MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 6, 2014

President Terry Rodino called the meeting to order at 9:03 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Sheriff Brad Rogers; Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Minutes of the September 15th, 22nd, & 29th, 2014 meetings and placed them on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of Claims and the payroll claims, as presented by the county auditor's office.

At this time a public hearing was held with regard to the Petition heretofore filed under I.C. 36-7-22-1 et seq. for the establishment of an Economic Improvement District for properties immediately adjacent to and with frontage on the "Goshen Dam Pond" in Elkhart Township. Bill Rieth, a member of the Elkhart River Restoration Association (ERRA) and a property owner in this area, said he was in attendance at a meeting about a year ago asking for county participation and financial help with plans for a major sediment removal and habitat enhancement project for the pond. Since that time the county pledged $325,000 of Storm Water funds for the project provided the property owners around the dam pond also pay for a portion of the project. Mr. Rieth said after talking with the city of Goshen and the ERRA, it was determined the most fair and equitable way to have the property owners around the dam pond take part was to establish an Economic Improvement District (EID) and that is what they have been working to establish. The property owners around the dam pond were personally contacted and signatures have been collected from 56 out of 78 which represents 72% of the property owners that are in favor of the establishment of the EID. There was then a formula proposed for determining the percentage of total benefits to be received by each parcel of property based on their footage on the dam pond. Those rates are noted in the Notice of Public Hearing which is attached. The assessment fees would be for ten (10) years. Mr. Rieth noted that he feels the EID is the clearest form of democracy in the sense that as homeowners, they are voting to tax themselves. Gordon Lord, county attorney, stated there were no negative signatures that he was aware of and all property owners were sent a notice of this public hearing. He added that the ordinance has certain requirements and a board has to be appointed and they have duties and requirements in communicating with the property owners. They also have to report to the County Council and cannot spend money without the Council voting to approve it. Mr. Rieth said the purpose of the funds is solely for the dredging of the dam pond.

Dean Jessup, 303 W. Kercher Road, Goshen, is opposed to this EID. He said he was not personally contacted at any time and had to contact the ERRA for information. His concerns in summary are opposition to the EID if no sunset clause is included, taxing a few for a broad based potential benefit with specific property owners being taxed for 15% of the project cost,

supporting an EID without an Economic Benefit study and spending $2 million to attempt a small fix against a natural function. He also questioned what happens if the $2 million is not raised for the project and what happens to the funds that are collected for the project.

There was no one else in the audience that voiced opposition to the establishment of the EID. David Troup, 305 Carter Road, Goshen, who is president of the ERRA, said he was one of the individuals that collected signatures from the property owners around the dam pond and all were supportive of the project. He agrees with Mr. Jessup regarding a time limit on the annual assessment for the property owners. Mr. Lord clarified that at the end of the 10 years, it does not roll over automatically. Martha Steury said it was her husband's dream to have this project done but she is living on social security and doesn't have $500 per year for the assessment. She thought it was just a onetime fee of $500. Nate King, 404 Carter Road, said he purchased his property on the dam pond in the winter & didn't realize that in the summer time it fills up like a swamp & it fills up with weeds and silt. He supports conservation and the pond is nearly unusable. His property will be assessed $400 a year and he is more than willing to spend that amount of money to make the dam pond usable.

Mr. Rieth agreed that this assessment will only be for 10 years. He is representing the 72% and the vast majority of those people are not in attendance at this meeting. He said the Goshen Redevelopment Commission and the Elkhart Community Foundation are waiting to see if there is an EID established before they commit their funding. Mr. Rodino questioned when the assessment tax would start & Mr. Lord said it will start with the May 2015 tax bills. Mr. Rieth said he is optimistic about obtaining all of the funding for the project. Mr. Lord said the city of Goshen will work with this EID Board and put together the specs and bidding requirements to assure they follow Indiana law for the expenditure of public funds. That is a cost savings because the Board would have to hire an engineer to do this.

The establishment of the Board was discussed. Mr. Jessup suggested the Board be elected by the property owners so there could be a change in members. Virgil Snyder, 309 Island View Drive, Goshen, also has property in downtown Goshen which is part of the downtown EID and also would like to see an elected board so you constantly have an influx of new people.

There were no other comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

Mr. Yoder said he is inclined to support of the establishment of the EID but allow the changes to the Board representation as suggested. The initial Board included in the ordinance will be David Troup, William Rieth and Milton Thomas. Mr. Lord said the proposed ordinance could be amended to say the Board could have an election every two (2) years of Board members to that Board and to be eligible, you must be a property owner within the EID.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board made the initial appointments of David Troup, William Rieth and Milton Thomas to this Board for two (2) years and shall re-establish members appointed or re-appointed by the Commissioners in October of even numbered years, commencing in October 2016, which creates two (2) year terms for the members for the present members and two (2) year terms for appointments or re-appointments thereafter.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the amended Ordinance to establish the Economic Improvement District.

The Ordinance and Affidavit which includes Exhibits A & B are as follows:

ORDINANCE NO. 2014 - 403

AN ORDINANCE ESTABLISHING AN ECONOMIC IMPROVEMENT DISTRICT FOR THE GOSHEN DAM POND PER INDIANA CODE SECTION 36-7-22-1 ET SEQ.

WHEREAS, Chapter 22, of Article VII, of Title 36, of the Indiana Code (I.C. 36-7-22-1 et seq.) authorizes the Board of Commissioners of the County of Elkhart, Indiana, as the legislative body for Elkhart County Government, to establish an Economic Improvement District upon the filing of an appropriate petition for such establishment, pursuant to such statutory standards;

WHEREAS, the owners of properties immediately adjacent to, abutting, and/or with frontage on, the Goshen Dam Pond (as hereinafter defined), have filed such a Petition with the Board of Commissioners, which Petition sets forth the Economic Improvement Project(s) desired by the Petitioners to be carried out within the proposed District, and has otherwise fulfilled the requirements of the Petition contemplated by I.C. 36-7-22-4;

WHEREAS, the "Petition for the Establishment of an Economic Improvement District for Properties Specifically Adjacent to and with Frontage on or Direct Access Through Elkhart County Park and Recreation Department Property to the Goshen Dam Pond" is specifically incorporated herein by this reference, and made a part of this Ordinance;

WHEREAS, upon the receipt of the Petition aforedescribed, the Board of Commissioners, in the manner provided by I.C. 5-3-1, published Notice of a hearing on the proposed Economic Improvement District, in *The Goshen News* and *The Elkhart Truth*, the publications in each newspaper, of the Notice having occurred on September 12 and September 19, 2014; a copy of the Proofs of Publication from such newspapers, relative to such Notice, is of public record in the offices of the Board of Commissioners for public review;

WHEREAS, consistent with I.C. 36-7-22-6, the Board of Commissioners also mailed a copy of the Notice to each owner of real property within the proposed Economic Improvement District, which Notice included the boundaries of the proposed District, a description of the proposed Projects, and a proposed formula for determining the percentage of the total benefit to be received by each parcel of property, a copy of such Notice being specifically

incorporated herein by this reference, and also included within the business records of the Board of Commissioners for public review;

WHEREAS, consistent with such Notice, and the publications and mailings thereof, a public hearing has been scheduled and held as of October 6, 2014 at 9:00 a.m., by the Board of Commissioners, at which public hearing the Board of Commissioners heard from all owners of real property in the proposed District (who appeared and requested to be heard) upon the questions of: (i) the sufficiency of the Notice; (ii) whether the proposed Economic Improvement Projects are of public utility and benefit; (iii) whether the formula to be used for the assessment of special benefits is appropriate; and (iv) whether the District contains all, or more or less than all, of the property specifically benefited by the proposed Project(s);

WHEREAS, upon conducting such public hearing on the proposed Economic Improvement District, the Board of Commissioners determined to adopt an Ordinance establishing the Economic Improvement District after the Board of Commissioners specifically determined: (i) the Petition meets the requirements of I.C. 36-7-22-7, as well as I.C. 36-7-22-4 and 5; (ii) the Economic Improvement Projects to be undertaken in the Economic Improvement District will provide special benefit to property owners in the District, and will be of public utility and benefit; (iii) the benefits provided by the Project(s) will be new benefits that do not replace benefits existing before the establishment of the Economic Improvement District; (iv) the formula to be used for the assessment of benefits is appropriate; (v) a majority of the owners of real property within the proposed Economic District have signed and joined in the Petition as heretofore filed with the Board of Commissioners; and (vi) the owners of real property constituting more than fifty percent (50%) of the assessed valuation in the proposed District have signed and joined in the Petition as heretofore filed with the Board of Commissioners;

NOW, THEREFORE, based upon the above stated background, the Petition, the boundaries of the proposed Economic Improvement District, and findings and determination of the Board of Commissioners, the Board of Commissioners of the County of Elkhart, Indiana hereby resolve, order, establish, and ordain, consistent with I.C. 36-7-22-1 et seq., as follows:

1. Establishment of Economic Improvement District. An Economic Improvement District, with the boundaries being those as defined within Exhibit A attached hereto and made a part hereof, is herewith established, effectively upon adoption of this Ordinance.

2. Approval of Findings and Determinations. The findings and determinations, set forth in the immediately preceding preamble paragraphs to this Ordinance, are specifically reiterated, acknowledged, confirmed, and approved, as part of the adoption of this Ordinance.

3. No Exemption from Special Assessments. There are no businesses within the established Economic Improvement District, and it is not contemplated that there shall be any businesses established within the Economic Improvement District after the creation of the Economic Improvement District, and hence no exemptions from special assessments is otherwise permitted under I.C. 36-7-22-10 are contemplated.

4. Economic Improvement Board; Appointments. An Economic Improvement Board for the Goshen Dam Pond Economic Improvement District is herewith established. The Economic Improvement Board for the Goshen Dam Pond Economic Improvement District shall have three (3) members, a majority of which must own real property within the Economic Improvement District. Effective upon the adoption of this Ordinance, the following persons, with the following stated addresses, confirmed by the afore-referenced Petition to all own real property within the Economic Improvement District, are herewith appointed as the original members of the Economic Improvement Board:

A. David Troup, 305 Carter Road, Goshen, IN 46526.

B. William Rieth, 410 Carter Road, Goshen, IN 46526.

C. Milton Thomas, 113 Island View Drive, Goshen, IN 46526.

The Economic Improvement Board membership shall be re-established and members appointed or re-appointed by the Board of Commissioners in October of even numbered years, commencing in October, 2016, thus creating initial two (2) year terms for the members above stated, and two (2) year terms for appointments or re-appointments thereafter.

5. Responsibilities of Economic Improvement Board. The Economic Improvement Board herewith appointed shall undertake and fulfill the tasks, duties, and responsibilities contemplated by I.C. 36-7-22-12 et seq., and fully comply with the terms and provisions thereof, to include the receipt and expenditure of all assessments collected under this

Ordinance, paid over to the Board, only for the Projects, contemplated by the original Petition, and consistent with the required approval of the Elkhart County Council, per I.C. 36-7-22-17.

6. Powers and Authorities of Economic Improvement Board. The Economic Improvement Board, as herewith established, and through the members thereof as from time to time appointed by the Board of Commissioners, shall have such powers and authorities as contemplated by I.C. 36-7-22-22, and the other provisions of I.C. 36-7-22-1 et seq.

7. Effective Date. This Ordinance shall be effective immediately upon the date of its adoption.

ADOPTED AND ORDAINED this 6th day of October, 2014.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By _____
Terry Rodino, President

By _____
Mike Yoder, Vice President

By _____
Frank Lucchese, Member

ATTEST:

Pauline E. Graff
Elkhart County Auditor

EXHIBIT A

BOUNDARIES OF PROPOSED GOSHEN DAM POND EID

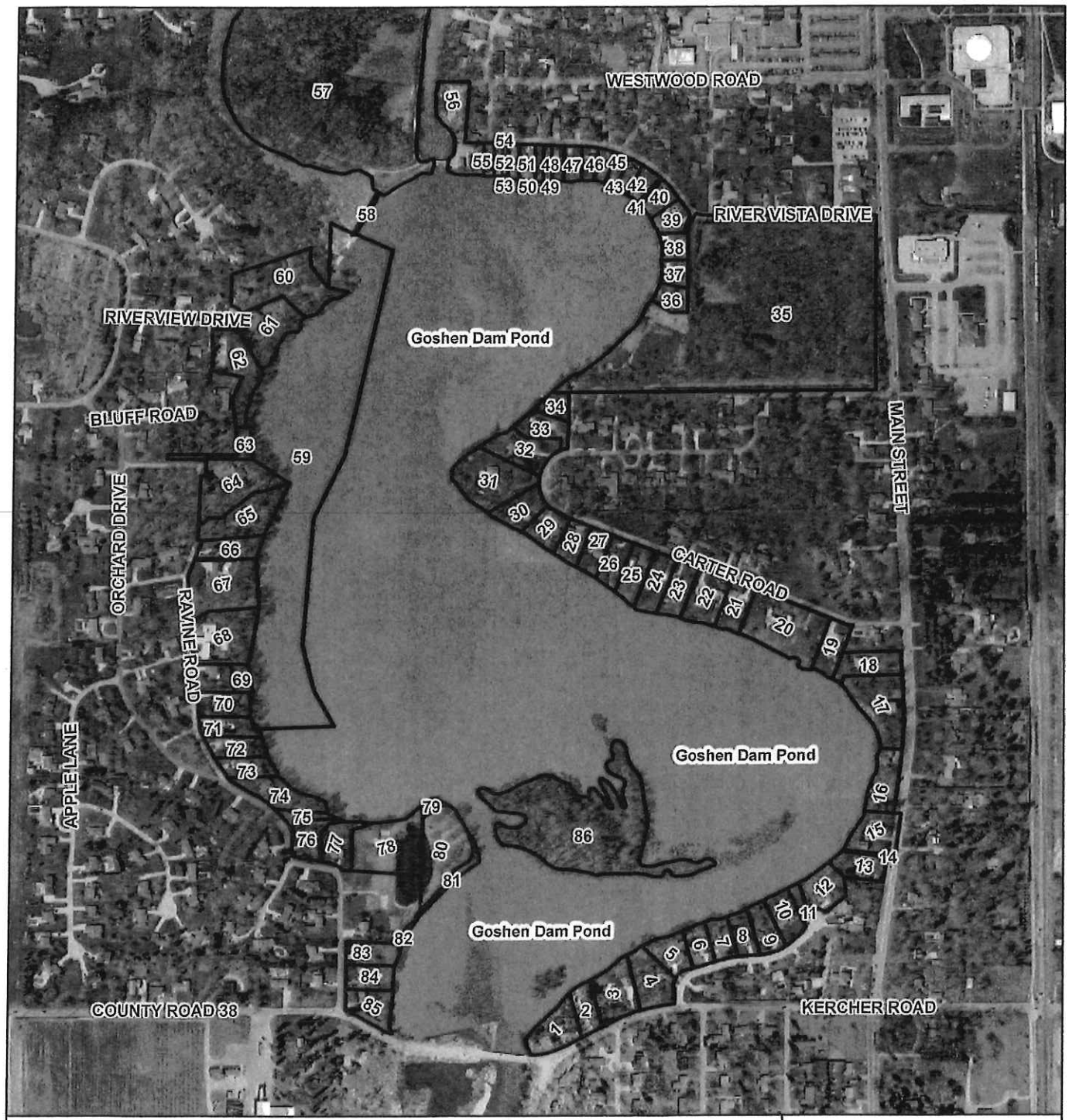
The boundaries for the Goshen Dam Pond Economic Improvement District ("EID") are generally the water line boundaries of the "Goshen Dam Pond," generally situated in Section 21 of Elkhart Township, Elkhart County, Indiana. The Goshen Dam Pond boundaries, for purposes of the EID, and the EID boundaries, are more particularly described as follows:

A. Kercher Road (County Road 38) shall be the southernmost point of the Goshen Dam Pond, and only those portions of the Goshen Dam Pond lying north of Kercher Road, and in particular the bridge over the Elkhart River forming a part of Kercher Road, shall be part of the Goshen Dam Pond.

B. The Goshen Dam Pond, generally stated, consists of the dammed up area of the Elkhart River, lying north of the aforementioned Kercher Road Bridge, and running generally easterly from the Kercher Bridge, along the northern border of properties on Kercher Road and/or Island View Drive, to properties situated on the west side of State Road 15 (Main Street), and running then northerly along the western boundary of such Main Street properties to properties with frontage on both the body of water, and Carter Road, and thence running westerly and then northerly along Carter Road to properties of Goshen College (Mennonite Board of Education), and then continuing northerly to properties on Reservoir Place to its intersection with River Vista Drive; thence running generally westerly as to properties along River Vista Drive to its intersection with Fair Oaks Drive; thence southwesterly adjacent to the spillway of the Goshen Mill Race property and properties of the Goshen City Park and Recreation Department to the spillway and Dam structure fortifying and establishing the Goshen Dam Pond water area; thence heading westerly and southerly, across the Dam and spillway area to land outside the corporate limits of the City of Goshen, with frontage/access on the Pond Area, being properties serviced or accessed via Limberlost Drive, River View Drive, and/or Bluff Drive; thence running along the boundaries of the Pond Area, outside the corporate limits of the City of Goshen, and along water frontage rights of the Elkhart County Park and Recreation Board to properties on Ravine Road and on Orchard Drive with water frontage/access to the Pond Area, to County Road 38 (Kercher Road), and the afore-referenced

Bridge over the Elkhart River on Kercher Road. An aerial photograph of the general boundaries above described is attached hereto, labeled Exhibit A, and made a part hereof.

C. The real estate properties within the EID, generally identified on Exhibit B attached hereto and made a part hereof, referenced by specific tax code number and titleholder, are the properties with specific frontage on or access to the Goshen Dam Pond, as such Goshen Dam Pond is above defined (though it is recognized that the Elkhart County Park and Recreation Board has title to certain water rights of the Pond Area, particularly in the unincorporated areas, and on the more westerly boundary of the Pond as herein described). Frontage, for all purposes under this boundary definition, is intended to mean the direct touching of and being a part of the fiscal boundary of the Goshen Dam Pond and the waters retained within such, or, with regard to such western boundary properties, those properties that abut the ownership of the Elkhart County Park and Recreation Board for water and spillway rights, which properties, by custom and usage, have direct access to the Goshen Dam Pond Area.



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any sumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

N

Feet

0 175 350 700

1 inch = 637.502125 feet

Goshen Dam Pond

~~OCTOBER 6, 2014~~ ~~PAGE 409~~

2013 Aerials

Exhibit A

The City of Goshen
Department of Public Works & Safety
Office of Engineering
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-2201 Fax: 574-533-8626

AFFIDAVIT OF MAILING OF NOTICES TO OWNERS OF REAL ESTATE WITHIN THE PROPOSED ECONOMIC IMPROVEMENT DISTRICT FOR THE GOSHEN DAM POND AREA

The undersigned, to-wit: Terri L. Ganger ("Affiant"), after having been duly affirmed upon her oath, deposes and states as follows:

1. That the Affiant is an employee of the law firm of Yoder, Ainlay, Ulmer & Buckingham, LLP, 130 North Main Street, Goshen, Indiana, and has been for many years.

2. That the Affiant serves as secretary and legal assistant to Gordon Lord, the appointed Elkhart County Attorney.

3. That as part of her duties and responsibilities at Yoder, Ainlay, Ulmer & Buckingham, LLP, and in furtherance in the undertakings of Gordon Lord, of such law firm, as Elkhart County Attorney, the Affiant mailed "Notice of Pub lic Hearing on Proposed Economic Improvement District for Goshen Dam Pond" to each of the known owners of real property within the proposed Economic Improvement District for the Goshen Dam Pond. Such mailing was by regular, United States mail, with postage prepaid. A copy of the Notice that was submitted is attached hereto, labeled Exhibit A, and made a part hereof. The Notice was mailed to the persons/property owners shown on Exhibit B, attached hereto and made a part hereof, on September 16, 2014.

4. That the Exhibit B attached to this Affidavit is the list of property owners submitted to the Board of Commissioners of the Commissioners of the County of Elkhart, Indiana on September 15, 2014 when the Petition for the Establishment of an EID Improvement District for the Goshen Dam Pond area was submitted to the Board of Commissioners for consideration.

5. That the property address, reflected on the attached Exhibit B, was used for each of the property owners on Exhibit B, except in such instances where it was clear that a different address was appropriate, to include situations where a property owner, or property owners, owned more than one property/parcel, or where it was known by the Affiant, or by Gordon Lord, that the proper address for the applicable property owner was different than the property address shown on Exhibit B.

6. That the Affiant has executed this Affidavit to confirm compliance, by the Board of Commissioners of the County of Elkhart, Indiana, through Gordon Lord, Elkhart County Attorney, and the Affiant, of the mailing of Notices of a public hearing set for October 6, 2014 at 9:00 a.m. (see Notice attached), as such mailing of notice is required by I.C. 36-7-22-6.

I affirm under the pains and penalties for perjury that the foregoing representations are true and correct to the best of my knowledge and belief.

Terri L. Ganger

STATE OF INDIANA)
)SS:
COUNTY OF ELKHART)

Before me, the undersigned, a notary public in and for said County and State, personally appeared the above named Terri L. Ganger and acknowledged the execution of the foregoing Affidavit of Mailing of Notices to Owners of Real Estate within the Proposed Economic Improvement District for the Goshen Dam Pond Area this 17th day of September, 2014.

WITNESS my hand and notarial seal.

Katherine A. Stewart, Notary Public
Residing in Elkhart County, Indiana

My Commission Expires:
August 18, 2018

EXHIBIT A

NOTICE OF PUBLIC HEARING ON PROPOSED ECONOMIC IMPROVEMENT DISTRICT FOR GOSHEN DAM POND

Notice is hereby given that the Board of Commissioners of the County of Elkhart, Indiana shall conduct a public hearing on October 6, 2014, at 9:00 a.m., in Room 104 of the Elkhart County Administration Building, 117 North Second Street, Goshen, Indiana 46526. The public hearing shall be with regard to the Petition heretofore filed under I.C. 36-7-22-1 et seq. for the establishment of an Economic Improvement District for properties immediately adjacent to and with frontage on the "Goshen Dam Pond," generally situated in Section 21, Elkhart Township, Elkhart County, Indiana.

The boundaries of the proposed Economic Improvement District are as follows:

> The Goshen Dam Pond, generally stated, consists of the dammed up area of the Elkhart River, lying north of the aforementioned Kercher Road Bridge, and running generally easterly from the Kercher Bridge, along the northern border of properties on Kercher Road and/or Island View Drive, to properties situated on the west side of State Road 15 (Main Street), and running then northerly along the western boundary of such Main Street properties to properties with frontage on both the body of water, and Carter Road, and thence running westerly and then northerly along Carter Road to properties of Goshen College (Mennonite Board of Education), and then continuing northerly to properties on Reservoir Place to its intersection with River Vista Drive; thence running generally westerly as to properties along River Vista Drive to its intersection with Fair Oaks Drive; thence southwesterly adjacent to the spillway of the Goshen Mill Race property and properties of the Goshen City Park and Recreation Department to the spillway and Dam structure fortifying and establishing the Goshen Dam Pond water area; thence heading westerly and southerly, across the Dam and spillway area to land outside the corporate limits of the City of Goshen, with frontage/access on the Pond Area, being properties serviced or accessed via Limberlost Drive, River View Drive, and/or Bluff Drive; thence running along the boundaries of the Pond Area, outside the corporate limits of the City of Goshen, and along water frontage rights of the Elkhart County Park and Recreation Board to properties on Ravine Road and Orchard Road with water frontage/access to the Pond Area, to County Road 38 (Kercher Road), and the afore-referenced Bridge over the Elkhart River on Kercher Road.

The proposed project, under I.C. 36-7-22-1 et seq., for the proposed District, is as follows:

> The dredging of multiple acres of the Goshen Dam Pond Area so as to remove silt, debris, and other materials from the body of water, with an eye toward

improving water quality, recreational usage potential, access for private property owners, access for the general public, and general usability of the Goshen Dam Pond Area for the citizens of Elkhart County, Indiana, and others who have benefited from the Pond Area in the past, or who will be benefited in the future.

The formula heretofore proposed, by the Petition, for determining percentage of total benefits to be received by each parcel of property, is as follows:

A. For each parcel with frontage of twenty (20) feet, but more than fifty (50) feet, the annual assessment shall be Two Hundred Dollars ($200).

B. For each parcel with frontage of more than fifty (50) feet, but not more than one hundred (100) feet, the annual assessment shall be Three Hundred Dollars ($300).

C. For each parcel with frontage of more than one hundred (100) feet, but not more than two hundred (200) feet, the annual assessment shall be Four Hundred Dollars ($400).

D. For each parcel with frontage of more than two hundred (200) feet, the annual assessment shall be Five Hundred Dollars ($500).

At the public hearing, the Board of Commissioners shall hear all owners of real property in the proposed District who appear and request to be heard upon questions of:

1. The sufficiency of the notice;

2. Whether the proposed Economic Improvement projects are of public utility and benefit;

3. Whether the formula to be used for the assessment of special benefits is appropriate; and

4. Whether the District, as proposed, contains all, or more or less than all, of the properties specifically benefitted by the proposed project.

After conducting the hearing on the proposed Economic Improvement District, the Board of Commissioners may adopt an ordinance establishing the Economic Improvement District, if the Board of Commissioners makes the determinations contemplated by I.C. 36-7-22-7. Such ordinance shall also establish an "Economic Improvement Board" for the District, consistent with I.C. 36-7-22-11. As set forth in the Petition filed with the Board of Commissioners above referenced, the proposed initial Economic Improvement Board consists

of William N. Rieth, II; David L. Troup; and Milton Thomas, all owners of real property within the proposed Economic Improvement District.

Publish in *The Goshen News* and *The Elkhart Truth* two (2) separate times, one time on September 12, 2014, and one time on September 19, 2014. Submit Proof of Publication to Kathy Erschen, Office of Elkhart County Commissioners, County Administration Building, 117 North Second Street, Goshen, Indiana 46526.

Number	Parcel Number	Property Address	Owner Name	Frontag in Feet
1	11-28-226-003-015	307 W KERCHER RD	BIRKY DAVID W & BETH M	343
2	11-28-226-004-015	305 W KERCHER RD	LYND RANDALL W & CONNIE J	101
3	11-21-477-020-015	303 W KERCHER RD	JESSUP DEAN EDWARD & JAN IRENE JESSUP H&W	193
4	11-21-477-003-015	309 ISLAND VIEW DR	SNYDER VIRGIL L JR & MARY DEE	74
5	11-21-477-004-015	307 ISLAND VIEW DR	SCHMIDT AMANDA D	185
6	11-21-477-005-015	305 ISLAND VIEW DR	HERSCHBERGER HENRY J & MELODY A	100
7	11-21-477-006-015	213 ISLAND VIEW DR	YODER TODD A & KATHLEEN S YODER H&W	99
8	11-21-477-007-015	209 ISLAND VIEW DR	BIGLER MICHAEL F & JEAN D	93
9	11-21-477-008-015	207 ISLAND VIEW DR	SWANSON RAYMOND E & JOANNE	78
10	11-21-477-009-015	113 ISLAND VIEW DR	THOMAS MILTON & MARY JO	109
11	11-21-477-019-015	ISLAND VIEW DR	THOMAS MILTON G & MARY JO	54
12	11-21-477-011-015	111 ISLAND VIEW DR	BAILEY JOHN C & UTE A	153
13	11-21-477-014-015	2425 S MAIN ST	NIXON GERALD L & MARILEE E	73
~~14~~	~~11-21-477-013-015~~	~~S MAIN ST~~	~~NIXON GERALD L & MARILEE E~~	~~7~~
15	11-21-477-012-015	2421 S MAIN ST	NIXON GERALD L & MARILEE E	191
16	11-22-351-002-015	2313 S MAIN ST	REAGAN WILLIAM E & CHERYL A	281
17	11-22-351-001-015	2309 S MAIN ST	SPRINGER BARBARA D TRUSTEE OF TRUST (LIFE ESTATE)	333
18	11-21-428-018-015	2305 S MAIN ST	BRAUN JOSEPH H & KRISTEN L	44
19	11-21-428-016-015	518 CARTER RD	WILSON ROBERT W & LINDA K	103
20	11-21-428-023-015	510 CARTER RD	LORD R GORDON & LAURIE L LORD H&W	377
21	11-21-428-025-015	508 CARTER RD	STRASSER RICHARD C & INA LATTA	110
22	11-21-428-026-015	506 CARTER RD	HESS OWEN R & ELNA JOY	153
23	11-21-428-012-015	504 CARTER RD	PAPES THOMAS J & ERIKA M	104
24	11-21-428-011-015	502 CARTER ROAD	BUCKINGHAM GEORGE E & MARTHA E TRUSTEES 1/2@ TEN COM (LF EST)	99
25	11-21-428-010-015	500 CARTER RD	LOCKERBIE RITA P TRUSTEE OF TRUST(LIFE ESTATE)	105
26	11-21-428-009-015	410 CARTER RD	RIETH WILLIAM N II & KARLA J	102
27	11-21-428-008-015	410 CARTER RD	RIETH WILLIAM N II & KARLA J	98
28	11-21-428-007-015	406 CARTER RD	MCDONALD BILL & KAREN D	114
29	11-21-428-006-015	404 CARTER RD	KING NATHAN D & ANGELA S	165
30	11-21-428-005-015	402 CARTER RD	EBY TODD A & BRENDA L EBY H&W	167
31	11-21-428-004-015	307 CARTER RD	EBY TODD A & BRENDA L	410
32	11-21-428-003-015	305 CARTER RD	TROUP DAVID L LIVING TRUST & JANE E TROUP LIVING T TEN COM EA 1/2 INT (LIFE ESTATE)	167
33	11-21-428-029-015	303 CARTER RD	DIENER DANIEL A & D LYNN DIENER H&W	114
34	11-21-428-028-015	301 CARTER RD	RUTT CARL N & LOVINA G	107
35	11-21-280-002-015	400 RESERVIOR PL	GOSHEN COLLEGE INC	597
36	11-21-279-019-015	309 RESERVOIR PL	SARVER LARRY M & JOYCE K	80
37	11-21-279-018-015	305 RESERVOIR PL	MATEER WILLIAM JAMES & MARNA WALTMAN MATEER H&W	99
38	11-21-279-030-015	303 RESERVOIR PL	STEURY MARTHA J	116
39	11-21-279-016-015	202 RIVER VISTA DR	SHETLER STANLEY E & CAROLYN A	73
40	11-21-279-015-015	208 RIVER VISTA DR	MILLER KEITH GRABER & ANN	73

Number	Parcel Number	Property Address	Owner Name	Fronta in Feet
41	11-21-279-025-015	RIVER VISTA DR	STIFFNEY KIRK D & SUSAN N	16
42	11-21-279-026-015	214 RIVER VISTA DR	GRABER RONALD D & ESTHER ROSE GRABER H&W	57
43	11-21-279-013-015	218 RIVER VISTA DR	BRENNEMAN ROBERT E & RACHEL S BRENNEMAN H&W	56
44	11-21-279-012-015	302 RIVER VISTA DR	BRENNEMAN STEVEN L & VICTORIA BRENNEMAN H&W	53
45	11-21-279-011-015	308 RIVER VISTA DR	VORAN MELVIN R & MARILYN N CO-TRUSTEES FAMILY TRUST	45
46	11-21-279-020-015	312 RIVER VISTA DR	MEADE STUART J & JULIA A KING JT TEN WITH RGTS OF SURV	54
47	11-21-279-027-015	314 RIVER VISTA DR	THORNBURG DELBERT R & SHERILL B	79
48	11-21-279-007-015	402 RIVER VISTA DR	MUELLER JENS	55
49	11-21-279-029-015	404 RIVER VISTA DR	SIMMONS-BAUMANN SANDRA K	36
50	11-21-279-028-015	RIVER VISTA DR	BALES DANIEL A & BECKY L	36
51	11-21-279-005-015	408 RIVER VISTA DR	BALES DANIEL & BECKY L	73
52	11-21-279-004-015	410 RIVER VISTA DR	LANDAW MARLENE E	52
53	11-21-279-003-015	RIVER VISTA DR	SMUCKER ARTHUR A TRUSTEE OF ARTHUR A SMUCKER REV LIV TRUST	26
54	11-21-279-002-015	RIVER VISTA DR	SMUCKER ARTHUR A TRUSTEE OF ARTHUR A SMUCKER REV LIV TRUST	35
55	11-21-279-001-015	414 RIVER VISTA DR	SMUCKER ARTHUR A TRUSTEE OF ARTHUR A SMUCKER REV LIV TRUST	45
~~56~~	~~11-21-252-001-015~~	~~WESTWOOD DR~~	~~MILL RACE PKWY COMM,MUNICIPAL BLDG~~	~~165~~
57	11-21-201-002-015	MAIN	GOSHEN CITY PARK & REC BD ADMINISTRATIVE OFFICE	256
58	11-21-201-003-015	RIVER VISTA DR	ELKHART COUNTY PARK & RECREATION BOARD THE BOARD	204
~~59~~	~~11-21-401-032-014~~	~~STATE RD 119~~	~~ELKHART COUNTY PARK & RECREATION BOARD~~	~~2623~~
60	11-21-178-012-014	19679 RIVERVIEW DR	WEDDLE JEFFREY C & JULIANNE M	216
61	11-21-251-007-014	19676 RIVERVIEW DR	ROTH MARY ANN TRUSTEE OF MARY ANN ROTH TRUST	319
62	11-21-179-011-014	RIVERVIEW DRIVE	HARLEY JOHN W TRUSTEE REV TR (LF EST)	258
63	11-21-329-004-014	ORCHARD DR.	HARLEY JOHN W TRUSTEE REV TR (LF EST)	159
64	11-21-329-021-014	19558 RIO VERDE DR	SMITH SUSAN J	184
65	11-21-329-025-014	64582 RAVINE RD	MILLER ROGER K & DAWN R	242
66	11-21-329-020-014	64624 RAVINE RD	PLETCHER RODNEY C	108
67	11-21-329-019-014	64652 RAVINE RD	WHEALY MARK S & BEVERLY WHEALY H&W	208
68	11-21-329-023-014	64702 RAVINE RD	RICHARDSON RON L & ELIZABETH	246
69	11-21-329-026-014	ADJACENT RIVER	RHUDY CAROL M TRUST AGREEMENT	139
70	11-21-329-022-014	64752 RAVINE RD	HOOGENBOOM TIMOTHY A & LAURA WHEELER-HOOGENBOOM (H&W)	107
71	11-21-329-018-014	64768 RAVINE RD	YODER LARRY R & JANICE M	112
72	11-21-329-015-014	64786 RAVINE RD	MARTIN CHRISTOPHER C & GRETCHEN M MARTIN H&W	86

Number	Parcel Number	Property Address	Owner Name	Frontag in Feet
73	11-21-329-016-014	64802 RAVINE RD	CAMPBELL DEBORAH F & BETTY J CAMPBELL JT TEN	96
74	11-21-329-017-014	64824 ORCHARD DR.	MURAM DAVID TRUSTEE OF DAVID MURAM REVOCABLE TRUST	281
75	11-21-452-001-014	ORCHARD DR	RHEINHEIMER BENJAMIN S & JULIE A RHEINHEIMER H&W	46
76	11-21-452-012-014	64874 ORCHARD DR	GUNDEN DONALD K & THERESA C	41
77	11-21-452-015-014	64880 ORCHARD DR	SIEGMANN JAMES L & LARAYNE M TEN IN COM UNDIV 1/2 INT EA	111
78	11-21-452-014-014	ORCHARD DR	SIEGMANN JAMES L & LARAYNE M SIEGMANN EACH UND 1/2 TEN COM	238
79	11-21-452-016-014	ORCHARD DR	SIEGMANN JAMES L & LARAYNE SIEGMANN H&W	132
80	11-21-452-005-014	ORCHARD DR	SIEGMANN JAMES L & LARAYNE SIEGMANN H&W	149
81	11-21-452-016-014	ORCHARD DR	SIEGMANN JAMES L & LARAYNE SIEGMANN H&W	548
~~82~~	~~11-21-401-026-014~~	~~ORCHARD DR~~	~~BURGER ROBERT LEE & MARY ANN~~	~~116~~
83	11-21-452-009-014	64954 ORCHARD DR	MORPHEW TIMOTHY K & BETH E SOLLENBERGER	59
84	11-21-452-010-014	64976 ORCHARD DR	SEIDNER ELDON W & SARAH J SEIDNER H&W	106
85	11-21-452-013-014	64992 ORCHARD DR	STEELE NICHOLAS A & CAITLIN R	192
86	11-21-476-001-015	ELKHART RIVER	MCDONALD BILL & KAREN D	3784

50 parcels in total
per revised list of 9-2-14.

* 82 above is historical error; No taxation occurring
#14 above too small; 13 & 15 owned by same persons; #14 is really part of #13
* 56-59 public property; Not subject to the tax of EID, under I.C. 36-7-22-7,

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a traffic control recommendation and adopted a traffic control ordinance to Rescind Ordinance #04-476 "25 MPH When Children Present" and adopt "25 MPH Speed Limit Zone When Flashing" at CR 6 from 450 feet east of west county line to 470 feet east of west county line, as requested by Jeff Taylor, Manager of Transportation. Mr. Taylor said the schools will control the lights.

The traffic control ordinance is as follows:

TRAFFIC CONTROL ORDINANCE

TYPE OF SIGN: **"25 MPH SPEED LIMIT IN SCHOOL ZONE, WHEN FLASHING"**

WHEREAS, the Engineer has conducted an engineering and traffic investigation and upon the basis of this engineering and traffic investigation has recommended that **"25 MPH SPEED LIMIT IN SCHOOL ZONE, WHEN FLASHING"** signs be posted at the following location:

COUNTY ROAD 6 FROM 450 FEET EAST OF WEST COUNTY LINE TO 1470 FEET EAST OF WEST COUNTY LINE

NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to **POST "25 MPH SPEED LIMIT IN SCHOOL ZONE, WHEN FLASHING"** signs at this location:

COUNTY ROAD 6 FROM 450 FEET EAST OF WEST COUNTY LINE TO 1470 FEET EAST OF WEST COUNTY LINE

Board of Commissioners of Elkhart County, Indiana

Terry J. Rodino, President

Mike Yoder, Vice President

Frank R. Lucchese, Member

DATE OF ORDINANCE: OCTOBER 6, 2014

ORDINANCE NUMBER: **2014-419**

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted final street acceptance of Hampton Boulevard – 275 feet; Pantigo Lane – 750 feet; and Montauk Lane in Hampton Estates and released Bond Safeguard Insurance Company #5030894 for $7,175 and Fidelity and Deposit Company #7626067 for $14,350. They also accepted Indian Creek Crossing – 500 feet and Brookmist Circle – 850 feet in Hidden Meadow Section Three and released Bond Safeguard Insurance Company #5024292 for $4,725, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board gave permission to advertise for the sale of four (4) dump trucks for the highway department, as requested by Jeff Taylor, Manager of Transportation. They will all be sold together as one bid item. Bids will be taken October 27, 2014.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board awarded the quote for the installation of concrete in the new highway truck barn floor to W.M. Miller LLC at a cost of $97,084.40, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Weights & Measures report for August 16th – September 15th, 2014 and placed it on file.

David Bottorff from the Association of Indiana Counties, presented a $500 scholarship check to Theresa Evans, an employee in the extension office, for her son Noah who is now enrolled at Purdue University. This was a scholarship sponsored by SRI, Inc. He is a 2014 graduate from Northridge High School.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 13, 2014

President Terry Rodino called the meeting to order at 9:10 a.m. in the meeting room in the Commissioners' office in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of Claims, as presented by the county auditor's office.

Kris Krueger, Grants Procurement Specialist, asked for approval of the funding recommendations for the 2015 Elkhart County Drug-Free Partnership Drug Free Community Funds. They are able to allocate up to $250,000 to appropriate programs to facilitate the Partnership's mission. All of the grantees were interviewed by the committee. After reviewing all of the applications, the Partnership is recommending $246,000 be awarded and divided as follows: $78,979 for Criminal Justice; $62,500 for Prevention; $62,500 for Treatment and $42,021 for the Partnership's office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the recommendations for funding as presented.

Kris Krueger also asked for approval of the updated Elkhart County Equal Employment Opportunity and Affirmative Action Plan for July 2014 – June 2016. The purpose of the plan is to outline and document the county's commitment to providing and promoting equal employment opportunities and accessibility to County facilities for employees, job applicants and citizens of Elkhart County.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the plan as presented. It will be presented to the County Council for approval at their November meeting. A copy of the plan is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board appointed Jane Mestach to the Wakarusa-Olive, Harrison Township Public Library Board to replace Sherry Hoover who resigned because she is no longer living in the library's service area. Ms. Mestach will complete her appointment which will end September 30, 2015.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 20, 2014

Vice President Mike Yoder called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese was present and Terry Rodino was absent. Others present were Sheriff Brad Rogers; Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator; and Audie Hostetler from Human Resources.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Minutes of the October 6th & 13th, 2014 meetings and placed them on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Allowance of Claims, as presented by the county auditor's office.

Craig Buche from the county attorney's office and representing the county's redevelopment commission asked for approval of a resolution establishing a TIF district near the SR 13 interchange just north of Middlebury. The resolution starts with the redevelopment commission to establish a TIF district, then goes to the plan commission for consideration whether the project and plan is consistent with the county's comprehensive plan. It then comes to the Commissioners for support. It will then go back to the redevelopment commission for a public hearing and final consideration after notice to all the taxing entities. This project is mostly planned around the toll road interchange area. The economic development plan for this TIF district includes sanitary sewer, widening of CR 2, intersection improvements at CR 4, aesthetic improvements for the district and potentially an intersection enhancement at Greenfield Parkway and SR 13 with approximately $6.245 million in expected costs.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Resolution as presented and proposed.

The Resolution is as follows:

RESOLUTION NO. 2014- 423

RESOLUTION ISSUING AND APPROVING
THE WRITTEN ORDER OF THE ELKHART COUNTY PLAN COMMISSION
FOR THE STATE ROAD 13 INTERCHANGE TIF DISTRICT

WHEREAS the Elkhart County Redevelopment Commission issued a Declaratory Resolution pursuant to Indiana Code Sections 36-7-14 et seq. on the 25th day of September, 2014 with respect to the State Road 13 Interchange TIF District, a copy of said Declaratory Resolution being attached hereto as Exhibit A;

WHEREAS the Elkhart County Plan Commission issued its Written Order approving the State Road 13 Interchange TIF District pursuant to Indiana Code Section 36-7-14-16 on October 9, 2014, a copy of said Written Order being attached hereto as Exhibit B;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the County executive for the County of Elkhart, Indiana;

WHEREAS Indiana Code Section 36-7-14-16(b) requires that the County Executive issue and approve the approving order of the Elkhart County Plan Commission before the Elkhart County Redevelopment Commission may proceed with the State Road 13 Interchange TIF District;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the County of Elkhart, Indiana hereby issues and approves the Written Order of the Elkhart County Plan Commission dated October 9, 2014 approving the State Road 13 Interchange TIF District for the State Road 13 and Indiana Toll Road corridor areas;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Commissioners of the County of Elkhart, Indiana hereby approves the determination that the real estate within the State Road 13 Interchange TIF District is an economic development area pursuant to Indiana Code §36-7-14-41(c).

RESOLVED this 20th day of October, 2014.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By: Absent
Terry Rodino, President

By: _____
Mike Yoder, Vice President

By: _____
Frank Lucchese, Member

ATTEST:

_____
Pauline E. Graff, Elkhart County Auditor

EXHIBIT A

RESOLUTION 2014-13

DECLARATORY RESOLUTION OF THE ELKHART COUNTY REDEVELOPMENT COMMISSION ESTABLISHING THE STATE ROAD 13 INTERCHANGE TIF DISTRICT

WHEREAS the Elkhart County Redevelopment Commission ("Commission") has investigated, studied, and surveyed economic development areas within the corporate boundaries of Elkhart County;

WHEREAS the Commission has selected and finds an area to be an economic development area to be planned, replanned, developed, and redeveloped under I.C. §36-7-14 to be known as the State Road 13 Interchange TIF District;

WHEREAS the economic development area cannot be accomplished by regulatory processes or the ordinary operations of private enterprise without resort to the provisions of the redevelopment law under I.C. §36-7-14;

WHEREAS it will be of public utility and benefit and of benefit to the public health and welfare to acquire property within and to develop and redevelop the economic development area;

WHEREAS the Commission has prepared an economic development plan ("Plan") for the economic development area, which plan is attached to this Resolution as Exhibit A;

WHEREAS the Commission has caused to be prepared:

1. Maps and plats showing:

   a. The boundaries of the economic development area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, and the economic development of the area; and

   b. The parts of the area including improved streets, rights-of-way, utilities and related improvements that are to be devoted to public use under the Plan;

2. Lists of the owners of the various parcels of property included in the economic development area; and

3. An estimate of the cost of acquisition and implementing the Plan;

WHEREAS the Commission has caused to be prepared a factual report ("Report") in support of the findings contained in this Resolution, which Report is attached to this Resolution as Exhibit B;

NOW, THEREFORE, BE IT RESOLVED by the Commission that:

1. The Commission has selected an economic development area within its corporate boundaries, which area the Commission is hereby designating as the State Road 13 Interchange Economic

Development Area ("State Road 13 Interchange TIF District"), and which area is described and shown on Exhibit C which is attached hereto.

2. The Commission finds that the Plan for the economic development area:

a. Promotes significant opportunities for the gainful employment of the citizens of Elkhart County;

b. Will attract major new business enterprises to Elkhart County;

c. Will retain or expand significant business enterprises existing in Elkhart County;

d. Benefits the public health, safety, morals, and welfare of the citizens of Elkhart County;

e. Increases the economic well-being of Elkhart County and the State of Indiana; and/or

f. Serves to protect and increase property values in Elkhart County and the State of Indiana.

3. The Commission finds that the Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed by the Commission under I.C. 36-7-14 because of the lack of local public improvements and multiple ownership of land and specifically:

a. The need for improved public roads, bridges, and public right-of-way in and serving the State Road 13 Interchange TIF District;

b. The need for the extension of sanitary sewer, storm water improvements, corridor streetscaping, and other utilities; and

c. The cost of such improvements.

4. The Commission finds that the accomplishment of the Plan will be of public utility and benefit as measured by:

a. The attraction or retention of permanent jobs;

b. An increase in the property tax base; and/or

c. Improved diversity of the economic base.

5. The Commission finds that the public health and welfare will be benefited by the accomplishment of the Plan for the economic development area.

6. The Commission finds that the Plan for the economic development area conforms to other development and redevelopment plans for Elkhart County.

7. The Commission proposes that all rights-of-way necessary to complete the Plan shall be dedicated to or acquired by the appropriate governmental unit to permit the development of the State Road 13 Interchange TIF District.

8. The Commission estimates that the cost of implementing the Plan will be approximately Six Million Two Hundred Forty-five Thousand Dollars ($6,245,000.00), subject to revised estimates and the development of master planning and more definitive project descriptions.

9. The Commission finds that no residents of the State Road 13 Interchange TIF District will be displaced by any project resulting from the Plan; and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

10. This paragraph shall be considered the allocation provision for purposes of I.C. §36-7-14-39. The entire State Road 13 Interchange TIF District shall constitute an allocation area as defined in I.C.§36-7-14-39. Any property taxes levied on or after the effective date of this Resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable real property in the allocation area shall be allocated and distributed in accordance with I.C. §36-7-14-39. The Commission finds, based upon the evidence provided in the Economic Development Plan and the Factual Report, that the adoption of this allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. This allocation provision shall remain effective for a term of twenty-five (25) years from date of adoption of the Confirmatory Resolution unless sooner terminated by the Commission.

11. All of the rights, powers, privileges, and immunities that may be exercised by the Commission in a redevelopment area or urban renewal area under I.C. §36-7-14 may be exercised by the Commission in the State Road 13 Interchange TIF District subject to the limitations in I.C. §36-7-14-43.

12. The Commission hereby directs and authorizes the presiding officer of the Commission to submit this Resolution, the Plan, and the Report to the Elkhart County Plan Commission for its approval.

13. The Commission further directs and authorizes the presiding officer of the Commission to submit this Resolution, the Plan, and the Report to the Board of Commissioners of the County of Elkhart, Indiana for its approval of the establishment of the State Road 13 Interchange TIF District.

14. The Commission also directs the presiding officer of the Commission, upon receipt of the written order of approval of the Elkhart County Plan Commission and the approval of the Board of Commissioners of the County of Elkhart, Indiana, to publish notice of the adoption and substance of this Resolution in accordance with I.C. §5-3-1. The notice must state that maps and plats have been prepared and can be inspected at the office of the Elkhart County Department of Planning and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by

the proceedings pertaining to the proposed Project for the State Road 13 Interchange TIF District and will determine the public utility and proposed benefit of the proposed Project.

15. The Commission further finds that the Plan for the State Road 13 Interchange TIF District conforms to the comprehensive plan for Elkhart County.

16. This Resolution shall be effective as of its date of adoption.

ADOPTED this 25th day of September, 2014.

ELKHART COUNTY REDEVELOPMENT COMMISSION

By: _____
Mitchell Huber, Presiding Officer

ATTEST:

By: _____
David E-Fouts, Secretary, Acting Secretary

EXHIBIT A

ECONOMIC DEVELOPMENT PLAN
FOR THE STATE ROAD 13 INTERCHANGE TIF DISTRICT
ELKHART COUNTY REDEVELOPMENT COMMISSION

Purpose and Introduction

This document is the Economic Development Plan ("Plan") for the land in the State Road 13 Interchange Economic Development Area ("State Road 13 Interchange TIF District") for Elkhart County, Indiana ("County"). It is intended for approval by the Board of County Commissioners, the Elkhart County Plan Commission, and the Elkhart County Redevelopment Commission ("Redevelopment Commission") in conformance with IC 36-7-14.

The Elkhart County Redevelopment Commission is interested in creating an Economic Development Area and Tax Increment Financing Allocation area that will be known as the State Road 13 Interchange TIF. Its general location is north of the Town of Middlebury and surrounding the Indiana Toll Road interchange at Middlebury.

This area is directly south of the Indiana state line and is bisected by SR 13, another major arterial highway. The area has developed in proximity to both major highways but is remote from any Elkhart County municipality with no logical hope of annexation.

While the location offers great potential, forward progress has stalled as this area has some constraining conditions. The area struggles with the lack of adequate utilities and sub-standard local roads. This development plan, however, should provide a strong basis for the development and redevelopment of this area and produce a significant increase in the County's overall economic vitality, functionality, and appearance.

The ultimate goal of this Economic Development Plan is to provide an opportunity for Elkhart County and the other taxing jurisdictions to partner in fostering expanded economic development opportunities. The proposed development projects will directly support the overall economic health and success of the area and improve the area's ability to support economic development.

History

The area proposed within the Economic Development Area has developed over the last 30 years as an industrial out-post with the areas south of the Indiana Toll Road developing first, then later (in the late 90's) the area to the north. Remote zoning and resulting development occurred prior to the County leaders developing controls that would discourage development isolated from municipal support services.

Development

A significant number of buildings in this area were constructed before 1990. Most of the buildings in the area west of SR 13 and south of I-80/90 were built to accommodate RV and manufactured home assembly and continue in that typical use today. These structures range from 10 to 30 years old. Construction in the area north of Indiana Toll Road is vintage from the late 1990's and more recent.

A few sites, such as Champagne Metals, were constructed within the last 24 months, including new buildings constructed within the last decade. Some small-scale commercial properties have had some minor and recent improvements.

Infrastructure

As a major transportation hub, this area experiences considerable traffic volumes. State Highway 13 has been well cared for by the Indiana Department of Transportation (INDOT). INDOT has recently upgraded the intersection at CR 2 and improved the geometry and operation of the traffic signal at this intersection, while adding a center left turn lane on SR 13.

Very little storm sewer and no sanitary sewer or water utilities exist in the area. Telephone service is provided by Frontier, natural gas is provided by NIPSCO, as is electricity.

There are no sidewalks along SR 13.

Land Uses

According to the current Elkhart County GIS, the land uses in this region are primarily industrial with some agricultural and low density residential.

This Plan assumes the remaining agricultural land will convert over the next 10 to 20 years.

Existing Plans

Utility Master Plan

The Elkhart County Utility Master Plan addresses this unincorporated area and recommends that future development in the area be served with utilities provided by the Town of Middlebury. Recent discussions with Middlebury have resulted in an alternate plan where wastewater services can be provided through an inter-jurisdictional contract between White Pigeon and the Elkhart County Regional Sewage District. The identified service area (the same as the economic development area) was identified as a priority service area within the plan and represents one of the few areas of significant industrial development within the County that remains un-served by public utilities.

Comprehensive Plan

This Plan suggests that development of this type and character be directed to the urban areas of the County and should be served by adequate roadways and municipal services.

As noted above, most of the development occurred prior to adoption of the current comprehensive plan.

Economic Development Benefits

The implementation of the Middlebury Interchange Economic Development Plan will result in several public benefits to the citizens of Elkhart County, including:

- New construction and development opportunities could result in additional jobs and investment.
- Vacant buildings substandard structures will be addressed.
- The selective removal and reuse of structures will act as a catalyst to ongoing and future development in the area.
- The area will see improved traffic circulation, infrastructure, and aesthetics.
- Economic development incentives may be available.

- The public's health and welfare will benefit from the improvements.
- Property owners in the district should see an increase in property values.

Project Objectives

The purposes of the Plan are to benefit the public health, safety, morals, and welfare of the citizens of the County; increase the economic well-being of the County and the State of Indiana; and serve to protect and increase property values in the County and the State of Indiana. The Plan is designed to promote significant opportunities for the gainful employment of citizens of the County, retain or expand existing significant business enterprises in the County, provide for local public improvements in the State Road 13 Interchange TIF District, remove improvements or conditions that lower the value of the land in the State Road 13 Interchange TIF District below that of the nearby land, attract and retain permanent jobs, increase the property tax base, and improve the diversity of the economic base of the County.

Realization of the stated goals and objectives will be accomplished by a combination of public and private actions. These actions could include, but are not limited to, the following: transportation improvements, property acquisition, demolition of vacant buildings, rehabilitation of buildings, utility improvements, development incentives, and any other redevelopment activity pertaining to planning and implementing an economic development plan including the exercise of all powers authorized.

Planning Activities

Intersection and key roadway capacity studies are recommended. The studies would identify the specific level of support needed for each land use category and would provide specific guidance as to recommendations for growth and redevelopment.
Other components could be:

- Access management strategy
- Beautification plan
- Utility needs study
- Storm water management studies
- Traffic improvement plans
- Pedestrian facility needs study
- ADA compliance study
- Zoning overlay recommendations
- Develop standards and overlay recommendations

Beautification

One of the major goals of an economic development effort is to improve public amenities and aesthetics in an effort to spur interest and economic development in a specific area. Focused efforts in the primary corridors could include:

- Coordinated Lighting
- Appropriate Landscaping considering land use
- Building appearance enhancements
- Buffered exterior product storage

Transportation Improvements

The need for geometric improvements that provide additional capacity at key intersections is believed to be needed. Accordingly, delay reducing improvements at signaled intersections should be the priority.

Utility Improvements

As discussed in the planning category above, a careful review of the infrastructure needs for the area should be conducted.

Development Incentives

Public-private-partnerships will likely be necessary in some cases to encourage desired results. This may extend to assistance in assemblage or acquisition, public infrastructure, reimbursement agreements, tax incentives or low interest loans or grants.

Property Acquisition

Costs for acquisition will vary depending upon development or redevelopment proceeds and possibility of partnerships. An acquisition review is recommended, and a listing of potential properties could be made the subject of a future amendment to this Plan.

Description of Project Area

The land in the State Road 13 Interchange TIF District is located in Elkhart County and is described as the area in the maps and plats attached to this Plan.

Project Description

- Sanitary Sewer Collection System

  As discussed above, the area developed without the benefit of municipal utilities. Continued and sustained growth is not possible without, at the very least, addressing the lack of sanitary sewer service in the area. Current plans include an inter-jurisdictional agreement where the White Pigeon Sanitary System provides bulk treatment services to the Elkhart County Regional Sewage District (ECRSD). The ECRSD would then establish a sub-district over the same footprint as the proposed economic development area.

- Intersection Improvement – Greenfield Parkway and SR 13/Toll Road Entrance

  A traffic impact study (recently completed) indicates this improvement is needed if the Greenfield Parkway Industrial Park is to continue to develop. Approximately 62 acres of high value land would become viable if this project is completed.

- Improvements to County Road Two

  While the intersection of CR 2 and SR 13 had been updated within the last 10 years by INDOT, geometric constraints remain both east and west of the intersection. Pending developments and zoned but yet undeveloped land will drive the need for upgrades as traffic increases.

- Improvements to County Road Four

  INDOT operates a signal system at SR 13 and County Road 4 that had been constructed within the last 10 years. A traffic study may suggest that improvements to lane lengths, widths, and tapers in all four directions may be needed. Further, a widening west to County Road 39 may be needed as vacant land builds out.

- Fire Protection Water System

  No municipal water system exists in the area. Fire protection is provided individually or collectively between property owners. A privately owned system exists within the industrial development along CR 4. Improvements to that system to the extent that it could be dedicated to the public could be considered.

- Aesthetic Improvements

  The Commission has promoted landscape and lighting improvements at key locations within other Elkhart County TIF areas. The need for this is clear at this prominent gateway. Many projects could be considered including the following:

  - Landscaping improvements at key intersections
  - Business and attraction way-finding signage
  - Lighting at key locations
  - Pedestrian features
  - Branding Imaging on the Toll Road overpass structure
  - Billboard mitigation
  - Overhead utility line mitigation

Project/Program	Estimated Cost
Sanitary Sewer Phase One	$600,000
Sanitary Sewer (Future)	$1,500,000
Intersection Improvement - Greenfield Parkway/SR 13	$1,300,000
Widening of CR 2 Phase One	$410,000
Widening of CR 2 Phase Two	$575,000
Intersection Improvement CR 4/SR 13	$300,000
Widening CR 4	$1,000,000
Aesthetic Improvements	$500,000
Total Economic Development Project Costs	$6,245,000

Project Qualification Requirements

Infrastructure improvements will be constructed with and through the assistance of the Commission. The Commission and County Commissioners are responsible for approving all requests and appropriate agreements setting forth the terms and conditions pertaining to improvements in the State Road 13 Interchange TIF District. Without the establishment of the State Road 13 Interchange TIF District and the assistance of the Commission, it is unlikely that any of these local public improvements would be accomplished which will set the stage for new growth and redevelopment within this economic development area.

Acquisition of Property

In order to accomplish the Project, the Commission does not currently plan to acquire any interests in any real property. However, the Commission may acquire by gift or purchase interests in real property from the Board of County Commissioners. TIF funds may be used to reimburse other governmental units and private parties for local public improvements, including land, right-of-way acquisitions or related expenses, road and bridge improvements, sewer and water line installations, and other related improvements.

Procedures with Respect to the Project

All contracts for material or labor in the accomplishment of the Project shall be let under applicable statutes if governmental or TIF funds are involved.

In the planning and rezoning of real property acquired or to be used in the accomplishment of the Plan; the opening, closing, relocation, and improvement of public ways and bridges; and the construction, relocation, and improvement of sewers and utility services; the Commission shall proceed in the same manner as private owners of the property. The Commission may negotiate with the proper officers and agencies of the County and municipal offices to secure the proper orders, approvals, and consents.

Any construction work required in connection with the Project may be carried out by the appropriate municipal or County department or agency or by the Commission if all plans, specifications, and drawings are approved by the appropriate department or agency and the statutory procedures for letting of the contracts are followed by the Commission.

The Commission may pay any charges or assessments made on account of orders, approvals, consents, and construction work with respect to the Project or may agree to pay these assessments in installments as provided by statute in the case of private owners.

None of the real property acquired for the Projects may be set aside and dedicated for public ways, water, sewer, or other public purposes until the Commission has obtained the consent and approval of the department or agency under whose jurisdiction the property will be placed.

Financing of the Project

It is the intention of the Commission to finance the Project with incremental ad valorem property taxes allocated under IC 36-7-14-39 and any other assistance provided by the County of Elkhart, Indiana. All approved expenses reasonably incurred in connection with the Project will be financed in such manner with expenses generally consisting of the following:

(1) The total cost of all land, right-of-way, and other property to be acquired and developed.

(2) The total cost of all infrastructure improvements;

(3) All reasonable and necessary architectural, engineering, legal, accounting, advertising and supervisory expenses related to the acquisition and development of the Projects.

The Commission may enter into commitment agreements, leases, and interlocal agreements with other public agencies and private developers for the purpose of setting forth procedures and conditions relating to financing, developing, and constructing the Project.

Amendment of the Plan

By following the procedures specified in IC 36-7-14-17.5, the Redevelopment Commission may amend this Plan for the State Road 13 Interchange TIF District. However, if the amendment involves the enlargement of a boundary of the State Road 13 Interchange TIF District, such an enlargement must be approved by the Board of County Commissioners.

EXHIBIT B

FACTUAL REPORT IN SUPPORT
OF FINDINGS CONTAINED IN
RESOLUTION NO. 2014-13
OF THE ELKHART COUNTY
REDEVELOPMENT COMMISSION

1. The Plan for the State Road 13 Interchange TIF District will promote significant opportunities for the gainful employment of citizens of Elkhart County as follows:

Based on employment projections from the number of commercial and manufacturing vacant parcels of land included in the State Road 13 Interchange TIF District, as well as the amount of development that has taken place in the vicinity of the State Road 13 Interchange TIF District, there will be an estimated five hundred (500) permanent manufacturing and commercial related jobs created at a minimum, as well as some permanent professional office jobs being created.

Elkhart County has historically maintained a strong manufacturing employment base with the manufacturing sector comprising 45% to 55% of all jobs in Elkhart County. A significant portion of our manufacturing employment base, however, is highly sensitive to economic cycles. It is important to encourage diversification in our employment base. The proposed Tax Increment Financing project for the State Road 13 Interchange TIF District would assist the County in its efforts to improve infrastructure to allow for the location and expansion of diverse manufacturing and commercial businesses.

2. The Plan will attract major new business enterprises to Elkhart County as follows:

The State Road 13 Interchange TIF District Project will provide the infrastructure which is needed to attract and maintain manufacturing and commercial establishments within the Area, as well as throughout the nearby Elkhart County region.

3. The planning, replanning, development, and redevelopment of the land in the State Road 13 Interchange TIF District will benefit the public health, safety, morals and welfare; increase the economic well-being of York Township, Elkhart County, and the State of Indiana; and serve to protect and increase property values in York Township, Elkhart County and the State of Indiana as follows:

(a) The economic well-being of York Township, Elkhart County, and the State of Indiana would be enhanced with the completion of the Plan as new commercial positions would be created thereby enhancing diversification of employment in Elkhart County.

(b) The construction of sanitary sewer main extensions and roads, acquisition of right-of-way, and the construction of roadway and traffic signalization improvements along with the potential future construction and installation of corridor streetscaping, roadway lighting, stormwater improvements, and water main extensions will increase property values thereby attracting new development which will increase the employment, as well as the tax base, for York Township, Elkhart County, and the State of Indiana.

4. The Plan for the State Road 13 Interchange TIF District cannot be achieved by regulatory processes or by the ordinary operation of private enterprise because of the lack of infrastructure improvements and the cost of these improvements. The County has no permanent funding sources readily available for the road, bridge, and other right-of-way improvements nor for the construction of sewer and water lines to these unincorporated areas of the County. In order for quality commercial and industrial development to occur in the State Road 13 Interchange TIF District,

infrastructure must be provided which in turn ensures employment diversification occurs vis a vis new job opportunities. New job opportunities can be accomplished by constructing infrastructure improvements which are financed in part by state and local funds and in part by incremental ad valorem property taxes. Such a financing arrangement allows for infrastructure to be installed up front with future tax revenues targeted to offset costs not covered by other funds. Such a financing mechanism also allows the County to proceed with infrastructure improvements which normally could not be installed because of economic, jurisdiction, and/or legal constraints.

5. The accomplishment of the Plan for the State Road 13 Interchange TIF District will be of public utility and benefit as measured by:

(1) The attraction of new permanent jobs in the retail, commercial, and manufacturing sectors;

(2) An increase in the property tax base as well as increased revenues from the CAGIT and EDIT payroll taxes;

(3) Improved diversity of the economic base.

The improvements made in the State Road 13 Interchange TIF District will enable diverse manufacturing, commercial, office, and retail enterprises to locate within the TIF district in a timely and planned fashion; improvements will also attract a number of businesses that would not otherwise locate in the area.

EXHIBIT C

LEGAL DESCRIPTION AND SITE DIAGRAM

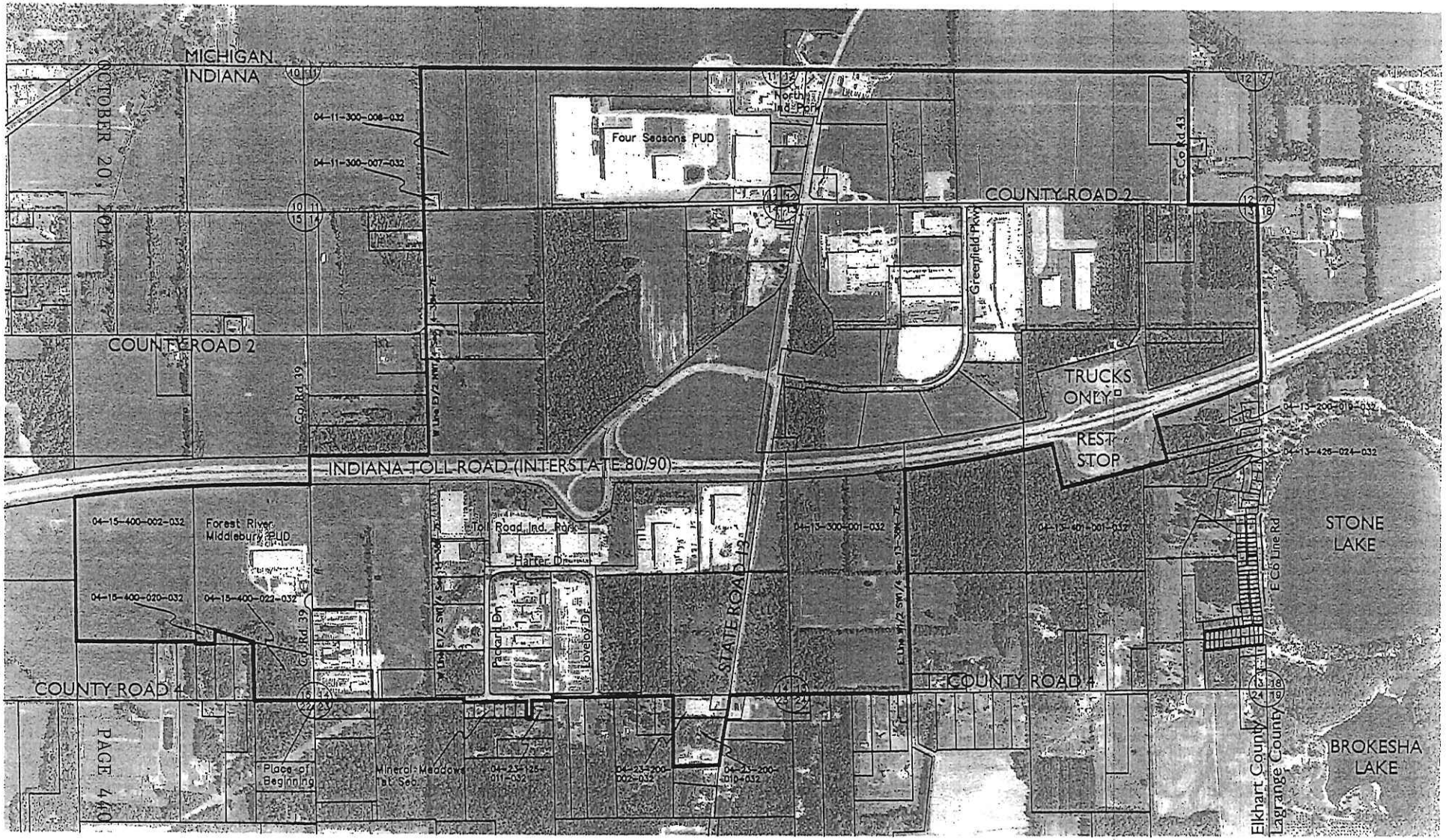
A part of Sections 11, 12, 13, 14, 15, and 23, within Township 38 North, Range 7 East, York Township, Elkhart County, Indiana, as depicted on attached Figure 1, and being more particularly described as follows:

Beginning at the southeast corner of said Section 15; thence West along the south line of Section 15 to the southwest corner of Tax Parcel No. 04-15-400-022-032; thence North along the west line of said Parcel to the southwest line of Lot 1 of Forest River Middlebury PUD; thence northwesterly along said southwest line to the northeast corner of Tax Parcel No. 04-15-400-020-032; thence South to the southeast corner of said Parcel; thence West to the southwest corner of said Parcel; thence North to the southeast corner of Tax Parcel No. 04-15-400-002-032; thence West to the southwest corner of said Parcel; thence North to the northwest corner of said Parcel, being also the south boundary of the Indiana East-West Toll Road; thence East along said south boundary to the west line of said Section 14; thence North along said west line to the north boundary of the Indiana East-West Toll Road; thence East along said north boundary to the west line of the East Half of the Northwest Quarter of said Section 14; thence north along said west line to the south line of said Section 11; thence North along the west line of Tax Parcel Nos. 04-11-300-007-032 and 04-11-300-008-032 to the Indiana-Michigan State Line; thence East along the said State Line to the west line of said Section 12; thence continuing East along said State Line to the center line of County Road 43; thence South along said center line to the north line of said Section 13; thence East along said north line to the east line of Section 13; thence South along said east line to the south boundary of the said Indiana East-West Toll Road; thence southwesterly along said south boundary to the northwest corner of Tax Parcel No. 04-13-200-019-032; thence southeasterly along the said boundary of the Indiana East-West Toll Road to the north line of Tax Parcel No. 04-13-426-024-032; thence southwest along the northwest line of said parcel and along the northwest line of Tax Parcel No. 04-13-401-001-032; to an angle point in the said boundary of the Indiana East-West Toll Road; thence northwest along the northeast line of said Parcel to another angle point in the said boundary of the Indiana East-West Toll Road; thence southwesterly along the south boundary of the Indiana East-West Toll Road to the east line of the West Half of the Southwest Quarter of said Section 13; thence South along said east line and along the east line of Tax Parcel No. 04-13-300-001-032 to the south line of Section 13; thence west along said south line to the northeast corner of said Section 23; thence West along the north line of Section 23 to the center line of State Road 13; thence southerly along said center line to the southeast corner of Tax Parcel No. 04-23-200-010-032; thence West to the southwest corner of said Parcel; thence North along the west line of said Parcel and along the west line of Tax Parcel No. 04-23-200-002-032 to the said north line of Section 23; thence West along said north line of Section 23 to the east line of Tax Parcel No. 04-23-126-011-032; thence South to the south boundary of County Road 4; thence West along said south boundary to the east line of the plat of Mineral Meadows 1st Section; thence South to the southeast corner of said plat; thence West 60 feet to the southeast corner of Lot 6 in said plat; thence North to the northeast corner of said Lot 1, being also the south boundary of said County Road 4; thence West along the said south boundary to the northwest corner of Lot 1 in said Plat; thence North to the said north line of Section 23; thence West to the place of beginning.

Being tax code numbers: See Exhibit E.

EXHIBIT D

SITE DIAGRAM



PROPOSED MIDDLEBURY INTERCHANGE TIF DISTRICT

FIGURE 1

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JONES PETRIE RAFINSKI
your one single source

Feet
0 500 1000

PIN_18	Parcel Number	Owner Name	Owner Address	Owner City	Owner State	Owner Zip
20-04-11-300-006.000-032	04-11-300-006-032	MILLER EDGAR W & PHYLLIS K	13095 Anderson Rd	White Pigeon	MI	490999433
20-04-11-300-007.000-032	04-11-300-007-032	COCKBURN LARRY & VIRGINIA C	11747 County Road 2	Middlebury	IN	465408900
20-04-11-300-008.000-032	04-11-300-008-032	MILLER EDGAR & PHYLLIS K	13095 Anderson Rd	White Pigeon	MI	490999433
20-04-11-400-001.000-032	04-11-400-001-032	TRUNKLINE GAS CO A DEL CORP	PO Box 4967	Houston	TX	772104967
20-04-11-400-002.000-032	04-11-400-002-032	TRUNKLINE GAS COMPANY PRO	PO Box 4967	Houston	TX	772104967
20-04-11-400-012.000-032	04-11-400-012-032	JED REALTY LLC C/O DANIEL & B	50571 State Road 13	Middlebury	IN	465409653
20-04-11-400-017.000-032	04-11-400-017-032	ADAMS JOHN	8627 Buerk Dr	Temperance	MI	481829415
20-04-11-400-018.000-032	04-11-400-018-032	ADAMS JOHN	8627 Buerk Dr	Temperance	MI	481829415
20-04-11-400-019.000-032	04-11-400-019-032	MILLER EDGAR W & PHYLLIS K	13095 Anderson Rd	White Pigeon	MI	490999433
20-04-11-400-020.000-032	04-11-400-020-032	MICHIANA REAL ESTATE DEVELC	11333 County Road 2	Middlebury	IN	465409632
20-04-11-400-021.000-032	04-11-400-021-032	MILLER EDGAR W & PHYLLIS K	13095 Anderson Rd	White Pigeon	MI	490999433
20-04-12-300-001.000-032	04-12-300-001-032	BERKEY RICHARD W & VADA J T	12812 County Road 2	Middlebury	IN	465409636
20-04-12-300-005.000-032	04-12-300-005-032	AMERICAN PETROLEUM INC	50980 State Road 13	Middlebury	IN	465409653
20-04-12-300-007.000-032	04-12-300-007-032	ANAHAT INC	50980 ST RD 13 N	MIDDLEBURY	IN	46540
20-04-12-300-009.000-032	04-12-300-009-032	ANAHAT INC	50980 State Road 13	Middlebury	IN	465409653
20-04-12-300-012.000-032	04-12-300-012-032	BERKEY RICHARD W & VADA	12812 County Road 2	Middlebury	IN	465409636
20-04-12-300-015.000-032	04-12-300-015-032	MICHIANA REAL ESTATE DEVELC	11333 County Road 2	Middlebury	IN	465409632
20-04-12-300-017.000-032	04-12-300-017-032	RMD REAL ESTATE LLC	4202 Technology Dr	South Bend	IN	466289772
20-04-12-300-018.000-032	04-12-300-018-032	POON & PUN LLC	129 15 Mile Rd NW	Sparta	MI	493458590
20-04-12-300-020.000-032	04-12-300-020-032	ANAHAT INC	50980 State Road 13	Middlebury	IN	465409653
20-04-12-300-021.000-032	04-12-300-021-032	KROPF FAMILY REAL ESTATE LLC	1077 E Northshore Dr	Syracuse	IN	465678476
20-04-12-400-004.000-032	04-12-400-004-032	YODER HELEN TRUSTEE YODER I	50925 County Road 43	Middlebury	IN	465409405
20-04-12-400-009.000-032	04-12-400-009-032	MILLER EDGAR W & PHYLLIS K N	13095 ANDERSON RD	WHITE PIGEON	MI	49099
20-04-12-400-010.000-032	04-12-400-010-032	GREENFIELD CORPORATION	PO Box 340	Middlebury	IN	465400340
20-04-13-101-001.000-032	04-13-101-001-032	BERKEY RICHARD W & VADA J	12812 County Road 2	Middlebury	IN	465409636
20-04-13-101-003.000-032	04-13-101-003-032	BERKEY RICHARD W & VADA J	12812 County Road 2	Middlebury	IN	465409636
20-04-13-102-001.000-032	04-13-102-001-032	STCR REAL ESTATE LLC	PO Box 12	Middlebury	IN	465400012
20-04-13-102-003.000-032	04-13-102-003-032	LIPPERT COMPONENTS INC	3501 County Road 6 E	Elkhart	IN	465147663
20-04-13-102-004.000-032	04-13-102-004-032	ARBOC SPECIALTY VEHICLES LLC	51165 Greenfield Pkwy	Middlebury	IN	465408220
20-04-13-102-005.000-032	04-13-102-005-032	STCR REAL ESTATE LLC	PO Box 12	Middlebury	IN	465400012
20-04-13-126-001.000-032	04-13-126-001-032	LC VENTURES LLC	51045 Greenfield Pkwy	Middlebury	IN	465408982
20-04-13-126-002.000-032	04-13-126-002-032	LC VENTURES LLC A LLC	51045 Greenfield Pkwy	Middlebury	IN	465408982
20-04-13-126-003.000-032	04-13-126-003-032	ARBOC SPECIALTY VEHICLES LLC	51165 Greenfield Pkwy	Middlebury	IN	465408220

Exhibit E

20-04-13-126-004.000-032	04-13-126-004-032	ARBOC SPECIALTY VEHICLES LLC	51165 Greenfield Pkwy	Middlebury	IN	465408220
20-04-13-127-005.000-032	04-13-127-005-032	LIPPERT COMPONENTS INC	3501 County Road 6 E	Elkhart	IN	465147663
20-04-13-151-001.000-032	04-13-151-001-032	SEHAR INC	50980 State Road 13	Middlebury	IN	465409653
20-04-13-151-005.000-032	04-13-151-005-032	STCR REAL ESTATE LLC	PO Box 12	Middlebury	IN	465400012
20-04-13-151-006.000-032	04-13-151-006-032	ANAHAT INC	50980 State Road 13	Middlebury	IN	465409653
20-04-13-151-007.000-032	04-13-151-007-032	LIPPERT COMPONENTS INC	3501 County Road 6 E	Elkhart	IN	465147663
20-04-13-151-008.000-032	04-13-151-008-032	STCR REAL ESTATE LLC	PO Box 12	Middlebury	IN	465400012
20-04-13-176-002.000-032	04-13-176-002-032	CHAMPAGNE METALS	PO Box 849	Glenpool	OK	740330849
20-04-13-176-003.000-032	04-13-176-003-032	LIPPERT COMPONENTS INC	3501 County Road 6 E	Elkhart	IN	465147663
20-04-13-176-004.000-032	04-13-176-004-032	CHAMPAGNE METALS	PO Box 849	Glenpool	OK	740330849
20-04-13-200-006.000-032	04-13-200-006-032	INDIANA TOLL ROAD COMMISSI	100 N Senate Ave	Indianapolis	IN	462042273
20-04-13-200-009.000-032	04-13-200-009-032	KNICELY BOYD J & MABEL V	10200 County Road 2	Middlebury	IN	465409630
20-04-13-200-011.000-032	04-13-200-011-032	STATE OF INDIANA INDOT Real I	100 N Senate Ave Rm N	Indianapolis	IN	462042216
20-04-13-200-015.000-032	04-13-200-015-032	ALBER KENDRA	10228 County Road 2	Middlebury	IN	465409630
20-04-13-200-018.000-032	04-13-200-018-032	GREEN TERESA LYNN	58329 COUNTY ROAD 2	GOSHEN	IN	46528
20-04-13-200-021.000-032	04-13-200-021-032	MENNONITE MUTUAL LAND TRI	10152 COUNTY ROAD 2	MIDDLEBURY	IN	46540
20-04-13-200-022.000-032	04-13-200-022-032	MILLER AMY L & MARK A SALEE	70600 Sunrise Dr	Edwardsburg	MI	491129784
20-04-13-200-024.000-032	04-13-200-024-032	BLUE DIAMOND GROUP LLC	PO BOX 442	GOSHEN	IN	46527
20-04-13-200-025.000-032	04-13-200-025-032	THORNTON RUSSEL & GAIL D	10210 County Road 2	Middlebury	IN	465409630
20-04-13-200-026.000-032	04-13-200-026-032	THORNTON GAIL D	PO BOX 124	WHITE PIGEON	MI	490990124
20-04-13-200-029.000-032	04-13-200-029-032	STATE OF INDIANA INDOT Real I	100 N Senate Ave Rm N	Indianapolis	IN	462042216
20-04-13-300-001.000-032	04-13-300-001-032	SCHUMACHER EDITH H	11255 County Road 4	Middlebury	IN	465409665
20-04-13-300-008.000-032	04-13-300-008-032	INDIANA TOLL ROAD COMMISSI	100 N Senate Ave	Indianapolis	IN	462042273
20-04-14-126-001.000-032	04-14-126-001-032	TROYER MORRIS R & SHIRLEY E	11110 State Road 120	Middlebury	IN	465409429
20-04-14-126-002.000-032	04-14-126-002-032	CHUPP SHANNON W & ANNA SI	11744 COUNTY ROAD 2	MIDDLEBURY	IN	46540
20-04-14-126-003.000-032	04-14-126-003-032	CHUPP SHANNON W & ANNA SI	11744 COUNTY ROAD 2	MIDDLEBURY	IN	46540
20-04-14-176-001.000-032	04-14-176-001-032	KUNISCH TRUST REVOCABLE TRI	11748 County Road 2	Middlebury	IN	465408900
20-04-14-176-002.000-032	04-14-176-002-032	CHUPP SHANNON W & ANNA SI	11744 COUNTY ROAD 2	MIDDLEBURY	IN	46540
20-04-14-176-003.000-032	04-14-176-003-032	MILLER EDGAR W & PHYLLIS KA	13095 Anderson Rd	White Pigeon	MI	490999433
20-04-14-200-002.000-032	04-14-200-002-032	ANAHAT INC	50980 State Road 13	Middlebury	IN	465409653
20-04-14-200-004.000-032	04-14-200-004-032	ANAHAT INC	50980 State Road 13	Middlebury	IN	465409653
20-04-14-200-005.000-032	04-14-200-005-032	ANAHAT INC	50980 State Road 13	Middlebury	IN	465409653
20-04-14-200-006.000-032	04-14-200-006-032	MCCRANER ANGELA M	11356 County Road 2	Middlebury	IN	465409632
20-04-14-200-012.000-032	04-14-200-012-032	RUPLE STEVEN W & RENAE L	11134 County Road 2	Middlebury	IN	465409632

20-04-14-200-013.000-032	04-14-200-013-032	GABRIEL MARCILE TRUSTEE WIL	401 E Lawrence St	Middlebury	IN	465408429
20-04-14-200-015.000-032	04-14-200-015-032	STATE OF INDIANA INDOT Real I	100 N Senate Ave Rm N	Indianapolis	IN	462042216
20-04-14-200-016.000-032	04-14-200-016-032	ANAHAT INC	50980 State Road 13	Middlebury	IN	465409653
20-04-14-200-017.000-032	04-14-200-017-032	MILLER CALEB EUGENE & KAYLA	69484 US Highway 131	White Pigeon	MI	490999464
20-04-14-301-002.000-032	04-14-301-002-032	LISAHOLD LLC	PO Box 3030	Elkhart	IN	465153030
20-04-14-326-001.000-032	04-14-326-001-032	JJW DEVELOPMENT INC	51703 Packard Dr	Middlebury	IN	465409664
20-04-14-326-002.000-032	04-14-326-002-032	FOREST RIVER MANUFACTURIN	PO Box 3030	Elkhart	IN	465153030
20-04-14-326-003.000-032	04-14-326-003-032	JJW DEVELOPMENT INC	51703 Packard Dr	Middlebury	IN	465409664
20-04-14-326-004.000-032	04-14-326-004-032	JJW DEVELOPMENT INC	51703 Packard Dr	Middlebury	IN	465409664
20-04-14-326-005.000-032	04-14-326-005-032	JJW DEVELOPMENT INC	51703 Packard Dr	Middlebury	IN	465409664
20-04-14-351-001.000-032	04-14-351-001-032	ATW INDIANA LLC	51790 County Road 39	Middlebury	IN	465409661
20-04-14-351-002.000-032	04-14-351-002-032	ATW INDIANA LLC	51790 County Road 39	Middlebury	IN	465409661
20-04-14-351-003.000-032	04-14-351-003-032	ATW INDIANA LLC	51790 County Road 39	Middlebury	IN	465409661
20-04-14-351-004.000-032	04-14-351-004-032	ATW INDIANA LLC	51790 County Road 39	Middlebury	IN	465409661
20-04-14-351-005.000-032	04-14-351-005-032	LISAHOLD LLC	PO Box 3030	Elkhart	IN	465153030
20-04-14-351-006.000-032	04-14-351-006-032	LISAHOLD LLC	PO Box 3030	Elkhart	IN	465153030
20-04-14-351-007.000-032	04-14-351-007-032	INDIANA MICHIGAN POWER CO	1 Riverside Plz	Columbus	OH	432152355
20-04-14-376-002.000-032	04-14-376-002-032	LUDWIG INVESTMENTS & FIRST	PO Box 1322	Elkhart	IN	465151322
20-04-14-376-003.000-032	04-14-376-003-032	JJW DEVELOPMENT INC	51703 Packard Dr	Middlebury	IN	465409664
20-04-14-376-004.000-032	04-14-376-004-032	A F & J R LLC	6525 Ardmore Ave	Fort Wayne	IN	468099504
20-04-14-377-001.000-032	04-14-377-001-032	BRISTOL 1 LLC	PO BOX 858	BRISTOL	IN	46507
20-04-14-400-003.000-032	04-14-400-003-032	PALAN PRAFUL	19636 Lacey Ln E	Bristol	IN	465079654
20-04-14-400-006.000-032	04-14-400-006-032	SCHUMACHER EDITH H	11255 County Road 4	Middlebury	IN	465409665
20-04-14-400-007.000-032	04-14-400-007-032	SCHUMACHER EDITH H	11255 County Road 4	Middlebury	IN	465409665
20-04-14-400-016.000-032	04-14-400-016-032	BRIGHTLY PROPERTIES LLC	PO Box 98	Glasgow	MO	652540098
20-04-14-401-001.000-032	04-14-401-001-032	JAMI INC ATTN HARTER CORP	11451 Harter Dr	Middlebury	IN	465409663
20-04-14-401-002.000-032	04-14-401-002-032	JAMI INC ATTN HARTER CORP	11451 Harter Dr	Middlebury	IN	465409663
20-04-14-401-003.000-032	04-14-401-003-032	STCR REAL ESTATE LLC	51700 Lovejoy Dr	Middlebury	IN	465409591
20-04-14-451-002.000-032	04-14-451-002-032	MIDDLEBURY TOLL ROAD INDU	3300 N Kenmore St	South Bend	IN	466284374
20-04-14-452-001.000-032	04-14-452-001-032	TEAM RV INVESTMENTS LLC	217 Greenfield Dr	Middlebury	IN	465409573
20-04-14-452-002.000-032	04-14-452-002-032	WISLER ELLEN M	7603 River Walk Pl	Saint Louis	MO	631295828
20-04-15-400-002.000-032	04-15-400-002-032	MILLER EDGAR W & PHYLLIS K	13095 Anderson Rd	White Pigeon	MI	490999433
20-04-15-400-020.000-032	04-15-400-020-032	FOREST RIVER MANUFACTURIN	PO Box 3030	Elkhart	IN	465153030
20-04-15-400-022.000-032	04-15-400-022-032	LISAHOLD LLC	PO Box 3030	Elkhart	IN	465153030

20-04-15-400-023.000-032	04-15-400-023-032	FOREST RIVER MANUFACTURIN	PO Box 3030	Elkhart	IN	465153030
20-04-23-200-002.000-032	04-23-200-002-032	STAR FLEET TRUCKING INC	PO Box 565048	Dallas	TX	753565048
20-04-23-200-003.000-032	04-23-200-003-032	STAR FLEET TRUCKING INC	PO Box 565048	Dallas	TX	753565048
20-04-23-200-010.000-032	04-23-200-010-032	BONTRAGER JERRY W & RUBY J	11917 State Road 120	Middlebury	IN	465409669

EXHIBIT B

ELKHART COUNTY PLAN COMMISSION

Written Order for the
State Road 13 Interchange TIF District

On October 9, 2014, the Elkhart County Plan Commission did consider the Declaratory Resolution Number 2014-13, Economic Development Plan, Factual Report, and attachments thereto for the establishment of the State Road 13 Interchange TIF District in the State Road 13 and Indiana Toll Road corridor areas. The Elkhart County Plan Commission found that these materials conform to the plan of development for Elkhart County, and the Plan Commission approved the Declaratory Resolution, Economic Development Plan, Factual Report, and attachments thereto for the establishment of the State Road 13 Interchange TIF District by a vote of 7-0. This shall serve as the Written Order to approve the establishment of the State Road 13 Interchange TIF District pursuant to the requirements of Indiana Code §36-7-14-16.

Dated this 9th day of October, 2014.

ELKHART COUNTY PLAN COMMISSION

By: _____
Chairman

By: _____
Secretary

Brian Mabry from planning and development presented a request for Marcile Garbriel, trustee ½, attn: Gladys Troyer (seller & Grand Design (buyer), represented by Jones Petrie Rafinski, for a zone map change from A-1 to M-1 located on the south side of CR 2, 2,400 feet west of SR 13 in York Township. The Plan Commission has sent this to the Board with a recommendation for approval. The uses for M-1 would not be allowed until sewer reaches the property. A representative from Jones Petrie Rafinski said he will answer any questions about the rezoning request. There were no comments or questions from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the rezoning request and adopted an ordinance establishing this rezoning.

The Ordinance is as follows:

ORDINANCE NO. PC 2014-15

AN ORDINANCE TO AMEND THE COUNTY CODE 36-7-4-600 KNOWN AS THE ZONING ORDINANCE FOR ELKHART COUNTY INDIANA BY REZONING THE AREA OF REAL ESTATE HEREIN AFTER DESCRIBED FROM A-1 TO M-1

WHEREAS, Matt Schuster, on behalf of Jones Petrie Rafinski, representing Marcile Gabriel, trustee ½, attn. Gladys Troyer (seller) and Grand Design (buyer), submitted an application to rezone real estate hereinafter described from A-1 to M-1 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on September 11, 2014, recommend a zone change from A-1 to M-1 and filed their recommendation for adoption of this Ordinance with the Board of County Commissioners of Elkhart County Indiana.

BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:

Legal Description

See attached

BE rezoned from A-1 to M-1 effective immediately, and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Master Plan of Zoning for Elkhart County Indiana as amended are hereby ordered amended and changed to reflect the said rezoning of said real estate.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 20th DAY OF OCTOBER, 2014

ABSENT

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

Attest: Pauline Graff
Pauline Graff, Elkhart County Auditor

OCTOBER 20, 2014 PAGE 447

LEGAL DESCRIPTION

A part of the Northeast Quarter of Section 14, being situate in Township 38 North, Range 7 East, York Township, Elkhart County, Indiana, being more particularly described as follows:

Beginning at an iron pipe marking the northwest corner of said Northeast Quarter; thence on an assumed bearing of due East along the north line of said Northeast Quarter and the center line of County Road #2 a distance of 579.17 feet to the northwest corner of a parcel of land conveyed to Scott and Angela McCraner described and recorded in the office of the Recorder of Elkhart County in Warranty Deed Instrument #87 026970; thence on a bearing of due South 361.50 feet to the southeast corner of said McCraner parcel; thence on a bearing of due East 361.50 feet to the southeast corner of said McCraner parcel, being also a point on the west line of a parcel of land conveyed to Miller described and recorded in the office of the Recorder of Elkhart County in Quitclaim Deed Instrument #2013-08687; thence due South along the west line of said Miller parcel 1,692.49 feet to a point on the north right of way line of the Indiana Toll Road; thence South 55°34'27" West along the said north right of way line 297.72 feet; thence South 45°21'14" West along the said north right of way line 614.53 feet to a concrete monument on the north line of the right of way of the Indiana East-West Toll Road; thence South 89°54'48" West along the north line of said right-of-way 245.50 feet to the southwest corner of said Northeast Quarter; thence North 0°16'02" West along the west line of said Northeast Quarter 2,654.55 feet to the point of beginning of this description containing 48.86 acres.

Liz Gunden from planning and development presented a request for Edwin & Edna Miller for a zoning map amendment (rezoning) from B-3 to B-2 located on the northwest side of SR 15, 1,450 feet south of CR 20 in Jefferson Township. This property has changed ownership since the petition was submitted and Carrie VanDeventer is now the property owner. The Plan Commission has recommended approval of this rezoning request. There was one comment in favor of this request. On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the rezoning request and adopted an ordinance establishing this zone map change.

The Ordinance is as follows:

ORDINANCE NO. PC2014-16

AN ORDINANCE TO AMEND THE COUNTY CODE 36-7-4-600 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR ELKHART COUNTY INDIANA BY REZONING THE AREA OF REAL ESTATE HEREIN AFTER DESCRIBED FROM B-3 TO B-2.

WHEREAS, Edwin Miller, submitted an application to rezone real estate hereinafter described from B-3 to B-2.

WHEREAS, on August 27, 2014, Staff learned that Carrie VanDeventer purchased the property from Mr. Miller on August 7, 2014.

WHEREAS, after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on September 11, 2014, recommend approval of a zone change from B-3 to B-2 and filed their recommendation with the Board of County Commissioners of Elkhart County Indiana.

BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:

Legal Description

PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-TWO (22), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE SIX (6) EAST, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION; THENCE SOUTH, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION, A DISTANCE OF ONE THOUSAND SIX HUNDRED FIFTY (1650) FEET; THENCE DUE EAST, PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION, A DISTANCE OF ONE THOUSAND SEVEN HUNDRED SEVENTY-NINE AND TWENTY-SEVEN HUNDREDTHS (1779.27) FEET TO THE CENTER LINE OF STATE ROAD 15) THENCE NORTH THIRTY-ONE (31) DEGREES FOURTEEN (14) MINUTES EAST, A DISTANCE OF THREE HUNDRED AND EIGHTY-FIVE HUNDREDTHS (300.85) FEET FOR THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH THIRTY-ONE (31) DEGREES FOURTEEN (14) MINUTES EAST, ALONG THE CENTER LINE OF SAID STATE ROAD 15, A DISTANCE OF TWO HUNDRED THIRTY-THREE AND NINE TENTHS (233.9) FEET; THENCE DUE WEST, A DISTANCE OF FOUR HUNDRED (400) FEET TO AN IRON STAKE; THENCE SOUTH THIRTY-ONE (31) DEGREES FOURTEEN (14) MINUTES WEST, A DISTANCE OF TWO HUNDRED THIRTY-THREE AND NINE TENTHS (233.9) FEET TO AN IRON STAKE; THENCE DUE EAST, A DISTANCE OF FOUR HUNDRED (400) FEET TO THE PLACE OF BEGINNING, SAID IN PREVIOUS DEEDS TO CONTAIN APPROXIMATELY 1.84 ACRES OF LAND.

BE rezoned from B-3 to B-2 effective immediately, and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Master Plan of Zoning for Elkhart County Indiana as amended and hereby ordered amended and changed to reflect the said rezoning of said real estate.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 20th DAY OF October, 2014.

ABSENT

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

Attest: Pauline Graff
Pauline Graff, Elkhart County Auditor

Cathy L. Erb, 56796 Shore Avenue, Elkhart, requested the vacation of an east/west alley between Shore Avenue & Best Avenue & north/south alley between Old US 33 West & LaRue Street in Baugo Township. Mark Kanney from planning and development said this has been recommended for approval by the Plan Commission. There was no one in the audience to speak regarding this vacation request. On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the vacation request and adopted an Ordinance Vacating the Public Way.

The Ordinance is as follows:

2014-21923

ELKHART COUNTY RECORDER
JERRY L WEAVER
FILED FOR RECORD ON
AS PRESENTED
11/12/2014 08:32 AM

RECEIVED
NOV 12 2014
COUNTY AUDITOR

ORDINANCE VACATING PUBLIC WAY IN UNINCORPORATED AREA OF ELKHART COUNTY, INDIANA

A Petition having heretofore been filed with the Board of Commissioners of Elkhart County, Indiana on the 1st day of August, 2014, requesting the vacation of a certain public way within the unincorporated area of Elkhart County, Indiana, and more particularly described therein, said Petition being in the words and figures following, to-wit: (H.I.); and the public hearing before the Elkhart County Plan Commission and before the Board of Commissioners of Elkhart County having been scheduled as to said Petition, with the Elkhart County Plan Commission hearing having been held on the 11th day of September, 2014, and the hearing before the Board of Commissioners of Elkhart County having been held on the 20th day of October, 2014, and formal legal notice, by certified mail, return receipt requested, having been mailed to each owner of land that abuts the public way to be vacated, and formal legal publication notice as to said hearings having been published in the Elkhart Truth on the 30th day of August, 2014, and in the Goshen News on the 4th day of September 2014, advising all necessary parties of the time, place, and date of said hearings, said legal notice having been so mailed, and having been so published, being in the words and figures following, to-wit: (H.I.); and the Board of Commissioners of Elkhart County, Indiana, pursuant to applicable Indiana law, having received a recommendation from the Elkhart County Plan Commission, and having conducted the public hearing on said Petition on the date set forth in said Notice, and being duly advised in the premises, now finds as follows:

1. That Petition heretofore filed is in proper order, and that proper legal notices of the two (2) public hearings conducted with regard to said Petition have been mailed and published.

Erb. Cathy

2. The vacation of the public way in question would not hinder the growth or orderly development of Elkhart County, Indiana, or the neighborhood in which it is located or to which it is contiguous.

3. The vacation of the public way in question will not make access to the lands of any property owners within Elkhart County, Indiana by means of public way difficult or inconvenient.

4. The vacation of the public way in question will not hinder the public's access to a church, school, or other public building or place.

5. The vacation of the public way in question will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW, THEREFORE, Be it Ordered, Adjudged and Decreed by the Board of Commissioners of Elkhart County, Indiana as follows:

1. That said Petition is hereby, in all respects, approved and confirmed, and the request therein made to vacate a public way is hereby granted.

2. That the following described public way situate in the unincorporated area of Elkhart County, Indiana is hereby vacated, said public way being described as follows:

3. That title in fee simple to the above vacated property shall be transferred to (a) the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel lines, to be centerline of the public way herein vacated, or (X) _____

_____

_____.

4. That these proceedings shall not deprive any public utility of the use of all or part of the public way herein granted if at the time these proceedings are instituted the utility is occupying or using all or part of that public way for the location and operation of its facilities.

Dated this 20 day of October, 2014.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By _____
Mike Yoder

By _____
Frank Lucchese

By ABSENT

Attest: Pauline E. Groff
Auditor, Elkhart County, Indiana

July 28, 2014

To the Elkhart County Department of Planning and Development:

Re: Petition to Vacate a Platted Alley in Unincorporated Elkhart County

Petitioners: Cathy L. Erb
Marcus A. Rider
Brian T. Kujawski

Description:

Alley (12' R/W) running East-West between Lots 46 and 47 of LAKE SHORE PARK ADDITION to the City of Elkhart, Indiana. Alley runs between Shore Avenue and Best Avenue. Also, Alley (16' R/W) that runs North-South along the East boundary of Lots 46 and 47 between LaRue Street and Old US 33 West (currently unimproved but represented in the Survey).

Reasons for the Request:

The East-West Alley runs very close to the house located on Lot 46. Two small children live in the house, so traffic represents a hazard.

Lot 46 is too narrow to meet current requirements for building a house under current codes. The owner has been informed by the County that she would be unable to rebuild if something catastophic happened to her house. Moving the property line to the middle of the East-West Alley would solve this.

The East-West Alley is unnecessary, since there is access to the 4 abutting properties from the streets upon which they front. Specifically, Lots 46 and 47 have access from Shore Avenue and Lots 38 and 39 have access from Best Avenue.

The owner of the house on Lot 47 has experienced damage to his property from vehicles using the East-West Alley.

The North-South Alley is currently unimproved and should be removed from the Survey for completeness and to resolve possible future concerns.

The North-South Alley is unnecessary, as all properties abutting it have access from the streets upon which they front.

Thank you for your consideration.

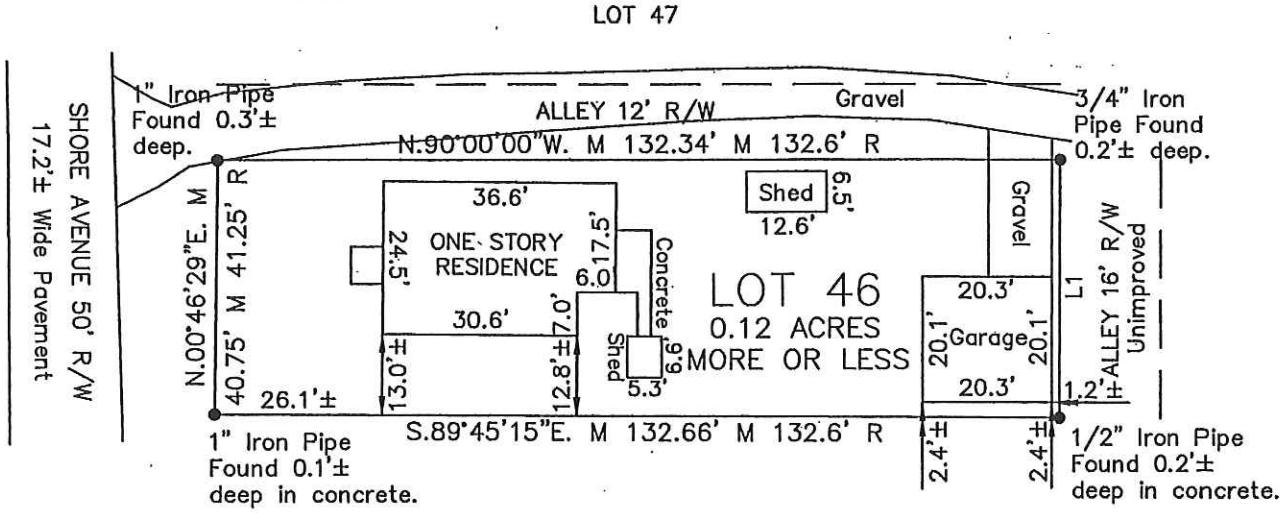
Cathy L Erb, Owner of 56796 Shore Avenue Cathy L Erb

Brian T. Kujawski, Occupant of 56796 Shore Ave.

Marcus A. Rider, Owner of 56788 Shore Avenue

CERTIFICATE OF SURVEY

LINE	BEARING	DISTANCE	DISTANCE
L1	S.00°19'03"W. M	41.31' M	41.25' R



0 30 60

SCALE 1"=30'

Lines of occupation shown on drawing if any.

DESCRIPTION

Lot Numbered Forty-six (46) as the said Lot is known and designated on the recorded Plat of LAKE SHORE PARK ADDITIION to the City of Elkhart, Indiana; said Plat being recorded in Plat Book 1, page 7 in the Office of the Recorder of Elkhart County, Indiana. Subject to all easements, restrictions, covenants and right of ways of record.

Prepared for:
Meridian Title Corporation
405 S. Second Street
Suite 100
Elkhart, In 46516
Seller:
Molly J. Nine
Buyer:
Cathy L. Erb
Property Address:
56796 Shore Avenue
Elkhart, IN 46516
Job #130137

PLAT NOTES: October 20, 2014

- All irons set were #5 rebar capped (DORIOT 890028) and set flush unless noted.
- Mag nails set with brass washers (DORIOT 890028) and set flush unless noted.
- All corners and monuments that were found are flush and in good condition unless noted.
- No information is intentionally left out unless noted.
- All bearing bases are assumed unless noted.
- All distances and bearings on this plat are measured unless

Transaction Note : This document is prepared solely for use by the transaction herein. B. Doriot & Associates, Inc. / C. Blake Doriot, R.L.S., assumes no liability for future uses of this document, including, but not limited to "Survey Affidavits" that may be

Vacation of Right-of-Wa,

2013 Aerials

1 inch = 50 feet

N

Mark Kanney from planning and development presented a request for STCR Real Estate, represented by Michael Schoeffler, for a zone map change from PUD B-3 to B-3 located on the east side of SR 13, 620 feet north of SR 120 in York Township. The Plan Commission has sent this to the Commissioners with a recommendation for approval. There were no comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the zone map change request and adopted an ordinance establishing this zone map change.

The Ordinance is as follows:

ORDINANCE NO. PC2014-17

AN ORDINANCE TO AMEND COUNTY CODE 36-7-4-600 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR ELKHART COUNTY, INDIANA BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM PUD B-3 (ORDINANCE NO. PC92-10) TO B-3

WHEREAS, STCR Real Estate submitted an application to rezone real estate hereinafter described from PUD B-3 to B-3 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on the 11th day of September, 2014, recommend a zone change from PUD B-3 to B-3 and filed their recommendation for adoption of this Ordinance with the Board of County Commissioners of Elkhart County, Indiana.

BE IT THEREFORE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELKHART COUNTY, INDIANA THAT:

Legal Description
See Exhibit A

BE rezoned from PUD B-3 to B-3 effective immediately, and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Master Plan of Zoning for Elkhart County, Indiana as amended are hereby ordered amended and changed to reflect the said rezoning of said real estate.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA

THIS 20 **DAY OF** Oct **2014.**

BY ABSENT
Terry Rodino

BY
Mike Yoder

BY
Frank Lucchese

Attest: Pauline E Graff
Pauline E. Graff Auditor for Elkhart County

EXHIBIT "A"

Property Address: 52886 SR 13, Middlebury, IN 46540
File No.: 14-18231

A part of the Southeast Quarter of Section 23, Township 38 North, Range 7 East, York Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at a P.K. nail marking the Southeast corner of said Section 23; thence North 0 degrees 21 minutes 48 seconds West, 224.63 feet along the East line of said Southeast Quarter to an iron stake at the point of beginning of this description; thence continuing along the last described line and bearing, 659.83 feet to an iron stake; thence North 89 degrees 9 minutes 10 seconds West, 1303.19 feet along a fence line to a P.K. nail in the centerline of State Road #13; thence South 11 degrees 38 minutes 58 seconds West, 678.75 feet along said centerline to a nail at the Northwest corner of lands described in Deed Record 414, page 719; thence South 88 degrees 56 minutes East, 1,250.45 feet along the North line of said Deed Record 414, page 719 to an iron pipe marking the Northeast corner of said described lands; thence North 1 degree 13 minutes 7 seconds East, 8.30 feet to a peaked stone marking the Northwest corner of lands deeded to Inez M. Eby; thence North 89 degrees 48 minutes 17 seconds East, 193.88 feet along the North line of said Eby lands as monumented by a fence line, to the point of beginning.

Tax ID No.
20-04-23-400-011.000-032

Mark Kanney from planning and development presented a request for KLT Reality, Inc. for a zone map change from A-1 to M-1 located on the east side of SR 13, 1,000 feet south of Industrial Parkway in Middlebury Township. The Plan Commission has recommended approval of the request. There were no comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the rezoning request and adopted an ordinance establishing this rezoning.

The Ordinance is as follows:

ORDINANCE NO. PC2014-18

AN ORDINANCE TO AMEND COUNTY CODE 36-7-4-600 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR ELKHART COUNTY, INDIANA BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM A-1 TO M-1

WHEREAS, KLT Realty, Inc. submitted an application to rezone real estate hereinafter described from A-1 to M-1 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on the 9th day of September, 2014, recommend a zone change from A-1 to M-1 and filed their recommendation for adoption of this Ordinance with the Board of County Commissioners of Elkhart County, Indiana.

BE IT THEREFORE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELKHART COUNTY, INDIANA THAT:

Legal Description

Lot Number Two (2) as the said Lot is known and designated on the recorded Plat of Troyer and Nusbaum Subdivision; said Plat being recorded in Plat Book 34, page 52 in Office of Recorder of Elkhart County, Indiana.

BE rezoned from A-1 to M-1 effective immediately, and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Master Plan of Zoning for Elkhart County, Indiana as amended are hereby ordered amended and changed to reflect the said rezoning of said real estate.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA

THIS 20 **DAY OF** Oct **2014.**

BY ABSENT
Terry Rodino

BY
Mike Yoder

BY
Frank Lucchese

Attest: Pauline E. Graff
Pauline E. Graff Auditor for Elkhart County

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an appropriation reduction for the Major Moves-Construction fund for $785,000 to close out the SR 15 intersection improvement project, as requested by Tom Byers, County Administrator.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the Cum Cap Dev fund for $100,000 for software maintenance for the IT department, as requested by Tom Byers, County Administrator.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the General fund for $750,000 to replenish the Health Trust Fund, as also requested by Tom Byers, County Administrator.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the EDIT fund for $1,000,000 to be transferred to the General fund for the 214 county budget, as again requested by Tom Byers, County Administrator.

The reduction and three additional appropriations are as follows:

ELKHART COUNTY
APPROPRIATION REDUCTION REQUEST

DATE 10-15-2014 DEPARTMENT Commissioners (NAME) 1172/980 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	$ 785,000	131346	Cons/Recons	44600	Major Moves-Construction	1172
2						
3						
4						
5						
6						
7						
8						
TOTAL	**$ 785,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST Funds not needed for SR 15 intersection improvement project

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE 10-15-2014 DEPARTMENT Commissioners (NAME) 1138/980 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	100,000		Maintenance contracts	43520	CCDF	1138
2						
3						
4						
5						
6						
7						
8						
TOTAL	**100,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST Funds needed for software maintenance

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE 10-15-2014 DEPARTMENT Commissioners 1000/130
NAME NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	750,000		Transfer to 4700/980	45100	General	1000
2						
3						
4						
5						
6						
7						
8						
TOTAL	**750,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST Funds needed to replenish the Health Trust fund

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE 10-15-2014 DEPARTMENT Commissioners (NAME) 1112/980 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	1,000,000		Transfer between funds	45100	EDIT	1112
2			to 1000/980			
3						
4						
5						
6						
7						
8						
TOTAL	**1,000,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST Funds to be transferred to the General fund as approved in conjunction with 2014 county budget

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted the Solid Waste-Landfill report for September 2014 and placed it on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

October 27, 2014

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Pauline Graff, County Auditor and Tom Byers, County Administrator.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of Claims, as presented by the county auditor's office.

Bids were received for the sale of four (4) dump trucks for the highway department. All the trucks are to be sold together. Bids were received from Sergio Juarez for $10,100; Chicago Autoplex for $8,398 and Beer & Slabaugh, Inc. for $44,000.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted all the bids and awarded the bid to Beer & Slabaugh, Inc.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed the contract and Performance Bond with Walsh & Kelly for $205,955.50 for part II of the paving program for the highway department, as requested by Jeff Taylor, Manager of Transportation. They were the low bidder. A copy of the contract is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board gave permission to advertise for bids for the CR 40 reconstruction & realignment project, as requested by Jeff Taylor, Manager of Transportation. Bids will be taken on December 1, 2014.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen