

*\*\*PERSONAL AUDIO ENHANCERS ARE AVAILABLE FROM THE COUNCIL  
SECRETARY\*\**

**AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING**

LOCATION: CITY HALL, 2<sup>ND</sup> FLOOR, COUNCIL CHAMBERS

**December 2, 2024**

**6:00 P.M.**

1. **Call to Order, Pledge, Moment of Silent Meditation, Roll Call**
2. **Minutes for Approval**  
**Minutes of November 12, 2024 – Finance Committee Meeting**

**Presentations and Introductions**

**Unfinished Business**

**Reports of Council Committees**

a) **Ordinances on Second-Third Reading**

**Proposed Ordinance 24-O-49**, an ordinance accepting the United States Department of Agriculture Community Forestry Initiative Reimbursement Grant in the amount of One Million Dollars (\$1,000,000.00) for the City of Elkhart “Trees for the Hart” Initiative

**Proposed Ordinance 24-O-51**, an ordinance appropriating Sixty Thousand and 00\100 Dollars (\$60,000.00) from the Elkhart Capital Outlay Fund for the replacement of the north roof of the Lerner Theatre

**Proposed Ordinance 24-O-52**, an ordinance annexing certain real estate generally described as 37.13 vacant acres on County Road 14 East of County Road 17 in Elkhart County, Indiana, and declaring the same to be a part of the City of Elkhart, Indiana

**Proposed Ordinance 24-O-53**, an ordinance annexing certain real estate commonly known as 2400 South Sixth Street, Elkhart, Indiana, and declaring the same to be a part of the City of Elkhart, Indiana

**Proposed Ordinance 24-O-54**, an ordinance appropriating Two Hundred Fifty Thousand Dollars (\$250,000.00) and approving the acquisition of land adjacent to Ideal Beach by the Elkhart City Parks and Recreation Board

b) **Ordinances and Resolutions Referred to Committees**

There are no Ordinances or Resolutions referred to committees

**Tabled Ordinances and Resolutions**

There are no tabled Ordinances or Resolutions

3. **New Business**

a. **Ordinances on First Reading**

**Proposed Ordinance 24-O-55**, an ordinance of the Common Council of the City of Elkhart, Indiana, establishing the Elkhart Environmental Center Fund and the Elkhart Environmental Center Fee Schedule

**Proposed Ordinance 24-O-56**, an ordinance appropriating Four Hundred Ten Thousand and 00\100 Dollars (\$410,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund for the LaSalle, McKinley and Benham area water and sewer project

**Resolutions**

**Proposed Resolution 24-R-59**, a resolution of the Common Council of the City of Elkhart, Indiana, amending Resolution R-45-22 to extend the Expiration Date of the Economic Revitalization Area granted to Marine Realty, LLC DBA Bennington Marine (North)

**Proposed Resolution 24-R-60**, a resolution of the Common Council of the City of Elkhart, Indiana, authorizing the City Controller to collaborate with the Indiana State Board of Accounts for the purpose of reconciling the city's bank and internal cash accounts

**Proposed Resolution 24-R-61**, a resolution of the Common Council of the City of Elkhart, Indiana, declaring a certain area to be an Economic Revitalization Area for the purpose of granting Tax Phase-In benefits to Accra-Pac, Inc. DBA Voyant Beauty\NM VYT, LLC

b. **Vacation Hearings**

**24-V-02** – Request made by the City of Elkhart Board of Public Works, City of Elkhart Wastewater Utility and the City of Elkhart

c. **Other New Business**

d. **Reports of Mayor, Board of Works, Board of Safety or City Departments**

e. **Neighborhood Association Report**

f. **Privilege of the Floor**

**Please limit your comments to 3 minutes to allow others time to comment**

g. **Scheduling of Committee Meetings**

4. **Acceptance of Communications**

Minutes of October 9, 2024 – Board of Public Safety

Minutes of November 6, 2024 – Board of Public Works

Minutes of August 8, 2024 – Board of Zoning Appeals

Minutes of September 19, 2024 – Elkhart Historic & Cultural Preservation Comm.

Minutes of October 9, 2024 – Lerner Theatre Board

**Adjournment**

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## MINUTES OF THE FINANCE COMMITTEE ON NOVEMBER 12, 2024

Present: Finance Committee Chairman Arvis Dawson  
Council Members Alex Holtz

Absent: Councilman Henke

Council President Dawson, Chairman of the Finance Committee, called the meeting to order at 6:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, Elkhart. This meeting was made available to the public via WebEx.

The clerk called the roll.

### *Proposed Ordinance 24-O-45*

**PROPOSED ORDINANCE 24-O-45, AN ORDINANCE APPROPRIATING THREE HUNDRED TWENTY-FIVE THOUSAND AND 00\100 DOLLARS (\$325,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE PROVISION OF GOVERNMENT SERVICES ACCOUNT TO UPGRADE THE AUDIO-VIDEO (AV) SYSTEM OF THE COMMON COUNCIL CHAMBERS AND OTHER IMPROVEMENTS**

Chairman Dawson asked the clerk to read the proposed ordinance by title only.

### FINANCE COMMITTEE DISCUSSION ON PROPOSED ORDINANCE 24-O-45

Chairman Dawson opened the committee discussion starting at 13 minutes and 42 seconds of the audio recording.

**James Gerald Director of Information Technology** asked what questions the committee might have. **Chairman Dawson** replied give us a brief overview of what we are talking about with this ordinance. **James Gerald** said they are looking to expand the current system by adding some new equipment that helps them remain current with their vendors. It is going to increase some of the functionality that has been missing and lacking since COVID when the current system was put into place to help with online meetings. It will address some complaints including the Americans with Disabilities Act hereafter ADA that they have had through the years, including some of the hearing aids and visually the smaller monitors that we have on the walls. They are looking to make those bigger. This will allow them to get extra cameras in the chamber so they can see the council and put names under those that are speaking to help better engage with the audience. The public will know who is speaking without looking at the transcript. The biggest thing is automation. They are looking to do an automated mode and manual mode, this will allow some of the smaller commissions that do not need the manpower to be able to hit a button and go on with their meetings. Some of the larger meetings will have a manual mode where they can

# DRAFT

control the cameras and the Information Technology hereafter IT department can run those meetings. This is to also prepare for new legislation that was passed in House Bill 1167, regarding the retention of meetings.

**Chairman Dawson** asked when it comes to aesthetics of the council chamber, how much will change? **James Gerald** replied, as far as the ceiling and the walls, not much will change. They already have power and mounts on the walls so those screens will just be bigger. As far as the council desktop surface themselves they will be giving them a cut in screens so they can see right in front of them without having to strain to see the screens on the walls. They are proposing moving the IT personnel to the back of the room so they can better gauge the flow of the meeting and the video and audio, especially when there are microphone concerns. **Chairman Dawson** asked if they understood the back corner of the room has noise from the air conditioner and they have not been able to get rid of that noise. Will that affect them? **James Gerald** replied no it is all just running from there to the front and it will not affect any of the microphones. **Chairman Dawson** asked as far as the seats in the council chambers will those change? **James Gerald** replied the IT equipment will be in a roll-away desk that is lockable to protect the equipment and they may lose the back row seating that is currently on that side. **Chairman Dawson** said he was thinking more about the changing of the chairs as First Responders and others who have to wear equipment cannot fit comfortably in the chairs and the Council requests they have input on those types of strategic things that will help make the Council Chambers more accessible for the public and in regards to cosmetic changes, such as, carpet and those things that might deter from the beauty of the room. **James Gerald** said they put that in the bid specifications that the council and the administration would have final say on those factors.

Committee discussion ends at 17 minutes and 30 seconds of the audio recording.

Chairman Dawson asked for a motion on Proposed Ordinance 24-O-45. Motion to approve made by Councilman Holtz, second by Chairman Dawson.

**By a unanimous voice vote, it was sent back to the full Council with a DO PASS RECOMMENDATION.**

## *Proposed Ordinance 24-O-46*

**PROPOSED ORDINANCE 24-O-46, AN ORDINANCE APPROPRIATING SEVENTY-FIVE THOUSAND AND 00\100 DOLLARS (\$75,000.00) FROM THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE PROVISION OF GOVERNMENT SERVICES ACCOUNT TO COLLABORATE WITH THE ELKHART CHAMBER OF COMMERCE IN THE IMPLEMENTATION OF THE BENHAM NEIGHBORHOOD PLAN**

Chairman Dawson asked the clerk to read the proposed ordinance by title only.

## **FINANCE COMMITTEE DISCUSSION ON PROPOSED ORDINANCE 24-O-46**

Chairman Dawson opened the committee discussion starting at 18 minutes and 17 seconds of the audio recording.

## DRAFT

**Mike Huber, Development Services Director**, said this \$75,000 in Automatic Reinvestment Plan hereafter ARP Dollars was inherited from the person who held this position previous to me. It was set up to help fund a South Central Neighborhood Plan. They are part of the Notre Dame Chamber Charrette for the minimum neighborhood planning process. They did not use the funds for the planning process, however, there will be an extensive implementation part of the process and they are just asking to appropriate those dollars from planning to implementation and to be able to use the funds to contract and partner with the Chamber to get that done. The City staff has multiple projects that they are juggling now and particularly they own Woodland Crossing and they are working through the redevelopment and build out of housing and new commercial in that space. They are managing a number of redevelopment projects in the South Main Street area, the River District and other parts of downtown. They have projects happening across the city. He thinks for perspective of our staff, having the Chamber in a position where they are actually facilitating and coordinating a lot of the Benham Avenue area, it is a huge priority for their organization. They will be at the table with them and partnering with them and they will meet with them regularly as all of these things go together. The Chamber cannot do the things that they can do without us so they are at the table but having them be in that leadership position does help them in terms of having their staff capacity be able to focus on the other priorities they have also.

**Councilman Holtz** asked what date these funds had to be appropriated by and is there a spend-by date? **Jamie Arce, Controller** replied the guidance that they have regarding the final use of the State Local Fiscal Recovery Funds are they have to be obligated in a formal fashion, which is just beyond this appropriation, before the end of the year and then spent for all intents and purposes by the end of 2026. There are certain circumstances that do not apply to them currently and they have a September 30, 2026 deadline. As of now, those provisions do not apply to them and the obligations especially in this case where they are dealing with the Chamber, the obligation is not for them to spend all \$75,000 dollars of this request by the end of the year. It is to have it formally obligated and then they can spend it down between now and the end of the 2026 if necessary. **Mike Huber** said they anticipate spending it by next year in 2025. **Jamie Arce** said this will align across all of the additional ARP appropriations so this is not unique to this one.

Committee discussion ends at 22 minutes and 49 seconds of the audio recording.

Chairman Dawson asked for a motion on Proposed Ordinance 24-O-46. Motion to approve made by Councilman Holtz, second by Chairman Dawson.

**By a unanimous voice vote, it was sent back to the full Council with a DO PASS RECOMMENDATION.**

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## *Proposed Ordinance 24-O-47*

**PROPOSED ORDINANCE 24-O-47, AN ORDINANCE APPROPRIATING ONE HUNDRED FIFTY THOUSAND AND 00\100 DOLLARS (\$150,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT TO FUND A COLLABORATION WITH THE INSTITUTE FOR ENTREPRENEURIAL COMMUNITIES**

### **FINANCE COMMITTEE DISCUSSION ON PROPOSED ORDINANCE 24-O-47**

Chairman Dawson opened the committee discussion starting at 23 minutes and 32 seconds of the audio recording.

**Mike Huber** said this is a request to re-appropriate Ordinance No. 5883. They had requested and received approval for \$90,000.00 Dollars toward a program called Emerging Manufacturing Collaborative Center hereafter EMC2, which was an Indiana Economic Development Corporation hereafter IEDC program. It was aimed at entrepreneurship and small business development. It was a program that came out of their Thrive Planning. The state underwent significant turnover in the leadership specifically around this program, multiple rounds of it since he started two years ago. They had a working model in Indianapolis and they were looking at opportunities to branch this out. As Regional Economic Acceleration and Development Initiative hereafter READI2.0 became the primary thrust of the IEDC, this program was deemphasized at the state level and they became aware through the process that there may not be the level of state support that was originally identified as being part of the incentive for the city to provide the \$90,000.00 toward this. At the same time, they have been somewhat engaged with a locally managed group called the Institute for Entrepreneurial Communities. It is an Elkhart based organization envisioned and advised by local civic leaders and successful entrepreneurs in Elkhart. Operations of the Institute are led by enFocus under the direction of Andrew Wiand, the President and the Institute is led by a board of local advisors including Liz Borger, Ryan Brady, Ashley Martin, Jack Smith Jr. and David Smith III. These are all local people who are invested in helping Elkhart not just build on but also understand its reputation as an entrepreneurial hub in the United States. Also how do they leverage research and gather more information about other entrepreneurial hubs around the country? How do they learn from that and how do they understand how they can continue to reinvent themselves? A number of facets and a lot of specifics to the research program are identified and outlined in the attached proposal. Research by these world class research institutes is really the main benefit that they feel the City will get out of their investment in this institute. They are going to look hard at what Elkhart has done and why Elkhart is special and they are going to research other communities. They are going to research the value of quality of place and quality of life and how that impacts entrepreneurship and entrepreneurial success. They are going to look at how other communities have had clusters grow, and they hope to be able to use the research to understand and feel the benefits of the investments they are currently making in quality of place. How they can shape those investments in the future so that they can maximize and identify their future industrial clusters that they might have opportunities. They have gone through band instruments, through pharmaceuticals to RV's. What are their future cluster opportunities? They are still focused around manufacturing, but can they break out of manufacturing into new opportunities to move into additional clusters beyond

# DRAFT

that. From an economic development standpoint, how can they leverage investments in this research for themselves to be smart but also intentional in how they go about and build that entrepreneurial cluster? How to celebrate their history of entrepreneurship nationally and build that reputation of their community as a place where talent wants to move to make their life better and have entrepreneurial success in this community.

Committee discussion ends at 27 minutes and 28 seconds of the audio recording.

Chairman Dawson asked for a motion on Proposed Ordinance 24-O-47. Motion to approve made by Councilman Holtz, second by Chairman Dawson.

**By a unanimous voice vote, it was sent back to the full Council with a DO PASS RECOMMENDATION.**

## *Proposed Ordinance 24-O-48*

**PROPOSED ORDINANCE 24-O-48, AN ORDINANCE APPROPRIATING ONE MILLION FIVE HUNDRED THOUSAND AND 00\100 DOLLARS (\$1,500,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE PROVISION OF GOVERNMENT SERVICES ACCOUNT TO UPGRADE THE HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) SYSTEM OF CITY HALL**

### **FINANCE COMMITTEE DISCUSSION ON PROPOSED ORDINANCE 24-O-48**

Chairman Dawson opened the committee discussion starting at 28 minutes and 20 seconds of the audio recording.

**Bradley Tracy, Chief of Staff Mayor's Office** said over a year ago they started discussions about the need to update the heating and cooling system throughout City Hall. At that time they had different groups come in analyze the situation to understand what they could and what they could not do. They are ready to make a request for proposal. They have all of the specs and they are going to do three different proposals with three different levels based on the amount of money they are asking for and where they feel confident they can get it done for that price. The system as a whole has not been updated. They have updated in sections and some things have been adjusted and changed but the entire system needs updated because some of the thermostats control rooms where 10 people sit and the same thermostat might control a room where 75 people sit and they cannot control both rooms equally. They feel confident that it is needed and they did extensive research in every space of this facility and what the requirements are for each space, so they are asking for the ability to move forward on this project.

**Chairman Dawson** asked how much disruption it is going to cause in City Hall with redoing the Heating Ventilation and Air Conditioning hereafter HVAC system? **Bradley Tracy** said no one will have to vacate their office and everyone will be able to continue their work. There will be people working on things in various offices but there will be no need to close any of the departments.

# DRAFT

Chairman Dawson asked for a motion on Proposed Ordinance 24-O-48. Motion to approve made by Councilman Holtz, second by Chairman Dawson

**By a unanimous voice vote, it was sent back to the full Council with a DO PASS RECOMMENDATION.**

**Bradley Tracy** then spoke about the carpet, chairs and other items in the Council Chambers and said the Council will be consulted before any decisions are made.

**James Gerald** said they put in their specs that they work around the current schedules so that it does not disrupt the Council meetings or hopefully any meetings. If they rip up the carpet and do the channeling they are going to try to design that on a weekend or something to minimize disruption. **Chairman Dawson** replied if it interrupts it is ok as what they are doing is very important and to just give them a heads up so they make it work. **James Gerald** said once it is awarded, they plan to look at the calendars to figure out the best spots and time to do the critical mass of the work.

Chairman Dawson said having no other business, the Finance Committee is adjourned.

The meeting was adjourned at 33 minutes and 36 seconds of the audio recording.

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Arvis L. Dawson, Chairman of Finance Committee



**MEMORANDUM**

Date October 31, 2024  
To City of Elkhart Common Council  
From Jeff Zavatsky, Elkhart Environmental Center, Director  
Re Grant Agreement between American Forest and City of Elkhart for Inflation Reduction Act Urban and Community Forestry Initiative

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The City of Elkhart was awarded \$1,000,000 through the Inflation Reduction Act Urban and Community Forestry Initiative by the USDA and passed through American Forest (subaward). The initiative for the City of Elkhart is titled “*Trees for the Hart*”. The benefits of trees in the urban setting has long been explained. From providing shade and reducing heat temperatures, increasing the value of homes and property, and absorbing excess water and reducing runoff and flooding. Much like the state of Indiana, Elkhart has a deficit in our tree canopy leading to heat islands with elevated high heat days increasing by 300% by 2050. Much of the land in our disadvantaged communities is adjacent to a water ways which could be affected by flooding. Elkhart has also been challenged with many issues regarding invasive trees and with a large percentage of our Ash trees falling due to the Emerald Ash Borer epidemic. The compounding of the flooding, the Ash borer epidemic, and the lack of being able to work over the pandemic has hindered a forestry department that was already challenged to meet the basic needs of tree care throughout the city to keep what we have maintained. The goals of this grant is:

1. Plant over 2000 Trees in public right-away
2. Promote and Educate over the importance and benefits of trees
3. Conduct a city wide tree inventory and Urban Tree Canopy Assessment
4. Hire outside contractors to assist the Forestry Dept.
5. Implement new Forestry Software for the City and Public Use

This grant is a “no-match” grant providing the work will be done in Disadvantaged Area Communities (DAC) and all expenses listed in the grant will be reimbursed. Because the majority of Elkhart falls into the guidelines of DACs, all districts qualify for tree plantings. We will begin and focusing the plantings in districts and neighborhoods that have a high score for lack of urban tree cover. The grant is in partnership with the Elkhart Environmental Center, Elkhart Parks and Recreation, Building and Grounds, Planning Department, Streets Department, Public Works, and Community Outreach. We are seeking permission for Jamie Arce, City Controller to execute this agreement.

Jeffrey Zavatsky, Director  
Elkhart Environmental Center



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ACCEPTING THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY FORESTRY INITIATIVE REIMBURSEMENT GRANT IN THE AMOUNT OF ONE MILLION DOLLARS (\$1,000,000.00) FOR THE CITY OF ELKHART “TREES FOR THE HART” INITIATIVE**

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WHEREAS, the United States Department of Agriculture (“USDA”) appropriated funding through the Inflation Reduction Act, Urban and Community Forestry Initiative to increase the urban tree canopy in communities throughout the United States; and

WHEREAS, USDA awarded the City of Elkhart a “match-free” reimbursement grant of one million dollars (\$1,000,000.00), under the Inflation Reduction Act Urban and Community Forestry Initiative for the City of Elkhart’s “Tree for the Hart” initiative; and

WHEREAS, in accordance with the USDA Urban and Community Forestry Initiative, expenditures by the City of Elkhart, up to one million dollars (\$1,000,000.00), will be reimbursed by the USDA, for city efforts to assist in the implementation of the program goals, including:

1. Plant over 2,000 trees in public right-away;
2. Promote and educate over the importance and benefits of trees;
3. Conduct a citywide tree inventory and urban tree canopy assessment;
4. Hire outside contractors to assist the USDA Forestry Service; and
5. Implement new Forestry Service software for the City’s and public’s use.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The U.S. Department of Agriculture grant to the City of Elkhart, Indiana, for the “Tree for the Hart” initiative program, in the amount of one million dollars (\$1,000,000.00), be, and hereby is, accepted and appropriated for use in the implementation of the program goals, including:

- a. Planting over 2,000 trees in public right-away;
- b. Promoting and educating over the importance and benefits of trees;
- c. Conducting a citywide tree inventory and urban tree canopy assessment;
- d. Hiring outside contractors to assist the USDA Forestry Service; and
- e. Implementing new Forestry Service software for the City’s and public’s use.

Section 2. The Mayor and City Controller, or their designees, are authorized to execute such forms, necessary and proper to accept and participate in the program.

Section 3. The USDA Community Forestry Fund is established and the City Controller directed to designate a fund number, appropriate to the reimbursement grant.

Section 4. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor, as provided by law, and shall continue into successive years, without further appropriation, provided the project is ongoing and the appropriation total has not been exceeded.

Section 5. The Common Council has fixed the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

*[Balance of page is intentionally blank.]*

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, City Clerk

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk



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**M E M O R A N D U M**

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**DATE:** September 25, 2024

**TO:** Elkhart Common Council

**FROM:** Bradley Tracy, Chief of Staff

**RE:** Appropriation request for Architectural/Engineering Services for the Lerner roof

The Lerner north roof (over the Crystal Ballroom) is in need of a full replacement. The roof has experienced leaks that can be common when dealing with a flat roof. Since the renovation of the ELCO/Lerner leaks have been addressed and repaired. Recently, there have been leaks that have made it necessary to replace the entire north roof.

The Administration is requesting the Council to approve this appropriation request to keep this state-of-the-art facility in pristine condition.

The Administration appreciates the Council approval of this request.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROPRIATING SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00) FROM THE ELKHART CAPITAL OUTLAY FUND FOR THE REPLACEMENT OF THE NORTH ROOF OF THE LERNER THEATER**

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WHEREAS, Lerner Theatre north roof, over the Crystal Ballroom, has experienced periods of leak and repair, in the years since the Lerner's major renovation; and

WHEREAS, although such occurrences are not uncommon in the lifespan of large flat roofs, the leak and repair cycle progressed to the point in which the roof and some portions of the substrate are in need of replacement; and

WHEREAS, the estimated cost to inspect, engineer, and design the scope of work and specifications for replacement of the Lerner Theatre's north roof is estimated to be Sixty Thousand Dollars (\$60,000.00); and

WHEREAS, the Administration requests that the Common Council of the City of Elkhart appropriate the sum of Sixty Thousand Dollars (\$60,000.00) from the Elkhart Capital Outlay Fund to fund such costs of the project; and

WHEREAS, the Elkhart Capital Outlay Fund contains funds sufficient and appropriate for the project; and

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The amount of Sixty Thousand Dollars (\$60,000.00) be, and hereby is, appropriated from the Elkhart Capital Outlay Fund and assigned to the following account line:

Account No. 4650-5-000-4310400 Professional Services \$60,000.00

Section 2. The Common Council has fixed the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, City Clerk

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

Rod Roberson  
Mayor

Michael Huber  
Director of Development Services



Development Services  
Community Development  
Economic Development  
Planning Services  
Redevelopment  
229 S. Second St.  
Elkhart, IN 46516  
574.294.5471  
Fax: 574.295.7501

DATE: November 6, 2024

TO: City of Elkhart Common Council

FROM: Michael Huber, Director of Development Services *MB/EA*

RE: Proposed annexation for Vacant Land CR 17

At its regular meeting on Monday, November 4, 2024, the Plan Commission recommended approval of Petition 24-ANX-04. The Plan Commission provided a 'Do Pass' recommendation on to the City Council by a vote of 6-0.

The request is to annex approximately 37 acres of vacant land generally north of County Road 14 and east of County 17, Elkhart, Indiana 46516, Jefferson Township.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately 37 acres. The territory to be annexed is 22.8% contiguous which is more than the 12.5% contiguous to the current City limits as required in Indiana Code.

Also as a part of the annexation request is rezoning from the current agriculture zoning in Elkhart County of A-1 to M-2, General Manufacturing District to be consistent with the industrial zoning to the north.

The land in the petition is undeveloped, just south of other facilities owned by the petitioner. The land is surrounded by agricultural, industrial and residential land uses, but with access to the major transportation corridor County Road 17. The land is intended to be developed with RV manufacturing M-2 uses. No date for future construction is provided, but is noted that construction will commence once market demands are warranted with an estimated valuation for the construction of two (2) building of \$15,600,000.

City utilities are available to the site, and the annexation is a requirement of the City of Elkhart to permit further construction of additional infrastructure connection and for future development. The applicants are responsible for costs of all future utility construction to the site.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE GENERALLY DESCRIBED AS 37.13 VACANT ACRES ON COUNTY ROAD 14 EAST OF COUNTY ROAD 17 IN ELKHART COUNTY, INDIANA, AND DECLARING THE SAME TO BE A PART OF THE CITY OF ELKHART, INDIANA**

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WHEREAS, all of the owners of the real property generally described as 37.13 Vacant Acres on County Road 14 East of County Road 17 in Elkhart County, Indiana, have petitioned the City of Elkhart to annex said property into the corporate limits of the City of Elkhart; and

WHEREAS, the Common Council of the City of Elkhart desires to annex said property known into the corporate limits of the City of Elkhart, Indiana (hereinafter referred to as “City”); and

WHEREAS, at least one-eighth (1/8) of the aggregate external boundaries of the real estate, as more fully described herein, are contiguous to the corporate boundaries of the City and thereby satisfy the contiguity requirements of law; and

WHEREAS, the real property currently has an Elkhart County zoning designation of A-1, Agriculture District; and

WHEREAS, the petitioner requests that the Common Council zone the real property M-2, General Manufacturing District, upon being annexed into the City of Elkhart which is supported by the Elkhart City Plan Commission and the Elkhart Planning Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The following described real estate in Elkhart County, Indiana is hereby annexed into and declared to be a part of the City of Elkhart, Indiana; to-wit:

LEGAL DESCRIPTION:

A PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 6 EAST, JEFFERSON TOWNSHIP, ELKHART COUNTY, INDIANA, BEING THAT 37.13 ACRE TRACT OF LAND SHOWN ON THE PLAT OF A CERTIFICATE OF SURVEY, CERTIFIED BY JEFFREY S. BARNES PS #LS20200084 ON JUNE 13, 2023 AS THE JONES PETRIE RAFINSKI (JPR) PROJECT NUMBER 2023-0103 (ALL REFERENCES TO MONUMENTS AND COURSES HEREIN ARE AS SHOWN ON SAID PLAT OF SURVEY) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A HARRISON MONUMENT MARKING THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE SOUTH 89 DEGREES 13 MINUTES 6 SECONDS WEST, SAID BEARING BEING THE BASIS OF BEARING OF THE DESCRIPTION WITH ALL OTHER BEARINGS HEREIN RELATIVE THERETO, ALONG THE SOUTH LINE OF SAID SECTION 855.28 FEET TO THE CENTERLINE OF PINE CREEK; THENCE ALONG THE CENTERLINE OF SAID CREEK THE FOLLOWING 7 COURSES (1) NORTH 0 DEGREES 46 MINUTES 54 SECONDS WEST 317.92 FEET; (2) NORTH 12 DEGREES 49 MINUTES 20 SECONDS WEST 132.76 FEET; (3) NORTH 15 DEGREES 11 MINUTES 10 SECONDS WEST 446.73 FEET; (4) NORTH 18 DEGREES 30 MINUTES 3 SECONDS WEST 176.96 FEET; (5) NORTH 13 DEGREES 38 MINUTES 39 SECONDS WEST 197.01 FEET; (6) NORTH 20 DEGREES 26 MINUTES 10 SECONDS WEST 308.64 FEET; (7) NORTH 15 DEGREES 50 MINUTES 51 SECONDS WEST 79.11 FEET TO THE SOUTH LINE OF DEED RECORD 2019-04038, ELKHART COUNTY RECORDER; THENCE NORTH 89 DEGREES 5 MINUTES 40 SECONDS EAST 1,244.53 FEET ALONG THE SOUTH LINE TO THE SOUTHEAST CORNER THEREOF, PASSING THROUGH A CAPPED REBAR (SCHNAARS) THAT IS 0.20 FEET WEST OF SAID CORNER TO THE NORTH-SOUTH CENTERLINE OF SAID SECTION; THENCE SOUTH 0 DEGREES 13 MINUTES 34 SECONDS WEST 1,611.05 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING. CONTAINING 37.13 ACRES, MORE OR LESS.

Section 2. Once annexed into the City, the Zoning Map created pursuant to and incorporated into Ordinance No. 4370 of the City of Elkhart, as amended, (“Zoning Ordinance”) shall show the real estate described in Section 1 as zoned M-2, General Manufacturing District. The real estate shall be subject to all applicable requirements of the Zoning Ordinance, as amended, as well as all other applicable ordinances and regulations of the City of Elkhart.

Section 3. The real estate described in Section 1 is assigned to the Four (4) Councilmanic District.

Section 4. Pursuant to I.C. 36-4-3-5.1, a public hearing to consider this proposed annexation will be held at the regular Council meeting set for the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 6:00 p.m.

Section 5. That this Ordinance shall become effective thirty (30) days after the final publication thereof, in the absence of an appeal, as provided at I.C. 36-4-3-5.1 and I.C 36-4-3-15.5.

*[Signature pages follow]*

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

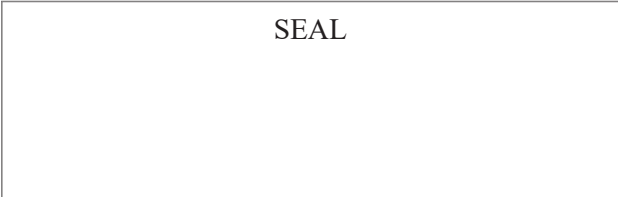
By: \_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA        )  
  ) §  
COUNTY OF ELKHART    )

Before me, Angela McKee, Notary Public in and for said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared Arvis Dawson in his capacity as President of the Elkhart Common Council and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the execution of the foregoing Ordinance No. \_\_\_\_\_ as the duly authorized act of the Common Council of the City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Angela McKee, Notary Public  
Resident of Elkhart County  
My Commission Number: NP0738730  
My Commission Expires: January 25, 2030



PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
\_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor of the City of Elkhart

ATTEST:

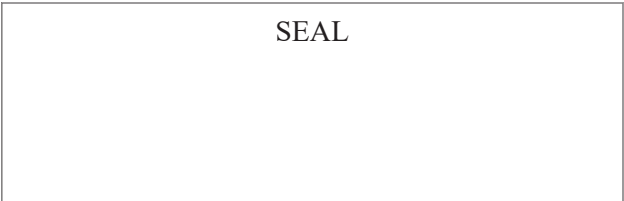
\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA        )  
  ) §  
COUNTY OF ELKHART    )

Before me, Angela McKee, Notary Public in and for said County and State, on this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_, personally appeared Rod Roberson in his capacity as Elkhart  
City Mayor and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the  
execution of the foregoing Ordinance No. \_\_\_\_\_ as the duly authorized act of the Mayor of the  
City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Angela McKee, Notary Public  
Resident of Elkhart County  
My Commission Number: NP0738730  
My Commission Expires: January 25, 2030  
EXECUTED AND DELIVERED in my  
presence:



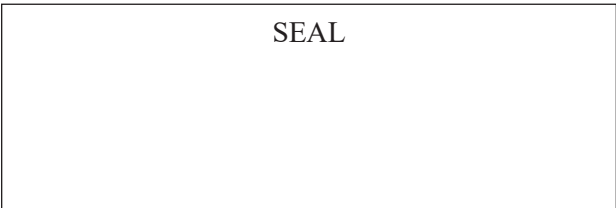
\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA        )  
  ) §  
COUNTY OF ELKHART    )

Before me, Angela McKee, Notary Public in and for said County and State, personally appeared Debra D. Barrett in her capacity as Elkhart City Clerk, who being personally known to me as the Elkhart City Clerk, and whose name is subscribed as a witness to the foregoing instrument, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Arvis Dawson, as President of the Elkhart Common Council and Rod Roberson, as Mayor of the City of Elkhart, in the above-named subscribing witness's presence, and that the above-named subscribing witness is a disinterested person as defined by law.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Angela McKee, Notary Public  
Resident of Elkhart County  
My Commission Number: NP0738730  
My Commission Expires: January 25, 2030



This document was prepared by John M. Espar, Attorney No. 20758-46, as Corporation Counsel for the City of Elkhart, 229 S. Second Street, Elkhart, Indiana 46516. 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. John M. Espar

November 7, 2024

The Common Council  
City of Elkhart  
Elkhart, IN 46516

**RE: Petition 24-ANX-04  
VL County Road 17**

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, November 4, 2024**, heard the above petition as prescribed by Section As prescribed by Section 29.11.B, a request to annex one (1) parcel located at Vacant Land, County Road 17, and land containing approximately 37 acres.

To also rezone the 37 acres of land contained within the petition from A-1, Agriculture District to M-2, General Manufacturing District

The Plan Commission **voted 6 to 0 in favor** of this annexation petition and thus it is sent to the Common Council with a "Do Pass" recommendation.

Sincerely,

A handwritten signature in cursive script that reads "Carla Lipsey".

Carla Lipsey  
Plan Commission Recording Secretary



# Staff Report

## Planning & Zoning

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**Petition:** 24-ANX-04

**Petition Type:** Annexation Request

**Date:** November 4, 2024

**Petitioner:** 3 Creek, LLC (Coley Brady and Ryan Brady)

**Site Location:** Vacant Land County Road 17

**Request:** As prescribed by Section 29.11.B, a request to annex one (1) parcel located at Vacant Land, County Road 17, and land containing approximately 37 acres.

To also rezone the 37 acres of land contained within the petition from A-1, Agriculture District to M-2, General Manufacturing District.

**Parcel Number** 20-07-06-300-008.000-019

**Plan Commission Action:** Recommendation to Common Council

**Existing Zoning:** A-1, Agriculture District (Elkhart County Zoning)

**Size:** +/- 37 Acres

**Thoroughfares:** County Road 17, County Road 14

**School District:** Middlebury Community Schools

**Utilities:** Available

**Surrounding Land Use & Zoning:**  
Surrounding properties are industrial and agricultural zoned Elkhart County zoning.

**Applicable Sections of the Zoning Ordinance:**  
Section 29: Administration and Enforcement, 29.11 Amendments

**Comprehensive Plan:**  
The Comprehensive Plan does not take this area into account but is anticipated to call for the land to be developed with industrial uses.





## Staff Analysis

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This staff report is being prepared for annexation 24-ANX-04 to annex land generally east of the intersection of County Road 14 and County Road 17, Elkhart, Indiana 46516, Jefferson Township.

The land in the petition is undeveloped, just south of other facilities owned by the petitioner. The land is surrounded by agricultural, industrial and residential land uses, but with access to the major transportation corridor County Road 17. The land is intended to be developed with RV manufacturing M-2 uses. No date for future construction is provided, but is noted that construction will commence once market demands are warranted with an estimated valuation for the construction of two (2) building of \$15,600,000.

Also as a part of the annexation request is rezoning from the current agriculture zoning in Elkhart County of A-1 to M-2, General Manufacturing District to be consistent with the industrial zoning to the north.

City utilities are available to the site, and the annexation is a requirement of the City of Elkhart to permit further construction of additional infrastructure connection and for future development. The applicants are responsible for costs of all future utility construction to the site.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately 37 acres. The territory to be annexed is 22.8% contiguous which is more than the 12.5% contiguous to the current City limits as required in Indiana Code.

# Recommendation

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Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

1. The area to be annexed meets all applicable requirements of IC 36-4-3-4(b);
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as industrial.
3. The current conditions and the character of current structures under construction and future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;
5. The annexation will conserve property values throughout the jurisdiction; and
6. The annexation represents responsible growth and development of the City of Elkhart.

# Photos

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Oct 22, 2024 at 1:01:13 PM  
21746 County Road 14  
Elkhart IN 46516  
United States



Oct 22, 2024 at 1:01:14 PM  
21746 County Road 14  
Elkhart IN 46516  
United States

Oct 22, 2024 at 1:01:14 PM  
21746 County Road 14  
Elkhart IN 46516  
United States



# Attachments

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Petition, Legal Description, narrative, affidavit, site plan, and Fiscal Plan.

PETITION #: 24-ANX-04

FILING FEE: \$ 500

### PETITION to the PLAN COMMISSION

#### PETITION TYPE: ANNEXATION

This action requires final approval from the Common Council

Property Owner(s): Coley Brady and Ryan Brady: 3 Creek LLC

Mailing Address: 301 Benchmark Drive Elkhart, IN 46516

Phone #: 574.850.1324 Email: coley@alliancerv.com

Contact Person: Matt Schuster

Mailing Address: 325 S Lafayette Blvd South Bend, IN 46601

Phone #: 574.232.4388 Email: mschuster@jpr1source.com

**Subject Property Address:** mschuster@jpr1source.com

Zoning: A-1 District: Elkhart County

Present Use: Vacant Land Proposed Use: Future RV Manufacturing

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Matt Schuster

SIGNATURE(S):  DATE: 8/13/24

#### **STAFF USE ONLY:**

Staff Checklist for the applicant's submittal of a complete Petition to the Plan Commission docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.
- Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): \_\_\_\_\_

Map #: \_\_\_\_\_ Area: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF ANNEXATION PETITION**

I, Coley Brady, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my annexation petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at Parcel # 20-07-06-300-008.000-019 Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 8<sup>th</sup> day of August 2024.

Coley Brady  
Printed: COLEY BRADY

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

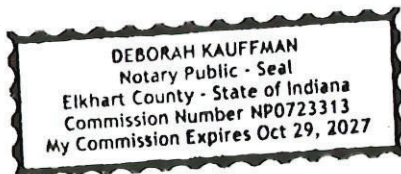
Coley Brady  
Printed: COLEY BRADY

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ELKHART )

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared \_\_\_\_\_, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 8<sup>th</sup> day of August, 2024.

Deborah Kauffman  
Printed: Deborah Kauffman

My Commission Expires:  
10/29/2027



Notary Public in and for the State of Indiana  
Resident of Elkhart County, Indiana



Rod Roberson  
Mayor

Michael Huber  
Director of Development Services



Development Services  
 Community Development  
 Economic Development  
 Planning Services  
 Redevelopment  
 229 S. Second St.  
 Elkhart, IN 46516  
 574.294.5471  
 Fax: 574.295.7501

DATE: November 6, 2024

TO: City of Elkhart Common Council

FROM: Michael Huber, Director of Development Services *MH/SH*

RE: Proposed annexation for 2400 S Sixth Street

At its regular meeting on Monday, November 4, 2024, the Plan Commission recommended approval of Petition 24-ANX-05. The Plan Commission provided a 'Do Pass' recommendation on to the City Council by a vote of 6-0.

The request is to annex a single family dwelling located at 2400 S Sixth Street, Elkhart Indiana 46517, Concord Township.

The annexation request is voluntary. The petition request is as a result of septic failure and in order to connect to the municipal sanitary sewer system, annexation is required. The property meets the contiguity requirement in order to file a petition to seek annexation. The territory to be annexed is 35.67% contiguous to the current city limits, which is more than the required 12.5% as required in Indiana Code.

City utilities are available to the site, and is bounded by the city on its north and west boundary.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE COMMONLY KNOWN AS  
2400 SOUTH SIXTH STREET, ELKHART, INDIANA, AND DECLARING THE SAME  
TO BE A PART OF THE CITY OF ELKHART, INDIANA**

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WHEREAS, all of the owners of the real property commonly known as 2400 South Sixth Street, Elkhart, IN 46517, have petitioned the City of Elkhart to annex said property into the corporate limits of the City of Elkhart; and

WHEREAS, the Common Council of the City of Elkhart desires to annex said property known into the corporate limits of the City of Elkhart, Indiana (hereinafter referred to as “City”); and

WHEREAS, at least one-eighth (1/8) of the aggregate external boundaries of the real estate, as more fully described herein, are contiguous to the corporate boundaries of the City and thereby satisfy the contiguity requirements of law; and

WHEREAS, the real property currently has an Elkhart County zoning designation of R-1, One Family Dwelling District; and

WHEREAS, the petitioner requests that the Common Council zone the real property R-1, One Family Dwelling District, upon being annexed into the City of Elkhart which is supported by the Elkhart City Plan Commission and the Elkhart Planning Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The real property situated in Elkhart County, Indiana, and legally described below, is hereby annexed into and declared to be a part of the City of Elkhart, Indiana; to-wit:

LOT NUMBER ONE (1) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF WEST VIEW PARK, A SUBDIVISION IN CONCORD TOWNSHIP, SAID PLAT BEING RECORDED IN PLAT BOOK 2, PAGE 205 OF THE RECORDS IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Section 2. Once annexed into the City, the Zoning Map created pursuant to and incorporated into Ordinance No. 4370 of the City of Elkhart, as amended, (“Zoning Ordinance”) shall show the real estate described in Section 1 as zoned R-1, One Family Dwelling District. The real estate shall be subject to all applicable requirements of the Zoning Ordinance, as amended, as well as all other applicable ordinances and regulations of the City of Elkhart.

Section 3. The real estate described in Section 1 is assigned to the Fifth (5) Councilmanic District.

Section 4. Pursuant to I.C. 36-4-3-5.1, a public hearing to consider this proposed annexation will be held at the regular Council meeting set for the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 6:00 p.m.

Section 5. That this Ordinance shall become effective thirty (30) days after the final publication thereof, in the absence of an appeal, as provided at I.C. 36-4-3-5.1 and I.C 36-4-3-15.5.

*[Signature pages follow]*

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

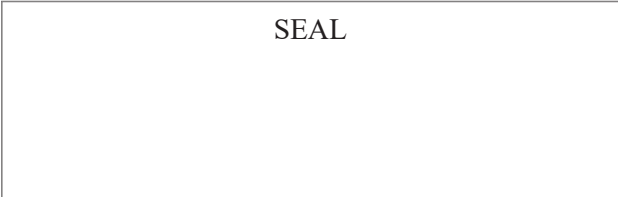
By: \_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA        )  
  ) §  
COUNTY OF ELKHART    )

Before me, Angela McKee, Notary Public in and for said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared Arvis Dawson in his capacity as President of the Elkhart Common Council and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the execution of the foregoing Ordinance No. \_\_\_\_\_ as the duly authorized act of the Common Council of the City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Angela McKee, Notary Public  
Resident of Elkhart County  
My Commission Number: NP0738730  
My Commission Expires: January 25, 2030



PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
\_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor of the City of Elkhart

ATTEST:

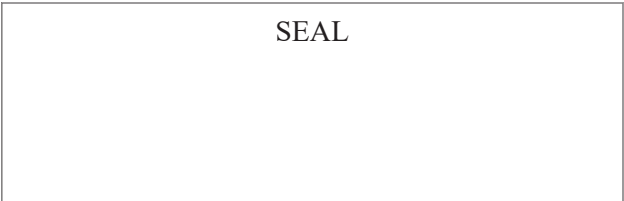
\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA        )  
  ) §  
COUNTY OF ELKHART    )

Before me, Angela McKee, Notary Public in and for said County and State, on this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_, personally appeared Rod Roberson in his capacity as Elkhart  
City Mayor and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the  
execution of the foregoing Ordinance No. \_\_\_\_\_ as the duly authorized act of the Mayor of the  
City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Angela McKee, Notary Public  
Resident of Elkhart County  
My Commission Number: NP0738730  
My Commission Expires: January 25, 2030  
EXECUTED AND DELIVERED in my  
presence:



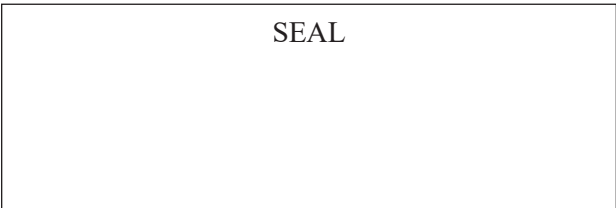
\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA        )  
                                  ) §  
COUNTY OF ELKHART    )

Before me, Angela McKee, Notary Public in and for said County and State, personally appeared Debra D. Barrett in her capacity as Elkhart City Clerk, who being personally known to me as the Elkhart City Clerk, and whose name is subscribed as a witness to the foregoing instrument, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Arvis Dawson, as President of the Elkhart Common Council and Rod Roberson, as Mayor of the City of Elkhart, in the above-named subscribing witness's presence, and that the above-named subscribing witness is a disinterested person as defined by law.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Angela McKee, Notary Public  
Resident of Elkhart County  
My Commission Number: NP0738730  
My Commission Expires: January 25, 2030



This document was prepared by John M. Espar, Attorney No. 20758-46, as Corporation Counsel for the City of Elkhart, 229 S. Second Street, Elkhart, Indiana 46516. 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. John M. Espar

November 7, 2024

The Common Council  
City of Elkhart  
Elkhart, IN 46516

**RE: Petition 24-ANX-05**  
**2400 S. Sixth St.**

Dear Council Members:

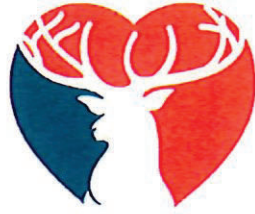
This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, November 4, 2024**, heard the above petition as prescribed by Section 29.11.B, a request to annex property located at 2400 S Sixth Street, land containing 0.19 acres.

The Plan Commission **voted 6 to 0 in favor** of this annexation petition and thus it is sent to the Common Council with a "Do Pass" recommendation.

Sincerely,

A handwritten signature in cursive script that reads "Carla Lipsey".

Carla Lipsey  
Plan Commission Recording Secretary



City of Elkhart

*Public Works and Utilities*

## **Memo**

---

**To:** Eric Trotter; Assistant Director of Planning  
**From:** Timothy D. Reecer; Assistant Director of Public Works *TR*  
**Date:** July 2, 2024  
**Re:** Annexation Contiguity; 2400 S. Sixth St

---

The parcel identified as 06-17-251-001-009 more commonly known as, 2400 S. Sixth St. has an approximate perimeter of 412 feet and a contiguous edge of approximately 147 feet. Based on these measurements the parcel in question is approximately 35.67% contiguous to the current City limits. This percentage exceeds the minimum requirement of 12.5% and is eligible for annexation.





# Staff Report

## Planning & Zoning

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<b><u>Petition:</u></b>	24-ANX-05
<b><u>Petition Type:</u></b>	Annexation Request
<b><u>Date:</u></b>	November 4, 2024
<b><u>Petitioner:</u></b>	Rosalina Lopez
<b><u>Site Location:</u></b>	2400 S. Sixth Street
<b><u>Request:</u></b>	As prescribed by Section 29.11.B, a request to annex property located at 2400 S Sixth Street, land containing 0.19 acres.
<b><u>Parcel numbers -</u></b>	20-06-17-251-001.000-009
<b><u>Plan Commission Action:</u></b>	Recommendation to Common Council
<b><u>Existing Zoning:</u></b>	R-1, One Family Dwelling District (Elkhart County Zoning)
<b><u>Size:</u></b>	+/- 0.19 Acres
<b><u>Thoroughfares:</u></b>	S. Sixth Street and W. Carlton Avenue
<b><u>School District:</u></b>	Elkhart Community Schools
<b><u>Utilities:</u></b>	Available to the site once extended by petitioner

**Surrounding Land Use & Zoning:**

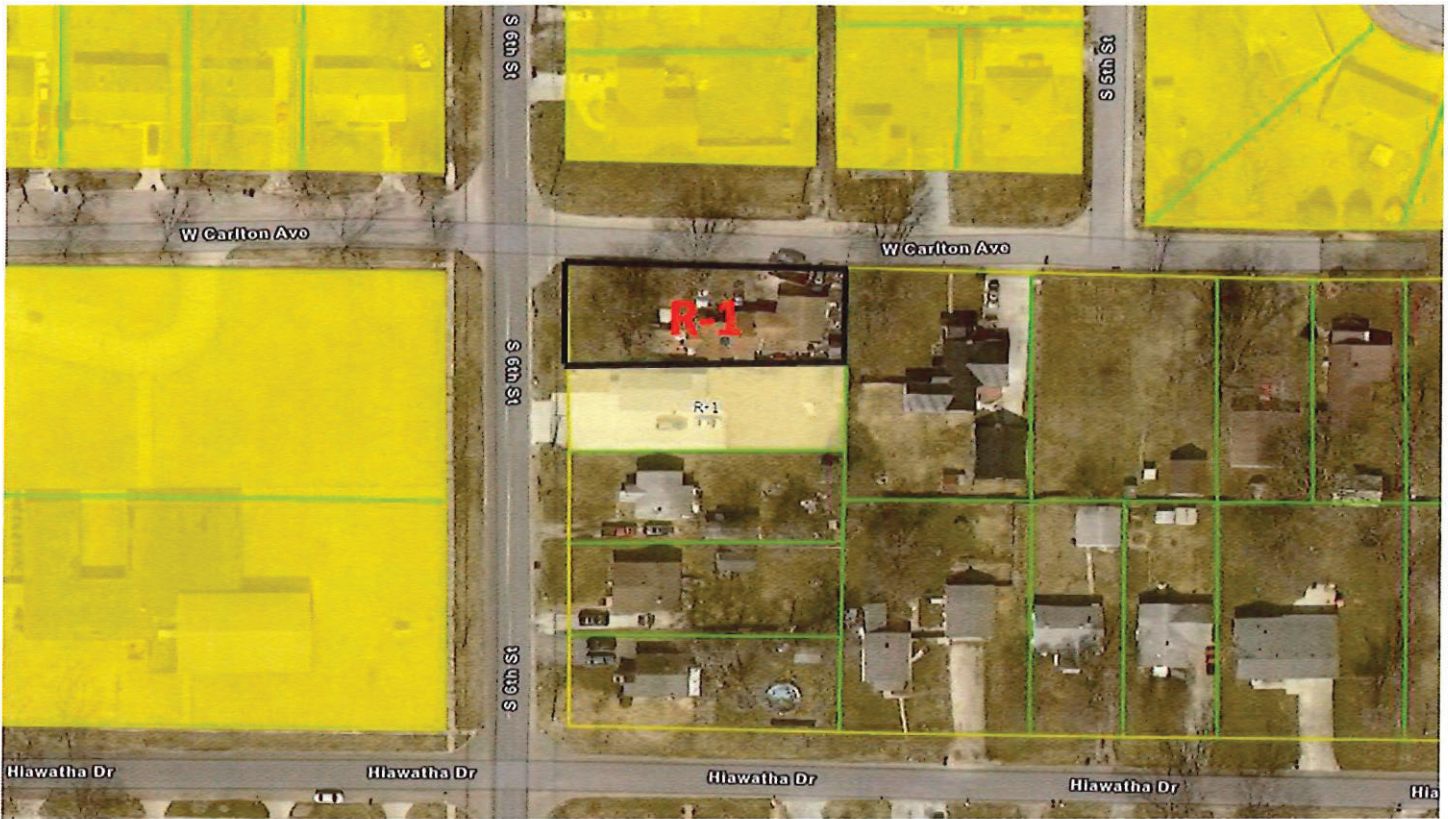
Surrounding properties are residential and zoned for residential uses.

**Applicable Sections of the Zoning Ordinance:**

Section 29: Administration and Enforcement, 29.11 Amendments

**Comprehensive Plan:**

The Comprehensive Plan does not take this area into account but is anticipated to call for the land to be developed with residential uses.



## Staff Analysis

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This staff report is being prepared for annexation 24-ANX-05 to annex a single family dwelling on a parcel containing approximately 0.19 acres of land in Concord Township.

The annexation request is voluntary. The petition request is as a result of septic failure and in order to connect to the municipal sanitary sewer system, annexation is required. The property meets the contiguity requirement in order to file a petition to seek annexation. The territory to be annexed is 35.67% contiguous to the current city limits, which is more than the required 12.5% as required in Indiana Code.

The land is currently zoned R-1, One Family Dwelling District and will remain the R-1 zoning after the annexation. This property is currently adjacent to existing city limits to the north and west.

As identified in the Fiscal Plan prepared by Baker Tilly, the annexation will result in no additional capital costs for the City. Connection costs are the responsibility of the petitioner. The planned expenses will be minimal for trash and recycling services. The city currently maintains the streets adjacent to the property.

# Recommendation

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Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

1. The area to be annexed meets all applicable requirements of IC 36-4-3;
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as residential.
3. The current conditions and the character of future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;
5. The annexation will conserve property values throughout the jurisdiction; and
6. The annexation represents responsible growth and development of the City of Elkhart.

# Photos



# Attachments

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Petition, Legal Description, narrative, affidavit, site plan, and Fiscal Plan.

PETITION #: 24-ANX-05 FILING FEE: \$ 100.00

**PETITION to the PLAN COMMISSION**

**PETITION TYPE: ANNEXATION**

This action requires final approval from the Common Council

Property Owner(s): Rosalina Lopez  
Mailing Address: 2400 S 6th st.  
Phone #: 574-333-5305 Email: Liz Aye 022@gmail.com

Contact Person: Lizbeth Alvarado  
Mailing Address: 2400 S 6th st.  
Phone #: 574-333-5305 Email: Liz Aye 022@gmail.com

Subject Property Address: 2400 S 6th st. Elkhart IN 46517  
Zoning: R-1 (single family Residential)  
Present Use: residential home Proposed Use: \_\_\_\_\_

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Rosalina Lopez  
SIGNATURE(S): Rosalina Lopez DATE: 08-21-2024

**STAFF USE ONLY:**

Staff Checklist for the applicant's submittal of a complete Petition to the Plan Commission docket:

- \_\_\_\_\_ One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- \_\_\_\_\_ A completed Petition form signed by the legal owner of record (or approved representative).
- \_\_\_\_\_ If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- \_\_\_\_\_ A full and accurate legal description of the property.
- \_\_\_\_\_ One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.
- \_\_\_\_\_ Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): \_\_\_\_\_

Map #: \_\_\_\_\_ Area: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF ANNEXATION PETITION**

I, Rosalina, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

- 1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
- 2. I make this affidavit in support of my annexation petition filed contemporaneously herewith.
- 3. I am now and at all times relevant herein have been, the owner of record of the property located at 2400 S 6th St. Elkhart, Indiana.
- 4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 21 day of August, 2024.

Rosalina Lopez  
Printed: Rosalina Lopez

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Rosalina Lopez  
Printed: Rosalina Lopez

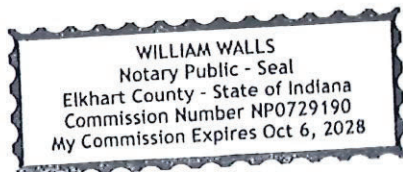
STATE OF INDIANA )  
 ) SS:  
COUNTY OF ELKHART )

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Rosalina Lopez, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 21 day of August, 2024.

William Walls  
Printed: William Walls

My Commission Expires:  
Oct 6 2028

Notary Public in and for the State of Indiana  
Resident of Elkhart County, Indiana





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## MEMORANDUM

---

**DATE:** September 18, 2024  
**TO:** Common Council  
**FROM:** Jamison Czarnecki  
**RE:** Appropriation and Approval to Purchase Land for DNR Compliance

---

The Parks and Recreation Department is requesting City Council to appropriate \$250,000 and give approval for the purchase of parcel number 20-02-23-426-001.000-026. The owner of this 23 acre parcel has agreed to the price of \$250,000 which is the average of two appraisals as required by the State of Indiana. The acquisition of this property will allow us to move forward into compliance with the DNR.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read "Jamison Czarnecki", is written over a light blue horizontal line.

Jamison Czarnecki

Elkhart City Parks & Recreation Superintendent



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROPRIATING TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) AND APPROVING THE ACQUISITION OF LAND ADJACENT TO IDEAL BEACH BY THE ELKHART CITY PARKS AND RECREATION BOARD**

---

WHEREAS, the Common Council of the City of Elkhart is informed that the private owner of certain land, situated adjacent to a park of the City of Elkhart, commonly known as Ideal Beach, and particularly described in Exhibit A, is willing to sell the property to the City of Elkhart for use as a public park; and

WHEREAS, the City of Elkhart Administration has acquired two appraisals in connection with the acquisition of subject property and provided the appraisals to the Common Council; and

WHEREAS, the Common Council has determined that the fair market value of the subject property, is Two Hundred Fifty Thousand Dollars (\$250,000.00), based upon the average of the two (2) appraisals; and

WHEREAS, the Administration is requesting an appropriation from the Parks and Recreation Fund, in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) for the acquisition of land; and

WHEREAS, there exist within the unappropriated funds of the Parks and Recreation Fund of the City of Elkhart, sufficient sums for the purpose herein; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Elkhart, Indiana, that:

Section 1. The Common Council of the City of Elkhart approves the acquisition of the real property legally described in Exhibit A, attached hereto and incorporated herein, and authorizes the City of Elkhart Parks and Recreation Board to acquire the same.

Section 2. The total sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) is appropriated from the Parks and Recreation Fund and allocated to the following account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
2204-5-501-4410000	Land	\$250,000.00

Section 3. The Common Council has fixed the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and the taxpayers of the City of Elkhart, Indiana, shall have then and there the right to be heard.

Section 4. This Ordinance shall be in effect from and after its passage and approval, according to law.

*[Balance of page is intentionally blank.]*

**EXHIBIT A**

**Address:**

Vacant Lot County Road 113, Elkhart, Indiana, 46514

**Parcel Identification Number:**

20-02-23-426-001.000-026

**Legal Description:**

THE FOLLOWING DESCRIBED REAL ESTATE BEING IN ELKHART COUNTY INDIANA, AND BEING PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

ALL THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION TWENTY-THREE (23), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE FIVE (5) EAST, LYING NORTH OF A LINE WHICH IS PARALLEL WITH AND ONE HUNDRED FIFTY (150) FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE INDIANA EAST-WEST TOLL ROAD (A CENTERLINE SURVEY MAP OF WHICH IS ON FILE IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.)

RESERVING AN EASEMENT IN PERPETUITY ALONG THE WEST SIDE OF PROPERTY FOR HIGHWAY PURPOSES, AS RECORDED IN DEED RECORD 370, PAGE 829 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, AND KNOWN AS PARCEL 80-J-1P.

ORDAINED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ , at \_\_\_\_  
\_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .

ATTEST:

\_\_\_\_\_  
Rod Roberson, Mayor

\_\_\_\_\_  
Debra D. Barrett, City Clerk

# APPRAISAL 1



## REAL ESTATE APPRAISAL REPORT

---

County Road 113, Elkhart, IN 46514



### PREPARED FOR

Mr. Jamison Czarnecki  
Elkhart Parks and Recreation  
229 S Second Street  
Elkhart, IN 46516

### INSPECTION DATE

8/27/2024

### REPORT DATE

9/6/2024





9/6/2024

Mr. Jamison Czarnecki  
Elkhart Parks and Recreation  
229 S Second Street  
Elkhart, IN 46516

Re: Real Estate Appraisal, County Road 113, Elkhart, IN 46514

Dear Mr. Czarnecki,

At your request, we have prepared an appraisal for the above referenced property. The estimate of value is bound by the scope of work section of the attached report. Please reference the scope of work section of this report for important information regarding the extent of research and analysis for this appraisal, including property identification, inspection, highest and best use analysis and valuation methodology. The following appraisal sets forth the most pertinent data gathered, the techniques employed, and the reasoning leading to the opinion of value. The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Title XI Regulations.

The report is for the sole use of the client; however, client may provide only complete, final copies of the appraisal report in its entirety (but not component parts) to third parties who shall review such reports in connection with loan underwriting or securitization efforts. Appraiser is not required to explain or testify as to appraisal results other than to respond to the client for routine and customary questions. Please note that consent to allow an appraisal report prepared by J. Carnine & Co., or portions of such report, to become part of or be referenced in any public offering, the granting of such consent will be at our sole discretion and, if given, will be on condition that we will be provided with an Indemnification Agreement and/or Non-Reliance letter, in a form and content satisfactory to us, by a party satisfactory to us. We do consent to your submission of the reports to rating agencies, loan participants or your auditors in its entirety (but not component parts) without the need to provide us with an Indemnification Agreement and/or Non-Reliance letter.



Mr. Czarnecki  
Elkhart Parks and Recreation  
9/6/2024  
Page 2

We certify that we have no present or contemplated future interest in the property beyond this estimate of value. The appraiser has appraised the subject within the previous three years of the appraisal date..

Your attention is directed to the Limiting Conditions and Assumptions section of this report. Acceptance of this report constitutes an agreement with these conditions and assumptions. In particular, please note the following:

Hypothetical Conditions:

- There are no hypothetical conditions for this appraisal.

Extraordinary Assumptions:

- There are no Extraordinary Assumptions for this appraisal.

Based on the appraisal described in the accompanying report, subject to the Limiting Conditions and Assumptions, Extraordinary Assumptions and Hypothetical Conditions (if any), we have made the following value conclusion(s):

Current As Is Market Value:

The As Is Market Value of the Fee Simple estate of the property, as of 8/27/2024, is

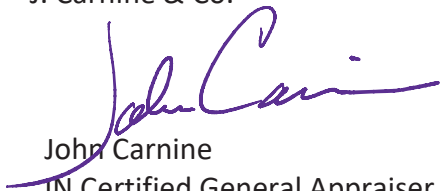
\$265,000


Two Hundred Sixty-five Thousand Dollars

The market exposure time preceding 8/27/2024 would have been 12 Months and the estimated marketing period as of 8/27/2024 is 12 Months.

Respectfully submitted,

J. Carnine & Co.

  
John Carnine  
IN Certified General Appraiser  
CG40400018  
6/30/2026

  
Jennifer Pinkepank  
IN Certified General Appraiser  
CG42100004  
6/30/2026





## Table of Contents

<b>SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS</b>	<b>3</b>
<b>LIMITING CONDITIONS AND ASSUMPTIONS</b>	<b>6</b>
<b>SCOPE OF WORK</b>	<b>12</b>
CLIENT	12
PURPOSE OF THE APPRAISAL	12
INTENDED USE	12
INTENDED USERS	12
PROPERTY IDENTIFICATION	12
PROPERTY INSPECTION	12
DATA RESEARCHED	14
SALES HISTORY	14
CURRENT LISTING CONTRACTS	14
MARKET AREA AND MARKET CONDITIONS	14
EXTRAORDINARY ASSUMPTIONS	14
HYPOTHETICAL CONDITIONS	14
DEVELOPMENT OF HIGHEST AND BEST USE	15
SUPPLEMENTAL STANDARDS	15
JURISDICTIONAL EXCEPTIONS	15
VALUATION ANALYSIS	16
REPORT TYPE	16
<b>MARKET VALUE DEFINITION</b>	<b>17</b>
<b>REGIONAL MARKET</b>	<b>19</b>
<b>NEIGHBORHOOD ANALYSIS</b>	<b>28</b>
<b>PROPERTY DESCRIPTION</b>	<b>34</b>
SITE	34
LEGAL DESCRIPTION	36
LOCATION MAP	37
PLAT MAP	38
ZONING MAP	39
FLOOD HAZARD MAP	40
SOIL MAP	41
ASSESSMENT AND TAXES	43

<b>HIGHEST AND BEST USE</b>	<b>44</b>
<b>HIGHEST AND BEST USE CONCLUSION</b>	<b>45</b>
<b>LAND VALUE</b>	<b>46</b>
<b>SALES COMPARISON APPROACH – LAND VALUATION</b>	<b>46</b>
<b>LAND COMPARABLES</b>	<b>47</b>
<b>SALES COMPARISON APPROACH CONCLUSION – LAND VALUATION</b>	<b>56</b>
<b>CERTIFICATION STATEMENT</b>	<b>57</b>
<b>ADDENDA</b>	<b>58</b>

## Summary of Important Facts and Conclusions

### Property Identification

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Owner	Icon Holdings LLC
Address	County Road 113
City	Elkhart
State	IN
Property Major Type	Land

### Site Characteristics

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Acres	25.00
Number of Parcels	1
Overall Tract Shape	Rectangular
Overall Topography	The subject has level topography at grade and no areas of wetlands.
Zoning	R2, Two Family Residential

### Report Date

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Report Date	9/6/2024
Inspection Date	8/27/2024
Inspected by John Carnine	Yes
Inspected by Jennifer Pinkepank	No
As Is Effective Date of Value	8/27/2024

**Intended Use and Users**

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Intended Use	establish or assist in establishing purchase price
Intended User	the client

**Highest and Best Use**

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Highest and Best Use As Vacant	Residential
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**As Is Value Indications**

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Value Effective Date	8/27/2024
Value Perspective	Current
Value Type	Market Value
Property Rights	Fee Simple
Marketing Time	12 Months
Exposure Time	12 Months
Land Value Indication	\$265,000
Final Value Conclusion	\$265,000



## Limiting Conditions and Assumptions

- I. By this notice, all persons and firms using or relying on this report in any manner bind themselves to accept these contingent and limiting conditions, and all other contingent and limiting conditions contained elsewhere in this report. **Do not use any portion of this report unless you fully accept all contingent and limiting conditions contained herein.** These conditions are an integral part of this appraisal report, and are a preface to any certification, definition, description, fact, or analysis.
- II. This appraisal is to be used only for the purpose stated herein. While distribution of this appraisal in its entirety is at the discretion of the client, individual sections shall not be distributed; this report is intended to be used in whole and not in part. No part of this appraisal, its value estimates or the identity of the firm or the appraiser(s) may be communicated to the public through advertising, public relations, media sales, or other media.
- III. The liability of the appraiser is limited solely to the client. There is no accountability, obligation, or liability to any other third party. The appraisers' maximum liability relating to services rendered under this engagement (regardless of form of action, whether in contract, negligence or otherwise) shall be limited to monies paid the appraiser for that portion of their services, or work product giving rise to liability. In no event shall the appraiser be liable for consequential, special, incidental or punitive loss, damage or expense (including without limitation, lost profits, opportunity costs, etc.) even if advised of their possible existence. If this report is placed in the hands of anyone other than the client, the client shall make such party aware of all contingent and limiting conditions, assumptions, discloses, and related discussions. Use of this report by third parties shall be solely at the risk of the third party.
- IV. While the opinion of value rendered in this appraisal belongs to the client, all files, work papers and documents developed in connection with this assignment are the property of J. Carnine & Co. Information, estimates and opinions are verified where possible, but cannot be guaranteed. Plans provided are intended to assist the client in visualizing the property; no other use of these plans is intended or permitted.
- V. The appraiser assumes no responsibility for the inability of the client, or any other party to achieve their desired results based upon the appraised value.
- VI. In the case of limited partnerships, syndication offerings, or stock offerings in the real estate, the client agrees that in case of lawsuit (brought by the lender, partner, or part owner in any form of ownership, tenant, or any other party), the client will hold J. Carnine & Co., its officers, contractors, employees and associate appraisers completely harmless.

Acceptance of, and/or use of this report by the client, or any third party is prima facie evidence that the user understands, and agrees to all these conditions.

- VII. Some of the assumptions or projections made herein can vary depending upon evolving events. We realize some assumptions may never occur and unexpected events or circumstances may occur. Therefore, actual results achieved during the projection period may vary from those set forth in this report. Compensation for appraisal services is dependent solely on the delivery of this report, and no other event or occurrence.
- VIII. The Appraisers assume a purchaser of the subject is aware of the following.
- a. This appraisal of the subject property does not serve as a warranty on the condition of the property.
  - b. It is the responsibility of the purchaser to examine the property carefully, and to take all necessary precautions before signing a purchase contract.
  - c. Any opinion for repairs is a non-warranted opinion of the appraiser.
- IX. The appraiser is not required to give testimony or appear in court because of having prepared this report unless arrangements have been previously made. If the appraiser is subpoenaed pursuant to court order, the client agrees to compensate the appraiser for their court appearance time, court preparation time, and travel time at their regular hourly rate, in effect at the time of said appearance, preparation and travel time, plus expenses. In the event the real property appraised is, or becomes the subject of litigation, a condemnation, or other legal proceeding, it is assumed the appraiser will be given reasonable advanced notice, and reasonable additional time for court preparation.
- X. The physical condition of the improvements described herein was based only on visual observation. Electric, heating, cooling, plumbing, water supply, sewer or septic, mechanical equipment, and other systems were not tested. No determinations were made regarding the operability, capacity, or remaining useful life of any component of the real estate appraised. All building components are assumed adequate and in good working order unless stated otherwise. Private water wells and private septic systems are assumed sufficient to comply with federal, state, or local health safety standards. No liability is assumed for the soundness of structural members since structural elements were not tested or studied to determine their structural integrity. The roof(s) of the structure(s) is(are) assumed to be watertight unless otherwise noted. Comments regarding physical condition are included to familiarize the reader with the property. This document is not an engineering or architectural report. If the client has any concern regarding structural, mechanical or protective components of the improvements, or the adequacy or quality of sewer, water or other utilities, it is suggested experts in these disciplines are retained before relying upon this report. No representations are made herein as to these matters unless specifically stated otherwise in this report.

- XI. The work prepared and reported in this appraisal report is not to be interpreted or construed as the equivalent to an engineering, construction, legal, or architectural study. It is not an examination or survey of any kind. Expertise in these areas is not implied. The appraiser is in no way responsible for any costs incurred to discover, or correct any deficiency in the property.
- XII. The appraiser has no expertise in the field of insect, termite, or pest infestation and is not qualified to detect the presence of these or any other unfavorable infestation. The appraiser has no knowledge of the existence of any infestation on, under, above, or within the subject real estate. No overt evidence of infestation is apparent to the untrained eye. However, no assertion is made or implied that the subject is inspected or tested to determine the presence of any infestation. No effort was made to dismantle or probe the structure. No effort was exerted to observe enclosed, encased, or otherwise concealed evidence of infestation. The presence of any infestation would likely diminish the property's value. The value opinion in this communication assumes there is no infestation of any type affecting the subject real estate. No responsibility is assumed by the appraiser or J. Carnine & Co. for any infestation damage or for any expertise required to discover or remediate any infestation. Our client is urged to retain an expert in this field, if desired.
- XIII. For appraisals of multifamily property, only a portion of all dwellings was observed. It is assumed, in reaching a value conclusion, that the functionality, condition, and finish of the remaining units are similar to the functionality, condition, and finish of the observed units. If it is determined that the remaining units differ from the viewed units in functionality, condition, or finish, the appraiser reserves the right to amend the analysis and/or value conclusion(s).
- XIV. No liability is assumed for matters of legal nature that affect the value of the subject property. Unless a clear statement to the contrary is made in this report, the value opinion(s) herein are predicated upon the following assumptions.
- a. The real property is appraised as though and assumed free from all value impairments including yet not limited to title defects, liens, encumbrances, title claims, boundary discrepancies, encroachments, adverse easements, environmental hazards, pest infestation, adverse leases, and atypical physical deficiencies.
  - b. All real estate taxes and assessments, of any type, are assumed fully paid.
  - c. The property being appraised is assumed held under responsible and lawful ownership.
  - d. The subject property is assumed operated under competent and informed management.
  - e. The subject property was appraised as though and assumed free of indebtedness.



- f. The subject real estate fully complies with all applicable federal, state, and local environmental regulations and laws.
  - g. The subject fully complies with all applicable zoning ordinances, building codes, use regulations, and restrictions of all types.
  - h. All licenses, consents, permits, or other documentation required by any relevant legislative or governmental authority, private entity, or organization have been obtained, or can easily be renewed for a nominal fee.
- XV. Unless specifically stated herein, we are unaware of any engineering study made to determine the bearing capacity of the subject land, or nearby lands. It is assumed soil and subsoil conditions are stable and free from features, which would cause site work costs to arise beyond that which is considered typical. It is also assumed existing soil conditions of the subject land have proper load bearing qualities to support the existing improvements, or proposed improvements appropriate for the site. No investigations for potential seismic hazards were made. This appraisal assumes there are no conditions of the site, subsoil, or structures, whether latent, patent, or concealed that would render it less valuable. Unless specifically stated otherwise within this appraisal report, no earthquake compliance report, engineering report, flood zone analysis, hazardous waste, or asbestos analysis was made, or ordered in conjunction with this appraisal report. The client is strongly urged to retain experts in these fields, if so desired.
- XVI. Unless stated herein, the property is assumed to be outside of areas where flood hazard insurance is mandatory. Maps used by public and private agencies to determine these areas are limited with respect to accuracy. Due diligence has been exercised in interpreting these maps, but no responsibility is assumed for misinterpretation.
- XVII. Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, was not called to the attention of the appraiser nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test for such substances. The presence of such hazardous substances may affect the value of the property. The value opinion developed herein is predicated on the assumption that no such hazardous substances exist on or in the property or in such proximity thereto, which would cause a loss in value. No responsibility is assumed for any such hazardous substances, or for any expertise or knowledge required to discover them.
- XVIII. If this appraisal is prepared as though construction, repairs, alterations, remodeling, renovation, or rehabilitation is completed, it is assumed such work will be completed in a timely fashion, using non-defective materials, and proper workmanship with no volunteer labor. All completed work is assumed in substantial conformance with plans or specifications referenced herein, or descriptions or attachments made hereto. It is also

assumed all planned, in-progress, or recently completed construction complies with the zoning ordinance, and all applicable building codes. In a prospective valuation, it is understood and agreed the appraiser is not responsible for the impact on value, caused by unforeseeable events, before completion of the project.

- XIX. Any exhibits in the report are intended to assist the reader in visualizing the subject property and its surroundings. No responsibility is assumed for cartographic accuracy. Drawings are not intended to be exact in size, scale, or detail.
- XX. Effective January 26, 1992, the Americans with Disabilities Act (ADA) - a national law, affects all non-residential real estate or the portion of any property, which is non-residential. The appraiser makes no assertion that the subject conforms to the requirements of the ADA. It is possible a compliance survey, together with a detailed analysis of ADA requirements, could reveal the subject is not fully compliant. If such a determination was made, the subject's value may or may not be adversely affected. Since the appraiser has no direct evidence, or knowledge pertaining to the subject's compliance or lack of compliance, this appraisal does **not** consider possible noncompliance or its affect on the subject's value.
- XXI. Any value opinion herein is based on observations of the subject by the appraiser, a gathering of market information, and an analysis of the gathered information as of the effective value date. Information about the subject property, neighborhood, comparables, or other topics discussed in this report was obtained from sensible sources. In accordance with the extent of research disclosed in the Scope of Work, this information was examined for accuracy, is believed to be reliable, and is assumed reasonably accurate. However, no guaranties or warranties are made for this information. No liability or responsibility is assumed for any inaccuracy which is outside the control of the appraiser, beyond the scope of work, or outside reasonable due diligence of the appraiser.
- XXII. An appraisal report that involves a valuation that is less than the entire fee simple estate is subject to the following limitations. The value reported for such an estate relates only to the fractional interest that constitutes the real property appraised. Moreover, the value of the fractional interest appraised plus the value of all other fractional interests may or may not equal the value of the entire fee simple estate that constitutes the whole.
- XXIII. An appraised value that relates to a geographic portion of a large parcel or tract of real estate is subject to the following limitations. The value reported for such geographic portion relates to such portion only, and should not be construed as applying with equal validity to other portions of the larger parcel or tract. The value reported for such geographic portion plus the value of all other geographic portions may or may not equal the value of the entire parcel or tract considered as an entity.
- XXIV. The allocation of value between the subject's land and improvements, if any, represents our judgment only under the existing use of the property. A re-evaluation should be made

if the improvements are removed, substantially altered, or the land is utilized for another purpose.

XXV. Our value opinion involves only the real estate and normal building components, if improvements are involved. No consideration was given to personal property or special equipment, unless specifically stated otherwise.

## Scope of Work

According to the Uniform Standards of Professional Appraisal Practice, it is the appraiser's responsibility to develop and report a scope of work that results in credible results that are appropriate for the appraisal problem and intended user(s).

### Client

This appraisal is prepared for the client, Elkhart Parks and Recreation. Mr. Czarnecki ordered the appraisal on the client's behalf.

### Purpose of the Appraisal

A statement of the purpose of the appraisal establishes the precise question or problem to be solved for the client and other intended users. The problem to be solved is to estimate the current as is market value.

### Intended Use

Intended use references the manner in which the client and other intended users will utilize the information presented within the appraisal report. It is critical that the intended use is consistent with the purpose of the appraisal. The intended use of this appraisal is for establish or assist in establishing purchase price.

### Intended Users

The client may provide the appraiser with additional users of the report, but the appraiser ultimately decides who the intended users are based upon the purpose of the appraisal. A party that receives or might receive a copy of the appraisal report are not necessarily intended users. The appraiser is responsible only to the identified intended users and not all parties that may consider themselves users. This appraisal is intended for the use of the client. No other use or users are intended. Other readers may not use, or rely on any portion of this report without the expressed written consent of J. Carnine & Co. Unauthorized users of this report do so at their own risk. No liability is assumed, expressed, or implied by the appraiser for unauthorized use of this report.

### Property Identification

The subject has been identified by the assessors' parcel number.

### Property Inspection

The inspection of the property was conducted on 8/27/2024. Observation of the subject property was restricted to a portion of the site. Any inspection of the subject was not as thorough as a professional property inspection. A professional inspector determines the precise physical condition, remaining useful life, and operability of major building components like the structural system, roof cover, electrical system, plumbing, and heating plant. Inspectors typically do not

ascertain the size of the building, or characteristics of the land. By contrast, an appraiser commonly has concerns about both the land and building. Ordinarily, appraisers do not determine operability, or the remaining useful life of building systems. An appraiser typically views or observes real estate to determine only general attributes like physical condition of the building as a whole, site topography and access, building size, construction quality, floor plan, and functionality of the property as a whole. No probes, investigations, or studies were made to discover unapparent, adverse physical features.

#### Environmental Risks

The appraiser is not an expert in the identification or detection of environmental hazards. I am **not** qualified to detect the presence of any harmful substances or gases. Unless specifically stated to the contrary, the appraiser has no knowledge about the existence of any environmental hazard on, under, above, or within the subject real estate. No overt evidence of any environmental hazard is apparent to the untrained eye. Additionally, I have not specifically inspected the subject property to determine the presence of any environmental hazard. No effort was made to dismantle or probe the structure to observe enclosed, encased, or otherwise concealed elements for environmental hazards including but not limited to:

- Evidence of chemical spills or soil contamination
- Settlement or soil subsidence
- Underground storage tanks
- Nearby off-site uses that pose a hazard
- Potential for friable asbestos
- Toxic mold
- Use of urea-formaldehyde insulation
- Fire resistant treated plywood (FRTP)
- Radon
- Flaking and potentially lead based paint
- Presence of Polychlorinated biphenyl (PCB)

Flood hazards conditions are detailed elsewhere in this appraisal. Except as enumerated herein, the appraiser was not given the results of any environmental testing on or near the subject property, if any. Neither the inspection nor other normal research suggested any apparent presence of hazardous substances or detrimental environmental conditions.

There were no visually apparent signs of unknown substances or environmental hazards observed by the appraiser at the time the subject property was inspected. The presence of any hazard would likely diminish the subject's value. The value estimate in this report assumes there is no hazard of any type affecting the subject real estate. No responsibility is assumed by the appraiser or J. Carnine & Co. for any hazard, or for any expertise required to discover any environmental hazard. Our client is urged to retain an expert in this field, if desired.

## Data Researched

Data sources included, yet were not limited to the Internet, governmental agencies, demographic service companies, persons involved with the subject or comparables, appraiser files, other real estate professionals, and/or Multiple Listing Services. All information used herein was obtained from seemingly sensible sources. This information was examined for accuracy, is believed reliable, and assumed reasonably accurate. However, no guaranties or warranties for the information are expressed or implied. No liability or responsibility is assumed by the appraiser(s) for any inaccuracy from any seemingly credible information source.

## Sales History

The subject transferred April 21, 2022 from Edward & Cristy Ramsey for \$220,000. No other recorded arm's length conveyance of the subject was discovered during the three years preceding this report's effective value date.

## Current Listing Contracts

The subject was not found to be listed in the local or other major data reporting services. No sale or option agreements are now known to be pending.

## Market Area and Market Conditions

A complete analysis of market conditions has been made. The appraiser maintains and has access to comprehensive databases for this market area and has reviewed the market for sales and listings relevant to this analysis.

## Extraordinary Assumptions

USPAP defines an Extraordinary Assumption to be "an assignment specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinion or conclusions". Extraordinary assumptions presume as fact otherwise uncertain information. In other words, this type assumption involves uncertainty about an underlying premise. An example is a survey that displays a lot size. If the lot size is found to be much smaller, then the value conclusion may be negatively affected. There are no Extraordinary Assumptions for this appraisal.

## Hypothetical Conditions

USPAP defines a hypothetical condition as "a condition, directly related to specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis." Hypothetical conditions assume conditions that are contrary to known fact. An illustration is the current valuation of a commercial building proposed for construction. For the purpose of a rational analysis, it is assumed the building exists on the effective value date, but it is known that the improvements are nonexistent. Another example is a new zoning classification, that a property does not have today, but the new zoning is assumed for the purpose of a logical current valuation. Uncertainty

is not involved with a hypothetical condition. An essential premise underlying the valuation is known not to exist on the date of value. There are no hypothetical conditions for this appraisal..

### **Development of Highest and Best Use**

Highest and best use analyses can be categorized into two groups - inferred and fundamental. A fundamental analysis is quantified from broad demographic and economic data such as population and income. Supply is inventoried. Subject specific characteristics are considered. Then, the relationship between supply and demand is weighed to determine a specific highest and best use for the subject. An inferred analysis uses trends and patterns to infer a general highest and best use for the subject. Market dynamics that might be considered are prices, marketing times, rents, vacancy, and listings of similar real estate. Subject specific studies were not made during the appraisal development process. An inferred analysis for the as vacant highest and best use of the subject has been made. Physically possible, legally permissible and financially feasible uses were considered, and the maximally productive use was concluded..

### **Supplemental Standards**

Paraphrasing USPAP, Supplemental Standards are requirements issued by governmental agencies, governmental sponsored enterprises, or other entities that establish public policy. These requirements always add to, and do not detract from the RULES and Standard Rules. There are no supplemental standards applicable in this appraisal.

### **Jurisdictional Exceptions**

A Jurisdictional Exception is an assignment condition, which voids a portion of USPAP that is contrary to law or public policy. When a Jurisdictional Exception applies, only the contrary portion is void. The remainder of USPAP remains in full force and effect. Jurisdiction Exceptions always shrink USPAP, not expand it. There are no jurisdictional exceptions applicable in this appraisal.

## Valuation Analysis

Six basic approaches may be used to arrive at an estimate of land value. They are:

1. Sales Comparison Approach

This approach compares sales of similar properties with the subject property. Each comparable sale is adjusted for its inferior or superior characteristics. The values derived from the adjusted comparable sales form a range of value for the subject. By process of correlation and analysis, a final indicated value is derived

2. Market Extraction

Estimates land values from sales of improved properties by deducting an estimated depreciated cost of the improvements from the total sales price to indicate a residual land value. Least subjective when the contributing value of the improvements is small.

3. Allocation

Ratios of land value to total value is extracted from comparable sales and applied to the subject property total estimated value to estimate the subject's land value. This is most commonly utilized in residential valuation but can be used in commercial applications when land values are scarce and some estimate needs to be made.

4. Land Residual Method

A net operating income attributable to the land is capitalized at a market derived land capitalization rate to estimate the land value. To utilize this approach, building value must be accurately estimated, the net operating income must be known, and both land and building capitalization rates must be available from market sales.

5. Ground Rent Capitalization

Market derived capitalization rate is applied to subject ground rent. Subject's ground rent to be compared to market ground rent and property rights differences accounted for.

6. Subdivision Development

Direct and indirect development costs are deducted from estimated lot sale revenues over an estimated absorption period. These net proceeds are discounted to present value at a discount rate. This is only applicable to land that either is divided into, or the highest and best use suggests that it be divided into, lots for sale.

To estimate the subject land value the sales comparison approach was utilized.

## Report Type

This is an Appraisal Report as defined by Uniform Standards of Professional Appraisal Practice under Standards Rule 2-2(a). This format provides a summary description of the appraisal process, the subject, and market data and valuation analysis.





## Market Value Definition

Forming an opinion of market value is the purpose of many real property appraisal assignments, particularly when the client's intended use includes more than one intended user. The conditions included in market value definitions establish market perspectives for development of the opinion. These conditions may vary from definition to definition but generally fall into three categories:

1. the relationship, knowledge, and motivation of the parties (i.e., seller and buyer);
2. the terms of sale (e.g., cash, cash equivalent, or other terms); and
3. the conditions of sale (e.g., exposure in a competitive market for a reasonable time prior to sale).

Market value is described in the Uniform Standards of Professional Appraisal Practice (USPAP) as follows: A type of value, stated as an opinion, that presumes the transfer of a property (i.e., a right of ownership or a bundle of such rights), as of a certain date, under specific conditions set forth in the value definition that is identified by the appraiser as applicable in an appraisal. (USPAP, 2020-21 ed.)

USPAP also requires that certain items be included in every appraisal report. Among these items, the following are directly related to the definition of market value:

- Identification of the specific property rights to be appraised.
- Statement of the effective date of the value opinion.
- Specification as to whether cash, terms equivalent to cash, or other precisely described financing terms are assumed as the basis of the appraisal.

If the appraisal is conditioned upon financing or other terms, specification as to whether the financing or terms are at, below, or above market interest rates and/or contain unusual conditions or incentives. The terms of above—or below—market interest rates and/or other special incentives must be clearly set forth; their contribution to, or negative influence on, value must be described and estimated; and the market data supporting the opinion of value must be described and explained.

The most widely accepted components of market value are incorporated in the following definition: The most probable price that the specified property interest should sell for in a competitive market after a reasonable exposure time, as of a specified date, in cash, or in terms equivalent to cash, under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, for self-interest, and assuming that neither is under duress.

Thus, the following definition of market value is used by agencies that regulate federally insured financial institutions in the United States:

The most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and the seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised, and acting in what they consider their best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

(12 C.F.R. Part 34.42(g); 55 Federal Register 34696, August 24, 1990, as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994)

## Regional Market



The geographic characteristics of real estate markets differentiate them from more efficient financial markets. The goods or services in an efficient market area are essentially homogenous and readily substituted for one another. Real estate is not homogenous, but rather heterogenous, since no two parcels are physically identical. This underscores the importance of delineating the market for real estate.

The applicable economy can be divided into two major components: households and businesses. Households account for the productive resources of land, labor, capital, and entrepreneurship, which are sold to the business community in return for income. The business sector employs these resources to produce goods and services.

The economic base of a community strongly influences the land use activities of the area. The local economy is key to understanding real estate markets and the source data supply and demand projections for property uses. Determination of direction and strength of market forces such as supply and demand, in addition to prices, costs, and values begin with the economic base indicators.

Determining the boundaries for the region, while identified by geography, was made with additional and considerable interest in linkages and trade expectations. The regional market for this appraisal includes the Indiana counties of St. Joseph, Elkhart, LaGrange, Marshall, Kosciusko, and the Michigan Counties of Berrien, Cass and St. Joseph. This area encompasses 3,491 square miles and is comprised of 19 Cities, approximately 50 towns, and 120 townships.

The following demographics are derived from various sources and represent the most up to date information, but certain elements may have lagging indicators. Additionally, there are periods of economic decline, uncertainty or rapid expansion that the demographic information may not capture readily. This following information is relied upon and incorporated in our analysis of the subject but is tempered by our current and local market knowledge.

## POPULATION

The economic base consists of the industries and economic activities that generate employment and income for the area. Generally population growth and decline in an area may be considered functions of employment opportunities. When employment opportunities are growing the economy of the area is considered healthy.



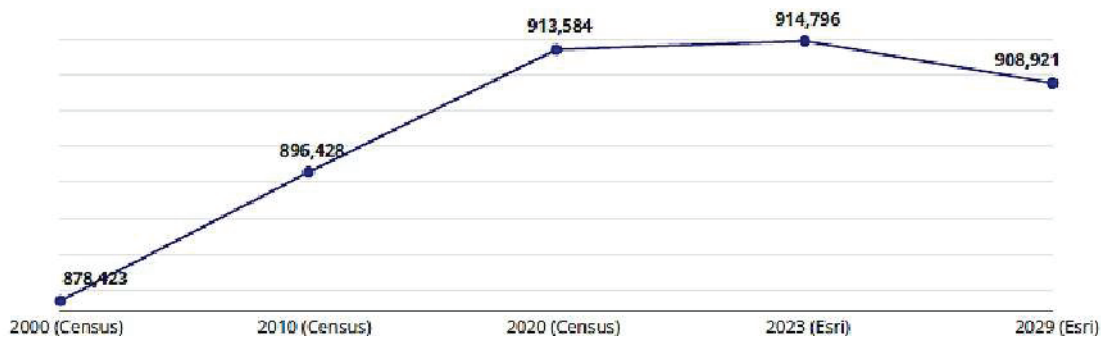
**-0.13%**

**POPULATION**

The total market population is currently estimated to be approximately 914,796. Based upon a growth rate of - 0.13% the population is expected to decrease to 909,521 by 2028. This area continues to lag behind Indiana (0.16%), Michigan (-0.05%) and the US (0.30%) in terms of population growth.

Population	8 Counties 11
2023 Total Population	914,796
2023 Household Population	893,778
2023 Family Population	722,077
2028 Total Population	908,921
2028 Household Population	887,903
2028 Family Population	715,372

### Population Change



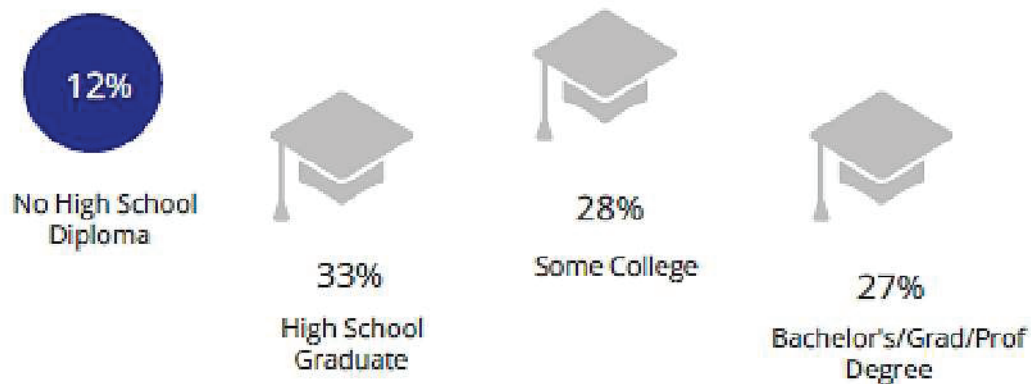
### EDUCATION

The market has excellent secondary educational opportunities as it is home to over 20 universities, colleges and technical. The following represents the diversity of upper education within the region and proximate to the region.

	Enrollment	Tuition*
Western Michigan University	17,559	\$13,868
University of Notre Dame	13,105	\$62,186
Indiana University South Bend	4,326	\$7,827
Lake Michigan College	2,919	\$6,743
Andrews University	3,176	\$28,730
Southwestern Michigan College	1,989	\$5,947
Grace College	1,773	\$29,134
Saint Mary's College	1,406	\$55,634
Kalamazoo College	1,233	\$54,522
Bethel College	1,150	\$32,740
Goshen College	824	\$38,890
Ancilla College	533	\$18,700
Holy Cross College	494	\$30,025

\* In-State

The education attainment of a workforce is significant with regard to the type of employees available for job diversity. The breakdown of the education level of market constituents is as follows:



### INCOME

The median household income is \$66,205 which is approximately 76% of the national median household income of \$82,410. Per capita income also trails the nation at \$35,530 as compared to the U.S. rate of \$47,525. The median net worth of \$214,642 is higher than the national average of \$192,900.



\$66,205

Median Household  
Income



\$35,530

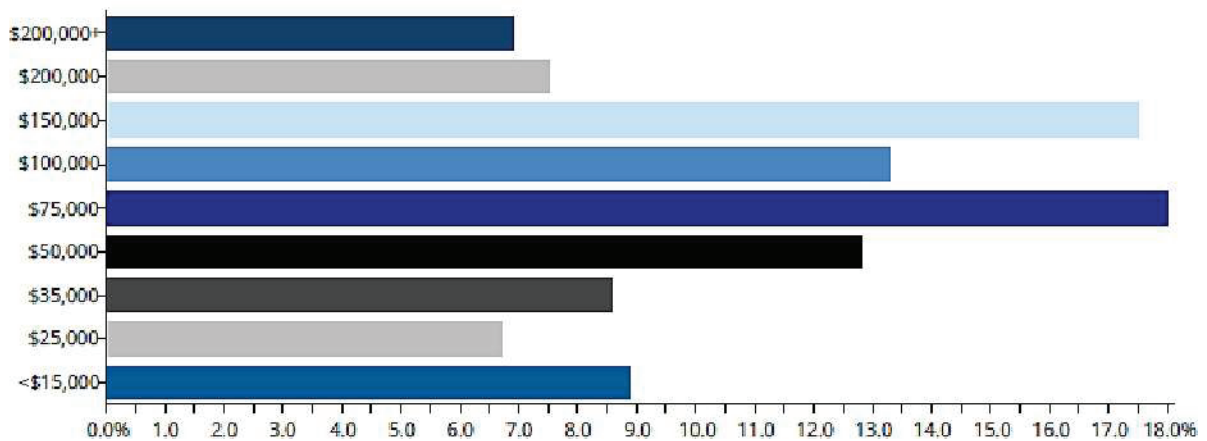
Per Capita Income



\$214,642

Median Net Worth

Household income is distributed for the market area as follows. As compared to Indiana the market area has higher percentages in the lower incomes and lower percentages for the higher income brackets.



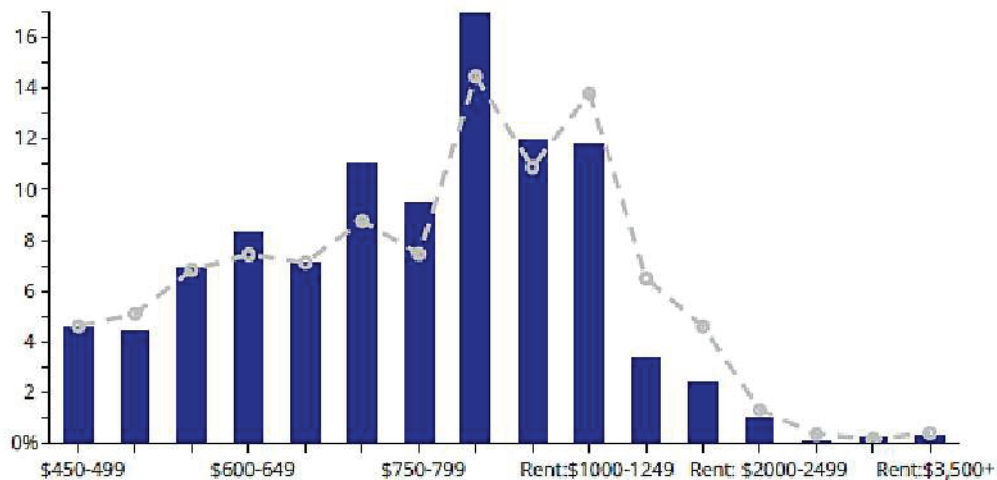
### HOUSING STATS

Median home value for the market area is \$228,361 but is still far below the national \$308,943. The annual average spent on mortgage and basics of \$10,813 is approximately 80% of the U.S \$12,922 figures. Likewise, the median contract rent nationally of \$748 is higher than the market area rate of \$684. These indications all point to a favorable cost of living for the market area.



Another indication of economy strength and population wealth is the ratio of owner occupation to renter occupation. Traditionally home-ownership has correlated to disposable income, creation of wealth, and lower crime rates. Homeownership is also a function of many factors to include interest rates, construction costs, types of employment opportunities, and job security. The market area housing is approximately 27% renter occupied which is below the national rate of 35%. For the rental market and multifamily housing in general the amount of rent achievable dictates the supply of product particularly when it comes to new construction. For the market area the current rent landscape is as follows.

### RENT DISTRIBUTION



### LABOR FORCE

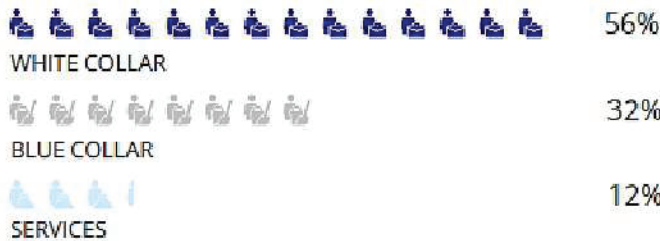
There are over 30,000 businesses within the market with approximately 455,000 employees. The unemployment rate is currently 4.1% as compared to the current national rate of 4.3% and the type of employment is broken down by the following categories.



31,990  
 Total Businesses

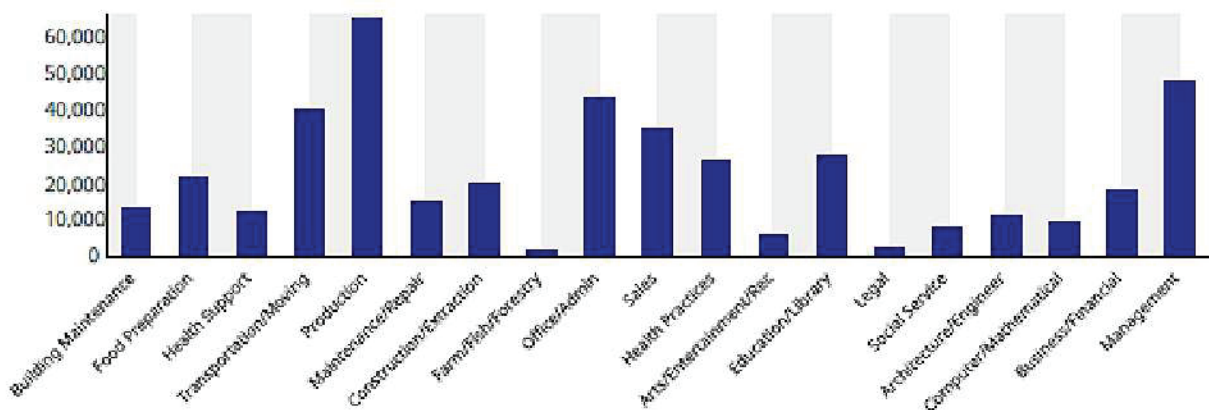


483,546  
 Total Employees



Within the market, the manufacturing industry represents the highest level of employment with mostly driven by the Elkhart market.

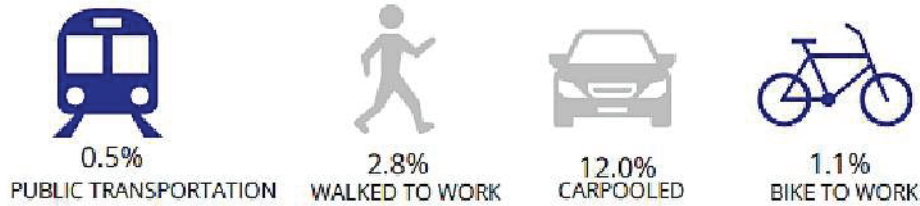
### EMPLOYMENT BY OCCUPATION



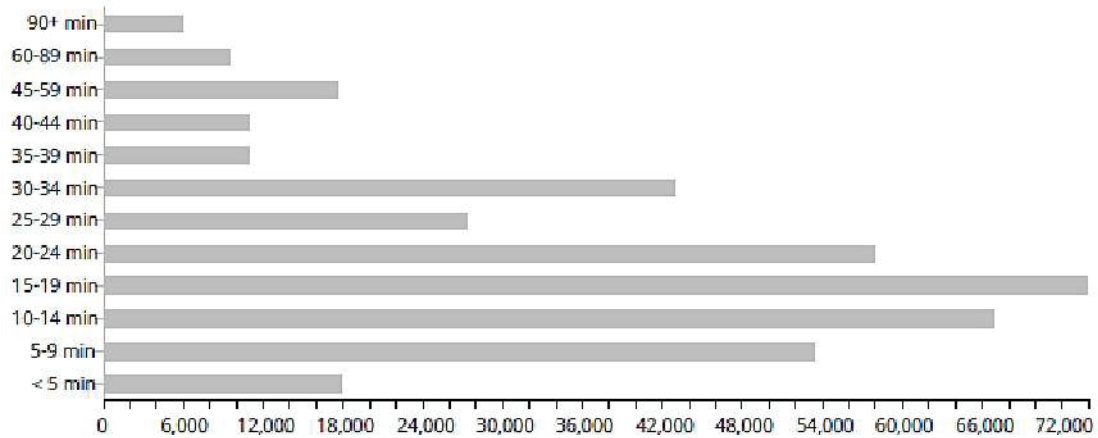


### LABOR FORCE COMMUTING TRENDS

A portion of the work population commutes into the market area as demonstrated by the difference in daytime population previously presented. Likewise, a certain segment of the employee population leaves the market for employment. The data below provides insight into the travel time employees travel for employment.

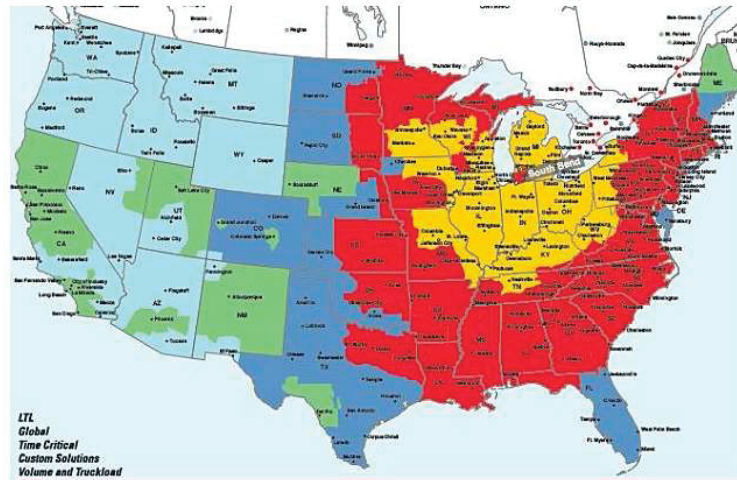


### AVERAGE TRAVEL TIME TO WORK



### TRANSPORTATION

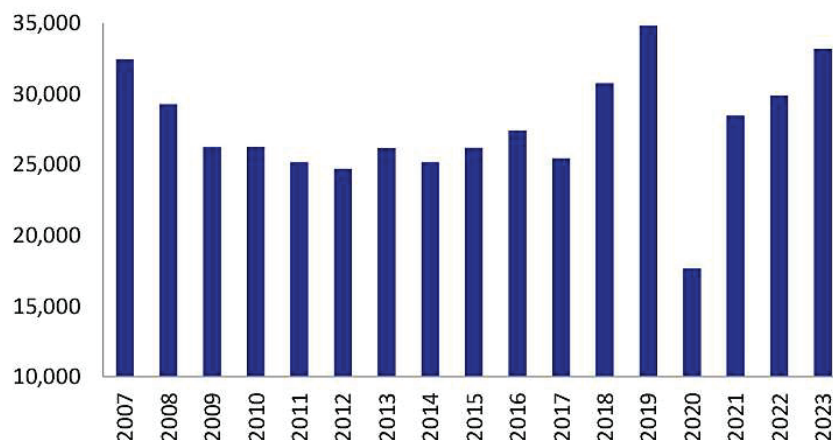
The connectivity of air, rail and highway connects the region to various regional and national markets allowing the market to be second in the nation for distribution. Companies that need quick delivery can reach 14.3 % of the nation, or 40.2 million people, in one day.



### South Bend Airport

The area is served by the South Bend Regional Airport which is the second busiest airport in the state of Indiana, in terms of commercial traffic. The SBA is one of the few multi-model transportation facilities in the U.S. that provides air, bus and rail service at one terminal. The multi-model terminal services over one million air, rail and bus passengers each year. The commercial airlines are currently Allegiant Air, American Airlines, Delta and United. Cargo airlines include FedEx Express, FedEx Feeder and UPS Airlines.

Average Airline Enplanements



## **Rail**

Rail service is abundant in the region as there are three class 1 railroads running within it. Canadian National services run from Canada through the region and on to the Gulf of Mexico. CSX runs Chicago to the eastern United State. Norfolk Southern links New York with Chicago. Elkhart is home to Robert Young Rail Yard which is the second largest freight classification yard in the world.

The South Shore Railroad provides daily transportation and connects with the Metra to provide additional service. Amtrak provides two daily trips to New York, Boston and Washington, and service to other destinations nationwide. The South Bend Public Transportation Corporation, Coach USA, Greyhound, Hoosier Ride and Interurban Trolley provide local and nationwide bus service.

## **Ports**

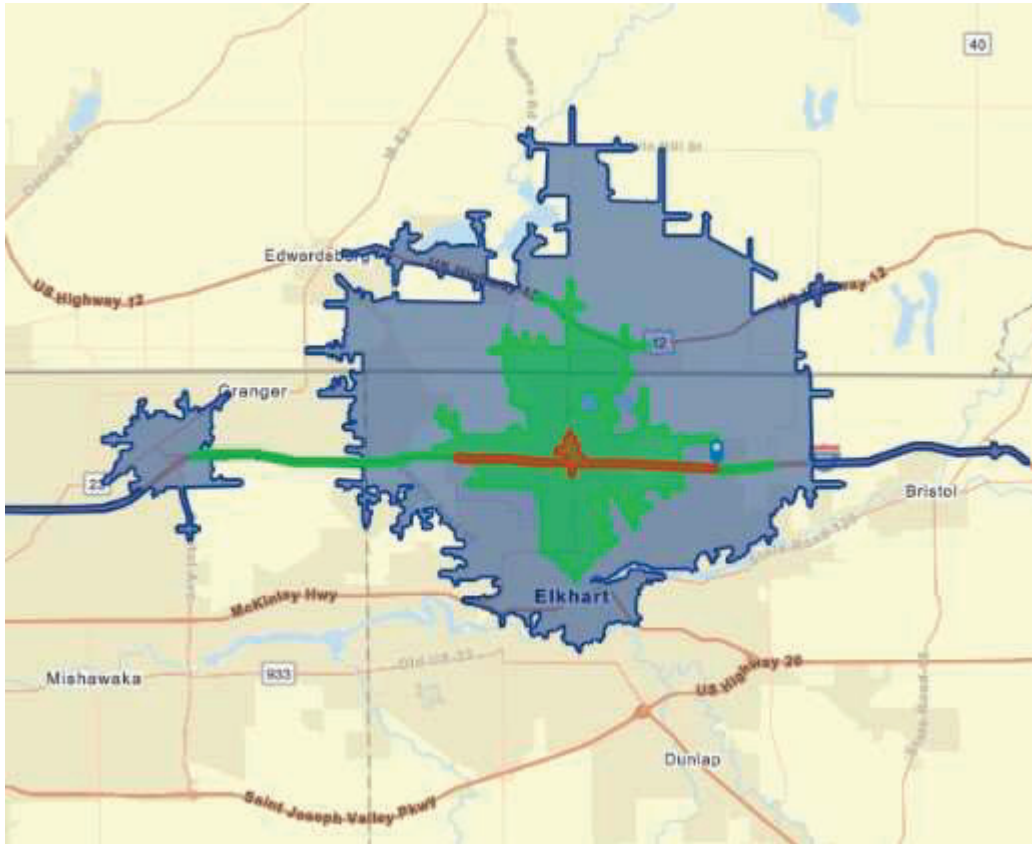
The Port of Indiana at Burns International Harbor nearby to the east provides continual barge access to the Midwest. Port of Chicago is located 80 miles west of South Bend and allows deep-draft commercial vessels. These ports connect Norfolk Southern rail and the highways to the Atlantic Ocean via Lake Michigan.

## **Highways**

There are several major highways through the region, the largest being Indiana Toll Road (I-80 / I-90) which runs 157 miles across Northern Indiana. US Highway 31 links the area to Michigan and Indianapolis and also connects to I-94, a direct route to Chicago and Detroit.

## Neighborhood Analysis

The immediate market area has been identified by, and presented in the following map which measures, drive times of five, ten, and fifteen minutes from the subject. The following trends are specifically taken from the fifteen-minute drive time but all three are considered in estimating supply and demand.



15 minutes



39.1

Median Age



60,426

Population



2.5

Average Household Size

\$58,022

Median Household Income

15,730

2023 Owner Occupied Housing  
 Units (Esri)

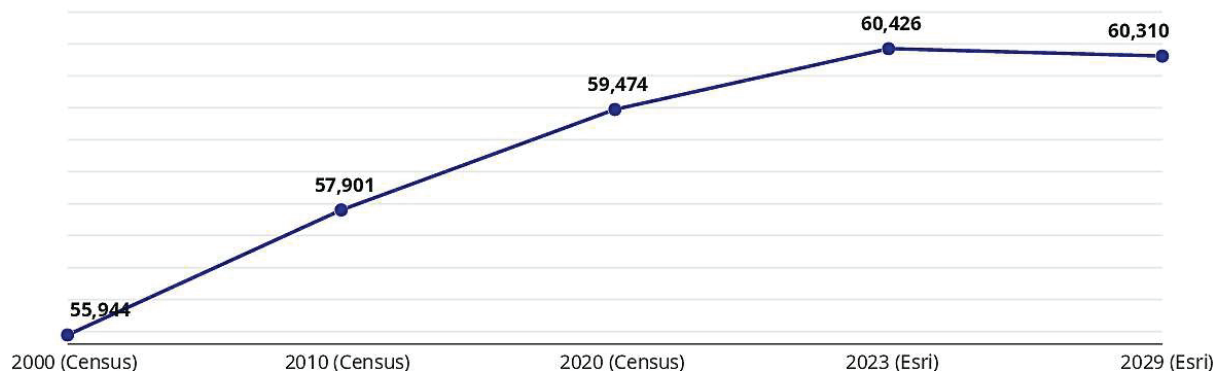
8,004

2023 Renter Occupied Housing  
 Units (Esri)

Population	5 minutes	10 minutes	15 minutes
2023 Total Population	92	13,909	60,426
2023 Household Population	92	13,906	60,042
2023 Family Population	81	10,416	47,963
2028 Total Population	91	13,884	60,310
2028 Household Population	91	13,881	59,926
2028 Family Population	81	10,357	47,708

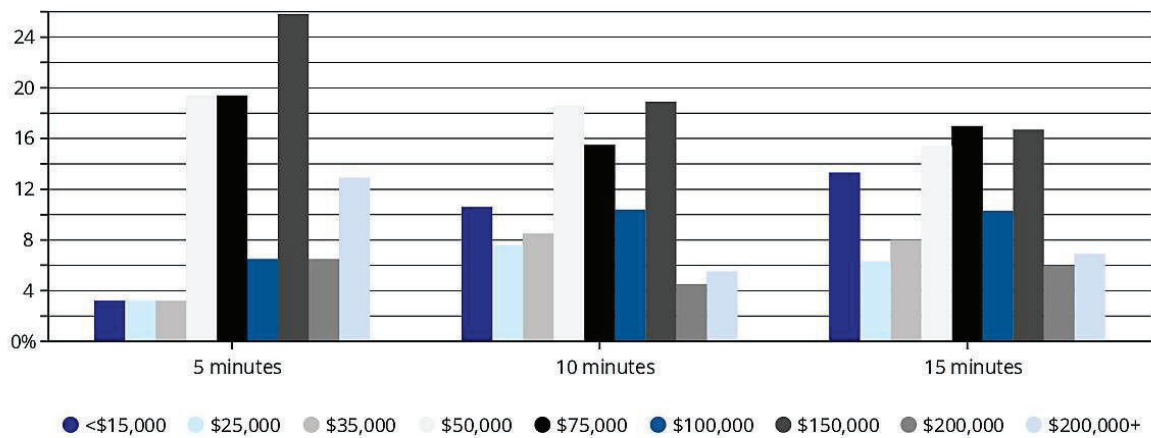
Population Change

15 minutes



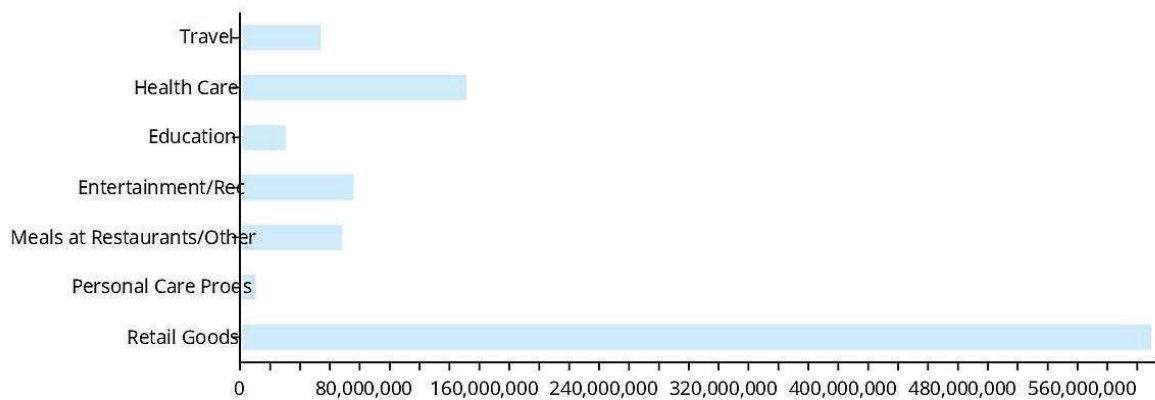
Income	5 minutes	10 minutes	15 minutes
2023 Per Capita Income	\$43,861	\$34,601	\$33,962
2023 Median Household Income	\$80,310	\$55,923	\$58,022
2023 Average Household Income	\$113,617	\$81,881	\$86,289
2028 Per Capita Income	\$51,261	\$40,674	\$39,691
2028 Median Household Income	\$103,315	\$66,982	\$67,895
2028 Average Household Income	\$131,608	\$95,460	\$100,062

**HOUSEHOLD INCOME**

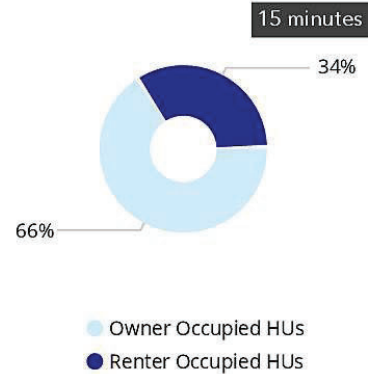


**ANNUAL SPENDING**

15 minutes



HOUSEHOLDS	5 minutes	10 minutes	15 minutes
2000 Total Households	21	5,084	21,663
2010 Total Households	29	5,567	22,470
2023 Total Households	31	5,915	23,734
2028 Total Households	31	5,955	23,884



### HOUSING STATS

15 minutes



**\$222,737**

Median Home Value



**\$10,141**

Average Spent on Mortgage & Basics

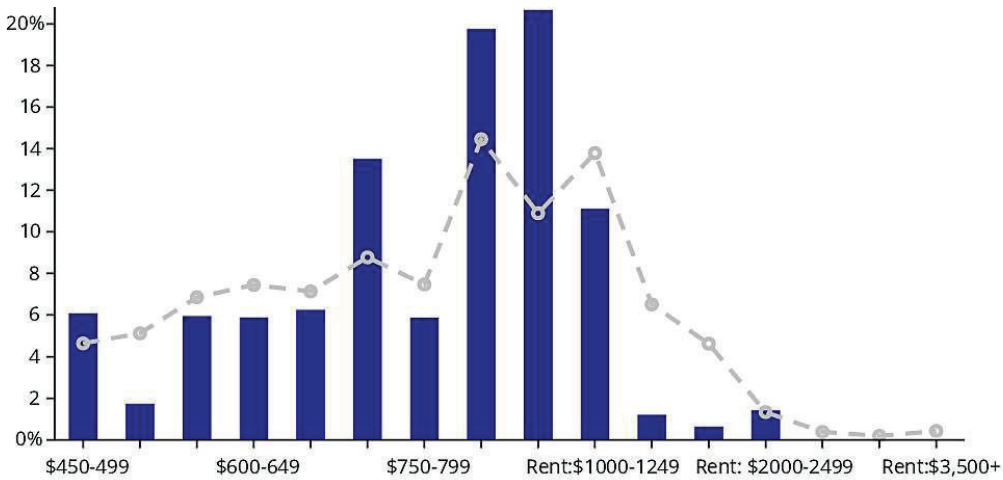


**\$769**

Median Contract Rent

### RENT DISTRIBUTION

15 minutes



Dots show comparison to **Indiana**

**EDUCATION**

	5 minutes	10 minutes	15 minutes	States Indiana	United States America
No High School Diploma	12.3%	13.4%	13.3%	9.2%	9.4%
High School Graduate	38.5%	34.3%	32.9%	32.5%	26.8%
Some College	20.0%	32.8%	29.4%	27.8%	27.1%
Bachelors/Grad/Prof Degree	29.2%	19.6%	24.4%	30.6%	36.8%

**WORKFORCE**

15 minutes



57%

WHITE COLLAR



32%

BLUE COLLAR



11%

SERVICES



4.5%

UNEMPLOYMENT RATE

**TRANSPORTATION TO WORK**

15 minutes



0.3%

PUBLIC TRANSPORTATION



1.9%

WALKED TO WORK



11.8%

CARPOOLED

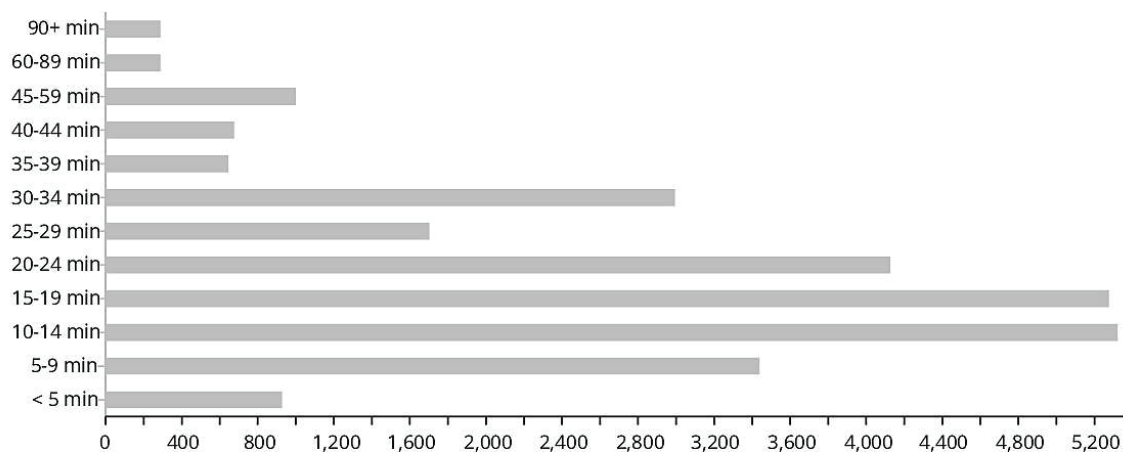


0.2%

BIKE TO WORK

**AVERAGE TRAVEL TIME TO WORK**

15 minutes

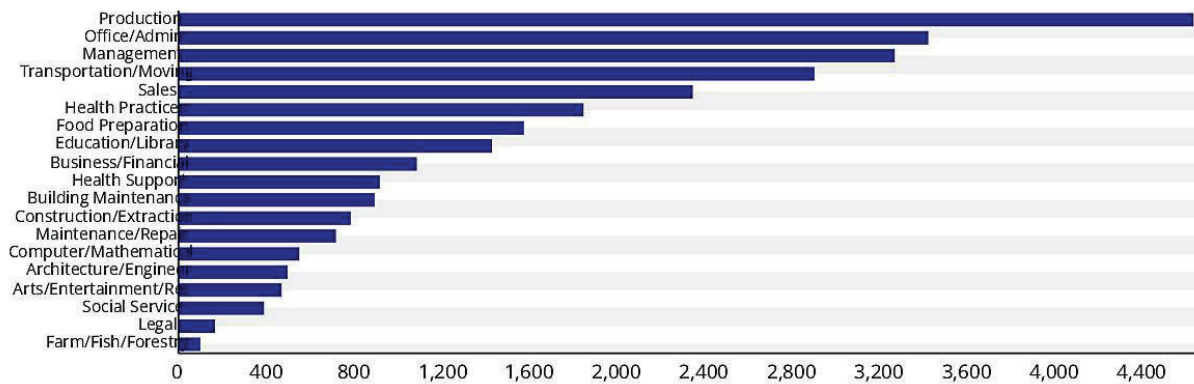






**EMPLOYMENT BY OCCUPATION**

15 minutes



**OCCUPATION BY INDUSTRY**

	5 minutes	10 minutes	15 minutes
Ag/Forestry/Fishing	0	78	179
Mining/Oil & Gas	0	0	3
Construction	0	285	1,266
Manufacturing	10	2,689	9,769
Wholesale Trade	0	168	730
Retail Trade	10	659	2,812
Transportation & Warehousing	1	382	1,111
Utilities	1	13	151
Information	0	37	176
Finance & Insurance	0	151	830
Real Estate & Leasing	1	68	382
Prof & Tech Services	5	158	984
Management of Companies	0	0	0
Admin & Waste Mgmt	2	163	1,091
Educational Services	6	418	2,092
Health Care & Social Assist	8	746	3,798
Arts/Entertainment/Recreation	0	17	173
Accom & Food Services	5	419	1,686
Other Services	4	265	1,180
Public Administration	2	109	631

## Property Description

### Site

The appraiser has not been provided a survey or title work and therefore the following information is taken from observations at the time of inspection. Additional information was derived from public records such as deeds, assessor records, zoning maps, FEMA maps, topography maps and GIS systems all of which may not be as accurate as more professional services.

For this report the following working definitions apply to how the site has been measured

*Usable Land:* The land area available to be utilized for development. This area includes satisfactory soil conditions, vertical separation, and horizontal separation(s).

*Unusable Land:* Land not beneficial to development or highest and best use due to a feature such as drainage ditches, steep slopes, environmental damage, or soil conditions.

*Excess Land:* Land that is not needed to serve or support the existing use. The highest and best use of the excess land may or may not be the same as the highest and best use of the improved parcel. Excess land has the potential to be sold separately and is valued separately.

*Surplus Land:* Land that is not currently needed to support the existing use but cannot be separated from the property and sold off for another use. Surplus land does not have an independent highest and best use and may or may not contribute value to the improved parcel.

*Easement:* The right to use another's land for a stated purpose.

## Site Description

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Number of Parcels	1
Total Acreage	25.00
Useable Acreage	25.00
Excess Land Acreage	0.00
Surplus Land Acreage	0.00
View	Typical
Access	Typical
Visibility	Typical
Topography	The subject has level topography at grade and no areas of wetlands.
Shape	Rectangular
Soil Conditions	The soil conditions observed at the subject appear to be typical of the region and adequate to support development.
Utilities	
Electric	Public
Water	None
Sewer	None
Gas	Public Natural Gas
Zoning Classification	R2, Two Family Residential
Zoning Compliance	Yes

## Flood

Map Panel Number 18039C0135D

Map Date 8/2/2011

Classification X

Flood Statement The subject is outside the 500 year flood plain. The appraiser is not an expert in this matter and is reporting data from FEMA maps.

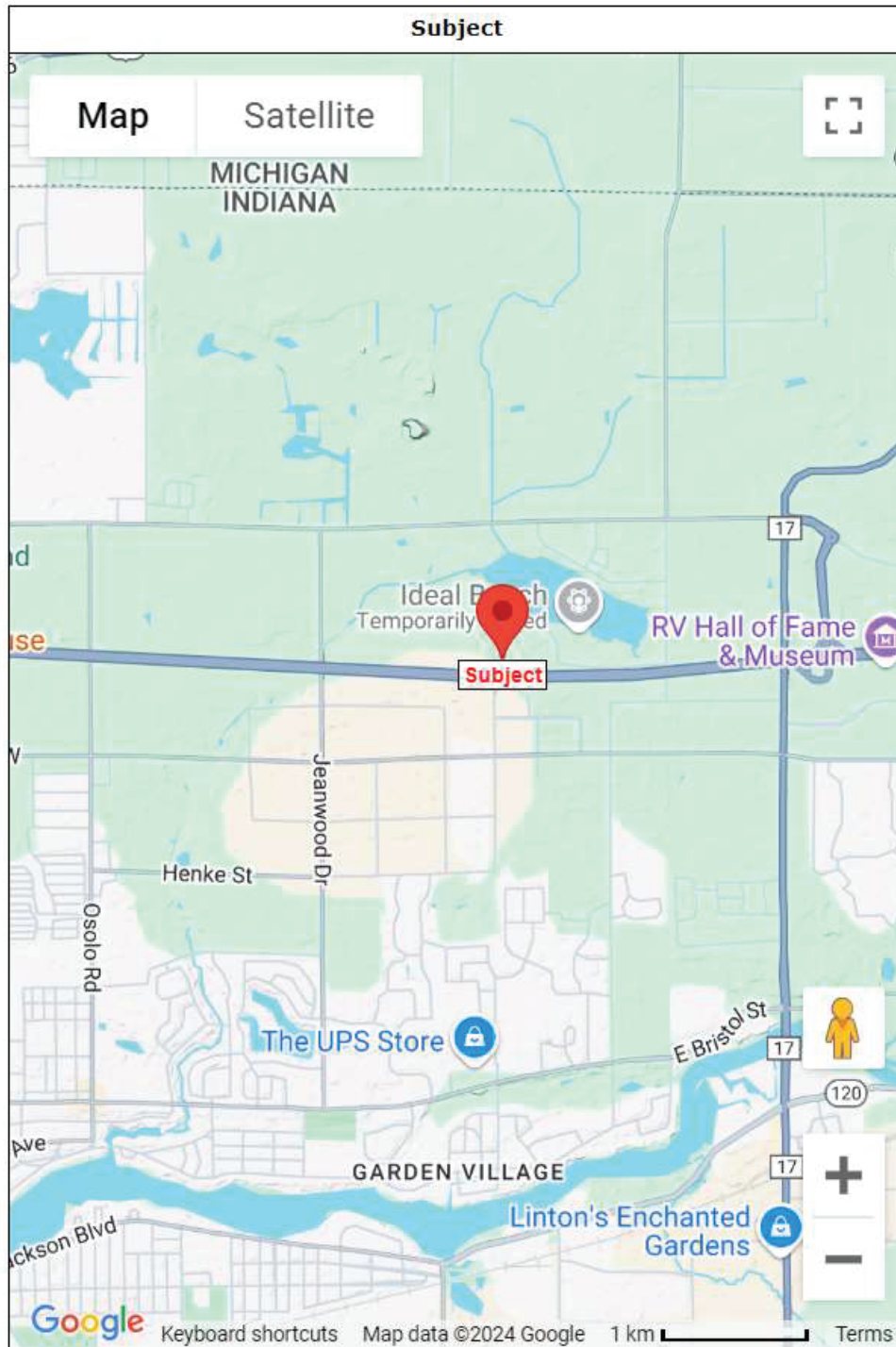
Easement / Encumbrance There are no known adverse encumbrances or easements. Please reference Limiting Conditions and Assumptions.

Environmental Statement There are no known adverse environmental conditions on the subject site. Please reference Limiting Conditions and Assumptions.

## Legal Description

The subject has been identified by the assessors' parcel number.

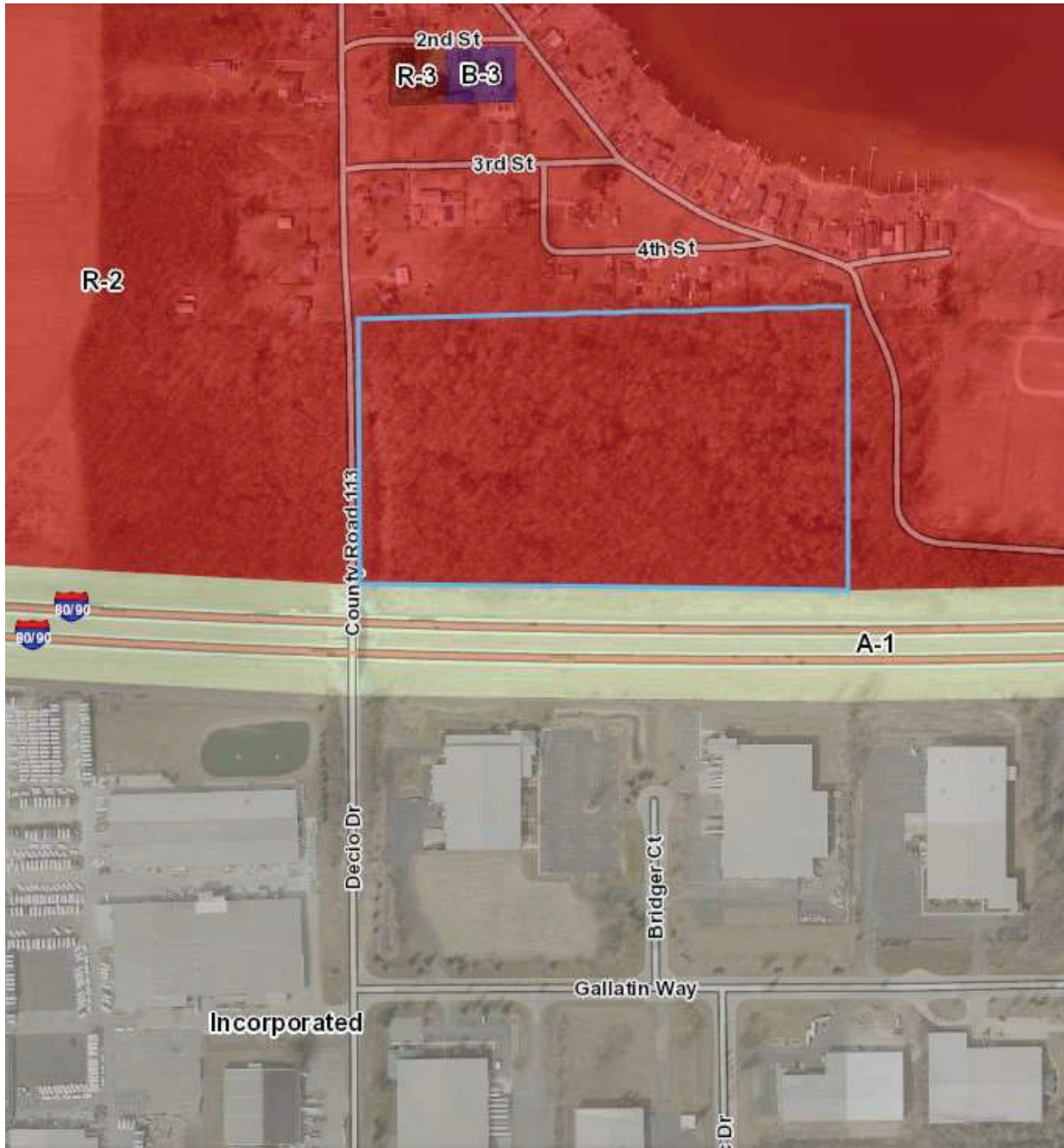
### Location Map



## Plat Map



### Zoning Map



## Flood Hazard Map

RiskMeter

CoreLogic

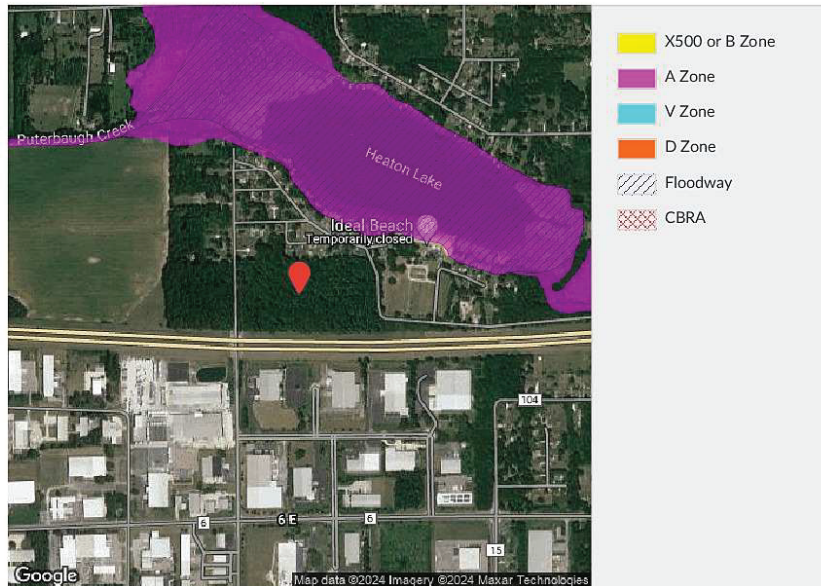
52492 COUNTY ROAD 113 ELKHART, IN 46514-9345

LOCATION ACCURACY: *User-defined location*

### Flood Zone Determination Report

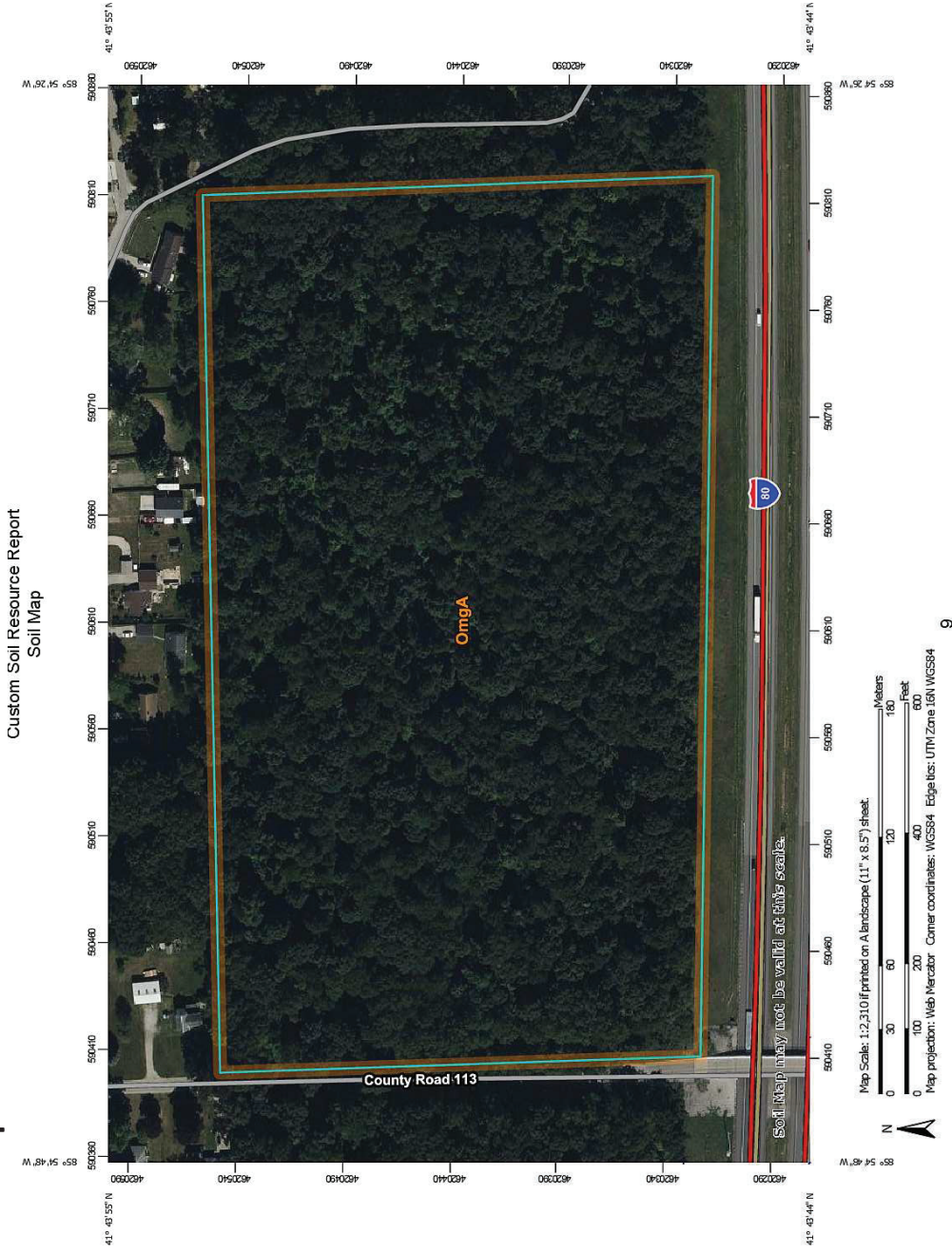
Flood Zone Determination: **OUT**

COMMUNITY	180056	PANEL	0135D
PANEL DATE	August 02, 2011	MAP NUMBER	18039C0135D





# Soil Map



**MAP LEGEND**

- Area of Interest (AOI)
  - Area of Interest (AOI)
- Soils
  - Soil Map Unit Polygons
  - Soil Map Unit Lines
  - Soil Map Unit Points
- Special Point Features
  - Blowout
  - Borrow Pit
  - Clay Spot
  - Closed Depression
  - Gravel Pit
  - Gravelly Spot
  - Landfill
  - Lava Flow
  - Marsh or swamp
  - Mine or Quarry
  - Miscellaneous Water
  - Perennial Water
  - Rock Outcrop
  - Saline Spot
  - Sandy Spot
  - Severely Eroded Spot
  - Shikhole
  - Slide or Slip
  - Sodic Spot
- Water Features
  - Streams and Canals
- Transportation
  - Rails
  - Interstate Highways
  - US Routes
  - Major Roads
  - Local Roads
- Background
  - Aerial Photography
- Soil Area
  - Stony Spot
  - Very Stony Spot
  - Wet Spot
  - Other
  - Special Line Features

**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.sc.egov.usda.gov>  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Elkhart County, Indiana  
 Survey Area Data: Version 25, Sep 3, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 16, 2022—Jun 21, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

**Report—Dwellings and Small Commercial Buildings**

Onsite investigation may be needed to validate the interpretations in this table and to perform the quality of the soil cover sites. The maps on the soil cover sheets range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations.]

Map symbol and soil name	Pct. of unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
OmgaA—Osolo loamy sand, 0 to 1 percent slopes							
Osolo	85	Not limited		Somewhat limited Depth to saturated zone	0.24	Not limited	



## Assessment and Taxes

Real estate taxes are a primary mechanism used by local government to gather the monies needed to fund operations. The primary method of determining assessed value remains the cost approach which may estimate values the market cannot bear. Therefore it is important to make a comparison of the assessed value to the estimate of value in this report. If the assessed value is considerably lower there is an immediate enhancement of value yet this could be offset by the perceived risk of an increased liability that may occur in the future. If the assessed value is too high the property value may be diminished for operating costs over comparable properties.

The subject's assessed value and corresponding taxes are summarized below. These figures do not include any furniture, fixtures or equipment, nor do they consider personal property or inventory.

Taxing Authority      Elkhart County

Assessment Year      2023 pay 2024

Tax Parcel ID	Land AV	Improve AV	Total AV	Tax Rate	Taxes
20-02-23-426-001.000-026	\$59,000	\$0	\$59,000	\$15.66	\$924.16



## Highest and Best Use

Highest and best use may be defined as

"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and results in the highest value. The four criteria the highest and best use must meet are legally permissible, physically possible, financially feasible, and maximum productivity."

In appraisal practice, there are potentially two types of highest and best use. The first is highest and best use of land as though vacant. If a building already exists, highest and best use as improved is analyzed. Determining an opinion of whether the existing building should be retained as it is, demolished, remodeled, renovated, or converted to an alternate use are all appropriate questions for the analysis of highest and best use as improved. Current usage may or may not be different from the property's long term, highest and best use.

This appraisal employs an inferred market analysis, not a fundamental analysis to determine a highest and best use for the subject. A fundamental analysis forecasts demand from broad demographic and economic data like population and income. Existing supply is inventoried and a relationship of supply and demand is weighed to determine net demand. An inferred analysis is based on local trends and patterns from which inferences are made. Sales, listings, marketing intervals, and/or price change for other similar land infer there is adequate demand for the subject parcel at a price level congruous with this data. For the subject, no fundamental analysis or specific supply and demand studies have been made.

The concept of Highest and Best Use is based upon four major criteria, which are summarized below:

### Legally Permissible

The use must be legal or probable. That is, the use must conform to existing zoning restrictions, or there must be a reasonable likelihood a rezoning or variance may be granted.

### Physically Possible

Land may be developed with different uses. Only those uses, which produce a positive net return over time, are deemed financially viable. This use must not depress surrounding property values.

### Financially Feasible

Land may be developed with different uses. Only those uses, which produce a positive net return over time, are deemed financially viable. This use must not depress surrounding property values.

### Maximally Productive

Of all uses that fulfill the first three tests, there is only one use, which produces the greatest return. This single use represents the property's Highest and Best Use. Supply and demand are constantly fluctuating, so it is common for a property's Highest and Best Use to change.

## **Highest and Best Use Conclusion**

### *Highest and Best Use As Though Vacant*

The subject is zoned for a two family residential use. Nearby lands are used for residential and industrial uses. The subject is located along 80/90 tollroad which is not the most desirable for residential so it would be lower tier residential uses. Based upon these facts and other economic factors, the subject's highest and best use as though vacant is a residential use consistent with zoning and neighboring uses.

## Land Value

Six basic approaches may be used to arrive at an estimate of land value. They are:

1. Sales Comparison Approach

This approach compares sales of similar properties with the subject property. Each comparable sale is adjusted for its inferior or superior characteristics. The values derived from the adjusted comparable sales form a range of value for the subject. By process of correlation and analysis, a final indicated value is derived.

2. Market Extraction

Estimates land values from sales of improved properties by deducting an estimated depreciated cost of the improvements from the total sales price to indicate a residual land value. Least subjective when the contributing value of the improvements is small.

3. Allocation

Ratios of land value to total value is extracted from comparable sales and applied to the subject property total estimated value to estimate the subject's land value. This is most commonly utilized in residential valuation but can be used in commercial applications when land values are scarce and some estimate needs to be made.

4. Land Residual Method

A net operating income attributable to the land is capitalized at a market derived land capitalization rate to estimate the land value. To utilize this approach, building value must be accurately estimated, the net operating income must be known, and both land and building capitalization rates must be available from market sales.

5. Ground Rent Capitalization

Market derived capitalization rate is applied to subject ground rent. Subject's ground rent would need to be compared to market ground rent and property rights differences accounted for.

6. Subdivision Development

Direct and indirect development costs are deducted from estimated lot sale revenues over an estimated absorption period. These net proceeds are discounted to present value at a discount rate. This is only applicable to land that either is divided into, or the highest and best use suggests that it be divided into, lots for sale.

To estimate the subject land value the sales comparison approach was utilized.

### **Sales Comparison Approach – Land Valuation**

The Sales Comparison Approach is based on the premise that a buyer would pay no more for a specific property than the cost of obtaining a property with the same quality, utility, and perceived benefits of ownership. It is based on the principles of supply and demand, balance,

substitution, and externalities. The following steps describe the applied process of the Sales Comparison Approach.

The market in which the subject property competes is investigated; comparable sales, contracts for sale and current offerings are reviewed.

The most pertinent data is further analyzed and the quality of the transaction is determined.

The most meaningful unit of value for the subject property is determined.

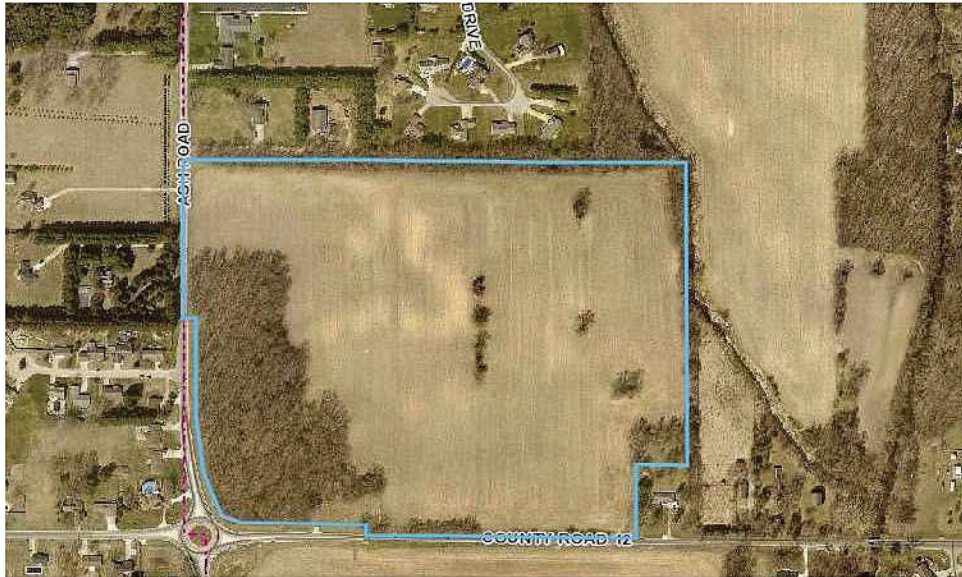
Each comparable sale is analyzed and where appropriate, adjusted to equate with the subject property.

The value indication of each comparable sale is analyzed and the data reconciled for a final indication of value via the Sales Comparison Approach.

### **Land Comparables**

We have researched numerous land sales and have selected 4 comparables for this analysis; these are documented on the following pages followed by a location map and analysis grid. All sales have been researched through numerous sources, and when possible verified by a party to the transaction.

## Land Sale Comparable 1



Property Type	Residential (Single-Family)	Sale Date	May 04, 2023
Address	30881 County Road 12	Sale Price	\$810,000
County	Elkhart County	Price / Acre	\$16,791
City, State	Elkhart, IN		
Latitude	41.696		
Longitude	-86.060		

### Site

### Sale Data

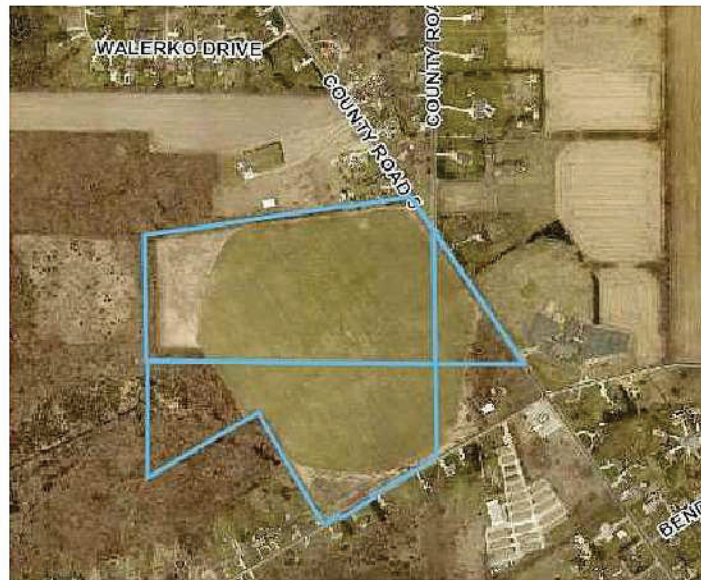
Acres	48.240	Grantor	Patricia Perkins
Shape	Irregular	Grantee	Charles Bollenbacher
Topography	Level	Sale Conditions	Normal
Utilities	None	Financing	Conv
Zoning	Residential	Property Rights	Fee Simple
Tax ID	20-01-34-351-001.000-005		

### Comments

Record Number	818
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**Land Sale Comparable 2**



Property Type	Agricultural-Undeveloped	Sale Date	February 01, 2023
Address	County Road 5	Sale Price	\$1,100,000
County	Elkhart County	Price / Acre	\$18,926
City, State	Elkhart, IN		
Latitude	41.739		
Longitude	-86.025		

<b>Site</b>		<b>Sale Data</b>	
Acres	58.120	Grantor	Elaine Weingart Rev Trust
Shape	Irregular	Grantee	Martin Stroup Rev Trust
Topography	Level	Sale Conditions	Normal
Utilities	None	Financing	Conv
Zoning	Agricultural	Property Rights	Fee Simple
Tax ID	20-01-23-226-008.000-005, 20-01-13-351-003.000-005 & 20-01-14-476-002.000-005		

**Comments**

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Record Number	817
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**Land Sale Comparable 3**



Property Type	Agricultural-Undeveloped	Sale Date	May 18, 2022
Address	County Road 4	Sale Price	\$303,915
County	Elkhart	Price / Acre	\$12,113
City, State	Elkhart, IN		
Latitude	41.738		
Longitude	-85.922		

<b>Site</b>		<b>Sale Data</b>	
Acres	25.090	Grantor	Prometheus Corp.
Shape	Irregular	Grantee	Homeward Bound Animal Welfare Group, LLC
Topography	Rolling/Level	Sale Conditions	Normal
Utilities	Well/Septic	Financing	Conv
Zoning		Property Rights	Fee Simple
Tax ID			

**Comments**

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Record Number	665
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**Land Sale Comparable 4**



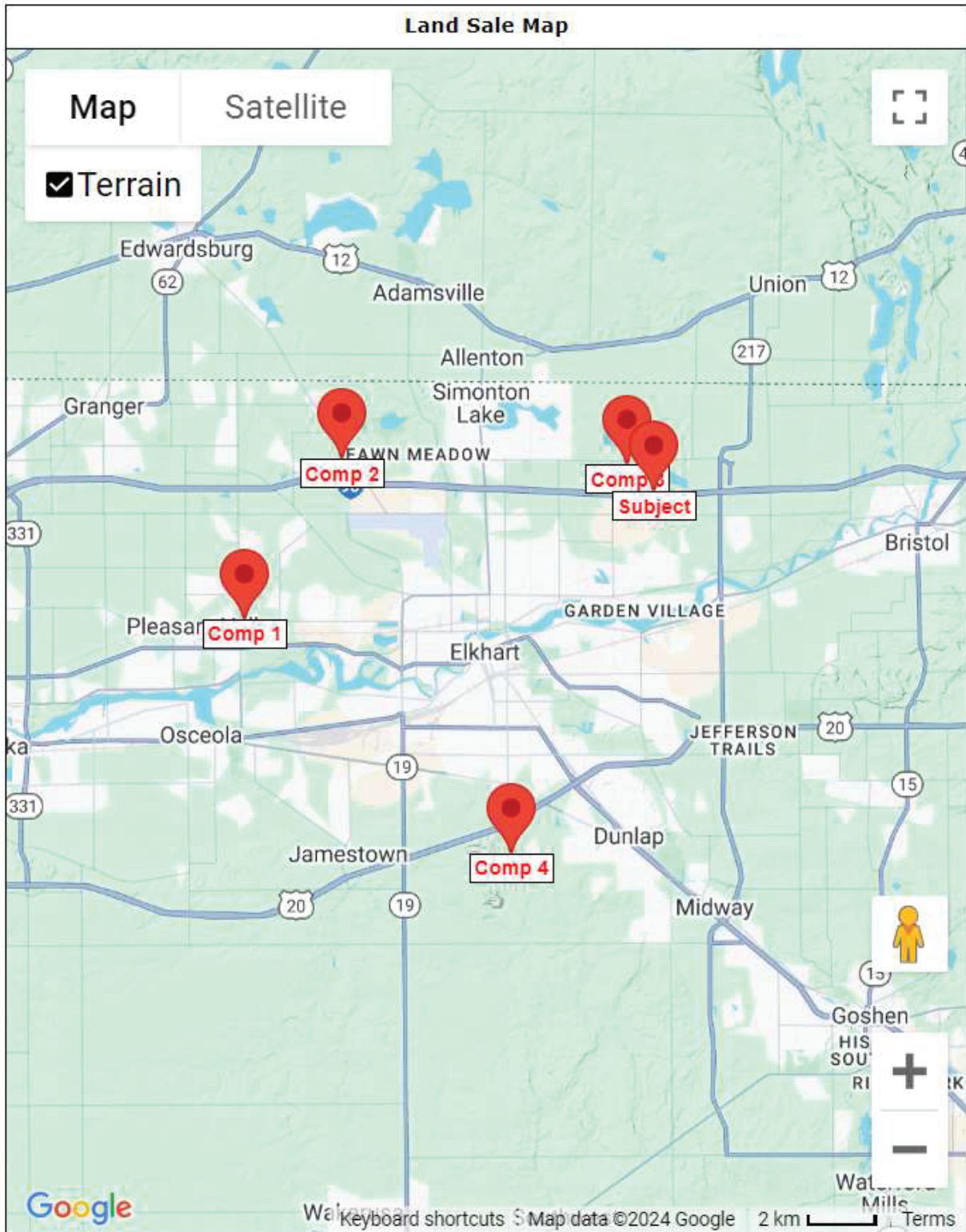
Property Type		Sale Date	February 03, 2022
Address	59280 County Road 9	Sale Price	\$399,000
County	Elkhart	Price / Acre	\$14,425
City, State	Elkhart, IN		
Latitude	41.633		
Longitude	-85.964		

<b>Site</b>		<b>Sale Data</b>	
Acres	27.660	Grantor	David & Stacey Miller
Shape	Irregular	Grantee	James Schiltz Living Trust
Topography	Level	Sale Conditions	Normal
Utilities	Well & Septic	Financing	Conv
Zoning		Property Rights	Fee Simple
Tax ID	20-06-28-151-002.000-009, 20-06-28-151-003.000-009, 20-06-28-151-004.000-009 & 20-06-28-152-005.000-009		

**Comments**

Record Number	566
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### Land Comparables Map



## Analysis Grid

Ideally if all comparable properties are identical to the subject no adjustments would be required. However, this is rarely the case, especially for non-residential properties. After the applicable sales information has been collected and confirmed it can be organized in a variety of ways. The most convenient and commonly used method is to arrange the data in a market data grid like the one on the following page. Each important difference between the comparable and the subject considered to affect property value is considered an element of comparison. Each element is adjusted using qualitative or quantitative techniques.

Adjustments for property rights, financing, conditions of sale, expenditures post sale and market conditions are made first to derive an estimated fair price for each comparable. Then adjustments to differences of location, physical and dissimilarity are made for a final adjusted indicated price per unit.

### Property Rights

Agreements or laws create partial interests in real estate. If the interest conveyed for a comparable sale is different from the interest being appraised, then a property rights adjustment is necessary. A common adjustment of this type compensates for a lease that disfavors ownership, and negatively affects value. Unless stated otherwise, property rights are virtually the same for the subject and all cited conveyances and thus no adjustments are necessary for this element of comparison.

### Financing

Non-market financing is a common technique used to finance the acquisition of real estate for various reasons. When non-market financing is used, the financing is typically favorable to the buyer and the sale price is usually inflated. The escalated price can be envisioned as a composite of real estate, and advantageous financing terms. Since value created by financing is not real property, the contribution of the advantageous financing must be deducted from total sale price to derive a true price for just the realty. Unless a statement is made to the contrary, non-market financing was not used to acquire any comparable sale cited in this report. Therefore, no compensations are needed for financing.

### Conditions of Sale

An adjustment for conditions of sale compensates for unusual buyer or seller motivations that impact sale price. For instance, when a seller gives the buyer an atypical rebate, discount, credit, or something of value to induce a conveyance, it is logical to deduct the worth of the giveback from the sale price. Residual sums represent the net or effective sale price.

### Expenditures Post Sale

This is a situation when a buyer must invest monies in a property immediately after acquisition for some atypical reason. Post-sale invested sums are customarily added to a comparable's sale price, which produces an adjusted sale price. Examples are demolition costs or building code compliance costs. Unless a contrary statement is made, no adjustments are necessary for post sale expenditures.

### Market Conditions

This is an adjustment for change in value due to change in market conditions. It is commonly referred to as a time adjustment, but this is misleading. Value does not change simply due to the passage of time. Values fluctuate due to changes in market conditions, so this adjustment compensates for change in market conditions between a sale's transaction and current conditions. All analyzed comparables conveyed between 2022 and this report's effective value date. The selected sales are considered recent enough to not warrant an adjustment for market conditions.

### Location

Each property was rated to the subject for locational aspects such as value growth potential, access, and general desirability. Those transactions with superior locations were adjusted downward and vice versa.

### Physical Attributes

A myriad of physical characteristics can affect value. View, topography, zoning and utilities are just some of these elements. Items of superior difference were adjusted downward and items of inferiority are adjusted upward.



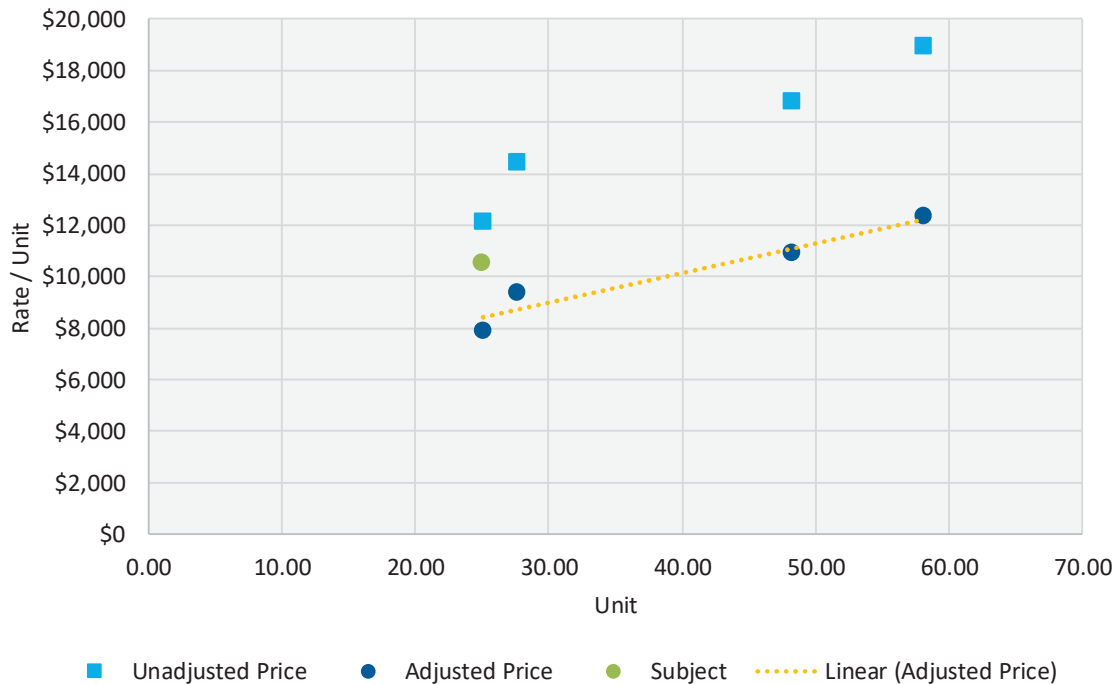
AS IS LAND SALE ANALYSIS		COMP 1	COMP 2	COMP 3	COMP 4
Address	County Road 113	30881 County Road 12	County Road 5	County Road 4	59280 County Road 9
City	Elkhart	Elkhart	Elkhart	Elkhart	Elkhart
State	IN	IN	IN	IN	IN
Date	8/27/2024	5/4/2023	2/1/2023	5/18/2022	2/3/2022
Price	\$810,000	\$1,100,000	\$303,915	\$399,000	\$399,000
Acres	25.00	48.24	58.12	25.09	27.66
Price / Acre	\$16,791	\$18,926	\$12,113	\$14,425	\$14,425
<b>TRANSACTION ADJUSTMENTS</b>					
Property Rights	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Financing	0.0%	0.0%	0.0%	0.0%	0.0%
Conditions of Sale	Normal	Normal	Normal	Normal	Normal
Expenditure After Sale	None	None	None	None	None
Market Trends Through	8/27/2024	8/27/2024	8/27/2024	8/27/2024	8/27/2024
<b>Adjusted Price /Acre</b>	<b>\$16,791</b>	<b>\$18,926</b>	<b>\$12,113</b>	<b>\$14,425</b>	<b>\$14,425</b>
<b>Adjusted Price /Acre</b>	<b>\$16,791</b>	<b>\$18,926</b>	<b>\$12,113</b>	<b>\$14,425</b>	<b>\$14,425</b>

CHARACTERISTIC ADJUSTMENTS		COMP 1	COMP 2	COMP 3	COMP 4
Location					
%Adjustment	-25%	-25%	-25%	-25%	-25%
Qualitative	Superior	Superior	Superior	Superior	Superior
\$Adjustment	-\$4,198	-\$4,732	-\$3,028	-\$3,606	-\$3,606
Topography					
%Adjustment	0%	0%	0%	0%	0%
Qualitative	Similar	Similar	Similar	Similar	Similar
\$Adjustment	\$0	\$0	\$0	\$0	\$0
Shape					
%Adjustment	0%	0%	0%	0%	0%
Qualitative	Similar	Similar	Similar	Similar	Similar
\$Adjustment	\$0	\$0	\$0	\$0	\$0
Utilities					
%Adjustment	0%	0%	0%	0%	0%
Qualitative	Similar	Similar	Similar	Similar	Similar
\$Adjustment	\$0	\$0	\$0	\$0	\$0
Zoning					
%Adjustment	0%	0%	0%	0%	0%
Qualitative	Similar	Similar	Similar	Similar	Similar
\$Adjustment	\$0	\$0	\$0	\$0	\$0
Soils					
%Adjustment	-10%	-10%	-10%	-10%	-10%
Qualitative	Superior	Superior	Superior	Superior	Superior
\$Adjustment	-\$1,679	-\$1,893	-\$1,211	-\$1,443	-\$1,443
<b>Adjusted Price /Acre</b>	<b>\$10,914</b>	<b>\$12,302</b>	<b>\$7,873</b>	<b>\$9,376</b>	<b>\$9,376</b>
Net Adjustments	-35.0%	-35.0%	-35.0%	-35.0%	-35.0%
Gross Adjustments	35.0%	35.0%	35.0%	35.0%	35.0%

### Sales Comparison Approach Conclusion – Land Valuation

The adjusted values of the comparable properties range from \$7,873 to \$12,302; the average is \$10,117. Usually there is an inverse relationship between parcel size and rate per acre. That is to say the larger the parcel the smaller the rate per acre. The sales were graphed to demonstrate this effect, if any, and assist in selecting an applicable rate. The sales were not adjusted to account for this difference, but rather the rate selected was with this factor in mind. The forecasted rate by regression analysis is \$8,415. Our selected rate per unit of comparison of \$10,500 is applied below.

LAND VALUE RANGES & AS IS RECONCILED VALUE				
Number of Comparables	4	Unadjusted	Adjusted	% Δ
Low:		\$12,113	\$7,873	-35.0%
High:		\$18,926	\$12,302	-35.0%
Average:		\$15,564	\$10,117	-35.0%
Median:		\$15,608	\$10,145	-35.0%
Forecast:		\$12,945	\$8,415	-35.0%
Reconciled Value / Unit:			\$10,500	
Subject Size:			25.00	Acre
Indicated Value:			\$262,500	
<b>ROUNDED FINAL AS IS VALUE</b>			<b>\$265,000</b>	





## Certification Statement

We certify that, to the best of knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and is our personal, impartial, and unbiased professional analyses, opinions and conclusions.

We have no present or prospective future interest in the property that is the subject of this report, and have no personal interest with respect to the parties involved.

We have no bias with respect to the property that is the subject of this report, or to the parties involved with this assignment.

Our engagement in this assignment was not contingent upon developing or reporting predetermined results.

Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

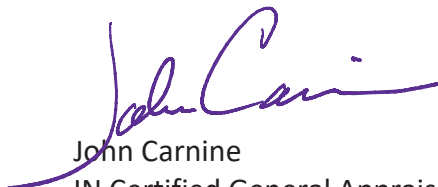
Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP).


No one provided significant real property appraisal assistance to the person(s) signing this certification.

We certify sufficient competence to appraise this property through education and experience, in addition to the internal resources of the appraisal firm.

The appraiser has appraised the subject within the previous three years of the appraisal date.

We have made an inspection of the subject property.

  
John Carnine  
IN Certified General Appraiser  
CG40400018  
6/30/2026

  
Jennifer Pinkepank  
IN Certified General Appraiser  
CG42100004  
6/30/2026

## Addenda

20-02-23-426-001.000-026		ICON HOLDINGS LLC		COUNTY ROAD 113			503, Vacant - Unplatted (20 to 29.99 Acr			2650660-default neighborh		1/2
General Information		Ownership		Transfer of Ownership						Notes		
Parcel Number 20-02-23-426-001.000-026		ICON HOLDINGS LLC		Date	Owner	Doc ID	Code	Book/Page	Adj Sale Price	V/I		
Local Parcel Number 02-23-426-001-026		200 NIBCO PARKWAY STE 303 ELKHART, IN 46516		04/29/2022	ICON HOLDINGS LLC	02129	WD	/	\$220,000	/		
Tax ID: 0223H		Legal SEC 23		01/01/1900		RAMSEY J EDWARD		CO		/		
Routing Number		25.00A										

Property Class 503  
 Vacant - Unplatted (20 to 29.99 Acr



Res

Year: 2024

**Location Information**  
 County Elkhart  
 Township OSOLO TOWNSHIP  
 District 026 (Local 026)  
 OSOLO TOWNSHIP  
 School Corp 2305  
 ELKHART COMMUNITY  
 Neighborhood 2650660-026  
 2650660-default neighborhood (026)  
**Section/Plat**  
**Location Address (1)**  
 COUNTY ROAD 113  
 ELKHART, IN 46514

Valuation Records					
Assessment Year	2024	2023	2022	2021	2020
Reason For Change	AA	AA	AA	AA	AA
As Of Date	01/01/2024	01/01/2023	01/01/2022	01/01/2021	01/01/2020
Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Equalization Factor	1.0000	1.0000	1.0000	1.0000	1.0000
Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Land</b>	<b>\$59,000</b>	<b>\$59,000</b>	<b>\$59,000</b>	<b>\$59,000</b>	<b>\$59,000</b>
Land Res (1)	\$0	\$0	\$0	\$0	\$0
Land Non Res (2)	\$59,000	\$0	\$0	\$0	\$0
Land Non Res (3)	\$0	\$59,000	\$59,000	\$59,000	\$59,000
<b>Improvement</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Imp Res (1)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (3)	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$59,000</b>	<b>\$59,000</b>	<b>\$59,000</b>	<b>\$59,000</b>	<b>\$59,000</b>
Total Res (1)	\$0	\$0	\$0	\$0	\$0
Total Non Res (2)	\$59,000	\$0	\$0	\$0	\$0
Total Non Res (3)	\$0	\$59,000	\$59,000	\$59,000	\$59,000

Land Data (Standard Depth: Res 175', CI 175' Base Lot: Res 100' X 175', CI 100' X 175')

**Zoning**  
 Z001 Residential  
**Subdivision**  
 3  
**Lot**  
 82  
**Market Model**  
 N/A  
**Characteristics**  
**Topography** Flood Hazard   
**Public Utilities** ERA   
 All   
**Streets or Roads** TIF   
 Paved   
**Neighborhood Life Cycle Stage**  
 Static  
 Printed Wednesday, April 24, 2024

Land Type	Pricing Method	Soil ID	Act Front.	Size	Factor	Rate	Adj. Rate	Ext. Value	Infl. %	Market Factor	Cap 1	Cap 2	Cap 3	Value
91	A	BTEA	0	2.000000	1.00	\$6,900	\$6,900	\$13,800	0%	1.0000	0.00	100.00	0.00	\$13,800
3		MSA	0	22.590000	1.00	\$2,000	\$2,000	\$45,180	0%	1.0000	0.00	100.00	0.00	\$45,180
82	A		0	0.410000	1.00	\$2,280	\$2,280	\$935	-100%	1.0000	0.00	100.00	0.00	\$0

Land Computations	
Calculated Acreage	25.00
Actual Frontage	0
Developer Discount	<input type="checkbox"/>
Parcel Acreage	25.00
81 Legal Drain NV	0.00
82 Public Roads NV	0.41
83 UT Towers NV	0.00
9 Homesite	0.00
91/92 Acres	24.59
Total Acres Farmland	0.00
Farmland Value	\$0
Measured Acreage	0.00
Avg Farmland Value/Acre	0.0
Value of Farmland	\$0
Classified Total	\$0
Farm / Classified Value	\$0
Homesite(s) Value	\$0
91/92 Value	\$59,000
Supp. Page Land Value	
CAP 1 Value	\$0
CAP 2 Value	\$59,000
CAP 3 Value	\$0
<b>Total Value</b>	<b>\$59,000</b>

Review Group 2022 Data Source External Only Collector 08/22/2022 James Appraiser



John  
Carnine

## Experience

### J. Carnine & Co.

Owner, 2010 - Present

Excellent record of providing comprehensive analysis of commercial real estate provided quickly in a concise manner for valuation services to include:

- Appraisal
- Appraisal Review
- Consultation

### e-Valuate Commercial

Director, 2004 - 2010

### CBRE/ Bradley

Director, 2004 - 2004

FM Stone Commercial  
Appraiser, 2000 - 2004

## Education

Western Illinois University BS 1995

### Appraisal Courses to Include

Ad Valorem Tax Consultation	Environmental Issues
Analyzing Distressed Real Estate	Highest & Best Use
Appraisal Principles	Income Capitalization
Appraisal Procedures	Introduction to Expert Witness
Appraising Apartments	Land and Site Valuation
Appraising Convenience Stores	Scope of Work
Appraising Hotels	Small Residential Income
Business Practices & Ethics	Subdivision Valuation
Commercial Appraisal Review	Valuation of Detrimental Conditions
Eminent Domain & Condemnation	

## Licenses

Indiana Certified General  
Michigan Certified General

Jennifer  
Pinkepank

## Experience

### J. Carnine & Co.

Certified General Appraiser & Research Specialist, 2013 - Present

Excellent record of providing comprehensive analysis of commercial real estate provided quickly in a concise manner for valuation services to include:

- Appraisal
- Appraisal Review
- Consultation

### Bradley Company

Marketing & Research Manager, 2008 - 2013

### Sears Holdings

Inventory Analyst, 2007 - 2008

## Education

Indiana University Kelly School of Business  
BS 2007

### Appraisal Courses to Include

*Appraisal Principles*

*Appraisal Procedures*

*Appraising Small Apartment Properties*

*Commercial Appraisal Review*

*Commercial Land Valuation*

*Expert Witness for Commercial Appraisers*

*Highest & Best Use*

*Income Capitalization*

*Market Analysis and Highest and Best Use*

*The Basics of Expert Witness for Commercial Appraisers*

*Uniform Standards of Professional Appraisal Practice*

## Licenses

Indiana Certified General

Michigan Certified General

## Glossary

This glossary contains the definitions of common words and phrases, used throughout the appraisal industry, as applied within this document. Please refer to the publications listed in the **Works Cited** section below for more information.

### Works Cited:

- Appraisal Institute. *The Appraisal of Real Estate*. 14th ed. Chicago: Appraisal Institute, 2013. Print.
- Appraisal Institute. *The Dictionary of Real Estate Appraisal*. 7th ed. 2022. Print.

## Band of Investment

A technique in which the capitalization rates attributable to components of an investment are weighted and combined to derive a weighted-average rate attributable to the total investment (i.e., debt and equity, land, and improvements). (Dictionary, 7<sup>th</sup> Edition)

## Debt Coverage Ratio (DCR)

The ratio of net operating income to annual debt service ( $DCR = NOI/Im$ ), which measures the relative ability of a property to meet its debt service out of net operating income; also called debt service coverage ratio (DSCR). A larger DCR typically indicates a greater ability for a property to withstand a reduction of income, providing an improved safety margin for a lender. (Dictionary, 7<sup>th</sup> Edition)

## Discount Rate

A rate of return on capital used to convert future payments or receipts into present value. (Dictionary, 7<sup>th</sup> Edition)

## Effective Age

The age of property that is based on the amount of observed deterioration and obsolescence it has sustained, which may be different from its chronological age. (Dictionary, 7<sup>th</sup> Edition)

## Effective Date

1. The date on which the appraisal opinion applies. (SVP)
2. The date to which an appraiser's analysis, opinions, and conclusions apply, also referred to as date of value. (USPAP, 2020-2021 ed.)
3. The date that a lease goes into effect. (Dictionary, 7<sup>th</sup> Edition)

## Exposure Time

1. The time a property remains on the market.
2. An opinion, based on supporting market data, of the length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. (USPAP, 2021-2021 ed.) (Dictionary, 7<sup>th</sup> Edition)

### **External Obsolescence**

A type of depreciation; a diminution in value caused by negative external influences and generally incurable on the part of the owner, landlord, or tenant. The external influence may be either temporary or permanent. There are two forms of external obsolescence: economic and locational. (Dictionary, 7<sup>th</sup> Edition)

### **Extraordinary Assumption**

An assignment specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinion or conclusions. Uncertain information might include physical, legal, or economic characteristics of the subject property, or conditions external to the property, such as market conditions or trends, or about the integrity of data used in an analysis. (USPAP, 2020-2021 ed) (Dictionary, 7<sup>th</sup> Edition)

### **Fee Simple Estate**

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat. (Dictionary, 7<sup>th</sup> Edition)

### **Functional Obsolescence**

The impairment of functional capacity of improvements according to market tastes and standards. (Dictionary, 7<sup>th</sup> Edition)

### **Functional Utility**

The ability of a property or building to be useful and to perform the function for which it is intended according to current market tastes and standards, the efficiency of a building's use in terms of architectural style, design and layout, traffic patterns, and the size and type of rooms. (Dictionary, 7<sup>th</sup> Edition)

### **Gross Building Area (GBA)**

Total floor area of a building, excluding unenclosed areas, measured from the exterior of the walls of the above-grade area. This includes mezzanines and basements if and when typically included in the market area of the type of property involved. (Dictionary, 7<sup>th</sup> Edition)

### **Highest & Best Use**

The reasonably probable use of property that results in the highest value. The four criteria that the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity. (Dictionary, 7<sup>th</sup> Edition)

### **Highest and Best Use of Land or a Site as Though Vacant**

Among all reasonable, alternative uses, the use that yields the highest present land value, after payments are made for labor, capital, and coordination. The use of a property based on the

assumption that the parcel of land is vacant or can be made vacant by demolishing any improvements. (Dictionary, 5<sup>th</sup> Edition)

### **Highest and Best Use of Property as Improved**

The use that should be made of a property as it exists. An existing improvement should be renovated or retained as is so long as it continues to contribute to the total market value of the property, or until the return from a new improvement would more than offset the cost of demolishing the existing building and constructing a new one. (Dictionary, 5<sup>th</sup> Edition)

### **Hypothetical Condition**

A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results but is used for the purpose of analysis. Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in analysis. (USPAP, 2020-2021 ed.) (Dictionary, 7<sup>th</sup> Edition)

### **Leased Fee Interest**

The ownership interest held by the lessor, which includes the right to receive the contract rent specified in the lease plus reversionary right when the lease expires. (Dictionary, 7<sup>th</sup> Edition)

### **Market Area**

The geographic region from which a majority of demand comes and in which the majority of the competition is located. (Dictionary, 7<sup>th</sup> Edition)

### **Market Rent**

The most probably rent that a property should bring is a competitive and open market under all conditions requisite to a fair lease transaction, the lessee and lessor each acting prudently and knowledgeably, and assuming the rent is not affected by undue stimulus.  
(Dictionary, 7<sup>th</sup> Edition)

### **Marketing Time**

An opinion of the amount of time to sell a property interest at the concluded market value or at a benchmark price during the period immediately after the effective date of an appraisal. Marketing times differs from exposure time, which precedes the effective date of an appraisal. (Advisory Opinion 7 and Advisory Opinion 35 of the Appraisal Standards Board of The Appraisal Foundation address the determination of reasonable exposure and marketing time). (Dictionary, 7<sup>th</sup> Edition)

### **Net Operating Income (NOI)**

The actual or anticipated net income that remains after all operating expenses are deducted from effective gross income but before mortgage debt service and book depreciation are deducted. (Dictionary, 7<sup>th</sup> Edition)



### **Obsolescence**

One cause of depreciation; an impairment of desirability and usefulness caused by new inventions, changes in design, improved processes for production, or external factors that make a property less desirable and valuable for a continued use; may be either functional or external. (Dictionary, 7<sup>th</sup> Edition)

### **Parking Ratio**

A ratio of parking area or parking spaces to an economic or physical unit of comparison. Minimum required parking ratios of various land uses are often stated in zoning ordinances. (Dictionary, 7<sup>th</sup> Edition)

### **Replacement Cost**

The estimated cost to construct, at current prices as of a specified date, a substitute for a building or other improvements, using modern materials and current standards, design, and layout. (Dictionary, 7<sup>th</sup> Edition)

### **Scope of Work**

The type of data and the extent of research and analysis. (Dictionary, 7<sup>th</sup> Edition)

### **Stabilized Occupancy**

The occupancy of a property that would be expected at a particular point in time, considering its relative competitive strength and supply and demand conditions at the time, and presuming it is priced at market rent and has had reasonable market exposure. (Dictionary, 7<sup>th</sup> Edition)

### **Tenant Improvements (TIs)**

1. Fixed improvements to the land or structures installed for use by a lessee.
2. The original installation of finished tenant space in a construction project; subject to periodic change for succeeding tenants. (Dictionary, 7<sup>th</sup> Edition)

### **Vacancy and Collection Loss**

A deduction from potential gross income (PGI) made to reflect income reductions due to vacancies, tenant turnover, and non-payment of rent; also called vacancy and credit loss or vacancy and contingency loss. (Dictionary, 7<sup>th</sup> Edition)

# APPRAISAL 2

## APPRAISAL REPORT



A Vacant Parcel

**At:**  
County Road 113  
Elkhart, IN 46514

**As Of:**  
August 26, 2024

**Written:**  
August 26, 2024

**Prepared For:**  
Elkhart Parks & Recreation  
229 S Second Street  
Elkhart, IN 46516

**Prepared By:**  
Steven W. Sante, MAI, SRA  
PO Box 555  
Granger, IN 46530

**APPRAISAL SERVICES, INC.**  
**PO Box 555**  
**Granger, IN 46530**

August 26, 2024

Mr. Jamison Czarnecki  
Superintendent  
Elkhart Parks & Recreation  
229 South Second Street  
Elkhart, IN 46516

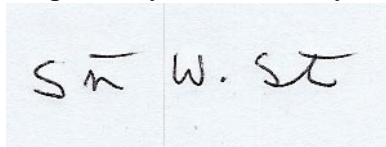
RE: Vacant Parcel  
CR 113  
Elkhart, IN 46514

In accordance with your request, a real estate appraisal has been made on the above captioned property. My opinion of the market value of the fee simple interest of the real estate; subject to the assumptions, limitations, and comments appearing herein, as of August 26, 2024, the effective date of this appraisal is as follows:

**TWO HUNDRED THIRTY-FIVE THOUSAND DOLLARS**  
**\$235,000**

This appraisal is performed in accordance with the reporting requirements of the Appraisal Institute, and the Uniform Standards of Professional Practice. (USPAP)

Respectfully Submitted By,

A rectangular box containing a handwritten signature in black ink. The signature reads "S W. Sante".

Steven W. Sante, MAI, SRA  
Indiana Certified General Appraiser #CG40901229  
Michigan Certified General Appraiser #1205005623

## TABLE OF CONTENTS

<b>Title Page</b>	<b>i</b>
<b>Letter of Transmittal</b>	<b>ii</b>
<b>Table of Contents</b>	<b>iv</b>
<b>Purpose of Appraisal</b>	<b>1</b>
<b>Scope of Work</b>	<b>3</b>
<b>Identification</b>	<b>4</b>
<b>Market Area</b>	<b>5</b>
<b>Site Description</b>	<b>6</b>
<b>Highest and Best Use</b>	<b>8</b>
<b>Appraisal Process</b>	<b>10</b>
<b>Sales Comparison Approach</b>	<b>11</b>
<b>Reconciliation</b>	<b>19</b>
<b>Certification of Appraisal</b>	<b>20</b>
<b>Assumptions and Limiting Conditions</b>	<b>21</b>
<b>Qualifications of Appraisers</b>	<b>23</b>

**APPRAISAL SERVICES, INC.**  
**(574) 277-7777**

**(Uniform Standards of Professional Appraisal Practice)  
USPAP SR1-2**

**In developing a real property appraisal an appraiser must:**

- A) identify the client and other intended users.**  
The client is identified as Elkhart Parks and Recreation.
- b) identify the intended use of the appraiser's opinions and conclusions:** This appraisal is to be used by the client for the purposes of purchasing the subject site.
- c) identify the purpose of the assignment, including the type and definition of the value to be developed and, if the value opinion to be developed is market value, ascertain whether the value is to be the most probable price:**
- (i) in terms of cash; or**
  - (ii) in terms of financial arrangements equivalent to cash; or**
  - (iii) in other precisely defined terms**
  - (iv) if the opinion of value is based on non-market financing or financing with unusual conditions or incentives, the terms of such financing must be clearly identified and the appraiser's opinion of their contribution to or negative influence on the value must be developed by analysis of relevant market data.**

The purpose is to estimate market value.

**DEFINITION OF MARKET VALUE:**

The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.

**Source:** Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 7th ed. (Chicago: Appraisal Institute, 2022).

- d) **Identify the effective date of the appraiser's opinions and conclusions:** The effective date is August 26, 2024, which is the date the report was written.
- e) **Identify the characteristics of the property that are relevant to the purpose and intended use of the appraisal including:**
- i) **it's location and physical, legal, and economic attributes:** The subject of this appraisal consists of vacant parcel that contains 25.0 acres, per public record. The site is heavily wooded, which is favorable for residential uses. The parcel has residential zoning. It is in a suburban location and lacks access to municipal water or sewer.
  - ii) **Property interest being valued:** Fee Simple
  - iii) **Any personal property, trade fixtures, or intangible items that are not real property but are in the appraisal.** None Noted.
  - iv) **Any known easements, restrictions, encumbrances, lease reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of a similar nature** None Noted.
  - v) **Whether the subject property is a fractional interest, physical segment or partial holding:** The value is a whole interest.
- f) **Identify any extraordinary assumptions necessary in the assignment:** The appraisal assumes the soil conditions are adequate for construction purposes.
- Use of this extraordinary assumption may have affected assignment results.
- g) **Identify any hypothetical conditions necessary in the assignment:** None are identified.

**h) Determine the scope of work necessary to produce credible assignment results in accordance with the SCOPE OF WORK:**

Public record was reviewed in order to gather information about the physical characteristics of the subject improvements that are relevant to the valuation problem.

I have researched sales of similar properties that have occurred over the past five years in the area. Sources include IRMLS and tax records.

The appraisal problem did not warrant an intensive highest and best use study. Given the nature of the subject real estate, my conclusion of highest and best use was based on logic and observed evidence.

I did not apply the income approach or the cost approach because they were not considered applicable to arrive at credible results. I applied the sales comparison approaches, which was necessary for credible results given the intended use, property characteristics, and type of value sought.

Appraiser has not previously provided services at the subject property, as an appraiser, or in any other capacity.

I searched flood zone information using Appraisers Choice Software



## IDENTIFICATION

**ADDRESS:**

County Road 113  
Elkhart, IN 46514

**PARCEL NUMBER:**

20-02-23-426-001.000-026

**LEGAL DESCRIPTION:**

Section 23 25.00 Acres

**HISTORY OF OWNERSHIP:**

The parcel was purchased by Icon Holdings, LLC. on 4/21/22 at a price of \$220,000. This is reported by public record. The sale price is a price of \$8,800 per acre.

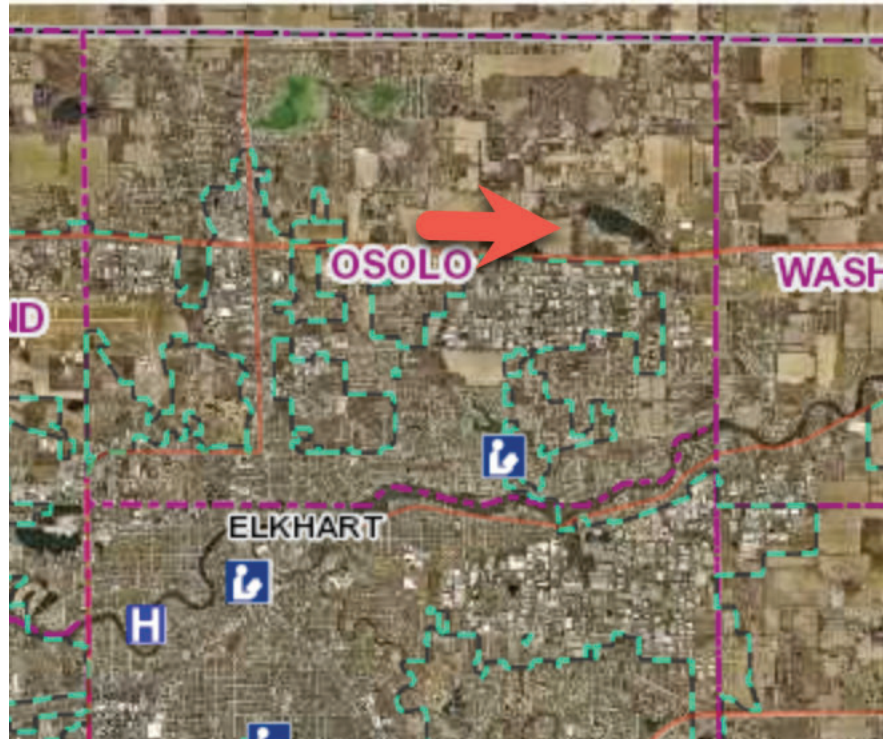
There are no other transfers noted in public record over the past ten years.

**TAXES:**

Not Identified

## MARKET AREA ANALYSIS

The market area is defined as the unincorporated areas in Osolo Township.



**Note:** The client is familiar with the area, therefore, this section of the report contains limited detail.

## SITE DESCRIPTION AND ANALYSIS

### PHYSICAL CHARACTERISTICS

**Site Size:** 25.0 Acres which is 1,089,000SF

**Shape:** Rectangular

**Zoning:** R-2/Residential District.

This zoning district allows single-unit, two-unit, and group homes.

**Topography, etc.:** level at grade

### ECONOMIC CHARACTERISTICS

**Water:** On-Site Well Required

**Sewer:** On-Site Septic Required

**Gas:** Public utility

**Electricity:** Public utility

### Site Improvements:

None Noted

The parcel is heavily wooded, which is ideal for residential purposes.

The subject site is adjacent to the Indiana Toll Road, which is a heavily travelled corridor with two lanes in each direction. This corridor likely has a negative affect on the subject proeprty.

No portion of the parcel appears to fall within a flood zone.

GIS MAP



## HIGHEST AND BEST USE

If an appraisal ultimately answers the question “How Much”, then this section summarizes the preceding chapters answering the questions “Who Is The Typical Buyer” and “To What Use Will the Typical Investor Put This Real Estate” Without knowing the answers to these questions, the “How Much” question can not be answered.

The Appraisal Institute definition of Highest and Best Use is as follows:

**“The reasonably probable and legal use of vacant land or improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.”**

There are therefore four tests:

- 1) The proposed use must be legally permissible
- 2) The proposed use must be probable, not speculative, or conjecture. Alternatively, it must be physically possible.
- 3) The use must be financially feasible.
- 4) The proposed use must be maximally productive.

**Note: The supports have already been provided in the proceeding sections of this report. This is only the summary of those proofs.**

These tests are applied two ways. The first is as if the land were vacant and available for highest and best use. (The land is always valued this way) This set of tests will identify the optimum improvements for the site.

The second way is to apply the tests to the site as improved. It can be determined then if the present improvements represent the highest and best use. If they do not, the tests will isolate probably physical, functional, and external losses to value. The marginal dollar theory can be employed to determine if the present improvements should be razed to make way for the sites highest and best use.

The conclusion will answer the questions “Who is the typical investor?” and “What will the typical investor use the property for?” thereby allowing valuation.

**AS IF VACANT:**

**Legally Permissible:**

The lots are zoned for residential uses and it is this use that is consistent with the surrounding properties.

**Physically Possible:**

The site size is adequate for residential uses.

**Financially Feasible:**

Residential uses are financially feasible.

**Maximally Productive:**

The maximally productive use of the sites is residential uses.

**Conclusion:**

The highest and best use of the site is residential. The exposure and marketing times of the sites are judged to be less than one year. This is based on the marketing times of the comparable sales.

USPAP defines **Exposure Time** as follows:

*The estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.*

## THE APPRAISAL PROCESS

The process of estimating the value of a parcel of real estate is essentially a research project. The appraiser gathers as much applicable data as is available from the market place, analyzes the data and draws conclusions, which results in an estimate of value.

The data gathered includes, but is not limited to, factual data about the subject, comparable sales, rental and vacancy surveys, operating expenses, costs, etc. The specific data types collected for this report is outlined in the scope of the assignment chapter of the report.

The data is then analyzed via three approaches to value. They are known as cost, sales, and income approaches. Each approach yields an estimate of value based on the data and rationale pertinent to that approach. The rationale of each approach is explained within each approach's respective chapter.

From the three estimates of value the appraiser derives a final estimate of value of the subject property by correlating the individual estimates. The correlation process entails four steps. The presentation of the individual value estimates; evaluation of each approach's rationale as it relates to the specific problem; analysis of the quantity and quality of the presented data; and the emphatic declaration of final value estimate.

The final value figure may be the result of one of the three approaches or may be a figure which represents a typical value estimate within the range of values determined by the three approaches. In an case, **it is not determined by averaging the results of the three approaches**, but a logical analysis of the results thereof.

## **SALES COMPARISON APPROACH**

### **RATIONALE**

In this approach, the typical investor/buyer will make an evaluation based on comparisons of properties suitable for their intended use. The operative word is substitution. Properties are compared to each other and an accounting is made of their significant differences. The typical investor/buyer will pay no more for one property than could be paid for another property with similar utility.

On the following page are the data sheets for the comparable sales used in this report. A grid summarizing these sales is found on page 18.






**Lots & Land Agent Full Detail Report**

[Schedule a Showing](#)

Listings as of 03/17/2023

Page 1 of 1

<b>Property Type</b> LOTS AND LAND	<b>Status</b> Sold	<b>CDOM</b> 6	<b>DOM</b> 6	<b>Auction</b> No
<b>MLS #</b> 202138579	<b>0000 County Road 26 Road</b>	<b>Elkhart</b>	<b>IN 46517</b>	<b>Status Sold</b>
	<b>Area</b> Elkhart County	<b>Parcel ID</b> 20-06-27-376-005.000-009	<b>Type</b> Residential Land	
	<b>Sub</b> None	<b>Cross Street</b>	<b>Lot #</b>	
	<b>School District</b> CONCElem	<b>Concord West Side</b>	<b>JrH</b> Concord	<b>SrH</b> Concord
	<b>REO</b> No	<b>Short Sale</b> No	<b>Waterfront Y/N</b> N	
	<b>Legal Description</b> PT E1/2 SE1/4 SEC 27;14.00A			
	<b>Directions</b> Take St. Rd. 19 South to County road 26			
	<b>Inside City Limits</b>	<b>City Zoning</b>	<b>County Zoning</b>	<b>Zoning Description</b>

**Remarks** 14 Acre vacant lot available off of County Rd 26 in Concord Schools! Great chance to build your dream home in a great location on 14 acres.

**Agent Remarks** Buyer to verify taxes, measurements, and schools. We do not currently have good access to the property. There is a 10 foot easement off of cr 26 but there is no road or path built. Roughly 40% of the property is lowlands and probably not suitable for building, however county suggested having army corp of engineers back fill.

<b>Sec</b> Lot	<b>Lot Ac/SF/Dim</b> 14.0000 / 609,840 / 880 x 660		<b>Platted Development</b> No	<b>Platted Y/N</b> Yes
<b>Parcel Desc</b> Partially Wooded				
<b>Township</b> Concord	<b>Date Lots Available</b>	<b>Price per Acre</b> \$8,214.29		
<b>Type Use</b> Agriculture, Residential	<b>Road Access</b> County	<b>Road Surface</b> Asphalt	<b>Road Frontage</b> County	
<b>Water Type</b> Public	<b>Easements</b> Yes			
<b>SEWER TYPE</b> Public	<b>Water Frontage</b>			
<b>Type Fuel</b> Available	<b>Assn Dues</b> Not Applicable			
<b>Electricity</b> Available	<b>Other Fees</b>			
<b>Features</b>	<b>DOCUMENTS AVAILABLE</b> None			
<b>Strctr/Bldg Imprv</b> No				
<b>Can Property Be Divided?</b> No				
<b>Water Access</b>				
<b>Water Name</b>	<b>Lake Type</b>			
<b>Water Features</b>				
<b>Water Frontage</b>	<b>Channel Frontage</b>	<b>Water Access</b>		
<b>Auction</b> No	<b>Auctioneer Name</b>	<b>Auctioneer License #</b>		
<b>Auction Location</b>	<b>Auction Start Date</b>			
<b>Financing:</b> Existing	Proposed		<b>Excluded Party</b> None	
<b>Annual Taxes</b> \$2,281.42	<b>Exemption</b>	<b>Year Taxes Payable</b> 2021	<b>Assessed Value</b>	
<b>Is Owner/Seller a Real Estate Licensee</b> No	<b>Possession</b> Closing			
<b>List Office</b> RE/MAX Oak Crest - Elkhart - Office: 574-262-0770	<b>List Agent</b> Team Schirr - Cell: 574-606-7771			
<b>Agent ID</b> RB14043732	<b>Agent E-mail</b> Joshuaschirr@gmail.com			
<b>Co-List Office</b>	<b>Co-List Agent</b>			
<b>Showing Instr</b>				
<b>List Date</b> 9/14/2021	<b>Exp Date</b>			
<b>Contract Type</b> Exclusive Right to Sell	<b>BBC</b> 3%	<b>Variable Rate</b> No	<b>Special Listing Cond.</b> None	
<b>Virtual Tours:</b>		<b>Type of Sale</b> Traditional		
<b>Pending Date</b> 9/20/2021	<b>Closing Date</b> 11/23/2021	<b>Selling Price</b> \$115,000	<b>How Sold</b> Cash	<b>CDOM</b> 6
<b>Total Concessions Paid</b> \$0.00	<b>Sold/Concession Remarks</b>			
<b>Sell Off</b> SUNRISE Realty	<b>Sell Agent</b> Tona Ambrosen	<b>Co-Sell Off</b>		<b>Co-Sell Agent</b>


**Presented by:** Steve W Sante - Ofc: 574-277-7777 / Appraisal Services Inc. - 574-277-7777

Information is not guaranteed. Included properties may not be listed by the Office/Agent presenting this report. Report may not contain all available data. Offer of compensation is made only to participants of the Indiana Regional Multiple Listing Service, LLC (IRMLS).

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**Verified: Public Record**

**Prior Transfers: 10/17/18 \$8,500**

<b>Property Type</b>	LOTS AND LAND	<b>Status</b>	Sold	<b>CDOM</b>	159	<b>DOM</b>	159	<b>Auction</b>	No
<b>MLS</b>	202218232	<b>0000 Osolo Road</b>	<b>Elkhart</b>	<b>IN 46514</b>	<b>Status</b>	<b>Sold</b>	<b>LP</b>	<b>\$96,900</b>	
	<b>Area</b>	Elkhart County	<b>Parcel ID</b>		<b>Type</b>	Residential Land			
	<b>Sub</b>	Autumn Ridge	<b>Cross Street</b>	Grover Street	<b>Lot #</b>				
	<b>School District</b>	ELK Elem	Pinewood	JrH	North Side	SrH	Elkhart		
	<b>REO</b>	No	<b>Short Sale</b>	No	<b>Waterfront Y/N</b>	Y			
	<b>Legal Description</b>	N1/2 OF CENT PT W1/2 NW SEC 34 11.50A							
	<b>Directions</b>	E Bristol St to Osolo Rd north to just south of Autumn Ridge Lane-east side of Osolo Road							
	<b>Inside City Limits</b>	Y	<b>City</b>	Elkhart	<b>County Zoning</b>		<b>Zoning Description</b>		

**Remarks** Beautiful and wild getaway, close to the heart of the action! 11.5 acres just waiting to become your new paradise. See the attached Soil Report for complete information. City water and sewer available! 2.8 buildable acres, ideal for homes with a walkout basement. Portions of the northwestern corner feature a small pond and wetlands. Best of all, the property overlooks Hunter's Pond on the southern side. OVERALL DRONE VIEW [click/copy-paste:www.youtube.com/watch?v=3Bc1Fp0Ia18](https://www.youtube.com/watch?v=3Bc1Fp0Ia18) Easy access on a path at the rear of autumn ridge.(paved parking area-path to the south thru the woods) This is the city owned space where a road access is available. List agent will walk it with you if desired.

**Agent Remarks** Buyer to verify taxes, applicable acreage, dimensions, utilities, zoning and regulations, schools, etc. Road access can be established at the public roadway stub located in adjacent subdivision-Autumn Ridge. I'll be happy to meet you there. Email offers to Julie Circle at myhomebrokerjulie@gmail.com. Earnest funds to be held by title company. Parcel # 20-02-34-101-019.000-027

<b>Sec</b>	Lot	<b>Lot Ac/SF/Dim</b>	11.5200 / 501,811 / 501,801	<b>Platted Development</b>	No	<b>Platted Y/N</b>	No
<b>Parcel Desc</b>	Partially Wooded, Undeveloped,			<b>Price per Acre</b>	\$8,411.46		
<b>Township</b>	Osolo	<b>Date Lots Available</b>		<b>Road Access</b>	City	<b>Road Surface</b>	Paved
<b>Type Use</b>	Residential	<b>Road Frontage</b>	City	<b>Water Type</b>	City, Available	<b>Well Type</b>	
		<b>Water Features</b>		<b>SEWER TYPE</b>	City, Available	<b>Easements</b>	No
		<b>Water Frontage</b>		<b>Type Fuel</b>	None	<b>Water Frontage</b>	
		<b>Electricity</b>	Available	<b>Electricity</b>	Available	<b>Assn Dues</b>	Not Applicable
				<b>Other Fees</b>			

**Features** DOCUMENTS AVAILABLE Soil Test, Aerial Photo, Soil Map

<b>Strctr/Bldg Imprv</b>	No	<b>Can Property Be Divided?</b>	No	<b>Water Access</b>	Pond	<b>Water Name</b>	
<b>Water Name</b>		<b>Lake Type</b>		<b>Water Features</b>		<b>Channel Frontage</b>	
<b>Water Frontage</b>		<b>Water Access</b>		<b>Auction No</b>		<b>Auctioneer Name</b>	
<b>Auction No</b>		<b>Auctioneer License #</b>		<b>Auction Location</b>		<b>Auction Start Date</b>	
<b>Financing</b>	Existing None	<b>Proposed</b>	Cash, Conventional	<b>Excluded Party</b>	None	<b>Annual Taxes</b>	\$112.00
<b>Annual Taxes</b>	\$112.00	<b>Exemption</b>	No Exemptions	<b>Year Taxes Payable</b>	2021	<b>Assessed Value</b>	\$5,500.00
<b>Is Owner/Seller a Real Estate Licensee</b>	No	<b>Possession</b>	DOC	<b>List Office</b>	Keller Williams Realty Group - Office: 574-333-3972	<b>List Agent</b>	Julie Circle - Cell: 574-386-0055
<b>Agent ID</b>	RB20001064	<b>Agent E-mail</b>	myhomebrokerjulie@gmail.com	<b>Co-List Office</b>		<b>Co-List Agent</b>	
<b>Showing Instr</b>		<b>List Date</b>	5/14/2022	<b>Exp Date</b>		<b>Contract Type</b>	Exclusive Right to Sell
<b>Contract Type</b>	Exclusive Right to Sell	<b>Seller Concessions Offer Y/N</b>		<b>Seller Concession Amount \$</b>		<b>Special Listing Cond.</b>	None
<b>Virtual Tours:</b>	Unbranded Virtual Tour	<b>Type of Sale</b>	Private Seller	<b>Pending Date</b>	10/20/2022	<b>Closing Date</b>	10/27/2023
<b>Pending Date</b>	10/20/2022	<b>Selling Price</b>	\$96,900	<b>How Sold</b>	Conventional	<b>CDOM</b>	159
<b>Total Concessions Paid</b>	\$0.00	<b>Sold/Concession Remarks</b>		<b>Sell Office</b>	Keller Williams Realty Group	<b>Sell Agent</b>	Julie Circle
<b>Sell Office</b>	Keller Williams Realty Group	<b>Co-Sell</b>		<b>Presented</b>	Steve W Sante - Office: 574-277-7777	<b>Appraisal Services Inc.</b>	- 574-277-7777

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Verified: Public Record

Prior Transfers: None Noted




Lots & Land Agent Full Detail Report

Schedule a Showing

Listings as of 03/17/2023

Page 1 of 1

<b>Property Type</b> LOTS AND LAND	<b>Status</b> Sold	<b>CDOM</b> 2	<b>DOM</b> 2	<b>Auction</b> No
<b>MLS #</b> 202216324	<b>VL</b> Santa Anita St Street	<b>Elkhart</b>	<b>IN 46516</b>	<b>Status</b> Sold
<b>LP</b> \$419,000				
	<b>Area</b> Elkhart County	<b>Parcel ID</b> 20-06-15-476-001.000-009	<b>Type</b> Agricultural Land	
	<b>Sub</b> None	<b>Cross Street</b>	<b>Lot #</b>	
	<b>School District</b> CONCElem	<b>Ox Bow</b>	<b>JrH Concord</b>	<b>SrH Concord</b>
	<b>REO</b> No	<b>Short Sale</b> No	<b>Waterfront Y/N</b> N	
	<b>Legal Description</b> PT SE SE SEC 15; 41.644A			
	<b>Directions</b> From County rd 13 head on Wilshire blvd until Santa Anita St.			
	<b>Inside City Limits</b>	<b>City Zoning</b>	<b>County Zoning</b>	<b>Zoning Description</b>

Remarks Almost 42 acres in Concord Township now available! Approximately 13 acres are tillable and the rest is a mix of conifer and deciduous forests. It is a beautiful piece of property with abundant wildlife. They are not making any more of it, especially in this area. So do not expect this property to last on the market long.

Agent Remarks


<b>Sec</b>	<b>Lot</b>	<b>Lot Ac/SF/Dim</b> 41.7750 / 1,819,719 / 1330 x 1300		
<b>Parcel Desc</b> Heavily Wooded, Partially Wooded,	<b>Platted Development</b> No	<b>Platted Y/N</b> Yes		
<b>Township</b> Concord	<b>Date Lots Available</b>	<b>Price per Acre</b> \$10,029.92		
<b>Type Use</b> Agriculture	<b>Road Access</b> County	<b>Road Surface</b> Asphalt	<b>Road Frontage</b> County	
<b>Water Type</b> None	<b>Easements</b> No			
<b>SEWER TYPE</b> None	<b>Water Frontage</b>			
<b>Type Fuel</b> Electric	<b>Assn Dues</b> Not Applicable			
<b>Electricity</b> Available	<b>Other Fees</b>			
<b>Features</b>	<b>DOCUMENTS AVAILABLE</b> Aerial Photo			
<b>Strctr/Bldg Imprv</b> No				
<b>Can Property Be Divided?</b> Yes				
<b>Water Access</b>				
<b>Water Name</b>	<b>Lake Type</b>			
<b>Water Features</b>				
<b>Water Frontage</b>	<b>Channel Frontage</b>	<b>Water Access</b>		
<b>Auction</b> No	<b>Auctioneer Name</b>	<b>Auctioneer License #</b>		
<b>Auction Location</b>	<b>Auction Start Date</b>			
<b>Financing:</b> Existing	<b>Proposed</b>			<b>Excluded Party</b> None
<b>Annual Taxes</b> \$348.00	<b>Exemption</b>	<b>Year Taxes Payable</b> 2021	<b>Assessed Value</b> \$17,300.00	
<b>Is Owner/Seller a Real Estate Licensee</b> No	<b>Possession</b> closing			
<b>List Office</b> RE/MAX Oak Crest - Elkhart - Office: 574-262-0770	<b>List Agent</b> Joshua Schirr - Cell: 574-606-7771			
<b>Agent ID</b> RB14043732	<b>Agent E-mail</b> Joshuaschirr@gmail.com			
<b>Co-List Office</b>	<b>Co-List Agent</b>			
<b>Showing Instr</b>				
<b>List Date</b> 5/4/2022	<b>Exp Date</b>			
<b>Contract Type</b> Exclusive Right to Sell	<b>BBC</b> 3%	<b>Variable Rate</b> No	<b>Special Listing Cond.</b> None	
<b>Virtual Tours:</b> Unbranded Virtual Tour	<b>Type of Sale</b> Traditional			
<b>Pending Date</b> 5/6/2022	<b>Closing Date</b> 6/22/2022	<b>Selling Price</b> \$419,000	<b>How Sold</b> Conventional	<b>CDOM</b> 2
<b>Total Concessions Paid</b> \$0.00	<b>Sold/Concession Remarks</b>			
<b>Sell Off</b> RE/MAX Oak Crest -	<b>Sell Agent</b> Joshua Schirr	<b>Co-Sell Off</b>	<b>Co-Sell Agent</b>	

Presented by: Steve W Sante - Ofc: 574-277-7777 / Appraisal Services Inc. - 574-277-7777

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Verified: Public Record

Prior Transfers: None Prior

<b>Property Type</b>	LOTS AND LAND	<b>Status</b>	Sold	<b>CDOM</b>	39	<b>DOM</b>	39	<b>Auction</b>	No		
<b>MLS #</b>	201950662	<b>41009 CR 1</b>	<b>Granger</b>	<b>IN 46530</b>	<b>Status Sold</b>	<b>LP \$240,000</b>					
	<b>Area</b>	Elkhart County	<b>Parcel ID</b>	20-01-14-151-010.000-005						<b>Type</b>	Agricultural Land
	<b>Sub</b>	None	<b>Cross Street</b>								
	<b>School District</b>	ELKH Elem	<b>Cleveland</b>	<b>JrH</b>	West Side	<b>SrH</b>	Elkhart Memorial				
	<b>REO</b>	No	<b>Short Sale</b>	No	<b>Waterfront Y/N</b> N						
	<b>Legal Description</b>	PT W1/2 W1/2 NW SEC 14 9.1284A IN N PT W1/2 W1/2 NW EX 2.31A EX 17.06A SEC 14 7.94A									
	<b>Directions</b>	From Elkhart Road: go west on County Rd 1, Property is on north side just before curve...../ From County Line (Ash									
	<b>Inside City Limits</b>	<b>City Zoning</b>	<b>County Zoning</b>	<b>Zoning Description</b>							

**Remarks** This is a beautiful 17 acre parcel, consists of two contiguous tax parcels with approximately 387 feet of frontage on County Road 1. The majority of the property has been farmed in the past but is currently not being farmed. This is an ideal setting for a hobby farm or could be subdivided for a subdivision. Call now to see this wonderful property..... directions are as follows: From Elkhart Road: go west on County Rd 1, property is on north side just before curve..... From County Line (Ash Road): go east on County Rd 10, north on County Rd 1, property is on north side of road just after the curve.

**Agent Remarks** Feel free to walk property with your clients.. Thanks!

<b>Sec</b>	Lot	<b>Lot Ac/SF/Dim</b>	17.0000 / 740,520 / 387x627x199x781x669x517x81x885
<b>Parcel Desc</b>	Level, Undeveloped	<b>Platted Development</b>	No
<b>Township</b>	Cleveland	<b>Date Lots Available</b>	
<b>Type Use</b>	Agriculture	<b>Road Access</b>	County
		<b>Road Surface</b>	Asphalt
		<b>Price per Acre</b>	\$13,000.00
		<b>Road Frontage</b>	County
<b>Water Type</b>	None	<b>Easements</b>	Yes
<b>SEWER TYPE</b>	None	<b>Water Frontage</b>	
<b>Type Fuel</b>	None	<b>Assn Dues</b>	\$0.00
<b>Electricity</b>	Available	<b>Other Fees</b>	
<b>Features</b>	<b>DOCUMENTS AVAILABLE</b> Aerial Photo, Legal Description		
<b>Strctr/Bldg Imprv</b>	No		
<b>Can Property Be Divided?</b>	Yes		
<b>Water Access</b>		<b>Lake Type</b>	
<b>Water Name</b>			
<b>Water Features</b>			
<b>Water Frontage</b>		<b>Channel Frontage</b>	
		<b>Water Access</b>	
<b>Auction No</b>	<b>Auctioneer Name</b>	<b>Auction Start Date</b>	<b>Auctioneer License #</b>
<b>Auction Location</b>			
<b>Financing: Existing</b>		<b>Proposed</b>	
<b>Annual Taxes</b>	\$287.00	<b>Year Taxes Payable</b>	2018
<b>Is Owner/Seller a Real Estate Licensee</b>	No	<b>Excluded Party</b>	None
		<b>Assessed Value</b>	\$13,700.00
<b>List Office</b>	Coldwell Banker Real Estate Group - 574-277-8000	<b>Possession</b>	At Close
<b>Agent ID</b>		<b>List Agent</b>	Tim Murray - Cell: 574-286-3944
<b>Agent E-mail</b>	tim@timmurray.com		
<b>Co-List Office</b>		<b>Co-List Agent</b>	
<b>Showing Instr</b>			
<b>List Date</b>	11/21/2019	<b>Exp Date</b>	
<b>Contract Type</b>	Exclusive Right to Sell	<b>BBC</b>	3%
		<b>Variable Rate</b>	Yes
<b>Virtual Tours:</b>		<b>Type of Sale</b>	Traditional
<b>Pending Date</b>	12/30/2019	<b>Closing Date</b>	1/27/2020
		<b>Selling Price</b>	\$221,000
<b>Total Concessions Paid</b>	\$0.00	<b>How Sold</b>	Conventional
		<b>Sold/Concession Remarks</b>	
<b>Sell Off</b>	Coldwell Banker Real	<b>Sell Agent</b>	David Daggy
		<b>Co-Sell Off</b>	
		<b>Co-Sell Agent</b>	

**Presented by:** Steve W Sante - Ofc: 574-277-7777 / Appraisal Services Inc. - 574-277-7777

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Verified: Public Record

Prior Transfers: None Prior



Lots & Land Agent Full Detail Report

Schedule a Showing

Listings as of 03/17/2023

Page 1 of 1

Property Type	LOTS AND LAND	Status	Sold	CDOM	65	DOM	65	Auction	No
MLS #	201949634	County	Road 31	Goshen	IN	46528	Status	Sold	LP \$272,500
Area	Elkhart County	Parcel ID	20-08-18-301-003.000-034						
Type	Agricultural Land								
Sub	None	Cross Street							
School District	MIDD Elem	Middlebury	JrH	Northridge	SrH	Northridge			
REO	No	Short Sale	No	Waterfront Y/N	N				
Legal Description	IN FRAC SW EX ETC EX 10.00A; SEC 18; 16.801A								
Directions	US 20 to CR 31 South to property								
Inside City Limits	City Zoning	County Zoning	Zoning Description						

Remarks Beautiful property conveniently located just west of Middlebury. With just under 17 acres this property will give you that privacy and seclusion you are looking for. Make plans to check this one out today!

Agent Remarks

Sec	Lot	Lot Ac/SF/Dim	16.8000 / 731,808 / irreg		Platted Development	No	Platted Y/N	Yes
Parcel Desc	Level	Township	Middlebury	Date Lots Available	Price per Acre	\$13,095.24		
Type Use	Agriculture, Residential,	Road Access	County	Road Surface	Asphalt	Road Frontage	County	
Water Type	None	Easements	No					
SEWER TYPE	None	Water Frontage						
Type Fuel	None	Assn Dues	Not Applicable					
Electricity	None	Other Fees						
Features	DOCUMENTS AVAILABLE None							
Strctr/Bldg Imprv	No	Can Property Be Divided?	Yes					
Water Access								
Water Name	Lake Type							
Water Features								
Water Frontage	Channel Frontage	Water Access						
Auction No	Auctioneer Name	Auction Start Date				Auctioneer License #		
Auction Location	Proposed				Excluded Party None			
Financing: Existing	Proposed				Assessed Value			
Annual Taxes	\$400.00	Exemption	Year Taxes Payable		19	Assessed Value		
Is Owner/Seller a Real Estate Licensee	No				Possession at closing			
List Office	Bright Star Real Estate Services LLC - office: 574-825-0704				List Agent Jesse Riegsecker - cell: 574-612-7277			
Agent ID	RB14046169	Agent E-mail	jr@brightstarauctions.com					
Co-List Office	Co-List Agent							
Showing Instr								
List Date	11/13/2019	Exp Date						
Contract Type	Exclusive Right to Sell	BBC	2.5%	Variable Rate	No	Special Listing Cond.	None	
Virtual Tours:	Unbranded Virtual Tour	Type of Sale	Traditional					
Pending Date	1/17/2020	Closing Date	2/24/2020	Selling Price	\$220,000	How Sold	Cash	CDOM 65
Total Concessions Paid	\$0.00		Sold/Concession Remarks					
Sell Off	Bright Star Real Estate	Sell Agent	Jesse Riegsecker	Co-Sell Off	Co-Sell Agent			

Presented by: Steve W Sante - Ofc: 574-277-7777 / Appraisal Services Inc. - 574-277-7777

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Verified: Public Record

Prior Transfers: None Prior



Lots & Land Agent Full Detail

Schedule a Showing

Listings as of 08/26/2024

Page 1 of 1

Property Type LOTS AND LAND Status Sold CDOM 3 DOM 3 Auction No
MLS 202404371 County Road 23 Goshen IN 46526 Status Sold LP \$379,900



Area Elkhart County Parcel ID 20-07-16-276-015.000-019 Type Agricultural Land
Sub None Cross Street Lot #
School District MID Elem Jefferson JrH Northridge SrH Northridge
REO No Short Sale No Waterfront Y/N N
Legal Description SW COR SE1/4 NE1/4 SEC 16; 25.29A
Directions US 20 to CR 23 South 1/2 mile to property east side of road
Inside City Limits City County Zoning Zoning Description

Remarks Check out this 25 acre property that is know for its good deer hunting and with the possibility of multiple buildings spots. It is located in the Middlebury School System, and the land has a mix of some wooded areas a good mix of open spaces, and a creek running through it. Take a look at this opportunity of the chance to live in the country today.

Agent Remarks measurements approx.

Sec Lot Lot Ac/SF/Dim 25.2900 / 1,101,632 / ireg
Parcel Desc Irregular, Level Platted Development No Platted Y/N Yes
Township Jefferson Date Lots Available Price per Acre \$13,444.05
Type Use Agriculture, Residential, Road Access County Road Surface Asphalt Road Frontage County
Water Type None Well Type Easements No
SEWER TYPE None Water Frontage
Type Fuel None Assn Dues Not Applicable
Electricity None Other Fees

Features DOCUMENTS AVAILABLE None

Strctr/Bldg Imprv No
Can Property Be Divided? Yes
Water Access
Water Name Lake Type
Water Features
Water Frontage Channel Frontage Water Access
Auction No Auctioneer Name Auctioneer License #
Auction Location Auction Start Date
Financing: Existing Proposed Excluded Party None
Annual Taxes \$800.00 Exemption Year Taxes Payable 23 Assessed Value
Is Owner/Seller a Real Estate Licensee No Possession at closing
List Office Bright Star Real Estate Services LLC - office: 574-821-7653 List Agent Jesse Riegsecker - Cell: 574-612-7277
Agent ID RB14046169 Agent E-mail jr@brightstarres.com
Co-List Office Co-List Agent
Showing Instr
List Date 2/12/2024 Exp Date
Contract Type Exclusive Right to Sell Special Listing Cond. None
Seller Concessions Offer Y/N Seller Concession Amount \$
Virtual Tours: Unbranded Virtual Tour Type of Sale Traditional
Pending Date 2/15/2024 Closing Date 3/1/2024 Selling Price \$340,000 How Sold Cash CDOM 3
Total Concessions Paid \$0.00 Sold/Concession Remarks
Sell Office Bright Star Real Estate Services LLC Sell Agent Jesse Riegsecker Sell Team
Co-Sell Co-Sell Agent
Presented Steve W Sante - Office: 574-277-7777 / Appraisal Services Inc. - 574-277-7777

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Page Number: Page 1 of 1 08/26/2024 12:15 PM

Verified: Public Record

Prior Transfers: 1/31/2023 \$240,000
Evans to Miller

Four land sales are identified in this report. They are summarized in the following grid.

Location	Township	Sale Date	Sale Price	Acres	Price Per Acre
C.R. 26	Concord	11/23/21	\$115,000	14.00	\$8,214
Osolo Road	Osolo	10/27/23	\$96,900	11.52	\$8,411
<b>Subject</b>	<b>Osolo</b>	<b>4/21/22</b>	<b>\$220,000</b>	<b>25.00</b>	<b>\$8,800</b>
Santa Anita St	Concord	6/22/22	\$419,000	44.00	\$9,523
CR 1	Cleveland	1/27/20	\$221,000	17.00	\$13,000
C.R. 31	Middlebury	2/24/20	\$220,000	16.80	\$13,095
C.R 23	Goshen	3/1/24	\$340,000	25.29	\$13,444

The above sales are considered in this analysis. They show a range of \$8,214 to \$13,444 per acre. The value of the subject likely falls in that range.

The sale on C.R. 26 is located in Concord Township and is wooded, like the subject property.

The sale on Osolo Road is judged to be inferior to the subject in terms of location. Further, the site is inferior to the subject in terms of being wooded. The property sold at \$8,411 per acre. There appears to be a per subdivision over a portion of the parcel. The value of the subject is likely greater than this amount.

The sale on Santa Anita Street is most similar to the subject, as it is adjacent to U.S. 20, which is a heavily traveled four-lane corridor. This parcel is partially wooded and partially tillable.

The sales on C.R. 1 and C.R. 31 are tillable parcels, which appear to have a higher unit value. Therefore, the value of the subject is judged to be below \$13,000 per acre.

The sale on C.R. 23 is located in an area where there is significant residential development is occurring. This parcel is mostly tillable.

Based on the above sales, the tillable parcels have greater value than the subject. the value of the subject is estimated at \$9,400/per acre. The value of the subject sites is as follows:

$$\$9,400/\text{Acre} \quad \times \quad 25.0 \text{ Acres} \quad = \$235,000$$

**The subject parcel has an estimated value of \$235,000.**

## RECONCILIATION

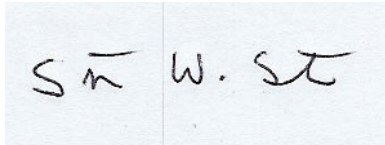
### Sales Comparison Approach

Four sales are identified in this approach. The properties do a good job of identifying a probable range for the subject. Therefore, the approach produces credible results.

**My opinion of market value of the fee simple interest of the subject property, as of August 26, 2024 is \$235,000.**

DATE OF REPORT

August 26, 2024

A rectangular area containing a handwritten signature in black ink. The signature reads "S W. Sante".

**Steven W. Sante, MAI,SRA**

IN CG40901229

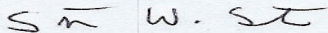
MI 1205005623



## **CERTIFICATION**

I certify that to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased, professional analysis, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
- I have performed services as an appraiser, but in no other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment
- I have no bias with respect to the property that is the subject of this report, or to the parties involved with the assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the code of Professional ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly representatives.
- as of the date of this report I, Steven W. Sante, have completed the requirements of the continuing education program of the Appraisal Institute.



8/24/23

Date

\_\_\_\_\_  
Steven W. Sante, MAI, SRA  
Indiana Certified General Appraiser #CG-40901229  
Michigan Certified General Appraiser #1205005623

## **ASSUMPTIONS AND LIMITING CONDITIONS**

The certification of the appraiser appearing in the appraisal report is subject to the following conditions and to such specific and limiting conditions as set fourth by the Appraiser in the report.

1. The Appraiser assumes no responsibility for matters of legal nature affecting the property appraised or the title thereto, nor does the Appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Any sketch in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The Appraiser has made no survey of the property.
3. The Appraiser is not required to give testimony or appear in court because of having made the appraisal reference to the property in question, unless arrangements have been made previously made therefore.
4. Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.
5. The Appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The Appraiser assumes no responsibility for such conditions, or for engineering which might be required to discover such factors.
6. Information, estimates, and opinions furnished to the Appraiser, and contained in this report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished to the Appraiser can be assumed by the Appraiser.
7. Disclosure of the contents of the appraisal report is governed by the Bylaws and Regulations of the professional appraisal organizations with which the Appraiser is affiliated.
8. Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to the property value, the identity of the Appraiser, professional designations, reference to any professional appraisal organizations, or the firm with which the appraiser is connected), shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by same, the mortgagee or it successors and assigns, mortgage insurers, consultants, professional appraisal organizations, any state or federally approved financial institution, any department, agency, or instrumentality of the united States or District of Columbia, without previous written consent of the Appraiser; nor shall it be conveyed by anyone to the public through advertising, public relations, news sales, or other media, without the written consent and approval of the Appraiser.

9. On all appraisals, subject to satisfactory completion, repairs, or alterations, the appraisal report and value conclusions are contingent upon completion of the improvements in a workman like manor.

10. In this appraisal assignment, the existence of potentially hazardous material used in the construction or maintenance of the building, such as the presence of urea formaldehyde foam insulation, and/or existence of toxic waste, which may or may not be present on the property, has not been considered. The appraiser is not qualified to detect such substances. It is urged that the client retain an expert in this field if desired.

11. A legal description was provided to the appraiser. The legal description in the report is assumed to be correct. We assume no responsibility for matters legal in character nor do we render any opinion as to title, which is assumed to be good and marketable.

12. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws, and that all zoning, building, and use regulations of all types have been complied with unless non-compliance is stated, defined and considered in the appraisal report. It is further assumed that all licenses, consents, permits, or legislative or administrative authority required by any local, state, or federal and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.

13. Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for other than its intended use by anyone other than the Client without the prior written consent of the Appraiser or the Client, and then only with the proper identification and qualification and only in its entirety. No change of any item in the report shall be made by anyone other than the Appraiser and/or officer in the firm. The Appraiser and firm shall have no responsibility if any such change is made.

14. Any after-tax investment analysis and resulting measures of return on investment are intended to reflect only possible and general market considerations, whether used to estimate value or return investment given a purchase price. Please note that the Appraiser does not claim expertise in tax matters and advises Client to seek competent tax advice.

15. The liability of Appraiser and the firm is limited to the client only and to the fee actually received by Appraiser. Further, there is no accountability, obligation, or liability to any third party. If this report is placed in the hands of anyone other than the client, the Client shall make such party aware of all limiting condition and assumptions of the assignment and related decisions. The Appraiser is in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally. In the case of limited partnerships or syndication offerings or stock offerings in the property, Client agrees that in case of lawsuit (brought by lender, partner, or part owner in any form of ownership, tenant, or any other party) , any and all awards, settlements of any type in such suit, regardless of outcome, Client will hold appraiser completely harmless in any such action.

16. Any projections, forecasts, etc. regarding future patterns of income and/or expenses, prices/values, etc. represent that analyst's best estimate of investor anticipations with respect to these items, based on information available at the date of appraisal or analysis. Such information includes forecasts /projections published by recognized sources such as economists, financial publications, investor surveys, etc. Economic trends can affect future behavior of income, expenses, values, etc. Change in these items caused by future occurrences could result in values different from those established in this report. We cannot accept responsibility for economic variables in the future which could not have been known or anticipated at the data of analysis (inflation rates, economic upswings or downturns, fiscal policy changes, etc.).

17. The Americans with Disabilities Act (ADA) became law effective January 26, 1992. I have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

18. Acceptance of, and/or use of, this appraisal report by Client or any third party constitute acceptance of the above conditions. APPRAISER LIABILITY EXTENDS ONLY TO STATED CLIENT, NOT SUBSEQUENT PARTIES OR USERS, AND IS LIMITED TO THE FEE RECEIVED.

19. The estimated values contained within this appraisal report are subject to completion of plans and specifications.

**QUALIFICATIONS OF THE APPRAISER  
STEVEN W. SANTE, MAI, SRA**

**EDUCATION**

1988-1995 B.S. Degree Business Indiana University at South Bend  
Accounting Major

**EMPLOYMENT HISTORY**

9/91-Present Appraisal Services, Inc

**APPRAISAL EDUCATION:**

See Attached

**PROFESSIONAL AFFILIATIONS & LICENSES**

**SRA** (designation conferred 12/15/06)

**MAI** (designation conferred 1/30/13)

Certified General Appraiser IN & MI

Indiana Regional MLS

Northern Indiana/Southwest Michigan Chapter

Positions:

Treasurer 2002-2008

President 2008-2010

Appraisal Institute:

National Experience Reviewer 2007-2008

Milton Township (Cass County Michigan)

Tax Board of Review 2008-2014

Clerk 2014-2020

**PAST & PRESENT CLIENTS:**

1<sup>st</sup> State Bank, Lake City Bank, 1<sup>st</sup> Source Bank, INOVA Credit Union, City of South Bend, St. Joseph County Assessor, St. Joseph County Economic Development, Elkhart County, City of Elkhart, South Bend Airport, Town of Bristol, Town of Bremen, Kosciusko County

Program	Date	Hours
General Appraiser Income Approach/Part 2	6/11/24	35.00
2024 7 Hour National USPAP Update Course	1/18/24	7.00
Rapid Response: Market Analysis in Volatile Markets	2/28/23	7.00
Business Practices and Ethics	6/1/22	6.00
2022-2023 7 Hour National USPAP Update Course	2/25/22	7.00
Appraiser's Guide to Expert Witnessing	11/3/21	7.00
Getting it Right from the Start-A Workout Plan for Your Scope of Work	8/12/21	7.00
Fundamentals of Apartment Appraising	6/13/-9/11-20	7.00
Small Hotel/Motel Valuation	6/14-9/12/20	7.00
2020-2021 7 Hour National USPAP Update Course	4/24-7/23/20	7.00
Common Questions Asked by Residential Appraisers, Part 2	5/16/19	7.00
Small Hotel/Motel Valuation	6/15-7/15/18	7.00
Data Verification Methods	6/1/-7/1/18	5.00
Business Practices and Ethics	5/25/18	7.00
Analyzing Operating Expenses	2/1-3/3/18	7.00
Michigan Law and Rules	3/3/16	2.00
7-Hour National USPAP Update Course	12/1/15	7.00
Advanced Market Analysis and Highest & Best Use-Online component	10/26-10/30/15	32.00
Business Practices and Ethics	10/5/15	7.00
Supervisory Appraiser/Trainee Appraiser Course	3/20/15	7.00
Fundamentals of Separating Real Prop., Personal Prop., and Intangible Bus. Assets	5/29-5-30-14	15.00
7-Hour National USPAP Update Course	12/9/13	7.00
Litigation Appraising: Specialized Topics and Applications	6/13-6/14/13	16.00
Appraising Convenience Stores	6/15-7/15/12	7.00
7-Hour National USPAP Update Course	1/13/12	7.00
The Uniform Appraisal Dataset from Fannie Mae	5/23/11	7.00
Michigan Rules	5/10/11	2.00
Rates and Ratios: Making Sense of GIMs, OARs, and DCFF	5/10/11	7.00
Business Practices and Ethics	11/8/10	7.00
Evaluation Commercial Construction	9/23-9/24/10	15.00
The Discounted Cash Flow Model: Concepts, Issues, and Applications	7/16/10	5.00
General Demonstration Report Writing	4/19/10	7.00
Appraisal Review-General	3/12/10	7.00
7-Hour National USPAP Update Course	3/11/10	7.00
Michigan Rules	3/11/10	2.00
7-Hour National USPAP Update Course	3/21/09	7.00

Report Writing and Valuation Analysis	5/4-5/9/09	40.00
Advanced Sales Comparison & Cost Approaches	4/16-4/22/09	40.00
Advanced Applications	1/15-1/21/09	40.00
General Appraiser Report Writing and Case Studies	10/27-10/30/08	30.00
Partial Interest Valuation-Divided	9/18/08	7.00
General Appraiser Site Valuation and Cost Approach	7/21-7/24/08	30.00
How to Write a Tax Appeal Appraisal	6/12/08	4.00
Real Estate Finance, Statistics, and Valuation Modeling	6/10-6/11/08	15.00
Michigan Rules	5/15/08	2.00
General Appraiser Sales comparison Approach	2/11-2/14/08	30.00
General Demonstration Report Writing	1/11/08	7.00
General Appraiser Market Analysis and Highest & Best Use	10/22-10/25/07	30.00
Advanced Income Capitalization	8/20-8/25/07	40.00
Basic Income Capitalization	4/30-5/5/07	39.00
7-Hour National USPAP Update Course	3/16/07	7.00
Highest & Best Use and Market Analysis	9/18-9/23/06	36.00
Business Practices and Ethics	3/17/06	8.00
7-Hour National USPAP Update Course	3/21/05	7.00
Appraising Manufactured Housing	2/3/05	7.00
Avoiding Liability as a Residential Appraiser	10/20/04	7.00
Advanced Residential Form & Narrative Report Writing	11/17-11/23/02	40.00
Fundamentals of Relocation Appraising	10/22/01	7.00
Appraising Manufactured Housing	11/17/00	7.00
Standards of Professional Practice, Part B	5/24/00	8.00
Standards of Professional Practice, Part A (USPAP)	5/22-5/23/00	16.00
Residential Demonstration Appraisal Report Writing Seminar	8/21-8/22/99	14.00
FHA and The Appraisal Process	7/15/99	7.00
Appraisal Review-Residential Properties	10/16/98	7.00
Sales Comparison Valuation of Small, Mixed-Use Properties	9/22-9/23/98	15.00
Standards of Professional Practice, Part A (USPAP)	7/17-7/18/97	16.00
M & S Handbook Cost-Estimating, Residential	4/30/97	7.00
Residential Case Studies	11/14-11/20/93	39.00
Advanced Income Capitalization	4/16-5/8/93	40.00
Basic Income Capitalization	3/12-3/27/93	39.00
Standards of Professional Practice, Part B	3/5-3/6/93	11.00
Standards of Professional Practice, Part A (USPAP)	10/3-10/4/19	16.00
Introduction to Appraising Real Property	9/8-9/20/91	51.00



1717 E. Lusher Avenue, Elkhart, IN 46516 • (574) 293-5070 • [EECmail@coei.org](mailto:EECmail@coei.org) • [www.elkhartindiana.org](http://www.elkhartindiana.org)

**MEMORANDUM**

Date November 18, 2024  
To City of Elkhart Common Council  
From Jeff Zavatsky, Elkhart Environmental Center, Director  
Re Fee Schedule Adoption for Elkhart Environmental Center

---

The Elkhart Environmental Center is asking for formal approval of the 2025 fee schedule. See attached form for complete list of fees.

Jeffrey Zavatsky, Director  
Elkhart Environmental Center





# Elkhart Environmental Center

## Fee Schedule

Program	Fee	Fee Notes
Wood Duck House Workshop	\$60-\$80	\$5 per attendee; \$55-\$75 per kit
Oriole Feeder Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
Bat House Workshop	\$8-\$13	\$1 per attendee; \$7-\$12 per kit
Barred Owl Box Workshop	\$60-\$80	\$5 per attendee; \$55-\$75 per kit
Bluebird Box Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
Rain Barrel/Build-a-Barrel Workshop	\$51-\$81	\$1 per attendee; \$50-\$80 per kit
Screech Owl Box Workshop	\$60-\$80	\$5 per attendee; \$55-\$75 per kit
Recycled Hummingbird Feeder Workshop	\$6-\$16	\$1 per attendee; \$5-\$15 per kit
House Wren Box Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
<i>Assorted Wildlife Box/Feeder Workshops</i>	\$5-\$80	<i>cost per kit depending on materials</i>

\*Fee determined by market price of construction supplies; subject to change

Program	Fee	Fee Notes
Zero Waste Workshops	\$3-\$7	cost per attendee
Eco-Dyeing Workshop	\$5-\$10	cost per attendee
Leaf Casting Workshop	\$5-\$10	cost per attendee
Package-Free Pretzel Workshop	\$5-\$10	cost per attendee
DIY Lip Balm Workshop	\$5-\$10	cost per attendee
Worm Bin Workshop	\$8-\$13	\$1 per attendee; \$7-\$12 per kit
Beeswax Wrap Workshop	\$5-\$10	cost per attendee
Upcycled Cat Tower Workshop	\$6-\$11	\$1 per attendee; \$5-\$10 per kit
<i>Assorted DIY/Sustainability Workshops</i>	\$3-\$12	<i>Cost per attendee or kit depending on program</i>

\*\*Fee determined by supply costs; subject to change

## Guest Speaker Programs

Program	Fee	Fee Notes
Birds of Prey	\$5-\$10	cost per attendee
Gardening for Wildlife Workshop	\$5-\$10	cost per attendee
Monarch Tagging & Migration	\$5-\$10	cost per attendee
Bats of Indiana	\$5-\$10	cost per attendee
Bringing Nature Home	\$5-\$15	cost per attendee
Nature Photography Workshop	\$5-\$20	cost per attendee
Native Prairie Painting Workshop	\$5-\$20	cost per attendee
An Evening with Owls / Owl Programs	\$5-\$12	\$5 per attendee; \$5-\$7 per pellet
<i>Assorted Guest Speaker Programs</i>	\$5-\$20	<i>cost per attendee</i>

\*\*\*Fee determined by presenter costs; subject to change

## Environmental Education & Interpretive Programs

Program	Fee	Fee Notes
Winter Birding	\$1-\$3	cost per attendee
Seed Bomb Workshop	\$1-\$3	cost per attendee
Nature Story Hour	\$1-\$3	cost per attendee
Intro to Nature ID Apps	\$1-\$3	cost per attendee
Wildflower Hike	\$1-\$3	cost per attendee
Birding for Beginners	\$1-\$3	cost per attendee
Migratory Birding Hikes	\$1-\$3	cost per attendee
Nature Play Days	\$1-\$3	cost per attendee
How Native Plants Bring Your Garden to Life	\$1-\$3	cost per attendee
Rain Garden & Rain Barrel Workshop (Info Sessions)	\$1-\$3	cost per attendee
Native Plants	\$1-\$3	cost per attendee

Junior Indiana Master Naturalist Camp	\$100	cost per attendee
Private Programs		
Elkhart Community Schools	\$3	cost per kid (\$50 min. charge)
All other groups	\$5	cost per attendee (\$50 min. charge)
More than 2 Chaperones per 10 kids	\$ 3- \$5	cost per attendee
<b>EE &amp; Interpretive Program Kits \$50-\$100</b>		
<i>Assorted EE Programs, Hikes, etc.</i>	\$1-\$3	cost depending on kit materials <i>cost per attendee</i>

\*\*\* \$50 min. charge for all groups, fees are waived if community service is apart of program (30 minutes min for large groups, 60 minutes for small groups)

<b>Holiday / Seasonal Programs</b>		
<b>Program</b>	<b>Fee</b>	<b>Fee Notes</b>
Fall Colors	\$1-\$3	cost per attendee
Natural Egg Dyeing Workshop	\$3-\$7	cost per attendee
Holiday Hoorah	\$1-\$3	cost per attendee
Eco-Valentine's Day	\$1-\$3	cost per attendee
Earth Day Trivia Night	\$1-\$3	cost per attendee
America Recycles Day	\$3-\$7	cost per attendee
Recycled Father's Day Cards	\$1-\$3	cost per attendee
Plastic Free July Party	\$3-\$7	cost per attendee
Green Your Halloween	\$1-\$3	cost per attendee
Foraging/Wild Edibles Workshops	\$3-\$7	cost per attendee
Grape Vine & Wine	\$5-\$15	cost per attendee
<i>Assorted Public Holiday Programs</i>	\$1-\$15	<i>cost per attendee</i>
Easter Egg and Pumpkin Hunt	Free	

## Special Events

Program	Fee	Fee Notes
Pollinator Promenade	\$15-\$25	cost per attendee
EnviroFest	\$5-\$10	cost per family
Haunted Walk Through the Woods	\$5-\$10	cost per vehicle
Eclipse Viewing Party	\$5-\$10	cost per person
City Paper Shredding/Recycling Event	\$20-\$40/unit	depending on size of shredding materials
Exhibitor Booth Fee	\$10-50	depending on space needed
Vendor Booth Fee	\$10-50	
Food Vendor Fee	\$20-200	
Supply Rental Fee: Table	\$10-20	
Supply Rental Fee: Electricity	\$30-200	depending on amps, availability, etc.

## Facilities

Electric Usage	\$25.00	per day
Gazebo Rental	\$50.00	per day / no electricity
Outdoor Pavilion Rental	\$75.00	per day, has electricity
EEC Main Cabin Rental	\$100	per session (8am-4pm, 5pm-11pm)
EEC Conference Room	\$100	per session (8am-4pm, 5pm-11pm)
Kids Cabin Rental	\$50	per session (8am-4pm, 5pm-11pm)
Security Deposit	\$300	
Outdoor Amphitheater	\$50.00	per day
Garden Plot Rental	\$0.00 - \$10.00	per season. Fee is dependent on any city water use

Restrooms available for Gazebo, Outdoor Pavilion, Kids Cabin, and Amphitheater only during business hours M-F, 8-5pm

## Merchandise

Shirts	\$5-\$25.00	Cost per Item
Hats	\$5-\$25.00	Cost per Item
Drinking Container	\$10-\$30	Cost per Item

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, ESTABLISHING THE ELKHART ENVIRONMENTAL CENTER FUND  
AND THE ELKHART ENVIRONMENTAL CENTER FEE SCHEDULE**

---

WHEREAS, the City of Elkhart, Indiana, (“City”) owns, operates and maintains the Elkhart Environmental Center (“EEC”) to educate the public on the impact of human behaviors on the local and regional ecological system and environment; and

WHEREAS, on June 4, 2019, after twenty-five (25) years of operations, the Common Council of the City of Elkhart (the “Council”) approved the Elkhart Environmental Center Master Plan for the next twenty-five (25) years of operations; and

WHEREAS, the operations of the EEC, include numerous educational opportunities in the form of interactive field camps, school-based programming, workshops, guest speaker presentations, holiday and seasonal programming, as well as facilities rentals, merchandise and concessions sales; and

WHEREAS, the Administration has requested that the Council approve the Elkhart Environmental Center Fee Schedule, attached as Exhibit A, hereto, to establish the fees chargeable by the Elkhart Environmental Center, for current and foreseeable future programming of the Center; and

WHEREAS, the Administration has requested that the Council approve a mechanism for annual adjustments to the fee schedule, based upon an appropriate and readily available inflationary index, to wit: the *Consumer Price Index*, which includes activities, like entertainment and recreation, in its overall inflation calculation; and

WHEREAS, the Council has reviewed the Elkhart Environmental Center Fee Schedule, and has determined that the Fee Schedule should be approved and implemented; and

WHEREAS, the Elkhart Environmental Center Fund should be formally adopted for the operations and activities of the Center;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. Elkhart Environmental Center Fund is hereby established, and the City Controller is hereby directed to designate a fund number, and create such accounts as a necessary and proper for the operations and activities of the Elkhart Environmental Center.

Section 2. The Elkhart Environmental Center Fee Schedule, attached hereto as Exhibit A, is approved for the fees associated with the programing and operational activities of the Elkhart Environmental Center.

Section 3. The director of the Elkhart Environmental Center is authorized to request that the Board of Public Works and Utilities approve an adjustment of the Fee Schedule, annually, for appropriate increases to the Fee Schedule, not to exceed the rate of inflation, as reflected by increases in the *Consumer Price Index*.

Section 4. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor, as provided by law.

Section 5. The Common Council fixed published and conducted a public hearing on this ordinance on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 6:00 p.m., in the Council Chambers, at which time the Council considered and determine this ordinance, and all taxpayers and interested persons were afforded the opportunity to appear and express their views, in advance of the adoption of this ordinance.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, City Clerk

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

# Elkhart Environmental Center

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Screech Owl Box Workshop	\$60-\$80	\$5 per attendee; \$55-\$75 per kit
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All other groups	\$5	cost per attendee (\$50 min. charge)
More than 2 Chaperones per 10 kids	\$ 3- \$5	cost per attendee
EE & Interpretive Program Kits	\$50-\$100	cost depending on kit materials
Assorted EE Programs, Hikes, etc.	\$1-\$3	cost per attendee

\*\*\* \$50 min. charge for all groups, fees are waived if community service is apart of program (30 minutes min for large groups, 60 minutes for small groups)

Holiday / Seasonal Programs		
Program	Fee	Fee Notes
Fall Colors	\$1-\$3	cost per attendee
Natural Egg Dyeing Workshop	\$3-\$7	cost per attendee
Holiday Hoorah	\$1-\$3	cost per attendee
Eco-Valentine's Day	\$1-\$3	cost per attendee
Earth Day Trivia Night	\$1-\$3	cost per attendee
America Recycles Day	\$3-\$7	cost per attendee
Recycled Father's Day Cards	\$1-\$3	cost per attendee
Plastic Free July Party	\$3-\$7	cost per attendee
Green Your Halloween	\$1-\$3	cost per attendee
Foraging/Wild Edibles Workshops	\$3-\$7	cost per attendee
Grape Vine & Wine	\$5-\$15	cost per attendee
Assorted Public Holiday Programs	\$1-\$15	cost per attendee
Easter Egg and Pumpkin Hunt	Free	

## Special Events

Program	Fee	Fee Notes
Pollinator Promenade	\$15-\$25	cost per attendee
EnviroFest	\$5-\$10	cost per family
Haunted Walk Through the Woods	\$5-\$10	cost per vehicle
Eclipse Viewing Party	\$5-\$10	cost per person
City Paper Shredding/Recycling Event	\$20-\$40/unit	depending on size of shredding materials
Exhibitor Booth Fee	\$10-50	depending on space needed
Vendor Booth Fee	\$10-50	
Food Vendor Fee	\$20-200	
Supply Rental Fee: Table	\$10-20	
Supply Rental Fee: Electricity	\$30-200	depending on amps, availability, etc.

## Facilities

Electric Usage	\$25.00	per day
Gazebo Rental	\$50.00	per day / no electricity
Outdoor Pavilion Rental	\$75.00	per day, has electricity
EEC Main Cabin Rental	\$100	per session (8am-4pm, 5pm-11pm)
EEC Conference Room	\$100	per session (8am-4pm, 5pm-11pm)
Kids Cabin Rental	\$50	per session (8am-4pm, 5pm-11pm)
Security Deposit	\$300	
Outdoor Amphitheater	\$50.00	per day
Garden Plot Rental	\$0.00 - \$10.00	per season. Fee is dependent on any city water use

Restrooms available for Gazebo, Outdoor Pavilion, Kids Cabin, and Amphitheater only during business hours M-F, 8-5pm

## Merchandise

Shirts	\$5-\$25.00	Cost per Item
Hats	\$5-\$25.00	Cost per Item
Drinking Container	\$10-\$30	Cost per Item



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## Memorandum

To: Arvis Dawson, President Elkhart City Council

CC:

From: Jamie Arce, CPA, Controller

Date: November 19, 2024

Re: ARP Final Spending Plan

As we approach the end of the year and the deadline for using ARP State and Local Fiscal Recovery Funds, the administration proposes allocating the remaining unappropriated and unobligated funds to the Lasalle, McKinley, and Benham area water and sewer project.

This \$14.5 million project was initially funded through a combination of ARP funds (\$9.4 million) and Capital Outlay funds (\$5.1 million), as approved in Ordinances 5974 and 5975.

By utilizing the remaining ARP funds for this project, the City can comply with the program's end of year obligation rules and free up the previously allocated Capital Outlay funds for other future purposes.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROPRIATING FOUR HUNDRED TEN THOUSAND AND 00\100 DOLLARS (\$410,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE LASALLE, MCKINLEY AND BENHAM AREA WATER AND SEWER PROJECT**

---

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart (“City”) funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA;

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

*(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;*

*(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;*

*(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or*

*(D) to make necessary investments in water, sewer, or broadband infrastructure.*

WHEREAS, the LaSalle, McKinley and Benham Area Water and Sewer Project (“Project”) is an ongoing and dedicated multiyear utilities infrastructure project of the City, to extend water service to area streets where none exists, eliminate some extensive shared private

lines, eliminate lead services, loop the water mains, and remove mains where roads have been abandoned; and

WHEREAS, although the Project previously had been partially funded with American Rescue Plan (ARP) funds and partially with Capital Outlay funds, the utilization of the remaining, unappropriated and unobligated ARP funds, toward the utility project will allow the City to comply with the program's end-of-year obligation for use of ARP funds and allow the City the opportunity to redirect any unused Capital Outlay funds to other future purposes; and

WHEREAS, the Administration requests that the Common Council of the City of Elkhart appropriate the sum of Four Hundred Ten Thousand Dollars (\$410,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Infrastructure account; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund contains funds sufficient and appropriate for the project;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The amount of Four Hundred Ten Thousand Dollars (\$410,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 2474-5-000-4430000	Infrastructure	\$410,000.00
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Section 2. The Common Council has fixed the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_,  
at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, City Clerk

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

**Rod Roberson**  
*Mayor*

**Michael Huber**  
*Director of Development Services*



**Development Services**  
*Community Development*  
*Economic Development*  
*Planning Services*  
*Redevelopment*  
229 S. Second St.  
Elkhart, IN 46516  
574.294.5471  
Fax: 574.295.7501

DATE: November 18, 2024

TO: Elkhart Common Council Members

FROM: Mike Huber, Director of Development Services

RE: Economic Revitalization Area (ERA) extension for Bennington Marine's North Project

**Background:**

In November 2022, Bennington Marine was approved for a five-year real property and five-year personal property tax phase-in. Their SB-1 real property estimated an investment of \$3,700,000 in new building construction. Their SB-1 personal property estimated an investment of \$8,075,625 in manufacturing equipment. Bennington estimated 14 new jobs from this project, with an average annual wage of \$97,857. Due to a downturn in the marine industry, Bennington has been unable to start their project. They are confident that a two-year ERA extension would provide enough time to complete the investments cited on their SB-1s.

**Recommendation**

We are recommending a two-year ERA extension, for Bennington's real property and personal property tax phase-ins. Per the EDC's Project Impact Estimates Sheet, the tax revenue generated from the proposed project is \$772,247. The projected tax savings is \$379,414.



**RESOLUTION NO. R-**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, AMENDING RESOLUTION R-45-22 TO EXTEND THE EXPIRATION DATE  
OF THE ECONOMIC REVITALIZATION AREA GRANTED TO MARINE REALTY,  
LLC DBA BENNINGTON MARINE (NORTH)**

---

WHEREAS, on November 7, 2022, the Common Council of the City of Elkhart considered and adopted Resolution No. R-45-22, declaring a certain area to be an Economic Revitalization Area (ERA) under Indiana Code 6-1.1-12.1, for the purpose of allowing a tax deduction under Indiana Code 6-1.1-12.4.5, to Marine Realty, LLC dba Bennington Marine (North), for anticipated investments in new manufacturing equipment (the “New Equipment”) in the ERA, as described in the STATEMENT OF BENEFITS (FORM SB-1/PERSONAL PROPERTY) and for the anticipated investments involving improvements to that certain real property in the ERA, (the “Project”), as described in the STATEMENT OF BENEFITS (FORM SB-1/REAL PROPERTY), submitted by Marine Realty, LLC dba Bennington Marine (North); and

WHEREAS, under Resolution No. R-45-22, the Common Council set December 31, 2024, as the expiration date of the ERA, serving as the date by which Marine Realty, LLC dba Bennington (North) was required to complete the Project and install the New Equipment, as provided in the STATEMENTS OF BENEFITS (FORM SB-1/PP AND FORM SB-1 RP); and

WHEREAS, on November 21, 2022, under Resolution No. R-50-22, the Common Council of the City of Elkhart confirmed the designation of the ERA and under Resolution No. R-51-22, approved the MEMORANDA OF AGREEMENTS between the City of Elkhart and Marine Realty, LLC dba Bennington Marine (North) under which the tax deduction benefits would be allowed; and

WHEREAS, under the MEMORANDA OF AGREEMENTS, Marine Realty, LLC dba Bennington Marine (North) committed to the installation of the New Equipment and the Project

by December 31, 2024; and

WHEREAS, in response to economic conditions caused by a general downturn in the marine industry, Marine Realty, LLC dba Bennington Marine (North) has been unable to start the real property Project or install the New Equipment, prior to December 31, 2024, expiration date of the ERA;

WHEREAS, Marine Realty, LLC dba Bennington Marine (North) represents that an extension of the ERA to December 31, 2026, will afford the company sufficient additional time within which to complete the investments promised on their STATEMENT OF BENEFITS (FORM SB-1/PP AND FORM SB-1 RP), and otherwise comply with the corresponding *Memoranda of Agreement*.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. After considering the evidence presented this date, December 2, 2024, the Common Council hereby amends Resolution No. R-51-22 to extend the expiration date of the Economic Revitalization Area to December 31, 2026, and hereby approves the application of the extended date to the completion date of the investments cited on their STATEMENT OF BENEFITS (FORM SB-1/PP AND FORM SB-1 RP), *Memorandum of Agreement – Personal Property*, and *Memorandum of Agreement – Real Property*, respectively.

Section 2. The Common Council's Administrative Assistant shall immediately mail a certified copy of this Resolution to Marine Realty, LLC dba Bennington Marine (North), the Elkhart County Auditor, and the Elkhart County Assessor.

Section 3. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at  
\_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

**EDC of Elkhart County**  
**DIRECT PROJECT IMPACT ESTIMATES**



**PROJECT:** Bennington-North  
**TAX DISTRICT:** Oscolo 027

Date Printed: 9-28-22

tax rate 1.7646

Current Tax Rate Calculations	Gross Rate	PTRC	Net Rate
Structures (Real Property)	1.7646	0	\$ 1.7646
Machinery & Equipment (Personal Property)	1.7646	0	\$ 1.7646

Project Estimates	Investment	Phase-in	Schedule
Structures (Real Property)	\$ 3,700,000	5	Years
Machinery & Equipment (Personal Property)	\$8,075,625	5	Years

**Tax Abatement Schedules**

New Structures	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	100%	\$ -	\$ 1.7646	\$ -	\$ 65,290
Year 2	80%	\$ 740,000	\$ 1.7646	\$ 13,058	\$ 52,232
Year 3	60%	\$ 1,480,000	\$ 1.7646	\$ 26,116	\$ 39,174
Year 4	40%	\$ 2,220,000	\$ 1.7646	\$ 39,174	\$ 26,116
Year 5	20%	\$ 2,960,000	\$ 1.7646	\$ 52,232	\$ 13,058
Year 6	0%	\$ 3,700,000	\$ 1.7646	\$ 65,290	\$ -
Year 7	0%	\$ 3,700,000	\$ 1.7646	\$ 65,290	\$ -
Year 8	0%	\$ 3,700,000	\$ 1.7646	\$ 65,290	\$ -
Year 9	0%	\$ 3,700,000	\$ 1.7646	\$ 65,290	\$ -
Year 10	0%	\$ 3,700,000	\$ 1.7646	\$ 65,290	\$ -
<b>TOTAL</b>				\$ 457,031	\$ 195,871

New Machinery & Equipment	Depreciation Pool #2	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	40%	100%	\$ -	\$ 1.7646	\$ -	\$ 57,001
Year 2	56%	80%	\$ 904,470	\$ 1.7646	\$ 15,960	\$ 63,841
Year 3	42%	60%	\$ 1,356,705	\$ 1.7646	\$ 23,940	\$ 35,911
Year 4	32%	40%	\$ 1,550,520	\$ 1.7646	\$ 27,360	\$ 18,240
Year 5	30%	20%	\$ 1,938,150	\$ 1.7646	\$ 34,201	\$ 8,550
Year 6	30%	0%	\$ 2,422,688	\$ 1.7646	\$ 42,751	\$ -
Year 7	30%	0%	\$ 2,422,688	\$ 1.7646	\$ 42,751	\$ -
Year 8	30%	0%	\$ 2,422,688	\$ 1.7646	\$ 42,751	\$ -
Year 9	30%	0%	\$ 2,422,688	\$ 1.7646	\$ 42,751	\$ -
Year 10	30%	0%	\$ 2,422,688	\$ 1.7646	\$ 42,751	\$ -
<b>TOTAL</b>					\$ 315,215	\$ 183,543

**GRAND TOTAL** \$ 772,247 \$ 379,414

**INCOME TAX IMPACT**

	Total Jobs	Total Salaries	Average Salaries
Current Jobs	171	11,650,641.60	\$68,132
Retained Jobs	171	\$11,650,642	\$68,132
New Jobs	14	\$1,370,034	\$97,860
<b>TOTAL EMPLOYMENT</b>		\$13,020,675	
<b>TOTAL ANNUAL PAYROLL</b>			\$13,020,675
<b>TOTAL ANNUAL STATE INCOME TAX @ 3.4%</b>			\$442,703
<b>TOTAL ANNUAL C.A.G.I.T. @1.25%</b>			\$162,758
<b>TOTAL ANNUAL C.E.D.I.T. @ 0.25%</b>			\$32,552

**REAL PROPERTY TAX PHASE-IN POINT SYSTEM**

Company Name: Marine Realty DBA Bennington

Date: 9/20/2022

Address: 2805 Decio Dr Elkhart In. N location

Projects will be considered for Phase-In if:

1. The company/project meets all of the criteria set forth under I.C. 6-1.1 1-12.1 et seq in the form of deductions from assessed valuation
2. The proposed new investment includes at least \$500,000 of Real Property that qualifies for Tax Phase-In
3. Construction has not begun and/or equipment has not been ordered or the equipment will be new to Indiana
4. In addition, if the applicant is in the company, authorization of the application must be obtained from the company

TAX BASE BENEFITS		Points Possible	Points Assigned
A.	Total new investment in real property (both redevelopment (new structures) and rehabilitation): 3,700,000		
	▫ \$20,000,000 and above	25	
	▫ \$10,000,000 to \$19,999,999	20	
	▫ \$5,000,000 to \$9,999,999	15	
x	▫ \$2,500,000 to \$4,999,999	10	10
	▫ \$500,000 to \$2,499,999	5	
<b>JOB BENEFITS</b>			
A.	Total number of jobs created at facility of proposed project: 14		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	
	▫ 25 to 49	10	
x	▫ 10 to 24	5	5
B.	Total number of existing jobs at facility of proposed project: 171		
	▫ 250 or more	5	
x	▫ 100 to 249	4	4
	▫ 50 to 99	3	
	▫ 25 to 49	2	
x	▫ 10 to 24	1	
C.	Median employee salary (including existing and new employees) \$68,132		
x	▫ \$65,000 and above	25	25
	▫ \$55,000 to \$64,999	20	
	▫ \$45,000 to \$54,999	10	
	▫ \$40,000 to \$44,999	5	
	▫ Less than \$40,000	0	
D.	Median employee compensation benefits:		
y	Health Insurance	2	2
n	Dental Insurance	1	0
n	Vision Insurance	1	0
y	Life Insurance	1	1
y	Disability Insurance	1	1
y	Sick Leave (Paid)	1	1
y	Vacation (Paid)	1	1
y	Holidays (Paid)	1	1
y	Personal Days (Paid)	1	1
y	Employee Training	2	1
y	Tuition Reimbursement	3	1
y	401k/Pension Plan	2	2
y	ESOP/Profit Sharing	2	2

<b>ECONOMIC DEVELOPMENT BENEFITS</b>			
<input checked="" type="checkbox"/>	The project will be used for a national or regional headquarters.	10	10
<b>INFRASTRUCTURE BENEFITS</b>			
	The applicant pays for the installation of public infrastructure in the following amount:		
	▫ \$750,000 or more	10	0
	▫ \$400,000 to \$749,999	6	0
	▫ \$200,000 to \$399,999	3	0
<b>TARGETED INDUSTRY</b>			
	The project is an industry targeted by the Elkhart County Economic Development Corporation Strategic Plan	20	0
	▫ Agribusiness		
	▫ Advanced Recycling		
	▫ Automotive Tier I / Tier II Production		
	▫ Electronics		
	▫ Financial and Professional Services		
	▫ Health Care		
	▫ Robotics		
	The project is an industry targeted by the Indiana Economic Development Corporation	10	0
	▫ Aerospace & Aviation		
	▫ Advanced Manufacturing		
	▫ Cybersecurity		
	▫ Defense & National Security		
	▫ Energy		
	▫ Information Technology (IT)		
	▫ Life Sciences		
	▫ Logistics & Transportation		
	▫ Motorsports		
<b>TOTAL POINTS</b> (190 points possible)			78
<b>OPTIONAL ECONOMIC HEALTH INDICATOR</b>			
	<u>Unemployment Rate</u>	<u>Multiplier</u>	
	0.0% - 3.4%	90%	70.2
	3.5% - 5.0%	95%	74.1
	5.1% - 8.5%	100%	78
	8.6% and Above	105%	81.9
<b>TERM RECOMMENDATION</b>			
<input checked="" type="checkbox"/>	Over 51 Points 5-Year Tax Phase-In		
<input type="checkbox"/>	30 to 50 Points 3-Year Tax Phase-In		

## PERSONAL PROPERTY TAX PHASE-IN POINT SYSTEM

Company Name: Marine Realty DBA ( Bennington)

Date: 9-20-22

Projects will be considered for Phase-In if:

1. The company/project meets all of the criteria set forth under I.C. 6-1.1 1-12.1 et seq in the form of deductions from assessed valuation
2. The proposed new investment includes at least \$500,000 of Real Property that qualifies for Tax Phase-In
3. Construction has not begun and/or equipment has not been ordered or the equipment will be new to Indiana
4. In addition, if the applicant is not the company, authorization of the application must be obtained from the company

TAX BASE BENEFITS		Points Possible	Points Assigned
A.	Total new investment in business personal property (or relocation of equipment from out of State): \$8,705,625		
	▫ \$20,000,000 and above	25	
	▫ \$10,000,000 to \$19,999,999	20	
x	▫ \$5,000,000 to \$9,999,999	15	15
	▫ \$2,500,000 to \$4,999,999	10	
	▫ \$500,000 to \$2,499,999	5	
<b>JOB BENEFITS</b>			
A.	Total number of jobs created at facility of proposed project: 14		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	
	▫ 25 to 49	10	
x	▫ 10 to 24	5	5
B.	Total number of existing jobs at facility of proposed project: 171		
	▫ 250 or more	5	
x	▫ 100 to 249	4	4
	▫ 50 to 99	3	
	▫ 25 to 49	2	
	▫ 10 to 24	1	
C.	Median employee salary (including existing and new employees): 68,132		
x	▫ \$65,000 and above	25	25
	▫ \$55,000 to \$64,999	20	
	▫ \$45,000 to \$54,999	10	
	▫ \$40,000 to \$44,999	5	
	▫ Less than \$40,000	0	
D.	Median employee compensation benefits:		
y	Health Insurance	2	2
n	Dental Insurance	1	0
n	Vision Insurance	1	0
y	Life Insurance	1	0
y	Disability Insurance	1	1
y	Sick Leave (Paid)	1	1
y	Vacation (Paid)	1	1
y	Holidays (Paid)	1	1
y	Personal Days (Paid)	1	1
y	Employee Training	2	2
y	Tuition Reimbursement	3	3
y	401k/Pension Plan	2	2
y	ESOP/Profit Sharing	2	2
y	Succession Plan	3	3
<b>REDEVELOPMENT BENEFITS</b>			

**Property Tax Phase-In Application**  
to Elkhart City Government

This application is to request the designation of an Economic Revitalization Area (ERA) for the purpose of obtaining a property tax phase-in (tax abatement). The application is to be completed and signed by the owner of the property where the real property improvements, the installation of personal property, and/or the occupancy of an eligible vacant building is to occur. The designating body will review this application to determine whether a particular area should be designated as an ERA in accordance with Indiana Code (I.C.) 6-1.1-12.1 and all subsequent amendments made thereafter. The designating body makes no representation as to the effect of a designation granted by it for purposes of any further applications or approvals required under I.C. 6-1.1-12.1 and makes no representation to any applicant concerning the validity of any benefit conferred.

**Application is to offset: (check all that apply)**

- Real Property Improvements (e.g. new building, addition and/or modification)
- Personal Property (e.g. Equipment for manufacturing; research and development, logistics and distribution; or information technology.)
- Vacant Building

There is a non-refundable filing fee of \$750 for each category. This filing fee is used to defray the costs incurred in processing the application pursuant to I.C. 6-1.1-12.1-2(h). A check payable to **City Of Elkhart** must be included with the application.

General Information				
Company Name	Marine Realty LLC dba Bennington Marine			
Federal Employer I.D.(FEIN)	27-1321924	NAICS Code	336612	
Website	benningtonmarine.com	Year Company founded	1997	
Company Business (Brief Description)				
Luxury pontoon boat manufacturer				
Project Contact Person/Representative				
Andrew Bona				
Address				
2805 Decio Dr. Elkhart, IN 46514				
Phone				
(574)970-5115				
Email				
andrew.bona@polaris.com				
Senior Company Official				
Andy Roeder				
Address				
2805 Decio Dr. Elkhart, IN 46514				
Phone				
(574)264-6336				
Email				
andy.roeder@polaris.com				
Proposed Project Site Information				
Property Owner(s)				
Marine Realty LLC dba Bennington Marine				
Address				
2805 Decio Dr. Elkhart, IN 46514 (North building)				
Parcel Number(s)				
20-02-23-451-010.000-027				
Legal Description of property (attach if necessary)				
REPLAT OF LOTS; B-20 B-21 AND B-23				
NORTHLAND PARK SECTION THREE LOT 1				
Does Company currently do business at this site?				
		Yes	<input checked="" type="checkbox"/>	No
If no, how is site currently being used?				
What buildings are on the site?				
Main, North, Shipping				
What is the condition of the buildings?				
Good				
Have the buildings at this site been vacant for more than a year?				
		Yes		No
			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Are the buildings at this site more than 25 years old?				
		Yes	<input checked="" type="checkbox"/>	No
Will the proposed project be used for a national or regional headquarters?				
		Yes	<input checked="" type="checkbox"/>	No
Is this a blighted or mitigated Brownfield site?				
		Yes		No
				<input checked="" type="checkbox"/>
Current assessed value of real estate				
		Land	7,441,200	Improvements
				N/A



**Community Benefits**

**Impacts and status**

Will any additional public utilities, services or other public infrastructure be required by this project?

Yes No X

If yes, explain the type required and the amount the applicant will be contributing toward the public infrastructure.

**Employment**

Will all current employees be retained at Project Site as a result of this project?

Yes X No

If no, explain:

**Current Full-Time Employment at Project Site**

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management	5	\$62.40	\$129,794	81122-190000	\$130,000
Professional/Technical	16	\$47.97	\$99,779	65000-164275	\$92,932
Sales					
Office/Administrative Support	1	\$34.50	\$71,753	\$71,753	\$71,753
Production Supervision	4	\$56.37	\$117,258	92700-158966	\$108,682
Production	144	\$29.39	\$61,125	41101-88650	\$62,400
Maintenance	1	\$29.61	\$61,589	\$91,589	\$61,589
Other					
<b>Total</b>	<b>171</b>		<b>\$68,128</b>	<b>\$41,101 - \$190,000</b>	<b>\$70,000</b>

**Full-time jobs to be created as a result of this project**

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management					
Professional/Technical	9	\$50.48	\$105,000	90000-130000	\$97,000
Sales					
Office/Administrative Support	5	\$40.87	\$85,000	75000-89000	\$87,000
Production Supervision					
Production					
Maintenance					
Other					
<b>Total</b>	<b>14</b>		<b>\$97,857</b>	<b>\$75,000 - \$130,000</b>	<b>\$95,000</b>

\*Do NOT include costs of any benefits

\*\* Median Annual Wage: The middle (midpoint) salary of all positions rather than the average (mean) salary

**Additional financial compensation (attach additional pages, if needed)**

Explain in detail, by job category, any additional financial compensation earned. (Examples may include commission, bonus, overtime, piece rate, attendance, etc.) - Wages above are base wages only and do not include overtime, volume, or attendance.

Bonus under management incentive plan or sales incentive plan ranging 10% to 20% of base for Management and Sales positions.

**Projected Phasing of new jobs**

Calendar Year	2022	2023	2024	2025	Total
Management					0
Professional/Technical	3	3	1	2	0
Sales					0
Office/Administrative Support		3	2		5
Production Supervision					0
Production					0
Maintenance					0
Other					0
<b>Total</b>	<b>3</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>14</b>



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)  
Prescribed by the Department of Local Government Finance

20__ PAY 20__
<b>FORM SB-1 / Real Property</b>
<b>PRIVACY NOTICE</b>
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer <b>Marine Realty LLC dba Bennington Marine</b>					
Address of taxpayer (number and street, city, state, and ZIP code) <b>2805 Decio Dr. Elkhart, IN 46514</b>					
Name of contact person <b>Andrew Bona</b>		Telephone number <b>( 574 ) 970-5115</b>		E-mail address <b>andrew.bona@polaris.com</b>	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body				Resolution number	
Location of property <b>2805 Decio Dr. Elkhart, IN 46514</b>		County <b>Elkhart</b>		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>Connecting Main and North buildings to improve efficiency. Expand shipping warehouse to increase capacity and provide better working space for maintenance department.</b>				Estimated start date (month, day, year) <b>01/01/2023</b>	
				Estimated completion date (month, day, year) <b>12/31/2025</b>	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number <b>171.00</b>	Salaries <b>\$11,649,888.00</b>	Number retained <b>171.00</b>	Salaries <b>\$11,649,888.00</b>	Number additional <b>14.00</b>	Salaries <b>\$1,369,998.00</b>
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST		ASSESSED VALUE
Current values			6,394,619.64		7,441,200.00
Plus estimated values of proposed project			3,700,000.00		
Less values of any property being replaced			0.00		0.00
Net estimated values upon completion of project			10,094,619.64		
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) <b>9/24/22</b>	
Printed name of authorized representative <b>Andy Roeder</b>			Title <b>Chief Financial Officer</b>		



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51764 (R4 / 11-15)  
Prescribed by the Department of Local Government Finance

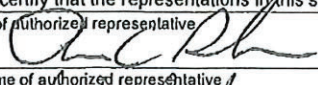
**FORM SB-1 / PP**

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

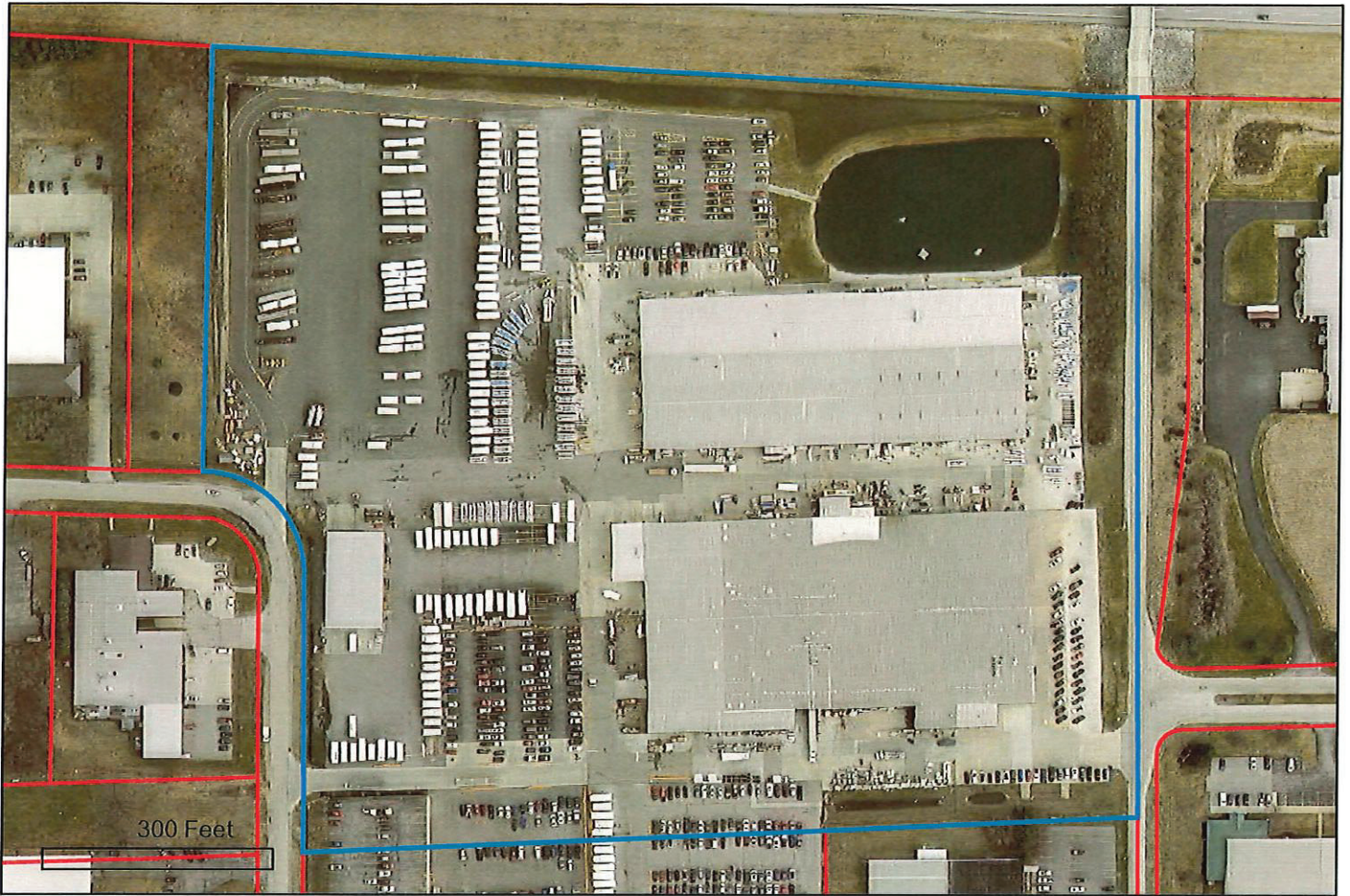
**INSTRUCTIONS**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION								
Name of taxpayer <b>Marine Realty LLC dba Bennington Marine</b>			Name of contact person <b>Andrew Bona</b>					
Address of taxpayer (number and street, city, state, and ZIP code) <b>2805 Decio Dr. Elkhart, IN 46514</b>				Telephone number <b>( 574 ) 970-5115</b>				
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT								
Name of designating body				Resolution number (s)				
Location of property <b>2805 Decio Dr. Elkhart, IN 46514</b>			County <b>Elkhart</b>		DLGF taxing district number			
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) <b>Automate manufacturing process, including adding tube roller integrated cell, nose cone automation cells, and girth seam welding cells</b>				ESTIMATED				
					START DATE	COMPLETION DATE		
				Manufacturing Equipment	01/01/2023	06/01/2025		
				R & D Equipment				
				Logist Dist Equipment				
				IT Equipment				
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT								
Current number <b>171</b>	Salaries <b>11649888</b>	Number retained <b>171</b>	Salaries <b>11649888</b>	Number additional <b>14</b>	Salaries <b>1349293</b>			
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT								
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
	Current values	<b>2,797,713</b>	<b>2,573,740</b>					
	Plus estimated values of proposed project	<b>8,075,625</b>						
	Less values of any property being replaced							
Net estimated values upon completion of project								
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____					
Other benefits:								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.								
Signature of authorized representative 				Date signed (month, day, year) <b>9/24/22</b>				
Printed name of authorized representative <b>Andy Koeder</b>			Title <b>Chief Financial Officer</b>					

# Elkhart County, IN

2805 DECIO DRIVE, ELKHART, IN 46514  
20-02-23-451-010.000-027



## Parcel Information

## Taxing District

**Parcel Number:** 20-02-23-451-010.000-027

**Township:** OSOLO TOWNSHIP

**Alt Parcel Number:** 02-23-451-010-027

**Corporation:** Elkhart Community Schools

**Property Address:** 2805 DECIO DRIVE  
ELKHART, IN 46514

## Land Description

**Neighborhood:** 2737009-Industrial-Acre-City Public  
Utilities-Good

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
------------------	----------------	-------------------

**Property Class:** Industrial: Light Manufacturing & Assembly - 340

Primary Com & Ind	16.25	
Undeveloped Unusable Com & Ind	0.26	
Undeveloped Usable Com & Ind	0.25	

**Owner Name:** MARINE REALTY LLC

**Owner Address:** 2805 Decio Dr  
Elkhart, IN 46514-7666

**Legal Description:** REPLAT OF LOTS; B-20 B-21 AND B-23  
NORTHLAND PARK SECTION THREE LOT 1



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## Memorandum

To: Arvis Dawson, President, Elkhart City Council

From: Jamie Arce, CPA, Controller

Date: November 19, 2024

Regarding: State Board of Accounts Bank Reconciliation Adjustment

I am writing to request your authorization to work with the Indiana State Board of Accounts (SBOA) to correct an ongoing bank reconciliation error. This error has persisted in some fashion since 2003 and resulted in the City underreporting City's cash balance.

As part of the exit conference for the 2023 audit the SBOA recommended that the City request permission to adjust the balance to the correct amount. Once approved by the SBOA this solution requires the City Controller to take specific actions to adjust the City's financial records to agree with the reported bank balance.

By authorizing the City Controller to work with the SBOA, we can ensure that the error is corrected and future reporting issues are no longer an area of concern.

Thank you for your attention to this matter. Please let me know if you have any questions.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
ELKHART, INDIANA, AUTHORIZING THE CITY CONTROLLER TO  
COLLABORATE WITH THE INDIANA STATE BOARD OF ACCOUNTS  
FOR THE PURPOSE OF RECONCILING THE CITY'S BANK AND  
INTERNAL CASH ACCOUNTS**

---

WHEREAS, during the 2023 exit conference with the State Board of Accounts (SBOA), the SBOA recommended that the City Controller collaborate with the SBOA, to formulate appropriate entries for the City's financial records, to correct a reconciliation error which has been ongoing and persisting since approximately 2003; and

WHEREAS, the reconciliation error has created a disparity in the cash balance appearing in the City's financial records for the City's cash account, and the financial records of the City's bank, which reflects a larger cash balance on deposit with the bank, and the correct cash balance of funds on deposit with the bank; and

WHEREAS, the SBOA has recommended that the City Controller request the consent of the Common Council, as the fiscal body of the City, to authorize the Controller to collaborate with the SBOA, to devise a solution to correct the disparity and reconcile the City's account to that of the bank;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The Common Council of the City of Elkhart hereby authorizes the City Controller to work with the Indiana State Board of Accounts to define one or more appropriate corrective measures to reconcile the records of the City's cash account with the records of the

City's bank.

Section 2. The City Controller of the City of Elkhart is hereby authorized to implement the solution devised by the City Controller and the State Board of Accounts, to adjust the balance of the cash account and reconcile the same, to the records of the City's bank.

Section 3. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
\_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

**Rod Roberson**  
Mayor

**Michael Huber**  
Director of Development Services



**Development Services**  
Community Development  
Economic Development  
Planning Services  
Redevelopment  
229 S. Second St.  
Elkhart, IN 46516

DATE: December 2, 2024  
TO: Elkhart Common Council Members  
FROM: Mike Huber, Director of Development Services  
RE: Tax Phase-in Application for Voyant Beauty

**Background**

Voyant Beauty’s Elkhart West location is a multi-faceted facility that offers aerosol blend configurations and specialty viscous liquids for large customers. They work with other plants and development labs to meet customer needs across hair, body, face, sun, and natural formulations. Voyant’s Elkhart West location is located at 1919 Superior St.

**Private Investment**

Voyant plans to invest \$3,100,000 in personal property equipment. This is projected to create 48 new positions, with an average annual salary of \$58,796. The projected tax revenue from the proposed project is \$205,716. The projected tax savings is \$119,784.

The proposed project will be phased in over five years. The table below highlights the planned personal property investments. The subsequent table highlights the projected phasing of new jobs.

Calendar Year	2025	2026	Total
Land Acquisition			
New building construction			
Existing building improvements			
Manufacturing equipment	\$3,100,000		\$3,100,000
Research and Development equipment			
Logistics Distribution equipment			
Information Technology equipment			
On-site rail infrastructure			
On-site fiber infrastructure			
Grand total	\$3,100,000		\$3,100,000

Calendar Year	2025	2026	2027	Total
Management				
Professional/Technical	5	5	5	15
Sales				
Office/Administrative Support				
Production Supervision	1	1	1	3
Production	7	7	7	21
Maintenance	1	1	1	3
Other	2	2	2	6
Total	16	16	16	48

**Recommendation**

Our staff, with support from the EDC, is recommending a five-year personal property tax phase-in. Per the EDC’s Project Impact Estate sheet, the projected tax revenue from the proposed project is \$205,716. The projected tax savings is \$119,784.



**RESOLUTION NO. R \_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, DECLARING A CERTAIN AREA TO BE AN ECONOMIC REVITALIZATION AREA FOR THE PURPOSE OF GRANTING TAX PHASE-IN BENEFITS TO ACCRA-PAC, INC. DBA VOYANT BEAUTY \ NM VYT, LLC**

WHEREAS, Indiana Code 6-1.1-12.1 (the “Act”) authorizes the Common Council of the City of Elkhart, Indiana (“Common Council”) to designate an area within the territorial boundaries of the City of Elkhart, Indiana as an economic revitalization area, as that term is defined in Section 1 of the Act, for the purpose of allowing certain qualified businesses the right to receive deductions from the assessed value of improvements made to real property and personal property located in the economic revitalization area; and

WHEREAS, Accra-Pac, Inc. dba Voyant Beauty \ NM VYT, LLC, (hereinafter the “Applicant\Property Owner”) filed an application with the City of Elkhart, requesting that the real estate described in Exhibit A attached to this Resolution (the “Area”) be designated as an economic revitalization area by the Common Council for the purpose of allowing a deduction from the assessed value of the manufacturing equipment to be installed for three compounding tanks with agitation to be used in the production of liquids (the “New Equipment”); and

WHEREAS, the Applicant\Property Owner filed with the City a Statement of Benefits Form (SB-1/Personal Property) for the New Equipment (hereinafter the “Statement of Benefits”); and

WHEREAS, prior to the installation of the New Equipment, the Area had become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values and prevented normal development and use of the property; and

WHEREAS, the Common Council has caused to be prepared maps and plats showing the boundaries of the Area; and

WHEREAS, the Common Council has studied the Area and considered the Applicant\Property Owner’s request to designate the area as an economic revitalization area and the Statement of Benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, as follows:

1. After considering the evidence presented at the public meeting conducted this date, the Common Council hereby finds and determines that:
  - A. the estimate of the cost of the New Equipment is reasonable for equipment of this type in this Area;

B. the estimate of the number of individuals who will be employed or whose employment will be retained in the Area can reasonably be expected to result from the installation of the New Equipment;

C. the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained in the Area can reasonably be expected to result from the installation of the New Equipment;

D. the other benefits about which information was requested are benefits that can reasonably be expected to result from the installation of the New Equipment; and

E. the totality of benefits is sufficient to justify declaring the Area as an economic revitalization area and allowing deductions in accordance with the Act.

2. The Area is hereby designated an economic revitalization area under Section 2.5 of the Act (the “ERA”) and subject to the requirements of the Act for the purpose of allowing a deduction from the assessed value of the New Equipment.

3. The Administrative Assistant of the Common Council is hereby authorized and directed to make all filings necessary or desirable with the Elkhart County Assessor, to publish all notices required by the Act, and to take all other necessary actions to carry out the purposes and intent of this Resolution and to establish and designate the Area as an economic revitalization area.

4. The Administrative Assistant of the Common Council is further authorized and directed to file this Declaratory Resolution, together with any supporting information, with each of the officers of each taxing unit that has authority to levy property taxes in the Area, as provided in the Act.

5. This Declaratory Resolution shall be submitted to the public for hearing and remonstrance as provided by the Act; and said public hearing shall be convened by the Common Council December 16, 2024, at 6:00 p.m., at the City Hall, 229 S. Second Street, Elkhart, Indiana 46516.

6. In accordance with Section 2.5(b) of the Act, the Common Council hereby determines that a deduction for the installation of the New Equipment under Section 4.5 of the Act shall be allowed for a period of five (5) years. The amount of the deduction for each eligible year shall be according to the following deduction schedule:

<b>YEAR EQUIPMENT INSTALLED IN THE IN THE ERA</b>	<b>2025 Payable 2026</b>	<b>2026 Payable 2027</b>	<b>2027 Payable 2028</b>	<b>2028 Payable 2029</b>	<b>2029 Payable 2030</b>	<b>2030 Payable 2031</b>	<b>2031 Payable 2032</b>	<b>2032 Payable 2033</b>
2025	100%	80%	60%	40%	20%	-	-	-
2026	-	100%	80%	60%	40%	20%	-	-
2027	-	-	100%	80%	60%	40%	20%	-

7. The deduction schedule shall commence in the first year that the New Equipment

is installed in the Area designated as an ERA. The ERA shall expire on the last year of the applicable deduction schedule for the New Equipment, unless terminated sooner by action of the Common Council under the Act.

8. The Common Council, with the consent of property owner, adopts and incorporates by reference into this Resolution the provisions of Indiana Code 6-1.1-12.1-14 and imposes a fee on the property owner equal to 15% of the tax savings as determined under Indiana Code 6-1.1-12.1-14(c).

9. The Common Council hereby adopts and incorporates by reference the provisions of Indiana Code 6-1.1-12.1-12, providing that if the owner of the property or tenant of the property, ceases operations at the facility for which the deduction was granted, and the designating body finds that the Applicant/Property obtained the deduction by intentionally providing false information concerning the Applicant and/or property owner's plans to continue operations at the facility, the Applicant/Property Owner shall pay the amount determined by the County Auditor pursuant to law, after an appeal, if any.

10. The Common Council's designation of the Area as an economic revitalization area shall terminate after a public hearing held by the Common Council in accordance with the Act if the Applicant/Property Owner:

A. fails to substantially install the proposed New Equipment, and create and maintain the level of benefits described in the Statement of Benefits;

B. fails to enter into a written agreement with the City of Elkhart confirming the Applicant/Owner's commitment to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in the Statement of Benefits; or

C. fails to continue operations at the facility for which the deduction was granted; or

D. intentionally provides false information to the designating body concerning the Applicant's or property owner's plans to continue operations at the facility.

11. The provisions of this Declaratory Resolution shall be subject in all respects to the Act and any amendments thereto.

12. This Declaratory Resolution shall take effect upon its adoption.

*[Balance of page is intentionally blank.]*

## Exhibit A

### Description of Real Property

The real property comprising the Economic Revitalization Area is described as follows:

**Property Address:** 1919 Superior Street, Elkhart IN 46516

**Parcel Number(s):** 20-06-03-301-004.000-012

20-06-03-301-005.000-012

#### Legal Description:

The Land referred to herein below is situated in the County of Elkhart, State of Indiana, and is described as follows:

A PART OF THE WEST ONE-HALF (W 1/2) OF SECTION THREE (3), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SUPERIOR STREET AND SIMPSON AVENUE AS SAME ARE PLATTED IN THE CITY OF ELKHART, INDIANA; THENCE EASTWARDLY ALONG THE SOUTH LINE OF SUPERIOR STREET, ONE THOUSAND NINE HUNDRED THIRTY (1930) FEET TO THE SOUTHWEST CORNER OF SUPERIOR STREET AND RIVERVIEW AVENUE; THENCE SOUTHWARDLY ALONG THE WEST LINE OF SAID RIVERVIEW AVENUE, SEVEN HUNDRED FIFTY AND EIGHTY- FIVE HUNDREDTHS (750.85) FEET TO AN IRON STAKE ON THE NORTH LINE OF THE NEW YORK CENTRAL RAILROAD COMPANY'S RIGHT-OF WAY; THENCE WESTWARDLY ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY ONE THOUSAND NINE HUNDRED EIGHTY-SIX AND ONE TENTH (1,986.1) FEET TO AN IRON STAKE ON THE EAST LINE OF SIMPSON AVENUE; THENCE NORTHWARDLY ALONG THE EAST LINE OF SAID SIMPSON AVENUE, ONE THOUSAND TWO HUNDRED SIXTEEN AND FIVE TENTHS (1,216.5) FEET TO THE PLACE OF BEGINNING.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

PRESENTED to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at  
\_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rod Roberson, Mayor for the City of Elkhart

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA     )  
                                  ) §  
COUNTY OF ELKHART    )

I, Debra D. Barrett, Clerk of the City of Elkhart, Indiana, do hereby certify the above is a full, true and complete copy of Resolution No. R-\_\_\_\_\_, adopted by the Common Council on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by a vote of \_\_\_\_\_ AYES and \_\_\_\_\_ NAYS, and was approved and signed by the Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Elkhart, Indiana, this \_\_\_\_ day of \_  
\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

**Rod Roberson**  
Mayor

**Michael Huber**  
Director of Development Services



**Development Services**  
Community Development  
Economic Development  
Planning Services  
Redevelopment  
229 S. Second St.  
Elkhart, IN 46516  
574.294.5471  
Fax: 574.295.7501

October 8, 2024

Cody Risner and Marty Abbott

1919 Superior St. Elkhart, IN 46516

Mr. Risner and Mr. Abbott,

Thank you for your tax phase-in application and the opportunity to tour your proposed project site. The City of Elkhart (COE) has greatly enjoyed learning more about your company and project.

Regarding the Council Process, the Declaratory Resolution will be read at the first meeting, and will be accompanied by a COE staff presentation. The COE would like to invite the designated company representative to be in attendance, as Council may have questions for the company. This is an opportunity to invite additional company representatives to the Council Meeting.

If the Declaratory Resolution is approved by Council, the Confirmatory Resolution and Memorandum(s) of Agreement, will be an agenda item for the following meeting. The company does not need to attend the second meeting.

Following the Confirmatory Resolution and the approval of the MOA(s), COE staff will send the MOA(s) to be signed by the company.

*To be very clear, you cannot make investments relevant to the real property improvements cited on your SB-1/RE or install personal property equipment cited on your SB-1/PP prior to Council approval.*

Additionally, it is stated in the MOAs, that the City Reserves the right to terminate the ERA designation and associated tax phase-in if it determines the company has not substantially complied with their commitment. Submitting a non-compliant CF-1 or failure to submit a CF-1 are considered a breach of the agreement. Factors beyond the company's control are taken into consideration when making this determination.

Please let COE staff know if you have questions or clarifications regarding the Council approval process.

City of Elkhart Signature:

*[Handwritten signature]* 10/8/24

Company Signature:

*[Handwritten signature]* 10/8/24

# EDC of Elkhart County DIRECT PROJECT IMPACT ESTIMATES



**PROJECT:** Voyant Beauty  
**TAX DISTRICT:** E.C. Concord

Date Printed: 10/8/2024

### PROPERTY TAX IMPACT

Current Tax Rate Calculations	Gross Rate	PTRC	Net Rate
Structures (Real Property)	3.0000	0.0000	\$ 3.0000
Machinery & Equipment (Personal Property)	3.0000	0.0000	\$ 3.0000

Project Estimates	Investment	Phase-in Schedule
Structures (Real Property)		
Machinery & Equipment (Personal Property)	\$ 3,100,000	5 Years

### Tax Abatement Schedules

New Structures	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	#N/A	#N/A	\$ 3.0000	#N/A	#N/A
Year 2	#N/A	#N/A	\$ 3.0000	#N/A	#N/A
Year 3	#N/A	#N/A	\$ 3.0000	#N/A	#N/A
Year 4	#N/A	#N/A	\$ 3.0000	#N/A	#N/A
Year 5	#N/A	#N/A	\$ 3.0000	#N/A	#N/A
Year 6	#N/A	#N/A	\$ 3.0000	#N/A	#N/A
Year 7	#N/A	#N/A	\$ 3.0000	#N/A	#N/A
Year 8	#N/A	#N/A	\$ 3.0000	#N/A	#N/A
Year 9	#N/A	#N/A	\$ 3.0000	#N/A	#N/A
Year 10	#N/A	#N/A	\$ 3.0000	#N/A	#N/A

**TOTAL** #N/A #N/A

New Machinery & Equipment	Depreciation Pool #2	Deduction Percentage	Assessed Value	Tax Rate	Tax Revenue	Tax Savings
Year 1	40%	100%	\$ -	\$ 3.0000	\$ -	\$ 37,200
Year 2	56%	80%	\$ 347,200	\$ 3.0000	\$ 10,416	\$ 41,664
Year 3	42%	60%	\$ 520,800	\$ 3.0000	\$ 15,624	\$ 23,436
Year 4	32%	40%	\$ 595,200	\$ 3.0000	\$ 17,856	\$ 11,904
Year 5	30%	20%	\$ 744,000	\$ 3.0000	\$ 22,320	\$ 5,580
Year 6	30%	0%	\$ 930,000	\$ 3.0000	\$ 27,900	\$ -
Year 7	30%	0%	\$ 930,000	\$ 3.0000	\$ 27,900	\$ -
Year 8	30%	0%	\$ 930,000	\$ 3.0000	\$ 27,900	\$ -
Year 9	30%	0%	\$ 930,000	\$ 3.0000	\$ 27,900	\$ -
Year 10	30%	0%	\$ 930,000	\$ 3.0000	\$ 27,900	\$ -

**TOTAL** \$ 205,716 \$ 119,784

**GRAND TOTAL** #N/A #N/A

### INCOME TAX IMPACT

	Total Jobs	Total Salaries	Average Salaries
Current Jobs			
Retained Jobs	219	\$12,193,079	\$55,676
New Jobs	48	\$2,822,208	\$58,796
<b>TOTAL EMPLOYMENT</b>	<b>267</b>	<b>\$15,015,287</b>	<b>\$56,237</b>
<b>TOTAL ANNUAL PAYROLL</b>			<b>\$15,018,287</b>
<b>TOTAL ANNUAL STATE INCOME TAX @ 3.4%</b>			<b>\$510,622</b>
<b>TOTAL ANNUAL C.A.G.I.T. @1.25%</b>			<b>\$187,729</b>
<b>TOTAL ANNUAL C.E.D.I.T. @ 0.25%</b>			<b>\$37,546</b>

Form by Region III-A Economic Development District & Regional Planning Commission  
Actual tax levy and tax savings subject to changes in tax rate and actual investment dollars.

## PERSONAL PROPERTY TAX PHASE-IN POINT SYSTEM

Projects will be considered for Phase-In if:

1. The company/project meets all of the criteria set forth under I.C. 6-1.1 1-12.1 et seq in the form of deductions from assessed valuation
2. The proposed new investment includes at least \$500,000 of Real Property that qualifies for Tax Phase-In
3. Construction has not begun and/or equipment has not been ordered or the equipment will be new to Indiana
4. In addition, if the applicant is not the company, authorization of the application must be obtained from the company

TAX BASE BENEFITS		Points Possible	Points Assigned
A.	Total new investment in business personal property (or relocation of equipment from out of State)		
	▫ \$24,000,000 and above	25	
	▫ \$12,000,000 to \$23,999,999	20	
	▫ \$6,000,000 to \$11,999,999	15	
	▫ \$3,000,000 to \$5,999,999	10	10
	▫ \$600,000 to \$2,999,999	5	
<b>JOB BENEFITS</b>			
A.	Total number of jobs created at facility of proposed project		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	
	▫ 25 to 49	10	10
	▫ 10 to 24	5	
B.	Total number of existing jobs at facility of proposed project		
	▫ 250 or more	5	
	▫ 100 to 249	4	4
	▫ 50 to 99	3	
	▫ 25 to 49	2	
	▫ 10 to 24	1	
C.	Median employee salary (including existing and new employees)		
	▫ \$78,000 and above	25	
	▫ \$66,000 to \$77,999	20	
	▫ \$54,000 to \$65,999	10	10
	▫ \$48,000 to \$53,999	5	
	▫ Less than \$48,000	0	
D.	Median employee compensation benefits		
	Health Insurance	2	2
	Dental Insurance	1	1
	Vision Insurance	1	1
	Life Insurance	1	1
	Disability Insurance	1	1
	Sick Leave (Paid)	1	
	Vacation (Paid)	1	1
	Holidays (Paid)	1	1
	Personal Days (Paid)	1	
	Employee Training	2	2
	Tuition Reimbursement	3	3
	401k/Pension Plan	2	2
	ESOP/Profit Sharing	2	
	Succession Plan	3	
<b>REDEVELOPMENT BENEFITS</b>			
A.	Project redevelops a brownfield site.	20	
B.	Project utilizes an obsolete facility that has been vacant for at least one (1) year.	10	
C.	Project utilizes an obsolete facility that is at least twenty-five (25) years old.	10	10



D.	Project develops in a Qualified Census Tract as designated by US Housing & Urban Development	10	
----	--	----	--

<b>ECONOMIC DEVELOPMENT BENEFITS</b>			
	The project will be used for a national or regional headquarters.	10	
<b>INFRASTRUCTURE BENEFITS</b>			
	The applicant pays for the installation of public infrastructure in the following amount		
	▫ \$900,000 or more	10	
	▫ \$480,000 to \$899,999	6	
	▫ \$240,000 to \$479,999	3	
<b>TARGETED INDUSTRY</b>			
	The project is an industry targeted by the Elkhart County Economic Development Corporation Strategic Plan	20	
	▫ Agribusiness		
	▫ Advanced Recycling		
	▫ Automotive Tier I / Tier II Production		
	▫ Electronics		
	▫ Financial and Professional Services		
	▫ Health Care		
	▫ Robotics		
	The project is an industry targeted by the Indiana Economic Development Corporation	10	
	▫ Aerospace & Aviation		
	▫ Advanced Manufacturing		10
	▫ Cybersecurity		
	▫ Defense & National Security		
	▫ Energy		
	▫ Information Technology (IT)		
	▫ Life Sciences		
	▫ Logistics & Transportation		
	▫ Motorsports		
<b>TOTAL POINTS (190 points possible)</b>			69
<b>OPTIONAL ECONOMIC HEALTH INDICATOR</b>			
	<u>Unemployment Rate</u>	<u>Multiplier</u>	
	0.0% - 3.4%	90%	62.1
	3.5% - 5.0%	95%	65.55
	5.1% - 8.5%	100%	69
	8.6% and Above	105%	72.45
<b>TERM RECOMMENDATION</b>			
Over 51 Points 5-Year Tax Phase-In			
30 to 50 Points 3-Year Tax Phase-In			

**Property Tax Phase-In Application**  
to Elkhart County Government

This application is to request the designation of an Economic Revitalization Area (ERA) for the purpose of obtaining a property tax phase-in (tax abatement). The application is to be completed and signed by the owner of the property where the real property improvements, the installation of personal property, and/or the occupancy of an eligible vacant building is to occur. The designating body will review this application to determine whether a particular area should be designated as an ERA in accordance with Indiana Code (I.C.) 6-1.1-12.1 and all subsequent amendments made thereafter. The designating body makes no representation as to the effect of a designation granted by it for purposes of any further applications or approvals required under I.C. 6-1.1-12.1 and makes no representation to any applicant concerning the validity of any benefit conferred.

**Application is to offset: (check all that apply)**

- Real Property Improvements (e.g. new building, addition and/or modification)  
 Personal Property (e.g. Equipment for manufacturing; research and development, logistics and distribution; or information technology.)  
 Vacant Building

There is a non-refundable filing fee of \$750 for each category. This filing fee is used to defray the costs incurred in processing the application pursuant to I.C. 6-1.1-12.1-2(h). A check payable to **City Of Elkhart** must be included with the application.

General Information				
Company Name	Accra-Pac, Inc. DBA Voyant Beauty			
Federal Employer I.D. (FEIN)	35-1135713	NAICS Code	325620	
Website	<a href="https://www.voyantbeauty.com/integrated-solution/">https://www.voyantbeauty.com/integrated-solution/</a>	Year Company founded	2005	
Company Business (Brief Description)				
Voyant's Elkhart multi-faceted facility services larger customers with a full offering of aerosol blend configurations and specialty, high complexity viscous liquids in bottles, jars, and tubes. Features an integrated development lab for aerosol or bag-on-valve products onsite, enabling rapid scale-up into full-scale production, working in conjunction with other development labs and plants to scale and transfer to meet rapid development customer needs across hair, body, face, sun, and natural formulations.				
Project Contact Person/Representative	Marty Abbott			
Address	1919 Superior St. Elkhart, IN 46516			
Phone	203-249-9099	Email	Marty.Abbott@the-imgroup.com	
Senior Company Official	Cody Risner (General Manager - Elkhart Home Care)			
Address	1919 Superior St. Elkhart, IN 46516			
Phone	574-296-0000 ext: 315333	Email	Cody.Risner@voyantbeauty.com	
Proposed Project Site Information				
Property Owner(s)	NM VYT, LLC			
Address	1919 Superior St. Elkhart, IN 46516			
Parcel Number(s)	Lot #1 is 06-03-301-004-012 and Lot # 2 is 06-03-301-005-012			
Legal Description of property (attach if necessary)				
Part of the west half of Section 3, Township 37 North, Range 5 East, City of Elkhart, Elkhart County, Indiana				
Does Company currently do business at this site?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If no, how is site currently being used?				
What buildings are on the site?	One Manufacturing Facility On Site			
What is the condition of the buildings?	Good Condition			
Have the buildings at this site been vacant for more than a year?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Are the buildings at this site more than 25 years old?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Will the proposed project be used for a national or regional headquarters?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Is this a blighted or mitigated Brownfield site?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Current assessed value of real estate	Land	Lot 1- \$5,753,200 Lot 2- \$116,000	Improvements	

<b>Proposed Project Information</b>			
Description of proposed improvements (Attach additional project details, if needed)			
Structures:			
Manufacturing equipment:	See the attached		
Research and Development equipment:			
Logistics and Distribution equipment:			
Information Technology equipment:			
Proposed start date for project	01/06/2025	Proposed end date for project	3/31/2025
Proposed start date for operations	4/1/2025		

Has the new equipment associated with this project been used by the owner/taxpayer (or related entity) in the state of Indiana?	Yes		N/A	
	No	X		
If yes, provide details including where the equipment will come from and how it will be acquired:				

Will the new equipment associated with this project be leased?	Yes		N/A	X
	No			
If yes, provide details including from whom and for what term				

Will this project require approval of rezoning, plat, development plan, vacation, variance, special exemption, or contingent use?	Yes		No	X
	No			
If yes, list:				

<b>Proposed Investment</b>					
Calendar Year	2023	2024	2025	2026	Total
Land acquisition					\$ -
New building construction					\$ -
Existing building improvements					\$ -
Manufacturing equipment			\$3,100,000		\$ 3,100,000
Research and Development equipment					\$ -
Logistics and Distribution equipment					\$ -
Information Technology equipment					\$ -
On-site rail infrastructure					\$ -
On-site fiber infrastructure					\$ -
<b>Grand Total</b>			\$ 3,100,000	\$ -	\$ 3,100,000

**Statutory Findings**  
 Indiana Code 6-1.1-12.1-1 requires that the designating body make specific findings to justify the designation of the property as an Economic Revitalization Area. One finding is that the subject property is either in an area: "Which has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property" or "Where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues."

Are improvements on project site and/or the surrounding area obsolete?	Yes		No	X
If yes, describe the obsolescence:	The building has been vacant for several years and requires repairs and upgrades to be useable			

Are buildings at project site substandard for normal use and development?	Yes		No	X
If yes, explain what is substandard so as to prevent normal use and development:				

Has project site and/or surrounding area declined in value in last 10 years?	Yes		No	X
If yes, explain what caused the decline in value:				

Has project site and/or surrounding area failed to develop for last 10 years?	Yes		No	X
If yes, explain what characteristics make this site difficult to develop:				

Are any facilities at project site technologically, economically or energy obsolete?	Yes		No	X
If yes, describe how the facilities are obsolete:	Insufficient energy to the site for intended use			

**Community Benefits**

**Impacts and status**  
 Will any additional public utilities, services or other public infrastructure be required by this project?  
 Yes No X  
 If yes, explain the type required and the amount the applicant will be contributing toward the public infrastructure.

**Employment**  
 Will all current employees be retained at Project Site as a result of this project?  
 Yes X No

If no, explain:

**Current Full-Time Employment at Project Site**

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management	8	\$ 62.94	\$ 130,915.20	\$82,030.480 - \$275,000.00	\$ 107,276.33
Professional/Technical	18	\$ 34.21	\$ 71,160.96	\$46,517.016 - \$123,074.170	\$ 65,449.80
Sales	0				
Office/Administrative Support	13	\$ 23.57	\$ 49,019.36	\$39,520.000 - \$75,581.250	\$ 43,105.09
Production Supervision	6	\$ 38.99	\$ 81,101.28	\$77,250.000 - \$92,700.000	\$ 77,250.00
Production	118	\$ 23.25	\$ 48,368.32	\$37,273.6 - \$72,438.558	\$ 52,998.40
Maintenance	16	\$ 32.63	\$ 67,874.56	\$54,080.000 - \$81,211.458	\$ 64,353.87
Other	40	\$ 23.41	\$ 48,688.64	\$43,056.000 - \$66,382.160	\$ 43,472.00
<b>Total</b>	<b>219</b>	<b>\$ 26.77</b>	<b>\$ 55,676.16</b>		

**Full-time jobs to be created as a result of this project**

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management	0				
Professional/Technical	15	\$ 34.21	\$ 71,160.96	\$46,517.016 - \$123,074.170	\$ 65,449.80
Sales	0				
Office/Administrative Support	0				
Production Supervision	3	\$ 38.99	\$ 81,101.28	\$77,250.000 - \$92,700.000	\$ 77,250.00
Production	21	\$ 23.25	\$ 48,368.32	\$77,250.000 - \$92,700.000	\$ 77,250.00
Maintenance	3	\$ 32.63	\$ 67,874.56	\$54,080.000 - \$81,211.458	\$ 64,353.87
Other	6	\$ 23.41	\$ 48,688.64	\$43,056.000 - \$66,382.160	\$ 43,472.00
<b>Total</b>	<b>48</b>	<b>\$ 28.27</b>	<b>\$ 58,796.01</b>		

\*Do NOT include costs of any benefits

\*\* Median Annual Wage: The middle (midpoint) salary of all positions rather than the average (mean) salary

**Additional financial compensation (attach additional pages, if needed)**  
 Explain in detail, by job category, any additional financial compensation earned. (Examples may include commission, bonus, overtime, piece rate, attendance, etc.)

Bonus under management incentive plan or sales incentive plan ranging 10% to 20% of base for Management and Sales positions.

**Projected Phasing of new jobs**

Calendar Year	2024	2025	2026	2027	Total
Management	0	0	0	0	0
Professional/Technical	0	5	5	5	15
Sales	0	0	0	0	0
Office/Administrative Support	0	0	0	0	0
Production Supervision	0	1	1	1	3
Production	0	7	7	7	21
Maintenance	0	1	1	1	3
Other	0	2	2	2	6
<b>Total</b>	<b>0</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>48</b>

**Company Benefits**

Check all of the benefits listed below that the company provides to workers who have been employed for 6 months or longer. The company must pay at least 70% of the benefit cost.

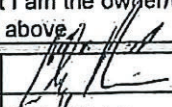
		X		X	Comments
Health Insurance	Yes	X	No		
Dental Insurance	Yes	X	No		
Vision Insurance	Yes	X	No		
Life Insurance	Yes	X	No		
Disability Insurance	Yes	X	No		
Sick Leave (Paid)	Yes		No	X	
Vacation (Paid)	Yes	X	No		
Holidays (Paid)	Yes	X	No		
Personal Days (Paid)	Yes		No	X	
Employee Training	Yes	X	No		
Tuition Reimbursement	Yes	X	No		
401K/Pension	Yes	X	No		
ESOP/Profit Sharing	Yes		No	X	
Uniforms	Yes	X	No		
Other (List)					

**Signature**

*Indiana Code 6-1.1-12.1-14 provides that the designating body for the tax phase-in requested, may impose a fee not exceeding 15% of the reduction in property taxes to which the undersigned applicant is entitled in each year in which the undersigned applicant's property tax liability is reduced by a deduction approved pursuant to this application.*

The undersigned applicant consents to the following:

- Imposition of this fee provided that such fee is not more than fifteen percent (15%) of the reduction of property taxes for any tax year. These fees will be used for future Economic Development efforts.
- The current assessed tax base for this property will not be appealed over the tax phase-in period unless one of the exceptions in the tax phase-in policy applies.
- Filing this application constitutes a request for Economic Revitalization Area designation only and does not constitute an automatic reduction of property taxes. I understand it is the responsibility of property owners to file the appropriate forms on an annual basis with the Elkhart County Auditor and other governing bodies, as required, to receive any reduction of property taxes.
- I certify the information and representations of this application are true and complete.
- I further certify that I am the owner/taxpayer or have the authority of the owner/taxpayer to make this application and to consent to the fee as described above.

Signature			
Printed	Cody Risner		
Title	General Manager	Date	11/19/24

ATTACHMENTS: Include all relevant Statement of Benefits (SB-1) forms



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51764 (R5 / 1-21)

Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

**INSTRUCTIONS:**

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1		TAXPAYER INFORMATION								
Name of taxpayer <b>Accra-Pac, Inc. DBA Voyant Beauty</b>			Name of contact person <b>Marty Abbott</b>			Telephone number <b>( 203 ) 249 9099</b>				
Address of taxpayer (number and street, city, state, and ZIP code) <b>1919 Superior St. Elkhart, IN 46516</b>										
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT								
Name of designating body <b>City of Elkhart, Indiana</b>			County <b>Elkhart</b>			Resolution number (\$)				
Location of property <b>1919 Superior St. Elkhart, IN 46516</b>			DLGF taxing district number							
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.)  *Three (3) compounding tanks with agitation to be used in the production of liquids [one (1) 10,000-gallon tank, two (2) 6,000-gallon tanks]; *One (1) 10,000-gallon water storage tank to supply treated water to the compounding system			ESTIMATED							
					START DATE		COMPLETION DATE			
			Manufacturing Equipment		0 1/06/2025		03/31/2025			
			R & D Equipment							
			Logist Dist Equipment							
IT Equipment										
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT								
Current Number <b>219</b>	Salaries <b>\$12,193,078.56</b>	Number Retained <b>219</b>	Salaries <b>\$12,193,078.56</b>	Number Additional <b>48</b>	Salaries <b>\$2,822,208.48</b>					
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT								
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT			
	COST		ASSESSED VALUE		COST		ASSESSED VALUE			
	Current values									
	Plus estimated values of proposed project		3,100,000							
	Less values of any property being replaced									
Net estimated values upon completion of project		3,100,000								
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
Estimated solid waste converted (pounds) <b>0</b>			Estimated hazardous waste converted (pounds) <b>0</b>							
Other benefits:										
SECTION 6		TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.										
Signature of authorized representative						Date signed (month, day, year) <b>11/19/24</b>				
Printed name of authorized representative <b>Cody Risner</b>				Title <b>General Manager</b>						

**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed \_\_\_\_\_ calendar years \* (see below). The date this designation expires is \_\_\_\_\_ . *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- B. The type of deduction that is allowed in the designated area is limited to:
- |  |                              |                             |  |
|--|------------------------------|-----------------------------|--|
| 1. Installation of new manufacturing equipment;            | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18<br><i>Check box if an enhanced abatement was approved for one or more of these types.</i> |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |  |
| 3. Installation of new logistical distribution equipment.  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |  |
| 4. Installation of new information technology equipment;   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |  |
- C. The amount of deduction applicable to new manufacturing equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. *(One or both lines may be filled out to establish a limit, if desired.)*
- D. The amount of deduction applicable to new research and development equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. *(One or both lines may be filled out to establish a limit, if desired.)*
- E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. *(One or both lines may be filled out to establish a limit, if desired.)*
- F. The amount of deduction applicable to new information technology equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_. *(One or both lines may be filled out to establish a limit, if desired.)*
- G. Other limitations or conditions (specify) \_\_\_\_\_
- H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:
- |                                 |                                 |                                 |                                 |                                  |   |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|---|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5  | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18<br>Number of years approved: _____<br><i>(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)</i> |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 |   |
- I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?  Yes  No  
If yes, attach a copy of the abatement schedule to this form.  
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)	Telephone number ( )	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by: (signature and title of attester)	Printed name of attester	

\* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

**IC 6-1.1-12.1-17  
Abatement schedules**

**Sec. 17. (a)** A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

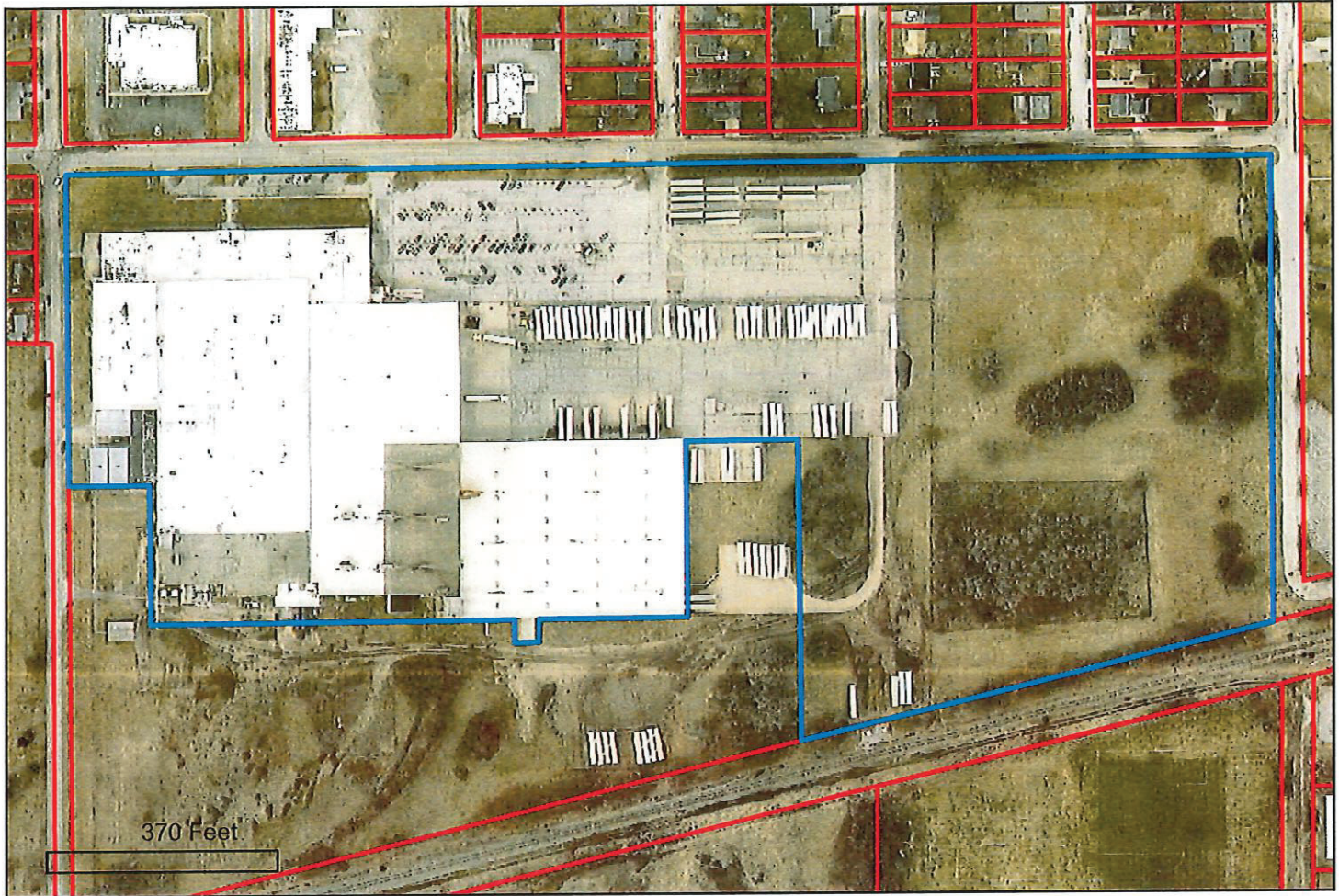
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



# Elkhart County, IN

1919 SUPERIOR, ELKHART, IN 46516  
20-06-03-301-004.000-012



## Parcel Information

Parcel Number: 20-06-03-301-004.000-012

Alt Parcel Number: 06-03-301-004-012

Property Address: 1919 SUPERIOR  
ELKHART, IN 46516

Neighborhood: 1237013-Industrial-Acre-Town/Pub  
Utilities-Average

Property Class: Industrial: Medium Manufacturing & Assembly - Un

Owner Name: NM VYT LLC ATTN: MARIETTA AMERICAN INC/BILL SARACCO

Owner Address: 6710 RIVER ROAD  
HODGKINS, IL 60525

Legal Description: VOYANT BEAUTY MINOR LOT 1; (TIF  
110)

## Taxing District

Township: CONCORD TOWNSHIP

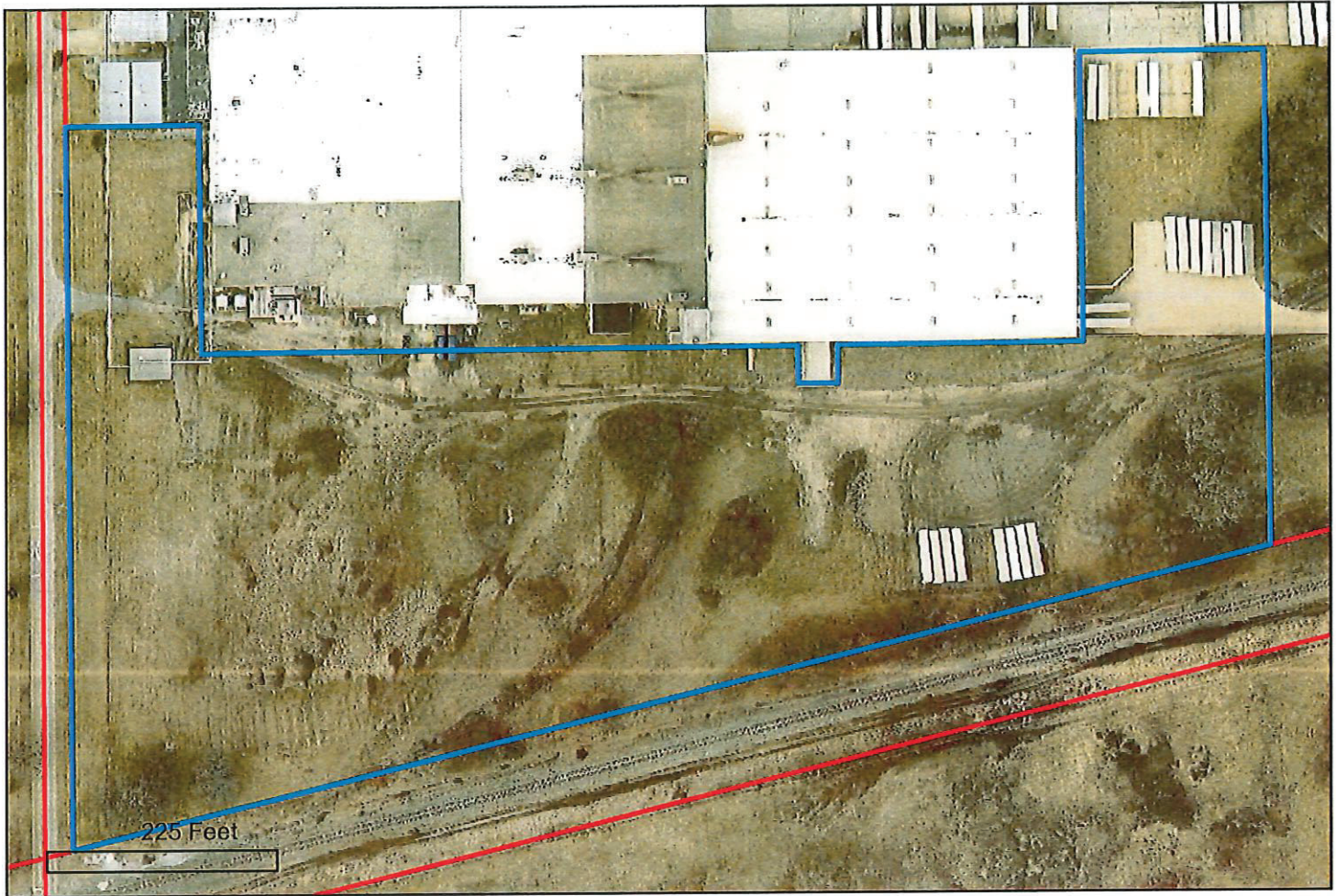
Corporation: Elkhart Community Schools

## Land Description

Land Type	Acreage	Dimensions
Primary Com & Ind	18.68	
Undeveloped Usable Com & Int	0.84	

# Elkhart County, IN

SIMPSON AVE, ELKHART, IN 46516  
20-06-03-301-005.000-012



## Parcel Information

Parcel Number: 20-06-03-301-005.000-012

Alt Parcel Number: 06-03-301-005-012

Property Address: SIMPSON AVE  
ELKHART, IN 46516

Neighborhood: 1237013-Industrial-Acre-Town/Pub  
Utilities-Average

Property Class: Industrial: Vacant Land - 300

Owner Name: NM VYT LLC ATTN: MARIETTA AMERICAN INC/BILL SARACCO

Owner Address: 6710 RIVER ROAD  
HODGKINS, IL 60525

Legal Description: VOYANT BEAUTY MINOR LOT 2; (TIF  
110)

## Taxing District

Township: CONCORD TOWNSHIP

Corporation: Elkhart Community Schools

## Land Description

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
Undeveloped Usable Com & Intl	.07	

EXHIBIT "A"  
**Legal Description**

The Land referred to herein below is situated in the County of Elkhart, State of Indiana, and is described as follows:

A PART OF THE WEST ONE-HALF (W 1/2) OF SECTION THREE (3), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SUPERIOR STREET AND SIMPSON AVENUE AS SAME ARE PLATTED IN THE CITY OF ELKHART, INDIANA; THENCE EASTWARDLY ALONG THE SOUTH LINE OF SUPERIOR STREET, ONE THOUSAND NINE HUNDRED THIRTY (1930) FEET TO THE SOUTHWEST CORNER OF SUPERIOR STREET AND RIVERVIEW AVENUE; THENCE SOUTHWARDLY ALONG THE WEST LINE OF SAID RIVERVIEW AVENUE, SEVEN HUNDRED FIFTY AND EIGHTY-FIVE HUNDREDTHS (750.85) FEET TO AN IRON STAKE ON THE NORTH LINE OF THE NEW YORK CENTRAL RAILROAD COMPANY'S RIGHT-OF-WAY; THENCE WESTWARDLY ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY ONE THOUSAND NINE HUNDRED EIGHTY-SIX AND ONE TENTH (1,986.1) FEET TO AN IRON STAKE ON THE EAST LINE OF SIMPSON AVENUE; THENCE NORTHWARDLY ALONG THE EAST LINE OF SAID SIMPSON AVENUE, ONE THOUSAND TWO HUNDRED SIXTEEN AND FIVE TENTHS (1,216.5) FEET TO THE PLACE OF BEGINNING.

31595049.4

**ALLEY/STREET VACATION PETITION**

Vacation # 24 -v- 02

Elkhart, Indiana

Date: 11.21.24

TO: THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA

*(Please indicate below what is to be vacated and how your property relates to or abuts upon said alley or street.)*

The undersigned, owners of real estate commonly known as: The northwest, northeast and southeast quadrants of the area bound by Thomas Street (on the west), Lafayette Street (on the north), Fremont Street (on the east) and Indiana Avenue (on the South). Lot numbers are provided in Attachment A  
(Lot Numbers or Other Identification)

and abutting upon alley or street proposed for vacation, respectfully petition(s) for the passage or an ordinance providing for the vacation of: The E/W alley located between Thomas Street and Fremont Street (between Indiana Avenue and Lafayette Street), and the N/S alley located between Indiana Avenue and Lafayette Street (between Thomas Street and Fremont Street).  
(E/W or N/S) street or alley or public right-of-way/or a more lengthy legal description may be attached)

Reasons for request: The alleys are located on the Oakland B: CSO Storage Facility and Lift Station site, and the historical function of each alley is no longer applicable.

*Please provide names and addresses of each property owner who owns property abutting upon the alley or street to be vacate. Please Print-and attach separate sheet if necessary.*

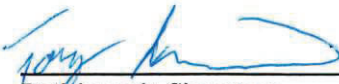
<u>Property Owner's Name</u>	<u>Addresses</u>	<u>Lot Numbers</u>
<u>See Attachment A</u>		

*Please provide names and addresses of any party who would be directly affected by this vacation even though their property might not abut upon the property being vacated-attach separate sheet if necessary.*

SEND NOTICE TO:

See Attachment B

(Name)	(Address)	(Phone No.)
(Name)	(Address)	(Phone No.)
(Name)	(Address)	(Phone No.)

	Tory Irwin, City Engineer, 1201 S. Nappanee Street, Elkhart, IN 46516	574-296-2572
<b>Petitioner's Signature</b>	<b>Mailing Address</b>	<b>Phone:</b>

Attach to Petition Application:

1. Drawing showing area of proposed vacation (including parcel identification numbers)
2. Location of buildings (access to garages and/or off street parking areas)
3. **List** of names and addresses of property owners whose property abuts this property proposed to be vacated
4. Legal Description of proposed vacation
5. \$100.00 Filing Fee for certified mailing and advertising

Petitioner owns the parcels abutting the alleys requested to be vacated:

City of Elkhart Board of Public Works (Parcel # 20-06-07-282-001.000-012)  
City of Elkhart Board of Public Works (Parcel # 20-06-07-282-002.000-012)  
City of Elkhart Board of Public Works (Parcel # 20-06-07-282-003.000-012)

City of Elkhart Wastewater Utility (Parcel # 20-06-07-282-011.000-012)  
City of Elkhart Public Works (Parcel # 20-06-07-282-012.000-012)  
City of Elkhart Board of Public Works (Parcel # 20-06-07-282-013.000-012)  
City of Elkhart Board of Public Works (Parcel # 20-06-07-282-014.000-012)  
City of Elkhart Board of Public Works (Parcel # 20-06-07-282-015.000-012)  
City of Elkhart Public Works (Parcel # 20-06-07-282-016.000-012)  
City of Elkhart Public Works (Parcel # 20-06-07-282-017.000-012)  
City of Elkhart Indiana (Parcel # 20-06-07-282-018.000-012)  
City of Elkhart Indiana (Parcel # 20-06-07-282-019.000-012)

City of Elkhart Board of Public Works  
1201 S. Nappanee Street  
Elkhart, IN 46516

City of Elkhart Board of Public Works  
229 S. 2nd Street  
Elkhart, IN 46516

City of Elkhart Wastewater Utility  
1201 S. Nappanee Street  
Elkhart, IN 46516

City of Elkhart, Indiana  
1201 S. Nappanee Street  
Elkhart, IN 46516

Additional abutting/adjacent parcel:  
Hole of Elkhart LLC (Parcel # 20-06-07-282-009.000-012)  
414 W. Wolf Ave  
Elkhart, IN 46516

**EXHIBIT "A"**

Sheet 1 of 1

The 16-1/2 foot-wide alley lying between Lafayette street and Indiana Avenue, running from the east line of Thomas Street east to the west line of Fremont Street, as shown on the Plat of Hiram D. Thomas Estate Addition in the City of Elkhart, said plat being recorded in Deed Record 103, Page 287 in the Office of the Recorder of Elkhart County, Indiana.

TOGETHER WITH:

The 16-foot-wide alley lying west of and adjacent to Lots 36 through 44, both inclusive, as shown on the Plat of Hiram D. Thomas Estate Addition in the City of Elkhart, said plat being recorded in Deed Record 103, Page 287 in the Office of the Recorder of Elkhart County, Indiana.

This description was prepared for the City of Elkhart, Indiana by DLZ Indiana, LLC and certified by Steven A. Jones, Indiana Professional Surveyor, License No. 20200010, on May 22, 2024.



Steven A. Jones, PS CFedS





Send Notice to:

Waylan Higgins  
ZAYO  
722 North High School Road  
Indianapolis, IN 46256

Emanuel Clark  
Lumen / OCM Engineering, LLC  
1728 Churchman Ave  
Indianapolis, IN 46203

Don Santerre  
AEP  
3340 Old US 20 East  
Elkhart, IN 46516

Henry Cooks  
Frontier  
112 W. Broad St  
Angola, IN 46703

Jordan Bontrager  
Nipsco  
1039 Pennsylvania Ave  
South Bend, IN 46601

-



County: Elkhart  
Section: 7  
Township: 37N  
Range: 5E

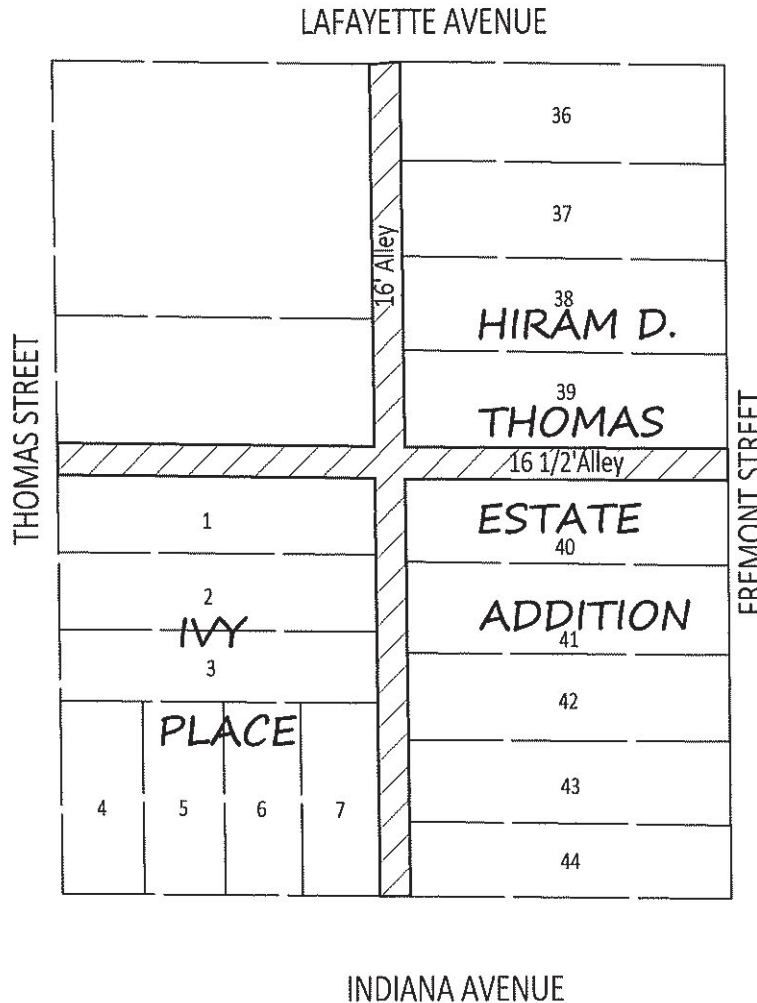
### Exhibit "B" PLAT OF VACATION

Owner: City of Elkhart  
Plat of Hiram D. Thomas Estate Addition: Deed Record 103 Pg. 287  
Plat of Ivy Place: Instrument 20002-00140

DLZ Proj: 2163-5983-90

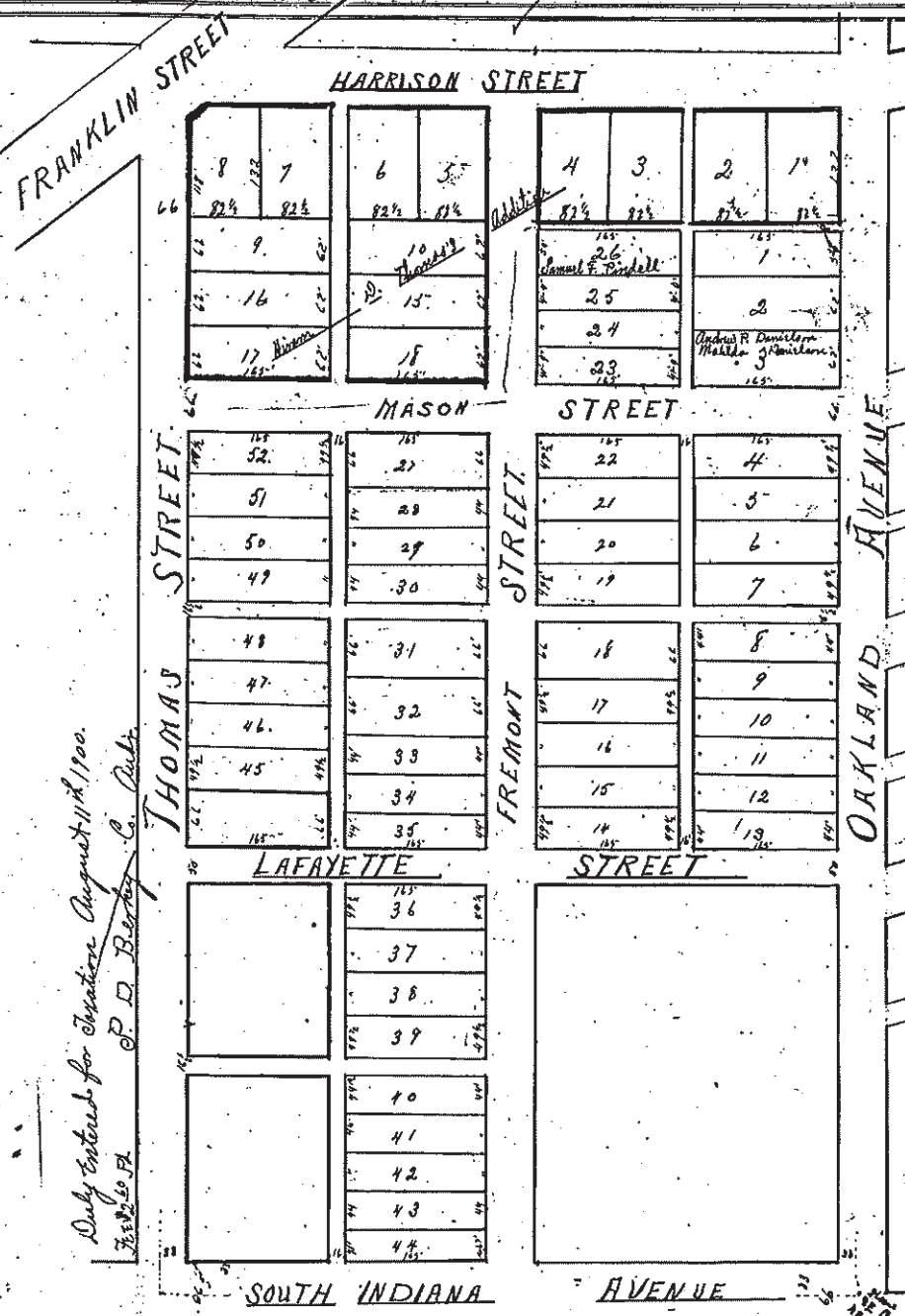


Hatched Area is the  
Right of Way to be Vacated



# DLZ

DLZ INDIANA, LLC  
2211 EAST JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46615  
(574) 236-4400 www.dlz.com



For Affidavit see Misc. 2-7... page 428  
 Date 4-7-1900  
 For Affidavit see Misc. 3-1... page 361  
 Date Dec 14-1900

Map of the Hiram D. Thomas Estate Addition to the City of Elkhart Indiana,  
 May 4th. 1900. D.F.Cordrey C.E.

The Hiram D. Thomas Estate Addition to the City of Elkhart is Located in the North East Quarter of Sec. 7 Twp. 37 R.V.E. and is situated South of and adjoining Hiram D. Thomas' Addition to the City of Elkhart as designated on the above Plat. Lots are numbered from 1 to 52 inclusive. Sizes of lots and widths of streets and alleys are marked on the plat. The east line of the addition is located 33 feet west of and parallel with the east line of said sec. 7.

Caroline M. Thomas  
 Ada Jones

Samuel F. Pindell  
 Cora Pindell

David K. Jones

his  
A.P.X. Danielson  
mark her

Fremont Thomas

Matilda X. Danielson  
mark

Charlotte Thomas

attest: Emily Danielson.

Mayo Thomas

Elsie Thomas. State of Indiana, Elkhart County, ss:

Before me Ethan L. Arnold a Notary Public in and for said County, on this nineteenth (19) day of June 1900 personally came Caroline M. Thomas, Ada Jones, David K. Jones, Fremont Thomas, Charlotte Thomas, Mayo Thomas, Elsie Thomas, Samuel F. Pindell, Cora Pindell, Andrew P. Danielson and Matilda Danielson and acknowledged the execution of the above Platt. Witness my hand and Notarial seal. My commission expires Jan. 25<sup>th</sup> 1904.

L.S. \$0.10 I.R. Ethan L. Arnold. Notary Public.

State of Indiana, Elkhart County, ss: I, Kit McKean, clerk of the City of Elkhart, Indiana, hereby certify that the annexed plat has been presented to the Common Council of said City and duly approved by a committee of said Council who examined the same, which approval was adopted by said council on the first day of August 1900; and the recorder of said County is hereby authorized the same in the records of his office. Witness my hand and the seal of said City this second day of August 1900.

L.S. Kit McKean-City Clerk.

Recorded 8/11/1900, at 1-30 P.M. W.F. Peddycord-recorder.

10  
+ This Indenture Witnesseth, That Fredrick J. Zettler of Elkhart County and State of Indiana, Convey and Warrant to Cathrine Zettler his wife of Elkhart County in the State of Indiana, for the sum of One dollar and Love and affection Dollars the following Real Estate, in Elkhart County, in the State of Indiana, to-wit: So much of the south west corner of the west half of the North west quarter 1/4 of Section thirty four (34) in Township thirty six (36) North of Range Six (6) East as lays West of the Center of the Logansport and Goshen state road being a triangular tract of land lying in south west corner of said west half North west quarter section (34) and being the same tract of land conveyed by James M. Latta to Abraham Flora and by Flora to Nancy Blaesser the said tract containing Seven acres more or less. In Witness Whereof, The said Fredrick J. Zettler has hereunto set his hand and seal this 1st day of May 1899.

Fredrick J. Zettler (seal).

State of Indiana, Elkhart County, ss: Personally appeared before me George W. Farrell a Justice of the Peace of Elkhart Township in and for said County and State, Indiana Fredrick J. Zettler who acknowledged the execution of the annexed DEED to be his voluntary act and deed. Witness my hand and Justice seal, this 1st day of May 1899.

George W. Farrell-a Justice of the Peace.

\$0.50 I.R. Recorded 8/11/1900, at 4 P.M. W.F. Peddycord-recorder.

10  
+ This Indenture Witnesseth, That Mary A. Slabaugh and husband Henry A. Slabaugh of Elkhart County and State of Indiana, Convey and Warrant to George Reed of Elkhart County, in the State of Indiana, for the sum of Fourteen Hundred Dollars the following

BOARD OF PUBLIC SAFETY  
Tuesday, October 22, 2024

Chairman Kara Boyles called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, October 22, 2024. Clerk Nancy Wilson called the roll. Kara Boyles, Laesha Black and Brian Thomas were present. Anthony Coleman and Dacey Davis were absent.

1. APPROVE AGENDA

On motion by Brian Thomas, seconded by Laesha Black and carried 3-0, the agenda was amended to include Medical Records Documents under Police Department Item 3. On motion by Laesha Black, seconded by Brian Thomas and carried 3-0, the agenda was approved as amended.

2. MINUTES- Regular Meeting October 8, 2024

On motion by Laesha Black, seconded by Brian Thomas and carried 3-0, the minutes from October 8, 2024 were approved as presented.

3. POLICE

Chief Daniel Milanese presented revised policies for the Elkhart Police Department Lexipol Policy Manual for approval. The Policies presented were #316 Missing Persons and #500 Traffic. Chief Milanese explained the changes are due to updates in State or Federal Law. Some changes have been made to mirror the procedures of the Police Department while others are minor grammar fixes as well as Indiana accreditations standards. On motion by Laesha Black, seconded by Brian Thomas and carried 3-0, the Board approved the Policy 316 Missing Persons and Policy 500 Traffic as revised.

Chief Milanese presented an Agreement with Smart Request to be able to get the release of medical records from Beacon electronically for investigation purposes. Smart Request meets the security guidelines of HIPPA. There is no cost for this Agreement. On motion by Brian Thomas, seconded by Laesha Black and carried 3-0, the Board approved an Agreement between the Elkhart Police Department and Smart Request to get the release of medical records for investigation purposes.

4. BUILDING & CODE ENFORCEMENT

Tim Vistine presented the September Month End Report. On motion by Laesha Black, seconded by Brian Thomas and carried 3-0, the Board accepted and placed on file the September Month End Report.

5. OTHER PUBLIC SAFETY MATTERS

2025 Towing Contract

Rose Rivera presented a revised 2025 Towing Contract. City Legal, Police, Fire, Communications, and Vice-Chair Laesha Black met with the towing companies to discuss the contract and revise the pricing. On motion by Laesha Black, seconded by Brian Thomas and carried 3-0, the Towing Services Contract effective January 1, 2025 was approved.

BOS Resolution 24-R-02 Issuance of Notice to Elect a Person to the Police Merit Commission

Rose Rivera presented Resolution 24-R-02 Issuing Notice to elect a person to the Police Merit Commission. On motion by Laesha Black, seconded by Brian Thomas and carried 3-0, the Board approved BOS Resolution 24-R-02 Issuance of Notice to Elect a Person to the Police Merit Commission with the edit that the Board of Safety is notified when the date of posting is set.


BOARD OF PUBLIC SAFETY  
Tuesday, October 22, 2024

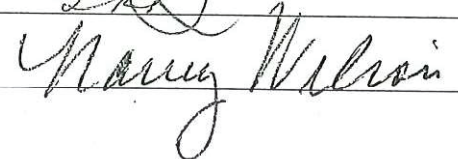
BOS Resolution 24-R-03 Issuance of Notice to Elect a Person to the Fire Merit Commission

Kevin Davis presented Resolution 24-R-03 Issuing Notice to Elect a Person to the Fire Merit Commission. On motion by Brian Thomas, seconded by Laesha Black and carried 3-0, the Board approved BOS Resolution 24-R-03 Issuance of Notice to Elect a Person to the Fire Merit Commission with the edit that the Board of Safety is notified when the date of posting is set.

6. ADJOURNMENT

Chairman Kara Boyles adjourned the Board of Safety meeting at 9:24 a.m.

  
\_\_\_\_\_  
Laesha Black, Vice-Chairman  
~~Kara Boyles, Chairman~~

Attest:   
\_\_\_\_\_  
Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC WORKS  
Wednesday, November 6, 2024

Request Bid #24-22 Elkhart East Area A Public Improvements

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0. The Board approved plans and bid documents and granted permission to advertise Bid #24-22 Elkhart East Area A Public Improvements. Assistant City Engineer Jeff Schaffer explained the unique situation to the Board at CR 4 and CR 15. The developer is funding the construction of these improvements, but the developer will be reimbursed in an agreement with the Elkhart County Redevelopment Commission. Since public funds are being used it needs to be bid through a public process. We will not award the contract until all of the agreements are in place.

Award Quote #24-29 Bypass Road Drainage Improvements (tabled)

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, Award Quote #24-29 was taken off the table for consideration. On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board awarded Quote #24-29 Bypass Road Drainage Improvements to John Boettcher Sewer and Excavating, who submitted the lowest responsive quote, with a contract price in the amount of \$36,927.20.

Amendment #3 to Professional Services Agreement with Burgess Niple for Hively Avenue Overpass Water and Sanitary Sewer Relocation Design Services

Mike Machlan noted he would not participate in this item. He has a conflict of interest. On motion by Andy Jones, seconded by Ron Davis and carried 3-0-1 abstained, the Board authorized Rose Rivera to execute Amendment #3 to Professional Services Agreement with Burgess and Niple for Hively Avenue Overpass Water and Sanitary Sewer Relocation Design Services for a revised fee not to exceed \$189,400.00 for Phase 2 of the Agreement.

Change Order #2 and Final for Bid #23-20, Benham Avenue & Mishawaka Road Multiuse Path

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved Change Order #2 & Final for Bid #23-20 Benham Avenue & Mishawaka Road Multiuse Path, decreasing the contract value by \$29,326.38, resulting in a contract price of \$766,512.26.

MACOG Traffic Data Memorandum of Understanding

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board authorized the Assistant City Engineer to execute the MACOG Traffic Data Memorandum of Understanding.

Request Bid #25-01 2025 Street Materials

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved plans and specifications and granted permission to advertise Bid #25-01 2025 Street Materials Bid.

Request Bid #25-02 2025 On-Call Street and Drainage Construction

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved plans and specifications and granted permission to advertise Bid #25-02 2025 On-Call Street and Drainage Construction Services.

Request Bid #25-03 2025 Utility Materials

On motion by Andy Jones, seconded by Rose Rivera and carried 4-0, the Board approved plans and specifications and granted permission to advertise Bid #25-03 2025 Utility Materials Bid.

BOARD OF PUBLIC WORKS  
Wednesday, November 6, 2024

(B.) Utility

Change Order #7 for Bid #21-13 Elkhart WWTP Capacity Upgrades Phase II-QA7634 (tabled)

No action was taken.

Ratify Partial Payment #41 to DLZ- Oakland Avenue: Project B-Storage Tank Design

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board ratified partial payment request SRF #41 of SRF Loan WW22162005 in the amount of \$55,000.00 to DLZ from the allocated SRF Loan for professional services on the Oakland Avenue: Project B Storage Tank Design

Ratify Partial Payment #17 to C&E Excavating Oakland Avenue Forcemain Phase A SA 7878

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board ratified partial payment request #17 in the amount of \$456,562.00 to C&E Excavating from SRF Loan WW22162005 and \$17,306.00 from Loan DW22232001 for construction on the Oakland Avenue Forcemain Phase A project.

6. New Business

2025 Board of Works Meeting Dates

On motion by Andy Jones, seconded by Rose Rivera and carried 4-0, the Board approved the 2025 Board of Works Meeting Dates.

Request Bid #24-21 City Hall HVAC Improvements Project

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved bid documents and granted permission to advertise Bid #24-21 City Hall HVAC Improvements Project.

Council Chamber Audio Video Upgrades

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Council Chamber Audio Video Upgrades project.

Request Bid #24-23 Council Chambers Audio Video Upgrades

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved project specifications and granted permission to advertise Bid #24-23 Council Chambers Audio Video Upgrades.

Request to Purchase New Caterpillar AP1055F Asphalt Paving Machine

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board granted permission to purchase a new Caterpillar AP1055F paving machine through Sourcewell for a purchase price of \$649,900.00, a trade in of \$215,000.00, and a final purchase price of \$434,900.00.

Transfer of Fixed Assets

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the transfer of Police Rhino Tablets to Central Garage, Fire Department, and Human Resources.

Change Order #1 Bid #24-15 Woodland Crossing Roof Replacement

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved Change Order #1 for Bid #24-15 Woodland Crossing Roof Replacement, increasing the Contract value by \$68,625.00, resulting in a contact price of \$476,503.06.

BOARD OF PUBLIC WORKS  
Wednesday, November 6, 2024

7. Adjournment

On motion by Ron Davis, seconded by Rose Rivera and carried 4-0, the Board of Works adjourned at 10:40 a.m.

Mike Machlan Mike Machlan, President

Attest: Nancy Wilson Nancy Wilson, Clerk of the Board





**BOARD OF ZONING APPEALS**

**-MINUTES-**

Thursday, August 8, 2024 - Commenced at 6:00 P.M. & adjourned at 7:26 P.M.  
City Council Chambers – Municipal Building

**MEMBERS PRESENT**

Doug Mulvaney  
Ron Davis  
Janet Evanega Rieckhoff  
Phalene Leichtman (via Web-Ex)

**MEMBERS ABSENT**

None

**REPRESENTING THE PLANNING DEPARTMENT**

Eric Trotter, Assistant Director for Planning  
Jason Ughetti, Planner II

**LEGAL DEPARTMENT**

John Espar

**RECORDING SECRETARY**

Hugo Madrigal

**APPROVAL OF AMENDED AGENDA**

Mulvaney moves to approve an amended agenda and tabling 24-UV-04.  
Davis makes motion to approve; Second by Evanega Rieckhoff. Voice vote carries.

**APPROVAL OF MINUTES FOR JUNE 13, 2024**

Evanega Rieckhoff makes motion to approve; Second by Davis. Voice vote carries.

**APPROVAL OF PROOFS OF PUBLICATION**

Davis makes motion to approve; Second by Evanega Rieckhoff. Voice vote carries.

**OPENING STATEMENT**

Welcome to the August 8, 2024 meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the Board. If no decision is made, the petition will be set for another hearing.

If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision in an appropriate court no later than 30 days after the decision is made. If you think you may potentially want to appeal a decision of this Board, you must give this Board a written appearance before the hearing. Alternatives: A sign-in sheet is provided which will act as an appearance. You should sign the sheet if you want to speak, but also if you do not wish to speak but might want to appeal our decision. Forms are provided for this purpose and are available tonight. A written petition that is set for hearing tonight satisfies that requirement for the petitioner. If you file your appeal later than 30 days after the decision of this Board or give no written appearance tonight you may not appeal the Board's decision. Because the rules on appeal are statutory and specific on what you can do, the Board highly suggests you seek legal advice. If you are the petitioner, in addition to filing an appeal, you may first file a motion for rehearing within 14 days of the Board's decision.

OLD BUSINESS

24-BZA-06 PETITIONER IS JFS REAL ESTATE HOLDING LLC  
PROPERTY IS LOCATED AT 444 NORTH NAPPANEE STREET

To vary from the requirements found in Section 26.10, Sign Regulations, Table 2, to allow a new freestanding sign at a height of 10.25 (ten and twenty five hundredths) feet where maximum sign height at the required minimum five (5) foot setback, is 6 (six) feet in height, a variance of 3.75 (three and seventy five hundredths) feet. To also vary from the maximum allowed message center of 50% of the principal sign which is 22.5 square feet to allow a message center of 32 square feet, a variance of twenty and seventy five hundredths square feet.

Mulvaney calls the petitioner forward.

Lauren Overmyer with Vanadco Signs, located at 10625 State Road 10, appears in person on behalf of the petitioner. Overmyer says the lot is small and cannot be set back. The building was built close to the road, and there is no space as the road has grown. She says the petitioner would like to ensure that the electronic sign is large enough for traffic to see.

Mulvaney asks for questions from the Board.

Mulvaney asks Overmyer if the petitioner would have any issues with the nine conditions consistent with the new proposed ordinance regarding electronic signs that Staff has placed on the request if the Board approves the petition.

Overmyer answers no and says that the conditions are standard and understandable.

Mulvaney states that the conditions will become standard once the new ordinance is in place.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

STAFF ANALYSIS

The subject property is occupied by the Northern Indiana Hispanic Health Coalition (NIHHC), which provides the community with educational, vaccine, and community health programs. NIHHC is requesting the proposed sign to be at a more readable height for drivers and an EMC to showcase current programs and events at the center.

City staff has been working closely with NIHHC to reach a sign design that the City is comfortable recommending approval. City staff appreciates that this sign is significantly closer to the regulations than most other signs in the area that are nonconforming. The site does pose some practical difficulties due to the building placement at 15 feet from the Nappanee Street property line, where the current required setback is 30 feet, leaving little room for a sign or to set the sign farther back which would allow them a greater height by-right.

Staff recommends approval of the requested variances subject to the recommended conditions that have been placed on other EMC Board of Zoning Appeals approvals.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the uses in the area are commercial and industrial uses;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because it allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist that are peculiar to the land involved due to the structure being located only 15 feet from the Nappanee Street right-of-way, leaving little room for a sign. An additional 5 feet is from the edge of pavement exists, giving the sign an effective setback from edge of pavement of 10 feet;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property due to the structure being located so close to this very wide road;

6. The special conditions and circumstances do not result from any action or inaction by the applicant because NIHHC is only the tenant of this building. They have no control on the placement of the building;
7. This property does not lie within a designated flood area.

**CONDITIONS**

If the Board chooses to approve the requested developmental variances, staff recommends that the following conditions be placed upon the approval:

1. The variances related to sign area, height, and location shall apply to both signs/faces.
2. Movement, including video, flashing, and scrolling, is prohibited.
3. Message sequencing, where content on one message is related to content on the next message, is prohibited.
4. The minimum time duration of each message shall be 20 seconds.
5. The sign must be equipped with a sensor and programmed to automatically dim in response to changes in ambient light.
6. The maximum brightness shall not exceed three-tenths (0.3) foot candles over ambient light levels.
7. Light trespass shall not exceed one-tenth (0.1) foot candles as measured at the property line of any residential district.
8. The sign must either stay fixed on one message or go blank if there is a malfunction that would not permit the sign meeting the above conditions.
9. No sign message may depict, or closely approximate, official traffic control signage

Trotter states there were eight letters mailed with zero returned.

Mulvaney asks if there are questions from the Board for staff.

Mulvaney calls for a motion.

Davis makes a motion to approve 24-BZA-06 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Evanega Rieckhoff.

Davis – Yes  
 Evanega Rieckhoff – Yes  
 Leichtman – Yes  
 Mulvaney – Yes

Motion carries.

**24-BZA-12 PETITIONER IS SALLIE H. HIMES  
 PROPERTY IS LOCATED AT 1804 OSOLO ROAD**

To vary from Section 26.1.B.8.a, Development Standards for Accessory Structures, which states 'Accessory buildings on property occupied by a one or two family residential use shall be limited to a maximum floor area of seven hundred twenty (720) square feet for the largest structure, with a maximum total of eight hundred forty (840) square feet for all accessory buildings combined to allow for the construction of an additional accessory structure with an area of one thousand forty (1040) square feet for a total area of accessory structures of one thousand six hundred sixty four (1664) square feet, a variance of three hundred twenty (320) square feet for one structure and eight hundred twenty four (824) square feet for the combined area.

Mulvaney calls the petitioner forward.

Logan Stevens with Barnes and Thornburg, located at 888 S Harrison Street, appears in person on behalf of the petitioner. Stevens states he has prepared a presentation and will be using it accordingly. Stevens says the request is for the construction of a second garage. He says the property is about 2 ½ acres and has two parcels. The smaller parcel with the house is about ¾ quarters of an acre, and the second accessory structure will be on the smaller parcel. For background on the property, Stevens states that the house was built in the 1870s. The petitioner's son, Craig, currently lives in the property pursuant to a land contract. Stevens says Craig is renovating the house and restoring the property and needs the second garage to store building materials and tools. Stevens says other equipment will also be stored to help maintain the property and restore the garage. Stevens goes to slide three of his presentation, which displays a satellite image of where the property is located. He says the red x on the picture indicates where the garage will be placed, which will be behind the current existing garage.

Stevens states that the property owner's houses with the blue checkmarks on his presentation have signed approval and are satisfied with the proposed plans. The next slide shows the signatures of the neighbors who approve of the request.

Mulvaney asks for questions from the Board.

Mulvaney asks Stevens what the petitioner plans to do with the garage when it is no longer used for building materials.

Stevens answers that the property owner is entering into an agreement with the Planning Department and that the garage will not be used for storing vehicles but solely for storing tools.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

#### STAFF ANALYSIS

Petitioner is requesting to build a storage building (accessory structure) that is 1040 square feet in area in order to store building materials while he is remodeling the home at 1804 Osolo Road. The request is specifically to vary from Section 26.1.B.8.a, Development Standards for Accessory Structures, which states 'Accessory buildings on property occupied by a one or two family residential use shall be limited to a maximum floor area of seven hundred twenty (720) square feet for the largest structure, with a maximum total of eight hundred forty (840) square feet for all accessory buildings combined to allow for the construction of an additional accessory structure with an area of one thousand forty (1040) square feet for a total area of accessory structures of one thousand six hundred sixty four (1664) square feet, a variance of three hundred twenty (320) square feet for one structure and eight hundred twenty four (824) square feet for the combined area.

Based on County Assessor records the home was constructed in 1870 – very likely one of the last remaining homes from the mid-1800s. The home owner is remodeling the home and would like to securely store material out of the elements. The current garage does not provide adequate room for all of the storage needs on the property.

The proposed structure would be placed east (behind) of the existing garage, not visible from Osolo Road. Plans call for at least one (1) opening (figure depicts two (2) doors) that is eight (8) foot by ten (10) foot, with an overall height of nine (9) feet. This size structure and door opening area would be large enough to accommodate vehicle storage.

This type of request is not that out of the ordinary. However, typically when this type of variance is requested, staff looks for the site to be brought closer into compliance to slowly eliminate the non-conforming developmental standards. Staff would, normally in this circumstance, look for the drive to be paved as we would require anyone else building a new accessory structure, especially if there are doors that would permit the storage of vehicles. In discussions with the legal representative for the petitioner, he has agreed on behalf of his client, there will be no vehicles stored in the new accessory structure – it will only be used for the storage of materials – therefore staff is not asking for the drive to be paved as a part of this request.

The 2.35 acre total parcel has been divided into two (2) separate parcels in or around 2009. However, staff can find no record of a Minor Subdivision filed with the Planning Department. Staff did raise this issue with the legal representative for the petitioner and they have agreed to file a Minor Subdivision petition after this hearing. They will also expand the boundary by ten (10) feet to provide greater buffer from the adjacent parcel.

#### STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because the accessory structure will be built per all applicable building codes;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the structure is a common addition to residential homes and if not for the size it would be otherwise permitted;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because it allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist that are peculiar to the land involved because the size of the accessory structure requires that a variance be filed in order to construct it on the property;

5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because the owner would not be able to adequately store materials for the restoration and maintenance of the grounds;
6. The special conditions and circumstances do not result from any action or inaction by the applicant because no construction has begun;
7. This property does not lie within a designated flood area.

**CONDITIONS**

1. No vehicles shall be stored or parked in the proposed accessory structure. It shall only be used for the storage of personal building materials. This requirement condition shall be memorialized as a written commitment recorded against the property.
2. A Minor Subdivision shall be filed. The parcel with the home shall be expanded by ten (10) feet.
3. Building Department review and approval is required prior to construction.

Trotter states there were 31 letters mailed, with two returned in favor with no comment.

Mulvaney asks if there are questions from the Board for staff.

Leichtman asks Trotter what happens if the house is sold and if the approval will go on the contract when the home is sold.

Trotter answers yes, that if there is a change of ownership, it will go along with any future owners.

Mulvaney calls for a motion.

Evanega Rieckhoff makes a motion to approve 24-BZA-12 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Davis.

- Davis – Yes
- Evanega Rieckhoff – Yes
- Leichtman – Yes
- Mulvaney – Yes

Motion carries.

**NEW BUSINESS**

**24-BZA-16 PETITIONER IS BLANCA PINA  
PROPERTY IS LOCATED AT 304 WEST WOLF AVENUE**

To vary from the requirement found in Section 26.3.B.9, Permitted Obstructions in Required Front Yards, to allow for an open front porch that is 8.58 (eight and fifty eight hundredths) feet away from the front wall of the structure, where 6 (six) feet is allowed, a variance of 2.58 (two and fifty eight hundredths) feet.

Mulvaney calls the petitioner forward.

Blanca Pina, 304 W. Wolf Ave., appears in person as the petitioner. Pina asks the Board for permission to keep her porch because it had already been built, and she was unaware of city ordinances.

Mulvaney asks for questions from the Board.

Evanega Rieckhoff asks Pina if the picture in the Staff report is her home.

Pina answers yes.

Evanega Rieckhoff says the porch looks nice and then asks if Pina will change anything or if she is solely there because of the porch.

Pina answers that she is only there for the porch.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

#### STAFF ANALYSIS

The petitioner wishes to vary from the requirement found in Section 26.3.B.9, Permitted Obstructions in Required Front Yards, to allow for an open front porch that is 8.58 (eight and fifty eight hundredths) feet away from the front wall of the structure, where 6 (six) feet is allowed, a variance of 2.58 (two and fifty eight hundredths) feet.

The petitioner previously had a porch that met the City's requirements. Based on the petitioner's assessment of the previous porch's condition, they felt it was necessary to rebuild and subsequently increased the size of the structure to create a better buffer between the open front porch and the primary entrance to the home. Increasing the open front porch allows a barrier from natural weather conditions between the home entrance and the porch entrance. The petitioner did not seek a building permit or zoning clearance prior to construction. Currently, the petitioner's porch does not meet the City's development standards. Since the discovery of the unpermitted work, the petitioner has submitted a building permit application and a zoning clearance application with sufficient documentation.

This portion of West Wolf Avenue is located in the Benham's First Addition Subdivision approved in 1910 and is a long established residential zone district encompassed by single family residential homes. There are several other properties neighboring the subject property that have similar characteristics, including open front porches that extend out from the front of the homes and are currently legal non-conforming. There are some properties where the open front porch extends closer to the public right of way than the subject property.

#### STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance based on the following findings of fact:

1. The approval will not be to injurious the public health, safety, morals or general welfare of the community as the open porch will not create a visibility obstruction for traveling pedestrians and motorists along West Wolf Avenue;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner as the property will continue its use as residential;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved because at the time the original structure was built, it met City development standards and became legal non-conforming over time;
5. The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property as the property will not differ from the characteristics of neighboring properties and would limit the petitioner the same enjoyment of similar surrounding properties without board action;
6. The special conditions and circumstances do result from an action or inaction by the applicant because the open porch was constructed without the benefit of a building permit and zoning clearance;
7. This property does not lie within a designated flood area.

Ughetti states there were 37 letters mailed with zero returned.

Mulvaney asks if there are questions from the Board for staff.

Mulvaney calls for a motion.

Davis makes a motion to approve 24-BZA-16 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Evanega Rieckhoff.

Davis – Yes  
Evanega Rieckhoff – Yes  
Leichtman – Yes  
Mulvaney – Yes

Motion carries.

**24-X-05 PETITIONER IS ELKHART COMMUNITY SCHOOLS  
PROPERTY IS LOCATED AT 2608 CALIFORNIA ROAD**

Per Section 4.3, a Special Exception to allow an addition to Elkhart High School. The proposed use is a Health and Wellness Center.

Mulvaney calls the petitioner forward.

Andrew Cunningham with JPR Civil Engineering Consultants, located at 325 S Lafayette Boulevard, appears via WebEx on behalf of the petitioner. Cunningham says he is with a civil engineering firm partnering with Elkhart Community Schools on a Health and Wellness Center. The addition would be on the northeast corner of the high school. He then states that the purpose of the addition is to serve the student population with health and recreation offerings. Cunningham says it will fit well within the campus and the surrounding community.

Mulvaney asks for questions from the Board.

Evanega Rieckhoff says it looks nice, then asks Cunningham how it will affect the partnership between the school and the aquatic center.

Cunningham answers that, from a civil engineering perspective, the addition would mainly benefit students rather than the community.

Tony Gianesi, Chief Operating Officer of Elkhart Community Schools, located at 1135 Kent Street, appears in person on behalf of the petitioner. To answer Evanega Rieckhoff's question, Gianesi says the project is designed to supplement the physical education component of school and different athletics. He says it was part of the overall plan when the schools combined and created the campus. He says it's the educational piece when it comes to physical education.

Evanega Rieckhoff asks Gianesi if it will damage the partnership with the aquatic center.

Gianesi answers that there is no pool component, but it would enable them to have three physical education classes there and host other extracurricular activities.

Mulvaney asks Gianesi if the center will be primarily open during the school day or if there will be after-hours hours when students can access the building to work out late at night.

Gianesi answers that students will only be allowed to use the facility after school hours if adults supervise them.

Mulvaney states it's an excellent addition because the cost is one of the complaints about the Aquatic Center. Not every student can access that because of the expenses, so it will be a great addition to Elkhart High School.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.



**STAFF ANALYSIS**

The petitioner is requesting a special exception use for an addition to the existing Elkhart High School for a new health and wellness center. Since the consolidation of the school districts within the City of Elkhart, the school has emphasized a focus of bettering the quality of life for its students. The proposed health and wellness center will provide students with new opportunities for fitness and recreation.

Section 4.3(L) of the Elkhart Zoning ordinance requires a special exception use for high schools and is the reason for this request. The health and wellness center will be located on the northeast corner of the existing school, utilizing 1.73 acres of the existing 32.66 acre site. Given this is an addition to the existing facility and located far from the surrounding residential uses, the value and use of surrounding properties will not be affected by this addition.

Staff recommends approval of this special exception.

**STAFF RECOMMENDATION**

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected as this use provides an essential community service;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because it is a minor change to an already approved use;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

Trotter states there were 23 letters mailed with zero returned.

Trotter says the petition comes to the Board with a Do-Pass recommendation from the Plan Commission.

Mulvaney asks if there are questions from the Board for staff.

Mulvaney calls for a motion.

Evanega Rieckhoff makes a motion to approve 24-BZA-16 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Davis.

Davis – Yes

Evanega Rieckhoff – Yes

Leichtman – Yes

Mulvaney – Yes

Motion carries.

**24-BZA-17 PETITIONER IS HABITAT FOR HUMANITY OF ELKHART COUNTY  
PROPERTY IS LOCATED AT 3115 HOMER AVENUE**

To vary from Section 5.4, Yard Requirements, to allow for a Corner Side Setback of fourteen and eight tenths (14.8) feet where twenty (20) feet is required, a variance of five and four tenths (5.4) feet.

Mulvaney calls the petitioner forward.

Andrew Cunningham with JPR Civil Engineering Consultants, located at 325 S Lafayette Boulevard, appears via WebEx on behalf of the petitioner.

Greg Conrad, President of Habitat for Humanity of Elkhart County, appears in person on behalf of the petitioner. Conrad says he is seeking the variance because it's a part of a larger project. He states there is an existing home on the parcel, and rather than tear it down, it was decided to rehab the home. Conrad says a road will be built for another nine new homes on the parcel. The need for the setback arises because building a road will create a corner lot that will lead to the back of the home. Conrad says that if the road were moved, the lot would be lost, and there would not be enough room to build on the other side. The site plan for the rehabbed

home has already gone through preliminary approval. He then says that one of the Habitat partner families is working on the house with community volunteers to help the process and build the nine new homes as phase one of the latest development. Conrad says the project fits with the community, and Habitat is building several houses in the area.

Mulvaney asks for questions from the Board.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

#### STAFF ANALYSIS

The petitioner wishes to vary from Section 5.4, Yard Requirements, to allow for a Corner Side Setback of fourteen and eight tenths (14.8) feet where twenty (20) feet is required, a variance of five and four tenths (5.4) feet.

This home is part of a new ten (10) lot subdivision on Homer Avenue for Habitat for Humanity that was presented this month to the Plan Commission. This home, built in 1975 on a +/- 3.5 acre parcel, is being incorporated into the new subdivision. Earlier this year Habitat for Humanity purchased the property and is in the process of renovating the home for a new partner family. This request is required because this home does not meet the corner side yard setback requirements for the new project.

The minimum corner side yard setback is twenty (20) feet. Because the subdivision is being developed around the existing structure and in order to meet the other minimum developmental requirements for new right of way widths that include new underground utilities as well as sidewalks, there was only 14.8 feet of side yard remaining. The graphics included in the packet depict the home as proposed in the subdivision (proposed Lot 6) as well as a blow up of the home on the new lot.

Staff supports the variance. This request and the overall proposed subdivision continue to provide much needed housing for the City of Elkhart.

#### STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the home is existing and the variance is required because the new subdivision being developed around the home causing the hardship;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the structure is existing and the hardship is caused again by the new subdivision being developed around the home;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved because the home existed prior to the subdivision being developed;
5. The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property because without board action the property would not otherwise met the developmental requirements for the district;
6. The special conditions and circumstances do result from an action or inaction by the applicant. However, because of the nature of the overall project this variance could not be helped without jeopardizing the entire proposed subdivision. Modifying the other development requirements, to make this structure compliant, i.e. road right of way width, could potentially cause safety issues for other adjacent and future residents;
7. This property does not lie within a designated flood area.

Trotter states there were 30 letters mailed with zero returned.

Mulvaney asks if there are questions from the Board for staff.

Mulvaney calls for a motion.

Davis makes a motion to approve 24-BZA-17 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Evanega Rieckhoff.

Davis – Yes  
Evanega Rieckhoff – Yes  
Leichtman – Yes  
Mulvaney – Yes

Motion carries.

**24-BZA-18 PETITIONER IS ADEC INC**  
**PROPERTY IS LOCATED AT 1205 MIDDLETON RUN ROAD**

To vary from the requirements found in Section 26.10, Sign Regulations, Table 1, to allow for an existing freestanding sign that is forty (40) square foot in area to be refaced where the maximum area is thirty two (32) square feet in area a variance of eight (8) square feet. To also vary from the requirements found in Section 26.10, Sign Regulations, Table 1, to allow for a new wall sign that is 79.05 square feet in area where the maximum area allowed is two (2) square feet (name and address only) a variance of 77.05 square feet.

Mulvaney calls the petitioner forward.

Todd Lehman with Signtech Sign Services, located at 1508 Bashor Road, appears in person on behalf of the petitioner. Lehman says that the property previously was the DAV on Middleton Run Road and was, most recently, the Middleton Run Road Community Event Center. He says the building is relatively large and has restrictions because it's zoned R-1. He then states that it's relatively familiar to architects because they like to incorporate coloring and logos. Lehman says ADEC is spending money on the exterior of the building, and part of that is because of the large logo on the building. Given the distance the building is from the road, he says the logo will look small when on Middleton Run Road because of the setback. For ADEC to get the architectural sign, the petitioner must go to the Board because two square feet is insignificant. He says the address on the building is bigger than two square feet.

Mulvaney asks for questions from the Board.

Evanega Rieckhoff asks Layman if the current property sign is the final one.

Layman replies no and that it'll have the same logo as ADEC. He does not believe the petitioner has created the design yet. A reface is not usually allowed, but given its size, it's doable.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

ADEC Inc., the petitioners, are requesting a sign variance to replace the sign on the former Disabled American Veterans building. ADEC provides essential services to disabled members of the community and worked closely with City staff to locate in the former DAV building. This building allowed ADEC to locate here easily with little modifications to the existing layout.

Due to the site being zoned R-1, the sign regulations are very restrictive and don't align with the current use or the industrial character of this street. The strict application of this ordinance would prohibit ADEC from installing a sign that is consistent with the industrial zoning districts which neighbor the property.

Staff recommends approval of the variances to allow the repurposing of the former DAV site for this essential community service.

**STAFF RECOMMENDATION**

The Staff recommends approval of the developmental variance to vary from based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community;

2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the request will allow for the installation of a sign that is consistent with industrial character of the area;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because its allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist that are peculiar to the land involved as the property is a nonresidential use located in a residential district;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property by depriving ADEC of a sign that is consistent with the character of the area;
6. The special conditions and circumstances do not result from any action or inaction by the applicant because this nonresidential use is located in an R-1 district with strict sign standards not consistent with the character of the area; and
7. This property does not lie within a designated flood area.

Ughetti states there were ten letters mailed, with one returned in favor with no comment.

Mulvaney asks if there are questions from the Board for staff.

Evanega Rieckhoff asks Trotter why the property is zoned R-1 and if it can be changed.

Trotter answers that the City annexed the property from the county. In the county, the property is an R-1 use in the special exception. When ADEC took over, the petitioner filed for a use variance to allow the use to occur in that building. Trotter says Staff felt that changing the zoning for the particular circumstance was inappropriate. The R-1 zoning special exception that allowed this was more closely similar to the uses than the commercial ones. Trotter says he should have considered the signage implications but was trying to work with them. He says sign regulations are for R-1 residential, but unfortunately, that is the reason for the variance.

Mulvaney states that it's the best use for the property without going industrial.

Trotter states that Staff anticipates the petitioner will be a longtime owner of that property.

Mulvaney calls for a motion.

Evanega Rieckhoff makes a motion to approve 24-BZA-18 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Davis.

Davis – Yes  
 Evanega Rieckhoff – Yes  
 Leichtman – Yes  
 Mulvaney – Yes

Motion carries.

**24-BZA-19 PETITIONER IS DAVID A NUFER LLC  
 PROPERTY IS LOCATED AT 2101-2111 S MAIN STREET**

To vary from Section 13.4, Yard Requirements to allow for a new structure that is 3.60 (three and six tenths) feet from the front property line (Main Street) where 30 feet is required and 2.16 (two and sixteen hundredths) feet from the corner side yard (Lusher Avenue) where 30 feet is required, a variance of 26.4 and 27.84 feet respectively. To also vary from Section 26.7.C.7.1.ii. (b). (2) where 10 (ten) feet is required for a parking lot adjacent to a right of way to allow for 8.66 (eight and sixty six hundredths) feet for the new parking lot. To also vary from Section 26.7.C.7.1.ii. (a). (1) where a 4 (four) foot landscape strip is required to allow for 3.5 (three and five tenths) feet, a variance of .5 (five hundredths) feet. To also vary from Section 26.7.C.7.1.ii. (b). (2) to allow for the landscape strip along the Main Street frontage to be 3.60 (three and six tenths) feet where 10 feet is required and 2.16 (two and sixteen hundredths) feet along the Lusher Avenue frontage where 10 (ten) feet is required a variance of 6.4 (six and four tenths)

feet and 7.84 (seven and eighty four hundredths) feet respectively. To vary from Section 26.7.C.7.I.ii.(b).(2) to allow for the alley landscape strip to be 8.77 (eight and seventy seven hundredths) feet where 10 (ten) feet is required.

Mulvaney calls the petitioner forward.

Deborah Hughes with Surveying and Mapping, located at 2810 Dexter Drive, appears in person on behalf of the petitioner. Hughes says many dimensions are highlighted on the exhibit the Board has of the petitioner. She says there is a list of issues. One is that the building is close to the right-of-way line in an urban-style development similar to the existing buildings on the north side of Lusher Avenue. This is mainly due to the lot's narrow size, which is 121 feet, and the need for a parking lot on the rear. Hughes says there is the parking lot aisle, parking lot, parking space, sidewalk, and landscape strip. All have to fit within the space along with the 54-foot-wide building. So, what has been decided is to keep the parking spaces 20 feet long and the entire drive aisle width while burying the landscaping. There is also a north setback for the parking 8.6 feet, where 10 feet is needed. The landscape variance is all around the building to fit in that width. However, Hughes says that on the south side of the building, there is more than required landscaping to help make up for the shortage. There will be a large 22-foot-long landscape strip, plus additional landscaping on the far south edge of the property adjacent to residential use. Where there is space, there will be additional landscaping and landscape islands in the parking lot, too. She says those are the variances and why they are needed.

Mulvaney asks for questions from the Board.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition.

Mary Krause appears in person in opposition to the petition. Krause says her concern is mainly traffic because she is a block from Main Street, and vehicles regularly pass her house at 60 MPH. She states that she goes through that intersection multiple times a day, and it's pretty intense. She says her fear is having cars coming and going from the laundromat. She also added that she had not received any information on the request and needed to know how the building would sit on the property or how the entrance and exits would work. Krause states that she knows a neighbor who lives close to her who had written in no, but she does not know about the rest of the neighborhood. She says she is concerned about safety, especially with cars and children entering and leaving the area. She says she saw this happen when she occasionally used the laundromat on the corner of Hively.

Leichtman asks Krause if they are concerned that a new business will increase traffic or are worried about where the building is being placed and whether that will obstruct views.

Krause replies that she is concerned about the increased traffic because she needs to know the view or where the building will be. She states that she grew up in her corner, which is an accident corner. She says she's unsure if anyone has surveyed how many accidents occur on that corner, even though she has lived through several.

Mulvaney states that the Board has a diagram that shows how the building will be set up. The building is set back, with the parking lot along the alley... (unintelligible, off mic). Here is the building; this is Main Street... (unintelligible, off mic). Most traffic will funnel out...(unintelligible, off mic).

Mulvaney closes the public portion of the meeting and calls staff forward.

#### STAFF ANALYSIS

The petitioner has recently purchased the parcels at the southwest corner of South Main Street and Lusher Avenue from the City of Elkhart Redevelopment Commission. The sale was conditioned on the petitioner developing a commercial space that follows traditional urban design, including small front setbacks for the main building and parking in the rear. All parcels are currently vacant. Petitioner is requesting variances for the front and corner side setbacks to allow new construction for a laundromat and additional retail space with frontage on South Main Street. Development is proposed with parking at the rear of the newly constructed building, which leaves little room for the building if required to stay within the 30-foot front and corner side setbacks. Approval of the request would allow a front building setback of 3.60 feet where 30 feet is required and a corner side building setback of 2.16 feet where 30 feet is required. The variance would also allow a parking pavement setback of 8.66 feet where 10 feet is required. Petitioner is also requesting variances for landscaping widths on the east (along South Main Street), north (along Lusher Avenue), and west (along the alley) borders of the parcel, and adjacent to the building on the west. Approval of the request would allow landscaping to be installed with the following widths:

- 3.60 feet between the building and right of way on South Main Street (10 feet required)
- 2.16 feet between the building and right of way on Lusher Avenue (10 feet required)
- 8.77 feet between the parking lot and the public alley (10 feet required)

- 3.50 feet between the building and the parking lot (4 feet required)  
Staff recommends approval of this variance.

**STAFF RECOMMENDATION**

The Staff recommends approval of the developmental variance based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because the proposed uses provide beneficial services to residents and cater to the convenience of pedestrians accessing the site from South Main Street sidewalk;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed development makes use of vacant land to provide new services to area residents;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance;
4. Special conditions and circumstances do exist that are peculiar to the land, since the size of the properties make it difficult to develop the desired uses with adequate interior floor space;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property by depriving the petitioner of the rights commonly enjoyed by other properties in the same area;
6. The special conditions and circumstances do not result from any action or inaction by the applicant, as the petitioner is proposing to develop the site as desired by the City RDC;
7. This property does not lie within a designated flood area.

Trotter states there were 35 letters mailed, with one returned in favor with no comment and one telephone call not in favor with the comment that the intersection is dangerous. The additional traffic will lead to more accidents.

Mulvaney asks if there are questions from the Board for staff.

Evanega Rieckhoff asks Trotter if there is ever a worry when a business is so close to the intersection if there are worries about cars jumping the curve, and if it could be done differently to have posted similar to ones in the River District.

Trotter answers that the property is located at a signalized intersection. Traffic volume and speed should not cause undue harm to people driving within reasonable speeds at that intersection.

Leichtman asks Trotter if people will be at risk when they leave the parking lot since the building will be so close to the road.

Trotter says it should not because it's so close to the signalized intersection that would allow people to get out.

Mulvaney calls for a motion.

Davis makes a motion to approve 24-BZA-19 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Evanega Rieckhoff.

- Davis – Yes
- Evanega Rieckhoff – Yes
- Leichtman – Yes
- Mulvaney – Yes

Motion carries.

**24-X-06 PETITIONER IS REPUBLIC SERVICES (BROWNING FERRIS INDUSTRIES)**

**PROPERTY IS LOCATED AT 3300 CHARLOTTE AVENUE**

Per Section 18.3, Special Exception Uses in the M-1, Limited Manufacturing District, a special exception to allow for the replacement of a 10,000 gallon diesel fuel storage tank.

Mulvaney calls the petitioner forward.

Kathryn Johnson with Republic Services, located at 3300 Charlotte Avenue, appears in person on behalf of the petitioner. Johnson says that Republic Services is just looking for a tank replacement. It would be the same size but double-walled, whereas the current tank is single-walled with a containment area around it so that it would be inherently safer.

Mulvaney asks for questions from the Board.

Evanega Rieckhoff asks Johnson where the tank will be located.

Johnson answers that the tank will be in the same spot, so the old one will be decommissioned when the new one finally operates. The new tank will be 30 feet away from the current one.

Mulvaney asks Johnson how tall the current one that stands is.

Johnson answers that the current tank is vertical, so the new one will be about 20 feet tall. To continue to protect it, the new tank will also have a bollard around it.

Mulvaney asks...(unintelligible, off mic).

Johnson says the old tank will be decommissioned, meaning it will no longer exist.

Leichtman asks Johnson if the old tank will be taken down.

Johnson answers that the old tank will be gone.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner operates as a waste removal services provider throughout the City of Elkhart and occupies the subject parcel. Petitioner desires to replace the existing vertical 10,000 gallon above-ground diesel fuel storage tank that was previously approved by Elkhart County before the parcel was annexed into the City. The existing storage tank is approaching its life expectancy and should be replaced. Petitioner intends to replace the existing storage tank with a horizontal, double wall UL142 10,000 gallon above-ground fuel storage tank. The parcel is currently buffered from residential uses to the east (rear of the parcel) by deciduous trees and shrubs.

Permitted uses in the M-1 Limited Manufacturing District include "outside storage of liquids or gases in one or more tanks, where total volume of the tank(s) does not exceed 2000 gallons." (See Section 18.2.II) Strict adherence to zoning ordinance Section 18.2 would reduce the existing fuel capacity of 10,000 gallons to 2,000 gallons, which would greatly hinder the ability of the service provider to continue its current level of service in the City of Elkhart.

Staff recommends approval of this special exception.

**STAFF RECOMMENDATION**

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because it is a minor change to an already approved use;

3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

Ughetti states there were 24 letters mailed, with one returned in favor with no comment, and the request comes with a do-pass recommendation from the Plan Commission.

Mulvaney asks if there are questions from the Board for staff.

Mulvaney calls for a motion.

Evanega Rieckhoff makes a motion to approve 24-X-06 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Davis.

Davis – Yes  
Evanega Rieckhoff – Yes  
Leichtman – Yes  
Mulvaney – Yes

Motion carries.

**24-UV-08 PETITIONER IS ELKHART COMMUNITY SCHOOLS  
PROPERTY IS LOCATED AT 2424 CALIFORNIA ROAD**

To vary from Section 18.2, Permitted Uses in the M-1 District, a use variance to allow for an addition to the Career Center Building, part of the Elkhart High School Campus.

Mulvaney calls the petitioner forward.

Brian Sutanto with JPR Civil Engineering Consultants, located at 325 S Lafayette Boulevard, appears via WebEx on behalf of the petitioner. Sutanto says the petitioner requests permission to add to the Career Center building. The addition will improve the sidewalks in the proposed building, as well as the storm system, water management, and parking lot improvements. A retention basin will also be proposed south of the building, serving as the new addition's stormwater runoff.

Mulvaney asks for questions from the Board.

Mulvaney opens for public comments to speak in favor.

Tony Gianesi, Chief Operating Officer of Elkhart Community Schools, located at 1135 Kent Street, appears in person on behalf of the petitioner. Gianesi says they want to add to what Sutanto has said. He states that there has been an increase in the number of students in their district for students who wish to attend the Career Center. He says they are looking to add 200 additional spaces for students. The expansion will expand the criminal justice program housed inside the existing Career Center. The old space will be for a sports medicine space, and it will also be used for surgical tech. The expansion of the offerings will be similar to the health and strength center.

Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner is requesting to vary from Section 18.2, Permitted Uses in the M-1 District, a use variance to allow an addition at the southeast corner of the Career Center for additional space serving the technology center. In addition, sidewalk improvements around the proposed building addition have been made along with storm water system management to accommodate parking lot improvements. A retention basin will be proposed to the south of the building addition, which will serve the new additions storm water runoff.

This property has an existing institutional building that serves Elkhart Community Schools as the Elkhart Area Technology Center. According to county records the current building on the property was constructed in 1973, and was built for its current use as a technology center and a local radio station broadcast center. In 2019, a use variance was granted to allow the Elkhart Community Schools Teenage Parent Program as a permitted use located in the technology center as a permitted use in the M-1, Limited Manufacturing District.



**STAFF RECOMMENDATION**

The Staff recommends approval of the use variance based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the building addition will be constructed to all current applicable building requirements;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed use as additional classrooms for the technology centers activity will occur indoors and would be an asset as this facility serves the greater community school district;
3. The need for the variance does arise from some condition peculiar to the property involved because without board action the use would not be permitted;
4. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the site because the building was constructed for its current use whereon the addition will serve the same purpose;
5. The approval does comply with the Comprehensive Plan which calls for the area to be developed with institutional uses.

Ughetti states there were five letters mailed, with one returned in favor with no comment.

Mulvaney asks if there are questions from the Board for staff.

Mulvaney calls for a motion.

Davis makes a motion to approve 24-UV-08 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Evanega Rieckhoff.

Davis – Yes

Evanega Rieckhoff – Yes

Leichtman – Yes

Mulvaney – Yes

Motion carries.

**24-UV-09 PETITIONER IS ELKHART COMMUNITY SCHOOLS  
PROPERTY IS LOCATED AT 2411 AND 2439 COUNTY ROAD 10**

To vary from Section 18.2, Permitted Uses in the M-1 District, a use variance to allow for an addition to the Diesel Tech and Building Trades Buildings, part of the Elkhart High School Campus.

Mulvaney calls the petitioner forward.

Brian Sutanto with JPR Civil Engineering Consultants, located at 325 S Lafayette Boulevard, appears in person on behalf of the petitioner. Sutanto says they request an addition and improvements for the Diesel Tech and Building Trade Buildings. This would include a retention basin expansion and an increase in the current stormwater piping to accommodate the proposed development.

Tony Gianesi, Chief Operating Officer of Elkhart Community Schools, located at 1135 Kent Street, appears in person on behalf of the petitioner. Gianesi says they are requesting two additions for diesel tech and building trades because of the additional programming they seek to offer. The diesel tech building would be expanded to double the size of the work base to increase the number of diesel tech students and move auto trades into that building. This would open up room for new programs. This allows Elkhart Community Schools to increase their offerings in that building by creating more space. Currently, there is one small classroom in the construction and trades building. With the addition, there would be two additional classrooms to allow for expanded offerings.

Mulvaney asks for questions from the Board.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner is requesting to vary from Section 18.2, Permitted Uses in the M-1 District, a use variance to allow for an addition and improvements to be made to the Career Center Annex specifically the Diesel Tech and Building Trades. The proposed expansion of the current storm water retention basin and an increase to current storm water piping to the south of the site will accommodate the proposed development.

These properties contain multiple institutional buildings that serve the Elkhart Community School District as training facilities. According to county records these buildings were constructed over time from the 1970's through 2019. In 2020, both properties were annexed into the City of Elkhart – Ordinance 5812.

**STAFF RECOMMENDATION**

The Staff recommends approval of the use variance based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the building addition will be constructed to all current applicable building requirements;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed development would be an asset for the community and the surrounding school district by increasing the quality of the use of the subject properties;
3. The need for the variance does arise from some condition peculiar to the property involved because without board action the use would not be permitted;
4. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the site because the buildings were constructed for their current use whereon the proposed development will serve the same purpose;
5. The approval does comply with the Comprehensive Plan which calls for the area to be developed with institutional uses.

Ughetti states there were 10 letters mailed with zero returned.

Mulvaney asks if there are questions from the Board for staff.

Mulvaney calls for a motion.

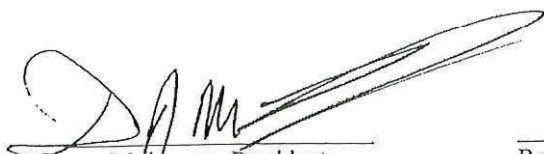
Evanega Rieckhoff makes a motion to approve 24-UV-09 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Davis.

Davis – Yes  
Evanega Rieckhoff – Yes  
Leichtman – Yes  
Mulvaney – Yes

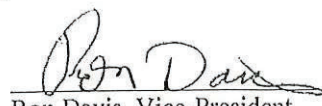
Motion carries.

**ADJOURNMENT**

Davis makes motion to adjourn; Second by Evanega Rieckhoff. All are in favor and meeting is adjourned.



Doug Mulvaney, President



Ron Davis, Vice-President



**Elkhart Historic & Cultural Preservation Commission**

**Meeting Thursday, September 19, 2024**

**Call to Order:**

Ann Linley called to order the Elkhart Historic & Cultural Preservation Commission Meeting for Thursday, September 19, 2024 at 7:01 pm.

**Roll Call:**

Present: Bobby Glassburn, JA Whitmer, Ann Linley and Bill Zimmerman. Eric Trotter with the City of Elkhart.

Absent: N/A

**Approval of Minutes:**

Linley gave everyone a minute to look over the minutes for June 20, 2024 to see if there were any concerns or if any corrections needed to be made.

Linley said she would accept a motion to approve the minutes as presented. Motion made by JA Whitmer, seconded by Bobby Glassburn; motion carried.

Linley said the June 20, 2024 minutes are approved.

**Approval of Agenda:**

The recorder secretary reminded the board to approve the agenda.

Linley asked the board if there were any additions or changes to the agenda.

Linley asked for a motion to approve the agenda as presented. Motion made by Bill Zimmerman, seconded by Whitmer; motion carried.

Linley said the agenda is approved.

**Financial Report:**

Linley asked everyone to take a moment to review the financial report in their packet.

Eric Trotter presented the following financial report: the 2024 budget indicates we paid two invoices which paid for the board members memberships and the two halves of professional services contract with Indiana Landmarks for Deb Parcell (\$7,460.00). That leaves a balance of **\$540.00** at the end of the year which will roll back.

Trotter said that he has not heard of any adjustments for 2025 contract with Indiana Landmarks and he is assuming that it is going to be the same. Trotter shared that their budgets are going Saturday for tentative, for public hearing and if there is any adjustment they will roll with it next year.

There were no changes to the donation account for 2024. That leaves a balance of **\$5,467.92**.

Ann Linley said she would accept a motion to approve the financial report as presented. Motion made by Zimmerman, seconded by Glassburn; motion carried.

Trotter said that Jamison Czarnecki, the park superintendent, was connected via WebEx and Adam Fann representative from Elkhart re-development commission was in the audience to answer any questions.

Jamison Czarnecki was not able to unmute himself via WebEx. Trotter asked Adam Fann to take over the microphone.

Adam Fann introduced himself as assistant Director of redevelopment. Fann said that he was happy to answer any questions.

Linley said that it is a big area and she wanted to make sure that the neighborhood next immediate neighbors were ok with this idea. Fann responded that Park's department has had some neighborhood input on it. They have given their desires as far as the type of playground, colors, and things like that. Fann continued to say that the redevelopment commission has some funds that they have talked to Mr. Czarnecki about to extend the fencing that is in front of the SoMa Commons gardens onto this parcel where the playground would be to unify the whole thing. Fann added that they would add some additional lighting, remove the curb cut that is currently there to the property so there's no longer a drive approach into the property. They would also be removing the small retention wall or curb that is on the backside of the sidewalk and they would also be looking to correct some ADA compliance issues with the sidewalk that is in front of the property.

Linley asked if that is all wrapped into the price tag that was in the paperwork. Fann responded that it would be all extra that the commission would be funding on its own. Linley said that she was wondering about that little half wall because she saw children doing Superman things that did not end up well.

Fann said that the parcel in the corner of Hug and East Street was sold to a private developer that will be doing a LIHTC credit development which LIHTC stands for low income housing tax credits. He believes that there would be 40 to 43 units and they will start conversations with the developer to see if a staircase going from the property below on Hug Street up to the parcel on Division Street would be something that they would be interested in teaming with the city to have it installed.

Zimmerman asked if the entire area around the playground would be fenced. Fann responded no it would be just the front like currently it is but they are trying to match that same style of fence and then also do another gateway entrance. Zimmerman asked if there are any restrictions or code that mandates that the whole playground has to have a fence around it. Fann responded no that he was aware of but that would be more of a park's department question. Fann added that they have a lot of parks that do not have fences all the way around them.

Zimmerman asked what type of material would be there for flooring on the ground area when children come down the slides. Fann responded that he believed that Parks would be using wood chips like they do in a lot of the other parks on their play systems. Zimmerman said that some of the playgrounds that he had experience with have the rubberized type material and he did not know if there was any code for the safety of the children or people using that or need to be used. Fann said that wood chip are still commonly used and acceptable. Fann said that Jamison did text in and say that the natural play elements were requested by the neighborhood that's part of this design.

LERNER THEATRE BOARD  
Wednesday, October 9, 2024

President Gary Boyn called the Regular Meeting of the Lerner Theatre Board to order at 10:00 a.m. on Wednesday, October 9, 2024. The Clerk of the Board, Nancy Wilson called the roll. Gary Boyn, Diana Lawson, Jamie Arce, and Dina Harris attended in-person. Carrie Berghoff and Dallas Bergl were absent. There is one vacancy on the Lerner Governing Board.

1. AGENDA

On motion by Dina Harris, seconded by Diana Lawson and carried 4-0, the agenda was amended by adding the Conway Entertainment Group Contract to New Business. On motion by Dina Harris, seconded by Jamie Arce and carried 4-0, the amended agenda was approved.

2. MINUTES: Regular Meeting September 11, 2024

On motion by Diana Lawson, seconded by Jamie Arce and carried 4-0, the Board approved the minutes from September 11, 2024.

3. TREASURER'S REPORT

Financials August 31, 2024

Michelle Adams of Kruggel, Lawton and Co. attended on WebEx. The August 31, 2024 financial report was submitted to the Board for review. Total operational expenses of \$1,188,5180 were covered by a City contribution of \$618,517 (52%) and a Lerner contribution of \$570,001 (48%). This compared with 2023 City's contribution of 64% and the Lerner's contribution of 36%. The net income from Theatre operations only (shown as Gross Profit) at the end of the period was \$511,444 which was an increase of \$163,651 from 2023. The YTD net income for all Lerner operations (including City expenses) at the end of the period was \$48,149 which was an improvement of \$135,378 from the net loss on last year's statement of (\$87,229). On budgeted City Operational Expenses alone we were under-budget by \$469,983 year-to-date. On motion by Dina Harris, seconded by Diana Lawson and carried 4-0, the Financials from August 31, 2024 were approved.

Claims and Allowance Docket

On motion by Jamie Arce, seconded by Dina Harris and carried 4-0, the Board approved the claims and allowance docket totaling \$27,142.01 as listed on the register consisting of 4 pages, prepared on October 7, 2024 at 11:46 a.m.

4. PRESIDENT'S REPORT

Diana Lawson gave an update on the 100-year celebration planning. The sub-committees are meeting and getting their reports ready for the next meeting on November 12, 2024 with all of the committee chairs. The official kickoff of the 100-year celebration is November 24, 2024 at 3:00 p.m. for the Silent Movie and Organ Concert showing of "The Navigator".

5. CRYSTAL BALLROOM CATERING

Kurt Janowsky presented the report September Month End report. The Ballroom had a decent month. The Theatre was slow for the second month in a row. They did \$90,000 in revenue, and only \$2,500 of that was concessions. Year to date the Ballroom is at \$659,000 in Total Commission Sales compared to \$486,000 in 2023 which is significantly ahead. In the fourth quarter of 2024 the Ballroom will do well. They have \$375,000 in revenue booked, which does not include and concessions.

LERNER THEATRE BOARD  
 Wednesday, October 9, 2024

**6. DIRECTOR OF EVENTS REPORT**

The Director of Events Report has been inserted in the minutes as presented.

**DIRECTOR OF EVENTS**

PREPARED BY: SARAH MACER

**October 2024**

Activity (October - December)	As % of 90 days	
<b>55 Events</b>	61%	<b>Activity in theatre</b>
<b>30 Ticketed Events</b>	33%	<b>Ticketed events</b>
6 Non-Ticketed Events	0.7%	Non-Ticketed events
<b>19 Rehearsal Dates</b>	21%	<b>Rehearsal Space</b>

Compare to 2023 Board Report Ticketed Events: 26

Compare to 2023 Board Report Non-Ticketed Events +Rehearsals: 36

- The Year End Review is being sent out. Holly and Jenna did a great job on this and have the bones for next year's Year End Review in place. We are hoping to be back on schedule for the next Year End Review and have that sent off closer to February/March
- October has officially kicked off and with it we had two shows already. Rachel has done a great job stepping up and closing shows and we've had our first reminder of long shifts and busy weekends. The tech department did a great job and a shout out to Jacob for two shows and only a few calls/messages to Deen from all of us while he was out.
- Our 100 year celebration plans continue and we're hoping to loop in more of The Lerner team and downtown business/community members to prepare for a year of celebration.

**DIRECTOR OF EVENTS**

PREPARED BY: SARAH MACER

**Accomplished in September:**

- All of Facility Occupancy numbers were sent off to the city departments for life safety of everyone visiting The Lerner. Also, the Google Calendar and Prism are both updated based off from conversations with Sherry, Blake and Scott.
- I am still working on facilitating shows with Deen and the rest team. We are picking up speed and with more shows I'm grateful for some of the newer practices we have in place; so more of the team is included in the process rather than one person having all of the information.

LERNER THEATRE BOARD  
Wednesday, October 9, 2024

- Our monthly meetings of the 100 year are continuing and we're working on setting up routine meetings for our individual committees. The first meeting of all happened in September and we'll be meeting bimonthly from now on.
- DLZ had their second walkthrough and we're looking forward to the report from them once we receive that from Public Works
- All of the usual tasks associated with my position have been completed; Show Closings sheets have been completed for each show and the show closing schedule for the month was sent to KL.

### **Updates for September:**

#### **100 Year Planning:**

Our meetings have continued with Diana's guidance and we're all starting to move through our roles as liaisons for the various committees we're on. The first meeting with everyone in attendance was well received and we have a lot of excited, interested parties. We are looking forward to our first official event in November on 11.24.24 where we have the Silent Movie: The Navigator; which was the first event we EVER had in the building.

#### **Budget:**

Deen did an amazing job presenting The Lerner budget and sitting through the Councils questions. There are somethings we can update and elaborate on for the Council with the Mayor's assistance but it was a great day. Jamie was a huge help and we loved working with Angie with the City Council, Leah with the Ballroom for catering (always) and the rest of the Department Heads to make sure it was an easy day for all that had to speak.

#### **KultureCity:**

We will be entering our second year and start the training of full, part time and Volunteers here soon!

#### **Event Planning:**

We're getting into show season! October is the official kick off to "busy" and we're off and running with advancing shows and working through those details. We'll have a lot of weekends coming up where we have multiple shows and we've been working on getting new Volunteers, Ushers and Box Office staff ready.

## **TECHNICAL AND FACILITIES DIRECTOR**

PREPARED BY: DEEN TUGGLE

Due to a sudden family death, Deen will give a verbal report at the board meeting.

## **COMMUNICATIONS & MARKETING COORDINATOR**

PREPARED BY: JENNA BROUILLETTE

September has been primarily a month to work behind the scenes and prepare for the busy show season ahead. Administratively, I've been continuing to work to advertise for our upcoming shows and prepare for our centennial celebration! We've got a great team working towards this celebration, and the passion shared for The



LERNER THEATRE BOARD  
Wednesday, October 9, 2024

Lerner and its value for the community is a refreshing experience! We completed the month with Lerner on the Lawn and Home Free, both fantastic groups full of talent.

We are also in the process of distributing The Lerner's Year in Review documents and updating our Lerner website to be more ADA accessible – both great projects that we look forward to completing.

Here is a snapshot of The Lerner Theatre's Socials as of 9/30/24:

	July 2024	August 2024	September 2024	1-Month Change
Total Audience	36,402	36,484	36,462	0.3% Increase
Total Impressions	328,338	466,095	510,956	24.4% Increase
Total Engagement	13,789	19,622	19,949	15.2% Increase

**Additional Social Context:** *Beginning June 2024, The City of Elkhart announced the following regarding meetings and social platforms. "The City of Elkhart utilizes its Facebook pages to share information and engage with our constituents. We will continue to use all city pages with that goal in mind, however, commenting on future posts will not be allowed."*

As a City-Owned building, this policy affects our pages as well, effectively impacting show announcements, promotions, information sharing, and interaction with patrons (positive or negative). We are currently navigating this constraint and seeing significant long-term challenges to our social data as this limits engagement with our posts and impressions as well.

**Done in September**

- Finalized Year In Review Documentation
- Continued internal meetings to plan and organize the 100<sup>th</sup> anniversary celebration
- Began discussions about making The Lerner website more accessible

**Goals for October**

- Work with Holly to update our website and create a more comprehensive accessibility page for the Lerner Website
- Complete the Lerner on the Lawn season with its fifth Free Concert
- Continue as a liaison to the Lerner's 100 year celebration committees in the areas of History+Renovation and Communications.

**MEDIA SPECIALIST**

PREPARED BY: HOLLY COWAN

The month of September we have started to get more shows on the books so I have resumed my responsibilities with floor managing. I've also been able to continue working on some back burner items.

I'm happy to announce that the printing of the 2023 Year End Report and Community Update has finally been completed! These pieces will begin to be distributed soon and will be available to view on our website. In the upcoming

LERNER THEATRE BOARD  
Wednesday, October 9, 2024

months I will begin to draft the 2024 report with new information and the events we've done this year.

Jenna and I have also begun to look into accessibility features on our website. We have a meeting scheduled to discuss issues and expectations in the following week. I'm looking forward to digging into this and starting to revamp our site. It also sounds like Friends of the Lerner are reviewing their website and will be sending along changes and edits.

This week I'll be meeting with the communication committee for our 100 Year Celebration to discuss branding moving forward in November. I'm excited to hear from the team and to continue moving with this project.

### **Accomplishments in September**

- Working on graphics and announce emails for upcoming shows
- 2023 Year End Report and Community Update is printed and being mailed! Once we officially receive these pieces we will have them posted to our website to replace the old 2020 report
- Created rough draft of new Know Before You Go email
- Started to draft holiday card for this year
- Donations pages are officially up on our website and functional
- Made some small edits to the FOL website to update information with more changes to come

### **Upcoming Goals for October**

- Create a new page for the website about our accessibility
- New page for the website about artwork on display in The Lerner
- Ongoing – update The Lerner Website and Friends of The Lerner Website information
- Begin working on accessibility features for our websites
- Design a new Know Before You Go social graphic and email
- Create branding for 100 Year Celebration

## **BOX OFFICE MANAGER**

PREPARED BY: TRISTIN TUBBS

### **Box Office Manager Accomplishments for September 2024**

- Successfully built 6 shows - The Price is Right Live! is coming back to The Lerner!
- Continued to help Jenna with our Friends of the Lerner Endowment Program - We are looking to reinstate the program for our 100 Year Anniversary!
  - I am now the liaison between The Lerner Theatre and the Friends of the Lerner

LERNER THEATRE BOARD  
Wednesday, October 9, 2024

- Became the primary contact for FOL and will start handling donations towards the non-profit

#### **Box Office Assistant Manager Accomplishments for September 2024**

- All box office staff are trained and ready to work solo shifts
- Closed the balcony for Mersey Beatles and was able to move everyone down to main floor
- All audits were done and sent to controller's office
- Finished updating box office manual

#### **Box Office Manager Goals for October 2024**

- Complete the new Box Office Operations Manual
- Schedule a Mandatory Box Office Meeting to go over the new Box Office Operations Manual
- Continue to work with Jenna on our FOL Endowment Program and help out with the 100 Year Anniversary
- Continue to be a liaison for the FOL
- Start sending out donation letters

#### **Box Office Assistant Manager Goals for October 2024**

- Lead a solo national tour
- Make sure box office is staffed for upcoming events
- Continue to stay up to date on audits

LERNER THEATRE BOARD  
 Wednesday, October 9, 2024

Date	Time	Event Name	On Sale Date	Sold	Revenue w/Hist. Fee	Net Revenue	Hist. Fee	Total Revenue
9/8/2024	4:00 PM	Elkhart County Symphony - Rhythms in Bloom	7/24/2024	183	\$2,327.00	\$1,778.00	\$549.00	\$2,327.00
9/8/2024	4:00 PM	Elkhart County Symphony - Rhythms in Bloom (Original Event - Now not used)	7/24/2024	11	\$232.00	\$199.00	\$33.00	\$232.00
9/14/2024	8:00 PM	4192: An Evening with Pete Rose Live!	4/1/2024	94	\$2,728.00	\$2,446.00	\$282.00	\$2,728.00
9/19/2024	7:30 PM	Kimball Organ - The Cat and The Canary	2/1/2024	138	\$1,771.25	\$1,357.25	\$414.00	\$1,771.25
9/27/2024	8:00 PM	Home Free - Crazy(er) Life Tour	6/21/2024	162	\$6,690.35	\$6,204.35	\$486.00	\$6,690.35
10/5/2024	7:00 PM	The Voices of Rock Radio	4/12/2024	168	\$5,239.00	\$4,735.00	\$504.00	\$5,239.00
10/6/2024	7:00 PM	The Mersey Beatles	4/23/2024	38	\$1,958.00	\$1,844.00	\$114.00	\$1,958.00
10/18/2024	7:30 PM	Premier Arts: School of Rock	1/1/2024	118	\$2,733.00	\$2,379.00	\$354.00	\$2,733.00
10/19/2024	7:30 PM	Premier Arts: School of Rock	1/1/2024	110	\$1,700.00	\$1,370.00	\$330.00	\$1,700.00
10/20/2024	2:00 PM	Premier Arts: School of Rock	1/1/2024	89	\$1,967.00	\$1,700.00	\$267.00	\$1,967.00
10/23/2024	6:00 PM	Sesame Street Live! - Say Hello	6/28/2024	120	\$4,648.40	\$4,288.40	\$360.00	\$4,648.40
10/25/2024	7:30 PM	Judy Collins	6/21/2024	36	\$1,616.00	\$1,508.00	\$108.00	\$1,616.00
10/26/2024	4:00 PM	95.3 MNC NOISE!	9/11/2024	32	\$2,126.00	\$2,030.00	\$96.00	\$2,126.00
11/1/2024	7:30 PM	Finding Nemo Jr	3/27/2024	42	\$984.00	\$984.00	\$0.00	\$984.00
11/2/2024	10:00 AM	Premier Arts Academy: Finding Nemo Jr	9/9/2024	130	\$1,800.00	\$1,410.00	\$390.00	\$1,800.00
11/2/2024	2:00 PM	Finding Nemo Jr	3/27/2024	138	\$3,112.00	\$2,698.00	\$414.00	\$3,112.00
11/2/2024	6:00 PM	Premier Arts Academy: Finding Nemo Jr	9/9/2024	91	\$1,275.00	\$1,002.00	\$273.00	\$1,275.00
11/6/2024	7:30 PM	A Taste of Ireland	8/29/2024	220	\$13,757.00	\$13,097.00	\$660.00	\$13,757.00
11/7/2024	7:00 PM	World Ballet Series: Swan Lake	4/2/2024	54	\$3,387.00	\$3,225.00	\$162.00	\$3,387.00
11/8/2024	7:00 PM	Jeremy Camp Deeper Waters Tour	8/22/2024	263	\$12,419.50	\$11,630.50	\$789.00	\$12,419.50
11/9/2024	7:00 PM	Ginger Billy	6/21/2024	51	\$2,322.00	\$2,169.00	\$153.00	\$2,322.00
11/15/2024	7:30 PM	DAYBREAK: The Music and Passion of Barry Manilow	8/15/2024	11	\$598.00	\$565.00	\$33.00	\$598.00
11/17/2024	4:00 PM	Elkhart County Symphony - Mahler Symphony Number 2	7/24/2024	42	\$547.00	\$421.00	\$126.00	\$547.00
11/23/2024	7:00 PM	Joe Gatto: Let's Get Into It	6/21/2024	45	\$3,023.50	\$2,888.50	\$135.00	\$3,023.50
11/24/2024	3:00 PM	Kimball Organ - The Navigator	2/1/2024	3	\$35.00	\$26.00	\$9.00	\$35.00
12/4/2024	7:00 PM	Christmas in the Air	8/15/2024	3	\$158.00	\$149.00	\$9.00	\$158.00
12/5/2024	7:00 PM	Charlie Berens: Good Old Fashioned Tour	6/21/2024	79	\$3,732.00	\$3,495.00	\$237.00	\$3,732.00
12/6/2024	7:30 PM	The Rat Pack is Back for The Holidays	3/1/2024	12	\$674.00	\$638.00	\$36.00	\$674.00
12/7/2024	6:00 PM	Hometown Jams: Night Ranger	8/14/2024	109	\$6,702.51	\$6,375.51	\$327.00	\$6,702.51
12/13/2024	7:30 PM	Premier Arts: Elf the Musical	1/1/2024	34	\$519.00	\$417.00	\$102.00	\$519.00
12/14/2024	2:00 PM	Premier Arts: Elf the Musical All-Youth Performance	1/1/2024	22	\$407.00	\$341.00	\$66.00	\$407.00
12/14/2024	7:30 PM	Premier Arts: Elf the Musical	1/1/2024	16	\$129.00	\$81.00	\$48.00	\$129.00
12/15/2024	2:00 PM	Premier Arts: Elf the Musical	1/1/2024	41	\$900.00	\$777.00	\$123.00	\$900.00
2/2/2025	4:00 PM	Elkhart County Symphony - Mahler Symphony Number 2	7/24/2024	12	\$379.00	\$343.00	\$36.00	\$379.00
2/2/2025	4:00 PM	Elkhart County Symphony - Mahler Symphony Number 2 (Original Event - Now not used)	7/24/2024	0	\$0.00	\$0.00	\$0.00	\$0.00
3/30/2025	4:00 PM	Elkhart County Symphony - Passion and Poetry	7/24/2024	12	\$379.00	\$343.00	\$36.00	\$379.00
5/18/2025	4:00 PM	Elkhart County Symphony - Rebel Symphonie	7/24/2024	12	\$379.00	\$343.00	\$36.00	\$379.00
11/16/2025	3:00 PM	Snow Queen	9/18/2024	4	\$293.90	\$281.90	\$12.00	\$293.90
<b>Total Ticket Revenue</b>					<b>\$93,648.41</b>			

**LERNER SERVICES COORDINATOR**  
 PREPARED BY: DIANA GALVES

In September the Lerner didn't have many performances. The Ballroom, on the other hand, had several Weddings as well as several banquets.

Accomplished in September:

Due to not having many performances Lerner services staff worked with the Facility Manager with maintenance.

- Lerner services staff worked with the Facility Manager cleaning the algae off the three roofs.
- Lerner services staff worked with the Facility Manager sanding and painting three ticket podiums.
- Lerner services staff worked with the Facility Manager sanding, painting ally hand rails, sweeping, and cleaning ally of debris.

## LERNER THEATRE BOARD

Wednesday, October 9, 2024

### Upcoming Tasks:

- Preparing for a busy October with performances and Ballroom events.
- Continue daily cleaning and maintenance throughout the Lerner.

## **FACILITIES MANAGER**

PREPARED BY: TIM GARDNER

### September:

Plumbed all RTU drains into roof drains to eliminate extra build up on roof from RTU's. Already am seeing the benefits of this, as the drains are not backing up, the condensate tray's within the units are staying cleaner. The roof is also staying cleaner without the slimy build up that the draining RTU's caused, which was a slip/fall hazard for anyone on the roof.

Rubber flashing on all RTU's also had come loose. Re-glued all the units, which will help keep the interior of the units cleaner as air flow will no longer come from underneath the units.

Repaired all lobby door handles. Looked into getting shear pins replaced as these are no longer offered by the company that they were purchased from. In the meantime just reset all pins into the bases so the door handles are secure.

Repaired and did full touch up of City Podium. Corner molding had been ripped off after moving unit.

Painted and lacquered ticket booths for front lobby.

### Goals for October:

Blade sign lighting is an issue. We are looking into bulbs as we can no longer get the same bulbs or even similar bulbs that are in the sign. If I counted correctly, there are over 760 orange bulbs alone on that sign.

Still need to fix hinge issue on ball room doors. Now that I have the ballroom's full calendar I hope to get this done in Oct.

Start prep for the winter on box office walk way.

### Conway Entertainment Group Update

Interim General Manager Sherry May updated the Board. Sherry said things are going really well. She met with all of the staff extensively and went pretty deep with them. She told the Board they have a great staff at the Lerner. She said they are excited about that because they are all excited and they all want to be there. She said she is there every other week and she will be back again next week. She said she has identified several things, and wants to go deeper with several things like Marketing and Ticketmaster. Overall it is going well, and the staff has been very open and honest with her. She said she did one round with all of the employees, and next week she will go back to everyone again. Dina asked Sherry when the advertising will start for the November 24, 2024 100-year Celebration kickoff. Jenna Brouillette updated the Board on the way they are ticketing and tracking the event since they just determined it will be a free event, plus they are hoping for a new graphic style and branding to come out with that kickoff event which pushes it back just a little bit. Jenna said she wanted to make sure all of the logistic pieces from the box office and event staff were in place before she gets it out there, hopefully next week. She said she plans to push it out similar to Lerner on the Lawn since it will be

LERNER THEATRE BOARD  
Wednesday, October 9, 2024

a free event. Sherry said if anyone needs her just send her an email. She said she will be getting reports out soon.

7. NEW BUSINESS

Contract with Majority Builders, Inc.

Deen Tuggle presented a contract with Majority Builders for the removal and replacement of a structural rigging point in the Lerner Theatre. On motion by Dina Harris, seconded by Diana Lawson and carried 4-0, the Board approved a contract with Majority Builders, Inc. for \$17,394.00.

Ratify TM1 Engagement Domain

Jenna Brouillette presented the request to ratify the TM1 Engagement Domain Authorization. On motion by Diana Lawson, seconded by Dina Harris and carried 4-0, the Board ratified the President's signature entering into the TM1 Engagement Domain Authorization on September 18, 2024.

Conway Entertainment Group, Inc Contract

Mike Huber, Director of Development Services for the City of Elkhart explained that last month the Board passed two contracts to address the general manager vacancy. Scott Welch and Blake McDaniel representing Conway Entertainment Group were approved to conduct activities to secure an interim General Manager and to lead a national talent search to identify and secure a permanent General Manager. Sherry May was identified to serve as the Interim General Manager, and her contract was approved last month as well. That was the priority given the status of the vacancy, and the need to have someone with experience and expertise overseeing the existing booked events and fielding calls for new potential bookings, along with providing some guidance with the management of existing staff. From the beginning of our conversations with Scott and Blake there were additional scope items discussed. Related to the process of assessing the Lerner's Operating model, and providing recommendations to the City on potential changes that will result in more efficient operations that will drive higher revenues from the Lerner with the ultimate goal of achieving self-sufficient operations. The intent has been from the beginning that the Interim GM would work in tandem as part of a team with Scott and Blake, with the Interim GM being the boots on the ground, really compiling the direct information, and bringing that back to the full team to analyze the information and create the recommendations. The contact scope services that we discussed also include support services that would live beyond the Interim GM once the Permanent GM would be identified to provide additional transitional support, to make that seamless once we have a new person. They have the background, they have been working in that space, they can help the new person get up and running instead of having an extended transition period. The contract presented today outlines the scope of advisory services proposed by Conway Entertainment Group to support the assessment, but also assist in maintaining and developing a 2025 programming schedule that would support the 100-year celebration. Specifically, the items in the contract are supporting existing operations, advising on existing 2025 event recommendations, and leveraging their extensive relationships with artists and managers to secure high quality programming for a full 2025 schedule, and advise and train staff on marketing to support those show promoters and enhance show success including leveraging our

LERNER THEATRE BOARD  
Wednesday, October 9, 2024

digital marketing, and finally to foster relationships with Friends of the Lerner for programming for 2025. Also to continue to negotiate with our venue concessionaire and Ballroom operator to make sure we are working well and maximizing those opportunities. Looking at operation support beyond securing the permanent GM, providing that additional ongoing support and training, and helping to support securing talent for the 100-year celebration events that will be beyond that as well. Finally, implementing a patron experience evaluation process to make sure we are doing a good job going forward. The deliverables on this collectively as a team through Sherry, Blake, and Scott, there will be monthly reports beginning in November highlighting their progress. The intent is a 6-month contract that will give us time to secure a permanent GM and provide that transition training, get a full schedule of events that support the 100-year anniversary celebration. The contract will be funded using existing Lerner budget dollars. He asked the Board to authorize the Board President to execute the final contract. A motion was made by Diana Lawson and seconded by Dina Harris to authorize the Board President to enter into a Contract with Conway Entertainment Group for a six-month contract at \$15,000.00 per month, plus \$2,500.00 per month for travel and lodging expenses, all subject to final approval of City Legal and confirmation from the City Controller's Office that funding is available from current funds for this contract, and any other final tweaks the President and Legal Depart feel are necessary to enter into the contract. During discussion, Diana Lawson acknowledged there are many moving pieces to the contract. Who is the contact person for the Board, and also, who does she as the Chair of the 100-year Celebration go to so that we are using their time in the best interest of the big project. Mike clarified that is the role of the Interim GM. Sherry is the boots on the ground. Their intent is to be here in Elkhart regularly throughout the process. Diana noted this has been a lot of change and a lot of conversation, and the Lerner staff is in place there continuing to do the work they do, and they have been really, really good! Mike agreed! Gary commented on something he noticed while looking over the current draft, he didn't see a lot of discussion in there about evaluating the current operation and coming up with a plan to improve the current operations from pricing to current job duties. Mike responded the Interim GM will work with Blake and Scott to make those assessments and recommendations. He said they have some language and can put it in the contract. Gary said it should be more explicit. Dina asked Mike if they realistically think they can find a replacement by December 31, 2024. Mike said this is a 6-month contract. Hopefully they can find a GM in 90 days and spend some time training. That is the goal. Gary closed discussion and called for the vote. The motion carried 4-0.

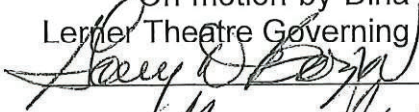
8. PUBLIC PARTICIPATION

Scott Welch of Conway Entertainment Group said it has been really exciting for them to meet everyone and learn about the Lerner. He said he can see the heart that is has, and they want to be a part of that. Gary Boyn commented they have had nice discussions with Scott and Blake, and he is very impressed with the ideas they have thrown out there so far. He thanked him for everything they have done for us and everything they are going to do. Gary said they are going to make a big difference in the operations of the theatre as we go forward. We are all excited about this.

LERNER THEATRE BOARD  
Wednesday, October 9, 2024

9. ADJOURNMENT

On motion by Dina Harris seconded by Diana Lawson and carried 4-0, the  
Lerner Theatre Governing Board was adjourned at 10:45 a.m.

 Gary Boyn, President

Attest:  Nancy Wilson, Clerk of the Board



