



AGENDA
February 02, 2026

Meetings of Standing Committees
Council Conference Room
5:45PM

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

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

Microsoft Teams Number:1-213-493-9412
Meeting ID: 222 505 450 263 8
Meeting password: kr7Tr2SZ

Dial: [+1 213-493-9412](tel:+12134939412), ,859829763#

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

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

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

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of January 05, 2026

5. Petitions, Communications, Remonstrance, and Memorial

Petition No. 2026-01 Annex and Establish Zoning as R-1 Single Family District - 55660 Fir Road.

Petition No. 2026-02 Annex and Establish Zoning as C-1 General Commercial and Rezone from C-4 Automobile-Oriented Commercial to C-1 General Commercial - NW corner of McKinley & Fir Rd-1550 E. McKinley

A letter from the Board of Zoning Appeals regarding their recommendation from their January 13, 2026, meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2026-03 Sewage Works Revenue Bond Ordinance

8. Resolutions

R2026-01 Use Variance to allow Outside Storage for Landscaping Contractor - SE corner of State Rd. 23 & Toll Rd.

R2026-02 Use Variance to allow a Second Floor Residential Unit in the Commercial Building occupied by Josephiney Photography - 340 W. Cleveland Rd.

R2026-03 Declaring an Auto Mall Economic Development Area - 14325 & 14233 Cleveland Rd. & Toll Rd.

R2026-04

Declaratory Resolution for Real & Personal
Property Tax Abatement - United Pet Food

9. Ordinances on Second Reading

P.O. No. 2025-49 Establishing 120 N. Race St. as a Historic
Landmark **(Assigned to Land Use Planning)**

P.O. No. 2026-01 Amending 2026 Salary Ordinance for the
Police Department
(Assigned to Budget & Finance Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the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

<https://www.facebook.com/cityofmishawaka/> and

www.youtube.com/@cityofmishawaka635 and on the Michiana Access

TV Facebook page, <https://www.facebook.com/MichianaAccessTV>

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

Download Packet Link:

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

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

The City of Mishawaka acknowledges its responsibility to comply with the
Americans with Disabilities Act of 1990. In order to assist individuals with
disabilities who require special services (i.e. sign interpretative services,
alternative audio/visual devices, and amanuenses) for participation in or access
to City sponsored public programs, services and/or meetings, the City requests
that individuals make requests for these services forty-eight (48) hours ahead

of the scheduled program, service and/or meeting. To make arrangements contact Susan Kile, ADA Coordinator, at (574) 258-1615.

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



REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

January 5, 2026

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday January 5, 2026, at 6:00PM. The meeting was called to order by City Clerk Debbie Ladyga-Block. All were asked to stand for the Pledge of Allegiance.

Chief Deputy Clerk Raven Boston called the roll

Present: Mrs. Hazen (P), Mrs. Voelker (P), Mr. Carroll (P), Mr. Banicki (P), Mr. Emmons (P), Ms. Hahn (P), Mr. Mammolenti (P), Mr. Violi (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Clerk Block opened the floor for nominations for President of the Council for 2026. Mr. Mammolenti nominated Mr. Gregg Hixenbaugh to serve as the Council President for 2026. Mr. Violi seconded the nomination. Hearing no other nominations, Clerk Block entertained a motion to close nominations. Mr. Banicki moved the motion and with a second from Mr. Mammolenti, a voice vote was held on the motion. The motion passed unanimously. Chief Deputy Clerk Boston polled the Council on the nomination of Gregg Hixenbaugh as Council President for 2026.

Nomination passed by unanimous roll call vote (summary: Yes = 9).
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The nomination passed 9-0 and Mr. Hixenbaugh was elected Council President for 2026.

Mr. Hixenbaugh thanked his colleagues and stated he looked forward to continuing to work with them as well as the Administration throughout the coming year.

Mr. Hixenbaugh opened the floor for nominations for Vice President of the Council for 2026. Mr. Violi nominated Mr. Ron Banicki to serve as the Council Vice President for 2026. Mr. Mammolenti seconded the nomination. Hearing no other nominations, Mr. Hixenbaugh entertained a motion to close nominations. Mr. Violi moved the motion and with a second from Mr. Mammolenti, nominations were closed. City Clerk Debbie-Ladyga Block polled the Council on the nomination of Ron Banicki as Council Vice President for 2026.

Nomination passed by unanimous roll call vote (summary: Yes = 9).
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The nomination passed 9-0 and Mr. Banicki was elected Council Vice President for 2026.

Mr. Banicki thanked the Council.

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

Minutes for the Regular Meeting on December 15, 2025, were approved as received from the Clerk's Office.

Clerk Block read the following appeal by title.

Appeal No. 2025-42 Use Variance to allow a Second Floor Residential Unit in the Commercial Building occupied by Josephine Photography – 340 W. Cleveland Rd.

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

PROPOSED ORDINANCE NO. 2026-01

AN ORDINANCE AMENDING ORDINANCE 5951 FIXING THE SALARIES OF ALL SWORN POLICE EMPLOYEES OF THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2026

**Amending 2026 Salary Ordinance for the Police Department
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2026-02

AN ORDINANCE APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MISHAWAKA AND THE MISHAWAKA FRATERNAL ORDER OF POLICE LODGE 91

**Collective Bargaining Agreement between the City and Mishawaka Police Department for 1 year
(Second Reading Requested)**

The chair entertained a motion to suspend their regular council rules and hold first and second reading on **PROPOSED ORDINANCE NO. 2026-02** that evening. Mr. Banicki moved the motion and with a second from Mr. Violi, a voice vote was held on the motion. The motion passed unanimously and the Council moved to second reading and public hearing on **PROPOSED ORDINANCE NO. 2026-02**.

Alex Arendt, Police Chief of the Mishawaka Police Department, spoke in favor of **PROPOSED ORDINANCE NO. 2026-02**. Chief Arendt stated they went through an agreement with the Fraternal Order of Police to come to agreement on accepting drone operator as a specialty, language on light duty, and language on how on call overtime would be handled in the detective bureau as well as how training for voluntary events would be handled and how buyout of random personal days would be handled at the end of the year so that it was reflected in the final payroll as opposed to the current language of December 31st. Chief Arendt stated those were the changes

that were discussed with the FOP and agreed upon and he asked that the Council accept the contract as submitted.

Rich Freeman, President of FOP Lodge 91, spoke in favor of **PROPOSED ORDINANCE NO. 2026-02**. President Freeman stated there were several things that had taken place at the end of the year and thanked everybody for the process as there were a lot of difficult things on the docket. President Freeman stated he appreciated the discussion that had taken place and there were many things that were going to continue to take place. President Freeman stated they had many issues with regard to training and training equipment. President Freeman stated in the last two weeks, they had some incidents and were ongoing incidents and he was not going to discuss any details regarding them, but they were both nothing short of a miracle. President Freeman stated the outcomes of both of the incidents would not have been possible without the training and the equipment that had been recently provided to the department and he thanked everyone that was part of that process. President Freeman stated moving forward, he hoped that would also be in consideration with the budgetary restraints that they may or may not have been looking towards. President Freeman thanked the Council for their consideration.

Mr. Mammolenti expressed his extreme thanks for President Freeman and all of the other officers and the Administration for the crazy couple of weeks that he had just described, and he knew it was handled perfectly, and they would be in his continued thoughts and prayers throughout the lingering process, and he knew healing would need to take place. Mr. Mammolenti once again thanked them all for all they did for the last couple of weeks and what they continued to do on a daily basis. President Freeman thanked Mr. Mammolenti for his comments.

Mr. Hixenbaugh stated he was always proud of the service the Mishawaka provided to the City of Mishawaka. Mr. Hixenbaugh stated on a smaller level, he was also proud of the collaborative spirit President Freeman referenced with regard to how they bargained together. Mr. Hixenbaugh stated they clearly did not always agree, nor would they ever always agree, but they worked through it and it was a very professional process, and he appreciated the role not only the FOP played, but that the Administration played, and he mentioned Chief Arendt, Chief Nowacki, Mrs. Maguire, and Mr. Roggeman by name. Mr. Hixenbaugh acknowledged the tome that his colleagues on the Council spent with regard to the process and not to speak for them, but he believed they also echoed the sentiment that they appreciated the collaborative nature. Mr. Hixenbaugh stated he appreciated the leadership of Mr. Mammolenti as the chair of the Public Health and Safety Committee as well as the roles that Mr. Violi and Ms. Hahn played with regard to the negotiations. Mr. Hixenbaugh acknowledged the continued commitment that the Administration had shown to them dealing with the issues both financial and operational in nature as a combined bargaining team. Mr. Hixenbaugh stated he continued to believe that that was in the best interest of the community as well as the police department and it led to the best possible outcome that they could have. Mr. Hixenbaugh stated as President Freeman touched on, they technically had the ordinance setting the salary and compensatory pieces on first reading only that evening, but since they were talking about the issues in passing, it was a challenging bargaining and as he had said before, it was only because of decisions that had been made by people outside of the City of Mishawaka that they were facing the financial challenges that they were and they were unable to do all that they wanted to do not only at the bargaining table but in

particular at the bargaining table with continuing to make sure that they had the best paid, best trained, and best qualified officers that they could possibly put out on the street every day. Mr. Hixenbaugh believed they were doing a great job under difficult circumstances, but the challenges were not being made any easier by their friends in Indianapolis. Mr. Hixenbaugh stated he held out a little hope that out of the session, they would start to see some relief that would allow them to be able to make good decisions on the local level with regard to how they provided services to their community, but until they were given some more latitude from Indianapolis, they would continue to have to try to find ways to collaborate and partner with the FOP, the Administration, and the Council to try to identify the ways that they could continue to provide the best public safety services to the community. Mr. Hixenbaugh once again thanked everyone who was involved in the process.

Question was called for at 6:20PM for **PROPOSED ORDINANCE NO. 2026-02 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5967.**

PROPOSED ORDINANCE NO. 2025-46

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

Rezone from R-1 to R-2 Two-Family Residential to match existing use – 902 & 902 ½ S. Main St.

Mr. Carroll reported the Land Use Planning Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Julie Circle, Kelly Williams Realty, spoke in favor of **PROPOSED ORDINANCE NO. 2025-46.** Mrs. Circle stated she was representing the property owners of 902 and 902 ½ South Main Street. Mrs. Circle stated the proposed rezoning came up through the property being under contract for sale and the property was being sold to a buyer who wanted to use it as an investment property and she was a local buyer. Mrs. Circle stated in order to do so, she needed to have a loan and in order to receive the loan, the property needed to be zoned correctly so that if the house would go down for whatever reason, be it fire, tornado, or another type of natural disaster, it would be able to be put back as a two-family home. Mrs. Circle stated she wanted to mention a few other things she noticed about the proposal and she really believed zoning the house as R-2 would raise the caliber of future buyers in the area with the ability for a buyer to purchase the home as an investment property with a lender and a larger percentage of homes, if they were treated this way, would carry home insurance. Mrs. Circle stated this was often not the case for properties that were purchased as a cash sale. Mrs. Circle stated it was a win-win for neighborhoods when higher quality buyers were brought in. Mrs. Circle stated the home had an appraisal and it was valued at \$173,900, which was a large chunk for someone to buy as a cash

buy and that was currently the only way the home could be sold. Mrs. Circle stated she also believed that this went along with the Mishawaka 2000 comprehensive plan recommending the land use of the subject property as low density residential. Mrs. Circle stated the property had been a duplex since 1952 without incidents and she had a letter from Code Enforcement showing no violations associated with the property.

Mr. Emmons asked if the prospective buyer was local buyer. Mrs. Circle stated yes, she was. Mr. Emmons asked if it was a single person or a group. Mrs. Circle stated it was a single person who was a nurse and this would be her first investment property. Mrs. Circle stated she would like to begin buying investment properties. Mr. Emmons asked when she said the buyer was local if she was local within Mishawaka. Mrs. Circle stated she lived in Granger. Mr. Emmons asked if it was correct that she stated the property had been zoned R-1 since 1952. Mrs. Circle stated she said it had been a duplex since 1952. Mr. Emmons asked if the property had been under R-1 since 1952. Mrs. Circle stated it was under R-1 zoning longer than that. Mr. Emmons asked if there was a reason why it had never been changed. Mrs. Circle stated that had been brought up twice before through purchase agreements that they needed the change, but she did not know the person's reasons why they did not pursue that. Mr. Circle stated twenty to thirty years ago you could buy a house with cash for a lot less money than you could at that time and that was when the prior requests did come up. Mrs. Circle stated they were documented in the files, and she believed there was one in 1976 and one in 1992 when house prices for cash were running \$30,000, but the one in question was not valued at that. Mr. Emmons asked if there was no prospective buyer for the property, if it would stay zoned as R-1 and in violation. Mrs. Circle stated it was a nonconforming use. Mr. Emmons stated he understood that and that the only reason she was asking for the zoning to be changed from R-1 to R-2 was so someone could sell it and someone could buy it. Mrs. Circle stated yes. Mr. Emmons stated he knew the Planning Commission and the Planning Department gave the recommendation that the rezoning be approved and there were questions he had at the Planning Commission meeting and as she knew, it did not pass favorably, and it came to the Council without a recommendation and he personally had concerns. Mr. Emmons stated he appreciated her answers and appreciated her being there that evening. Mrs. Circle stated she appreciated that and that she also had an answer to one of the questions Mr. Emmons asked her at the Planning Commission meeting. Mrs. Circle stated that Mr. Emmons mentioned some boards lying on the sidewalk in the pictures and upon further examination, those pictures were done at the time when the handicapped ramp was put in three years ago and the boards were bolted into the ground to create a ramp so that a wheelchair could actually reach the property, so the person in the wheelchair could get into a car and they were permanent. Mrs. Circle stated the company that installed the ramp was a local charitable organization called SAWS or Servants At Work, Inc. Mr. Emmons asked how old the individual who was handicapped was. Mrs. Circle stated the woman was in her 70s. Mr. Emmons asked if the tenant upstairs was elderly. Mrs. Circle stated that tenant was a young person. Mr. Emmons thanked Mrs. Circle for her presentation and for also bringing to his attention a question he had asked her in the past.

Ms. Hahn stated Mrs. Circle had mentioned there were two tenants that already were in leases at the building and asked how long the leases were for each of the tenants. Mrs. Circle stated the tenants had been there so long that their leases had turned into month-to-month leases with the one upstairs having been a tenant for three years and the tenant downstairs had been there

fourteen years, however at Christmas she had been hospitalized and she was severely ill and they did not think that she was going to be able to continue to be a tenant at the building. Ms. Hahn stated Mrs. Circle had also mentioned that she was working on behalf of the local investor with the property in question being her first investment property and she mentioned that there was a property management company that was handling the leases. Ms. Hahn asked as the investor moved forward with the purchase if Mrs. Circle would be assisting her in finding new tenants and if so, if she knew any of the processes she would be using as far as doing background checks, credit checks, and vetting possible tenants for the property. Mrs. Circle stated she represented the seller, and the seller was the one who was paying a property management company and had been for the last three years, the time that they had owned the property and that property management company was Access Properties and they were charged with the responsibility of doing the background checks and so on. Mrs. Circle stated the buyer had a different realtor who represented her and her interests. Ms. Hahn asked if the handicapped ramp to her knowledge was going to stay permanently whether the person living on the lower level was handicapped or not as a kind of benefit. Mrs. Circle stated she believed that would be up to the buyer and if the property was not rezoned, they would no longer have a buyer and it would then be up to her seller to make that decision but generally speaking when a property had a handicap ramp, you would leave it there until it was no longer wanted. Ms. Hahn thanked Mrs. Circle.

Mrs. Voelker asked since she was representing the seller if she had no idea whether the proposed buyer would work with a property management company. Mrs. Circle stated she had already signed up and asked to continue with the same property management company and this situation they were in had unfortunately taken them a lot longer than they had anticipated with a regular sale and this sale was a little out of the ordinary.

Mr. Banicki stated when she mentioned high quality owner, he thought of owner-occupied and somebody who lived there, took care of the grass, made sure things were done on a daily basis, and had skin in the game every day. Mr. Banicki stated when they looked at different things, they may have had great renters at that time, but they did not know who would be moving in in the future. Mrs. Circle stated the property had been rented since 1952 and the person that was there currently had been living there for fourteen years successfully and it was a very well-maintained property. Mr. Banicki asked if the new owners would be taking in subsidized types of renters into the property. Mrs. Circle stated they were not at that time, and she could not speak for the buyer and what she intended to do, but she wanted to buy the property because it had good renters already in it and there was no need to change things.

Mr. Violi stated he understood that for the property to be rezoned R-2, there should have been two parking spots per tenant making a total of four, but from what he read in the report, there were only two existing ones. Mr. Violi asked what the plan was by the buyer to come into compliance. Mrs. Circle stated there were currently three parking spaces on the property with a single-family car garage and a 47-foot-long driveway, so that would count as three parking spaces. Mrs. Circle stated there was also a 14x21 concrete patio that adjoined the current driveway there and there was a 9-foot strip of grass in between the two pieces of concrete and the 14x21 patio was encased by a chain length fence. Mrs. Circle proposed that they gravel or concrete the strip in between the two and removed at least one side of the chain length fence

which would then afford five parking spaces. Mr. Violi stated it still sounded like it would be a tight area. Mrs. Circle stated it did not feel like it was tight when she was there.

Mr. Emmons stated when she mentioned the strip between the concrete and the patio being gravel, he did not think that would be up to code. Mrs. Circle stated they would do concrete, pavers, or whatever would work then.

Mr. Hixenbaugh thanked Mrs. Circle for her patience with them as they looked into the item further. Mr. Hixenbaugh stated from his perspective, he was inclined to support the proposed ordinance, particularly because of the historical use that had been documented since 1952. Mr. Hixenbaugh stated when it was built in 1915, it was appropriately zoned and there in fact was a zoning code in place at that time, but clearly it had been used as a duplex since 1952 at least. Mr. Hixenbaugh stated there was at least one other property that was being taxed in as a duplex in the vicinity, so he was inclined to support it, but parking was an issue for him. Mr. Hixenbaugh stated he appreciated what she shared with regard to the plan and that was reflected in the staff report as well. Mr. Hixenbaugh stated he did not recall in his time on the Council approving a rezoning without a non-conforming issue such as the lack of the parking space being dealt with under a use variance or the matter being resolved by the petitioner prior to coming to them and asking the Council for the zoning to be approved. Mr. Hixenbaugh stated he hoped that she could provide some additional details that would make him feel more comfortable in approving the matter with regard to timeline and for the record, anything that she did would need to be consistent with their general city ordinances and he was sure she would agree with that. Mrs. Circle stated absolutely. Mr. Hixenbaugh asked when she indicated that there would be some improvements made to the strip of property if she had been authorized by her clients to make that commitment. Mrs. Circle stated yes, she had been and she had also spoken with a contractor about that, and she had one waiting in the wings to do the work. Mr. Hixenbaugh asked if the contractor had provided her with any timeline with respect to when the project would be completed. Mrs. Circle stated they were open to what Mishawaka required with that but given that they did not get any more snow it could be done within three weeks to four weeks. Mrs. Circle stated it was a simple process. Mr. Hixenbaugh stated he appreciated that, and he did not know that they had a specific timeline that they required other than everybody was supposed to comply with their ordinances and have it done already. Mr. Hixenbaugh stated he did not want to engage in a circular discussion, but he struggled with the concept of approving the ordinance without there being an enforceable commitment on the part of her clients to do what it was that she was indicating to the Council that evening that they would do. Mr. Hixenbaugh stated he took what she said at face value, but unless there was an enforceable component involved, he struggled with how he would get to a yes vote from his perspective. Mrs. Circle stated she believed she knew how to heal the problem and stated because there was a lender involved, the lender was very interested in what was transpiring that evening and she would not grant the loan without Mishawaka approving it and she understood what he was saying in that they could say they would do something and not do it because there was no process that followed up on that, but the lender would and she would not grant the loan if this was not handled correctly. Mr. Hixenbaugh stated that was a fair point, but people did not elect the Council to outsource their responsibilities to a lender, people elected them and charged them with the responsibility to make sure the developments presented to them were responsible and in compliance with their city code. Mr. Hixenbaugh posed a question to Mr. Trippel.

Mr. Hixenbaugh asked Mr. Trippel if he saw any legal impediment to the ordinance being approved subject to a condition that the fourth parking space be constructed within ninety days. Mr. Trippel stated assuming the petitioner consented to that request, he would say yes and assuming they complied with the city ordinance related to the parking.

Mr. Hixenbaugh went back to the discussion with Mrs. Circle and stated between two lawyers, their suggestion was that there be some condition built into the ordinance which Indiana law allowed them to do to take what she was sharing with them and take it out of the realm of a promise to a binding commitment that if it was not kept, then the zoning would revert back to R-1 and would then become problematic and dealt with accordingly. Mr. Hixenbaugh asked if three or four weeks was her understanding of what the contractor had to say as far as a timeline was concerned. Mrs. Circle stated the contractor told her that he could have it in two days and she was not a contractor, but her experience with contractors was that sometimes they gave a little quicker estimate than they were actually going to do. Mrs. Circle stated she had the contractor ready, and it was a simple process, and he said he could work on it right away. Mr. Circle stated ninety days was likely generous, but she did believe snow could stop him. Mr. Hixenbaugh stated he appreciated that, and they had similar experiences with contractors, so they were on the same page, but he still struggled with the non-enforceability of what she was sharing with them, no disrespect intended. Mr. Hixenbaugh stated his personal preference would be for them to entertain a motion to postpone the matter until she could provide the Council with a firmer deadline on the part of her contractor with regard to when the improvements would be completed that they then could embed in their ordinance, but asked first if she had a closing scheduled for the purchase already. Mrs. Circle stated closing passed in November and the way that the contract was written, it was written to say within seven days of November 14th or within seven days of clear to close and they did not have clear to close, because they could not run the lending without the property being zoned R-2, so that left an open door and it was written that way on purpose and realtors did a lot of closing days that way in case something were to happen. Mrs. Circle stated she believed they would lose their buyer as she had waited patiently throughout the process and the property went on the market in July and they went under contract in September. Mrs. Circle stated there were a lot of folks that had put a lot of work into it and they had full inspections of the house and there were things that needed to be repaired, and they did complete full repair as they did in any real estate sale. Mrs. Circle stated she felt very strongly that to continue to have R-1 homes that were allowed to be duplexes with non-conforming use that allowed them to happen that way and then when they at some point in time needed to sell, this was going to other folks and the property value was low when you had to have a cash buyer. Mrs. Circle stated cash buyers did not pay very much, and they traditionally did not put home insurance on properties. Mrs. Circle stated to her, the best move for Mishawaka to make was to say yes that they would rezone to R-2 when somebody asked as long as everything else lined up, because the property would then get the full market value that it deserved and it got somebody to buy it, who cared about it, and who wanted to protect the investment they put into the property. Mrs. Circle stated she would go for a lender purchase any day over a cash purchase as far as value for the community was concerned. Mr. Hixenbaugh stated he appreciated her points, although he did not feel as though either he or his colleagues needed further guidance on what was in the best interest of their community and he thought that they had always looked out for the best interest of the community in every one of the matters that had come before them and in his almost twenty years of sitting in a seat on the Council, it had been his long experience that

unless they took the opportunity when legal non-conforming uses came for them for rezoning to have any additional areas of non-compliance addressed was a once in a lifetime opportunity once it was rezoned and if people did not comply then they did not have an enforcement mechanism. Mr. Hixenbaugh stated that was his concern and again, he was inclined to support it but would not be doing it on faith and as much as he respected what she shared with them, that was not within his understanding of his obligation as an elected official to act in that capacity. Mrs. Circle stated she wished they would have brought the parking space issue up at the last hearing and there was only one comment from the panel and that person said that they could not think it could be used as a parking space. Mr. Hixenbaugh stated he agreed with her and if they were in a perfect world, it would have been taken care of, but it had not been, so he would feel bad about her losing her buyer but he did not feel bad about asking to have their ordinances complied with as part of the approval of the request. Mr. Hixenbaugh stated with all due respect to her and her clients, speaking only for himself and his colleagues may not agree, his preference was to postpone it until their next regularly scheduled council meeting which would be January 26th and he was sorry if that was going to cause any problems, but from his perspective, they were already way past their November 14th deadline and the problem had not been addressed. Mr. Hixenbaugh stated that was his perspective but the good news from her perspective was that he could not make the motion and somebody else would have to make it. Mr. Hixenbaugh stated he would support it if one of his colleagues were to make that motion to postpone the matter until their next regularly scheduled council meeting. Mr. Hixenbaugh stated he appreciated her patience with him and the information she shared and he took at face value the commitments she made that evening, but they just were not in a face value business. Mrs. Circle stated since the last council meeting in December, it had snowed that entire time and asked if there was any way they could have done this in between then and now and she freely admitted she did not attempt to try to do it before the meeting that evening and she did not realize the significance of that but she could not have done it. Mr. Hixenbaugh stated that was where he thought it would be helpful for her to have a conversation with her contractor so that if ninety days was a reasonable period, that would be a condition they could build into the approval and the same would be the case with 45 days and so on. Mr. Hixenbaugh stated if it was going to be six months, he suspected that would be problematic but a reasonable time period that they could build in as a condition of approval that would allow them to have some enforceability with regard to the follow through on the point he thought would be important and potentially beneficial to her and her client, but again there was not a motion on the floor and there may not be one but that was his own thought on the subject. Mrs. Circle thanked Mr. Hixenbaugh.

Mr. Mammolenti asked for clarification if this was a cash purchase or a lender. Mrs. Circle stated it was a lender. Mr. Mammolenti asked if she felt confident that she could make the commitment to have it completed in ninety days. Mrs. Circle stated she did feel like she could make the commitment within ninety days, and she honestly felt like she could make the commitment within thirty days as long as there was no snow during that time. Mr. Mammolenti asked if she agreed to the ninety days and to have the contingency in place completed within ninety days. Mrs. Circle stated yes, she would agree to that. Mr. Mammolenti asked President Hixenbaugh what would happen if they embedded that contingency in the ordinance and then it was not held up. Mr. Hixenbaugh stated he had a thought but asked Mr. Trippel what the impact would be if they in fact approved the subject to a condition related to the improvements on the parking spot with a 90-day deadline and what would be the legal effect of non-compliance with that deadline.

Mr. Trippel stated the zoning would revert back to R-1 contingent upon the condition. Mr. Mammolenti asked Mrs. Circle when the expected new closing date was. Mrs. Circle stated that was to be determined after the conclusion of the council meeting that evening and they hoped to close that week, but what she saw happening was that week because of the snow melting and they could get in there, do the parking space, and the lender with the documentation they were talking about with a condition built into the approval would say once they saw the parking space there and they fulfilled what the city wanted then she would be able to move forward. Mr. Mammolenti stated he believed, with that being said, that gave the city a protection that it could go back and made him feel a little better that evening.

Mr. Carroll asked for clarification if the parking issue was the only non-compliance issue that they had other than the general non-conforming use. Mr. Hixenbaugh stated that was the only one he was aware of. Mr. Carroll thanked Mr. Hixenbaugh.

Mr. Banicki stated he would feel much better if the purchaser were present that evening and able to commit to some of the things as opposed to the seller. Mr. Banicki stated he wanted to talk to the person that was going to be there and be responsible for some of the things after the fact. Mr. Banicki stated according to the weather forecast, within the next seven days they were going to have more snow. Mrs. Circle stated her understanding was that a petition could only be filed by the owner of the property and that was why she was there representing the seller. Mr. Banicki stated when they were looking at future commitments, sometimes the purchaser if they were going to have to follow through on that within ninety days, they should be present. Mrs. Circle stated the seller would have to do it before the sale could go through because the lender would not approve it otherwise. Mr. Banicki stated he was afraid to approve the ordinance and then all of a sudden, they had a new purchaser, and the new purchaser was not as nice of a landlord and then the Council approved something that was out of their control.

Mr. Carroll asked when they were talking about placing a contingency provision in the ordinance and then a closing occurred no sooner than two weeks, did a delay allow for all of the necessary actions to take place and then Mr. Banicki could talk to the purchaser, they could see evidence themselves of the completed driveway. Mr. Carroll stated he did not see a benefit of making a clause in the ordinance and it seemed all the same to him.

Mr. Hixenbaugh asked Mr. Prince to approach the podium to briefly add in his opinion on the matter and if he had any concerns.

Ken Prince, Director of Planning and Community Development, spoke before the Council. Mr. Hixenbaugh asked with regard to the two options he referenced, embedding a condition of approval into the ordinance that evening being the first option or postponing the matter until their next regularly scheduled council meeting to see if the situation could be resolved by the parking space being added, if he had any thoughts upon which of the two was preferential or perhaps another option. Mr. Prince stated he never wanted to argue with attorneys, particularly with the Council, but his understanding in reviewing zoning was that the only way a condition could be added was through voluntary commitment, so wording it that way he felt very comfortable with voluntary commitment and that could be done that evening without question. Mr. Prince stated with regard to the non-conforming situation, the property could be legally operated as a duplex in

perpetuity, and they had many properties that did not meet the parking requirement. Mr. Prince stated the issue in this case was only the financing and it was non-conforming in multiple respects like the setback, for example, was right on the property line and encroached. Mr. Prince stated they were not asking them to tear down the house or to move it, but parking was sensitive for neighbors and although they did not hear anything on this property in the neighborhood, which was part of the reason why the recommendation for approval, it did have three functional parking spaces. Mr. Prince stated if the tenant continued to be disabled and not have a parking space, it would make sense if once the conversion took place that they would continue to use it as a patio and in the future when they would need a parking spot, they would use it as a parking spot, so that conversion made perfect sense to him in that respect. Mr. Prince stated the Council did have the authority to act on the matter without any parking requirement and noted that if it did burn beyond 75% or tornado damage occurred, then they would have to meet the parking requirement. Mr. Prince stated it had to meet the ordinance in every respect, and it would be very difficult on the property, so to him it was kind of ridiculous the bank was requesting it because you would not physically be able to get it onto the property. Mr. Prince stated from a financing standpoint, previously they did it through non-conforming and they were comfortable with that and now it was just the 75% damage that the bank was trying to address which he understood from a perspective you wanted to protect yourself, but he was just not sure how valid it was. Mr. Hixenbaugh stated he agreed with him with regard to the non-conforming status, but he still maintained that when they had the opportunities to try to deal with the situation that was right in front of them, it behooved them to get it under compliance, but his points were well taken. Mr. Hixenbaugh stated there were a number of similar situations throughout the city and this was just the one that was in front of them and on the agenda that evening. Mr. Prince stated he understood.

Mr. Mammolenti asked if Mr. Prince could reiterate the fact that he said if it did not pass that evening that it could operate as a duplex in perpetuity. Mr. Prince stated yes, that was correct.

Mr. Hixenbaugh stated he had one follow-up he believed Mr. Prince mentioned and that the caveat was that there were some limited situations that caused a property that enjoyed legal non-conforming status to lose that status. Mr. Prince stated that was correct that when it was damaged beyond 75% of the value, it would lose its non-conforming status.

Mr. Mammolenti stated with the contingency in place with the fact that it was a local buyer and the contingency in place would provide the city with protection, he felt comfortable and confident with moving forward but he was also willing to respect the wishes of any of his colleagues who would like to make a motion to postpone it.

Question was called for at 6:58PM for **PROPOSED ORDINANCE NO. 2025-46 Motion passed by unanimous roll call vote (summary: Yes = 8 No = 1).**

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

No: Mr. Hixenbaugh. The proposed ordinance passed 8-1, thus it became **ORDINANCE NO. 5968.**

PROPOSED ORDINANCE NO. 2025-47

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

Rezone from C-1 Automobile Oriented to R-1 Single Family Residential District to match existing use – 2106 N. Byrkit

Mrs. Hazen reported the Land Use Planning Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Joseph Franks, 2106 North Byrkit, spoke in favor of **PROPOSED ORDINANCE NO. 2025-47**. Mr. Franks stated the initial issue he ran into was the lender saw the appraisal report that said the property could not be rebuilt without being rezoned and he wanted to ensure that in case of an accident that the property could be covered by insurance to get rebuilt and if he ever wanted to do something like a fence or anything down the road that he would be within proper zoning procedures.

Mr. Carroll asked if he had been informed if anything on his property did not conform that needed to be changed. Mr. Franks stated no.

Question was called for at 7:02PM for **PROPOSED ORDINANCE NO. 2025-47 Motion passed by unanimous roll call vote (summary: Yes = 9)**.

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5969**.

PROPOSED ORDINANCE NO. 2025-48

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

Rezone from C-1 General Commercial to I-1 Light Industrial to expand business – 1825 E. 12th St.

Mr. Mammolenti reported the Land Use Planning Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Chris Godlewski, Abonmarche, spoke in favor of **PROPOSED ORDINANCE NO. 2025-48**. Mr. Godlewski stated he represented the client, D.A. Dodd. Mr. Godlewski stated this was a

rezoning from C-1 to I-1 to better fit the use that had been there for a while and it was an expanding business. Mr. Godlewski stated on the 7.5 acres, there were 3 parcels and the middle parcel was the one that would be expanded and a new building would be built on it. Mr. Godlewski stated some of the adjoining properties were zoned industrial to the northwest and north and it was a developing, commercial, and industrial area just west of Capital. Mr. Godlewski stated he knew initially the staff report was positive and received a positive recommendation from the Plan Commission. Mr. Godlewski was happy to answer any questions.

Question was called for at 7:05PM for **PROPOSED ORDINANCE NO. 2025-48 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5970.**

PROPOSED ORDINANCE NO. 2025-49

AN ORDINANCE TO ESTABLISH 120 NORTH RACE STREET AS A LOCAL HISTORIC LANDMARK WITHIN THE CITY OF MISHAWAKA, INDIANA (Postponement requested)

Mr. Mammolenti made a motion to honor the request of postponement until the next regularly scheduled council meeting. The motion was moved by Mr. Banicki and with a second from Mr. Violi, a voice vote was held on the motion. The motion passed unanimously and the matter was postponed.

PRIVILEGE OF THE FLOOR

Felicia Seals, 6705 Lutz Drive South Bend, Indiana, spoke under **PRIVILEGE OF THE FLOOR.** Mrs. Seals stated she was the Executive Director of the Mishawaka Business Association, and she wanted to invite the public and the Council to their annual meeting this Friday January 9th at 8:30AM at the Battell Center. Mrs. Seals stated all were welcome.

UNFINISHED BUSINESS

PROPOSED ORDINANCE NO. 2025-44

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA ESTABLISHING A MERIT SYSTEM FOR THE MISHAWAKA POLICE DEPARTMENT (Amendment requested)

The chair entertained a motion to delete **PROPOSED ORDINANCE NO. 2025-44** in its entirety and substitute in an amended ordinance that had been distributed to the Council. Mr. Banicki moved the motion and with a second from Mr. Violi, a voice vote was held on the motion. The motion passed unanimously and the amendment was made.

Mr. Mammolenti reported the Public Health & Safety Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Mayor Dave Wood spoke in favor of **PROPOSED ORDINANCE NO. 2025-44**. Mayor Wood stated the system they had for decades and decades had worked perfectly well in his opinion and that was thanks to the commitment and dedication of the Mishawaka Board and Safet who dealt with decisions on hiring, discipline, and promotion. Mayor Wood stated they knew that the dedicated officials were very efficient at what they did and they were committed to doing the right thing and they had a great track record of serving Mishawaka's public and making important decisions for the police department at a high level. Mayor Wood stated they knew that the Mishawaka FOP had taken a vote, and their vote was to essentially have the Mishawaka public be more involved in their decision-making process and they fully supported that at the Administration. Mayor Wood stated they fully supported the decision made by the FOP and they were committed to making sure that the new board, if the vote did come to pass, had all of the tools that it would need from the Administration to do its job. Mayor Wood stated they would offer up their facilities for this, and he noted that this would be an autonomous board not run by the Council, the FOP, or the Administration and they would make their own decisions, provide their own minutes, and provide their own leadership. Mayor Wood stated this would be a public board and it required five public appointees. Mayor Wood stated he already had commitments for two as far as the Administration had a commitment to provide two of the positions. Mayor Wood stated the board would hold public meetings, much like the common council meetings with the assistance of the IT Department to ensure they were fully compliant with public law with web meetings that were televised to the public. Mayor Wood stated they were also committed to making sure that they were following to the best that they could the efficiency they always had in hiring and the board would ultimately be the official board to hire their officers. Mayor Wood stated they had always taken pride in making sure that happened efficiently as they picked only the best and they had great officers who did an outstanding job. Mayor Wood stated when it came to promotion, they had been working over the course of the past year to develop a more merit-based system in partnership with the FOP and so this would supersede that as far as a new merit board was concerned and as far as discipline was concerned, they had been very committed to make sure that was done in a transparent manner but they would make sure they were extra transparent when it came to dealing with a public board on disciplinary matters. Mayor Wood stated they did have a couple of concerns being the amount of time that it may take to make decisions, and they had seen other communities where certain decisions had stalled out pending quorums and people's times to meet because once again, these were mostly volunteers and members in the community. Mayor Wood stated their Board of Public Works met weekly and you could set your clock by it, so that was why they wanted to be as efficient as they could be in the new phase of the process and encouraged the new board to carry that same level of commitment and seriousness in performing their public duties if it came to pass. Mayor Wood stated they would do their part to make sure it was a success and always thought inviting the

Mishawaka public in on their governing of the Princess City was a good thing, so they stood to support this.

Mr. Hixenbaugh stated he appreciated Mayor Wood's comments, and he agreed with what he said to say. Mr. Hixenbaugh stated from his perspective, if in fact they passed the ordinance, it was not an indication of any conclusion being drawn on his part or he believed on any other member of the Council's part and if there was anything inherently wrong with their system that they had in place at that time, both with regard to hiring, promotions, and the operation of their police department. Mr. Hixenbaugh stated as he mentioned earlier, he was very proud of their police department and the service they provided to the public, but he did respect the voice of the FOP and he thought it was important to note for the record that this was the initiation of the process and if in fact the Council approved the ordinance that evening, that would set the stage for the FOP to have a cast a more formalized vote that would require the approval of a majority of their sworn officers for the next step to take place. Mr. Hixenbaugh stated as Mayor Wood indicated, this was not a process that was new to Indiana or unique to Mishawaka and there had long been merit boards that had been in place throughout the state, specifically there was one in Elkhart as well as one within the St. Joseph County Police Department. Mr. Hixenbaugh stated he thought this would provide that opportunity for there to be the continuation of an appropriate process, but also to have a different element of collaboration since there would two appointees on the five member board by the Mayor, two appointees by the FOP, and an appointment by the Council so that all of the entities that had traditionally worked together with regard to the operation of their police department would continue to work together just in the form of the appointees to the merit commission. Mr. Hixenbaugh stated finally, he would say that they had a local precedent there as last year, they passed a similar ordinance for the fire department and that ordinance when it was taken to a vote of the body did not generate a 50% plus one approval, so that outcome was allowable under the statute and they had their own historical precedents there. Mr. Hixenbaugh stated from his perspective, the ordinance said that if the Council approved it, if the FOP approved it, and if in fact the merit commission came to fruition, the Council would need to revisit the matter in the calendar year 2029, so they would have an opportunity to revisit it and decide at that point in time whether it continued to make sense for Mishawaka, but he thought long before 2029 if in fact all the appropriate approvals came to pass, he thought they would be able to identify whether or not this truly met the personal needs of Mishawaka and to the extent that it did not, he stood committed to revisiting it even before 2029. Mr. Hixenbaugh stated he was in favor of this, and they would be voting accordingly that evening.

Question was called for at 7:18PM for **PROPOSED ORDINANCE NO. 2025-44 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5971.**

NEW BUSINESS

Mr. Hixenbaugh stated a list had been distributed by the Clerk's Office to the Council with regard to various council committees and their appointments to various boards, including their Council Attorney. The chair entertained a motion to approve their council committee assignments and various appointments pursuant to the list that had been distributed by the Clerk's Office. The motion was moved by Mr. Banicki and with a second from Mrs. Voelker, a voice vote was held on the motion. The motion passed unanimously and the appointments were accepted.

Mr. Hixenbaugh stated the Council also needed to acknowledge and accept Conflict-of-Interest forms on behalf of various council members and asked Clerk Block to read into the record the names of council members who had submitted Conflict of Interest forms.

Woody Emmons
Matt Carroll
Lou Ann Hazen
Tony Violi
Gregg Hixenbaugh
Matt Mammolenti

The chair entertained a motion to accept the Conflict-of-Interest forms for the council members who were identified by Clerk Block. The motion was moved by Mr. Banicki and with a second from Mr. Mammolenti, a voice vote was held on the motion. The motion passed unanimously and the Conflict-of-Interest forms were accepted.

Mr. Hixenbaugh stated the Council also needed to consider various changes in their regular meeting date schedule for 2026 due to various holidays and other conflicts. Mr. Hixenbaugh asked Clerk Block to read into the record the specific dates that were being proposed.

January 19 to January 26
April 6 to April 13
September 7 to September 14
November 2 to November 9

The chair entertained a motion to change their regular meeting dates pursuant to the list that they received and was read by Clerk Block. The motion was moved by Mr. Banicki and with a second from Mr. Mammolenti, a voice vote was held on the motion. The motion passed unanimously and the regular meeting date schedule was changed.

Mr. Emmons informed the public that the 1st District monthly meeting on Thursday January 15th would be held at St. Bavo's Church at 7PM and their speaker for that meeting would be the Mishawaka City Postmaster and she would be there to update everyone on different procedures that were being incorporated into the postal system. Mr. Emmons stated she was a very informative person and very dynamic and it should be an interesting meeting. Mr. Emmons stated all were welcome and as usual, West End would be providing donuts and refreshments.

Mr. Carroll announced the 2nd District monthly meeting would be on Thursday January 8th at 7PM at the Blair Hills Pool Complex and the speaker was to be determined.

Mr. Mammolenti announced the Twin Branch Neighborhood Watch would be meeting January 21st at 7PM at Fire Station number 4 and their guest speaker would be a representative from Crime Stoppers to explain and describe some of the things that they did on a daily basis and how they protected and helped the public. Mr. Mammolenti stated he would have more details to announce at their next regularly scheduled council meeting.

ADJOURNMENT 7:24PM

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

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

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

Deborah S. Block, IAMC, MMC

JAN 28 2025

City Clerk
Mishawaka, IN

Pet 26-01

Received

JAN 28 2026

Planning and
Community Development

January 20, 2026

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

RE: Petition for Annexation and Zoning Classification

The undersigned Northbridge Valley, LLC and Northbridge Valley II, LLC respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

TRACT I (PID 71-09-02-301-001.000-031): A part of the Northwest Quarter of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Saint Joseph County, Indiana, described as: Beginning on the West line thereof, at a point that is 444 feet South of the Northwest corner of the said Northwest Quarter of the Southwest Quarter; running thence South along said West line, 100 feet; thence East, 890.4 feet to a point that is 544.9 feet South of the North line of said Northwest Quarter of the Southwest Quarter; thence North, 53.9 feet; thence Northwesterly, 892.5 feet to the Point of Beginning. Also, a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Saint Joseph County, Indiana, being more particularly described as follows, viz: Beginning at a point on the West line of the said Southwest Quarter of Section 2 that is 428.88 feet South of the Northwest corner of the said Southwest Quarter; thence East, parallel with the North line of the said Southwest Quarter, 869.70 feet; thence South, parallel with the said West line of the Southwest Quarter, 115.7 feet; thence West, parallel with the said North line of the Southwest Quarter, 869.70 feet to the said West line of the Southwest Quarter; thence North along said West line, 115.7 feet to the Point of Beginning; Excepting Therefrom any and all real estate lying within the following described legal description: Part of the North Half of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Saint Joseph County, Indiana, described as: Beginning at a point on the West line of said Section 2 that is 211 feet South of an iron stake at the Northwest corner of the said Southwest Quarter of Section 2; thence East and parallel with the North line of the Southwest Quarter of said Section 2, 1632 feet to an iron stake; thence South, 298.8 feet to an iron stake that is 2144 feet North of the South line of said Section; thence West to a point marked by an iron stake, which is 895 feet East of the West line of said Section 2; thence North, 66 feet to an iron stake that is 2210 feet North of the South line of said Section; thence West, 894.2 feet to an iron stake in the West line of said Section; thence North, 230.6 feet to the Point of Beginning.

TRACT II (PID 71-09-02-301-004.000-031): Lot Numbered 2AA as shown on the recorded Plat of Stover's Fir Road Minor, 2nd Replat, Recorded May 28, 2003 as Instrument Number 0332301 in the Office of the Recorder of St. Joseph County, Indiana, including the adjacent Fir Road right-of-way.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located in St. Joseph County and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a (R-1) Residential District. Petitioners further state they intend to utilize said land for the development of a residential subdivision.


Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a (R-1) Residential District.



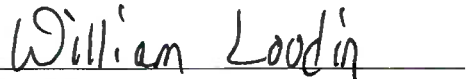
Northbridge Valley, LLC



Print Name



Northbridge Valley II, LLC



Print Name

Contact Person:

Matthew G. Bertsch, P.S.
Bertsch-Frank & Assoc. LLC
811 Lawrence Drive
Ft. Wayne, IN 46808
(260) 459-9393
mbertsch@bertschfrank.com

m.weaver@rrexcauvating.com



DEER RUN DR

S-2

HEMMER LN

SPINN LN

STEELE LN

FIR RD

PET 26-01



R-1

R-1

CLOVER RD

I-1

I-1

I-1

I-1

I-1

I-1

I-1

I-1

I-1

Location Map

PETITION 26-01

OWNER: NORTHBRIDGE VALLEY LLC & NORTHBRIDGE VALLEY II LLC

LOCATION: 55660 FIR ROAD

ANNEX AND ESTABLISH ZONING AS R-1 SINGLE FAMILY DISTRICT

C-4

C-1

C-1

C-1

C-1

C-4

C-4

C-4

C-4

C-4

C-4

C-4

C-4

R-1

I-1

R-1

C-4

C-4

C-4

C-4

C-4

C-4

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

C-4

C-4

C-4

C-1

E MCKINLEY AVE



JONES
PETRIE
RAFINSKI

Deborah S. Block, IAMC, MMC

JAN 22 2025

City Clerk
Mishawaka, IN

Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

January 16, 2026

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

PET 26-02
Received
JAN 21 2026
Planning and
Community Development

RE: PETITION FOR ANNEXATION AND ZONING CLASSIFICATION

The undersigned Granger Community Church respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

See Exhibit A (attached)


Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located in unincorporated St. Joseph County, Indiana and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a C-1 General Commercial District.

Petitioners further state they intend to utilize said land for a mission ministry and faith campus. Accompanying this petition is a preliminary drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a C-1 General Commercial Zoning District.

Signature(s) of Property Owner(s)



John R. Payne, Executive Director
Granger Community Church

CONTACT PERSON:
Jones Petrie Rafinski – Attn: Angela Smith
325 S. Lafayette Blvd.
South Bend, IN 46601
574-232-4388
asmith@jpr1source.com

j:\projects\2025 projects\2025-01638 missions ministry campus master plan\08_permitting and submittals\rezoning annexation\2025-01638 annexation letter - signed.docx

ANNEXATION AND ZONING LEGAL DESCRIPTION:

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN SHRUMS MCKINLEY HIGHWAY MINOR SUBDIVISION, THE PLAT OF WHICH IS RECORDED IN DOCUMENT NO. 0210560, ST. JOSEPH COUNTY RECORDER; THEN NORTH ON THE WEST LINE OF SAID LOT 170.76 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE NORTHWESTERLY ON THE NORTH LINE OF LOT 2 IN SAID SUBDIVISION 265.93 FEET TO THE NORTHWEST CORNER OF SAID LOT AND FURTHER BEING THE SOUTHWEST CORNER OF PARCEL 3 IN DOCUMENT NO. 2025-12802, ST. JOSEPH COUNTY RECORDER; THENCE NORTH ON THE WEST LINE OF SAID DOCUMENT NO. 131.93 FEET, MORE OR LESS, TO THE NORTHWEST CORNER THEREOF; THENCE EAST 620.7 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF FIR ROAD; THENCE SOUTH ON SAID WEST RIGHT-OF-WAY LINE TO THE NORTHEAST CORNER OF LOT 12 OF PLATNER'S ADDITION TO THE CITY OF MISHAWAKA, THE PLAT OF WHICH IS RECORDED IN PLANT BOOK 12, PAGES 178-179, ST. JOSEPH COUNTY RECORDER; THENCE WEST 365 FEET, MORE OR LESS, ON THE NORTH LINE OF SAID ADDITION TO THE POINT OF BEGINNING AND CONTAINING 4.13 ACRES, MORE OR LESS. SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY.



Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

January 16, 2026

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

Received
JAN 21 2026
Planning and
Community Development

RE: PETITION TO REZONE

The undersigned Granger Community Church and the City of Mishawaka Redevelopment Commission respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

See Exhibit A (attached)

Petitioners own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-4 Auto Oriented Commercial District. Said property was formerly used for automobile repair.

Petitioners desire said real estate to be rezoned to C-1 General Commercial District. Petitioners further state that they intend to utilize said land for a mission ministry and faith campus.

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

Signature(s) of Property Owner(s)

John R. Payne, Executive Director
Granger Community Church

Signature(s) of Property Owner(s)

Ken Prince, Agent
City of Mishawaka Redevelopment Commission

CONTACT PERSON:

Jones Petrie Rafinski – Attn: Angela Smith
325 S. Lafayette Blvd.
South Bend, IN 46601
574-232-4388
asmith@jpr1source.com

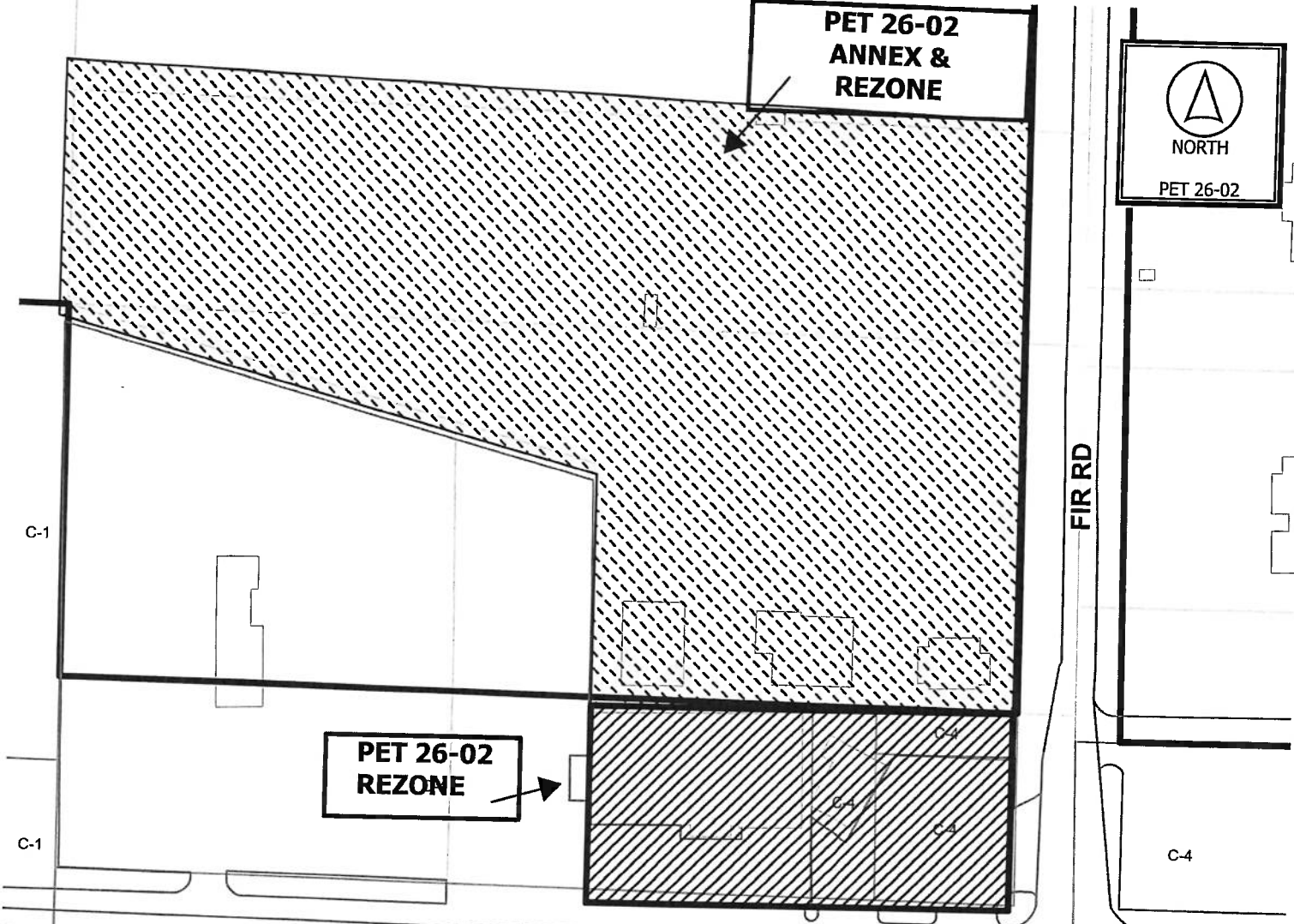
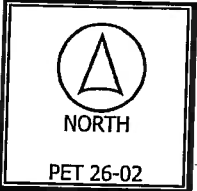
j:\projects\2025 projects\2025-01638 missions ministry campus master plan\08_permitting and submittals\rezoning annexation\2025-01638 zoning letter - signed.docx

ZONING LEGAL:

LOTS 6 THROUGH 12 AND THE VACATED PLOTNER AVENUE BETWEEN LOTS 6 AND 7 OF THE PLAT OF PLOTNER'S ADDITION TO THE CITY OF MISHAWAKA AS RECORDED ON THE JANUARY 20, 2028 IN PLAT BOOK 12 PAGES 178-179 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY

**PET 26-02
ANNEX &
REZONE**

**PET 26-02
REZONE**



E MCKINLEY AVE

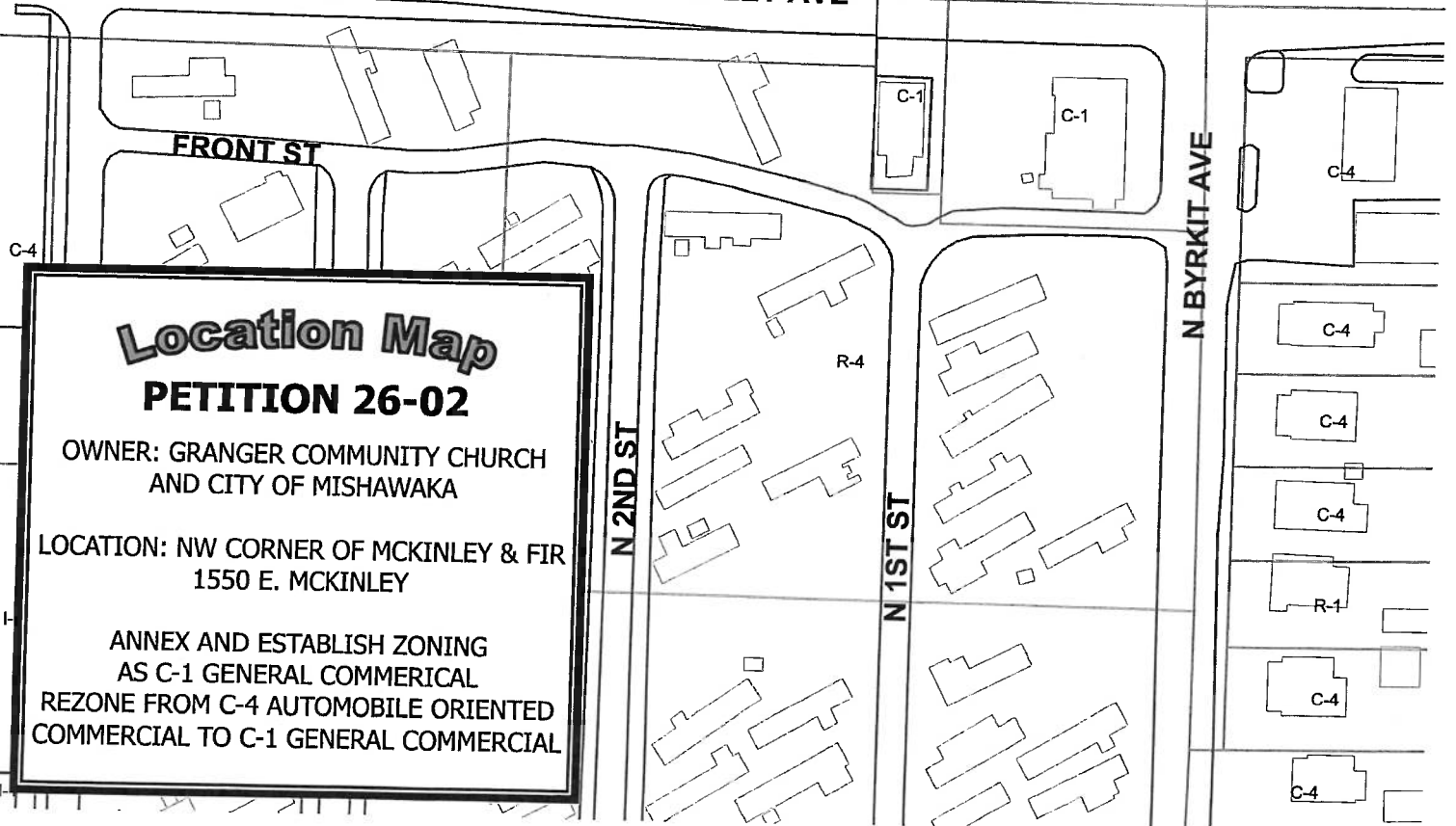
FRONT ST

N BYRKIT AVE

N 2ND ST

N 1ST ST

Location Map
PETITION 26-02
OWNER: GRANGER COMMUNITY CHURCH
AND CITY OF MISHAWAKA
LOCATION: NW CORNER OF MCKINLEY & FIR
1550 E. MCKINLEY
ANNEX AND ESTABLISH ZONING
AS C-1 GENERAL COMMERCIAL
REZONE FROM C-4 AUTOMOBILE ORIENTED
COMMERCIAL TO C-1 GENERAL COMMERCIAL





CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Deborah S. Block, IAMC, MMC

JAN 14 2025

City Clerk
Mishawaka, IN

January 14, 2026

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
January 13, 2026, Public Hearing

Honorable Members:

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

APPEAL #25-42 An appeal submitted by Mark Shea, Trustee, Rosemary & John C Revocable Trust requesting a Use Variance for 340 W Cleveland, Mishawaka, IN, to allow a residential unit in a commercial building.

The Board, with a vote of 5-0, provided a favorable recommendation.

Respectfully,

Donna M Whitt

Donna M Whitt, Administrative Planner
Secretary, Board of Zoning Appeals



CITY OF MISHAWAKA



DAVID A. WOOD, MAYOR
JILL NORTON, DIVISION MANAGER

MISHAWAKA UTILITIES
WASTEWATER DIVISION

January 22, 2026

Mishawaka Common Council
100 Lincolnway West
Mishawaka, IN 46544

Re: Proposed Ordinance No. 2026- _____

Honorable Council Members:

Proposed Ordinance 2026-_____ is for the sale of revenue bonds to fund the City's Sewage Works projects. These planned projects will accomplish upgrades at the Wastewater Treatment Plant Facility and will continue neighborhood improvements the "Mishawaka Way", which will support growth while maintaining the achieved level of control regarding the Long Term Control Plan (LTCP).

This proposed Bond sale will not impact current wastewater rates as it was programmed with the approved 2025 rates. Therefore, there will be no request to increase rates with this portion of funding. Upon completion of projects, we will have added capacity for growth while maintaining the achieved 2-overflow level of control (LTCP), which is also our current level of control proposed in our re-negotiation plan. These improvements not only provide compliance with LTCP while accommodating growth, but provide needed neighborhood revitalization in the Linden Area, West Street Area, and Twin Branch Area.

Specifically, This Ordinance will:

Authorize the City to issue the 2026 bonds in an amount not to exceed \$38,140,000, with an interest rate not to exceed 7%, and for a term of up to 25 years to carry out the projects listed on Exhibit A of the Ordinance (page 54).

Provide that the 2026 Bonds will be payable from the Net Revenues of the City's Sewage Works and will be issued on a parity with the City's outstanding 2010A Bonds, 2015 Bonds, 2017A Bonds, 2017B Bonds, 2018 Bonds, and 2023 bonds (the outstanding amounts for these bonds are listed on page 2 of the Ordinance).

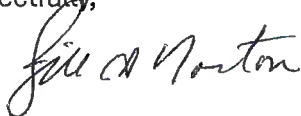
January 22, 2026

Page 2 of 2

Enclosed is the general description of projects that was attached as Exhibit A of proposed ordinance and three additional maps showing the targeted areas of Linden, West Street, and Twin Branch. Of the requested \$38,140,000 bond total including fees, the portion of Wastewater Treatment Plant Facility upgrades is \$15,660,000 million and the right-of-way neighborhood improvements following the "Mishawaka Way" is \$21,905,900.

If you should have questions, please do not hesitate to contact myself or Chris Jamrose.

Respectfully,



Jill Norton

Division Manager

Mishawaka Utilities, Wastewater Division

1020 Lincolnway West

Mishawaka, IN 46545

PH: 574-258-1655

Email – jnorton@mishawaka.in.gov

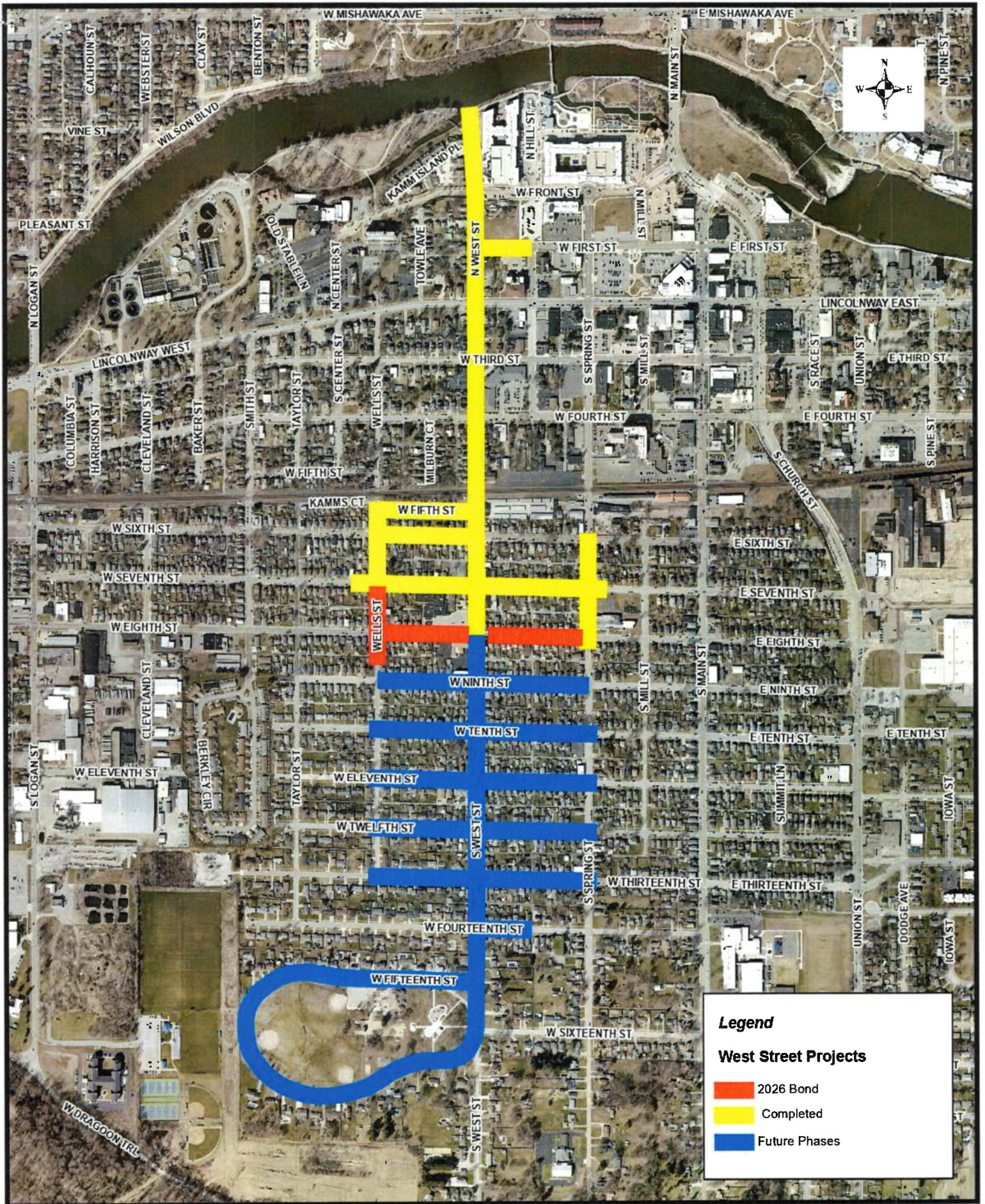
c: Mayor David A. Wood
Deborah S. Block, City Clerk
Rebecca Maguire, City Controller
Ken Prince, Executive Director & Utility Board President
Christine Jamrose, PE, City Engineer / Director
Ian Stull, Municipal Advisor, Baker Tilly
Catherine Fanello, Legal Counsel, Dinsmore
Matt Lentsch, Executive Director

EXHIBIT A

Description of Project

The Project to be funded from bond proceeds shall consist of the acquisition, construction, installation, and equipping of certain additions, improvements and extensions to the Sewage Works of the City of Mishawaka, Indiana, including, but not limited to, all or any portion of the following, together with any improvements, equipment, appurtenances and expenses related thereto:

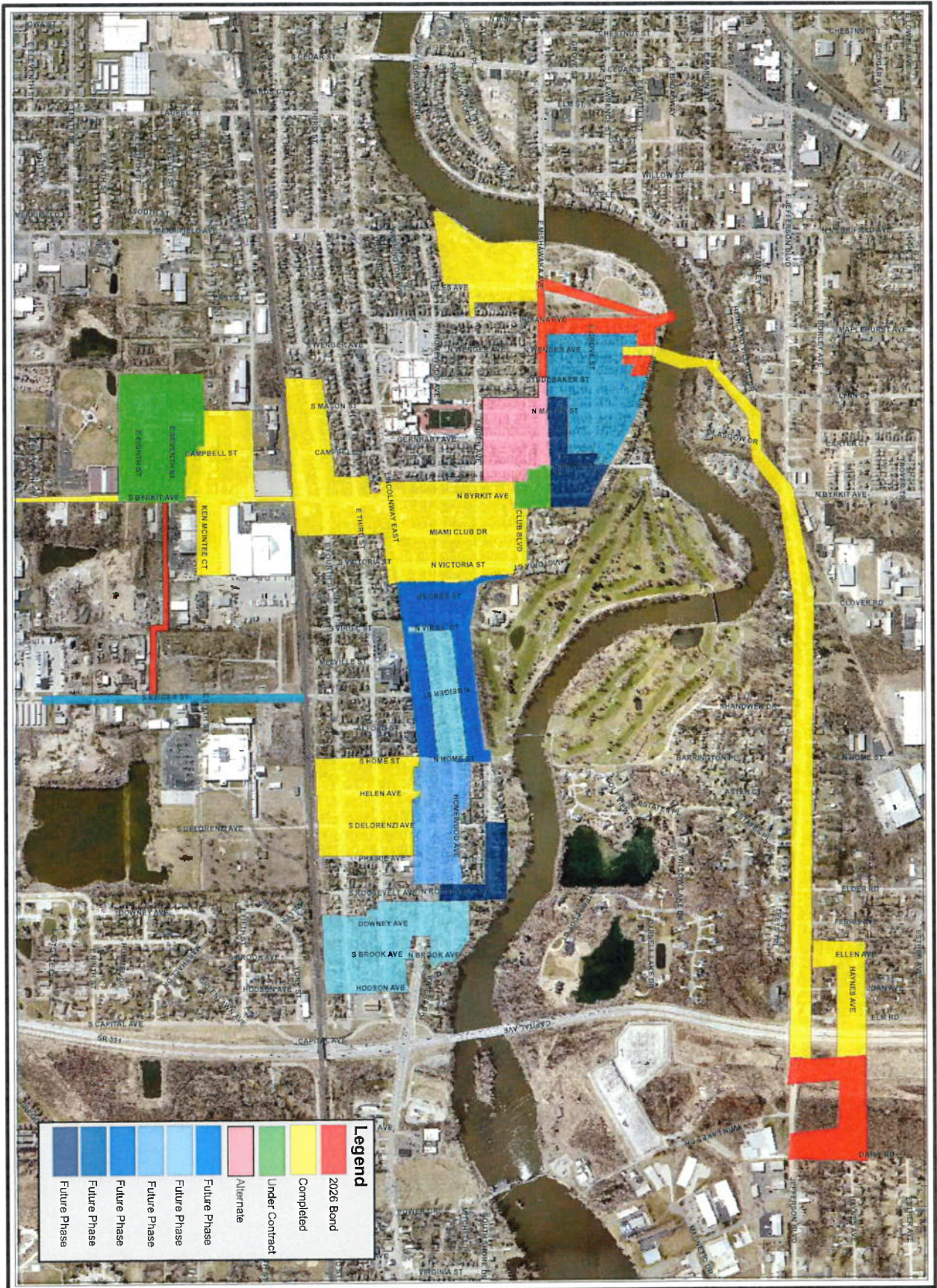
Biosolids Upgrade, Grit System Upgrade
Digester Draft Tubes & Mixers
Lift Station Cell Conversion
Diffuser Membrane Replacement
Headworks Screens
Lift Station - Park Place
Lift Station - Lake Shore Estates
Biofilter Rehabilitation
Bisulfite Bulk Storage Tank
Blower Replacement
Lift Station - Bittersweet Cove
Lift Station – Schumacher
Linden Area Sewer Separations
Twin Branch Sewer Separations
West Street Area Sewer Separations
Safety and Security updates



West Street Area Master Plan



Twin Branch Area Sewer Separation



January 2026



City of Mishawaka, Indiana
 Linden Area Sewer Improvement Study
 Current Condition - Proposed Linden Area Sewer Improvements

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, AMC, MMC

JAN 22 2025

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2026-03
ORDINANCE NO. _____

An Ordinance concerning the construction of additions, improvements and extensions to the sewage works of the City of Mishawaka, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith

WHEREAS, the City of Mishawaka, Indiana (“City”) has heretofore established, constructed and financed its sewage works, and now owns and operates said sewage works in accordance with the provisions of Title 36, Article 9, Chapter 23 of the Indiana Code, as in effect on the date of delivery of the bonds herein authorized (all references hereinafter to the Indiana Code are designated as “IC” followed by the applicable code section or sections); and

WHEREAS, the Common Council of the City (“Common Council”) now finds that certain additions, improvements and extensions to said works are necessary; and that preliminary plans, specifications and estimates have been prepared and filed by the engineers employed by the City for the construction of said additions, improvements and extensions, as more fully described on Exhibit A attached hereto and made a part hereof (collectively, “Project”), which preliminary plans, specifications and engineering estimates have been or will be submitted to all governmental authorities having jurisdiction, particularly the Indiana Department of Environmental Management, will be approved by the aforesaid governmental authorities and are incorporated herein by reference and will be open for inspection at the office of the City Clerk (“Clerk”), as required by law; and

WHEREAS, the City will advertise for and receive bids for the construction of the Project, which bids will be subject to the City’s determination to construct all or a portion of the Project

and subject to the City obtaining funds to pay for all or a portion of the Project; that on the basis of said engineer's estimates, the maximum cost of the Project, including estimated incidental expenses, is in an amount not to exceed Thirty-Eight Million One Hundred Forty Thousand Dollars (\$38,140,000); and

WHEREAS, the Common Council finds that it does not have sufficient funds on hand to apply to the costs of the Project, and that the entire cost of the Project is hereby authorized to be financed by the issuance of sewage works revenue bonds, in one or more series, in an aggregate amount not to exceed Thirty-Eight Million One Hundred Forty Thousand Dollars (\$38,140,000), and, if necessary, bond anticipation notes ("BANs") in an aggregate principal amount not to exceed Thirty-Eight Million One Hundred Forty Thousand Dollars (\$38,140,000); and

WHEREAS, the Common Council finds that there are now outstanding bonds originally issued to finance the construction of additions and improvements to the sewage works and payable out of the revenues therefrom designated "Sewage Works Revenue Bonds of 2010, Series A," dated January 28, 2010 ("2010A Bonds"), originally issued in the amount of \$2,398,000, now outstanding in the amount of \$677,000, and maturing semiannually over a period ending March 1, 2030, which 2010A Bonds constitute a first charge upon the Net Revenues (as hereinafter defined) of the sewage works; and

WHEREAS, the Common Council finds that there are now outstanding bonds originally issued to finance the refunding of certain outstanding sewage works bonds designated "Sewage Works Refunding Revenue Bonds of 2015," dated August 20, 2015 ("2015 Bonds"), originally issued in the amount of \$34,755,000, now outstanding in the amount of \$5,570,000, and maturing semiannually over a period ending March 1, 2027, which 2015 Bonds constitute a first charge upon the Net Revenues of the sewage works, on a parity with the 2010A Bonds; and

WHEREAS, the Common Council finds that there are now outstanding bonds originally issued to finance the refunding of certain outstanding sewage works bonds and the construction of additions and improvements to the sewage works and payable out of the revenues therefrom designated “Sewage Works Revenue and Refunding Revenue Bonds of 2017, Series A,” dated December 12, 2017 (“2017A Bonds”), originally issued in the amount of \$16,315,000, now outstanding in the amount of \$8,035,000, and maturing semiannually over a period ending March 1, 2034, which 2017A Bonds constitute a first charge upon the Net Revenues of the sewage works, on a parity with the 2010A Bonds and the 2015 Bonds; and

WHEREAS, the Common Council finds that there are now outstanding bonds originally issued to finance the refunding of certain outstanding sewage works bonds and the construction of additions and improvements to the sewage works and payable out of the revenues therefrom designated “Sewage Works Revenue and Refunding Revenue Bonds of 2017, Series B,” dated December 12, 2017 (“2017B Bonds”), originally issued in the amount of \$24,210,000, now outstanding in the amount of \$15,520,000, and maturing semiannually over a period ending September 1, 2034, which 2017B Bonds constitute a first charge upon the Net Revenues of the sewage works, on a parity with the 2010A Bonds, the 2015 Bonds and the 2017A Bonds; and

WHEREAS, the Common Council finds that there are now outstanding bonds originally issued to finance the construction of additions and improvements to the sewage works and payable out of the revenues therefrom designated “Sewage Works Revenue Bonds of 2018,” dated October 16, 2018 (“2018 Bonds”), originally issued in the amount of \$12,550,000, now outstanding in the amount of \$9,925,000, and maturing semiannually over a period ending September 1, 2038, which 2018 Bonds constitute a first charge upon the Net Revenues of the sewage works, on a parity with the 2010A Bonds, the 2015 Bonds, the 2017A Bonds and the 2017B Bonds; and

WHEREAS, the Common Council finds that there are now outstanding bonds originally issued to finance the construction of additions and improvements to the sewage works and payable out of the revenues therefrom designated “Sewage Works Revenue Bonds of 2023,” dated May 25, 2023 (“2023 Bonds”), originally issued in the amount of \$33,775,000, now outstanding in the amount of \$33,525,000, and maturing semiannually over a period ending March 1, 2043, which 2023 Bonds constitute a first charge upon the Net Revenues of the sewage works, on a parity with the 2010A Bonds, the 2015 Bonds, the 2017A Bonds, the 2017B Bonds and the 2018 Bonds; and

WHEREAS, the 2010A Bonds, the 2015 Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds and the 2023 Bonds are, collectively, hereinafter referred to as the “Outstanding Bonds”; and

WHEREAS, the ordinances authorizing the issuance of the Outstanding Bonds permit the issuance of additional bonds ranking on a parity with the Outstanding Bonds provided that certain conditions can be met, and the City finds that the finances of the sewage works will enable the City to meet the conditions for the issuance of additional parity bonds and that, accordingly, the revenue bonds authorized herein shall constitute a first charge on the Net Revenues of the sewage works, on a parity with the Outstanding Bonds; and

WHEREAS, the Mishawaka Redevelopment Commission (“Redevelopment Commission”) has previously adopted and amended a declaratory resolution expanding and consolidating existing economic development areas and allocation areas within the meaning of IC 36-7-14 to form a consolidated economic development area (“Consolidated Area”), consolidated allocation area (“Consolidated Allocation Area”) and consolidated allocation fund (“Consolidated Allocation Fund”), and such actions were ratified and confirmed by the Redevelopment Commission; and

WHEREAS, in connection with the issuance of the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds, and the 2023 Bonds, the Redevelopment Commission adopted resolutions (collectively, the “Resolutions”) which pledge an annual amount of all real and personal property tax proceeds in the Consolidated Allocation Area allocated and deposited in the Consolidated Allocation Fund created pursuant to IC 36-7-14 (“Tax Increment”) to the payment of the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, and the 2018 Bonds, the 2023 Bonds and the funding of any reserves for such 2010A Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds and the 2023 Bonds; and

WHEREAS, in connection with the issuance of bonds under this ordinance, the Redevelopment Commission has adopted or will adopt a resolution (“2026 Resolution”) to allow the pledge of Tax Increment as described in the Resolutions, to also apply to the payment of all bonds issued under this Ordinance, and the funding of any reserves for all bonds issued under this Ordinance; and

WHEREAS, the Resolutions and 2026 Resolution direct that the Pledged Tax Increment (as hereafter defined) shall be used as Net Revenues of the sewage works; and

WHEREAS, the Common Council has been advised that Tax Increment has been pledged to the payment of the City of Mishawaka, Indiana, Redevelopment District Tax Increment Revenue Bonds, Series 2015 (“2015 Tax Increment Bonds”) and the lease rental payments used to pay the debt service on the Mishawaka Redevelopment Authority Lease Rental Revenue Bonds of 2021 (“2021 Lease Rental Bonds”); the resolutions authorizing such 2015 Tax Increment Bonds and 2021 Lease Rental Bonds (collectively, “Tax Increment Bonds”) pledge Tax Increment to the Tax Increment Bonds, but such pledges do not include the Pledged Tax Increment which Pledged Tax Increment is junior and subordinate to the payment of the Tax Increment Bonds; and

WHEREAS, the bonds to be issued pursuant to this Ordinance will constitute a first charge against the Net Revenues of the sewage works, on a parity with the Outstanding Bonds, and are to be issued subject to the provisions of the laws of IC 5-1-14 and IC 36-9-23, each as in effect on the issue date of the bonds authorized herein (collectively, the “Act”), and the terms and restrictions of this Ordinance; and

WHEREAS, the City desires to authorize the issuance of BANs hereunder, in one or more series, if necessary, payable from the proceeds of the Bonds issued hereunder and to authorize the refunding of the BANs, if issued; and

WHEREAS, Section 1.150-2 of the Treasury Regulations (“Reimbursement Regulations”) specifies conditions under which a reimbursement allocation may be treated as an expenditure of bond proceeds, and the City intends by this Ordinance to qualify amounts advanced by the City to the Project for reimbursement from proceeds of the BANs or the Bonds in accordance with the requirements of the Reimbursement Regulations; and

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

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of said BANs and Bonds have been complied with in accordance with the provisions of the Act;

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

Section 1. Authorization of Project. The City shall proceed with the construction of the Project in accordance with the cost estimates, preliminary plans and specifications heretofore prepared and filed by the consulting engineers employed by the City, which cost estimates,

preliminary plans and specifications are now on file or will be subsequently placed on file in the office of the Clerk of the City, and are hereby adopted and approved, and by reference made a part of this Ordinance as fully as if the same were attached hereto and incorporated herein and two (2) copies of which are now on file or shall be placed on file in the office of the Clerk and open for public inspection pursuant to IC 36-1-5-4. The estimated cost of the Project is expected not to exceed the sum of Thirty-Eight Million One Hundred Forty Thousand Dollars (\$38,140,000), plus investment earnings on the Bond and BAN proceeds. The terms “sewage works,” “sewage works system,” “works,” “system,” and other like terms where used in this Ordinance shall be construed to mean the Treatment Works, as defined in the Financial Assistance Agreement, dated January 28, 2010 (“Financial Assistance Agreement”) between the City and the Indiana Finance Authority (“Authority”) as part of its wastewater loan program established and existing pursuant to IC 5-1.2-10 (“SRF Program”), and includes the existing structures and property of the sewage works, including items defined at IC 36-9-1-8, and all real estate and equipment used in connection therewith and appurtenances thereto, and all enlargements, extensions, additions and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired. The Project shall be constructed in accordance with the preliminary plans, specifications and cost estimates heretofore mentioned, which Project is hereby approved. The Project shall be constructed and the BANs and Bonds herein authorized shall be issued pursuant to and in accordance with the Act.

Section 2. Issuance of BANs and Bonds. (a) The City shall issue, if necessary, its BANs for the purpose of procuring interim financing to apply to the cost of the Project, including costs of issuance in connection therewith. The City may issue its BANs, in one or more series, in an aggregate amount not to exceed Thirty-Eight Million One Hundred Forty Thousand Dollars

(\$38,140,000) to be designated “Sewage Works Bond Anticipation Notes of ____” (to be completed with the year in which issued and appropriate series designation, if any). The BANs shall be sold at not less than ninety-nine percent (99%) of their par value, shall be numbered consecutively from 1 upward, shall be in any denominations of Five Thousand Dollar (\$5,000), or any integral multiples in excess thereof if sold at a competitive sale, or One Hundred Thousand Dollars (\$100,000) and in integral multiples of Five Thousand Dollars (\$5,000) in excess thereof if sold through a private placement, as set forth in the hereinafter defined Bond Anticipation Note Agreement for the BANs, shall be dated as of the date of delivery thereof, and shall bear interest at a rate not to exceed seven percent (7.0%) per annum (the exact rate or rates to be determined through bidding or negotiation with the purchaser of the BANs) payable at maturity or upon redemption. The BANs will mature no later than two (2) years after their date of delivery. The BANs are subject to renewal or extension at an interest rate or rates not to exceed seven percent (7.0%) per annum (the exact rate or rates to be determined through bidding or negotiated with the purchaser of the BANs). The term of the BANs and all renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof.

(b) The BANs shall be issued pursuant to IC 5-1.5-8-6.1 if sold to the Indiana Bond Bank or pursuant to IC 5-1-14-5 if sold to a financial institution or any other purchaser. The principal of and interest on the BANs shall be payable solely from the issuance of revenue bonds pursuant to and in the manner prescribed by the Act.

The revenue bonds will be payable solely out of and constitute a first charge against the Net Revenues (herein defined as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance, excluding transfers for payment in lieu

of property taxes (“PILOTs”)) of the sewage works of the City, on a parity with the Outstanding Bonds. The Net Revenues of the sewage works shall include the Pledged Tax Increment. For purposes of this Ordinance, the “Pledged Tax Increment” shall mean an annual amount not to exceed \$3,360,000 of the Tax Increment remaining after payment of the Tax Increment Bonds available for deposit under this Ordinance. The Pledged Tax Increment is pledged to pay, on a parity basis, the debt service on and fund reserves for the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds, and the Bonds issued under this Ordinance.

The Pledged Tax Increment shall remain in force for so long as the Bonds authorized under this Ordinance are outstanding, provided, however, that (i) the Pledged Tax Increment may be reduced or shall be increased (but not in excess of \$3,360,000 annually) so that Net Revenues of the sewage works (including Pledged Tax Increment) in the fiscal year are not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all bonds payable from the Net Revenues of the sewage works; or (ii) Pledged Tax Increment shall no longer be pledged or treated as Net Revenues of the sewage works upon the one time showing that prior to the City’s determination to release the Pledged Tax Increment from the payment of the bonds, the sewage rates and charges are increased sufficiently so that the increased rates and charges applied to the previous fiscal year’s operations would have produced Net Revenues (not including Pledged Tax Increment) for said year equal to not less than one hundred twenty-five (125%) of the maximum annual interest and principal requirements of all bonds payable from the Net Revenues of the sewage works. For purposes of this subsection, the records of the sewage works shall be analyzed and all showings prepared annually by a certified public accountant employed by the City for that purpose within 120 days of the close of each fiscal year.

(c) The City shall issue its sewage works revenue bonds, in one or more series, in an aggregate principal amount not to exceed Thirty-Eight Million One Hundred Forty Thousand Dollars (\$38,140,000) to be designated “Sewage Works Revenue Bonds Of ___” (to be completed with the year in which issued and appropriate series designation, if any) (“Bonds”), for the purpose of procuring funds to be applied on the cost of the Project, the payment of costs of issuance, including premiums for municipal bond insurance and a debt service reserve surety, if any, refunding the BANs, if issued, and all other costs related to the Project and/or the issuance of the Bonds.

The Bonds shall be issued in fully registered form. The Bonds shall be sold at a price not less than ninety-nine percent (99%) of their par value, shall be issued in the denominations of Five Thousand Dollar (\$5,000), or any integral multiples in excess thereof if sold at a competitive sale, or One Hundred Thousand Dollars (\$100,000) and in integral multiples of Five Thousand Dollars (\$5,000) in excess thereof if sold through a private placement, numbered consecutively from 1 upward, originally dated as of the first day of the month in which they are issued or sold or their date of delivery, as determined by the Controller with the advice of the City’s municipal advisor, and shall bear interest at a rate or rates not exceeding seven percent (7.0%) per annum (the exact rate or rates to be determined by bidding or through negotiation), payable semiannually on March 1 and September 1 in each year, commencing on the first March 1 or the first September 1 following the date of issuance of the Bonds, as determined by the Controller, with the advice of the City’s municipal advisor. Principal shall be payable in lawful money of the United States of America, at the principal office of the Paying Agent (as hereinafter defined) and the Bonds shall mature semiannually on March 1 and September 1, commencing no later than one year following the date of issuance, or shall be subject to mandatory sinking fund redemption if term bonds are

issued, on March 1 and September 1 of each year, over a period not exceeding twenty-five (25) years from the date of issuance of the Bonds and in such amounts that will produce as level annual debt service as practicable taking into account the annual debt service of the Outstanding Bonds.

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

Interest on the Bonds and BANs shall be calculated according to a 360-day calendar year containing twelve 30-day months.

Each series of Bonds shall rank on a parity with the other for all purposes, including the pledge of Net Revenues under this Ordinance.

Notwithstanding anything in this ordinance to the contrary, any series of Bonds or BANs issued hereunder may bear interest that is taxable and included in the gross income of the owners thereof. If any Bonds or BANs are issued on a taxable basis, the designated name shall include "Taxable."

Section 3. Registrar and Paying Agent; Book-entry Provisions. (a) The Controller is hereby authorized to contract with a qualified financial institution to serve as Registrar and Paying Agent for the Bonds and the BANs ("Registrar" or "Paying Agent"). The Registrar is hereby charged with the responsibility of authenticating the Bonds, and if required the BANs. The

Controller is hereby authorized to enter into such agreements or understandings with the Registrar as will enable the institution to perform the services required of a registrar and paying agent. The Controller is further authorized to pay such fees as the Registrar and Paying Agent may charge for the services it provides as Registrar and Paying Agent and such fees may be paid from the Sinking Fund (as defined and continued herein) to pay the principal of and interest on the Bonds and fiscal agency charges.

As to the BANs and as to the Bonds, if the purchaser does not object to such designation, the Controller may serve as Registrar and Paying Agent and would be hereby charged with the performance of and all duties of and responsibilities of Registrar and Paying Agent.

(b) The principal of the Bonds shall be payable at the principal office of the Paying Agent. All payments of interest on the Bonds and principal of and interest on the BANs shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof, as the names appear as of the fifteenth day of the month preceding each interest payment date (“Record Date”), at the addresses as they appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner on or before such Record Date. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the Bonds and BANs shall be made in any coin or currency of the United States of America, which on the date of such payment, shall be legal tender for the payment of public and private debts.

(c) Each Bond shall be transferable or exchangeable only upon the books of the City kept for that purpose at the principal office of the Registrar, by the registered owner thereof in person, or by its attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner thereof, or its attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity and the same series, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the City except for any tax or governmental charge required to be paid with respect to the transfer or exchange, which taxes or governmental charges are payable by the person requesting such transfer or exchange. The City, Registrar and Paying Agent for the Bonds may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

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

to be given when mailed by first class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar.

Upon the appointment of any successor registrar and paying agent by the City, the Controller is authorized and directed to enter into such agreements and understandings with such successor registrar and paying agent as will enable the institution to perform the services required of a registrar and paying agent for the Bonds. The Controller is further authorized to pay such fees as the successor registrar and paying agent may charge for the services it provides as registrar and paying agent and such fees may be paid from the Sinking Fund continued in Section 15 hereof. Any predecessor registrar and paying agent shall deliver all of the Bonds and any cash or investments in its possession with respect thereto, together with the registration books, to the successor registrar and paying agent.

(e) Interest on the Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date of the Bonds unless the Bonds are authenticated after the Record Date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless the Bonds are authenticated on or before the Record Date preceding the first interest payment date, in which case they shall bear interest from the original date until the principal shall be fully paid. Notwithstanding anything to the contrary herein, the Bonds shall not be required to be presented or surrendered to receive payment in connection with any mandatory sinking fund redemption until the final maturity date of the Bonds or earlier payment in full of the Bonds.

(f) The City has determined that it may be beneficial to the City to have the Bonds held by a central depository system pursuant to an agreement between the City and The Depository Trust Company, New York, New York (“Depository Trust Company”) and have transfers of the

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

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

No person other than the Depository Trust Company shall receive an authenticated Bond evidencing an obligation of the City to make payments of the principal of and premium, if any, and interest on the Bonds pursuant to this Ordinance. The City and the Registrar and Paying Agent may treat as and deem the Depository Trust Company or CEDE & CO. to be the absolute bondholder of each of the Bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such Bonds; (ii) giving notices of redemption and other notices permitted to be given to bondholders with respect to such Bonds; (iii) registering transfers with respect to such Bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by

bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the order of the Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the City's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. Upon delivery by the Depository Trust Company to the City of written notice to the effect that the Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this Ordinance shall refer to such new nominee of the Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any Bond is registered in the name of CEDE & CO., as nominee of the Depository Trust Company, all payments with respect to the principal of and premium, if any, and interest on such Bonds and all notices with respect to such Bonds shall be made and given, respectively, to the Depository Trust Company as provided in a representation letter from the City to the Depository Trust Company.

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

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

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

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

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

The City is authorized to issue its BANs in book-entry form and, in that case, all of the provisions set forth in this subsection (f) shall apply.

Section 4. Redemption of BANs and Bonds. (a) The BANs are prepayable by the City, in whole or in part, on any date after one hundred eighty (180) days from the date of issuance, upon twenty (20) days' notice to the owner of the BANs, without premium.

(b) The Bonds of this issue are redeemable at the option of the City, but no sooner than ten (10) years after their date of issuance, 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 plus accrued interest to the date fixed for redemption. The exact redemption

provisions shall be established by the Controller, with the advice of the City's municipal advisor, prior to the sale of the Bonds.

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

Each authorized denomination amount of the Bonds shall be considered a separate bond for purposes of optional and mandatory redemption. If less than an entire maturity is called for redemption at one time, the Bonds to be redeemed shall be selected by lot within a maturity by the Registrar. If some Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.

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

Section 5. Execution and Negotiability. Each of the Bonds and BANs shall be executed in the name of the City by the manual or facsimile signature of the Mayor, countersigned by the manual or facsimile signature of the Controller, and attested by the manual or facsimile signature of the Clerk, and the seal of the City shall be affixed, imprinted or impressed to or on each of the BANs and Bonds manually, by facsimile or any other means; and these officials, by the execution of a Signature and No Litigation Certificate, shall adopt as and for their own proper signatures the facsimile signatures appearing on the Bonds or BANs. In case any officer whose signature or facsimile signature appears on the Bonds or BANs shall cease to be such officer before the delivery of the Bonds or BANs, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

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

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

The Bonds, and any bonds ranking on a parity therewith, as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon the Net Revenues of the sewage works of the City. The City shall not be obligated to pay the Bonds or the interest thereon except from the Net Revenues of said works, and said Bonds shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Section 6. Form of Bonds. The form and tenor of the Bonds shall be substantially as follows, all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof:

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

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF ST. JOSEPH

CITY OF MISHAWAKA, INDIANA
SEWAGE WORKS REVENUE BONDS OF 20[] [, SERIES]

[<u>INTEREST RATE</u>]	[<u>MATURITY DATE</u>]	[<u>ORIGINAL DATE</u>]	[<u>AUTHENTICATION DATE</u>]	[<u>CUSIP</u>]
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REGISTERED OWNER:

PRINCIPAL SUM:

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

The principal of this bond is payable at the principal office of _____ (“Registrar” or “Paying Agent”), in the _____ of _____, _____. All payments of interest on this bond shall be paid by check, mailed one business day prior to the interest payment date to the registered owner hereof as of the fifteenth day of the month preceding such interest payment date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. [The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time).] [Notwithstanding anything to the contrary herein, this bond shall not be required to be presented or surrendered to receive payment in connection with any mandatory sinking fund redemption until the final maturity date of this bond or earlier payment in full of this bond.] All payments on the bond shall be made in any coin or currency of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

THIS BOND SHALL NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OF THE STATE OF INDIANA, AND THE CITY SHALL NOT BE OBLIGATED TO PAY THIS BOND OR THE INTEREST HEREON EXCEPT FROM THE

SPECIAL FUND PROVIDED FROM THE NET REVENUES, ON A PARITY WITH THE OUTSTANDING BONDS (EACH AS HEREINAFTER DEFINED).

This bond is [the only] one of an authorized issue of bonds of the City[, to be issued in series,] [of like date, tenor and effect, except as to numbering, interest rate[, series designation] and dates of maturity,] in the total amount of _____ Dollars (\$ _____) [for this series] (“Bonds”), numbered consecutively from 1 up; issued for the purpose of providing funds to be applied on the cost of additions and improvements to the City’s sewage works[, to refund interim notes issue in anticipation of the Bonds] and to pay incidental expenses[, including premiums for municipal bond insurance and a debt reserve surety], as authorized by an Ordinance adopted by the Common Council of the City on the ____ day of _____, 2026, entitled, “An Ordinance concerning the construction of additions, improvements and extensions to the sewage works of the City of Mishawaka, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith” (“Ordinance”), and in strict compliance with the provisions of IC 5-1-14 and IC 36-9-23, each as in effect on the issue date of the Bonds (collectively, “Act”).

Pursuant to the provisions of the Act and the Ordinance, the principal and interest of this Bond and all other Bonds of said issue, including the Sewage Works Revenue Bonds of ____ [, Series (“Series ____ Bonds”),] and any bonds hereafter issued on a parity therewith, are payable solely from the Sewage Works Sinking Fund (continued by the Ordinance) to be provided from the Net Revenues (defined as the gross revenues of the sewage works of the City remaining after the payment of the reasonable expenses of operation, repair and maintenance, excluding transfers for payment in lieu of property taxes) of the sewage works of the City. The bonds of this issue of which this bond is a part rank on a parity with the Outstanding Bonds (as defined in the Ordinance). Under the Ordinance, Net Revenues include the Pledged Tax Increment (as defined in the Ordinance) subject to Section 2(b) of the Ordinance.

The City reserves the right to issue additional bonds on a parity with this Bond and the issue of which it is a part, as provided in the Ordinance. The City irrevocably pledges the entire Net Revenues of said sewage works to the prompt payment of the principal of and interest on the Bonds authorized by the Ordinance, of which this is one, and any bonds ranking on a parity therewith, including the Outstanding Bonds [and the Series ____ Bonds], to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works, as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act and the Ordinance. If the City or the proper officers of the City shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this Bond, the owner of this Bond shall have all of the rights and remedies provided for in the Act, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this Bond and the interest hereon.

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

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

The Bonds of this issue maturing on _____ 1, 20__, and thereafter, are redeemable at the option of the City on _____ 1, 20__, or any date thereafter, 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, without premium, plus accrued interest to the date fixed for redemption.

[The Bonds maturing on _____ 1, 20__ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on the dates and in the amounts set forth below:

_____ 20__ Term Bond

<u>Date</u>	<u>Amount</u>
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*

*Final Maturity]

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

Notice of such redemption shall be mailed to the address of the registered owner as shown on the registration records of the City, as of the date which is forty-five (45) days prior to such redemption date, not less than thirty (30) days prior to the date fixed for redemption unless the notice is waived by the registered owner of this Bond. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the City. Interest on the Bonds so called for redemption shall

cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

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

This Bond is transferable or exchangeable only upon the books of the City kept for that purpose at the office of the Registrar, by the registered owner hereof in person, or by its attorney duly authorized in writing, upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or to the registered owner, as the case may be, in exchange therefor. The City, the Registrar, the Paying Agent and any other registrar or paying agent for this Bond may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

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

The Bonds maturing in any one year are issuable only in fully registered form in the denomination of [\$5,000 or any integral multiples in excess thereof] OR [\$100,000 and in integral multiples of \$5,000 in excess thereof] not exceeding the aggregate principal amount of the Bonds maturing in such year.

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

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

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

CITY OF MISHAWAKA, INDIANA

[SEAL]

By: _____
Mayor

COUNTERSIGNED

By: _____
Controller

Attest:

Clerk

[BOND INSURANCE LEGEND]

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

It is hereby certified that this Bond is one of the Bonds described in the Ordinance.

as Registrar

By: _____
Authorized Representative

ASSIGNMENT

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

Dated: _____

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

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

[EXHIBIT A]

(End of Bond Form)

Section 7. Authorization for Preparation and Sale of the BANs and Bonds; Official Statement; Continuing Disclosure; Bond Insurance. (a) The Controller is hereby authorized and directed to have the BANs and Bonds prepared, and the Mayor, the Controller and the Clerk are hereby authorized and directed to execute and attest the BANs and Bonds in the form and manner provided herein.

(b) The Controller is hereby authorized and directed to deliver the BANs and Bonds to the respective purchasers thereof after sale made in accordance with the provisions of this Ordinance, provided that at the time of delivery of the BANs and Bonds, the Controller shall collect the full amount which the respective purchasers have agreed to pay therefor, which amount shall not be less than ninety-nine percent (99%) of the par value of the BANs, and not less than ninety-nine percent (99%) of the par value of the Bonds, as the case may be, plus accrued interest to the date of delivery, if any. The City may receive payment for the BANs and the Bonds in installments. Each series of Bonds, when fully paid for and delivered to the purchaser, shall be the binding special revenue obligations of the City payable out of the Net Revenues of the City's sewage works, to be set aside into the Sinking Fund as herein provided, on a parity with the Outstanding Bonds. The proceeds derived from the sale of the Bonds shall be and are hereby set aside for

application on the cost of the Project hereinbefore referred to, the refunding of the BANs, if issued, and the expenses necessarily incurred in connection with the BANs and Bonds. The proper officers of the City are hereby directed to sell the Bonds, to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this Ordinance.

(c) If necessary, distribution of one or more Official Statements (preliminary and final) for the Bonds, prepared by Baker Tilly Municipal Advisors, LLC on behalf of the City, are hereby authorized and approved and the Mayor and the Controller are authorized and directed to execute any such Official Statement on behalf of the City in a form consistent with this Ordinance. The Mayor or Controller is hereby authorized to designate any such preliminary Official Statement as “nearly final” for purposes of Rule 15c2-12 as promulgated by the Securities and Exchange Commission (“Rule”).

If an Official Statement is not required, upon delivery of the Bonds the City shall obtain an investment letter from the purchaser of the Bonds which satisfies federal and state securities laws applicable to the Bonds.

(d) If required under the Rule, the Mayor and Controller are hereby authorized and directed to complete, execute and attest one or more continuing disclosure undertakings (each an “Undertaking”) for the Bonds on behalf of the City. Notwithstanding any other provisions of this Ordinance, failure of the City to comply with the Undertaking shall not be considered an event of default under the Bonds or this Ordinance.

(e) In the event the financial advisor to the City certifies to the City that it would be economically advantageous for the City to obtain a municipal bond insurance policy, the City hereby authorizes the purchase of such an insurance policy. The acquisition of a municipal bond insurance policy is hereby deemed economically advantageous in the event the difference between

the present value cost of (a) the total debt service on the Bonds if issued without municipal bond insurance and (b) the total debt service on the Bonds if issued with municipal bond insurance, is greater than the cost of the premium on the municipal bond insurance policy. If such an insurance policy is purchased, the Mayor and the Controller are hereby authorized to execute and deliver all agreements with the provider of the policy to the extent necessary to comply with the terms of such insurance policy and the commitment to issue such policy. Such agreement shall be deemed a part of this Ordinance for all purposes and is hereby incorporated herein by reference.

(f) Prior to the delivery of the Bonds, the Controller (i) shall be authorized, but not required, to investigate and to obtain credit rating(s) on the Bonds and (ii) shall obtain a legal opinion as to the validity of the Bonds from Dinsmore & Shohl LLP, bond counsel, of Indianapolis, Indiana, and shall furnish this opinion to the purchaser of the Bonds. The cost of obtaining any such credit ratings, together with the bond counsel fee in preparing and delivering such opinion and in the performance or related services of bond counsel, and the City's municipal advisor in connection with the issuance, sale and delivery of the Bonds, shall be considered as part of the costs incidental to these proceedings and may be paid out of proceeds of the Bonds.

Section 8. Sale of the Bonds; Award of Bonds. Unless sold to the Indiana Bond Bank, the Bonds may be sold at a competitive sale and, in such case, the Controller shall cause to be published either (i) a notice of such sale in the *South Bend Tribune* and the *Mishawaka Enterprise*, two (2) times, at least one (1) week apart, with the first publication made at least fifteen (15) days before the date of the sale and the second publication being made at least three (3) days before the date of the sale, or (ii) a notice of intent to sell in both newspapers described in (i) above and in the *Indianapolis Business Journal*, all in accordance with IC 5-1-11 and IC 5-3-1. A notice of sale may also be published one time in the *Indianapolis Business Journal*, and a notice or summary

notice may also be published in The Bond Buyer in New York, New York. The notice shall state the time and place of sale, the purpose for which the Bonds are being issued, the total amount and maturities thereof, the maximum rate of interest thereon and any limitations as to the number of interest rates and the setting of such rates, the terms and conditions upon which bids will be received and the sale made, and such other information as the Controller and the attorneys employed by the City shall deem necessary or advisable. The notice will also state that the winning bidder will agree to assist the City in establishing the issue price under Treasury Reg. Section 1.148-1(f) ("Issue Price Regulation"). The criteria for establishing the issue price under the Issue Price-Regulation shall be set forth in the Preliminary Official Statement and/or the bid form. Such notice shall also provide, among other things, that each bid shall be accompanied by a certified or cashier's check or wire transfer in an amount equal to one percent (1%) of the par amount of the Bonds to guarantee performance on the part of the bidder, and that in the event the successful bidder shall fail or refuse to accept delivery of the Bonds and pay for the same as soon as the Bonds are ready for delivery, or at the time fixed in the notice of sale, then such check and the proceeds thereof shall become the property of the City and shall be considered as the City's liquidated damages on account of such default. Such wire transfer can be made by a time specified in the Bond Sale Notice within one day of the award of the Bonds by the best bidder. All bids for the Bonds shall be sealed and shall be presented to the Controller or his or her designee at the physical or electronic address identified in the notice. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, not exceeding seven percent (7.0%) per annum. Such interest rate or rates shall be in multiples of one-eighth (1/8) or one-hundredth (1/100) of one percent (1%). Bids may be received electronically. No conditional bid or bid for less than ninety-nine percent (99.0%) of the par value of the Bonds will be considered. The opinion of Dinsmore

& Shohl LLP, nationally recognized bond counsel of Indianapolis, Indiana, approving the legality of said Bonds, will be furnished to the purchaser at the expense of the City.

The Bonds shall be awarded by the Controller to the best bidder who has submitted a bid in accordance with the terms of this Ordinance, IC 5-1-11, and the notice of sale. The best bidder will be the one who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the Bonds from the date thereof to their respective maturities, adding thereto the discount bid, if any, and deducting therefrom the premium bid, if any. The City shall have the right to reject any and all bids. In the event an acceptable bid is not received on the date fixed in the notice, the Controller shall be authorized to continue the sale from day to day for a period not to exceed thirty (30) days without re-advertising. During the continuation of the sale, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time originally fixed for the sale of the Bonds in the bond sale notice.

As an alternative to competitive bid, the Controller may negotiate the sale of said Bonds at an interest rate or rates not exceeding seven percent (7.0%) per annum. The Mayor and the Controller are hereby authorized to (i) execute a purchase agreement with the purchaser, and (ii) sell such Bonds upon such terms as are acceptable to the Mayor and the Controller consistent with the terms of this Ordinance. The final form of the purchase agreement shall be approved by the Mayor and Controller, upon the advice of the City's bond counsel and municipal advisor, and the Mayor and Controller are hereby authorized and directed to complete, execute and attest the same on behalf of the City so long as its provisions are consistent with this Ordinance.

Section 9. Use of Proceeds and Costs of Issuance; Reimbursement. Any accrued interest received at the time of delivery of the Bonds, and premium, if any, shall be deposited in the Sinking Fund, continued in Section 15. The remaining proceeds from the sale of the Bonds, to

the extent not used to refund BANs, and BAN proceeds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts to be designated as “City of Mishawaka, Sewage Works Construction Account” (“Construction Account”). All funds deposited to the credit of the Sinking Fund or Construction Account shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly IC 5-13, and the acts amendatory thereof and supplemental thereto. The funds in the Construction Account shall be expended only for the purpose of paying the cost of the Project, refunding the BANs, if issued, or as otherwise required by the Act or for the expenses of issuance of the Bonds and BANs. The cost of obtaining any credit ratings, insurance and the cost of obtaining the services of Dinsmore & Shohl LLP and Baker Tilly Municipal Advisors, LLC shall be considered as a part of the cost of the Project on account of which the BANs and Bonds are issued.

Any balance or balances remaining unexpended in such special account or accounts after completion of the Project, which are not required to meet unpaid obligations incurred in connection with such Project, shall either (1) be paid into the Sinking Fund and used solely for the purposes of the Sinking Fund or (2) be used for the same purpose or type of project for which the Bonds were originally issued, all in accordance with IC 5-1-13, as amended and supplemented.

The City hereby declares its “official intent”, as such term is used in the Reimbursement Regulations, to reimburse the City’s advances for costs incurred for the Project from proceeds of the BANs or the Bonds herein authorized by this Ordinance. The City reasonably expects to make such advances for the costs of the Project.

Section 10. Financial Records and Accounts and Maintenance of Books. The City shall keep proper records and books of account, separate from all of its other records and accounts, in

which complete and correct entries shall be made showing all revenues received on account of the operation of the sewage works and all disbursements made therefrom and all transactions relating to the sewage works. Copies of all such statements and reports shall be kept on file in the office of the Clerk. The City shall maintain on file the audited financial statements of said works prepared by the State Board of Accounts.

Section 11. Pledged Tax Increment. The Net Revenues of the sewage works shall continue to include the Pledged Tax Increment. The Pledged Tax Increment is pledged to the payment of the Bonds, on a parity with the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds and the 2023 Bonds, subject to Section 2(b) of this Ordinance.

Section 12. Pledge of Net Revenues. The interest on and the principal of the Bonds issued pursuant to the provisions of this Ordinance, and any bonds hereafter issued on a parity therewith, shall constitute a first charge on all the Net Revenues, on a parity with the Outstanding Bonds, and such Net Revenues are hereby irrevocably pledged to the payment of the interest on and principal of such Bonds, to the extent necessary for that purpose.

Section 13. Revenue Fund. The City shall segregate, deposit and keep in a special fund, separate and apart from all other funds of the City, all gross revenues received on account of the sewage works, which special fund was established and designated as the “City of Mishawaka, Indiana, Sewage Works Revenue Fund” (“Revenue Fund”) and is continued hereby. Out of said revenues the proper and reasonable expenses of operation, repair and maintenance of the sewage works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, reserves shall be funded, and the costs of replacements, extensions, additions and improvements shall be paid as hereinafter provided. No moneys derived from the revenues of the sewage works shall be transferred to the general fund of the City or be used for any purpose

not connected with the sewage works so long as any bonds payable from the revenues of the sewage works are outstanding.

Section 14. Operation and Maintenance Fund. The Operation and Maintenance Fund (“O&M Fund”) is hereby continued. On the last day of each calendar month, a sufficient amount of revenues of the sewage works shall be transferred from the Revenue Fund to the O&M Fund so that the balance maintained in the O&M Fund shall be sufficient to pay the expenses of operation, repair and maintenance of the sewage works for the then next succeeding two (2) calendar months. The moneys credited to the O&M Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the sewage works on a day-to-day basis, but none of the monies in the O&M Fund shall be used for transfers for PILOTs, depreciation, replacements, improvements, extensions or additions. Any monies in the O&M Fund may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the sewage works, or if necessary to eliminate any deficiencies in credits to or minimum balance in the Reserve Accounts described in Section 15(b) below.

Section 15. Sewage Works Sinking Fund. The Sewage Works Sinking Fund (“Sinking Fund”) is hereby continued for the payment of the principal of and interest on all revenue bonds which by their terms are payable from the Net Revenues of the sewage works and the payment of any fiscal agency charges in connection with the payment of bonds. The Sinking Fund shall consist of a Debt Service Account, and two Reserve Accounts (collectively, “Reserve Accounts”) hereby continued. The Sinking Fund shall be continued until all of the bonds payable from the Net Revenues of the sewage works have been paid.

(a) Debt Service Account. All Pledged Tax Increment shall be deposited into the Sinking Fund and shall be deemed as Net Revenues of the sewage works. Upon receipt by the

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

(b) Reserve Accounts. The 2015 Bonds are secured by the 1994 Reserve Account described below. The 2010A Bonds purchased by the Authority as part of its SRF Program and

the 2017A Bonds, 2017B Bonds, the 2018 Bonds and 2023 Bonds are secured by the 1999 Reserve Account described below. The 1999 Reserve Account will serve as the reserve for the Bonds issued hereunder.

(i) 1994 Reserve Account. The 1994 Reserve Account (“1994 Reserve Account”) is hereby continued. The 1994 Reserve Account serves as the reserve for the 2015 Bonds and it may also serve as the reserve for any series of future bonds not purchased by the Authority as part of its SRF Program. The 1994 Reserve Account contains a surety which funds, in part, the required balance for the 1994 Reserve Account with the remaining balance being funded with cash. The balance to be maintained in the 1994 Reserve Account, taking into account the surety held therein and the cash, shall equal the maximum annual debt service on the 2015 Bonds (“1994 Reserve Requirement”).

The 1994 Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the 2015 Bonds and any future bonds not purchased by the Authority as part of its SRF Program but secured by the 1994 Reserve Account, and the moneys in the 1994 Reserve Account shall be used to pay current principal and interest on the 2015 Bonds to the extent that moneys in the Debt Service Account are insufficient for that purpose. No moneys in the 1994 Reserve Account shall secure or be used to pay the principal of or interest on the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds, the 2023 Bonds or the Bonds issued under this Ordinance. Any moneys in the 1994 Reserve Account in excess of the 1994 Reserve Requirement shall be transferred to the Sewage Works Improvement Fund.

(ii) 1999 Reserve Account. The 1999 Reserve Account (“1999 Reserve Account”) is hereby continued. The 1999 Reserve Account shall continue to serve as the

reserve for the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds, and shall also serve as the reserve for any future bonds purchased by the Authority as part of its SRF Program. The 1999 Reserve Account shall also serve as the reserve for the Bonds issued under this Ordinance. The balance therein shall equal but not exceed the maximum annual debt service on the Bonds, the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds, the 2023 Bonds and any parity bonds issued in the future by the City which are payable from the Net Revenues of the sewage works and secured by the 1999 Reserve Account (“1999 Reserve Requirement”). If the initial deposit into the 1999 Reserve Account does not cause the balance therein to equal the 1999 Reserve Requirement or if no deposit is made, an amount of Net Revenues shall be deposited to the 1999 Reserve Account on the last day of each calendar month until the balance therein equals the 1999 Reserve Requirement. The monthly deposits shall be equal in amount and sufficient to accumulate the 1999 Reserve Requirement within five (5) years of the date of delivery of the Bonds.

The 1999 Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds, the 2023 Bonds and the Bonds, and the moneys therein shall be used to pay current principal and interest on the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds, the 2023 Bonds and the Bonds to the extent that moneys in the Debt Service Account are insufficient for that purpose. No moneys in the 1999 Reserve Account shall secure or be used to pay the principal of or interest on the 2015 Bonds. Any moneys in the 1999 Reserve Account in excess of the 1999 Reserve Requirement shall be transferred to the Sewage Works Improvement Fund.

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

Section 16. Sewage Works Improvement Fund. The Sewage Works Improvement Fund (“Improvement Fund”) is hereby continued. After meeting the requirements of the O&M Fund and the Sinking Fund, any excess Net Revenues may be transferred or credited from the Revenue Fund to the Improvement Fund, and said Improvement Fund shall be used for improvements, replacements, additions or extensions to the sewage works, or for any other lawful purpose, including the payment of PILOTs. The City reserves the right to transfer PILOTs from the Improvement Fund to the City but no more frequently than semiannually, in accordance with the Act, and only if all required transfers have been made to the O&M Fund, the Sinking Fund and the Accounts of the Sinking Fund contain the required balances as of the date the PILOTs are paid. In no event shall any PILOTs be treated as an expense of operation and maintenance, nor in any case shall any PILOT be payable from the O&M Fund or the Sinking Fund. Moneys in the Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the then outstanding bonds of the sewage works or, if necessary, to eliminate any deficiencies in credits to or minimum balance in any of the Reserve Accounts of the Sinking Fund, or may be transferred to the O&M Fund to meet unforeseen contingencies in the operation, repair and maintenance of the sewage works.

Section 17. Maintenance of Accounts; Investments. The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the City. The O&M Fund and the Improvement Fund may be maintained in a single account, or accounts,

but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the City (including, without limitation, any funds and accounts relative to any other utility of the City beyond the Sewage Works) and apart from the Sinking Fund account or accounts. All moneys deposited in the accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in obligations in accordance with the applicable laws, including particularly IC 5-13, as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this Ordinance.

Section 18. Defeasance of the Bonds. If, when the Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Bonds or a portion thereof then outstanding shall be paid; or (i) cash (insured at all times by the Federal Deposit Insurance Corporation or otherwise collateralized with obligations described in (ii)), or (ii) direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Bonds or any designated portion thereof issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the City's sewage works.

Section 19. Rate Covenant. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by the works,

to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewage system of the City, or that in any way uses or is served by such works, at a level adequate to produce and maintain sufficient revenue (including user and other charges, fees, income or revenues available to the City, together with the Pledged Tax Increment reasonably expected to be collected and available to provide for the timely payment of debt service on the Bonds, the 2010A Bonds, the 2015 Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds and the 2023 Bonds) to provide for the proper Operation and Maintenance (as defined in the Financial Assistance Agreement) of the sewage works, to comply with and satisfy all covenants contained in this Ordinance and the Financial Assistance Agreement, and to pay all obligations of the sewage works and of the City with respect to the sewage works. Such rates and charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient (together with the Pledged Tax Increment reasonably expected to be collected and available to provide for the timely payment of debt service on the Bonds, the 2010A Bonds, the 2015 Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds and the 2023 Bonds) to meet the expenses of Operation and Maintenance of the sewage works and the requirements of the Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the City and all departments thereof, and shall be paid by the City or the various departments thereof as the charges accrue.

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

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

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

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

If in any year while the Bonds, the 2010A Bonds, the 2017A Bonds, the 2017B Bonds, the 2018 Bonds or the 2023 Bond are outstanding, the Net Revenues of the sewage works and the Pledged Tax Increment received from (a) the June settlement is less than the next September 1 payment on all outstanding bonds or (b) the June settlement (after payment of such September 1 payment), together with the December settlement, is less than the next March 1 payment on all outstanding bonds, then the City shall take all steps required to immediately increase sewage works rates and charges to the level required to provide for the timely payment of debt service on all outstanding bonds. Any such increase shall be enacted to be effective within forty-five (45) days after the receipt of the June or December settlement, as the case may be.

Section 20. Additional Bond Provisions. The City reserves the right to authorize and issue additional BANs at any time ranking on a parity with the BANs. The City shall not issue any additional obligations payable from or secured by the Pledged Tax Increment without the prior written consent of the Authority. The City reserves the right to authorize and issue additional bonds or other obligations payable out of the Net Revenues of its sewage works ranking on a parity with the Bonds and Outstanding Bonds (“Parity Bonds”) for the purpose of financing the cost of future

additions, extensions and improvements to its sewage works, or to refund obligations, subject to the following conditions:

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

(b) The Net Revenues of the sewage works, including the Pledged Tax Increment, in the fiscal year immediately preceding the issuance of any such Parity Bonds (provided, within the 90 day period following the end of such preceding fiscal year, if such year's accounting records are not final as of the sale date of the additional bonds, the fiscal year preceding such year may be used in lieu of the immediately preceding fiscal year) shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional Parity Bonds proposed to be issued, or, prior to the issuance of the additional Parity Bonds, the sewage rates and charges shall be increased sufficiently so that the increased rates and charges, if realized and when applied to the previous year's operations would have produced Net Revenues for said year, including the Pledged Tax Increment, equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all bonds payable from the revenues of the sewage works, including the additional Parity Bonds proposed to be issued. For purposes of this subsection, the records of the sewage works shall be analyzed, and all showings shall be prepared by an independent certified public accountant employed by the City for that purpose who shall certify the satisfaction of the foregoing conditions for the issuance of the additional Parity Bonds.

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

(d) The reserve shall be satisfied for the additional Parity Bonds either as of the date of delivery of said additional Parity Bonds or through equal monthly deposits of Net Revenues sufficient to accumulate the reserve in a manner which is commensurate with and proportional to the provisions established by Section 15 of this Ordinance.

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

Section 21. Further Covenants of the City; Maintenance, Insurance, Pledge Not To Encumber, Subordinate Indebtedness, and Contract with Bondholders. For the purpose of further safeguarding the interests of the owners of the BANs and the Bonds, it is hereby specifically provided as follows:

(a) All contracts let by the City in connection with the construction of the Project shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred percent (100%) of the amount of such contracts, to insure the completion of said contracts in accordance with their terms, and such contractors shall also be required to carry such employer's liability and public liability

insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

(b) The Project shall be constructed under plans and specifications approved by a competent engineer designated by the City. All estimates for work done or material furnished shall first be checked by the engineer and approved by the City.

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

(d) So long as any of the BANs or Bonds are outstanding, the City shall maintain insurance coverage on the insurable parts of said works, of a kind and in an amount, including fidelity bonds, such as would normally be carried by private corporation engaged in a similar type of business and, so long as any 2010A Bonds are owned by the Authority as part of its SRF Program, acceptable to the Authority. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. All insurance proceeds shall be used in replacing or repairing the property destroyed or damaged, unless so long as the 2010A Bonds are owned by the Authority as part of its SRF Program, the Authority consents to a different use.

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

consent of the Authority so long as any 2010A Bonds are owned by the Authority as part of the SRF Program.

(f) For so long as any of the 2010A Bonds are outstanding and owned by the Authority as part of the SRF Program, the City shall not borrow any money, enter into any contract or agreement or incur any other liabilities in connection with the sewage works, other than for normal operating expenditures, without the prior written consent of the Authority if such undertaking would involve, commit or use the revenues of the sewage works.

(g) Except as otherwise specifically provided in Section 20 of this Ordinance, so long as any of the Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, issued or executed by the City, except such as shall be made junior and subordinate in all respects to the Bonds, unless all of the Bonds are redeemed or defeased pursuant to Section 18 hereof coincidentally with the delivery of such additional bonds or other obligations.

(h) The provisions of this Ordinance shall constitute a contract by and between the City and the owners of the Bonds and BANs herein authorized, all the terms of which shall be enforceable by any bondholder by any and all appropriate proceedings in law or in equity. After the issuance of the Bonds or BANs, this Ordinance shall not be repealed, amended or modified in any respect which will adversely affect the rights or interests of the owners of the Bonds or BANs, nor shall the Common Council or any other body of the City adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of the Bonds, the BANs, or the interest thereon, remain outstanding or unpaid. Except in the case of changes described in Section 22 (a)-(f), this Ordinance may be amended, however, without the consent of

the owners of the Bonds or BANs, if the Common Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the Bonds or BANs.

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

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

(k) For purpose this Section 21, the term “lease” shall include any lease, contract, or other instrument conferring a right upon the City to use property in exchange for a periodic

payments made from the revenues of the sewage works, whether the City desires to cause such to be, or by its terms (or its intended effects) is to be, (i) payable as rent, (ii) booked as an expense or an expenditure, or (iii) classified for accounting or other purposes as a capital lease, financing lease, operating lease, non-appropriation leases, installment purchase agreement or lease, or otherwise (including any combination thereof).

Section 22. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this Section and Section 21(h), and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds issued pursuant to this Ordinance and then outstanding shall have the right, from time to time, to consent to and approve the adoption by the Common Council of such ordinance or ordinances supplemental hereto or amendatory hereof, as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding any of the terms or provisions contained in this Ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

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

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

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

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

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

(f) A reduction in the 1994 Reserve Requirement or 1999 Reserve Requirement.

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

Section 23. Investment of Funds. (a) The Controller is hereby authorized to invest moneys pursuant to the provisions of this Ordinance and IC 5-1-14-3 (subject to applicable requirements of federal law to insure such yield is the then current market rate) to the extent

necessary or advisable to preserve the exclusion from gross income of interest on the Bonds and BANs under federal law.

(b) The Controller shall keep full and accurate records of investment earnings and income from moneys held in the funds and accounts referenced herein. In order to comply with the provisions of this Ordinance, the Controller is hereby authorized and directed to employ consultants or attorneys from time to time to advise the City as to requirements of federal law to preserve the tax exclusion. The Controller may pay any fees as operation expenses of the sewage works.

Section 24. Tax Covenants. In order to preserve the exclusion of interest on the Bonds and BANs from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the Bonds or BANs, as the case may be (“Code”), and as an inducement to purchasers of the Bonds and BANs, the City represents, covenants and agrees that:

(a) The sewage works will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business.

No person or entity other than the City or another state or local governmental unit will use more than ten percent (10%) of the proceeds of the Bonds or BANs or property financed by the Bond or BAN proceeds other than as a member of the general public. No person or entity other than the City or another state or local governmental unit will own property financed by Bond or BAN proceeds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person’s or entity’s use of such property from use by the general public, unless such uses in

the aggregate relate to no more than ten percent (10%) of the proceeds of the BANs or the Bonds, as the case may be. If the City enters into a management contract for the sewage works, the terms of the contract will comply with IRS Revenue Procedure 2017-13, as it may be amended, supplemented or superseded for time to time, so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than ten percent (10%) of the proceeds of the Bonds or BANs, as the case may be.

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

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

(d) The City reasonably expects, as of the date hereof, that the Bonds and BANs will not meet either the private business use test described in paragraph (a) and (b) above or the private loan test described in paragraph (c) above during the entire term of the Bonds or BANs, as the case maybe.

(e) No more than five percent (5%) of the proceeds of the Bonds or BANs will be attributable to private business use as described in (a) and private security or payments described

in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

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

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

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

(i) The City represents that the Bonds and the BANs are not private activity bonds as defined in Section 141 of the Code. These covenants are based solely on current law in effect and in existence on the date of delivery of such Bonds or BANs, as the case may be.

Section 25. Issuance of BANs. (a) The City, having satisfied all the statutory requirements for the issuance of its Bonds, may elect to issue its BAN or BANs to a financial institution, the Indiana Bond Bank, or any other purchaser pursuant to a Bond Anticipation Note Purchase Agreement (“BAN Purchase Agreement”) to be entered into between the City and the

purchaser of the BAN or BANs. The Common Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of initially issuing the Bonds to provide interim financing for the Project until permanent financing becomes available. It shall not be necessary for the City to repeat the procedures for the issuance of its Bonds, as the procedures followed before the issuance of the BAN or BANs are for all purposes sufficient to authorize the issuance of the Bonds and the use of the proceeds to repay the BAN or BANs.

(b) The Mayor and the Controller are hereby authorized and directed to execute a BAN Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The Mayor and the Controller may also take such other actions or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the Bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith.

Section 26. Non-compliance with Tax Covenants. Notwithstanding any other provisions of this Ordinance, the covenants and authorizations contained in this Ordinance (“Tax Sections”) which are designed to preserve the exclusion of interest on the Bonds and BANs from gross income under federal law (“Tax Exemption”) need not be complied with if the City receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption. At the time of delivery of the BANs and Bonds, the Mayor and the Controller will provide a copy of its post-issuance compliance procedures with respect to the BANs and Bonds relating to continued compliance of the City with respect to the Tax Sections to preserve the Tax Exemption.

Section 27. Rates and Charges. The present rates and charges of the sewage works are set forth in Ordinance No. 5954 adopted on November 17, 2025, which ordinance is incorporated herein by reference.

Section 28. Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that this Ordinance shall not be construed as modifying, amending or repealing the ordinances authorizing the Outstanding Bonds or as adversely affecting the rights of the owners of the Outstanding Bonds.

Section 29. Headings. The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this Ordinance,

Section 30. Effective Date. This Ordinance shall be in full force and effect from and after its passage and execution by the Mayor.

[Remainder of page intentionally left blank]

EXHIBIT A

Description of Project

The Project to be funded from bond proceeds shall consist of the acquisition, construction, installation, and equipping of certain additions, improvements and extensions to the Sewage Works of the City of Mishawaka, Indiana, including, but not limited to, all or any portion of the following, together with any improvements, equipment, appurtenances and expenses related thereto:

Biosolids Upgrade, Grit System Upgrade
Digester Draft Tubes & Mixers
Lift Station Cell Conversion
Diffuser Membrane Replacement
Headworks Screens
Lift Station - Park Place
Lift Station - Lake Shore Estates
Biofilter Rehabilitation
Bisulfite Bulk Storage Tank
Blower Replacement
Lift Station - Bittersweet Cove
Lift Station – Schumacher
Linden Area Sewer Separations
Twin Branch Sewer Separations
West Street Area Sewer Separations
Safety and Security updates

Passed by the Common Council of the City of Mishawaka, Indiana on this ___ day of _____, 2026, at ____:____, __.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

Presented by me, to the Mayor on this ___ day of _____, 2026, at ____:____, __.m.

Deborah S. Block, IAMCA, MMC, City Clerk

Presented to and approved by me, the Mayor of the City of Mishawaka, Indiana, and signed this ___ day of _____, 2026, at ____:____.m.

David A. Wood, Mayor

APPEAL #25-38

RESOLUTION NO. 2026-01

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

SE corner of State Road 23 & Toll Road, Mishawaka, IN

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **SE corner of State Road 23 & Toll Road, Mishawaka, IN**, more particularly known and described as follows:

*A parcel of land situated in the NW Quarter of the SW Quarter of Section 28, Township 38 N, Range 3 E bounded by a line running as follow:
Beginning at the NW corner of said NW Quarter of the SW Quarter of said Section 28; thence South along the West line thereof a distance of 300 feet; thence East 7.5 feet to the point of beginning of the description; thence 720 feet East; thence South 360 feet; thence West 355 feet; thence North 45 degrees 50 minutes West 510 feet to the North line of SR 23; thence North 44 degrees 10 minutes East along the North line of SR 23, 7 feet to the beginning; said parcel containing 4.5 acres, more or less, and subject to easements, covenants and right of way record.*

The Use Variance to allow outside storage for property located at the SE corner of State Road 23 & Toll Road, Mishawaka, IN.

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

Section III. The Common Council of the City of Mishawaka, Indiana, subject to the following conditions:

1. Display area (brick work, water features, etc) limited to area between the front setback and parking lot (as shown on site plan).
2. Loose material (mulch, stone piles, paving brick pallets, and other raw construction materials) would need to be stored behind the front façade of the building.
3. No known hazardous materials shall be stored on site.
4. A site plan shall be filed for review and approval.

hereby finds that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the low intensity of the use being requested is not a high traffic producers and the proposed improvements show an investment in the area.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the area proposed as outside display takes up only a small portion of the 4.5 acre lot. Any loose storage would be located behind the building and not visible to the traveling public.
3. The need for the variance arises from the need for outside display that would have the same effect if kept indoors. The need for outside storage arises from the limited size of existing and proposed storage buildings, which are less than 3,500 square feet.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because although the use is allowed in the I-2 Heavy Industrial District, rezoning the property would not be the highest and best use by allowing the more intense uses of that district.
5. The recommendation is consistent, and or, not in conflict with the Mishawaka 2000 Plan because the plan identifies this thoroughfare as General Commercial, however, surrounding uses are industrial in nature.

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

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

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

STAFF REPORT

Location: 16938, 16960 & 16972 S.R. 23 – East side of S.R. 23 &
South of the Indiana Toll Road

Date: November 12,
2025

Appeal: 25- 38

Prepared By: CH

GENERAL INFORMATION

Applicant: Wilson Realty/Richard Carroll d/b/a RC Outdoor/Abonmarche Consultants

Status: Property Owner / Contingent Purchaser/ Site Preparer

Request: Use Varaince to allow outdoor display area and building/landscaping material storage.

Zoning Classification: C-1 General Commercial District (pending annexation)

Lot Size: Approximately 4.5 acres

Applicable Regulations: Section 137-301 C-1 General Commercial Uses (pending)
Section 137-42 (4) Board of Zoning Appeals Use Variance
Indiana Code 36-7-4-918.4

SPECIAL INFORMATION

Area Development Pattern: North: Toll Road and C-2 Shopping Center Commercial (University Park Mall)
South: I-1 Light Industrial (mini storage)
East: Unincorporated St. Joseph County
West: Unincorporated St. Joseph County – R Single Family (houses)

Thoroughfare: State Road 23

Council District: Adjacent to District 6

School District: South Bend Community School Corporation

Township: Clay

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

Comprehensive Plan: This area was not included in the extents of the Mishawaka 2000 Comprehensive Plan.

ANALYSIS

Wilson Realty, current owner, Richard Carroll, contingent purchaser, along with their design consultant, Abonmarche are looking to locate on this site and make improvements to operate RC Outdoor, a custom outdoor living spaces contractor.

The existing house will be converted into an office, and the existing barn will be used for storage. A new 2,400 sq. ft. storage barn is proposed, along with 22 parking spaces, a turnaround, storm water retention, and a proposed outdoor display area.

The Use Variance being requested is for the outside display area between the front building setback and the parking lot. This would showcase the type of work done by the business, RC Outdoor (brick work, water features, etc). Any loose material (mulch, stone piles, paving brick pallets, and other raw construction materials) would need to be stored behind the front facade of the building. Outside storage is only permitted as a conditional use in I-2 Heavy Industrial.

All pertinent City Departments have reviewed and approved the request for Use Variance with the Engineering Departments commenting if the septic system fails, may be required to connect to City sewer. Additional comments shall be addressed with the Final Site Plan.

RECOMMENDATION

The Staff recommends **approval** of Appeal 25-38, a Use Variance to allow outside storage on the property currently known as 16938, 16960 & 16972 S.R. 23 (Parcel ID 002-2018-037802, 002-2018-037809, 002-2018-037803), subject to:

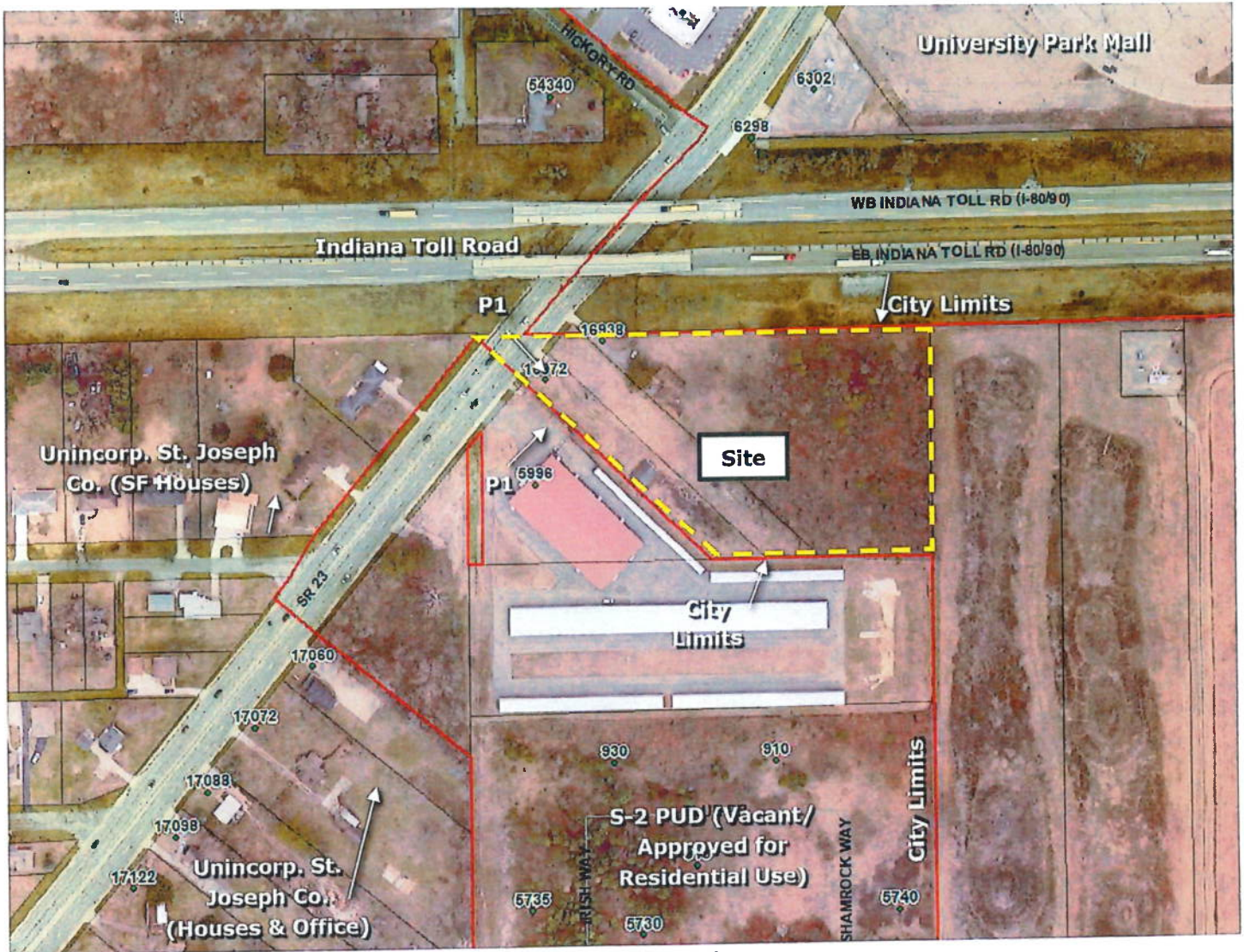
1. Display area (brick work, water features, etc) limited to area between the front setback and parking lot (as shown on site plan).
2. Loose material (mulch, stone piles, paving brick pallets, and other raw construction materials) would need to be stored behind the front façade of the building.
3. No known hazardous materials shall be stored on site.
4. A site plan shall be filed for review and approval.

This recommendation is based on the following findings of fact per Indiana Code 36-7-4-918.4:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the low intensity of the use being requested is not a high traffic producers and the proposed improvements show an investment in the area.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the area proposed as outside display takes up only a small portion of the 4.5 acre lot. Any loose storage would be located behind the building and not visible to the traveling public.
3. The need for the variance arises from the need for outside display that would have the same effect if kept indoors. The need for outside storage arises from the limited size of existing and proposed storage buildings, which are less than 3,500 square feet.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because although the use is allowed in the I-2 Heavy Industrial District, rezoning the property would not be the highest and best use by allowing the more intense uses of that district.
5. The recommendation is consistent, and or, not in conflict with the Mishawaka 2000 Plan because the plan identifies this thoroughfare as General Commercial, however, surrounding uses are industrial in nature.

ATTACHMENTS

Aerial Map, Photographs, Appeal, Site Plan, and Location Map



Aerial Photograph
16938, 16960 & 16972 S.R. 23



P1. A view east across State Road 23 of display area



P2. A view north from mini-storage entrance.

Filing Procedure for Use Variances

AP 25-38

Received

OCT 22 2025

Planning and
Community Development

DATE: 10/22/2025

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Gary Wilson of Wilson Realty LLC., am the owner of the following described real estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to-wit:

See Attached

~~(PROVIDE ACCURATE LEGAL DESCRIPTION AND ALSO THE COMMON ADDRESS - A TAX KEY NUMBER IS NOT A LEGAL DESCRIPTION)~~

2. The above-described real estate presently has a zoning classification of C-1 under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (or proposes to occupy) the above-described property in the following manner:
The property will serve as a home renovated into an office, remodeled pole barn, construction of a new pole barn, a parking lot, storm retention and an outdoor display area of pools and spas for a new commercial retail business selling pools and spas.
4. Appellant desires to (Explain what is proposed that violates the Ordinance.)
The appellant desires to construct a new building and remodel an existing building to be used as storage for the commercial business where accessory storage is not permitted outside the main structure.
5. The Zoning Ordinance of the City of Mishawaka requires (Explain ordinance requirements and note Section Number of the Ordinance.)
Accessory Building Commercial Storage – Division 3 – Section 137-302 (5) c. - No accessory building or accessory building area shall be used for commercial storage purposes.
6. Explain why strict adherence to the Ordinance requirements would create unusual hardship.
If not for the two accessory buildings, large items such as pool and spa inventory would have to be stored outdoors subject to the weather and vandalism.

Filing Procedure for Use Variances

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

1. Will approval be injurious to the public health, safety, morals or general welfare of the community? YES OR NO and explain your reason why.

The approval will not be injurious to the community. The structures used for the commercial accessory storage are either existing or will be placed behind existing structures. A commercial use to the south and the Indiana Toll Road to the North are adjacent to this property. The nearest residential use is hundreds of feet away across SR 23 which is a 5 lane roadway. The presence of these buildings in the prescribed local

2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? YES OR NO and explain your reason why.

Adjacent uses will not be affected in a negative way. A cleaned up and redeveloped property to fit a more prevalent commercial use in the corridor is the best and most appropriate fit for the subject property.

3. Does the need for the variance arise from some condition peculiar to the property involved? YES OR NO and explain your reason why.

There is no peculiar situation as most commercial businesses require storage in additional buildings. The use, which pertains to pools and spas, require the additional storage indoors instead of out of doors. The property has little physical limitations for storage area and creates no peculiar situation but the use of the business type requires indoor storage for securing the items for weather and vandalism.

4. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? YES OR NO and explain your reason why.

Yes the strict applications would not allow an accessory building for storage where a business type for pools and spas appears most appropriate to have inside a structure versus outside where exposed to the elements and would be a poor visual display of outside storage of inventory.

5. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? YES OR NO and explain your reason why.

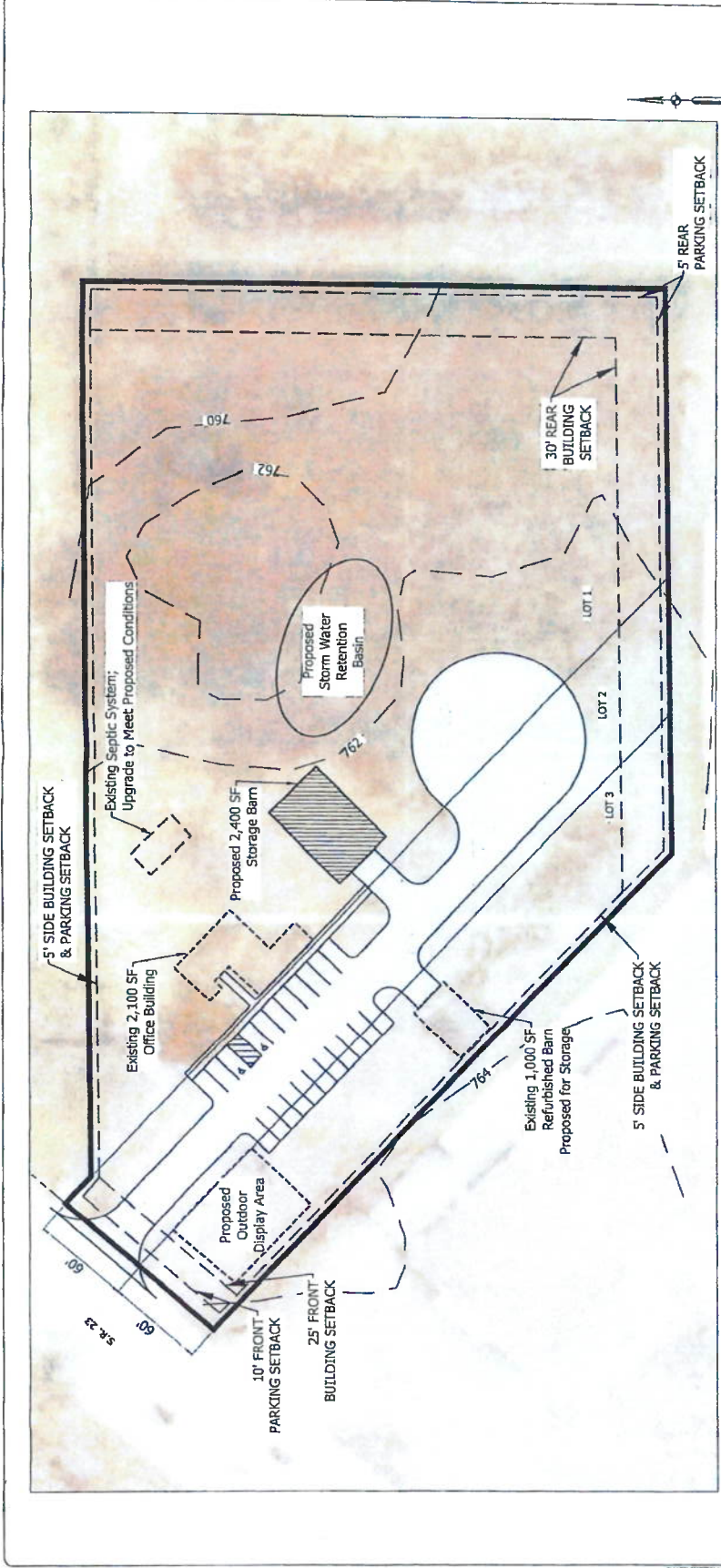
This approval would not interfere with the Plan and would complement a location for this type of business use with storage buildings. It is adjoined by storage buildings and the Mall north of the Toll Road, so the SR 23 corridor is fitting for expanded commercial uses exactly like this one.

A parcel of land situate in the North West Quarter (NW 1/4) of the South West Quarter (SW 1/4) of Section Number Twenty-eight (28), Township Number Thirty-eight (38) North, Range Number Three (3) East, bounded by a line running as follows: Beginning at the Northwest corner of said North west Quarter of the South West Quarter of said Section 28; thence South along the West line thereof a distance of 300 feet; thence East 7.5 feet to the point of beginning of the description; thence 720 feet East; thence South 360 feet South; thence West 355 feet; thence North 45 degrees 50 minutes West 510 feet to the North line of SR 23; thence North 44 degrees 10 minutes East along the North line of SR 23, 7 feet to the beginning; said parcel containing 4.5 acres, more or less, and subject to easements, covenants, and right of way record.

NOT FOR CONSTRUCTION
 INFORMATIONAL
 USE ONLY

PROJECT NO. 25-1756
 DATE: 04/25/2025

DATE: 04/25/2025
 PROJECT NO. 25-1756



WEB SOIL SURVEY

Ugva - Urban Land Tyler Complex, 0-1%
 Infiltration Rate: 5-20 inches/hour
 Groundwater: Greater than 80"

PARKING CALCULATIONS

Required Parking:
 Office + Storage = 2,100 SF + 1,000 SF + 2,400 SF = 5,500 SF
 (5,500 SF) x (4 Spaces/1,000 SF) = 22 Spaces

Provided Parking:
 22 Spaces Including 2 ADA Accessible Spaces

AP 25-38
 Received

OCT 2 2 2025
 Planning and
 Community Development

TABULATED LOT DATA

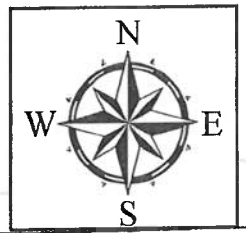
LOT NO. (PARCEL ID)	AREA (ACRES)
1 (002-2018-037803)	2.97 Acres
2 (002-2018-037809)	0.68 Acres
3 (002-2018-037802)	0.60 Acres
TOTAL	4.25 Acres

TABULATED SITE DATA

PROPOSED LAND COVERAGE	AREA (SF)	PERCENTAGE
Total Impervious Area	32,260	17.4%
Buildings (5,500 SF)		
Pavement & Sidewalk (26,760 SF)		
Open Space / Landscape Area	152,870	82.6%
Total	185,130	100%

GENERAL NOTES

- Proposed Zoning: City of Mishawaka C-1 Commercial.
- Proposed Land Use: Commercial
- Site shall be served by municipal water: Existing City of Mishawaka water main on S. R. 23. Existing well to be abandoned.
- Site shall be served by a private septic system.
- Setbacks shall conform to C-1 Commercial District zoning ordinance unless proper variances have been granted.
- The site shall conform to the area, height and development regulations of C-1 Commercial District zoning ordinance unless proper variances are granted by the Board of Zoning Appeals.
- Proposed parking and drives shall be paved and privately owned.
- Site/building drainage shall be managed onsite by the Owner.
- All landscape and lighting shall be in accordance with the C-1 Commercial District zoning ordinance unless the proper variances have been granted.
- Coordinate with utility companies for relocation of any utilities prior to any construction activity.



HICKORY RD

WB INDIANA TOLL RD (I-80/90)

EB INDIANA TOLL RD (I-80/90)

AP 25-38

SR 23

BLUE DR

SHAMROCK WAY

GOLD DR

Location Map

APPEAL 25-38

OWNER: WILSON REALTY LLC

LOCATION: SE CORNER OF
STATE ROAD 23 & TOLL ROAD

USE VARIANCE FOR
OUTDOOR STORAGE
FOR LANDSCAPING CONTRACTOR

JAN 14 2025

City Clerk
Mishawaka, IN

APPEAL #25-42

RESOLUTION NO. 2026-02

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

340 W Cleveland, Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **340 W Cleveland, Mishawaka, Indiana**, more particularly known and described as follows:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA BEING DESCRIBED AS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION AND THE CENTERLINE OF INDIANA HIGHWAY 23 (CLEVELAND ROAD) WHICH IS NORTH 90-00'-00" EAST, 656.26 FEET FROM THE SOUTH QUARTER POST OF SAID SECTION, SAID POINT ALSO ON THE CENTERLINE OF LEO STREET, THENCE NORTH 00-00'-46" WEST ALONG SAID CENTERLINE, 363.26 FEET TO THE SOUTH LINE OF THE RECORDED PLAT OF COUNTRY SIDE ESTATES SECTION 3; THENCE SOUTH 90-00'-00" EAST ALONG SAID SOUTH LINE, 667.79 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00-00'-46" EAST ALONG SAID EAST LINE, 363.26 FEET TO THE SOUTH LINE OF SAID SECTION AND THE CENTERLINE OF INDIANA HIGHWAY 23 (CLEVELAND ROAD); THENCE NORTH 90-00'-00" WEST ALONG SAID SOUTH LINE AND CENTERLINE, 667.79 FEET TO THE POINT OF THE BEGINNING. SUBJECT TO ALL LEGAL HIGHWAYS OF RECORD.

The Use Variance is to allow a residential unit in a C-2 Shopping Center Commercial District for property located at 340 W Cleveland.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the

Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

Section III. The Common Council of the City of Mishawaka, Indiana, hereby finds based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the physical footprint of the building is not changing and they are wanting to convert unused space to a small residential apartment.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because utilizing the second floor as a residential unit is not changing the dynamic of the shopping center or the existing building.
3. The need for the use variance arises from the condition to the property in that the current zoning does not support a residential unit in a commercial building.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the tenant would not be able to improve their marginal expenses that allowing a residential unit on the second floor could provide.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates general commercial uses for this area because the zoning will continue to be C-2 Shopping Center Commercial.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2026, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2026,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2026, at
_____o'clock _____m.

David A. Wood, Mayor

STAFF REPORT

Location: 340 W Cleveland Road

Date: January 13, 2026

Appeal: 25 42

Prepared By: DMW

GENERAL INFORMATION

Applicant: Rosemary and John C Shea Revocable Trusts
 Status: Property Owner
 Request: Use variance to allow for a residential unit
 Zoning Classification: C-2 Shopping Center Commercial
 Lot Size: 4.68 acres
 Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals Use Variance
 Section 137-326 / C-2 Shopping Center Commercial District
 Indiana Code 36-7-918.4

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County (residential)
 South: S-1 Extensive Open Space (Cemetery)
 East: S-2 Planned Unit Development (Grandview – NW Cleveland Rd & Gumwood PUD)
 West: C-5 Neighborhood Commercial (Teachers Credit Union)

Thoroughfare: W Cleveland Road
 Council District: 6
 School District: South Bend Community
 Township: Clay
 Public Utilities: All utilities are available and currently serve the property
 Comprehensive Plan: General Commercial

ANALYSIS

The Appellant is requesting a use variance to allow a residential unit in a commercial building. The appellant’s tenant would like to convert the currently unused space on the 2nd floor into a residential unit to live in.

The C-2 Shopping Center Commercial District does not allow for residential units. The building is a standalone structure in the shopping center that currently has a business on the first floor (Josephiny Photography) and a vacant upstairs that has 3 bedrooms. Parking would not be a concern due to ample parking available for the shopping center.

The house was originally built in 1872 and was a single family home for several years prior to it being used for a commercial business. The parcel of land was annexed into the City of Mishawaka in 1987 and the house was a beauty shop at the time of the annexation. It is currently a photography studio.

The appellant has been working with the Building Department and the Fire Marshall to ensure that compliance with building codes and precautions are being taken to have living quarters on the second floor.

The Building Department commented that there will need to be coordination with Building and Fire during the construction and to obtain all the necessary permits.

All other pertinent departments have reviewed and approved this request.

RECOMMENDATION

The Planning Staff recommends **approval** of Appeal #25-42 to allow a Use Variance for a residential unit in a C-2 Shopping Center Commercial District. This recommendation is based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the physical footprint of the building is not changing and they are wanting to convert unused space to a small residential apartment.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because utilizing the second floor as a residential unit is not changing the dynamic of the shopping center or the existing building.
3. The need for the use variance arises from the condition to the property in that the current zoning does not support a residential unit in a commercial building.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the tenant would not be able to improve their marginal expenses that allowing a residential unit on the second floor could provide.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates general commercial uses for this area because the zoning will continue to be C-2 Shopping Center Commercial.

ATTACHMENTS

Aerial Photograph, Site Photographs, Appeal, and Location Map



Aerial



A view of the house looking north from Cleveland Road.



A view of the house looking west from the shopping center parking lot.



A view of house looking south from the shopping center parking lot.



A view of house looking east from the shopping center parking lot.

AP 25-42

DATE: December 10, 2025

TO: Board of Zoning Appeals

City of Mishawaka, Indiana

Received
DEC 15 2025
Planning and
Community Development

The undersigned appellant respectfully shows the Board:

1. I, Mark Shea, Trustee for The Rosemary & John C. Shea Revocable Trusts represent the owners of the following described Real Estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana to wit: W 1/2 Se 1/4 Sec 21-38-3e Beg 40' N & 142.77' W Se Cor W 513.93' N 363' E 667.35' S 23' W 142.58' S 300' and Centennial Place 340 W Cleveland Rd.
2. The above-described real estate presently has a zoning classification of C2 District under the zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above described property with a photography studio as a tenant and in accordance with the zoning district. Appellant's existing tenant desires to reside upstairs in the home that her current business occupies.
4. The Zoning Ordinance of the City of Mishawaka requires a use variance for ancillary residential use within the C-2 Commercial Zoning District.
5. The Appellants' tenant Josephiney Photography will not be materially impacted should the use variance for ancillary residential use of the existing premises be approved or not approved. However, if ancillary residential use is allowed it is logical that the financial viability of the business would be improved since the marginal expenses are lower since the business owner is already paying rent and utilities for the home.
6. The approved use variance will not be injurious to the public health, safety, morals or general welfare of the community since the ancillary residential use will be limited to a small portion of the existing home located on the property.
7. The use and value of adjacent property of Centennial Place will not be impacted either positively or negatively. Allowing ancillary residential use of a small portion of the existing home will have no impact on adjacent property owners as there a plenty of available parking spaces and the tenant is frequently at the shopping center to manage her business.
8. The Appellant believes this proposed use is consistent with the general commercial development directed by the Mishawaka 2000 Comprehensive Plan primarily because the use variance will have no impact on the Comprehensive Plan.

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

Rosemary And John C Shea Sr Revocable Trusts

Mark F Shea, Trustee



Contact:

Mark Shea

466 S Prospect Avenue

Elmhurst, IL 60126

M: 630.258.3065

E: mshea24@comcast.net

The subject property is a 1,300 sq. ft. residential structure located on a C-2-zoned parcel with two co-located commercial buildings.

- The home was used by a single family for at least seventy years before becoming a beauty salon and now a photo studio on the ground floor. We are requesting a use variance to allow limited second-floor residential occupancy while maintaining the small business on the first floor.
- Only one individual (Owner/operator of the first-floor photo studio) will reside on the second floor, using just one of the three bedrooms as the sleeping room.
- The sleeping bedroom has a window providing access to a flat roof approximately 10 ft. above grade with a grass lawn below, offering a safe area of emergency refuge.
- The first floor has three exterior exit doors and it is approximately thirty-eight feet (38) from the bedroom to the front door allowing for rapid and effective egress.
- These conditions, taken together, provide reasonable life-safety protection and support approval of the requested variance.
- We welcome any guidance or additional requirements the Fire Marshal or Building Department may recommend to ensure full compliance and safety.

AFFIDAVIT OF EXISTING CONDITIONS AND OPERATIONAL LIMITATIONS

Property Address: 340 W. Cleveland Road, Mishawaka, Indiana

I, **Joanne Csakany**, being first duly sworn, hereby state and affirm the following:

1. I am the current tenant and business operator of the first floor of the property located at the address listed above, and the proposed occupant of the second-floor residential space.
2. This affidavit is provided for the purpose of documenting **existing conditions and operational limitations** associated with the current use of the building. No new construction, alteration, or rehabilitation is proposed as part of this affidavit.
3. Residential occupancy of the second floor is limited to **one (1) individual**, being myself. No additional residents or tenants occupy the second floor.
4. Residential occupancy of the second floor does **not occur simultaneously** with the presence of business customers on the first floor.
5. The second-floor bedroom configuration includes:
 - o Two operable doors separating the bedroom from the upper hallway, and
 - o A window opening to a flat roof providing a secondary means of egress.
6. **Life-safety detection systems** are installed and maintained in operational condition, including interconnected smoke detectors and carbon monoxide detectors on all floors of the structure, including the basement.
7. A **monitored fire notification system** with off-site monitoring is installed and maintained in operational condition to provide early fire detection and notification.
8. No commercial cooking equipment, additional stoves, ovens, or other high-hazard appliances are installed or utilized on the second floor.
9. The conditions described herein reflect **current and existing use limitations** and are not intended to represent a determination of code compliance or approval authority.
10. I understand that this affidavit may be relied upon by reviewing authorities for documentation of existing conditions and that any material change to these conditions may require further review by the appropriate authority having jurisdiction.

I affirm that the statements contained in this affidavit are true and accurate and that this affidavit is executed voluntarily for the purpose stated above.

DocuSigned by:
Joanne Csakany
FAD77DBF2C1E485...

Tenant Signature: _____
Printed Name: Joanne Csakany
Date: 1/6/2026

CTG Associates

To:

Fire Marshal William Dempler
Mishawaka Fire Department
3000 Harrison Road
Mishawaka, IN 46544

Re: Existing Building Life-Safety Review

Property: 340 W. Cleveland Road, Mishawaka, Indiana

Occupancy: Mixed Use – Business (First Floor) / Residential (Second Floor)

1. Purpose of Review

I am an Indiana licensed architect with extensive experience for new and historical buildings for code review, remodeling and design.

At the request of the property owner, I conducted a limited professional review of the existing life-safety conditions at the above-referenced property.

The purpose of this review is to document existing conditions and to assist the City of Mishawaka Fire Department in its evaluation of the building's continued use under applicable provisions for existing buildings.

No new construction, alteration, rehabilitation, or change of occupancy is proposed.

2. Building Description

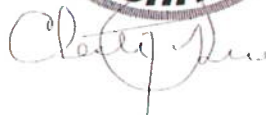
The structure is an existing residential building of historical character, currently configured with:

- Business (B) occupancy on the first floor, and
- Residential (R-3) occupancy on the

second floor.

The current editions

under existing building provisions.



building predates building and fire code and is being evaluated

823 Academy Road
Culver, IN 46511

Phone: 574-274-6348 email: ctgassoc@gmail.com

3. Scope of Review

My review included:

- ☑ A site walk-through of the first and second floors
- ☑ Observation of the floor/ceiling assembly separating the occupancy types
- ☑ Review of egress paths and stair configuration
- ☑ Observation of detection and notification systems
- ☑ Review of stated operational limitations provided by the tenant

This review was observational in nature and did not include destructive testing or concealed condition verification.

4. Observed Existing Conditions (Summary)

Based on my review, the following existing life-safety features and conditions were observed:

- ☑ An existing plaster-and-lath floor/ceiling assembly with a double layer of wood on the second floor separates the first and second floors (except at the stair opening). This construction is similar to the requirements of a 1 hour rated floor /ceiling assembly described in IBC Chapter 7.
- ☑ An open interior stair connecting the two levels
- ☑ Smoke and carbon monoxide detection provided throughout the building, including the basement.
- ☑ A monitored fire notification system with off-site monitoring
- ☑ A direct egress path from the second floor to the exterior
- ☑ A secondary means of egress from the second-floor bedroom via a window opening to a flat roof
- ☑ Limited fuel load associated with the first-floor business use
- ☑ No commercial cooking equipment or high-hazard appliances installed on the first or second floor

Operational limitations associated with the use of the building have been documented separately by affidavit.

5. Code Context

This building is an existing structure and has not undergone construction or alteration that would trigger state-level plan review.

Evaluation of existing conditions is governed by the Indiana Fire Code provisions applicable to existing buildings, which allow continued use where an acceptable level of life safety is provided, subject to review by the local authority having jurisdiction (AHJ).

6. Professional Opinion

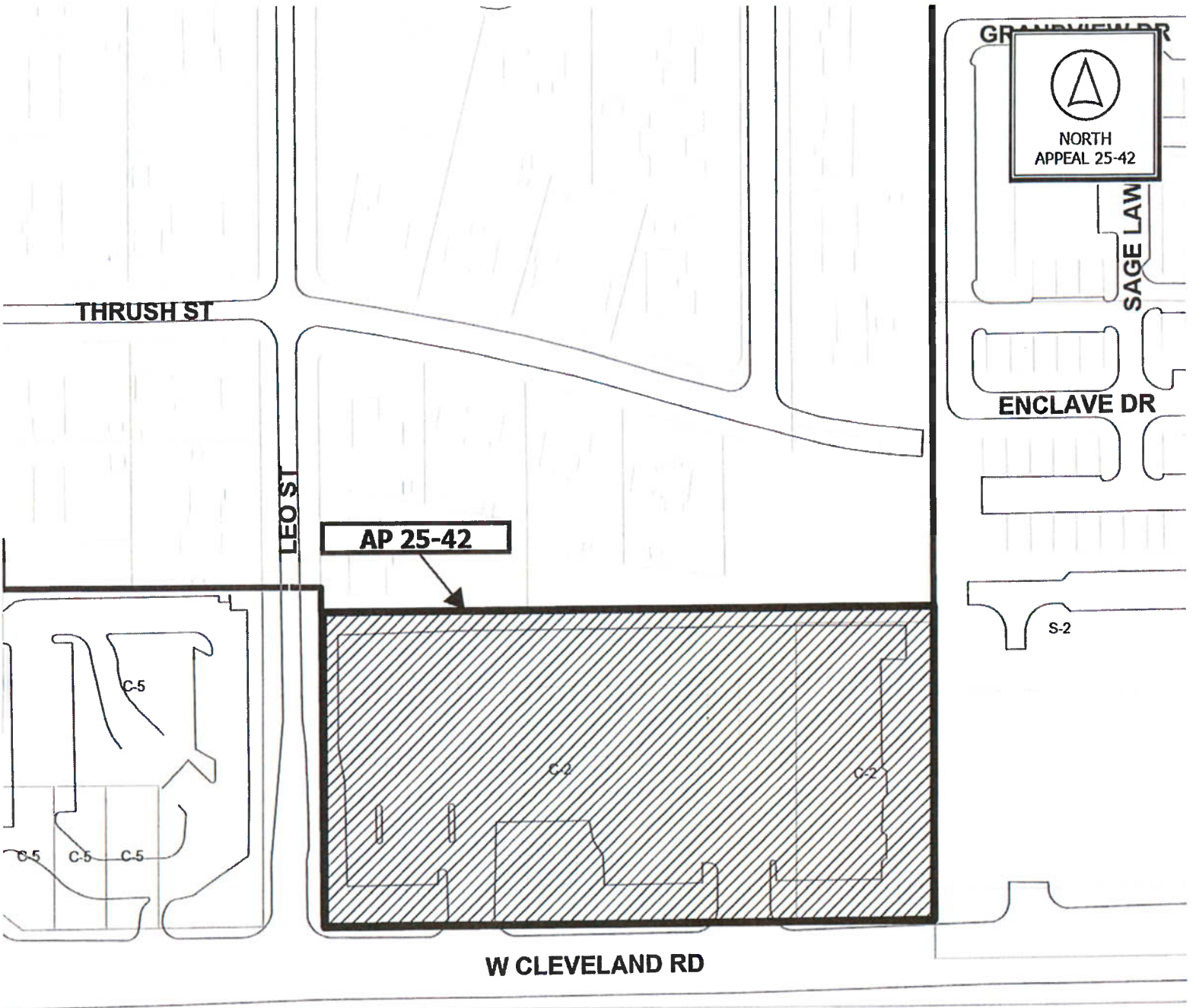
Based on my limited review of the existing conditions described above, it is my professional opinion that the documented existing conditions, together with the stated operational limitations, provide an acceptable level of life safety for an existing mixed-use building and are appropriate for evaluation by the City of Mishawaka Fire Department.

This letter is intended to assist the Fire Marshal in documenting existing conditions and does not represent a determination of code compliance or approval authority. Final determination regarding acceptance of existing conditions and ongoing use remains with the City of Mishawaka Fire Marshal.

7. Limitations

CTG Associates

This opinion is based solely on on-site observed conditions at the time of review and information provided by the owner and tenant. Any future modification to the building, building systems, or use may require additional review or approval by the City of Mishawaka.



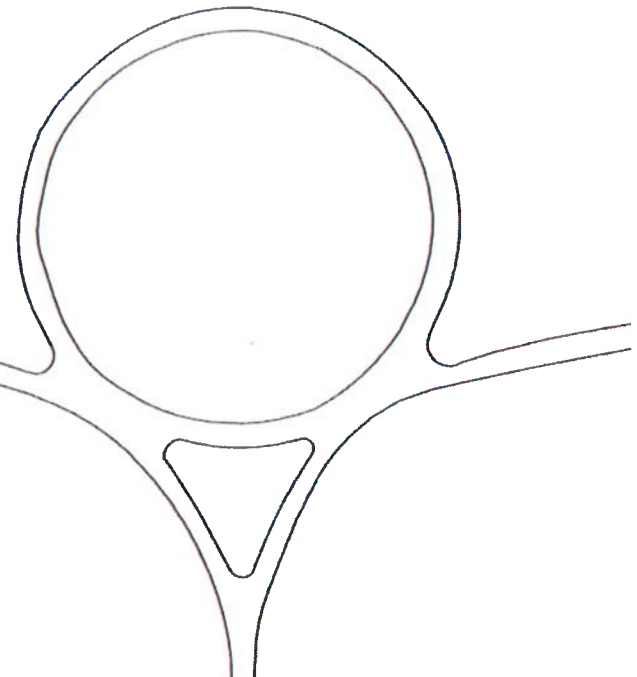
Location Map

AP 25-42

MARK SHEA, TRUSTEE, ROSEMARY & JOHN C. REVOCABLE TRUST (OWNER)

340 W. CLEVELAND ROAD

USE VARIANCE TO ALLOW A 2ND FLOOR RESIDENTIAL UNIT IN A COMMERCIAL BUILDING (1ST FLOOR OCCUPIED BY JOSEPHINEY PHOTOGRAPHY)



JAN 22 2025

City Clerk
Mishawaka, IN

RESOLUTION NO. 2026-03

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING THE ESTABLISHMENT OF THE AUTO MALL ECONOMIC DEVELOPMENT AREA, THE ECONOMIC DEVELOPMENT PLAN FOR SAID AREA AND ALL MATTERS RELATING THERETO

WHEREAS, the City of Mishawaka Redevelopment Commission (the “Redevelopment Commission”), the governing body of the Department of Redevelopment of the City of Mishawaka, Indiana (the “City”), pursuant to Indiana Code 36-7-14, as amended from time to time (the “Act”), on December 15, 2025, approved and adopted its Resolution No. 2025-04 entitled “Resolution of the City of Mishawaka, Indiana Redevelopment Commission Declaring an Area in the City of Mishawaka, Indiana, as an Economic Development Area to be Known as the Auto Mall Economic Development Area, Approving an Economic Development Plan for Said Area and Related Matters” (the “Declaratory Resolution”); and

WHEREAS, the Declaratory Resolution designates and declares, pursuant to the Act, an area known as the “Auto Mall Economic Development Area” (the “Economic Development Area”) as an economic development area pursuant to Section 41 of the Act, designates the entire Economic Development Area as an allocation area pursuant to Section 39 of the Act (the “Allocation Area”), and approves an economic development plan for the Economic Development Area (the “Plan”); and

WHEREAS, on January 13, 2026, the City of Mishawaka Plan Commission (the “Plan Commission”) met and adopted and approved its resolution, a copy of which is attached hereto as Exhibit A, determining that the Declaratory Resolution and the Plan conform to the plan of development for the City and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Plan, as required by Section 16 of the Act (the “Plan Commission Order”); and

WHEREAS, pursuant to Sections 16(b) and 41(c) of the Act, the Redevelopment Commission has submitted the Declaratory Resolution, the Plan and the Plan Commission Order to the Common Council of the City (the “Common Council”);

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

SECTION 1. Pursuant to Section 16(b) of the Act, this Common Council determines that the Declaratory Resolution and the Plan conform to the plan of development of the City, and approves the Declaratory Resolution, the Plan and the Plan Commission Order.

SECTION 2. The determination that the Economic Development Area constitutes an “economic development area” under the Act is hereby approved pursuant to the Act. The determination that the Allocation Area is an allocation area pursuant to Section 39 of the Act is hereby approved.

SECTION 3. This Resolution shall be in full force and effect from and after its adoption by the Common Council.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this ___ day of January, 2026, at _____ o'clock, P.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED by me to the Mayor for his approval and signature this ___ day of January, 2026.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED and SIGNED by me this ___ day of January, 2026.

David A. Wood, Mayor

EXHIBIT A

PLAN COMMISSION RESOLUTION

FW: Resolution for 1/26 Council Meeting

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

Date Thu 1/22/2026 11:35 AM

To DL-Council <DL-Council@mishawaka.in.gov>

Cc David A. Wood <dwood@mishawaka.in.gov>; Deb Block <dblock@mishawaka.in.gov>; Raven S. Boston <rboston@mishawaka.in.gov>; Everett, Thomas <thomas.everett@btlaw.com>; Rompola, Randolph <Randy.Rompola@btlaw.com>; Adlam, Emma <emma.adlam@bakertilly.com>; Schrader, Sam <sam.schrader@bakertilly.com>

 3 attachments (13 MB)

Common Council Resolution Approving Declaratory Resolution - City of Mishawaka Auto Mall Economic Development Area(50327338.1).docx; 2026-01-13 Plan Commission Resolution Approving Declaratory Resolution and Plan - City of Mishawaka Auto Mall Economic Development Area(50355892.1).pdf; Resolution 26-01 Automall TIF Creation Staff Report.docx;

Good morning all,

We just wanted to provide some background on the attached proposed resolution being presented to the Common Council on Monday concerning the creation of a new allocation (TIF area) for the Gurley Leap Auto Mall project. The administration is requesting this to provide a funding mechanism for the funding of the extension of Veterans Parkway to Cleveland Road and the widening of Cleveland Road. Please review the attached report prepared for the Planning Commission for more details in that regard.

Although the bond resolution would not be considered until the Council's March meeting if approved, after conferring with Council President Hixenbaugh, we have asked our Financial Consultant BakerTilly to provide a brief presentation on Monday identifying the details of the proposed financing associated with the creation of the new TIF since the intent is to fund very specific improvements and not intended to be a funding source for other significant infrastructure and public improvements in the area.

Funding solutions such as this will be more of a necessity as the City continues to

If you have any immediate questions, please do not hesitate to reach out.

Thank you.

Ken

Kenneth B. Prince, FASLA
Executive Director

City of Mishawaka
Planning and Community Development

100 Lincolnway West

Mishawaka, IN 46544

Phone- (574) 258-1625

Email- kprince@mishawaka.in.gov

Website- www.mishawaka.in.gov



From: Everett, Thomas <Thomas.Everett@btlaw.com>

Sent: Thursday, January 22, 2026 11:15 AM

To: Raven S. Boston <rboston@mishawaka.in.gov>

Cc: Deb Block <dblock@mishawaka.in.gov>; Ken Prince <kprince@mishawaka.in.gov>

Subject: Resolution for 1/20 Council Meeting

CAUTION: This email originated from outside the City of Mishawaka. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Raven, as discussed, attached is the Common Council resolution for the Council meeting on Monday, January 26th. The attached PDF should be attached to the resolution as Exhibit A. Any questions, please let me know. Thank you!

Tom

Thomas Everett

Direct: [\(574\) 237-1138](tel:5742371138) | Mobile: [\(574\) 514-0238](tel:5745140238)

Thomas.Everett@btlaw.com

[Bio](#) [LinkedIn](#) [vCard](#)



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STAFF REPORT

Location: 14325 & 14233 (pre-annexation) Cleveland Road including
Five (5) tax parcels - Property is bound by Cleveland Road to the
south, the Indiana Toll Road to the north, and Capital Avenue to
the east

Date: January 13, 2026

Resolution: 26- 01 (as prepared by Barnes and Thornburg)

Prepared By: KBP

Proposal: The City acting by and through the Redevelopment
Commission is seeking to establish a new Tax Increment
Finance District to fund improvements on Cleveland Road,
extend Veterans Parkway to Cleveland, and extend
utilities.

SPECIAL INFORMATION

Area Development Pattern: North: Indiana Toll Road, Capital Avenue & S-2 Planned Unit
Development (Medical & Office / Beacon Campus north of the Toll
Road)
South: Unincorporated St. Joseph County – R Single Family (Single-
Family Residential & Agricultural)
East: Unincorporated St. Joseph County – R Single Family (Single-
Family Residential & Agricultural)
West: Unincorporated St. Joseph County – R Single Family (Church /
Michiana Covenant Presbyterian)

Thoroughfare: Cleveland Road and Capital Avenue

School District: Penn-Harris-Madison

Township: Harris

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 the property as an area for Residential Growth.

ANALYSIS

At the December 15th meeting of the City Redevelopment Commission approved Declaratory Resolution 2025-04 which started the process of creating a new Economic Development Area (Tax Increment Financing District) for the proposed Gurley Leep Auto Mall project located at the northwest corner of Capital Avenue and Cleveland Road. The Gurley Leep Auto Mall project, as proposed, assembles multiple car dealerships as part of the creation of the auto mall that represents over a hundred-million-dollar investment. As the developer of the property, the Auto Mall is responsible for extending their own infrastructure and performing road improvements to Cleveland Road to make the development project work. At the same time, the City desires to perform infrastructure improvements beyond what the Auto Mall is required to do as part of their project. The City desired improvements include extending Veterans Parkway to Cleveland Road,

widening Cleveland Road between Veteran’s Parkway and Capital Avenue, and extending utilities in the widened area of Cleveland Road.

The City originally investigated the financing to perform City desired improvements through TIF based on the traditional City bonding of improvements off of the projected increase in assessed valuation off of the auto mall development and determined that it would not be feasible based on the estimated cost of financing. We were pursuing this because there is economic development value and cost savings if the City desired work can be performed at the same time as the work required of the Auto Mall. For example, if the Auto Mall were to proceed without the City improvements, Cleveland Road would be widened for the Auto Mall, but portions of that widening would then need to be removed and expanded on as the City extends Veterans Parkway in the future. If the construction occurs at the same time, this will also reduce the duration of construction and limit the amount of disruption to the area.

Following this initial determination, as part of the on-going discussions with Gurley Leep, the concept of the Leeps privately funding the bond and then being repaid through the TIF revenues generated by the Auto Mall was investigated at the request of the City and permission of Gurley Leep. This funding model was determined to have the ability to finance the desired City improvements because of the lower financing costs and the ability of the Leeps through the Auto Mall project to guarantee a minimum payment amount. More detailed financial information, as presented by the City’s financial consultant, BakerTilly, will be provided to the Redevelopment Commission and Common Council as part of a future anticipated bond issue and development agreement. The total project costs for both the Auto Mall Required improvements and the City desired improvements are estimated to cost approximately 19 million dollars.

Resolution 2026-01 as drafted by our special counsel, Barnes and Thornburg, is the written documentation of the Planning Commission’s approval of the Declaratory Resolution and the Plan. It is important to note that the Planning Commission’s role is to review the request only relative to conformance with the development plans for the area. The details on the development agreement and financing are the responsibility of the Redevelopment Commission and Common Council. This is a multi-step process that will require additional actionable review and public hearings before the Common Council and Redevelopment Commission. This resolution, if approved by the Planning Commission, will allow the process to continue. It is important to establish the area at this time because it needs to be created before the improvements actually occur on the property to capture the increase in assessed valuation. Construction is imminent and the Auto Mall is expected to be fully complete by the end of 2027.

Per the Indiana Code, to establish a new Tax Increment Financing District, the Plan Commission must review the Declaratory Resolution approved by the Redevelopment Commission and the Plan for the proposed improvements, and determine that they conform to the plan of development for the City. The Auto Mall, Veterans Parkway, the Mishawaka Fieldhouse, and other projects have all been approved by all applicable City entities, including numerous requests before the Planning Commission. These approvals included and/or refenced the planned extension of infrastructure and Veterans Parkway to Cleveland Road that are envisioned being funded by the new tax increment finance district. This is not a change in plans; the proposal merely represents the creation of a mechanism to fund the desired improvements. As such, staff recommends in favor of the approval of the proposed resolution.

ATTACHMENTS

RESOLUTION NO. 2026-01

JAN 14 2025

City Clerk
Mishawaka, IN

**A RESOLUTION OF THE CITY OF MISHAWAKA PLAN COMMISSION
APPROVING A RESOLUTION OF THE CITY OF MISHAWAKA, INDIANA,
REDEVELOPMENT COMMISSION DECLARING AN AREA IN THE CITY OF
MISHAWAKA, INDIANA, AS AN ECONOMIC DEVELOPMENT AREA TO BE
KNOWN AS THE AUTO MALL ECONOMIC DEVELOPMENT AREA,
APPROVING AN ECONOMIC DEVELOPMENT PLAN FOR SAID AREA, AND
ALL MATTERS RELATED THERETO**

WHEREAS, the City of Mishawaka Plan Commission (the “Plan Commission”) is the body charged with the duty of developing a general plan of development for the City of Mishawaka, Indiana (the “City”); and

WHEREAS, the City of Mishawaka Redevelopment Commission (the “Redevelopment Commission”), the governing body of the City of Mishawaka Department of Redevelopment, pursuant to Indiana Code 36-7-14, as amended from time to time (the “Act”), on December 15, 2025, approved and adopted its Resolution No. 2025-04 entitled “Resolution of the City of Mishawaka, Indiana Redevelopment Commission Declaring an Area in the City of Mishawaka, Indiana, as an Economic Development Area to be Known as the Auto Mall Economic Development Area, Approving an Economic Development Plan for Said Area and Related Matters” (the “Declaratory Resolution”); and

WHEREAS, the Declaratory Resolution designates and declares, pursuant to the Act, an area known as the “Auto Mall Economic Development Area” (the “Economic Development Area”) as an economic development area pursuant to Section 41 of the Act, designates the entire Economic Development Area as an allocation area pursuant to Section 39 of the Act, and approves an economic development plan for the Economic Development Area (the “Plan”); and

WHEREAS, the Redevelopment Commission has submitted the Declaratory Resolution and the Plan to the Plan Commission for approval pursuant to the provisions of Section 16 of the Act, which Declaratory Resolution and Plan are attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the Plan Commission has reviewed the Declaratory Resolution and the Plan and determined that they conform to the plan of development for the City, and now desires to approve the Declaratory Resolution and the Plan and to issue its written order approving the Declaratory Resolution and the Plan pursuant to Section 16 of the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MISHAWAKA PLAN COMMISSION AS FOLLOWS:

1. Pursuant to Section 16 of the Act, the Plan Commission hereby finds and determines that the Declaratory Resolution and the Plan conform to the plan of development of the City.
2. The Declaratory Resolution and the Plan are in all respects approved.


3. This Resolution shall constitute the Plan Commission's written order approving the Declaratory Resolution and the Plan pursuant to Section 16 of the Act.

4. The Secretary of the Plan Commission is hereby directed to file a copy of the Declaratory Resolution and the Plan with the minutes of this public meeting.

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

SO RESOLVED BY THE CITY OF MISHAWAKA PLAN COMMISSION this 13th day of January, 2026.

CITY OF MISHAWAKA PLAN
COMMISSION



President

ATTEST:

Donna M White
Secretary

EXHIBIT A

DECLARATORY RESOLUTION AND PLAN

(See Attached)

RESOLUTION NO. 2025-04

RESOLUTION OF THE CITY OF MISHAWAKA, INDIANA REDEVELOPMENT COMMISSION DECLARING AN AREA IN THE CITY OF MISHAWAKA, INDIANA, AS AN ECONOMIC DEVELOPMENT AREA TO BE KNOWN AS THE AUTO MALL ECONOMIC DEVELOPMENT AREA, APPROVING AN ECONOMIC DEVELOPMENT PLAN FOR SAID AREA AND RELATED MATTERS

WHEREAS, the City of Mishawaka Redevelopment Commission (the "Commission"), the governing body of the City of Mishawaka, Indiana, Department of Redevelopment (the "Department") and the Redevelopment District of the City of Mishawaka, Indiana (the "District"), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission has thoroughly studied that area of the City of Mishawaka, Indiana (the "City"), as described on Exhibit A attached hereto and incorporated herein and depicted on Exhibit B attached hereto and incorporated herein, and hereinafter designated as the "Auto Mall Economic Development Area" (the "Economic Development Area"); and

WHEREAS, the Commission has caused to be prepared maps and plats showing the boundaries of the Economic Development Area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, economic development or redevelopment of the Economic Development Area, and the parts of the Economic Development Area that are to be devoted to public ways, sewerage and other public purposes under the Plan (as defined below); and

WHEREAS, the Commission has caused to be prepared estimates of the costs of the economic development projects as set forth in the Plan; and

WHEREAS, there has been presented to this meeting for consideration and approval of the Commission an economic development plan for the Economic Development Area entitled "Economic Development Plan for the Auto Mall Economic Development Area" (the "Plan"), which is set forth at Exhibit C attached hereto and incorporated herein; and

WHEREAS, the Plan and supporting data were reviewed and considered by the Commission at this meeting; and

WHEREAS, Section 39 of the Act permits the creation of "allocation areas" to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said section; and

WHEREAS, Sections 41 and 43 of the Act permit the creation of "economic development areas" and provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in an area needing redevelopment or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, the Commission, being duly informed and advised, deems it advisable to apply the provisions of said Sections 39, 41, and 43 of the Act to the Plan and financing of the Plan.

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

1. The Plan for the Economic Development Area promotes significant opportunities for the gainful employment of the citizens of the City, will assist in attracting major new business enterprises to the City, may result in the retention or expansion of significant business enterprises existing in the City, and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting the public health, safety and welfare, increasing the economic well-being of the City and the State of Indiana (the "State"), and serving to protect and increase property values in the City and the State.

2. The Plan for the Economic Development Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements or other similar conditions, including without limitation the cost of the projects contemplated by the Plan and the necessity for requiring the proper use of land so as to best serve the interests of the City and its citizens.

3. The public health and welfare will be benefited by accomplishment of the Plan for the Economic Development Area.

4. The Commission hereby finds and determines that the accomplishment of the Plan for the Economic Development Area will be of public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

5. The Commission hereby finds and determines that the Plan for the Economic Development Area conforms to other development and redevelopment plans for the City.

6. In support of the findings and determinations set forth in Sections 1 through 5 above, the Commission hereby adopts the specific findings set forth in the Plan.

7. Except as otherwise set forth in the Plan, the Plan does not contemplate the acquisition of property as a part of the economic development strategy for the Economic Development Area, and the Commission does not at this time propose to acquire any specific parcels of land or interests in land within the boundaries of the Economic Development Area. If, in the future, the Commission proposes to acquire specific parcels of land in the Economic Development Area, the required procedures for amending the Plan under the Act will be followed, including notice by publication, notice to affected property owners and a public hearing.

8. The Commission finds that no residents of the Economic Development Area will be displaced by any project resulting from the Plan, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

9. The Plan is hereby in all respects approved, and the secretary of the Commission is hereby directed to file a certified copy of the Plan with the minutes of this meeting.

10. The Economic Development Area is hereby designated as an "economic development area" under Section 41 of the Act.

11. The entire Economic Development Area is hereby designated as an "allocation area" pursuant to Section 39 of the Act to be known hereinafter as the "Auto Mall Economic

Development Area Allocation Area” (the “Allocation Area”) for purposes of the allocation and distribution of property taxes on real property in said allocation area for the purposes and in the manner provided by said Section, with the related allocation fund to be known as the “Auto Mall Economic Development Area Allocation Area Allocation Fund.” The Commission hereby specifically finds and determines, based upon its review of the proposed Allocation Area and its reasonable expectations relating to expected growth of assessed value in the Allocation Area following the completion of local public improvements as set forth in the Plan, that the adoption of the allocation provision as provided herein will result in new property taxes in the Allocation Area that would not have been generated but for the adoption of the allocation provision. Any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Sections 39, the proceeds of taxes attributable to the lesser of the assessed value of the property located in the Allocation Area for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Sections 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the District and when collected paid into the Auto Mall Economic Development Area Allocation Area Allocation Fund that may be used by the District to do one (1) or more of the things specified in Section 39(b)(4) of the Act, as the same may be amended from time to time, and for such other purposes as may be permitted by law. Said allocation fund may not be used for operating expenses of the Commission. The base assessment date for the Allocation Area shall be January 1, 2025. This allocation provision with respect to the Allocation Area shall expire twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the Allocation Area.

12. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(5) of the Act.

13. The officers of the Commission are hereby directed to make any and all required filings with the Indiana Department of Local Government Finance and the St. Joseph County Auditor in connection with the creation of the Allocation Area.

14. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

15. This Resolution, together with any supporting data and together with the Plan, shall be submitted to the City of Mishawaka Plan Commission (the “Plan Commission”) and upon the approval of the Plan Commission to the Common Council of the City (the “Common Council”), and if approved by the Common Council shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

16. This Resolution shall take effect immediately upon its adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the City of Mishawaka, Indiana, Redevelopment Commission held on the 15th day of December, 2025.

CITY OF MISHAWAKA, INDIANA,
REDEVELOPMENT COMMISSION


President

ATTEST:


Secretary

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law and this document was prepared by Thomas M. Everett, Barnes & Thornburg LLP, 201 S. Main Street, Suite 400, South Bend, Indiana 46601.


Thomas M. Everett

EXHIBIT A

DESCRIPTION OF THE AUTO MALL ECONOMIC DEVELOPMENT AREA AND
ALLOCATION AREA

PARCEL I:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH $00^{\circ}25'31''$ WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH $51^{\circ}26'34''$ EAST, A DISTANCE OF 1322.08 FEET, AND NORTH $55^{\circ}30'54''$ EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH $89^{\circ}51'36''$ WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH $00^{\circ}32'43''$ EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH $89^{\circ}41'58''$ WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH $00^{\circ}00'00''$ WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH $89^{\circ}41'58''$ WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE

OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING.

CONTAINING 60.01 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

PARCEL II:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, AND A PART OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 89°41'58" EAST ALONG THE SOUTH LINE OF SAID SECTION AND THE CENTERLINE OF CLEVELAND ROAD, A DISTANCE OF 1323.83 FEET MORE OR LESS (ASSUMED BEARINGS AND APPROXIMATE DISTANCES) TO THE POINT OF BEGINNING; THENCE NORTH 00°32'43" WEST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1317.98 FEET MORE OR LESS TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 89°51'36" EAST ALONG SAID NORTH LINE, A DISTANCE OF 851.59 FEET MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR THE NEXT SIX (6) COURSES SOUTH 18°36' EAST, A DISTANCE OF 222.02 FEET MORE OR LESS AND SOUTH 11°10' EAST, A DISTANCE OF 553.73 FEET MORE OR LESS AND SOUTH 02°34' WEST, A DISTANCE OF 116.26 FEET MORE OR LESS AND SOUTH 10°08' WEST, A DISTANCE OF 195.24 FEET MORE OR LESS AND SOUTH 00°00' EAST, A DISTANCE OF 158.86 FEET MORE OR LESS TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE SOUTH 16°47' EAST, A DISTANCE OF 165.93 FEET MORE OR LESS TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 31°00' WEST, A DISTANCE OF 66.05 FEET MORE OR LESS; THENCE CROSSING SAID CAPITAL AVENUE, SOUTH 84°16' WEST, A DISTANCE OF 197.87 FEET MORE OR LESS TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 57°40' EAST, A DISTANCE OF 176.29 FEET MORE OR LESS AND NORTH 89°41' 58" WEST, A DISTANCE OF 622.41 FEET MORE OR LESS; THENCE NORTH 12°18' WEST, A DISTANCE OF 29.32 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 30.64 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

EXHIBIT B

MAP OF THE AUTO MALL ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA

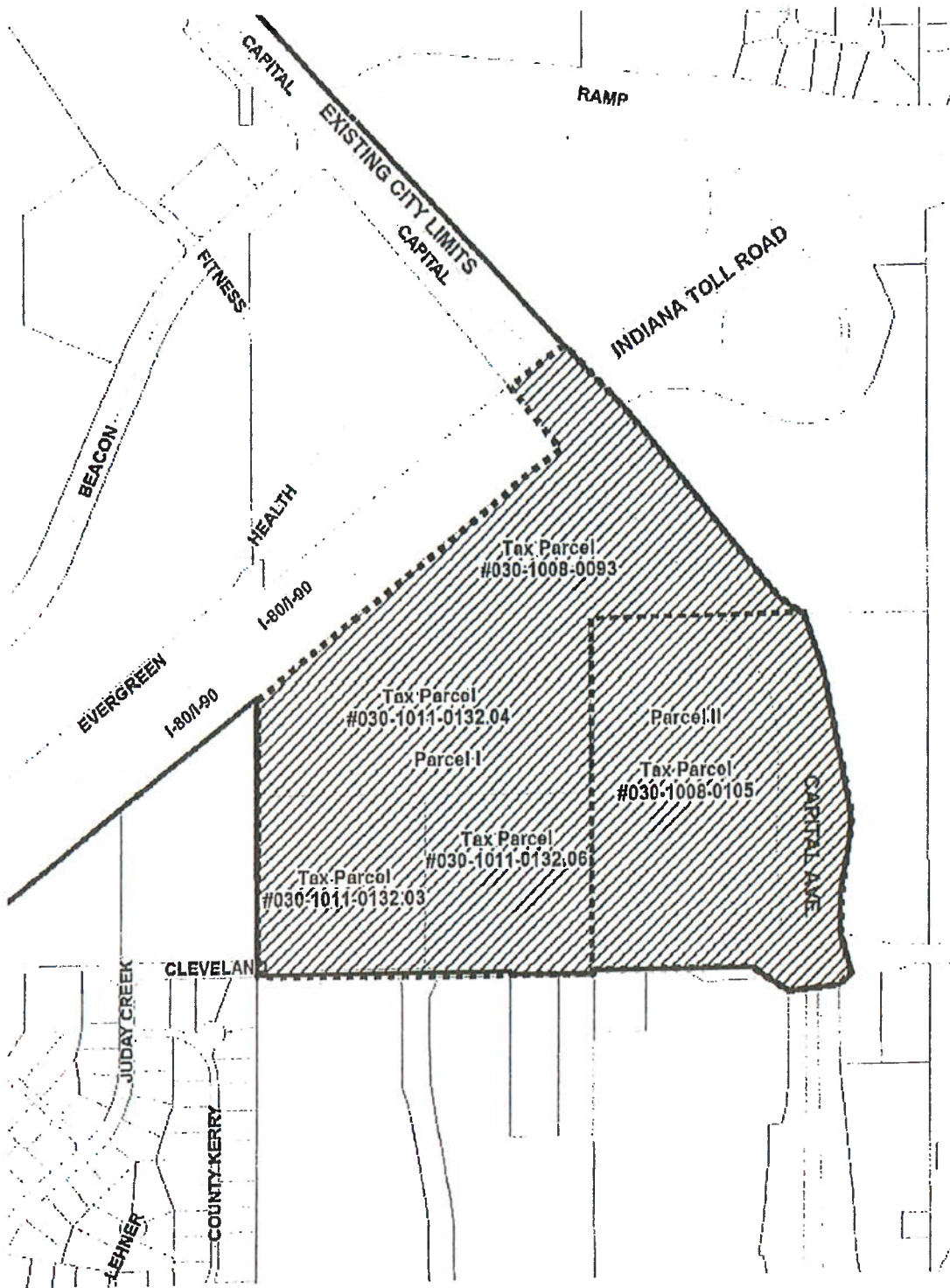


EXHIBIT C

ECONOMIC DEVELOPMENT PLAN

CITY OF MISHAWAKA REDEVELOPMENT COMMISSION

AUTO MALL ECONOMIC DEVELOPMENT AREA

PURPOSE AND INTRODUCTION

The City of Mishawaka Redevelopment Commission (the "Commission"), the governing body of the City of Mishawaka, Indiana, Department of Redevelopment (the "Department") and the Redevelopment District of the City of Mishawaka, Indiana (the "District"), proposes to designate and declare an economic development area within the City of Mishawaka, Indiana (the "City") to be known as the "Auto Mall Economic Development Area" (the "Area"). This document is the plan for the Area (the "Plan"), provided that this Plan may be amended in the future as provided in Indiana Code 36-7-14, as amended from time to time (the "Act") and in this Plan.

Pursuant to Sections 15 and 16 of the Act, the Plan must be approved by the Commission, the City of Mishawaka Plan Commission and the Common Council of the City. Upon such approvals, the Commission will hold a public hearing on the Plan as required under Section 17 of the Act, before confirming, modifying and confirming, or rescinding the designation of the Area and the approval of the Plan.

The Commission also proposes that pursuant to the provisions of Section 39 of the Act, the Area shall constitute a tax increment financing "Allocation Area" for purposes of the Act. Such Allocation Area shall be designated as the "Auto Mall Economic Development Area Allocation Area" (hereinafter referred to as the "Allocation Area") for purposes of distribution and allocation of taxes on real property, and depreciable personal property of designated taxpayers, in the Allocation Area.

PROJECT OBJECTIVES

The purposes of the Plan are to benefit the public health, safety, morals and welfare of the citizens of the City; increase the economic well-being of the City and the State of Indiana; and serve to protect and increase property values in the City and the State of Indiana. The Plan is designed to (i) promote significant opportunities for the gainful employment of citizens of the City, (ii) assist in the attraction of major new business enterprises to the City, (iii) retain and expand significant business enterprises existing in the City, (iv) provide for local public improvements in or serving the Area, (v) retain and attract permanent jobs, (vi) increase the property tax base, and (vii) improve the diversity of the economic base of the City.

DESCRIPTION OF AREA

A description of the Area is attached to this Plan and incorporated herein as Appendix A.

PROJECT DESCRIPTION

The Commission currently contemplates that to accomplish the Plan, it will carry out the development of the Area, including the acquisition, construction and installation of any or all of the projects set forth herein (collectively, the "Project"). The Commission intends to issue bonds payable from tax increment revenues derived from the Allocation Area and/or to pledge such tax increment revenues to the payment of economic development revenue bonds issued by the City. The bonds would be issued in an amount sufficient to finance all or a portion of the Project costs, plus capitalized interest on the bonds, if necessary, a debt service reserve, if any, costs of issuing such bonds, and any other costs permitted or authorized by the Act.

ACQUISITION LIST

In connection with the accomplishment of the Plan, the Commission has no present plans to acquire any interests in real property. In the event the Commission determines to acquire additional property in the future, it shall follow procedures set forth in Section 19 of the Act. The Commission may not exercise the power of eminent domain in an economic development area.

ESTIMATE OF THE COST OF ACQUISITION AND ECONOMIC DEVELOPMENT

Because the Commission does not intend to acquire property for the Project, the Commission will not incur any costs of acquisition. However, the Commission will incur certain costs in connection with the development of the Project. The estimated cost of the Project is approximately \$19,000,000.

DISPOSAL OF PROPERTY

The Commission may dispose of any real property acquired in the future by sale or lease to the public pursuant to procedures set forth in Section 22 of the Act.

STATUTORY FINDINGS

A. The Plan for the Area meets the following required findings under Section 41(b) of the Act:

1. The Plan for the Area promotes significant opportunities for the gainful employment of the citizens of the City, attracts a major new business enterprise to the City, retains or expands a significant business enterprise existing in the City, or meets other purposes of Sections 2.5, 41 and 43 of the Act.

The Plan will improve the City's infrastructure and aesthetics and foster additional economic development in and serving the Area. In addition, the Plan will provide and improve existing infrastructure that is required to attract new commercial development in the Area. These new business enterprises will provide opportunities for employment for the citizens of the City.

2. The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of a lack of local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, or other similar conditions.

Implementation of the Plan is necessary because local public improvements are greatly needed and the lack thereof is resulting in decreased property values in the City. The construction

of improved infrastructure will pave the way for future growth and development in the Area. The implementation of the Plan will also provide greater accessibility and walkability for residents and commercial entities in the Area.

3. The public health and welfare will be benefited by accomplishment of the Plan for the Area.

Implementing the Plan will help attract new commercial development, which provides for new employment opportunities and increases the likelihood that existing employment opportunities will be retained and will benefit the public health and welfare for the citizens of the City. Additionally, new or expanded commercial and other development will contribute to the overall health of the City by increasing and the diversifying the tax base. The development of trails and pathways through the Area further aids in the public health and welfare of the City.

4. The accomplishment of the Plan for the Area will be a public utility and benefit as measured by public benefits similar to the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base, or other similar public benefits.

The Projects contemplated by the Plan will be of public utility and benefit by putting in place infrastructure and/or other incentives to support future development, thereby retaining or creating new jobs, maintaining the property tax base and allowing for further economic development and improved diversity of the economic base of the City.

5. The Plan for the Area conforms to other development and redevelopment plans for the City, if any.

The Plan conforms with the intended development of the City.

B. The Plan for the Area addresses the statutory requirements under Section 39(b) of the Act, as follows:

The adoption of the allocation provisions for the Allocation Area will result in new property taxes in the Area that would not have been generated but for the adoption of the allocation provisions. After discussing the development of the Area with various stakeholders and prospective developers, the Commission finds that the ability to maintain and attract new business would not occur but for the availability of tax increment revenues to finance the Project as contemplated by this Plan.

PERMISSIBLE PROJECTS

Tax increment revenues from the Allocation Area or other sources of funds available to the Commission may be used to finance the cost of infrastructure improvements in, physically connected to, serving or benefiting the Allocation Area (as well as demolition, in, physically connected to, serving or benefiting the Allocation Area), including without limitation, (1) transportation enhancement projects including, without limitation, curbs, gutters, shoulders, street paving and construction, parking, bridge improvements, sidewalk and multiuse pathway improvements, street lighting, traffic signals, and site improvements including landscape buffers; (2) utility infrastructure projects including, without limitation, utility relocation, water lines, water wells, water towers, waste water lines, storm water lines, retention ponds, ditches, and storm water basin improvements; and (3) public park improvements and recreational equipment. Although the

precise nature of infrastructure that may be necessary from time to time to attract and retain prospective redevelopment and economic development opportunities in the Allocation Area cannot be predicted with certainty, the availability of adequate infrastructure is of fundamental importance in attracting and retaining such opportunities in the Allocation Area.

Tax increment revenues from the Allocation Area or other sources of funds available to the Commission may also be used to offset payments by developers on promissory notes in connection with economic development revenue bond financings undertaken by the unit, or to pay principal or interest on economic development revenue bonds issued by the unit to provide incentives to developers, in furtherance of the economic development or redevelopment purposes of the Allocation Area. The provision of incentives by the application of tax increment revenues to offset developer promissory notes that secure economic development revenue bonds, or to pay principal or interest on economic development revenue bonds issued by the unit to provide incentives to developers, in furtherance of the economic development or redevelopment purposes of the Allocation Area, has become an established financing tool and an increasingly common form of incentive for attracting economic development and redevelopment.

The acquisition or construction of projects to enhance cultural attractiveness.

Acquisition or construction of projects to enhance public safety.

Tax increment revenues from the Allocation Area that are allocated for police and fire services may be used to finance the cost of police or fire services located in or directly serving or benefiting the Area, including the financing of capital expenditures and/or operating expenses of such police or fire services.

All other projects and purposes permitted by law.

AMENDMENT OF THE PLAN

This Plan may be amended by following the procedures described in Section 17.5 of the Act.

APPENDIX A

LEGAL DESCRIPTION OF THE AREA

PARCEL I:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING.

CONTAINING 60.01 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

PARCEL II:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, AND A PART OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 89°41'58" EAST ALONG THE SOUTH LINE OF SAID SECTION AND THE CENTERLINE OF CLEVELAND ROAD, A DISTANCE OF 1323.83 FEET MORE OR LESS (ASSUMED BEARINGS AND APPROXIMATE DISTANCES) TO THE POINT OF BEGINNING; THENCE NORTH 00°32'43" WEST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1317.98 FEET MORE OR LESS TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 89°51'36" EAST ALONG SAID NORTH LINE, A DISTANCE OF 851.59 FEET MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR THE NEXT SIX (6) COURSES SOUTH 18°36' EAST, A DISTANCE OF 222.02 FEET MORE OR LESS AND SOUTH 11°10' EAST, A DISTANCE OF 553.73 FEET MORE OR LESS AND SOUTH 02°34' WEST, A DISTANCE OF 116.26 FEET MORE OR LESS AND SOUTH 10°08' WEST, A DISTANCE OF 195.24 FEET MORE OR LESS AND SOUTH 00°00' EAST, A DISTANCE OF 158.86 FEET MORE OR LESS TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE SOUTH 16°47' EAST, A DISTANCE OF 165.93 FEET MORE OR LESS TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 31°00' WEST, A DISTANCE OF 66.05 FEET MORE OR LESS; THENCE CROSSING SAID CAPITAL AVENUE, SOUTH 84°16' WEST, A DISTANCE OF 197.87 FEET MORE OR LESS TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 57°40' EAST, A DISTANCE OF 176.29 FEET MORE OR LESS AND NORTH 89°41' 58" WEST, A DISTANCE OF 622.41 FEET MORE OR LESS; THENCE NORTH 12°18' WEST, A DISTANCE OF 29.32 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 30.64 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

RESOLUTION NO. R 2026- 04

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN
THE CITY OF MISHAWAKA, INDIANA, TO BE AN
ECONOMIC REVITALIZATION AREA

United PetFood Producers USA, Inc.

DECLARATORY RESOLUTION

WHEREAS, the Common Council of the City of Mishawaka, Indiana, has pursuant to the “Deduction for Rehabilitation or Redevelopment of Real Property in Economic Revitalization Area Act” (Indiana Code 6-1.1-12.1-1 et. seq.) as amended hereinafter referred to as the “Act”, determined and declared that the following described area in the City of Mishawaka, County of St. Joseph, State of Indiana, is an “Economic Revitalization Area”:

A lot or parcels of land described as follows:

Tax Key #16-1161-6468 and 016-1161-6466.02; also described as:

That part of the southwest quarter of Section 16, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Joseph County, Indiana, and more particularly described as:

Beginning at a point of intersection of the south line of Eleventh Street with the East line of Logan Street; thence East along said south line of Eleventh Street a distance of 779 feet more or less; thence south a distance of 435.4 feet more or less to the south line of said Quarter Section; thence West along said South line a distance of 781.15 feet more or less to the East line of Logan Street; thence North along said East line a distance of 443.32 feet more or less to the point of beginning containing 8.55 acres more or less and subject to all legal highways, easements and restrictions on record.

Common address: 1121 & 1025 W. 11th Street, Mishawaka, IN 46544

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

WHEREAS, this declaration of the above described area as an “Economic Revitalization Area” shall expire four (4) years from the effective date of the declaration unless officially extended by the Common Council of the City of Mishawaka, Indiana, and

WHEREAS, the area so described above, shall be eligible for a deduction from an increase in assessed valuation resulting from the redevelopment or rehabilitation of said property, and

WHEREAS, an owner or occupant of the area described above shall be eligible for a deduction from assessed valuation resulting from the improvement of real property used within that area so described, and

WHEREAS, an owner or occupant of the area described above shall be eligible for a deduction from assessed valuation resulting from the acquisition of tangible personal property used within that area so described.

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

1. That the area described hereinabove is hereby declared to be an “Economic Revitalization Area” within the meaning of the Act; and
2. That the City Clerk shall cause notice of the adoption of this Resolution to be published pursuant to I.C. 5-3-1, and shall file a copy of this Resolution with the St. Joseph County Assessor; and
3. That the City Clerk shall include in such notice the substance of this Resolution, a description of the affected area, that this Resolution may be inspected in the County Assessor’s office or the office of the Mishawaka City Clerk, the date when the Common Council will receive and hear all remonstrance and objections from interested persons, and any other information required by Section 6-1.1-12.1-2.5 of the Act; and
4. That the City Clerk shall file a copy of the aforesaid public notice along with a copy of this Resolution and the Statement of Benefits (Form SB-1) with the officers of each taxing unit that has the authority to levy property taxes in the geographic area where the aforesaid economic revitalization area is located; and
5. That following the legal publication and on the date published in the public notice, a public hearing shall be held by the Common Council, at which time the Common Council shall receive and hear all remonstrance and objections from interested persons and shall then take final action determining whether the qualifications for an Economic Revitalization Area have been met and confirming, modifying and confirming, or rescinding this Resolution; and
6. That the determination of the Common Council shall be final except that an appeal may be taken and heard as provided by I.C. 6-1.1-12.1-2.5 (d) and (e).

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 26th day of January, 2026.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of _____, 2026.

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of _____, 2026, at _____ o'clock _____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
Kenneth B. Prince, FASLA, Executive Director

January 21, 2026

Deborah S. Block, IAMC, MMC

Woody Emmons, 1st District City Council
Matt Carroll, 2nd District City Council
Lou Ann Hazen, 3rd District City Council
Kate Voelker, 4th District City Council
Anthony Violi, 5th District City Council
Ron Banicki, 6th District City Council
Gregg Hixenbaugh, At-Large City Council
Matt Mammolenti, At-Large City Council
Lacy Hahn, At-Large City Council
Deborah Block, City Clerk

JAN 21 2025

City Clerk
Mishawaka, IN

**Re: Declaratory Resolution 2026-04
Tax Abatement – United PetFood Producers USA, Inc.
Real and Personal Property Tax Abatements- 1121 & 1025 W. 11th Street**

Dear Council Members and Clerk:

Please find attached Declaratory Resolution 2026-04 pertaining to tax abatement petitions that have been filed for consideration at the Monday, January 26th meeting. The requests have been submitted by United PetFood Producers USA, Inc., a manufacturer of premium dog and cat food headquartered in Ghent, Belgium. The company acquired the former WellPet facility in June 2024.

United Petfood Producers is proposing to expand their current facility to include a new building addition for a new drying tower, and installation of other manufacturing equipment. The improvements will allow for the optimization of plant operations and increased production capacity to meet market demand. The total planned investment is approximately \$30 million.

Specifically, two abatements have been filed, one for the real property improvements and one for the personal property improvements in automation and manufacturing equipment. The real property improvements include an estimated \$11 million expansion, adding a drying tower addition to the south side of the building. The personal property request includes an estimated \$19 million investment in equipment for automation improvements for packaging and bulk receiving, and other machinery. Additional equipment includes an extruder, dryer, coater, and boiler to increase production capacity. The petition indicates that construction and installation of equipment will begin in January 2026 with completion of the entire project by December 2029. Please note that construction cannot commence until the abatement is approved, as anticipated. A final site plan shall also be submitted for review and approval if the existing plans from 2021 are revised.

WellPet LLC, which is the prior owner of the facility, received three prior real and personal property tax abatements approved by the Council in 2014, 2015, and 2021. The first two requests from 2014 and 2015 allowed the company to purchase equipment it would not have had the capacity to do so, along with hiring more employees than projected, and at higher wage rates. Employment levels at the facility have increased from 91 employees in 2014, fluctuating slightly over the years, to 105 employees present day. Commensurate with the increase in employment and wages, total payroll has more than doubled over these years.

As you may recall, the abatement approved in 2021 was rescinded by the Council in 2023 as the previous owner of the company did not follow through with the installation of the proposed new manufacturing equipment excluding the odor mitigation system. The proposed improvements included in this request are similar to what was proposed and approved in 2021.

In June 2025, United PetFood Producers received a real property tax abatement for a new 69,000 sq. ft. warehouse and distribution facility at 919 Cleveland Street just north of their main production plant. Construction immediately commenced after the abatement approval and is currently nearing completion.

With the current request, United PetFood Producers will retain 105 employees while adding 31 jobs as a result of the investment. The hourly wage for the 30 semi-skilled new positions, excluding benefits, is estimated at \$24.32. Total annual salaries for new jobs, including one salaried position, are estimated at \$2,011,131. Benefits available to employment include sick, vacation, and volunteer paid time off; 401 (k) with company match; short and long term disability insurance; health/dental insurance; and tuition reimbursement.


Similar to the prior approved abatements, Staff is recommending a 5 year abatement for both the real and personal property tax abatement requests. A standard phase-in for the abatement is recommended beginning 100% for the first year and decreasing 20% annually (80%, 60%, 40%, and 20%) over the 5 year life of the abatement.

Copies of tax abatement applications and Staff prepared declaratory resolution are attached for your review and information. The property is not located within the City's tax increment finance district.

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 item being considered at the January 26th meeting is the declaratory resolution, which staff is recommending approval of to allow the appropriate advertising to take place. If approved, staff will prepare a more detailed analysis of the request as part of your consideration of the confirming resolution.

Please do not hesitate to contact me with any questions.

Sincerely,



Derek J. Spier, AICP
City Planner

cc: David A. Wood, Mayor
Kenneth B. Prince, FASLA, Executive Director
Evergreen Advisors, LLC (via E-mail only)

Received

DEC 19 2025

Planning and
Community Development



City of Mishawaka Planning and Community Development

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/RE) be submitted prior to the initiation of the project. Additionally, **final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.**

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/RE) and last page of the application. Incomplete or unsigned applications will not be accepted. A **non-refundable application fee** of \$300.00 is required when making an application for Economic Revitalization Area designation and is payable to the **City of Mishawaka** at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back" an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:

City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Derek Spier, City Planner
574-258-1625
dspier@mishawaka.in.gov

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

United Petfood Producers USA, Inc.

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

Name and Title: Terry Peterson, Controller

Address: 1101 W 11th Street, Misawaka, IN 46544

Telephone: 574.404.5963

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: Terry Peterson, Controller

Address: 1101 W 11th Street, Misawaka, IN 46544

Telephone: 574.404.5963

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: 1121 W 11th Street, Mishawaka, IN 46544

b) Township: Mishawaka-Penn Township

c) Taxing District Number: 23 Mishawwaka-Penn

d) Council District Number: 1

e) Tax Parcel Number(s): 016-1161-6468; 016-1161-646602

f) Current Zoning of the Property: I-2 for Former; I-1 for Latter Parcel

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

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

Land: \$139,400

Improvements: \$4,040,900

Inventory: _____

Equipment: _____

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

7. Does your company currently conduct manufacturing operations at this location? If so, how long has your company been at this location? _____

Yes, company has been at location since June 2024.

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. _____

311111 - Dog and Cat Food Manufacturing

b) Please list any special certifications/designations.

New Market Tax Credit: Severely Distressed Community & Federal Opportunity Zone #18141000900

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.

No, this is the only location in the United States. Current company headquarters is in Terdonkkaai 16, 9042 Ghent, Belgium.

Company is currently pursuing the establishment of a United States Headquarters.

9. What is the size of the real estate that will be developed? (in acres) 0.16 acres

10. What is the estimated construction or rehabilitation cost? \$11,000,000

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

12. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States? Yes No

13. What is the anticipated date for construction to begin? January 2026

14. What is the anticipated date for project completion? December 2026

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

a) Are your employees represented by a union? If so, by whom? No

b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? Yes No

c) Number of current 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	<u>80</u>	Average hourly wage rate for unskilled positions	<u>\$31.19</u>
Clerical	_____	Average hourly wage rate for clerical positions	_____
Salaried	<u>25</u>	Average salary (per hour) for salaried positions	<u>\$48.40</u>
TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time)			<u>105</u>

d) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.)
 Sick time, vacation time, volunteer time, health insurance, dental insurance, vision insurance, short term and long term disability insurance, 401K with company match, tuition reimbursement.

e) Approximate value of benefits for existing and new employees on a per hour basis (e.g. benefits are valued at an additional \$3.00 per hour, etc.) Approx. \$8.00 per hour

f) What is the total dollar amount spent on retained salaries? \$7,706,392

g) 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	<u>33</u>	Average hourly wage rate for unskilled positions	<u>\$24.32</u>
Clerical	_____	Average hourly wage rate for clerical positions	_____
Salaried	<u>1</u>	Average salary (per hour) for salaried positions	<u>\$58.00</u>
TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time)			<u>34</u>

h) What is the total dollar amount to be spent on new salaries? \$1,789,964.80

i) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees	<u>\$35.29</u>
Retained hourly employees	<u>\$35.29</u>
New hourly employees	<u>\$25.31</u>

j) (if applicable)What is the usual market for goods or services produced by the company? List the percentage of the company's product or service that reaches:

Inside St. Joseph County:	<u>0</u> %
Outside St. Joseph County, but inside Indiana:	<u>3</u> %
Outside Indiana, but within 500 miles	<u>14</u> %
Outside of 500 miles	<u>82</u> %
Outside of the United States:	<u>1</u> %

k) (if applicable)List the name and location (City and State) of your five largest vendors or suppliers:

1. Badger Ingredients, Inc. Carefree, AZ
2. Diversified Ingredients Inc. Ballwin, MO
3. Anchor Ingredients Co., LLC Fargo, ND
4. The Scoular Company Omaha, NE
5. Morris Packaging, LLC Bloomington, IL

16. 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.

Seeking the construction of new addition to existing manufacturing plant for the
construction of a new drying tower for pet food production. Company plans to
maintain project space for itself.

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

Manufacturing of high quality dry & wet pet food, biscutis and snacks for dogs and cats.

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

Abatement will support the economic revitalization of an underutilized site and contribute
to increased tax revenue over time with the increase in the assessed value of the property.
Additionally will promote the creation of new jobs to bolster the local economy.

19. 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.).

Loss of production capability. Company may decide to relocate proposed investment to new facilities outside of Indiana for capacity expansion.

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

Yes. Community support for an expedited process and collaborative effort. Support for assistance on any public infrastructure improvements and training/recruitment resources for new jobs.

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

Yes, currently negotiating terms of incentives with Indiana Economic Development Corporation.

22. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, 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 savings received.

Elodie Fleury

Signature of Owner or Authorized Representative

CEO UPP USA

Title

12/19/2025

Date

Exhibit A

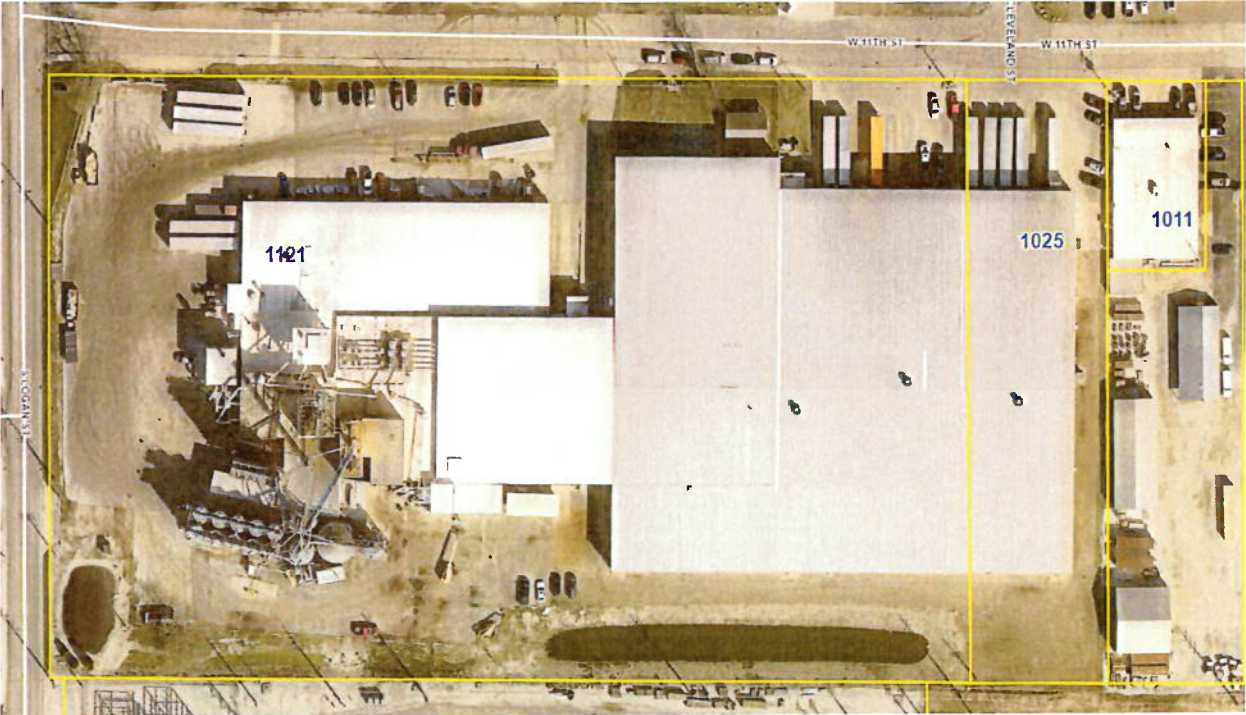
Tax Key #16-1161-6468 and 016-1161-6466.02; also described as:

That part of the southwest quarter of Section 16, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Joseph County, Indiana, and more particularly described as:

Beginning at a point of intersection of the south line of Eleventh Street with the East line of Logan Street; thence East along said south line of Eleventh Street a distance of 779 feet more or less; thence south a distance of 435.4 feet more or less to the south line of said Quarter Section; thence West along said South line a distance of 781.15 feet more or less to the East line of Logan Street; thence North along said East line a distance of 443.32 feet more or less to the point of beginning containing 8.55 acres more or less and subject to all legal highways, easements and restrictions on record.

Common address: 1121 & 1025 W. 11th Street, Mishawaka, IN 46544

Aerial Photos of Parcels (Equipment planned to be installed in parcels labeled 1121 & 1025)





**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R8 / 5-25)
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 6-1.1-12.1-1.1.

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)
- New agricultural improvement (IC 6-1.1-12.1-4)

INSTRUCTIONS:

- 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 initiation of the redevelopment or rehabilitation of real property or a new agricultural improvement for which the person wishes to claim a deduction.
- 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 January 1 and May 10 of a subsequent year.
- 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)
- 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.

SECTION 1 TAXPAYER INFORMATION					
Name of Taxpayer United Petfood Producers USA, Inc.					
Address of Taxpayer (number and street, city, state, and ZIP code) 1011 W 11th Street, Mishawaka, IN 46544					
Name of Contact Person Terry Peterson			Telephone Number (574) 404-5963		Email Address tpeterson@unitedpetfood.com
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of Designating Body					Resolution Number
Location of Property 1121 W 11th Street, Mishawaka, IN 46544			County St. Joseph		DLGF Taxing District Number 023
Description of Real Property Improvements, Redevelopment, or Rehabilitation (use additional sheets, if necessary) Extension of manufacturing facility to house a new dryer tower.					Estimated Start Date (month, day, year) February 2026
					Estimated Completion Date (month, day, year) December 2030
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES FROM PROPOSED PROJECT					
Current Number 105	Salaries \$7,706,392	Number Retained 105	Salaries \$7,706,392	Number Additional 31	Salaries \$2,011,131
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
REAL ESTATE IMPROVEMENTS					
			COST		
			ASSESSED VALUE		
Current Values			\$4,180,300		
(+) Plus Estimated Values of Proposed Project			\$11,000,000		
(-) Less Values of Any Property Being Replaced					
Net Estimated Values Upon Completion of Project			\$11,880,300		
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated Solid Waste Converted (pounds) _____			Estimated Hazardous Waste Converted (pounds) _____		
Other Benefits:					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this schedule are true.					
Signature of Authorized Representative <i>Elodie Fleury</i>				Date Signed (month, day, year)	
Printed Name of Authorized Representative Elodie Fleury			Title Vice President, Americas		

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 _____ calendar years* (see below). The date this designation expires is _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- B. The type of deduction that is allowed in the designated area is limited to:
- | | | |
|--|------------------------------|-----------------------------|
| 1. Redevelopment or rehabilitation of real estate improvements | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Residentially distressed areas | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. New agricultural improvement | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
- C. The amount of the deduction is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. Number of years allowed:
- | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5 (* see below) |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> 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 (574)	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.

In accordance with IC 6-1.1-12.1-17, where the Form SB-1/Real Property was approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period should be as follows:

- A. For residentially distressed areas, the deduction period may not exceed ten (10) years.
- B. For the redevelopment or rehabilitation of real property, the deduction period may not exceed ten (10) years.
- C. For a new agricultural improvement, the deduction period may not exceed five (5) years.

**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.
- (5) In the case of a deduction for new farm equipment or new agricultural improvement, an agreement by the deduction applicant to predominately use the area for agricultural purposes for a period specified by the designating body.

- (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. Except as provided in subsection (d) and section 18 of this chapter, 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.
- (d) An abatement schedule for new farm equipment or new agricultural improvement may not exceed five (5) years.

SB-1 Tax Abatement Forms

Final Audit Report

2026-01-20

Created:	2026-01-20
By:	Terry Peterson (tpeterson@unitedpetfood.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAlYDLmE6OBaxcnCGWsxFX44n8Cg_HI_pu

"SB-1 Tax Abatement Forms" History

-  Document created by Terry Peterson (tpeterson@unitedpetfood.com)
2026-01-20 - 7:34:41 PM GMT
-  Document emailed to Elodie Fleury (efleury@unitedpetfood.com) for signature
2026-01-20 - 7:35:27 PM GMT
-  Email viewed by Elodie Fleury (efleury@unitedpetfood.com)
2026-01-20 - 9:41:20 PM GMT
-  Document e-signed by Elodie Fleury (efleury@unitedpetfood.com)
Signature Date: 2026-01-20 - 9:41:40 PM GMT - Time Source: server
-  Agreement completed.
2026-01-20 - 9:41:40 PM GMT

Project Ridgeback

For Indiana

	2026	2027	2028	2029	2030	Total
Real Property:						
Dryer Tower Building	10,000,000	1,000,000				\$11,000,000
Personal Property:						
New Packaging Line, New Scale, Conveyors	3,000,000					\$ 3,000,000
Bundler, Packaging Line, Racking, Scale, Forklift		4,000,000				\$ 4,000,000
Packaging Lines, New Palletizer, Coating			4,000,000			\$ 4,000,000
Boiler, Additional Packaging Machines				4,000,000		\$ 4,000,000
Improvement Bulk Receiving					4,000,000	\$ 4,000,000
Total	\$13,000,000	\$5,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$30,000,000

Provided via email on 1/15/26 by Evergreen Advisors LLC

Received

JAN 15 2026

Planning and
Community Development



Received

NFC 19 2025

Planning and
Community Development

City of Mishawaka Planning and Community Development

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

PERSONAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/PP) be submitted prior to the initiation of the project. Additionally, **final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.**

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/PP) and last page of the application. Incomplete or unsigned applications will not be accepted. A **non-refundable application fee** of \$300.00 is required when making an application for Economic Revitalization Area designation and is payable to the **City of Mishawaka** at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back" an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:
City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Derek Spier, City Planner
574-258-1625
dspier@mishawaka.in.gov

1. Name of the firm for which tax abatement is being requested:

United Petfood Producers USA, Inc.

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

Name and Title: Terry Peterson, Controller

Address: 1101 W 11th Street, Misawaka, IN 46544

Telephone: 574.404.5963

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

Name and Title: Terry Peterson, Controller

Address: 1101 W 11th Street, Misawaka, IN 46544

Telephone: 574.404.5963

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

a) Street Address: 1121 W 11th Street, Misawaka, IN 46544

b) Township: Mishawaka-Penn Township

c) Taxing District Number: 023 Mishawaka-Penn

d) Council District Number: 1

e) Tax Parcel Number(s): 016-1161-6468; 016-1161-646602

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

Land: \$139,400

Improvements: \$4,040,900

Inventory:

Equipment: _____

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

7. Does your firm currently conduct manufacturing operations at this location? If so, how long has your company been at this location? _____

Yes, company has been at location since June 2024

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. _____

311111 - Dog and Cat Food Manufacturing

b) Please list any special certifications/designations.

New Market Tax Credit: Severely Distressed Community & Federal Opportunity Zone #18141000900

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.

No, this is the only location in the United States. Current company headquarters is in Terdonkkaai 16, 9042 Ghent, Belgium.

Company is currently pursuing the establishment of a United States Headquarters.

9. What is the size of the existing facility in which the equipment will be installed?

195,285 SQFT

a) What is your facility currently zoned? I-1 & I-2 _____ b) Do you need rezoning? No _____

10. Briefly describe the product(s) manufactured by your company. _____

High quality dry & wet pet food, biscuits and snacks for dogs & cats.

11. Briefly describe the equipment to be installed by your company. _____

Extruder, dryer, coater, boiler, robotics & automation, racking, updates to packaging & bulk receiving

12. Has new manufacturing equipment been installed (Please note that state statute requires petitioner to delay installation until after abatement has been granted)? _____ Yes No

13. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States?

Yes _____ No

14. What is the anticipated date for installation to begin? January 2026

15. What is the anticipated date for project completion? December 2029

***(If installation will occur over a multi-year/phased-in period or involve multiple pieces of equipment, please provide a separate detailed installation timetable and note when equipment will be ready to use in production and attach this information to the SB-1/PP.)**

16. Does the equipment being installed serve the same function as the equipment currently in place at the facility? Yes X No

a) If no, please describe the new functions to be performed by the new manufacturing equipment:

Equipment used for automation improvements for packaging and bulk receiving will serve same function as existing equipment; extruder, dryer, coater, and boiler will be additional machinery to increase production capacities.

b) What is the estimated value of the equipment to be purchased for which personal property tax abatement is being requested? (If possible, please provide a written quote or estimate attached to this application.) \$19,000,000.00

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

a) Are your employees represented by a union? If so, by whom? No

b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? X Yes No

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

Skilled	<u> </u>	Average hourly wage rate for skilled positions	<u> </u>
Semi-skilled	<u> 80 </u>	Average hourly wage rate for unskilled positions	<u> \$31.19 </u>
Clerical	<u> </u>	Average hourly wage rate for clerical positions	<u> </u>
Salaried	<u> 25 </u>	Average salary (per hour) for salaried positions	<u> \$48.40 </u>
TOTAL NUMBER OF TEMPORARY/ON-CALL EMPLOYEES (if any)			<u> 0 </u>
TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time)			<u> 105 </u>

d) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.)

Sick time, vacation time, volunteer time, health insurance, dental insurance, vision insurance, short term and long term disability insurance, 401k with company match, tuition reimbursement.

e) Approximate value of benefits for existing and new employees on a per hour basis (i.e. benefits are valued at an additional \$3.00 per hour, etc.) Approx. \$8.00 per hour

f) What is the total dollar amount spent on retained salaries? \$7,706,392

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

Skilled 0 Average hourly wage rate for skilled positions _____

Semi-skilled 33 Average hourly wage rate for unskilled positions \$24.32

Clerical 0 Average hourly wage rate for clerical positions _____

Salaried 1 Average salary (per hour) for salaried positions \$58.00

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) 34

h) What is the total dollar amount to be spent on new salaries? \$1,789,964.80

i) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees \$35.29

Retained hourly employees \$35.29

New hourly employees \$25.31

j) What is the usual market for goods produced by the company? List the percentage of the company's product that reaches it:

Inside St. Joseph County: 0 %

Outside St. Joseph County, but inside Indiana: 3 %

Outside Indiana, but within 500 miles 14 %

Outside of 500 miles 82 %

Outside of the United States: 1 %

k) Where do your company's raw materials/supplies come from? List the percentage of the supplies that are acquired from each category:

Inside St. Joseph County: 0 %

Outside St. Joseph County, but inside Indiana: 4.35 %

Outside Indiana, but within 500 miles: 35.87 %

Outside 500 miles of Indiana: 38.04 %

Outside of the United States: 21.74 %

l) List the name and location (City and State) of your five largest vendors or suppliers:

1. Nuway Construction Corporation - Goshen, IN
2. Diversified Ingredients Inc. - Ballwin, MO
3. Anchor Ingredients Co., LLC - Fargo, ND
4. The Scoular Company - Omaha NE
5. Badger Ingredients, Inc. - Carefree, AZ

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

Definite loss in production capabilities, consideration of moving manufacturing plant operations to a new location.

19. Please briefly describe how and why the manufacturing equipment to be replaced or the facility in which equipment will be added is currently technologically, economically, or energy obsolete and how and why that obsolescence may lead to a decline in employment and tax revenues.

Existing machinery and equipment does not possess capabilities to produce the capacity of production required. Without the installation of new equipment, recognition of increased property taxes and payroll taxes paid to state and county will not be recognized.

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

Yes, community support for an expedited process and collaborative effort. Support for assistance on any public infrastructure improvements and training resources for recruitment and creation of new jobs.

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

Yes, currently negotiating incentives with the Indiana Economic Development Corporation.

22. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Personal 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 savings received.

Elodie Fleury

Signature of Owner or Authorized Representative

CEO UPP USA

Title

12/18/2025

Date

Exhibit A

Tax Key #16-1161-6468 and 016-1161-6466.02; also described as:

That part of the southwest quarter of Section 16, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Joseph County, Indiana, and more particularly described as:

Beginning at a point of intersection of the south line of Eleventh Street with the East line of Logan Street; thence East along said south line of Eleventh Street a distance of 779 feet more or less; thence south a distance of 435.4 feet more or less to the south line of said Quarter Section; thence West along said South line a distance of 781.15 feet more or less to the East line of Logan Street; thence North along said East line a distance of 443.32 feet more or less to the point of beginning containing 8.55 acres more or less and subject to all legal highways, easements and restrictions on record.

Common address: 1121 & 1025 W. 11th Street, Mishawaka, IN 46544

Aerial Photos of Parcels (Equipment planned to be installed in parcels labeled 1121 & 1025)





**STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51764 (R5 / 1-21)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

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.

INSTRUCTIONS:

- 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** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- For a Form SB-1/PP 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/PP 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 United Petfood Producers USA, Inc.			Name of contact person Terry Peterson			Telephone number (574) 404-5963							
Address of taxpayer (number and street, city, state, and ZIP code) 1011 W 11th Street, Mishawaka, IN 46544													
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT											
Name of designating body						Resolution number (s)							
Location of property 1121 W 11th Street, Mishawaka, IN 46544				County St. Joseph		DLGF taxing district number 023							
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) Vacuum coater for industrial packaging, extruder for kibble production, dryer for kibble production, additional silos for material handling, additional racking for warehousing, VDL packaging machine for industrial packaging.						ESTIMATED							
						START DATE			COMPLETION DATE				
						Manufacturing Equipment		02/28/2026		12/31/2030			
						R & D Equipment							
						Logist Dist Equipment							
IT Equipment													
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT											
Current Number 105	Salaries \$7,706,392	Number Retained 105	Salaries \$7,706,392	Number Additional 31	Salaries \$2,011,131								
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT											
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.		MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT					
		COST		ASSESSED VALUE		COST		ASSESSED VALUE					
				6,473,826									
		19,000,000		13,300,000									
		19,000,000		19,773,826									
Less values of any property being replaced													
Net estimated values upon completion of project													
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER											
Estimated solid waste converted (pounds) _____				Estimated hazardous waste converted (pounds) _____									
Other benefits:													
SECTION 6		TAXPAYER CERTIFICATION											
I hereby certify that the representations in this statement are true.													
Signature of authorized representative <i>Elodie Fleury</i>						Date signed (month, day, year)							
Printed name of authorized representative Elodie Fleury				Title Vice President, Americas									

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____ . *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- B. The type of deduction that is allowed in the designated area is limited to:
- | | | | |
|--|------------------------------|-----------------------------|--|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
<i>Check box if an enhanced abatement was approved for one or more of these types.</i> |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 3. Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
- C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- G. Other limitations or conditions (specify) _____
- H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:
- | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|---|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5 | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
Number of years approved: _____
<i>(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)</i> |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 | |
- I. 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.

Also we have 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 by: (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.

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. Except as provided in IC 6-1.1-12.1-18, 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.

SB-1 Tax Abatement Forms

Final Audit Report

2026-01-20

Created:	2026-01-20
By:	Terry Peterson (tpeterson@unitedpetfood.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAALyDLmE6OBaxcnCGWsxFX44n8Cg_HI_pu

"SB-1 Tax Abatement Forms" History

-  Document created by Terry Peterson (tpeterson@unitedpetfood.com)
2026-01-20 - 7:34:41 PM GMT
-  Document emailed to Elodie Fleury (efleury@unitedpetfood.com) for signature
2026-01-20 - 7:35:27 PM GMT
-  Email viewed by Elodie Fleury (efleury@unitedpetfood.com)
2026-01-20 - 9:41:20 PM GMT
-  Document e-signed by Elodie Fleury (efleury@unitedpetfood.com)
Signature Date: 2026-01-20 - 9:41:40 PM GMT - Time Source: server
-  Agreement completed.
2026-01-20 - 9:41:40 PM GMT

Project Ridgeback

For Indiana

	2026	2027	2028	2029	2030	Total
Real Property:						
Dryer Tower Building	10,000,000	1,000,000				\$11,000,000
Personal Property:						
New Packaging Line, New Scale, Conveyors	3,000,000					\$ 3,000,000
Bundler, Packaging Line, Racking, Scale, Forklift		4,000,000				\$ 4,000,000
Packaging Lines, New Palletizer, Coating			4,000,000			\$ 4,000,000
Boiler, Additional Packaging Machines				4,000,000		\$ 4,000,000
Improvement Bulk Receiving					4,000,000	\$ 4,000,000
Total	\$13,000,000	\$5,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$30,000,000

Provided via email on 1/15/26 by Evergreen Advisors LLC

Received

JAN 15 2026

Planning and
Community Development

PROPOSED ORDINANCE NO. 2025-49

ORDINANCE NO. _____

HPC # 25-02

**AN ORDINANCE TO ESTABLISH 120 NORTH RACE STREET
AS A LOCAL HISTORIC LANDMARK
WITHIN THE CITY OF MISHAWAKA, INDIANA.**

WHEREAS, Chapter 125 of the Municipal Code provides for the establishment of Historic Districts within the City of Mishawaka, and

WHEREAS, the owner of 120 N. Race Street, Cody and Kathrine Rans, wish to preserve and protect the VanDinter-Rans Home by establishing it as a Local Historic Landmark, and

WHEREAS, the Historic Preservation Commission held a public hearing on December 2, 2025 for the purpose of allowing discussion and public comment on the proposed designation of 120 N. Race Street as a Local Historic Landmark, and

WHEREAS, a Staff report, application, supporting documentation, Preservation Guidelines and Location Map are attached.

WHEREAS, the Commission voted to forward the request to the Common Council with a favorable recommendation.

SECTION 1: The property is commonly described as 120 N. Race Street, and is legally described as follows:

Thirty six (36) feet on the north side by seven (7) rods on the west end of Lot 8, Race Street, in the Original Plat of St Joesph Iron Works, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

Tax Key Number: 016-1012-0496

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, COUNTY OF ST. JOSEPH, STATE OF INDIANA, THAT the above reference property be designated as the VanDinter-Rans House, a Local Historic Landmark.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2026, at _____ o'clock p.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, CMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2026, at _____ o'clock, ____m.

Deborah S. Block, IAMCA, CMC, City Clerk

APPROVED by me this _____ day of _____, 2026, at _____ o'clock _____m.

David A. Wood, Mayor



MISHAWAKA
HISTORIC
PRESERVATION
COMMISSION

Deborah S. Block, AMC, MMC

DEC 03 2025

City Clerk
Mishawaka, IN

December 3, 2025

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Historic Preservation Commission Recommendation
December 2, 2025 Public Hearing
Certification of Proposed Ordinance

Honorable Members:

A regular meeting of the Historic Preservation Commission was held on the above referenced date at which time the following Ordinance was considered:

HPC #25-02 A proposed ordinance submitted by Cody and Kathrine Rans to establish 120 N Race Mishawaka Indiana, as a Local Historic Landmark. The property is legally described as: 36 feet on the north side by 7 rods on the west end of Lot 8, Race Street, in the Original Plat of St Joesph Iron Works, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

The Commission recommended approval.

Pursuant to I.C. 36-7-11 the Historic Preservation Commission hereby certifies to the Mishawaka Common Council the attached proposed Ordinance regarding the above matter.

Sincerely,

Christa Hill
Secretary, Historic Preservation Commission

enc

TOMORROW LIVES IN THE LIGHT OF OUR PAST

CITY OF MISHAWAKA HISTORIC PRESERVATION COMMISSION

Staff Report for 120 N. Race Street Designation as a Local Landmark City of Mishawaka, Indiana



Photo provided by owner

Name of Landmark: VanDinter-Rans House

Location of Landmark: 120 N. Race Street

Legal Description: The property is legally described as 36 feet on the north side by 7 rods on the west end of Lot 8, Race Street, in the Original Plat of St Joesph Iron Works, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

Property Owner: Cody and Kathrine Rans

Guidelines of the District
Attached as Exhibit C.

Map of the District.
Attached as an appendix in Exhibit D.

CITY OF MISHAWAKA HISTORIC PRESERVATION COMMISSION

Reasons for Historic District Designation:

Criteria 1 "good example of major architectural styles"

The 1995 Indiana Historic Sites and Structures Inventory identified the house at 120 N. Race Street as Notable in the Beiger Historic District, which runs from Race Street on the west to Cedar Street on the east, the River on the north to Third Street on the south. Architecture identified as a bungalow with a built date circa 1920. Tax records and the homeowner's research confirm this date.

It sits on the east side of Race Street, north of Lincolnway East and south of First Street. All eight houses on in this block were included in the 1995 Sites and Structures Survey, with 120 being the only Notable rating. The four northern houses were demolished in 2008.

The two-story home is wood built on a brick foundation with a covered brick front porch. Some of the architectural elements include the gable roof and central dormer with three double hung windows. The garage, also built in 1920, sits on the back of the lot and has no connection to the driveway.

At some point, the upstairs was converted into 3 apartments, however, it has been returned to a single-family home.

Criteria 2: Structures and survey areas associated with individuals or social groups of historical importance.

Ownership:

1925: William Ackerman (earliest ownership documented in Polk Directory)

1930-1938: George VanDinter

1944: Emeral Callander

1950: Clyde and Lois Cone

1955: Thomas Loughlin

1962: Charles and Mildred Maze

1977: Robert and Lillie Sheehan

2004: Cody and Kati Rans

George VanDinter, who lived in the house from 1930-1938, was the son of Louis VanDinter, an organ maker whose work appears at St. Joseph Church and First Presbyterian Church. George was employed at the VanDinter factory, located at 213 South Spring Street. VanDinter Organs had a reputation as "some of the largest organs in the West" and "are ranked with the largest and best instruments on the United States".

CITY OF MISHAWAKA HISTORIC PRESERVATION COMMISSION

Recommendation

The staff recommends in favor of creating a Local Landmark at 120 N. Race Street based on the following reasons:

1. *Architecture/Design* – Rated as Notable in the 1995 Historic Sites and Structures Survey, only half of the original houses on that block remain. From being converted to 3 second floor apartments, the house was returned to its original use as a single-family home.
2. *People* – The VanDinter family made pipe organs for churches, not just locally, but as far as Detroit and Louisville and were highly regarded in the industry.



MISHAWAKA
HISTORIC
PRESERVATION
COMMISSION

HISTORIC DISTRICT/LANDMARK NOMINATION APPLICATION

Received
OCT 21 2025
Planning and
Community Development

An application for nomination of a historic landmark may only be submitted by the owner of record of the nominated site. Applications and supporting documentation should be provided to: Mishawaka Department of Planning and Community Development, 100 Lincolnway West, Mishawaka IN 46544 (574)258-1625.

APPLICANT/OWNER OF RECORD

Name(s): Cody & Kati Rans

Address: 120 N. Race St.

Mishawaka, IN 46544

Signature of Owner: 

Street Address of Property, if different from above: _____

The legal description of the property (from deed):

36'N Side 7 Rds W End Lot 8 Race St OP St. Joseph Ironworks

Please provide a written statement describing the structure, building, site and setting forth reasons in support of the proposed designation, including a list of significant exterior architectural features that should be protected.

Cite the specific criteria (there may be more than one) under which you are seeking historic designation (see list a attached). Attach additional information if necessary.

Provide the following information:

- Written documentation and evidence establishing that the Applicant is the current owner of record of the nominated property and consents to the proposed historic designation. Such documentation or evidence of record ownership shall include the most recent available title policy in the name of the Applicant or other evidence of record ownership acceptable to the City Planner.
- An overall site plan and front, side and rear photographs of the property. Restoration methods, material samples, etc., if applicable.
- Such other relevant information as requested by the Planning Department or the Commission.
- A list of all property owner of record within 300 feet of the subject property, provided by Planning Staff (574) 258-1625.
- Business size (4 1/2" by 9 1/2"), stamped envelopes addressed to all property owners on the list from the Auditor's office. Do NOT put your return address on the envelopes. If using a stamp meter, do not date.



MISHAWAKA
HISTORIC
PRESERVATION
COMMISSION

MISHAWAKA HISTORICAL MARKER PROGRAM Application Form

This application form must be filled out completely.
Attach documentation and supporting information as required.
Please type or print clearly.
Return Application by September 30 to: Christa Hill, Secretary

1. Proposed Title of Marker: VanDinter - Rans House

2. Address: 120 N. Race St. Mishawaka, IN 46544

3. The Marker Will Commemorate (Please check all that are appropriate:)

<input checked="" type="checkbox"/>	Person	<input type="checkbox"/>	Event
<input checked="" type="checkbox"/>	Historic Property or District	<input type="checkbox"/>	Organization
<input type="checkbox"/>	Graveyard or Archaeological Site	<input type="checkbox"/>	Other

4. Submission Material Included:

<input checked="" type="checkbox"/>	Statement of Significance	<input type="checkbox"/>	Secondary Source Material
<input checked="" type="checkbox"/>	Suggested Marker Title	<input type="checkbox"/>	Digital Images at Location
<input checked="" type="checkbox"/>	Primary Source Material	<input type="checkbox"/>	Map (with proposed marker location)

5. Applicant Information

Applicant's Name (Individual/Organization): Cody + Kari Rans

Mailing Address: 120 N. Race St

City: Mishawaka State: IN Zipcode: 46544

Telephone (including area code): (574) 952-1606 (574) 806-2136

Email: Cody.Rans@gmail.com

SIGNATURE: [Signature] DATE: 8/18/11

6. Property Owner

Applicant's Name (Individual/Organization): Same as above

Mailing Address: _____

City: _____ State: _____ Zipcode: _____

Telephone (including area code): _____

Email: _____

SIGNATURE: _____ DATE: _____

Preservation Objective

The subject structure, exterior features of the site, and architectural and historic character shall be preserved as a significant resource of Mishawaka and St. Joseph County according to the standards set forth. The VanDinter home is identified and designed as a single site in the Mishawaka Historic Preservation District.

Exhibit A

Description

The VanDinter Home was constructed in 1920. The Craftsman style home is located at 120 North Race Street which is part of Mishawaka's historic downtown core, an area that has undergone significant revitalization efforts in recent years. The two-story home is wood built on a brick foundation.

The VanDinter Home is a two-story structure with a porch on the front of the home. The primary facade and main entrance of the home faces North Race Street and is located near the southeast corner of North Race Street and First Street. The beautiful brick front porch and large windows on the first floor provide ample natural light for the interior. The second floor has regularly spaced windows. The entrance is offset to the North on the Race Street side of the building.

The home today includes an entrance into the main living space which includes a staircase that immediately leads to the second floor and living room. The dining room is adjacent to the living room. A study and first floor half bath are adjacent to the dining room. At the back of the first floor, you'll find the kitchen and stairway leading to the basement. Today, you will find an updated basement with a family room, large bathroom, large laundry/workout room, and storage room. Located on the second floor, find a master bedroom, 2 separate bedrooms, and 1 master bath. The details of each room go beyond the furnishings such as crown molding, and chandeliers.

Exhibit B

History

The VanDinter Home was constructed in 1920. The Craftsman style home is located at 120 North Race Street. The two-story home is wood built on a brick foundation with a brick front porch. George VanDinter, one of Louis VanDinter's sons, lived in the home between 1930 to at least 1938, verified from the Polk City Directories located at the Mishawaka Penn Harris Library.

According to Peter J. DeKeever's book, *Lost Mishawaka*, and the Mishawaka History Museum,

the VanDinters were one of three families that were organ builders in Weert, the Netherlands in the 1700 to 1800s, along with the Beerens and the Vermeulens. The Vermeulens were the pioneers building their first organ in 1730. Louis Vandinter's great-great grandmother married Petrus Vermeulen married Petrus Vermeulen, merging the 2 families. Louis's mother, a Vermeulen, wed Mathieu in 1850.

Mathieu's Father, Petrus Franciscus, was the first VanDinter to build organs. Petrus was a nobleman with the title Baron Peter VanDinter and owned a castle, DeMunt, in Tegelen, Limburg. However, he lost his entire fortune when the State Bank of Austria went bankrupt in 1811. Louis' grandfather Petrus first started organ building due to this financial disaster. Louis' father, Mathieu, learned organ building from his father Petrus and Louis' maternal grandfather, Lambertus Vermeulen, whom Mathieu began working for in Weert around 1844. Louis was thus the beneficiary of the 2 families' organ building traditions.

Louis immigrated to the United States in 1870 to Detroit. The first VanDinter pipe organ appears in April 1875 at the First Baptist Church of Detroit. In 1884, Louis VanDinter installed 2 organs in Mishawaka: one for St. Joseph Church and the other for the First Presbyterian Church. According to the reference used in the book *Lost Mishawaka*, Louis "had already been favorably impressed with the community" of Mishawaka and decided to relocate here.

Louis partnered with August J. Erb to open "The Erb & Van Dinter Organ and Altar Factory in 1886 at 213 South Spring Street in Mishawaka. By 1893, the factory was called The Van Dinter Pipe Organ Factory and was only 1 of 3 pipe organ factories in Indiana. Van Dinter was held in high esteem in his profession and had constructed "some of the largest organs in the West."

The First Baptist Church pipe organ was originally intended for the new home of Martin Beiger, the president of Mishawaka Woolen Manufacturing Company, known as Ball-Band. Unfortunately, Martin Died unexpectedly before finishing the mansion, so Mrs. Beiger decided to sell the organ to the First Baptist Church at a 40% reduction of \$1,200.

George VanDinter was one of 3 sons who were employed at the VanDinter factory. VanDinter organs had a long-standing reputation for being of the highest quality: The Tribune stated in 1927 that they "are ranked with the largest and best instruments in the United States." Louis VanDinter passed away on March 9, 1932, and is buried in St. Joseph Catholic Cemetery, Mishawaka.

The VanDinter home was sold throughout the years and became home to several families. It was converted into multiple apartments. The Rans purchased the home in 2004 and spent many years refurbishing both the inside and the outside of the home and it is now their residence.

Citations

DeKeever, Peter J. *Lost Mishawaka*. Published by The History Press. 2024. ISBN 9781467157919

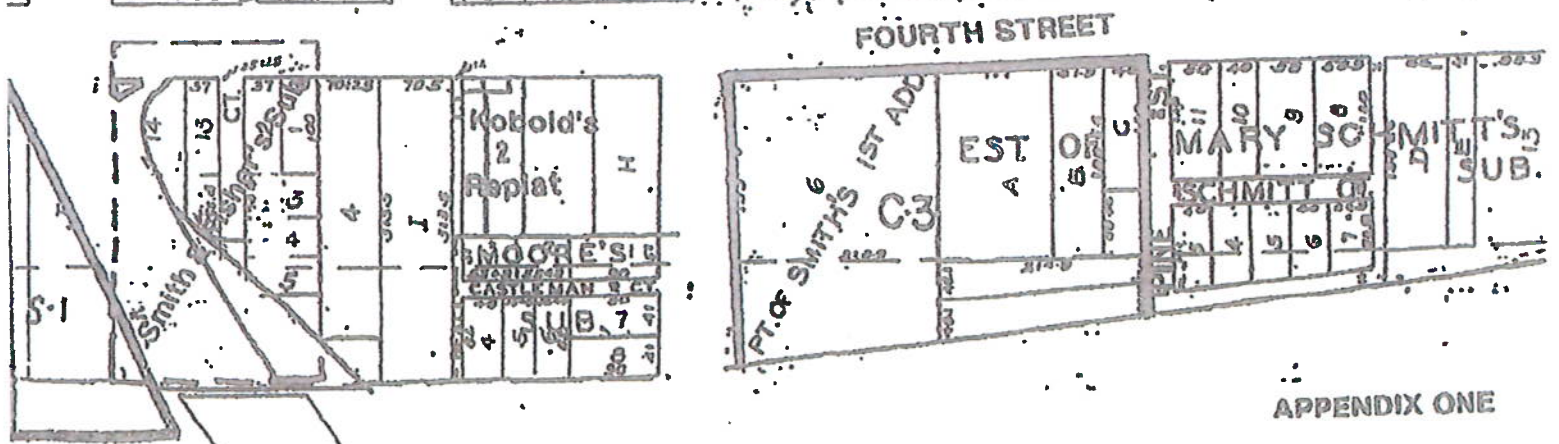
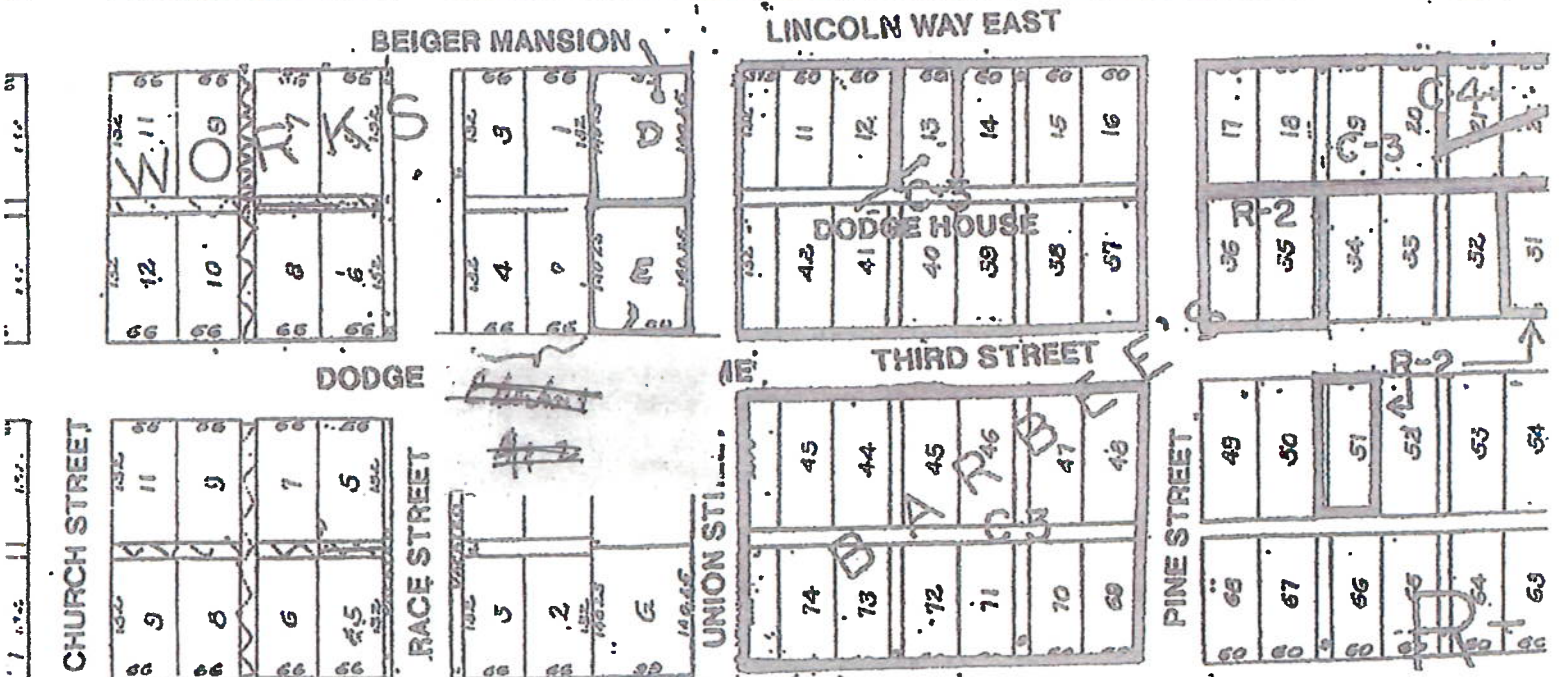
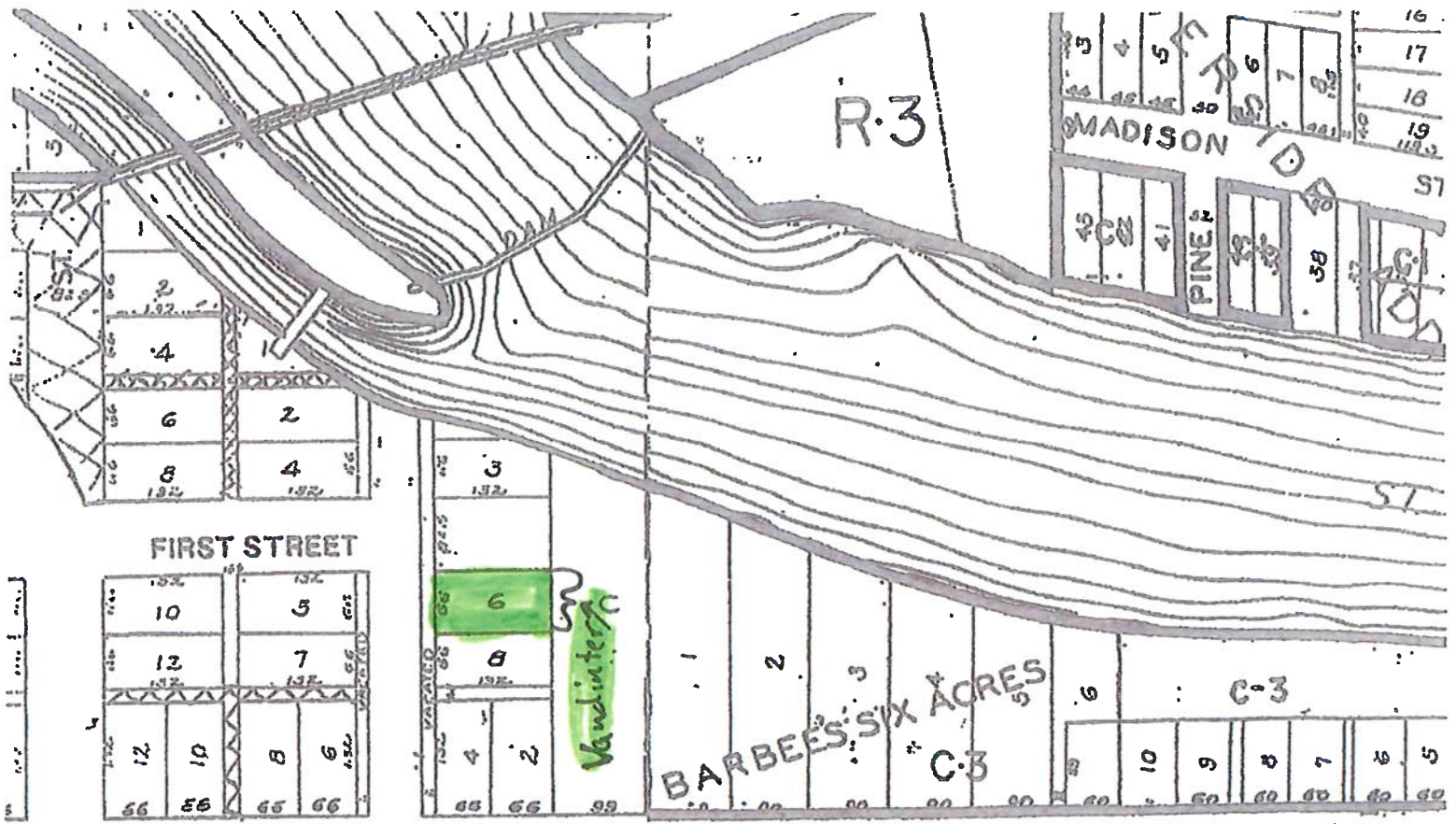
Polk's South Bend Indiana City Directory Including Mishawaka/ Mishawaka Household's' Directory (1925, 1930, 1938, 1944). Located at the Mishawaka Penn Harris Public Library.

Additional Documentation

- A. Alterations to the site include the site being the 2nd floor converted to 3 apartments and a kitchenette prior to the Rans' taking ownership. These renovations have been removed and converted back into a single-family home. Updates include updated windows, electrical, roof, landscaping, finished basement, refinished hardwood floors, hinges and doorknobs stripped and replaced.

- B. Louis VanDinter son, George VanDinter.

- C. The earliest property ownership that is documented in the Polk City Directory.
 - 1925 – William Ackerman
 - 1930-1938 George VanDinter
 - 1944-Emeral Callander
 - 1950- Clyde and Lois Cone
 - 1955- Thomas Loughlin
 - 1962- Charles and Mildred Maze
 - 1977- Robert and Lillie Sheehan
 - 2004- Cody and Kati Rans (Current Residents)



POLK'S
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1925
INCLUDING
MISHAWAKA

ESTATE

S J. ROY

STATE

MOBILE INSURANCE
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Insurance Agents

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121 E. Mishawaka 62

Mishawaka, Ind.

CO.

Mishawaka, Indiana

urant

POLK'S

Mishawaka City Directory

--- 1925 ---

ALPHABETICAL LIST OF NAMES

AARDEEL
Aardeel Ivo (Erma) rubberwkr h920 W 7th
Abberger Anselm r115 W 6th
" John J (Eliz V) mech h234 E Marion
Abblehl Raymond A (Edna) lab h514 S Mill
" Walter L lab r330 Cleveland
Abbott Carl hollerwkr r1402 E 4th
Abdill Bert F lab r134 E Jefferson av
Abel Leslie M bridgemn r610½ Margaret
" Rebscoa Mrs h610½ Margaret
" Rufus (Effie) steelwkr r610½ Margaret

ADAMS
" Mary shoewkr r318 E 18th
" Oscar shoewkr r318 E 18th
" Paul shoewkr r318 E 18th
" Truman Q (Emma E) farmer h604 W Jefferson av
ADAMS & NEFF (Lube A Adams, Irvin G Neff), Real Estate and Building Contractors 202½ N Main, Phone Mishawaka 235
Adamson Opal sten Mishawaka Rubber & Woolen Mfg Co r420 W 1st
Adcox Saml (Mary) shoewkr r315 W 1st
Addington Fred L (Gertrude A) clk h 121½ E Mishawaka av

STARK REALTY CO.

207-208 First National Bank Bldg. Tel. Mishawaka 460
REALTORS — INSURANCE AND LOANS

Abele Clarence E (Bonnie O) cost acct h1226 E 3d
Abousamra Wm (Ruth A) mgr The Julian Goldman Store res Elkhart Ind
Abraham Mary (wid Michl) r513 E Lawrence
Abrams Jacob A (Beatrice R; The Hub Store) h209 N West
Abshire Leslie F (Golda) dry clnr h614 Sarah
" Nina Mrs r201 E Lawrence
Ackenhuson Jack (Georgie) lab h123 State
" John E (Minnie) shipper h112 E 11th
Ackerman Wm r120 N Race
Ackins E C (Eliz) lab r707 Ann
Acsai Jos (Rose) shoowkr h317 Ward av
Adams Bertha tohr High Sch r109 N Cedar
" Cyriel (Valire) rubberwkr h413 W 10th
" Glenn (Maud) ptrnr h535 W Broadway
" John W (Loa) clk h120 S Belger
" Lube A (Mabel I; Adams & Neff) h 416 W 3d

ADDISON EDWIN S (Louisa W) Prop Addison's North Side Hardware, 505-507 N Main, Phone Mishawaka 199, h1221 Woodward av (S Bend)
" Wm D clk r413 E Lawrence
ADDISON'S NORTH SIDE HARDWARE, Edwin S Addison Prop, Hardware, Paints, Oils, Glass, Cutlery, Granite Ware and Sheet Metal Works 505-507 N Main, Phone Mishawaka 199 (See page 28)
Aerts Erma shoewkr r530 W 5th
" Peter (Mary) shoewkr h530 W 5th
" Rene shoewkr r530 W 5th
Ahara Edwin H (Emma B) v-pres Mishawaka Chamber of Commerce genl mgr Temple Theatre h716 Lincoln Way E
Ahlgren John (Nellie) gro 1922 W 6th h do
Ahrens Carson shoewkr r324 E 12th
" Aswald lab h324 E 12th
" Ray shoewkr r324 E 12th
Aikens Jas lab r223 S Belger
Ainlay Chas W (Lillian) merchant police h314 W 3d
" Dessa physical director r314 W 3d
" Jennie student r314 W 3d

The Tellsworth Store
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Furniture, Rugs and
Draperies

AMERICAN TRUST COMPANY
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Ackerman, Wm 120 N Race
1925

Van Pinter George L
1934

Callander, Emerald M
1944

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FIRST BANK & TRUST COMPANY

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MISHAWAKA HOUSEHOLDERS' DIRECTORY (1930)

- 361 Miller Lloyd C
- 401 Holland Furnace Co
Force Albert J
- 402 Griffin Alec C
- 406 Dorsch Michl
- 407 Anderson Ida Mrs
- 109 Frahl Adolph L
- 110 Shellabarger Chas A
Karr Forest G
- 10 1/2 Richardson Elmer
- 15 Young Wm H
- 16 Patterson Peter W
- 18 Doxtater U Grant
- 24 Fross Garland H
- 25 Carmean Chas A
- 26 Voelkert Herbert L
- 22 Kellogg Howard E
- 3 Melser Wm E
- 7 Caskey Francis M
- 8 Sanders Chas C
- 5 Vacant
- 9 Bingham Chas W

INSYLVANIA AV—From N
lder east to city limits,
orth of Lincoln way E
No houses

E—From 500 Lincoln way E
ith to N Y C R R
Basley Geo A
Wharton Wesley G
Vacant
4 Weade David
Newman Julius A
North Western Mutual Life
Insurance Co
Vacant

Third intersects
Wolford Melvin F
lover Nathan
Schnellbach Francis
Arndt Geo W

Fourth intersects
loore Jesse B
tine Frank P

ANT—From 1010 Wilson
east 1 block
ollenbeck Chas T
alker Herman C

DRIVE—From 2900 Lin-
way E north to St Joseph

isscawen Walter L
cant

E AV—From 2100 block
n way E south to N Y C

yder Walton
ith Harold C
riel Edw A
oderlugs Delbert

- 1803 Malcolm Jessie Mrs
- 1805 Shalley Ralph

QUEENSBORO AV—From Lin-
coln way W south to city limits,
4 east of Ironwood dr
N Y C R R crosses

- 511 Klinger Leonard
- 513 Libbey Almon G
- 517 Peacock Alice I Mrs
- 523 Mead Marvin
- Milburn blvd intersects
- 707 Miller Chester L
- 713 Taylor Vernon L
- 723 Walters Marvin
- 726 Garrett Noble H
- 727 Henney Harley
- 730 Hibray Delbert
- 801 Fox Burtlyn
- 809 Vacant
- 811 Walters Fredk J
- 813 Beck Saml
- 817 Williams Frank

Delaware intersects
905 Hatfield Chas O
915 Rice Fred
921 Blanchard Ora I
Flowers Floyd
923 Vacant
927 Vacant

RACE N—From 300 Lincoln way
E north to St Joseph river

- 109 Doyles Edw
- 113 Gosbin Htram
- 115 Bubb Fred H
- 117 Lowell

119 Frew Douglas
120 VanDinter Geo L
123 Garrett Chas
124

126 Potts Marshall R

202 Myers King C
204 Gardner Della C Mrs
206 Bristow E B ins
208 Hemphill Geo

RACE S—From 300 Lincoln way
E south to Fourth

- 111 Norton Robt W
- 115 Jernegan Ralph H
- 123 Herzog Walter C
- 124 Galk Louis W

Third intersects
209 Cornwell Robt E
210 Doan Edgar A phys
Doan Anna B Mrs dentist
213 Vacant
214 Little Jas A
216 Hunt Geo F
219 Gerard Ralph C
220 VanRie Arth A

- 813 Vacant
- 818 Robb John
- 819 Keb Albert
- 820 Price John
- 822 Watkins Myrtle Mrs
- 823 Gilson Wm W
Delaware av intersects
- 901 Stoner Darrell
- 905 Bond Alvin T
- 906 Pownell Harley H
- 907 Vacant
- 910 Pippenger Archie
- 911 Boswell Farrell O
- 912 Wilson Lloyd R
- 915 Wise Everett
- 920 Davis Jennie Mrs
- 924 Friend Russell G
- 1004 Nuckles Melvin
- 1009 Hurst Jas R
- 1010 Vacant
- 1011 Price Cath Mrs
- 1013 Thiem Alex
- 1016 Elbel Hugo F

RIVER AV—From 2412 Lincoln
way W west to city limits

- 112 Mills Earl C
- 114 Landis John W
- 115 Harris Frank A
- 118 Smith Harry G
- 119 Jones Jas M
- 121 Ratkowski Paul
- 123 Sailor Claude G
- 124 Flora Vaun R
- 128 Slaybaugh Frank W
- 134 Vacant
- 135 Wolfe Glen A
- 138 Emmons Albert
- 146 Papworth Alf J
- 2416 Harlin Dale
- 2420 Harlin Fred L
- 2424 Hosteter Milton
- 2432 Hertram Pearl Mrs
Ouелlette Rose
- 2518 Templin A H
- 2592 Eby Raymond
- 2586 Carlin Vernon H
- 2606 Morningstar Leo
- 2610 Erhardt Walter J
- 2612 Dick Grant A
- 2618 Finton Wm H
- 2624 McNutt Leon
- 2628 Hass Walter A
- 2702 Reaker Theo
- 2702 1/2 Vacant
- 2706 Ehresman Lory E
- 2706 1/2 Hursh Martin
- 2708 Driver M B
- 2712 Carter Leslie G
- 2720 Broedrick Glen C
- 2726 Miller Leo
- 2728 Kennedy John
- 2802 Ogle Henry
- 2803 Potter Ernest H
- 2806 Vacant

DRIVE — From 2400

erty dr
rth of

Lin-
RR

©

OO N

Logan

rseets

rseets

rseets

rseets

rseets

rseets

rseets

edar

Mrs

©

- 401ΔCollins Ray M
- 402ΔGale Geo N
- 406 Dorsoh Michl F ©
- 407 Taylor Burl L
- 409ΔPrahl Adolph L ©
- 410ΔMyers Calvin W ©
- 415ΔYoung Jas G ©
- 418 Doxtator Eliz Mrs ©
Doxtator Jos E
- 424 Madden Clarence J ©
- 425 Carmean Chas A ©
- 426 DeMan Henry J
- 432ΔCochran Willard L
- 433ΔBach Ephraim L ©
- 437 Caskey Francis M ©
- 438ΔSanders Chas N ©
- 445 Essox Albert G ©
- 449ΔBingham Chas W ©

PENNSYLVANIA AV—From N
Elder east to city limits, I
north of Lincoln way E
No houses

PINE N — From 525 Madison
north to E Mishawaka av
312 Franyo Steven ©
315 Brinson Frank
Elkhart & Western RR crosses
402 Vintella Eliz Mrs ©
404 Green Garland
410 Soule Roy H

Allice begins

- 504 Huenerkopf Sallie ©
- 507ΔPeiffer Edw H ©
- 510 Ravencroft Abr F ©
- 513 Palmer Kathryn Mrs
- 514 Gooley Clarence F ©
- 517 Pearce Alonzo R
- 518 Friedman Geo ©
- 520 Wilde Veronica M Mrs
- 521 Cox Arth ©
- 523 Kadik Chas
- 527 Ipes J Delbert ©
- 532 Glszewski Stanley ©
- 533 Walker John
- 535 Whitaker Robt W

PINE S—From 500 Lincoln way
E south to NYCRR

- 109 Rasley Mina M Mrs ©
- Riley Jas B jr
- 110 Haase Carl E
Anthony Melvin M
- 110½ Hover Earl V
- 115ΔNewman Julius A © ins
- 118 Sxsson Malden S
Zumbrenen Esther
Wambach Richd

Third intersects

- 201 Wolford Melvin F ©
Kiel Orville C
- 205 Hover Nathan © int dec
- 215ΔSchnellbach Francis C ©
- 217 Arrldt Geo W ©

Fourth intersects

- 313 Noe Steph
- 402 Bixler Winton E

PLEASANT — From 1010 Wilson
blvd east 1 block
1012 Goebel Lydia A ©
1014ΔWalker Herman C ©

POWER DRIVE—From 2880 Lin-
coln way E north to StJoseph
river

- 1044Slocum Wallace C ©
- 118 Barr Chas A
- pendΔInd & Mich Elec Co
(plant)

PRAIRIE AV—From 2100 block
Lincoln way E south to NYC
tracks

- 115 Vacant
- 123ΔRichardson Arth L pntr
- 125 Beason Fred
- 127 Fredericks Delbert A ©

- PROSPECT DRIVE—From 800**
Indiana av east to Byrkit av
1002 Spaoth Harry C ©
1008 Vacant
1123ΔPoterson Carl ©
1218ΔMiller Dennis L
1222 Krueger Chas H ©
Paskin Loula
1302ΔKaiser John C ©
1312ΔKolley Otto M ©
1320ΔAbraham Geo H ©
1321 Schmitt Regis I ©
1323ΔBlake Earl C ©
1324 Schmidt Kenneth E ©

QUEENSBORO AV—From Lin-
coln way W south to city limits,
4 east of Ironwood dr
NYCRR crosses

- 511 Delmarolla Solina Mrs
- 519 Vacant
- 517 Kendle Arth Q ©
Milburn blvd intersects
- 707 Gant Earl L
- 713 Shidler Jasper C ©
- 721 Yates Auddie
- 723 Vacant
- 726 Silvers Elden L
- 727 Gospel Mission of Spirit-
ualist Science
Brown Emma Rov
- 803 East John V
- 805 Williams Geo D
- 809 Banner Jas R
- 811 Walters Fredk J ©
- 813 Beck Saml J ©
- 817 Williams Franklin A ©
Delaware av intersects
- 905 Hatfield Ella M Mrs ©
- 921 Blanchard Ora I ©
- 1001 Hughey Gerald M ©

RACE N—From 300 Lincoln way
E north to StJoseph River
109ΔHaynes Worthie W ©
ΔFidelity Loan & Inv Co Inc
113 Vacant
115 Vacant

- 110ΔHadden Marie B Mrs ©
- 119 Hadden Martha ©
- 120ΔVanDinter Geo L ©
- 123 Bates Jesse W
- 124 Becken Daley E Mrs ©

- 125 Munchow
- 126ΔPotts Marshall ©
First ends
- 202ΔKemper Llewellyn ©
- 204 Wallock Harry A ©
- 206ΔFuller Hattie
- 208ΔHemphill Geo H

RACE S—From 300 Lincoln way
E south to Fourth

- 111 Vacant
- 115ΔJernegan Ralph H ©
- 123ΔHerzog Walter C ©
- 124 Vacant

Third intersects

- 209 Cornwell Robt E
- 210ΔDoan Edgar B © phys
ΔDoan Anna B Mrs dentist
- 218 Badger Everett D
- 214 Bock Carlton
- 216 Hunt Lillian B Mrs ©
- 219 Welst Guy
- 220ΔVanRie Arth ©
- 223ΔGerard Ralph C ©

RAY—From 3744 Lincoln way E
south to NYCRR

- 109 Smalley Lewis J
- 111 Wreath Jesse C ©
- 112ΔLogan Marvin K ©
- 122 Bodine Cash C
- 127ΔMichele Anthony F ©

RENDICK — From 1000



BOGDA CHEVROLET CO.

South Bend's Oldest and Largest Chevrolet Dealer
COMPLETE CHEVROLET SERVICE

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Open Day and Night

Phone 3-6188



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SOUTH BEND EXTERMINATING CO.

Tel. 4-1151

Overnight Service

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SOUTH BEND
ST. LOUIS
ELKHART
FT. WAYNE
TOLEDO
DETROIT
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ARROLL

TEL.
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PPERS

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Complete
Laundry
Service

SUPERIOR LAUNDRY CO.

For
Complete
Dry Cleaning
Service

CALL
3-8277

213 Sycamore

GEO. E. DAVIES, Pres.

213 Sycamore

208

(1944) R. L. POLK & CO.'S

PINE N—Contd
514 Cooley Clarence F
517A Fisher Chas O
518 Friedman Geo
520A Wilde Veronika Mrs
521 Cox Arth
522 Kedit Chas J
527 Ipes Nora Mrs
Elli ends
532 Giszewski Stanley
533 Simon Albert
535 Jennings Jas M
E Mishawaka av Intersects

PINE S—From 500 Lincoln way E south to NYCRR
102 Hostotter Elmer
102 1/2 Beck Pink C
104 Eger Sara A
109 Rasley Mina M Mrs
110A Oskar L
110A Anthony Melvin M
110 1/2 Bolovich Paul
Deat John
115 Newman Josephine Mrs
116 Polley Richd Y
E Third Intersects

201 Hovor Earl V
205A Hovor Florence F Mrs
215 Sullivan Wm H
217A Arndt Geo J
E Fourth Intersects
Smith ct begins
304 Thorns Chas D
313 Lewis Wilfred G
402 Dawson Wm H

PLEASANT — From 1010 Wilson Blvd west to city limits
1012 Pontius Ervin T
1014A Walker Herman C
N Logan Intersects
City limits

POWER DRIVE — From 2800 Lincoln way E north to St Joseph river
104A Vinson Harold
118A Barr Chas A
Smalley av begins
Smith Shore dr begins
417A Ind & Mich Elec Co (plant)
St Joseph river

PRAIRIE AV—From 2100 Lincoln way E south to E Fourth
110 Ditsch Walter
115 Clark Raymond G
117 Clark Ray G
123 Richardson Eliz H Mrs
125A Beason Fred
127 Fredericks Delbert A
E Third Intersects

201A Evans Fredk O
202 Goss Louis M
203 Ehrman Wyatt S
208 McMillan F Lee
208A Hushover Hilton D
214 Scott Benj H Jr
215 Dubbs Ralph
216 Pyko Eug H
217A McNutt Leon F
218 Huff Thelbert C
222 Scott Benj H
223 Pherson Jerry
225 Key Elmer F
230A Norlin Henry E
E Fourth Intersects

PROSPECT DRIVE — From 800 Indiana av east to N Roosevelt (unopened between N Byrkit av and Home)

1002A Hanrahan Gerald M
1012A Donat Ray
A Berger Paul S
1012 Mow Chas R
Schnaible Albert P
N Wenger av ends
Studebaker ends
1167A Bower Clyde O
1113A Waterficht Albert J
1123A Petersen Carl W
N Mason ends

1230A Abraham Geo H
1521A Schmitt Regis I
State Intersects
1222 Vacant
1223A Blake Earl C
1224A Schmidt Kenneth E
1220A Helmer Benj S
1225A Partridge Chas L
N Byrkit av Intersects
(Not open between N Byrkit av and Home)
Home Intersects
N DeLorenzi av Intersects
N Roosevelt Intersects

QUEENSBORO AV—From 2800 W Sixth south to city limits
505 Helfrich Kenneth C
511 Tavernier Veronika M Mrs
513 Enders Ralph R
517A Kendle Arth Q
Milburn Blvd Intersects
604 Goras Harold R
607 Funkhouser Parma
608 Lewis Russell J
718A Shidler Edna G
721A Endres Herbert W
728 Toth Alex A
727 Vacant
805 Scanlon Earl J
809 Dunklberger Orla J
811A Walters Fredk J
813 Gaby Leo G
817A Bloom Millard
Delaware av Intersects
905 Hatfield Lowell C
921 Blanchard Elz Mrs
1001 Miller Milan O
Ewing av Intersects
City limits

RACE N—From 300 Lincoln way E north to St Joseph river
109A Haynes Worthis W
Chicago Daily News (sub sta)
Hunsberger Beatrice
113A Frankel Paul Jr
115A Gardner Chas
Corredo Jr
117 Sch...
Earl J
Hanna Mervin
120A Callander Emerald M
122 Barr Paul C

1260A Poits R Marshall
E First ends
2020 Kemper Liswelyn L
204 Null Jos H
208 VanBergen Mary Mrs
208A Good Vance A
St Joseph river crosses

RACE S — From Lincoln way E south to E Fourth
110 Fry C C Inc used cars
114-16 Gates L O Chevrolet Inc (used cars)
115A Jernegan Ralph H
123A Herzog Walter C
124A Albert Sol M
E Third Intersects
209A Brewer Leo Mary Mrs
210A Dean Edgar
212A Canfield Clement J
214 Tabur Alex
216A Hunt Lillie E Mrs
219A Weist Guy
220 Fuller C Ray
E Fourth Intersects

RAY—From 3808 Lincoln way E south to NYCRR
108 Smalley Lewis J
111A Miller Floyd D
112 Onstott Wilbur I
122 Wingham Posey L
127A Michele Anthony F
201 Stames Phillip T
NYCRR crosses

212 1/2 Rotge John J
NYCRR crosses
W Sixth Intersects
602 Gill Walter B
606A McCay Mervin T
606 1/2 Phillips David B auto

510A Phillips David B
515 Miller Lawrence
515 1/2 Stotzel Troy D
517 Emmons Samson C
607A Kilby Fred C
608 Roempagol Ida M Mrs
616 Gearri Maynard
Milburn Blvd Intersects
716A Kesner Cecil F
721A Cramer Edith E Mrs
724 DeWinter Eug
726 Bakins Ernest E
727A Cramer Thos H
730A Nellans Oren A
801A Vaorewyck Frank A
802 Dawson Nathan
808 Galloway Jacob C
808 Morgan Kenneth H
813A Kollar Emma R Mrs
818 Kronewitter Thos R
819A Kollar Norman B
820 Browning Emma T Mrs
822 Yaw J Hurlin
822 1/2 Clarke Ralph Y
823A Olson Maurice M
Gilson Eva A Mrs
Delaware av Intersects

901 Hoyle C Fredk
902 Reorganized Church of Jesus Christ of Latter Day Saints
905 Dally Arth W
908A Pownell Harley H
907 Skaggs Wm M
910A Emerick Marvin W
911 Siders Loula
912 Wilson Lloyd Y
915A Wise Everett L
920A Inks Walter H
924A Funkhouser Ross H
1004A Lawson Ashley A
1009 Smet John D
1010 Lawson Wm N
1011 Yeazel Clinton H
1015 Lax Nella G
1016 Fryta Carl B
Panama Intersects
City limits

RIVER AV — From 2400 Lincoln way W northwest to city limits
112 Sanmet John G
114A Brackelaere Chas
115A Daoust Roger H
118A Wolfe Glen A
119A Foote Ralph C
121A Ziegert Raymond O
123 Cochoyety Mary Mrs
124A Ahrbeck Geo F
123A Slaybaugh Frank W
134A Cogan Richd P
135 Kimmel Jos K
137 Linder Raymond F
138A Nelson F Dale
142A Hurtle Edw L
146 Evon Henry J
2416A Beauchamp J Scott
2420A Harlin Dale A
2424 Harlin Alice M Mrs
2432A Hertram Pearl U Mrs
Russell av ends

2518A Day Donald D
2528A Carpenter Meade B
2532A Walter Arth E
2536A Pennoy Donald F
Monmoor av ends
2636A Samson Clarence B
2610A Kigore Hiram B
2612 Wulheart Bene
2618 Finton Wm H
2624A Yoder Henry S
2622A Binker Jos A
Middleboro av Intersects
2762A Durham Ralph A
2782 1/2 Warren Hazel D Mrs
2766A Person Wm L
2788 1/2 Henry Norman W
2766A Wilson Eva M
2712A Jones Byron H

ST. AL
104-106 E. JEFFE
ME

RIVIERA DRIVE —
Lincoln way E east
2188A Wygant Marlon
2188A White Geo C
2188A White Walter
2188A White Geo O II
2188A Prough G O II
Lincoln way

ROOSEVELT N—Frt
coln way E north
river (No houses)
Homewood
St Joseph

ROOSEVELT S—Ft
coln way E south
open between E
Ninth
(No houses)
E F
(Not open between
York b
E Fifth Inter
E Sixth Inter
Greenlawn Blvd I
E Ninth Inter

ROSELAND AV—
coln way E
126A Gollatz Rich

RUSS AV E—Fr
2200 Sarah E
south of E Me
180 Cottrell Ma

221 Leslie Har
225 Kelly Lee
231 Martin Gle
233A Martin De C

501 Whetstone
502A Collier Jo
508 Vacant

RUSS AV W—
west beyond
McKinley at
117 Jones He
125 Vacant
133 VanLow

201A Morris
211 West Je
229 Stoffer

309A Brown
321A Workur

314 Webb
317A Wright
Bent

RUSSELL
coln way
105A Shaw
118A Matt
119 Harri
125A Mill
129A Shur
135A McE

RUSSELL
coln wa

402A Dec
511 St
512A St
513 St

RESIDENCE PROPERTY

INSERT NAME OF OWNER, ADDRESS AND DESCRIPTION

496

FILE	BOOK	PLAT	PARCEL
TRANSFER OF OWNER			SHEET NO. <u>CF</u>
Gene, Claude & Lois L. c/o High Bldg & Loan			7031 DATE 9-28-50
LOUGHRAN, Thomas	#42778	DATE	2-1-55
COVE, Clyde G. 120 N. Race St., High.	#42785	DATE	2-1-55
MAZE, Charles E. & Mildred	WD#3390	DATE	2-22-62
		DATE	
		DATE	

36 FT N SIDE 7 1/2 IN W END
LOT 3 BLOCK ST C P ST JDS
IRON FENCE

2 OF 10
12 26

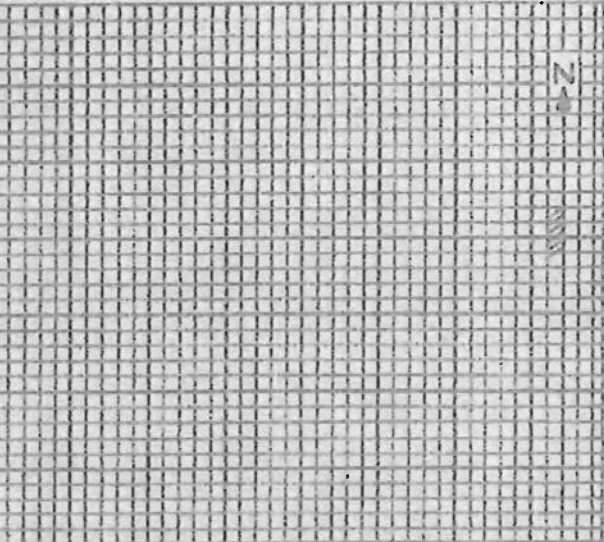
ADDITIONAL INFORMATION

ASK. RENT	DATE
RENT REC'D	DATE
SALE PR	DATE
MORTGAGE	DATE
COST	DATE

SUMMARY OF VALUATIONS AND CHANGES

YEAR	1949		RE 1963
LAND	740		630
BUILDING	2370		1770
TOTAL	3110		2610
CHANGES			
DOCUMENT			

UNIT MAP REFERENCE SKETCH OF LAND



SERVICES AND LAND IMPROVEMENTS

DIRT ST	WIDTH OF ST. FT.	SEWER	ELECTRIC
GRAVEL ST	CURB & GUTTER	WATER	STREET LIGHTS
HARD SURFACE ST	SIDEWALK	GAS	TELEPHONE

LAND COMPUTATION

DEPTH	FEET	FRONTAGE	DEPTH	GRADE	IRREGULAR	SPECIAL	SQ. FT. OF	UNIT	TOTAL VALUE
FT.			%	%	%	DEP. %	ACRES		
30			75	34				20	740
								50	1250
TOTAL LAND VALUE									

71-09-16-278-007.000-023

Rans Cody R & Kathrine A

120 N RACE ST

510, 1 Family Dwell - Platted Lot

16540-417

7712

1/2

General Information

Parcel Number 71-09-16-278-007.000-023
Local Parcel Number 016-1012-0496
Tax ID:

Ownership

Rans Cody R & Kathrine A
120 N Race St
Mishawaka, IN 46544-1429

Transfer of Ownership

Date 05/30/2008
Owner Rans Cody R & Kathrine
Date 04/14/2004
Owner RANS, CODY R
Date 11/07/1977
Owner SHEEHAN, ROBERT

Doc ID Code Book/Page Adj Sale Price V/I

2747 / \$1
1875 WD \$80,000
0 WD 0/0

Notes

12/20/2023 CR32: INOS
10/31/2023 g24: sketch updated for conversion.
9/30/2021 BP20: BUILDING PERMIT 2020
7/15/21 KV BP35629 art tempo, some INT in process
9/30/21 KV 100% EFFAGE from 1920 to 1960or
22/23

Routing Number 9-16D

Property Class 510
1 Family Dwell - Platted Lot

Year: 2025

Location Information

County St. Joseph
Township PENN TOWNSHIP
District 023 (Local 016)
MISHAWAKA-PENN
School Corp 7200
MISHAWAKA CITY
Neighborhood 7123086-023
16540-417



Valuation Records (Work In Progress; values are not certified; values and are subject to change)

Assessment Year	Reason For Change	As Of Date	Valuation Method	Equalization Factor	Notice Required	2025	2024	2023	2022	2021	2020
WIP	As Of Date	04/14/2024	Indiana Cost Mod	1.0000		\$14,300	\$14,300	\$14,300	\$14,300	\$8,600	\$7,700
	Valuation Method		Indiana Cost Mod	1.0000		\$14,300	\$14,300	\$14,300	\$14,300	\$8,600	\$7,700
	Equalization Factor		1.0000			\$0	\$0	\$0	\$0	\$0	\$0
	Notice Required										
	Land Res (1)					\$14,300	\$14,300	\$14,300	\$14,300	\$8,600	\$7,700
	Land Non Res (2)					\$0	\$0	\$0	\$0	\$0	\$0
	Land Non Res (3)					\$0	\$0	\$0	\$0	\$0	\$0
	Improvement					\$136,800	\$136,800	\$116,200	\$116,200	\$100,000	\$87,400
	Imp Res (1)					\$136,800	\$136,800	\$116,200	\$116,200	\$100,000	\$87,400
	Imp Non Res (2)					\$0	\$0	\$0	\$0	\$0	\$0
	Imp Non Res (3)					\$0	\$0	\$0	\$0	\$0	\$0
	Total					\$151,100	\$151,100	\$130,500	\$130,500	\$108,600	\$95,100
	Total Res (1)					\$151,100	\$151,100	\$130,500	\$130,500	\$108,600	\$95,100
	Total Non Res (2)					\$0	\$0	\$0	\$0	\$0	\$0
	Total Non Res (3)					\$0	\$0	\$0	\$0	\$0	\$0

Land Computations

Calculated Acreage	0.10
Actual Frontage	36
Developer Discount	
Parcel Acreage	0.00
81 Legal Drain NV	0.00
82 Public Roads NV	0.00
83 UT Towers NV	0.00
9 Homesite	0.00
91/92 Acres	0.00
Total Acres Farmland	0.00
Farmland Value	\$0
Measured Acreage	0.00
Avg Farmland Value/Acre	0.0
Value of Farmland	\$0
Classified Total	\$0
Farm / Classified Value	\$0
Homeste(s) Value	\$0
91/92 Value	\$0
Supp. Page Land Value	
CAP 1 Value	\$14,300
CAP 2 Value	\$0
CAP 3 Value	\$0
Total Value	\$14,300

Lot

Market Model
7123086-023 - Residential

Characteristics

Topography Flood Hazard Level
Public Utilities ERA
All
Streets or Roads TIF
Paved
Neighborhood Life Cycle Stage
Static
Printed

Tuesday, August 6, 2024
Review Group 2023

Data Source N/A
Collector

Appraiser

General Information Single-Family Full Bath # TF 1 3
 Description Single-Family R 01 1 1/2 Half Bath 1 2
 Story Height 1 1/2 N/A Kitchen Sinks 1 1
 Style N/A Water Heaters 1 1
 Finished Area 1833 sqft Add Fixtures 0 0
 Make Floor Finish Total 4 7

Plumbing Accommodations
 Bedrooms 3
 Living Rooms 0
 Dining Rooms 0
 Family Rooms 0
 Total Rooms 9

Wall Finish Heat Type
 Plaster/Drywall Unfinished Central Warm Air
 Paneling Other
 Fiberboard

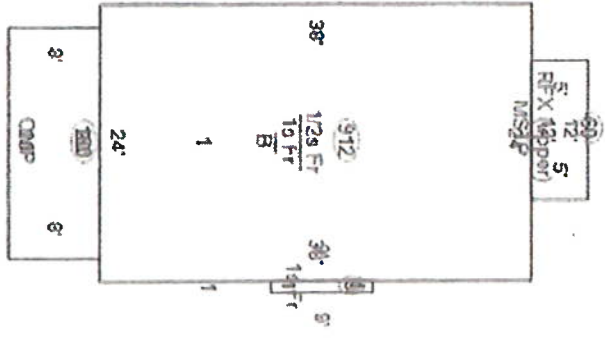
Roofing
 Built-Up Metal Asphalt Slate Tile
 Wood Shingle Other

Exterior Features
 Description Area Value
 Porch, Open Masonry 160 \$6,700
 Stoop, Masonry 60 \$1,800
 Canopy, Roof Extension 60 \$800

Summary of Improvements

Description	Story Height	Const Type	Grade	Year Built	Year	Eff Age	Eff Co nd	Base Rate	LCM	Adj Rate	Size	RCN	Norm Dep	Remain. Value	Abn Obs	PC Nbrhd	Mrt	Cap 1	Cap 2	Cap 3	Improv Value	
1: Single-Family R 01	1 1/2	Wood Fr	C+2	1920	1960	64	A	\$42.59	0.92	\$39.18	2,745 sqft	\$147,550	42%	\$85,580	0%	100%	1,000	1,510	100.00	0.00	0.00	\$129,200
2: Detached Garage R 01	1	Wood Fr	C	1920	1920	104	A	\$42.59	0.92	\$39.18	14x20'	\$13,731	45%	\$7,550	0%	100%	1,000	1,000	100.00	0.00	0.00	\$7,800

Description	Count	Value
Specialty Plumbing		
Sub-Total, One Unit		\$136,500
Exterior Features (+)		\$9,300
Garages (+) 0 sqft		\$0
Quality and Design Factor (Grade)		\$145,800
Location Multiplier		1.10
Replacement Cost		0.92
Total		\$147,550



Description	Count	Value
Sub-Total, One Unit		\$136,500
Exterior Features (+)		\$9,300
Garages (+) 0 sqft		\$0
Quality and Design Factor (Grade)		\$145,800
Location Multiplier		1.10
Replacement Cost		0.92
Total		\$147,550

St. Joseph County

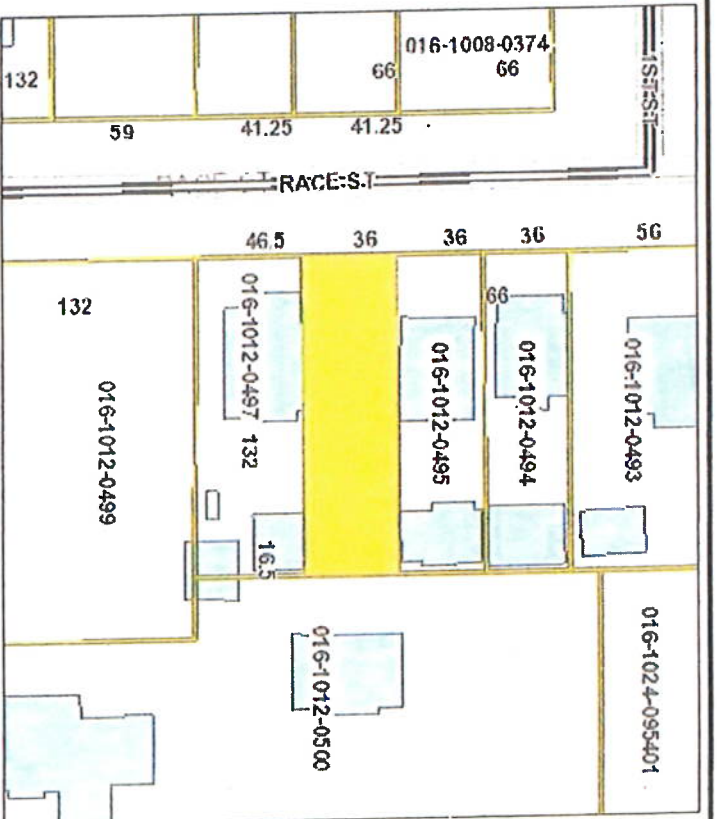
Property Information

Subject Property: 120 N RACE ST, MISHAWAKA 46544
Parcel ID: 016-1012-0496
State ID: 71-09-16-278-007.000-023
Current Owner(s): RANS CODY R & KATHRINE A
Mailing Address: 120 N Race St, Mishawaka IN 46544
Assessed Usage: 1 Family Dwell - Platted Lot
Township: Mish Penn
Municipality: MISHAWAKA
Tax District: Mish Penn

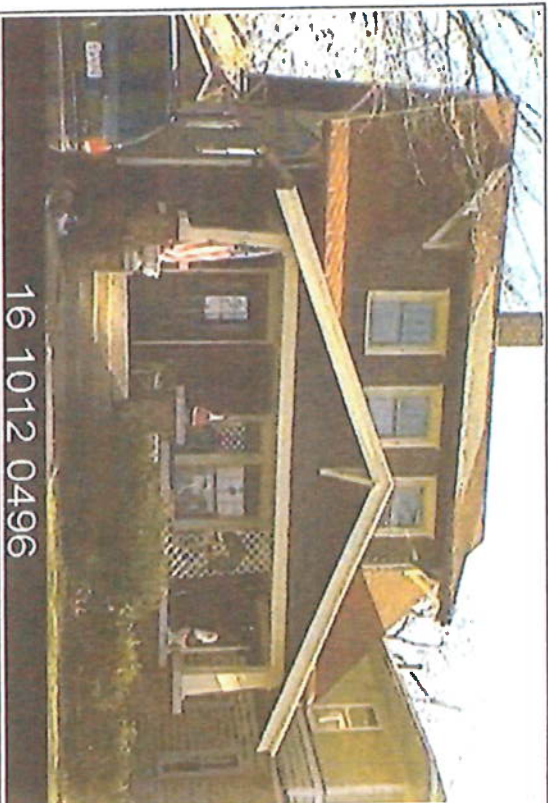
Property Assessment Information as of Last Assessment Date

Land Value: \$14,300.00
Improved Value: \$136,800.00
Assessed Year: 2026
Acres: 0.11

Legal Description: 36N Side 7 Rds W End Lot 8 Race St O P St Joseph Iron Wks



Not to Scale



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THIS IS NOT A TAX BILL

APPEAL DEADLINE IS:

June 17, 2024



Scan the QR code for access to your property record card.

MWPSAUTOSEQ***1 of 1***3033
 Rans Cody R & Kathrine A
 120 N RACE ST
 MISHAWAKA IN 46544

Legal Description 36'N Side 7 Rds W End Lot 8 Race St O P St Joseph Iron Wks	Parcel or Identification Number 71-09-16-278-007.000-023
Property Address (number and street, city, state, and ZIP code) 120 N RACE ST, MISHAWAKA, IN 46544	

This notice indicates the assessed value of your property. Information on the valuation of your property and a copy of the property record card can be obtained from the assessing official at the telephone number and address below.

Notice to the taxpayer of the opportunity to appeal (IC 6-1.1-15-1.1, 1.2):

If the taxpayer does not agree with the action of the assessing official giving this notice, an appeal can be initiated to challenge that action. To file an appeal, the taxpayer must file a Form 130, Taxpayer's Notice to Initiate an Appeal, with the township assessor or county assessor in a timely manner. The time-frame to file an appeal on the assessment contained in this notice may have two different filing deadlines. These deadlines are based on the date that this notice is mailed. If this notice is mailed before May 1 of the assessment year, the filing deadline is June 17 of that year. If this notice is mailed on or after May 1 of the assessment year, the filing deadline is June 17 in the year that the tax statements are mailed. (IC 6-1.1-15-1.1) This form is available from the assessing official or at: <https://forms.in.gov/Download.aspx?id=6979>. An assessing official who receives a Form 130 must schedule a preliminary informal meeting with the taxpayer in order to resolve the appeal. The assessing official and taxpayer must exchange the information each party is relying on at the time of the preliminary informal meeting to support the party's respective position on each disputed issue concerning the appeal. If the taxpayer has reason to believe that the township assessor, county assessor, an employee of the township assessor or county assessor, or an appraiser has violated IC 6-1.1-35.7-3 or IC 6-1.1-35.7-4(a), the taxpayer may submit a written complaint to the Department of Local Government Finance under IC 6-1.1-35.7-4(b).

NOTE: Failure to file a timely Form 130 can be grounds for dismissal of this appeal.

PREVIOUS ASSESSMENT		NEW ASSESSMENT EFFECTIVE JANUARY 1, 2024	
LAND	14,300	LAND	14,300
STRUCTURES	116,200	STRUCTURES	136,800
TOTAL	130,500	TOTAL	151,100

Reason for Revision of Assessment: Annual Adjustment

- As required by law, your assessment is evaluated and adjusted each year to reflect market value. The 2024 assessed value is based on sales that occurred in 2023.

If the change in assessment is due to a new home, a taxpayer should be aware that there are many property tax benefits or deductions available. Please see INDIANA PROPERTY TAX BENEFITS (State Form 51781) available on the DLGF website: www.IN.gov/dlgf. Other non-residential construction may be eligible for deductions - see Forms 322/RE and Form 322/VBD.

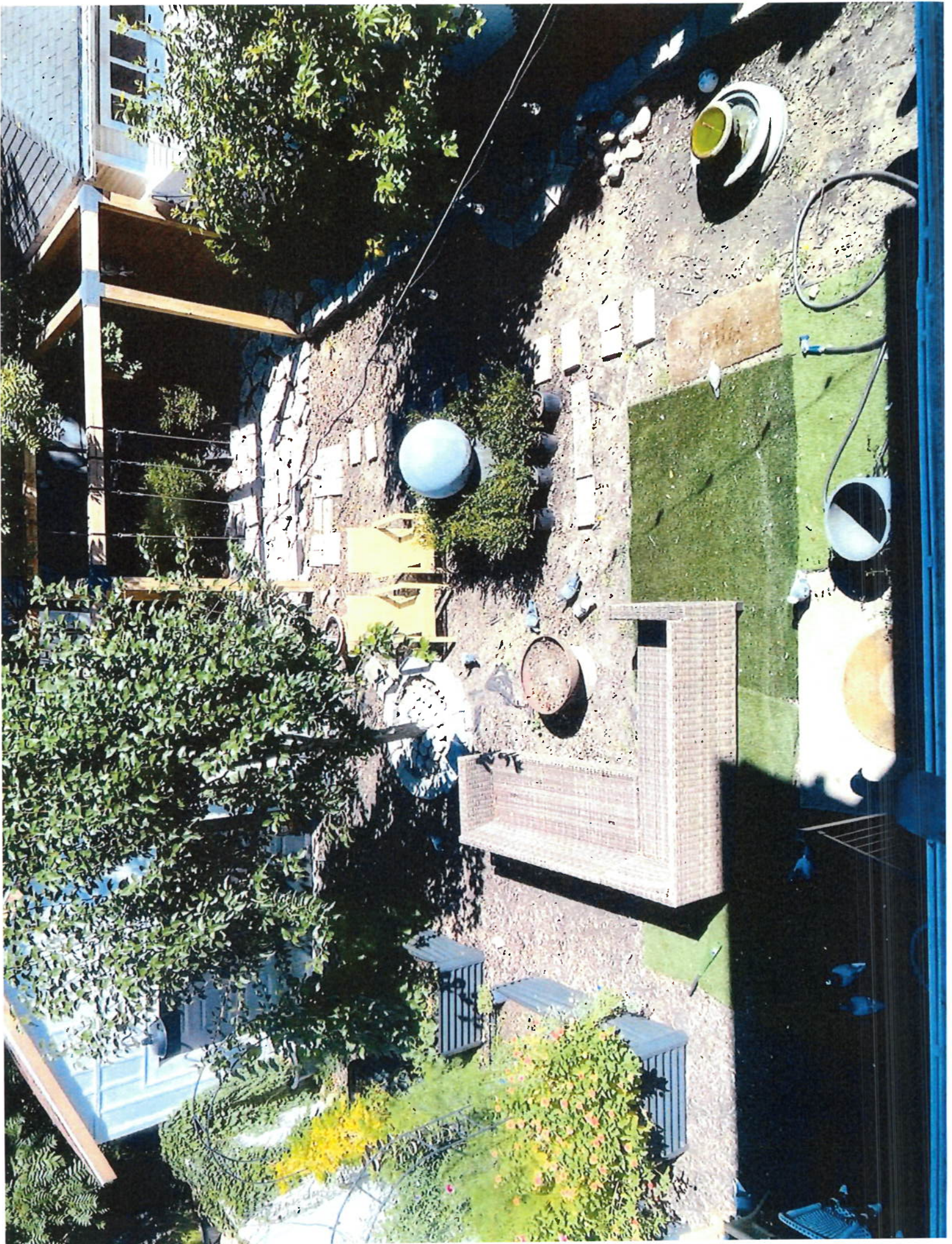
County St. Joseph	Township Penn	Date of Notice (month, day, year) 4/26/2024
Assessing Official Cherie DeFreese, Penn Township Assessor		Telephone Number (574) 256-6204
Address (number and street, city, state, and ZIP code) 219 Lincolnway W, Mishawaka, IN 46544		



NO 120

NO 120







Standards & Guidelines

GUIDELINES FOR THE ENVIRONMENT

The environment is one of the most fragile aspects of any historic district. Its defining characteristics are composed of building setback, landscaping, fencing, parking areas and outbuildings. All elements combine to form the environment of a neighborhood. Careless development or alterations of any one of these characteristics will damage the overall cohesiveness of an historic neighborhood.

NEIGHBORHOOD CONTEXT

Appropriate

Retain and respect distinctive, character-defining features of the neighborhood or building site within the front yard or side yards adjacent to public right of way. These features shall include but shall not be limited to tree plots, gardens, fences, benches, walkways, steps, streets, alleys, retaining walls, and building setbacks.

Inappropriate

Avoid changes in paving, lighting, fencing, and pedestrian or vehicular traffic flow that disrupt the relationship between buildings and their environment. Signage should not block or interrupt significant rhythms or architectural features. Do not introduce inappropriately placed or screened lots.

PLANTINGS

Appropriate

Preserve mature plantings where possible and treat them with sensitivity unless they pose a threat to preservation of buildings or sites. Removal of mature trees shall be reviewed by the MHPC. The Commission shall in no way prohibit the removal of dead or dying trees, trees that threaten to fall or cause damage to structures, and trees that are otherwise located in the rear yard opposite to or away from direct view of Lincolnway East. A mature tree is a) a shade tree that is twelve inches in diameter or larger, b) an ornamental tree that is four inches in diameter or fifteen feet high, or c) an evergreen tree that is eight inches in diameter or fifteen feet high. Place new trees or shrubs so that they will not damage buildings through moisture retention, root invasion, and limb movement.

Inappropriate

Avoid removal of mature trees that contribute to the overall neighborhood canopy located in the front yard.

FENCES

Appropriate

All types of back yard fences are appropriate located in the rear yard (parallel to or behind the front of the home) of a non-corner lot. Acceptable designs located in the front of a home and on the street side of a corner lot include picket, lattice, or wrought iron subject to the provisions of the City Zoning Ordinance.

Inappropriate

Chain line, basket-weave, louver, split rail, and stockade are inappropriate fence types for installation in front of home and on the street side of a corner lot within the public view. Front yard fences are not generally characteristic along Lincolnway East and are discouraged.

PARKING

Appropriate

Construct parking lots in rear or side yard areas; they should be paved and screened so as to maintain building, site, and neighborhood relationships.

Inappropriate

Parking lots constructed in visually conspicuous areas are inappropriate.

SERVICE AND MECHANICAL EQUIPMENT

Appropriate

Locate service, mechanical, electrical, or technical equipment such as solar collectors, satellite dishes, central air conditioning equipment, or heat exchangers so that they are not visible from the street; screen them so they do not disrupt the integrity of the site or architecture.

Inappropriate

Avoid placement of service, mechanical, electrical, or technical equipment in obtrusive positions on roofs.

PATIOS AND TERRACES

Appropriate

Patios and terraces should be constructed in the rear or side yard. Appropriate materials include limestone and brick. Review of the Historic Preservation Commission shall only be required for patios and terraces in front of a home and on the street side of a corner lot.

SWIMMING POOLS

Appropriate

Swimming pools should be constructed in the rear yard and located, landscaped, and screened so that they are not within public view. In-ground pools are preferable to above-ground pools. Take into consideration the possibility of damage to surrounding historic vegetation or outbuildings when determining the location of a swimming pool.

OTHER LANDSCAPING ELEMENTS

Appropriate

Trellises are appropriate and are encouraged. Construct trellises of historically appropriate materials such as wood or metal.

Inappropriate

Brightly colored or sharply contrasting stones, tires, logs, or exposed railroad ties are inappropriate landscaping elements in front of a home and on the street side of a corner lot; alternate border controls should be explored. Do not construct trellises of plastic or similar historically inappropriate materials in front of a home and on the street side of a corner lot.

GUIDELINES FOR EXISTING BUILDINGS

BUILDING MATERIALS

Paint color and exterior finish materials give a building distinct texture, presentation and character. Alterations to buildings and structures should take into consideration the careful balance that is achieved through selection of building materials

WOOD

Appropriate

Retain and restore original exterior wood siding materials (typically clapboard) through repair, cleaning, painting, and routine maintenance. If original architectural details and trim features are deteriorated beyond repair, they should be replaced with components of the same material and design where possible. Alternative more modern materials may be considered for replacement when the design, form, and composition of the finished material closely resemble the appearance of the original.

Inappropriate

Avoid application of siding materials not consistent with the character or style of the building, or materials that were unavailable at the time the building was constructed.

FOR YOUR INFORMATION

Artificial sidings such as artificial stone or brick, asphalt shingle and brick, plywood, particle board, hard board and aluminum or vinyl siding have been documented to cause and cover up serious, costly, and often irreparable damage to buildings. (See also synthetic siding, page 17.)

MASONRY

Appropriate

Maintain masonry by proper tuck pointing and appropriate cleaning. Tuck point mortar joints with mortar that duplicates the original in strength, composition, color, texture, joint size, method of application, and joint profile. Remove deteriorated mortar by hand raking or other means equally sensitive to the historic material. (*Hand raking is*

preferred but with MHPC approval, electric saws with grinding wheels may be used by a skilled operator.) When cleaning is necessary, preserve original texture and color by using a gentle method such as low pressure water and natural bristle brushes.

Inappropriate

Do not use electric saws to remove mortar during tuck pointing; this method will damage surrounding masonry surfaces and change the joint size. (See above) Avoid unnecessary tuck pointing.

FOR YOUR INFORMATION

Do not tuck point masonry using a mortar of high Portland Cement content; this mortar often creates a bond stronger than the building material itself. Damage resulting from the differing porosity and expansion rates of the material and mortar can lead to expensive replacement of the masonry units.

PAINT

Appropriate

Use period paint colors and color schemes appropriate to the building's architectural style. Consult the Mishawaka Historic Preservation Commission for assistance in choosing colors related to the building's style yet consistent with personal preference. Review of the Historic Preservation Commission, although encouraged, shall not be required to change the color of a house, structure, or other element on the property. A certificate of appropriateness is not required.

Inappropriate

Avoid painting masonry surfaces such as limestone and most brick surfaces.

FOR YOUR INFORMATION

Historic buildings constructed of softer brick often were painted for protection; removal of intact paint may hasten deterioration of the exposed surface. A test patch should be tried before extensive paint removal is attempted.

STUCCO

Appropriate

Maintain stucco surfaces by gentle cleaning and repainting when needed. To repair damaged surfaces, use a stucco mixture which duplicates the original in composition, strength and appearance.

WATERPROOFING

Inappropriate

Do not use waterproofing or water repellent coatings or surface consolidation treatments on masonry surfaces unless required in order to solve a specific problem that has been identified and studied.

FOR YOUR INFORMATION

Coatings are frequently unnecessary and expensive, and can accelerate masonry deterioration.

ABRASIVE CLEANING

Inappropriate

Avoid abrasive cleaning methods such as sandblasting on any exterior surface material. (See also Abrasive Cleaning, pages 16 and 17.)

FOR YOUR INFORMATION

High pressure water and sandblasting will remove the exterior protective layer of materials, changing the original texture and allowing the material to absorb water. Increased water absorption will accelerate the rate of deterioration of the material. (See also pages 16 and 17.)

SYNTHETIC SIDING

Appropriate

Use metal or vinyl siding **only when it is the only feasible alternative** to maintaining or replacing the original surface material. If synthetic siding must be used over wood surfaces, it shall be the same size and style as the original wood. Retain original trim around windows, doors, cornices, gables, eaves, and other architectural features. Provide ample ventilation to the structure in order to prevent increased deterioration of the structure due to moisture entrapment or insect infestation. (See also Synthetic Siding, page 17)

Inappropriate

Avoid any use of synthetic siding if at all possible; it is detrimental to the original structure and the historic character of the neighborhood.

SECURITY

Appropriate

If special security protection is desired, install interior window bars, grilles, or electronic systems.

Inappropriate

Do not install exterior bars or grilles on windows above the basement level.

ROOFS AND ROOFING

The roof is extremely important in defining the building's overall historical character. The roof's basic shape, size, color, material, and special features such as cresting, dormers, cupolas, and chimneys are part of the character and design of a building. Because a watertight roof is essential to the preservation of the entire structure, protecting and repairing the roof as a cover are critical aspects of every rehabilitation project.

DESIGN AND STRUCTURAL ELEMENTS

Appropriate

Retain the roof's original shape, materials, architectural features, and detailing such as brackets, chimneys, cornices, cupolas, dormer windows, gable end shingles, and weather vanes. Maintain and repair as needed all decorative elements found on the gable ends of the roof. If these elements must be replaced, they should imitate original design patterns. Maintain flashing, valleys, and other water repellent devices to prevent water infiltration into the building envelope.

Inappropriate

Avoid removal or change of character-defining architectural features, materials, or detailing. Also avoid addition of incompatible materials or architectural features foreign to the original structure or building style.

ROOFING MATERIALS

Appropriate

Replace deteriorated roofing materials as required with new material that matches the current roofing or the original historic roofing. Unique and inherently durable materials such as slate, tile, and architectural metal should be preserved through spot repair and replaced in kind and/or by modern materials similar in appearance and approved by the Historic Preservation Commission. Alternative, more modern materials may be considered for replacement when the design, form, and composition of the finished material closely resemble the appearance of the original.

Inappropriate

Roofing materials such as roll roofing, plastic, or tarpaper are inappropriate permanent coverings.

GUTTERS AND DOWNSPOUTS

Appropriate

Rain gutters and downspouts help define the character of roof lines while serving to channel water away from the building. Distinctive designs and materials of gutters should be identified, preserved, and, when severely deteriorated, replaced. Alternative modern gutters and downspouts may be considered for replacement when the design, form, and composition of the gutter or downspout do not significantly alter the appearance of the home from the street.

Inappropriate

Avoid placing gutters or downspouts in a manner that covers architectural detail, windows, or doors unless other solutions are impossible.

WINDOWS AND DOORS

Windows or doors with unusual shapes, colors, or glazing patterns or that are of unusual material are character-defining features of a building. Because rehabilitation projects frequently include proposal to replace doors, window sashes, or even entire windows in the name of improved security, thermal efficiency, or new appearance, it is essential that the contribution of the doors and windows to the overall historic character of the building be assessed together with the physical condition before specific repair or replacement work is undertaken.

DISTINCTIVE ELEMENTS

Appropriate

Original windows and doors and their characteristic elements including sashes, lintels, sill, shutters, transoms, pediments, molding, hardware, muntins, and decorative glass should be retained and repaired rather than replaced. If original windows and doors are deteriorated beyond repair, replacements should duplicate the original in size and scale. Design, material, color, and texture should be duplicated as faithfully as possible. Alternative more modern materials may be considered for replacement when the design, form, and composition of the finished material closely resemble the appearance of the original.

Inappropriate

If original windows, doors, and hardware can be restored and reused in place, they should not be replaced. Inappropriate treatments of windows and doors include (a) creation of new window or door openings, (b) changes in the scale or proportion of existing openings, (c) introduction of inappropriate styles or materials such as vinyl or aluminum or insulated steel replacement doors, and (d) addition of cosmetic detailing that creates a style or appearance that the original building never exhibited.

STORM WINDOWS AND DOORS

Appropriate

Wood frame storm windows and doors painted to match or accent the trim are historically preferable to metal units. When metal storm windows and full view storm doors are determined to be appropriate, they should be painted, anodized, or coated in a color that complements the building design and color scheme. Application of weather stripping, interior storms, or double-glazing should be investigated before replacement of the historic windows or doors is considered. Repair of existing materials is usually less expensive than purchase of new materials. If new sashes and doors are used, the existing design and hardware should be retained. High quality, energy efficient replacement windows are available. These may be used if weatherizing or repair of the original windows is not feasible and if they match the original in size, design, and detail. Alternative more modern materials may be considered for replacement when the design, form, and composition of the finished material closely resemble the appearance of the original.

Inappropriate

Security storm doors containing highly decorative wrought iron insets are inappropriate.

For Your Information

Energy conservation does not require the replacement of historic windows that can be made thermally efficient by historically and aesthetically acceptable means. In fact, an historic wooden window, coupled with a high quality storm of wood or aluminum, should thermally out-perform a new double-glazed metal window that does not have thermal breaks. This occurs because the wood has far better insulating value than the metal. In addition, most historic windows have high ratios of wood to glass, thus reducing the area of highest heat transfer. Investigate new technology that is compatible with historic design of windows and doors. Consult the Mishawaka Historic Preservation Commission.

AWNINGS

Appropriate

When applying awnings to a structure, use canvas or similar compatible material.

Inappropriate

Avoid metal, fiberglass, or plastic awnings.

SHUTTERS

Appropriate

When shutters are appropriate to the building style and supported by evidence of previous existence on the building in question, they should be proportioned so as to give the appearance of covering the window opening even though they may be fixed in place.

PORCHES AND DECKS

Porches are often the focus of historic buildings, particularly when they occur on primary elevations. Together with their functional and decorative features such as doors, steps, balustrades, pilasters, entablatures, and trim work, they can be extremely important in defining the overall historic character of a building. Their retention, protection, and repair always should be considered carefully when planning rehabilitation work.

DISTINCTIVE DESIGN AND STRUCTURAL ELEMENTS

Appropriate

Retain existing original porch features and details. Repair missing or deteriorated elements or replace them with elements that duplicate the originals in design and materials. Paint new porch work.

Inappropriate

It is inappropriate to alter details that help define the character and construction of the porch and the overall style and historical development of the building.

PRESERVATION OF PORCHES

Appropriate

If possible, preserve porches that contribute to the historical character of the property or have developed architectural or significance in their own right even if they are not original.

Inappropriate

Avoid creating a false historical appearance by introducing porch elements that represent different construction periods, methods, or styles.

NEW CONSTRUCTION OR RECONSTRUCTION OF PORCHES

Appropriate

Reconstruct missing porches based on photographs, written documentation or existing physical evidence of their existence. Reconstructed porches must conform to present zoning setback requirements. In the absence of documented or physical evidence, reconstructed porches should be simple in design and ornamentation, following the guidelines for new construction.

Inappropriate

Enclosed front porches and decks that are visible from public view are inappropriate.

SERVICE BUILDINGS

Often the main structure on the site is not the only important structure. Other structures that are important to the interpretation of the history of the neighborhood include carriage houses, barns, service sheds, and garages. These elements of a site provide a vital link to the history and development of the service aspect of a residential or commercial building and should be taken into consideration when planning any work on the site such as additions to the main structure or construction of new service buildings or recreational elements. All types of service buildings are appropriate when located in the rear yard, or entirely behind the home.

CARRIAGE HOUSES

Appropriate

Maintain and preserve carriage houses according to the same guidelines as those that apply to the main structures on a site. Adaptive use of carriage houses and subsequent rehabilitation should not destroy character-defining elements such as the entrance doors or the pattern created by the walk or drive that provides access to the building.

BARNS AND SHEDS

Appropriate

Guidelines for the routine maintenance and preservation of main structures also apply for barns, service sheds, gazebos and similar structures. All types of barns and sheds are appropriate when located in the rear yard.

Inappropriate

Avoid construction of pre-manufactured sheds and barns uncharacteristic of the surrounding neighborhood in front yard areas.

GARAGES

Appropriate

Maintain original character-defining doors and windows if possible. When selecting the location of a new garage, take into consideration the historic orientation of the house and the impact of the new location on the environment of the neighborhood. All types of garages are appropriate when located in the rear yard.

Inappropriate

Avoid removal of historic garages, carriage houses, green houses and the like for the installation of swimming pools, decks, or other recreational elements.

OTHER STRUCTURES

Appropriate

Other structures such as barbecue pits, greenhouses, or pet kennels should be compatible with the historic character of the site and the neighborhood and be inconspicuous when viewed from the public right of way. All types of other structures are appropriate when located in the rear yard.

GUIDELINES FOR NEW CONSTRUCTION

New construction should harmonize with adjacent and neighborhood buildings in terms of height, scale, mass, and color. The materials, spatial rhythm, proportion, and color should also play an important role in design considerations. The height of new buildings or structures and the height to width proportion should be consistent with others in the block and in the immediate surrounding area.

BUILDING RHYTHMS

Appropriate

Incorporate into new construction the rhythms established by existing buildings. Consider the window-to-wall area or solid/void ration, bay division, proportion of openings, entrance and porch projections, space between buildings, and site coverage.

Inappropriate

Avoid designs for new construction that ignore the rhythms of the existing environment and buildings.

BUILDING MATERIALS

Appropriate

Use materials on the exterior of new construction that are compatible with those existing on adjacent buildings in scale, type, texture, size, and color. Exterior finishes should harmonize with and complement existing finishes along the streetscape. Alternative more modern materials may be considered for replacement when the design, form, and composition of the finished material closely resemble the appearance of the original.

Inappropriate

Avoid use of inappropriate materials such as asphalt shingle, aluminum or vinyl sidings, cast stone, or artificial brick.

DESIGN CONSIDERATIONS

Appropriate

Additions should be compatible to the original building in height, scale, mass, proportion, and materials. Roof form and style should be similar to those found in the neighborhood. Design guidelines for new construction are applicable for additions

FOR YOUR INFORMATION

It is desirable, when constructing an addition to an historic building, to retain as much of the existing building fabric as possible so that future removal of the addition could be achieved without significant damage to the original structure

Inappropriate

Avoid additions that add new dimensions or radically change the original scale and architectural character of a building.

BLENDING NEW AND OLD

Appropriate

Contemporary design and architectural expression in new construction which follow the preceding guidelines are appropriate and strongly encouraged.

Inappropriate

Do not seek to reproduce historic styles with the intent of creating a false impression of the building's age.

OTHER IMPORTANT INFORMATION FOR MAINTAINING HISTORIC BUILDINGS

DEMOLITION

The purpose of designating historic districts is to preserve and protect buildings that significantly represent the historical and architectural development of the City and give any interested persons or organizations the opportunity to preserve these buildings.

With historic preservation as the primary goal of local designation, *demolition of buildings is highly inappropriate.*

Once a structure has been demolished, it is often a long period of time before any infill structure is put in its place; it may never occur. The gap in the streetscape that exists after an historic building has been demolished will have a long term and negative effect on the neighborhood as a whole. This negative influence could grow and cause property values to decline and further demolition to occur. Respectful rehabilitation, rather than demolition, is always better for the neighborhood.

ABRASIVE CLEANING

Abrasive cleaning methods (such as high pressure water or sandblasting) usually are selected as a quick means of removing years of dirt accumulation, unsightly stains, or deteriorating finishes such as stucco or paint. High pressure sand, grit, or water blasting methods clean by eroding dirt or paint, but at the same time they erode the protective surface of the building material. If the material is brick or wood, abrasive cleaning removes the hard protective outer surface and exposes the soft inner core to rapid weathering and deterioration.

Abrasive cleaning can destroy or substantially diminish decorative detailing such as molded brickwork or terra cotta or ornamental carving on wood or stone. It can eliminate surface textures and evidence of historic craft techniques such as tool dressing. Perfectly sound mortar joints can be worn away by abrasive techniques, leading to a need for extensive tuck pointing. The resulting erosion and pitting of building materials reveals a greater surface area for the collection of dirt and pollutants and in effect creates the need for more frequent cleaning in the future.

It is a misconception that all historic masonry buildings were initially unpainted. Actually, many mid-19th century brick buildings were painted immediately or soon after completion to protect poor quality brick or to imitate another material such as stone. Sometimes masonry was painted to produce what was considered a more harmonious relationship between a building and its natural surroundings. Therefore, unless stains, graffiti, or dirt and pollution deposits actually threaten the building fabric, it is generally preferable to do as little cleaning as possible and to repaint only when necessary.

Efficient removal of dirt, stains, and unsound paint from historic building surfaces can be achieved by means that are sensitive to the materials involved. The

gentlest is to use an overall low pressure water wash while scrubbing areas of more persistent grime with a natural bristle brush. A commercially available chemical cleaner also can be employed if a trial test patch shows the agent is effective and does not have unwanted side effects on the building material.

Historic building materials are neither indestructible nor renewable. They must be treated in a sensitive and responsible manner involving little or no harsh cleaning at all if they are to be safely preserved for future use and enjoyment. An historic building need not look as if it were newly constructed to be an attractive or successful restoration or rehabilitation project. Only if it is in the best interest of the building should extensive cleaning be undertaken, and then using only the gentlest means possible.

SYNTHETIC SIDING

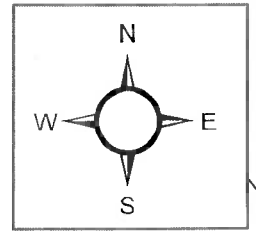
Aluminum, vinyl and other synthetic sidings frequently are considered as options to maintaining a structure's original historic appearance and material. Generally these synthetic sidings are applied to those buildings in need of maintenance and repair in the name of "home improvement". It is often implied that the new siding will be a long-lasting, economic, energy-saving, maintenance-free alternative to the original wood, brick, or stone.

Contrary to popular belief, vinyl, and aluminum will fade, weather, and eventually require regular painting to maintain their appearance. Furthermore, the Federal Trade Commission has determined that even when insulated aluminum is correctly installed there is little or no energy savings. When applied to historic buildings, synthetic sidings are inappropriate and actually no less expensive than other maintenance alternatives. Sidings essentially are used as a quick cosmetic coverup. However, when concealed and uncorrected, minor problems can progress to the point where expensive, major repairs to the structure are necessary.

Aluminum and vinyl form a vapor barrier that prevents the normal passage of humidity from the inside of a building to the outside. Trapped between the interior wall and the siding, this water vapor condenses, encouraging rot to begin in the original wood. Further complications arise when run-off water from damaged or clogged guttering, poor flashing, leaking roofs, is channeled directly into the space behind the siding. Such excessive moisture allows rot to progress at an accelerated rate, causing damage to structural members and failure of interior wall finishes. Damage from insect attack can proceed unseen behind the siding.

Most historic buildings suffer a severe loss of character and architectural integrity when important design elements and ornamental moldings are hidden behind a layer of synthetic siding. A flat, monotone appearance results with the loss of texture, color variation, projecting moldings and trim work. Brick and stone surfaces may be irreparably damaged and wood siding will split when furring strips that support the siding are nailed to the structure.

EXHIBIT "D"



E FIRST ST

HPC 25-02

N CHURCH ST

N RACE ST

LINCOLNWAY EAST

S RACE ST

E THIRD ST

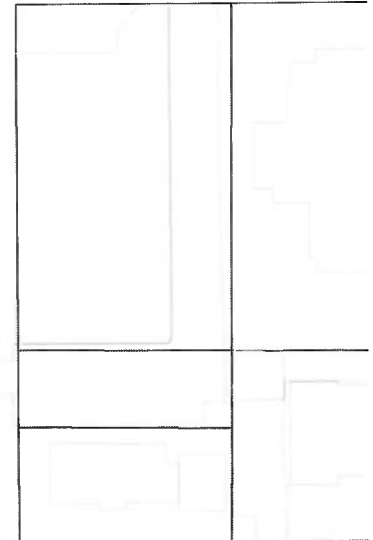
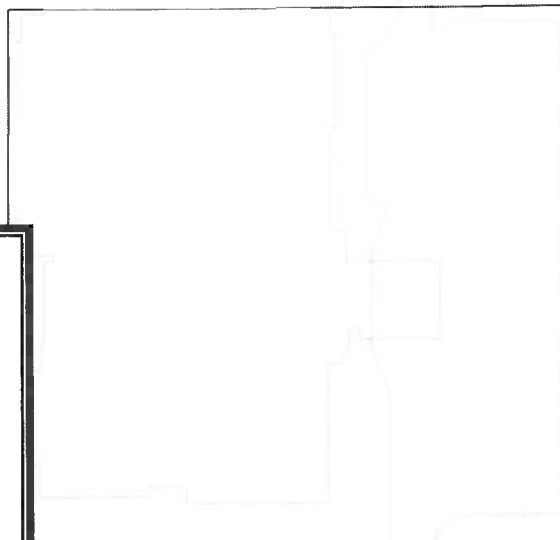
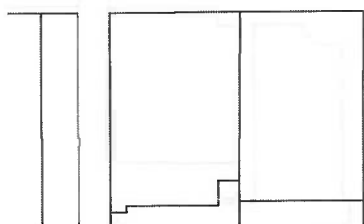
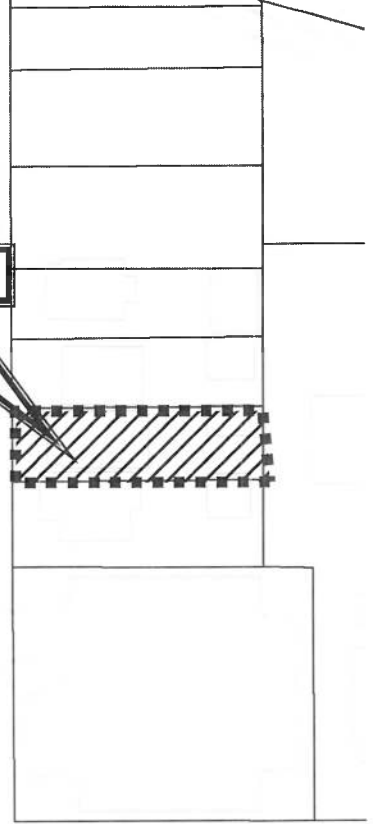
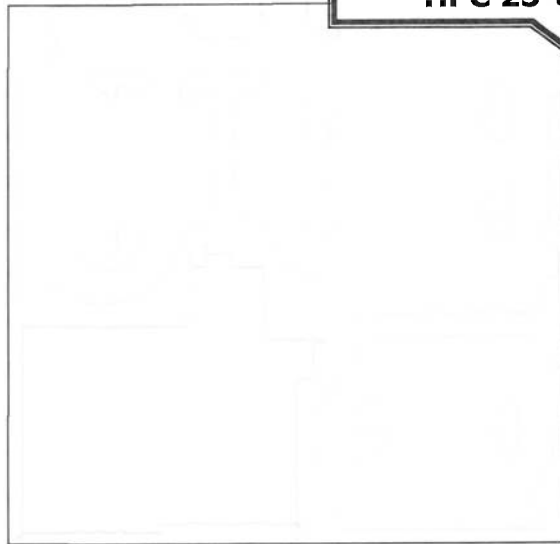
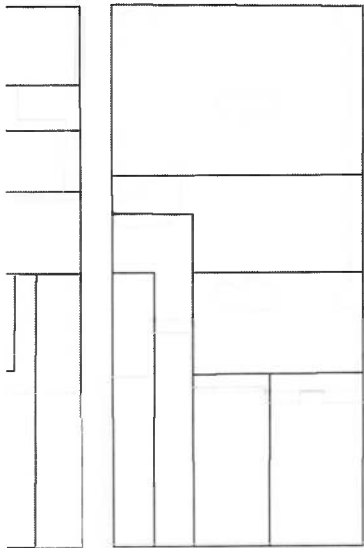
Location Map

HISTORIC PRESERVATION

25-02

OWNER:
CODY AND KATHRINE RANS

ESTABLISH 120 N RACE AS A
LOCAL HISTORIC LANDMARK



DEC 28 2025

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2026 – 01

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 5951, FIXING THE SALARIES OF ALL SWORN POLICE EMPLOYEES OF THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2026.

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

Section 1. Ordinance number 5951, passed by the Common Council of the City of Mishawaka, Indiana, on the 27th of October 2025, is hereby amended as follows:

<u>POLICE DEPARTMENT</u>	BIWEEKLY
NIGHT SHIFT DIFFERENTIAL	96.15
SPECIALTY PAY:	ANNUAL
DRONE OPERATOR	500.00

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

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

this _____ day of _____ 2026 at _____ o'clock, __. m.

Gregg A. Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this _____ day of _____ 2026, at _____
o'clock, ____ . m.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2026, at _____ o'clock, ____ .m.

David A. Wood, Mayor

PROPOSED ORDINANCE NO. 2026 – 01

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this _____ day of _____ 2026 at _____ o'clock, __. m.

Gregg A. Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this _____ day of _____ 2026, at _____
o'clock, ____ . m.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2026, at _____ o'clock, ____ .m.

David A. Wood, Mayor



CITY OF MISHAWAKA

Deborah S. Block, IAC, MMC

DEC 28 2025

City Clerk
Mishawaka, IN

DAVID A. WOOD, MAYOR

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

Date: January 2, 2026
To: Honorable Members of the Common Council
From: Rebecca Maguire – Controller
Re: 2026 Police Salary Ordinance amendment

Submitting for the first reading is an amendment to the 2026 Police Salary Ordinance.

Contract changes include an increase in the night shift differential from \$700 to \$2,500 annually, paid biweekly, and a new annual specialty stipend of \$500 for drone operators.

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

c: David A. Wood, Mayor
Alex Arndt, Chief of Police