AGENDA

Monday, August 17, 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

08-03-2015

Working Memorandum of the Budget and Finance Committee for 08-10-2015

5. Petitions, Communications, Remonstrance and Memorials

A letter from the City Plan Commission regarding recommendations from their August 11, 2015 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2015-19 Amend the PUD Proposed Bayer HealthCare Site - 7.07 Acre Parcel on Beacon Blvd.

P.O. NO. 2015-20 Amend the PUD Southwest Corner Beacon Parkway and Capital Avenue.

P.O. NO. 2015-21 Transfer Funds - Park Department - $28,000.00

8. Resolutions

R2015-29 Declaratory Resolution - Barak Group, LLC - Proposed Iron Rock Condominium(south side of river)

R2015-30 Declaratory Resolution - Barak Group LLC Proposed Iron Rock Café (south side of river)

R2015-31 I & M Cost Adjustment

R2015-32 Honoring 100th Anniversary of St. Monica Catholic Church

9. Ordinances on Second Reading

P.O. NO. 2015-18 Amending the Sewage Works Refunding Revenue Bond (Requires Amendment)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

P.O. NO. 2015-17 Rezone from C-1 General Commercial to R-1 Single Family Residential - 3626 Lincolnway East (Assigned to Land Use Planning Committee)

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

August 3, 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 August 3, 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.

President Emmons asked for a moment of silence for Phil Rea, Father of Former Mayor Jeff Rea, Ernie Culp former Councilman and Sexton for the City Cemetery, Paul Reese Former Councilman and State Representative.

The minutes from the July 20, 2015 meeting were approved as received from the Clerk's Office.

Roll Call. Roll Call.
Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons.

Others present; Chief Deputy II Linda Dotson

Clerk Block read a letter from the Mishawaka Plan Commission regarding the HUD Petition.

PETITION #15-21 Amend the PUD Proposed Bayer Heal Care Site, 7.07 Acre Parcel on Beacon Boulevard.

PETITION #15-22 Amend the PUD Southwest corner Beacon Parkway and Capital Avenue.

TIF District Reports

The following proposed ordinances were given first reading, and assigned to committee, to be set for public hearing at the next regular meeting.

PROPOSED ORDINANCE NO. 2015-18

AN ORDINANCE OF THE CITY OF MISHAWAKA AMENDING ORDINANCE NO. 5491 TO AMEND THE RATING REQUIREMENTS IN CONNECTION WITH THE ACQUISITION OF A SURETY BOND TO FUND ALL OR A PORTION OF THE 1994 RESERVE ACCOUNT, OTHER MATTERS CONNECTED THEREWITH, AND REPEALING ORDINANCES INCONSISTENT HEREWITH
Amending the Sewage Works Refunding Revenue Bond
(ASSIGNED TO BUDGET AND FINANCE COMMITTEE)

Clerk Block read **RESOLUTION NO. 2015-28** opening it for public hearing.

RESOLUTION NO. 2015-28

HONORING THE PENN KINGSMAN BOYS BASEBALL TEAM AS THE 2015 CLASS 4-A STATE HIGH SCHOOL CHAMPIONS

Superintendent of PHM Schools, Jerry Thacker said he wanted to express his appreciation for this recognition of a great team, great families, and a great coach in Greg Dikos and his coaching staff.

Coach Dikos, Head Coach Penn High School Baseball Team, 51789 Sharon Court, Granger, thanked everyone for the recognition and said "you have to have good ball players to accomplish this". He said Tim Lira and Brooks Ullery showed good leadership, for their team as well as having a great coaching staff that stayed with him when they could have been head coaches somewhere else. Coach Dikos said Dr. Thacker provides the things needed to achieve the goals for athletics, the arts and education. He said he wanted to thank the Mishawaka Police and Fire Departments for their escorts to and from the big games.

The Council congratulated Dr. Thacker, the coaches, and the team on their Championship. They also encouraged the students to take this drive and thirst for success into to their adulthood.

Question was called for at 7:19 p.m. on **RESOLUTION NO. 2015-28** with **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).**Yes:** Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. Voelker.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-16** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-16

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
(Rezoning from C-7 Auto Oriented Restaurant Commercial to C-4 Auto Oriented Com – 1725 East McKinley Avenue)

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

Dan Mackowiak 3625 Courtland Avenue, Elkhart said he was representing the petitioners who were requesting to convert the Mug & Suds at 1725 East McKinley into an Auto Dealership spending 40 to 50 thousand dollars in renovations, which include moving the sign and renovating the inside to office space. He said it was their plan to finish all the paperwork as soon as possible and start the renovation, they hope to be done in 4 weeks after the closing. Mr. Mackowiak stated they would have to leave resurfacing the parking lot until Spring.

Mr. Banicki asked how many locations they had. Mr. Mackowiak said 2 in Elkhart one that is being renovated once approved, and one on Mayflower Road in South Bend.

Ms. Voelker asked how many people they would be employing and how many cars they would have on the lot. Mr. Mackowiak said they were looking to employ 4 to 5 people and selling 12 to 18 cars per month with having 30 to 40 cars on the lot.

Mr. Emmons asked if they would be doing any engine work, or degreasing at this site. Mr. Mackowiak said that was all done at their Elkhart office. Mr. Compton asked about the drive up section of the parcel. Mr. Mackowiak stated they would be removing all of the speakers and posts and the canopy would be kept and repaired. He stated they want this to look very nice to attract business. Mr. Emmons said he was impressed with the rendering they presented and hoped the site would be a replica of that.

Question was called for at 7:34 p.m. on **PROPOSED ORDINANCE NO. 2015-16** the **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. Voelker. **THUS IT BECOMES ORDINANCE NO. 5492**

Clerk Block read **PROPOSED ORDINANCE NO. 2015-17** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-17

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 1955" OF THE CITY OF MISHAWAKA, INDIANA
(Rezone from C-1 General Commercial to R-1 Single Family Residential – 3626 Lincolnway East)

Ms. Voelker reported the Land Use Plan Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Reisdorf the motion carried.

Petitioner was not present, Mr. Roggeman stated per Council Rules he would like to make a motion this proposed ordinance be postponed to the next regular meeting with a second by Ms. Voelker the motion carried.

NEW BUSINESS

Mayor Wood said he would like to invite everyone to the National Night Out from 5:30 to 7:30 p.m. at Central Park.

Mr. Mammolenti said he would be having his Twin Branch meeting at Central Park for the National Night Out.

Mr. Emmons said he would be having his neighborhood meeting at St. Bavo School on August 20th at 7:00 p.m. He said his speaker would be U.S. House of Representatives 2nd District Jackie Walorski.

Adjournment at 7:40 p.m.

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

Working Memorandum of Meeting
Mishawaka City Council

Study Session Budget + Finance Committee

Please fill out the memorandum as indicated. Then file it with the Clerk. The Clerk will convert it if necessary and file it accordingly.

Date: 8/10/2015 **Time:** 7:00pm **Location:** Council Chambers

Officials:	Present	Absent
Dale "Woody" Emmons	✓	
Mike Bellovich	✓	
John Reisdorf	✓	
Kate Voelker	✓	
Mike Compton	✓	
Ronald S. Banicki	✓	
Matt Mammolenti	✓	
John J. Roggeman	✓	
Dan Bilancio	✓	

Others present: Jim Schrader, John Julien, Karl Kopec

Subject Matters proposed or discussed during the Session:
I&M Cost Adjustment

There being no further business to discuss, the meeting concluded at 7:46pm.

President or Meeting Leader
Mike Compton, Chairman of Budget + Finance Committee

Attest:

Deborah S. Block

Deborah S. Block, IAMC, MMC
City Clerk

City of Mishawaka

OFFICE OF THE CITY CLERK Deborah S. Block, IAMC, MMC, City Clerk

NOTICE

THE BUDGET AND FINANCE COMMITTEE OF THE MISHAWAKA COMMON COUNCIL WILL MEET

ON
Monday
August 10, 2015

At
7:00 p.m.

At City Hall
600 East 3rd Street
Council Chambers

To discuss

Electric Rate Increase
Due to I&M Cost of power adjustment

Mary Ellen Hazen, Chief Deputy Linda Dotson, Deputy
City Hall, 600 East Third Street Mishawaka, IN 46544-2241 (574) 258-1616 FAX (574) 258-1728
E-mail: dblock@Mishawaka.in.gov Website: Mishawaka.in.gov

Phil Zwickl

WHY AM I HERE, I ASK MYSELF EACH TIME THE UTILITY COMPANY REQUEST AN INCREASE OF RATES.

MY COMPLAINT MOSTLY BASED VOLUME DISCOUNTS. IT'S TIME TO GET OUT OF VOLUME DISCOUNT BUSINESS. THE UTILITY COMPANY IS OWNED BY THE CITIZENS OF MISHAWAKA, NOT OUTSIDE BUSINESS INTERESTS.

HOWEVER, TONIGHT WE ARE HAVING A HEARING OF A RATE INCREASE BASED ON, INDIANA AND MICHIGAN ELECTRIC ADJUSTMENT COSTS.

A COMMENT TO THE COUNCIL, "YOU WERE TOLD SEVERAL YEARS AGO THAT BY GETTING OUT OF THE THAT INDIANA UTILITY REGULATORY COMMISSION CONTROL WOULD REDUCE COSTS. WHAT I SEE IS UMBAUGH ASSOCIATES STILL REPRESENTING THE UTILITIES AND RATE CASES COMING TO THE CITY COUNCIL MORE FREQUENTLY, AND NOW THEY WANT THE OLD "TRACKER CHARGE SYSTEM" TO BE REPLACED WITH THE "TRUE UP CHARGE SYSTEM." TO BE FAIR THE UTILITY COMPANY DID INFORM THE PUBLIC THERE WILL BE REQUEST FOR ADDITIONAL FUNDS FOR THE INCREASE COST IN INDIANA AND MICHIGAN POWER COMPANY CHARGES TO MISHAWAKA UTILITIES.

REGARDING ELECTRICAL RATES

ELECTRICAL RATES ARE BASED IN THREE CATEGORIES.

1. PRODUCTION OF ELECTRICITY
2. TRANSMISSION OF ELECTRICITY
3. LOCAL DISTRIBUTION OF ELECTRICITY

THE PRODUCTION COSTS FOR ELECTRIC VARIES GREATLY LIKE OTHER COMMODITIES, COST FOR TRANSMISSION AND LOCAL DISTRIBUTION (MISHAWAKA UTILITIES ELECTRIC COSTS) ARE FAIRLY STABLE IN COMPARISON.

MY QUESTION TO THE COUNCIL:

HAS THE MISHAWAKA UTILITIES PROVIDED SUFFICIENT INFORMATION REGARDING COSTS BY LINE ITEMS OR ACCOUNT NUMBERS. IN EACH OF THE THREE CATEGORIES OF, PRODUCTION OF ELECTRIC, TRANSMISSION OF ELECTRIC, AND LOCAL DISTRIBUTION OF ELECTRIC? IF NOT WHY NOT?

IN ADDITION, THE NEW BILLING STATEMENT SHOULD INCLUDE USAGE AND COST INFORMATION FOR THREE CATEGORIES: ELECTRIC PRODUCTION, TRANSMISSION, AND LOCAL DISTRIBUTION. SO THIS INFORMATION IS EASILY TRACKED.

THERE IS ALSO NEED TO LOOK AT INSTALLING TURBINES TO PRODUCE ELECTRICITY, I ESTIMATE APPROXIMATELY 71 THOUSAND KILOWATT ARE WASTED EACH HOUR AT THE CENTRAL PARK DAM.

A WORD OF CAUTION: AS WE GO FORWARD IN TIME MORE AND MORE ENERGY EFFICIENT PRODUCTS WILL COME AVAILABLE. EXAMPLE: TODAY, A 60 WATT INCANDESCENT CONSUMES 60 WATTS, 60 WATT EQUIVALENT LED BULB WILL CONSUME 10 WATTS. A REDUCTION OF 50 WATTS, WHAT IS THE ELECTRIC UTILITY PLAN FOR THE FUTURE? THE UTILITY COMPANY WILL BE CRYING LIKE THE POST OFFICE WHEN IT LOST MAIL VOLUMES, LESS VOLUME MEANS LESS MONEY, FIXED COSTS WILL INCREASED COSTS PER KILOWATT TO THE CUSTOMER.

2015	ELEC KWH UNITS	WATER CF UNITS	GAS THERMS UNITS	ELECTRIC COST	WATER COST	SEWAGE COST	GAS COST	TOTAL COST	Electric per KWH	water cost per CF	sewage per cf	GAS PER THERM
PERIOD												
JAN	585	490	196.1	$64.14	$13.83	$36.23	$164.63	$278.83	$0.1096	$0.0282	$0.0739	$0.83952
FEB.	609	610	194.1	$66.30	$15.86	$37.74	$154.75	$274.65	$0.1089	$0.0260	$0.0619	$0.79727
MAR	535	707	143.1	$59.52	$17.50	$38.95	$118.76	$234.73	$0.1113	$0.0248	$0.0551	$0.82991
APR	534	646	97.1	$59.53	$16.47	$38.19	$70.92	$185.11	$0.1115	$0.0255	$0.0591	$0.73038
MAY	738	1093	38.9	$77.95	$24.02	$37.77	$32.22	$171.96	$0.1056	$0.0220	$0.0346	$0.82828
JUN	700	1165	21.7	$74.52	$25.24	$37.77	$25.82	$163.35	$0.1065	$0.0217	$0.0324	$1.18986
JUL	977	1214	21.9	$99.53	$26.07	$37.77	$26.56	$189.93	$0.1019	$0.0215	$0.0311	$1.21279
AUG								$0.00	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
SEP								$0.00	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
OCT								$0.00	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
NOV								$0.00	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
DEC								$0.00	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
TOTAL	4678	5925	712.9	$501.49	$138.99	$264.42	$593.66	$1,498.56	0.1072	$0.02346	0.044628	

COMPARED TO SPLY + & - SPLY	ELECTRIC KWH UNITS	WATER CF UNITS	GAS THERMS UNITS	ELECTRI COST	WATER COST	SEWAGE COST	GAS COST	TOTAL COST
JAN	-231	-170	-74.6	-20.85	-1.61	-1.19	-29.99	-53.64
FEB.	-141	-56	-33.2	-12.74	-0.37	-0.27	-14.57	-27.95
MAR	-109	65	64.6	-9.94	1.27	0.94	49.64	41.91
APR	-151	30	-2	-13.64	0.51	0.38	-7.36	-20.11
MAY	150	155	-8.2	13.54	2.62	-4.07	-11.8	0.29
JUN	-17	-1151	0.2	-1.54	-19.45	-21.33	-0.37	-42.69
JUL	61	-216	2.5	5.51	-3.65	-10.23	1.29	-7.08
AUG	0	0	0	0	0	0	0	0
SEP	0	0	0	0	0	0	0	0
OCT	0	0	0	0	0	0	0	0
NOV	0	0	0	0	0	0	0	0
DEC	0	0	0	0	0	0	0	0
TOTAL	4329	7018	401	447.57	144.24	257.32	326.46	1175.59

City of Mishawaka

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

August 12, 2015

RECEIVED
DEBORAH S. BLOCK, MMC
AUG 12 2015
CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
August 11, 2015, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #15-21 A petition submitted by Mary Golota, Golota Family Trust & Golota Charitable Remainder Unitrust requesting to amend the Northwest Capital and Toll Road Planned Unit Development to permit pre-cast concrete liner panels with brick look for exterior building façade.

The Commission, with a vote of 7-0, forwarded a favorable recommendation.

PETITION #15-22 A petition submitted by Beacon Health Systems, Inc. and Memorial Health Systems, Inc. requesting to amend the Beacon Parkway at Capital Avenue Planned Unit Development to amend various developmental conditions.

The Commission, with a vote of 7-0, forwarded a favorable recommendation subject to the following conditions:

1. To allow a minimum 50-ft front-yard setback along Beacon Parkway and a 40-ft building setback along Capital Avenue and internal collector drives.
2. To allow parking provided at a rate of a minimum of 3 spaces per 1000 sf of gross floor area.
3. To allow a maximum height of lighting poles with bases to be 28-ft. Use of ornamental light standards similar to lighting on Beacon Parkway allowed on interior sites.
4. To allow pre-cast linear embossed brick texture material with a stain finish and EIFS as appropriate architectural materials.
5. To allow the elimination of the required 3-ft earth berm and hedge plantings along Capital Avenue and Beacon Parkway.
6. To allow flexibility in spacing of required trees along Capital Avenue and Beacon Parkway. However, required number of tree planting shall be adhered to. Tree plantings may be a combination of evergreen and/or deciduous trees.
7. To allow for 5-ft ornamental fencing within the setback along Capital Avenue.
8. Previously approved PUD standards shall be adhered to.

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

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Daryl Knip
Phil Panzica

STAFF REPORT

Location: Beacon Parkway	Date: August 11, 2015
Petition: 15 21	Prepared By: GGS

GENERAL INFORMATION

Applicant:	Mary Golata, Golata Family Trust & Golata Charitable Remainder Unitrust
Status:	Property Owner
Request:	Amend PUD to allow concrete linear panels
Zoning Classification:	S-2 Planned Unit Developments
Lot Size:	Approximately 7.07 acres
Applicable Regulations:	Section 137-671 to 137-679 S-2 Planned Unit Development District Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	S-2 Planned Unit Development
	South:	S-2 Planned Unit Development
	East:	S-2 Planned Unit Development
	West:	S-2 Planned Unit Development

Thoroughfare:	Beacon Parkway
School District:	Penn-Harris-Madison School Corporation
Township:	Harris
Public Utilities:	All utilities are available or will be available to the site
Comprehensive Plan:	Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Commercial Growth.

ANALYSIS

The petitioner is requesting to amend the Northwest Capital Avenue and Toll Road PUD to allow for the use of precast concrete linear panels with a brick pattern that is stained to look like brick. The PUD is located just northwest of Capital Avenue and the Toll Road. The portion of the PUD to be amended is an approximate 7.07 acre vacant parcel located north along Beacon Parkway.

The petitioner desires to construct a new 2-story 60,000 sf office building on the site. The approved conditions established with this PUD states that:

"All proposed buildings shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest."

The Design Review Ordinance architectural materials require the following:

"The use of natural materials shall be encouraged. Natural materials shall include, but shall not be limited to, fired brick, limestone, river stone, slate, granite or other similar material. Use of imitation or synthetic materials shall be discouraged. Imitation or synthetic materials shall include but shall not be limited to aluminum or vinyl siding, wood siding, pressed concrete veneer brick, exposed pre-cast concrete, concrete block (smooth, split face, or otherwise), or replicate stone. Structures that primarily consist of glass and steel and/or stucco shall be discouraged. Glass block, stucco, metal, and wood may be utilized as an accent or decorative feature incidental to the principle natural materials. The use of reflective glass shall be discouraged. The use of metal, fiberglass, or hard plastic awnings shall be discouraged. Appropriate awning materials include cloth, canvas, or similar materials with a concealed frame. "

The proposed precast concrete linear panels with a brick pattern that is stained to look like brick would be considered a "synthetic material" as stated above and is discourage as an appropriate architectural material and is not allowed under the PUD conditions of approval. Therefore, the petitioner is requesting to amend the PUD to allow for the use of this architectural material treatment. The staff has reviewed the proposed and feels that the proposed material is of high quality and would meet the intent of the original PUD to utilize appropriate architectural materials.

RECOMMENDATION

Staff recommends in favor of amending the NW Capital Avenue and Toll Road PUD to allow for the use of precast concrete linear panels with a brick pattern that is stained to look like brick. This recommendation is based upon the following findings of fact:

1. Existing Conditions- The proposal is in keeping with the existing area and future proposed developments by maintaining commercial uses.
2. Character of Buildings in Area- The character of the buildings located in the area will be commercial. The proposed facility will be commercial in nature.
3. The most desirable/highest and best use- Due to the presence of the commercial activity in the surrounding area, and the surrounding approved PUDs, the most desirable/highest use is the proposed commercial use.
4. Conservation of property values- The proposed amendment will not be injurious to property values in the surrounding area, because the proposed will be compatible with the surrounding commercial developments in the area.
5. Comprehensive Plan- This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area and commercial activity as identified in the Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka

ATTACHMENTS

Photographs, Petition, Plan

STAFF REPORT

Location: Southwest corner of Capital Avenue & Beacon Parkway Date: August 11, 2015

Petition: 15 22 Prepared By: GGS

GENERAL INFORMATION

Applicant:	Beacon Health Systems, Inc. & Memorial Health Systems Inc.
Status:	Property Owner
Request:	Amend PUD to allow for change in PUD standards
Zoning Classification:	S-2 Planned Unit Developments
Lot Size:	Approximately 47.2 acres
Applicable Regulations:	Section 137-671 to 137-679 S-2 Planned Unit Development District Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	S-2 Planned Unit Development
	South:	S-2 Planned Unit Development
	East:	Unincorporated St. Joseph County
	West:	S-2 Planned Unit Development

Thoroughfare:	Capital Avenue & Beacon Parkway
School District:	Penn-Harris-Madison School Corporation
Township:	Harris
Public Utilities:	All utilities are available or will be available to the site
Comprehensive Plan:	Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Commercial Growth.

ANALYSIS

The petitioner desires to construct a new 67,610 sf health and fitness facility on property located at the southwest corner of Capital Avenue and Beacon Parkway. The proposed building will consist of 60,410 sf on the first floor level and 7,200 sf on the second floor. A second future 50,465 sf annex shell space is also proposed on the property.

Access to the site will be via an access drive off of Beacon Parkway. A total of 375 parking spaces are proposed. The original PUD standards required a minimum ratio of 4 parking spaces per 1000 sf of building area. The petitioner is requested to amend the PUD standards to allow for a ratio of 3 parking spaces per 1000 sf of building area. The reduction in parking will allow for better usage of the property without having to provide more parking than needed and provide more open space.

The petitioner has provided building setbacks of 50-ft along Beacon Parkway and 40-ft along Capital Avenue. The approved setbacks of the PUD required a minimum setback of 75-ft from public right-of-ways and private collector drives. The petitioner is requesting to amend the PUD conditions to allow for the proposed 40-ft and 50-ft building setbacks. The PUD Ordinance also required a 25-ft pavement setback along Capital Avenue right-of-way. However, the submitted plan shows a small section of a service drive that encroaches into this setback. Given the width of the Capital Avenue right-of-way, the PUD shall be amended to allow this section to encroach.

Site lighting has been provided with 90-degree cut-off shield fixtures. These lights will be placed on a 25-ft pole with a concrete base of 3-ft. The PUD limited lighting to a minimum of 25-ft in height. Therefore, the petitioner is requesting to amend the PUD to allow for the 25-ft lighting on a 3-ft base for a total height of 28-ft.

A preliminary landscape plan has been submitted with the site plan. The plan is incomplete and a more detailed plan has been requested. Additions to landscape plan include calculating interior landscape islands, providing required landscaping along public right-of-ways, and labeling specific plantings. The approved PUD Ordinance required landscaping in accordance with the Commercial Landscape Ordinance and required a 3-ft high earth mound along all public right-of-ways and internal collector drives. The petitioner is requesting to amend the PUD to eliminate the required 3-ft earth mound along Capital Avenue and Beacon Parkway. There is an extensive elevation difference between the site and Capital Avenue and Beacon Parkway. The Capital Avenue right-of-way is approximately 4-ft higher at the northeast corner of the site and increasing to 24-ft at the southeast corner of the site. The 3-ft high earth mound would not have a buffering affect along this portion of the site. Tree plantings shall still be required along Capital Avenue and Beacon Parkway. However, flexibility in spacing may be allowed as to allow appropriate planting in conjunction with trees planted by the City along right-of-ways.

The proposed building will consist of a combination of EIFS and pre-cast liner embossed brick texture with a 25-year pigmented stain finish. The PUD Ordinance states:

"All proposed buildings shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest."

The Design Review Ordinance architectural materials require the following:

"The use of natural materials shall be encouraged. Natural materials shall include, but shall not be limited to, fired brick, limestone, river stone, slate, granite or other similar material. Use of imitation or synthetic materials shall be discouraged. Imitation or synthetic materials shall include but shall not be limited to aluminum or vinyl siding, wood siding, pressed concrete veneer brick, exposed pre-cast concrete, concrete block (smooth, split face, or otherwise), or replicate stone. Structures that primarily consist of glass and steel and/or stucco shall be discouraged. Glass block, stucco, metal, and wood may be utilized as an accent or decorative feature incidental to the principle natural materials. The use of reflective glass shall be discouraged. The use of metal, fiberglass, or hard plastic awnings shall be discouraged. Appropriate awning materials include cloth, canvas, or similar materials with a concealed frame. "

The proposed pre-cast concrete linear panels with a brick pattern that is stained would be considered a "synthetic material" as stated above and is discourage as an appropriate architectural material and is not allowed under the PUD conditions of approval. Therefore, the petitioner is requesting to amend the PUD to allow for the use of this architectural material treatment. The staff has reviewed the proposed and feels that the proposed material is of high quality and would meet the intent of the original PUD to utilize appropriate architectural materials.

The petitioner has proposed an agility training area with field turf surface and a 5-ft ornamental fence. The fence encroaches into the building setback. Developmental standards require that no fence over 4-ft in height and a minimum 75% open be placed in the setback area. The PUD shall be amended to allow for the proposed fencing.

RECOMMENDATION

Staff recommends in favor of PET 15-22, amending the Walker PUD to allow for the following amendments to the PUD standards:

1. To allow a minimum 50-ft front-yard setback along Beacon Parkway and a 40-ft building setback along Capital Avenue and internal collector drives.
2. To allow parking provided at a rate of a minimum of 3 spaces per 1000 sf of gross floor area.
3. To allow a maximum height of lighting poles with bases to be 28-ft. Use of ornamental light standards similar to lighting on Beacon Parkway allowed on interior sites.
4. To allow pre-cast linear embossed brick texture material with a stain finish and EIFS as appropriate architectural materials.
5. To allow the elimination of the required 3-ft earth berm and hedge plantings along Capital Avenue and Beacon Parkway.
6. To allow flexibility in spacing of required trees along Capital Avenue and Beacon Parkway. However, required number of tree planting shall be adhered to. Tree plantings may be a combination of evergreen and/or deciduous trees.
7. To allow for 5-ft ornamental fencing within the setback along Capital Avenue.
8. Previously approved PUD standards shall be adhered to.

This recommendation is based upon the following findings of fact:

1. Existing Conditions- The proposal is in keeping with the existing area and future proposed developments by maintaining commercial uses.
2. Character of Buildings in Area- The character of the buildings located in the area will be commercial. The proposed facility will be commercial in nature.
3. The most desirable/highest and best use- Due to the presence of the commercial activity in the surrounding area, and the surrounding approved PUDs, the most desirable/highest use is the proposed commercial use.
4. Conservation of property values- The proposed amendment will not be injurious to property values in the surrounding area, because the proposed will be compatible with the surrounding commercial developments in the area.
5. Comprehensive Plan- This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area and commercial activity as identified in the Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka

ATTACHMENTS

Photographs, Petition, Plan, Location Map

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 12 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 8-17-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-22

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-19

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, 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, Harris Township, St. Joseph County, State of Indiana, to-wit:

A part of Section 23, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter of said Section 23; thence South 00°33'26" East along the East line of the Northwest Quarter of said Section 23, 2384.75 feet to the point of beginning and a point on the Southerly Right-of-Way of proposed Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway); thence the following Two (2) courses and distances along said Southerly Right-of-Way: 1) North 48°15'13" East, 360.31 feet; 2) South 86°05'17" East, 28.60 feet to a point on the Westerly Right-of-Way of Capital Avenue; thence the following Three (3) courses and distances along said Westerly Right-of-Way: 1) South 42°35'06" East, 70.90 feet; 2) 37°30'51" East, 451.77 feet; 3) South 40°31'24" East, 557.77 feet to a point on the Northerly Right-of-Way of the Indiana Toll Road; thence South 51°30'08" West along said Northerly Right-of-Way, 2920.66 feet to the East line of the West Half of the Southwest Quarter of said Section 23; thence North 00°24'31" West along said East line, 667.27 feet to the Southerly Right-of-Way of proposed Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway), also being a point of curve to the left having a radius of 860.00, subtended by a chord length of 782.96 feet, bearing North 50°12'30" East, thence Northeasterly along said curve and Right-of-Way 812.89 feet; thence North 23°07'48" East along said Southerly Right-of-Way, 873.31 feet to a point of curve to the right having a radius of 940.00 feet, subtended by a chord length of 408.89 feet, bearing North 35°41'30" East; thence Northeasterly along said curve and Right-of-Way 412.18 feet; thence North 48°15'13" East along said Southerly Right-of-Way, 166.85 feet to the point of beginning. Containing 47.2 acres, more or less, and subject to any easements, covenants, and right-of-ways of record.

Proposed Ordinance No: 2015-19

Ordinance No: ____________________________

COMMON ADDRESS: Southwest Corner of Capital Avenue and Beacon Parkway

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter be amended to allow for the following amended PUD standards/conditions:

1. To allow a minimum 50-ft front-yard setback along Beacon Parkway and a 40-ft building setback along Capital Avenue and internal collector drives.
2. To allow parking provided at a rate of a minimum of 3 spaces per 1000 sf of gross floor area.
3. To allow a maximum height of lighting poles with bases to be 28-ft. Use of ornamental light standards similar to lighting on Beacon Parkway allowed on interior sites.
4. To allow pre-cast linear embossed brick texture material with a stain finish and EIFS as appropriate architectural materials.
5. To allow the elimination of the required 3-ft earth berm and hedge plantings along Capital Avenue and Beacon Parkway.
6. To allow flexibility in spacing of required trees along Capital Avenue and Beacon Parkway. However, required number of tree planting shall be adhered to. Tree plantings may be a combination of evergreen and/or deciduous trees.
7. To allow for 5-ft ornamental fencing within the setback along Capital Avenue.
8. Previously approved PUD standards shall be adhered to.

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

1. Existing Conditions - The proposal is in keeping with the existing area and future proposed developments by maintaining commercial uses.
2. Character of Buildings in Area - The character of the buildings located in the area will be commercial. The proposed facility will be commercial in nature.
3. The most desirable/highest and best use - Due to the presence of the commercial activity in the surrounding area, and the surrounding approved PUDs, the most desirable/highest use is the proposed commercial use.
4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the proposed will be compatible with the surrounding commercial developments in the area.
5. Comprehensive Plan - This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area and commercial activity as identified in the Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka.

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.

Proposed Ordinance No: 2015-19

Ordinance No: ____________________

____
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

JUL 30 2015

CITY CLERK
MISHAWAKA, IN

JUL 22 2015

July 22, 2015

Pet 15-22

Honorable Members of the Common Council
City of Mishawaka, Indiana
600 E. Third Street
Mishawaka, IN 46544

RE: Beacon Health Systems, Inc. and Memorial Health Systems, Inc., Petition for an Amended PUD:

The undersigned, Beacon Health Systems, Inc. and Memorial Health Systems, Inc., the Petitioners, respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, Penn Township, St. Joseph County, Indiana:

A Part of Section 23, Township 38 North, Range 3 East, ~~Clay~~ HARRIS Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter corner of said Section 23; thence South 00°33'26" East along the East line of the Northwest Quarter of said Section 23, 2484.75 feet to the point of beginning and a point on the Southerly Right-of-Way of proposed Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway); thence the following Two (2) courses and distances along said Southerly Right-of-Way: 1) North 48°15'13" East, 360.31 feet; 2) South 86°05'17" East, 28.60 feet to a point on the Westerly Right-of-Way of Capital Avenue; thence the following Three (3) courses and distances along said Westerly Right-of-Way: 1) South 42°35'06" East, 70.90 feet; 2) South 37°30'51" East, 451.77 feet; 3) South 40°31'24" East, 557.77 feet to a point on the Northerly Right-of-Way of the Indiana Toll Road; thence South 51°30'08" West along said Northerly Right-of-Way, 2920.66 feet to the East line of the West Half of the Southwest Quarter of said Section 23; thence North 00°24'31" West along said East line, 667.27 feet to the Southerly Right-of-Way of proposed Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway), also being a point of curve to the left having a radius of 860.00 feet, subtended by a chord length of 782.96 feet, bearing North 50°12'30" East; thence Northeasterly along said curve and Right-of-Way 812.89 feet; thence North 23°07'48" East along said Southerly Right-of-Way, 873.31 feet to a point of curve to the right having a radius of 940.00 feet, subtended by a chord length of 408.89 feet, bearing North 35°41'30" East; thence Northeasterly along said curve and Right-of-Way 412.18 feet; thence North 48°15'13" East along said Southerly Right-of-Way, 166.85 feet to the point of beginning.

Containing 47.2 acres, more or less, and subject to any easements, covenants, and right-of-ways of record.

Also commonly known as the Southwest corner of Capital Avenue and Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway), Granger, Indiana 46530.

The above described parcel of land is presently zoned "S-2" Planned Unit Development District under the City of Mishawaka zoning development codes.

The Petitioners desire to amend the existing standards for the previously approved "S-2" Planned Unit Development District, known by Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, and Ordinance No. 5186. The requested amended standards would be for the above described real estate portion of the previously approved "S-2" Planned Unit Development District. More specifically the Petitioners are requesting amended standards for Lighting, Building Limitations/Architecture and Parking/Landscaping.

With regards for site Lighting, the previously approved Ordinance standards requires lighting poles limited to a maximum height of 25 feet and having 90-degree cut-off shielded fixtures. The amended request would allow fixtures to be placed on three foot high concrete bases which would limit light poles with base to a maximum height of 28 feet. The fixtures will still have 90-degree cut-off shielding. The lighting plan submitted would still limit maximum foot-candles at property line to 3 foot candles. The amended standard would also allow for the use of ornamental light standards that would be similar in design to those used by the City for Beacon Parkway. The submitted final site plan would provide specifications for all planned site lighting which will allow for full review by the Planning staff.

With regards for Building Limitations/Architecture, the previously approved Ordinance standards require buildings to be constructed of 100% approved materials as identified within Section 161.41 of the City Municipal Code as mended. Materials and colors shall be varied to provide architectural interest. The amended request would allow for materials to include pre-cast liner embossed brick texture with a 25-year pigmented stain finish. This amendment would still allow for varying building materials and at the same time providing for architectural interest. The submitted final site plan would provide color building elevations with specifications for all planned building materials which will allow for full review by the Planning staff.

Also under Building Limitations/Architecture, the previously approved Ordinance standards require buildings to be setback a minimum 75 feet from public right-of-ways and private collector drives. The amended request would allow for a minimum setback of 50 feet along Beacon Parkway and 40 feet along Capital Avenue. This 50 foot building setback would still maintain a visual and physical setback of approximately 70 foot from Beacon Parkway pavement and over 90 feet from the Capital Avenue pavement. The amended building setbacks along the public right-of-ways should provide a more than adequate open space along the public street frontages. In regards to the building setback from the private collector drives, in most instances, any proposed development done along the private collectors, a 40 foot building setback should be more than adequate. Interior sites typically place parking in front of the proposed building, which results in buildings being further back from the private collector drives.

With regards to Parking/Landscaping, the previously approved Ordinance standards require placement of a minimum three (3) foot high earth mound along all public right-of-ways and internal collector drives. The amended request would eliminate the requirement of the earth mound along the Capital Avenue frontage. There is an extensive elevation difference between the petition site and the Capital Avenue right-of-way. The Capital Avenue right-of-way is approximately four (4) feet higher at the northeast corner of the site and increasing to twenty-four (24) feet at the southeast corner of the site. The three foot mound requirement would not have a buffering affect along this portion of the site. The Petitioners propose using over-story deciduous or evergreen trees instead along this frontage. The submitted final site plan would provide a detailed landscape plan which will allow for full review by the Planning staff.

The last requested amendment to the previously approved PUD standards is to allow parking to be provided at a ratio of 3.0 parking spaces per 1,000 square foot of gross floor area. The previously approved standard for parking was 4 spaces per 1,000 square foot of gross floor area. The requested slight adjustment would allow for better usage of property without having to provide more parking than needed. Excessive parking leads to less open space and creating a more intense heat island affect for paved areas.

These requested amended changes to the PUD Development standards are shown on the attached preliminary site plan.

All other previously approved PUD standards for Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, Ordinance No. 5186, shall be adhered to for the development of the above described property.

Wherefore, the Petitioners prays 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 the rezoning the above described parcel of real estate located in the City of Mishawaka, Indiana.

Jeffrey P. Costello
Vice President & Chief Financial Officer
Beacon Health System, Inc.
615 N. Michigan Street
South Bend, IN 46601
574-647-3699

Jeffrey P. Costello
Vice President & Chief Financial Officer
Memorial Health Systems, Inc.
615 N. Michigan Street
South Bend, IN 46601
574-647-3699

Contact person:
Philip E. Panzica, RA, NCARB
President / Principal Architect
Panzica Architecture Group
416 East Monroe Street, Suite 320
South Bend, Indiana 46601
(574) 234-1123
e-mail: pepanzica@panzica.net

End

July 22, 2015

Honorable Members of the Common Council and the
Plan Commission of the City of Mishawaka, Indiana
600 E. Third Street
Mishawaka, IN 46544

RE: Beacon Health Systems, Inc. & Memorial Health Systems, Inc.
Amended PUD Request:

Dear Council Members,

This letter is to inform the Board Members that we have granted authority to Panzica Architecture Group of South Bend to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Amended PUD Request will be heard.

If you have any questions, or require additional information concerning this matter, please feel free to give me a call at 574-647-3699.

Sincerely,

Jeffrey P. Costello
Vice President & Chief Financial Officer
Beacon Health System, Inc.
615 N. Michigan Street
South Bend, IN 46601

Jeffrey P. Costello
Vice President & Chief Financial Officer
Memorial Health Systems, Inc.
615 N. Michigan Street
South Bend, IN 46601

LEGAL DESCRIPTION

A Part of Section 23, Township 38 North, Range 3 East, Clay Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter corner of said Section 23; thence South 00°33'26" East along the East line of the Northwest Quarter of said Section 23, 2484.75 feet to the point of beginning and a point on the Southerly Right-of-Way of proposed Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway); thence the following Two (2) courses and distances along said Southerly Right-of-Way: 1) North

48°15'13" East, 360.31 feet; 2) South 86°05'17" East, 28.60 feet to a point on the Westerly Right-of-Way of Capital Avenue; thence the following Three (3) courses and distances along said Westerly Right-of-Way: 1) South 42°35'06" East, 70.90 feet; 2) South 37°30'51" East, 451.77 feet; 3) South 40°31'24" East, 557.77 feet to a point on the Northerly Right-of-Way of the Indiana Toll Road; thence South 51°30'08" West along said Northerly Right-of-Way, 2920.66 feet to the East line of the West Half of the Southwest Quarter of said Section 23; thence North 00°24'31" West along said East line, 667.27 feet to the Southerly Right-of-Way of proposed Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway), also being a point of curve to the left having a radius of 860.00 feet, subtended by a chord length of 782.96 feet, bearing North 50°12'30" East; thence Northeasterly along said curve and Right-of-Way 812.89 feet; thence North 23°07'48" East along said Southerly Right-of-Way, 873.31 feet to a point of curve to the right having a radius of 940.00 feet, subtended by a chord length of 408.89 feet, bearing North 35°41'30" East; thence Northeasterly along said curve and Right-of-Way 412.18 feet; thence North 48°15'13" East along said Southerly Right-of-Way, 166.85 feet to the point of beginning. Containing 47.2 acres more or less. Subject to any easements, covenants and right-of-ways of record.

Also commonly known as the Southwest corner of Capital Avenue and Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway), Granger, Indiana 46530.

<u>PETITIONERS:</u>

Beacon Health System, Inc.
615 N. Michigan Street
South Bend, IN 46601

Memorial Health Systems, Inc.
615 N. Michigan Street
South Bend, IN 46601

<u>ARCHITECT:</u>

Philip E. Panzica, RA, NCARB
President / Principal Architect
Panzica Architecture Group
416 East Monroe Street, Suite 320
South Bend, Indiana 46601
(574) 234-1123

<u>AMENDED PUD REQUEST:</u>

The Petitioners desire to amend the existing standards for the previously approved "S-2" Planned Unit Development District, known by Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, and Ordinance No. 5186. The requested amended standards would be for the above described real estate portion of the previously approved "S-2" Planned Unit Development District. More specifically the Petitioners are requesting amended standards for Lighting, Building Limitations/Architecture and Parking/Landscaping.

GENERAL AMENDED PUD NOTES FOR SITE DEVELOPMENT:

BUILDING SETBACKS:

A). MINIMUM 50 FT. FRONT-YARD BUILDING SETBACK ALONG BEACON PARKWAY PUBLIC RIGHT-OF-WAYS.

B). MINIMUM 40 FT. FRONT-YARD BUILDING SETBACK ALONG CAPITAL AVENUE & INTERNAL COLLECTOR DRIVES.

PARKING REQUIREMENTS:

A). PARKING PROVIDED AT A RATE OF A MINIMUM OF 3.0 SPACES PER 1,000 SQUARE FOOT OF GROSS FLOOR AREA.

SITE LIGHTING:

A). MAXIMUM HEIGHT OF LIGHTING POLES WITH BASES IS 28 FEET, 90 DEGREE FULL CUT-OFF SHEILDED FIXTURES.

B). USE OF ORNAMENTAL LIGHT STANDARDS SIMILAR TO LIGHTING USED ON BEACON PARKWAY ALLOWED ON INTERIOR SITES.

BUILDING/ARCHITECTURAL:

A). BUILDINGS TO BE CONSTRUCTED OF 100% APPROVED MATERIALS AS IDENTIFIED WITHIN SECTION 161.41 OF THE CITY MUNICIPAL CODE AS MENDED. MATERIALS AND COLORS SHALL BE VARIED TO PROVIDE ARCHITECTURAL INTEREST. ALSO PERMITTED ARE PRE-CAST LINEAR EMBOSSED BRICK TEXTURE MATERIALS WITH A 25-YEAR PIGMENTED STAIN FINISH.

LANDSCAPING:

A). NO EARTH MOUNDING IS REQUIRED ALONG THE CAPITAL AVENUE FRONTAGE.

OTHER PUD STANDARDS:

A). PREVIOUSLY APPROVED PUD STANDARDS SHALL BE AHERED TO OTHER THAN THE ABOVED AMENDED STANDARDS.

PROPERTY OWNERS LIST:

1ST SOURCE BANK
100 N. Michigan St.
2nd Floor
South Bend, Indiana 46601

Capital Plaza LLC
11652 Oakwood Lane
Granger, Indiana 46530

Harris Prairie Church of Christ
14719 State Road 23
Granger, Indiana 46530

Granger Property Development LLC
211 North Eddy Street
South Bend, Indiana 46617

CITY OF MISHAWAKA INDIANA
600 East Third St
Mishawaka, Indiana 46544

Morris Realty LLC
54731 Beaver Creek Trail
Mishawaka, Indiana 46545

Mark A. & June A. Stroud
Trustees of Mark and June Stroud Living Trust
52233 Evergreen
Granger, Indiana 46530

MEMORIAL HEALTH SYSTEM INC
615 N Michigan St
South Bend, Indiana 46601

GOLATA MARY, CLEMENT CHRISTINE M GOLATA
CATHERINE A GOLATA FAMILY TRUST
W/ GOLATA RAYMOND L & ANDREE J AS TRUSTEES
GOLATA CHARITABLE REMAINDER UNITRUST
W/ GOLATA RAYMOND L & ANDREE J TRUSTEES
P.O. Box 790153
Virgin, Utah 84779

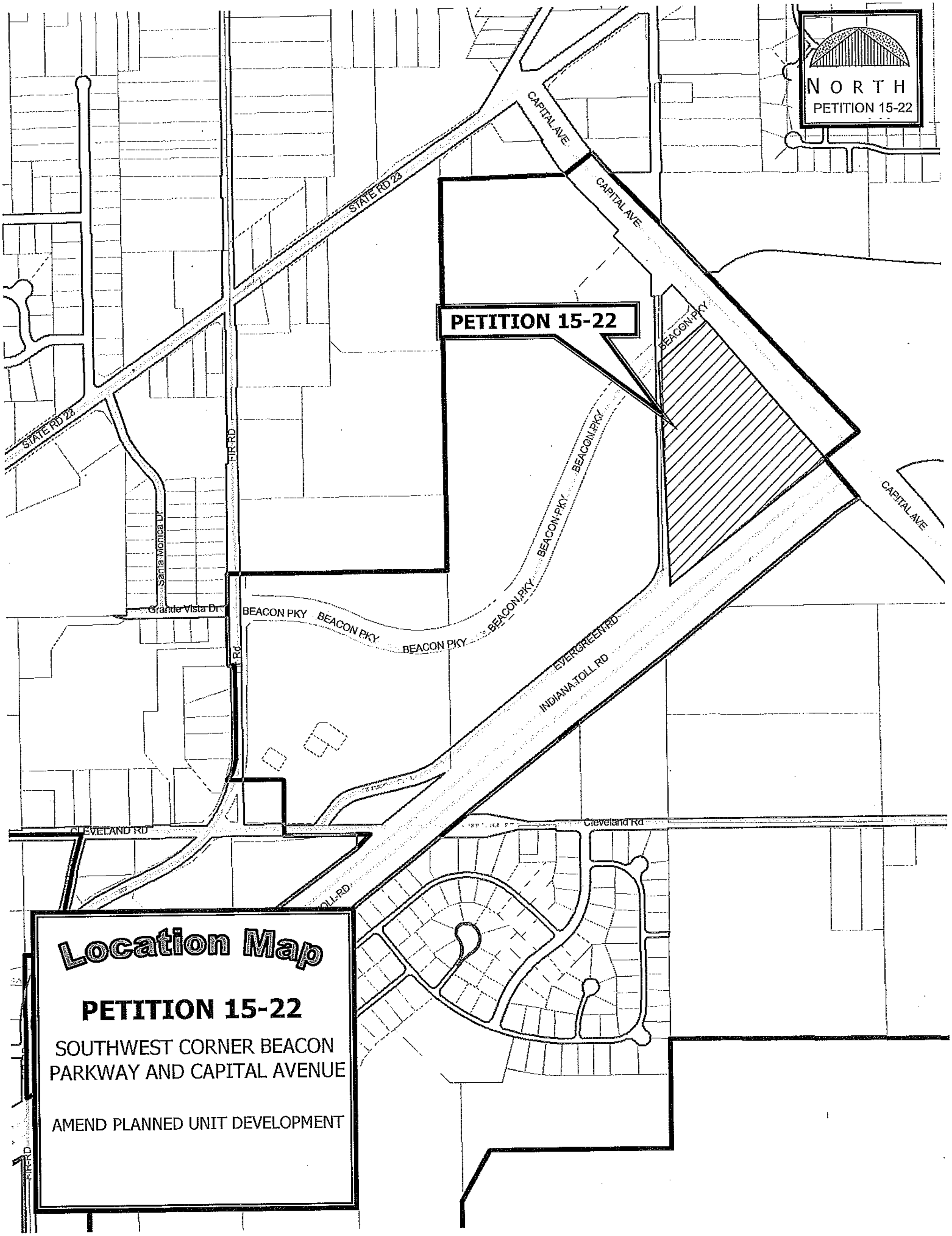
WALKER GEORGE AUGUST WALKER JEROME
FRANCIS MCCAY
ROSALIE ANN BULKIN CAROLYN LEE DEFREE
UW VIRGINIA MAY
52200 Snowberry Road
New Carlisle, Indiana 46552

Donald E. and Mary J. Frush
14710 State Road 23
Granger, Indiana 46530

State of Indiana
INDOT LaPorte Dist.
LaPorte, Indiana 46352

Harold H. and Nancy D. Hall
52177 Evergreen Road
Granger, Indiana 46530

End


NORTH
PETITION 15-22
CAPITAL AVE
STATE RD 23
PETITION 15-22
BEACON PKY
FIR RD
Santa Monica Dr
Grande Vista Dr
EVERGREEN RD
INDIANA TOLL RD
CLEVELAND RD
Cleveland Rd
Location Map
PETITION 15-22
SOUTHWEST CORNER BEACON
PARKWAY AND CAPITAL AVENUE
AMEND PLANNED UNIT DEVELOPMENT

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 12 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 8-17-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-21

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-20

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, Harris Township, St. Joseph County, State of Indiana, to-wit:

A PART OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23, THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, 2,325.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BEACON PARKWAY; THENCE SOUTH 48°15'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 271.86 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 1060.00 FEET, BEING SUBTENDED BY A CHORD OF 86.04 FEET, BEARING SOUTH 45°55'40" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 86.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,060.00 FEET, BEING SUBTENDED BY A CHORD OF 376.73 FEET, BEING SOUTH 33°21'57" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 378.74 FEET; THENCE SOUTH 23°07'48" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 110.17 FEET; THENCE NORTH 66°52/12" WEST, 404.51 FEET; THENCE NORTH 00°27'48" WEST, 411.57 FEET; THENCE NORTH 56°55'30" EAST, 365.86 FEET; THENCE SOUTH 35°00'28" EAST, 130.71 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 525.00 FEET, BEING SUBTENDED BY A CHORD OF 76.00 FEET, BEARING SOUTH 67°01'27" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE, 76.07 FEET TO THE POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 76.00 FEET, SUBTENDED BY A CHORD OF 25.12 FEET, BEARING SOUTH 32°29'12" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE, 23.33 FEET TO A

POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, SUBTENDED BY A CHORD OF 167.39 FEET, BEARING SOUTH 53°30'22" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE, 168.18 FEET; THENCE SOUTH 43°52'13" EAST, 76.60 FEET TO THE POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, SUBTENDED BY A CHORD OF 41.48 FEET, BEARING SOUTH 00°08'04" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, 45.80 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAIN ING 7.07 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

COMMON ADDRESS: Near Northwest Corner of Capital Avenue and Beacon Parkway

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter be amended to allow for the use of precast concrete linear panels with a brick pattern stained to look like brick.

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

1. Existing Conditions - The proposal is in keeping with the existing area and future proposed developments by maintaining commercial uses.
2. Character of Buildings in Area - The character of the buildings located in the area will be commercial. The proposed facility will be commercial in nature.
3. The most desirable/highest and best use - Due to the presence of the commercial activity in the surrounding area, and the surrounding approved PUDs, the most desirable/highest use is the proposed commercial use.
4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the proposed will be compatible with the surrounding commercial developments in the area.
5. Comprehensive Plan - This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area and commercial activity as identified in the Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka

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

Proposed Ordinance No: 2015-20

Ordinance No: ______________________

PRESENTED by me to the Mayor this ________ day of ____________________, 2015, at _________ o'clock ____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ________ day of ___________________, 2015, at _________o'clock ____.M.

____

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 30 2015

CITY CLERK
MISHAWAKA, IN

JUL 22 2015

DATE: July 22, 2015

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

PET 15-21

RE: **PETITION FOR PUD AMENDMENT**

Proposed Bayer HealthCare Site
7.07 Acre Parcel on Beacon Blvd.

The undersigned, Mary Golota, Golata Family Trust & Golota Charitable Remainder Unitrust, respectfully show that they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

A PART OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, 2,325.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BEACON BOULEVARD; THENCE SOUTH 48°15'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 271.86 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 1060.00 FEET, BEING SUBTENDED BY A CHORD OF 86.04 FEET, BEARING SOUTH 45°55'40" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 86.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,060.00 FEET, BEING SUBTENDED BY A CHORD OF 376.73 FEET, BEARING SOUTH 33°21'57" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 378.74 FEET; THENCE SOUTH 23°07'48" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 110.17 FEET; THENCE NORTH 66°52'12" WEST, 404.51 FEET; THENCE NORTH 00°27'48" WEST, 411.57 FEET; THENCE NORTH 56°55'30" EAST, 365.86 FEET; THENCE SOUTH 35°00'28" EAST, 130.71 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 525.00 FEET, BEING SUBTENDED BY A CHORD OF 76.00 FEET, BEARING SOUTH 67°01'27" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE, 76.07 FEET TO THE POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 76.00 FEET, SUBTENDED BY A CHORD OF 25.12 FEET, BEARING SOUTH 32°29'12" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE, 25.23 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, SUBTENDED BY A CHORD OF 167.39 FEET, BEARING SOUTH 53°30'22" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE, 168.18 FEET; THENCE SOUTH 43°52'13" EAST, 76.60 FEET TO THE POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00

FEET, SUBTENDED BY A CHORD OF 41.48 FEET, BEARING SOUTH 00°08'04" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, 45.80 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 7.07 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

The above described a proposed parcel of land on:
Beacon Parkway, Granger, IN 46530

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for a mixed use commercial development including all C-1 General Commercial uses.

Petitioner desires said real estate to be amended as follows:

1. To allow the use of pre-cast concrete liner panels with a brick pattern that is stained to look like brick, to be an acceptable material for the exterior building facade.

Wherefore, Petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of Mishawaka.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and preliminary site plan of the project.

Mary Golota

Mary Golota
Golota Family Trust &
Golota Charitable Remainder Unitrust
P.O. Box 790153
Virgin, UT 84779

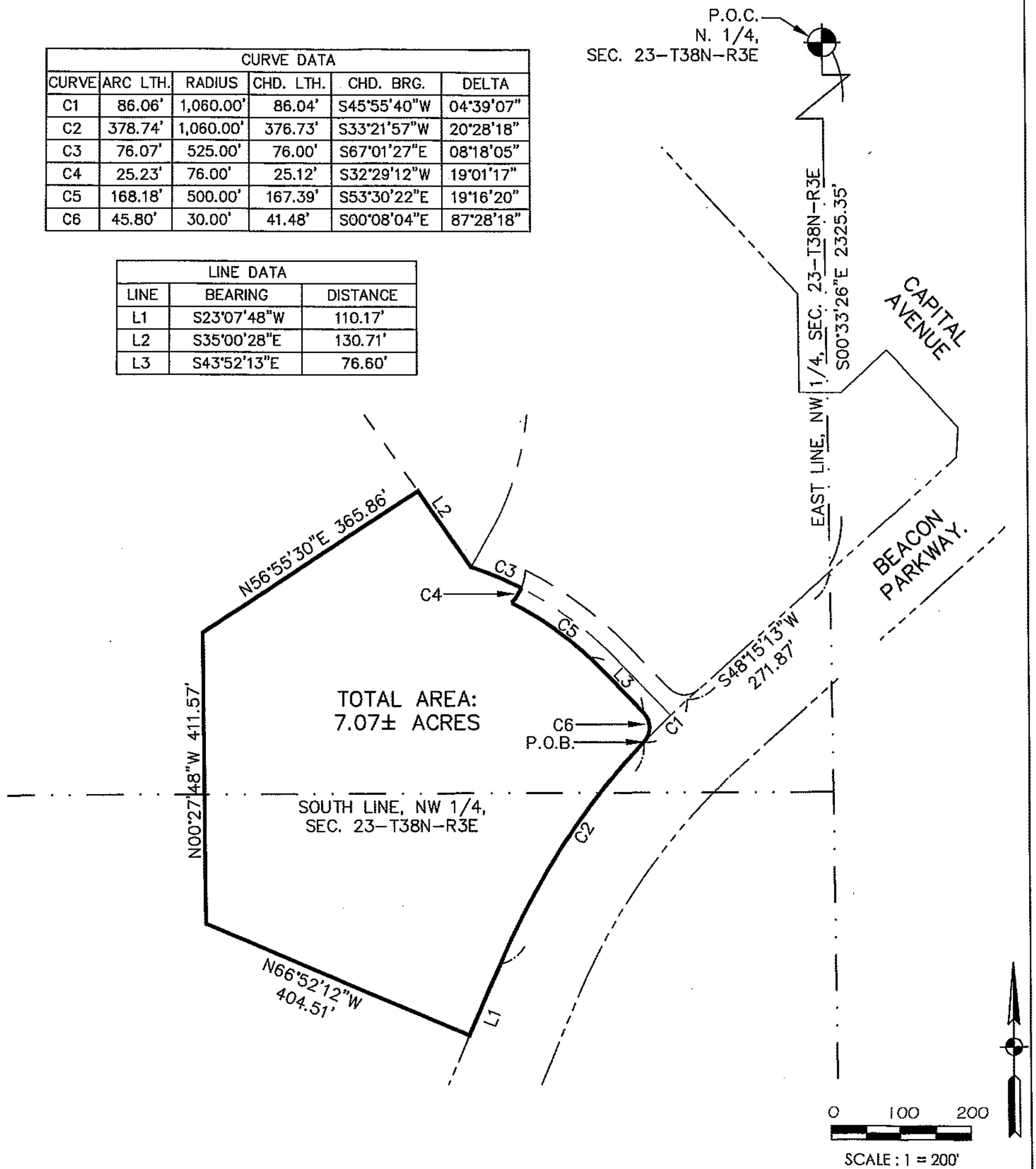
CONTACT PERSON:

Daryl S. Knip, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
dknip@abonmarche.com

EXHIBIT

CURVE DATA					
CURVE	ARC LTH.	RADIUS	CHD. LTH.	CHD. BRG.	DELTA
C1	86.06'	1,060.00'	86.04'	S45°55'40"W	04°39'07"
C2	378.74'	1,060.00'	376.73'	S33°21'57"W	20°28'18"
C3	76.07'	525.00'	76.00'	S67°01'27"E	08°18'05"
C4	25.23'	76.00'	25.12'	S32°29'12"W	19°01'17"
C5	168.18'	500.00'	167.39'	S53°30'22"E	19°16'20"
C6	45.80'	30.00'	41.48'	S00°08'04"E	87°28'18"

LINE DATA		
LINE	BEARING	DISTANCE
L1	S23°07'48"W	110.17'
L2	S35°00'28"E	130.71'
L3	S43°52'13"E	76.60'



7.07 ACRE PARCEL
SOUTHEAST QUARTER OF THE NORTHWEST QUARTER &
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER
SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST,
CITY OF MISHAWAKA, ST. JOSEPH CO., INDIANA

ABONMARCHE
Confidence By Design

DATE: **07-09-2015** ACI JOB #: **13-0064** SHT: **1** of **1**

E:\CIVIL 3D\ENG PROJ\13-0064 Capital Pointe\dwg\Capital Pointe Exhibits\2015-07-09 130064 7.07 acre Exhibit.dwg, Layout1, 7/22/2015 8:52:14 AM, Letter, 1:1

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 13 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 8-17-15
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015-21

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2015

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Park and Recreation Department budget in the Park and Recreation Fund adopted for the fiscal year ending December 31, 2015

Section 2. There is hereby transferred and reappropriated the sum of $28,000.00 as follows:

Park and Recreation Fund

From:	Park and Recreation Department	
	Services Personal	
	204-50-411-02 Regular Employees	16,000.00
	Supplies	
	204-50-429-14 Maintenance Supplies	12,000.00
	Total	$28,000.00
To:	Park and Recreation Department	
	Insurance	
	204-50-434-90 Insurance Premiums/Deductibles	8,000.00
	Repairs and Maintenance	
	204-50-436-01 Equipment/Facility Repair	20,000.00
	Total	$28,000.00

Section 3. This ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

This ______day of ____________________,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

MISHAWAKA PARKS & RECREATION

DAVID A. WOOD, MAYOR

DEPARTMENT OF PARKS & RECREATION

TERRY ZELLER
Superintendent

Date: July 23, 2015
To: Mishawaka Common Council
From: Terry Zeller, Superintendent of Parks
Re: Transfer of Park Department Funds

Mr. President and Honorable Council Members:

This letter will provide background information for our request to transfer funds within the Parks and Recreation operating budget.

After examining the operating budget and estimated expenditures for through the end of the year for the Parks and Recreation Department, a total of **$28,000.00** will need to be transferred into two specific lines. See below.

434.90	Insurance, Claims		$8,000.00
436.01	Repairs and Maintenance		$20,000.00
	TOTAL		**$28,000.00**

In order to accommodate the transfer of additional funds into the above accounts, we have scrutinized our general fund accounts and determined the transfers can come from two accounts. See Below:

411.02	Regular		$16,000.00
429.14	Maintenance Supplies		$12,000.00
	TOTAL		**$28,000.00**

Thank you for your consideration of this matter. Your approval will continue to allow the Parks and Recreation Department to operate efficiently and professionally to serve our customers and the City of Mishawaka. Should you have any questions, please do not hesitate to contact me either at the office (258-1664) or at home (259-8169).

Respectfully submitted,

Terry Zeller

Terry Zeller
Superintendent

cc: Honorable Mayor Dave Wood
Rebecca Miller, City Controller

TRANSFER OF PARK DEPARTMENT FUNDS
SUPPORTING DOCUMENTATION

During our examination of the departmental expenditures, we estimate that **$8,000.00** in additional funds will be needed in **"Insurance Claims" 204.50.434.90** to account for an increase in this cost for 2015.

There is also a need to increase our line item in **"Repairs & Maintenance" 204.50.436.01** by **$20,000** to cover the cost of major splash pad repairs and HVAC for buildings..

With respect to the requested transfer, listed *below* are the account lines from which monies will be **dispersed.**

411.02	Regular		$16,000.00
429.14	Maintenance Supplies		$12,000.00
	TOTAL		**$28,000.00**

With respect to the requested transfer of funds, listed *below* are the account lines into which monies will be **transferred.**

434.90	Insurance, Claims		$8,000.00
436.01	Repairs and Maintenance		$20,000.00
	TOTAL		**$28,000.00**

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **BUILDING - COMMUNITY DEVELOPMENT - PLANNING**

August 12, 2015

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At-Large City Council
Mr. Matt Mamolenti, At-Large City Council
Mr. John Roggeman, At-Large City Council
Mrs. Deborah Block, City Clerk

RECEIVED
DEBORAH S. BLOCK, MMC
AUG 12 2015
CITY CLERK
MISHAWAKA, IN

Re: Declaratory Resolutions 2015-29 (Condominium) and 2015-30 (Café)
Tax Abatement- Barak Group LLC
Proposed Iron Rock Condominium and Café

Dear Council Members and Clerk:

Attached is Declaratory Resolutions 2015-29 and 2015-30 for a tax abatement request that has been filed for consideration at your Monday August 17th Meeting. The request is for the Barak Group LLC which is proposing to construct 2 buildings on assembled parcels located south of and adjacent to the Mishawaka Riverwalk on the south side of the river, on the west side of the former Uniroyal complex redevelopment area. The properties are bordered by Ironworks Avenue extended to the south, Beutter Park to the east, and east of the eastern edge of West Street if it were to be extended toward the river. The condominium project is a pedestal building with proposed first level parking. Based on market conditions, 25-40 condominiums are envisioned in the first phase. The estimated construction cost has been estimated at $10,000,000. The Café property which was proposed following lengthy discussions with staff is intended to provide a transition between the public park land and the private condominiums. The Café' was proposed specifically because the developer felt that it served a need and was financially viable. From staff's perspective, having a small single story footprint lent itself to provide needed services to the park and riverwalk system, while being architecturally appropriate. The estimated construction cost for the Café portion has been identified at $450,000. Staff asked the developer to break the abatement request into two applications. Although they are intended to be built concurrently, this would allow potentially for different abatement levels for each component. The developer has proposed the same abatement amounts for each component. They are requesting a five-year abatement on the proposed improvements with a higher graduation of percentages. A copy of their applications and relevant materials have been attached for your review and information with the applicant's Counsel prepared resolutions.

Identical to the tax abatement request of Long Term Care Investments, LLC and the Barak River Rock project both which had received abatements in 2013, this property is located within the City's consolidated TIF District. As such, the City of Mishawaka Redevelopment Commission was required to consider the requests as the TIF designating body. This is an extra step in the normal abatement process. Outside the TIF areas of the City consideration of abatements is under the exclusive jurisdiction of the Mishawaka Common Council as the legislative body of the City. The Redevelopment Commission sign

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

off was required and appropriate because statewide, revenue generated from the new tax increment generated by developments such as this may be counted on to pay off debt obligations within tax increment district. Thus, if the abatement were to be approved within the TIF district, it could jeopardize the re-payment of bonds or other infrastructure improvements within the district. In this case, given the size of the TIF district relative to the size of the proposed project, this abatement requests were determined by the Commission as not have a an impact on the Commission's ability to complete projects or re-pay debt within or benefiting the district. As such, on Monday July 27th, 2015 the Redevelopment Commission approved the request and forwarded it on to the Mishawaka Common Council. The Redevelopment Commission specifically left the merits of the request, including the investment, type of use, number of jobs, wages, benefits, and length of abatement to the Common Council for review, discussion, and debate.

Unlike typical abatement requests, the Redevelopment Commission, as the owner of this property, has entered into a Development Agreement with the Barak Group, LLC. As part of that agreement the Commission agreed to support an abatement for this project. Specifically, the agreement indicated that "Based on what is being proposed, the Commission shall draft a letter of support for the abatement. The recommendation will include language on the number of years for the abatement, based on the schedule and investment proposed in phase 1 by the Developer." Relative to the specifics of the request, the Developer is requesting an aggressive 5-year abatement schedule, that would abate 100%, 95%, 90%, 85%, 80% of the new taxes associated with real property over the life of the abatement. This is identical to what was requested with the Barak River Rock Project located on Mishawaka Avenue.

To meet the obligation of the Development Agreement, the Redevelopment Commission in its entirety has signed and forwarded the attached recommendation letter to the Council for your review and consideration. This letter identifies the pertinent factors why an aggressive abatement such as this should be considered.

As you are aware, Tax Abatement requests before the Common Council are considered in two steps. The first step is the Declaratory Resolution where the abatement is essentially accepted for consideration.

Once the Declaratory Resolution is approved, the Clerk's Office has specific advertising requirements to notify other taxing entities within the jurisdiction that could be impacted by the abatement. This allows for input from those other taxing units prior to the Council's consideration and vote on the request. The second step is the hearing and consideration of a confirming resolution where the merits of the request are considered. The only items being considered at the August 17th meeting are the declaratory resolutions, which staff is recommending approval of to allow the appropriate advertising to take place. If approved, staff will prepare a more detailed financial analysis of the request as part of your consideration of the confirming resolution which would tentatively be reviewed at your Tuesday September 8th meeting.

Please do not hesitate to contact me with any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

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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

CITY OF MISHAWAKA

Jim Pingel, President

Redevelopment Commission

July 23, 2015

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At-Large City Council
Mr. Matt Mamolenti, At-Large City Council
Mr. John Roggeman, At-Large City Council
Mrs. Deborah Block, City Clerk

Re: Tax Abatement Resolutions-Former Uniroyal Properties
Barak Group LLC, proposed Iron Rock Development

Dear Clerk Block and Council Members:

On behalf of the Redevelopment Commission, similar to what was presented in 2013 for the mixed use development at 126 Mishawaka Avenue, we are taking the unusual step of writing a letter of support for the above referenced tax abatement. As you are aware, the Redevelopment Commission committed to provide a letter of support to the Council regarding abatements to the Barak Group LLC as part of our approval of a Development Agreement for a portion of the former Uniroyal Properties.

In that respect, the City of Mishawaka Redevelopment Commission is in full support of the Developer's request for a five (5) year tax abatement for the proposed condominium and café projects. Barak Group, LLC has requested a five (5) year tax abatement that would abate 100%, 95%, 90%, 85%, 80% of the new taxes associated with the real property over the life of the abatement.

Although aggressive, we believe that the most relevant factor to consider relative to the request is the fact that the Commission/City currently owns the majority of the property. Prior to the Barak Group's interest, the Commission has marketed some of this property multiple times without attracting the desired private investment.

From a demographics standpoint, one of the hindrances to attracting new commercial development to the downtown is the decreasing surrounding adjacent population and our modest annual household income. This project, if constructed, is being marketed to those that have a higher average income when compared to the older housing/population in vicinity of the project. The perspective residents/purchasers will not only help sustain existing businesses, but also create demand for additional development over time. The café portion of requested by the City to provide a transition between Beutter Park and the proposed residential uses, as well as to serve

Address: City Hall ∘ 600 East Third Street ∘ Mishawaka ∘ IN ∘ 46544-2241
Phone: (574) 258-1609 FAX: (574) 968-6999
E-mail: communitydevelopment @ mishawaka.in.gov

a large population that uses the park and Riverwalk. The two distinct components is the reason these have been filed as two separate abatements.

We feel that full support of the abatement as submitted will not only aid the developer by keeping the bottom line competitive in the market in the first critical years, it will send a broader message to those who might have other interest in developing downtown that the City is a willing partner.

We appreciate your consideration of the request.

Sincerely,

Jim Pingel, President

M. Gilbert Eberhart, Commissioner

Gary O'Dell, Vice President

Ross Deal, Commissioner

Kris Ermeti, Secretary

Larry Stillson, Commissioner

Cc- Mayor David A. Wood
Ken Prince, City Planner

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Phone: (574) 258-1609 FAX: (574) 968-6999
E-mail: communitydevelopment @ mishawaka.in.gov

EQUAL HOUSING OPPORTUNITY

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 12 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2015-29

(Condominium)

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING CERTAIN AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA, KNOWN AS

A PARCEL OF LAND IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA

TO BE AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF A REAL PROPERTY TAX ABATEMENT FOR

BARAK GROUP, L.L.C. and/or ITS ASSIGNS

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk of the City of Mishawaka, Indiana for consideration by the Common Council of the City of Mishawaka, Indiana requesting the area known as the parcel of land in the West half of the Northeast Quarter of Section 16, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana, to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

> Commencing at the Northeast corner of Lot 1 as shown on the additional plat of the Town of St. Joseph Iron Works, said point also being on the Southerly right-of-way of Front Street and the Westerly right-of-way of Hill Street; thence North 00°00'00" East parallel with the Westerly right-of-way of Hill Street Extended, 446.00 feet to the point of beginning; thence North 90°00'00" West, 80.00 feet; thence North 00°00'00" East, 177.00 feet; thence South 90°00'00" East, 205.00 feet; thence South 00°00'00" West; 177.00 feet; thence North 90°00'00" West, 125.00 feet to the point of beginning, said described parcel containing 0.83 Acres, more or less, and subject to any easements, covenants, restrictions, and right-of-way of record.

WHEREAS, the City, through its redevelopment commission has conducted an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area and Economic Development Target Area under Indiana Code § 6-1.1-12.1-1 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Redevelopment Commission has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area and Economic Development Target Area.

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

1. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements under the Act for tax abatement;

2. That the description of the proposed redevelopment of rehabilitation meets the applicable standards for such development;

3. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

4. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

5. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

6. That the other benefits are sufficient to justify the requested deduction, all of which satisfy the requirements of the Act;

7. The Common Council hereby accepts the report and recommendation of the Redevelopment Commission that the area herein described be designated as an Economic Revitalization Area and Economic Development Target Area, and hereby adopts a Resolution designating this area as an Economic Revitalization Area and Economic Development Target Area for purposes of real property tax abatement;

8. The designation as an Economic Revitalization Area and Economic Development Target Area shall be limited to five (5) calendar years from the date of the adoption of this Resolution by the Common Council;

9. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for the Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration; AND

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

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, this ____ day of August, 2015.

Dale "Woody" Emmons, President

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _______ day of August, 2015.

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of August, 2015, at _____ o'clock ____.M.

David A. Wood, Mayor

Co4100

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

20___ PAY 20___
FORM SB-1 / Real Property
PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

☑ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)

☑ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.*
3. *To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.*
4. *A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)*
5. *For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: BARAK GROUP, L.L.C. (and successors/assigns)		
Address of taxpayer (*number and street, city, state, and ZIP code*): 300 S. St. Louis Boulevard, Suite 103, South Bend, Indiana 46617		
Name of contact person: Mr. Nir Davison	Telephone number: (574) 334-4655	E-mail address: nirdavison@gmail.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: Common Council of the City of Mishawaka		Resolution number:
Location of property: Northeast Quarter of Section 16, Township 37 North, Range 3 East, Mishawaka	County: St. Joseph	DLGF taxing district number: 71-023
Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*): Development and Construction of ~80,000 square feet residential project, including 25-40 residential units as more specifically described on Exhibit A.		Estimated start date (*month, day, year*): 08/01/2016 Estimated completion date (*month, day, year*): 12/31/2017

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		
Plus estimated values of proposed project	10,000,000.00	
Less values of any property being replaced		
Net estimated values upon completion of project	10,000,000.00	

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) ____________

Estimated hazardous waste converted (*pounds*) ____________

Other benefits

Taxpayer estimates that 1-2 new positions will be created by the projection within 1 year after project/building completion.

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Date signed (*month, day, year*): 7/9/15
Printed name of authorized representative: Marcellus M. Lebbin	Title: Attorney

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed five (5) calendar years* *(see below)*. The date this designation expires is ______________________.

B. The type of deduction that is allowed in the designated area is limited to:
   1. Redevelopment or rehabilitation of real estate improvements ☑ Yes ☐ No
   2. Residentially distressed areas ☑ Yes ☐ No

C. The amount of the deduction applicable is limited to $ ______________.

D. Other limitations or conditions *(specify)* ______________________________

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☑ Year 5 (* see below) ☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
   ☐ Yes ☐ No
   If yes, attach a copy of the abatement schedule to this form.
   If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved *(signature and title of authorized member of designating body)*	Telephone number ( )	Date signed *(month, day, year)*
Printed name of authorized member of designating body	Name of designating body	
Attested by *(signature and title of attester)*	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
   (1) The total amount of the taxpayer's investment in real and personal property.
   (2) The number of new full-time equivalent jobs created.
   (3) The average wage of the new employees compared to the state minimum wage.
   (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

EXHIBIT A
DESCRIPTION OF PETITIONER AND PROJECT

Barak Group, L.L.C., a Delaware Limited Liability Company (the "Petitioner" or "Developer"), and its affiliates, are engaged in the development of commercial and residential real estate in various geographic territories within and outside the United States. The Developer is focused on development activity within the City of Mishawaka and has entered into a certain Development Agreement with the City of Mishawaka Redevelopment Commission (the "Commission"), dated June 22, 2015, regarding a significant development project for the property at the corner of N. Hill Street and Ironworks Avenue in Mishawaka, Indiana.

As more particularly set forth in the Development Agreement, the proposed project is a "phased" development commencing in August, 2016. Phase 1 includes new investment to construct a six-story Condominium building. The Condominium tower will contain between 25-40 residential units for occupancy as condominiums, totaling approximately 55,500 square feet of living area and 24,500 square feet of inside parking, utility, and common area. The Developer anticipates, at this time, private investment in the estimated amount of $10,000,000 for the development of the Condominium tower.

As noted above, the proposed project involves a significant investment in the construction of retail space and 25-40 residential units. This project, as generally depicted on Exhibit C, is designed with unique architectural features and enhancements to support and promote the advancement of the Mishawaka River Center Master Plan. In particular, the design of the proposed project includes pedestrian friendly features, architecturally significant architecture, and appropriately urban components.

The Developer's proposed project is intended to provide significant benefits to the City of Mishawaka, including (among others) the following:

- The Developer anticipates investing approximately $10,000,000 in the construction of the Condominium tower;
- The Developer anticipates relying on local service providers and suppliers when reasonably possible for the construction services and materials for completion of the project;
- The overall design of the project includes an emphasis on architecturally significant features and pedestrian friendly attributes to support the City's River Center Master Plan, and to create a welcoming and vibrant community within and stemming from the project;

- The 25-40 new residential units will introduce approximately 50-75 new residents to support and frequent existing local retail and service businesses and other establishments, which should help increase local revenues and employment as those businesses expand and new businesses open for operation;

- The proposed development is intended to serve as a catalyst for future projects and to increase traffic, patronage, and vibrancy of the downtown Mishawaka area.

As noted above, the Developer anticipates investing approximately $10,000,000 to successfully complete the construction of Condominium tower. The success of the project and benefits provided to the City can be bolstered by efforts to manage the real property tax liabilities during construction and the marketing period to sell individual units comprising the project. The Developer kindly requests the Mishawaka City Council's support of a five (5) year real property tax abatement, with the following deduction schedule:

Number of Years	Applicable Deduction %
1	100%
2	95%
3	90%
4	85%
5	80%

A five (5) year abatement corresponds with the Developer's commitment for Phase 1 completion and will span periods of construction and the initial marketing lease-up phase of the project. Importantly, the tax abatement will assist the petitioner in managing property tax expenses to spur initial growth and occupancy for the mutual benefit of the City of Mishawaka and the stability of the project through rapid occupancy. Any property tax savings realized during the period of construction (through the five-year abatement) will certainly be recovered by the City over time based on the anticipated assessment of the property for many years to come.

A RESOLUTION OF

THE CITY OF MISHAWAKA, INDIANA,
REDEVELOPMENT COMMISSION APPROVING
THE DESIGNATION OF CERTAIN PROPERTY AS AN
ECONOMIC REVITALIZATION AREA AND
ECONOMIC DEVELOPMENT TARGET AREA

WHEREAS, the City of Mishawaka, Indiana (the "City") has authority under IND. CODE § 6-1.1-12.1-1 et seq., to allow a deduction from the assessed value of various types of redeveloped or rehabilitated real property (i.e., tax abatement) located within an Economic Revitalization Area (an "ERA");

WHEREAS, the City has authority to allow a deduction from the assessed value of redeveloped or rehabilitated real property to be used for retail and/or residential purposes which is (a) located within an ERA, and (b) also designated as an Economic Development Target Area under IND. CODE § 6-1.1-12.1-7;

WHEREAS, Barak Group L.L.C., a Delaware limited liability company (the "Applicant") is a party to a certain Development Agreement entered into with the City of Mishawaka Redevelopment Commission ("Commission") regarding the proposed redevelopment of a parcel of land in the West half of the Northeast Quarter of Section 16, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana, as more particularly described on Exhibit "A" (the "Property") for residential use;

WHEREAS, the Applicant has requested that the Commission consider, and recommend to the Common Council of the City that it approve, the designation of the Property as an ERA and Economic Development Target Area;

WHEREAS, the characteristics of property that may be designated an Economic Development Target Area include the same characteristics as property designated as an Economic Revitalization Area, such as the property that has become undesirable for normal development and occupancy;

WHEREAS, the Commission has heard evidence regarding the necessity of targeting the Property for residential development in order to promote a more desirable and normal development of the area in furtherance of the Mishawaka River Center Master Plan;

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission acknowledges that the requirements for designating property as an Economic Revitalization Area and an Economic Development Target Area are the same for purposes of Indiana law.

2. The Commission acknowledges that the development of the Property for residential use is necessary to promote a more desirable and normal development of the Property and

surrounding areas.

3. After considering the evidence, the Commission hereby approves the designation of the Property as an ERA and Economic Development Target Area and recommends that the Common Council of the City also approve such designation, all in full support for approving Applicant's request for tax abatement per the requested schedule, thus encouraging significant growth and redevelopment of the Property.

4. This Resolution shall be in full force and effect after its adoption by the Commission.

DATED in Mishawaka, Indiana, this _____ day of July, 2015.

____

President

ATTEST:

____

Secretary

EXHIBIT A
TAX ABATEMENT AREA
AND ECONOMIC DEVELOPMENT TARGET AREA

A parcel of land in the West half of the Northeast Quarter of Section 16, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows:

Commencing at the Northeast corner of Lot 1 as shown on the additional plat of the Town of St. Joseph Iron Works, said point also being on the Southerly right-of-way of Front Street and the Westerly right-of-way of Hill Street; thence North 00°00'00" East parallel with the Westerly right-of-way of Hill Street Extended, 446.00 feet to the point of beginning; thence North 90°00'00" West, 80.00 feet; thence North 00°00'00" East, 177.00 feet; thence South 90°00'00" East, 205.00 feet; thence South 00°00'00" West; 177.00 feet; thence North 90°00'00" West, 125.00 feet to the point of beginning, said described parcel containing 0.83 Acres, more or less, and subject to any easements, covenants, restrictions, and right-of-way of record.

RESOLUTION NO. _______

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING CERTAIN AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA, KNOWN AS

A PARCEL OF LAND IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA

TO BE AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF A REAL PROPERTY TAX ABATEMENT FOR

BARAK GROUP, L.L.C. and/or ITS ASSIGNS

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk of the City of Mishawaka, Indiana for consideration by the Common Council of the City of Mishawaka, Indiana requesting the area known as the parcel of land in the West half of the Northeast Quarter of Section 16, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana, to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

> Commencing at the Northeast corner of Lot 1 as shown on the additional plat of the Town of St. Joseph Iron Works, said point also being on the Southerly right-of-way of Front Street and the Westerly right-of-way of Hill Street; thence North 00°00'00" East parallel with the Westerly right-of-way of Hill Street Extended, 446.00 feet to the point of beginning; thence North 90°00'00" West, 80.00 feet; thence North 00°00'00" East, 177.00 feet; thence South 90°00'00" East, 205.00 feet; thence South 00°00'00" West; 177.00 feet; thence North 90°00'00" West, 125.00 feet to the point of beginning, said described parcel containing 0.83 Acres, more or less, and subject to any easements, covenants, restrictions, and right-of-way of record.

WHEREAS, the City, through its redevelopment commission has conducted an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area and Economic Development Target Area under Indiana Code § 6-1.1-12.1-1 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Redevelopment Commission has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area and Economic Development Target Area.

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

1. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements under the Act for tax abatement;

2. That the description of the proposed redevelopment of rehabilitation meets the applicable standards for such development;

3. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

4. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

5. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

6. That the other benefits are sufficient to justify the requested deduction, all of which satisfy the requirements of the Act;

7. The Common Council hereby accepts the report and recommendation of the Redevelopment Commission that the area herein described be designated as an Economic Revitalization Area and Economic Development Target Area, and hereby adopts a Resolution designating this area as an Economic Revitalization Area and Economic Development Target Area for purposes of real property tax abatement;

8. The designation as an Economic Revitalization Area and Economic Development Target Area shall be limited to five (5) calendar years from the date of the adoption of this Resolution by the Common Council;

9. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for the Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration; AND

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

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, this ____ day of July, 2015.

____

Dale "Woody" Emmons, President

ATTEST:

____

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _______ day of July, 2015.

____

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of July, 2015, at _____ o'clock _____.M.

____

David A. Wood, Mayor

RESOLUTION NO. __________

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, MAKING A FINAL DETERMINATION AND CONFIRMING THE DESIGNATION OF AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA, KNOWN AS

A PARCEL OF LAND IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA

AS AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF REAL PROPERTY TAX ABATEMENT FOR

BARAK GROUP, L.L.C. and/or ITS ASSIGNS

WHEREAS, the Common Council of the City of Mishawaka, Indiana, adopted a Declaratory Resolution which designated the area known as the parcel of land in the West half of the Northeast Quarter of Section 16, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana, and which is more particularly described below as an Economic Revitalization Area and an Economic Development Target Area:

> Commencing at the Northeast corner of Lot 1 as shown on the additional plat of the Town of St. Joseph Iron Works, said point also being on the Southerly right-of-way of Front Street and the Westerly right-of-way of Hill Street; thence North 00°00'00" East parallel with the Westerly right-of-way of Hill Street Extended, 446.00 feet to the point of beginning; thence North 90°00'00" West, 80.00 feet; thence North 00°00'00" East, 177.00 feet; thence South 90°00'00" East, 205.00 feet; thence South 00°00'00" West; 177.00 feet; thence North 90°00'00" West, 125.00 feet to the point of beginning, said described parcel containing 0.83 Acres, more or less, and subject to any easements, covenants, restrictions, and right-of-way of record.

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code § 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area and economic development target area have been met.

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

1. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area and Economic Development Target Area for the purposes of tax abatement. Such designations are for real property tax abatement only and is limited to five (5) calendar years.

2. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction; provided the same shall be limited to a period of five (5) years for real property only in the following applicable deduction percentages:

Year 1:	100%
Year 2	95%
Year 3	90%
Year 4	85%
Year 5	80%

3. That the petition for tax abatement, the Development Agreement by and between the Petitioner and the City of Mishawaka Redevelopment Commission, and the Statement of Benefits submitted by Barak Group, LLC for it and its successors and assigns, comply with Indiana Code § 6-1.1-12.1-1 et seq. and are hereby approved.

4. That this determination is final except that an appeal may be taken and heard as provided under Indiana Code § 6-1.1-12.1-2-5 and subjections (d) and (e) of the Act.

The Common Council of the City of Mishawaka, Indiana hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area and Economic Development Target Area for the purposes of tax abatement.

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this ___ day of July, 2015.

____
Dale "Woody" Emmons, President

ATTEST:

____
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of July, 2015.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of July, 2015, at _____ o'clock ____.M.

____
David A. Wood, Mayor

City of Mishawaka
Building – Community Development – Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

1. Name of the company for which Economic Revitalization Area (ERA) designation is being requested:

   BARAK GROUP, L.L.C. (and its successors/assigns)

2. State the name, title, address and telephone number of a company representative who may be contacted concerning this application:

Name and Title: **Mr. Nir Davison, Owner**

Address: **300 S. St. Louis Boulevard, Suite 103, South Bend, Indiana 46617**

Telephone: **(574) 334-4655**

3. State the name, title, address and telephone number of a company representative who may be sent annual compliance surveys. Please note that the **annual survey will determine if your company is compliant with the terms of the abatement agreement and whether the abatement will continue or be terminated,** so the contact should be made aware of the survey's importance.

Name and Title: **(Same as above)**

Address: __________

Telephone: __________

4. Location of property for which ERA designation (real property tax abatement) is being sought (this information is available through the Township Assessor's Office):

   a) Street Address: __________

   b) Township: **Penn Township**

   c) Taxing District Number: **71-023**

d) Council District Number: **5th District, City of Mishawaka**

e) Tax Parcel Number(s): ____________________

f) Current Zoning of the Property: **C-3 City Center Commercial Zoning District**

g) Case/approval number of any variance, rezoning, or approval petition(s) which is/are required or have been obtained for this project: ____________________

5. What is the amount of the most recent assessment attributable to (this information is available from the most recent property tax form):

   Land: $0, municipal owned

   Improvement: ____________________

   Inventory: ____________________

   Equipment: ____________________

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? __X__ Yes _____ No

7. Does your company currently conduct manufacturing operations at this location? If so, how long has you company been at this location? **N/A**

   a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. **N/A**

   b) Please list any special certifications/designations. **N/A**

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka.

   Please see Description of Applicant and Project attached as Exhibit A

9. What is the size of the real estate that will be developed? (in acres) **See Exhibit A**

10. What is the estimated construction or rehabilitation cost? **~ $10,000,000**

11. Have building permits been obtained? *(Please note that the state statute requires petitioner to file abatement application before obtaining permits) _____ Yes __**X**__ No

12. What is the anticipated date for construction to begin? **August, 2016**

13. What is the anticipated date for project completion? **No later than December, 2017**

14. Profile of Company that will occupy the property for which tax abatement is being requested:

Please see Description of Applicant and Project attached as Exhibit A

a) Are your employees represented by a union? If so, by whom? **N/A. Applicant is a real estate developer and does not have employees other than the principals**

b) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**) **N/A. Please see 14(a) above.**

Skilled	______	Average hourly wage rate for skilled positions	______
Semi-skilled	______	Average hourly wage rate for unskilled positions	______
Clerical	______	Average hourly wage rate for clerical positions	______
Salaried	______	Average salary (per hour) for salaried positions	______

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) ______

c) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.) **N/A. Please see 14(a) above.**

d) Approximate value of benefits for existing and new employees on a per hour bases (e.g. benefits are valued at an additional $3.00 per hour, etc.) N/A

e) What is the total dollar amount spent on retained salaries? N/A

f) Number of created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	______	Average hourly wage rate for skilled positions	______
Semi-skilled	______	Average hourly wage rate for unskilled positions	______
Clerical	______	Average hourly wage rate for clerical positions	______
Salaried	**~1**	Average salary (per hour) for salaried positions	**~24.00**

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) **1**

g) What is the total dollar amount to be spent on new salaries? $50,000+

h) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for: **N/A. Please see 14(a) above.**

Current hourly employees	___
Retained hourly employees	___
New hourly employees	___

i) (if applicable) What is the usual market for goods and services produced by the company? List the percentage of the company's product or service that reaches: **N/A. Please see 14(a) above.**

Inside St. Joseph County:	___%
Outside St. Joseph County, but inside Indiana:	___%
Outside Indiana, but within 500 miles	___%
Outside of 500 miles	___%
Outside of the United States:	___%

j) (if applicable) List the name and location (City and State) of your five largest vendors or suppliers: **N/A. Please see 14(a) above.**

15. Describe the project for which tax abatement is being requested. Include the types of improvements that will be made, and indicate whether improvement is freestanding or an expansion to existing facility. In addition, indicate whether your company will utilize the entire project space or lease a portion of it to an outside company.
Please see Description of Petitioner and Project attached as Exhibit A

16. Briefly describe the product or service of the company/business which will occupy the property for which tax abatement is being requested.

Please see Description of Petitioner and Project attached as Exhibit A

17. What evidence can be provided to show the positive impact the abatement will have on the **project property and surrounding area?**

Please see Description of Petitioner and Project attached as Exhibit A

18. Please give a detailed description of what the impact on your business will be if the proposed project is not undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

Please see Description of Petitioner and Project attached as Exhibit A

19. Will you require any additional assistance from the City of Mishawaka?

Petitioner has sought the support and assistance from the City of Mishawaka with respect to parcel assembly, ground preparation, public utility improvements, zoning and similar matters regarding the proposed development, all in accordance with the Development Agreement entered into between the Petitioner and the City of Mishawaka Redevelopment Commission.

20. Have you applied for any assistance from the State of Indiana?

Petitioner has not applied for assistance from the State of Indiana regarding the proposed development project.

21. Miscellaneous Attachments Required:

- Attach the legal description of the property where the project will take place, marked Exhibit B, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the project will take place, marked Exhibit C, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Real Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement saving received.

BARAK GROUP, L.L.C.
(and its Successors and Assigns)

____
Signature of Owner or Authorized Representative

Printed: Nir Davison
Title: Owner

____
Date

EXHIBIT A

DESCRIPTION OF PETITIONER AND PROJECT

Barak Group, L.L.C., a Delaware Limited Liability Company (the "Petitioner" or "Developer"), and its affiliates, are engaged in the development of commercial and residential real estate in various geographic territories within and outside the United States. The Developer is focused on development activity within the City of Mishawaka and has entered into a certain Development Agreement with the City of Mishawaka Redevelopment Commission (the "Commission"), dated June 22, 2015, regarding a significant development project for the property at the corner of N. Hill Street and Ironworks Avenue in Mishawaka, Indiana.

As more particularly set forth in the Development Agreement, the proposed project is a "phased" development commencing in August, 2016. Phase 1 includes new investment to construct a six-story Condominium building. The Condominium tower will contain between 25-40 residential units for occupancy as condominiums, totaling approximately 55,500 square feet of living area and 24,500 square feet of inside parking, utility, and common area. The Developer anticipates, at this time, private investment in the estimated amount of $10,000,000 for the development of the Condominium tower.

As noted above, the proposed project involves a significant investment in the construction of retail space and 25-40 residential units. This project, as generally depicted on Exhibit C, is designed with unique architectural features and enhancements to support and promote the advancement of the Mishawaka River Center Master Plan. In particular, the design of the proposed project includes pedestrian friendly features, architecturally significant architecture, and appropriately urban components.

The Developer's proposed project is intended to provide significant benefits to the City of Mishawaka, including (among others) the following:

- The Developer anticipates investing approximately $10,000,000 in the construction of the Condominium tower;

- The Developer anticipates relying on local service providers and suppliers when reasonably possible for the construction services and materials for completion of the project;

- The overall design of the project includes an emphasis on architecturally significant features and pedestrian friendly attributes to support the City's River Center Master Plan, and to create a welcoming and vibrant community within and stemming from the project;

- The 25-40 new residential units will introduce approximately 50-75 new residents to support and frequent existing local retail and service businesses and other establishments, which should help increase local revenues and employment as those businesses expand and new businesses open for operation;

- The proposed development is intended to serve as a catalyst for future projects and to increase traffic, patronage, and vibrancy of the downtown Mishawaka area.

As noted above, the Developer anticipates investing approximately $10,000,000 to successfully complete the construction of Condominium tower. The success of the project and benefits provided to the City can be bolstered by efforts to manage the real property tax liabilities during construction and the marketing period to sell individual units comprising the project. The Developer kindly requests the Mishawaka City Council's support of a five (5) year real property tax abatement, with the following deduction schedule:

Number of Years	Applicable Deduction %
1	100%
2	95%
3	90%
4	85%
5	80%

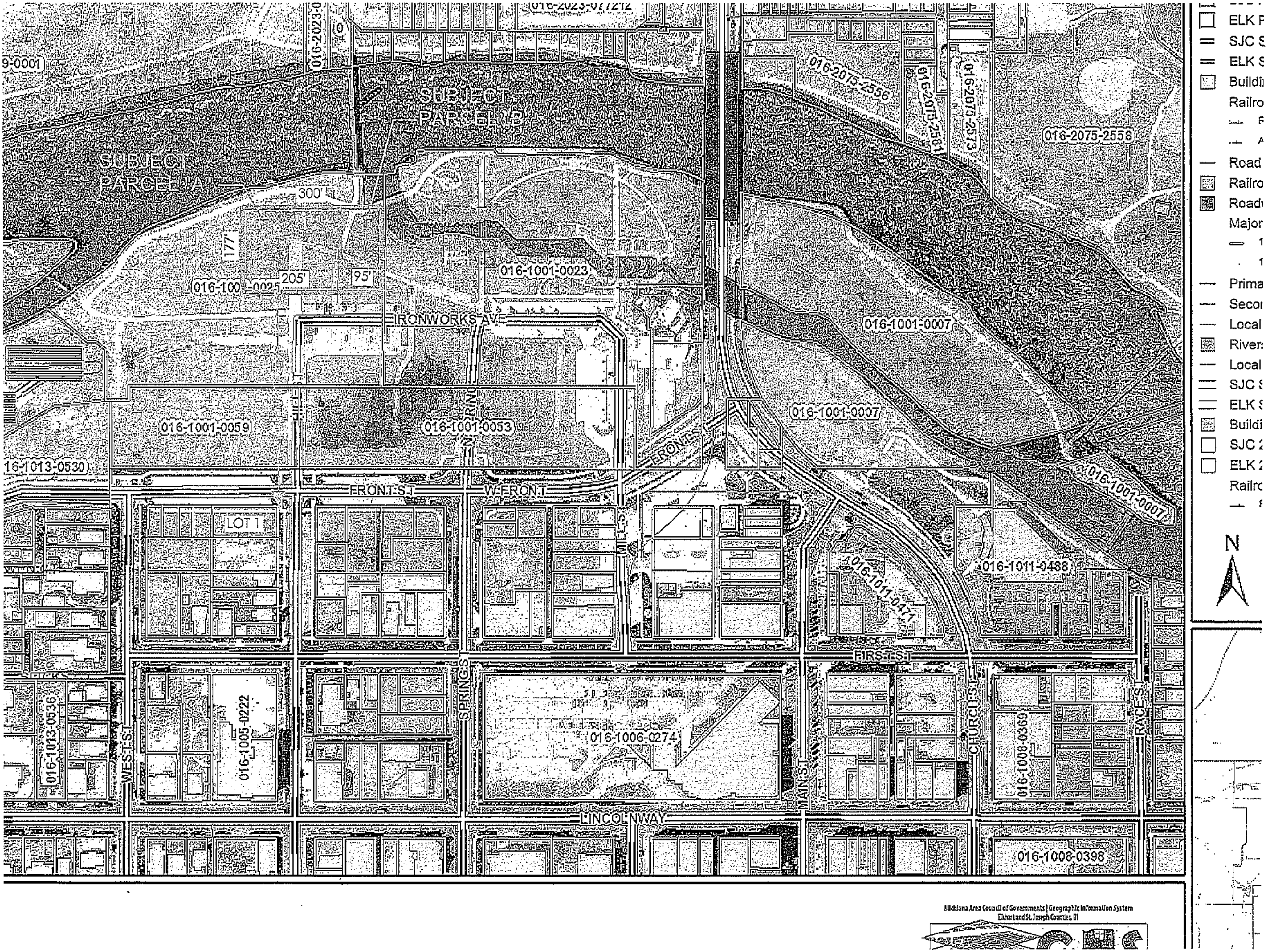
A five (5) year abatement corresponds with the Developer's commitment for Phase 1 completion and will span periods of construction and the initial marketing lease-up phase of the project. Importantly, the tax abatement will assist the petitioner in managing property tax expenses to spur initial growth and occupancy for the mutual benefit of the City of Mishawaka and the stability of the project through rapid occupancy. Any property tax savings realized during the period of construction (through the five-year abatement) will certainly be recovered by the City over time based on the anticipated assessment of the property for many years to come.

EXHIBIT B

LEGAL DESCRIPTION

A parcel of land in the West half of the Northeast Quarter of Section 16, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows:

Commencing at the Northeast corner of Lot 1 as shown on the additional plat of the Town of St. Joseph Iron Works, said point also being on the Southerly right-of-way of Front Street and the Westerly right-of-way of Hill Street; thence North 00°00'00" East parallel with the Westerly right-of-way of Hill Street Extended, 446.00 feet to the point of beginning; thence North 90°00'00" West, 80.00 feet; thence North 00°00'00" East, 177.00 feet; thence South 90°00'00" East, 205.00 feet; thence South 00°00'00" West; 177.00 feet; thence North 90°00'00" West, 125.00 feet to the point of beginning, said described parcel containing 0.83 Acres, more or less, and subject to any easements, covenants, restrictions, and right-of-way of record.



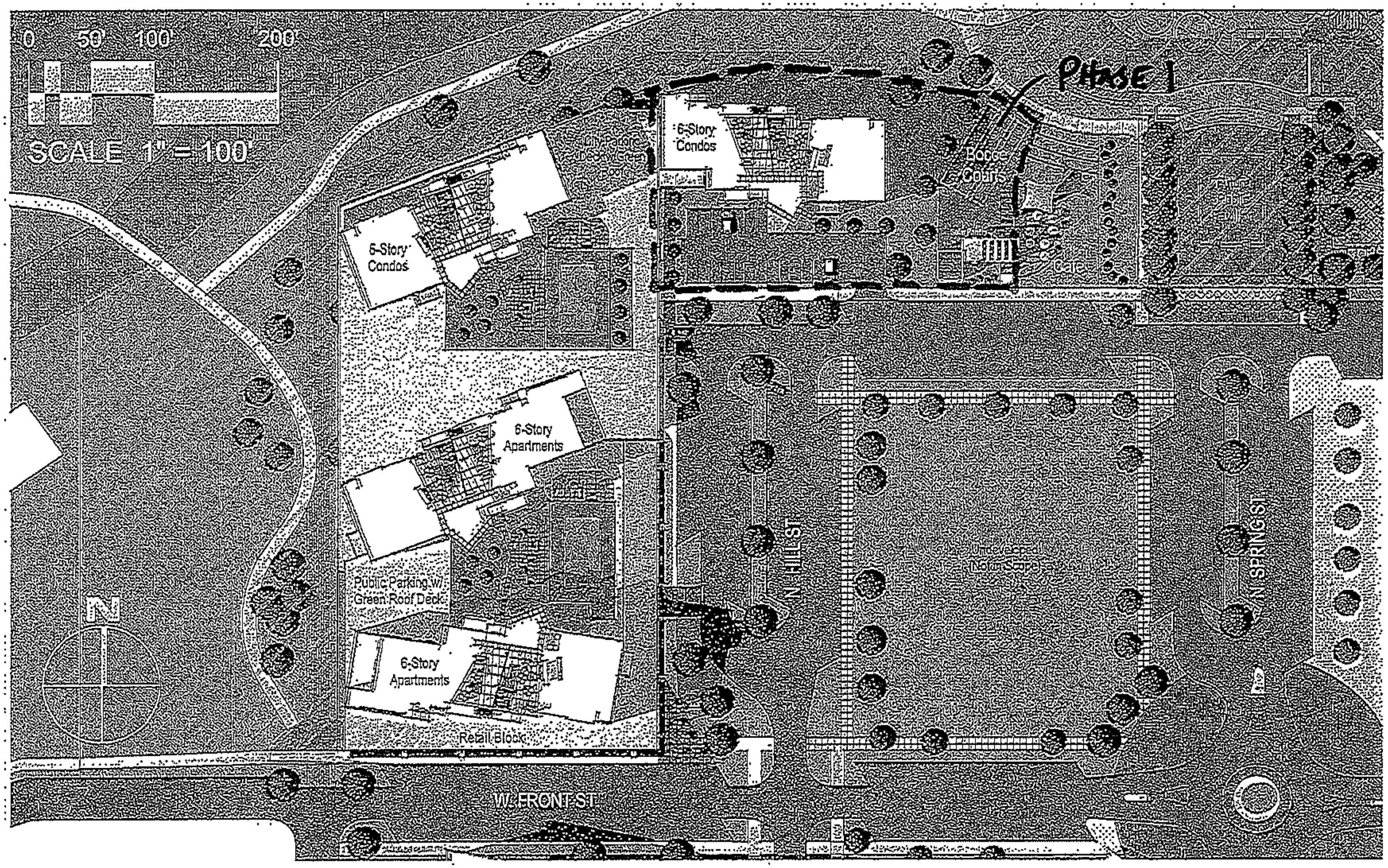
SUBJECT PARCEL 'A'
SUBJECT PARCEL 'B'
300'
177'
205'
95'
016-2023-077212
016-2023-0
9-0001
016-2075-2556
016-2075-2581
016-2075-2573
016-2075-2558
016-1001-0023
016-100 -0025
016-1001-0007
016-1001-0007
016-1001-0007
016-1001-0059
016-1001-0053
16-1013-0530
IRONWORKS AVE
FRONT ST
W FRONT
FRONT ST
MILL ST
LOT 1
016-1011-0471
016-1011-0488
FIRST ST
016-1013-0536
WEST ST
016-1005-0222
SPRINGS
016-1006-0274
MAIN ST
CHURCH ST
016-1008-0369
RACE ST
LINCOLNWAY
016-1008-0398
ELK F
SJC S
ELK S
Buildi
Railro
Road
Railro
Road
Major
Prima
Secor
Local
River
Local
SJC S
ELK S
Buildi
SJC 2
ELK 2
Railro
N
Michiana Area Council of Governments | Geographic Information System
Elkhart and St. Joseph Counties, IN

EXHIBIT C

PRELIMINARY DEVELOPMENT PLAN

[PLEASE SEE ATTACHED]

BARAKIRONROCK MISHAWAKA INDIANA CONCEPTUAL PLANNING



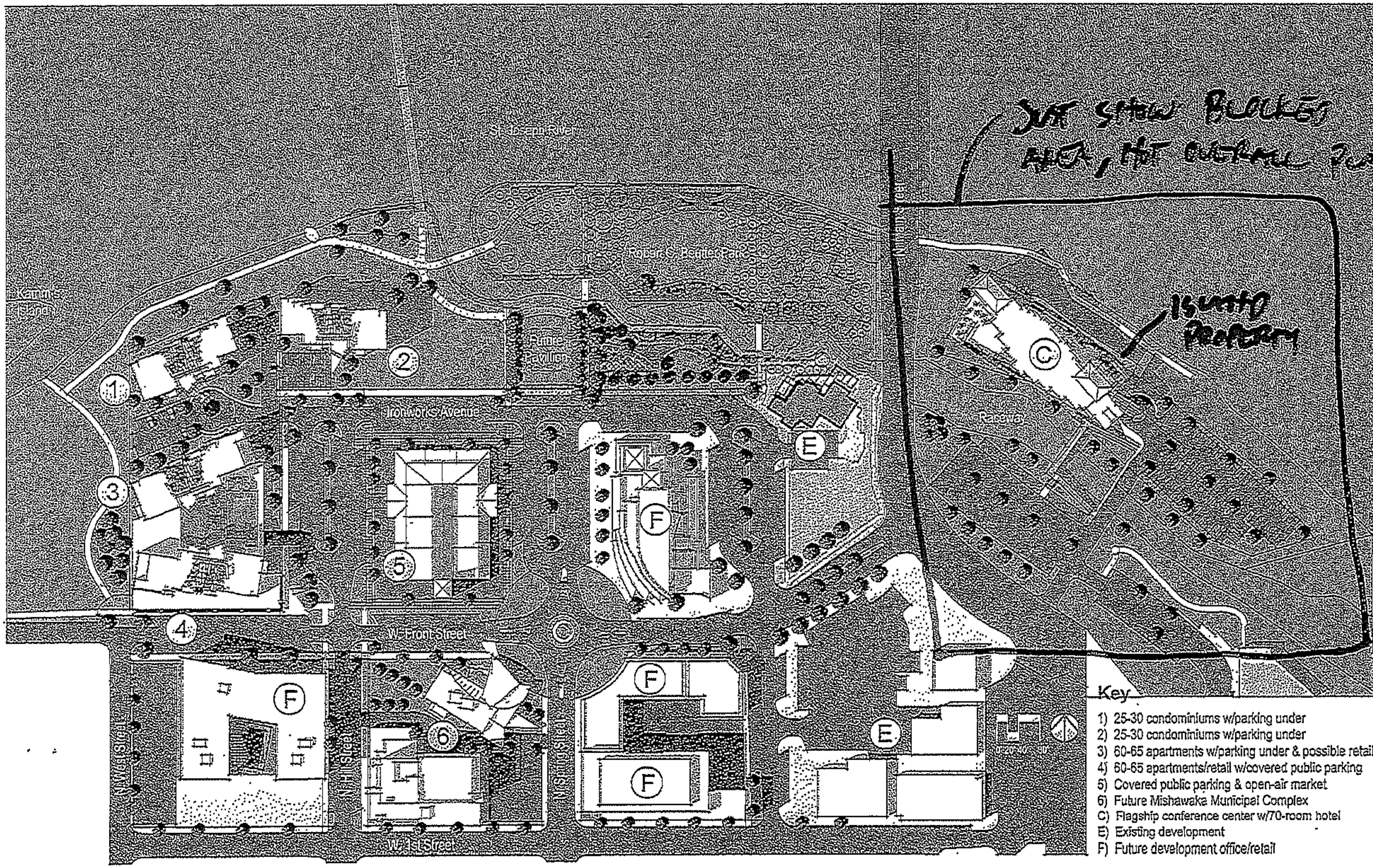
Barak Group LLC

RESIDENTIAL MASTER PLAN WITH CAFE PLAZA
PROPOSED SUBDIVISION SCHEME 05-22-15

panzica

EXHIBIT "A" 1 of 11

BARAKIRONROCK Mishawaka Indiana Conceptual Planning



Key
1) 25-30 condominiums w/parking under
2) 25-30 condominiums w/parking under
3) 60-65 apartments w/parking under & possible retail
4) 60-65 apartments/retail w/covered public parking
5) Covered public parking & open-air market
6) Future Mishawaka Municipal Complex
C) Flagship conference center w/70-room hotel
E) Existing development
F) Future development office/retail

Barak Group LLC

PROPOSED OVERALL MASTER PLAN

panzica

Exhibit "A" 2 of 10

BARAKIRONROCK Mishawaka Indiana Conceptual Planning

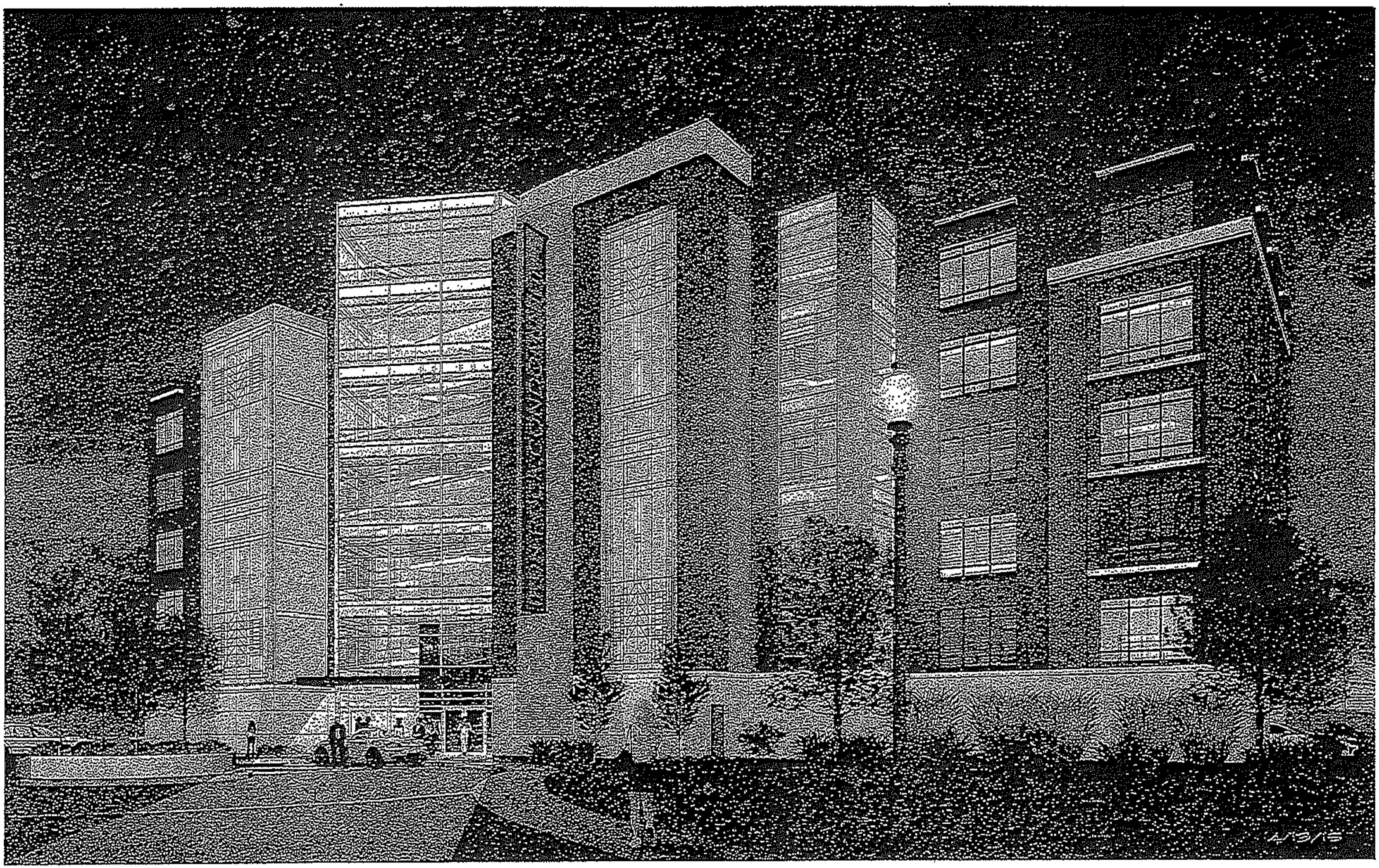
Barak Group LLC

WEST CONDOMINIUM ENTRY LOOKING NW

panzica

Exhibit "A" 3 of 10

BARAKIRONROCK MISHAWAKA INDIANA CONCEPTUAL PLANNING



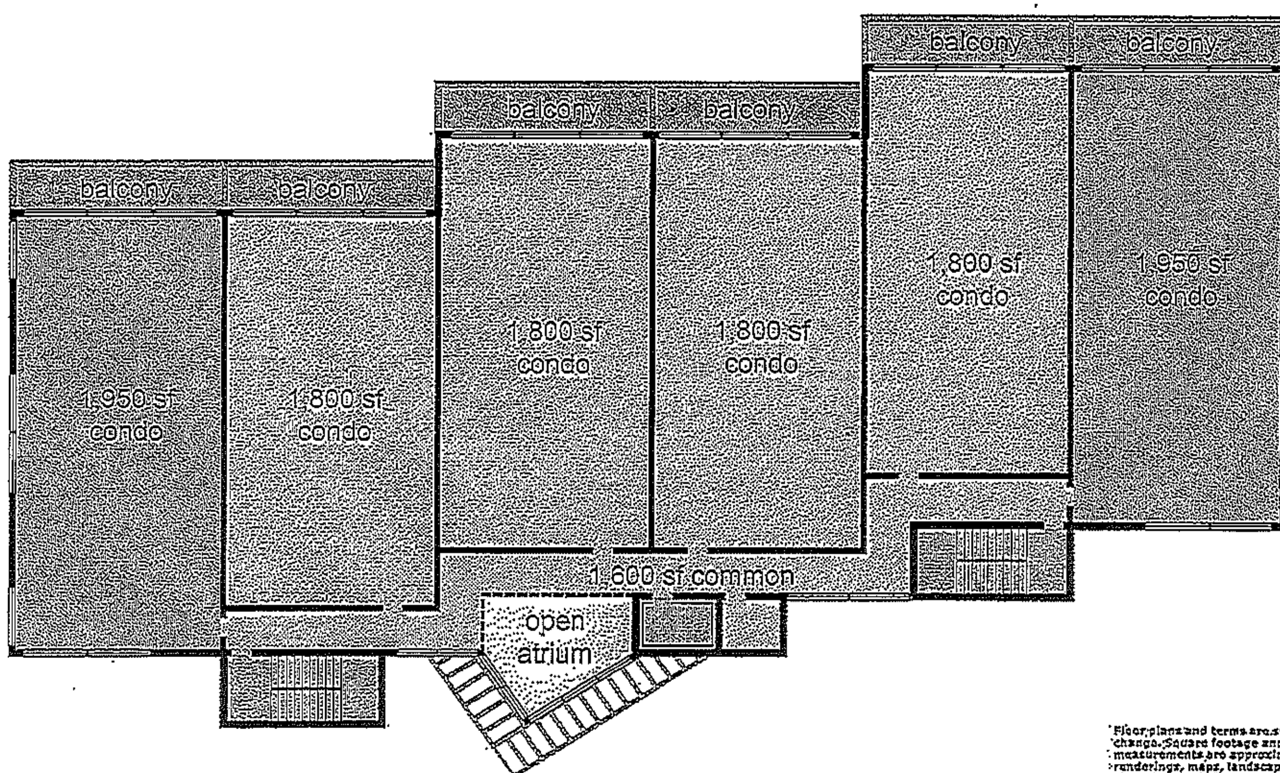
Barak Group LLC

WEST CONDOMINIUM ENTRY LOOKING NW

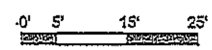
panzica

Exhibit "A" 44 of 46

BARAKIRONROCK Mishawaka Indiana Conceptual Planning



Schematic Plan of Typical Condominium Floor



Floor plans and terms are subject to change. Square footage and measurements are approximate. All renderings, maps, landscaping, elevations and plans are representative. The developer/builder reserves the right in its sole discretion to make modifications to maps, plans, renderings, specifications, materials, features or colors. Plans, prices, descriptions and amenities are subject to change.

Barak Group LLC

RESIDENTIAL PLAN

Panzica

Exhibit "L" 5 of 10

BARAKIRONROCK Mishawaka Indiana Conceptual Planning

Barak Group LLC

VIEW FROM N. HILL ST. AT IRONWORKS AVE.

panzica

EXHIBIT "A" 6 of 14

BARAKIRONROCK Mishawaka Indiana Conceptual Planning

Barak Group LLC

CONDOMINIUMS - LOOKING SOUTH

panzica

EXHIBIT "A" 1 of 1

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 12 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2015-30

(Café)

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING CERTAIN AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA, KNOWN AS

A PARCEL OF LAND IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA

TO BE AN ECONOMIC REVITALIZATION AREA
AND ECONOMIC DEVELOPMENT TARGET AREA
FOR PURPOSES OF A REAL PROPERTY TAX ABATEMENT FOR

BARAK GROUP, L.L.C. and/or ITS ASSIGNS

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk of the City of Mishawaka, Indiana for consideration by the Common Council of the City of Mishawaka, Indiana requesting the area known as the land on Ironworks Avenue in Mishawaka, Indiana, to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

> Commencing at the Northeast corner of Lot 1 as shown on the additional plat of the Town of St. Joseph Iron Works, said point also being on the Southerly right-of-way of Front Street and the Westerly right-of-way of Hill Street; thence North 00°00'00" East parallel with the Westerly right-of-way of Hill Street Extended, 446.00 feet; thence North 90°00'00" East, 125.00 feet to the point of beginning; thence North 00°00'00" East, 177.00 feet; thence South 90°00'00" East, 95.00 feet; thence South 00°00'00" West; 177.00 feet; thence North 90°00'00" West, 95.00 feet to the point of beginning, said described parcel containing 0.39 Acres, more or less, and subject to any easements, covenants, restrictions, and right-of-way of record.

WHEREAS, the City, through its redevelopment commission has conducted an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area and Economic Development Target Area under Indiana Code § 6-1.1-12.1-1 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Redevelopment Commission has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area and Economic Development Target Area.

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

1. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements under the Act for tax abatement;

2. That the description of the proposed redevelopment of rehabilitation meets the applicable standards for such development;

3. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

4. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

5. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

6. That the other benefits are sufficient to justify the requested deduction, all of which satisfy the requirements of the Act;

7. The Common Council hereby accepts the report and recommendation of the Redevelopment Commission that the area herein described be designated as an Economic Revitalization Area and Economic Development Target Area, and hereby adopts a Resolution designating this area as an Economic Revitalization Area and Economic Development Target Area for purposes of real property tax abatement;

8. The designation as an Economic Revitalization Area and Economic Development Target Area shall be limited to five (5) calendar years from the date of the adoption of this Resolution by the Common Council;

9. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for the Real Property Tax Abatement to be published pursuant to <u>Indiana Code</u> § 5-3-1 and <u>Indiana Code</u> § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration; AND

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

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, this ____ day of August, 2015.

____
Dale "Woody" Emmons, President

ATTEST:

____
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _______ day of August, 2015.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of August, 2015, at _____ o'clock ____.M.

____
David A. Wood, Mayor

CAFE'

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

20____ PAY 20____
FORM SB-1 / Real Property
PRIVACY NOTICE Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

- ☑ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- ☑ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body* ***BEFORE*** *the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.*
3. *To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.*
4. *A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)*
5. *For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: BARAK GROUP, L.L.C. (and successors/assigns)		
Address of taxpayer *(number and street, city, state, and ZIP code)*: 300 S. St. Louis Boulevard, Suite 103, South Bend, Indiana 46617		
Name of contact person: Mr. Nir Davison	Telephone number: (574) 334-4655	E-mail address: nirdavison@gmail.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: Common Council of the City of Mishawaka		Resolution number:
Location of property: Northeast Quarter of Section 16, Township 37 North, Range 3 East, Mishawaka	County: St. Joseph	DLGF taxing district number: 71-203
Description of real property improvements, redevelopment, or rehabilitation *(use additional sheets if necessary)*: Development and Construction of ~1,500 square feet commercial project, including commercial "coffee shop" space as more specifically described on Exhibit A.		Estimated start date *(month, day, year)*: 08/01/2016 Estimated completion date *(month, day, year)*: 12/31/2017

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		
Plus estimated values of proposed project	450,000.00	
Less values of any property being replaced		
Net estimated values upon completion of project	450,000.00	

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) ____________ Estimated hazardous waste converted (*pounds*) ____________

Other benefits

Taxpayer estimates that 3-4 new positions will be created by the projection within 1 year after project/building completion.

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: [signature]	Date signed *(month, day, year)*: 7/7/15
Printed name of authorized representative: Marcellus M. Lebbin	Title: Attorney

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed five (5) calendar years* *(see below)*. The date this designation expires is ______________________.

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☑ Yes ☐ No
2. Residentially distressed areas ☑ Yes ☐ No

C. The amount of the deduction applicable is limited to $ ______________.

D. Other limitations or conditions *(specify)*____

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☑ Year 5 (* see below) ☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☐ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved *(signature and title of authorized member of designating body)*	Telephone number ( )	Date signed *(month, day, year)*
Printed name of authorized member of designating body	Name of designating body	
Attested by *(signature and title of attester)*	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

EXHIBIT A
DESCRIPTION OF PETITIONER AND PROJECT

Barak Group, L.L.C., a Delaware Limited Liability Company (the "Petitioner" or "Developer"), and its affiliates, are engaged in the development of commercial and residential real estate in various geographic territories within and outside the United States. The Developer is focused on development activity within the City of Mishawaka and has entered into a certain Development Agreement with the City of Mishawaka Redevelopment Commission (the "Commission"), dated June 22, 2015, regarding a significant development project for the property at the corner of N. Hill Street and Ironworks Avenue in Mishawaka, Indiana.

As more particularly set forth in the Development Agreement, the proposed project is a "phased" development commencing in August, 2016. Phase 1 includes new investment to construct commercial "coffee shop" space. The commercial "coffee shop" space contains approximately 1,500 square feet. Phase 1 also contemplates an extension of the public plaza so that it blends into the commercial building. The Developer anticipates, at this time, private investment in the estimated amount of $450,000 for the development of the commercial "coffee shop".

As noted above, the proposed project involves a significant investment in the construction of commercial "coffee shop" space. This project, as generally depicted on Exhibit C, is designed with unique architectural features and enhancements to support and promote the advancement of the Mishawaka River Center Master Plan. In particular, the design of the proposed project includes pedestrian friendly features, architecturally significant architecture, and appropriately urban components.

The Developer's proposed project is intended to provide significant benefits to the City of Mishawaka, including (among others) the following:

- The Developer anticipates investing approximately $450,000 in the construction of the commercial "coffee shop" space;

- The Developer anticipates relying on local service providers and suppliers when reasonably possible for the construction services and materials for completion of the project;

- The overall design of the project includes an emphasis on architecturally significant features and pedestrian friendly attributes to support the City's River Center Master Plan, and to create a welcoming and vibrant community within and stemming from the project;

- The proposed development is intended to serve as a catalyst for future projects and to increase traffic, patronage, and vibrancy of the downtown Mishawaka area.

As noted above, the Developer anticipates investing approximately $450,000 to successfully complete the construction of the commercial "coffee shop" space. The success of the project and benefits provided to the City can be bolstered by efforts to manage the real property tax liabilities during construction and the marketing period to lease-up space comprising the project. The Developer kindly requests the Mishawaka City Council's support of a five (5) year real property tax abatement, with the following deduction schedule:

Number of Years	Applicable Deduction %
1	100%
2	95%
3	90%
4	85%
5	80%

A five (5) year abatement corresponds with the Developer's commitment for Phase 1 completion and will span periods of construction and the initial marketing lease-up phase of the project. Importantly, the tax abatement will assist the petitioner in managing property tax expenses to spur initial growth and occupancy for the mutual benefit of the City of Mishawaka and the stability of the project through rapid occupancy. Any property tax savings realized during the period of construction (through the five-year abatement) will certainly be recovered by the City over time based on the anticipated assessment of the property for many years to come.

A RESOLUTION OF

THE CITY OF MISHAWAKA, INDIANA,
REDEVELOPMENT COMMISSION APPROVING
THE DESIGNATION OF CERTAIN PROPERTY AS AN
ECONOMIC REVITALIZATION AREA AND
ECONOMIC DEVELOPMENT TARGET AREA

WHEREAS, the City of Mishawaka, Indiana (the "City") has authority under IND. CODE § 6-1.1-12.1-1 et seq., to allow a deduction from the assessed value of various types of redeveloped or rehabilitated real property (i.e., tax abatement) located within an Economic Revitalization Area (an "ERA");

WHEREAS, the City has authority to allow a deduction from the assessed value of redeveloped or rehabilitated real property to be used for retail and/or residential purposes which is (a) located within an ERA, and (b) also designated as an Economic Development Target Area under IND. CODE § 6-1.1-12.1-7;

WHEREAS, Barak Group L.L.C., a Delaware limited liability company (the "Applicant") is a party to a certain Development Agreement entered into with the City of Mishawaka Redevelopment Commission ("Commission") regarding the proposed redevelopment of real estate located on Ironworks Avenue in Mishawaka, Indiana as more particularly described on Exhibit "A" (the "Property") for pedestrian friendly commercial use;

WHEREAS, the Applicant has requested that the Commission consider, and recommend to the Common Council of the City that it approve, the designation of the Property as an ERA and Economic Development Target Area;

WHEREAS, the characteristics of property that may be designated an Economic Development Target Area include the same characteristics as property designated as an Economic Revitalization Area, such as the property that has become undesirable for normal development and occupancy;

WHEREAS, the Commission has heard evidence regarding the necessity of targeting the Property for pedestrian friendly commercial development in order to promote a more desirable and normal development of the area in furtherance of the Mishawaka River Center Master Plan;

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission acknowledges that the requirements for designating property as an Economic Revitalization Area and an Economic Development Target Area are the same for purposes of Indiana law.

2. The Commission acknowledges that the development of the Property for pedestrian friendly commercial use is necessary to promote a more desirable and normal development of the Property and surrounding areas.

3. After considering the evidence, the Commission hereby approves the designation of the Property as an ERA and Economic Development Target Area and recommends that the Common Council of the City also approve such designation, all in full support for approving Applicant's request for tax abatement per the requested schedule, thus encouraging significant growth and redevelopment of the Property.

4. This Resolution shall be in full force and effect after its adoption by the Commission.

DATED in Mishawaka, Indiana, this _____ day of July, 2015.

____
President

ATTEST:

____
Secretary

EXHIBIT A
TAX ABATEMENT AREA
AND ECONOMIC DEVELOPMENT TARGET AREA

A parcel of land in the West half of the Northeast Quarter of Section 16, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows:

Commencing at the Northeast corner of Lot 1 as shown on the additional plat of the Town of St. Joseph Iron Works, said point also being on the Southerly right-of-way of Front Street and the Westerly right-of-way of Hill Street; thence North 00°00'00" East parallel with the Westerly right-of-way of Hill Street Extended, 446.00 feet; thence North 90°00'00" East, 125.00 feet to the point of beginning; thence North 00°00'00" East, 177.00 feet; thence South 90°00'00" East, 95.00 feet; thence South 00°00'00" West; 177.00 feet; thence North 90°00'00" West, 95.00 feet to the point of beginning, said described parcel containing 0.39 Acres, more or less, and subject to any easements, covenants, restrictions, and right-of-way of record.

RESOLUTION NO. ______

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING CERTAIN AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA, KNOWN AS

A PARCEL OF LAND IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA

TO BE AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF A REAL PROPERTY TAX ABATEMENT FOR

BARAK GROUP, L.L.C. and/or ITS ASSIGNS

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk of the City of Mishawaka, Indiana for consideration by the Common Council of the City of Mishawaka, Indiana requesting the area known as the land on Ironworks Avenue in Mishawaka, Indiana, to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

> Commencing at the Northeast corner of Lot 1 as shown on the additional plat of the Town of St. Joseph Iron Works, said point also being on the Southerly right-of-way of Front Street and the Westerly right-of-way of Hill Street; thence North 00°00'00" East parallel with the Westerly right-of-way of Hill Street Extended, 446.00 feet; thence North 90°00'00" East, 125.00 feet to the point of beginning; thence North 00°00'00" East, 177.00 feet; thence South 90°00'00" East, 95.00 feet; thence South 00°00'00" West; 177.00 feet; thence North 90°00'00" West, 95.00 feet to the point of beginning, said described parcel containing 0.39 Acres, more or less, and subject to any easements, covenants, restrictions, and right-of-way of record.

WHEREAS, the City, through its redevelopment commission has conducted an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area and Economic Development Target Area under Indiana Code § 6-1.1-12.1-1 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Redevelopment Commission has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area and Economic Development Target Area.

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

1. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements under the Act for tax abatement;

2. That the description of the proposed redevelopment of rehabilitation meets the applicable standards for such development;

3. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

4. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

5. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

6. That the other benefits are sufficient to justify the requested deduction, all of which satisfy the requirements of the Act;

7. The Common Council hereby accepts the report and recommendation of the Redevelopment Commission that the area herein described be designated as an Economic Revitalization Area and Economic Development Target Area, and hereby adopts a Resolution designating this area as an Economic Revitalization Area and Economic Development Target Area for purposes of real property tax abatement;

8. The designation as an Economic Revitalization Area and Economic Development Target Area shall be limited to five (5) calendar years from the date of the adoption of this Resolution by the Common Council;

9. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for the Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration; AND

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

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, this ____ day of July, 2015.

____
Dale "Woody" Emmons, President

ATTEST:

____
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _______ day of July, 2015.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of July, 2015, at _____ o'clock ____.M.

____
David A. Wood, Mayor

RESOLUTION NO. __________

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, MAKING A FINAL DETERMINATION AND CONFIRMING THE DESIGNATION OF AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA, KNOWN AS

A PARCEL OF LAND IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA

AS AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF REAL PROPERTY TAX ABATEMENT FOR

BARAK GROUP, L.L.C. and/or ITS ASSIGNS

WHEREAS, the Common Council of the City of Mishawaka, Indiana, adopted a Declaratory Resolution which designated the area known as the land on Ironworks Avenue, Mishawaka, Indiana, and which is more particularly described below as an Economic Revitalization Area and an Economic Development Target Area:

> Commencing at the Northeast corner of Lot 1 as shown on the additional plat of the Town of St. Joseph Iron Works, said point also being on the Southerly right-of-way of Front Street and the Westerly right-of-way of Hill Street; thence North 00°00'00" East parallel with the Westerly right-of-way of Hill Street Extended, 446.00 feet; thence North 90°00'00" East, 125.00 feet to the point of beginning; thence North 00°00'00" East, 177.00 feet; thence South 90°00'00" East, 95.00 feet; thence South 00°00'00" West; 177.00 feet; thence North 90°00'00" West, 95.00 feet to the point of beginning, said described parcel containing 0.39 Acres, more or less, and subject to any easements, covenants, restrictions, and right-of-way of record.

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code § 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area and economic development target area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of

Mishawaka, Indiana, as follows:

1. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area and Economic Development Target Area for the purposes of tax abatement. Such designations are for real property tax abatement only and is limited to five (5) calendar years.

2. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction; provided the same shall be limited to a period of five (5) years for real property only in the following applicable deduction percentages:

Year 1:	100%
Year 2	95%
Year 3	90%
Year 4	85%
Year 5	80%

3. That the petition for tax abatement, the Development Agreement by and between the Petitioner and the City of Mishawaka Redevelopment Commission, and the Statement of Benefits submitted by Barak Group, LLC for it and its successors and assigns, comply with Indiana Code § 6-1.1-12.1-1 et seq. and are hereby approved.

4. That this determination is final except that an appeal may be taken and heard as provided under Indiana Code § 6-1.1-12.1-2-5 and subjections (d) and (e) of the Act.

The Common Council of the City of Mishawaka, Indiana hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area and Economic Development Target Area for the purposes of tax abatement.

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this ___ day of July, 2015.

____
Dale "Woody" Emmons, President

ATTEST:

____
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of July, 2015.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of July, 2015, at _____ o'clock _____.M.

____
David A. Wood, Mayor

City of Mishawaka
Building – Community Development – Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

1. Name of the company for which Economic Revitalization Area (ERA) designation is being requested:

BARAK GROUP, L.L.C. (and its successors/assigns)

2. State the name, title, address and telephone number of a company representative who may be contacted concerning this application:

Name and Title: **Mr. Nir Davison, Owner**

Address: **300 S. St. Louis Boulevard, Suite 103, South Bend, Indiana 46617**

Telephone: **(574) 334-4655**

3. State the name, title, address and telephone number of a company representative who may be sent annual compliance surveys. Please note that the **annual survey will determine if your company is compliant with the terms of the abatement agreement and whether the abatement will continue or be terminated,** so the contact should be made aware of the survey's importance.

Name and Title: **(Same as above)**

Address: ______

Telephone: ______

4. Location of property for which ERA designation (real property tax abatement) is being sought (this information is available through the Township Assessor's Office):

   a) Street Address: ______

   b) Township: **Penn Township**

   c) Taxing District Number: **71-023**

d) Council District Number: **5th District, City of Mishawaka**

e) Tax Parcel Number(s): ____________________

f) Current Zoning of the Property: **C-3 City Center Commercial Zoning District**

g) Case/approval number of any variance, rezoning, or approval petition(s) which is/are required or have been obtained for this project: ____________________

5. What is the amount of the most recent assessment attributable to (this information is available from the most recent property tax form):

   Land: $0, municipal owned

   Improvement: ____________________

   Inventory: ____________________

   Equipment: ____________________

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? __X__ Yes ______ No

7. Does your company currently conduct manufacturing operations at this location? If so, how long has you company been at this location? **N/A**

   a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. **N/A**

   b) Please list any special certifications/designations. **N/A**

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka.

   Please see Description of Applicant and Project attached as Exhibit A

9. What is the size of the real estate that will be developed? (in acres) **See Exhibit A**

10. What is the estimated construction or rehabilitation cost? **~ $450,000**

11. Have building permits been obtained? *(Please note that the state statute requires petitioner to file abatement application before obtaining permits) ______ Yes __**X**__ No

12. What is the anticipated date for construction to begin? **August, 2016**

13. What is the anticipated date for project completion? **No later than December, 2017**

14. Profile of Company that will occupy the property for which tax abatement is being requested:

Please see Description of Applicant and Project attached as Exhibit A

a) Are your employees represented by a union? If so, by whom? **N/A. Applicant is a real estate developer and does not have employees other than the principals**

b) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**) **N/A. Please see 14(a) above.**

Skilled	______	Average hourly wage rate for skilled positions	______
Semi-skilled	______	Average hourly wage rate for unskilled positions	______
Clerical	______	Average hourly wage rate for clerical positions	______
Salaried	______	Average salary (per hour) for salaried positions	______

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) ______

c) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.) **N/A. Please see 14(a) above.**

d) Approximate value of benefits for existing and new employees on a per hour bases (e.g. benefits are valued at an additional $3.00 per hour, etc.) N/A

e) What is the total dollar amount spent on retained salaries? N/A

f) Number of created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	~1	Average hourly wage rate for skilled positions	~18.00
Semi-skilled	~2	Average hourly wage rate for unskilled positions	~7.25
Clerical	______	Average hourly wage rate for clerical positions	______
Salaried	______	Average salary (per hour) for salaried positions	______

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 4-5

g) What is the total dollar amount to be spent on new salaries? $70,000+

h) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for: **N/A. Please see 14(a) above.**

Current hourly employees	______
Retained hourly employees	______
New hourly employees	______

i) (if applicable) What is the usual market for goods and services produced by the company? List the percentage of the company's product or service that reaches: **N/A. Please see 14(a) above.**

Inside St. Joseph County:	______%
Outside St. Joseph County, but inside Indiana:	______%
Outside Indiana, but within 500 miles	______%
Outside of 500 miles	______%
Outside of the United States:	______%

j) (if applicable) List the name and location (City and State) of your five largest vendors or suppliers: **N/A. Please see 14(a) above.**

15. Describe the project for which tax abatement is being requested. Include the types of improvements that will be made, and indicate whether improvement is freestanding or an expansion to existing facility. In addition, indicate whether your company will utilize the entire project space or lease a portion of it to an outside company.
Please see Description of Petitioner and Project attached as Exhibit A

16. Briefly describe the product or service of the company/business which will occupy the property for which tax abatement is being requested.

Please see Description of Petitioner and Project attached as Exhibit A

17. What evidence can be provided to show the positive impact the abatement will have on the **project property and surrounding area?**

Please see Description of Petitioner and Project attached as Exhibit A

18. Please give a detailed description of what the impact on your business will be if the proposed project is not undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

Please see Description of Petitioner and Project attached as Exhibit A

19. Will you require any additional assistance from the City of Mishawaka?

Petitioner has sought the support and assistance from the City of Mishawaka with respect to parcel assembly, ground preparation, public utility improvements, zoning and similar matters regarding the proposed development, all in accordance with the Development Agreement entered into between the Petitioner and the City of Mishawaka Redevelopment Commission.

20. Have you applied for any assistance from the State of Indiana?

<u>Petitioner has not applied for assistance from the State of Indiana regarding the proposed development project.</u>

21. Miscellaneous Attachments Required:

- Attach the legal description of the property where the project will take place, marked <u>Exhibit B</u>, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the project will take place, marked <u>Exhibit C</u>, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Real Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement saving received.

BARAK GROUP, L.L.C.
(and its Successors and Assigns)

____
Signature of Owner or Authorized Representative

Printed: Nir Davison
Title: Owner

____
Date

EXHIBIT A
DESCRIPTION OF PETITIONER AND PROJECT

Barak Group, L.L.C., a Delaware Limited Liability Company (the "Petitioner" or "Developer"), and its affiliates, are engaged in the development of commercial and residential real estate in various geographic territories within and outside the United States. The Developer is focused on development activity within the City of Mishawaka and has entered into a certain Development Agreement with the City of Mishawaka Redevelopment Commission (the "Commission"), dated June 22, 2015, regarding a significant development project for the property at the corner of N. Hill Street and Ironworks Avenue in Mishawaka, Indiana.

As more particularly set forth in the Development Agreement, the proposed project is a "phased" development commencing in August, 2016. Phase 1 includes new investment to construct commercial "coffee shop" space. The commercial "coffee shop" space contains approximately 1,500 square feet. Phase 1 also contemplates an extension of the public plaza so that it blends into the commercial building. The Developer anticipates, at this time, private investment in the estimated amount of $450,000 for the development of the commercial "coffee shop".

As noted above, the proposed project involves a significant investment in the construction of commercial "coffee shop" space. This project, as generally depicted on Exhibit C, is designed with unique architectural features and enhancements to support and promote the advancement of the Mishawaka River Center Master Plan. In particular, the design of the proposed project includes pedestrian friendly features, architecturally significant architecture, and appropriately urban components.

The Developer's proposed project is intended to provide significant benefits to the City of Mishawaka, including (among others) the following:

- The Developer anticipates investing approximately $450,000 in the construction of the commercial "coffee shop" space;

- The Developer anticipates relying on local service providers and suppliers when reasonably possible for the construction services and materials for completion of the project;

- The overall design of the project includes an emphasis on architecturally significant features and pedestrian friendly attributes to support the City's River Center Master Plan, and to create a welcoming and vibrant community within and stemming from the project;

- The proposed development is intended to serve as a catalyst for future projects and to increase traffic, patronage, and vibrancy of the downtown Mishawaka area.

As noted above, the Developer anticipates investing approximately $450,000 to successfully complete the construction of the commercial "coffee shop" space. The success of the project and benefits provided to the City can be bolstered by efforts to manage the real property tax liabilities during construction and the marketing period to lease-up space comprising the project. The Developer kindly requests the Mishawaka City Council's support of a five (5) year real property tax abatement, with the following deduction schedule:

Number of Years	Applicable Deduction %
1	100%
2	95%
3	90%
4	85%
5	80%

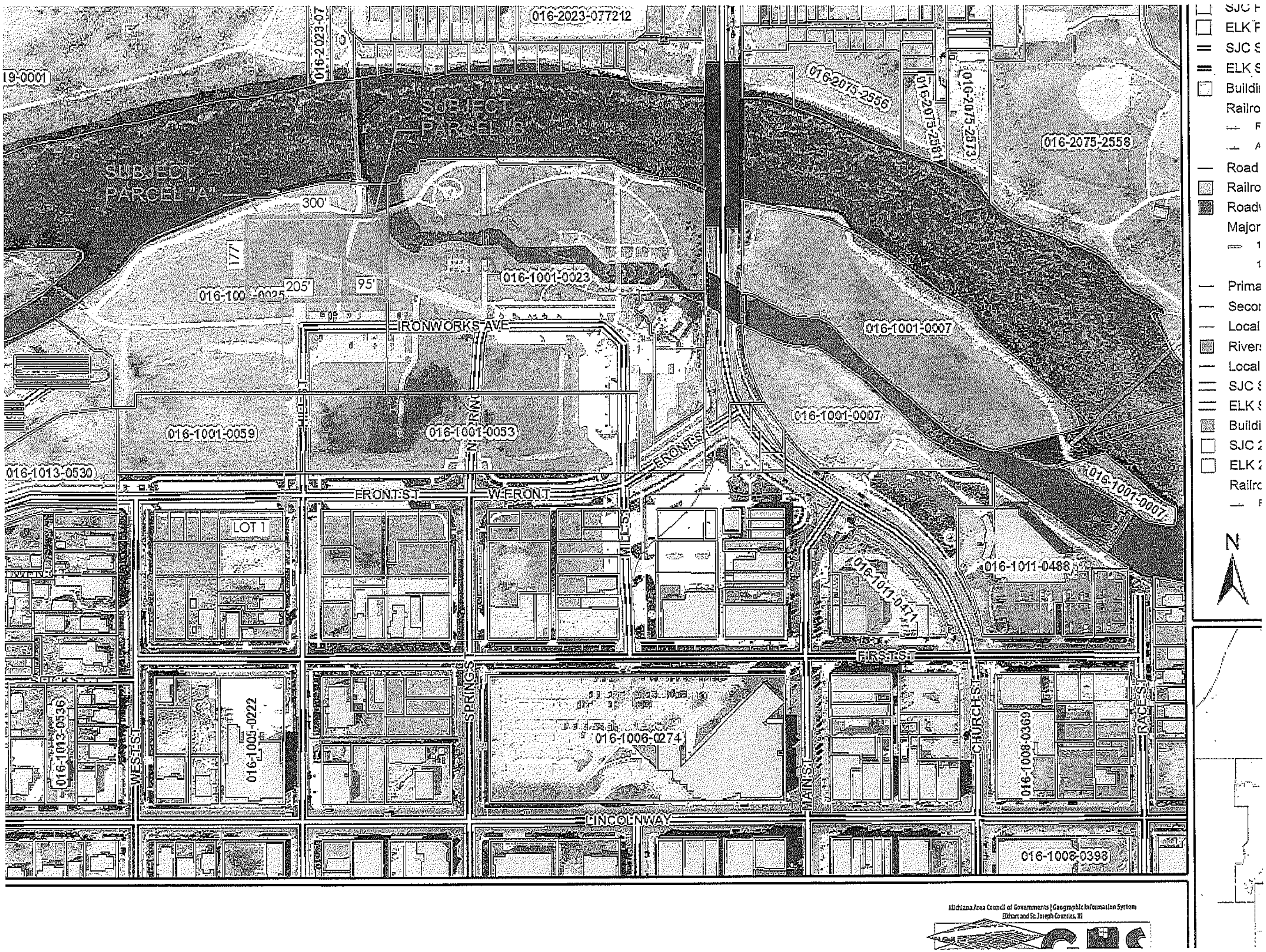
A five (5) year abatement corresponds with the Developer's commitment for Phase 1 completion and will span periods of construction and the initial marketing lease-up phase of the project. Importantly, the tax abatement will assist the petitioner in managing property tax expenses to spur initial growth and occupancy for the mutual benefit of the City of Mishawaka and the stability of the project through rapid occupancy. Any property tax savings realized during the period of construction (through the five-year abatement) will certainly be recovered by the City over time based on the anticipated assessment of the property for many years to come.

EXHIBIT B

LEGAL DESCRIPTION

A parcel of land in the West half of the Northeast Quarter of Section 16, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows:

Commencing at the Northeast corner of Lot 1 as shown on the additional plat of the Town of St. Joseph Iron Works, said point also being on the Southerly right-of-way of Front Street and the Westerly right-of-way of Hill Street; thence North 00°00'00" East parallel with the Westerly right-of-way of Hill Street Extended, 446.00 feet; thence North 90°00'00" East, 125.00 feet to the point of beginning; thence North 00°00'00" East, 177.00 feet; thence South 90°00'00" East, 95.00 feet; thence South 00°00'00" West; 177.00 feet; thence North 90°00'00" West, 95.00 feet to the point of beginning, said described parcel containing 0.39 Acres, more or less, and subject to any easements, covenants, restrictions, and right-of-way of record.



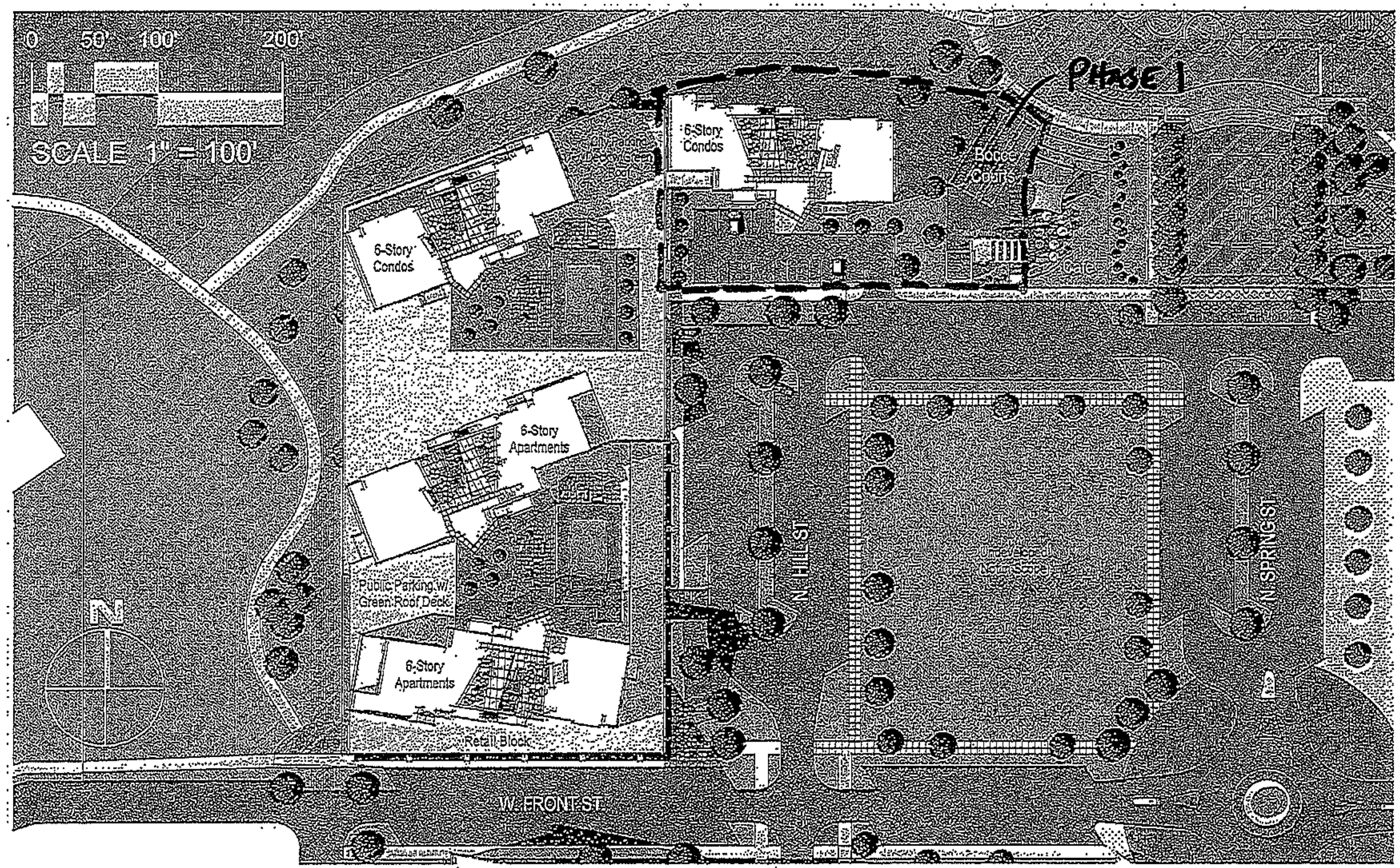
016-2023-077212
016-2023-07
19-0001
SUBJECT PARCEL "B"
SUBJECT PARCEL "A"
016-2075-2556
016-2075-2581
016-2075-2573
016-2075-2558
300'
177'
205'
95'
016-100 -0025
016-1001-0023
IRONWORKS AVE
016-1001-0007
016-1001-0059
016-1001-0053
016-1001-0007
016-1013-0530
FRONT ST
W FRONT
FRONT ST
016-1001-0007
LOT 1
016-1011-0488
016-1011-0471
FIRST ST
016-1013-0536
WEST ST
016-1005-0222
SPRING S
016-1006-0274
MAIN S
CHURCH ST
016-1008-0369
RACE S
LINCOLNWAY
016-1008-0398
SJC
ELK
SJC
ELK
Buildi
Railro
Road
Railro
Roadv
Major
Prima
Secor
Local
River
Local
SJC
ELK
Buildi
SJC 2
ELK 2
Railro
N
Michiana Area Council of Governments | Geographic Information System
Elkhart and St. Joseph Counties, IN

EXHIBIT C

PRELIMINARY DEVELOPMENT PLAN

[PLEASE SEE ATTACHED]

BARAKIRONROCK Mishawaka Indiana Conceptual Planning



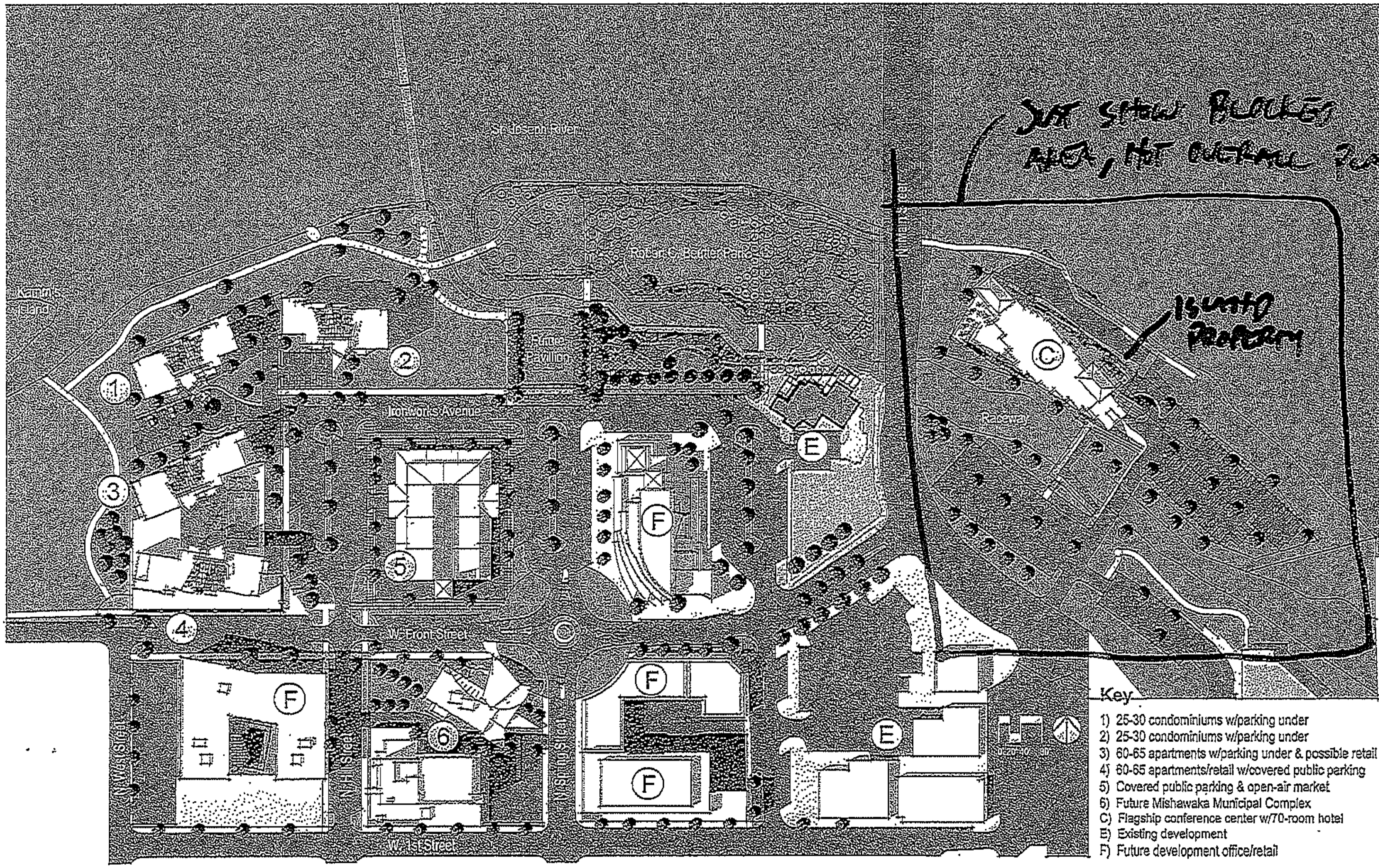
Barak Group LLC

RESIDENTIAL MASTER PLAN WITH CAFE PLAZA
PROPOSED SUBDIVISION SCHEME 05-22-15

panzica

EXHIBIT "A" 1 of 10

BARAKIRONROCK Mishawaka Indiana Conceptual Planning



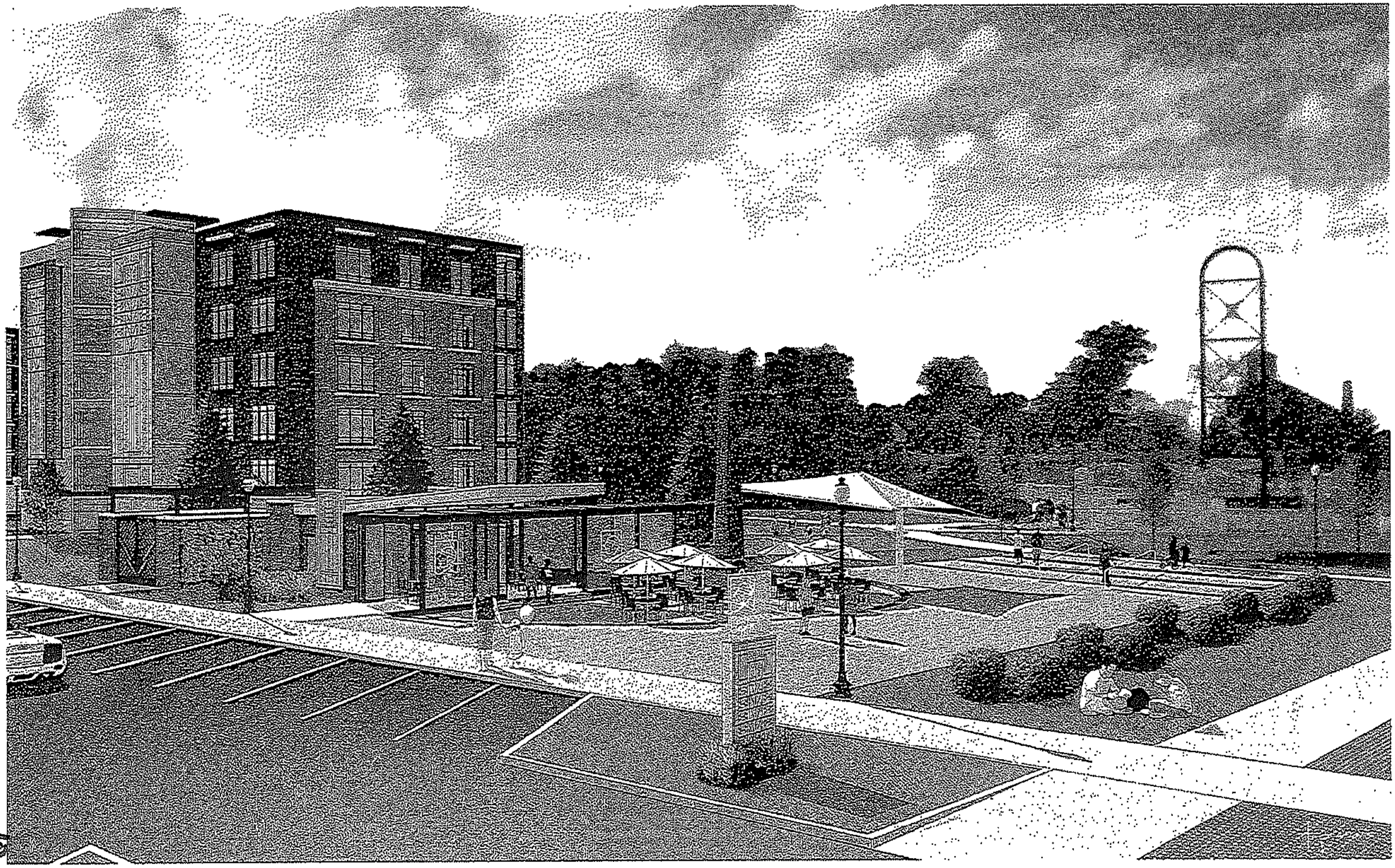
Barak Group LLC

PROPOSED OVERALL MASTER PLAN

panzica

EXHIBIT "A" 2 of 10

BARAKIRONROCK Mishawaka Indiana Conceptual Planning



CAFE & PLAZA LOOKING NW

Barak Group LLC

panzica

EXHIBIT "A" 10 of 10

RESOLUTION NO. 2015-31

A RESOLUTION ACKNOWLEDGING THE CHANGE TO THE I&M ADJUSTMENT FACTOR ESTABLISHED BY RATE ORDINANCE NO. 5426 TO RECOGNIZE THE CHANGE IN COST OF PURCHASING WHOLESALE POWER FROM INDIANA MICHIGAN POWER.

WHEREAS, the City of Mishawaka, Indiana, has previously adopted Rate Ordinance No. 5426 which established an Appendix A, the I&M Adjustment Factor, and

WHEREAS, the cost of purchased power has increased since Rate Ordinance No. 5426 was adopted, and

WHEREAS, the Mishawaka Municipal Electric Utility does not have the financial capacity to absorb the increases in power costs from Indiana Michigan Power, and

WHEREA, the Utility Board has been advised and supports adjusting Appendix A to recognize the current cost of purchased power from Indiana Michigan Power, and

WHEREAS, the Common Council of Mishawaka has been advised that it is necessary to adjust Mishawaka electric rates solely by the change in the cost of purchased power.

NOW, THEREFORE, be it resolved by the Mishawaka Common Council that:

Section 1. Appendix A of Rate Ordinance No. 5426 has been replaced by Appendix A attached to this Resolution.

Section 2. This Resolution shall be in full force and effect from and after its passage.

PASSED and adopted by the Common Council of the City of Mishawaka, Indiana, this 17th day of August, 2015.

____
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

MISHAWAKA (INDIANA) MUNICIPAL ELECTRIC UTILITY

APPENDIX A

RATE ADJUSTMENT

The rate adjustment shall be on the basis of an I&M Adjustment Factor, occasioned solely by changes in the cost of purchased power applicable to Rates R, C, P, I, MS, EH, and S.

Rate Adjustment applicable to the above-listed Rate Schedules:

$0.002576 per KWH used per month as computed following the method, or a method closely approximating the method, illustrated below.

Annual Cost of Purchased Power at the new wholesale rates and charges		$45,335,770.00	
Annual Cost of Purchased Power priced at rates and charges effective July 1, 2013		43,939,626.00	
Annual change in Purchased Power Cost		1,396,144.00	
Annual KWH Sales	÷	582,635,931.00	KWH
Annual Increase per KWH Sold		0.002396	
Adjusted for Utility Receipts Tax	÷	0.93	
I&M Adjustment Factor		$0.002576	/KWH

(Presented to Common Comucil August 17, 2015)

UMBAUGH

H. J. Umbaugh & Associates
Certified Public Accountants, LLP
112 IronWorks Avenue
Suite C
Mishawaka, IN 46544
Phone: 574-935-5178
Fax: 574-935-5928
www.umbaugh.com

June 1, 2015

Mr. James M. Schrader, Utility General Manager
City of Mishawaka
600 E. Third Street
Mishawaka, IN 46544

Re: Mishawaka (Indiana) Municipal Electric Utility – Purchased Power Analysis

Dear Jim:

The attached schedules (listed below) present unaudited and limited information for the purpose of discussion and consideration of the Purchased Power Analysis by the appropriate officers, officials and advisors of the City of Mishawaka. The use of these schedules should be restricted to this purpose, for internal use only, as the information is subject to future revision and final report.

We would appreciate your questions or comments on this information and would provide additional information upon request.

Very truly yours,

UMBAUGH

John D. Julien

MISHAWAKA (INDIANA) MUNICIPAL ELECTRIC UTILITY

TEST YEAR ANALYSIS OF PURCHASED POWER EXPENSE
(Based on Twelve Months Ended March 2015)

Source: City of Mishawaka Invoices

Month	Demand Charge			Energy Charge			Fuel Charge	
Expensed (Usage Period)	Billed KW	Total Rate Per KW	Total Demand Charges	Accumulated Kwh	Total Rate Per Kwh	Total Energy Charges	Total Rate Per Kwh	Total Fuel Charges
April, 2014	79,704.17	$16.3690	$1,304,677.56	43,944,105.852	$0.0096204	$422,759.88	$0.0150510	$661,402.74
May	107,392.68	16.3690	1,757,910.78	49,400,915.377	0.0096204	475,256.57	0.0150510	743,533.18
June	124,347.65	16.2940	2,026,120.61	56,706,718.105	0.0106493	603,886.85	0.0177895	1,008,784.16
July	123,945.30	16.2940	2,019,564.72	55,654,218.112	0.0106493	592,678.46	0.0177895	990,060.71
August	129,444.80	16.2940	2,109,173.57	58,753,625.777	0.0106493	625,684.99	0.0177895	1,045,197.63
September	128,385.02	16.2940	2,091,905.52	48,629,732.243	0.0106493	517,872.61	0.0177895	865,098.62
October	83,098.11	16.2940	1,354,000.60	45,796,298.410	0.0106493	487,698.52	0.0177895	814,693.25
November	90,940.48	16.2940	1,481,784.18	47,525,278.363	0.0106493	506,110.95	0.0177895	845,450.94
December	87,958.35	16.2940	1,433,193.35	50,759,986.279	0.0106493	540,558.32	0.0177895	902,994.78
January, 2015	95,338.64	16.2940	1,553,447.80	54,005,451.056	0.0106493	575,120.25	0.0177895	960,729.97
February	92,876.00	16.2940	1,513,323.34	49,901,695.000	0.0106493	531,417.96	0.0177895	887,725.93
March	87,152.25	16.2940	1,420,058.76	48,962,089.444	0.0106493	521,411.98	0.0177895	871,011.09
Totals	1,230,583		$20,065,160.79	610,040,114.018		$6,400,457.34		$10,596,683.00

(Continued on Next Page)

(Subject to the attached letter dated June 1, 2015)
(Preliminary - Subject to Change)
(Internal Use Only)

(Cont'd)

MISHAWAKA (INDIANA) MUNICIPAL ELECTRIC UTILITY

TEST YEAR ANALYSIS OF PURCHASED POWER EXPENSE
(Based on Twelve Months Ended March 2015)

Source: City of Mishawaka Invoices

Month Expensed (Usage Period)	Fuel Adjustment Charge: Accumulated Kwh	Fuel Adjustment Charge: Total Rate Per Kwh	Fuel Adjustment Charge: Total Fuel Adjustment Charges	Actual Fuel True-Up: Accumulated Kwh	Actual Fuel True-Up: Total Rate Per Kwh	Actual Fuel True-Up: Total Fuel True-Up Charges	Other Charges (1)	Total Purchased Power
April, 2014	43,944,105.852	($0.0011217)	($49,292.10)	49,981,698.522	($0.0028535)	($142,622.78)	$509,604.60	$2,706,529.90
May	49,400,915.377	(0.0012139)	(59,967.77)	50,684,113.633	(0.0002900)	(14,698.39)	522,094.96	3,424,129.33
June	56,706,718.105	(0.0035070)	(198,870.46)	43,944,105.852	0.0003532	15,521.06	466,104.10	3,921,546.32
July	55,654,218.112	(0.0032667)	(181,805.63)	49,400,915.377	0.0006857	33,874.21	552,623.35	4,006,995.82
August	58,753,625.777	(0.0026694)	($156,836.93)	56,706,718.105	0.0008376	47,497.55	552,377.20	4,223,094.01
September	48,629,732.243	(0.0039184)	(190,550.74)	55,654,218.112	(0.0006517)	(36,269.85)	538,751.59	3,786,807.75
October	45,796,298.410	(0.0029292)	(134,146.52)	58,753,625.777	(0.0002598)	(15,264.19)	552,171.50	3,059,153.16
November	47,525,278.363	(0.0057251)	(272,086.97)	48,629,732.243	(0.0018067)	(87,859.34)	538,225.09	3,011,624.85
December	50,759,986.279	0.0006494	32,963.54	45,796,298.410	0.0035786	163,886.63	551,923.62	3,625,520.24
January, 2015	54,005,451.056	0.0013156	71,049.57	47,525,278.363	0.0070407	334,611.23	395,278.71	3,890,237.53
February	49,901,695.000	(0.0044430)	(221,713.16)	50,759,986.279	(0.0050924)	(258,490.15)	366,385.08	2,818,649.00
March	48,962,089.444	(0.0006984)	(34,195.12)	54,005,451.056	(0.0020140)	(108,766.98)	395,164.90	3,064,684.63
Totals	610,040,114.018		($1,395,452.29)	611,842,141.729		($68,581.00)	$5,940,704.70	$41,538,972.54

(1) Includes PJM open access transmission tariff and formula rate true-up.

(Subject to the attached letter dated June 1, 2015)
(Preliminary - Subject to Change)
(Internal Use Only)

MISHAWAKA (INDIANA) MUNICIPAL ELECTRIC UTILITY

SCHEDULE OF PRO FORMA PURCHASED POWER AT ESTIMATED 2015 RATES

		Annual Billing Determinants (1)	Rate	PJM Transmission	Cost
Demand	KW	1,230,583	$ 17.993		$22,141,880
Energy	KwHr	610,040,114	$ 0.0113202		6,905,776
Fuel Charge	KwHr	610,040,114	$ 0.0147672		9,008,584
Fuel Adjustment Charge	KwHr	610,040,114	$ -		-
Subtotal Fuel			$ 18.01909		38,056,240
Annual True Up Payments		monthly	$ 266,335		3,196,019
Transmission Expense					
NITS	MW	89	$ 3,193	3,429,038	
Sch A1					
Per I&M Bills					
Adjusted for Losses @ 3.41%	MWh	630,842	$ 0.126700	79,928	
RTO Start Up	MW	89	$ 8.2200	8,827	
Transmission Enhancements		monthly	$ 582,771	582,771	
Other Support Facilities		monthly	$ 3,921	47,052	
Credits		monthly	$ (64,105)	(64,105)	
Total Transmission Expense					4,083,511
Total Purchased Power Expense					$45,335,770

(1) Based on billing determinants for the 12 months ended March, 2015.

(Subject to the attached letter dated June 1, 2015)
(Preliminary - Subject to Change)
(Internal Use Only)

MISHAWAKA (INDIANA) MUNICIPAL ELECTRIC UTILITY

SCHEDULE COMPARING PRO FORMA PURCHASED POWER ESTIMATES

		Annual Billing Determinants	Rate	PJM Transmission	Purchased Power Covered by Current Rates	Purchased Power at I&M 2015 Rates
Demand	KW	1,230,583	$ 16.369		$20,143,413	$22,141,880
Energy	KwHr	610,040,114	$ 0.0096204		5,868,830	6,905,776
Fuel Charge	KwHr	610,040,114	$ 0.0150510		9,181,714	9,008,584
Fuel Adjustment Charge	KwHr	610,040,114	$ 0.0054368		3,316,666	-
Subtotal Fuel			$16.3991082		38,510,623	38,056,240
Annual True Up Payments		monthly	$ 112.103		1,345,236	3,196,019
Transmission Expense						
NITS	MW	101.9	$ 88	3,273,028		
Sch A1						
Per I&M Bills	KwHr	619,372,263				
Adjusted for Losses @ 3.41%	KwHr	640,492,857	$ 0.000127	81,150		
RTO Start Up	MW	102	$ 0.2833	10,537		
Transmission Enhancements		monthly	$ 56,000	672,000		
Other Support Facilities		monthly	$ 3,921	47,052		
Credits		monthly	$ -	-		
Total Transmission Expense					4,083,767	4,083,511
Total Purchased Power Expense					$43,939,626	$45,335,770

*2014 actual Fuel costs expenses ($6,655,390) annualized equals $8,875,000.

(Subject to the attached letter dated June 1, 2015)
(Preliminary - Subject to Change)
(Internal Use Only)

MISHAWAKA (INDIANA) MUNICIPAL ELECTRIC UTILITY

COMPARISON OF BILLED VERSUS PURCHASED

Month	Purchased I&M	Mishawaka Sold	Variance
April, 2014	43,944,105.852	46,094,091.000	(2,149,985.148)
May	49,400,915.377	41,251,749.000	8,149,166.377
June	56,706,718.105	50,435,326.000	6,271,392.105
July	55,654,218.112	55,939,219.000	(285,000.888)
August	58,753,625.777	52,288,094.000	6,465,531.777
September	48,629,732.243	51,965,996.000	(3,336,263.757)
October	45,796,298.410	46,516,801.000	(720,502.590)
November	47,525,278.363	44,603,778.000	2,921,500.363
December	50,759,986.279	46,498,789.000	4,261,197.279
January, 2015	54,005,451.056	52,162,721.000	1,842,730.056
February	49,901,695.000	47,519,795.000	2,381,900.000
March	48,962,089.444	47,359,572.000	1,602,517.444
Total	610,040,114.018	582,635,931.000	27,404,183.018

(Subject to the attached letter dated June 1, 2015)
(Preliminary - Subject to Change)
(Internal Use Only)

MISHAWAKA (INDIANA) MUNICIPAL ELECTRIC UTILITY

APPENDIX A

RATE ADJUSTMENT

The rate adjustment shall be on the basis of an I&M Adjustment Factor, occasioned solely by changes in the cost of purchased power applicable to Rates R, C, P, I, MS, EH, and S.

Rate Adjustment applicable to the above-listed Rate Schedules:

> $0.002576 per KWH used per month as computed following the method, or a method closely approximating the method, illustrated below.

Annual Cost of Purchased Power at the new wholesale rates and charges		$45,335,770.00	
Annual Cost of Purchased Power priced at rates and charges effective July 1, 2013		43,939,626.00	
Annual change in Purchased Power Cost		1,396,144.00	
Annual KWH Sales	÷	582,635,931.00	KWH
Annual Increase per KWH Sold		0.002396	
Adjusted for Utility Receipts Tax	÷	0.93	
I&M Adjustment Factor		$0.002576	/KWH

(Subject to the attached letter dated June 1, 2015)
(Preliminary - Subject to Change)
(Internal Use Only)

City of Mishawaka

RESOLUTION R2015-32

Whereas, *St. Monica Parish celebrates its 100th Anniversary and the city of Mishawaka wants to celebrate them as being among one of the oldest churches in Mishawaka; and,*

Whereas, *St. Monica's predominately German Heritage gravitated to Mishawaka because of the rich lands and the abundant timber growth in this valley that surrounded the river. The German laborers, mechanics and artisans also found ready employment in Mishawaka's industrial complexes that abounded in this area.*

Whereas, *Bishop Alerding appointed Rev. John Bleckmann to form a new congregation, which became known as St. Monica's Catholic Church. the Italian Romanesque style church was constructed and dedicated in 1927 and stands on the corner of Mishawaka Avenue and Ann Street to this day where it serves a congregation of roughly 700 families.*

Whereas, *in the 1930's the church was blessed with an influx of Italian immigrants most of which were from Plati, Italy who settled on the north side of Mishawaka. They have enriched the parish and many extended members of the original families continue to be active and committed parishioners.*

NOW, THEREFORE BE IT RESOVED by the Mishawaka Common Council, Mayor David A. Wood, City Clerk Deborah Block, do hereby proclaim the 30th Day of August in the year of our Lord, Two Thousand and Fifteen, and of the Independence of the United States, the Two Hundred and Thirty Ninth, and of Mishawaka's founding, the One Hundred and Eighty Second, as

"St. Monica Catholic Church Day"

in our community, and I urge all of our citizens to join in saluting, congratulating and thanking all of the members of St. Monica Catholic Church and Monsignor Piechocki for the many significant and valuable contributions they have made and continue to make to God, our community, and the world!

Dale "Woody" Emmons, President, 1st District	Ron Banicki, Vice President, 6th District
Mike Bellovich, 2nd District	Matt Mammolenti At Large
John Reisdorf, 3rd District	Dan Bilancio, At Large
Kate Voelker, 4th District	John Roggeman, At Large
S. Michael Compton 5th District	

Deborah S . Block, IAMC, MMC City Clerk	David A. Wood Mayor

ST. MONICA PARISH
Building on Faith

ST. MONICA PARISH
Building on Faith

ST. MONICA
100 YEAR ANNIVERSARY
ALL CLASS / ALL PARISH FAMILY REUNION

Saturday, August 29, 2015

TIME: *Please join us: 11:00am - 3:00pm*
WHERE: *Battell Park (across from St. Monica Church)*
TOURS: *School Tours from 10:30am - 12:00noon*
COST: *No Cost - Donations Welcome*
FOOD: *Corn and Sausage Roast*

Please bring a dish to share:

Last Name starting with: A-K Side Dish
L-Z Dessert

Enjoy Comaraderie, Renewed Friendships, and fun for all ages

RSVP by August 10, 2015

Name ________________ Year graduated or last attended: _______

Address: ________________ City: ________ State: _____ Zip: ______

Phone: ________________ Email: ________________

# of Adults Attending: _____; # of Children Attending: _____; Ages of Children: _________

Mail to: Joanne (Olsen '67) Eichhorn, Reunion Chair
51899 Miller Dr, Granger, IN 46530
Or email: J2411@aol.com, call or text to 574-340-1502

****Also, if you know of anyone who is affiliated, past or present, with St. Monica School or Parish, please pass the word and encourage them to attend. You can also forward their name and address to Joanne Eichhorn and I will be happy to send an invitation to them****

The celebration continues on Sunday, August 30th with Mass at 1:00pm, celebrated by Bishop Rhoades, and dinner at Riverview Terrace at 2:30pm. Please visit our website or facebook page for more information and to RSVP.

www.facebook/stmonica100 and www.stmonicamish.org *Hope to see you in August!*

100 1915 - 2015

ST. MONICA PARISH

Building on Faith

The Rev. Msgr. Bruce Piechocki, Pastor
and the Parish Centennial Committee of
St. Monica Parish
cordially invite you to the

ONE HUNDREDTH ANNIVERSARY CELEBRATION MASS
AT ST. MONICA CHURCH
SUNDAY, AUGUST 30, 2015
AT ONE O'CLOCK IN THE AFTERNOON
222 WEST MISHAWAKA AVENUE
MISHAWAKA, INDIANA

ONE HUNDREDTH ANNIVERSARY BANQUET
AT THE RIVERSIDE TERRACE
SUNDAY, AUGUST 30, 2015
AT TWO-THIRTY IN THE AFTERNOON
426 LINCOLNWAY EAST
MISHAWAKA, INDIANA

Dear Parishioners, Alumni and Friends of Saint Monica

Saint Monica Parish is celebrating its 100th anniversary this year. We are inviting all Parishioners, both past and present, along with alumni and friends of Saint Monica's to be a part of our centennial celebrations.

Here is the schedule of events that will be taking place this summer:

August 29th – Reunion Picnic, Battel Park (across from the church) - 11:00 AM to 3:00 PM
August 30th – Celebratory Mass with Bishop Kevin Rhoades presiding - 1:00 PM
August 30th – Banquet, Riverside Terrace, Mishawaka - 2:30 PM

Enclosed are the following items:
- Formal Dinner Invitation
- Dinner RSVP w/Return Envelope
- Reunion Message Card

It has proven a challenging task to obtain current addresses for all the friends and alumni of Saint Monica's. If you are aware of someone who may like to attend any of the activities, please pass this invitation information along to them. They can RSVP via our Facebook page or our website www.stmonicamish.org.

I look forward to seeing you at one or all of the events. Thank you for your time and God bless.

Msgr. Bruce

ST. MONICA PARISH
100TH YEAR ANNIVERSARY
ALL CLASS / ALL PARISH
FAMILY REUNION

SATURDAY, AUGUST 29, 2015

TIME: Please join us 11:00am – 3:00pm
WHERE: Battell Park (Across from St. Monica Church)
TOURS: School Tours 10:30am – 11:30am
COST: Free Event - Donations Welcome
FOOD: Corn and Sausage Roast

For more information or to register, contact Joanne Eichhorn
Cell Phone: 574-340-1502 Call or text; Email: J2411@aol.com

RSVP BY AUGUST 10, 2015

ST. MONICA PARISH
Building on Faith

ST. MONICA CHURCH 100TH ANNIVERSARY DINNER
RESPONSE CARD
PLEASE RETURN BY AUGUST 1, 2015

NAME____________________________
DAY PHONE________________________
ADDRESS____

ATTENDING @ $25 PER ADULT__________
ATTENDING 6-18 YRS. @ $12 PER CHILD__________
ATTENDING 5 AND UNDER FREE__________

AMOUNT ENCLOSED $__________ (Make checks payable to St. Monica Church)

We are unable to attend_____. Please accept our offering of $_________ to help support St. Monica Church and the Anniversary Celebration.
Anything you can contribute will help to allow all friends to enjoy the celebration.

List names of Individuals attending on back of card

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 11 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 8-3-2015
2nd Reading 8-10-2015
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015-18

ORDINANCE NO.

An Ordinance of the City of Mishawaka amending Ordinance No. 5491 to amend the optional call provisions and the rating requirements in connection with the acquisition of a surety bond to fund all or a portion of the 1994 Reserve Account, other matters connected therewith, and repealing ordinances inconsistent herewith

WHEREAS, the City of Mishawaka ("City") adopted Ordinance No. 5491 on July 20, 2015 ("Ordinance") which provided the authorization for the issuance of Sewage Works Refunding Revenue Bonds of 2015 ("2015 Bonds") of the City; and

WHEREAS, the Common Council of the City has been advised that Assured Guaranty Municipal Corp. ("AGM") has issued a commitment to issue a surety bond for the partial funding the 1994 Reserve Account continued under the Ordinance; and

WHEREAS, the financial advisor to the City has recommended that the surety bond be purchased from AGM in connection with the issuance of the 2015 Bonds; and

WHEREAS, the optional call provisions for the 2015 Bonds will be revised to reflect the sale results of the 2015 Bonds; and

WHEREAS, the Common Council has been advised that it is necessary to make changes to the Ordinance to eliminate the rating requirements for AGM and to restate the optional call provisions for the 2015 Bonds; and

WHEREAS, the Common Council has determined to adopt an ordinance to amend the Ordinance to allow the City to purchase the surety bond from AGM and restate the optional call provisions for the 2015 Bonds;

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

Section 1. Section 14(c) of the Ordinance is amended to remove the following sentence:

"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."

Section 2. The first paragraph of Section 3 of the Ordinance shall be amended and restated as follows:

" 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. "

Section 3. The execution of the Bond Purchase Agreement for the sale of the 2015 Bonds with terms set forth in the Ordinance, as amended by this ordinance, is hereby ratified and approved.

Section 4. All provisions of the Ordinance not amended by the adoption of this ordinance shall remain in full force and effect.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Adopted this _______ day of ___________________, 2015.

CITY OF MISHAWAKA
COMMON COUNCIL

____
Presiding Officer

Attest:

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

Presented by me to the Mayor of the City of Mishawaka this ______ day of ____________, 2015 at ___:____ ___.m.

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

Signed and approved by me, the Mayor of the City of Mishawaka, this ___ day of __________, 2015 at ___:____ __.m.

____
David A. Wood, Mayor

I\5600500.2

Summary report: **Litéra® Change-Pro 7.5.0.125 Document comparison done on 8/6/2015 10:07:43 AM**	
Style name: IM Default	
Intelligent Table Comparison: Active	
Original DMS:dm://INDY/5600500/1	
Modified DMS: dm://INDY/5600500/2	
Changes:	
Add	13
~~Delete~~	4
~~Move From~~	0
Move To	0
Table Insert	0
~~Table Delete~~	0
Table moves to	0
~~Table moves from~~	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	17

ORDINANCE NO. _____

An Ordinance of the City of Mishawaka amending Ordinance No. 5491 to amend the optional call provisions and the rating requirements in connection with the acquisition of a surety bond to fund all or a portion of the 1994 Reserve Account, other matters connected therewith, and repealing ordinances inconsistent herewith

WHEREAS, the City of Mishawaka ("City") adopted Ordinance No. 5491 on July 20, 2015 ("Ordinance") which provided the authorization for the issuance of Sewage Works Refunding Revenue Bonds of 2015 ("2015 Bonds") of the City; and

WHEREAS, the Common Council of the City has been advised that Assured Guaranty Municipal Corp. ("AGM") has issued a commitment to issue a surety bond for the partial funding the 1994 Reserve Account continued under the Ordinance; and

WHEREAS, the financial advisor to the City has recommended that the surety bond be purchased from AGM in connection with the issuance of the 2015 Bonds; and

WHEREAS, the optional call provisions for the 2015 Bonds will be revised to reflect the sale results of the 2015 Bonds; and

WHEREAS, the Common Council has been advised that it is necessary to make ~~one change~~changes to the Ordinance to eliminate the rating requirements for AGM and to restate the optional call provisions for the 2015 Bonds; and

WHEREAS, the Common Council has determined to adopt an ordinance to amend the Ordinance to allow the City to purchase the surety bond from AGM and restate the optional call provisions for the 2015 Bonds;

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

Section 1. Section 14(c) of the Ordinance is amended to remove the following sentence:

"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."

Section 2. The first paragraph of Section 3 of the Ordinance shall be amended and restated as follows:

" 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. "

Section 3. The execution of the Bond Purchase Agreement for the sale of the 2015 Bonds with terms set forth in the Ordinance, as amended by this ordinance, is hereby ratified and approved.

Section 4. ~~Section 2.~~ All provisions of the Ordinance not amended by the adoption of this ordinance shall remain in full force and effect.

Section 5. ~~Section 3.~~ This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Adopted this _______ day of ____________________, 2015.

CITY OF MISHAWAKA
COMMON COUNCIL

____
Presiding Officer

Attest:

____
Clerk

Presented by me to the Mayor of the City of Mishawaka this ______ day of ____________, 2015 at ___:____ ___.m.

____
Clerk

Signed and approved by me, the Mayor of the City of Mishawaka, this ___ day of __________, 2015 at ___:_____ __.m.

____
Mayor

~~I\5600500.1~~I\5600500.2

1st Reading 7-20-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-20

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-17

ORDINANCE NO. ______

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 15 2015

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

Lot 1 & 20' East side Lot 2, Geyer's 3rd Subdivision

COMMON ADDRESS: 3626 Lincolnway East

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

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

1. There are commercial zonings with residential uses to the east and south of this property, but the neighborhood surrounding the property are used as single family dwellings, and its historic use as a single family dwelling 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 history as a single family residence, staff feels that the most desirable use for this property is single-family use;

3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

Proposed Ordinance No: 2015-17

Ordinance No: ______________________________

4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing 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 but it's historic use as a single family home is compatible and consistent with the historic residential uses in the area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _________day of ____________________, 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

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.

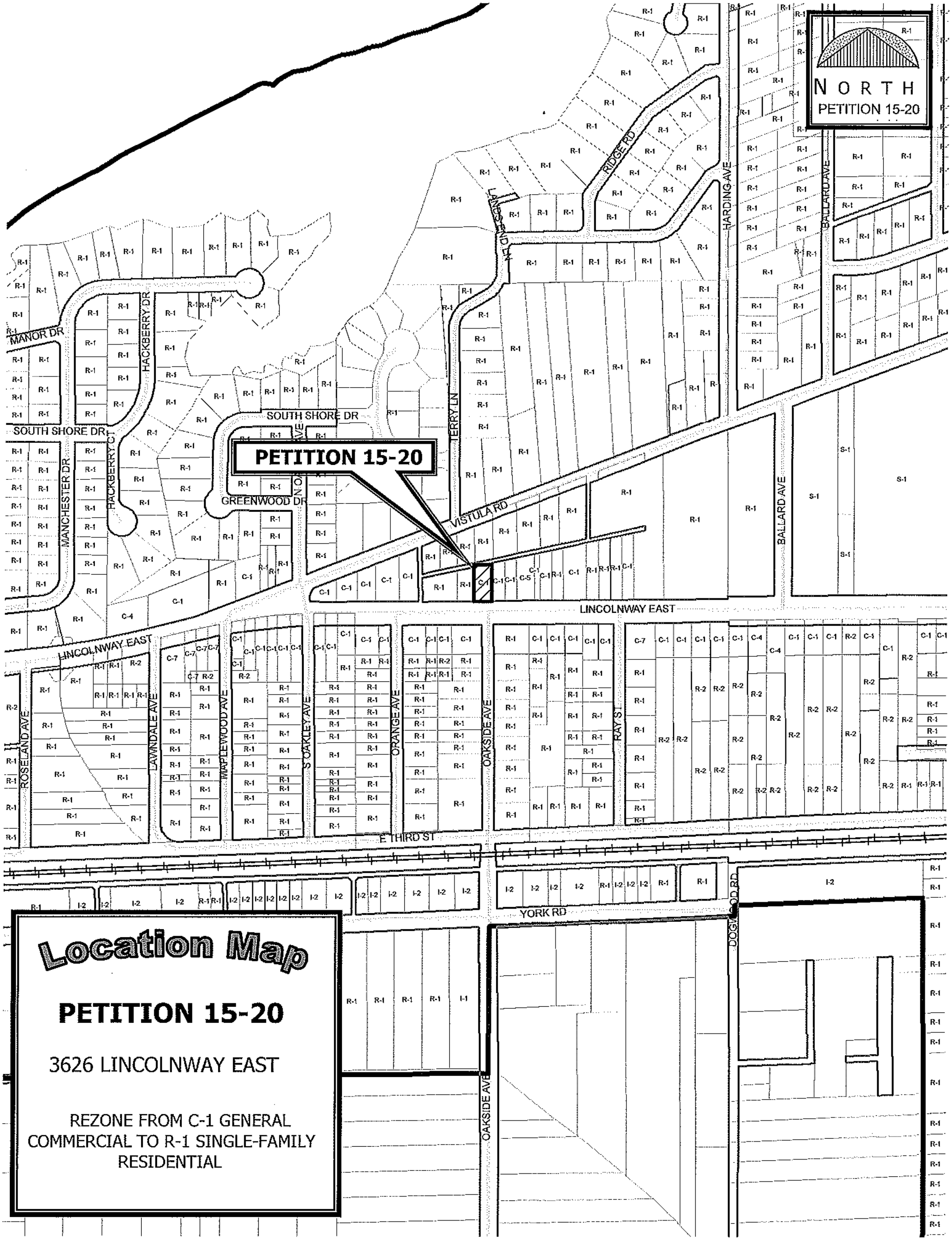
Petitioner desires said real estate to be rezoned to R-1 District.
Petitioner further states that he intends to utilize said land as a single family residence.

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
Location Map
PETITION 15-20
3626 LINCOLNWAY EAST
REZONE FROM C-1 GENERAL COMMERCIAL TO R-1 SINGLE-FAMILY RESIDENTIAL
MANOR DR
SOUTH SHORE DR
SOUTH SHORE DR
HACKBERRY DR
HACKBERRY CT
MANCHESTER DR
GREENWOOD DR
TERRY 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