AGENDA

Monday, February 16, 2015

Meetings of Standing Committees
Council Conference Room
6:45 P.M.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of the Minutes of the Previous Regular Meeting**

   February 16, 2015

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

   A letter from the Board of Zoning Appeals regarding recommendations from their February 10, 2015 meeting.

   A letter from the City Plan Commission regarding recommendations from their February 10, 2015 meeting.

   Outstanding and Unpaid Checks for a period of 2 years to be voided.

   A public hearing on Vacation 2015-01 as required by State Statute on behalf of LCS Realty to vacate South of SR23 and West of Cleveland Rd (Access Drive)

6. **Report of Special Committee**
7. **Ordinances on First Reading**

   P.O. NO. 2015-02 Vacation of Public Right of Way - South of State RD 23 and West of Cleveland Rd (Access Drive)

   P.O. NO. 2015-03 Annex and Zone I-2 Heavy Industrial - South of the Conrail RR adjacent to 226 S. Elder

8. **Resolutions**

   R2015-02 Approving the Sale of Bonds to the Bond Bank

   R2015-03 Historic Preservation Commission

   R2015-04 Use Variance to allow a Soccer Instruction Facility - 3635 N Home Street

9. **Ordinances on Second Reading**
10. **Privilege of the Floor – Non-Agenda Items**
11. **Unfinished Business**
12. **New Business**

Change the April 6th meeting to March 30th

Mayor Wood's State of the City

13. Adjournment

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
February 2, 2015

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday February 2, 2015, at 7:00 p.m. The meeting was called to order by Council President Emmons and all were asked to stand for the Pledge of Allegiance.

Roll Call.
Present: John Reisdorf, Ron Banicki, Kate Voelker, John Roggeman, Mike Compton, Woody Emmons, Mike Bellovich, Dan Bilancio, Matt Mammolenti.

Others present; Council Attorney Mike Trippel.

The minutes from the January 19, 2015 meeting were approved as received from the City Clerk's Office.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-01** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-01

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA
(Rezone from I-2 Heavy Industrial to R-1 Single Family – 140, 144, 148, 150 W. Marion St.)

Mr. Banicki reported the Land Use Planning Committee recommended this proposed ordinance be adopted and moved for acceptance of same upon a second by Mr. Reisdorf, motion carried.

Pat Benford, Petitioner stated they are seeking Residential zoning for these four lots, everything around them was residential.

Mr. Banicki asked if she owned all of these lots. Mrs. Benford stated that she and her husband own 2 lots, her deceased parents owned 1 lot and their daughter owned the fourth lot. She said they are trying to sell and close on her parents lots and cannot do so until the zoning is changed.

Mr. Banicki asked if any of the lots were vacant. Mrs. Benford said the lot next to her and her husband's house was vacant and they plan to keep it that way.

Question was called for at 7:07 p.m. on **PROPOSED ORDINANCE NO. 2015-01** the vote being 9 to 0 thus it becomes **ORDINANCE NO. 5477. Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Banicki, Mr. Roggeman, Mrs. Voelker**

Vote: Motion carried by unanimous roll cal. There being no further business to come before the Council, President Emmons adjourned the meeting at 7:09 p.m.

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

Woody Emmons ____________________
Woody Emmons, Presiding Officer

City of Mishawaka

DAVID A. WOOD, MAYOR **DEPARTMENT OF CITY PLANNING**

February 11, 2015

RECEIVED
DEBORAH S. BLOCK, MMC
FEB 11 2015
CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
February 10, 2015, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variance was considered:

APPEAL #15-07 An appeal submitted by Hack Properties, LLC, requesting a Use Variance for **3635 North Home Street** to allow a soccer instruction facility on I-1 Light Industrial zoned property.

The Board, with a vote of 4-0, recommended approval subject to the following conditions:

1. Use Variance shall be limited to indoors.
2. A site plan shall be submitted to the Department of City Planning showing proposed parking layout in regards to provided parking space per use.
3. Temporary signage is prohibited.

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Doug Merritt

STAFF REPORT

Location: 3635 N Home Date: February 10, 2015

Appeal: 15 07 Prepared By: CH

GENERAL INFORMATION

Applicant:	Doug Merritt for Hack Properties, LLC
Status:	Authorized Representative for Property Owner
Request:	Use Variance for indoor youth soccer instruction in I-1 Light Industrial District
Zoning Classification:	I-1 Light Industrial District
Lot Size:	1.73 acres
Applicable Regulations:	Section 137-42 (4) Board of Zoning Appeals

SPECIAL INFORMATION

Area Development Pattern:	North:	I-1 Light Industrial
	South:	I-2 Heavy Industrial
	East:	I-1 Light Industrial
	West:	I-1 Light Industrial
Thoroughfare:	Home Street	
School District:	P-H-M	
Township:	Penn	
Public Utilities:	Available and existing	
Comprehensive Plan:	Industrial	

ANALYSIS

The appellants are requesting a use variance to allow for indoor youth soccer instruction 3635 Home St. The property is zoned I-1 Light Industrial and was previously Classic Door and Trim. This type of recreational use is not a permitted use in an industrial zoned district and would need a C-1 General Commercial zoning.

The request for the proposed use variance, instead of a rezoning to C-1 General Commercial, would keep the zoning intact for the future while still enabling them to use the property for indoor soccer recreational use.

The property is located along Home Street, an identified industrial area. Industrial zoned properties are located to the north, south, east and west, however, there are a few commercial zoned properties contained in this industrial park. The existing building is approximately 3,500 square feet.

Parking will need to be provided at a rate of 4 per 1,000 square feet, for a total of 14 spaces. There are 16 lined parking spaces with room to add a couple more.

All pertinent City Departments have reviewed this request and approved offering the following comments: Building Department requires a building occupancy permit.

RECOMMENDATION

The Staff recommends in favor of Appeal 15-07, a use variance for indoor soccer recreational use at 3635 N. Home Street, subject to the following conditions:

1. Use variance shall be limited to indoors;
2. A site plan shall be submitted to the Department of City Planning showing proposed parking layout in regards provided parking space per use;
3. Temporary signage is prohibited.

This recommendation is based on the following reasons:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will have no impact on the adjacent industrial uses that currently operate there. The proposed indoor soccer recreational use is less intense than other uses in the area. A similar recreational use (Gymnastics Michiana) is also located along Home Street.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because of the industrial nature of the area along Home Street, and the established recreational use.

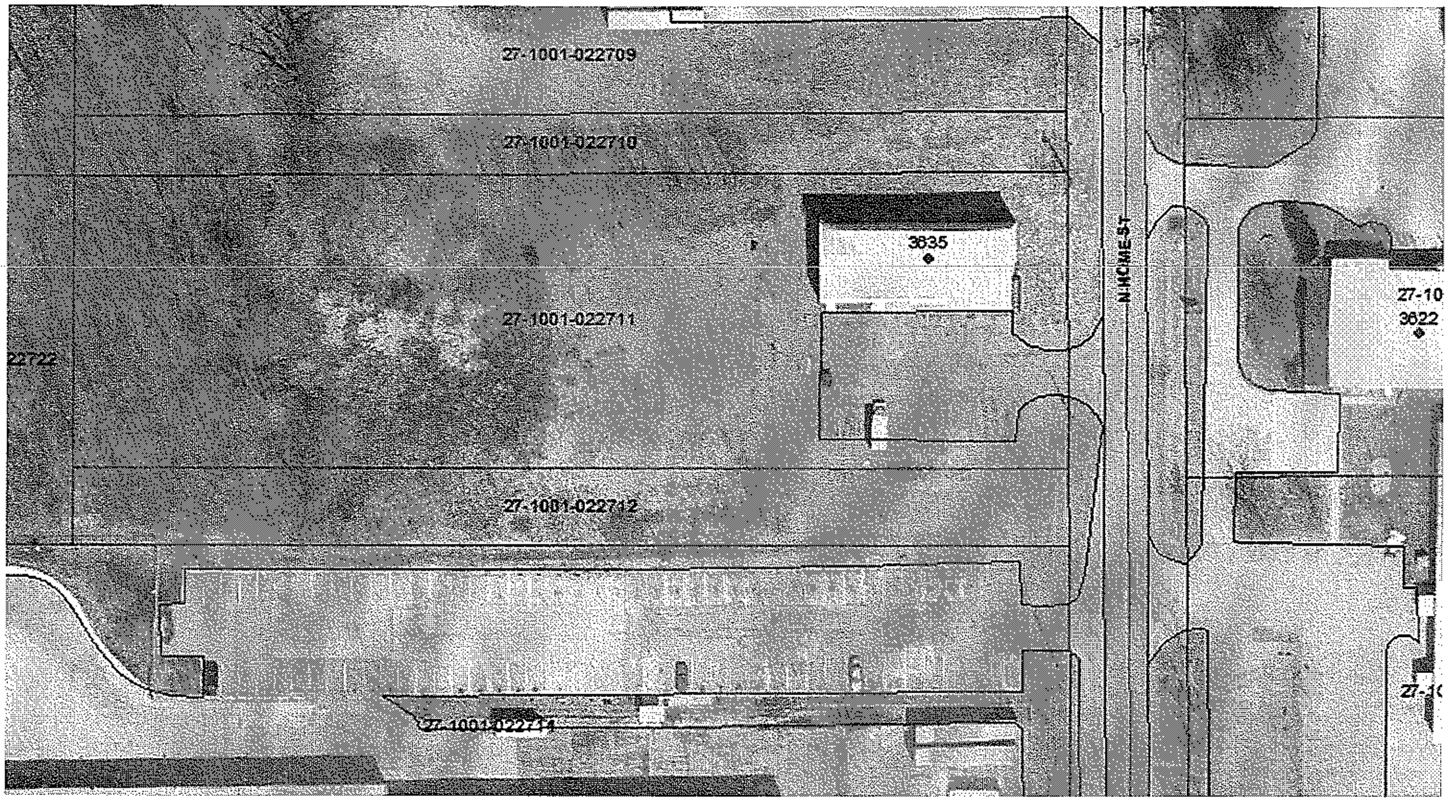
3. The need for a variance arises from the nature of the area, where property owners are very protective of the intensive zonings of their properties. A use variance would allow the indoor soccer recreational use, while still protecting the industrial zoning for future use.

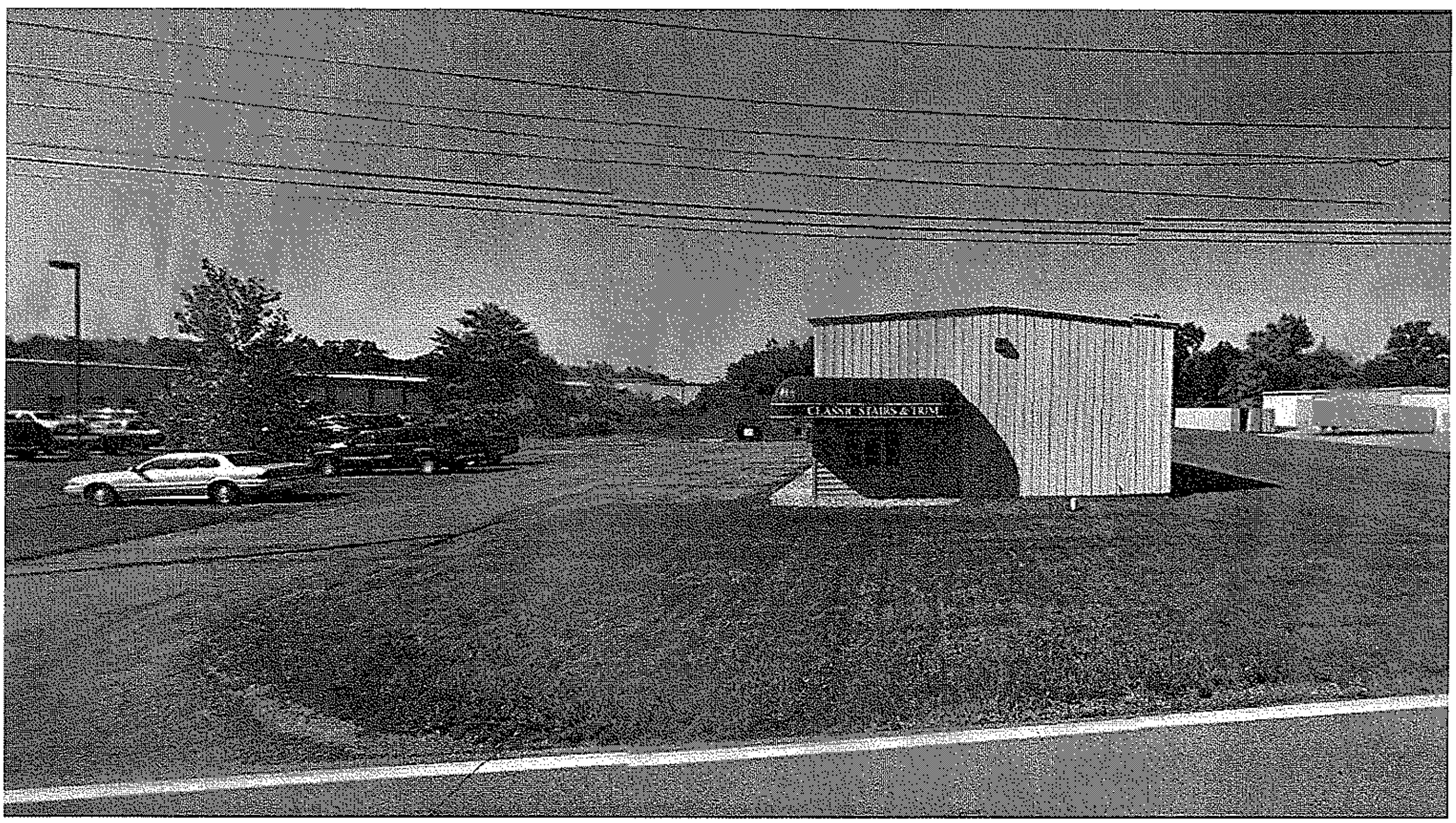
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current I-1 Light Industrial zoning would not allow for the proposed indoor soccer recreational uses.

5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies other surrounding areas as industrial and the property will remain zoned industrial. The approval is consistent with the goals and objectives of the Comprehensive Plan.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, VARIANCE REQUEST & LOCATION MAP


27-1001-022709
27-1001-022710
3835
N HOME ST
27-1001-022711
22722
27-10
3622
27-1001-022712
27-1001-022714
27-10


CLASSIC STAIRS & TRIM

City of Mishawaka

DAVID A. WOOD, MAYOR **DEPARTMENT OF CITY PLANNING**

February 11, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 11 2015

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
February 10, 2015, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #15-03 A petition submitted by LCS Realty LLC requesting to vacate public right-of-way, more specifically a portion of Cleveland Road in front of **227 East Cleveland Road, Granger.**

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

PETITION #15-04 A petition submitted by Marc V. Campbell requesting to annex and zone property located to the **south of 226 South Elder Road** to I-2 Heavy Industrial District.

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

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

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Terry Lang

City Hall, 600 East Third Street, Mishawaka, IN 46544-2241 (574) 258-1625 FAX (574) 968-6999
E-mail planning @ Mishawaka.in.gov

STAFF REPORT

Location: Portion of Cleveland Road north of 227 E Cleveland Rd   Date: February 10, 2015

Petition: 15-03   Prepared By: GGS

GENERAL INFORMATION

Applicant:	LCS Realty LLC
Status:	Adjacent Property Owner
Request:	Vacate Public Right of Way
Zoning Classification:	Public Right of Way
Applicable Regulations:	IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern:	North:	S-2 Planned Unit Development
	South:	S-2 Planned Unit Development
	East:	R-3 Multi-Family Residential
	West:	S-2 Planned Unit Development
Thoroughfare:	Cleveland Road	
School District:	Penn Harris Madison School Corporation	
Public Utilities:	Public Right-of_way	
Comprehensive Plan:	Public Right of Way	

ANALYSIS

The Petitioners, LCS Realty LLC, is requesting to vacate public right-of-way being a portion Cleveland Road. The portion of Cleveland Road to be vacated is a small drive located north of 227 E Cleveland Road, Belmont Beverage, and south of State Road 23. This portion of road used to be a part of the main Cleveland Road thoroughfare until Cleveland was rerouted to the northwest to connect to a traffic light at State Road 23. This portion of Cleveland Road to be vacated is currently utilized as an access drive from the rerouted Cleveland Road to the filling station/convenience store which is located to the west of Belmont Beverage.

The petitioner desires to vacate the right-of-way in order to expand parking. Due to the amount of traffic on State Road 23, a cross-access easement shall be established within the vacated right of way. The purpose of the easement will allow vehicles from businesses to the west to have access to the rerouted Cleveland Road and the traffic light at State Road 23 and vehicles may access these businesses via Cleveland Road without having to access them from State Road 23.

Recommendation

Staff recommends in favor of Petition 15-03, with the establishment of a cross-access and utility easement and, to vacate the portion Cleveland road north of 227 Cleveland Road and south of State Road 23. This recommendation is based on the following findings of fact.

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

2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. Adjacent proprieties have access off of State Road 23 and a cross access easement will be provided within the portion of vacated right-of-way.

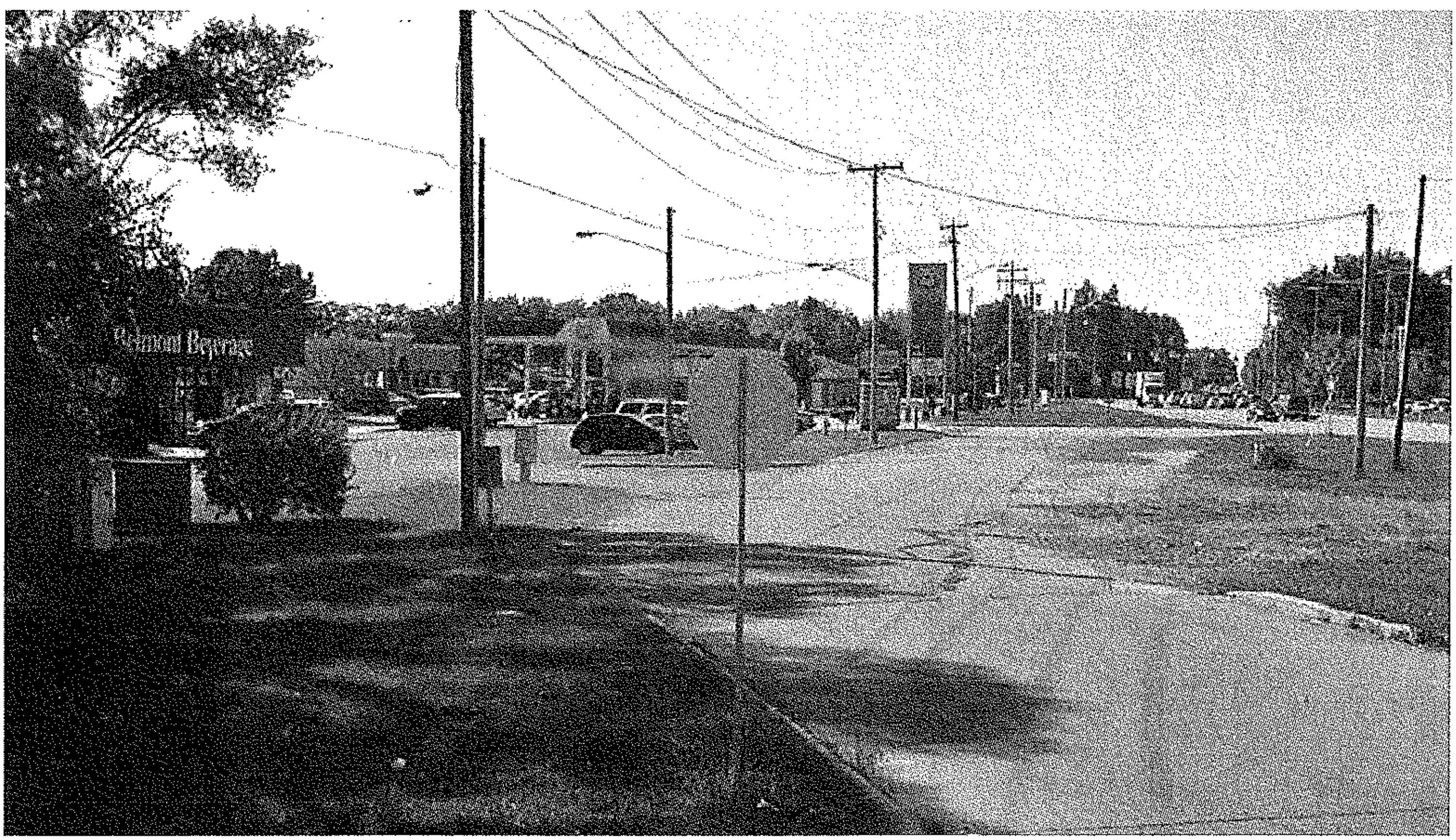
3) The right-of-way to be vacated does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;

4) The proposed vacation will not hinder the use of any public way, utility or place.

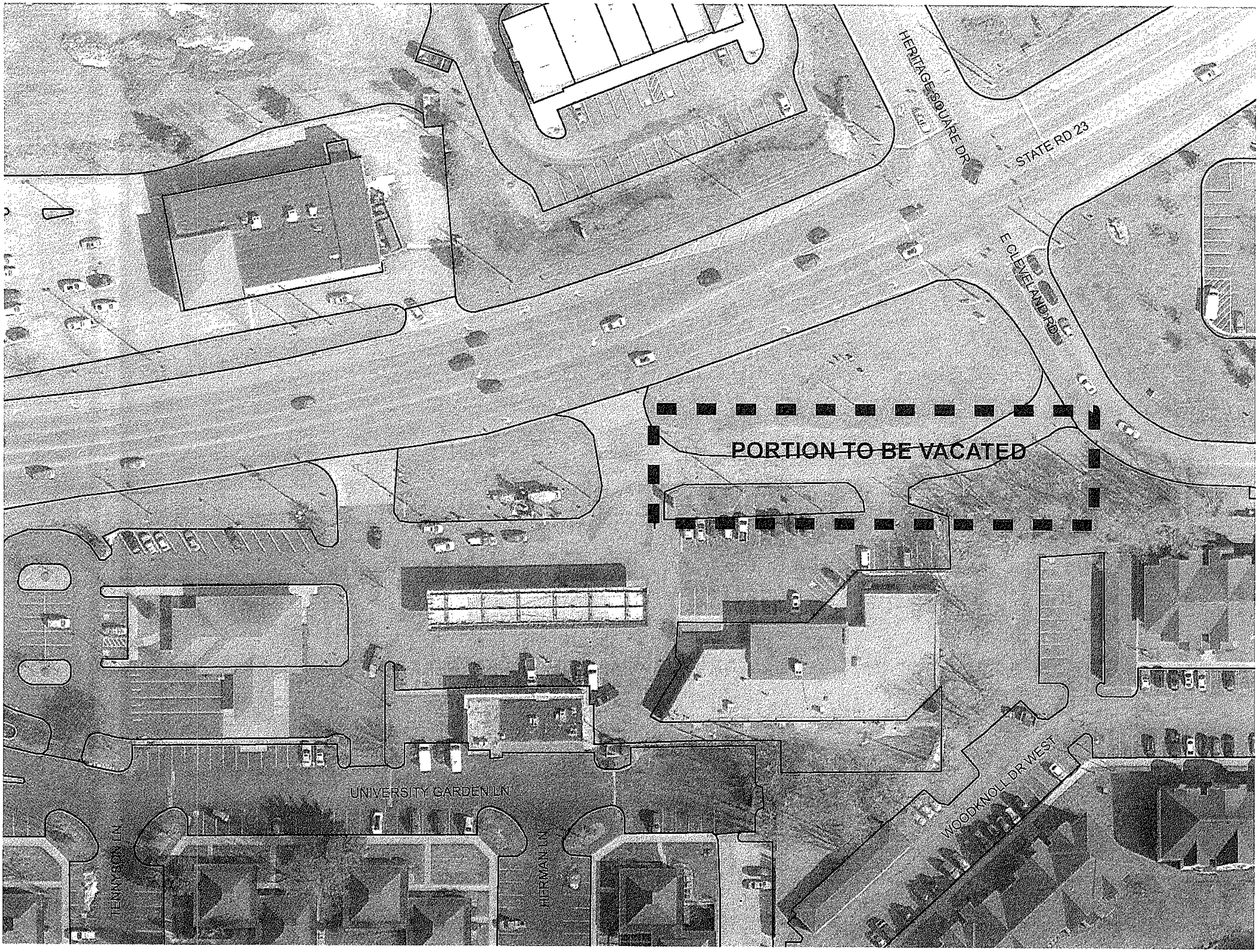
5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

Attachments

Petition, Photograph, Vacation Diagram



View looking west onto portion of Cleveland Rd to be vacated


HERITAGE SQUARE DR
STATE RD 23
E CLEVELAND RD
PORTION TO BE VACATED
UNIVERSITY GARDEN LN
WOODKNOLL DR WEST
TENNYSON LN
HERMAN LN

STAFF REPORT

Location: South of 226 Elder Road Date: February 10, 2015

Petition: 15 04 Prepared By: GGS

GENERAL INFORMATION

Applicant:	Marc V. Campbell
Status:	Property Owner
Request:	Annex and zone to I-2 Heavy Industrial
Zoning Classification:	Unincorporated St. Joseph County
Lot Size:	Approximately 1.05 acres
Applicable Regulations:	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:	I-2 Heavy Industrial
	South:	Unincorporated St. Joseph County
	East:	Unincorporated St. Joseph County
	West:	R-1 Single Family Residential
Thoroughfare:	Elder Road	
School District:	School City of Mishawaka	
Township:	Penn	
Public Utilities:	All utilities are or will be available to the site	
Comprehensive Plan:	General Commercial	

ANALYSIS

The petitioner, Marc V. Campbell, is requesting annexation into the City of Mishawaka. The property to be annexed into the City is an approximately 1.05 acre piece of land located just south and adjacent to 226 Elder Road, which currently consists of Pro-Form Lining.

The property to be annexed is currently zoned agricultural within unincorporated St. Joseph County and consists of a 7525 sf building. The petitioner desires to zone the property to I-2 Heavy Industrial and states he intends to utilize the annexed property and the existing building on the property for continued growth of his business. An existing cell tower is also located on this property. If annexed, the cell tower would be considered a legal non-conforming use and therefore would not require any additional approval.

All departments have reviewed the proposed annexation. The City Engineering Department commented that 30' of right-of-way must be dedicated from center line of Elder Road.

Recommendation

Staff recommends approval of Petition #15-04 to annex approximately 1.05 acres located south of 226 Elder Road into the City of Mishawaka and zone to I-2 Heavy Industrial. This recommendation is based upon the following findings of fact:

1. Existing Conditions- The subject parcel is currently located adjacent to industrial zoned property and the area to be annexed.
2. Character of Buildings – The character of the buildings located adjacent is industrial and there is currently an industrial building located on the property to be annexed.
3. The most desirable/highest and best use – Because of the existing adjacent I-2 Heavy Industrial zoning to the north of the property to be annexed, the most desirable uses for the property is the continuation of the existing industrial use.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the industrial use is consistent with the adjacent industrial uses located to the north. Property located to the south of land to be annexed is vacant woodland.
5. Comprehensive Plan- The proposed annexation is consistent with The Comprehensive Plan, created in 1990, which indicated industrial uses within this area.

Attachments

Photographs, Petition, Location Map

View looking north along Elder Road

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2012 - To Payment Date: 12/31/2012

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
KBGN-KB General - KeyBank General									
Check									
83217	01/17/2012	Open			Accounts Payable	GASKILL, LARRY, D	$2.06		
83241	01/17/2012	Open			Accounts Payable	SIMS, JESSE	$9.06		
83525	01/27/2012	Open			Accounts Payable	GANUS, AMBER, J	$2.28		
83531	01/27/2012	Open			Accounts Payable	HASSUNEH, MOHANNAD, H	$54.71		
83584	01/27/2012	Open			Accounts Payable	SELNER, RUSSELL, M	$79.08		
84130	02/21/2012	Open			Accounts Payable	ALYAMI, IBRAHIM, S	$155.00		
84162	02/21/2012	Open			Accounts Payable	EDISON PARK INVESTORS LLC	$111.19		
84184	02/21/2012	Open			Accounts Payable	LAGRAND, MICHAEL, W	$51.11		
84188	02/21/2012	Open			Accounts Payable	LEMKE, LARRY, M	$19.20		
84212	02/21/2012	Open			Accounts Payable	RILEY JR, ROBERT, B	$11.14		
84245	02/21/2012	Open			Accounts Payable	WARD, MARVIN	$0.12		
84513	03/06/2012	Open			Accounts Payable	CREVEY, BARRY, H	$29.00		
84518	03/06/2012	Open			Accounts Payable	DUNCAN, BRAXTON, R	$45.81		
84530	03/06/2012	Open			Accounts Payable	HILEMAN, SHARON, K	$23.71		
84547	03/06/2012	Open			Accounts Payable	KREIDER, CHERYL, L	$14.77		
84553	03/06/2012	Open			Accounts Payable	MC NEILL, STEVEN, R	$11.29		
84578	03/06/2012	Open			Accounts Payable	TAMBA, ABDOURAHMANE	$37.50		
84579	03/06/2012	Open			Accounts Payable	THOMPSON III, HARVEY, L	$2.50		
85222	04/03/2012	Open			Accounts Payable	JIMENEZ, RUTH, E	$1.58		
85483	04/17/2012	Open			Accounts Payable	BOSSTEL, JAMMIE, L	$1.12		
85492	04/17/2012	Open			Accounts Payable	FREDERICK, BRIDGET, N	$76.70		
85498	04/17/2012	Open			Accounts Payable	HILL, HEATHER, M	$6.91		
85856	05/01/2012	Open			Accounts Payable	TAYLOR, VICTOR	$50.65		
86091	05/15/2012	Open			Accounts Payable	CONAWAY, RUTH, A	$36.05		
86120	05/15/2012	Open			Accounts Payable	PASCUAL-DIAZ, MARCOS	$19.18		
86221	05/15/2012	Open			Accounts Payable	HELMLINGER, ARTHUR	$79.84		
86447	05/30/2012	Open			Accounts Payable	ALTALHI, ABDULRAHEEM, R	$30.49		
86460	05/30/2012	Open			Accounts Payable	BROWN, CAREY, A	$37.00		
86463	05/30/2012	Open			Accounts Payable	BURNSIDE, STEVEN, B	$78.84		
86495	05/30/2012	Open			Accounts Payable	HONOLD, ERIN, C	$18.34		
86548	05/30/2012	Open			Accounts Payable	SALMAN, INTESSAR, M	$27.54		
86571	05/30/2012	Open			Accounts Payable	WINTERS, LANA, D	$11.04		
86895	06/13/2012	Open			Accounts Payable	DE BUSK, STEPHEN , S	$15.12		
86906	06/13/2012	Open			Accounts Payable	HENDERSON, JESSYKA, L	$9.43		
86922	06/13/2012	Open			Accounts Payable	LIGHTNER, NICOLE, K	$2.26		
86923	06/13/2012	Open			Accounts Payable	MADDA, JAYA, P	$70.01		
87045	06/13/2012	Open			Accounts Payable	IIMC	$175.00		
87222	06/26/2012	Open			Accounts Payable	ALMARSHAD, AHMED, S	$45.64		
87233	06/26/2012	Open			Accounts Payable	BLUME, JEREMY	$45.49		
87238	06/26/2012	Open			Accounts Payable	BUNGARD, CHRISTOPHER, J	$3.86		
87274	06/26/2012	Open			Accounts Payable	IRWIN, KARENA	$13.11		
87309	06/26/2012	Open			Accounts Payable	MICHEL, BRIAN, J	$0.69		
87338	06/26/2012	Open			Accounts Payable	SANDERS JR, PERCY, C	$27.91		
87344	06/26/2012	Open			Accounts Payable	SHEIKH, MAIRA, A	$9.65		
87349	06/26/2012	Open			Accounts Payable	SMITH, GJARIUS, B	$15.24		
87360	06/26/2012	Open			Accounts Payable	TYRAKOWSKI, MELISSA, D	$7.35		
87640	07/10/2012	Open			Accounts Payable	ALDAKHEEL, LILA	$35.21		
87655	07/10/2012	Open			Accounts Payable	FOR SALE REAL ESTATE	$6.48		

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2012 - To Payment Date: 12/31/2012

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
87680	07/10/2012	Open			Accounts Payable	SMITH V, WILLIAM, R	$42.83		
87919	07/24/2012	Open			Accounts Payable	ARNETT, STEPHENNI, N	$0.57		
87933	07/24/2012	Open			Accounts Payable	CHALLBERG, ERIC	$16.64		
87961	07/24/2012	Open			Accounts Payable	HARRISON IV, CARTER, B	$50.78		
88693	08/21/2012	Open			Accounts Payable	HOOVER, RICHARD, L	$8.10		
89054	09/04/2012	Open			Accounts Payable	CHIMAL, CARLOS	$0.68		
89071	09/04/2012	Open			Accounts Payable	HOME KEYS REALTY GROUP LLC	$37.39		
89079	09/04/2012	Open			Accounts Payable	LODS, BURGUNDY, R	$27.78		
89080	09/04/2012	Open			Accounts Payable	LOMAX, EMILY, R	$10.86		
89083	09/04/2012	Open			Accounts Payable	MADUBANSI, VELMA	$1.13		
89092	09/04/2012	Open			Accounts Payable	RANDOLPH, JONTAE, E	$11.26		
89108	09/04/2012	Open			Accounts Payable	ZEIGER, LYNNE, N	$3.97		
89198	09/04/2012	Open			Accounts Payable	MISHAWAKA CONCRETE/ASPHALT	$61.43		
89282	09/04/2012	Open			Accounts Payable	MORRISON, JOE & JENNIFER	$142.54		
89321	09/18/2012	Open			Accounts Payable	ANTONIO, MARISSA, L	$27.10		
89337	09/18/2012	Open			Accounts Payable	BUCHOLTZ, RANDY	$11.40		
89380	09/18/2012	Open			Accounts Payable	HORVATH, JEREMY, D	$14.50		
89382	09/18/2012	Open			Accounts Payable	HUANG, JOANNA, T	$3.08		
89387	09/18/2012	Open			Accounts Payable	KAIN, MARSHALL, C	$77.68		
89418	09/18/2012	Open			Accounts Payable	OTTBRIDGE, GERARD	$15.98		
89429	09/18/2012	Open			Accounts Payable	RETHLAKE, STEPHEN, A	$0.76		
89457	09/18/2012	Open			Accounts Payable	THOMAS, TAMIKA, A	$0.14		
89458	09/18/2012	Open			Accounts Payable	TREADWELL, FREDERICK, D	$0.48		
89718	10/02/2012	Open			Accounts Payable	ALOTAIBI, BANDER, M A	$1.60		
89722	10/02/2012	Open			Accounts Payable	BARKES, SHEILA	$4.27		
89752	10/02/2012	Open			Accounts Payable	RODRIGUEZ, IRENE	$0.17		
90105	10/16/2012	Open			Accounts Payable	COGDILL , NICOLE , M	$7.82		
90106	10/16/2012	Open			Accounts Payable	COYLE, MARGARET	$19.17		
90111	10/16/2012	Open			Accounts Payable	ELSTON , JOSEPH , R	$1.08		
90120	10/16/2012	Open			Accounts Payable	HARRIS , TYESHA, S	$0.13		
90145	10/16/2012	Open			Accounts Payable	ROBINSON, DIESHA, I	$0.41		
90244	10/16/2012	Open			Accounts Payable	INVOICE CLOUD	$402.00		
90449	10/30/2012	Open			Accounts Payable	BIN HASSAN, NOUF, A	$0.36		
90470	10/30/2012	Open			Accounts Payable	DREIBELBIS, MAXWELL, D	$6.44		
90487	10/30/2012	Open			Accounts Payable	KIEFER, RYAN, W	$1.19		
90507	10/30/2012	Open			Accounts Payable	PAREDES, MARTA, C	$0.13		
90524	10/30/2012	Open			Accounts Payable	SHRACK, ELISA, S	$3.76		
90789	11/13/2012	Open			Accounts Payable	FREMD IV, GEORGE, O	$0.41		
90798	11/13/2012	Open			Accounts Payable	HEFLIN, SAMANTHA, K	$0.02		
90814	11/13/2012	Open			Accounts Payable	LE CLAIR, MANUELA, K	$0.40		
90827	11/13/2012	Open			Accounts Payable	MILLER, SUSAN	$0.02		
90834	11/13/2012	Open			Accounts Payable	OSHIRO, RUSSELL, T	$70.69		
90836	11/13/2012	Open			Accounts Payable	PARKER, TIFFANY, M	$1.18		
91072	11/13/2012	Open			Accounts Payable	ST JOSEPH COUNTY AUDITOR	$30.00		
91165	11/27/2012	Open			Accounts Payable	DENSMORE, HELEN	$61.28		
91178	11/27/2012	Open			Accounts Payable	HUPP, WILLIAM	$0.10		
91219	11/27/2012	Open			Accounts Payable	VANCE, CLARA	$0.10		
91224	11/27/2012	Open			Accounts Payable	ZIEGLER, DAN, E	$3.96		
91454	12/11/2012	Open			Accounts Payable	CARONE, LUIGI, C	$22.87		
91460	12/11/2012	Open			Accounts Payable	DE LAURELLE , RHONDA , R	$0.38		

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2012 - To Payment Date: 12/31/2012

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
91464	12/11/2012	Open			Accounts Payable	DREAM TEAM CONSULTANTS LLC	$76.59		
91470	12/11/2012	Open			Accounts Payable	FULK, LINDSEY, M	$4.19		
91511	12/11/2012	Open			Accounts Payable	SMITH, CHAQUIES, R	$1.58		
91869	12/19/2012	Open			Accounts Payable	WADE, DIONNE, D	$13.37		
Type Check Totals:					102 Transactions		$2,920.03		

KBGN-KB General - KeyBank General Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	102	$2,920.03	$0.00
	Total	102	$2,920.03	$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	102	$2,920.03	$0.00
	Total	102	$2,920.03	$0.00

Grand Totals:

Checks	**Status**	**Count**	**Transaction Amount**	**Reconciled Amount**
	Open	**102**	**$2,920.03**	**$0.00**
	Total	**102**	**$2,920.03**	**$0.00**

All	**Status**	**Count**	**Transaction Amount**	**Reconciled Amount**
	Open	**102**	**$2,920.03**	**$0.00**
	Total	**102**	**$2,920.03**	**$0.00**

NOTICE OF HEARING

Vacation No. 2015-01

Date of Hearing: February 16, 2015

Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

Petitions have been filed by LCS Realty LLC for vacation of the following described public right of ways in the City of Mishawaka described as follows:

Vacation No. 2015-01 Petition No. 2015-03

more specifically **a portion of Cleveland Road in front of 227 East Cleveland Road, Granger**, Indiana. The parcel is legally described as: A parcel of land being a part of the Northwest Quarter of Section 27 and part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows:

Beginning at the Northwest corner of Lot 2 in B & R Oil Cleveland Road Minor Subdivision as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 89°24'04" East along the North line of said Lot 2 and its projection East, a distance of 293.34 feet to the Southwesterly right-of-way line of Cleveland Road; thence North 38°44'53" West along said Southwesterly right-of-way line of Cleveland Road, a distance of 52.82 feet; thence South 89°24'04" West parallel with said North line of said Lot 2, a distance of 260.71 feet; thence South 0°35'56" East, a distance of 40.00 feet to the place of beginning.

Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

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

1st Reading 2-16-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-03

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-02

RECEIVED
DEBORAH S. BLOCK, MMC
FEB 11 2015
CITY CLERK
MISHAWAKA, IN

ORDINANCE NO.

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

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

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

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

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

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

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

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

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

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

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

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

A parcel of land being a part of the Northwest Quarter of Section 27 and part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows:

PROPOSED ORDINANCE NO. 15-02

ORDINANCE NO._
Beginning at the Northwest corner of Lot 2 in B & R Oil Cleveland Road Minor Subdivision as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 89°24'04" East along the North line of said Lot 2 and its projection East, a distance of 293.34 feet to the Southwesterly right-of-way line of Cleveland Road; thence North 38°44'53" West along said Southwesterly right-of-way line of Cleveland Road, a distance of 52.82 feet; thence South 89°24'04" West parallel with said North line of said Lot 2, a distance of 260.71 feet; thence South 0°35'56" East, a distance of 40.00 feet to the place of beginning.

COMMONLY KNOWN AS: A Portion of Cleveland Road South of 227 East Cleveland Road, Granger, Indiana and South of State Road 23.

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

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

2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. Adjacent proprieties have access off of State Road 23 and a cross access easement will be provided within the portion of vacated right-of-way.

3) The right-of-way to be vacated does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.

4) The proposed vacation will not hinder the use of any public way, utility or place.

5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

Section 3. An access easement and utility easement shall be reserved across the entire length and width of the portion of right-of-way to be vacated.

Section 4. 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 __________________, 2015.

____
Presiding Officer

ATTEST:

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

PROPOSED ORDINANCE NO. 15-02

ORDINANCE NO._

PRESENTED by me to the Mayor this __ day of ________________, 2015, at _ o'clock __.M.

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

APPROVED by me this ___ day of _________________ , 2015, at ___ o'clock __.M.

____
David A. Wood, Mayor

January 5, 2015

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 28 2015
CITY CLERK
MISHAWAKA, IN

To The Honorable Members of the Common Council
City of Mishawaka, Indiana
And
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Re: Petition for Vacation of Public Right of Way

The undersigned, LCS Realty LLC, respectfully request the Mishawaka City Plan Commission and the Mishawaka Common Council to vacate the following described Public Right Of Way located in the City of Mishawaka, St. Joseph County, Indiana:

DESCRIPTION:

A parcel of land being a part of the Northwest Quarter of Section 27 and part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows:

Beginning at the Northwest corner of Lot 2 in B & R Oil Cleveland Road Minor Subdivision as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 89°-24'-04" East along the North line of said Lot 2 and it's projection East, a distance of 293.34 feet to the Southwesterly right-of-way line of Cleveland Road; thence North 38°-44'-53" West along said Southwesterly right-of way line of Cleveland Road, a distance of 52.82 feet; thence South 89°-24'-04" West parallel with said North line of said Lot 2, a distance of 260.71 feet; thence South 0°-35'-56" East, a distance of 40.00 feet to the place of beginning.

Petitioners further state they are the owners of the property immediately adjacent to the above described right of way.

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

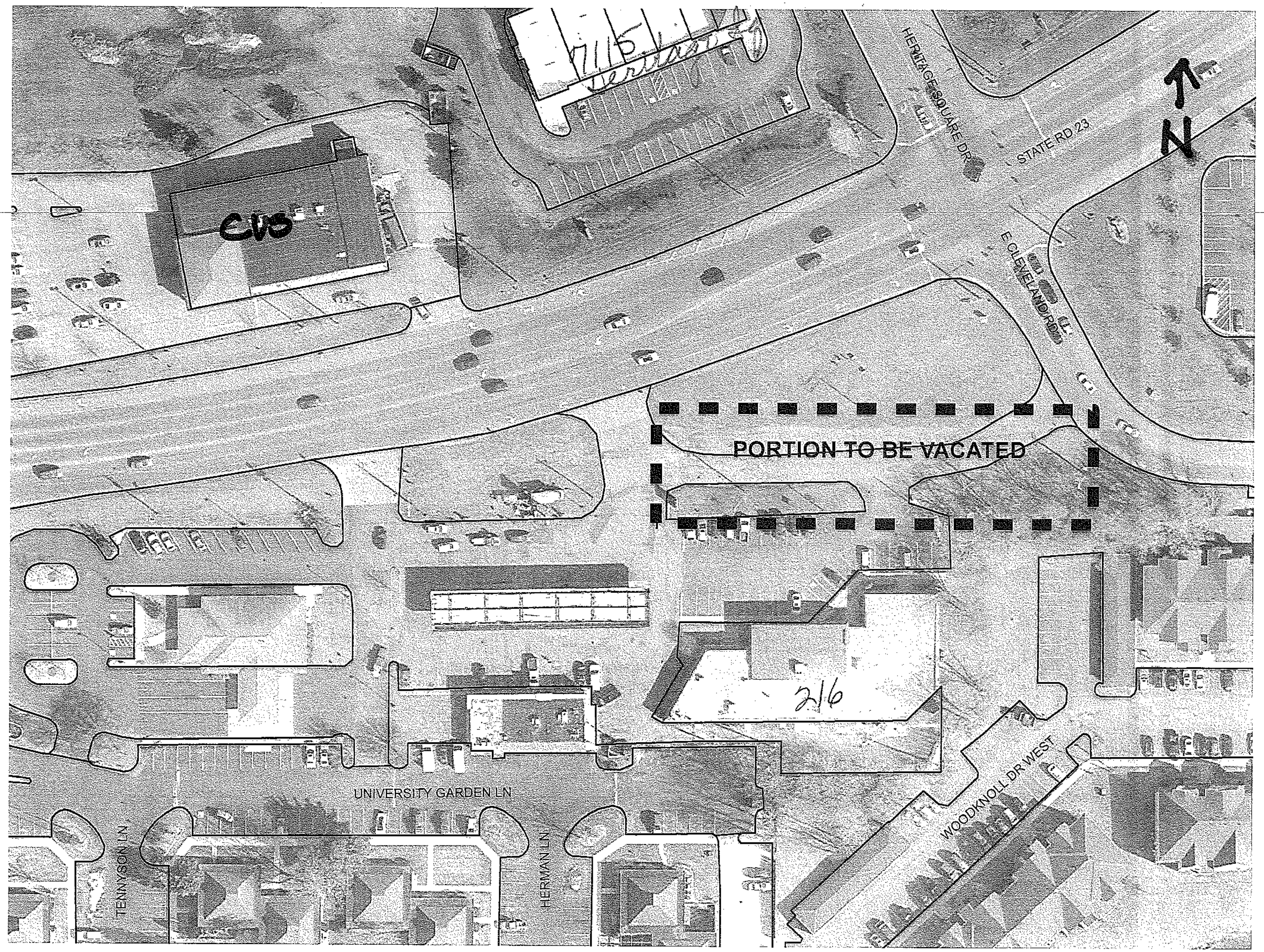
Clair McKinley

LCS Realty LLC
Clair McKinley
3305 N. Anthony Boulevard
Ft. Wayne, IN 46805

RECEIVED
JAN 05 2015
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574.233.1841 p.
574.674.0374 f.

Pet 15-03


7115
CVS
HERITAGE SQUARE DR
STATE RD 23
N
E CLEVELAND RD
PORTION TO BE VACATED
216
UNIVERSITY GARDEN LN
WOODKNOLL DR WEST
TENNYSON LN
HERMAN LN

NOTICE OF HEARING
Vacation No. 2015-01
Date of Hearing: February 16, 2015
Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

Petitions have been filed by LCS Realty LLC for vacation of the following described public right of ways in the City of Mishawaka described as follows:

Vacation No. 2015-01 Petition No. 2015-03

more specifically **a portion of Cleveland Road in front of 227 East Cleveland Road, Granger**, Indiana. The parcel is legally described as: A parcel of land being a part of the Northwest Quarter of Section 27 and part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows:

Beginning at the Northwest corner of Lot 2 in B & R Oil Cleveland Road Minor Subdivision as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 89°24'04" East along the North line of said Lot 2 and its projection East, a distance of 293.34 feet to the Southwesterly right-of-way line of Cleveland Road; thence North 38°44'53" West along said Southwesterly right-of-way line of Cleveland Road, a distance of 52.82 feet; thence South 89°24'04" West parallel with said North line of said Lot 2, a distance of 260.71 feet; thence South 0°35'56" East, a distance of 40.00 feet to the place of beginning.

Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

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

33-

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

Legal Clerk of the **MISHAWAKA ENTERPRISE**, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the **Mishawaka Enterprise** for:

XX One __ TWO __THREE

times successively to-wit:

On the 5th day of February, 2015, and

On the ________day of ________, 2015, and

On the ________day of ________, 2015,

Nancy L. Nich

Subscribed & Sworn To Before Me
This 5th day of February, 2015

William L. Nich
William L. Nich, Notary Public
Residing in Elkhart County
My Commission Expires 5/30/2019

CHARGES: $ 27.14

1st Reading 2-16-15
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC
FEB 11 2015
CITY CLERK
MISHAWAKA, IN

PETITION #15-04

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-03

ORDINANCE NO. __________

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

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

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

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

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

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana, better described as follows: Commencing at the center of said Section 18; thence South 89°50'16" West along the South line of said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88°17'35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0°26'15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88°17'35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning. Excepting therefrom that land previously annexed within the City limits of the City of Mishawaka, Indiana.

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

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

1. Existing Conditions- The subject parcel is currently located adjacent to industrial zoned property and the area to be annexed.

2. Character of Buildings – The character of the buildings located adjacent is industrial and there is currently an industrial building located on the property to be annexed.

3. The most desirable/highest and best use – Because of the existing adjacent I-2 Heavy Industrial zoning to the north of the property to be annexed, the most desirable uses for the property is the continuation of the existing industrial use.

4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the industrial use is consistent with the adjacent industrial uses located to the north. Property located to the south of land to be annexed is vacant woodland.

5. Comprehensive Plan- The proposed annexation is consistent with The Comprehensive Plan, created in 1990, which indicated industrial uses within this area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of __________________, 2015, at ______ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ______ day of _________________, 2015, at ______ o'clock _____.M.

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

Proposed Ordinance No. 15-03

Ordinance No. ___________

APPROVED by me this _____ day of _______________, 2015, at _______o'clock ______.M.

____
David A. Wood, Mayor

LANG, FEENEY and ASSOCIATES, INC.

LAND SURVEYING – CONSTRUCTION ENGINEERING

715 SOUTH MICHIGAN STREET • SOUTH BEND, INDIANA 46601
TELEPHONE 574/233-1841 • FACSIMILE 574/674-0374

WILLIAM D. LANG, PRES.
JOHN B. FEENEY, L.S.
TERANCE D. LANG, L.S.

INDOT PREQUALIFIED:
5.4 ECOLOGICAL SURVEYS
5.5 WETLAND MITIGATION
6.1 TOPOGRAPHIC SURVEY DATA COLLECTION

SUB-DIVISIONS
BOUNDARY SURVEYS
CONSTRUCTION SURVEYS
PUBLIC WORKS PREQUALIFIED

January 15, 2015

Pet 15-04

Honorable Members of the Common Council
City of Mishawaka, In
And
Mishawaka City Plan Commission
City of Mishawaka, In.

Re: Petition for Annexation and Zoning Classification
Marc V. Campbell

The undersigned, Marc V. Campbell, respectfully shows that he is the owner of the following described real estate located in the City of Mishawaka, In and in St. Joseph County, Indiana to wit:

ANNEXATION DESCRIPTION:
Marc V. Campbell

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana better described as follows: Commencing at the center of said Section 18; thence South 89° 50' 16" West along the South line of the said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0° 26' 15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88° 17' 35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0° 26' 15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet t an iron pipe; thence South 88° 17' 35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0° 26' 15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning.

Excepting therefrom that land previously annexed within the city limits of the City of Mishawaka, Indiana.

The said hereinabove tract of land being the same as that parcel of land conveyed to Marc Campbell by Warranty Deed recorded as instrument number 9747060 in the office of the Recorder of St. Joseph County, Indiana.

Petitioner owns One Hundred percent (100%) of the above described parcel of land which is located in the City of Mishawaka, Indiana as well as located in St. Joseph County, Indiana and petitioner desires the same to be annexed to the City of Mishawaka, Indiana with an I-2 (Heavy Industrial) Zoning District. Petitioner further States that he intends to utilize said land for industrial uses consistent with the growth of his business and with the rules and regulations of the City of Mishawaka.

~~Accompanying this petition is a drawing, to scale, showing the above described parcel of real~~ estate, showing the size of the existing building and the size and location of any proposed buildings.

Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka Indiana and of the territory sought to be annexed whish is urban in character and is an economic and social part of the City of Mishawaka. The current City limits run through the interior of this parcel of land. By allowing this petition to proceed, the City has an opportunity to correct a minor discrepancy/error in the perimeter of the City Limits.

Wherefore, petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka city Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with an I-2 Industrial zoning classification.

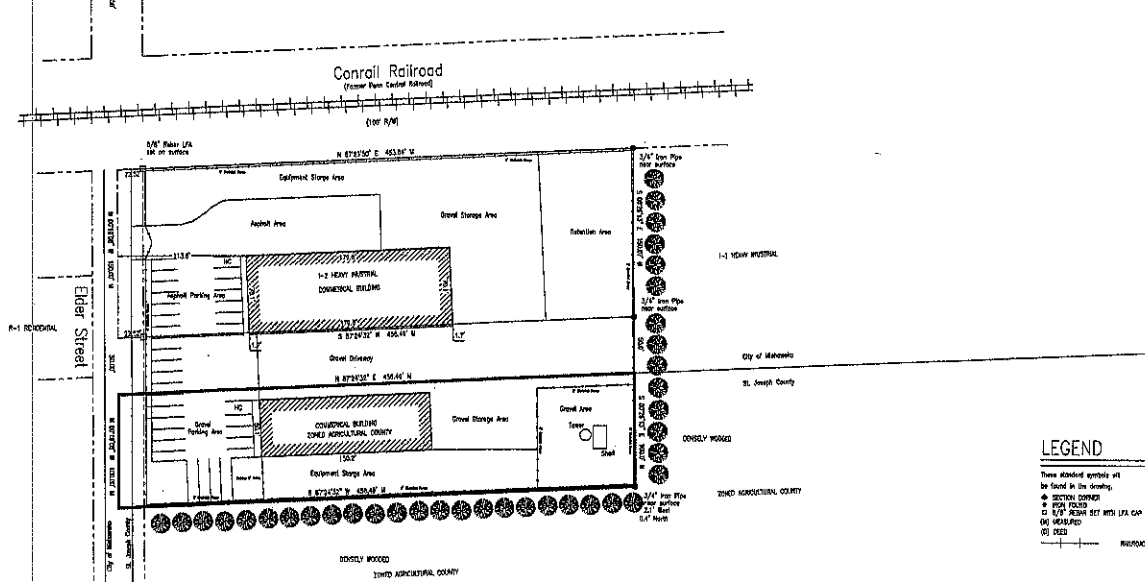
Marc V. Campbell

Contact Person:
J. Bernard Feeney
Lang, Feeney & Associates, Inc.
715 S. Michigan St.
South Bend, In. 46601

Ph: 574-233-1841

CONCEPTUAL PLAN

PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH,
RANGE 4 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA
FOR:
MARC CAMPBELL
226 SOUTH ELDER STREET
MISHAWAKA, IN. 46544



LEGEND

These standard symbols will be found in the drawing.

- SECTION CORNER
- IRON FOUND
- 5/8" REBAR SET WITH LFA CAP
- (M) MEASURED
- (D) DEED
- RAILROAD

0' 50' 100' 150'
Scale: 1" = 50'

JAN 21 2015

TERANCE D. LANG REGISTERED No. S-0523 STATE OF INDIANA LAND SURVEYOR

TERANCE D. LANG PLS S-0523

Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1841

Land Surveyors • Soil Scientists

Scale	1" = 50'	Drawn	KAW
Date	11/12/14	Job Name	CampbellAberSec18-37-4E-Be
Rev.	–	Job No.	
Rev.	–		

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 02 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2015-02

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, APPROVING OF THE ISSUANCE OF CITY OF MISHAWAKA, INDIANA, REDEVELOPMENT DISTRICT TAX INCREMENT REVENUE BONDS, SERIES 2015 TO THE MISHAWAKA LOCAL PUBLIC IMPROVEMENT BOND BANK

WHEREAS, the Common Council of the City of Mishawaka, Indiana (the "Common Council"), is the legislative body of the City of Mishawaka, Indiana (the "City"); and

WHEREAS, the City of Mishawaka Redevelopment Commission (the "Commission") is the governing body of the Redevelopment District of the City of Mishawaka (the "District"); and

WHEREAS, the Commission has designated and declared an area in the City known as the Consolidated Area Allocation Area No. 1 to be an economic development area and an allocation area (the "Allocation Area") for purposes of tax increment financing and established an allocation fund for said Area (the "Allocation Fund") in accordance with Section 39 of Indiana Code 36–7–14 (the "Act"); and

WHEREAS, the Commission has determined that a need exists for the completion of certain local public improvements in or serving the Allocation Area, including, without limitation, renovations and improvements to the Battell Center which is owned by the City and located in the Allocation Area (the "Project"), to provide for the further redevelopment and economic development of the Allocation Area, and it is necessary and in the best interest of the District and the property and inhabitants thereof to issue bonds of the District which are payable from taxes on real property located in the Allocation Area allocated and deposited in the Allocation Fund pursuant to Section 39 of the Act and proceeds from the sale or leasing of property in the Allocation Area under Section 22 of the Act deposited into the Allocation Fund as required by Section 26 of the Act (the "Tax Increment"), in an aggregate principal amount not to exceed One Million and 00/100 Dollars ($1,000,000.00) (the "Bonds"), bearing interest at a rate not to exceed two percent (2.0%) and with a final maturity date not later than twenty-five (25) years from the date of issuance, which Bonds shall be sold to The Mishawaka Local Public Improvement Bond Bank (the "Bond Bank"); and

WHEREAS, to permit the Commission to proceed with the issuance of the Bonds, the Common Council desires to approve of said issuance in accordance with Section 25.1 of the Act;

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

1. The issuance of the Bonds of the District to the Bond Bank in an aggregate principal amount not to exceed One Million and 00/100 Dollars ($1,000,000.00) for the purpose

of financing all or any portion of the Project is hereby approved. The maximum interest rate on the Bonds shall not exceed 1.00% and the final payment on the Bonds shall not be later than twenty-five years from the date of issuance of the Bonds. No capitalized interest shall be paid with respect to the Bonds. The Bonds shall be subject to optional redemption at any time with not less than thirty (30) days' notice at a redemption price equal to the outstanding par amount thereof plus interest accrued to the redemption date and without premium.

2. This Resolution shall be in full force and effect from and after passage 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 ______________________, 2015.

____
President, Common Council

ATTEST:

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

PRESENTED by me to the Mayor this _________ day of ________________________, 2015, at __________ o'clock ___.M.

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

Approved by me, this ________ day of __________________________, 2015.

____
David Wood, Mayor
City of Mishawaka

Mary Ellen Hazen

From:	Ken Prince
Sent:	Monday, February 02, 2015 2:02 PM
To:	DL-Council; Deb Block; Mary Ellen Hazen
Cc:	David A. Wood; Terry Zeller; Rompola, Randolph R.; John Julien; Rebecca Miller; Lawrence Meteiver; Geoffrey Spiess; Christopher Waidner [clw@troyergroup.com]
Subject:	FW: Council Resolution Approving of Sale of Bonds to the Bond Bank
Attachments:	55589814_1.docx

Good afternoon,

I am forwarding the attached resolution to you this morning for your use and review. We would like the Council to consider this resolution at your next meeting on February 16, 2015.

The resolution was prepared by Faegre Baker Daniels LLP. We have asked that both Randy Rompola from Faegre Baker Daniels, and John Julian from Umbaugh attend the meeting in case you would have any questions specifically about the bond issue. In summary, the sole purpose of the bond issue is to extend the expiration date of a significant revenue generating portion of our tax increment finance district.

As you may recall from the modification and consolidation of the Tax Increment Finance District boundaries last year. The State Legislature had proposed and ended up adopting an automatic sunset/expiration dates for TIF districts that did not already have an expiration date, dubbed the "legacy TIF's". As the law reads, the legacy TIF's are set to expire in 2025, or will run until any outstanding debt from the district established prior to July 1 of 2015 is paid off. As the Administration documented last year, our infrastructure need within our TIF area is almost double the revenue we are projected to receive through 2033. This was before the proposed sunset provision was adopted by the legislature. Since a significant amount of the revenue from the TIF comes from the area that does not currently have an expiration date (legacy TIF), the impact of the law as adopted would significantly limit the City's ability to construct infrastructure beyond 2025 without the passage of a bond that would extend the life of the district. As drafted, the proposed bond issue would be for a duration of 25years which is the maximum amount permitted by law. As State law currently reads this would extend the legacy portion of our TIF district to 2040. This is 15 years beyond the 2025 expiration date that would occur without the adoption of the bond issue.

The proposed bond issue is for $1,000,000 and has been slated for improvements to the Battell Community Center. Since the City has chosen to assemble cash to pay for projects to avoid finance costs wherever possible, the amount of $1,000,000 was chosen to be significant, but not monumental. A lower amount could have been bonded for to serve the same purpose, however we felt it would not be in keeping with the spirit of the law passed by the legislature. Since there has been much attention brought to TIF's, and particularly other cities use of it, we felt that the spirit in this case was particularly important. The debt itself will be through the Mishawaka Bond Bank. This is the fund the City set up with funds received through the MTBE settlement, that allows us to self-finance specific projects or large pieces of equipment. Since our finance capability within the bond bank is limited, the total cost of the Battell Center Improvements will not be financed, only the first million. The balance of these improvements would be paid for immediately from accumulated TIF funds. When our Capital needs assessment was performed and presented to the Council last year as part of the TIF amendment/consolidation, the estimated total cost of these improvements were estimated at $2,000,000. Right now, the Troyer Group is conducting a detail study of the building and preparing a cost estimate on a series of improvements which include, but are not limited to:

- Balcony improvements which will make the balcony code compliant and accessible increasing the seating capacity of the auditorium

- Light, sound and stage enhancements that would allow movies to be shown in the auditorium, as well as increase the quality of the space for other performances.
- HVAC improvements and virtually complete window replacement. Although the most needed and the most expensive components of the project, the savings per year in utility costs will likely be in the tens of thousands of dollars.
- ADA accessibility issues- modifications to eliminate obstructions and bring the vast majority of the building up to current codes. A good example is the door hardware, changing from handles to levers.
- If funding allows- improvements to the parking area to create a formal entry and drop off area on the north side of the building. This could include a small entry addition and the replacement of the canopies on the Main Street side of the building.
- If funding allows- moving the park offices to the first floor/lowest level allowing all the second and third floor to be used only for program space. In addition, minor improvements to the gym and bleacher area, allowing access to the second level and improving the current bleachers.

Once Troyer's study is complete, a cost/benefit review will be done through the Administration, Redevelopment Commission, and Park Board to determine the extent of the project.

At their January meeting, the City of Mishawaka Redevelopment Commission approved both bond resolutions to authorize and appropriate redevelopment district tax increment revenue bonds. Following this e-mail, I will forward those documents as prepared by Counsel so that you can see all relevant details of the proposed bond issue.

I will be at the meeting this evening if there are any initial questions or concerns. As always, thank you for your help and consideration.

Sincerely,

Ken

Kenneth B. Prince ASLA, AICP
City Planner

City of Mishawaka
600 East Third Street
Mishawaka, IN 46544

(574) 258-1625
kprince@mishawaka.in.gov

From: Rompola, Randolph R. [mailto:Randolph.Rompola@FaegreBD.com]
Sent: Wednesday, January 28, 2015 8:15 AM
To: Ken Prince
Cc: John Julien (julien@umbaugh.com); Fischesser, Anne E.; Hill, Richard L.
Subject: Council Resolution Approving of Sale of Bonds to the Bond Bank

Ken, attached is the resolution we have prepared for consideration by the Council to approve of the issuance of TIF Revenue Bonds by the Commission to the Bond Bank. I believe you thought it would be helpful to make the resolution available now to the Council with the hope they would then adopt it at Council meeting on Feb. 16th. Should you have any questions, please let us know. Randy

Randolph R. Rompola
Partner
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Faegre Baker Daniels LLP
202 S. Michigan Street | Suite 1400 | South Bend, IN 46601, USA

Mary Ellen Hazen

From:	Deb Block
Sent:	Monday, February 02, 2015 3:23 PM
To:	Mary Ellen Hazen
Subject:	FW: Draft TIF Bond Resolution and Appropriation Resolution for the Bond Bank Financing
Attachments:	Bond Resolution (RC) (Mishawaka 2015).DOCX; Appropriation Resolution (RC) (Mishawaka 2015).DOCX

Debbie
Debbie Ladyga-Block, IAMC, MMC
Mishawaka City Clerk
(office) 574-258-1616
(fax) 574-258-1728
dblock@mishawaka.in.gov

From: Ken Prince
Sent: Monday, February 02, 2015 3:22 PM
To: DL-Council; Deb Block
Subject: FW: Draft TIF Bond Resolution and Appropriation Resolution for the Bond Bank Financing

The Redevelopment resolutions as referenced in my previous e-mail are attached.

These are identical to the ones in the Redevelopment Commission packet.

Ken

From: Rompola, Randolph R. [mailto:Randolph.Rompola@FaegreBD.com]
Sent: Wednesday, January 21, 2015 9:55 AM
To: Ken Prince; Rebecca Miller
Cc: John Julien (julien@umbaugh.com); Fischesser, Anne E.; Hill, Richard L.
Subject: Draft TIF Bond Resolution and Appropriation Resolution for the Bond Bank Financing

Attached are drafts of the resolutions for the upcoming Redevelopment Commission meeting. The Bond Resolution provides for the issuance of TIF Revenue Bonds in the amount of $1,000,000 with a maximum interest rate of not to exceed 2% and a maximum term of not to exceed 25 years. The Resolution provides for the sale of the Bonds to the Bond Bank at a price of 100% of the par amount thereof and for the Controller to serve as registrar and paying agent as a result. The bonds would be subject to redemption at par at any time. The balance of the resolution contains the provisions typically found in a TIF bond resolution.

John, we included a parity provision for additional bonds that would have a TIF requirement of 125%. If you think it should be something else, please let us know.

The appropriation resolution appropriates the proceeds of the bonds. The Commission must hold a public hearing prior to adopting the appropriation resolution.

Any questions on the resolution, please let us know. Thanks. Randy

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Faegre Baker Daniels LLP
202 S. Michigan Street | Suite 1400 | South Bend, IN 46601, USA

RESOLUTION NO. ______

RESOLUTION OF THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION APPROPRIATING THE PROCEEDS (INCLUDING INVESTMENT EARNINGS THEREON) OF THE CITY OF MISHAWKA, INDIANA, REDEVELOPMENT DISTRICT TAXING INCREMENT REVENUE BONDS

WHEREAS, on January 26, 2015, the City of Mishawaka Redevelopment Commission (the "Commission") adopted its Resolution No. ____ (the "Bond Resolution"), the provisions of which Bond Resolution are hereby included herein by this reference thereto, determining to issue one or more series of tax increment revenue bonds ("Bonds") the of the Redevelopment District of the City of Mishawaka, Indiana (the "District"), in an aggregate principal amount not to exceed One Million Dollars ($1,000,000), payable solely from Tax Increment (as defined in the Bond Resolution) deposited and held in the Bond Principal and Interest Account established under the Bond Resolution, for the purpose of procuring funds to pay for the cost of certain renovations to the Battell Center (the "Project"), together with the expenses in connection with or on account of the issuance of the Bonds therefor (collectively, the "Project Costs"); and

WHEREAS, the Commission did not include the proceeds (including investment earnings thereon) of the Bonds in any regular budget; and

WHEREAS, there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the Project Costs, and the issuance of Bonds has been authorized to procure the necessary funds, and an extraordinary emergency and necessity exists for the making of the additional appropriation set out herein; and

WHEREAS, the Secretary of the Commission has caused notice of a hearing on said appropriation to be published as required by law; and

WHEREAS, such public hearing was held on Monday, January 26, 2015 at 6:30 p.m. (local time), in the Board of Public Works and Safety Conference Room 205 at City Hall, 600 East Third Street, Mishawaka, Indiana concerning said appropriation at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation;

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

1. The proceeds derived from the sale of the Bonds heretofore authorized to be issued, and any and all investment earnings thereon, shall be, and are hereby, appropriated by the Commission for the purpose of providing funds to be applied to the Project Costs, not provided for in any existing budget and tax levy.

2. Such appropriation shall be in addition to all appropriations provided for in the existing budget and levy and shall continue in effect until the completion of the activities described in Section 1 hereof. Any surplus of such proceeds (including investment earnings thereon) shall be credited to the proper fund as provided by law.

3. The President and the Secretary of the Commission shall be, and hereby are, authorized and directed to certify a copy of this Resolution together with such other proceedings and actions as may be necessary to the Indiana Department of Local Government Finance.

4. This Resolution shall be in full force and effect from and upon compliance with the procedures required by law.

* * * * *

Adopted at a meeting of the City of Mishawaka Redevelopment Commission held on January 26, 2015, in the Board of Public Works and Safety Conference Room 205 at City Hall, 600 East Third Street, Mishawaka, Indiana.

CITY OF MISHAWAKA
REDEVELOPMENT COMMISSION

By: ______________________________
President

ATTEST:

____
Secretary

RESOLUTION NO. ______________

A BOND RESOLUTION OF THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE OF CITY OF MISHAWAKA, INDIANA, REDEVELOPMENT DISTRICT TAX INCREMENT REVENUE BONDS, SERIES 2015 AND OTHER RELATED MATTERS

WHEREAS, the City of Mishawaka, Indiana Redevelopment Commission (the "Commission"), governing body of the Department of Redevelopment (the "Department") of the City of Mishawaka, Indiana (the "City") and the Redevelopment District of the City of Mishawaka, Indiana (the "District"), exists and operates under the provisions of the Redevelopment of Cities and Towns Act of 1953 which has been codified in Indiana Code 36-7-14 et seq., as amended from time to time (the "Act"); and

WHEREAS, on February 24, 2014, the Commission approved and adopted its Resolution No. 2014-03 entitled "Resolution of the City of Mishawaka Redevelopment Commission Designating and Declaring Certain Areas as Economic Development Areas, Amending the Boundaries of the Northwest Area Improvement Project, Consolidating the Southside Economic Development Area and the Northwest Area Improvement Project into One Area, and Amending the Economic Development Plan for the Consolidated Area Improvement Project" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution (i) designated and declared certain areas within the City to be economic development areas for purposes of tax increment financing pursuant to Section 39 of the Act to expand the existing Northwest Area Improvement Project (the "Northwest Area"); (ii) removed certain parcels from the Northwest Area; (iii) consolidated the Southside Economic Development Area (the "Southside Area") and the Northwest Area into one area (to be known as the Consolidated Area Improvement Project) (the "Consolidated Area," also referred to herein as the "Area"); and (iv) approved an amendment (the "Plan Amendment") to the Economic Development Plan for the Northwest Area (the "Economic Development Plan") for the Consolidated Area Improvement Project (as amended by the Plan Amendment, the "Economic Development Plan"); and

WHEREAS, the Declaratory Resolution also consolidated the Southside Economic Development Area Allocation with and into Northwest Area Improvement Project Allocation Area to form a consolidated economic development allocation area (the "Allocation Area"); and

WHEREAS, on March 11, 2014, pursuant to Section 16 of the Act, the City of Mishawaka Plan Commission (the "Plan Commission") adopted a resolution constituting its written order approving the Declaratory Resolution and the Economic Development Plan, including the Plan Amendment (the "Plan Commission Order"); and

WHEREAS, on March 17, 2014, pursuant to Section 16 of the Act, the Common Council of the City (the "Common Council") adopted its Resolution No. R2014-07, which approved the Plan Commission Order; and

WHEREAS, pursuant to Section 17(d) of the Act, on March 24, 2014, after notice and a public hearing thereon, the Commission confirmed the Declaratory Resolution by the adoption of a Confirmatory Resolution; and

WHEREAS, the Commission, pursuant to the Declaratory Resolution and in accordance with the Act, has previously established the Consolidated Area Allocation Fund (the "Allocation Fund"); and

WHEREAS, with regard to taxes levied on real property in the Allocation Area, property tax proceeds in excess of those attributable to the lesser of (i) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made or (ii) the base assessed value as defined in the Act shall be allocated to the District and, when collected, paid into the Allocation Fund, and may be used by the District for such purposes as are legally permitted by the Act and Indiana law; and

WHEREAS, the Act authorizes the issuance of bonds of the District payable from allocated tax proceeds; and

WHEREAS, on December 15, 2014, the Commission adopted its Resolution preliminarily authorizing the issuance and sale of tax increment revenue bonds of the District in an aggregate principal amount not to exceed One Million Dollars ($1,000,000), to provide funds to pay for the cost of renovations to the Battell Center which is owned by the City and located in the Area, and various expenses related thereto (collectively, the "Project"), together with the expenses in connection with or on account of the issuance of the bonds therefor, which bonds shall be sold to The Mishawaka Local Public Improvement Bond Bank (the “Bond Bank”); and

WHEREAS, the Commission now desires to authorize the issuance and sale of the negotiable bonds of the District, the principal of and interest on which are payable solely from taxes on real property located in the Allocation Area allocated and deposited in the Allocation Fund pursuant to Section 39 of the Act and proceeds from the sale or leasing of property in the Allocation Area under Section 22 of the Act deposited into the Allocation Fund as required by Section 26 of the Act (collectively, the "Tax Increment"), which bonds shall be issued in the name of the City, for and on behalf of the District, to provide for the cost of the Project, together with the expenses in connection with or on account of the issuance of the bonds therefor;

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

Section 1. Basic Terms. For the purpose of procuring funds to pay for the cost of the Project and the expenses in connection with or on account of the issuance of the bonds therefor, all in and with respect to the area that has been found and declared to be an economic development area by the Commission pursuant to the Declaratory Resolution, the City, acting for and on behalf of the District, shall make a loan in an amount not to exceed One Million Dollars ($1,000,000).

In order to procure funds for said loan, the Controller of the City (the "Controller") is hereby authorized and directed to have prepared and to issue and sell the negotiable bonds of the District to the Bond Bank, which bonds shall be issued in the name of the City, for and on behalf of the District, and which shall be designated "City of Mishawaka Redevelopment District Tax Increment Revenue Bonds, Series 2015 (Battell Center Project)" (the "Bonds"), in an aggregate principal amount not to exceed One Million Dollars ($1,000,000), and which amount, together with investment earnings thereon and other available moneys, does not exceed the cost, as estimated by the Commission, of the cost of the Project and the expenses incurred in connection with or on account of the issuance of the Bonds.

The Bonds shall not constitute a corporate obligation or indebtedness of the City, but shall constitute an obligation of the District. The Bonds, together with interest thereon, shall be payable solely from the Tax Increment.

The Bonds shall be issued in fully registered form in denominations equal to either (i) Five Thousand Dollars ($5,000) or any integral multiple thereof or (ii) One Hundred Thousand Dollars ($100,000) or integral multiples of Five Thousand Dollars ($5,000) in excess thereof (*e.g.*, $100,000, or $105,000, or $110,000, etc.), in either case not exceeding the aggregate principal amount of the Bonds maturing in any year ("Authorized Denominations"), and shall be numbered consecutively from 15R-1 upwards. The Bonds shall mature (as serial bonds or term bonds) and be payable on February 1 and/or August 1 of the years and in the principal amounts as determined by the Controller with the advice of the President of the Commission, the Commission's attorney and the Commission's financial advisor, ending not later than twenty-five (25) years from the date of issuance of the Bonds, with the final maturity date determined by the Controller with the advice of the President of the Commission, the Commission's attorney and the Commission's financial advisor. The Bonds shall bear interest at a rate or rates not exceeding two percent (2.0%) per annum (the exact rate or rates of interest to be determined by negotiations with the purchaser thereof). The final aggregate principal amount, Authorized Denominations, final maturity date and principal payment schedule, and interest rate or rates for each series of the Bonds shall be set forth in a Certificate of the Controller executed and delivered at the time of the sale of such series of the Bonds (the "Issuer's Certificate").

The Bonds shall bear an original date which shall be the date of their delivery (the "Original Date") and each Bond shall also bear the date of its authentication. Bonds authenticated on or before the fifteenth day of the calendar month immediately preceding the first interest payment date shall be paid interest from their respective Original Date. Bonds authenticated after the fifteenth day of the calendar month immediately preceding the first interest payment date shall be paid interest from the interest payment date immediately preceding the date of authentication of such Bonds unless the Bonds are authenticated between the fifteenth day of the calendar month immediately preceding an interest payment date and such interest payment date, in which case interest thereon shall be paid from such interest payment date.

The interest on each series of the Bonds shall be payable semiannually on February 1 and August 1 of each year, commencing not earlier than the first February 1 or August 1 after the issuance of such series of the Bonds, with the first interest payment date to be determined by the Controller with the advice of the President of the Commission, the Commission's attorney and the Commission's financial advisor and set forth in the Issuer's Certificate. Interest on the Bonds shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year.

Section 2. Registrar and Paying Agent. The Controller is hereby authorized to serve as Registrar and Paying Agent (the "Registrar" or the "Paying Agent" or in both such capacities as the "Registrar and Paying Agent") for the Bonds or to appoint a Registrar and Paying Agent in her discretion. If the Controller determines to appoint a Registrar and Paying Agent, the Controller is hereby authorized to solicit and receive proposals with regard to the services of a registrar and paying agent. The Registrar and Paying agent is hereby charged with the responsibility of authenticating the Bonds. The Registrar shall keep and maintain at its principal office books for the registration and for the transfer of the Bonds (the "Bond Register"). The Controller is hereby authorized and directed, on behalf of the Commission, to enter into such agreements or understandings with the Registrar as will enable the Registrar to perform the services required of a registrar, and is directed to pay the Registrar for its services out of available funds.

The principal of and premium, if any, on the Bonds shall be payable at the principal office of the Paying Agent for the Bonds. Interest on the Bonds shall be paid by check or draft mailed or delivered at least one (1) business day prior to the payment date to the registered owners of the Bonds at the address as it appears on the Bond Register as of the fifteenth day of the calendar month immediately preceding the interest payment date or at such other address as is provided to the Paying Agent in writing by such registered owners. All payments on the Bonds shall be made in lawful money of the United States of America. The Controller is hereby authorized and directed, on behalf of the Commission, to enter into such agreements or understandings with the Paying Agent as will enable the Paying Agent to perform the services required of a paying agent, and is directed to pay the Paying Agent for its services out of available funds. Any designation by the Controller of a financial institution to serve as the Registrar or the Paying Agent shall be set forth in the Issuer's Certificate.

If the Controller appoints a Registrar and Paying Agent, the Registrar or the Paying Agent may at any time resign as Registrar or Paying Agent by giving thirty (30) days' written notice to the Commission and by first-class mail to each registered owner of Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar or Paying Agent, as the case may be, by the Commission. Such notice to the Commission may be served personally or be sent by registered mail. The Registrar or Paying Agent may be removed at any time as Registrar or Paying Agent by the Commission, in which event the Commission may appoint a successor Registrar or Paying Agent, as the case may be. The Commission shall notify each registered owner of Bonds then outstanding by first-class mail of the removal of the Registrar or Paying Agent. Notices to registered owners of Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Bond Register. Any predecessor Registrar shall deliver all the Bonds in its possession and the Bond Register to the successor Registrar, and any predecessor Paying Agent shall deliver all the cash in its possession to the successor Paying Agent.

Section 3. Transfer and Exchange. Each Bond shall be transferable or exchangeable only upon the Bond Register by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. Bonds may be transferred or exchanged without cost to the registered owner, except for any tax or governmental charge required to be paid with respect to the exchange. The Registrar shall not be required to transfer or exchange any Bond called for redemption or during the period from the fifteenth day of any calendar month immediately preceding an interest payment date to such interest payment date. The City, the Commission, the Registrar and the Paying Agent may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

In the event any Bond is mutilated, lost, stolen or destroyed, the City may execute and the Registrar may authenticate a new Bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new Bond shall be marked in a manner to distinguish it from the Bond for which it was issued; provided, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed Bond there shall be first furnished to the City and the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event any such lost, stolen or destroyed Bond shall have matured, instead of issuing a duplicate Bond, the City and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The City and the Registrar may charge the owner of such Bond with their reasonable fees and expenses in connection with the above. Every substitute Bond issued by reason of any Bond being lost, stolen or destroyed shall, with respect to such Bonds, constitute a substitute contractual obligation of the City, acting for and on behalf of the District, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Resolution, equally and proportionately with any and all other Bonds duly issued hereunder.

Section 4. Execution and Delivery. The Bonds shall be executed in the name of the City, acting for and on behalf of the District, by the manual or facsimile signature of the Mayor of the City (the "Mayor"), and attested by the manual or facsimile signature of the Controller, who shall cause the official seal of the City to be impressed or a facsimile thereof to be printed on each of the Bonds. Subject to the provisions for registration, the Bonds shall be negotiable under the laws of the State of Indiana.

The Bonds shall be authenticated with the manual signature of an authorized representative of the Registrar, and no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Resolution until the certificate of authentication on such Bond shall have been so executed.

The Mayor is hereby authorized to execute the Bonds with such officer's manual or facsimile signature and the Controller is hereby authorized and directed to have the definitive Bonds prepared, attest the Bonds with such officer's manual or facsimile signature, and cause the seal of the City to be impressed or a facsimile thereof to be printed on the Bonds, all in the form and manner herein provided. In case any officer whose signature appears on the Bonds shall cease to hold that office before the delivery of the Bonds, the signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the Bonds. After the Bonds have been properly executed, the Controller shall certify the amount the Bond Bank is to pay and, upon receipt of the amount of payment certified, deliver the Bonds to the Bond Bank. The Controller shall take a receipt for the Bonds delivered to the Bond Bank, pay the Bond Bank's payment into the respective funds described below, and report the proceedings to the Commission and the Common Council.

Section 5. Redemption of Bonds.

(a) The Bonds may be subject to redemption at the option of the Commission, in whole or in part (and if in part, in Authorized Denominations and in order of maturity determined by the Commission and by lot within any such maturity or maturities in such manner as may be designated by the Registrar), at times to be determined by the Commission at the time of the sale of the Bonds (as set forth in the Issuer's Certificate), upon at least thirty (30) days' written notice to the registered owner or owners of the Bonds to be redeemed, at a redemption price equal to one hundred percent (100%) of the principal amount of the Bonds to be redeemed, plus accrued and unpaid interest on the Bonds so redeemed to the redemption date, and without premium.

(b) All or a portion of the Bonds may be aggregated into one or more term bonds payable from mandatory sinking fund redemption payments (the "Term Bonds") as described below, at a redemption price equal to one hundred percent (100%) of the principal amount of the Bonds to be redeemed, plus accrued and unpaid interest on the Bonds to be redeemed to the redemption date, and without premium, and at maturity, on February 1 and/or August 1 of the years and in the principal amounts set forth in the Issuer's Certificate and in the Bonds. In the event any of the Bonds are issued as Term Bonds, the form of Bond set forth in Section 6 hereof shall be modified accordingly.

(i) As and for a sinking fund for the redemption of the principal of Term Bonds, the Commission will, until all of the Term Bonds are paid or payment thereof provided for, cause to be deposited with the Paying Agent on each date on which a mandatory redemption payment is due (each such date being herein called a "Sinking Fund Payment Date"), the required amounts as set forth above. Each such payment shall be applied to the redemption of Term Bonds on such Sinking Fund Payment Date, as set forth above. Any redemption of less than the entire unpaid principal amount of the Bonds pursuant to Section 5(a) hereof shall not relieve the Commission's obligation to make mandatory sinking fund payments under this Section 5(b).

(ii) The Registrar shall select the Term Bonds to be redeemed on each Sinking Fund Payment Date by lot in the manner specified in Section 5(c) hereof. The redemption of such Term Bonds shall be made upon the terms and in the manner stated in Section 5(d) hereof. Any reference in this Resolution to payment of principal of the Bonds shall be deemed to include payment of scheduled mandatory sinking fund redemption payments.

(c) If less than all the Bonds are to be redeemed, then for all purposes in connection with such redemption and the selection by lot of the Registrar of the outstanding Bonds to be redeemed pursuant to Sections 5(a) and 5(b) hereof, each Five Thousand Dollars ($5,000) of principal amount of each outstanding Bond in a denomination greater than Five Thousand Dollars ($5,000) shall be treated as though it were a separate Bond of the denomination of Five Thousand Dollars ($5,000).

For all purposes of this Resolution, unless the context otherwise requires, all provisions relating to the redemption or prepayment of Bonds shall relate, in the case of any Bond redeemed or prepaid or to be redeemed or prepaid only in part, to the portion of the principal of such Bond which has been or is to be redeemed or prepaid. With respect to optional redemption of Term Bonds pursuant to Section 5(b) hereof, an amount equal to the principal amount of such Term Bonds redeemed will be credited toward the latest scheduled mandatory sinking fund payment or payments with respect to such Term Bonds, unless otherwise directed by the Commission.

(d) Unless waived by any holder of Bonds to be redeemed, official notice of any such redemption of Bonds shall be given by the Registrar on behalf of the Commission identifying the Bonds, by mailing a copy of an official redemption notice by registered or certified mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to the registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of any proceedings for the redemption of any other Bonds.

All official notices of redemption shall be dated and shall state:

(1) The redemption date;

(2) The redemption price;

(3) If less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed;

(4) That on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date; and

(5) The place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the place provided for the payment of the principal of and premium, if any, on the Bonds.

Prior to any redemption date, the Commission shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the Commission shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Paying Agent at the redemption price. Bonds redeemed in part may be exchanged for a Bond or Bonds of the same maturity in Authorized Denominations equal to the remaining principal amount. In addition to the foregoing notice, further notice may be given by the Registrar as it deems appropriate by mail, publication or otherwise to registered securities depositories, national information services or others containing the above information and such further information as the Registrar may deem appropriate, but no defect in said further notice, nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above described.

Section 6. Form of Bond. The form and tenor of the Bonds shall be substantially as follows (all blanks to be properly completed prior to the preparation of the Bonds):

[Form of Bond]

UNITED STATES OF AMERICA

STATE OF INDIANA COUNTY OF ST. JOSEPH

CITY OF MISHAWAKA REDEVELOPMENT DISTRICT
TAX INCREMENT REVENUE BOND, SERIES 2015
(BATTELL CENTER PROJECT)

No. 1__R-__ $__________

Interest Rate	Maturity Date	Original Date	Authentication Date	CUSIP

Registered Owner:

Principal Sum:

The City of Mishawaka, in the State of Indiana (the "City"), acting for and on behalf of the City of Mishawaka Redevelopment District (the "District"), which is governed by the City of Mishawaka Redevelopment Commission (the "Commission"), for value received, hereby promises to pay to the Registered Owner stated above, or registered assigns, but solely from the Tax Increment (as defined in the hereinafter-defined Resolution), the Principal Sum stated above, on the Maturity Date stated above, unless this bond shall have previously been called for redemption and payment of the redemption price made or provided for, and to pay interest on said Principal Sum to the Registered Owner of this bond until the District's obligation with respect to the payment of said Principal Sum shall be discharged, at the Interest Rate per annum stated above from the interest payment date next preceding the date of authentication of this bond, unless this bond is authenticated on or before ________ 15, 201__, in which case the interest shall be paid from the Original Date stated above or unless this bond is authenticated between the fifteenth day of the calendar month immediately preceding an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment date. Interest is payable on __________ 1, 201__ and semiannually thereafter on February 1 and August 1 of each year by check or draft mailed or delivered at least one (1) business day prior to the payment date. Interest shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year.

The principal of and premium, if any, on this bond are payable at the principal office of ________________________ in the ________ of ______________, Indiana, as Paying Agent (the "Paying Agent") (which term shall include any successor Paying Agent). Interest on this bond shall be paid by check or draft mailed or delivered to the Registered Owner hereof at the address as it appears on the books kept by ________________________, in the ________ of ______________, Indiana, as Registrar (the "Registrar") (which term shall include any successor Registrar), for the registration and for the transfer of the bonds (the "Bond Register") as of the fifteenth day of the calendar month immediately preceding the interest payment date or at such other address as is provided to the Paying Agent in writing by the Registered Owner. Notwithstanding the foregoing, if payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. All payments on this bond shall be made in lawful money of the United States of America. The bonds maturing on any date are issuable only in fully registered form in denominations of ____________ Dollars ($__________) or any integral multiple thereof not exceeding the aggregate principal amount of the bonds maturing on such date ("Authorized Denominations").

This bond, together with interest thereon, does not constitute a corporate obligation or indebtedness of the City, but the same is an obligation of the District, which is a special taxing district located within the City. The principal of and premium, if any, and interest on this bond and all other bonds of the issue of which this bond is a part are payable solely from the Tax Increment.

This bond is one of an authorized issue of bonds of the District in the aggregate principal amount of ____________ Dollars ($______________), numbered consecutively from 1__R-1 upwards, issued pursuant to a resolution entitled "A BOND RESOLUTION OF THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE OF CITY OF MISHAWAKA REDEVELOPMENT DISTRICT TAX INCREMENT REVENUE BONDS, SERIES 2015" (Resolution No. _______) (the "Resolution"), adopted by the Commission on January 26, 2015, and in strict compliance with Indiana Code 36-7-14 (the "Act"), for the purpose of procuring funds to pay for the cost of redevelopment and economic development in or serving the Allocation Area (as defined in the Resolution) (including, in particular, certain renovations to the Battell Center which is owned by the City and located in the Allocation Area), together with a sum sufficient to pay the estimated cost of all expenses reasonably incurred in connection with the redevelopment and economic development of the property in or serving the Allocation Area, including the total cost of all land, rights-of-way and other property to be acquired, redeveloped and economically developed, all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition, redevelopment and economic development of the property or the issuance of the bonds, [capitalized interest as permitted by the Act and] a debt service reserve for the bonds, and expenses that the Commission may be required or permitted to pay as "relocation assistance" under Indiana Code 8-23-17, together with the expenses in connection with or on account of the issuance of the bonds therefor, all as described in the Resolution. Reference is hereby made to the Resolution for a description of the nature and extent of the rights, duties and obligations of the owners of the bonds, the City and the Commission and the terms on which this bond is issued, and to all the provisions of the Resolution to which the owner hereof by the acceptance of this bond assents.

The bonds maturing on or after ________ 1, 20__ are subject to redemption at the option of the Commission, in whole or in part (and if in part, only in Authorized Denominations and in order of maturity determined by the Commission and by lot within any such maturity or maturities in such manner as may be designated by the Registrar), on any date on or after ________ 1, 20__, upon at least thirty (30) days' written notice to the registered owner or owners of the bonds to be redeemed, at a redemption price equal to one hundred percent (100%) of the principal amount of the bonds to be redeemed, plus accrued and unpaid interest on the bonds so redeemed to the redemption date, and without premium.

Unless waived by any holder of bonds to be redeemed, official notice of any such redemption shall be given by the Registrar on behalf of the Commission by mailing a copy of an official redemption notice by first-class mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to the registered owner of the bond or bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice, or any defect therein, with respect to any bond shall not affect the validity of any proceedings for the redemption of other bonds.

Official notice of redemption having been given as aforesaid, the bonds, or portions of bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the Commission shall default in the payment of the redemption price) such bonds or portions of bonds shall cease to bear interest. Upon surrender of such bonds for redemption in accordance with said notice, such bonds shall be paid by the Paying Agent at the redemption price. Bonds redeemed in part may be exchanged for a bond or bonds of the same maturity in Authorized Denominations equal to the remaining principal amount.

The District reserves the right to authorize and issue additional bonds or other obligations payable out of the Tax Increment or to otherwise make additional pledges of the Tax Increment, ranking on a parity with the pledge of the Tax Increment to the payment of this bond, for the purpose of raising money for future property acquisition, redevelopment and economic development in or serving the Allocation Area or for refunding outstanding bonds of this issue, all subject to certain requirements as set forth in the Resolution. In addition, additional bonds or pledges, junior to this bond (with respect to the Tax Increment), may be issued in accordance with the terms of the Resolution.

This bond is transferable or exchangeable only upon the Bond Register by the Registered Owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred or exchanged without cost to the Registered Owner, except for any tax or governmental charge required to be paid with respect to the exchange. The Registrar shall not be required to transfer or exchange this bond if it has been called for redemption or during the period from the fifteenth day of any calendar month immediately preceding an interest payment date to such interest payment date. Subject to the provisions for registration, this bond is negotiable under the laws of the State of Indiana.

The City, the Commission, the Registrar and the Paying Agent may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

In the manner provided in the Resolution, the Resolution and the rights and obligations of the Commission and of the owners of the bonds may (with certain exceptions as stated in the Resolution) be modified or amended with the consent of the owners of at least a majority in aggregate principal amount of outstanding bonds exclusive of bonds, if any, owned by the Commission or the City.

In the event this bond is mutilated, lost, stolen or destroyed, the City may execute and the Registrar may authenticate a new bond of like date, maturity and denomination as this bond, which new bond shall be marked in a manner to distinguish it from this bond; provided, that in the case of this bond being mutilated, this bond shall first be surrendered to the City and the Registrar, and in the case of this bond being lost, stolen or destroyed, there shall first be furnished to the City and the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event that this bond, being lost, stolen or destroyed, shall have matured, instead of issuing a duplicate bond the City and the Registrar may, upon receiving indemnity satisfactory to them, pay this bond without surrender hereof. The City and the Registrar may charge the owner of this bond with their reasonable fees and expenses in connection with the above. Every substitute bond issued by reason of this bond being lost, stolen or destroyed shall, with respect to this bond, constitute a substitute contractual obligation of the City, acting for and on behalf of the District, whether or not this bond, being lost, stolen or destroyed shall be found at any time, and shall be entitled to all the benefits of the Resolution, equally and proportionately with any and all other bonds duly issued thereunder.

The Registrar or Paying Agent may at any time resign as Registrar or Paying Agent by giving thirty (30) days' written notice to the Commission and by first-class mail to the registered owners of bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar or Paying Agent, as the case may be, by the Commission. Such notice to the Commission may be served personally or be sent by registered mail. The Registrar or the Paying Agent may be removed at any time as Registrar or Paying Agent by the Commission, in which event the Commission may appoint a successor Registrar or Paying Agent, as the case may be. The Commission shall cause the Registered Owner of this bond to be notified, if then outstanding, by first-class mail, of the removal of the Registrar or Paying Agent. Notices to registered owners of bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear in the registration books kept by the Registrar.

If this bond or a portion thereof shall have become due and payable in accordance with its terms or shall have been duly called for redemption or irrevocable instructions to call this bond or a portion thereof for redemption shall have been given, and the whole amount of the principal of and premium, if any, and interest so due and payable upon all of this bond or a portion thereof then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case this bond or such portion thereof shall no longer be deemed outstanding or an indebtedness of the District.

It is hereby certified and recited that all acts, conditions and things required by law and the Constitution of the State of Indiana to be done precedent to and in the execution, issuance, sale and delivery of this bond have been properly done, happened and performed in regular and due form as prescribed by law, and that the issuance of this bond by the District does not cause any constitutional or statutory limitation of indebtedness to be exceeded.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution authorizing this bond until the certificate of authentication hereon shall have been duly executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Mishawaka Redevelopment Commission has caused this bond to be executed in the name of the City of Mishawaka, Indiana, acting for and on behalf of the City of Mishawaka Redevelopment District, by the manual or facsimile signature of the President of the Common Council of said City and attested by the manual or facsimile signature of the Controller of said City, who has caused the seal of said City to be impressed or a facsimile thereof to be printed hereon.

CITY OF MISHAWAKA, INDIANA

(Seal)

By:__________________________________
Mayor

ATTEST:

____
Controller

Registrar's Certificate of Authentication

This bond is one of the bonds described in the within-mentioned Resolution.

______________________________,
as Registrar

By:__________________________________
Authorized Representative

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

TEN. COM.	-	as tenants in common
TEN. ENT.	-	as tenants by the entireties
JT. TEN.	-	as joint tenants with right of survivorship and not as tenants in common
UNIF. GIFT MIN. ACT	-	_____Custodian _____ (Cust.) (Minor) under Uniform Gifts to Minors Act of ________________ (State)

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

Assignment

For value received, the undersigned hereby sells and transfers unto ______________________________

____

(Please print or typewrite name and address of transferee)

this bond and all rights hereunder and hereby irrevocably constitutes and appoints ________________________, attorney, to transfer this bond on the books kept for the registration hereof with full power of substitution in the premises.

Date: ______________________

Signature Guaranteed

______________________________ ______________________________

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

(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this bond in every particular without alteration or enlargement or any change whatsoever.)

[End of Bond Form]

Section 7. Funds and Accounts.

(a) There are hereby created and established in the Allocation Fund (into which all Tax Increment received by the Commission from the Allocation Area shall be deposited and held in reserve for payment of debt service on the Bonds and any obligations issued on parity with the Bonds pursuant to Section 8 hereof and Section 39 of the Act) a Bond Principal and Interest Account and a General Account, each of which the Commission hereby covenants and agrees to cause to be kept and maintained. On or before the first December 31 or June 30 (or as soon thereafter as Tax Increment is received) after the issuance of the Bonds and on or before each December 31 and June 30 thereafter, all moneys in the Allocation Fund shall be set aside in the following accounts within the Allocation Fund, in the following order of priority:

(1) Bond Principal and Interest Account. There shall be set aside within the Allocation Fund and deposited into the Bond Principal and Interest Account from the Tax Increment, an amount, which, together with any money contained therein, is equal to the aggregate amount of the principal and interest due during that bond

year with respect to the Bonds. For this purpose, a "bond year" shall be deemed to be a year to and including February 1. No deposit need be made in the Bond Principal and Interest Account if the amount contained therein is at least equal to the aggregate amount of principal and interest due and payable with respect to the Bonds during the remainder of that bond year. All money in the Bond Principal and Interest Account shall be used and withdrawn solely for the purpose of paying the interest on and the principal of the Bonds as it shall become due and payable to the extent it is required therefor (including accrued interest on any Bonds purchased or redeemed prior to maturity).

(2) General Account. The remaining amounts in the Allocation Fund shall be deposited into the General Account of the Allocation Fund and be available only to do one or more of the following:

(i) Pay the principal of and interest on any obligations (including the Bonds) payable solely from allocated tax proceeds which are incurred by the District for the purpose of financing or refinancing the redevelopment or economic development of the Allocation Area;

(ii) Establish, augment or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in the Allocation Area;

(iii) Pay the principal of and interest on bonds payable from allocated tax proceeds in the Allocation Area and from the special tax levied under Section 27 of the Act;

(iv) Pay the principal of and interest on bonds issued by the City to pay for local public improvements that are physically located in or physically connected to the Allocation Area;

(v) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in the Allocation Area;

(vi) Make payments on leases payable from allocated tax proceeds in the Allocation Area under Section 25.2 of the Act;

(vii) Reimburse the City for expenditures made by the City for local public improvements (which include buildings, parking facilities and other items described in Section 25.1(a) of the Act) that are physically located in or physically connected to the Allocation Area;

(viii) Reimburse the City for rentals paid by the City for a building or parking facility that is physically located in or physically connected to the Allocation Area under any lease entered into under Indiana Code 36-1-10;

(ix) Pay expenses incurred by the Commission for local public improvements that are in the Allocation Area or serving the Allocation Area (including buildings, parking facilities and other items described in Section 25.1(a) of the Act);

(x) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that qualify under the Act; or

(xi) Pay the costs of carrying out an eligible efficiency project (as defined in Indiana Code 36-9-41-1.5) within the City, as described in Section 39(b)(2)(L) of the Act;

(xii) Provided, however, that if further uses of property tax proceeds allocated to the Allocation Fund are authorized or permitted by amendment to the Act, including Section 39 of the Act, those uses shall also be authorized or permitted for property tax proceeds allocated to the Allocation Fund.

(b) When the money in the Allocation Fund is sufficient to pay when due all principal and interest payments for that bond year on bonds (including the Bonds) described in Section 7(a) hereof, and is not needed for that year for the other purposes described in Section 7(a) hereof (including, without limitation, the maintaining of Tax Increment collected in a given year in the Allocation Fund as a reserve to pay principal and interest on bonds payable in the year following such year of collection in the manner and at the times specified herein), money in the Allocation Fund in excess of that amount (the "Excess Funds") shall be paid to the Controller who shall, during the time a part of the Allocation Area is located in an enterprise zone created under Indiana Code 4-4-6.1, deposit such Excess Funds in a special fund created for the enterprise zone and used as required by law; provided, however, to the extent portions of the Allocation Area are not within the enterprise zone, the Excess Funds deposited into the special fund shall be reduced on a pro rata basis based on the percentage of the enterprise zone contained in the Allocation Area as provided in Section 25(g) of the Act.

(c) Except as provided in Section 7(b) hereof, before July 15 of each year, the Commission shall (i) determine the amount, if any, of Excess Funds in the following year; and (ii) notify the St. Joseph County Auditor, the Controller and the other officers who are authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each of the other taxing units located within the Allocation Area, of the amount, if any, of excess assessed value that the Commission has determined may be allocated to the respective taxing units entitled thereto, provided that the Commission may not authorize an allocation of excess assessed value to the respective taxing units under this subsection if to do so would endanger the interests of the holders of obligations (including the Bonds) described in Section 7(a) hereof and which determination may be subject to the approval or modification of the Common Council of the City as required by Section 39(b)(4)(c).

The Tax Increment, other than the Excess Funds, shall be irrevocably pledged for the purpose set forth in this Section 7.

All money in the Bond Principal and Interest Account shall be held in trust for the benefit of the holders of the Bonds and shall be applied, used and withdrawn only for the purposes authorized in this Section 7. The proceeds of the Allocation Fund shall be deposited with a legally qualified depository or depositories for funds of the City as now provided by law and shall be segregated and kept separate and apart from all other funds of the City and may be invested as permitted by law. Interest earned in each account or fund established under this Resolution shall be credited thereto.

Section 8. Additional Pledges of Tax Increment.

(a) The District reserves the right to pledge the Tax Increment to the payment of additional bonds or other obligations or to otherwise make additional pledges of the Tax Increment (collectively, "Parity Pledges"), ranking on a parity with the pledge of the Tax Increment to the payment of the Bonds authorized by this Resolution and payable ratably from the Tax Increment for the purpose of raising money for future property acquisition, redevelopment and economic development in or serving the Allocation Area or for refunding any previously issued and outstanding Bonds or bonds or other obligations secured by a Parity Pledge. The authorization and issuance of Parity Pledges shall be subject to the following conditions precedent:

(i) All interest and principal payments with respect to all obligations payable from the Tax Increment, including, without limitation, the Bonds, shall be current to date with no payment in arrears;

(ii) Payments on any Parity Pledges or junior obligations payable from Tax Increment (either principal maturities, mandatory sinking fund payments or otherwise) shall be payable semiannually on February 1 and/or July 1 of each year; and

(iii) The Commission shall have received a certificate prepared by an independent certified public accountant or an independent financial consultant (the "Certifier") certifying that the Tax Increment estimated to be received in each succeeding year, adjusted as provided below, is estimated to be equal to at least one hundred twenty-five percent (125%) of the principal and interest requirements of all obligations of the District payable from Tax Increment for each respective year during the term of such bonds or other obligations with respect to the Bonds and the Parity Pledges. In estimating the Tax Increment to be received in any future year, the Certifier shall base the calculation on assessed valuation actually assessed or estimated to be assessed as of the assessment date immediately preceding the issuance of the obligations secured by the Parity Pledges; provided, that the Certifier shall adjust assessed values for the property tax abatements granted to property owners in the Allocation Area and may take into account the effect of reassessment on Tax Increment to the extent it can be reasonably estimated. No increase in the Tax Increment to be received in any future bond years shall be estimated which results from projected inflation in property values or tax rates. Notwithstanding the foregoing, if bonds or other obligations secured by a Parity Pledge are to be issued for the purpose of refunding Bonds, then the requirements of this subsection (iv) need not be satisfied so long as the refunding bonds do not have a maturity longer than the Bonds being refunded, and the debt service of the refunding bonds is less than or equal to the debt service on the Bonds being refunded in each bond year.

(b) Except as otherwise provided in this Section 8, so long as any of the Bonds are outstanding, no additional bonds or other obligations pledging any portion of the Tax Increment shall be authorized, executed or issued by the City or the Commission acting for and on behalf of the District except such as shall be made subordinate and junior in all respects to the Bonds, unless all of the Bonds are redeemed and retired coincidentally with the delivery of such additional bonds or other obligations, or, as provided in Section 13 hereof, funds sufficient to effect such redemption are available and set aside for that purpose at the time of issuance of such additional bonds or other obligations.

Section 9. Deposit of Proceeds of Bonds. Proceeds received from the sale of the Bonds shall be deposited as follows:

(a) All accrued interest received at the time of the delivery of the Bonds, if any, shall be deposited in the Bond Principal and Interest Account.

(b) The remaining proceeds from the sale of the Bonds, if any, shall be deposited in a special fund to be designated as the "Battell Center Capital Fund" (the "Capital Fund").

Section 10. Capital Fund. Proceeds deposited in the Capital Fund shall be deposited with a legally qualified depository or depositories for funds of the City as now provided by law and shall be segregated and kept separate and apart from all other funds of the City and may be invested as permitted by law. The proceeds in the Capital Fund shall be expended only for the purpose of paying the cost of the Project, together with the expenses in connection with or on account of the issuance of the Bonds. Any balance or balances remaining in the Capital Fund after the completion of the Project which are not required to meet unpaid obligations incurred in connection with the Project and issuance of the Bonds, shall be deposited into the Bond Principal and Interest Account and used solely for the purposes of that account.

Section 11. Sale of Bonds.

(a) The Bonds shall be sold by private negotiated sale, as provided by Indiana Code 36-7-14-25.1(g) and Indiana Code 5-1.4-8, to the Bond Bank, at a price of not less than one hundred percent (100.0%) of par plus accrued interest, if any, to the date of delivery of the Bonds. The Controller and the President of the Commission may negotiate a purchase agreement to be entered into with respect to the purchase of the Bonds (the "Bond Purchase Agreement"), and either the Controller or the President of the Commission is hereby authorized to execute and deliver the Bond Purchase Agreement. The Controller and the President of the Commission are further authorized to carry out, on behalf of the City and the Commission, the terms and conditions set forth in the Bond Purchase Agreement, consistent with the provisions of this Resolution.

(b) The President of the Commission and/or the Controller is hereby authorized and directed to obtain a legal opinion as to the validity of the Bonds from Faegre Baker Daniels LLP, bond counsel, and to furnish such opinion to the Bond Bank, as purchaser of the Bonds. The cost of said opinion shall be considered as part of the costs incidental to these proceedings and shall be paid out of the proceeds of the Bonds, as appropriate.

Section 12. Tax Exemption. In order to preserve the exclusion from gross income of interest on the Bonds under federal law and as an inducement to the purchasers of the Bonds, the Commission on behalf of the District represents, covenants and agrees that:

(a) The Commission and the District shall satisfy either (i) or (ii) below (or both).

(i) No person or entity or any combination thereof, other than the District, the City or another "governmental unit" within the meaning of Section 141(b)(6) and Section 150(a)(2) of the Code ("Governmental Unit"), will use more than ten percent (10%) of the proceeds of the Bonds or property financed by said proceeds other than as a member of the general public. Not more than five percent (5%) of the proceeds of the Bonds are to be used (i) for any private business use that is unrelated to the governmental use of the proceeds or (ii) for a related private business use that is disproportionate to the governmental use of such proceeds within the meaning of Section 141(b)(3)(B) of the Code. No person or entity or any combination thereof, other than the District or another Governmental Unit, will own more than ten percent (10%) of property financed by Bond proceeds or will have actual or beneficial use of more than ten percent (10%) of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as a take-or-pay or other type of output contract or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large of such property, except pursuant to a management or similar contract which satisfies the requirements of IRS Revenue Procedure 97-13.

(ii) Not more than ten percent (10%) of the principal of or interest on the Bonds (under the terms of the Bonds, this Resolution or any underlying arrangement) is secured, directly or indirectly, by an interest in property used or to be used for any private business use or payments in respect of such property or to be derived from payments (whether or not to the District, the Commission or the City) in respect of such property or borrowed money used or to be used for a private business use.

(b) Not more than ten percent (10%) of the Bond proceeds will be loaned to any entity or person. No Bond proceeds will be transferred directly, or indirectly transferred or deemed transferred, to a person other than a Governmental Unit in a fashion that would in substance constitute a loan of said Bond proceeds.

(c) The District will not take any action or fail to take any action with respect to the Bonds that would result in the loss of the exclusion from gross income for federal tax purposes of interest on the Bonds pursuant to Section 103(a) of the Code, as in effect on the date of delivery of the Bonds, nor will the Commission act in any manner which would adversely affect such exclusion. The Commission further covenants that it will not make any investment or do any other act or thing during the period that any Bond is outstanding hereunder which would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the Bonds. The Commission shall comply with the arbitrage rebate requirements under Section 148 of the Code to the extent applicable.

(d) All officers, members, employees and agents of the Commission, the Department and the City are authorized and directed to provide certifications of facts and estimates that are material to the reasonable expectations of the Commission as of the date the Bonds are issued and to enter into covenants on behalf of the Commission evidencing the Commission's commitments made herein. In particular, all or any officers, members, employees and agents of the Commission, the Department and the City are authorized to certify and/or enter into covenants for the District regarding the facts and circumstances and reasonable expectations of the Commission on the date the Bonds are issued and the commitments made by the Commission herein regarding the amount and use of the proceeds of the Bonds.

(e) Notwithstanding any other provisions of this Resolution, the covenants and authorizations contained in this Resolution (the "Tax Sections") which are designed to preserve the exclusion of interest on the Bonds from gross income under federal law (the "Tax Exemption") need not be complied with if the District receives an opinion of bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption. In addition, the District is authorized to issue one or more series of Bonds, the interest on which is not excludable from gross income under federal law, in which case the Tax Sections of this Resolution shall not apply to such series of Bonds.

Section 13. Defeasance. If, when the Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal of and premium, if any, and interest so due and payable upon all of the Bonds or a portion thereof then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case the Bonds, as the case may be, or such portion thereof issued hereunder shall no longer be deemed outstanding or an indebtedness of the District.

Section 14. Supplemental Resolutions Without Consent. The Commission may, from time to time and at any time, without the consent of, or notice to, any of the owners of the Bonds, as the case may be, adopt resolutions supplemental hereto (which supplemental resolutions shall thereafter form a part hereof) for any one or more of the following purposes:

(a) To cure any ambiguity or formal defect or omission in this Resolution or in any supplemental resolution;

(b) To grant to or confer upon the owners of the Bonds any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds, or to make any change which, in the judgment of the Commission, is not to the prejudice of the owners of the Bonds;

(c) To modify, amend or supplement this Resolution to permit the qualification of the Bonds for sale under the securities laws of the United States of America or of any of the states of the United States of America;

(d) To provide for the refunding or advance refunding of the Bonds;

(e) To procure a rating on the Bonds from a nationally recognized securities rating agency designated in such supplemental resolution or to obtain or maintain bond insurance with respect to payments of principal of and interest on the Bonds, if such supplemental resolution will not adversely affect the owners of the Bonds; or

(f) Any other purpose which in the judgment of the Commission does not adversely impact the interests of the owners of the Bonds.

Section 15. Supplemental Resolutions Requiring Consent. This Resolution and the rights and obligations of the Commission and the owners of the Bonds may be modified or amended at any time by supplemental resolutions adopted by the Commission with the consent of the owners of the Bonds holding at least a majority in aggregate principal amount of the outstanding Bonds, as the case may be (exclusive of Bonds, if any, owned by the Commission or the City); provided, however, that no such modification or amendment shall, without the express consent of the owners of the Bonds affected, reduce the principal amount of any Bond, reduce the interest rate or premium payable thereon, advance the earliest redemption date, extend its maturity or the times for paying interest thereon, permit a privilege or priority of any Bond or Bonds over any other Bond or Bonds, create a lien securing any Bonds other than a lien ratably securing all of the Bonds outstanding, or change the monetary medium in which principal and interest are payable, nor shall any such modification or amendment reduce the percentage of consent required for amendment or modification.

Any act done pursuant to a modification or amendment so consented to shall be binding upon all the owners of the Bonds and shall not be deemed an infringement of any of the provisions of this Resolution or of the Act, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after such consent relating to such specified matters has been given, no owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the Commission or any officer thereof from taking any action pursuant thereto.

If the Commission shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the respective owners of the Bonds at their addresses appearing on the registration books held by the Registrar. Such notice shall briefly set forth the nature of the proposed supplemental resolution and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the Bonds. The Registrar shall not, however, be subject to any liability to any owners of the Bonds by reason of its failure to mail the notice described in this Section 15, and any such failure shall not affect the validity of such supplemental resolution when consented to and approved as provided in this Section 15.

Whenever at any time the Commission shall receive an instrument or instruments purporting to be executed by the owners of the Bonds of not less than a majority in aggregate principal amount of the Bonds then outstanding (exclusive of Bonds, if any, owned by the Commission or the City), which instrument or instruments shall refer to the proposed supplemental resolution described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the Commission may adopt such supplemental resolution in substantially such form, without liability or responsibility to any owners of the Bonds, whether or not such owner shall have consented thereto.

Upon the adoption of any supplemental resolution pursuant to the provisions of this Section 15, this Resolution shall be, and be deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Resolution shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such modifications and amendments.

Section 16. Miscellaneous.

(a) The appropriate officers of the Commission are hereby authorized to take all actions required to obtain a rating for the Bonds, if economically feasible and desirable, and to enter into any other agreements (including, without limitation, a trust agreement or a trust indenture with a third party trustee, provided that such trust agreement or trust indenture is consistent with the provisions of this Resolution) as may be necessary or desirable for the purpose of further securing the payment of the principal of and interest on the Bonds or to otherwise carry out the provisions of this Resolution.

(b) As soon as can be done after the adoption of this Resolution, the President and the Secretary of the Commission are hereby directed to deliver on behalf of the Commission a certified copy of this Resolution to the Controller.

(c) If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

(d) All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed, and this Resolution shall be in immediate effect from and after its adoption.

(e) If the date for making any payment or the last date for performance of any act or the exercising of any right, as provided in this Resolution, shall be a legal holiday or a day on which banking institutions in the City or the city or City in which the Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Resolution, and no interest shall accrue for the period after such nominal date.

(f) The Commission hereby expressly authorizes the Controller and the President of the Commission, and each of them, based upon the advice of the Commission's attorney and the Commission's financial advisor, to negotiate with prospective purchasers as to the terms of the Bonds, provided that such negotiated terms are consistent with the provisions of this Resolution.

(g) The Commission hereby authorizes and directs the Mayor, the Controller and the members and officers of the Commission, and each of them, for and on behalf of the District, to prepare, execute and deliver any and all other instruments, letters, certificates, agreements and documents as the official executing the same determines is necessary or appropriate to consummate the transactions contemplated by this Resolution, and such determination shall be conclusively evidenced by the execution thereof. The instruments, letters, certificates, agreements and documents, including the Bonds, necessary or appropriate to consummate the transactions contemplated by this Resolution shall, upon execution, as contemplated herein, constitute the valid and binding obligations or representations and warranties of the District, the full performance and satisfaction of which by the District are hereby authorized and directed.

<u>Section 17</u>. <u>Effective Date</u>. This Resolution shall become effective immediately upon the issuance of the Bonds.

* * * * *

ADOPTED AND APPROVED at a meeting of the City of Mishawaka Redevelopment Commission held on the 26th day of January, 2015.

CITY OF MISHAWAKA
REDEVELOPMENT COMMISSION

____
President

ATTEST:

____
Secretary

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 12 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. R2015-03

A RESOLUTION APPROVING APPOINTMENTS TO THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF MISHAWAKA, INDIANA

WHEREAS, Indiana statue permits the Common Council of a city to establish a Historic Preservation Commission; and

WHEREAS, the Mishawaka Common Council adopted Ordinance No. 3444 on November 19, 1990 creating a nine-member Historic Preservation Commission with a five member Advisory Board; and

WHEREAS, Ordinance No. 3444 provides that eight voting members of the Historic Preservation Commission shall be appointed by the Mayor subject to Common Council approval; and

WHEREAS, subject to Council approval, the Mayor has appointed as voting members of the Mishawka Historic Preservation Commission through December 31, 2016:

Nancy Seidler, Vice-Chair
Judy Gray
Michael Bultinck
Jennifer Johns
Faye Sullivan
Doug Merritt

Commission through 2017:
David Eisen
Terry DeMaegd, Chair

Also to the Advisory Board through December 31, 2015:
Bryan Tanner
Shirley McAlister
Advisory Board through December 31, 2016:
David Vollrath
Cliff Zenor

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka that it hereby approves the Mayor appointments of above members of the Mishawaka Historic Preservation Commission and Advisory Board.

PASSED by the Common Council of the City of Mishawaka, Indiana on the 16th Day of February, 2015 at _______ o'clock p.m.

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 11 2015

CITY CLERK
MISHAWAKA, IN

APPEAL #15-07

RESOLUTION NO. 2015- 04

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:

3635 North Home Street, Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **3635 North Home Street, Mishawaka, Indiana**, more particularly known and described as follows:

Parcel 1: A part of the northwest quarter of section 2, township 37 north, range 3 east, Penn Township, St. Joseph County, Indiana, and described as follows: Commencing from the North quarter corner of said section 2; thence North 89 degrees 39 feet 30 inches West, Bearing 344.25 feet to the westerly right-of-way line of Home Street (60.00 foot right of way); thence South 00 degrees 03 feet 15 inches West, 391.00 feet to the point of beginning; thence continuing South 00 degrees 03 feet 15 inches West, 150.00 feet; thence North 89 degrees 39 feet 30 inches West, 500.00 feet; thence North 00 degrees 03 feet 15 inches East, 150.00 feet; thence South 89 degrees 39 feet 30 inches East, 500.00 feet to the point of beginning. Parcel 2: A part of the Northwest quarter of section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana, and described as follows: Commencing from the North quarter corner of said section 2; thence North 89 degrees 39 feet 30 inches West, bearing 344.25 feet to the westerly right of way line of Home Street (60.00 foot right of way); thence South 00 degrees 03 feet 15 inches West, 541.00 feet to the point of beginning; thence continuing South 00 degrees 03 feet 15 inches West, 30.00 feet; thence North 89 degrees 39 feet 30 inches West, 500.00 feet; thence North 00 degrees 03 feet 15 inches East, 30.00

feet; thence South 89 degrees 39 feet 30 inches East, 500.00 feet to the point of beginning.

The Use Variance will allow for indoor youth soccer instruction on I-1 Light Industrial zoned property subject to the following conditions:

1. Use Variance shall be limited to indoors.
2. A site plan shall be submitted to the Department of City Planning showing proposed parking layout in regards to provided parking space per use.
3. Temporary signage is prohibited.

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

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will have no impact on the adjacent industrial uses that currently operate there. The proposed indoor soccer recreational use is less intense than other uses in the area. A similar recreational use (Gymnastics Michiana) is also located along Home Street.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because of the industrial nature of the area along Home Street, and the established recreational use.

3. The need for a variance arises from the nature of the area, where property owners are very protective of the intensive zonings of their properties. A use variance would allow the indoor soccer recreational use, while still protecting the industrial zoning for future use.

4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current I-1 Light Industrial zoning would not allow for the proposed indoor soccer recreational uses.

5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies other surrounding areas as industrial and the property will remain zoned industrial. The approval is consistent with the goals and objectives of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of_________________, 2015, at ______o'clock _____ .m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of ____________________2015, at _______ o'clock ____m.

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

APPROVED by me this _______ day of______________________, 2015, at _______o'clock ______.m.

____
David A. Wood, Mayor

January 19, 2015

JAN 20 2015

AP 15-07

City of Mishawaka
Board of Zoning Appeals
600 East Third Street
Mishawaka, IN 46544

The undersigned appellant respectfully shows the board:

1. I, Hack Properties, LLC am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, and to-wit:

   Parcel 1: A part of the northwest quarter of section 2, township 37 north, range 3 east, Penn Township, St. Joseph County, Indiana, and described as follows: Commencing from the North quarter corner of said section 2; thence North 89 degrees 39 feet 30 inches West, Bearing 344.25 feet to the westerly right-of-way line of Home Street (60.00 foot right of way); thence South 00 degrees 03 feet 15 inches West, 391.00 feet to the point of beginning; thence continuing South 00 degrees 03 feet 15 inches West, 150.00 feet; thence North 89 degrees 39 feet 30 inches West, 500.00 feet; thence North 00 degrees 03 feet 15 inches East, 150.00 feet; thence South 89 degrees 39 feet 30 inches East, 500.00 feet to the point of beginning. Parcel 2: A part of the Northwest quarter of section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana, and described as follows: Commencing from the North quarter corner of said section 2; thence North 89 degrees 39 feet 30 inches West, bearing 344.25 feet to the westerly right of way line of Home Street (60.00 foot right of way); thence South 00 degrees 03 feet 15 inches West, 541.00 feet to the point of beginning; thence continuing South 00 degrees 03 feet 15 inches West, 30.00 feet; thence North 89 degrees 39 feet 30 inches West, 500.00 feet; thence North 00 degrees 03 feet 15 inches East, 30.00 feet; thence South 89 degrees 39 feet 30 inches East, 500.00 feet to the point of beginning.

   Common address: 3635 N. Home Street, Mishawaka, IN 46545.

2. The above described real estate presently has a zoning classification of Industrial-1 district under the Zoning Ordinance of the City of Mishawaka.

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DEBORAH S. BLOCK, MMC

JAN 28 2015

CITY CLERK
MISHAWAKA, IN

3. Appellant presently occupies the above-described property in the following manner: Instructional activity for youth with office component. [Via website: Soccer Shots is the national leader in youth soccer development for children ages 2 through 8. Our program has been created under the guidance of childhood education specialists, MLS® and USL® professional soccer players, and experienced and licensed soccer coaches. Our innovative lesson plans are developmentally appropriate and tailored specifically to the three distinct age groups we teach. Using these creative and age-appropriate curricula and infusing each lesson plan with enthusiasm and structured activity, Soccer Shots aims to leave a lasting, positive impact on every child we serve].

4. Appellant desires to operate youth soccer instruction within the physical structure with an office component for operational tasks. The City of Mishawka, Zoning Ordinance, Section 137-586 does not expressly allow this less intense activity within Industrial-1 zoning designation.

5. The zoning ordinance of the City of Mishawaka requires: Section 137-586; Intent-This district is designed to provide suitable locations for the development of wholesale distribution, warehousing, industrial research, light assembly, and light manufacturing establishments which shall meet the provisions of chapter 30, article V, pertaining to noise control; shall not emit point-source pollution; if hazardous wastes are generated, that waste shall be disposed of in a manner as prescribed by the state department of environmental management and/or the Environmental Protection Agency; and which shall operate entirely within completely enclosed, substantially constructed and weather tight buildings. The I-1 district is created in order to secure proper traffic routing, truck loading and unloading, and automobile parking; control of traffic on public streets through provision for adequate off-street parking and off-street truck loading; protection of the surrounding neighborhood values; and the promotion of the general welfare of the residents of the city.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. The use variance if allowed will provide the ability for the lease holder and operator of said property to engage in a less intense use and activity without forcing the property owner to rezone the subject parcel to C-1. Precedence is clearly established within the City of Mishawaka local jurisdiction for a similar operation identified as Fun-N-Fitness located at 1505 S. Byrkit Avenue, Mishawaka, IN 46544. In this local market the property was advertised for lease and an ideal location and size for the Soccer Shots operation. The use variance is a means of allowing the less intense use to operate while maintaining the underlying zoning designation.

7. Answer the following necessary questions for a USE VARIANCE:

1. Will approval be injurious to the public health, safety, morals or general welfare of the community? No, the desired activity is a less intense use for the subject property and within the overall corridor. The corridor is a North-South roadway bound by a residential subdivision to the North and a mixture of commercial and residential to the South. The property is situated and considered central for the operator serving multiple communities. Home Street also includes the Gymnastic Michiana facility and is a similar activity for youth instruction.

2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? No, the properties within the immediate vicinity are of a commercial and industrial nature. Furthermore, on-site parking at the subject property meets the operational needs of the business use.

3. Does the need for the variance arise from some condition peculiar to the property involved? No, the requested use variance does not arise from any peculiar on-site property conditions.

4. Does the strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? Yes, the business operation while a less intense use would not be a compliant activity for the subject property under the zoning ordinance and the property would remain vacant.

5. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? No. The Use Variance, if granted will promote positive activity on an otherwise vacant parcel within the Home Street Corridor. The request meets the spirit and intent of the City of Mishawaka, Zoning Ordinance and the Comprehensive Plan encourages positive growth for the residents of the Community.

Wherefore, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

Douglas Merritt, Authorized Agent
2319 Lincolnway East
Mishawaka, IN 46544
574-257-2954 office
574-257-2724 fax
dm@professionalpermits.com

January 19, 2015

Hack Properties, LLC
13793 Adams Road
Granger, IN 46530

RE: Soccershots – Use Variance Authorization

[3635 N. Home Street]

I, ______________, acknowledge Steve Dregits and Douglas Merritt to execute all municipal related applications for the property located at 3635 N. Home Street.

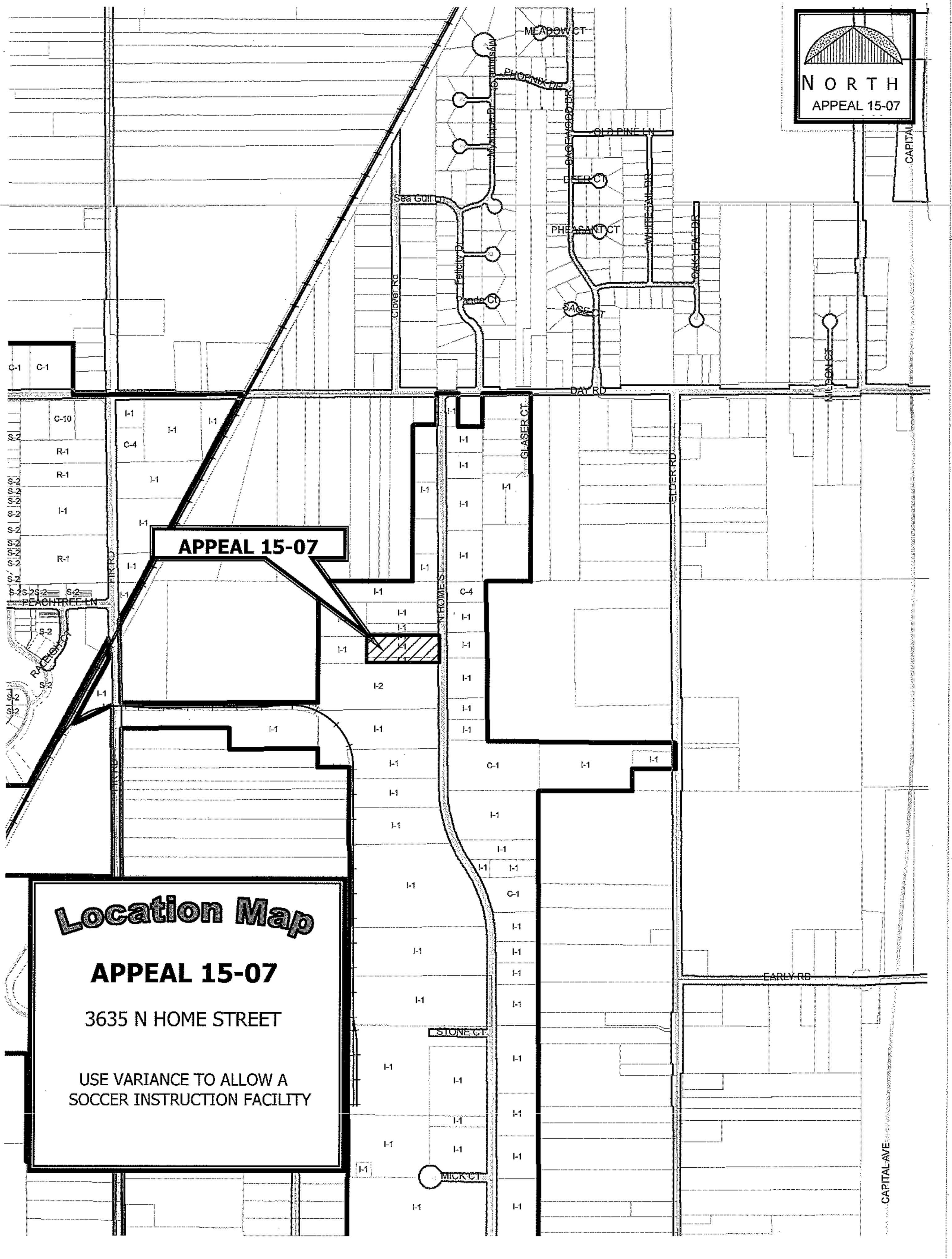
Douglas Merritt, on behalf of Hack Properties, LLC will secure all necessary permits and regulatory approvals including Use Variance and sign related approvals.

If you have any questions, please feel free to contact me with any questions.

Sincerely,

____
Hack Properties, LLC

Date: 1-19-15



NORTH
APPEAL 15-07
APPEAL 15-07
Location Map
APPEAL 15-07
3635 N HOME STREET
USE VARIANCE TO ALLOW A SOCCER INSTRUCTION FACILITY
MEADOW CT
PHOENIX DR
OLD PINE LN
DEER CT
PHEASANT CT
Sea Gull Ln
Clover Rd
Pando Ct
SAGE CT
DAY RD
GLASER CT.
ELDER RD
N HOME S
FIR RD
PEACHTREE LN
EARLY RD
STONE CT
MICK CT
CAPITAL AVE