

AGENDA

Monday, August 7, 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**

July 17, 2017

Special Meeting July 24, 2017

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2017-30 Use Variance Temporary Non-Hazardous Storage & Processing & Related Ancillary Uses - 514 E. Marion St.

Petition No. 2017-21 Vacation of Public Right of Way - A Portion of Borley Ave. S. of Donaldson St.

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

R2017-20 Addition of Property Parcels to the City Acquisition List

9. Ordinances on Second Reading

P.O. NO. 2017-28 Vacate North/South Alley adjacent to 131 E. Seventh St. (Assigned to Land Use Planning Committee)

P.O. NO. 2017-29 Annex and Zone - 914 & 916 E. McKinley Ave. to I-1 Light Industrial **NO VOTE**

- 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

July 17, 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 July 17, 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 with a moment of silence for former councilmen Don Sargent.



Roll Call.

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

Absent: Mr. Canarecci.

Others present; Council Attorney Mike Trippel, Chief Deputy Mary Ellen Hazen, Raven Boston Deputy.

The minutes from the July 05, 2017 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding recommendations from their July 11, 2017 meeting.

D.A.R.E. Presentation presented by Mishawaka D.A.R.E Officer Lieutenant Williams

Lieutenant Williams said Mishawaka was known to have the best students when it came to writing; their D.A.R.E Program was noted for having top essays. He continued to say the essay winners for the school year of 2016 – 2017 did not disappoint but unfortunately, they were not able to be state champions this year. Lieutenant Williams explained the essays were based off the new standard the D.A.R.E Officers of the State of Indiana were adhering to. He introduced Mishawaka Catholic Samantha Gruber and Queen of Peace Renee Rosswurm. Samantha and Renee presented their essay to the council.

Clerk Block read the following proposed ordinances by title and were assigned to a committee and set for public hearing at the next regular meeting.

PROPOSES ORDINANCE NO. 2017-28

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

(Vacate north/south alley adjacent to 131 E. Seventh St.)
(Assigned to Land Use Planning Committee)

PROPOSES ORDINANCE NO. 2017-29

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY OF THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLARIFICATION

(Annex and zone 914 & 926 E. McKinley Ave. to I-L Light Industrial)

(Assigned to Land Use Planning Committee)

Clerk Block read the following proposed ordinance by title and was opened for public hearing.

PROPOSES ORDINANCE NO. 2017-27

AN ORDINANCE OF THE CITY OF MISHAWAKA AUTHORIZING THE ADVANCE REFUNDING BY THE CITY OF ITS SEWAGE WORKS REVENUE BONDS OF 2010, SERIES B; AUTHORIZING THE ISSUANCE OF SEWAGE WORKS REVENUE BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE MUNICIPAL SEWAGE WORKS OF THE CITY AND PROVIDE FOR THE REFUNDING; PROVIDING FOR THE SAFEGUARDING OF THE INTEREST OF THE OWNERS OF SAID BONDS, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT HERewith

(Sewage Works Revenue Bond)

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

Jim Schrader, Mishawaka Utilities General Manager stated they were proposing a twofold. He explained they would refinance 2010 bonds for net saving to the city. Mr. Schrader said the interest rates charged in 2010 verses what was available today was approximately \$30 million. He continued to say the second portion was a new bond in the amount of \$13,060,000 for new projects identified as the Waste Water Treatment Facility and the Long-Term Control Plan throughout the city.

Mr. Deal question how much of the \$13 million was Long-Term Control and other projects. Mr. Schrader said $\frac{3}{4}$ majority would go toward the Long-Term Control Plan. He went on to say some was for inside the facility which was necessary in order to meet their requirements for anyone coming out the facility. Mr. Schrader continued to say other portions of the bond would go towards the neighborhood areas in need of sewer separation, sewer reconstruction or sewer lining to meet their Long-Term Control Plan.

John Julian, partner of Umbaugh and Associates stated this was the next step for the financial plan. He said they were investing in some of the infrastructure needs required for environmental reasons for the Long-Term Control Plan. Mr. Julian explained the format was consistent with what was done in the past, it laid out the promises between the city and potential bond holders. He continued you to say the ordinance also authorized the issuance of bonds to refund the 2010 bonds, the bonds were outstanding and had interest rates in the 4% to 5% range. Mr. Julian said

they anticipated to take advantage of the current market and sell the bonds for the interest rates of 1 ½ % to 3 ¾ % which would generate \$2.5 million in savings over the remaining 10 years. He mentioned the refund would not extend the payments.

Questioned was called for at 7:32 P.M. for **PROPOSED ORDINANCE NO. 2017-27** 

Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Deal. Thus, it becomes **ORDINANCE NO. 5585.**

PRIVILEGE OF THE FLOOR

Mayor Wood announced the National Night Out Against Crime would be August 1st at Twin Branch, Hillis Hans Park and at the corner of Fourth Street and Merrifield starting at 5:30 PM. He also mentioned the Kamm Island Fest on July 19th at 5 PM.

NEW BUSINESS

Clerk Block called for a special meeting on July 24th at 6:00 PM for JAMIL Packaging. She stated it would be the only business conducted that evening. Police Officer Fleming presented the required paperwork to each Councilmember officially notifying them of the Special Meeting.

Mr. Emmons reminded the First District Neighborhood Meetings would resume in September.

ADJOURNMENT 7:35 P.M.

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

Ross Deal _____s/
Ross Deal, President

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 24, 2017

SPECIAL MEETING

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 July 24, 2017, at 6:00 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: Mr. Compton, Mr. Tanner, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal. **Absent:** Mrs. Voelker, Mr. Mammolenti.

Others present; Council Attorney Mike Trippel.

Clerk Block read the following resolution by title and was opened for public hearing.

RESOLUTION NO. 2017-19

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

1420 INDUSTRIAL DRIVE, MISHAWAKA, IN 46544

**AS AN ECONOMIC REVITALIZATION AREA AND ECONOMIC
DEVELOPMENT TARGET AREA FOR PURPOSES OF
PERSONAL PROPERTY TAX ABATEMENT FOR
JAMIL PACKAGING CORPORATION**

Mr. Compton moved to amend the Resolution, seconded by Mr. Banicki. Mr. Compton asked Clerk Block to read the amendment:

Clerk Block read: 2nd page of the Resolution, #2, 3rd line should read “personal property”.

Motion carried by a voice vote.

David Herschberger was present representing JAMIL Packaging.

Ken Prince, City Planner said the printer was special and it needed to be purchase by a certain date. He thanked the council for having a special meeting. Mr. Prince explained it was a 3 year abatement. He stated JAMIL was a long term business and had completed all the necessary applications.

Mr. Compton expressed his support.

Question was called for at 6:05 P.M. for **RESOLUTION NO. 2017-17**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mr. Compton, Mr. Tanner, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.

ADJOURNMENT 6:06 P.M.

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

Ross Deal____s/
Ross Deal, President

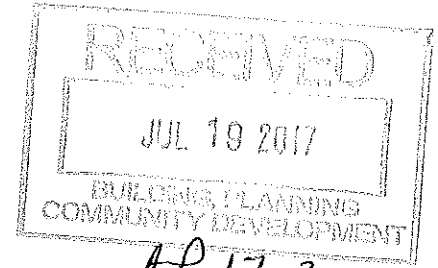
RECEIVED
DEBORAH S. BLOCK, MMC

AUG 03 2017

CITY CLERK
MISHAWAKA, IN

July 19, 2017

Board of Zoning Appeals
City of Mishawaka, IN



I, S E R Real Estate LLC / INSERVE / Dan Wilson, 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:

514 E Marion Street, Mishawaka, IN 46545

A PARCEL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY INDIANA, A PORTION OF SAID PARCEL BEING PART OF LOTS 19-22, 33-36 AND ALL OF LOTS 23-32 OF THE RECORDED PLAT OF HUDSON'S ADDITION AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND ALSO A PORTION OF A VACATED ALLEY LYING BETWEEN LOTS 34 AND 35 OF SAID PLAT, AND ALSO THE VACATED ALLEY LYING BETWEEN LOTS 24, 25, AND LOTS 30 AND 31; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE GRAND TRUNK WESTERN RAILROAD, AND THE EAST RIGHT-OF-WAY LINE OF DIVISION STREET; THENCE SOUTH 00°25'35" EAST, 110.07 FEET (REC. SOUTH 00°06'43" EAST, 109.08 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 89°55'39" EAST, 285.74 FEET (REC. SOUTH 89°14'25" EAST, 285.74 FEET); THENCE NORTH 00°34'27" WEST, 106.49 FEET (REC. NORTH 00°06'47" EAST, 106.49 FEET); THENCE NORTH 89°41'02" EAST, 220.50 FEET (REC. SOUTH 89°37'51" WEST, 220.94 FEET); THENCE NORTH 00°27'46" WEST, 238.53 FEET (N 00°13'28" E, 238.77 FEET) TO THE SOUTH LINE OF SAID GRAND TRUNK WESTERN RAILROAD; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 224.19 FEET, WITH A RADIUS OF 2903.66 FEET, WITH A CHORD BEARING OF NORTH 57°13'09" EAST, WITH A CHORD LENGTH OF 224.14 FEET; THENCE SOUTH 00°17'18" EAST, 648.58 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MARION STREET; THENCE SOUTH 89°54'37" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 346.57 FEET (REC. NORTH 90°00'00" WEST 346.43 FEET) TO THE SOUTHWEST CORNER OF SAID LOT 23; THENCE NORTH 00°30'10" WEST ALONG THE WEST LINE OF SAID LOT 23, 126.47 FEET; THENCE NORTH 89°55'40" WEST, 346.86 FEET TO THE EAST RIGHT-OF-WAY LINE OF DIVISION STREET; THENCE NORTH 00°25'35" WEST, 55.00 FEET (REC. NORTH 00°06'43" WEST, 55.00 FEET) TO THE POINT OF BEGINNING.

CONTAINING 4.18 ACRES MORE OR LESS.

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

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

Appellant presently occupies the above-described property in the following manner:

INSERVE, the company occupying the site has been conducting business on this site for the past 2 years and is an ever-growing business. They occupy all of the existing buildings, one as corporate office, second as shop/maintenance for equipment and equipment storage, another is interior tank storage and they also have exterior tank storage.

Appellant desires to continue to occupy the site. Due to uniqueness of the operations, an actual classification of zoning land use is not available. They have some similar operations of a Transfer Facility and of a Processing Facility but do not actual conduct that exact type of business. The type of business they conduct is a temporary place for non-hazardous materials to be held while prepared for reuse in other industries such as reclaimed water, reclaimed oils, and materials to be utilized in Alternate Solid Fuel Programs. Materials are brought back from the various clients and are placed temporarily in existing holding tanks/facilities waiting for further dispersal to the reuse-recycle market place to eliminate unnecessary materials to a landfill.

The Zoning Ordinance of Mishawaka does not currently outline the specific type of work conducted on the property. INSERVE offers a unique service to the community by collecting non-hazardous unwanted materials from various industries, temporarily place it into existing holding tanks and facilities on the premises, then relocate the collected materials into the various market places where it can be utilized

within other industries. INSERVE is a site/facility that conducts the beginning process of materials to be reused in other market industries while eliminating unnecessary re-usable materials into landfills.

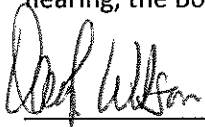
The unusual type of business conducted at the INSERVE Facility, since they do not process materials, transfer refuse materials, or discharge materials, a new definition is needed to assist in describing the work conducted. They are a temporary site for unwanted reusable non-hazardous materials that are waiting for relocation to known established reuse facilities. Please see diagrams provided by INSERVE.

The use and value of the adjacent area to the property included in the variance will not be affected in any adverse manner due to the site has had the exterior above ground tanks since 1947, the above ground tanks enclosed within buildings were established in 1989. The type of business conducted on the site has only improved the quality of the property where as it does not discharge any materials, everything is hauled to other re-usable facilities. All truck traffic enters/exits onto Division Street near the railroad crossing and does not enter the residential neighborhood.

The use variance is needed due to the type of business conducted does not fall under any current defined category of the zoning ordinance. INSERVE would like to continue to grow in the Mishawaka community, the employ approximately 75 people at this site and have considerable room to grow.

The approval of the use, a temporary facility site of non-hazardous materials waiting for process to reuse in the market place, does not interfere with the Mishawaka 2000 Comprehensive Plan, this site which is located along the existing railroad tracks is serving at its best use providing a buffer to the existing residential neighbors.

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



Dan Wilson
S E R Real Estate, LLC
INSERVE

Contact Person:
Concept Creations Development, Inc.
Dennis Murphy
510 W. Jefferson Boulevard
Mishawaka, IN 46545
Phone: 574.257.4766
Fax: 574.257.0708
Email: dlm@primedc.com

Example of Current Waste Management Practices

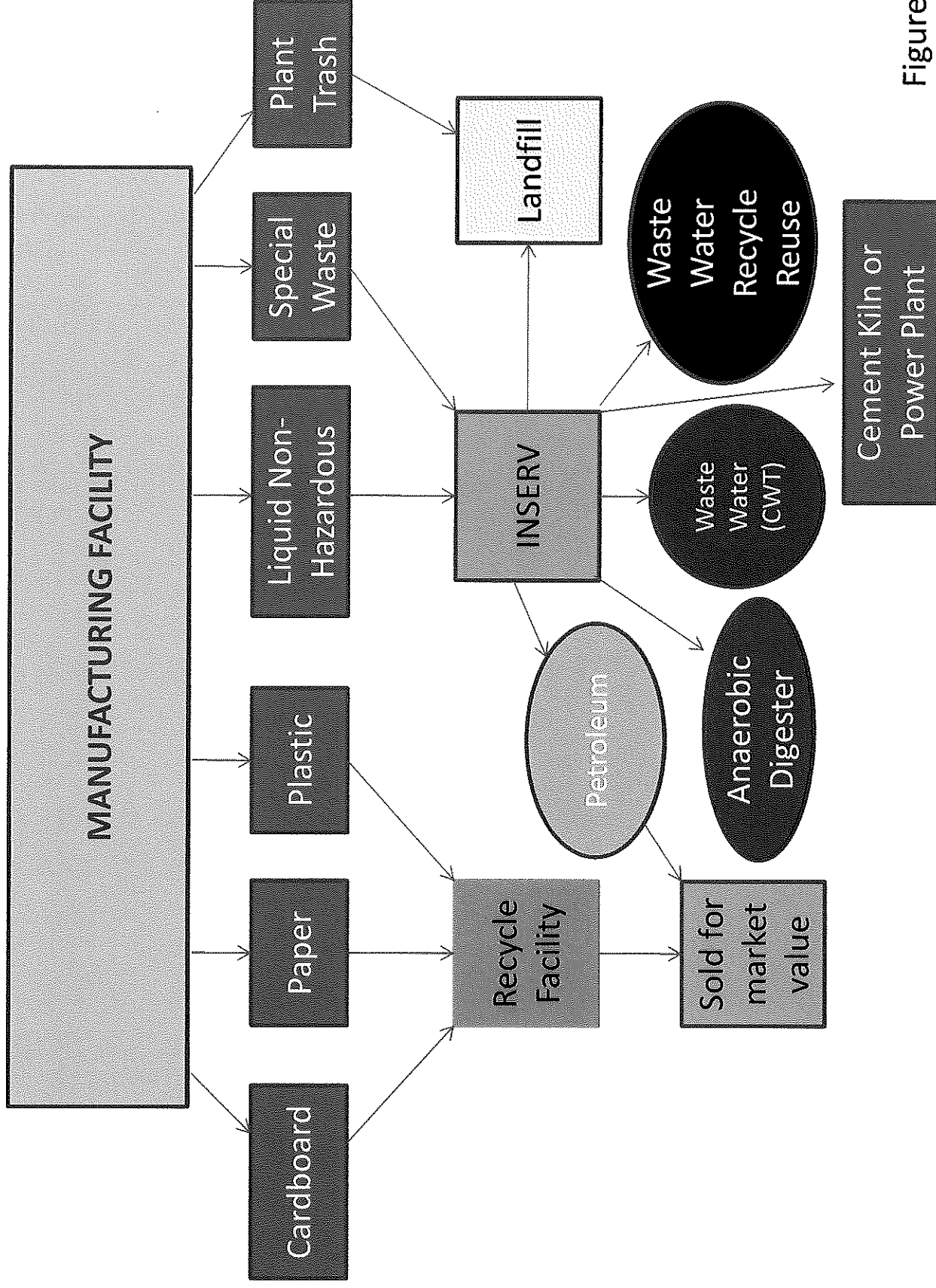


Figure 1

INSERTV INC.
1122 Division St.
Mishawaka, IN 46545
HYDRO-EXCAVATING
SPOILS MANAGEMENT PLAN

This document describes the procedures utilized by INSERTV Inc. to manage and dispose/recycle spoils (soils and liquids) resulting from hydro-excavating projects.

Hydro-excavators:

INSERTV Inc. offers hydro excavation services that utilizes water and vacuum to remove soil for the installation of utility poles, or other excavations where underground utilities may be present. The resulting spoils contain a mixture of water and soil which contains free liquids. INSERTV will deliver the resulting spoils to the 514 E. Marion St. facility for dewatering and reuse. Many times the spoils cannot be left at the customer location due to the presence of free liquids. Prior to scheduling the job, the site will be inspected and tested to determine whether the soils/water has been impacted by any chemical contamination. An INSERTV Profile Sheet (Profile) is filled out and signed by the generator of the spoils prior to any shipment. Analysis is provided by the generator to assist in characterizing the waste as non-hazardous/impacted. Once the spoils have been approved by INSERTV for acceptance to their facility, an approval will be issued for the spoils. In some cases, a sample will be requested to determine potential recycle value, potential odor issues, or to verify the spoils/waste stream matches the description on the Profile.

Approval Process:

1. INSERTV completes initial site assessment;
2. Generator Completes Waste Characterization Profile and submits to INSERTV (with a representative sample of material as required);
3. Analytical Provided by Generator in combination with Generator Knowledge of the Process is reviewed by INSERTV Inc. approvals coordinator;
4. **No RCRA hazardous or PCB containing soils will be accepted by INSERTV;**
5. INSERTV issues approval letter (good for one year);
6. Annually generating process is reviewed if no change INSERTV issues recertification letter;
7. If analytical on file is greater than 3 years old, new analysis will be required prior to recertification.

Training:

The operator will be trained in observing the spoils generated from the hydro excavation operation for evidence of staining, sheen in the water, or other physical/visual signs of potential contamination even though the site has been previously characterized.

Figure 2 shows the inside construction of a dewatering container. The bottom of the dewatering container is a false bottom of screen mesh to allow the free liquids to drain to a valve to allow the removal from the container. Additionally, a geotextile liner will be used with the dewatering container to assist in the exclusion of solids in the liquid removed from the container.



Figure 2 View of screen bottom Inside Dewatering Container

Water removed from the dewatering container is pumped to a storage tank located at 1122 Division St. A sample of the water will be tested for each tank to determine that there are no chemicals present that would require additional treatment for reuse. Water verified as "clean" will be reused in the hydro-excavators. Water requiring additional treatment will be sent to an INSERV approved Centralized Waste Treatment (CWT) facility for treatment and discharge.

INSERV will utilize the INSERV Inc. Commodity and By-Product Management Plan to determine sampling criteria, collection and analysis.

Although the dewatering containers have gaskets on the rear doors, INSERV will store them on a concrete surface to contain any potential spills. Additionally, INSERV will perform a daily inspection of any containers that are stored on-site to insure that no liquids are allowed to be released from the dewatering container.

Approved Spoils Locations

Prairie View Landfill~Waste Profile Number 609816IN
15505 Shively Road
Bremen, Indiana
574/546-4475

Advanced Waste
5625 Old Porter Road~Waste Profile Number 41462652
Portage, Indiana 46368
219/763-7600 or 219/252-2362 Jaymes Barrera

Superior Construction Co., Inc.
1101 Lake St
Lake Station, IN
Jon A. Shaner, (219) 787-0850, jshaner@sccinc.com

GNG Gravel
2064 N. 150 West
Warsaw, Indiana (219) 269-9300

Elkhart Gravel
19242 US 6 East
New Paris, Indiana (574) 831-2815

Irving Sand and Gravel Company, Inc.
1129 CR 64,
Garrett, Indiana (888) 637-4518

Larry Mergy
120 Thomas Road
Fort Wayne, Indiana (260) 483-4729

Earth Movers~Waste Profile Number 60920IN
26488 Co Rd 26,
Elkhart, IN 46517

Liberty Landfill~Waste Profile Number 60920IN
8635 E State Road 16,
Monticello, IN 47960

Emergency Response and Contingency Plan:

Because INSERTV Inc. is an oil/water recycling facility, the site is required to have in place a Spill Prevention Control and Countermeasure Plan (SPCC) in accordance with 40 CFR 112.3 (d).

The SPCC plan outlines the following Emergency Response requirements:

- Emergency Notification/Phone List
- Emergency Response Equipment
- Training for Emergency Response
- Facility Response Personnel
- Facility Evacuation Plan Factors (includes evacuation plan)
- Emergency Coordinator Responsibilities

Additionally, the SPCC plan outlines hazard identification, vulnerability analysis, discharge scenarios, potential equipment failure, discharge protection system, spill countermeasures, security, inspections, and response training.

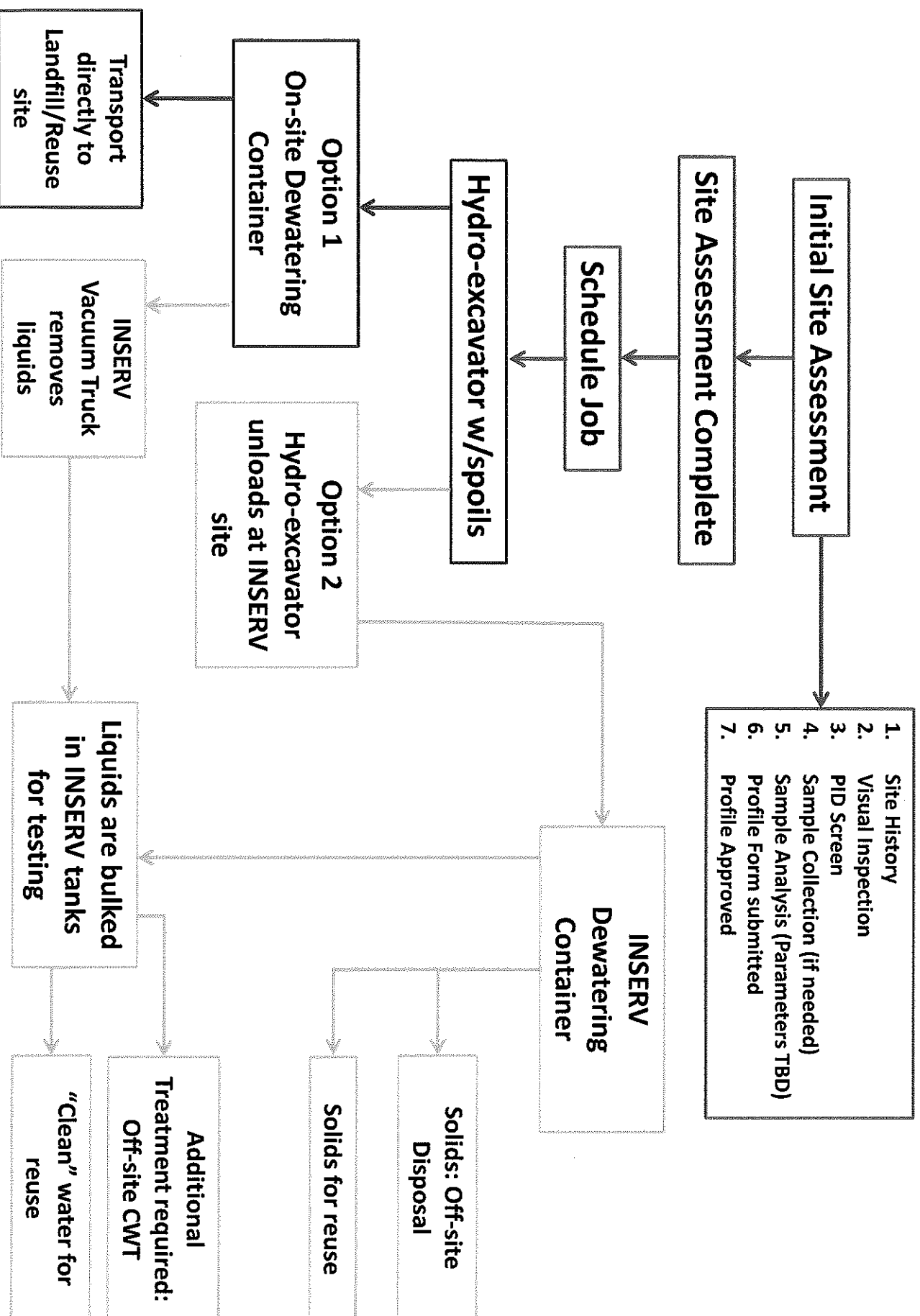
In the event of a release from one of the dewatering containers, INSERTV personnel will implement the Emergency Response as outlined in the SPCC plan. In the event of a spill/release, INSERTV personnel and equipment will respond to the release. Response time will be minimal, since the labor and equipment are located on the same site to respond to the spill. Additionally, INSERTV personnel are trained in emergency response, and all necessary equipment and supplies are located within 5 minutes of the dewatering container storage area.

A spill response kit will be located in the immediate vicinity of the dewatering containers for small spills, or possible leaks from truck engines or hydraulic lines.

Additionally, INSERTV has multiple vacuum trucks available at all times to respond to a potential spill or release from the dewatering containers. Equipment and personnel are available on a 24/7 basis as INSERTV is an emergency response contractor for many local businesses.

A copy of the SPCC plan is located at various locations throughout the site and copies are kept by key response personnel.

INSERV Inc. Hydro-excavation Spoils Flow Chart



**INSERV, Inc.
1122 Division St.
Mishawaka, IN 46545**

Commodity and By-Product Management Plan

Section 1.1 describes the chemical and physical analysis as well as the characteristics of the streams accepted, segregated, and stored at INSERV, Inc. Section 1.2 presents the Laboratory Documentation for sampling, testing and evaluating materials received and processed at the facility. The Laboratory Documentation is designed to gather sufficient information about the material to assure safe handling and processing of the incoming material streams.

1.1 Chemical and Physical Properties

General Description of Materials

INSERV manages and reclaims materials and commodities including, petroleum Contaminated Waters (PCW), dark & off-spec contaminated fuels, cross-contaminated fuels, ethanol bearing fuels, tank decanting residuals, tank clean residuals, line clean-out, pigging, maintenance and testing, dewatering and Emergency Response residues in its storage, decanting and reclamation facility. Materials are delivered to the facility in bulk tanker trucks, vacuum trucks or van trailers for storage, segregating and shipment off-site to approved facilities.

All of the materials managed, stored and reclaimed at the INSERV facility are designated as non-hazardous, non-RCRA material streams as defined by the U.S. EPA and the State of Indiana as used oil, petroleum hydrocarbons, off-specification fuels, petroleum contact water (PCW), and other non-hazardous, non-RCRA materials.

Stream Designation

Trans-Mix and Feed Stock

Re-refining

Petroleum streams that are either off specification, discarded, or for whatever reason are no longer considered to have retail commercial value may be blended into a feed stock or transmix stream for re-refining at an approved refining/recycling facility.

1.2 Laboratory Documentation

New streams undergo pre-qualification review. Analytical data may be provided by the supplier or by INSERV. Other laboratories may also be used as necessary.

Samples delivered to the facility are analyzed and shipping papers are reviewed before acceptance. Any problems with identification and composition are resolved with the generator or the stream is not accepted. Analysis of samples from incoming shipments are approved on-site. Other laboratories are contracted as necessary.

Material Analysis Plan

The material analysis plan sets out the criteria, rationale and procedures that will be followed at the facility for the sampling, analysis and evaluation of materials for acceptance at the facility. It outlines the procedures and analytical methods used to obtain the chemical and physical data on the materials in order to evaluate them for safe storage and handling by the facility.

Material Qualification Protocol

It is the facility's policy not to accept any materials until the analytical results are obtained and any discrepancies are resolved.

Pre-qualification Procedure and Analysis

The facility requires a written Material Profile Sheet of the material from the generator prior to the material being shipped to the facility. An example of a Material Profile Sheet, shown in 1-1, is reviewed annually or whenever the material stream changes. The generator may use a version of their own Material Profile Sheet, if all pertinent information is included on the form. The pre-qualification procedure is designed to assure that a comprehensive chemical profile is provided for each material including: volatiles, semi-volatiles, metals, PCBs, herbicides and pesticides, and poly-aromatic hydrocarbons. The information can be based on generator knowledge, generator certification or testing. Based on the information contained on the Material Profile Sheet, the facility will determine whether the material can be managed on site. Note, non-substantive changes to these

- pH**
- Moisture Content***
- Specific Gravity***
- Compatability*
- GC Scan*
- PCBs*

**This analysis will be performed only on materials to be blended into fuel for reuse,*

***This analysis will be performed on oily materials or water insoluble solid matrix materials,*

****This analysis will be performed only on liquid materials.*

If discrepancies are noted the facility will contact the generator within 24 hours and describe the discrepancy. The generator is allowed 24 hours to: 1) revise the profile, 2) correct the manifest, or 3) make arrangements to remove the material. If revisions are necessary, the generator may fax the corrected document(s).

Materials bulked, blended or processed for shipment off-site may receive additional analysis in accordance with requirements of the receiving facility.

In-Coming Bulk Shipment Procedures and Analysis

In addition to the pre-qualification procedures, representative samples from the material shipment are analyzed upon arrival at the facility and the results are compared to the Material Profile.

The following fingerprint analysis will be performed on incoming shipments prior to acceptance:

- BTU Value*
- Ash Content*
- Chlorides*
- pH**
- Moisture Content***
- Specific Gravity***
- Compatability*
- GC Scan*
- PCBs*

**This analysis will be performed only on materials to be blended into fuel for reuse,*

***This analysis will be performed on oily materials or water insoluble solid matrix materials,*

****This analysis will be performed only on liquid materials.*

remove the material. If revisions are necessary, the generator may fax the corrected document(s).

Parameters to be Analyzed

A general discussion of the parameters to be analyzed follows:

During the initial material pre-qualification procedure described previously, a fingerprint test is performed for each material.

The fingerprint test is to: a) check that the arriving shipment corresponds to its description in the Material Profile Sheet; b) check those constituents which may create worker safety or compliance problems; and c) check those containers that have significant influence on the heat value of the material or the difficulty or cost of processing.

It is essential that the fingerprint test be both brief and reliable. The fingerprint test must be brief in order to prevent the formation of queues of vehicles awaiting acceptance, and sufficiently reliable to prevent the inadvertent acceptance of materials not conforming to the manifest or contractual description. Thus, the least number of parameters, which can be analyzed quickly and which together will confirm the identity of the received material shipment have been chosen for analysis.

A list of key parameters from which the fingerprint parameters may be chosen are discussed below:

pH

pH is a very important indicator since unwanted reactions may occur when materials of widely different pH are mixed. The facility does not accept corrosive material for processing or fuel blending, nor does the facility accept reactive material for any purpose.

Specific Gravity

Specific gravity is a basic indicator of material characteristics and, as such, is used to ensure that a material shipment matches the Material Profile.

Flash Point

different tank or matrix that will not result in a reaction that will interfere with reclamation, or 3) ship off-site to another facility that could handle this material.

Test Methods

Table 1-1 lists the test methods utilized to measure each parameter at the facility laboratory. Because of the varied nature of the liquid material, it may be desirable or necessary to modify or adapt the standard methods or the sample preparation used prior to analysis, or to use entirely alternative methods. Such modifications are permissible under this plan, provided that the modified or alternative achieve accurate and reliable results. However, test methods normally conform to SW-846 methods or other acceptable methods.

Initial testing for qualifying a new material stream is generally performed by the facility. Alternate laboratories may also be used. Analysis of samples collected from incoming trucks for acceptance at the facility are generally performed in laboratories at the facility. If the facility is unable to analyze a sample in a timely manner, an alternate laboratory will be utilized.

Table 1-1
Test Methods for Analysis*

Parameters	Test Methods	Reference
Specific Gravity	Standard Hydrometer	SW-846 Method 1010 SW-846 Method
Flash Point	Closed Cup Method	
pH	pH meter or litmus paper	
9040,9041,9045		
Heat of combustion	Bomb Calorimeter	ASTM D-240
Ash Residue	Bomb Calorimeter	ASTM D-240
Moisture Content	Karl Fisher	ASTM D-2361, D-805, E-203
Halogen/Chloride	Silver Nitrate	ASTM D-808 and 512B
PCBs	Gas Chromatography	SW-846 8082
Volatiles	Gas Chromatography	SW-846 8010, 8015, 8020

Sampling Methods

Bulk Shipments

are pre-qualified. material streams in current use are reviewed annually, at which time suppliers are required to provide re-certification of their Material Profile.

Each incoming shipment of bulk material is sampled to verify the identity of the material. Containers are sampled according to EPA Test Methods in lots of ten or less with the representative samples from each container being composite into one sample. Composite samples will be taken only from containers containing material from the same material stream of the same generator.

2.0 INSERV VIRGIN PETROLEUM RECLAMATION PROGRAM

COMMODITY HIERARCHY-all petroleum products (crude unrefined and refined fuels) recycled commodities (Jet A, kerosene, gasoline, diesel, heating).

99% clear fuels with no ethanol-Gladieux Trading and Marketing, 4133 New Haven Avenue, Fort Wayne, IN 46803.

90% dark contaminated fuels with <10% B, S &W, crude oil with <10% B, S &W-Continental Refining Company, 300 refinery Road, Somerset, KY 42501.

90% fuels, dark, contaminated, high B, S &W (30%), ethanol bearing, crude bearing as "fuel-to-fuel exempt-Buzzi Unicem3301 South CR 150 West, P.O.Box 486, Greencastle, IN 46135

PCW after virgin fuels removed, with flash above 100F and no BOD's (ethanol, glycols or unknown chemicals) classified as non-hazardous oily waters from petroleum fuels and used oils to the following Centralized Wastewater Treatment (CWT) facilities:

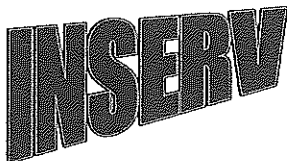
Liquid Industrial Waste Services, 11325 East Lakewood Blvd, Holland, MI 49424

Beaver Oil Company, 6037 Lenzi Avenue, Hodgkins, IL 60525.

Eagle Processing/GroAmerica, 2275 Burlingame Avenue, Suite B, Wyoming, MI 49509

514 E Marion Street
Mishawaka, Indiana 46545

Toll Free: 1-877-917-3239
24/7 Emergency: 574-968-0372
Fax: 574-968-0373
Website: inserv24-7.com



NSERV VIRGIN PETROLEUM RECLAMATION PROGRAM

MATERIAL PROFILING

All petroleum Contaminated Waters (PCW), dark & off-spec contaminated fuels, cross-contaminated fuels, ethanol bearing fuels, tank decanting residuals, tank clean residuals, line clean-out, pigging, maintenance and testing, dewatering and Emergency Response events will all require and undergo initial site profiling, profiling on loaded truck/tanker/trailer, profiling at receiving tank farm prior loading into tank farm and after loading into tank farm storage tank. Bottoms, Solids & Water (B,S &W), fuel type content (%), material handling procedures, material placement into fuels hierarchy and value will be assessed by Facility Manager. Customer information and invoicing criteria will be forwarded to AR and Office Manager.

COMMODITY HIERARCHY-all petroleum products (crude unrefined and refined fuels) recycled commodities (Jet A, kerosene, gasoline, diesel, heating).

99% clear fuels with no ethanol-Gladieaux Trading and Marketing, 4133 New Haven Avenue, Fort Wayne, IN 46803.

90% dark contaminated fuels with <10% B, S &W, crude oil with <10% B, S &W-Continental Refining Company, 300 refinery Road, Somerset, KY 42501.

90% fuels, dark, contaminated, high B, S &W (30%), ethanol bearing, crude bearing as "fuel-to-fuel exempt"-Buzzi Unicem3301 South CR 150 West, P.O.Box 486, Greencastle, IN 46135

PCW after virgin fuels removed, with flash above 100F and no BOD's (ethanol, glycols or unknown chemicals) classified as non-hazardous oily waters from petroleum fuels and used oils to the following Centralized Wastewater Treatment (CWT) facilities:

Liquid Industrial Waste Services, 11325 East Lakewood Blvd, Holland, MI 49424

Beaver Oil Company, 6037 Lenzi Avenue, Hodgkins, IL 60525.

Eagle Processing/GroAmerica, 2275 Burlingame Avenue, Suite B, Wyoming, MI 49509

Valicor Environmental Services, Inc., 11807 Reading Road, Cincinnati, ON 45241



Virgin Petroleum contaminated Solids after bulk liquids removed-Solidification: soils, absorbents, sludge, filters, debris-PrairieView Landfill (Waste Management), 0000 Hively Road, Wyatt, IN 46545

Southeast Berrien County Landfill, 3200 Chamberlain Road, Buchanan, MI 49107

Liquid Industrial Waste Services, 11325 East Lockwood Blvd., Holland, MI 49424

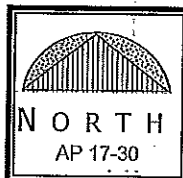
Eagle Processing/GroAmerica, 2275 Burlingame Avenue, Suite B, Wyoming, MI 49509

Virgin Petroleum contaminated Solids after bulk liquids removed-Thermal Destruction: Buzzi-Unicem, Greencastle, IN/Cape Girardeau, MO

E BORLEY AVE

E BORLEY AVE

CHESTNUT ST



E JEFFERSON BLVD

AP 17-30

STANLEY ST.

E MARION ST

Location Map

AP 17-30

514 E. MARION ST.

S E R REAL ESTATE LLC

USE VARIANCE - TEMPORARY
NON-HAZARDOUS STORAGE
& PROCESSING AND RELATED
ANCILLARY USES (OFFICE, SHOP/
MAINTENANCE FAC., EQUIPMENT
STORAGE, AND INTERIOR &
EXTERIOR TANK STORAGE)

LOCUST ST

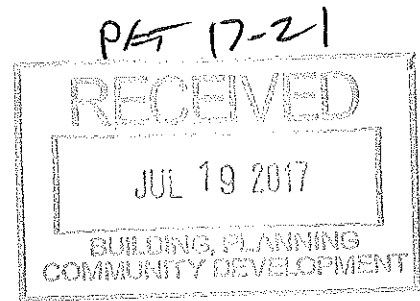
E BROADWAY

LOCUST ST

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 03 2017

CITY CLERK
MISHAWAKA, IN



Date: July 19, 2017

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

Re: Petition for Vacation of Public Right of Way

The undersigned City of Mishawaka, through its Department of Planning and Development, respectfully requests the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

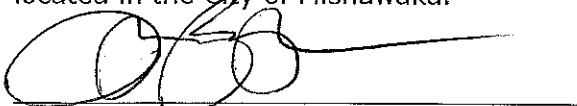
THE WEST 36 FEET OF THE BORLEY AVENUE FROM THE SOUTH RIGHT-OF-WAY LINE OF DONALDSON AVENUE EXTENDED TO THE SOUTH RIGHT-OF-WAY LINE BORLEY AVENUE ALSO BEING THE NORTH LINE OF LOT 7 OF MAIN STREET CORRIDOR FIRST SUBDIVISION AS RECORDED UNDER INSTRUMENT NUMBER 1405633 IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 IN SAID MAIN STREET CORRIDOR FIRST SUBDIVISION; THENCE NORTH 00 DEGREES 14 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 6, A DISTANCE OF 289.63'; THENCE NORTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 8.90 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF DONALDSON AVENUE; THENCE NORTH 89 DEGREES 14 MINUTES 12 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE EXTENDED, A DISTANCE OF 42.27 FEET; THENCE SOUTH 00 DEGREES 14 MINUTES 00 SECONDS EAST, A DISTANCE OF 296.01 FEET TO SAID NORTH LINE OF LOT 7 OF MAIN STREET CORRIDOR FIRST SUBDIVISION; THENCE SOUTH 89 DEGREES 14 MINUTES 12 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 36.00 FEET TO THE POINT OF BEGINNING.

Said right-of-way to be vacated is adjacent to Lot 6 of Main Street Corridor 1st Subdivision.

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

Wherefore, the Petitioner prays and respectfully requests 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 vacated the above described right of way located in the City of Mishawaka.



Kenneth B. Prince, AICP, ASLA
City Planner

ADJACENT PROPERTY OWNER
Lot 6 of Main Street Corridor First Sub.

CONTACT PERSON:

Kenneth B. Prince, AICP, ASLA
City Planner
600 E. Third Street
Mishawaka, IN 46544
574-258-1625

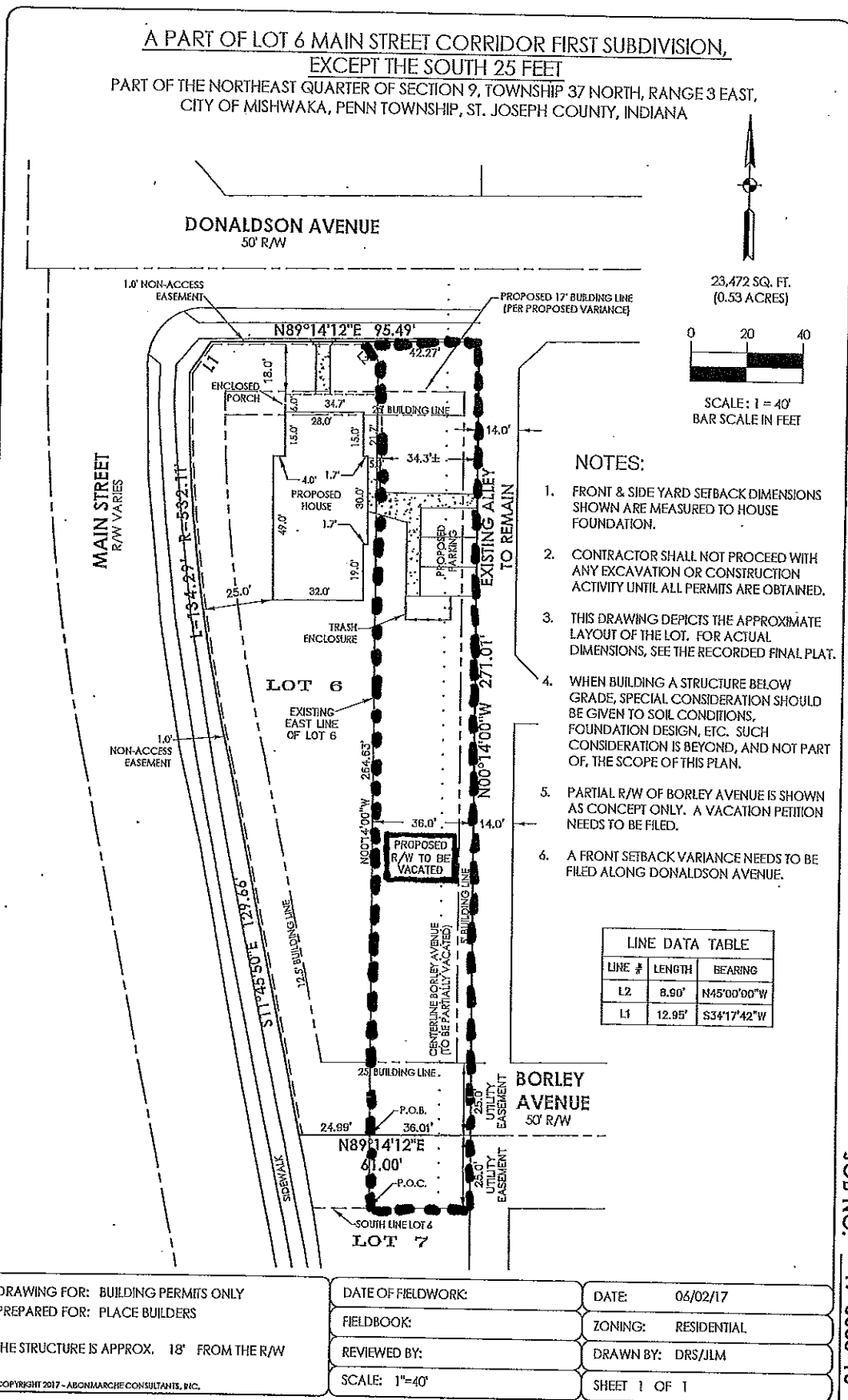
750 Lincoln Way East
South Bend, IN. 46601
T 574.232.8700
F 574.251.4440
abonmarche.com

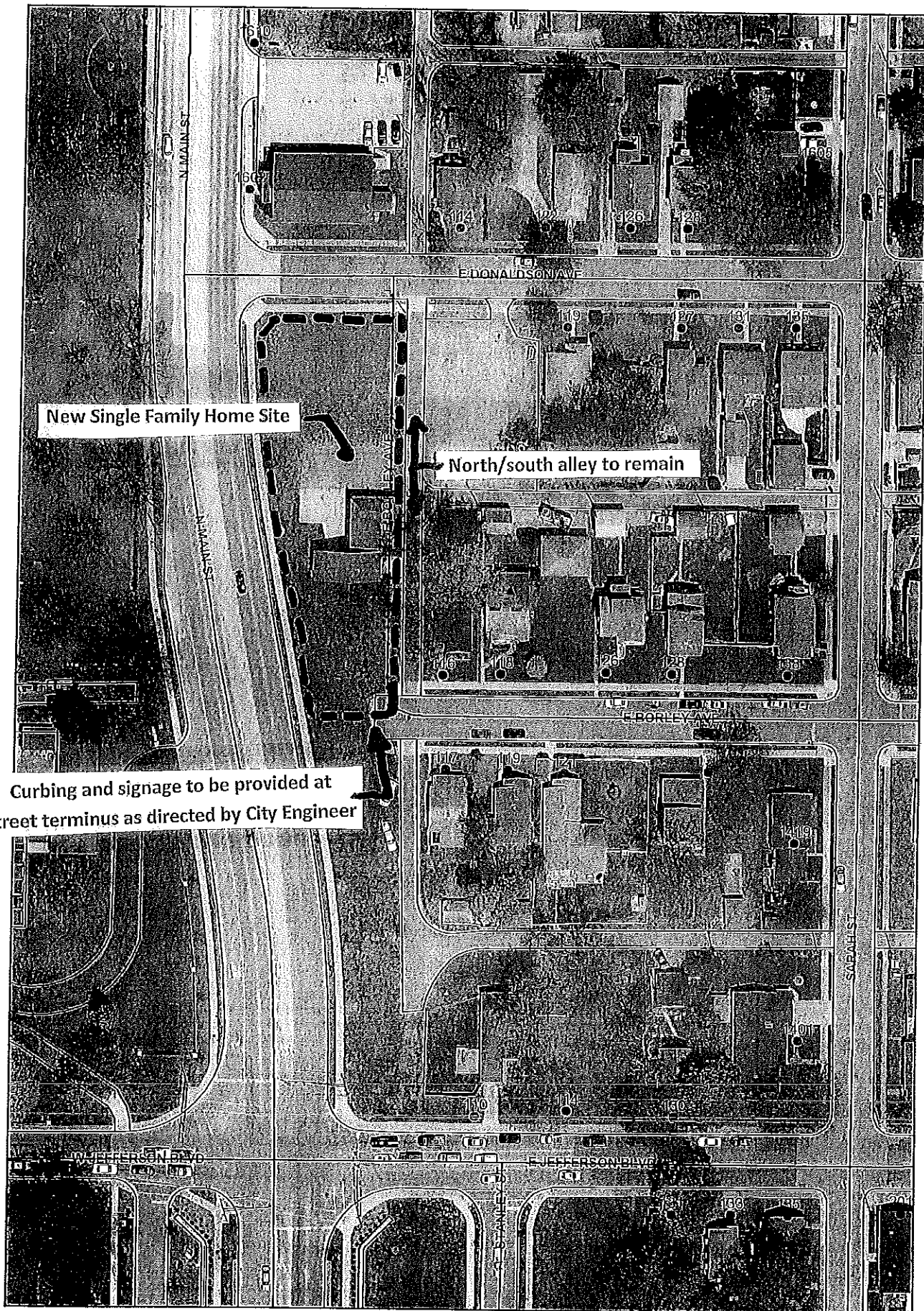
INSET/DETAIL MAP

Battle Creek
Benton Harbor
Manistee
South Haven

Goshen
Hobart
Lafayette
South Bend
Valparaiso

Engineering • Architecture • Land Surveying





Borley Avenue Permanent Street Closure Concept Plan



E DONALDSON AVE

PET 17-21

LOT 6 OF MAIN
STREET CORRIDOR
FIRST SUB

N MAIN ST

E BORLEY AV

E BORLEY AVE

Location Map PET 17-21

CITY OF MISHAWAKA
VACATE A PORTION OF
BORLEY AVENUE SOUTH OF
DONALSON STREET

E. OF LOT 6 OF MAIN STREET
CORRIDOR 1ST MINOR SUB



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

BUILDING - COMMUNITY DEVELOPMENT - PLANNING

August 2, 2017

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: Resolution 2017-20
Addition of property parcels to the City acquisition list
Riverwalk and Redevelopment Properties

Dear Council Members and Clerk:

Attached for your consideration is proposed Resolution 2017-20 adding multiple properties to the City's acquisition list within our consolidated Tax Increment Finance District. We are asking that this resolution be considered at your regularly scheduled August 7th, 2017 Council Meeting. In terms of background, in 2014 the Common Council approved an adjustment of the boundaries of the City's Tax Increment Finance Districts forming one consolidated district. As part of that amendment, an amendment to the City's Economic Development Plan was included which listing a wide range of projects where there was an identified need for funding within or adjacent to that area.

As part of plan amendments, an acquisition list is required to be completed to give property owners information on potential acquisitions. In this case, the City with the review of counsel, identified that it would be disingenuous to include such a list in that amendment because the range of projects (hundreds) would have needed to include literally thousands of properties. Many of which that would never likely be acquired or touched. As such, the decision was made to follow up with separate individual acquisition list updates on a project to project basis. The proposed acquisitions identified on this list are ones that are being considered or will likely be considered in the near future. Ones that are immediately being considered are two potential redevelopment sites, one at 407 East Mishawaka Avenue, and one at 227 East 4th Street. If acquired, 407 East Mishawaka Avenue is strategic in that it squares off the former Starboard Marine property that was purchased by the Redevelopment Commission last year. 227 East 4th Street is a condemned commercial property that we are working to acquire that is currently being handled by a court appointed attorney who is representing the assets of the owner who is in a nursing facility. We also are looking to add 406 East Dragoon Trail. This addition is being requested only to allow the City to participate if an agreement can be worked out between the existing owner and the adjacent property owner to insure that adequate future right-of-way is reserved for the widening of the intersection of Dragoon Trail and Union Street. The other properties are the various properties needed for the anticipated expansion of the Riverwalk. This includes the section from behind the Police Station to Cedar Street Bridge connecting to the existing section located behind the Center for Hospice Campus. In addition, we have been approached by the property owner along Jefferson to buy additional property that will allow for the future connection of the walk between Monkey Island and Jefferson Boulevard that we feel would be both beneficial and cost effective at this time.

With the anticipated completion of the Merrifield Park portion of the Riverwalk, the City is looking to submit our next project to MACOG for potential federal funding. For the next section, we are looking to expand the walk from behind the police station extending east to Cedar Street, widening the walk on the Cedar Street Bridge, and connecting to the existing walk adjacent to the Center for Hospice campus. Most of these property acquisitions would be a partial acquisition where the City would be buying only the river frontage, with the homes and businesses to remain. All the acquisitions identified herein would not require the City to displace/relocate any homeowner or resident living on any of the properties.

At this time, the Administration is requesting the Council's approval of Resolution 2017-20 to allow the City to proceed with the potential acquisitions associated with these various projects.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Prince', with a long horizontal line extending to the right.

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor
Derek Spier, AICP, Senior Planner

RESOLUTION NO. 2017-20
Acquisition of Riverwalk and Various Redevelopment Properties

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S PROPERTY
ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY APPROVED
COMMON COUNCIL RESOLUTION 2014-07 WHICH APPROVED AN ORDER
OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING A
CERTAIN DECLARATORY RESOLUTION, AN AMENDMENT TO THE
BOUNDARIES OF THE NORTHWEST AREA IMPROVEMENT PROJECT,
CONSOLIDATION OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA
AND THE NORTHWEST IMPROVEMENT PROJECT INTO ONE
CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN AMENDMENT
TO THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED
AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY OF
MISHAWAKA REDEVELOPMENT COMMISSION**

WHEREAS, on February 24, 2014, the City of Mishawaka Redevelopment Commission (the "Commission") approved and adopted its Resolution No. 2014-03 entitled "Resolution of the City of Mishawaka Redevelopment Commission Designating and Declaring Certain Areas as Economic Development Areas, Amending the Boundaries of the Northwest Area Improvement Project, Consolidating the Southside Economic Development Area and the Northwest Area Improvement Project Into One Area, And Amending the Economic Development Plan for the Consolidated Area Improvement Project" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution (i) designated and declared certain areas within the City of Mishawaka, Indiana (the "City") to be economic development areas (the "Expansion Areas") for purposes of tax increment financing pursuant to Section 39 of Indiana Code 36-7-14 (the "Act") to expand the existing Northwest Area Improvement Project (the "Northwest Area"); (ii) removed certain parcels from the Northwest Area; (iii) consolidated the Southside Economic Development Area (the "Southside Area") and the Northwest Area into one area (to be known as the Consolidated Area Improvement Project) (the "Consolidated Area"); and (iv) approved an amendment (the "Plan Amendment") to the Economic Development Plan for the Northwest Area (the "Economic Development Plan") to provide for such Economic Development as amended to serve as the economic development plan for the Consolidated Area Improvement Project (as amended by the Plan Amendment shall hereinafter be referred to as the "Economic Development Plan"); and

WHEREAS, on March 11, 2014, the City of Mishawaka Plan Commission (the "Plan Commission") adopted and approved its resolution 2014-01, determining that the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, conform to the plan of development for the City and approving, ratifying and confirming the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, as required by Section 16 of the Act (the "Plan Commission Order"); and

WHEREAS, Section 16 of the Act prohibits the Commission from proceeding until the Plan Commission Order is approved by the legislative body of the City; and

WHEREAS, the Common Council of the City (the “Common Council”) previously approved the Plan Commission Order by Common Council Resolution 2014-07; and

WHEREAS, as part of the previous approval various public improvement projects were listed as part of the Economic Development Plan; and

WHEREAS, a number of those projects including the Riverwalk Cedar Street Bridge/Cantilever, the Riverwalk Extension on the South Side of River, Race to Cedar Street, Scattered site blighted property removal/change in use, the Riverwalk Jefferson/Monkey Island extension, and the future widening of the intersection of Dagoon Trail and Union Street are now at a point of more detailed consideration of acquiring specific properties; and

WHEREAS, the Administration is asking the legislative body for its review and approval of adding certain properties to the City’s acquisition list to implement a portion of these projects; and

WHEREAS, the description of the properties proposed to be added are as follows: 407 E. Mishawaka Avenue (Tax Parcel #16-2076-2585), 209 N. Cedar Street (Tax Parcel #16-2078-269402), 202 North Race Street (16-1012-0493), 204 North Race Street (16-1012-0492), 206 North Race Street (16-1012-0491), 208 North Race Street (16-1012-0490), the river frontage portion of 318 Lincolnway East (16-1012-0500), the river frontage portion of 400 Lincolnway East (16-1024-0950), the river frontage portion of 410 Lincolnway East (16-1024-0949), the river frontage portion of 426 Lincolnway East (16-1024-0948 and 16-1024-0947), the river frontage portion of 500 Lincolnway East (16-1024-0946), 510 Lincolnway East (16-1024-0956), the river frontage portion of 514 Lincolnway East (16-1024-0955), the river frontage portion of 518 Lincolnway East (16-1024-0954), 526 Lincolnway East (16-1024-0953), 532 Lincolnway East (16-1024-0952), property immediately north of 532 Lincolnway East (16-1024-0951), Properties in and adjacent to 1605, 1613, and 1621 East Jefferson Boulevard (27-1001-047903) (27-1001-047902) (27-1001-047904) (27-1001-0479) (27-1001-047901), 406 East Dagoon Trail (27-1001-0179), and 227 East 4th Street (16-1004-0193).

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

1. The referenced parcels are hereby added to the City’s acquisition list as part of the consolidated area improvement projects
2. This Resolution shall be in full force and effect from and after its passage by the Common Council.

* * * * *

Passed and adopted at a meeting of the Common Council of the City of Mishawaka,
Indiana, held on August 7, 2017.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

Ross Deal, President

ATTEST:

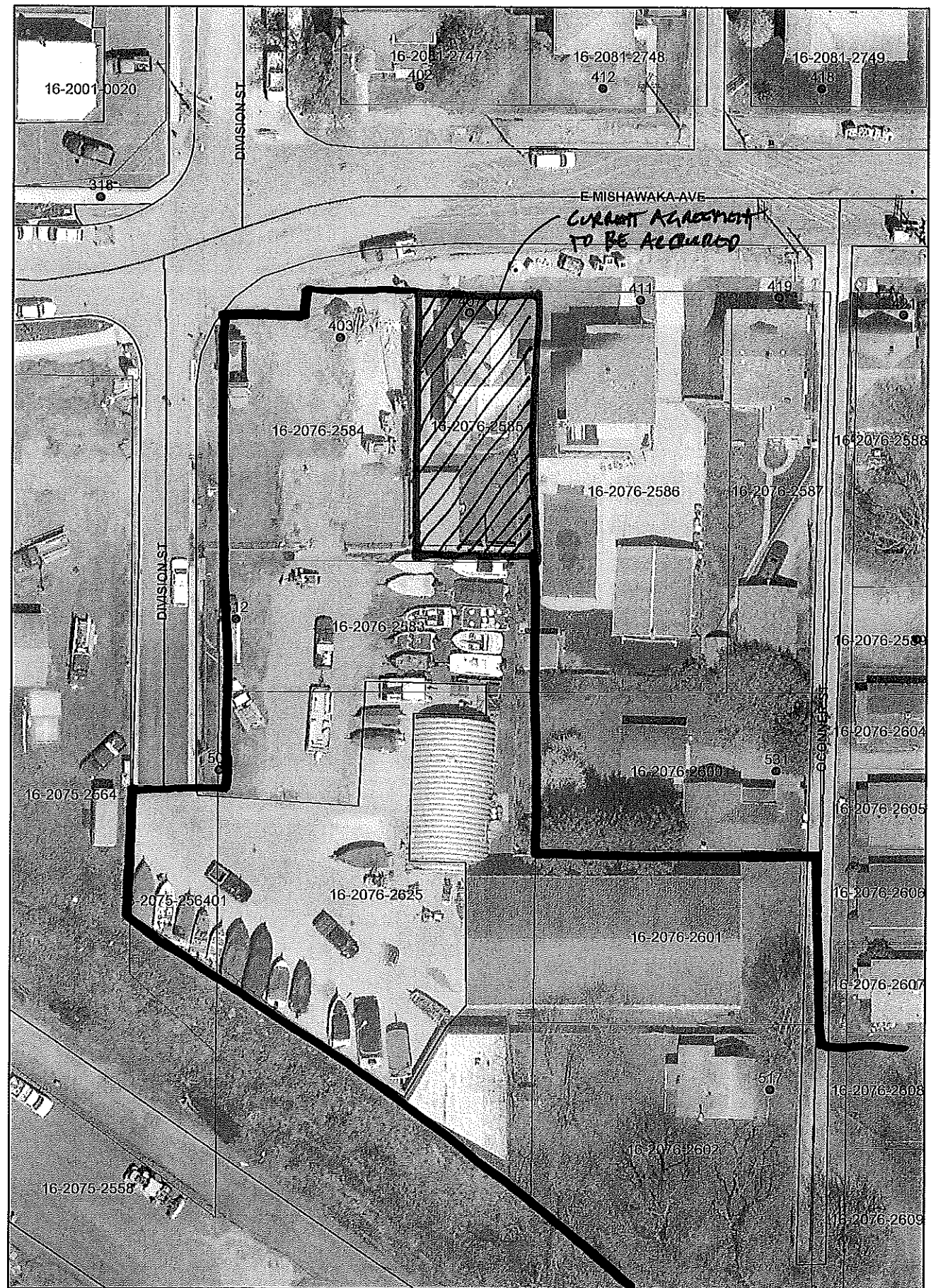
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of
August, 2017, at the hour of _____ .m.

Deborah S. Block
Clerk of the City of Mishawaka, Indiana

This Resolution approved and signed by me on the ____ day of August, 2017, at the hour
of _____ .m.

David A. Wood
Mayor of the City of Mishawaka, Indiana



CURRENT
PURCHASE AGMT.
TO BE
REQUIRED

CURRENTLY
OWNED
BY
CITY

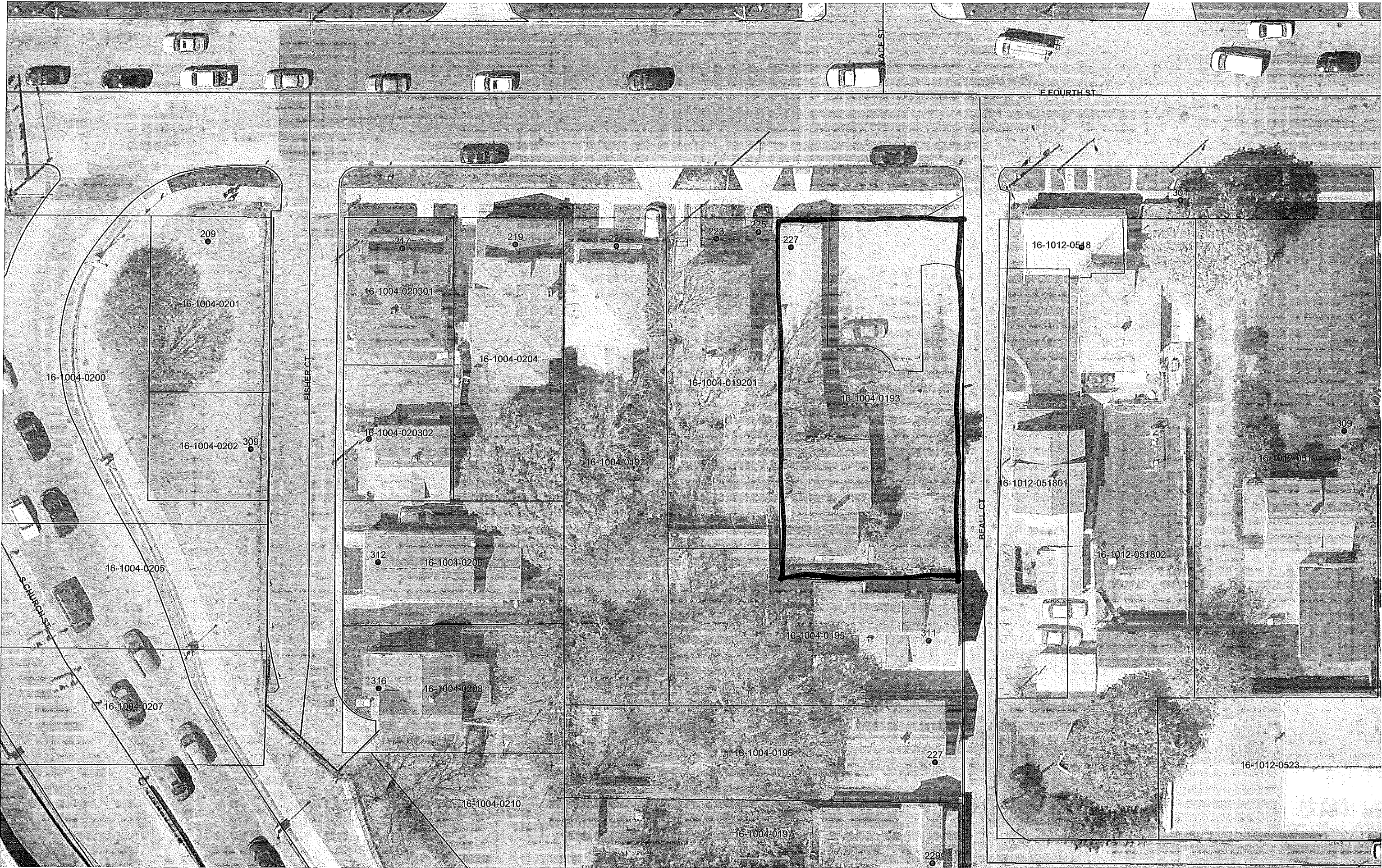
YET TO BE ACQUIRED

CURRENTLY
OWNED
BY
CITY









209

16-1004-0201

16-1004-0200

16-1004-0202 309

16-1004-0205

16-1004-0207

FISHER CT

217

16-1004-020301

219

16-1004-0204

221

223

225

227

16-1004-019201

16-1004-0193

16-1004-0192

16-1004-020302

312

16-1004-0205

316

16-1004-0208

16-1004-0210

16-1004-0195

311

16-1004-0196

227

16-1004-0197

229

BEALL CT

16-1012-0518

16-1012-051801

16-1012-051802

16-1012-0519

16-1012-0523

F FOURTH ST

S RICHMOND ST

1st Reading 7-17-17
2nd Reading
Passed
Failed
Continued To

PETITION #17-11

JUL 13 2017

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2017-28

ORDINANCE NO. _____

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

WHEREAS, Olivia Gonzales and Agustin Armenta have filed a petition for vacation of the public right-of-way described in Section 1 below;

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

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

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

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

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

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

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

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

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

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 THE RECORDER OF ST. JOSEPH COUNTY. SUBJECT TO A UTILITY EASEMENT BEING MAINTAINED BY THE CITY OF MISHAWAKA.

COMMONLY KNOWN AS: The north/south alley west of 131 East Seventh Street.

PROPOSED ORDINANCE NO. 17-28

ORDINANCE NO. __

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2017.

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

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.

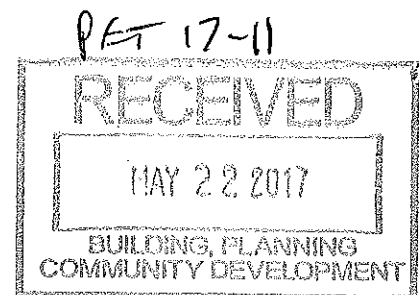
SUBJECT TO A UTILITY EASEMENT BEING MAINTAINED BY THE CITY OF MISHAWAKA.

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 Mishawaka. 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





S CHURCH ST

E SIXTH ST

RIGHT-OF-WAY

E SEVENTH ST

UNION ST

E EIGHTH ST

Location Map

PET 17-11

OLIVIA GONZALES

ALLEY WEST OF
131 E SEVENTH

VACATE RIGHT-OF-WAY

SUMMIT LN

ST

NOTICE OF HEARING
VACATION NO. 2017-1
PETITION NO. 2017-1
DATE of HEARING 06-19-2017
TIME of HEARING 7:00PM

A petition has been filed by Olivia Gonzales and Austin Armenta

The 16ft wide North-South alley from the south right of way line of E. 7th St to the North right of way line of the 16ft 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 Mishawaka
COMMONLY KNOWN AS: Alley West of 131 E. Seventh St.

Subject to all legal highways, easements and restrictions of record.

NOTICE IS HEREBY GIVEN that a regular meeting of the Mishawaka Common Council will be held on June 19, 2017 at 7:00 pm in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. A Public hearing will be conducted on a proposed ordinance at which time any interested person may appear, be represented by agent or present in writing any reasons they may have for the granting or denying of a proposed ordinance. You are requested to prepare your case, in detail, and present all evidence relating to this proposed ordinance at the time of scheduled hearing.

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 interpretive 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 Geoffrev

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

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

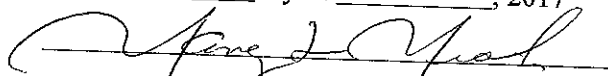
XX One TWO THREE

times successively to-wit:

On the 8th day of June , 2017, and

On the day of , 2017, and

On the day of , 2017



Subscribed & Sworn To Before Me
This 8th day of June , 2017



William L. Nich, Notary Public

Prescribed by State Board of Accounts
Governmental Unit

General Form No. 99P (Rev. 2009A)

To Dr.

IDEM

South Bend Tribune
225 West Colfax Ave
South Bend, Indiana 46628
Tax ID# 35-13-1571

.....County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Ad #: 273272

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent

Head -- Number of lines

Body -- Number of lines

Body -- Number of lines

Total number of lines in notice

71

COMPUTATION OF CHARGES

71 lines, 1 columns wide equals 71 equivalent lines at 0.3751 cents per line

Additional charges for notices containing rule or tabular work
(50 per cent of above amount)

Charge for extra proofs of publication

(\$1.00 for each proof in excess of two)

\$0.00

TOTAL AMOUNT OF CLAIM

\$27.01

DATA FOR COMPUTING COST

Width of single column in picas 9.4ems

Size of 8 point

Number of Insertions

1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has

Ad #: 273272

NOTICE OF HEARING

VACATION NO. 2017-1

PETITION NO. 2017-11

DATE of HEARING 06-19-2017

TIME of HEARING 7:00PM

A petition has been filed by Olivia Gonzales and Austin Armenta The 16ft wide North-South alley from the south right of way line of E. 7th St to the North right of way line of the 16ft 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 Mishawaka

COMMONLY KNOWN AS: Alley West of 131 E. Seventh St.

Subject to all legal highways, easements and restrictions of record. NOTICE IS HEREBY GIVEN that a regular meeting of the Mishawaka Common Council will be held on June 19, 2017 at 7:00 pm in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. A Public hearing will be conducted on a proposed ordinance at which time any interested person may appear, be represented by agent or present



City of Mishawaka

OFFICE OF THE CITY CLERK

Deborah S. Block, IAMC, MMC, City Clerk

NOTICE OF HEARING

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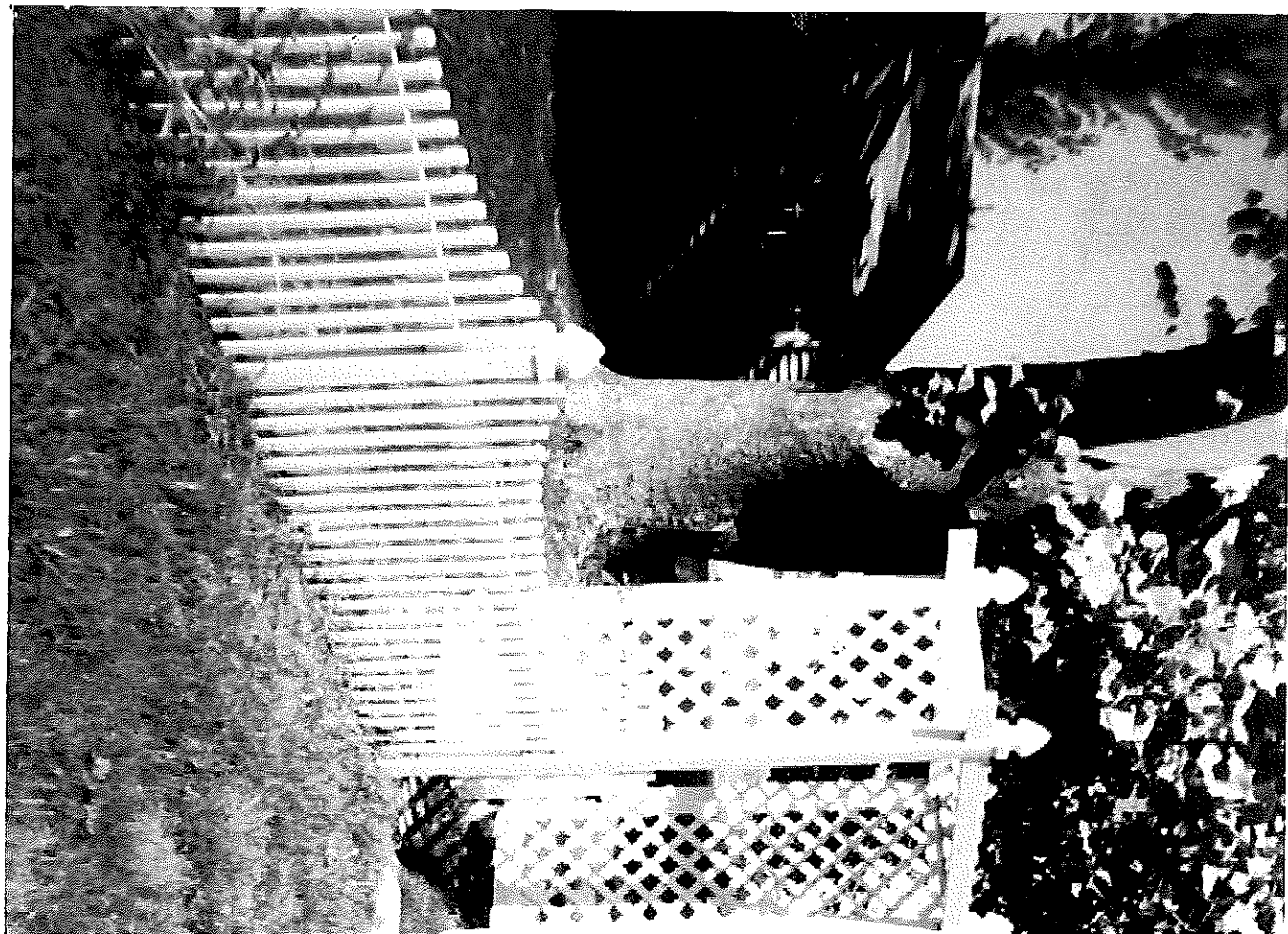
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Subject to a Utility Easement, being maintained by the City of Mishawaka







Ben Battle

Francesca Bell

308 E 7th St

It ^{easy} for me to turn around

Francesca Bell

Linda Scarberry
276-6966

Did Council receive
letters of opinion at last
meeting.

Picture handouts of
meeting.

225 E 6th st
Mississippi, IN 46544

Laisy Bernal

Some people won't
be able to get to
their garage.

#Against

How can you take away
an access way that the whole neighbor
hood uses. Fence in your yard
for safty also put up
"Slow Kids playing" Sign

574-485-7053

116 E 7th

Melissa J. Korn
T. H. Photo

To Whom it may Concern:

Concerning the lot at 131 E. 7th St. I own the property directly behind the lot on 8th St at 132 E. 8th St. Closing the ally between 127 and 131 E. 7th would negatively impact access to my garage. I have an almost straight drive into my garage from this alley and it would be difficult to access my garage as I would need to make 3 point turns to get into my garage.

For Bryan
James Bryan

To Whom it may Concern:

I live at 210 E. 8th St. I do not want the alley between 127 and 131 E. 7th closed. Closing the alley would negatively impact the value of my property.

Mary J. Bethe

I Do Turn Around ID First Alley
Please Do Not Chase

Kelley Desimone
122 E 7th St
MISH, IN 46054

Kelley Desimone July 11, 2017

To Whom it may concern:

In regards to closing the alley on 7th. Street I am opposed to it. I am disabled and I use the alley to walk my Beagle with the use of my mobility scooter. The streets are way to dangerous and using a scooter with leash needs more room than the sidewalk allows. Alleys ARE my only safe options. Please reconsider your plan to close.

Robert C. Watkins, Jr.
223 E. 7th. Street

A handwritten signature in black ink, appearing to read "Robert C. Watkins, Jr.", written in a cursive style.

I Robert J. Nelson live at 223 E. 6th St.

Think The Alky between 127 & 131 E 7th
Should be left open because of ~~low~~ High TRAfIC
at light on church St. Rob. Nelson 7-9-2017

James Van Ness.

205 E 6th St

I think the alley between 12th & 13th
E 7th St should remain open.

It is a real convenience.

7-10-17

I Jennifer Kline reside at
114 E. 8th St and would like to
add my thoughts on closing the alley.
I would like to have the alley
stay open for access to getting
behind my home.

Thank you

Thank you

7/10/17

I, David Green, would not like the
north/south alley adjacent to 131 East
Seventh Street closed. I as a home
owner near this alley use this alley way
to get to my property.
My address is 116 East 8th Street.

PETITION #17-17

JUL 13 2017

1st Reading 7-17-17

CITY OF MISHAWAKA, INDIANA

2nd Reading

PROPOSED ORDINANCE NO. 2017-29

Passed

Failed

Continued To

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

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

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

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

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

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

Parcel 1: Acreage 5.53 +/-

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section Three (3), Township Thirty-seven (37) North, Range Three (3) East, described as beginning at the Southeast corner of the parcel of land containing 7 ½ acres taken off the entire length of the East side of 17 ½ acres off the West side of said Southwest Quarter; thence North 1320 feet to the North line of said Quarter Quarter Section; thence West along said North line 177 feet to the true point of beginning; thence South 1020 feet; thence West 235.5 feet; thence North 1020 feet to the North line of said Quarter Quarter Section; thence East along said North line 235.5 feet to the point of beginning.

COMMON ADDRESSES: 914 East McKinley Avenue

Parcel 2: Acreage 6.99 +/-

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section Three (3), Township Thirty-seven (37) North, Range Three (3) East described as beginning at the Southeast corner of a parcel of land containing 7 ½ acres taken off the entire length of the East side of 17 ½ acres off the West side of said Southeast Quarter of the Southwest Quarter; thence North 1320 feet to the North line of said Quarter Quarter Section; thence West 177 feet; thence South 1020 feet; thence West 235.5 feet; thence South 300 feet to the South line of Section 3; thence East along said South line 412.5 feet to the point of beginning.

Proposed Ordinance No. 17-29

Ordinance No. _____

COMMON ADDRESSES: 916 East McKinley Avenue

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of I-1 Light Industrial District.

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

1. Existing Conditions – A majority of the property owned by the petitioner is within the City limits and would be easier to use/enforce if all the property was in one jurisdiction.
2. Character of Buildings in Area - Adjacent land uses include are a mix of industrial and commercial, along one of the City's major east-west corridors.
3. The most desirable/highest and best use – Because of the parcel's location along the corridor and the property's historical use, the most desirable use for the property is to continue and expand the industrial use.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed use is compatible with the adjacent commercial and industrial uses.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan identified this pocket of the McKinley corridor as industrial. The petition to annex and zone the entire property to I-1 Light Industrial is consistent with the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2017, at _____ o'clock ____ M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No. 17-29

Ordinance No. _____

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

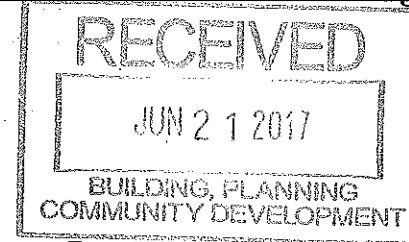
JUN 29 2017

CITY CLERK
MISHAWAKA, IN

Petition for Annexation and Zoning

June 21, 2017

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



RE: Petition for Annexation and Zoning Classification

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

Parcel 1: Acreage 5.53 +/-

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section Three (3), Township Thirty-seven (37) North, Range Three (3) East, described as beginning at the Southeast corner of the parcel of land containing 7 ½ acres taken off the entire length of the East side of 17 ½ acres off the West side of said Southwest Quarter; thence North 1320 feet to the North line of said Quarter Quarter Section; thence West along said North line 177 feet to the true point of beginning; thence South 1020 feet; thence West 235.5 feet; thence North 1020 feet to the North line of said Quarter Quarter Section; thence East along said North line 235.5 feet to the point of beginning.

COMMON ADDRESSES: 914 East McKinley Avenue

Parcel 2: Acreage 6.99 +/-

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section Three (3), Township Thirty-seven (37) North, Range Three (3) East described as beginning at the Southeast corner of a parcel of land containing 7 ½ acres taken off the entire length of the East side of 17 ½ acres off the West side of said Southeast Quarter of the Southwest Quarter; thence North 1320 feet to the North line of said Quarter Quarter Section; thence West 177 feet; thence South 1020 feet; thence West 235.5 feet; thence South 300 feet to the South line of Section 3; thence East along said South line 412.5 feet to the point of beginning.

COMMON ADDRESSES: 916 East McKinley Avenue

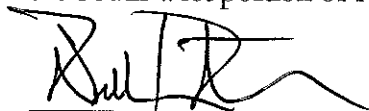
Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located at 914 and 916 East McKinley Avenue, Mishawaka, IN and that Petitioners desires to have **Parcel I** be annexed to the City of Mishawaka, Indiana, with a I-1 Light Industrial Zoning classification. It is also the desire of the Petitioners to rezone the South West portion of **Parcel II** (Described as the SW 235.5' by 300' section of Parcel II) from a C-4 Automobile Oriented Commercial Zoning to the I-1 Light Industrial Zoning Classification in its entirety. The petitioner further state they intend to utilize said land for business operations related to the Direct Line Communications, LLC (New Building) and Pemberton Davis Electric, Inc. (Future Addition) Operations.

It comes down to people and their experiences | Together, We Will

Accompanying this petition is a drawing, to scale, showing the above-described parcels of real estate.

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed. The New Building and addition to the site will restore its contribution, economically, to the City of Mishawaka, and ensure that protection for the adjacent well field is established.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing parcel 1 to the City of Mishawaka with a zoning classification of I-1 Light Industrial and the rezoning of the South west portion of Parcel 2 to a I-1 Light Industrial Classification.



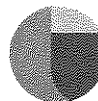
Property Owner Signature



Print Property Owner Name

Contact Person:

Steven Ruby, PLA
550 Union Street
Mishawaka, IN 46544
Ph: (574) 259-9976
Fax: (574) 254-4048
sdr@troiergroup.com





PET 17-17

PARCEL 1
ANNEX &
REZONE

PARCEL 2
REZONE

PREGEL DR

E MC KINLEY AVE

WENT AVE

Location Map

PETITION 17-17

PD REALTY, LLC
914 & 916 E. MCKINLEY AVE.

ANNEXATION & REZONING
R SINGLE FAMILY & C COMMERCIAL
(PARCEL 1 - COUNTY), AND C-4 AUTO-
ORIENTED COMMERCIAL & L-1
LIGHT INDUSTRIAL (PARCEL 2-
MISHAWAKA) TO L-1 LIGHT INDUSTRIAL