maplehurst Avenue toward the wooded area on the annexation parcel.



P3. Looking northerly from south of E. McKinley Avenue toward the property.

Ref 23-14

DATE:

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

TO THE:

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

Deborah S. Block, IAMC. MM

JUN 01 2023

City Clerk
Mishawaka, IN

RE: Petition for Annexation and Zoning Classification

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:

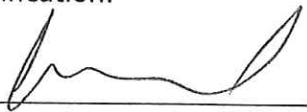
PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST 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

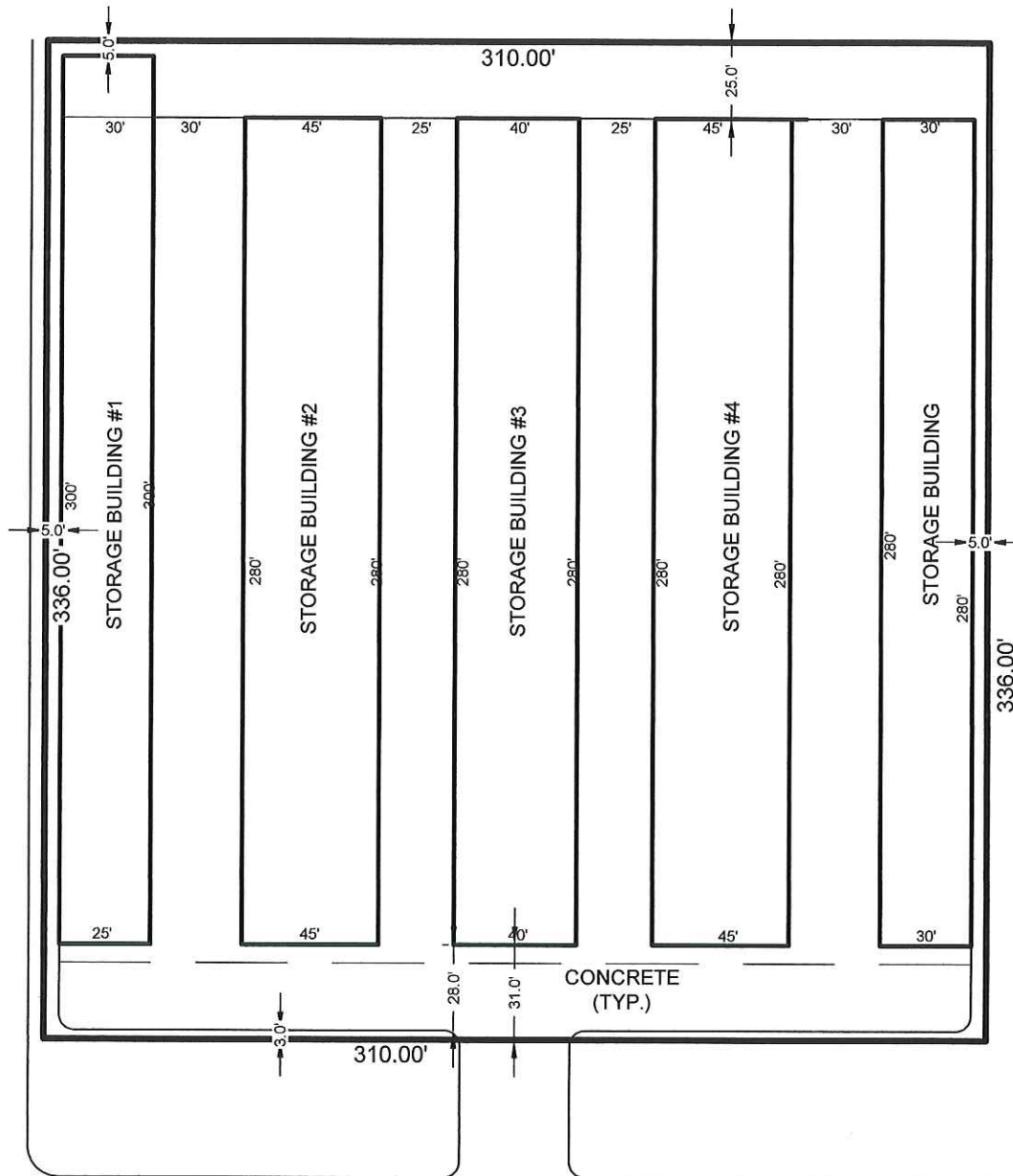
CONTACT PERSON:

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

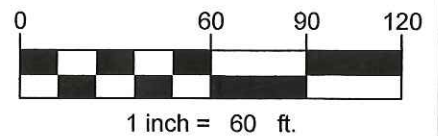
J. Bernard Feeney
1405 N. Michigan Street
Plymouth, IN 46563
574-936-3469
bfeeney@gowightman.com

PRELIMINARY SITE PLAN

MAPLEHURST AVE.



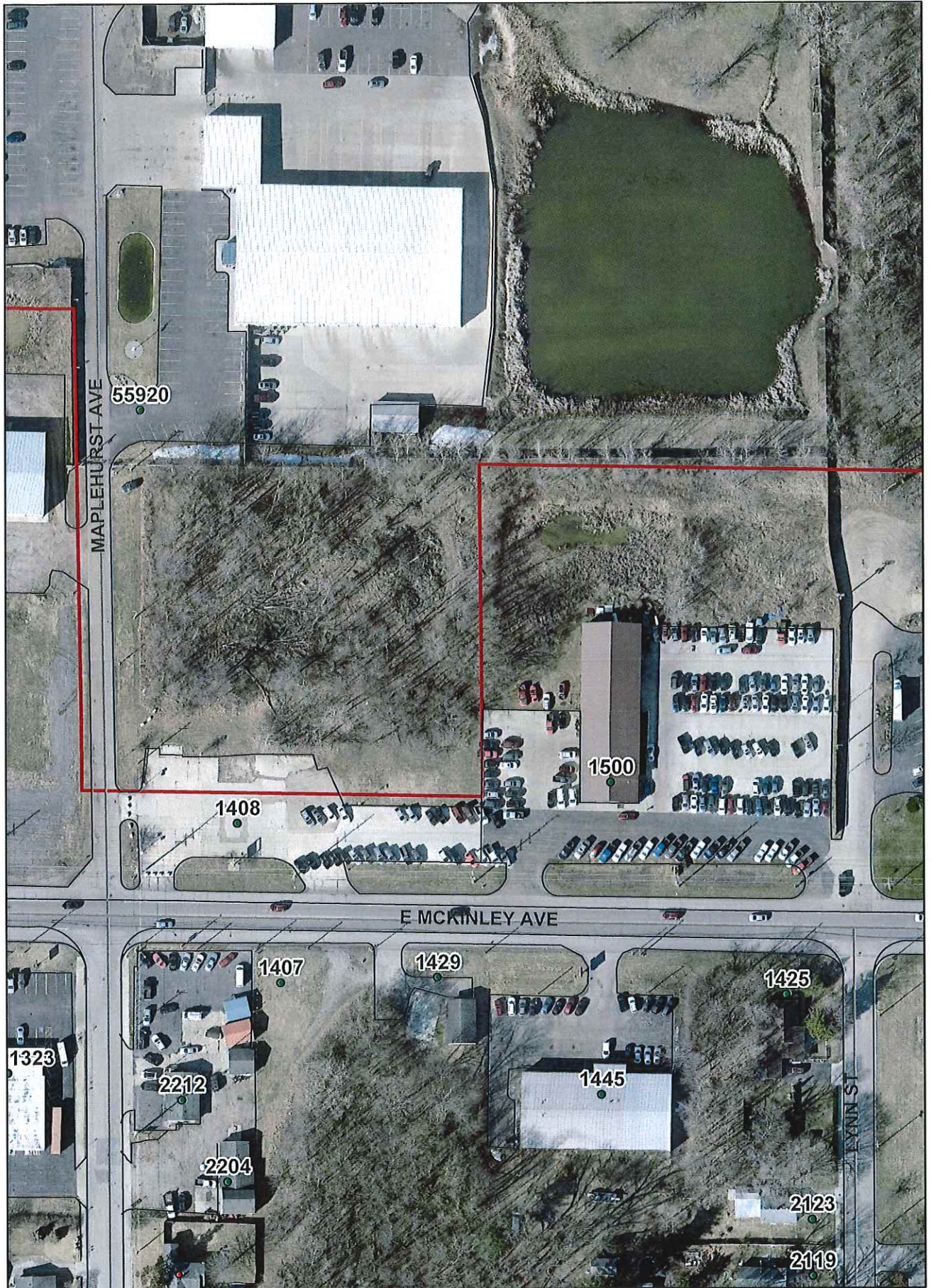
MCKINLEY HWY.

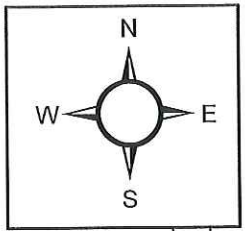


1405 N. MICHIGAN ST. PLYMOUTH, IN. 46563
574.936.3469
www.gowightman.com

CLIENT: STOYAN
PROJECT:
JOB No:
DATE: 05/01/2023
SCALE: 1"=60'

10F1





EXISTING CITY LIMITS

PET 23-14

E MCKINLEY AVE

LYNN ST

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**

C-4

C-4

C-4

C-4

C-4

C-4

C-1

C-1

R-1

R-1

C-1

C-1

I-1

I-1

I-1

C-1

C-1

C-1

C-1

1st Reading,
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, MMC, MMC

JUN 14 2023

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE No. 2023-28
ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, AUTHORIZING THE CITY TO ISSUE ONE OR MORE SERIES OF ITS
TAXABLE ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS AND
APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO IN
CONNECTION WITH THE IRONWORKS PHASE 2 PROJECT**

WHEREAS, Indiana Code 36-7-11.9 and 12 (collectively, the “Act”) declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Mishawaka, Indiana (the “City”) is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, the City of Mishawaka Redevelopment Commission (the “Redevelopment Commission”), the governing body of the City of Mishawaka Department of Redevelopment and the Redevelopment District of the City (the “District”), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the “Redevelopment Act”); and

WHEREAS, the Redevelopment Commission has previously declared an area within the City as an economic development area and known as the “Consolidated Area Improvement Project” (the “Area”) and designated the Area as an allocation area in accordance with Section 39 of the Redevelopment Act for the purposes of capturing incremental *ad valorem* property taxes levied and collected on all taxable real property in such Area; and

WHEREAS, the Redevelopment Commission and The Mill 2 FC, LLC (the “Company”), have entered into a Development Agreement, dated as of March 27, 2023 (the “Development Agreement”), whereby the Company has agreed that the Company, or an affiliate thereof will undertake the acquisition, design, construction, equipping and improving, as the case may be, of a mixed-use retail and residential apartment building with a parking garage containing approximately 430 spaces including approximately 130 public parking spaces all consisting of approximately 400,000 square feet (the “Project”); and

WHEREAS, the Redevelopment Commission on May 22, 2023, approved and adopted its Resolution No. 2023-05 for the purpose of making additional amendments to the Area and its plan to designate an area, presently part of the Area, as a separate allocation area pursuant to Indiana Code 36-7-14-39 to be known as the “Ironworks Phase 2 Allocation Area” (the “Ironworks Phase 2 Allocation Area”) for purposes of capturing incremental *ad valorem* property taxes levied and collected on all taxable real property located in the Ironworks Phase 2 Allocation Area (the “Ironworks Phase 2 Allocation Area TIF Revenues”); and

Commission concerning the Project, and has requested that the City authorize and issue its taxable economic development tax increment revenue bonds under the Act, to be designated as the “City of Mishawaka, Indiana, Taxable Economic Development Tax Increment Revenue Bonds, Series 2023 (Ironworks Phase 2 Project)” (with such further series or different series designation as determined to be necessary or appropriate) (the “Bonds”), a portion of the net proceeds of such Bonds to be used for the purpose of financing a portion of the costs of the Project; and

WHEREAS, the Economic Development Commission has rendered a report concerning the proposed financing or refinancing of economic development facilities for the Company; and

WHEREAS, following a public hearing, pursuant to Section 24 of the Act, the Economic Development Commission found that the financing of a portion of the costs of the Project complies with the purposes and provisions of the Act and that each such financing will be of benefit to the health and public welfare of the City; and

WHEREAS, the Economic Development Commission has considered whether the financing of the Project will have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the corporate boundaries of the City; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance a portion of the costs of the Project by issuing the Bonds; and

WHEREAS, the Act provides that such Bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, the City intends to issue the Bonds consistent with the terms of this Ordinance, and pursuant to a Trust Indenture for the Bonds, dated as of the date of issuance of Bonds (the “Indenture”), by and between the City and a corporate trustee to be selected by the City, in order to secure funds necessary to provide for the financing of a portion of the costs of the Project in accordance with the terms of a Financing and Loan Agreement with the Company, to be dated as of the date of issuance of the Bonds (the “Financing Agreement”), by and between the City and the Company with respect to the use of the proceeds of the Bonds and the completion of the Project; and

WHEREAS, no member of the Common Council of the City (the “Common Council”) has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Common Council, and no such member has voted on any such matter, all in accordance with the provisions of Section 16 of the Act; and

WHEREAS, the forms of the Bonds, the Indenture and the Financing Agreement (collectively, the “Financing Documents”), and a form of this proposed Ordinance were submitted to, and approved by, the Economic Development Commission, which documents were incorporated by reference in the resolution heretofore adopted by the Economic Development Commission, which resolution has been transmitted to the Common Council in accordance with the Act;

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

Section 1. It is hereby found that the financing of a portion of the economic development facilities for the Project referred to in the Financing Documents previously approved by the Economic Development Commission and presented to this Common Council, the issuance and sale of the Bonds, the use of a portion of the proceeds of the Bonds by the Company for the financing of a portion of the costs of the Project, the payment of the Bonds from the Ironworks Phase 2 Allocation Area TIF Revenues and other sources pursuant to the Financing Documents, and the securing of the Bonds under the Indenture comply with the purposes and provisions of the Act and will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens.

Section 2. At the public hearing held before the Economic Development Commission, the Economic Development Commission considered whether the Project would have an adverse competitive effect on any similar facilities located in or near the City. This Common Council hereby confirms the findings set forth in the Economic Development Commission's resolutions, and concludes that the Project will be of benefit to the health, prosperity, economic stability and general welfare of the citizens of the City.

Section 3. The substantially final forms of the Financing Documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk of the City (the "Clerk"). In accordance with the provisions of Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk for public inspection.

Section 4. The City shall issue the Bonds in one (1) or more series in the maximum aggregate principal amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000), which Bonds shall mature not later than twenty-five (25) years after the date of issuance of the Bonds, and shall bear interest at a per annum rate not exceeding seven and one-half percent (7.5%) per annum. Principal and interest on the Bonds shall be payable on February 1 and August 1 of each year, beginning not sooner than February 1, 2024. The Bonds may be issued as serial bonds and/or term bonds subject to mandatory sinking fund redemption. The Bonds shall be subject to optional redemption at the option of the City not earlier than five (5) years from the date of issuance of the Bonds. The Bonds shall be issued in minimum denominations of One Hundred Thousand Dollars (\$100,000) and integral multiples of One Thousand Dollars (\$1,000) in excess thereof. The Bonds are to be issued for the purpose of procuring funds to (a) pay all or a portion of the cost of acquisition, design, construction, renovation, improvement and equipping, as the case may be, of the Project, (b) pay capitalized interest on the Bonds for a period not to exceed one (1) year following project completion (if necessary), (c) fund a debt service reserve fund (if necessary), and (d) pay all incidental expenses on account of the issuance of the Bonds. The Bonds shall be lettered and numbered R-1 upward. The Bonds shall be special and limited obligations of the City, payable solely from the trust estate created and established under the Indenture (the "Trust Estate"), which Trust Estate shall consist of the funds and accounts created under the Indenture together with a pledge by the Redevelopment Commission of the Ironworks Phase 2 Allocation Area TIF Revenues, subject to the terms and conditions of a Pledge Agreement between the Redevelopment Commission and the City (the "Pledge Agreement"), and, to the extent the Ironworks Phase 2 Allocation Area TIF Revenues are insufficient for the payments of the principal of and interest due on the Bonds, a pledge by the

Company to pay such amounts in order to make such principal and interest payments during such period as described in the Development Agreement and the Financing Agreement (the "Minimum Taxpayer Payment") and upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. The Bonds and the interest thereon do not and shall never constitute an indebtedness of, or charge against the general credit of, or taxing power of the City, but shall be special and limited obligations of the City, payable solely from the Ironworks Phase 2 Allocation Area TIF Revenues pursuant to the Pledge Agreement and, if necessary, the Minimum Taxpayer Payment as described in the Financing Documents.

The Mayor of the City (the "Mayor") and the Clerk (the "Clerk") are hereby authorized to approve with the advice of counsel, a Bond Purchase Agreement (the "Bond Purchase Agreement") with the purchaser of the Bonds in a form and substance acceptable to the Mayor and the Clerk to provide for the sale of the Bonds. The Mayor and the Clerk are hereby authorized and directed to execute and deliver the Bond Purchase Agreement in a form and substance acceptable to them and consistent with the terms and conditions set forth in this Ordinance, with such acceptance of the form and substance thereof to be conclusively evidenced by their execution thereof.

Section 5. Each of the Mayor and the Clerk and any other officer of the City are authorized and directed to execute the Financing Documents, such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transaction contemplated by the Financing Documents, the Bond Purchase Agreement, and this Ordinance, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, the Clerk and any other officer of the City on the Bonds which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, the Clerk and any other officer of the City on the Bonds may be facsimile signatures or electronic signatures. The Mayor, the Clerk and any other officer of the City are authorized to arrange for the delivery of such Bonds to the purchaser thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor, the Clerk and any other officer of the City may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Mayor, the Clerk or any other officer of the City without further approval of this Common Council or the Economic Development Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(10) of the Act.

Section 6. The provisions of this Ordinance and the Financing Documents securing the Bonds of a series shall constitute a contract binding between the City and the holders of the Bonds of such series, and after the issuance of the Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as the Bonds or the interest thereon remains unpaid.

Section 7. The Common Council hereby finds that (a) the Project and the related financing assistance for the Project provided in the Financing Documents are consistent with the economic development plan for the Area and the Ironworks Phase 2 Allocation Area; (b) the Company would not undertake the Project without the financing assistance provided in Financing Documents; and (c) the Project furthers the economic development of the Ironworks Phase 2 Allocation Area and the Area generally.

Section 8. No stipulation, obligation or agreement herein contained or contained in the Financing Documents, the Bonds or in any other agreement or document executed on behalf of the City shall be deemed to be a stipulation, obligation or agreement of any member of the Common Council, or any officer, agent or employee of the City in his or her individual capacity, and no such member of the Common Council, officer, agent or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 9. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 10. It is hereby determined that all formal actions of the Common Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Common Council, that all deliberations of the Common Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

Section 11. The Mayor, the Clerk, the Controller of the City and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transactions described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

Section 12. All acts of the officers of the City which are in conformity with the purpose and intent of this Ordinance and in the furtherance of the issuance of the Bonds and the execution, delivery and performance of the documents and agreements authorized hereby are in all respects ratified, approved and confirmed.

Section 13. Any ordinances, resolutions or orders or parts thereof in conflict with this Ordinance are to the extent of such conflict hereby repealed.

Section 14. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-4-6.

PASSED AND ADOPTED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this ____ day of _____, 2023.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED to the Mayor of the City of Mishawaka, Indiana, this ____ day of _____, 2023, at _____ o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED, this ____ day of _____, 2023, _____, o'clock, _____.M.

David A. Wood, Mayor

Good afternoon,

Attached is proposed Common Council Ordinance 2023-28. This is the form of the Bond Ordinance as prepared by Randy Rompola/Barnes & Thornburg our special legal counsel on this matter. Randy has provided a summary of what is being proposed below in italic:

The Developer has proposed proceeding with Ironworks Phase 2 and has agreed in a development agreement to proceed with the construction of a mixed use retail and residential apartment building with a parking garage containing approximately 430 spaces (and 130 public parking spaces). The total project will consist of approximately 400,000 square feet. The Developer has requested an economic incentive consisting of a bond issue payable solely from tax increment that is expected to be generated from the project. The Redevelopment Commission and the Developer have entered into a Development Agreement in which the Developer has agreed to proceed with the project and the Redevelopment Commission has agreed to initiate the process to provide the requested bond incentive. The Economic Development Commission has met and, following a public hearing, approved the project and proposed financing and has recommended to the Council that it approve a bond ordinance authorizing the issuance of economic development revenue bonds. The Redevelopment Commission has adopted a declaratory resolution establishing the project site as a separate TIF allocation area.

The proposed ordinance provides for the issuance of Taxable Economic Development Tax Increment Revenue Bonds in an aggregate principal amount not to exceed \$12,500,000 with a term not to exceed 25 years and a maximum interest rate not to exceed 7.5%. The bonds would be issued to provide an incentive to the developer for undertaking the proposed project. The bonds would be payable solely from the tax increment revenues expected to be generated from the project and to extent necessary, a taxpayer guaranty from the developer. The City is not otherwise obligated on the bonds, and the bonds would otherwise affect the credit rating of the City. The incentive to the developer is the ability to receive the taxes it pays on the project back as bond payments from the tax increment that will be generated from the project. The ordinance approves also forms of documents that will be used in the financing (a financing and loan agreement and a trust indenture).

Attached are the Economic Development Commission resolution and report and the forms of the financing and loan agreement and trust indenture.

The Ordinance will only be under first reading at the meeting on June 19th. We have asked the Developer, Barnes & Thornburg, and BakerTilly to attend the public hearing/second reading. We are asking that the second reading be held on July 17th based on the attached calendar. We specifically wanted to provide ample time for a committee meeting if it is desired, and to get away from the likely vacations occurring around the July 4th holiday.

At the hearing, we will start with a presentation of the project by Flaherty and Collins as the developer. Flaherty & Collins will present the project to the Council and public similar in detail to what was presented to the Redevelopment Commission. This will be followed by a brief presentation from our consultants on the details specific to this proposed financing.

Please let me know if the Council desires a special committee meeting on this matter. If approved, the developer is looking to close on the financing the first week in August.

Please do not hesitate to reach out with any questions.

Sincerely,

Ken

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

TRUST INDENTURE

BETWEEN

CITY OF MISHAWAKA, INDIANA

AND

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION,
as Trustee

\$ _____
CITY OF MISHAWAKA, INDIANA
TAXABLE ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS
SERIES 2023 (IRONWORKS PHASE 2 PROJECT)

Dated as of August 1, 2023

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TRUST INDENTURE

THIS TRUST INDENTURE dated as of the 1st day of August, 2023, by and between the CITY OF MISHAWAKA, INDIANA (the "Issuer"), a municipal corporation organized and existing under the laws of the State of Indiana and U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, a national banking association duly organized, existing and authorized to accept and execute trusts of the character herein set out under the laws of the United States of America with its Indiana corporate trust office in the City of Indianapolis, Indiana, as Trustee ("Trustee");

WITNESSETH:

WHEREAS, IC 36-7-11.9, 12 and 14, as supplemented and amended, authorizes and empowers the Issuer to issue revenue bonds and to use the proceeds therefrom for the purpose of financing economic development facilities and vests such Issuer with powers that may be necessary to enable it to accomplish such purposes; and

WHEREAS, in accordance with the provisions of the Act, the Issuer has induced The Mill 2, FC, LLC (the "Company") to proceed with the acquisition, construction, equipping and improving, as the case may be, by the Company of a mixed use retail and residential apartment building project on certain real property generally located on a parcel adjacent to Front Street in Beutter Park in the City, by offering to issue the City's Taxable Economic Development Tax Increment Revenue Bonds, Series 2023 (Ironworks Phase 2 Project) in the aggregate principal amount of \$_____, pursuant to this Trust Indenture and to provide the proceeds thereof to the Company pursuant to the Financing and Loan Agreement of even date herewith (the "Financing Agreement"), for the purpose of paying a portion of the costs of the Project (as defined herein); and

WHEREAS, the execution and delivery of this Indenture and the issuance of revenue bonds under the Act as herein provided have been in all respects duly and validly authorized by proceedings duly passed on and approved by the Issuer; and

WHEREAS, after giving notice in accordance with the Act and IC 5-3-1-4, Economic Development Commission held a public hearing on behalf of the Issuer, and upon finding that Project (i) will create or retain employment opportunities in and near the City of Mishawaka, Indiana; (ii) will benefit the health and general welfare of the citizens of the City of Mishawaka, Indiana, and the State of Indiana; and (iii) will comply with the purposes and provisions of the Act, adopted a resolution approving the proposed financing; and

WHEREAS, the Act provides that such Bonds may be secured by a trust indenture between the Issuer and a corporate trustee; and

WHEREAS, the Financing Agreement provides for the use of the proceeds of the Bonds by the Company to complete the Project, and, pursuant to this Indenture, the Issuer will assign certain of its rights under the Financing Agreement to the Trustee; and

WHEREAS, pursuant to this Indenture, the Bonds shall be payable solely from payments from TIF Revenues (as defined herein) and proceeds from the Bonds; and

WHEREAS, the execution and delivery of this Trust Indenture, and the issuance of the Bonds hereunder, have been in all respects duly and validly authorized by an ordinance duly passed and approved by the Issuer; and

WHEREAS, IC 36-7-14 provides that a redevelopment commission of an issuer may pledge certain incremental property taxes (known herein as TIF Revenues) to pay, in whole or in part, amounts due on the Bonds; and

WHEREAS, the Redevelopment Commission has, by resolution, dedicated and pledged to the Issuer, TIF Revenues to be applied to the repayment of the Bonds; and

WHEREAS, the Bonds and the Trustee's certificate of authentication to be endorsed thereon are all to be substantially in the form provided in this Indenture; and

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That in order to secure the payment of the principal of and interest on the Bonds to be issued under this Indenture according to their tenor, purport and effect, and in order to secure the performance and observance of all the covenants and conditions herein and in said Bonds contained, and in order to declare the terms and conditions upon which the Bonds are issued, authenticated, delivered, secured and accepted by all persons who shall from time to time be or become holders thereof, and for and in consideration of the mutual covenants herein contained, of the acceptance by the Trustee of the trust hereby created, and of the purchase and acceptance of the Bonds by the holders or obligees thereof, the Issuer has executed and delivered this Indenture, and by these presents does hereby convey, grant; assign, pledge and grant a security interest in, unto the Trustee, its successor or successors and its or their assigns forever, with power of sale, all and singular, the property, real and personal hereinafter described (the "Trust Estate"):

GRANTING CLAUSES

DIVISION I

All right, title and interest of the Issuer in and to the Financing Agreement (except the rights reserved to the Issuer therein);

DIVISION II

All right, title and interest of the Issuer in and to the TIF Revenues (such pledge to be effective as set forth in IC 5-1-14-4 and IC 36-7-14-39 without filing or recording of this Indenture or any other instrument);

DIVISION III

All moneys and securities from time to time held by the Trustee under the terms of this Indenture, including the proceeds of the Bonds prior to the disbursement here from to pay costs of the Project (except moneys or Qualified Investments deposited with the Trustee pursuant

to Section 11.1 hereof), and any and all other real or personal property of every name and nature from time to time hereafter by delivery or by writing of any kind conveyed, mortgaged, pledged, assigned, or transferred as and for additional security hereunder by the Issuer or by anyone in its behalf, or with their written consent to the Trustee which is hereby authorized to receive any and all such property at any and all times and to hold and apply the same subject to the terms hereof;

TO HAVE AND TO HOLD the same unto the Trustee, and its successor or successors and its or their assigns forever;

IN TRUST, NEVERTHELESS, upon the terms and trusts herein set forth, to secure the payment of the Bonds to be issued hereunder and the interest payable thereon, and to secure also the observance and performance of all the terms, provisions, covenants and conditions of this Indenture, and for the equal and ratable benefit and security of all and singular the holders of all Bonds issued hereunder, without preference, priority or distinction as to lien or otherwise, except as otherwise hereinafter provided, of any one Bond or as between principal and interest, and it is hereby mutually covenanted and agreed that the terms and conditions upon which the Bonds are to be issued, authenticated, delivered, secured and accepted by all persons who shall from time to time be or become the holders thereof, are as follows:

ARTICLE I.

DEFINITIONS

Section 1.1. Terms Defined. In addition to the words and terms elsewhere defined in this Indenture, the following words and terms as used in this Indenture shall have the following meanings unless the context or use indicates another or different meaning or intent:

“Act” means, collectively, Indiana Code 36-7-11.9 and 36-7-12.

“Allocation Area” means the Ironworks Phase 2 Allocation Area established in accordance with IC 36-7-14-39 for the purposes of capturing incremental *ad valorem* real property taxes levied and collected in such allocation area.

“Allocation Fund” means the Ironworks Phase 2 Allocation Fund established under IC 36-7-14 for the TIF Revenues collected in the Allocation Area.

“Authorized Representative” means, (i) with respect to the Issuer, the Mayor or the Controller of the Issuer (or such other officer as the Issuer shall notify the Company and the Trustee in writing as being an Authorized Representative, with evidence of such authority); and (ii) with respect to the Company, Brian Prince (or such other officer as the Company shall notify the Issuer and the Trustee in writing as being an Authorized Representative, with evidence of such authority).

“Book Entry System” means the book entry system in Section 2.10 of this Indenture.

“Bondholders” means registered owners of the Bonds.

“Bond Fund” means the Bond Fund established by Section 4.2 of this Indenture.

“Bond Ordinance” means Ordinance No. _____, adopted by the Common Council of the Issuer on _____, 2023, authorizing and approving the issuance and sale of the Bonds, and approving the Financing Agreement, this Indenture and related matters.

“Bonds” means the City of Mishawaka, Indiana, Taxable Economic Development Tax Increment Revenue Bonds, Series 2023 (Ironworks Phase 2 Project) in the aggregate principal amount of \$_____.

“Company” means The Mill 2 FC, LLC, or any successor thereto under the Financing Agreement.

“Costs of Issuance” means financial, legal, accounting charges and expenses, and all other fees charges and expenses incurred in connection with the authorization, sale, issuance and delivery of the Bonds, including without limitation, the fees and expenses of the Issuer, Issuer’s Counsel, Bond Counsel, Company Counsel, Municipal Advisor to the Issuer and the Trustee.

“Economic Development Commission” means the City of Mishawaka Economic Development Commission.

“Event of Default” means those events of default specified in and defined by Section 7.1 hereof.

“Financing Agreement” means the Financing and Loan Agreement, dated as of August 1, 2023, from the Company to the Issuer and all amendments and supplements thereto.

“Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the timely payment of the principal of and the interest on which are fully and unconditionally guaranteed by, the United States of America or any agency or instrumentally thereof when such obligations are backed by the full faith and credit of the United States of America.

“Indenture” means this instrument as originally executed or as it may from time to time be amended or supplemented pursuant to Article IX.

“Interest Payment Date” on the Bonds means each February 1 and August, commencing _____ 1, 2023.

“Issuer” means the City of Mishawaka, Indiana, a municipal corporation organized and validly existing under the laws of the State or any successor to its rights and obligations under the Financing Agreement and the Indenture.

“Project” means the acquisition, construction, equipping and improving, as the case may be, by the Company of a mixed use retail and residential apartment building project on certain real property generally located on a parcel adjacent to Front Street in Beutter Park in the City.

“Project Fund” means the Project Fund for the Bonds established in Section 4.3 of this Indenture.

“Qualified Investments” shall mean any of the following to the extent permitted by law: (i) Government Obligations; (ii) money market funds, which may be funds of the Trustee, the assets of which are obligations of or guaranteed by the United States of America and which funds are rated at the time of purchase “AAAm or higher by Standards & Poor’s Ratings Service, Inc. and/or “Aaa” by Moody’s Investors Service, Inc.; (iii) bonds, debentures, notes or other evidence of indebtedness issued or guaranteed by any of the following federal agencies: Export-Import Bank, Farmers Home Administration, Federal Financing Bank, Federal Housing Administration, Government National Mortgage Association, Maritime Administration and Farm Credit Banks; (iv) certificates of deposit, savings accounts, deposit accounts or depository receipts of a bank, savings and loan associations and mutual savings banks, including the Trustee, each fully insured by the Federal Deposit Insurance Corporation; (v) bankers’ acceptances or certificates of deposit of commercial banks or savings and loan associations, including the Trustee, which mature not more than one year after the date of purchase; provided the banks or savings and loan associations (as opposed to their holding companies) are rated for unsecured debt at the time of purchase of the investments in the single highest full classification

established by Moody's Investors Service, Inc. and Standard & Poor's Ratings Service, Inc.; (vi) commercial paper rated at the time of purchase in the single highest full classification by Moody's Investors Service, Inc. and Standard & Poor's Ratings Service, Inc. and which matures not more than 270 days after the date of purchase; (vii) any guaranteed investment contract or investment agreement of a financial institution which is rated in one of the two highest rating categories by Standard & Poor's Ratings Services; and (viii) repurchase agreements with any bank or trust company organized under the laws of any state of the United States of America or any national banking association (including the Trustee) or government bond dealer reporting to, trading with, and recognized as a primary dealer by the Federal Reserve Bank of New York, which agreement is secured by any one or more of the securities described in clauses (i), (iii) or (iv) above; provided, underlying securities are required by the repurchase agreement to be continuously maintained at a market value not less than the amount so invested.

"Record Date" means the fifteenth day of the month immediately preceding any Interest Payment Date.

"Redevelopment Commission" means the City of Mishawaka Redevelopment Commission.

"Requisite Bondholders" means the holders of 51% in aggregate principal amount of Bonds.

"State" means the State of Indiana.

"TIF Revenues" means the property tax proceeds received by the Redevelopment Commission and pledged to the Issuer pursuant to Resolution No. _____ adopted by the Redevelopment Commission on _____, 2023, from the assessed valuation of real property in the Allocation Area, in excess of the assessed valuation described in IC 36-7-14-39(b)(1), as such statutory provision exists on the date of execution of the Indenture.

"Trustee" means U.S. Bank Trust Company, National Association, with a designated trust office in the City of Indianapolis, Indiana, and any successor trustee or co-trustee.

"Trust Estate" shall have the meaning ascribed to such term in the Granting Clauses of this Indenture.

Section 1.2. Rules of Interpretation. For all purposes of this Indenture, except as otherwise expressly provided or unless the context otherwise requires:

(1) "This Indenture" means this instrument as originally executed and as it may from time to time be supplemented or amended pursuant to the applicable provisions hereof.

(2) All references in this instrument to designated "Articles," "Sections" and other subdivisions are to the designated Articles, Sections and other subdivisions of this instrument as originally executed. The words "herein," "hereof" and "hereunder" and

other words of similar import refer to this Indenture as a whole and not to any particular Article, Section or other subdivision.

(3) The terms defined in this Article have the meanings assigned to them in this Article and include the plural as well as the singular and the singular as well as the plural.

(4) All accounting terms not otherwise defined herein have the meanings assigned to them in accordance with generally accepted accounting principles as consistently applied.

(5) Any terms not defined herein but defined in the Financing Agreement shall have the same meaning herein.

(6) The terms defined elsewhere in this Indenture shall have the meanings therein prescribed for them.

Section 1.3. Exhibits. The following Exhibits are attached to and by reference made a part of this Indenture:

Exhibit A: Disbursement Request Form

Exhibit B: Costs of Issuance

(End of Article I)

ARTICLE II.

THE BONDS

Section 2.1. Authorized Amount of Bonds. No Bonds may be issued under the provisions of this Indenture except in accordance with this Article. The principal amount of the Bonds (other than Bonds issued in substitution therefor pursuant to Section 2.9 hereof) that may be issued is hereby expressly limited to \$_____.

Section 2.2. Issuance of the Bonds. The Bonds shall be designated "City of Mishawaka, Indiana, Taxable Economic Development Tax Increment Revenue Bonds, Series 2023 (Ironworks Phase 2 Project)," and lettered and numbered R-1 and upward. The Bonds shall be originally issuable as fully registered Bonds without coupons in denominations of \$1,000 or integral multiples thereof with minimum denominations of \$100,000. Interest on Bonds shall be paid to the owners of such Bonds determined as of the close of business of the Record Date next preceding each Interest Payment Date at the registered addresses of such owners as they shall appear on the registration books of the Trustee, as registrar for the Bonds, notwithstanding the cancellation of any such Bonds upon any exchange or transfer thereof subsequent to the Record Date and prior to such Interest Payment Date, unless the Bonds are authenticated prior to _____, 2023, in which case interest shall be payable from the Original Date of the Bonds. Payment of interest to the holders of all Bonds shall be by check drawn on the main office of the Trustee and mailed to such holder of the Bonds one business day prior to each Interest Payment Date. The Bonds shall be dated as of the date of their delivery. Interest shall be computed on the basis of a three hundred sixty (360) day year consisting of twelve (12) thirty (30) day months. The interest on the Bonds shall be payable on each February 1 and August 1 commencing _____, 2023.

The Bonds shall bear interest from the Interest Payment Date next preceding the date of authentication thereof, unless such date of authentication shall be subsequent to a Record Date in which case they shall bear interest from the Interest Payment Date with respect to such Record Date.

The Bonds shall mature on the following dates in the following amounts and at the following interest rates per annum:

<u>Payment Date</u>	<u>Maturity Amount</u>	<u>Interest Rate</u>
_____, 20____	\$ _____	_____%

The Bonds are subject to mandatory sinking fund redemption as set forth in Section 5.1.

Section 2.3. Payment on the Bonds. The principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts. The principal of the Bonds shall be payable at the principal corporate trust office of the Trustee. All payments of interest on the Bonds shall be made to the person appearing on the Bond registration books of the Trustee as the registered owner of the Bonds by check mailed to the Registered

Owner thereof as shown on the registration books of the Trustee, as registrar for the Bonds. Each registered owner of \$1,000,000 or more in principal amount of Bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Trustee before the Record Date for such payment. Notwithstanding anything herein to the contrary, the Bonds shall only need to be presented and surrendered for payment upon the final maturity or optional redemption.

Section 2.4. Execution: Limited Obligation. The Bonds shall be executed on behalf of the Issuer with the manual or facsimile signature of its Mayor and attested with the manual or the facsimile signature of its Clerk and shall have impressed or printed thereon the corporate seal of the Issuer. Such facsimiles shall have the same force and effect as if such officer had manually signed each of said Bonds. In case any officer whose signature or facsimile signature shall appear on the Bonds shall cease to be such officer before the delivery of such Bonds, such signature or such facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if he had remained in office until delivery.

The Bonds, and the interest payable thereon, do not and shall not represent or constitute a debt of the Issuer, the State of Indiana or any political subdivision or taxing authority thereof within the meaning of the provisions of the constitution or statutes of the State of Indiana or a pledge of the faith and credit of the Issuer, the State of Indiana or any political subdivision or taxing authority thereof. The Bonds, as to both principal and interest, are not an obligation or liability of the Issuer, the State of Indiana, or of any political subdivision or taxing authority thereof, but are a special limited obligation of the Issuer and are payable solely and only from the TIF Revenues pledged and assigned for their payment in accordance with the Indenture. Neither the faith and credit nor the taxing power of the Issuer, the State of Indiana or any political subdivision or taxing authority thereof is pledged to the payment of the principal of or the interest on the Bonds. The Bonds do not grant the owners or holders thereof any right to have the Issuer, the State of Indiana or its General Assembly, or any political subdivision or taxing authority of the State of Indiana, levy any taxes or appropriate any funds for the payment of the principal of or interest on the Bonds. The Issuer has no taxing power with respect to the Bonds. No covenant or agreement contained in the Bonds or the Indenture shall be deemed to be a covenant or agreement of any member, director, officer, agent, attorney or employee of the Economic Development Commission, the Redevelopment Commission or the Issuer in his or her individual capacity, and no member, director, officer, agent, attorney or employee of the Economic Development Commission, the Redevelopment Commission, or the Issuer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds. The Bonds are not a debt or liability of the Company.

Section 2.5. Authentication. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Indenture unless and until the certificate of authentication on such Bond substantially in the form hereinafter set forth shall have been duly executed by the Trustee, and such executed certificate of the Trustee upon any such Bond shall be conclusive evidence that such Bond has been authenticated and delivered under this Indenture. The Trustee's certificate of authentication on any Bond shall be deemed to have been executed by it if signed by an authorized officer of the Trustee, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder.

Section 2.6. Form of the Bonds. The Bonds issued under this Indenture shall be substantially in the form set forth below with such appropriate variations, omissions and insertions as are permitted or required by this Indenture or deemed necessary by the Trustee:

(Form of Bond)

UNITED STATES OF AMERICA

2023R-__

CITY OF MISHAWAKA, INDIANA
TAXABLE ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BOND, SERIES 2023
(IRONWORKS PHASE 2 PROJECT)

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>ORIGINAL DATE</u>	<u>AUTHENTICATION DATE</u>
2.85%	_____, 1, 20__	_____, 20__	_____, 2023

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ (\$_____)

The City of Mishawaka, Indiana (the "Issuer"), a municipal corporation organized and existing under the laws of the State of Indiana, for value received, hereby promises to pay in lawful money of the United States of America to the Registered Owner listed above, but solely from the payments of TIF Revenues hereinafter referred to pledged and assigned for the payment hereof, the Principal Amount set forth above on the Maturity Date, unless this Bond shall have previously been called for redemption and payment of the redemption price made or provided for, and to pay interest on the unpaid principal amount hereof in like money, but solely from said payments, at the Interest Rate specified above per annum payable on _____ 1, 2023 and on each February 1 and August 1 thereafter (each an "Interest Payment Date") until the Principal Amount is paid in full. Interest on this Bond shall be payable from the Interest Payment Date next preceding the date of authentication thereof (the "Interest Date"), except that: (i) if this Bond is authenticated on or prior to _____, 20__, the Interest Date shall be the Original Date specified above; (ii) if this Bond is authenticated on or after the last day of the calendar month immediately preceding an Interest Payment Date (the "Record Date"), the Interest Date shall be such Interest Payment Date; and (iii) if interest on this Bond is in default, the Interest Date shall be the day after the date to which interest hereon has been paid in full. Interest shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

The principal of this Bond is payable at the office of U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, as trustee (the "Trustee"), in Indianapolis, Indiana, or at the principal office of any successor trustee. All payments of interest hereon will be made by the Trustee by check mailed one business day prior to each Interest Payment Date to the Registered Owner hereof at the address shown on the registration books of the Trustee as maintained by the Trustee, as registrar, determined on the Record Date next preceding such Interest Payment Date. Each registered owner of \$1,000,000 or more in principal amount of Bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Trustee before the Record Date for such payment.

This Bond is the only one of the Issuer's Taxable Economic Development Tax Increment Revenue Bonds, Series 2023 (Ironworks Phase 2 Project) (hereinbefore and hereinafter the "Bonds") which are being issued under the hereinafter described Indenture in the aggregate principal amount of \$_____. The Bonds are being issued for the purpose of providing funds to finance a portion of the cost of the design and construction by The Mill 2, FC, LLC (the "Company") of a mixed use retail and residential apartment building project on certain real property generally located on a parcel adjacent to Front Street in Beutter Park in the City, all

located within the Ironworks Phase 2 Allocation Area (the "Project") by providing such funds to the Company pursuant to the Financing and Loan Agreement, dated as of August 1, 2023 (the "Financing Agreement") between the Company and the Issuer, which prescribes the terms and conditions under which the Company shall use such proceeds for the Project.

The Bonds are issued under and entitled to the security of a Trust Indenture dated as of August 1, 2023 (hereinafter referred to as the "Indenture") duly executed and delivered by the Issuer to U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, as trustee (the term "Trustee" where used herein referring to said Trustee or its successors), pursuant to which Indenture, the TIF Revenues (as defined in the Indenture) are pledged and assigned by the Issuer to the Trustee as security for the Bonds. The Bonds are issued pursuant to and in full compliance with the Constitution and laws of the State of Indiana, particularly Indiana Code, Title 36, Article 7, Chapters 11.9 and 12 (the "Act"), and by appropriate action duly taken by the Issuer which authorizes the execution and delivery of the Indenture. The Bonds have been issued in conformity with the provisions, restrictions and limitations of the Act.

The City of Mishawaka Redevelopment Commission (the "Redevelopment Commission") has pledged the TIF Revenues to the payment of the Bonds (as defined in the Indenture).

The Bonds are issuable in registered form without coupons in the denominations of \$1,000 or integral multiples thereof. This Bond is transferable by the registered holder hereof in person or by his attorney duly authorized in writing at the principal office of the Trustee, but only in the manner, subject to the limitations and upon payment of the charges provided in the Indenture and upon surrender and cancellation of this Bond. Upon such transfer a new registered Bond will be issued to the transferee in exchange therefor. Notwithstanding anything herein to the contrary, this Bond shall only need to be presented and surrendered for payment upon the final maturity or optional redemption.

The Issuer and the Trustee may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes and neither the Issuer nor the Trustee shall be affected by any notice to the contrary.

The Bonds maturing on or _____ 1, 20__ are redeemable at the option of the Issuer on any date, upon thirty (30) days' notice, in whole or in part, in order of maturity determined by Issuer and by lot within maturities, on any date not earlier than _____ 1, 20__ at face value, plus accrued interest to the date fixed for redemption.

The Bonds maturing on _____ 1, 20__ are subject to mandatory sinking fund redemption prior to maturity at a redemption price equal to the principal amount thereof plus accrued interest, on the dates and in the amounts set forth below:

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
-------------	---------------	-------------	---------------

*Final maturity

Notwithstanding anything herein to the contrary, this Bond shall only need to be presented and surrendered for payment upon the final maturity or optional redemption.

If fewer than all of the Bonds at the time outstanding are to be called for redemption, the maturities of Bonds or portions thereof to be redeemed shall be selected by the Trustee at the direction of the Issuer. If fewer than all of the Bonds within a maturity are to be redeemed, the Trustee shall apply moneys available for redemption on a pro rata basis, based on the respective portion of the principal amount of Bonds held by the respective owners of the Bonds within such maturity that shall be redeemed.

In the event any of the Bonds are called for redemption as aforesaid, notice thereof identifying the Bonds to be redeemed will be given by mailing a copy of the redemption notice by first class mail not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption to the Registered Owner of the Bonds to be redeemed at the address shown on the registration books; provided, however, that failure to give such notice by mailing, or any defect therein with respect to any registered Bond, shall not affect the validity of any proceedings for the redemption of other Bonds.

All Bonds so called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption are on deposit at the place of payment at that time, and shall no longer be protected by the Indenture and shall not be deemed to be outstanding under the provisions of the Indenture.

The Bonds, and the interest payable thereon, do not and shall not represent or constitute a debt of the Issuer, the State of Indiana, or any political subdivision or taxing authority thereof within the meaning of the provisions of the constitution or statutes of the State of Indiana or a pledge of the faith and credit of the Issuer, the State of Indiana, or any political subdivision or taxing authority thereof. The Bonds, as to both principal and interest, are not an obligation or liability of the Issuer, the State of Indiana, or of any political subdivision or taxing authority thereof, but are a special limited obligation of the Issuer and are payable solely and only from the TIF Revenues pledged and assigned for their payment in accordance with the Indenture. Neither the faith and credit nor the taxing power of the Issuer, the State of Indiana or any political subdivision or taxing authority thereof is pledged to the payment of the principal of or the interest on this Bond. The Bonds do not grant the owners or holders thereof any right to have the Issuer, the State of Indiana or its General Assembly, or any political subdivision or taxing authority of the State of Indiana, levy any taxes or appropriate any funds for the payment of the principal of or interest on the Bonds. The Issuer has no taxing power with respect to the Bonds. No covenant or agreement contained in the Bonds or the Indenture shall be deemed to be a covenant or agreement of any member, director, officer, agent, attorney or employee of the City of Mishawaka Economic Development Commission (the "Economic Development Commission"), the Redevelopment Commission or the Issuer in his or her individual capacity, and no member, director, officer, agent, attorney or employee of the Economic Development Commission, the Redevelopment Commission or the Issuer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds. The bonds are not a debt or liability of the Company.

The holder of this Bond shall have no right to enforce the provisions of the Indenture or to institute action to enforce the covenants therein, or to take any action with respect to any event of default under the Indenture, or to institute, appear in or defend any suit or other proceedings with respect thereto, except as provided in the Indenture. Modifications or alterations of the Indenture, or of any supplements thereto, may be made to the extent and in the circumstances permitted by the Indenture.

It is hereby certified that all conditions, acts and things required to exist, happen and be performed under the laws of the State of Indiana and under the Indenture precedent to and in the issuance of this Bond exist, have happened and have been performed, and that the issuance, authentication and delivery of this Bond have been duly authorized by the Issuer.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Indenture until the certificate of authentication hereon shall have been duly executed by the Trustee.

IN WITNESS WHEREOF, the City of Mishawaka, Indiana, has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signature of the Mayor and its corporate seal to be hereunto affixed manually or by facsimile and attested to by the manual or facsimile signature of its Clerk.

CITY OF MISHAWAKA, INDIANA

By: _____
Mayor

(Seal)

Attest:

Clerk

(FORM OF TRUSTEE'S CERTIFICATE OF AUTHENTICATION)

This Bond is one of the Bonds described in the within mentioned Trust Indenture.

U.S. BANK TRUST COMPANY, NATIONAL
ASSOCIATION, as trustee

By _____
Authorized Officer

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____
_____. (Please Print or Typewrite Name and Address) the within Bond and all rights, title and
interest thereon, and hereby irrevocably constitutes and appoints _____ attorney to
transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

SIGNATURE GUARANTEED:

NOTICE: Signature(s) must be guaranteed by
an eligible guarantor institution participating
in a Securities Transfer Association of a
recognized signature guarantee program.

NOTICE: The signature to this assignment must
corresponds with the name of the registered
owner as it appears upon the face of the
within Bond in every particular,
without alteration or enlargement or any change
whatever.

The following abbreviations, when used in the inscription on the face of this certificate, shall be construed
as though they were written out in full according to applicable laws or regulations:

UNIF TRAN MIN ACT -- _____ Custodian _____
(Cust) (Minor)

under Uniform Transfers to Minors Act

TEN COM -- as tenants in common

(State)

JT TEN -- as joint tenants with right of survivorship and not as
tenants in common

Additional abbreviations may also be used though not in the above list.

(End of Bond Form)

Section 2.7. Delivery of Bonds. The Trustee shall authenticate the Bonds and deliver them to the purchasers thereof upon receipt of a copy, duly certified by the Clerk of the Issuer, of the Bond Ordinance authorizing the execution and delivery of the Financing Agreement and this Indenture and the issuance of the Bonds, and delivery of the following.

- (1) An executed counterpart of the Financing Agreement and this Indenture.
- (2) A written request of the Issuer to the Trustee requesting the Trustee to authenticate, or cause to be authenticated, and deliver the Bonds in the Authorized Amount to the purchasers thereof.
- (3) Such other documents as shall be required by bond counsel or the Issuer.

The proceeds of the Bonds shall be paid over to the Trustee and deposited to the Project Fund as hereinafter provided under Section 3.1 hereof.

Section 2.8. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Bond is mutilated, lost, stolen or destroyed, the Issuer, through the Trustee, may execute and the Trustee may authenticate a new Bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed; provided that, in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Issuer, and in the case of any lost, stolen or destroyed Bond, there shall be first furnished to the Trustee evidence of such loss, theft or destruction satisfactory to the Trustee, together with indemnity satisfactory to it.

In the event any such Bond shall have matured, instead of issuing a duplicate Bond the Issuer may pay the same without surrender thereof; provided, however, that in the case of a lost, stolen or destroyed Bond, there shall be first furnished to the Trustee evidence of such loss, theft or destruction satisfactory to the Trustee; together with indemnity satisfactory to it. The Trustee may charge the holder or owner of such Bond with their reasonable fees and expenses in this connection. Any Bond issued pursuant to this Section 2.8 shall be deemed part of the original series of Bonds in respect of which it was issued and an original additional contractual obligation of the Issuer.

Section 2.9. Registration and Exchange of Bonds: Persons Treated as Owners. The Issuer shall cause books for the registration and for the transfer of the Bonds as provided in this Indenture to be kept by the Trustee which is hereby constituted and appointed the registrar of the Issuer. Upon surrender for transfer of any fully registered Bond at the principal office of the Trustee, duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Trustee and duly executed by the registered owner or his attorney duly authorized in writing, the Issuer shall execute and the Trustee shall authenticate and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of the same series

and the same maturity for a like aggregate principal amount. The execution by the Issuer of any fully registered Bond without coupons of any denomination shall constitute full and due authorization of such denomination, and the Trustee shall thereby be authorized to authenticate and deliver such registered Bond. The costs of such transfer or exchange shall be borne by the Issuer. The Trustee shall not be required to transfer or exchange any fully registered Bond during the period between the Record Date and any interest payment date of such Bond, nor to transfer or exchange any Bond after the mailing of notice calling such Bond for redemption has been made, nor during a period of fifteen (15) days next preceding mailing of a notice of redemption of any Bonds.

As to any fully registered Bond without coupons, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of principal or interest thereon, shall be made only to or upon the order of the registered owner thereof or his legal representative, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Section 2.10. Reserved.

(End of Article II)

ARTICLE III.

APPLICATION OF THE BOND PROCEEDS

Section 3.1. Deposit of Bond Funds. The Issuer shall deposit all proceeds from the sale of the Bonds in a separate fund to be known as the “City of Mishawaka, Indiana—2023 Ironworks Phase 2 Project Fund” (the “Project Fund”). Disbursements from the Project Fund will be used to pay for costs of the Project and costs of issuing the Bonds, and are to be made in accordance with the provisions of Article IV of this Indenture.

Section 3.2. Reserved.

(End of Article III)

ARTICLE IV.

REVENUE AND FUNDS

Section 4.1. Source of Payment of the Bonds. The Bonds herein authorized and all payments to be made by the Issuer hereunder are not general obligations of the Issuer but are limited obligations payable solely from the TIF Revenues pledged and assigned for their payment in accordance with the Indenture. No covenant or agreement contained in the Bonds or this Indenture shall be deemed to be a covenant or agreement of any member, director, officer, agent, attorney or employee of the Issuer in his or her individual capacity, and no member, director, officer, agent, attorney, or employee of the Issuer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds.

The Redevelopment Commission has pledged the TIF Revenues to the payment of the Bonds.

Section 4.2. Bond Fund.

(a) The Trustee shall establish and maintain, so long as any of the Bonds are outstanding, a separate fund to be known as the “City of Mishawaka, Indiana—2023 Bond Fund” (the “Bond Fund”). Money in the Bond Fund shall be applied as provided in this Section 4.2.

(b) There shall be deposited in the Bond Fund, as and when received, the TIF Revenues, in an amount equal to the payments due on the Bonds on the next February 1 or August 1 plus Trustee fees coming due within the next six (6) months with respect to the Bonds. The Issuer hereby covenants and agrees that so long as any of the Bonds issued hereunder are outstanding it will deposit, or cause to be paid to Trustee for deposit in the Bond Fund for its account, sufficient sums from revenues and receipts derived from the TIF Revenues, promptly to meet and pay the principal of and interest on the Bonds as the same become due and payable together with such Trustee fees. Nothing herein should be construed as requiring the Issuer to deposit or cause to be paid to Trustee for deposit in the Bond Fund, funds from any source other than receipts derived from the TIF Revenues.

(c) The Clerk of the Issuer shall set aside immediately upon receipt the TIF Revenues into the Allocation Fund and transfer a portion of such TIF Revenues to the Trustee for application in accordance with this Indenture. The Trustee is hereby directed to deposit the TIF Revenues received into the Bond Fund in the manner prescribed in this Section 4.2 and in Section 4.4. Moneys in the Bond Fund shall be used by the Trustee to pay the interest on and principal of the Bonds as the same becomes due together with the Trustee fees described in subsection (b).

Section 4.3. Project Fund. The Issuer shall maintain the Project Fund in the custody of the Trustee, to the credit of which deposits are to be made as required by the provisions of Section 3.1 hereof.

(a) Moneys held in the Project Fund representing proceeds of the sale of the Bonds shall be disbursed by the Trustee in accordance with the provisions of this Section 4.3 to pay the costs of the Project, including the issuance costs of the Bonds. Subject to the provisions below and to any applicable representations, warranties and covenants contained in the Indenture or the Financing Agreement, disbursements from the Project Fund shall be made only to pay (or to reimburse the Company for payment of) costs of the Project, as the case may be, as follows:

(1) Costs incurred directly or indirectly for or in connection with the acquisition, construction, expansion, equipping, installation or improvement of the Project, as the case may be, including: costs incurred with respect to preliminary planning and studies; architectural, legal, engineering, accounting, consulting, supervisory and other services; labor, services and materials; and recording of documents and title work;

(2) Costs incurred directly or indirectly in seeking to enforce any remedy against any contractor or subcontractor in respect of any actual or claimed default under any contract relating to the Project, as the case may be;

(3) Financial, legal, accounting, charges and expenses, and all other fees, charges and expenses incurred in connection with the authorization, sale, issuance and delivery of the Bonds, including, without limitation, the fees and expenses of the Issuer, Issuer's Counsel, Bond Counsel, Company's Counsel, Financial Advisor to the Issuer, and the Trustee (the "Costs of Issuance"); and

(4) Any other incidental and necessary costs, expenses, fees and charges relating to the acquisition, construction, expansion, equipping, installation or improvement of the Project, as the case may be.

Promptly after the proceeds from the sale of the Bonds and other funds of the Issuer are deposited into the Project Fund in accordance with Article III hereof, the Trustee shall pay the Costs of Issuance set forth in Exhibit B from such funds.

Any further disbursements from the Project Fund described above to pay such fees, costs or expenses or to reimburse the Company for the payment of such fees, costs or expenses, other than Costs of Issuance, shall be made by the Trustee only upon the written order of an Authorized Representative. Each such written order shall be in the form of the disbursement request attached hereto as Exhibit A and shall be consecutively numbered and accompanied by invoices or other appropriate documentation supporting the payments or reimbursements requested.

(b) The Trustee shall cause to be kept and maintained adequate records pertaining to the Project Fund and all disbursements therefrom. If requested by the Company or the Issuer, the Trustee shall file copies of the records pertaining to the Project Fund and all disbursements from such fund with the Issuer and the Company.

(c) If, after payment of all costs of the Project requested by the Company, there shall remain any balance of moneys in the Project Fund, the Issuer shall transfer all moneys then in such Project Fund to the Bond Fund.

Section 4.4. TIF Revenues. On or before each February 1 and August 1, commencing _____, 202__, the Trustee shall deposit to the Bond Fund the TIF Revenues received from the Issuer, but no more than shall be necessary for the payment of the principal of and interest on the Bonds on the immediately succeeding February 1 or August 1 (taking into consideration any amounts currently deposited therein) together with Trustee fees coming due within the next six (6) months. Any remaining TIF Revenues shall be applied by the Trustee to pay any overdue principal and interest on outstanding Bonds, with interest continuing to accrue on such overdue amounts at the stated rate on such Bonds until paid.

Section 4.5. Reserved.

Section 4.6. Reserved

Section 4.7. Trust Funds. All moneys and securities received by the Trustee under the provisions of this Indenture, shall be trust funds under the terms hereof and shall not be subject to lien or attachment of any creditor of the Issuer or of the Company. Such moneys shall be held in trust and applied in accordance with the provisions of this Indenture.

Section 4.8. Investment. Moneys on deposit in the Funds established in this Article IV hereof shall be invested as provided in Section 6.6 hereof.

(End of Article IV)

ARTICLE V.

REDEMPTION OF BONDS BEFORE MATURITY

Section 5.1. Redemption Dates and Prices. (a) The Bonds are redeemable at the option of the Issuer on any date on or after _____ 1, 20____, upon thirty (30) days' notice, in whole or in part, in order of maturity determined by Issuer and by lot within maturities, at face value, plus accrued interest to the date fixed for redemption.

(b) The Bonds are subject to mandatory sinking fund redemption at a redemption price equal to the principal amount thereof, plus accrued interest, in the amounts and on the dates set forth below:

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
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*Final Maturity.

Section 5.2. Notice of Redemption. In the case of redemption of Bonds pursuant to Section 5.1(a) hereof, notice of the call for any such redemption identifying the Bonds, or portions of fully registered Bonds, to be redeemed shall be given by mailing a copy of the redemption notice by first class mail not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books. Such notice of redemption shall specify, in the event of a partial redemption, the Bond numbers and called amounts of each Bond, the redemption date, redemption price, interest rate, maturity date and the name and address of the Trustee; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any such registered Bond shall not affect the validity of any proceedings for the redemption of other Bonds.

On and after the redemption date specified in the aforesaid notice, such Bonds, or portions thereof, thus called shall not bear interest, shall no longer be protected by this Indenture and shall not be deemed to be outstanding under the provisions of this Indenture, and the holders

thereof shall have the right only to receive the redemption price thereof plus accrued interest thereon to the date fixed for redemption.

Section 5.3. Cancellation. All Bonds which have been redeemed in whole shall be canceled and cremated or otherwise destroyed by the Trustee and shall not be reissued and a counterpart of the certificate of cremation or other destruction evidencing such cremation or other destruction shall be furnished by the Trustee to the Issuer.

Section 5.4. Redemption Payments. Prior to the date fixed for redemption in whole, funds shall be deposited with Trustee to pay, and Trustee is hereby authorized and directed to apply such funds to the payment of the Bonds or portions thereof called, together with accrued interest thereon to the redemption date. Upon the giving of notice and the deposit of funds for redemption, interest on the Bonds thus called shall no longer accrue after the date fixed for redemption. No payment shall be made by the Trustee upon any Bond until such Bond shall have been delivered for payment or cancellation or the Trustee shall have received the items required by Section 2.8 hereof with respect to any mutilated, lost, stolen or destroyed Bond.

Section 5.5. Partial Redemption of Bonds. If fewer than all of the Bonds at the time outstanding are to be called for redemption, the maturities of Bonds or portions thereof to be redeemed shall be selected by the Trustee at the direction of the Issuer. If fewer than all of the Bonds within a maturity are to be redeemed, the Trustee shall apply moneys available for redemption on a pro rata basis, based on the respective portion of the principal amount of Bonds held by the respective owners of the Bonds within such maturity that shall be redeemed. The Trustee shall call for redemption in accordance with the foregoing provisions as many Bonds or portions thereof as will, as nearly as practicable; exhaust the moneys available therefor.

If less than the entire principal amount of any registered Bond then outstanding is called for redemption, then upon notice of redemption given as provided in Section 5.2 hereof, the owner of such registered Bond shall forthwith surrender such Bond to the Trustee in exchange for (a) payment of the redemption price of, plus accrued interest on the principal amount called for redemption and (b) a new Bond or Bonds of like series in an aggregate principal amount equal to the unredeemed balance of the principal amount of such registered Bond, which shall be issued without charge therefor.

(End of Article V)

ARTICLE VI.

GENERAL COVENANTS

Section 6.1. Payment of Principal and Interest. The Issuer covenants that it will promptly pay the principal of and interest on every Bond issued under this Indenture at the place, on the dates and in the manner provided herein and in said Bonds according to the true intent and meaning thereof. The principal of and interest on the Bonds are payable solely and only from the TIF Revenues, which payments are specifically pledged and assigned to the payment thereof in the manner and to the extent herein specified, and nothing in the Bonds or in this Indenture should be considered as pledging any other funds or assets of the Issuer or the Company. The Bonds, and the interest payable thereon, do not and shall not represent or constitute a debt of the Issuer, the State of Indiana, or any political subdivision or taxing authority thereof within the meaning of the provisions of the constitution or statutes of the State of Indiana or a pledge of the faith and credit of the Issuer, the State of Indiana, or any political subdivision or taxing authority thereof. The Bonds, as to both principal and interest, are not an obligation or liability of the Issuer, the State of Indiana, or of any political subdivision or taxing authority thereof, but are special limited obligations of the Issuer and are payable solely and only from the TIF Revenues pledged and assigned for their payment in accordance with the Indenture. Neither the faith and credit nor the taxing power of the Issuer, the State of Indiana or any political subdivision or taxing authority thereof is pledged to the payment of the principal of or the interest on the Bonds. The Bonds do not grant the owners or holders thereof any right to have the Issuer, the State of Indiana or its General Assembly, or any political subdivision or taxing authority of the State of Indiana, levy any taxes or appropriate any funds for the payment of the principal of or interest on the Bonds. The Issuer has no taxing power with respect to the Bonds. No covenant or agreement contained in the Bonds, Company Notes or the Indenture shall be deemed to be a covenant or agreement of any member, director, officer, agent, attorney or employee of the Economic Development Commission, the Redevelopment Commission or the Issuer in his or her individual capacity, and no member, director, officer, agent, attorney or employee of the Economic Development Commission, the Redevelopment Commission or the Issuer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds.

Section 6.2. Performance of Covenants. The Issuer covenants that it will faithfully perform at all times any and all covenants, undertakings, stipulations and provisions contained in this Indenture, in any and every Bond executed, authenticated and delivered hereunder and in all proceedings of its members pertaining thereto. The Issuer represents that it is duly authorized under the constitution and laws of the State of Indiana to issue the Bonds authorized hereby and to execute this Indenture, pledge the TIF Revenues in the manner and to the extent herein set forth; that all action on its part for the issuance of the Bonds and the execution and delivery of this Indenture has been duly and effectively taken, and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable obligations of the Issuer according to the import thereof.

Section 6.3. Filing of Indenture and Security Instruments. The Issuer shall cause this Indenture and all supplements thereto as well as such other security instruments,

financing statements and all supplements thereto and other instruments as may be required from time to time to be filed in such manner and in such places as may be required by law in order to fully preserve and protect the lien hereof and the security of the holders and owners of the Bonds and the rights of the Trustee hereunder.

Section 6.4. List of Bondholders. The Trustee will keep on file at the principal office of the Trustee a list of names and addresses of the holders of all Bonds. At reasonable times and under reasonable regulations established by the Trustee, said list may be inspected and copied by the holders and/or owners (or a designated representative thereof) of 25% or more in principal amount of Bonds then outstanding, such ownership and the authority of any such designated representative to be evidenced to the satisfaction of the Trustee.

Section 6.5. Rights Under Financing Agreement. The Issuer agrees that the Trustee in its name or in the name of the Issuer may enforce all rights of the Issuer and all obligations of the Company under and pursuant to the Financing Agreement (except the rights reserved to the Issuer therein) for and on behalf of the Bondholders, whether or not the Issuer is in default hereunder.

Section 6.6. Investment of Funds. With respect to any moneys held by the Trustee under any Fund established hereunder, the Company and the Issuer agree that all moneys in the Project Fund established by this Indenture may, at the written direction of the Issuer, be invested in Qualified Investments, and all moneys in any other Fund established by this Indenture may, at the written direction of the Issuer, be invested in Qualified Investments to the extent permitted by law. In the absence of such direction from the Issuer, the Trustee is hereby directed by the Issuer to invest such amounts in investments meeting the requirements of clause (ii) of the definition of Qualified Investments. With respect to any moneys held by the Issuer under any Fund established by this Indenture, the Issuer may invest such moneys in Qualified Investments as it deems appropriate. Investments of moneys in the Bond Fund shall mature or be redeemable at the option of the Trustee at the times and in the amounts necessary to provide moneys to pay the principal of and interest on the Bonds by redemption or otherwise. All income derived from the investment of moneys on deposit in such Fund shall be deposited in or credited to and any loss resulting from such investment will be charged to the corresponding Fund from which such investment was made.

The Trustee is hereby authorized to trade with itself in the purchase and sale of securities for investments. Neither the Trustee nor the Issuer shall be liable or responsible for any loss resulting from any investment. All such investments shall be held by or under the control of the Trustee or the Issuer, as applicable, and any income resulting therefrom shall be applied in the manner specified in this Indenture.

Section 6.7. Non-presentment of Bonds. In the event any Bond shall not be presented for payment when the principal thereof becomes due, either at maturity, or at the date fixed for redemption thereof, or otherwise, if funds sufficient to pay any such Bond shall have been made available to Trustee for the benefit of the holder or holders thereof, all liability of Issuer to the holder thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of Trustee to hold such funds for five (5) years without liability for interest thereon; for the benefit of the holder of such Bond, who

shall thereafter be restricted exclusively to such funds, for any claim of whatever nature on his part under this Indenture or on, or with respect to, such Bond.

Any moneys so deposited with and held by the Trustee not so applied to the payment of Bonds within five (5) years after the date on which the same shall become due shall be repaid by Trustee to the Issuer and thereafter Bondholders shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid.

Notwithstanding anything herein to the contrary, the Bonds shall only need to be presented and surrendered for payment upon the final maturity or optional redemption thereof.

(End of Article VI)

ARTICLE VII.

DEFAULTS AND REMEDIES

Section 7.1. Events of Default. Each of the following events is hereby declared an “event of default,” that is to say, if

(a) payment of any amount payable on the Bonds shall not be made when the same is due and payable; or

(b) any event of default as defined in Section 6.1 of the Financing Agreement shall occur and be continuing; or

(c) the Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Indenture or any agreement supplemental hereof on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring the same to be remedied shall have been given to the Issuer and the Company by the Trustee, which may give such notice in its discretion and shall give such notice at the written request of the holders of all of the Bonds then outstanding hereunder; or

(d) the Issuer shall fail to apply collected TIF Revenues as required by Article IV of this Indenture.

Section 7.2. Remedies: Rights of Bondholders.

(i) If an event of default occurs, the Trustee may pursue any available remedy by suit at law or in equity to enforce the payment of the principal of and interest on the Bonds then outstanding, and to enforce any obligations of the Issuer hereunder; the Trustee may not, under any circumstances, pursue a remedy involving the right, title or interest in the Project or the Expansion, nor may the Trustee, Bondholders or Issuer pursue any claim against the Company for the payment of principal of or interest on the Bonds.

(ii) Upon the occurrence of an event of default, and if directed so to do by the Requisite Bondholders and indemnified as provided in Section 8.1 hereof, the Trustee shall be obliged to exercise one or more of the rights and powers conferred by this Article as the Trustee, being advised by counsel, shall deem most expedient in the interests of the Bondholders.

(iii) No remedy by the terms of this Indenture conferred upon or reserved to the Trustee (or to the Bondholders) is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to any other remedy given to the Trustee or to the Bondholders hereunder or now or hereafter existing at law or in equity or by statute.

(iv) No delay or omission to exercise any right or power accruing upon any event of default shall impair any such right or power or shall be construed to be a waiver of any

event of default or acquiescence therein, and every such right and power may be exercised from time to time as may be deemed expedient.

(v) No waiver of any event of default hereunder, whether by the Trustee or by the Bondholders, shall extend to or shall affect any subsequent event of default or shall impair any rights or remedies consequent thereon.

Section 7.3. Right of Bondholders to Direct Proceedings. The Requisite Bondholders shall have the right, at any time, by an instrument or instruments in writing executed and delivered to the Trustee, to direct the time, the method and place of conducting all proceedings to be taken in connection with the enforcement of the terms and conditions of this Indenture, or for the appointment of a receiver or any other proceedings hereunder; provided, that such direction shall not be otherwise than in accordance with the provisions of law and of this Indenture.

Section 7.4. Application of Moneys. All moneys received by the Trustee pursuant to any right given or action taken under the provisions of this Article shall, after payment of the cost and expenses of the proceedings resulting in the collection of such moneys and of the expenses, liabilities and advances incurred or made by the Trustee or the Issuer, be deposited in the Bond Fund and all moneys in the Bond Fund shall be applied as follows:

First: To the payment to the persons entitled thereto of all installments of interest then due on the Bonds, in the order of the maturity of the installments of such interest, and if the amount available shall not be sufficient to pay in full any particular installment, then to the payment ratably, according to the amounts due on such installment, to the persons entitled thereof, without any discriminations or privilege; and

Second: To the payment to the persons entitled thereto of the unpaid principal of the Bonds which shall have become due (other than Bonds called for redemption for the payment of which moneys are held pursuant to the provisions of this Indenture), in the order of their due dates, with interest on such Bonds from the respective dates upon which they become due, and if the amount available shall not be sufficient to pay in full Bonds due on any particular date, together with such interest, then to the payment ratably, according to the amount of principal due on such date, to the persons entitled thereto without any discrimination or privilege.

Third: To the payment of the balance, if any, to the Issuer or to whomsoever may be lawfully entitled to receive the same upon its written request, or as any court of competent jurisdiction may direct.

Whenever moneys are to be applied pursuant to the provisions of this Section, such moneys shall be applied at such times, and from time to time, as the Trustee shall determine, having due regard to the amount of such moneys available for application and the likelihood of additional moneys becoming available for such application in the future. Whenever the Trustee shall apply such funds, it shall fix the date (which shall be an interest payment date unless it shall deem another date more suitable) upon which such application is to be made and upon such date interest on the amounts of principal to be paid on such dates shall cease to accrue.

The Trustee shall give such notice as it may deem appropriate of the deposit with it of any such moneys and of the fixing of any such date and shall not be required to make payment to the holder of any Bond until such Bond shall be presented to the Trustee for appropriate endorsement or for cancellation if fully paid.

Section 7.5. Remedies Vested In Trustee. All rights of action (including the right to file proof of claims) under this Indenture or under any of the Bonds may be enforced by the Trustee without the possession of any of the Bonds or the production thereof in any trial or other proceedings relating thereto, and any such suit or proceeding instituted by the Trustee shall be brought in its name as Trustee without the necessity of joining as plaintiffs or defendants any holders of the Bonds, and any recovery of judgment shall, subject to the provisions of Section 7.4 hereof, be for the equal benefit of the holders of the outstanding Bonds.

Section 7.6. Rights and Remedies of Bondholders. No holder of any Bond shall have any right to institute any suit, action or proceeding in equity or at law for the enforcement of this Indenture or for the execution of any trust thereof or for the appointment of a receiver or any other remedy hereunder, unless a default has occurred of which the Trustee has been notified as provided in subsection (g) of Section 8.1, or of which by said subsection it is deemed to have notice, nor unless also such default shall have become an event of default and the Requisite Bondholders shall have made written request to the Trustee and shall have offered reasonable opportunity either to proceed to exercise the powers hereinbefore granted or to institute such action, suit or proceeding in its own name, nor unless also they have offered to the Trustee indemnity as provided in Section 8.1 hereof, nor unless the Trustee shall thereafter fail or refuse to exercise the powers hereinbefore granted, or to institute such action, suit or proceeding in its, his, or their own name or names. Such notification, request and offer of indemnity are hereby declared in every case at the option of the Trustee to be conditions precedent to the execution of the powers and trusts of this Indenture, and to any action or cause of action for the enforcement of this Indenture, or for the appointment of a receiver or for any other remedy hereunder; it being understood and intended that no one or more holders of the Bonds shall have any right in any manner whatsoever to affect, disturb or prejudice the lien of this Indenture by its, his or their action or to enforce any right hereunder except in the manner herein provided, and that all proceedings at law or in equity shall be instituted, had and maintained in the manner herein provided and for the equal benefit of the holders of all Bonds then outstanding. Nothing in this Indenture contained shall, however, affect or impair the right of any Bondholder to enforce the covenants of the Issuer to pay the principal of and interest on each of the Bonds issued hereunder to the respective holders thereof at the time, place, from the source and in the manner in said Bonds expressed.

Section 7.7. Termination of Proceedings. In case the Trustee shall have proceeded to enforce any right under this Indenture by the appointment of a receiver, or otherwise, and such proceedings shall have been discontinued or abandoned for any reason, or shall have been determined adversely, then and in every such case the Issuer, the Company and the Trustee shall be restored to their former positions and rights hereunder, and all rights, remedies and powers of the Trustee shall continue as if no such proceedings had been taken.

Section 7.8. Waivers of Events of Default. The Trustee may in its discretion waive any event of default hereunder and its consequences and rescind any declaration of

maturity of principal of and interest on the Bonds, and shall do so upon the written request of the holders of (1) all the Bonds then outstanding in respect of which default in the payment of principal or interest exists, or (2) all Bonds then outstanding in the case of any other default; provided, however, that there shall not be waived without the consent of all Bondholders (a) any event of default in the payment of the principal of any outstanding Bonds at the date of maturity specified therein, or (b) any default in the payment when due of the interest on any such Bonds unless prior to such waiver or rescission, arrears of interest, with interest (to the extent permitted by law) at the rate borne by the Bonds in respect of which such default shall have occurred on overdue installments of interest or all arrears of payments of principal when due, as the case may be, and all expenses of the Trustee in connection with such default shall have been paid or provided for, and in case of any such waiver or rescission, or in case any proceeding taken by the Trustee on account of any such default shall have been discontinued or abandoned or determined adversely, then and in every such case the Issuer, the Trustee and the Bondholders shall be restored to their former positions and rights hereunder, respectively, but no such waiver or rescission shall extend to any subsequent or other default, or impair any right consequent thereon.

(End of Article VII)

ARTICLE VIII.

THE TRUSTEE

Section 8.1. Acceptance of the Trusts. The Trustee hereby accepts the trusts imposed upon it by this Indenture, and agrees to perform said trusts as a corporate trustee ordinarily would perform said trusts under a corporate indenture, but no implied covenants or obligations shall be read into this Indenture against the Trustee.

(a) The Trustee may execute any of the trusts or powers hereof and perform any of its duties by or if appointed through attorneys, agents, receivers or employees but shall not be answerable for the conduct of the same in accordance with the standard specified above, and shall be entitled to advice of counsel concerning all matters of trusts hereof and the duties hereunder, and may in all cases pay such reasonable compensation to all such attorneys, agents, receivers and employees as may reasonably be employed in connection with the trusts hereof. The Trustee may act upon the opinion or advice of any attorney (who may be the attorney or attorneys for the Issuer or the Company). The Trustee shall not be responsible for any loss or damage resulting from any action or non-action in good faith in reliance upon such opinion or advice.

(b) The Trustee shall not be responsible for any recital herein, or in the Bonds (except in respect to the certificate of the Trustee endorsed on the Bonds), or for insuring the property herein conveyed or collecting any insurance moneys, or for the validity of the execution by the Issuer of this Indenture or of any supplements thereto or instruments of further assurance, or for the sufficiency of the security for the Bonds issued hereunder or intended to be secured hereby, or for the value or title of the property herein conveyed or otherwise as to the maintenance of the security hereof; and the Trustee shall not be bound to ascertain or inquire as to the performance or observance of any covenants, conditions or agreements on the part of the Issuer or on the part of the Company under the Financing Agreement; but the Trustee may require of the Issuer or the Company full information and advice as to the performance of the covenants, conditions and agreements aforesaid as to the condition of the property herein conveyed. The Trustee shall have no obligation to perform any of the duties of the Issuer under the Financing Agreement, and the Trustee shall not be responsible or liable for any loss suffered in connection with any investment of funds made by it in accordance with the provisions of this Indenture.

(c) The Trustee shall not be accountable for the use of any Bonds authenticated by it or delivered hereunder. The Trustee may become the owner of Bonds secured hereby with the same rights which it would have if not Trustee.

(d) The Trustee shall be protected in acting upon any notice, request, consent, certificate, order, affidavit, letter, telegram or other paper or document believed to be genuine and correct and to have been signed or sent by the proper person or persons. Any action taken by the Trustee pursuant to this Indenture upon the request or authority or consent of any person who at the time of making such request or giving such authority or consent is the owner of any Bonds, shall be conclusive and binding upon all future owners of the same Bond and upon Bonds issued in exchange therefor or in place thereof.

(e) As to the existence or non-existence of any fact or as to the sufficiency or validity of any instrument, paper or proceeding, the Trustee shall be entitled to rely upon a certificate signed on behalf of the Issuer or the Company by its duly authorized officers as sufficient evidence of the facts therein contained and prior to the occurrence of a default of which the Trustee has been notified as provided in subsection (g) of this Section, or of which said subsection it is deemed to have notice, shall also be at liberty to accept a similar certificate to the effect that any particular dealing, transaction or action is necessary or expedient, but may at its discretion secure such further evidence deemed necessary or advisable, but shall in no case be bound to secure the same. The Trustee may accept a certificate of the Issuer or the Company under its seal to the effect that an ordinance or resolution in the form therein set forth has been adopted by the Issuer or the Company as conclusive evidence that such ordinance or resolution has been duly adopted, and is in full force and effect.

(f) The duties and obligations of the Trustee shall be determined solely by the express provisions of this Indenture, and the Trustee shall not be liable except for the performance of such duties and obligations as are specifically set forth in this Indenture, and no implied covenants or obligations shall be read into this Indenture against the Trustee.

(g) The Trustee shall not be required to take notice or be deemed to have notice of any event of default hereunder (other than payment of the principal and interest on the Bonds) unless the Trustee shall be specifically notified in writing of such default by the Issuer or by the holders of at least twenty-five percent (25%) in aggregate principal amount of all Bonds then outstanding and all notices or other instruments required by this Indenture to be delivered to the Trustee must, in order to be effective, be delivered at the principal corporate trust office of the Trustee, and in the absence of such notice so delivered, the Trustee may conclusively assume there is no default except as aforesaid.

(h) At any and all reasonable times and upon reasonable prior written notice, the Trustee, and its duly authorized agents, attorneys, experts, engineers, accountants and representatives, shall have the right fully to inspect the Project, and to take such memoranda from and in regard thereto as may be desired.

(i) The Trustee shall not be required to give any Bonds or surety in respect of the execution of the said trusts and powers or otherwise in respect of the premises.

(j) Notwithstanding anything elsewhere in this Indenture contained, the Trustee shall have the right, but shall not be required, to demand, in respect of the authentication of any Bonds, the withdrawal of any cash, the release of any property, or any action whatsoever within the purview of this Indenture, any showings, certificates, opinions, appraisals or other information, or corporate action or evidence thereof, in addition to that by the terms hereof required as a condition of such action by the Trustee, deemed desirable for the authentication of any Bonds, the withdrawal of any cash, or the taking of any other action by the Trustee.

(k) Before taking any action under this Section 8.1 the Trustee may require that a satisfactory indemnity bond be furnished for the reimbursement of all expenses to which it may be put and to protect it against all liability, except liability which is adjudicated to have resulted

from its gross negligence or willful misconduct in connection with any action so taken. Such indemnity shall survive the termination of this Indenture.

(l) All moneys received by the Trustee shall, until used or applied or invested as herein provided, be held in trust for the purposes for which they were received but need not be segregated from other funds except to the extent required by law. The Trustee shall not be under any liability for interest on any moneys received hereunder except such as may be agreed upon.

(m) If any event of default under this Indenture shall have occurred and be continuing, the Trustee shall exercise such of the rights and powers vested in it by this Indenture and shall use the same degree of care as a prudent man would exercise or use in the circumstances in the conduct of his own affairs.

Section 8.2. Fees, Charges and Expenses of the Trustee. The Trustee shall be entitled to payment and/or reimbursement for reasonable fees for its services rendered hereunder and all advances, counsel fees and other expenses reasonably and necessarily made or incurred by the Trustee in connection with such services. Upon an event of default, but only upon an event of default, the Trustee shall have a right of payment prior to payment on account of interest on or principal of any Bond for the foregoing advances, fees, costs and expenses incurred.

Section 8.3. Notice to Bondholders if Default Occurs. If an event of default occurs of which the Trustee is by subsection (g) of Section 8.1 hereof required to take notice or if notice of an event of default be given as in said subsection (g) provided, then the Trustee shall give written notice thereof by registered or certified mail to the last known holders of all Bonds then outstanding shown by the list of Bondholders required by the terms of this Indenture to be kept at the office of the Trustee.

Section 8.4. Intervention by Trustee. In any judicial proceeding to which the Issuer is a party and which in the reasonable judgment of the Trustee and its counsel has a substantial bearing on the interests of holders of the Bonds, the Trustee may intervene on behalf of Bondholders and, subject to the provisions of Section 8.1(1), shall do so if requested in writing by the Requisite Bondholders. The rights and obligations of the Trustee under this Section are subject to the approval of a court of competent jurisdiction.

Section 8.5. Successor Trustee. Any corporation or association into which the Trustee may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer to which it is a party, ipso facto, shall be and become successor Trustee hereunder and vested with all of the title to the whole property or trust estate and all the trusts, powers, discretions, immunities, privileges and all other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed or conveyance on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

Section 8.6. Resignation by the Trustee. The Trustee and any successor Trustee may at any time resign from the trusts hereby created by giving thirty days' written notice to the Issuer and the Company and by registered or certified mail to each registered owner

of Bonds then outstanding and to each holder of Bonds as shown by the list of Bondholders required by this Indenture to be kept at the office of the Trustee, and such resignation shall take effect at the end of such thirty (30) days, or upon the earlier appointment of a successor Trustee by the Bondholders or by the Issuer. Such notice to the Issuer and the Company may be served personally or sent by registered or certified mail.

Section 8.7. Removal of the Trustee. The Trustee may be removed at any time by an instrument or concurrent instruments in writing delivered to the Trustee and to the Issuer and signed by all the Bondholders.

Section 8.8. Appointment of Successor Trustee by the Bondholders; Temporary Trustee. In case the Trustee hereunder shall resign or be removed, or be dissolved, or shall be in course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under control of any public officer or officers, or of a receiver appointed by a court, a successor may be appointed by the owners of a majority in aggregate principal amount of Bonds then outstanding, by an instrument or concurrent instruments in writing signed by such owners, or by their attorneys-in-fact, duly authorized; provided, nevertheless, that in case of such vacancy, the Issuer, by an instrument executed by one of its duly authorized officers, may appoint a temporary Trustee to fill such vacancy until a successor Trustee shall be appointed by the Bondholders in the manner above provided; and any such temporary Trustee so appointed by the Issuer shall immediately and without further act be superseded by the Trustee so appointed by such Bondholders. Every such Trustee appointed pursuant to the provisions of this Section shall be a trust company or Bank, having a reported capital and surplus of not less than Fifty Million Dollars (\$50,000,000) if there be such an institution willing, qualified and able to accept the trust upon reasonable or customary terms.

Section 8.9. Concerning Any Successor Trustees. Every successor Trustee appointed hereunder shall execute, acknowledge and deliver to its predecessor and also to the Issuer and the Company an instrument in writing accepting such appointment hereunder, and thereupon such successor, without any further act, deed or conveyance, shall become fully vested with all the estates, properties, rights, powers, trusts, duties and obligations of its predecessor; but such predecessor shall, nevertheless, on the written request of the Issuer, or of its successor, execute and deliver an instrument transferring to such successor Trustee all the estates, properties, rights, powers and trusts of such predecessor hereunder; and every predecessor Trustee shall deliver all securities and moneys held by it as Trustee hereunder to its successor. Should any instrument in writing from the Issuer be required by any successor Trustee for more fully and certainly vesting in such successor the estate, rights, powers and duties hereby vested or intended to be vested in the predecessor any and all such instruments in writing shall, on request, be executed, acknowledged and delivered by the Issuer. The resignation of any Trustee and the instrument or instruments removing any Trustee and appointing a successor hereunder, together with all other instruments provided for in this Article shall be filed by the successor Trustee in each office, if any, where the Indenture shall have been filed.

Section 8.10. Trustee Protected in Relying Upon Resolutions, etc. Subject to the conditions contained herein, the resolutions, ordinances, opinions, certificates and other instruments provided for in this Indenture may be accepted by the Trustee as conclusive evidence

of the facts and conclusions stated therein and shall be full warrant, protection and authority to the Trustee for the release of property and the withdrawal of cash hereunder.

(End of Article VIII)

ARTICLE IX.

SUPPLEMENTAL INDENTURES

Section 9.1. Supplemental Indentures Not Requiring Consent of Bondholders.
The Issuer and the Trustee may without the consent of, or notice to, any of the Bondholders, enter into an indenture or indentures supplemental to this Indenture; as shall not be inconsistent with the terms and provisions hereof, for any one or more of the following purposes:

- (a) To cure any ambiguity or formal defect or omission in this Indenture;
- (b) To grant to or confer upon the Trustee for the benefit of the Bondholders any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Bondholders or the Trustee or any of them;
- (c) To subject to this Indenture additional revenues, properties or collateral;
- (d) To make any other change in this Indenture which, in the judgment of the Trustee, is not to the prejudice of the Trustee, the Issuer or the holders of the Bonds;
- (e) To modify, amend or supplement the Indenture in such manner as required to permit the qualification thereof under the Trust Indenture Act of 1939, as amended, or any similar Federal statute hereafter in effect, and, if they so determine, to add to the Indenture such other terms, conditions and provisions as may be required by said Trust Indenture Act of 1939, as amended, or similar federal statute; or
- (f) To achieve compliance of this Indenture with any applicable federal securities or tax law.

Section 9.2. Supplemental Indentures Requiring Consent of Bondholders.
Exclusive of supplemental indentures covered by Section 9.1 hereof, and subject to the terms and provisions contained in this Section, and not otherwise, the Requisite Bondholders shall have the right, from time to time, anything contained in this Indenture to the contrary notwithstanding, to consent to and approve the execution by the Issuer and the Trustee of such other indenture or indentures supplemental hereto as shall be deemed necessary and desirable by the Issuer for the purpose of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Indenture or in any supplemental indenture; provided however, that nothing in this section contained shall permit or be construed as permitting (except as otherwise permitted in this Indenture) (a) an extension of the stated maturity or reduction in the principal amount of, or reduction in the rate or extension of the time of paying of interest on, any Bonds, without the consent of the holder of such Bond, or (b) a reduction in the amount or extension of the time of any payment required by any sinking fund applicable to any Bonds without the consent of the holders of all the Bonds which would be affected by the action to be taken, or (c) a reduction in the aforesaid aggregate principal amount of Bonds the holders of which are required to consent to any such supplemental indenture, without the consent of the holders of all the Bonds at the time outstanding which would be affected by the action to be taken, or (d) a modification of the rights, duties or immunities of the Trustee, without the written

consent of the Trustee, or (e) a privilege or priority of any Bond over any other Bonds, or (f) deprive the owners of any Bonds then outstanding of the lien thereby created.

Anything herein to the contrary notwithstanding, a supplemental indenture under this Article which materially affects any rights of the Company shall not become effective unless and until the Company shall have consented in writing to the execution and delivery of such supplemental indenture. In this regard, the Trustee shall cause notice of the proposed execution and delivery of any such supplemental indenture together with a copy of the proposed supplemental indenture to be mailed by certified or registered mail to the Company at least fifteen (15) days prior to the proposed date of execution and delivery of any such supplemental indenture.

(End of Article IX)

ARTICLE X.

AMENDMENTS TO THE FINANCING AGREEMENT

Section 10.1. Amendments etc., to Financing Agreement Not Requiring Consent of Bondholders. The Issuer and the Trustee with the consent of the Company, and in accordance with Section 8.1 of the Financing Agreement, shall, without the consent of or notice to the Bondholders, consent to any amendment, change or modification of the Financing Agreement as may be required (i) by the provisions of the Financing Agreement and this Indenture, or (ii) for the purpose of curing any ambiguity or formal defect or omission therein, or (iii) in connection with any other change therein which, in the judgment of the Trustee, is not to the prejudice of the Trustee, the Issuer or the holders of the Bonds.

Section 10.2. Amendments etc., to Financing Agreement Requiring Consent of Bondholders. Except for the amendments, changes or modifications as provided in Section 10.1 hereof, neither the Issuer nor the Trustee shall consent to any other amendment, change or modification of the Financing Agreement without the written approval or consent of the Requisite Bondholders given and procured as provided in Section 9.2 hereof.

(End of Article X)

ARTICLE XI.

MISCELLANEOUS

Section 11.1. Satisfaction and Discharge. All rights and obligations of the Issuer and the Company under this Indenture shall terminate, and such instruments shall cease to be of further effect, and the Trustee shall execute and deliver all appropriate instruments evidencing and acknowledging the satisfaction of this Indenture, and shall assign and deliver to the Company any moneys and investments in the Project Fund and shall assign and deliver to the Issuer any moneys and investments held in any other Fund under this Indenture when:

- (a) all fees and expenses of the Trustee shall have been paid;
- (b) the Issuer shall have performed all of its covenants and promises in this Indenture;
and
- (c) all Bonds theretofore authenticated and delivered (i) have become due and payable, or (ii) are to be retired or called for redemption under arrangements satisfactory to the Trustee for the giving of notice of redemption by the Trustee at the expense of the Issuer, or (iii) have been delivered to the Trustee canceled or for cancellation; and, in the case of (i) and (ii) above, there shall have been deposited with the Trustee either cash in an amount which shall be sufficient, or investments (but only to the extent that the full faith and credit of the United States of America are pledged to the timely payment thereof) the principal of and the interest on which when due will provide moneys which, together with the moneys, if any, deposited with the Trustee, shall be sufficient, to pay when due the principal or redemption price, if applicable, and interest due and to become due on the Bonds and prior to the redemption date or maturity date thereof, as the case may be.

Section 11.2. Defeasance of Bonds. Any Bond shall be deemed to be paid and no longer Outstanding within the meaning of this Article and for all purposes of this Indenture when (a) payment of the principal and interest of and premium, if any, on such Bond either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with the Trustee in trust and irrevocably set aside exclusively for such payment, (1) moneys sufficient to make such payment or (2) Government Obligations maturing as to principal and interest in such amounts and at such times as will insure the availability of sufficient moneys to make such payment, and (b) all necessary and proper fees, compensation, indemnities and expenses of the Trustee and the Issuer pertaining to the Bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for. At such time as a Bond shall be deemed to be paid hereunder, as aforesaid, such Bond shall no longer be secured by or entitled to the benefits of this Indenture, except for the purposes of any such payment from such moneys or Government Obligations.

Notwithstanding the foregoing, no deposit under clause (a)(ii) of the immediately preceding paragraph shall be deemed payment of such Bonds as aforesaid until (a) proper notice of redemption of such Bonds shall have been previously given in accordance with Section 5.2 of this Indenture, or if the Bonds are not by their terms subject to redemption within the next

succeeding sixty (60) days, until the Issuer shall have given the Trustee, in form satisfactory to the Trustee, irrevocable instructions to notify, as soon as practicable, the Owners of the Bonds, that the deposit required by the preceding paragraph has been made with the Trustee and that the Bonds are deemed to have been paid in accordance with this Section 11.2 and stating the maturity or redemption date upon which moneys are to be available for the payment of the principal of and the applicable redemption premium, if any, on said Bonds, plus interest thereon to the due date thereof; or (b) the maturity of such Bonds.

All moneys so deposited with the Trustee as provided in this Section 11.2 may also be invested and reinvested, at the written direction of the Issuer, in Government Obligations, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Government Obligations in the hands of the Trustee pursuant to this Section 11.2 which is not required for the payment of principal of the Bonds and interest and premium, if any, thereon with respect to which such moneys shall have been so deposited shall be deposited in the Bond Fund as and when realized and collected for use and application as are other moneys deposited in the Bond Fund.

Notwithstanding any provision of any other Article of this Indenture which may be contrary to the provisions of this Section 11.2, all moneys or Government Obligations set aside and held in trust pursuant to the provisions of this Section 11.2 for the payment of Bonds (including premium thereon, if any) shall be applied to and used solely for the payment of the particular Bonds (including the premium thereon, if any) with respect to which such moneys or Government Obligations have been so set aside in trust.

Anything in Article 9 hereof to the contrary notwithstanding, if moneys or Government Obligations have been deposited or set aside with the Trustee pursuant to this Section 11.2 for the payment of Bonds and such Bonds shall not have in fact been actually paid in full, no amendment to the provisions of this Section 11.2 shall be made without the consent of the Owner of each Bond affected thereby.

The right to register the transfer of or to exchange Bonds shall survive the discharge of this Indenture.

Section 11.3. Cancellation of Bonds. If the Owner of any Bonds presents that Bond to the Trustee with an instrument satisfactory to the Trustee waiving all claims for payment of that Bond, the Trustee shall cancel that Bond and the Bondholder shall have no further claim against the Trust Estate or the Issuer with respect to that Bond.

Section 11.4. Application of Trust Money. All money or investments deposited with or held by the Trustee pursuant to Section 11.1 shall be held in trust for the holders of the Bonds, and applied by it, in accordance with the provisions of the Bonds and this Indenture, to the payment, either directly or through the Trustee, to the persons entitled thereto, of the principal and interest for whose payment such money has been deposited with the Trustee; but such money or obligations need not be segregated from other funds except to the extent required by law.

Section 11.5. Consents, etc., of Bondholders. Any consent, request, direction, approval, objection or other instrument required by this Indenture to be executed by the Bondholders may be in any number of concurrent writings of similar tenor and may be executed by such Bondholders in person or by agent appointed in writing. Provided, however, that wherever this Indenture requires that any such consent or other action be taken by the holders of a specified percentage, fraction or majority of the Bonds outstanding, any such Bonds held by or for the account of the Issuer shall not be deemed to be outstanding hereunder for the purpose of determining whether such requirement has been met. Proof of the execution of any such consent, request, direction, approval, objection or other instrument or of the writing appointing any such agent and of the ownership of Bonds; if made in the following manner, shall be sufficient for any of the purposes of this Indenture, and shall be conclusive in favor of the Trustee with regard to any action taken under such request or other instrument, namely:

(a) The fact and date of the execution by any person of any such writing may be proved by the certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such writing acknowledged before him the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of the holding by any person of Bonds transferable by delivery and the amounts and numbers of such Bonds, and the date of the holding of the same, may be proved by a certificate executed by any trust company, Bank or Bankers, wherever situated, stating that at the date thereof the party named therein did exhibit to an officer of such trust company or Bank or to such Banker, as the property of such party, the Bonds therein mentioned if such certificate shall be deemed by the Trustee to be satisfactory. The Trustee may, in its discretion, require evidence that such Bonds have been deposited with a Bank, Bankers or trust company, before taking any action based on such ownership. In lieu of the foregoing, the Trustee may accept other proofs of the foregoing as it shall deem appropriate.

For all purposes of this Indenture and of the proceedings for the enforcement hereof, such person shall be deemed to continue to be the holder of such Bonds until the Trustee shall have received notice in writing to the contrary.

Section 11.6. Limitation of Rights. With the exception of rights herein expressly conferred, nothing expressed or mentioned in or to be implied from this Indenture, or the Bonds is intended or shall be construed to give to any person other than the parties hereto, and the Company, and the holders of the Bonds, any legal or equitable right, remedy or claim under or in respect to this Indenture or any covenants, conditions and provisions herein contained, this Indenture and all of the covenants, conditions and provisions hereof being intended to be and being for the sole and exclusive benefit of the parties hereto and the Company and the holders of the Bonds as herein provided.

Section 11.7. Severability. If any provision of this Indenture shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any

other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever.

The invalidity of any one or more phrases, sentences, clauses or Sections in this Indenture contained, shall not affect: the remaining portions of this Indenture, or any part thereof.

Section 11.8. Notices. All notices, demands, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when mailed by registered or certified mail, postage prepaid, with proper address as indicated below. The Issuer, the Company, and the Trustee may, by written notice given by each to the others, designate any address or addresses to which notices, demands, certificates or other communications to them shall be sent when required as contemplated by this Indenture. Until otherwise provided by the respective parties, all notices, demands, certificates and communications to each of them shall be addressed as follows:

To the Company: The Mill 2, FC, LLC
 c/o Flaherty & Collins
 211 N. Pennsylvania Street, Suite 3000
 Indianapolis, IN 46204
 Attn: Brian Prince

To the Issuer: City of Mishawaka, Indiana
 Attention: Mayor
 100 Lincolnway West
 Mishawaka, Indiana 46544

To the Trustee: U.S. Bank Trust Company, National Association
 Attention: Global Corporate Trust
 10 W Market Street, Suite 830
 Indianapolis, IN 46204

Section 11.9. Counterparts. This Indenture may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 11.10. Applicable Law. This Indenture shall be governed exclusively by the applicable laws of the State of Indiana.

Section 11.11. Immunity of Officers and Directors. No recourse shall be had for the payment of the principal of or interest on any of the Bonds or for any claim based thereon or upon any obligation, covenant or agreement in this Indenture contained against any past, present or future members, officer, directors, agents, attorneys or employees of the Issuer, or any incorporator, member, officer, director, agents, attorneys, employees or trustee of any successor corporation, as such, either directly or through the Issuer or any successor corporation, under any rule of law or equity, statute or constitution or by the enforcement of any assessment or penalty or otherwise, and all such liability of any such incorporator, members, officers, directors, agents,

attorneys; employees or trustees as such is hereby expressly waived and released as a condition of and consideration for the execution of this Indenture and issuance of such Bonds.

Section 11.12. Holidays. If any date for the payment of principal or interest on the Bonds is not a business day then such payment shall be due on the first business day thereafter.

(End of Article XI)

IN WITNESS WHEREOF, the City of Mishawaka, Indiana, has caused these presents to be signed in its name and behalf by its Mayor and its corporate seal to be hereunto affixed and attested by its Clerk, and to evidence its acceptance of the trusts hereby created, U.S. Bank Trust Company, National Association, has caused these presents to be signed in its name and behalf by its duly authorized officer, all as of the day and year first above written.

CITY OF MISHAWAKA, INDIANA

By: _____
Mayor

Attest:

Clerk

SEAL:

U.S. BANK TRUST COMPANY,
NATIONAL ASSOCIATION, as Trustee

By: _____

Printed: _____

Title: _____

[SIGNATURE PAGE OF THE TRUST INDENTURE]

EXHIBIT A

STATEMENT NO. _____ REQUESTING DISBURSEMENT OF FUNDS FROM
PROJECT FUND PURSUANT TO SECTION 4.3 OF THE TRUST INDENTURE
BETWEEN THE CITY OF MISHAWAKA, INDIANA AND U.S. BANK TRUST
COMPANY, NATIONAL ASSOCIATION

Pursuant to Section 4.3 of the Trust Indenture (the "Indenture") dated as of January 1, 2023, between the City of Mishawaka, Indiana (the "Issuer") and U.S. Bank Trust Company, National Association (the "Trustee"), the undersigned, as the Authorized Representative (as defined in the Indenture) of The Mill 2, FC, LLC (the "Company"), hereby requests and authorizes the Trustee, as depository of the Project Fund created by and as defined in the Indenture to pay to the Company or to the person(s) listed on the Disbursement Schedule attached hereto out of the moneys on deposit in the Project Fund the aggregate sum of \$_____, to pay such person(s) or to reimburse the Company in full, as indicated in the Disbursement Schedule, for advances, payments and expenditures made by it in connection with the items listed in the Disbursement Schedule.

In connection with the foregoing request and authorization, the undersigned hereby certifies that:

(a) Each item for which disbursement is requested hereunder is properly payable out of the Project Fund in accordance with the terms and conditions of the Indenture, and none of those items has formed the basis for any disbursement heretofore made from the Project Fund;

(b) Each such item is or was necessary in connection with the acquisition, construction, equipping, installation or improvement of the property comprising the Project, as defined in the Indenture;

(c) This statement and all exhibits hereto, including the Disbursement Schedule, shall be conclusive evidence of the facts and statements set forth herein and shall constitute full warrant, protection and authority to the Trustee for its actions taken pursuant hereto;

(d) This statement constitutes the approval of the Company of each disbursement hereby requested and authorized; and

(e) To the best of our knowledge, there is no current or existing Event of Default pursuant to the terms of the Indenture and no event exists which by notice of or passage of time or both would constitute such Event of Default under the Indenture.

IN WITNESS WHEREOF, the authorized representative of the Company
has set his hand as of the _____ day of _____, 20__.

The Mill 2, FC, LLC, an Indiana limited liability
company

By: _____

Printed: _____

Title: _____

EXHIBIT B

COSTS OF ISSUANCE*

Payee

Amount

TOTAL: \$

* On the date of delivery of the Bonds, an amount equal to \$ has been withheld from the purchase price of the Bonds in payment of the Purchaser's commitment fee.

FINANCING AND LOAN AGREEMENT

between

CITY OF MISHAWAKA, INDIANA

and

THE MILL 2 FC, LLC

**\$ _____
CITY OF MISHAWAKA, INDIANA,
TAXABLE ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS,
SERIES 2023)**

(IRONWORKS PHASE 2 PROJECT)

Dated

as of

August 1, 2023

FINANCING AND LOAN AGREEMENT

THIS FINANCING AND LOAN AGREEMENT made and entered into as of August 1, 2023, by and between the City of Mishawaka, Indiana, a municipal corporation and political subdivision existing under the laws of the State of Indiana (the "City"), and The Mill 2 FC, LLC, an Indiana limited liability company (the "Company"), under the following circumstances summarized in the following recitals (the capitalized terms not defined in the recitals are as defined in Article I hereof):

A. Indiana Code, Title 36, Article 7, Chapter 12, as supplemented and amended (collectively, the "Act"), authorizes and empowers the City to issue bonds and make loans to provide funding for economic development projects and facilities and vests the City with powers that may be necessary to enable it to accomplish such purposes.

B. The Company has requested a certain economic development incentive from the City in the form of a forgivable loan to the Company in the amount of _____ Million _____ Hundred Thousand Dollars (\$ _____) (the "Loan"), to finance economic development projects and facilities within the meaning of Indiana Code 36-7-12, consisting of the acquisition, construction, equipping and improving, as the case may be, by the Company of a mixed use retail and residential apartment building with a parking garage containing approximately 430 spaces including approximately 130 public parking spaces all consisting of approximately 400,000 square feet on a parcel generally located adjacent to Front Street in Beutter Park in the City (the "Project").

C. The City believes that developing the Project as described herein is in the best interests of the health, safety and welfare of the City and its residents and complies with the public purposes and provisions of Indiana Code 36-7-12, and based upon the information presented to the City by the Company, the City has determined that the Project constitutes an economic development project and an economic development facility as defined by applicable law.

E. The City desires to facilitate the development of the Project by: (a) issuing its Taxable Economic Development Tax Increment Revenue Bonds, Series 2023 (Ironworks Phase 2 Project) in the aggregate principal amount of \$ _____ (the "Bonds"), and making the Loan to the Company from the proceeds of the Bonds and other available funds of the City and the Redevelopment Commission (as hereinafter defined) to finance a portion of the Project; and (b) conveying the parcel adjacent to Front Street in Beutter Park that is owned by the Redevelopment Commission to Company for the purposes of constructing the Project.

F. The parties hereto agree that it is of mutual benefit for the parties hereto to enter into this Agreement relating to the Project and the Loan that will include the commitments of each of the parties.

G. The City of Mishawaka Redevelopment Commission and the Company (the "Company") entered into an Agreement dated as of March 27, 2023 (the "Development Agreement"), pursuant to which the parties agreed to their respective commitments with respect to the development of the Project.

NOW, THEREFORE, in consideration of the premises and the mutual representations and agreements hereinafter contained, the City and the Company agree as follows:

ARTICLE I. DEFINITIONS

Section 1.1. Use of Defined Terms. In addition to the words and terms defined elsewhere in this Agreement or by reference to another document, the words and terms set forth in Section 1.2 hereof shall have the meanings set forth therein unless the context or use clearly indicates another meaning or intent. Such definitions shall be equally applicable to both the singular and plural forms of any of the words and terms defined therein.

Section 1.2. Definitions. As used herein:

“Act” means, collectively, Indiana Code 36-7-11.9 and 36-7-12, as enacted and amended.

“Agreement” means this Financing and Loan Agreement as amended or supplemented from time to time.

“Bonds” means the City’s Taxable Economic Development Tax Increment Revenue Bonds, Series 2023 (Ironworks Phase 2 Project), issued in the original aggregate principal amount of \$_____.

“City” means the City of Mishawaka, Indiana, a municipal corporation and political subdivision existing under the laws of the State of Indiana.

“Common Council” means the Common Council of the City.

“Company” means The Mill 2 FC, LLC, an Indiana limited liability company, and its lawful successors and assigns to the extent permitted by this Agreement.

“Completion Date” means the date of completion of the Project evidenced in accordance with the requirements of Section 3.2 hereof.

“Designated Representative” means Brian Prince or the person at the time designated to act on behalf of the Company by written certificate furnished to the City, containing the specimen signature of that person and signed on behalf of the Company by a duly authorized officer. That certificate may designate an alternate or alternates. In the event that all persons so designated become unavailable or unable to act and the Company fails to designate a replacement within 10 days after such unavailability or inability to act, the City may appoint an interim Designated Representative until such time as the Company designates that person.

“Event of Default” means any of the events described as an Event of Default in Section 6.1 hereof.

"Indenture" means the Trust Indenture, dated as of _____ 1, 2023, between the City and the Trustee.

"Legislative Authority" means the Common Council of the City.

"Loan" means the loan by the City to the Company pursuant to the terms of this Agreement.

"Maturity Date" shall have the meaning set forth in Section 4.2 of this Agreement.

"Notice Address" means:

As to the City: City of Mishawaka, Indiana
City Hall
100 Lincolnway West
Mishawaka, IN 46544
Attention: Mayor

As to the Company: The Mill 2 FC, LLC
c/o Flaherty & Collins
211 N. Pennsylvania Street, Suite 3000
Indianapolis, IN 46204
Attn: Brian Prince

With a copy to: Wallack Somers & Haas, P.C.
One Indiana Square, Suite 2300
Indianapolis, IN 46204
Attn: Ryan Wilmering

or such additional or different address, notice of which is given under Section 7.2 hereof.

"Ordinance" means Ordinance No. _____ of the Common Council of the City adopted on _____, 2023, authorizing the issuance of the Bonds and the making of the Loan.

"Person" or words importing persons mean firms, associations, partnerships (including without limitation, general and limited partnerships), limited liability companies, joint ventures, societies, estates, trusts, corporations, public or governmental bodies, other legal entities and natural persons.

"Project" means the acquisition, construction, equipping and improving, as the case may be, by the Company of a mixed use retail and residential apartment building with a parking garage containing approximately 430 spaces including approximately 130 public parking spaces all consisting of approximately 400,000 square feet on a parcel generally located adjacent to Front Street in Beutter Park in the City.

“Redevelopment Commission” means the City of Mishawaka Redevelopment Commission.

“State” means the State of Indiana.

“Target Completion Date” means ____ 1, 202__, subject to Section 7.10 of this Agreement.

“Taxpayer Agreement” means the Taxpayer Agreement, dated as of _____ 1, 2023, between the City and the Company.

“Trustee” means U.S. Bank Trust Company, National Association, acting as trustee pursuant to the Indenture.

Section 1.3. Interpretation. Any reference herein to the City, to the Legislative Authority or to any member or officer of the City includes entities or officials succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law or lawfully performing their functions.

Any reference to a section or provision of the Constitution of the State or the Act, or to a section, provision or chapter of the Indiana Code or to any statute of the United States of America, includes that section, provision or chapter or statute as amended, modified, revised, supplemented or superseded from time to time; provided, that no amendment, modification, revision, supplement or superseding section, provision or chapter or statute shall be applicable solely by reason of this provision, if it constitutes in any way an impairment of the rights or obligations of the City or the Company under this Agreement.

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof”, “hereby”, “herein”, “hereto”, “hereunder” and similar terms refer to this Agreement; and the term “hereafter” means after, and the term “heretofore” means before, the date of the Loan. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

Section 1.4. Captions and Headings. The captions and headings in this Agreement are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Articles, Sections, subsections, paragraphs, subparagraphs or clauses hereof.

ARTICLE II. REPRESENTATIONS OF THE ISSUER

Section 2.1. Representations of the City. The City represents and warrants that:

(a) The City is a municipal corporation organized and existing under the laws of the State. Under the provisions of the Act, the City is authorized to enter into the transactions contemplated by this Agreement and to carry out its obligations hereunder. The City has been duly authorized to execute and deliver this Agreement. The City agrees

that it will do or cause to be done all things within its control and necessary to preserve and keep in full force and effect its existence.

(b) The City agrees to issue the Bonds and make the Loan to the Company the amount of \$850,000 for the costs associated with the acquisition, construction, equipping and improving of the Project to create additional employment opportunities in City of Mishawaka, Indiana and to benefit the health, safety, morals and general welfare of the citizens of City of Mishawaka, Indiana and the State of Indiana.

Section 2.2. Representations and Covenants of the Company. The Company represents and warrants that:

(a) It is a limited liability company validly existing under the laws of and authorized to do business in the State of Indiana, is not in violation of any laws in any manner material to its ability to perform its obligations under this Agreement, and has full power to enter into and by proper action has duly authorized the execution and delivery of this Agreement.

(b) The provision of financial assistance to be made available to it under this Agreement from the proceeds of the Loan and the commitments therefor made by the City have induced the Company to undertake the Project and such Project will create additional jobs and employment opportunities within the boundaries of the City.

(c) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement, conflicts with or results in a breach of the terms, conditions or provisions of the Company's Articles of Organization or Operating Agreement or any restriction or any agreement or instrument to which the Company is now a party or by which it is bound or to which any of its property or assets is subject or of any statute, order, rule or regulation of any court or governmental agency or body having jurisdiction over the Company or its property, or constitutes a default under any of the foregoing, or results in the creation or imposition of any lien, charge or encumbrance whatsoever upon any of the property or assets of the Company under the terms of any instrument or agreement, except as set forth in this Agreement or in such manner as will not materially impair the ability of the Company to perform its obligations hereunder.

(d) The aggregate authorized face amount of the Loan authorized hereunder shall not exceed the amount anticipated by the Development Agreement.

(e) The Company shall use commercially reasonable efforts to invest such capital expenditures in the Project by not later than _____ 1, 202__, such that the Project shall generate not less than \$_____ per year in real estate taxes for a period of 25 years and shall work diligently to complete the Project, subject to the Unavoidable Delay provisions of Section 7.10 of this Agreement. The Company shall apply all of the proceeds of the Loan toward the costs of the Project and shall finance all remaining costs

of the Project from other available funds of the Company, including but not limited to construction financing.

(f) No portion of the proceeds of the Loan will be used to provide any private or commercial golf course, country club, massage parlor, tennis club, skating facility (including roller skating, skateboard and ice skating), racquet sports facility (including any handball or racquetball court), hot tub facility, suntan facility, racetrack, airplane, skybox or other private luxury box, health club facility, facility primarily used for gambling or store, the principal business of which is the sale of alcoholic beverages for off premises consumption.

(g) No litigation at law or in equity nor any proceeding before any governmental agency or other tribunal involving the Company is pending or, to the knowledge of the Company threatened, in which any liability of the Company is not adequately covered by insurance and in which any judgment or order would have a material and adverse effect upon the business or assets of the Company or would materially and adversely affect the Project, the validity of this Agreement or the performance of the Company's obligations thereunder or the transactions contemplated hereby.

ARTICLE III. COMPLETION OF THE PROJECT

Section 3.1. Acquisition, Construction, Equipping and Improving of Project. It is understood that improvements made for the Project are that of the Company and any contracts made by the Company with respect thereto shall acquire, construct, equip and improve the Project. The Company shall use commercially reasonable efforts to construct the Project with all reasonable dispatch and to complete the Project by no later than the Target Completion Date, and shall pay when due all fees, costs and expenses incurred in connection with that acquisition, construction, equipment, and improvement from funds made available therefor. It is further understood that any contracts made by the Company with respect to the Project, whether construction contracts or otherwise, or any work to be done by the Company on the Project are made or done by the Company on its own behalf and not as agent or contractor for the City.

Section 3.2. Completion Date. The Company shall notify the City of the Completion Date by a certificate signed by the Designated Representative stating:

(a) the date on which the Project is substantially completed, which shall be evidenced by the issuance of a certificate of occupancy by the City, if the City provides such certificates of occupancy,

(b) that all other facilities necessary in connection with the Project have been acquired, constructed, equipped and improved, and

(c) that the acquisition, construction, equipment and improvement of the Project and those other facilities have been accomplished in such a manner as to

conform with all applicable zoning, planning, building, environmental and other similar governmental regulations.

The certificate shall be delivered as promptly as practicable after the occurrence of the events and conditions referred to in subsections (a) through (c) of this Section (the date of delivery of such certificate being, the "Completion Date").

ARTICLE IV. LOAN BY CITY; FORGIVENESS OF THE LOAN

Section 4.1. Loan. The City hereby makes the Loan to the Company. The Loan shall bear no interest and shall be unsecured. The Loan shall be non-recourse against the Company and the Project. The Loan proceeds shall be deposited into the funds established under the Indenture and disbursed by the Trustee to or for the benefit of the Company as provided therein.

Section 4.2. Forgiveness. Subject to the Unavoidable Delay provisions of Section 7.10 of this Agreement, the Loan shall mature and the principal of the Loan shall be forgiven on the earlier of (a) the maturation of the Bonds, and (b) the date on which the outstanding principal of the Loan has been forgiven, based on such forgiveness occurring semiannually in the amount of the real estate taxes actually paid by Company for the Project or payments made by the Company pursuant to the Taxpayer Agreement.

ARTICLE V. ADDITIONAL AGREEMENTS AND COVENANTS

Section 5.1. Indemnification. The Company releases the City (including, but not limited to, members of the Common Council, the Economic Development Commission, and the Redevelopment Commission, and their respective attorneys, agents and employees) from, agrees that the City (including, but not limited to, members of the Common Council, the Economic Development Commission, and the Redevelopment Commission, and their respective attorneys, agents and employees) shall not be liable for, and indemnifies the City against, all liabilities, claims, costs and expenses, including reasonable attorneys' fees and expenses, imposed upon, incurred or asserted against the Common Council, Economic Development Commission or the Redevelopment Commission, on account of: (a) any loss or damage to property or injury to or death of or loss by any person that may be occasioned by any cause whatsoever pertaining to the construction, maintenance, operation and use of the Project; and (b) any claim, action or proceeding brought with respect to the matters set forth in (a) above.

In case any action or proceeding is brought against the City in respect of which indemnity may be sought hereunder, the City promptly shall give notice of that action or proceeding to the Company, and the Company upon receipt of that notice shall have the obligation and the right to assume the defense of the action or proceeding; provided, that failure of the City to give that notice shall not relieve the Company from any of its obligations under this Section unless that failure prejudices the defense of the action or proceeding by the Company. At its own expense, the City may employ separate counsel and participate in the defense. The Company shall not be liable for any settlement made without its consent.

The indemnification set forth above is intended to and shall include the indemnification of all affected officials, directors, officers and employees of the City, the Common Council, the Economic Development Commission and the Redevelopment Commission. That indemnification is intended to and shall be enforceable by the City to the full extent permitted by law. Notwithstanding anything herein, no indemnity shall be required hereunder for damages that result from the negligence or willful misconduct on the part of the party seeking indemnity.

Section 5.2. Sale of Project by Company. The Company's right to sell the Project shall be governed by the deed conveying title to the Property to the Company as contemplated by Section 2(b) of the Development Agreement.

ARTICLE VI. EVENTS OF DEFAULT AND REMEDIES

Section 6.1. Events of Default. Each of the following shall be an Event of Default: The Company shall fail to observe and perform any agreement, term or condition contained in this Agreement, and the continuation of such failure for a period of 30 days after notice thereof shall have been given to the Company by the City, or for such longer period as the City may agree to in writing; provided, that if the failure is of such nature that it can be corrected but not within the applicable period, that failure shall not constitute an Event of Default so long as the Company institutes curative action within the applicable period and diligently pursues that action to completion.

The declaration of an Event of Default, and the exercise of remedies upon any such declaration, shall be subject to any applicable limitations of federal bankruptcy law affecting or precluding that declaration or exercise during the pendency of or immediately following any bankruptcy, liquidation or reorganization proceedings.

Section 6.2. Remedies on Default. Whenever an Event of Default shall have happened and be subsisting, any one or more of the following remedial steps may be taken:

(a) The City may have access to, inspect, examine and make copies of the books, records, accounts and financial data of the Company pertaining to the Project; and

(b) The City may pursue all remedies now or hereafter existing at law or in equity, plus recover all expenses including attorney fees as provided in Section 6.4 or to enforce the performance and observance of any other obligation or agreement of the Company hereunder.

Notwithstanding the foregoing or any other provision in this Agreement, (i) the City shall not be obligated to take any step which in its opinion will or might cause it to expend time or money or otherwise incur liability unless and until a satisfactory indemnity bond has been furnished to the City at no cost or expense to the City, and (ii) in no event shall the Company be obligated to repay the Loan or otherwise be responsible for the return of the proceeds of the Loan, it being the intent

of the City and the Company that the Loan is an economic development incentive that is not to be repaid (except in the limited circumstance anticipated by Section 4.2 of this Agreement).

Section 6.3. No Remedy Exclusive. No remedy conferred upon or reserved to the City by this Agreement is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement, or now or hereafter existing at law, in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair that right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. In order to entitle the City to exercise any remedy reserved to it in this Article, it shall not be necessary to give any notice, other than any notice required by law or for which express provision is made herein.

Section 6.4. Attorneys' Fees and Costs of Collection. If a default by the Company or the City shall occur, the Prevailing Party shall, to the extent permitted by applicable law, be entitled to recover from the non-prevailing party all reasonable costs, expenses and attorneys' fees (including court costs and other expenses through all appellate levels) that it incurs in connection therewith. For purposes hereof, the term "Prevailing Party" includes a party who obtains legal counsel or brings any action against another party by reason of an alleged breach or default and obtains substantially the relief sought, whether by compromise, settlement or judgment.

Section 6.5. No Waiver. No failure by the City to insist upon the strict performance by the Company of any provision hereof shall constitute a waiver of their right to strict performance and no express waiver shall be deemed to apply to any other existing or subsequent right to remedy the failure by the Company to observe or comply with any provision hereof.

The City may waive any Event of Default hereunder.

Section 6.6. Notice of Default. The Company shall notify the City immediately if it becomes aware of the occurrence of any Event of Default hereunder or of any fact, condition or event which, with the giving of notice or passage of time or both, would become an Event of Default.

ARTICLE VII. MISCELLANEOUS

Section 7.1. Term of Agreement. This Agreement shall be and remain in full force and effect from the date of Loan until such time as Loan shall have been fully paid or forgiven, except for obligations of the Company under Sections 5.1 hereof, which shall survive any termination of this Agreement.

Section 7.2. Notices. All notices, certificates, requests or other communications hereunder shall be in writing and shall be deemed to be sufficiently given when mailed by registered or certified mail, postage prepaid, and addressed to the appropriate Notice Address. The

Company and the City, by notice given hereunder, may designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

Section 7.3. Extent of Covenants of the City; No Personal Liability. All covenants, obligations and agreements of the City contained in this Agreement shall be effective to the extent authorized and permitted by applicable law. No such covenant, obligation or agreement shall be deemed to be a covenant, obligation or agreement of any present or future member, officer, agent or employee of the City or the Legislative Authority in other than his or her official capacity, and neither the members of the Legislative Authority nor any official of the City shall be subject to any personal liability or accountability by reason of the covenants, obligations or agreements of the City contained in this Agreement.

Section 7.4. Binding Effect. This Agreement shall inure to the benefit of and shall be binding in accordance with its terms upon the City, the Company and their respective permitted successors and assigns. This Agreement may be enforced only by the parties, their assignees and others who may, by law, stand in their respective places.

Section 7.5. Amendments and Supplements. This Agreement may not be effectively amended, changed, modified, altered or terminated except as may be evidenced in a writing executed by the appropriate representatives of the City and the Company.

Section 7.6. Execution Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.

Section 7.7. Severability. If any provision of this Agreement, or any covenant, obligation or agreement contained herein is determined by a court to be invalid or unenforceable, that determination shall not affect any other provision, covenant, obligation or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. That invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, covenant, obligation or agreement shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

Section 7.8. Successors and Assigns. Whenever in this Agreement any of the parties hereto is named or referred to, the successors and assigns of such party shall be deemed to be included and all the covenants, promises and agreements in this Agreement contained by or on behalf of the Company, or by or on behalf of the City, shall bind and inure to the benefit of the respective successors and assigns, whether so expressed or not. The Company may assign its interest in this Agreement to any affiliate of the Company without the prior approval of the City and the Company may further mortgage and assign all of the Company's interest in this Agreement to secure mortgage loans or other indebtedness incurred by the Company with respect to the acquisition, construction, equipping and improvement of the Project. The Company may additionally assign this Agreement in conjunction with a sale of the Project in accordance with the terms and conditions of the Development Agreement. The Company may not otherwise assign its interest in this Agreement without obtaining the prior approval of the City. Notwithstanding any

such assignment, the Company shall not be released from any liability or obligations hereunder. The City may not assign its interest in this Agreement to any other person or entity without obtaining the prior approval of the Company.

Section 7.9. Governing Law. This Agreement shall be deemed to be a contract made under the laws of the State and for all purposes shall be governed by and construed in accordance with the laws of the State.

Section 7.10. Unavoidable Delay. In the event that the Company shall be delayed, hindered in or prevented from the performance of any act required under this Agreement by reason of any unusually inclement weather, strikes, lock-outs, labor troubles, inability to procure materials which could not have been reasonably anticipated and avoided by the Company, failure of power to the Project for reason other than acts of the Company or any person or party acting by, through or under the Company, restrictive governmental laws or regulations, act of God, fire, earthquake, flood, explosion, terrorism, action of the elements, war (declared or undeclared), police action, invasion, insurrection, riot, mob violence, sabotage, health pandemic or epidemic, the act, failure to act or default of the City, or other causes beyond the Company's reasonable control, then performance of such act shall be extended for a period necessitated by such delay.

Section 7.11. Subordination and No Limitation on Mortgagee or Financing Party. Any and all rights of the City and obligations and liabilities of the Company under this Agreement and/or relating to the Loan shall be expressly subject and subordinate to any mortgage loans or other indebtedness incurred by the Company with respect to the acquisition, construction, equipping and improvement of the Project. Notwithstanding anything in this Agreement to the contrary, (a) no provision of this Agreement shall restrict or otherwise limit (i) any foreclosure by or other transfer of title to any mortgagee or financing party of the Project, or (ii) any transfer of ownership of any interest in the Company to such mortgagee or financing party or any constituent owner of the Company, and (b) in the event of any such foreclosure by or other transfer of title to any mortgagee or financing party, as permitted in clause (a)(i) above, any such mortgagee or financing party (or any party taking by, through or under any such mortgagee or financing party) shall take title to the Project free and clear of any responsibility, obligation and/or liability under this Agreement and/or the Loan and without liability for the responsibilities, obligations and/or liabilities of the Company under this Agreement and/or with respect to the Loan.

SIGNATURE PAGE TO FINANCING AND LOAN AGREEMENT

IN WITNESS WHEREOF, the City and the Company have caused this Agreement to be duly executed in their respective names, all as of the date hereinbefore written.

City:

CITY OF MISHAWAKA, INDIANA

By: _____

Mayor

ATTEST:

Clerk

Company:

THE MILL 2 FC, LLC

By: _____

David M. Flaherty, Manager

**REPORT OF THE CITY OF MISHAWAKA
ECONOMIC DEVELOPMENT COMMISSION CONCERNING
THE PROPOSED FINANCING OF ECONOMIC DEVELOPMENT
FACILITIES FOR THE MILL 2 FC, LLC**

The City of Mishawaka Economic Development Commission (the "Commission") proposes to recommend to the Common Council of the City of Mishawaka, Indiana (the "City"), that it provide the net proceeds of certain taxable economic development tax increment revenue bonds (the "Bonds") to The Mill 2 FC, LLC (the "Developer") for the financing of a portion of certain economic development facilities consisting of the design, construction, equipping, and improving, as the case may be of a mixed-use development on approximately three (3) acres of real property located adjacent to Front Street in Beutter Park in the City.

In connection therewith, the Commission hereby reports as follows:

A. The proposed economic development facilities consist of the design, construction, equipping, and improving of a mixed-use development on approximately three (3) acres of real property located adjacent to Front Street in Beutter Park in the City, consisting of a mixed use retail and residential apartment building with a parking garage containing approximately 430 spaces including approximately 130 public parking spaces (collectively, "Project").

B. The Commission estimates that except for those public works and services for which funds of the City and other parties are expected to be available, there are no public works or services, including public ways, schools, water, sewer, street lights and fire protection, which will be made necessary or desirable by the Project, because any such works or services already exist or will be provided from proceeds of the Bonds or by the Developer or other parties.

C. The Commission estimates that the total costs of the Project, including capitalized interest on the Bonds, and costs related to the issuance of the Bonds, for which funding is not otherwise available will not exceed \$12,500,000.

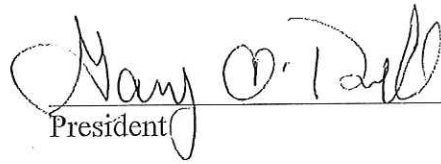
D. The Commission estimates that completion of the Project will result in the creation of approximately eighty (80) new permanent full-time jobs with average annual salaries ranging from \$50,000 to \$60,000 and approximately four hundred (400) temporary construction jobs with average annual salaries ranging from \$30,000 to \$35,000 and that the Project will result in the expansion of further business opportunities in the City.

E. The Project will not have an adverse competitive effect on similar facilities already constructed or operating in the City as the project will compliment similar facilities and provide further opportunities for residential, retail and commercial growth in the City.

(Signatures follow on next page)

Adopted this 22nd day of May, 2023.

CITY OF MISHAWAKA ECONOMIC
DEVELOPMENT COMMISSION



President

ATTEST:



Secretary

RESOLUTION NO. 2023- 01

**RESOLUTION OF THE CITY OF MISHAWAKA ECONOMIC DEVELOPMENT
COMMISSION APPROVING AND AUTHORIZING CERTAIN ACTIONS AND
PROCEEDINGS WITH RESPECT TO CERTAIN PROPOSED TAXABLE ECONOMIC
DEVELOPMENT TAX INCREMENT REVENUE BONDS AND RELATED MATTERS**

WHEREAS, the City of Mishawaka, Indiana (the "City"), is authorized by I.C. 36-7-11.9 and I.C. 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, and to provide the proceeds of the revenue bond issue to another entity to finance the acquisition, construction, renovation, installation and equipping of said facilities; and

WHEREAS, The Mill 2 FC, LLC (the "Company") desires to finance (i) a portion of the costs of the design, construction, equipping and improving, as the case may be, of a mixed-use development on approximately three (3) acres of real property located adjacent to Front Street in Beutter Park in the City, consisting of a mixed use retail and residential apartment building with a parking garage containing approximately 430 spaces including approximately 130 public parking spaces and (ii) capitalized interest on the Bonds for a period not to exceed one (1) year following project completion (collectively, "Project"); and

WHEREAS, the Company has advised the City of Mishawaka Economic Development Commission (the "Commission") and the City that it proposes that the City issue economic development tax increment revenue bonds in an amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000) (the "Bonds") under the Act for the purpose of procuring funds to (a) pay all or a portion of the cost the Project, (b) pay capitalized interest on the Bonds, and (c) pay all incidental expenses on account of the issuance of the Bonds; and

WHEREAS, the Commission has studied the Project and the proposed financing of the Project and its effect on the health and general welfare of the City and its citizens;

WHEREAS, the completion of the Project is expected to result in the further diversification of industry and the creation of approximately eighty (80) new permanent jobs and four hundred (400) temporary construction jobs and the expansion of further business opportunities in the City; and

WHEREAS, pursuant to I.C. § 36-7-12-24, the Commission published notice of a public hearing (the "Public Hearing") on the proposed issuance of the Bonds to finance the Project; and

WHEREAS, on the date hereof the Commission held the Public Hearing on the Project and considered any adverse competitive effect the Project may have on similar facilities in the area served by the Project;

NOW, THEREFORE, BE IT RESOLVED by the City of Mishawaka Economic Development Commission, as follows:

SECTION 1. The Commission hereby finds, determines, ratifies and confirms that the diversification of business, the creation of business opportunities and the creation of opportunities

for gainful employment within the jurisdiction of the City are desirable, serve a public purpose, and are of benefit to the health and general welfare of the City; and that it is in the public interest that the City take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation of opportunities for gainful employment within the jurisdiction of the City.

SECTION 2. In making the findings herein, the Commission has considered any adverse competitive effect the Project may have on any similar facilities already constructed or operating in or near the City.

SECTION 3. The Commission hereby approves the findings of fact and report with respect to the Project presented at this meeting. The Secretary of this Commission shall submit such report to the executive director or chairman of the plan commission of the City.

SECTION 4. The Commission finds, determines, ratifies and confirms that the issuance and sale of the Bonds in an amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000) and the use of a portion of the proceeds of the Bonds to pay costs related to the issuance of the Bonds, pay capitalized interest on the Bonds, and to provide the remaining proceeds of the Bonds to the Company for the financing of a portion of the cost the Project will be of benefit to the health and general welfare of the City, will serve the public purposes referred to above in accordance with the Act, and will fully comply with the Act.

SECTION 5. The financing of a portion of the costs of the Project through the issuance of the Bonds, in one or more series, in an amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000), is hereby approved and recommended to the Common Council to the City (the "Common Council").

SECTION 6. The Commission hereby approves and recommends to the Common Council the terms of the following documents in the form presented at this meeting: (i) a Trust Indenture between the City and a trustee to be selected (with a form of the Bonds therein); (ii) a Financing Agreement between the City and the Company; and (iii) an Ordinance of the Common Council.

SECTION 7. Any officer of the Commission is hereby authorized and directed, in the name and on behalf of the Commission, to execute any and all other agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by them, or any of them, to be necessary or desirable in order to carry out and comply with the intent, conditions and purposes of this resolution (including the preambles hereto and the documents mentioned herein), the Project and the issuance and sale of the Bonds, and any such execution, performance, approval or doing of other things heretofore effected be, and hereby is, ratified and approved.

SECTION 8. The Secretary of this Commission shall transmit this resolution, together with the forms of the documents approved by this resolution, to the Common Council.

SECTION 9. This resolution shall be in full force and effect upon adoption.

Adopted this 22nd day of May, 2023.

CITY OF MISHAWAKA ECONOMIC
DEVELOPMENT COMMISSION



President

ATTEST:



Secretary

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 23-06
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2023-29
ORDINANCE NO. _____

Deborah S. Block, JAMC, MMC

JUN 14 2023

City Clerk
Mishawaka, IN

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

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

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

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

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

Parcel I: A part of the Southeast Quarter of Section 4, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows: Beginning at a point on the East line of Schumacher Drive, 229.31 feet South 0°27'35" East of the Southwest corner of Lot Numbered 5 as shown on the recorded Plat of Town and Country Estates, Section "A", as recorded in Instrument No. 7705865 in the office of the Recorder of St. Joseph County, Indiana; thence North 0°27'35" West along said East line of Schumacher Drive, 229.31 feet to the Southwest corner of said Lot 5; thence North 89°32'25" East along the Southerly line of said Lot 5, 146.52 feet to the Southwest corner of Lot 4 in said recorded Plat; thence North 52°48'39" East along the Southerly line of said Lot 4, 142.47 feet to the Southwest corner of Lot 3 in said recorded Plat; thence North 47°10'54" East along the Southerly line of said Lot 3, 90.48 feet to the Southwest corner of Lot 2 in said recorded Plat; thence North 67°57'44" East along the Southerly line of said Lot 2, 83.03 feet to the Southeast corner of Lot 1 in said Plat, said corner being on the West line of the recorded Plat of Normain Heights, as recorded in Plat Book 16, Page N in Recorder's Office; thence South 0°51'43" East along said West line of Normain Heights, 408.67 feet; thence South 89°54'42" West, 407.65 feet to the point of beginning.

EXCEPTING a parcel of property commencing at the Southwest corner of Lot 5 as shown on the recorded Plat of Town and Country Estates, Section A, as recorded in Instrument No. 7705865 in the Office of the Recorder of St. Joseph County, Indiana; thence South 00°27'35" East, 139.31 feet to the true place of beginning; thence continuing South 00°27'35" East, 90.00 feet; thence North 89°32'25" East, 75.00 feet; thence North 00°27'35" West, 90.00 feet; thence South 89°32'25" West, 75.00 feet to the place of beginning.

PARCEL II: A part of the Southeast Quarter of Section 4, Township 37 North, Range 3

Proposed Ordinance No: _____

Ordinance No: _____

East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows: Commencing at the Southwest corner of Lot 5 as shown on the recorded Plat of Town and Country Estates, Section A, as recorded on Instrument No. 7705865 in the Office of the Recorder of St. Joseph County, Indiana ; thence South 00°27'35" East, 139.31 feet to the true place of beginning; thence continuing South 00°27'35" East, 90.00 feet; thence North 00°27'35" West, 90.00 feet; thence South 89°32'25" West, 75.0 feet to the place of beginning.

COMMON ADDRESS: 2406 Schumacher & Adjacent vacant property

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as R-3 Multi-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. Existing Conditions - This area is tucked away on Schumacher Drive, off of McKinley Avenue, but abuts long standing residential developments like Normain Heights and Town & Country Estates.
2. Character of Buildings - The character of the buildings accessed from Schumacher Drive are commercial and industrial in nature, however there is residential to the north and east;
3. The most desirable/highest and best use - Because the parcel is partially zoned R-3 Multi-Family District and located near other residential uses, downzoning to the R-3 Multi-Family District is a desirable use for this property;
4. Conservation of property values - The proposed rezoning should not be injurious to property values in the surrounding area as this is a downzoning to match existing neighboring zoning; and
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as low to medium density residential, and the proposed development will be 12 units per acre.

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

Proposed Ordinance No: _____

Ordinance No: _____

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: 2406 Schumacher and adjacent vacant property

Date: April 11, 2023

Petition: 23 06

Prepared By: CH

GENERAL INFORMATION

Applicant: Freed Capital, LLC/Wightman (Terry Lang)

Status: Property Owners/Surveyor & Site Designer

Request: Rezone from C-1 General Commercial District & R-3 Multi-Family Residential to R-3 Multi-Family Residential

Zoning Classification: C-1 General Commercial District & R-3 Multi-Family Residential

Lot Size: 2.8 acres

Applicable Regulations: Sec. 137-40 Plan Commission;
Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map;
Sec. 137-215 thru 137-217 R-3 Multi-Family Residential Developmental Regulations

SPECIAL INFORMATION

Area Development Pattern: North: R-3 Multi-Family Residential (Town & Country Estates)
South: C-9 Automobile Sales (automobile sales, service & detailing)
East: R-1 Single Family Residential (Normain Heights)
West: I-1 Light Industrial (roofing wholesaler)

Thoroughfare: Schumacher Drive

School District: Penn-Harris-Madison

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

Comprehensive Plan: Low to medium density residential

ANALYSIS

The Petitioners are requesting to rezone the above referenced property from C-1 General Commercial District & R-3 Multi-Family Residential to R-3 Multi-Family Residential. The property is located at 2406 Schumacher and includes adjacent vacant property.

The property is 2.8 acres. There is an existing 1,200 square foot office building, which is proposed to be demolished. The remaining property is wooded. The northeast portion (where the retention pond is proposed) is currently zoned R-3 Multi-Family Residential.

The reason for the change is so the petitioner can build 6 four-unit residential buildings. With this petition the property owner is only seeking to establish the proper zoning for the proposed multi-family use. If approved, a site plan laying out phases of development will be required prior to the beginning of any construction or issuance of any permits. A detailed final site plan will address storm drainage, grading, utilities, landscaping, soil erosion control, and all other required improvements pertinent to the proposed development. A subdivision plat will also be required to establish all necessary easements.

Based on the proximity to single family residential homes, Planning Staff is requesting a written commitment limiting the building height standard of the R-2 Two Family District be applied, which is 35' as opposed to 120'. Planning also had questions about garages/parking spaces and number of bedrooms per unit.

The Engineering Department had no concerns with the change in zoning, however, did have comments that will need to be addressed on the subdivision and site plan. 1. Sanitary sewer shall be privately maintained and will not qualify for sewer insurance; 2. With roadway private, all maintenance (paving, plowing, etc.) would be the developer's responsibility; 3. Storm sewer easement shall be 30', not 20'; 4. Existing 10" sanitary stub is only 6' deep, so may need to be raised to provide adequate cover over pipe; 5. All proposed runoff shall be directed to proposed retention basin and be sized to handle 100 year, 24 hour storm event. This may have constraints with groundwater depths, provide Geotech report to confirm; 6. Sidewalk along Schumacher Dr within project limits shall be replaced.

Other pertinent City Departments reviewed and approved the request.

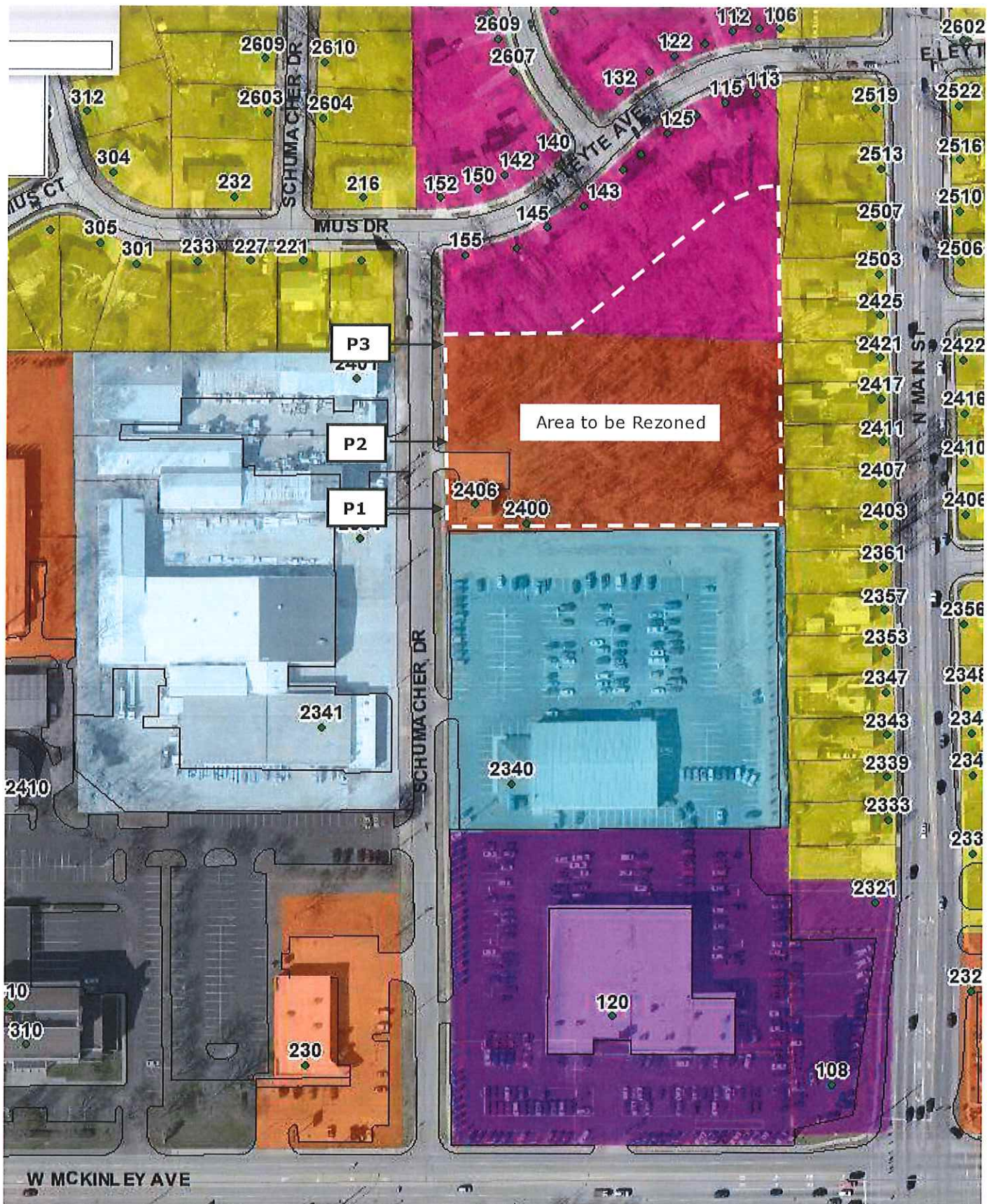
RECOMMENDATION

The Planning Department recommends **in favor** of Petition #23-06 to rezone the property at 2406 Schumacher Drive and the adjacent vacant property to R-3 Multi-Family Residential District. This recommendation is based upon the following findings of fact:

1. Existing Conditions - This area is tucked away on Schumacher Drive, off of McKinley Avenue, but abuts long standing residential developments like Normain Heights and Town & Country Estates.
2. Character of Buildings - The character of the buildings accessed from Schumacher Drive are commercial and industrial in nature, however there is residential to the north and east;
3. The most desirable/highest and best use - Because the parcel is partially zoned R-3 Multi-Family District and located near other residential uses, downzoning to the R-3 Multi-Family District is a desirable use for this property;
4. Conservation of property values - The proposed rezoning should not be injurious to property values in the surrounding area as this is a downzoning to match existing neighboring zoning; and
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as low to medium density residential, and the proposed development will be 12 units per acre.

ATTACHMENTS

PHOTOS, PETITION, SITE PLAN, AERIAL, LOCATION MAP





P1. Existing building at 2406 Schumacher (to be demolished)



P2. Parking lot and wooded area



P3: North end of the property against property facing Imus

March 22, 2023

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

PK 23-06
Received

MAR 22 2023

Planning and
Community Development

Deborah S. Block, MMC, MMC

MAR 23 2023

City Clerk
Mishawaka, IN

RE: PETITION TO REZONE

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

PARCEL I: A part of the Southeast Quarter of Section 4, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows: Beginning at a point on the East line of Schumacher Drive, 229.31 feet South 0°27'35" East of the Southwest corner of Lot Numbered 5 as shown on the recorded Plat of Town and Country Estates, Section "A", as recorded in Instrument No. 7705865 in the office of the Recorder of St. Joseph County, Indiana; thence North 0°27'35" West along said East line of Schumacher Drive, 229.31 feet to the Southwest corner of said Lot 5; thence North 89°32'25" East along the Southerly line of said Lot 5, 146.52 feet to the Southwest corner of Lot 4 in said recorded Plat; thence North 52°48'39" East along the Southerly line of said Lot 4, 142.47 feet to the Southwest corner of Lot 3 in said recorded Plat; thence North 47°10'54" East along the Southerly line of said Lot 3, 90.48 feet to the Southwest corner of Lot 2 in said recorded Plat; thence North 67°57'44" East along the Southerly line of said Lot 2, 83.03 feet to the Southeast corner of Lot 1 in said Plat, said corner being on the West line of the recorded Plat of Normain Heights, as recorded in Plat Book 16, Page N in Recorder's Office' thence South 0°51'43" East along said West line of Normain Heights, 408.67 feet; thence South 89°54'42" West, 407.65 feet to the point of beginning. EXCEPTING a parcel of property commencing at the Southwest corner of Lot 5 as shown on the recorded Plat of Town and Country Estates, Section A, as recorded in Instrument No. 7705865 in the Office of the Recorder of St. Joseph County, Indiana; thence South 00°27'35" East, 139.31 feet to the true place of beginning; thence continuing South 00°27'35" East, 90.00 feet; thence North 89°32'25" East, 75.00 feet; thence North 00°27'35" West, 90.00 feet; thence South 89°32'25" West, 75.00 feet to the place of beginning.

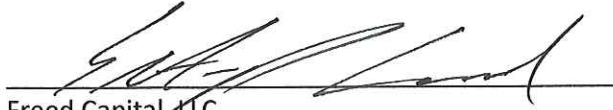
PARCEL II: A part of the Southeast Quarter of Section 4, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows: Commencing at the Southwest corner of Lot 5 as shown on the recorded Plat of Town and Country Estates, Section A, as recorded on Instrument No. 7705865 in the Office of the Recorder of St. Joseph County, Indiana; thence South 00°27'35" East, 139.31 feet to the true place of beginning; thence continuing South 00°27'35" East, 90.00 feet; thence North 00°27'35" West, 90.00 feet; thence South 89°32'25" West, 75.0 feet to the place of beginning.

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of Commercial C-1 District. Said property is currently a vacant wooded lot.

Petitioner desire said real estate to be rezoned to Residential R-3 District.

Petitioner further state that they intend to utilize said land for multi family units with access provided by a private street accessing Schumacher Drive.

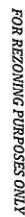
Wherefore, the Petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

A handwritten signature in black ink, appearing to read 'Seth Freed', is written over a horizontal line.

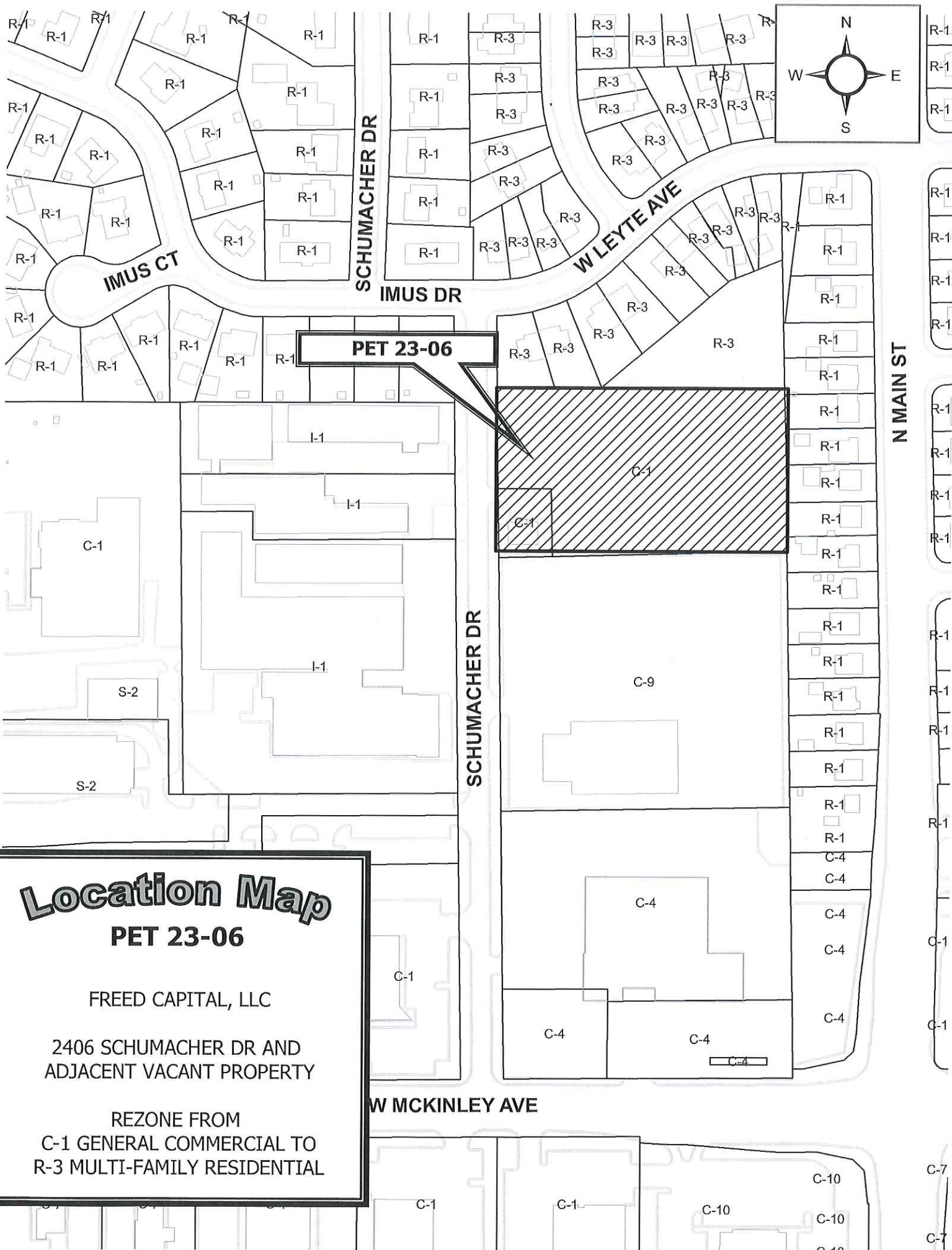
Freed Capital, LLC
Seth Freed, Member
131 E. Borley Avenue
Mishawaka, Indiana 46545
989-415-7607; 260-234-1965
sfreed@pellani.com

CONTACT PERSON:
Wightman c/o Terry Lang, PS
715 S. Michigan Street
South Bend, Indiana 46601
574-233-1841
tlang@gowightman.com

Pls 23-00



 WIGHTMAN 714 S. WYOMING ST. SOUTHFIELD, MI 48033 574.233.1541 www.wightman.com	PROJECT NAME: REZONING PETITION	FREED CAPITAL, LLC C/O SETH FREED 10000 W. 10TH AVE. MINNEAPOLIS, MN 55435
PERMITS: THE FOLLOWING PERMITS, ORDINANCES AND RULES HAVE BEEN REVIEWED AND FOUND TO BE IN CONFORMANCE WITH THE CITY OF SOUTHFIELD ORDINANCES, RULES AND REGULATIONS: ZONING: C-2000 SUBDIVISION: 10-10 GRADING: 10-10 CHECKED BY:		
DATE: 02/07/2012		



Location Map

PET 23-06

FREED CAPITAL, LLC

2406 SCHUMACHER DR AND
ADJACENT VACANT PROPERTY

REZONE FROM
C-1 GENERAL COMMERCIAL TO
R-3 MULTI-FAMILY RESIDENTIAL

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2023-30

ORDINANCE NO.

HPC # 23-01

Deborah S. Block, IAMC, MMC

JUN 14 2023

City Clerk
Mishawaka, IN

**AN ORDINANCE TO ESTABLISH 124 SOUTH RACE STREET
AS A LOCAL HISTORIC LANDMARK
WITHIN THE CITY OF MISHAWAKA, INDIANA.**

WHEREAS, Chapter 125 of the Municipal Code provides for the establishment of Historic Districts within the City of Mishawaka, and

WHEREAS, the owner of 124 S. Race St., which is listed as Outstanding in the 1995 Survey wishes to preserve and protect their home by establishing it as a Local Historic Landmark, and

WHEREAS, the Historic Preservation Commission held a public hearing on June 6, 2023 for the purpose of allowing discussion and public comment on the proposed designation of 124 S. Race St. as a Local Historic Landmark, and

WHEREAS, a Staff report, application, supporting documentation, Preservation Guidelines and Location Map are attached.

WHEREAS, the Commission voted to forward the request to the Common Council with a favorable recommendation.

SECTION 1: The property is commonly described as 124 S. Race Street, and is legally described as follows:

The southern 60.5' of Lot 4 and additional 12' of vacated Race St adjacent to Lot 4 & the southern 60.5' of the west half of Lot 2 in the Original Plat St Joe Iron Works, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

Tax Key Number: 016-1012-050601

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, COUNTY OF ST. JOSEPH, STATE OF INDIANA, THAT the above reference property be designated as the Eberhart-Sullivan House, a Local Historic Landmark.

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 p.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, CMC, City Clerk

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

Deborah S. Block, IAMC, CMC, City Clerk

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

David A. Wood, Mayor

CITY OF MISHAWAKA HISTORIC PRESERVATION COMMISSION

Staff Report for 124 S. Race Street Designation as a Local Landmark City of Mishawaka, Indiana



Google Street View from South Race Street



Google Street View from East Third Street

CITY OF MISHAWAKA HISTORIC PRESERVATION COMMISSION

Name of Landmark: Eberhart-Sullivan House

Location of Landmark: 124 S Race Street

Legal Description: The property is legally described as: the southern 60.5' of Lot 4 and additional 12' of vacated Race St adjacent to Lot 4 & the southern 60.5' of the west half of Lot 2 in the Original Plat St Joe Iron Works, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

Property Owner: Robert Sullivan

Guidelines of the District
Attached as Exhibit C.

Map of the District.
Attached as an appendix in Exhibit D.

Reasons for Historic District Designation:

The 1995 Indiana Historic Sites and Structures Inventory identified the house at 124 S Race as Outstanding in the Beiger Historic District. Identified as a bungalow, called the Eberhart House, was built circa 1900. Tax records indicate a building date of 1895 and the homeowner's research has a date of 1892. Pictures submitted with the application show the house was existing in 1903.

It sits at the northeast corner of South Race Street and East Third Street. The Dodge Old People's House, landmarked in 1997 is directly east. The Beiger Mansion, which has been on the National Register from 1973 is northeast of this house. The Main branch of the Mishawaka-Penn-Harris Library is west, across South Race Street. While not a landmark, it was originally the post office, and preserves that on the exterior.

Built as a home for James Clarence Eberhart, Jr, the son of Adolphus Eberhart, a founder of Mishawaka Woolen Company (which became Ball Band and later Uniroyal). It was sold by the Eberharts in 1907, and over the years was converted into apartments and businesses (as seen in the 2004 file picture).

A note was made in the tax records for 2011/2012 that the house was in poor condition. Luckily for Mishawaka, Bob and Faye Sullivan purchased the home in 2012 and began improvements. It became their single family home and Faye also operated His Majesty's Victorian Tea Shop out of the home.

Faye Sullivan was appointed to the Historic Preservation Commission in 2015 because the Mayor would drive by the house on his commute to City Hall and appreciated the work that was going into it. After Faye's passing in 2022, Bob was appointed to the vacancy on the Commission.



File photo from 2004, when it was a religious gift shop.

Recommendation

The staff recommends in favor of creating a Local Landmark at 124 S. Race based on the following reasons:

1. **Architecture/Design** – Rated as Outstanding in the 1995 Historic Sites and Structures Survey. Brick and on the first floor and slate facing on the second story, the large front porch has been there since the beginning. From being noted as being in “poor condition” in the 2011/2012 tax records, the Sullivans spent 3 ½ years refurbishing the house, which included the addition of a garage modeled in the historic nature of the home.
2. **People** – The Eberhart family was a well known name in Mishawaka during the late 1800’s. Adolphus Eberhart (highlighted in the Founders Circle) joined Mishawaka Woolen Manufacturing in 1878 with Martin Beiger. This company eventually became Ball-Band and later Uniroyal. James, the oldest child, who lived in the house from 1892 to 1906, also worked at the company from age 18 until he retired in 1903.



MISHAWAKA
HISTORIC
PRESERVATION
COMMISSION

HISTORIC DISTRICT/LANDMARK NOMINATION APPLICATION

Received
MAY 03 2023
Planning and
Community Development

An application for nomination of a historic landmark may only be submitted by the owner of record of the nominated site. Applications and supporting documentation should be provided to: Mishawaka Department of Planning and Community Development, 100 Lincolnway West, Mishawaka IN 46544 (574)258-1625.

APPLICANT/OWNER OF RECORD

Name(s): Robert F. Sullivan

Address: 124 South Race Street

MISHAWAKA, IND 46544

Signature of Owner: Robert F. Sullivan

Street Address of Property, if different from above: _____

The legal description of the property (from deed):

Please provide a written statement describing the structure, building, site and setting forth reasons in support of the proposed designation, including a list of significant exterior architectural features that should be protected.

Cite the specific criteria (there may be more than one) under which you are seeking historic designation (see list attached). Attach additional information if necessary.

Provide the following information:

- Written documentation and evidence establishing that the Applicant is the current owner of record of the nominated property and consents to the proposed historic designation. Such documentation or evidence of record ownership shall include the most recent available title policy in the name of the Applicant or other evidence of record ownership acceptable to the City Planner.
- An overall site plan and front, side and rear photographs of the property. Restoration methods, material samples, etc., if applicable.
- Such other relevant information as requested by the Planning Department or the Commission.
- A list of all property owner of record within 300 feet of the subject property, provided by Planning Staff (574) 258-1625.
- Business size (4 1/2" by 9 1/2"), stamped envelopes addressed to all property owners on the list from the Auditor's office. Do NOT put your return address on the envelopes. If using a stamp meter, do not date.

Preservation Objective

The subject structure, exterior features of the site, and architectural and historic character shall be preserved as a significant resource of Mishawaka and St. Joseph County according to the standards set forth above. The Eberhart home is identified and designed as a single site in the Mishawaka Historic Preservation District.

Exhibit A

Description

The Eberhart Home was constructed in 1892 for James Clarence Eberhart Jr., the oldest of four Eberhart children. James, the oldest son of Adolphus and Sara Eberhart, one of the oldest and most respected families in Mishawaka. The Queen Anne style home is located at 124 South Race Street. The two story home is built of brick on the first story and slate facing on the second story on a granite foundation.

The Eberhart Home is a two story structure with porches on both the front and back of the home. The primary facade of the home faces Third Street and the main entrance faces Race Street, and is located at the Northwest corner of Race and Third Streets. Prominent features include a large front porch for entertaining guests, beautiful planter beds, trees, a large 10' fountain and a decorative iron fence.

The home today includes a grand entry into a large oak foyer with a baby grand piano, and a beautiful, elaborate staircase leading to the second floor. The parlor includes Victorian furnishing to comfort residents and guests so they can relax and enjoy the surroundings. A dining room is adjacent to the parlor and includes a large fireplace with beautiful oak floors. The details of each room goes beyond the furnishings, as you see the details in the wallpapers, fancy trim and crown molding, ornate ceiling medallions, and the chandeliers. At the back of the first floor today you'll find a mother-in-law suite, and a beautiful copper crested ceiling in the ruby red kitchen. On the second floor you'll find a master bedroom suite, and dressing room. Along with a setting room at the top of the stairs, an entertainment room, an office, two bathrooms and a small kitchen/laundry room.

*Attached please find (2) photographs of the front and south side of the Eberhart home in 1903, (2) photographs from 2012 when the Sullivan's purchased the home, and (2) photographs from 2023 when the Sullivans completed the landscaping with flower beds, shrubs, flower trees, bushes, an addition of a two story attached garage modified to match the house and decorated beautiful with the iron fence and gates.

1903



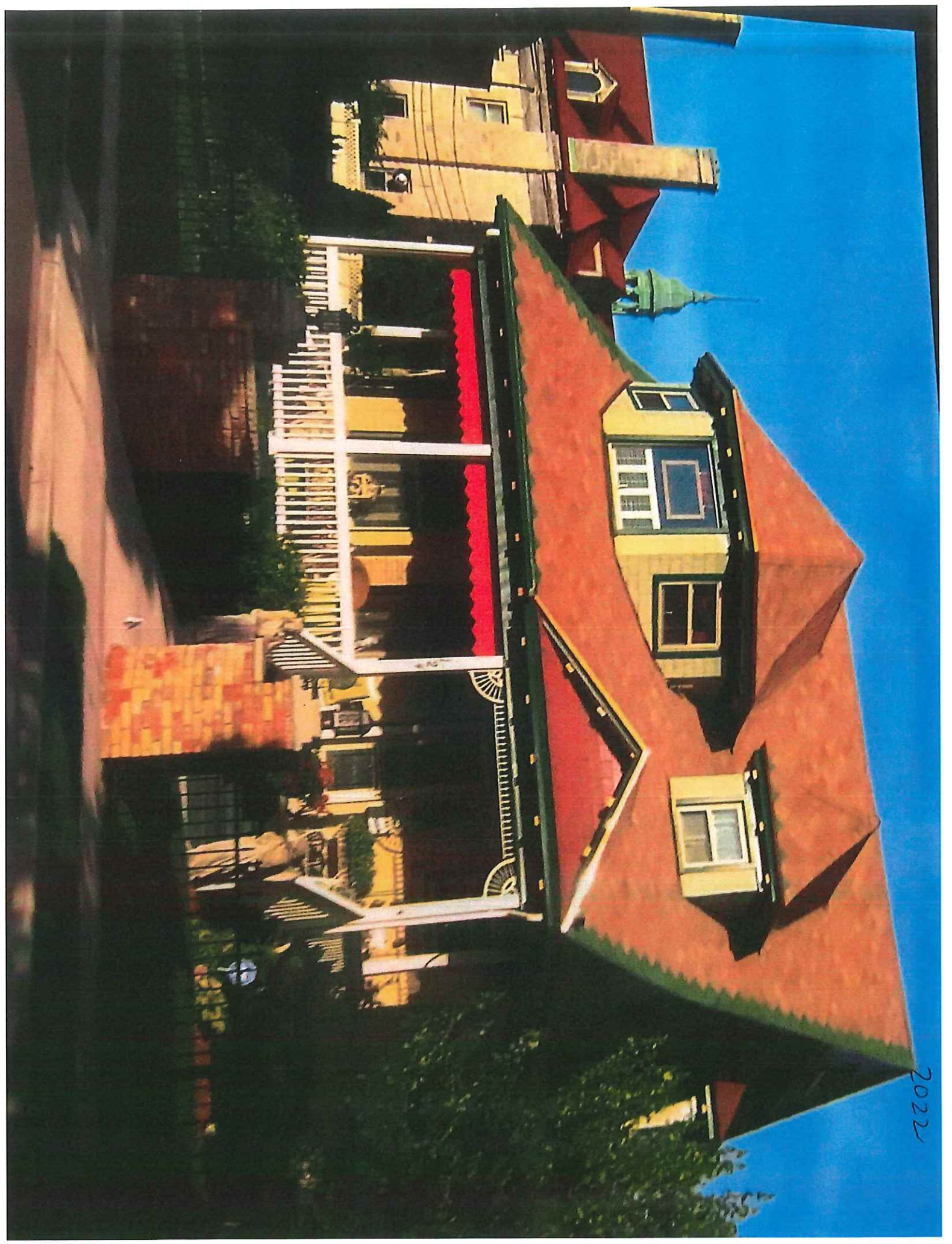
1903





2012





2022

2022

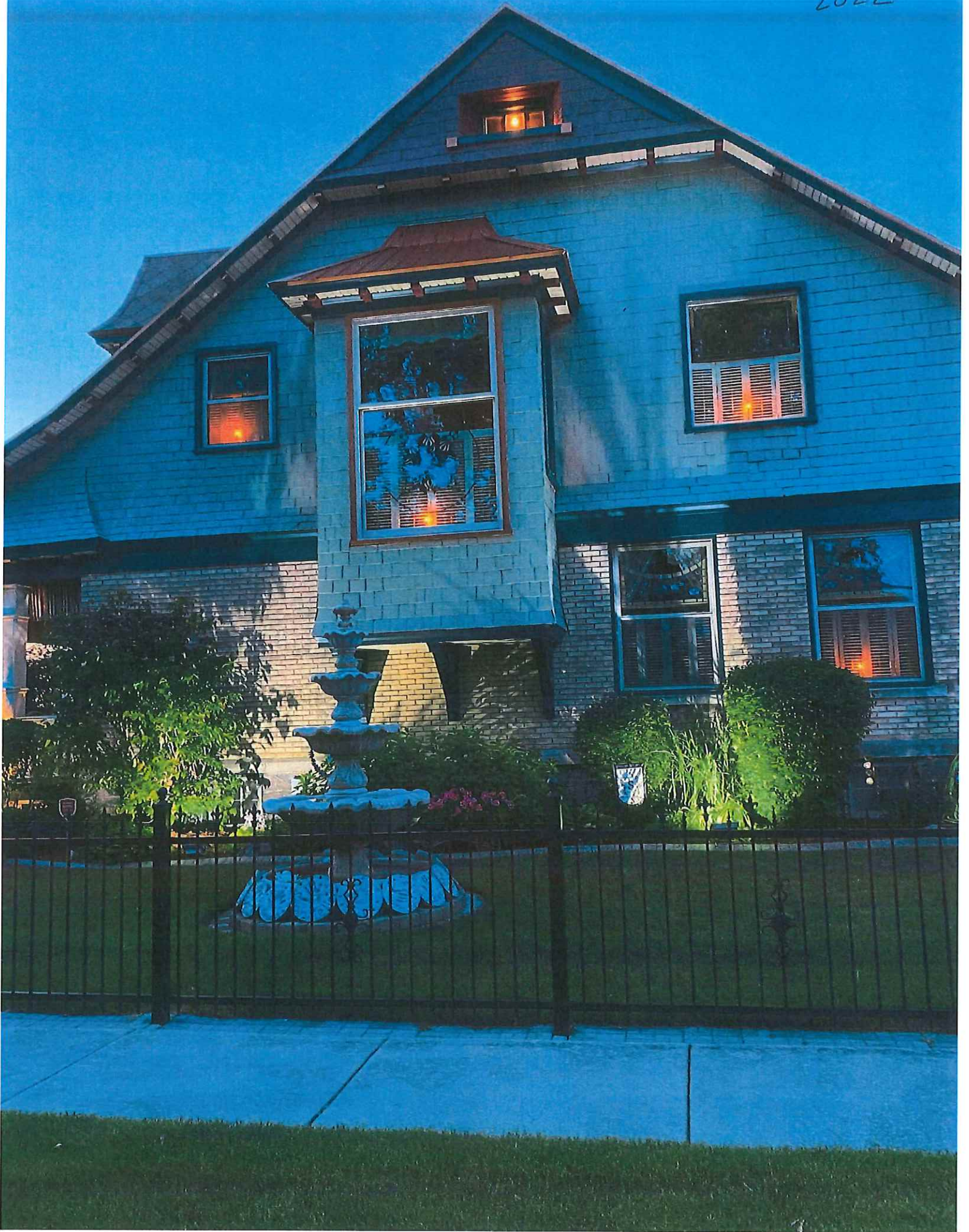


Exhibit B

History

In 1892 the Eberhart Home was constructed for James Clarence Eberhart Jr., the son of Adolphus and Sara Eberhart, one of the oldest and most respected families in the city. The Queen Anne style home is located at 124 South Race Street. The two story home is built of brick and slate on a granite foundation with a large Victorian front porch.

Adolphus Eberhart and the late M.V. Beiger invented and patented the famous Red Ball Knit Boot which became the foundation and beginning of the Mishawaka Woolen Company. James Eberhart worked at the company for his father at the age of 18 and later became the secretary of the company up until he retired in 1903.

James Eberhart, a very popular man in the city and a large stockholder of the Mishawaka Woolen Company, was united in marriage with his bride Miss Mary De Groote on December 28, 1901 at the home of James' sister in Nebraska. After their wedding and extended trip out west, they returned to his residence at 124 South Race Street in Mishawaka and lived there until 1906.

In 1906 James Eberhart constructed a new palatial home at 773 Lincoln Way East where he and his wife lived until his death on February 2, 1915 (now Eberhart/Major House). After James death, his wife, the former Mary De Groote, two brothers E.G. Eberhart, F.G. Eberhart, and sister R.S. Grimes of Nebraska had the Methodist Church constructed on the corner of Church Street and Third Street as a memorial to their worthy parents. The beautiful church and chime of bells are among the most noted in Northern Indiana and constitute a lasting monument to the family name.

The Eberhart Home was sold in 1907 and became home to several families until it was converted into multiple apartments and businesses in the 1990's (doctors office, lawyers office, and lastly a Christian gift shop). The Sullivan's purchased the home in 2012 and spent 3 ½ years refurbishing both the inside and the outside of the home and it is now their residence.

JUN 14 2023

RESOLUTION NO. 2023-14

City Clerk
Mishawaka, IN

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

Northeast Corner of E McKinley and Maplehurst, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at the **northeast corner of E McKinley and Maplehurst, Mishawaka, Indiana**, more particularly known and described as follows:

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, 311.14 FEET TO THE PLACE OF BEGINNING,.

The Use Variance will to allow a self storage facility in the C-4 Automobile Oriented Commercial District.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

1. The use of the temporary asphalt and gravel parking areas for semi-trucks and trailers shall be limited to not more than 5 years.
2. Other than parking of semi-trucks and trailers, no other outside storage, including but not limited to automobile parts or vehicles in various states of disrepair, or storage containers, shall be permitted on the property.
3. If a building is not constructed within a 5 year period, the gravel parking areas shall be reverted back to green space.
4. An Administrative Site Plan shall be submitted for review and approval consistent with the preliminary site plan.

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. The proposed self-storage facility will be compatible with several businesses in the area and will not affect the adjacent commercial uses. The requested developmental variances will also not be injurious to the public or adjacent uses, and are being requested to provide additional security for the property and allow for the maximum development potential while not requiring unneeded parking.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Compatible commercial uses are currently adjacent to and in close proximity to the site. The requested developmental variances will also not affect the use or value of the adjacent properties. The investment in the property will likely have a positive impact on surrounding properties.
3. The need for the use variance arises from some condition peculiar to the property in that the proposed C-4 Automobile Oriented Commercial zoning does not allow the proposed self-storage facility. Planning Staff instructed the appellant to request the commercial zoning for the property since an industrial zoning, which would permit the self-storage facility by right, would also permit other higher intensity non-compatible uses.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought and result in practical difficulties in the use of the property. The commercial zoning of the property will not allow the development of the proposed use. Self-storage facilities are only permitted within the industrial zoning districts. The developmental variances will allow for greater security and maximize the development potential of the property.
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Mishawaka 2000 Comprehensive Plan, created in 1990, identified a preferred land use of the subject property as open space. The plan does not reflect subsequent changes in the adjacent land use patterns from the mid-1990s to the early 2010s which permitted commercial uses to the west, north, and east. The proposed use is reasonably consistent with the goals and objectives of the plan and existing adjacent land uses.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Kenneth B. Prince, ASLA, AICP, Executive Director

June 15, 2023

Deborah S. Block, AMC, MMC

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

JUN 14 2023

City Clerk
Mishawaka, IN

Re: Fiscal Plans and Approving Resolutions for proposed Ordinances to Annex and Zone property into the City of Mishawaka: 15793 E University Dr – north side of East University Drive approximately 950' east of Main Street

Dear Council Members and Clerk:

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

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

Staff will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on June 19, 2023.

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

Sincerely,

Christa Hill
Senior Planner

cc: David A. Wood, Mayor



City of Mishawaka

*Cass Road LLC
15793 E University Drive
Annexation*

*Property located on the north
side of East University Drive,
approximately 950 east
of Main Street*

June 2023

Prepared by:
City of Mishawaka
Department of Planning
100 Lincolnway West
Mishawaka, IN 46544

Phone: (574) 258-1625
Fax: (574) 968-6999
E-mail: planning@mishawaka.in.gov

CASS ROAD LLC
15793 E UNIVERSITY DR
ANNEXATION FISCAL PLAN

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Annexation Fiscal Plan

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

THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 27,
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TAB A- CITY OF MISHAWAKA **ANNEXATION POLICY**

CITY OF MISHAWAKA ANNEXATION POLICY

GENERAL POLICY

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

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

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

IMPACT OF ST. JOSEPH COUNTY GROWTH

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

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

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

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

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

STATUTORY LIMITATIONS

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

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

IMPLEMENTATION OF POLICY

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

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

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

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

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

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

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

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

SUMMARY

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

Annexation Fiscal Plan

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
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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
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EAST, 333.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TAB B- BASIC DATA & FISCAL
ANALYSIS

BASIC DATA & FISCAL ANALYSIS

A. LOCATION AND SIZE

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

APN/Parcel ID(s): 71-04-27-103-007.000-011
THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 27,
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333.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

COMMON ADDRESS: 15793 E University Drive, Granger, IN 46530

Annexation Area

The area to be annexed includes one parcel of land (Parcel ID 006-1012-0147) located north side of East University Drive approximately 950' east of Main Street. The parcel has approximately 333' of frontage on University Drive and is vacant wooded property. The parcel has 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. The remaining adjacent properties are located in unincorporated St. Joseph County. The property is currently zoned "R" Single Family District within unincorporated St. Joseph County. If annexed, the property will be zoned C-1 General Commercial District, with plans to develop a two tenant commercial building.

Contiguity with the Existing City Limits

The property to be annexed into the City totals 5.04 acres excluding the right- of-way. The external boundary of the annexation area measures 1,998 linear feet with 1,332 linear feet being contiguous with the current corporate boundary of the City of Mishawaka. The border of the contiguous area is 66% of the total external boundary. This is in excess of the minimum 12.5%, or 1/8, of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

B. TOPOGRAPHY AND EXISTING USE/IMPROVEMENTS

The property primarily slopes from the northwest corner to the south and east. Per the generalized two (2) foot contour topographic maps, elevations range from approximately 778 at the northwest corner to 756 feet moving southeast to the existing drive.

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is currently zoned R Single Family District within unincorporated St. Joseph County and is mostly wooded vacant property. If the Mishawaka Common Council approves the annexation request, the area will be zoned to the C-1 General Commercial District.

D. ASSESSMENT

The territory to be annexed consists of two (2) parcels of property. The Land and Improvement Valuations shown below are based upon current GIS parcel data:

Tax ID Number	Property Owner	Number of Acres*	Land & Imp. Valuation
006-1012-0147	CASS ROAD LLC	5.04 ACRES	\$23,900

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

E. CURRENT TAX RATE

The City's tax rate 2022 payable 2023 was \$1.8575 per \$100 of assessed valuation. For property owners in Clay Township, in which this proposed annexation is located, the total taxes will be \$3.6541 per \$100 of assessed valuation. Property owners in this area currently pay \$1.9525 per \$100 of assessed valuation. These rates are based on the best information available at the time this plan was prepared. Actual tax rates may vary.

Tax District	Existing Tax Rate	Tax Rate after Annexation
Harris Township	1.9525	3.6541

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

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

2001	\$5.5007 ¹
2000	\$5.2417

¹ Change in Tax Code

F. NEW ADDRESSES

If the proposed annexation is approved, the property will be zoned C-1 General Commercial District. A preliminary site plan shows the development of a two tenant commercial building. The property shall be developed in accordance with the requirements of the City of Mishawaka Zoning Ordinance. An address will be assigned by the City of Mishawaka Engineering Department when the property is developed.

G. DETERMINATION OF SERVICE STANDARDS AND COSTS

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

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

Given that no consequential additional expenditures are anticipated, the itemization of costs associated with providing each service is not possible relative to the annexation area. However, to document that funds have been approved and are available for the services identified, a copy of the approved year 2023 City budget has been attached to the Summary of Service Report for each applicable non-rate supported department. These budgets identify the costs for personnel, equipment, repairs, and other expenditures anticipated for the budget year. Budgets for any department are available for the review of the public upon request at City Hall.

H. TERMS AND CONDITIONS

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

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

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

Analysis:

The property proposed to be annexed is a vacant wooded parcel. If the annexation is approved, the owner has plans to develop a two tenant commercial building, valued at \$12,000,000.

The current and future political subdivisions and their associated tax rates were determined by the geography of the property and the attached "Tax Rate Chart for the year 2022 payable 2023. (See Tab "D" / Appendix "C".) This chart is provided by the St. Joseph County Auditor's Office.

Current property assessed valuation:

\$23,900

Future anticipated property assessed valuation:

\$12,000,000

Current Property Taxes Generated from the Property:

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

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

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

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

Prior to annexation: \$467

Following annexation: \$360,000

Political Subdivisions before Annexation:

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

- St. Joseph County (30.7%) - \$143.36
- Harris Township (13.5%) - \$63.05
- PHM School Corporation (47.5%) - \$221.83
- Mishawaka Penn Harris Public Library (6.3%) - \$29.42
- Airport Authority (2%) - \$9.34

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

The current tax rate of all of these entities combined is 1.9525%.

The tax rate will increase to 3.6541% upon annexation to the City, however, the other tax cap rate including the exempt rate is set at 3%. The revenue will increase significantly when the site is developed given the amount of investment. Thus, the distribution of property tax revenue will decrease for existing taxing entities based on getting a smaller percentage of revenue when the City tax rate and to a very minor extent, the South Bend Transpo rate is added to the overall rate. The following estimate is based on the property being development shortly after annexation. Significant revenue increases are anticipated for all taxing units once the property is developed.

Political Subdivisions following Annexation:

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

- St. Joseph County (16.4%) - \$59,040 (+\$58,896.64 per year)
- Harris Township (0.2%) - \$720 (+\$656.95 per year)
- PHM School Corporation (25.4%) - \$91,440 (+\$91,218.17 per year)
- Mishawaka Penn Harris Public Library (3.4%) - \$12,240 (+\$12,210.58 per year)
- Airport Authority (1.0%) - \$3,600 (+\$3,590.66 per year)
- South Bend Transpo (2.8%) - \$10,080
- City of Mishawaka (50.8%) - \$182,880

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

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

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

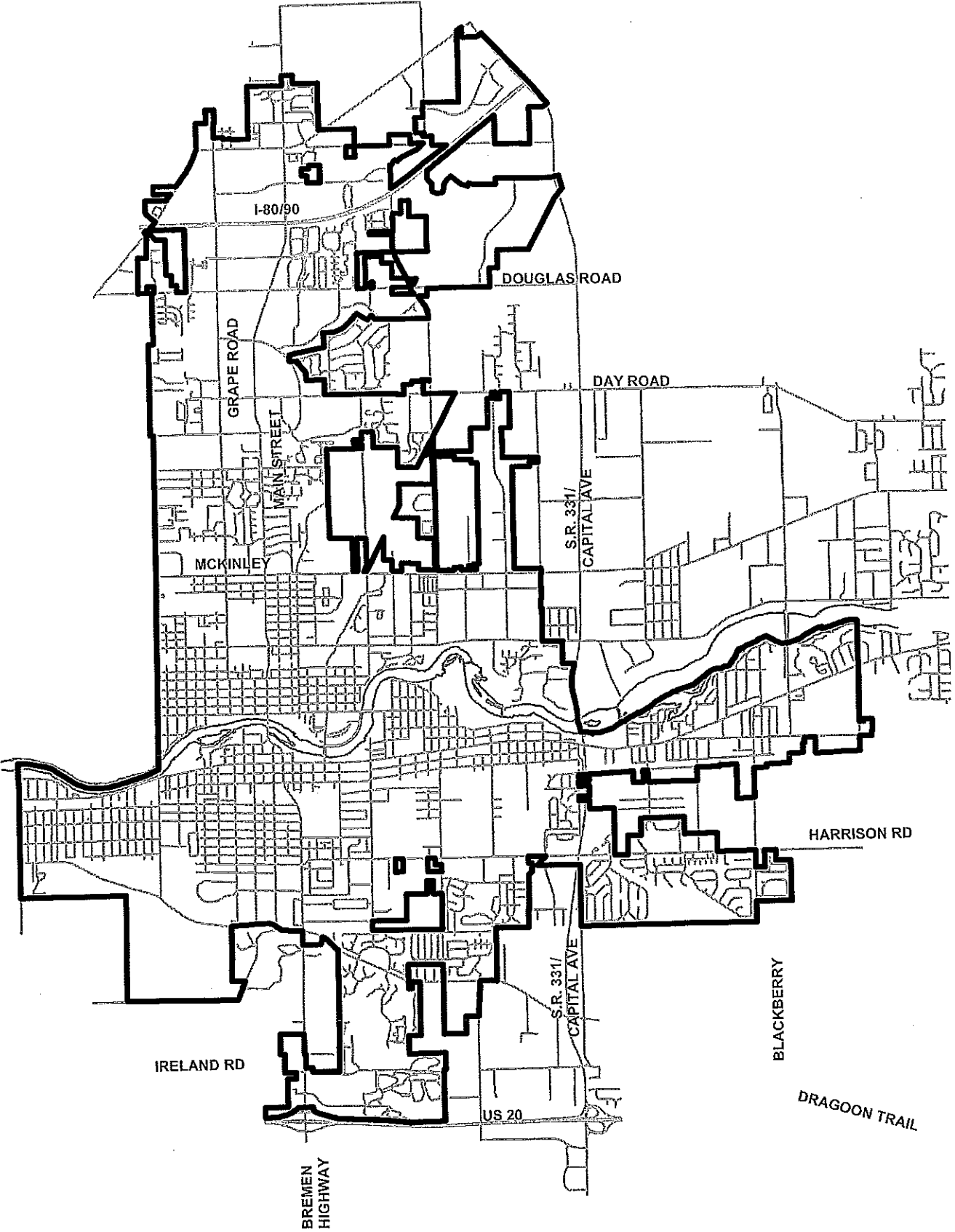
- | | |
|--|-----------|
| • St. Joseph County | \$236,160 |
| • Harris Township | \$2,880 |
| • PHM School Corporation | \$365,760 |
| • Mishawaka Penn Harris Public Library | \$48,960 |
| • Airport Authority | \$14,400 |
| • South Bend Transpo | \$40,320 |
| • City of Mishawaka | \$731,520 |

J. ASSUMED INDEBTEDNESS & COUNTY INFRASTRUCTURE REIMBURSEMENT

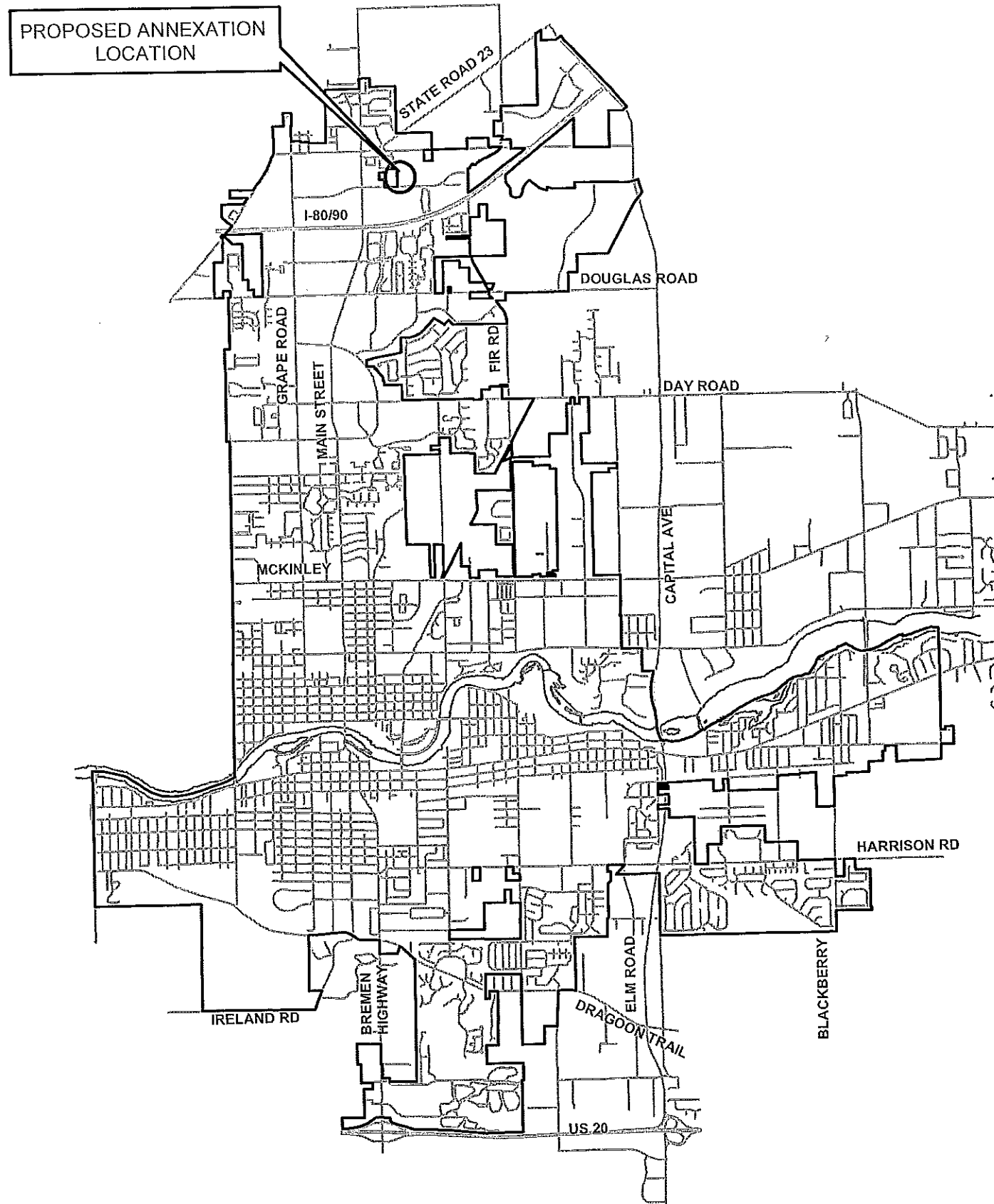
Pursuant to I.C. 36-4-3-4.2 under certain circumstances the City would be required to assume a portion of indebtedness as it would pertain to the proposed annexation area. Specifically, this would be required if the County had used property tax revenue to repay debt used to build infrastructure within the annexation area, or if income tax was being generated from the property in question that was being used to pay off applicable county wide debt that would now be allocated to the City upon annexation.

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

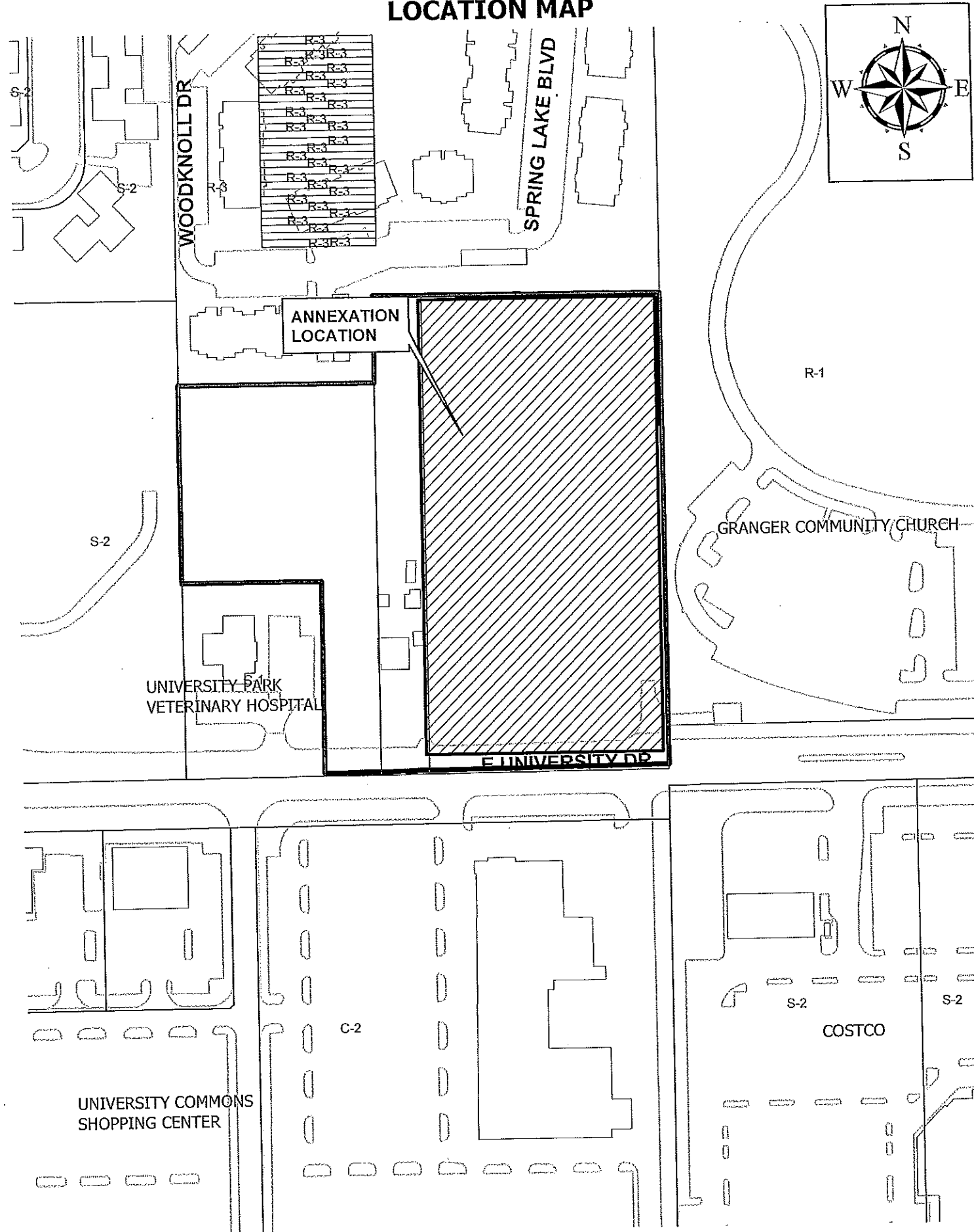
MAP OF EXISTING CITY LIMITS



MAP OF PROPOSED CITY LIMITS



LOCATION MAP





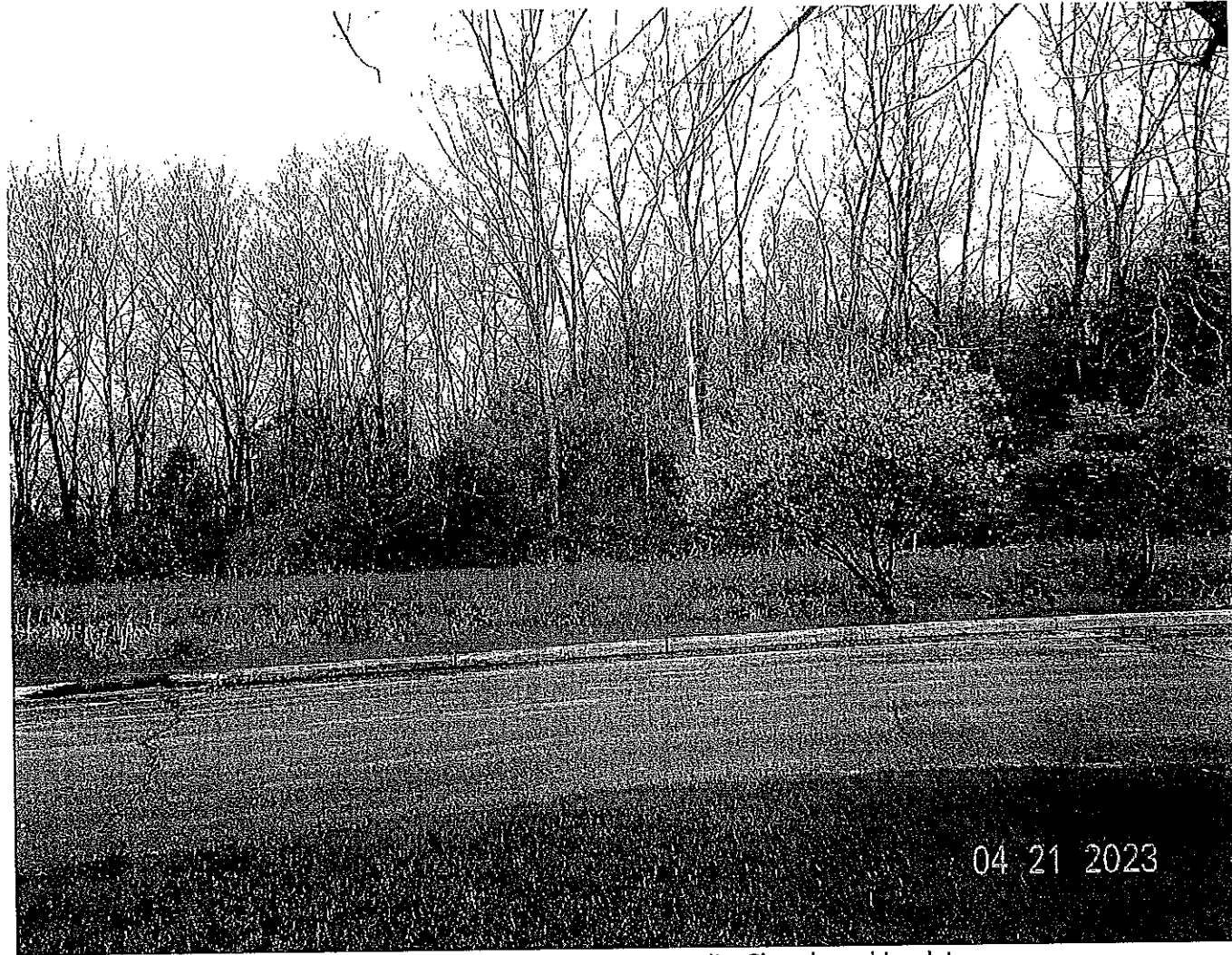
A view due north from University Crossings Shopping Center



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:

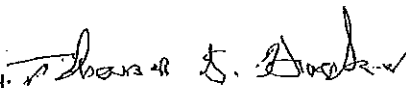
APN/Parcel ID(s): 71-04-27-103-007.000-011
THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 27,
TOWNSHIP 38 NORTH,
RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS
DESCRIBED AS:
BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE
NORTHWEST QUARTER
OF 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.

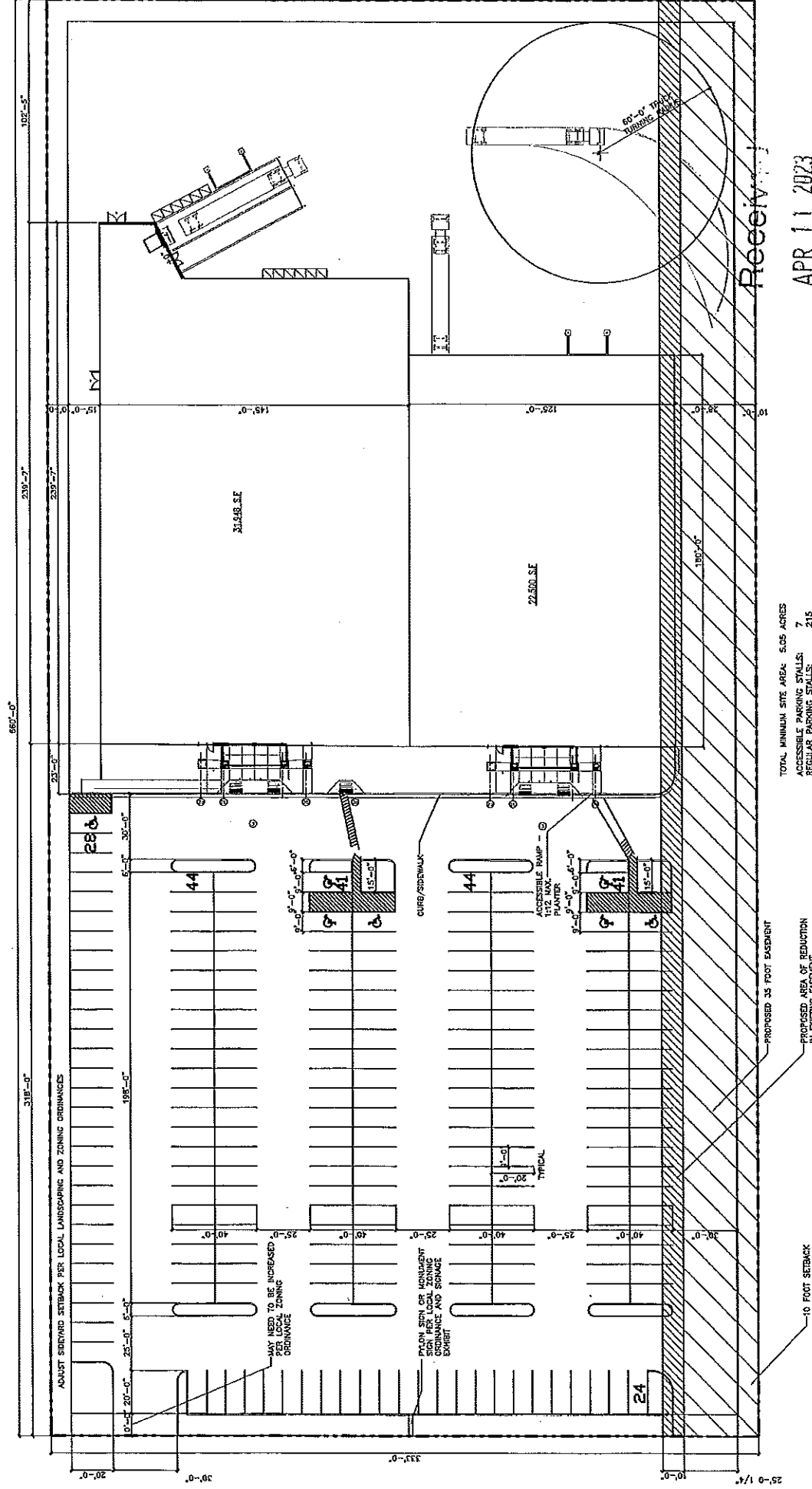
I would also like to change our request to C1 commercial zoning. We designed the site per C1 guidelines but inadvertently requested C2 commercial.

If you have any questions, feel free to call

A handwritten signature in black ink, appearing to read "Dave Holzem", with a stylized flourish at the end.

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



TOTAL MINIMUM SITE AREA: 5.05 ACRES
 ACCESSIBLE PARKING STALLS: 7
 REGULAR PARKING STALLS: 215
 TOTAL PARKING STALLS: 222
 TOTAL PARKING AT 4/1000SF: 218

APR 11 2023

Planning and
Community Development

PET 23-09

Annexation Fiscal Plan

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.

TAB C- SUMMARY OF SERVICES

SUMMARY OF SERVICES

The City of Mishawaka, known as the Princess City, was incorporated in 1833 with only a few hundred residents. Now, with an estimated population of over 51,000 present-day Mishawaka is continuing to grow. From the bustling Grape Road corridor to the quiet paths of the Shiojiri Garden at Merrifield Park, the city offers residents a comforting sense of community where people like to live, work and raise families.

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

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

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

Instead of dealing with septic systems, property owners can tap into lines provided by Mishawaka Utilities Wastewater Division. The Division has a plant staffed 24 hours a day, and maintenance technicians are available at all times to respond to emergencies. The City's sewer insurance program provides sewer coverage for each single-family residential homeowner on the public sewer system for a small monthly fee, paid with the Mishawaka Utilities bill. With this program, the homeowner is protected from paying the cost of catastrophic sewer repairs outside the home. A \$42 million expansion of the wastewater treatment plant was completed in June 2008. From 2013 to 2020, capital improvements to the wastewater system were made including the replacement of four lift stations, three emergency generators, and final clarifier troughs. Additional plant and system improvements with a focus of implementing the Combined Sewer Overflow Long Term Control Plan are planned in the upcoming years.

The City's water rates have traditionally been among the lowest in the state. The Water Division completed a \$26 million capital improvement project in 2003. Several improvements to the overall system were made including the addition of a new well field, the replacement of water mains, and the extension of services to some areas that previously did not have water service. In late 2019, a new 2 million gallon reservoir went online with the rehabilitation of the old 3 million gallon tank occurring throughout 2020. The 3 million gallon tank went online in January 2021. Current improvements underway include a new water treatment facility and well field along Veteran's Parkway near Juday Creek and a new 1.5 million gallon elevated tank in the north part of the City. Construction began in 2021 with both projects anticipated to come online in summer 2023. Planned future improvements include the replacement of the storage reservoir at the Virgil Treatment Plant originally constructed in 1923.

Another service provided by Mishawaka Utilities is the distribution of electricity. Although Mishawaka Utilities does not generate or produce power, electricity is purchased at a wholesale rate and is distributed by Mishawaka Utilities. Mishawaka Utilities is not supported by tax dollars, but rather through revenue generated by the sales of electricity to its consumers.

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

Mishawaka has a full-time Fire Department, with four stations. The Department maintains a Class 2 fire rating with the Insurance Services Office (ISO) rating improving from a Class 3 rating in November 2019. The City nearly received a Class 1 rating of which there are only five in the State of Indiana. It is expected that a Class 1 rating will be achieved during the next reevaluation. The lower the rating, the lower a resident's homeowner's insurance will be. Additionally, the department's response time is excellent, and fire trucks arrive within six minutes on average to a call.

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

The City's EMS Department is a centralized system that responded to approximately 10,700 calls in 2022. The City, with its population of over 51,000, responds to about 50% more calls than the County ambulance service does, with its population of over 120,000 residents spread over a much larger area. The business of "saving lives" has a very narrow window of four to six minutes, so the quicker an ambulance can respond, the more likely a life will be saved.

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

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

Additionally, residents of the City of Mishawaka have access to all three branches of the Mishawaka-Penn-Harris Public Library. The Main Branch on Church Street in downtown Mishawaka, the Bittersweet Branch on the City's east side, and the Harris Branch on Elm Road in Granger.

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

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

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

ELECTRIC SERVICE

Services and Rates

Mishawaka Utilities – Electric Division *currently serves the proposed annexation area as it is already in our franchise boundary.*

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

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

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

Personnel

Mishawaka Utilities – Electric Division has a staff of 27 employees. The Division, under the direction of the Electric Division Manager, is divided into the departments of engineering, construction, metering and operations:

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

Description of Services

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

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

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

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

Costs Associated with Services

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

Electric

Revenue

6301.00		
361.00	Interest Income	39,000.00
371.12	Residential Sales	16,880,100.00
371.14	Commercial Sales	3,430,284.00
371.18	Customer Charge	1,995,348.00
371.20	Customer Sales - Municipal Sales	1,099,975.00
371.22	Customer Charges - Municipal Sales	49,397.00
371.23	Outdoor Protective Lights	163,621.00
371.24	Commercial Heating	100,060.00
371.28	OPL - Municipal	32,920.00
371.29	Commercial Power	18,319,313.00
371.33	Commercial Primary Power	394,455.00
371.35	Power Transformers Owned	2,534,208.00
371.39	I&M Municipal	82,978.00
371.40	Industrial Power Service	5,075,627.00
371.41	School Service	820,938.00
371.42	PJM Transmission Adjustment	7,040,723.00
373.11	Municipal Street Lighting	473,261.00
380.10	Penalty	309,000.00
381.05	Construction	25,000.00
381.12	Reconnect/Service Charges	128,000.00
381.14	Overhead or Underground Lines	224,000.00
381.15	Transformers	40,000.00
381.16	Street Lights	32,000.00
381.21	Sale of Scrap Metal	16,000.00
381.23	Turn on Electric	168,000.00
381.30	Cablevision	1,350.00
381.40	Operational Revenue	300,000.00
391.06	B.O. Shared Expense Reimbursement	837,952.00
		60,604,510.00

1 Personal Services

6301.55

Salaries & Wages

biweekly

411.02	Division Manager	92,146.00	3,544.04
	Superintendent	97,671.00	3,756.56
	Systems Reliability Supervisor	83,972.00	3,229.66
	Construction Foreman	94,840.00	3,647.67
	Substation Supervisor	73,491.00	2,826.58
	Project Manager	73,491.00	2,826.58
	Operations Coordinator	61,488.00	2,364.92
	Senior Engineering Assistant		
	4 @ 60,134	240,536.00	2,312.84
	Substation Technician	58,993.00	2,268.94
	Engineering Assistant	58,876.00	2,264.46
	Project Coordinator	46,987.00	1,807.18
	Metering Manager	73,492.00	2,826.59
	GIS Engineering Assistant	52,189.00	2,007.23
	Journeyman Lineman		
	16 @ 45.48/Hour	1,513,792.00	3,638.91
	Apprentice Level 5		
	3 @ 35.99/Hour	224,595.00	2,879.39
	Clerk/Dispatcher A		
	2 @ 26.33/Hour	109,500.00	2,105.76
	Meter Reader		
	4 @ 24.81/Hour	206,396.00	1,984.55
	Service Representative		
	5 @ 26.66/Hour	277,255.00	2,132.72
	Substation Lineworker		
	2 @ 48.13/Hour	200,208.00	3,850.14
	Buildings & Grounds Technician		
	1 @ 22.23/Hour	46,228.00	1,777.99
	Crew Leader - .75/Hour	7,800.00	
	Journeyman CL - 1.50/Hour	15,600.00	
			3,709,546.00

Other Personal Services

411.60	Overtime	200,000.00	
411.63	Longevity	37,220.00	
411.64	FTO (Flexible Time Off) Plan	39,000.00	
411.65	Professional Certification	40,600.00	
			316,820.00

Employee Benefits

413.01	Social Security Taxes	249,635.00	
413.02	Medicare	58,383.00	
413.05	Health Insurance	924,904.00	
413.06	Life Insurance	2,448.00	
413.08	Deferred Compensation Match	36,862.00	
413.12	Pension Benefit	451,200.00	
			1,723,432.00

2 Supplies

6301

Office Supplies

54.42122	Office Supplies	5,000.00	
54.42273	Computer Expenses	33,000.00	
			38,000.00

Other Supplies

54.42276	Uniforms	35,000.00	
56.42229	Plant Operation	75,000.00	
56.42318	Plant Maintenance Supplies	15,000.00	
			125,000.00

3 Other Services and Charges

6301

Professional Charges

52.45915	Purchase Power	40,918,500.00	
54.43102	Legal Fees	30,000.00	
54.43103	Outside Services	150,000.00	
54.43104	Professional Fees	50,000.00	
			41,148,500.00

Communication and Transportation

54.43210	Transportation Expense	65,000.00	
54.43212	Travel Expense	15,000.00	
54.43930	Education Expense	15,000.00	
54.43931	Apprentice Program	20,000.00	
			115,000.00

Insurance

54.43410	Insurance - Property, Auto, WC	281,000.00	
			281,000.00

Utilities

54.43511	Natural Gas Purchase	20,000.00	
54.43512	Water Purchase	7,400.00	
54.43581	CMP Fuel Purchase	60,000.00	
54.45915	Electric Purchase	30,000.00	
			117,400.00

Repairs and Maintenance

54.42200	Street Lights	75,000.00	
54.42263	Meters Expense	10,000.00	
54.42264	Underground Line Expense	100,000.00	
54.42265	Distribution Construction Expense	5,000.00	
54.42266	Substation Expense	175,000.00	
54.42267	Overhead Line Expense	225,000.00	
54.42274	Stores Equipment	1,000.00	
54.42300	Structures	80,000.00	
54.42330	Transformers	10,000.00	
54.42350	Maintenance of Equipment and Service	50,000.00	
54.42365	Small Tools Expense	50,000.00	
54.43100	Contracted Services	50,000.00	
54.43101	Contracted Services - Line Clearing	225,000.00	
54.43161	Contracted Services - Substations	250,000.00	
			1,306,000.00

Other Services and Charges		
50.45200	Transfer to City/Debt Service	2,604,124.00
	Transfer to City \$1,000,000	
	Debt Service for Bond \$1,604,124	
50.49500	PiLoT	614,856.00
54.42310	Safety Equipment/Expense	110,000.00
54.43900	Operational Expense	20,000.00
54.43928	Permit Fees	40,000.00
54.43929	Dues, Fees, Subscriptions	66,300.00
		3,455,280.00
		52,335,978.00

4 Capital Outlays

6303		
164.13	Poles, Towers and Fixtures	500,000.00
164.15	Underground Conduit	450,000.00
164.16	Underground Conductors and Wire	500,000.00
164.17	Line Transformers	225,000.00
164.22	Street Lights	425,000.00
164.26	Pad Mount Transformers	600,000.00
165.14	Testing Equipment	100,000.00
165.15	Tools/Garage/Shop Equipment	10,000.00
165.16	Power Operated Equipment	290,000.00
165.17	Meters	275,000.00
165.30	Construction Tools	15,000.00
165.31	Plant in Service	100,000.00
167.20	Transportation Equipment	675,000.00
170.01	Substation Equipment	1,000,000.00
170.05	Overhead Conductors and Devices	400,000.00
		5,565,000.00

Net Surplus/Deficit	116,452.00
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SANITARY SEWER, TRANSPORTATION, AND DRAINAGE

Existing Sanitary Sewer Infrastructure

An existing 8" sanitary sewer main is stubbed outside of the roadway on the north side of University Dr to serve this parcel. The sanitary sewer shall be extended into the site for connection to the proposed development per City of Mishawaka Engineering Standards. The cost of the sanitary sewer connection shall be the responsibility of the owner/developer. This sanitary sewer connection will discharge into the sanitary sewer system that is publicly maintained and ultimately discharges to the City of Mishawaka's Wastewater Treatment Plant. The City's sanitary sewer system has ample capacity to serve this annexation property for the proposed use. There is also an existing private sanitary sewer main along the east side of the property within an easement that serves the apartment complex to the north. The easement shall remain as is with no permanent structures within to allow for access to maintain.

Existing Road/Transportation Infrastructure

This annexation has frontage along E University Dr, which is currently a five-lane street, with two travel lanes in each direction and a shared center left turn lane. A new drive approach shall be located in the center of the property to fully utilize stacking in the eastbound left turn lane while still allowing the addition of a westbound right turn lane into the site. Public R/W shall be dedicated along the entire frontage to allow for this improvement. The existing drive approach on the east side of the property shall be removed and an access easement shall be established across the property for access to the existing utility easement and adjoining property for maintenance of a lift station. Ultimately this property shall be master planned to allow for a cross-access drive with the western property to access the signalized intersection at the Target entrance.

Existing Storm Sewer/Drainage Infrastructure

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

Planned Capital Expenditures, Staff and Rates

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

Personal Service Programs

The Engineering Department works closely with the Sewer Department regarding the maintenance of the City sewer system. Construction records are kept for all sanitary and storm sewers and technical/administrative assistance is provided on sewer repairs for the Sewer Lateral Insurance Program. Specifically, the Sewer Lateral Insurance Program covers each single-family residential homeowner connected to the public sewer system within the City of Mishawaka. For a \$2.20 monthly fee, which is included in the Mishawaka Utilities sewer bill, the homeowner is protected from paying

catastrophic sanitary sewer repair costs for the portion of sewer lateral between the street right-of-way and outside of foundation wall of the home. Currently, this annexation area is not intended to include any single family residential, and therefore is not eligible for this program.

CITY OF MISHAWAKA
2023 BUDGET

ENGINEERING DEPARTMENT
1101-13

1 PERSONAL SERVICES

<u>Salaries and Wages</u>		biweekly
411-01	Director of Engineering	87,648.00 3,371.05
411-02	Assistant Director	72,761.00 2,798.48
	Project Manager	70,523.00 2,712.41
	Traffic Manager	60,134.00 2,312.84
	Project Coordinator	44,814.00 1,723.59
	Office Manager	39,590.00 1,522.68
	City GIS Coordinator	<u>60,134.00</u> 2,312.84
<i>Utility salary ordinance displays utility portion of salaries</i>		435,604.00

Other Personal Services

411-65	PE Certification	10,000.00 192.31
411-70	Misc	<u>15,559.00</u>
		461,163.00

2 SUPPLIES

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

3 OTHER SERVICES AND CHARGES

<u>Professional Services</u>		
431-06	Consulting	5,000.00

Communication and Transportation

432-03	Travel and Training	10,000.00
432-04	Telephone/Technology	750.00

Repairs and Maintenance

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

439-03	Subscriptions, Dues, etc.	<u>1,000.00</u>
		19,250.00
		<u>488,413.00</u>

FIRE PROTECTION/EMS

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

Staffing and Response Times

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

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

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

Fire Stations

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

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

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

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

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

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

For the year 2022 out of 10,686 runs 8,098 or roughly 75% were medical in nature. The Mishawaka Fire Department restructured going to a three-platoon system in 2013. With the addition of a third ambulance we were able to move ambulances out of one central location to be closer to the neighborhoods they served. This and the availability of paramedics on some engine companies have decreased the time in which it takes to start lifesaving interventions if needed. Engine and ladder companies also have Advanced E.M.T.'s on board who may begin vital treatment such as 12 lead E.K.G.'s, establishing I.V. lines, and administration of a handful of drugs. Once the ambulance arrives the paramedics take over in the continuum of care depending upon the severity of the call.

Equipment

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

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

Training

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

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

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

In the calendar year 2022 each firefighter took part in an average of 200+ hours of continuing education.

Complete training records for all personnel are available.

Fire Insurance Rating

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

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

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

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

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

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

Future Plans

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

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

Plans are also underway to place a fourth A.L.S. Paramedic ambulance in service during the second half of 2023. Our department is adding six new members to help staff the new apparatus.

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

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

Citizen Programs

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

In 2022 the Fire Prevention Bureau performed 948 fire inspections of new and existing buildings in Mishawaka.

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

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

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

Costs Associated With Services

If annexed, the City of Mishawaka Fire Department is capable of providing a level of service for the area that is equal to the services currently provided for the City. Given the proximity of the proposed annexation area, the Fire Department does not require any additional funds than what have been allocated within the current city budget to provide these services. For general information purposes, a copy of the year 2023 budget has been included for reference.

CITY OF MISHAWAKA
2023 BUDGET

ENGINEERING DEPARTMENT
1101-13

1 PERSONAL SERVICES		
<u>Salaries and Wages</u>		
		biweekly
411-01	Director of Engineering	87,648.00 3,371.05
411-02	Assistant Director	72,761.00 2,798.48
	Project Manager	70,523.00 2,712.41
	Traffic Manager	60,134.00 2,312.84
	Project Coordinator	44,814.00 1,723.59
	Office Manager	39,590.00 1,522.68
	City GIS Coordinator	<u>60,134.00</u> 2,312.84
	<i>Utility salary ordinance displays utility portion of salaries</i>	435,604.00
<u>Other Personal Services</u>		
411-65	PE Certification	10,000.00 192.31
411-70	Misc	<u>15,559.00</u>
		461,163.00
2 SUPPLIES		
<u>Office Supplies</u>		
421-90	General Supplies	<u>8,000.00</u> 8,000.00
3 OTHER SERVICES AND CHARGES		
<u>Professional Services</u>		
431-06	Consulting	5,000.00
<u>Communication and Transportation</u>		
432-03	Travel and Training	10,000.00
432-04	Telephone/Technology	750.00
<u>Repairs and Maintenance</u>		
436-01	Equipment Repair	2,500.00
<u>Other Services and Charges</u>		
439-03	Subscriptions, Dues, etc.	<u>1,000.00</u>
		19,250.00
		<u>488,413.00</u>

CITY OF MISHAWAKA
2023 BUDGET

FIRE/EMS DEPARTMENT
101-19

2 SUPPLIES

Office Supplies

421-90 Office Supplies 6,000.00

Operating Supplies

422-01 Operating Supplies 225,000.00

422-03 Medical Supplies 180,000.00

Other Supplies

429-10 Public Education

Training/ Seminar

Supplies/Refreshments 6,000.00

417,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Clinic Services 35,800.00

431-11 Physicals 90,000.00

Communication and Transportation

432-03 Travel and Training 70,000.00

Repairs and Maintenance

436-01 Building/ Equipment Repair 150,000.00

Professional Services

436-90 Service Contracts 193,000.00

436-91 Laundry Maintenance 3,000.00

Other Services and Charges

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

561,800.00

15,554,528.00

PARKS AND RECREATION OPPORTUNITIES

Parks and Recreation

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

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

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

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

Staff and Equipment

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

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

Costs Associated With Services

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

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

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

CITY OF MISHAWAKA
2023 BUDGET

PARK AND RECREATION
2204-50

1 PERSONAL SERVICES

<u>Salaries and Wages</u>		biweekly
411-01	Department Head	76,051.00 2,925.04
411-02	Regular Employees	797,499.00
	Group 1: 16@22.92*2092	767,178.00
411-03	Temporary/Summer Help	750,000.00 2,390,728.00
	CS reimburse - 61,326* 1.25 for assts.	75,197.00
	Reimburse MVH Director - 77,527*5%	3,803.00 79,000.00
		2,469,728.00

Other Services Personal

411-60	Overtime	25,000.00
411-63	Longevity	15,200.00
411-64	FTO	12,000.00
411-70	Misc	33,213.00
		85,413.00

Employee Benefits

413-01	Social Security	140,000.00
413-02	Medicare	30,000.00
413-03	PERF 14.2%	225,000.00
413-04	Unemployment	5,000.00
413-05	Employee Insurance Benefits	360,000.00
413-06	Life Insurance	2,000.00
413-08	Deferred Comp Match	8,000.00
		770,000.00
		3,325,141.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	8,000.00
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Operating Supplies

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

429-09	Merrifield/Ironworks Complex Supplies	42,000.00
429-14	Maintenance Supplies	110,000.00
429-15	Program Supplies	45,000.00
429-16	Golf Course Concessions	40,000.00
429-18	Athletic Event Supplies	55,000.00
429-19	Battell Center Supplies	15,000.00
429-20	Golf Course Supplies	60,000.00
429-21	Other Concessions	5,000.00
429-23	Merrifield Concessions	28,000.00
		481,000.00

CITY OF MISHAWAKA
2023 BUDGET

PARK AND RECREATION
2204-50

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Health Screenings/Vaccines 8,000.00

Communication and Transportation

432-02 Postage and Freight 2,000.00

432-03 Travel and Training 8,000.00

432-04 Telephone 7,000.00

Printing and Advertising

433-01 Printing/Newsletter etc. 10,000.00

Insurance

434-90 Insurance Premiums/Deductibles 150,000.00

Utility Services

435-01 MU/AEP Charges 500,000.00

435-02 NIPSCO 50,000.00

Repairs and Maintenance

436-01 Equipment/Facility Repair 100,000.00

436-90 Service Contracts 170,000.00

Rentals

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

Other Services and Charges

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

439-09 Miscellaneous/Charges 1,000.00

439-18 Instructor Fees 15,000.00

439-19 Official/Referee Fees 20,000.00

439-21 Recreation Event/Entertainment 60,000.00

439-93 Sales Tax 25,000.00

1,146,500.00

4,952,641.00

POLICE AND CRIME PREVENTION

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

Staffing

There are currently a total of 10 full time civilians within the Mishawaka Police Department, and are budgeted for 114 sworn officers. The Department has 23 officers on the day shift, 23 on the afternoon shift, and 23 on midnights, making for a total of 69 officers in the Uniform Division, plus 3 Captains; 1 Captain for each shift.

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

There are also 9 officers in the Investigative Division and 10 officers assigned to special duty (special crimes, domestic violence, school resource, etc.)

All police officers in the State are required to successfully complete the basic program at the Indiana Law Enforcement Academy within the first year of employment. This is a 16-week program. Current ILEA standards require each Officer to complete 24 hours of service training per year. The Mishawaka Police Department averages 65 hours of training, compared with minimums of 24+ statewide.

Equipment

The Police Department has a take-home patrol car program. Currently, there are 108 take-home vehicles. Each car contains standard first aid equipment for immediate response. Each officer is also well equipped with standard equipment such as side-arms, shotguns, M16 type rifles, Tasers, and body armor. All uniform officers have been provided with the newest up to date body camera's. In addition, squad cars are equipped with video cameras to record events on patrol. The City provides for the continual maintenance, repair, and replacement of equipment. Standard equipment items such as cars and firearms are on a set replacement schedule for both reliability and performance.

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

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

The Community Relations Unit

The Community Relations Officers handle various public relationship events such as Neighborhood Watch meetings, MPD tours for boy scouts and schools, reading to kids, bike safety rodeos information out to the public. The unit also handles neighborhood complaints, such as drug houses, speeding, neighbor disputes, and other "quality of life" issues.

Street Crimes Unit

The Street Crimes Unit was implemented in July of 2009. There are 6 officers assigned to the Unit. The goal of this Unit is to concentrate efforts in high crime areas of the city and work in conjunction with the Police Department's Investigative Division to identify criminals and solve crimes. So far, the SCU has worked very hard at their mission and has proven to be quite a success. Because of their determination and self-motivation, the Unit has taken several criminals, weapons and drugs off the streets and has seen crime decrease in the high crime neighborhoods.

Riverwalk Beat

New in 2023 is the hiring of a part time Park Police officer and has been determined to very successful. Several methods of patrol have been utilized, including the Kawasaki mule, bicycles and motorcycle. The extra patrol have minimized reported vandalism that was seen in previous years. The renovation of Central Park has brought an increase of visitors to both the park and Riverwalk. The MPD continues its patrol efforts in the parks enhanced with the installation of a video camera surveillance system throughout the Riverwalk, Beutter and Central Park. Several emergency call boxes are also installed, thus enhancing the safety of all Riverwalk users.

CAPS Program

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

Response Time and Crime Statistics

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

The Uniform Division was instrumental in responding to several high-profile cases in 2022 including three homicide scenes. Other notable arrests were for robbery suspects, narcotics arrest, firearms, stolen autos and the capture of several felons wanted on warrants.

These events are not uncommon; as the uniform officer is normally the first to arrive on scene during an emergency call situation. They are the face of the Department. Promoting a positive working relationship within the community helps to keep peace and harmony in our neighborhoods.

The Uniform Division was tasked with covering over 39,159 calls for service in 2022. That number also reflects reporting on 2,242 vehicle crashes.

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

Costs Associated with Services

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

CITY OF MISHAWAKA
2023 BUDGET

POLICE DEPARTMENT

1101-20

1 PERSONAL SERVICES

Salaries and Wages

		biweekly
411-01	Police Chief	91,903.00 3,534.70
411-02	Assistant Chief	
	3 @ 85,325	255,975.00 3,281.72
	Captain	
	6 @ 74,361	446,166.00 2,860.02
	Lieutenant	
	14 @ 72,532	1,015,448.00 2,789.67
	Sergeant	
	20 @ 70,805	1,416,100.00 2,723.24
	1st Class Patrol Officer	
	46 @ 69,065	3,176,990.00 2,656.34
	2nd Class Patrol Officer	
	18 @ 61,657	1,109,826.00 2,371.39
		7,512,408.00

Civilians

	Crime Tech	51,912.00 1,996.61
	Digital Media/Statistical Analyst	43,489.00 1,672.65
	Administrative Assistant	46,732.00 1,797.36
	Administrative Secretary	40,112.00 1,542.73
	Secretary 2 @ 39,609	79,218.00 1,523.41
	Parking Personnel	39,609.00 1,523.41
	Property Manager	43,489.00 1,672.65
	Office Manager	42,743.00 1,643.95
		387,304.00

Crossing Guards 15 @ 8,154

122,310.00

411-03 Substitute Crossing Guard

2,000.00

Temporary Help/Part-time

30,000.00

411-65 IDACS Specialist

2,000.00

156,310.00

Other Personal Services

411-02 Shift Differential 2nd @350 3rd @ 700

57,600.00

411-60 Overtime/ Court-time Officer-Non Officer

600,000.00

411-66 Uniform Allowance 1@600, 114@2050

235,300.00

1@1000 Crime Tech

411-66 Equipment Allowance 108@1250

135,000.00

1,027,900.00

Employee Benefits

413-01 Social Security

34,000.00

413-02 Medicare

126,000.00

413-03 INPRS 14.2%

55,000.00

413-05 Health Insurance

2,515,252.00

413-06 Life Insurance

7,000.00

413-08 Deferred Comp Benefit

65,000.00

413-10 77 Pension 18% + 3%

1,500,000.00

4,302,252.00

13,386,174.00

CITY OF MISHAWAKA
2023 BUDGET

POLICE DEPARTMENT
101-20

2 SUPPLIES

Operating Supplies

422-01 Operating Supplies 160,000.00

Other Supplies

429-11 Seminars/ Community Relations 1,000.00
161,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Clinic Services 35,800.00
431-11 New Hire Physicals 32,000.00

Communication and Transportation

432-03 Travel and Training 2,000.00

Printing and Advertising

433-01 Printing 1,800.00

Repairs and Maintenance

436-01 Building Repair/ Maintenance 100,000.00
436-90 Service Contracts 450,000.00

Other Services and Charges

Advertising/Marketing 15,000.00
439-03 Subscriptions, Dues, etc. 3,000.00
439-09 Miscellaneous Charges 5,000.00
439-11 Special Expense 13,000.00
439-12 Canine Expenses 9,000.00

666,600.00
14,213,774.00

STREET DEPARTMENT

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

Staffing

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

Equipment

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

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

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

Services

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

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

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

Costs Associated with Services

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

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

WASTE DISPOSAL AND RECYCLING SERVICES

Waste Disposal and Recycling Services

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

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

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

Leaf pick-up and the Organic Center

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

CITY OF MISHAWAKA
2023 BUDGET

CENTRAL SERVICES DEPARTMENT
1101-22

1 PERSONAL SERVICES

Salaries and Wages

411-02 Assistant 4 @ 60,157	240,627.00	biweekly 2,313.72
Fleet Maintenance Technician		
6 @ 24.12*2092	302,723.00	
Group 1: 4 @ 22.92*2092	191,769.00	
PT maintenance 1040 hrs @ 11.00	11,440.00	
		746,559.00

Other Services Personal

411-60 Overtime	15,000.00	
411-63 Longevity	5,000.00	
411-70 Misc	<u>16,358.00</u>	
		<u>36,358.00</u>
		782,917.00

2 SUPPLIES

Office Supplies

421-90 Office Supplies	2,000.00	
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Operating Supplies

422-02 Gas, Oil, etc.	1,000,000.00	
422-05 Equipment/Vehicle/Maint Supplies	110,000.00	

Other Supplies

429-08 Uniform/Supplies	<u>5,750.00</u>	
		1,117,750.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Health Screenings/Vaccines	1,000.00	
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Communication and Transportation

432-03 Travel and Training	1,000.00	
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Repairs and Maintenance

436-01 Building Repair/Equipment/Maint	70,000.00	
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Rentals

437-05 Uniforms	10,000.00	
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Other Services and Charges

439-09 Miscellaneous Charges	<u>1,500.00</u>	
		<u>83,500.00</u>
		<u>1,984,167.00</u>

CITY OF MISHAWAKA
2023 BUDGET

MOTOR VEHICLE HIGHWAY
2201-50

1 PERSONAL SERVICES

Salaries and Wages

			biweekly
411-01	Street Commissioner	76,050.00	2,924.99
411-02	Office Administrator	41,600.00	1,599.99
	Office Manager	39,590.00	1,522.68
	Group 1: 34 @ 22.92*2092	1,630,039.00	
	CS reimburse - 60,157* 1.25 for assts.	<u>75,197.00</u>	
			1,862,476.00

Other Services Personal

411-12	Specialty CDL Instructors	5,000.00	
411-60	Overtime	80,000.00	
411-63	Longevity	15,000.00	
411-64	FTO (Flexible Time Off) Plan	8,000.00	
411-70	Misc	<u>34,992.00</u>	
			142,992.00

Employee Benefits

413-01	Social Security	115,000.00	
413-02	Medicare	27,000.00	
413-03	INPRS 14.2%	260,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Ins Benefits	600,000.00	
413-06	Life Insurance	2,200.00	
413-07	Deferred Comp Benefit	<u>10,000.00</u>	
			<u>1,019,200.00</u>
			3,024,668.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	1,500.00	
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Other Supplies

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

3 OTHER SERVICE AND CHARGES

Professional Services

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

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

Printing and Advertising

433-02	Publications	500.00	
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CITY OF MISHAWAKA
2023 BUDGET

MOTOR VEHICLE HIGHWAY
2201-50

<u>Rentals</u>		
437-05 Uniforms	16,000.00	
<u>Other Services and Charges</u>		
439-09 Miscellaneous Charges	<u>3,000.00</u>	35,000.00

4 CAPITAL OUTLAYS **MVHR**

Improvements Other than Buildings		
442-01 Street Repair	<u>1,500,000.00</u>	<u>1,500,000.00</u>
		4,603,168.00

LOCAL ROAD AND STREET
2202-50

4 CAPITAL OUTLAYS

<u>Improvements other than Buildings</u>		
442-01 Street Repair	500,000.00	
442-04 Sidewalk and Curb Program	300,000.00	
50/50 Program	25,000.00	
445-02 Equipment	<u>263,000.00</u>	
CSD 1T m dump w/plow - 85K		1,088,000.00
CSD 1T s cab w/plow - 58K		
MVH 2 - 1T p-up ccab w/plow - 120K		



Wastewater Division Report

15793 E University Drive (tax parcel # 006-1012-0147)
located on the north side of East University Drive

Services

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

Facilities

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

For the year 2022, an average flow of 9.34 MGD was treated. The average cBOD removal was 98% and the average suspended solids removal was 98%.

Staff

Twenty-six people staff the wastewater utility. There are 6 managers/supervisors, 2 chemists, 11 operators, 5 maintenance technicians, and 1 biosolids technician. At least two operators are on duty at all times.

Support Personnel

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

Past and Planned Capital Improvements

A \$42 million upgrade was completed in 2008 for the wastewater utility. This upgrade was necessary to provide capacity for service area growth and to address the CSO requirements established in Mishawaka's NPDES permit and CSO control regulations. The upgrade increased both the dry weather flow capacity and the plant's capability to treat wet weather flows.

The capital improvements increased the wastewater treatment plant's capacity from 12 MGD to 20 MGD. The hydraulic peak capacity increased from 24 MGD to 42 MGD. The scope of the wastewater treatment plant improvements includes the following elements:

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

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

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

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

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

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

In May of 2023, the Mishawaka Wastewater Division issued \$33M in revenue bonds for continued work in the collection system in order to reduce Combined Sewer Overflows and promote development. In addition, project will be conducted at the treatment facility to increase efficiency and replace aged equipment.

Statistical Information

Mishawaka’s wastewater treatment plant exhibits outstanding performance. For the year 2022 the average removals and plant data were as follows:

	2022
Average Flow (MGD)	9.34
Peak Flow (MGD)	64.2
BOD Removed (%)	98
Phosphorus Removed (%)	85
Ammonia Removed (%)	94
Solids Removed (%)	98
Biosolids Produced (dry tons)	1431
Electricity Use (MkWh)	4.8
Natural Gas Use (Mcf)	11.3
Total Precipitation (Inches)	32.74

Costs Associated with Services

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

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

Wastewater

Revenue

6201.00			
371.10	Commercial/Industrial Sales	9,860,264.00	
371.15	Commercial Pretreatment Sales	83,424.00	
371.21	Residential Sales	9,847,486.00	
371.27	Industrial Pretreatment Sales	39,377.00	
371.30	Municipal Sales	414,974.00	
371.31	Municipal Pretreatment Sales	2,753.00	
380.10	Penalty	262,057.00	
380.20	Penalty/Pretreatment	817.00	
381.73	Inspection Fees	6,563.00	20,517,715.00
Operational Revenue			
381.10	Meter Charge	7,500.00	
381.26	Industrial Permits	1,476.00	
381.28	Customer Service Charge	240.00	
381.61	Televising Lines	6,728.00	
381.75	Sewer - FOG Fees	9,240.00	
381.76	Sale of Scrap	500.00	
399.00	Other Revenue	34,875.00	60,559.00
Interest Income			
361.00	Interest	75,000.00	75,000.00
6202.00			
381.41	T. I. F. Credit	3,360,000.00	3,360,000.00
608.00			
381.71	Connection Fees	53,756.00	53,756.00
			24,067,030.00

1 Personal Services

6201.80

biweekly

Salaries & Wages

411.02 Division Manager	87,008.00	3,346.45
Assistant Manager	148,398.00	2,853.80
2 @ 74,199	70,774.00	2,722.07
Operations Manager	67,761.00	2,606.16
Chief Chemist		
Chemist	125,476.00	2,412.96
2 @ 62,738	65,774.00	2,529.75
Maintenance Manager	56,938.00	2,189.89
Operations Coordinator		
Chief Operator	57,949.00	2,228.81
1 @ 27.86/Hour		
Utility Operator A	165,243.00	2,118.49
3 @ 26.48/Hour		
Utility Operator B	51,515.00	1,981.31
1 @ 24.77/Hour		
Utility Operator C	297,324.00	1,905.89
6 @ 23.82/Hour		
Dewatering Mechanic	61,830.00	2,378.05
1 @ 29.73/Hour		
Maintenance Technician A	169,593.00	2,174.25
3 @ 27.18/Hour		
Maintenance Technician B	52,422.00	2,016.21
1 @ 25.20/Hour		
Maintenance Technician C	50,423.00	1,939.34
1 @ 24.25/Hour		
Shift Premium (1st Shift) - .40/Hour	1,664.00	
Shift Premium (3rd Shift) - .30/Hour	1,248.00	
Swing Shift Premium - .50/Hour	2,080.00	
Holiday Pay	29,400.00	1,562,820.00

Other Personal Services

411.60 Overtime	150,000.00	
411.63 Longevity	17,010.00	
411.64 FTO (Flexible Time Off) Plan	2,330.00	
411.65 Professional Certification	23,914.00	193,254.00

Employee Benefits

413.01 Social Security Taxes	108,877.00	
413.02 Medicare	25,464.00	
413.05 Health Insurance	462,785.00	
413.06 Life Insurance	1,188.00	
413.08 Deferred Compensation Match	14,781.00	
413.12 Pension Benefit	195,000.00	808,095.00

2 Supplies

6201

Office Supplies

80.42122	Office Supplies	3,000.00	
80.42212	Operation Supplies/Maintenance	44,000.00	
80.42226	Lab Supplies/Equipment	34,000.00	81,000.00

Other Supplies

80.42276	Uniforms	8,000.00	8,000.00
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3 Other Services and Charges

6201

Professional Charges

80.43102	Legal Fees	150,000.00	
80.43104	Professional Services	150,000.00	
80.43105	Sewer and Drainage	300,000.00	
80.43116	Outside Lab Analysis	10,000.00	610,000.00

Communication and Transportation

80.43200	Travel	5,500.00	
80.43210	Transportation Expense	500.00	
80.43930	Education	5,000.00	11,000.00

Insurance

80.43410	Insurance - Property, Auto, WC	165,000.00	165,000.00
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Utilities

80.43511	Natural Gas Purchase	100,000.00	
80.43512	Water Purchase	140,000.00	
80.43581	CMP Fuel Purchase	4,000.00	
80.45915	Electric Purchase	500,000.00	744,000.00

<u>Repairs and Maintenance</u>		
80.42509	Hypochlorite Solution	220,000.00
80.42510	Pretreatment Materials	20,000.00
80.42511	Ferrous Chloride & Parts	110,000.00
80.42512	Sodium Bisulfite	70,000.00
80.42513	Polymer	140,000.00
84.42224	Sludge Thickening	5,000.00
84.42227	Biosolids Dewatering	8,000.00
84.42313	Disinfection Equipment	20,000.00
84.42314	Digester System	20,000.00
84.42315	Primary Tank	5,000.00
84.42316	Secondary Tank	275,000.00
84.42317	Grit System	8,000.00
84.42319	Blowers	5,000.00
84.42321	Buildings & Grounds	100,000.00
84.42322	Equipment	4,000.00
84.42325	Lift Station Maintenance	50,000.00
84.42326	SCADA - Telemetry System	5,000.00
84.42328	Screening Equipment	5,000.00
84.42333	Pumps & Motors	20,000.00
84.42365	Small Tools Expense	6,000.00
84.43140	Biosolids Land Application	100,000.00
		1,196,000.00
<u>Other Services and Charges</u>		
50.45200	Debt Service	8,473,870.00
50.49500	PiLoT	2,057,212.00
80.42310	Safety Equipment/Expense	3,000.00
80.43114	Permit Fees	20,000.00
80.43900	Operational General Expense	8,000.00
80.43929	Dues, Fees, Subscriptions	9,500.00
80.43165	B.O. Shared Expenses	418,976.00
		10,990,558.00
		16,369,727.00
4 Capital Outlays		
6203		
162.03	Lift Station Structures	100,000.00
164.02	Plant - Structures & Improvements	385,000.00
165.26	Secondary Tank Mechanism	200,000.00
165.51	Sewer and Drainage	250,000.00
167.20	Transportation Equipment	70,000.00
		1,005,000.00

WATER SERVICE

Water Utilities

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

Serving the Proposed Annexation Area

There is a 12" water main fronting the property at 15793 East University Drive on the north side of the street running along the curb line. A tap or an extension on the water main would need to be done to supply water to the property depending on the desired use and requirements.

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

Staff and Services

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

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

The Water Division has twenty-seven (27) vehicles and eight (8) large specialized pieces of equipment to serve the area.

Services to Residents

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

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

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

Costs Associated with Services

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

Water

Revenue

6101.00		
361.00	Interest	30,000.00
370.10	Unmetered Sales	7,000.00
371.11	Municipal Sales	500,000.00
371.21	Residential Metered Sales	5,200,000.00
371.25	Commercial Metered Sales	4,800,000.00
372.10	Municipal Fire Protection	40,000.00
372.11	Municipal Fire Protection - Hydrant Fees	40,000.00
372.20	Private Fire Protection	1,000,000.00
372.21	Private Fire Protection - Hydrant Fees	2,400,000.00
380.10	Penalty	60,000.00
381.06	Water Taps	125,000.00
381.20	Water Tower Attachments	30,000.00
381.22	Service Charges	60,000.00
381.27	Meters	30,000.00
381.29	Hydrants	6,000.00
381.39	Services	300.00
381.76	Sale of Scrap	4,000.00
399.00	Other Revenue	50,000.00

Additional Revenue

6101		
253.12	Advance Construction	500,000.00
		14,882,300.00

1 Personal Services

6101.70

<u>Salaries & Wages</u>		biweekly
411.02	Division Manager	87,008.00 3,346.45
	Assistant Manager	74,199.00 2,853.80
	Meter/Backflow Supervisor	71,368.00 2,744.90
	Quality Control Assistant B	55,591.00 2,138.08
	Quality Control Assistant C	51,828.00 1,993.36
	Procurement, Inventory, & Staff Coordinator	56,938.00 2,189.89
	System Technical & Telemetry Reliability Coordinator	64,404.00 2,477.06
	Distribution System Supervisor	71,368.00 2,744.90
	GIS Coordinator	60,134.00 2,312.84
	Well Head Protection Coordinator	57,740.00 2,220.74
	Water Quality Supervisor	71,368.00 2,744.90
	Project Manager	64,338.00 2,474.52
	Heavy Equipment Operator A	
	4 @ 29.65/Hour	246,720.00 2,372.30
	Heavy Equipment Operator B	
	4 @ 28.08/Hour	233,608.00 2,246.22
	Senior Utilityman	
	2 @ 29.45/Hour	122,510.00 2,355.94
	Intermediate Utilityman	
	2 @ 27.18/Hour	113,082.00 2,174.25

Pipefitter B		
3 @ 25.20/Hour	157,266.00	2,016.21
Maintenance Technician		
1 @ 27.18/Hour	56,531.00	2,174.25
Chief Meter/Backflow Inspector		
1 @ 29.49/Hour	61,345.00	2,359.40
Meter/Backflow Inspector		
1 @ 27.30/Hour	56,773.00	2,183.55
Meter Repairman A		
1 @ 26.73/Hour	55,586.00	2,137.91
Meter Installer B		
2 @ 25.20/Hour	104,844.00	2,016.21
Working Foreman - Distribution Systems		
1 @ 31.08/Hour	64,647.00	2,486.40
Chief Mechanic - Water Treatment		
1 @ 31.08/Hour	64,647.00	2,486.40
Buildings & Grounds Technician		
1 @ 22.23/Hour	46,228.00	1,777.99
Crew Leader - .75/Hour	1,560.00	
		2,171,611.00
<u>Other Personal Services</u>		
411.60 Overtime	70,000.00	
411.63 Longevity	33,170.00	
411.64 FTO (Flexible Time Off) Plan	8,400.00	
411.65 Professional Certification	48,700.00	
		160,270.00
<u>Employee Benefits</u>		
413.01 Social Security Taxes	144,577.00	
413.02 Medicare	33,813.00	
413.05 Health Insurance	605,409.00	
413.06 Life Insurance	1,728.00	
413.08 Deferred Compensation Match	21,701.00	
413.12 Pension Benefit	316,800.00	
		1,124,028.00

2 Supplies

6101

Office Supplies

70.42122	Office Supplies	8,000.00	
70.42273	Computer Expenses	25,000.00	33,000.00

Other Supplies

75.41313	Employee Other Benefits	10,000.00	
75.42272	Water Quality/Lab Supplies/Construction/Meter		
	Maintenance Materials and Supplies	600,000.00	
75.42276	Uniforms	15,000.00	
75.42508	Concrete Material	150,000.00	775,000.00

3 Other Services and Charges

6101

Professional Charges

70.43102	Legal Fees	25,000.00	
70.43103	Outside Services	275,000.00	
70.43104	Professional Services	600,000.00	
70.43116	Outside Lab Analysis	45,000.00	945,000.00

Communication and Transportation

70.43200	Travel	5,000.00	
70.43930	Education	7,000.00	12,000.00

Insurance

70.43410	Insurance - Property, Auto, WC	185,000.00	185,000.00
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Utilities

70.43511	Natural Gas Purchase	75,000.00	
70.43581	CMP Fuel Purchase	60,000.00	
70.43582	Wastewater Utility Charge	50,000.00	
70.45915	Electric Purchase	800,000.00	985,000.00

Repairs and Maintenance

70.43210	Transportation Expense	30,000.00	
75.42241	Equipment Rental	8,000.00	
75.42530	Chemicals/Water Treatment	425,000.00	
75.43210	Construction Equipment Expense	30,000.00	
75.42332	Maintenance Repairs Expense	40,000.00	533,000.00

Other Services and Charges

50.45200	Debt Service	4,443,804.00	
50.49500	PiLoT	647,972.00	
70.43165	B.O. Shared Expense	418,976.00	
70.43900	Operational General Expense	10,000.00	
70.42310	Safety Equipment/Expense	20,000.00	
70.43929	Dues, Fees, Subscriptions	50,000.00	5,590,752.00
			12,514,661.00

4 Capital Outlays

6103			
164.19	Structures/Improvements	200,000.00	
164.25	Hydrants	100,000.00	
165.13	Office Furniture and Equipment	50,000.00	
165.15	Tools, Implements, Equipment	75,000.00	
165.28	Vehicles	150,000.00	
170.00	Wells Source of Supply Cost	75,000.00	
170.02	Treatment Equipment Cost	80,000.00	
170.04	Equipment	150,000.00	
170.06	Pumping Equipment	75,000.00	
170.09	Water Treatment	100,000.00	
170.11	Supply Mains	10,000.00	
170.15	Meters	350,000.00	
170.22	Distribution Mains Cost	225,000.00	
170.23	Juday Creek Golf Course	100,000.00	
			1,740,000.00

Net Surplus/Deficit	115,701.00		
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Annexation Fiscal Plan

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.

TAB D - APPENDICES

RESOLUTION NO. 2023-14

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:

15793 E University Drive, Granger, IN 46530 including the adjacent East University Drive public right-of-way.

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

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

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

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

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

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

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

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

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.

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

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

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

PETITION #23-09

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. _____

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

David A. Wood, Mayor

65

Property Tax System 03/21/2023 12:04 PM by KREGG

2. Mishawaka-City Tax Rates Post Annexation

St. Joseph County

Submitted to the State on

Report printed on Thursday, April 27, 2023

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

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: Economic Development Income Tax Revenue Bonds of 2014

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 790607

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 6-3.5-7

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

Debt Limitation

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

Applicable Issuer: St. Joseph County

Current Debt Limit: \$52,426,723.00

Current Debt Capacity (after issuance of this debt): \$35,171,723.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 9/16/2014

Date of Appropriation Resolution:

Date of Debt Sale: 12/11/2014

Date of Debt Closing: 12/30/2014

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: Primary
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Construct a new Public Safety Answering Point and renovate existing facility to serve as a backup
Total Project Cost: \$9,155,000.00

Sources

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

Uses

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

Dates

Date Bids Received: 11/18/2014
Date Construction Started: 9/30/2014

Estimated Date of Substantial Completion: 9/30/2015

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
6/30/2015	\$210,000	2.00	\$131,866	\$341,866						\$8,945,000
12/31/2015	\$215,000	2.00	\$129,766	\$344,766		\$686,631				\$8,730,000
6/30/2016	\$215,000	2.00	\$127,616	\$342,616						\$8,515,000
12/31/2016	\$220,000	2.00	\$125,466	\$345,466		\$688,081				\$8,295,000
6/30/2017	\$220,000	2.00	\$123,266	\$343,266						\$8,075,000
12/31/2017	\$225,000	2.00	\$121,066	\$346,066		\$689,331				\$7,850,000
6/30/2018	\$225,000	2.00	\$118,816	\$343,816						\$7,625,000
12/31/2018	\$225,000	2.00	\$116,566	\$341,566		\$685,381				\$7,400,000
6/30/2019	\$230,000	2.00	\$114,316	\$344,316						\$7,170,000
12/31/2019	\$230,000	2.00	\$112,016	\$342,016		\$686,331				\$6,940,000
6/30/2020	\$235,000	2.00	\$109,716	\$344,716						\$6,705,000
12/31/2020	\$235,000	2.00	\$107,366	\$342,366		\$687,081				\$6,470,000
6/30/2021	\$240,000	3.00	\$105,016	\$345,016						\$6,230,000
12/31/2021	\$240,000	3.00	\$101,416	\$341,416		\$686,431				\$5,990,000
6/30/2022	\$245,000	3.00	\$97,816	\$342,816						\$5,745,000
12/31/2022	\$250,000	3.00	\$94,141	\$344,141		\$686,956				\$5,495,000
6/30/2023	\$255,000	3.00	\$90,391	\$345,391						\$5,240,000
12/31/2023	\$255,000	3.00	\$86,566	\$341,566		\$686,956				\$4,985,000
6/30/2024	\$260,000	3.00	\$82,741	\$342,741						\$4,725,000
12/31/2024	\$265,000	3.00	\$78,841	\$343,841		\$686,581				\$4,460,000
6/30/2025	\$190,000	3.00	\$74,866	\$264,866						\$4,270,000
12/31/2025	\$195,000	3.00	\$72,016	\$267,016		\$531,881				\$4,075,000
6/30/2026	\$200,000	3.00	\$69,091	\$269,091						\$3,875,000
12/31/2026	\$200,000	3.00	\$66,091	\$266,091		\$535,181				\$3,675,000
6/30/2027	\$205,000	3.13	\$63,091	\$268,091						\$3,470,000
12/31/2027	\$205,000	3.13	\$59,888	\$264,888		\$532,978				\$3,265,000
6/30/2028	\$210,000	3.25	\$56,684	\$266,684						\$3,055,000
12/31/2028	\$215,000	3.25	\$53,272	\$268,272		\$534,956				\$2,840,000
6/30/2029	\$215,000	3.38	\$49,778	\$264,778						\$2,625,000
12/31/2029	\$220,000	3.38	\$46,150	\$266,150		\$530,928				\$2,405,000
6/30/2030	\$225,000	3.38	\$42,438	\$267,438						\$2,180,000

12/31/2030	\$225,000	3.38	\$38,641	\$263,641		\$531,078				\$1,955,000
6/30/2031	\$230,000	3.50	\$34,844	\$264,844						\$1,725,000
12/31/2031	\$235,000	3.50	\$30,819	\$265,819		\$530,663				\$1,490,000
6/30/2032	\$240,000	3.50	\$26,706	\$266,706						\$1,250,000
12/31/2032	\$240,000	3.50	\$22,506	\$262,506		\$529,213				\$1,010,000
6/30/2033	\$245,000	3.63	\$18,306	\$263,306						\$765,000
12/31/2033	\$250,000	3.63	\$13,866	\$263,866		\$527,172				\$515,000
6/30/2034	\$255,000	3.63	\$9,334	\$264,334						\$260,000
12/31/2034	\$260,000	3.63	\$4,713	\$264,713		\$529,047				\$0
Total	\$9,155,000		\$3,027,870	\$12,182,870		\$12,182,857				

Notes

St. Joseph County
Submitted to the State on Friday, February 17, 2017
Report printed on Thursday, April 27, 2023
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2023
Date of last payment or bond expiration:
New (post 1989):
Newer (post 2005):
Refinanced bond: Y

Basic Debt Information

Debt Name: St. Joseph County Redevelopment District, Special Taxing District Bonds of 2016
Debt Status: Outstanding
Type of Indebtedness: Bond
Base CUSIP Number: 79062M
Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized: I.C. 36-7-14 & I.C. 36-7-25
Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y
Applicable Issuer: St. Joseph County Redevelopment District
Current Debt Limit: \$28,513,058.00
Current Debt Capacity (after issuance of this debt): \$15,333,058.00

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s): Tri-County News and South Bend Tribune
Date of Public Hearing: 7/1/2016
Date of Final Approval/Lease Execution:
Date of Appropriation Resolution: 7/12/2016
Date of Debt Sale: 11/21/2016
Date of Debt Closing: 11/30/2016

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Provide funds to finance various improvements in or serving the NewCarlisle
EconomicDevelopmentArea
Total Project Cost: \$9,197,753.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

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

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

Notes

St. Joseph County

Submitted to the State on Thursday, April 12, 2018

Report printed on Thursday, April 27, 2023

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

Debt Verification

Initial Year: 2021

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

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: N

Basic Debt Information

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

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number:

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:

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

Debt Limitation

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

Applicable Issuer: Saint Joseph County

Current Debt Limit: \$54,674,687.00

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

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing: 8/8/2017

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

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 10/12/2017

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Capital improvements to County facilities for energy savings
Total Project Cost: \$10,574,935.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

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

Notes

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

St. Joseph County

Submitted to the State on Thursday, October 19, 2017

Report printed on Thursday, April 27, 2023

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

Debt Verification

Initial Year: 2019

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

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: Y

Basic Debt Information

Debt Name: 2015 PSAP Equipment Lease (US Bank)

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

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

Debt Limitation

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

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

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

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 3/31/2015

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (PSAP Charges) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology and Equipment for a 911 Center
Total Project Cost: \$12,000,000.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

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

Notes

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

St. Joseph County

Submitted to the State on Wednesday, November 15, 2017

Report printed on Thursday, April 27, 2023

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

Debt Verification

Initial Year: 2020

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

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: Y

Basic Debt Information

Debt Name: 2017 PSAP US Bank Technology Lease Amendment

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

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

Debt Limitation

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

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

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

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 11/14/2017

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (PSAP Charges for Services) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): Saint Josephy County
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology Improvements at County 911 Center
Total Project Cost: \$2,500,000.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

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

Notes

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

St. Joseph County

Submitted to the State on Monday, January 22, 2018

Report printed on Thursday, April 27, 2023

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

Debt Verification

Initial Year: 2020

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

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

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

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

Debt Limitation

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

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination: 1/7/2015

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

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

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 5/27/2015

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (Company Guarantee) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: General Sheet Metal Expenditures
Total Project Cost: \$3,300,000.00

Sources

Sources of Funds	Amount
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Uses

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

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

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

Notes

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

St. Joseph County

Submitted to the State on Monday, February 11, 2019

Report printed on Thursday, April 27, 2023

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

Debt Verification

Initial Year: 2042

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: 2019 Motorola PSAP CAD System Capital Lease

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

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

Debt Limitation

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

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

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

Date of Appropriation Resolution:

Date of Debt Sale: 1/15/2019

Date of Debt Closing: 1/15/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: New PSAP 911 CAD System
Total Project Cost: \$2,976,131.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received: 8/24/2018
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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2/1/2026	\$475,608	3.91	\$18,596			\$494,204		\$494,204		\$0
2/1/2025	\$457,711	3.91	\$36,493			\$494,204		\$494,204		\$475,608
2/1/2024	\$440,488	3.91	\$53,716			\$494,204		\$494,204		\$933,319
2/1/2023	\$423,913	3.91	\$70,291			\$494,204		\$494,204		\$1,373,802
2/1/2022	\$407,962	3.91	\$86,242			\$494,204		\$494,204		\$1,797,721
2/1/2021	\$392,611	3.91	\$101,593			\$494,204		\$494,204		\$2,205,683
2/1/2020	\$377,837	3.91	\$116,367			\$494,204		\$494,204		\$2,598,294
Total	\$2,976,130		\$483,298			\$3,459,428		\$3,459,428		

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

St. Joseph County

Submitted to the State on Thursday, October 24, 2019

Report printed on Thursday, April 27, 2023

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

Debt Verification

Initial Year: 2022

Date of last payment or bond expiration: 6/30/2032 12:00:00 AM

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: N

Basic Debt Information

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

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 79062M

Is this debt exempt from the property tax caps? N

Code Cite

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

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

Debt Limitation

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

Applicable Issuer: St. Joseph County Redevelopment District

Current Debt Limit: \$33,579,426.00

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

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

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

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 10/17/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Finance a portion of County's share of the South Shore Double Tracking Project
Total Project Cost: \$9,508,859.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

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

Notes

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

St. Joseph County
Submitted to the State on Thursday, October 24, 2019
Report printed on Thursday, April 27, 2023
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification Initial Year: 2020 Date of last payment or bond expiration: 12/31/2037 12:00:00 AM New (post 1989): Y Newer (post 2005): Y Refinanced bond: Y
Basic Debt Information Debt Name: 2019 U.S. Bank Police Radio Lease Debt Status: Outstanding Type of Indebtedness: Lease Base CUSIP Number: Is this debt exempt from the property tax caps? Y
Code Cite Code Cite Under Which Debt is Authorized: <i>Code cite can typically be found in the bond resolution or ordinance.</i>
Debt Limitation Is this debt subject to the issuer's debt limit? N Applicable Issuer: Current Debt Limit: Current Debt Capacity (after issuance of this debt):
Date Information Date of Preliminary Determination: Date of Publication of Preliminary Determination: Newspaper(s): Date of Public Hearing: Date of Final Approval/Lease Execution: 7/2/2019 Date of Appropriation Resolution: Date of Debt Sale: Date of Debt Closing: 8/15/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Purchase of radios for the police department
Total Project Cost: \$1,760,003.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

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

Notes

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

St. Joseph County
Submitted to the State on Friday, October 25, 2019
Report printed on Thursday, April 27, 2023
Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification Initial Year: 2033 Date of last payment or bond expiration: 12/31/2033 12:00:00 AM New (post 1989): Y Newer (post 2005): Y Refinanced bond: Y
Basic Debt Information Debt Name: 2019 U.S. Bank Election Equipment Lease Debt Status: Outstanding Type of Indebtedness: Lease Base CUSIP Number: Is this debt exempt from the property tax caps? Y
Code Cite Code Cite Under Which Debt is Authorized: <i>Code cite can typically be found in the bond resolution or ordinance.</i>
Debt Limitation Is this debt subject to the issuer's debt limit? N Applicable Issuer: Current Debt Limit: Current Debt Capacity (after issuance of this debt):
Date Information Date of Preliminary Determination: Date of Publication of Preliminary Determination: Newspaper(s): Date of Public Hearing: Date of Final Approval/Lease Execution: 7/2/2019 Date of Appropriation Resolution: Date of Debt Sale: Date of Debt Closing: 7/19/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

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

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

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

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

Purpose/Cost

Purpose of Debt: Purchase of new election equipment
Total Project Cost: \$2,500,000.00

Sources

Sources of Funds	Amount
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Uses

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

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

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

Notes

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

St. Joseph County

Submitted to the State on Thursday, February 17, 2022

Report printed on Thursday, April 27, 2023

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

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

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

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:

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

Debt Limitation

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

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

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

Date of Appropriation Resolution: 10/12/2021

Date of Debt Sale:

Date of Debt Closing: 11/12/2021

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Property Tax: No
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other (Fee Revenue) : Primary

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): U.S. Bank Leasing
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Ducomb Center vehicles, technology, vests, radios, and equipment
Total Project Cost: \$196,272.53

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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2/15/2022	\$19,517	1.75	\$992	\$20,509				\$20,509		\$176,756
8/15/2022	\$18,962	1.75	\$1,547	\$20,509				\$20,509		\$157,794
2/15/2023	\$19,128	1.75	\$1,381	\$20,509				\$20,509		\$138,666
8/15/2023	\$19,295	1.75	\$1,214	\$20,509				\$20,509		\$119,371
2/15/2024	\$19,464	1.75	\$1,045	\$20,509				\$20,509		\$99,907
8/15/2024	\$19,635	1.75	\$874	\$20,509				\$20,509		\$80,272
2/15/2025	\$19,806	1.75	\$703	\$20,509				\$20,509		\$60,466
8/15/2025	\$19,980	1.75	\$529	\$20,509				\$20,509		\$40,486
2/15/2026	\$20,155	1.75	\$354	\$20,509				\$20,509		\$20,331
8/15/2026	\$20,331	1.75	\$178	\$20,509				\$20,509		\$0
Total	\$196,273		\$8,817	\$205,090				\$205,090		

Notes

Debt Schedule No. 78

St. Joseph County

Submitted to the State on Wednesday, December 21, 2022

Report printed on Thursday, April 27, 2023

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

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: St. Joseph County General Obligation Series 2022

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 790603

Is this debt exempt from the property tax caps? N

Code Cite

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

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

Debt Limitation

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

Applicable Issuer: St. Joseph County

Current Debt Limit: \$71,186,724.00

Current Debt Capacity (after issuance of this debt): \$65,386,724.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s): South Bend Tribune, Mishawaka Enterprise, Indianapolis Business Journal

Date of Public Hearing: 11/9/2022

Date of Final Approval/Lease Execution: 11/10/2022

Date of Appropriation Resolution: 11/10/2022

Date of Debt Sale: 12/14/2022

Date of Debt Closing: 12/21/2022

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Renovation of North Liberty and Woodland Highway Garages
Total Project Cost: \$5,927,782.15

Sources

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

Uses

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

Dates

Date Bids Received: 12/14/2022
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

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

6/30/2023	\$910,000	4.00	\$121,800	\$1,031,800	\$0					
12/30/2023	\$940,000	4.00	\$97,800	\$1,037,800	\$0	\$2,069,600				
6/30/2024	\$960,000	4.00	\$79,000	\$1,039,000	\$0					
12/30/2024	\$980,000	4.00	\$59,800	\$1,039,800	\$0	\$2,078,800				
6/30/2025	\$995,000	4.00	\$40,200	\$1,035,200	\$0					
12/30/2025	\$1,015,000	4.00	\$20,300	\$1,035,300	\$0	\$2,070,500				
Total	\$5,800,000		\$418,900	\$6,218,900	\$0	\$6,218,900				

Notes
2022 General Obligation(Highway)Bonds
Closing on December 21, 2022

JUN 14 2023

City Clerk
Mishawaka, IN

RESOLUTION NO. 2023-15

**A RESOLUTION OF THE CITY OF MISHAWAKA PLAN COMMISSION
APPROVING A RESOLUTION OF THE CITY OF MISHAWAKA, INDIANA,
REDEVELOPMENT COMMISSION WHICH APPROVED AMENDMENTS TO THE
DECLARATORY RESOLUTION AND THE ECONOMIC DEVELOPMENT PLAN
FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT**

WHEREAS, the City of Mishawaka Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for the City of Mishawaka, Indiana (the "City"); and

WHEREAS, the City of Mishawaka Redevelopment Commission (the "Redevelopment Commission"), the governing body of the City of Mishawaka Department of Redevelopment, pursuant to Indiana Code 36-7-14, as amended from time to time (the "Act"), on May 22, 2023, approved and adopted its Resolution No. 2023-05 entitled "Resolution of the City of Mishawaka, Indiana Redevelopment Commission Approving Amendments to the Declaratory Resolution and the Economic Development Plan for the Consolidated Area Improvement Project for the Purpose of Establishing a New Allocation Area and Related Matters" (the "Amending Declaratory Resolution"); and

WHEREAS, the Amending Declaratory Resolution approved amendments to the Declaratory Resolution previously adopted by the Redevelopment Commission and the Economic Development Plan (the "Plan") previously approved by the Redevelopment Commission in connection with establishment and subsequent amendment of the Consolidated Area Improvement Project and designation of the related Allocation Area (the "Allocation Area") to (i) designate an area, presently part of the Allocation Area and described at Exhibit A of the Amending Declaratory Resolution, as a separate allocation area pursuant to Section 39 of the Act to be known as the "Ironworks Phase 2 Allocation Area" (the "Ironworks Phase 2 Allocation Area") and (ii) amendment of the Plan to include the Ironworks Phase 2 Allocation Area therein (collectively, the "2023 Amendments"); and

WHEREAS, the Redevelopment Commission has submitted the Amending Declaratory Resolution (which Resolution is attached hereto as Exhibit A, and made a part hereof) to the Plan Commission for approval pursuant to the provisions of the Act; and

WHEREAS, the Plan Commission has reviewed the Amending Declaratory Resolution and the 2023 Amendments described in the Amending Declaratory Resolution and has determined that they conform to the plan of development for the City, and now desires to approve the Amending Declaratory Resolution and the 2023 Amendments described therein and, pursuant to Section 16 of the Act, the Plan Commission desires to issue its written order approving the Amending Declaratory Resolution and the 2023 Amendments described therein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MISHAWAKA PLAN COMMISSION AS FOLLOWS:

1. Pursuant to Section 16 of the Act, the Plan Commission hereby finds and determines that the Amending Declaratory Resolution and the 2023 Amendments described in the Amending Declaratory Resolution conform to the plan of the development of the City.

2. The Amending Declaratory Resolution and the 2023 Amendments described in the Amending Declaratory Resolution are in all respects approved.

3. This Resolution shall constitute the Plan Commission's written order approving the Amending Declaratory Resolution and the 2023 Amendments described in the Amending Declaratory Resolution pursuant to Section 16 of the Act.

4. The Secretary of the Plan Commission is hereby directed to file copies of the Amending Declaratory Resolution with the minutes of this public meeting.

5. This Resolution shall be in full force and effect after its adoption by the Plan Commission.

SO RESOLVED BY THE CITY OF MISHAWAKA PLAN COMMISSION this 13th day of June, 2023.

CITY OF MISHAWAKA PLAN
COMMISSION

President

ATTEST:

Secretary

EXHIBIT A

AMENDING DECLARATORY RESOLUTION

(See Attached)

RESOLUTION NO. 2023-05

RESOLUTION OF THE CITY OF MISHAWAKA, INDIANA REDEVELOPMENT COMMISSION APPROVING AMENDMENTS TO THE DECLARATORY RESOLUTION AND THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT FOR THE PURPOSE OF ESTABLISHING A NEW ALLOCATION AREA AND RELATED MATTERS

WHEREAS, the City of Mishawaka Redevelopment Commission (the "Commission"), the governing body of the City of Mishawaka, Indiana, Department of Redevelopment (the "Department") and the Redevelopment District of the City of Mishawaka, Indiana (the "District"), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission has heretofore adopted a declaratory resolution (as subsequently confirmed and amended from time to time, the "Declaratory Resolution") designating an area known as the Consolidated Area Improvement Project (the "Area") as an economic development area pursuant to the Act, designating the Area as an allocation area pursuant to Section 39 of the Act (the "Allocation Area"), and approving an economic development plan for the Area (the "Original Plan"); and

WHEREAS, pursuant to Sections 15-17.5 of the Act, the Commission desires to amend the Declaratory Resolution and the Original Plan further to designate an area, presently part of the Allocation Area and described at Exhibit A attached hereto, as a separate allocation area pursuant to Section 39 of the Act to be known as the "Ironworks Phase 2 Allocation Area" ("Ironworks Phase 2 Allocation Area"); and

WHEREAS, Section 39 of the Act has been created and amended to permit the creation and expansion of "allocation areas" to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said Section; and

WHEREAS, this Redevelopment Commission deems it advisable to apply the provisions of said Section 39 of the Act to the Ironworks Phase 2 Allocation Area; and

WHEREAS, the Commission now desires to approve the designation of the Ironworks Phase 2 Allocation Area and the amendment of the Original Plan to include the Ironworks Phase 2 Allocation Area therein (collectively, the "2023 Amendments"); and;

WHEREAS, the proposed 2023 Amendments and supporting data were reviewed and considered at this meeting;

NOW, THEREFORE, BE IT RESOLVED by the City of Mishawaka, Indiana, Redevelopment Commission, as follows:

1. The Commission hereby finds and determines that the 2023 Amendments promote significant opportunities for the (i) gainful employment of the citizens of the City of Mishawaka, Indiana (the "City"), (ii) attraction of major new business enterprises to the City, and (iii) retention and expansion of significant business enterprises existing in the boundaries of the City and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public

health, safety, and welfare, increasing the economic well-being of the City and the State of Indiana (the "State") and serving to protect and increase property values in the City and the State.

2. The 2023 Amendments cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements, existence of conditions that lower the value of the land below that of nearby land, multiple ownership of land, and other similar conditions.

3. The public health and welfare will be benefited by accomplishment of the 2023 Amendments.

4. It will be of public utility and benefit to amend the Declaratory Resolution and the Original Plan for the Area as provided in the 2023 Amendments and to continue to develop the Area, including the Ironworks Phase 2 Allocation Area, as provided under the Act.

5. Accomplishment of the 2023 Amendments will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

6. The Commission hereby finds that the further amendment of the Declaratory Resolution and the Original Plan, to designate the Ironworks Phase 2 Allocation Area, conforms to the comprehensive plan for the City.

7. The map and plat of the Ironworks Phase 2 Allocation Area showing its boundaries, the location of the various parcels of property, streets and alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, redevelopment or economic development of the Ironworks Phase 2 Allocation Area, and the parts of the Ironworks Phase 2 Allocation Area that are to be devoted to public ways, levees, sewerage, parks, playgrounds and other public purposes under the Original Plan, are hereby approved and adopted as the map and plat for the Ironworks Phase 2 Allocation Area.

8. The 2023 Amendments are reasonable and appropriate when considered in relation to the Declaratory Resolution and the Original Plan and the purposes of the Act.

9. The findings and determinations set forth in the Declaratory Resolution and the Original Plan are hereby reaffirmed.

10. The Commission finds that no residents of the Area will be displaced by any project resulting from the 2023 Amendments, and therefore finds that it does not need to give consideration to transitional and permanent provision for adequate housing for the residents.

11. The 2023 Amendments are hereby in all respects approved.

12. The area described in Exhibit A is hereby removed from the Allocation Area, and is hereby designated as a separate "allocation area" pursuant to Section 39 of the Act to be known as the "Ironworks Phase 2 Allocation Area," for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Any taxes imposed under I.C. 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a

distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the District and when collected paid into an allocation fund for the Ironworks Phase 2 Allocation Area hereby designated as the "Ironworks Phase 2 Allocation Area Allocation Fund" and may be used by the District to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

13. The foregoing allocation provision shall apply to the Ironworks Phase 2 Allocation Area. The Commission hereby finds that the adoption of this allocation provision will result in new property taxes in the Ironworks Phase 2 Allocation Area that would not have been generated but for the adoption of the allocation provision, as specifically evidenced by the findings set forth in Exhibit B. The base assessment date for the Ironworks Phase 2 Allocation Area is January 1, 2023.

14. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto, and the allocation provisions herein relating to Ironworks Phase 2 Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the Ironworks Phase 2 Allocation Area.

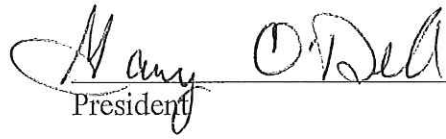
15. Any member of the Commission is hereby authorized to take such actions as are necessary to implement the purposes of this resolution, and any such action taken prior to the date hereof is hereby ratified and approved.

16. This Resolution, together with any supporting data, shall be submitted to the City of Mishawaka Plan Commission (the "Plan Commission") and the Common Council of the City of Mishawaka (the "Common Council") as provided in the Act, and if approved by the Plan Commission and the Common Council shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

17. This resolution shall take effect immediately upon its adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the City of Mishawaka, Indiana,
Redevelopment Commission held on the 22nd day of May, 2023.

CITY OF MISHAWAKA, INDIANA,
REDEVELOPMENT COMMISSION



President

ATTEST:



Secretary

EXHIBIT A

LEGAL DESCRIPTION

**IRONWORKS PHASE 2 ALLOCATION AREA
CONSOLIDATED AREA IMPROVEMENT PROJECT**

Parcels: 1 – Fee

Encumbers Tax Keys: 71-09-16-202-001.000-023 and 71-09-16-202-004.000-023

Lot 2 of The Mill at Ironworks in the City of Mishawaka, Penn Township, St. Joseph County, Indiana, the plat of which is recorded as Instrument #1735080 in the Office of the Recorder of St. Joseph County, Indiana.

Excepting therefrom the East 4.00 feet of said Lot 2.

Also including a part of Outlot A of The Mill at Ironworks, more particularly described as follows:

A 2.00 foot strip of land lying west and adjacent to said Lot 2, bounded on the north by the north line of said Lot 2 extended westerly.

EXHIBIT B

2023 PLAN SUPPLEMENT

The Original Plan is further supplemented and amended to add the description for the territory to be known as the Ironworks Phase 2 Allocation Area as set forth at Exhibit A.

Tax Increment Revenues from the Ironworks Phase 2 Allocation Area may be used to support all or any portion of the design, construction, equipping, and improving, as the case may be, of a mixed used development consisting of a mixed use retail and residential apartment building with a parking garage containing approximately 430 spaces including approximately 130 public parking spaces to be located in the Ironworks Phase 2 Allocation Area and for any other economic development projects that are located in or serve the Ironworks Phase 2 Allocation Area.

The Commission anticipates capturing tax increment revenues from the Ironworks Phase 2 Allocation Area and applying such tax increment revenues to offset payments by developers on promissory notes in connection with economic development revenue bond financings undertaken by the unit, or to pay principal or interest on economic development revenue bonds issued by the unit to provide incentives to a developer, in furtherance of the economic development or redevelopment purposes of the Ironworks Phase 2 Allocation Area.

Based on representations made to the Commission, the Commission has determined that the full development of the Ironworks Phase 2 Allocation Area with the improvements described above, will not proceed as planned without the contribution of tax increment revenues to be derived from the Ironworks Phase 2 Allocation Area to the projects described above.

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

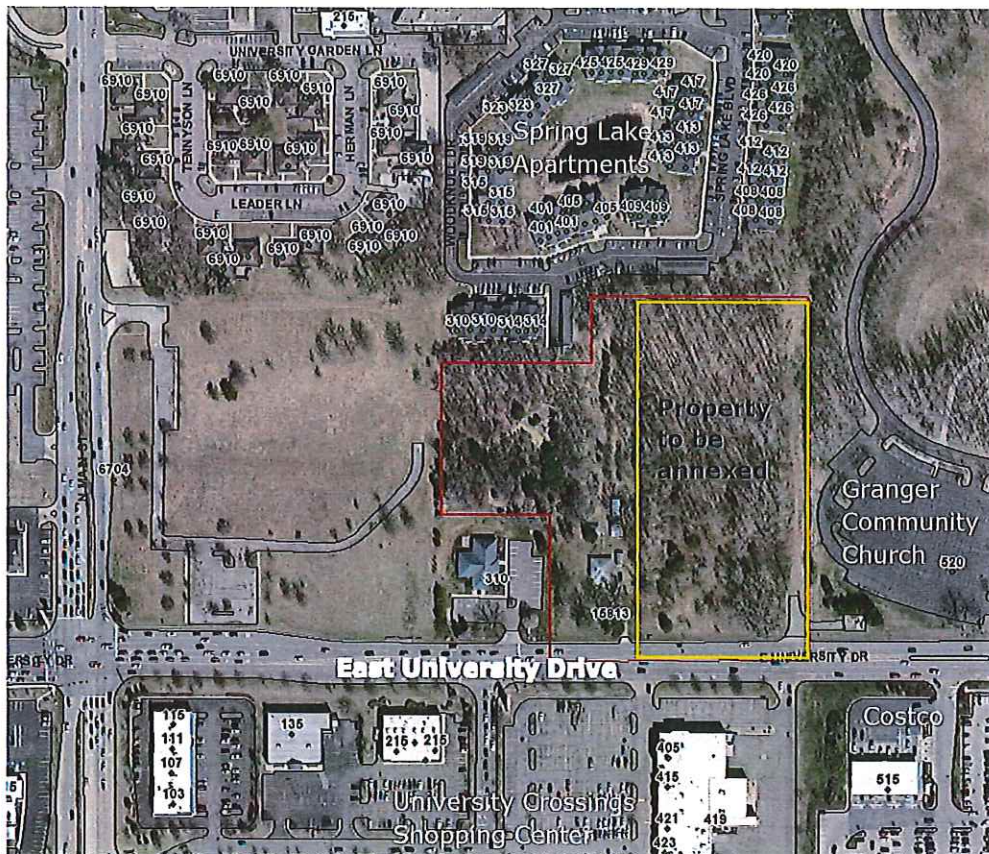
Staff recommends in **favor** of Petition 23-09 to annex and establish zoning as C-1 General Commercial District for property located on the north side of East University Drive, east of North Main Street (15793 E University Dr.).

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.

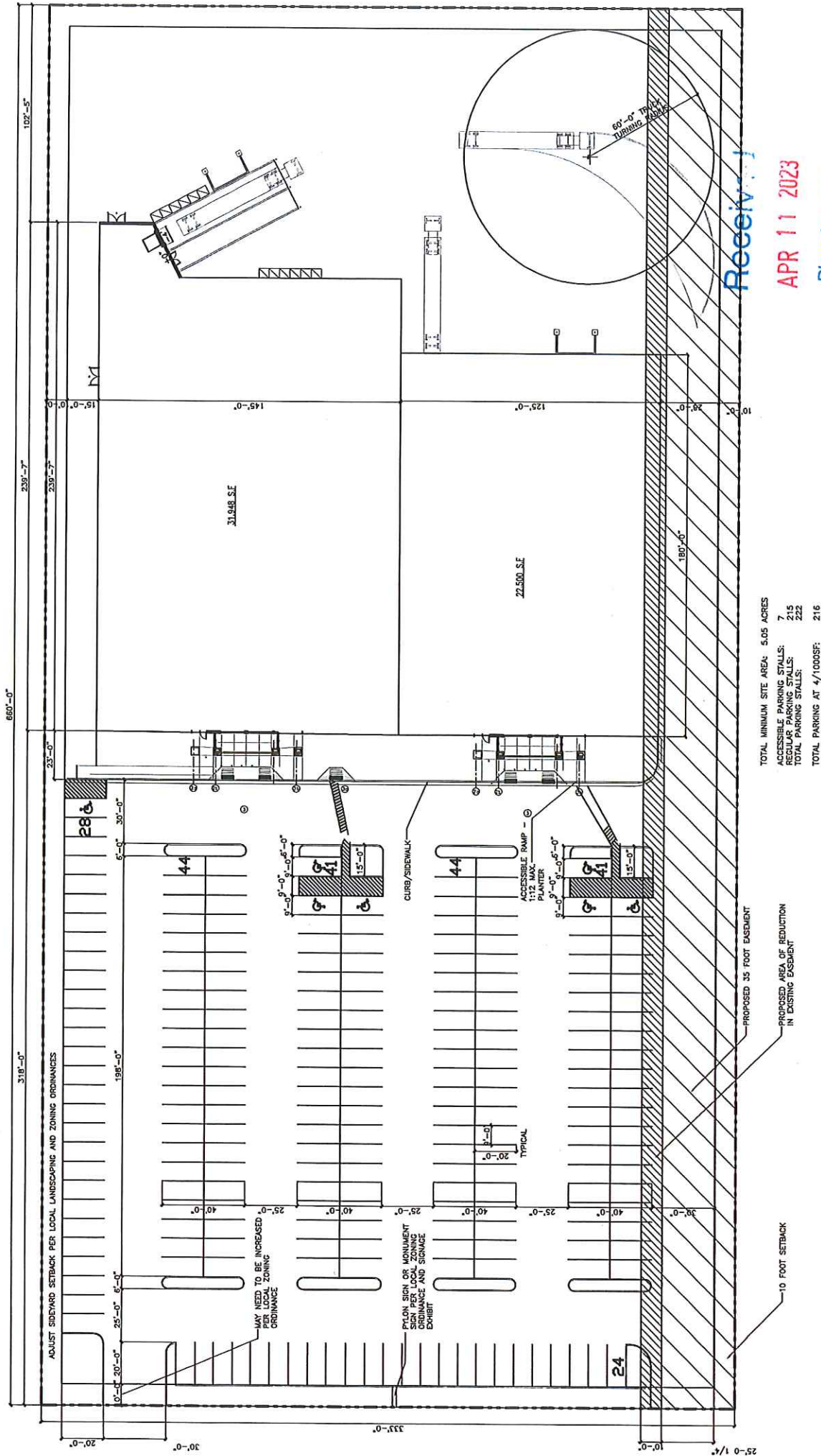
I would also like to change our request to C1 commercial zoning. We designed the site per C1 guidelines but inadvertently requested C2 commercial.

If you have any questions, feel free to call

A handwritten signature in black ink, appearing to read "Dave Holzem", with a long horizontal flourish 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

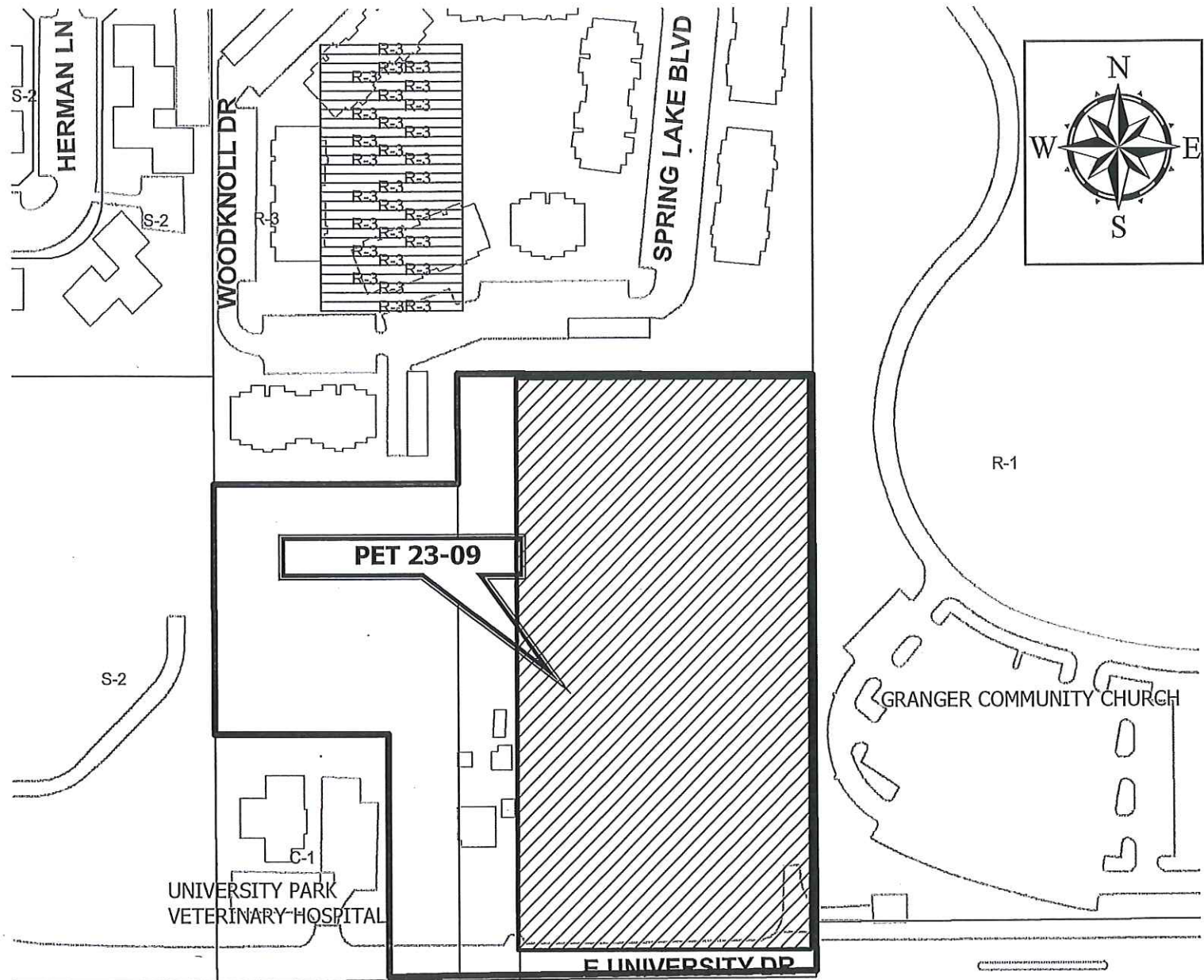


TOTAL MINIMUM SITE AREA:	5.05 ACRES
ACCESSIBLE PARKING STALLS:	7
REGULAR PARKING STALLS:	215
TOTAL PARKING STALLS:	222
TOTAL PARKING AT 4/1000SF:	216

APR 11 2023

Planning and
Community Development

PET 23-09



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

S-2

S-2

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

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
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Re: Investment of Public Funds

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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

Date: June 1, 2023
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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

PROPOSED ORDINANCE NO. 2023-10

ORDINANCE NO. _____

As Amended

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

WHEREAS, from time to time it may be necessary for active duty and reserve members of the various branches of the Armed Forces of the United States and National Guard, including the Indiana National Guard, to ready themselves for service in military actions, or to provide assistance to, or to assume responsibilities in the military upon Orders of the Governor of the State of Indiana or the President of the United States; and

WHEREAS, among those called to service or potentially called to such service are employees of the City of Mishawaka, Indiana and employees of Mishawaka Utilities, hereinafter referred to as "City;" and

WHEREAS, various State and Federal laws provide minimum benefits to be accorded such employees by the City during their terms of active duty; and

WHEREAS, the Common Council, in conjunction with the City administration, stands behind and supports, proudly, any and all City employees called to such service, and desires to establish terms and conditions of the employment of those City employees while on active duty related to Orders of the Governor or President, which ratify and go beyond the minimum requirements of the law so as to provide for those employees and their families and dependents.

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

Section 1. TITLE III, Chapter 34: Personnel Policies: of the Municipal Code of the City of Mishawaka, Indiana, is hereby amended by deleting Ordinance #4631 in its entirety and replacing it with the following:

SECTION I – COVERED EMPLOYEES

1. The terms of employment policies embodied within this Ordinance apply to all regular full-time city employees and sworn officers called to active duty in the Armed Forces of the United States or Indiana National Guard for service related to the deployment of troops upon Order of the Governor or President.
2. Each covered employee shall be considered as remaining in the employ of the City of Mishawaka or Mishawaka Utilities in an inactive status while on active duty related to an ordered deployment of troops. Each covered employee shall

Deborah S. Block, IAMC, MMC

MAY 11 2023

City Clerk
Mishawaka, IN

continue in such inactive status until he or she returns to active employment with the City.

3. Each covered employee assigned to active military duty shall be responsible to notify the City, in writing, of each change in military status (including, but not limited to, wage changes, promotions, or active-duty status changes), within forty-eight (48) hours of the change, or as soon as reasonably possible under the circumstances.
4. Each covered employee must notify the City's Human Resources Department of his or her intention regarding return to active employment with the City on the required forms available from Human Resources. Such reapplication must occur within ninety (90) days after such time as he or she is released from active duty assignment, honorably discharged from such service or released from hospitalization continuing after discharge. The employee shall file his or her final active military pay stub and the final military pay grid with his or her form for reapplication.
5. Following reapplication, each covered employee, if still qualified to perform the duties of the position he or she held immediately prior to being called to military duty, shall be restored to such position or to a position of the like seniority, status, and pay. If any covered employee is not qualified to perform the duties of the position he or she held immediately prior to being called to military duty, by reason of disability sustained during such service, but is qualified to perform the duties of any other position in the employ of the City, he or she shall be offered employment and, if such covered employee so requests, shall be employed in such other position the duties of which the covered employee is qualified to perform as will provide him or her like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances in his or her case.

SECTION II – WAGES AND BENEFITS

1. Each covered employee shall receive paid leave for the number of working days between the last day of active employment with the City and the first day of military duty not to exceed thirty (30) calendar days. This paid leave will be paid in regularly-scheduled, bi-weekly paychecks unless other arrangements are made with the Board of Public Works and Safety.
2. Each covered employee shall be allowed to elect, in writing, to receive compensation at his or her current rate of pay for all unused leave days available on his or her last day of active employment with the City before reporting to active military duty.
3. Beginning with the first day of active military pay and ending with the final day of active military pay, each covered employee shall receive a regular bi-weekly paycheck from the City in an amount equal to the difference between his or her current gross City wage and his or her gross military wage. For purposes of this ordinance, gross wages is defined as total compensation subject to FICA withholding. It is the employee's responsibility to inform the City Controller's Office if the gross military wage is less than the employee's gross City wage. In no event shall the total of gross military and gross City wages (including any amount paid under Section II (1) above) paid during the active military period

- exceed the total gross wages that would have been earned during the same time period by the covered employee in his or her City position had he or she not been called to active duty. Reconciliation of the amounts owed to or by the City shall occur as needed, following the employee's return to active City employment.
4. Employees with appropriate military orders will be granted paid leave for annual training for the Reserve or National Guard for a period of up to two (2) weeks per year; and are also entitled to both civilian and military pay up to one (1) weekend per month. Long-term deployment pay will follow USERRA. Specialty training (non-mandatory in nature) will require the employee to use his own banked time. The Council approval of such paid leave for shorter periods of military leave shall be retroactive to January 1, 2023.
 5. For purposes of computing the covered employee's gross City wages, each covered employee shall receive that annual increase he or she would have received had he or she not been called to active military duty.
 6. Leave days, such as but not limited to, Vacation, Sick, FTO and Bonus will not accrue during such time the covered employee is on active military duty.
 7. Time on the job and seniority will accrue during such time the covered employee is on active military duty.
 8. Upon the employee's return to active status with the City, he or she is eligible for any leave time, including vacation, that is available to all active City employees. Human Resources can counsel the returning employee on his or her options, should leave be necessary.
 9. Regular deductions from City paychecks will be honored only in the event the employee expresses his or her desire, in writing, to continue the deduction AND that there are sufficient funds due to the employee. The funds due to the employee include the differential paid according to Section II(3) above and any funds deposited by the employee to the City for the purpose of paying the deduction. Such deposits must occur prior to the scheduled deduction (or pay period). The employee is solely responsible for maintaining his or her qualification for each policy or program. In the event insufficient funds are present for all requested deductions and no further direction has been received from the employee, the City shall appropriate the funds in the following order (as appropriate):
 - a. Court-Ordered Deductions/Garnishments
 - b. Health Insurance premium for dependents
 - c. Union Dues
 - d. Deferred Compensation
 - e. Supplemental Insurance or other voluntary deductions

SECTION III – HEALTH INSURANCE

1. Pursuant to the terms of the Group Contract providing Health Care Benefits ("the Contract") governing the terms and conditions of employee health care coverage provided by the City, health care benefits for each covered employee shall terminate as of the date he or she is activated to military duty, as medical coverage is provided to the covered employee by the United States Government.
2. Dependents of covered employees with City-provided dependent health care coverage at the time the covered employee reports to active duty, shall remain

- covered under the Contract pursuant to Contract administration policies while the covered employee is activated to military duty.
3. Pursuant to exclusions listed in life insurance contracts, any life insurance provided to the covered employee by the City will cease while the employee is on active military duty.

SECTION IV – PERF

To the extent allowed by law, the City shall, during each covered employee's term of active military duty, continue to pay the pension contributions normally paid by the employer on behalf of the employee by virtue of his or her employment.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Common Council, signature of the Mayor, attestation by the City Clerk and publication as required by law.

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 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

MAY 11 2023

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2023-10

ORDINANCE NO. _____

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

WHEREAS, from time to time it may be necessary for active duty and reserve members of the various branches of the Armed Forces of the United States and National Guard, including the Indiana National Guard, to ready themselves for service in military actions, or to provide assistance to, or to assume responsibilities in the military upon Orders of the Governor of the State of Indiana or the President of the United States; and

WHEREAS, among those called to service or potentially called to such service are employees of the City of Mishawaka, Indiana and employees of Mishawaka Utilities, hereinafter referred to as "City;" and

WHEREAS, various State and Federal laws provide minimum benefits to be accorded such employees by the City during their terms of active duty; and

WHEREAS, the Common Council, in conjunction with the City administration, stands behind and supports, proudly, any and all City employees called to such service, and desires to establish terms and conditions of the employment of those City employees while on active duty related to Orders of the Governor or President, which ratify and go beyond the minimum requirements of the law so as to provide for those employees and their families and dependents.

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

Section 1. TITLE III, Chapter 34: Personnel Policies: of the Municipal Code of the City of Mishawaka, Indiana, is hereby amended by deleting Ordinance #4631 in its entirety and replacing it with the following:

SECTION I – COVERED EMPLOYEES

1. The terms of employment policies embodied within this Ordinance apply to all regular full-time city employees and sworn officers called to active duty in the Armed Forces of the United States or Indiana National Guard for service related to the deployment of troops upon Order of the Governor or President.
2. Each covered employee shall be considered as remaining in the employ of the City of Mishawaka or Mishawaka Utilities in an inactive status while on active duty related to an ordered deployment of troops. Each covered employee shall continue in such inactive status until he or she returns to active employment with the City.

3. Each covered employee assigned to active military duty shall be responsible to notify the City, in writing, of each change in military status (including, but not limited to, wage changes, promotions, or active-duty status changes), within forty-eight (48) hours of the change, or as soon as reasonably possible under the circumstances.
4. Each covered employee must notify the City's Human Resources Department of his or her intention regarding return to active employment with the City on the required forms available from Human Resources. Such reapplication must occur within ninety (90) days after such time as he or she is released from active duty assignment, honorably discharged from such service or released from hospitalization continuing after discharge. The employee shall file his or her final active military pay stub and the final military pay grid with his or her form for reapplication.
5. Following reapplication, each covered employee, if still qualified to perform the duties of the position he or she held immediately prior to being called to military duty, shall be restored to such position or to a position of the like seniority, status, and pay. If any covered employee is not qualified to perform the duties of the position he or she held immediately prior to being called to military duty, by reason of disability sustained during such service, but is qualified to perform the duties of any other position in the employ of the City, he or she shall be offered employment and, if such covered employee so requests, shall be employed in such other position the duties of which the covered employee is qualified to perform as will provide him or her like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances in his or her case.

SECTION II – WAGES AND BENEFITS

1. Each covered employee shall receive paid leave for the number of working days between the last day of active employment with the City and the first day of military duty not to exceed thirty (30) calendar days. This paid leave will be paid in regularly-scheduled, bi-weekly paychecks unless other arrangements are made with the Board of Public Works and Safety.
2. Each covered employee shall be allowed to elect, in writing, to receive compensation at his or her current rate of pay for all unused leave days available on his or her last day of active employment with the City before reporting to active military duty.
3. Beginning with the first day of active military pay and ending with the final day of active military pay, each covered employee shall receive a regular bi-weekly paycheck from the City in an amount equal to the difference between his or her current gross City wage and his or her gross military wage. For purposes of this ordinance, gross wages is defined as total compensation subject to FICA withholding. It is the employee's responsibility to inform the City Controller's Office if the gross military wage is less than the employee's gross City wage. In no event shall the total of gross military and gross City wages (including any amount paid under Section II (1) above) paid during the active military period exceed the total gross wages that would have been earned during the same time period by the covered employee in his or her City position had he or she not been

- called to active duty. Reconciliation of the amounts owed to or by the City shall occur as needed, following the employee's return to active City employment.
4. **Employees with appropriate military orders will be granted paid leave for annual training for the Reserve or National Guard for a period of up to two (2) weeks per year; and are entitled to civilian and military pay up to one (1)) weekend per month. Long-term deployment pay will follow USERRA. Specialty training required for promotions will require the employee to use his/her own banked time.**
 5. For purposes of computing the covered employee's gross City wages, each covered employee shall receive that annual increase he or she would have received had he or she not been called to active military duty.
 6. Leave days, such as but not limited to, Vacation, Sick, FTO and Bonus will not accrue during such time the covered employee is on active military duty.
 7. Time on the job and seniority will accrue during such time the covered employee is on active military duty.
 8. Upon the employee's return to active status with the City, he or she is eligible for any leave time, including vacation, that is available to all active City employees. Human Resources can counsel the returning employee on his or her options, should leave be necessary.
 9. Regular deductions from City paychecks will be honored only in the event the employee expresses his or her desire, in writing, to continue the deduction AND that there are sufficient funds due to the employee. The funds due to the employee include the differential paid according to Section II(3) above and any funds deposited by the employee to the City for the purpose of paying the deduction. Such deposits must occur prior to the scheduled deduction (or pay period). The employee is solely responsible for maintaining his or her qualification for each policy or program. In the event insufficient funds are present for all requested deductions and no further direction has been received from the employee, the City shall appropriate the funds in the following order (as appropriate):
 - a. Court-Ordered Deductions/Garnishments
 - b. Health Insurance premium for dependents
 - c. Union Dues
 - d. Deferred Compensation
 - e. Supplemental Insurance or other voluntary deductions

SECTION III – HEALTH INSURANCE

1. Pursuant to the terms of the Group Contract providing Health Care Benefits ("the Contract") governing the terms and conditions of employee health care coverage provided by the City, health care benefits for each covered employee shall terminate as of the date he or she is activated to military duty, as medical coverage is provided to the covered employee by the United States Government.
2. Dependents of covered employees with City-provided dependent health care coverage at the time the covered employee reports to active duty, shall remain covered under the Contract pursuant to Contract administration policies while the covered employee is activated to military duty.

3. Pursuant to exclusions listed in life insurance contracts, any life insurance provided to the covered employee by the City will cease while the employee is on active military duty.

SECTION IV – PERF

To the extent allowed by law, the City shall, during each covered employee's term of active military duty, continue to pay the pension contributions normally paid by the employer on behalf of the employee by virtue of his or her employment.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Common Council, signature of the Mayor, attestation by the City Clerk and publication as required by law.

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 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..

Dave A. Wood, Mayor