MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

December 7, 2015

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 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 Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes of the November 16th & 30th, 2015 meetings and placed them on file.

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

Crystal Welsh from the Elkhart city planning department, asked for approval of a joint resolution with the city for the transfer of tax sale certificates of 40 parcels to the city of Elkhart for the redevelopment commission purposes. Those parcels will then be evaluated, submitted and hopefully entered into the Blight Elimination Program that the county, the city and LaCasa have been working together on.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and adopted the joint resolution as presented.

The Resolution is as follows:

COUNTY OF ELKHART RESOLUTION NO. 2015-372

CITY OF ELKHART RESOLUTION NO. R-45-15

JOINT RESOLUTION OF THE COUNTY OF ELKHART, INDIANA AND THE CITY OF ELKHART, INDIANA PURSUANT TO I.C. §36-1-11-8

WHEREAS the County of Elkhart, Indiana ("County") recently conducted and completed its 2015 tax sale pursuant to Indiana Code §6-1.1-24 et seq.;

WHEREAS certain real estate in Elkhart County, Indiana was offered for sale in the 2015 tax sale and an amount was not received nor bid equal to or in excess of the minimum sales price prescribed by Indiana Code §6-1.1-24-5(e);

WHEREAS County has acquired a lien in the amount of the minimum sales price with respect to the subject real estate identified by the parcel numbers shown in Exhibit A which is attached hereto and incorporated herein by reference;

WHEREAS the Elkhart County Auditor has issued tax sale certificates to the County for the subject real estate identified on Exhibit A pursuant to Indiana Code §6-1.1-24-6 and §6-1.1-24-9;

WHEREAS the City of Elkhart, Indiana ("City"), for and on behalf of the City of Elkhart Redevelopment Commission, has expressed an interest in acquiring the Exhibit A real estate in order to facilitate a possible redevelopment of the Exhibit A real estate for the betterment of the County and the City;

WHEREAS Indiana Code §36-1-11-8 contemplates the transfer of interests in real estate between governmental entities upon terms and conditions agreed upon by the entities as evidenced by the adoption of a substantially identical resolution by each entity;

NOW, THEREFORE, BE IT DETERMINED, ESTABLISHED, AND RESOLVED JOINTLY BY THE COUNTY OF ELKHART, INDIANA AND THE CITY OF ELKHART, INDIANA, AS FOLLOWS:

1. Following the approval and execution of this Joint Resolution by the County and the City, the County agrees to assign the original Certificates of Sale for the real estate identified on Exhibit A.

2. The City agrees to follow and comply with the required statutory procedures for the issuance of a tax title deed for the Exhibit A real estate pursuant to Indiana Code §6-1.1-25 et seq. The City agrees to indemnify, defend, and hold harmless the County from any and all claims, demands, actions, causes of action, and liabilities of any nature whatsoever arising from City's actions and/or omissions with respect to its obtaining and attempting to obtain a tax title deed to the Exhibit A real estate and from all judgments therefore, and for all expenses in defending or appealing said matters, including without limitation court costs, attorney fees, and other expenses.

3. In the event City is unsuccessful in obtaining a tax title deed to all or any part of the Exhibit A real estate and/or all or any part of the Exhibit A real estate is redeemed prior to the issuance of a tax title

deed pursuant to Indiana Code § 6-1.1-25 et seq., City shall return the Certificates of Sale to the County for any of the Exhibit A real estate parcels for which the City does not obtain a tax title deed. City shall have no right nor remedy against the County for any reason whatsoever in the event City is unsuccessful in obtaining a tax title deed for all or any part of the Exhibit A real estate. In the event that all or any part of the Exhibit A real estate is redeemed prior to the issuance of a tax title deed pursuant to Indiana Code § 6-1.1-25 et seq., the proceeds of the redemption received by the County shall be applied as required by law irrespective of and as if this Joint Resolution did not exist.

RESOLVED this 7 day of December 2015, by the County of Elkhart, Indiana.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By _____
Terry Rodino, President

By _____
Mike Yoder, Vice-President

By _____
Frank Lucchese

ATTEST:

_____
Pauline Graff
Elkhart County Auditor

RESOLVED this 16th day of November, 2015, by the City of Elkhart, Indiana.

COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA

By: _____
Brian Thomas, President

ATTEST:

_____
Sue Beadle, City Clerk

APPROVED this 18th day of November, 2015, by the Mayor of the City of Elkhart, Indiana.

_____
Dick Moore, Mayor

EXHIBIT A
2015 Tax Sale

	Parcel Number	Number	Street	Use
1	06-09-105-012-012	427	ASPENWALD	Blight Elimination Program
2	02-33-185-005-026	1504	BRISTOL STREET E	Blight Elimination Program
3	02-33-185-006-026	1508	BRISTOL STREET E	Blight Elimination Program
4	02-33-278-003-026	1708	BRISTOL STREET E	Blight Elimination Program
5	06-08-283-013-012	111	CHAPMAN	BEP Approved
6	06-05-333-015-012	141	FIFTH N	Blight Elimination Program
7	06-07-404-006-012	1510	FLAKE ST	BEP Approved
8	06-05-382-004-012	600	FRANKLIN W	Blight Elimination Program
9	06-07-330-019-012	1900	FRANKLIN W	Blight Elimination Program
10	06-07-330-025-012	1904	FRANKLIN W	Blight Elimination Program
11	06-08-331-009-012	601	GARFIELD W	Blight Elimination Program
12	06-08-305-004-012	1019	GARFIELD W	Blight Elimination Program
13	06-09-151-009-012	322	GROSS	Blight Elimination Program
14	06-09-157-030-012	323	GROSS	Blight Elimination Program
15	06-08-284-011-012	120	INDIANA W	Blight Elimination Program
16	06-08-281-033-012	208	INDIANA W	Blight Elimination Program
17	06-08-302-005-012	1017	INDIANA W	Blight Elimination Program
18	06-05-376-007-012	513	LEXINGTON W	Blight Elimination Program
19	06-09-102-016-012	0	MADISON	Blight Elimination Program
20	06-09-102-014-012	816	MADISON	Blight Elimination Program
21	06-08-231-011-012	1000	MAIN ST S	Blight Elimination Program
22	06-09-334-008-012	1634	MAIN ST S	Blight Elimination Program
23	06-16-207-016-012	2323	MAIN ST S	Blight Elimination Program
24	06-08-105-023-012	610	MARION W	Blight Elimination Program
25	06-08-126-016-012	625	MARION W	BEP Approved
26	06-08-105-018-012	632	MARION W	BEP Approved
27	06-07-176-004-012	0	OKEMA	Transfer to Habitat
28	06-07-176-003-012	1308	OKEMA	Transfer to Habitat
29	06-04-153-014-012	726	ORCHARD	Blight Elimination Program
30	06-08-282-010-012	0	PARK AVE	Blight Elimination Program
31	06-08-282-009-012	117	PARK AVE	Blight Elimination Program
32	06-08-278-039-012	126	PARK AVE	Blight Elimination Program
33	06-08-234-011-012	1026	SECOND ST S	Blight Elimination Program
34	06-08-234-013-012	1032	SECOND ST S	Blight Elimination Program
35	06-08-127-010-012	506	SIXTH ST S	Blight Elimination Program
36	06-05-481-040-012	160	STATE ST.	Blight Elimination Program
37	06-04-357-004-012	315	STATE ST.	Blight Elimination Program
38	06-08-233-006-012	916	THIRD ST S	Blight Elimination Program
39	06-05-357-016-012	624	VISTULA	Blight Elimination Program
40	06-05-181-029-012	416	WASHINGTON	BEP Approved

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed a deed with Sunrise Orchards, Inc. for property for the Kercher Bridge/CR 38 project, as requested by Gordon Lord, County Attorney. Part of the property and the house will go to Sunrise Orchards and the county will get the portion of the property needed for the project.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved final street acceptance of Woodbury Drive in Broadview Subdivision, Section 7 and released Travelers Casualty and Surety Company of America Bond No. 103927560 for $7,595 and Goshen Community Bank #6000003070 for $3,796, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved initial street acceptance in The Summit-Section 8 and released Vanguard Account #9910388169 for $166,530.00, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted An Ordinance Enacting and Adopting the 2015 S-3 Supplement to the Code of Ordinances for the County, as requested by Tom Byers, County Administrator.

The Ordinance is as follows:

COMMISSIONER ORDINANCE NO. 2015-376

AN ORDINANCE ENACTING AND ADOPTING THE 2015 S-3 SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE COUNTY OF ELKHART, INDIANA

WHEREAS, Indiana Code 36-1-5-3 requires the legislative body of a unit to codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The Board of Commissioners of the County of Elkhart (the "Elkhart County Commissioners") and The Elkhart County Council ordained and adopted Council Ordinance No. CC-2014-04 / Commissioner Ordinance No. 2014-145, titled "An Ordinance Enacting a Code of Ordinances for the County of Elkhart, Indiana, Codifying, Revising, Rearranging, and Compiling Certain of its Existing General Ordinances, Orders and Resolutions and Dealing with Subjects Embraced in such Code of Ordinances" (the "Code Adopting Ordinance"). The Code Adopting Ordinance enacted the "Elkhart County, Indiana, Code of Ordinances," also referred to by the shorter title of the "Elkhart County Code." The Elkhart County Code codified, revised, rearranged, and compiled the ordinances, orders, and resolutions of a general and permanent nature of the County of Elkhart, Indiana, ("Elkhart County") pertaining to the subjects contained in or covered by the Elkhart County Code. Two printed copies of the Elkhart County Code have been on file in the office of the Elkhart County Auditor for public inspection, and an electronic copy has been available online, currently at http://www.amlegal.com/codes/client/elkhart-county_in/.

WHEREAS, the Elkhart County Code as initially enacted by the Code Adopting Ordinance was current through Elkhart County ordinances, orders, and resolutions passed on or before November 2, 2013, and since that date the Elkhart County Commissioners have periodically supplemented the Elkhart County Code with new ordinances, orders, and resolutions of a general and permanent nature pertaining to the subjects contained in or covered by the Elkhart County Code. The

most recent supplement was ordained and adopted as Commissioner Ordinance No. 2015-231, titled "An Ordinance Enacting and Adopting the 2015 S-2 Supplement to the Code of Ordinances for the County of Elkhart, Indiana" (the "S-2 Supplement Adopting Ordinance"). The S-2 Supplement Adopting Ordinance enacted and adopted a supplement to the Elkhart County Code titled the "2015 S-2 Supplement," which incorporated Elkhart County ordinances, orders, and resolutions of a general and permanent nature passed on or before January 31, 2015, pertaining to the subjects contained in or covered by the Elkhart County Code.

WHEREAS, a supplement to the Elkhart County Code titled the "2015 S-3 Supplement" has been prepared to incorporate Elkhart County ordinances, orders, and resolutions of a general and permanent nature passed on or before July 31, 2015, pertaining to the subjects contained in or covered by the Elkhart County Code. Attached hereto as Exhibit A is a copy of the new 2015 S-3 Supplement pages beginning with instruction sheets detailing the appropriate insertion of new pages into the Elkhart County Code and removal of old pages from the Elkhart County Code.

NOW, THEREFORE, BE IT ORDAINED, ORDERED AND ESTABLISHED by the Elkhart County Commissioners that:

1. The 2015 S-3 Supplement is hereby adopted and incorporated into the Elkhart County Code.

2. Two copies of the Elkhart County Code, as supplemented by the 2015 S-3 Supplement and prior supplements, will be on file in the office of the Elkhart County Auditor for public inspection. An electronic copy will be available online at http://www.amlegal.com/codes/client/elkhart-county_in/ or at another publically accessible online location.

3. The Elkhart County Code, as supplemented by the 2015 S-3 Supplement and prior

supplements, continues in full force and effect, and it continues to constitute presumptive evidence in any and all legal proceedings and places:

a. of its provisions;

b. of its date of adoption;

c. that it has been properly signed, attested, recorded, and approved; and

d. that any public hearings required have been held, with any notices required given.

ORDAINED AND ADOPTED this 7 day of December, 2015.

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted the Proclamation for "Indiana Statehood Day & the Official Kickoff of the Bicentennial" on December 11, 2015. The bicentennial flag will be hung on Friday, December 11, 2015.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted the Weights & Measures report for October 16th-November 15th, 2015 and the Solid Waste-Landfill report for November 2015 and placed them on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a deed from the county to the county for parcel #79 for the CR 38 project, as requested by Gordon Lord, County Attorney.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved extending the deadline until March 1, 2016 to sign a sale agreement for the Sunset property, as requested by Gordon Lord, County Attorney.

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

December 14, 2015

President Terry Rodino called the meeting to order at 9:00 a.m. in the Commissioners' meeting room 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 Dawn Truex from the county auditor's office; 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 and the Payroll Claims, as presented by the county auditor's office.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

December 21, 2015

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 Sheriff Brad Rogers; Dawn Truex from the county auditor's office; 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 Minutes of the December 7th & 14th, 2015 meetings and placed them on file.

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

Mark Kanney from planning and development presented a request for Alvin J. Heims, represented by Progressive Engineering, Inc., for a zone map change from R-2 to A-1 for property located on the east side of CR 43, 3,800 feet south of SR 120 in York 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 and unanimously carried, the Board closed the public hearing.

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

The Ordinance is as follows:

ORDINANCE NO. PC 2015-18

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2014-20 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM R-2 TO A-1.

WHEREAS, Alvin J. Heims, represented by Progressive Engineering submitted an application to rezone real estate hereinafter described from R-2 to A-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 12th day of November, 2015, recommend approval of a zone change from R-2 to A-1 and filed their recommendation 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 Attachment "A"

BE rezoned from R-2 to A-1 effective immediately, and the zone maps dated November 18, 2014, and made a part of Section 4.1.2 of the Elkhart County Zoning Ordinance 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 21ST DAY OF DECEMBER, 2015

BY _____
Terry Rodino

BY _____
Mike Yoder

BY _____
Frank Lucchese

Attest: Pauline E. Graff/AT
Pauline E. Graff, Auditor for Elkhart County

ATTACHMENT "A"

LEGAL DESCRIPTION FOR THAT PART OF HERITAGE TRAILS, A SUBDIVISION FOUND IN PLAT BOOK 36, PAGE 7, ELKHART COUNTY, INDIANA TO BE REZONED FROM R-2 TO A-1

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 7 EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA, DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE SOUTH 2 DEGREES 40'10" EAST (ASSUMED BEARING PER RECORDED PLAT OF FOREST LAKES V), A DISTANCE OF 1319.59 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE SOUTH 89 DEGREES 58'54" WEST, ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 1344.43 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE WEST, ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 1352 FEET, MORE OR LESS, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE NORTH, ON SAID WEST LINE, 330 FEET, MORE OR LESS, TO THE NORTH LINE OF A TRACT OF LAND OWNED BY ALVIN J. HEIMS, AS FOUND IN DEED RECORD 2006-32770 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA; THENCE EAST, ON THE NORTH LINE OF SAID HEIMS PARCEL, 1345 FEET, MORE OR LESS, TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE SOUTH, ON SAID EAST LINE, 330 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 10 ACRES, MORE OR LESS.

Jason Auvil from planning and development presented a request for Atlee O. & Mary Jane Bontrager, represented by J. Charles Zercher from Kindig & Sloat, PC, for a zone map change from M-2 to A-1 for property located on the northeast corner of CR 56 and CR 100 in Locke Township. The Plan Commission has recommended approval of the request. The original zoning for this parcel was established in 1959. Charles Zercher, representing the petitioner, said his client wanted to construct a building on this property and they needed the proper zoning in place. There were no other comments from anyone in the audience. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously 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 and adopted an ordinance establishing the rezoning from M-2 to A-1 as requested.

The Ordinance is as follows:

ORDINANCE NO. PC 2015-19

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2014-20 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED M-2 TO A-1.

WHEREAS, Atlee O. & Mary Jane Bontrager, represented by J. Charles Zercher, Kindig and Sloat, PC submitted an application to rezone real estate hereinafter described from **M-2** to **A-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 November 12, 2015 recommend approval of a zone change from **M-2** to **A-1** 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 – See Attachment "A"

BE rezoned from **M-2** to **A-1** effective immediately, and the zone maps dated November 18, 2014, and made a part of Section 4.1.2 of the Elkhart County Zoning Ordinance 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 21st DAY OF DECEMBER, 2015

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

Attest: _____
Pauline Graff, Elkhart County Auditor

A part of the West Half (W½) of the Northeast Quarter (NE¼) of Section 34, Township 35 North, Range 4 East, more fully described as follows:

Beginning at the Southeast corner of said West Half (W½) of the Northeast Quarter (NE¼) of said Section 34, and running thence West along the South line of the West Half (W½) of the Northeast Quarter (NE¼) aforesaid a distance of 443 feet for the point of beginning of this description, said point being the Southwest corner of lands recently conveyed to Laura Schmucker; thence continuing West on said bearing approximately 876.5 feet to the Southwest corner of said Northeast Quarter (NE¼) of Section 34; thence North along the West line of said Quarter Section approximately 600 feet to the South line of the Baltimore and Ohio Railroad right-of-way; thence Eastwardly along the South line of said Railroad right-of-way to the Northwest corner of land conveyed to Laura Schmucker; thence South along the West line of Schmucker land approximately 513 feet to the point of beginning and containing 11.18 Acres, more or less.

Jason Auvil from planning and development presented a request for Steven & Marilyn Yoder for a zone map change from A-1 & M-1 & M-2 to A-1 for property located on the north side of CR 16, 1,100 feet east of CR 116 in Middlebury Township. The Plan Commission has recommended approval of the request. Mr. Auvil said this property is near a railroad line so there were various zonings and they wanted all the property to have the same zoning. Steven Yoder said they wanted to change the zoning so they could build on the property. 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.

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

The Ordinance is as follows:

PC
ORDINANCE NO. 2015-20

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2014-20 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM A-1 & M-1 & M-2 TO A-1.

WHEREAS, Steven & Marilyn Yoder submitted an application to rezone real estate hereinafter described from **A-1 & M-1 & M-2** to A-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 November 12, 2015 recommend approval of a zone change from **A-1 & M-1 & M-2** to A-1 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 – See Attachment "A"

BE rezoned from **A-1 & M-1 & M-2** to A-1 effective immediately, and the zone maps dated November 18, 2014, and made a part of Section 4.1.2 of the Elkhart County Zoning Ordinance 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 21st DAY OF DECEMBER, 2015

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

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

Part of the East ½ of the Northwest ¼ of Section 11, Township 37 North, Range 7 East, situate in Middlebury Township, Elkhart County, State of Indiana and being more particularly described as follows:

Commencing at the Southwest corner of the East ½ of the Northwest ¼ of said Section 11; thence North 00°15'57" West along the West line of the East ½ of the Northwest ¼ of said Section 11 a distance of 622.29 feet to the place of beginning of this description; thence continuing North 00°15'57" West along the West line of the East ½ of the Northwest ¼ of said Section 11, a distance of 2014.00 feet to the South line of land conveyed to the Friends of the Pumpkinvine Nature Trail, Inc. in Document Number 94-000031 in the records of the Recorder of Elkhart County, Indiana; thence South 88°31'17" East along the said South line a distance of 1352.66 feet to the East line of the East ½ of the Northwest ¼ of said Section 11; thence South 00°00'00" West along the East line of the East ½ of the Northwest ¼ of said Section 11 a distance of 2630.50 feet to the Southeast corner of the Northwest ¼ of said Section 11; thence North 88°45'16" West along the South line of the Northwest ¼ of said Section 11 a distance of 430.30 feet; thence North 00°15'57" West parallel with the East line of the East ½ of the Northwest ¼ of said Section 11 a distance of 622.29 feet; thence North 88°45'16" West parallel with the South line of the Northwest ¼ of said Section 11 a distance of 910.00 feet to the place of beginning of this description.

EXCEPT:
Part of the Southeast ¼ of the Southwest ¼ of Section 2, and part of the East ½ of the Northwest ¼ of Section 11, Township 37 North, Range 7 East, situate in Middlebury Township, Elkhart County, State of Indiana and being more particularly described as follows:

Beginning at the intersection of the West line of land conveyed to Darryl & Maxine K. Zook in Deed Record 416, Page 666, in the records of the Recorder of Elkhart County, Indiana with the North line of land conveyed to the Friends of the Pumpkinvine Nature Trail, Inc. in Document Number 94-000031 in the records of the Recorder of Elkhart County, Indiana; thence East along the Said North line a distance of 35.00 feet; thence South 80.00 feet to a point on the South line of said Pumpkinvine land said point being 35.00 feet East of the West line of the East ½ of the Northwest ¼ of said Section 11; thence West along the said South line a distance of 35.00 feet to the West line of the East ½ of the Northwest ¼ of said Section 11; thence North 80.00 feet to the place of beginning of this description.

ALSO EXCEPT:
A part of the East Half of the Northwest Quarter of Section 11, Township 37 North, Range 7 East, Middlebury Township, Elkhart County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of the East Half of the Northwest Quarter of said Section 11; thence North 0°15'57" West along the West line of the East Half of the Northwest Quarter of said Section 11, a distance of 622.29 feet; thence continuing North 0°15'57" West along the West line of the East Half of the Northwest Quarter of said Section 11, a distance of 2014 feet to the South line of land conveyed to the Friends of the Pumpkinvine Nature Trail, Inc., in Document Number 94-000031 in the records of the Recorder of Elkhart County, Indiana, the point of beginning of this description; thence South 88°31'17" East along the said South line, a distance of approximately 700 feet to a point; thence South 0°0'0" West, a distance of approximately 590 feet; thence North 88°45'16" West, approximately 700 feet to the West line of the East half to the Northeast Quarter of said Section 11; thence North 0°15'57" West along said West line, a distance of approximately 590 feet to the point of beginning.

EXEPCTING THEREFROM: A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE NORTH 88 DEGREES 45'08" WEST, ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 1340.12 FEET TO A COTTON PICKER SPINDLE MARKING THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE NORTH 00 DEGREES 15'28" WEST, ON THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 2036.98 FEET TO A 5/8 INCH CAPPED REBAR AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 15'28" WEST, ON THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 583.42 FEET TO A 5/8 INCH CAPPED REBAR ON THE SOUTH LINE OF THE PUMPKIN VINE NATURE TRAIL; THENCE SOUTH 88 DEGREES 43'23" EAST ON THE SOUTH LINE OF SAID PUMPKIN VINE NATURE TRAIL, 796.00 FEET TO A 5/8 INCH CAPPED REBAR; THENCE SOUTH 00 DEGREES 18'54" EAST 635.50 FEET TO A 5/8 INCH CAPPED REBAR; THENCE NORTH 88 DEGREES 28'29" WEST 668.00 FEET TO A 5/8 INCH CAPPED REBAR; THENCE NORTH 68 DEGREES 01'16" WEST 139.01 FEET TO THE POINT OF BEGINNING.

Jason Auvil from planning and development presented a request for Gregory T. & Bethany S. Shank for zone map change from A-1/R-1 to A-1 for property located on the west side of CR 23, north of CR 146 E in Jackson Township. The Plan Commission has recommended approval of the request. Gregory Shank said they want the property rezoned so they can clean up the property and make the zoning consistent with the use of the property. 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.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the zone map change from A-1/R-1 to A-1 and adopted an ordinance establishing this zone map change.

The Ordinance is as follows:

PC

ORDINANCE NO. 2015-21

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2014-20 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM M-1 & R-1 to A-1.

WHEREAS, Gregory T. & Bethany S. Shank submitted an application to rezone real estate hereinafter described from **M-1 & R-1** to A-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 November 12, 2015 recommend approval of a zone change from **M-1 & R-1** to A-1 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 – See Attachment "A"

BE rezoned from **M-1 & R-1** to A-1 effective immediately, and the zone maps dated November 18, 2014, and made a part of Section 4.1.2 of the Elkhart County Zoning Ordinance 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 21st DAY OF DECEMBER, 2015

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

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

Part of the Northeast Quarter of Section 16, Township 35 North, Range 6 East of the Second (2nd) P.M. Jackson Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of Section 16 and running thence North 89 degrees 5 minutes East on the North line of said section, 2038.9 feet; thence North 88 degrees 55 minutes East on the North line of said section, 1449.5 feet to an iron stake on the East line of a railroad; thence South 9 degrees 08 minutes West 2061.1 feet on this East right of way line to the point of beginning of this description; thence North 89 degrees 54 minutes 14 seconds East, a distance of 481.52 feet to an iron pipe found on the West line of the property described in Instrument Number 98 018144 recorded in the Office of the Recorder of Elkhart County, Indiana; thence south 08 degrees 53 minutes 51 seconds West a distance of 90.78 feet to a pinch pipe found; thence South 89 degrees 51 minutes 07 seconds East a distance of 207.00 feet to a point in the centerline of County Road 23; thence South 07 degrees 56 minutes 12 seconds West along said center line a distance of 50.10 feet to a point; thence North 89 degrees 29 minutes 34 seconds West a distance of 189.10 feet to an iron pipe found; thence South 08 degrees 46 minutes 30 seconds West a distance of 100.25 feet (measured) to an iron pipe found on the North line of a property described in Instrument Number 98 13694 recorded in the Office of the Recorder of Elkhart County, Indiana; thence South 89 degrees 52 minutes 01 seconds West, along said line, a distance of 499.56 feet to a concrete post on the East right of way of the aforementioned railroad; thence North 08 degrees 42 minutes 30 seconds East along said right of way line a distance of 240.37 feet to the point of beginning of this description, containing 2.90 acres, more or less.

ALSO

Commencing at the Northwest corner of Section 16 and running thence North 89 degrees 5 minutes East on the North line of said section, 2038.9 feet; thence North 88 degrees 55 minutes east on the North line of said section, 1449.5 feet to an iron stake on the east line of the railroad; thence South 9 degrees 08 minutes West 2302.1 feet on this east right of way line to the point of beginning of this description; thence North 89 degrees 52 minutes 01 second East, a distance of 499.56 feet to an pipe found; thence South 08 degrees 46 minutes 30 seconds West, a distance of 9.59 feet; thence South 89 degrees 52 minutes 01 second West, a distance of 499.56 feet to a point on the East right of way of the aforementioned railroad; thence North 08 degrees 42 minutes 30 seconds East along said right of way line, a distance of 9.59 feet to the point of beginning of this description, containing 0.11 acre, more or less.

Jason Auvil from planning and development presented a request for Ripplecreek, LLC, represented by B. Doriot & Associates, Inc., for the vacation of an east/west alley right-of-way located on the east side of CR 13, 614 feet south of CR 142 in Union Township. The Plan Commission has recommended approval of the vacation request. Orie Miller, owner of Ripplecreek LLC, said they have been maintaining this property for a long time and decided it should be vacated so they own it. Mr. Auvil noted that the county will be reserving the right for a utility easement for sewer, electric, etc. There was no one else in the audience that made any comments regarding this vacation request. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously 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 vacation request with the easement and adopted ordinance vacating the property.

The Vacation Ordinance is as follows:

2015-26543

ELKHART COUNTY RECORDER
JENNIFER L. DORIOT
FILED FOR RECORD ON
AS PRESENTED
12/28/2015 11:17 AM

FILED
DEC 28 2015
ELKHART COUNTY
AUDITOR

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

A Petition having heretofore been filed with the Board of Commissioners of Elkhart County, Indiana on the 21st day of December, 2015, 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 12th day of November, 2015, and the hearing before the Board of Commissioners of Elkhart County having been held on the 21st day of December, 2015; 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 as to said hearing having been published in the Goshen News on the 30th day of October, 2015, and in the Elkhart Truth on the 31st day of October, 2015, 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.

8 0 8 7 1 7 2
Tx:4051696

Ripplecreek

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: **See "Attachment A."**

3. That title in fee simple to the above vacated property shall be transferred to 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.

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.

5. That Elkhart County reserves and/or the property owner agrees to donate a utility easement to remain across the existing alley right-of-way for a potential Foraker sewer installation project.

Dated this 21st day of December, 2015.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By _____
Terry Rodino

By _____
Mike Yoder

By _____
Frank Lucchese

Attest:

_____
Auditor, Elkhart County, Indiana

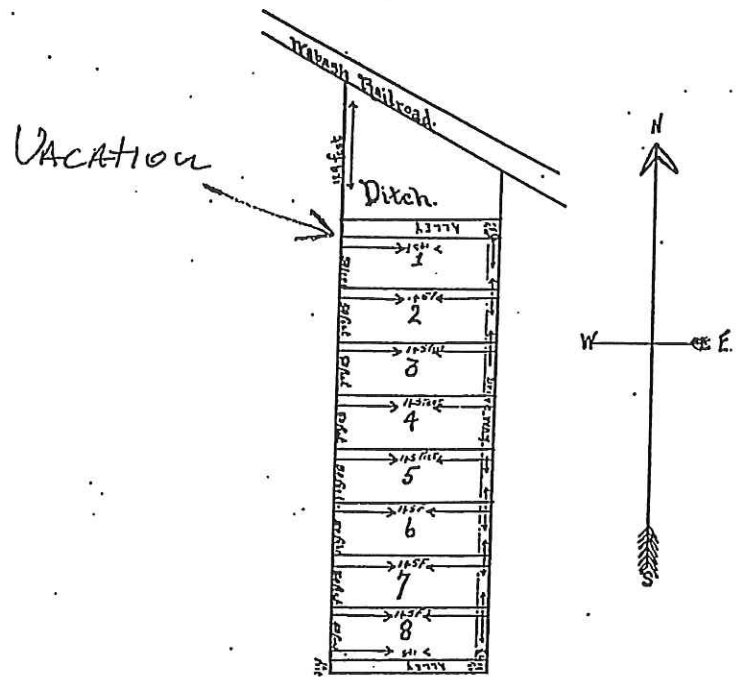
Attachment A

Alley VACATION 14' wide is surrounded by property ~~[illegible]~~ owned by the petitioner & is not used by public or maintained by County

All that portion of the 14' Alley platted North of Lot #1 HS Known & designated on the Plat of Culps ~~of~~ Addition to Forsaken in Plat book 1 Pg 186 in the office of the Recorder of Elkhart County

Plat of

Culp Addition to Foraker, Indiana.



Scale: 1/8 inches to 10 feet.

Beginning point on west line section two (2) in township thirty five (35) north of range five (5) east; 129 feet south of Wabash railroad.

Dimensions marked on plat.

Explanation of Plat.

The Culp addition to the town of Foraker, Indiana is located as the attached plat indicates as follows; To-wit; Commencing on the west line of the south west quarter (1/4) of section two (2) in township thirty five (35) north of range five (5) east; one hundred and twenty nine (129) feet south of the Wabash rail road land; thence south on the section line four hundred and twenty eight (428) feet; thence east one hundred and forty five (145) feet; thence north four hundred and twenty eight (428) feet; thence west one hundred and forty five (145) feet to place of beginning. All lots are fifty feet wide and one hundred and forty five feet long but ten (10) feet off the east end of all lots shall be used for drive way and shall remain unobstructed. Alleys at north and south ends of plat are fourteen feet in width. Lots are numbered consecutively from north to south in numbers from one to eight inclusive.

Albert Culp, proprietor.

State of Indiana }
Elkhart County } s.s.:

Before me the undersigned, a notary public in and for said county, personally appeared Albert Culp and acknowledged the execution of the plat hereto annexed this 29th day of January 1919.

Witness my hand and notarial seal

Wallace W. Mehl, Notary Public

My Commission Expires December 7th 1920.

Recorded January 30th 1919 at 10:45 a.

Jno N. Swart
Recorder Elk.

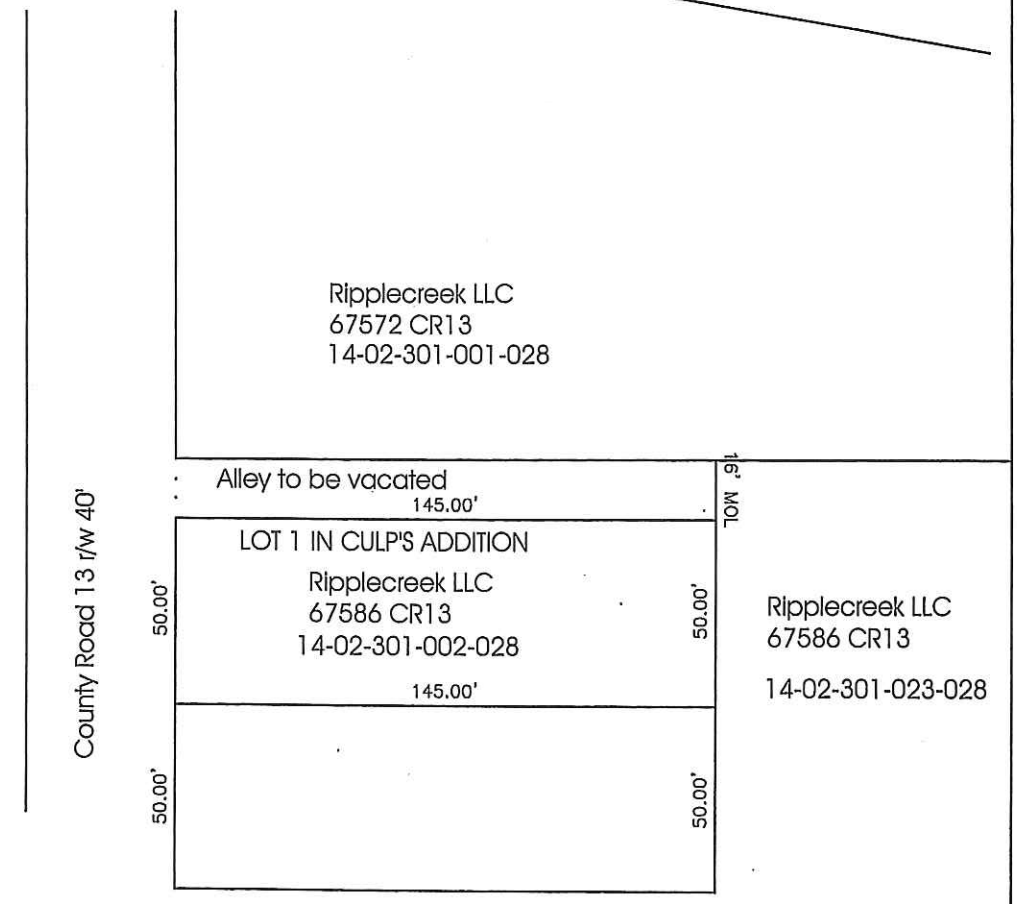
Seal.

Duly entered for taxation
Jan. 30, 1919
A.R. Bannendorfer, auditor

Transfer fee 80¢

For Contract see Deed Record 132 Page 33. Dated [illegible]

Vacation Plot Plan



0 40 80

SCALE 1"=40'

Lines of occupation shown

Prepared for:
Ripplecreek LLC
2004 Elkhart Road Ste A
Goshen, Indiana 46526
Property Address:
67572/67586 CR13
Goshen, IN 46526
Job #150096

PLAT NOTES:
- 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 noted as follows: M=Measured, R=Recorded, C=Calculated.

Transaction Note: This document is prepared solely for use by the transaction hereon. 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 prepared by others.

I, C. Blake Doriot, a licensed Land Surveyor in the State of Indiana, do hereby certify that a Plat of the real estate described hereon was made under my direction.

DECEMBER 21, 2015

B. DORIOT & ASSOCIATES, INC.
P.O. Box 465 New Paris, IN 46553
574-536-7278 FAX 457-2905

PAGE 399

C. Blake Doriot, P.L.S. #890028

Mark Kanney from planning and development presented a request for the Diocese of Ft. Wayne St. Vincent Cemetery, represented by B. Doriot & Associates, Inc., for the vacation of a portion of a county right-of-way known as Illinois Street located on the south end of Jones Street, 521 feet south of CR 16, 344 ft. west of Nappanee Street (SR 19) in Baugo Township. The Plan Commission has recommended approval of the vacation request. This is a public right-of-way dedicated in 1925. The cemetery was in existence at that time and the Diocese owns both sides of this property. There was no remonstrance at the public hearing. There was no one in the audience to speak regarding this request. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

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

The Vacation Ordinance is as follows:

2015-26544

ELKHART COUNTY RECORDER
JENNIFER L. DORIOT
FILED FOR RECORD ON
AS PRESENTED
12/28/2015 11:17 AM

FILED
DEC 28 2015
ELKHART COUNTY
AUDITOR

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

A Petition having heretofore been filed with the Board of Commissioners of Elkhart County, Indiana on the 21st day of December, 2015, 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 12th day of November, 2015, and the hearing before the Board of Commissioners of Elkhart County having been held on the 21st day of December, 2015; 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 as to said hearing having been published in the Goshen News on the 30th day of October, 2015, and in the Elkhart Truth on the 31st day of October, 2015, 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.

locese

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: **See "Attachment A."**

3. That title in fee simple to the above vacated property shall be transferred to 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.

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 21st day of December, 2015.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By _____
Terry Rodino

By _____
Mike Yoder

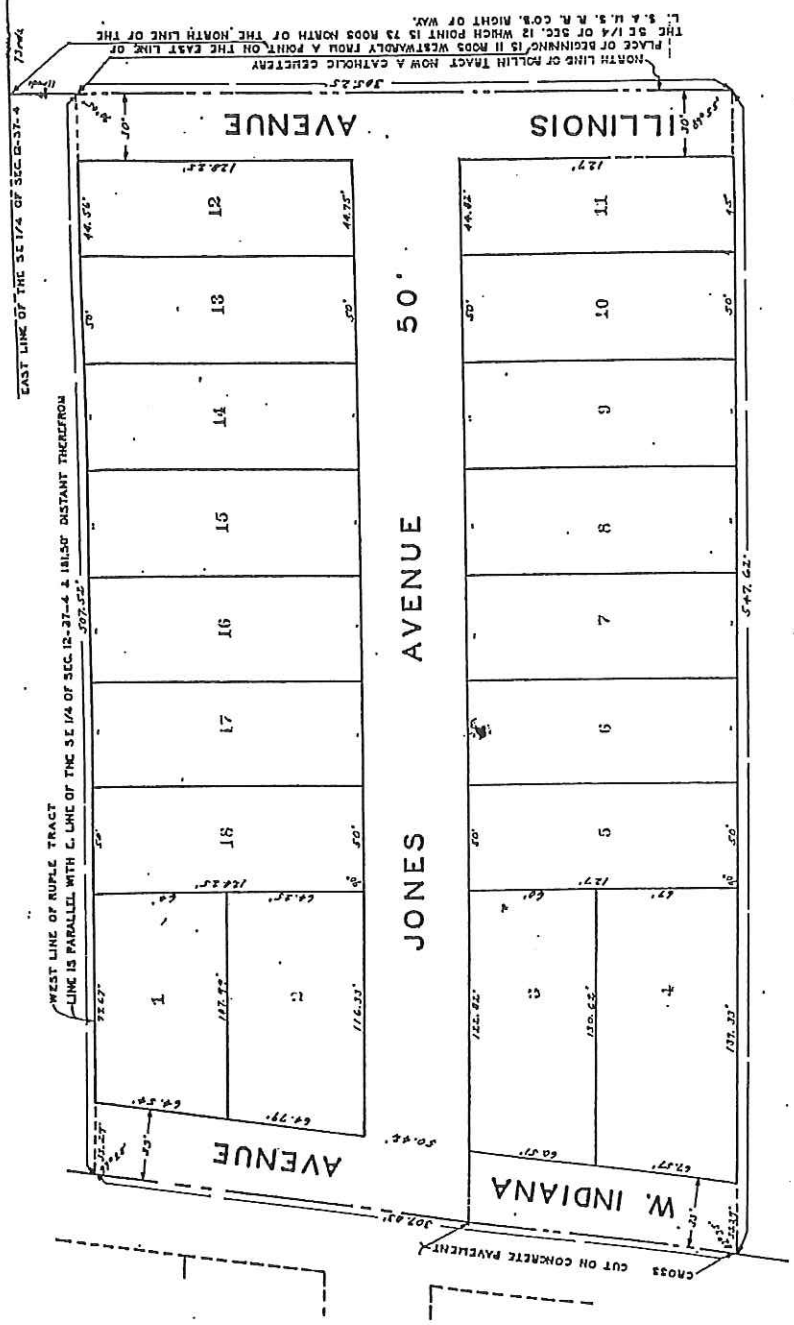
By _____
Frank Lucchese

Attest:

_____
Auditor, Elkhart County, Indiana

VACATION of the west 127 feet more or less of Illinois St be South of Lot 11 ~~AS~~ shown on the Recorded Plat of Huffmans West view Addition Recorden in Plat book 2 page 12 in the Elkhart County Reorders office.

The Road way is unimproved & the cemetey owns on both sides & wished to Expand North to Lots 11 & 10



State of Indiana, Elkhart County, ss:

I, John Kinney, a notary, hereby certify that the above map is a true and accurate plat of a sub-division in Baugo Township, Elkhart County, State of Indiana as "Huffman's West View Addition" and that the lots are numbered and the dimensions thereof are given in feet and decimals of a foot as designated on said plat.

Said sub-division is "a part of the SE 1/4 of the Northeast quarter of Section 12 Township 37 North, Range 4 East (4) and more particularly described as follows: Beginning at the southeast corner of a tract of land in the said SE 1/4 of Section 12 Township 37 North, Range 4 East (4) East, Huffman conveyed by Lewis C. Johnson and Matilda Johnson, his wife, to Rebecca Ruple by deed, reference being had to said deed of record in said Recorder's office; thence North 0° 15' West, and on the west line of a tract of land now owned by Eli Cady and Sarah A. Cady as Cady Addition, reference being had to said last named plat of record in said Recorder's office 181.50 feet; thence West on the south line of the tract of land as conveyed to said Rebecca Ruple by deed, reference being had to said deed of record in said Recorder's office 181.50 feet; thence North parallel with the east line of said Section, to the center of the Christian Road as the same is now laid out and traveled; thence southeasterly along the center of said road to the northwesterly corner of the tract of land as deeded to Rebecca Ruple; thence South 0° 15' East, 502.92 feet to the place of beginning containing four and one-fourth acres of land, more or less.

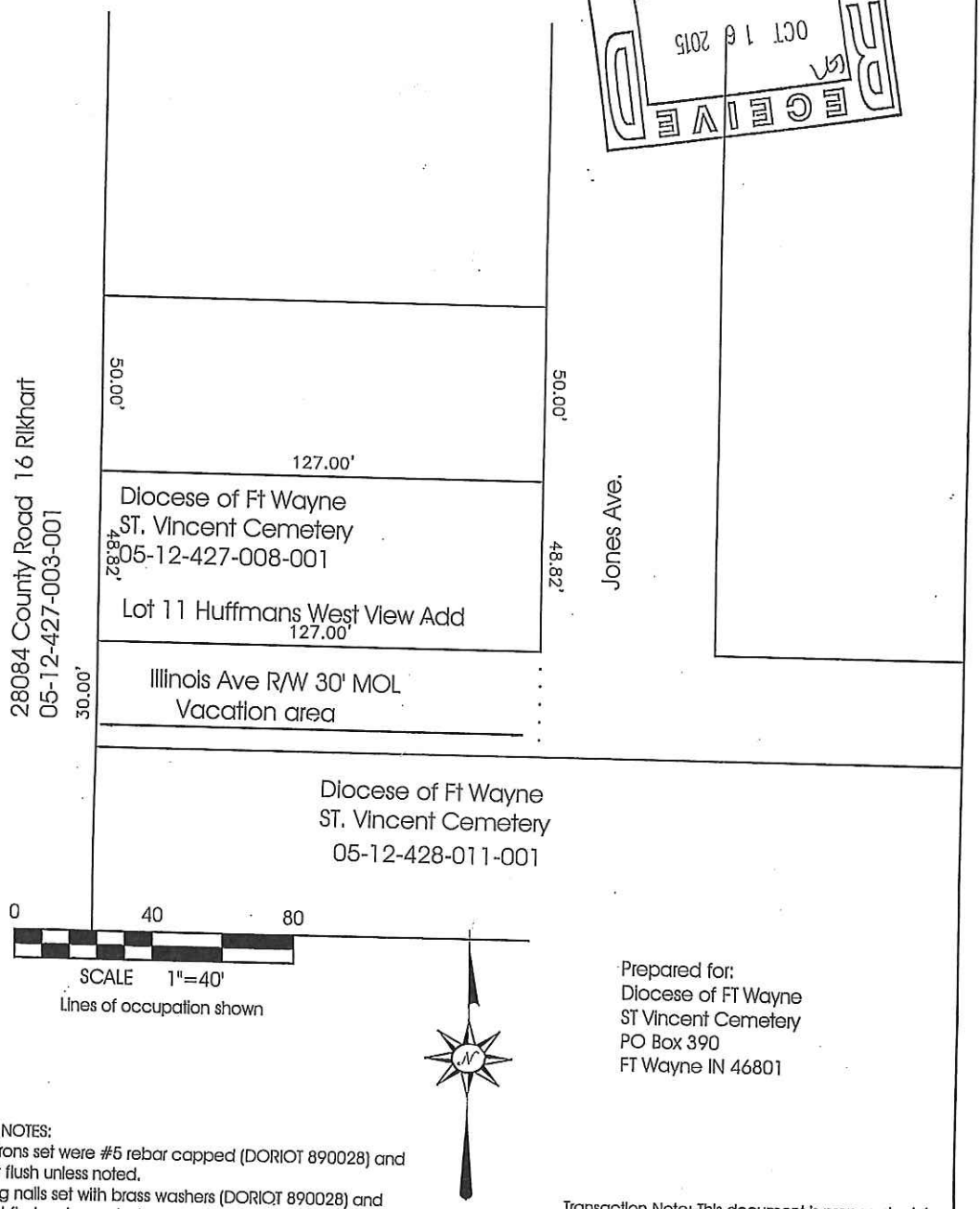
Subject to highway and drainage easements of record.

Witness my hand and seal this 21 day of September, 1925.

John Kinney

Vacation Plot Plan

RECEIVED
OCT 16 2015
DEPT. OF PUBLIC SERVICE



Prepared for:
Diocese of FT Wayne
ST Vincent Cemetery
PO Box 390
FT Wayne IN 46801

PLAT NOTES:
- 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 noted as follows: M=Measured, R=Recorded, C=Calculated.

Transaction Note: This document is prepared solely for use by the transaction hereon. 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 prepared by others.

I, C. Blake Doriot, a licensed Land Surveyor in the State of Indiana, do hereby certify that a Plat of the real estate described hereon was made under my direction.

DECEMBER 21, 2015

B. DORIOT & ASSOCIATES, INC.
P.O. Box 465 New Paris, IN 46553
574-536-7278 FAX 457-2905

C. Blake Doriot, P.L.S. #890028

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved Secondary approval of a DPUD known as Yoder Concrete, LLC DPUD for Larry J. & Linda Sue Yoder, represented by Brads-Ko Engineering & Surveying, Inc., located on the west side of SR 13, 2,800 feet north of CR 38 in Clinton Township, as requested by Mark Kanney from planning and development.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a design agreement with Lochmueller Group, Inc. for the CR 8 multi-use path along CR 8 between Echo Lane and Bristol not to exceed $183,300, as requested by Jeff Taylor, Manager of Transportation. This will be paid for by the Redevelopment Commission but the engineering will be done by the highway department. A copy of the agreement is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted the Summit Street Bridge in Nappanee into the Elkhart County bridge inventory, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved selling a used wood burner at the highway department to Potawatomi Park, Inc. for $4,000, as requested by Jeff Taylor, Manager of Transportation.

Craig Buche from the county attorney's office addressed some of the changes that have been made to the county highway's street standards. Jeff Taylor, Manager of Transportation, also pointed out some of the changes. An ordinance needs to be adopted to adopt the new street standards.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adopted an ordinance adopting the 2016 street standards.

The Ordinance is follows:

ORDINANCE NO. 2015-408

AN ORDINANCE OF THE COUNTY OF ELKHART, INDIANA ADOPTING THE 2016 STREET STANDARDS

WHEREAS Indiana Code Sections 36-1-3 et seq. permit any county in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its county or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the County executive and legislative body and is by law authorized to adopt ordinances and resolutions for the public health, safety, and general welfare of its residents;

WHEREAS the Elkhart County Highway Department has reviewed and updated its Street Standards and recommends their adoption effective January 1, 2016;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana deems it reasonable and appropriate to revise and update the Street Standards effective January 1, 2016;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, RESOLVED, AND ORDAINED by the Board of Commissioners of the County of Elkhart, Indiana as follows:

1. That the Elkhart County Roads Guidelines and Standards for Design and Public Improvement attached hereto and identified as the "Street Standards" are hereby approved and adopted effective January 1, 2016.

2. This Ordinance is effective upon its date of adoption.

ORDAINED this 21st day of December, 2015.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By: _____
Terry J. Rodino, President

By: _____
Mike Yoder, Vice President

By: _____
Frank R. Lucchese, Member

ATTEST:

Pauline E. Graff

Pauline E. Graff, Elkhart County Auditor

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board awarded the quote for clearing trees on CR 38 to Brian's Tree Service at a cost of $43,000, as requested by Jeff Taylor, Manager of Transportation. They submitted the lowest quote for the project.

Tom Byers, County Administrator, explained to the Board that an ordinance needs to be adopted authorizing coverage for non-individual bonded county employees. This is being done instead of bonding each county employee that handles any amount of money. The State Board of Accounts has agreed to this. There are three options for this new legislation and it was decided to increase our crime insurance policy from $500,000 to $1,000,000 and that will put us in compliance with the new law.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adopted an ordinance authorizing coverage for non-individual bonded employees.

The Ordinance is as follows:

ELKHART COUNTY COUNCIL ORDINANCE NO. CC-2016-____

ELKHART COUNTY COMMISSIONER ORDINANCE NO. 2015-410

AN ORDINANCE OF THE COUNTY OF ELKHART, INDIANA AUTHORIZING COVERAGE FOR NON-INDIVIDUAL BONDED EMPLOYEES

WHEREAS Indiana Code Sections 36-1-3 et seq. permit any county in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its county or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS the Elkhart County Council is the County fiscal body for Elkhart County, Indiana and is by law authorized to adopt ordinances and resolutions for the administration of its fiscal matters;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the executive and legislative body for Elkhart County and is by law authorized to adopt ordinances and resolutions for the administration of its risk management function to minimize risk of loss and liability risks;

WHEREAS Senate Enrolled Act 393 from the First Regular Section of the 119th General Assembly has changed certain requirements with respect to surety bond requirements for Elkhart County officers and employees;

WHEREAS the Indiana State Board of Accounts has noted that it will not take audit exception to blanket bonds, schedule bonds, and crime insurance policies to cover officers, employees, and contractors required to be bonded provided that they meet certain statutory requirements;

WHEREAS the Elkhart County Council and the Elkhart County Commissioners deem it reasonable and appropriate to authorize blanket bonds, schedule bonds, and crime insurance policies as financial assurance instruments to cover officers, employees, and contractors required to be bonded in accordance with the terms and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDERED, RESOLVED, ESTABLISHED, AND ORDAINED by the Elkhart County Council and the Board of Commissioners of the County of Elkhart, Indiana as follows:

1. Authorization. For Elkhart County officers, employees, and contractors required to be bonded by law, but who do not have an individual surety bond, the County of Elkhart, Indiana may provide coverage to such officers, employees, and contractors through any of the following financial assurance instruments or any combination of such financial assurance instruments:

a. Blanket bonds;
b. Schedule bonds – by name or position; or
c. Crime insurance policies;

provided that any such blanket bonds, schedule bonds, or crime insurance policies are endorsed to cover faithful performance and include aggregate coverage sufficient to cover the officers, employees, and contractors required to be bonded.

2. Effective Date. This Ordinance is effective January 1, 2016.

ORDAINED by the Board of Commissioners of the County of Elkhart, Indiana this 21st day of December, 2015.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By: _____
Terry J. Rodino, President

By: _____
Mike Yoder, Vice President

By: _____
Frank R. Lucchese, Member

ATTEST:

Pauline E. Graff, Elkhart County Auditor

ORDAINED by the Elkhart County Council this 9th day of January, 2016.

COUNTY COUNCIL OF THE COUNTY OF ELKHART, INDIANA

_____
John K. Letherman

_____
David L. Hess

_____
David M. Ashe

_____
David E. Foutz

_____
Randall D. Yohn

_____
Darryl J. Riegsecker

_____
Thomas W. Stump

ATTEST:

_____
Pauline E. Graff, Elkhart County Auditor

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved Amendment No. 2 to the contract with IDNR for the Simonton Lake Weir project until February 14, 2017, as requested by Tom Byers, County Administrator. A copy of the Amendment is on file in the Commissioners' office.

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

December 28, 2015

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 Dawn Truex from the county auditor's office; Tom Byers, County Administrator and Kathy Erschen, Executive Assistant.

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 and the Payroll Claims, as submitted by the county auditor's office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an Interlocal Agreement with the City of Goshen and the Goshen Dam Pond Economic Improvement District (EID) for the Goshen Dam Pond dredging project subject to approval by the Storm Water Board, as requested by Tom Byers, County Administrator. The Storm Water fund will finance most of the project with those funds being paid back in the future. A copy of the Interlocal Agreement is on file in the Commissioners' office.

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