AGENDA

Monday, July 6, 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**

   June 15, 2015 and the Special Meeting of June 29, 2015

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

   Presentation of the D.A.R.E. Essay City Champions
   Grayden Artusi - Mishawaka Catholic and Grace Surber - Covenant Christian School

   Appeal No. 2015-26 Use Variance to allow Residential Use in a C-4 Auto Oriented District - 3837 Lincolnway East

   Appeal No. 2015-28 Use Variance to allow a Marine Use and Various Developmental Variance - 1620 Clover Rd.

   Petition No. 2015-19 Rezone from C-7 Auto Oriented Restaurant Commercial to C-4 Auto Oriented Commercial - 1725 E. McKinley Avenue

   Petition No. 2015-20 Rezone from C-1 General Commercial to R-1 Single Family Residential 3626 Lincolnway East

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

   P.O. NO. 2015-14 Re-establishing Cumulative Capital Development Fund

   P.O. NO. 2015-15 Sewage Works Refunding Revenue Bonds

8. **Resolutions**

   R2015-22 Honoring Father Barry England Pastor of St. Bavo's Catholic Church

   R2015-23 Honoring Anna Rohrer for Her Many Accomplishments

   R2015-24 Consolidated Tax Increment Financing District Statutory Obligation Regarding Evaluation of Assessed Valuation.

9. **Ordinances on Second Reading**

   P.O. NO. 2015-10 Establishing 2319 Lincolnway East as a Local Landmark (Assigned to Land Use Planning Committee)

P.O. NO. 2015-11 Vacate Portion of Alley North of 615 S. Byrkit Ave. (Assigned to Land Use Planning Committee)

P.O. NO. 2015-12 Rezone from C-1 General Commercial to C-3 City Center Commercial - 101 E. Mishawaka Avenue (Assigned to Land Use Planning Committee)

P.O. NO. 2015-13 Vacate Public Right of Way and Underlying Utility Easement Rights - Unimproved Kline St. (Assigned to Land Use Planning Committee)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

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

June 15, 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 June 15, 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.

The minutes from the June 1, 2015 meeting were approved as received from the Clerk's Office.

Roll Call.
Present: Mr. Reisdorf, Mr. Banicki, Ms. Voelker, Mr. Roggeman, Mr. Mammolenti, Mr. Compton, Mr. Bellovich, Mr. Bilancio, Absent/Excused: Mr. Emmons.

Others present; Chief Deputy II Linda Dotson, Council Attorney Mike Trippel.

Clerk Block read a letter from the Historic Preservation Commission regarding their recommendations from there, September 2, 2015 Public Hearing.

HPC No. 14-10 An application of Historic Preservation Commission was submitted by Douglas Merritt, property owner to establish decommissioned Fire Station No. 4 located at 2319 Lincolnway East as a Local Landmark.
The Commission Recommended Approval

Clerk Block read a letter from the Mishawaka Plan Commission regarding the recommendations from there, June 9, 2015, Public Hearing.

PETITION #15-14 A petition submitted by Richard P. and Debra M. Dresser requesting to vacate 114.5' of the east/west alley north of **615 South Byrkit Street**.
The Commission, with a vote of 6-0, recommended approval.

PETITION #15-15 A petition submitted by M. J. Investments, LLC, requesting to rezone **101 East Mishawaka Avenue** from C-1 General Commercial District to C-3 City Center Commercial District.
The Commission, with a vote of 6-0, recommended approval.

PETITION #15-18 A petition submitted by School City of Mishawaka requesting to vacate an unimproved Kline Street lying south of Northland Park and north of Harrison Street.
The Commission, with a vote of 6-0, recommended approval.

Clerk Block read **VACATION 2015-02** as required by State Statute on behalf of Richard and Debra Dresser for vacation of the following described public right of way portion of alley north of 615 S. Byrkit Street opening it for public hearing.

Deb Dresser 615 S. Byrkit Street said she has lived at this address for 20 years, the alley runs between the house and the garage and they are asking to have just their portion vacated. She said there are rental properties down the way and people come barreling through the alley. Ms. Dresser stated they have maintained this portion of the alley and have put down pea gravel, there is another entrance to the alley and she did not feel it would hinder access in any way. She said they want to put up a gate but would be willing to open the gate if there was an emergency.

Mr. Bellovich said he has been to the residence and viewed the drainage problems they are having. Ms. Dresser stated they do have damage and they put new concrete in front of the house and when it rains it puddles they have ice there in the winter and the door is only 5 foot from alley.

Ms. Voelker asked if the neighbors signed the petition. Ms. Dresser stated no she just put the names on of the people that agreed.

Vice President Banicki closed the hearing at 7:11 p.m.

Clerk Block read **VACATION 2015-03** as required by State Statute on behalf of School City of Mishawaka for vacation of public right of way and underlying utility easement rights – unimproved Kline Street.

Daryl Knip, Abonmarche Consultants, of Indiana LLC 750 Lincoln Way East South Bend, stated he was representing School City in their request to vacate this portion of Kline Street that runs through Hums Park.

Vice President Banicki Closed the hearing at 7:13 p.m.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-10** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-10

AN ORDINANCE TO ESTABLISH 2319 LINCOLNWAY EAST AS A LOCAL LANDMARK WITHIN THE CITY OF MISHAWAKA, INDIANA
(Assigned to Land Use Planning Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2015-11** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-11

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
Vacate Portion of Alley North of 615 S. Byrkit Avenue
(Assigned to Land Use Plan Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2015-12** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-12

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

Rezone from C-1 General Commercial to C-3 City Center Commercial –
101 E. Mishawaka Avenue
(Assigned to Land Use Planning Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2015-13** opening it for public hearing

PROPOSED ORDINANCE NO. 2015-13

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, IDNAIANA

Vacate Public Right of Way and Underlying Utility Easement Rights
Unimproved Kline Street
(Assigned to Land Use Planning Committee)

Clerk Block read **RESOLUTION NO. 2015-20** opening it for public hearing.

RESOLUTION NO. 2015-20

A RESOULUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE ELIMINATION, REORGANIZATION, AND CONSOLIDATION OF PUBLIC SAFETY ANSWERING POINTS IN ST. JOSEPH COUNTY, INDIANA, AND OTHER RELATED MATTERS

Geoff Spiess, Corporation Council to the City of Mishawaka said this change came about due to South Bend, wanting to pay part of their contribution to PSAP in a lump sum payment. He said this does not affect Mishawaka in any way. He said the agreement has always had a provision where South Bend and Mishawaka CEDIT Funds are designated for "intercept" in case either city failed to make a scheduled payment to the county.

Mr. Spiess stated South Bend requested the option of also designating LOIT Funds for intercept, which also does not affect Mishawaka. Mishawaka is likewise given the option to designate LOIT Funds to intercept.

Geoff Spiess went on to say he recommends passage of the Resolution changes made by South Bend and stated it did not affect Mishawaka. He said this was brought about because of outstanding Bonds in South Bend; this gives Mishawaka the opportunity to use CEDIT Funds and gives us the option of intercept funding.

Mr. Compton asked if there was a reason why this wasn't done earlier. Mr. Julian stated when drafted last year South Bend did not disclose thy had outstanding Bonds and wanted to use them and any cost is indeed borne by South Bend.

Mr. Reisdorf asked if anyone else has voted on this. Randy Ronpola, Bakers and Daniels said the County Commissioners voted last week and South Bend Common Council will have a vote this next week.

Question was called for at 7:22 p.m. on **RESOLUTION NO. 2015-20** the **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).**Yes:** Mr. Bellovich, Mr. Bilancio, Mr. Banicki, Mr. Compton, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Ms. Voelker.

NEW BUSINESS

Mr. Mammolenti said WNDU was having a Shred-a-thon, Saturday June 20th, in hopes to raise money for their Pack a Back Pack project.

Adjournment at 7:24 p.m.

Deborah S. Block ______________________	Ron Banicki ______________
Deborah S. Block, IAMC, MMC, City Clerk	Ron Banicki, Presiding Officer

SPECIAL MEETING OF THE MISHAWAKA COMMON COUNCIL
June 29, 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 June 29, 2015, at 6:30 p.m. The meeting was called to order by Council President Emmons and all were asked to stand for the Pledge of Allegiance.

Clerk Block provided the Certificate of Service.

Roll Call.
Present: Mr. Reisdorf, Mr. Banicki, Mr. Roggeman, Mr. Mammolenti, Mr. Compton, Mr. Bellovich, Mr. Bilancio, Mr. Emmons. Absent/Excused: Ms. Voelker.

Other present: Deborah S. Block, IAMC, MMC, Clerk and County Attorney Mike Trippel.

Clerk Block read **RESOLUTION NO. R2015-21** opening it for public hearing.

RESOLUTION NO. 2015-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA APPROVIING AN AGREEMENT EXTENDING THE ST. JOSEPH COUNTY HOUSING CONSORTIUM AND AUTHORIZING THE EXECUTION THEREOF

Ken Prince, City Planner stated this resolution extends the agreement for the St. Joseph County Housing Consortium which is made up by St. Joseph County, South Bend and Mishawaka, with South Bend being the lead entity. He said the Consortium was formed in 1991 and has been extended several times since. Mr. Prince said the Resolution must be completed by June 3oth and hand delivered to by July 1st. He said monies would go through the Consortium of 6 members, 2 from Mishawaka, 2 from South Bend, and 2 from Saint Joseph County, the Mayors of Mishawaka and South Bend and the president of the St. Joseph County Council are members with each appointing a member to reach the 6 person requirement. Mr. Prince stated that South Bend and St. Joseph County have passed similar Resolutions.

Question was called for at 6:36 p.m. on **RESOLUTION NO. 2015-21** for the **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Present: Mr. Reisdorf, Mr. Banicki, Mr. Roggeman, Mr. Mammolenti, Mr. Compton, Mr. Bellovich, Mr. Bilancio, Mr. Emmons.**

At this time no other business can come before the Council according to Council Rules, Section 3 – Special Meetings.

Meeting was adjourned at 6:36 p.m.

Deborah S. Block ______________________	Dale "Woody Emmons_____________
Deborah S. Block, IAMC, MMC, City Clerk	Presiding Officer

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 30 2015

CITY CLERK
MISHAWAKA, IN

JUN 10 2015

AP 15-26

Date : June 11, 2015

To: Board of Zoning Appeals

City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

- We, Richard and Karen Gerver are the owners of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to wit:

  3837
  ~~3839~~ Lincolnway East
  Lot 2 Wards Sub Pro S

- The above-described real estate presently has a zoning classification of C4 District under the Zoning Ordinance of the City of Mishawaka.
- Appellant presently proposes to occupy the above-described property in the following manner: Use the house as a rental property.
- The appellant desires use variance for the house at 3839 LWE.
- The Zoning Ordinance of the City of Mishawaka requires

- Gervers Garage could not adhere to the ordinance requirements at present because the house is zoned C4 and not residential so it could not be rented.

- The approval would not be injurious to the community because the area has houses occupied by residents all within 300 feet of the house at 3839 Lincolnway..

- The use and value of the area adjacent to the property included in the variance will not be aversely affected because this location has always had a house on it for residential use.

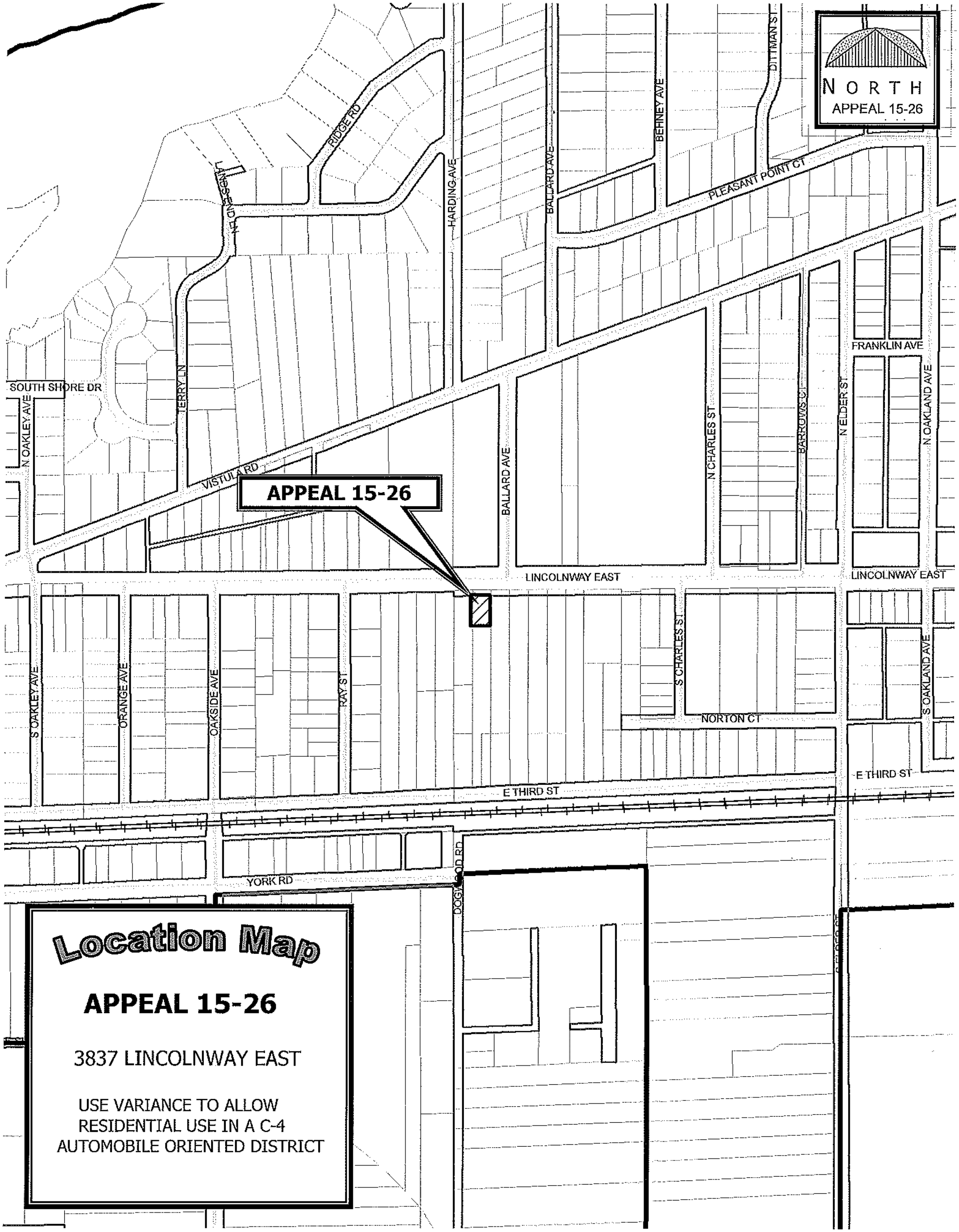
- The need for variance does need to be address with regard to this property due to its multizoning status.

- The strict application of the terms of the chapter constitute an unnecessary hardship because the property owners would not be in compliance to the zoning at this chapter

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

Signature/title Richard Gerver Karen Gerver Signature/ title Co Owner Co Owner

Contact Person: Karen Gerver, 222 Roseland Avenue, Mishawaka, Indiana 46544, 574-220-0052 karengerver@sbcglobal.net


NORTH
APPEAL 15-26
DITTMAN ST
BEHNEY AVE
BALLARD AVE
HARDING AVE
RIDGE RD
LANDS END LN
PLEASANT POINT CT
FRANKLIN AVE
SOUTH SHORE DR
N OAKLEY AVE
TERRY LN
VISTULA RD
APPEAL 15-26
BALLARD AVE
N CHARLES ST
BARROWS CT
N ELDER ST
N OAKLAND AVE
LINCOLNWAY EAST
LINCOLNWAY EAST
S OAKLEY AVE
ORANGE AVE
OAKSIDE AVE
RAY ST
S CHARLES ST
NORTON CT
S OAKLAND AVE
E THIRD ST
E THIRD ST
YORK RD
DOGWOOD RD
Location Map
APPEAL 15-26
3837 LINCOLNWAY EAST
USE VARIANCE TO ALLOW
RESIDENTIAL USE IN A C-4
AUTOMOBILE ORIENTED DISTRICT

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 30 2015

CITY CLERK
MISHAWAKA, IN

June 24, 2015

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. 1. I, Jack Davis, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to wit:

   1620 Clover Street – See Legal Description Attached

2. The above described real estate presently has a zoning classification of I2District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant desires to:

   a. Install 21 parking spaces where 34 are required
   b. Install gravel surface in the exterior boat storage area where hard surface is required
   c. Install / relocate fencing to match the existing who's material is not allowed (6' high barbed wire)

4. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. The overall plan is consistent with the existing business and strict adherence would hinder the present use.

5. Answer the following necessary questions for the DEVELOPMENTAL VARIANCES:

   (1) Will approval be injurious to the public health, safety, morals or general welfare of the community?
   No – This variance will allow for installation of an existing marine use business.

   (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 changes and additions to the property will be improvements.

   (3) Will strict application of the terms of this chapter result in practical difficulties in the use of the property?
   YES

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

____

CONTACT PERSON:
Name: Tim McCollough – McCollough Scholten Construction
Address: PO Box 245, Elkhart, IN 46515
Day Phone Number: 574-294-227
Fax Number: 574-294-6470
Email mccolloughtim@msn.com

JUN 23 2015

AP 15-28

June 24, 2015

To whom it may Concern:

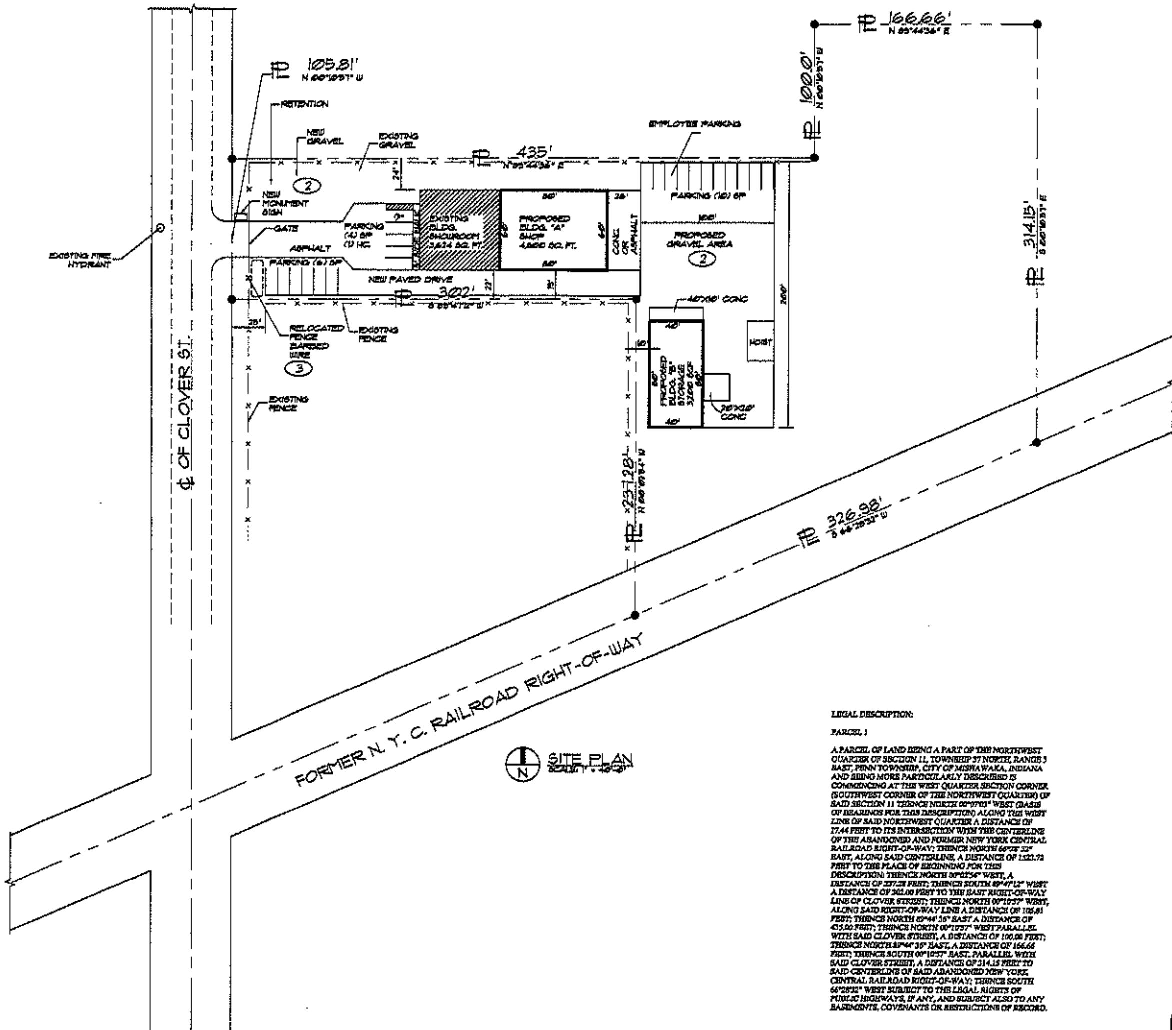
I hereby grant permission to Tim McCollough of McCollough Scholten Construction to file for the Use Variance and the Developmental Variances for the property located at 1620 Clover Street., Mishawaka, IN.

DAMAN PROPERTIES, LLC

1620 CLOVER RD
MISHAWAKA, IN, 46545

USE VARIANCE: ZONE FROM I2 FOR MARINE USE

DEVELOPMENTAL VARIANCES:
1.) PARKING VARIANCE FROM 34 REQUIRED TO 21 PROPOSED.
2.) VARIANCE TO ALLOW FOR GRAVEL WHERE HARD SURFACE PAVING IS REQUIRED SEE PLAN - 2
3.) VARIANCE TO ALLOW NEW FENCE MATERIAL TO MATCH THAT OF THE EXISTING. (6 ft. High - Barbed Wire) SEE PLAN - 3



LEGAL DESCRIPTION:

PARCEL 1

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, INDIANA AND BEING MORE PARTICULARLY DESCRIBED IS COMMENCING AT THE WEST QUARTER SECTION CORNER (SOUTHWEST CORNER OF THE NORTHWEST QUARTER) OF SAID SECTION 11 THENCE NORTH 00°07'03" WEST (BASIS OF BEARINGS FOR THIS DESCRIPTION) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 17.44 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF THE ABANDONED AND FORMER NEW YORK CENTRAL RAILROAD RIGHT-OF-WAY; THENCE NORTH 66°28' 32" EAST, ALONG SAID CENTERLINE, A DISTANCE OF 1323.72 FEET TO THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 00°02'54" WEST, A DISTANCE OF 237.28 FEET; THENCE SOUTH 89°47'12" WEST A DISTANCE OF 302.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF CLOVER STREET; THENCE NORTH 00°10'57" WEST, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 105.81 FEET; THENCE NORTH 89°44' 36" EAST A DISTANCE OF 435.00 FEET; THENCE NORTH 00°10'57" WEST PARALLEL WITH SAID CLOVER STREET, A DISTANCE OF 100.00 FEET; THENCE NORTH 89°44' 36" EAST, A DISTANCE OF 166.66 FEET; THENCE SOUTH 00°10'57" EAST, PARALLEL WITH SAID CLOVER STREET, A DISTANCE OF 314.15 FEET TO SAID CENTERLINE OF SAID ABANDONED NEW YORK CENTRAL RAILROAD RIGHT-OF-WAY; THENCE SOUTH 66°28'32" WEST SUBJECT TO THE LEGAL RIGHTS OF PUBLIC HIGHWAYS, IF ANY, AND SUBJECT ALSO TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.

PARKING REQUIRED:
BOAT SALES & SERVICE
4 SPACES PER 1000 GROSS SQ. FT. OF AREA
8,424 SF. OF GROSS FLOOR AREA
8,424/1000 x 4 = 34 SPACES REQUIRED

PARKING PROVIDED:
20 - 9' x 20' PARKING SPACES - (6) SP FOR EMPLOYEES
1 - H.C. PARKING SPACES W/REQ'D AISLES
TOTAL PROVIDED = 21

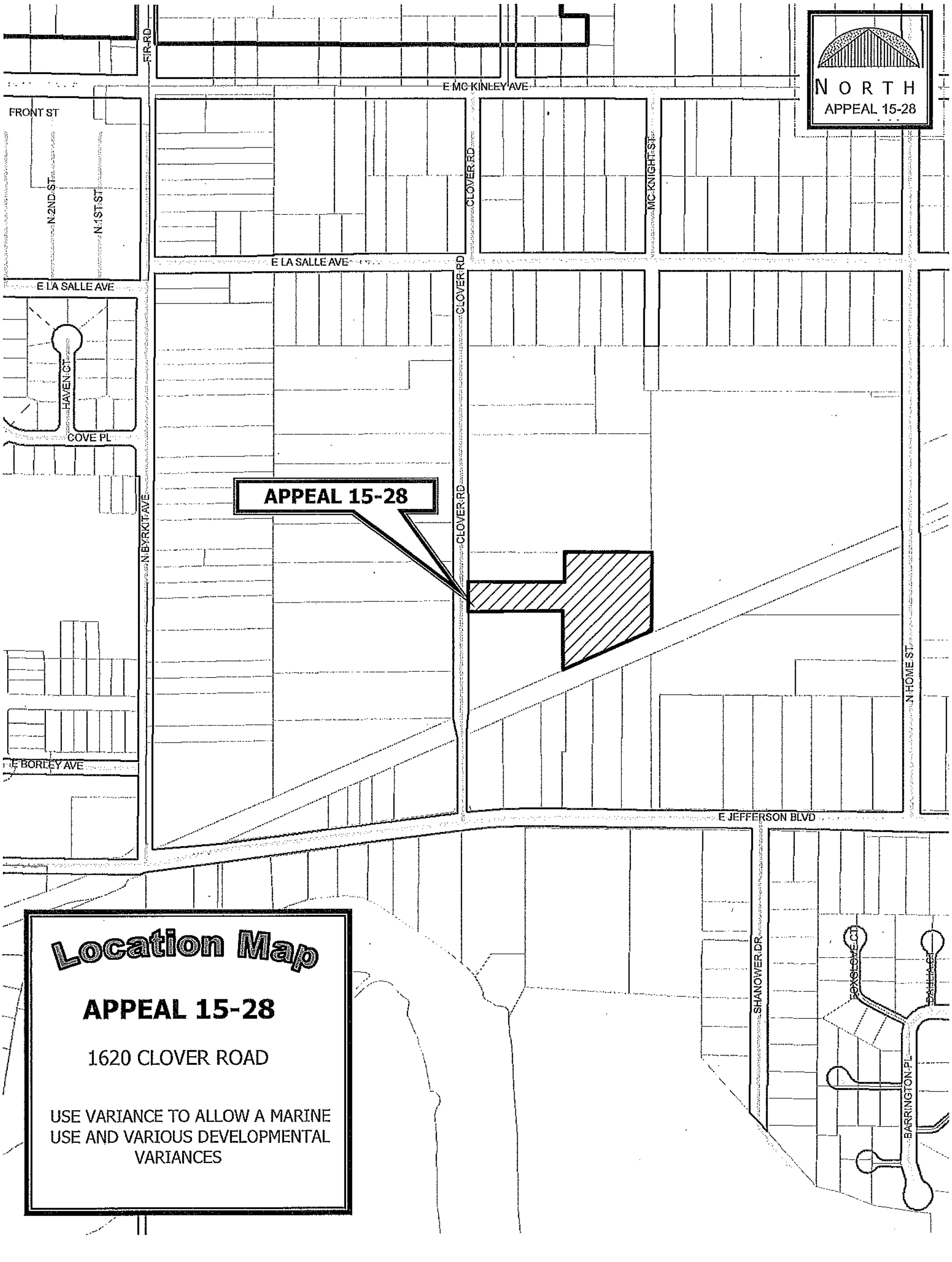
McCollough Scholten Construction Inc.
P.O. Box 2807 • Elkhart, IN, 46516 • (574) 294-2227

Barr Design Group
502 S. Main St., Goshen, IN 46526

DRAWN BY	N.N.
FILE	15335CDWG
DATE	6/23/15
SCALE	1"=40'-0"
JOB NO.	15-335
DWG. NO.	15-335-C1

CLIENT: DAMAN PROPERTIES, LLC

TITLE: SITE PLAN


NORTH
APPEAL 15-28
FIR RD
E MC KINLEY AVE
FRONT ST
N 2ND ST
N 1ST ST
CLOVER RD
MC KNIGHT ST
E LA SALLE AVE
E LA SALLE AVE
HAVEN CT
COVE PL
N BYRKIT AVE
APPEAL 15-28
N HOME ST
E BORLEY AVE
E JEFFERSON BLVD
SHANOWER DR
BARRINGTON PL
Location Map
APPEAL 15-28
1620 CLOVER ROAD
USE VARIANCE TO ALLOW A MARINE USE AND VARIOUS DEVELOPMENTAL VARIANCES

DATE: 06/22/2015
Honorable Members of the
Common Council
City of Mishawaka, Indiana
And
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: **Petition to Rezone**

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

Common Address: 1725 E Mckinley, Mishawaka IN, 46545
Legal Description: Lots 72-73 & E 40' Lot 76 all as shown on the recorded plat of Citizen's Homes Company Mckinley Highway Plat in Penn Township, St Joseph County Indiana, Sec 11-37-3E

Petitioner(s) owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C7 District. Said property was being used as (Commercial, Restaurant, Café, or Bar) and is currently vacant

Petitioner(s) desire said real estate to be rezoned to C4 District. Petitioner(s) further state that they intend to utilize said land as a used car lot.

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

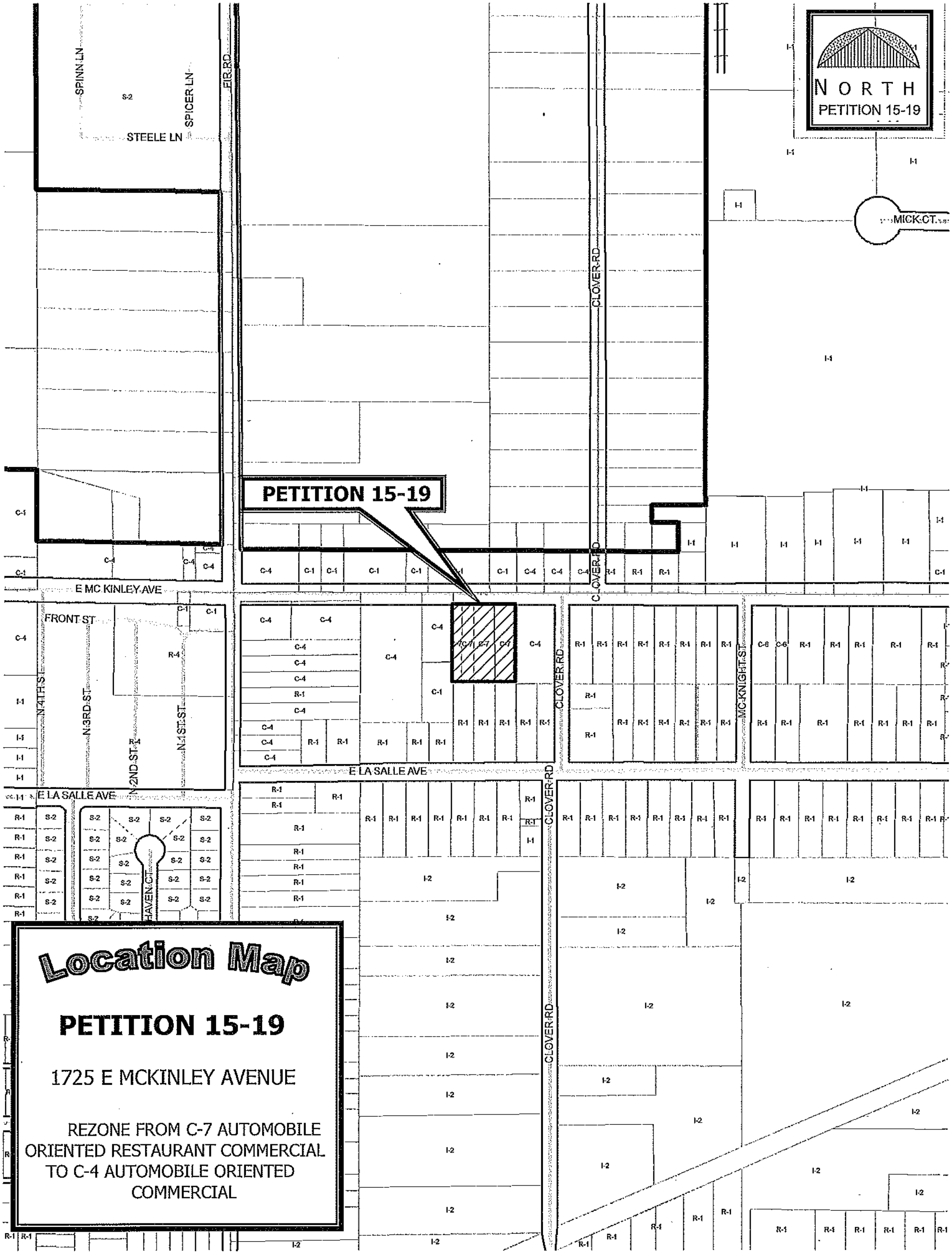
Signature(s) of Property Owner(s)

X

SLM Management LLC

CONTACT PERSON:
Dan Mackowiak
P.O Box 855
Bristol IN 46507
Phone: 574-848-1410
Fax: 574-848-1412
Email: Mackowiakdk@dflawlessinc.com

Pet 15-19


NORTH
PETITION 15-19
PETITION 15-19
SPINN LN
SPICER LN
STEELE LN
FIR RD
CLOVER RD
MICK CT
E MC KINLEY AVE
FRONT ST
N 4TH ST
N 3RD ST
N 2ND ST
N 1ST ST
E LA SALLE AVE
HAVEN CT
MC KNIGHT ST
Location Map
PETITION 15-19
1725 E MCKINLEY AVENUE
REZONE FROM C-7 AUTOMOBILE ORIENTED RESTAURANT COMMERCIAL TO C-4 AUTOMOBILE ORIENTED COMMERCIAL

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 30 2015

CITY CLERK
MISHAWAKA, IN

6-24-2015

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

RE: PETITION TO REZONE

The undersigned, Terry Shock, respectfully shows he is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

> Lot 1 & 20' East side Lot 2 Geyer's 3rd Subdivision
> 3626 Lincolnway E. Mishawaka, Indiana

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 District. Said property is being used as a single family residence.

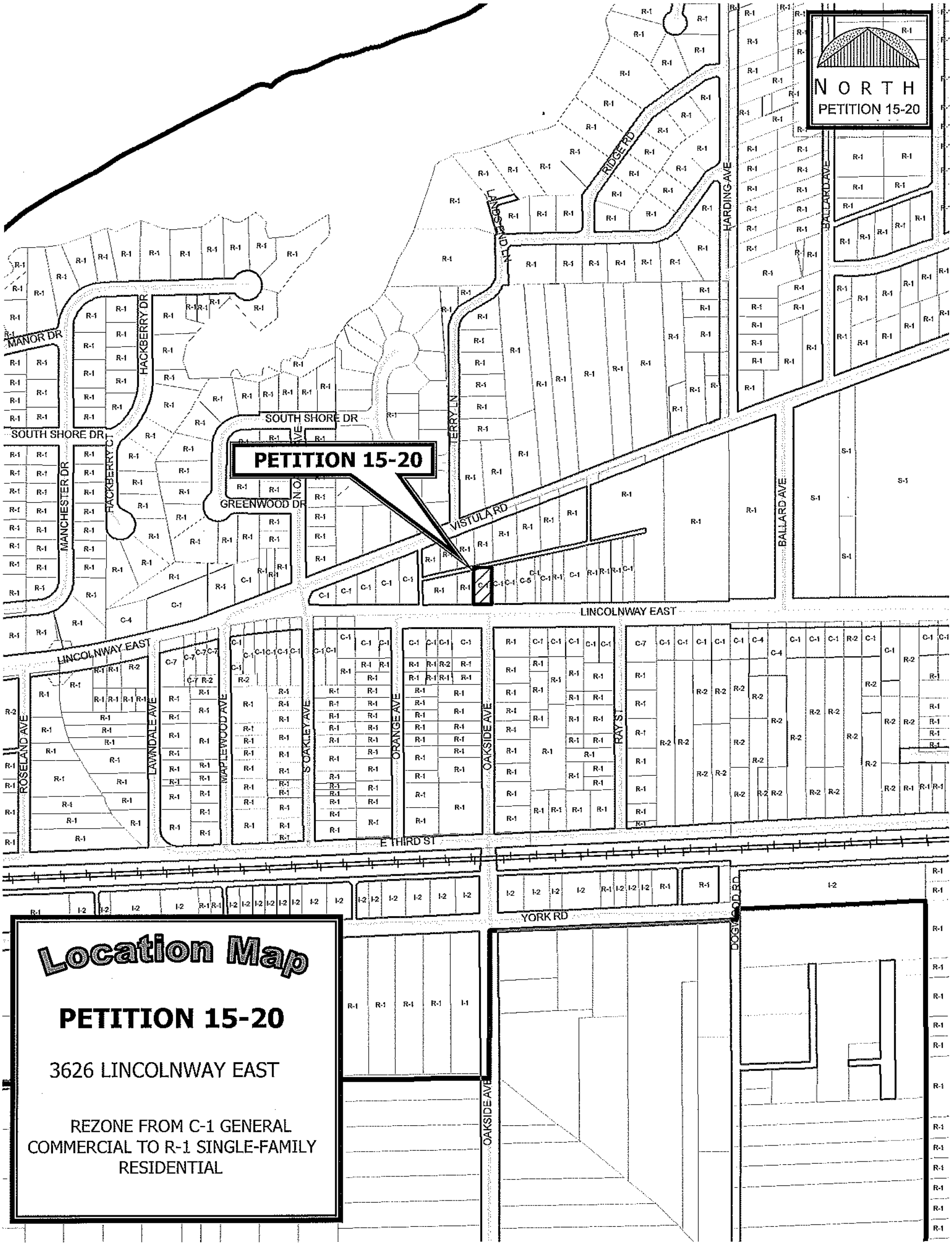
Petitioner desires said real estate to be rezoned to R-1 District.
Petitioner further states that he intends to utilize said land as a single family residence.

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

Terry J. Shock

CONTACT PERSON:
Terry J. Shock
3626 Lincolnway E.
Phone: 574-222-4908
Fax: 574-258-0355
Email: papat91968@gmail.com

Pet 15-20



NORTH
PETITION 15-20
PETITION 15-20
MANOR DR
SOUTH SHORE DR
SOUTH SHORE DR
HACKBERRY DR
HACKBERRY CT
MANCHESTER DR
GREENWOOD DR
N OAKLEY AVE
TERRY LN
LANGSIDE LN
RIDGE RD
HARDING AVE
BALLARD AVE
BALLARD AVE
VISTULA RD
LINCOLNWAY EAST
LINCOLNWAY EAST
ROSELAND AVE
LAWNDALE AVE
MAPLEWOOD AVE
S OAKLEY AVE
ORANGE AVE
OAKSIDE AVE
RAY ST
E THIRD ST
YORK RD
DOGWOOD RD
OAKSIDE AVE
Location Map
PETITION 15-20
3626 LINCOLNWAY EAST
REZONE FROM C-1 GENERAL COMMERCIAL TO R-1 SINGLE-FAMILY RESIDENTIAL

RECEIVED
DEBORAH S. BLOCK, MMC
JUL 02 2015
CITY CLERK
MISHAWAKA, IN

1st Reading 7-6-15
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015-14

ORDINANCE NO.____________

AN ORDINANCE REESTABLISHING A CUMULATIVE CAPITAL DEVELOPMENT FUND

WHEREAS, IC 6-1.1-41 allows municipalities to establish a Cumulative Capital Development Fund; and

WHEREAS, the City of Mishawaka, Indiana finds that such a fund is necessary and prudent for the financial well-being of the municipality;

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

Section 1. There is hereby reestablished the City of Mishawaka Cumulative Capital Development Fund.

Section 2. That an ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the City of Mishawaka Cumulative Capital Development Fund.

Section 3. That the maximum rate of the levy under Section 2 will not exceed $0.05 per $100 Assessed Valuation levied in 2015 payable 2016 and thereafter.

Section 4. That the City of Mishawaka Cumulative Capital Development Fund is reestablished until such time as the fund is rescinded.

Section 5. That the funds accumulated in the City of Mishawaka Cumulative Capital Development Fund will be used for capital improvements as described in IC 36-9-15.5.

Section 6. Be it further resolved that proofs of publication of the public hearing held on the 20th day of July, 2015 and a certified copy of the ordinance shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. The Cumulative Capital Development Fund is subject to approval of the Department of Local Government Finance.

Section 7. This Ordinance shall be in full force and effect from and after its passage, signing, attestation and approval of the Department of Local Government Finance.

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

on this ________day of ____________________,2015 at ______o'clock,____.M.

____
Presiding Officer

ATTEST:

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

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

on this__________day of _________________,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

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Misti D. Horvath, Deputy Controller

Date: June 30, 2015

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: Reestablishment of the Cumulative Capital Development Rate (CCD)

As part of the funding options suggested by Umbaugh at Monday night's meeting was to reestablish the CCD rate. Currently it is at .0253. Reestablishing at its max of .05 will provide an estimated $286,500 of new money (after circuit breaker credits).

While the rate almost doubles, the effect to the average homeowner is nominal. A home with a $50,000 net assessed value after exemptions will see a property tax increase of $12.35 per year.

Also, there is a thorough process of advertising, public hearing, adoption, and remonstrance.

Please contact me with any questions.

c: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 02 2015

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2015-15

An Ordinance concerning the refunding by the City of Mishawaka of its Sewage Works Revenue Bonds of 1999, Sewage Works Revenue Bonds of 2004, Sewage Works Revenue Bonds of 2006, Series A and Sewage Works Revenue Bonds of 2007, Series A; authorizing the issuance of sewage works refunding revenue bonds for such purpose; providing for the collection, segregation and distribution of the revenues of the sewage works and the safeguarding of the interests of the owners of the sewage works refunding revenue bonds authorized herein; other matters connected therewith; and repealing ordinances inconsistent herewith

WHEREAS, the City of Mishawaka, Indiana ("City") has heretofore established, constructed and financed a municipal sewage works and now owns and operates the sewage works pursuant to IC 36-9-23, and other applicable laws; and

WHEREAS, the Common Council of the City finds that certain hereinafter described outstanding bonds of the sewage works should be refunded to obtain a reduction in interest payments and effect a savings to the City; that the refunding of said outstanding bonds, together with accrued interest thereon and including all costs related to the refunding cannot be provided for out of funds of the sewage works now on hand and the refunding should be accomplished by the issuance of revenue bonds of the sewage works; and

WHEREAS, the Common Council finds that there are now outstanding bonds originally issued to finance the construction of improvements and additions to the sewage works and payable out of the revenues therefrom designated as: (i) "Sewage Works Revenue Bonds of 1999," dated December 23, 1999 ("1999 Bonds"), now outstanding in the amount of $121,000, and maturing semiannually over a period ending March 1, 2019; (ii) "Sewage Works Revenue Bonds of 2004," dated November 12, 2004 ("2004 Bonds"), now outstanding in the amount of $33,767,000, and maturing semiannually over a period ending March 1, 2027; (iii) "Sewage Works Revenue Bonds of 2006, Series A," dated December 22, 2006 ("2006 Bonds"), now outstanding in the amount of $5,525,000, and maturing semiannually over a period ending

September 1, 2026; (iv) "Sewage Works Revenue Bonds of 2007, Series A," dated January 23, 2007 ("2007 Bonds"), now outstanding in the amount of $350,000, and maturing semiannually over a period ending March 1, 2027; (v) "Sewage Works Revenue Bonds of 2010, Series A," dated January 28, 2010 ("2010A Bonds"), now outstanding in the amount of $1,930,000, and maturing semiannually over a period ending March 1, 2030; and (vi) "Sewage Works Revenue Bonds of 2010, Series B," dated December 21, 2010 ("2010B Bonds"), now outstanding in the amount of $31,320,000, and maturing semiannually over a period ending September 1, 2030; and

WHEREAS, the Common Council finds that the 1999 Bonds, the 2004 Bonds, the 2006 Bonds and the 2007 Bonds may be refunded on a current basis (collectively, "Refunded Bonds") pursuant to the provisions of IC 5-1-5 to enable the City to obtain a reduction in interest payments and effect a savings to the City; and

WHEREAS, the Common Council finds that it is advisable to issue its refunding revenue bonds in an amount not to exceed $46,000,000 and to use the proceeds, together with funds on hand, to refund the Refunded Bonds and to pay for all costs related to the refunding; and

WHEREAS, the ordinance authorizing the issuance of the 2010A Bonds and the 2010B Bonds (collectively, "Outstanding Bonds") permits the issuance of additional bonds ranking on a parity with the Outstanding Bonds provided certain conditions can be met, and the City finds that the finances of the sewage works will enable the City to meet the conditions for the issuance of additional parity bonds and that, accordingly, the revenue bonds authorized herein shall rank on a parity with the Outstanding Bonds; and

WHEREAS, the Mishawaka Redevelopment Commission ("Redevelopment Commission") has previously adopted a Declaratory Resolution designating and declaring an area known as the Northwest Area Improvement Project ("Area") as an economic development area and an allocation area within the meaning of IC 36-7-14, and the Declaratory Resolution was ratified and confirmed by the Redevelopment Commission; and

WHEREAS, in connection with the issuance of the 2004 Bonds, the Redevelopment Commission adopted a resolution pledging an annual amount not to exceed $1,660,000 of all real and personal property tax proceeds in the Area allocated and deposited in the Allocation Fund created pursuant to IC 36-7-14 ("Tax Increment") to the payment of the 2004 Bonds; and

WHEREAS, in connection with the issuance of the Outstanding Bonds, the Redevelopment Commission adopted a resolution ("2010 Resolution") which pledges an increased annual amount of Tax Increment, bringing the total annual amount of Tax Increment to $3,360,000 and the pledge of Tax Increment was continued for the 2004 Bonds, but expanded to include the payment of the 1999 Bonds, the Outstanding Bonds, and the funding of any reserves for such 1999 Bonds and the Outstanding Bonds; all of such actions regarding the Tax Increment was done with the consent of the Indiana Finance Authority ("Authority"), the owner of the 2004 Bonds and the 2010A Bonds through the hereafter defined SRF Program; and

WHEREAS, in connection with the issuance of bonds under this ordinance, the pledge of Tax Increment as described in the ordinance authorizing the Outstanding Bonds and in the 2010 Resolution, shall continue as described in this ordinance; and

WHEREAS, the Common Council has been advised that Tax Increment has been pledged to the payment of the City of Mishawaka, Indiana, Redevelopment District Tax Increment Revenue Bonds, Series 2015 ("2015 Tax Increment Bonds"); the resolution authorizing such 2015 Tax Increment Bonds pledges Tax Increment to the 2015 Tax Increment Bonds, but such pledge does not include the Pledged Tax Increment (as hereinafter defined) for the Outstanding

Bonds, which Pledged Tax Increment is junior and subordinate to the payment of the 2015 Tax Increment Bonds; and

WHEREAS, the Redevelopment Commission's 2010 Resolution directs that the Pledged Tax Increment shall be used as Net Revenues of the sewage works; and

WHEREAS, the Common Council has been advised that it may be cost efficient to purchase municipal bond insurance and/or a debt service reserve surety for the bonds authorized herein; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of revenue bonds have been complied with in accordance with the provisions of IC 5-1-5, IC 5-1-14 and IC 36-9-23, each as in effect on the date of delivery of the bonds authorized herein (collectively, "Act");

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

Section 1. Issuance of Refunding Bonds; Redemption of Refunded Bonds. (a) The City, being the owner of and engaged in operating an unencumbered sewage works supplying the City, its inhabitants, and the residents adjacent thereto, with sewage disposal and treatment services, now finds it necessary to provide funds for refunding of all or a portion of the Refunded Bonds thereby reducing its interest payments and effecting a savings, as reported by the City's financial advisor, H.J. Umbaugh & Associates, Certified Public Accountants, LLP. The terms "sewage works," "sewage works system," "works," "system," and words of like import where used in this ordinance shall be construed to mean the Treatment Works, as defined in the Financial Assistance Agreement, dated January 28, 2010 ("Financial Assistance Agreement") between the City and the Authority, and includes the existing structures and property of the sewage works and all enlargements, extensions, additions, and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired.

(b) The City shall issue its "Sewage Works Refunding Revenue Bonds of 2015" ("Refunding Bonds"), in an aggregate principal amount not to exceed $46,000,000 for the purpose of procuring funds to be applied to the refunding of the Refunded Bonds, the payment of costs of issuance and all other costs related to the refunding, including premiums for municipal bond insurance and a debt service reserve surety, if acquired. The City shall apply any other moneys currently held for the payment of debt service on the Refunded Bonds to the refunding as provided in Section 8.

The Refunding Bonds shall be issued in the denomination of Five Thousand Dollars ($5,000) each or integral multiples thereof, numbered consecutively from 1 upward, dated as of the date of delivery, and interest shall be payable semiannually on March 1 and September 1 in each year, beginning on the first March 1 or the first September 1 following delivery of the Refunding Bonds, as determined by the Controller, with the advice of the City's financial advisor. The Refunding Bonds shall be sold at a price of not less than 98.5% of the par value thereof and shall be payable in lawful money of the United States of America, at the principal office of the Paying Agent (as hereinafter defined). Such Refunding Bonds shall bear interest at a rate or rates not exceeding 6% per annum (the exact rate or rates to be determined by negotiation or bidding) and shall mature semiannually, or shall be subject to mandatory sinking fund redemption if term bonds are issued, on March 1 and September 1 of each year, over a period ending no later than March 1, 2027, and in such amounts which will achieve as level annual debt service as practicable with $5,000 denominations and taking into account the annual debt service on the Outstanding Bonds. Interest on the Refunding Bonds shall be calculated according to a 360-day calendar year containing twelve 30-day months.

All or a portion of the Refunding Bonds may be issued as one or more term bonds, upon election of the purchaser of the Refunding Bonds. Such term bonds shall have a stated maturity or maturities of March 1 or September 1 in the years as determined by the purchaser of the Refunding Bonds, but in no event later than the final serial maturity date of the Refunding Bonds as determined in accordance with the above paragraph. The term bonds shall be subject to mandatory sinking fund redemption and final payment(s) at maturity at 100% of the principal amount thereof, plus accrued interest to the redemption date, on principal payment dates which are hereinafter determined in accordance with the above paragraph.

Section 2. Registrar and Paying Agent; Book Entry Provisions. The Controller is hereby authorized to contract with a qualified financial institution to serve as Registrar and Paying Agent for the Refunding Bonds ("Registrar" or "Paying Agent"). The Registrar is hereby charged with the responsibility of authenticating the Refunding Bonds. The Controller is hereby authorized to enter into such agreements or understandings with the Registrar as will enable the institution to perform the services required of a registrar and paying agent. The Controller is further authorized to pay such fees as the Registrar may charge for the services it provides as Registrar and Paying Agent and such fees may be paid from the Sewage Works Sinking Fund established to pay the principal of and interest on the Refunding Bonds as fiscal agency charges.

The principal of the Refunding Bonds shall be payable at the principal corporate trust office of the Paying Agent. All payments of interest on the Refunding Bonds shall be paid by check, mailed one business day prior to the interest payment date to the registered owners thereof as the names appear as of the fifteenth day of the month preceding the interest payment date

("Record Date") and at the addresses as they appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner. 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. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the Refunding Bonds shall be made in any coin or currency of the United States of America, which on the date of such payment, shall be legal tender for the payment of public and private debts.

Each Refunding Bond shall be transferable or exchangeable only upon the books of the City kept for that purpose at the principal corporate trust office of the Registrar by the registered owner in person, or by its attorney duly authorized in writing, upon surrender of such Refunding Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new fully registered Refunding Bond or Refunding Bonds in an authorized 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. The costs of such transfer or exchange shall be borne by the City. The City, the Registrar and Paying Agent for the Refunding Bonds may treat and consider the person in whose name such Refunding 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.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent upon giving 30 days' notice in writing to the City and by first class mail to each registered owner of the Refunding Bonds then outstanding, and such resignation will take effect at the end of such 30 day period or upon the earlier appointment of a successor registrar and paying agent by the City. Any such notice to the City may be served personally or sent by registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the City, in which event the City may appoint a successor registrar and paying agent. The City shall notify each registered owner of the Refunding Bonds then outstanding by first class mail of the removal of the Registrar and Paying Agent. Notices to the registered owners of the Refunding 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 registration books kept by the Registrar.

Upon the appointment of any successor registrar and paying agent by the City, the Controller is authorized and directed to enter into such agreements and understandings with such successor registrar and paying agent as will enable the institution to perform the services required of a registrar and paying agent for the Refunding Bonds. The Controller is further authorized to pay such fees as the successor registrar and paying agent may charge for the services it provides as registrar and paying agent and such fees may be paid from the Sewage Works Sinking Fund continued in Section 14 hereof.

Any predecessor registrar and paying agent shall deliver all of the Refunding Bonds and any cash or investments in its possession with respect thereto, together with the registration books, to the successor registrar and paying agent.

The City has determined that it may be beneficial to the City to have the Refunding Bonds held by a central depository system pursuant to an agreement between the City and The

Depository Trust Company, New York, New York ("Depository Trust Company") and have transfers of the Refunding Bonds effected by book-entry on the books of the central depository system ("Book Entry System"). The Refunding Bonds may be initially issued in the form of a separate single authenticated fully registered Refunding Bond for the aggregate principal amount of each separate maturity of the Refunding Bonds. In such case, upon initial issuance, the ownership of such Refunding Bonds shall be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company.

With respect to the Refunding Bonds registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, the City and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner ("Beneficial Owner")) of the Refunding Bonds with respect to (i) the accuracy of the records of the Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any notice with respect to the Refunding Bonds including any notice of redemption, or (iii) the payment to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any amount with respect to the principal of, or premium, if any, or interest on the Refunding Bonds except as otherwise provided herein.

No person other than the Depository Trust Company shall receive an authenticated Refunding Bond evidencing an obligation of the City to make payments of the principal of and premium, if any, and interest on the Refunding Bonds pursuant to this ordinance. The City and the Registrar and Paying Agent may treat as and deem the Depository Trust Company or CEDE & CO. to be the absolute bondholder of each of the Refunding Bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such Refunding Bonds; (ii) giving notices of redemption and other notices permitted to be given to bondholders with respect to such Refunding Bonds; (iii) registering transfers with respect to such Refunding Bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the Refunding Bonds only to or upon the order of the Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the City's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the Refunding Bonds to the extent of the sum or sums so paid. Upon delivery by the Depository Trust Company to the City of written notice to the effect that the Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this ordinance shall refer to such new nominee of the Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any Refunding Bond is registered in the name of CEDE & CO., as nominee of the Depository Trust Company, all payments with respect to the principal of and premium, if any, and interest on such Refunding Bonds and all notices with respect to such Refunding Bonds shall be made and given, respectively, to the Depository Trust Company as provided in a representation letter from the City to the Depository Trust Company.

Upon receipt by the City of written notice from the Depository Trust Company to the effect that the Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of the Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the Refunding Bonds shall no longer be restricted to being registered in the register of the City kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, but may be registered in whatever name or names the bondholders transferring or exchanging the Refunding Bonds shall designate, in accordance with the provisions of this ordinance.

If the City determines that it is in the best interest of the bondholders that they be able to obtain certificates for the fully registered Refunding Bonds, the City may notify the Depository Trust Company and the Registrar, whereupon the Depository Trust Company will notify the Beneficial Owners of the availability through the Depository Trust Company of certificates for the Refunding Bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the Refunding Bonds as requested by the Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever the Depository Trust Company requests the City and the Registrar to do so, the Registrar and the City will cooperate with the Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the fully registered Refunding Bonds of any Beneficial Owner's Depository Trust Company account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the Refunding Bonds.

If the Refunding Bonds shall no longer be restricted to being registered in the name of the Depository Trust Company, the Registrar shall cause said Refunding Bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such Refunding Bonds printed until it shall have received from the City indemnification for all costs and expenses associated with such printing.

In connection with any notice or other communication to be provided to bondholders by the City or the Registrar with respect to any consent or other action to be taken by bondholders, the City or the Registrar, as the case may be, shall establish a record date for such consent or other action and give the Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

So long as the Refunding Bonds are registered in the name of the Depository Trust Company or CEDE & CO. or any substitute nominee, the City and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written representation from the Beneficial Owners of the Refunding Bonds or from the Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the Refunding Bonds and setting forth the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and the Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the bondholders for purposes of this ordinance and the City and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the bondholders. Along with any such certificate or representation, the Registrar may request the Depository Trust Company to deliver, or cause to be delivered, to the Registrar a list of all Beneficial Owners of the Refunding Bonds, together with the dollar amount of each Beneficial Owner's interest in the Refunding Bonds and the current addresses of such Beneficial Owners.

Interest on the Refunding Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date of the Refunding Bonds unless the Refunding Bonds are authenticated after the Record Date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless the

Refunding Bonds are authenticated on or before the Record Date preceding the first interest payment date, in which case they shall bear interest from the original date of the Refunding Bonds until the principal shall be fully paid.

Section 3. Redemption of Refunding Bonds. The Refunding Bonds maturing on or after March 1, 2026 are redeemable at the option of the City on September 1, 2025, and thereafter on any date, on thirty (30) days' notice, in whole or in part, in the order of maturity as determined by the City and by lot within a maturity, at face value, with no premium, plus in each case accrued interest to the date fixed for redemption.

If any Refunding Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Refunding Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the City, any Refunding Bonds maturing as term bonds which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each Refunding Bond maturing as a term bond so delivered or canceled shall be credited by the Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of the Refunding Bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such Refunding Bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date.

Each Five Thousand Dollars ($5,000) principal amount shall be considered a separate bond for purposes of optional and mandatory redemption. If less than an entire maturity is called for redemption, the Refunding Bonds to be redeemed shall be selected by lot by the Registrar. If some Refunding Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Refunding Bonds for optional redemption before selecting the Refunding Bonds by lot for the mandatory sinking fund redemption.

Notice of such redemption shall be given at least thirty (30) days prior to the date fixed for redemption by mail unless the notice is waived by the registered owner of a Refunding Bond. Such notice shall be mailed to the address of the registered owners as shown on the registration records of the City as of the date which is forty-five (45) days prior to such redemption date. The notice shall specify the date and place of redemption and sufficient identification of the Refunding Bonds called for redemption. The place of redemption shall be determined by the City. Interest on the Refunding Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the principal office of the Paying Agent to pay the redemption price on the date so named. Coincidentally with the payment of the redemption price, the Refunding Bonds so called for redemption shall be surrendered for cancellation.

Section 4. <u>Execution and Negotiability</u>. Each of the Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the Mayor, countersigned by the manual or facsimile signature of the Controller, attested by the manual or facsimile signature of the Clerk and the seal of the City shall be affixed, imprinted or impressed to or on each of the Refunding Bonds manually, by facsimile or any other means; and these officials, by the execution of a Signature and No Litigation Certificate, shall adopt as and for their own proper signatures the facsimile signatures appearing on the Refunding Bonds. In case any officer whose signature or facsimile signature appears on the Refunding Bonds shall cease to be such officer before the delivery of the Refunding Bonds, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

The Refunding Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration herein.

The Refunding Bonds shall also be authenticated by the manual signature of the Registrar and no Refunding Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed.

Section 5. Form of Bonds. The form and tenor of the Refunding Bonds shall be substantially as follows, all blanks to be filled in properly prior to delivery:

> [Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City of Mishawaka, Indiana, or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.]

UNITED STATES OF AMERICA NO. ___

STATE OF INDIANA COUNTY OF ST. JOSEPH

CITY OF MISHAWAKA

SEWAGE WORKS REFUNDING REVENUE BOND OF 2015

[Interest Rate]	[Maturity Date]	[Original Date]	[Authentication Date]	[CUSIP]

REGISTERED OWNER:

PRINCIPAL SUM:

The City of Mishawaka, in St. Joseph County, State of Indiana, for value received, hereby promises to pay to the Registered Owner named above or registered assigns, solely out of the special revenue fund hereinafter referred to, the Principal Sum set forth above on [the Maturity Date set forth above] **OR** [March 1 and September 1 on the dates and in the amounts as set forth on Exhibit A attached hereto] (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest hereon at the Interest Rate per annum [stated above] **OR** [as set forth on Exhibit A attached hereto] from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment date in which case it shall bear interest from such interest payment date or unless this bond is authenticated on or before _________ 15, 20__, in which case it shall bear interest from the Original Date, until the principal is paid, which interest is payable semiannually on the first days of March and September in each year, beginning on _____________ 1, 20__. Interest shall be calculated according to a 360-day calendar year containing twelve 30-day months.

The principal of this bond is payable at the principal office of ____________________ _________ ("Registrar" or "Paying Agent"), in the _________ of _________, Indiana. All payments of interest on this bond shall be paid by check, mailed one business day prior to the interest payment date to the registered owner hereof as of the fifteenth day of the month preceding such interest payment date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the registered owner. 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. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the bond shall be made in any coin or currency of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

THE CITY SHALL NOT BE OBLIGATED TO PAY THIS BOND OR THE INTEREST HEREON EXCEPT FROM THE HEREINAFTER DESCRIBED SPECIAL FUND, AND NEITHER THIS BOND NOR THE ISSUE OF WHICH IT IS A PART SHALL IN ANY RESPECT CONSTITUTE A CORPORATE INDEBTEDNESS OF THE CITY WITHIN THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OF THE STATE OF INDIANA.

This bond is [the only] one of the authorized issue of bonds of the City[, of like date, tenor and effect, except as to rates of interest and dates of maturity;] aggregating ______________________________ Dollars ($__________)]; numbered consecutively from 1 up; issued for the purpose of refunding certain Refunded Bonds (as defined in the hereinafter defined Ordinance) and to pay incidental expenses[, including premiums for municipal bond insurance premium and a debt service reserve surety]. This bond is issued pursuant to an Ordinance adopted by the Common Council of the City on the _______ day of __________, 2015, entitled "An Ordinance concerning the refunding by the City of Mishawaka of its Sewage Works Revenue Bonds of 1999, Sewage Works Revenue Bonds of 2004, Sewage Works Revenue Bonds of 2006, Series A and Sewage Works Revenue Bonds of 2007, Series A; authorizing the issuance of sewage works refunding revenue bonds for such purpose; providing for the collection, segregation and distribution of the revenues of the sewage works and the safeguarding of the interests of the owners of the sewage works refunding revenue bonds authorized herein; other matters connected therewith; and repealing ordinances inconsistent herewith" ("Ordinance"), and in accordance with the provisions of Indiana law, including without limitation Indiana Code 5-1-5, Indiana Cod 5-1-14 and Indiana Code 36-9-23, each as in effect on the date of delivery of the bonds (collectively, "Act"), the proceeds of which bonds are to be applied solely to the refunding of the Refunded Bonds, including the incidental expenses incurred in connection therewith[, and premiums for municipal bond insurance and a debt service reserve surety].

Pursuant to the provisions of the Act and the Ordinance, the principal of and interest on this bond and all other bonds of said issue, and any bonds hereafter issued on a parity therewith are payable solely from the Sewage Works Sinking Fund continued by the Ordinance ("Sinking Fund") to be provided from the Net Revenues (defined as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance, excluding transfers for payments in lieu of property taxes) of the sewage works of the City. This bond and the issue of which it is a part shall rank on a parity with the Outstanding Bonds (as defined in the Ordinance). Under the Ordinance, Net Revenues included the Pledged Tax Increment (as defined in the Ordinance) subject to Section 2(a) of the ordinance authorizing the Outstanding Bonds.

Pursuant to the Ordinance and the Escrow Agreement defined therein, the City has set aside securities (purchased from the proceeds of the bonds of this issue and funds on hand of the City) and certain cash in a Trust Account to provide payment of principal of and interest on the Refunded Bonds by the purchase of obligations of the United States of America.

The City irrevocably pledges the entire Net Revenues of the sewage works to the prompt payment of the principal of and interest on the bonds authorized by the Ordinance, of which this is one, and any bonds ranking on a parity therewith, including the Outstanding Bonds, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for services rendered by the utility as are sufficient in each year for the payment of the proper and reasonable expenses of Operation and Maintenance (as defined in the Financial Assistance Agreement (as defined in the Ordinance)), of the sewage works and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act and the Ordinance. If the City or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all of the rights and remedies provided for in the Act, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this bond and the interest hereon.

The City further covenants that it will set aside and pay into its Sinking Fund monthly, as available, or more often if necessary, a sufficient amount of the Net Revenues of the sewage works for payment of (a) the interest on all bonds which by their terms are payable from the revenues of the sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying bonds and interest, (c) the principal of all bonds which by their terms are payable from the revenues of the sewage works, as such principal shall fall due, and (d) an additional amount as a margin of safety to [create and] maintain the debt service reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of the sewage works, on a parity with the aforementioned Outstanding Bonds.

The bonds of this issue maturing on or after March 1, 2026 are redeemable at the option of the City on September 1, 2025, and thereafter on any date, on thirty (30) days' notice, in whole or in part, in the order of maturity as determined by the City and by lot within a maturity, at face value, with no premium, plus in each case accrued interest to the date fixed for redemption.

[The bonds maturing on __________1, 20___ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on the dates and in the amounts set forth below:

Date	Amount
*	

*Final Maturity]

Each Five Thousand Dollars ($5,000) principal amount shall be considered a separate bond for purposes of optional [and mandatory] redemption. If less than an entire maturity is called for redemption, the bonds to be redeemed shall be selected by lot by the Registrar. [If some bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the bonds for optional redemption before selecting the bonds by lot for the mandatory sinking fund redemption.]

Notice of such redemption shall be mailed to the address of the registered owner as shown on the registration records of the City as of the date which is forty-five (45) days prior to such redemption date not less than thirty (30) days prior to the date fixed for redemption unless the notice is waived by the registered owner of this bond. The notice shall specify the date and place of redemption and sufficient identification of the bonds called for redemption. The place of redemption may be determined by the City. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with its depository bank, an amount sufficient to pay such bond or the redemption price, as the case may be, and thereafter the registered owner shall look only to the funds so deposited in trust with said bank for payment and the City shall have no further obligation or liability in respect thereto.

This bond is transferable or exchangeable only upon the books of the City kept for that purpose at the principal corporate trust office of the Registrar 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 an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or to the registered owner, as the case may be, in exchange therefor. The City, the Registrar, the Paying Agent and any other registrar or paying agent for this bond 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.

This bond is subject to defeasance prior to redemption or payment as provided in the Ordinance referred to herein. THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. The Ordinance may be amended without the consent of the owners of the bonds as provided in the Ordinance if the Common Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the bonds.

[The bonds shall be initially issued in a Book Entry System (as defined in the Ordinance). The provisions of this bond and of the Ordinance are subject in all respects to the provisions of the Letter of Representations between the City and DTC, or any substitute agreement, effecting such Book Entry System.]

The bonds maturing in any one year are issuable only in fully registered form in the denomination of $5,000 or any integral multiple thereof.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Mishawaka, in St. Joseph County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of its Mayor, countersigned by the manual or facsimile signature of its Controller, its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Clerk.

CITY OF MISHAWAKA, INDIANA

By ______________________________
Mayor

COUNTERSIGNED:

By______________________________
Controller

[SEAL]

Attest:

____
Clerk

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

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

______________________________,
as Registrar

By ______________________________
Authorized Representative

[STATEMENT OF INSURANCE]

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto ______________________________ this bond and all rights thereunder, and hereby irrevocably constitutes and appoints ____________________, Attorney, to transfer the within bond in the books kept for the registration thereof with full power of substitution in the premises.

Dated: ____________________

____

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

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

[EXHIBIT A

[To be completed on a separate page]]

Section 6. Authorization for Preparation and Sale of the Refunding Bonds; Official Statement; Continuing Disclosure; Bond Insurance. (a) The Controller is hereby authorized and directed to have the Refunding Bonds prepared, and the Mayor and Controller are hereby authorized and directed to execute and attest the Refunding Bonds in the form and manner provided herein. The Controller is hereby authorized and directed to deliver the Refunding Bonds to the purchaser thereof after sale made in accordance with the provisions of this ordinance, provided that at the time of said delivery the Controller shall collect the full amount which the purchaser has agreed to pay therefor, which shall not be less than 98.5% of the par value of the Refunding Bonds.

(b) The Refunding Bonds may, as determined by the Common Council, be sold at a competitive sale as provided in Section 7 or negotiated to a purchaser pursuant to the provisions hereof. If negotiated, the Controller is authorized to deliver the Refunding Bonds to a purchaser to be selected by either the Mayor, the Controller, or both, with the advice of the City's financial advisor in accordance with a Purchase Contract ("Purchase Contract"), between the City and the purchaser of the Refunding Bonds. The Mayor and the Controller are authorized to execute the Purchase Contract and deliver the Refunding Bonds to the purchaser so long as their terms are consistent with this ordinance. Such Purchase Contract shall establish a final principal amount, interest rate or rates, maturity schedule, and term bond mandatory redemptions, if any.

(c) The Controller is hereby authorized to appoint a financial institution to serve as escrow trustee ("Escrow Trustee") for the Refunded Bonds in accordance with the terms of the Escrow Agreement between the City and the Escrow Trustee ("Escrow Agreement"). Execution of the Escrow Agreement is hereby approved by the Common Council, and the Mayor and the

Controller are hereby authorized and directed to complete, execute and attest the same on behalf of the City so long as its provisions are consistent with this ordinance and the Purchase Contract.

(d) The Refunding Bonds when fully paid for and delivered to the purchaser thereof, shall be the binding special revenue obligations of the City, payable out of the Net Revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance, excluding transfers for payments in lieu of property taxes) of the sewage works, to be set aside into the Sewage Works Sinking Fund continued in Section 14. Net Revenues shall include the Pledged Tax Increment as provided in the 2010 Resolution and such Pledged Tax Increment shall be administered and continue in accordance with the ordinance authorizing the Outstanding Bonds. The proper officers of the City are hereby directed to sell the Refunding Bonds to the purchaser, to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

(e) The execution, by either the Mayor, the Controller, the purchaser, or the City's financial advisor, of a subscription for United States Treasury Obligations -- State and Local Government Series for investments of proceeds of the Refunding Bonds to be held under the Escrow Agreement in a manner consistent with this ordinance is hereby approved.

(f) Distribution of an Official Statement (preliminary and final) prepared by H.J. Umbaugh & Associates, Certified Public Accountants, LLP, on behalf of the City, is hereby authorized and approved and the Mayor and Controller are authorized and directed to execute the Official Statement on behalf of the City in a form consistent with this ordinance. The Mayor or the Controller is authorized to designate the preliminary Official Statement as "nearly final" for purposes of Rule 15c2-12 as promulgated by the Securities and Exchange Commission ("Rule").

(g) If the Refunding Bonds are subject to the Rule, a Continuing Disclosure Undertaking ("Undertaking") for the Refunding Bonds is hereby authorized and approved by the Common Council, and the Mayor and Controller are hereby authorized and directed to complete, execute and attest the same on behalf of the City. Notwithstanding any other provisions of this ordinance, failure of the City to comply with the Undertaking shall not be considered an event of default under the Refunding Bonds or this ordinance.

(h) In the event the financial advisor to the City certifies to the City that it would be economically advantageous for the City to obtain a municipal bond insurance policy for the Refunding Bonds issued hereunder, the City hereby authorizes the purchase of such an insurance policy. The acquisition of a municipal bond insurance policy is hereby deemed economically advantageous in the event the difference between the present value cost of (a) the total debt service on the Refunding Bonds if issued without municipal bond insurance and (b) the total debt service on the Refunding Bonds if issued with municipal bond insurance, is greater than the cost of the premium on the municipal bond insurance policy. If such an insurance policy is purchased, the Mayor and the Controller are hereby authorized to execute and deliver all agreements with the provider of the policy to the extent necessary to comply with the terms of such insurance policy and the commitment to issue such policy and such agreements shall be deemed a part of this ordinance.

Section 7. Bond Sale. If the Refunding Bonds will be sold at a competitive sale, prior to the sale of the Refunding Bonds, the Controller may cause to be published a notice of such sale in one or more newspapers published in St. Joseph County with general circulation in the City. A notice or summary notice of sale may also be published in the *Court & Commercial Record* or in *The Bond Buyer* in New York, New York. The notice shall state the character and amount of the Refunding Bonds, the maximum rates of interest thereon, the terms and conditions upon which bids will be received and the sale made, and such other information as the Controller and the attorneys employed by the City shall deem advisable, and any summary notice may contain any information deemed so advisable. The notice may provide that the City reserves the right to adjust principal amounts and maturities (an increase or a decrease) based upon interest rates and the cost of funding the escrow. Said notice shall provide, among other things, that bidders for the Refunding Bonds will be required to name the rate or rates of interest which the Refunding Bonds are to bear, not exceeding the maximum rate hereinbefore fixed, and that such interest rate or rates shall be in multiples of one-eighth (1/8), one-twentieth (1/20) or one one-hundredth (1/100) of one percent (1%). The notice may provide, among other things, that the successful bidder shall be required to submit a certified or cashier's check or a wire transfer in an amount equal to 1% of the principal amount of the Refunding Bonds described in the notice to guarantee performance on the part of the bidder not later than 3:30 p.m. (Eastern Time) on the next business day following the award. In the event the successful bidder shall fail or refuse to accept delivery of the Refunding Bonds and pay for the same as soon as the Refunding Bonds are ready for delivery, or at the time fixed in the notice of sale, then said check and the proceeds thereof shall be the property of the City and shall be considered as its liquidated damages on account of such default. No conditional bids or bids for less than 98.5% of the par value of the Refunding Bonds will be considered. The opinion of Ice Miller LLP, bond counsel of Indianapolis, Indiana, approving the legality of the Refunding Bonds will be furnished to the purchaser at the expense of the City.

The Refunding Bonds shall be awarded by the Controller to the best bidder who has submitted its bid in accordance with the terms of this ordinance and the notice. The best bidder will be the one who offers the lowest net interest cost to the City to be determined by computing the total interest on all of the Refunding Bonds to their maturities, adding thereto the discount bid, if any, and deducting therefrom the premium bid, if any. The right to reject any and all bids is hereby reserved. If an acceptable bid is not received on the date of sale, the sale may be continued from day to day thereafter.

Section 8. Refunding of the Refunded Bonds and Costs of Issuance. Concurrently with the delivery of the Refunding Bonds, the Controller may acquire, with the proceeds of the Refunding Bonds and cash on hand, direct obligations of or obligations the principal and interest on which are unconditionally guaranteed by, the United States of America ("Government Obligations") to be used, together with certain cash from the proceeds of the Refunding Bonds and cash on hand as set forth in the Escrow Agreement, to refund and legally defease the Refunded Bonds all as set forth in the Escrow Agreement. In order to refund the Refunded Bonds, the Controller shall deposit Government Obligations and certain cash with the Escrow Trustee under the Escrow Agreement in an amount sufficient to provide money for payment of the principal of and interest and redemption premium, if any, on the Refunded Bonds until the earliest date upon which the Refunded Bonds may be called for redemption.

Costs of issuance of the Refunding Bonds not otherwise paid shall be paid from the remaining proceeds by the Controller. When all the costs of issuance of the Refunding Bonds have been paid, the Controller shall then transfer any amount then remaining from the proceeds of the Refunding Bonds to the Sewage Works Sinking Fund as herein provided.

The Controller shall obtain a verification of an accountant as to the sufficiency of the funds deposited in the Trust Account under the Escrow Agreement to accomplish said refunding and legal defeasance of the Refunded Bonds.

Section 9. Pledged Tax Increment. The Pledged Tax Increment shall continue to be pledged to the payment of the Outstanding Bonds, subject to Section 2(a) of the ordinance authorizing the Outstanding Bonds. .The Net Revenues of the sewage works shall continue to include the Pledged Tax Increment all in accordance with the ordinance authorizing the Outstanding Bonds and the 2010 Resolution.

Section 10. Financial Records and Accounts. The City shall keep proper records and books of account, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues received on account of the operation of the sewage works and all disbursements made therefrom and all transactions relating to the utility. Copies of all such statements and reports shall be kept on file in the office of the Controller.

Section 11. Pledge of Net Revenues. The interest on and the principal of the Refunding Bonds issued pursuant to the provisions of this ordinance, and any bonds hereafter issued on a parity therewith, shall constitute a first charge on all the Net Revenues, on a parity with the Outstanding Bonds, and such Net Revenues are hereby irrevocably pledged to the payment of the interest on and principal of such Refunding Bonds, to the extent necessary for that purpose.

Section 12. Revenue Fund. The City shall segregate, deposit and keep in a special fund, separate and apart from all other funds of the City, all gross revenues received on account of the sewage works, which special fund was established and designated as the "City of Mishawaka, Indiana, Sewage Works Revenue Fund" ("Revenue Fund") and is continued hereby. Out of said revenues the proper and reasonable expenses of operation, repair and maintenance of the sewage works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, reserves shall be funded, and the costs of replacements, extensions, additions and improvements shall be paid as hereinafter provided. No moneys derived from the revenues of the sewage works shall be transferred to the general fund of the City or be used for any purpose not connected with the sewage works so long as any bonds payable from the revenues of the sewage works are outstanding.

Section 13. Operation and Maintenance Fund. The Operation and Maintenance Fund ("O&M Fund") is hereby continued. On the last day of each calendar month, a sufficient amount of revenues of the sewage works shall be transferred from the Revenue Fund to the O&M Fund. The balance maintained in this Fund shall be sufficient to pay the expenses of operation, repair and maintenance of the works for the then next succeeding two (2) calendar months. The moneys credited to this Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the sewage works on a day-to-day basis, but none of the moneys in the O&M Fund shall be used for payments in lieu of property taxes ("PILOTs"), depreciation, replacements, improvements, extensions or additions. Any monies in said Fund may be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the sewage works, or if necessary to eliminate any deficiencies in credits to or minimum balance in the Reserve Accounts described below.

Section 14. Sewage Works Sinking Fund. (a) The Sewage Works Sinking Fund ("Sinking Fund") is hereby continued for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the sewage works and the payment of any fiscal agency charges in connection with the payment of bonds. The Sinking Fund shall consist of a Debt Service Account and two Reserve Accounts hereby continued. The

Sinking Fund shall be continued until all of the bonds payable from the Net Revenues of the sewage works have been paid.

(b) Debt Service Account. All Pledged Tax Increment shall be deposited into the Sinking Fund and shall be deemed as Net Revenues of the sewage works. Upon receipt by the City, the Pledged Tax Increment shall be credited to the Debt Service Account. Any Pledged Tax Increment received by the City in excess of the requirements of the Debt Service Account shall be used to satisfy the requirements of the 1994 Reserve Account and the 1999 Reserve Account (each as hereinafter defined) on a parity basis. Any moneys heretofore accumulated to pay principal and interest for the Refunded Bonds shall be credited to and become a part of the Trust Account under the Escrow Agreement and shall be applied on the first payments made from the Trust Account. After making the required monthly payments into the O&M Fund, Net Revenues shall be deposited into the Debt Service Account monthly, as available, in an amount sufficient for the payment of: (a) the amount required for the interest on the all Outstanding Bonds, the Refunding Bonds and any bonds hereafter issued and payable by their terms from the Net Revenues of the sewage works; (b) the principal of all Outstanding Bonds, the Refunding Bonds and any bonds hereinafter issued and payable by their terms from the Net Revenues of the sewage works; and (c) the necessary fiscal agency charges for paying the principal of and interest on all Outstanding Bonds, the Refunding Bonds and any bonds hereafter issued and payable by their terms from the Net Revenues of the sewage works. After accounting for the amount of Pledged Tax Increment on deposit in the Debt Service Account, the monthly payments into the Debt Service Account shall be in an amount equal to at least one-sixth (1/6) of the amount required during the next succeeding six (6) calendar months for the payment of interest on and principal of the Outstanding Bonds, the Refunding Bonds, and all bonds hereafter issued payable by their terms from the Net Revenues of the sewage works, and an amount necessary to pay the bank fiscal agency charges as the same become payable. The City shall, from the sums deposited in the Sinking Fund and credited to the Debt Service Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of bank fiscal agency charges.

(c) Reserve Accounts. (i) The Refunding Bonds issued hereunder and the 2010B Bonds will be secured by the 1994 Reserve Account described below. The 2010A Bonds purchased by the Authority as part of its SRF Program will be secured by the 1999 Reserve described below. If either the Reserve Requirement or the SRF Reserve Requirement (each as defined below) is not satisfied on the date of issuance of such Refunding Bonds, such requirement shall be accumulated by the City making deposits of Net Revenues on the last day of each calendar month. The monthly deposits shall be equal in amount and sufficient to accumulate the Reserve Requirement or the SRF Reserve Requirement, as the case may be, within five (5) years of the date of delivery of the Refunding Bonds for the Reserve Requirement and within (5) years of the date of delivery of the 2010A Bonds for the SRF Reserve Requirement.

The City may fund all or part of the 1994 Reserve Account with a debt service reserve surety bond. The surety bond must be issued by an insurance company rated in the highest rating category by Standard & Poor's Corporation and Moody's Investors Service. The Mayor and Controller are hereby authorized to execute and deliver an agreement with the provider of the surety for the Refunding Bonds in order to comply with the terms of said surety and the commitment issued therefor. Such agreement shall be deemed a part of this ordinance for all purposes and is hereby incorporated herein by reference.

(ii) 1994 Reserve Account. The reserve account continued for the 2010B Bonds ("1994 Reserve Account") is hereby continued. The 1994 Reserve Account serves as the reserve for the 2010B Bonds and the Refunding Bonds, and it shall also serve as the reserve for any series of future bonds not purchased by the Authority as part of its SRF Program. The balance to be maintained in the 1994 Reserve Account, taking into account the surety, if any, held therein and the cash, shall equal the maximum annual debt service on the 2010B Bonds and the Refunding Bonds ("Reserve Requirement").

The 1994 Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the 2010B Bonds and the Refunding Bonds and any future bonds not purchased by the Authority as part of its SRF Program, and the moneys in the 1994 Reserve Account shall be used to pay current principal and interest on the 2010B Bonds and the Refunding Bonds to the extent that moneys in the Debt Service Account are insufficient for that purpose. No moneys in the 1994 Reserve Account shall secure or be used to pay the principal of or interest on the 2010A Bonds. Any moneys in the 1994 Reserve Account in excess of its requirements shall be transferred to the Sewage Works Improvement Fund.

(iii) 1999 Reserve Account. The 1999 Reserve Account ("1999 Reserve Account") is hereby continued and shall be funded and maintained in accordance with the terms of the ordinance authorizing the Outstanding Bonds. The 1999 Reserve Account shall continue to serve as the reserve for the 2010A Bonds and shall also serve as the reserve for any future bonds purchased by the Authority as part of its SRF Program. The balance therein shall equal but not exceed the maximum annual debt service ("SRF Reserve Requirement") on the 2010A Bonds, and any parity bonds issued in the future by the City and purchased by the Authority as part of its SRF Program which are payable from the Net Revenues of the sewage works (collectively, "SRF Bonds"). The 1999 Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the SRF Bonds, and the moneys therein shall be used to pay current principal and interest on the SRF Bonds, to the extent that moneys in the Debt Service Account are insufficient for that purpose. No moneys in the 1999 Reserve Account shall secure or be used to pay the principal of or interest on the 2010B Bonds, the Refunding Bonds or any future bonds not purchased by the Authority as part of its SRF Program. In the event one or more surety policies secure some but not all the SRF Bonds, and a portion of the SRF Reserve Requirement is met with cash on deposit in the 1999 Reserve Account, any cash and draws on such surety policy shall be made on a basis to provide for any required transfer to the Debt Service Account that continues to result in pro rata amounts remaining (in cash and available surety insurance) in the 1999 Reserve Account to secure on a parity basis the respective SRF Bonds as applicable. Any moneys in the 1999 Reserve Account in excess of the SRF Reserve Requirement shall be transferred to the Sewage Works Improvement Fund.

(iv) Deficiency Restoration. Any deficiency in the balance maintained in the 1994 Reserve Account or the 1999 Reserve Account shall be made up on a parity (pro rata) basis, from the next available Net Revenues remaining after credits into the Debt Service Account.

Section 15. Sewage Works Improvement Fund. The Sewage Works Improvement Fund ("Improvement Fund") is hereby continued. Any excess revenues over and above the requirements of the O&M Fund and Sinking Fund may be transferred or credited from the Revenue Fund to the Improvement Fund, and said Fund shall be used for improvements, replacements, additions and extensions of the sewage works and to make payments representing

PILOTs. The City reserves the right to transfer PILOTs from the Improvement Fund no more frequently than semiannually in accordance with the Act, and only if all required transfers have been made to the Sinking Fund and the accounts of the Sinking Fund contain the required balances as of the date the PILOTs are paid. In no event shall any PILOTs be treated as an expense of operation and maintenance, nor in any case shall it be payable from the O&M Fund or the Sinking Fund. Moneys in the Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Reserve Account of the Sinking Fund or may be transferred to the O&M Fund to meet unforeseen contingencies in the operation, repair and maintenance of the sewage works.

Section 16. Investments. The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the City. The O&M Fund and the Improvement Fund may be maintained in a single account or accounts but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the City and apart from the Sinking Fund account or accounts. All moneys deposited in said accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in accordance with the applicable laws, including particularly Indiana Code, Title 5, Article 13, as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this ordinance.

Section 17. Defeasance of the Refunding Bonds. If, when the Refunding 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 Refunding Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Refunding Bonds or a portion thereof then outstanding shall be paid; or (i) sufficient moneys or (ii) direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury, the principal of and the interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Refunding Bonds or any designated portion thereof issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the City's sewage works.

Section 18. Rate Covenant. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by the works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewage system of the City, or that in any way uses or is served by such works, at a level adequate to produce and maintain sufficient revenue (including user and other charges, fees, income or revenues available to the City), together with the Pledged Tax Increment reasonably expected to be collected and available to provide for the timely payment of debt service on the Outstanding Bonds, to provide for the proper Operation and Maintenance (as defined in the Financial Assistance Agreement) of the sewage works, to comply with and satisfy all covenants contained in this ordinance and the Financial Assistance Agreement and to pay all obligations of the sewage works and of the City with respect to the sewage works. Such rates and charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient, together with the Pledged Tax Increment reasonably expected to be collected and available to provide for the timely payment of debt service on the Outstanding Bonds, to meet the expenses of Operation and Maintenance of the sewage works and the requirements of the Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the City and all departments thereof, and shall be paid by the City or the various departments thereof as the charges accrue.

For purposes of determining whether the Pledged Tax Increment will be considered to be reasonably expected to be collected and available to provide for the timely payment of debt service, the following shall control:

(a) the estimated Pledged Tax Increment to be collected shall be based on the existing assessed valuation (unless such valuation has been challenged by the owner of the property, in which case the prior assessed value shall be used) and the then current tax rate;

(b) any delinquent payments of property taxes constituting Pledged Tax Increment shall not be considered available; and

(c) if there is any pending challenge against the establishment or propriety of the Pledged Tax Increment, or its proposed use under this ordinance, such challenged portion of the Pledged Tax Increment shall not be considered available.

If in any year while the Outstanding Bonds are outstanding, the Net Revenues of the sewage works and the Pledged Tax Increment received from (a) the June settlement is less than the next September 1 payment on all outstanding bonds or (b) the June settlement (after payment of such September 1 payment), together with the December settlement, is less than the next March 1 payment on all outstanding bonds, then the City shall take all steps required to immediately increase sewage works rates and charges to the level required to provide for the timely payment of debt service on all outstanding bonds. Any such increase shall be enacted to be effective within 45 days after the receipt of the June or December settlement, as the case may be.

Section 19. Additional Bond Provisions. The City shall not issue any additional obligations payable from or secured by the Pledged Tax Increment without the prior written consent of the Authority. The City reserves the right to authorize and issue additional parity bonds, payable out of the Net Revenues of its sewage works, ranking on a parity with the Refunding Bonds for the purpose of financing the cost of future extensions, betterments or improvements to the sewage works, or to refund obligations, subject to the following conditions:

(a) (a) All required payments into the Sinking Fund shall have been made in accordance with the provisions of this ordinance, and the interest on and principal of all bonds payable from the Net Revenues of the sewage works shall have been paid to date in accordance with their terms.

(b) The Net Revenues of the sewage works, including the Pledged Tax Increment, in the fiscal year immediately preceding the issuance of any such parity bonds shall be not less than one hundred twenty five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of the parity bonds, the sewage rates and charges shall be increased sufficiently so that the increased rates and charges, if realized and when applied to the previous fiscal year's operations would have produced Net Revenues for said year, including the Pledged Tax Increment, equal to not less than one hundred twenty five percent (125%) of the maximum annual interest and principal requirements of all bonds payable from the revenues of the sewage works, including additional parity bonds proposed to be issued. For purposes of this subsection, the records of the sewage works shall be analyzed and all showings shall be prepared by an independent certified public accountant employed by the City for that purpose who shall certify the satisfaction of the foregoing conditions for the issuance of parity bonds.

(c) The interest on the additional parity bonds shall be payable semiannually on the first days of March and September and the principal of, or mandatory sinking fund redemption dates for, the additional parity bonds shall be payable semiannually on March 1 and September 1.

(d) The reserve shall be satisfied for the additional parity bonds either as of the date of delivery of said additional parity bonds or through equal monthly deposits of Net Revenues sufficient to accumulate the reserve in a manner commensurate with and proportional to the provisions established by Section 14 of this ordinance.

(e) So long as any 2010A Bonds are outstanding and owned by the Authority as part of the SRF Program, (i) the City obtains the consent of the Authority, (ii) the City has faithfully performed and is in compliance with each of its obligations, agreements and covenants contained in the Financial Assistance Agreement and the ordinance authorizing the Outstanding Bonds, and (iii) the City is in compliance with its National Pollutant Discharge Elimination System permits, except for non-compliance for which purpose the parity bonds are issued, including refunding bonds issued prior to, but part of the overall plan to eliminate such non-compliance.

Section 20. Further Covenants of the City; Maintenance, Insurance, Pledge Not To Encumber, Subordinate Indebtedness, and Contract with Bondholders. For the purpose of further safeguarding the interests of the owners of the Refunding Bonds, it is hereby specifically provided as follows:

(a) So long as any of the Refunding Bonds are outstanding, the City shall at all times maintain the sewage works system in good condition, and operate the same in an efficient manner and at a reasonable cost.

(b) So long as any of the Refunding Bonds are outstanding, the City shall maintain insurance on the insurable parts of said works, of a kind and in an amount, including fidelity bonds, such as would normally be carried by private corporations engaged in a similar type of business and, so long as any Outstanding Bonds are owned by the Authority as part of its SRF Program, acceptable to the Authority. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. All insurance proceeds shall be used in replacing or repairing the property destroyed or damaged, unless, so long as the Outstanding Bonds are owned by the Authority as part of its SRF Program, the Authority consents to a different use.

(c) So long as any of the Refunding Bonds are outstanding, the City shall not mortgage, pledge or otherwise encumber the property and plant of its sewage works system, or any part thereof, nor shall it sell, lease or otherwise dispose of any part of the same, excepting only such machinery, equipment or other property as may be replaced, or shall no longer be necessary for use in connection with said utility; provided, however, the City shall obtain the prior written consent of the Authority so long as any Outstanding Bonds are owned by the Authority as part of its SRF Program.

(d) For so long as any Outstanding Bonds are outstanding and owned by the Authority as part of the SRF Program, the City shall not borrow any money, enter into any contract or agreement or incur any other liabilities in connection with the sewage works, other than for normal operating expenditures, without the prior written consent of the Authority if such undertaking would involve, commit or use the revenues of the sewage works.

(e) Except as otherwise specifically provided in Section 19 of this ordinance, so long as any of the Refunding Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, issued or executed by the City except such as shall be made junior and subordinate in all respects to the Refunding Bonds, unless all of the Refunding Bonds are redeemed or defeased coincidentally with the delivery of such additional bonds or other obligations.

(f) The City shall take all action or proceedings necessary and proper, to the extent permitted by law, to require connection of all property where liquid and solid waste, sewage, night soil or industrial waste is produced with available sanitary sewers. The City shall, insofar as possible, and to the extent permitted by law, cause all such sanitary sewers to be connected with said sewage works.

(g) The provisions of this ordinance shall constitute a contract by and between the City and the owners of the Refunding Bonds herein authorized, and after the issuance of the Refunding Bonds, this ordinance shall not be repealed or amended in any respect which will adversely affect the rights or interests of the owners of the Refunding Bonds, nor shall the Common Council adopt any law, ordinance or resolution which in any way adversely affects the rights of the bondholders so long as any of the Refunding Bonds, or the interest thereon, remain unpaid. Except in the case of changes described in Section 21(a)-(f), this ordinance may be amended, however, without the consent of Bondowners, if the Common Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the Refunding Bonds.

(h) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the Refunding Bonds herein authorized for the uses and purposes herein set forth, and the owners of the Refunding Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of the governing Act. The provisions of this ordinance shall also be construed to create a trust in the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of that Fund as in this ordinance set forth. The owners of the Refunding Bonds shall have all the rights, remedies and privileges set forth in the provisions of the governing Act hereinbefore referred to, including the right to have a receiver appointed to administer said sewage works, in the event the City shall fail or refuse to fix and collect sufficient rates and charges for those purposes, or shall fail or refuse to operate and maintain said system and to apply the revenues derived from the operation thereof, or if there be a default in the payment of the principal of or interest on any of the Bonds or in the event of default in respect to any of the provisions of this ordinance or the governing Act.

Section 21. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Refunding Bonds issued pursuant to this ordinance and then outstanding shall have the right from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the Common Council of the City of such ordinance or ordinances supplemental hereto or amendatory hereof, as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular manner any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on, or any mandatory sinking fund redemption date for, any Refunding Bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any Refunding Bond or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues or Net Revenues of the sewage works ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any Refunding Bond or Refunding Bonds issued pursuant to this ordinance over any other Refunding Bond or Refunding Bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the Refunding Bonds required for consent to such supplemental ordinance; or

(f) A reduction in the Reserve Requirement or the SRF Reserve Requirement.

If the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Refunding Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk of the City, no owner of any Refunding Bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Common Council of the City from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the City and all owners of Refunding Bonds then outstanding, shall thereafter be determined, exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the City and of the owners of the Refunding Bonds authorized by this ordinance, and the terms and provisions of the Refunding Bonds and this ordinance, or any supplemental or amendatory ordinance, may be modified or altered in any respect with the consent of the City and the consent of the owners of all the Refunding Bonds then outstanding.

Section 22. Tax Covenants. In order to preserve the exclusion of interest on the Refunding Bonds from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as existing on the date of issuance of the Refunding Bonds ("Code") and as an inducement to purchasers of the Refunding Bonds, the City represents, covenants and agrees that:

(a) Since the date of issuance of the Refunded Bonds and until the earlier of the last date of the reasonably expected economic life of the sewage works projects funded with the Refunded Bonds or the latest maturity date of the Refunding Bonds ("Combined Measurement Period"), the sewage works will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. During the Combined Measurement Period, no person or entity other than the City or another state or local governmental unit will use more than 10% of the proceeds of the Refunding Bonds or property financed by the Refunded Bond proceeds other than as a member of the general public. During the Combined Measurement Period, no person or entity other than the City or another state or local governmental unit will own property financed by Refunded Bond proceeds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person's or entity's use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Refunding Bonds. If the City enters into a management contract for the sewage works, the terms of the contract will comply with IRS Revenue Procedure 97-13, as it may be amended, supplemented or superseded from time to time, so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than 10% of the proceeds of the Refunding Bonds.

(b) No more than 10% of the principal of or interest on the Refunding Bonds over the Combined Measurement Period, will be or is (under the terms of the Refunding Bonds, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be derived from payments (whether or not to the City) in respect of such property or borrowed money used or to be used for a private business use.

(c) No more than 5% of the Refunding Bond proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Refunding Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Refunding Bond proceeds.

(d) The City reasonably expects, as of the date hereof, that the Refunding Bonds will not meet either the private business use test described in paragraph (a) and (b) above or the private loan test described in paragraph (c) above during the Combined Measurement Period.

(e) During the Combined Measurement Period, no more than 5% of the proceeds of the Refunding Bonds will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The City will not take any action nor fail to take any action with respect to the Refunding Bonds that would result in the loss of the exclusion from gross income for federal tax purposes on the Refunding Bonds pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion. The City covenants and agrees not to enter into any contracts or arrangements which would cause the Refunding Bonds to be treated as private activity bonds under Section 141 of the Code.

(g) It shall not be an event of default under this ordinance if the interest on any Refunding Bond is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Refunding Bonds.

(h) These covenants are based solely on current law in effect and in existence on the date of delivery of such Refunding Bonds.

(i) The City covenants that it will rebate any arbitrage profits to the United States to the extent required by the Code and the regulations promulgated thereunder.

Section 23. Noncompliance with Tax Covenants. Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Refunding Bonds from gross income under federal law ("Tax Exemption") need not be complied with if the City receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Section 24. Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that this ordinance shall not be deemed as (i) amending or repealing the ordinance authorizing the Outstanding Bonds or (ii) adversely affecting the rights of the owners of the Refunded Bonds or the Outstanding Bonds.

Section 25. Headings. The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this ordinance.

Section 26. Effective Date. This ordinance shall be in full force and effect from and after its passage and execution by the Mayor.

Passed and adopted by the Common Council of the City of Mishawaka, Indiana, this

______ day of __________________, 2015.

COMMON COUNCIL

____
Presiding Officer

ATTEST:

____
Clerk

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of

____________, 2015, at ___:___ ___.m.

____
Clerk

Presented to and approved by me, the Mayor of the City of Mishawaka, Indiana, and

signed this _______ day of ________________, 2015, at ___:___ ___.m.

____
Mayor

City of Mishawaka

RESOLUTION NO. 2015-22

WHEREAS June 23, 2015 will be a bittersweet day for Father Barry England, he will be retiring from the priesthood ending 47 years of service with the last 15 years as Pastor at St. Bavo's and,

WHEREAS Father Barry will be retiring as a full-time pastor of a parish, but will still be exercising his priestly ministry, to the people and celebrating the sacraments, lending a hand to local priests when needed, and

WHEREAS Seminary training at Our Lady of the Lake in Wawasee and Mount St. Mary's in Ohio helped prepare him for his priestly career, it included five summers of being a counselor for CYO summer camp and,

WHEREAS After his Ordination in 1968, Father England was assigned as associate pastor at St. Mary Parish, in Huntington, where he also was named master of ceremonies for the Huntington Deanery and area chaplain of the Diocesan Catholic Committee on Scouting and,

WHEREAS From July of 1971 to January of 1979 he served as associate pastor at St. Charles Borromeo Parish in Fort Wayne and,

WHEREAS In January 1979 he was named pastor of St. Joseph Parish at Roenoke and St. Catherine Parish, During his time there he led a study for the diocese to determine the feasibility of establishing a new parish in Aboite Township, which was experiencing a population boom. The result of that study is St. Elizabeth Ann Seton Parish, established in 1988 and now one of the largest parishes in the diocese and,

WHEREAS While leading St. Joseph and St. Catherine parishes, Father England was appointed Chaplain for the Diocesan Council of Catholic Women and was made a judge on the diocesan marriage tribunal, where he served for four years and,

WHEREAS in 1982, Father Barry was appointed pastor of Queen of Angels Parish in Fort Wayne, Indiana where the bishop also appointed him to the board of directors of United Way of Allen County. From 1988 to 2000, he was pastor of St. Anthony Parish in South Bend before moving to his las assignment at St. Bavo where he took on the role of Chaplin to the Mishawaka Knights of Columbus to the Mishawaka Knights of Columbus Council 1878 and,

WHEREAS Father England says one of the greatest joys of the Priesthood was seeing the gift of faith in people who live their Christianity everyday.

NOW THEREFORE, BE IT RESOLVED by the City of Mishawaka Common Council, Mayor and City Clerk, July 5, 2015 is hereby proclaimed

FATHER BARRY ENGLAND DAY

In the City of Mishawaka, and we call upon all of our citizens to join us in congratulating and saluting this wonderful man.

Dale "Woody" Emmons, 2nd District	Ron Banicki, Vice President 6th District
Mike Bellovich, 2nd District	Dan Bilancio, At Large
John Reisdorf, 3rd District	S. Michael Compton, 6th District
Kate Voelker, 4th District	John Roggeman, At Large
Matt Mammolenti, At Large	
Deborah S. Block, IAMC, MMC, City Clerk	David A. Wood, Mayor

City of Mishawaka

RESOLUTION NO. 2015-23

WHEREAS Anna Rohrer concluded her 2015 Senior year at Mishawaka High School with amazing accomplishments..

WHEREAS Anna claimed the Indiana High School State Championship in the 1600 meter and broke her own state record in the 3200 meter at 10:11.20 shattering the old mark of 10:14.43 that she set last year.

WHEREAS Anna was a participant in the Adidas Dream Mile in New York City and the Brooks PR Invitational in Seattle, Washington.

WHEREAS Anna has again honored her home town of Mishawaka, by winning the National 2 Mile Championship at the Brooks PR Invitational with a time of 9.59.96. She is the first Indiana High School girl to break the 10 minute barrier.

WHEREAS Anna has Committed to the University of Notre Dame and she takes with her 5 National Championships, 6 State Championships, 3 State Records, 1 National Record, and current standing as the Gatorade National Girls XC Runner of the Year, along with the respect, and appreciation of her home town.

WHEREAS Anna is undisputedly the most accomplished high school girls distance runner in Indiana history.

WHEREAS Anna has been an exemplary civic minded student, and has served on the Mayor's Council for two years. Along with her busy schedule she still made time to take part in ribbon cutting ceremonies and volunteered for many City of Mishawaka events. Just days before a big race, Anna could be seen delivering food baskets to families in need during Thanksgiving, She has given back to her community and sets an example for others. She gives more than 100% in all she does.

NOW THEREFORE, BE IT RESOLVED by the City of Mishawaka Common Council, Mayor and City Clerk, July 6, 2015 is hereby proclaimed

ANNA ROHRER DAY

In the City of Mishawaka, and we call upon all of our citizens to join us in congratulating and saluting this wonderful and talented young lady

Dale "Woody" Emmons 2nd District, President

Ron Banicki, 6th District, Vice
Vice President

Mike Bellovich, 2nd District

Dan Bilancio, At Large

John Reisdorf, 3rd District

S. Michael Compton, 6th District

Kate Voelker, 4th District

John Roggeman, At Large

Matt Mammolenti, At Large

Deborah S. Block, IAMC, MMC, City Clerk

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 02 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2015-24

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A DETERMINATION OF THE MISHAWAKA REDEVELOPMENT COMMISSION CONCERNING PLANNED CAPITAL IMPROVEMENTS AND CURRENT ASSESSED VALUATION LEVELS OF THE CITY OF MISHAWAKA'S CONSOLIDATED TAX INCREMENT FINANCING DISTRICT IN ACCORDANCE WITH IC 36-7-14-39(b)(4)(B)

WHEREAS, the Indiana Code requires the City of Mishawaka Redevelopment Commission to perform a review of the assessed valuation, planned revenue, and expenses of tax increment financing districts; and

WHEREAS, the reporting is required to be communicated to the County Auditor, as well as, other impacted taxing units by July 15 annually; and

WHEREAS, the Redevelopment Commission as part of the modification and consolidation of the City's Tax Increment Financing Districts in 2014, performed a long range study of both our long term infrastructure needs and the revenue that is projected from the Tax Increment Financing District through 2033, including projected growth. The study identified our infrastructure need in and adjacent to the district exceeded 650 million dollars through 2033. The revenue over that same time period was estimated at 380 million dollars, a projected shortfall of approximately 270 million dollars.

WHEREAS, the Redevelopment Commission Staff has prepared and distributed a letter to the County Auditor and other taxing units identifying that there is "no excess assessed value" in accordance with past practices; and

WHEREAS, in 2014 the State legislature changed the law concerning this reporting, specifically requiring Council approval If the amount of captured assessed value determined by the Commission is expected to generate more than 200% of the amount necessary to make debt service payments and the amount necessary for "other purposes", then, the Commission must submit its determination to the legislative body of the unit. The legislative body of the unit may then approve or modify the Commission's determination of captured and pass-through assessed value.

WHEREAS, it has been a long-standing philosophy of the Commission and City as a whole to accumulate cash where possible to fund projects rather than to finance them from debt.

WHEREAS, simply by current practices, the amount of captured assessed value determined by the Commission is expected to generate more than 200% of the amount necessary to make debt service payments and the amount necessary for "other purposes" includes most of TIF funded capital projects performed by the City on an annual basis.

Now Therefore:

Section II. Following a presentation by the Administration, and after proper public hearing, the Common Council hereby approves the Redevelopment Commission's Determination that there is "no excess assessed value" in the City's consolidated Tax increment Financing District

Section III. 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

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

July 2nd, 2015

County Auditor: Michael J. Hamann
227 W. Jefferson Blvd.
2nd Floor County City Bldg.
South Bend, IN 46601

Re: City of Mishawaka, Consolidated Tax Increment Financing District
Statutory obligation letter regarding evaluation of assessed valuation

Dear Mr. Hamann,

In accordance with IC 36-7-14-39(b)(4)(B) (the "Act"), I have written this letter as the Staff of the City of Mishawaka Redevelopment Commission to notify you and all other taxing units of the determination that it has made concerning its Tax Allocation Area for 2015 taxes payable 2016. The Commission has determined that there is no "excess assessed value" that may be allocated to the overlapping taxing units in the manner prescribed by this section of the Indiana Code.

As you are aware, when the City Consolidated our Northwest Tax Increment Financing District and our South Side Tax Increment Financing District into one Consolidated Tax Increment Financing District in 2014, we performed a long range study of both our long term infrastructure needs and the revenue that is projected from the Tax Increment Financing District through 2033, including projected growth. The study identified our infrastructure need in and adjacent to the district exceeded 650 million dollars through 2033. The revenue over that same time period was estimated at 380 million dollars, a projected shortfall of approximately 270 million dollars. Similar to all other local taxing units, the City is also facing further reductions in general fund revenue. In our case this reduction is projected to be roughly 1.7 million dollars per year as the property tax caps are fully implemented in 2019/20. This will further impact our ability to fund City services and perform capital improvement projects as time goes on, underscoring the importance of maintaining tax increment financing district assessed values.

As always, please contact me if you have any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor
City of Mishawaka Clerk and Common Council
City of Mishawaka Redevelopment Commission
St. Joseph County Board of Commissioners
St. Joseph County Council
School City of Mishawaka
South Bend Community School Corporation
Rebecca Miller, City Controller
Penn-Harris-Madison School Corp.
South Bend Int. Airport
Mishawaka-Penn Public Library
TRANSPO
Penn Township Trustee
Clay Township Trustee
Harris Township Trustee

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241
Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 11 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 6-15-15
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015-10

ORDINANCE NO.

HPC # 14-01

AN ORDINANCE TO ESTABLISH 2319 Lincolnway East AS A LOCAL LANDMARK WITHIN THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, Chapter 160 of the Municipal Code provides for the establishment of Historic Districts within the City of Mishawaka, and

WHEREAS, the owner of decommissioned Fire Station No. 4 at 2319 Lincolnway East, an architecturally significant building within the City of Mishawaka, wishes to establish her home as a Local Landmark, and

WHEREAS, Douglas A. Merritt, has worked hard to see that this important link to the history of Mishawaka be preserved and protected, and

WHEREAS, the property is commonly described as Fire Station No. 4 at 2319 Lincolnway East, and is legally described as follows:

> Lot 22, Brookside Addition, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.
>
> Tax Key Number: 16-1078-3186

and

WHEREAS, Photographs are documented in Exhibit A, Property Significance and Description are documented in Exhibit B, Preservation Guidelines have been prepared and are documented under Exhibit C, and Location Map is Exhibit D.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, COUNTY OF ST. JOSEPH, STATE OF INDIANA, THAT DECOMMISSIONED FIRE STATION NO. 4 at 2319 LINCOLNWAY EAST BE DESIGNATED AS A LOCAL LANDMARK.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____day of_____________, 2015, at ________ o'clock p.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

1st Reading 6-15-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-14

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-11

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, Richard P. Dresser and Debra M. Dresser have filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioners own 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:

> 114.5', east/west alley located between Lots 140 and 141, Broadmoor Addition, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

PROPOSED ORDINANCE NO. 2015-11

ORDINANCE NO._

COMMONLY KNOWN AS: 114.5' east/west alley located north of 615 South Byrkit Street

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 will still have access to property via the alley off of Campbell Street.

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. 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

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

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

PROPOSED ORDINANCE NO. 2015-11

ORDINANCE NO._

APPROVED by me this ___ day of __________________ , 2015, at ___ o'clock _.M.

____
David A. Wood, Mayor

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

May 15,2015

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

Description of the public right of way between our property lines is 114.5 ft., East/West alley way located between lots 140 and 141 of Broadmoor Addition. The following is a list of reasons for making this request:

*Safety
It is approximately 5ft. from our door to the alley way. The alley becomes very dangerous when people, especially children, are entering or exiting the house. Vehicles have been known to use this easement as a short cut between Byrkit and Cambell.

*Security/Privacy
We have experienced strange vehicles driving slowly down the easement peering into the windows.

Mr. Alvin Lancaster is the only neighbor besides us that has a driveway off the alley way but he only uses the Campbell St. exit. He has indicated that he is in favor of vacating the small alley way to avoid the nuisance of strange vehicles using it as a public thoroughfare.

We would like to put a gate across the alley between our two existing fences located on our property line. All utilities would still have access on either side to the pole that is located on our property.

Pet 15-14

The other neighbors are unaffected since they access their driveways from the front of their properties. Vacating this small alley way would not cause any public safety issue and in actuality would stop the unsafe feelings we have due to the easy accessibility by strangers and their misuse of a small easement for a public roadway.

We the Petitioner pray and respectfully request that the Common Council of the City of Mishawaka take this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacated the above described right of way located in the City of Mishawaka.

Richard P. Dresser
615 South Byrkit
Mishawaka, Indiana 46544
Lot 140 & 141/Broadmoor Addition

Debra M Dresser

Debra M. Dresser
615 South Byrkit
Mishawaka, Indiana 46544
Lot 140 & 141/Broadmoor Addition

Contact Person:
Debra Dresser
(574)274-4189

March 25, 2015

RE: Vacating Alley Request by Richard & Debra Dresser
615 S. Byrkit Ave., Mishawaka, In 46544
Description of the public right of way between property lines is
114.5 ft. x 14 ft., East/West Alley located between Lots 140 and
141 of Broadmoor Addition

To Whom It May Concern:

We the undersigned give our permission to have the alley vacated between the Dresser's property, Lots 140 & 141. With respect to trash service, we do not have an issue with putting our trash in front of our homes since we are already required to do so by our recycling service.

1. James & Teri Chipps, 1319 E. 7th St., Mishawaka, IN 46544
   ______________________ Signature

2. Alvin Lancaster, 1316 E. 8th St., Mishawaka, IN 46544
   Alvin W Lancaster ______________ Signature

3. Mary & Charles Barker, 1306 E. 8th St., Mishawaka, IN 46544
   ______________________ Signature

4. Rental Property, Tenants Signatures, 1311 E. 7th St., Mishawaka, IN 46544
   SANDRA & MAXX FINN, Could NOT LOCATE TO Signature
   GET A SIGNATURE.

5. Rental Property, Tenants Signatures, 1305 E. 7th St., Mishawaka, IN 46544
   ______________________ Signature

6. Rental Property, Tenants Signatures, 1301 E. 7th St., Mishawaka, IN 46544
   ______________________ Signature

7. Rick & Debra Dresser, 615 S. Byrkit Ave., Mishawaka, IN 46544
   Debra Dresser ______________ Signature

REPUBLIC SERVICES

April 2, 2015

To whom it concerns,

Republic Services has no objections to vacating the alley that services 7th and 8th streets from Byrkit Ave. to Campbell St. The recycling is already being picked up curbside and having the trash picked up the same would not add any hardship. Thank you for your consideration.

Operations Supervisor,

Scott Carlton

57820 Charlotte Ave
Elkhart, IN 46517
574.522.1331
www.republicservices.com

March 25, 2015

Re: Vacating Alley
1316 East 8th St.
Mishawaka, IN 46544

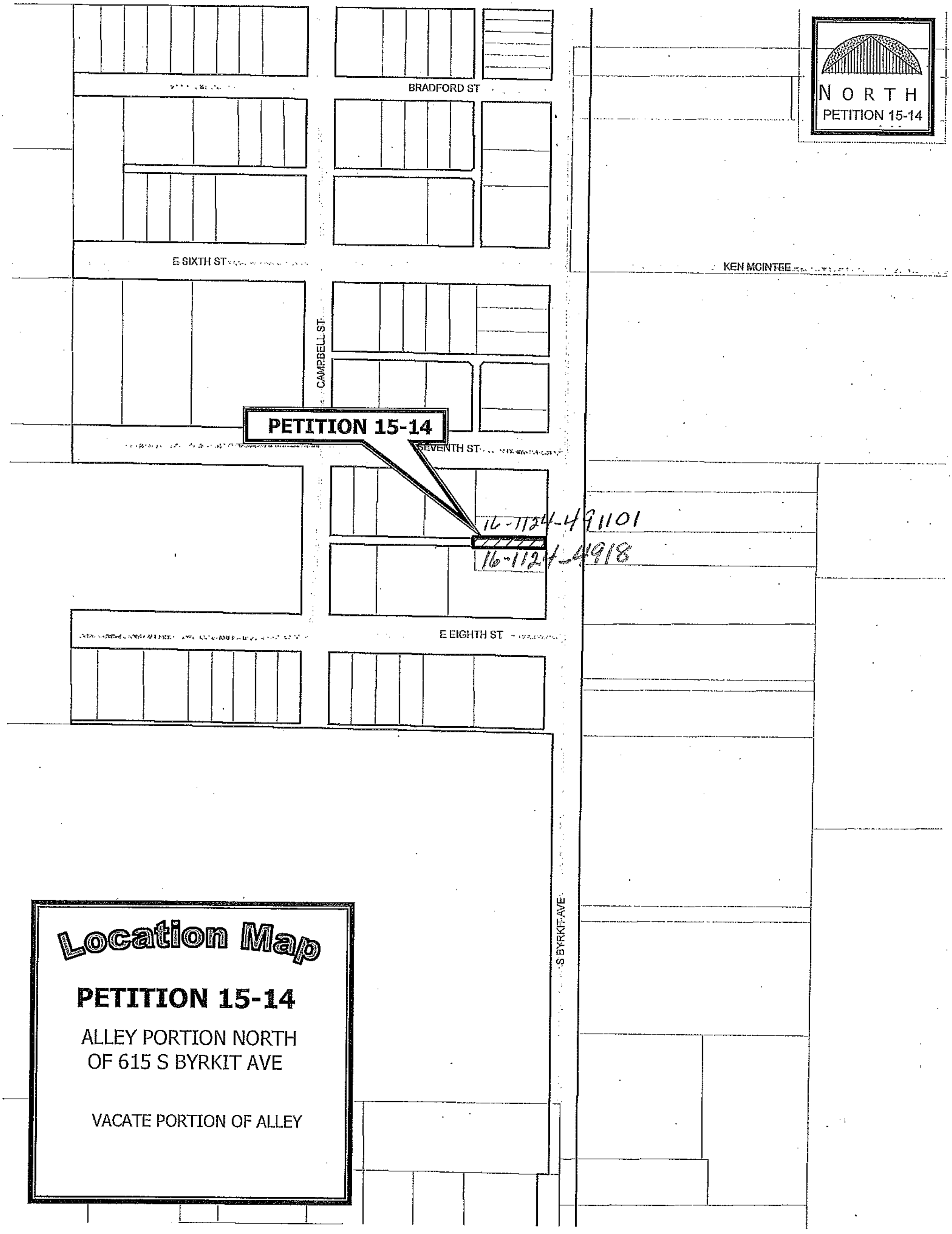
Description of the public right of way between property lines is 114.5 ft. x 14 ft., East/West Alley located between Lots 140 and 141 of Broadmoor Addition

To Whom It May Concern:

I reside at 1316 East 8th St., Mishawaka, IN 46544.
My property is the only property on the alley that has a driveway going to my pole barn and one going to my garage. I am in agreement to allow Rick and Debra Dresser who reside at 615 South Byrkit St., Mishawaka, IN 46544 to vacate the alley from their property line to Byrkit St. It would not be a nuisance for me to allow them to use that portion of my roadway as I enter my garage and pole barn from the Campbell St. end of the alley.

Alvin Lancaster
1316 East 8th St.
Mishawaka, IN 46544

Alvin W Lancaster
Signature


NORTH
PETITION 15-14
BRADFORD ST
E SIXTH ST
KEN MCINTEE
CAMPBELL ST
PETITION 15-14
SEVENTH ST
16-1124-491101
16-1124-4918
E EIGHTH ST
S BYRKIT AVE
Location Map
PETITION 15-14
ALLEY PORTION NORTH
OF 615 S BYRKIT AVE
VACATE PORTION OF ALLEY

NOTICE OF HEARING
Vacation No. 2015-02
Date of Hearing: June 15, 2015
Time of Hearing: 7:00 p.m.

Please Take Notice:

Petitions have been filed by Richard Dresser and Debra Dresser for vacation of the following described public right of way in the City of Mishawaka described as follows:

Vacation No. 2015-02
Petition No. 2015-14

Description for the public right of way between our property lines is 114.5 ft., East/West alley way located between lots 140 and 141 of Broadmoor Addition.

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 /s/
Deborah S. Block, IAMC, MMC
City Clerk
50-----------------------------------

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 4th day of June, 2015, and
On the ________day of ________, 2015, and
On the ________day of ________, 2015,

Nancy J Nich

Subscribed & Sworn To Before Me
This 4th day of June, 2015

William L. Nich

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

CHARGES: $ 14.81

1st Reading 6-15-15
2nd Reading
Passed
Failed
Continued To

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

PETITION 15-15

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-12

ORDINANCE NO. ______

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

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

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

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

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

Lots Numbered Twelve (12), Thirteen (13), Fourteen (14), and Lot Lettered "A" as shown on the recorded Plat of Mishawaka Hydraulic Company's Addition to the town, now City of Mishawaka, together with that portion of the vacated alley which lies South of and adjacent to said Lots.

COMMON ADDRESS: 101 East Mishawaka Avenue

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

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

1. There are commercial zonings at all four corners of this intersection, and the proposed use as a microbrewery and cabaret would be compatible to the area;

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an commercial project, staff feels that the most desirable use for this property is commercial;

Proposed Ordinance No: 2015-12

Ordinance No: ______________________

3. Because the parcel is located in an area of commercial uses, with its proximity to the river, and location of the building on the lot, rezoning to C-3 City Center Commercial is a desirable use for this property;

4. Rezoning this property to the C-3 City Center Commercial classification will have a favorable impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,

5. The City's Comprehensive Plan calls for general commercial, therefore, rezoning is compatible and consistent with the City's Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this __________day of ______________________, 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

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 28 2015

CITY CLERK
MISHAWAKA, IN

MAY 20 2015

May 19, 2015

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

Pet 15-15

RE: PETITION TO REZONE

The undersigned, M. J. Investments, LLC, respectfully shows it is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:
Lots Numbered Twelve (12), Thirteen (13), Fourteen (14) and Lot Lettered "A" as shown on the recorded Plat of Mishawaka Hydraulic Company's Addition to the town, now City of Mishawaka, together with that portion of the vacated alley which lies South of and adjacent to said Lots.

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of Commercial C-1 District. Said property is currently vacant and was most recently a photography studio.

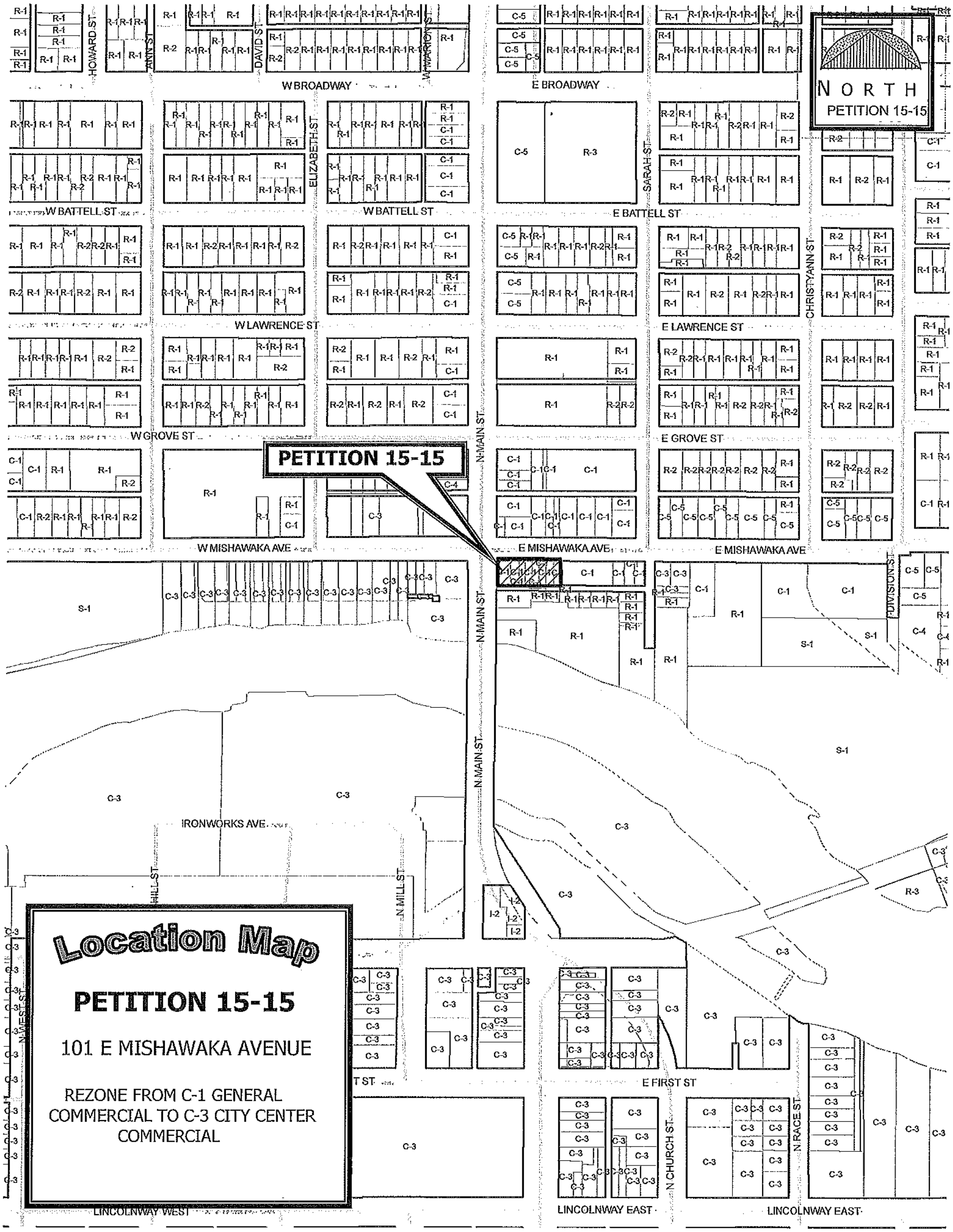
Petitioner desires said real estate to be rezoned to Commercial C-3 District. Pedtitioner further states that it intends to utilize said parcel for a microbrewery and cabaret.

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

M. J. Investments, LLC

John Becker, Member

CONTACT PERSON:
Edward M. Fisher
303 East Third Street
Mishawaka, Indiana 46544
Phone: 574 255-8377
Facsimile: 574 257-8557
Email Fishersurvey@AOL.com


NORTH
PETITION 15-15
W BROADWAY
E BROADWAY
HOWARD ST
ANN ST
DAVID ST
W MARION ST
ELIZABETH ST
SARAH ST
CHRISTYANN ST
W BATTELL ST
E BATTELL ST
W LAWRENCE ST
E LAWRENCE ST
W GROVE ST
E GROVE ST
PETITION 15-15
N MAIN ST
W MISHAWAKA AVE
E MISHAWAKA AVE
DIVISION ST
IRONWORKS AVE
HILL ST
N MILL ST
N WEST ST
E FIRST ST
N CHURCH ST
N RACE ST
LINCOLNWAY WEST
LINCOLNWAY EAST
Location Map
PETITION 15-15
101 E MISHAWAKA AVENUE
REZONE FROM C-1 GENERAL COMMERCIAL TO C-3 CITY CENTER COMMERCIAL

1st Reading 6-15-15
2nd Reading
Passed
Failed
Continued To

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

PETITION #15-18

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-13

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, School 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 PART OF THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PROPOSED ORDINANCE NO. 2015-13

ORDINANCE NO._
ALL OF UNIMPROVED KLINE STREET LYING SOUTH OF NORLAND PARK AND NORTH OF HARRISON STREET IN SAID QUARTER SECTIONS.

COMMONLY KNOWN AS: Portion of Kline Street – Between Twelfth Street and Norland Park Subdivision

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.

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

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

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

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of __________________, 2015.

____
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. 2015-13

ORDINANCE NO._

APPROVED by me this _____ day of _________________, 2015, at ______ o'clock ______.M.

____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 28 2015

CITY CLERK
MISHAWAKA, IN

MAY 20 2015

Pet 15-18

DATE: March 25, 2015

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 AND UNDERLYING UTILITY EASEMENT RIGHTS**

**Unimproved Kline Street
(between Twelfth Street and Norland Park Subdivision)**

The undersigned School City of Mishawaka respectfully requests the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

A PART OF THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF UNIMPROVED KLINE STREET LYING SOUTH OF NORLAND PARK AND NORTH OF HARRISON STREET IN SAID QUARTER SECTIONS.

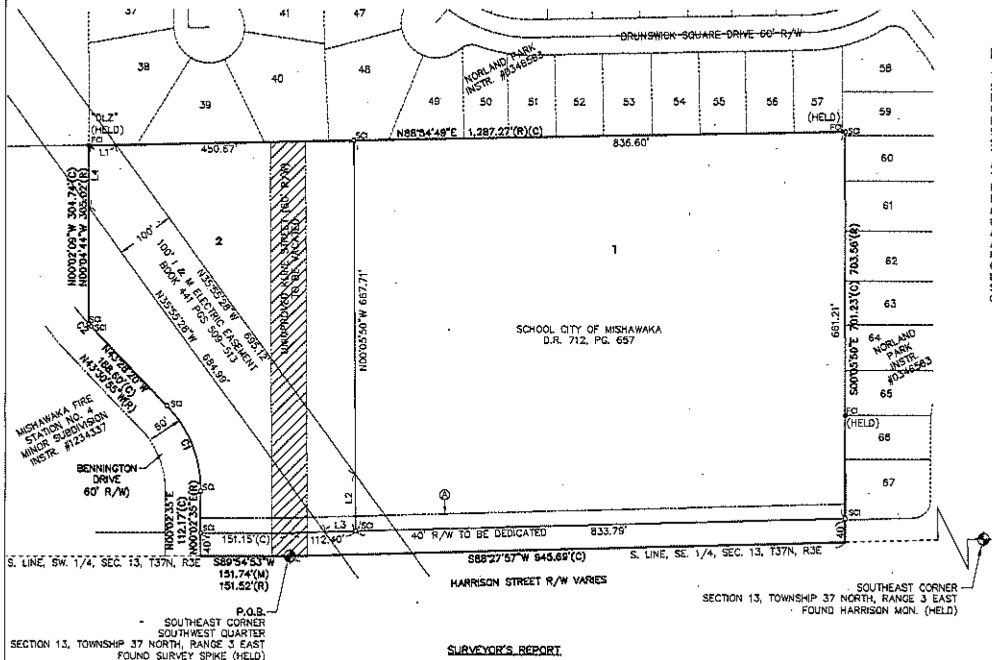
Petitioner further state they are the owners of the property immediately adjacent to the above-described right of way.

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

Accompanying this petition is a drawing, to scale, showing the above-described right of way and underlying utility easement rights to be vacated.

HUMS ELEMENTARY SCHOOL SUBDIVISION

BEING A PART OF THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH CO., INDIANA



SOUTHEAST CORNER
SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST
FOUND HARRISON MON. (HELD)

P.O.B.
SOUTHEAST CORNER
SOUTHWEST QUARTER
SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST
FOUND SURVEY SPIKE (HELD)

CURVE DATA				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1(C)	159.50'	210.00'	155.69'	N21°42'52"W
C1(C)	159.54'	210.00'	155.69'	N21°45'27"W
C1(C)	5.39'	270.00'	5.39'	N42°54'00"W
C1(C)	5.39'	270.00'	5.39'	N42°56'35"W

LINE DATA TABLE		
L1	46.24'	N88°54'49"E
L2	97.11'	N00°21'01"W
L3	52.70'	S88°27'57"W
L4	105.84'	N00°02'09"W

LEGEND:

⊕	FOUND SECTION CORNER MONUMENT
Ⓐ	25' FRONT BUILDING SETBACK
(C)	CALCULATED INFORMATION
(R)	RECORD INFORMATION
FCI	FOUND CAPPED IRON "ABONMARCHE" UNLESS NOTED DIFFERENT"
SMAG	SET MAG NAIL
SCI	SET 5/8" CAPPED REBAR "ABONMARCHE FIRM #0050"
APP. R/W	APPARENT RIGHT OF WAY
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING

SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 12, OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS RESULT OF:

A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS:
B) OCCUPATION OR POSSESSION LINES;
C) CLARITY OR AMBIGUITY OF THE RECORD DESCRIPTION USED AND OF ADJOINERS' DESCRIPTIONS AND THE RELATIONSHIP OF THE LINES OF THE SUBJECT TRACT WITH ADJOINERS' LINES;
D) THE RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS.

CLIENT NAME: SCHOOL CITY OF MISHAWAKA
OWNERS OF RECORD: SCHOOL CITY OF MISHAWAKA (BOOK 712 PG 657)
TYPE OF SURVEY AND PURPOSE: RETRACEMENT SURVEY FOR SUBDIVISION

A) THE REFERENCE MONUMENTS USED AND HELD WERE LOCATED AT THE SOUTHWEST CORNER OF THE SOUTHEAST CORNER (SURVEY SPIKE) AND THE SOUTHEAST CORNER OF SECTION 3 (HARRISON MONUMENT), ALSO THE FOUND CAPPED IRONS SHOWN ALONG THE SOUTHERLY AND WESTERLY LINES OF NORLAND PARK.

B) MISCELLANEOUS TREES ALONG THE SOUTHERLY LINE OF NORLAND PARK

C) AMBIGUITY OF RECORD DESCRIPTIONS: THE SOUTH QUARTER CORNER WAS CALCULATED FOR THE ORIGINAL SURVEY FOR NORLAND PARK. THIS SURVEY HELD THE FOUND WITNESSED COUNTY SURVEYOR'S CORNER. IN DOING THIS THE 40 FOOT R/W FOR HARRISON STREET DOESN'T LINE UP, THEREFORE THERE IS A VARIATION IN THE WESTERLY LINE OF NORLAND PARK BY AS MUCH AS 2.33 FEET.

D) THE CLASSIFICATION OF THIS SURVEY IS A SUBURBAN SURVEY: 0.14 FEET (40 MILLIMETERS) PLUS 100 PARTS PER MILLION.

AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS MY OPINION THAT THE UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY ARE AS FOLLOWS:

DUE TO VARIANCES IN REFERENCE MONUMENTS: 0.22'
DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: 2.33'
DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: 2'+/-

NOTES:
PLATS AND NOTES USED.

1. ABONMARCHE RECORDS
2. COUNTY GIS.
3. ADJOINING DEEDS
4. NORLAND PARK
5. SECTION CORNER TIE SHEETS
6. MISHAWAKA FIRE STATION MINOR SUBDIVISION

A TOTAL STATION AND GPS WERE USED TO COLLECT THE DATA FOR THE PROJECT.

THE FIELD WORK FOR THIS PROJECT WAS PERFORMED IN MARCH 2014.

36" OF SNOW WAS ON THE GROUND AT THE TIME OF SURVEY

TITLE WORK WAS NOT PROVIDED AT THE TIME OF SURVEY.

BASIS OF BEARING: SOUTHERLY LINE OF NORLAND PARK, ALONG LOTS 38-57 (N 88°54'49"E PER RECORD)

DEED OF DEDICATION:

THE UNDERSIGNED, SCHOOL CITY OF MISHAWAKA, THE OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DOES HEREBY LAYOFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF MISHAWAKA, INDIANA. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "HUMS ELEMENTARY SCHOOL SUBDIVISION". ALL STREETS, RIGHT-OF-WAYS, ALLEYS, ROADWAY EASEMENTS AND PUBLIC OPEN SPACES SHOWN AND NOT HERETOFORE DEDICATED NOW ARE HEREBY DEDICATED TO THE PUBLIC FOR THE USES DESIGNATED HEREIN. FRONT BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE RIGHT-OF-WAY LINE OF STREETS AND THE INGRESS/EGRESS, UTILITY, AND ROADWAY MAINTENANCE EASEMENT, THERE SHALL BE ERECTED OR MAINTAINED NO BUILDING OR STRUCTURE. THE AREA OF GROUND DESIGNATED ON THIS PLAT AND MARKED AS "EASEMENTS", ARE RESERVED FOR THE USES AS DESIGNATED BY THE UTILITIES, AND INCLUDE, BUT ARE NOT LIMITED TO, THE INSTALLATION OF WATER AND SEWER MAINS, POLES, DUCTS, LINES AND WIRES, DRAINAGE FACILITIES, AND ACCESS FOR PRESENT OR FUTURE DEVELOPMENT, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERECTED OR MAINTAINED UPON SAID STRIPS OF LAND, BUT OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES, AND TO THE RIGHTS OF THE OWNERS OF OTHER LOTS IN THIS SUBDIVISION.

OWNER'S CERTIFICATION:

THIS IS TO CERTIFY THAT THE UNDERSIGNED, CITY OF MISHAWAKA, IS THE OWNER OF THE LAND DESCRIBED HEREIN, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

SCHOOL CITY OF MISHAWAKA
1402 S. MAIN ST.
MISHAWAKA, IN 465644

RANDY J. SQUADRONI, BUSINESS MANAGER

DATED THIS ________ DAY OF ________________, 2015.

NOTARY PUBLIC CERTIFICATE:

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RANDY J. SQUADRONI ON AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS A VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

MY COMMISSION EXPIRES: ________________

(SIGNATURE)

(PRINT)

NOTARY PUBLIC SEAL INDIANA

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF ___________, 2015.

NOTARY PUBLIC IS A RESIDENT OF ST. JOSEPH COUNTY, INDIANA.

LEGAL DESCRIPTION:

A PART OF THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89°54'53" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 151.74 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN MISHAWAKA FIRE STATION NUMBER 4 MINOR SUBDIVISION, BEING RECORDED AS INSTRUMENT 1234337 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE THE FOLLOWING 5 COURSES AND DISTANCES ALONG SAID EASTERLY LINE OF SAID SUBDIVISION: 1) NORTH 00°02'35" EAST, 112.17 FEET TO A CURVE TO THE LEFT, 2) HAVING A RADIUS OF 210.00 FEET, BEARING NORTH 21°42'52" WEST HAVING A CHORD LENGTH OF 155.69 FEET AND AN ARC LENGTH OF 159.50 FEET, 3) NORTH 43°28'20" WEST, 188.60 TO A CURVE TO THE RIGHT, 4) HAVING A RADIUS OF 270.00 FEET, BEARING NORTH 42°54'00" WEST HAVING A CHORD LENGTH OF 5.39 FEET AND AN ARC LENGTH OF 5.39 FEET, 5) NORTH 00°02'09" WEST, 304.74 FEET TO A 5/8" REBAR AND CAP, STAMPED "DLZ" LOCATED AT THE SOUTHWEST CORNER OF LOT 38 IN NORLAND PARK, BEING RECORDED AS INSTRUMENT NUMBER 0346563 IN SAID RECORDERS OFFICE; THENCE NORTH 88°54'49" EAST ALONG THE SOUTHERLY LINE OF SAID NORLAND PARK, 1287.27 FEET TO A POINT ON THE WESTERLY LINE OF SAID NORLAND PARK; THENCE SOUTH 00°05'50" EAST ALONG SAID WESTERLY LINE, 701.23 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88°27'57" WEST ALONG SAID SOUTH LINE, 945.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 19.56 ACRES, MORE OR LESS, AND SUBJECT TO RIGHT-OF-WAY, EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

GENERAL NOTES:

1. SUBDIVISION BOUNDARY – 19.56± ACRES (INCLUDING APP. R/W)
   LOT 1 – 12.74± ACRES
   LOT 2 – 5.81± ACRES
   R/W DEDICATED – 1.01± ACRES
2. DOCUMENTATION PROVIDED BY THE PROPERTY OWNER DID NOT INDICATE ANY EASEMENTS AFFECTING THE SUBJECT PROPERTIES.
3. CITY OF MISHAWAKA SANITARY SEWER AND WATER SHALL SERVICE BOTH LOTS.
4. ALL BUILDING SETBACKS SHALL MEET THE CONDITIONS OF THE "R-1, RESIDENTIAL" AND "S-1, EXTENSIVE OPEN SPACE & PUBLIC USE DISTRICT" ZONING CLASSIFICATIONS FOR THE PROPERTY.
5. THERE ARE NO ENCROACHMENTS OF EXISTING STRUCTURES UPON LOT LINES, BUILDING SETBACKS, OR EASEMENTS CREATED IN THE PLATTING OF HEREIN SUBDIVISION.
6. ALL NEW LOT CORNERS AND COMMON LOT CORNERS WITHOUT FOUND MONUMENTS WILL BE MARKED WITH 5/8 INCH DIAMETER REBAR ROD, 24 INCHES IN LENGTH, CAPPED WITH A PLASTIC, YELLOW MARKER STAMPED "ABONMARCHE FIRM #0050", UNLESS INDICATED OTHERWISE.
7. THE SUBJECT PROPERTY IS WITHIN AN AREA DESIGNATED AS "ZONE X, NO SPECIAL FLOOD HAZARD AREA" AS DETERMINED FROM FEMA FIRM FLOOD INSURANCE RATE MAP PANEL NO. 18141C0219D WITH AN EFFECTIVE DATE OF JANUARY 6, 2011.
8. ACCORDING TO THE 1999 ST. JOSEPH COUNTY POTENTIAL GROUNDWATER CONTAMINATION SITES MAP PUBLISHED BY THE MICHIANA AREA COUNCIL OF GOVERNMENTS, NO DOCUMENTED DUMPSITES, LANDFILLS, SITES USED FOR DISPOSING OF HAZARDOUS SUBSTANCES, OR WELLHEAD PROTECTION AREAS, EXIST ONSITE OR ADJACENT TO THE SITE.

DEVELOPER AND CURRENT LAND OWNER:
SCHOOL CITY OF MISHAWAKA
1402 S. MAIN ST.
MISHAWAKA, IN 46544

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

NO.	REVISION DESCRIPTION	BY	DATE

ABONMARCHE

PROJECT: HUMS ELEMENTARY SCHOOL SUBDIVISION
CITY OF MISHAWAKA,
PENN TOWNSHIP
MISHAWAKA, INDIANA

DRAWN BY: CMB/ JLM
FIELDBOOK: MJR#3 PG29
PM REVIEW: DSK
QA/QC REVIEW: MJR
DATE: 05-20-15
SEAL: MICHAEL J. R... REGISTERED LAND SURVEYOR — Preliminary

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZE

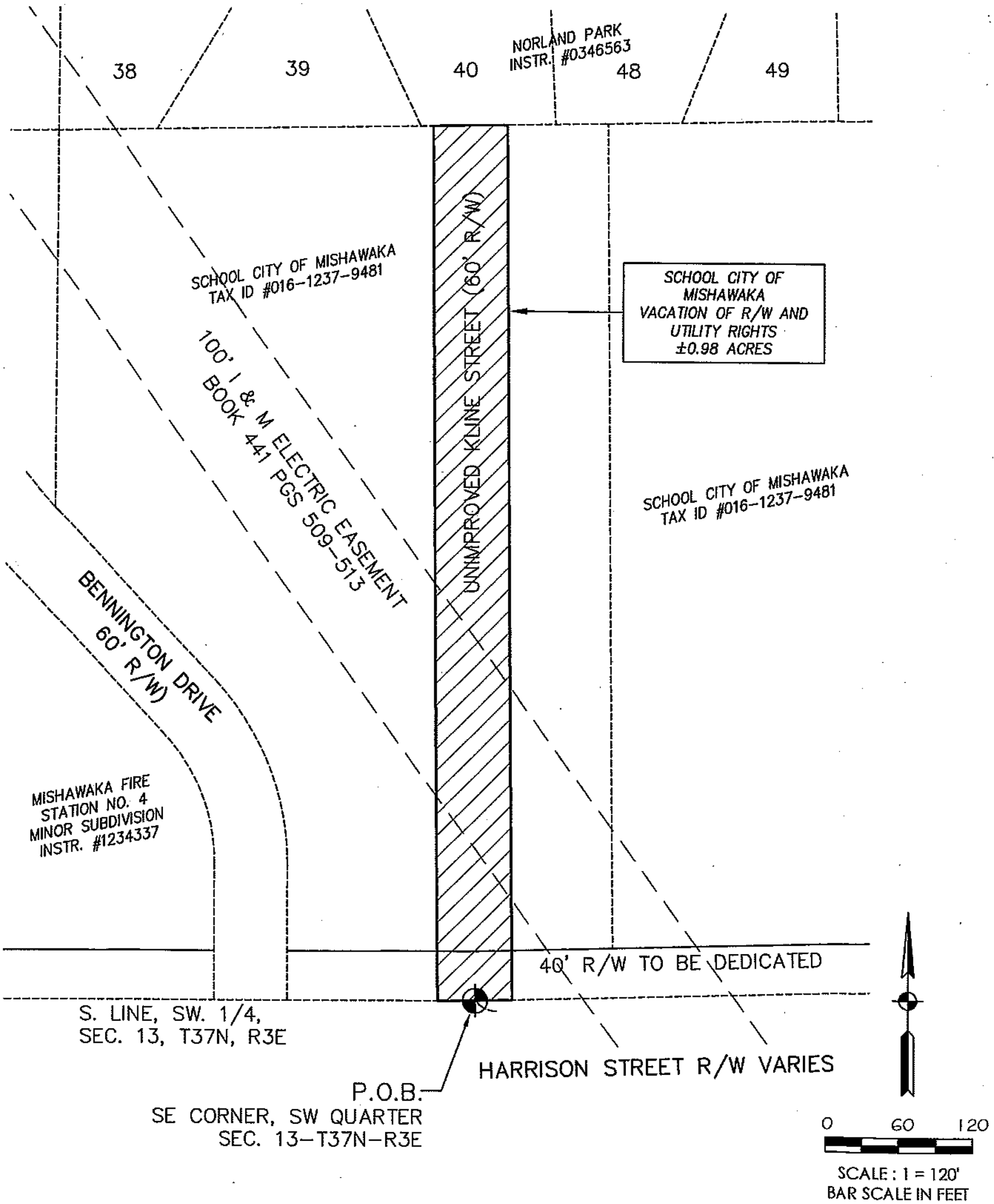
SCALE:
HORZ: 1" = 100'
VERT:

ACI JOB #
14-0040.252

SHEET NO.
1 of 1

SEC. 13, T37N, R3E

EXHIBIT A



UNIMPROVED KLINE STREET
VACATION OF RIGHT-OF-WAY
AND UTILITY EASEMENT RIGHTS

(BETWEEN TWELFTH STREET AND
NORLAND PARK SUBDIVISION)

ABONMARCHE
Confidence By Design

DATE: 03-25-15 ACI JOB #14-0040-252 14-0128 SHT: 1 of 1

E:\CIVIL 3D\ENG PROJ\14-0040.252 MISH SCHOOLS HUMS PARK\dwg\Exhibit 140040-252.dwg, SITE, 3/24/2015 9:34:07 AM, Letter, 1:1