



AGENDA

September 08, 2025

**Meetings of Standing Committees
Council Conference Room
5:45PM**

Livestream
<http://mishawaka.in.gov/council/livestream>

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
6:00PM**

**WebEx Telephone Number:1-408-418-9388
Meeting Number (access code): 2346 783 4538
Meeting password: xuNfvgdj566**

Dial: 23467834538@mishawaka.webex.com

Livestream #1:
<https://mishawaka.in.gov/government/elected-appointed-officials/common-council/>

Livestream #2
<https://www.facebook.com/cityofmishawaka/>

Livestream #3:
www.youtube.com/@cityofmishawaka635

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of August 18, 2025

5. Petitions, Communications, Remonstrance, and Memorial

Mayors Youth Council Swearing-In

Petition No. 2025-11 PUD Amendment to allow detached Single-Family residential use - West Side of Fibert Rd. South of Park Place

Petition No. 2025-12 PUD Amendment to allow for Shooting Range - 3717 & 3729 Bremen Hwy

Petition No. 2025-13 Rezone from C-7 to C-10 Filing Station Commercial - 1008 S. Merrifield

Petition No. 2025-14 Rezone from C-1 General Commercial to C-7 Automobile Oriented Restaurant - North of 4340 N. Main St.

A public hearing on Vacation 2025-01 required by State Statute on behalf of the City of Mishawaka and School City of Mishawaka have filed a petition for vacation of the public right-of-way described: Right-of-Way Vacation due to Realignment- Ballard St. south of Vistula Rd.

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

R2025-22 Adding Property to the City Acquisition List - 58802 Bremen Hwy

R2025-23 Adding Property to the City Acquisition List -
1022 S. Union St.

R2025-24 Commemorating National See Tracks? Think Train Week

9. Ordinances on Second Reading

P.O. No. 2025-19 Vacation of Right-of-Way due to
Realignment- Ballard St. south of Vistula
Rd.
(Assigned to Land Use Planning Committee)

P.O. No. 2025-20 Prohibiting Public Records Request for
Commercial Purposes
(Assigned to Personnel Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

Appointment to the Transpo Board

13. Adjournment

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the
city of Mishawaka's Facebook and YouTube pages.

<https://www.facebook.com/cityofmishawaka/> and
www.youtube.com/@cityofmishawaka635 and on the Michiana Access
TV Facebook page, <https://www.facebook.com/MichianaAccessTV>

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

Download Packet Link:

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

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

The City of Mishawaka acknowledges its responsibility to comply with the
Americans with Disabilities Act of 1990. In order to assist individuals with

disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements contact Susan Kile, ADA Coordinator, at (574) 258-1615.

Scan the QR Code to access all Common Council Meeting Agenda's, Packets, and Meeting Minutes.



REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

August 18, 2025

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday August 18, 2025, at 6:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

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

Present: Mrs. Hazen (P), Mrs. Voelker (P), Mr. Carroll (P), Mr. Banicki (P), Mr. Emmons (P), Ms. Hahn (P), Mr. Mammolenti (P), Mr. Violi (P), Mr. Hixenbaugh (P)

P: Present E: Electronically Participating A: Absent

All present in the Council Chambers.

Minutes for the Regular Meeting on August 4, 2025, were approved as received from the Clerk's Office.

Clerk Block read the following letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their August 12, 2025 meetings.

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

PROPOSED ORDINANCE NO. 2025-19

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.

**Vacation of Right-of-Way due to Realignment – Ballard Street south of Vistula Road
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2025-20

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA TO PROHIBIT THE USE OF PUBLIC RECORDS FOR COMMERCIAL PURPOSES
(Assigned to Personnel Committee)**

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

RESOLUTION R2025-20

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT: 811 & 815 E MCKINLEY AVENUE,
MISHAWAKA, INDIANA**

**Use Variance to allow Outside Storage and Developmental Variance for Rear Yard
Setback, Paving, Fencing and Landscaping – 811 & 815 E McKinley**

Terry Lang, Wightman Office at 1402 E Mishawaka Avenue, South Bend, IN 46615, spoke in favor of **RESOLUTION R2025-20**. Mr. Lang stated the petition before the Council was to allow for outside storage and also for rear yard variances and things they got from the Board of Zoning Appeals. Mr. Lang stated it was a unique site and there was an existing older industrial building that sat two feet off of the rear property line, so instead of asking for a variance two-foot they proposed a building addition that would stay away from the southernly property line by ten feet to allow for some space for the existing seven-foot fence that was there and to leave room for landscaping between the building and the existing seven-foot fence there. Mr. Lang stated the existing town houses to the south were all owned by one person, so it was more of an apartment project than it was town houses and their existing fence along Went Street was one foot off of the back of the sidewalk and they had asked for that similar thing. Mr. Lang stated they had worked with the Planning Department and agreed to move their fence in from that and asked for a three-foot variance there. Mr. Lang stated what it amounted to was on the east side of the older building were overhead doors and they were going to have to replace the pavement and would need room to be able to swing vehicles into the overhead doors, so they were trying to give as much room as possible for that as well as allowing for a little bit of retention area there when they went through the design stage for the drainage portion of the project. Mr. Lang stated they also had a conversation with the Planning Department with regards to the project being done in two phases with the southernly portion where the existing buildings were would be done first so that the building needs and improvements around the outside would be addressed so that they could move their operation to Mishawaka in order to expand their business and do further development on the north half of the property in the future. Mr. Lang stated the plan at that time was just to develop the southernly portion for their tree service business. Mr. Lang stated when storms came, they took down trees and branches and they needed to haul it away. Mr. Lang stated they would temporarily have them in the yard area that was proposed to be stone and some of those logs could be three foot in diameter and dropping those on asphalt or concrete would just destroy them in a matter of a few weeks. Mr. Lang stated they were proposing it to be a stone type of material so that it would allow them to regrade it as things would be periodically brought in, processed, and hauled away from there. Mr. Lang stated the stone portion of it was more of a commonsense type of thing where they did not want to replace it year after year for that and with the existing building that was there, they were going be paving the portion of it where their vehicles would pull in. Mr. Lang stated that portion would strictly be used for storing

that material on a short-term basis. Mr. Lang stated the other item that came up was fencing and they had a fence that ran from east to west across the middle of the site and they would be putting a slatted type of material between the fence to screen that from McKinley even though the businesses on the north side did not have any slats on their fences but their storage yards for those businesses were way behind their buildings. Mr. Lang stated theirs would be a little more visible and they had talked with the Planning Staff and that was the agreement they came to. Mr. Lang stated he was happy to answer any questions the Council had with regards to the petition.

Mr. Violi stated in the staff report he saw where it said that the Planning staff would still want to see the landscaping, the seven-foot-high shrubs, or trees on the south side except up where the building butted up against it. Mr. Lang stated that was the landscaping he was talking about between the existing seven-foot fence and the proposed building addition along the southernly side there. Mr. Violi asked if he would be doing that on both sides of the building. Mr. Lang stated it would be on both sides of it.

Mr. Banicki stated he was concerned about the temporary storage of all of the trees they had cut down and when he drove through different cities similar to Mishawaka, there were some places that were supposed to be temporary but they always had storms so there was always going to be rotation and it was never going to end and he was really concerned about having all of that there. Mr. Banicki asked if they planned to cut some of it up, splicing it up, and selling it as firewood out of the location as well. Mr. Lang stated he had never had that discussion whether it would be used for firewood and a lot of it would be mulched and then it could be sold as mulch to be used in people's yards, around their yards, or something like that. Mr. Lang stated in fact, he had a huge 36-inch oak tree in his yard that he had to move just before the very first storm that spring and the large trunk of the tree left a nasty indentation in the yard when it came down and he saw the need for what they were asking for firsthand in his own yard. Mr. Lang stated it would be constantly rotating and when there was a storm, they would bring the material in, cut it up, process what was necessary, and it would leave the site then. Mr. Lang stated their long range plan was that with the northern portion of the site, if things continued to develop and grow, they would like to turn it into something similar to McKinley Landscaping, a place where you could go buy bushes and shrubs and things such as that, but that was more of a long term type of plan. Mr. Lang stated at this point, they were only concentrated on the southernly half of the site and that was one of the reasons why they agreed to put the fence with the slats in it midway down through there to make it so it was not visible from McKinley. Mr. Lang stated it was zoned industrial, so it fell in the use, but he understood what Mr. Banicki was saying. Mr. Banicki stated that stuff could be stacked extremely high and a ten-foot fence was not going to block all of it. Mr. Banicki stated it was going to be a growing fire hazard at some point. Mr. Lang stated they had fire protection on site and they had fire hydrants right there on site, so they did have that to their benefit and that was why it was not going to be staying on site any longer than it took to process it and get it cut up and moved out, because storms came by periodically. Mr. Lang stated they were trying to make sure that it did not stack up, otherwise you would end up with a huge pile that would be a nuisance, and they were going to make sure that did not happen. Mr. Lang stated they wanted to be a good neighbor and talked with the Wealth Management Office to the

west about what they were proposing to do and he was not sure if they would hear from them with regards to that, but they had been upfront with everyone involved with what they were proposing to do there on site.

Mrs. Voelker asked if the fence would be halfway across the property between the north and the south. Mr. Lang stated it would run east to west about halfway from McKinley back to the south property line. Mrs. Voelker asked how tall the fence would be. Mr. Lang stated they were anticipating it to be six feet. Mrs. Voelker asked if that would be a privacy fence or a slat fence. Mr. Lang stated it would be a chain link fence with slats in it so that you could not see through it. Mrs. Voelker stated she actually had emergency tree service at the end of March and it just so happened that they had talked to the company about a week beforehand about taking some trees down and they did a great job for them and they chipped up their trees that were 130 years old and chipped up most of it on site and then took the bigger trunk pieces away. Mr. Lang stated she experienced the exact same thing he did because the large 36-inch pieces could not be grounded up and it was easily hauled off and then the large things would be disposed of easier off site where they would be able to process them. Mrs. Voelker stated she wanted to add that she found the company to be very professional and she actually talked to the owner of the company about what they wanted to do in Mishawaka some time ago and they came across to her as being very professional for them to work with in an emergency and they also had good resources, because they needed some special stuff and they had good connections. Mrs. Voelker stated she wanted to vouch for them as a company and believed they would be a good addition to Mishawaka. Mr. Lang stated in his situation, they had to have a climber go up and cut the tree branches and drop them in sections from that and there were not many services that had climbers that would go up and bring trees down in sections.

Mr. Carroll asked with the processing, how much of any given day or week would the sounds of something chipping or shredding be going on. Mr. Carroll stated they would not be immediately next to a neighborhood, but there was one on the other side of the buildings. Mr. Lang stated on the south side, there were the apartments and to the west, there were storage units which covered about two thirds of the western property line and then you had Wealth Management up to the north end up there. Mr. Lang stated a lot of that would be determined by how frequent storms occurred and that would drive how often there would be a need for the chipping or shredding. Mr. Carroll asked if he did not see it being an all day and everyday usage of chainsaws and chippers. Mr. Lang stated he did not anticipate that, and they went the last five to six weeks without any rain or storms and in that situation, there would not be anything going on during that type of timeframe.

Question was called for at 6:17PM for **RESOLUTION R2025-20 Motion passed by majority roll call vote (summary: Yes = 7 No= 2).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.

No: Mr. Banicki, Mr. Emmons. The resolution passed 7-2.

RESOLUTION R2025-21

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, ADDING PARCELS TO THE CITY'S PROPERTY ACQUISITION LIST
ASSOCIATED WITH A PREVIOUSLY APPROVED COMMON COUNCIL
RESOLUTION 2014-07 WHICH APPROVED AN ORDER OF THE CITY OF
MISHAWAKA PLAN COMMISSION APPROVING A CERTAIN DECLARATORY
RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE NORTHWEST
AREA IMPROVEMENT PROJECT, CONSOLIDATION OF THE SOUTHSIDE
ECONOMIC DEVELOPMENT AREA AND THE NORTHWEST IMPROVEMENT
PROJECT INTO ONE CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN
AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY OF
MISHAWAKA REDEVELOPMENT COMMISSION
Adding Property to the City Acquisition List**

Ken Prince, Director of Planning and Community Development for Mishawaka, spoke in favor of **RESOLUTION R2025-21**. Mr. Prince stated as they had done multiple times that year, in order to acquire property because they were using TIF funds, state law required that they add the property to an acquisition list. Mr. Prince stated in this case with 1107 S. Union Street, it was acquired by the current owner at a sheriff's sale and when they acquired it, they reached through Code Enforcement to see if they could inquire about buying it before the property was reinvested in. Mr. Prince stated the purchaser was willing and they offered them what they were paying taxes on; the assessed value of the property and the assessed valuation was \$174,000. Mr. Prince stated the property was two doors down from the 331 Inn they acquired in 2024 located on the southwest corner of South Union and 12th Street. Mr. Prince stated there was now only one home remaining between 12th Street and 13th Street on the west side of the street that they would need to acquire at some point in time. Mr. Prince stated this was advantageous even without the future widening of the street, because it had a small parking area that required you to back up immediately onto Union Street that was a hazard, and it would be good to get that out of there. Mr. Prince stated he was happy to answer any questions.

Mr. Emmons asked when the 331 Inn was going to come down. Mr. Prince stated he could not tell him, but they were waiting for NIPSCO to confirm that the gas had been shut off from the property and they were giving notice and Roger Shields was checking on it while he was out on vacation, so he would have an update for Mr. Emmons as soon as that Tuesday and he would provide an update to the Council as soon as he could regarding the removal. Mr. Prince stated the hold up on it had been the shutting off of the gas line as they could not proceed with demolition until it was shut off and he also knew because of the narrowness, they were having issues of shutting off the gas and that had been the hold up for that and the former greenhouse where they had removed the asbestos siding. Mr. Prince stated both of those were bid at the same time and they would be coming down at the same time by the same contractor.

Question was called for at 6:21PM for **RESOLUTION R2025-21 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 9-0.

PRIVILEGE OF THE FLOOR

Karen Hoffman, 715 E. 10th Street Mishawaka, IN 46544, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Hoffman stated on August 14th of that year, she had an animal hearing upstairs and she had an issue with a dog that she was watching and she was building a fence and the dog went under the fence and as a result, the neighbor let her Pitbull dogs out and one of them mauled and killed her sister's seven pound dog. Mrs. Hoffman stated she had put up a wooden fence and tore her shoulder out of socket in the process and had postings of no trespassing and beware of dog in her front window on her fence posts. Mrs. Hoffman stated it was a mistake and poor judgement on her sister's dog's behalf, but he was a good dog and none of her sister's dogs ever bit anyone or caused any problems. Mrs. Hoffman stated the Humane Society told her that there was no such thing as an emotional support animal and a lot of places were stopping individuals from having them accompany them. Mrs. Hoffman stated on August 14th, the Human Society told her that emotional support animals were not real, and she was shocked by that. Mrs. Hoffman stated she knew her sister's dog was wrong, and he trespassed and the result of him making a poor judgement cost his life. Mrs. Hoffman stated she took care of him after the incident and then drove him to be cremated for \$142, and she felt great remorse. Mrs. Hoffman stated she had come to know that the city had codes to keep the place safe, clean, and orderly and she understood that but the dog did not deserve to die and with the codes she was asking them to look at, Ken Witkowski the Director of Code Enforcement told her that the Council would look at changing the code in January. Mrs. Hoffman stated the Humane Society was going to deem her two little dogs dangerous animals and she could not believe that. Mrs. Hoffman stated she went to great lengths to find a lawyer, get an affidavit, she got twelve people to write papers, and the affidavit was notarized. Mrs. Hoffman stated she spent her last dollar on pictures of the fence line that was taken care of on top of the signage and whatnot, and she was okay with them searching the property and looking at her house. Mrs. Hoffman stated she worked hard at this, and she would like the code to be addressed. Mrs. Hoffman stated her neighbor could not pull her Pitbull off of her sister's dog and the Humane Society told her that the dogs shook her sister's dog like a rag doll, punctured his lungs, broke his neck, and broke his back along with damaging several organs and he suffered greatly. Mrs. Hoffman stated she found him lying there by himself and she thought there should be something in place where this can be prevented in the future and she thought her sister's dog's passing and the \$142 cost of cremation was enough punishment. Mrs. Hoffman stated during the hearing, this was all new and unfamiliar grounds for her, and she changed the designation for her dogs from dangerous to a public nuisance, which still meant \$100 per animal for the rest of their life. Mrs. Hoffman stated neither one of her dogs would hurt anybody, but the Humane Society was still charging her anyways and she felt that was unfair. Mrs. Hoffman stated she was glad she was able to keep her dogs, but she wanted the codes of animals looked at and changed, because that was a first-time incident and she felt it was an extreme punishment. Mrs. Hoffman stated if she did not pay the money, they would take her dogs, impound them, and penalize her. Mr. Hixenbaugh stated he, along with the rest of the Council, were all very sympathetic to what she had gone through with regard to everything she shared with them that evening and the information she received from Ken Witkowski, the Director of Code Enforcement, was accurate. Mr. Hixenbaugh stated he actually had been

involved, along with his colleague Mr. Carroll, in taking a look at their animal control ordinance and it was more of a comprehensive review, so it was not just the issues she raised but the ordinance in general that they were looking at. Mr. Hixenbaugh stated while he could not promise her that there was going to be a particular outcome based on the information they had heard from her that evening that would impact how they would revise the ordinance, he promised her that they would consider what she had shared with them and would look to see what needed to be adjusted along the lines of the issues she raised along with all of the other issues they wanted to try to address as they revised the animal control ordinance. Mr. Hixenbaugh stated that they were very sympathetic to it but this was not the place for them to get into the specifics of the hearing she had and those details and while they could not get into that specific situation and that specific hearing, he promised her that they would take to heart what she had shared with them and would incorporate that into the work that they were going to do to revise the animal control ordinance. Mr. Hixenbaugh stated he did not anticipate that it was going to take as long as January to adjust the animal control ordinance and his hope was that it would be sooner than that, but they wanted to try to do a really good job of addressing it so that it was a good solid ordinance that served the needs of Mishawaka. Mr. Hixenbaugh stated it was a very long and involved ordinance, as he suspected she already knew, but they were working diligently on it and he promised they would continue to move forward with it and try to get something on the agenda for Council consideration and public input as soon as possible.

Mr. Carroll stated they were close to getting to the full review and to reiterate what Mr. Hixenbaugh had said, it was a 55-page long ordinance in its draft form, so they were going to make sure that went over it and got it right.

Mrs. Hoffman stated she knew a lot of Pitbulls as her sister's son had one and it was very gentle, but she knew a lot of other ones that were not very gentle. Mrs. Hoffman stated if it was known that a resident has a dangerous animal, they should at least have to post some signage to make others aware. Mr. Hixenbaugh stated the whole concept of animals that were dangerous to other animals and to human beings was an issue they were looking at very closely as part of the review of the animal control ordinance and he promised her once again that they would take to heart what she shared with them and he was confident they would have a better animal control ordinance once they completed the process than they had at that point. Mr. Hixenbaugh stated they could certainly talk about the ordinance off of the Council floor if she would like. Mr. Hixenbaugh thanked Mrs. Hoffman for sharing what she shared that evening and they were sympathetic to what she was going through and they would take into consideration what she shared as they considered revisions to the animal control ordinance. Mr. Hixenbaugh thanked Mrs. Hoffman for being there that evening. Mrs. Hoffman thanked Mr. Hixenbaugh and the Council for their time, and she appreciated all of them.

NEW BUSINESS

Mr. Emmons made an announcement that the West End First District meeting on Thursday, August 21st would be a little different than usual meetings because instead of having a guest speaker, they would be going on a tour of the new sports facility. Mr. Emmons stated for anyone who was interested, they would be meeting at St. Bavo's at 5:45PM and would board the bus at 6:30PM and they would be transported there and back. Mr. Emmons stated they would still have

West End donuts before and after the tour and all were welcome. Mr. Emmons stated it should be an interesting evening.

Mr. Mammolenti asked what the capacity of the bus was. Mr. Emmons stated there were 42 total seats on the bus.

ADJOURNMENT 6:38PM

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

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

These minutes are a summary of actions taken at the Mishawaka Common Council meeting. The full video archive of the meeting is available for viewing at www.youtube.com/@cityofmishawaka635 for as long as this media is supported.

AUG 25 2025

City Clerk
Mishawaka, IN

PET 25-11
Received

AUG 18 2025

Planning and
Community Development

August 16, 2025:

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

RE: PETITION FOR PUD AMENDMENT

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

Part of the Northwest ¼ of Section 3, Township 37 North, Range 3 East in Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

Commencing at the Northeast corner of the Northwest ¼ of Section 3, Township 37 North, Range 3 East (also being the Southeast corner of the Southwest ¼ of Section 34, Township 38 North, Range 3 East), Penn Township, City of Mishawaka, St. Joseph County, Indiana; thence South 01° 15' 50" East on the East line of the Northwest ¼ of said Section 3, a distance of 345.24 feet; thence North 89° 56' 29" West, a distance of 295.44 feet; thence South 01° 17' 33" East, a distance of 192.26 feet to the point of beginning; thence South 89° 18' 42" East, a distance of 295.44 feet to the East line of the Northwest ¼ of said Section 3; thence South 01° 15' 50" East on said East line, a distance of 165.00 feet; thence North 89° 20' 59" West, a distance of 450.15 feet; thence North 01° 12' 48" West, a distance of 165.294 feet; thence South 89° 18' 42" East, a distance of 154.5741 feet to the point of beginning.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for residential senior living uses such as congregate care, assisted living, and independent care along with the permitted uses of office/service center, office/distribution center, office retail, medical services, office buildings, and church use

Petitioner(s) desire said real estate to be amended to allow for detached single-family residential use.

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

Signature(s) of Property Owner(s)

A handwritten signature in black ink, appearing to read 'Corey Cressy', written over a horizontal line.

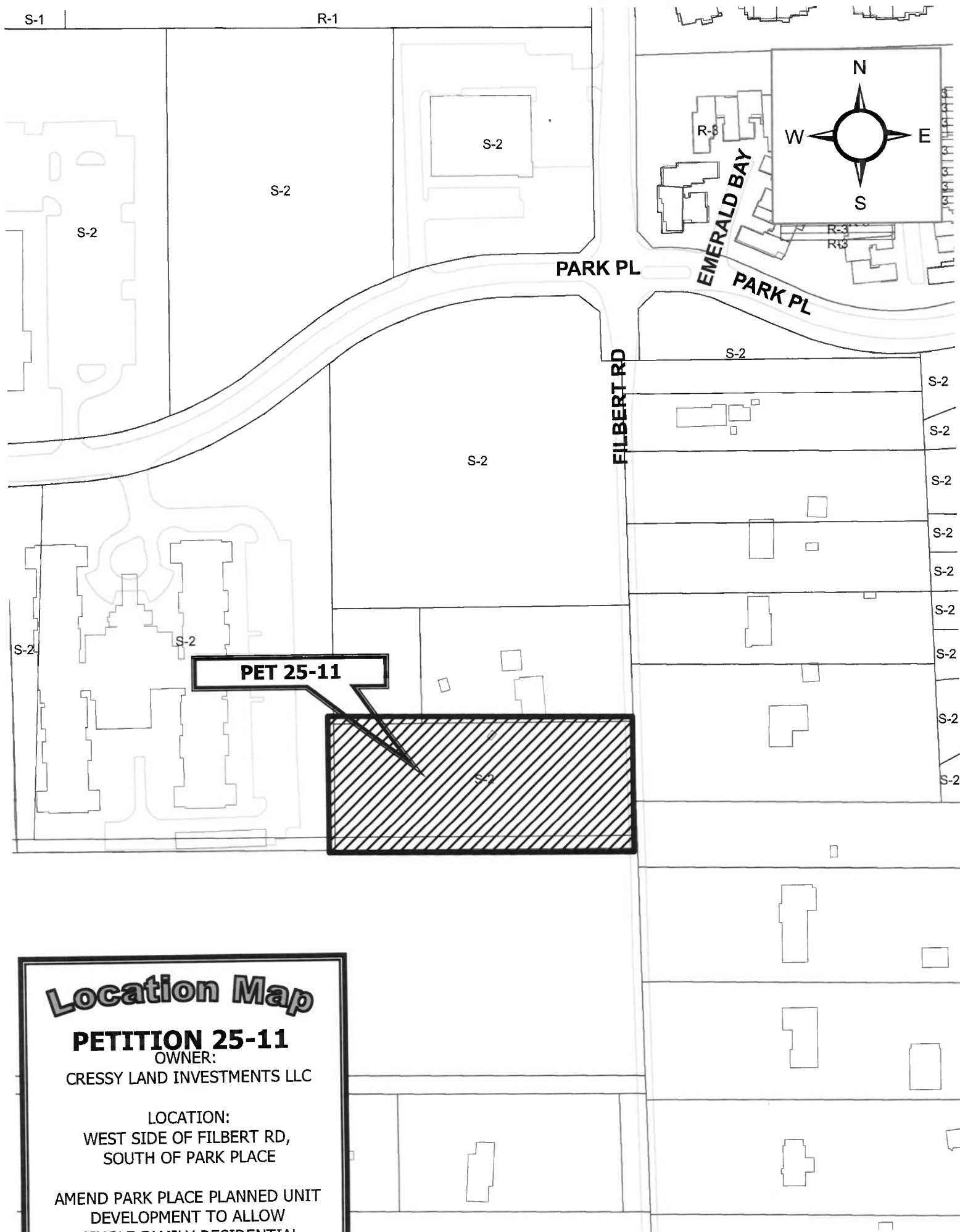
Corey Cressy, Member
CRESSY LAND INVESTMENTS LLC

CONTACT PERSON:

Corey Cressy
200 N Church St, Suite 200
Mishawka, IN 46544
574-271-4060
ccressy@cressy.com







Location Map

PETITION 25-11

OWNER:

CRESSY LAND INVESTMENTS LLC

LOCATION:

WEST SIDE OF FILBERT RD,
SOUTH OF PARK PLACE

AMEND PARK PLACE PLANNED UNIT
DEVELOPMENT TO ALLOW
SINGLE FAMILY RESIDENTIAL

AUG 25 2025

City Clerk
Mishawaka, IN

August 18, 2025

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

PK 25-12
Received

AUG 20 2025

Planning and
Community Development

RE: PETITION FOR PUD AMENDMENT

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

Legal Description (see attached)

PARCEL ID NO: 027-1033-056608 – NORTH PARCEL
3717 Bremen Highway, Mishawaka, Indiana 46544

PARCEL ID NO: 027-1033-057002 – SOUTH PARCEL
3729 Bremen Highway, Mishawaka, Indiana 46544

Petitioner(s) own one hundred (100%) percent of the above-described parcel of land which carries a zoning classification of S-2 Planned Unit Development with an existing use of single family residential.

Petitioner(s) desire said real estate be amended to allow for a shooting range to be added as a permitted use.

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


William J. Veldman

William J. Veldman
5222 W Western Avenue
South Bend, IN 46619
(574) 532-3434

Damon Garret
dgarret@metroca.net

LEGAL DESCRIPTIONS

PARCEL ID NO: 027-1033-056608 – NORTH PARCEL

A TRACT OF LAND IN THE SOUTHEAST PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, DESCRIBED AS BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION, 8 RODS NORTH OF THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER THEREOF; RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID SECTION, 6 RODS; THENCE WEST, 40 RODS; THENCE SOUTH, 6 RODS; THENCE EAST, 40 RODS TO THE PLACE OF BEGINNING EXCEPT THE EAST 101.04 FEET THEREOF DEEDED TO THE STATE OF INDIANA FOR STATE ROAD 331 (ALSO KNOWN AS BREMEN HIGHWAY) BY DEED RECORDED AUGUST 9, 1976 IN DEED RECORD 820, PAGE 292.

PARCEL ID NO: 027-1033-057002 – SOUTH PARCEL

THAT OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 28; THENCE RUNNING NORTH ALONG THE EAST LINE OF SECTION 28, A DISTANCE OF 8 RODS; THENCE WEST 40 RODS, THENCE SOUTH 8 RODS, TO THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28; THENCE EAST ALONG SAID SOUTH LINE 40 RODS THE PLACE OF BEGINNING, BUT EXCEPTING FROM THIS REAL ESTATE, THE SUBJECT REAL ESTATE, THAT PART WHICH WAS PURCHASED BY THE STATE OF INDIANA FOR THE U.S. 20 BYPASS AS RECORDED IN DEED RECORD 792, PAGE 261 AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION AND THE WEST BOUNDARY OF S.R. 331 (ALSO KNOWN AS BREMEN HIGHWAY) SOUTH 89 DEGREES 32'18" WEST 41.15 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER-QUARTER SECTION: 1) THENCE SOUTH 89 DEGREES 32'18" WEST 75.00 FEET ALONG SAID SOUTH LINE; 2) THENCE NORTH 16 DEGREES 39'57" EAST, 51.33; 3) THENCE NORTH 00 DEGREES 19'00" WEST, 82.95 FEET TO THE NORTH LINE OF THE SUBJECT REAL ESTATE; 4) THENCE NORTH 89 DEGREES 32'18" EAST 60.00 FEET ALONG SAID NORTH LINE TO THE WEST BOUNDARY OF SAID S.R. 331; 5) THENCE SOUTH 00 DEGREES 19'00" EAST 127.93 FEET ALONG SAID WEST BOUNDARY; 6) THENCE SOUTH 00 DEGREES 25'00" EAST, 4.07 FEET ALONG SAID WEST BOUNDARY TO THE POINT OF BEGINNING.

Document Path: A:\MCA GIS\2025\1051 GIS FOL DERS\1051-25-13669\Maps\1051-25-13669B.aprx



0 275 550
Feet

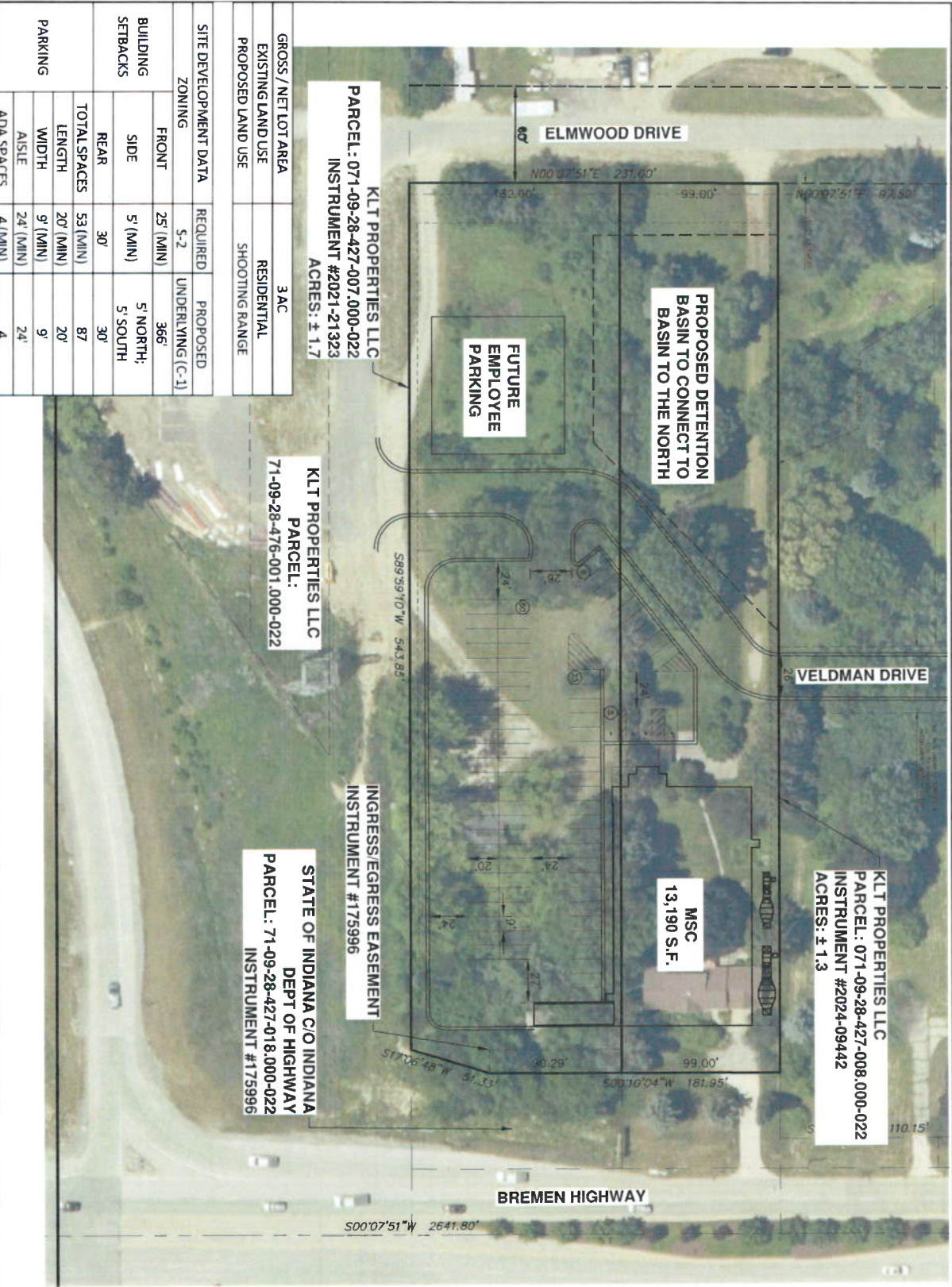
3717 & 3729 BREMEN HWY, MISHAWAKA, IN 46544

METRO CONSULTING ASSOCIATES

8/14/2025

Legend

- 300 foot buffer
- Purchased Parcels
- Parcels within 300 feet



GROSS / NET LOT AREA		3 AC
EXISTING LAND USE		RESIDENTIAL
PROPOSED LAND USE		SHOOTING RANGE
SITE DEVELOPMENT DATA		
ZONING		REQUIRED PROPOSED
FRONT	25' (MIN)	UNDERLYING (C-1)
SIDE	5' (MIN)	5' NORTH;
REAR	30'	5' SOUTH
TOTAL SPACES		30'
LENGTH	53 (MIN)	87
WIDTH	20' (MIN)	20'
ALSIDE	9' (MIN)	9'
ADA SPACES	24' (MIN)	24'
		4



Dynamic *Daring* Diverse *Different*

45345 5 MILE RD.
PLYMOUTH, MI 48170
(800) 525-6016

Revisions

Project Number: 1051-25-13669 Date: 8/11/25

P.M. Checked by: Drawn by: Crev/Book

DLG CS DKG BOOK

Client: SFV SERVICES

Project: MIDWEST SHOOTING CENTER

State: IN

County: ST. JOSEPH

Community: MISHAWAKA

Township: 37N Range: 03E Section: 28

Title: CONCEPT PLAN

Drawing Scale: 1" = 60'

Sheet Number: 01

KLT PROPERTIES LLC

August 15, 2025

City of Mishawaka
Contact: Kenneth B. Prince, Executive Director
Address: 100 Lincolnway West, Mishawaka, IN 46544
Phone: 574.258.1625
Email: kprince@mishawaka.in.gov

RE: Authorization Agent Letter

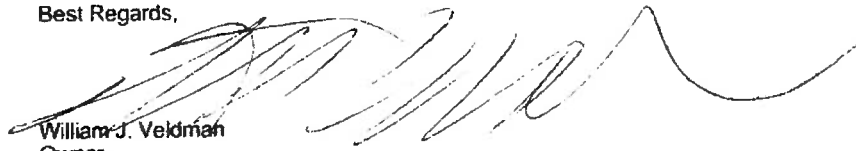
Dear Mr. Prince,

KLT Properties LLC has entered into a Purchase Agreement with David Sabo/Midwest Shooting Center Managed Services LLC for the purchase of parcels 27-1033-056608 and 27-1033-057002 and authorize him and his affiliates (consultants, contractors, etc.) to prepare applications, sign applications, prepare plans, attend meetings, and provide representation on our behalf.

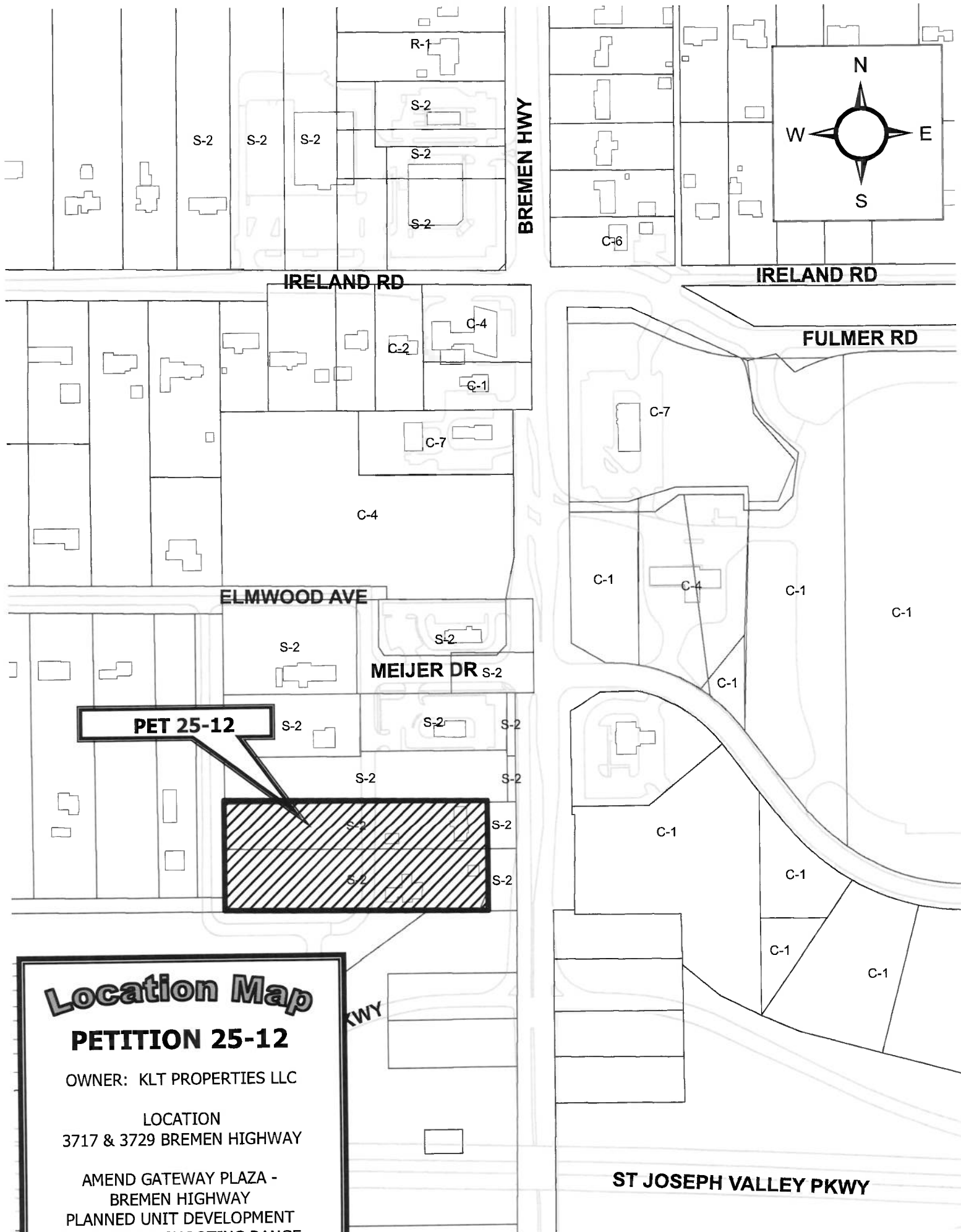
If you have any questions or concerns regarding the above information, please feel free to call me at ~~(260) 400-0000~~.

574-532-3434

Best Regards,



William J. Veldman
Owner



City of Mishawaka, Indiana
REZONING PROCEDURE

PET 25-13

Received

SEP 04 2025

Planning and
Community Development

DATE: 08/27/2025

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

RE: **PETITION TO REZONE**

REVISED
UPDATED SIGNATURE

The undersigned Jagjit Singh (Owner) respectfully show they are
the owners of the following described real estate located in the City of Mishawaka, County of St.
Joseph, State of Indiana, to-wit: see attached legal description.

(Give accurate and complete legal description. Tax key numbers
and shortened legals alone are not acceptable. Also give the common address or a definitive
common location.)

Petitioner(s) own one hundred (100%) percent of the above-described parcel of land which
carries a zoning classification of C-7 District. Said property is (state the existing use of
the real estate) currently a vacant parking lot.

Petitioner(s) desire said real estate to be rezoned to C-10 District. Petitioner(s) further state
that they intend to utilize said land for (state the proposed use for the property/ reason for the
rezoning) a new gas station development.

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

JAGJIT SINGH

Signature of Property Owner / Title Holder

Signature of Second Property Owner / Title Holder

Jagjit Singh

Print Name

Print Name

CONTACT PERSON:

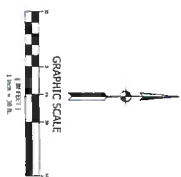
Name: Chris Godlewski (Abonmarche Consultants)

Address: 315 W Jefferson Boulevard, South Bend, IN 46601

Day Phone Number: 574-232-8700

Fax Number: _____

Email: cgodlewski@abonmarche.com



1. Parcel Current Zoning: City of Phoenix is 7 Auto-Orchard Restaurant Commercial
2. Existing Use: Auto-Orchard Restaurant
3. Seeking Variance to Rezone Parcel to City of Mahoninga C-10 Filing Station Commercial
4. Site shall be served by municipal water and sewer
5. Proposed parking and drives shall be paved and privately owned.
6. Setback/damage shall be municipal roads by the Owner



Planning and Development

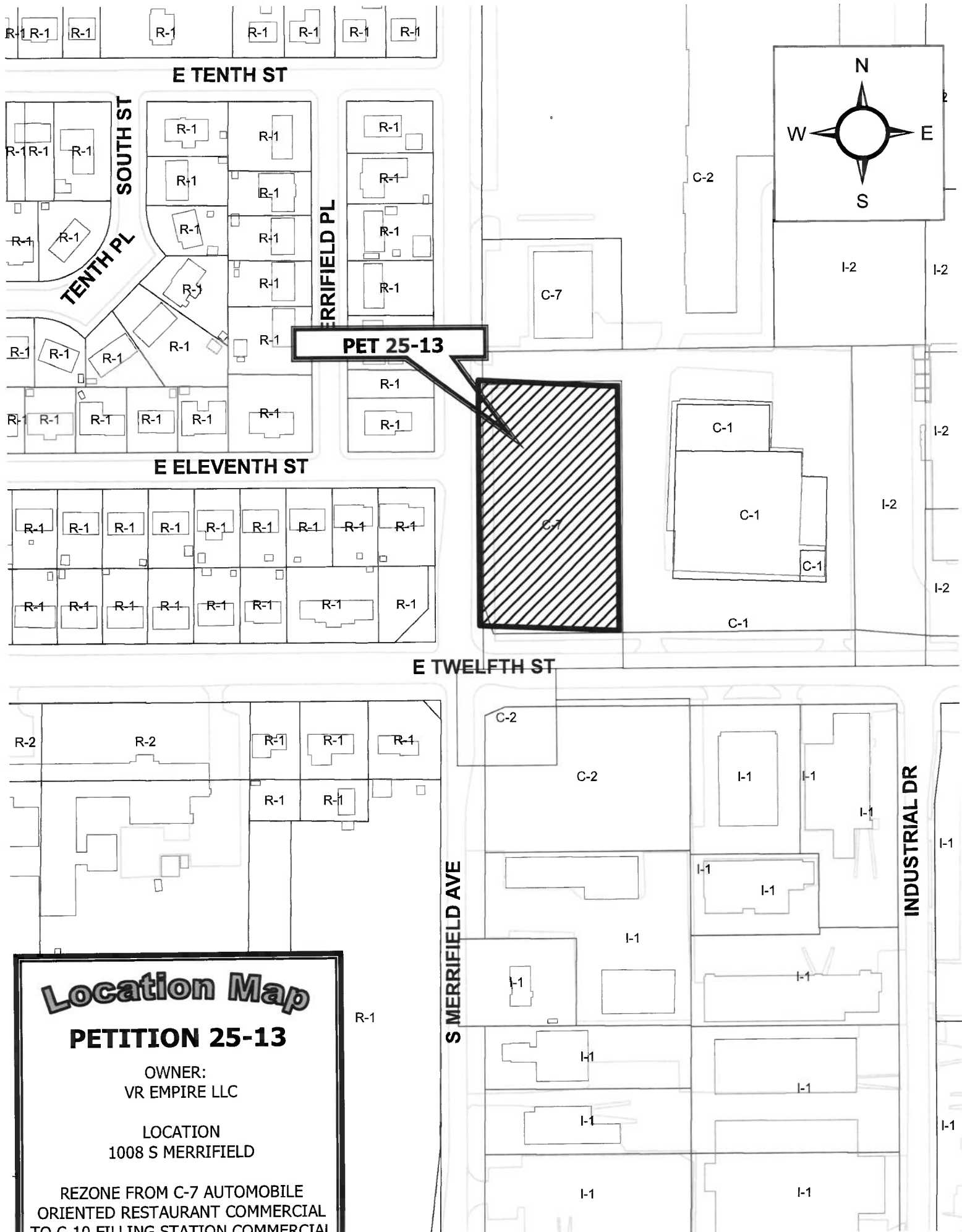
NOT FOR CONSTRUCTION

MERRIFIELD AVENUE GAS STATION REZONING CONCEPT PLAN

ABONMARCHE

Surveying
Engineering
Architecture

ABONMARCHE CONSULTANTS, INC.



AUG 25 2025

City Clerk
Mishawaka, IN

Pkt 25-14
Received

AUG 21 2025

Planning and
Community Development

August 20, 2025

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

RE: Petition to Rezone approximately 1.15 Acre tract (Parent Parcel ID 029-2024-0589)

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

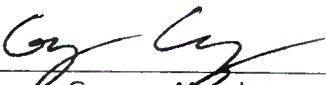
See attached legal description of proposed 1.15 acre tract of land being subdivided from parent tract of land known as Parcel 029-2024-0589.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 General Commercial District. Said property is currently vacant along N. Main Street.

Petitioner(s) desire said real estate to be rezoned to C-7 Automobile Oriented Restaurant Commercial District. Petitioner(s) further state that they intend to utilize said land for a drive thru restaurant, specifically a Dutch Bros Coffee Shop.

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)


Corey Cressy, Member

CONTACT PERSON:

COREY CRESSY

200 N. CHURCH STREET, SUITE 200,

MISHAWAKA, IN 46544

574-229-8889

Tim Dwyer
tim.dwyer@openarchitecture.com

S
J
L

LEESMAN ENGINEERING & ASSOCIATES, INC.

2720 Topichills Dr. ♦ Cincinnati, OH 45248 ♦ Phone 513-417-0420 ♦ Email: email@leesmanengineering.com

NEW PARCEL LOT ____
TOTAL: 50,015 SQ. FT. / 1.148 AC.

PART OF THE EAST HALF (E 1/2) OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, STATE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE N00°11'21"E, THIS AND ALL SUBSEQUENT BEARINGS ARE ASSUMED, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SOUTHEAST QUARTER OF SAID SECTION 33, 1318.57 FEET TO THE EAST QUARTER CORNER OF SECTION 33; THENCE N00°18'32"W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 33, 432.06 FEET TO THE NORTH LINE OF PROPERTY DESCRIBED IN DOCUMENT NUMBER 0245874 AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE S89°41'28"W ALONG SAID NORTH LINE, 521.56 FEET; THENCE S35°22'58"W, 73.97 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 280.00 FEET, BEING SUBTENDED BY A CHORD OF 170.18 FEET BEARING S17°41'29"W; THENCE SOUTHERLY ALONG SAID CURVE 172.91 FEET; THENCE S00°00'00"W, 96.76 FEET TO THE CENTERLINE OF JUDAY CREEK; THENCE S78°38'00"W ALONG SAID CENTERLINE, 667.48 FEET TO THE EAST RIGHT-OF-WAY LINE OF MAIN STREET; THENCE S00°05'41"W ALONG SAID RIGHT-OF-WAY, 393.76 FEET TO A SET IRON PIN AND BEING THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT OF WAY S00°05'41"W ALONG SAID RIGHT-OF-WAY, 159.00 FEET TO A FOUND MAG NAIL; THENCE N89°58'19"E, 185.54 FEET TO A FOUND MAG NAIL AND TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, BEING SUBTENDED BY A CHORD OF 132.02 FEET, BEARING N82°23'09"E; THENCE EASTERLY ALONG SAID CURVE 132.41 FEET TO A SET IRON PIN; THENCE N00°05'41"E, 140.89 FEET TO A SET IRON PIN; THENCE N89°54'19"W, 316.37 FEET TO THE POINT OF BEGINNING.

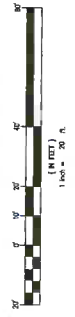
SAID PARCEL OF LAND CONTAINING A TOTAL OF 1.148 ACRES, MORE OR LESS. SUBJECT HOWEVER TO ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, AND EASEMENTS CONTAINING IN ANY INSTRUMENT OF RECORD PERTAINING TO THE ABOVE DESCRIBED TRACT OF LAND. THIS DESCRIPTION WAS PREPARED FROM A JULY 2025 FIELD SURVEY. BEARINGS ARE BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM, NAD83 NO TRANS [EAST ZONE]. ALL PINS SET ARE 5/8" X 36" WITH CAP S.J. LEESMAN 21600010.


STEVEN J. LEESMAN
PLS21600010

8.19.25
DATE



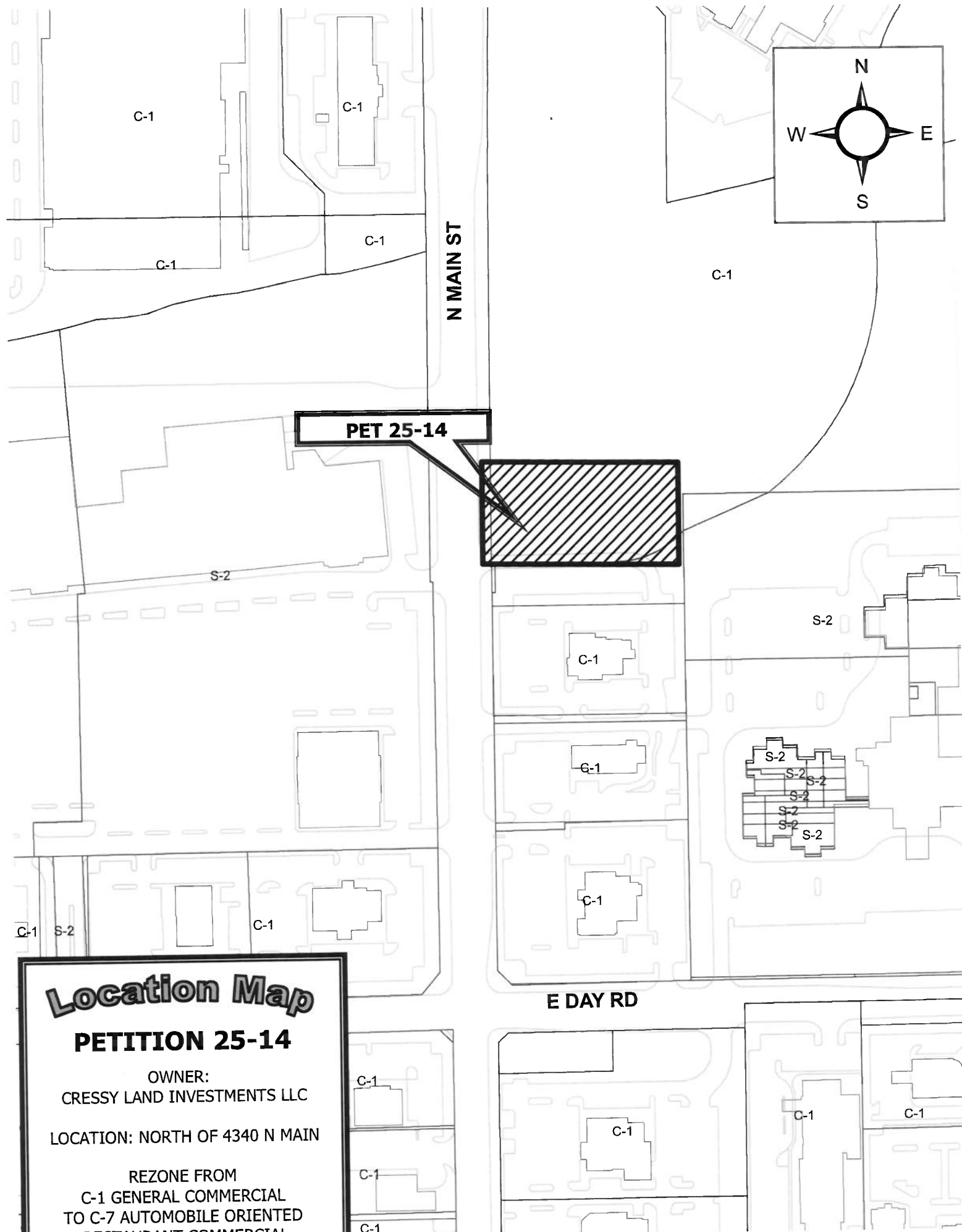
Planning and Community Development



**3 WORKING DAYS
BEFORE YOU DIG**

UTILITIES PROTECTION SERVICE

DUTCH BROS COPPER - MISHAWAKA, IN N. MAIN STREET MISHAWAKA, IN LEESMAN ENGINEERING & ASSOC. ENGINEERING, SURVEYING, PLANNING 2720 TOPIC HILLS, CINCINNATI, OHIO 45248 513-617-0420		engineers <i>TLS</i>		DRAWING TITLE CONCEPTUAL SITE PLAN DATE: 04-06-13 DRAWN BY: JCB CHECKED BY: JCB TMD ST		DRAWING NO. ZONE	
REVISIONS AND/OR ISSUES		NO. 1 REVISION		DATE		BY	



Location Map

PETITION 25-14

OWNER:

CRESSY LAND INVESTMENTS LLC

LOCATION: NORTH OF 4340 N MAIN

REZONE FROM

C-1 GENERAL COMMERCIAL
TO C-7 AUTOMOBILE ORIENTED
RESTAURANT COMMERCIAL



City of Mishawaka

OFFICE OF THE CITY CLERK

Deborah S. Block, IAMCA, MMC, City Clerk

NOTICE OF HEARING

VACATION NO.	<u>2025-01</u>
PETITION NO.	<u>2025-10</u>
DATE of HEARING	<u>09-08-25</u>
TIME of HEARING	<u>6:00PM</u>

A petition has been filed by the City of Mishawaka and School City of Mishawaka to vacate the public right-of-way described as:

Right-of-Way Vacation due to Realignment- Ballard St. south of Vistula Rd.

NOTICE IS HEREBY GIVEN that a regular meeting of the Mishawaka Common Council will be held on September 08, 2025 at 6:00 pm in the Council Chambers, City Hall, 100 Lincolnway West, Mishawaka, Indiana. A Public hearing will be conducted on a proposed ordinance, at which time any interested person may appear, be represented by an agent, or present in writing any reasons they may have for the granting or denying of a proposed ordinance. You are requested to prepare your case in detail and present all evidence relating to this proposed ordinance at the time of the scheduled hearing.

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements contact Susan Kile, ADA Coordinator, at (574) 258-1615.

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

Raven Boston, Chief Deputy I Michael Hixenbaugh, Chief Deputy II
City Hall, 100 Lincolnway West Mishawaka, IN 46544 (574) 258-1616 FAX (574) 258-1728
E-mail: dblock@Mishawaka.in.gov Website: Mishawaka.in.gov

SEP 02 2025

City Clerk
Mishawaka, IN

**RESOLUTION NO. 2025-22
Miscellaneous Property Acquisitions
58802 Bremen Highway**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S
PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY
APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH
APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN
COMMISSION APPROVING A CERTAIN DECLARATORY
RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE
NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION
OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE
NORTHWEST IMPROVEMENT PROJECT INTO ONE
CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN
AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY
THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION**

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

WHEREAS, the Declaratory Resolution (i) designated and declared certain areas within the City of Mishawaka, Indiana (the "City") to be economic development areas (the "Expansion Areas") for purposes of tax increment financing pursuant to Section 39 of Indiana Code 36-7-14 (the "Act") to expand the existing Northwest Area Improvement Project (the "Northwest Area"); (ii) removed certain parcels from the Northwest Area; (iii) consolidated the Southside Economic Development Area (the "Southside Area") and the Northwest Area into one area (to be known as the Consolidated Area Improvement Project) (the "Consolidated Area"); and (iv) approved an amendment (the "Plan Amendment") to the Economic Development Plan for the Northwest Area (the "Economic Development Plan") to provide for such Economic Development as amended to serve as the economic development plan for the Consolidated Area Improvement Project (as amended by the Plan Amendment shall hereinafter be referred to as the "Economic Development Plan"); and

WHEREAS, on March 11, 2014, the City of Mishawaka Plan Commission (the "Plan Commission") adopted and approved its resolution 2014-01, determining that the Declaratory Resolution and the Economic Development Plan, as amended by the Plan

Amendment, conform to the plan of development for the City and approving, ratifying and confirming the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, as required by Section 16 of the Act (the "Plan Commission Order"); and

WHEREAS, Section 16 of the Act prohibits the Commission from proceeding until the Plan Commission Order is approved by the legislative body of the City; and

WHEREAS, the Common Council of the City (the "Common Council") previously approved the Plan Commission Order by Common Council Resolution 2014-07; and

WHEREAS, as part of the previous approval various public improvement projects were listed as part of the Economic Development Plan; and

WHEREAS, a number of those projects including the acquisition of properties necessary for the future widening of Bremen Highway in the area improvement project were included in the economic development plan; and

WHEREAS, the City has a long term desire to develop a plan to preserve green space strategically in areas with unique features in and adjacent to the City; and

WHEREAS, the property is predominantly wooded, adjacent to open common area maintained by the Blair Hills subdivision, and has limited development potential being located on a hill formed by a glacier during the ice age; and

WHEREAS, the Administration is asking the legislative body for its review and approval of adding certain properties to the City's acquisition list to implement a portion of these projects; and

WHEREAS, the description of the property that is proposed to be added is as follows:

- ***Beg 1350' S Of Nw Cor Sw 1/4 W 1/2 Sec 22 37 3e Cont 10 Ac M Or L In St. Joseph County, Indiana***
- ***Parcel Number: 71-09-22-351-001.000-031***

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

1. The referenced parcels are hereby added to the City's acquisition list as part of the consolidated area improvement projects
2. This Resolution shall be in full force and effect from and after its passage by the Common Council.

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on September 8, 2025.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

Gregg Hixenbaugh, President

ATTEST:

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

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____
day of September _____, 2025, at the hour of _____ .m.

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

This Resolution approved and signed by me on the ____ day of September, 2025,
at the hour of _____ .m.

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



Location Map- 58802 Bremen Highway

Proposed Resolution 2025-22 Adding 58802 to the acquisition list

From Ken Prince <kprince@mishawaka.in.gov>

Date Tue 9/2/2025 5:06 PM

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

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

 1 attachment (2 MB)

Resolution 2025-22 Common Council Acquisition List 58802 Bremen Highway.doc;

Good afternoon,

As a follow up on the committee meeting on open space, attached is draft Resolution 2025-22 to add 58802 Bremen Highway to the City's acquisition list for your consideration at the September 8th Council meeting.

This is a 10 acre property located on the east side of Bremen Highway, south of Dragoon Trail. It backs up to common area owned and maintained by the Blair Hills subdivision.

As indicated at the committee meeting, the main reason for the purchase at this time is that it is for sale and we know there is a partial acquisition necessary for the future widening of Bremen Highway. The owner has obtained one appraisal of the property where the value was identified as \$150,000. If approved by the Council, the City will order a second appraisal of the property and prepare a buy-sell agreement for the consideration of the Redevelopment Commission.

Please let me know if you have any questions.

Ken

Kenneth B. Prince, FASLA
Executive Director

City of Mishawaka
Planning and Community Development
100 Lincolnway West
Mishawaka, IN 46544
Phone- (574) 258-1625
Email- kprince@mishawaka.in.gov
Website- www.mishawaka.in.gov



RESOLUTION NO. 2025-23
Miscellaneous Property Acquisitions
1022 South Union Street

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S
PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY
APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH
APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN
COMMISSION APPROVING A CERTAIN DECLARATORY
RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE
NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION
OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE
NORTHWEST IMPROVEMENT PROJECT INTO ONE
CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN
AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY
THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION**

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

WHEREAS, the Declaratory Resolution (i) designated and declared certain areas within the City of Mishawaka, Indiana (the "City") to be economic development areas (the "Expansion Areas") for purposes of tax increment financing pursuant to Section 39 of Indiana Code 36-7-14 (the "Act") to expand the existing Northwest Area Improvement Project (the "Northwest Area"); (ii) removed certain parcels from the Northwest Area; (iii) consolidated the Southside Economic Development Area (the "Southside Area") and the Northwest Area into one area (to be known as the Consolidated Area Improvement Project) (the "Consolidated Area"); and (iv) approved an amendment (the "Plan Amendment") to the Economic Development Plan for the Northwest Area (the "Economic Development Plan") to provide for such Economic Development as amended to serve as the economic development plan for the Consolidated Area Improvement Project (as amended by the Plan Amendment shall hereinafter be referred to as the "Economic Development Plan"); and

WHEREAS, on March 11, 2014, the City of Mishawaka Plan Commission (the "Plan Commission") adopted and approved its resolution 2014-01, determining that the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, conform to the plan of development for the City and approving; ratifying and confirming the Declaratory Resolution and the Economic Development Plan, as amended by the

Plan Amendment, and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, as required by Section 16 of the Act (the "Plan Commission Order"); and

WHEREAS, Section 16 of the Act prohibits the Commission from proceeding until the Plan Commission Order is approved by the legislative body of the City; and

WHEREAS, the Common Council of the City (the "Common Council") previously approved the Plan Commission Order by Common Council Resolution 2014-07; and

WHEREAS, as part of the previous approval various public improvement projects were listed as part of the Economic Development Plan; and

WHEREAS, a number of those projects including the acquisition of properties necessary for the future widening of Union Street in the area improvement project were included in the economic development plan; and

WHEREAS, the City had previously investigated partial acquisition and the option was deemed cost prohibitive; and

WHEREAS, the property owner desires to enter into an agreement at this time to afford time to relocate as part of the company's business plan; and

WHEREAS, the Administration is asking the legislative body for its review and approval of adding certain properties to the City's acquisition list to implement a portion of these projects; and

WHEREAS, the description of the property that is proposed to be added is as follows:
1022 South Union Street

Lots 6-18 Towles 1st Add & 1/2 Adj Vac Alley Blk 10a 00-01 Vac Ord # 10-1961 00-01 Per V/President Request

PARCELID 016-1137-5374

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

1. The referenced parcels are hereby added to the City's acquisition list as part of the consolidated area improvement projects
2. This Resolution shall be in full force and effect from and after its passage by the Common Council.

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on September 8, 2025.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

Gregg Hixenbaugh, President

ATTEST:

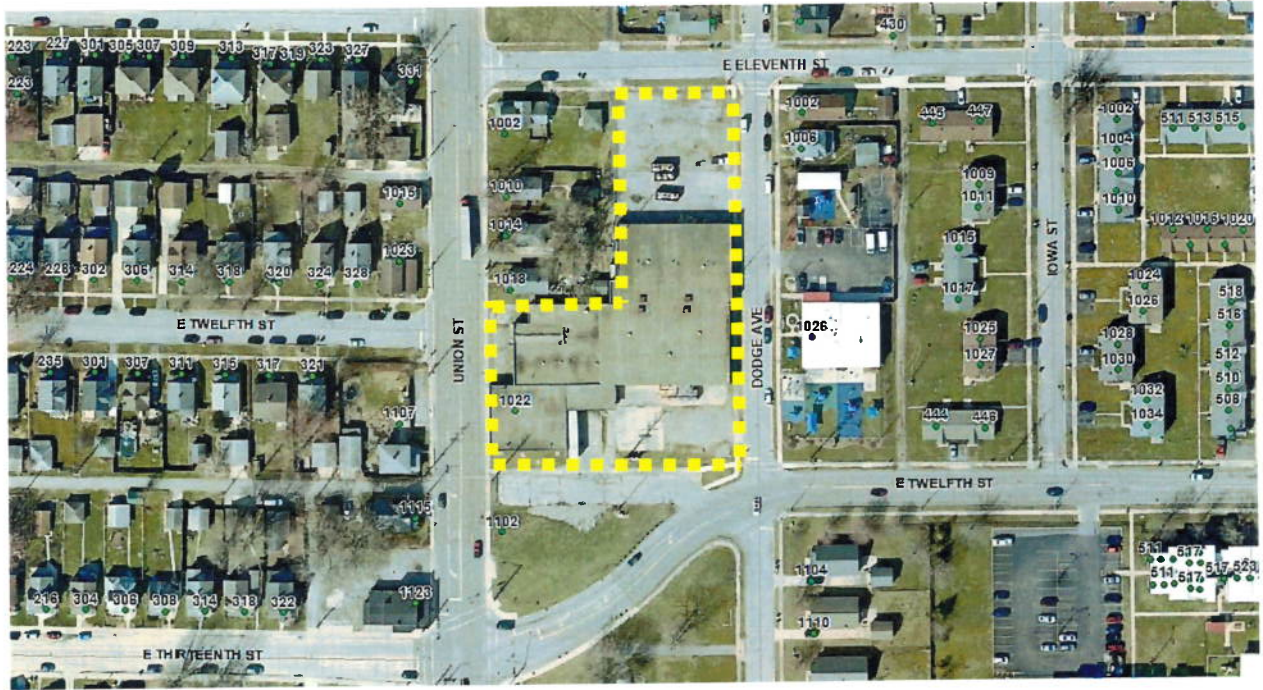
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____
day of September _____, 2025, at the hour of _____ .m.

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

This Resolution approved and signed by me on the ____ day of September, 2025,
at the hour of _____ .m.

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



Location Map- 1022 South Union Street

Proposed Resolution 2025-23 Adding 1022 South Union Street to the acquisition list

From Ken Prince <kprince@mishawaka.in.gov>

Date Thu 9/4/2025 9:27 AM

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

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

 2 attachments (4 MB)

Resolution 2025-23 Common Council Acquisition List Jackel 1022 Union Street.doc; Union Street BS Agreement Seller Signed.pdf;

Good afternoon,

Attached is draft Resolution 2025-23 to add 1022 South Union Street to the City's acquisition list for your consideration at the September 8th Council meeting.

This is the current Jackel warehouse and distribution facility. The property is 1 ½ acres. At the August Redevelopment Commission Meeting, the Commission approved the attached buy-sell agreement, subject to the approval of the Common Council addition the property to the City's acquisition list.

Similar to other property acquisitions recently approved by the Commission, this property is needed for the future widening of Union Street.

As identified previously in our packet to the Redevelopment Commission, this property is not part of the first phase of the widening and is not expected to be needed for 5 years or more. What prompted the agreement at this time is that the owner is aware of the City's need over time for the property and believed that they had an opportunity to move. This prompted the Owner and City to jointly appraise the building. The opportunity that the owner had has now fallen through, but they would at this time like to execute the buy sell agreement based on the average of the two appraisals received so they can better navigate the costs and timing of relocating. The City indicated that we could not have an open ended agreement and it was determined that an outside time of 3 years would be sufficient for the owner to find and relocate to a different site. Since the appraised value of the building is \$1,052,500, it was also important from a City perspective in managing our cash flow, to potentially have additional time/notice before closing is set. A sixth month time period has been identified in the agreement for us to manage the closing relative to our cash flow (we receive a tax distribution every 6-months). Upon acquisition, the intent is for the City to demolish the structure and land bank it for the future road widening. Unlike other properties the City has acquired for this expansion, there will definitely be a portion of land that will be available for redevelopment following the roadway expansion. The decision on how this residual property will be marketed for redevelopment will likely not be decided for many years- after the completion of the future road widening.

Please let me know if you have any questions.

Ken

Kenneth B. Prince, FASLA
Executive Director

City of Mishawaka

Mishawaka, IN 46544

Phone- (574) 258-1625

Email- kprince@mishawaka.in.gov

Website- www.mishawaka.in.gov



BUY AND SELL AGREEMENT

THIS AGREEMENT, made and entered into as of the 25th day of August, 2025 by and between Princess City Capital Corp., hereinafter referred to as “Seller”, and **CITY OF MISHAWAKA**, acting by and through its Redevelopment Commission, hereinafter referred to as “Buyer”, All of St. Joseph County, State of Indiana,

WITNESSETH THAT:

The Seller promises and agrees to sell and convey to the Buyer, and the Buyer promises and agrees to purchase of and from the Seller, for the sum of One Million Fifty Two Thousand and Five Hundred Dollars. (\$1,052,500), the property's located at 1022 South Union Street, City of Mishawaka, St. Joseph County, Indiana, more particularly described as follows:

*Lots 6-18 Towles 1st Add & 1/2 Adj Vac Alley Blk 10a 00-01 Vac Ord # 10-1961 00-01 Per
V/President Request
Tax Parcel #- 016-1137-5374*

This purchase is contingent on the following:

1. As a public entity, the Buyer is subject to specific purchasing laws identified by the Indiana Code. This includes adding this property to an official acquisition list that requires the approval of the Common Council of the City of Mishawaka.
2. The Seller shall remove any and all loosely stored items, materials, and debris stored within the building. The Seller shall properly dispose of any chemicals or regulated waste that may be stored in the buildings in accordance with applicable laws and restrictions. No property that is owned or claimed by others shall be located on the property at the time of closing.

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

1. Buyer shall obtain, at Buyer's expense, a commitment for a \$1,000,000 Owner's Policy of Title Insurance in which the title insurance company shall agree to insure merchantable title in the name of the Buyer after delivery of a Deed to Buyer from

Seller. Any defects in title which tend to render the same un-merchantable shall be submitted by the Buyer to the Seller in writing and the Seller shall be given reasonable time to correct the same. If the Seller shall fail or refuse to cause such defects to be corrected, Buyer shall have the option of accepting title subject to defects, or of terminating this Agreement.

2. After the title to the described real estate has been approved by the Buyer, and upon payment of the balance of the purchase price by the Buyer to the Seller, the Seller shall execute and deliver a Warranty Deed conveying the real estate above described to the Buyer, free and clear of all liens and encumbrances, except as provided herein, and subject to all covenants, restrictions, easements, and zoning ordinances of record.
3. It is understood and agreed by the parties hereto that Buyer is purchasing the real estate and personal property covered by this agreement in an "as is" condition and that Seller has made no guarantees or warranties, expressed or implied, concerning said personal property, real estate, or any improvements thereon, except for the removals as specifically identified herein related to loosely stored items, materials, and debris stored within the building, as well as, chemicals or regulated waste, and property owned or claimed by others.
4. It is understood that it will take the Seller approximately up to three years to find a new location, remove the loosely stored items, materials, debris stored within the building, any chemicals or regulated waste that may be stored, and including property owned or claimed by others. As such, this transaction shall be closed on or before the 25th day of August 2028. Furthermore, the Seller shall provide the Buyer a minimum of 6-months' notice prior to the anticipated closing date to insure the buyer's availability of funds. The Closing date may be moved up or back with the mutual consent of both the Buyer and Seller.
5. Seller shall deliver possession of the real estate above described to the Buyer at the time of closing. The Seller shall confirm at that time that no tenants, or property owned or claimed by others, are currently residing or is located on the property. Furthermore,

the Seller agrees to deliver possession to the buyer with no tenants occupying the premises nor with any tenants holding any lease hold interest in the property. The Buyer shall be permitted to inspect the premises prior to closing to insure the building is not occupied and that the identified removals have taken place as identified in this agreement.

6. Seller, at their option, shall have the right to limited salvage rights in the real estate. The salvage of any items that are physically attached/part of the building are to be approved by the Buyer prior to Seller exercising salvage rights. Salvage shall specifically not include anything that would structurally modify or impact the integrity of the structure, or make any condition more hazardous than the current known conditions. As part of the Sellers continued ownership up to closing, including any salvage, the Seller shall be responsible for maintaining a secure structure not creating any openings that would freely allow birds, animals, or people to enter the building. The Seller shall have the time up to the closing of the transaction to complete any salvage work.
7. Risk of loss or damage to any improvements located upon the real estate above described shall remain with the Seller until the time of delivery of the Warranty Deed conveying title from Seller to Buyer and possession of the premises by Buyer.
8. Seller acknowledges that because Federal Funds may be used by the Buyer in the purchase of the subject property that the sale on behalf of the Seller is voluntary. Seller further acknowledges that as part of this agreement the Buyer will not use the power of eminent domain to acquire the property. Seller acknowledges that the estimate of the fair market value of the property to be \$1,052,500. Seller further acknowledges that since the purchase is a voluntary, arm's length transaction, Seller would not be eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or any other law or regulation.

9. Seller shall pay any unpaid taxes and assessments for prior years up to the date of closing. Based on the anticipated closing date, taxes shall be prorated to the date of closing based upon the last official tax rate.
10. The covenants, agreements, and conditions herein contained shall be binding upon the parties hereto and shall also extend to and be binding upon their respective heirs, legal representatives, and assigns.
11. The Seller shall assist with and provide any documentation relative to known environmental conditions on the property including but not limited to underground tanks and other existing conditions on the property of an environmental nature. This shall include any existing environmental reports such as a Phase 1 or Phase 2 environmental study.
12. Vendor's Affidavit. Seller shall provide Buyer with an executed Vendor's Affidavit at the Closing in form acceptable to the Title Company.
13. In addition to any other obligations assumed by Seller hereunder, Seller shall pay, for deed preparation, and one-half (1/2) of Title Company closing fees. Buyer shall pay the other one-half (1/2) of closing fees, plus the costs associated with recording the deed.
14. Seller shall be responsible for maintaining the property until closing and for paying for all necessary maintenance and repairs. The Seller shall also be responsible for paying all utilities for the property up to the date of closing. Seller shall also maintain a proper insurance on the property until Closing, fully insuring it against loss.
15. In the event of the Seller's Default, the Buyer may elect to treat this Agreement as cancelled and may recover such damages as may be proper, or Buyer may elect to treat this Agreement as being in full force and effect and Buyer shall have the right to specific performance or damages, or both. Likewise, in the event of the Buyer's Default, the Seller may elect to file suit for breach of contract.

16. No modification to this Agreement shall be valid unless in writing and signed by all parties.
17. If any provision of this Agreement is deemed void or unenforceable, the same shall in no way impair the validity or enforceability of any other provisions of this Agreement, which shall remain in full force and effect.
18. It is expressly agreed and understood that this Agreement contains all of the agreements of the parties and that no verbal agreements of any kind shall be binding upon the parties.
19. Seller shall pay to Cressy Commercial Real Estate LLC a consulting fee equal to 2% of the purchase price at the time of closing.

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

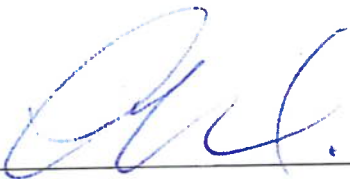
BUYER

SELLER

CITY OF MISHAWAKA, acting by and
Through its Redevelopment Commission
By:

Princess City Capital Corp.

Janet Whitfield-Hyduk, President



By: Craig Nowicki

Kris Ermeti, Secretary

PRESIDENT

Title:

RESOLUTION NO. 2025-24

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA REGARDING
NATIONAL SEE TRACKS? THINK TRAIN WEEK

WHEREAS SEE TRACKS? THINK TRAIN WEEK is to be held across the United States
From September 15 to 21, 2025; and

WHEREAS, 2,252 rail grade crossing collisions resulted in 749 personal injuries and
Were responsible for 268 fatalities in the United States during 2024; and

WHEREAS, 1,465 pedestrian trespassing casualties have occurred in the United States
Resulting in 821 pedestrians being killed and another 644 injured while trespassing on
railroad property rights of way during 2024; and

WHEREAS, educating and informing the public about rail safety (reminding the public that
railroad right of ways are private property, enhancing public awareness of the dangers
associated with highway rail grade crossings, ensuring pedestrians and motorists are
looking and listening while near railways, and obeying established traffic laws) will reduce
the number of avoidable fatalities and injuries caused by incidents involving trains and
citizens: and

WHEREAS, THE International Association of Chiefs of Police, National Operation Lifesaver,
Inc., United States Department of Transportation, and all local, state, county, and railroad
law enforcement officers, first responders, and railroad corporations commit to partnering
together in an effort to educate at a national level all aspects of railroad safety, to enforce
applicable laws in support of National See Tracks? Think Train Week;

THEREFORE, Mishawaka Common Council proclaims September 15 to 21, 2025,
NATIONAL SEE TRACKS? THINK TRAIN WEEK in the City of Mishawaka, and encourage all
citizens to recognize the importance of rail safety education.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day
of _____, 2025, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2025,
at _____ o'clock ____m.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED by me this _____ day of _____, 2025, at
_____ o'clock ____m.

David A. Wood, Mayor

AUG 13 2025

City Clerk
Mishawaka, IN

PETITION #25-10

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-19

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

WHEREAS, the Petitioner owns part of 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 Ballard's Addition, recorded in Plat Book 12, Pages 32-33 in the Office of the Recorder, St. Joseph County, Indiana; more particularly described as follows:

ORDINANCE NO. __

Beginning at the northwest corner of Lot 17 of said Ballard's Addition; thence South 00 degrees 10 minutes 27 seconds East along the east line of Ballard's Street a distance of 163.85 feet; thence South 36 degrees 26 minutes 40 seconds West a distance of 31.21 feet to a point of curvature of curve to the left having a radius of 235.00 feet; thence southwesterly and southerly along said curve an arc distance of 101.63 feet to the west line of Ballard Street, said curve having a chord bearing South 24 degrees 03 minutes 19 seconds West and chord distance of 100.84 feet; thence North 00 degrees 10 minutes 27 seconds West along said west line a distance of 258.77 feet to the south line of Vistula Road; thence North 69 degrees 37 minutes 17 seconds East along said south line a distance of 63.93 feet to the Point of Beginning, containing 0.275 acres, more or less.

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. A subdivision dedicating new right of way will continue the connection to Ballard Street north of Vistula Road.*
- 2. The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. A subdivision dedicating new right of way will continue the connection to Ballard Street north of Vistula Road.*
- 3. While the street does abut a school and a park, the new dedicated road 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.*

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 _____, 2025, at ____ o'clock ____ .M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of _____, 2025, at ____ o'clock ____ .M.

PROPOSED ORDINANCE NO. 2025-19

ORDINANCE NO. __

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED by me this ____ day of _____, 2025, at ____ o'clock
____.M.

David A. Wood, Mayor

STAFF REPORT

Location: Ballard Street, south of Vistula Road

Date: August 12, 2025

Petition: 25-10

Prepared By: CH

GENERAL INFORMATION

Applicant: City of Mishawaka & School City of Mishawaka/Lawson Fisher Associates P.C.
Status: Owner/Surveyor & Engineer
Request: Vacate Public Right-of-Way
Zoning Classification: Right-of-Way
Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential (single family homes)
South: S-1 Extensive Open Space (Twin Branch Park)
East: S-1 Extensive Open Space (Twin Branch Park)
West: R-1 Single Family Residential (Twin Branch School)

Thoroughfare: Vistula Road

Council District: 3

School District: School City of Mishawaka

Township: Penn

Public Utilities: Public Right-of-Way

Comprehensive Plan: Low Density Residential and Open Space

ANALYSIS

The Petitioner is requesting the vacation of public right of way. This is a section of Ballard Street, south of Vistula Road between Twin Branch School and Twin Branch Park. Ballard Street is being rerouted to match the recently raised intersection at Vistula.

The property to the west is owned by School City of Mishawaka, and the property to the east is owned by the City of Mishawaka. A replat has been submitted concurrently which will dedicate the new road and redistribute the remaining property between the two owners.

A 35' storm sewer easement will remain in the vacated Ballard Street.

All City departments have reviewed the proposed right-of-way vacation and recommend approval.

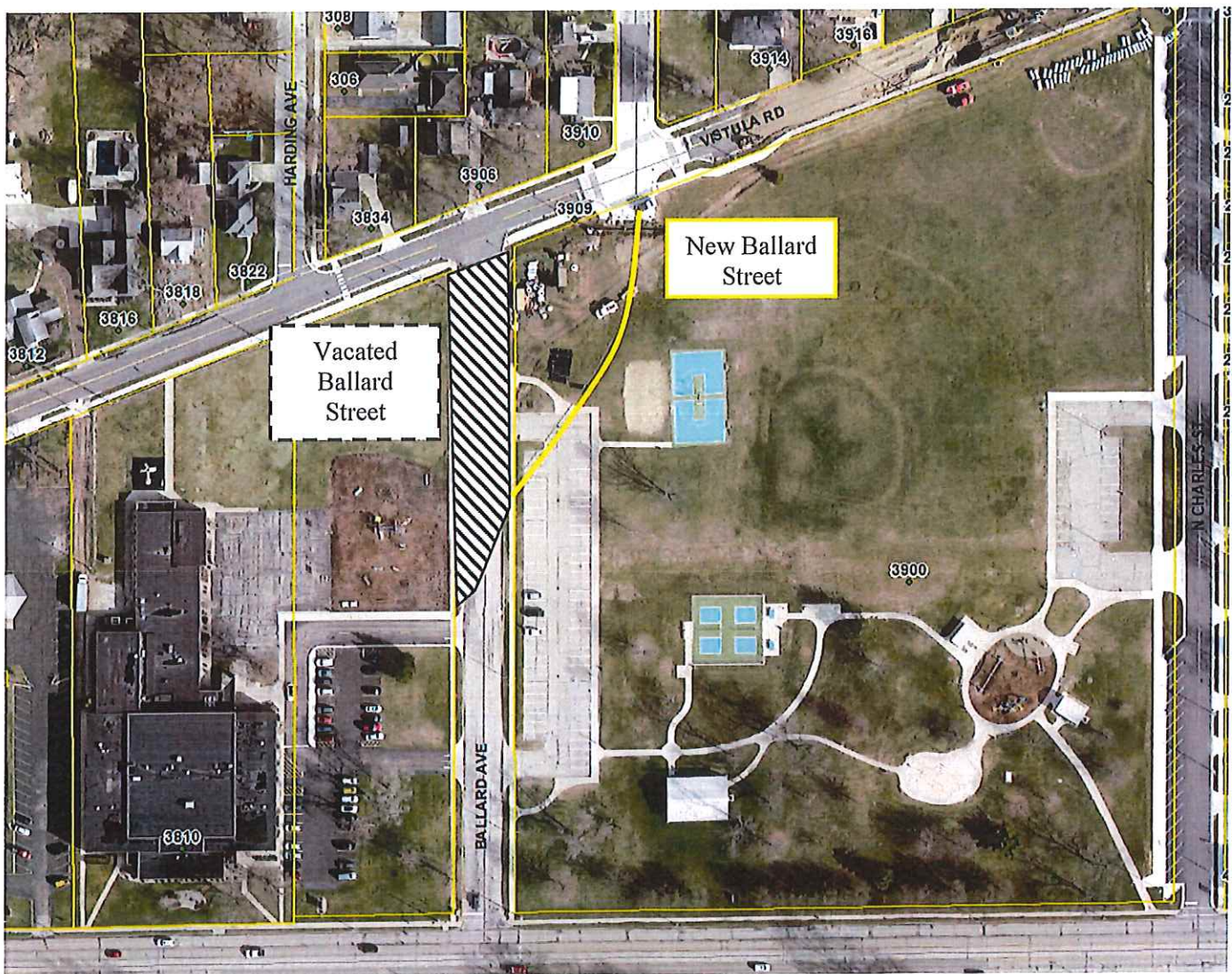
RECOMMENDATION

Staff recommends in favor of Petition 25-10 to vacate a portion of Ballard Street, south of Vistula Road. This recommendation is based on the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. A subdivision dedicating new right of way will continue the connection to Ballard Street north of Vistula Road.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. A subdivision dedicating new right of way will continue the connection to Ballard Street north of Vistula Road.
- 3) While the street does abut a school and a park, the new dedicated road 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.

ATTACHMENTS

Aerial, Photos, Petition, Location Map



Aerial



Ballard Street at its intersection with LWE



Twin Branch Park parking lot from Lincolnway East, just east of Ballard Street



Ballard Street entrance for Twin Branch School



Ballard Street Road Construction



New Ballard Street from Twin Branch School entrance



New Ballard Street from Twin Branch Park side

Received

JUL 16 2025

Planning and
Community Development

PET 25-10

July 1, 2024

PAUL A. HUMMEL, PE
PIPER C. TITTLE, PE
MICHAEL J. GUZIK, PE
AARON W. BLANK, PS, PE

202340.40

CHRISTOPHER J. JETER, PE
DAN G. DELGADO, PE
JARED M. HUSS, PE
KEVIN J. SIEDLECKI, PE
CHRISTOPHER M. VANHULLE, PE
DMITRI G. ADAMS, PE
AMANDA R. BUDREAU, PE
JOSEPH D. DUNBAR, PE
MARK H. FOSTER, PE
REBECCA L. DUNBAR, PS, EI
DAVID J. TEGGELAAR, PE
MICHAEL A. WILLIAMS, PE
TREVOR M. CREAGER, PE
ADAM J. BEERY, PS, EI
CHARLES P. DEWES, PE

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

Re: Petition for Vacation of Public Right of Way

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

That part of Ballard Street between the south right-of-way of Vistula Road and the relocated north right-of-way of Ballard Street, as depicted on the attached Exhibit 'A'.

Adjoining property is owned by the City of Mishawaka or School City of Mishawaka.

Petitioners 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.



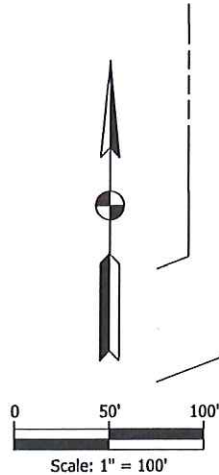
Kenneth B. Prince
Civil City of Mishawaka
Executive Director of Planning
and Community Development



Kenneth Kahlenbeck
Director of Operations
School City of Mishawaka

Contact Person:
Adam J. Beery, PS
Lawson-Fisher Associates P.C.
abeery@lawson-fisher.com

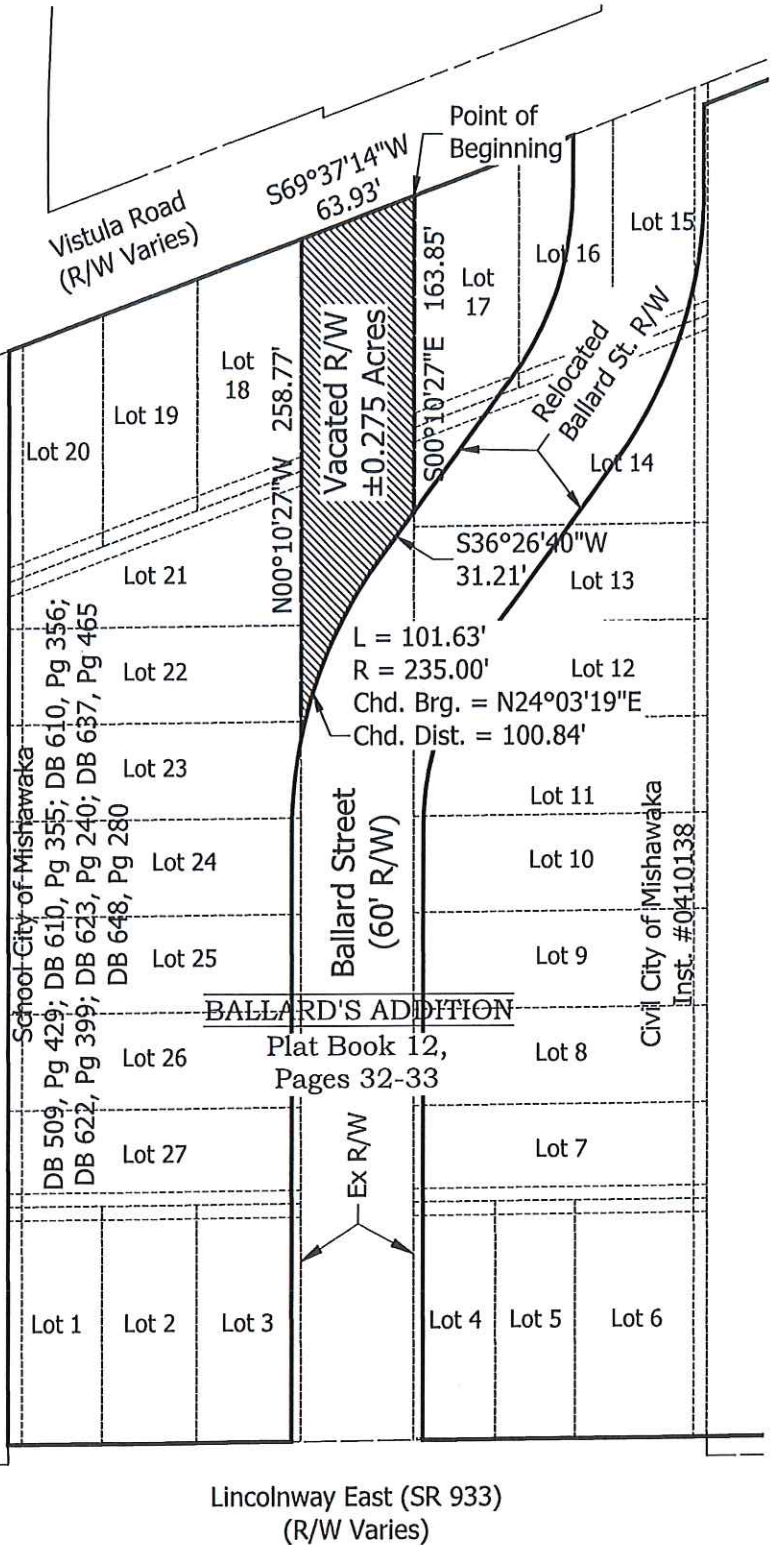
EXHIBIT 'A' **RIGHT-OF-WAY VACATION** Prepared for the City of Mishawaka By Lawson-Fisher Associates P.C. 202340



Vacation Description

A part of Ballard's Addition, recorded in Plat Book 12, Pages 32-33 in the Office of the Recorder, St. Joseph County, Indiana; more particularly described as follows:

Beginning at the northwest corner of Lot 17 of said Ballard's Addition; thence South 00 degrees 10 minutes 27 seconds East along the east line of Ballard's Street a distance of 163.85 feet; thence South 36 degrees 26 minutes 40 seconds West a distance of 31.21 feet to a point of curvature of curve to the left having a radius of 235.00 feet; thence southwesterly and southerly along said curve an arc distance of 101.63 feet to the west line of Ballard Street, said curve having a chord bearing South 24 degrees 03 minutes 19 seconds West and chord distance of 100.84 feet; thence North 00 degrees 10 minutes 27 seconds West along said west line a distance of 258.77 feet to the south line of Vistula Road; thence North 69 degrees 37 minutes 17 seconds East along said south line a distance of 63.93 feet to the Point of Beginning, containing 0.275 acres, more or less.



LJA - 6/30/2025 9:21 AM - U:\2023\202340 Mish CSO 020\Code\Plan Set\Survey\2340 Ballard Vacation.dwg (11)

PROJECT NO.: CSO 020
 CODE: XXX
 PARCEL:
 ROAD:
 COUNTY: XXX
 SECTION:
 TOWNSHIP:
 RANGE:

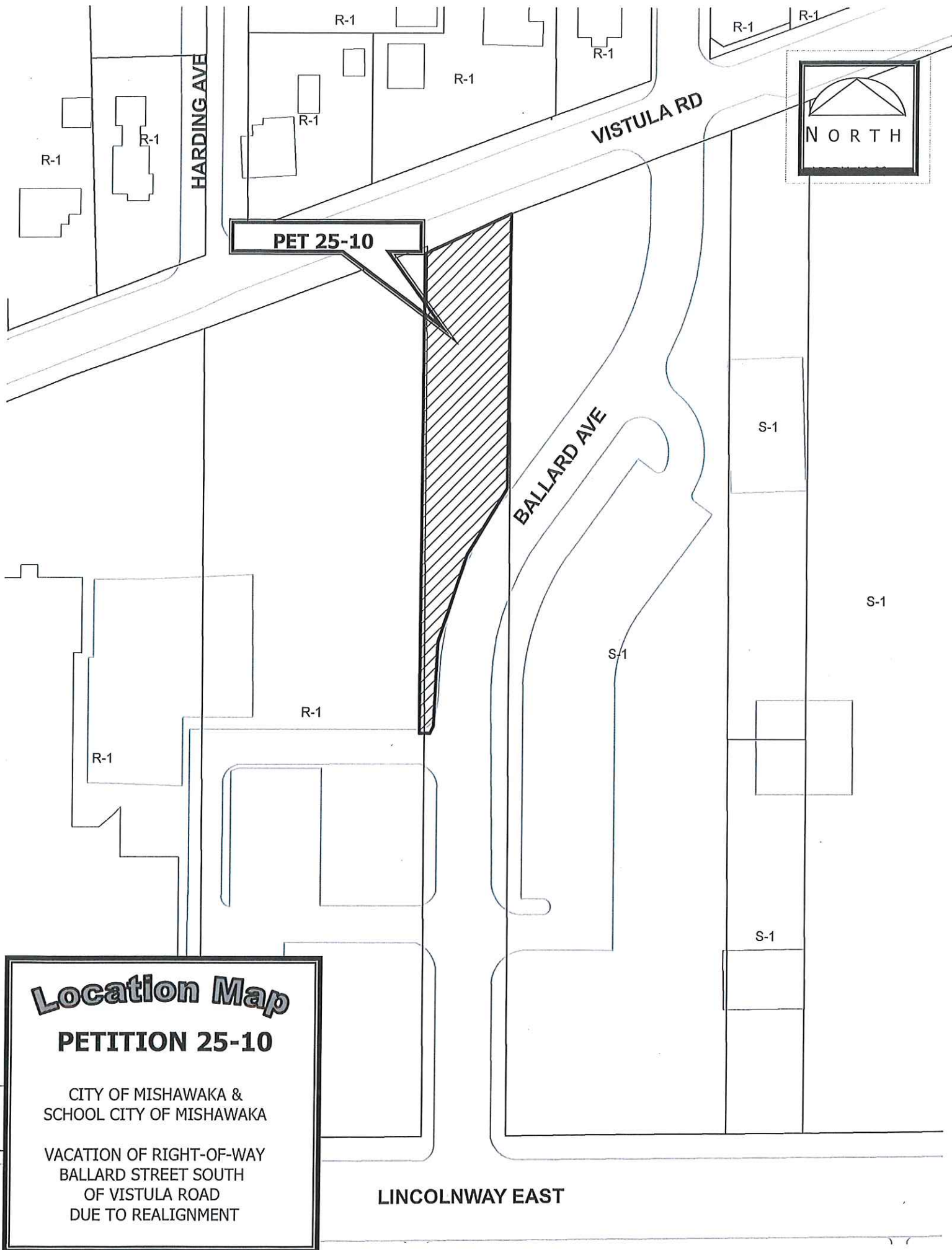
OWNER/RECORD REFERENCE
 City of Mishawaka
 School City of Mishawaka

TAX KEY #

 Hatched area is the Vacation Area

LFA
 LAWSON-FISHER ASSOCIATES P.C.
 525 W. WASHINGTON AVENUE
 SOUTH BEND, INDIANA 46601
 PH. (574) 234-3167

DRAWN: AJB	CHK: AWB
DATE: JULY 2025	SHEET: 1 OF 1



Location Map

PETITION 25-10

CITY OF MISHAWAKA &
SCHOOL CITY OF MISHAWAKA

VACATION OF RIGHT-OF-WAY
BALLARD STREET SOUTH
OF VISTULA ROAD
DUE TO REALIGNMENT

LINCOLNWAY EAST

AUG 14 2025

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2025-20

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA TO PROHIBIT THE USE OF PUBLIC RECORDS FOR
COMMERCIAL PURPOSES**

WHEREAS, Ind. Code § 5-14-3, the Access to Public Records Act provides that a person has the right to access information regarding the government and the official acts of public officials and employees, and that government officials have a responsibility to provide that information;

WHEREAS, the City of Mishawaka (“the City”) makes every effort to comply with the Indiana Access to Public Records Act;

WHEREAS, the City receives requests for public records from individuals and entities that use or intend to use public records from the City’s electronic data storage systems for commercial purposes;

WHEREAS, in order to respond to a request for public records, contained in the City’s electronic data storage systems, to be used for commercial purposes, the City commits considerable, time, resources, and taxpayer money;

WHEREAS, Ind. Code § 5-14-3-3(e) specifically permits the City to prohibit the use of public records requested under Ind. Code § 5-14-3 for commercial purposes;

WHEREAS, pursuant to Ind. Code § 5-14-3-3 “commercial purpose” includes: “to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any person for these purposes;” and

WHEREAS, the provision of public records for commercial purposes is not an essential function of a representative government, and such provision unnecessarily exhausts public resources for the benefit of for-profit businesses.

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

Section 1. Any individual or entity receiving public records or information, pursuant to a request made under Ind. Code § 5-14-3-3(d), shall not use the records or information for commercial purposes. This prohibition does not apply to the use of such records in connection with the preparation or publication of news, for nonprofit activities, or for academic research.

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on
this _____ day of _____ 2025, at _____ o'clock, ____ m.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this _____ day of _____ 2025, at _____
o'clock, ____ m.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2025, at _____ o'clock,
_____ m.

David A. Wood, Mayor



CITY OF MISHAWAKA

Deborah S. Block, IAC, MMC

AUG 14 2025

City Clerk
Mishawaka, IN

DAVID A. WOOD, MAYOR

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

Date: August 14, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire – Controller

Re: Ordinance prohibiting the use of Public Records for commercial purposes

I am requesting first reading for an ordinance that prohibits the use of public records for commercial use.

Typically, I see requests for current, open purchase orders or older, uncashed checks for over \$1,000. While these requests are not particularly cumbersome, recent requests have asked for all purchase orders over the past five years. Since these files are large and do not email well, further time-consuming steps must be taken.

As the ordinance states, providing information for commercial purposes is not an essential function of government. The City will continue to provide public information requests following ARPA policy. This ordinance reflects the language used by the cities of Noblesville and Greenwood.

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

c: David A. Wood – Mayor
John Roggeman – Corporation Counsel