

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

September 6, 2016

President Terry Rodino called the meeting to order at 9:00 a.m. in meeting 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 Undersheriff Sean Holmes; 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 August 16th, 22nd & 29th, 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 Payroll Claims, as presented by the county auditor's office.

A public hearing was advertised and held to consider the sale or disposition of a parcel of surplus real estate owned by the county at CR 38 and CR 17. The county has owned the property for a number of years. The public is allowed to comment but there were no comments from anyone with regards to the sale or disposition of the parcel. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing.

There was only one bid received for the parcel from Michael & Anita Johnson, who have rented the property for several years. The price they bid is \$132,300 with some stipulations. Gordon Lord, county attorney, suggested the bid be forwarded to Jeff Taylor, Manager of Transportation, for review.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the bid. Jeff Taylor will have a recommendation for the possible sale of the property at the meeting on September 12th.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved Secondary approval of a four (4) lot subdivision known as Anchor Valley subdivision, represented by Brads-Ko Engineering, located on the east side of SR 13, 1,300 feet south of SR 120 in York Township, as requested by Jason Auvil from planning and development.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved Secondary approval of an 11 lot major subdivision known as Whispering Woods, represented by Progressive Engineering, Inc., located east of CR 14, north of US 20, 920 feet south of Willowbend Blvd. in Jefferson Township, as requested by Jason Auvil from planning and development.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction request for the CR 6 & CR 17 NE TIF District fund for \$34,637.71 to close out highway projects, as requested by Chris Godlewski, Director of Planning.

The appropriation reduction is as follows:

ELKHART COUNTY
APPROPRIATION REDUCTION REQUEST

8/23/2016

DEPARTMENT

CR 6 & 17 NE TIF
 Name

4511-980
 Number

AMOUNT OF REDUCTION	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$34,637.71	152503	construction & reconstruction	44600	CR 6 & 17 NE TIF	4511
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 34,637.71					

ORIGINAL AMOUNT OF APPROPRIATION	DATE OF APPROP.	APPROVED BY COUNCIL	
		Amount	Date
1 \$			
2			
3			
4			
5			
6			
7			
8			
TOTAL \$			

REASON FOR REDUCTION Project closeout for 2015 highway projects

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 request from the CR 6 & CR 17 NE TIF District fund for \$58,550 for surveying, design and permitting for the Lilac Street water main extension in Prairie Creek Run, as requested by Laura Coyne from planning.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

8/22/2016

DEPARTMENT

CR 6 & 17 NE TIF
NAME

4511-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO				
1 \$ 58,550.00	162506	Construction/Reconstruction	44600	CR 6 & 17 NE TIF	4511				
2									
3									
4									
5									
6									
7									
8									
TOTAL \$ 58,550.00									
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	Date
1									
2									
3									
4									
5									
6									
7									
8									
TOTAL \$									

REASON FOR REQUEST

Surveying, design and permitting for the lilac street water main extension in
Prairie Creek Run

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved final street acceptance of Bethany Drive – 1,050 feet; Angeline Drive – 1,100 feet and Addison Drive – 675 feet in Woodfield Villas and released Liberty Mutual Bond #013-015-119 for \$19,075; Bond #013-015-120 for \$9,538 and The Cincinnati Insurance Co. Bond #0314385 for \$9,038, 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 appropriation reduction request from the EDIT fund for \$584.84 to close out the CR 17 & CR 38 engineering project, 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 and forwarded to the County Council an appropriation reduction request for the EDIT fund for \$4,050,000 for a duplicate appropriation for the CR 38 Kercher Bridge Project, as requested by Jeff Taylor, Manager of Transportation.

The two (2) above appropriation reductions are as follows:

**ELKHART COUNTY
APPROPRIATION REDUCTION REQUEST**

DATE: 08-24-16

DEPARTMENT

EDIT - Highway
NAME

1112-980
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	4,050,000		CR 38 Kercher Bridge Const	45100	EDIT	1112		
2								
3								
4								
5								
6								
7								
8								
TOTAL	4,050,000.00							
			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 Duplicate appropriation as it was also included in the previous appropriation for \$12,550,000 for the CR 38 Kercher Bridge Project.

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 Motor Vehicle Highway fund for \$10,000 for equipment repair and labor costs, 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 LOIT Special Distribution fund for \$500,000 for paving, as also requested by Jeff Taylor.

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 \$250,000 for the purchase of a dump truck, as again requested by Jeff Taylor.

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 \$5,000 for education, training and certification programs, as requested by Jeff Taylor.

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

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 08-24-16

DEPARTMENT

Highway

1229-981

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	500,000	160038	Paving	44600	LOIT Special Distribution	1229		
2								
3								
4								
5								
6								
7								
8								
TOTAL	500,000							
	ORIGINAL AMOUNT		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 for paving and road maintenance (chip seal). This amount will be deducted from the EDIT portion of the LOIT distribution.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 08-24-16

DEPARTMENT

Highway

1112-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	250,000	160037	Truck purchase	44600	EDIT	1112		
2								
3								
4								
5								
6								
7								
8								
TOTAL	250,000							
	ORIGINAL AMOUNT		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 for the purchase of a dump truck to replace a 2001 model.

Funds are from the proceeds 3 parcels of surplus property along CR 17.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 08-24-16

DEPARTMENT

Highway

1176-201

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	5,000		Education & Conference	43830	Motor Vehicle Highway	1176		
2								
3								
4								
5								
6								
7								
8								
TOTAL	5,000							
			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 to continue with education, training, and certification programs.

Tom Byers, County Administrator, addressed the Board regarding a proposed ordinance amending the county code for regulating the operation of golf carts and low speed vehicles on county roads. There were some changes and additions made to the previous proposed ordinance and this discussion is to take public input on this proposed ordinance.

Roger Mikel, 29650 CR 118, Elkhart voiced several concerns regarding the ordinance. He understood there was supposed to be a committee to work on this and he is not aware that ever occurred. He is not in favor of the ordinance but is passed feels there should be more stipulations in it. His main concerns were people making the golf carts go faster than they should, how it will be enforced, registration of the unit, use of cell phones while driving them. He also feels these should be allowed to be in the parks and on the bike paths. Mr. Mikel wants this to be tabled so it can be discussed further. Undersheriff Sean Holmes said this would be a tool for them to use. After some further discussion, it was determined this should be tabled for some further input.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board tabled approval of the ordinance until some of the wording, etc. can be corrected.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Weights & Measures report for July 16th-August 15th, 2016 and placed it on file.

Roger Mikel also voiced some concerns about the county's noise ordinance. His issue is the trucks that are jacked way up in the air and have big huge exhausts that are very loud. He doesn't think they are legal but the Undersheriff said as long as the bumper is not any higher than 22 inches, it is legal and in order to issue a ticket for noise, an officer would need to be near one.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

September 12, 2016

President Terry Rodino called the meeting to order at 9:00 a.m. in the meeting room in the Commissioners' office in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Mike Yoder and Frank Lucchese, 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 agreement with INDOT for a project to make improvements to the traffic signal control system on CR 17, 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 approved Change Order No. 1 for the CR 17 and CR 6 intersection improvements with Walsh & Kelly, Inc. for an increase of \$71,398.38 for an addition of a right turn lane, as requested by Jeff Taylor, Manager of Transportation.

The Change Order is as follows:

CHANGE ORDER

No. 1

Date 8/5/16

Project: C.R. 17 and C.R. 6 Intersection Improvements

Contractor: Walsh and Kelly, Inc.

Contract for: C.R. 17 and C.R. 6 Intersection Improvements

Contract Date: _____

To: Walsh and Kelly, Inc.

Contractor

You are directed to make the changes noted below in the subject Contract:

ELKHART COUNTY BOARD OF COMMISSIONERS

By: 

Dated: 9-12-2016

Nature of the changes:

1. Subgrade Treatment, Type II (Item 14)	=	<u>\$11,528.00</u>
2. Structure Backfill, Type II (Item 15)	=	<u>\$0.38</u>
3. Compacted Aggregate, No. 53, Base (Item 16)	=	<u>-\$486.00</u>
4. HMA, Surface, Type D (Item 20)	=	<u>\$3,055.00</u>
5. HMA, Intermediate, Type D (Item 22)	=	<u>\$5,625.00</u>
6. HMA, Base, Type D (Item 24)	=	<u>\$10,252.00</u>
7. HMA for Approaches, Type B (Item 33)	=	<u>\$37,120.00</u>
8. Pipe, Concrete, 15 IN. (Item 45)	=	<u>\$3,640.00</u>
9. Line, Thermoplastic; Solid, White, 4 IN. (Item 101)	=	<u>\$240.00</u>
10. Pavement Message Marker, Thermoplastic, Lane Indication Arrow (Item 107)	=	<u>\$270.00</u>
11. Snowplowable Raised Pavement Marker (Item 108)	=	<u>\$154.00</u>
For an increase of Change Order #1	=	<u>\$71,398.38</u>

Enclosures: See attached summary and explanation of items.

Field Order:

These changes result in the following adjustment of contract price and contract time:

Contract price prior to this Change Order	<u>\$2,719,440.81</u>
Net change (2.63%) resulting from this Change Order #1	<u>\$71,398.38</u>
Current contract price including this Change Order	<u>\$2,790,839.19</u>

Change Order: #1
For: Additional work described on attached sheet

Original Contract Completion Date	<u>November 23, 2016</u>
Contract Completion Date prior to this Change Order	<u>November 23, 2016</u>
Net change resulting from this Change Order	<u>-</u>
Revised Contract Completion Date	<u>November 23, 2016</u>

The above changes are approved:

By: _____
Anthony Glenn, DLZ

Date: _____

The above changes are accepted:

By: _____
Contractor

Date: _____

Additional space for nature of changes:

Total amount of base bid	<u>\$2,719,440.81</u>
Overrun/underrun adjustment	<u>\$71,398.38</u>
Adjusted base bid	<u>\$2,790,839.19</u>
Plus Change Order #1 Extra Work Items (EW)	<u>\$0.00</u>
Revised contract price	<u>\$2,790,839.19</u>

C.R. 17 and C.R. 6 Intersection Improvements

Summary of Extra Work Items

Change Order #1

Item No.	Description	Quantity	Units	Unit Cost	Total Cost
14	SUBGRADE TREATMENT, TYPE II	1,441	SYS	\$ 8.00	\$11,528.00
15	STRUCTURE BACKFILL, TYPE II	38	CYS	\$ 0.01	\$0.38
16	COMPACTED AGGREGATE, NO. 53, BASE	-27	TON	\$ 18.00	-\$486.00
20	HMA, SURFACE, TYPE D	47	TON	\$ 65.00	\$3,055.00
22	HMA, INTERMEDIATE, TYPE D	125	TON	\$ 45.00	\$5,625.00
24	HMA, BASE, TYPE D	233	TON	\$ 44.00	\$10,252.00
33	HMA FOR APPROACHES, TYPE B	464	TON	\$ 80.00	\$37,120.00
45	PIPE, CONCRETE, 15 IN.	104	LFT	\$ 35.00	\$3,640.00
101	LINE, THERMOPLASTIC, SOLID, WHITE, 4 IN.	500	LFT	\$ 0.48	\$240.00
107	PAVEMENT MESSAGE MARKING, THERMOPLASTIC, LANE INDICATION ARROW	3	EACH	\$ 90.00	\$270.00
108	SNOWPLOWABLE RAISED PAVEMENT MARKER	7	EACH	\$ 22.00	\$154.00
Change Order Total					\$71,398.38

Explanation of Items for Change Order #1

<u>Item #</u>	<u>Explanation</u>
14	Following the bid opening, Elkhart County requested to add in an additional asphalt approach along C.R. 17 at station 209+75, Rt. Along with the approach itself, a right turn lane would be added for northbound traffic at station 203+26.5 and ending at station 210+14. This was designed to be a 12 foot turn lane and the original 9 foot shoulder was to be maintained. Along with the additional asphalt and subgrade, structure 203 was lengthened to account for the wider approach that will be placed. The addition of the right turn lane required additional pavement markings to be added to the job. The originally designed stone drive was removed from the project. The full extent of these changes is shown on sheets 16, 17 and 35 of the plan set. The contractor agreed to use the contract bid prices to complete the additional work.
15	See Item 14.
16	See Item 14.
20	See Item 14.
22	See Item 14.
24	See Item 14.
33	See Item 14.
45	See Item 14.
101	See Item 14.
107	See Item 14.
108	See Item 14.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved awarding the bid for the surplus county property at CR 38 & CR 17 (64815 CR 17) to the only bidder, Michael & Anita Johnson for a net bid of \$112,805, after further review by the county attorney, Gordon Lord, 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 an out of state travel request for J. Grossman from the highway department to go to Washington DC in January 2017 for the Transportation Research Board Annual Meeting.

Ron Johnson, 59980 Old CR 17, Goshen, addressed the Board regarding drainage of a pond near his property. He said at the present time, it is a breeding ground for mosquitoes. He would like the county to inspect it & see if it is possible to have it drain into the Elkhart River like it did years ago. The Commissioners said a county highway employee will inspect the site to see what can possible be done to improve the situation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved advertising for bids for trucks for the highway department, as requested by Jeff Taylor, Manager of Transportation. Bids will be taken October 10, 2016.

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

September 19, 2016

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Minutes of the September 6th & 12th, 2016 meetings and placed them on file.

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

Jason Auvil from planning and development presented a request for Furrion Investments LLC, represented by Professional Permits & Jones Petrie Rafinski, for an amendment to an existing DPUD known as Furrion DPUD located on the north side of Independence Court, 1,100 feet north of Executive Parkway east of CR 17 in Washington Township. The Plan Commission has recommended approval of the amendment. Mr. Auvil said the petition was twofold – one to permit a sign plan and the other a site plan amendment to realign a driveway. The Plan Commission agreed that the architectural control committee of Elkhart East would have final say on whatever sign is approved. Garry Potts from Professional Permits explained the sign they are planning and said they have received approval from Elkhart East. 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 amendment and adopted an ordinance establishing this amendment. The Site Plan/Support Drawing is part of this Ordinance and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

The Ordinance is as follows:

ORDINANCE NO. PC 2003-06d

TO AMEND ORDINANCE NUMBER PC2003-06c, A DETAILED PLANNED UNIT DEVELOPMENT ADOPTED THE 17TH DAY OF MARCH 2013, MORE SPECIFICALLY BY AN AMENDMENT TO THE SITE PLAN SUPPORT DRAWING / DOCUMENTS TO ALLOW A SIGN PLAN TO BE APPROVED BY THE ELKHART EAST ARCHITECTURAL CONTROL COMMITTEE AND TO ALLOW THE EXTENDING AND REALIGNING OF A DRIVEWAY AND THE BUILDING ENTRANCE LANDSCAPING TO BE KNOWN AS FURRIION DPUD 1ST AMENDMENT.

WHEREAS, Finis Terra Inc, and Furrion Ltd., submitted a petition to amend Ordinance Number PC 2003-06c on the 5th day of July, 2016.

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 30th day of July 2016 and in **The Goshen News** on the 30th day of July 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 11th day of August 2016 and did take public input at that meeting;

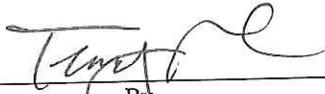
WHEREAS, The Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603 and Article 6 – General and Detailed Planned Unit Development of the Elkhart County Zoning Ordinance;

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

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

- SECTION 1.** That the petition is to amend PC 2003-06c Site Plan / Support Drawing / Documents by allowing a sign plan to be approved by the Elkhart East Architectural Control Committee and the extension and realigning of a driveway and building entrance landscaping.
- SECTION 2.** That the adopted Site Plan / Support Drawing is made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission; And that the Site Plan / Support Drawing that was made part of Ordinance PC2003-06c be superseded by this Ordinance PC2003-06d.
- SECTION 3.** That all Sections of PC2003-06c remain in effect and are not intended to be amended by this Ordinance unless specifically stated in Section 1 and Section 2 of this Ordinance.
- SECTION 4.** This Ordinance shall be in full force and effect from and after its passage and approval in accordance with the law.

ORDAINED AND ADOPTED THIS 19TH DAY OF SEPTEMBER, 2016 BY THE
BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA



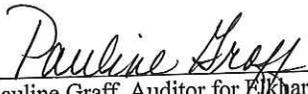
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

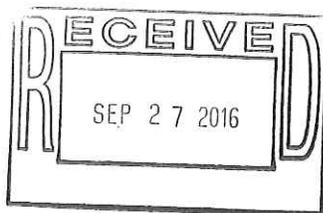
Attest: 

Pauline Graff, Auditor for Elkhart County

Chris Godlewski, Director of Planning, presented a request for Doug Miller, represented by Brads-Ko Engineering, for Vacation of north/south and east/west right of ways, located north off of Cottage Grove Drive, 1,550 feet east of CR 43 south of SR 120 in York Township. The Plan Commission has recommended approval of the vacation. Barry Pharis from Brads-Ko Engineering, representing the petitioner, said this will create an easement across the property instead of right of way and allow Mr. Miller to construct an addition to his home. 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 Vacation request as presented and adopted an ordinance establishing this vacation.

The vacation Ordinance is as follows:



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

MC

A PETITION HAVING HERETOFORE BEEN FILED WITH THE BOARD OF COMMISSIONERS OF ELKHART COUNTY, INDIANA ON THE 14th DAY OF September, 2016, REQUESTING THE VACATION OF A CERTAIN PUBLIC WAY WITHIN THE UNINCORPORATED AREA OF ELKHART COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED THEREIN, SAID PETITION BEING IN THE WORDS AND FIGURES FOLLOWING, TO-WIT: (H.I.); AND THE PUBLIC HEARING BEFORE THE ELKHART COUNTY PLAN COMMISSION AND BEFORE THE BOARD OF COMMISSIONERS OF ELKHART COUNTY HAVING BEEN SCHEDULED AS TO SAID PETITION, WITH THE ELKHART COUNTY PLAN COMMISSION HEARING HAVING BEEN HELD ON THE 11th DAY OF August, 2016, AND THE HEARING BEFORE THE BOARD OF COMMISSIONERS OF ELKHART COUNTY HAVING BEEN HELD ON THE 19th DAY OF September, 2016; AND FORMAL LEGAL NOTICE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, HAVING BEEN MAILED TO EACH OWNER OF LAND THAT ABUTS THE PUBLIC WAY TO BE VACATED, AND FORMAL LEGAL PUBLICATION NOTICE AS TO SAID HEARINGS HAVING BEEN PUBLISHED IN THE Goshen News ON THE 1st DAY OF August, 2016, AND IN THE Elkhart Truth ON THE 1st DAY OF August OF 2016, 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: 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.
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 PUBIC 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:

A PART OF THE SIXTEEN AND ONE-HALF (16.5) FOOT RIGHT OF WAY ADJACENT TO LOT NUMBERED TEN (10) AND LOT NUMBERED ELEVEN (11) AS THE SAID LOTS AND RIGHT OF WAY ARE KNOWN AND DESIGNATED ON THE PLAT OF COTTAGE GROVE ADDITION, A SUBDIVISION IN YORK TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN DEED RECORD VOLUME 112, PAGE 349 AND IS A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 7 EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID LOT NUMBERED TEN (10); THENCE SOUTH 34 DEGREES 08 MINUTES 09 SECONDS EAST ALONG THE SOUTHEASTERLY EXTENSION OF THE NORTHEASTERLY LINE OF SAID LOT NUMBERED TEN (10), A DISTANCE OF 18.15 FEET TO A POINT ON THE SOUTH LINE OF SAID RIGHT OF WAY; THENCE SOUTH 31 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID RIGHT OF WAY, A DISTANCE OF 54.67 FEET; THENCE NORTH 50 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTHWESTERLY LINE OF SAID RIGHT OF WAY, A DISTANCE OF 132 FEET, MORE OR LESS, TO THE WATER'S EDGE OF HUNTER LAKE; THENCE NORTHEASTERLY ALONG SAID WATER'S EDGE, A DISTANCE OF APPROXIMATELY 17.26 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID RIGHT OF WAY; THENCE SOUTH 50 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTHEASTERLY LINE OF SAID RIGHT OF WAY, ALSO BEING THE SOUTHWESTERLY LINE OF AFORESAID LOT NUMBERED ELEVEN (11), A DISTANCE OF 108 FEET, MORE OR LESS, TO THE MOST SOUTHERLY CORNER OF SAID LOT NUMBERED ELEVEN (11); THENCE NORTH 31 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTHWESTERLY LINE OF SAID RIGHT OF WAY, ALSO BEING THE SOUTHEASTERLY LINE OF SAID LOT NUMBERED ELEVEN (11) AND SAID LOT NUMBERED TEN (10), A DISTANCE OF 43.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 0.064 OF AN ACRE, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

ALSO

A PART OF TRACT ONE (1) AS SAID TRACT IS CONVEYED TO DOUGLAS L. MILLER AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN DEED RECORD VOLUME 378, PAGES 428 AND 429 AND IS A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 7 EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT THE MOST EASTERLY CORNER OF LOT NUMBERED TEN (10) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE PLAT OF COTTAGE GROVE ADDITION, A SUBDIVISION IN YORK TOWNSHIP, ELKHART COUNTY, INDIANA, SAID PLAT BEING RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN DEED RECORD VOLUME 112, PAGE 349; THENCE SOUTH 34 DEGREES 08 MINUTES 09 SECONDS EAST ALONG THE SOUTHEASTERLY EXTENSION OF THE NORTHEASTERLY LINE OF SAID LOT NUMBERED TEN (10), A DISTANCE OF 18.15 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF A SIXTEEN AND ONE-HALF (16.5) FOOT RIGHT OF WAY ADJACENT TO SAID LOT NUMBERED TEN (10); THENCE SOUTH 31 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTHEASTERLY LINE OF SAID RIGHT OF WAY, A DISTANCE OF 30.67 FEET; THENCE SOUTH 35 DEGREES 24 MINUTES 36 SECONDS EAST, A DISTANCE OF 1.15 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 35 DEGREES 24 MINUTES 36 SECONDS EAST, A DISTANCE OF 42.83 FEET, THENCE NORTH 53 DEGREES 59 MINUTES 33 SECONDS EAST, A DISTANCE OF 12.67 FEET; THENCE SOUTH 25 DEGREES 56 MINUTES 46 SECONDS EAST, A DISTANCE OF 7.69 FEET TO THE NORTHERLY LINE OF THE CUL-DE-SAC OF COTTAGE GROVE DRIVE; THENCE SOUTHWESTERLY ALONG THE NORTHERLY LINE OF SAID CUL-DE-SAC BEING ON THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, A DISTANCE OF 2.44 FEET (CHORD BEARING SOUTH 29 DEGREES 59 MINUTES 44 SECONDS WEST, CHORD DISTANCE 2.44 FEET); THENCE SOUTH 64 DEGREES 21 MINUTES 32 SECONDS WEST, A DISTANCE OF 24.98 FEET; THENCE NORTH 31 DEGREES 08 MINUTES 05 SECONDS WEST, A

DISTANCE OF 40.92 FEET; THENCE NORTH 27 DEGREES 47 MINUTES 07 SECONDS EAST, A DISTANCE OF 13.87 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 0.017 OF AN ACRE, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

ATTACHED HERETO AS "EXHIBIT A" IS A MAP OR LINE DRAWING OF THE PUBLIC WAY VACATED BY THIS ORDINANCE.

3. THAT TITLE IN FEE SIMPLE TO THE ABOVE VACATED PROPERTY SHALL BE TRANSFERRED TO THE ADJOINING PROPERTY OWNER:

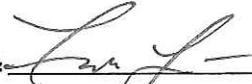
1) DOUGLAS L. MILLER (DEED RECORD VOLUME 378, PAGES 428 & 429)

TAX PARCELS NUMBERED: 20-04-25-401-003.000-032 & 20-04-25-402-001.000-032

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 19th DAY OF September, 2016.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

BY:  _____

FRANK LUCCHESE

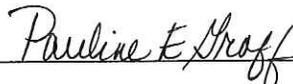
BY:  _____

TERRY J. RODINO

BY:  _____

MIKE YODER

ATTEST:

 _____

PAULINE E. GRAFF
AUDITOR OF ELKHART COUNTY, INDIANA

CROSS REFERENCES:

1) DEED RECORD VOLUME 378, PAGES 428 & 429 (WARRANTY DEED FROM LARRY E. & MARY E. JOHNSON TO DOUGLAS L. MILLER)

2) DEED RECORD VOLUME 112, PAGE 349 (RECORD PLAT OF COTTAGE GROVE)

THIS INSTRUMENT PREPARED BY BARRY W. PHARIS, GENERAL MANAGER, BRADS-KO ENGINEERING & SURVEYING, INC., 1009 SOUTH 9TH STREET, GOSHEN, INDIANA 46526

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. BARRY W. PHARIS

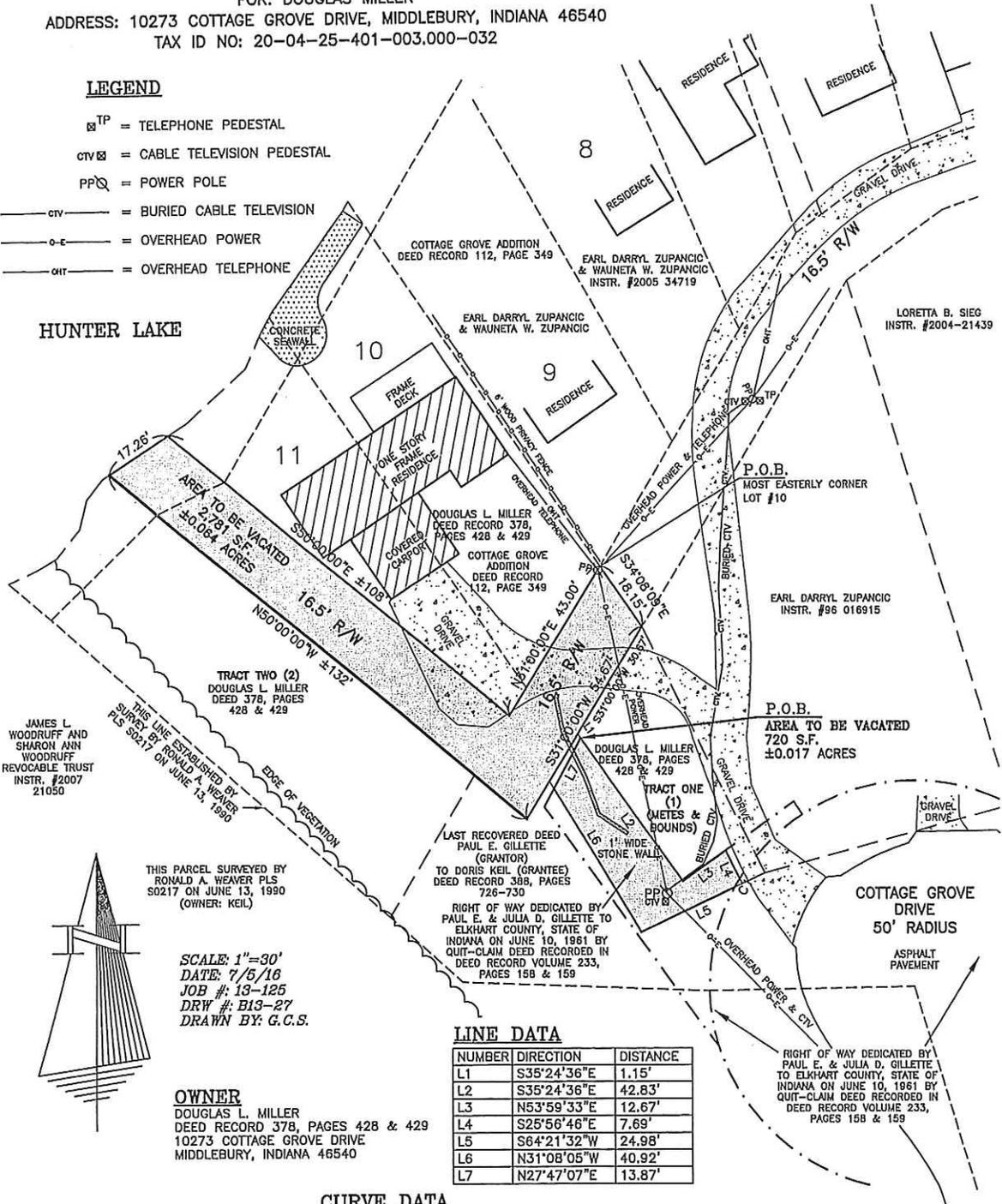
VACATION OF RIGHT OF WAY

EXHIBIT A

VACATION OF A PORTION OF A PART OF A PARCEL OF LAND SITUATED IN SECTION TWENTY-FIVE (25), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE SEVEN (7) EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA
 FOR: DOUGLAS MILLER
 ADDRESS: 10273 COTTAGE GROVE DRIVE, MIDDLEBURY, INDIANA 46540
 TAX ID NO: 20-04-25-401-003.000-032

LEGEND

- TP = TELEPHONE PEDESTAL
- CTV = CABLE TELEVISION PEDESTAL
- PP = POWER POLE
- CTV = BURIED CABLE TELEVISION
- O-E = OVERHEAD POWER
- O-T = OVERHEAD TELEPHONE



JAMES L. WOODRUFF AND SHARON ANN WOODRUFF REVOCABLE TRUST INSTR. #2007 21050

THIS LINE ESTABLISHED BY SURVEY OF RONALD A. WEAVER PLS S0217 ON JUNE 13, 1990

THIS PARCEL SURVEYED BY RONALD A. WEAVER PLS S0217 ON JUNE 13, 1990 (OWNER: KEIL)

SCALE: 1"=30'
 DATE: 7/5/16
 JOB #: 13-125
 DRW #: B13-27
 DRAWN BY: G.C.S.

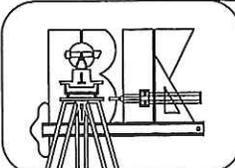
OWNER
 DOUGLAS L. MILLER
 DEED RECORD 378, PAGES 428 & 429
 10273 COTTAGE GROVE DRIVE
 MIDDLEBURY, INDIANA 46540

LINE DATA

NUMBER	DIRECTION	DISTANCE
L1	S35°24'36"E	1.15'
L2	S35°24'36"E	42.83'
L3	N53°59'33"E	12.67'
L4	S25°56'46"E	7.69'
L5	S64°21'32"W	24.98'
L6	N31°08'05"W	40.92'
L7	N27°47'07"E	13.87'

CURVE DATA

NUMBER	RADIUS	ARC LEN	DELTA	TAN	CHORD LEN	CHORD BRG
C1	50.00'	2.44'	02°47'52"	1.22'	2.44'	S29°59'44"W



Brads-Ko Engineering & Surveying, Inc.
 1009 South Ninth St. Goshen, IN 46526
 Phone 574 533-9913 Fax 574 533-9911

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a Proclamation for "*Indiana Bicentennial Day*" on October 4, 2016. Mike Yoder said the torch will be going through Elkhart County beginning on October 4, 2016 at a dairy farm.

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved paying for luncheon supplies for the highway maintenance department for executing a successful 2016 chip/seal program, 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 a Change Order with Niblock Excavating, Inc. for the paving program for \$167,472.50 to pave CR 25 from Bristol limits to CR 2, as requested by Jeff Taylor, Manager of Transportation.

The Change Order is as follows:

CHANGE ORDER

NIBLOCK EXCAVATING, INC.
 P.O. BOX 211
 BRISTOL, INDIANA 46507
 TEL (574) 848-4437
 FAX (574) 848-4575

PROPOSAL SUBMITTED: Elkhart County		PHONE 534-9394	DATE 8/03/16
STREET 610 Steury Ave.		JOB NAME CR 25	
CITY, STATE and ZIP CODE Goshen, IN 46528		JOB LOCATION CR 25 from Bristol limits to CR 2 (skip toll road R/W)	
ATTENTION Rick Easton	DATE OF PLANS N/A	FAX 533-7103	

We hereby submit specifications and estimates for work to be done in the following manner:

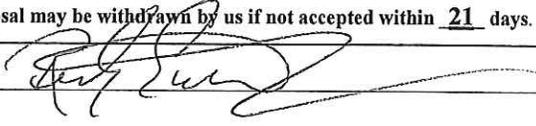
CR 25.

PREP COST

275 lb/yd3 HMA, TYPE A Surface, 12.5mm
Shoulders

1 LS @ \$42,500.00/LS = \$42,500.00
 2,915 TON @ \$41.50/TON = \$120,972.50
 200 TON @ \$20.00/TON = \$4,000.00

PREP COST INCLUDES PULVERIZING, GRADING, STRIPING

<p>All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.</p>	<p>AUTHORIZED SIGNATURE  CHAD NIBLOCK, GENERAL MANAGER</p> <p>Note: This proposal may be withdrawn by us if not accepted within <u>21</u> days.</p>
<p><i>Acceptance of proposal-</i> The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.</p> <p>Date of Acceptance: <u>8-15-2016</u></p>	<p>Signature </p> <p>Signature _____</p>

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

September 26, 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, Mike Yoder and Frank Lucchese, 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.

Kris Krueger, Grants Procurement Specialist, presented bids that were received for the county's "Hardest Hit Blight Program". This round of bids is for eight (8) properties. Bids were received from Jackson Services for \$56,000; Indiana Earth, Inc. for \$130,900; Pelley Excavating for \$90,594; R & R Excavating, Inc. for \$145,940 and IESCO for \$81,600.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted the bids and referred them to Kris Krueger for review and tabulation. She will have a recommendation for awarding the bid at the meeting on October 3, 2016.

Carolyn Carter, a resident of Auburn Estates subdivision, addressed the Board with regards to having the cracks filled & repairs done to the streets in her subdivision. She said she has asked several times & there still has not been anything done. Jeff Taylor explained that the county only has a certain amount of money & time to do this type of repairs. She also complained about the retainage pond in the subdivision & the pipes going into it. Jeffrey Gould, the husband of Ms. Carter, explained the problem with the pond & the pipes being broken that lead into the pond. Ryan Klussman, MS4 Coordinator, will go out and inspect it to see if the county has any responsibility for the issues.

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

Respectfully submitted,
Kathy L. Erschen