

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

May 2, 2016

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; Attorney Craig Buche from the county attorney'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 Minutes of the April 18<sup>th</sup> & 25<sup>th</sup>, 2016 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 and the Payroll Claims, as presented by the county auditor's office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an out of state travel request for Dr. Nafziger to go to New Orleans, LA in October for continuing medical education.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the CR 6 & CR 17 Northeast TIF District fund for \$300 for a cell phone, as requested by Chris Godlewski, Director of Planning.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the Weed fund for \$702 to pay a contractor for mowing yards that come from complaints by neighbors, etc., as requested by Chris Godlewski, Director of Planning. A lien is placed on the property to collect the cost of mowing the yard.

The two (2) above additional appropriations are as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 04/19/16

DEPARTMENT

CR 6 & 17 NE TIF  
NAME

4511-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 300.00		Capital Supply Items	42380	CR 6 & 17 NE TIF	4511
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 300.00					

ORIGINAL AMOUNT			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
Approp.	Unspent Request	as of Date		AMOUNT	DATE	YES	NO	Amount
1								
2								
3								
4								
5								
6								
7								
8								
TOTAL \$								

**REASON FOR REQUEST**

purchase a cell phone for work purposes for Laura Coyne - monthly service costs  
to be paid from planning budget

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: April 12, 2016

DEPARTMENT

Weed Fund  
NAME

6041-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1 \$ 702.00		Professional Services	43090	Weed Fund	6041		
2							
3							
4							
5							
6							
7							
8							
TOTAL \$ 702.00							
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
Approp.	Unspent Request as of Date		AMOUNT	DATE	YES	NO	Amount
1							
2							
3							
4							
5							
6							
7							
8							
TOTAL \$							

**REASON FOR REQUEST**

To pay mowing contractor for mowing yards with violations.

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On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Agreement with DLZ Indiana, LLC for engineering services for CR 17 at CR 6 Intersection Improvement at an hourly rate not to exceed a cost of \$190,000, as requested by Jeff Taylor, Manager of Transportation. 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 approved and forwarded to the County Council an additional appropriation request for \$45,000 from the Motor Vehicle Highway fund for cutting edges for the snow plows, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund for \$50,000 to mow road sides on county roads approximately 3-4 times per summer, as requested by Jeff Taylor, Manager of Transportation. This is for all county roads but CR 17.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the Motor Vehicle Highway fund for \$450,000 for road paving and the purchase of a truck, as also requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the EDIT fund for \$100,000 for preliminary construction activities for the CR 38 road project, as again requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Cumulative Bridge fund for \$32,000 to replace a crane mounted on the bridge truck, repair the impact attenuator at CR 17 north of CR 18 and repair a box culvert, as again requested by Jeff Taylor, Manager of Transportation.

The four (4) above additional appropriations are as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 04-26-16

DEPARTMENT

Highway

1169-222

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	45,000		Repair parts auto & truck	42210	Motor Vehicle Highway	1169		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>45,000</b>							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

**REASON FOR REQUEST** 1. Funds needs to purchase inventory for cutting edges for snowplows. (Approximately 18 month supply)

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**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 04-26-16

DEPARTMENT

Highway

1176-202

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	50,000		Other Professional Services	43090	Motor Vehicle Highway	1176		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>50,000</b>							
	<b>ORIGINAL AMOUNT</b>		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date

**REASON FOR REQUEST** 1. Funds required to mow the roadsides throughout the County approximately 3- 4 times.

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**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 04-26-16

DEPARTMENT

Highway

1176-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	200,000	160021	Road Const. & Maint.	44600	Motor Vehicle Highway	1176		
2	250,000	160022	Truck Purchase	44600	Motor Vehicle Highway	1176		
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>450,000</b>							
	<b>ORIGINAL AMOUNT</b>		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date

**REASON FOR REQUEST** 1. Funds from reducing operational costs in 2015. Request to apply those to more paving.  
 2. Funds needed to replace a 2001 Volvo dump truck.

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**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 04-26-16

DEPARTMENT

Highway

1112-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	100,000	160023	CR 38 Construction	44600	EDIT	1112	
2							
3							
4							
5							
6							
7							
8							
<b>TOTAL</b>	<b>100,000</b>						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp.	as of Date		YES	NO	Amount	Date
			AMOUNT	DATE			

**REASON FOR REQUEST** 1. Funds needed for preliminary construction activities for the CR 38 project.

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On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the General fund for \$300 for the Commissioners budget for the Humane Shelter for the Town of Bristol's additional funding, as requested by Tom Byers, County Administrator.

The additional appropriation is as follows:



On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Cum Cap Dev fund for \$125,000 for capital items, as requested by Tom Byers, County Administrator.

The additional appropriation is as follows:



## Cum Cap Development Fund

February 2016 Appropriation	\$150,000	
Expenses to Date:		
Weights & Measures vehicle	\$25,669	
Goshen Magistrate Office	\$12,886	
Printer – Public Services	\$ 3,800	
Printer – Treasurer	\$ 1,095	
Pending:		
Jail x-ray machine	\$39,000	
Planning vehicle	\$24,350	
Sheriff – partial car	\$14,000	
EnerGov Permit Program	\$28,000	
Total		\$148,800

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the EDIT fund for \$207,199 for the 2016 county contribution to the Economic Development Corporation of Elkhart County, as requested by Tom Byers, County Administrator.

The additional appropriation is as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

date 4-27-2016

DEPARTMENT

Commissioners  
NAME

1112/980  
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	207,199		Other grants & awards	43920	EDIT	1112		
2								
3								
4								
5								
6								
7								
8								
<b>TOTAL</b>	<b>207,199</b>							
	<b>ORIGINAL AMOUNT</b>		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		<b>APPROVED BY COUNCIL</b>		
	Approp. as of Date							
			<b>AMOUNT</b>	<b>DATE</b>	<b>YES</b>	<b>NO</b>	<b>Amount</b>	<b>Date</b>

**REASON FOR REQUEST** 2016 contribution to the Economic Development Corporation of Elkhart County  
Representatives from the EDC will be in attendance.

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On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Weights & Measures report for March 18<sup>th</sup>-April 15<sup>th</sup>, 2016 and placed it on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board awarded the bid for blight elimination taken at the meeting last week to Pelley Excavating, Inc. for \$31,607.00 & approved the Agreement with Pelley Excavating, Inc., as requested by Kris Krueger, Grants Procurement Specialist. Pelley Excavating was not the lowest bidder but the other bidder did not submit all of the information requested. A copy of the Agreement is on file in the Commissioners' office.

Paula Turk who is representing "Bike Elkhart" addressed the Board requesting signs be posted along the Mapleheart Trail. They hosted a bike ride last year & riders got lost on the trail because there was no signage giving them directions. There is money available for some of the signs. The Commissioners suggested she make contact with the county highway department & they will get them the signs and install them.

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

May 9, 2016

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 Pauline Graff, County Auditor; 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 Allowance of Claims, as presented by the county auditor's office.

Terry Mark from the Conventions and Visitors Bureau told the Board about the 2016 Quilt Gardens. This is the ninth year for the gardens. There will be 19 gardens this year with the bi-centennial as the theme for all the gardens. It will be open from May 30<sup>th</sup>-October 1<sup>st</sup> and there is no charge to see the quilt gardens.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed an Agreement with Walsh & Kelly, Inc. for the CR 17 and CR 6 Intersection Improvement, as requested by Jeff Taylor, Manager of Transportation. 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 adjourned their meeting.

Respectfully submitted,  
Kathy L. Erschen

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

May 16, 2016

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 Cpt. Jeff Siegel from the sheriff's department; 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 May 2<sup>nd</sup> & 9<sup>th</sup>, 2016 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 and the Payroll Claims, as presented by the county auditor's office.

Bids were received for the 2016 Road Striping Program for the county highway department. Only one bid was submitted and it was from AirMarking Co., Inc. in Rochester, Indiana for \$519,460.00.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the bids and forwarded it to the highway department for review and recommendation. The bid is on file in the Commissioners' office.

Cindy Antonelli from the U.S. Coast Guard Auxiliary requested the Commissioners adopt a Proclamation recognizing "National Safe Boating Week – May 21 – 27, 2016". She said drowning is the number one cause of death for recreational boaters each year and the majority of drowning victims in recreational boating accidents are not wearing a life jacket.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted and signed the Proclamation for National Safe Boating Week.

Jason Auvil from planning and development presented a request for Almac Development, Inc., represented by Jones Petrie Rafinski (JPR), for a zone map change from A-1 to M-2 for property located on the east side of CR 17, 1,100 feet south of Beck Drive in Jefferson Township. The Plan Commission has sent this to the Board with a recommendation for approval. Matt Schuster from JPR said he would answer any questions from anyone. 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 public hearing was closed.

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

The Ordinance is as follows

**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 TO M-2.**

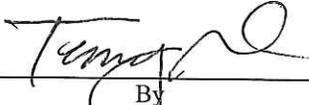
WHEREAS, Almac Development Inc., submitted an application to rezone real estate hereinafter described from A-1 to M-2 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on April 14<sup>th</sup>, 2016 recommend approval a zone change from A-1 to M-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 – See Attachment “A”

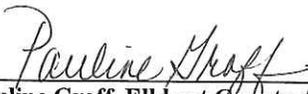
BE rezoned from A-1 to M-2 effective immediately, and the zone maps dated November 18, 2014, and made a part of Section 4.1.2 of the Elkhart County Zoning Ordinance as amended and hereby ordered amended and changed to reflect the said rezoning of said real estate.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 16<sup>th</sup> DAY OF MAY 2016**

  
\_\_\_\_\_  
By  
Terry Rodino

  
\_\_\_\_\_  
By  
Mike Yoder

  
\_\_\_\_\_  
By  
Frank Lucchese

Attest:   
\_\_\_\_\_  
Pauline Graff, Elkhart County Auditor

Ordinance prepared by H. Jason S. Auvil. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

MAY 16, 2016

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Attachment A

A part of the West Half of Section 6, Township 37 North, Range 6 East, Jefferson Township, Elkhart County, Indiana, and being more particularly described as follows: commencing at the northwest corner the Northwest Quarter of said Section 6; thence South 0°40'52" East 1,156.16 feet along the west line of said Northwest Quarter to the south line of Beck Industrial Park Subdivision, recorded in Plat Book 16, page 98; thence North 89°34'10" East 2,315.33 feet to a 3/4 iron pipe at the southeast corner of said Beck Industrial Park; thence South 0°01'03" East 1,146.08 feet along the east line of said Northwest Quarter of Section Six to a 1" iron pipe; thence continuing South 0°01'03" East 102.92 feet to a bar and cap located at the northeast corner of the Southwest Quarter of Section Six; thence South 0°05'21" West 1,037.92 feet along the east line of said Southwest Quarter to a bar and cap; thence South 88°57'10" West 2,282.87 feet to the west line of said Southwest Quarter; thence North 0°55'03" West 984.52 feet to the southeast corner of the Northeast Quarter of Section 1, Township 37 North, Range 5 East, Concord Township; thence North 0°40'52" West 48.28 feet along the east line of said Section One to a PK nail set at the southwest corner of the said Northwest Quarter of Section Six; thence North 0°40'52" West 1,278.67 feet along the west line of said Northwest Quarter to the place of beginning, and containing 121.434 acres.

Excepting a part of the fractional Northwest Quarter of Section 6, Township 37 North, Range 6 East, Jefferson Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence along the west line of said Northwest Quarter South 0°40'52" East 1,156.16 feet to the southwest corner of the Replat - Beck Industrial Park Subdivision as recorded in Plat Book 16, page 98, Elkhart County Recorder, the place of beginning of this description; thence along the south line of said Replat North 89°43'11" East 990.31 feet to a bar and cap located at the southeast corner of that tract conveyed to Premium Custom Painting Co. by instrument recorded in Deed Record 2014-9504; thence South 0°44'07" East 550.00 feet to a bar and cap; thence South 89°43'10" West 990.83 feet to the said west line of the Northwest Quarter; thence along said west line North 0°40'52" West 550.00 feet to the place of beginning, and containing 12.507 acres.

MAY 16, 2016

PAGE 301

Ord. PC 2016- 13

Jason Auvil from planning and development presented a request for Jayco, Inc., represented by Jones Petrie Rafinski (JPR), for a zone map change from A-1, DPUD B-3, & DPUD M-1 to M-1 for property located on east & west sides of SR 13, east & west sides of CR 37, north side of CR 20, south of US 20 in Middlebury Township. The Plan Commission has sent this to the Board with a recommendation for approval. Matt Schuster from JPR, representing the petitioner, said he would answer any questions from anyone and said the main purpose of the rezoning is to bring all of the parcels for Jayco, Inc. under one zoning classification. There are three (3) commitments in the proposed ordinance. 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 zone map change.

The Ordinance is as follows:

**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, DETAILED PLANNED UNIT DEVELOPMENT B-3, AND DETAILED PLANNED UNIT DEVELOPMENT M-1, TO M-1.**

WHEREAS, Jayco Inc., submitted an application to rezone real estate hereinafter described from A-1, Detailed Planned Unit Development B-3, and Detailed Planned Unit Development M-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 April 14<sup>th</sup>, 2016 recommend approval a zone change from A-1, Detailed Planned Unit Development B-3, and Detailed Planned Unit Development M-1, to M-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:**

**SECTION 1.** That the legal descriptions are attached as Attachment "A".

**SECTION 2.** That the following commitments be required:

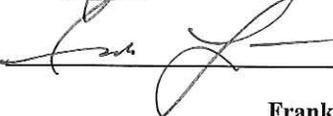
- 1. Rezoning of the parcels is contingent on the petitioner submitting a petition for voluntary annexation of the parcels to the Town of Middlebury.
- 2. Any future development on any of the parcels may require a utility study and/or traffic study per the request by the Town of Middlebury.
- 3. No vehicular access to CR 20; however, bicycle access to CR 20 is allowed through an opening in any fencing or otherwise.

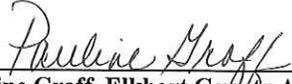
**SECTION 3.** That the real estate within the unincorporated areas of Elkhart County described in **SECTION 1** of this Ordinance be rezoned from A-1, Detailed Plan Unit Development B-3, and Detailed Plan Unit Development M-1 to M-1 effective immediately, and the zone maps dated November 18, 2014, and 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 16<sup>th</sup> DAY OF MAY 2016**

  
\_\_\_\_\_  
By  
**Perry Rodino**

  
\_\_\_\_\_  
By  
**Mike Yoder**

  
\_\_\_\_\_  
By  
**Frank Lucchese**

Attest:   
\_\_\_\_\_  
**Pauline Graff, Elkhart County Auditor**

Ordinance prepared by H. Jason S. Auvil. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Attachment A

Four tracts located within Sections 16, 21, and 22, Township 37 North, Range 7 East, Middlebury Township, Elkhart County, Indiana, more particularly described as follows:

TRACT ONE:

Consisting of Parcel Nos.

- 20-08-21-200-004.000-034
- 20-08-21-426-001.000-034 (Portion only)
- 20-08-22-151-001.000-034
- 20-08-22-151-002.000-034
- 20-08-22-301-001.000-034
- 20-08-22-176-012.000-034
- 20-08-22-177-013.000-034
- 20-08-22-177-012.000-034

Commencing at the southwest corner of the Northwest Quarter of said Section 22; thence along the west line of said Northwest Quarter North 1,417.16 feet to the northwest corner of that tract conveyed to Jayco by instrument recorded in Deed Record 2015-16611, Elkhart County Recorder, and the place of beginning of this description; thence East 1,298.48 feet to the northeast corner of said tract; thence along the east line of said tract South 575.1 feet to the northwest corner of Lot 4 of the Replat of Lots 1, 4, 5, & 6 Middlebury Industrial Park, said plat being recorded in Plat Book 16, page 54, Elkhart County Recorder; thence East 669.64 feet to the northeast corner of said Lot 4; thence South 157.40 feet to a southeast corner of said Lot 4; thence West 148.03 feet to an angle point in said Lot 4; thence South 276.00 feet to the southeast corner of said Lot 4, and a point on the north boundary of Joan Drive; thence along said north boundary West 26.00 to a point of curvature; thence southwesterly, southerly, and southeasterly along the curved boundary of Joan Drive to the northeast corner of Lot 5 in said Replat; thence along the southeast line of said Lot 5 a distance of 102.01 to the east line of said Lot 1; thence South 205 feet to the southeast corner of Lot 5; thence West 395.17 feet to the southwest corner of Lot 5, being also the southeast corner of the above-mentioned Jayco Tract described in Deed Record 2015-16611; thence West along the south line of said tract to the northeast corner of that tract conveyed to Jayco by instrument recorded in Deed Record 2015-27002; thence South 338.88 feet to the southeast corner of said tract; thence West 656.38 feet to the southwest corner of said tract at a point on the east line of said Section 21; thence West 1,341 feet to the west line of the East Half of the Southeast Quarter of Section 21 at a point lying South 334 feet from the northwest corner of the said East Half of the Southeast Quarter; thence North 334 feet to said northwest corner; thence East along the north line of said East Half of the Southeast Quarter 718.25 feet to a point on the west line of Lot 1 Jayco West DPUD Phase Four, recorded in Plat Book 34, Page 15, Elkhart County Recorder; thence continuing along said north line 20.11 feet to the southeast corner of a strip of land conveyed to Joseph and Ida Miller by instrument recorded in Deed Record 2015-16612, Elkhart County Recorder; thence along the east line of said Miller tract North 2 degrees 34 minutes 10 seconds West 686.19 feet to a fence corner post; thence continuing along said east line North 6 degrees 52 minutes 06 seconds West 369.71 feet to a fence corner post; thence continuing along said east line North 1 degree 11 minutes 01 seconds West 848.89 feet to a fence corner post; thence continuing along said east line North 50 degrees 08 minutes 36 seconds East 204.40 feet to a fence corner post; thence continuing along said east line North 9 degrees 21 minutes 38 seconds East 246.13 feet to a fence corner post; thence continuing along said east line North 5 degrees 47 minutes 17 seconds West 479.05 feet to a bar and cap; thence along a south line of said Miller tract East 429.80 feet to a point on the east line of said Section 16; thence South along said east line 97.29 feet to the northwest corner of the said Northwest Quarter of Section 22; thence South along the west line of said Northwest Quarter 1,343.05 feet to the place of beginning of Tract One.

Attachment A

Also: TRACT TWO:  
Consisting of Parcel No. 20-08-22-351-007.000-034

That tract conveyed to Jayco Corp by instrument described in Deed Record 2014-25332, Elkhart County Recorder, said description transcribed as follows:

A part of the Southwest Quarter of Section 22, Township 37 North, Range 7 East, Middlebury Township, Elkhart County, Indiana, more particularly described as follows (bearings in this description are based on a line connecting the monument at the southwest corner and the monument at the northwest corner of said Southwest Quarter, being North 00 degrees 00 minutes 00 seconds East):

Commencing at a Harrison monument marking the southwest corner of the Southwest Quarter of Section 22, Township 37 North, Range 7 East; thence North 89 degrees 49 minutes 26 seconds East, along the south line of said Southwest Quarter 555.47 feet to a survey mark spike at the southeast corner of land described in Deed Record 2013-06766 in the Office of the Recorder of Elkhart County, Indiana, and being the point of beginning of this description; thence North 00 degrees 06 minutes 48 seconds East, with the east line of said land and said line extended 1,324.19 feet to a rebar with cap (Justice 900004) set on the south line of land described in Deed Record 2014-16028 in the Office of the Recorder of Elkhart County, Indiana; thence North 89 degrees 50 minutes 02 seconds East, with the south line of said land, 104.84 feet to a concrete fence post at the southeast corner of said land; thence North 89 degrees 27 minutes 00 seconds East 325.34 to a concrete fence post at the northwest corner of land described in Deed Record 90-011505 in the Office of the Recorder of Elkhart County, Indiana; thence South 00 degrees 04 minutes 34 seconds West, with the west line of said land and the west line of land described in Deed Record 2013-17884, a distance of 1,326.29 feet to a survey mark spike on the south line of the Southwest Quarter of said Section 22; thence South 89 degrees 49 minutes 26 seconds West, along the south line of said Southwest Quarter, 431.02 feet to the point of beginning of this description, containing 13.10 acres, more or less.

Also: TRACT THREE:  
Consisting of Parcel Nos.  
20-08-22-326-001.000-034  
20-08-22-326-002.000-034  
20-08-22-326-006.000-034  
20-08-22-376-001.000-034  
20-08-22-376-002.000-034

Lots One and Two as the said lots are known and designated on the recorded plat of Jayco West D.P.U.D. Phase Two, recorded in Plat Book 30, Page 35, records of the Elkhart County Recorder, and containing 92.68 acres.

Also, a part of the Southwest Quarter of Section 22, Township 37 North, Range 7 East, Middlebury Township, Elkhart County, Indiana, and being more particularly described as follows: commencing at the northeast corner of the Southwest Quarter of said Section 22; thence along the east line of said Southwest Quarter South 0°49'25" East 1331.69 feet to the southeast corner of the North Half of said Southwest Quarter, and the place of beginning of this description; thence continuing South 0°49'25" East 402.20 feet; thence South 89°54'17" West 206.52 feet; thence South 0°49'25" East 68.69 feet to a bar and cap at a northeast corner of said Lot 1 in Jayco West D.P.U.D. Phase Two; thence South 89°39'37" West 180.58 feet to a bar and cap at an angle point in said Lot 1; thence along the east line of said Lot 1 North 0°24'11" West 470.00 feet to a bar and cap at the southwest corner of Lot 3 in said plat; thence along the south line of said Lot 3 and said line extended North 89°39'37" East 383.65 feet to the place of beginning, and containing 3.83 acres.

Attachment A

Also: TRACT FOUR:

Consisting of Parcel Nos.

20-08-22-201-006.000-035

20-08-22-201-039.000-035

20-08-22-201-041.000-035

20-08-22-276-013.000-035

Lot One as the said Lot is known and designated on the recorded plat of Jayco East DPUD; said Plat being recorded in Plat Book 27, Page 44, Elkhart County Recorder; and a part of the West Half of the Northeast Quarter of Section 22, Township 37 North, Range 7 East, Middlebury Township, Elkhart County, Indiana, more particularly described as follows:

Beginning at the southwest corner of the Northwest Quarter of the said Northeast Quarter; thence East along the north line of said Lot One in Jayco East 330 feet to an angle point in said Lot One; thence North along the west line of said Lot 1 a distance of 191.23 feet to a point on the south line of Lot One on the plat of Crystal Heights Phase II DPUD; said Plat being recorded in Deed Record 34, page 9, Elkhart County Recorder; thence West along said south line and along said south line extended 330 feet to the west line of said Northeast Quarter; thence South along said west line 187.4 feet to the place of beginning.

Excepting from Tract Four any part of said Lot One in Jayco East that is now part of Lot 1 of Woodland Park; said Plat of Woodland Park being recorded in Plat Book 30, page 72, Elkhart County Recorder; Excepting also from Tract Four any part of said Lot One in Jayco East that is now part of said Lot One in Crystal Heights Phase II DPUD.

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Ord. PC 2016-14

Liz Gunden from planning and development presented a request for Angela M. McCraner (seller) & Three Oaks, LLC (buyer), represented by Jones Petrie Rafinski (JPR), for a zone map change from A-1 to M-1 for property located on the south side of CR 2, 2,000 feet west of SR 13 in York Township. The Plan Commission has recommended approval of the request. Matt Schuster from JPR, representing the petitioner, said he would answer any questions. He said this is a piece of property adjacent to Grand Design & they intend to expand. There were no comments from anyone in the audience either in favor or against. 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 zone map change request and adopted an ordinance establishing this zone map change.

The Ordinance is as follows:

ORDINANCE NO. PC 2016-15

**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 TO M-1.**

**WHEREAS**, Angela M. McCraner (seller) and Three Oaks, LLC (buyer), represented by Jones Petrie Rafinski, 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 April 14, 2016, recommend approval of a zone change from A-1 to M-1 and filed their recommendation with the Board of County Commissioners of Elkhart County Indiana.

**WHEREAS**, Three Oaks, LLC is willing to make the commitment that a septic system designed for the initial development project would be acceptable providing: a. The development will be required to connect to public or private sewer as soon as it is available for the Real Estate; and b. The initial development project cannot expand until it is connected to public or private sewer.

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

Legal Description

See "EXHIBIT A"

**BE** rezoned from A-1 to M-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.

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

Three Oaks, LLC shall provide a Commitment form to the Elkhart County Plan Commission, within 30 days of the effective date of this Ordinance, that a septic system designed for the initial development project would be acceptable providing: a. The development will be required to connect to public or private sewer as soon as it is available for the Real Estate; and b. The initial development project cannot expand until it is connected to public or private sewer.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 16<sup>TH</sup> DAY OF MAY, 2016.**

  
\_\_\_\_\_  
By  
Terry Rodino  
  
\_\_\_\_\_  
By  
Mike Yoder  
  
\_\_\_\_\_  
By  
Frank Luchese

Attest:   
\_\_\_\_\_  
Pauline Graff, Elkhart County Auditor

Ordinance prepared by Liz Gunden. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

EXHIBIT A

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

Commencing at the North Quarter corner of said Section 14; thence (East) on an assumed bearing, 940.67 feet along the North line of the Northeast Quarter of said Section 14 and the centerline of County Road No. 2 to the point of beginning of this description; thence due South, 361.5 feet; thence due West 361.5 feet; thence due North 361.5 feet to the North line of the Northeast Quarter of said Section 14 and the centerline of County Road No. 2; thence due East 361.5 feet along the above described line to the point of beginning.

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Ord. # PC 2016-15

Liz Gunden from planning and development presented a request for Three Oaks, LLC, represented by JPR, to amend the rezoning amendment #2 to remove Paragraph B & add rezoning commitment #5 to waive any buffering development standard requirements and/or commitments between adjacent parcels if rezoned to manufacturing for property located on the south side of CR 2, 2,400 feet west of SR 13 in York Township. This amendment pertains to the previous rezoning. 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 amendment and adopted an ordinance establishing this amendment to the original ordinance.

The Ordinance is as follows:

ORDINANCE NO. 2014-15b

AN ORDINANCE TO AMEND THE REZONING COMMITMENTS FOR REAL ESTATE DATED OCTOBER 31, 2014, AND RECORDED AS DOCUMENT 2014-21182 IN THE ELKHART COUNTY RECORDER'S OFFICE.

WHEREAS, Three Oaks, LLC, represented by Jones, Petrie, Rafinski, submitted a petition to amend rezoning Commitment #2 to remove paragraph B and add rezoning commitment #5 to waive any buffering development standard requirements and/or commitments between adjacent parcels if rezoned to manufacturing, on property located on the south side of CR 2, 2,400 ft. west of SR 13, in York Township, zoned M-1.

WHEREAS, The Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in **The Elkhart Truth** on the 1<sup>st</sup> day of April, 2016, and in **The Goshen News** on the 2<sup>nd</sup> day of April, 2016, and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record within 300 feet;

WHEREAS, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 14<sup>th</sup> day of April, 2016 and did take public input at that meeting;

WHEREAS, The petition was sent to the Board of County Commissioners for Elkhart, Indiana with a Favorable Recommendation;

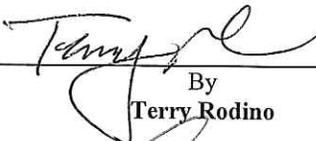
THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA, AS FOLLOWS:

Legal Description

See EXHIBIT A

That the rezoning Commitments #2 and #5 for the real estate described and referenced in this Ordinance be amended effective immediately.

ORDAINED AND ADOPTED THIS 16<sup>TH</sup> DAY OF MAY, 2016 BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA.

  
\_\_\_\_\_  
By  
Terry Rodino

  
\_\_\_\_\_  
By  
Mike Yoder

  
\_\_\_\_\_  
By  
Frank Lucchese

Attest:   
\_\_\_\_\_  
Pauline Graff, Elkhart County Auditor

MAY 16, 2016

Ordinance prepared by Liz Gunden. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Ord. # 2014-15b

EXHIBIT A

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.

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Ord. # 2014-15b

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and out of state travel request for J. Grossman from the highway department to go to Anaheim, CA in August for the Institute of Transportation Engineers Annual Meeting.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted initial street acceptance of Alverstone Drive West – 925 feet; Shavano Peak Drive – 1050 feet and Denali Court – 850 feet in The Summit Section Eight and released Vanguard shares, Account #9910388169 and/or #0531-88091048462, 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 Supplemental Agreement No. 1 with DLZ Indiana, LLC for the CR 17/CR 6 Intersection Improvement, as requested by Jeff Taylor, Manager of Transportation. There was some additional work added. A copy of the Agreement is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste-Landfill report for April 2016 and placed it on file.

Larry Gard, 24797 CR 4, Elkhart, is suggesting CR 4 from Cassopolis St. to CR 13 and CR 13 to CR 4 to Reedy Drive a "no thru truck" route. He says there are semi trucks using CR 4 to get to the toll road entrance off of Cassopolis Street in order to avoid the stop lights on CR 6. It is not a short cut in mileage but is quicker because of no stop lights. CR 4 is not built for semi trucks & they also exceed the speed limit which is 40 MPH. There are only three businesses on CR 4 & none of them have much truck traffic going in or out of them. The Commissioners said they will turn this issue over to the highway department and also discuss it with the sheriff.

Mr. Gard also brought attention to a culvert that was replaced last year over Osolo ditch that has since failed. The highway department is aware it this & intends to replace it again this year.

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

May 23, 2016

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; 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.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an out of state travel request for W. Hudson & C. Anderson to go to Philadelphia, PA in August for the National Election Administrators Conference.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board gave permission to the highway department to purchase a 2016 Chevrolet pick-up truck, a 2016 Ford Escape and a 2016 tandem axle chassis, as requested by Jay Grossman, county highway engineer. These will replace vehicles with a lot miles on them.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed a Tax Sale Support Services Addendum for the 2016 tax sale with SRI, Inc., as requested by Pauline Graff, County Auditor. A copy of the addendum 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

May 31, 2016

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 Pauline Graff, County Auditor; 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 awarded the bid for the 2016 Striping Program for the highway department to Airmarking, Inc. from Rochester, Indiana for \$519,460.00 and approved and signed an agreement with Airmarking, as requested by Jeff Taylor, Manager of Transportation. A copy of the agreement 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