AGENDA

Monday, September 21, 2015

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

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

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

   09-08-2015

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

   Introduction and Swearing-In of Mayor Wood's Youth Council

   A letter from the City Plan Commission regarding recommendations from their September 9, 2015 meeting.

   A public hearing on Vacation 2015-04 as required by State Statute on behalf of Ambrose Property Group VA LLC to vacate right of way of Trinity Place.

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

   P.O. NO. 2015-25 Vacation of Public Right of Way - Trinity Place Realignment of Trinity Place for VA Outpatient Clinic - West of Fir Rd

8. **Resolutions**

   R2015-33 Confirming Resolution Tax Abatement for Barak Group LLC Condominiums - South Side of River

   R2015-34 Confirming Resolution Tax Abatement for Barak Group LLC Café - South Side of River

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

    Reappoint Dr. Richard Headley, DVM to Animal Control Commission

13. **Adjournment**

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 8, 2015

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Tuesday September 8, 2015, at 7:00 p.m. The meeting was called to order by Council Vice President Banicki and all were asked to stand for the Pledge of Allegiance.

ROLL CALL
Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, (Not voting). Absent: Mr. Emmons.

Others present; Chief Deputy I Mary Ellen Hazen, and Chief Deputy II Linda Dotson

The minutes from the August 17, 2015 meeting were approved as received from the Clerk's Office.

Clerk Block read Petition 2015-23 opening it for public hearing.

PETITION NO. 2015-23 Vacation of Public Right of Way – Trinity Place Realignment of Trinity Place for VA Outpatient Clinic – West of Fir Road.

The following proposed ordinance was given first reading, and assigned to committee.

PROPOSED ORDINANCE NO. 2015-24

Civil City Budget and Tax Levy for 2016
(Assigned to Budget and Finance Committee)

<u>ORDINANCES ON SECOND READING</u>

Clerk Block read **PROPOSED ORDINANCE NO. 2015-19** opening it for public hearing

PROPOSED ORDINANCE NO. 2015-19

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.
(Amend the PUD Proposed Bayer HealthCare Site 7.07 Acre Parcel on Beacon Blvd.)

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

Brian McMorrow, Abonmarche Consultants Inc. in support of petition and they are respectfully requesting permission to use concrete liner panels and liner forms so that it has the appearance of brick and block and colored to represent red brick and limestone. Kate said she read in the material given to her that the expectation of this type of material has a 25 year life span. Mr. McMorrow said yes the material expectancy was 25 years plus. Ms. Voelker asked if it would have to be replaced at that time. Mr. McMorrow said the material was very durable and could be repainted over the years and with good maintenance go beyond the 25 years.

Question was called for AT 7:05 p.m. on **PROPOSED ORDINANCE NO. 2015-19** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-20** opening for public hearing.

PROPOSED ORDINANCE NO. 2015-20

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
(Amend the Southwest Corner Beacon Parkway and Capital)

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

Phil Panzica, an Architect, with Panzica Building Corporation in South Bend, representing Beacon Health, said he was speaking in favor of the amendments to clarify some issues in the ordinance as well as to improve the use of the site. He stated some of the amendments are for a reduction of setbacks to 50 foot along Beacon Parkway and 40 foot along Capital Avenue. Mr. Panzica stated there was adequate separation with lawn areas along Capital and the property, along Beacon they wish to have a little more density, there would be plenty of green space. He said the next one was a reduction of parking down to 3 cars per, thousand, there was standalone parking and there would be adequate parking available if there was a problem with overflow.

Mr. Panzica said they wish to allow a clarification of the ordinance that they would be using 25 foot poles on a three foot base so technically it was a 28 foot light pole which was standard. He said similar to the previous amendments they were asking to also use a precast liner on the concrete panels to give a brick texture look to the building, to clarify one of the questions asked earlier what they were proposing to use was a 25 year pigmented paint that has color fastness after 25 years it can be recoated and freshened the concrete itself was durable and would last more than 100 years. Mr. Panzica said they were also asking for elimination of a 3 foot earth berm along Capital Avenue since that part of the road way was rising up above the site. He said they would also like flexibility of spacing the trees so they could space them in groups, and requesting a 5 foot ornamental fence along the Capital Avenue setback that was to accommodate a sports performance area. Mr. Panzica stated beyond that they would abide by all previous rules of the site.

Question was called for at 7:10 p.m. on **PROPOSED ORDINANCE NO. 2015-20** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-21** opening for public hearing.

PROPOSED ORDINANCE NO. 2015-21

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE

CALENDAR YEAR ENDING DECEMBER 31, 2015
(Transfer Funds – Park Department - $28,000.00)

Mr. Mammolenti reported the Budget and Finance Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Ms. Voelker the motion carried.

Terry Zeller, Superintendent of Parks and Recreation said he has provided supporting documentation for the transfer and would answer any questions. Ms. Voelker said she wanted to congratulate him on all the hard work put in by the Parks Department on the Heritage Festival at Central Park Monday Labor day September 7, 2015. Mr. Zeller said he has received many great comments on the event, he wanted to thank everyone for that and said they do plan on doing it again next year.

Question was called for at 7:13 p.m. on **PROPOSED ORDINANCE NO. 2015-21** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-22** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-22

AN ORDINANCE FIXING THE SALARIES OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be continued moved for acceptance of same upon a second by Mr. Compton the motion carried.

Mr. Banicki asked for a motion to continue **PROPOSED ORDINANCE NO. 2015-22** until the October 19th meeting, with a Motion to continue by Ms. Voelker and second by Mr. Roggeman, the motion carried. Vice President Banicki asked for a voice vote on the continuation with a vote of 8 to 0 it passed.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-23** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-23

AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFCIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2016

Amendment has been requested per Clerk Block.

Mr. Compton reported the Budget and Finance Committee recommended this proposed ordinance should be continued and moved for acceptance of same upon a second by Mr. Mammolenti the motion carried.

Mr. Reisdorf asked for a motion to continue **PROPOSED ORDINANCE NO. 2015-23** until, the October 19th meeting, with a second by Ms. Voelker. Vice President Banicki asked for a voice vote on the continuation with a vote of 8 to 0 it passed.

NEW BUSINESS

Clerk Block said there would be a neighborhood watch meeting in the Oaks on September 16, 2015 at 5:30 p.m. location to be announced.

Mr. Mammolenti said his Twin Branch neighborhood watch meeting would be September 16, 2015 in the Twin Branch School Cafeteria at 7:00 p.m.

Mr. Banicki said there was an appointment to be made of Dr. Headly, DVM to the Animal Control Commission. Clerk Block asked for a continuance on this appointment to the September 21st meeting.

Mr. Roggeman made a motion to continue the appointment of Dr. Headly, DVM to the September 21st meeting, with a second by Mr. Reisdorf the motion carried.

Adjournment at 7:19 p.m.

Deborah S. Block ______________________	Ronald S. Banicki _________________
Deborah S. Block, IAMC, MMC, City Clerk	Ronald S. Banicki, Vic President Presiding

City of Mishawaka

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

September 10, 2015

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
September 9, 2015, Public Hearing
Certification of Proposed Ordinance

Honorable Members:

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

PETITION #15-23 A Petition submitted by Ambrose Property Group VA, LLC, requesting to vacate public right-of-way to realign portions of Trinity Place for proposed VA Outpatient Clinic.

The Commission, with a 7-0 vote, recommended approval.

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

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Daryl Knip

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 10 2015
CITY CLERK
MISHAWAKA, IN

STAFF REPORT

Location: Portion of Trinity Place

Date: Sept.9 , 2015

Prepared By: GGS

Petition: 15-23

GENERAL INFORMATION

Applicant:	Ambrose Property Group VA, LLC
Status:	Adjacent Property Owners
Request:	Vacate Public Right of Way
Zoning Classification:	C-8 High Density Suburban Commercial
Applicable Regulations:	IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern:	North:	C-8 High Density Suburban Commercial
	South:	C-8 High Density Suburban Commercial
	East:	C-8 High Density Suburban Commercial
	West:	C-8 High Density Suburban Commercial
Thoroughfare:	Trinity Place	
School District:	Penn-Harris-Madison Corp.	
Public Utilities:	Public Right-of-Way	
Comprehensive Plan:	Low Density Residential	

ANALYSIS

The Petitioners are requesting to vacate a portion of Trinity Place. The portion to be vacated is a curved right-of-way running east/west and is located just west of Fir Road immediately past Coffee Tree Court. The petitioner also requests the release and vacation of all easements within that portion of Trinity Place to be vacated.

The purpose of the proposed vacation is to allow for the realignment of Trinity Place further towards the south. The realignment of Trinity Place will allow for the construction of a new outpatient clinic for the Department of Veteran Affairs.

Engineering Department commented that they reserve the right to comment in the future due to the pending submittal of proposed right-of-way and associated easements to relocate the street that is known as Trinity Place and all its utilities.

Recommendation

Staff recommends in favor of Petition 15-23 to vacate and release utility rights of a portion of Trinity Place. This recommendation is based on the following findings of fact:

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

2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.

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

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

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

Attachments

Aerial, Photo, Petition, Vacation Diagram

Views looking onto portion of Trinity Place to be vacated

CITY OF MISHAWAKA

OFFICE OF THE CITY CLERK

DEBORAH S. BLOCK, IAMC, MMC, CITY CLERK

NOTICE OF HEARING

Vacation No. **2015-04**

Date of Hearing: **September 21, 2015**

Time of Hearing: **7:00 PM**

PLEASE TAKE NOTICE:

Petitions have been filed by Ambrose Property Group VA, LLC

Vacation NO. 2015-04 - Petition No. 2015-23

Parcel B Land vacated from Right of Way of Trinity Place to Ambrose Property Group VA LLC. Parcel E land vacated from Right of Way of Trinity Place to Cressy Land Investments LLC. Parcel F Land vacated from Right of Way of Trinity Place to ASLAN Trinity LLC.

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

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

Publish 9-10-15

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

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 10 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 9-21-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-23

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-25

ORDINANCE NO. ________

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

WHEREAS, Ambrose Property Group VA, LLC has filed a petition for vacation of the public right-of-way described in Section 1 below;

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

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

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

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

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

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

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

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

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

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

Parcel B: A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION,

607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD ; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 19.35 FEET, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 63.93 FEET, BEARING SOUTH 85°45'39" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND THE SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 64.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 86.65 FEET, BEARING NORTH 80°47'25" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 86.92 FEET; THENCE NORTH 73°02'47" WEST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 361.97 FEET, SUBTENDED BY A CHORD LENGTH OF 390.79 FEET, BEARING SOUTH 74°16'58" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 412.80 FEET; THENCE SOUTH 41°36'43" WEST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 109.02 FEET, BEARING SOUTH 51°22'17" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 109.54 FEET; THENCE NORTH 04°34'39" EAST, 49.53 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 68.41 FEET, BEARING NORTH 48°35'22" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 68.58 FEET; THENCE NORTH 41°36'43" EAST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 401.97 FEET, SUBTENDED BY A CHORD LENGTH OF 433.98 FEET, BEARING NORTH 74°16'58" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY, 458.42 FEET; THENCE SOUTH 73°02'47" EAST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 60.47 FEET, BEARING SOUTH 79°12'41" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY 60.59 FEET; THENCE SOUTH 19°31'25" EAST, 43.30 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.87 ACRES, MORE OR LESS.

Parcel E: A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56

FEET, SUBTENDED BY A CHORD LENGTH OF 19.35, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 63.93 FEET, BEARING SOUTH 85°45'39" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 64.04 FEET; THENCE NORTH 19°31'25" WEST, 43.30 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 208.45 FEET, BEARING NORTH 72°53'53" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 213.53 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.11 ACRES, MORE OR LESS.

Parcel F: A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE;THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 19.35 FEET, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 149.58 FEET, BEARING NORTH 86°29'44" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE AND THE SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 150.96 FEET; THENCE NORTH 73°02'47" WEST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 361.97 FEET, SUBTENDED BY A CHORD LENGTH OF 390.79 FEET, BEARING SOUTH 74°16'58" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY 412.80 FEET; THENCE SOUTH 41°36'43" WEST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 109.02 FEET, BEARING SOUTH 51°22'17" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY 109.54 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°50'19" WEST, 132.72 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 780.00 FEET, SUBTENDED BY A CHORD LENGTH OF 34.03 FEET, BEARING NORTH 88°54'41" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE 34.03 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 177.61 FEET, BEARING NORTH 73°57'10" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 180.70 FEET; THENCE SOUTH 04°34'39" WEST, 49.53 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.06 ACRES, MORE OR LESS.

COMMONLY KNOWN AS: Portion of Trinity Place – Between Coffee Tree Court and east of Holy Cross Parkway.

PROPOSED ORDINANCE NO. 15-25

ORDINANCE NO._

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

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

2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.

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

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

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

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

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

____
Presiding Officer

ATTEST:

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

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

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

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

____
David A. Wood, Mayor

AUG 19 2015

DATE: August 19, 2015

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

Pet 15-23

RECEIVED
DEBORAH S. BLOCK, MMC
AUG 26 2015
CITY CLERK
MISHAWAKA, IN

RE: **PETITION FOR VACATION OF PUBLIC RIGHT OF WAY**

Trinity Place
(Realignment of Trinity Place for proposed VA Outpatient Clinic)

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

PARCEL B
Land vacated from Right of Way of Trinity Place to Ambrose Property Group VA LLC

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD ; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 19.35 FEET, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 63.93 FEET, BEARING SOUTH 85°45'39" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND THE SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 64.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 86.65 FEET, BEARING NORTH

80°47'25" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 86.92 FEET; THENCE NORTH 73°02'47" WEST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 361.97 FEET, SUBTENDED BY A CHORD LENGTH OF 390.79 FEET, BEARING SOUTH 74°16'58" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 412.80 FEET; THENCE SOUTH 41°36'43" WEST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 109.02 FEET, BEARING SOUTH 51°22'17" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 109.54 FEET; THENCE NORTH 04°34'39" EAST, 49.53 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 68.41 FEET, BEARING NORTH 48°35'22" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 68.58 FEET; THENCE NORTH 41°36'43" EAST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 401.97 FEET, SUBTENDED BY A CHORD LENGTH OF 433.98 FEET, BEARING NORTH 74°16'58" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY, 458.42 FEET; THENCE SOUTH 73°02'47" EAST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 60.47 FEET, BEARING SOUTH 79°12'41" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY 60.59 FEET; THENCE SOUTH 19°31'25" EAST, 43.30 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.87 ACRES, MORE OR LESS.

PARCEL E

Land vacated from Right of Way of Trinity Place to Cressy Land Investments LLC

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 19.35, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 63.93 FEET, BEARING SOUTH 85°45'39" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 64.04 FEET; THENCE NORTH 19°31'25" WEST, 43.30 FEET TO A POINT OF

CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 208.45 FEET, BEARING NORTH 72°53'53" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 213.53 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.11 ACRES, MORE OR LESS.

PARCEL F
Land vacated from Right of Way of Trinity Place to ASLAN Trinity LLC

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 19.35 FEET, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 149.58 FEET, BEARING NORTH 86°29'44" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE AND THE SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 150.96 FEET; THENCE NORTH 73°02'47" WEST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 361.97 FEET, SUBTENDED BY A CHORD LENGTH OF 390.79 FEET, BEARING SOUTH 74°16'58" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY 412.80 FEET; THENCE SOUTH 41°36'43" WEST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 109.02 FEET, BEARING SOUTH 51°22'17" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY 109.54 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°50'19" WEST, 132.72 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 780.00 FEET, SUBTENDED BY A CHORD LENGTH OF 34.03 FEET, BEARING NORTH 88°54'41" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE 34.03 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 177.61 FEET, BEARING NORTH 73°57'10" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 180.70 FEET; THENCE SOUTH 04°34'39" WEST, 49.53 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.06 ACRES, MORE OR LESS.

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

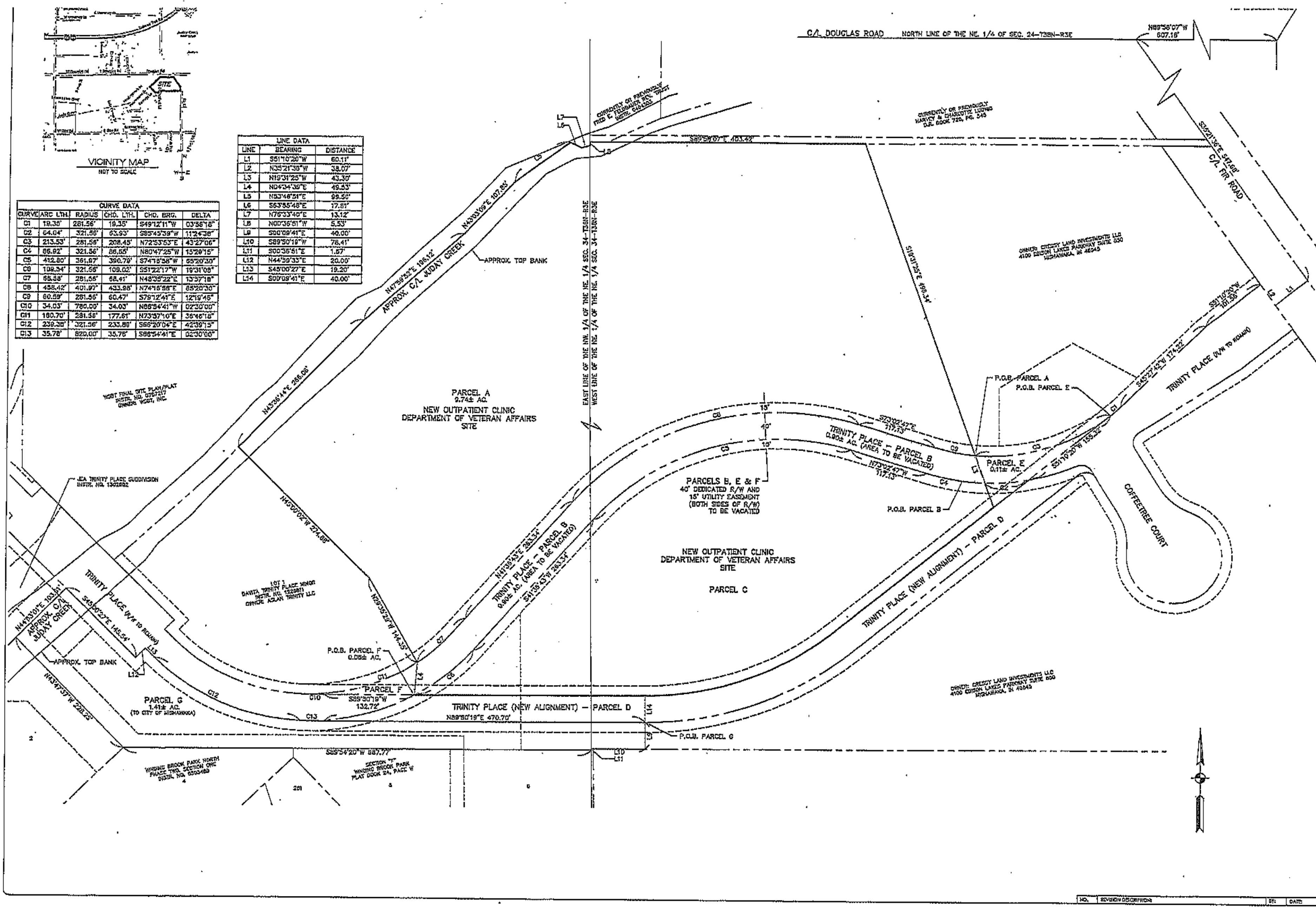
Wherefore, the Petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacating the above described right of way located in the City of Mishawaka.

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

Patrick Chittenden
Ambrose Property Group VA, LLC

CONTACT PERSON:

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



CURVE DATA					
CURVE	ARC LTH.	RADIUS	CHD. LTH.	CHD. BRG.	DELTA
C1	19.35'	281.56'	19.35'	S49°12'11"W	03°56'18"
C2	64.04'	321.56'	63.93'	S85°45'39"W	11°24'38"
C3	213.53'	281.56'	208.45'	N72°53'53"E	43°27'06"
C4	86.92'	321.56'	86.65'	N80°47'25"W	15°29'15"
C5	412.80'	361.97'	390.79'	S74°18'58"W	65°20'30"
C6	109.34'	321.56'	109.02'	S51°22'17"W	19°31'08"
C7	66.58'	281.56'	66.41'	N48°35'22"E	13°57'18"
C8	458.42'	401.97'	433.98'	N74°18'58"E	65°20'30"
C9	60.59'	281.56'	60.47'	S79°12'41"E	12°19'45"
C10	34.03'	780.00'	34.03'	N86°54'41"W	02°30'00"
C11	180.70'	281.56'	177.61'	N73°37'10"E	36°46'18"
C12	239.38'	321.56'	233.88'	S66°20'04"E	42°39'15"
C13	35.78'	820.00'	35.78'	S86°54'41"E	02°30'00"

LINE DATA		
LINE	BEARING	DISTANCE
L1	S51°10'20"W	60.11'
L2	N35°21'38"W	38.07'
L3	N19°31'25"W	43.30'
L4	N04°34'39"E	49.53'
L5	N53°46'51"E	99.50'
L6	S63°55'48"E	17.61'
L7	N76°33'40"E	13.12'
L8	N00°36'51"W	5.53'
L9	S00°09'41"E	40.00'
L10	S89°50'19"W	78.41'
L11	S00°36'51"E	1.67'
L12	N44°59'33"E	20.00'
L13	S45°00'27"E	19.20'
L14	S00°09'41"E	40.00'

ABONMARCHE

PROJECT: A PART OF THE NORTH 1/2 OF SEC. 34, T38N R3E, PENN TOWNSHIP, ST. JOSEPH COUNTY MISHAWAKA, INDIANA

SHEET TITLE: PARCEL EXHIBIT

DRAWN BY: CMR
FIELDBOOK: XXXXXXXXX
PM REVIEW: BM
QA/QC REVIEW: MJR
DATE: 8-14-2015

HARD COPY IS INTENDED TO BE 24"X36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZE.

SCALE: HORZ: VERT:

ACI JOB #: 15-0624

SHEET NO. 1 of 1

SEC. 34-T38N-R3E

PET 15-23

NOTICE OF HEARING
Vacation No. 2015-04
Date of Hearing: September 21, 2015
Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

Petitions have been filed by Ambrose Property Group VA, LLC

Vacation NO. 2015-04 – Petition No. 2015-23

Parcel B Land vacated from Right of Way of Trinity Place to Ambrose Property Group VA LLC. Parcel E land vacated from Right of Way of Trinity Place to Cressy Land Investments LLC. Parcel F Land vacated from Right of Way of Trinity Place to ASLAN Trinity LLC.

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

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

12------------------------------------

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

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

_XX_ One __ TWO __THREE

times successively to-wit:

On the __10th__ day of _September, 2015, and

On the _______ day of _______, 2015, and

On the _______ day of _______, 2015,

Nancy L. Nich

Subscribed & Sworn To Before Me
This 10th day of September, 2015

William L. Nich

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

CHARGES: $ 17.22

CITY OF MISHAWAKA

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

September 14, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 14 2015

CITY CLERK
MISHAWAKA, IN

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

Re: Confirming Resolutions 2015-33 (Condominium) and 2015-34 (Café)
Tax Abatement- Barak Group LLC
Proposed Iron Rock Condominium and Café

Dear Council Members and Clerk:

Attached are Confirming Resolutions 2015-33 (Condominium) and 2015-34 (Café) for two tax abatement requests that have been filed for consideration at your Monday September 21st meeting. As was previously referenced, the developer is proposing to construct 2 buildings on assembled parcels located south of and adjacent to the Mishawaka Riverwalk on the south side of the river, on the west side of the former Uniroyal complex redevelopment area. The properties are bordered by Ironworks Avenue extended to the south, Beutter Park to the east, and east of the eastern edge of West Street if it were to be extended toward the river. The condominium project is a pedestal building with proposed first level parking. Based on market conditions, 25-40 condominiums are envisioned in the first phase. The construction cost has been estimated at $10,000,000. The Café property which was proposed following lengthy discussions with staff is intended to provide a transition between the public park land and the private condominiums. The Café was proposed specifically because the developer felt that it served a need and was financially viable. From staff's perspective, having a small single story footprint lent itself to provide needed services to the park and Riverwalk system, while being architecturally appropriate. The estimated construction cost for the Café portion has been identified at $450,000.

As previously indicated, we asked the developer to break the abatement request into two applications. Although they are intended to be built concurrently, this would allow potentially for different abatement levels for each component. The developer has proposed the same abatement amounts for each project. They are requesting a five-year abatement on the proposed improvements with a higher graduation of percentages, identical to what was filed for the Barak River Rock project. A copy of their applications and relevant materials has been re-attached for your review and information with the applicant's Counsel prepared resolutions. This is identical to the information that was distributed with the Declaratory Resolutions.

The Declaratory Resolutions were approved at the Council's August 17th meeting which allowed the Clerk's office to proceed with the special advertising requirements, including notification to other taxing units that would potentially be impacted by abatement. This advertising has been accomplished and staff is not aware of any remonstrance or comments that have been received regarding the proposed abatement. It is relevant to note, in the last ten years, we have not received any remonstrance from other taxing units on any proposed abatement. We believe the lack of remonstrance is in part to the fact that abatements are always considered concurrent with new growth and development and that the proposals always represent added value, with or without a tax phase in. Another factor to consider is that given the properties location within the City's Northwest TIF district the financial impact to other taxing units will be de minimis with or without an abatement for the immediate future.

As identified at the previous meeting, the Redevelopment Commission, as the owner of this property, has entered into a Development Agreement with the Barak Group, LLC. As part of that agreement the Commission agreed to support abatement for these projects. Specifically, the agreement indicated that "Based on what is being proposed; the Commission shall draft a letter of support for the abatement. The recommendation will include language on the number of years for the abatement, based on the schedule and investment proposed in phase 1 by the Developer." Relative to the specifics of the request, the Developer is requesting an aggressive 5-year abatement schedule, that would abate 100%, 95%, 90%, 85%, 80% of the new taxes associated with real property over the life of the abatement. For ease of reference, the Redevelopment Commission letter to the Council has been attached again for your review and consideration. Although this is identical to what was submitted for the River Rock project, as you may recall, the percentages that were ultimately approved for River Rock were amended on the floor by the Council and were 100%, 90%, 85%, 75%, 70% for years one through five respectively.

To summarize the reasons for the abatement-

- First and foremost, the proposed development is mixed use, architecturally significant, and pedestrian friendly. <u>*This is exactly the type of projects desired* when the redevelopment initiative began in the downtown starting with the Rivercenter Master Plan that was completed in 1999</u>.

- The City currently owns the property. It is being maintained by the City and currently serves no real purpose other than being land banked for redevelopment. It is generating no taxes or income for the City. Although a minor expense, the City is responsible for the current maintenance of the property.

- The Redevelopment Commission has entered into multiple past memorandums of understanding with local developers to market the former Uniroyal properties with very limited results since 2002 when the property was first cleared and available for redevelopment. In this case, the property in question has been marketed without attracting the desired private investment in the past 13 years.

- Market conditions strongly point to a need for an abatement. The Barak River Rock project and one three unit townhome project at the Kamm Island Towns project were the first <u>for profit</u> buildings constructed/under construction in the area of the Downtown in the last 8 years. Older projects constructed have sat vacant for years and only now are being leased up. The Ironworks building constructed by Prime Development in 2008 is just now being fully leased. After 7 years, the bottom floor is now being leased for an office rather than a restaurant as originally intended. The downtown market is very much being judged right now by the struggle of past developers.

- This project, if constructed, is being marketed to professionals and others that have a higher average income when compared with much of the older housing/population in vicinity of the project. The perspective residents/purchasers will not only help sustain existing businesses, but also create demand for additional development over time. Based on staff's simple estimates and projections (based on 30 condominium units), if just 5% of the income of these new residents in spent in the downtown, this project alone will provide in excess of $150,000 a year toward supporting local businesses.

- Our historic downtown is not part of the commercial and medical regional hub on the north side of the City that remains in high demand and continues to command some of the highest property values of all of St. Joseph County. <u>The downtown has commercial values that are considerably lower and development interest continues to be intermittent at best</u>.

- The need for higher percentages in the abatement is driven in part by the benefit in building and occupying the project quickly (for the commercial portion), as well as, to incentivize the single family owner occupied portion of the project. The City still owns and is marketing the remaining former Uniroyal properties. In addition, our understanding from counsel is that the abatement and the circuit breaker credit cannot be done on top of one another. In essence, the taxes on single family homestead property that are already being significantly reduced by the circuit breaker, can't be double reduced/abated. Thus to provide any incentive for single family homesteaded property, the abatement needs to be over the circuit breaker to be a benefit/incentive. Please review the revenue projections contained herein for a more complete analysis.

For consistency, we also felt that the following questions which were referenced in the previous non-industrial/manufacturing abatements should be addressed.

1) <u>*Would this project happen with or without tax abatement?*</u>
Given the applicant's statements and through our conversations, we believe the developer intends to pursue a project with or without abatement. However, what we firmly believe is that the project <u>as currently envisioned</u> cannot happen without the abatement. The next step in the process will be for the developer to obtain financing. Banks and lenders place value on the contributions/commitments made by public partnerships. Although it would likely be on the margins, we feel that if there is a lack of support of the City it would cast a negative light on the project that may, at a minimum, make the lending process more difficult. In addition, if the abatement were to be rejected or significantly reduced, staff feels that there is a chance that the project would be diminished in scope or impacted in a negative way through the reduction of key architectural or aesthetic components. If the abatement is rejected or significantly reduced, it would also potentially make the project more difficult to sell. Beyond this project, an adverse reaction by the Council, either turning down or significantly reducing the abatement request also has the potential to adversely impact the City's future marketing of the remaining City owned properties.

2) <u>*Will the proposed employees receive greater wages or benefits, when compared to what market forces would dictate, as a result of the abatement?*</u>
No, the proposed jobs created will be market rate. As indicated in the abatement requests, only a handful of non-construction jobs will be created primarily associated with the café. The benefit in the downtown is that these are new jobs are located in and will serve the downtown specifically.

3) <u>*Will the project bring a higher grade of construction than the City could typically expect in this area, or higher than what the market would dictate?*</u>
Definitively yes. We have discussed costs extensively, but in short, having a covered parking on the building's first floor, elevators, and building vertically all carry higher construction costs per square foot. Although this creates a potential gap between the cost of construction and what the market can bear (the risk), this also greatly increases density, and the corresponding assessed valuation. The bottom line is that the style of the proposed development is architecturally significant and is consistent with the desire to build density in our historic downtown.

4) <u>*Is the area currently having trouble developing? Is it a brownfield area?*</u>
Yes, these properties are part of the on-going redevelopment of the former Uniroyal properties. In general, the Historic Downtown is a niche market. Although the investment in public spaces and the riverwalk have created a sense of place, private investment has had difficulties and has been very slow to follow. The surrounding residential population is aging

and by and large, is considered lower income. This characteristic makes the area less attractive (less financially viable) for the new investment which was envisioned in the City's longstanding master plan. Specifically, requiring mixed use, architecturally significant, and pedestrian friendly projects adds construction cost.

5) *Is the City asking for some kind of improvement out of the ordinary where the developer is undertaking a cost that is normally borne by the City, such as significantly extending infrastructure or widening a road that will promote additional development?*
No. In this case the City is paying the infrastructure cost within the road right-of-way associated with the development. The Redevelopment Commission made this commitment so that the maximum amount of investment goes into the project itself. It also affords the City an opportunity to look at other improvements such as the completion of phase II of Beutter Park that was intended to be built in a complimentary manner with adjacent private development.

6) *The regional economy has improved, why should we incentivize construction right now when many of the trades are working at close to capacity and Notre Dame has significant construction happening?*
Thankfully the economy has improved from two years ago when putting people back to work was more of an issue. The reality is that as part of the working population in our region left as part of the great recession. When that segment of population was reduced it negatively impacted our population statistics by making us both older and poorer. Having a vibrant construction industry is needed for the vitality of the region. This project is significant and will contribute to the on-going health of our local construction trades. From an economic development standpoint, an estimated 10 – 15 construction jobs are created for every million dollars of construction cost. With an estimated construction cost exceeding 10 million dollars, we are reasonably confident that this project represents more than 100 construction jobs over the duration of construction for the project.

7) *Will the services at this facility be better as a result of the tax abatement, will it be cheaper?*
In this case the service is providing residential housing, and a little service commercial. Based on the uses, the answer is yes. If the tax abatement is approved, the developer will be able to provide the tax abatement as an incentive to potential buyers. Essentially, it will help the developer compete with a typical suburban unit that would typically have a lower initial construction cost. As illustrated by the Riverwalk Townhome project across the street and the difficulty they had selling units, immediate occupancy and generating revenue/sales will be essential to making this project successful. The tax abatement for the commercial portion is critical because a small café with new construction will be at a competitive disadvantage in the area with higher start of construction costs.

It is always a challenge to try and accurately predict values and taxes given the variables involved. As in other recent abatement analyses' we used the following DLGF website to project tax revenue:

https://gateway.ifionline.org/CalculatorsDLGF/TaxCalculator.aspx.

This site has a calculator where you simply put in the location, assessed valuation, and class of property and it outputs the maximum tax for the property. This is the calculator that we used for each of the tax projections. What is different about this project is that it is a mixed use project that includes two different classes/tax rates for the project. The following construction values were provided by the developer. Keep in mind, these values are estimated hard construction dollars and not the soft costs required to complete the project. The actual investment is higher. We also used the current 2015 tax rate and did not estimate any increase or decrease over the abatement period. Although we know the tax rate will increase and that there will be an impact based on the full implementation of the tax caps in 2019, we felt that omitting estimates for these changes still provided a reasonable value estimate without being more complicated. It is important to note that all property classes in the City of Mishawaka, City of

Mishawaka School system are above the property tax cap limit and receive a tax cap credit. It is also important to know that there is a certain amount of property tax liability that is currently in place that is outside of the cap. We mention this because as time goes on it will not be reasonable to use a straight 1%, 2%, 3% limit to estimate tax liability from the enacted property tax caps.

Using the calculator, based on the 2015 tax rate, and a $450,000 assessed valuation, the Café would have an estimated annual tax bill of $16,888. The gross annual taxes were estimated at $18,673. This includes a property tax cap credit of $5,173 since the use as a commercial café places it in the highest tax classification 3% bracket. The reason the credit minus the gross annual taxes does not equal the estimated annual tax bill is that a portion of the tax bill is exempt from the 3% tax cap limit. However, all of these numbers are important because of the way we believe the abatements if approved will be calculated. The financial benefit of an abatement as we have been told only occurs if the abatement percentage is large enough where the percentage exceeds the tax cap credit. In this case, a $5,173 credit applies to a gross annual tax estimate of $18,673 (27.7%). Thus, as we understand it, if the abatement percentage per year does not exceed 27.7%, no benefit would be obtained by the owner.

It was mentioned at meeting for the declaratory resolutions that the City has never approved abatement for a restaurant/commercial building such as the café. Although we have not approved abatement individually such as this, the abatement that was approved for the Barak River Rock project also included the lower level commercial space which could include a restaurant/Café/coffee shop. As demonstrated by the lack of any rented retail or restaurant space in the downtown redevelopment projects in the last 10 years, there are factors that make new commercial development cost prohibitive. We are fortunate that there are virtually no prolonged vacancies in the downtown. Some of the reasons for this include the market/desirable location. Another factor is the reduced costs associated with remodeling an existing older space versus building new. Good examples include the Little Black Dog Tavern and Smokestack Brew at the 100 Center. Why would a new restaurateur end up remodeling existing spaces at the 100 Center rather than locating at the Ironworks Building where the space was designed for a restaurant in a prime location off of the park? Very simply, cost is likely the prime factor. In addition to the cost of construction, taxes on new commercial construction is prohibitive when you are competing against structures that have had extensive depreciation. For reference, the current assessed valuation for the Doc Pierces building is just over $100,000, and the assessed valuation for the Main Street Grill building is just over $200,000. The proposed Café building is significantly less square footage with a significantly higher estimated assessed valuation and tax bill. In our estimation, and from talking to the development community, there is much more of a need for commercial retail/restaurant incentives than there is for residential incentives. Although the developer could have asked for more participation on the commercial component, we believe they felt it was appropriate to duplicate the request that was made on the River Rock Project.

For estimating the condominium units, we used an estimated assessed value of $350,000 per unit, and assumed that 30 units would be constructed (the developer estimated 25-40). A $350,000 single family homesteaded condominium would have an estimated annual tax bill of $4,993. The gross estimated taxes were estimated at $8,227. So, similar to the Café, This includes a property tax credit of $4,727 since the proposed single family owner occupied use places it in the lowest tax classification 1% bracket. In this case, a $4,727 credit applies to a gross annual tax estimate of $8,227 (57.5%). Thus, again, as we understand it, if the abatement percentage does not exceed 57.5%, no benefit would be obtained by the owner.

Estimated Construction Costs provided on the Statement of Benefits SB-1

$ 450,000 Retail/Café
$ $ 10,000,000 Condominiums
$10,450,000 Total

Proposed 5 Year Abatement- Commercial Café Portion ($450,000 Assessed Value)

Tax Year	Percentage	Total Tax	Taxes Paid	Taxes Abated
2017 Pay 2018	100%	$16,888	$0	$16,888

2018 Pay 2019	95%	$16,888	$844	$16,044
2019 Pay 2020	90%	$16,888	$1,689	$15,199
2020 Pay 2021	85%	$16,888	$2,533	$14,355
2018 Pay 2019	80%	$16,888	$3,378	$13,510
Total	*450%*	*$84,440*	*$8,444*	*$75,996*

Proposed 5 Year Abatement- Condominiums/Single Family ($350,000 Assessed Value per unit)

Tax Year	Percentage	Total Tax	Taxes Paid	Taxes Abated
2014 Pay 2015	100%	$4,993	$0	$4,993
2015 Pay 2016	95%	$4,993	$250	$4,743
2016 Pay 2017	90%	$4,993	$499	$4,494
2017 Pay 2018	85%	$4,993	$749	$4,244
2018 Pay 2019	80%	$4,993	$999	$3,994
Total	*450%*	*$24,965*	*$2,497*	*$22,468*
Condominium Total for 30 Units		*$748,950*	*$74,910*	*$674,040*
Project Total	***450%***	***$833,390***	***$83,354***	***$750,036***

Regarding the financial impact, we don't feel that the numbers of the abatement itself accurately shows the impact of the project, as such, the following is an analysis of the long term value of the project.

As indicated previously, the Redevelopment Commission's role is to forward appropriate and desired redevelopment and improvements, sometimes with no economic return. Although we understand that abating close to a million dollars in property taxes can be looked at with difficulty in a political environment, we want the Council to be able to convey to our constituents that this is only one number in the big picture.

One of the comments at the August meeting cited a difficulty with the concept of "need" for the abatement, noting that if someone can afford the estimated $350,000 or more in cost of one of these units, why can't they afford the taxes? In this case, the question is emphasizing the "ability" to pay, rather than the underlying question which is "why" would someone want to spend $350,000 on a condominium in downtown Mishawaka. How real estate decisions are made are relatively universal. It is in a good location? Is the style of home is the type of lifestyle desired? Will the investment hold its value over time? Is it is a good/fair deal? To answer these basic questions, we know the property is in a good location. The style of home, higher end "condominium", is a specialized market but is in an ever growing demand given the aging population. Will the investment hold value over time is probably the most difficult question to answer. We believe yes, but this is the risk we are asking buyers to take. Lastly, is it a good/fair deal? The answer of the last two questions is what represents the "need" for the abatements. We are asking potential purchasers to take some risk. The area is still being developed. The City and developer can't point to the undeveloped property and say "this is going to happen" with any degree of certainty. One way to counter this risk is to provide a perspective purchaser with an incentive; a better deal. In this case, the tax abatement is an incentive to help sell the homes.

The other question associated with the abatement request is financial. Why do we want to incentivize higher income residences in the heart of the City? The answer to this question is twofold. As we are all aware, the vast majority of housing is the older areas of the City falls into the affordable category. We are rightfully very proud of our blue collar roots which are the basis for much of our housing stock. That being said, one of the keys to a vibrant community is diversity. Limited diversity in the housing market can lead to stagnation over time, or changes for the worse if there is declining market demand for the existing housing stock. As we have discussed on numerous occasions, one of the reasons for the investment in parks and our Riverwalk is to provide an asset that stabilizes or even increases the demand/desire for housing in older parts of the City. The second part of why we would want to incentivize higher income residences in the heart of the City is purely financial. Properties that are of a higher value pay a higher proportion of property taxes relative to the services received. This is just how the property tax system is set up. It is reasonable to assume that $100,000 average Mishawaka single family home would require a comparable level of services as a $350,000 condominium. The difference in this case is that the higher value property will pay significantly more in taxes over time, even with the abatement.

The following represents a revenue analysis over a ten year period of time comparing thirty $350,000 condominiums to thirty average City of Mishawaka owner occupied homes assessed at $100,000 each. For income tax, we assumed the condominiums would have a household income of $100,000 per year. We assumed the household income for the average owner occupied homes at $50,000 per year. We included the proposed 5-year abatement in the condominium numbers. We also included the estimated income tax generated. The current local income tax for St. Joseph County is 1.75%.

Condominiums/Single Family (30 units @ $350,000 Assessed Value per unit)

Taxes paid first 5 years (abatement)	*$74,910*
Taxes paid years 6 through 10	*$748,950*
Property tax paid over 10 years	$823,860

Estimated Local Income taxes paid per unit per year $1,750
($100,000 annual income x 0.0175 = $1,750)

Income taxes paid first 5 years (30 x $1,750 x 5)	$262,500
Income tax paid years 6-10	$262,500
Income tax paid over 10 years	$525,000

Total local tax revenue over ten years with proposed abatement $1,348,860

Mishawaka Average Owner Occupied Homes (30 units @ $100,000 Assessed Value per unit)
Based on the tax calculator, with the homestead exemption, a $100,000 assessed valuation correlates to a $1,269 annual tax bill using the same assumptions as the condominium units

Taxes paid first 5 years (30 x $1,269 x 5)	*$190,350*
Taxes paid years 6 through 10	*$190,350*
Property tax paid over 10 years	$380,700

Estimated Local Income taxes paid per unit per year $875
($50,000 annual income x 0.0175 = $875)

Income taxes paid first 5 years (30 x $875 x 5)	$131,250
Income tax paid years 6-10	$131,250
Income tax paid over 10 years	$262,500

Total local tax revenue over ten years $643,200

What is interesting about the analysis above is that when you include income tax, the proposed condominium project, even with the abatement, will pay more than the average City of Mishawaka owner occupied home through a combination of property and income taxes. The proposed condominium project will pay an estimated $337,410 in local taxes for the first five years compared to $321,600 for the average city of Mishawaka owner occupied home.

For an even more telling comparison, based on the 2015 tax rates, thirty average Mishawaka homes that have an assessed valuation of $100,000 would pay $761,400 in property taxes over the next twenty years. Thirty $350,000 owner occupied condominiums, including the requested 5 year abatement, would pay $2,321,760 in property taxes over the same period of time. Since property tax is based on value, we would expect a significant difference in these numbers and that the condominiums would be paying three times the amount of property taxes. On a communication level to our constituents, it would be correct to say that if these condominiums are constructed with the proposed abatement, the average property tax bill of these units over 20 years would be close to $3,900 a year, compared to about $1,300 a year for the average City of Mishawaka single family home assessed at $100,000.

We understand that abatement discussions typically revolve around finances, however, the more important characteristic is about setting the downtown up with a vibrant mix of uses than it is about generating revenue. As has been stated since the master plan for the former Uniroyal properties was created in 1999, the redevelopment of these properties represent a once in a generation opportunity. By approving the abatement, whether the project moves forward or not, the City in our opinion will have done everything reasonable within our power to insure the highest and best use.

As indicated by the Redevelopment Commission, we feel that this is an important juncture for the City of Mishawaka relative to our redevelopment in and around the Historic Downtown. We feel that full support of the abatement as submitted will not only aid the developer by keeping the bottom line competitive in the market in the first critical years, it will send a broader message to those who might have other interest in developing downtown that the City is a willing partner.

As always, we appreciate your consideration of the request. Please do not hesitate to contact me with any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor
City of Mishawaka Redevelopment Commission

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 14 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2015-33
(Condominium)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

____
Dale "Woody" Emmons, President

ATTEST:

____
Deborah S. Block, City Clerk

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

____
Deborah S. Block, City Clerk

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

____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 14 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2015-34
(Café)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

____
Dale "Woody" Emmons, President

ATTEST:

____
Deborah S. Block, City Clerk

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

____
Deborah S. Block, City Clerk

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

____
David A. Wood, Mayor