

AGENDA

Monday, January 4, 2016

**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**

ELECTION OF OFFICERS

- 4. Approval of the Minutes of the Previous Regular Meeting**

12-21-2015

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

Petition No. 2016-03 Rezone from C-1 Commercial to S-2 PUD for Residential Use - North of 124 Cedar Rd

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**
- 8. Resolutions**
- 9. Ordinances on Second Reading**

P.O. NO. 2015-43 Amend the PUD Toscana Park Development for a Comprehensive Sign Program and Tenant Sign Toscana Park Shopping Center (Assigned to Land Use Planning Center)

P.O. NO. 2015-44 Rezone from R-1 Single Family to R-2 Two Family Residential - 128 S. Home St. (Assigned to Land Use Planning Committee)

P.O. NO. 2015-45 Vacation Right of Way of a 20' x 20' area adjacent to 1217 7th St. (Assigned to Land Use Planning Committee)

- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**
- 12. New Business**

Council Committees, Council Attorney, Appointments to Various Boards and Commissions, Conflict of Interest

- 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
December 21, 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, December 21, 2015, at 7:00 p.m. The meeting was called to order by Council President Woody Emmons and all were asked to stand for the Pledge of Allegiance.

Others present; Council Attorney, Mike Trippel, Chief Deputy I Mary Ellen Hazen, Chief Deputy II Linda Dotson.

Roll Call.

Present: Mr. Reisdorf, Mr. Banicki, Ms. Voelker, Mr. Roggeman, Mr. Mammolenti, Mr. Compton, Mr. Bellovich, Mr. Bilancio, Mr. Emmons.

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

Clerk Block read a letter from the City Plan Commission regarding Recommendations from their, December 8, 2015 Public Hearing.

PETITION #15-31 A request submitted by Great Lakes Capital requesting to amend the Toscana Park Planned Unit Development to modify the previously approved sign program.

The Commission, with a vote of 6-0, recommended approval subject to the following conditions:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 30+ acre site) and to otherwise further the intent of this chapter as follows. All freestanding signage shall otherwise be designed as per the applicable City requirements.
 - a. A maximum of four (4) monument type signs may be located along Gumwood Road, provided the minimum separation between signs shall be 150 linear feet. The maximum standard for area and height calculations for monument signs shall be further restricted as follows: the maximum sign area shall be limited to a maximum of 60 square feet with a maximum length of any sign not to exceed 12 feet.
 - b. One freestanding identification/development sign for the entire planned unit development (not just for one tenant/occupant) may be permitted in addition to the aforementioned monument signage to be located at the main entrance to the development on Gumwood Road. Size shall be limited to a maximum of 12 feet in height and 96 square feet in area.
 - c. All freestanding signs shall have a masonry base.
2. Temporary signs, including those in windows, shall be prohibited for all outlots regardless of proposed use.
3. Internal directory kiosks may be placed strategically around the center to help customers locate businesses and retailers. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from Gumwood Road.

4. Animated/electronic reader boards shall be prohibited for all parcels.

PETITION #15-38 A petition submitted by Robert C. Leiz requesting to rezone **128 South Home Street** from R-1 Single Family Residential District to R-2 Two-Family Residential District.

The Commission, with a vote of 6-0, recommended approval.

PETITION #15-40 A petition submitted by J. D. Enterprises and Janco Engineered Products, LLC, requesting to vacate a 20' X 20' area of public right-of-way adjacent to **1217 East Seventh Street**.

The Commission, with a vote of 6-0, 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.

A public hearing on **Vacation 2015-06**, as required by State Statute on behalf of J.D. Enterprises, Jim DeWald and Janco Engineered Products, LLC. Peter Giczewski, President of Janco requested a vacation of Public Right of Way of a 20' x 20' area adjacent to 1217 West 7th Street, Mishawaka.

Mr. Emmons Closed the hearing on **Vacation 2015-06** at 7:05. p. m.

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

PROPOSED ORDINANCE NO. 2015-43

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

Amend the PUD Toscana Park Development for a Comprehensive Sign Program and Tenant Sign Toscana Park Shopping Center
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2015-44

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

Rezone from R-1 Single Family to R-2 Family Residential 128 S. Home St.
(Assign to Land Use Planning)

PROPOSED ORDINANCE NO. 2015-45

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 Right of Way of a 20’X 20’ area adjacent to 1217 West 7th Street)
(Assigned to Land Use Planning)

PROPOSED ORDINANCE NO. 2015-46

Clerk Block read **PROPOSED ORDINANCE NO. 2015-46** opening it for public hearing.

AN ORDINANCE AMENDING ORDINANCE 5500 FIXING THE SALARIES OF ALL 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, 2016

(Amendment to 2016 City Salary Ordinance Senior Planner/Economic Development Specialist Requesting Second Reading)

Mr. Roggeman made a motion to waive Council rules and hear first and second reading of this proposed ordinance at this meeting, with a second by Mr. Banicki the motion carried.

Becky Miller, City Controller said this position had an increase and was not updated in the Salary Ordinance and they amended the ordinance to reflect the same.

Mr. Banicki asked how much of an increase this was. Ms. Miller stated it was 1% from the 2015 wage.

Question was called for at 7:09 p.m. on **PROPOSED ORDINANCE NO. 2015-46**

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Bellovich, Mr. Bilancio, Mr. Banicki, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Ms. Voelker. **THUS IT BECOMES ORDINANCE NO.5515**

Clerk Block read **PROPOSED ORDINANCE NO. 2015-38** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-38

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

(Rezone from C-1 to C-10 Convenience Store, Gas Pumps
North West corner Douglas Road and 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.

Stephen Studer, Attorney with Kreig & DeVault, 4101 Edison Lakes Parkway, Mishawaka, said they represent the owners and contingent purchasers. He said with him was Michael Danch from Danch, Harner & Associates, Inc. 1643 Commerce Drive, South Bend. George Cressy representing the owners of the property and Todd Besler, representing Family Express the contingent purchaser. Mr. Danch handed out a booklet which was very similar to the one they received for the Family Express when approved by the Council for Edison and Hickory with a couple of differences which they would like to discuss. Mr. Studer said they have added additional ground water protection to this petition. He said the difference with this location was the environmental concerns and conditions given this location. Mr. Studer had a hand out dealing with this matter and stated Mr. McNamara, County Surveyor said he would appreciate it if the Juday Creek Task Force would take a look at the project before the Plan Commission would act on it. He said they found out that Task Force no longer existed so they reconstituted it and brought in officers of MACOG for a meeting, also attending that meeting was Chair Jeremy Reiman, Karl Kopec, City of Mishawaka, Jessica Clark, St. Joseph County Engineer, John Law St. Joseph County Surveyor's Office, J. C. Sporleder from Izaak Walton League and Dr. Ronald Hellenthal from Notre Dame, who has studied Juday Creek for more than three decades. Mr. Studer said the meeting was held at the St. Joseph County City Building and they met for more than an hour and a half and it was pretty much conceded that the concerns people have with liquid storage tanks was not a concern anymore given what state requires. He said they are fiberglass, double walled tanks with sophisticated leak protection systems. Mr. Studer said alarms go off if there are any leaks between the double wall system and these alarms cannot be shut off at the station, it goes to a tech machine that notifies people at Family Express that there was a concern.

Mr. Studer stated the expressed concern regarding smaller leaks like from the nozzle of the dumping tank, Indiana Law requires anything spills over 25 gallons to be reported to the state within 24 hours. He said gasoline is not particularly a big problem; it is made up of volatile organic compounds which evaporate very quickly. Mr. Studer said the oil leaks or spills from cars, that was primarily why gas pumps were covered with canopies to keep rain and water from rinsing this off the site. He said the storm septic systems collect all water from the site, scourers the water from the water pollutants including oils, sludge, solid particles, etc. and then leads clean water back into the discharge system. Mr. Studer stated the city and the council would make inspections on a regular basis. He went on to say if there was ever a large spill the state backs it with a 2 million dollar clean up trust fund. Mr. Studer stated that Dr. Hellenthal, University of Notre Dame, stated that if everyone along this creek followed this procedure Juday Creek would be better off. He said the environmental concerns with this property are essentially non-existent.

Mr. Banicki asked how long Stormsepters have been around and if it can be determined one way or another if they are effective. Mr. Studer stated these systems have been around not sure when they started but they personally have used one 10 years ago at a dentist office that was close to

Juday Creek. He said he would guess they have been around 10 to 20 years, it was not new, it was state of the art technology and expensive. Mr. Banicki asked if there have been any that have failed. Mr. Studer stated none that they were aware of, but they did want the city and the county on board so they can be inspected for a double layer of protection and these systems would be maintained.

Mr. Banicki stated that he and Mr. Emmons met with Mr. Studer and the Family Express people and they mentioned the meeting and he was promised an invitation to that meeting and it never happened and he would like to know why. Mr. Studer said he does not know why that was not their meeting it was scheduled by MACOG and a list of names were given to them and it was open to members of the public. Mr. Banicki said he specifically remembers giving him e-mails to send them the invitations. Mr. Studer said he apologized and said he would take the responsibility of them not getting invited but he was not sure why that happened. He said they only had a few weeks to put the meeting together and MACOG was supposed to take care of the invitations. Mr. Banicki asked how the public was notified. Mr. Studer said there was a public notice. Mr. Banicki said he must have missed that, Mr. Studer said he apologizes for that.

Mr. Banicki said in some of the reading from the Task Force it said specifically, "this system is designed to filter out suspended sediments, free oils, floatables and other pollutants, and this system requires regular maintenance but does not have an alarm to notify if the system requires maintenance." Mr. Banicki asked several questions regarding cleanup of run offs and spillage, he was very concerned about contaminating Juday Creek. Mr. Studer said they have ways of cleaning the water by separating the bad from the good. Mr. Banicki was concerned about long range possibilities like if Family Express were to sell would the new owner be as conscientious. Mr. Extzler General Counsel for Family Express stated they have yet to sell one of their sites as they are very expensive to build and they put in all the amenities. Mr. Banicki asked if any of the mechanisms they have installed ever failed. Mr. Studer said not that they know of. Mr. Emmons stated nothing was infallible but if they go on that assumption they would never pass anything. Mr. Banicki disputed the statement Mr. Cressy made that there was a need for a gas station in this area. He said there are several gas stations in that area.

Mr. Mammolenti said he wanted to express his disappointment about not being notified of the public meeting. Mr. Studer said again he apologizes it was not intentional, it was not his meeting and they too were told when it would be held.

Mr. Cressy said he felt there was a need in this area for a store like Family Express; he was very impressed with the way they run their business. He said it looks and feels like something that would be an appropriate development in this area. Mr. Cressy said he has grown up on Juday Creek and now lives in Winding Brook and would not do anything to endanger the creek. Mr. Banicki stated even though they build it does not mean they would stay there forever. He said the creek was a natural resource and what will have 25-50 years from now we just do not know and it was important to protect these natural resources. He would be voting no.

Beverly Lawrence 14800 Douglas Road said she feels that everything that could be done should be done to protect this creek, nothing is fool proof and there were many other businesses that could go on this site without the possibility of endangering the ground water.

Question was called for at 8:49 p.m. on **PROPOSED ORDINANCE NO. 2015-38**

Vote: Motion passed (**summary:** Yes = 8, No = 1, Abstain = 0). **Yes:** Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Ms. Voelker. **No:** Mr. Banicki. **THUS IT BECOMES ORDINANCE NO. 5516**

Clerk Block read **PROPOSED ORDINANCE NO. 2015-40** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-40

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

Transfer Funds – Street Dept. - \$48,000.00

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

Tim Ryan, Street Commissioner said he was asking for a favorable vote in this transfer to keep parts and supplies, Nipsco bill, and utility bill fluent until the end of the year.

Question was called for at 7:49 p.m. on **PROPOSED ORDINANCE NO. 2015-40**, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Bellovich, Mr. Bilancio, Mr. Banicki, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Ms. Voelker. **THUS IT BECOMES ORDINANCE NO. 5517.**

Clerk Block read **PROPOSED ORDINANCE NO. 2015-41** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-41

AN ORDINANCE AUTHORIZING A CITY PURCHASING CARD ACCOUNT AND ESTABLISHING PROCEDURES FOR THE USE OF THE CITY PURCHASING CARDS

Authorizing a City Purchasing Card Account

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

Becky Miller, City Controller said the city currently has one credit card and is issued to the General Manager of the Utility Office and she controls it through her office. She said various employees use it for travel, many vendors only take a credit card and it was very inconvenient to only have one card. Ms. Miller said what Indiana Cities and Towns endorses was a Purchasing Card and what was nice about this program was it can be issued to certain people with their names on it or to certain departments and they can be turned on an off by computer. Ms. Miller said it would be decided by her and Mayor Wood who would be authorized to use them and what

stores they could be used at as well as what limits would be set on them. Ms. Miller stated there were penalties in place for miss use, along with fraud protection, and the city gets rebates on purchases made, there are many good advantages.

Question was called for at 7:55 p.m. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Bellovich, Mr. Bilancio, Mr. Banicki, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Ms. Voelker. **THUS IT BECOMES ORDINANCE 5518**

Clerk Block read **PROPOSED ORDINANCE NO. 2015-42** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-42

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPROPRIATING FUNDS WITHIN THE BUDGET ADOTPED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2015 (Transfer Funds \$150,000.00)

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

Becky Miller, City Controller said she was seeking favorable approval on these transfer. She said she was expecting a bill from the County for the November 2015 election it was not set up as a line item on the budget a year ago. She said the new employee clinic was paid for out of Public Safety LOIT, CEDIT, and Utilities. Ms. Miller stated the Clinic came in over budget this year due to the construction bids came in higher than the proposed amount.

Mr. Mammolenti asked if there was any one particular thing that was the bulk of that. Ms. Miller stated she does not call specifically it was over all.

Question was called for at 7:49 p.m. on **PROPOSED ORDINANCE NO. 2015-42** **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 9). **Yes:** Mr. Bellovich, Mr. Bilancio, Mr. Banicki, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Ms. Voelker. **Thus it becomes Ordinance No. 5519.**

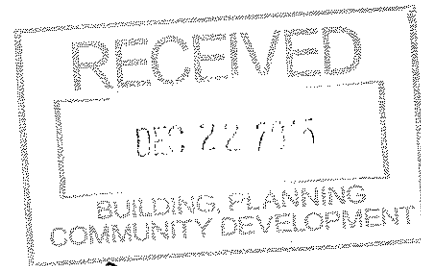
Adjournment was at 8:09 p.m.

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

Mr. Woody Emmons
Mr. Woody Emmons, President Presiding

December 23, 2015

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



Pet 16-03

Re: Petition for Rezoning

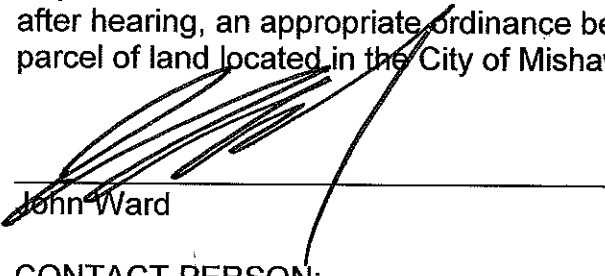
The undersigned, John Ward respectfully show they are the owners of the following described real estate located in the City of Mishawaka, Penn Township, Indiana:

Part of the Northwest Quarter of Section 17, Township, 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at point on the West line of said Section 17, 603.75 feet South of the Northwest corner thereof; thence running east 168 feet; thence North 102 feet; thence East 266 Feet; thence South 286 feet; thence West 464 feet to the West line of said Section 17; thence North on said West line 183.45 feet, more or less to the place of beginning. Together with the West ½ of the vacated alley lying East of and adjacent to the above described real estate.

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 Commercial District. Said property is currently vacant.

Petitioner desires said real estate to be rezoned to S-2 Planned Unit District. Petitioner further states that they intend to utilize said land for residential use. Said property shall have a private cul-de-sac with 10 duplex residential units.

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



John Ward

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
Phone: 574-233-1841

RECEIVED
DEBORAH S. BLOCK, MMC

DEC 30 2015

CITY CLERK
MISHAWAKA, IN

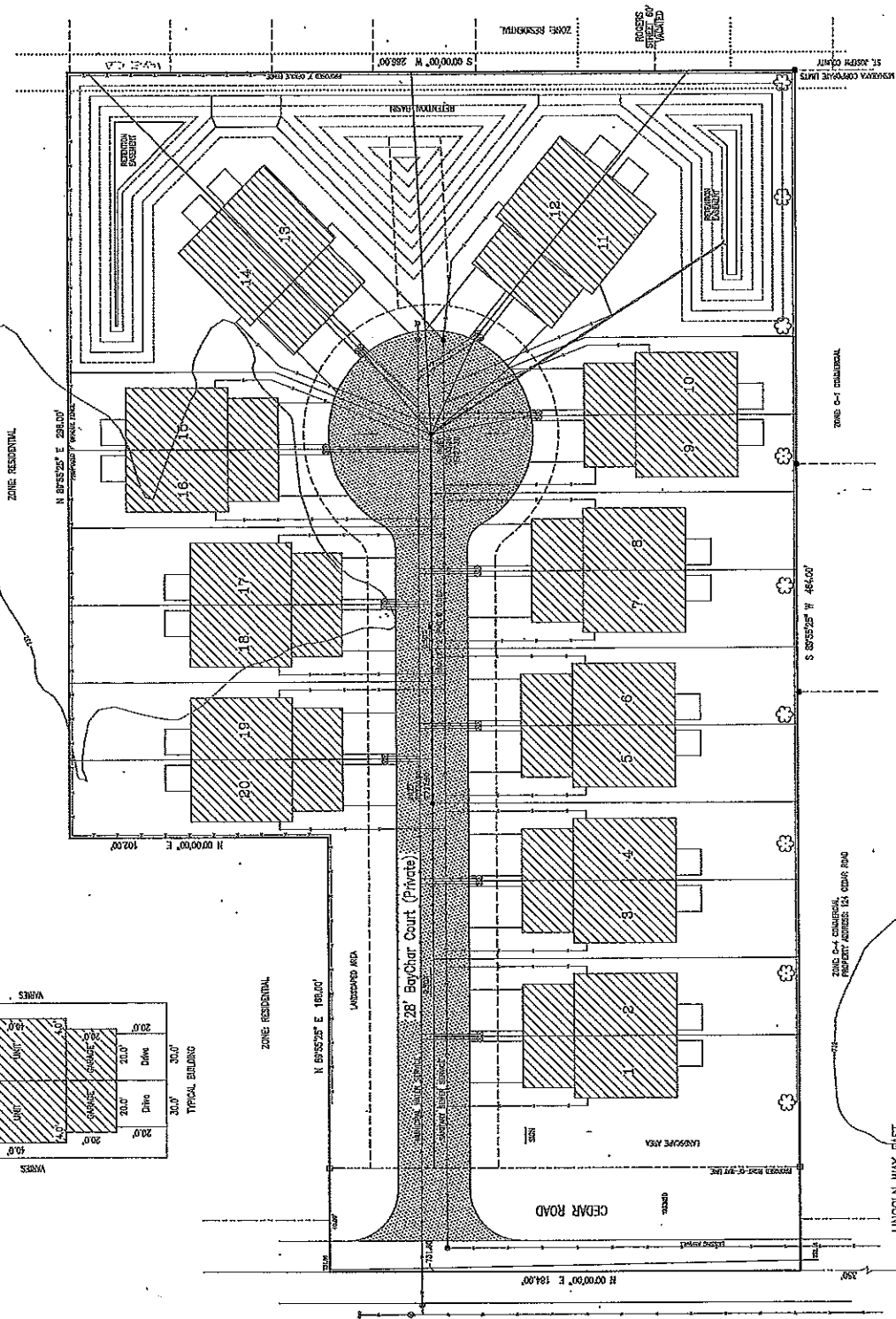
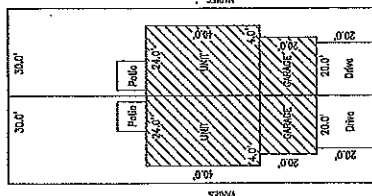
FIERA VISTA VILLAS

PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH,
RANGE 4 EAST, CITY OF MISHAWAKA, PENN. TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

REZONING SITE PLAN

THIS DRAWING IS FOR REZONING CONCEPT AND PLANNING ONLY.

JOHN WARD



RECEIVED
DEC 22 2015
BUILDING PLANNING
COMMUNITY DEVELOPMENT
Per 16-03

- NOTES
1. TOTAL AREA: 2.00 ACRES
 2. TOTAL BUILDING AREA: 0.20 ACRES
 3. TOTAL PARKING AREA: 0.20 ACRES
 4. PROPOSED USE: RESIDENTIAL DUPLEX UNITS
 5. SAVED BY MUNICIPAL WATER AND SEWAGE SERVICE.

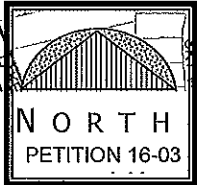
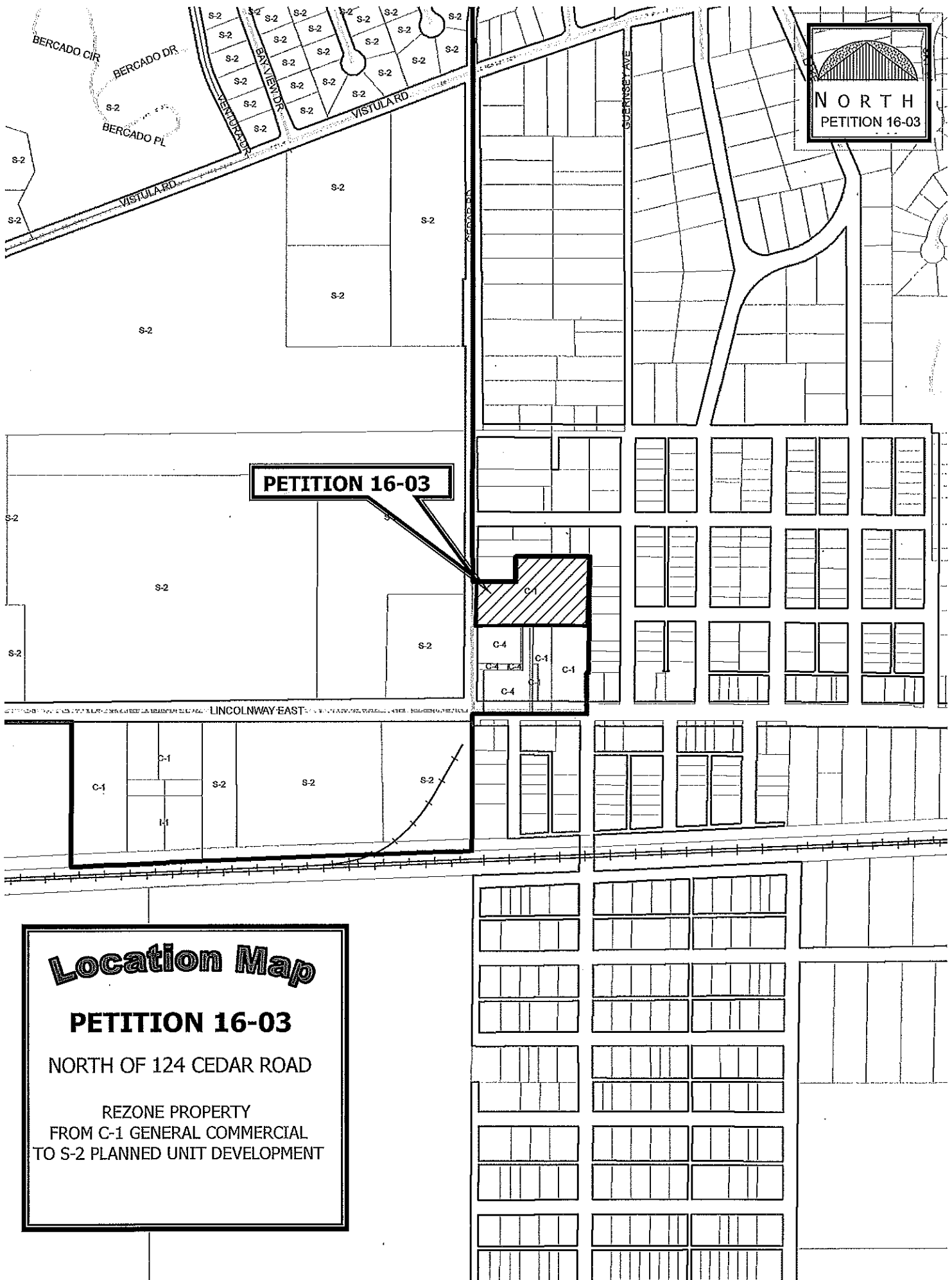
TABLED DATA

AREA	27.250
AREA/ACRE	1.250
TOTAL AREA	1.250
AREA/ACRE	1.250
TOTAL AREA	1.250

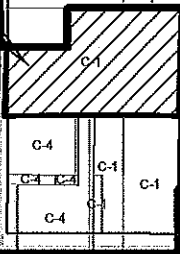


John Ward
Professional Engineer
State of Indiana
No. 135-04

Long, Fenner & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46701
Phone: (317) 333-1111
Fax: (317) 333-1112
E-mail: info@longfenner.com
Web: www.longfenner.com



PETITION 16-03



Location Map

PETITION 16-03

NORTH OF 124 CEDAR ROAD

REZONE PROPERTY
FROM C-1 GENERAL COMMERCIAL
TO S-2 PLANNED UNIT DEVELOPMENT

DEC 10 2015

1st Reading 12-21-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-31

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. **2015-43**

CITY CLERK
MISHAWAKA, IN

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:

A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, PARTICULARLY DESCRIBED AS FOLLOWS: LOTS 1 THROUGH 5, LOTS 23, 25, AND 26 IN TOSCANA PARK P.U.D. AS RECORDED AT THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER 0642909, AND LOTS 24A AND 27 IN TOSCANA PARK P.U.D. PHASE 2 AS RECORDED AT SAID RECORDER'S OFFICE AS DOCUMENT NUMBER 0902127.

AND: TRACT I: A CONDOMINIUM UNITS DESCRIBED AS BUILDING C, UNIT 4 ("BUILDING C, UNIT 4"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

TRACT II: A CONDOMINIUM UNIT DESCRIBED AS BUILDING I, UNITS 1,2,3,5,6,7 AND 8 ("BUILDING I, UNITS 1,2,3,5,6,7 AND 8"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S

Proposed Ordinance No: 15-43

Ordinance No: _____

DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

TRACT III: A CONDOMINIUM UNIT DESCRIBED AS BUILDING H, UNITS 1,2,3,4,5,6,8 AND 9 ("BUILDING H, UNITS 1,2,3,4,5,6,8, AND 9"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

COMMON ADDRESS: Toscana Park Shopping Center

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter amend the Comprehensive Sign Program subject to the following conditions of approval:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 30+ acre site) and to otherwise further the intent of this chapter as follows. All freestanding signage shall otherwise be designed as per the applicable City requirements.
 - a. A maximum of four (4) monument type signs may be located along Gumwood Road, provided the minimum separation between signs shall be 150 linear feet. The maximum standard for area and height calculations for monument signs shall be further restricted as follows: the maximum sign area shall be limited to a maximum of 60 square feet with a maximum length of any sign not to exceed 12 feet.
 - b. One freestanding identification/development sign for the entire planned unit development (not just for one tenant/occupant) may be permitted in addition to the aforementioned monument signage to be located at the main entrance to the development on Gumwood Road. Size shall be limited to a maximum of 12 feet in height and 96 square feet in area.
 - c. All freestanding signs shall have a masonry base.
2. Temporary signs, including those in windows, shall be prohibited for all outlots regardless of proposed use.
3. Internal directory kiosks may be placed strategically around the center to help customers locate businesses and retailers.
4. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from Gumwood Road.
5. Animated/electronic reader boards shall be prohibited for all parcels.

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

Proposed Ordinance No: 15-43

Ordinance No: _____

1. Existing Conditions - The amendment will not alter or negatively impact the existing conditions of the surrounding area because the proposed sign program is comparable to other developments along Gumwood Road.
2. Character of Buildings in Area - The character of buildings within this area is commercial and the number of proposed signs along Gumwood Road would not be uncharacteristic within the general vicinity.
3. The Most Desirable/Highest and Best Use - The proposed amendment for signage 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 similar sign programs have been approved for Heritage square to the south and Grandview multi-use development to the west.

Comprehensive Plan - The Comprehensive Plan had identified this area for general commercial and is 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 _____, 2016, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2016, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2016, at _____ o'clock ____M.

David A. Wood, Mayor

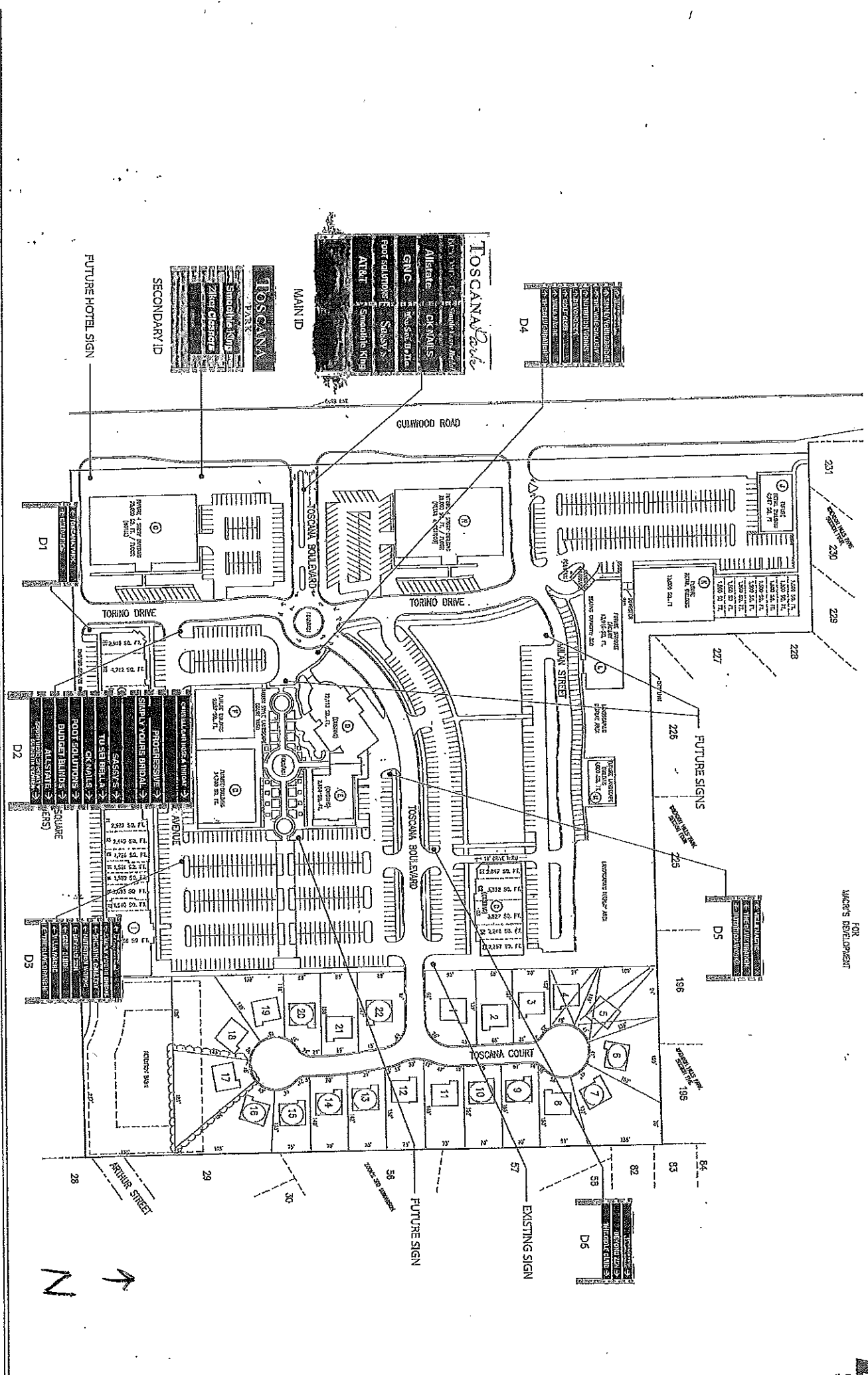
EXHIBIT A

TRACT I: A CONDOMINIUM UNITS DESCRIBED AS BUILDING C, UNIT 4 ("BUILDING C, UNIT 4"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

TRACT II: A CONDOMINIUM UNIT DESCRIBED AS BUILDING I, UNITS 1,2,3,5,6,7 AND 8 ("BUILDING I, UNITS 1,2,3,5,6,7 AND 8"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

TRACT III: A CONDOMINIUM UNIT DESCRIBED AS BUILDING H, UNITS 1,2,3,4,5,6,8 AND 9 ("BUILDING H, UNITS 1,2,3,4,5,6,8, AND 9"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

CLIENT: TOSCANA PLAZA
LOCATION: TOSCANA PLAZA
ACCT REP: A. GERSTAUER
DRAWING: 6114 SITE REV: 3
DESIGNER: BSS
DATE: 8.10.15
Customer Approval
By signing this drawing, customer is acknowledging that all copy spellings, arrow directions and colors have been reviewed and are correct.
Date



OCT 29 2015

SEP 23 2015

September 23, 2015

CITY CLERK
MISHAWAKA, IN

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

Ret 15-31

postponed

RE: Petition for PUD Amendment

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

Address: (Toscana Park Development)

Legal:

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PART OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00°42'51" EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 247.58 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 00°42'51" EAST ALONG SAID WEST LINE, A DISTANCE OF 1074.65 FEET; THENCE NORTH 89°08'28" EAST, A DISTANCE OF 1325.96 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°37'55" WEST ALONG SAID EAST LINE, A DISTANCE OF 1077.19 FEET TO THE SOUTH LINE OF BRENDON HILLS PARK, SECTION FIVE; THENCE SOUTH 89°01'53" WEST ALONG THE SOUTH LINES OF BRENDON HILLS, SECTION FOUR AND BRENDON HILLS, SECTION FIVE, A DISTANCE OF 1327.52 FEET TO THE PLACE OF BEGINNING CONTAINING 32.77 ACRES MORE OR LESS.

*NO
SEE
ATTACHED*

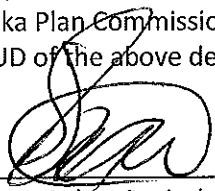
Page 2 – Cont'd
PUD Amendment
Toscana Park Development

Petitioner owns one-hundred percent (100%) of the above described parcel of land which carries a Zoning classification of S-2, Planned Unit Development specifically for mixed-use including residential and retail development.

Petitioner desires said Real Estate to be amended to allow for a comprehensive sign program and tenant Sign criteria as described in the attached supplemental documents.

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

Great Lakes Capitol, Officer



Great Lakes Capitol, Agent

Contact:

Mr. Douglas Merritt
Professional Permits
2319 Lincolnway East
Mishawaka, IN 46544
Tel: 574-257-2954
Fax: 574-257-2724
Email: dm@professionalpermits.com

DEC 10 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 12-21-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-38

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-44

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:

Lot 10, East Mishawaka Realty Co., 1st Addition

COMMON ADDRESS: 128 South Home Street

which real estate is now classified as R-1 Single Family Residential District shall hereafter be within and a part of that District known as R-2 Two-Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions: The house has functioned as a two family dwelling for over 50 years, so there would be no change to the area;
2. Character of Buildings: Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the history of this site, its relationship to surrounding properties, staff feels that the most desirable use for this property is to continue the two family residential use;
3. Most Desirable Use: Given the history of this site, staff feels that the most desirable use for this property is to continue the two family use as R-2 Two Family Residential;

Proposed Ordinance No: 2015-44

Ordinance No: _____

4. Conservation of Property Values: Rezoning this property to the R-2 Two Family Residential classification will match the existing use and taxing of the property, which should not adversely affect property values in the immediate neighborhood; and,
5. Comprehensive Plan: The City's Comprehensive Plan calls for low density residential, however, adding one legal unit does not significantly increase the units per acre, therefore, rezoning is compatible with the City's 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 _____, 2016, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2016, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2016, at _____ o'clock _____.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

October 28, 2015

DEC 3 2015

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

CITY CLERK
MISHAWAKA, IN

NOV 03 2015

Pet 15-38

RE: PETITION TO REZONE

The undersigned Robert C. Leiz respectfully shows he is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

*Lot 10 E Mish Realty Co 1st. Tax ID# 016-1067-2772.
Parcel# 71-09-14-206-010.000-023.
128 S Home Street, Mishawaka, Indiana 46544-3135*

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 Single Family Residential District. Said property is being used as a two family dwelling. The dwelling was converted to a two-family dwelling in 1950 and is considered grandfathered or legal nonconforming per the Department of Community Development and Planning City of Mishawaka, Indiana.

Petitioner desires said real estate to be rezoned to R-2 Two Family Residential District. Petitioner further states that he intends to continue to use said land as a two family dwelling.

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

Leiz


Robert C. Leiz

CONTACT PERSON:

Robert Leiz
128 S Home St
Mishawaka, IN 46544
574-323-4725
574-522-3698
Kristin.m.leiz@gmail.com



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PETITION 15-38

E THIRD ST THIRD

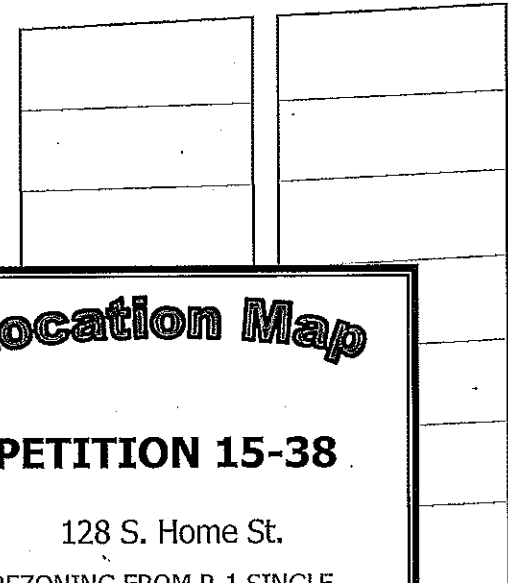
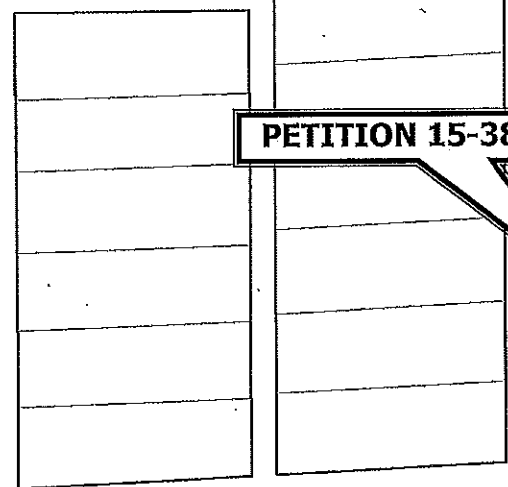
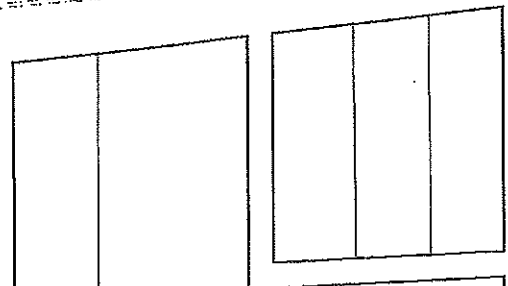
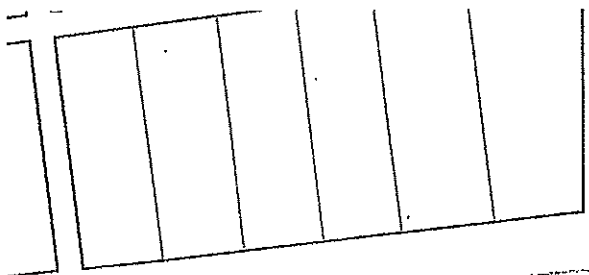
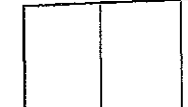
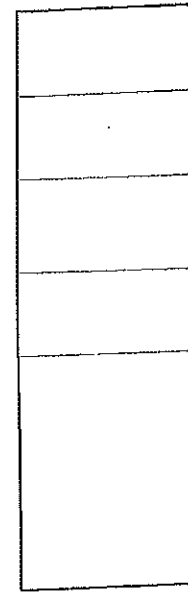
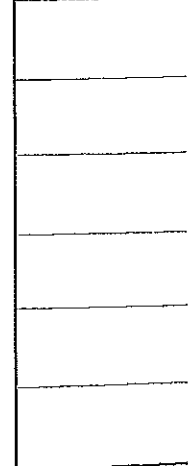
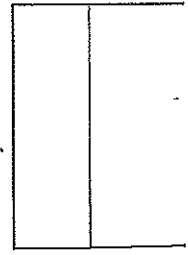
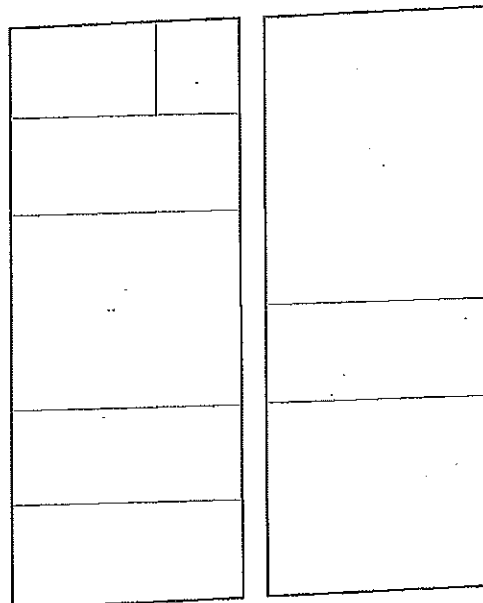
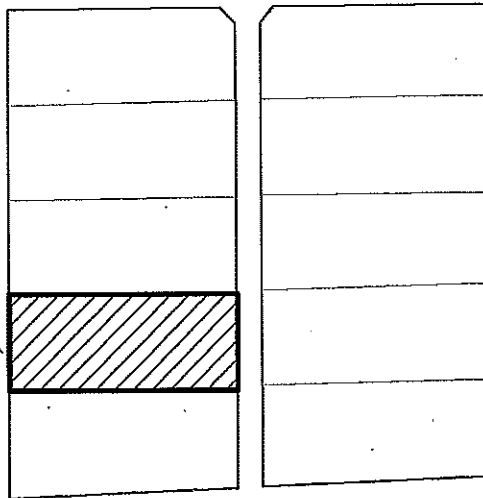
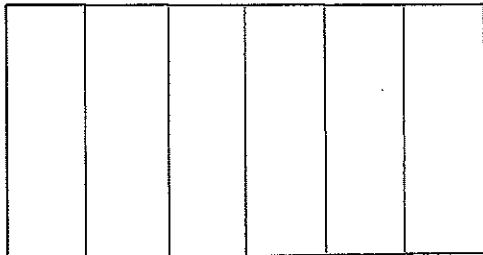
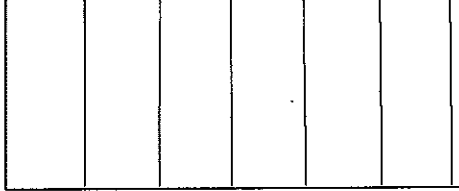
E FOURTH ST

Location Map

PETITION 15-38

128 S. Home St.

REZONING FROM R-1 SINGLE
FAMILY RESIDENTIAL TO R-2 TWO
FAMILY RESIDENTIAL



DEC 10 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 12-21-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-40

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-45

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, J.D. Enterprises and Janco Engineered Products, LLC have 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.

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 EAST HALF OF THE SOUTHEAST QUARTER OF SETION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY A PART OF THE EAST 8TH STREET RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

PROPOSED ORDINANCE NO. 2015-45

ORDINANCE NO. __

COMMENCING AT A SOUTHEAST CORNER OF LOT 1 OF THE J.D. ENTERPRISES 7TH STREET SUBDIVISION AS RECORDED UNDER INSTRUMENT NUMBER 1124132 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, SAID CORNER ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF SAID EAST 8TH STREET; THENCE SOUTH 89 DEGREES 40 MINUTES 03 SECONDS WEST ALONG A SOUTH PROPERTY LINE OF SAID LOT 1 AND SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 390.5 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 46 MINUTES 24 SECONDS EAST, A DISTANCE OF 20 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 03 SECONDS WEST, A DISTANCE OF 20 FEET TO AN EAST PROPERTY LINE OF SAID LOT 1; THENCE THE NEXT TWO COURSES ALONG SAID LOT 1; (1) NORTH 00 DEGREES 46 MINUTES 24 SECONDS WEST, A DISTANCE OF 20 FEET; (2) THENCE NORTH 89 DEGREES 40 MINUTES 03 SECONDS EAST, A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINING APPROXIMATELY 400 SQUARE FEET.

COMMONLY KNOWN AS: 20' X 20' Portion of East Eighth Street, West of Campbell Street at the Northwest Corner of the Western Terminus of East Eighth Street

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 the adjacent property to be transferred to the contingent purchaser for continued use for industrial purposes. The vacated area includes an existing building and fence encroachment into the public right-of-way.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. All of the adjacent properties along E. 8th Street will continue to have access to the public right-of-way.
- 3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2016.

Presiding Officer

PROPOSED ORDINANCE NO. 2015-45

ORDINANCE NO. __

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of _____, 2016,
at ____ o'clock ____ M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ____ day of _____, 2016, at ____
o'clock ____ M.

David A. Wood, Mayor



November 16, 2015

To: The Honorable Members of the Common Council

City of Mishawaka, Indiana

And

Mishawaka City Planning Commission

City of Mishawaka, Indiana

RECEIVED
DEBORAH S. BLOCK, MMC NOV 17 2015

DEC 02 2015

CITY CLERK
MISHAWAKA, IN

Ret 15-40

Re: Petition for Vacation of Public Right Way

The undersigned J.D. Enterprises, Jim Dewald and Janco Engineered Products, LLC, Peter Giczewski, respectfully request the Mishawaka Common Council and the Mishawaka City Planning Commission vacate the following described public right of way located in the City of Mishawaka, St Joseph County, Indiana:

Parcel # 016-1123-485501 Address: 1217 E. 7th Street

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY A PART OF THE EAST 8TH STREET RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

COMMENCING AT A SOUTHEAST CORNER OF LOT 1 OF THE J.D. ENTERPRISES 7TH STREET SUBDIVISION AS RECORDED UNDER INSTRUMENT NUMBER 1124132 IN OFFICE OF RECORDER OF SAID COUNTY, SAID CORNER ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF SAID EAST 8TH STREET; THENCE SOUTH 89 DEGREES 40 MINUTES 03 SECONDS WEST ALONG A SOUTH PROPERTY LINE OF SAID LOT 1 AND SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 390.5 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 46 MINUTES 24 SECONDS EAST, A DISTANCE OF 20 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 03 SECONDS WEST, A DISTANCE OF 20 FEET TO AN EAST PROPERTY LINE OF SAID LOT 1; THENCE THE NEXT TWO COURSES ALONG SAID LOT 1: (1) NORTH 00 DEGREES 46 MINUTES 24 SECONDS WEST, A DISTANCE OF 20 FEET; (2) THENCE NORTH 89 DEGREES 40 MINUTES 03 SECONDS EAST, A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINING APPROXIMATELY 400 SQUARE FEET.

Properties to the South: Quality Automotive

Properties to the North: Toolmasters, Jordan Mishawaka Transfer

Properties to the West: Mishawaka Recycling Center

Properties to the East: Residential Single Family Houses

Attached Site plan

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 Planning commission and that after hearing, an appropriate ordinance be enacted vacated the above described right of way located in the city of Mishawaka, Indiana.

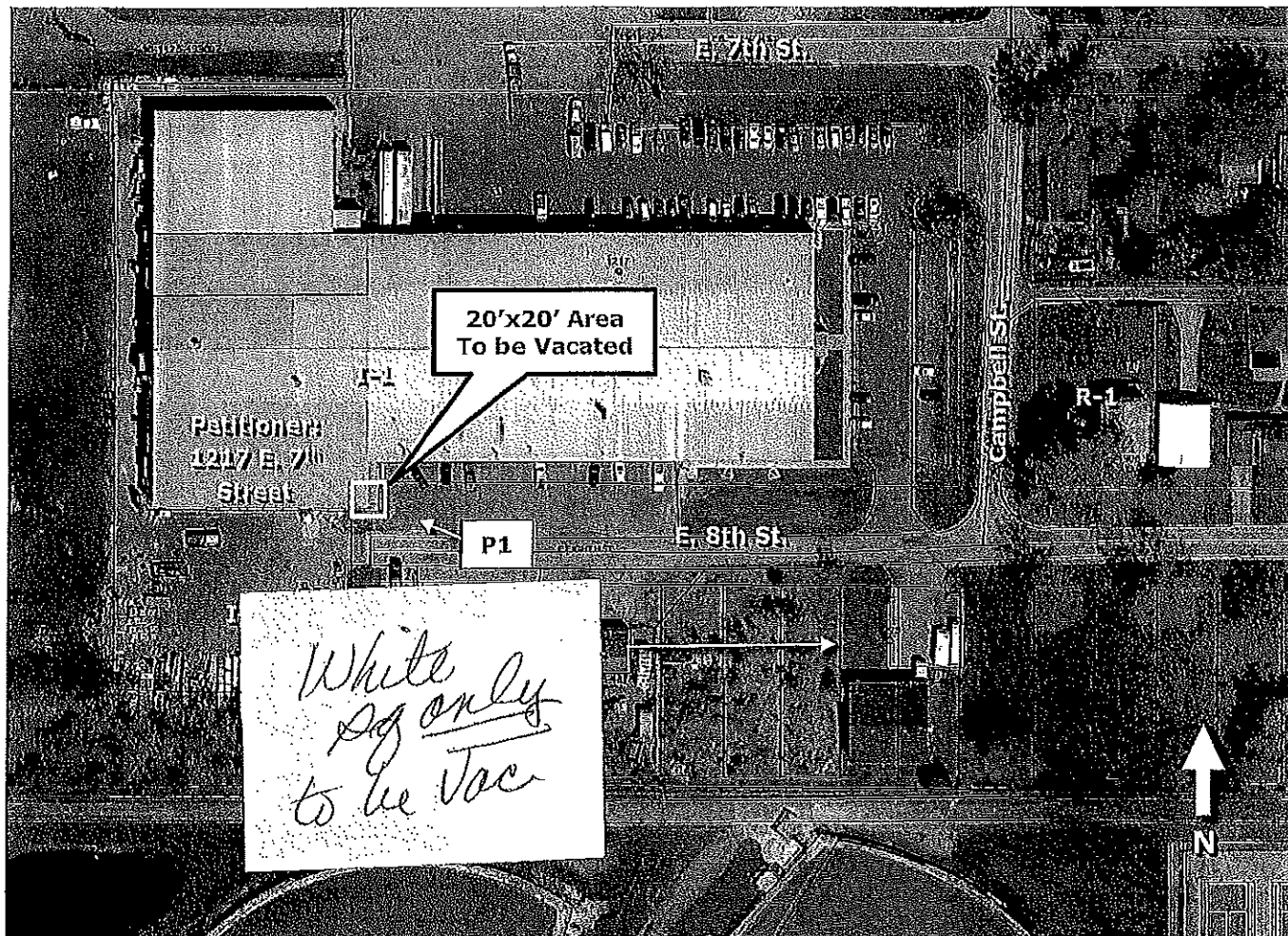


Jim Dewald
J.D. Enterprises
Lot number 1, 7th street subdivision

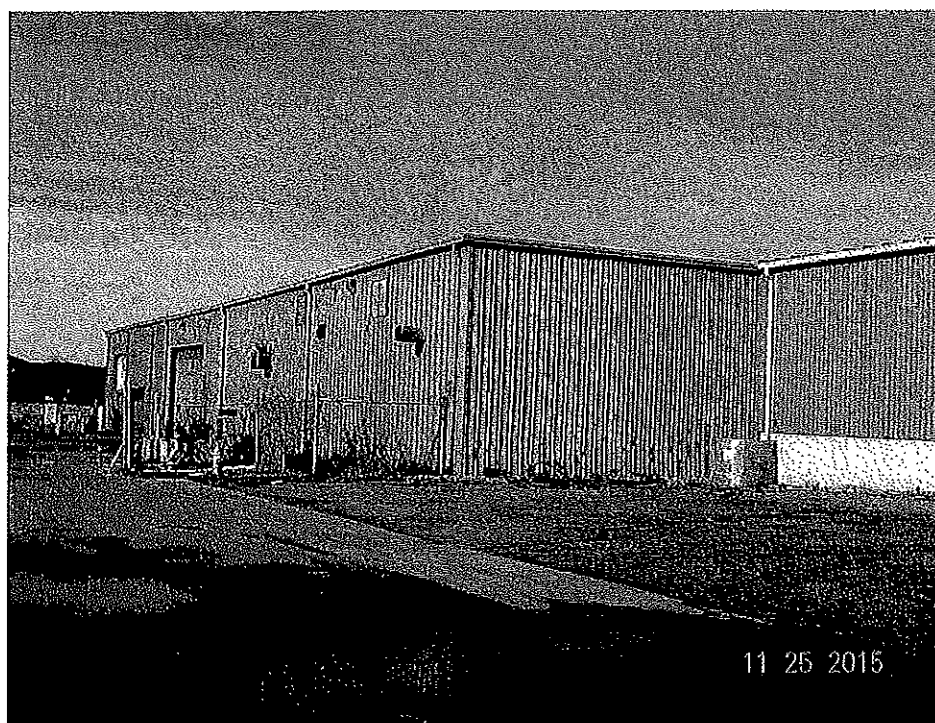


Peter Giczewski,
Janco Engineered Products, LLC

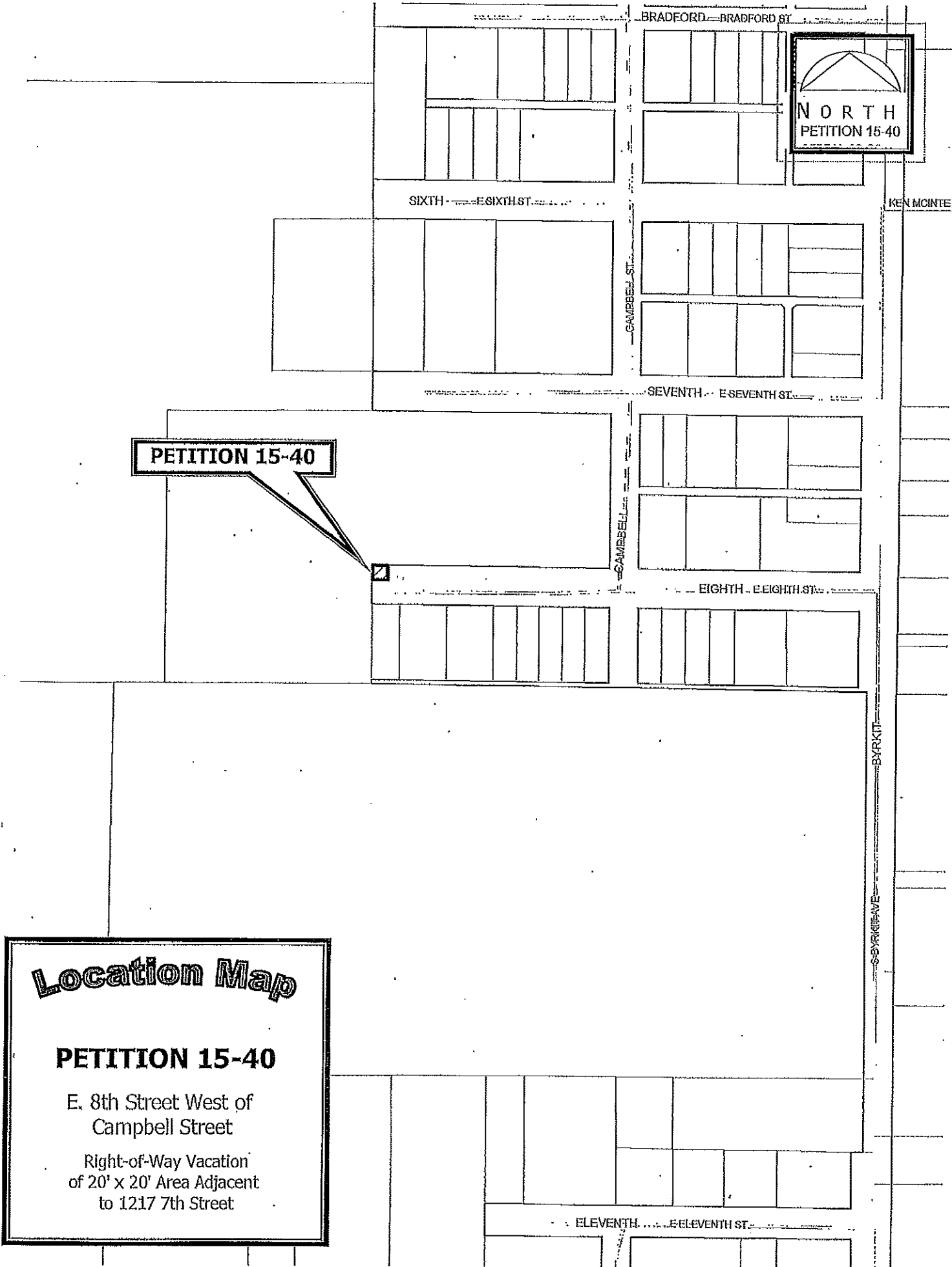
Contact person:
Peter Giczewski
920 S. Logan Street
Mishawaka, IN 46544
574-255-3169
574-256-3874



Aerial Photograph
 Part of Western Terminus of E. 8th Street Adjacent to 1217 E. 7th Street
 Area to be vacated due to Building & Fence Encroachment



P1. A view looking northwest to the 20'x20' area to be vacated.



Location Map

PETITION 15-40

E. 8th Street West of
Campbell Street

Right-of-Way Vacation
of 20' x 20' Area Adjacent
to 1217 7th Street

NOTICE OF HEARING

Vacation No. 2015-06

Date of Hearing: December 21, 2015

Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

A petition has been filed by J.D. Enterprises, Jim Dewald and Janco Engineered Products, LLC Peter Giczewski

Vacation NO. 2015-06 - Petition No. 2015-40

Vacation of Public Right of Way of a 20' x 20' area adjacent to 1217 7th Street. 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

25

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

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

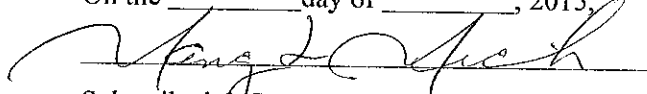
XX One TWO THREE

times successively to-wit:

On the 10th day of December , 2015, and

On the day of , 2015, and

On the day of , 2015,



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


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

CHARGES: \$ 13.41