



AGENDA FOR ELKHART REDEVELOPMENT COMMISSION MEETING  
MUNICIPAL BUILDING (2<sup>ND</sup> FLOOR), COUNCIL CHAMBERS  
TUESDAY, April 9, 2024 at 4:00 P.M.

THIS MEETING WILL BE HELD IN-PERSON & ELECTRONICALLY VIA WEBEX

To join, go

<https://coei.webex.com/coei/j.php?MTID=m41eddd6afb2286aa8716efde8fac13bf>  
enter **2300 360 1350** as the event number and **RDC4** as the event password.

To join by phone, call **1-415-655-0001**, enter **2300 360 1350##**

*Press \*6 to unmute telephone*

Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to [adam.fann@coei.org](mailto:adam.fann@coei.org) prior to the meeting.

1. Call to Order

2. Approval of Minutes

- March 12, 2024 Regular Meeting Minutes

3. New Business

a) Open Bid

b) Public Comment on Draft Annual Action Plan for CDBG 2024

c) 2023 Redevelopment Annual Report

- Approve 2023 Redevelopment Annual Report.

d) 1043 South Main Street

- Authorize appraisal for 1043 South Main and appropriate \$400.00 from Downtown Tax Allocation Area No. 1 Special Fund

e) Prairie Street Offer

- Approve offering of \$10,800 on parcel 20-06-08-234-033.000-012

- f) **Freight Street Phase II**
  - Approve Heron Environmental Phase II study at Freight and St. Joseph Street and appropriate \$12,220 from Allocation Area No. 1 Special Fund.
- g) **Goodwill Industries Use Agreement**
  - Approve Goodwill Use Contract
- h) **3508 South Main Street Use Agreement**
  - Grant ICC Group, Inc. access to 3508 South Main Street
- i) **Offer to Purchase Real Estate - 420 South Second Street**
  - Approve making an offer to purchase real estate located at 420 South Second Street
- j) **Offer to Purchase Real Estate - 121 West Franklin**
  - Approve making an offer to purchase real estate located at 121 West Franklin
- k) **Amphitheater Documents**
  - Approve proposal of Stone Planning for Amphitheater advisory services
- l) **AML Subordination Agreement**
  - Approve subrogation agreement
- m) **River Greenway**
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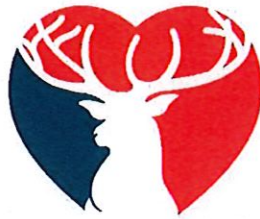
4. Staff Updates

5. Other Business

- a) Warrick and Boyn Invoice
- b) TIF Report

9. Public Comment

10. Adjournment



City of Elkhart  
*Redevelopment Commission*

REGULAR MEETING  
ELKHART REDEVELOPMENT COMMISSION  
LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS  
Tuesday, March 12, 2024  
4:00 p.m.

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**PRESENT:** Willie L. Brown, Dina Harris, Gerry Roberts, Sandi Schreiber, Wes Steffen, Gary Boyn, Mike Huber, Adam Fann, Jacob Wolgamood, Drew Wynes, Sherry Weber (Recording Secretary), Alex Holtz, Lewis Anne Deputy, James Randolph (Holladay Properties) & Paul Phair (Holladay Properties)

**PRESENT BY WEBEX:** Chris Pottratz, Corinne Straight, Ambrose Kanya, ML, T

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**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. The meeting was called to order at 4:01 p.m. by Ms. Schreiber, President.

**MEMBERS SWORN IN**

The Honorable, Judge Charles Grodnik swore in the following individuals who are elected to serve as directors of the Elkhart Redevelopment Commission until December 31, 2024 or until their successors are duly elected and qualified:

Sandra Schreiber  
Wes Steffen  
Willie L. Brown

Gerry Roberts  
Dina Harris

President Sandi Schreiber extended condolences to Steve Eldridge family and friends. Steve served as president of the planning commission and made significant contributions to the community.

**APPROVAL OF FEBRUARY 13, 2024 REGULAR MEETING MINUTES, FEBRUARY 21, 2024 EXECUTIVE SESSION SUMMARY, & FEBRUARY 27, 2024 SPECIAL MEETING**

Ms. Schreiber asked for a motion to approve the February 13, 2024 Regular Meeting Minutes, February 21, 2024 Executive Session Summary, and the February 27, 2024 Special Meeting Minutes. Moved by Ms. Harris. Seconded by Mr. Brown. Voice vote. All in favor, minutes approved.

## NEW BUSINESS

### A. OPEN BIDS FOR WOODLAND CROSSING MASTER DEVELOPER AND REAL ESTATE OFFER

- No bids were submitted

### B. RFP FOR 1000 BLOCK SOUTH MAIN STREET PROPERTIES

Mr. Mike Huber addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the request for proposal as submitted, authorize the issuance and approve the offering of real estate and all parts listed there at the gross price of \$300,000. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote. All in favor, motion approved. Lewis Anne Deputy addressed the commission and asked to adjust the price reflected by \$30,000 for the additional expense of hiring different contractor for demo.

### C. REDEVELOPMENT ENCUMBRANCES FROM 2023 TO 2024 FUND SUMMARY

Mr. Mike Huber addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the encumbrance of funds from the 2023 budget to the 2024 fund as set forth on the list of encumbrances presented to the commission by the controller's office dated February 20, 2024. Moved by Mr. Brown. Seconded by Mr. Steffen. Voice vote. All in favor, motion approved.

### D. CONN OVERAGE - METRIC ENVIRONMENTAL INVOICE

Mr. Adam Fann addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the additional services of Metric Environmental, LLC, approve their invoice in the amount of \$2,157.34 and appropriate \$162,480 from Brownfield Accounts Special Fund. Moved by Mr. Roberts. Seconded by Mr. Brown. Voice vote. All in favor, motion approved.

### E. CONCORD MALL PARKING LOT LEASE

Mr. Mike Huber addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the form and term to the addendum number 1 to the lease agreement subject to final approval by the Elkhart Common Council for the Concord Mall parking lot. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote. All in favor, motion approved.

### F. PRAIRIE STREET APPRAISAL

Mr. Adam Fann addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the employment of independent appraisers to be selected by staff to provide appraisals on the real estate adjacent to the 1000 block of South Main and appropriate \$15,000 from Downtown Tax Allocation Area Number 1 Special Fund. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote. All in favor, motion approved.

### G. PARKWAY AT 17 PROJECT

Mr. Mike Huber addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the pledge of TIF revenues from the project area to the payment of principle interest on the bonds for a term or years ending not earlier than upon the final payment of the bonds or 25 years from the date issuance of the bond as set forth in the resolution submitted to the

commission today. Moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote. All in favor, motion approved

#### H. APPRAISALS APPROPRIATION

Mr. Mike Huber addressed the commission and answered their questions. Ms. Schreiber asked for a motion to approve the employment of independent appraisers to be selected by the staff to provide appraisals on the real estate for a not to exceed cost of \$3,000 and appropriate that sum from the Downtown Tax Allocation Area Number 1 Special Fund. Moved by Mr. Roberts. Seconded by Mr. Brown. Voice vote. All in favor, motion approved.

#### STAFF UPDATES

Mr. Adam Fann addressed the commission with updates on projects around the city

- State Road 19 – The stonework in the linear park should be starting next week. Excavating of node number one will be starting as well.
- South Main Demo – We held an event on Monday (3/11/24) with Kelby's mom. We were able to remove Kelby's signature from the mural and present it to Ms. Love. The event was well attended by those who came say their last farewell to the mural. Once the building comes down, we will make the bricks available to the public.

#### OTHER BUSINESS

Mr. Boyn stated the current work amount on the Warrick and Boyn invoice is for \$27,210.13.

Ms. Schreiber asked for a motion to approve the Warrick and Boyn invoice in the sum of \$27,210.13.

Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote. All in favor, invoice approved.

The commissioners have the current TIF Reports for January 2024.

#### PUBLIC COMMENT

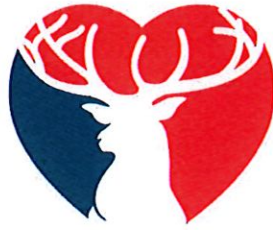
No one from the public was there at address the Commission.

#### ADJOURNMENT

There being no further discussion, Ms. Schreiber asked for a motion to adjourn the meeting. It was moved by Mr. Roberts. Seconded by Mr. Brown. Voice vote. All in favor, motion approved. The meeting adjourned at 4:32 p.m. Next meeting is on Tuesday, April 9, 2024 at 4:00 p.m. in Council Chambers.

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Sandra Schreiber, President



**City of Elkhart**  
*Redevelopment Commission*

Elkhart Redevelopment Commission  
Pre-Agenda Meeting Summary  
For March 8, 2024

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**PRESENT:** Dina Harris, Sandi Schreiber, Wes Steffen, Gary Boyn, Mike Huber, Adam Fann, Jacob Wolgamood, Sherry Weber, Corinne Straight, Mary Kaczka, Drew Wynes and Ambrose Kamy.

**PRESENT BY WEBEX:** Chris Pottratz and Gerry Roberts

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The Commission reviewed each agenda item and staff explained the status of each matter to date and the need for and purpose of the proposed Resolution to be acted upon at the upcoming Elkhart Redevelopment Commission meeting on March 12, 2024.

RESOLUTION NO. 24-R-021

RESOLUTION OF THE REDEVELOPMENT COMMISSION OF THE  
CITY OF ELKHART, INDIANA, APPROVING 2023 ANNUAL REPORT

WHEREAS, The Department of Redevelopment is required to file an Annual Report of its activities in the preceding calendar year with the City's Executive and fiscal bodies by April 15 of each year, and electronically with the Indiana Department of Local Government Finance (the "Report"); and

WHEREAS, the Commission has reviewed the 2023 Annual Report and desires to approve it for submission.

NOW THEREFORE, BE IT RESOLVED:

1. The Commission approves the 2023 Annual Report and authorizes its issuance.
2. The Commission authorizes its officers and staff to submit the Report to the Mayor, Common Council and Department of Local Government Finance, and any other appropriate bodies, and to do all acts which they deem necessary and desirable to carry out the terms of this Resolution.

ADOPTED BY MAJORITY VOTE THIS 9th DAY OF APRIL 2024.

CITY OF ELKHART, REDEVELOPMENT  
COMMISSION

By \_\_\_\_\_  
Sandra Schreiber, President

ATTEST:

By \_\_\_\_\_  
Dina Harris, Secretary



## Redevelopment Commission Annual Report 2023

### January

- The Commission approved a lawn care/snow removal contract for City owned properties with Frankenberger in the amount of \$162,480 (\$106,427 Downtown Allocation Area No. 1 Special Fund, \$6,499 Elkhart Technology Park Allocation Area Special Fund, \$49,554 Consolidated South Elkhart Economic Development/Redevelopment Area Allocation Area Special Fund)
- The Commission approved an amended fee agreement with Nelson Law Group / Ice Miller for environmental services on 1101 E. Beardsley in the amount of \$350,000 (\$30,000 from Downtown Allocation Area No. 1 Special Fund and \$320,000 from Foundation Settlement Fund - Brownfield Services)
- The Commission approved to offer 1524 Frances for sale

### February

- The Commission approved August Mack employment to perform cost analysis for former G&W Industries in the amount of \$6,500 from Consolidated South Elkhart Economic Development/Redevelopment TIF Special Fund.
- The Commission approved funds for demolition services at 1701 Sterling in the amount of \$13,363 from Consolidated South Elkhart Economic Development/Redevelopment Tax Allocation Area Special Fund.
- The Commission approved the offer on LOI Premier Arts in the amount of \$200,000.
- The Commission approved the Lacasa CDBG funding subrecipient application for FY 2022.
- The Commission approved the employment of Meticulous Design and Architecture, LLC to perform preliminary analysis and design for Pierre Moran Neighborhood Opportunity Node Master Plan in the amount of \$22,350 from Community Development Block Grant Program Special Fund.
- The Commission approved Community Planning Insights (CPI) contract for services with Aaron Sorrell in the amount of \$25,000 from CDBG Block Grant Program Special Fund.
- The Commission authorized officers to execute and deliver a revised letter of intent to the owner of Woodland Crossing.

### March

- The Commission approved the purchase and development agreement for 1524 Frances Ave. from White Bottom Properties, LLC in the amount of \$45,000.
- The Commission approved the purchase agreement for Premier Arts vacant lot in the 400 block of South Main St. in the amount of \$200,000 from Downtown Allocation Area No. 1 Special Fund.
- The Commission approved the contract for asbestos services for 1025-1045 South Main in the amount of \$4,350 from Allocation Area No. 1 Special Fund.
- The Commission authorized the sale of 1560 ½ South Main for the offering price of \$1,000.



- The Commission approved the Baker Tilly contract for TIF Service in the amount of \$25,000 charged equally from each of the City's Tax Allocation Area Special Funds.
- The Commission approved the American Structurepoint Professional Services contract in the amount of \$40,000 from Downtown Allocation Area No.1 Special Fund.

#### April

- The Commission authorized the offering of lots 729, 733, and 739 South Main Street for sale.
- The Commission approved an amendment to the development agreement for River District Plans, EOZ Zone 1 from EOZ Business, LLC.

#### May

- The Commission approved the employment of Enviroforensics for VRIP plan site investigation for the former G&W Industry and appropriated \$43,058 from Consolidated South Elkhart Economic Development/Redevelopment TIF Area Special Fund.
- The Commission approved \$2,600 from Consolidated TIF for appraisals on parcel north of 1701 Sterling.
- The Commission approved the change order for Cross Excavation to install silt fencing at 613 Dr. King Drive (Roundhouse) and appropriated \$5,039.42 from Downtown Allocation Area No. 1 Special Fund TIF.
- The Commission approved the contract with Metric Environmental, LLC to perform storm water pollution prevention plan (SWPPP) in Roundhouse and 1101 E. Beardsley and appropriated \$9,720 from Foundry Settlement (Brownfield Services) Special Fund. (Roundhouse=\$4,860 / Beardsley=\$4,860)
- The Commission approved the transfer of real estate and the Purchase & Development Agreement with Lacasa of Goshen Inc. for 209 North Second Street.
- The Commission appropriated \$266,000 from CDBG funds to be applied to the cost of Lacasa real estate improvements for 209 North Second Street.
- The Commission approved the employment of Kemple Fair Housing Consulting Services, LLC to provide technical assistance on CDBG Fair Housing Programs and appropriated \$18,000 Community Development Block Grant Program Special Fund (CDBG).
- The Commission awarded the bid and approved the contract for site clearance services at 1101 Beardsley to Jerry Reed and appropriated \$250,000 from the Brownfield/Foundry account.
- The Commission approved the employment of August Mack to prepare expert witness report for G&W Industry and appropriated \$41,600 from Consolidated South Elkhart Economic Development/Redevelopment TIF Area Special Fund.

#### June

- The Commission approved the employment of Weaver Consultants Group, LLC to perform environmental services at 700 West Beardsley and appropriated \$35,330 from Technology Park Economic Development Allocation Area Special Fund.
- The Commission awarded and approved asbestos removal contract at 1025-1045 South Main to A&G and appropriated \$29,975 split between Downtown and Consolidated TIFs (\$14,987.50 from Downtown Allocation Area No. 1 Special Fund and \$14,987.50 Consolidated South Elkhart Economic Development/Redevelopment Area Special Fund).
- The Commission approved the employment of Digital Art for photographic services at 1045 S. Main (Kelby Love mural) and appropriated \$8,789 Downtown Allocation Area No. 1 Special Fund.
- The Commission approved Infrastructure Project Supervisors equipment purchases and appropriated \$16,000 split equally among all TIFs
- The Commission accepts an offer on 1560 ½ South Main Street for the sum of \$1.00.
- The Commission approved the employment of Baker Tilly for Amphitheater advisory services and appropriated \$50,000 from Cassopolis Corridor Allocation Area Special Fund.

- The Commission approved the employment of Stone Planning, LLC for Amphitheater advisory services and appropriated \$48,000 from the Cassopolis Corridor Allocation Area Special Fund.

### **July**

- The Commission transferred 535 West Lexington to Board of Works.
- The Commission accepted the transfer of 511 Division from Board of Works.
- The Commission designated and declared the Parkway 17 Economic Development Area, approved an Economic Development Area Plan and established an Allocation Area for purposes of tax increment financing.
- The Commission approved improvements to railroad corridor owned by Patriot Rail and appropriated \$228,000 from the Downtown Allocation Area No. 1 Special Fund and \$429,000 from Tech Park TIF Fund.
- The Commission approved the amendment to the EOZ Business, LLC development agreement for River District Zone 1 – extended until September 30, 2023.
- The Commission appropriated an additional \$44,100 from local public improvements allocation for Lacasa 511 Division project and appropriated \$44,100 from IGP Program Special Fund.

### **August**

- The Commission authorized publication of Notice to Public Hearing to consider offering real estate (Alley at 511 Division) for grant or sale to Lacasa under 36-7-14-22.2.
- The Commission approved \$8,140,000 for Cassopolis Street improvements and appropriated \$8,140,000 from Cassopolis Corridor Economic Development Area Allocation Area Special Fund.
- The Commission approved \$300,000 for Cassopolis Street improvements and appropriated \$300,000 Cassopolis Corridor Economic Development Area Allocation Area Special Fund.
- The Commission approved the change order from Roberts Environmental for soil remediation services at 1701 Sterling Ave. and appropriated \$18,700 from Consolidated South Elkhart Economic Development/Redevelopment Tax Allocation Area Special Fund.
- The Commission approved the transfer of real estate and purchase & development agreement with Advantix Development Corporation for 1701 Sterling Ave. for \$1.00 contingent upon the approval of the affordable housing credits.
- The Commission approved settlement agreements on 1101 East Beardsley environmental clean-up.
- The Commission approved a contract with Reed Excavating for installing silt fence and temporary drive at 1101 East Beardsley and appropriated \$10,500 from the foundry settlement special fund.
- The Commission approved funding for Downtown After Dark and appropriated \$50,000 from Downtown Allocation Area No. 1 Special Fund.
- The Commission approved the Community Development Block Grant PY23 Subrecipient Agreements for The Boys and Girls Club of Elkhart County, Inc., Council on Aging Elkhart County, Goodwill Industries of Michiana, and YWCA North Central Indiana.
- The Commission approved the assumption agreement with Lex/Main and JJ Dalton.

### **September**

- The Commission held a Public Hearing to review Consolidated Annual Performance Report (CAPER) for expenditures of the Community Development Block Grant (CDBG) funds for PY22.
- The Commission appropriated \$20,000 from Consolidated TIF to cover IDEM oversight for G&W VRP process.
- The Commission approved joint resolution between County of Elkhart and the City of Elkhart Redevelopment pursuant to IC 36-1-11-8 for transfer of real estate between governmental entities.
- The Commission approved the transfer of real estate (511 Division) and purchase and development agreement with Lacasa, Inc.
- The Commission approved Amendment No. 1 to the EOZ Business, LLC development agreement.

- The Commission approved funding request for Concord Mall public improvements and appropriated \$2,000,000 from Consolidated South Elkhart Economic Development/Redevelopment Area Tax Allocation Area.
- The Commission approved the Community Development Block Grant PY23 Subrecipient Agreement with AMAA-Health Plus Indiana & Minority Health Coalition of Elkhart County.
- The Commission approved Lacasa Homebuyer Grant for 1635 Huron St. and appropriated \$15,000 from CDBG Grant Year 2022 Funds. Grant #B22MC180015.
- The Commission approved Lamar Advertising Company of Northeast Indiana contract for CDBG Fair Housing Billboards and appropriated \$10,000 from CDBG Fair Housing 2226-5-631-4314120 PY22 Grant #B22MC180015 / IDIS #955.
- The Commission approved the employment of Abonmarche for parking study for the Amphitheater and appropriated \$97,000 (\$48,500 Cassopolis Corridor Allocation Area Special Fund and \$48,500 Downtown Allocation Area No. 1 Special Fund).
- The Commission approved the employment of Structurepoint for Demo Specs on Central Green and appropriated \$150,000 (\$75,000 from Cassopolis Corridor Allocation Area Special Fund and \$75,000 from Downtown Allocation Area No. 1 Special Fund).
- The Commission appropriated additional funding for ARP Homeowner Occupied Rehab Program and appropriated \$30,000 from Special Account 294.
- The Commission approved the purchase agreement for lots 1, 3, 5 and 6 in Woodland Crossing and appropriated \$3,000,000 from Consolidated South Elkhart Economic Development/Redevelopment Area Allocation Area Special Fund.
- The Commission approved the letter of engagement to hire Ice Miller to provide services to River District Development Agreement.
- The Commission approved the settlement agreements on G&W property at 2306 South Main environmental clean-up litigation.

### **October**

- The Commission held a Public Hearing concerning West 78 Business Park Economic Development Area TIF Allocation Area.
- The Commission approved the West 78 Economic Development Area, Economic Development Plan and establish Allocation Area for purpose of tax increment financing.
- The Commission held a Public Hearing concerning designate and declare Parkway 17 Economic Development Area Plan and establish Allocation Area for purpose of tax increment financing.
- The Commission designated and declared Parkway 17 Economic Development Area plan and establish Allocation Area for purpose of tax increment financing.
- The Commission amended the declaratory resolution and the Redevelopment Plan for the Downtown Urban Renewal Area for River District Zone 1 Allocation Areas 4, 5, and 6.
- The Commission authorized actions relating to disposition of leasehold interest in certain property (City of Elkhart Civic Plaza and the Art and Pat Decio Central Green and all meters related to).
- The Commission approved the demolition of 1108 Benham and appropriated \$35,000 from CDBG Special Fund to cover the cost of demolition.
- The Commission approved the 2024 Redevelopment Commission meeting schedule.

### **November**

- The Commission held a Public Meeting to consider declaratory resolution establishing Downtown Elkhart Single Family Housing Allocation Area No. 6 located in the housing TIF Area and preliminary approving a housing program for the housing TIF area.
- The Commission approved a Local Public Improvement (LPI) to the Elkhart Municipal Airport for water and electric improvements and appropriated \$40,000 from Aeroplex TIF.

- The Commission approved the Concord Mall Loan Documents.
- The Commission approved the transfer of real estate from the Board of Works to Redevelopment (Art and Pat Decio Central Green).
- The Commission approved the Homebuyer Assistance Grant for 1639 Huron & 919 Hubbard for \$15,000 each and appropriated \$30,000 from CDBG Grant Year 2022 Fund Grant #B22MC180015.
- The Commission approved the CDBG Program Year 23 Subrecipient Agreement for St. James Church.
- The Commission approved the employment of Enviroforensics, LLC regarding LaBour Pump VRP and appropriated \$15,098 from Consolidated TIF.

### **December**

- The Commission approved Brownfield Services account changes.
- The Commission awarded Cross Excavating and Demolition LLC for demonstration services at the 1000 block of South Main Street.
- The Commission approved the Kiosk access and use agreement with Blue Dot Equity, LLC.
- The Commission approved the contract with Bradley Company for CAM Services at Woodland Crossing and appropriated \$5,000 from Consolidated South Elkhart Economic Development/Redevelopment Allocation Special Fund.
- The Commission approved the Economic Development Agreement with Holladay Properties for Parkway 17 multi-family apartment complex.
- The Commission authorized an offer to purchase Freight Street lot and to negotiate a purchase agreement.
- The Commission approved the Elkhart County Convention and Visitors Bureau Gateway Mile Promotions Agreement, authorized expenditures and appropriated \$60,000 from Downtown Allocation Area No. 1 Special Fund for implementation in 2024.
- The Commission approved the Elkhart County Convention and Visitors Bureau Cassopolis Street Corridor Agreement, authorized expenditures and appropriated \$160,000 from Cassopolis Street Corridor Allocation Area Special Fund for implementation in 2024.
- The Commission approved the employment of Community Planning Insight (CPI – Aaron Sorrell) for CDBG consulting services, approved the CPI contract and appropriated \$25,000 from Community Development Block Grant Program Special Fund.
- The Commission approved the LaCasa contract for owner occupied home inspection services and appropriated \$20,000 from Community Development Block Grant Program Funds.
- The Commission held a Public Hearing which approved the creation of Downtown Elkhart Allocation No. 4, the Downtown Elkhart Area No. 5 and the Downtown Elkhart Single Family Housing Allocation Area No. 6. The Public Hearing was held open until the following Redevelopment meeting.
- The Commission continued the Public Hearing to approve the amendments to the declaratory resolution and the Redevelopment Plan for the Downtown Urban Renewal Area.
- The Commission approved the first amendment to purchase agreement for Woodland Crossing.

### **2023 Commissioners**

Mrs. Sandra Schreiber, President

Mr. Wes Steffen, Vice President

Mr. Alex Holtz, Secretary

Mr. Gerry Roberts

Ms. Dina Harris

### **2023 School Board Representative**

Ms. Dorisanne Nielsen (non-voting member)

**2023 Staff**

Mike Huber (Director of Development Services)

Adam Fann (Asst. Director of Development Services January 2023)

Jacob Wolgamood (TIF Infrastructure Project Supervisor January 2023)

Sherry Weber (Recording Secretary)

The Commission had no employees in calendar year 2023

City of Elkhart  
TIF Budget Summary  
As of December 31st, 2023  
(Unaudited)

	4445 - Downtown		4446 - Pierre Moran		4447 - Southwest	
	Current Month	Year to Date	Current Month	Year to Date	Current Month	Year to Date
<b>Beginning Cash</b>		<b>4,652,673.38</b>				
<b>Revenues</b>						
Spring Property Taxes	-	1,683,912.51	-	178,813.69	-	704,388.95
Fall Property Taxes	1,435,956.66	1,435,956.66	182,258.23	182,258.23	642,809.11	642,809.11
State Grants	-	-	-	-	-	-
Miscellaneous	-	72,963.50	-	-	-	-
Rent Income	-	-	-	-	-	-
Sale of Property	-	-	-	-	-	-
Transfers (In)	-	-	-	-	-	-
<b>Total Revenue</b>	<b>1,435,956.66</b>	<b>3,192,832.67</b>	<b>182,258.23</b>	<b>361,071.92</b>	<b>642,809.11</b>	<b>1,347,198.06</b>
<b>Expenses</b>						
Personnel Services	(36,802.01)	21,193.25	-	-	-	-
Supplies	-	-	-	-	-	-
Professional Services	88,894.96	272,973.03	-	-	-	-
Debt Service (Principle)	-	700,000.00	-	-	-	-
Major Moves Loan Payment	-	151,897.55	-	-	-	-
Interest Expense	-	599,343.26	-	-	-	-
Admin & Trustee Fee	-	1,500.00	-	-	-	-
Brownfield Services	-	3,072.75	-	-	-	-
State Grant Expense	-	-	-	-	-	-
Other Services & Charges	-	368,345.81	-	-	-	-
Contract Services	-	306,357.17	-	-	-	-
Infrastructure	-	200,574.25	-	-	-	-
Transfers (Out)	-	-	-	178,813.69	-	704,388.95
<b>Total Expenses</b>	<b>52,092.95</b>	<b>2,625,257.07</b>	<b>-</b>	<b>178,813.69</b>	<b>-</b>	<b>704,388.95</b>
<b>Ending Cash</b>		<b>5,220,248.98</b>		<b>182,258.23</b>		<b>642,809.11</b>
Less: Encumbrances		231,141.65		-		-
Estimated Ending Cash		4,989,107.33		182,258.23		642,809.11

City of Elkhart  
TIF Budget Summary  
As of December 31st, 2023  
(Unaudited)

	4448 - Aeroplex		4449 - Sterling		4450 - Casopolis	
	Current Month	Year to Date	Current Month	Year to Date	Current Month	Year to Date
<b>Beginning Cash</b>		<b>1,407,076.75</b>		-		<b>12,412,196.31</b>
<b>Revenues</b>						
Spring Property Taxes	-	242,634.60	-	187,693.81	-	1,870,718.32
Fall Property Taxes	258,143.57	258,143.57	189,561.38	189,561.38	1,876,029.05	1,876,029.05
State Grants	-	-	-	-	-	-
Miscellaneous	-	-	-	-	-	918,500.00
Rent Income	-	-	-	-	-	-
Sale of Property	-	-	-	-	-	-
Transfers (In)	-	-	-	-	-	-
<b>Total Revenue</b>	<b>258,143.57</b>	<b>500,778.17</b>	<b>189,561.38</b>	<b>377,255.19</b>	<b>1,876,029.05</b>	<b>4,665,247.37</b>
<b>Expenses</b>						
Personnel Services	1,986.87	1,986.87	-	-	17,881.81	17,881.81
Supplies	-	-	-	-	-	-
Professional Services	2,395.31	7,380.97	-	-	78,102.50	168,694.48
Debt Service (Principle)	-	-	-	-	-	-
Major Moves Loan Payment	-	-	-	-	-	-
Interest Expense	-	-	-	-	-	-
Admin & Trustee Fee	-	-	-	-	-	-
Brownfield Services	-	-	-	-	-	-
State Grant Expense	-	-	-	-	-	-
Other Services & Charges	-	1,655.03	-	-	-	294,535.73
Contract Services	-	1,539.19	-	-	-	1,539.19
Infrastructure	-	-	-	-	472,571.32	1,440,744.61
Transfers (Out)	-	-	-	187,693.81	-	-
<b>Total Expenses</b>	<b>4,382.18</b>	<b>12,562.06</b>	<b>-</b>	<b>187,693.81</b>	<b>568,555.63</b>	<b>1,923,395.82</b>
<b>Ending Cash</b>		<b>1,895,292.86</b>		<b>189,561.38</b>		<b>15,154,047.86</b>
Less: Encumbrances		1,660.81		-		9,729,636.39
Estimated Ending Cash		1,893,632.05		189,561.38		5,424,411.47

City of Elkhart  
TIF Budget Summary  
As of December 31st, 2023  
(Unaudited)

	4451 - Tech Park		4452 - Main Gateway		4453 - Consolidated	
	Current Month	Year to Date	Current Month	Year to Date	Current Month	Year to Date
<b>Beginning Cash</b>		<b>996,801.90</b>		-		<b>6,791,100.64</b>
<b>Revenues</b>						
Spring Property Taxes	-	143,190.15	-	190,702.06	-	16,545.70
Fall Property Taxes	124,126.30	124,126.30	340,350.46	340,350.46	15,310.10	15,310.10
State Grants	-	-	-	-	-	-
Miscellaneous	-	-	-	-	-	500.00
Rent Income	-	-	-	-	-	-
Sale of Property	-	-	-	-	-	-
Transfers (In)	-	-	-	-	-	1,261,598.51
<b>Total Revenue</b>	<b>124,126.30</b>	<b>267,316.45</b>	<b>340,350.46</b>	<b>531,052.52</b>	<b>15,310.10</b>	<b>1,293,954.31</b>
<b>Expenses</b>						
Personnel Services	6,622.89	6,622.89	-	-	18,544.10	18,544.10
Supplies	-	-	-	-	-	-
Professional Services	1,100.00	6,711.40	-	-	28,858.66	533,851.60
Debt Service (Principle)	-	-	-	-	-	-
Major Moves Loan Payment	-	-	-	-	-	-
Interest Expense	-	-	-	-	-	-
Admin & Trustee Fee	-	-	-	-	-	-
Brownfield Services	-	-	-	-	-	-
State Grant Expense	-	-	-	-	-	349,189.09
Other Services & Charges	-	3,615.05	-	-	3,122.00	360,015.24
Contract Services	-	3,539.19	-	-	-	569,525.29
Infrastructure	-	-	-	-	-	-
Transfers (Out)	-	-	-	190,702.06	-	-
<b>Total Expenses</b>	<b>7,722.89</b>	<b>20,488.53</b>	<b>-</b>	<b>190,702.06</b>	<b>50,524.76</b>	<b>1,831,125.32</b>
<b>Ending Cash</b>		<b>1,243,629.82</b>		<b>340,350.46</b>		<b>6,253,929.63</b>
Less: Encumbrances		135,548.41		-		1,013,366.47
Estimated Ending Cash		1,108,081.41		340,350.46		5,240,563.16



City of Elkhart  
TIF Budget Summary  
As of December 31st, 2023  
(Unaudited)

	4692 - Downtown Capital		2552 - Redevelopment	
	Current Month	Year to Date	Current Month	Year to Date
<b>Beginning Cash</b>		<b>68,478.32</b>		-
<b>Revenues</b>				
Spring Property Taxes	-	-	-	-
Fall Property Taxes	-	-	-	-
State Grants	-	-	-	-
Miscellaneous	-	-	-	-
Rent Income	-	-	-	-
Sale of Property	-	-	-	44,068.50
Transfers (In)	-	-	-	-
<b>Total Revenue</b>	-	-	-	<b>44,068.50</b>
<b>Expenses</b>				
Personnel Services	-	-	-	-
Supplies	-	-	-	-
Professional Services	-	-	-	-
Debt Service (Principle)	-	-	-	-
Major Moves Loan Payment	-	-	-	-
Interest Expense	-	-	-	-
Admin & Trustee Fee	-	-	-	-
Brownfield Services	-	-	-	-
State Grant Expense	-	-	-	-
Other Services & Charges	-	-	-	440.88
Contract Services	-	-	-	-
Infrastructure	-	-	-	-
Transfers (Out)	-	-	-	-
<b>Total Expenses</b>	-	-	-	<b>440.88</b>
<b>Ending Cash</b>		<b>68,478.32</b>		<b>43,627.62</b>
Less: Encumbrances		39,451.72		-
Estimated Ending Cash		29,026.60		43,627.62

RESOLUTION NO. 24-R- 022

RESOLUTION OF THE REDEVELOPMENT COMMISSION OF THE  
CITY OF ELKHART, INDIANA, AUTHORIZING APPRAISAL FOR  
REAL ESTATE PARCEL AT 1043 SOUTH MAIN AND APPROPRIATING  
FUNDS

Whereas, The Commission is interested in selling an unimproved parcel of real estate at 1043 S. Main (the "Real Estate"), obtained an independent appraisal of the property which confirmed the value to be less than \$10,000, and owes the appraiser \$400 for his services; and

Whereas, the staff has requested an appropriation of \$400.00 to cover the cost of the appraisal.

NOW THEREFORE, BE IT RESOLVED:

1. The Commission hereby approves and ratifies the employment of the independent appraiser selected by the staff at a cost of \$400.
2. The Commission appropriates \$400.00 from the Downtown Tax Allocation Area No. 1 Special Fund to cover the cost of the appraisal.
3. The Officers of the Commission are authorized to do all acts which they deem necessary and desirable to carry out the terms of this Resolution.

ADOPTED BY MAJORITY VOTE AT A MEETING OF THE COMMISSION THIS 9<sup>TH</sup>  
DAY OF APRIL 2024.

CITY OF ELKHART, REDEVELOPMENT  
COMMISSION

By \_\_\_\_\_  
Sandra Schreiber, President

ATTEST:

By \_\_\_\_\_  
Dina Harris, Secretary

# Memo

To: Redevelopment Commission Member

From: Adam Fann

Date: 3/26/24

Re: Vacant Lot Appraisal

---

Staff is requesting the Commission appropriate \$400 from the Downtown TIF to cover the cost of an appraisal of the now vacant lot at 1043 South Main Street.

# Memo

To: Redevelopment Commission Member

From: Adam Fann

Date: 3/22/24

Re: Property Purchase Offer

---

Staff worked with 2 independent appraisers to obtain appraisals on parcel 20-06-08-234-033.000-012. Staff requests the Commission offer \$10,800 which is the average of the two appraisals.

RESOLUTION NO. 24-R- 023

RESOLUTION OF THE REDEVELOPMENT COMMISSION OF THE  
CITY OF ELKHART, INDIANA, APPROVING HERON ENVIRONMENTAL  
PHASE II STUDY AT FREIGHT AND ST JOSEPH STREET

Whereas, The Commission intends to acquire realty on Freight and St. Joseph Streets, the Phase I report recommended a Phase II site assessment to determine the existence and extent of potential contaminants which might require remediation, and desires to employ Heron Environmental LLC (“Heron”) to perform the Phase II assessment (the “Services”), as outlined in the attached Engagement Letter (the “Agreement”); and

Whereas, the Commission has reviewed the Services to be performed in accordance with the proposed Agreement and believes it is in the best interest of the City and its inhabitants that Heron be employed to provide the Services described therein.

NOW THEREFORE, BE IT RESOLVED:

1. The Commission approves the employment of Heron to provide the Services described in the Agreement.
2. The Commission approves the form and content of the Agreement and all attachments and exhibits thereto.
3. The Commission approves the Estimated Fee of \$12,220 specified in the Agreement, and appropriates the sum of \$12,220 from the Allocation Area No. 1 Special Fund to cover the cost of the Services. Any unused funds remaining after completion of the Services will be returned to the appropriate fund.
4. The Commission authorizes its officers to execute and deliver the Agreement and to do all acts which they deem necessary and desirable to carry out the terms and obligations contemplated therein.

ADOPTED BY MAJORITY VOTE THIS 9th DAY OF APRIL 2024

CITY OF ELKHART, REDEVELOPMENT  
COMMISSION

By \_\_\_\_\_  
Sandra Schreiber, President

ATTEST:

By \_\_\_\_\_  
Dina Harris, Secretary

# Memo

To: Redevelopment Commission Member  
From: Adam Fann  
Date: 3/22/24  
Re: Freight Street Phase II

---

Staff worked with Heron Environmental LLC for the Phase I report on the Freight St. properties and in that report a Phase II was recommended. The attached proposal from Heron Environmental LLC outlines that work. Staff is requesting the Commission appropriate \$12,220 from the Brownfield Services account to cover this work.



March 7, 2024

Adam Fann, Assistant Director of Redevelopment  
City of Elkhart  
201 S. Second Street  
Elkhart, Indiana 46516

RE: Proposal for Phase II Environmental Site Assessment  
Commercial Properties  
S. Main, St. Joseph, and Freight Street Parcels, Elkhart, Indiana  
Heron Proposal No. 23-0570-2

Heron Environmental, LLC (HERON) is pleased to provide this Proposal to complete a Phase II Environmental Site Assessment at the adjoining parcels of commercial real estate located along S. Main, Freight, and St. Joseph Streets, in Elkhart, Indiana (the "Property"). HERON completed a Phase I Environmental Site Assessment of the St. Joseph and Freight Street parcels, dated January 4, 2024, which identified the following Recognized Environmental Condition:

- Historical uses of the Property include an automotive filling station on the far northeastern portion of the Property operating from the 1990s to 1920s and junk yard operations on the central and eastern portions from at least the 1970s to 1950s. Additionally, suspected process waste fill material, as evidenced by slag cinders and brick, was observed on the surface at locations across the eastern parcels of the Property and a 1927 Sanborn map depicted a gas tank on the central portion of the Property. We note that two USTs were reportedly closed in 1994 and that analysis of soil samples for TPH did not reveal evidence of contamination at that time; however, the potential for other USTs, and/or areas of potential contamination related to the service station operations cannot be ruled out.

In addition, a *Limited Soil & Ground Water Screening Investigation*, dated September 28, 2020, as prepared by Roberts Environmental Services, LLC (Roberts) completed on vacant properties at 729, 733, and 739 S. Main Street was provided for review. The screening included five soil borings with soil and groundwater samples collected and laboratory analysis of volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), RCRA metals, and polychlorinated biphenyls (PCBs). Results of the investigation identified the chlorinated-VOC (cVOC) tetrachlorethylene (PCE) in soil samples at concentrations below applicable Indiana Department of Environmental Management (IDEM) published levels (PLs); however, PCE was reported in groundwater samples at concentrations up to 13 micrograms per liter (ug/l), which exceeds the IDEM PL of 5 ug/l. The only metal reported above applicable PLs was arsenic, which was identified in soil samples at concentrations up

to 22 milligrams per kilogram (mg/kg), above the then most stringent applicable IDEM PL of 5.9 mg/kg. There were no PAHs or PCBs reported above applicable PLs in any of the soil or groundwater samples.

Further environmental assessment of the Property is recommended to fully evaluate if historical operations at the Property have resulted in environmental impact and to assess for any potential vapor exposure condition (VEC).

#### Soil Borings

HERON proposes eight soil borings to be advanced at the Property (refer to attached Figure). Prior to boring advancement, public utilities will be located by Indiana Underground Plant Protection Services (IUPPS) and a private utility locator will use ground penetrating radar (GPR) to clear the boring locations of any potential unmarked utilities or other subsurface obstructions and identify the presence of any potential USTs at the Property.

Borings will be completed using a hydraulically driven, direct push sampling probe until groundwater is encountered or total depths of 30-feet below ground surface (ft. bgs). Borings will be advanced in 5-foot intervals with soil samples collected from every 2-foot interval and split into two portions. For each sample, one portion will be placed directly into laboratory-provided 4-ounce glass jars and placed on ice in a cooler, while the other portion will be placed in a plastic baggie for field screening. Field screening will be completed with a photoionization detector (PID) to detect the presence of volatile organic vapors (VOVs) in parts per million (ppm). Soil conditions and field screening results will be recorded on soil boring logs completed for each boring. One soil sample from each of the six borings completed on the St. Joseph and Freight Street parcels will be submitted for laboratory analysis of VOCs via US EPA Method 5035/8260, PAHs via US EPA Method 8270, and eight Resource Conservation and Recovery Act (RCRA) metals (arsenic, barium, cadmium, chromium, lead, mercury, silver, and selenium) via US EPA Method 6010/6020/200.

#### Groundwater Sampling

A temporary well will be installed in each direct push borehole using a 10-foot section of 1.0-inch diameter, 0.010-inch slotted screen PVC placed at a depth to straddle the groundwater interface and completed to the surface with 1.0-inch diameter PVC riser. A peristaltic pump will be used to pump the well until discharge becomes relatively free of suspended particles and groundwater samples will be collected into laboratory supplied containers. Samples collected from each of the six borings completed on the St. Joseph and Freight Street parcels will be submitted for analysis of VOCs, PAHs, and RCRA metals, while the samples collected from the S. Main Street parcels will be submitted for VOCs. Following sample collection, each temporary well will be removed, and the borehole backfilled with bentonite chips.

#### Soil-Gas Sampling

Soil vapor implants will be installed at five boring locations to a depth of approximately 4-ft. bgs for soil gas-exterior (SGe) sample collection. SGe samples will be collected after a minimum of 2-hours following installation. A hand pump will be used to purge a minimum



of three volumes of air from the tubing and vapor implant. A sampling train will be assembled using a dedicated section of tubing connecting the implant to a 1-liter Summa canister and associated flow regulator with Swagelok fittings and a shut-in test performed to ensure all connections are tight. The Summa cannister will be opened for sample collection. SGe samples will be submitted for laboratory analysis of VOCs via US EPA Method TO-15

Report

Results will be incorporated into a Phase II Environmental Site Assessment Report to document all sample collection procedures and results. The results of the analysis of the soil and groundwater samples will be compared to the current Indiana Department of Environmental Management (IDEM) Risk-Based Closure Guide (R2) published levels and a discussion of the results will be provided.

COST and SCHEDULE

Heron proposes the following fee schedule for completion of the work described herein:

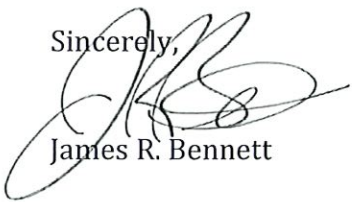
Drilling Contractor	\$4,200
Private Utility Locator	\$ 825
Coordination and Sample Collection Activities	\$ 960
Laboratory Analysis	\$5,275
Phase II Report	<u>\$ 960</u>
<b>Total Cost</b>	<b>\$12,220</b>

The Costs outlined here should be considered a maximum that will not be exceeded without prior Client authorization. In the event of unforeseen expenses or delays the Client will be notified immediately and changes, if necessary, to these costs will be provided.

Field activities will be scheduled upon authorization. Laboratory analysis will be completed on a standard 10-business day turnaround. The assessment report will be provided within 5-business days of receipt of laboratory results. Project completion is anticipated to be four to six weeks from authorization.

AUTHORIZATION

We appreciate the opportunity to provide these services. If you find this Proposal to be acceptable, please complete the attached Authorization and return to me at [jbennett@heronenviro.com](mailto:jbennett@heronenviro.com). Should you have any questions or need any additional information please contact me at 574-333-4553.

Sincerely,  
  
James R. Bennett





- Approximate Property Parcel Boundaries
- Proposed Soil Boring Location
- Proposed Soil Gas Sample Location



Heron Project: 23-0570-2

**FIGURE**  
**PROPOSED SAMPLING LOCATIONS**

Commercial Properties  
S. Main, St. Joseph, and Freight Street Parcels  
Elkhart, Indiana

Source: Google Earth  
2022 Aerial Photograph  
Scale: 1" = 50'  
Prepared: Jan. 2024  
By: JRB



RE: Proposal for Phase II Environmental Site Assessment  
Commercial Properties  
S. Main, St. Joseph, and Freight Street Parcels, Elkhart, Indiana  
Heron Proposal No. 23-0570-2

Date:

Authorized by (name and title) "Client":

Signature:

Company:

Billing Address:

Phone:

Email:

Property Contact (name and number/email):

#### STANDARD TERMS & CONDITIONS

These standard terms and conditions apply to the above referenced Proposal ("Services") and constitutes the contract between Heron Environmental LLC ("Company") and Client. Services will be provided by Company in a professional manner, exercising reasonable skill and diligence expected of qualified environmental professionals. There are no other representations express or implied, and no warranty or guarantee is included or intended. Client acknowledges and agrees that Services may be performed by subcontractor chosen by Company.

**Payment Terms:** Projects will be invoiced at completion or every 30 days (when applicable). Payment is due on the date of the invoice and must be settled within 30 days of date of invoice. Invoices past due more than 30 days will be assessed at an interest rate of 1.5% per month.

Client agrees that the Company's total liability for any and all claims arising in any way related to these Services from any cause shall not exceed and limited to the lessor of total compensation paid to Company for Services or the amount of Company's insurance pursuant to Services.

RESOLUTION NO. 24-R-024

RESOLUTION OF THE REDEVELOPMENT COMMISSION OF THE CITY OF ELKHART, INDIANA, APPROVING GOODWILL USE AGREEMENT

Whereas, The Commission holds title to the vacant lot on the NE corner of Indiana Avenue and 6<sup>th</sup> Street in the City of Elkhart (the “Vacant Lot”) , and Goodwill Industries of Michiana, Inc. (“Goodwill”) has asked for permission the use the Vacant Lot for its Goodwill On The Go event to be held on June 26, 2024; and

Whereas, Goodwill has reviewed the attached Use Agreement and finds the terms thereof acceptable; and

Whereas, the Commission has reviewed the Use Agreement and believes it is in the best interest of the City and its inhabitants to approve the Agreement and authorize its execution.

NOW THEREFORE, BE IT RESOLVED:

1. The Commission approves the Use Agreement and restrictive use terms set forth therein.
2. The Commission authorizes the execution and delivery of the Use Agreement by its Officers.
3. The Officers of the Commission are hereby authorized to execute and deliver the Use Agreement and all other documents, and do all acts, which they deem necessary and desirable in furtherance of this Resolution.

ADOPTED BY MAJORITY VOTE AT A MEETING OF THE COMMISSION THIS 9th DAY OF APRIL 2024.

CITY OF ELKHART, REDEVELOPMENT  
COMMISSION

By \_\_\_\_\_  
Sandra Schreiber, President

ATTEST:

By \_\_\_\_\_  
Dina Harris, Secretary

# Memo

To: Redevelopment Commission Member  
From: Adam Fann  
Date: 3/14/24  
Re: Goodwill on the Go

---

Staff has been contacted by Goodwill Industries about their Goodwill on the Go event. Last year was very successful so they would like to hold the event again this year in the same location at the corner of 6<sup>th</sup> and Indiana. The event will be from 1:00-4:00pm on Wednesday, June 26<sup>th</sup>. They will be inviting various agencies in the community to this event to set up a table to promote their services and give away swag to local residents. The event is free for agencies to participate in and free for local residents to attend. Goodwill will provide free hot dogs, chips, and drinks to anyone coming and speaking to the agencies that are in attendance. They will have a DJ for music and activities/games for the kids (musical chairs, bean bag toss, maybe face painting, etc). Staff requests the Commission approve the Use Agreement attached.

## USE AGREEMENT

This Agreement is effective as of the 26<sup>TH</sup> day of June, 2024, (the “Effective Date”) between City of Elkhart, Indiana, Department of Redevelopment, acting by and through its Redevelopment Commission (“City”) and Goodwill Industries of Michiana, Inc (“Goodwill”).

### RECITALS

1. City owns the real estate at the NE corner of Indiana Avenue and 6<sup>th</sup> Street in the City of Elkhart (the “Premises”).
2. Goodwill has requested permission to host its Goodwill on the Go event on the Premises on June 26, 2024, from 1:00 to 4:00 pm (the “Event”), plus set up and tear down time, and the City is willing to grant such permission on the terms set forth herein.

In Consideration of the mutual agreements herein set forth, the parties agree as follows:

### TERMS OF AGREEMENT

1. The parties incorporate the foregoing Recitals as part of this Agreement.
2. City grants Goodwill the right to use and access the Premises on June 26, 2024, as needed to host the Event.
3. Goodwill will be responsible for providing appropriate security for the Event.
4. Goodwill will maintain the Premises in a clean and sightly condition at all times.
5. Goodwill may take vehicles onto the Premises as needed for set up and tear down but all parking for the Event must be off site.
6. Goodwill will include the Premises under its PL/PD policy in force at the time, will add the City as an additional insured under that policy as its interest may appear, and agrees to hold the City harmless from any and all claims for personal injury or property damage that may occur on or about the Premises during the term of this Agreement.
7. Goodwill will leave the Premises at the end of the event in as good and as clean condition as it found it when it gained possession.
8. This Agreement shall terminate at midnight on June 26, 2024.

In Witness Whereof, the parties executed this Agreement as of the Effective Date.

City of Elkhart, Indiana  
Dept. of Redevelopment

Goodwill Industries of Michiana, Inc.

By \_\_\_\_\_  
Sandra Schreiber, President  
Elkhart Redevelopment Commission

By \_\_\_\_\_

Drafted by the Law Firm of Warrick & Boyn, LLP by Gary D. Boyn.

RESOLUTION NO. 24-R- 025

RESOLUTION OF THE REDEVELOPMENT COMMISSION OF THE  
CITY OF ELKHART, INDIANA, GRANTING ICC GROUP, INC. ACCESS  
TO REAL ESTATE AT 3508 SOUTH MAIN STREET

WHEREAS, The Commission has received a request from ICC Group, Inc. for right of access over, upon and across the Commission's property at 3508 S. Main Street to provide it access to adjacent property to perform services related to Norfolk Southern bridge project as shown on the attached site drawing; and

WHEREAS, the Commission has reviewed the attached Access Agreement (the "Agreement"), finds it to be in proper form, and desires to authorize its execution and delivery.

NOW THEREFORE, BE IT RESOLVED:

1. The Commission hereby approves the request for access to its property designated on the attached Agreement.
2. The Commission approves the form of Agreement and authorizes its President, and other officers in her absence, to execute and deliver the Agreement.
3. The Officers of the Commission are hereby authorized do all acts which they deem necessary and appropriate to carry out the terms of this Resolution.

ADOPTED BY MAJORITY VOTE AT A MEETING OF THE COMMISSION THIS 9<sup>TH</sup>  
DAY OF APRIL 2024.

CITY OF ELKHART, REDEVELOPMENT  
COMMISSION

By \_\_\_\_\_  
Sandra Schreiber, President

ATTEST:

By \_\_\_\_\_  
Dina Harris, Secretary



# Memo

To: Redevelopment Commission Member  
From: Adam Fann  
Date: 3/19/24  
Re: 3508 South Main Access Agreement

---

Staff was contacted by Mr. Steven Wilson with ICC Group Inc. out of Elburn Illinois for an access agreement for the property owned by the Commission at 3508 South Main St. They have been hired by Norfolk Southern to complete a bridge project behind our site (see attached map). We currently have a use agreement with NIBLOCK to use the property during a construction project they are working on. ICC has been in contact with NIBLOCK and they have no issue with ICC accessing their site through ours. Staff asks the Commission approve the access agreement with ICC Group Inc.

**ACCESS AGREEMENT**  
(3508 S. Main)

This Agreement is made between the City of Elkhart, Indiana, Department of Redevelopment, acting by and through its Redevelopment Commission, (“City”) and ICC Group, Inc. of Elburn, Illinois (“ICC”) effective as of \_\_\_\_\_, 2024.

Whereas, ICC will be performing bridge work for Norfolk and Southern Railway, and desires to enter the City’s Property at 3508 S. Main Street (the “Property”) in order to gain access to its work site, all as shown on the attached site map (the “Request”); and

Whereas, City believes the project will be of benefit to the City and its inhabitants and agrees to allow ICC such access and use on the following terms.

Now, therefore, in consideration of the mutual agreements herein set forth, the parties agree as follows:

1. The City grants ICC the right to access the Property to perform its services from \_\_\_\_\_, 2024, through \_\_\_\_\_, 202\_\_, all at ICC’s sole cost and expense.
2. ICC and its agents will not cause any permanent damage to the Property nor leave materials or debris on the Property during its period of access.
3. Prior to entry, ICC will photograph the Property and, at the time it vacates the property, restore it to the same condition it was in on \_\_\_\_\_, 2024.
4. ICC will provide City proof of its public liability and property damage insurance coverage, both in amounts deemed adequate by City to cover any risks to persons and property associated with ICC access and temporary use of the Property. ICC shall name City as an additional insured on all such insurance policies. ICC agrees to indemnify, defend and hold City harmless from any and all claims of injury to persons or property arising from ICC’s access and temporary use of the Property.
5. ICC will abide by all applicable laws and regulations affecting its use and occupancy of the Property, and will maintain the Property in a clean and sightly condition during its access period, which includes debris and trash removal.
6. This Agreement shall be construed in accordance with the laws of the State of Indiana, and may only be amended in a writing signed by both parties.

In Witness Whereof, the parties executed this Agreement as of the date above set forth.

**City of Elkhart, Indiana,  
Dept. of Redevelopment**

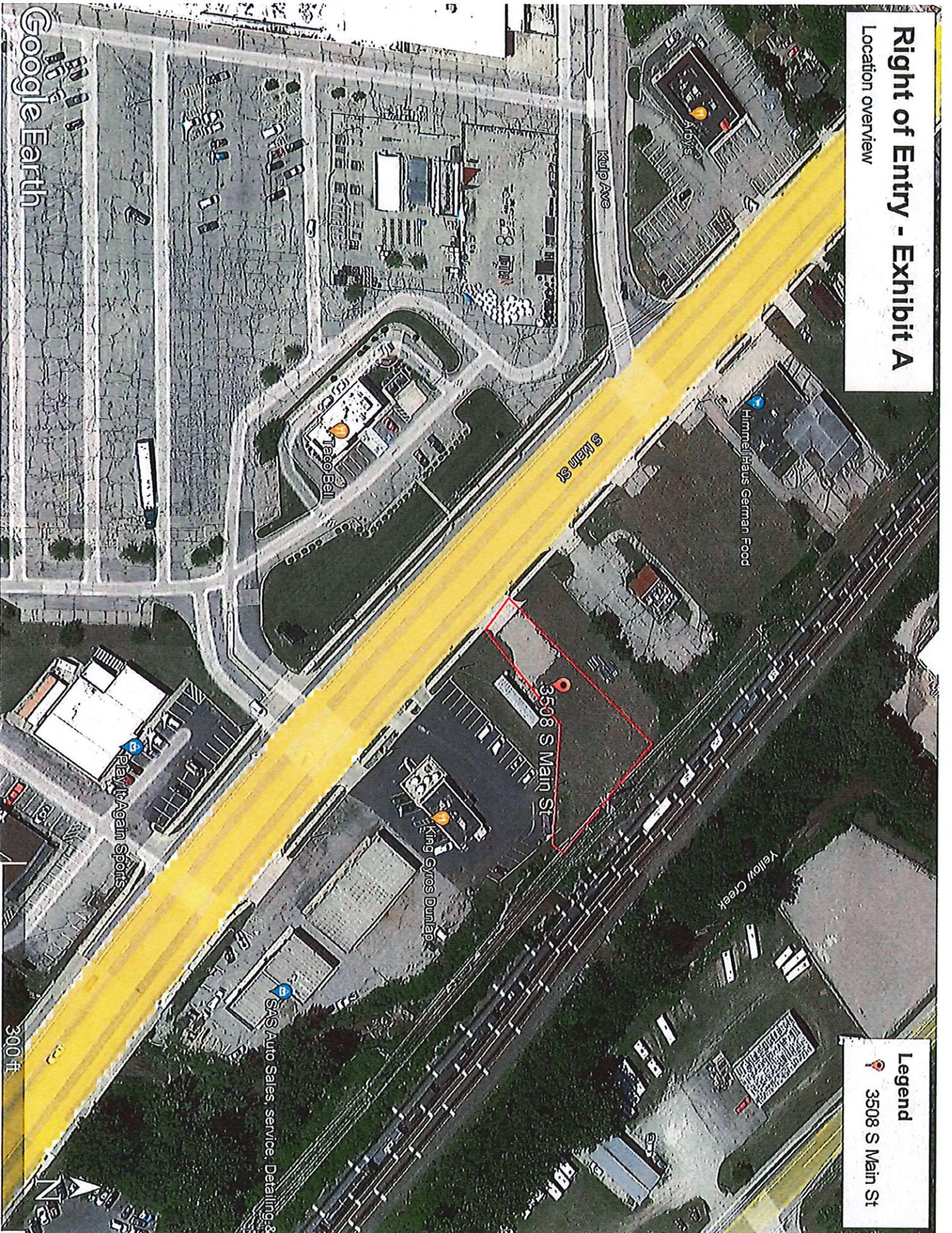
By: \_\_\_\_\_  
Sandra Schreiber, President  
Elkhart Redevelopment Commission

**ICC Group, Inc.**


By: David Krueger  
DAVID KRUEGER Contract Manager  
Print name and title

# Right of Entry - Exhibit A

Location overview



## Legend

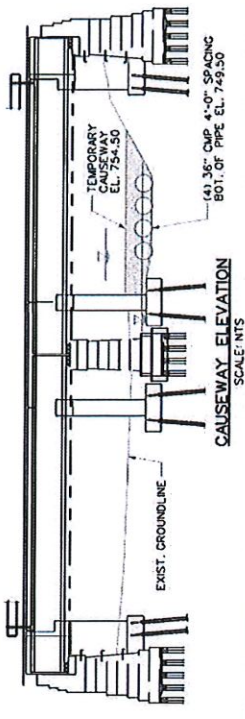
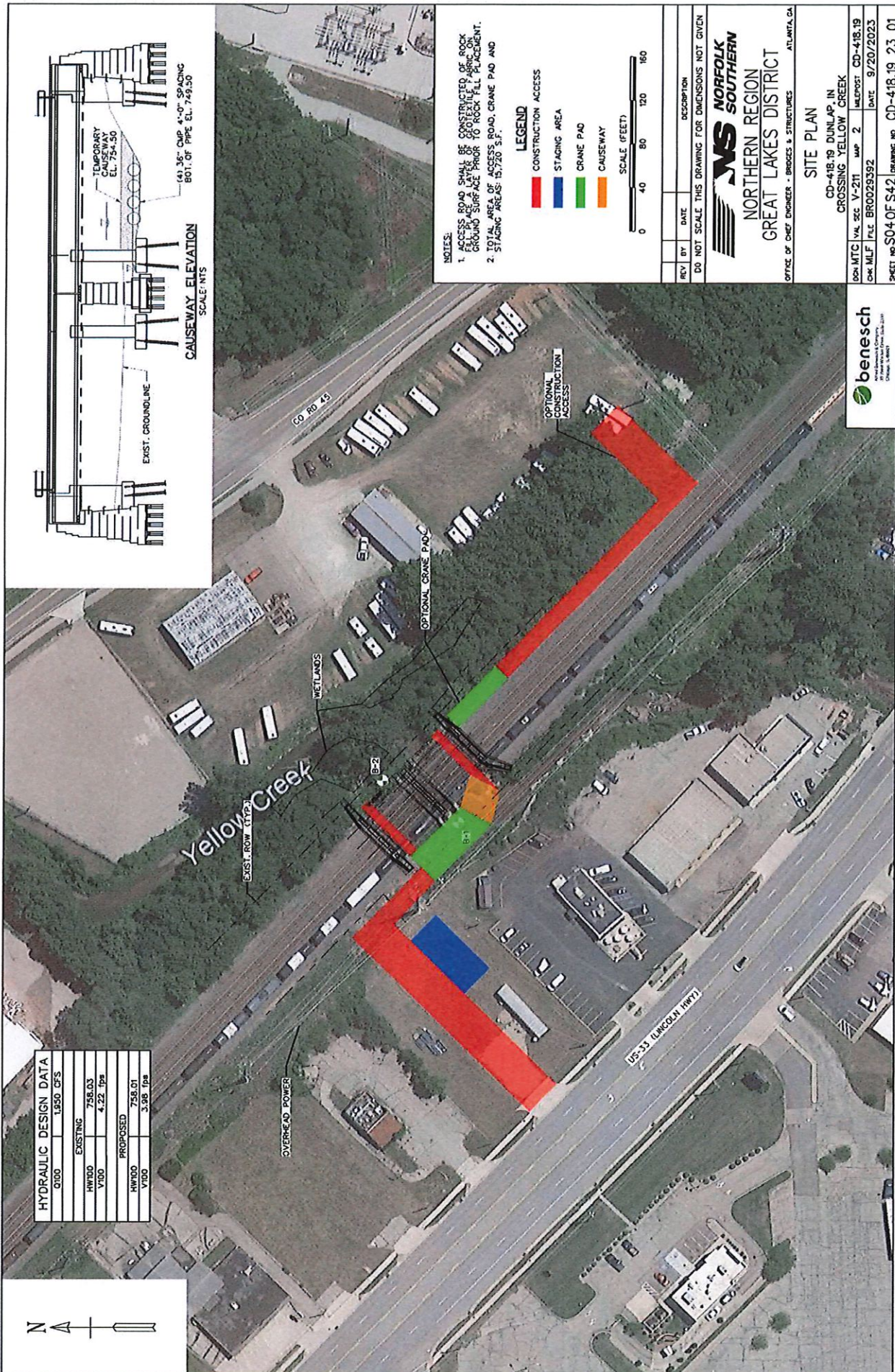
 3508 S Main St

Google Earth

300 ft



HYDRAULIC DESIGN DATA	
Q100	1,950 CFS
EXISTING	
HW100	758.03
V100	4.22 FPS
PROPOSED	
HW100	758.01
V100	3.98 FPS



- NOTES:
1. ACCESS ROAD SHALL BE CONSTRUCTED OF ROCK FILL TO BE A MINIMUM OF 18" THICK AND TO BE PLACED ON A LAYER OF A LAYER OF COMPACTED AGGREGATE ON GROUND SURFACE PRIOR TO ROCK FILL PLACEMENT.
  2. TOTAL AREA OF ACCESS ROAD, CRANE PAD AND STAGING AREAS: 15,720 S.F.

**LEGEND**

- █ CONSTRUCTION ACCESS
- █ STAGING AREA
- █ CRANE PAD
- █ CAUSEWAY

SCALE (FEET)

0 40 80 120 160

REV	BY	DATE	DESCRIPTION

DO NOT SCALE THIS DRAWING FOR DIMENSIONS NOT GIVEN

**NORFOLK SOUTHERN**  
 NORTH REGION  
 GREAT LAKES DISTRICT  
 ATLANTA, GA

OFFICE OF CHIEF ENGINEER - BRIDGES & STRUCTURES

**SITE PLAN**

CD-418.19 DUNLAP, IN  
 CROSSING YELLOW CREEK

DESIGN	MAP 2	PROJECT	CD-418.19
CHECKED	FILE BR0029392	DATE	9/20/2023

SHEET NO. S04.0F S4.2 DRAWING NO. CD-418.19 23 01

**benesch**  
 CONSULTANTS

PROGRESS PLAN SET - NOT FOR CONSTRUCTION

RESOLUTION NO. 24-R- 026

RESOLUTION OF THE REDEVELOPMENT COMMISSION OF THE  
CITY OF ELKHART, INDIANA, APPROVING PROPOSAL OF  
STONE PLANNING FOR AMPHITHEATER ADVISORY SERVICES

Whereas, The Commission desires to employ Stone Planning, LLC (the “Contractor”) to provide general advisory services related to project concept and structure development for the amphitheater project proposed for the 300 block of South Main Street (the “Services”) and the Commission desires to engage the Contractor to perform the Services which may include such of the items generally outlined in Engagement Letter as the Commission and staff my request in writing (the “Proposal”); and

Whereas, the Commission has reviewed the Services to be performed in accordance with the proposed Agreements and believes it is in the best interest of the City and its inhabitants that the Contractor be employed to provide the Services.

NOW THEREFORE, BE IT RESOLVED:

1. The Commission approves the employment of the Contractor to provide the Services.
2. The Commission approves the form and content of the Proposal.
3. The Commission approves the fee structure as specified in the Agreement, and appropriates the not-to-exceed sum of \$20,000.00 from the Cassopolis Corridor Allocation Area Special Fund to cover the cost of the Services.
4. The Commission authorizes its officers to execute and deliver the Agreement and to do all acts which they deem necessary and appropriate to carry out the terms and obligations contemplated therein.

ADOPTED BY MAJORITY VOTE THIS 9th DAY OF APRIL 2024.

CITY OF ELKHART, REDEVELOPMENT  
COMMISSION

By \_\_\_\_\_  
Sandra Schreiber, President

ATTEST:

By \_\_\_\_\_  
Dina Harris, Secretary



March 25, 2024

Mr. Mike Huber  
Development Services Director, City of Elkhart  
[Mike.Huber@coei.org](mailto:Mike.Huber@coei.org)

Dear Mike:

Based on our conversations with you, this addresses our proposed approach to continuing to assist the City in its planning of a new downtown amphitheater.

Our updated scope of work would consist of developing a presentation deck that summarizes relevant information for potential amphitheater (and Lerner Theatre) partners, including an overview of the project, city masterplanning and other studies, potential structure of a relationship, and limited local market/competitive research. We will then distribute the deck to companies we have identified as potential partners, and will discuss the opportunity with interested companies.

For this scope of work, we propose hourly billing at \$300 per hour, to a maximum of \$20,000. We do not anticipate any expenses, such as for travel, but any such expenses would be billed at cost, based on city approval.

Once this phase of work is complete, we can work with you to determine if and how we can continue to help the city in its planning.

If you have any questions or need additional information, please feel free to contact me at (312) 933-3618 or [david@stoneplanningllc.com](mailto:david@stoneplanningllc.com).

Thank you again for the opportunity to continue working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Stone".

**David Stone, President**  
**Stone Planning LLC**



## **CONTRACTUAL CONDITIONS**

The following conditions apply to our engagement with you.

The findings and recommendations of our research will reflect analyses of primary and secondary sources of information. Estimates and analyses presented in our report will be based on data that are subject to variation. SP will use sources that it deems reliable, but will not guarantee their accuracy. Recommendations will be made from information provided by the analyses, internal databases, and from information provided by external sources.

It is understood in accepting this proposal that neither fees nor payment thereof is contingent upon the findings of the study. SP has no responsibility to update its report for events and circumstances occurring after the date of its report. Delayed invoice payments will result in delay of deliverables for the next portion of work.

If this contract and/or SP's work for the Client is terminated for any reason by either party, SP will be due fees based on hours and expenses expended during the duration of the contract up to the total amount of the contracted amount for scope work included in the contract. Hours will be billed at SP's hourly rate of \$250 and expenses will be billed at cost, less any prior payments received from Client.

For any scope of work requested by the Client or its representatives and completed by SP beyond the contracted scope of work, professional fees will be billed at SP's average hourly rate and may exceed the total amount of the contract amount. SP will notify the Client and its representatives if any work requested is outside the contracted scope of work.

The Client will indemnify and hold harmless SP, its managers, members, officers, agents and employees, and any persons retained in connection with the performance of the services described herein (individually referred to as an "Indemnified Person"), from and against any and all claims, damages, losses, liabilities, costs and expenses and disbursements incurred in connection with investigating, preparing to defend or defending any action, suit or proceeding commenced or threatened, or any claim whatsoever, or in appearing or preparing for appearance as a witness in any action, suit, proceeding or partial proceeding to which any Indemnified Person may become subject, directly or indirectly, arising out of, in connection with or based upon this engagement, the transactions contemplated hereby or any Indemnified Person's role in connection with any of the foregoing (collectively, the "Losses"), and will reimburse any Indemnified Person for all expenses (including reasonable counsel fees and expense) as they are incurred, including expenses incurred in connection therewith, whether or not such Indemnified Person is a party to any such action, suit or proceeding.

If this document meets with your approval, you can accept this letter and authorize us to proceed by signing the space below.





**AUTHORIZATION**

**Accepted By:**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_

**Payments may be sent to:**

Mailing address:

David Stone  
Stone Planning LLC  
1432 N. Orleans  
Chicago, IL 60610

*For direct deposit/EFT/ACH, account information can be provided separately.*