AGENDA

Monday, June 5, 2017

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

May 15, 2017

Approval of May 22, 2017 Land Use Planning Working Memorandum

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2017-20 Use Variance for Church Sign - Variance for Roof Sign at 2331 Miracle Lane North side of Town and Country Shopping Center

Appeal No. 2017-24 Use Variance for Auto Body Repair Shop in I-2 430 S. Byrkit

Appeal No. 2017-25 Use Variance for Auto Repair in I-1 1927 N Cedar St

Petition No. 2017-11 Vacation of Public Right of Way West of 131 E. Seventh St.

Petition No. 2017-12 Rezone from C-1 Commercial to R-2 Two Family Residential 2030 N Merrifield Ave

Petition No 2017-13 Rezone from C-1 Commercial to C-7 Auto Oriented Restaurant 4914 N Main St

Petition No 2017-14 Amend the PUD for Ridgemont Crossing East Dragoon Trail and Fir Rd 73 Residential Lots and 10.46 Acres Light Industrial

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2017-21 Authorizing an Investment Policy of Public Funds

P.O. NO. 2017-22 Investment of Funds Outside the Political Subdivision

P.O. NO. 2017-23 Investment of Funds for more than 2 years but less than 5 years

8. Resolutions

R2017-09 Confirming Resolution - River Walk Development Group LLC - Multi-Family Residential

R2017-11 Economic Development Revenue Bonds - 1128 W. Dragoon Trail

9. Ordinances on Second Reading

P.O. NO. 2017-18 Reduction of Funds - Park and Recreation - $350,000.00 (Assigned to Budget and Finance Committee)

P.O. NO. 2017-19 Additional Funds - Rainy Day Fund - $350,000.00 (Assigned to Budget and Finance Committee)

P.O. NO. 2017-20 Transfer Funds - LOIT Special Distribution Fund - $40,000.00 (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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

May 15, 2017

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 May 15, 2017, at 7:00 p.m. The meeting was called to order by President Ross Deal all were asked to stand for the Pledge of Allegiance.

Roll Call.
Present: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.

Others present; Mike Trippel Council Attorney

The minutes from the May 01, 2017 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals regarding their recommendations from their May 9, 2017 meeting.

A PRESENTATION OF HISTORIC AWARDS

Cliff Zenor Advisory Member of the Historic Preservation Commission, presented the following awards:

Mayors Award - Peter Dekever, Local Historic Author and Teacher

Adaptive Reuse Award – Lehman & Lehman, Inc. Landscape Architecture, John A. Herzog House 510 Lincolnway East.

Heritage Home Award – Mary Watt and Bill Strieder, 1207 Prospect Avenue.

Cultural Heritage Award – Parishioners or St. Michael's Ukrainian Greek Catholic Church 712 Eat Lawrence Street.

Award of Service – Todd Zieger, Indiana Landmarks, Inc.

Outstanding Achievement in Historic Preservation – Joseph Balderas.

All recipients expressed gratitude for the acknowledgement. The full power point presentation is on fill in the City Clerk's Office for review.

The following Proposed Ordinances were given first reading, assigned to committees, and set for public hearing at the next meeting.

PROPOSED ORDINANCE NO. 2017-18

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE REDUCTION OF FUNDS FOR THE YEAR ENDING DECEMBER 31, 2017
(Assigned to the Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2017-19

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2017
(Assigned to the Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2017-20

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2017
(Assigned to the Budget and Finance Committee)

Clerk Block read the following Resolutions by title.

RESOLUTION NO. 2017-09

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, COMMONLY KNOWN AS,

VACANT LAND AT 100 BLOCK OF EAST MISHAWAKA AVENUE EAST OF SARAH STREET

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

RIVER WALK DEVELOPMENT GROUP, L.L.C AND/OR ITS ASSIGNS
(Petitioner requested Postponement)

Mrs. Voelker made a motion to postpone **RESOLUTION NO. 2017-09** to the June 05, 2017 meeting, second by Mr. Banicki motion carried.

RESOLUTION NO. 2017-10

**A RESOLUTION OT THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:
1415 UNIVERSITY DRIVE COURT, MISHAWAKA, INDIANA**

Ann Hayes, Hayes Towers said over 70% of emergency calls were made from cell phones, land lines were dwindling. She explained the needed cellular towers in the Fir Road and 80/90 area to increase their cellular coverage. Ms. Hayes said multiple cellular carriers would use the tower. She stated that it would not be lit up since it is 195 feet tall and lighting is required for anything 200 feet and over.

Questioned was called for at 7:53 P.M. for **RESOLUTION NO. 2107-10 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

PRIVILEGE OF THE FLOOR

Bob Acrey, 513 State Street complained about routing traffic down State Street, a one way street, from Mishawaka Avenue. He said traffic was now going down State Street doing 45/50 mph. Mr. Acrey described State Street to be a narrow one way street with parking on both sides. He suggested traffic to be directed elsewhere before someone gets hurt. Mr. Acrey said that for the most part the Administration and Council do a great job.

Mr. Banicki said they would pass the concern to the Police Department. Mr. Acrey said he never sees the police on State Street.

Mr. Mammolenti said he recently drove down State Street last week and agreed the street was narrow.

Mayor Wood said they were trying to work on the issue. He mentioned they made some changes today in the area to make it better.

NEW BUSINESS

Mr. Emmons stated his neighborhood meeting would be May 18th at 7:00PM at Berkley Circle. The speakers would be WellPet and the City of Mishawaka Administration.

Mr. Mammolenti announced the Third District Neighborhood Meeting would be May 17th at 7:00PM, at Twin Branch School. The speaker would be Officer Brad Haney from Metro SVU.

Mr. Deal announced the Mishawaka Police Memorial would be May 18th at 6:00PM. He also mentioned there would be a Land Use Planning Committee Meeting on May 22nd at 6:00PM in the council chambers at City Hall. The meeting would concern the use variance for Piper's Automotive.

ADJOURNMENT 8:03 P.M.

Deborah S. Block__________________/s/ Ross Deal ____________________ s/

Deborah S. Block, IAMC, MMC, City Clerk Ross Deal, President

Working Memorandum of Meeting
Mishawaka City Council

Study Session

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

Date: 5/22/2017 **Time:** 6:00pm **Location:** Council Chambers

Officials:	Present	Absent
Dale "Woody" Emmons	✓	
Mike Bellovich		✓
Ross Deal	✓	
Kate Voelker	✓	
Mike Compton	✓	
Ronald S. Banicki	✓	
Matt Mammolenti	✓	
Bryan Tanner	✓	
Joe Canarecci	✓	

Others present: City Attorney John Roggeman

See Attached Sheet

Subject Matters proposed or discussed during the Session:

Piper's Automotive

There being no further business to discuss, the meeting concluded at 7:20 pm.

President or Meeting Leader

Attest:

Deborah S. Block, IAMC, MMC
City Clerk

LAND USE PLANNING COMM.

5/22/17

6:00PM

ROSS DEAL

MATT MAMMOLENTI

KATE V

Woody Emmons

Joe Cangrecci

Mike Compton

BRYAN TANNER

Ron Banicki

MEETING ENDED 7:20 PM

Sign in Sheet

Please Print

Meeting Date ~~5-15-17~~ 5-22-17

Name	Address
Delorez Miller	1824 W 6th
Sheila Homer	808 Reddick
Jack Nevier	1809 W6.
(Jesse Davis)	210 Towle Av.
REV. GREG BROWN	1238 DIAMOND AVE
Michael Castellan	1504 LYNN St Mishawaka
Charles P	620 E Edgar Edgar
Doug Meade	1228 E Victoria St
W. SCOTT MUSSER	218 OSCEOLA AVE, OSCEOLA, IN 46561
[illegible]	1848 Calvert
WES ZUMBRUN	1022 E EWING
[illegible]	1802 W ~~6th~~

City of Mishawaka

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

NOTICE

THE LAND USE PLANNING COMMITTEE

OF THE MISHAWAKA COMMON COUNCIL WILL MEET

ON

Monday, May 22, 2017

At 6:00 p.m.

Council Chambers
600 East Third Street

Regarding Piper's Automotive
1802 West 6th Street
And
Other Matter

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

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

APPLICATION FOR USE AND SIGN VARIANCE FOR TREE OF LIFE ANGLICAN CHURCH
AT TOWN AND COUNTRY SHOPPING CENTER

DATE: May 22, 2017

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, ***McKinley Town & Country LP***, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

The following described real estate located in St. Joseph County, Indiana:

Part of the West Half of the Southwest Quarter of Section 4, Township 37 North, Range 3 East, Mishawaka, Indiana, described as follows: Commencing at the Southwest corner of Section 4; thence North on the West line of Section 4, a distance of 210.00 feet; thence right (Easterly) 89°28'21", parallel with the South line of Section 4, a distance of 40.00 feet to the East line of Hickory Road and the point of beginning; thence left (Northerly) 89°28'21", parallel with the West line of Section 4 and on the East line of Hickory Road, a distance of 1110.87 feet; thence right (Easterly) 89°28'36", a distance of 1279.31 feet to the Southwest corner of Imus Addition in Penn Township, St. Joseph County, Indiana; thence right (Southerly) 90°11'20" on the East line of the West Half of the Southwest Quarter of Section 4, a distance of 1280.76 feet to the North line of McKinley Avenue; thence right (Westerly) 89°48'25" on the North line of McKinley Avenue, a distance of 526.50 feet; thence right (Northerly) 90°11'35", parallel with the East line of the West Half of the Southwest Quarter of Section 4, a distance of 170.00 feet; thence left (Westerly) 90°11'35", parallel with the North line of McKinley Avenue, a distance of 129.60 feet; thence left (Southerly) 89°12'29", a distance of 170.02 feet to the North line of McKinley Avenue; thence right (Westerly) 89°12'29" on the North line of McKinley Avenue, being 40.00 feet North of and parallel with the South line of Section 4, a distance of 402.84 feet; thence right (Northerly) 90°31'39", parallel with the West line of Section 4, a distance of 170.00 feet; thence left (Westerly) 90°31'39", parallel with the South line of Section 4, a distance of 225.70 feet to the point of beginning.

Edit Payable 2018 Real Property

Tax ID Nbr:	016-2058-193902	Parcel Number 71-09-04-351-001.000-023
Tax Unit:	16 - Mishawaka-Penn	Tax Rates Have Not Yet
Owner of Record:	Mckinley Town and Country LP	Been Determined For
Tax Yr / Pay Yr:	2017 / 2018	Tax Yr 2017 / Pay Yr 2018 .

Prop Info | Assess/Exempt/Ded | Transfer Hist | Alert | Legal Desc | Misc | Names | Billing | Contract | Appeals/Bank | Adjacent Props

Legal Description

S1/2 W1/2 SW1/4 Ex Parcels Sold
& Ex 98' X 7.5' Approx along McKinley
Sec 4-37-3E

10/11 split to City of Mish for Street
3388WD 5-28-09

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 31 2017

CITY CLERK
MISHAWAKA, IN

AP 17-20

2. The above-described real estate presently has a zoning classification of Shopping Center, Commercial/ C2 District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently occupies (*or proposes to occupy)* the above-described property in the following manner: Church/religious organization to be located at 2331 Miracle Lane on the north side of the Town & Country Shopping Center.

4. Appellant desires to have use variance that would allow the property to be used for a church.

5. The Zoning Ordinance of the City of Mishawaka requires that only business entities occupy buildings zoned as C2, see 137-326.

6. **Explain why strict adherence to the Ordinance requirements would create an unusual hardship:** McKinley Town & Country LP has graciously offered to Tree of Life Anglican Church rent their **2331 Miracle Lane** unit for 1/3 the market rent. Tree of Life is a very localized ministry in and around the McKinley Terrace Neighborhood, on the border of South Bend and Mishawaka. They have many youth from the neighborhood in their youth programs and many residence of the various apartment complexes nearby are members of their church. They also run an immigration legal-aid clinic. Many of the area's refugees live in this neighborhood and vicinity. Tree of Life has outgrown it's current building but cannot yet afford to build something else in the neighborhood. Town & Country's offer will allow Tree of Life to continue their ministry within walking distance of our members' homes, and allow our ministry to grow until such time as Tree of Life may afford to build or buy their own building. In the Town and Country location, Tree of Life hopes to develop a homework center for their youth and to expand their immigration services to include regular English Language classes. Many of Tree of Life's members and clients already come to the Town & Country Shopping Center on a regular basis, so both parties expect this arrangement will be beneficial.

   The 2331 unit currently has 27 parking spaces. Should this variance request be approved, Town & Country, LP will paint an additional 12 spots for a total of 39 parking spaces (please see attached sketch). Tree of Life will comply to the Mishawaka City ordinances that limit sanctuary chairs to 4 chair per 1 parking space by setting up no more than 156 chairs in the sanctuary at any given time. Initially Tree of Life plans to set up 50 chairs.

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

   (1) **Will approval be injurious to the public health, safety, morals or general welfare of the community?**
   No, if anything the presence of Tree of Life will improve public safety, morals and the general welfare of the area. The 2331 Miracle Lane unit Tree of Life hopes to rent is also on the back side of the the Town and Country Shopping Center and has its own parking lot. Thus, the church use will not propose any traffic difficulties or other distractions for the rest of the shopping center.

   (2) **Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?**
   No. McKinley Town & Country LP hopes that Tree of Life will actually attract costumers to the center. Tree of Life has a good reputation in our neighborhood and suspects that will be true.

   (3) **Does the need for the variance arise from some condition peculiar to the property involved?** Not really, although, the location of this unit within the shopping center is not ideal for commercial use, as it is not in line with other stores or the main line of sight from the road.

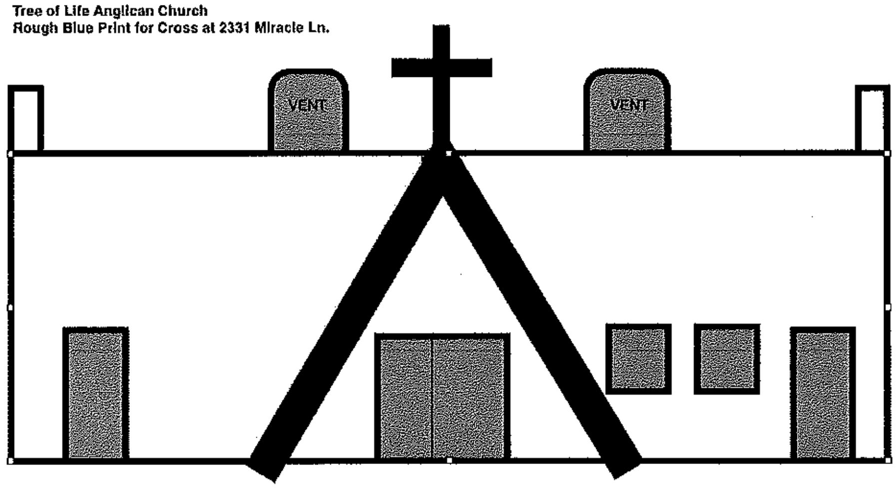
   (4) **Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?** Yes, since Tree of Life Anglican Church benefits the immediate community around Town &

Country Shopping Center and will attract customers to the other stores, and because there are very few location options for this ministry that stay within walking distance of the ministry target area, it would cause and unnecessary hardship not to grant this variance.

(5) **Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?**
No, Tree of Life is committed to improving our community. Their focus on local neighborhoods draws people together, helps stop crime and increases positive ambulatory patterns.

8. ***SIGN VARIANCE:*** Tree of Life Anglican Church is also applying for a sign variance. We would like to place a cross on the top our location, in keeping with our religious beliefs and so that visitors will recognize us as a church. We request that this cross could be 12' above the roofline, pending the approval of the landlord, Town & Country, LP. See rough blue print below.

Tree of Life Anglican Church
Rough Blue Print for Cross at 2331 Miracle Ln.



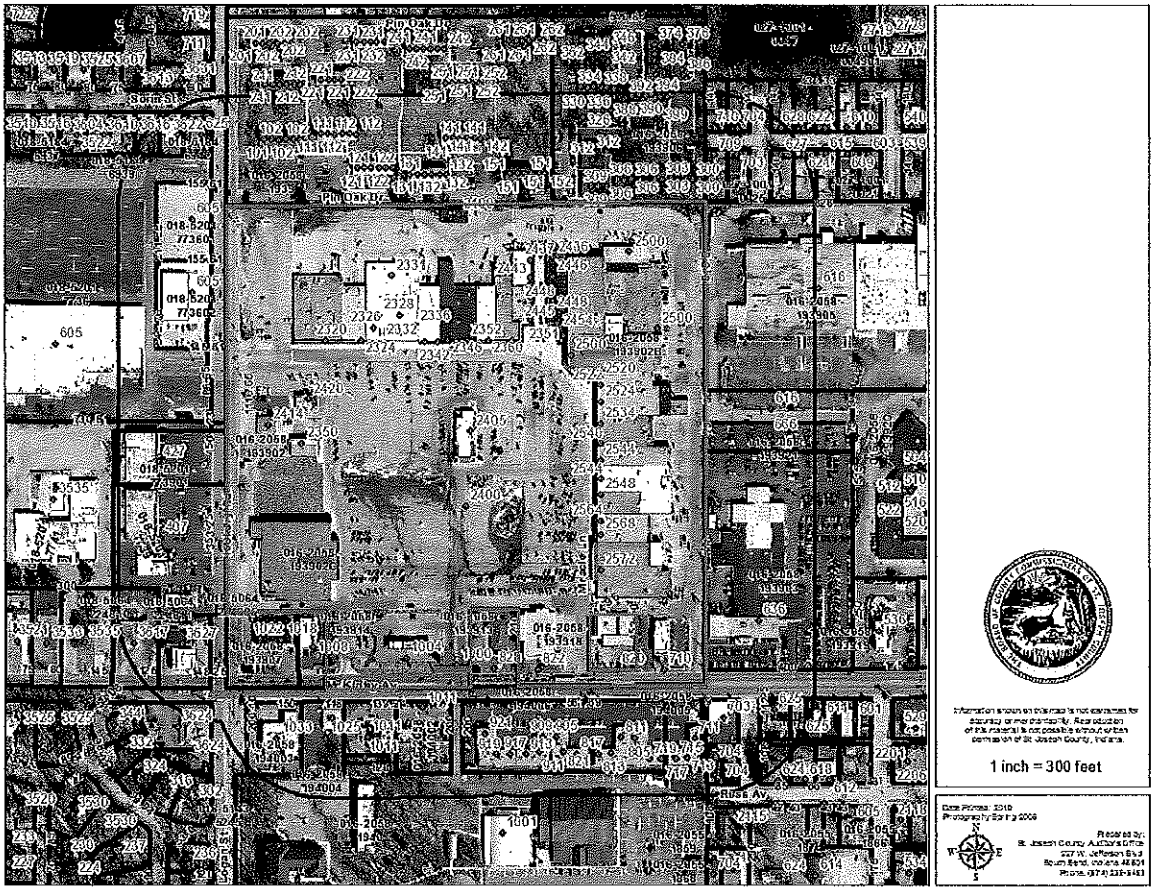
Not to Scale

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

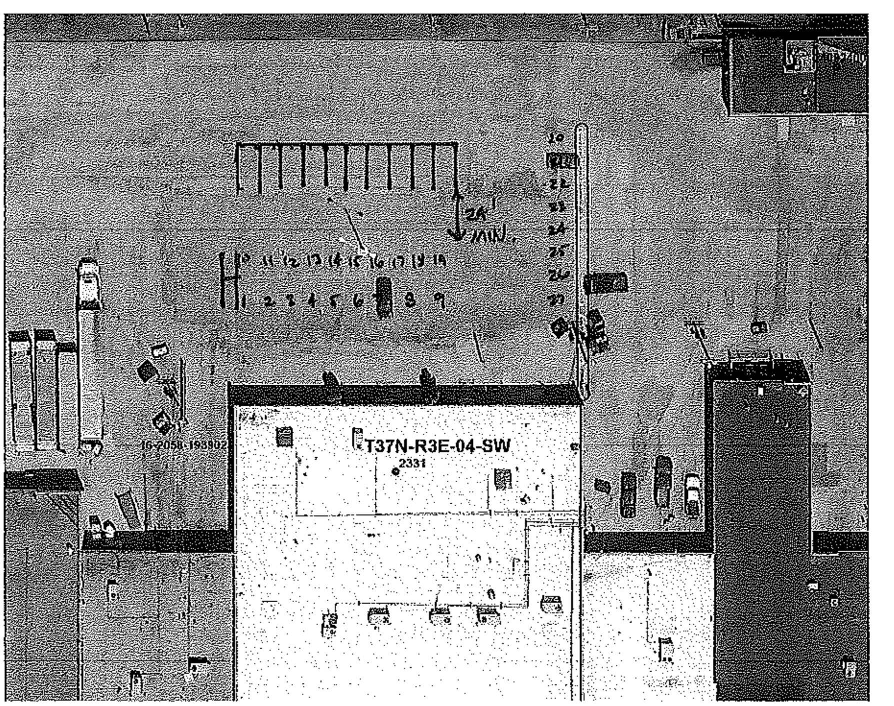
Mr. John Becker, McKinley Town & Country LP

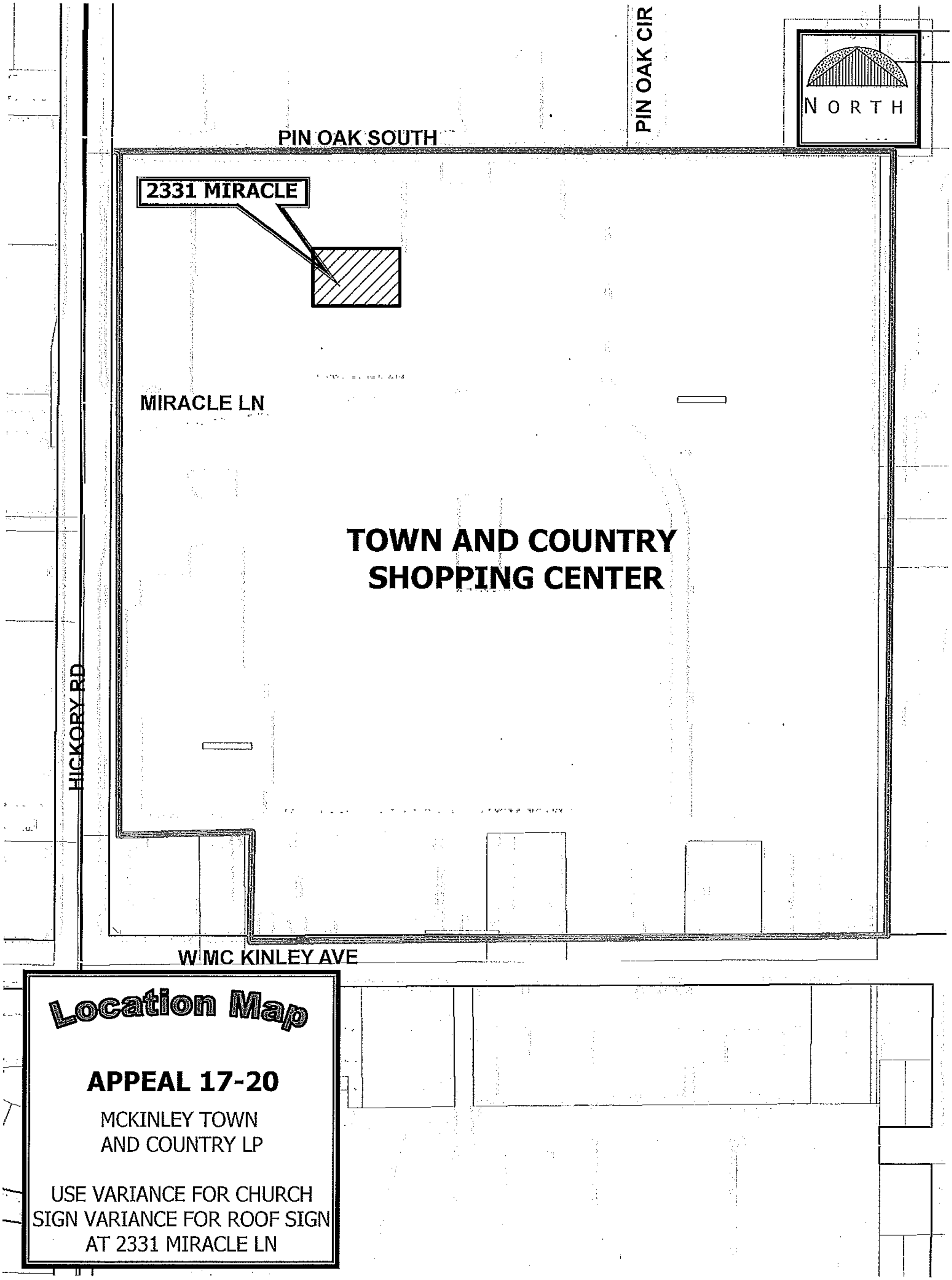
CONTACT PERSON:
Name: Rev. Heather Ghormley (contact before June 4)
and Rev. Brad Miller (contact after June 4)
Address: 839 Woodcliff Dr., South Bend, IN 46615
Day Phone Number: Heather- (217) 224-3898 ; Brad- (260) 452-4070
Email: heather.ghormley@gmail.com, brad.miller91@gmail.com

Ariel Photo of Town & Country Shopping Center, LP



Proposed Parking Lot





Location Map

APPEAL 17-20

MCKINLEY TOWN
AND COUNTRY LP

USE VARIANCE FOR CHURCH
SIGN VARIANCE FOR ROOF SIGN
AT 2331 MIRACLE LN

Date: May 21st, 2017
To: Board of Zoning Appeals City of Mishawaka, Indiana
From: Ron Johnson
Subject: Use Variance Change

RECEIVED
MAY 24 2017
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

A-P 17-24

The undersigned appellant respectfully shows the Board:

1. JRC Corporation is the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to wit:

   The property commonly known as: 430 S. Byrkit St. Mishawaka, Indiana and the legal description is 430 Byrkit St. City of Mishawaka, District Penn. Property Class 340. Industrial Lt mfg. & assembly. **Parcel Number 71-09-14-301-019.000-023. Lot 5 of JRC Corporation. Instrument No. 0232551.**

2. The above described real estate presently has a zoning classification of **I-2** District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (or proposes to occupy)the described property in the following manner: Establish and Auto Body and Repair Shop (No Paint Booth).
4. Appellant desired to propose to use property for an auto body and repair shop business.
5. The Zoning Ordinance of the City of Mishawaka requires that a change of USE VARIANCE be proposed in order to establish a business of auto shop and repair that I want to establish.
6. The adherence of the Ordinance requirements will create a hardship because the zoning
   (i) Will the approval be injurious to the public health, safety, morals or general welfare of the community?
   No, because safe and proper equipment will be in place at the shop to avoid any problems for the community.
   (ii) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?
   No, because there are other industrial type businesses in the surrounding areas already established. It could help appreciate more the value of the properties for the type of demand.
   (iii) Does the need of the variance arise from some condition peculiar to the property involved?
   Yes, because when I started doing the legal paperwork for the business, I came across the variance type of the zone, in which my line of work was not included.
   (iv) Does the strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

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MAY 31 2017
CITY CLERK
MISHAWAKA, IN

No. The requirements for the zoning Use Variance in the City of Mishawaka are to be followed.

(v) Will the approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? No, it will not interfere with the Comprehensive Plan because it is not to affect the surrounding area, instead it is to support the economy of the City of Mishawaka.

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

Ron Johnson

CONTACT PERSON:

Name: Ron Johnson
Address: 16305 Southern Meadows Blvd. Mishawaka, IN 46544
Phone Number: 574-315-5580
email: R5JHN@yahoo.com

JRC Corporation
127 E Battell St
Mishawaka, IN 46545-6478
May 21, 2017

City of Mishawaka
Board of Zoning Appeals
Department of City Planning, City Hall
600 East Third Street
Mishawaka, IN 46545

City of Mishawaka:

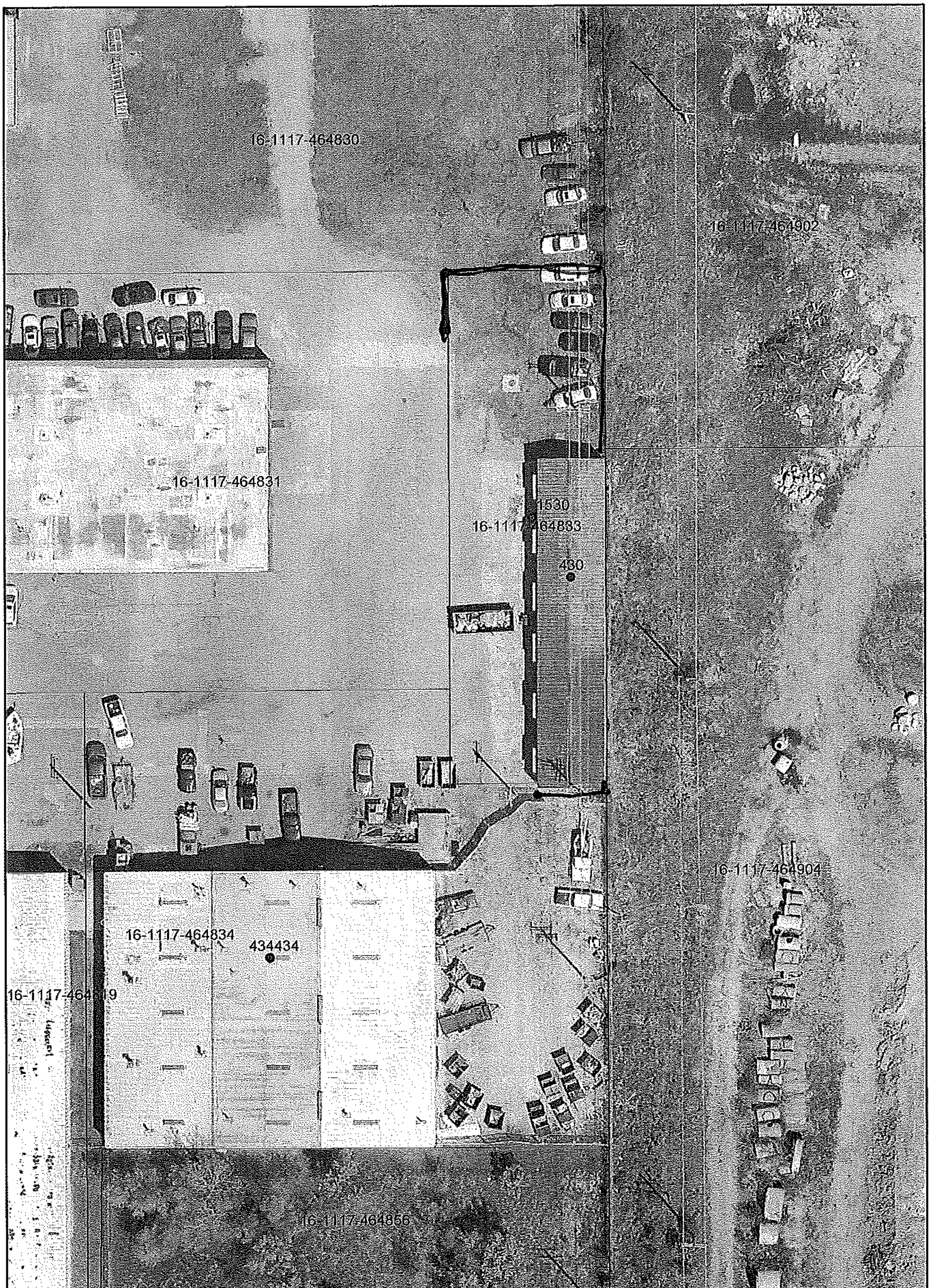
This letter is to inform you that I give permission to Ron Johnson to authorize decisions done in my name for the change of Use Variance, and anything related to that purpose, for the building located at 432 S. Byrkit St. Mishawaka, IN 46545.

Please contact me directly at 574-360-4592 if I can be of further assistance.

Sincerely,

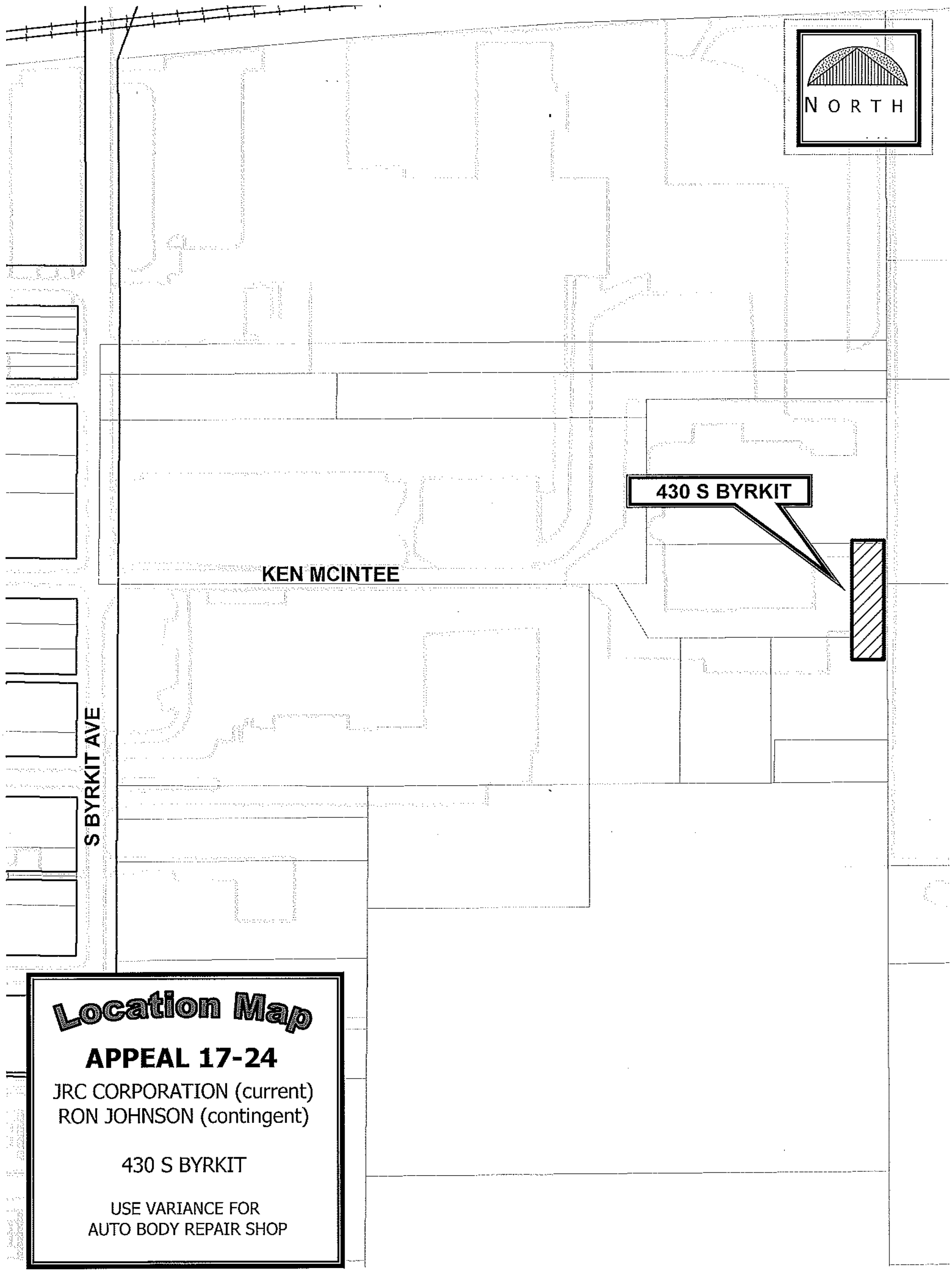
Jack E Coleman President 5-21-17

JRC Corporation Title Date



red line = fence

6 bays
2 cars per bay


NORTH
430 S BYRKIT
KEN MCINTEE
S BYRKIT AVE
Location Map
APPEAL 17-24
JRC CORPORATION (current)
RON JOHNSON (contingent)
430 S BYRKIT
USE VARIANCE FOR
AUTO BODY REPAIR SHOP

RECEIVED
MAY 24 2017
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

5/19/17

To: Board of Zoning Appeals, City of Mishawaka, Indiana

AP 17-25

1. I, Jim Allen, am the owner of the real estate located at 1927 North Cedar Street, in the city of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

2. The above real estate presently has a zoning classification of I-1 Light Industrial District under the Zoning Ordinance of the City of Mishawaka.

3. Tenant proposes to occupy the property for an automotive repair business.

4. Tenant desires to repair vehicles on the property.

5. Automotive repair is not currently an approved business use on the I-1 Light Industrial District list, Section 137-586.

6. This ordinance would cause hardship for the owner and tenant; the owner would lose rental income on a building that has been for sale for several years with no buyer, thus leaving the building empty. The tenant has looked elsewhere for suitable property for his business, and has found the above property to be the best available for his needs.

7. (1) Approval would not be injurious to the public health, safety, morals, or general welfare of the community. The tenant is an established and reputable business that operates professionally, and business would be conducted between 8:00 am and 5:00 pm Monday through Friday. Thus, there would be no problems with off-hour noise or traffic disrupting the surrounding neighborhood.

   (2) Surrounding property would not be affected in an adverse manner, the above property has sufficient room for the tenant to conduct business without encroaching on neighboring property.

   (3) No, the need for the variance is not due to a condition peculiar to the property. The proposed use is not approved for the district this property is zoned, but the use should fall into the category of light industrial.

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DEBORAH S. BLOCK, MMC
MAY 31 2017
CITY CLERK
MISHAWAKA, IN

(4) Yes, the terms of this chapter constitute and unnecessary hardship if applied to the property. Please see item 6 above.

(5) Approval would not interfere with the Mishawaka 2000 Comprehensive Plan. There are currently other automotive businesses operating in the vicinity of this property.

Wherefore, the owner respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

James H. Allen Jr., Property Owner

Contact: Jim Allen

Address: 56935 Elk Court, Elkhart, IN 46516

Phone: 574-850-2336

Fax: 574-522-6006

Email: jhallen95@gmail.com


E MC KINLEY AVE
NORTH
1927 N CEDAR
N CEDAR ST
ALEX WAY
N MERRIFIELD AVE
MARGARET AVE
Location Map
APPEAL 17-25
JIM ALLEN
1927 N CEDAR
USE VARIANCE FOR
AUTOMOBILE REPAIR IN I-1

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 31 2017

CITY CLERK
MISHAWAKA, IN

Date: May 22nd, 2017

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

Petition for Vacation of Public Right of way

Olivia Gonzales and Agustin Armenta request the Mishawaka Common Council and the Mishawaka City Plan Commission to please vacate the public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

THE 16' WIDE NORTH-SOUTH ALLEY FROM THE SOUTH RIGHT-OF-WAY LINE OF E. 7TH STREET TO THE NORTH RIGHT-OF-WAY LINE OF THE 16' WIDE EAST-WEST ALLEY TO THE SOUTH HAVING ORIGINALLY BEEN TAKEN OFF OF THE WEST SIDE OF LOT "R" OF E. J. PERKINS ADDITION AS RECORDED DECEMBER 23, 1897 IN PLAT BOOK 7, PAGE 17 IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY.

SUBJECT TO A UTILITY EASEMENT BEING MAINTAINED BY THE CITY OF MISHWAKA.

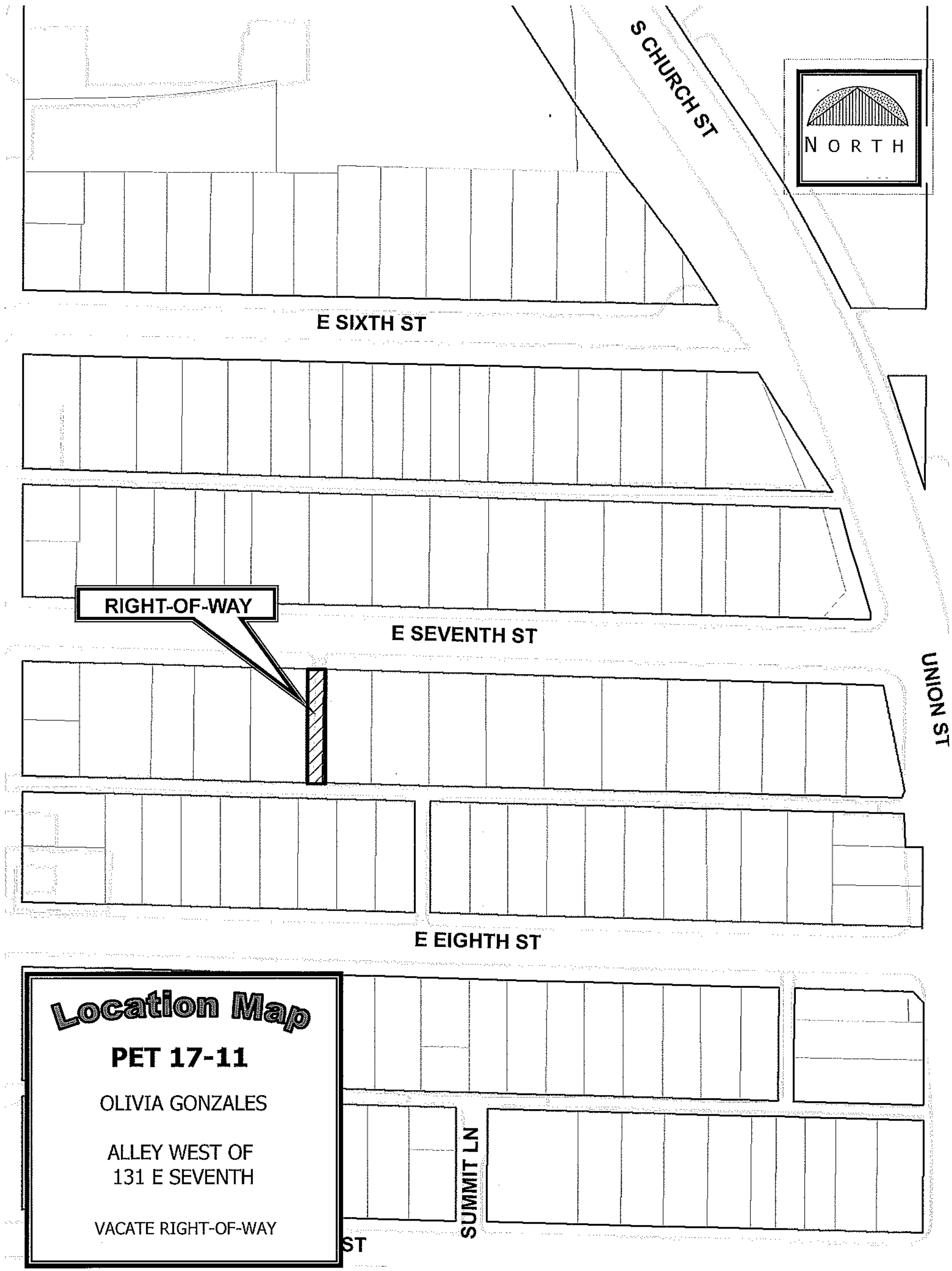
Olivia Gonzales and Agustin Armenta are the homeowners of the property located immediately adjacent to the above right of way located in the City of Mishawka. We (Olivia Gonzales, Agustin Armenta) purchased the home in December of 2016 and were unaware (due to snow) of how close the right of way was to our home and now fear for our children's safety as well as our homes safety and security. We respectfully request that the Common Council of the City of Mishawaka refer this request to the Mishawaka City Plan Commission in hope that our request is granted and the right of way listed above can appropriately be vacated.

Olivia Gonzales
Olivia Gonzales
Agustin Armenta
Agustin Armenta

Contact Information:
Olivia Gonzales, 131 E. 7TH ST., MISHAWAKA, IN 46544
574-315-7660

PET 17-11

RECEIVED
MAY 22 2017
BUILDING, PLANNING
COMMUNITY DEVELOPMENT



NORTH
S CHURCH ST
E SIXTH ST
RIGHT-OF-WAY
E SEVENTH ST
UNION ST
E EIGHTH ST
SUMMIT LN
ST
Location Map
PET 17-11
OLIVIA GONZALES
ALLEY WEST OF
131 E SEVENTH
VACATE RIGHT-OF-WAY

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 31 2017

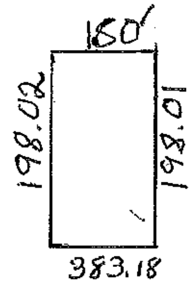
CITY CLERK
MISHAWAKA, IN

DATE: May 23, 2017

FROM: Dow Family Real Estate LLC

RE: Petition to Rezone to R-2

The undersigned appellant respectfully shows the Board: We, the Dow Family Real Estate L.L.C. (John and Carole Dow), are the owners of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:



A lot of parcel of land in the Northeast Quarter of Section 10, Township 37 North, Range 3 East, more particularly described as follows: commencing at the Northwest Corner of the Northeast Quarter of said Section 10; thence proceeding South 388.33 feet along the West line of the Northeast Quarter of said Section 10, which has an assumed bearing of South 1°23'35" East, to the point of beginning; thence continuing South 1°23'35" East 150 feet; thence North 89°45'05" East 97.82 feet; thence North 1°19'03" West 150 feet; thence North 89°45'49.5" East 198.01 feet to the point of beginning.

The common address is: 2030 North Merrifield, Mishawaka, IN 46545.

The above described real estate presently has a zoning classification of C-1 General Commercial District with a variance under the Zoning Ordinance of the City of Mishawaka. We presently occupy the above described property in the following manner: use the apartment on the second floor rent free to an individual who helps us maintain as well as watch for problems when we are not in town. We occupy the first floor when we are in town, which is typically in the spring for approximately two months and in the fall for three-four months.

We wish to rezone our property to Residential-2 as we now have a two apartment building. We do not feel that approval for this change would be injurious to the public health, safety, morals or general welfare of the community. Nor do we believe that the use and value of the area adjacent to the property included in the variance would be affected in a substantially adverse manner. Currently there is a State Farm business on the South side of the property which was at one time a home that fronts Cedar. On the North side of our property there is now a garage door business. On the corner of N. Merrifield and McKinley is a pawn shop. Across the street and South there is an automobile parts store which faces Cedar. Then directly across the street on N. Merrifield there is currently a vacant building, a tool & die operation, an automobile repair shop as well as a plumber shop. There is a sign shop on the Northeast corner of N. Merrifield and McKinley. The residential area is across Cedar and so we believe the street serves as a buffer between our property and this area.

The enclosed diagram (which is not to scale) indicates that we would have grass on the North side of the building with approximately 5 feet of mulch from fence to grass area running along the fence line. Only the two drains that are located on the North side would be covered so that no dirt would fall into the drains. This would mean that the entire area with grass should be enough area for water (when it rains) to soak into the ground. There would be a pathway on the Northwest corner of the building so that there would be easy access to the

Pet 17-12

outside basement steps. The grass would continue along the back of the property and end approximately even with the entrance to the garage. There would be rock (approximately 5 feet wide) running along the back of the property. The asphalt would remain where the grass stops and continue on the South side to Merrifield. Cars would have enough room to turn around and there would be space for at least three-four cars to park on the South side. In the front (West side) of the property there would be approximately 26 feet of mulch. A little to the North but in front of the building would be a raised garden box (approximately 4 feet x 4 feet). A short distance from the street we would plant 8 (eight) Boxwoods probably spaced 2 (two) in a grouping four times.

We also do not believe that approval of our rezone request to Residential-2 would substantially interfere with the Mishawaka 2000 Comprehensive plan. We further believe that by our property being rezoned to Residential-2 we will have a better chance of selling the property when the time comes that we cannot spend time in Indiana due to our age and health.

WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested rezone to Residential-2.

Carole S. Dow	John D Dow
Carole S. Dow	John D. Dow
Signature of Property Owner	Signature of Property Owner
President, Dow Family Real Estate LLC	Dow Family Real Estate LLC

Contact Person:

Name:	Cyndi Carper
Address:	14008 Day Road
Day Phone No.:	574-532-7515
Email:	cyn68@comcast.net


E MC KINLEY AVE
NORTH
N MERRIFIELD AVE
2030 N MERRIFIELD
N CEDAR ST
ALEX WAY
Location Map
PET 17-12
DOW FAMILY REAL ESTATE LLC
2030 N MERRIFIELD
REZONE FROM
C-1 GENERAL COMMERCIAL
TO R-2 TWO-FAMILY RESIDENTIAL

RECEIVED
MAY 24 2017
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

PC 17-13

Date: May 23, 2017

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

RE: Cressy Land Investments LLC Petition for Rezoning in the
4950 Block of North Main Street, Mishawaka, Indiana:

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 PARCEL LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING A PART OF LOT # 2 OF THE PLAT OF "QDOBA MINOR SUBDIVISION" AS RECORDED BY DOCUMENT # 1708358 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF LOT #1 OF THE RECORDED PLAT OF "CHEDDAR'S MAIN STREET MINOR SUBDIVISION" AS RECORDED BY DOCUMENT # 1204594 IN SAID RECORDER'S OFFICE; THENCE NORTH 19°59'39" EAST ALONG THE EASTERLY RIGHT-OF-WAY OF MAIN STREET A DISTANCE OF 328.08 FEET MORE OR LESS; THENCE SOUTH 71°34'19" EAST A DISTANCE OF 409.05 FEET MORE OR LESS TO THE EAST LINE OF SAID LOT # 2; THENCE SOUTH 00°14'05" EAST ALONG SAID EAST LINE A DISTANCE OF 312.05 FEET MORE OR LESS; THENCE NORTH 75°08'33" WEST A DISTANCE OF 518.88 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 3.33 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

Also commonly known as the 4950 Block of North Main Street, 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-7" 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 new restaurant building with drive-thru facilities 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.

Corey Cressy

Corey Cressy for Cressy Land Investments LLC
4100 Edison Lakes Parkway, Suite 350
Mishawaka, Indiana 46545
574-271-4060

RECEIVED
DEBORAH S. BLOCK MMC
MAY 30 2017
CITY CLERK
MISHAWAKA, IN

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

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

May 23, 2017

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

RE: Cressy Land Investments LLC Petition for Rezoning in the
4950 Block of North Main Street, Mishawaka, Indiana:

Dear Council & Plan Commission Members,

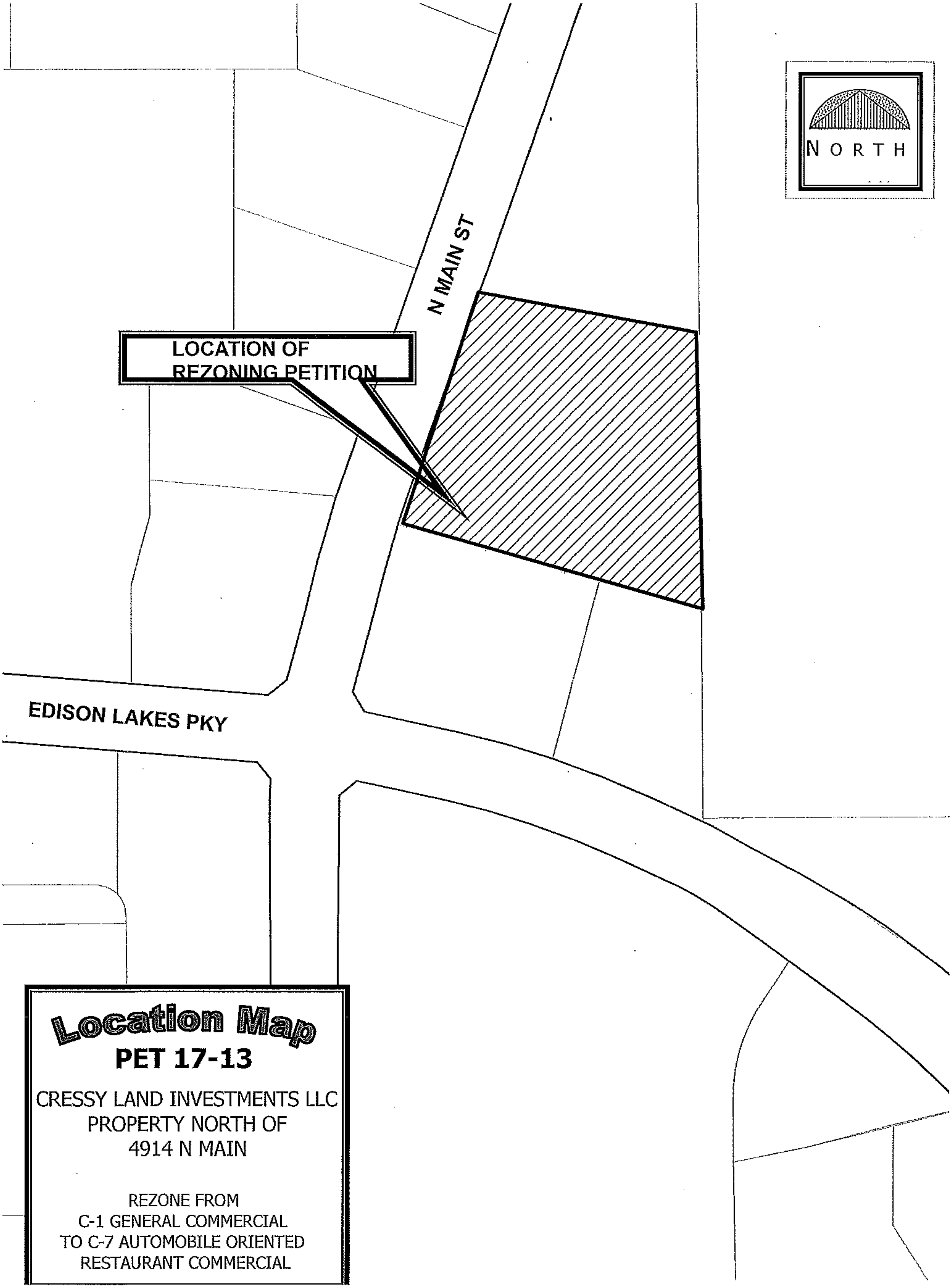
This letter is to inform the Board Members that we have granted authority to Danch, Harner & Associates to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Rezoning Request will be heard.

If you have any questions concerning this matter, please feel free to give me (us) a call at 574-271-4060.

Sincerely,

Corey Cressy for Cressy Land Investments LLC
4100 Edison Lakes Parkway, Suite 350
Mishawaka, Indiana 46545
574-271-4060

File No. 170161 "C" MD


NORTH
N MAIN ST
LOCATION OF
REZONING PETITION
EDISON LAKES PKY
Location Map
PET 17-13
CRESSY LAND INVESTMENTS LLC
PROPERTY NORTH OF
4914 N MAIN
REZONE FROM
C-1 GENERAL COMMERCIAL
TO C-7 AUTOMOBILE ORIENTED
RESTAURANT COMMERCIAL

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 31 2017

CITY CLERK
MISHAWAKA, IN

DATE: May 24, 2017

RECEIVED
MAY 24 2017
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

PET 17-14

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

RE: PETITION TO AMEND RIDGEMONT CROSSING P.U.D.

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

A PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 74 IN RIDGEMONT CROSSING SECTION THREE FINAL P.U.D., RECORDED UNDER INSTRUMENT NUMBER 0721398 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE THE NEXT EIGHTEEN (18) COURSES ALONG THE SAID BOUNDARY OF RIDGEMONT CROSSING SECTION THREE; (1) SOUTH 00°16'24" EAST, 280.21 FEET; (2) THENCE NORTH 89°42'29" EAST, 5.00 FEET; (3) THENCE SOUTH 00°17'31" EAST, 60.00; (4) THENCE SOUTH 89°42'29" WEST, 5.00 FEET; (5) THENCE SOUTH 00°18'37" EAST, 185.00 FEET; (6) THENCE SOUTH 89°42'29" WEST, 452.00 FEET; (7) THENCE SOUTH 00°16'23" EAST, 196.46 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET AND A CHORD OF 37.53 FEET, BEARING NORTH 79°15'44" EAST; (8) THENCE NORTHEASTERLY ALONG SAID CURVE, 37.54 FEET; (9) THENCE SOUTH 08°42'32" EAST, 60.00 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 470.00 FEET AND A CHORD OF 12.96 FEET BEARING SOUTH 80°30'04" WEST; (10) THENCE SOUTHWESTERLY ALONG SAID CURVE, 12.96 FEET; (11) THENCE SOUTH 13°47'01" EAST, 123.31 FEET; (12) THENCE SOUTH 61°17'10" WEST, 109.70 FEET; (13) THENCE SOUTH 13°49'54" WEST, 29.87 FEET; (14) THENCE NORTH 89°02'39" WEST, 290.39 FEET; (15) THENCE SOUTH 00°16'24" EAST, 7.33 FEET; (16) THENCE SOUTH 89°25'04" WEST, 50.00 FEET; (17) THENCE NORTH 00°16'24" WEST, 5.23 FEET; (18) THENCE SOUTH 89°49'29" WEST, 157.50 FEET TO THE SOUTHEAST CORNER OF LOT 29 IN RIDGEMONT CROSSING SECTION ONE, RECORDED UNDER INSTRUMENT NUMBER 0540313 IN SAID RECORDERS OFFICE; THENCE THE NEXT THREE (3) COURSES ALONG SAID BOUNDARY OF RIDGEMONT CROSSING SECTION ONE; (1) SOUTH 89°43'36" WEST, 162.50 FEET; (2) THENCE SOUTH 84°27'36" WEST, 144.61 FEET; (3) THENCE SOUTH 89°43'36" WEST, 216.11 FEET TO THE EASTERLY RIGHT OF WAY OF FIR ROAD; THENCE SOUTH 00°05'01" WEST ALONG SAID EASTERLY

RIGHT OF WAY, 644.45 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 4859.29 FEET AND A CHORD OF 75.73 FEET, BEARING NORTH 89°48'49" EAST, SAID POINT ALSO BEING A POINT ON THE NORTHERLY RIGHT OF WAY OF DRAGOON TRAIL; THENCE NORTHEASTERLY ALONG SAID CURVE AND NORTHERLY RIGHT OF WAY, 75.73 FEET; THENCE NORTH 89°22'01" EAST ALONG SAID NORTHERLY RIGHT OF WAY, 853.54 FEET; THENCE SOUTH 00°37'59" EAST, 40.00 FEET TO THE CENTERLINE OF DRAGOON TRAIL; THENCE NORTH 89°22'01" EAST ALONG SAID CENTERLINE, 795.45 FEET TO A PONT OF A NON-TANGENT CURVE TO THE RIGHT ,HAVING A RADIUS OF 1134.22 FEET AND A CHORD OF 251.91 FEET, BEARING SOUTH 84°15'29" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE AND CENTERLINE, 252.43 FEET TO THE SOUTHWEST CORNER OF TRADES PARK SUBDIVISION, RECORDED UNDER PLAT BOOK 28 PAGE "T" IN SAID RECORDERS OFFICE; THENCE NORTH 00°01'20" WEST ALONG THE WESTERLY LINE OF SAID TRADES PARK AND THE WESTERLY LINE OF TRADES PARK 1ST REPLAT, RECORDED UNDER INSTRUMENT NUMBER 0046917 IN SAID RECORDERS OFFICE, 1569.93 FEET; THENCE SOUTH 89°43'36" WEST, 236.91 FEET; THENCE NORTH 00°13'55" EAST, 127.07 FEET; THENCE SOUTH 89°43'36" WEST, 228.14 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 44.83 ACRES, MORE OR LESS, AND SUBJECT TO ALL EASEMENTS, COVENANTS, RESTRICTIONS, AND RIGHT OF WAYS OF RECORD.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for detached single-family residential.

Petitioner(s) desire said real estate to be amended to revise layout for single family residential and allow light industrial use on the southeast portion of the parcel. The original Planned Unit Development contained 228 lots. The amended Planned Unit Development includes 73 additional single family lots and 10.46 acres of light industrial use.

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 amending the PUD of the above described parcel of land located in the City of Mishawaka.

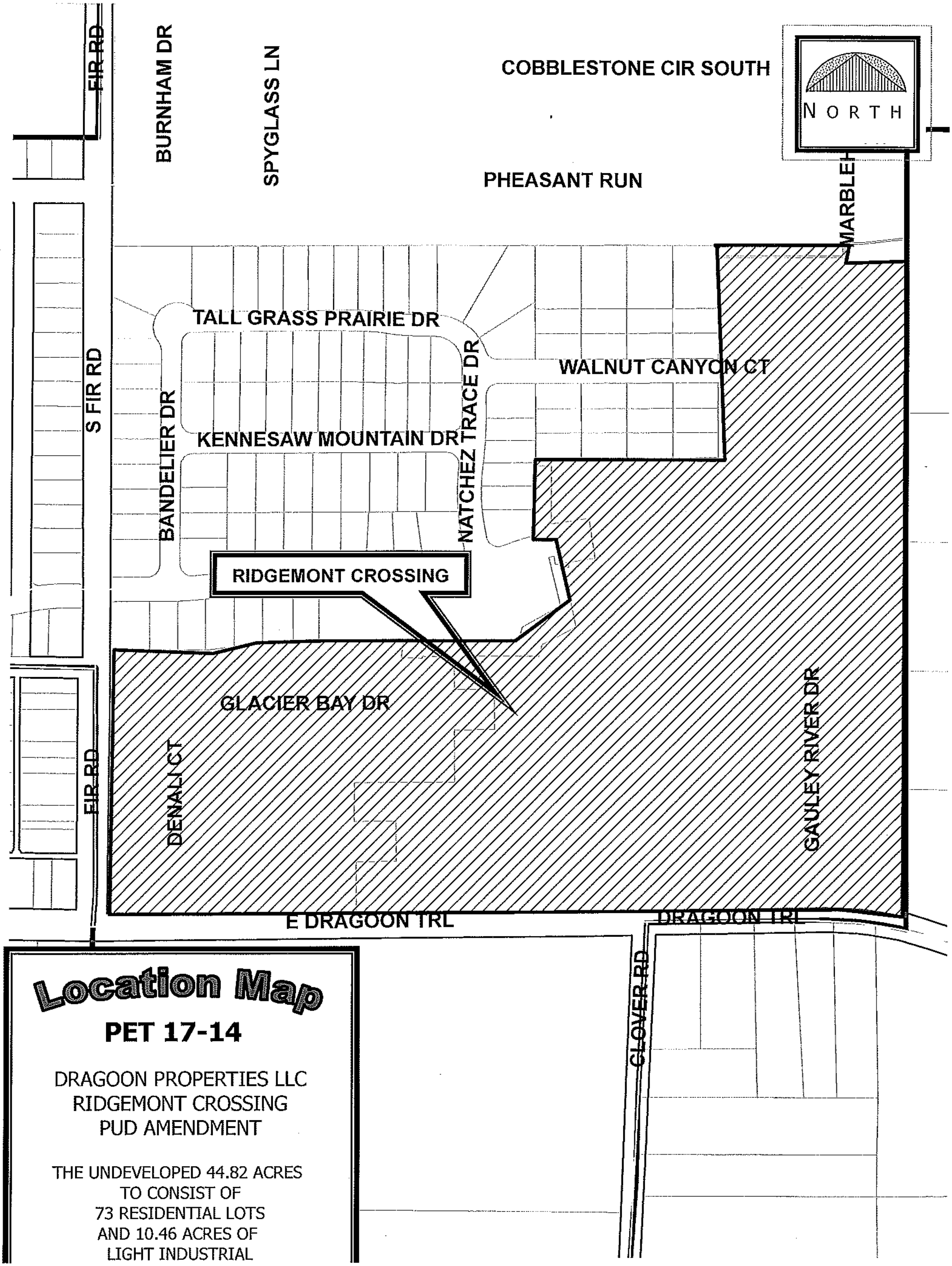
Dragoon Properties, LLC

Bruce DeWulf

CONTACT PERSON:

Daryl S. Knip, PE.
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
Phone: 574.232-8700

O:\Projects\2017\17-0177 Dragoon Properties, LLC\Permits & Plan Reviews\PUD Amendment\2017-05-24 PUD Amendment application.doc



Location Map

PET 17-14

DRAGOON PROPERTIES LLC
RIDGEMONT CROSSING
PUD AMENDMENT

THE UNDEVELOPED 44.82 ACRES
TO CONSIST OF
73 RESIDENTIAL LOTS
AND 10.46 ACRES OF
LIGHT INDUSTRIAL

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Misti D. Horvath, Deputy Controller

Date: May 26, 2017

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: Investment of Public Funds

For the June 5th meeting I am requesting first reading of three ordinances that involve the investing of City funds. The maturity ordinance and investment policy were adopted in 2013 with four-year renewal terms. The maturity ordinance allows investments longer than two years but less than five years and the related investment policy sets forth investment objectives and parameters for the management of public funds to provide a competitive return. The third ordinance has a two-year renewal and authorizes the City of Mishawaka to invest outside of its political subdivision.

Please contact me with any questions.

c: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK MMC
MAY 26 2017
CITY CLERK
MISHAWAKA, IN

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 26 2017

CITY CLERK
MISHAWAKA, IN

1st Reading 6-5-17
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2017-21

ORDINANCE NO. ______

AN ORDINANCE OF THE CITY OF MISHAWAKA, INDIANA,

AUTHORIZING AN INVESTMENT POLICY

INVESTMENT POLICY
CITY OF MISHAWAKA

Section 1.

I. Purpose

The purpose of this investment policy (the "Policy") is to set forth the investment objectives and parameters for the management of public funds of the City of Mishawaka (the "City"). This investment policy is designed to safeguard funds on behalf of the City, to assure the availability of funds when needed, and provide a competitive investment return.

II. Scope

This policy applies to the investment of all funds of the City including but not limited to, the general fund, special revenue funds, debt service funds, project funds and trust and agency funds.

The City may consolidate fund balances to increase investment earnings and to increase efficiencies with regard to investment pricing, banking fees and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

III. General Objectives

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and return:

1. Safety
Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital. The objective will be to minimize credit risk and interest rate risk.

a. Credit Risk - The City will minimize credit risk, which is the risk of loss due to the failure of the security issuer or backer, by limiting investments to the types of securities listed in Section VI of this Investment Policy.

b. Interest Rate Risk - The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities prior to maturity.

2. *Liquidity*
The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Furthermore, since all possible cash demands cannot be anticipated, a portion of the portfolio may be placed in money market mutual funds or government investment pools which offer same day liquidity for short-term funds.

3. *Yield*
The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

IV. Standards of Care

1. *Delegation of Authority*
The City Controller, hereinafter referred to as the Investment Officer, shall be responsible to oversee the day-to-day management of the City's investments pursuant to Indiana Code 36-4-10-4.5. Should the City elect to select an outside investment advisor, such advisor or firm must be registered under the Investment Advisor's Act of 1940.

2. *Prudence*
The standard of prudence to be used by the Investment Officer shall be the "prudent person" standard and shall be applied in the context of managing all funds of the City. The "prudent person" standard states that, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

3. *Ethics and Conflicts of Interest*
The Investment Officer and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. The Investment Officer and employees shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio.

V. Authorized Financial Institutions and Broker/Dealers

1. *Authorized Financial Institutions and Broker/Dealers*
A list will be maintained of local financial institutions that are approved depositories for the receipt of public funds according to the State Board for Depositories. The City may pass a resolution pursuant to IC 5-13-9-5 expanding the list of approved financial institutions to include all Indiana depositories approved for the receipt of public funds according to the Indiana State Board for Depositories.

In addition, the City will only use broker/dealers that meet the following requirements:

- Primary dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule);
- Capital of no less than $10,000,000;
- Registered as a dealer under the Securities Exchange Act of 1934;

- A member of the National Association of Securities Dealers (NASD);
- Proof of state registration

VI. Suitable and Authorized Investments

Consistent with Indiana Code 5-13-9, the following investments will be permitted by this Policy:

(1) Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:
   (A) The United States Treasury.
   (B) A federal agency.
   (C) A federal instrumentality.
   (D) A federal government sponsored enterprise.

(2) Securities fully guaranteed and issued by any of the following:
   (A) A federal agency.
   (B) A federal instrumentality.
   (C) A federal government sponsored enterprise.

(3) Municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the twenty (20) years preceding the date of the purchase in accordance with IC 5-13-9.2.

(4) Money market mutual funds rated AAAm, or its equivalent, by Standard and Poor's Corporation or Aaa, or its equivalent, by Moody's Investors Service, Inc. in accordance with IC 5-13-9-2.5.

(5) Repurchase agreements in accordance with IC 5-13-9-3

(6) Transaction accounts, certificates of deposit and deposit accounts issued or offered by a designated depository of the City's political subdivision. The investing officer making a deposit in a certificate of deposit shall obtain quotes from each designated depository in accordance with IC 5-13-9-4.

(7) Certificates of deposit authorized by a resolution of the City in accordance with IC 5-13-9-5 and 5-13-9-5.3.

(8) Local government investment pools in accordance with IC 5-13-9-11.

Consistent with Indiana Code 36-1-7, the City may pass a resolution to enter into interlocal cooperation agreements for the joint exercise of powers, including the investment of public funds.

VII. Investment Parameters

1. *Maximum Maturities*
The City's investments must have a stated final maturity of not more than two years pursuant to IC 5-13-9-5.6. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as local government investment

pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

The City may adopt an ordinance, pursuant to IC 5-13-9-5.7, authorizing its Investment Officer to make investments having a stated final maturity that is more than two (2) years but not more than five (5) years after the date of purchase. The total investments of the City with maturities of two (2) to five (5) years outstanding at the time of purchase may not exceed twenty-five percent (25%) of its total portfolio of public funds invested, including balances in transaction accounts. Such ordinance expires on the date on which this Policy expires, which may not exceed four (4) years.

2. *Competitive Bids*
The Investment Officer or its designee shall obtain competitive bids for investment with financial institutions in accordance with IC 5-13-9-4. The Investment Officer or its designee shall obtain bids from at least two brokers or financial institutions on all purchases of investment instruments on the secondary market. Overnight sweep investment instruments shall not be subject to this section.

VIII. Policy Considerations

1. Adoption and Expiration
This Policy shall be adopted by the City at a public meeting and shall expire four (4) years from the date of adoption in accordance with IC 5-13-9-5.7.

2. Exemption
Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

3. Amendments
This policy shall be reviewed periodically. Any changes must be approved by the Investment Officer and any other appropriate authority.

Section 2. This ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

On this ____________day of ________________, 2017 at __________ o'clock, ____.M.

____
Ross Deal, Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this ___________ day of __________________, 2017 at _______ o'clock, ____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ___________ day of ___________________, 2017 at

_________________ o'clock, _____.M.

____

David A. Wood, Mayor

1st Reading 6-5-17
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 26 2017

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2017-22

ORDINANCE NO. ________

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO IC 5-13-9-5 AND 5-13-9-5.3

Whereas, the City of Mishawaka (the "City") desires pursuant to IC 5-13-9-5 to allow banks outside the political subdivision to submit quotes on public funds certificates of deposit for the purpose of investing its operating and utility funds;

Section 1. Now, therefore, pursuant to IC 5-13-9-5, the Common Council of the City of Mishawaka hereby authorizes the investing officer of the City to invest in certificates of deposit of depositories that have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5. This authorization expires two (2) years after the adoption date.

Section 2. This ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

On this __________ day of ______________, 2017 at _________ o'clock, ____.M.

____
Ross Deal, Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this __________ day of ________________, 2017 at_______ o'clock, ____.M.

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

APPROVED BY ME this __________ day of _________________, 2017 at

_______________ o'clock, _____.M.

____
David A. Wood, Mayor

1st Reading 6-5-17
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC
MAY 26 2017
CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2017-23

ORDINANCE NO. ____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO IC 5-13-9-5.7

Whereas, the City of Mishawaka (the "City") desires to allow the investment of public funds of the City for more than two (2) years and not more than five (5) years;

Section 1. Now, therefore, pursuant to IC 5-13-9-5.7, the Common Council of the City of Mishawaka hereby authorizes the investing officer to make investments having a stated final maturity that is more than two (2) years, but not more than five (5) years after the date of purchase under the following circumstances:

(a) The fiscal body of the City shall first adopt an investment policy authorizing the investment of public funds of the City for more than two (2) years and not more than five (5) years in accordance with IC 5-13-9-5.7(a) and (b).

(b) This ordinance and the power to make an investment having a stated final maturity that is more than two (2) years, but not more than five (5) years after the date of purchase expire on the date on which the investment policy expires, which may not exceed four (4) years.

(c) At the time an investment of public funds of the City is made having a stated final maturity that is more than two (2) years, but not more than five (5) years, the total of such investments of the City may not exceed twenty-five percent (25%) of the total portfolio of public funds invested by the City, including balances in transaction accounts.

(d) An investing officer may contract with a federally regulated investment advisor or other institutional money manager to make such investments.

Section 2. This ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

On this ___________ day of _______________, 2017 at _________ o'clock, ____.M.

____
Ross Deal, Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this __________day of _________________, 2017 at_______ o'clock, ____.M.

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

APPROVED BY ME this __________day of _________________, 2017 at

________________o'clock, _____.M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

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

May 15, 2017

RECEIVED
DEBORAH S. BLOCK, MMC
MAY 11 2017
CITY CLERK
MISHAWAKA, IN

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. Ross Deal, 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. Joe Canarecci, At-Large City Council
Mr. Matt Mamolenti, At-Large City Council
Mr. Bryan Tanner, At-Large City Council
Mrs. Deborah Block, City Clerk

Re: Confirming Resolutions 2017-09
Tax Abatement- River Walk Development Group LLC
Proposed River Walk Multi-Family Residential Development

Dear Council Members and Clerk:

Please find attached the Confirming Resolution 2017-09 for a tax abatement request that has been filed for consideration at your Monday, May 15th meeting. As was previously referenced when the Council considered and approved the declaratory resolution, the developer is proposing to construct a multi-family residential project on an approximate 2 acre city-owned area. The site is generally located north of the Riverwalk, east of N. Main Street, south of an east-west alley south of Mishawaka Avenue, and adjacent to Sarah Street if extended to the St. Joseph River. The $12.5-$13.5 million project includes an approximate 120,000 sq. ft. building with 50-60 apartment (rental) units. The developer indicated that construction is expected to start in May 2018 and be complete by August 2019.

Scott Sivan, the developer of the recently completed River Rock apartments on Mishawaka Avenue, is the Managing Partner of the River Walk Development Group LLC. Identical to the River Rock apartments, the request is for a five (5) year abatement on the proposed apartment building. A copy of the submitted application and relevant materials is once again attached for your review and information with the applicant's Counsel prepared resolution. This is the same information previously distributed with the Declaratory Resolution.

The Declaratory Resolution was approved at the Council's May 1st 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. The advertising has occurred and staff is not aware of any remonstrance or comments that have been received regarding the proposed abatement. Please note that in the last 13 years, the City has not received any remonstrance from other taxing units on any proposed abatement. We believe the lack of remonstrance is in part due to the fact that abatements are always considered concurrent with new growth and development, and that the proposals always represent added value, with or without a tax phase-in. Another factor to consider is that the immediate future financial impact to other taxing units will be minimal with or without an abatement due the property's location within the City's Consolidated TIF district.

As previously referenced, the City of Mishawaka Redevelopment Commission, on behalf of the City of Mishawaka and Department of Redevelopment, being the owners of the properties, have entered into a Development Agreement with the River Walk Development Group LLC. As part of that agreement the Commission agreed to support abatement for these projects. Specifically, the agreement indicated that "Based on what is being proposed, the Commission shall draft a letter of support for the abatement. The recommendation will include language on the number of years for the abatement, based on the schedule and investment proposed by the Developer." Relative to the specifics of the request, the Developer is requesting an aggressive 5 year abatement schedule, that would abate 100%, 95%, 90%, 85%, 80% of the new taxes associated with real property over the life of the abatement. For ease of reference, Resolution 2017-04, which was approved by the Redevelopment Commission on February 27, 2017, serves as the letter of support and is attached for your review and consideration. Although this is identical to what was submitted for the River Rock apartment project, as you may recall, the percentages that were ultimately approved for River Rock were amended on the floor by the Council to 100%, 90%, 85%, 75%, 70% for years one through five respectively.

To summarize the reasons for the abatement:

- First, the proposed development serves as a significant investment in the downtown area continuing to build on the momentum of other nearby multi-family residential development, such as the recently completed River Rock apartments and the planned mixed-use/residential and retail Mill at Ironworks Plaza. *The proposed type of multi-family residential development is a major component of the redevelopment initiatives in the downtown area which began with the Rivercenter Master Plan completed in 1999.*

- The City currently owns and maintains the property. Excluding a portion of River Walk located adjacent to the St. Joseph River, sidewalks connecting to Central Park and Sarah Street, and a pedestrian access point along Main Street, the properties currently serve no real purpose other than being land banked for development. The properties are generating no taxes or income for the City. Although a minor expense, the City is responsible for the current property maintenance.

- Current market conditions dictate the need for an abatement. The Barak River Rock project, located on Mishawaka Avenue north of the river, and the Townes at Kamm Island Park, an owner-occupied townhouse development located south of the river and west of Buetter Park, were the first for profit buildings constructed in the downtown area in the last 10 years. Older projects constructed sat vacant for years. The Ironworks building constructed by Prime Development in 2008 was not fully leased until 2015.

- This project is being marketed to professionals and others that have a higher average income when compared with much of the older housing/population in the vicinity of the project. The prospective residents will not only help sustain existing businesses, but also create demand for additional development over time. Based on staff's general estimates and projections for 55 apartment units with average household incomes of $50,000, if only 5% of the income of these new residents is spent in the downtown, this project alone will provide in excess of $137,500 a year toward supporting local businesses.

- Our historic downtown is not part of the commercial and medical regional hub on the north side of the City that remains in high demand and continues to command some of the highest property values of all of St. Joseph County. In contrast, the downtown has commercial values that are considerably lower with a more intermittent developer interest.

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

1) *Would this project happen with or without tax abatement?*
Given the applicant's statements and through our conversations on this proposed development and the previously developed River Rock apartments, we believe the developer will not pursue the project without the abatement.

2) *Will the proposed employees receive greater wages or benefits, when compared to what market forces would dictate, as a result of the abatement?*
No, the proposed jobs created will be market rate. As indicated in the abatement request, two new non-construction jobs will be created.

3) *Will the project bring a higher grade of construction than the City could typically expect in this area, or higher than what the market would dictate?*
Yes. In order to capitalize on the site's location adjacent to the river, the developer is proposing a unique building design with a terraced balconies on the upper floors. These balconies will enhance and maximize views for the apartment's tenants while providing a higher-level and more aesthetically pleasing design for the general public. The proposed first-floor covered parking, upper-level private courtyard, elevators, and vertical building design will result in a higher construction costs per square foot. Although this potentially creates a gap between the construction costs and the leasing rates that the market will bear, it will also increase the project density, and the corresponding assessed valuation. In summary, the style of the proposed development is architecturally significant and is consistent with the desire to build density in our historic downtown.

4) *Is the area currently having trouble developing? Is it a brownfield area?*
Excluding River Rock apartments and the soon to be developed The Mill at Ironworks, which would not be possible without both public and private funding, private investment in the area has been minimal. The city's investment in public spaces and the River Walk have created a sense of place and increased usage of the riverfront, but has not resulted in an increase of private investment as anticipated. The lack of growth and investment can largely be attributed to the lower incomes and aging population in the older parts of the city including downtown.

5) *Is the City asking for some kind of improvement out of the ordinary where the developer is undertaking a cost that is normally borne by the City, such as significantly extending infrastructure or widening a road that will promote additional development?*
No. Per the development agreement entered into between the developer and Redevelopment Commission, the City is paying for the improvement costs associated with the expanded right-of-way of the east-west alley on the north side of the site. Improvements shall include the widening of the street and building sidewalks, and landscaping within the widened public right-of-way.

6) *The regional economy has improved, why should we incentivize construction right now when many of the trades are working at close to capacity and Notre Dame has significant construction happening?*
The economy has considerably improved from the earlier part of the decade when unemployment rates were higher. However, a significant part of the working population left our region due to the great recession. When that segment of population was reduced, it negatively impacted our population statistics resulting the remaining population being older and less affluent. Having a vibrant construction industry is needed for the vitality of the region. This project is significant and will contribute to the on-going health of our local construction trades. From an economic development standpoint, an estimated 10 to 15

construction jobs are created for every million dollars of construction cost. With an estimated construction cost exceeding $13 million, we are reasonably confident that this project represents more than 130 construction jobs over the duration of construction.

7) *Will the services at this facility be better as a result of the tax abatement, will it be cheaper?*
Yes. If the tax abatement is approved, the developer will be able to offer the units at a lower rent that will allow the units to be leased. If the tax abatement were not approved, higher rents would prevent the building from being leased.

Accurately predicting values and tax impacts for any abatement request is always a challenge given the numerous variables and estimates involved. As in other recent abatement analyses', we used the following DLGF website to project tax revenue:

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

This website includes a calculator where you input the location, assessed valuation, and class of property and it outputs the maximum tax for the property. This calculator was used for the below tax projections. The current 2017 tax rate was used, and future years did not estimate any increase or decrease over the abatement period. Although we know the tax rate will increase and that there will be an impact based on the full implementation of the tax caps in 2019, we felt that omitting estimates for these changes still provided a reasonable value estimate without being more complicated.

Using the calculator, based on the 2017 tax rate, and a $10,400,000 assessed valuation, the project will have an estimated annual tax bill of $318,217. Like other recent tax abatement analysis, the assessed valuation for multiple-family residential project is projected at 80% of the construction cost, which in this case is $13,000,000.

The below table shows the anticipated annual and total amount of tax revenue abated and paid after the completion of the project expected to be in August 2019:

Proposed 5 Year Abatement – Residential Rental Apartment Units

Tax Year	*Percentage*	*Total Tax*	*Taxes Paid*	*Taxes Abated*
2019 Pay 2020	100%	$318,217	$0	$318,217
2020 Pay 2021	95%	$318,217	$15,911	$302,306
2021 Pay 2022	90%	$318,217	$31,821	$286,396
2022 Pay 2023	85%	$318,217	$47,733	$270,484
2023 Pay 2024	80%	$318,217	$63,643	$254,574
Total		***$1,591,085***	***$159,108***	***$1,431,977***

Tax abatement analysis and discussions typically revolve around finances and often only consider the short-term fiscal impact. However, it is just as important to develop the downtown area with a vibrant mix of uses paving the way for future investment.

As always, please do not hesitate to contact our department if you have any questions, or require any additional information. We thank you for your consideration.

Sincerely,

Derek J. Spier, AICP
Senior Planner & Economic Development Specialist

cc: David A. Wood, Mayor
City of Mishawaka Redevelopment Commission (via e-mail only)

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 1 1 2017

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2017-09

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, COMMONLY KNOWN AS

VACANT LAND AT 100 BLOCK OF EAST MISHAWAKA AVENUE EAST OF SARAH STREET

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

RIVER WALK DEVELOPMENT GROUP, L.L.C. AND/OR ITS ASSIGNS

WHEREAS, the Common Council of the City of Mishawaka, Indiana, adopted a Declaratory Resolution which designated eighteen (18) vacant unaddressed parcels located north of the St. Joseph River, east of North Main Street, south of an east-west alley south of Mishawaka Avenue, and adjacent to Sarah Street, being more specifically Parcel Numbers 71-09-16-226-001.000- 023, 71-09-16-226-002.000-023, 71-09-09-488-013.000-023, 71-09-09-488-014.000-023, 71-09-09-488-015.000-023, 71-09-09-488-016.000-023, 71-09-09-488-017.000-023, 71-09-09-488-018.000-023, 71-09-09-488-019.000-023, 71-09-09-488-020.000-023, 71-09-09-488-021.000-023, 71-09-09-488-022.000-023, 71-09-09-489-004.000-023, 71-09-09-489-005.000-023, 71-09-16-226-003.000-023, 71-09-16-226-004.000-023, 71-09-16-226-005.000-023, and 71-09-16-226-006.000-023 as shown on the attached Exhibit A, as an Economic Revitalization Area and an Economic Development Target Area.

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

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

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

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

1. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area and Economic

Development Target Area for the purposes of tax abatement. Such designations are for real property tax abatement only and is limited to five (5) calendar years.

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

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

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

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

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

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this ___ day of June, 2017.

____
Ross J. Deal, President

ATTEST:

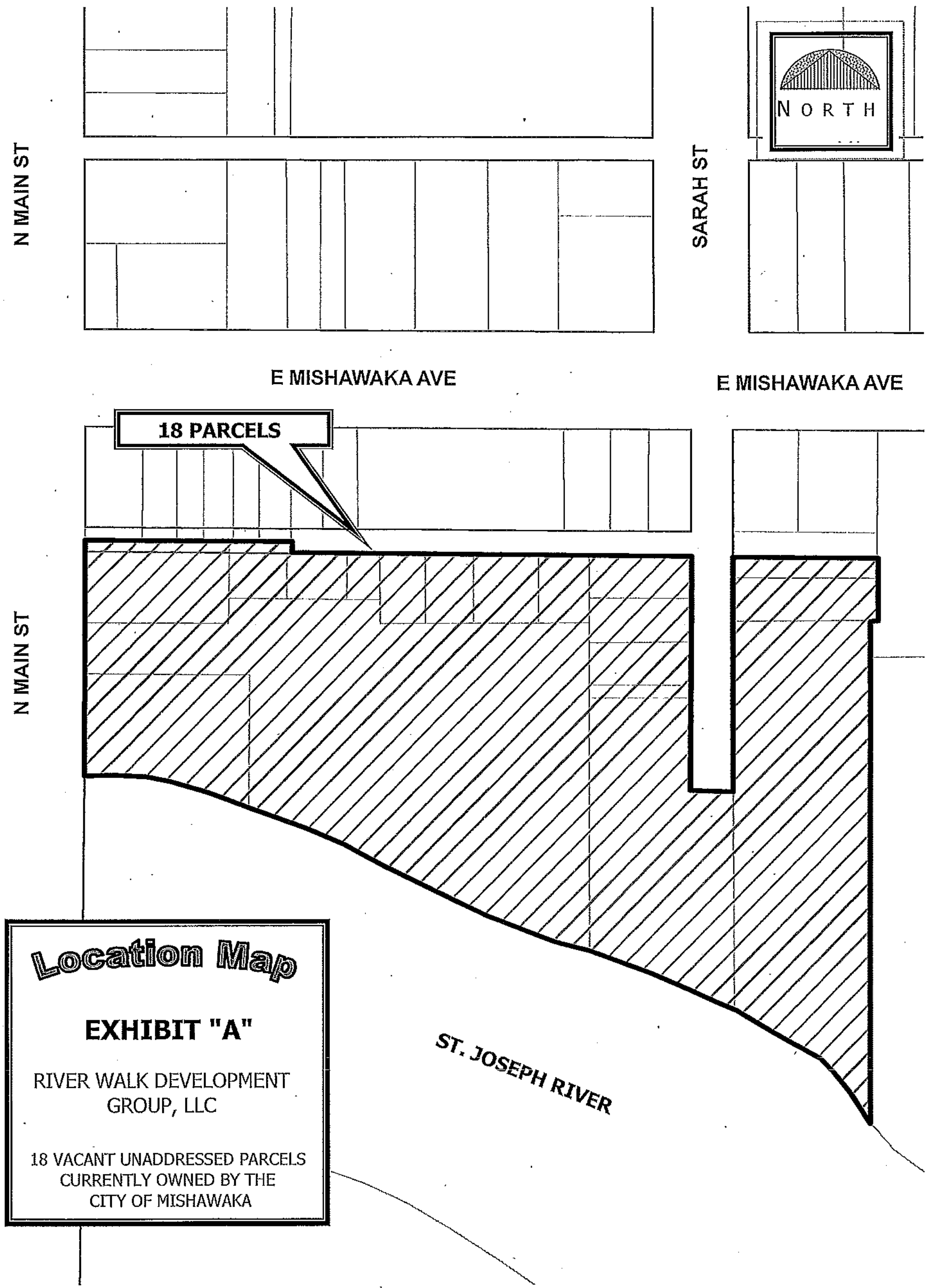
____
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of ______________________, 2017.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of ______________________, 2017, at _____ o'clock ____.M.

____
David A. Wood, Mayor


N MAIN ST
SARAH ST
NORTH
E MISHAWAKA AVE
E MISHAWAKA AVE
18 PARCELS
N MAIN ST
ST. JOSEPH RIVER
Location Map
EXHIBIT "A"
RIVER WALK DEVELOPMENT GROUP, LLC
18 VACANT UNADDRESSED PARCELS CURRENTLY OWNED BY THE CITY OF MISHAWAKA

RESOLUTION NO. 2017-04

CITY OF MISHAWAKA REDEVELOPMENT COMMISSION RESOLUTION 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 property (i.e., tax abatement) located within an Economic Revitalization Area ("ERA");

WHEREAS, the City has authority to allow a deduction from the assessed value of redeveloped or rehabilitated real property to be used for 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, River Walk Development, LLC ("Petitioner") is a party to a certain Development Agreement entered into with the City of Mishawaka Redevelopment Commission ("Commission") dated May 23, 2016 (the "Development Agreement") regarding the proposed redevelopment of certain property owned by the Commission (as defined in the Development Agreement, the "Property"), including Petitioner's purchase and development of the Property;

WHEREAS, Petitioner has submitted a Form SB-1 Statement of Benefits and Application for a five (5) year Real Property Tax Abatement (together, the "Application") with the Common Council of the City of Mishawaka ("Council"), including a request that the Council designate the Property as an ERA and Economic Development Target Area for purposes of such abatement;

WHEREAS, the Petitioner plans to construct, as described in the Statement of Benefits attached hereto as Exhibit A, a multi-family housing project on the Property (the "Project");

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

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

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

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

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

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

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

4. Based on the information in the Application, including the Statement of Benefits, describing the proposed Project and the Commission's consideration of other evidence, the Commission hereby finds that the allowance of property tax deductions for the Project to be located in both the ERA and Economic Development Target Area is of public utility and benefit and is consistent with the findings made and actions taken in the Resolution.

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

ADOPTED and APPROVED at a meeting of the City of Mishawaka Redevelopment Commission held on the ___ day of February, 2017.

CITY OF MISHAWAKA
REDEVELOPMENT COMMISSION

President

ATTEST:

Secretary

BARNES & THORNBURG LLP

700 1st Source Bank Center
100 North Michigan
South Bend, IN 46601-1632 U.S.A.
(574) 233-1171
Fax (574) 237-1125

www.btlaw.com

February 22, 2017

VIA HAND DELIVERY

Mr. Kenneth Prince
Redevelopment Commission
City of Mishawaka
600 East 3rd Street
Mishawaka, Indiana 46544

RE: River Walk Development Group, L.L.C.
Application for Real Property Tax Abatement

Dear Ken:

Thank you for meeting with Scott Sivan and talking to me to discuss and review the proposed filing of River Walk Development Group's Application for Real Property Tax Abatement consideration. We are pleased to enclose an original and three (3) copies of each of the following documents for filing with your office (together with a check payable to the City of Mishawaka in the amount of $300):

1. Application for Real Property Tax Abatement;

2. Form SB-1 - Statement of Benefits;

3. Proposed form of Resolution for the Redevelopment Commission; and

4. Proposed forms of both a Declaratory and Confirming Resolution for consideration by the Common Council of the City of Mishawaka.

We greatly appreciate your guidance and support for this project. As always, please feel welcome to let Scott or me know if we can provide any additional information in anticipation of the Redevelopment Commission meeting. We would also appreciate your (a) returning a file-stamped copy of these documents to me (using the self-addressed, stamped envelope enclosed for your convenience) and (b) confirming the date for presentation to the Commission. Thank you again for your professional assistance.

Very truly yours,

BARNES & THORNBURG LLP

Richard J. Deahl

RECEIVED
FEB 22 2017
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

RJD:slr
Enclosure
cc: Mr. Scott Sivan
Andrew G. Helfrich, Esq.
DMS 1296629v1

RECEIVED
FEB 22 2017
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

City of Mishawaka
Building – Community Development - Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

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

RIVER WALK DEVELOPMENT GROUP, L.L.C. (and its successors/assigns)

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

Name and Title: **Mr. Scott Sivan, Managing Partner**

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

Telephone: **(574) 302-7236**

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

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

Address:

Telephone:

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

   a) Street Address: **Vacant Land located West of Sarah Street and South of Lots on the Southeast corner of Main Street and Mishawaka Avenue; Mishawaka, Indiana.**

   b) Township: **Penn Township (Mishawaka)**

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

   d) Council District Number: **4th District, City of Mishawaka**

e) Tax Parcel Number(s):

Parcel Nos.: **71-09-16-226-001.000- 023**
71-09-16-226-002.000-023
71-09-09-488-013.000-023
71-09-09-488-014.000-023
71-09-09-488-015.000-023
71-09-09-488-016.000-023
71-09-09-488-017.000-023
71-09-09-488-018.000-023
71-09-09-488-019.000-023
71-09-09-488-020.000-023
71-09-09-488-021.000-023
71-09-09-488-022.000-023
71-09-09-489-004.000-023
71-09-09-489-005.000-023
71-09-16-226-003.000-023
71-09-16-226-004.000-023
71-09-16-226-005.000-023
71-09-16-226-006.000-023

(and any combinations/future parcel numbers assigned to these parcels/lots)

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

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

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

Land: **$Exempt (Owned by City of Mishawaka Redevelopment Commission)**

Improvements: **$None/Exempt (Owned by City of Mishawaka Redevelopment Commission)**

Inventory: **$0.00 (N/A)**

Equipment: **$0.00 (N/A)**

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

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

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

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

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

Please see Description of Applicant and Project attached as Exhibit A

An affiliate of applicant has one project at 116 W. Mishawaka Ave, Mishawaka, IN 46545

What is the size of the real estate that will be developed? (in acres) **A portion of ~2.92 Acres**

9. What is the estimated construction or rehabilitation cost? **~$ 12.5 – 13.5 MM**

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

11. What is the anticipated date for construction to begin? **February, 2018**

12. What is the anticipated date for project completion? **August, 2019**

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

Please see Description of Applicant and Project attached as Exhibit A

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

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

Skilled	____	Average hourly wage rate for skilled positions	____
Semi-skilled	____	Average hourly wage rate for unskilled positions	____
Clerical	____	Average hourly wage rate for clerical positions	____
Salaried	____	Average salary (per hour) for salaried positions	$20

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 2

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.).

Sick and vacation time.

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.) N/A

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

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

Skilled	____	Average hourly wage rate for skilled positions	____
Semi-skilled	~	Average hourly wage rate for unskilled positions	~15.00
Clerical	~	Average hourly wage rate for clerical positions	~13.00
Salaried	~	Average salary (per hour) for salaried positions	~45,000

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) ~2

g) What is the total dollar amount to be spent on new salaries? ~ $75,000

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

Current hourly employees	____________
Retained hourly employees	____________
New hourly employees	____________

i) (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: **N/A.**

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

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

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

Please see Description of Petitioner and Project attached as Exhibit A

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

Please see Description of Petitioner and Project attached as Exhibit A

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

Please see Description of Petitioner and Project attached as Exhibit A

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

Please see Description of Petitioner and Project attached as Exhibit A

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

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

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

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

21. Miscellaneous Attachments Required:

- Attach the legal description of the property where the project will take place, marked <u>Exhibit B</u>, and hereby incorporated herein. **To be completed.**

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

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

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

RIVER WALK DEVELOPMENT GROUP, L.L.C.
(and its Successors and Assigns)

____
Signature of Owner or Authorized Representative

Printed: Scott Sivan
Title: Managing Partner

February 21, 2017
Date

EXHBIIT A
DESCRIPTION OF PETITIONER AND PROJECT

River Walk Development Group, L.L.C., a Delaware limited liability company (the "Petitioner" or "Developer") is a party to a certain Development Agreement with the City of Mishawaka Redevelopment Commission dated May 23, 2016 for the proposed development of certain vacant property generally located immediately north of the St. Joseph River between Main Street and Sarah Avenue, Mishawaka, Indiana (the "Development Agreement"). As more particularly set forth in the Development Agreement, the proposed project includes new investment to construct a multi-family building containing approximately 120,000 square feet. This building will contain approximately 50-60 residential units for occupancy as condominiums and/or apartments. The Developer projects the completion of the building on or before August 2019. The Developer anticipates, at this time, that construction of the entire development will proceed in a single phase at an investment of between $12,500,000 and 13,500,000. As noted above, the proposed project involves a significant investment in the construction of a multi-family project to spur continued residency and growth in downtown Mishawaka. This project, as generally depicted on Exhibit C, is designed with unique architectural features and enhancements to support and promote the advancement of the Mishawaka River Center Master Plan. In particular, the design of the proposed project includes pedestrian friendly features, architectural aspects and positioning to enhance the aesthetic views from and connectivity of residential areas with the Mishawaka City Center.

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

- The Developer anticipates investing approximately $12,500,000 - 13,500,000in the construction of the building improvements;
- The Developer anticipates relying on local service providers and suppliers when reasonably possible for construction services and materials for completion of the project;
- The overall design of the project includes an emphasis on architectural features and pedestrian friendly attributes to support the Mishawaka's River Center Master Plan and to create an inviting and vibrant community within and stemming from the project;
- The Developer anticipates that, upon completion, the Developer will employ certain management and maintenance personnel, thereby creating at least 2 to 4 new jobs with an estimated payroll of amounts in excess of $80,000 – 150,000;

- The overall design and Developer's plan to complete construction of the entire project in a single phase, will result in great density and an influx of 100 to 120 new high quality residents to support and frequent existing local retail and service businesses and other establishments, which should provide more local revenues and employment as those businesses expand and new ones open for operation;

- The proposed development is also intended to serve as a catalyst for further projects with residential density and to support contributions for increasing traffic, patronage, and vibrancy of the downtown Mishawaka area.

As noted above, the Developer anticipates investing between $12,500,000 and $13,500,000 to successfully complete the construction of the proposed project. The success of the project and benefits provided to the City can be bolstered by efforts to manage the real property tax liabilities during construction and the marketing period to lease-up and/or sell individual units comprising the project. The Developer kindly requests the Mishawaka City Council's support of a five (5) year real property tax abatement, with the following deduction schedule:

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

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

EXHIBIT B

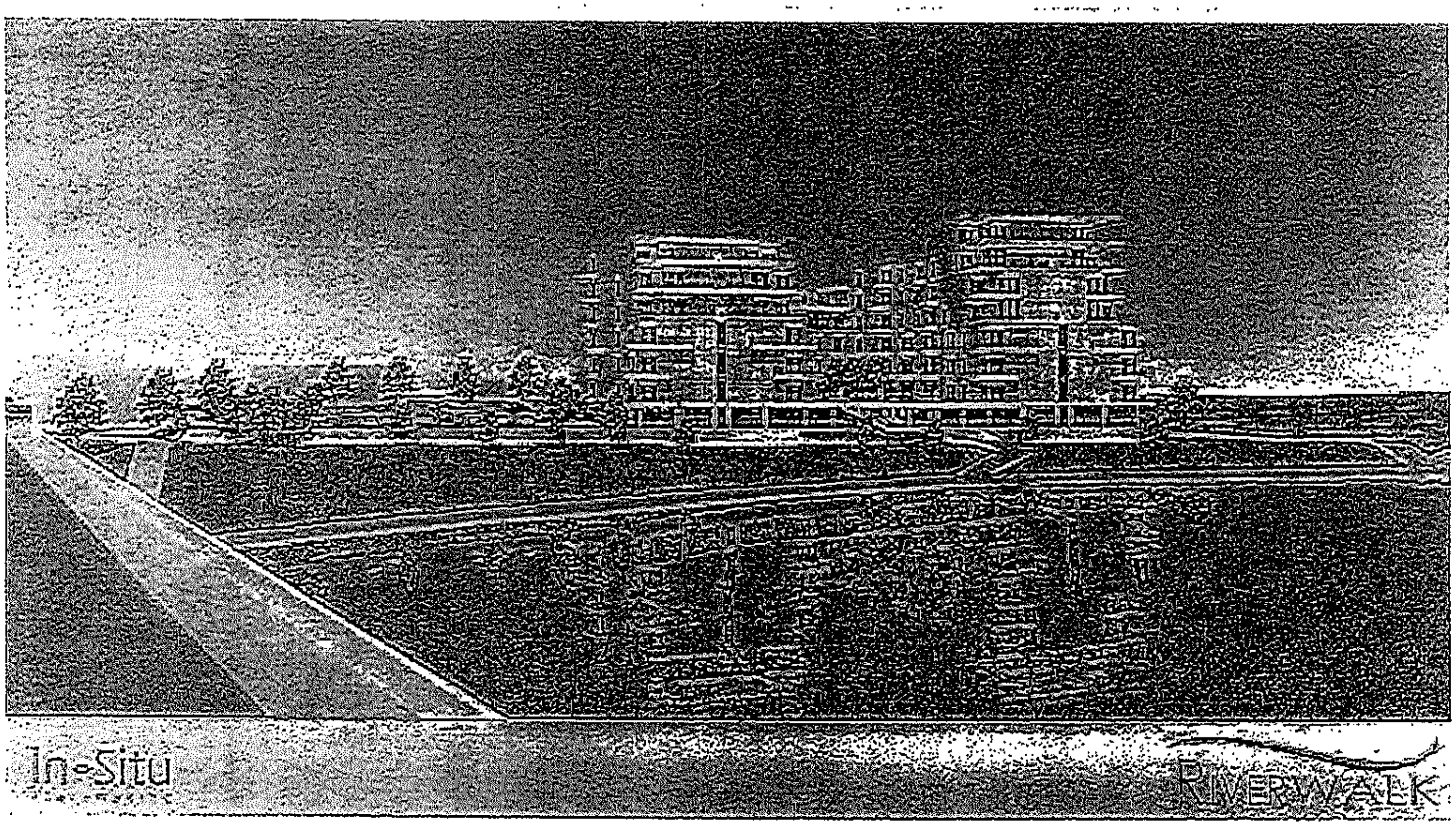
LEGAL DESCRIPTION

To be completed.

EXHBIIT C
PRELIMINARY DEVELOPMENT PLAN

[PLEASE SEE ATTACHED]

River Walk Development



STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)
Prescribed by the Department of Local Government Finance

20 19 PAY 20 20
FORM SB-1 / Real Property
PRIVACY NOTICE Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

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

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

INSTRUCTIONS:

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

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer River Walk Development Group, L.L.C.		
Address of taxpayer (*number and street, city, state, and ZIP code*) 300 S. St. Louis Boulevard, Suite 103; South Bend, Indiana 46617		
Name of contact person Scott Sivan, Managing Partner	Telephone number (574) 302-7236	E-mail address sivan@barakriverrock.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body Common Council of the City of Mishawaka		Resolution number
Location of property Please see Exhibit A	County St. Joseph	DLGF taxing district number 71-023
Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*) Investment of at least $12,500,000 - $13,500,000 in the development and construction of a multi-family housing project containing approximately 120,000 square feet		Estimated start date (*month, day, year*) May 2018 Estimated completion date (*month, day, year*) August 2019

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
0	0	N/A	N/A	2+	~$75,000

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	$0	Exempt
Plus estimated values of proposed project	$12.5MM – $13.5MM	Reg. 17
Less values of any property being replaced	N/A	N/A
Net estimated values upon completion of project	$12.5MM – $13.5MM	Reg. 17

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	Date signed (*month, day, year*) February 22 2017
Printed name of authorized representative Scott Sivan	Title Managing Partner

FOR USE OF THE DESIGNATING BODY

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

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

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

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

D. Other limitations or conditions *(specify)* N/A

E. Number of years allowed:

☐ Year 1	☐ Year 2	☐ Year 3	☐ Year 4	☑ Year 5 (* see below)
☐ Year 6	☐ Year 7	☐ Year 8	☐ Year 9	☐ Year 10

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

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

Approved *(signature and title of authorized member of designating body)*	Telephone number	Date signed *(month, day, year)*
	(574) 302 7236	2.22.17
Printed name of authorized member of designating body: Scott Sivan	Name of designating body	
Attested by *(signature and title of attester)*	Printed name of attester	

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

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

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

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

EXHIBIT A
PROPERTY AND TERM/ABATEMENT SCHEDULE

1. **Property.**

Vacant Land located West of Sarah Street and South of Lots on the Southeast corner of Main Street and Mishawaka Avenue; Mishawaka, Indiana, including the following parcel Key Nos. (as the same may be replatted for project):

71-09-16-226-001.000- 023
71-09-16-226-002.000-023
71-09-09-488-013.000-023
71-09-09-488-014.000-023
71-09-09-488-015.000-023
71-09-09-488-016.000-023
71-09-09-488-017.000-023
71-09-09-488-018.000-023
71-09-09-488-019.000-023
71-09-09-488-020.000-023
71-09-09-488-021.000-023
71-09-09-488-022.000-023
71-09-09-489-004.000-023
71-09-09-489-005.000-023
71-09-16-226-003.000-023
71-09-16-226-004.000-023
71-09-16-226-005.000-023
71-09-16-226-006.000-023

2. **Abatement Schedule.** Five (5) year abatement as follows:

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

River Walk Development

In•Situ
Placemaking

RIVERWALK

Project Information
subtext

- River Walk will be a new Residential community composed of 60-70 units on the north bank of the St. Joseph River east of Main Street complementing the new River Rock community set to open in June this year.

- River Rock located just west of Main Street on Mishawaka Avenue, which has already transformed the skyline of downtown Mishawaka, is attracting young professionals to empty nesters from nearby Granger, South Bend, and of course Mishawaka, students from the various academic institutions in the area, as well as tenants from all over the U.S. who are relocating to this wonderful and welcoming place for professional and personal reasons.

- River Walk will be another modern architectural project with well planned, carefully designed and detailed, spacious one, two, and three bedroom units with extensive views of the St. Jo River and cascades.

- Like River Rock it will be walking and biking distance from downtown Mishawka and the River Walk parks area, just a short drive to the Grape Road Corridor, the second largest retail area in Indiana, Notre Dame, IUB, and the other academic facilities that are part this multi-faceted community.

- River Walk like River Rock will have covered parking and a raised private landscaped courtyard for the tenants. Every detail for the tenants comfort, ease, living pleasure and security has been considered. River Walk combined with River Rock will anchor the north edge of downtown Mishawaka while acting as the gate to the downtown on either side of the Main Street Bridge.

Welcome to River Walk

Area Map
Project location

In-Situ Placemaking

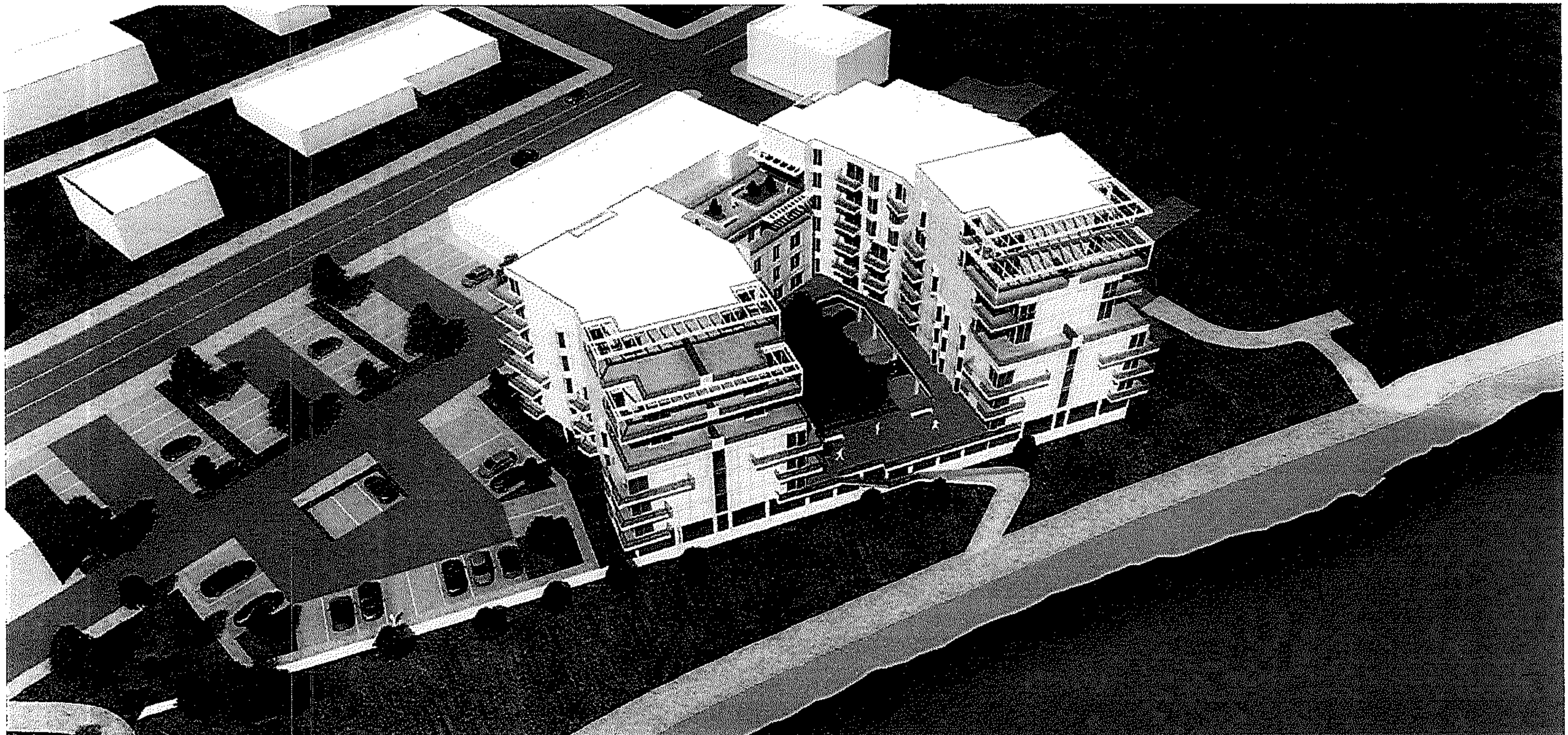
RIVERWALK

Design Renders
View from river's south bank

In•Situ
Placemaking

RIVERWALK

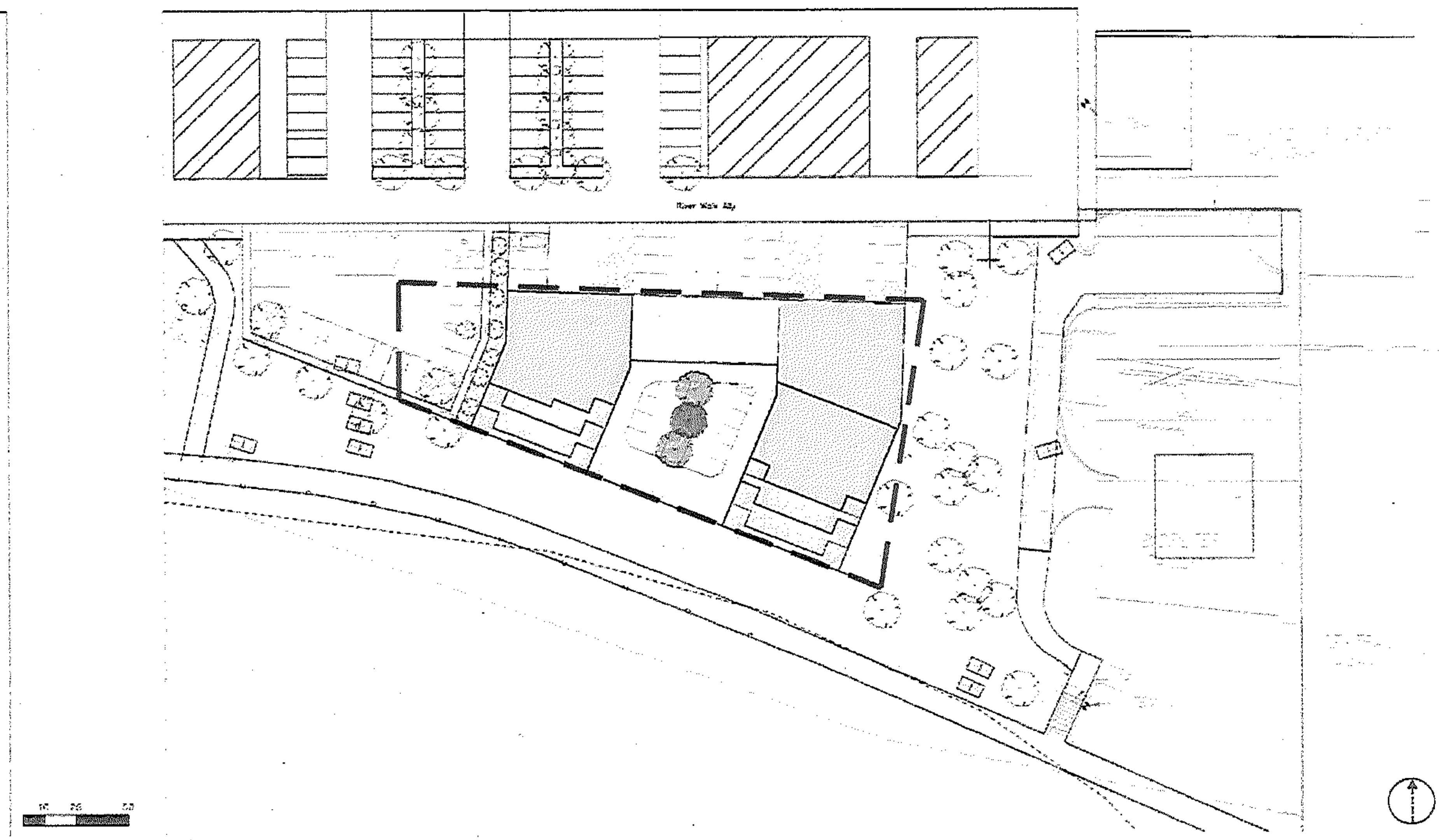
Design Renders
Aerial View from the south



In-Situ Placemaking

RIVERWALK

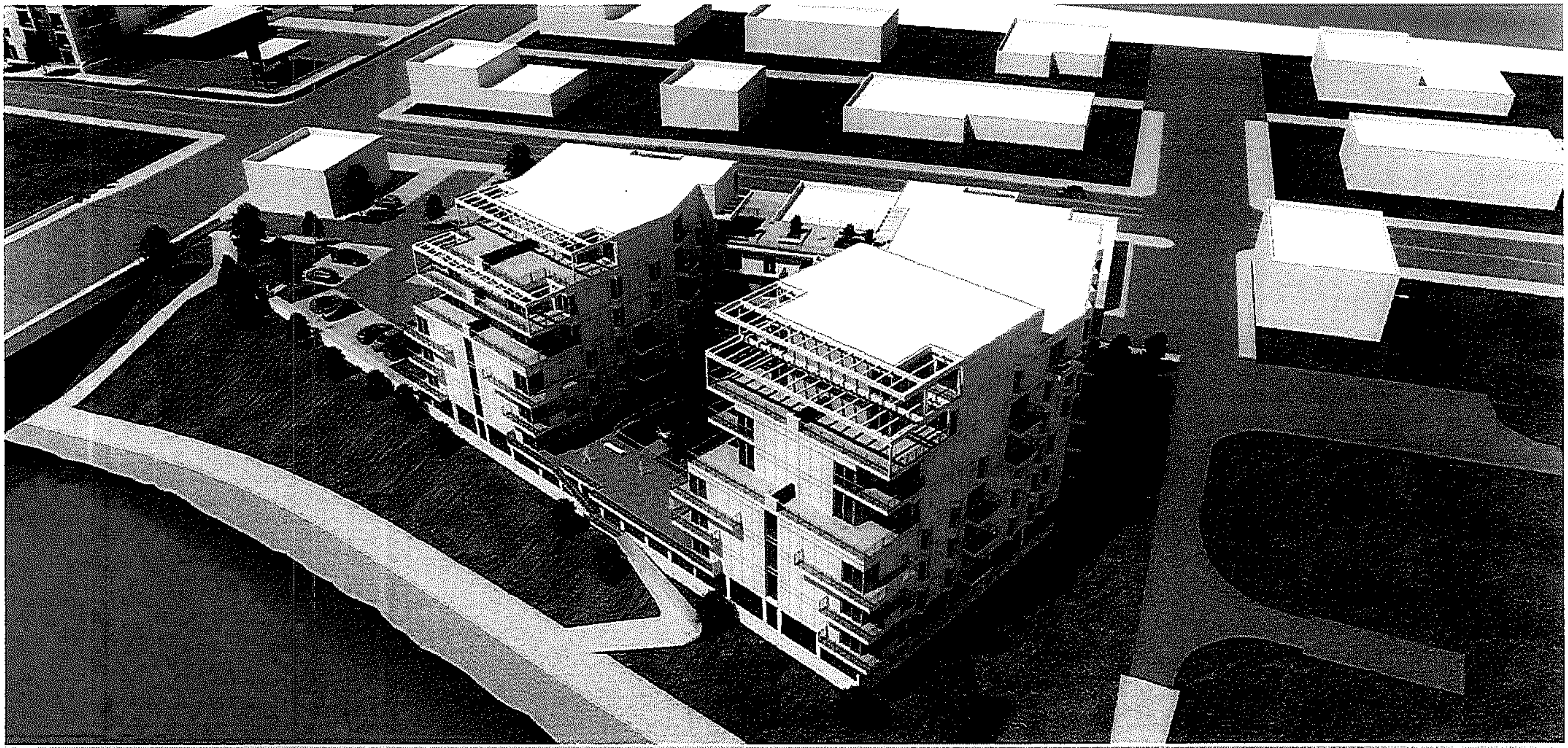
Design Plans
Site Plan



In•Situ Placemaking

RIVERWALK

Design Renders
Aerial View from the south



Data Sheet

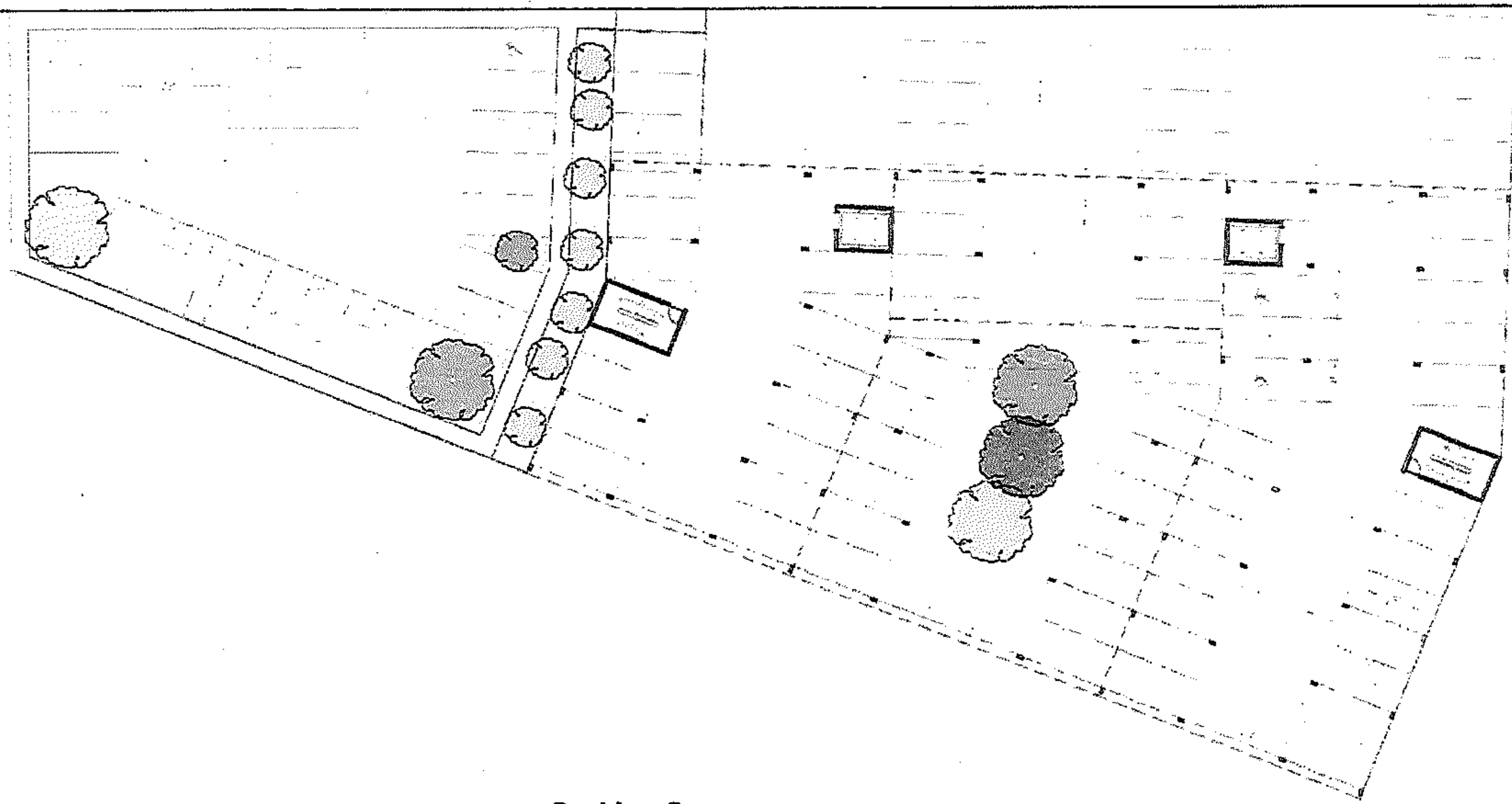
Public Spaces and passages

Parking Spaces								
Internal	54							
External	13+21							
total parking	88							
	ground floor	2nd floor	3rd floor	4th floor	5th floor	6th floor	7th floor	8th floor
passages, corridors, lifts and stairs	900	2440	2440	2440	2400	2350	2300	0
roofed parking	12000							
courtyard		3500						

Private Spaces

	1 Bedroom	2 Bedroom	3 Bedroom	duplex
avg. sqf.	780	1145-1250	1350-1600	2180
2nd Floor	8	5		
3rd Floor	8	5		
4th Floor	8	5		
5th Floor	7	3	1	
6th Floor	4	2	2	
7th Floor	4		1	
8th Floor				2
Total units per floor	39	20	4	2
Total units per Project	65			
Total Space per Units	30420	24000	5800	4360
Total Unit space	64580			

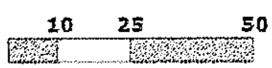
Design Plans
Ground Floor parking



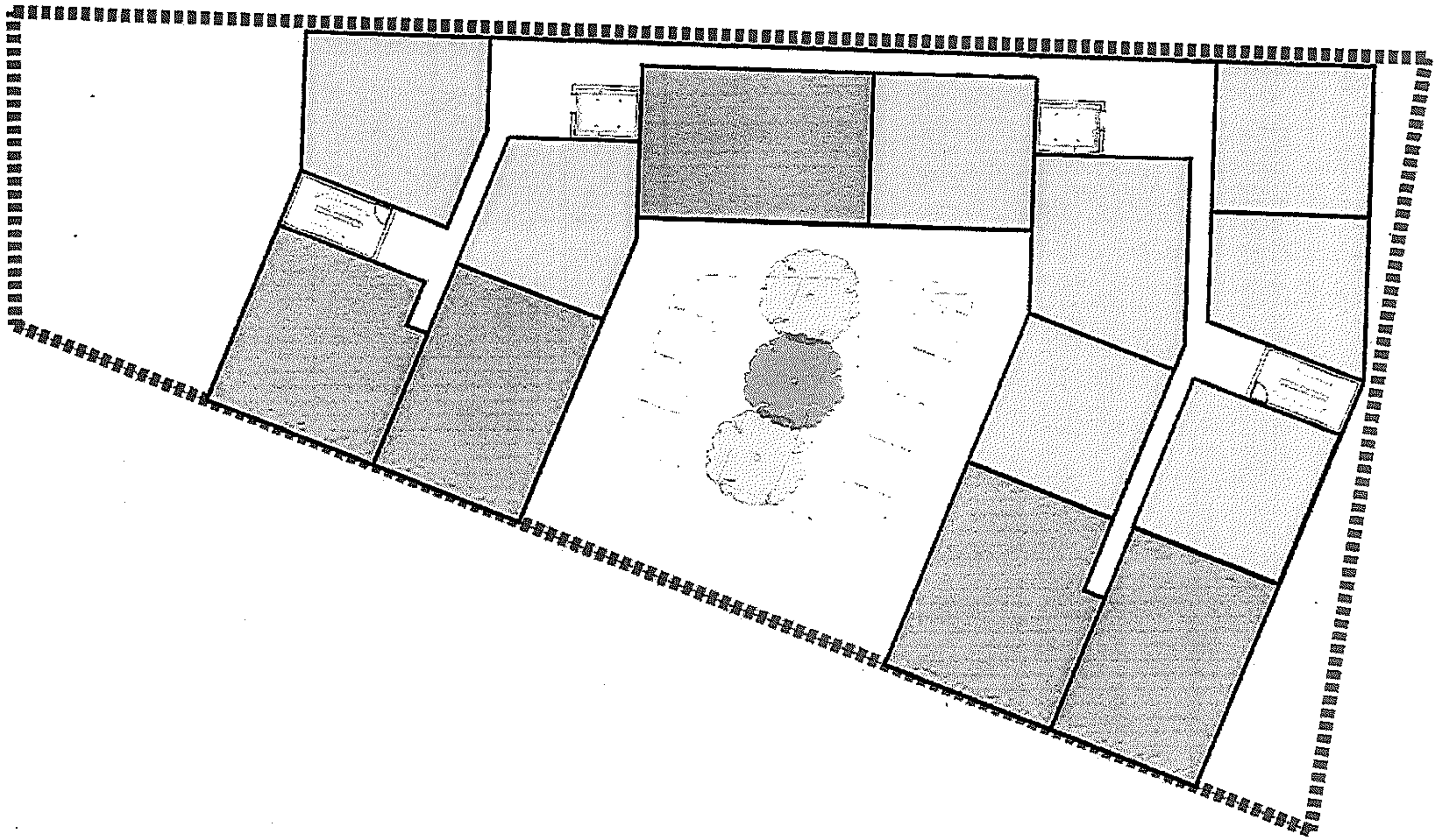
Parking Spaces

Internal Spaces - 54
Facade Spaces - 13
Exterior Lot space - 21

Total Parking Spaces - 88

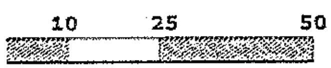


Design Plans
Typical Floor Plan
2nd 3rd & 4th floors

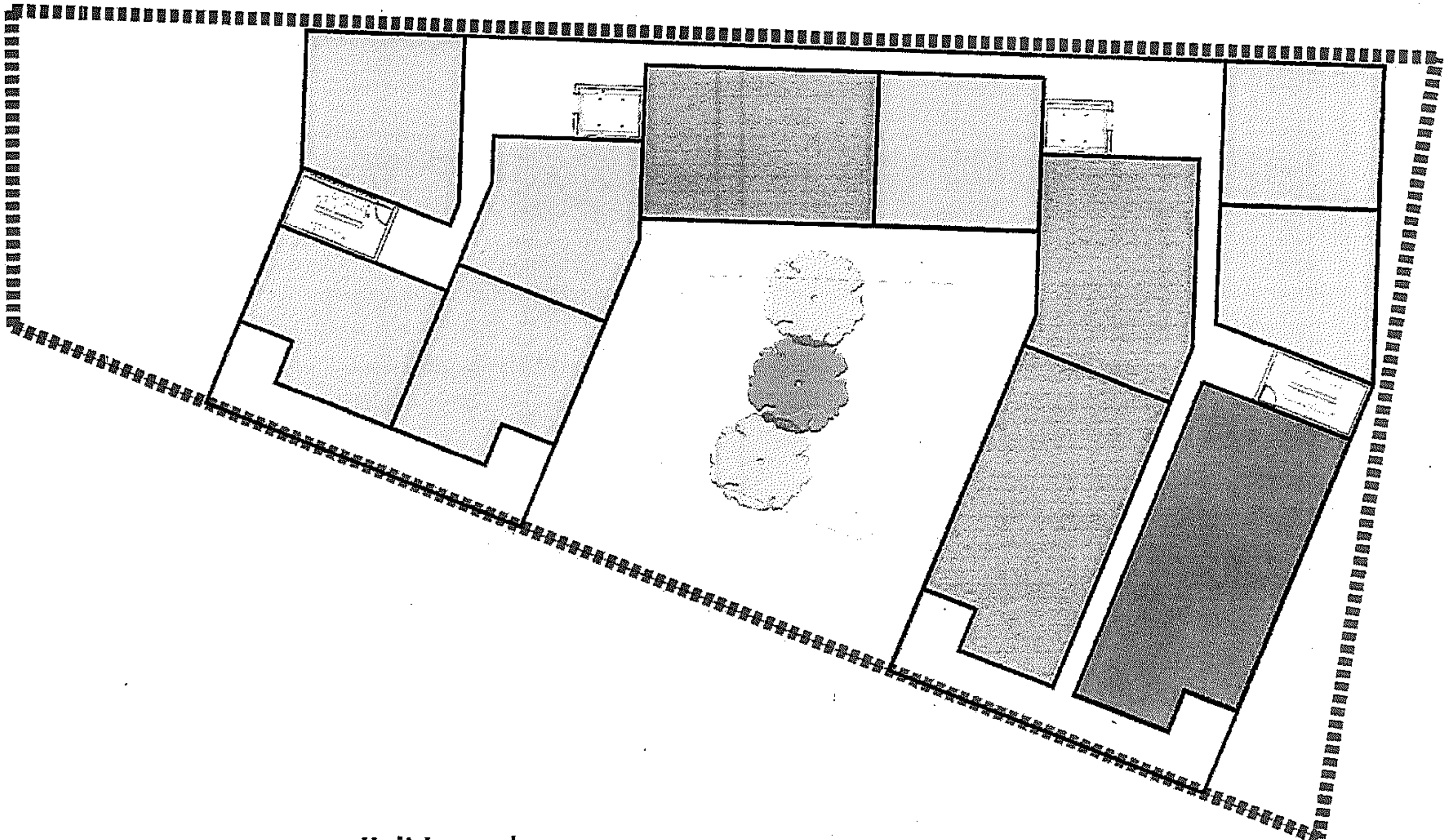


Unit Legend

- 1 Bedroom apartment - 8 Units
- 2 Bedroom apartment - 5 Units



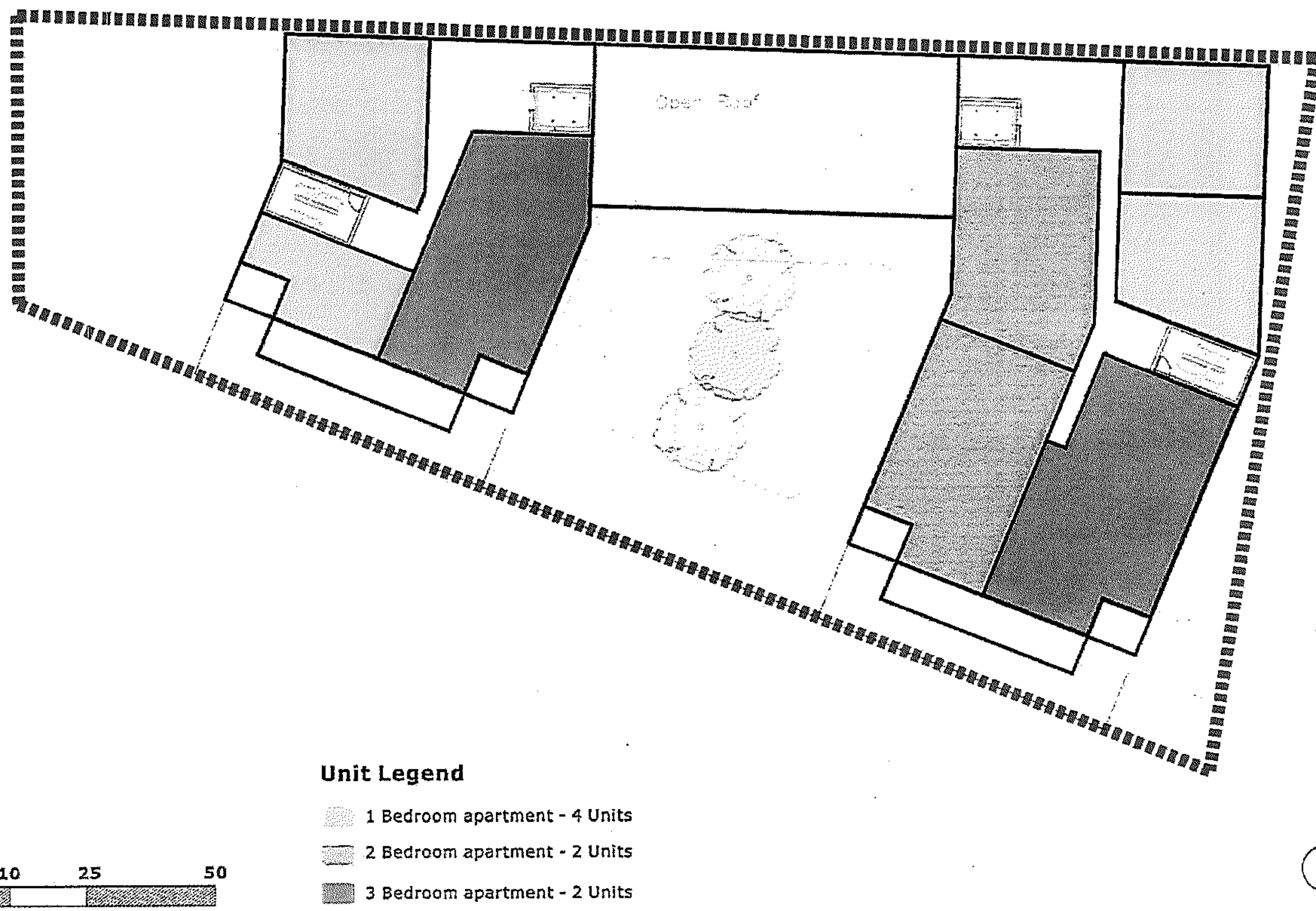
Design Plans
5th floor plan



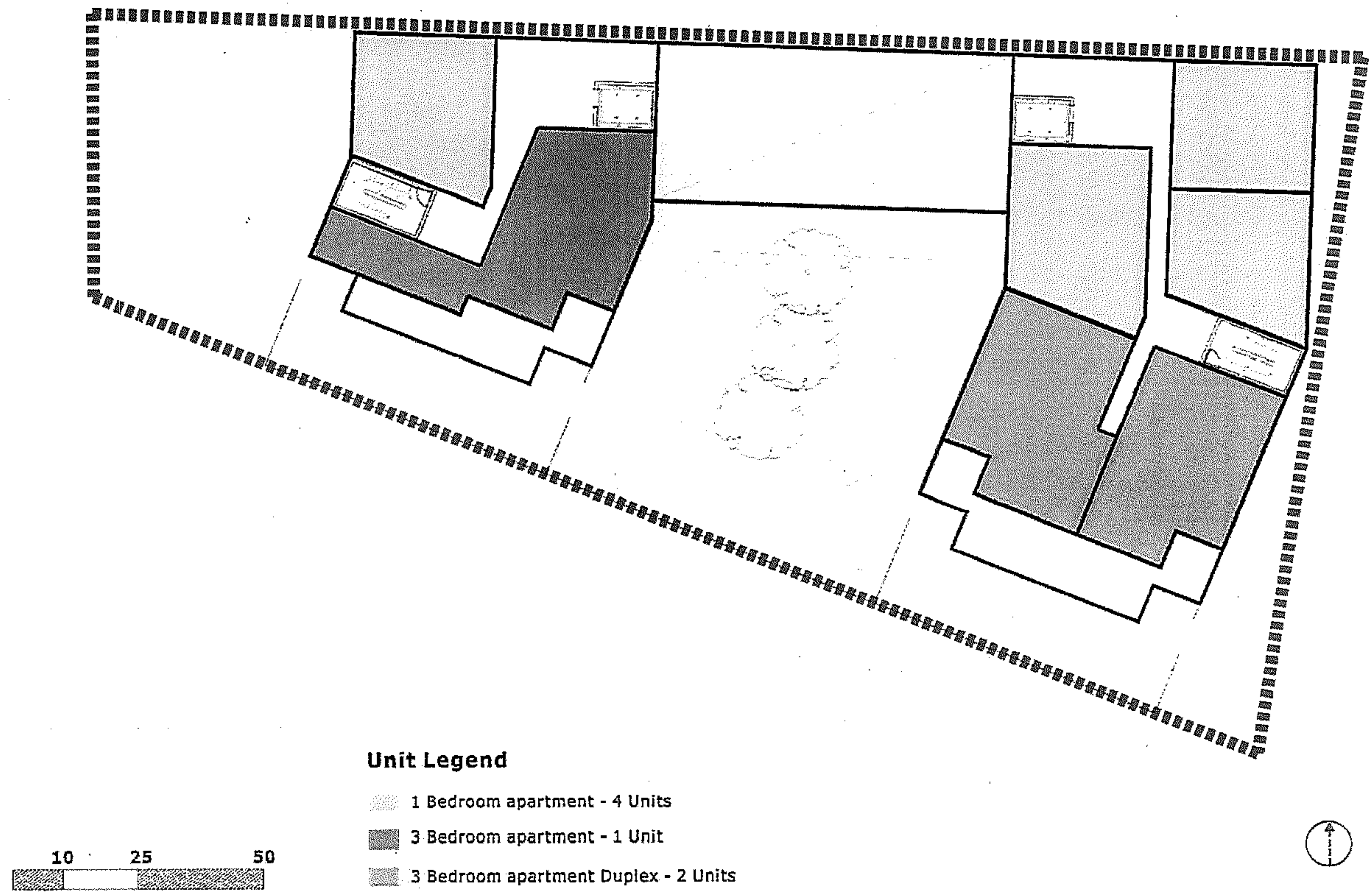
Unit Legend

- 1 Bedroom apartment - 7 Units
- 2 Bedroom apartment - 3 Units
- 3 Bedroom apartment - 1 Unit

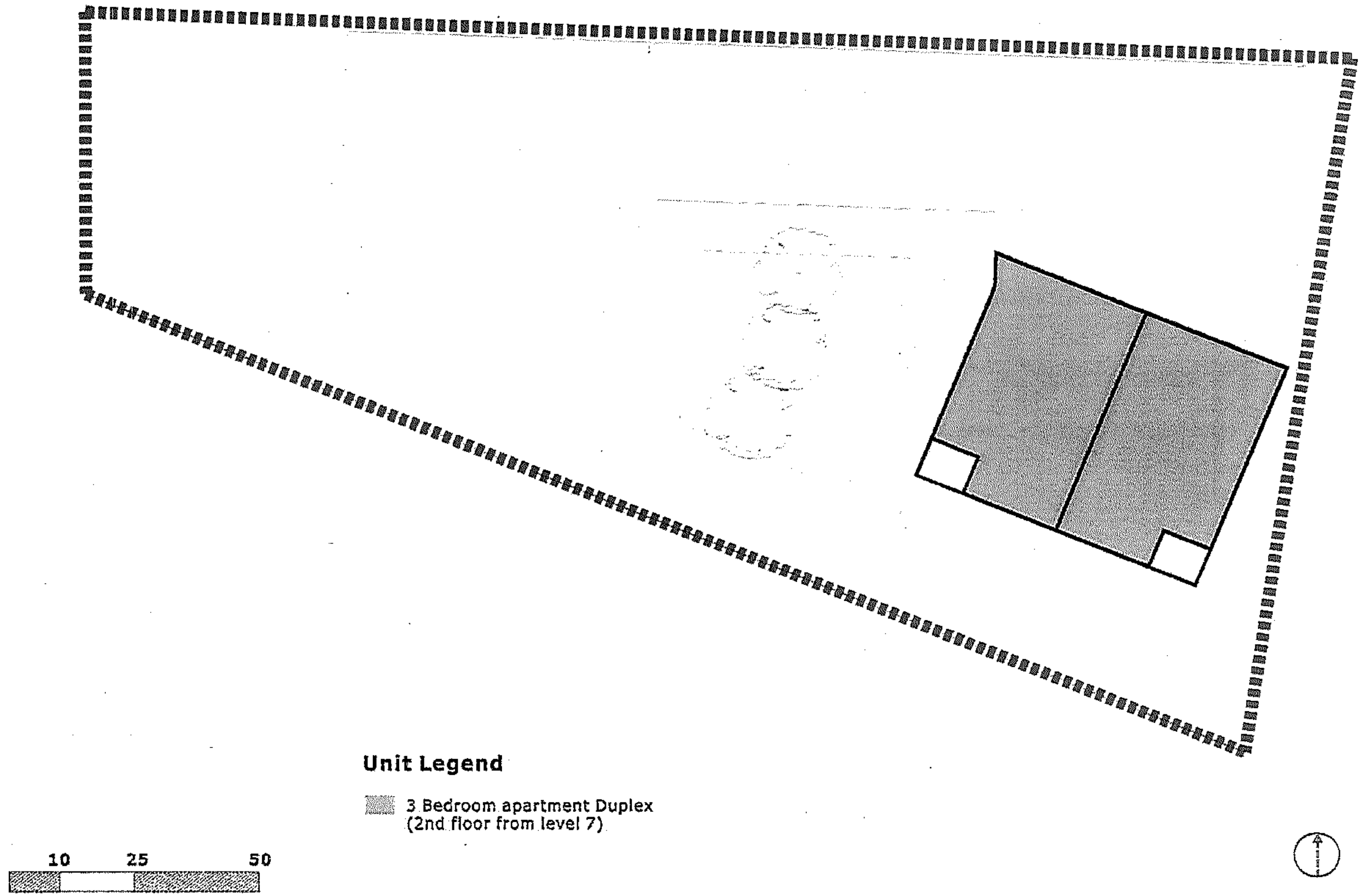
Design Plans
6th floor plan



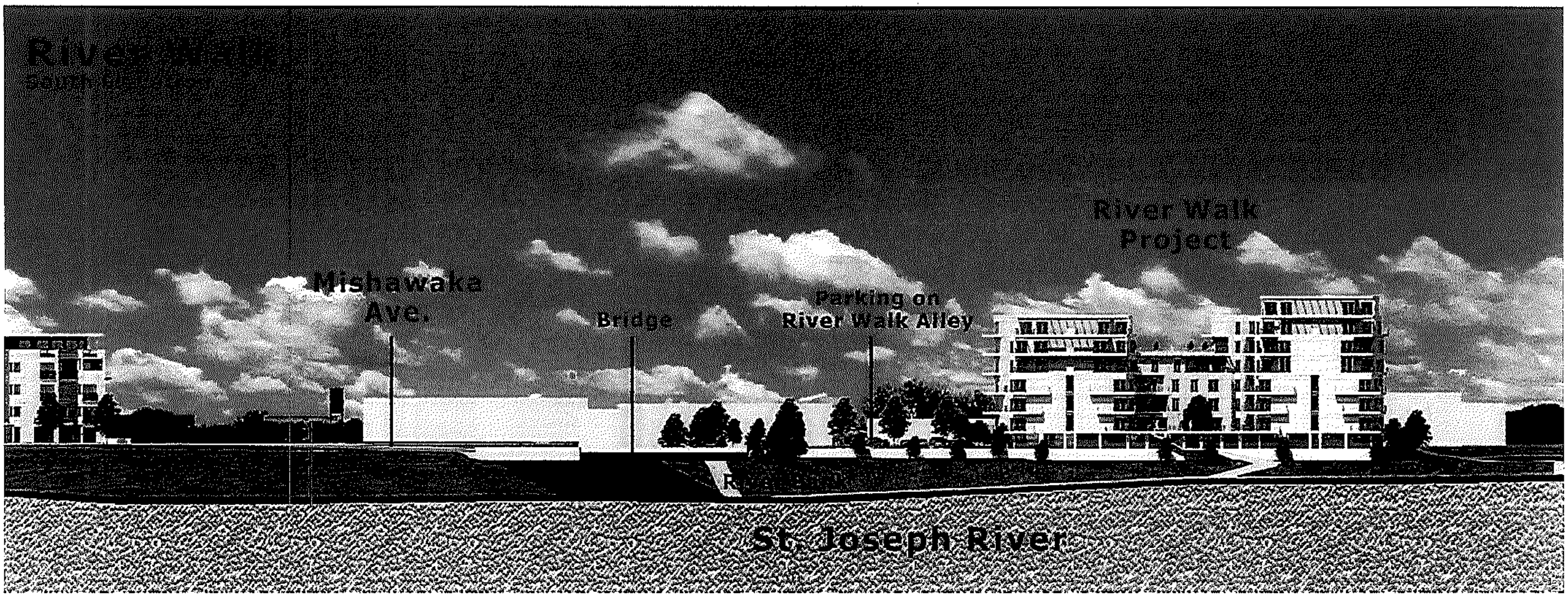
Design Plans
7th floor
plan



Design Plans
8th floor plan



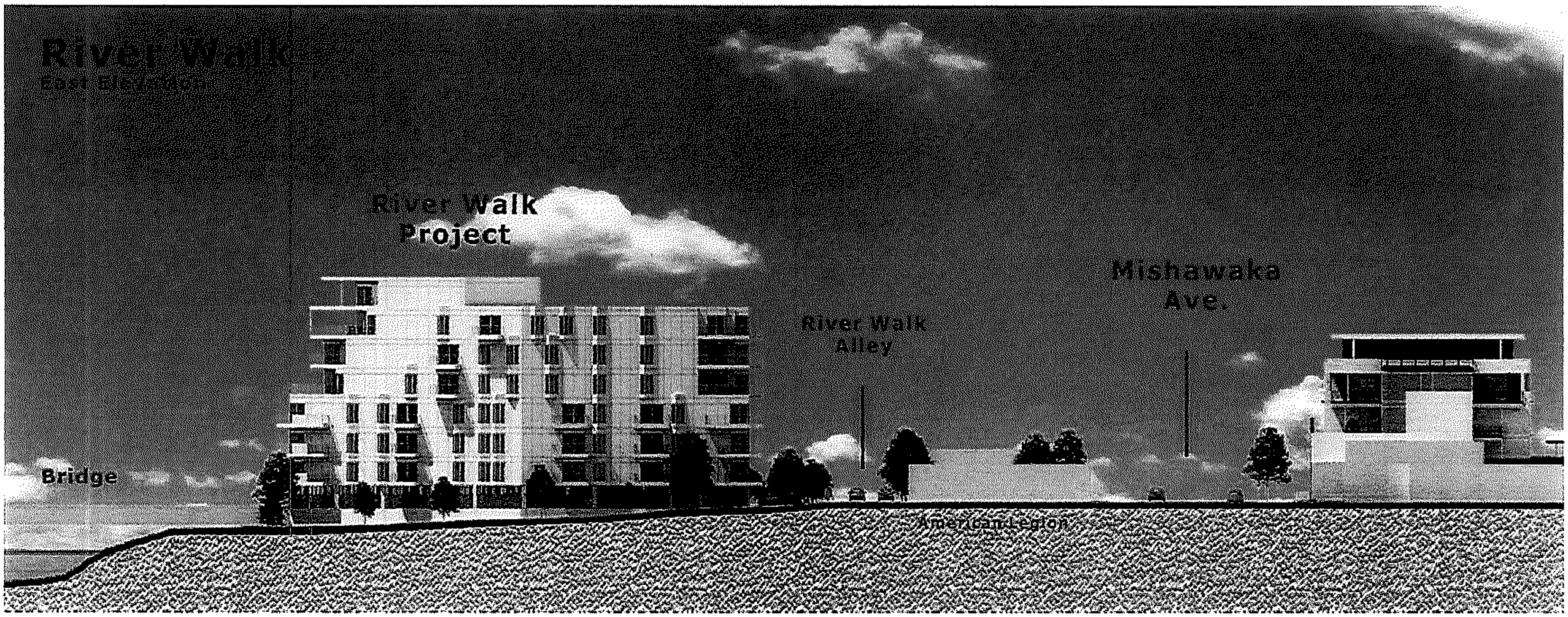
Elevations
South



Elevations
West

Elevations

East

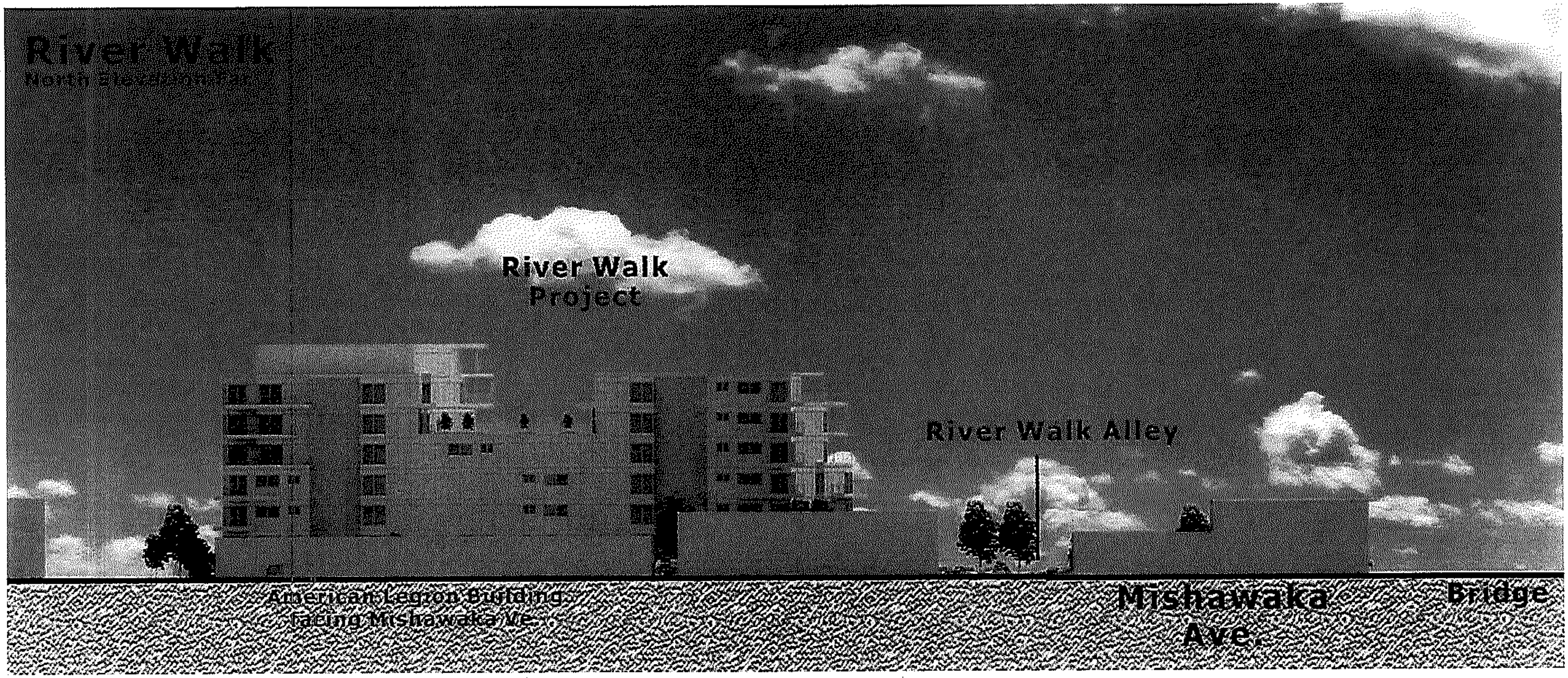


Elevations
North
From River Walk Alley

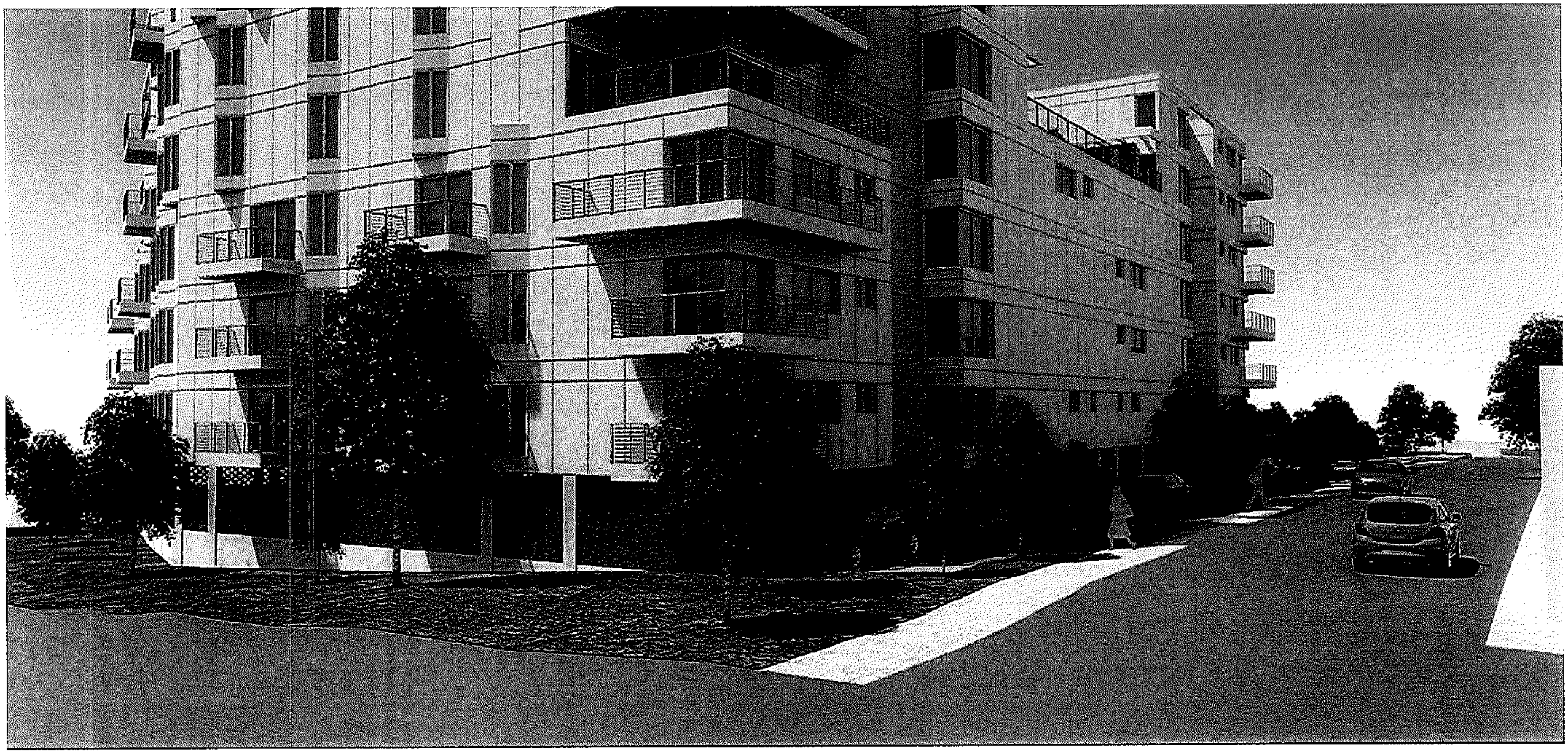
Elevations

North

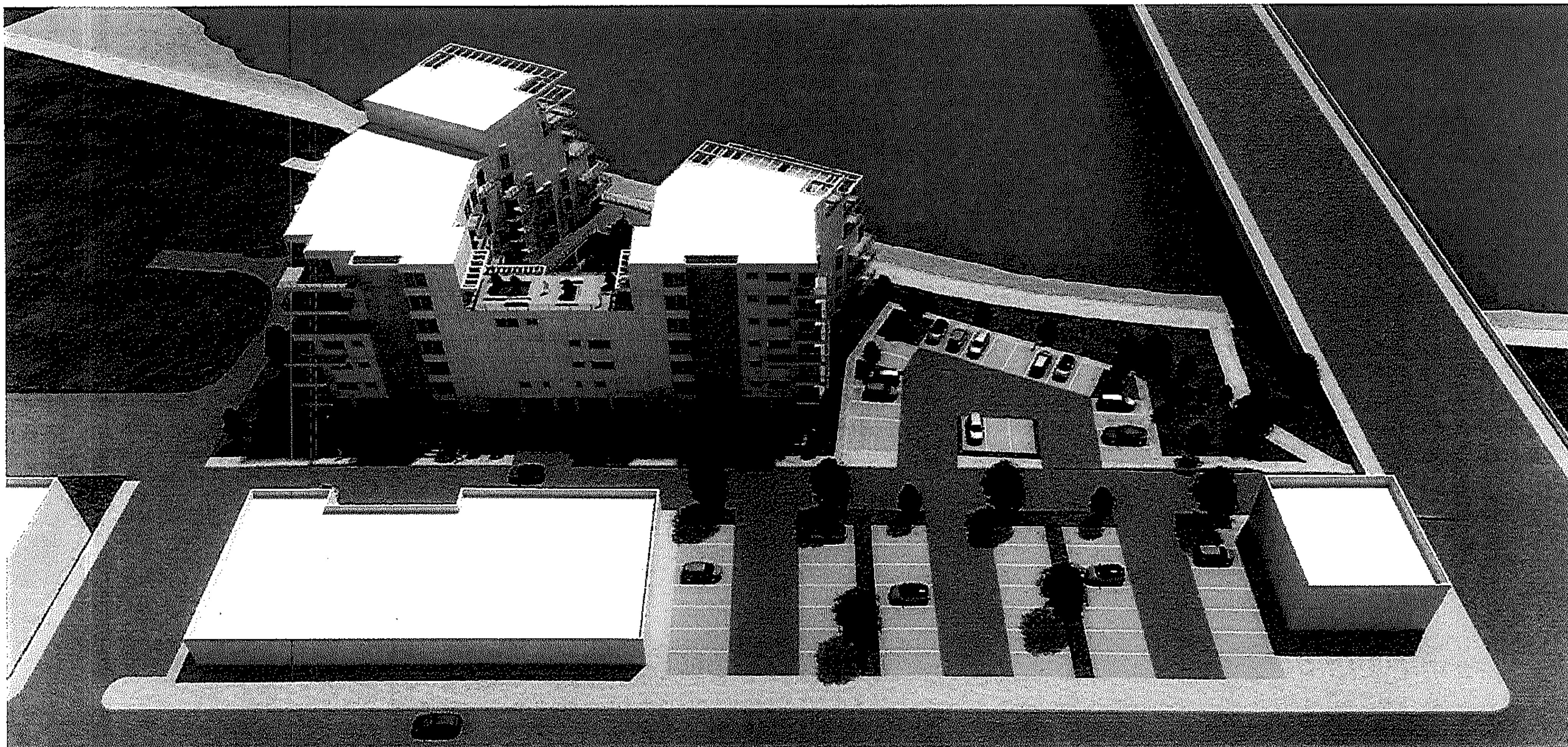
From Mishawaka Ave.



Design Renders
North road entrance



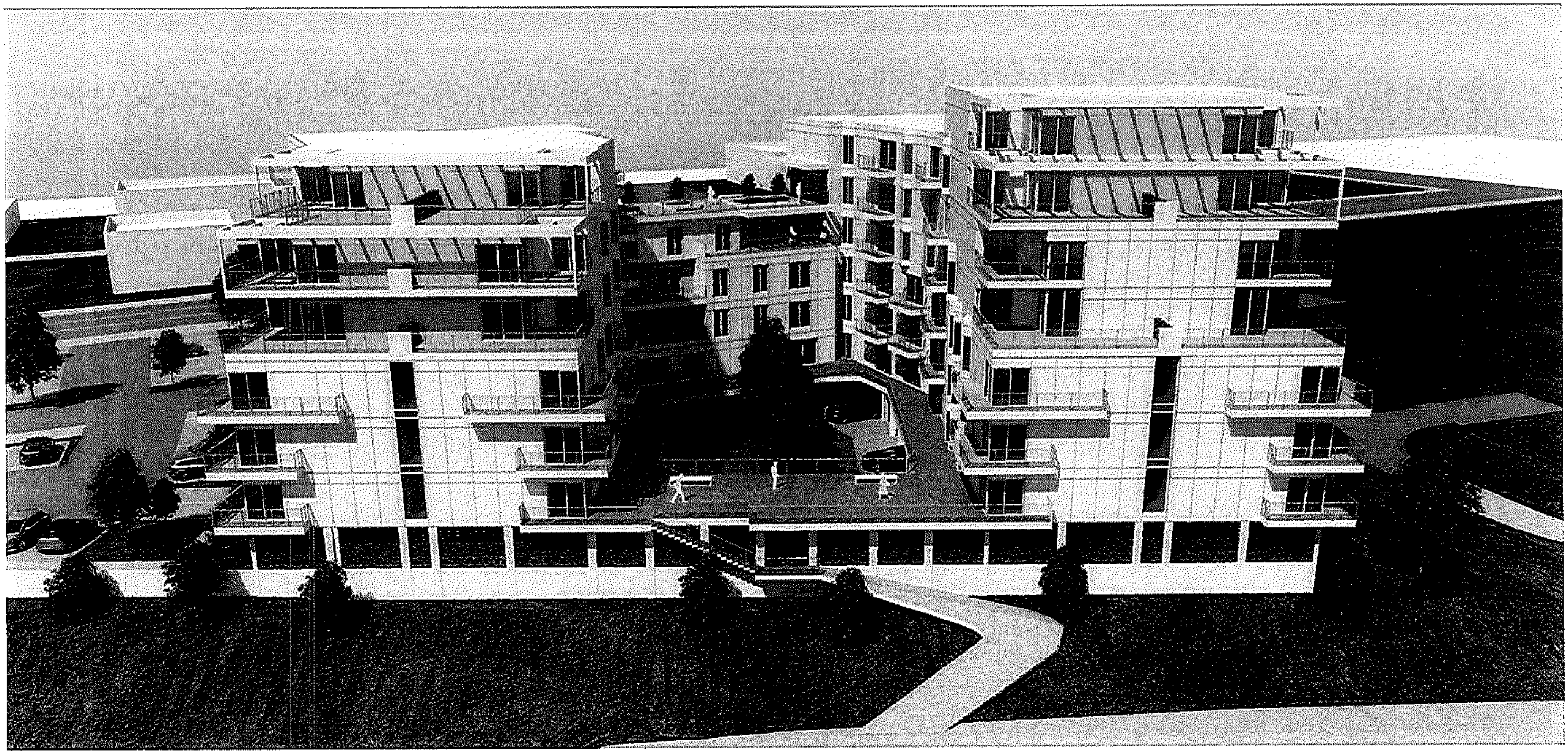
Design Renders
Aerial North View



In•Situ
Placemaking

RIVERWALK

Design Renders
Aerial project south view



RECEIVED
DEBORAH S. BLOCK, MMC

MAY 30 2017

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2017-11

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING AND AUTHORIZING CERTAIN ACTIONS AND PROCEEDINGS WITH RESPECT TO CERTAIN PROPOSED ECONOMIC DEVELOPMENT REVENUE BONDS AND RELATED MATTERS

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Mishawaka, Indiana (the "City"), is authorized to issue economic development revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development, creation or retention of opportunities for gainful employment and affordable housing in or near the City; and

WHEREAS, AHEPA Affordable Housing Management Company, Inc., and Hellenic Senior Living of Mishawaka, LLC, one or more subsidiaries or affiliates thereof, and/or one or more entities in which any of the foregoing entities is a member, whether such entity is currently in existence or is to be created following the date hereof (collectively, the "Company"), in cooperation with the City, desire to finance a project within the City, including all or any portion of the acquisition, design, construction and equipping of a 136-unit affordable assisted living multi-family housing facility, together with functionally related and subordinate facilities, for low and moderate income seniors, located at 1128 W. Dragoon Trail in the City (the "Project"); and

WHEREAS, the Company has advised the Mishawaka Economic Development Commission (the "Commission") and the City concerning the Project, and has requested that the City issue, pursuant to the Act, one or more series of its taxable or tax-exempt City of Mishawaka, Indiana, economic development revenue bonds (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the "Bonds") in the approximate aggregate principal amount of Nineteen Million Dollars ($19,000,000), for the purpose of providing funds for paying all or part of the costs of the Project by making a portion of the proceeds of such Bonds available to the Company and paying all incidental expenses in connection with and on account of the issuance of the Bonds; and

WHEREAS, the Commission has studied the Project and the proposed financing of the Project and its effects on the health and general welfare of the City and its citizens; and

WHEREAS, the completion of the Project will result in the diversification of industry, the creation and retention of jobs, the creation and retention of business opportunities in the City, the creation and retention of affordable housing in the City, and will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance all or a portion of the Project by issuing the Bonds; and

WHEREAS, the diversification of industry and creation of job opportunities (approximately 40 full-time equivalent jobs) to be achieved by the acquisition, design, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it is tentatively found that the acquisition, design, construction and equipping of the Project will not have an adverse competitive effect on any similar facility already constructed or operating near or in the City; and

WHEREAS, the Commission approved a report (the "EDC Report") and adopted an inducement resolution (the "EDC Inducement Resolution") which EDC Report and EDC Inducement Resolution have been forwarded by the Commission to this Common Council making findings that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City, and that the Project will not have an adverse competitive effect or impact on any similar facility already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, based upon the EDC Report and the EDC Inducement Resolution, this Common Council hereby finds and determines that the funding preliminarily approved by the Economic Development Commission for all or a portion of the Project will be of benefit to the health and general welfare of the citizens of the City, complies with the provisions of the Act and the amount necessary to finance all or a portion of the costs of the Project, together with incidental expenses incurred in connection therewith, will require the issuance, sale and delivery of one or more series of economic development revenue bonds in an approximate aggregate combined principal amount of Nineteen Dollars ($19,000,000); and

WHEREAS, this Common Council desires to declare its intent to reimburse the costs of the Project pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c);

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

Section 1. After considering the evidence presented and findings of fact set forth in the EDC Report, this Common Council hereby finds, determines, ratifies and confirms that the financing of the economic development facilities consisting of the Project, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the City and/or the Company to finance all or a portion of the Project will: (i) result in the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the jurisdiction of the City; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii) comply with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the jurisdiction of the City; and (iv) not have a material adverse competitive effect on any similar facilities already constructed or operating in or near the City. The findings of fact set forth in the EDC Report and this paragraph are based upon evidence and testimony presented to the Commission at its meeting on May 22, 2017, that the proceeds of the Bonds will be used for the acquisition, design, construction and equipping of the Project, capitalized interest on the Bonds during construction and costs of issuance for the Bonds.

Section 2. This Common Council hereby finds and determines that the issuance and sale of economic development revenue bonds in an approximate principal of $19,000,000 of the City under the Act for the lending of the proceeds of the revenue bonds to the Company for the purpose of financing a portion of the cost of the acquisition, construction and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

Section 3. In order to induce the Company to proceed with the acquisition, construction and equipping of the Project, this Common Council hereby finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and (iii) it will use its best efforts to assist the Company in procuring the issuance of additional economic development revenue bonds, if such additional bonds become necessary for refunding or refinancing the outstanding principal amount of the economic development revenue bonds, for completion of the Project and for additions to the Project, including the costs of issuing additional bonds (provided that the financing of such addition or additions to the Project is found to have a public purpose (as defined in the Act) at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

Section 4. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, a portion of the interest paid during acquisition, construction and equipping of the Project, underwriting expenses, attorney and bond counsel fees, and acquisition, design, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the City will lend the proceeds from the sale of the bonds to the Company for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project. This resolution shall constitute "official action" for purposes of compliance pursuant to Treas. Reg. §1.150-2 and IC 5-1-14-6(c) requiring governmental action as authorization for future reimbursement from the proceeds of bonds.

Section 5. The City does not, by this or any other approval or funding, guarantee, warrant or even suggest that the Bonds will be a reasonable investment for any person, firm or corporation.

Section 6. The City shall not be obligated, directly or indirectly, to see to the application or use of the proceeds from the sale of the Bonds or to see that the contemplated improvements, if any, are constructed. The City is in no way responsible to the holders of any Bonds for any payment obligation created by the Bonds.

Section 7. The Bonds shall be limited, special obligations of the City payable solely from the funds provided therefor as described in the indenture authorizing the Bonds, and shall not constitute an indebtedness of the Commission or the City or a loan of the credit thereof within the meaning of any constitutional or statutory provisions.

Section 8. This resolution does not constitute a binding obligation of the Commission or the City to issue the Bonds, but instead, is a commitment by the City to proceed with negotiations for the financing described herein with the Company and is subject to the adoption of a bond ordinance by this Common Council in accordance with the provisions of the Act.

Section 9. This resolution shall be in full force and effect upon adoption and compliance with IC 36-4-6.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this _______ day of June, 2017, at _____ o'clock, P.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor for his approval and signature this _______ day of ____________________, 2017.

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

APPROVED and SIGNED by me this ______ day of ________________, 2017.

____
David A. Wood, Mayor

DMS 10045518v1

RECEIVED
DEBORAH S. BLOCK MMC

MAY 3 0 2017

CITY CLERK
MISHAWAKA, IN

REPORT AND FINDINGS OF FACT OF THE

MISHAWAKA ECONOMIC DEVELOPMENT COMMISSION CONCERNING THE PROPOSED FINANCING OF ECONOMIC DEVELOPMENT FACILITIES FOR HELLENIC SENIOR LIVING OF MISHAWAKA, LLC

The Mishawaka Economic Development Commission (the "Commission") proposes to recommend to the Common Council of the City of Mishawaka, Indiana (the "Common Council"), that it finance the acquisition, design, construction and equipping of certain economic development facilities to be developed by AHEPA Affordable Housing Management Company, Inc. (the "Developer"), and owned by Hellenic Senior Living of Mishawaka, LLC (the "Owner" and with the Developer, the "Applicants").

The proposed economic development facilities to be undertaken by the Developer will consist of acquisition, design, construction and equipping of a 136-unit affordable assisted living multi-family housing facility, together with functionally related and subordinate facilities, for low and moderate income seniors, to be located at 1128 W. Dragoon Trail, Mishawaka, Indiana (the "Project").

The public purpose for which the Bonds are being issued is to finance economic development facilities which will create or retain opportunities for gainful employment and business opportunities.

The Developer has requested that the City issue one or more series of the City of Mishawaka, Indiana, Economic Development Multifamily Housing Revenue Bonds, Series 2017 (Hellenic Senior Living of Mishawaka, LLC Project) (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the "Bonds") in the aggregate principal amount not to exceed Nineteen Million Dollars ($19,000,000), for the purpose of providing funds for paying all or a portion of the costs of the Project and paying all incidental expenses incurred on account of the issuance of the Bonds.

The Commission estimates that no public works or services, including public ways, schools, water, sewer, street lights and fire protection, will be made necessary or desirable by the Project, because any such works or services already exist or will be provided by the respective Applicants or other parties.

Based upon information submitted in the application of the Applicants and other information available to the Commission, the Commission hereby makes finding of fact that (a) the proceeds of the Bonds will be used to finance all or a portion of the of the Project, (b) the use of the proceeds of the Bonds to finance the Project will not be used to subsidize rents to be paid by tenants or occupants of the Project, and (c) the tenants are expected to pay rent similar to similar facilities existing in the area. Therefore, based upon such findings of fact, the Commission tentatively determines that the acquisition, renovation, and equipping of the Project will not have an adverse competitive effect on any similar facilities already constructed or operating in or near the City.

The Commission estimates that, upon completion and as a result of the Project, approximately 40 new full-time equivalent jobs will be created, with an estimated total annual payroll of approximately $1,600,000.00.

Adopted this 22nd day of May, 2017.

President
Economic Development Commission

Attest:

Secretary
Economic Development Commission

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 30 2017

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2017-02

A RESOLUTION OF THE CITY OF MISHAWAKA, INDIANA, ECONOMIC DEVELOPMENT COMMISSION PROVIDING PRELIMINARY APPROVAL OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF FINANCING CERTAIN ECONOMIC DEVELOPMENT FACILITIES FOR HELLENIC SENIOR LIVING OF MISHAWAKA, LLC

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Mishawaka, Indiana (the "City"), is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development, creation or retention of opportunities for gainful employment and affordable housing in or near the City; and

WHEREAS, AHEPA Affordable Housing Management Company, Inc., and Hellenic Senior Living of Mishawaka, LLC, one or more subsidiaries or affiliates thereof, and/or one or more entities in which any of the foregoing entities is a member, whether such entity is currently in existence or is to be created following the date hereof (collectively, the "Company"), in cooperation with the City, desires to finance a project within the City, including all or any portion of the acquisition, design, construction and equipping of a 136-unit affordable assisted living multi-family housing facility, together with functionally related and subordinate facilities for low and moderate income seniors, located at 1128 W. Dragoon Trail, Mishawaka, Indiana (the "Project"); and

WHEREAS, the Company has advised the Mishawaka Economic Development Commission (the "Commission") and the City concerning the Project, and has requested that the City issue, pursuant to the Act, one or more series of its taxable or tax-exempt City of Mishawaka, Indiana, economic development revenue bonds (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the "Bonds") in the approximate aggregate principal amount of Nineteen Million Dollars ($19,000,000), for the purpose of providing funds for paying all or part of the costs of the Project by making a portion of the proceeds of such Bonds available to the Company and paying all incidental expenses in connection with and on account of the issuance of the Bonds; and

WHEREAS, the issuance and sale of said Bonds will not reduce the legal bonding capacity of the City, and the City shall bear no expense in connection with the issuance and sale of said Bonds with all expenses in connection therewith which are incurred by the City to be reimbursed to the City by the Company; and

WHEREAS, the principal of and interest payable on said Bonds shall not be payable from any revenues of the City and shall not obligate the full faith and credit of the City but shall be payable solely from funds of the Company; and

WHEREAS, the Company has further advised the City that the determination by the City to agree preliminarily to accept such a request for financing the Project will constitute a substantial inducement to the Company to proceed with the Project; and

WHEREAS, the Commission has studied the Project and the proposed financing of the Project and its effects on the health and general welfare of the City and its citizens; and

WHEREAS, the completion of the Project will result in the diversification of industry, the creation and retention of jobs, the creation and retention of business opportunities in the City, the creation and retention of affordable housing in the City, and will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance all or a portion of the Project by issuing the Bonds; and

WHEREAS, the diversification of industry and creation of job opportunities (approximately 40 full-time equivalent jobs) to be achieved by the acquisition, design, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it is tentatively found that the acquisition, design, construction and equipping of the Project will not have an adverse competitive effect on any similar facility already constructed or operating near or in Mishawaka, Indiana; and

WHEREAS, the Commission has considered a form of inducement resolution with respect to the Project (the "Common Council Resolution") and has considered recommending that the Common Council of the City (the "Common Council") adopt a resolution in substantially such form;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION AS FOLLOWS:

Section 1. After considering the evidence presented and findings of fact set forth in the Report (as defined herein), the Commission hereby finds, determines, ratifies and confirms that the financing of the economic development facilities consisting of the Project, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the City and/or the Company to finance all or a portion of the Project will: (i) result in the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the jurisdiction of the City; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii) comply with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the jurisdiction of the City; and (iv) not have a material adverse competitive effect on any similar facilities already constructed or operating in or near the City. The findings of fact set forth in the Report and this paragraph are based upon evidence and testimony presented to the Commission at its meeting on May 22, 2017 that the proceeds of the Bonds will be used for the acquisition, design, construction and equipping of the Project, capitalized interest on the Bonds during construction and costs of issuance for the Bonds.

Section 2. The Commission hereby finds and determines that the issuance and sale of economic development revenue bonds in an approximate principal amount of $19,000,000 of the City under the Act for the lending of the proceeds of the revenue bonds to the Company for the purpose of financing a portion of the cost of the acquisition, design, construction and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

Section 3. The Commission hereby approves the report with respect to the Project (the "Report") presented at this meeting, and hereby adopts the findings of fact set forth therein. The Secretary or Vice President of this Commission shall submit or cause to be submitted such report to the executive director or chairman of the Area Plan Commission serving the City.

Section 4. In order to induce the Company to proceed with the acquisition, design, construction and equipping of the Project, the Commission hereby finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and (iii) it will use its best efforts to assist the Company in procuring the issuance of additional economic development revenue bonds, if such additional bonds become necessary for refunding or refinancing the outstanding principal amount of the economic development revenue bonds, for completion of the Project and for additions to the Project, including the costs of issuing additional bonds (provided that the financing of such addition or additions to the Project is found to have a public purpose (as defined in the Act) at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

Section 5. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, a portion of the interest paid during acquisition, design, construction and equipping of the Project, underwriting expenses, attorney and bond counsel fees, and acquisition, design, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the City will lend the proceeds from the sale of the bonds to the Company for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

Section 6. All action taken and approvals given by the Commission with regard to the Company are based upon the evidence submitted and representations made by the Company. No independent examination, appraisal or inspection of the Project was made, requested, or is contemplated by the Commission or the City.

Section 7. The Commission does not, by this or any other approval or finding, guarantee, warrant or even suggest that the Bonds, coupons or series thereof will be a reasonable investment for any person, firm or corporation.

Section 8. The Commission shall not be obligated, directly or indirectly, to see to the application or use of the proceeds from the sale of the Bonds or to see that the contemplated improvements, if any, are constructed. The Commission is in no way responsible to the holders of any Bonds for any payment obligation created by the Bonds.

Section 9. The Bonds shall be special, limited obligations of the City payable solely from the funds provided therefor as described in the indenture authorizing the Bonds, and shall not constitute an indebtedness of the Commission or the City or a loan of the credit thereof within the meaning of any constitutional or statutory provisions.

Section 10. The Commission hereby approves the form of the Common Council Resolution and recommends that it be adopted by the Common Council in substantially the same form as a resolution, and the Commission hereby directs that copies of this resolution, and the form of the Common Council Resolution be transmitted to the Clerk of the City for presentation to the Common Council with the recommendation that the Common Council Resolution be adopted as a resolution.

Section 11. The Commission hereby authorizes the Secretary of the Commission to cause to be published a notice of public hearing in accordance with Indiana Code 36-7-12-24(a), Indiana Code 5-3-1 and Treas. Reg. §5f. 103-2 at such time as it is determined to proceed with the financing of a portion of the Project as described herein.

Section 12. This resolution shall be in full force and effect upon adoption.

* * * * *

Adopted this 22nd day of May, 2017.

MISHAWAKA ECONOMIC
DEVELOPMENT COMMISSION

President

ATTEST:

Secretary

DMS 9985831v1

RECEIVED
DEBORAH S. BLOCK, MMC
MAY 10 2017
CITY CLERK
MISHAWAKA, IN

1st Reading 5-15-17
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2017-18

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE REDUCTION OF FUNDS FOR THE YEAR ENDING DECEMBER 31, 2017

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

Section 1. An emergency exists which requires the reduction of funds for the fiscal year ending December 31, 2017 as set out in detail in the published budget.

Section 3. There is hereby reduced from the Park and Recreation Fund of the City of Mishawaka the sum of $350,000.00 for assignment as follows:

Park and Recreation Fund

Reduction:

Other Services and Charges

204-50-435-01	Utilities – MU	$350,000.00

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

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

on this ____________day of ________________, 2017 at _____________

o'clock, _____.M.

____
Ross Deal, Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this_______________ day of __________________,2017 at________

o'clock, _____ .M.

____
Deborah S. Block, MMC, City Clerk

APPROVED BY ME this ___________day of ___________________, 2017 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

RECEIVED
DEBORAH S. BLOCK MMC
MAY 10 2017
CITY CLERK
MISHAWAKA, IN

Date: May 10, 2017

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: Additional Appropriation Rainy Day Fund and Reduction Park and Recreation Fund

I am requesting approval of a reduction of $350,000 of park utility expenses from the park budget and appropriating them in the Rainy Day fund. This amount will offset the loss caused by the circuit breaker and leave a small surplus. Park is sitting in a better position than it was last year and with more revenue budgeted this year we are hoping to see better results by year-end.

Please contact me with any questions.

c: Phil Blasko, Park Superintendent
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 10 2017

CITY CLERK
MISHAWAKA, IN

1st Reading 5-15-17
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2017-19

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2017

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2017 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the Rainy Day Fund of the City of Mishawaka the sum of $350,000.00 for assignment as follows:

		Rainy Day	
Other Services and Charges			
245-50-435-01	Utilities – MU		$350,000.00

Section 6. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

On this ____________day of ________________, 2017 at __________ o'clock, ____.M.

____
Ross Deal, Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this ___________day of __________________, 2017 at_______ o'clock, ____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ___________day of __________________, 2017 at

_____________o'clock, _____.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK MMC

MAY 10 2017

CITY CLERK
MISHAWAKA, IN

1st Reading 5-15-17
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2017-20

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2017

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Engineering Department in the LOIT Special Distribution budget adopted for the fiscal year ending December 31, 2017.

Section 2. There is hereby transferred and reappropriated the sum of $40,000.00 as follows:

LOIT Special Distribution Fund

From:	Capital Outlays		
	257-50-445-02	Highway Equipment	$40,000.00
To:	Other Services and Charges		
	257-50-431-06	Consulting	$40,000.00

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

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

__________day of ______________________, 2017 at __________ o'clock, ____.M.

3

____
Ross Deal, Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor this ______day of_____________, 2017 at

_________ o'clock, ____.M.

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

APPROVED BY ME this ______ day of, _____________, 2017 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

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 10 2017

CITY CLERK
MISHAWAKA, IN

Date: May 5, 2017

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: Transfer – LOIT Special Distribution Fund

I am requesting a transfer from Highway Equipment to the Consulting line. Last year the Engineering Department estimated that they would need $200,000 for engineering design and construction services for the $1,535,000 Community Crossing Grant project. Now that construction is beginning, it is necessary to increase the engineering budget by $40,000. We have added night pavement of Grape Road which adjusted the engineering construction services portion. Improvements are planned for three locations: Grape Road, Dragoon Trail, and McKinley Avenue.

These funds will be transferred from the $70,000 appropriated for a park department truck, which was instead purchased with CEDIT funds.

Please contact me or Chris Jamrose with any questions.

c: David A. Wood, Mayor
Christine Jamrose, Dir. of Engineering/City Engineering