



AGENDA

November 20, 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): 2332 631 5226
Meeting password:wCJPw2MfB34**

**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: 23326315226@mishawaka.webex.com

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Minutes of the Regular Meeting of November 13, 2023
5. Petitions, Communications, Remonstrance and Memorial

A letter from the City Plan Commission regarding their recommendations from their November 14th meeting.

6. Report of Special Committee

7. Ordinances on First Reading

- | | |
|------------------|---|
| P.O. No.2023-54 | Rezone from I-2 Heavy Industrial to C-4 Automobile Oriented Commercial - 1213 E. Jefferson Blvd. |
| P.O. No. 2023-55 | Rezone from C-1 to C-9 Auto & Vehicle Sales for the expansion of Gage Auto - 3813 Lincolnway East |
| P.O. No. 2023-56 | Amending Ordinance No. 5867 Fixing the Salaries of all Sworn Police Officer (Requesting Second Reading) |

8. Resolutions

- | | |
|----------|---|
| R2023-26 | Fiscal Plan for Annexation of 13.55 Acres of NE corner OF Fir Road & Beacon Parkway |
| R2023-27 | Approving Agreement Between the City of Mishawaka and School City Of Mishawaka for expansion of School Resource Officer Service |

9. Ordinances on Second Reading

- | | |
|------------------|--|
| P.O. No. 2023-35 | Establishing a Designated Outdoor Refreshment Area - DORA (Requesting postponement indefinitely) |
| P.O. No. 2023-36 | Amending the Municipal Code Park and Recreation - DORA (Requesting postponement indefinitely) |
| P.O. No. 2023-50 | Annexing Northern 13.55 Acres and Establish PUD & Amend PUD for Southern 6.88 Acres - Northwest corner of Fir Road and Beacon Parkway Vote Only (Assigned to Land Use Planning Committee) |
| P.O. No. 2023-51 | Amending the Municipal Code for Barber and Beauty Shops to add definitions for Microblading and Permanent Makeup (Assigned to Land Use Planning Committee) |

P.O. NO. 2023-52 Transferring and Reappropriating Funds
 Public Safety LIT Fund
From: Capital Outlays
2240-50-445-09 \$130,000.00
To: Debt Services
2240-50-438-01 \$124,000.00
2240-50-438-02 \$ 6,000.00
(Assigned to Budget & Finance Committee)

P.O. No. 2023-53 Amending Ordinance No. 5641 The Deferred
 Compensation Matching Plan, Adoption
 Agreement & Amendment 1
(Assigned to Personnel Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment -

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page, 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

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

Download Council Packet Link:

<https://mishawaka.in.gov/government/elected-appointed-officials/common-council/council-agendas-minutes/>

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

November 13, 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, November 13, 2023 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

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

Clerk Block called the roll.

Roll Call.

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

Minutes for the Regular Meeting on October 16, 2023 were approved as received from the Clerk's Office.

Clerk Block read the following petitions by title.

Petition No. 2023-22 Rezone from I-2 Heavy Industrial to C-4 Automobile Oriented Commercial – 1213 E. Jefferson Blvd.

Petition No. 2023-24 Rezone from C-1 to C-9 Auto & Vehicle Sales for the expansion of Gage Auto – 3813 Lincolnway East

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

PROPOSED ORDINANCE NO. 2023-51

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 THE CITY OF

MISHAWAKA, INDIANA

Amending the Municipal Code for Barber and Beauty Shops to add definitions for Microblading and Permanent Makeup

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2023-52

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND
REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2023**

**Transferring and Reappropriating Funds – Public Safety LIT Fund: Capital Outlays
(2240-50-445-09 \$130,000.00) To: Debt Services (2240-50-438-01 \$124,000.00 2240-50-438-
02 \$6,000.00)**

(Assigned to Budget & Finance Committee)

PROPOSED ORDINANCE NO. 2023-53

**AN ORDINANCE AMENDING ORDINANCE 5641 OF THE COMMON COUNCIL OF
THE CITY OF MISHAWAKA, INDIANA, APPROVING THE PARTICIPATION IN
THE STATE OF INDIANA DEFERRED COMP MATCHING PLAN, ADOPTION
AGREEMENT AND AMENDMENT 1**

**Amending Ordinance No. 5641 The Deferred Compensation Matching Plan, Adoption
Agreement & Amendment 1
(Assigned to Personnel Committee)**

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

RESOLUTION R2023-22

**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: 550 UNION STREET**

Use Variance to allow Adult Daycare in I-2 Heavy Industrial District – 550 Union St.

George Lepeniotis, Attorney with Krieg DeVault with offices at 4101 Edison Lakes Parkway, spoke in favor of **RESOLUTION E2023-22** and was there on behalf of the petitioner for the variance on the use. Mr. Lepeniotis began by giving a little bit of a history with this item and stated the use variance went through the BZA with the favorable recommendation being unanimous and following the first reading at the meeting that evening, the Council had a public information session scheduled at an earlier date held on site at the old Troyer building at the address listed. Mr. Lepeniotis stated approximately 50 to 55 individuals showed up for that session and it lasted approximately an hour and a half. Mr. Lepeniotis stated most questions were answered and as an update to the questions that were had that night, his client wanted to reiterate everything that was said and that the proposed site was appropriate for the use variance and that the use variance would not be injurious to public health. The use variance would serve the community and not decrease the property values in that area. Mr. Lepeniotis stated the use variance arose from the peculiar condition of the property and the property suited the use variance well, given its location and its geographic fencing but also his client wanted to mention

that there would be other steps taken to provide security. Mr. Lepeniotis stated there was a question by one member of the public pertaining to security and his client had since contacted a security detail who would be there during all operating hours of the facility. Mr. Lepeniotis stated secondly, there was a question regarding the individuals and what had been done to help prevent violent episodes by individuals who were served at the facility and there were three steps that his client had taken to ensure that the individuals were better vetted and better treated. Mr. Lepeniotis stated the first step was a more in depth historical analysis of the individuals, the second was a more staff training to help identify violent tendencies even when they were not documented or they could potentially be first occurrence and the third step was more staff training for handling violent episodes if and when they happened. Mr. Lepeniotis stated he was joined that evening by the owner of Residential Options, Rueben Kangethe and as he mentioned, there were two parts to his business. Mr. Lepeniotis stated he earlier received a question from Councilwoman Voelker about whether this would be a consolidation of facilities throughout Mishawaka and it would be to use parking and other things that were available on site and help reduce congestion that they were experiencing at their existing facilities. Mr. Lepeniotis stated overall, the facility was nothing but a positive for his client, the people it served and ultimately, they believed for the city of Mishawaka.

Mr. Hixenbaugh thanked Mr. Lepeniotis for the effort he and his client made to host them at the facility and he found it to be very useful and he suspected others did as well and the information he shared was very helpful as they moved the process forward. Mr. Hixenbaugh stated one thing that they talked about that he believed bared mentioning in this setting was that as he understood it, that the facility would be available not only to individuals who resided in one of the other homes operated by residential options but also to those individuals in the community who resided in a private residence but there was a need for them to be able to partake in the program and perhaps provide some respite for their caregivers and asked if he could touch on that. Mr. Lepeniotis stated the ultimate goal was to build a facility that would be able to service a number of individuals, whether they were part of the Residential Options care team or whether, as he mentioned, they had other residential arrangements made and were simply using it as a day facility. Mr. Lepeniotis stated the developmentally disabled individuals, like all of them, needed a point and purpose in life and this was an underserved part of their community. Mr. Lepeniotis stated even though there were a number of facilities in their community, they were all full. Mr. Lepeniotis stated his client had a ramp up period and they would not go from 0 to 100 in a year, as they heard in the information session and that process could take a number of years to get to their full capacity. Mr. Lepeniotis stated at capacity on that site really could serve as a destination for the individuals on a day-to-day basis whether they had residential options or not. Mr. Hixenbaugh thanked him for that and asked if he could briefly touch on the demographic of the individuals who would be making use of the facility if it came to fruition. Mr. Lepeniotis stated the facility was most likely occupied by individuals receiving waiver services through Medicare and that waiver service was in fact a subsidized economic model where they could receive the services with some subsidy from Medicare for the services, so that did define some of the demographic but there was a complete broad-based demographic that they heard at the information session from parents who were of means and were just simply looking for options

for their developmentally disabled children or relatives to have this type of outlet. Mr. Lepeniotis stated he thought it was very broad-based and he did not think there was just one social economic segment that the individual came from who would be partaking in the daycare center.

Mr. Mammolenti asked if he could just confirm that the individuals that would partake in the program that did not currently reside in one of the homes of residential options if they would also be sent through the same vetting process as he described earlier. Mr. Lepeniotis stated yes, they all had case managers assigned to them by the state of Indiana or if they happened to be Michigan residents, even though they did not anticipate that, they would receive the same treatment. Mr. Lepeniotis stated each of the individuals had a case manager and the intent was to apply the new procedures to every one of the individuals whether they were receiving daycare services or residential services. Mr. Mammolenti thanked him for that and also for the information he provided, as well as his time and information at the meeting on site. Mr. Lepeniotis thanked them all for being flexible and learning more about their proposal.

John Banes, 721 West 10th Street, spoke in favor of **RESOLUTION R2023-22**. Mr. Banes stated he had a lot of questions for everybody and questioned a lot of what could happen but after the meeting he was very impressed with these people. Mr. Banes stated their passion was infectious and it just made you want to jump in and join the team so he could not see any reason not to move forward with this.

Mr. Hazen thanked the neighbors who brought this to their attention and as always, they were on top of things that were happening in their neighborhood and throughout the city as well as the willingness to meet and it was one of the best meetings he had sat in for a neighborhood meeting. Mr. Hazen stated he thought they did a great job.

Mr. Mammolenti echoed what Councilman Hazen mentioned and stated he felt much more comfortable having received the information that was provided to them that evening and the fact that this organization was under a tight microscope and oversight by that state. Mr. Mammolenti stated the strong need for this service in their area and overall immense passions that the folks running the program had for this wonderful service made the difference. Mr. Mammolenti thanked all that were involved and he would be voting in favor of it.

Mr. Hixenbaugh echoed his colleagues and thanked everyone again who had shared information with them and presented to them. Mr. Hixenbaugh stated clearly there was a need for this service in their community and he thought that was beyond dispute and the question always was whether it was the right location and whether this was the right provider to provide the service at that location. Mr. Hixenbaugh stated in his opinion, the answer to both of those questions was yes and he was very impressed by it and from what he heard and what he saw, he did think there was a need for the business model of residential options to continue to evolve not only with regard to this site but with regard to those services that they provided in other locations in Mishawaka to make sure that while the individuals would reside in the homes and receive services that they needed, the individuals who lived next door and their interests were also taken into account and

he did not feel as though that was an impossible task to be accomplished. Mr. Hixenbaugh stated he thought this was the beginning of an ongoing dialogue between themselves, the community and residential options but he wished him well as they moved forward with this endeavor and he would also be voting in favor of it.

Question was called for at 7:18PM for **RESOLUTION R2023-24. Motion passed by unanimous roll call vote (summary: Yes = 7).**

Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 7-0.

RESOLUTION R2023-25

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AMENDING RESOLUTIONS R2022-10, R2022-22, R2023-03, AND R2023-12 WHICH ADOPTED A PLAN FOR DISTRIBUTION OF THE PROCEEDS OF THE CITY OF MISHAWAKA'S GRANT FROM THE AMERICAN RESCUE PLAN ACT OF 2021 Amending R2023-12 American Rescue Plan Act (ARPA)

Rebecca Maguire, City Controller, spoke in favor of **RESOLUTION R2023-25**. Mrs. Maguire stated this was an amendment to the ARPA plan and they had amended the plan a few times, as required. Mrs. Maguire stated the change that evening was moving the CSO-23 project of \$900,000 from the revenue replacement use to water, sewer or broadband infrastructure use. Mrs. Maguire stated any amount of funds that they had received over \$10 million must fit certain categories and this satisfied that requirement.

Mr. Hixenbaugh thanked Mrs. Maguire for her work on this and for the collaborative spirit between the Administration and the Council that had been in place throughout the process and they appreciated that.

Question was called for at 7:21PM for **RESOLUTION R2023-25. Motion passed by unanimous roll call vote (summary: Yes = 7).**

Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 7-0.

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

PROPOSED ORDINANCE NO. 2023-49

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2023

Transfer and Reappropriating Funds General Fund – From: Central Services (1101-22-422-02) - \$20,000.00 To: Central Services (1101-22-436-01) - \$20,000

Mr. Banicki reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. Upon a second by Mrs. Voelker, the motion carried. Clerk Block polled the Council on the committee report.

Motion passed by unanimous roll call vote (summary: Yes = 7).

Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The committee report passed 7-0.

Tim Ryan, Director of Central Services for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2023-49**. Mr. Ryan stated he was requesting their favorable vote to pass this and this would keep their repairs and maintenance line, which was primarily their outsourcing of vehicles and this case a majority of it being police vehicles, City Hall vehicles, Code Enforcement vehicles and such. Mr. Ryan stated this was for repair service they could not do and that should keep them healthy for the rest of the year.

Question was called for at 7:24PM for **PROPOSED ORDINANCE NO. 2023-49**. **Motion passed by unanimous roll call vote (summary: Yes = 7).**

Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 7-0, thus it became **ORDINANCE NO. 5870**.

PROPOSED ORDINANCE NO. 2023-50

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

**Annexing Northern 13.55 Acres and Establish PUD & Amend PUD for Southern 6.88
Acres – Northwest corner of Fir Road and Beacon Parkway
Public Hearing – No Vote**

Mr. Hixenbaugh stated consistent with the requirements of Indiana law, the chair opened the public hearing on **PROPOSED ORDINANCE NO. 2023-50**.

Jordan Tyken and Ben Walker, West 134 North 8675 Executive Parkway Menomonee Falls, Wisconsin, spoke in favor of **PROPOSED ORDINANCE NO. 2023-50**. Mr. Tyken stated he and Mr. Walker were present on behalf of Continental Properties, which was a multi-family developer based out of the Milwaukee, Wisconsin area. Mr. Tyken stated they were excited to present to them their proposed multi-family development within the city of Mishawaka that evening but he they first began by giving the Council an introduction to who they were at Continental Properties. Mr. Tyken stated Continental was founded in 1979 and had a strong legacy of developing retail, hospitality and multi-family assets. Mr. Tyken stated within the last two decades, Continental had focused primarily on multi-family development and to date,

Continental had developed 125 multi-family apartment communities in 19 different states, equating to over 35,000 homes. Mr. Tyken stated Continental also had a strong Midwest presence as there were developments in southeast Wisconsin, the Chicagoland area, the western side of Michigan and they were hoping to pursue the Mishawaka area. Mr. Walker stated Continental had a substantial portfolio of apartments that they themselves owned and managed throughout the southern, western and eastern edges of Lake Michigan so the location in Mishawaka was a natural location for them to expand their portfolio of owned and managed multi-family communities. Mr. Walker stated furthermore, just looking at the data in the greater South Bend market area including the city of Mishawaka, had an apartment vacancy rate of between 2% to 3% depending on what source you looked at whereas they in the commercial real estate industry typically regarded a vacancy rate of closer to 5% to 6% as indicative that a given market area had an equilibrium of supply and demand. Mr. Walker stated they could see that the apartment market was very tight and simultaneously, the Michiana region including South Bend and Mishawaka had done a fantastic job with economic development and creating new jobs for the region. Mr. Walker stated Continental was tracking over 3,000 new jobs that were planned to come to the area including the EV battery plant in New Carlisle, multiple health care provider expansions in and around Mishawaka and South Bend as well as a potential Amazon facility east of Mishawaka. Mr. Walker stated they had a tight apartment market today with a lot of new residents and jobs coming to the market, so they believed there was a strong need for additional high-quality market rate rental housing in the community. Mr. Walker stated there were a number of reasons why this location was really attractive to Continental with the first reason being the close proximity to I-80 and you could sort of hop on the interstate right from Beacon Parkway which itself was a beautiful road that drove really well and was well equipped to handle a large body of vehicles every day and there was a great access to the retail maybe a half mile to the west with the mall, the grocery store and all of the convenience retail that they liked to be close to when they developed new communities was all in very close proximity to the site. Mr. Walker stated in terms of jobs, the subject site was in easy driving distance of virtually all of South Bend and Mishawaka's largest employers. Mr. Tyken stated this would be a two parcel assemblage with the northern parcel being currently within St. Joseph County and that needed to be annexed into the city of Mishawaka, roughly 13.55 acres. Mr. Tyken stated the southern parcel was within the city of Mishawaka, but they were requesting an amendment to the zoning designation that would allow for the specifics in their development proposal. Mr. Tyken stated their request would create 20.43 acres within the city of Mishawaka with a S-2 PUD District zoning designation. Mr. Tyken stated in addition to that, they would be dedicating .39 acres of land to the city of Mishawaka for the right-of-way along Fir Road. Mr. Tyken showed a slide of the site plan and stated their site currently consisted of 14 residential buildings as well as a community clubhouse and the community would be gated with a combination of detached and attached parking options connected to the units. Mr. Tyken stated in addition to that, there would be ample green space for residents. Mr. Tyken stated the primary access point would be off of Beacon Parkway and access off of Fir Road would be for emergency vehicles only. Mr. Tyken showed a model of the front elevation and also pictures of the interior of the clubhouse as well as the exterior. Mr. Tyken showed a model of the front elevation of their residential building and there were differentiation in materials and different articulation within the facades to try to curb

appeal as members of the community passed by. Mr. Tyken stated all of the homes were direct entry homes so each unit had a dedicated entry from the exterior of the building to the unit, which helped facilitate a community feel. Mr. Tyken reiterated that Continental owned and managed all of its communities so each community featured 24 hour on-site emergency maintenance as well as multiple full-time dedicated leasing staff members to help manage any type of issues on the properties and they were all employees of Continental Properties and they did not outsource any of their maintenance or property management work. Mr. Walker stated in terms of their proposed unit mix, they were still refining things but it was looking like they would have roughly a unit mix of 10% studio units, 40% one bedroom units, 40% two bedroom units and 10% three bedroom units and the idea there was really to facilitate a community that appealed to a wide variety of renters from single graduates from Notre Dame that may have a good paying job and they were looking for a place to live by themselves, they also had a larger format with the two and three bedroom unit types that catered more to perhaps a young family or empty nesters seeking more space, for example. Mr. Walker stated he could speak to the overall resident composition of their portfolio nationally and their largest resident segment within their portfolio was the ages 20 to 34 segment, so millennials made up about 46% of their resident base nationally across their portfolio and their second largest resident segment was the ages 35 to 49 segment which made up about 20% of their national portfolio. Mr. Walker stated as Jordan mentioned, they had an on-site 24 hour fitness center which was really popular with their residents and again, another one of their valued propositions was that townhome style feel where if you were on the first floor, you opened your front door directly into your unit and the second floor units had private stairwells that went directly into that unit so they had a lot of common spaces for resident interaction and community building, but their residents really liked the private townhome style feel. Mr. Walker stated their unit finishes were equipped with very high quality stainless appliances, in-unit washer and dryer, and granite countertops. Mr. Walker stated these were very high quality market rate apartments that would be a beautiful addition to the city of Mishawaka. Mr. Tyken stated with that, their requests that evening were for discussion on the annexation as well as the zoning changes that would pave the way for this future development.

Mrs. Voelker thanked them both for their very informative presentation and complimented them on their punctuality and the answers they provided that may not have always been provided when an item such as this came before the Council in the past.

Mr. Banicki asked from start to finish, what kind of build time they were looking at. Mr. Tyken stated if all went according to plan, they would be breaking ground the following summer and typically, they turned over the clubhouse and their first residential building 11 months after breaking ground and they had a building turning every month so total build time from shovel in ground to stabilization, their construction would be about 2 years' time. Mr. Banicki asked who they had buildings this and if they were going to use local folks from here who were making a living wage or would they be bringing in folks from out of town. Mr. Tyken stated they currently had a general contractor based out of Grand Rapids who they had worked with in the past and they spoke with them regarding subs and they liked to sub locally so they were going to put out a bid for offers and based on past job sites, they typically had both local as well as some that were

within the larger region. Mr. Tyken stated it was really up to the general contractor with which subs they selected. Mr. Banicki asked for clarification that they were not asking for tax abatements or any assistance whatsoever as far as that was concerned and that this was full pay on their end and if that was correct. Mr. Tyken stated yes, this would be entirely financed by Continental Properties that included hookups to utility infrastructure and all of the improvements on their site. Mr. Walker added that they were not making a request for TIF dollars or anything and this would be funded entirely through private debt and equity sources. Mr. Banicki asked if they took one of their other properties currently, what was their average going rate to lease one of the units. Mr. Walker stated that was dependent on market and some market dynamics but as of right now they were targeting a weighted average overall rent figure of \$1900 a month across all of the unit types so that translated to somewhere in the low \$1500s for a studio unit, up to as high as \$2400 or \$2450 for their largest three bedroom units.

Mr. Compton stated he heard him say it was essentially up to the general contractor with the subs and the general contractor was from Grand Rapids and asked if that were correct. Mr. Tyken stated that was correct. Mr. Compton stated so they did not have a tie to the local community and he asked them to tell the general contractor that they wanted to use as many local contractors and people as possible, since they were the ones who hired the general contractor and were able to do that. Mr. Tyken stated they could certainly relay that message and that was where they would be getting into the specifics of the contract they carried with their general contractor, but they could certainly relay that message. Mr. Compton stated it was important to the Council and he was sure they heard it in other communities, but it was important to them that they used the skilled workforce that they had there locally as much as they could and he knew that was not always possible but it was important to their community. Mr. Walker stated they absolutely heard him on that and the contractor had stated to them that they preferred to use local subcontractors wherever possible as it was easier in terms of the construction of the apartments.

The public hearing on **PROPOSED ORDINANCE NO. 2023-50** was closed at 7:43PM. Mr. Hixenbaugh stated consistent with the requirements of Indiana law, the final action and vote on this proposed ordinance would take place at their next regularly scheduled council meeting which would take place on November 20th at 7PM in the Council Chambers.

PRIVILEGE OF THE FLOOR

President of the Mayor's Youth Council Nishorgo Proshun, Vice President of the Mayor's Youth Council Patricia Kirk and Treasurer of the Mayor's Youth Council Audrey Wandling spoke before the Council. Mr. Proshun thanked everyone from the Council for all of their donations they had received both in time and money. Mr. Proshun stated as a youth council, it amazed them how much they could accomplish with their support. Mr. Proshun stated they only needed a little more to reach their goal of helping 75 families that year. Mr. Proshun asked that donations be turned in by November 14th and in addition, all checks be made out to the City of Mishawaka. Mr. Proshun stated on behalf of the MYAC and the City of Mishawaka, they thanked the Council.

Mr. Hixenbaugh stated they did a very nice job and more importantly, this was a wonderful project that they had going on and they appreciated the work they did on behalf of not just the youth council, but the community as well and certainly they would encourage anyone that was so inclined to support this worthy endeavor. Mr. Hixenbaugh thanked them for sharing the information.

UNFINISHED BUSINESS

Reconsideration of RESOLUTION NO. 2023-24 for Amendment and a Use Variance to allow Mini Storage and Developmental Variances for Setback, Fencing, and Parking – NE Corner of E. McKinley and Maplehurst

Mr. Hixenbaugh stated that the record would reflect that they had received communication from the Planning Department indicating that there was a Scribner's error with regard to the original draftsmanship of this resolution such that the conditions of approval were not accurately stated in the document so at that point in time pursuant to Council Rule 19, the chair entertained a motion to reconsider **RESOLUTION NO. 2023-24**. Mr. Compton made the motion and with a second from Mr. Banicki, Clerk Block polled the Council on the motion to reconsider.

Motion passed by unanimous roll call vote (summary: Yes = 7).

Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The motion passed 7-0.

Mr. Hixenbaugh stated in order to accurately reflect the conditions of approval that had been proposed by the Planning Department. Mr. Hixenbaugh stated at that time, the chair would entertain a motion to delete **RESOLUTION NO. 2023-24** in its entirety and substitute the revised resolution that had been distributed to the Council, which contained the correct conditions of approval. Mr. Banicki made the motion and with a second from Mr. Compton, Clerk Block polled the Council on the motion to delete **RESOLUTION NO. 2023-24** in its entirety and substitute in a revised resolution that accurately contained the conditions of approval.

Motion passed by unanimous roll call vote (summary: Yes = 7).

Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The motion passed 7-0.

Question was called for at 7:49PM for **RESOLUTION NO. 2023-24AA**. **Motion passed by unanimous roll call vote (summary: Yes = 7).**

Yes: Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The amended resolution passed 7-0.

ADJOURNMENT 7:50PM

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

November 15, 2023

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
November 14, 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:

PETITION #23-22 A request submitted by Petkov & Sons LLC requesting to rezone property at **1213 E Jefferson Blvd** from I-2 Heavy Industrial to C-4 Automobile Oriented Commercial for lots 8-11.

The Commission, with a vote of 7-0, recommended approval.

PETITION 23-23 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 THE CITY OF MISHAWAKA, INDIANA. The City is seeking to amend the following: Section 137-4. – Definitions. To further define ***Barbershops and beauty shops, Microblading and Permanent makeup.***

The Commission, with a vote of 7-0, recommended approval.

PETITION 23-24 A petition submitted by Gage Stewart requesting to rezone property at **3813 Lincolnway East** from C-1 General Commercial (north part) to C-9 Auto & Vehicle Sales.

The Commission, with a vote of 7-0, recommended approval.

Respectfully,

Donna M. Burkart

Donna Burkart, Administrative Planner
Secretary, Plan Commission

STAFF REPORT

Location: 1213 E. Jefferson Blvd

Date: November 14 2023

Petition: 23 22

Prepared By: CH

GENERAL INFORMATION

Applicant: Petkov & Sons LLC

Status: Property Owner

Request: Rezone from I-2 Heavy Industrial District to C-4 Automobile Oriented Commercial District

Zoning Classification: I-2 Heavy Industrial

Lot Size: 0.44 acres

Applicable Regulations: Sec. 137-40 Plan Commission;
Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map;
Sec. 137-379 thru 137-380 C-4 Automobile Oriented Commercial District

SPECIAL INFORMATION

Area Development Pattern: North: C-4 Automobile Oriented Commercial (Four Seasons Heating and Cooling)
South: R-1 Single Family Residential and I-2 Heavy Industrial (house)
East: R-3 Multi-Family Residential (Troop Town)
West: C-4 Automobile Oriented Commercial (Greg's Automotive expansion)

Thoroughfare: East Jefferson Boulevard

School District: School City of Mishawaka

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

Comprehensive Plan: Industrial

ANALYSIS

The Petitioners are requesting to rezone the above referenced property from I-2 Heavy Industrial to C-4 Automobile Oriented Commercial. The property was formerly Reggio's Restaurant. The property has been vacant since 2020. The petitioner purchased the property earlier this year. The reason for the change to C-4 Automobile Oriented Commercial District is to allow the expansion of Greg's Autos, currently under construction at the southeast corner of Merrifield and Jefferson.

The petitioner filed a similar petition last month, including two properties on Stanley Street, which had been used as the restaurant's overflow parking, but was withdrawn during the Plan Commission meeting. The immediate need is for the expansion of the car sales and repair business. The property on Stanley may be revisited in the future. However, as long as it is zoned I-2 Heavy Industrial, it CANNOT be used in conjunction with the car sales and repair business.

With this petition the property owner is only seeking to establish the property zoning for the proposed automobile use. If approved, a subdivision to combine all the lots and dedicate easements is required,

and 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.

All pertinent City Departments reviewed and approved the rezoning request. Additional comments may come during the subdivision/site plan processes.

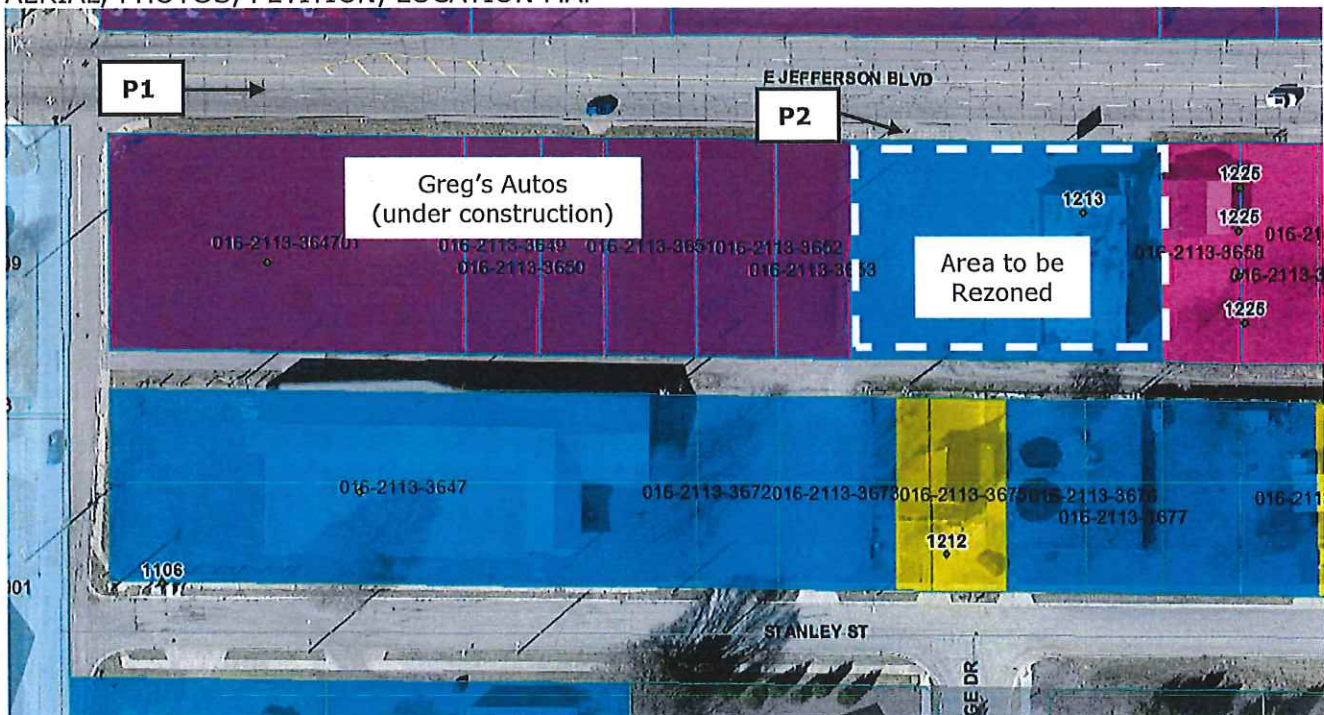
RECOMMENDATION

The Planning Department recommends **in favor** of Petition #23-20 to rezone the property 1213 East Jefferson Boulevard to C-4 Automobile Oriented Commercial. This recommendation is based upon the following findings of fact:

1. Existing Conditions - This section of East Jefferson Boulevard, is predominately automobile oriented uses, starting with Jordan at Cedar Road and including Victory Auto, Michiana Auto Glass, Top Gear Auto Sales, Fred's Body Shop, and Pilo's Body Shop.
2. Character of Buildings - The character of the buildings along East Jefferson Boulevard are predominantly automobile oriented or contractor's offices.
3. The most desirable/highest and best use - Because the parcel is located near automobile oriented uses, downzoning to the C-4 Automobile Oriented Commercial District on Jefferson Blvd. 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 the majority of the property is currently zoned I-2 Heavy Industrial which allows more intensive uses and outside storage; and
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as Industrial, however, it has developed as commercial uses, which were identified along of Jefferson.

ATTACHMENTS

AERIAL, PHOTOS, PETITION, LOCATION MAP





P1. A view of the Reggio's property from the intersection of Jefferson and Merrifield (showing construction).



P2. A close up of the Reggio's property

STAFF REPORT

Location: Zoning Ordinance Amendment to Section 137-4 Definitions

Date: November 14,
2023

Petition: 23 23

Prepared By: CH

GENERAL INFORMATION

Applicant: City of Mishawaka Planning Commission

Request: The City is seeking to amend the Definitions for *Barbershops and beauty shops*, and add definitions for *Microblading* and *Permanent makeup*.

Applicable Regulations: Sec. 137-41 (b) (2) - Amendment of this chapter and the zoning map.

ANALYSIS

Staff has attached a proposed ordinance amendment to make changes to Section 137-4. -Definitions of the Zoning Ordinance to allow microblading and permanent make up in any zoning district that allows barbershops and beauty shops.

Starting in 2018, the Planning Department was made aware of a process known as microblading, a form of semi-permanent makeup specific to eyebrows.

When we learned the St. Joseph County Health Department was requiring providers to apply for a tattoo license, the City Planning Department treated this process the same as we would a tattoo. Tattoos are a Conditional Use in the C-1 District with separation restrictions. The more filings we heard, 15 in total, the more we understood the process was becoming more common and usually takes place within an existing salon where other services like hair, nails, massage, etc. were offered. The Common Council has approved all the requests, 5 PUD Amendments and 10 Use Variances, to allow microblading without controversy.

Barbershops and beauty shops are a use allowed in C-1, C-2, C-3, C-4, C-5, C-7, C-8, C-9 and C-10 but are not defined within the Ordinance. Microblading and permanent makeup currently do not appear anywhere in the Ordinance.

Therefore, we proposed the following changes to Section 137-4. -Definitions

Add the following:

Barbershops and beauty shops means any use regulated by the State of Indiana Board of Cosmetology and Barber Examiners as may be amended including Barbers, Beauty Culture Instructors, Cosmetologists, Electrologists, Estheticians, Manicurists, Beauty Culture Salons, Beauty Culture Schools, and Tanning Facilities. For the purposes of this ordinance, Barbershops and beauty shop uses shall also include microblading and permanent makeup, but shall exclude scarifying, tattoos and tattooing as defined herein.

Microblading is a semi permanent technique for enhancing the appearance of the eyebrows, in which pigment is scratched into the skin in fine, short strokes resembling hair, using a hand tool with a blade formed of tiny needles.

Permanent makeup, also known as permanent cosmetics, derma-pigmentation, micro-pigmentation, and cosmetic tattooing, is a cosmetic technique which employs tattoos as a means of producing designs that resemble makeup, such as eye-lining and other permanent enhancing colors to the skin of the face, lips, and eyelids.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 23-23 to modify *Section 137-4. Definitions* to add definitions for **Barbershops and beauty shops, microblading, and permanent makeup**. This recommendation is based upon the following findings of fact:

- (1) the proposed change in code relative to allowing microblading by right within any district that currently allows barbershops and beauty shops does not contradict, change, or alter the City of Mishawaka 2000 Comprehensive plan;
- (2) The proposed changes consider the recent advancements in beauty procedures and aims to reduce the number of PUD amendments and Use Variances brought before the Common Council;
- (3) The proposed change does not alter or prohibit the most desirable use for which the land in each district is adapted;
- (4) By allowing microblading by right within any district that currently allows barbershops and beauty shops, it allows those businesses to evolve to changing trends, which will ultimately help with the conservation of property values throughout the City; and
- (5) the proposed change will not hinder responsible development and growth of the City, and will aid in the City's desire to encourage additional investment.

ATTACHMENTS

Proposed Ordinance Revision, Table of Previously Approved Use Variances/PUD Amendments for Microblading

STAFF REPORT

Location: 3813 Lincolnway East

Date: Nov. 14, 2023

Petition: 23- 24

Prepared By: DJS

GENERAL INFORMATION

Applicant: Gage Stewart / Danch Harner & Associates

Status: Property Owner / Surveyor & Engineering Consultant

Request: To rezone from C-1 General Commercial to C-9 Automobile Sales Commercial to allow for the expansion of Gage Auto - the adjacent used automobile business

Zoning Classification: C-1 General Commercial District

Lot Size: 0.96 acres – Only the northern 61.5' x 120' area (0.17 acres) is to be rezoned and utilized for used automobile sales

Applicable Regulations: Section 137-509 thru 137-510 / C-9 Automobile Sales Commercial District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single-Family Residential (Parking Lot for Twin Branch Bible Church, and Twin Branch Elementary School)

South: R-2 Two-Family Residential (Part of Petitioner's Property / Vacant Property to Remain as such and Not Used for Vehicular Sales or Any Parking) & R-1 Single-Family Residential (Single-Family Residence)

East: C-1 General Commercial (Single-Family Residence)

West: C-9 Automobile Sales Commercial (Used Automobile Sales / Gage Auto)

Thoroughfare: Lincolnway East & Ray Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available and will be connected to/throughout the site at the expense of the developer

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, Gage Stewart, is requesting to rezone a part of the property at 3813 Lincolnway East from C-1 General Commercial to C-9 Automobile Sales Commercial to allow for the expansion of Gage Auto – an adjacent used automobile sales lot.

The 0.17 acre area (61.5' E-W x 120' N-S) proposed to be rezoned is a part of larger 0.96 acre parent parcel (Tax Parcel #016-1087-3517). The depth of the rezoning limits will match the north-south dimension of the adjacent C-9 zoned property to the west. The remaining part of the property, which extends approximately 550' south to E. 3rd Street, is zoned R-2 Two-Family Residential. This part of the property shall not be utilized for vehicular sales or for parking of any vehicles. The entire property is currently vacant. A single-family residential house located within the area to be rezoned was razed in 2022.

In early 2018, the property to the west at 3805 Lincolnway East was acquired by the Petitioner and rezoned from the C-7 Automobile Oriented Restaurant Commercial District to the C-9 Automobile Sales Commercial District (Petition 18-03). The property was immediately occupied by the Petitioner prior to filing the required Final Site Plan or making the necessary improvements due to the change in use. The Final Site Plan (AD 19-04) was then submitted in mid-2019. The plan addressed access, storm drainage, landscaping/screening, and all other required improvements. The Petitioner took over 4 years to construct the required improvements as a majority of the improvements were finished just last month.

Per the preliminary site plan, the property owner is proposing to expand the automobile sales lot. The pavement will total approximately 5,980 sq. ft. (80.8%) while the remaining open space/landscaping areas will total approximately 1,420 sq. ft. (19.2%). No new buildings or building additions are proposed.

Access to the site will be provided from both Lincolnway East and Ray Street via two existing drives within the property to the west. Both drives permit unrestricted turning movements to and from Lincolnway East and Ray Street. No new curb cuts/drives are proposed or will be permitted.

Based on 5.5 parking spaces per 1,000 sq. ft. of gross floor area, a total of three (3) parking spaces are required for the existing 512 sq. ft. building on the property to the west. Three parking spaces shall be open and maintained within the property at all times for employee and customer use.

Landscaping and screening shall comply with the commercial landscaping and C-9 Automobile Sales Commercial District requirements. Landscaping shall include a hedgerow along Lincolnway East; perimeter deciduous shade (overstory) trees or deciduous ornamental (understory) trees planted at the minimum on-center requirements along the north (front yard), east (side yard), and south (rear yard) property lines (rezoning limits); and a 7' solid/opaque screening fence along the east property line and south rezoning limits.

The conceptual site plan shows the petitioner's intent to comply with the height, area and developmental regulations of the C-9 Automobile Sales Commercial District. If variances are required, the Board of Zoning Appeals shall be petitioned when the final site plan is submitted.

With this petition, the property owner is only seeking to establish the proper zoning required for the expansion of the adjacent use. If approved, a detailed final site plan shall be submitted for Staff review and approval prior to construction. The final site plan shall be approved and recorded, and all required improvements constructed prior to parking any vehicles on the property or utilizing it any way for vehicle sales. The final site plan shall address storm drainage, grading, landscaping/screening, soil erosion control, and all other required improvements pertinent to the proposed use.

Since the property is currently zoned for general commercial use, adjacent to an existing used automobile sales lot, and located along the Lincolnway East commercial corridor, Planning Staff supports the request for rezoning. The expansion of the adjacent automobile sales lot is not out of character and is compatible with the existing adjacent land uses. The required landscaping and screening (fencing) will be provided to buffer the adjacent residential zoned or occupied properties to the east and south. The proposed use is consistent with the recommended use per the comprehensive plan.

All pertinent City Departments have reviewed and approved the rezoning request.

The Engineering Department commented that the new parking area shall meet current standards for drainage / stormwater management.

RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 23-24 to rezone an approximate 0.17 acre area (61.5' E-W x 120' N-S) located at 3813 Lincolnway East from C-1 General Commercial to C-9 Automobile Sales Commercial to allow for the expansion of the adjacent used automobile sales business. This recommendation is based on the following findings of fact:

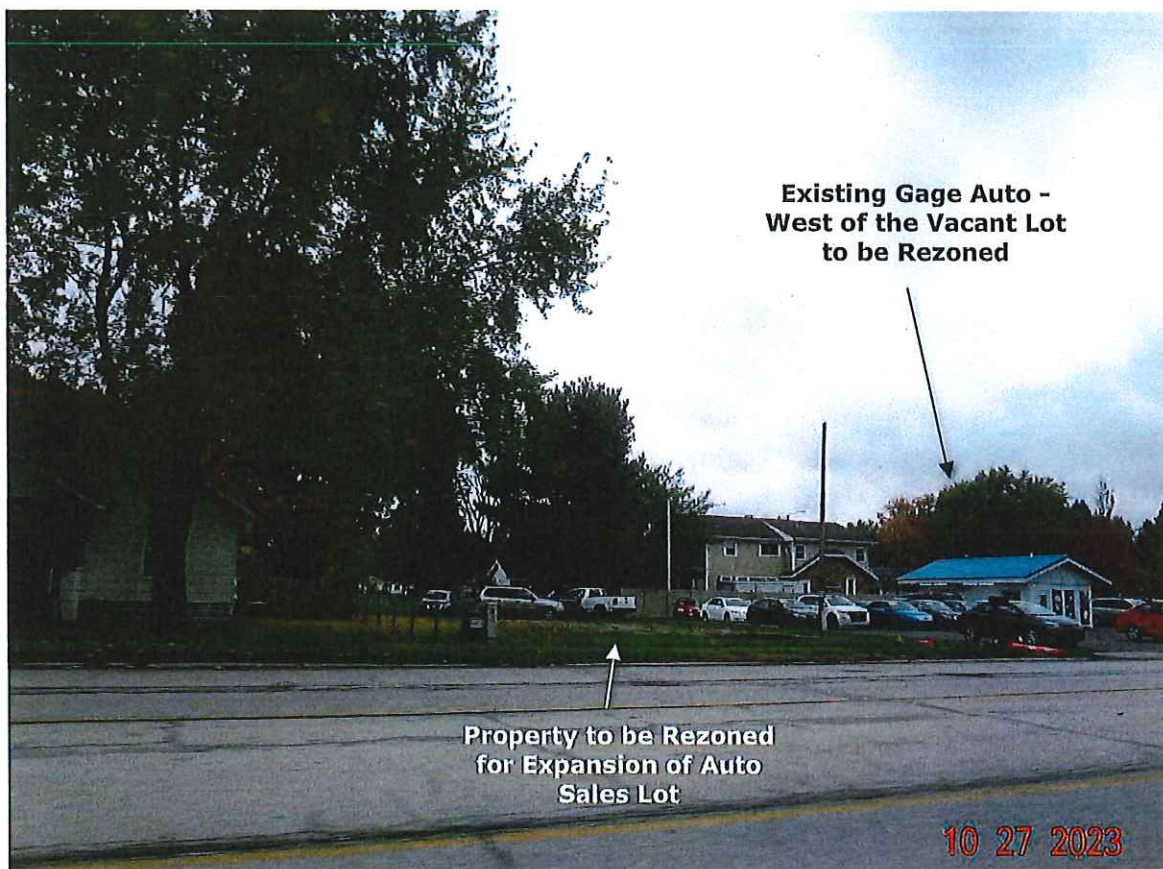
1. Existing Conditions – The subject property is currently a vacant parcel of land located near the Lincolnway East and Ray Street intersection. Lincolnway East is highly travelled commercial corridor providing major east-west access through both the City of Mishawaka and South Bend. Adjacent land uses include a church parking lot and elementary school to the north; a used automobile sales business to the west; a single-family residential house and vacant land owned by the petitioner to the south; and a single-family residential house zoned for commercial use to the east.
2. Character of Buildings – The character of the buildings in the area vary from single-family residential houses, a church, and school, to numerous commercial buildings including, but not limited to, used automobile sales, a pawn shop, restaurants, a liquor store, an insurance office, a barber shop, and an automobile towing business.
3. The most desirable/highest and best use – Due to the property's current commercial zoning and being adjacent to an existing used automobile sales business and located along one of the most heavily travelled corridors in the City, the most desirable use of the property is commercial. A majority of the properties along Lincolnway East corridor between Vistula Road and Bittersweet Road, including those occupied by single-family residential homes, are zoned for commercial use.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. The subject property is zoned for commercial use, and the adjacent property to the west zoned for and occupied by an automobile sales business. The Lincolnway East corridor between Vistula Road and Bittersweet Road includes a mix of residential, commercial, and automotive uses. The expansion of the existing C-9 Automobile Sales use is compatible with the existing uses along the corridor. Landscaping and screening will be required per the C-9 zoning district to adequately buffer the proposed use from the adjacent residential properties.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within the property and along the entire Lincolnway East corridor from east of Capital Avenue to Bittersweet Road. The proposal is consistent with the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Site Photographs, Petition, Preliminary Site Plan, Location Map



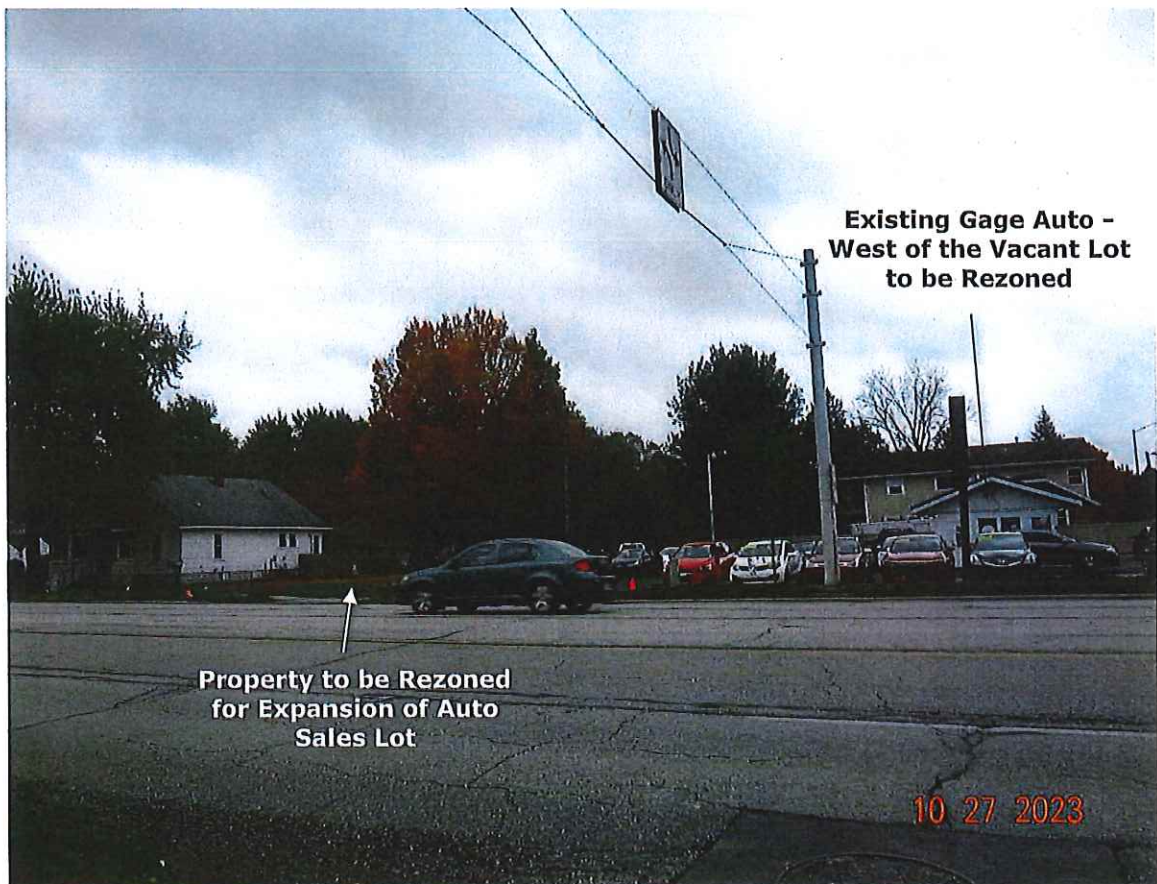
Aerial Photograph – 3813 Lincolnway East
Proposed Expansion of Gage Auto Sales Lot to West at 3805 LWE



P1. Looking southwesterly from Lincolnway East toward the property.

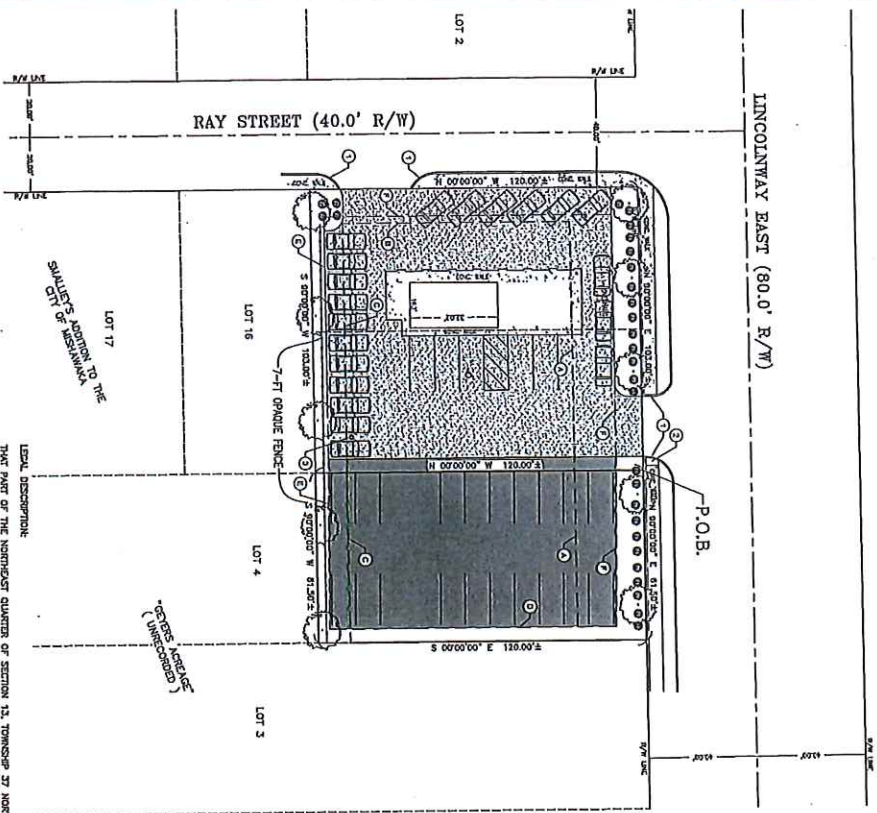


P2. Looking westerly from the Lincolnway East and Ray Street intersection. Property to be rezoned is east of the existing Gage Auto sales lot.



P3. Looking southeasterly from Lincolnway East toward the property.

PRELIMINARY SITE PLAN PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA



- SETBACKS:
1. ACCESS DRIVE & DRIVE TO COMPLY WITH CITY OF MISHAWAKA STANDARDS
 2. EXISTING WALK TO BE REPLACED AS NEEDED TO ALLOW FOR ACCESS DRIVE
 3. EXISTING LOW SPOT WITH POSSIBLE DRAINAGE

LEGAL DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, FROM TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, WHICH IS DESCRIBED AS THE NORTHEAST CORNER OF SAID LOT 4, THENCE N. 87°00'00" E. (ALL BEARINGS ASSUMED), ALONG THE SOUTH RIGHT-OF-WAY LINE OF LINCOLNWAY EAST, A DISTANCE OF 81.50 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT THENCE S. 87°00'00" E. ALONG THE EAST LINE OF SAID LOT, A DISTANCE OF 120.00 FEET MORE OR LESS TO THE WEST LINE OF SAID LOT, A DISTANCE OF 120.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

ALSO, COMMONLY KNOWN AS 2013 LINCOLNWAY EAST, MISHAWAKA, INDIANA 46544.

THE ABOVE DESCRIBED PARCEL IS PRESENTLY ZONED C-1 COMMERCIAL DISTRICT. THE PURPOSE FOR THE REZONING IS TO PERMIT THE DEVELOPMENT OF A COMMERCIAL BUILDING AND ASSOCIATED PARKING AND DRIVEWAYS. THE REZONING IS TO ADVANCE THE PUBLIC INTEREST AND TO BE CONSISTENT WITH THE COMPREHENSIVE ZONING ORDINANCE WHICH IS IN EFFECT AND APPLICABLE TO THE PETITION PROPERTY.

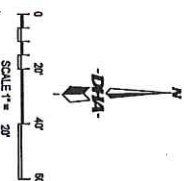
TABLED DATA

1. ADDRESS OF PARCEL: 0.17 ± ACRES
2. EXISTING ZONING: C-1 COMMERCIAL DISTRICT
3. PROPOSED ZONING: C-1 COMMERCIAL DISTRICT
4. PROPOSED USE: AUTOMOTIVE SALES LOT
5. PROPOSED LAND COVERAGE:
 - A. PROPOSED BUILDINGS: 0.00
 - B. PROPOSED PAVED SPACES: 5.88
 - C. OPEN SPACE: 1.42
 - TOTAL: 7.30
6. PARKING SPACES REQUIRED BY ORDINANCE FOR:
 - A. C-1 COMMERCIAL DISTRICT: 100 SPACES
 - B. C-1 COMMERCIAL DISTRICT: 100 SPACES
 - C. TOTAL: 100 SPACES
7. PROPERTY IS SERVED BY MUNICIPAL SEWER AND WATER.
8. NO DRIVEWAY IS NEEDED FOR THIS AUTOMOTIVE SALES LOT EXPANSION FROM ANY PUBLIC STREET.
9. DRAINAGE WILL BE AS REQUIRED BY MISHAWAKA CITY ENGINEERING DEPARTMENT.
10. LANDSCAPING AS REQUIRED BY ZONING ORDINANCES.
11. ANY ON-SITE LIGHTING WILL BE REQUIRED TO MEET THE LATEST CITY OF MISHAWAKA ZONING ORDINANCE.



AERIAL PHOTO
N.T.S.

- SETBACKS:
1. 25-FT FRONT-YARD BUILDING SETBACK
 2. 12.5-FT EXTERIOR SIDE-YARD BUILDING SETBACK
 3. 12.5-FT REAR-YARD BUILDING SETBACK
 4. 5-FT SIDE-YARD BUILDING SETBACK AND PAVEMENT SETBACK
 5. 5-FT PAVEMENT SETBACK
 6. 10-FT PAVEMENT SETBACK



Received
NOV 06 2023
Planning and
Community Development

Per 23-24
PLAUSD #1

DATE: 8/8/23
SCALE: 1" = 20'
FILE: 230220

DATE	REVISIONS
8/8/23	1. INITIAL DESIGN
8/8/23	2. FINAL DESIGN
8/8/23	3. FINAL DESIGN
8/8/23	4. FINAL DESIGN
8/8/23	5. FINAL DESIGN
8/8/23	6. FINAL DESIGN
8/8/23	7. FINAL DESIGN
8/8/23	8. FINAL DESIGN
8/8/23	9. FINAL DESIGN
8/8/23	10. FINAL DESIGN

DHA
Dane Hammer & Associates, Inc.
Land Surveyors & Professional Engineers
Landscape Architects & Land Planners
1111 N. 11th St., Suite 100, Mishawaka, IN 46544
Phone: (219) 223-1111 Fax: (219) 223-1112

NOV 16 2023

City Clerk
Mishawaka, IN

PETITION 23-22

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-54

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 8-11 except north 5' of each lot for Jefferson Avenue and Lots 28, 29, and the west half of Lot 27 all in Milliken's Proposed.

which real estate is now classified as I-2 Heavy Industrial District shall hereafter be within and a part of that District known as C-4 Automobile Oriented 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 section of East Jefferson Boulevard, is predominately automobile oriented uses, starting with Jordan at Cedar Road and including Victory Auto, Michiana Auto Glass, Top Gear Auto Sales, Fred's Body Shop, and Pilo's Body Shop.
2. Character of Buildings - The character of the buildings along East Jefferson Boulevard are predominantly automobile oriented or contractor's offices.
3. The most desirable/highest and best use - Because the parcel is located near automobile oriented uses, downzoning to the C-4 Automobile Oriented Commercial District on Jefferson Blvd. 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 the majority of the property is

Proposed Ordinance No: _____

Ordinance No: _____

currently zoned I-2 Heavy Industrial which allows more intensive uses and outside storage; and

5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as Industrial, however, it has developed as commercial uses, which were identified along of Jefferson.

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

23-22

OCT 27 2023

City Clerk
Mishawaka, IN

DATE:

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

Received

OCT 23 2023

Planning and
Community Development

RE: PETITION TO REZONE

The undersigned Petkov & Sons 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:

Lots 8-11 except north 5' of each lot for Jefferson Avenue in Milliken's
Proposed *Commonly known as 1213 E Jefferson Blvd*

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-2 Heavy Industrial District. Said property is *vacant restaurant and overflow parking (former Reggio's)*.

Petitioner(s) desire said real estate to be rezoned to C-4 Automobile Oriented Commercial.

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)



Grigor Petkov, Petkov and Sons LLC

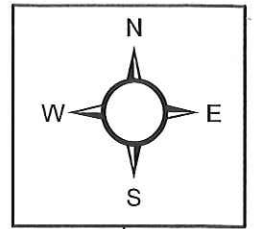
CONTACT PERSON:

NAME: GRIGOR PETKOV

ADDRESS: 1102 E JEFFERSON

PHONE NUMBER: 574-323-7279

EMAIL: GRIGORMPETKOV@YAHOO.COM



N MERRIFIELD AVE

Greg's Automotive

PET 23-22

E JEFFERSON BLVD

Recent Expansion of Greg's Automotive

STANLEY ST

Location Map

PET 23-22

PETKOV & SONS LLC (OWNER)

1213 E. JEFFERSON BLVD.
(FORMER REGGIO'S)
REZONING FROM I-2 HEAVY INDUSTRIAL
TO C-4 AUTOMOBILE ORIENTED COMMERCIAL

GLENEAGLE DR

STAFF REPORT

Location: 1213 E. Jefferson Blvd

Date: November 14 2023

Petition: 23 22

Prepared By: CH

GENERAL INFORMATION

Applicant: Petkov & Sons LLC

Status: Property Owner

Request: Rezone from I-2 Heavy Industrial District to C-4 Automobile Oriented Commercial District

Zoning Classification: I-2 Heavy Industrial

Lot Size: 0.44 acres

Applicable Regulations: Sec. 137-40 Plan Commission;
Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map;
Sec. 137-379 thru 137-380 C-4 Automobile Oriented Commercial District

SPECIAL INFORMATION

Area Development Pattern: North: C-4 Automobile Oriented Commercial (Four Seasons Heating and Cooling)
South: R-1 Single Family Residential and I-2 Heavy Industrial (house)
East: R-3 Multi-Family Residential (Troop Town)
West: C-4 Automobile Oriented Commercial (Greg's Automotive expansion)

Thoroughfare: East Jefferson Boulevard

School District: School City of Mishawaka

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

Comprehensive Plan: Industrial

ANALYSIS

The Petitioners are requesting to rezone the above referenced property from I-2 Heavy Industrial to C-4 Automobile Oriented Commercial. The property was formerly Reggio's Restaurant. The property has been vacant since 2020. The petitioner purchased the property earlier this year. The reason for the change to C-4 Automobile Oriented Commercial District is to allow the expansion of Greg's Autos, currently under construction at the southeast corner of Merrifield and Jefferson.

The petitioner filed a similar petition last month, including two properties on Stanley Street, which had been used as the restaurant's overflow parking, but was withdrawn during the Plan Commission meeting. The immediate need is for the expansion of the car sales and repair business. The property on Stanley may be revisited in the future. However, as long as it is zoned I-2 Heavy Industrial, it CANNOT be used in conjunction with the car sales and repair business.

With this petition the property owner is only seeking to establish the property zoning for the proposed automobile use. If approved, a subdivision to combine all the lots and dedicate easements is required,

and 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.

All pertinent City Departments reviewed and approved the rezoning request. Additional comments may come during the subdivision/site plan processes.

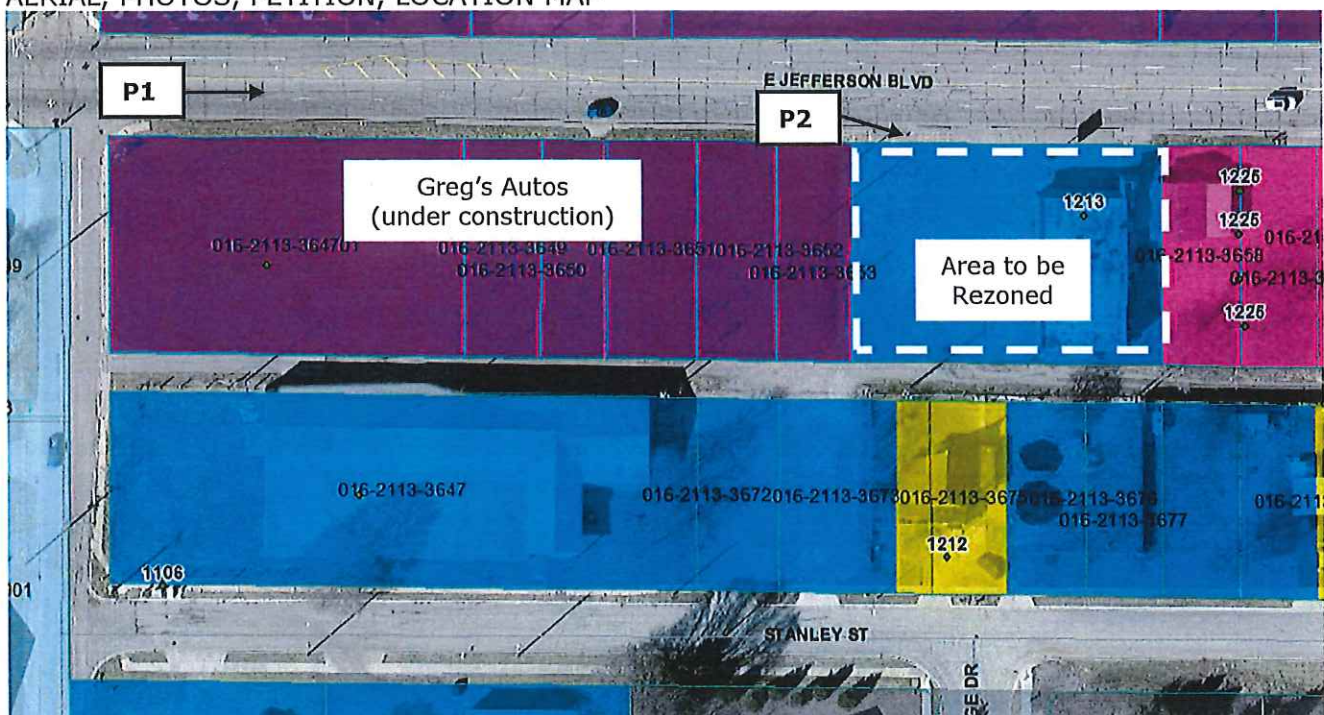
RECOMMENDATION

The Planning Department recommends **in favor** of Petition #23-20 to rezone the property 1213 East Jefferson Boulevard to C-4 Automobile Oriented Commercial. This recommendation is based upon the following findings of fact:

1. Existing Conditions - This section of East Jefferson Boulevard, is predominately automobile oriented uses, starting with Jordan at Cedar Road and including Victory Auto, Michiana Auto Glass, Top Gear Auto Sales, Fred's Body Shop, and Pilo's Body Shop.
2. Character of Buildings - The character of the buildings along East Jefferson Boulevard are predominantly automobile oriented or contractor's offices.
3. The most desirable/highest and best use - Because the parcel is located near automobile oriented uses, downzoning to the C-4 Automobile Oriented Commercial District on Jefferson Blvd. 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 the majority of the property is currently zoned I-2 Heavy Industrial which allows more intensive uses and outside storage; and
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as Industrial, however, it has developed as commercial uses, which were identified along of Jefferson.

ATTACHMENTS

AERIAL, PHOTOS, PETITION, LOCATION MAP





P1. A view of the Reggio's property from the intersection of Jefferson and Merrifield (showing construction).



P2. A close up of the Reggio's property

PETITION 23-24

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-55

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:

That part of the Northeast Quarter of Section 13, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Part of Lot # 4 of the "Geyers Acreage" Unrecorded Plat and being more particularly described as: Beginning at the Northwest corner of said Lot # 4 thence N. 90°00'00" E. (all bearings assumed), along the South right-of-way line of Lincolnway East, a distance of 61.50 feet more or less to the Northeast corner of said Lot; thence S. 00°00'00" E. along the East line of said Lot, a distance of 120.00 feet more or less; thence S. 90°00'00" W., a distance of 61.50 feet more or less to the West line of said Lot; thence N. 90°00'00" W. along the West line of said Lot, a distance of 120.00 more or less to the point of beginning.

Containing 0.17 acres more or less.

Subject to all legal highways, Easements and restrictions of record.

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

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

1. Existing Conditions – The subject property is currently a vacant parcel of land located near the Lincolnway East and Ray Street intersection. Lincolnway East is highly travelled commercial corridor providing major east-west access through both the City of Mishawaka and South Bend. Adjacent land uses include a church parking lot and

Proposed Ordinance No: _____

Ordinance No: _____

elementary school to the north; a used automobile sales business to the west; a single-family residential house and vacant land owned by the petitioner to the south; and a single-family residential house zoned for commercial use to the east.

2. Character of Buildings – The character of the buildings in the area vary from single-family residential houses, a church, and school, to numerous commercial buildings including, but not limited to, used automobile sales, a pawn shop, restaurants, a liquor store, an insurance office, a barber shop, and an automobile towing business.
3. The most desirable/highest and best use – Due to the property's current commercial zoning and being adjacent to an existing used automobile sales business and located along one of the most heavily travelled corridors in the City, the most desirable use of the property is commercial. A majority of the properties along Lincolnway East corridor between Vistula Road and Bittersweet Road, including those occupied by single-family residential homes, are zoned for commercial use.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. The subject property is zoned for commercial use, and the adjacent property to the west zoned for and occupied by an automobile sales business. The Lincolnway East corridor between Vistula Road and Bittersweet Road includes a mix of residential, commercial, and automotive uses. The expansion of the existing C-9 Automobile Sales use is compatible with the existing uses along the corridor. Landscaping and screening will be required per the C-9 zoning district to adequately buffer the proposed use from the adjacent residential properties.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within the property and along the entire Lincolnway East corridor from east of Capital Avenue to Bittersweet Road. The proposal 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

Proposed Ordinance No: _____

Ordinance No: _____

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

David A. Wood, Mayor

STAFF REPORT

Location: 3813 Lincolnway East

Date: Nov. 14, 2023

Petition: 23- 24

Prepared By: DJS

GENERAL INFORMATION

Applicant: Gage Stewart / Danch Harner & Associates

Status: Property Owner / Surveyor & Engineering Consultant

Request: To rezone from C-1 General Commercial to C-9 Automobile Sales Commercial to allow for the expansion of Gage Auto - the adjacent used automobile business

Zoning Classification: C-1 General Commercial District

Lot Size: 0.96 acres – Only the northern 61.5' x 120' area (0.17 acres) is to be rezoned and utilized for used automobile sales

Applicable Regulations: Section 137-509 thru 137-510 / C-9 Automobile Sales Commercial District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single-Family Residential (Parking Lot for Twin Branch Bible Church, and Twin Branch Elementary School)

South: R-2 Two-Family Residential (Part of Petitioner's Property / Vacant Property to Remain as such and Not Used for Vehicular Sales or Any Parking) & R-1 Single-Family Residential (Single-Family Residence)

East: C-1 General Commercial (Single-Family Residence)

West: C-9 Automobile Sales Commercial (Used Automobile Sales / Gage Auto)

Thoroughfare: Lincolnway East & Ray Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available and will be connected to/throughout the site at the expense of the developer

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, Gage Stewart, is requesting to rezone a part of the property at 3813 Lincolnway East from C-1 General Commercial to C-9 Automobile Sales Commercial to allow for the expansion of Gage Auto – an adjacent used automobile sales lot.

The 0.17 acre area (61.5' E-W x 120' N-S) proposed to be rezoned is a part of larger 0.96 acre parent parcel (Tax Parcel #016-1087-3517). The depth of the rezoning limits will match the north-south dimension of the adjacent C-9 zoned property to the west. The remaining part of the property, which extends approximately 550' south to E. 3rd Street, is zoned R-2 Two-Family Residential. This part of the property shall not be utilized for vehicular sales or for parking of any vehicles. The entire property is currently vacant. A single-family residential house located within the area to be rezoned was razed in 2022.

In early 2018, the property to the west at 3805 Lincolnway East was acquired by the Petitioner and rezoned from the C-7 Automobile Oriented Restaurant Commercial District to the C-9 Automobile Sales Commercial District (Petition 18-03). The property was immediately occupied by the Petitioner prior to filing the required Final Site Plan or making the necessary improvements due to the change in use. The Final Site Plan (AD 19-04) was then submitted in mid-2019. The plan addressed access, storm drainage, landscaping/screening, and all other required improvements. The Petitioner took over 4 years to construct the required improvements as a majority of the improvements were finished just last month.

Per the preliminary site plan, the property owner is proposing to expand the automobile sales lot. The pavement will total approximately 5,980 sq. ft. (80.8%) while the remaining open space/landscaping areas will total approximately 1,420 sq. ft. (19.2%). No new buildings or building additions are proposed.

Access to the site will be provided from both Lincolnway East and Ray Street via two existing drives within the property to the west. Both drives permit unrestricted turning movements to and from Lincolnway East and Ray Street. No new curb cuts/drives are proposed or will be permitted.

Based on 5.5 parking spaces per 1,000 sq. ft. of gross floor area, a total of three (3) parking spaces are required for the existing 512 sq. ft. building on the property to the west. Three parking spaces shall be open and maintained within the property at all times for employee and customer use.

Landscaping and screening shall comply with the commercial landscaping and C-9 Automobile Sales Commercial District requirements. Landscaping shall include a hedgerow along Lincolnway East; perimeter deciduous shade (overstory) trees or deciduous ornamental (understory) trees planted at the minimum on-center requirements along the north (front yard), east (side yard), and south (rear yard) property lines (rezoning limits); and a 7' solid/opaque screening fence along the east property line and south rezoning limits.

The conceptual site plan shows the petitioner's intent to comply with the height, area and developmental regulations of the C-9 Automobile Sales Commercial District. If variances are required, the Board of Zoning Appeals shall be petitioned when the final site plan is submitted.

With this petition, the property owner is only seeking to establish the proper zoning required for the expansion of the adjacent use. If approved, a detailed final site plan shall be submitted for Staff review and approval prior to construction. The final site plan shall be approved and recorded, and all required improvements constructed prior to parking any vehicles on the property or utilizing it any way for vehicle sales. The final site plan shall address storm drainage, grading, landscaping/screening, soil erosion control, and all other required improvements pertinent to the proposed use.

Since the property is currently zoned for general commercial use, adjacent to an existing used automobile sales lot, and located along the Lincolnway East commercial corridor, Planning Staff supports the request for rezoning. The expansion of the adjacent automobile sales lot is not out of character and is compatible with the existing adjacent land uses. The required landscaping and screening (fencing) will be provided to buffer the adjacent residential zoned or occupied properties to the east and south. The proposed use is consistent with the recommended use per the comprehensive plan.

All pertinent City Departments have reviewed and approved the rezoning request.

The Engineering Department commented that the new parking area shall meet current standards for drainage / stormwater management.

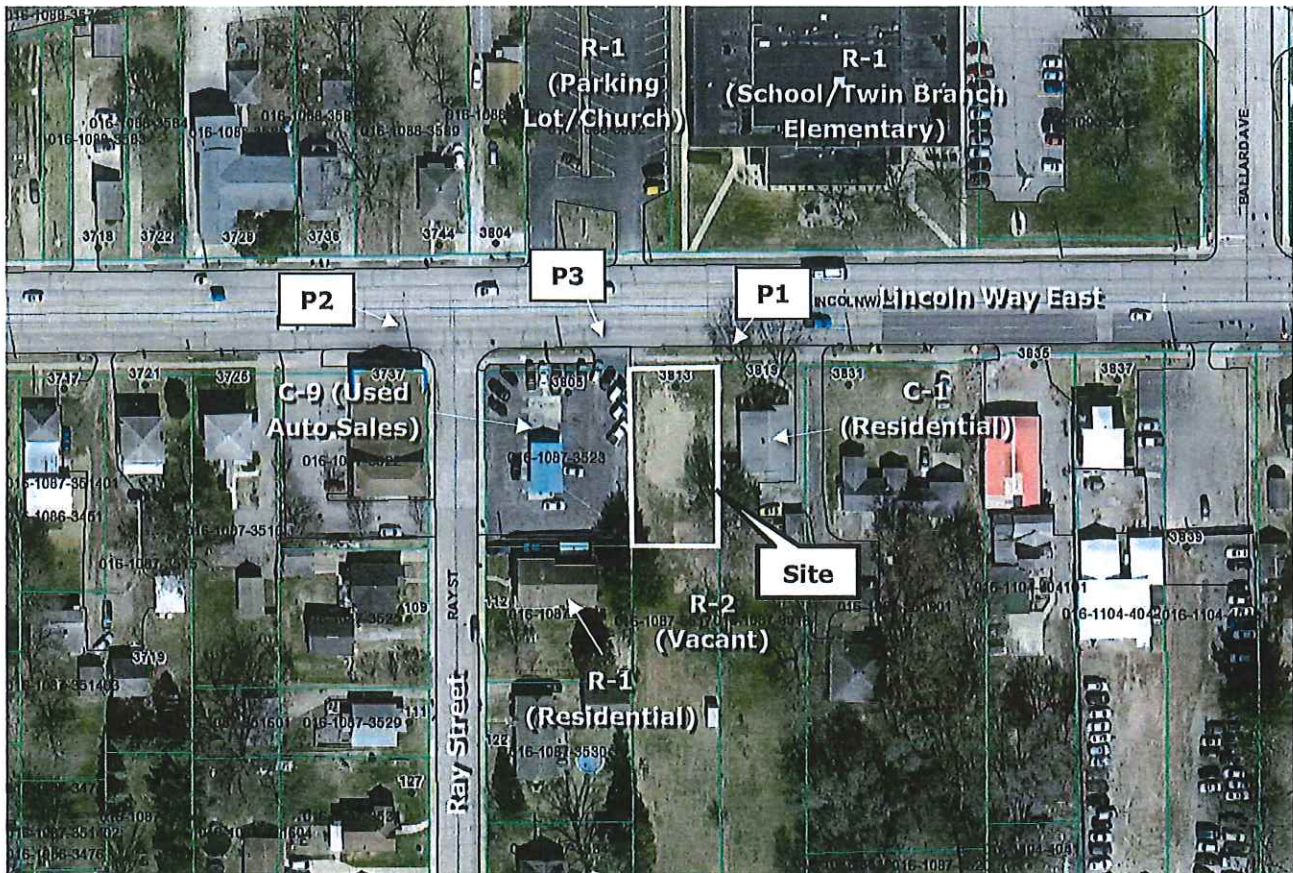
RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 23-24 to rezone an approximate 0.17 acre area (61.5' E-W x 120' N-S) located at 3813 Lincolnway East from C-1 General Commercial to C-9 Automobile Sales Commercial to allow for the expansion of the adjacent used automobile sales business. This recommendation is based on the following findings of fact:

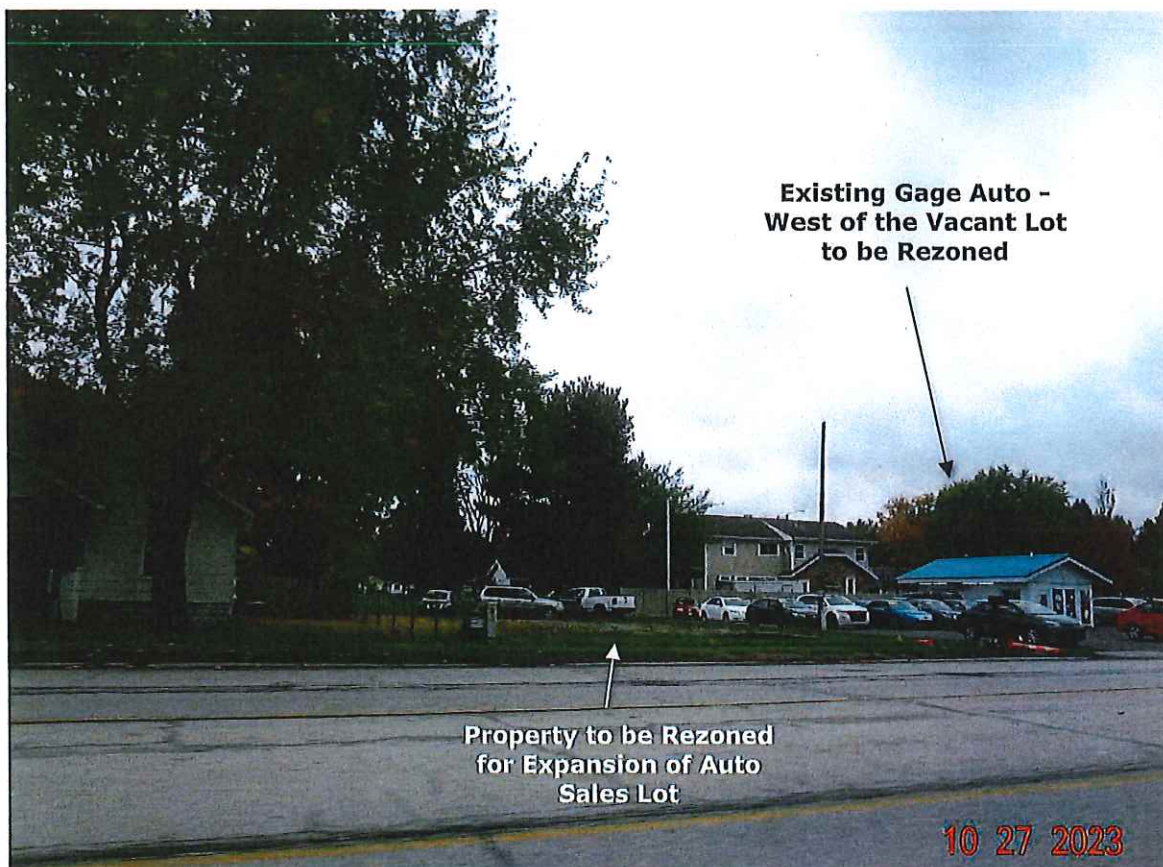
1. Existing Conditions – The subject property is currently a vacant parcel of land located near the Lincolnway East and Ray Street intersection. Lincolnway East is highly travelled commercial corridor providing major east-west access through both the City of Mishawaka and South Bend. Adjacent land uses include a church parking lot and elementary school to the north; a used automobile sales business to the west; a single-family residential house and vacant land owned by the petitioner to the south; and a single-family residential house zoned for commercial use to the east.
2. Character of Buildings – The character of the buildings in the area vary from single-family residential houses, a church, and school, to numerous commercial buildings including, but not limited to, used automobile sales, a pawn shop, restaurants, a liquor store, an insurance office, a barber shop, and an automobile towing business.
3. The most desirable/highest and best use – Due to the property's current commercial zoning and being adjacent to an existing used automobile sales business and located along one of the most heavily travelled corridors in the City, the most desirable use of the property is commercial. A majority of the properties along Lincolnway East corridor between Vistula Road and Bittersweet Road, including those occupied by single-family residential homes, are zoned for commercial use.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. The subject property is zoned for commercial use, and the adjacent property to the west zoned for and occupied by an automobile sales business. The Lincolnway East corridor between Vistula Road and Bittersweet Road includes a mix of residential, commercial, and automotive uses. The expansion of the existing C-9 Automobile Sales use is compatible with the existing uses along the corridor. Landscaping and screening will be required per the C-9 zoning district to adequately buffer the proposed use from the adjacent residential properties.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within the property and along the entire Lincolnway East corridor from east of Capital Avenue to Bittersweet Road. The proposal is consistent with the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Site Photographs, Petition, Preliminary Site Plan, Location Map



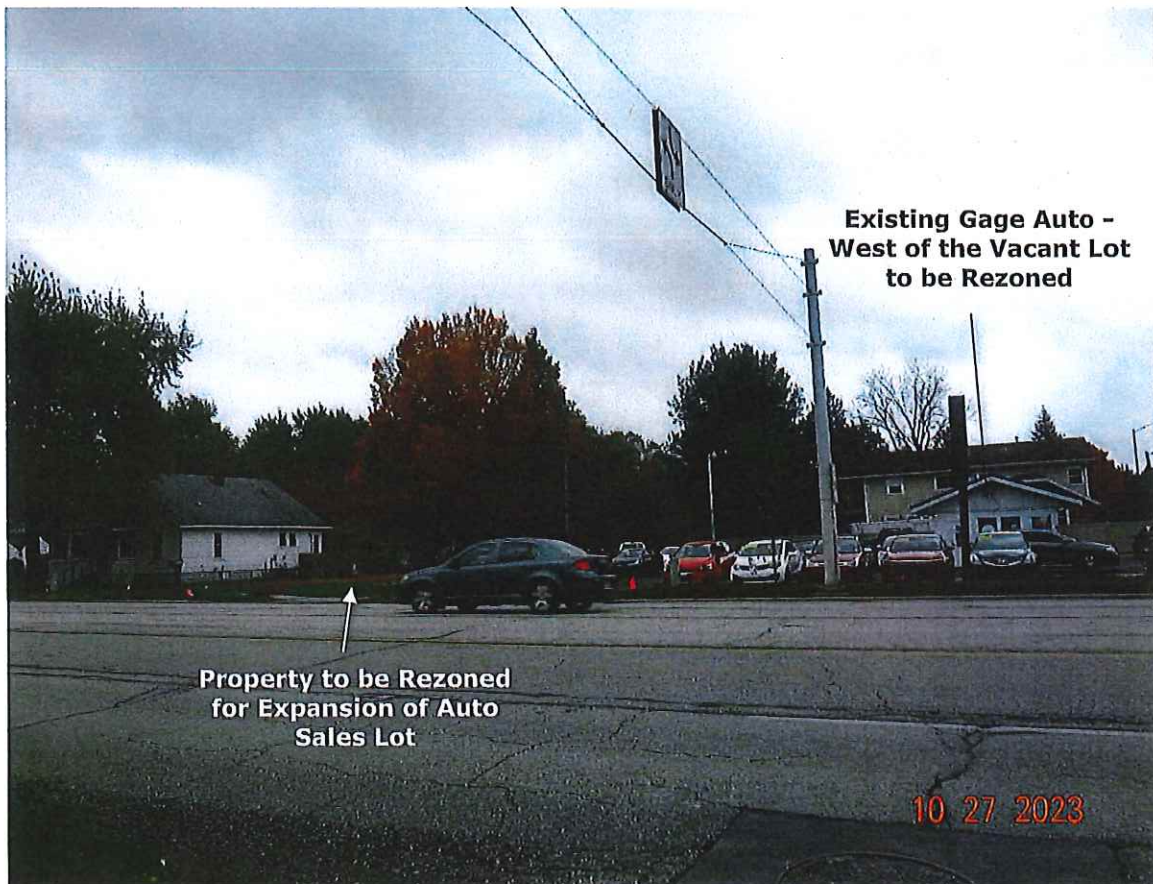
Aerial Photograph – 3813 Lincolnway East
Proposed Expansion of Gage Auto Sales Lot to West at 3805 LWE



P1. Looking southwesterly from Lincolnway East toward the property.



P2. Looking westerly from the Lincolnway East and Ray Street intersection.
Property to be rezoned is east of the existing Gage Auto sales lot.



P3. Looking southeasterly from Lincolnway East toward the property.



AERIAL PHOTO
NTS.

- ① ACCESS DRIVE & CURBING TO COMPLY WITH CITY OF LAKSHWANA STANDARDS
- ② EXISTING WALK TO BE REPLACED AS NEEDED TO ALLOW FOR ACCESS DRIVE
- ③ EXISTING LOW SPOT WITH POSSIBLE DRAINELL

LEGAL DESCRIPTION:

[illegible]

THE ABOVE DESCRIBED PARCEL IS PRESENTLY ZONED C-1 COMMERCIAL DISTRICT. PETITIONERS DESIRE SAID REAL ESTATE TO BE REZONED TO C-6 COMMERCIAL DISTRICT. THE PURPOSE FOR THE REZONING IS TO ALLOW FOR THE EXPANSION OF AN EXISTING AUTOMOTIVE SALES LOT LOCATED AT 3805 UNCONWAY EAST WHICH IS WEST OF AND ADJACENT TO THE PETITION PROPERTY.

- SETBACKS:**
- (A) 23-FT. FRONT-YARD BUILDING SETBACK
 - (B) 12.5-FT. EXTERIOR SIDE-YARD BUILDING SETBACK
 - (C) 12-FT. REAR-YARD BUILDING SETBACK
 - (D) 5-FT. SIDE-YARD BUILDING SETBACK AND PAVED SETBACK
 - (E) 5-FT. PAVED SETBACK
 - (F) 10-FT. PAVED SETBACK

DISC. DATE 8/6/23		DRAWN BY RMC		REVISIONS	
SCALE 1" = 20'		CHECKED BY MLD		DATE 8/7/23	
TBL. / 230220		FIELD WORK MLD		SHEET 1 OF 1	

Danch, Harner & Associates, Inc.
 Land Surveyors • Professional Engineers
 Landscape Architects • Land Planners
 Office: (714) 924-4025 / (714) 924-4023 • Fax: (714) 924-4118
 1145 Commerce Blvd. • South Bay, CA 90232

PET 23-24

Received

OCT 25 2023

Planning and
Community Development

Date: August 14, 2023

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

RE: Gage Stewart Petition for Rezoning:

The undersigned, Gage Stewart, respectfully shows that he is the owner of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

That part of the Northeast Quarter of Section 13, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Part of Lot # 4 of the "Geyers Acreage" Unrecorded Plat and being more particularly described as: Beginning at the Northwest corner of said Lot # 4 thence N. 90°00'00" E. (all bearings assumed), along the South right-of-way line of Linconlway East, a distance of 61.50 feet more or less to the Northeast corner of said Lot; thence S. 00°00'00" E. along the East line of said Lot, a distance of 120.00 feet more or less; thence S. 90°00'00" W., a distance of 61.50 feet more or less to the West line of said Lot; thence N. 90°00'00" W. along the West line of said Lot, a distance of 120.00 more or less to the point of beginning.

Containing 0.17 acres more or less.

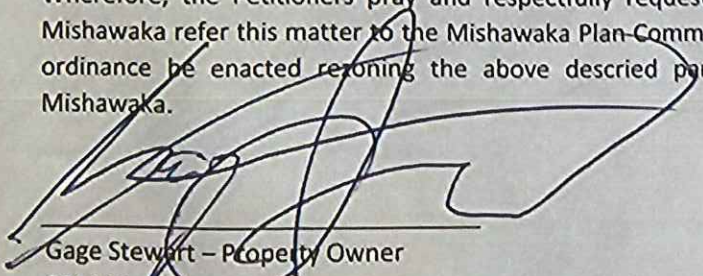
Subject to all legal highways, Easements and restrictions of record.

Also, commonly known as 3813 Linconlway East, Mishawaka, Indiana 46544.

The above-described parcel is presently zoned: C-1 Commercial District.

Petitioners desire said real estate to be rezoned to C-9 Commercial District. The purpose for the rezoning is to allow for the expansion of an existing automotive sales lot located at 3805 Linconlway East which is West of and adjacent to the Petition property.

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



Gage Stewart - Property Owner
3813 Linconlway East
Mishawaka, Indiana 46544
574-334-6309

Contact person:

Michael Danch

Danch, Harner & Associates, Inc.

1643 Commerce Drive

South Bend, Indiana 46628

PE5 23-24

Received

OCT 25 2023

Planning and
Community Development



Danch, Harner & Associates, Inc.

Michael J. Danch, L.A., ASLA
Ron Harner, P.S.

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

Honorable Members of the Common Council,
City of Mishawaka, Indiana
600 East 3rd Street
Mishawaka, Indiana 46544

August 14, 2023

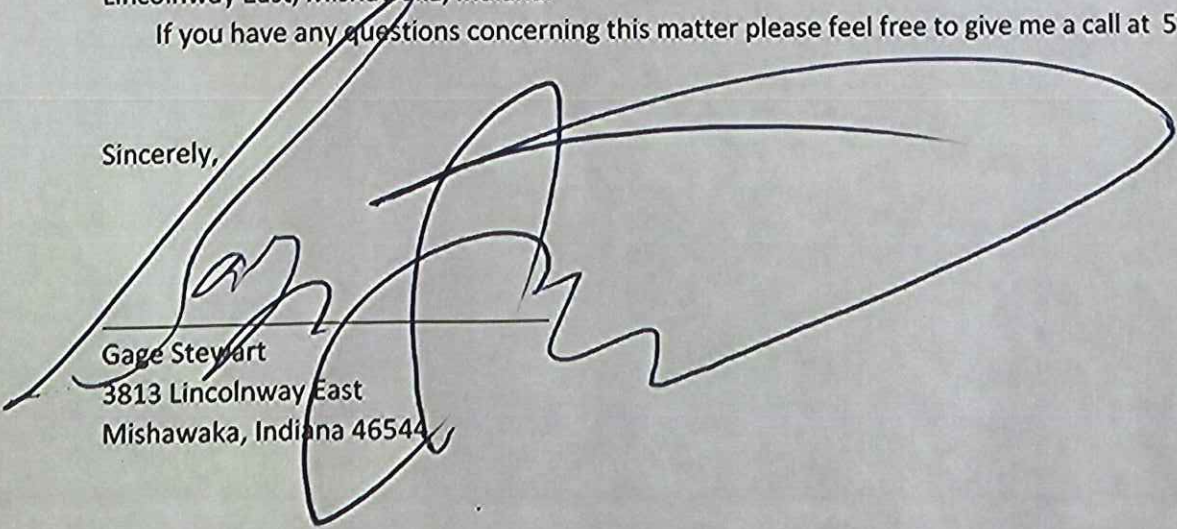
RE: Gage Stewart Petition for Rezoning:

Dear Council Members and Plan Commission Members;

Please accept this letter as written confirmation that we have granted Danch, Harner & Associates, Inc. to represent us at all required Council meetings for our rezoning request for property at 3813 Lincolnway East, Mishawaka, Indiana.

If you have any questions concerning this matter please feel free to give me a call at 574-334-6309.

Sincerely,



Gage Stewart
3813 Lincolnway East
Mishawaka, Indiana 46544

mdanch@danchharner.com

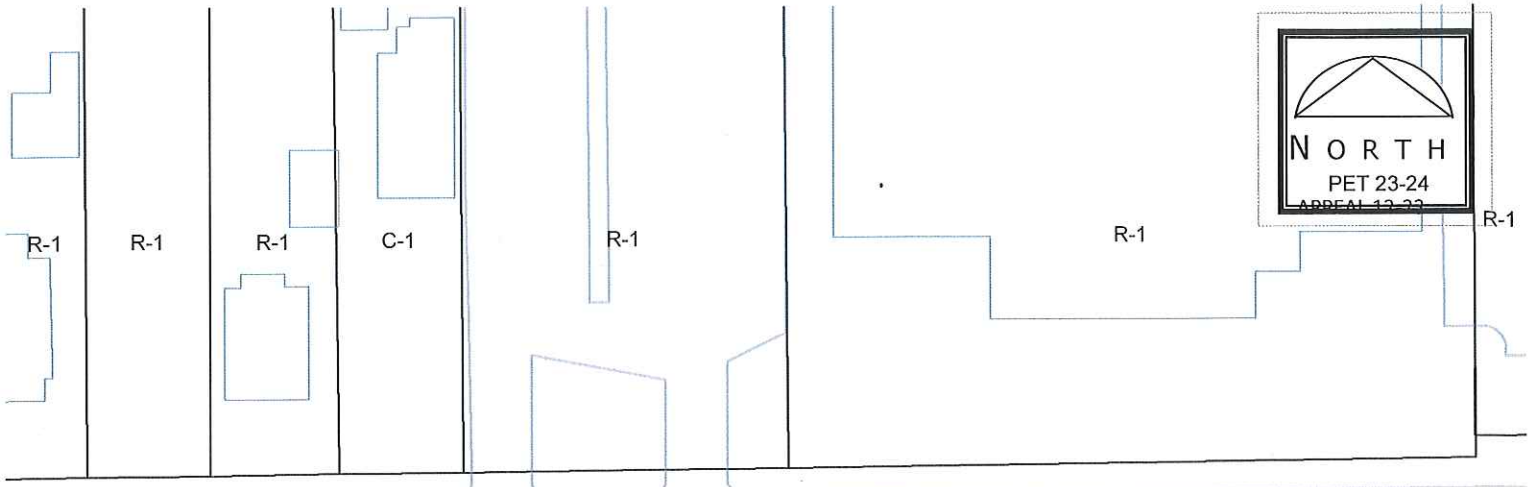
Legal Description:

That part of the Northeast Quarter of Section 13, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Part of Lot # 4 of the "Geyers Acreage" Unrecorded Plat and being more particularly described as: Beginning at the Northwest corner of said Lot # 4 thence N. 90°00'00" E. (all bearings assumed), along the South right-of-way line of Lincolnway East, a distance of 61.50 feet more or less to the Northeast corner of said Lot; thence S. 00°00'00" E. along the East line of said Lot, a distance of 120.00 feet more or less; thence S. 90°00'00" W., a distance of 61.50 feet more or less to the West line of said Lot; thence N. 90°00'00" W. along the West line of said Lot, a distance of 120.00 more or less to the point of beginning.

Containing 0.17 acres more or less.

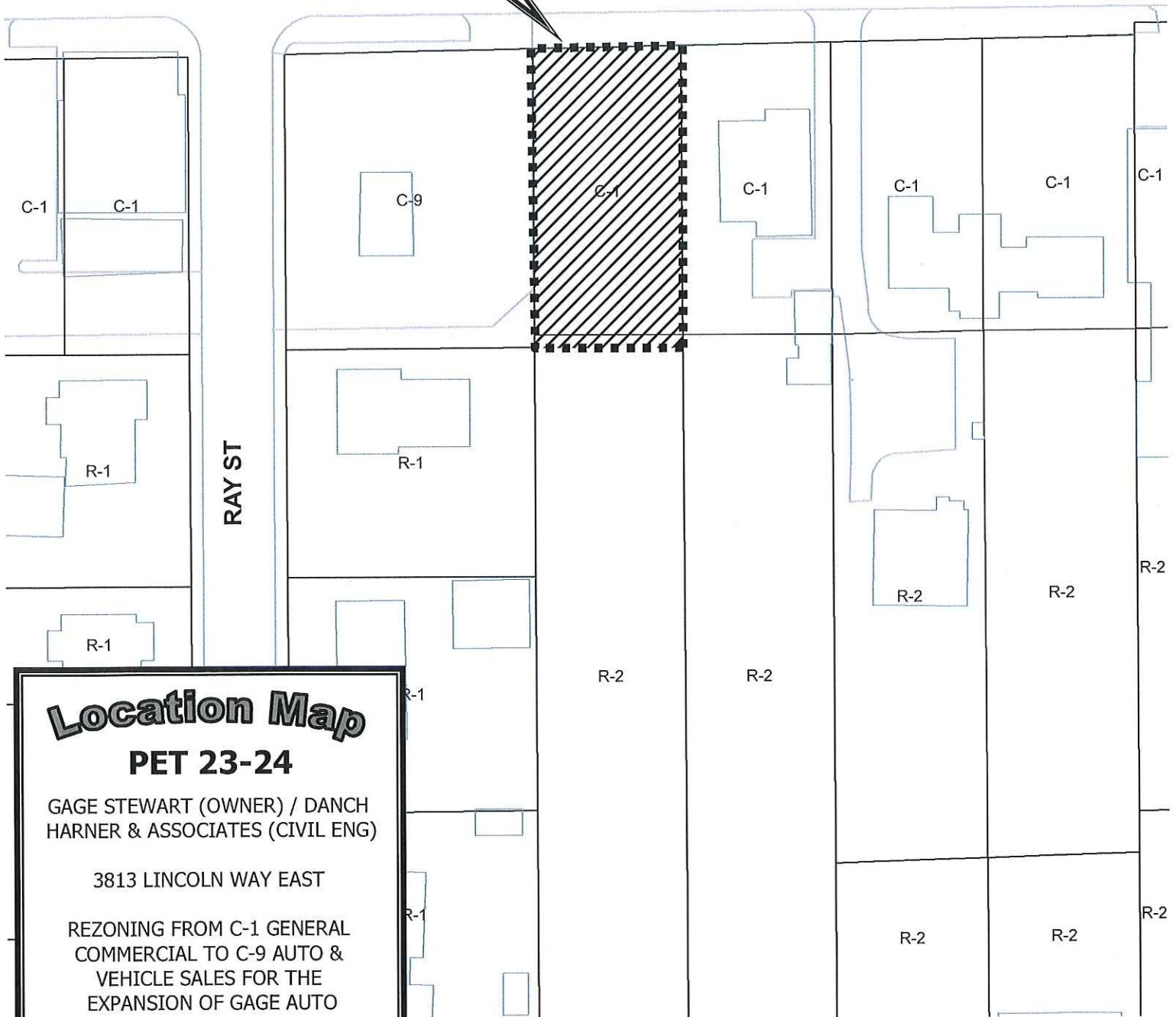
Subject to all legal highways, Easements and restrictions of record.

Also, commonly known as 3813 Lincolnway East, Mishawaka, Indiana 46544.



PET 23-24

LINCOLNWAY EAST



Location Map

PET 23-24

GAGE STEWART (OWNER) / DANCH
HARNER & ASSOCIATES (CIVIL ENG)

3813 LINCOLN WAY EAST

REZONING FROM C-1 GENERAL
COMMERCIAL TO C-9 AUTO &
VEHICLE SALES FOR THE
EXPANSION OF GAGE AUTO

Deborah S. Block, IAMC, MMC

PROPOSED ORDINANCE 2023- 56

NOV 16 2023

ORDINANCE _____

City Clerk
Mishawaka, IN

AN ORDINANCE AMENDING ORDINANCE 5867 FIXING THE SALARIES OF ALL SWORN POLICE OFFICERS FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2024.

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

Section 1. Ordinance number 5867 passed by the Common Council of the City of Mishawaka, Indiana, on the 16th of October 2023 is hereby amended as follows:

BIWEEKLY SALARY
2024

NIGHT SHIFT DIFFERENTIAL

\$26.92

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

DAVID A. WOOD, MAYOR

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

Deborah S. Block, IAMC, MMC

NOV 16 2023

City Clerk
Mishawaka, IN

Date: November 15, 2023
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: **2024 Salary Ordinance Amendment**

I am requesting suspension of council rules to have first and second reading on a salary amendment. This amendment is due to a typographical error.

When the 2024 police salary ordinance was amended for the new 12-hour shifts, the biweekly night shift differential rate was also listed as an hourly rate. To clear up any ambiguity the amendment has removed the per hour notation.

Please contact me with any questions.

c: David A. Wood – Mayor
Ken Witkowski – Police Chief

NOV 15 2023

City Clerk
Mishawaka, IN

RESOLUTION NO. 2023-26

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:

Vacant Land East Side of Fir Road approximately 200' north of Beacon Parkway, Granger, IN 46530.

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 and Community Development 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 and Community Development 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:

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38

SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **INCLUDING ALL OF THE ADJACENT FIR ROAD RIGHT-OF-WAY.**

COMMON ADDRESS: VACANT LAND (UNADDRESSED) EAST SIDE OF FIR ROAD APPROXIMATELY 200’ NORTH OF BEACON PARKWAY, GRANGER, IN 46530.

Section II. Following the review of documents prepared by the Department of Planning and Community Development 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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

November 15, 2023

Deborah S. Block, IAMC, MMC

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

NOV 15 2023

City Clerk
Mishawaka, IN

Re: Fiscal Plan and Approving Resolution for proposed Ordinance to Annex and Zone property into the City of Mishawaka: Vacant Land East Side of Fir Road approximately 200' North of Beacon Parkway

Dear Council Members and Clerk:

Attached herewith for your review is a copy of the Fiscal Plan and approving resolution prepared by the Department of Planning and Community Development 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 in a pocket of unincorporated area 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 November 20, 2023.

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

Sincerely,

Derek J. Spier, AICP
City Planner

cc: David A. Wood, Mayor



City of Mishawaka

*Helen M. Seggerman Estate (Owner)
& Continental Properties, Inc.
(Contingent Developer)*

*Property located East of Fir Road
& Approximately 200' North of
Beacon Parkway*

November 2023

Prepared by:
City of Mishawaka
Department of Planning & Community Development
100 Lincolnway West
Mishawaka, IN
46544-2011

Phone: (574) 258-1625
Fax: (574) 968-6999
E-mail: planning@mishawaka.in.gov

HELEN M. SEGGERMAN ESTATE & CONTINENTAL PROPERTIES, INC.
EAST OF FIR ROAD APPROXIMATELY 200' NORTH OF BEACON PARKWAY
ANNEXATION FISCAL PLAN

TABLE OF CONTENTS

TAB A	CITY OF MISHAWAKA ANNEXATION POLICY City of Mishawaka Annexation Policy.....Page 1
TAB B	BASIC DATA & FISCAL ANALYSIS Basic Data & Fiscal AnalysisPage 4 Location Map.....Page 10 Map of Existing City Limits.....Page 11 Map of Proposed City Limits.....Page 12 Aerial Photography of Land to be Annexed.....Page 13 Photographs of Property to be Annexed.....Page 15 Petition for Annexation and Zoning.....Page 17
TAB C	SUMMARY OF SERVICES Summary of Services.....Page 24 Sanitary Sewer, Transportation, and Drainage.....Page 26 Electric ServicePage 29 Fire Protection/EMS.....Page 31 Parks and Recreation OpportunitiesPage 38 Police and Crime PreventionPage 42 Street DepartmentPage 46 Waste Disposal and Recycling ServicesPage 50 Wastewater Treatment.....Page 51 Water Service.....Page 53
TAB D	APPENDICES "A" - Resolution Adopting Fiscal PlanPage 55 "B" - Annexation OrdinancePage 57 "C" - Tax Rate Chart for the Year 2022 Payable 2023Page 65 Provided by the St. Joseph County Auditor "D" - Indebtedness of St. Joseph County and Harris Township.....Page 67 Per State of Indiana Gateway Website

Annexation Fiscal Plan

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **INCLUDING ALL OF THE ADJACENT FIR ROAD RIGHT-OF-WAY.**

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

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **INCLUDING ALL OF THE ADJACENT FIR ROAD RIGHT-OF-WAY.**

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

BASIC DATA & FISCAL ANALYSIS

A. LOCATION AND SIZE

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

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **INCLUDING ALL OF THE ADJACENT FIR ROAD RIGHT-OF-WAY.**

COMMON ADDRESS: VACANT LAND EAST SIDE OF FIR ROAD APPROXIMATELY 200' NORTH OF BEACON PARKWAY, GRANGER, IN 46530

Annexation Area

The area to be annexed includes one parcel of property (Tax Parcel #006-1008-0098.02) located on the east side of Fir Road approximately 200' north of Beacon Parkway. The parcel has approximately 460' of frontage and is currently vacant agricultural land. The property is bound to the east and south with approximately 1,816' being incorporated into the City, while one of the adjacent properties to the north and west are located in unincorporated St. Joseph County. The property is currently zoned "R" Single Family District within unincorporated St. Joseph County. If annexed, the property will be zoned S-2 Planned Unit Development for a proposed 280-320 unit residential apartment complex. The development will be located on both the annexation parcel and a 6.88 acre part of a larger parcel to the south already within the city limits. The property is proposed to be developed in one phase.

Contiguity with the Existing City Limits

The property to be annexed into the City totals 13.173 acres excluding the dedicated Fir Road right-of-way. The external boundary of the annexation area measures 3,630 linear feet with 1,816 linear feet being contiguous with the current corporate boundary of the City of Mishawaka. The border of the contiguous area is 50% of the total external boundary. This is in excess of the minimum 12.5%, or 1/8, of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

B. TOPOGRAPHY AND EXISTING USE/IMPROVEMENTS

The property is gently rolling agricultural land with minimal relief across the site. The generalized 2' contours per the City's GIS show approximate elevations ranging from 781' in the far northwest corner of the property to less than 770' in the far southeast corner of the property. Tree rows line the north, east, and south property lines. A majority of the site is tillable farmland. There are no structures on the property.

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 tillable agricultural property. There are no structures within the annexation area. If the Mishawaka Common Council approves the annexation request, the property will be zoned to the S-2 Planned Unit Development District.

D. ASSESSMENT

The territory to be annexed consists of one (1) parcel 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**
006-1008-0098.02	HELEN M. SEGGERMAN ESTATE	13.55 ACRES	\$18,600

**Acreage is per the City of Mishawaka/Michiana Area Council of Governments GIS parcel data excluding 0.377 acres dedicated for public right-of-way.*
***Only includes land value as there are no taxable structures.*

E. CURRENT TAX RATE

The City's tax rate 2022 payable 2023 was \$1.8575 per \$100 of assessed valuation. For property owners in Harris 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:

2022	\$1.8575
2021	\$2.0002
2020	\$1.9952
2019	\$2.0226
2018	\$2.0701
2017	\$2.0516
2016	\$1.9977
2015	\$1.8750
2014	\$2.0062
2013	\$1.9086
2012	\$1.8186
2011	\$1.7362
2010	\$1.6741
2009	\$1.6557

2008	\$1.5283
2007	\$1.3326
2006	\$1.3899
2005	\$1.3382
2004	\$1.3313
2003	\$1.2476
2002	\$1.8627
2001	\$5.5007 ¹
2000	\$5.2417

¹ Change in Tax Code

F. NEW ADDRESSES

If the proposed annexation is approved, the property will be zoned S-2 Planned Unit Development to allow the development of an apartment complex. The property shall be developed in accordance with the requirements of the City of Mishawaka Zoning Ordinance. Addresses will be assigned by the City of Mishawaka Engineering Department when the property is developed.

G. DETERMINATION OF SERVICE STANDARDS AND COSTS

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

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

Given that no consequential additional expenditures are anticipated, the itemization of costs associated with providing each service is not possible relative to the annexation area. However, to document that funds have been approved and are available for the services identified, a copy of the approved year 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 and requirement that all utilities will be extended to the property at the property owner's expense, no capital expenditures are required to serve the proposed annexation area. Basic services, not

otherwise specified, will be provided to the annexation area within one year of the effective date of the annexation as required by law. However, it is anticipated that the majority of basic services will be available immediately or at least in a timely manner.

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

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

Analysis:

The property proposed to be annexed is currently vacant agricultural land. If the annexation is approved, the contingent developer is proposing to construct a multi-family residential apartment complex with various amenities. The complex will be located on both the 13.55 annexation parcel and a part of a wooded 6.88 acre parcel to the south already within the city limits.

As indicated on the preliminary site plan, the Springs at Mishawaka apartment complex is proposed to include 280-320 units within 14 buildings, a club house with fitness center, a community pool, a car care center (resident use only), two pet parks, an outdoor grill area, and a maintenance garage. A single primary access will be provided from Beacon Parkway with an emergency-only access along Fir Road. A detention basin shall be provided in the southeast corner of the property for stormwater storage. The developer plans to construct the project in one phase. Construction is expected to begin in June 2024 with the first residential building being occupied by May 2025. Substantial completion and occupancy is anticipated by spring 2026.

If the proposed development includes first building occupancy by May 2025 with completion of the entire project by spring 2026, as anticipated, the annexation is expected to significantly increase the assessed valuations and provide positive impacts to other taxing units. The developer estimated that construction costs for the entire project will be approximately \$43 million. Based upon The Villas on Fir, which is a similar nearby apartment project constructed from 2017-2018, the development is expected to yield an initial assessed valuation of approximately \$22,458,000, including \$21.5 million for the buildings (50% of the construction costs) and \$958,000 for the land valuation. The land valuation is based upon \$46,900 per acre for the 20.43 acre project area, which is the applicable assessment for multi-family residential property in northern Mishawaka.

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:

\$18,600

Future anticipated property assessed valuation:

\$22,458,000

Current Property Taxes Generated from the Property:

The current property taxes that are being generated from the property were determined utilizing on 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.ifionline.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 the same property type identifying the property as now being subject to the City tax rate.

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

Prior to annexation: \$363

Following annexation: \$449,160

Political Subdivisions before Annexation:

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

- St. Joseph County (30.7%) - \$111.44
- Harris Township (13.5%) - \$49.00
- Penn-Harris-Madison School Corporation (47.5%) - \$172.43
- Mishawaka-Penn-Harris Public Library (6.3%) - \$22.87
- Airport Authority (2.0%) - \$7.26

** 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 residential rental cap is set at 2%. Even though the cap is set at 2%, the revenue will increase significantly due to the estimated increase in assessed valuation realized from the proposed apartment complex. Thus, the distribution of property tax revenue is anticipated to increase for all existing tax entities based on getting a larger percentage of revenue when the City tax rate, and to a very minor extent, the South Bend Transpo rate is added to the overall rate.

Political Subdivisions following Annexation:

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

- St. Joseph County (16.4%) - \$73,662.24 (+\$73,550.80 per year)
- Harris Township (0.2%) - \$8,983.20 (+\$8,934.20 per year)
- Penn-Harris-Madison School Corporation (25.4%) - \$114,086.64 (+\$113,914.21 per year)
- Mishawaka-Penn-Harris Public Library (3.4%) - \$15,271.44 (+\$15,248.57 per year)
- Airport Authority (1.0%) - \$4,491.60 (+\$4,484.34 per year)
- South Bend Transpo (2.8%) - \$12,576.48
- City of Mishawaka (50.8%) - \$228,173.28

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

Four Year Projection of Property Tax Revenue following Annexation & Anticipated Completion of Development / Full Assessment by Spring 2026 (above numbers x4)

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

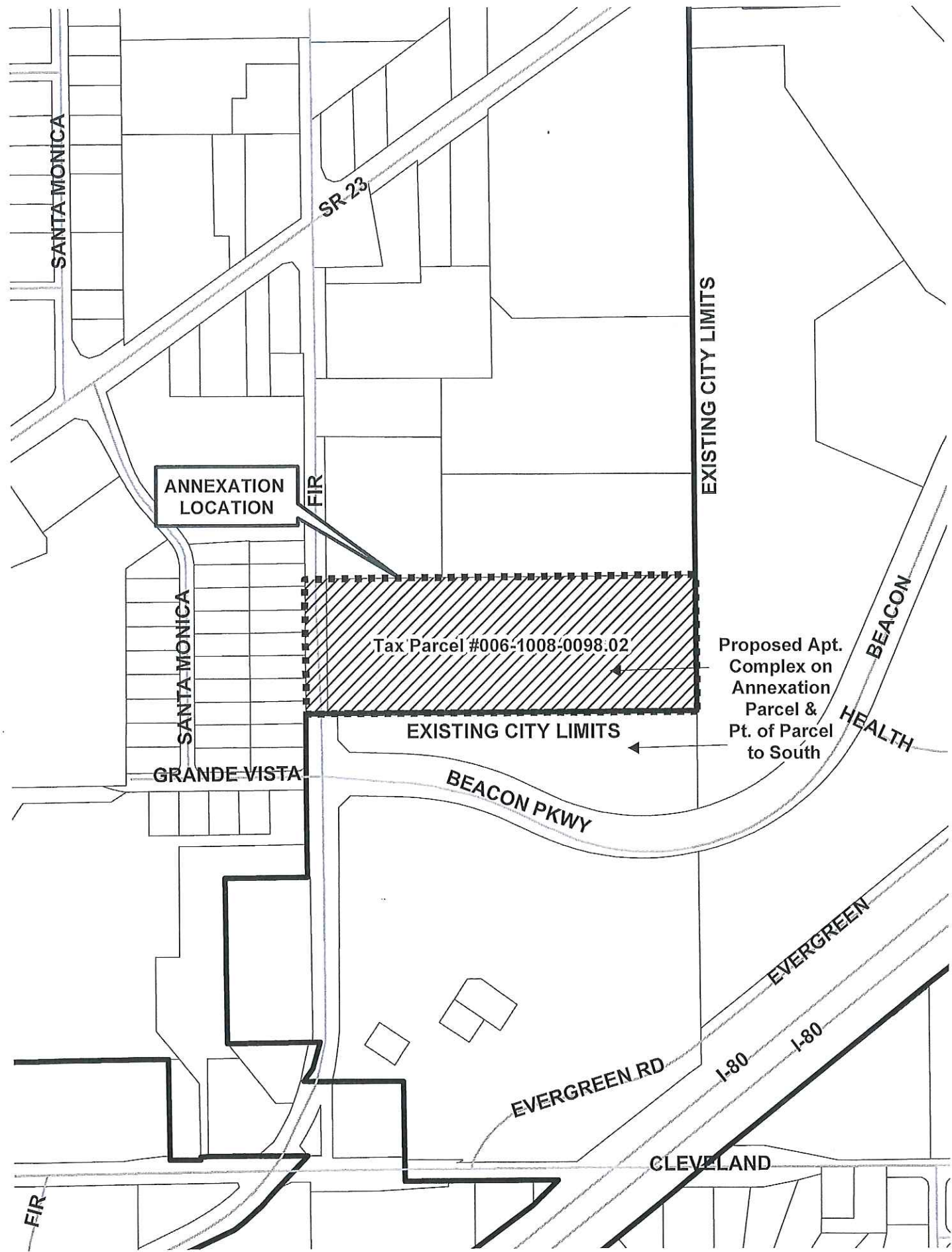
- | | |
|--|--------------|
| • St. Joseph County | \$294,648.96 |
| • Harris Township | \$35,932.80 |
| • Penn-Harris-Madison School Corporation | \$456,346.56 |
| • Mishawaka-Penn-Harris Public Library | \$61,085.76 |

- Airport Authority \$17,966.40
- South Bend Transpo \$50,305.92
- City of Mishawaka \$912,693.12

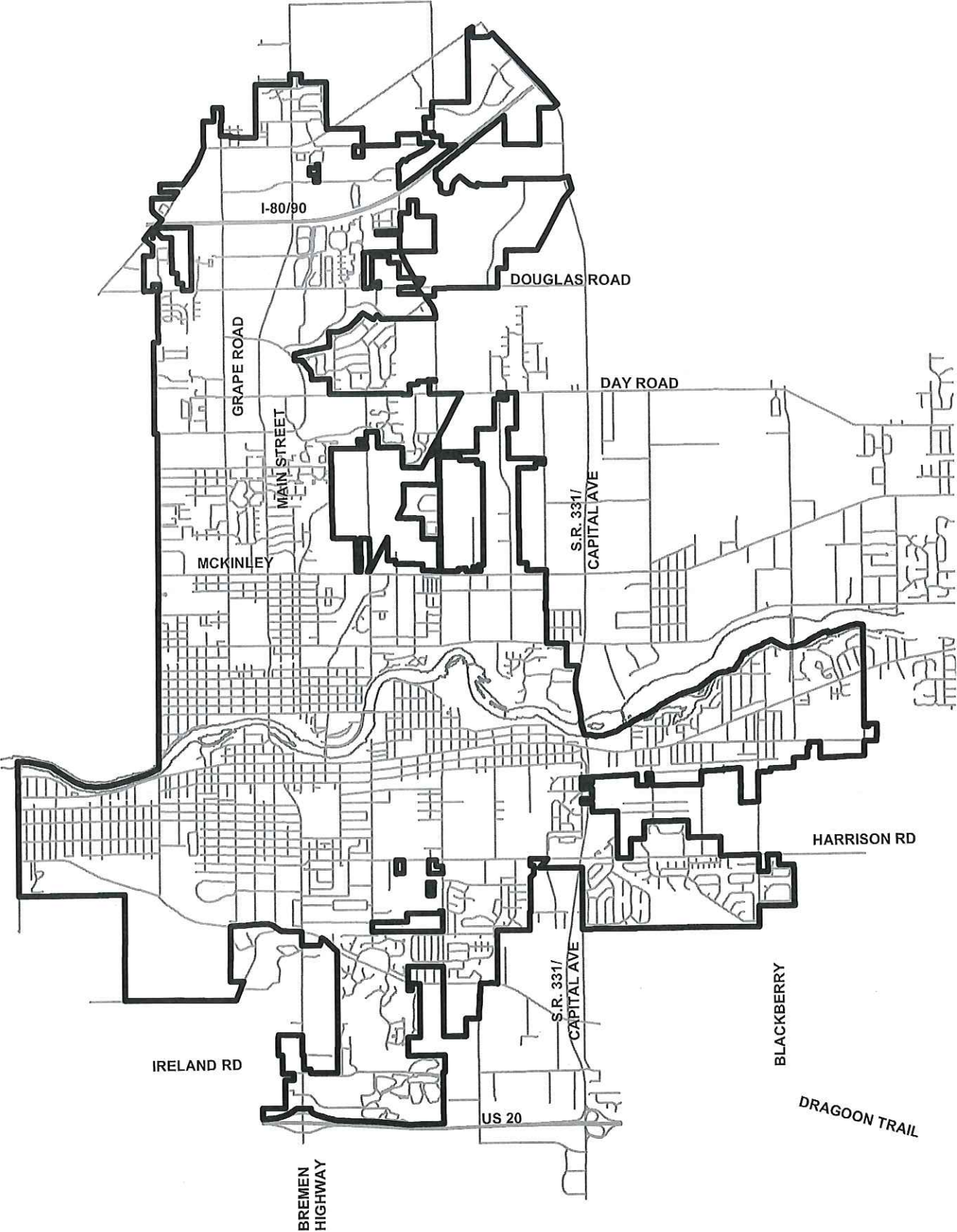
J. ASSUMED INDEBTEDNESS & COUNTY INFRASTRUCTURE REIMBURSEMENT

Pursuant to I.C. 36-4-3-4.2 under certain circumstances the City would be required to assume a portion of indebtedness as it would pertain to the proposed annexation area. Specifically, this would be required if the County had used property tax revenue to repay debt used to build infrastructure within the annexation area, or if income tax was being generated from the property in question that was being used to pay off applicable county wide debt that would now be allocated to the City upon annexation.

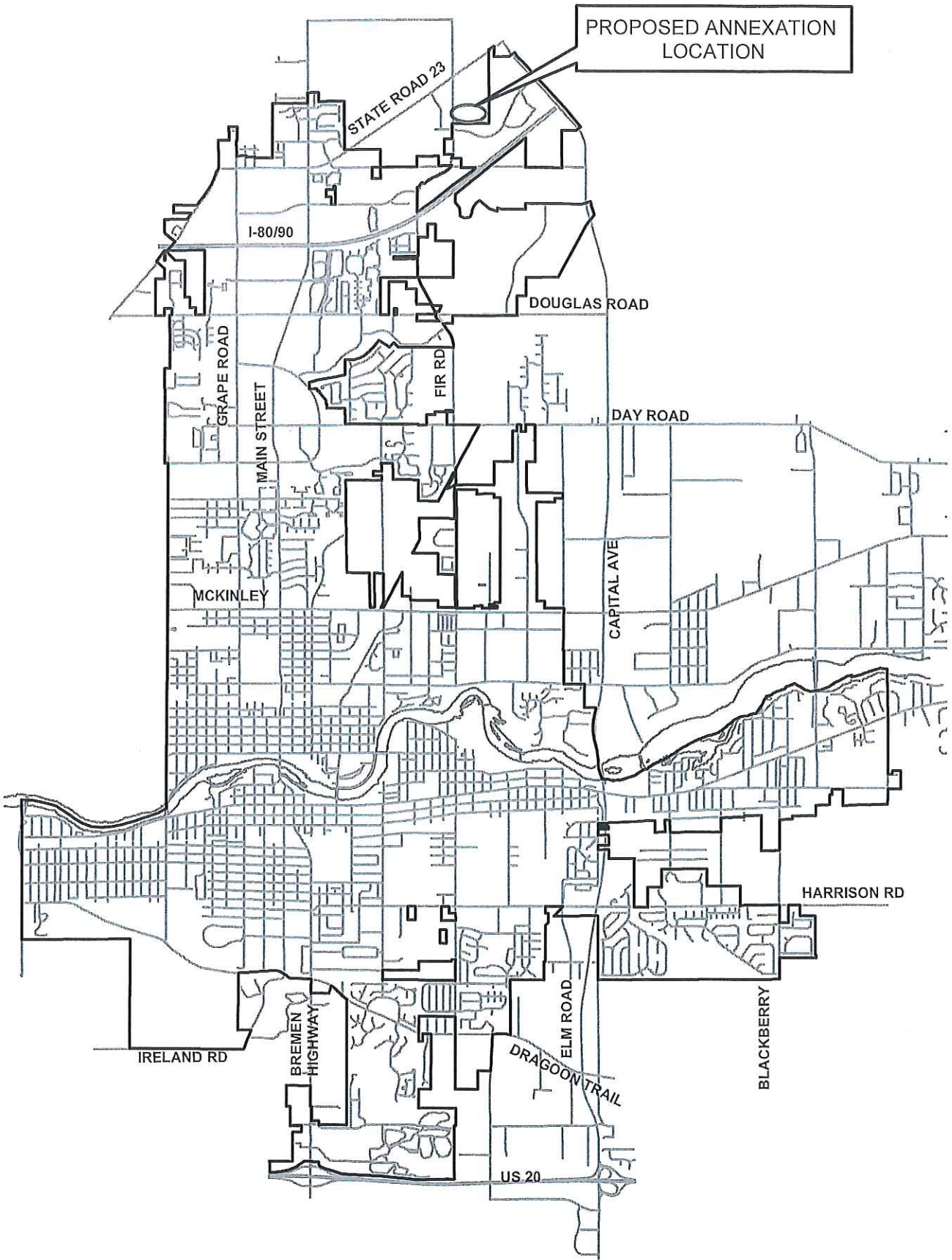
Upon reviewing the site and the information identified in Tab "D" / Appendix "D", there is no County infrastructure debt associated within the proposed annexation, nor is there any outstanding county debt on infrastructure that is payable by a local option income tax.



MAP OF EXISTING CITY LIMITS



MAP OF PROPOSED CITY LIMITS



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED



PHOTOGRAPHS OF PROPERTY TO BE ANNEXED



Looking north from the right-turn lane on Fir Road south of Beacon Parkway.
Annexation parcel is north of the patch of trees on the upper right.



Looking northerly from Beacon Pkwy toward the existing curb cut proposed to
access the apartment complex. This is south of the annexation parcel.



Looking westerly from Beacon Parkway toward the southeast corner of the property south of the annexation parcel.



Looking easterly from Fir Road toward the annexation parcel.

DATE: September 20, 2023

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

RE: Petition for Annexation and Zoning Classification

The undersigned The heirs or devisees of Helen M. Seggerman, deceased, respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **including all of the adjacent Fir Road right-of-way.**

General Location: Northeast Corner of Fir Road and Beacon Parkway.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located northwest corner of N. Fir Road and Beacon Parkway and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a S-2 Planned Unit Development District. Petitioners further state they intend to utilize said land for a multi-family development.

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 S-2 Planned Unit Development District.

Per 23-21 1 of 2
Received
SEP 20 2023
Planning and
Community Development

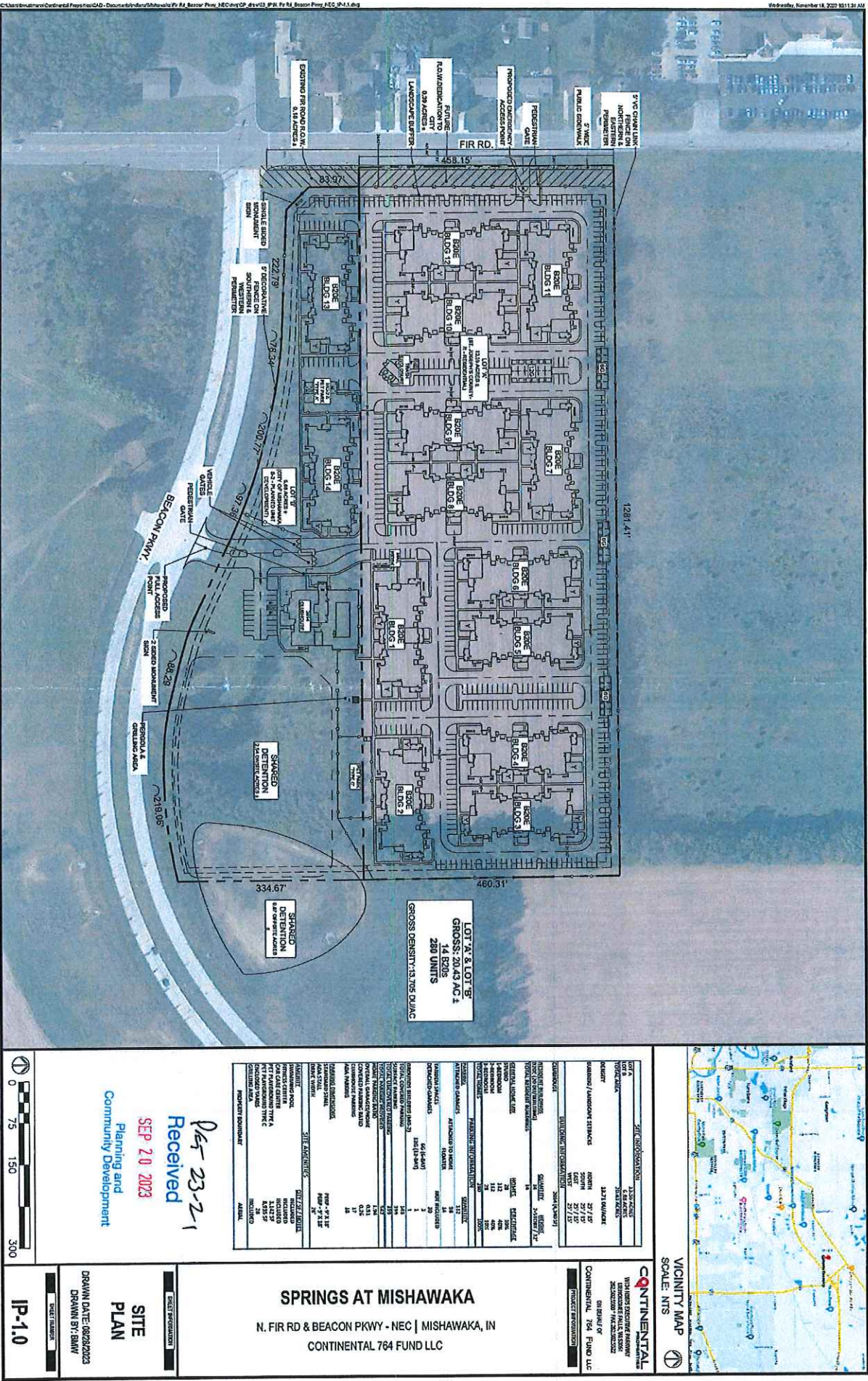
Estate of Helen Seggerman

By: Terry L. Seggerman
Property Owner Signature

Terry L. Seggerman, Personal Representative
Print Property Owner Name

Contact Person:

NAME	Malcolm J. Tuesley or April L. Troyer
ADDRESS	THK Law, LLP
TELEPHONE NUMBER	(574) 232-3538
EMAIL	mtuesley@thklaw.com and atroyer@thklaw.com



ASPHALT SHINGLES



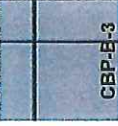
BOARD & BATTEN



LAP PANEL



FLAT PANEL



STONE VENEER



TRIM



DOOR COLOR



Front Elevation

20



Rear Elevation



20 UNIT BUILDING

YOU ARE HERE

CONTINENTAL
PROPERTIES

ASPHALT SHINGLES



TM-SH-1

BOARD & BATTEN



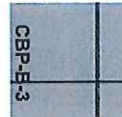
CBP-B-1

LAP PANEL



CBP-B-2

FLAT PANEL



CBP-B-3

STONE VENEER



MS-B-3

TRIM



CBP-T-1

DOOR COLOR



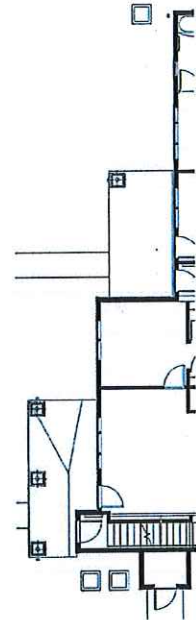
PT-A-1

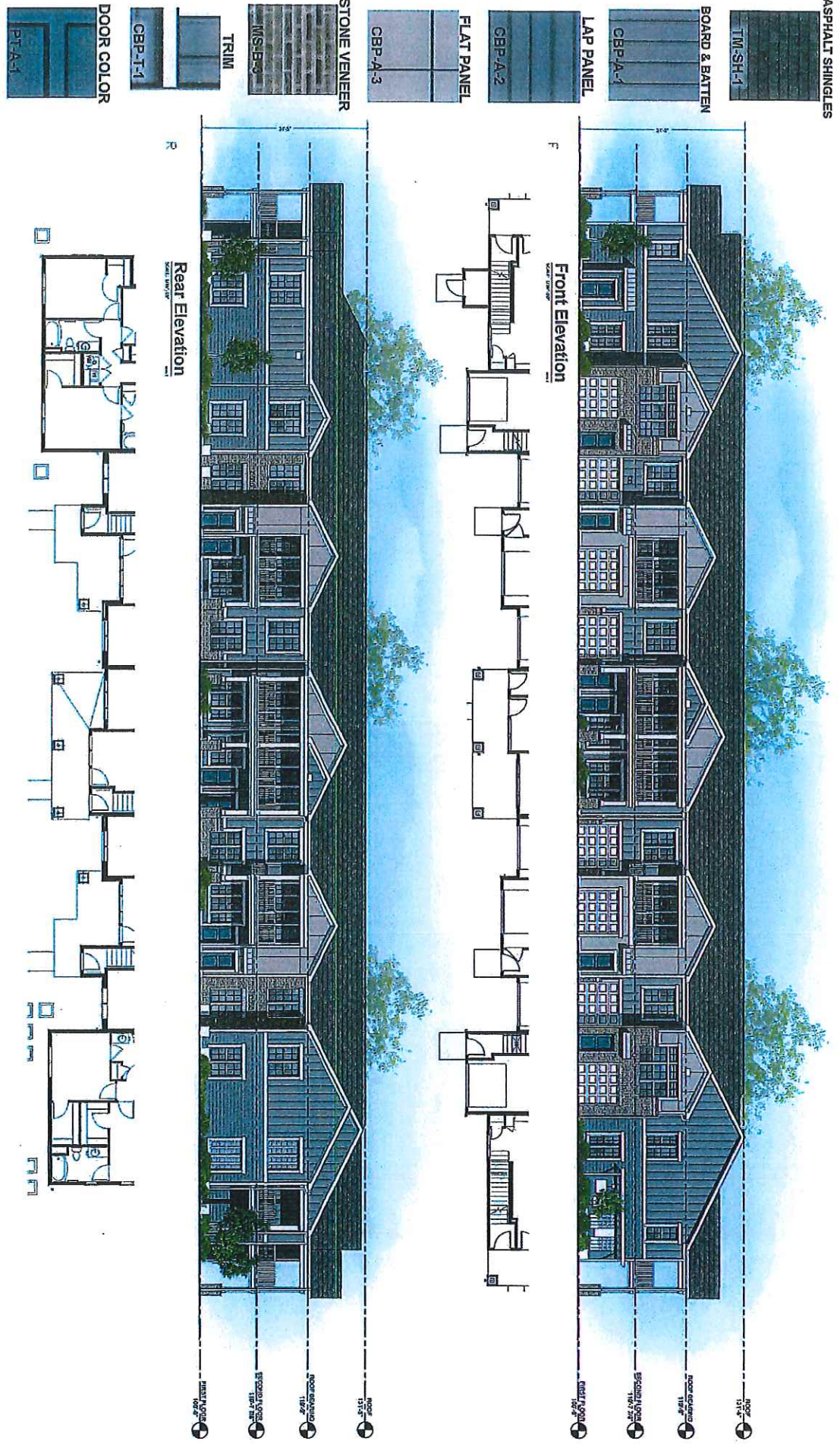


Right Elevation



Left Elevation



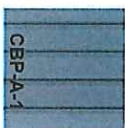


ASPHALT SHINGLES



TM-SH-1

BOARD & BATTEN



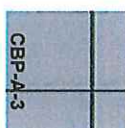
CBP-A-1

LAP PANEL



CBP-A-2

FLAT PANEL



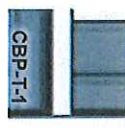
CBP-A-3

STONE VENEER



MS-B-3

TRIM



CBP-T-1

DOOR COLOR



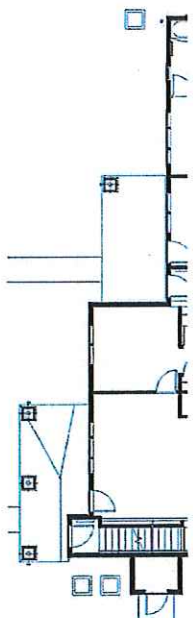
PT-A-1



Right Elevation



Left Elevation



Annexation Fiscal Plan

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **INCLUDING ALL OF THE ADJACENT FIR ROAD RIGHT-OF-WAY.**

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 approximately 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 approximately 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.

SANITARY SEWER, TRANSPORTATION, AND DRAINAGE

Existing Sanitary Sewer Infrastructure

The City has an existing 12" gravity sanitary sewer main located on the east side of Fir Rd and an existing 8" gravity sewer located on the north side of Beacon Pkwy at the existing drive approach. It is recommended that connection to sanitary sewer for this development be extended from the Fir Rd sanitary sewer as it provides more flexibility due to its depth and size. The cost of the 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 available capacity to serve this annexation property.

Existing Road/Transportation Infrastructure

This property has approximately 459' of frontage along Fir Rd and 1,244' of frontage along Beacon Pkwy. Currently, the intersection of Fir Rd and Beacon Pkwy is a signalized intersection. Fir Rd is a five-lane section with two southbound travel lanes, two northbound travel lanes, and a dedicated left turn lane at the intersection of Beacon Pkwy. As you travel north on Fir Rd, into the County, Fir Rd transitions to a two-lane section with one travel lane in each direction. Beacon Pkwy also has two eastbound travel lanes and two westbound travel lanes with dedicated left turn lanes at the designated drive approaches and westbound dual left turn lanes at the signalized intersection. Access to this development shall be from the existing drive approach on Beacon Pkwy, which was strategically located in the tangent section between the reverse curves, to satisfy appropriate sight distance requirements when Beacon Pkwy was designed and constructed as a limited access street. An 8' wide pathway shall be constructed on the east side of Fir Rd along the frontage of this property to eventually connect pathways along Beacon Pkwy with eventual goals of connecting other City and County pathways.

Existing Storm Sewer/Drainage Infrastructure

Regarding any new development 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. If any new on-site improvements are planned, the additional stormwater runoff generated by those improvements shall be retained on-site as stated above. 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. It is recommended that this development expand the existing detention basin located at the southeast corner of this property as it provides relief with an emergency overflow to the City storm sewer network for larger storm events. 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, the City Engineering Department, Street Department, and Sewer Department will be responsible for maintenance of public streets, storm sewers, or sanitary sewer systems within dedicated City right-of-way. Any streets and utilities within the annexed parcel will remain privately maintained by the site owners and/or a Commercial Owners Association if established. 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 Mishawaka Utilities Sewer Maintenance Department regarding the maintenance of the City sewer system. We maintain construction records for all sanitary and storm sewers and provide technical and administrative assistance on sewer repairs and for the Sewer Lateral Insurance Program that was initiated in 1986.

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 proposes a multi-family apartment complex, and therefore is not eligible for this program. All sanitary sewers within the development shall be considered private and maintained by the owner.

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	
<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>

ELECTRIC SERVICE

Services and Rates

Mishawaka Utilities – Electric Division *currently serves the southern 200’ of the proposed annexation area as it **is** already in our franchise boundary. Currently the norther section of the proposed property is not in our service territory.*

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

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

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

Personnel

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

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

Description of Services

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

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

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

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

Costs Associated with Services

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

FIRE PROTECTION/EMS

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

Staffing and Response Times

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

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

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

Fire Stations

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

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

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

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

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

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

For the year 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 early in 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

FIRE/EMS DEPARTMENT
1101-19

1 PERSONAL SERVICES

<u>Salaries and Wages</u>		biweekly
411-01	Fire Chief	89,918.00 3,458.37
411-02	Assistant Chief	
	4 @ 83,458	333,829.00 3,209.89
	Battalion Chief	
	3 @ 76,192	228,575.00 2,930.45
	Captain 15 @ 72,497	1,087,452.00 2,788.34
	Lieutenant	
	15 @ 70,615	1,059,217.00 2,715.94
	Fire Inspector	
	1 @ 72,497 2 @ 70,615	213,726.00 2,788.34 2,715.94
	Driver Operator	
	30 @ 68,799	2,063,954.00 2,646.09
	1st Class Firefighter	
	34 @ 67,774	2,304,313.00 2,606.69
	Master Firefighter	
	11 @ 64,853	713,375.00 2,494.32
		8,094,359.00
<u>Civilian</u>		
	Administrative Assistant	46,732.00 1,797.36
		46,732.00
<u>Other Personal Services</u>		
411-12	Specialty Pay	550,000.00
411-60	Overtime	1,000,000.00
411-66	Uniform Allowance 116 @ 1,250	148,125.00
	new hires 5 @ 625	
411-67	Pension Equalization	11,500.00
		1,709,625.00
<u>Employee Benefits</u>		9,850,716.00
413-01	Social Security	15,000.00
413-02	Medicare	140,000.00
413-03	INPRS 14.2%	35,000.00
413-05	Health Insurance	2,808,512.00
413-06	Life/Disability Insurance	6,500.00
413-08	Deferred Comp Match	70,000.00
413-09	77 Pension 18% + 3%	1,650,000.00
		4,725,012.00
		14,575,728.00

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

CITY OF MISHAWAKA
2023 BUDGET

ARPA PUBLIC SAFETY
2403-50

1 PERSONAL SERVICES

<u>Salaries and Wages</u>		biweekly
411-02 Probationary FF		
6@ 56,154	336,925.00	2,159.77
Recruit		
6@ 45,926	275,553.00	1,766.36
		612,478.00
<u>Other Personal Services</u>		
411-60 Overtime	25,000.00	
411-66 Uniform Allowance	3,750.00	
6@625		<u>28,750.00</u>
<u>Employee Benefits</u>		
413-01 Social Security	13,000.00	
413-02 Medicare	5,772.00	
413-05 Health Insurance	75,000.00	
413-08 Deferred Comp Match	5,000.00	
413-09 77 Pension 18% + 3%	<u>60,000.00</u>	
		<u>158,772.00</u>
		800,000.00

CITY OF MISHAWAKA
2023 BUDGET

AMBULANCE FUND
6606-50

4 CAPITAL OUTLAY

Machinery and Equipment

445-07 Medical Equipment 356,000.00

2022 Tahoe \$41K

Medic #2 Refurb \$250K

Powerload Cot \$25K

Life Pak 15 \$40K

356,000.00

356,000.00

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>			
411-01	Department Head	76,051.00	biweekly
411-02	Regular Employees	797,499.00	2,925.04
	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	<u>79,000.00</u>
			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	<u>33,213.00</u>	
			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

2 SUPPLIES

3,325,141.00

Office Supplies

421-90	Office Supplies	8,000.00	
--------	-----------------	----------	--

Operating Supplies

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

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	<u>28,000.00</u>	

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

CITY OF MISHAWAKA
2023 BUDGET

PARK AND RECREATION NON-REVERTING
2211-50

1 PERSONAL SERVICES		
<u>Salaries and Wages</u>		
411-03 Temporary Help	<u>25,000.00</u>	25,000.00
2 SUPPLIES		
<u>Other Supplies</u>		
429-09 Merrifield Supplies and Repairs	45,000.00	
429-09 Wilson Supplies and Repairs	12,000.00	
429-17 Landscaping/Chemical Supplies	<u>90,000.00</u>	147,000.00
3 OTHER SERVICES AND CHARGES		
<u>Professional Services</u>		
431-06 Consulting	95,000.00	
436-90 Animal Control	15,000.00	
<u>Communication and Transportation</u>		
432-04 Wilson Hill Phone and Internet	2,500.00	
436-90 GPS Contract	19,000.00	
<u>Repairs and Maintenance</u>		
436-01 Golf Cart Repair	5,000.00	
436-22 Athletic Field Maintenance	<u>8,000.00</u>	144,500.00
		316,500.00

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 2023 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

411-01	Police Chief	91,903.00	biweekly 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	<u>1,109,826.00</u>	<u>2,371.39</u>
			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	<u>42,743.00</u>	<u>1,643.95</u>
			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	<u>2,000.00</u>	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%	<u>1,500,000.00</u>	<u>4,302,252.00</u>
			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.

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>	

36,358.00
782,917.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	2,000.00	
--------	-----------------	----------	--

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	
--------	----------------------------	----------	--

Communication and Transportation

432-03	Travel and Training	1,000.00	
--------	---------------------	----------	--

Repairs and Maintenance

436-01	Building Repair/Equipment/Maint	70,000.00	
--------	---------------------------------	-----------	--

Rentals

437-05	Uniforms	10,000.00	
--------	----------	-----------	--

Other Services and Charges

439-09	Miscellaneous Charges	<u>1,500.00</u>	
--------	-----------------------	-----------------	--

83,500.00
1,984,167.00

CITY OF MISHAWAKA
2023 BUDGET

MOTOR VEHICLE HIGHWAY
2201-50

1 PERSONAL SERVICES

Salaries and Wages

411-01	Street Commissioner	76,050.00	biweekly	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		
--------	-----------------	----------	--	--

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		
--------	-----------------------------	----------	--	--

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		
--------	--------------	--------	--	--

CITY OF MISHAWAKA
2023 BUDGET

MOTOR VEHICLE HIGHWAY
2201-50

Rentals

437-05 Uniforms 16,000.00

Other Services and Charges

439-09 Miscellaneous Charges 3,000.00 35,000.00

4 CAPITAL OUTLAYS **MVHR**

Improvements Other than Buildings

442-01 Street Repair 1,500,000.00
1,500,000.00
4,603,168.00

LOCAL ROAD AND STREET
2202-50

4 CAPITAL OUTLAYS

Improvements other than Buildings

442-01 Street Repair 500,000.00
442-04 Sidewalk and Curb Program 300,000.00
50/50 Program 25,000.00
445-02 Equipment 263,000.00
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

WASTE DISPOSAL AND RECYCLING SERVICES

Waste Disposal and Recycling Services

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

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

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

Leaf pick-up and the Organic Center

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

Wastewater

Services

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

Facilities

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

For the year 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.

WATER SERVICE

Water Utilities

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

Serving the Proposed Annexation Area

Currently there is a 12" water main fronting the property on Beacon Parkway just north of the curb line on the north side of the road. There is also a 12 watermain on the west side of the property running along the east side of Fir road. A water main extension and or new tap would need to be made to provide water service.

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

Staff and Services

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

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

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

Services to Residents

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

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

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

Costs Associated with Services

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

Annexation Fiscal Plan

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **INCLUDING ALL OF THE ADJACENT FIR ROAD RIGHT-OF-WAY.**

TAB D - APPENDICES

Appendix "A"
Resolution of Adopting Fiscal Plan

RESOLUTION NO. 2023-26

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:

Vacant Land East Side of Fir Road approximately 200' north of Beacon Parkway, Granger, IN 46530.

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 and Community Development 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 and Community Development 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:

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38

SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **INCLUDING ALL OF THE ADJACENT FIR ROAD RIGHT-OF-WAY.**

COMMON ADDRESS: VACANT LAND (UNADDRESSED) EAST SIDE OF FIR ROAD APPROXIMATELY 200' NORTH OF BEACON PARKWAY, GRANGER, IN 46530.

Section II. Following the review of documents prepared by the Department of Planning and Community Development 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

Appendix "B"
Annexation Ordinance

PETITION 23-21

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 a PUD Amendment 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 RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND

CONTAINING 0.377 ACRES, MORE OR LESS; **including all of the adjacent Fir Road right-of-way.**

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

Furthermore, 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:

LOT NUMBERED ONE (1) AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, TOGETHER WITH THE VACATED PORTION OF EVERGREEN ROAD.

EXCEPTING THEREFROM THE FOLLOWING TRACTS:

TRACT 1: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1. SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 186.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 83.01 FEET; THENCE NORTH 89°42'30" EAST, A DISTANCE OF 48.96 FEET; THENCE SOUTH 54°36'36" EAST, A DISTANCE OF 152.10 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 105.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 192.67 FEET TO THE POINT OF BEGINNING.

TRACT 2: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA,

DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

TRACT 3: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 94.50 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 94.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

TRACT 4: THAT PART DEEDED TO BOARD OF COMMISSIONERS OF THE COUNTY OF ST. JOSEPH, INDIANA BY WARRANTY DEED RECORDED NOVEMBER 1, 2010 AS INSTRUMENT NO. [1030439](#), DESCRIBED AS FOLLOWS: A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT

#9848691, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ON THE NORTH BOUNDARY OF CLEVELAND ROAD; THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS WEST 10.00 FEET ALONG A WEST LINE OF SAID LOT; THENCE NORTH 89 DEGREES 38 MINUTES 24 SECONDS-EAST 204.91 FEET TO THE SOUTHEASTERN LINE OF SAID LOT; THENCE ALONG SAID SOUTHEASTERN LINE SOUTHWESTERLY 24.84 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 29.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 65 DEGREES 06 MINUTES 23 SECONDS WEST AND A LENGTH OF 24.08 FEET TO THE SOUTH LINE OF SAID LOT; THENCE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 182.99 FEET (183.03 FEET BY THE PLAT OF SAID SUBDIVISION) ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.045 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.025 ACRES, MORE OR LESS.

TRACT 5: THAT PART DEEDED TO THE CITY OF MISHAWAKA, INDIANA BY QUIT-CLAIM DEED RECORDED AUGUST 9, 2013 AS INSTRUMENT NO. 1324532 DESCRIBED AS FOLLOWS:

A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # 9848691, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID LOT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 89.74 FEET; THENCE SOUTH 44 DEGREES 36 MINUTES 09 SECONDS EAST 57.84 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 52 SECONDS EAST 185.66 FEET; THENCE SOUTHEASTERLY 441.55 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 1,060.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 76 DEGREES 08 MINUTES 52 SECONDS EAST AND A LENGTH OF 438.36 FEET; THENCE SOUTH 64 DEGREES 12 MINUTES 52 SECONDS EAST 95.10 FEET; THENCE SOUTHEASTERLY 523.41 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 740.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 84 DEGREES 28 MINUTES 39 SECONDS EAST AND A LENGTH OF 512.57 FEET TO THE EAST LINE OF SAID LOT; THENCE ALONG SAID EAST LINE SOUTH 0 DEGREES 27 MINUTES 02 SECONDS EAST 123.28 FEET; THENCE NORTHWESTERLY 577.85 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 860.00 FEET AND SUBTENDED BY A LONG

CHORD HAVING A BEARING OF NORTH 83 DEGREES 27 MINUTES 49 SECONDS WEST AND A LENGTH OF 567.04 FEET; THENCE NORTH 64 DEGREES 12 MINUTES 52 SECONDS WEST 95.10 FEET; THENCE NORTHWESTERLY 391.56 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 940.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 76 DEGREES 08 MINUTES 52 SECONDS WEST AND A LENGTH OF 388.73 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 52 SECONDS WEST 181.66 FEET; THENCE SOUTH 45 DEGREES 20 MINUTES 44 SECONDS WEST 55.13 FEET; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 713.55 FEET; THENCE SOUTHWESTERLY 218.52 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 889.64 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 6 DEGREES 38 MINUTES 34 SECONDS WEST AND A LENGTH OF 217.97 FEET TO A SOUTH LINE OF SAID LOT; THENCE ALONG SAID SOUTH LINE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 8.30 FEET TO A SOUTHWEST CORNER OF SAID LOT; THENCE ALONG THE WEST LINE OF SAID LOT NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 1,219.80 FEET TO THE POINT OF BEGINNING; **excluding all property south of the Beacon Parkway Right-of-way.**

General Location: NEC of Fir Road and Beacon Parkway

which real estate is now classified as S-2 Planned Unit Development District.

All the above real estate shall hereafter be amended to allow for a 280 to 320 unit gated multi-family residential apartment complex subject to the following conditions:

Uses:

1. Permitted uses shall be limited to a 320 unit maximum multi-family residential apartment complex and other accessory uses including but not limited to a club house, maintenance garage, and community pool.
2. Off-premise signs/billboards shall be prohibited.

Parking Spaces, Building & Parking/Pavement Setbacks:

1. A minimum of 1.5 parking spaces shall be provided per residential dwelling unit.
2. The building setback shall be a minimum of 25' from the right-of-way and external property lines.
3. The parking/pavement setback shall be 15' from the right-of-way and all external property lines.

Landscaping & Fencing:

1. A 15' wide landscape buffer shall be provided along the perimeter of the property.
2. Landscaping within the buffer shall be provided as required per the C-1 General Commercial District. No additional landscaping shall be required

where the existing mature vegetation is preserved if compliant with the minimum spacing requirements.

3. A 5' high metal picket (semi-opaque) decorative fence shall be permitted within the building setback along Fir Road and Beacon Parkway. If provided, Planning Staff shall review and approve the fence as a part of the planned unit development plan process.

Signage:

1. A total of two (2) freestanding monument signs shall be permitted. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each sign shall have a masonry base no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board.

Right-of-way & Sidewalks:

1. Additional right-of-way and easements may be required and shall be determined by review of the City Director of Engineering as a part of the planned unit development plan and subdivision plat.
2. The developer shall construct an 8' wide sidewalk within the public right-of-way along Fir Road from Beacon Parkway to the north property line and along Beacon Parkway from Fir Road to the entrance/access drive. Connections from the site to the sidewalk shall be provided along Fir Road and Beacon Parkway. The sidewalk shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.

Lighting:

1. All site lighting shall be limited to 30 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Building Limitations & Architecture:

1. The maximum building height shall be 48'.
2. Commercial grade high-quality vinyl lap siding and concrete panels (fiber cement board) shall be permitted building materials for all buildings, including the multi-family residential buildings, clubhouse, and any accessory buildings. For the building façades facing Beacon Parkway and Fir Road, masonry (brick veneer or stone) accents shall be utilized. All building materials shall be a mix of the above referenced materials and are subject to review and approval by the City Planner as a part of the planned unit development plan.

3. The architecture shall include garages and private entrances as conceptually identified.

Stormwater Management Infrastructure & Utilities:

1. The existing detention pond within the southeast corner of the property shall be expanded to provide for stormwater storage and located within an easement on the subdivision plat. A stormwater drainage plan shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.
2. All costs associated with the extension of utilities shall be the responsibility of the developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

Other:

1. If the development should not proceed within two (2) years following approval of the annexation/zoning and Planned Unit Development amendment, the prior development regulations (Ord. 5284) shall remain and be applicable to the subject parcels.

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

1. Existing Conditions - The subject parcel is located at the northeast corner of Fir Road and Beacon Parkway. Fir Road is currently a moderately travelled corridor on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City and St. Joseph County. Beacon Parkway is currently a lower travelled corridor. The property is located immediately adjacent to vacant unincorporated land to the north zoned for residential development, vacant land within the city limits to the east and south zoned for commercial development, and unincorporated land to the west occupied by single-family residential houses.
2. Character of Buildings in Area - The character of buildings and land uses located along the Fir Road corridor from State Road 23 to the north to south of the Indiana Toll Road vary greatly and include a convenience store/gas station, an automatic car wash facility, a church and parochial school, medical offices, a credit union, single family residential home, and a multi-family residential apartment complex. Several Beacon Medical Group buildings, including an acute care hospital, an ambulatory surgery center, a health and fitness center, and corporate offices, are located to the northeast along Beacon Parkway.
3. The most desirable/highest and best use - With the property's location along the increasingly commercial and residential developed Fir Road corridor combined with the adjacent properties being zoned for commercial use, the most desirable use for the property is either commercial or high-density residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-

family residential use is compatible with the adjacent vacant property and single-family residential uses.

5. Comprehensive Plan - Although this property was identified with a preferred use as commercial in the Capital Avenue Land Use Plan (2003), the proposed multi-family residential use is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.

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

Appendix "C"

1.

Tab Rate Chart for the year 2022 payable 2023																
Notice is hereby given that the Tax Duplicates for the Taxing Units of St. Joseph County, for the year 2022 payable 2023, are now in the hands of the St. Joseph County Auditor, who is ready to receive the Taxes charged thereon.																
The following table shows the rate of taxation on each \$100.00 of Taxable Real Estate, Personal Property and Mobile Homes. The first installment will be delinquent after May 10, 2023.																
Second installment will be delinquent after November 13, 2023. John H Murphy, Auditor of St. Joseph County.																
Fund	Fund Name	71 001 Centre Township	71 002 South Bend - Centre	71 003 Clay Township	71 004 South Bend - Clay	71 005 Mishawaka - Clay	71 006 Indian Village	71 007 Roseland	71 008 German Township	71 009 South Bend - German	71 010 Greene Township	71 011 Harris Township	71 014 Lincoln Township	71 015 Walkerton	71 016 Madison Township	71 017 Olive Township
61	County Rainy Day															
101	County General	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441
124	Cumulative Reassessment	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151
180	Debt Service	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064
181	2022 GO Highway Bond	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177
707	Highway															
706	LR & S															
720	Major Moves SPC															
790	Cumulative Bridge	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095
793	Major Cumulative Bridge	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
801	Health	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189
1301	Park & Recreation	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206
2391	Cumulative Capital Development	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
71.1	Total COUNTY	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989
61	Township Rainy Day															
101	Township General Fund	0.0062	0.0062	0.0213	0.0213	0.0213	0.0213	0.0213	0.0037	0.0037	0.0082	0.0062	0.0375	0.0375	0.0097	0.0415
180	TOWNSHIP DEBT SERVICE															
601	Twp Community Bldg										0.0118					
810	Twp Poor Relief/Twp Assistance			0.0038	0.0038	0.0038	0.0038	0.0038			0.0071	0.0008	0.0206	0.0206	0.0030	0.0013
1111	Twp Fire														0.0799	
1181	Twp Fire Bldg Debt Fund															
1187	Twp Fire Equipment Debt														0.0300	
1190	Twp Cum Fire									0.0072						
1312	Twp Recreation								0.0072	0.0072			0.0068	0.0068		
2120	Township Cemetery															0.0136
8604	Twp Fire Territory General	0.4574		0.2796			0.2296	0.2296	0.2796		0.2627	0.2296				
8692	Twp Fire Territory Equip Replac	0.0308		0.0269			0.0269	0.0269	0.0269		0.0333	0.0269				
71.2	Total TOWNSHIP	0.4944	0.0062	0.2816	0.0251	0.0251	0.2816	0.2816	0.2674	0.0109	0.3231	0.2640	0.0649	0.0649	0.1226	0.0564
61	City/Town Rainy Day															
101	City General		2.3592		2.3592	1.5862		0.5406		2.3592				0.8646		
180	City Debt Service													0.0939		
181	City/Town Debt Payment															
341	City Fire Pension															
342	City Police Pension															
706	City/Town LR & S														0.1873	
708	City MVI					0.0340										
720	City/Town Major Moves Spc															
1301	City Park & Rec		0.5550		0.5550	0.1923				0.5550				0.1898		
1303	City/Town Park															
1380	Park Bond		0.0312		0.0312					0.0312				0.0948		
7120	City Cemetery															
2379	City/Town CCI															
2391	City Cum Cap Development		0.0282		0.0282	0.0450		0.0336		0.0282				0.0500		
6790	City Cum Sewer															
8604	City Town Fire Territory Gen												0.3503	0.3503		
8692	City Town Fire Terr Equ Replac												0.0292	0.0292		
71.3	Total CITY/TOWN	0.0000	2.9736	0.0000	2.9736	1.8575	0.0000	0.5742	0.0000	2.9736	0.0000	0.0000	0.3795	1.8599	0.0000	0.0000
22	Referendum-Exempt Operating	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334	0.3334
61	School Rainy Day															
180	School Debt Service	0.2409	0.2409	0.2409	0.2409	0.2409	0.2409	0.2409	0.2409	0.2409	0.2409	0.4648	0.4259	0.4259	0.4648	0.3917
186	School Retirement/Pension Debt												0.0041	0.0041		
287	Referendum Debt-Exempt Capital	0.0663	0.0663	0.0663	0.0663	0.0663	0.0663	0.0663	0.0663	0.0663	0.0663					0.1421
3101	Education															
3300	Operations	0.6302	0.6302	0.6302	0.6302	0.6302	0.6302	0.6302	0.6302	0.6302	0.6302	0.4627	0.5376	0.5376	0.4627	0.6305
71.4	Total SCHOOL	1.2708	1.2708	1.2708	1.2708	1.2708	1.2708	1.2708	1.2708	1.2708	1.2708	0.9275	0.9676	0.9676	0.9275	1.1643
61	Rainy Day															
101	Library General	0.2422	0.2422	0.2422	0.2422	0.2422	0.2422	0.2422	0.2422	0.2422	0.2422	0.1102	0.0823	0.0823		0.2503
180	Library Debt Service	0.0204	0.0204	0.0204	0.0204	0.0204	0.0204	0.0204	0.0204	0.0204	0.0204	0.0133	0.0593	0.0593		0.0232
2011	Library LRF															
71.5	Total LIBRARY	0.2626	0.2626	0.2626	0.2626	0.2626	0.2626	0.2626	0.2626	0.2626	0.2626	0.1235	0.1416	0.1416	0.0000	0.2735
8001	So Bend Transpo		0.1006		0.1006	0.1006				0.1006						
8090	So Bend Transpo Spec Tran Cum															
8101	Airport Authority General	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256
8180	Airport Sp Airport Debt															
8190	Airport Authority Cum Bldg	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130
8710	Sp Solid Waste Ma															0.4807
8604	Special Fire Protect Terr-Gen															0.0333
8692	Spec Fire Protect Terr-Equip															
71.6	Total SPECIAL UNIT	0.0386	0.1392	0.0386	0.1392	0.1392	0.0386	0.0386	0.0386	0.1392	0.0386	0.0386	0.0386	0.0386	0.0386	0.5526
Total Tax Rates (Less Conservancy)		2.6653	5.2513	2.4525	5.2702	4.1541	2.4525	3.0267	2.4383	5.2560	2.4940	1.9525	2.1911	3.6715	1.6876	2.6457

Property Tax System 03/22/2023 12:04 PM by KRGREGOR



1. Harris Township Tax Rates -
Prior to Annexation

Tab Rate Chart for the year 2022 payable 2023 Tab Rate Chart for the year 2022 payable 2023

Notice is hereby given that the Tax Duplicate/Rate is hereby given that the Tax Duplicates for the Taxing Units of St. Joseph County, for the year 2022 payable 2023, are now in the hands of the St. Joseph County Auditor, who is ready to receive the Taxes charged thereon.

The following table shows the rate of taxation on each \$100.00 of Taxable Real Estate, Personal Property and Mobile Homes. The first installment will be delinquent after May 10, 2023.

Second installment will be delinquent after November 13, 2023. John H. Murphy, Auditor of St. Joseph County.

	71 018	71 022	71 023	71 025	71 026	71 027	71 028	71 029	71 030	71 031	71 032	71 033	71 034	71 035	71 036	71 037
	New Carlisle	Mishawaka - Phm School	Mishawaka - Penn	Portage Township	South Bend - Portage	Union Township	Lakeville	Warren Township	Osceola	Penn Township	Penn Township - Mishawaka Schools	South Bend - Penn	Liberty Township	North Liberty	Mishawaka - Harris	South Bend Warren
Fund	Fund Name															
61	County Rainy Day	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441	0.4441
101	County General	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151	0.0151
124	Cumulative Reassessment	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064	0.0064
180	Debt Service	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177	0.0177
181	2022 GO Highway Bond															
702	Highway															
706	LR & S															
720	Major Moves SPC	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095
790	Cumulative Bridge	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
792	Major Cumulative Bridge	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189	0.0189
801	Health	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206	0.0206
1301	Park & Recreation	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
2391	Cumulative Capital Development	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989
71 1	Total COUNTY	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989	0.5989
61	Township Rainy Day	0.0114	0.0114	0.0114	0.0114	0.0114	0.0114	0.0114	0.0114	0.0114	0.0114	0.0114	0.0114	0.0114	0.0114	0.0114
101	Township General Fund	0.0413	0.0413	0.0413	0.0413	0.0413	0.0413	0.0413	0.0413	0.0413	0.0413	0.0413	0.0413	0.0413	0.0413	0.0413
180	TOWNSHIP DEBT SERVICE															
601	Twp Community Bldg	0.0013	0.0013	0.0013	0.0013	0.0013	0.0013	0.0013	0.0013	0.0013	0.0013	0.0013	0.0013	0.0013	0.0013	0.0013
840	Twp Poor Relief/Twp Assistance															
1111	Twp Fire															
1181	Twp Fire Bldg Debt Fund															
1182	Twp Fire Equipment Debt															
1190	Twp Cum Fire															
1312	Twp Recreation															
7120	Township Cemetery															
8604	Twp Fire Territory General															
8692	Twp Fire Territory Equip Repla															
71 2	Total TOWNSHIP	0.0564	0.0564	0.0564	0.0564	0.0564	0.0564	0.0564	0.0564	0.0564	0.0564	0.0564	0.0564	0.0564	0.0564	0.0564
61	City/Town Rainy Day	0.2588	0.2588	0.2588	0.2588	0.2588	0.2588	0.2588	0.2588	0.2588	0.2588	0.2588	0.2588	0.2588	0.2588	0.2588
101	City General	0.0702	0.0702	0.0702	0.0702	0.0702	0.0702	0.0702	0.0702	0.0702	0.0702	0.0702	0.0702	0.0702	0.0702	0.0702
180	City Debt Service															
181	City/Town Debt Payment															
341	City Fire Pension															
342	City Police Pension															
706	City/LR & S															
708	City MVH															
720	City/Town Major Moves Spc															
1301	City Park & Rec															
1303	City/Town Park															
1380	Park Bond															
2120	City Cemetery															
2379	City/Town CCI															
2391	City Cum Cap Development															
6290	City Cum Sewer															
8604	City Town Fire Territory Gen															
8692	City Town Fire Terr Equip Replac															
71 3	Total CITY/TOWN	1.1543	1.1543	1.1543	1.1543	1.1543	1.1543	1.1543	1.1543	1.1543	1.1543	1.1543	1.1543	1.1543	1.1543	1.1543
22	Referendum-Exempt Operating	0.2434	0.2434	0.2434	0.2434	0.2434	0.2434	0.2434	0.2434	0.2434	0.2434	0.2434	0.2434	0.2434	0.2434	0.2434
61	School Rainy Day	0.3917	0.3917	0.3917	0.3917	0.3917	0.3917	0.3917	0.3917	0.3917	0.3917	0.3917	0.3917	0.3917	0.3917	0.3917
180	School Debt Service															
186	School Retirement/Pension Debt	0.1421	0.1421	0.1421	0.1421	0.1421	0.1421	0.1421	0.1421	0.1421	0.1421	0.1421	0.1421	0.1421	0.1421	0.1421
287	Referendum Debt-Exempt Capital															
3101	Education	0.6305	0.6305	0.6305	0.6305	0.6305	0.6305	0.6305	0.6305	0.6305	0.6305	0.6305	0.6305	0.6305	0.6305	0.6305
3300	Operations	1.1643	1.1643	1.1643	1.1643	1.1643	1.1643	1.1643	1.1643	1.1643	1.1643	1.1643	1.1643	1.1643	1.1643	1.1643
71 4	Total SCHOOL	0.9275	0.9275	0.9275	0.9275	0.9275	0.9275	0.9275	0.9275	0.9275	0.9275	0.9275	0.9275	0.9275	0.9275	0.9275
61	Rainy Day	0.2503	0.2503	0.2503	0.2503	0.2503	0.2503	0.2503	0.2503	0.2503	0.2503	0.2503	0.2503	0.2503	0.2503	0.2503
101	Library General	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133	0.0133
180	Library Debt Service															
2013	Library LRF															
71 5	Total LIBRARY	0.2735	0.2735	0.2735	0.2735	0.2735	0.2735	0.2735	0.2735	0.2735	0.2735	0.2735	0.2735	0.2735	0.2735	0.2735
8001	So Bend Transpo	0.1006	0.1006	0.1006	0.1006	0.1006	0.1006	0.1006	0.1006	0.1006	0.1006	0.1006	0.1006	0.1006	0.1006	0.1006
8090	So Bend Transpo Spec Tran Cum															
8101	Airport Authority General	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256	0.0256
8180	Airport Sp Airport Debt															
8190	Airport Authority Cum Bldg	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130
8210	Sp Solid Waste Ma	0.4807	0.4807	0.4807	0.4807	0.4807	0.4807	0.4807	0.4807	0.4807	0.4807	0.4807	0.4807	0.4807	0.4807	0.4807
8604	Special Fire Protect Terr-Gen	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
8692	Spec Fire Protect Terr-Equip															
71 6	Total SPECIAL UNIT	0.5526	0.5526	0.5526	0.5526	0.5526	0.5526	0.5526	0.5526	0.5526	0.5526	0.5526	0.5526	0.5526	0.5526	0.5526
	Total Tax Rates (Less Conservancy)	3.8000	3.8000	3.8000	3.8000	3.8000	3.8000	3.8000	3.8000	3.8000	3.8000	3.8000	3.8000	3.8000	3.8000	3.8000



2. Mishawaka - Harris Tax Rates -
Post Annexation

St. Joseph County

Indebtedness of St. Joseph County & HarrisTownship

Submitted to the State on

Report printed on Wednesday, October 18, 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
----------------	-----------	--------	--------

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

CREDIT: Primary

Electric Revenues: No

Water Revenue: No

Wastewater 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	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	-------------	-------------------

									Credit	
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 Wednesday, October 18, 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
----------------	-----------	--------	--------

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation):
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Provide funds to finance various improvements in or serving the NewCarlisle
EconomicDevelopmentArea
Total Project Cost: \$9,197,753.00

Sources

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

Uses

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

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

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

									Credit	
8/1/2017			\$196,716	\$196,716						\$8,730,000
2/1/2018			\$146,925	\$146,925		\$343,641				\$8,730,000
8/1/2018			\$146,925	\$146,925						\$8,730,000
2/1/2019	\$565,000	3.00	\$146,925	\$711,925		\$858,850				\$8,165,000
8/1/2019			\$138,450	\$138,450						\$8,165,000
2/1/2020	\$490,000	3.00	\$138,450	\$628,450		\$766,900				\$7,675,000
8/1/2020			\$131,100	\$131,100						\$7,675,000
2/1/2021	\$505,000	3.00	\$131,100	\$636,100		\$767,200				\$7,170,000
8/1/2021			\$123,525	\$123,525						\$7,170,000
2/1/2022	\$520,000	3.00	\$123,525	\$643,525		\$767,050				\$6,650,000
8/1/2022			\$115,725	\$115,725						\$6,650,000
2/1/2023	\$535,000	3.00	\$115,725	\$650,725		\$766,450				\$6,115,000
8/1/2023			\$107,700	\$107,700						\$6,115,000
2/1/2024	\$550,000	3.00	\$107,700	\$657,700		\$765,400				\$5,565,000
8/1/2024			\$99,450	\$99,450						\$5,565,000
2/1/2025	\$565,000	3.00	\$99,450	\$664,450		\$763,900				\$5,000,000
8/1/2025			\$90,975	\$90,975						\$5,000,000
2/1/2026	\$585,000	3.00	\$90,975	\$675,975		\$766,950				\$4,415,000
8/1/2026			\$82,200	\$82,200						\$4,415,000
2/1/2027	\$600,000	3.00	\$82,200	\$682,200		\$764,400				\$3,815,000
8/1/2027			\$73,200	\$73,200						\$3,815,000
2/1/2028	\$620,000	3.00	\$73,200	\$693,200		\$766,400				\$3,195,000
8/1/2028			\$63,900	\$63,900						\$3,195,000
2/1/2029	\$265,000	4.00	\$63,900	\$328,900		\$392,800				\$2,930,000
8/1/2029			\$58,600	\$58,600						\$2,930,000
2/1/2030	\$275,000	4.00	\$58,600	\$333,600		\$392,200				\$2,655,000
8/1/2030			\$53,100	\$53,100						\$2,655,000
2/1/2031	\$290,000	4.00	\$53,100	\$343,100		\$396,200				\$2,365,000
8/1/2031			\$47,300	\$47,300						\$2,365,000
2/1/2032	\$300,000	4.00	\$47,300	\$347,300		\$394,600				\$2,065,000
8/1/2032			\$41,300	\$41,300						\$2,065,000
2/1/2033	\$310,000	4.00	\$41,300	\$351,300		\$392,600				\$1,755,000
8/1/2033			\$35,100	\$35,100						\$1,755,000
2/1/2034	\$325,000	4.00	\$35,100	\$360,100		\$395,200				\$1,430,000
8/1/2034			\$28,600	\$28,600						\$1,430,000
2/1/2035	\$335,000	4.00	\$28,600	\$363,600		\$392,200				\$1,095,000
8/1/2035			\$21,900	\$21,900						\$1,095,000
2/1/2036	\$350,000	4.00	\$21,900	\$371,900		\$393,800				\$745,000
8/1/2036			\$14,900	\$14,900						\$745,000
2/1/2037	\$365,000	4.00	\$14,900	\$379,900		\$394,800				\$380,000

8/1/2037			\$7,600	\$7,600						\$380,000
2/1/2038	\$380,000	4.00	\$7,600	\$387,600		\$395,200				\$0
Total	\$8,730,000		\$3,306,741	\$12,036,741		\$12,036,741				

Notes

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: <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? 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
----------------	-----------	--------	--------

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
------------------	--------

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
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	--------------------	-------------------

12/30/2017	\$0	2.00	\$53,062	\$53,062		\$53,062	\$0		\$10,500,000
6/30/2018	\$260,000	2.00	\$122,450	\$382,450			\$0		\$10,240,000
12/30/2018	\$315,000	2.00	\$119,850	\$434,850		\$817,300	\$0		\$9,925,000
6/30/2019	\$320,000	2.00	\$116,700	\$436,700			\$0		\$9,605,000
12/30/2019	\$325,000	2.00	\$113,500	\$438,500		\$875,200	\$0		\$9,280,000
6/30/2020	\$325,000	2.00	\$110,250	\$435,250			\$0		\$8,955,000
12/30/2020	\$330,000	2.00	\$107,000	\$437,000		\$872,250	\$0		\$8,625,000
6/30/2021	\$330,000	2.00	\$103,700	\$433,700			\$0		\$8,295,000
12/30/2021	\$335,000	2.00	\$100,400	\$435,400		\$869,100	\$0		\$7,960,000
6/30/2022	\$340,000	2.00	\$97,050	\$437,050			\$0		\$7,620,000
12/30/2022	\$345,000	2.00	\$93,650	\$438,650		\$875,700	\$0		\$7,275,000
6/30/2023	\$345,000	2.00	\$90,200	\$435,200			\$0		\$6,930,000
12/30/2023	\$350,000	2.00	\$86,750	\$436,750		\$871,950	\$0		\$6,580,000
6/30/2024	\$355,000	2.00	\$83,250	\$438,250			\$0		\$6,225,000
12/30/2024	\$355,000	2.00	\$79,700	\$434,700		\$872,950	\$0		\$5,870,000
6/30/2025	\$360,000	2.00	\$76,150	\$436,150			\$0		\$5,510,000
12/30/2025	\$365,000	2.00	\$72,550	\$437,550		\$873,700	\$0		\$5,145,000
6/30/2026	\$365,000	2.13	\$68,900	\$433,900			\$0		\$4,780,000
12/30/2026	\$370,000	2.25	\$65,022	\$435,022		\$868,922	\$0		\$4,410,000
6/30/2027	\$375,000	2.38	\$60,859	\$435,859			\$0		\$4,035,000
12/30/2027	\$380,000	2.38	\$56,406	\$436,406		\$872,266	\$0		\$3,655,000
6/30/2028	\$385,000	2.50	\$51,894	\$436,894			\$0		\$3,270,000
12/30/2028	\$390,000	2.50	\$47,082	\$437,082		\$873,975	\$0		\$2,880,000
6/30/2029	\$395,000	2.75	\$42,206	\$437,206			\$0		\$2,485,000
12/30/2029	\$400,000	2.75	\$36,775	\$436,775		\$873,981	\$0		\$2,085,000
6/30/2030	\$405,000	3.00	\$31,275	\$436,275			\$0		\$1,680,000
12/30/2030	\$410,000	3.00	\$25,200	\$435,200		\$871,475	\$0		\$1,270,000
6/30/2031	\$415,000	3.00	\$19,050	\$434,050			\$0		\$855,000
12/30/2031	\$425,000	3.00	\$12,825	\$437,825		\$871,875	\$0		\$430,000
6/30/2032	\$430,000	3.00	\$6,450	\$436,450		\$436,450	\$0		\$0
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 Wednesday, October 18, 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
----------------	-----------	--------	--------

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
------------------	--------

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
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	--------------------	-------------------

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 Wednesday, October 18, 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: <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: 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
----------------	-----------	--------	--------

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
------------------	--------

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
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	--------------------	-------------------

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

Notes

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

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: <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: 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
----------------	-----------	--------	--------

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
------------------	--------

Uses

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

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

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

2/1/2016		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 Wednesday, October 18, 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: <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: 1/15/2019 Date of Appropriation Resolution: Date of Debt Sale: 1/15/2019 Date of Debt Closing: 1/15/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

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

Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

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

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

Purpose/Cost

Purpose of Debt: New PSAP 911 CAD System

Total Project Cost: \$2,976,131.00

Sources

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

Uses

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

Dates

Date Bids Received: 8/24/2018

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

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

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

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

St. Joseph County

Submitted to the State on Thursday, October 24, 2019

Report printed on Wednesday, October 18, 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
----------------	-----------	--------	--------

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

CREDIT: No

Electric Revenues: No

Water Revenue: No

Wastewater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

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

Purpose/Cost

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

Total Project Cost: \$9,508,859.00

Sources

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

Uses

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

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

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

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

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

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
----------------	-----------	--------	--------

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

CREDIT: No

Electric Revenues: No

Water Revenue: No

Wastewater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

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

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

Purpose/Cost

Purpose of Debt: Purchase of radios for the police department

Total Project Cost: \$1,760,003.00

Sources

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

Uses

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

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

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

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

Notes

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

St. Joseph County

Submitted to the State on Friday, October 25, 2019

Report printed on Wednesday, October 18, 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:

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

Debt Limitation

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

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

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

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 7/19/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

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

Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CREDIT: No

Electric Revenues: No

Water Revenue: No

Wastewater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

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

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

Purpose/Cost

Purpose of Debt:	Purchase of new election equipment
-------------------------	------------------------------------

Total Project Cost: \$2,500,000.00

Sources

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

Uses

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

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

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

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

Notes

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

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

Debt Limitation

Is this debt subject to the issuer's debt limit? N
Applicable Issuer:
Current Debt Limit:
Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:
Date of Publication of Preliminary Determination:
Newspaper(s):
Date of Public Hearing:
Date of Final Approval/Lease Execution: 7/2/2019
Date of Appropriation Resolution:
Date of Debt Sale:
Date of Debt Closing: 7/19/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No
Was a remonstrance conducted? No
Votes in favor debt:
Votes against debt:
Was this debt subject to referendum? No
Votes in favor debt:
Votes against debt:

Debt Rating

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

Security on the Debt - Source of Repayment

Property Tax: Primary
TIF Revenue: No
COIT: No
Motor Vehicle Highway/Local Road & Street: No
CAGIT: No
Stormwater Revenues: No
CEDIT: No
Electric Revenues: No
Water Revenue: No
Wasterwater Revenues: No
Grant Revenue: No
Other () : No

Allocation Area from which the TIF Revenues will be generated:
Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County
Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Purchase of new election equipment
Total Project Cost: \$2,500,000.00

Sources

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

Uses

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

Dates

Date Bids Received:
Date Construction Started:
Estimated Date of Substantial Completion:

Amortization Schedule

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

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

Notes

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

St. Joseph County

Submitted to the State on Wednesday, December 21, 2022

Report printed on Wednesday, October 18, 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
----------------	-----------	--------	--------

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

CREDIT: No

Electric Revenues: No

Water Revenue: No

Wastewater 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

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
----------------	-----------	--------	--------

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



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

Report Builder: Bond/Lease Report

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

1

 of 1

Find | Next

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

NOV 16 2023

City Clerk
Mishawaka, IN

RESOLUTION NO. 2023-27

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY
OF MISHAWAKA, INDIANA AND SCHOOL CITY OF MISHAWAKA FOR THE
EXPANSION OF SCHOOL RESOURCE OFFICER SERVICES**

WHEREAS, the City of Mishawaka, Indiana, through the Mishawaka Police Department ("MPD") has a history of providing School Resource Officer ("SRO") services to School City of Mishawaka ("SCM"); and

WHEREAS, SCM now desires to expand SRO services within its schools to include as many as (10) ten SROs through the use of police reserve officers; and

WHEREAS, Indiana Code 36-1-7, the Interlocal Cooperation Act, authorizes one or more governmental entities to exercise, jointly or by one entity on behalf of others, powers that may be exercised by such units severally; and

WHEREAS, the City of Mishawaka through the MPD and SCM share a combined interest in entering into an Interlocal Agreement so that by working cooperatively, they may expand the SRO services provided by the MPD to SCM; and

WHEREAS, pursuant to IC 36-1-7, the City of Mishawaka and SCM have entered into an Interlocal Agreement, a copy of which is attached hereto and incorporated herein as Exhibit 1, containing all the governing provisions for the expansion of SRO services.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
THE CITY OF MISHAWAKA, INDIANA, AS FOLLOWS:**

Section I. The Common Council of the City of Mishawaka, Indiana, has considered and hereby ratifies, confirms, and approves the Interlocal Agreement attached as Exhibit 1 to this Resolution, regarding School Resource Officer services.

Section II. The Mayor is authorized to execute the Interlocal Agreement in form and substance the same as or similar to that of the Agreement attached hereto as Exhibit 1.

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this ____ day of _____, 2023, at ____ o'clock, P.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor for his approval and signature this ____ day of _____, 2023.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED and SIGNED by me this _____ day of _____, 2023.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF LAW

November 16, 2023

Mishawaka Common Council
100 Lincolnway West
Mishawaka, Indiana 46544

Re: School Resource Officer Services

President and Honorable Council Members:

Attached is a proposed Resolution approving an interlocal agreement between the City of Mishawaka and School City of Mishawaka, to expand the School Resource Officer services provided by the Mishawaka Police Department.

The Interlocal Agreement is attached to the Resolution as Exhibit 1, which in turn has attached to it Addendum A, which is the MOU between the City of Mishawaka Board of Public Works and Safety, on behalf of the Mishawaka Police Department, and the Board of School Trustees for the School City of Mishawaka; and Addendum B, which is an equipment list for the police reserve officers.

Thank you for your attention to this matter.

Sincerely,

Patrick J. Hinkle

Cc: Kenneth Witkowski, Chief of Police Mishawaka Police Department

Patrick J. Hinkle
Corporation Counsel
100 Lincolnway West
Mishawaka, IN 46544
(574) 258-1702
fax: (574) 254-0197

John J. Roggeman
City Attorney
100 Lincolnway West
Mishawaka, IN 46544
(574) 258-1702
fax: (574) 254-0197

David V. Bent
Assistant City Attorney
320 W. Fourth Street
Mishawaka, IN 46544
(574) 255-3680
fax: (574) 255-3969

**INTERLOCAL AGREEMENT REGARDING
SCHOOL RESOURCE OFFICER SERVICES**

This Interlocal Agreement ("Agreement") is made as of the 16th day of NOVEMBER, 2023 by and between the City of Mishawaka, Indiana, the School City of Mishawaka ("SCM").

RECITALS

WHEREAS, the Mishawaka Police Department ("MPD") is a local law enforcement agency for purposes of I.C. 20-26-18.2; and

WHEREAS, the School City of Mishawaka is an Indiana school corporation for purposes of I.C. 20-26-18.2; and

WHEREAS, I.C. 20-26-18.2-1(a)(3) authorizes a police reserve officer (as described in IC 36-8-3-20) to serve as a school resource officer ("SRO"), if the police reserve officer:

- Is subject to the direction of the appointing law enforcement agency;
- Is required to obey the rules and order of the appointing law enforcement agency;
- Is required to complete all training required of regular full-time law enforcement officers employed by the appointing law enforcement agency; and
- May be removed by the appointing law enforcement agency at any time, with or without cause; and

WHEREAS, SCM now desires to expand SRO services within its schools to include as many as ten (10) SROs; and

WHEREAS, the parties have agreed that this significant expansion of SRO services renders it appropriate to modify the terms of their relationship such that SRO services will begin to be delivered by police reserve officers instead of full-time law enforcement officers, effective January 1, 2024; and

WHEREAS, the parties will also continue the traditional partnership that has been established to provide SRO services pursuant to the terms of a revised Memorandum of Understanding Regarding SRO Services, effective January 1, 2024, while the delivery of SRO services by police reserve officers is implemented; and

WHEREAS, the parties are governmental entities and political subdivisions organized and existing pursuant to the laws of the State of Indiana; and

WHEREAS, I.C. 36-1-7 (*Interlocal Cooperation*) authorizes one or more governmental entities to exercise, jointly or by one entity on behalf of others, powers that may be exercised by such units severally; and

WHEREAS, the parties agree that it is desirable, advantageous, and in the public interest to enter into an agreement for joint and cooperative action as embodied herein.

NOW THEREFORE, in consideration of the foregoing and the mutual covenants and agreements herein contained, and pursuant to the authority granted to the parties under I.C. 36-1-7, the parties hereby agree as follows:

ARTICLE I. STATUTORY AUTHORITY

Section 1.01 Authority. The parties have entered into this Agreement under the authority and subject to the terms of I.C. 36-1-7, otherwise known as the Interlocal Cooperation Act ("Act"). The parties acknowledge and agree that upon the approval of this Agreement by the fiscal bodies for both the City and SCM, this Agreement will satisfy each requirement of I.C. 36-1-7-4, thereby exempting it from the necessity of approval by the Attorney General for the State of Indiana.

Section 1.02 Incorporation of Memorandum of Understanding. The parties acknowledge that they are simultaneously entering into a Memorandum of Understanding Regarding School Resource Officer Services ("MOU") that sets out of the revised terms of the parties long-standing relationship for providing SRO services via full-time law enforcement officers. For the sake of consistency and in order to appropriately interpret the terms of this Agreement, the MOU is attached hereto as "Addendum A" and incorporated by reference as if fully set out herein.

ARTICLE II. DURATION, PURPOSE, and TERMINATION

Section 2.01 Duration. The term of this Agreement begins on January 1, 2024, and ends on December 31, 2026. Thereafter, this Agreement may be renewed for successive twelve (12) month periods unless either party has initiated termination of the SRO relationship as otherwise provided for under the terms of this Agreement.

Section 2.02 Purpose. The purpose of this Agreement is to establish the rights and responsibilities along with the conduct of the parties hereto concerning the police reserve officers who will serve as an SRO in a SCM school.

Section 2.03 Termination. At any time, either party may, with or without cause, terminate the relationship established under the terms of this Agreement upon giving ninety (90) days written notice to the other party of an intent to terminate.

ARTICLE III. FINANCES, STAFFING, and EQUIPMENT

Section 3.01 Financing. The City shall be responsible for providing a police reserve officer serving as an SRO with such uniforms, equipment (including, but not limited to, firearms), access to mandatory in-service training opportunities, and such other items as are agreed to by the parties and/or otherwise required under the terms of Indiana law. A true and accurate copy of the equipment list for these police reserve officers is attached hereto as "Addendum B" and incorporated by reference as if fully set out herein. SCM shall fully reimburse the City for these

expenses within thirty (30) days of the City transmitting to SCM a detailed invoice setting out the costs associated with the same. SCM shall also indemnify and hold harmless the City from any costs associated with medical care for a line of duty injury or illness and payments for loss of income for line of duty injury or illness in conjunction with a police reserve officer working as an SRO in a SCM school building, to the extent required under the terms of I.C. 36-8-3-20, I.C. 36-8-3-22, and/or I.C. 36-8-3-23. SCM's Director of Business Services is hereby delegated the responsibility for appropriately tracking and accounting for all expenditures and reimbursements required under the terms of this Agreement.

Section 3.02 Appointment. The City's Board of Public Works & Safety ("BPWS") shall be responsible for appointing a sufficient number of police reserve officers to meet SCM's SRO needs. Consistent with the terms of I.C. 36-8-3-20, these police reserve officers may not be members of the regular Mishawaka Police Department ("MPD") but will have all of the same police powers as regular members, except as limited by the rules of the MPD. Pursuant to the statute, the BPWS may not appoint a police reserve officer until the officer has completed the training and probationary period established by the rules of the MPD. Pursuant to I.C. 20-26-18.2-1 (3), the BPWS may remove an individual serving as an SRO from police reserve officer status at any time, with or without cause.

Section 3.03 Training. A police reserve officer appointed by the BPWS to serve as an SRO may not: (a) make an arrest; (b) conduct a search or a seizure of a person or property; or (c) carry a firearm unless the reserve officer successfully completes the pre-basic training course required by the terms of I.C. 5-2-1-9 (f). In addition, a police reserve officer who has completed the pre-basic training course and been appointed by the BPWS is also subject to completion of the additional mandatory in-service training requirements established by the rules adopted by the Indiana law enforcement training board. Finally, a police reserve officer serving as an SRO must receive at least forty (40) hours of school resource training as required by the terms of I.C. 20-26-18.2-1 (c) within one hundred eighty (180) days from the date the individual is assigned SRO duties.

Section 3.04 Equipment and Side Arms. Police reserve officers working as an SRO will at all times wear uniforms or approved business casual attire with appropriate logos and name badges that have been approved by the parties. These SRO's will carry the weapon authorized by the City at all times and in accordance with police departmental rules and regulations.

ARTICLE IV. ADMINISTRATION OF RELATIONSHIP

Section 4.01 Joint Board. As required by the terms of I.C. 36-1-7-3 (a)(5)(B), the parties hereby designate a Joint Board to administer the terms of this Agreement. The voting members of the Joint Board shall consist of the Mayor or his/her designee, the Superintendent of Schools or his/her designee, and the MPD Chief of Police. The parties have agreed to authorize the Joint Board to exercise all such authority as is required to effectuate the terms of this Agreement, except as otherwise provided by the terms of City policy, SCM policy, and independent considerations of state, federal, and local law. The parties do not anticipate that the Joint Board will have need to acquire, hold, or dispose of any real and personal property having significant value given the subject matter and terms of this Agreement.

Section 4.02 Meetings. The Joint Board shall meet as frequently as is needed and upon the call of any one of its members. A majority of the Joint Board shall constitute a quorum for purposes of transacting business. Any action taken by the Joint Board requires a favorable vote by a majority of those members present and shall remain subject to the approval of each party's fiscal body, as may be necessary under Indiana law.

Section 4.03 Selection Process. The Joint Board shall authorize a committee made up of representatives of SCM and the City to make recommendations to the BPWS regarding the appointment of police reserve officers to serve as an SRO. Following appointment by the BPWS, SCM will then take such action as is necessary to hire the police reserve officer to work as an SRO in a part-time capacity. This Agreement does not create an employer/employee relationship between the City and any and all individuals employed in this fashion by SCM as an SRO. It is the parties' express intention that these SRO's not be treated or considered to be an employee of the City for any purposes, including but not limited to the application of the Fair Labor Standards Act minimum wage and overtime payment provisions, the Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, the Patient Protection and Affordable Care Act, Indiana revenue and tax laws, Indiana worker's compensation laws, and Indiana unemployment insurance laws. SCM agrees that any tax obligation arising from the payments made to the SROs for services rendered shall be the SCM's sole responsibility. SCM shall be responsible for conducting an expanded criminal history check on each SRO that complies with the requirements of I.C. 20-26-5-10. Nevertheless, as required by the terms of I.C. 20-26-18.2-1 (a)(3)(B), a police reserve officer employed by SCM shall remain subject to the direction of the Chief of Police and be required to obey the rules and regulations established by the MPD.

Section 4.05 Mutual Aid and Transportation. The parties have agreed to provide each other mutual aid regarding law enforcement activities to the full extent allowable under Indiana law. In particular, police reserve officers working as an SRO will not transport students or others in police custody in either their personal vehicle or another vehicle owned by SCM that is not designed to be used for law enforcement purposes. Instead, the MPD will respond to a request for assistance from the SRO in order to provide the necessary transportation when: (a) students are victims of a crime, under arrest, or some other emergency circumstance exists; (b) the SRO has placed another individual under arrest; or (c) students are suspended and/or sent home from school pursuant to student disciplinary proceedings, if the student's parent or guardian has refused or is unable to pick up the student within a reasonable time period or the student is disruptive and/or disorderly and the student's continued presence on campus is a threat to the safety and welfare of the student or others.

Section 4.06 Other Duties. The parties acknowledge that the City has part-time employment needs (e.g., security work at City Hall) that could be met by securing the services of police reserve officers. Nevertheless, the parties have agreed that the City will refrain from offering part-time employment to police reserve officers appointed to serve as an SRO during the school year when SCM requires SRO services. A police reserve officer serving as an SRO under the terms of this Agreement may voluntarily choose to accept any opportunities for part-time employment that the City may have available during those times of the year when school is not in session.

ARTICLE V. GENERAL PROVISIONS

Section 5.01 Indemnification. Each party shall indemnify, defend, and hold harmless the other party and its affiliates, directors, trustees, officers, agents, and employees from any and all claims, demands, actions, suits, and other proceedings, whether civil, criminal, administrative, investigative, or otherwise, together with all judgments, damages, fines, losses, costs, expenses and other amounts, including reasonable attorneys' fees, penalties, and punitive damages due to or arising or alleged to have arisen out of any negligent or unauthorized act, willful misconduct, violation of law, or error or omission on the part of the indemnifying party or its agents or employees related to or resulting from the performance of the duties and responsibilities of the party pursuant to this Agreement. The obligations under this section will survive the expiration or termination of this Agreement.

Section 5.02 No Third-Party Beneficiaries. The parties expressly disclaim the existence of any third-party beneficiaries of this Agreement. Nothing in this Agreement, express or implied, is intended or will be construed to confer upon any person or entity, other than the parties hereto and their respective successors or assigns, any remedy or claim under or by reason of this Agreement or any term, covenant, or condition hereof, as third-party beneficiaries or otherwise, and all of the terms, covenants, and conditions hereof will be for the sole and exclusive benefit of the parties.

Section 5.03 Assignment. No party may assign this Agreement or any of its rights, interests, obligations, or duties hereunder, whether by operation of law or otherwise, without the express written consent of the other party.

Section 5.04 No Waiver. The failure of delay of any party to enforce at any time any provision of this Agreement shall not be construed as a waiver of such provision, nor in any way to affect the validity of this Agreement or any part thereof or the right of such party thereafter to enforce each and every such provision. No waiver of any such right will have effect unless delivered in writing signed by an authorized representative of the party waiving such right. No waiver of any breach of this Agreement shall be held to constitute a waiver of any other or subsequent breach. No waiver of any right will be deemed a waiver of any other right hereunder.

Section 5.05 Non-discrimination. Pursuant to I.C. 22-9-1-10, neither party, nor any of its contractors or subcontractors, shall discriminate against any employee or applicant for employment/appointment with respect that individual's hire, appointment, tenure, terms, conditions, or privileges of employment/appointment, because of the individual's race, religion, color, sex, disability, national origin, or ancestry. A breach of this covenant may be regarded as a material breach of this Agreement.

Section 5.06 Counterparts. This Agreement may be executed in counterparts, each of which when executed shall be deemed to be an original, and such counterparts, together, shall constitute by one and the same Agreement.

Section 5.07 Governing Law and Jurisdiction. This Agreement shall be governed by the laws of the State of Indiana and any dispute relating to the subject or arising out of this Agreement shall be subject to the sole and exclusive jurisdiction of the Circuit and Superior Courts of St. Joseph County, Indiana.

Section 5.08 Further Assurances. The parties agree that they will each undertake in good faith, and as permitted by law, any action and execute and deliver any document reasonably required to carry out the intent and purposes of this Agreement.

Section 5.09 Entire Agreement. This Agreement, as it may be amended from time to time, encompasses the entire agreement of the parties concerning its subject matter, and no other understanding, discussion, negotiation, or agreement shall be binding on the parties unless it is set forth in a written amendment to this Agreement that is approved by each party's fiscal body.

Section 5.10 Severability. Should any part of this Agreement be determined by a court of competent jurisdiction to be invalid, illegal, or against public policy, said offending section shall be void and of no effect, and shall not render any other section herein, nor this Agreement as a whole, invalid. Those rights, interests, obligations, and duties hereunder, which by their nature should survive, shall remain in effect after termination, suspension, or expiration hereof.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have each executed this Memorandum of Understanding Regarding School Resource Officers, on the date and year indicated below.

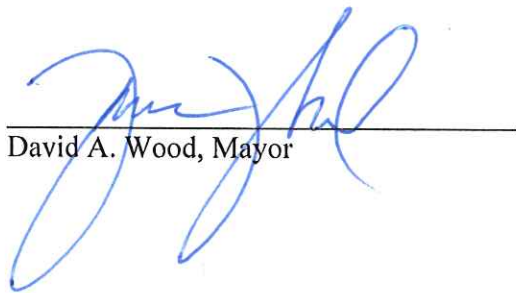
SCHOOL CITY OF MISHAWAKA



Dr. Theodore Stevens, Superintendent

DATE November 16, 2023

CITY OF MISHAWAKA, INDIANA



David A. Wood, Mayor

DATE _____

MEMORANDUM OF UNDERSTANDING REGARDING
SCHOOL RESOURCE OFFICER SERVICES

This **MEMORANDUM OF UNDERSTANDING** ("Agreement") is made as of the 16th day of NOVEMBER, 2023 by and between the City of Mishawaka, Indiana, Board of Public Works and Safety, on behalf of the Mishawaka Police Department ("City"), and the Board of School Trustees for the School City of Mishawaka ("SCM").

RECITALS

WHEREAS, the Mishawaka Police Department ("MPD") is a local law enforcement agency for purposes of I.C. 20-26-18.2; and

WHEREAS, the School City of Mishawaka is an Indiana school corporation for purposes of I.C. 20-26-18.2; and

WHEREAS, I.C. 20-26-18.2-2(a)(3) authorizes a local law enforcement agency to assign a school resource officer ("SRO") to an Indiana school corporation through a memorandum of understanding; and

WHEREAS, since approximately September of 2000, the City has assigned at least one SRO to SCM schools; and

WHEREAS, the parties previously entered into a memorandum of understanding regarding SRO services that establishes the terms of their relationship; and

WHEREAS, it is in the best interest of both parties for them to continue the partnership that has been established to provide SRO services and enter into a revised agreement regarding SRO services, effective January 1, 2024.

NOW THEREFORE, in consideration of the foregoing and the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

- A. **PURPOSE.** The purpose of this Agreement is to establish the rights and responsibilities along with the conduct of the parties hereto concerning each SRO assigned to an SCM school.
- B. **ASSIGNMENT OF OFFICERS.** The City shall assign three (3) sworn law enforcement officers to SCM schools, as follows:
 - 1. One (1) full time officer at Mishawaka High School;
 - 2. One (1) full time officer at John Young Middle School; and
 - 3. One (1) full time officer to rotate between all SCM elementary schools.
- C. **DUTIES OF SCHOOL RESOURCE OFFICERS.** The duties of an SRO will include, but not be limited to, the following:

ADDENDUM A

1. Provide law enforcement and other police related services to the school and its community.
2. Assist SCM school safety specialists with the development and implementation of school safety plans that do the following:
 - a. Protect against outside threats to the physical safety of students.
 - b. Prevent unauthorized access to school property.
 - c. Secure schools against violence and natural disasters.
3. Provide additional protection against outside threats to the physical safety of students.
4. Assist in the prevention of unauthorized access to school property.
5. Assist in securing schools against violence and natural disasters.
6. Investigate allegations of criminal behavior and/or juvenile delinquency and make referrals to juvenile authorities as appropriate.
7. Work with school administrators to promote and maintain a safe and drug free environment within the schools.
8. Foster, develop, and maintain open lines of communication between students, faculty, school administrators and the local law enforcement community.
9. Conduct crime prevention and community service-related programs for students, staff, and parents as requested.
10. Become visible within the school community by attending and participating in school related functions.
11. Assist in student supervision in a consistent and diligent manner, as assigned by school administrators.
12. Work with guidance counselors and other student support staff to provide students with appropriate services and referrals to community organizations, including conflict resolution services.
13. Initiate appropriate interactions with students to promote familiarity with law enforcement officers and serve as a positive role model.
14. Attend and participate in such professional development opportunities and training as are approved by SCM and the City.
15. Create monthly activity reports for submission to SCM and the City, as requested. In particular, the SRO will maintain accurate records of all student arrests for purposes of reporting the same to the Indiana Department of Education as required by law.
16. Respond to situations or occurrences as requested by an administrator. However, an SRO will not routinely become involved in ordinary student disciplinary incidents until and unless the incident places students and/or staff at risk of immediate harm, rises to the level of disorderly conduct, or otherwise gives rise to a potential violation of law.
17. Serve as an additional point of contact for all federal, state, and local law enforcement agencies requesting to conduct formal interviews, interrogations, or make arrests of students on campus.
18. Coordinate in advance all arrests of students with school administrators, whenever possible.
19. Provide security services for student activities and events as requested.
20. Inform the principal or his/her designee if it becomes necessary for the SRO to leave campus during the regular school day.
21. Carry and make use of school compatible communication devices during the school day.
22. Monitor video and other security systems as necessary and appropriate.

23. Act professionally and with respect while interacting with students, staff, parents, and other members of the school community. Under no circumstances should an SRO make racial remarks, sexual remarks or use profanity while performing his/her duties on behalf of SCM. An SRO shall be skilled in and make use of conflict resolution and de-escalation techniques, bias-free policing including implicit bias and cultural competence, restorative justice techniques, and working with specific student groups, such as students with disabilities or limited English proficiency, and students who are or identify as lesbian, gay, bi-sexual and transgender.
24. Question students in the presence of the principal or his/her designee, to the extent possible.
25. Assist with searches of students and their property as requested by the principal or his/her designee.
26. Use reasonable force only as is necessary and consistent with the City's rules and regulations.
27. Plan and implement proactive community policing techniques and strategies within the school environment.
28. Perform such other related functions and duties as may be assigned by SCM or the City. School Code of Conduct violations and routine discipline of students shall remain the responsibility of SCM personnel. Under no circumstance will an SRO function as a disciplinarian.

D. CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS.

1. School officials shall allow an SRO to have access to and copy any education records maintained by the school only to the extent allowable by federal and state law, including but not limited to the relevant terms of the Family Educational Rights and Privacy Act ("FERPA").
2. An SRO will provide no information concerning a student, staff member or incident to any unauthorized person or representative of the media. The SRO will refer all such questions or requests for information to the SCM Office of the Superintendent for response.

E. SUPERVISION RESPONSIBILITY AND CHAIN OF COMMAND FOR EACH SRO.

1. This Agreement does not create an employer/employee relationship between SCM and any and all individuals employed or otherwise retained by the City in order for the City to fulfill its obligations under the terms of this Agreement. The SRO shall be an employee of the City and shall be subject to the administration, supervision, and control of the City at all times. It is the parties' express intention that the SRO not be treated or considered to be an employee of SCM for any purposes, including but not limited to the application of the Fair Labor Standards Act minimum wage and overtime payment provisions, the Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, the Patient Protection and Affordable Care Act, Indiana revenue and tax laws, Indiana workers' compensation laws, and Indiana unemployment insurance laws. The City agrees that any tax obligation arising from the payments made under this Agreement shall be the City's sole responsibility. The City shall be responsible for maintaining Workmen's Compensation insurance coverage and conducting an expanded criminal history check on each SRO that complies with the requirements of I.C. 20-26-5-10, as well as providing SCM with verification of the same upon request.

2. The SRO shall be subject to all personnel policies and practices of the City except as such policies or practices may be modified by the terms of this Agreement.
3. The City, in its sole discretion, shall have the power and authority to hire, discharge, and discipline the SRO.
4. A joint committee made up of representatives of SCM and the City shall make recommendations for filling SRO vacancies to the Chief of Police, who shall have the ultimate authority regarding the assignment of officers. Should SCM become dissatisfied with an SRO assigned to a school, the Superintendent of Schools may request that the Chief of Police assign a different officer to that school.
5. Notwithstanding the acknowledgement contained herein regarding an SRO's status as an employee of the City, an SRO may be considered and will be treated as if he/she is a school official when acting in a non-law enforcement capacity to investigate student disciplinary matters, question student witnesses, etc.
6. An SRO will, at all times, remain subject to the City's chain of command. However, in the performance of his/her duties, the SROs will coordinate their activities and communicate with building principals and other school administrators as is appropriate.

F. TERM.

1. The term of this Agreement begins on January 1, 2024, and ends on December 31, 2026. Thereafter, this Agreement may be renewed for successive twelve (12) month periods unless either party has initiated termination of the SRO relationship as otherwise provided for under the terms of this Agreement. Should either party experience an unexpected decrease in funding, the parties will enter into further negotiations regarding options for maintaining the current level of SRO service.
2. The parties acknowledge that they are simultaneously entering into an Interlocal Agreement pursuant to the terms of I.C. 36-1-7 that expands the scope of their partnership to encompass as many as ten (10) additional police reserve officers who, once appointed by the City, will be employed by SCM to provide SRO services. Accordingly, when SCM determines (in its sole discretion) that it has secured the services of a sufficient number of police reserve officers to replace one (1) or more of the three (3) SRO positions assigned to SCM schools, SCM shall have the right to notify the City that one (1) or more SRO is now eligible for reassignment within the MPD. At such time as SCM provides such notice to the City, SCM's obligation regarding cost sharing as set out in Section G below shall immediately cease with respect to the affected officer, absent further agreement by the parties.

G. COST SHARING AND UTILIZATION OF GRANT FUNDING. The parties will share the cost associated with the City's assignment of an SRO to SCM schools as follows:

1. During calendar year 2024, SCM shall reimburse the City for a portion of the annualized salary of each SRO, as follows:
 - a. Fifty percent (50%) of the annualized salary for the SRO assigned to Mishawaka High School and John Young Middle School, respectively; and
 - b. One hundred percent (100%) of the annualized salary for the SRO assigned to SCM's elementary schools.
2. During calendar years 2025 and 2026, SCM shall reimburse the City for a portion of the annualized salary of each SRO, as follows: Sixty percent (60%) of the annualized salary

for the SRO assigned to Mishawaka High School, John Young Middle School, and SCM's elementary schools, respectively.

3. For each calendar year during the term of this Agreement, SCM will make its reimbursement payments to the City in twelve (12) equal monthly installments, payable prior to the end of each month, commencing in January of 2024.
4. For purposes of this Agreement, the annualized salary for each SRO shall be determined based upon the amount established by the City's public safety salary ordinance for that year. SCM shall not be obligated to reimburse the City for the cost of any additional allowances or stipends (including but not limited to a uniform allowance and equipment allowance) paid by the City to the SRO, whether said amount is established under the terms of the Collective Bargaining Agreement ("CBA") between the City and Fraternal Order of Police Lodge 91, or otherwise. Nor shall SCM be obligated to reimburse the City for any employee benefit costs attributable to the SRO.

H. DUTY HOURS.

1. The City will assign each SRO to their respective school(s) for the entirety of each school year, plus an agreed upon number of days before and after the school year. Subject to the terms of the CBA, the City and SCM will agree on the daily schedule for each SRO, with the specific schedule to be flexible to better meet the needs of the schools. Whenever possible, it is the intent of the parties that SRO duty hours will, at a minimum, conform to the hours of the regular school day.
2. It is anticipated by the parties that each SROs will, in general, make use of vacation days or other paid time off only during scheduled school recess or break periods.
3. Following the completion of the regular school year, the City will assign each SRO to such other duties as are appropriate, subject only to the SRO's completion of any remaining school related tasks.
4. It is expressly understood and agreed that time spent by an SRO attending judicial proceedings arising from and/or out of his/her work as an SRO will be considered as hours worked under the terms of this Agreement.
5. In the event an SRO will be absent from work, the SRO shall notify his/her police department supervisor and the principal of the school to which the SRO is assigned. The City will assign another qualified officer, if possible, to substitute for the absent SRO.

I. UNIFORM AND SIDE ARMS.

1. The SRO will always wear only approved police departmental uniforms or approved business casual attire with appropriate logos and name badges, dependent upon the time of year, type of school activity or program, and the requests of SCM or the City.
2. The SRO will always carry the duty weapon authorized by the City, in accordance with police departmental rules and regulations.

J. TRANSPORTING STUDENTS.

1. The SRO shall not transport students in City vehicles except:
 - a. When the students are victims of a crime, under arrest, or some other emergency circumstance exists; and/or
 - b. When students are suspended and/or sent home from school pursuant to student disciplinary proceedings, if the student's parent or guardian has refused or is unable

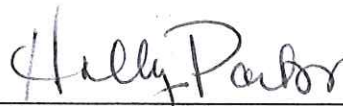
to pick up the student within a reasonable time period or the student is disruptive and/or disorderly and the student's continued presence on campus is a threat to the safety and welfare of the student or others.

2. The SRO shall not transport students to any location unless it is determined that the student's parent, guardian, or custodian is at the destination to which the student is being transported.
 3. The SRO shall notify a school administrator in advance before removing a student from the school, whenever possible.
- K. **INDEMNIFICATION.** Each party shall indemnify, defend, and hold harmless the other party and its affiliates, directors, trustees, officers, agents, and employees from any and all claims, demands, actions, suits, and other proceedings, whether civil, criminal, administrative, investigative, or otherwise, together with all judgments, damages, fines, losses, costs, expenses and other amounts, including reasonable attorneys' fees, penalties, and punitive damages due to or arising or alleged to have arisen out of any negligent or unauthorized act, willful misconduct, violation of law, or error or omission on the part of the indemnifying party or its agents or employees related to or resulting from the performance of the duties and responsibilities of the party pursuant to this Agreement. The obligations under this section will survive the expiration or termination of this Agreement.
- L. **TERMINATION OF SRO RELATIONSHIP.** At any time prior to the expiration of the term of this Agreement, either party may, with or without cause, terminate the SRO relationship upon giving ninety (90) days written notice to the other party of an intent to terminate.
- M. **RECITALS.** The representations, covenants and recitations set forth in the initial "Recitals" are material to this Agreement and are hereby incorporated into and made a part of this Agreement by this reference.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have each executed this Memorandum of Understanding Regarding School Resource Officers, on the date and year indicated below.

SCHOOL CITY OF MISHAWAKA BOARD OF SCHOOL

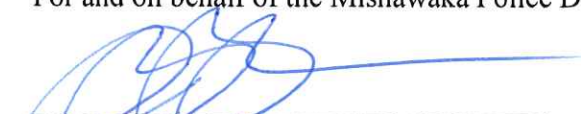

Holly Parks, President


Melissa Johnson, Secretary


Approved as to Form:
Dr. Theodore Stevens, Superintendent

DATE November 16, 2023

**CITY OF MISHAWAKA, INDIANA
BOARD OF PUBLIC WORKS AND SAFETY,**
For and on behalf of the Mishawaka Police Department


Ken Prince, President


Rebecca Maguire, Vice President


Dale Freeman, Member

ATTEST:


Donna Burkart, Clerk

DATE 11/14/23

"ADDENDUM B"

SCM Quantity	Cost / Unit	Cost/ Total	Description
-	-	-	Navy Blue Crew Neck Athletic T-Shirt (no logo, no lettering) - ILEA
-	-	-	Navy Blue Gym Shorts (no logo, no lettering) - ILEA
-	-	-	Sweat Suit (2pc, lng sleeve, drk navy blue, no logo, no lettering) - ILEA
3	\$44.00	\$132.00	Black polo Shirts - ILEA (<i>equivalent</i>)
2	\$56.00	\$112.00	Khaki Pants - ILEA (<i>equivalent</i>)
-	-	-	Clip-On Tie, Black - ILEA No longer needed with polo
1	\$150.00	\$150.00	Boots (allowance)
1	\$21.00	\$21.00	Inner Trouser Belt, Black
1	\$46.00	\$46.00	Duty Belt, Black, Nylon
1	\$163.00	\$163.00	Duty Holster, Black
4	\$14.00	\$56.00	Keepers, Black
1	\$31.00	\$31.00	Double Magazine Case, Black , Nylon
1	\$22.00	\$22.00	Pepperspray Case, Black, Nylon
1	\$26.00	\$26.00	Handcuff Case, Black, Nylon
1	\$31.00	\$31.00	Radio Holster, Black
1	\$125.00	\$125.00	Flashlight
1	\$33.00	\$33.00	Handcuffs
1	\$75.00	\$75.00	First Aid Kit
1	\$7.00	\$7.00	Tourniquet
-	-	-	Class A, H/W Pant, Navy (Elbeco Tek Trop 2, 4 pocket)
-	-	-	Class A, L/S Shirt, Navy (Elbeco Tek Trop 2 zippered)
-	-	-	Clip-On Tie, Navy
1	\$625.00	\$625.00	Pistol with light
	\$0.00	\$0.00	Duty ammo (after firearms qualification)
-	-	-	Class B, L/S Shirt, Navy (511 Stryke PDU, poly/cotton zippered)
-	-	-	Class B, S/S Shirt, Navy (511 Stryke PDU, poly/cotton zippered)
-	-	-	Class B, Pant, Navy (511 Stryke PDU Cargo poly/cotton)
1	\$243.00	\$243.00	Heavy Weight Jacket (w/ patch, badge, & name tape- white)
			-- Dark Navy, 5-IN-1 Jacket
6	\$0.00	\$0.00	(Shoulder Patches- on uniforms & coats)
4	\$0.00	\$0.00	(Cloth Badges for Class B Shirts & coats)
4	\$40.00	\$160.00	(Name Ribbons for Class B Shirts & Spring Coat)
-	-	-	8 Point Duty Hat
-	-	-	Rain Cap (for 8 point hat)
-	-	-	Baseball Cap
-	-	-	Stocking Cap
-	-	-	Raincoat, Black/Reflective
1	\$43.00	\$43.00	Reflectvie Traffic Vest
6	\$0.00	\$0.00	(Shoulder Patches- on uniforms & coats)
4	\$0.00	\$0.00	(Cloth Badges for Class B Shirts & coats)
4	\$0.00	\$0.00	(Name Ribbons for Class B Shirts & Spring Coat)
1	\$1,055.00	\$1,055.00	Soft Plate Bullet Proof Vest pkg, Level III (under shirt carrier)
1	\$5,000.00	\$5,000.00	Portable Radio - With charger and shoulder microphone
-	-	-	Camera - Nikon B500 kit (Bag, 32G card, cables, tripod)
1	\$995.00	\$995.00	Watchguard Body Worn Camera (+annual cloud storage)
1	\$20.00	\$20.00	Pepper Spray
-	-	-	PBT
1	\$800.00	\$800.00	Taser - Axon Taser 10 - Per unit annually

TOTAL COST **\$9,971.00**

1st Reading 8/7/23

2nd Reading

Passed

Failed

Continued To

PROPOSED ORDINANCE NO. 2023-35

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA**

WHEREAS, Indiana Code 7.1-3-31 authorizes the establishment of a Designated Outdoor Refreshment Area;

WHEREAS, the Common Council believes it is in the best interests of the City to create a Designated Outdoor Refreshment Area in the City's downtown, as authorized by Indiana Code 7.1-3-31 et seq, which Area is shown on the attached Map- Exhibit A;

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

1. All definitions in Ind. Code 7.1-3-31 *et seq.* shall apply to this Ordinance.
2. The Common Council hereby adopts the Map of the City of Mishawaka Downtown Designated Outdoor Refreshment Area attached hereto as Exhibit A and incorporated herein by reference;
3. That the following area is designated as the City of Mishawaka Downtown Designated Outdoor Refreshment Area:

A PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 IN THE MILL AT IRONWORKS AS RECORDED UNDER INSTRUMENT NUMBER 1735080 IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF WEST FRONT STREET TO THE SOUTHEAST CORNER OF LOT 2 IN IRON WORKS PHASE II AS RECORDED UNDER INSTRUMENT NUMBER 0833003 IN SAID OFFICE OF RECORDER; THENCE NORTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF NORTH MAIN STREET TO THE NORTHEAST CORNER OF OUTLOT A IN SAID THE MILL AT IRONWORKS; THENCE WESTERLY

ALONG THE NORTH PROPERTY LINE OF SAID OUTLOT A, ALSO GENERALLY BEING THE SOUTH BANK OF THE ST. JOSEPH RIVER, TO THE WEST LINE OF SAID LOT 2 IN THE MILL AT IRONWORKS PROJECTED NORTHERLY; THENCE SOUTHERLY ALONG SAID PROJECTED WEST LINE AND THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

SAID DESCRIBED TRACT CONTAINS 18.24 ACRES, MORE OR LESS.

Except all residential property is excluded.

DESIGNATED PERMITTEE EVENT VENDOR LOCATION WITHIN THE DORA (See exhibit B)

1. Sun King Brewing - 235 Ironworks Ave., Suite C 2. Ball Band Biergarten - 230 Ironworks Ave. 3. Mishawaka Public House - 330 N. Hill St. 4. Ironworks Event Center - 414 N. Hill St. 5. Social Cantina - 235 Ironworks Ave., Suite A 6. Future - Mill at Ironworks, Phase II 7. Future - Mill at Ironworks, Phase II 8. Temporary Event Vendor

4. The Common Council finds that the City of Mishawaka downtown (Ironworks Plaza, The Mill and Beuter Park) Outdoor Refreshment Area is consistent with the City of Mishawaka's Zoning Code.
5. The Common Council hereby approves and adopts the minimum signage designating the City of Mishawaka Downtown Designated Outdoor Refreshment Area attached hereto as **Exhibit B** (we need exhibit B for the (COM) and incorporated herein by reference and directs the City to place the signage at the designated locations on Exhibit C;
6. The Common Council recognizes that additional signage designating the City of Mishawaka Downtown Designated Outdoor Refreshment Area may be warranted and necessary, Exhibit B and C are only minimum standards and therefore the City of Mishawaka Board of Public Works and Safety is hereby authorized and granted full authority to increase the number or change the type of signage in their sole discretion;
7. Dates and Hours of Operation:
The City of Mishawaka Downtown Designated Outdoor Refreshment Area shall be in effect throughout the entire year and during all authorized times pursuant to Ind. Code 7.1-3-1-14 as amended from time to time by the Indiana General Assembly. The City of Mishawaka Board of Public Works and Safety is hereby authorized and granted full authority to set the days and time the DORA will be open and/or change those days and times as necessary.
8. The following retailer permittees have submitted a completed application to the City to participate in the Area as a Designated Permittee and the City finds that each of them is

an appropriate Designated Permittee and requests the Indiana Alcohol Commission to issue each a “refreshment area designation:

- a. Sun King – 235 Ironworks Ave C, Mishawaka, IN 46544
- b. Public House – 330 Ironworks Ave **Mishawaka**, IN 46544
- c. Social Cantina – 235 Ironworks Ave, Ste A, Mishawaka, IN 46544

Any additional licensed premises located within the Downtown Refreshment Area who desires to be designated as “Designated Permittee” and granted a “refreshment area designation” shall submit an application to the City for approval and recommendation by the Common Council by Resolution.

9. The City of Mishawaka Board of Public Works and Safety adopted the City of Mishawaka Special Event Permit Application which is attached hereto and incorporated herein by reference as **Exhibit D** (to be developed). A Special Event Permit Application, including the Exhibit 1 “State Form Designated Outdoor Refreshment Area Designation Form” shall be submitted to the City of Mishawaka Planning and Community Development Department for approval by the Board of Works prior to:
 - a. A Designated Permittee expanding their operations into the Area outside of their designated outdoor patio area;
 - b. An Approved Vendor, either by this Ordinance or future Resolution, requesting a temporary permit to serve in the Area;
 - c. Any Organization holding a special event in the Area with a Vendor requesting a temporary permit to serve;
10. Any establishments that desires to be a “vendor” for the Downtown Designated Refreshment Area shall submit an application to the City for approval by the Common Council. The following establishments have submitted an application and the Common Council now finds that they are appropriate Vendors for the Downtown Refreshment Area and hereby recommends their approval by the Board of Public Works and Safety upon completion of the Special Event Permit Application and the State Form Designated Outdoor Refreshment Area Designation Form for each event:
 - a. TBD
 - b. TBD
 - c. TBD

Any additional establishments whom desire to be Vendor’s shall submit an application for review and approval by the Common Council by Resolution. This Application must be submitted prior to submission of the Special Event Permit Application required under paragraph 10. Upon approval by the City Council each additional Special Event Permit and Application shall be submitted to the City Planning and Building Department.

11. Designated Permittees identified in paragraph 9 have been identified on Exhibit A.
12. Vendor’s location may be at any or all of the designated areas within the Downtown Designated Outdoor Refreshment Area as shown on Exhibit A, subject to approval of the Special Event Permit and State Form by the City of Mishawaka Board of Public Works and Safety.

13. Business Participation:

- a. Nothing in this Ordinance prohibits a business, landlord, or other establishment from prohibiting open containers of alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises.
- b. The City of Mishawaka maintains full authority and control over the sidewalks and common area and no one may prohibit or limit open containers in accordance with Ind. Code 7.1-3-31 within the Designated Outdoor Refreshment Area in those spaces except for the City of Mishawaka Police Department.

14. Upon receipt of “refreshment area designation” from the Indiana Alcohol Commission the Designated Permittee as defined by Ind. Code shall remove all stanchions, fencing, or other means of separation previously required by law from all common areas, sidewalks, and right of way of the City of Shelbyville as provided by Ind. Code 7.1-3-31-

15. Failure to remove said enclosures within 72 hours’ notice from the City shall result in a fine in accordance with §.

15. In accordance with Ind. Code 7.1-3-31 *et seq.*

- a. A person may consume an alcoholic beverage purchased from a designated permittee or vendor anywhere within the refreshment area boundaries, subject to the right of any retailer permittee or business within the refreshment area to refuse to allow individuals to enter the licensed premises or business with an alcoholic beverage.
- b. All Designated Permittees and Vendors may allow a person to exit the designated permittee's or vendor's licensed premises with not more than two(2) open containers of an alcoholic beverage at a time. The contents of an open container may not exceed the following:
 - i. Beer or flavored malt beverage of not more than sixteen(16) ounces.
 - ii. Wine, cider, or hard seltzer of not more than twelve (12) ounces.
 - iii. A mixed drink of not more than ten (10) ounces containing not more than two (2) ounces of liquor.

16. A sign, as required by Ind. Code 7.1-3-31-16, and attached hereto as Exhibit D (TBD) must be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor.

17. Glass containers may only be allowed in a Designated Permittee’s Outdoor dining area and may not be removed into the Downtown Designated Outdoor Refreshment Area.

This Ordinance shall be in full force and effect upon its passage, approval, and publication pursuant to Indiana law.

Passed by the Common Council of the City of Mishawaka, Indiana, on this ____ day of _____, 2023.

Gregg Hixenbaugh, President

ATTEST:

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

Presented to the Mayor this _____ day of _____, 2023

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

Approved this _____ day of _____, 2023

David A. Wood
Mayor

Deb Block

From: Matthew Lentsch
Sent: Thursday, September 7, 2023 1:39 PM
To: Gregg Hixenbaugh
Cc: Deb Block
Subject: Mishawaka DORA ordinance

President Hixenbaugh,
I am writing to ask that you and the Mishawaka Common Council would grant an extension for the 2nd reading of the Designated Outdoor Refreshment Area (DORA) related ordinance until the second Mishawaka Common Council meeting in ~~October~~ ^{November}. I believe that more time is needed to finalize the DORA ordinances, work out the practical details related to the potential implementation of the DORA as well as more time to educate our citizens most effectively about the DORA and the implications for our community.

As you are aware, the State of Indiana recently passed Senate Enrolled Act 20 which allows for the formation of Designated “Outdoor” Refreshment Areas (“DORA”).

The City of Mishawaka (“City”) over the last decade has made substantial improvements and supported investment and growth in downtown Mishawaka - more specifically to Ironworks Plaza, Beuter Park, and the Biergarten

Having a designated refreshment area will appeal to more visitors, citizens, and patrons to local businesses within the area.

Several businesses of all kind including restaurants, bars and shops have chosen the City of Mishawaka for their businesses based upon these enhancements.

Thus, having and implementing a Designated Outdoor Refreshment Area (DORA) in downtown Mishawaka, more specifically in and around the Ironworks Plaza will provide a significant economic boost to local businesses with similar initiatives in other cities showing a substantial increase in foot traffic, customer spending, and overall revenue for businesses within the designated area.

We believe that having a DORA will provides patrons opportunities to enjoy beverages outdoors, creating a more vibrant and enjoyable atmosphere for visitors and residents alike that will attract more people to downtown Mishawaka - more specifically to Ironworks Plaza, Beuter Park, and the Biergarten, leading to increased patronage for local restaurants, venues, bars, and shops.

The new legislation and the subsequent DORA ordinance will allow businesses more flexibility in how they serve their customers and enable them to create unique and appealing outdoor environments.

The enactment of a DORA will also encourage partnerships among local businesses, as they can work together to promote the area, coordinate events, and create a consistent and attractive experience for visitors which will strengthen the downtown community and bring a sense of unity among businesses.

Therefore, increasing foot traffic within the area will help the growth and continued economic vitality of Mishawaka’s downtown and the Ironworks Plaza and thus creating a DORA will build a livelier, pedestrian-friendly environment.

Sincerely,
Matt



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

OFFICE OF THE MAYOR

Dear President Hixenbaugh and the Honorable members of the Mishawaka Common Council;

The General Assembly for the State of Indiana has allowed the creation of Designated Outdoor Refreshment Area(s) (DORA) under Indiana Code 7.1-3-31.

The City of Mishawaka has made improvements and supported investment and growth in the downtown area including City parks such as Beutter Park, the Riverwalk and Kamm Island Park, as well as Ironworks Plaza, which downtown park development has resulted in improved and expanded recreational opportunities to draw more residents, visitors, and patrons to Mishawaka.

As a result of such downtown park development numerous stores, shops, entertainment venues and restaurants have chosen the downtown area of Mishawaka for their businesses.

It is my belief and that of the Mayor Wood's administration that having a DORA will attract more visitors, citizens, and patrons to local businesses within the downtown area.

We also believe that implementing a DORA in downtown Mishawaka, more specifically in and around Beutter Park and the Ironworks Plaza will provide a significant economic boost to local businesses.

I therefore ask for your support of the proposed DORA ordinance and the revision to the Mishawaka Parks ordinance related to alcohol use as well.

Sincerely,

Matthew Lentsch

Executive Director of Development and Governmental Affairs

Exhibit A

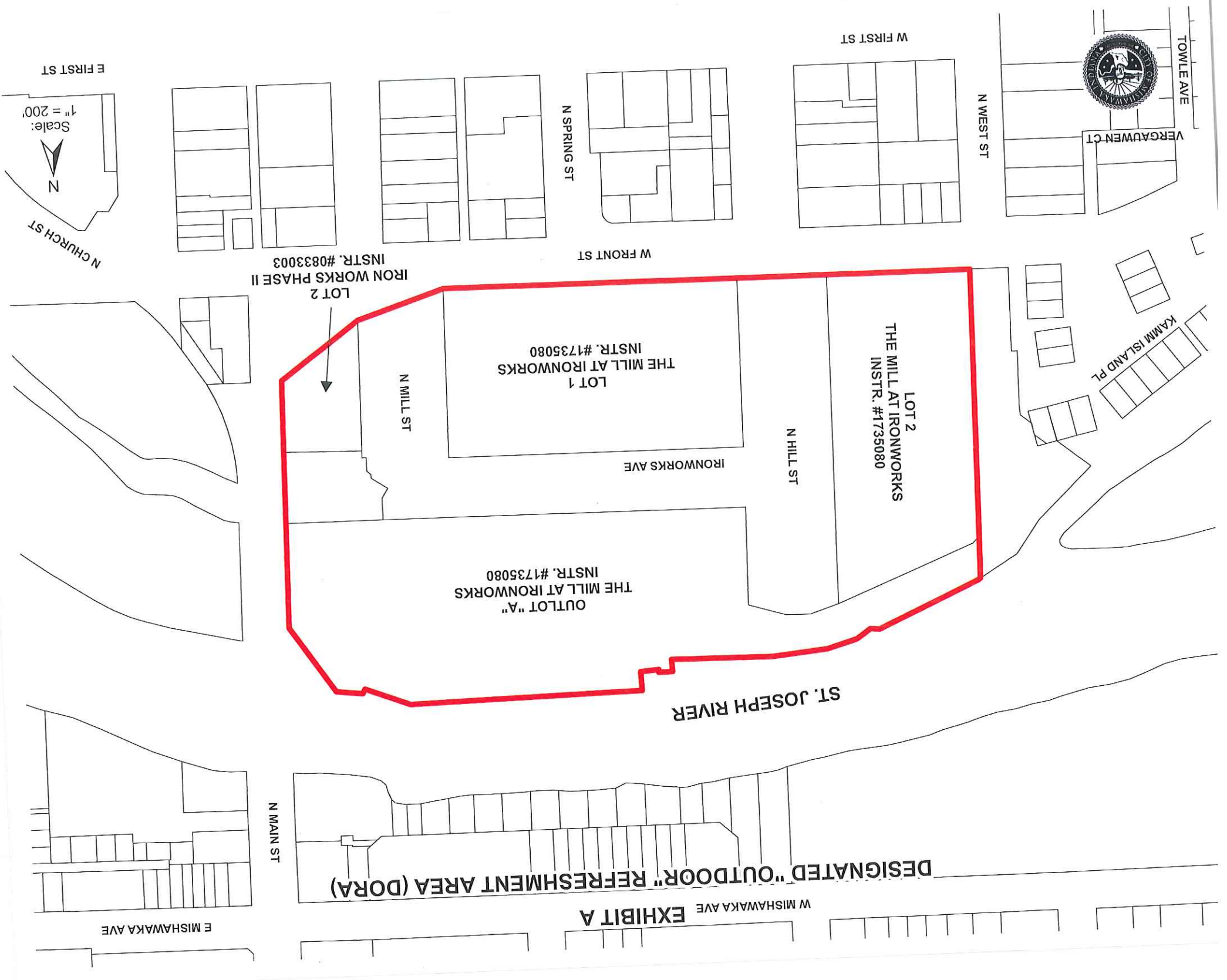


Exhibit B

DESIGNATED "OUTDOOR" REFRESHMENT AREA (DORA)



Exhibit C

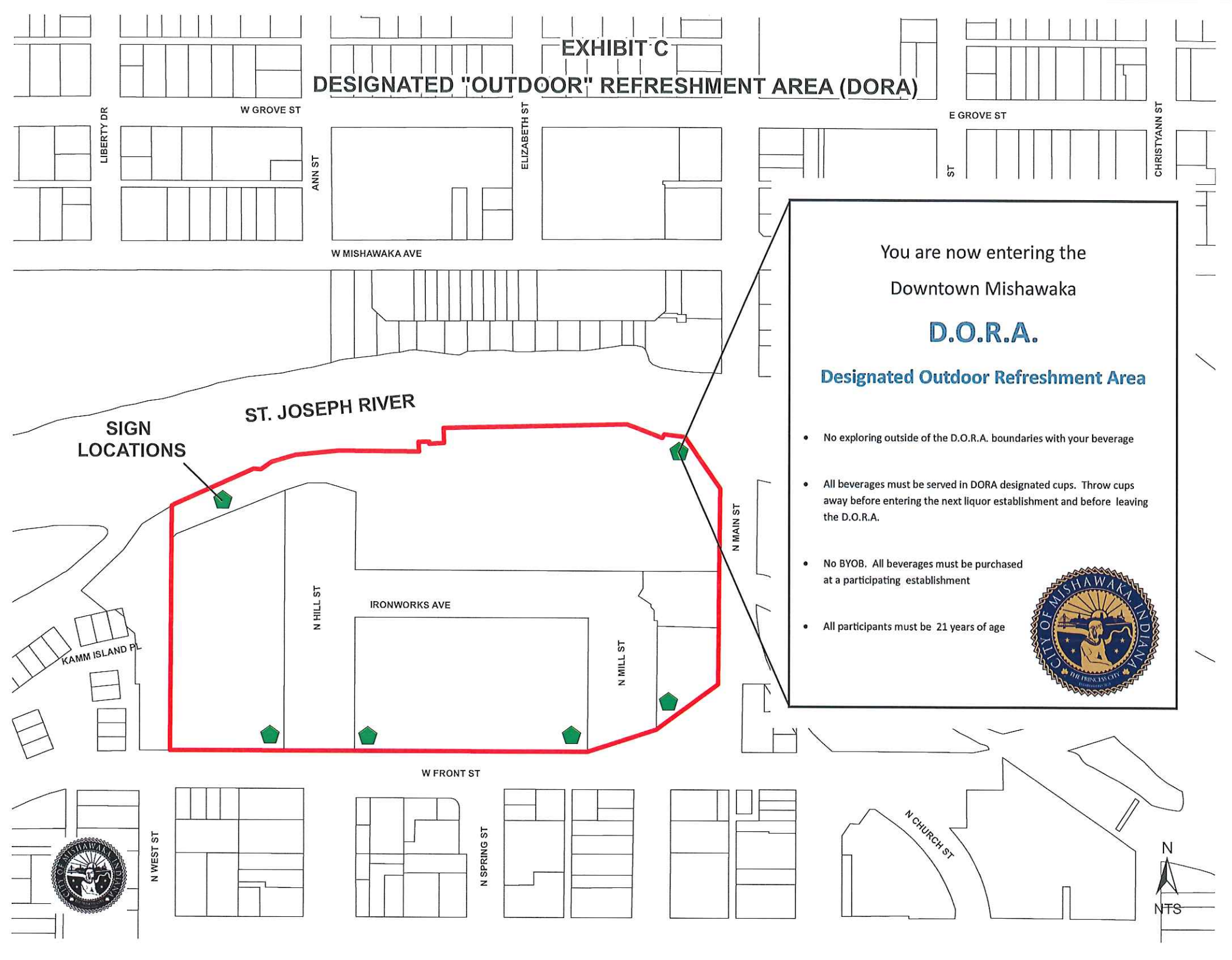
Ironworks Plaza

DOWNTOWN REVITALIZATION PROJECT

The City has dedicated itself to the revitalization of its historic downtown.

EXHIBIT C

DESIGNATED "OUTDOOR" REFRESHMENT AREA (DORA)



*Designated Outdoor
Refreshment Area
(DORA)*

- The State of Indiana passed a law on July 1st that will allow cities to designate an area for outdoor alcohol consumption.
- The DORA would allow adults 21 and over to purchase an alcoholic beverage from a participating vendor and to walk within that designated area with a beverage of choice in their designated DORA cup.
- It essentially gives more freedom to our patrons and event visitors and potentially increased business for our outstanding vendors.



*Designated Outdoor
Refreshment Area
(DORA)*

- The Designated Outdoor Refreshment Area, better known as DORA, would be along the St. Joseph River and off of Main Street.
- The DORA as designated will help attract more visitors, people, and local businesses to the downtown area.



*Designated Outdoor
Refreshment Area
(DORA)*

- The proposed space, off the St. Joseph River in Downtown Mishawaka currently contains Sun King Brewery, Social Cantina, and Mishawaka Public House.
- Those businesses would be included in the Designated Outdoor Refreshment Area.



Designated Outdoor Refreshment Area (DORA)

- Research on other communities that have adopted/implemented a DORA has been thoroughly done.
- Dublin Ohio is one that was looked at and Niles Michigan is another one.
- What we found out based on our research is that the DORA's have been very successful in terms of generating new business and communities with DORA's are not being negatively impacted by increased alcohol related issues.
- We have also learned that visitors coming to these communities with DORA's very much prefer these intentionally designated areas. It allows just for more freedom of movement with the beverage of your choice within the designated area.



DORA

DESIGNATED OUTDOOR REFRESHMENT AREA

URBANA, OHIO

Enjoy Responsibly!

① Hours for the DORA are 7 days/week 11:00AM - 10:00PM

② Refreshments must be purchased in DORA cups to leave any establishment and cups must stay within the boundaries the signage will mark for clarity

③ Each cup and cup must only be used once, and no person holding a refreshment will allow a cup to be refilled after use

④ A list of permitted refreshment items, boundaries of the DORA and additional rules and information can be found on the DORA webpage or by scanning the QR code

Purchase a DORA cup for \$1 and a portion of the proceeds goes to support the continued revitalization of Downtown Urbana!

SUPPORT OUR DOWNTOWN!





Designated Outdoor Refreshment Area (DORA)

- Urbana’s DORA was created to encourage downtown investment.
- This tool has been successful in driving new businesses to open in communities across the State of Ohio, Michigan and other states throughout the US.



*Designated Outdoor
Refreshment Area
(DORA)*

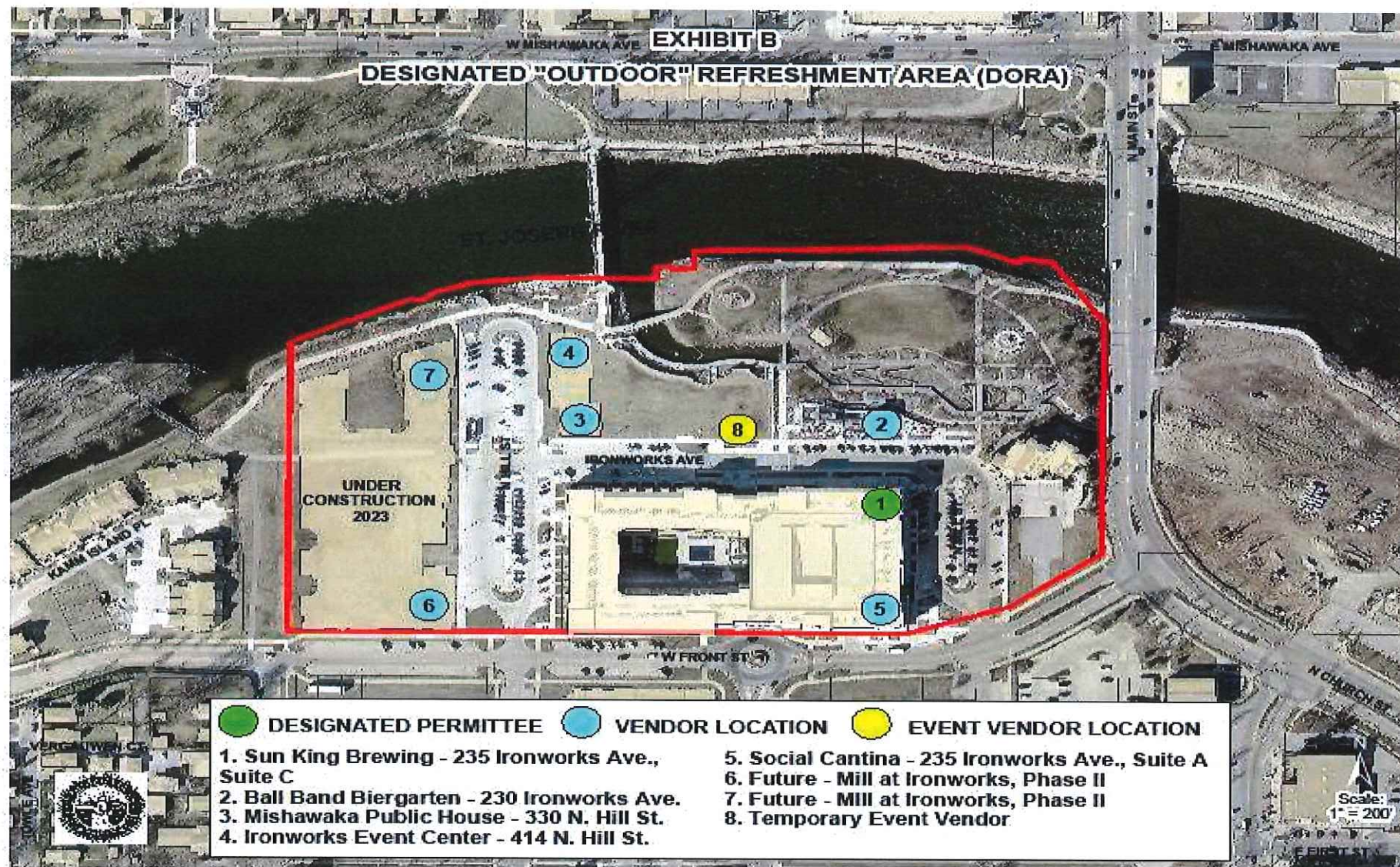
- **How It Works**
 1. Beverages must be purchased at a bar or restaurant located within the DORA boundaries. Cups must be emptied or placed in a trash receptacle before patrons enter another liquor establishment.
 2. Beverages must be consumed from special DORA cups. Consumption from other vessels would be considered an "open carry" violation subject to law enforcement.
 3. Beverages are allowed only within DORA boundaries.



*Designated Outdoor
Refreshment Area
(DORA)*

- **How It Works (continued)**
 4. Beverages may only be carried into stores displaying a green sign indicating that DORA beverages are permitted.
 5. Outdoor consumption of alcohol is permitted only during DORA hours (TBD) in the designated area.
 6. All other liquor laws would still apply to liquor establishments and patrons, including overserving and drunk driving laws





*Designated Outdoor
Refreshment Area
(DORA)*

- What would this DORA ordinance mean for Mishawaka Parks and Parks Department Programming?
- Phil Blasko will address



Designated Outdoor Refreshment Area (DORA)

- **Frequently Asked Questions**

Q: Can I bring my own beverages into the DORA?

A: No. Patrons cannot bring their own alcoholic drinks into the DORA, and purchased drinks must remain in the designated DORA cup.

Q: What types of alcoholic beverages can I carry in the DORA?

A: Beer, wine, and liquor are all allowable drinks in DORA cups. Drinks must be purchased from a participating liquor establishment.

Q: Can I take my DORA beverage from one liquor establishment into another?

A: No, you cannot take a filled or partially-filled DORA cup from one participating liquor establishment into another participating liquor establishment or back into the establishment where the beverage was purchased. Used cups must be emptied or disposed of before entering a liquor establishment.



Designated Outdoor Refreshment Area (DORA)

- **Frequently Asked Questions**

Q: Can I shop with my DORA beverage?

A: Yes, but only if a retailer indicates that they allow DORA beverages in their store. Please check before entering.

Q: How will the DORA be enforced?

A: Mishawaka Police staff will monitor the DORA area and adjust visibility and enforcement as needed.

Q: What are the responsibilities of liquor establishments participating in the DORA?

A: Downtown bars and restaurants are held to the same guidelines and laws to ensure the safety of their guests, check IDs, and not over-serve alcohol to patrons.



Designated Outdoor Refreshment Area (DORA)

DORA Public Safety Plan overview: The Plan will help maintain public safety within the DORA. This will be accomplished in the following manner: Chief Witkowski will address.

- A Safety Plan has been developed to ensure public safety within the DORA. The Mishawaka Police Department is committed to working with the community and the businesses within the DORA to preserve and maintain the safety and security of all who visit and work within. The Public Safety Plan includes officer patrol responsibilities, extra police patrol protocols, and a schedule for reviewing and updating the Public Safety Plan.
- The Mishawaka Police Department will provide law enforcement services for the Designated Outdoor Refreshment Area.
- The Mishawaka Police Department is located nearly adjacent to the boundary of the Area. Uniformed officers will patrol the Area as part of their patrol responsibilities and shall provide primary law enforcement services.



Designated Outdoor Refreshment Area (DORA)

DORA Public Safety Plan overview The plan will help maintain public safety within the DORA. This will be accomplished in the following manner: (Continued)

- The Mishawaka Police Department will provide law enforcement services for the Designated Outdoor Refreshment Area. For planned events within or adjacent to the DORA that may draw larger than normal attendance, the Chief of Police may assign additional officers to patrol the DORA.
- Large special events may require the organizers to provide additional security by hiring off-duty police officers or private security personnel. The Chief of Police has determined that the Public Safety Plan described herein is sufficient to maintain the appearance and public health expectations of areas within the DORA.



Designated Outdoor Refreshment Area (DORA)

Exhibit C: DORA Public Sanitation Plan. The Public Sanitation Plan will provide a framework for maintaining the satisfactory appearance and public health of the proposed DORA, as well as the number of personnel needed to execute the Public Sanitation plan. Tim Ryan will address.

This Public Sanitation Plan can be executed with the existing City of Mishawaka personnel. The City of Mishawaka reserves the right to implement changes or modifications to the Public Sanitation Plan as needed from the commencement of the DORA until the dissolution of the DORA. Any significant changes will be communicated to all participating entities and stakeholders in DORA.



DORA - Designated Outdoor Refreshment Area in Dublin Ohio

- **DORA Dublin Ohio How to Video**

<https://youtu.be/El0QRuRyvZ0>

Exhibit?: DORA Public Safety Plan, The Public Safety Plan will help maintain public safety within the DORA. This will be accomplished in the following manner:

- The Mishawaka Police Department shall provide law enforcement services for the Designated Outdoor Refreshment Area. The Mishawaka Police Department is located nearly adjacent to the boundary of the Area. Uniformed officers will patrol the Area as part of their regular patrol responsibilities and shall provide primary law enforcement services.
- The shift supervisor shall ensure that appropriate attention is provided to the Area during the hours of operation. In the event of the presence of an above-average number of people within the Area, the shift supervisor may assign additional officers as deemed necessary.
- The Area may be patrolled by foot, bicycle, Golf cart or cruiser and may be watched through the use of a drone or other surveillance tools as necessary.
- For planned events within or adjacent to the DORA that may draw larger than normal attendance, the Chief of Police may assign additional officers to patrol the DORA.
- Large special events may require the organizers to provide additional security by hiring off-duty police officers or private security personnel. The Chief of Police has determined that the Public Safety Plan described herein is sufficient to maintain the appearance and public health expectations of areas within the DORA.

The City of Mishawaka reserves the right to implement changes or modifications to the Public Safety Plan as needed from the commencement of the DORA until the dissolution of the DORA. Any significant changes will be communicated to all participating entities and stakeholders in the DORA.

DRAFT Exhibit C: DORA Public Sanitation Plan. The Public Sanitation Plan will provide a framework for maintaining the satisfactory appearance and public health of the proposed DORA, as well as the number of personnel needed to execute the Public Sanitation plan. The details are as follows:

- As of the opening of the DORA, fall 2023, there are currently 25 trash receptacles located in the proposed outdoor refreshment area. All trash receptacles are picked up twice daily during the months from April to October. This schedule is then reduced to bi weekly or as needed in the fall and winter months.
- Additional collections will be made on an as needed basis and will be serviced the Central Services Department. The Central Services Department will monitor the receptacles and coordinate additional collections, if needed.
- Trash receptacles may be relocated, and additional trash receptacles may be added within the DORA at the discretion of the Central Services Department. Upon approval of the TBD, additional receptacles may be added by the City or any qualified permit holder, and the servicing of such additional non-City receptacles shall remain the responsibility of the installing entity.
- Each qualified permit holder located within the DORA shall be responsible for the collection of litter near or around the premises occupied by the permit holder.
- The Central Services Department shall evaluate the need and frequency of street sweeping and servicing trash receptacles. The Board of Public Works and Safety have determined that the Public Sanitation Plan described herein is sufficient to maintain the appearance and public health expectations of areas within the DORA. This Public Sanitation Plan can be executed with the existing City of Mishawaka personnel. The City of Mishawaka reserves the right to implement changes or modifications to the Public Sanitation Plan as needed from the commencement of the DORA until the dissolution of the DORA. Any significant changes will be communicated to all participating entities and stakeholders in DORA.

2022 Emergency Action Plan: Ironworks Event Center

Park Staff:

Kelsey Smith, Special Events and Activities Director – 574-309-4399

Reporting Procedures:

In the case of ANY EMERGENCY first call 911 and report the emergency. Then notify Kelsey as soon as possible at 574-309-4399.

- **To Operate a Fire Extinguisher:**
 - **P** - pull the metal pin/ring
 - **A** - Aim the nozzle at the base of the fire (grab by end of hose)
 - **S** – squeeze the handle
 - **S** – Sweep along the base of the fire
 - **Make sure you always have a buddy when you use a fire extinguisher. No staff member or volunteer will attempt to extinguish a fire alone.**

In the event of a fire or a need to evacuate the event area:

Event Center – please exit out of any indicated emergency exit. Walk, do not run. Use a calm voice and remember that we can help mitigate the effect of an emergency with the right attitude – stay calm, stay positive, follow directions. Do not stand in the parking lot or road area – we need room for emergency personnel to arrive.

- You will all meet in the middle grass plot to the west of The Mill apartment complex. If you notice someone who needs assistance, please offer to help. We can leave material items behind; we cannot leave people behind.
- Check in with the supervisor on call and make sure that we have everyone safely to the evacuation meeting spot.
- There are fire extinguishers located within the event center. These extinguishers are only rated to handle trash can sized fires or smaller. Anything larger and the fire department will need to be called out.

Please check in with the supervisor on site and make sure we have everyone safely to the evacuation meeting spot.

Suspicious Activity:

In case of suspicious activity, please contact Kelsey and prepare to give a description and location. You may also ask for “assistance” in your area.

Signs of suspicious activity: person running, nervousness coupled with cupping hands (as in holding a triggering device), constantly favoring one side or one area of the body as if wearing something unusual/uncomfortable, constantly adjusting clothing, repeatedly patting oneself, carrying packages, unattended package/bag, someone asking about police presence/security, questions about where certain staff are located, person taking pictures of event personnel, person misrepresenting themselves.

If you have a gut feeling or notice someone who is not following social norms, please do not hesitate to reach out. False alarms are preferred to a missed alarm.

Severe Weather/ Sleet / Ice Storm / Winter Storm

Weather conditions will be monitored and decisions to suspend, stop, or change operations will be made by the Special Events and Activities Director. In the event of severe weather, sleet, an ice storm, or a winter storm, all staff will report to the event as scheduled or call ahead if they cannot make it. Any changes made during the event will be directed to the point staff who will then distribute the information.

Non Life Threatening Injuries / First Aid

If a non life threatening injury occurs, immediately notify the staff member in charge of your section. First aid kits will be present at all Parks events. Remember, use a calm voice and stay positive. Encourage steady, deep breaths and use reassuring language.

Active Shooter in the Park

Run away from the sound of gunfire.

There are three responses that you can take to an active shooter situation: Run, Hide, Fight.

RUN:

1. If there is an escape path, attempt to evacuate.
2. Evacuate whether others agree to or not.
3. Leave your belongings behind.
4. Help others escape if possible.
5. Prevent others from entering the area.
6. Call 911 when you are safe.

HIDE

1. Silence your cell phone and turn off the vibrations for notifications.
2. Hide behind large objects (trees, large park equipment).
3. Remain very quiet.
4. Your hiding place should: be out of the shooter's view, provide protection from gunshots, not trap or restrict your movement.

FIGHT NOTE: THIS IS A LAST RESORT AND YOUR FIRST ACTION SHOULD BE TO GET TO A SAFE PLACE. DO NOT RUN TOWARDS THE ACTIVE SHOOTER. YOU ARE NOT A FIRST RESPONDER AND YOU ARE NOT EQUIPED WITH LIFE-SAVING GEAR. ATTACKING THE SHOOTER IS NOT ENCOURAGED OR EXPECTED. IT IS EXPECTED THAT YOU WILL GET YOURSELF TO SAFETY. THIS IS ONLY LISTED AS IT IS A PART OF THE INDIANA STATE POLICE GUIDE. I EXPECT YOU TO HEAD TO SAFETY.

1. Attempt to incapacitate the shooter.
2. Act with Physical Aggression.
3. Improvise weapons.
4. Commit to your actions.

Be aware of your environment. Always have an exit plan. Know that in an incident like this, victims are often chosen at random. The first responders to the scene are NOT there to respond to injuries – they are there to incapacitate the active shooter.

When 911 arrives – Remain calm and follow instructions. Keep your hands visible at all times. Avoid pointing or yelling. Know that help for the injured person is on the way.

Deb Block

From: Matthew Lentsch
Sent: Monday, August 7, 2023 5:39 PM
Subject: Open containers on sidewalks and in public place are already legal in Indiana; we are not setting precedent as far as I see it here with the DORA; we are in my simple caveman lay perspective bringing structure and definition to it

Indiana's Open Container Law

Criminal Law

Nov 1

Everyone knows that a driver of a vehicle cannot drink alcohol while they are driving. What about passengers? Well, passengers can't drink alcohol either under Indiana's open container law.

Indiana prohibits open alcoholic beverages in a vehicle. An "open" container is one that:

(1) has been opened,

(2) has a broken seal, or

(3) has contents that have been removed.

If an alcoholic beverage is open while the motor vehicle is in operation, the motorist commits a Class C infraction. A fine of up to \$500 may be entered for a Class C infraction.

There are three exceptions to this rule. First, a passenger of a transport vehicle, like an Uber or taxi, or a passenger in the living area of a house coach (such as an RV) does not violate the open container law. The law is also not violated if the container is located in a fixed, locked compartment or a fixed center console. Finally, the law is not broken if the container is located behind the last upright seat, or another area not normally occupied by a person. However, this last exception only applies when a vehicle is not equipped with a trunk, like in an SUV.

What if you're not in a vehicle? Can you have an open container of alcohol on the sidewalk? Surprisingly, the Indiana code is silent as to open containers outside of vehicles. Individuals are allowed to have open containers in public places. It is important to remember, though, that there is a law against public intoxication. While an open

container in public is not illegal, having an open container of alcohol in public can support probable cause for the charge of public intoxication.

If you have been charged with violating Indiana's open container or public intoxication laws, contact McNeelyLaw today at 317-825-5110 to talk to an experienced Indiana criminal defense attorney.

This McNeelyLaw LLP publication

Matthew Lentsch

Executive Director of Development and Governmental Affairs

City of Mishawaka, Mishawaka Utilities

107 North Main Street

Mishawaka, IN 46544

Phone (574) 258-1635; Fax (574) 258-1710

www.mishawaka.in.gov

matthew.lentsch@mishawaka.in.gov

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-36

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "PARKS AND RECREATION ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the General Assembly for the State of Indiana has allowed the creation of Designated Outdoor Refreshment Area(s) (DORA) under Indiana Code 7.1-3-31; and

WHEREAS, the City of Mishawaka has made improvements and supported investment and growth in the downtown area including City parks such as Beutter Park, the Riverwalk and Kamm Island Park, as well as Ironworks Plaza, which downtown park development has resulted in improved and expanded recreational opportunities to draw more residents, visitors, and patrons to Mishawaka; and

WHEREAS, as a result of such downtown park development numerous stores, shops, entertainment venues and restaurants have chosen the downtown area of Mishawaka for their businesses; and

WHEREAS, having a DORA will attract more visitors, citizens, and patrons to local businesses within the downtown area; and

WHEREAS, having and implementing a DORA in downtown Mishawaka, more specifically in and around Beutter Park and the Ironworks Plaza will provide a significant economic boost to local businesses; and

WHEREAS, the Parks and Recreation Ordinance does not presently allow persons to bring possess, sell, consume beer, ale, or any other alcoholic beverage, into any park, except on written permission from the board of parks and recreation or its duly authorized agents.

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

Section 1. Chapter 50, Section 50-3(a)(7) shall be amended to read as follows:

Sec. 50-3. Prohibited acts.

- (a) It shall be unlawful for any person in a city park to:
 - (7) Bring any controlled substance as defined by the laws of the state, drugs, beer, ale, or any other alcoholic beverage, into any park or consume, or have in their possession, or sell, give away, or handle, any controlled substance, or intoxicating alcoholic beverages, except on written permission from the board of parks and recreation or its duly authorized agents or unless the park is in a Designated Outdoor Refreshment Area (DORA) as established pursuant to Indiana Code 7.1-3-31

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

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

Gregg A. Hixenbaugh
Presiding Officer

ATTEST:

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

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

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

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

David A. Wood
Mayor

Deb Block

From: Matthew Lentsch
Sent: Thursday, September 7, 2023 1:39 PM
To: Gregg Hixenbaugh
Cc: Deb Block
Subject: Mishawaka DORA ordinance

President Hixenbaugh,

I am writing to ask that you and the Mishawaka Common Council would grant an extension for the 2nd reading of the Designated Outdoor Refreshment Area (DORA) related ordinance until the second Mishawaka Common Council meeting in ~~October~~ ^{November}. I believe that more time is needed to finalize the DORA ordinances, work out the practical details related to the potential implementation of the DORA as well as more time to educate our citizens most effectively about the DORA and the implications for our community.

As you are aware, the State of Indiana recently passed Senate Enrolled Act 20 which allows for the formation of Designated "Outdoor" Refreshment Areas ("DORA").

The City of Mishawaka ("City") over the last decade has made substantial improvements and supported investment and growth in downtown Mishawaka - more specifically to Ironworks Plaza, Beuter Park, and the Biergarten

Having a designated refreshment area will appeal to more visitors, citizens, and patrons to local businesses within the area.

Several businesses of all kind including restaurants, bars and shops have chosen the City of Mishawaka for their businesses based upon these enhancements.

Thus, having and implementing a Designated Outdoor Refreshment Area (DORA) in downtown Mishawaka, more specifically in and around the Ironworks Plaza will provide a significant economic boost to local businesses with similar initiatives in other cities showing a substantial increase in foot traffic, customer spending, and overall revenue for businesses within the designated area.

We believe that having a DORA will provides patrons opportunities to enjoy beverages outdoors, creating a more vibrant and enjoyable atmosphere for visitors and residents alike that will attract more people to downtown Mishawaka - more specifically to Ironworks Plaza, Beuter Park, and the Biergarten, leading to increased patronage for local restaurants, venues, bars, and shops.

The new legislation and the subsequent DORA ordinance will allow businesses more flexibility in how they serve their customers and enable them to create unique and appealing outdoor environments.

The enactment of a DORA will also encourage partnerships among local businesses, as they can work together to promote the area, coordinate events, and create a consistent and attractive experience for visitors which will strengthen the downtown community and bring a sense of unity among businesses.

Therefore, increasing foot traffic within the area will help the growth and continued economic vitality of Mishawaka's downtown and the Ironworks Plaza and thus creating a DORA will build a livelier, pedestrian-friendly environment.

Sincerely,
Matt



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

OFFICE OF THE MAYOR

Dear President Hixenbaugh and the Honorable members of the Mishawaka Common Council;

The General Assembly for the State of Indiana has allowed the creation of Designated Outdoor Refreshment Area(s) (DORA) under Indiana Code 7.1-3-31.

The City of Mishawaka has made improvements and supported investment and growth in the downtown area including City parks such as Beutter Park, the Riverwalk and Kamm Island Park, as well as Ironworks Plaza, which downtown park development has resulted in improved and expanded recreational opportunities to draw more residents, visitors, and patrons to Mishawaka.

As a result of such downtown park development numerous stores, shops, entertainment venues and restaurants have chosen the downtown area of Mishawaka for their businesses.

It is my belief and that of the Mayor Wood's administration that having a DORA will attract more visitors, citizens, and patrons to local businesses within the downtown area.

We also believe that implementing a DORA in downtown Mishawaka, more specifically in and around Beutter Park and the Ironworks Plaza will provide a significant economic boost to local businesses.

I therefore ask for your support of the proposed DORA ordinance and the revision to the Mishawaka Parks ordinance related to alcohol use as well.

Sincerely,

Matthew Lentsch

Executive Director of Development and Governmental Affairs

Deb Block

From: Matthew Lentsch
Sent: Monday, August 14, 2023 2:45 PM
To: Deb Block
Subject: FW: Sharing information on "Best Practices" for DORA's.

Janet sharing best practices from the Division of Mental Health and Addiction re the DORA.

See the information below.

Matthew Lentsch

Executive Director of Development and Governmental Affairs
City of Mishawaka, Mishawaka Utilities
107 North Main Street
Mishawaka, IN 46544
Phone (574) 258-1635; Fax (574) 258-1710
www.mishawaka.in.gov
matthew.lentsch@mishawaka.in.gov

From: Krista Neighbour <krista.neighbour@mishawaka.in.gov>
Sent: Monday, August 14, 2023 2:31 PM
To: David A. Wood <dwood@mishawaka.in.gov>; Matthew Lentsch <matthew.lentsch@mishawaka.in.gov>; Gregg Hixenbaugh <gahixenbaugh@mishawaka.in.gov>
Subject: FYI: Sharing information on "Best Practices" for DORA's.

Hello Mayor, Councilman Hixenbaugh and Matt,

Please see below. Just an FYI email, no need to respond to me.

Sincerely,
Krista Neighbour



From: Janet Whitfield <janetwhitfield.pepsadfc@gmail.com>
Sent: Thursday, August 10, 2023 11:31 PM
To: Gregg Hixenbaugh <gahixenbaugh@mishawaka.in.gov>; Maggie DeMaegd <maggie.demaegd@mishawaka.in.gov>; Dale "Woody" Emmons <demmons@mishawaka.in.gov>; Mike Bellovich <mbellovich@mishawaka.in.gov>; Kate Voelker <kvoelker@mishawaka.in.gov>; Michael Compton <mcompton@mishawaka.in.gov>; Ron Banicki <rbanicki@mishawaka.in.gov>; Anthony "Tony" Hazen <anthony.hazen@mishawaka.in.gov>; Matt Mammolenti <mmammolenti@mishawaka.in.gov>; Krista Neighbour <krista.neighbour@mishawaka.in.gov>
Subject: Sharing information on "Best Practices" for DORA's.

>>> FROM EXTERNAL SENDER <<<

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

My colleague attended a meeting that the Division of Mental Health and Addiction held recently and discussed the new DORA statute. They sent out follow-up email that included this from Lisa Hutchinson, who works with the Indiana Coalition to Reduce Underage Drinking. I am sharing this with you since I am aware that our city is looking to designate an area as a DORA. I am encouraging you to include these if they are not already part of the plan. We all want what is best for our city and residents especially when it comes to public safety. Being proactive now can help minimize any issues later. I am happy to discuss this with you and I appreciate all that you do for the city of Mishawaka. Thank you.

Lisa Hutchinson wanted to share some "best practices" for communities to be able to recommend to their local entities as they begin meeting with them. Unfortunately, the ATC only gets the list of communities who have applied once the process is near the end so it will be even more important for communities to be vigilant about try to find out when the DORA issue is being discussed.

Best Practices for DORAs:

- Limit the DORA to a specific geographical area that is a manageable size for compliance monitoring, law enforcement and public safety, traffic control, and noise mitigation
- Limit the DORA to public spaces that do NOT include any residential areas (this will lessen the possibility that residents could use the "DORA cup" to fill with their own alcohol as many times as they want and walk around the DORA)
- Mandatory public safety and emergency response plans that could be the municipality plan but may be a more specific plan for the DORA depending on location
- Mandatory, non-transferable wrist bands to identify minors who are not permitted to drink OR adults 21+ who are permitted to drink – a different color each week or month will lessen the possibility that wrist bands can be removed and shared
- Mandatory signage throughout the DORA with alcohol laws regarding carding, underage drinking, drinking and driving, and health and safety warnings about drinking while pregnant or with certain medical conditions or medication
- Voluntary breathalyzer station at the exit of the DORA so people can check their BAC if they are not sure if they can legally drive (this could be done in partnership with your local or county law enforcement agencies)
- Regular compliance checks by ATC excise police - to monitor for underage drinking and sales to minors and over service
- Free space to not for profits to provide information about alcohol and other drugs
- A designated area for families that is alcohol free (and can have activities for families)
- Inclusion of vendors who sell non-alcohol products like snow cones, juice bars, coffee bars, and mocktails
- Use of non-breakable cups or containers which may be branded for the DORA

- Regular review of the DORA policy to make any changes to enhance public health and safety (should be at least 1-2 year)

Link to the ATC Nonrule DORA Policy #31: <https://www.in.gov/atc/files/Nonrule-Policy-031-DORAs.pdf>

If you have any more questions about the DORA – please contact Lisa Hutchinson lhutcheson@mhαι.net

Janet Whitfield-Hyduk
Drug-Free Communities Grant Coordinator
The Partnership for Drug-Free St. Joseph County

Work Cell: (574) 345-1621
Personal Cell: (574) 532-2834
E-mail: janetwhitfield.pepsadfc@gmail.com
Website: thepartnershipsjc.org

Mailing address: 818 E. Jefferson Blvd.
South Bend, IN 46617

AUG 01 2023

City Clerk
Mishawaka, IN

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-35

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "PARKS AND RECREATION ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the General Assembly for the State of Indiana has allowed the creation of Designated Outdoor Refreshment Area(s) (DORA) under Indiana Code 7.1-3-31; and

WHEREAS, the City of Mishawaka has made improvements and supported investment and growth in the downtown area including City parks such as Beutter Park, the Riverwalk and Kamm Island Park, as well as Ironworks Plaza, which downtown park development has resulted in improved and expanded recreational opportunities to draw more residents, visitors, and patrons to Mishawaka; and

WHEREAS, as a result of such downtown park development numerous stores, shops, entertainment venues and restaurants have chosen the downtown area of Mishawaka for their businesses; and

WHEREAS, having a DORA will attract more visitors, citizens, and patrons to local businesses within the downtown area; and

WHEREAS, having and implementing a DORA in downtown Mishawaka, more specifically in and around Beutter Park and the Ironworks Plaza will provide a significant economic boost to local businesses; and

WHEREAS, the Parks and Recreation Ordinance does not presently allow persons to bring possess, sell, consume beer, ale, or any other alcoholic beverage, into any park, except on written permission from the board of parks and recreation or its duly authorized agents.

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

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

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

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

David A. Wood
Mayor

Deb Block

From: Matthew Lentsch
Sent: Wednesday, August 9, 2023 4:34 PM
To: Gregg Hixenbaugh
Cc: Deb Block
Subject: DORA ordinances

President Hixenbaugh,

I am writing to ask that you would grant an extension for the 2nd reading of the 2 Designated Outdoor Refreshment Area (DORA) related ordinances until the first Mishawaka Common Council meeting in September. I believe that more time is needed to finalize the DORA ordinances, work out the practical details related to the potential implementation of the DORA as well as more time to educate our citizens most effectively about the DORA and the implications for our community.

As you are aware, the State of Indiana recently passed Senate Enrolled Act 20 which allows for the formation of Designated "Outdoor" Refreshment Areas ("DORA").

The City of Mishawaka ("City") over the last decade has made substantial improvements and supported investment and growth in downtown Mishawaka - more specifically to Ironworks Plaza, Beuter Park, and the Biergarten

Having a designated refreshment area will appeal to more visitors, citizens, and patrons to local businesses within the area.

Several businesses of all kind including restaurants, bars and shops have chosen the City of Mishawaka for their businesses based upon these enhancements.

Thus, having and implementing a Designated Outdoor Refreshment Area (DORA) in downtown Mishawaka, more specifically in and around the Ironworks Plaza will provide a significant economic boost to local businesses with similar initiatives in other cities showing a substantial increase in foot traffic, customer spending, and overall revenue for businesses within the designated area.

We believe that having a DORA will provides patrons opportunities to enjoy beverages outdoors, creating a more vibrant and enjoyable atmosphere for visitors and residents alike that will attract more people to downtown Mishawaka - more specifically to Ironworks Plaza, Beuter Park, and the Biergarten, leading to increased patronage for local restaurants, venues, bars, and shops.

The new legislation and the subsequent DORA ordinance will allow businesses more flexibility in how they serve their customers and enable them to create unique and appealing outdoor environments.

The enactment of a DORA will also encourage partnerships among local businesses, as they can work together to promote the area, coordinate events, and create a consistent and attractive experience for visitors which will strengthen the downtown community and bring a sense of unity among businesses.

Therefore, increasing foot traffic within the area will help the growth and continued economic vitality of Mishawaka's downtown and the Ironworks Plaza and thus creating a DORA will build a livelier, pedestrian-friendly environment.

Respectfully,

Matt

Matthew Lentsch

OCT 12 2023

City Clerk
Mishawaka, IN

PETITION 23-21

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-50

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 a PUD Amendment 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 RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND

Proposed Ordinance No: _____

Ordinance No: _____

CONTAINING 0.377 ACRES, MORE OR LESS; including all of the adjacent Fir Road right-of-way.

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

Furthermore, 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:

LOT NUMBERED ONE (1) AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, TOGETHER WITH THE VACATED PORTION OF EVERGREEN ROAD.

EXCEPTING THEREFROM THE FOLLOWING TRACTS:

TRACT 1: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1. SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 186.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 83.01 FEET; THENCE NORTH 89°42'30" EAST, A DISTANCE OF 48.96 FEET; THENCE SOUTH 54°36'36" EAST, A DISTANCE OF 152.10 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 105.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 192.67 FEET TO THE POINT OF BEGINNING.

TRACT 2: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA,

Proposed Ordinance No: _____

Ordinance No: _____

DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

TRACT 3: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 94.50 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 94.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

TRACT 4: THAT PART DEEDED TO BOARD OF COMMISSIONERS OF THE COUNTY OF ST. JOSEPH, INDIANA BY WARRANTY DEED RECORDED NOVEMBER 1, 2010 AS INSTRUMENT NO. [1030439](#), DESCRIBED AS FOLLOWS: A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT

Proposed Ordinance No: _____

Ordinance No: _____

#9848691, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ON THE NORTH BOUNDARY OF CLEVELAND ROAD; THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS WEST 10.00 FEET ALONG A WEST LINE OF SAID LOT; THENCE NORTH 89 DEGREES 38 MINUTES 24 SECONDS-EAST 204.91 FEET TO THE SOUTHEASTERN LINE OF SAID LOT; THENCE ALONG SAID SOUTHEASTERN LINE SOUTHWESTERLY 24.84 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 29.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 65 DEGREES 06 MINUTES 23 SECONDS WEST AND A LENGTH OF 24.08 FEET TO THE SOUTH LINE OF SAID LOT; THENCE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 182.99 FEET (183.03 FEET BY THE PLAT OF SAID SUBDIVISION) ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.045 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.025 ACRES, MORE OR LESS.

TRACT 5: THAT PART DEEDED TO THE CITY OF MISHAWAKA, INDIANA BY QUIT-CLAIM DEED RECORDED AUGUST 9, 2013 AS INSTRUMENT NO. 1324532 DESCRIBED AS FOLLOWS:

A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # 9848691, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID LOT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 89.74 FEET; THENCE SOUTH 44 DEGREES 36 MINUTES 09 SECONDS EAST 57.84 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 52 SECONDS EAST 185.66 FEET; THENCE SOUTHEASTERLY 441.55 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 1,060.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 76 DEGREES 08 MINUTES 52 SECONDS EAST AND A LENGTH OF 438.36 FEET; THENCE SOUTH 64 DEGREES 12 MINUTES 52 SECONDS EAST 95.10 FEET; THENCE SOUTHEASTERLY 523.41 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 740.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 84 DEGREES 28 MINUTES 39 SECONDS EAST AND A LENGTH OF 512.57 FEET TO THE EAST LINE OF SAID LOT; THENCE ALONG SAID EAST LINE SOUTH 0 DEGREES 27 MINUTES 02 SECONDS EAST 123.28 FEET; THENCE NORTHWESTERLY 577.85 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 860.00 FEET AND SUBTENDED BY A LONG

Proposed Ordinance No: _____

Ordinance No: _____

CHORD HAVING A BEARING OF NORTH 83 DEGREES 27 MINUTES 49 SECONDS WEST AND A LENGTH OF 567.04 FEET; THENCE NORTH 64 DEGREES 12 MINUTES 52 SECONDS WEST 95.10 FEET; THENCE NORTHWESTERLY 391.56 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 940.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 76 DEGREES 08 MINUTES 52 SECONDS WEST AND A LENGTH OF 388.73 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 52 SECONDS WEST 181.66 FEET; THENCE SOUTH 45 DEGREES 20 MINUTES 44 SECONDS WEST 55.13 FEET; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 713.55 FEET; THENCE SOUTHWESTERLY 218.52 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 889.64 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 6 DEGREES 38 MINUTES 34 SECONDS WEST AND A LENGTH OF 217.97 FEET TO A SOUTH LINE OF SAID LOT; THENCE ALONG SAID SOUTH LINE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 8.30 FEET TO A SOUTHWEST CORNER OF SAID LOT; THENCE ALONG THE WEST LINE OF SAID LOT NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 1,219.80 FEET TO THE POINT OF BEGINNING; **excluding all property south of the Beacon Parkway Right-of-way.**

General Location: NEC of Fir Road and Beacon Parkway

which real estate is now classified as S-2 Planned Unit Development District.

All the above real estate shall hereafter be amended to allow for a 280 to 320 unit gated multi-family residential apartment complex subject to the following conditions:

Uses:

1. Permitted uses shall be limited to a 320 unit maximum multi-family residential apartment complex and other accessory uses including but not limited to a club house, maintenance garage, and community pool.
2. Off-premise signs/billboards shall be prohibited.

Parking Spaces, Building & Parking/Pavement Setbacks:

1. A minimum of 1.5 parking spaces shall be provided per residential dwelling unit.
2. The building setback shall be a minimum of 25' from the right-of-way and external property lines.
3. The parking/pavement setback shall be 15' from the right-of-way and all external property lines.

Landscaping & Fencing:

1. A 15' wide landscape buffer shall be provided along the perimeter of the property.
2. Landscaping within the buffer shall be provided as required per the C-1 General Commercial District. No additional landscaping shall be required

Proposed Ordinance No: _____

Ordinance No: _____

where the existing mature vegetation is preserved if compliant with the minimum spacing requirements.

3. A 5' high metal picket (semi-opaque) decorative fence shall be permitted within the building setback along Fir Road and Beacon Parkway. If provided, Planning Staff shall review and approve the fence as a part of the planned unit development plan process.

Signage:

1. A total of two (2) freestanding monument signs shall be permitted. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each sign shall have a masonry base no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board.

Right-of-way & Sidewalks:

1. Additional right-of-way and easements may be required and shall be determined by review of the City Director of Engineering as a part of the planned unit development plan and subdivision plat.
2. The developer shall construct an 8' wide sidewalk within the public right-of-way along Fir Road from Beacon Parkway to the north property line and along Beacon Parkway from Fir Road to the entrance/access drive. Connections from the site to the sidewalk shall be provided along Fir Road and Beacon Parkway. The sidewalk shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.

Lighting:

1. All site lighting shall be limited to 30 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Building Limitations & Architecture:

1. The maximum building height shall be 48'.
2. Commercial grade high-quality vinyl lap siding and concrete panels (fiber cement board) shall be permitted building materials for all buildings, including the multi-family residential buildings, clubhouse, and any accessory buildings. For the building façades facing Beacon Parkway and Fir Road, masonry (brick veneer or stone) accents shall be utilized. All building materials shall be a mix of the above referenced materials and are subject to review and approval by the City Planner as a part of the planned unit development plan.

Proposed Ordinance No: _____

Ordinance No: _____

3. The architecture shall include garages and private entrances as conceptually identified.

Stormwater Management Infrastructure & Utilities:

1. The existing detention pond within the southeast corner of the property shall be expanded to provide for stormwater storage and located within an easement on the subdivision plat. A stormwater drainage plan shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.
2. All costs associated with the extension of utilities shall be the responsibility of the developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

Other:

1. If the development should not proceed within two (2) years following approval of the annexation/zoning and Planned Unit Development amendment, the prior development regulations (Ord. 5284) shall remain and be applicable to the subject parcels.

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

1. Existing Conditions - The subject parcel is located at the northeast corner of Fir Road and Beacon Parkway. Fir Road is currently a moderately travelled corridor on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City and St. Joseph County. Beacon Parkway is currently a lower travelled corridor. The property is located immediately adjacent to vacant unincorporated land to the north zoned for residential development, vacant land within the city limits to the east and south zoned for commercial development, and unincorporated land to the west occupied by single-family residential houses.
2. Character of Buildings in Area - The character of buildings and land uses located along the Fir Road corridor from State Road 23 to the north to south of the Indiana Toll Road vary greatly and include a convenience store/gas station, an automatic car wash facility, a church and parochial school, medical offices, a credit union, single family residential home, and a multi-family residential apartment complex. Several Beacon Medical Group buildings, including an acute care hospital, an ambulatory surgery center, a health and fitness center, and corporate offices, are located to the northeast along Beacon Parkway.
3. The most desirable/highest and best use - With the property's location along the increasingly commercial and residential developed Fir Road corridor combined with the adjacent properties being zoned for commercial use, the most desirable use for the property is either commercial or high-density residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-

Proposed Ordinance No: _____

Ordinance No: _____

family residential use is compatible with the adjacent vacant property and single-family residential uses.

5. Comprehensive Plan - Although this property was identified with a preferred use as commercial in the Capital Avenue Land Use Plan (2003), the proposed multi-family residential use is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.

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 Fir Road & Beacon Parkway

Date: October 10, 2023

Petition: 23-21 Annexation & Northeast Fir and Cleveland Road
 Planned Unit Development Amendment - Establish
 Zoning, and Approve a Preliminary Planned Unit
 Development Site Plan for the proposed Springs at
 Mishawaka apartment complex

Prepared By: DJS

GENERAL INFORMATION

Applicants: Helen M. Seggerman Estate & 1st Source Bank / Continental Properties, Inc.

Status: Property Owners / Contingent Developer

Request: To annex and establish zoning, amend an existing PUD, and approve a preliminary planned unit development site plan for the Springs at Mishawaka – a 280 to 320 unit gated multi-family residential apartment complex.

Existing Zoning: Unincorporated St. Joseph County & S-2 Planned Unit Development (Permitted Uses on the portion of the Northeast Fir and Cleveland Road PUD to be amended include C-1 General Commercial and C-2 Shopping Center Commercial / Ord. 5284)

Proposed Zoning: S-2 Planned Unit Development (Multi-Family Residential)

Lot Size: 20.43 acres (13.55 acre annexation parcel & 6.88 acre part of a parcel within an existing PUD)

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District, Section 137-41 / Amendments to the 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 / R Single Family Residential (Vacant)
South:	S-2 Planned Unit Development (Northeast Fir and Cleveland PUD/ Vacant Land approved for C-1 & C-2 commercial uses)
East:	S-2 Planned Unit Development (Northwest Capital and Toll Road PUD/ Vacant Land approved for C-1 & C-2 commercial uses)
West:	Unincorporated St. Joseph County / R Single Family Residential (Single-Family Residential)

Thoroughfare: Fir Road & Beacon Parkway

School District: Penn-Harris-Madison

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

Comprehensive Plan:

The Capital Avenue Land Use Plan (2003) prepared jointly by St. Joseph County and the City of Mishawaka identifies a recommended land use as commercial.

ANALYSIS

Proposal:

The applicants, Helen M. Seggerman Estate (owner), 1st Source Bank (owner), and Continental Properties Inc. (contingent developer) are proposing to annex and establish zoning, amend a portion of the existing Northeast Fir and Cleveland Planned Unit Development, and approve a preliminary planned unit development site plan for the Springs at Mishawaka – a 280 to 320 unit gated multi-family residential apartment complex.

A pre-application meeting, which was attended by the contingent developer and various City Staff, was held in late August. The development entitlement process was reviewed, including but not limited to, the annexation and PUD amendment petitions, final site plan requirements, and subdivision process. A preliminary site plan, generally matching what was filed with the petitions, was presented at this meeting. After review, Planning Staff recommended that several development regulations and conditions similar to those approved for other multi-family residential apartment complexes be placed on the property. A draft of the regulations and conditions was prepared by the contingent developer and included with the petitions. A majority of the proposed regulations, as requested, are included in the staff recommendation with modifications, deletions, and additions as deemed appropriate. These regulations and conditions are only applicable to this specific development proposal and will supersede those currently applicable to the south part of the site (Lot B). If the development should not proceed following approval of the annexation, the prior development regulations (Ord. 5284) shall remain and be applicable to the subject parcels.

The 20.43 acre site, which consists of a 13.55 acre parcel in unincorporated St. Joseph County (Lot A) and a 6.88 acre part of a larger parcel in the City of Mishawaka (Lot B), is located at the northeast corner of Fir Road and Beacon Parkway. Two separate petitions were filed with the annexation and zoning classification petition covering the north parcel (Lot A) and the Planned Unit Development amendment petition covering the part of the south parcel north of Beacon Parkway (Lot B).

The current PUD regulations and conditions for Lot B, which were approved in 2010 (Petition 10-18/Ord. 5284), limited permitted uses to C-1 General Commercial and C-2 Shopping Center Commercial uses. When the property was annexed, only the permitted uses and basic development regulations/conditions were outlined as there was no specific development proposal.

Per the preliminary site plan, the project is proposed to include 280 apartment units within 14 separate buildings, a club house with a fitness center, a community pool, a car care center, two pet parks, an outdoor grilling area, and a maintenance garage. The apartments will consist of 28 studio, 112 one-bedroom, 112 two-bedroom, and 28 three-bedroom units. The overall density will be 13.7 units per acre. A total of 542 parking spaces will be provided consisting of 112 spaces within the attached garages, 30 spaces within the detached garages, 1 space within the grounds maintenance building, and 399 surface spaces. Parking spaces will be provided at a ratio of 1.94 spaces per unit.

Access will be provided from Beacon Parkway utilizing the existing curb cut in the middle of the property. The entry drive will be gated north of the public parking area adjacent to the clubhouse. The access will allow unrestricted turning movements to and from the property. An emergency-only access will be provided along Fir Road in the northwest corner of the property. This access will be gated and utilized only by fire/emergency vehicles.

Per the preliminary site plan, a 25' building setback and 15' landscape and parking setback will be provided along the entire perimeter of the property. Landscaping shall meet the C-1 General Commercial landscaping and screening requirements. A detailed landscaping plan shall be submitted with the final planned unit development site plan, and is subject to review and approval by the Planning Staff.

The scale and density of the proposed development is similar to other multi-family residential developments in the northern part of the City of Mishawaka, such as the Villas on Fir on Fir Road south of the Indiana Toll Road, Gumwood Apartments to the northwest of Gumwood and Cleveland Roads, Summer Place Apartments along E. University Drive, and the Main Street Village apartments along Douglas Road.

At this time, the applicants are only proposing to establish and amend the permitted uses and basic development requirements of the planned unit development. If approved, a detailed final planned unit development site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm drainage, electric, gas, etc.), grading, landscaping, erosion control, and other required improvements.

Annexation:

As previously mentioned, the annexation and zoning petition only includes the northern parcel (Lot A) since the south parcel north of Beacon Parkway (Lot B) is already within the City limits.

In 2008 and 2011, the adjacent properties to the east and south were respectively annexed into the City for commercial use (C-1 and C2 permitted uses). There are no specific development proposals for these vacant adjacent properties. The property to the north is also vacant but is unincorporated land zoned for residential use. The property to the west across Fir Road is unincorporated land consisting of several single-family residential homes.

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 boundary in order to be annexed. With the two previous annexations as outlined above, approximately 1,816 feet, or 50%, of the total 3,630 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 at the northeast corner of Fir Road and Beacon Parkway, and is bound to the north by vacant property zoned for single-family residential use in unincorporated St. Joseph County, to the west by single-family residential houses in unincorporated St. Joseph County, to the south by vacant property zoned for commercial uses, and to the east by vacant property zoned for commercial uses.

Zoning Change:

Staff believes that the proposed annexing and zoning of the northern parcel to the S-2 Planned Unit Development District and amending the existing Planned Unit Development for the southern parcel for a multi-family residential apartment complex is appropriate. Although the Capital Avenue Land Use Plan recommends commercial land use for the subject property, a multi-family residential use would not be out of character with the existing or other permitted commercial land uses within the area. Significant commercial and multi-family residential growth has occurred along both the Fir Road and University Drive corridors to the south and Beacon Parkway to the east.

Transportation/Roads:

According to the latest available traffic counts, there were 9,273 annual average daily trips (AADT) (March 2022) along Fir Road south of Beacon Parkway. The counts at this location have more than doubled over the last 17 years. Between 2006 and 2010, counts ranged from just over 4,200 AADT to 6,300 AADT. There were 2,983 annual average daily trips (AADT) (March 2021) along Beacon Parkway southwest of Capital Avenue. Historical counts at this location are not available since Beacon Parkway was constructed less than 10 years ago. With the existing and anticipated increase in commercial and residential development in the northern Mishawaka and Granger areas, it is anticipated that traffic volumes will remain relatively consistent and/or increase in future years.

The 2050 Transportation Plan (Draft), prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, does not show any planned added travel lanes along the Fir Road corridor. An auxiliary line (center turn lane) along Fir Road to the south between McKinley Avenue and the Indiana Toll Road is proposed for construction in 2035. A small road west of the Indiana Toll Road connecting Beacon Parkway to Cleveland Road is proposed for construction in 2040. This connector may relieve future traffic congestion along Fir Road adjacent to the site and north of

Cleveland Road. The plan and anticipated completion dates for any transportation improvements may be amended in future years dependent on projected travel demand.

All pertinent City Departments have reviewed and approved the request for annexation and zoning (Lot A), and to amend the existing Planned Unit Development.

The Electric Department commented that the city can only currently serve Lot B of the proposed project as Lot A is currently not within the city's service territory.

RECOMMENDATION

Staff recommends **approval** of Petition 23-21 to annex and establish zoning (Lot A), and to amend the Northeast Fir and Cleveland Planned Unit Development (Lot B) for the Springs at Mishawaka – a 280 to 320 unit multi-family residential apartment complex subject to the following development regulations/conditions:

Uses:

1. Permitted uses shall be limited to a 320 unit maximum multi-family residential apartment complex and other accessory uses including but not limited to a club house, maintenance garage, and community pool.
2. Off-premise signs/billboards shall be prohibited.

Parking Spaces, Building & Parking/Pavement Setbacks:

1. A minimum of 1.5 parking spaces shall be provided per residential dwelling unit.
2. The building setback shall be a minimum of 25' from the right-of-way and external property lines.
3. The parking/pavement setback shall be 15' from the right-of-way and all external property lines.

Landscaping & Fencing:

1. A 15' wide landscape buffer shall be provided along the perimeter of the property.
2. Landscaping within the buffer shall be provided as required per the C-1 General Commercial District. No additional landscaping shall be required where the existing mature vegetation is preserved if compliant with the minimum spacing requirements.
3. A 5' high metal picket (semi-opaque) decorative fence shall be permitted within the building setback along Fir Road and Beacon Parkway. If provided, Planning Staff shall review and approve the fence as a part of the planned unit development plan process.

Signage:

1. A total of two (2) freestanding monument signs shall be permitted. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each sign shall have a masonry base no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board.

Right-of-way & Sidewalks:

1. Additional right-of-way and easements may be required and shall be determined by review of the City Director of Engineering as a part of the planned unit development plan and subdivision plat.
2. The developer shall construct an 8' wide sidewalk within the public right-of-way along Fir Road from Beacon Parkway to the north property line and along Beacon Parkway from Fir Road to the entrance/access drive. Connections from the site to the sidewalk shall be provided along Fir Road and Beacon Parkway. The sidewalk shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.

Lighting:

1. All site lighting shall be limited to 30 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Building Limitations & Architecture:

1. The maximum building height shall be 48'.
2. Commercial grade high-quality vinyl lap siding and concrete panels (fiber cement board) shall be permitted building materials for all buildings, including the multi-family residential buildings, clubhouse, and any accessory buildings. For the building façades facing Beacon Parkway and Fir Road, masonry (brick veneer or stone) accents shall be utilized. All building materials shall be a mix of the above referenced materials and are subject to review and approval by the City Planner as a part of the planned unit development plan.
3. The architecture shall include garages and private entrances as conceptually identified.

Stormwater Management Infrastructure & Utilities:

1. The existing detention pond within the southeast corner of the property shall be expanded to provide for stormwater storage and located within an easement on the subdivision plat. A stormwater drainage plan shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.
2. All costs associated with the extension of utilities shall be the responsibility of the developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

Other:

1. If the development should not proceed within two (2) years following approval of the annexation/zoning and Planned Unit Development amendment, the prior development regulations (Ord. 5284) shall remain and be applicable to the subject parcels.

This recommendation is based on the following findings of fact:

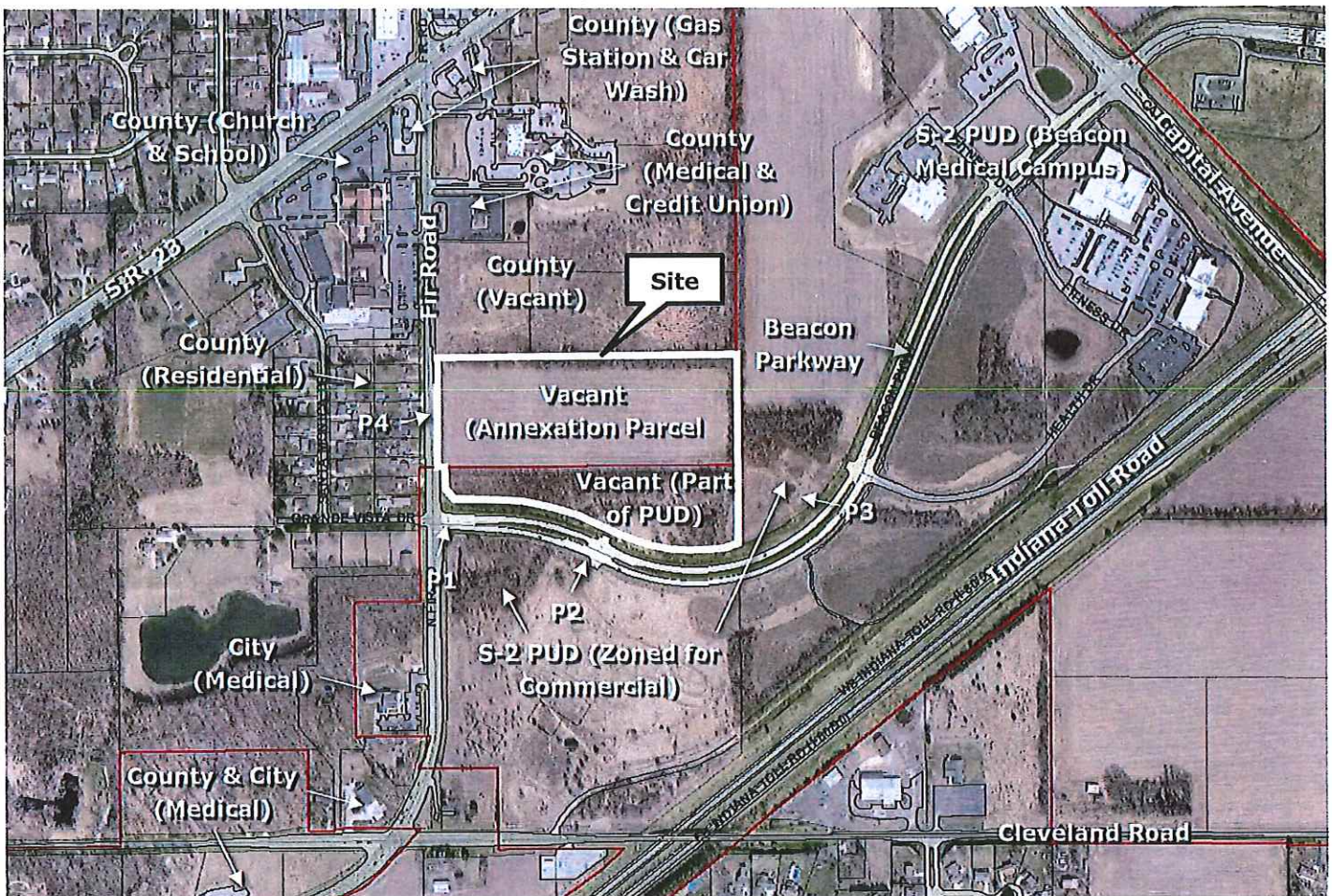
1. Existing Conditions - The subject parcel is located at the northeast corner of Fir Road and Beacon Parkway. Fir Road is currently a moderately travelled corridor on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City and St. Joseph County. Beacon Parkway is currently a lower travelled corridor. The property is located immediately adjacent to vacant unincorporated land to the north zoned for residential development, vacant land within the city limits to the east and south zoned for commercial development, and unincorporated land to the west occupied by single-family residential houses.
2. Character of Buildings in Area - The character of buildings and land uses located along the Fir Road corridor from State Road 23 to the north to south of the Indiana Toll Road vary greatly and include a convenience store/gas station, an automatic car wash facility, a church and parochial school, medical offices, a credit union, single family residential home, and a multi-family residential apartment complex. Several Beacon Medical Group buildings, including an acute care hospital, an

ambulatory surgery center, a health and fitness center, and corporate offices, are located to the northeast along Beacon Parkway.

3. The most desirable/highest and best use – With the property's location along the increasingly commercial and residential developed Fir Road corridor combined with the adjacent properties being zoned for commercial use, the most desirable use for the property is either commercial or high-density residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-family residential use is compatible with the adjacent vacant property and single-family residential uses.
5. Comprehensive Plan - Although this property was identified with a preferred use as commercial in the Capital Avenue Land Use Plan (2003), the proposed multi-family residential use is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.

ATTACHMENTS

Aerial Photograph, Photographs of Site Area, Cover Letter from Developer, Petition for Annexation and Zoning Classification (Petition 1 of 2), Petition for PUD Amendment (2 of 2), Preliminary Planned Unit Development Site Plan, Conceptual Building Elevations, Location Map



Aerial Photograph – Northeast Corner of Fir Road and Beacon Parkway
Proposed Springs at Mishawaka – a 280 to 320 unit multi-family residential apartment complex



P1. Looking north from the right-turn lane on Fir Road and south of Beacon Parkway.
Property is the patch of trees on the upper right.



P2. Looking northerly from Beacon Pkwy toward the existing curb cut proposed to access the property.



P3. Looking westerly from Beacon Parkway toward the southeast corner of the property.



P4. Looking easterly from Fir Road toward the annexation parcel (Lot A).

P25 23-21
Received

SEP 20 2023

Planning and
Community Development

September 20, 2023

Mr. Kenneth B Prince, ASLA, AICP,
Executive Director
Department of Planning and Community Development
100 Lincolnway West
Mishawaka, IN 46544

RE: Multi-Parcel Joint Annexation/Zoning Petition & PUD Amendment Petition – NEC of Fir Rd. & Beacon Pkwy.

Dear Mr. Prince,

On behalf of the Property Owners SEGGERMAN HELEN M ESTATE (the "Seggerman Parcel"; PIN 71-04-23-300-003.000-011) and 1ST SOURCE BANK (the "1st Source Parcel"; a portion of PIN 71-04-27-200-044.000-036), Continental Properties 764 Fund LLC (the "Petitioner", an affiliate entity of Continental Properties Company, Inc.) submits for your review and consideration a joint petition for Annexation and Zoning for the Seggerman Parcel and a PUD Amendment for the 1st Source Parcel.

This two-property assemblage totals approximately 20.43 acres and is located at the northeast corner of the intersection of Fir Rd. and Beacon Pkwy. The Applicant, Continental Properties Company, Inc. is pursuing a market-rate multifamily residential community at this location.

Included in this enclosure are the following documents:

1. 3 original copies of Annexation & Zoning Petition for the Seggerman Parcel, each with wet signature (**separate wet signature pages previously delivered to Derek Spier, City Planner on 9/13/2023**)
2. 3 original copies of PUD Amendment Petition for 1st Source Parcel, each with wet signature (**separate wet signature pages previously delivered to Derek Spier, City Planner on 9/13/2023**)
3. Six (6) 24"x36" copies of the conceptual site plan
4. A \$500 check payable to the "City of Mishawaka"
5. **One set** (per Derek Spier's instruction) of business-size stamped envelopes addressed to all property owners within 300 feet of the subject property boundary lines, provided by Staff
6. One copy of the above-referenced list of Property Owners within 300 feet of the subject property boundary lines, provided by Staff

As part of this joint petition, the Petitioner requests the following amendments be included in the Proposed PUD classification for this two-property assemblage:

1. **Uses.** Permitted uses shall be limited to an up to 320-unit multi-family residential apartment complex and other accessory uses including but not limited to a club house, maintenance garage, and community pool.
2. **Setbacks.** There shall be a minimum building setback of 25' from the parcel boundaries.
3. **Building Height.** The maximum building height for the site shall be 48'.
4. **Landscaping.** No landscaping shall be required where existing mature vegetation is preserved, provided the areas is a minimum of 25' in width. The site shall comply with the C-1 Commercial landscaping requirements.
5. **Parking.** Total number of parking spaces required shall be a minimum of 1.5 spaces per unit.
6. **Signage.** Two monument signs, not exceeding 8' in height and 60 square feet in area (and including an electronic reader board) shall be permitted for the site.

Continental Properties Company, Inc.

Continental Properties Company, Inc. · W134 N8675 Executive Parkway, Menomonee Falls, WI 53051

7. **Right-of-Way.** A roughly 38.5' x 458.1' (roughly .38 acres) portion of the Seggerman Parcel along Fir Road shall be dedicated to the City of Mishawaka as part of the final site plan approval and shall be determined by review of the City Director of Engineering and City Planner based on proposed construction.
8. **Lighting.** All site lighting shall be limited to 30 feet in height.
9. **Building Materials & Colors.** High-quality vinyl lap siding shall be a permitted and primary building material for all buildings on the property, including the multifamily residential buildings, the clubhouse, and any accessory buildings. For building facades which front Beacon Pkwy. and Fir Rd., Petitioner shall employ masonry (brick, brick veneer, or stone) accents; please refer to the enclosed elevations for a representative sample of these Fir- and Beacon-fronting building facades.
10. **Architecture.** The architecture shall include garages and private entrances as conceptually identified.
11. **Detention.** City shall permit the applicant to expand the existing detention pond on the southeast corner of the site as designed and approved as part of the final construction drawings.
12. **Traffic.** A Traffic Impact Study shall not be required given that the applicant is only requesting emergency access only along Fir Road.
13. **Off-Site Improvements.** Road improvements along Fir Road shall be limited to a 8' wide sidewalk located within the right-of-way. Under no circumstances shall any off-site improvements or special assessments come due as part of Continental's proposed development and subsequent construction activities.

Signed:

CONTINENTAL PROPERTIES 764 Fund LLC



By: Ben Walker
Its: Acquisitions Associate
Continental Properties Inc.
bwalker@cproperties.com
414.305.8865

Pkt 23-21

Received

SEP 20 2023

Planning and
Community Development

DATE: September 20, 2023

TO THE:

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

RE: Petition for Annexation and Zoning Classification

The undersigned The heirs or devisees of Helen M. Seggerman, deceased, respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **including all of the adjacent Fir Road right-of-way.**

General Location: Northeast Corner of Fir Road and Beacon Parkway.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located northwest corner of N. Fir Road and Beacon Parkway and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a S-2 Planned Unit Development District. Petitioners further state they intend to utilize said land for a multi-family development.

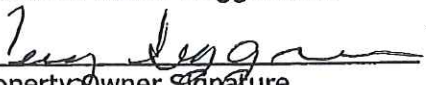
Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

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 S-2 Planned Unit Development District.

Estate of Helen Seggerman

By:


Property Owner Signature

Terry L. Seggerman, Personal Representative

Print Property Owner Name

Contact Person:

NAME
ADDRESS
TELEPHONE NUMBER
EMAIL

Malcolm J. Tuesley or April L. Troyer
THK Law, LLP
(574) 232-3538
mtuesley@thklaw.com and atroyer@thklaw.com

DATE: 09/20/2023

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

PET 23-21

2 of 2

Received

SEP 20 2023

Planning and
Community Development

RE: PETITION FOR PUD AMENDMENT

The undersigned 1st Source Bank respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

LOT NUMBERED ONE (1) AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, TOGETHER WITH THE VACATED PORTION OF EVERGREEN ROAD.

EXCEPTING THEREFROM THE FOLLOWING TRACTS:

TRACT 1: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1. SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 186.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 83.01 FEET; THENCE NORTH 89°42'30" EAST, A DISTANCE OF 48.96 FEET; THENCE SOUTH 54°36'36" EAST, A DISTANCE OF 152.10 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 105.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 192.67 FEET TO THE POINT OF BEGINNING.

TRACT 2: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION. RECORDED IN THE OFFICE OF THE

RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER 9848691 AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT BOOK 31, PAGE P; THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

TRACT 3: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER 9848691 AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT BOOK 31, PAGE P; THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 94.50 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 94.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

TRACT 4: THAT PART DEEDED TO BOARD OF COMMISSIONERS OF THE COUNTY OF ST. JOSEPH, INDIANA BY WARRANTY DEED RECORDED NOVEMBER 1, 2010 AS INSTRUMENT NO. 1030439, DESCRIBED AS FOLLOWS: A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT #9848691, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ON THE NORTH BOUNDARY OF CLEVELAND ROAD; THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS WEST 10.00 FEET ALONG A WEST LINE OF SAID LOT; THENCE NORTH 89 DEGREES 38 MINUTES 24 SECONDS-EAST 204.91 FEET TO THE SOUTHEASTERN LINE OF SAID LOT; THENCE ALONG SAID SOUTHEASTERN LINE SOUTHWESTERLY 24.84 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 29.00 FEET AND SUBTENDE BY A LONG CHORD HAVING A BEARING OF SOUTH 65 DEGREES 06 MINUTES 23 SECONDS WEST AND A LENGTH OF 24.08 FEET TO THE SOUTH LINE OF SAID LOT; THENCE

(183.03 FEET BY THE PLAT OF SAID SUBDIVISION) ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.045 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.025 ACRES, MORE OR LESS.

TRACT 5: THAT PART DEEDED TO THE CITY OF MISHAWAKA, INDIANA BY QUIT-CLAIM DEED RECORDED AUGUST 9, 2013 AS INSTRUMENT NO. [1324532](#) DESCRIBED AS FOLLOWS:

A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID LOT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 89.74 FEET; THENCE SOUTH 44 DEGREES 36 MINUTES 09 SECONDS EAST 57.84 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 52 SECONDS EAST 185.66 FEET; THENCE SOUTHEASTERLY 441.55 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 1,060.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 76 DEGREES 08 MINUTES 52 SECONDS EAST AND A LENGTH OF 438.36 FEET; THENCE SOUTH 64 DEGREES 12 MINUTES 52 SECONDS EAST 95.10 FEET; THENCE SOUTHEASTERLY 523.41 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 740.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 84 DEGREES 28 MINUTES 39 SECONDS EAST AND A LENGTH OF 512.57 FEET TO THE EAST LINE OF SAID LOT; THENCE ALONG SAID EAST LINE SOUTH 0 DEGREES 27 MINUTES 02 SECONDS EAST 123.28 FEET; THENCE NORTHWESTERLY 577.85 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 860.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 83 DEGREES 27 MINUTES 49 SECONDS WEST AND A LENGTH OF 567.04 FEET; THENCE NORTH 64 DEGREES 12 MINUTES 52 SECONDS WEST 95.10 FEET; THENCE NORTHWESTERLY 391.56 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 940.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 76 DEGREES 08 MINUTES 52 SECONDS WEST AND A LENGTH OF 388.73 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 52 SECONDS WEST 181.66 FEET; THENCE SOUTH 45 DEGREES 20 MINUTES 44 SECONDS WEST 55.13 FEET; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 713.55 FEET; THENCE SOUTHWESTERLY 218.52 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 889.64 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 6 DEGREES 38 MINUTES 34 SECONDS WEST AND A LENGTH OF 217.97 FEET TO A SOUTH LINE OF SAID LOT; THENCE ALONG SAID SOUTH LINE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 8.30 FEET TO A SOUTHWEST CORNER OF SAID LOT; THENCE ALONG THE WEST LINE OF SAID LOT NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 1,219.80 FEET TO THE POINT OF BEGINNING; **excluding all property south of the Beacon Parkway Right-of-way.**

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for planned low density residential.

Petitioner(s) desire said real estate to be amended to allow for a high density multi family development.

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

Signature(s) of Property Owner(s)



Signature(s) of Property Owner(s)

CONTACT PERSON:

Name GREG STROUPE

Address 100 N. MICHIGAN ST., SOUTH BEND, IN 46601

Phone Number/ Fax 574 235-2828

Email stroupe.g@1stsource.com



VICINITY MAP
SCALE: NTS

CONTINENTAL
PROPERTIES
WICHITA NIGHTS EXECUTIVE RESIDENCY
MICHIGANEE FALLS, WI 53001
202.592.2500 • FAX 202.202.2002
ON BEHALF OF:
CONTINENTAL 764 FUND U

SITE PLAN

DRAWN DATE: 08/28/2007
DRAWN BY: BMW

SHEET NUMBER

IP-1.0

ASPHALT SHINGLES



TM-SH-1



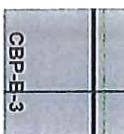
CBP-B-1

BOARD & BATTEN



CBP-B-2

LAP PANEL



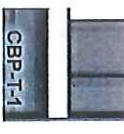
CBP-F-3

FLAT PANEL

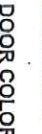


MSE-S-3

STONE VENEER



TRIM



CBP-T-1

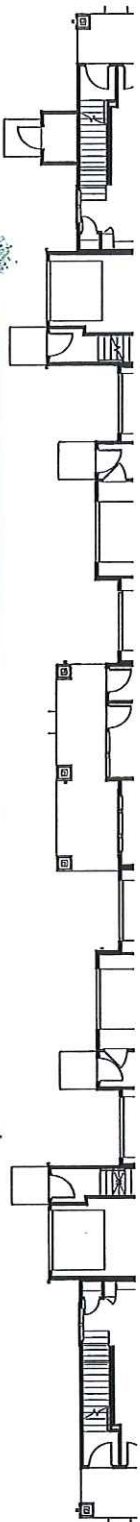
DOOR COLOR



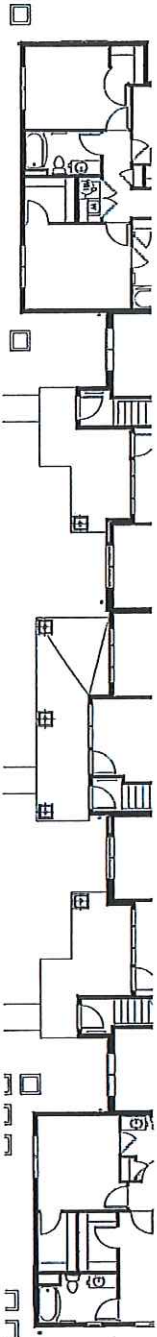
PT-A-1



F
Front Elevation
Scale: 1/8" = 1'-0"



R
Rear Elevation
Scale: 1/8" = 1'-0"



CONTINENTAL
PROPERTIES

20 UNIT BUILDING
YOU ARE HERE

ASPHALT SHINGLES



TM-SH-1

BOARD & BATTEN



OB-BM

LAP PANEL



CBP-B-2

FLAT PANEL



CBP-B-3

STONE VENEER



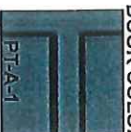
MS-B-3

TRIM



CBP-T-1

DOOR COLOR

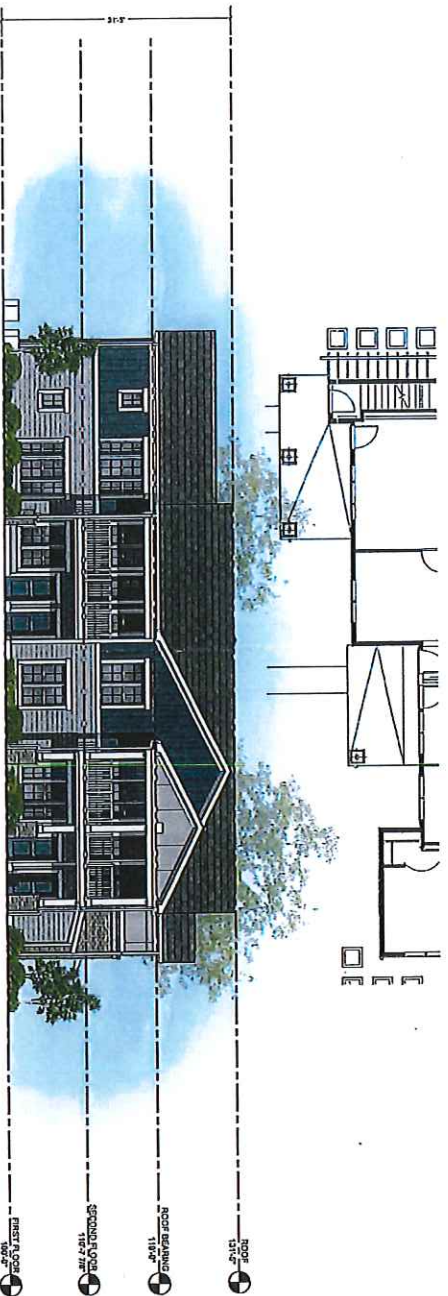


PT-A-1



Right Elevation

SCALE: 1/8"=1'-0"



Left Elevation

SCALE: 1/8"=1'-0"

CONTINENTAL
PROPERTIES

20 UNIT BUILDING

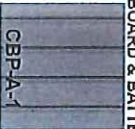
YOU ARE HERE

ASPHALT SHINGLES



TM-SH-1

BOARD & BATTEN



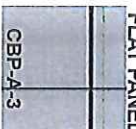
GBP-A-1

LAP PANEL



GBP-A-2

FLAT PANEL



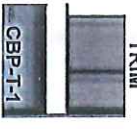
GBP-A-3

STONE VENEER



MS-SB-3

TRIM



GBP-T-1

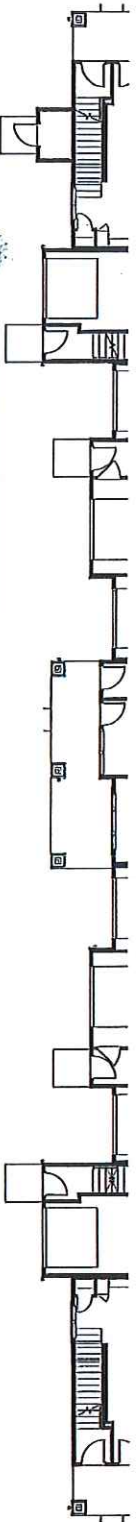
DOOR COLOR



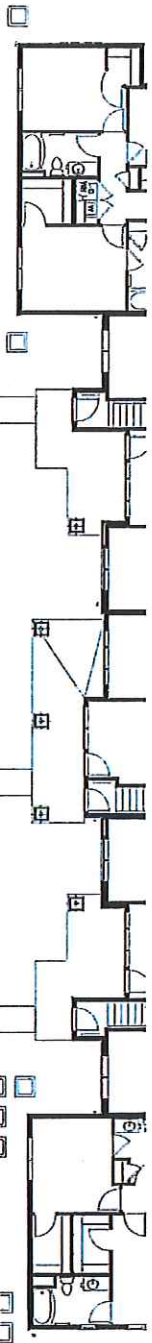
PI-A-1



F
Front Elevation
SCALE: 1/8"=1'-0"



G
Rear Elevation
SCALE: 1/8"=1'-0"



CONTINENTAL
PROPERTIES

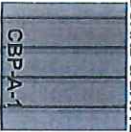
20 UNIT BUILDING
YOU ARE HERE

ASPHALT SHINGLES



TM-SH-1

BOARD & BATTEN



CBP-A-1

LAP PANEL



CBP-A-2

FLAT PANEL



CBP-A-3

STONE VENEER



MSB-B-3

TRIM



CBP-T-1

DOOR COLOR



PT-A-1



Right Elevation



Left Elevation

ANNEX & ESTABLISH PUD

PUD AMENDMENT

GRANDE VISTA DR

N FIR RD

C-1

C-1

C-1

S-2

S-2

BEACON PKWY

CLEVELAND RD

WB INDIANA TOLL RD (I-80/90)

Location Map

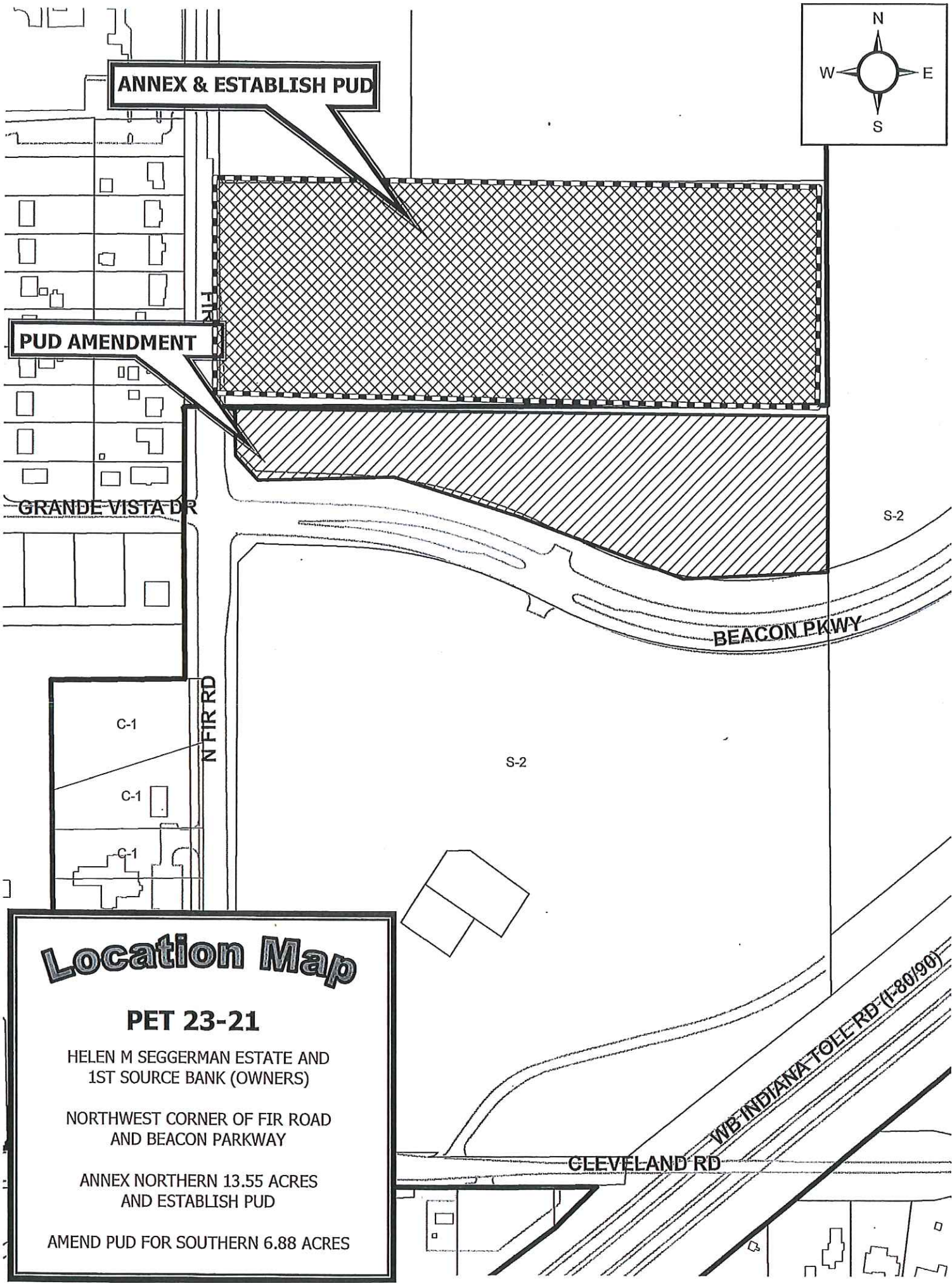
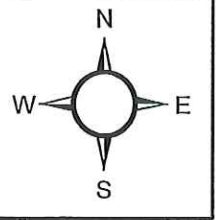
PET 23-21

HELEN M SEGGERMAN ESTATE AND
1ST SOURCE BANK (OWNERS)

NORTHWEST CORNER OF FIR ROAD
AND BEACON PARKWAY

ANNEX NORTHERN 13.55 ACRES
AND ESTABLISH PUD

AMEND PUD FOR SOUTHERN 6.88 ACRES



SEP 25 2023

City Clerk
Mishawaka, IN

PA-23-21 1 of 2

Received

SEP 20 2023

Planning and
Community Development

DATE: September 20, 2023

TO THE:

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

RE: Petition for Annexation and Zoning Classification

The undersigned The heirs or devisees of Helen M. Seggerman, deceased, respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

OUTLOT "A" AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART DEEDED TO CITY OF MISHAWAKA, INDIANA BY DEED RECORDED APRIL 16, 2013 AS DOCUMENT NO. [1311274](#), DESCRIBED AS FOLLOWS:

A PART OF OUTLOT "A" IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID OUTLOT TO POINT "697" DESIGNATED ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 469.01 FEET TO THE SOUTH LINE OF SAID OUTLOT; THENCE SOUTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 35.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID OUTLOT; THENCE NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 469.01 FEET ALONG THE WEST LINE OF SAID OUTLOT TO THE POINT OF BEGINNING AND CONTAINING 0.377 ACRES, MORE OR LESS; **including all of the adjacent Fir Road right-of-way.**

General Location: Northeast Corner of Fir Road and Beacon Parkway.

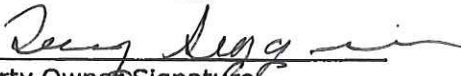
Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located northwest corner of N. Fir Road and Beacon Parkway and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a S-2 Planned Unit Development District. Petitioners further state they intend to utilize said land for a multi-family development.

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 S-2 Planned Unit Development District.

Estate of Helen Seggerman

By: 
Property Owner Signature

Terry L. Seggerman, Personal Representative
Print Property Owner Name

Contact Person:

NAME	Malcolm J. Tuesley or April L. Troyer
ADDRESS	THK Law, LLP
TELEPHONE NUMBER	(574) 232-3538
EMAIL	mtuesley@thklaw.com and atroyer@thklaw.com

DATE: 09/20/2023

Deborah S. Block, AMC, MMC

2 of 2

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

SEP 25 2023

City Clerk
Mishawaka, IN

PE 23-21
Received

SEP 20 2023

Planning and
Community Development

RE: PETITION FOR PUD AMENDMENT

The undersigned 1st Source Bank respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

LOT NUMBERED ONE (1) AS SHOWN ON THE RECORDED PLAT OF SEGGERMAN FIR ROAD MINOR SUBDIVISION RECORDED SEPTEMBER 16, 1998 AS DOCUMENT NO. [9848691](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, TOGETHER WITH THE VACATED PORTION OF EVERGREEN ROAD.

EXCEPTING THEREFROM THE FOLLOWING TRACTS:

TRACT 1: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1. SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER [9848691](#) AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT [BOOK 31, PAGE P](#); THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 186.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 83.01 FEET; THENCE NORTH 89°42'30" EAST, A DISTANCE OF 48.96 FEET; THENCE SOUTH 54°36'36" EAST, A DISTANCE OF 152.10 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 105.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 192.67 FEET TO THE POINT OF BEGINNING.

TRACT 2: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE

RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER 9848691 AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT BOOK 31, PAGE P; THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON- SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

TRACT 3: PART OF LOT NUMBERED ONE (1), SEGGERMAN FIR ROAD MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF FIR ROAD WHICH IS BOTH THE SOUTHWEST CORNER OF LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER 9848691 AND THE NORTHWEST CORNER OF LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA IN PLAT BOOK 31, PAGE P; THENCE NORTH 89°42'02" EAST ON THE COMMON LINE BETWEEN LOT 1, SEGGERMAN FIR ROAD MINOR SUBDIVISION AND LOT 1, PETERSON-SEGGERMAN MINOR SUBDIVISION, A DISTANCE OF 216.59 FEET; THENCE NORTH 00°17'58" WEST, A DISTANCE OF 52.59 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 4.75 FEET; THENCE NORTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE NORTH 33°34'53" EAST, A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 33°34'53" EAST, A DISTANCE OF 94.50 FEET; THENCE SOUTH 56°25'07" EAST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 33°34'53" WEST, A DISTANCE OF 94.50 FEET; THENCE NORTH 56°25'07" WEST, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

TRACT 4: THAT PART DEEDED TO BOARD OF COMMISSIONERS OF THE COUNTY OF ST. JOSEPH, INDIANA BY WARRANTY DEED RECORDED NOVEMBER 1, 2010 AS INSTRUMENT NO. 1030439, DESCRIBED AS FOLLOWS: A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT #9848691, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ON THE NORTH BOUNDARY OF CLEVELAND ROAD; THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS WEST 10.00 FEET ALONG A WEST LINE OF SAID LOT; THENCE NORTH 89 DEGREES 38 MINUTES 24 SECONDS-EAST 204.91 FEET TO THE SOUTHEASTERN LINE OF SAID LOT; THENCE ALONG SAID SOUTHEASTERN LINE SOUTHWESTERLY 24.84 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 29.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 65 DEGREES 06 MINUTES 23 SECONDS WEST AND A LENGTH OF 24.08 FEET TO THE SOUTH LINE OF SAID LOT; THENCE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 182.99 FEET

(183.03 FEET BY THE PLAT OF SAID SUBDIVISION) ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.045 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.025 ACRES, MORE OR LESS.

TRACT 5: THAT PART DEEDED TO THE CITY OF MISHAWAKA, INDIANA BY QUIT-CLAIM DEED RECORDED AUGUST 9, 2013 AS INSTRUMENT NO. [1324532](#) DESCRIBED AS FOLLOWS:

A PART OF LOT 1 IN SEGGERMAN FIR ROAD MINOR SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, THE PLAT OF WHICH SUBDIVISION IS RECORDED AS INSTRUMENT # [9848691](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS EAST 35.00 FEET ALONG THE NORTH LINE OF SAID LOT; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 89.74 FEET; THENCE SOUTH 44 DEGREES 36 MINUTES 09 SECONDS EAST 57.84 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 52 SECONDS EAST 185.66 FEET; THENCE SOUTHEASTERLY 441.55 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 1,060.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 76 DEGREES 08 MINUTES 52 SECONDS EAST AND A LENGTH OF 438.36 FEET; THENCE SOUTH 64 DEGREES 12 MINUTES 52 SECONDS EAST 95.10 FEET; THENCE SOUTHEASTERLY 523.41 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 740.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 84 DEGREES 28 MINUTES 39 SECONDS EAST AND A LENGTH OF 512.57 FEET TO THE EAST LINE OF SAID LOT; THENCE ALONG SAID EAST LINE SOUTH 0 DEGREES 27 MINUTES 02 SECONDS EAST 123.28 FEET; THENCE NORTHWESTERLY 577.85 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 860.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 83 DEGREES 27 MINUTES 49 SECONDS WEST AND A LENGTH OF 567.04 FEET; THENCE NORTH 64 DEGREES 12 MINUTES 52 SECONDS WEST 95.10 FEET; THENCE NORTHWESTERLY 391.56 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 940.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 76 DEGREES 08 MINUTES 52 SECONDS WEST AND A LENGTH OF 388.73 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 52 SECONDS WEST 181.66 FEET; THENCE SOUTH 45 DEGREES 20 MINUTES 44 SECONDS WEST 55.13 FEET; THENCE SOUTH 0 DEGREES 23 MINUTES 38 SECONDS EAST 713.55 FEET; THENCE SOUTHWESTERLY 218.52 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 889.64 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 6 DEGREES 38 MINUTES 34 SECONDS WEST AND A LENGTH OF 217.97 FEET TO A SOUTH LINE OF SAID LOT; THENCE ALONG SAID SOUTH LINE SOUTH 89 DEGREES 38 MINUTES 24 SECONDS WEST 8.30 FEET TO A SOUTHWEST CORNER OF SAID LOT; THENCE ALONG THE WEST LINE OF SAID LOT NORTH 0 DEGREES 23 MINUTES 38 SECONDS WEST 1,219.80 FEET TO THE POINT OF BEGINNING; **excluding all property south of the Beacon Parkway Right-of-way.**

General Location: NEC of Fir Road and Beacon Parkway

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for planned low density residential.

Petitioner(s) desire said real estate to be amended to allow for a high density multi family development.

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

Signature(s) of Property Owner(s)

Signature(s) of Property Owner(s)

CONTACT PERSON:

Name

Address

Phone Number/ Fax

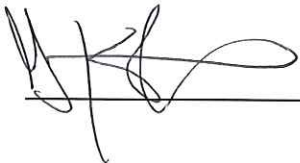
Email

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for planned low density residential.

Petitioner(s) desire said real estate to be amended to allow for a high density multi family development.

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

Signature(s) of Property Owner(s)



Signature(s) of Property Owner(s)

CONTACT PERSON:

Name GREG STROUPE

Address 100 N. MICHIGAN ST., SOUTH BEND, IN 46601

Phone Number/ Fax 574-235-2828

Email

stroupe.g@1stsource.com

SEP 20 2023

Planning and
Community Development

September 20, 2023

Mr. Kenneth B Prince, ASLA, AICP,
Executive Director
Department of Planning and Community Development
100 Lincolnway West
Mishawaka, IN 46544

RE: Multi-Parcel Joint Annexation/Zoning Petition & PUD Amendment Petition – NEC of Fir Rd. & Beacon Pkwy.

Dear Mr. Prince,

On behalf of the Property Owners SEGGERMAN HELEN M ESTATE (the "Seggerman Parcel"; PIN 71-04-23-300-003.000-011) and 1ST SOURCE BANK (the "1st Source Parcel"; a portion of PIN 71-04-27-200-044.000-036), Continental Properties 764 Fund LLC (the "Petitioner", an affiliate entity of Continental Properties Company, Inc.) submits for your review and consideration a joint petition for Annexation and Zoning for the Seggerman Parcel and a PUD Amendment for the 1st Source Parcel.

This two-property assemblage totals approximately 20.43 acres and is located at the northeast corner of the intersection of Fir Rd. and Beacon Pkwy. The Applicant, Continental Properties Company, Inc. is pursuing a market-rate multifamily residential community at this location.

Included in this enclosure are the following documents:

1. 3 original copies of Annexation & Zoning Petition for the Seggerman Parcel, each with wet signature **(separate wet signature pages previously delivered to Derek Spier, City Planner on 9/13/2023)**
2. 3 original copies of PUD Amendment Petition for 1st Source Parcel, each with wet signature **(separate wet signature pages previously delivered to Derek Spier, City Planner on 9/13/2023)**
3. Six (6) 24"x36" copies of the conceptual site plan
4. A \$500 check payable to the "City of Mishawaka"
5. **One set** (per Derek Spier's instruction) of business-size stamped envelopes addressed to all property owners within 300 feet of the subject property boundary lines, provided by Staff
6. One copy of the above-referenced list of Property Owners within 300 feet of the subject property boundary lines, provided by Staff

As part of this joint petition, the Petitioner requests the following amendments be included in the Proposed PUD classification for this two-property assemblage:

1. **Uses.** Permitted uses shall be limited to an up to 320-unit multi-family residential apartment complex and other accessory uses including but not limited to a club house, maintenance garage, and community pool.
2. **Setbacks.** There shall be a minimum building setback of 25' from the parcel boundaries.
3. **Building Height.** The maximum building height for the site shall be 48'.
4. **Landscaping.** No landscaping shall be required where existing mature vegetation is preserved, provided the areas is a minimum of 25' in width. The site shall comply with the C-1 Commercial landscaping requirements.
5. **Parking.** Total number of parking spaces required shall be a minimum of 1.5 spaces per unit.
6. **Signage.** Two monument signs, not exceeding 8' in height and 60 square feet in area (and including an electronic reader board) shall be permitted for the site.

Continental Properties Company, Inc.

Continental Properties Company, Inc. · W134 N8675 Executive Parkway, Menomonee Falls, WI 53051

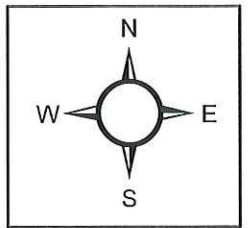
7. **Right-of-Way.** A roughly 38.5' x 458.1' (roughly .38 acres) portion of the Seggerman Parcel along Fir Road shall be dedicated to the City of Mishawaka as part of the final site plan approval and shall be determined by review of the City Director of Engineering and City Planner based on proposed construction.
8. **Lighting.** All site lighting shall be limited to 30 feet in height.
9. **Building Materials & Colors.** High-quality vinyl lap siding shall be a permitted and primary building material for all buildings on the property, including the multifamily residential buildings, the clubhouse, and any accessory buildings. For building facades which front Beacon Pkwy. and Fir Rd., Petitioner shall employ masonry (brick, brick veneer, or stone) accents; please refer to the enclosed elevations for a representative sample of these Fir- and Beacon-fronting building facades.
10. **Architecture.** The architecture shall include garages and private entrances as conceptually identified.
11. **Detention.** City shall permit the applicant to expand the existing detention pond on the southeast corner of the site as designed and approved as part of the final construction drawings.
12. **Traffic.** A Traffic Impact Study shall not be required given that the applicant is only requesting emergency access only along Fir Road.
13. **Off-Site Improvements.** Road improvements along Fir Road shall be limited to a 8' wide sidewalk located within the right-of-way. Under no circumstances shall any off-site improvements or special assessments come due as part of Continental's proposed development and subsequent construction activities.

Signed:

CONTINENTAL PROPERTIES 764 Fund LLC



By: Ben Walker
Its: Acquisitions Associate
Continental Properties Inc.
bwalker@cproperties.com
414.305.8865



ANNEX & ESTABLISH PUD

PUD AMENDMENT

GRANDE VISTA DR

N FIR RD

C-1

C-1

C-1

S-2

S-2

BEACON PKWY

Location Map

PET 23-21

HELEN M SEGGERMAN ESTATE AND
1ST SOURCE BANK (OWNERS)

NORTHWEST CORNER OF FIR ROAD
AND BEACON PARKWAY

ANNEX NORTHERN 13.55 ACRES
AND ESTABLISH PUD

AMEND PUD FOR SOUTHERN 6.88 ACRES

CLEVELAND RD

WB INDIANA TOLL RD (I-80/90)

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, WMC, MMC

OCT 27 2023

CITY OF MISHAWAKA, INDIANA

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2023-51

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 THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, in 1966 the City of Mishawaka adopted the Zoning Ordinance to regulate uses and development within the City, and

WHEREAS, uses regulated by this ordinance includes barber shops, beauty shops, and scarifying establishments including tattooing, and

WHEREAS, when the Zoning Ordinance was adopted there was no distinction between the application of permanent make-up such as microblading and scarifying establishments that include tattooing, and

WHEREAS, over the past decade as the technology and practices of applying permanent makeup have become more and more prevalent, the City has received multiple use variance requests to allow microblading and permanent makeup either by itself or as part of a beauty shop/salon, and

WHEREAS, over that period of time, no request for microblading or permanent make up has been considered controversial. In addition, each request has been recommended for approval by the Board of Zoning Appeals and were subsequently approved by the Mishawaka Common Council, and

WHEREAS, the City now has a desire to distinguish permanent make-up and microblading from scarifying and tattooing establishments, and

WHEREAS, the City has a desire to regulate microblading and permanent makeup in an identical fashion to barber and beauty shops, which are identified as a permitted use without further separation provisions in multiple commercial zoning districts, and

WHEREAS, the term Barber and Beauty Shop had not been previously defined by the Zoning Ordinance, and

WHEREAS, the terms Scarifying Establishment, Scarifying, Tattoo Establishment, and Tattooing have all been defined in the Zoning Ordinance as follows: *Scarifying establishment* means any room or space where scarifying is performed for compensation. Scarifying means a placement in, upon or under the skin of any indelible design, letter, scroll, figure, symbol or other mark placed with the aid of a surgical scalpel or other instruments. *Tattoo establishment* means any room or space where tattooing is performed for compensation. *Tattooing* means a placement in human tissue of any indelible design, letter, scroll, figure, symbol or other mark placed with the aid of needles or other instrument; or any design, letter, scroll, figure or symbol done by scarring upon or under the skin; and

WHEREAS, microblading is a semi permanent technique for enhancing the appearance of the eyebrows, in which pigment is scratched into the skin in fine, short strokes resembling hair, using a hand tool with a blade formed of tiny needles; and

WHEREAS, Permanent makeup, also known as permanent cosmetics, derma-pigmentation, micro-pigmentation, and cosmetic tattooing, is a cosmetic technique which employs tattoos as a means of producing designs that resemble makeup, such as eye-lining and other permanent enhancing colors to the skin of the face, lips, and eyelids; and

WHEREAS the distinguishing factor between scarifying/tattooing and microblading/permanent makeup is the cosmetic nature of the procedures that are designed to resemble makeup and is limited to the skin of the face, lips, and eyelids; and

WHEREAS, the City desires to regulate microblading and permanent makeup identically to Barber and Beauty Shop uses within the zoning ordinance.

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", be, and the same is hereby amended as follows:

Add the following:

Sec. 137-4. - Definitions

Add the following:

Barbershops and beauty shops means any use regulated by the State of Indiana Board of Cosmetology and Barber Examiners as may be amended including Barbers, Beauty Culture Instructors, Cosmetologists, Electrologists, Estheticians, Manicurists, Beauty Culture Salons, Beauty Culture Schools, and Tanning Facilities. For the purposes of this ordinance, Barbershops and beauty shop uses shall also include microblading and permanent makeup, but shall exclude scarifying, tattoos and tattooing as defined herein.

Microblading is a semi permanent technique for enhancing the appearance of the eyebrows, in which pigment is scratched into the skin in fine, short strokes resembling hair, using a hand tool with a blade formed of tiny needles.

Permanent makeup, also known as permanent cosmetics, derma-pigmentation, micro-pigmentation, and cosmetic tattooing, is a cosmetic technique which employs tattoos as a means of producing designs that resemble makeup, such as eye-lining and other permanent enhancing colors to the skin of the face, lips, and eyelids.

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

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

STAFF REPORT

Location: Zoning Ordinance Amendment to Section 137-4 Definitions

Date: November 14,
2023

Petition: 23 23

Prepared By: CH

GENERAL INFORMATION

Applicant: City of Mishawaka Planning Commission

Request: The City is seeking to amend the Definitions for *Barbershops and beauty shops*, and add definitions for *Microblading* and *Permanent makeup*.

Applicable Regulations: Sec. 137-41 (b) (2) - Amendment of this chapter and the zoning map.

ANALYSIS

Staff has attached a proposed ordinance amendment to make changes to Section 137-4. -Definitions of the Zoning Ordinance to allow microblading and permanent make up in any zoning district that allows barbershops and beauty shops.

Starting in 2018, the Planning Department was made aware of a process known as microblading, a form of semi-permanent makeup specific to eyebrows.

When we learned the St. Joseph County Health Department was requiring providers to apply for a tattoo license, the City Planning Department treated this process the same as we would a tattoo. Tattoos are a Conditional Use in the C-1 District with separation restrictions. The more filings we heard, 15 in total, the more we understood the process was becoming more common and usually takes place within an existing salon where other services like hair, nails, massage, etc. were offered. The Common Council has approved all the requests, 5 PUD Amendments and 10 Use Variances, to allow microblading without controversy.

Barbershops and beauty shops are a use allowed in C-1, C-2, C-3, C-4, C-5, C-7, C-8, C-9 and C-10 but are not defined within the Ordinance. Microblading and permanent makeup currently do not appear anywhere in the Ordinance.

Therefore, we proposed the following changes to Section 137-4. -Definitions

Add the following:

Barbershops and beauty shops means any use regulated by the State of Indiana Board of Cosmetology and Barber Examiners as may be amended including Barbers, Beauty Culture Instructors, Cosmetologists, Electrologists, Estheticians, Manicurists, Beauty Culture Salons, Beauty Culture Schools, and Tanning Facilities. For the purposes of this ordinance, Barbershops and beauty shop uses shall also include microblading and permanent makeup, but shall exclude scarifying, tattoos and tattooing as defined herein.

Microblading is a semi permanent technique for enhancing the appearance of the eyebrows, in which pigment is scratched into the skin in fine, short strokes resembling hair, using a hand tool with a blade formed of tiny needles.

Permanent makeup, also known as permanent cosmetics, derma-pigmentation, micro-pigmentation, and cosmetic tattooing, is a cosmetic technique which employs tattoos as a means of producing designs that resemble makeup, such as eye-lining and other permanent enhancing colors to the skin of the face, lips, and eyelids.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 23-23 to modify *Section 137-4. Definitions* to add definitions for **Barbershops and beauty shops, microblading, and permanent makeup**. This recommendation is based upon the following findings of fact:

- (1) the proposed change in code relative to allowing microblading by right within any district that currently allows barbershops and beauty shops does not contradict, change, or alter the City of Mishawaka 2000 Comprehensive plan;
- (2) The proposed changes consider the recent advancements in beauty procedures and aims to reduce the number of PUD amendments and Use Variances brought before the Common Council;
- (3) The proposed change does not alter or prohibit the most desirable use for which the land in each district is adapted;
- (4) By allowing microblading by right within any district that currently allows barbershops and beauty shops, it allows those businesses to evolve to changing trends, which will ultimately help with the conservation of property values throughout the City; and
- (5) the proposed change will not hinder responsible development and growth of the City, and will aid in the City's desire to encourage additional investment.

ATTACHMENTS

Proposed Ordinance Revision, Table of Previously Approved Use Variances/PUD Amendments for Microblading

Microblading

Case #	Address	Owner/Salon	Date of Resolution/Ordinance	
PET 18-05	6910 N Main Unit 21 & 22	Jennifer Gerber	1/23/18	5612
PET 19-03	6910 N Main Unit 13 D	Danielle Rzepka	4/2/19	5652
PET 19-07	6910 N Main Unit 25 & 26	Jack Schoenthaler	8/6/19	5662
AP 19-23	6501 Grape Rd Suite 1205	Sola Salon	6/18/19	R2019-17
AP 19-38	605 W Edison Unit L	LaSheen Taylor Xclusive Beauty 'n BROWS	8/19/19	R2019-23B
AP 19-28	228 W Edison Suite 600	Lindsay Bowerman	9/3/19	R2019-21
PET 19-10	239 W University Dr	Blown Away	10/8/19 -	5664
AP 20-43	3602 Grape Rd Suite 11	Rootz Salon	10/5/20	R2020-20
AP 21-24	218 W Cleveland	Salon Sixteen	8/17/21	R2021-20
AP 21-41	420 W Cleveland Rd	Tribe Salon	12/21/21	R2021-31
AP 22-02	3931 LWE	That Hair Place	3/20/22	R2022-05
AP 22-04	1238 E University	Sola Salon	3/20/22	R2022-06
AP 22-13	4125 Grape	Salon Studio Suites Kelly Reynolds	7/5/23	R2022-13
AP 23-06	3607 Grape	Blush Studio Salon	3/20/23	R2023-05
PET 23-19	6910 N Main Unit 14	Nicole Walasinski	9/11/23	5858

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, AMC, MMC

NOV 09 2023

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2023-52

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2023

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Public Safety LIT for the budget adopted for the fiscal year ending December 31, 2023.

Section 2. There is hereby transferred and reappropriated the sum of \$130,000.00 as follows:

Public Safety LIT Fund

From: <u>Capital Outlays</u>		
2240-50-445-09	Vehicles	\$130,000.00
To: <u>Debt Service</u>		
2240-50-438-01	Principal	\$124,000.00
2240-50-438-02	Interest	<u>\$ 6,000.00</u>
		\$130,000.00

Section 3. 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 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, WMC, MMC

NOV 09 2023

City Clerk
Mishawaka, IN

Date: November 9, 2023
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: Public Safety LIT transfer

Requesting your approval for first reading is a transfer of public safety LIT funds.

In 2021 we ordered two fire trucks that were approved to be paid for by the Mishawaka Local Bond Bank. When preparation for the 2023 budget occurred, the trucks had still not arrived, and their bond bank payments were missed during budget prep.

This transfer moves unused funds from the police car line to the debt service lines to make these payments to the bond bank.

Please let me know if you have any further questions.

c: David A. Wood

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC

NOV 09 2023

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2023-53

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE 5641 OF THE
COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, APPROVING THE PARTICIPATION IN THE
STATE OF INDIANA DEFERRED COMP MATCHING
PLAN, ADOPTION AGREEMENT, AND AMENDMENT 1**

WHEREAS, the City of Mishawaka, Indiana, (hereinafter referred to as the "Participating Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a defined contribution plan, funded by employer contributions;

WHEREAS, the Participating Employer has reviewed the State of Indiana Deferred Compensation Matching Plan ("Plan");

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan;

WHEREAS, the Mishawaka Common Council ("Governing Body") is authorized by law, IC 5-10-1.1-7.3, to adopt this ordinance approving the Adoption Agreement on behalf of the Participating Employer;

Therefore, the Governing Body of the Participating Employer hereby resolves:

Section 1. The Participating Employer adopts the Plan and the Trust Agreement ("Trust") for the Plan for its Employees.

Section 2. The Participating Employer acknowledges that the Deferred Compensation Committee ("Trustees") are only responsible for the Plan and have no responsibility for other employee benefit plans maintained by the Participating Employer.

Section 3. The Participating Employer hereby adopts the terms of the Adoption Agreement, which is attached hereto and made a part of this ordinance. The Adoption Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Adoption Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan.

Section 4. The Participating Employer hereby authorizes the Auditor of the State of Indiana ("Administrator"), in conjunction with the Deferred Compensation Committee ("Trustees"), to amend the Plan on its behalf as provided under Section 18.01 of the Plan.

The Trustees and the Administrator will maintain or have maintained on their behalf a record of the Participating Employers, and the Trustees and the Administrator will make reasonable and diligent efforts to ensure that Participating Employers have actually received and are aware of all Plan amendments.

Section 5.

(a) The Participating Employer shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.

(b) The Participating Employer accepts the administrative services to be provided by the Administrator of the Plan and any services provided by a Service Manager (as defined in the Plan) as delegated by the Administrator or Trustees. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees will be charged to the Participants' Accounts, and not to the Participating Employer.

Section 6.

(a) The Participating Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements, if it takes the following actions:

- (i) A ordinance must be adopted terminating its participation in the Plan.
- (ii) The ordinance must specify when the participation will end.

The Trustees shall determine whether the ordinance complies with the Plan, and all applicable federal and state laws, shall determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan.

(b) The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.

Section 7. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed

as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan. Only the assets attributable to a particular Participating Employer and its Employees are available to pay benefits to those Employees and their Beneficiaries.

Section 8. This ordinance and the Adoption Agreement shall be submitted to the Trustees for their approval. The Trustees shall determine whether the ordinance complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Trustees may refuse to approve an Adoption Agreement by an Employer that does not have state statutory authority to participate in the Plan. The Trustees may also refuse to approve an Adoption Agreement that is ambiguous or that does not comply with the requirements of the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this ordinance and the Adoption Agreement are adopted and executed in accordance with the requirements of applicable law.

Section 9. This Adoption Agreement may be used only in conjunction with the Plan. Failure to properly complete this Adoption Agreement may result in the failure of the Plan to qualify.

Section 10. This ordinance shall be in full force and effect from and after its passage, signing, attestation and legal publication.

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 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

NOV 09 2023

City Clerk
Mishawaka, IN

Date: November 9, 2023
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: Amending Ordinance 5641 Deferred Comp Matching Plan

Requesting your approval for first reading is an amendment to the Deferred Compensation Matching Plan – Adoption Agreement to be effective the first payroll of 2024.

In 2018, a 401(a) plan was adopted where the City matched up to 1% of an employee's base pay if the employee contributed the same.

The 2024 salary ordinances were approved with a 2% City match. This amendment updates Section III, part A, subsection 2 to this 2%.

Please let me know if you have any questions.

c: David A. Wood

**THE STATE OF INDIANA DEFERRED
COMPENSATION MATCHING PLAN
ADOPTION AGREEMENT**

ADMINISTRATOR

Auditor of the State of Indiana
200 West Washington Street
State House Suite 240
Indianapolis, Indiana 46204
Telephone: (317) 233-3300
Facsimile: (317) 233-2794

PARTICIPATING EMPLOYER

Name: City of Mishawaka

GOVERNING BODY

Name: City of Mishawaka Common Council
Address: 100 Lincolnway West, Mishawaka, IN 46544
Phone: 574-258-1616
Facsimile: 574-258-1628
E-mail: dblock@mishawaka.in.gov

Person Authorized to receive Official Notices from
the Plan or Administrator and to access account and
Plan information: Rebecca S. Maguire

DISCLOSURE OF OTHER 401(a) PLAN(S)

This Participating Employer ☐ does or ☒ does not have an existing defined contribution plan(s). If the Participating Employer does have one or more defined contribution plans, the Governing Body must provide the plan name and name of the provider and such other information requested by the Administrator.

Section I. Types of Employer Contributions Under the Plan. The Participating Employer shall provide the following types of contributions to Eligible Employees under this Plan (check all that apply):

- ☒ Matching Contributions.
- ☐ Non-Matching Contributions.

Section II. Eligibility Requirements. Only Employees as defined in the Plan may be covered by the Adoption Agreement. Independent contractors may not participate in the Plan. Subject to other conditions in the Plan and this Adoption Agreement, the Participating Employer may designate which categories of employees are eligible to participate in the Plan. The Employer shall provide the Trustees with the name, address, Social Security Number, and date of birth for each Eligible Employee, as defined by the Adoption Agreement. A Participating Employer may also establish a waiting period before an Eligible Employee may become a Participant in the Plan. For purposes of determining a period of service, any period of time during which an individual is considered employed by the Participating Employer (including sick leave, personal leave, vacation leave, and paid time off) shall be included in the period of service calculation).

A. Eligibility For Matching Contributions

1. Eligible Classes of Employees (check one)

- ☐ All Employees.
- ☒ All Employees with the following exclusions (select all that apply):
 - ☐ Elected or appointed officials
 - ☒ Employees who are not covered by the Participating Employer's defined benefit retirement plan(s)
 - ☐ Other (must specify): _____

If "Other" is selected, the exclusion must be described in a manner that is definitely determinable and that does not allow for Participating Employer discretion.

2. Waiting Period - The Employer hereby elects the following (elect "no waiting period" or one of the waiting period options below):

- ☒ **No waiting period.** An Eligible Employee may become a Participant for matching contributions immediately upon meeting the eligibility conditions of the Plan.
- ☐ Matching contributions will be made only after satisfying a waiting period described under one of the following options (check one):
 - ☐ **Minimum Period of Service (if checked, please complete all items below):**

The waiting period for participation in the Plan shall be _____ (not to exceed 12 months) of service, calculated from the commencement of the Eligible Employee's employment with the Employer.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior service as an Employee for purposes of satisfying the waiting period.

Separate periods of service ☐ will be ☐ will not be added together to determine whether the waiting period has been satisfied.

☐ **Minimum Period of Contributions to the Deferred Compensation Plan (if checked, please complete all items below):**

The waiting period for participation in the Plan shall be _____ (not to exceed 12 months) from the date the Eligible Employee first makes contributions to the Deferred Compensation Plan. An eligible employee ☐ will ☐ will not be required to continuously make contributions throughout the waiting period in order to be eligible for matching contributions.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior periods of time they were making contributions to a 457(b) Plan for purposes of satisfying the waiting period.

After initially meeting the waiting period, any interruption of employee contributions to the Deferred Compensation Plan ☐ will ☐ will not require the employee to meet another waiting period to qualify for matching contributions.

Separate periods of service in which deferrals are made as an Eligible Employee ☐ will ☐ will not be added together to determine if the waiting period has been satisfied.

B. Eligibility For Non-Matching Contributions

1. Eligible Classes of Employees (check one)

☐ All Employees.

☐ All Employees with the following exclusions (select all that apply):

☐ Elected or appointed officials

- ☐ Employees who are not covered by the Participating Employer's defined benefit retirement plan(s)
- ☐ Other (must specify): _____

If "Other" is selected, the exclusion must be described in a manner that is definitely determinable and that does not allow for Participating Employer discretion.

2. **Waiting Period** - The Employer hereby elects the following (elect "no waiting period" or one of the waiting period options below):

- ☐ **No waiting period.** An Eligible Employee may become a Participant for non-matching contributions immediately upon meeting the eligibility conditions of the Plan.
- ☐ Non-matching contributions will be made only after satisfying a waiting period described under one of the following options (check one):

☐ **Minimum Period of Service (if checked, please complete all items below):**

The waiting period for participation in the Plan shall be _____ (not to exceed 12 months) of service, calculated from the commencement of the Eligible Employee's employment with the Employer.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior service as an Employee for purposes of satisfying the waiting period.

Separate periods of service ☐ will be ☐ will not be added together to determine whether the waiting period has been satisfied.

☐ **Minimum Period of Contributions to the Deferred Compensation Plan (if checked, please all complete items below)**

The waiting period for participation in the Plan shall be _____ (not to exceed 12 months) from the date the Eligible Employee first makes contributions to the Deferred Compensation Plan.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior contributions made to a prior 457(b) Plan for purposes of satisfying the waiting period.

After initially meeting the waiting period, any interruption of

employee contributions to the Deferred Compensation Plan ☐ will ☐ will not require the employee to meet another waiting period to qualify for matching contributions.

Separate periods of service in which deferrals are made as an Eligible Employee ☐ will ☐ will not be added together to determine if the waiting period has been satisfied.

Section III. Amount of Employer Contributions. A Participating Employer may make Matching Contributions and/or Non-Matching Contributions, pursuant to a definite, pre-determined formula, as specified below. Matching Contributions and Non-Matching Contributions that are tied to Payroll Periods (as defined in this Adoption Agreement) must be remitted to the Administrator no later than 15 business days after the Payroll Period. Annual Contributions must be remitted to the Administrator no later than 15 days after the end of the Plan Year.

A Participating Employer may impose conditions on the receipt of Matching and Non-Matching Contributions – such as the requirement to be employed as of a particular date, the requirement to have made employee contributions for a specified period of time or any other objectively determinable requirement.

For purposes of computing matching or non-matching contributions, “Compensation” is subject to the limits imposed by Internal Revenue Code 401(a)(17).

The Participating Employer hereby elects to make contributions as follows:

A. Matching Contributions.

1. Matching Contribution Amount (check one)

- ☐ **Flat Dollar Match:** For each Payroll Period in which the Participant contributed at least \$_____ (\$15 to \$25) to the Deferred Compensation Plan, the Participating Employer will contribute a flat dollar amount as shown below (complete as applicable; amount may not result in a zero flat dollar match):

\$_____ per weekly Payroll Period
\$_____ per bi-weekly Payroll Period
\$_____ per semi-monthly Payroll Period
\$_____ per monthly Payroll Period

The amount of the matching contribution ☐ is ☐ is not subject to a maximum cap as elected in Item 2 below.

- X** **Percentage Match:** For each Payroll Period in which the Participant contributed to the Deferred Compensation Plan, the Employer will contribute 100 % (insert percentage; may not be zero) of the dollar amount contributed to the Deferred Compensation Plan. **(For example, if an**

Employer elects a 50% match, then for every \$10 the Participant contributes to the Deferred Compensation Plan, the Employer will contribute \$5 to this Plan).

The amount of the matching contribution X is ☐ is not subject to a maximum cap as elected in Item 2 below.

2. Maximum Matching Contribution (if a matching contribution cap is elected in item 1 above, check one of the following):

- ☐ **Flat Dollar Cap** - In no event will Matching Contributions made on behalf of a Participant exceed a flat dollar amount equal to (may not result in zero dollar amount):

\$_____ per weekly Payroll Period
\$_____ per bi-weekly Payroll Period
\$_____ per semi-monthly Payroll Period
\$_____ per monthly Payroll Period
\$_____ per Plan Year

- X **Cap Equal to Percentage of Total Compensation:** In no event will Matching Contributions made on behalf of a Participant exceed 2 % (may not be zero) of the Participant's Compensation X per Payroll Period ☐ per Plan Year.

3. Additional Allocation Conditions. In order to receive a matching contribution, each Eligible Employee must satisfy the following additional conditions (conditions must be objectively determinable):

_____.

B. Non-Matching Contributions.

1. Non-Matching Contribution Amount (check one):

- ☐ **Annual Contributions:** An annual contribution each Plan Year of \$_____ or _____% of Compensation per Eligible Employee Participant (may not result in total contribution of zero).
- ☐ **Special One-Time Contribution:** A one-time contribution of \$_____ or _____% of Compensation per Eligible Employee (may not result in total contribution of zero) to be made as of the following date: _____.
- ☐ **Per Payroll Period Contribution:** _____% (may not be zero) of Compensation per Payroll Period or a flat dollar amount per Payroll Period as shown below (complete as applicable; amount may not result in a zero flat dollar amount):

\$ _____ per weekly Payroll Period
\$ _____ per bi-weekly Payroll Period
\$ _____ per semi-monthly Payroll Period
\$ _____ per monthly Payroll Period

2. **Additional Allocation Conditions.** In order to receive a non-matching contribution, each Eligible Employee must satisfy the following additional conditions (conditions must be objectively determinable): _____

Conditions for Annual Contribution: _____

Conditions for Special One-Time Contribution: _____

Conditions for Per Payroll Period Contribution: _____

Section IV. Payroll Period. The payroll period of the Participating Employer is:

- ☐ Weekly
☒ Bi-Weekly
☐ Semi-Monthly
☐ Monthly

Section V. Modification and Termination of the Adoption Agreement. If a Participating Employer desires to amend any of its elections contained in this Adoption Agreement, the Governing Body by official action must adopt an amendment of the Adoption Agreement or a new Adoption Agreement must be adopted and forwarded to the Trustees for approval. The amendment of the new Adoption Agreement is not effective until approved by the Trustees and other procedures required by the Plan have been implemented. The Administrator shall inform the Participating Employer of any amendments made to the Plan.

Adoption Agreement may be terminated only in accordance with the Plan. The Administrator shall inform the Participating Employer of the discontinuance or abandonment of the Plan.

Effective Date. This Plan will be effective for this Employer as of the later of (1) the first day of the Plan Year (January 1) in which this Adoption Agreement is executed by the Employer; or (2) January 1, 2024.

EXECUTION BY EMPLOYER

The foregoing Adoption Agreement is hereby adopted and approved on the ____ day of _____, 2023.

Signed: _____

Printed Name: _____

Title: _____

Date of Signature: _____

NOTICE TO EMPLOYER

This Adoption Agreement may only be used in conjunction with The State of Indiana Deferred Compensation Matching Plan.

The failure to properly complete this Adoption Agreement or to, operate and maintain the Plan and Trust in accordance with the terms of the completed Adoption Agreement, Master Plan Document, and Trust may result in disqualification of the Plan under the Code. Inquiries regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the IRS advisory letter should be directed to the Administrator. The Administrator is the Auditor of the State of Indiana, with its primary business offices located at: 200 West Washington Street, State House Suite 240, Indianapolis, Indiana 46204. The business telephone number is: (317) 233-3300. The primary person to contact is: _____.

TRUSTEES APPROVAL

The Adoption Agreement is approved by the Board of Trustees of the State of Indiana Deferred Compensation Matching Plan. Contributions shall first be remitted as follows:

- ☐ within 15 business days after the Payroll Period ending _____, 20____.
- ☐ other (must specify): _____.

Dated: _____

By: _____

Title: _____
on behalf of the Board of Trustees

**State of Indiana Deferred Compensation Matching Plan Amendment
City of Mishawaka**

Amendment 1

Pursuant to Section III.A.2 of the State of Indiana Deferred Compensation Matching Plan Adoption Agreement, for purposes of calculating the cap on an employer contribution, only the participant's "base salary" will be considered.

EXECUTION BY EMPLOYER

The foregoing Adoption Agreement is hereby adopted and approved on the ____ day of _____, 20__.

Signed:_____

Printed Name:_____

Title:_____

Date of Signature:_____

TRUSTEES APPROVAL

The Adoption Agreement is approved by the Board of Trustees of the State of Indiana Deferred Compensation Matching Plan. Contributions shall first be remitted as follows:

- ☐ within 15 business days after the Payroll Period ending _____, 20__.
- ☐ other (must specify): _____.

Dated: _____

By: _____

Title: _____

on behalf of the Board of Trustees