**AGENDA**

**Monday, October 19, 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

October 5, 2015

## 5. Petitions, Communications, Remonstrance and Memorials

A letter from the City Plan Commission regarding recommendations from their October 13, 2015 meeting.

**A Public Hearing on Vacation 2015-05 as required by State Statute on behalf of Sajida Chaudhry, Donald L. Seggerman and the Devisses to Vacate Public Right of Way and Underlying Easement - Fir Trail.**

## 6. Report of Special Committee

## 7. Ordinances on First Reading

P.O. NO. 2015-27 Amending the Flood Control Ordinance

P.O. NO. 2015-28 Annex and Zone S-2 PUD Mixed-Use Multi Family and Commercial - West Side of Gumwood Rd - North of West Cleveland Rd

P.O. NO. 2015-29 Annex and Zone C-1 Retail Uses - approximately 350 ft. East of SE corner of Douglas Rd and Fir Rd

P.O. NO. 2015-30 Rezone from C-1 to C-10 Convenience Store, Gas Pumps, Car Wash - NE corner of Edison Rd and Hickory Rd

P.O. NO. 2015-31 Amend the 12th Street PUD for Village Green Holdings, LLC - 1400-1500 Blk of East 12th St to R-3 Res Multi-Family with a Community Center

P.O. NO. 2015-32 Annex and Zone C-6 Office and Medical Office Uses - 15170 Cleveland Rd and property adjacent to the south

P.O. NO. 2015-33 Vacation of Public Right-of-Way and Underlying Utility Easement Rights - Fir Trail between Fir Rd and Cleveland Rd

## 8. Resolutions

R2015-36 Confirming Resolution Tax Abatement - Bayer Healthcare - Beacon Parkway North of the Indiana Toll Rd

## 9. Ordinances on Second Reading

P.O. NO. 2015-22 Elected Officials Salary Ordinance 2016 (Assigned to Budget and Finance Committee)

P.O. NO. 2015-23 City Employees Salary Ordinance for 2016 (Assigned to Budget and Finance Committee)

P.O. NO. 2015-24 Civil City Budget and Tax Levy for 2016 **As Amended Final Adoption - Vote** (Assigned to Budget and Finance Committee)

P.O. NO. 2015-26 Amending the 2015 Salary Ordinance - Planning Department Senior Planner/Economic Development Specialist (Assigned to Budget and Finance Committee)

**10. Privilege of the Floor – Non-Agenda Items**

**11. Unfinished Business**

**12. New Business**

**13. Adjournment**

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

October 05, 2015

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday, October 05, 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. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Absent: Mr. Compton, Mr. Emmons**

Others present; Council Attorney, Mike Trippel, Chief Deputy I Mary Ellen Hazen

The minutes from September 21, 2015 meeting were approved as received from the Clerk's Office.

Clerk Block presented the following petitions to the council who referred them to the City Plan Commission for their recommendations.

| | |
|---|---|
| Petition No. 2015-26 | Annex and Zone S-2 PUD Mixed-Use Multi Family and Commercial – west side of Gumwood Rd north of West Cleveland Rd |
| Petition No. 2015-27 | Annex and Zone C-1 Retail Uses - approximately 350 ft. East of SE corner of Douglas Rd and Fir Rd |
| Petition No. 2015-28 | Rezone from C-1 to C-10 Convenience Store, Gas Pumps, Car Wash - NE corner of Edison Rd Hickory Rd++ |
| Petition No. 2015-29 | Rezone from C-1 to C-10 Convenience Store, Gas Pumps – NW corner Douglas Rd and Fir Rd |
| Petition No. 2015-30 | Amend the 12th St. PUD for Village Green Holdings, LLC – 1400 Blk of East 12th St to R-3 Residential Multi-family with a Community Center |
| Petition No. 2015-32 | Annex and Zone C-6 Office and Medical Office Uses – 15170 Cleveland Rd and property adjacent to the south |

Petition No. 2015-33 Vacation of Public Right-of-Way and Underlying Utility Easement Rights – Fir Trail between Fir Rd and Cleveland Rd

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

**PROPOSED ORDINANCE NO. 2015-26**

**AN ORDINANCE AMENDING ORDINANCE 5457 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT THE SWORN FIRE AND POLICE, MISHAWAKA PARK DEPARTMENT , ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2015.**

(Amending 2015 Salary Ord. Planning Dept. Senior Planner/Economic Dev. Specialist)
(Assigned to Budget and Finance Committee)

Clerk Block read **RESOLUTION R2015-35** opening for public hearing.

**RESOLUTION NO. 2015-35**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING CERTAIN AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA KNOWN AS A PART OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSRPH COUNTY INDIANA TO BE AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF A REAL PROPERTY TAX ABATEMENT FOR BAYER HEALTHCARE and/or ITS ASSIGNS**

Dale Pheifer, Carmel, IN developer with Browning Investments, Indianapolis said they would be building and owning this 60,000 square foot building, it would be a $15 million project to be leased to Bayer. He said Bayer has retained 175 employees and have committed to hiring 65 new employees for a total of approximately 240 employees upon its completion, which is scheduled for December 2016, He said a lease has not been executed due to the contingent of approval for this tax abatement to be complete.

Brian McMorrow, Senior Project Manager, Abonmarche Consultants, South Bend showed the exhibit of the MACOG plotting of the 7 ½ acres that was situated west and south of Capital Avenue right at the interchange and opposite of the Beacon Health Care Site. He said they applied for a petition to amend the PUD to allow the use of this type of materials on the building, explaining it was concrete liner panels with bricklike appearance.

Mr. Mammolenti asked if there was any discussion about purchasing the building. Mr. Pheifer stated they did have those discussions but from an accounting standpoint it was better for companies like Bayer to lease facilities rather than own them.

Mr. Roggeman asked what they would be putting in this building. John Hertzog, Bayer Health Care, 33200 Bald Eagle Court, Niles, Michigan said it would be a regional service center they would handle all of the distributions, logistics, orders and cash functions for the Bayer Health Care Family, over the counter, pharmaceuticals, radiology and imagining and soon animal health that is now located in Kansas City presently. He said they have insourced most of the customer service functions from Pennsylvania, and New Jersey, into this building over the last five years. Mr. Hertzog stated they have been in the building they are in since 2003 with 56 employees and now have 175 employees, it has been a great growth pattern for them and recognizing the growth pattern of this area local colleges, in a good town they are happy to be moving here.

Question was called for at 7:13 p.m. on **RESOLUTION NO. R2015-35 the Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. Voelker. Absent: Mr. Compton, Mr. Emmons.**

Clerk Block read **PROPOSED ORDINANCE NO. 2015-24** opening it for public hearing.

**ORDINANCE NO. 2015-24AA**

**CIVIL CITY BUDGET AND TAX LEVY FOR 2016**

Clerk Block said this was a pre-adoption no vote would be taken this evening and the Controller has asked for an amendment.

Mr. Roggeman made a motion to delete **PROPOSED ORDINANCE NO. 2015-24** in its entirety and replace it with a new ordinance, with a second by Mr. Mammolenti the motion carried.

Dave Wood, Mayor said he was speaking in support of the 2016 Mishawaka Civil City Budget saying the ongoing priorities would be to continue providing world class services to the citizens, improving quality of life, investing in infrastructure, and providing employees with a modest raise. He went on to say the major priority this year was to build a foundation for the next several budgets and preparing for the coming physical cliff of 2019. Mayor Wood said the next four budgets would be linked together as one plan to help achieve the goals for 2020. He said the Circuit Breaker would result in the city having to cut nearly 8 million dollars out of the General Fund Budget, where city services and salaries are found. Mayor Wood said it was his goal to get past 2019 without a reduction in service and without a reduction in personnel. He said to accomplish this we must all be very disciplined on controlling costs and being as efficient as possible and shifting General Funding Expenses to other funding sources or sheading them altogether.

Mayor Wood stated they would like to hold the growth rate of the budget to near zero if possible but must be balanced with the steady increase of the cash reserves. He said they would do everything in their power to control the factors they can control to place themselves in the best possible position.

Mayor Wood said in 2015's Budget there was a reduction due to savings in health care and shifting the Dispatch Unit to St. Joe County with the PSAP Consolidation. He said additionally the General Fund saw a decrease due to moving items into CEDIT and Public Safety LOIT. Mayor Wood said for 2016 there was a dire need to build up cash reserves, as Umbaugh pointed out in their study all major funds would be in the red by 2020 if we do not plan to take action now.

Mayor Wood went on to say the 2016 Budget was 52,926 million dollars which represents a 5.93 increase over 2015 budget, and decreased by roughly the same amount, so the budget was essentially the same as it was 2 years ago. Mayor Wood stated the estimated tax rate goes up fractionally to 1.94% from 1.875% included in the budget was a 1% wage increase for all positions and they are also asking for all collective bargaining units as well. He said the General Fund increase due to the new capital line budget thus enabling the fund to increase cash reserves; the Law Enforcement Continuing Education Fund, and the Cum Cap Fund have had the largest increases, Umbaugh's analysis suggested the Law Enforcement Continuing Education Fund should have a larger budget due to the cash reserves that were in there, thus offsetting some General Fund Expenses. Mayor Wood said CFF was also the fund that reestablishing the rate to .05 thus enabling the city to receive more revenue for computer hardware, software, and software maintenance. He said it was sometimes difficult to predict the City's revenue but being very conservative as they have been in the past in budgeting the, LOIT, and COIT dollars. Mayor Wood said it was also increasingly difficult to predict property tax revenue due to the Circuit Breaker losses, so they have been conservative in all aspects of revenue for 2015. He said the conservative approach has helped navigate their difficult budgets over the past few years it has worked well for the City of Mishawaka.

Mayor Wood thanked City Controller Becky Miller and her staff for all of the hard work and diligence they have put into this budget. He thanked his management team including all department managers for all of their preparation of their departmental budgets and for their understanding of the long term needs of their departments and the city. Mayor Wood said he would like to thank the employees for their good work and the execution of their jobs with limited resources he feels they do an incredible job. He said and to the Council for their understanding and trust of the managers and the support of the budget requests.

Mr. Mammolenti expressed he appreciation of all the hard work that goes into the preparation of the Budget, with all the long meetings, compiling, and executing this budget.

Mr. Reisdorf said in echoing Mr. Mammolenti's statement he wanted to thank Controller, Becky Miller for being at the meetings and explaining in detail, while answering questions.

Mr. Banicki said he too wanted to express his appreciation as to how well the budget was put together and explained to everyone. He went on to say he knows the long hours and hard work that has gone into this.

Mr. Banicki reminded everyone there would not be a vote on this proposed ordinance at this time.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-25** opening it for public hearing.

**PROPOSED ORDINANCE NO. 2015-25**

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

(Vacation of Public Right of Way – Trinity Place Realignment of Trinity Place for VA Outpatient Clinic – West of Fir Road

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, Senior Project Manager for Abonmarche, 750 Lincolnway Way East, South Bend, said the vacation of this public right of way would be another step to pave the way for the VA Hospital to become a reality on Trinity Place.

Question was called for at 7:25 p.m. on **PROPOSED ORDINANCE NO. 2015-25 Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).
**Yes:** Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. Voelker. **Absent:** Mr. Compton, Mr. Emmons.
**THUS IT BECOMES ORDINANCE NO. 5498.**

**NEW BUSINESS**

Mr. Mammolenti stated the Twin Branch School Watch Meeting would be October 21st at 7:00 p.m.

Adjournment was at 7:27 p.m.

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

Ronald S. Banicki _____
Ronald S. Banicki, Vice President Presiding

# City of Mishawaka

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

October 14, 2015

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 15 2015
CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
October 13, 2015, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

**PETITION #15-25** A petition submitted by the City of Mishawaka for approval of an ordinance replacing the Flood Plain Ordinance of the City of Mishawaka, Indiana.

The Commission, with a vote of 8-0, recommended approval.

**PETITION #15-26** A petition submitted by Mishawaka Utilities requesting to annex and zone property commonly known as the Gumwood Wellfield to S-2 Planned Unit Development.

The Commission, with a vote of 8-0, recommended approval subject to the conditions in Exhibit "A" (attached).

**PETITION #15-27** A petition submitted by SEC Investments LLC requesting to annex and zone property located near the **southeast corner of Fir and Douglas Roads** to C-1 General Commercial District.

The Commission, with a vote of 8-0, recommended approval.

**PETITION #15-28** A petition submitted by Donald & Patricia Cressy Foundation requesting to rezone the **northeast corner of Edison Road and Hickory Road** from C-1 General Commercial District to C-10 Filling Station Commercial District.

The Commission, with a vote of 8-0, recommended approval.

**PETITION #15-30** A petition submitted by Village Green Mishawaka Holdings, LLC, requesting to amend the 12th & Byrkit Planned Unit Development to allow for R-3 Multi-Family Residential uses.

The Commission, with a vote of 8-0, recommended approval subject to the following conditions:

1. Deceleration lanes along 12th Street shall be installed as determined by the Department of Engineering and shall satisfy Engineering standards.

2. Perimeter and internal landscaping shall meet C-1 General Commercial standards.

3. Architectural standards shall include architecturally appropriate materials consistent with the City's Design Review Ordinance for all facades visible from the public right-of-way.

4. Right-of-way and easements to be dedicated as required by Department of Engineering and Mishawaka Utilities.

5. All other previously approved developmental standards shall remain the same.

**PETITION #15-32** A petition submitted by Donald L. Seggerman and the Devisees of the Last Will of Evelyn Marjorie Eberding requesting to annex and zone **15170 Cleveland Road** to C-6 Linear Office Commercial District.

The Commission, with a vote of 8-0, recommended approval.

**PETITION #15-33** A petition submitted by Sajida Chaudhry, Donald L. Seggerman, and the Devisees of the Last Will of Evelyn Marjorie Everding requesting to vacate public right-of-way located **adjacent to 15170 Cleveland Road.**

The Commission, with a vote of 8-0, recommended approval.

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

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Mike Danch
Brad Mosness

**PETITION #15-26**
**EXHIBIT "A"**

**City of Mishawaka North Well Field**
**Northwest Gumwood & S.R. 23 Conditions of Approval**

**Traffic Impact:**

1. The following general conditions shall apply. More specifics and refinements shall be made with each final planned unit development plan submission. A Traffic Impact Study may be required as determined by the City Director of Engineering. All traffic/transportation improvements required for this property (including but not limited to Gumwood Road and State Road 23) shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering, subject to modification by any potential development agreement with the City should one or more be established.

    a. The primary access for the property is intended to be routed through what has been approved as the Grandview Planned Unit Development. Any modifications shall be limited as determined appropriate by the City Director of Engineering and the applicable road authority/jurisdictions.

    b. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.

**Proposed Uses:**

1. Municipal well fields shall be considered a permitted use over the entire property. Commercial uses shall be limited to those identified within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts. Commercial uses shall be limited to the south half of the property. Multi-Family Residential uses along with assisted living and nursing home uses may be allowed. However, no commercial uses shall be located on the north half of the property adjacent to the existing single-family residential development to the north. Multi-Family Residential uses, assisted living, and nursing home uses shall be permitted on the entire PUD, potentially to act as a transitional use between the existing single-family residential uses and the proposed commercial uses to the south located on the Grandview Planned Unit Development.

2. Off-premise signs/billboards shall be prohibited.

3. Outside storage and display shall be prohibited.

4. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

**Road connections:**

1. The City has not made a determination on whether or not the stub streets from the adjacent subdivisions shall be extended or connected over time. An appropriate connection and or turn-a-round on the property shall be provided within any proposed redevelopment project.

2. Access and utility easements shall be dedicated to adjacent properties, where deemed appropriate by the City Director of Engineering.

**Stormwater run-off:**

1. The type of stormwater facilities proposed within the PUD shall be limited/restricted as required by City well-head protection standards and as may be directed by the City Director of Engineering based on the close proximity of the City Well Field. The purpose is to limit potential groundwater infiltration in that area.

2. An emergency overflow outlet for proposed retention ponds into City storm sewers may be provided by the City if deemed appropriate by the City Director of Engineering.

**Lighting:**

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas.

**Signage:**

1. Signage shall be limited to what is permitted in the on-premise sign ordinance by the proposed use. A sign easement will be provided to this property from the Grandview PUD to be located along Gumwood Road. The required location is at the proposed entrance opposite Heritage Square Drive. This sign shall be subject limited to a maximum of 60 square feet with a maximum length not exceeding 12 feet.

    a) Signs shall be located a minimum of 200 feet apart from one another (including the sign easement) except that signs may be located closer where an entrance drive is located between them.

2. All freestanding signs shall have a masonry base.

3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

4. Seasonal banners and general development identification banners may be allowed for decorative and parking lot light poles throughout the property.

5. Temporary Construction fence coverings which may include information about the project, elevations, renderings, slogans, logos and coming soon info may be allowed.

6. Directory Kiosks placed strategically around the center to help customers locate businesses with a directory map of the development and advertising for retailers and other businesses may be allowed.

7. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from SR 23 or Gumwood Road.

**Landscaping:**

1. Development of the property shall comply with the landscape requirements of the C-1 General Commercial zoning district.

2. Utility areas shall be provided separate from required landscaped areas. If utilities are located within the required green areas, an additional 10 feet of green area shall be required for planting.

3. A 2-foot high earth mounding planted with evergreen trees, minimum 8' height, spaced 10'to12' max along with a 6' minimum height opaque fence shall be provided along the west property lines abutting existing residential property.

4. If decorative ponds with fountains are proposed along public roadways, the landscaping requirement shall be reduced to eliminate the need for the 2' berm and shrubbery/low planting between the road and building/parking areas and where the normal water elevation of the pond is located

5. All developments within the PUD, including the multi-family residential development, shall comply with the landscape requirements of the C-1 General Commercial zoning district. This shall be in addition to any required buffer planting.

6. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

**Parking:**

1. A minimum of (1.5) parking spaces per residential unit shall be provided for the multi-family residential use. Parking ratio may be reduced to a minimum of (1.25) per residential units for one bedroom apartments only. Garages, parking lots, and on-street

parking may be utilized for required parking.

2. A minimum of (0.75) parking spaces per bed shall be provided for assisted living and nursing home uses.

3. All other uses shall comply with the corresponding parking requirements as identified in the City of Mishawaka Zoning Ordinance.

**Building/Parking Setbacks**

1. A minimum 25' building setback shall be provided along the north, south, and east property lines where the property abuts the Grandview Planned unit Development.

2. A minimum 10' parking setback shall be provided along the north, south, and east property lines where the property abuts the Grandview Planned unit Development.

3. A minimum 35-ft building and parking setback shall be provided along the west and north property lines abutting existing single family residential property.

4. A minimum 10' building and parking setback shall be provided along internal roads and between property lines within the Planned Unit Development, however, a 0' parking setbacks may be allowed to provide for shared parking bays at various locations within the development as deemed appropriate by the Planning Commission upon review as part of each subsequent final planned unit development site plan submission.

**Phasing:**

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first final planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

# STAFF REPORT

Location: NA Date: Oct. 13, 2015

Petition: 15 25 Prepared By: GGS

## GENERAL INFORMATION

The Department of Planning, Building, and Community Development is requesting approval of the adoption of a new Floodplain Ordinance and Floodplain Maps. The City of Mishawaka participates in FEMA's National Flood Insurance Program. The National Flood Insurance Program (NFIP) is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood loses in exchange for State and community floodplain management regulations that reduce future flood damages. To remain in the program, the Federal government requires that certain items be adopted. The City has worked with FEMA and the Indiana Department of Natural Resources (IDNR) to fulfill these requirements.

Floodmaps have recently been revised by FEMA. In order for the City to continue in the Flood Insurance Program a new floodplain ordinance that spells out the requlations found in Code of Federal Regulations must be adopted. The staff has worked with the State officials and utilized a model ordinance provided by the State that complies with the mentioned Federal Regulations. This new ordinance will replace the entire existing Floodplain Ordinance. The new ordinance includes the establishment of a floodplain manager for the community, regulations regarding building in floodway and floodplains, flood preventative measures for individual homes as well as subdivisions, and procedural process for submitting flood certificates and other administrative processes.

The effective date of the new Flood Insurance Study, Flood Insurance Rate Maps, and Ordinance must be adopted prior to December 16, 2015. A letter from FEMA outlining these requirements and effective date has been attached to this report.

# STAFF REPORT

General Location: North and west of the intersection of Gumwood Road & S.R. 23

Date: October, 13 2015

Petition #15-26 City North Wellfield Planned Unit Development Annexation, Establish Zoning

Prepared By: KBP

## GENERAL INFORMATION

| | |
|---|---|
| Applicants: | Mishawaka Utilities, acting by and through the City of Mishawaka Utility Board |
| Status: | Property Owners |
| Request: | To annex and establish zoning for the City of Mishawaka north municipal wellfield. In addition to the wellfield, potential future uses could include a mix of uses consisting including commercial, multi-family residential, assisted living and nursing homes. |
| Existing Zoning: | Unincorporated St. Joseph County |
| Proposed Zoning: | S-2 Planned Unit Development |
| Lot Size: | 23.52 Acres |
| Applicable Regulations: | 159.185 S-2 Planned Unit Development District<br>159.281 Amendments to the Zoning Map<br>Indiana Code 36-4-3 2.1 and 36-4-3-3.1 |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | Unincorporated St. Joseph County and S-2 Planned Unit Development (Grandview proposed mixed |
| | South: | S-2 Planned Unit Development (Grandview proposed mixed use development) |
| | East: | S-2 Planned Unit Development (Grandview proposed mixed use development) |
| | West: | Unincorporated St. Joseph County |
| Thoroughfare: | Gumwood Road & W Cleveland Road (S.R. 23) | |
| School District: | South Bend Community School Corporation | |
| Public Utilities: | All Public Utilities are either available or can be extended to the site | |
| Comprehensive Plan: | Not specifically identified in the Mishawaka 2000 Comprehensive Plan: Generally consistent with the established policy and trends of encouraging retail and multiple family uses within the area | |

## ANALYSIS

**Proposal:**
The applicant is proposing to annex and establish zoning for the north City municipal well field. Until the Grandview mixed use planned unit development was annexed to the City, this site was not adjacent to the City limits and therefore ineligible for meeting the contiguity requirements for annexation. Although owned by Mishawaka Utilities, the well field was developed in unincorporated St. Joseph County. At this time, Mishawaka Utilities desires to bring the well field properties into the City both to allow for more autonomous control and also to prepare for the ultimate closure and repurposing of the property should the well field be replaced in the future.

From a functional standpoint, the City is asking for the same range off uses that was ultimately adopted as part of the Grandview PUD, including almost identical development restrictions, with changes just reflecting the location of the property off of the main thoroughfares. The thought process being that given the access to the property has been provided/was mandated as part of the Grandview proposal; it just makes sense to replicate the same uses, and merely adding a municipal well field to that list of uses. Once closed, we would anticipate that the well field property will function for its end use as part of the Grandview Planned Unit Development, whether purchased by the same developer or another, what is developed in Grandview, the common access, walk connection, and signage will all direct the functional use of the property.

In this case, what is significantly different is that the City has not proposed any specific site plan for the property. A site plan would only be developed in conjunction with the closure of the well field and the filing of a specific PUD amendment which would require a similar public hearing process. Mishawaka has been contacted by the adjacent Grandview Developer regarding the potential purchase of a few hundred feet of the southern portion of the well field that is not occupied by wells or unduly limited by the well field operations. This potential purchase is not up for consideration as part of this request, only the annexation and range of uses proposed. It is important to note that the well field is expected to continue to operate for multiple years into the future. Any consideration of property disposal would also require a separate hearing and bid process as required by the Indiana Code.

Similar to when Grandview was submitted at the end of 2013, the applicant, in this case the City, are only proposing to establish the range of permitted uses and basic development requirements of the planned unit development. If approved, a much more detailed final planned unit development site plan would be submitted at a later date concurrent with a specific user and development request. These requirements and standards have been attached to this report as Exhibit A.

**Zoning Change:**
Staff feels that the evaluation of the zoning of this property for mixed use commercial and residential purposes is appropriate given the dramatic commercial growth of this general area in recent years, Grandview, Heritage Square, Toscana Park, the known proposed expansion of transportation corridors including Gumwood Road, and the general consistency of the site location with the policy of the Comprehensive Plan to encourage commercial development along the Grape Road and Main Street corridors.

**Transportation/Roads:**
The State has projected that the volumes of traffic will likely double in this section of State Road 23 over the next twenty years. The traffic volume will roughly go from 20,000 trips per day on average one direction to 40,000 trips per day by 2020. Funding continues to remain an issue at the State level. Likely funding and timing of the State Road 23 project although unknown, is currently within INDOT's 10 year funding plan.

In this case, since no site plan is being filed, staff has merely adapted the conditions of approval that were adopted when Grandview was approved by the City for adoption for the well field property. As the Commission may recall, the two issues that were of a substantial concern from the adjacent residents were the potential stub street connections at the northwest corner of the well field property. Lucas Drive to the north and Hamilton Street to the west. The basic concern of the residences who live in the unincorporated subdivisions is that if the property is developed and the stub streets are connected, there would be a significant increase in traffic moving through the residential streets. At the time of the Grandview review, we indicated that the

decision regarding making these connections would not be made until such a time as the well field would be abandoned and redeveloped. At this point in time, no changes are being proposed in this regard. Stub street connections are not being considered as part of this proposal.

The second concern expressed was regarding screening and buffering between the commercial portion of Grandview and the existing single family homes to the west. Essentially, we are proposing that the standard for screening and buffering match the commercial standards that wre adopted as part of the Grandview project. Although we doubt that the long term redevelopment of the well field will result in entirely commercial uses, having a consistent uniform standard that is consistent with the most intensive uses permitted makes sense from a planning perspective.

## RECOMMENDATION

Staff recommends in favor of annexation and zoning Petition # 15-26 to annex and establish zoning for the City of Mishawaka north well field properties located northwest of Gumwood Road and S.R. 23 to allow for the existing well field and future redevelopment uses that include commercial, multi-family residential, assisted living and nursing homes.

Subject to the Conditions in attached Exhibit A:

This recommendation is based on the following findings of fact:

1. Existing Conditions- The subject parcel is located northwest of Gumwood Road and S.R. 23 , both heavily traveled corridors. The site is located immediately across the street from existing similar multi-residential and commercial developments, and is separated by the Grandview Planned Unit Development, of which this parcel over time will serve as a likely extension of it.
2. Character of Buildings in Area- The character of many of the buildings located along Gumwwod Road and S.R. 23 are commercial. The buildings north and west of the proposed site are predominantly residential, making the proposed transitional multi-family residential uses on the north side of the PUD property appropriate.
3. The most desirable/highest and best use- Because of the parcels' location and the significant commercial development along the Main Street/Gumwood Road corridor, combined with the surrounding single family residential subdivisions, makes the most desirable use for the property a mix of commercial and transitional office and residential uses. Although there are adjacent single family residential properties to the north and west, the lack of any current internal road connection combined with required presence of City utilities, rather than the adjacent septic and well systems associated with the existing residential developments, warrants a higher more intense uses than single family residential.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the proposed/required blend of uses transitions the proposed uses from higher to lower intensities where the development is adjacent to existing neighborhoods. Furthermore, if approved, the adjacent residential parcels would be protected by the series of conditions placed on the planned unit development. These conditions include among other significant restrictions as requiring substantial screening and landscape "green' buffer yards between uses.
5. Comprehensive Plan- Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) Corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

## ATTACHMENTS

Photograph of Site Area from Gumwood Road, Exhibit A, Site Location Map and Aerial

View from Gumwood Road looking west toward the existing well field property. In the foreground is the development currently commencing as part of the Grandview PUD

# STAFF REPORT

Location: 15002 East Douglas Road Date: October 13, 2015

Petition: 15 27 Prepared By: KBP

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | SEC Investments |
| Status: | Property Owners |
| Request: | To annex and zone 0.58 acres to C-1 General Commercial |
| Zoning Classification: | Unincorporated St. Joseph County (Existing) Residential |
| Lot Size: | 0.58 acres |
| Applicable Regulations: | Section 137-300 to 137-303 C-1 General Commercial<br>Section 137-41 Amendments to the Zoning Map<br>Indiana Code 36-4-3 2.1 and 36-4-3-3.1 |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | S-2 Planned Unit Development (mixed use commercial, currently undeveloped) |
| | South: | C-1 General Commercial (Undeveloped) |
| | East: | Unincorporated St. Joseph County (Residential) |
| | West: | Unincorporated St. Joseph County (Residential) & C-8 High Density Suburban Commercial (Undeveloped) |
| Thoroughfare: | | Fir and Douglas Roads |
| School District: | | Penn-Harris-Madison School Corporation |
| Township: | | Penn Township |
| Public Utilities: | | All utilities are available or can be extended to the site by the developer |
| Comprehensive Plan: | | The area was identified as existing single family residential on the Capital Avenue Comprehensive Land Use Plan |

## ANALYSIS

In 2010, the adjacent properties to the south and west (the southeast corner of Douglas and Fir Roads) were annexed to the City with a C-1 General Commercial classification. This original annexation was approximately 1.77 acres. Since that time the properties have remained undeveloped. At this time, the petitioner has acquired the single family home noted above with the intent of combining it with the parcels that were previously annexed. This would result in a combined 2.3 acre parcel. In this case, it is fairly obvious how this addition will maximize the potential of the lot by eliminating the previous odd property shape.

By revisions to State law that occurred in 2015, when a parcel is annexed it must now share 25% of its border with the existing City boundary. This is up from 12.5%. With the previous annexation, and the annexation of the Penn Farm across Douglas Road, the only border of the property not adjacent to the City is the east property line. Roughly 80% of the current boundary is adjacent to the City.

Douglas Road and Fir Road are both arterial roadways that will carry an ever increasing amount of traffic as the area develops. This intersection was improved in the late 2000's by St. Joseph County. At the time, the City partnered with St. Joseph County to make sure a fifth lane(turning lane) was added to Douglas as part of that project. This was done in anticipation of the City widening Douglas Road through the entire City Limit. At the time, the City also made provisions for a sanitary sewer connection to cross the road in an attempt to try and avoid the need for tearing up this intersection in the future. Juday Creek is in close proximity to the Site and crosses the intersection moving from the south to the north as it moves to the east. Floodplain is a limitation to the property north of Douglas Road, but not this combined site. Storm water detention will be a significant hurdle for this site to overcome. The location of Juday Creek, the high ground water, and the fact that the City doesn't have storm water infrastructure in this location means that the developer would need to retain all storm water on the property.

The properties on the east side of Fir Road are guided by the Comprehensive Plan amendment performed jointly by the City and St. Joseph County that was adopted in 2003. At the time, a conscious decision was made not to guide existing developed property. As such, this parcel was merely identified as existing single family residential. At the same time, the large open undeveloped area behind these parcels to the south and east (with no frontage on Douglas and Fir Roads) was guided as a future professional office park. Given the location of these properties at the intersection of two arterial roadways, although not guided by the Capital Avenue Plan, the redevelopment of these "frontage properties" was inevitable and will likely be determined by the market in a piece meal fashion, very similar to sections of Grape Road. From a regulatory standpoint, it is important for the City to require shared access points and cross access easements to reduce the number of curb cuts and appropriately phase in the infrastructure in a planned and orderly fashion. This will essentially mean that the cost for developing this type of parcel will be more difficult and problematic based on the relatively small size and the need to address the extension of infrastructure, providing cross connections, while at the same time providing interim screening and buffering until the remaining parcels turn to a more commercial use.

At this time, the developer is merely requesting annexation and the establishment of a C-1 General Commercial zoning classification for the property to be able to market it for its highest and best use. Staff believes that uses such as a sit down restaurant, bank, professional office, drug store, and other uses would be appropriate for this high profile intersection. Staff supports the annexation of the property at this time to allow that marketing to occur. Annexation also affords the City some control relative to the development of the area. If annexation were not to occur, staff would envision that repeated attempts to develop the property in the County would occur, with little or no input from the City. In addition, development without annexation also typically proves to be an obstacle to future annexation. Given the limited number of growth areas for the City, development without annexation would be problematic in this location.

## RECOMMENDATION

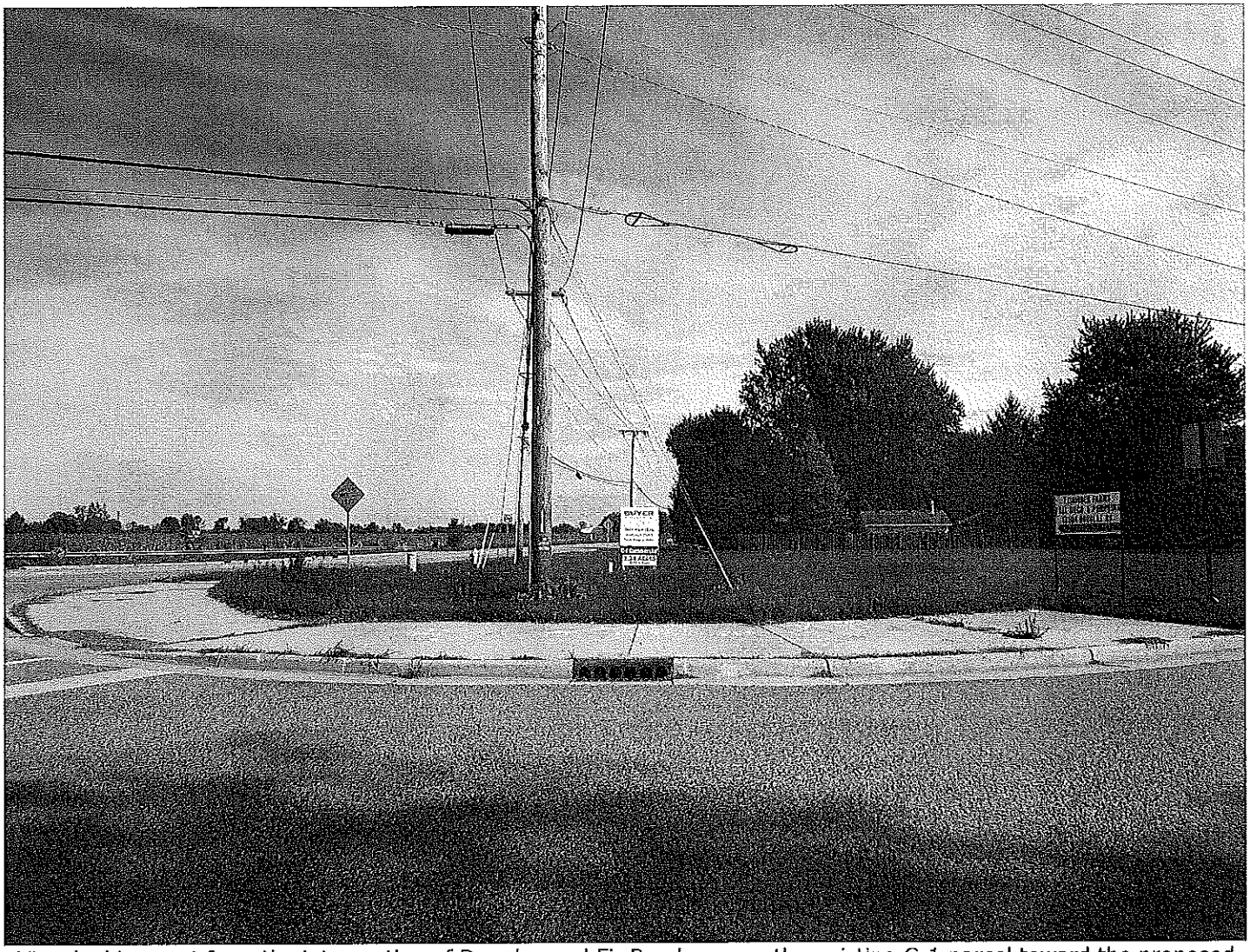
Staff recommends in favor of Petition # 15-27 to annex and zone approximately 0.58 acres located at 15002 east Douglas Road into the City of Mishawaka with a zoning of C-1 General Commercial. This recommendation is based on the following findings of fact:

1. Existing Conditions- Although the area was platted and developed decades ago with a tract of single family homes, the subject parcel is located at the intersection of two arterial roadways within an area that continues to develop with commercial uses. Traffic is intended to increase along both corridors. A convenience store has been proposed for the opposite (northwest) corner of the intersection.
2. Character of Buildings – The character of the buildings within the surrounding area is single family residential, but the area continues to redevelop for commercial purposes.
3. The most desirable/highest and best use – Because of the parcels' location and the existing commercial development along the Douglas and Fir Road corridors, the most desirable use for the property is commercial. Although there are surrounding residential properties, the increasing traffic along the corridors, makes the long term use of these properties undesirable for residential purposes.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.
5. Comprehensive Plan- The properties on the east side of Fir Road are guided by the Comprehensive Plan amendment performed jointly by the City and St. Joseph County that was adopted in 2003. At the time, a conscious decision was made not to guide existing developed properties such as these. The large open undeveloped area behind this parcel to the south and east (with no frontage on Douglas and Fir Roads) was guided as a future professional office park. Given the location of this parcel at the intersection of two arterial roadways, although not guided by the Capital Avenue Plan, the redevelopment of these "frontage properties" was inevitable and will likely be determined by the

market in a piece meal fashion. The hospital and other commercial developments has altered developmental patterns from what once was a desirable location for residential development to more intensive commercial growth. Residential development is no longer desirable within this area and comprehensive plans must be reevaluated as development trends change over the years.

## ATTACHMENTS

Aerial Photo, Site Photographs, Petition, and Annexation Diagram



View looking east from the intersection of Douglas and Fir Roads across the existing C-1 parcel toward the proposed single family home to be annexed

# STAFF REPORT

Location: Northeast corner of Hickory & Edison Roads Date: October 13, 2015

Petition: 15 28 Prepared By: KBP

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Donald and Patricia Cressy Foundation, Stephen A. Studer |
| Status: | Property Owners, Attorney |
| Request: | To rezone 2.30 Acres from C-1 General Commercial and C-4 Automobile Oriented Commercial to C-10 Filling Station Commercial |
| Zoning Classification: | C-1 General Commercial |
| Lot Size: | 2.30 acres |
| Applicable Regulations: | Section 137-529 to 137-530 C-10 Filling Station<br>Section 137-41 Amendments to the Zoning Map |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | C-1 General Commercial, part of the Cinemark Movies 14 Complex |
| | South: | C-1 General Commercial |
| | East: | C-1 General Commercial and C-4 Automobile Oriented Commercial, vacant property located within the Cinemark 14 Movies complex |
| | West: | C-1 General Commercial and City of South Bend Commercial Shopping Center |
| Thoroughfare: | | Edison and Hickory Roads |
| School District: | | South Bend Community School Corporation |
| Township: | | Penn Township |
| Public Utilities: | | All utilities are available or will be extended to the site at the developer's cost |
| Comprehensive Plan: | | General Commercial |

## ANALYSIS

The petitioner is requesting to rezone the northeast corner of the intersection of Edison and Hickory Roads C-10 Filling Station Commercial to allow for the construction of a new convenience store and car wash. As the Commission may recall, this site has served multiple temporary uses over time. Most recently, Sweet Corn Charlie has operated a road side stand with a transient merchant license through the City. In the recent past, Gates Automotive received a use variance and conducted a regional auto sales event from the property.

Similar to the site proposed on Douglas and Fir Roads, staff feels that this site is appropriate for the desired use because we feel that the access points for this property, which is essentially part of the Cinemark Movies 14 greater development, could be adjusted away from the intersection an appropriate

distance so that the turning movements at the intersection are not impacted adversely by the turning movements of the filling station. Staff continues to believe that other uses such as a sit down restaurant, bank, professional office, drug store, and other general commercial uses would also be appropriate for this high profile intersection. In addition to Filling Stations, the C-10 district also permits all C-1 general commercial uses.

For comparison, the development and size of this corner site is very similar to the convenience store and vacant parcel at the southwest corner of Day and Fir Roads in that it is proposed to be developed with an empty lot adjacent to it meant for future development.

At this point in time, the only item under consideration is the proposed zoning classification. That being noted, staff feels strongly that the applicant needs to identify how access and the division of property are intended to occur on the whole 7.7 acre site that this property is being proposed to be divided from. This would require shared access drives and common easements over multiple properties. Staff would also note that the proposed curb cut/entrance locations are likely too close to the intersection and should be moved/and or improvements required as may be directed by the Engineering Department.

If approved, the site plan will need to be refined relative to circulation patterns and providing landscaping to break up the large quantities of asphalt. Similar to the Martin's Fueling station at Heritage Square to the north, staff is also requesting a fuel/oil separator be provided to intercept surface spills/drips that occur over time before surface water takes it to the retention basin/storm water management area.

Plans have been routed to all applicable City Departments, at the time of writing this report no significant comments had been received.

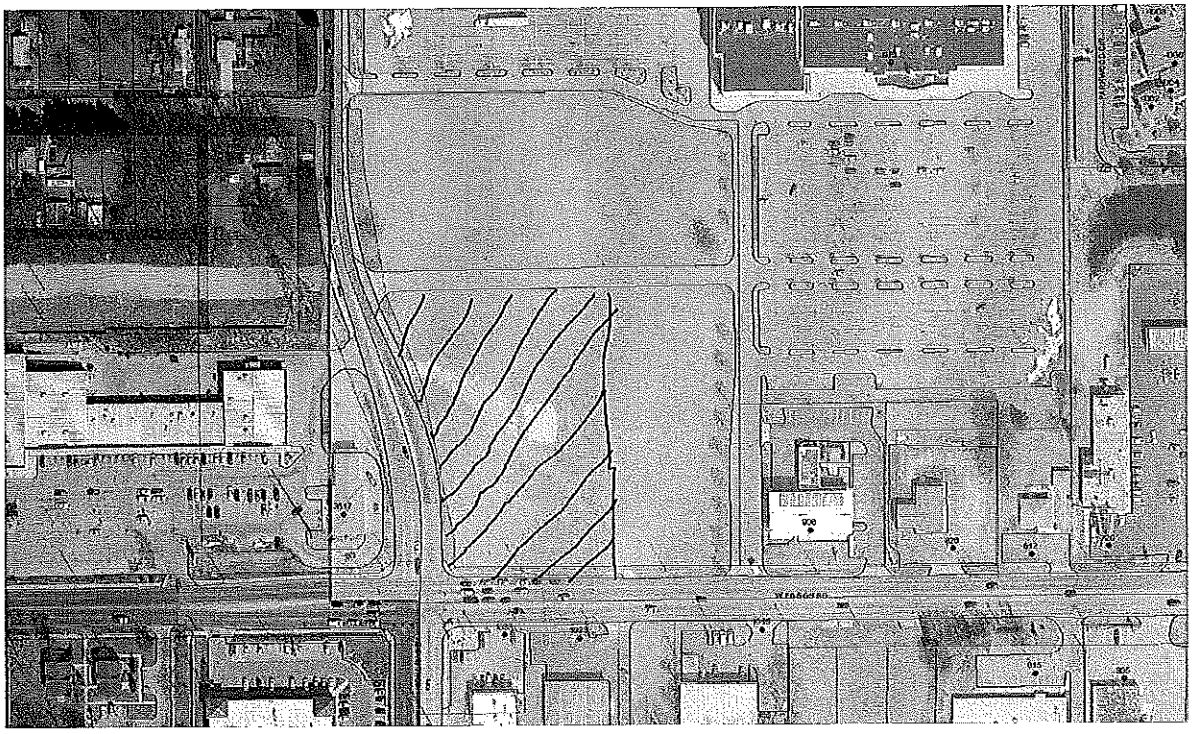
## RECOMMENDATION

Staff recommends in favor of rezoning Petition # 15-28 to rezone approximately 2.3 acres located at the northeast corner of the intersection of Hickory and Edison Roads to C-10 Filling Station Commercial. This recommendation is based on the following findings of fact:

1. Existing Conditions- the subject parcel is located at the intersection of two arterial roadways within an area that has long been developed with commercial uses. Traffic is likely to increase along both corridors. The other corners of this intersection have been developed as commercial both within the City of Mishawaka and the City of South Bend.
2. Character of Buildings – The character of the buildings in the area are predominantly commercial.
3. The most desirable/highest and best use – Because of the parcels' location and the existing commercial development along Hickory and Edison Roads, the most desirable use for the property is commercial.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.
5. Comprehensive Plan- the Comprehensive Plan, created in 1990, guided general commercial development within this area. The proposal is generally consistent with the Comprehensive Plan.

## ATTACHMENTS

Aerial Photo, Site Photograph, Petition, and Site Plan



View from Hickory Road looking west (existing Sweet Corn Charlie Tent)

# STAFF REPORT

Location: 1700 Block of E. 12th Street Date: Oct. 13, 2015

Petition: 15 30 Prepared By: KM

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Village Green Mishawaka Holdings, LLC |
| Status: | Property Owner |
| Request: | Amend 12th & Byrkit Planned Unit Development |
| Zoning Classification: | S-2 Planned Unit Development |
| Lot Size: | 20.24 acres |
| Applicable Regulations: | Section 137-671 S-2 Planned Unit Development |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | I-2 Heavy Industrial |
| | South: | R-4 Manufactured Home Residential |
| | East: | I-1 Light Industrial |
| | West: | C-4 Automobile Oriented Commercial, I-1 Light Industrial, and unincorporated St. Joseph County |
| Thoroughfare: | Near southeast corner of Byrkit and 12th Street | |
| School District: | Penn-Harris-Madison School Corporation | |
| Public Utilities: | All utilities are available to the site | |
| Comprehensive Plan: | General Commercial & Manufactured Home Residential | |

## ANALYSIS

The Applicant is requesting to amend the 12th & Byrkit Planned Unit Development to allow for the construction of 360 apartment units within eight (8) buildings and a clubhouse with pool. The original PUD plan approved in 2007 proposed a mix of commercial, industrial, and multi-family residential uses and developmental standards within the area of the proposed apartment buildings. This amendment would eliminate the commercial and industrial uses and expand the multi-family residential uses within the PUD.

The plan indicates 578 parking spaces. A total of 540 are required in accordance with the R-3 developmental standards at 1.5 spaces per unit.

Two access drives along 12th Street are proposed for the apartment development. No vehicle access from the proposed development to the existing mobile home park to the south is planned.

As required by the Zoning Ordinance, the Applicant has submitted a revised preliminary Planned Unit Development Site Plan. The purpose of the preliminary site plan is to identify the basic requirements that will be followed in the preparation of final PUD site plans. These requirements include, but are not limited to, elements such as parking ratios, setbacks, curb cut/access locations, lighting, and proposed phasing. The Applicant has identified certain basic elements such as number of buildings, parking ratios, density

and landscaping. The final site plan shall address stormwater management, sanitary sewer, deceleration lanes on 12th Street Improvements, and appropriate easements.

The Engineering Department offered the following comments: *These comments are more for site plan submittal, but are being shared now due to expense to incorporate.*

*Specifically, the size/density of the development and proximity to City signal, both access drives are required to install deceleration lanes. A 60' on the half right-of-way and corner cut at signal will need to be dedicated.*

*Stormwater management will be challenging to design due to the high groundwater and varied heavy soils historic to this area.*

*All utilities are the developer's responsibility to extend for site connection; preliminary check, due to the size of the site, it may need to provide its own sanitary sewer lift station to be fully serviced.*

The Electric Department offered the following comments: *Mishawaka Utilities Electric Department is requesting a 15' easement starting at the back of right-of-way on the south side of 12th Street to provide electric service to project. Any existing Electric facilities to be vacated or relocated outside the Terms and Conditions of Electrical Service shall be at the owner/developer's expense.*

Other pertinent City departments have reviewed and approved the request.

## RECOMMENDATION

Staff recommends in favor of Petition #15-30 to amend the 12th and Byrkit Planned Unit Development to allow for 360 apartment units subject to the following conditions of approval:

1. Deceleration lanes along 12th Street shall be installed as determined by the Department of Engineering and shall satisfy Engineering standards.

2. Perimeter and internal landscaping shall meet C-1 General Commercial standards.

3. Architectural standards shall include architecturally appropriate materials consistent with the City's Design Review Ordinance for all facades visible from the public right-of-way.

4. Right-of-way and easements to be dedicated as required by Department of Engineering and Mishawaka Utilities.

5. All other previously approved developmental standards shall remain the same.

The recommendation is based on the following findings of fact:

1. Existing Conditions - The amendment will not alter or negatively impact the existing conditions of the surrounding area because the proposed apartment use, however on a smaller scale, currently exists within the PUD.

2. Character of Buildings in Area - The character of buildings within this area are commercial and industrial, and an apartment development would not be uncharacteristic as several apartment complexes are located within the general vicinity east and west on 12th Street.

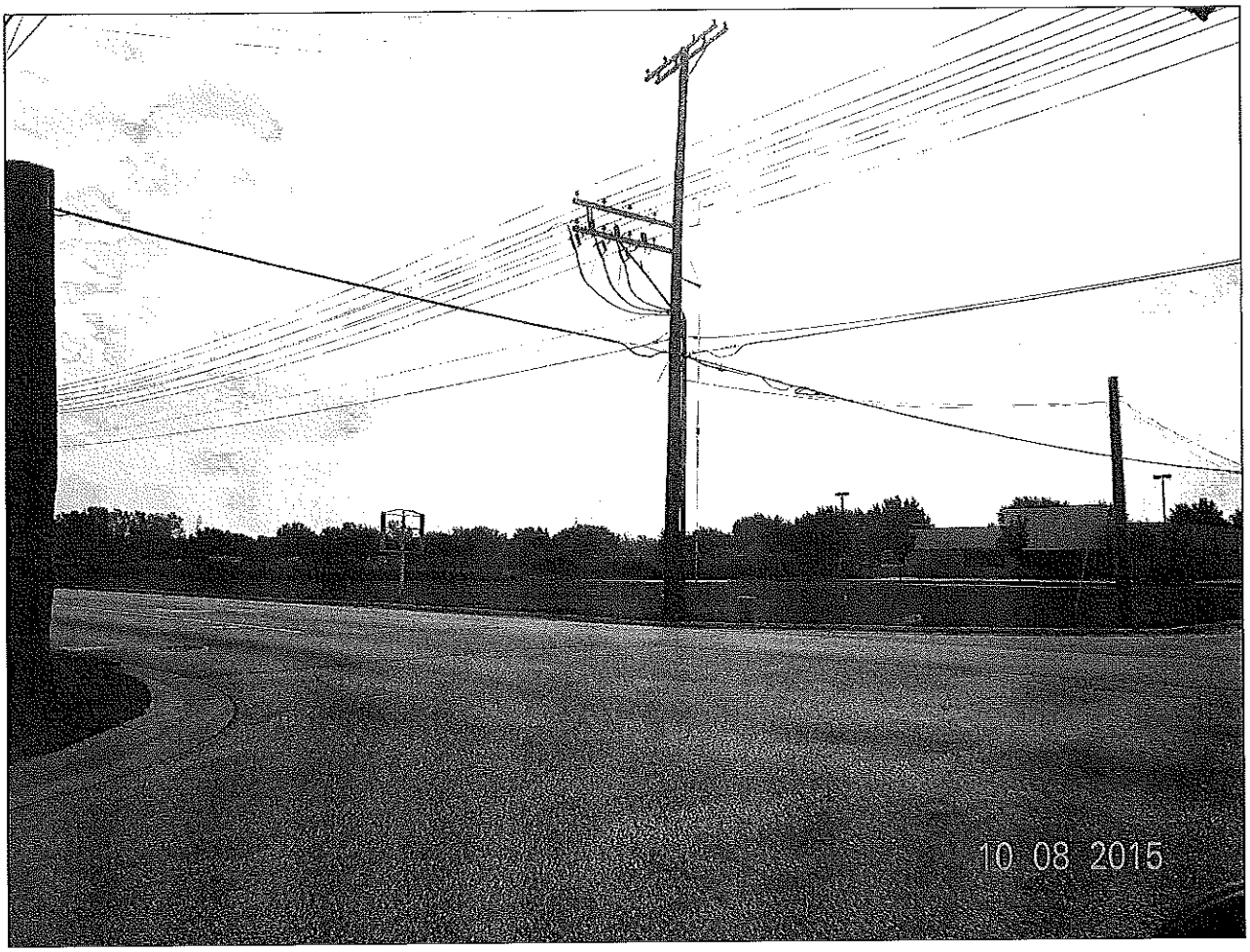
3. The Most Desirable/Highest and Best Use - The proposed amendment for expanded multi-family residential use within the PUD is not inconsistent with surrounding zoning classifications.

4. Conservation of Property Values - The proposed amendment will not be injurious to property values in the surrounding area, because the multi-family residential use has already been approved as part of this PUD.

5. Comprehensive Plan - The Comprehensive Plan had identified this area for general commercial and manufactured home residential and is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan.

## ATTACHMENTS

PETITION, PHOTOS, PRELIMINARY AMENDED PUD SITE PLAN, LOCATION MAP




View of southeast corner of 12th & Byrkit. Vacant building is former Sav-A-Lot site.

# STAFF REPORT

Location: 15170 Cleveland Road and adjacent property south

Date: October 13, 2015

Petition: 15 32

Prepared By: KBP

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Donald Seggerman and the devisees of the last will of Evelyn Marjorie Everding subject to the rights of Malcom J. Tuesley Jr. |
| Status: | Property Owners |
| Request: | To annex and zone 4.7 acres to C-6 Linear Office Commercial |
| Zoning Classification: | Unincorporated St. Joseph County (Existing) Residential |
| Lot Size: | 4.7 acres |
| Applicable Regulations: | Section 137-426 to 137-428 C-6 Linear Office Commercial<br>Section 137-41 Amendments to the Zoning Map<br>Indiana Code 36-4-3 2.1 and 36-4-3-3.1 |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | Unincorporated St. Joseph County (Residential) |
| | South: | Unincorporated St. Joseph County (Undeveloped) |
| | East: | Unincorporated St. Joseph County (Residential) |
| | West: | S-2 Planned Unit Development (City Plaza Commercial Planned Unit Development |
| Thoroughfare: | Cleveland Road and Fir Road | |
| School District: | Penn-Harris-Madison School Corporation | |
| Township: | Harris Township | |
| Public Utilities: | All utilities are available or can be extended to the site by the developer | |
| Comprehensive Plan: | The area was not included in either the City of Mishawaka 2000 Comprehensive Plan or on the Capital Avenue Comprehensive Land Use Plan | |

## ANALYSIS

Using the existing right of way of Fir Trail, the property is 31% contiguous to the existing City limit. This slightly exceeds the 25% contiguity required by the recent amendment to the Indiana Code. Staff requested that the property be annexed to the City because it is currently adjacent and is looking to connect to City utilities.

As you may recall, the Fir Trail cul-de-sac was created when the City re-aligned Cass Road, now University Drive. Although it was required to serve existing properties at the time, it only ever served two properties. Concurrent with this annexation request, the applicant is also requesting the vacation of the Fir Trail cul-de-sac. In staff's opinion, this will provide more usable property for the applicant, and also result in a better utilization of the property.

The requested zoning is C-6 linear office commercial. The intended use is for a small medical office complex. The City Plaza commercial Planned Unit Development is located to the west, and although technically connected, because of the phasing of City Plaza and where the property is located along the curve of University Drive, the properties are

functionally disconnected. C-6 is desirable rather than more intensive commercial uses because of the grade differences and location of potential access points along both Cleveland Road and Fir Road. Cleveland Road and Fir Road were repaved this past year, but long term Cleveland Road is still very much a narrow County style road based on the road section.

Although there are single family homes located adjacent to and across the street from the proposed development, the whole area has been trending commercial for more than a decade. This proposal if approved will continue that trend. The scale of the development would be very similar to the Dentist's office that was constructed on the northwest corner of Cleveland and Fir in unincorporated St. Joseph County.

Provided basic issues such as access and storm drainage can be worked out in the site plan phase, Staff feels that the proposed use and plan represent a good use for the property. At the time of writing this staff report, Engineering comments were not available. Other City Departments have reviewed the request and have not identified any objections or concerns.

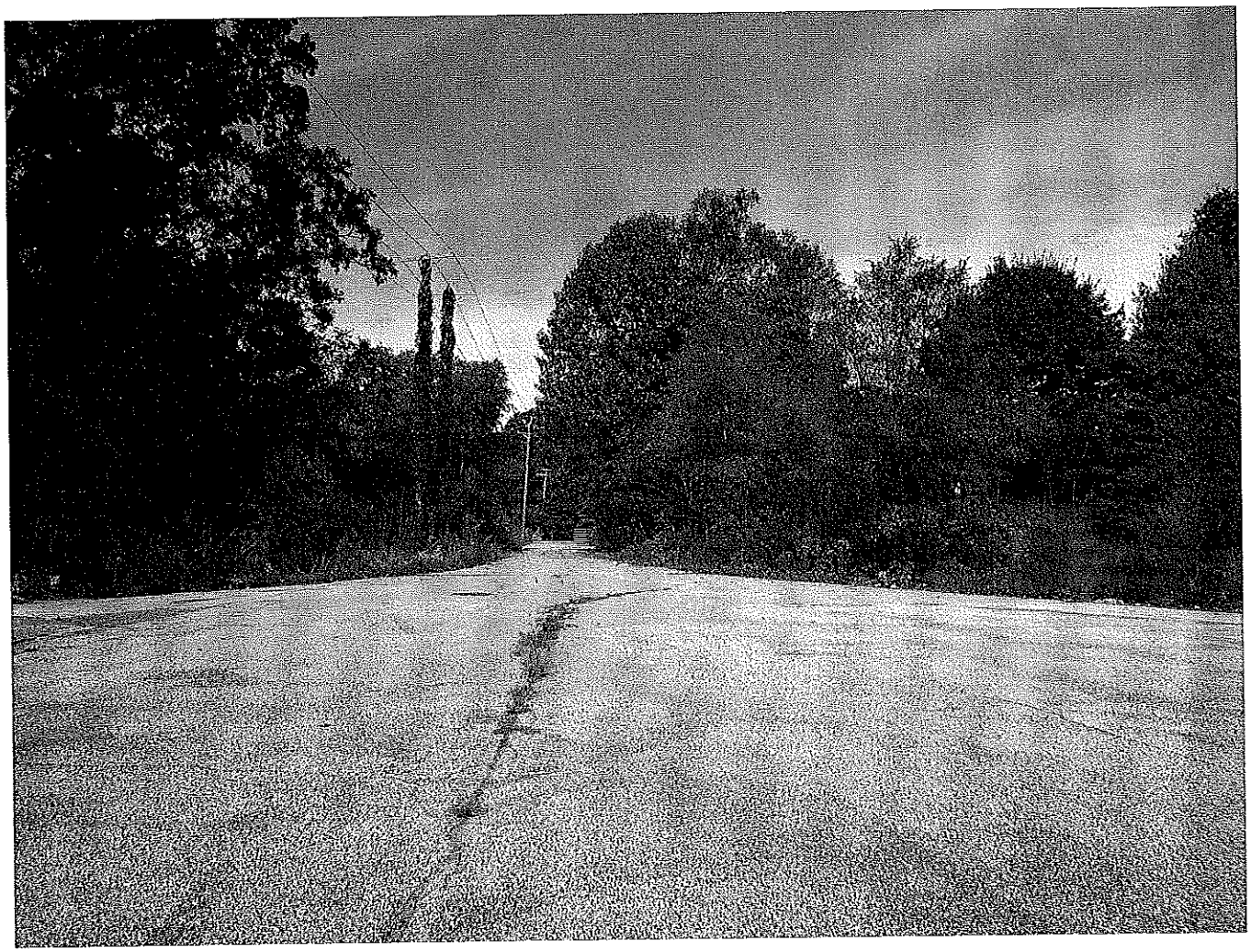
## RECOMMENDATION

Staff recommends in favor of Petition # 15-32 to annex and zone approximately 4.7 acres located at 15170 Cleveland Road, including adjacent property to the south, into the City of Mishawaka with a zoning of C-6 linear office commercial. This recommendation is based on the following findings of fact:

1. Existing Conditions- Although the area was platted and developed decades ago with a tract of single family homes, the subject parcel is located between two arterial/collector roadways within an area that continues to develop with commercial uses. Traffic is intended to increase along both corridors.
2. Character of Buildings – The character of the buildings within the surrounding area is single family residential, but the area continues to redevelop for commercial purposes.
3. The most desirable/highest and best use – Because of the parcels' location and the existing commercial development along the University Drive, Cleveland Road, and Fir Road corridors, the most desirable use for the property is linear office commercial. Although there are surrounding residential properties, the increasing traffic along the corridors, makes the long term use of these properties less desirable for residential purposes.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.
5. Comprehensive Plan- The properties are not guided by either the Mishawaka 2000 Comprehensive Plan or the Capital Avenue Land Use Plan. The commercial development in this area has altered developmental patterns from what once was a desirable location for residential development to more intensive commercial growth. Residential development is no longer desirable within this area and comprehensive plans must be reevaluated as development trends change over the years.

## ATTACHMENTS

Aerial Photo, Site Photographs, Petition, and Annexation Diagram



View looking south on Fir Trail. The property to be annexed is on the left side of the road. The east was annexed as part of the City Plaza PUD

# STAFF REPORT

Location: Portion of Fir Trail – between Fir Road and Cleveland Road

Date: October 13, 2015

Petition: 15-33

Prepared By: CH

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Sajida Chaudhry, Donald L. Seggerman, and the Devisees of the Last Will of Evelyn Marjorie Everding |
| Status: | Adjacent Property Owners |
| Request: | Vacate Public Right of Way |
| Zoning Classification: | Right of Way |
| Applicable Regulations: | IC 36-7-3-12 and 13 |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | R Single Family (County) |
| | South: | R Single Family (County) |
| | East: | R Single Family (County) being annexed to Mishawaka as C-6 Linear Office Commercial |
| | West: | S-2 Planned Unit Development |
| Thoroughfare: | Cleveland Road | |
| School District: | Penn-Harris-Madison | |
| Public Utilities: | Public Right-of-Way | |
| Comprehensive Plan: | Low Density Residential | |

## ANALYSIS

The Petitioners are requesting to vacate a portion of Fir Trail. The portion to be vacated is a 60-ft wide right-of-way running north/south and is located between the Cleveland Road and Fir Road. It was cul-de-sac'ed when University Drive connected to Fir Road.

The vacation will allow private access to the piece to the east being annexed into the City of Mishawaka. In addition to the right-of-way vacation, the petitioner is requesting release of utility easement rights.

Electric Department Comments: Vacating the Utility rights would cause the loss of a substation tie due to installed 3 phase wire and equipment on the west side of Fir Trail. We will need to keep access to equipment. Any existing Electric facilities to be vacated or relocated outside the Terms and Conditions of the Electrical Service shall be at the owner/developers expense. With these changes, the vacation is approved.

## RECOMMENDATION

Staff recommends in favor of Petition 15-33 to vacate a portion of Fir Trail running north/south located between Cleveland Road and Fir Road and in favor of the release of utility rights if the changes requested by the Electric Department are submitted. 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. Both properties still have access to Cleveland Road.

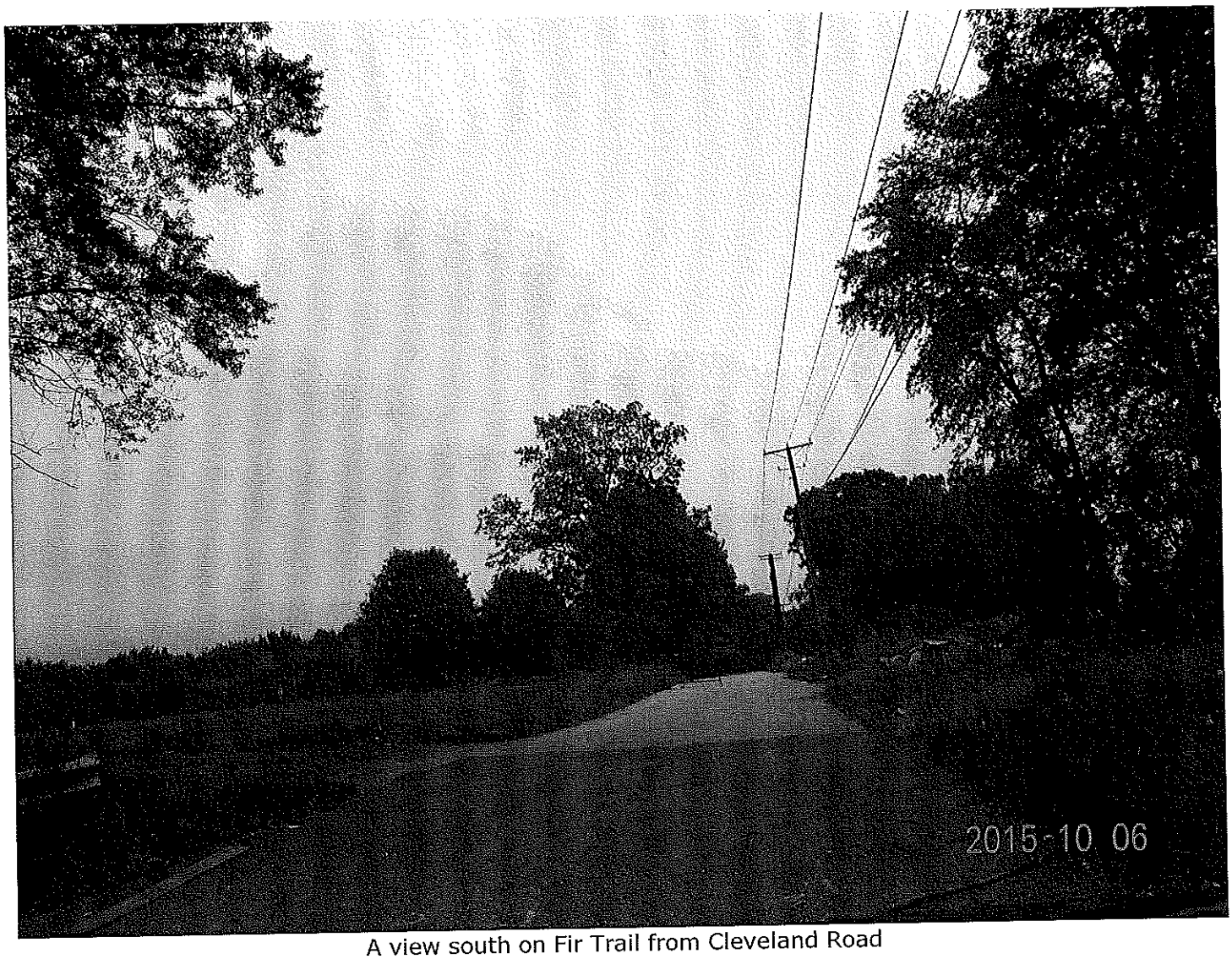
3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;

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




A view south on Fir Trail from Cleveland Road

# CITY OF MISHAWAKA

OFFICE OF THE CITY CLERK

DEBORAH S. BLOCK, IAMC, MMC, CITY CLERK

**NOTICE OF HEARING**

**Vacation No.** 2015-05

**Date of Hearing:** October 19, 2015

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

PLEASE TAKE NOTICE:

A petition has been filed by Sajida Chaudhry, Donald L. Seggerman and the Devisees of the last will of Evelyn Marjorie Everding subject to the rights of Malcolm J. Tuesley Jr., Personal Representative of the Estate of said Decedant.

**Vacation NO. 2015-05 - Petition No. 2015-33**

Vacation of Public Right of Way and Underlying Utility Easement Rights - Fir Trail - Between Fir Road and Cleveland Road

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

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
OCT 15 2015
CITY CLERK
MISHAWAKA, IN

1st Reading 10-19-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-25

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-27

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 121, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, COMMONLY KNOWN AS "THE FLOOD CONTROL ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Federal Emergency Management Agency (FEMA) has required amendments to the City's Flood Control Ordinance for continuation in the National Flood Insurance Program;

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended favorably for the adoption of an amended Flood Control Ordinance as hereinafter described.

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

Section 1. Chapter 121 of the Municipal Code of the City of Mishawaka, commonly known as "The Flood Control Ordinance", shall be entirely deleted and replace with as follows:

# Article 1. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

## Section A. Statutory Authorization.

The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the City of Mishawaka Common Council does hereby adopt the following floodplain management regulations.

## Section B. Findings of Fact.

(1) The flood hazard areas of the City of Mishawaka are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.

## Section C. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(6) Make federal flood insurance available for structures and their contents in the City by fulfilling the requirements of the National Flood Insurance Program.

## Section D. Objectives.

The objectives of this ordinance are:

(1) To protect human life and health.

(2) To minimize expenditure of public money for costly flood control projects.

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(4) To minimize prolonged business interruptions.

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

## Article 2. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**A zone** means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

**Accessory structure** (appurtenant structure) means a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Addition** (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

**Area of shallow flooding** means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** means the elevation of the one-percent annual chance flood.

**Basement** means that portion of a structure having its floor sub-grade (below ground level) on all sides.

**Boundary River** means the part of the Ohio River that forms the boundary between Kentucky and Indiana.

**Boundary River Floodway** means the floodway of a boundary river.

**Building** - see "Structure."

**Community** means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

**Community Rating System (CRS)** means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

**Critical facility** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**D Zone** means unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

**Development** means any man-made change to improved or unimproved real estate including but not limited to:

(1) construction, reconstruction, or placement of a structure or any addition to a structure;

(2) installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;

(3) installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

(5) mining, dredging, filling, grading, excavation, or drilling operations;

(6) construction and/or reconstruction of bridges or culverts;

(7) storage of materials; or

(8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

**Elevated structure** means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

**Elevation Certificate** is a certified statement that verifies a structure's elevation information.

**Emergency Program** means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA** means the Federal Emergency Management Agency.

**Flood** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Flood Boundary and Floodway Map (FBFM)** means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

**Flood Prone Area** means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

**Flood Protection Grade (FPG)** is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

**Floodplain** means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain management regulations** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain

management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

**Floodproofing (dry floodproofing)** is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**Floodproofing certificate** is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

**Floodway** is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

**Freeboard** means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

**Fringe** is those portions of the floodplain lying outside the floodway.

**Hardship** (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The City of Mishawaka Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest adjacent grade** means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Historic structures** means any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**Letter of Final Determination (LFD)** means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

**Letter of Map Change (LOMC)** is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

> **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
>
> **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**Letter of Map Revision Based on Fill (LOMR-F)** means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

**Lowest adjacent grade** means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**Lowest floor** means the lowest elevation described among the following:

(1) The top of the lowest level of the structure.

(2) The top of the basement floor.

(3) The top of the garage floor, if the garage is the lowest level of the structure.

(4) The top of the first floor of a structure elevated on pilings or pillars.

(5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

a) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;

b) the total net area of all openings shall be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,

c) such enclosed space shall be usable solely for the parking of vehicles and building access.

**Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market value** means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

**Mitigation** means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

**National Flood Insurance Program (NFIP)** is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

**National Geodetic Vertical Datum (NGVD) of 1929** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**New construction** means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

**Non-boundary river floodway** means the floodway of any river or stream other than a boundary river.

**North American Vertical Datum of 1988 (NAVD 88)** as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**Obstruction** includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One-percent annual chance flood** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

**Physical Map Revision (PMR)** is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

**Public safety and nuisance** means anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational vehicle** means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

**Regular program** means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**Regulatory flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

**Section 1316** is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Special Flood Hazard Area (SFHA)** means those lands within the jurisdiction of the City subject to inundation by the regulatory flood. The SFHAs of the City of Mishawaka are generally identified as such on the St. Joseph County, Indiana and Incorporated Areas Flood Insurance Rate Map dated January 6, 2011 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

**Start of construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

**Suspension** means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

**Variance** is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**Violation** means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**X zone** means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

**Zone** means a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

**Zone A** (see definition for A zone)

**Zone B, C, and X** means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in

participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

# Article 3. General Provisions.

## Section A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of the City of Mishawaka.

## Section B. Basis for Establishing Regulatory Flood Data.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City of Mishawaka shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of St. Joseph County, Indiana and Incorporated Areas dated January 6, 2011 and the corresponding Flood Insurance Rate Map dated January 6, 2011 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

(2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of St. Joseph County, delineated as an "A Zone" on the St. Joseph County, Indiana and Incorporated Areas Flood Insurance Rate Map dated January 6, 2011 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

(3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(4) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

## Section C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

## Section D. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

## Section E. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

## Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

(1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(3) If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.

## Section G. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

(1) Considered as minimum requirements.

(2) Liberally construed in favor of the governing body.

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

## Section H. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the City of Mishawaka, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

## Section I. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of Mishawaka. All violations shall be punishable by a fine as prescribed by IC 36-1-3-8, may be amended from time to time.

(1) A separate offense shall be deemed to occur for each day the violation continues to exist.

(2) The City of Mishawaka Common Council shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(3) Nothing herein shall prevent the City of Mishawaka from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

# Article 4. Administration.

## Section A. Designation of Administrator.

The City of Mishawaka Common Council hereby appoints the City Planner or his designated representative to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

## Section B. Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) Application Stage.

a) A description of the proposed development.

b) Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.

c) A legal description of the property site.

d) A site development plan showing existing and proposed development locations and existing and proposed land grades.

e) Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.

f) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.

g) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See Article 4, Section C. (6) for additional information.)

(2) Finished Construction.

Upon completion of construction, an elevation certification (FEMA Elevation Certificate Form 81-31 or any future updates) which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA Floodproofing Certificate Form 81-65 or any future updates) is required to be submitted by the applicant to the Floodplain Administrator.

## Section C. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

(1) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied.

(2) Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section E and G (1) of this ordinance, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

(4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.

(5) Maintain and track permit records involving additions and improvements to residences located in the floodway.

(6) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

(7) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance.

(8) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

(9) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(10) Review certified plans and specifications for compliance.

(11) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4 Section B.

(12) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Article 4, Section B.

# Article 5. Provisions for Flood Hazard Reduction.

## Section A. General Standards.

In all SFHAs and known flood prone areas the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

## Section B. Specific Standards.

In all SFHAs, the following provisions are required:

(1) In addition to the requirements of Article 5, Section A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

a) Construction or placement of any structure having a floor area greater than 400 square feet.

b) Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).

c) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.

d) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

e) Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.

(2) **Residential Structures.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4).

(3) **Non-Residential Structures.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

a) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the floodplain administrator as set forth in Article 4, Section C (12).

b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(4) **Elevated Structures.** New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

a) Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

b) The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.

c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

d) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

e) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

f) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

(5) **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

a) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.

b) The fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.

c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

e) The top of the lowest floor including basements shall be at or above the FPG.

(6) **Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

a) These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:

(i) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(ii) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.

b) These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:

(i) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(ii) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.

c) Recreational vehicles placed on a site shall either:

(i) be on site for less than 180 days;

(ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(iii) meet the requirements for "manufactured homes" as stated earlier in this section.

(7) **Accessory Structures.** Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:

a) Shall not be used for human habitation.

b) Shall be constructed of flood resistant materials.

c) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.

d) Shall be firmly anchored to prevent flotation.

e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.

f) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.

(8) **Above Ground Gas or Liquid Storage Tanks.** All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

## Section C. Standards for Subdivision Proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.

## Section D. Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

## Section E. Standards for Identified Floodways.

Located within SFHAs, established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/ improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse affect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

For all projects involving channel modifications or fill (including levees) the City shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

## Section F. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Article 5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

## Section G. Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes.

(1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 5 of this ordinance have been met.

(2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met.

(3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than 0.14 of one foot and shall not increase flood damages or potential flood damages.

### Section H. Standards for Flood Prone Areas.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Article 5.

## Article 6. Variance Procedures.

### Section A. Designation of Variance and Appeals Board.

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.

### Section B. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the St. Joseph County Circuit or Superior Court.

### Section C. Variance Procedures.

In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

(1) The danger of life and property due to flooding or erosion damage.

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(3) The importance of the services provided by the proposed facility to the community.

(4) The necessity of the facility to a waterfront location, where applicable.

(5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(6) The compatibility of the proposed use with existing and anticipated development,

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

(10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

## Section D. Conditions for Variances.

(1) Variances shall only be issued when there is:

a) A showing of good and sufficient cause.

b) A determination that failure to grant the variance would result in exceptional hardship.

c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(2) No variance for a residential use within a floodway subject to Article 5, Section E or Section G (1) of this ordinance may be granted.

(3) Any variance granted in a floodway subject to Article 5, Section E or Section G (1) of this ordinance will require a permit from the Indiana Department of Natural Resources.

(4) Variances to the Provisions for Flood Hazard Reduction of Article 5, Section B, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Article 6, Section E).

(8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Article 6, Section E).

## Section E. Variance Notification.

Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and;

(2) Such construction below the flood protection grade increases risks to life and property.

The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

### Section F. Historic Structure.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

### Section G. Special Conditions.

Upon the consideration of the factors listed in Article 6, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

## Article 7. Severability.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

## Article 8. Effective Date.

This ordinance shall be in full force and effect on_____.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____ , 2015, at o'clock _.M.

_____
Presiding Officer

ATTEST:

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

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

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

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

_____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 15 2015
CITY CLERK
MISHAWAKA, IN

1st Reading 10-19-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-26

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-28

ORDINANCE NO. _____

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

A parcel of land being a part of the East Half (1/2) of the Southeast Quarter (1/4) of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the Southeast corner of said East Half (1/2) of the Southeast Quarter (1/4); thence North 0 degrees 00 minutes 00 seconds East (bearing assumed) along the East line of said East Half (1/2), a distance of 1319.98 feet; thence north 89 degrees 45 minutes 20 seconds West, a distance of 541.47 feet; thence North 89 degrees 47 minutes 45 seconds West, a distance of 521.96 feet to the place of beginning also being the Northeast corner of Lot Numbered Five (5) in the Unrecorded Plat of Bauer and Geissler's Plat; thence South 0 degrees 01 minutes 21 seconds West along the East line of said Lot Numbered Five (5), a distance of 661.27 feet; thence North 89 degrees 59 minutes 13 seconds West, a distance of 256.57 feet to the West line of said Lot 5; thence North 0 degrees 06 minutes 03 seconds East along said West line, a distance of 662.37 feet to the Northwest corner of said Lot Numbered Five (5); thence South 89 degrees 44 minutes 26 seconds East along the North line of said Lot Numbered Five (5), a distance of 255.67 feet to the place of beginning. Also containing:

A parcel of land being a part of the East half of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the Southeast corner of said East half; thence North 0-00'-00" East (bearing assumed) along the East line of said East half, a measured distance of 1319.96 to an iron pipe found in place; thence North 89-45'-20" West along the North line of Proposed Lots 1 and 2 and its projection on the Bauer and Geissler's Plat (unrecorded), a measured distance of 541.47 feet to an iron pipe found in place also being the Northwest corner of said Lot 2 being the point of beginning for this description; thence South 0-01'-50" West along the West line of said Lot 2, a measured distance of 659.24 feet to an iron found in place also being the South line of the North half of Lot 3 in said Plat; thence North 89-56'-58" West along said South line, a measured distance of 261.08 feet to an iron found in place also being the West line of said Lot 3; thence North 89-59'-13" West along the South line of the North half of Lot 4 in said Plat, a measured distance of 260.79 feet to an iron found in place also being the West line of said Lot 4; thence North 0-01'-21" East along said West line, a measured distance of 661.27 feet to an iron found in place also being the Northwest corner of said Lot 4; thence North 89-41'-02" West along the North line of Lot 5 in said Plat, a measured distance of 255.63 to an iron pipe found in place on the West line of East half of the Southeast Quarter of said Section 21, also being the East line of Countryside Estates Section 2 as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana as Plat Book 30, Page C-2; thence North 0-06'-03" East along said East line of Countryside Estates Section 2 and also along the East line of Countryside Estates Section 1 as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana as Plat Book 29, Page C this also includes the East line of Hamilton Street as shown on said Plat, a measured distance of 993.70 feet to an iron pipe found in place marking the Northwest corner of Lot 12 in said Bauer and Geissler's Plat (unrecorded); thence South 89-37'-54" East along the North line of said Lot 12, a measured distance of 255.12 feet to an iron pipe set also being the Northeast corner of said Lot 12; thence South 0-04'-15" West along the East line of said Lot 12, a measured distance of 331.56 feet to an iron pipe set also being the Southeast corner of said Lot 12; thence South 89-38'-54" East along the North line of Lot 9 on said Plat, a measured distance of 260.76 feet to an iron pipe found in place also being the Northeast corner of said Lot 9; thence South 0-04'-56" West along the East line of said Lot 9, a measured distance of 330.62 feet to an iron pipe set also being the North line of the South half of Lot 8 on said Plat; thence South 89-43'-24" East along said North line a measure distance of 260.87 feet to an iron pipe found in place also being the East line of said Lot 8; thence South 0-01'-56" West along said East line, a measured distance of 330.29 feet to the place of beginning containing 21.66 acres more or less. Subject to any easements, covenants, or restrictions of record.

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development to allow for the existing well field and future redevelopment uses that include commercial, multi-family residential, assisted living and nursing homes. This approval is subject to the conditions in attached Exhibit "A".

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

1. Existing Conditions - The subject parcel is located northwest of Gumwood Road and S.R. 23, both heavily traveled corridors. The site is located immediately across the street from existing similar multi-residential and

commercial developments, and is separated by the Grandview Planned Unit Development, of which this parcel over time will serve as a likely extension of it.

2. Character of Buildings in Area - The character of many of the buildings located along Gumwood Road and S.R. 23 are commercial. The buildings north and west of the proposed site are predominantly residential, making the proposed transitional multi-family residential uses on the north side of the PUD property appropriate.

3. The most desirable/highest and best use - Because of the parcels' location and the significant commercial development along the Main Street/Gumwood Road corridor, combined with the surrounding single family residential subdivisions, makes the most desirable use for the property a mix of commercial and transitional office and residential uses. Although there are adjacent single family residential properties to the north and west, the lack of any current internal road connection combined with required presence of City utilities, rather than the adjacent septic and well systems associated with the existing residential developments, warrants a higher more intense uses than single family residential.

4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area, because the proposed/required blend of uses transitions the proposed uses from higher to lower intensities where the development is adjacent to existing neighborhoods. Furthermore, if approved, the adjacent residential parcels would be protected by the series of conditions placed on the planned unit development. These conditions include among other significant restrictions as requiring substantial screening and landscape "green' buffer yards between uses.

5. Comprehensive Plan - Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) Corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ___ day of _____, 2015, at _____ o'clock ___.M.

_____
Presiding Officer

Proposed Ordinance No. 2015-28

Ordinance No. _____

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

**PETITION #15-26**
**EXHIBIT "A"**

**City of Mishawaka North Well Field**
**Northwest Gumwood & S.R. 23 Conditions of Approval**

**Traffic Impact:**

1. The following general conditions shall apply. More specifics and refinements shall be made with each final planned unit development plan submission. A Traffic Impact Study may be required as determined by the City Director of Engineering. All traffic/transportation improvements required for this property (including but not limited to Gumwood Road and State Road 23) shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering, subject to modification by any potential development agreement with the City should one or more be established.

   a. The primary access for the property is intended to be routed through what has been approved as the Grandview Planned Unit Development. Any modifications shall be limited as determined appropriate by the City Director of Engineering and the applicable road authority/jurisdictions.

   b. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.

**Proposed Uses:**

1. Municipal well fields shall be considered a permitted use over the entire property. Commercial uses shall be limited to those identified within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts. Commercial uses shall be limited to the south half of the property. Multi-Family Residential uses along with assisted living and nursing home uses may be allowed. However, no commercial uses shall be located on the north half of the property adjacent to the existing single-family residential development to the north. Multi-Family Residential uses, assisted living, and nursing home uses shall be permitted on the entire PUD, potentially to act as a transitional use between the existing single-family residential uses and the proposed commercial uses to the south located on the Grandview Planned Unit Development.

2. Off-premise signs/billboards shall be prohibited.

3. Outside storage and display shall be prohibited.

4. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

**Road connections:**

1. The City has not made a determination on whether or not the stub streets from the adjacent subdivisions shall be extended or connected over time. An appropriate connection and or turn-a-round on the property shall be provided within any proposed redevelopment project.

2. Access and utility easements shall be dedicated to adjacent properties, where deemed appropriate by the City Director of Engineering.

**Stormwater run-off:**

1. The type of stormwater facilities proposed within the PUD shall be limited/restricted as required by City well-head protection standards and as may be directed by the City Director of Engineering based on the close proximity of the City Well Field. The purpose is to limit potential groundwater infiltration in that area.

2. An emergency overflow outlet for proposed retention ponds into City storm sewers may be provided by the City if deemed appropriate by the City Director of Engineering.

**Lighting:**

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas.

**Signage:**

1. Signage shall be limited to what is permitted in the on-premise sign ordinance by the proposed use. A sign easement will be provided to this property from the Grandview PUD to be located along Gumwood Road. The required location is at the proposed entrance opposite Heritage Square Drive. This sign shall be subject limited to a maximum of 60 square feet with a maximum length not exceeding 12 feet.

    a) Signs shall be located a minimum of 200 feet apart from one another (including the sign easement) except that signs may be located closer where an entrance drive is located between them.

2. All freestanding signs shall have a masonry base.

3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

4. Seasonal banners and general development identification banners may be allowed for decorative and parking lot light poles throughout the property.

5. Temporary Construction fence coverings which may include information about the project, elevations, renderings, slogans, logos and coming soon info may be allowed.

6. Directory Kiosks placed strategically around the center to help customers locate businesses with a directory map of the development and advertising for retailers and other businesses may be allowed.

7. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from SR 23 or Gumwood Road.

**Landscaping:**

1. Development of the property shall comply with the landscape requirements of the C-1 General Commercial zoning district.

2. Utility areas shall be provided separate from required landscaped areas. If utilities are located within the required green areas, an additional 10 feet of green area shall be required for planting.

3. A 2-foot high earth mounding planted with evergreen trees, minimum 8' height, spaced 10'to12' max along with a 6' minimum height opaque fence shall be provided along the west property lines abutting existing residential property.

4. If decorative ponds with fountains are proposed along public roadways, the landscaping requirement shall be reduced to eliminate the need for the 2' berm and shrubbery/low planting between the road and building/parking areas and where the normal water elevation of the pond is located

5. All developments within the PUD, including the multi-family residential development, shall comply with the landscape requirements of the C-1 General Commercial zoning district. This shall be in addition to any required buffer planting.

6. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

**Parking:**

1. A minimum of (1.5) parking spaces per residential unit shall be provided for the multi-family residential use. Parking ratio may be reduced to a minimum of (1.25) per residential units for one bedroom apartments only. Garages, parking lots, and on-street

parking may be utilized for required parking.

2. A minimum of (0.75) parking spaces per bed shall be provided for assisted living and nursing home uses.

3. All other uses shall comply with the corresponding parking requirements as identified in the City of Mishawaka Zoning Ordinance.

**Building/Parking Setbacks**

1. A minimum 25' building setback shall be provided along the north, south, and east property lines where the property abuts the Grandview Planned unit Development.

2. A minimum 10' parking setback shall be provided along the north, south, and east property lines where the property abuts the Grandview Planned unit Development.

3. A minimum 35-ft building and parking setback shall be provided along the west and north property lines abutting existing single family residential property.

4. A minimum 10' building and parking setback shall be provided along internal roads and between property lines within the Planned Unit Development, however, a 0' parking setbacks may be allowed to provide for shared parking bays at various locations within the development as deemed appropriate by the Planning Commission upon review as part of each subsequent final planned unit development site plan submission.

**Phasing:**

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first final planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 30 2015

CITY CLERK
MISHAWAKA, IN

SEP 23 2015

DATE: September 23, 2015

Pet 15-26

TO: 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 petitioner, Mishawaka Utilities, acting by and through its Mishawaka Utility Board, respectfully shows that the undersigned is the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

A parcel of land being a part of the East Half (1/2) of the Southeast Quarter (1/4) of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the Southeast corner of said East Half (1/2) of the Southeast Quarter (1/4); thence North 0 degrees 00 minutes 00 seconds East (bearing assumed) along the East line of said East Half (1/2), a distance of 1319.98 feet; thence north 89 degrees 45 minutes 20 seconds West, a distance of 541.47 feet; thence North 89 degrees 47 minutes 45 seconds West, a distance of 521.96 feet to the place of beginning also being the Northeast corner of Lot Numbered Five (5) in the Unrecorded Plat of Bauer and Geissler's Plat; thence South 0 degrees 01 minutes 21 seconds West along the East line of said Lot Numbered Five (5), a distance of 661.27 feet; thence North 89 degrees 59 minutes 13 seconds West, a distance of 256.57 feet to the West line of said Lot 5; thence North 0 degrees 06 minutes 03 seconds East along said West line, a distance of 662.37 feet to the Northwest corner of said Lot Numbered Five (5); thence South 89 degrees 44 minutes 26 seconds East along the North line of said Lot Numbered Five (5), a distance of 255.67 feet to the place of beginning.

Also containing:

A parcel of land being a part of the East half of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the Southeast corner of said East half; thence North 0-00'-00" East (bearing assumed) along the East line of said East half, a measured distance of 1319.96 to an iron pipe found in place; thence North 89-45'-20" West along the North line of Proposed Lots 1 and 2 and its projection on the Bauer and Geissler's Plat (unrecorded), a measured distance of 541.47 feet to an iron pipe found in place also being the Northwest corner of said Lot 2 being the point of beginning for this description; thence South 0-01'-50" West along the West line of said Lot 2, a measured distance of 659.24 feet to an iron found in place also

being the South line of the North half of Lot 3 in said Plat; thence North 89-56'-58" West along said South line, a measured distance of 261.08 feet to an iron found in place also being the West line of said Lot 3; thence North 89-59'-13" West along the South line of the North half of Lot 4 in said Plat, a measured distance of 260.79 feet to an iron found in place also being the West line of said Lot 4; thence North 0-01'-21" East along said West line, a measured distance of 661.27 feet to an iron found in place also being the Northwest corner of said Lot 4; thence North 89-41'-02" West along the North line of Lot 5 in said Plat, a measured distance of 255.63 feet to an iron pipe found in place on the West line of East half of the Southeast Quarter of said Section 21, also being the East line of Countryside Estates Section 2 as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana as Plat Book 30, Page C-2; thence North 0-06'-03" East along said East line of Countryside Estates Section 2 and also along the East line of Countryside Estates Section 1 as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana as Plat Book 29, Page C this also includes the East line of Hamilton Street as shown on said Plat, a measured distance of 993.70 feet to an iron pipe found in place marking the Northwest corner of Lot 12 in said Bauer and Geissler's Plat (unrecorded); thence South 89-37'-54" East along the North line of said Lot 12, a measured distance of 255.12 feet to an iron pipe set also being the Northeast corner of said Lot 12; thence South 0-04'-15" West along the East line of said Lot 12, a measured distance of 331.56 feet to an iron pipe set also being the Southeast corner of said Lot 12; thence South 89-38'-54" East along the North line of Lot 9 on said Plat, a measured distance of 260.76 feet to an iron pipe found in place also being the Northeast corner of said Lot 9; thence South 0-04'-56" West along the East line of said Lot 9, a measured distance of 330.62 feet to an iron pipe set also being the North line of the South half of Lot 8 on said Plat; thence South 89-43'-24" East along said North line a measure distance of 260.87 feet to an iron pipe found in place also being the East line of said Lot 8; thence South 0-01'-56" West along said East line, a measured distance of 330.29 feet to the place of beginning containing 21.66 acres more or less.

Petitioner owns One Hundred (100%) percent of the above described land, excluding any right-of-way bordering or running through said land, and is located within a part of the East Half (1/2) of the Southeast Quarter (1/4) of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with an "S-2" Planned Unit Development District zoning classification desired. Petitioner further states the intended use of said land will be for the City of Mishawaka, short term and for possible mixed-use multi-family residential and commercial development compatible with the surrounding current and planned uses.

Accompanying this petition is a location map showing the above-described real estate.

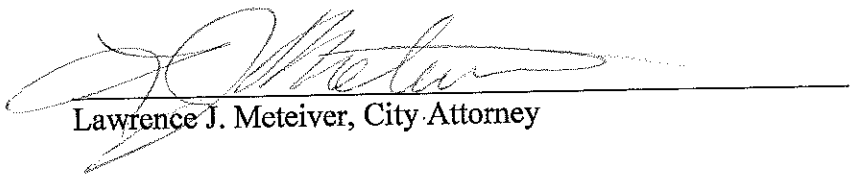
Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioner prays and respectfully requests that the Mishawaka City Plan Commission hold a public hearing and that after hearing, make a favorable recommendation to the Common Council of the City of Mishawaka that an appropriate ordinance be enacted annexing the above

described parcels of real estate to the City of Mishawaka with an "S-2" Planned Unit Development District zoning classification.

PETITIONER:

**MISHAWAKA UTILITIES**



Lawrence J. Meteiver, City Attorney

**CONTACT PERSON:**
Lawrence J. Meteiver
Mishawaka City Attorney
600 E. Third Street
Mishawaka, Indiana 46544
(574) 258-1637
lmeteiver@mishawaka.in.gov

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 15 2015
CITY CLERK
MISHAWAKA, IN

1st Reading 10-19-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-27

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-29

ORDINANCE NO. _____

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION AND THE CENTERLINE OF DOUGLAS ROAD A DISTANCE OF 40.00 FEET MORE OR LESS; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SECTION 34 A DISTANCE OF 40.00 FEET MORE OR LESS TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH PARALLEL TO SAID EAST LINE A DISTANCE OF 115.05 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 220.00 FEET MORE OR LESS; THENCE NORTH 115.05 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 220.00 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 0.58 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD, AND BEING LOCATED APPROXIMATELY 350 FEET EAST OF THE SOUTHEAST CORNER OF DOUGLAS ROAD AND FIR ROAD.

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

1. Existing Conditions - Although the area was platted and developed decades ago with a tract of single family homes, the subject parcel is located at the intersection of two arterial roadways within an area that continues to develop

with commercial uses. Traffic is intended to increase along both corridors. A convenience store has been proposed for the opposite (northwest) corner of the intersection.

2. Character of Buildings – The character of the buildings within the surrounding area is single family residential, but the area continues to redevelop for commercial purposes.

3. The most desirable/highest and best use – Because of the parcels' location and the existing commercial development along the Douglas and Fir Road corridors, the most desirable use for the property is commercial. Although there are surrounding residential properties, the increasing traffic along the corridors, makes the long term use of these properties undesirable for residential purposes.

4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.

5. Comprehensive Plan - The properties on the east side of Fir Road are guided by the Comprehensive Plan amendment performed jointly by the City and St. Joseph County that was adopted in 2003. At the time, a conscious decision was made not to guide existing developed properties such as these. The large open undeveloped area behind this parcel to the south and east (with no frontage on Douglas and Fir Roads) was guided as a future professional office park. Given the location of this parcel at the intersection of two arterial roadways, although not guided by the Capital Avenue Plan, the redevelopment of these "frontage properties" was inevitable and will likely be determined by the market in a piece meal fashion. The hospital and other commercial developments has altered developmental patterns from what once was a desirable location for residential development to more intensive commercial growth. Residential development is no longer desirable within this area and comprehensive plans must be reevaluated as development trends change over the years.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ___ day of _____, 2015, at _____ o'clock ___.M.

_____
Presiding Officer

ATTEST:

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

Proposed Ordinance No. 2015-29

Ordinance No. _____

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

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

APPROVED by me this _____ day of _____, 2015, at _____o'clock _____.M.

_____
David A. Wood, Mayor

SEP 23 2015

DATE: September 17, 2015

Pet 15-27

TO THE: HONORABLE MEMBERS OF THE COMMON COUNCIL
CITY OF MISHAWAKA, INDIANA

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 30 2015
CITY CLERK
MISHAWAKA, IN

RE: PETITION FOR ANNEXATION & REZONING FOR:

SEC INVESTMENTS LLC
4715 LINCOLNWAY EAST
MISHAWAKA, INDIANA 46544

THE UNDERSIGNED, RESPECTFULLY SHOW THAT THEY ARE THE OWNERS OF THE FOLLOWING DESCRIBED REAL ESTATE LOCATED IN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, INDIANA:

ANNEXATION AND REZONING LEGAL DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION AND THE CENTERLINE OF DOUGLAS ROAD A DISTANCE OF 40.00 FEET MORE OR LESS; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SECTION 34 A DISTANCE OF 40.00 FEET MORE OR LESS TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH PARALLEL TO SAID EAST LINE A DISTANCE OF 115.05 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 220.00 FEET MORE OR LESS; THENCE NORTH 115.05 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 220.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 0.58 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD, AND BEING LOCATED APPROXIMATELY 350 FEET EAST OF THE SOUTHEAST CORNER OF DOUGLAS ROAD AND FIR ROAD.

THE ABOVE DESCRIBED PARCEL OF LAND IS PRESENTLY ZONED "R" SINGLE FAMILY DISTRICT IN THE UNINCORPORATED COUNTY.

PETITIONERS DESIRE TO ANNEX AND REZONE THE REAL ESTATE DESCRIBED ABOVE TO THE "C-1" COMMERCIAL DISTRICT CLASSIFICATION. THE PURPOSE FOR THE ANNEXATION AND REZONING IS TO ALLOW FOR A FUTURE RETAIL USES ALLOWED WITHIN THE "C-1" COMMERCIAL DISTRICT.

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 ANNEXATING AND REZONING THE ABOVE DESCRIBED PARCEL OF REAL ESTATE LOCATED IN THE CITY OF MISHAWAKA.

MEMBER

FOR SEC INVESTMENTS LLC
4715 LINCONWAY EAST
MISHAWAKA, INDIANA 46544
(574) 255-8463

CONTACT PERSON:

MICHAEL DANCH
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, INDIANA 46628
(574) 234-4003.

PARCEL ANNEXATION AND REZONING LEGAL DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION AND THE CENTERLINE OF DOUGLAS ROAD A DISTANCE OF 40.00 FEET MORE OR LESS; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SECTION 34 A DISTANCE OF 40.00 FEET MORE OR LESS TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH PARALLEL TO SAID EAST LINE A DISTANCE OF 115.05 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 220.00 FEET MORE OR LESS; THENCE NORTH 115.05 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 220.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 0.58 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD, AND BEING LOCATED APPROXIMATELY 350 FEET EAST OF THE SOUTHEAST CORNER OF DOUGLAS ROAD AND FIR ROAD.

SEP 23 2015

Honorable Members of the Common Council
and Plan Commission of the City of Mishawaka , Indiana
300 East Third Street
Mishawaka, Indiana 46545

September 17, 2015

RE: Annexation & Rezoning Petition for
SEC Investments, Inc. for property located approximately 350 feet
East of the Southeast corner of Douglas Road & Fir Road,
Mishawaka, Indiana:

Dear Council Members:

Please accept this written letter as confirmation that we have authorized Danch, Harner & Associates, Inc. to represent us at all required public hearings at which our Annexation and Rezoning Petition will be heard.

If you have any questions concerning this matter, please feel free to give me a call at 255-8463.

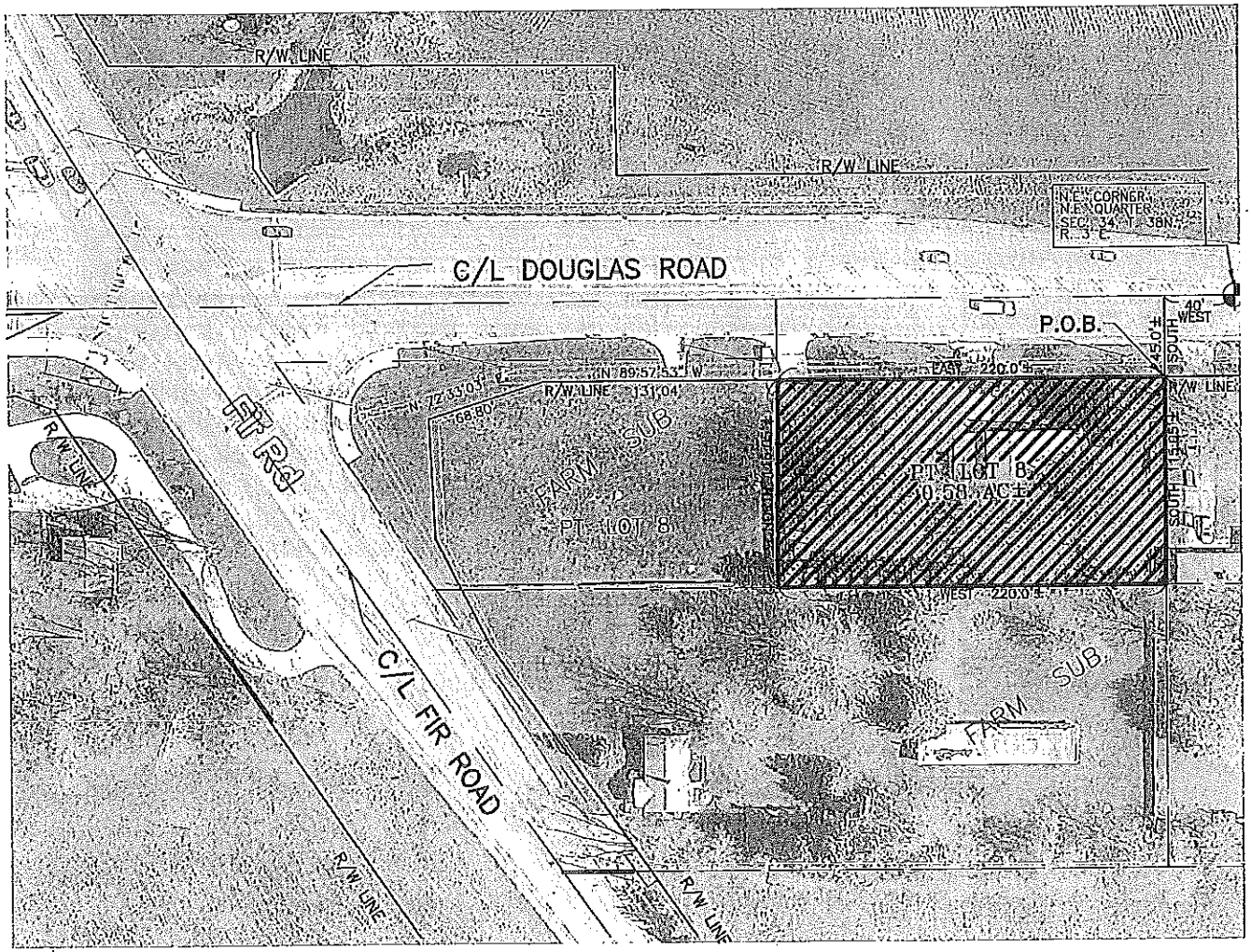
Sincerely,

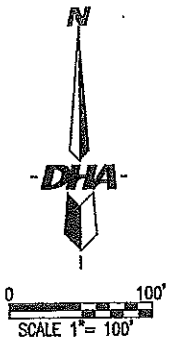
Steve Murphy, MEMBER

Steve Murphy
For SEC Investments, LLC
4715 Lincolnway East
Mishawaka, Indiana 46544

File No. 150214 "C" Md.

# ANNEXATION DIAGRAM




SMW

150214
9/18/15

Pet 15-27

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 15 2015
CITY CLERK
MISHAWAKA, IN

1st Reading 10-19-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-28

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. **2015-30**

ORDINANCE NO. _____

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

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

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

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

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

A PART OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: COMMENCING AT THE INTERSECTION OF EDISON ROAD AND HICKORY ROAD; THENCE NORTH 90°00'00" EAST A DISTANCE OF 51.89 FEET MORE OR LESS; THENCE NORTH 00°00'00" EAST A DISTANCE OF 40.00 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HICKORY ROAD FOR THE NEXT FIVE (5) COURSES, NORTH 40°00'00" WEST A DISTANCE OF 18.50 FEET MORE OR LESS AND NORTH 00°00'00" WEST A DISTANCE OF 18.40 FEET MORE OR LESS AND AROUND A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 231.50 FEET MORE OR LESS AND NORTH 20°22'07" WEST A DISTANCE OF 112.50 FEET MORE OR LESS AND AROUND A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 23.92 FEET MORE OR LESS; THENCE NORTH 88°50'37" EAST A DISTANCE OF 316.40 FEET MORE OR LESS; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 393.00 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE NORTH 90°00'00" WEST ALONG SAID NORTH LINE A DISTANCE OF 217.20 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 2.30 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: Northeast Corner of Hickory and Edison Roads

which real estate is now classified as C-1 General Commercial and C-4 Automobile Oriented Commercial shall hereafter be within and a part of that District known as C-10 Filling Station Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions - The subject parcel is located at the intersection of two arterial roadways within an area that has long been developed with commercial uses. Traffic is likely to increase along both corridors. The other corners of this intersection have been developed as commercial both within the City of Mishawaka and the City of South Bend.

2. Character of Buildings – The character of the buildings in the area are predominantly commercial.

3. The most desirable/highest and best use – Because of the parcels' location and the existing commercial development along Hickory and Edison Roads, the most desirable use for the property is commercial.

4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.

5. Comprehensive Plan - The Comprehensive Plan, created in 1990, guided general commercial development within this area. The proposal is generally consistent with 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, at _____ o'clock ___.M.

_____
Presiding Officer

ATTEST:

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

Proposed Ordinance No: 2015-30

Ordinance No: _____

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

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

APPROVED by me this _____ day of _____, 2015, at _____o'clock ____.M.

_____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 30 2015
CITY CLERK
MISHAWAKA, IN

Date: September 8, 2015

SEP 23 2015

To The: Honorable Members of the
Common Council of the
City of Mishawaka, Indiana

RE: Donald & Patricia Cressy Foundation
Petition for Rezoning:

Pet 15-28

The undersigned, respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: COMMENCING AT THE INTERSECTION OF EDISON ROAD AND HICKORY ROAD; THENCE NORTH 90°00'00" EAST A DISTANCE OF 51.89 MOR OR LESS; THENCE NORTH 00°00'00" EAST A DISTANCE OF 40.00 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HICKORY ROAD FOR THE NEXT FIVE (5) COURSES, NORTH 40°00'00" WEST A DISTANCE OF 18.50 FEET MORE OR LESS AND NORTH 00°00'00" WEST A DISTANCE OF 18.40 FEET MORE OR LESS AND AROUND A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 231.50 FEET MORE OR LESS AND NORTH 20°22'07" WEST A DISTANCE OF 112.50 FEET MORE OR LESS AND AROUND A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 23.93 FEET MORE OR LESS; THENCE NORTH 88°50'37" EAST A DISTANCE OF 316.40 FEET MORE OR LESS; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 393.00 MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISION ROAD; THENCE NORTH 90°00'00" WEST ALONG SAID NORTH LINE A DISTANCE OF 217.20 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 2.30 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

Also commonly known as the Northeast corner of Edison Road and Hickory Road, Mishawaka, Indiana 46545.

The above described parcel of land is presently zoned "C-1" Commercial District.

The Petitioners desire said real estate, to be rezoned to the "C-10" Commercial District classification. The purpose for the rezoning is to allow for the real estate to be purchased by an interested party who desires to build a convenience store with gas pumps and a carwash facility on the site.

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 real estate located in the City of Mishawaka.

Stephen A. Studer

Stephen A. Studer-Attorney for the
Donald & Patricia Cressy Foundation
(574) 277-1207

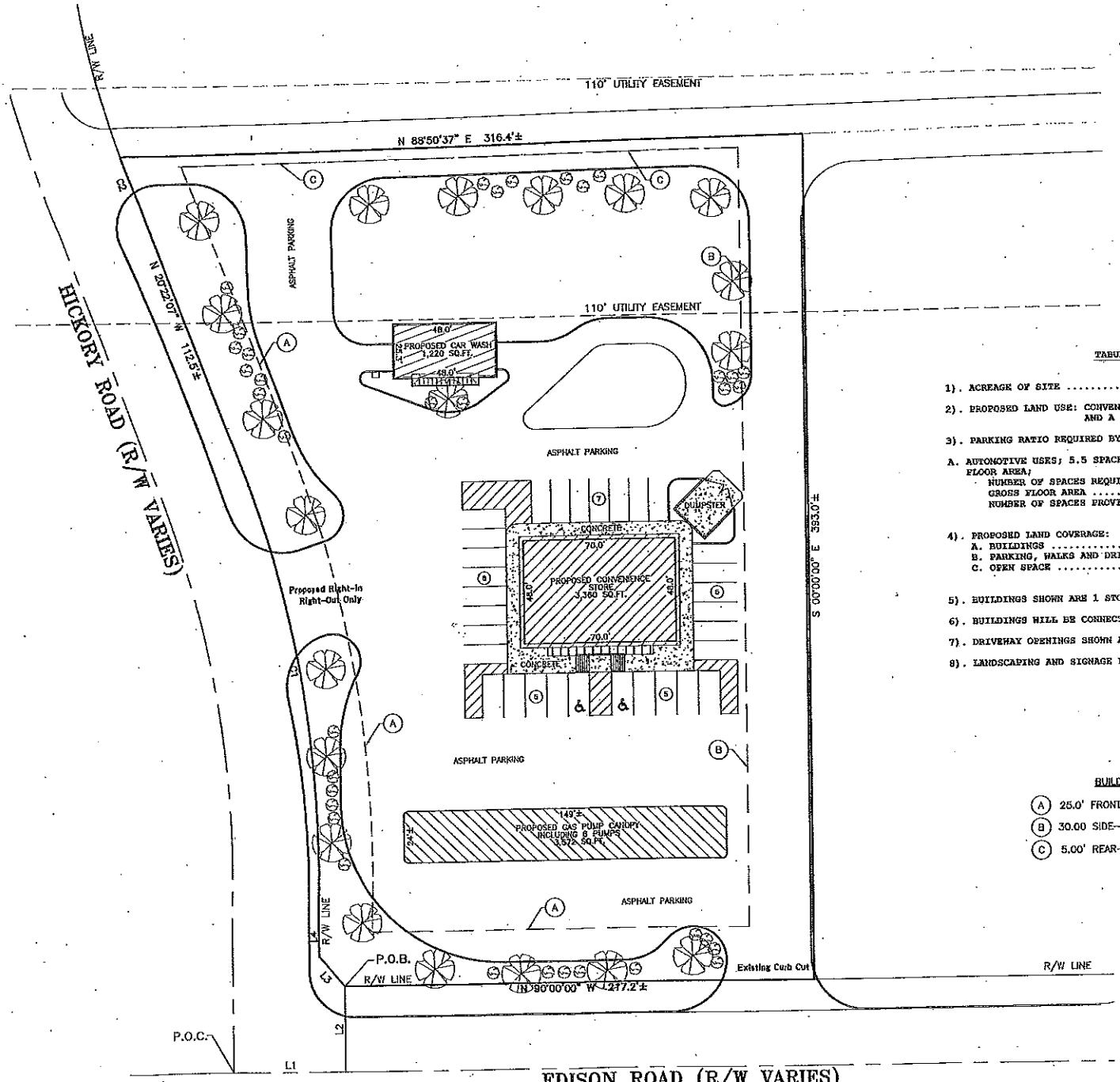
Contact person:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574) 234-4003

## LEGAL DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: COMMENCING AT THE INTERSECTION OF EDISON ROAD AND HICKORY ROAD; THENCE NORTH 90°00'00" EAST A DISTANCE OF 51.89 MOR OR LESS; THENCE NORTH 00°00'00" EAST A DISTANCE OF 40.00 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HICKORY ROAD FOR THE NEXT FIVE (5) COURSES, NORTH 40°00'00" WEST A DISTANCE OF 18.50 FEET MORE OR LESS AND NORTH 00°00'00" WEST A DISTANCE OF 18.40 FEET MORE OR LESS AND AROUND A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 231.50 FEET MORE OR LESS AND NORTH 20°22'07" WEST A DISTANCE OF 112.50 FEET MORE OR LESS AND AROUND A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 23.93 FEET MORE OR LESS; THENCE NORTH 88°50'37" EAST A DISTANCE OF 316.40 FEET MORE OR LESS; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 393.00 MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISION ROAD; THENCE NORTH 90°00'00" WEST ALONG SAID NORTH LINE A DISTANCE OF 217.20 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 2.30 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

# PRELIMINARY SITE PLAN

PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 2 EAST,
CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.




TABULATED SITE D

1). ACREAGE OF SITE .....

2). PROPOSED LAND USE: CONVENIENCE STORE HI
AND A CARWASH FACILI

3). PARKING RATIO REQUIRED BY ORDINANCE;

A. AUTOMOTIVE USES; 5.5 SPACES PER 1,000 S(
FLOOR AREA;
NUMBER OF SPACES REQUIRED FOR 3,360
GROSS FLOOR AREA .....
NUMBER OF SPACES PROVIDED.....

4). PROPOSED LAND COVERAGE:
A. BUILDINGS .....
B. PARKING, WALKS AND DRIVES.....
C. OPEN SPACE .....

5). BUILDINGS SHOWN ARE 1 STORY.

6). BUILDINGS WILL BE CONNECTED TO MISHAWAI

7). DRIVEWAY OPENINGS SHOWN ARE EXISITING.

8). LANDSCAPING AND SIGNAGE PER MISHAWAKA I

BUILDING SETBACKS

(A) 25.0' FRONT--YARD SETBACK
(B) 30.00 SIDE--YARD SETBACK U
(C) 5.00' REAR--YARD SETBACK 1

SEP 23 2015

MICHAEL J. DANCH REGISTERED No. 085 STATE OF INDIANA LANDSCAPE ARCHITECT

0


SURVEYORS & ENGINEERS:

DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH


| DATE | DRAWN BY: | R E |
|---|---|---|
| 9/4/15 | SMM | |
| SCALE | CHECKED BY: | DATE / BY |
| 1" = 30' | MJD | |
| FILE # | PROJ. MANGR: | |
| 150212 | SMM | |

Pet 15-28

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 15 2015
CITY CLERK
MISHAWAKA, IN

1st Reading 10-19-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-30

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-31

ORDINANCE NO. _____

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

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

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

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

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

Part of the North Half of the Northwest Quarter of Section 23, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana: Commencing at the Northwest corner of said Section 23; thence N. 89°40'51" E., 270.00 feet along the North line of said Section; thence S. 00°00'00" E., 40.00 feet to the proposed South right-of-way of 12th Street and the point of beginning; thence N. 89°40'51" E. along said right-of-way 1262.22 feet; thence S. 00°00'00" E., 772.54 feet; thence S. 89°40'53" W., 442.06 feet; thence N. 73°49'30" W., 648.25 feet; thence N. 89°40'51" W., 197.56 feet; thence N. 00°00'00" W., 588.48 feet to the point of beginning. Containing 20.24 acres more or less. Subject to all legal highways, easements, and restriction of record.

COMMON ADDRESS: 1400-1500 Block of East Twelfth Street

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter be amended to allow for 360 apartment units subject to the following conditions of approval:

1. Deceleration lanes along 12th Street shall be installed as determined by the Department of Engineering and shall satisfy Engineering standards.

2. Perimeter and internal landscaping shall meet C-1 General Commercial standards.

3. Architectural standards shall include architecturally appropriate materials consistent with the City's Design Review Ordinance for all facades visible from the public right-of-way.

4. Right-of-way and easements to be dedicated as required by Department of Engineering and Mishawaka Utilities.

5. All other previously approved developmental standards shall remain the same.

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

1. Existing Conditions - The amendment will not alter or negatively impact the existing conditions of the surrounding area because the proposed apartment use, however on a smaller scale, currently exists within the PUD.

2. Character of Buildings in Area - The character of buildings within this area are commercial and industrial, and an apartment development would not be uncharacteristic as several apartment complexes are located within the general vicinity east and west on 12th Street.

3. The Most Desirable/Highest and Best Use - The proposed amendment for expanded multi-family residential use within the PUD is not inconsistent with surrounding zoning classifications.

4. Conservation of Property Values - The proposed amendment will not be injurious to property values in the surrounding area, because the multi-family residential use has already been approved as part of this PUD.

5. Comprehensive Plan - The Comprehensive Plan had identified this area for general commercial and manufactured home residential and is reasonably consistent 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, at _____ o'clock ___.M.

_____
Presiding Officer

ATTEST:

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

Proposed Ordinance No: 2015-31

Ordinance No: _____

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

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

APPROVED by me this _____ day of _____, 2015, at _____o'clock ____.M.

_____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 30 2015
CITY CLERK
MISHAWAKA, IN

To The: Honorable members of the
Common Council of the
City of Mishawaka, Indiana

September 18, 2015

SEP 23 2015

RE: Approval of an Amended PUD for
The 12th Street Planned Unit Development:

Ref 15-30

The undersigned, Village Green Mishawaka Holdings, LLC, respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

Part of the North Half of the Northwest Quarter of Section 23, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana: Commencing at the Northwest corner of said Section 23; thence N. 89°40'51" E., 270.00 feet along the North line of said Section; thence S. 00°00'00" E., 40.00 feet to the proposed South right-of-way of 12th Street and the point of beginning; thence N. 89°40'51" E. along said right-of-way 1262.22 feet; thence S. 00°00'00" E., 772.54 feet; thence S. 89°40'53" W., 442.06 feet; thence N. 73°49'30" W., 648.25 feet; thence N. 89°40'51" W., 197.56 feet; thence N. 00°00'00" W., 588.48 feet to the point of beginning.
Containing 20.24 acres more or less.
Subject to all legal highways, easements, and restriction of record.

Also commonly known as property located in the 1400 Block of East 12th Street, Mishawaka, Indiana 46544. Te above described parcel of land is presently zoned "S-2" Planned Unit Development district and was approved to allow for commercial and industrial uses.

The Petitioners of said real estate desire to amend the existing "S-2" Planned Unit Development district to allow for "R-4" Residential uses in the existing Planned Unit Development District with "R-3" Development standards. The purpose for this amended Planned Unit Development would allow for the construction of a multi-family development with a community center.

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 allowing for the requested amended "S-2" Planned Unit Development with the proposed "R-3" Residential District Uses.

For Village Green Mishawaka Holdings, LLC
1434 Fallcreek Drive
Mishawaka, Indiana 46544

Contact person:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003

Legal Description:

Part of the North Half of the Northwest Quarter of Section 23, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana: Commencing at the Northwest corner of said Section 23; thence N. 89°40'51" E., 270.00 feet along the North line of said Section; thence S. 00°00'00" E., 40.00 feet to the proposed South right-of-way of 12th Street and the point of beginning; thence N. 89°40'51" E. along said right-of-way 1262.22 feet; thence S. 00°00'00" E., 772.54 feet; thence S. 89°40'53" W., 442.06 feet; thence N. 73°49'30" W., 648.25 feet; thence N. 89°40'51" W., 197.56 feet; thence N. 00°00'00" W., 588.48 feet to the point of beginning.
Containing 20.24 acres more or less.
Subject to all legal highways, easements, and restriction of record.

# AMENDED P.U.D. SITE PLAN – BYRKIT AVENUE

A PART OF THE NORTHWEST QUARTER OF SECTION 23, T. 37 N., R. 3 E.,
PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA

E NORTHWEST QUARTER OF SECTION
EAST, PENN TOWNSHIP, ST. JOSEPH
THE NORTHWEST CORNER OF SAID
E 270.00 FEET ALONG THE NORTH
00°00'00" E 40.00 FEET TO THE
STREET, ALSO BEING THE POINT OF
ALONG SAID RIGHT-OF-WAY 1262.22
2.54 FEET; THENCE S 89°40'53" W
W 648.25 FEET; THENCE N 89°40'51"
0" W 588.48 FEET TO THE POINT OF

LESS.
, EASEMENTS, AND RESTRICTION OF

.....20.24 ACRES

| | SQUARE FOOTAGE | % OF SITE |
|---|---|---|
| | 160,739.32 | 18.24 |
| | 256,140.29 | 29.06 |
| | 429,667.16 | 48.74 |
| | 34,893.45 | 3.96 |
| TOTAL | 881,440.22 | 100.00 |

UNIT RESIDENTIAL

| UNITS: | NUMBER OF UNITS | % OF TOTAL |
|---|---|---|
| | 95 | 27% |
| | 204 | 57% |
| | 60 | 16% |
| TOTAL | 360 | 100% |

ZONING ORDINANCE:
NIT.
IRED FOR 360 UNITS..... 540 SPACES
CES PROVIDED..... 565 SPACES
CES PROVIDED..... 13 SPACES
TOTAL PROVIDED 578 SPACES

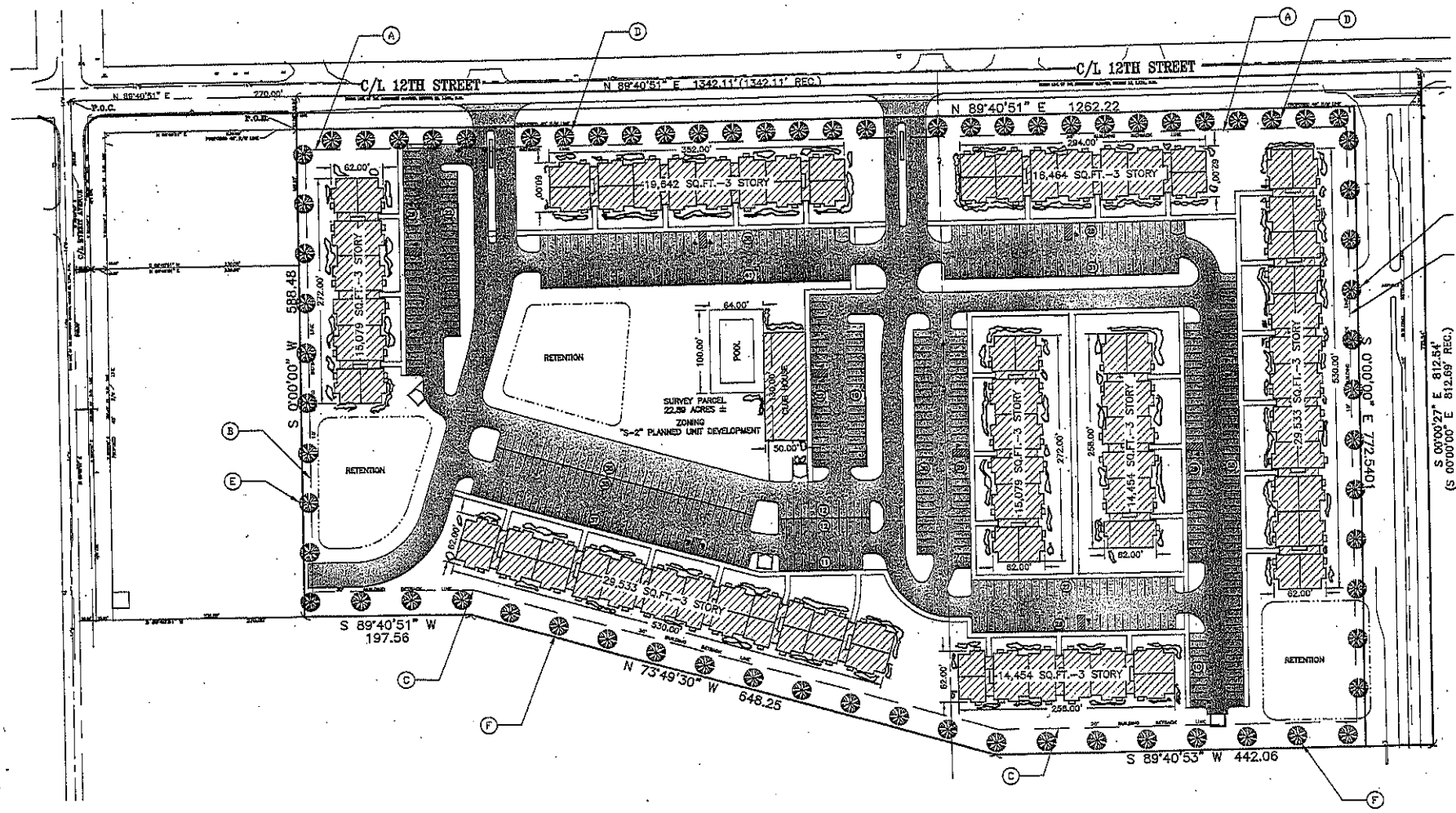
NICIPAL SANITARY SEWER AND MUNICIPAL WATER.

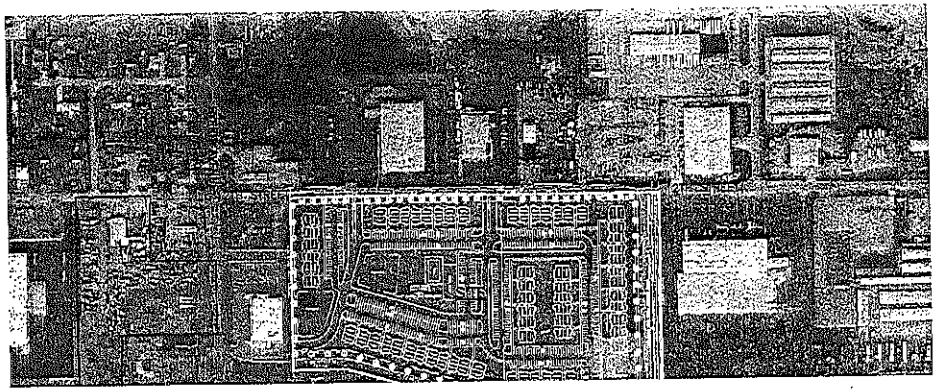
INC.

O BE HANDLED TO MEET THE STANDARDS
A ENGINEERING DEPARTMENT.

HREE (3) STORIES.

I TO THE CITY OF MISHAWAKA STANDARDS.



N ↑

Ref 15-30

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TER

TER

INTENDED FOR THE CLIENT ONLY. ANY REUSE

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 15 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 10-19-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-32

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-32

ORDINANCE NO. _____

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89°25' WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 656 FEET MORE OR LESS TO A POINT ON THE EXTENDED EAST LINE OF A PARCEL OF LAND AS RECORDED IN DEED BOOK 635, PAGE 357 IN THE OFFICE OF RECORDER OF SAID COUNTY; THENCE SOUTH 00°25' EAST ALONG SAID EXTENDED AND EAST LINE 357 FEET MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF FIR ROAD; THENCE SOUTH 64°09' WEST ALONG SAID RIGHT OF WAY, 137 FEET MORE OR LESS; THENCE SOUTHWESTERLY ALONG A CURVE AND SAID RIGHT OF WAY 366 FEET MORE OR LESS; THENCE NORTH 49°32' WEST, 92 FEET MORE OR LESS, TO A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF FIR ROAD AND THE WESTERLY RIGHT OF WAY OF FIR TRAIL; THENCE NORTH 18°43' EAST ALONG THE WESTERLY RIGHT OF WAY OF FIR TRAIL, 114 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND SAID RIGHT OF WAY 95 FEET MOR OR LESS; THENCE NORTH 11°17' EAST ALONG SAID RIGHT OF WAY, 156 FEET MOR OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND RIGHT OF WAY 29 FEET MORE OR LESS; THENCE NORTH 15°18' EAST ALONG SAID RIGHT OF WAY, 243 FEET MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT OF WAY OF CLEVELAND ROAD; THENCE NORTH 89°25' EAST ALONG SAID RIGHT OF WAY, 281 FEET MORE OR LESS; THENCE NORTH 83°04' EAST ALONG SAID RIGHT OF WAY, 34 FEET MORE OR LESS TO A POINT ON THE EXTENDED EAST LINE OF SAID PARCEL OF

Proposed Ordinance No. 2015-32

Ordinance No. _____

LAND RECORDED IN DEED BOOK 635, PAGE 357 IN SAID RECORDERS OFFICE; THENCE SOUTH 00°25' EAST ALONG SAID EXTENDED EAST LINE, 44 FEET MORE OR LESS TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 4.7 ACRES, MORE OR LESS AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of C-6 Linear Office Commercial District.

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

1. Existing Conditions - Although the area was platted and developed decades ago with a tract of single family homes, the subject parcel is located between two arterial/collector roadways within an area that continues to develop with commercial uses. Traffic is intended to increase along both corridors.

2. Character of Buildings– The character of the buildings within the surrounding area is single family residential, but the area continues to redevelop for commercial purposes.

3. The most desirable/highest and best use – Because of the parcels' location and the existing commercial development along the University Drive, Cleveland Road, and Fir Road corridors, the most desirable use for the property is linear office commercial. Although there are surrounding residential properties, the increasing traffic along the corridors, makes the long term use of these properties less desirable for residential purposes.

4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.

5. Comprehensive Plan - The properties are not guided by either the Mishawaka 2000 Comprehensive Plan or the Capital Avenue Land Use Plan. The commercial development in this area has altered developmental patterns from what once was a desirable location for residential development to more intensive commercial growth. Residential development is no longer desirable within this area and comprehensive plans must be reevaluated as development trends change over the years.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2015, at _____ o'clock ___.M.

_____

Presiding Officer

Proposed Ordinance No. 2015-32

Ordinance No. _____

ATTEST:

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

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

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

APPROVED by me this _____ day of _____, 2015, at _____o'clock _____.M.

_____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 30 2015
CITY CLERK
MISHAWAKA, IN

SEP 23 2015

DATE: September 23, 2015

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

Pet 15-32

RE: **PETITION FOR ANNEXATION AND ZONING CLASSIFICATION**
**15170 Cleveland Road and Property Adjacent to the South**

The undersigned, Donald L. Seggerman and the Devisees of the Last Will of Evelyn Marjorie Everding subject to the rights of Malcolm J. Tuesley Jr., Personal Representative of the Estate of said Decedant, Estate No. 71J01-0810-ES-000403, St. Joseph County Probate Court, respectfully show that they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89°25' WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 656 FEET MORE OR LESS TO A POINT ON THE EXTENDED EAST LINE OF A PARCEL OF LAND AS RECORDED IN DEED BOOK 635, PAGE 357 IN THE OFFICE OF RECORDER OF SAID COUNTY; THENCE SOUTH 00°25' EAST ALONG SAID EXTENDED AND EAST LINE, 357 FEET MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF FIR ROAD; THENCE SOUTH 64°09' WEST ALONG SAID RIGHT OF WAY, 137 FEET MORE OR LESS; THENCE SOUTHWESTERLY ALONG A CURVE AND SAID RIGHT OF WAY 366 FEET MORE OR LESS; THENCE NORTH 49°32' WEST, 92 FEET MORE OR LESS, TO A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF FIR ROAD AND THE WESTERLY RIGHT OF WAY OF FIR TRAIL; THENCE NORTH 18°43' EAST ALONG THE WESTERLY RIGHT OF WAY OF FIR TRAIL, 114 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND SAID RIGHT OF WAY 95 FEET MORE OR LESS; THENCE NORTH 11°17' EAST ALONG SAID RIGHT OF WAY, 156 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND RIGHT OF WAY 29 FEET MORE OR LESS; THENCE NORTH 15°18' EAST ALONG SAID RIGHT OF WAY, 243 FEET MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT OF WAY OF CLEVELAND ROAD; THENCE NORTH 89°25' EAST ALONG SAID RIGHT OF WAY, 281 FEET MORE OR LESS; THENCE NORTH 83°04' EAST ALONG SAID RIGHT OF WAY, 34 FEET MORE OR LESS TO A POINT ON THE EXTENDED EAST LINE OF SAID PARCEL OF LAND RECORDED IN DEED BOOK 635, PAGE 357 IN SAID RECORDERS OFFICE; THENCE SOUTH 00°25' EAST ALONG SAID EXTENDED EAST LINE, 44 FEET MORE OR LESS TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 4.7 ACRES, MORE OR LESS AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

Petitioners own One Hundred (100%) percent of the above described parcel of land, excluding the adjacent road right-of-ways, and is located within Section 27, Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a "C-6" Commercial District zoning classification. Petitioners further state they intend to utilize said land for office and medial office uses.

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

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-6" Commercial District zoning classification.

Donald Seggerman by Billy Peterson POA

Donald L. Seggerman, Owner
Property Adjacent to the South

Malcolm J. Tuesley Jr. Pers Rep

Malcolm J. Tuesley Jr., Personal Representative of the Estate
15170 Cleveland Road

**CONTACT PERSON:**

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com

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

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.

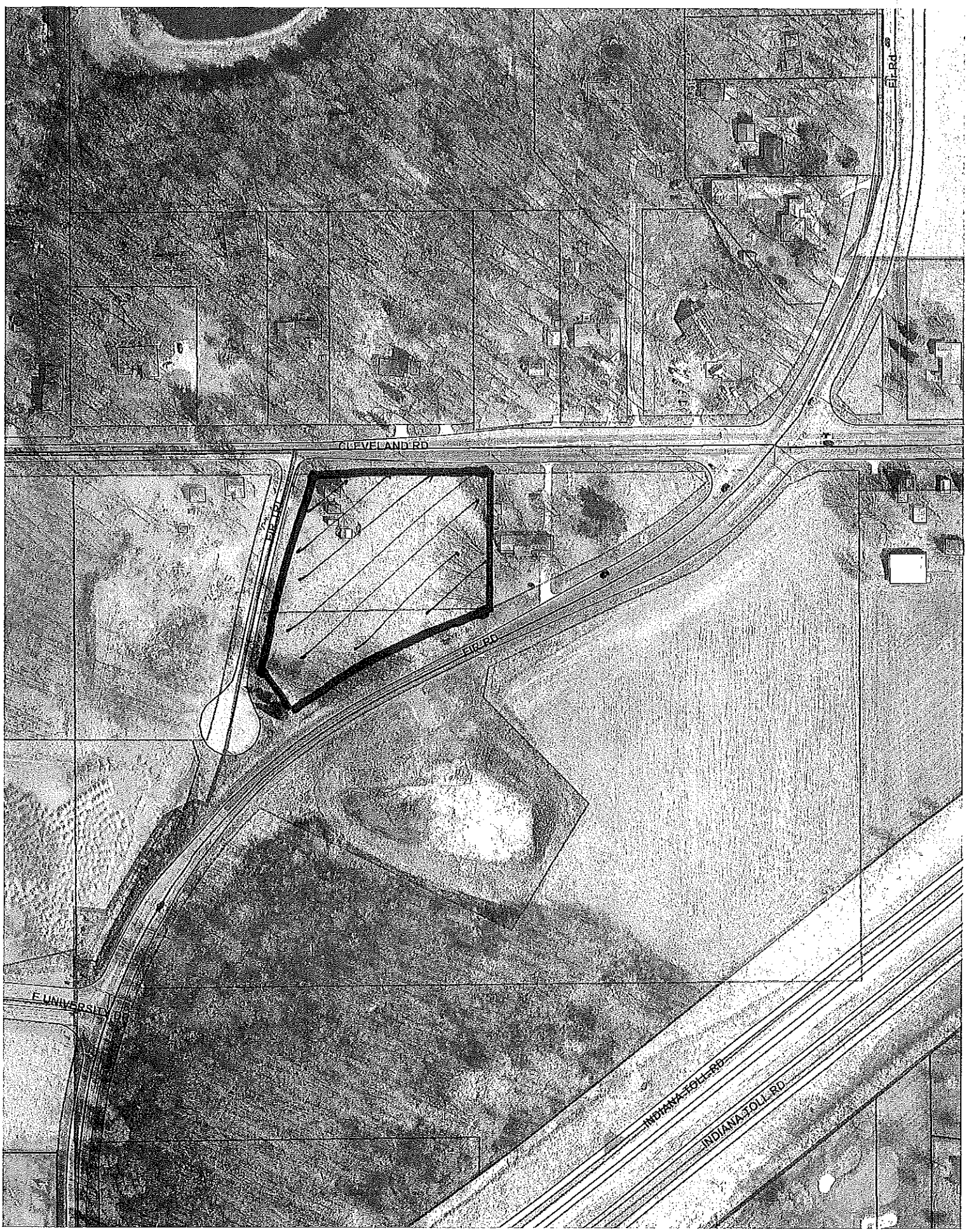
Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a "C-6" Commercial District zoning classification.

Donald L. Seggerman, Owner
Property Adjacent to the South

Malcolm J. Tuesley Jr., Personal Representative of the Estate
15170 Cleveland Road

**CONTACT PERSON:**

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com


CLEVELAND RD
EIP RD
E UNIVERSITY RD
INDIANA TOLL RD
INDIANA TOLL RD

Ret 15-32

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 15 2015
CITY CLERK
MISHAWAKA, IN

1st Reading 10-19-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-33

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-33

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, Sajida Chaudhry, Donald L. Seggerman, and the Devisees of the Last Will of Evelyn Marjorie Everding has filed a petition for vacation of the public right-of-way described in Section 1 below;

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

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

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

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

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

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

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

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as hereinafter described and per the Electric Department requirement to keeping access to electric wire and equipment on the west side of Fir Trail.

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

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

A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PROPOSED ORDINANCE NO. 2015-33

ORDINANCE NO._

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89°25' WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 768 FEET MORE OR LESS; THENCE SOUTH 00°34'57" EAST, 30.00 FEET TO THE POINT OF BEGINNING, ALSO BEING A POINT AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF CLEVELAND ROAD AND THE EASTERLY RIGHT OF WAY OF FIR TRAIL; THENCE SOUTH 15°18' WEST ALONG THE EASTERLY RIGHT OF WAY OF FIR TRAIL, 182 FEET MORE OR LESS; THENCE SOUTHWESTERLY ALONG A CURVE AND SAID EASTERLY RIGHT OF WAY, 27 FEET MORE OR LESS; THENCE SOUTH 11°17' WEST ALONG SAID EASTERLY RIGHT OF WAY, 120.23 FEET MORE OR LESS; THENCE SOUTH 36°27' EAST ALONG SAID RIGHT OF WAY, 96 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT OF WAY OF FIR ROAD; THENCE SOUTHWESTERLY ALONG A CURVE AND SAID NORTHERLY RIGHT OF WAY, 223 FEET MORE OR LESS; THENCE NORTH 49°33' WEST ALONG SAID NORTHERLY RIGHT OF WAY, 2 FEET MORE OR LESS TO A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF FIR ROAD AND THE WESTERLY RIGHT OF WAY OF FIR TRAIL; THENCE NORTH 18°44' EAST ALONG SAID WESTERLY RIGHT OF WAY, 114 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND SAID WESTERLY RIGHT OF WAY 95 FEET MORE OR LESS; THENCE NORTH 11°17' EAST ALONG SAID WESTERLY RIGHT OF WAY, 156 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND SAID WESTERLY RIGHT OF WAY 29.47 FEET; THENCE NORTH 15°18' EAST ALONG SAID WESTERLY RIGHT OF WAY, 170 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF CLEVELAND ROAD; THENCE NORTH 89°25' EAST ALONG SAID NORTHERLY RIGHT OF WAY, 42 FEET MOR OR LESS TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.6 ACRES, MORE OR LESS AND SUBJECT TO EASEMENTS, AND RIGHT OF WAY OF RECORD.

COMMONLY KNOWN AS: Fir Trail between Fir Road and Cleveland Road

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. Both properties still have access to Cleveland Road.

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.

PROPOSED ORDINANCE NO. 2015-33

ORDINANCE NO._

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

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 30 2015
CITY CLERK
MISHAWAKA, IN

DATE: September 23, 2015

SEP 23 2015

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

Pet 15-33

RE: **PETITION FOR VACATION OF PUBLIC RIGHT OF WAY AND UNDERLYING UTILITY EASEMENT RIGHTS**

**FIR TRAIL – Between Fir Road and Cleveland Road**

The undersigned, Sajida Chaudhry, Donald L. Seggerman, and the Devisees of the Last Will of Evelyn Marjorie Everding subject to the rights of Malcolm J. Tuesley Jr., Personal Representative of the Estate of said Decedant, Estate No. 71J01-0810-ES-000403, St. Joseph County Probate Court, respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89°25' WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 768 FEET MORE OR LESS; THENCE SOUTH 00°34'57" EAST, 30.00 FEET TO THE POINT OF BEGINNING, ALSO BEING A POINT AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF CLEVELAND ROAD AND THE EASTERLY RIGHT OF WAY OF FIR TRAIL; THENCE SOUTH 15°18' WEST ALONG THE EASTERLY RIGHT OF WAY OF FIR TRAIL, 182 FEET MORE OR LESS; THENCE SOUTHWESTERLY ALONG A CURVE AND SAID EASTERLY RIGHT OF WAY, 27 FEET MORE OR LESS; THENCE SOUTH 11°17' WEST ALONG SAID EASTERLY RIGHT OF WAY, 120.23 FEET MORE OR LESS; THENCE SOUTH 36°27' EAST ALONG SAID RIGHT OF WAY, 96 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT OF WAY OF FIR ROAD; THENCE SOUTHWESTERLY ALONG A CURVE AND SAID NORTHERLY RIGHT OF WAY, 223 FEET MORE OR LESS; THENCE NORTH 49°33' WEST A ALONG SAID NORTHERLY RIGHT OF WAY, 2 FEET MORE OR LESS TO A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF FIR ROAD AND THE WESTERLY RIGHT OF WAY OF FIR TRAIL; THENCE NORTH 18°44' EAST ALONG SAID WESTERLY RIGHT OF WAY, 114 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND SAID WESTERLY RIGHT OF WAY 95 FEET MORE OR LESS; THENCE NORTH 11°17' EAST ALONG SAID WESTERLY RIGHT OF WAY, 156 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND SAID WESTERLY RIGHT OF WAY 29.47 FEET; THENCE NORTH 15°18' EAST ALONG SAID WESTERLY RIGHT OF WAY, 170 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF CLEVELAND ROAD; THENCE NORTH 89°25' EAST ALONG SAID NORTHERLY RIGHT OF WAY, 42 FEET MORE OR LESS TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.6 ACRES, MORE OR LESS AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

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

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

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

Donald L. Seggerman, Owner
Property Adjacent to the South of 15170 Cleveland Road

Malcolm J. Tuesley Jr., Personal Representative of the Estate
15170 Cleveland Road

**CONTACT PERSON:**

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com

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

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

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

Donald L. Seggerman, Owner
Property Adjacent to the South of 15170 Cleveland Road

Malcolm J. Tuesley Jr., Personal Representative of the Estate
15170 Cleveland Road

**CONTACT PERSON:**

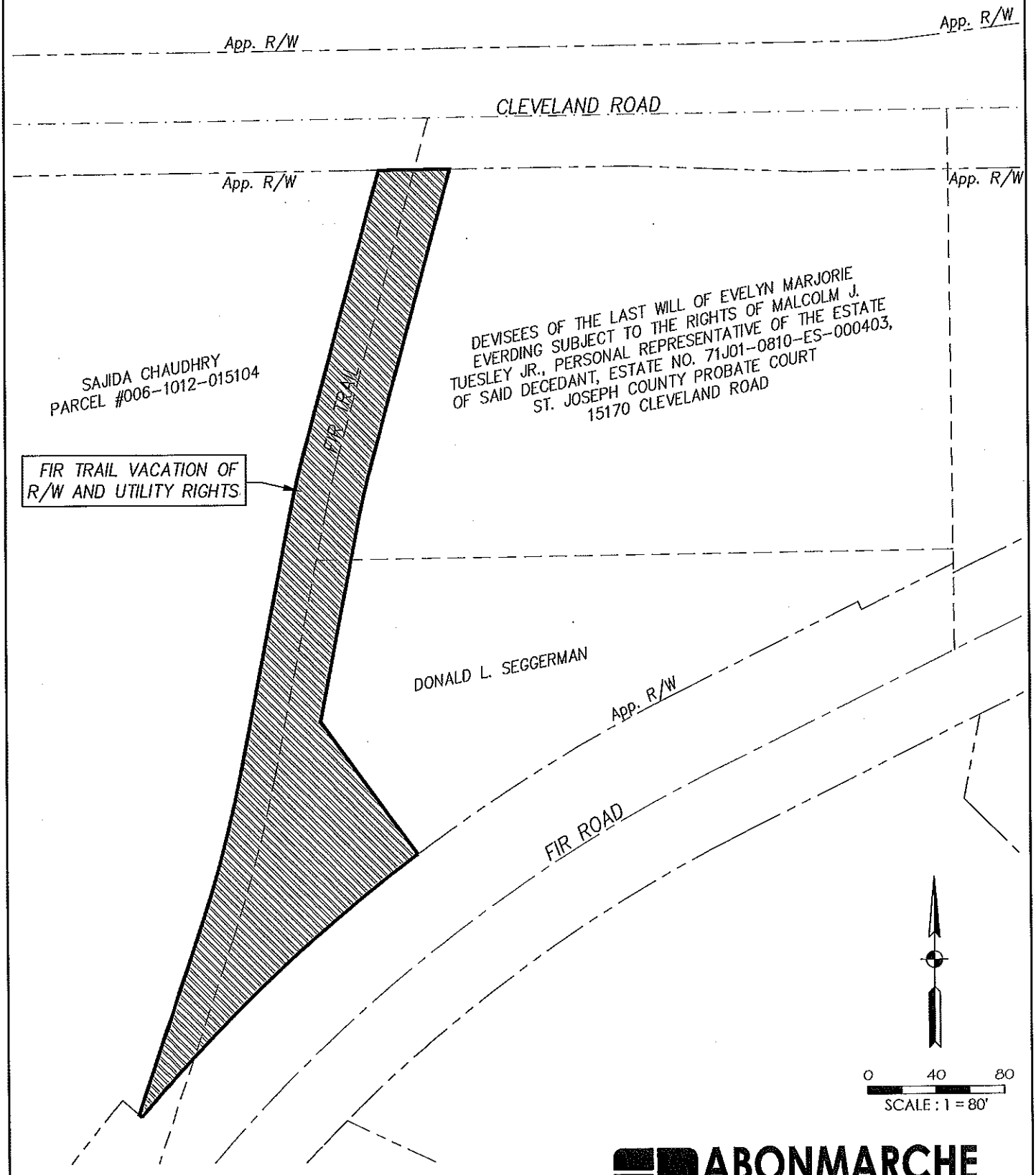
Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com

Sajida Chaudhry, Owner
Parcel #006-1012-015104
(Adjacent to West Side of Fir Trail)

**CONTACT PERSON:**

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com

# EXHIBIT A




**FIR TRAIL**
**VACATION OF RIGHT-OF-WAY AND UTILITY EASEMENT RIGHTS**
(BETWEEN FIR ROAD AND CLEVELAND ROAD)

ABONMARCHE
Confidence By Design

DATE: 09-23-15 ACI JOB #: 15-0797 SHT: 1 of 1

COPYRIGHT 2015 - ABONMARCHE CONSULTANTS, INC.

E:\CIVIL 3D\ENG PROJ\15-0797 Dr Kazi Medical Office\dwg\Fir Trail ROW Vacation\Fir Trail ROW Vacation Exhibit.dwg, EXHIBIT, 9/23/2015 1:15:02 PM, Letter, 1:1

Rec'd 15-33

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 14 2015

CITY CLERK
MISHAWAKA, IN

# RESOLUTION NO. 2015-36
(Bayer Healthcare)

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 PART OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

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

BAYER HEALTHCARE 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 Beacon Parkway, Mishawaka, Indiana, to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, 2,325.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BEACON PARKWAY; THENCE SOUTH 48°15'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 271.86 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1060.00 FEET, SUBTENDED BY A CHORD OF 86.04 FEET, BEARING SOUTH 45°55'40" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 86.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,060.00 FEET, SUBTENDED BY A CHORD OF 376.73 FEET, BEARING SOUTH 33°21'57" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 378.74 FEET; THENCE SOUTH 23°07'48" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 110.17 FEET; THENCE NORTH 66°52'12" WEST, 404.51 FEET; THENCE NORTH 00°27'48" WEST, 411.57 FEET; THENCE NORTH 56°55'30" EAST, 357.85 FEET; THENCE SOUTH 35°00'28" EAST, 34.03 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD LENGTH OF 212.76 FEET, BEARING SOUTH 46°41'54" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 214.24 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD OF 126.36 FEET, BEARING SOUTH 51°07'47" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 126.70 FEET; THENCE SOUTH 43°52'13" EAST, 76.60 FEET TO THE POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, SUBTENDED BY A CHORD OF 41.48 FEET, BEARING SOUTH 00°08'04" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, 45.80 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 7.03 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, 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 ten (10) 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 ten (10) years for real property only in the following applicable deduction percentages:

| | |
|---|---|
| Year 1: | 100% |
| Year 2 | 90% |
| Year 3 | 80% |
| Year 4 | 70% |
| Year 5 | 60% |
| Year 6 | 50% |
| Year 7 | 40% |
| Year 8 | 30% |
| Year 9 | 20% |
| Year 10 | 10% |

3. That the petition for tax abatement, and the Statement of Benefits submitted by Bayer Healthcare 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 19th day of October, 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 October, 2015.

_____
Deborah S. Block, City Clerk

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

_____
David A. Wood, Mayor

# CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

BUILDING - COMMUNITY DEVELOPMENT - PLANNING

October 14, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 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 Resolution 2015-36
Tax Abatement- Bayer Healthcare
Proposed Customer Logistics Service Center

Dear Council Members and Clerk:

Enclosed you will find staff prepared draft Confirming Resolution 2015-36 for consideration at your Monday October 19th meeting. As previously identified, the request is for Bayer Healthcare which is proposing to construct a new office building on Beacon Parkway north of the Indiana Toll Road. The proposed project is an Edison Lakes style office building with surface parking. The estimated construction costs associated with the proposed 60,000 square foot building is 12.5 million dollars. What is more significant than the substantial building is the number of high paying jobs associated with the request. In this case Mishawaka has been in direct competition with other communities, including those outside of Indiana. Bayer is headquartered in Germany and has a substantial US presence in New Jersey. If this tax abatement is approved and Bayer decides to build this facility, 171 existing white collar jobs would be retained in the City. Currently, these jobs are housed at 3930 Edison Lakes Parkway in the Edison Lakes Corporate Park. On the SB-1 form, Bayer has identified that these existing retained jobs pay between 35 and 42 dollars per hour. In addition, as part of the new construction, Bayer would be committing to adding an additional 50-60 positions over the next few years. These jobs would have a salary range of 25-35 dollars per hour. Bayer is requesting a standard ten-year abatement on the proposed improvements consistent with what Mayor Wood identified that he would recommend when the City was contacted earlier this year by the Chamber of Commerce. A copy of their applications and relevant materials, including Mayor Woods letter have been reattached for your review and information, but are identical to the information included with the declaratory resolution packet.

Declaratory Resolution 2015-35 for this abatement was approved at the Council's October 5th 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. To date, no correspondence has been received from other taxing units regarding the request.

As you are aware from other recent abatements, it is always a challenge to try and accurately predict values and taxes given the variables involved. H.J. Umbaugh & Associates recommended that we use the DLGF website: *(https://gateway.ifionline.org/CalculatorsDLGF/TaxCalculator.aspx)* to obtain the estimated taxes paid based on the most current certified tax rate with the circuit breaker.

This site has a calculator where you simply put in the location, assessed valuation, and class of property, and it outputs the estimated tax for the property. This is the calculator that we used for each of the three previous tax abatement requests acted on by the Council.

In this case, the applicant has identified the proposed investment at $12,500,000. Although this does not usually correlate directly into assessed valuation, staff used this number to project what could reasonably be considered as the maximum benefit. A reasonable projection on actual assessed valuation would reduce this number by about a third. The maximum property tax bill identified based on the most current 2014-15 rate with the tax caps as they currently exist is projected to be $421,175 per year. What is interesting is that it identifies savings due to the property tax caps as $118,975. It also identifies that $46,175 represents the taxes due based on the property tax exempt rate. Based on these current amounts, the benefits projected in the later years of the abatement may actually be realized through the tax caps rather than the abatement. Either way, if the abatement is approved, the savings will be realized one way or another regardless of the ongoing changes and/or implementation of changes of the property tax system.

**Proposed 10 Year Abatement**

| Tax Year | Percentage | Total Tax | Taxes Paid | Taxes Abated |
|---|---|---|---|---|
| 2016 Pay 2017 | 100% | $421,175 | $0 | $421,175 |
| 2017 Pay 2018 | 90% | $421,175 | $42,118 | $379,057 |
| 2018 Pay 2019 | 80% | $421,175 | $84,235 | $336,940 |
| 2019 Pay 2020 | 70% | $421,175 | $126,353 | $294,822 |
| 2020 Pay 2021 | 60% | $421,175 | $168,470 | $252,705 |
| 2021 Pay 2022 | 50% | $421,175 | $210,588 | $210,587 |
| 2022 Pay 2023 | 40% | $421,175 | $252,705 | $168,470 |
| 2023 Pay 2024 | 30% | $421,175 | $294,822 | $126,353 |
| 2024 Pay 2025 | 20% | $421,175 | $336,940 | $84,235 |
| 2025 Pay 2026 | 10% | $421,175 | $379,057 | $42,118 |
| *Total-* | *550%* | *$4,211,750* | *$1,895,288* | *$2,316,462* |

Regarding a recommendation, the Administration completely supports the request as submitted. Knowing that local economies grow primarily by existing business expansion, we feel that the fact that Bayer has preliminarily chosen this site is a benefit to the entire region. These are the types of higher paying white collar jobs that will continue to diversify our economy and counter the on-going brain drain of college graduates leaving the region by a greater percentage than those retained. This is a company that can do business anywhere in the world and it is choosing to continue to invest in the City of Mishawaka. The proposed 10 year abatement is appropriate given the City's past history on tax abatement, including the St. Joseph Regional Medical Center Office Building and Quality Dining which are similar in use and significance, and both received standard 10-year abatements.

As always, please contact me if you have any questions, desire additional projections, or if you would like me to prepare an alternative confirming resolution for the Council's use at the meeting. Thank you for your consideration.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

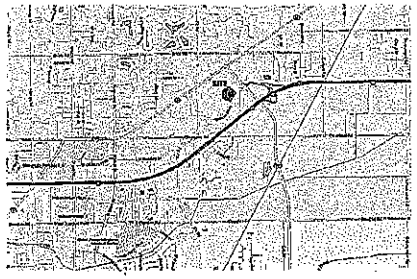
Cc: David A. Wood, Mayor

SITE IMPROVEMENT PLANS FOR

# BAYER HEALTHCARE OFFICE BUILDING

## BEACON PARKWAY
## MISHAWAKA, INDIANA

FOR BROWNING REAL ESTATE PROPERTIES, LLC



PROJECT SITE VICINITY MAP
N.T.S.

| UTILITIES CONTACTS |
|---|
| GAS<br>MPSCO<br>1039 East Pennsylvania Avenue<br>South Bend, IN 46601<br><br>Contact: Phil Griffin<br>(574) 284-2214 |
| TELEPHONE<br>AT&T<br>307 South Main Street<br>South Bend, IN 46601<br><br>Contact: Joe Kosinski<br>(574) 237-8393<br>jk1231@att.com |
| CABLE<br>COMCAST<br>1920 McKinley Avenue<br>Mishawaka, IN 46545<br><br>Contact: Joy Costello<br>(574) 789-1039 ext 71039 |
| CITY OF MISHAWAKA ELECTRIC<br>1646 East 17th Street<br>Mishawaka, IN 46544<br><br>Contact: Kevin Weamer<br>(574) 258-1717<br>kweamer@mishawaka.in.gov |
| FIBEROPTICS<br>ST. JOE VALLEY METRONET<br>Commerce Center, Suite 303<br>401 East Colfax Avenue<br>South Bend, IN 46617<br><br>(574) 986-5353 |
| CITY OF MISHAWAKA WATER<br>401 East Jefferson Boulevard<br>Mishawaka, IN 46545<br><br>Contact: Dave Majewski<br>(574) 258-1652<br>dmajewski@mishawakacity.com |
| CITY OF MISHAWAKA ENGINEERING<br>(STREETS AND SEWERS)<br>600 East 3rd Street<br>Mishawaka, IN 46544<br><br>Contact: Christine Jamrose, PE<br>(574) 258-1619<br>cjamrose@mishawaka.in.gov |

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Know what's below. Call before you dig.
811
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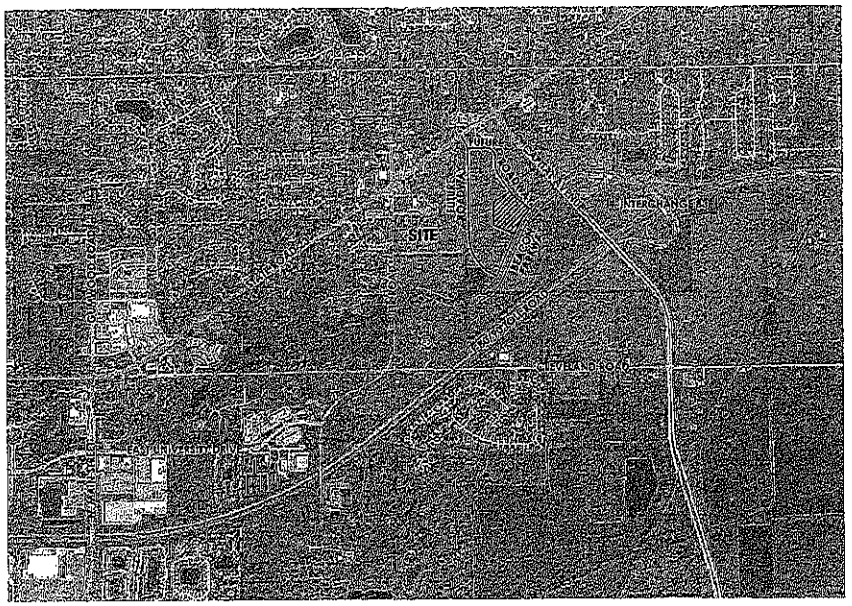
SP 15-E




AERIAL OVERVIEW
N.T.S.

CIVIL SHEET INDEX

| SHEET NO. | DESIGNATION | DATE ADOPTED LATEST REVISION |
|---|---|---|
| C0.0 | Cover Sheet & Index | |
| C1.0 | Existing Conditions Survey & Removal Plan | |
| C2.0 | Site Layout Plan | |
| C3.0 | Grading and Drainage Plan | |
| C4.0 | Utilities Plan | |
| C5.0 | Landscaping & Lighting Plan | |
| C6.1–C6.5 | Reserved for: Storm Water Pollution Prevention Plan (SWPPP) | |
| C7.1 | Reserved for: Standard Construction Details – Miscellaneous | |
| C7.2 | Reserved for: Standard Construction Details – Sanitary Sewer | |
| C7.3 | Reserved for: Standard Construction Details – Water Distribution | |
| C7.4 | Reserved for: Standard Construction Details – Storm Drainage | |
| C8.0 | Roadway Profile & Section 10+00 to 17+00 | |

**OWNERS**
GOLATA FAMILY TRUST
&
TACO FRESH, LLC

**DEVELOPER**
BROWNING REAL ESTATE PROPERTIES, LLC
6100 WEST 96TH STREET, SUITE 250
INDIANAPOLIS, IN 46278

**ARCHITECT**
CURRAN ARCHITECTURE
6925 EAST 96TH STREET, SUITE 105
INDIANAPOLIS, IN 46250

**CIVIL ENGINEER / SURVEYOR**
ABONMARCHE CONSULTANTS, INC.
750 LINCOLN WAY EAST
SOUTH BEND, IN 46601
(574) 232-8700

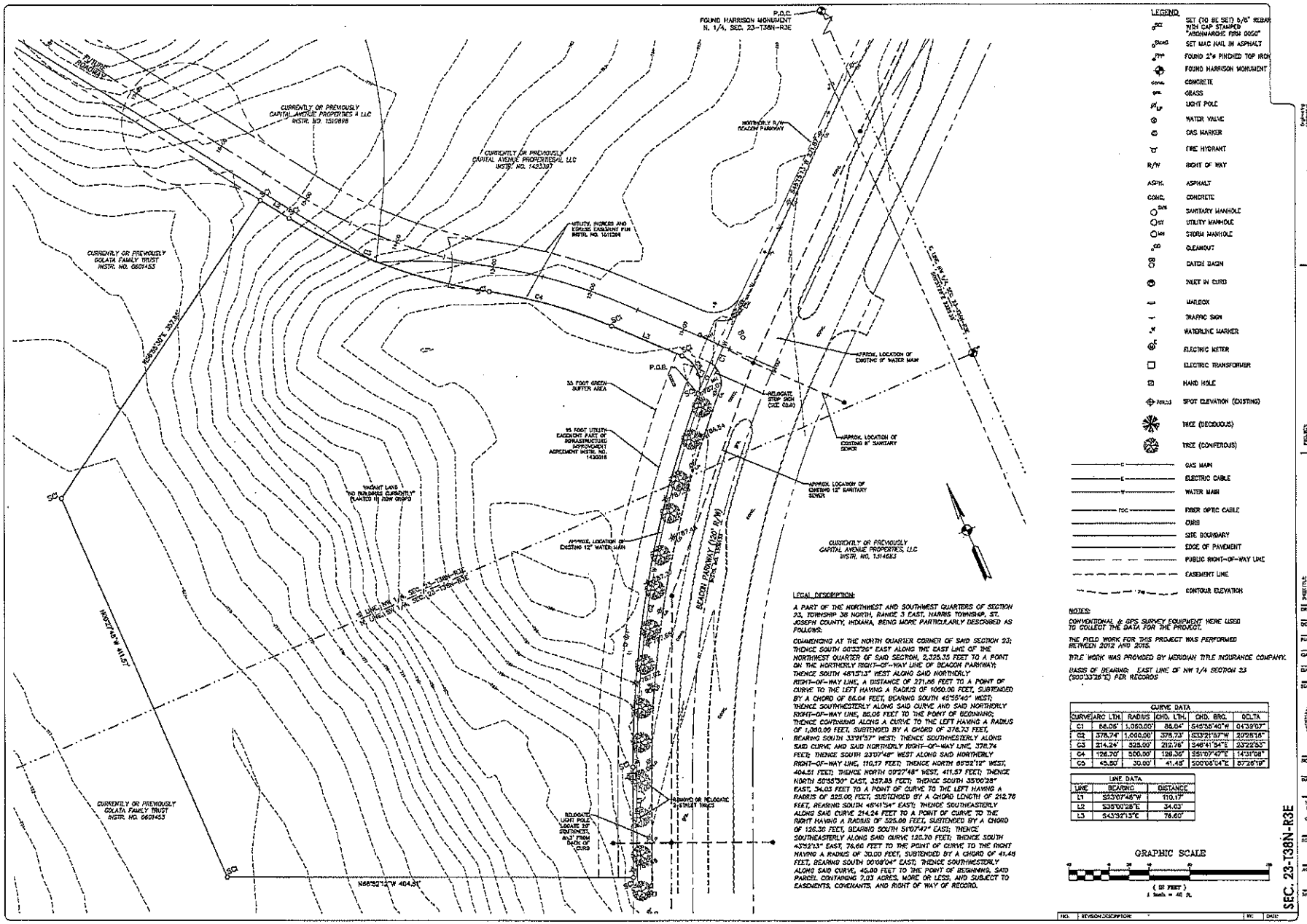
| NO. | REVISION DESCRIPTION | BY: | DATE: |
|---|---|---|---|

ABONMARCHE

PROJECT: BAYER HEALTHCARE OFFICE BUILDING
FOR BROWNING REAL ESTATE PROPERTIES, LLC

SHEET TITLE: COVER SHEET & INDEX

DRAWN BY: SEG
CHECKED BY:
PARTNER: BMc
CHECK REVIEW: BMc/BGB
DATE: 9-18-15
SEAL: DARYL S. KNIP, STATE OF INDIANA, REGISTERED PROFESSIONAL ENGINEER
SIGNATURE:
DATE: 09/23/15
HARD COPY IS INTENDED TO BE 24"X36" THIS PLOT/SEG. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZE
SCALE: HORZ: VERT:
ACCOUNT: 15-0475
SHEET NO. C0.0




LEGEND

- SET (TO BE SET) 5/8" REBAR WITH CAP STAMPED "ABONMARCHE FIRM 0050"
- SET MAG NAIL IN ASPHALT
- FOUND 2"ø PINCHED TOP IRON
- FOUND HARRISON MONUMENT
- CONCRETE
- GRASS
- LIGHT POLE
- WATER VALVE
- GAS MARKER
- FIRE HYDRANT
- R/W — RIGHT OF WAY
- ASPH. — ASPHALT
- CONC. — CONCRETE
- SANITARY MANHOLE
- UTILITY MANHOLE
- STORM MANHOLE
- CLEANOUT
- CB — CATCH BASIN
- INLET IN CURB
- MAILBOX
- TRAFFIC SIGN
- WATERLINE MARKER
- ELECTRIC METER
- ELECTRIC TRANSFORMER
- HAND HOLE
- SPOT ELEVATION (EXISTING)
- TREE (DECIDUOUS)
- TREE (CONIFEROUS)
- G — GAS MAIN
- E — ELECTRIC CABLE
- W — WATER MAIN
- FOC — FIBER OPTIC CABLE
- CURB
- SITE BOUNDARY
- EDGE OF PAVEMENT
- PUBLIC RIGHT-OF-WAY LINE
- EASEMENT LINE
- CONTOUR ELEVATION

LEGAL DESCRIPTION:

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

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, 2,325.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BEACON PARKWAY; THENCE SOUTH 48°13'12" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 271.66 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1060.00 FEET, SUBTENDED BY A CHORD OF 86.04 FEET, BEARING SOUTH 45°55'40" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 86.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,060.00 FEET, SUBTENDED BY A CHORD OF 376.73 FEET, BEARING SOUTH 33°21'57" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 378.74 FEET; THENCE SOUTH 23°07'48" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 110.17 FEET; THENCE NORTH 66°52'12" WEST, 404.51 FEET; THENCE NORTH 00°27'48" WEST, 411.57 FEET; THENCE NORTH 50°55'30" EAST, 357.83 FEET; THENCE SOUTH 35°00'28" EAST, 34.03 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD LENGTH OF 212.76 FEET, BEARING SOUTH 46°41'54" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 214.24 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD OF 126.35 FEET, BEARING SOUTH 51°07'47" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 126.70 FEET; THENCE SOUTH 43°52'13" EAST, 76.60 FEET TO THE POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, SUBTENDED BY A CHORD OF 41.48 FEET, BEARING SOUTH 00°08'04" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, 45.80 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 7.03 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

NOTES:

CONVENTIONAL & GPS SURVEY EQUIPMENT WERE USED TO COLLECT THE DATA FOR THE PROJECT.

THE FIELD WORK FOR THIS PROJECT WAS PERFORMED BETWEEN 2012 AND 2015.

TITLE WORK WAS PROVIDED BY MERIDIAN TITLE INSURANCE COMPANY.

BASIS OF BEARING: EAST LINE OF NW 1/4 SECTION 23 (S00°33'26"E) PER RECORDS

CURVE DATA

| CURVE | ARC LTH. | RADIUS | CHD. LTH. | CHD. BRG. | DELTA |
|---|---|---|---|---|---|
| C1 | 86.06' | 1,060.00' | 86.04' | S45°55'40"W | 04°39'07" |
| C2 | 378.74' | 1,060.00' | 376.73' | S33°21'57"W | 20°28'18" |
| C3 | 214.24' | 525.00' | 212.76' | S46°41'54"E | 23°22'53" |
| C4 | 126.70' | 500.00' | 126.36' | S51°07'47"E | 14°31'08" |
| C5 | 45.80' | 30.00' | 41.48' | S00°08'04"E | 87°28'19" |

LINE DATA

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S23°07'48"W | 110.17' |
| L2 | S35°00'28"E | 34.03' |
| L3 | S43°52'13"E | 76.60' |

GRAPHIC SCALE

( IN FEET )
1 inch = 40 ft.

SEC. 23-T38N-R3E

| NO. | REVISION DESCRIPTION | BY | DATE |
|---|---|---|---|

ABONMARCHE

BAYER HEALTHCARE OFFICE BUILDING

FOR SHOWING FOR CAPITAL AVENUE PROPERTIES, LLC

EXISTING CONDITIONS SURVEY & REMOVAL PLAN

DRAWN BY: SEG

DESIGNED BY:

FIELD REVIEW:

CHECKED BY: MAC/TSK

DATE: 9-18-16

SEAL

SIGNATURE

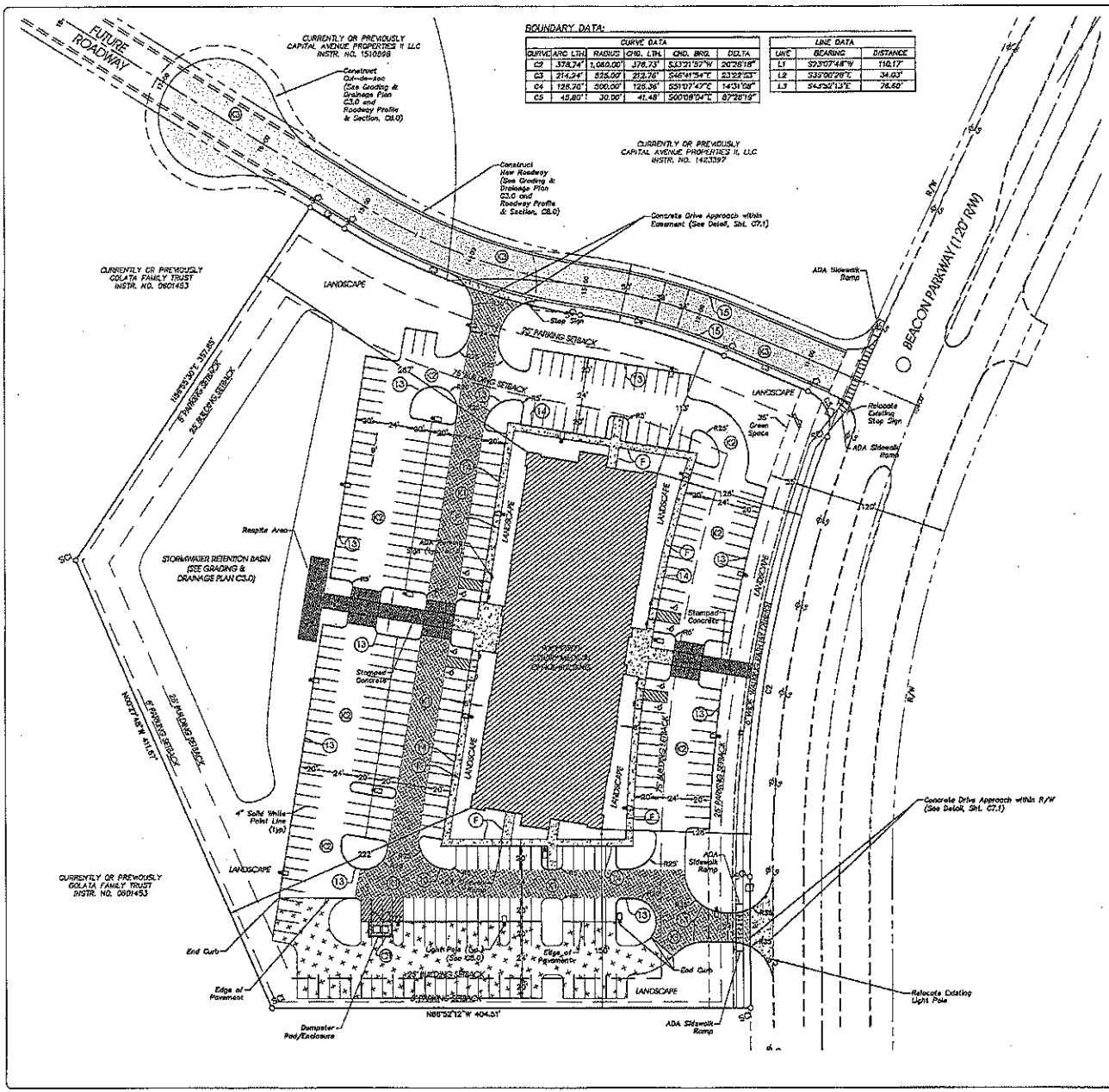
DATE: 09/23/15

HARD COPY IS 8.5 INCHES BY 11 INCHES PLOTTED. SCALES INDICATED ARE GRAPHIC ONLY. MAY NOT BE ACCURATE FOR ANY OTHER SIZE

SCALE: HORZ: 1" = 40' VERT:

ACAD JOB #: 15-0475

SHEET NO.: C1.0




BOUNDARY DATA:

CURVE DATA

| CURVE | ARC LTH. | RADIUS | CHD. LTH. | CHD. BRG. | DELTA |
|---|---|---|---|---|---|
| C2 | 378.74' | 1,060.00' | 376.73' | S33°21'57"W | 20°28'18" |
| C3 | 214.24' | 525.00' | 212.76' | S46°41'54"E | 23°23'03" |
| C4 | 128.20' | 500.00' | 126.36' | S51°07'43"E | 14°41'08" |
| C5 | 45.80' | 30.00' | 41.48' | S00°08'04"E | 87°28'19" |

LINE DATA

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S73°07'48"W | 110.17' |
| L2 | S35°00'28"E | 34.03' |
| L3 | S43°52'13"E | 76.60' |

LEGEND:

- (13) Concrete Curb
- (14) Integral Concrete Curb
- (15) Std. Combination Concrete Curb & Gutter, Type "D"
- (F) Concrete Sidewalk, 4"
- International Symbol of Accessibility, Painted White
- Sign (type as noted)

GENERAL NOTES:

1. Approximate Total (Net) Area: 7.07± acres
2. Current Zoning: S-2 Planned Unit Development & C-1 Commercial
3. The building will be two (2) stories in height.
4. All proposed drives and parking areas shall be paved.
5. Property lines subject to Plat approval.
6. All landscaping, lighting and signage shall be in accordance with the City of Kenosha Zoning Ordinance unless the proper variances are obtained.

LAND COVERAGE SUMMARY:

| Proposed Land Coverage | Area (acres) | Percentage |
|---|---|---|
| Building | 0.75± | 10.5% |
| Parking, Drives, Sidewalks *(Includes future parking expansion) | 2.93± | 41.42%* |
| Open Space | 3.34± | 47.2% |
| Total | 7.07± | 100% |

PARKING SUMMARY:

Parking Required: 4 Spaces per 1000 sqft (Per Mishawaka Ord. Sec.137-202(7)a.12.)

Parking Calculation: 4 x 60,000 sqft / 1000 sqft = 240 spaces

Parking Provided: 255 spaces (Incl. 8 ADA spaces)

(All spaces are 9' wide x 20' deep)

- Employee/Std = 230
- Visitor/Std = 24
- Employee or Visitor/ ADA = 8
- Delivery = 3
- Total Provided = 265
- Future Additional Provided (Employee/Std) = 54
- Full Build-out Provided = 320

PAVEMENT AND HARDSCAPE SPECIFICATIONS:

(A1) HEAVY DUTY PAVEMENT SECTION
1 ½" HMA Surface (165 lbs/syd)
4" HMA Base (440 lbs/syd)
6" Compacted Aggregate or Recycled Concrete Base #53

(A2) PARKING LOT PAVEMENT SECTION
1 ½" HMA Surface (165 lbs/syd)
2 ½" HMA Intermediate (275 lbs/syd)
6" Compacted Aggregate or Recycled Concrete Base #53

(A3) NEW ROADWAY PAVEMENT SECTION
1 ½" HMA Surface (165 lbs/syd)
2" HMA Intermediate (220 lbs/syd)
8" HMA Base (660 lbs/syd)
8" Compacted Aggregate or Recycled Concrete Base #53

(C1) CONCRETE DUMPSTER PAD
6" Class "A" Concrete with 6" x 6" x W2.9 welded wire mesh
6" Compacted Aggregate or Recycled Concrete Base #53
Light Broom Finish Perpendicular to Traffic Direction
Sawcut Joints, 2" Deep, Install Silicon Joint Sealant

GRAPHIC SCALE
( IN FEET )
1 inch = 40 ft.

| NO. | REVISION DESCRIPTIONS | BY | DATE |
|---|---|---|---|

ABONMARCHE
CONSULTANTS
Professional Place
Kenosha, WI 53140
(262) 653-2700
FAX (262) 653-2701
www.abonmarche.com

BAYER HEALTHCARE OFFICE BUILDING
FOR KENOSHA REAL ESTATE DEVELOPMENT, LLC

PROJECT:

SHEET TITLE: SITE LAYOUT PLAN

DRAWN BY: SRS
DESIGNED BY: BMC
PREVIEWED: BMC
QA/QC REVIEW: BMC/DSK
DATE: 9-18-15
SEAL:

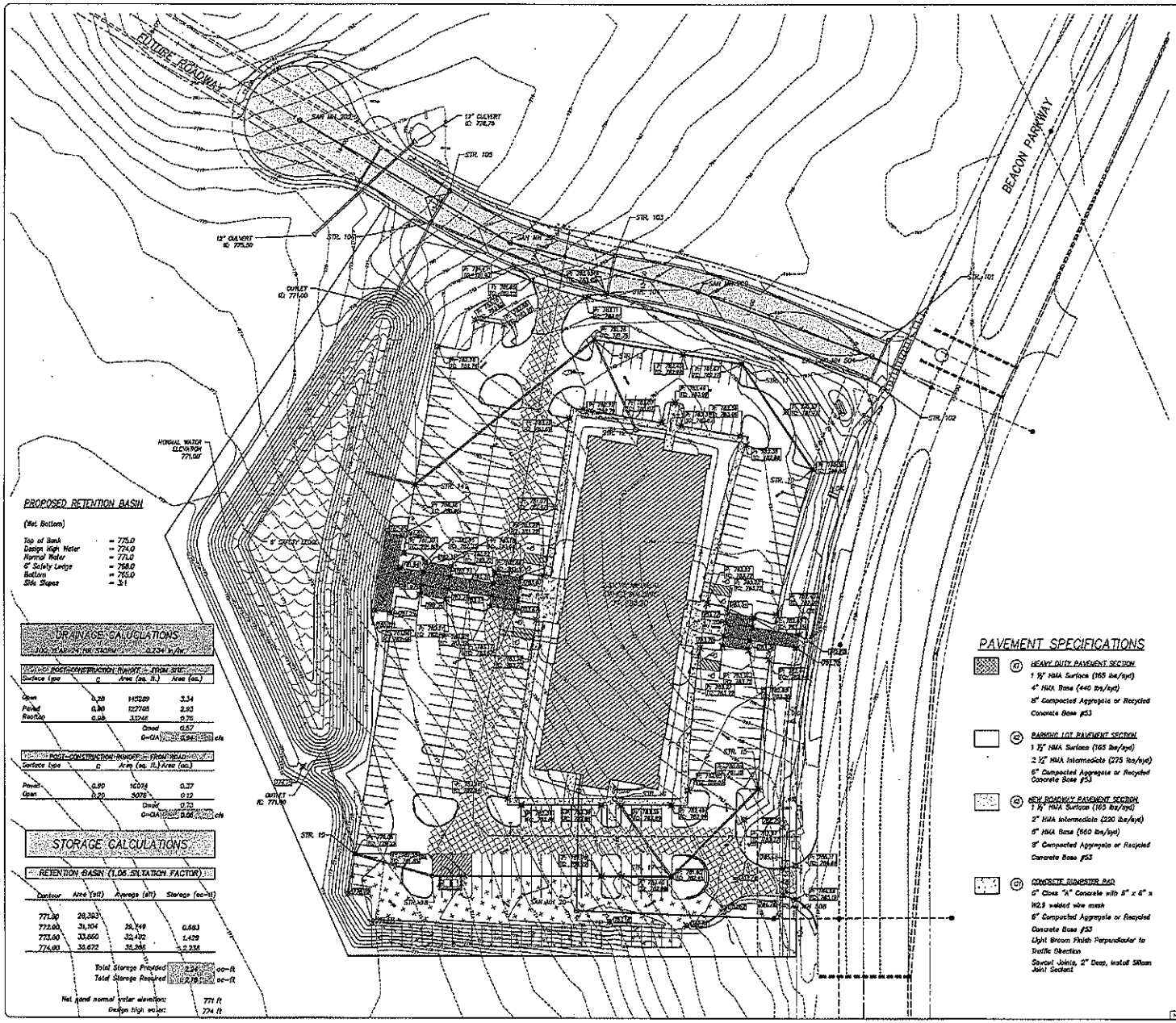
SIGNATURE:
DATE: 09/23/15

HARD COPY DIMENSIONED TO ACTUAL DIMENSIONS IN DRAWING. SCALED INDICATED AND CALIPER/VERIFY MAY NOT BE ACCURATE FOR ANY DIMENSIONS

SCALE:
HORZ: 1" = 40'
VERT:

ACI JOB #: 15-0475

SHEET NO.: C2.0




## DRAWING LEGEND

| | |
|---|---|
| STR 0 | Storm Sewer Structure Number |
| FF | Finished Floor |
| TC | Top of Concrete Curb Elevation |
| FP | Finished Pavement Elevation |
| PROPOSED | Proposed Finished Grade / Rim Elevation |
| EXISTING | Existing Elevation |
| FP% | Finished Pavement / Hard Surface Slope |
| | Grading and Drainage Flow Direction |

## DRAINAGE NOTES

1. Drainage Design shall conform to the requirements set forth by the City of Mishawaka.
2. Refer to Sheet C7.4 "Drainage Details" for further information.
3. Storm sewer material shall be HDPE corrugated smooth-lined for cover greater than 2 feet above top of pipe, RCP Class III for cover between 1-2 feet above top of pipe, and RCP Class V for cover less than one (1) foot above top of pipe, or unless otherwise specified. Pipe shall be bedded as required for pipe material, and backfilled with clean suitable granular material and compacted as specified on the Drawings.
4. Pipe lengths are measured to outside of structure or end of pipe.
5. All roof downspouts shall be connected to the storm sewer. Contractor shall review the Architect's Plans prior to construction to account for all downspouts and coordinate with the Owner/Developer prior to sewer installation. Refer to Detail on Sheet C7.4.
6. All open castings shall be embossed with "Dump No Waste", "Drains to Waterways" and have the "fish" image. All solid, slot cover castings shall be embossed with "STORM".
7. Any topsoil or silt material present in either Retention Basin after construction is completed shall be removed by the Contractor prior to acceptance by the Owner/Developer and at no additional expense. The retention basins shall be free of construction silt and topsoil. No construction traffic is permitted over the basin bottom.

## GRADING NOTES

1. Contractor shall follow the latest Indiana "Rule 5" Soil Erosion Control Practices and the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project.
2. All topsoil shall be stripped and stockpiled onsite at a location approved by the Owner/Developer. Tentative locations are shown on Sheet C8.0 "Storm Water Pollution Prevention Plan". A minimum of four (4) inches of topsoil shall be placed on all disturbed areas outside the building and parking areas, except for the retention basins.
3. All exposed subgrade shall be proof-rolled and witnessed by a Geotechnical Engineer or qualified representative to determine any unsuitable soil locations prior to any paving operations. Any unsuitable soil shall be excavated, backfilled, and compacted with suitable material in accordance with the Geotechnical Report.
4. Positive drainage shall be maintained to prevent any ponding of water or encroachment onto adjacent properties.
5. Finish grade at doorways equals the finished floor unless otherwise noted.
6. All curb ends shall transition from 6-inch reveal to 0-inch reveal to be flush with asphalt pavement.
7. Contractor is responsible for meeting current ADA guidelines for all sidewalks, ramps, patios, and parking/drives.
8. Contractor to review proposed pavement and sidewalk grades with the Architect's drawings prior to construction to ensure all building doors have proper accessible access.
9. The final site grading shall be to the general proposed contour arrangement shown on the construction drawings, and promote drainage away from the building and into the storm sewer and retention basins. The proposed spot elevations shall be used for construction and positive drainage shall be maintained to prevent any ponding of water or encroachment onto adjacent properties. Any ponding of water areas shall be fixed by the Contractor immediately at no expense to the Owner/Developer.
10. Discrepancies or conflicts in the plans and/or site conditions shall be communicated to the Surveyor/Engineer to ensure that clarifications and/or revisions can be made prior to construction.

| NO. | REVISION DESCRIPTION | BY | DATE |
|---|---|---|---|

ABONMARCHE
BAYER HEALTHCARE OFFICE BUILDING
DRAINAGE AND GRADING PLAN
DRAWN BY: KTC
CHKD/APP'D BY: KTC
PM/REVIEW: SMC
GRAPHIC REVIEW: BAM/DSK
DATE: 9-30-15
SEAL
SIGNATURE
DATE: 09/23/15
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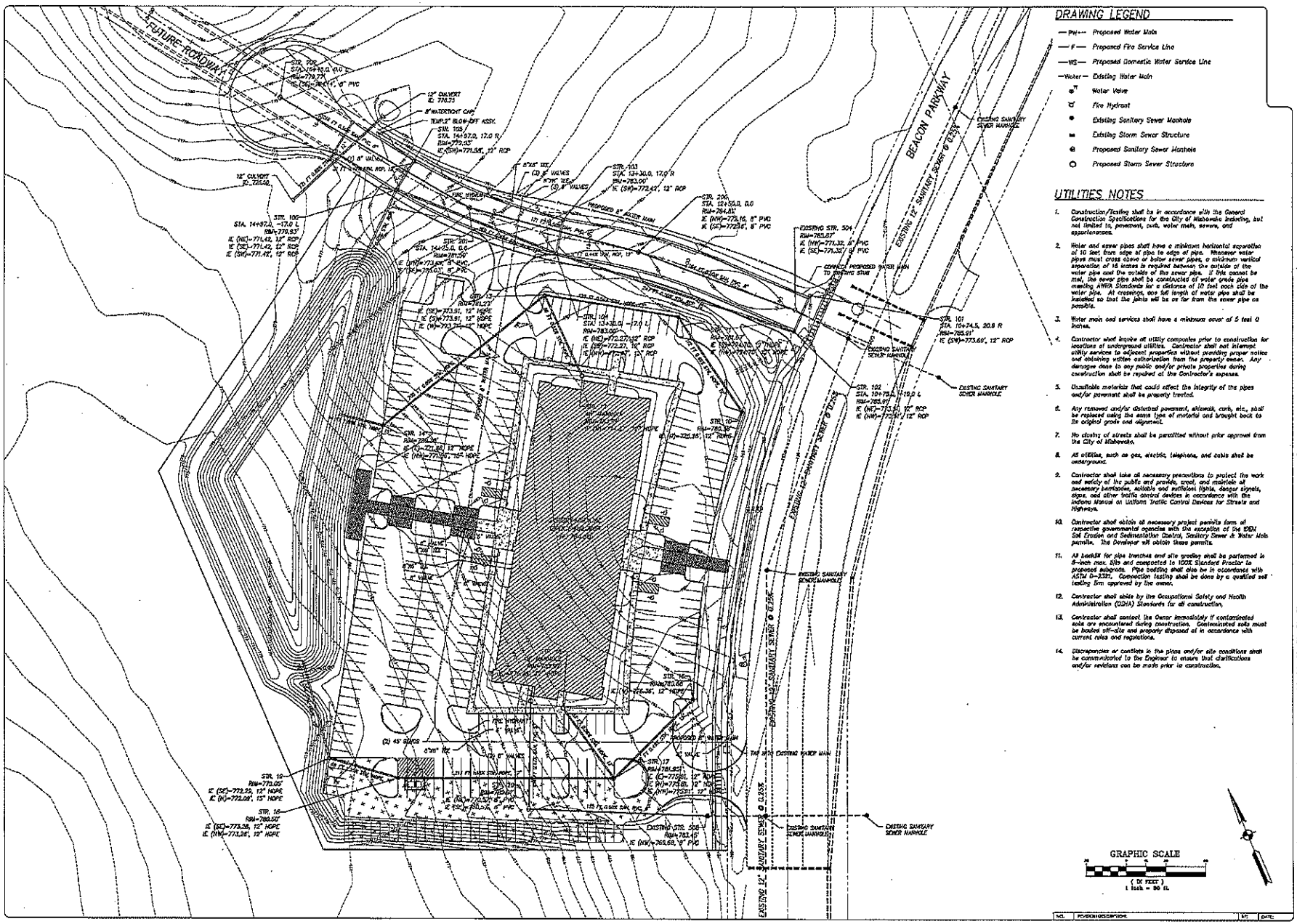
SCALE: HORZ: 1" = 40' VERT:
PROJECT NO. 15-0475
SHEET NO. C3.0




## DRAWING LEGEND

- —PW— Proposed Water Main
- —F— Proposed Fire Service Line
- —WS— Proposed Domestic Water Service Line
- —Water— Existing Water Main
- Water Valve
- Fire Hydrant
- Existing Sanitary Sewer Manhole
- Existing Storm Sewer Structure
- Proposed Sanitary Sewer Manhole
- Proposed Storm Sewer Structure

## UTILITIES NOTES

1. Construction/Testing shall be in accordance with the General Construction Specifications for the City of Mishawaka including, but not limited to, pavement, curb, water main, sewers, and appurtenances.
2. Water and sewer pipes shall have a minimum horizontal separation of 10 feet from edge of pipe to edge of pipe. Whenever water pipes must cross above or below sewer pipes, a minimum vertical separation of 18 inches is required between the outside of the water pipe and the outside of the sewer pipe. If this cannot be met, the sewer pipe shall be constructed of water grade pipe meeting AWWA Standards for a distance of 10 feet each side of the water pipe. At crossings, one full length of water pipe shall be installed so that the joints will be as far from the sewer pipe as possible.
3. Water main and services shall have a minimum cover of 5 feet 0 inches.
4. Contractor shall locate all utility companies prior to construction for locations of underground utilities. Contractor shall not interrupt utility service to adjacent properties without providing proper notice and obtaining written authorization from the property owner. Any damages done to any public and/or private properties during construction shall be repaired at the Contractor's expense.
5. Unsuitable materials that could affect the integrity of the pipes and/or pavement shall be properly treated.
6. Any removed and/or disturbed pavement, sidewalk, curb, etc., shall be replaced using the same type of material and brought back to its original grade and alignment.
7. No closing of streets shall be permitted without prior approval from the City of Mishawaka.
8. All utilities, such as gas, electric, telephone, and cable shall be underground.
9. Contractor shall take all necessary precautions to protect the work and safety of the public and provide, erect, and maintain all necessary barricades, suitable and sufficient lights, danger signals, signs, and other traffic control devices in accordance with the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways.
10. Contractor shall obtain all necessary project permits form all respective governmental agencies with the exception of the ISDH Soil Erosion and Sedimentation Control, Sanitary Sewer & Water Main permits. The Developer will obtain these permits.
11. All backfill for pipe trenches and site grading shall be performed in 6-inch max. lifts and compacted to 100% Standard Proctor to proposed subgrade. Pipe bedding shall also be in accordance with ASTM D-2321. Compaction testing shall be done by a qualified soil testing firm approved by the owner.
12. Contractor shall abide by the Occupational Safety and Health Administration (OSHA) Standards for all construction.
13. Contractor shall contact the Owner immediately if contaminated soils are encountered during construction. Contaminated soils must be loaded off-site and properly disposed of in accordance with current rules and regulations.
14. Discrepancies or conflicts in the plans and/or site conditions shall be communicated to the Engineer to ensure that clarifications and/or revisions can be made prior to construction.

| NO. | REVISION DESCRIPTION | BY | DATE |
|---|---|---|---|

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Surveying
Mishawaka, IN 46545
574.256.1485
Fort Wayne, IN 46804
260.432.7327
Plymouth, IN 46563
574.935.5348
www.abonmarche.com

PROJECT:
BAYER HEALTHCARE
OFFICE BUILDING
FOR BOONFORD REAL ESTATE PROPERTIES, LLC

SHEET TITLE:
UTILITIES PLAN

DRAWN BY: KC
DESIGNED BY: KC
PLAN REVIEW: BMC
GRAPHIC REVIEW: BMC/DSK
DATE: 9-18-15
SCALE:

DANIEL S. PEARSON
STATE OF INDIANA
SEAL

SIGNATURE:
DATE: 09/23/15

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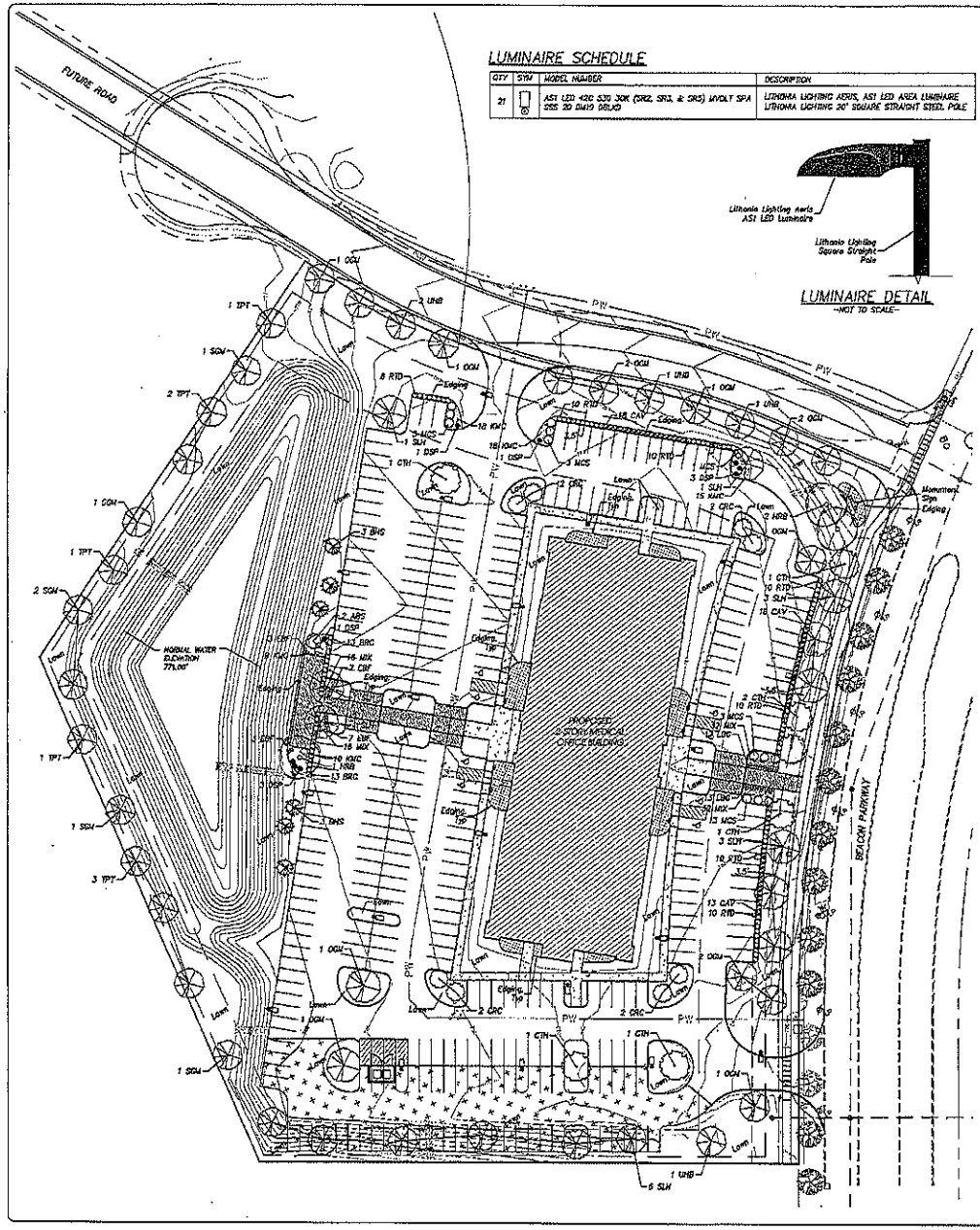
SCALE:
HORZ: 1" = 30'
VERT:
ADJOB #: 15-0475
SHEET NO.: C4.0




## LUMINAIRE SCHEDULE

| QTY | SYM | MODEL NUMBER | DESCRIPTION |
|---|---|---|---|
| 21 | | ASI LED 420 530 30K (SRZ, SR3, & SR5) MVOLT SPA DSS 20 DMG DBUD | LITHONIA LIGHTING AERIS, ASI LED AREA LUMINAIRE LITHONIA LIGHTING 20' SQUARE STRAIGHT STEEL POLE |




LUMINAIRE DETAIL
-NOT TO SCALE-

## PLANT MATERIAL LIST

QUANTITIES SHOWN ON THE PLANT LIST ARE FOR CONTRACTOR'S INFORMATION ONLY. IN CASE OF DISCREPANCY, THE ACTUAL COUNT ON THE LANDSCAPE PLAN PREVAILS.

TREES

| SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | TYPE | NOTES |
|---|---|---|---|---|---|---|
| RHS | 6 | PICEA glauca 'Densata' | Black Hills Spruce | 8' HT | B&B | Single Straight Trunk, Specimen Quality |
| SLH | 16 | GLEDITSIA triacanthos var. inermis 'Skycole' | Skyline Honeylocust | 2.5" CAL | B&B | Single Straight Trunk, Specimen Quality |
| HRB | 6 | BETULA nigra 'Dally' | Heritage River Birch | 8' HT. | B&B | Clump, 3 stem min., Specimen Quality |
| OGM | 13 | ACER rubrum 'October Glory' | October Glory Red Maple | 2.5" CAL | B&B | Single Straight Trunk, Specimen Quality |
| UHB | 5 | CELTIS occidentalis 'Prairie' | Ultra Hackberry | 2.5" CAL | B&B | Single Straight Trunk, Specimen Quality |
| SGM | 5 | LIQUIDAMBAR styraciflua | Sweetgum | 2.5" CAL | B&B | Single Straight Trunk, Specimen Quality |
| TPT | 8 | LIRIODENDRON tulipifera | Tulip Tree | 2.5" CAL | B&B | Single Straight Trunk, Specimen Quality |
| CRC | 8 | PRUNUS virginiana 'Canada Red' | Canada Red Chokecherry | 2.5" CAL | B&B | Single Straight Trunk, Specimen Quality |
| CTH | 7 | CRATAEGUS crus-galli 'Cruzam' | Crusader Thornless Hawthorn | 2.5" CAL | B&B | Single Straight Trunk, Specimen Quality |
| ABS | 2 | AMELANCHIER x grandiflora 'Autumn Brilliance' | Autumn Brilliance Serviceberry | 8' HT | B&B | Clump, 3 stem min., Specimen Quality |

SHRUBS AND ORNAMENTAL GRASSES

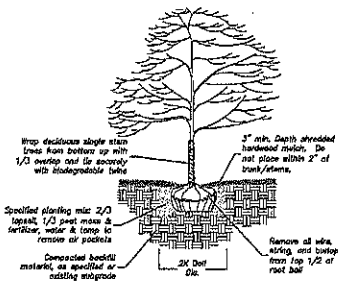
| SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | TYPE | NOTES |
|---|---|---|---|---|---|---|
| MCS | 13 | PICEA pungens 'Montgomery' | Montgomery Colorado Spruce | 18" HT | 3 GAL | |
| DSP | 9 | POTENTILLA fruticosa 'Farrgo' | Dakota Sunspot Potentilla | 15" HT | 3 GAL | |
| BRC | 26 | ARONIA arbutifolia 'Brilliantissima' | Brilliant Red Chokeberry | 18" HT | 3 GAL | |
| CAV | 40 | VIBURNUM lobatum 'Alfredo' | Compact American Viburnum | 18" HT | 3 GAL | |
| RTD | 58 | CORNUS sericea | Red Twig Dogwood | 18" HT | 3 GAL | |
| EBF | 20 | FESTUCA glauca 'Dijah Blue' | Dijah Blue Fescue | | 1 GAL | |
| LBG | 26 | PENNISETUM alopecuroides 'Little Bunny' | Little Bunny Fountain Grass | | 1 GAL | |

PERENNIALS

| SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | TYPE | NOTES |
|---|---|---|---|---|---|---|
| WLC | 23 | NEPETA x faassenii 'Walker's Low' | Walker's Low Catmint | | 1 GAL | Space 3' o.c., As Shown |
| MIX | 96 | COREOPSIS | Coreopsis Mix | | 1 GAL | Even Mixture of Each, Space 18" o.c., Staggard |
| | | COREOPSIS rosea | American Bream Coreopsis | | | |
| | | COREOPSIS verticillata 'Moonbeam' | Moonbeam Threadleaf Coreopsis | | | |
| NMC | 70 | ECHINACEA purpurea 'Kim's Mop Head' | Kim's Mop Head Coneflower | | 1 GAL | Space 18" o.c., Staggard |

## LANDSCAPE AND LIGHTING NOTES

1. All landscape and lighting shall be per the City of Wickenburg Zoning Ordinance and supplemental PAD ordinance.
2. To further enhance the site, foundation and monument sign landscape shall be in addition to the ordinance and consist of a mixture of shrubs, perennials, and ground cover.
3. Luminaries shall be wired using 4-1/c No. 4 copper cable in plastic duct from service point to base, and 1/c No. 10 THH or TW standard copper pole circuit cable in pole.
4. All wiring shall be placed in 2" PVC SCH.40 conduit except under driveways or street, where it shall be placed in 2" PVC SCH.80 conduit.
5. Covers for lighting hand holes shall bear the word "LIGHTING."
6. Luminaire poles shall be field verified and approved by Engineer prior to ordering materials or placing foundations.
7. Luminaire poles shall be located 2.5' behind the back of curb or sidewalk, unless otherwise noted.
8. Foundations shall level with adjacent finished grade and 0.2" above back of curb.
9. Luminaire pole bases shall be breakaway base.
10. Contractor shall coordinate location and alignment of 2" conduit, handholes, transformers, and service points with the electric utility company. All conduit shall be located approximately 1' behind the back of curb. Actual location shall be approved by the engineer prior to installation.
11. All plant materials shall be nursery grown and shall meet the latest edition of and ANSI Z60.1 "American Standard for Nursery Stock". All plant material shall be vigorous stock free of disease, insects, eggs, larvae, and defects such as knots, sun-scald, injuries, abrasions or disfigurement. Landscape designer may request a list of nurseries where plant material was acquired from.
12. Topsoil to be 6" min depth in all lawn areas. Topsoil to be clean friable loam from local source, free from stones or debris over 3/4" dia, and free from herbicides or other toxins.
13. Planting mix to be 18" minimum depth in all planting beds and consist of 2/3 topsoil, 1/3 peat moss and fertilizer. Mix in with native soil at base of depth.
14. Landscape beds to receive 3" thick shredded hardwood mulch. Ground cover beds to receive 2" thick shredded hardwood mulch. All trees not within landscape beds are to receive a spaded natural "V" edged hardwood mulch ring 3' radius and 3" thick.
15. Landscape beds shall be defined by commercial grade 1/8" x 4" steel edging (green), produced by an established manufacturer or approved equal.
16. All lawn areas disturbed during construction to be seeded and stabilized as required by Uniform ROLC & Soil Erosion and Sedimentation Control. Right of Way areas between the property line and the road shall be restored.
17. Irrigate all planting beds and lawn areas per owners direction.
18. Contractor shall provide a minimum one year guarantee for all plant materials from the date of installation. Plant material termed dead or unsatisfactory shall be replaced at no additional charge by the Landscape Contractor.




PLANTING DETAIL
-NOT TO SCALE-

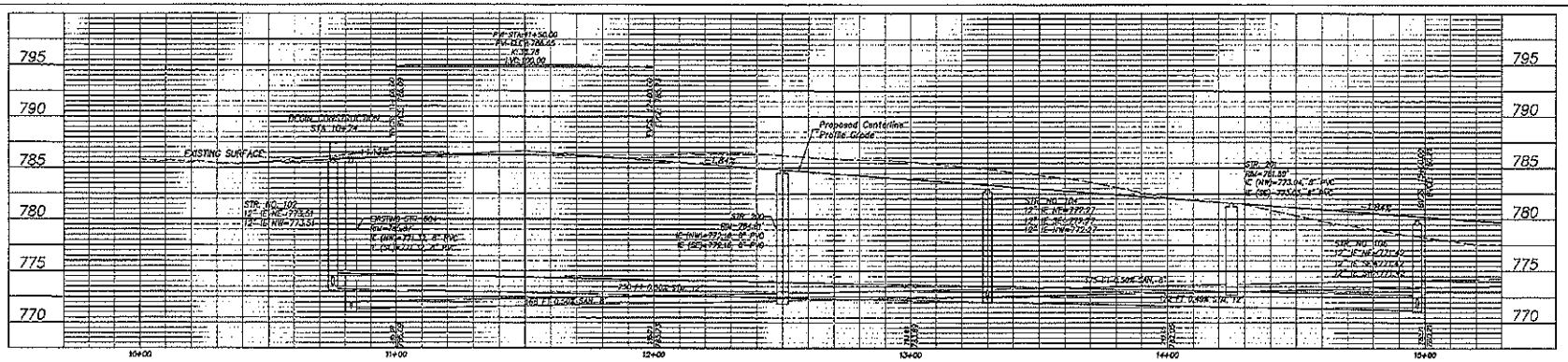
## LEGEND

- Existing Tree
- Approximate Area for Foundation and Monument Sign Landscape
- Proposed Luminaire

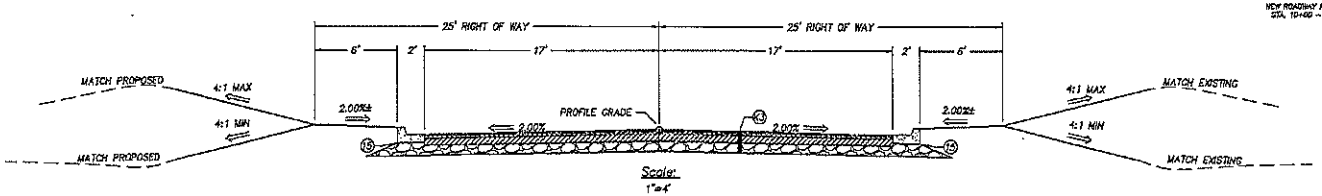
GRAPHIC SCALE
( IN FEET )
1 inch = 40 ft.

| NO. | REVISION DESCRIPTION | BY | DATE |
|---|---|---|---|

ABONMARCHE
Planning
Architecture
Interiors
Engineering
Surveying
Landscape Architecture
Civil Engineering
Construction Management
Sustainability
Abonmarche Consultants, Inc.
PROJECT
BAYER HEALTHCARE OFFICE BUILDING
FOR BONNEVILLE DEVELOPMENT, LLC
SHEET TITLE
LANDSCAPE AND LIGHTING PLAN
DRAWN BY: MCP
DESIGNED BY: MCP
PM REVIEW: RMC
QA/QC REVIEW: EJMc/DSK
DATE: 9-16-15
SCALE:
REGISTERED LANDSCAPE ARCHITECT
STATE OF ARIZONA
DAVID S. KNIGHT
No. 51,990,000
REGISTERED LANDSCAPE ARCHITECT
SIGNATURE:
DATE: 09/23/15
HARD COPY IS PRINTED TO 8.5" X 11" SIZE WHEN PLOTTED. SCALES INDICATED ARE FOR GRAPHIC QUALITY AND NOT IN ACCURATE FOR ANY DRIVER SIZE
SCALE:
HORIZ: 1"=40'
VERT:
ADJOB #: 15-0475
SHEET NO.: C5.0

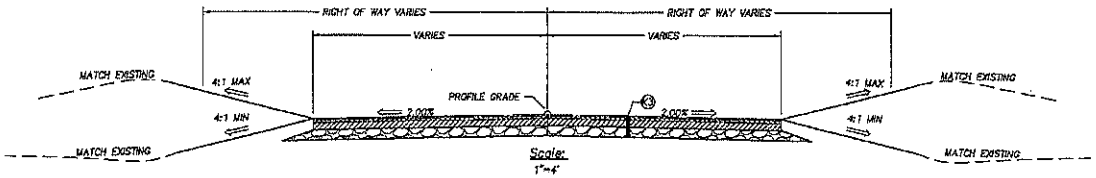



## TYPICAL SECTIONS



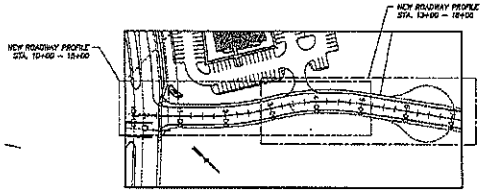

Scale: 1"=4'

STA. 10+74.0 TO STA.15+49.0




Scale: 1"=4'

STA.15+49.0 TO STA 16+96.0




Not to Scale

*Legend:*

(22) 165 lbs/syd HMA Surface, Type A
220 lbs/syd HMA Intermediate, Type A
660 lbs/syd HMA Base, Type A on
8" Compacted Aggregate Base, No. 53

(15) Concrete Curb and Gutter

| NO. | REVISION DESCRIPTION: | BY: | DATE: |
|---|---|---|---|

ABONMARCHE

PROJECT: BAYER HEALTHCARE OFFICE BUILDING

NEW ROADWAY PROFILE AND TYPICAL SECTIONS

SHEET TITLE:

DRAWN BY: ZG
DESIGNED BY: ZG
FILE NAME: MAC
CADD/BIM: MAC/DSK
DATE: 9-18-15
SEAL:

SIGNATURE:
DATE: 09/23/15

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED, SCALES INDICATED ARE GRAPHIC GUIDES ONLY AND MAY BE INACCURATE IF PLOTTED AT OTHER SIZES

SCALE: HORZ: 1" = 20' VERT: 1" = 5'

ACE JOB #: 15-0475

SHEET NO.: C8.0

# STATEMENT OF BENEFITS
# REAL ESTATE IMPROVEMENTS

State Form 51767 (R3 / 12-11)
Prescribed by the Department of Local Government Finance

| 20___ PAY 20___ |
|---|
| FORM SB-1 / Real Property |

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)
☐ Eligible vacant building (IC 6-1.1-12.1-4.8)

*INSTRUCTIONS:*

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, **BEFORE** a deduction may be approved.*
3. *To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, Whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor, if any, or the county assessor.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)]*
5. *The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.*

## SECTION 1 TAXPAYER INFORMATION

Name of taxpayer
Bayer Healthcare

Address of taxpayer *(number and street, city, state, and ZIP code)*
3930 Edison Lakes Parkway, Mishawaka, IN 46545

| Name of contact person | Telephone number | E-mail address |
|---|---|---|
| John Herzig | (317) 254-4734 | john.herzig@bayer.com |

## SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body

Resolution number

| Location of property | County | DLGF taxing district number |
|---|---|---|
| Beacon Parkway, Mishawaka, IN | St. Joseph | |

Description of real property improvements, redevelopment, or rehabilitation *(use additional sheets if necessary)*
Approximately 60,000 SF office building

Estimated start date (*month, day, year*)
10/01/2015

Estimated completion date (*month, day, year*)
12/01/2015

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

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 171 | $35 - $42 per hour | | | 50-60 | $25 - $35 per hour |

## 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. | REAL ESTATE IMPROVEMENTS | |
|---|---|---|
| | COST | ASSESSED VALUE |
| Current values | $0.00 | |
| Plus estimated values of proposed project | $12,500,000 | |
| Less values of any property being replaced | | |
| Net estimated values upon completion of project | $12,500,000 | |

## 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 | Title | Date signed (*month, day, year*) |
|---|---|---|
| John Herzig | VP, Customer Logistics | 8/24/2015 |

## 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, 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 _____.

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

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

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

E. The deduction is allowed for _____ years* *(see below)*.

F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No
   If yes, attach a copy of the alternative deduction schedule to this form.

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

| Approved (*signature and title of authorized member of designating body*) | Telephone number ( ) | Date signed *(month, day, year)* |
|---|---|---|
| Attested by (*signature and title of attester*) | Designated body | |

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.12-12.1-4.

A. For residentially distressed areas, the deduction period may not exceed five (5) years.
B. For redevelopment and rehabilitation or real estate improvements:
   1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
   2. If the Economic Revitalization Area was designated after June 20, 2000, the deduction period may not exceed ten (10) years.
C. For vacant buildings, the deduction period may not exceed two (2) years.

# CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

BUILDING - COMMUNITY DEVELOPMENT - PLANNING

October 1, 2015

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

Re: Declaratory Resolution 2015-35
Tax Abatement- Bayer Healthcare
Proposed Bayer Customer Logistics Service Center

Dear Council Members and Clerk:

Attached is Declaratory Resolution 2015-35 for a tax abatement request that has been filed for consideration at your Monday October 5th Meeting. The request is for the Bayer Healthcare which is proposing to construct a new office building on Beacon Parkway north of the Indiana Toll Road. The proposed project is an Edison Lakes style office building with surface parking. The estimated construction costs associated with the proposed 60,000 square foot building is 12.5 million dollars. What is more significant than the substantial building is the number of high paying jobs associated with the request. In this case Mishawaka has been in direct competition with other communities, including those outside of Indiana. Bayer is headquartered in Germany and has a substantial US presence in New Jersey. If this tax abatement is approved and Bayer decides to build this facility, 171 existing white collar jobs would be retained in the City. Currently, these jobs are housed at 3930 Edison Lakes Parkway in the Edison Lakes Corporate Park. On the SB-1 form, Bayer has identified that these existing retained jobs pay between 35 and 42 dollars per hour. In addition, as part of the new construction, Bayer would be committing to adding an additional 50-60 positions over the next few years. These jobs would have a salary range of 25-35 dollars per hour. Bayer is requesting a standard ten-year abatement on the proposed improvements consistent with what Mayor Wood identified that he would recommend when the City was contacted earlier this year by the Chamber of Commerce. A copy of their applications and relevant materials, including Mayor Woods letter have been attached for your review and information.

Identical to the tax abatement recently heard from Barak Iron Rock, this property is located within the City's consolidated TIF District. As such, the City of Mishawaka Redevelopment Commission was required to consider the requests as the TIF designating body. This is an extra step in the normal abatement process. Outside the TIF areas of the City consideration of abatements is under the exclusive jurisdiction of the Mishawaka Common Council as the legislative body of the City. The Redevelopment Commission sign off was required and appropriate because statewide, revenue generated from the new tax increment generated by developments such as this may be counted on to pay off debt obligations within tax increment district. Thus, if the abatement were to be approved within the TIF district, it could



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

jeopardize the re-payment of bonds or other infrastructure improvements within the district. In this case, given the size of the TIF district relative to the size of the proposed project, this abatement request was determined by the Commission as not have a an impact on the Commission's ability to complete projects or re-pay debt within or benefiting the district. As such, on Monday September 28th, 2015 the Redevelopment Commission approved the request and forwarded it on to the Mishawaka Common Council.

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 October 5th 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 financial analysis of the request as part of your consideration of the confirming resolution which would tentatively be reviewed at your Monday October 19th meeting.

Please do not hesitate to contact me with any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor



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

RESOLUTION NO. 2015-35

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

A PART OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

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

**BAYER HEALTHCARE and/or ITS ASSIGNS**

---

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

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, 2,325.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BEACON PARKWAY; THENCE SOUTH 48°15'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 271.86 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1060.00 FEET, SUBTENDED BY A CHORD OF 86.04 FEET, BEARING SOUTH 45°55'40" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 86.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,060.00 FEET, SUBTENDED BY A CHORD OF 376.73 FEET, BEARING SOUTH 33°21'57" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 378.74 FEET; THENCE SOUTH 23°07'48" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 110.17 FEET; THENCE NORTH 66°52'12" WEST, 404.51 FEET; THENCE NORTH 00°27'48" WEST, 411.57 FEET; THENCE NORTH 56°55'30" EAST, 357.85 FEET; THENCE SOUTH 35°00'28" EAST, 34.03 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD LENGTH OF 212.76 FEET, BEARING SOUTH 46°41'54" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 214.24 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD OF 126.36 FEET, BEARING SOUTH 51°07'47" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 126.70 FEET; THENCE SOUTH 43°52'13" EAST, 76.60 FEET TO THE POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, SUBTENDED BY A CHORD OF 41.48 FEET, BEARING SOUTH 00°08'04" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, 45.80 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 7.03 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

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

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

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

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

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

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

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

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

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

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

8. The designation as an Economic Revitalization Area and Economic Development Target Area shall be limited to ten (10) calendar years from the date of the adoption of this Resolution by the Common Council;

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

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

**ADOPTED** by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, this _____ day of October, 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 October, 2015.

_____
Deborah S. Block, City Clerk

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

_____
David A. Wood, Mayor

# City of Mishawaka
## Department of Redevelopment

David A. Wood , Mayor

# MEMO

Date: September 24, 2015

To: Redevelopment Commissioners

From: Kenneth B. Prince, City Planner / Executive Director

Re: Tax Abatement Request in the TIF District
Bayer Healthcare- Beacon Parkway
Resolution 2015-10

---

Earlier this year the City was contacted through the St. Joseph County Chamber of Commerce and the Indiana Economic Development Corporation regarding Bayer Healthcare, and their plans to build a replacement facility for a Bayer Customer Logistics Service Center, which is currently located in Edison Lakes. At that time, Bayer was asking what kind of incentives would be offered by the State of Indiana and locally by the City. Typically, the State in part offers incentives based on what local municipalities offer. Essentially, they want to know that it is both a cooperative effort and that the company is valued locally.

As you may be aware, Bayer has divested most of its assets in this region including a large production facility in Elkhart, and selling a manufacturing facility located off of Byrkit Street here in Mishawaka to Siemans. As such, knowing that the City was in direct competition with out of state location in New Jersey and Michigan, Mayor Wood submitted a letter to both Bayer and the IEDC regarding what he would recommend in terms of a tax abatement on a new facility that would not only house the 171 existing positions located in Edison Lakes, but would also receive an additional 50-60 additional jobs over the next few years.

Mayor Wood committed to support a 10-year abatement for the proposed facility. A copy of Mayor Wood's letter has been attached for your use and reference. Based in part on this commitment by

Mayor Wood, we are pleased to report that Bayer has tentatively made a commitment to keep this facility here in Mishawaka. They are specifically working with Browning Development out of Indianapolis to build a new state of the art office building on Beacon Parkway. These are white collar high paying jobs for the region, and are important to the on-going diversification of our local economy. When we discuss the issue of brain drain, and the fact that more of our college graduates leave this area to find employment than remain, we specifically are discussing the lack of opportunities that exist like this proposed Bayer facility. These are the types of jobs that will help retain and attract talent to this region.

The only code reason that this request is being brought before the Redevelopment Commission is the fact that the property is located within the City's consolidated TIF district, and that the state statute requires the TIF designating body to sign off on the request. This is an extra step in the normal abatement process which outside the TIF areas of the City, would fall under the exclusive jurisdiction of the Mishawaka Common Council as the legislative body of the City.

As previously indicated with other abatement requests in the TIF district, we believe that this sign off is required and appropriate because statewide, revenue generated from the new tax increment generated by developments such as this may be counted on to pay off debt obligations within tax increment district. Thus, if the abatement were to be approved, it could jeopardize the re-payment of bonds or other infrastructure improvements within the district.

In this case, the City has not obligated the anticipated revenue that would be generated from this specific property. Currently, the TIF District generates about 18 million dollars a year in increment. There are hundreds of millions of dollars of projects that will be performed over time with these funds that were identified as part of the Capital improvement plans included as part of the 2014 modification and consolidation of the district. Given that the City's current preference is to accumulate funds and pay cash rather than financing and paying interest, no financing or repayment would be placed in jeopardy as a result of this abatement. The last financed project the City undertook was one million dollars of the Battell Center Rehabilitation project which is slated to begin in October.

Given the size of the district relative to the size of the proposed project, this individual abatement request will not have a significant impact on the Commission's ability to complete projects within or benefiting the district. As such, staff is recommending that the Redevelopment Commission approve the request and forward it on to the Mishawaka Common Council, where the specific merits of the request,

specifically the investment, type of use, number of jobs, wages, benefits, and length of abatement will be reviewed, discussed, and debated.

Relative to the specifics of the request, the Developer is requesting a 10-year standard abatement as supported by Mayor Wood. If approved, this would abate 100% of the property taxes in the first year of the abatement, with a reduction in abatement percentage by year of 10%. In the tenth year of the abatement, only 10% of the property taxes would be abated.

Please contact me if you have any questions regarding this resolution. Thank you for your consideration.

RESOLUTION 2015-10 (Bayer Healthcare)

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

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

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

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

WHEREAS, the characteristics of property that may be designated an Economic Development Target Area include the same characteristics as property designated as an Economic Revitalization Area, such as the property is vacant and warrants consideration for development and occupancy;

WHEREAS, the Commission has heard evidence regarding the necessity of targeting the Property for the future economic development efforts of the City;

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

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

2. The Commission acknowledges that the development of the Property for a nationwide customer service logistics center is necessary to promote a more desirable and normal development of the Property and surrounding areas.

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

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

DATED in Mishawaka, Indiana, this 28th day of September, 2015.

_____
President

ATTEST:

_____
Secretary

# EXHIBIT A
# TAX ABATEMENT AREA
# AND ECONOMIC DEVELOPMENT TARGET AREA

**LEGAL DESCRIPTION**
**BEACON HEALTHCARE AT BEACON PARKWAY SUBDIVISION**

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

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, 2,325.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BEACON PARKWAY; THENCE SOUTH 48°15'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 271.86 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1060.00 FEET, SUBTENDED BY A CHORD OF 86.04 FEET, BEARING SOUTH 45°55'40" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 86.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,060.00 FEET, SUBTENDED BY A CHORD OF 376.73 FEET, BEARING SOUTH 33°21'57" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 378.74 FEET; THENCE SOUTH 23°07'48" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 110.17 FEET; THENCE NORTH 66°52'12" WEST, 404.51 FEET; THENCE NORTH 00°27'48" WEST, 411.57 FEET; THENCE NORTH 56°55'30" EAST, 357.85 FEET; THENCE SOUTH 35°00'28" EAST, 34.03 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD LENGTH OF 212.76 FEET, BEARING SOUTH 46°41'54" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 214.24 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD OF 126.36 FEET, BEARING SOUTH 51°07'47" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 126.70 FEET; THENCE SOUTH 43°52'13" EAST, 76.60 FEET TO THE POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, SUBTENDED BY A CHORD OF 41.48 FEET, BEARING SOUTH 00°08'04" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, 45.80 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 7.03 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

# CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR — OFFICE OF THE MAYOR

April 10, 2015

Mr. John Herzig, Vice President
Bayer Corporation
3930 Edison Lakes Parkway
Mishawaka, IN 46545

RE: Bayer HealthCare LLC
Potential New Office Facility, Mishawaka Indiana
IEDC Application for Incentives.

Dear Mr. Herzig,

It has been brought to our attention by the St. Joseph County Chamber of Commerce that Bayer Healthcare is in the process of evaluating new sites for a new office building that is intended to house the 171 employees that are currently located in your Edison Lakes office, and that the projection is to add an additional 60 professional positions through 2018.

I have drafted this letter to let you know that Bayer's current presence in the City of Mishawaka is both appreciated and valued. I also wanted to specifically outline the kind of incentive that I would envision the City approving for a project of this magnitude for your consideration. Routinely, the IEDC requires or looks favorably at applications that contain local support. To that end, knowing that multiple sites are being considered including outside of both the region and the State of Indiana, my hope is that the IEDC can take this letter identifying local support to better leverage and bring forward State tools and resources to retain this facility and build upon Bayer's existing presence in the City of Mishawaka.

Our understanding is that the site under consideration in the City for this project is located on the newly constructed Fir-Capital Connector Road just north of the Indiana Toll Road. Although this property will be serviced through the Granger post office for mail, the property along this newly constructed road is actually located in the City of Mishawaka. When we allocated millions of dollars for the construction of this roadway it was specifically with the intention of providing access and municipal utilities for headquarters or regional facilities. Although admittedly I am biased, I firmly believe that there is no better location for a Bayer Customer Logistics Service Center. As you are aware, being located conveniently off exit 83 of the Indiana Toll Road makes this location a reasonable interstate driving distance from Northeastern Illinois, Southern Michigan, Northwestern Ohio, and the north half of Indiana. The South Bend International Airport being only 10 miles to the west also makes it readily accessible to the world.

City Hall • 600 East Third Street • Mishawaka, IN • 46544-2241
Office of the Mayor Phone: (574) 258-1601
E-mail: dwood@mishawaka.in.gov

For those at Bayer not familiar with this area, I think that it is important to note the amenities and conveniences that make this region an attractive place to recruit, work, live and retire. As a City, we have a comparatively low cost of living, one of the best school systems in the State, affordable diverse housing opportunities, and convenient commuting. There are millions of square feet of national retailers, a plethora of restaurants, and over a thousand hotel rooms within a few miles of the proposed site. The University of Notre Dame, Indiana University South Bend, and Bethel College are all located between five and ten miles from the proposed site. Chicago is located 90 interstate miles to the west and the beautiful shores of Lake Michigan are less than an hour drive. In the last 10 years, hundreds of millions of dollars of new medical service facilities have been constructed on the north side of Mishawaka including the St. Joseph Regional Medical Center and Cancer Care Partners treatment facility. We are hopeful that the new Bayer Customer Logistics Service Center will be added to this list.

To incentivize choosing Mishawaka, as the Mayor I would favorably recommend to the City's Redevelopment Commission and Common Council that the maximum length allowed by Indiana law (ten year) tax abatement be provided to the project. This would be a graduated abatement that would start by abating 100% of the increase in property taxes in the first year following the real property improvements that have been estimated at 12.5 million dollars. Every year the abatement would be reduced by 10%, so in year two, 90% of the property taxes associated with these improvements would be abated. So at the end of the abatement term, estimated to be in year 2026, 10% of the property taxes would be abated. Assuming that the assessed valuation of the structure matches the 12.5 million dollar construction cost, and that the property tax is at the 3% commercial cap, this would equate to roughly a two million dollar incentive over the life of the abatement. Although significant in terms of local resources, I think it appropriately illustrates our long term commitment and desire to grow Bayer's presence in our City over time.

Thank you for your consideration of Mishawaka in this process. I hope that this letter is helpful. Please let us know if any additional information is required. My door is also always open, please feel free to contact me on this or any other issue I might be able to assist with at any time.

Sincerely,

David A. Wood

David A. Wood, Mayor

cc: Kenneth B. Prince, City Planner/Economic Development Director
Greg Lorch, St. Joseph County Chamber of Commerce
David Behr, Indiana Economic Development Corporation

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Office of the Mayor Phone: (574) 258-1601
E-mail: dwood@mishawaka.in.gov

INDIANA
A State that Works

# Indiana Economic Development Corporation ("IEDC")

*Application for Incentives*

| General Information | Project Owner: David Behr | Project Number: 417674 |
|---|---|---|
| Legal Name (as it is set forth in Indiana Secretary of State) (Company) | Bayer HealthCare LLC | |
| Federal Employer Identification Number (FEIN) | 06-1663795 | |
| Business Structure | C-Corporation | |
| NAICS Code (6 Digits) | 325410 | |
| Company's Taxable Year End (M/D) | 12/15 | |
| Company Website | www.bayer.com | |

| Proposed Project Information | | | |
|---|---|---|---|
| Proposed Project Address | 14993 Cleveland Rd./62641 Evergreen Rd. | Parent Company | Bayer Corporation |
| City, State, Zip | Granger, IN, 46530 | Parent FEIN | 26-1399219 |
| Proposed Project County | St. Joseph; | Parent Country | United States of America |

| Primary Contact Information | | | |
|---|---|---|---|
| Primary Company Contact's Name | Kevin Fuller | Title | Deputy Director |
| Address of Company Contact (if different from above) | 6549 Braemar Avenue | Phone and Fax | Phone: 317 774 8069 Fax: |
| City, State, Zip | Noblesville, IN, 46062 | Email | kevin.fuller@bayer.com |

| Senior Official Information | | | |
|---|---|---|---|
| Senior Company Official's Name | John Herzig | Title | VP-CAO-CLSC |
| Address of Senior Official (if different from above) | 3930 Edison Lakes Parkway | Phone and Fax | Phone: (574)252-4734 Fax: |
| City, State, Zip | Mishawaka, IN, 46545 | Email | john.herzig@bayer.com |

| Consultant Information | | | |
|---|---|---|---|
| Company (Third Business Consultant Name (if applicable)) | Zane Brown | Consultant Release | Yes |
| Address | 101 West Washington Street | Local Economic Development Organization Release | Yes |
| City, State, Zip | Indianapolis, IN, 46204 | Email | zane.brown@cbre.com |

| Project Overview | |
|---|---|
| Description | Bayer Healthcare is looking to build an office facility to accommodate 300 employees. This site would serve as the Customer Logistics Service Center for multiple divisions of Bayer Healthcare. Bayer is looking to locate in Indiana, Michigan or New Jersey for the future home of this operation. |
| Certified Technology Park? | No |
| Community Revitalization Enhancement District? | No |
| Has this company applied for Indiana Venture Capital Investment Tax Credit for this project? | No |

## New Project Investments

| Calendar Year | 2015 | 2016 | 2017 | 2018 | 2019 | TOTAL |
|---|---|---|---|---|---|---|
| Land Acquisition | $800,000 | $0 | $0 | $0 | $0 | $800,000 |
| Building Lease Payments | $0 | $0 | $1,500,000 | $1,530,000 | $1,561,000 | $4,591,000 |
| Building Purchase Costs | $0 | $0 | $0 | $0 | $0 | $0 |
| New Building Construction | $5,000,000 | $7,500,000 | $0 | $0 | $0 | $12,500,000 |
| Existing Building Improvements | $0 | $0 | $0 | $0 | $0 | $0 |
| New Machinery and Equipment | $0 | $0 | $0 | $0 | $0 | $0 |
| Special Tooling/Retooling | $0 | $0 | $0 | $0 | $0 | $0 |
| New Furniture and Fixtures | $0 | $500,000 | $0 | $0 | $0 | $500,000 |
| New Computer/Hardware | $0 | $1,000,000 | $0 | $0 | $0 | $1,000,000 |
| New Software | $0 | $0 | $0 | $0 | $0 | $0 |
| On-Site Rail Infrastructure | $0 | $0 | $0 | $0 | $0 | $0 |
| On-Site Barge Infrastructure | $0 | $0 | $0 | $0 | $0 | $0 |
| TOTAL | $5,800,000 | $9,000,000 | $1,500,000 | $1,530,000 | $1,561,000 | $19,391,000 |

## Investment Details

| Public Infrastructure Needs (If Applicable) | Potential Qualified Investment Under the Hoosier Business Investment (HBI) | The approximate % qualified HBI expenditure the applicant company expects to spend with Indiana businesses | Used equipment purchased in Indiana or transferred from out-of-state to project |
|---|---|---|---|
| $0 | $13,500,000 | 80.00% | $0 |

## Full-Time Permanent Indiana-Resident Positions by Calendar Year

| Calendar Year | Number of Full-Time Permanent Indiana Resident Employees at Project | Hourly Average Wage w/o Fringe Benefits /Bonuses | Cumulative Number of Net New Full-Time Permanent Indiana Resident Employees at Project | Hourly Average Wage Excluding Benefits and Bonuses of Cumulative Net New Jobs | Total Training Expenditure (Not Cumulative) | Total Employees to be Trained (Not Cumulative) |
|---|---|---|---|---|---|---|
| 1 Year Ago | 150 | $39.00 | | | | |
| Now | 171 | $39.75 | | | | |
| 2016 | | | 30 | $39.75 | $75,000 | 30 |
| 2016 to 2017 | | | 37 | $40.50 | $25,000 | 10 |
| 2017 | | | 45 | $41.25 | $25,000 | 10 |
| 2018 | | | 60 | $42.00 | | |

Description of the company's specific training needs for the location:

Computer, system, safety, skill development and regulatory compliance trainings.

## Tax Liability Information by Year

| Calendar Year | 2015 | 2016 | 2017 | 2018 | Prior Year Tax Liability (If C Corporation) |
|---|---|---|---|---|---|
| Expected Indiana Corporate Tax Liability (on AGI generated by project) | $500,000 | $510,000 | $525,000 | $540,000 | Prior Year Tax Liability (If C Corporation) |
| Exempted Indiana Corporate Tax Liability (on AGI due solely to project) | $0 | $0 | $0 | $0 | $0 |

**Submitted By:** Teri Mortek **Submitted On:** Thursday, April 02, 2015 9:10 PM

To the extent feasible and permissible by law, the IEDC will honor a Company's request that confidential information submitted to the IEDC remains confidential. The IEDC will treat the information as confidential only if: (i) the information is in fact protected confidential information such as trade secrets or privileged or confidential commercial or financial information, (ii) the information is specifically marked and identified as confidential by the Company (iii) the information is segregated and placed in a separate appendix to the application, and (iv) no disclosure of the information is required by law or judicial order. If the application results in a tax credit, grant, or loan, the honoring of the confidentiality of identified data shall not limit the IEDC's right to disclose the details and results of the economic development project to the public.

By digitally signing this document, Company affirms that: (i) all information contained herein is true and accurate to the best of the Company's knowledge and belief, (ii) any award of EDGE and/or HBI Tax Credits is a major factor in the Company's decision to proceed with the project described in this application, and not receiving the EDGE and/or HBI Tax Credits would result in the Company not increasing total earnings of employees in Indiana or creating net new jobs for Indiana residents, (iii) for consideration of an HBI Tax Credit only, the average wage it pays/will pay its employees at the project location, excluding those considered highly compensated (see comment) will meet or exceed 150% of the federal minimum wage, and (iv) it is the Company's responsibility to inform IEDC of any changes to "General Information" listed in this application.

# City of Mishawaka
## Building – Community Development - Planning

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: Kenneth B. Prince, City Planner**
**574-258-1625**
**kprince@mishawaka.in.gov**

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

Bayer Healthcare

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

Name and Title: John Herzig, VP-CAO-CLSC

Address: 3920 Edison Lakes Parkway, Mishawaka, IN 46545

Telephone: 574-252-4734

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: John Herzig, VP-CAO-CLSC – contact info above.

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: Beacon Parkway – Golata Site

   b) Township: Mishawaka - Harris

   c) Taxing District Number: _____

   d) Council District Number: _____

   e) Tax Parcel Number(s): 71-04-23-300-001.000-036

   f) Current Zoning of the Property: PUD

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

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

   Land: $76,300

   Improvements: $0.00

Inventory: $0.00

Equipment: $0.00

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? XX Yes _____No

7. Does your company currently conduct manufacturing operations at this location? If so, how long has your company been at this location? No, this is a greenfield site.

   a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification NAICS Code 325412 Pharmaceutical Preparation Manufacturing

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

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka. Bayer is an international corporation with locations across the globe.

9. What is the size of the real estate that will be developed? (in acres) Approximately 7.5 acres

10. What is the estimated construction or rehabilitation cost? $12.5M

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

12. What is the anticipated date for construction to begin? 10/1/2015

13. What is the anticipated date for project completion? 12/1/2016

14. 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? Non-Union

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

| | | | |
|---|---|---|---|
| Skilled | XX | Average hourly wage rate for skilled positions | $35-$42 |
| Semi-skilled | _____ | Average hourly wage rate for unskilled positions | _____ |
| Clerical | _____ | Average hourly wage rate for clerical positions | _____ |
| Salaried | _____ | Average salary (per hour) for salaried positions | _____ |

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 171

c) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.)
Full benefits are included in all the roles including what is listed above.

d) 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.) $20.00

e) What is the total dollar amount spent on retained salaries? $30 Million

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

| | | | |
|---|---|---|---|
| Skilled | 50-60 | Average hourly wage rate for skilled positions | $25-$35 |
| Semi-skilled | | Average hourly wage rate for unskilled positions | |
| Clerical | | Average hourly wage rate for clerical positions | |
| Salaried | | Average salary (per hour) for salaried positions | |

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) 50-60

g) What is the total dollar amount to be spent on new salaries? $2.5M to $3.0M

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

| | |
|---|---|
| Current hourly employees | N/A |
| Retained hourly employees | N/A |
| New hourly employees | N/A |

h) (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: | 100 % |
| Outside St. Joseph County, but inside Indiana: | 100 % |
| Outside Indiana, but within 500 miles | 100 % |
| Outside of 500 miles | 100 % |
| Outside of the United States: | 100 % |

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

N/A

17. 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.
60,000 SF office newly constructed office building. Bayer currently leases approximately 40,000 SF at Edison Lakes Parkway. The new facility is an expansion of Bayer's operation in Mishawaka. The building will be constructed and owned by Browning Investments, and Bayer will sign a long term lease requiring Bayer to pay real estate taxes on the building.

18. Briefly describe the product or service of the company/business which will occupy the property for which tax abatement is being requested.
This Bayer office will primarily conduct work related to the company's marketing efforts.

19. What evidence can be provided to show the positive impact the abatement will have on the project property and surrounding area?
Bayer will be retained as a company with operations in Mishawka, and expand its presence in terms of employment of the local workforce. This facility will be an anchor tenant of the area along Beacon Parkway that has recently been opened up for development.

20. 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.).

If the project is not undertaken, the risk is that the Bayer Corporate team could chose to construct this facility in another market.

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

Bayer is currently negotiating with the City for additional incentives.

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

Yes, Bayer has applied for, and been granted, up to $1,000,000 in Economic Development for a Growing Economy (EDGE) tax credits.

23. 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.

Signature of Owner or Authorized Representative

VP, CUSTOMER LOGISTICS
Title

8/24/2015
Date

# STATEMENT OF BENEFITS
# REAL ESTATE IMPROVEMENTS

State Form 51767 (R3 / 12-11)
Prescribed by the Department of Local Government Finance

| 20____ PAY 20____ |
|---|
| FORM SB-1 / Real Property |

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)
☐ Eligible vacant building (IC 6-1.1-12.1-4.8)

*INSTRUCTIONS:*
1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.*
3. *To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, Whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor, if any, or the county assessor.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)]*
5. *The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.*

## SECTION 1 TAXPAYER INFORMATION

Name of taxpayer
Bayer Healthcare

Address of taxpayer *(number and street, city, state, and ZIP code)*
3930 Edison Lakes Parkway, Mishawaka, IN 46545

| Name of contact person | Telephone number | E-mail address |
|---|---|---|
| John Herzig | (317) 254-4734 | john.herzig@bayer.com |

## SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

| Name of designating body | | Resolution number |
|---|---|---|
| | | |
| **Location of property** | **County** | **DLGF taxing district number** |
| Beacon Parkway, Mishawaka, IN | St. Joseph | |
| **Description of real property improvements, redevelopment, or rehabilitation** *(use additional sheets if necessary)* | | **Estimated start date** *(month, day, year)* |
| Approximately 60,000 SF office building | | 10/01/2015 |
| | | **Estimated completion date** *(month, day, year)* |
| | | 12/01/2015 |

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

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 171 | $35 - $42 per hour | | | 50-60 | $25 - $35 per hour |

## 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. | REAL ESTATE IMPROVEMENTS | |
|---|---|---|
| | COST | ASSESSED VALUE |
| Current values | $0.00 | |
| Plus estimated values of proposed project | $12,500,000 | |
| Less values of any property being replaced | | |
| Net estimated values upon completion of project | $12,500,000 | |

## 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 | Title | Date signed *(month, day, year)* |
|---|---|---|
| John Herzig | VP, Customer Logistics | 8/24/2015 |

## 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, 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 _____.

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

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

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

E. The deduction is allowed for _____ years* *(see below)*.

F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No
   If yes, attach a copy of the alternative deduction schedule to this form.

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

| Approved *(signature and title of authorized member of designating body)* | Telephone number ( ) | Date signed *(month, day, year)* |
|---|---|---|
| Attested by *(signature and title of attester)* | Designated body | |

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

A. For residentially distressed areas, the deduction period may not exceed five (5) years.
B. For redevelopment and rehabilitation or real estate improvements:
   1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
   2. If the Economic Revitalization Area was designated after June 20, 2000, the deduction period may not exceed ten (10) years.
C. For vacant buildings, the deduction period may not exceed two (2) years.

# CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

RECEIVED
DEBORAH S. BLOCK, MMC
AUG 17 2015
CITY CLERK
MISHAWAKA, IN

Date: August 14, 2015

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: Elected and City salary ordinances except Park and Utilities

Attached are the salary ordinances required for first reading at Monday's meeting. I apologize for delivering these to you late. With the audit going on longer than usual, everything got behind.

In the ordinances is a 1% raise for all employees as already announced by the Mayor. The only exception is for the Deputy City Attorney Larry Meteiver. The salary for this position was lowered with the expectation that the new hire would be inexperienced. Larry is very experienced and has proven to be a valuable asset to the legal department. The progression of the salary if not lowered would be $59,560. The Mayor and Geoff Spiess have set it at $58,000.

You will notice that there are no annual wages in the salary ordinances. This is due to the fact that we do not pay an annual wage, we pay a biweekly salary. The State Board of Accounts also supports this change as correct and proper. During our budget discussions I will provide you with the usual spreadsheet showing both the biweekly and annual salaries.

Please contact me with any questions.

c: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC
AUG 17 2015
CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015 – 22

ORDINANCE NO. - ____

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

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

Section 1. The biweekly salaries of the following elected officials of the City of Mishawaka, Indiana, for the fiscal year beginning January 1, 2016 shall be payable in 26 equal biweekly pay periods beginning January 15, 2016 in the following amounts:

| | Biweekly salary |
|---|---|
| Mayor | $ 2,897.42 |
| Clerk | 2,035.15 |
| Council member | 366.09 |

Section 2. Any prior ordinances in conflict herewith are hereby repealed.

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this _____ day of _____ , 2015, at _____ o'clock, _____.m.

_____
Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor this _____day of _____, 2015, at _____o'clock, ____.m.

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

APPROVED BY ME this _____day of _____, 2015, at _____ o'clock,___.m

_____
David A. Wood, Mayor

# CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: September 3, 2015

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: City salary ordinance amendment

Small amendments in the Civil City salary ordinance:

The CPA and PE (professional engineer) certifications were not updated to the 26 pays for 2016 and therefore understated.

The bi-weekly 1st and 2nd Patrolmen and Master Firefighter and 1st Class Firefighter needed a small adjustment to meet the contractual $2,000 salary spread.

Please contact me with any questions.

c: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 03 2015
CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

**AMENDED**
PROPOSED ORDINANCE NO. 2015 - 23

ORDINANCE NO._____

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

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

**Section 1**. The biweekly salaries of all employees of the City of Mishawaka except the Mishawaka Park Department, Elected Officials and the Mishawaka Utilities for the year beginning January 1, 2016 and shall be payable in 26 bi-weekly pay periods commencing on January 15, 2016.

| | **BIWEEKLY SALARY** |
|---|---|
| MAYOR'S ADMINISTRATIVE ASSISTANT | 1,480.12 |
| MAYOR'S SECRETARY | 1,235.66 |
| CONTROLLER | 2,824.15 |
| DEPUTY CONTROLLER | 1,919.93 |
| ACCOUNTANT | 1,516.44 |
| PAYROLL CLERK | 1,377.60 |
| BOOKKEEPER A | 1,411.90 |
| BOOKKEEPER B | 1,218.60 |
| BOOKKEEPER C | 1,137.38 |
| PURCHASING AGENT | 1,427.17 |
| **CPA CERTIFICATION FT** | **192.31** |
| CHIEF DEPUTY CLERK I | 1,463.45 |
| CHIEF DEPUTY CLERK II | 1,417.77 |
| HR DIRECTOR | 2,057.95 |
| ASST DIRECTOR | 1,426.51 |
| HR OFFICE MANAGER | 1,235.66 |
| DIRECTOR OF IT | 2,334.46 |
| SYSTEM SPECIALIST IV SERVER ADMIN. | 1,918.42 |
| SYSTEM SPECIALIST IV NETWORK ENG. | 1,600.66 |
| SYSTEM SPECIALIST III WEB | 1,621.71 |
| SYSTEM SPECIALIST II DESKTOP ENG. | 1,542.58 |
| GIS COORDINATOR | 1,871.03 |
| CORPORATE COUNSEL/HR DIRECTOR | 2,127.95 |
| 1st DEPUTY CITY ATTORNEY | 2,230.77 |
| 2nd DEPUTY ASST CITY ATTORNEY | 621.54 |
| PART TIME SECRETARY | 288.16 |
| COUNCIL ATTORNEY | 621.54 |

| | |
|---|---|
| DIRECTOR OF ENGINEERING | 2,824.15 |
| ASSISTANT DIRECTOR | 2,335.31 |
| TRAFFIC MANAGER | 1,920.40 |
| PROJECT MANAGER | 1,970.86 |
| CONSTRUCTION COORDINATOR | 1,721.47 |
| TECHNICIAN | 1,709.93 |
| PROJECT COORDINATOR | 1,416.99 |
| LOCATOR/INSPECTOR | 1,455.57 |
| OFFICE MANAGER | 1,235.66 |
| **PE BONUS FT** | **192.31** |
| IDEM REVIEW BOARD BONUS | 153.85 |
| | |
| DIRECTOR OF CODE ENFORCEMENT | 2,121.23 |
| OFFICE MANAGER | 1,235.66 |
| CODE ENF OFFICER A | 1,716.92 |
| CODE ENF OFFICER B | 1,432.49 |
| | |
| BUILDING COMMISSIONER | 2,171.62 |
| ASSISTANT BUILDING COMMISSIONER | 2,043.42 |
| ADMINISTRATOR | 1,254.38 |
| OFFICE MANAGER | 1,235.66 |
| INSPECTOR A | 2,078.42 |
| INSPECTOR B | 1,882.83 |
| | |
| FIRE CHIEF | 2,631.28 |
| ASSISTANT CHIEF | 2,425.52 |
| CHIEF FIRE PREVENTION | 2,282.37 |
| BATTALION CHIEF | 2,371.60 |
| CAPTAINS | 2,255.25 |
| SHIFT SUPERVISOR | 2,194.57 |
| LIEUTENANT | 2,192.67 |
| FIRE INSPECTOR | 2,173.05 |
| PARAMEDIC | 2,173.05 |
| DRIVER OPERATOR | 2,131.45 |
| MASTER FIREFIGHTER | 2,103.09 |
| **1st CLASS FIREFIGHTER** | **2,026.19** |
| PROBATION - FF/EMT | 1,840.88 |
| | |
| FIRE EXECUTIVE SECRETARY | 1,246.34 |
| FIRE OFFICE MANAGER | 1,235.66 |
| | |
| POLICE CHIEF | 2,648.18 |
| ASSISTANT CHIEF | 2,442.34 |
| CAPTAIN | 2,232.99 |
| LIEUTENANT | 2,189.99 |
| SERGEANT | 2,148.35 |
| 1st CLASS PATROLMAN | 2,119.99 |
| **2nd CLASS PATROLMAN** | **2,043.07** |
| PROBATION | 1,856.61 |
| | |
| POLICE RECRUIT | 1,622.22 |
| PROPERTY MANAGER | 1,373.87 |
| EXEC SECRETARY | 1,246.34 |
| ADMIN SECRETARY | 1,235.66 |
| SERVICES ADMINISTRATOR | 1,420.02 |

| | | |
|---|---|---|
| PROPERTY CLERK | | 1,205.47 |
| SECRETARY | | 1,218.76 |
| PARKING PERSONNEL | | 1,218.76 |
| CROSSING GUARDS | | 21 pays@ 341.57 |
| | | |
| CITY PLANNER | | 2,698.22 |
| SENIOR PLANNER | | 1,736.35 |
| ASSOCIATE PLANNER | | 1,645.72 |
| ADMINISTRATIVE PLANNER | | 1,463.76 |
| OFFICE MANAGER | | 1,235.66 |
| | | |
| DIRECTOR COMMUNITY DEVELOPMENT | | 2,389.47 |
| TIF CONSTRUCTION MANAGER | | 2,261.58 |
| PROGRAM CONSTRUCTION MANAGER | | 2,048.09 |
| PROGRAM COORDINATOR | | 1,434.55 |
| GRANT MANAGER | | 1,873.59 |
| GRANT SPECIALIST | | 1,259.08 |
| | | |
| CENTRAL SERVICES ASSISTANT | | 1,921.10 |
| | | |
| STREET COMMISSIONER | | 2,286.64 |
| OFFICE MANAGER | | 1,235.66 |
| SECRETARY | | 1,218.76 |
| | | |
| | | **BIWEEKLY HOURLY** |
| | | |
| PART-TIME HELP | | 7.25-25.00 |
| | | |
| CENTRAL SERVICES: | | |
| FLEET MAINTENANCE TECHNICIAN | | 19.91 |
| | | |
| CENTRAL SERVICES/MVH: | | |
| GROUP 1 | | 18.89 |
| GROUP 2 | | 17.87 |
| GROUP 3 | | 17.11 |
| NIGHT BONUS/SHIFT DIFFERENTIAL | | .55/.60 |
| PROJECT COORDINATOR | | 1.00 |
| | | |
| | | **ANNUAL/MISC** |
| | | |
| FIRE: | | |
| SPECIALTY PAY: | | |
| | TIER 1 | TIER 2 |
| ADVANCED EMT | 1,000 | 3,000 |
| PARAMEDIC | 2,000 | 4,000 |
| LEAD PARAMEDIC | 4,000 | 6,000 |
| | | |
| WATER RESCUE/RECOVERY LEADER | 1,050 | |
| WATER DIVE/RESCUE TEAM MEMBER | 950 | |
| SELF-CONTAINED BREATHING APPARATUS TEAM TECHNICIAN | 1,000 | |
| MECHANIC | 2,500 | |
| INFORMATION TECHNOLOGY | 1,500 | |
| | | |
| UNIFORM ALLOWANCE | | 1,250 |

| OUT OF RANK PAY: | PER OCCURRENCE |
|---|---|
| FIREFIGHTER TO DRIVER | 10 |
| DRIVER TO OFFICER | 25 |
| OFFICER TO HIGHER RANKING OFFICER | 25 |
| FIREFIGHTER TO OFFICER | 25 |
| FIRE APPARATUS ASSIGNED TO AMBO | 30 |

| POLICE: | |
|---|---|
| IDACS SPECIALIST | 370 |
| PARKING PERSONNEL CLOTHING | 500 |
| CROSSING GUARD SUBSTITUTE | 20 per day |
| SUMMER SCHOOL CROSS GUARD | 20 per day |

| | |
|---|---|
| UNIFORM ALLOWANCE | 2,050 |
| EQUIPMENT MAINT ALLOWANCE | 271.43 |

| | |
|---|---|
| PLAN COMMISSION | 600 |
| BZA MEMBER | 375 |

Section 2. The City will contribute the employee portion of 3% to the Public Employees Retirement fund for all employees eligible for participation in the Public Employees Retirement Fund

Section 3. The City will contribute 3% of the employee portion to the 1977 Fire Pension for all employees eligible for participation in the 1977 Fire Pension Fund.

Section 4. The City will contribute 2% of the employee portion to the 1977 Police Pension for all employees eligible for participation in the 1977 Police Pension Fund.

Section 5. Longevity Bonus will be provided annually to the Central Service and Motor Vehicle Highway Teamster employees (as amended). The Longevity Bonus will be offered to the employees as additional pay. The Longevity Bonus shall be payable annually on the first paycheck following each employees anniversary date with the regular payroll. The annual Longevity Bonus will be based on the following schedule. Said schedule is based upon completed years of service.

| Years of Service | Annual Increments | Bonus |
|---|---|---|
| 5 | 0 | 150 |
| 6 | 75 | 225 |
| 7 | 75 | 300 |
| 8 | 75 | 375 |
| 9 | 75 | 450 |
| 10 | 75 | 525 |

An additional $80.00 will be added for each year of service after the 10th year.

Section 6. The Administration may pay up to 15% less than annual salaries listed to new employees during the first twelve month period, except for those public safety salaries which have been negotiated by the Common Council and all other salaries negotiated as part of a Collective Bargaining Agreement.

Section 7. 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 _____2015, at _____o'clock, p.m.

_____
Presiding Officer

ATTEST:

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

PRESENTED BY ME, to the Mayor on this ___ day of _____, 2015,

at_____o'clock, p.m.

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

APPROVED BY ME this ___ day of_____, 2015, at _____o'clock, p.m.

_____
David A. Wood, Mayor

# ORDINANCE ~~OR RESOLUTION~~ FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4

**Proposed Ordinance No. 2015-24**

Ordinance Number:

Be it ordained/resolved by the **City of Mishawaka Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2016** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MISHAWAKA CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **City of Mishawaka Common Council.**

| Name of Adopting Entity / Fiscal Body | Type of Adopting Entity / Fiscal Body | Date of Adoption |
|---|---|---|
| City of Mishawaka Common Council | Common Council and Mayor | 10/19/2015 |

**DLGF-Reviewed Funds**

| Fund Code | Fund Name | Adopted Budget | Adopted Tax Levy | Adopted Tax Rate |
|---|---|---|---|---|
| 0061 | RAINY DAY | $2,519 | $0 | 0.0000 |
| 0101 | GENERAL | $33,492,284 | $25,952,887 | 2.3658 |
| 0254 | LOCAL INCOME TAX | $2,665,353 | $0 | 0.0000 |
| 0341 | FIRE PENSION | $2,268,750 | $0 | 0.0000 |
| 0342 | POLICE PENSION | $1,487,950 | $0 | 0.0000 |
| 0706 | LOCAL ROAD & STREET | $500,000 | $0 | 0.0000 |
| 0708 | MOTOR VEHICLE HIGHWAY | $3,446,950 | $582,097 | 0.0531 |
| 1151 | CONTINUING EDUCATION | $120,000 | $0 | 0.0000 |
| 1191 | CUMULATIVE FIRE SPECIAL | $0 | $0 | 0.0000 |
| 1301 | PARK & RECREATION | $3,335,944 | $2,926,144 | 0.2667 |
| 1310 | PARK NONREVERTING - CAPITAL | $150,000 | $0 | 0.0000 |
| 2379 | CUMULATIVE CAPITAL IMP (CIG TAX) | $0 | $0 | 0.0000 |
| 2391 | CUMULATIVE CAPITAL DEVELOPMENT | $650,000 | $1,125,283 | 0.1026 |
| 2411 | ECONOMIC DEV INCOME TAX CEDIT | $4,307,166 | $0 | 0.0000 |
| 6290 | CUMULATIVE SEWER | $500,000 | $680,659 | 0.0620 |
| | | **$52,926,916** | **$31,267,070** | **2.8502** |

1st Reading 9-8-15
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 14 2015
CITY CLERK
MISHAWAKA, IN

# ORDINANCE [redacted] FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4

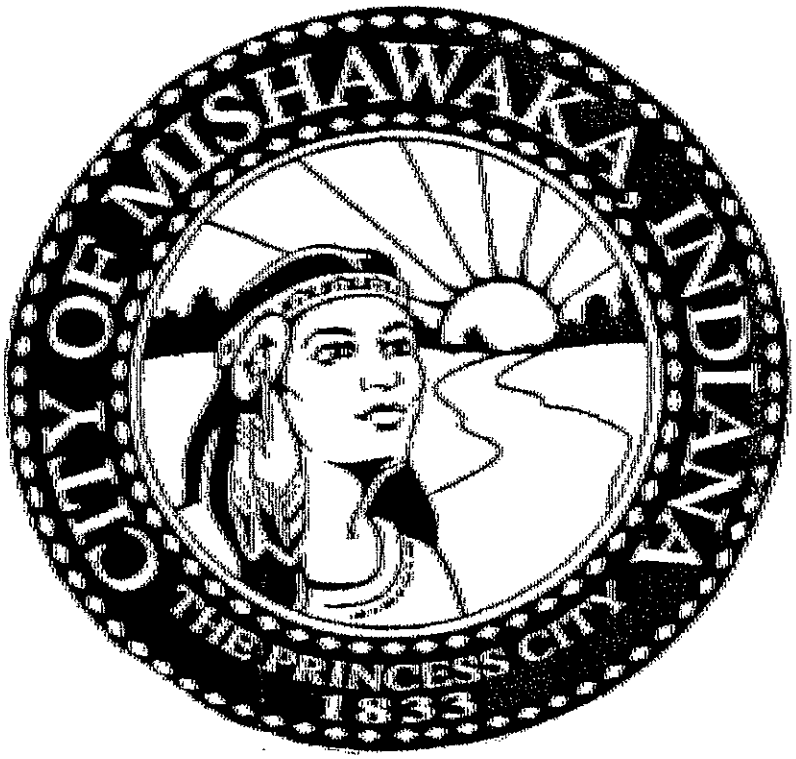
| Name | | Signature |
|---|---|---|
| John Reisdorf | Aye ☐<br>Nay ☐<br>Abstain ☐ | |
| Ronald Banicki | Aye ☐<br>Nay ☐<br>Abstain ☐ | |
| Mary Willson (Kate Voelker) | Aye ☐<br>Nay ☐<br>Abstain ☐ | |
| John Roggeman | Aye ☐<br>Nay ☐<br>Abstain ☐ | |
| Matthew Mammolenti | Aye ☐<br>Nay ☐<br>Abstain ☐ | |
| Michael Compton | Aye ☐<br>Nay ☐<br>Abstain ☐ | |
| Michael Bellovich | Aye ☐<br>Nay ☐<br>Abstain ☐ | |
| Daniel Bilancio | Aye ☐<br>Nay ☐<br>Abstain ☐ | |
| Dale "Woody" Emmons | Aye ☐<br>Nay ☐<br>Abstain ☐ | |

**ATTEST**

| Name | Title | Signature |
|---|---|---|
| Deborah S. Block | City Clerk | |

**MAYOR ACTION (For City use only)**

| Name | | Signature | Date |
|---|---|---|---|
| David A. Wood | Approve ☐<br>Veto ☐ | | |




# CITY OF MISHAWAKA
# 2016 BUDGET

## David A. Wood, Mayor

# CITY OF MISHAWAKA 2016
# BUDGET

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CITY OF MISHAWAKA
2016 BUDGET

MAYOR
101-01

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-01 | Mayor | 75,333.00 | |
| | 411-02 | Administrative Assistant | 38,484.00 | |
| | | Secretary | 32,128.00 | |
| | | | | 145,945.00 |
| 2 | SUPPLIES | | | |
| | Office Supplies | | | |
| | 421-90 | Office Supplies | 1,500.00 | |
| | | | | 1,500.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Communication and Transportation | | | |
| | 432-03 | Travel and Training | 1,500.00 | |
| | Printing and Advertising | | | |
| | 433-01 | Printing | 500.00 | |
| | Other Services and Charges | | | |
| | 439-03 | Subscriptions, Dues, etc. | 1,500.00 | |
| | 439-04 | Leadership | 1,795.00 | |
| | 439-07 | Memorial Day AL/VFW/DAR | 1,500.00 | |
| | 439-92 | Community Promotion | 7,500.00 | |
| | | | | 14,295.00 |
| | | | | 161,740.00 |

CITY OF MISHAWAKA
2016 BUDGET

CONTROLLER
101-02

| | | | |
|---|---|---|---|
| 1 | PERSONAL SERVICES | | |
| | Salaries and Wages | | |
| 411-01 | Controller | 73,429.00 | |
| 411-02 | Deputy Controller | 49,919.00 | |
| | Bookkeeper A | 36,710.00 | |
| | Payroll Clerk | 35,818.00 | |
| | Purchasing Agent | 37,107.00 | |
| | Accountant | 39,428.00 | |
| 411-03 | Part time | 20,000.00 | |
| | | | 292,411.00 |
| | Other Services Personal | | |
| 411-64 | FTO (Flexible Time Off) Plan | 30,000.00 | |
| 411-65 | CPA Certification | 5,000.00 | |
| | | | 35,000.00 |
| | Employee Benefits | | |
| 413-01 | Social Security | 190,000.00 | |
| 413-02 | Medicare | 45,000.00 | |
| 413-03 | PERF 14.2% | 420,000.00 | |
| 413-04 | Unemployment Compensation | 40,000.00 | |
| 413-05 | Employee Insurance Benefits | 1,200,000.00 | |
| 413-06 | Employee Life Insurance | 4,000.00 | |
| | | | 1,899,000.00 |
| | | | 2,226,411.00 |
| 2 | SUPPLIES | | |
| | Office Supplies | | |
| 421-90 | Office Supplies/Misc Supplies | 15,000.00 | |
| | | | 15,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | |
| | Professional Charges | | |
| 431-05 | Animal Control | 160,500.00 | |
| 431-07 | IACT | 11,000.00 | |
| | WNIT Public Access | 10,000.00 | |
| | Communication and Transportation | | |
| 432-02 | Postage | 15,000.00 | |
| 432-03 | Travel and Training | 2,500.00 | |
| 432-04 | Telephone | 70,000.00 | |

CITY OF MISHAWAKA
2016 BUDGET

CONTROLLER
101-02

| | | | |
|---|---|---|---|
| Printing and Advertising | | | |
| 433-02 | Publications | 13,000.00 | |
| Insurance | | | |
| 434-90 | Insurance Premiums/ Deductible | 825,000.00 | |
| Utility Services | | | |
| 435-01 | MU Charges | 800,000.00 | |
| 435-02 | NIPSCO | 85,000.00 | |
| Repairs and Maintenance | | | |
| 436-01 | Building/ Equipment/Software Maintenance/Service Contracts | 60,000.00 | |
| Other Services and Charges | | | |
| 439-03 | Subscription, Dues, etc. | 1,000.00 | |
| 439-09 | Miscellaneous Charges | 1,500.00 | |
| | | | 2,054,500.00 |
| 4 CAPITAL OUTLAYS | | | |
| Other Capital Outlays | | | |
| 444-05 | Capital Outlay | 2,500,000.00 | |
| | | | 2,500,000.00 |
| | | | 6,795,911.00 |

CITY OF MISHAWAKA
2016 BUDGET

CITY CLERK
101-03

| | | | | |
|---|---|---|---|---|
| 1 | SERVICES PERSONAL | | | |
| | Salaries and Wages | | | |
| | 411-01 | City Clerk | 52,914.00 | |
| | 411-02 | Chief Deputy Clerk I | 38,050.00 | |
| | | Chief Deputy Clerk II | 36,862.00 | |
| | 411-03 | Temporary | 12,000.00 | |
| | | | | 139,826.00 |
| 2 | SUPPLIES | | | |
| | Office Supplies | | | |
| | 421-90 | Office Supplies | 1,500.00 | |
| | Operating Supplies | | | |
| | 422-01 | Violations Bureau Supplies | 1,000.00 | |
| | | | | 2,500.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Professional Services | | | |
| | 431-01 | Attorney Fees | 1,000.00 | |
| | 431-04 | Municipal Code Services | 8,000.00 | |
| | | BIS Digital | 7,857.00 | |
| | Communication and Transportation | | | |
| | 432-03 | Travel and Training | 2,000.00 | |
| | Repairs and Maintenance | | | |
| | 436-01 | Equipment Repair | 4,000.00 | |
| | Other Services and Charges | | | |
| | 439-03 | Subscriptions, Dues, etc. | 1,500.00 | |
| | 439-92 | Community Promotion | 500.00 | |
| | | | | 24,857.00 |
| | | | | 167,183.00 |

CITY OF MISHAWAKA
2016 BUDGET

HUMAN RESOURCES
101-04

| | | | |
|---|---|---|---|
| 1 | PERSONAL SERVICES | | |
| | Salaries and Wages | | |
| 411-02 | Office Manager | 32,128.00 | |
| 411-03 | Temporary Help | 20,000.00 | |
| | | | 52,128.00 |
| 2 | SUPPLIES | | |
| | Office Supplies | | |
| 421-90 | Supplies | 2,000.00 | |
| | | | 2,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | |
| | Professional Services | | |
| 431-06 | Consulting | 54,000.00 | |
| 431-08 | Employee Assistance Program | 16,000.00 | |
| 431-09 | Testing/Wellness | 5,000.00 | |
| | Communication and Transportation | | |
| 432-03 | Travel and Training | 5,000.00 | |
| | Printing and Advertising | | |
| 433-01 | Printing/ Advertising | 1,000.00 | |
| | Other Services and Charges | | |
| 439-03 | Subscription, Dues, etc. | 450.00 | |
| 439-20 | Staff Development | 2,000.00 | |
| | | | 83,450.00 |
| | | | 137,578.00 |

CITY OF MISHAWAKA
2016 BUDGET

INFORMATION TECHNOLOGY
101-05

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-01 | Director | 60,696.00 | |
| | 411-02 | System Specialist IV Server | 49,879.00 | |
| | | GIS Coordinator | 48,647.00 | |
| | | System Specialist III Web | 42,165.00 | |
| | | System Specialist IV Network | 41,618.00 | |
| | | System Specialist II Desktop | 40,108.00 | |
| | | | | 283,113.00 |
| 2 | SUPPLIES | | | |
| | Operating Supplies | | | |
| | 422-01 | Operating Supplies | 20,000.00 | |
| | | | | 20,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Communication and Transportation | | | |
| | 432-03 | Travel and Training | 25,000.00 | |
| | Other Services and Charges | | | |
| | 439-03 | Subscriptions, Dues, etc. | 20,000.00 | |
| | | | | 45,000.00 |
| | | | | 348,113.00 |

CITY OF MISHAWAKA
2016 BUDGET

DEPARTMENT OF LAW
101-06

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-01 | Corporation Counsel/Director of HR | 55,327.00 | |
| | 411-02 | City Attorney | 58,000.00 | |
| | | Asst City Attorney | 16,160.00 | |
| | | Part time Secretary | 7,500.00 | |
| | | | | 136,987.00 |
| 2 | SUPPLIES | | | |
| | Office Supplies | | | |
| | 421-03 | Professional Books | 500.00 | |
| | 421-90 | Office Supplies | 500.00 | |
| | | | | 1,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Communication and Transportation | | | |
| | 432-03 | Travel and Training | 3,000.00 | |
| | Insurance | | | |
| | 434-90 | Payment of Claims/Litigation | 50,000.00 | |
| | Other Services and Charges | | | |
| | 439-03 | Subscriptions, Dues, etc. | 1,500.00 | |
| | 439-09 | Miscellaneous Charges | 1,500.00 | |
| | | | | 56,000.00 |
| | | | | 193,987.00 |

CITY OF MISHAWAKA
2016 BUDGET

CITY COUNCIL
101-07

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-04 Council members | | | |
| | 9 @ 9518 | | 85,666.00 | |
| | 411-02 Council Attorney | | 16,161.00 | |
| | | | | 101,827.00 |
| 2 | SUPPLIES | | | |
| | Office Supplies | | | |
| | 421-90 Office Supplies | | 500.00 | |
| | | | | 500.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Communication and Transportation | | | |
| | 432-03 Travel for Council | | 3,135.00 | |
| | Travel for Attorney | | 1,000.00 | |
| | Other Services and Charges | | | |
| | 439-92 Community Promotion | | 5,000.00 | |
| | | | | 9,135.00 |
| | | | | 111,462.00 |

CITY OF MISHAWAKA
2016 BUDGET

ENGINEERING DEPARTMENT
101-13

| | | | |
|---|---|---|---|
| 1 | PERSONAL SERVICES | | |
| | Salaries and Wages | | |
| 411-01 | Director of Engineering | 73,429.00 | |
| 411-02 | Assistant Director | 60,719.00 | |
| | Project Coordinator | 36,842.00 | |
| | Project Manager | 51,243.00 | |
| | Traffic Manager | 49,931.00 | |
| | Office Manager | 32,128.00 | |
| | | | 304,292.00 |
| | Other Personal Services | | |
| 411-65 | PE Certification | 10,000.00 | |
| | | | 10,000.00 |
| | | | 314,292.00 |
| 2 | SUPPLIES | | |
| | Office Supplies | | |
| 421-90 | General Supplies | 4,000.00 | |
| | | | 4,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | |
| | Professional Services | | |
| 431-06 | Consulting | 5,000.00 | |
| | Communication and Transportation | | |
| 432-03 | Travel and Training | 1,750.00 | |
| | Repairs and Maintenance | | |
| 436-01 | Equipment Repair | 3,000.00 | |
| | Other Services and Charges | | |
| 439-03 | Subscriptions, Dues, etc. | 500.00 | |
| | | | 10,250.00 |
| | | | 328,542.00 |

CITY OF MISHAWAKA
2016 BUDGET

CODE ENFORCEMENT DEPARTMENT
101-14

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-01 | Director of Code Enforcement | 55,153.00 | |
| | 411-02 | Code Enforcement Officers | | |
| | | 4 @ 44640 | 178,560.00 | |
| | | Office Manager | 32,128.00 | |
| | | | | 265,841.00 |
| 2 | SUPPLIES | | | |
| | Operating Supplies | | | |
| | 422-01 | Operating Supplies | 3,500.00 | |
| | | | | 3,500.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Communication and Transportation | | | |
| | 432-03 | Travel and Training | 3,000.00 | |
| | Other Services and Charges | | | |
| | 439-10 | Clean up, Board up, Disposal, etc. | 35,000.00 | |
| | | | | 38,000.00 |
| | | | | 307,341.00 |

CITY OF MISHAWAKA
2016 BUDGET

BUILDING DEPARTMENT
101-15

| | | | |
|---|---|---|---|
| 1 | PERSONAL SERVICES | | |
| | Salaries and Wages | | |
| 411-01 | Building Commissioner | 56,463.00 | |
| 411-02 | Administrator | 32,614.00 | |
| | Inspector A 2 @ 54039 | 108,079.00 | |
| | | | 197,156.00 |
| 2 | SUPPLIES | | |
| | Operating Supplies | | |
| 422-01 | Operating Supplies | 2,000.00 | |
| | | | 2,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | |
| | Communication and Transportation | | |
| 432-03 | Travel and Training | 4,000.00 | |
| | Other Services and Charges | | |
| 439-03 | Subscription, Dues, etc. | 400.00 | |
| | | | 4,400.00 |
| | | | 203,556.00 |

CITY OF MISHAWAKA
2016 BUDGET

FIRE/EMS DEPARTMENT
101-19

| | | | |
|---|---|---|---|
| 1 | PERSONAL SERVICES | | |
| | Salaries and Wages | | |
| 411-01 | Fire Chief | 68,414.00 | |
| 411-02 | Assistant Chief | | |
| | 2 @ 63063 | 126,127.00 | |
| | Chief Fire Prevention | 59,342.00 | |
| | Battalion Chief | | |
| | 4 @ 61661 | 246,647.00 | |
| | Captains 15 @ 58636 | 879,549.00 | |
| | Shift Supervisors 2 @ 57059 | 114,118.00 | |
| | Lieutenants | | |
| | 13 @ 57009 | 741,123.00 | |
| | Fire Inspectors | | |
| | 9 @ 56499 | 508,495.00 | |
| | Paramedics 2 @ 56499 | 112,999.00 | |
| | Driver Operator | | |
| | 30 @ 55417 | 1,662,531.00 | |
| | Master Firefighters | | |
| | 24 @ 54680 | 1,312,330.00 | |
| | 1st Class Firefighter | | |
| | 10 @ 52680 | 526,810.00 | |
| | | | 6,358,485.00 |
| | Civilian | | |
| | Executive Secretary | 32,405.00 | |
| | | | 32,405.00 |
| | Other Personal Services | | |
| 411-02 | Specialty Pay | 180,000.00 | |
| 411-02 | Out of Rank Pay | 50,000.00 | |
| 411-60 | Overtime | 700,000.00 | |
| 411-66 | Uniform Allowance 113 @ 1250 | 141,250.00 | |
| 411-67 | Pension Equalization | 26,800.00 | |
| | | | 1,098,050.00 |
| | Employee Benefits | | |
| 413-01 | Social Security | 35,000.00 | |
| 413-02 | Medicare | 110,000.00 | |
| 413-03 | PERF-14.2% | 70,000.00 | |
| 413-05 | Health Insurance | 2,000,000.00 | |
| 413-06 | Life/Disability Insurance | 12,000.00 | |
| 413-09 | 77 Pension 22.7% | 1,292,000.00 | |
| | | | 3,519,000.00 |
| | | | 11,007,940.00 |

CITY OF MISHAWAKA
2016 BUDGET

FIRE/EMS DEPARTMENT
101-19

| | | | |
|---|---|---|---|
| 2 SUPPLIES | | | |
| Office Supplies | | | |
| 421-90 | Office Supplies | 6,000.00 | |
| Operating Supplies | | | |
| 422-01 | Operating Supplies | 175,000.00 | |
| 422-03 | Medical Supplies | 125,000.00 | |
| Other Supplies | | | |
| 429-10 | Public Education Training/ Seminar Supplies/Refreshments | 6,000.00 | |
| | | | 312,000.00 |
| 3 OTHER SERVICES AND CHARGES | | | |
| Repairs and Maintenance | | | |
| 436-01 | Building/ Equipment Repair | 97,500.00 | |
| 436-91 | Laundry Maintenance | 3,000.00 | |
| Other Services and Charges | | | |
| 439-03 | Subscriptions, Dues, etc. | 3,000.00 | |
| | | | 103,500.00 |
| | | | 11,423,440.00 |

CITY OF MISHAWAKA
2016 BUDGET

POLICE DEPARTMENT
101-20

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-01 | Police Chief | 68,853.00 | |
| | 411-02 | Assistant Chief | | |
| | | 3 @ 63501 | 190,503.00 | |
| | | Captains | | |
| | | 7 @ 58057 | 406,405.00 | |
| | | Lieutenants | | |
| | | 12 @ 56939 | 683,278.00 | |
| | | Sergeants | | |
| | | 20 @ 55857 | 1,117,141.00 | |
| | | 1st Patrol Officer | | |
| | | 53 @ 55119 | 2,921,347.00 | |
| | | 2nd Patrol Officer | | |
| | | 10 @ 53119 | 531,200.00 | 5,918,727.00 |
| | | Civilians | | |
| | | Executive Secretary | 32,405.00 | |
| | | Administrative Secretary | 32,128.00 | |
| | | Secretary 2 @ 32127 | 63,676.00 | |
| | | Parking Personnel | 31,688.00 | |
| | | Property Manager | 35,721.00 | |
| | | Services Administrator | 36,921.00 | 232,539.00 |
| | | Crossing Guards 19 @ 7173 | 136,288.00 | |
| | 411-03 | Substitute Crossing Guard | 2,000.00 | |
| | | Temporary Help/Part-time | 25,000.00 | 163,288.00 |
| | Other Personal Services | | | |
| | 411-60 | Overtime/ Court-time Officer-Non Officer | 471,228.00 | |
| | 411-66 | Uniform Allowance | | |
| | | 1 @ 500, 106 @ 2050 | 217,800.00 | |
| | | Equipment Allowance | 28,772.00 | |
| | | | | 717,800.00 |
| | Employee Benefits | | | |
| | 413-01 | Social Security | 26,000.00 | |
| | 413-02 | Medicare | 102,000.00 | |
| | 413-03 | PERF 14.2% | 35,000.00 | |
| | 413-05 | Health Insurance | 2,000,000.00 | |
| | 413-06 | Life Insurance | 6,250.00 | |
| | 413-10 | 77 Pension 21.7% | 1,327,000.00 | |
| | | | | 3,496,250.00 |
| | | | | 10,528,604.00 |

CITY OF MISHAWAKA
2016 BUDGET

POLICE DEPARTMENT
101-20

| | | | |
|---|---|---|---|
| 2 | SUPPLIES | | |
| | Operating Supplies | | |
| 422-01 | Operating Supplies | 35,000.00 | |
| | Other Supplies | | |
| 429-11 | Seminars/ Community Relations | 1,000.00 | |
| | | | 36,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | |
| | Communication and Transportation | | |
| 432-03 | Travel and Training | 2,000.00 | |
| | Printing and Advertising | | |
| 433-01 | Printing | 1,800.00 | |
| | Repairs and Maintenance | | |
| 436-01 | Building Repair/ Maintenance Service Contracts | 90,000.00 | |
| | Other Services and Charges | | |
| 439-03 | Subscriptions, Dues, etc. | 3,000.00 | |
| 439-11 | Special Expense | 13,000.00 | |
| 439-12 | Canine Expenses | 3,000.00 | |
| 439-16 | Crime Stoppers Program | 5,000.00 | |
| | | | 117,800.00 |
| | | | 10,682,404.00 |

CITY OF MISHAWAKA
2016 BUDGET

CITY PLANNING
101-21

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-01 | City Planner | 70,154.00 | |
| | 411-02 | Senior Planner | 45,145.00 | |
| | | Administrative Planner | 38,058.00 | |
| | | Associate Planner | 42,789.00 | |
| | | | | 196,146.00 |
| | 411-06 | Plan Commission 9 @ $600 | 5,400.00 | |
| | | BZA Members 5 @ $375 | 1,875.00 | |
| | | | | 7,275.00 |
| | | | | 203,421.00 |
| 2 | SUPPLIES | | | |
| | Operating Supplies | | | |
| | 422-01 | Operating Supplies | 4,000.00 | |
| | | | | 4,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Communication and Transportation | | | |
| | 432-03 | Travel and Training | 3,000.00 | |
| | Other Services and Charges | | | |
| | 439-03 | Subscriptions, Dues, etc. | 1,500.00 | |
| | | | | 4,500.00 |
| | | | | 211,921.00 |

CITY OF MISHAWAKA
2016 BUDGET

CENTRAL SERVICES DEPARTMENT
101-22

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-02 | Assistant 4 @ 49948 | 199,795.00 | |
| | | Fleet Maintenance Technician 6 @ 19.91*2092 | 251,040.00 | |
| | | Group 1: 4 @ 18.89*2092 | 158,992.00 | |
| | | PT maintenance 1040 hrs @ 11.00 | 11,440.00 | |
| | | Reimburse MVH Director 5% | 2,973.00 | |
| | | | | 624,240.00 |
| | Other Services Personal | | | |
| | 411-60 | Overtime | 15,000.00 | |
| | 411-62 | Night Bonus .60/.55 per hour | 5,000.00 | |
| | 411-63 | Longevity | 6,000.00 | |
| | | | | 26,000.00 |
| | | | | 650,240.00 |
| 2 | SUPPLIES | | | |
| | Office Supplies | | | |
| | 421-90 | Office Supplies | 2,000.00 | |
| | Operating Supplies | | | |
| | 422-02 | Gas, Oil, etc. | 1,100,000.00 | |
| | 422-05 | Equipment/ Vehicle/Maint Supplies | 100,000.00 | |
| | Other Supplies | | | |
| | 429-08 | Uniform/ Supplies | 4,000.00 | |
| | | | | 1,206,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Professional Services | | | |
| | 431-09 | Health Screenings/ Vaccines | 1,000.00 | |
| | Communication and Transportation | | | |
| | 432-03 | Travel and Training | 1,500.00 | |
| | Repairs and Maintenance | | | |
| | 436-01 | Building Repair / Equipment/Maint | 67,000.00 | |
| | Rentals | | | |
| | 437-05 | Uniforms | 5,000.00 | |
| | Other Services and Charges | | | |
| | 439-09 | Miscellaneous Charges | 2,500.00 | |
| | | | | 77,000.00 |
| | | | | 1,933,240.00 |

CITY OF MISHAWAKA
2016 BUDGET

REDEVELOPMENT
101-28

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-02 | TIF Construction Manager | 58,802.00 | |
| | | Program Construction Manager | 53,251.00 | |
| | | Grant Manager | 48,714.00 | |
| | | Program Coordinator | 37,299.00 | |
| | | | | 198,066.00 |
| 2 | SUPPLIES | | | |
| | Office Supplies | | | |
| | 421-90 | Office Supplies | 1,000.00 | |
| | | | | 1,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Professional Services | | | |
| | 431-04 | Professional Services | 239,000.00 | |
| | Communication and Transportation | | | |
| | 432-03 | Travel and Training | 2,000.00 | |
| | Printing and Advertising | | | |
| | 433-02 | Publications | 800.00 | |
| | | | | 241,800.00 |
| | | | | 440,866.00 |

CITY OF MISHAWAKA
2016 BUDGET

CEMETERY
101-29

| | | | |
|---|---|---|---|
| 3 | OTHER SERVICES AND CHARGES | | |
| | Other Services and Charges | | |
| | 439-09 Maintenance | 25,000.00 | |
| | | | 25,000.00 |

RECYCLING
101-30

| | | | |
|---|---|---|---|
| 2 | SUPPLIES | | |
| | Operating Supplies | | |
| | 422-01 Operating Supplies | 5,000.00 | |
| | | | 5,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | |
| | Other Services and Charges | | |
| | 439-10 Disposal Charges | 15,000.00 | |
| | | | 15,000.00 |
| | | | 20,000.00 |

CITY OF MISHAWAKA
2016 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-01 | Street Commissioner | 59,453.00 | |
| | 411-02 | Office Manager | 32,128.00 | |
| | | Secretary | 31,688.00 | |
| | | Group 1: 32 @ 18.89*2092 | 1,265,660.00 | |
| | | CS reimburse 1.55 for assts. | 77,421.00 | |
| | | | | 1,466,350.00 |
| | Other Services Personal | | | |
| | 411-60 | Overtime | 81,500.00 | |
| | 411-62 | Night Bonus .60/.55 per hr | 8,000.00 | |
| | 411-63 | Longevity | 21,000.00 | |
| | 411-64 | FTO (Flexible Time Off) Plan | 8,000.00 | |
| | | | | 118,500.00 |
| | Employee Benefits | | | |
| | 413-01 | Social Security | 94,000.00 | |
| | 413-02 | Medicare | 23,000.00 | |
| | 413-03 | PERF 14.2% | 215,000.00 | |
| | 413-04 | Unemployment | 5,000.00 | |
| | 413-05 | Employee Ins Benefits | 470,000.00 | |
| | 413-06 | Life Insurance | 2,000.00 | |
| | | | | 809,000.00 |
| | | | | 2,393,850.00 |
| 2 | SUPPLIES | | | |
| | Office Supplies | | | |
| | 421-90 | Office Supplies | 1,500.00 | |
| | Operating Supplies | | | |
| | 422-02 | Gas, Oil, etc. | 200,000.00 | |
| | Repair and Maintenance Supplies | | | |
| | 423-03 | Equipment/ Parts, Supplies | 160,000.00 | |
| | Other Supplies | | | |
| | 429-08 | Uniform Supplies | 8,000.00 | |
| | 429-13 | Traffic Supplies | 36,000.00 | |
| | | | | 405,500.00 |

CITY OF MISHAWAKA
2016 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

3 OTHER SERVICE AND CHARGES

| | | | |
|---|---|---|---|
| Professional Services | | | |
| 431-04 | Snow Removal | 5,000.00 | |
| 431-09 | Health Screenings/ Vaccines | 6,000.00 | |
| Communication and Transportation | | | |
| 432-03 | Travel and Training | 5,000.00 | |
| 432-04 | Telephone/ Paging | 10,000.00 | |
| Printing and Advertising | | | |
| 433-02 | Publications | 600.00 | |
| Insurance | | | |
| 434-90 | Insurance Premiums/Deductible | 150,000.00 | |
| Utility Service | | | |
| 435-01 | MU Charges | 135,000.00 | |
| 435-02 | NIPSCO | 100,000.00 | |
| Repairs and Maintenance | | | |
| 436-01 | Building/ Equipment Repair | 225,000.00 | |
| Rentals | | | |
| 437-05 | Uniforms | 8,000.00 | |
| Other Services and Charges | | | |
| 439-09 | Miscellaneous Charges | 3,000.00 | |
| | | | 647,600.00 |
| | | | 3,446,950.00 |

CITY OF MISHAWAKA
2016 BUDGET

LOCAL ROAD AND STREET
202-50

4 CAPITAL OUTLAYS

Improvements other than Buildings

| | | |
|---|---|---|
| 442-01 | Street Repair/Summer Program | 500,000.00 |
| | | 500,000.00 |

CITY OF MISHAWAKA
2016 BUDGET

PARK AND RECREATION
204-50

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-01 | Department Head | 63,527.00 | |
| | 411-02 | Regular Employees | 464,502.00 | |
| | | Group 1: 14 @18.89*2092 | 554,380.00 | 1,082,409.00 |
| | | Reimburse CS Assts. 1.25 | 62,437.00 | |
| | | Reimburse MVH director 5% | 2,973.00 | 65,410.00 |
| | 411-03 | Temporary/Summer Help | 377,000.00 | 377,000.00 |
| | | | | 1,524,819.00 |
| | Other Services Personal | | | |
| | 411-60 | Overtime | 66,000.00 | |
| | 411-62 | Night Bonus | 5,000.00 | |
| | 411-63 | Longevity | 18,225.00 | |
| | 411-64 | FTO | 15,000.00 | 104,225.00 |
| | Employee Benefits | | | |
| | 413-01 | Social Security | 100,000.00 | |
| | 413-02 | Medicare | 24,000.00 | |
| | 413-03 | PERF 14.2% | 169,000.00 | |
| | 413-04 | Unemployment | 5,000.00 | |
| | 413-05 | Employee Insurance Benefits | 310,000.00 | |
| | 413-06 | Life Insurance | 1,500.00 | 609,500.00 |
| | | | | 2,238,544.00 |
| 2 | SUPPLIES | | | |
| | Office Supplies | | | |
| | 421-90 | Office Supplies | 8,000.00 | |
| | Operating Supplies | | | |
| | 422-02 | Gas, Oil, Parts, etc. | 73,000.00 | |
| | Other Supplies | | | |
| | 429-09 | Merrifield Complex Supplies | 30,000.00 | |
| | 429-14 | Maintenance Supplies | 60,000.00 | |
| | 429-15 | Program Supplies | 30,000.00 | |
| | 429-18 | Athletic Event Supplies | 20,000.00 | |
| | 429-20 | Golf Course Supplies | 30,000.00 | |
| | 429-21 | Concessions | 60,000.00 | |
| | | | | 311,000.00 |

CITY OF MISHAWAKA
2016 BUDGET

PARK AND RECREATION
204-50

| | | | | |
|---|---|---|---|---|
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Professional Services | | | |
| | 431-09 | Health Screenings/Vaccines | 8,000.00 | |
| | Communication and Transportation | | | |
| | 432-02 | Postage and Freight | 2,000.00 | |
| | 432-03 | Travel and Training | 3,000.00 | |
| | 432-04 | Telephone | 7,000.00 | |
| | Printing and Advertising | | | |
| | 433-01 | Printing/Newsletter etc. | 11,500.00 | |
| | Insurance | | | |
| | 434-90 | Insurance Premiums/Deductibles | 120,000.00 | |
| | Utility Services | | | |
| | 435-01 | MU/AEP Charges | 335,000.00 | |
| | 435-02 | NIPSCO | 50,000.00 | |
| | Repairs and Maintenance | | | |
| | 436-01 | Equipment/Facility Repair | 60,000.00 | |
| | 436-90 | Service Contracts | 90,000.00 | |
| | Rentals | | | |
| | 437-05 | Uniforms/Port-o-lets | 11,500.00 | |
| | Other Services and Charges | | | |
| | 439-03 | Subscription, Dues, etc. | 1,400.00 | |
| | 439-09 | Miscellaneous/Charges | 1,000.00 | |
| | 439-18 | Instructor Fees | 28,000.00 | |
| | 439-19 | Official/Referee Fees | 5,000.00 | |
| | 439-21 | Recreation Event/Entertainment | 28,000.00 | |
| | 439-93 | Sales Tax | 25,000.00 | |
| | | | | 786,400.00 |
| | | | | 3,335,944.00 |

CITY OF MISHAWAKA
2016 BUDGET

PARK AND RECREATION NON-REVERTING
214-50

| | | | |
|---|---|---|---|
| 3 | OTHER SERVICES AND CHARGES | | |
| | Professional Services | | |
| | 436-90 Animal Control | 15,000.00 | |
| | | | 15,000.00 |
| 4 | CAPITAL OUTLAYS | | |
| | Improvements Other than Buildings | | |
| | 443-94 Softball Field/Diamond Improve. | 10,000.00 | |
| | 443-99 Merrifield Improvements | 10,000.00 | |
| | Machinery and Equipment | | |
| | 444-12 Golf Course | 115,000.00 | |
| | | | 135,000.00 |
| | | | 150,000.00 |

CITY OF MISHAWAKA
2016 BUDGET

LAW ENFORCEMENT CONTINUING EDUCATION
210-50

| | | | |
|---|---|---|---|
| 2 | SUPPLIES | | |
| | Operating Supplies | | |
| | 422-01 Operating Supplies | 30,000.00 | |
| | 422-36 Ammunition | 25,000.00 | |
| | | | 55,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | |
| | Communication and Transportation | | |
| | 432-03 Travel and Training | 20,000.00 | |
| | | | 20,000.00 |
| 4 | CAPITAL OUTLAYS | | |
| | Machinery and Equipment | | |
| | 445-08 Equipment/Vests | 45,000.00 | |
| | | | 45,000.00 |
| | | | 120,000.00 |

RAINY DAY PUBLIC SAFETY
246-50

| | | | |
|---|---|---|---|
| 4 | CAPITAL OUTLAYS | | |
| | Machinery and Equipment | | |
| | 445-08 Police Equipment | 2,519.00 | |
| | | | 2,519.00 |

CITY OF MISHAWAKA
2016 BUDGET

PUBLIC SAFETY
211-50

| | | | | |
|---|---|---|---|---|
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Professional Services | | | |
| | 431-11 | New Hire Physicals - Police/Fire | 52,000.00 | |
| | Communication and Transportation | | | |
| | 432-03 | Travel and Training - Fire | 25,000.00 | |
| | Repairs and Maintenance | | | |
| | 436-01 | Radio System Maintenance Contract | 505,000.00 | |
| | 436-90 | Service Contract - Police/Fire | 250,000.00 | |
| | Other Services and Charges | | | |
| | 438-01 | Fire Station Lease Payment | 326,847.00 | |
| | 438-01 | Fire Truck Lease Payment | 66,200.00 | |
| | 439-95 | PSAP | 370,000.00 | |
| | | | | 1,595,047.00 |
| 4 | CAPITAL OUTLAYS | | | |
| | Improvements Other than Building | | | |
| | 443-93 | Fire Dept Improvements | 40,500.00 | |
| | 444-05 | Clinic Improvements | 358,306.00 | |
| | Machinery and Equipment | | | |
| | 445-05 | Modems | 220,000.00 | |
| | 445-08 | Police Equipment | 81,500.00 | |
| | 445-09 | Police Cars - with equipment | 280,000.00 | |
| | 445-13 | Fire Department Equipment | 90,000.00 | |
| | | | | 1,070,306.00 |
| | | | | 2,665,353.00 |

CITY OF MISHAWAKA
2016 BUDGET

CUMULATIVE CAPITAL DEVELOPMENT
417-50

| | | | |
|---|---|---|---|
| 3 | OTHER SERVICES AND CHARGES | | |
| | Repairs and Maintenance Supplies | | |
| 436-90 | Service Contracts/Software Maintenance | 325,000.00 | |
| | | | 325,000.00 |
| 4 | CAPITAL OUTLAYS | | |
| | Machinery and Equipment | | |
| 445-11 | Computer Equipment/Software | 225,000.00 | |
| | Permitting Software | 100,000.00 | |
| | | | 325,000.00 |
| | | | 650,000.00 |

CUMULATIVE SEWER FUND
432-50

| | | | |
|---|---|---|---|
| 3 | OTHER SERVICES AND CHARGES | | |
| | Professional Services | | |
| 431-04 | Professional Services | 250,000.00 | |
| | | | 250,000.00 |
| 4 | CAPITAL OUTLAYS | | |
| | Improvements Other than Buildings | | |
| 445-21 | Storm/Sanitary Reconstruction | 250,000.00 | |
| | | | 250,000.00 |
| | | | 500,000.00 |

CITY OF MISHAWAKA
2016 BUDGET

CEDIT
430-50

| | | | | |
|---|---|---|---|---|
| 2 | SUPPLIES | | | |
| | Operating Supplies | | | |
| | 422-01 | Operating Supplies | 50,000.00 | |
| | Repair and Maintenance Supplies | | | |
| | 423-01 | Street Material/Dust Control | 150,000.00 | |
| | Other Supplies | | | |
| | 429-17 | Landscaping Supplies/Chemicals | 125,000.00 | |
| | 429-91 | Salt | 250,000.00 | |
| | | | | 575,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Professional Services | | | |
| | 431-04 | Chamber of Commerce | 50,000.00 | |
| | | Work One - SMART | 25,000.00 | |
| | 431-06 | Consulting | 200,000.00 | |
| | 436-01 | City Maintenance | 250,000.00 | |
| | 436-90 | Engineering Maintenance | 100,000.00 | |
| | 436-93 | Signal Maintenance | 100,000.00 | |
| | Other Services and Charges | | | |
| | 439-95 | PSAP | 370,000.00 | |
| | | | | 1,095,000.00 |
| 4 | CAPITAL OUTLAYS | | | |
| | Improvements Other than Buildings | | | |
| | 442-01 | Paving | 300,000.00 | |
| | 442-04 | Sidewalk and Curb Program | 300,000.00 | |
| | 442-11 | Mary Gibbard | 500,000.00 | |
| | 443-99 | Pool Liner | 350,000.00 | |
| | Machinery and Equipment | | | |
| | 444-12 | Park Equipment | 170,000.00 | |
| | 445-02 | MVH Equipment | 240,000.00 | |
| | 445-06 | Central Services Equipment | 120,000.00 | |
| | Other Capital Outlays | | | |
| | 445-17 | Park Capital Improvement Plan-Twin Branch | 250,000.00 | |
| | 449-01 | Clinic | 407,166.00 | |
| | | | | 2,637,166.00 |
| | | | | 4,307,166.00 |

CITY OF MISHAWAKA
2016 BUDGET

FIRE PENSION
702-50

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-02 | Secretary Salary | 3,000.00 | |
| | | Pension Board Members | | |
| | | 5 @ 750.00 per yr | 3,750.00 | |
| | 411-05 | Pension Benefits | 2,198,000.00 | |
| | 411-07 | Death Benefits | 60,000.00 | |
| | | | | 2,264,750.00 |
| 2 | SUPPLIES | | | |
| | Office Supplies | | | |
| | 429-09 | Misc Supplies | 1,000.00 | |
| | | | | 1,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Professional Services | | | |
| | 431-01 | Legal Fees | 2,000.00 | |
| | Communication and Transportation | | | |
| | 432-03 | Travel and Training | 500.00 | |
| | Repairs and Maintenance | | | |
| | 436-01 | Equipment Repair | 500.00 | |
| | | | | 3,000.00 |
| | | | | 2,268,750.00 |

CITY OF MISHAWAKA
2016 BUDGET

POLICE PENSION
703-50

| | | | | |
|---|---|---|---|---|
| 1 | PERSONAL SERVICES | | | |
| | Salaries and Wages | | | |
| | 411-02 | Secretary Salary | 3,000.00 | |
| | 411-05 | Pension Benefits | 1,422,000.00 | |
| | 411-07 | Death Benefits | 60,000.00 | |
| | | | | 1,485,000.00 |
| 3 | OTHER SERVICES AND CHARGES | | | |
| | Professional Services | | | |
| | 431-01 | Legal Fees | 2,500.00 | |
| | Communication and Transportation | | | |
| | 432-03 | Travel and Training | 450.00 | |
| | | | | 2,950.00 |
| | | | | 1,487,950.00 |

## Expenditure Budget Comparison
## General Fund

| Department | 2015 Budget | 2016 Budget | $ Change | % Change | % of 2016 Total Budget |
|---|---|---|---|---|---|
| Mayor | 159,793 | 161,740 | 1,947 | 1.2% | 0.31% |
| Controller | 4,297,705 | 6,795,911 | 2,498,206 | 58.1% | 12.84% |
| Clerk | 165,917 | 167,183 | 1,266 | 0.8% | 0.32% |
| Human Resources | 137,259 | 137,578 | 319 | 0.2% | 0.26% |
| IT | 311,307 | 348,113 | 36,806 | 11.8% | 0.66% |
| Law | 184,775 | 193,987 | 9,212 | 5.0% | 0.37% |
| Council | 110,201 | 111,462 | 1,261 | 1.1% | 0.21% |
| Engineering | 320,495 | 328,542 | 8,047 | 2.5% | 0.62% |
| Code | 304,707 | 307,341 | 2,634 | 0.9% | 0.58% |
| Building | 201,602 | 203,556 | 1,954 | 1.0% | 0.38% |
| Fire | 11,152,837 | 11,423,440 | 270,603 | 2.4% | 21.58% |
| Police | 10,655,793 | 10,682,404 | 26,611 | 0.2% | 20.18% |
| Planning | 209,978 | 211,921 | 1,943 | 0.9% | 0.40% |
| CMP/Central Services | 1,916,809 | 1,933,240 | 16,431 | 0.9% | 3.65% |
| Redevelopment | 440,602 | 440,866 | 264 | 0.1% | 0.83% |
| Cemetery | 25,000 | 25,000 | - | 0.0% | 0.05% |
| Recycling | 20,000 | 20,000 | - | 0.0% | 0.04% |
| **Fund Totals** | 30,614,780 | 33,492,284 | 2,877,504 | 9.4% | 63.3% |

## Civil City Budget Comparison
## All Appropriated Funds

| Fund | 2015 Budget | 2016 Budget | $ Change | % Change | % of 2016 Total Budget |
|---|---|---|---|---|---|
| General | 30,614,780 | 33,492,284 | 2,877,504 | 9.4% | 63.28% |
| Park and Recreation | 3,258,974 | 3,335,944 | 76,970 | 2.4% | 6.30% |
| Other Operating Funds | | | | | |
| Law Enforcement Con't E | 50,000 | 120,000 | 70,000 | 140.0% | 0.23% |
| Park Non - Reverting | 166,000 | 150,000 | (16,000) | -9.6% | 0.28% |
| Public Safety | 3,146,813 | 2,665,353 | (481,460) | -15.3% | 5.04% |
| Rainy Day Public Safety | - | 2,519 | 2,519 | 0.0% | 0.00% |
| Pension Funds | | | | | |
| Fire Pension | 2,285,750 | 2,268,750 | (17,000) | -0.7% | 4.29% |
| Police Pension | 1,467,108 | 1,487,950 | 20,842 | 1.4% | 2.81% |
| MVH Funds | | | | | |
| Local Road & Street | 500,000 | 500,000 | - | 0.0% | 0.94% |
| Motor Vehicle Highway | 3,330,760 | 3,446,950 | 116,190 | 3.5% | 6.51% |
| Cumulative Sewer | 500,000 | 500,000 | - | 0.0% | 0.94% |
| Capital Fund | | | | 0.0% | 0.00% |
| Cum. Cap. Development | 225,000 | 650,000 | 425,000 | 188.9% | 1.23% |
| Cumulative Fire | 15,000 | - | (15,000) | -100.0% | 0.00% |
| CEDIT | 4,404,166 | 4,307,166 | (97,000) | -2.2% | 8.14% |
| Bond & Lease Funds | | | | | |
| Municipal Bond | | | | | |
| **Gross Totals** | 49,964,351 | 52,926,916 | 2,962,565 | 5.93% | |
| Internal Service Charges: | | | | | |
| Operating Transfers: | | | | | |
| **Net Totals** | 49,964,351 | 52,926,916 | 2,962,565 | 5.93% | 100.00% |

## Civil City Budget Comparison By Category
## Appropriated Funds - with Adjustments

| Department | 2015 Budget | 2016 Budget | $ Change | % Change | Total Budget |
|---|---|---|---|---|---|
| 100 - Personal Services | 34,491,285 | 34,833,941 | 342,656 | 1.0% | 65.82% |
| 200 - Supplies | 3,212,950 | 2,963,500 | (249,450) | -7.8% | 5.60% |
| 300 - Other Services & Charge | 7,497,644 | 7,664,484 | 166,840 | 2.2% | 14.48% |
| 400 - Capital Outlays | 4,762,472 | 7,464,991 | 2,702,519 | 56.7% | 14.10% |
| **Fund Totals** | 49,964,351 | 52,926,916 | 2,962,565 | 5.93% | 100.00% |

1st Reading
2nd Reading
Passed
Failed
Continued To

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

PROPOSED ORDINANCE NO. 2015- 26

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE 5457 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT THE SWORN FIRE AND POLICE, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2015.

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

**Section 1**. Ordinance number 5457 passed by the Common Council of the City of Mishawaka, Indiana, on the 20th of October, 2014 is hereby amended as follows:

| **Planning Department** | Annual | Bi-Weekly Salary Beginning January 2, 2015 |
|---|---|---|
| SENIOR PLANNER/ECONOMIC SPECIALIST | 49,200 | $1,822.22 |

**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 _____2015, at _____o'clock, p.m.

_____
Presiding Officer

ATTEST:

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

PRESENTED BY ME, to the Mayor on this ___ day of _____, 2015,

at_____o'clock, p.m.

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

APPROVED BY ME this ___ day of_____, 2015, at _____o'clock, p.m.

_____
David A. Wood, Mayor

# CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: October 2, 2015

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: **2015** City salary ordinance amendment

For first reading on Monday there will be an amendment to this year's salary ordinance as mentioned in the Planning department budget meeting. With the resent resignation of the Senior Planner, Ken Prince has revised the job description and added more responsibilities relating to economic development duties. The pay will be commensurate with the additional duties increasing to $49,200 annually from $44,698.

Please contact me with any questions.

c: David A. Wood, Mayor
Ken Prince, City Planner

# CITY OF MISHAWAKA
# ECONOMIC-COMMUNITY DEVELOPMENT-PLANNING

## A. JOB TITLE

Senior Planner/Economic Development Specialist

## B. DEFINITION

Employee is responsible for providing professional planning and economic development support to the Department of City Planning and Community Development including coordinating review for land use, tax abatement, subdivision and site plans, evaluating applications, and making recommendations to the Plan Commission, Board of Zoning Appeals, and Redevelopment Commission. The employee is also responsible for performing a wide variety of land use planning and economic development functions. Functions include but are not limited to working with the public, issuing permits, preparing codes and ordinances, and contributing to the long range planning efforts of the City. Employee reports to and receives supervision from the Executive Director.

## C. EQUIPMENT USED

| | | | | | |
|---|---|---|---|---|---|
| 1. | IBM Compatible Computer | 5. | Digital Video Camera | 7. | Facsimile Machine |
| 2. | Digital Camera | 6. | Scanner | 8. | Drafting Equipment |
| 4. | Daily access to a City Vehicle as needed | 7. | Computer Printers | 9. | Copier |

## D. JOB LOCATION

Eighty percent of the work is performed in a private office. Approximately twenty percent of the work may be in the field. The field could include but shall not limited to public meetings, civic meetings, construction coordination, site investigations, training, seminars, educational activities, as well as, attendance at relevant meetings outside the community.

## E. PHYSICAL REQUIREMENTS

The employee will perform tasks through:

| | | | | | |
|---|---|---|---|---|---|
| 1. | Manual Dexterity | 5. | Light Lifting | 9. | Visual Review/Observation |
| 2. | Walking | 6. | Driving | 10. | Drawing/Drafting |
| 3. | Sitting | 7. | Public Speaking | 11. | Critical Thinking |
| 4. | Bending | 8. | Professional Writing | | |

## F. ENVIRONMENTAL/WORKING CONDITIONS

Working conditions within the office suite cubicles are climate controlled, and quiet. Out of doors work is subject to all types of weather. The position requires occasional travel and investigations in poor weather conditions. The position requires visiting construction sites with debris and hazards typically associated with construction work.

## G. ESSENTIAL FUNCTIONS OF THE JOB

1. Serves as the principal staff member for Plan Commission and Board of Zoning Appeals cases. Position prepares staff reports including site investigations, digital photography, and preparation of graphics necessary to convey appropriate professional information and recommendations. Position prepares the individual site maps, reviews legal descriptions, and reviews applications for all Administrative, Plan Commission and Board of Zoning Appeals cases. Attendance at evening Plan Commission and Board of Zoning Appeals meetings is mandatory.
2. The Department of City Planning serves as the clearing house for development related projects and requests. Position is responsible for the distribution of plans and proposals to the various department heads for comments. The position serves as the lead communication contact for the City regarding pending projects.
3. Responsible for working with developers who have an interest in developing projects within the municipal limits or immediately outside city boundaries.
4. Day to day activities include, but are not limited to, providing information to the general public on matters relating to zoning, rezoning, annexations, vacations of public right of way, subdivision regulations, sign control, floodplains, historic buildings, and economic development.
5. Responsible for issuing Improvement Location Permits for Construction within the City including evaluating construction projects relative to the National Flood Insurance Program (NFIP). Responsibilities include reviewing documentation and issuing acknowledgement letters for legal non-conforming uses.
6. Position is responsible for conducting limited enforcement duties including conducting site investigations and writing letters regarding violations of the Zoning Ordinance, Subdivision Control Ordinance, and Sign Ordinance.
7. The Department of City Planning is a smaller office with limited staff resources. As such, the position is responsible for assisting with any functions normally performed by other staff members to insure the smooth operation of the department.
8. Position is responsible for providing assistance in the preparation of fiscal plans associated with both voluntary and involuntary annexations. Work may include researching applicable property owners, tax information, and other records.
9. The Department of City Planning serves a repository for information and records. As such, this position assists in the continual preservation and maintenance of maps, records, and files associated with the work of the Department.
10. Assists the Director in coordinating smaller construction projects not typically associated with the Board of Public Works road and utility work, including parks, riverwalk, and associated development projects.
11. Assists in the preparation and revision of land use codes and ordinances as determined by the Director. Ability to learn and create a working knowledge of the Indiana Code is helpful to perform the tasks associated with this position.
12. Assist in the preparation of Historic Preservation Districts including ordinances, maps, preservation guidelines, and standards.
13. Coordinates and manages the tax abatement records of the City including working with area businesses from contact, to yearly CF-1 form compliance.
14. Assists the director in coordinating and managing the City's Tax Increment Financing District. Responsible for assisting in preparing district amendments and on-going project and revenue analysis as may be directed.
15. Responsible for regularly attending Redevelopment Commission and City Council meetings on an as needed basis.

## H. ADDITIONAL REQUIRED WORK PERFORMED

Because of the variation of duties it is not possible to list all additional work which may be occasionally performed. It is necessary to understand that the Director may assign a variety of other tasks as may be required to ensure that the Department of City Planning operates smoothly.

## I. REQUIRED KNOWLEDGE AND ABILITIES

1. Professional writing and verbal communication skills.
2. Ability to work with the public.
3. Knowledge of land use codes and ordinances.
4. Knowledge of tax abatement and use of tax increment financing.
5. Creative thinking regarding problems and solutions.
6. Drafting and cartography skills helpful.
7. Working knowledge of personal computers, spread sheets, and related office software.
8. Ability to review construction drawings for the built environment.
9. Knowledge of AutoCAD and Geographic Information Systems (ERSI).

## J. QUALIFICATIONS

A minimum of:

1. Undergraduate degree in urban planning, landscape architecture, or appropriately related field.
2. Five years of progressively responsible land use planning experience
3. A Graduate degree in urban planning, landscape architecture, or appropriately related field may substitute for up to two years of experience.
4. A valid Indiana Drivers License is required.

Preferred:

1. Certified by the American Institute of Certified Planners (AICP)
2. A Professional License in Landscape Architecture (RLA), Council of Landscape Architecture Registration Board.