

**AGENDA
ELKHART CITY PLAN COMMISSION
MONDAY, MAY 6, 2024 AT 1:45 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

THIS MEETING WILL BE HELD ELECTRONICALLY VIA WEBEX.

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **2310 506 8344** as the meeting number and "PLAN" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to Carla.Lipsey@coei.org prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES APRIL 2024**
4. **APPROVAL OF PROOFS OF PUBLICATION**

5. **NEW BUSINESS**

24-Z-03 PETITIONER IS Hengs Industries (USA) LLC (pending transfer to SBS Holdings LLC)

PROPERTY IS LOCATED AT (a portion of the property located at) 3500 Lexington Park Drive

Per Section 29.11.B, Map Amendments, a request to rezone part of 3500 Lexington Park Drive (05-02-252-016) - specifically 1.16 acres east of Osborn-Manning Ditch) from M-1, Limited Manufacturing District to B-1, Neighborhood Business District.

24-PUDA-01 PETITIONER IS SK Weaver Holding, LLC

PROPERTY IS LOCATED AT 2701 Cassopolis St.

Per Section 20.10.B.2, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Cassopolis Park Planned Unit Development (PUD), Ordinances PC87-41, approved by the Board of County Commissioners for Elkhart County, to establish an outlet for the construction of a restaurant on proposed Lot 2 (.82 acres) within the PUD. The remainder of the land will be a part of proposed Lot 1.

24-ANX-01 PETITIONER IS Almac, Inc.

PROPERTY IS LOCATED AT Elkhart East Area D and F

As prescribed by Section 29.11.B, a request to annex thirty-nine (39) parcels located at Elkhart East Area D and F, land containing approximately 73 acres.

24-ANX-02 PETITIONER IS Almac, Inc.

PROPERTY IS LOCATED AT Elkhart East Area A

As prescribed by Section 29.11.B, a request to annex five (5) parcels located at Elkhart East Area, land containing approximately 114 acres.

6. **ADJOURNMENT**

**PLEASE REMEMBER TO USE YOUR MICROPHONE WHEN SPEAKING.
ERRORS IN THE MINUTES MAY RESULT DUE TO VOICES BEING INAUDIBLE.**

PLAN COMMISSION
-MINUTES-
Monday, April 1, 2024 - Commenced at 1:45 P.M. & adjourned at 2:30 P.M.
City Council Chambers – Municipal Building

Elkhart City Plan Commission was called to order by Tory Irwin at 1:45 P.M.

MEMBERS PRESENT

Tory Irwin
Dave Osborne
Ron Davis
Dan Boecher
Diana Lawson
Christopher Baiker
Aaron Mishler-WebEx

MEMBERS ABSENT

Rochali Newbill

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director of Planning

LEGAL DEPARTMENT

, Corporation Counsel

RECORDING SECRETARY

Hugo Madrigal-Robles

APPROVAL OF AGENDA

Motion to approve by Lawson; Second by Osborne. Voice vote carries

APPROVAL OF MINUTES

Motion to approve by Lawson; Second by Davis. Voice vote carries.

OLD BUSINESS

None

NEW BUSINESS

24-X-03 PETITIONER IS NM VYT, LLC (d/b/a Voyant Beauty)

PROPERTY IS LOCATED AT 1919 Superior St.

A Special Exception per Section 18.3.L, Special Exception Uses in the M-1, Limited Manufacturing District, for the storage of any liquid or gas in excess of 10,000 gallons, to allow for the addition of 2 – 10,000 gallon tanks and 2- 5,000 gallon tanks.

STAFF ANALYSIS

The petitioner is requesting a special exception to allow for the addition of four (4) new tanks as a part of an expansion project at the Superior Street facility. The petitioner, d.b.a. Voyant Beauty, is a manufacturing and packaging plant for aerosol blend configurations and specialty viscous liquids in bottles, tubes and jars; for use in hair, body, face, sun and natural formulations.

The plan is to add additional product lines to increase capacity. The tanks are proposed to be used as a part of the product line expansion. No new chemicals are being added – just additional capacity. Based on plans submitted to the City for review, the tanks will be contained within an enclosure that will have a drain connected to the existing monitored sanitary sewer line, should the tank need to be drained.

The construction plans have been submitted for review and approval at Tech Review for a +/- 60,000 square foot addition on the south side of the current building on Superior Street. This addition is adjacent to the Norfolk Southern Railroad.

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 because all tanks will be built all applicable codes, located within the building and have the necessary floor drains connected to the sanitary sewer system;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because the additional tanks will not change the use of the property and will not impact the adjacent uses;
3. The Special Exception **shall** conform to the regulations of the zoning district in which it is to be located because the tanks will not generate adverse effects on adjacent properties with noise, emissions or vibrations.

Irwin asks if there are questions from the Commission.

Davis is asking if they have met all the state requirements.

Trotter responds yes

Mishler inquired with Irwin if there were any concerns related to the expansion's capacity or anything else.

Irwin confirmed that Voyant Beauty is working on resolving concerns identified during tech review.

Irwin calls the petitioner forward.

Bryan McMorrow from V3 Company is representing Voyant Beauty and speaking on behalf of the petitioner. The petitioner is seeking a special exception to expand their Superior Street facility by adding four new tanks. Chemical storage tanks requires a special exception from the plan commission and the board of zoning appeals. During our meeting with the Public Works Department, we received feedback on Tech Review and are excited to do business in Elkhart.

Irwin asked the petitioner about the future usage of the site.

Irwin asks if there are questions from the Commission.

Osborne is inquiring about the contents of the liquid gas tanks.

McMorrow deferred the question to Jon Jones.

Jon Jones from Voyant Beauty says that the chemicals are water-based and the chemistry is like spray aerosol scents from room deodorizing, with the same mix.

Irwin mentioned that Voyant Beauty would work with our City Sanitary Public Works in the event their tanks are released under permit.

Baiker inquires about the proposed location of new tanks. Can you confirm if they will be located inside a building or enclosure.

Jones replied inside the building.

Osborne makes a motion to approve 24-X-03 with a Do-Pass Recommendation to BZA; Second by Davis. Motion carries

Davis-Yes

Boecher-Yes

Lawson-Yes

Baiker-Yes
Mishler-Yes
Osborne-Yes
Irwin-Yes

Irwin states at a special meeting of the plan commission on March 20th, 2024 a public hearing was held on this item. While there will be an opportunity for public comment today, the official hearing took place on March 20th.

NEW BUSINESS

24-PLAN-01

PROPERTY IS LOCATED AT ELKHART DOWNTOWN MASTER PLAN

STAFF ANALYSIS

This Downtown Master Plan was designed through an iterative Charrette process with distinguished consultants from across the country. In December of 2022, the design team initiated a rigorous analysis of Elkhart's current opportunities and constraints. The preliminary work included thorough study of the city's history, morphology, ecology, walkability, and parking demands. This effort also included documentation of the Central Green site and precedent analysis for a proposed amphitheater that would act as a catalyst quality of place project.

From January 6–11, 2023, the client, architect, and consultant team convened a five-day charrette in Elkhart, where professional expertise was combined with local insights to craft a new vision for the long-term growth of the downtown. Community members and City staff were invited to participate in working sessions throughout the week. Three open-house stakeholder meetings, one morning and two evening, were hosted at the charrette space to solicit feedback and engage in meaningful dialogue about the direction of the project. Over the course of five days, the team developed the Master Plan, addressing issues of urban form, street design, circulation, parking, and catalytic opportunities—the amphitheater being the first and most prominent.

One key element of the Master Plan is the inclusion of an Illustrative Plan created to show a hypothetical, long-range build-out after several decades of implementation. This Illustrative Plan is not intended to dictate the precise design of future projects in Downtown Elkhart, rather, to contextualize the vision for Downtown Elkhart and its Development Code. Desired Outcomes to be achieved from the implementation of the plan include:

- Increase vibrancy and economic activity in the downtown
- Make downtown more walkable and in turn more livable
- Restore the density beyond Main Street through preservation of existing fabric and complementary new building development

Metrics for measuring the success of the plan will include:

- increasing residents living in downtown and in the City
- increase in new and expanded business density
- increases in assessed value of downtown properties

The Illustrative Plan highlights five key elements in order to provide a framework for implementation over time.

- Robust Open Space (Public Realm and landscape)
- Multi-modal Transportation & Parking Strategy (streets, parking, transportation, public realm)
- One Downtown, Two Districts – walkable access (zoning/land use, infill housing/retail, parking)
- Great Civic Amenities (public realm/landscape, historic preservation, transportation)
- Preservation & Context-Sensitive Mixed Use Infill (historic preservation, infill housing/retail)

Collectively, these elements incorporate strategies that will lead to improvements in the public realm (streets, parking, landscape and transportation), balancing increased infill retail and housing development opportunities with historic preservation, and guiding future development form through a regulating plan and updates to the zoning code.

A second primary component of the Master Plan is a series of priority development components. As noted above, the development of a new outdoor amphitheater venue at the Central Green location coupled with a new mixed-use development on the Civic Plaza

site have been identified as a key catalyst project to build on downtown's current positive momentum and combine with the Lerner to amplify this space as an anchor of arts and entertainment in downtown. An expanded River walk on the west bank of the Elkhart River will work to support the amphitheater project and expand the existing recreation amenities on the East Bank to help create a signature recreation experience. Other development components include:

- Depot Square - This is the area adjacent to the historic Train Station. The Plan calls for enhancing the presence of this important transit node by culminating 2nd Street in a new transit plaza, lined by commercial buildings
- Civic Center - This is the area centered on High Street and Second Street. The site which currently contains the County Courts Building will become a new redevelopment site. The plan identifies an opportunity to centralize a new public parking structure and Police Station as a part of a new distinct Civic Center that will consolidate and cluster civic facilities that are currently scattered into an identifiable central location within the Downtown making them more accessible to all.
- Neighborhood Edge - These are the areas at the western and southeastern fringe of the Downtown adjacent to single-family neighborhoods. It is imperative that new infill development in these area are regulated to ensure massing and frontage compatibility with their single-family neighbors. This Plan therefore identifies these areas as significant transitional zones that can attract new multi-family residential development, bringing more residents closer to the Downtown and offering them an urban lifestyle that is different from that of single-family neighborhoods.

The Elkhart Comprehensive Plan is the official statutory document that serves as Elkhart's guide for land use and development policies for development and redevelopment in the study area, and includes the long range goals, objectives and recommendations, along with the supporting maps, intended to guide development decisions towards the community's collective vision for the future. This Downtown Master Plan is intended to provide additional guidance specific to the development of Downtown Elkhart. It should be clarified that as an advisory amendment to the Comprehensive Land Use Plan, the regulating plan and zoning code recommendations included in the Downtown Plan are provided as recommendations only. The City's Zoning Ordinance is the statutory document that has the authority to regulate building use and design standards – it is the intent of staff to incorporate these elements into the forthcoming update to the City's zoning ordinance later this year.

Members of the city staff, Plan Commission and City Council should keep in mind that this Downtown master Plan, much like the Comprehensive Land Use Plan, reflects the community's values. City officials cannot expect to control all circumstances. However, the spirit of this plan should be adhered to in order to ensure the community's values are maintained.

STAFF RECOMMENDATION

The Staff recommends **approval** of the Downtown Elkhart Master Plan as an advisory document to the Comprehensive Land Use Plan based on the following findings of fact:

- 1) The plan provides a statement of objectives for the Downtown Elkhart's future development;
- 2) The plan provides a statement of policy for the land development of Downtown Elkhart;
- 3) The plan provides a statement of policy for the development of public ways, place, lands, structures and utilities in the downtown.

Irwin asks if there are questions from the Commission.

Inaudible

Trotter confirmed that there will be public hearings and feedback sessions during the summer. The adoption of the proposal is expected in the fall, and it will require approval by this body.

Mishler requested Osborne to speak into his microphone.

Osborne inquires if the advisory plan will be included and whether some advice will be integrated into the statutory plan.

Trotter responds yes.

Irwin opens for public comments in favor or opposition to the petition

Hearing none, Irwin closes the public portion of the meeting.

Irwin calls for a motion.

Boecher makes a motion to approve 24-PLAN-01 (DOWNTOWN MASTER PLAN) with a Do-Pass Recommendation to Common Council; Second by Davis. Motion carries

Boecher-Yes

Mishler-Yes

Davis-Yes

Baiker-Yes

Lawson-Yes

Osborne-Yes

Irwin-Yes

During the meeting, Irwin mentioned that the Plan Commission member of the BZA is no longer on the BZA and we will have to find another member to the BZA. We won't take any action today.

ADJOURNMENT

Irwin calls for a motion to adjourn the meeting. Osborne approves motion to adjourn and is seconded by Boecher. Meeting is adjourned and all are in favor.

Tory Irwin, President

Dave Osborne, Vice-President



Staff Report

Planning & Zoning

Petition: 24-Z-03

Petition Type: Rezoning

Date: May 5, 2024

Petitioner: Hengs Industries (USA) LLC

Site Location: 3500 Lexington Park Drive (1.16 acres east of Osborn-Manning Ditch)

Request: Per Section 29.11.B, Map Amendments, a request to rezone part of 3500 Lexington Park Drive (05-02-252-016) - specifically 1.16 acres east of Osborn-Manning Ditch) from M-1, Limited Manufacturing District to B-1, Neighborhood Business District.

Parcel I.D. Number(s): 20-05-02-252-016.000-006

Existing Zoning: M-1, Limited Manufacturing District

Size: +/- 1.16 Acres (land assoc. with rezoning)

Thoroughfares: Lexington Park Drive

School District: Elkhart Community Schools

Utilities: Available to site

Surrounding Land Use & Zoning:

The property is surrounded by a mix of industrial and commercial uses properties zoned M-1, Limited Manufacturing District and B-1, Neighborhood Business District.

Applicable Sections of the Zoning Ordinance:

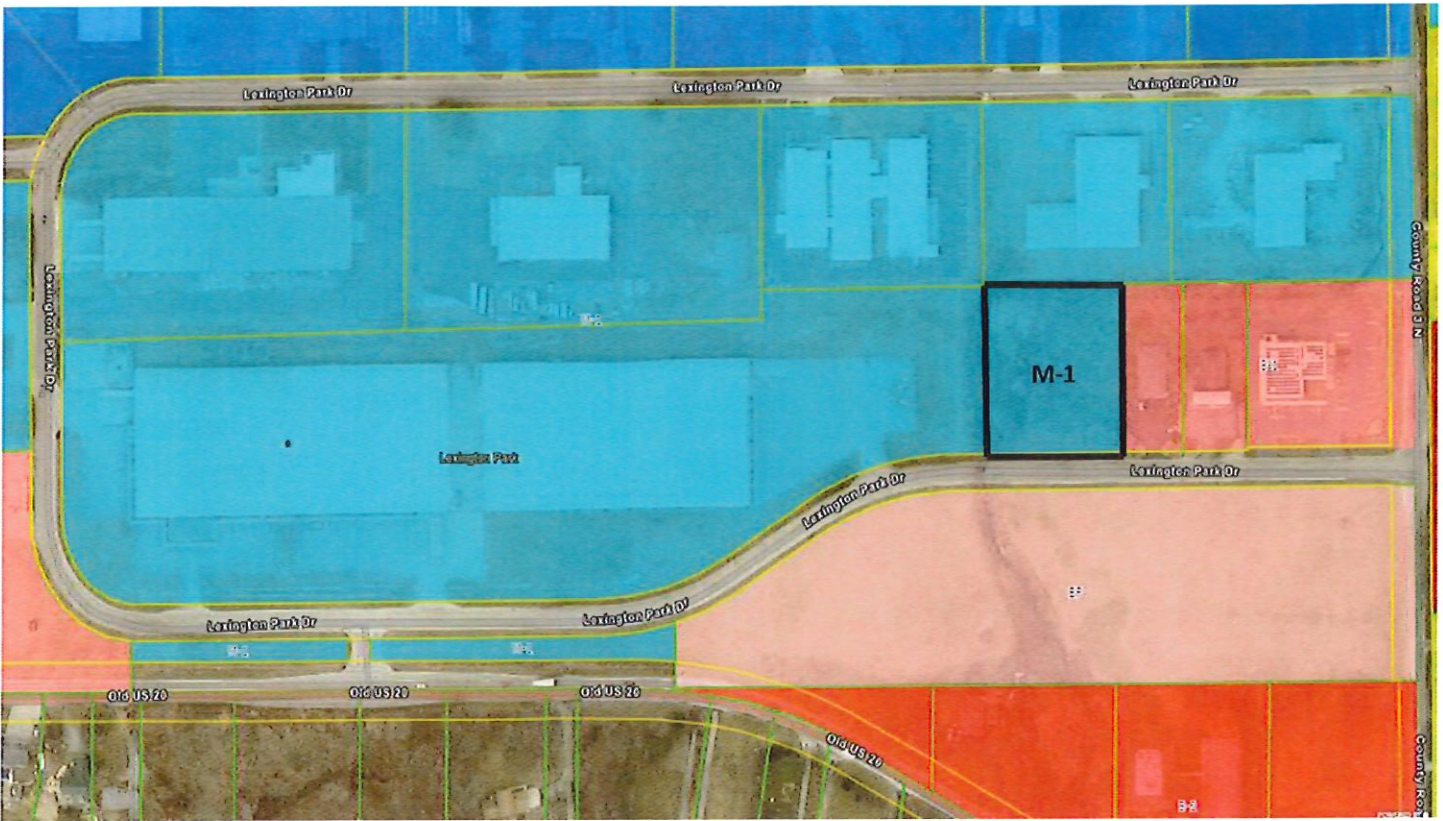
See enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with industrial uses.

Plan Commission Action:

Recommendation to Common Council.



Staff Analysis

The petitioner has negotiated the sale of approximately 1.6 acres of vacant land to the adjacent property owner SBS Holdings – east of the Osborn-Manning Ditch. SBS Holdings would like to expand their business and are currently landlocked and do not have the space to expand without acquiring more property.

The 1.6 acres of land referenced in this petition is separated by the Osborn-Manning Ditch from the parent section of property. The current owner would have difficulty utilizing the land as a part of their business operation without either crossing the ditch – which would require a great deal of construction for a bridge plus permitting from the Elkhart County Drainage Board because the regulating of the ditch is a county function. Or use public right of way which is a safety hazard and is not desirable. Due to these facts – the petitioner has negotiated a sale to the adjacent property owner to allow SBS Holdings the ability to expand.

Staff is in support of the rezoning and looks forward to a favorable recommendation from the Plan Commission to the Common Council.

Recommendation

The Staff recommends **approval** of the rezoning request based on the following findings of fact:

- 1) The proposed rezoning is compatible with the Future Land Use map, which calls for the area to be developed with industrial uses. However, these long standing commercial uses blend well and compliment the adjacent industrial users;

- 2) Current conditions and the character of current structures and uses in each district will not be impacted because it will not have an impact on adjacent industrial and commercial uses;
- 3) The B-1 District does allow for the most desirable uses for which the land can be adapted;
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because it is adjacent to a mix of commercial uses;
- 5) The rezoning of the property to B-1, Neighborhood Business District is compatible with the surrounding properties and does reflect responsible growth and development.

Photos



Attachments

Petition, appeal letter, affidavit, and site plan.

PETITION #: 24-2-03

FILING FEE: \$ \$400.00

PETITION to the PLAN COMMISSION

PETITION TYPE: REZONING

This action requires final approval from the Common Council

Property Owner(s): Hengs Industries (USA) LLC (pending transfer to SBS Holdings LLC)

Mailing Address: 3500 Lexington Park Drive & 3128 Lexington Park Drive (respectively)

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Kenneth Jones, Jr., PS (JPR Corp., on behalf of buyer)

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

Phone #: [REDACTED] Email: [REDACTED]


Subject Property Address: (a portion of the property located at) 3500 Lexington Park Drive

Zoning: M-1 (at present)

Present Use: Vacant Proposed Use: B-1 - security company office & parking

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): Kenneth Jones, Jr., PS

SIGNATURE(S):  DATE: 2024-03-20

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: _____



Staff Report

Planning & Zoning

<u>Petition:</u>	24-PUDA-01
<u>Petition Type:</u>	Major Amendment to PUD
<u>Date:</u>	May 5, 2024
<u>Petitioner:</u>	SK Weaver Holdings, LLC
<u>Site Location:</u>	2701 Cassopolis Street
<u>Request:</u>	Per Section 20.10.B.2, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Cassopolis Park Planned Unit Development (PUD), Ordinances PC87-41, approved by the Board of County Commissioners for Elkhart County, to establish an outlot for the construction of a restaurant on proposed Lot 2 (.82 acres) within the PUD. The remainder of the land will be a part of proposed Lot 1.
<u>Existing Zoning:</u>	PUD – Planned Unit Development
<u>Size:</u>	+/- 8.56 Acres
<u>Thoroughfares:</u>	Cassopolis Street and Emerson Drive
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to site.
<u>Plan Commission Action:</u>	Recommendation to Common Council.

Surrounding Land Use & Zoning:

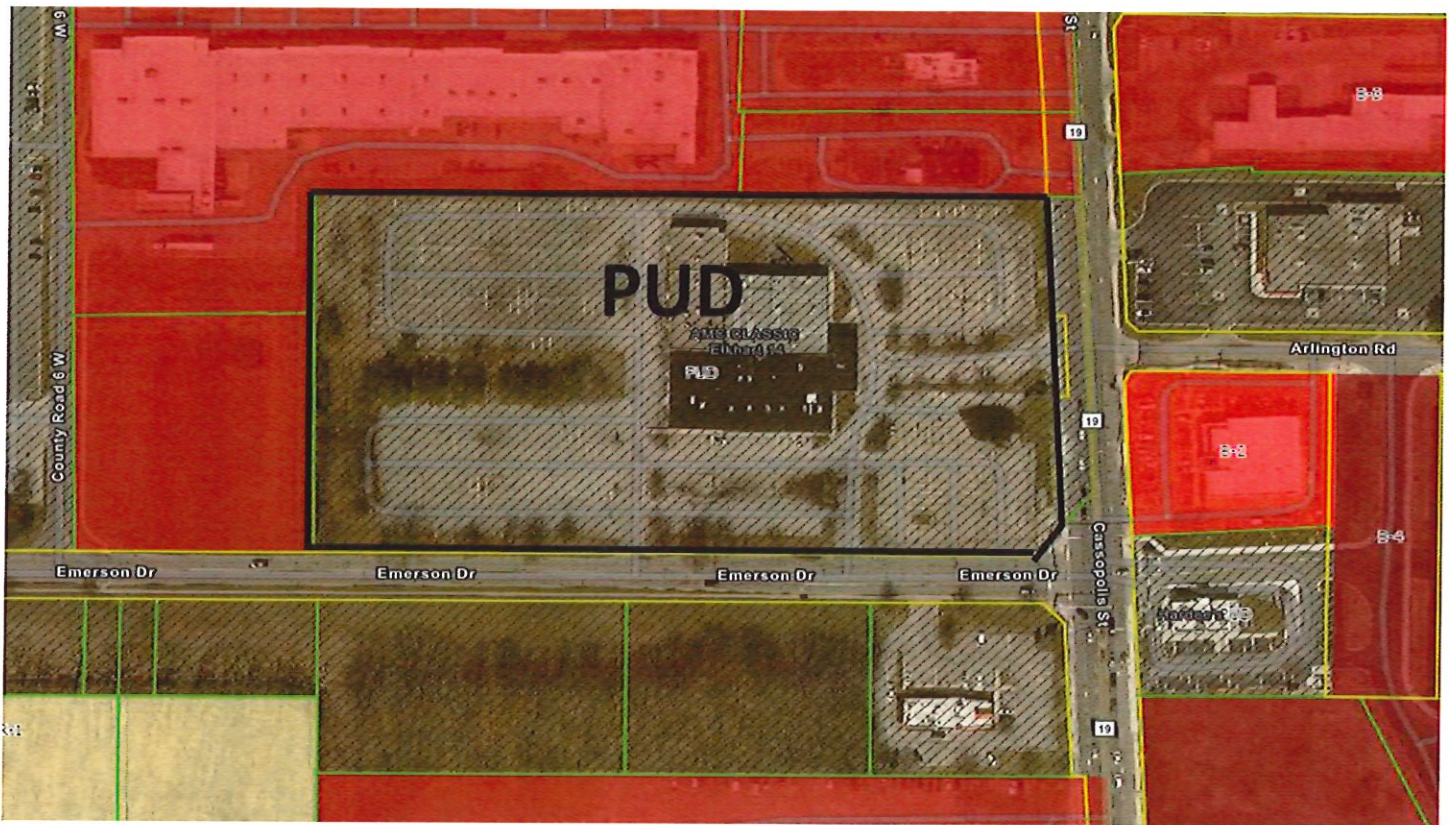
Property is surrounded by various commercial uses zoned PUD, B-2, Community Business District, B-3, Service Business District, B-4, Regional Business District. Primary uses are restaurant, retail, light auto service and grocery.

Applicable Sections of the Zoning Ordinance:

See enumerated in request.

Comprehensive Plan:

The Comprehensive Plan does not yet take this area into account but is anticipated to call for it to be developed with mixed uses.



Staff Analysis

The petitioner is requesting a major amendment to the Cassopolis Park Planned Unit Development, Ordinance PC87-41, in order to establish an out lot to build a new fast casual restaurant. The PUD section of the zoning ordinance requires this action due to the increase in density.

The petitioner purchased the former AMC Theater site for the purpose of redevelopment. The approximate eight (8) acre parcel is within a planned unit development (PUD) established in Elkhart County prior to the land being annexed to the City of Elkhart; known as the Cassopolis Park PUD. The Cassopolis Park PUD ordinance provided very few development standards and only minimal guidance related to the overall development character or vision. The uses permitted were specific to the B-3, Service Business District uses. The only eventual building constructed on the property was the theater.

The purpose of the major amendment is to establish an additional lot for the development of a new restaurant at the northwest corner of the Cassopolis and Emerson intersection. The restaurant use is permitted within the PUD. Staff is supportive of the request and is excited to see the additional investment in the Cassopolis Street corridor.

The redevelopment of the former theater site will be a phased process – likely two or three steps. The first step is this action - to allow the immediate out lot approval to move forward while refining and drafting the new PUD – steps two and potentially three. Due to the timing of the project, staff is working with the petitioner to develop a new set of standards, with a new vision for the approximately eight (8) acre development. Both the petitioner and staff agree the end goal is a quality development that compliments the vision for the corridor and at the same time provides a predictable development environment that supports and attracts similar commercial users in the future.

Recommendation

The Staff recommends **approval** of the major amendment to the Planned Unit Development based on the following findings of fact:

- 1) The Comprehensive Plan calls for this area to be developed with mixed uses. The proposed use is compatible with the mix of commercial uses along this portion of the Cassopolis Street corridor.
- 2) The proposed out lot should not impact the future development within the PUD. The proposed use should not negatively impact surrounding properties.
- 3) The increase in density will not adversely impact the ability to redevelop the land within the area of the Planned Unit Development as the proposed access to the site and out lot will be incorporated into a new development plan.

Photos







Attachments

Petition, appeal letter, site plan.

PETITION #: 24-PUDA-01

FILING FEE: \$ 500

PETITION to the PLAN COMMISSION

PETITION TYPE:

PUD



Major PUD Amendment

Minor PUD Amendment

All PUD & PUD Amendment petitions require final approval from the Common Council

Property Owner(s): SK Weaver Holdings, LLC

Mailing Address: 13451 Kline Road, Mishawaka, Indiana 46544

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Wightman c/o Terry Lang

Mailing Address: 1402 Mishawaka Avenue, South Bend, IN 46615

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 2701 Cassopolis Street

Zoning: PUD

Present Use: vacant comm space to be demo Proposed Use: restaurant, commercial retail space

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): TERANCE D. LANG

SIGNATURE(S): [Signature] DATE: 3/28/24

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: [Signature] DATE: _____



Staff Report

Planning & Zoning

<u>Petition:</u>	24-ANX-01
<u>Petition Type:</u>	Annexation Request
<u>Date:</u>	May 6, 2024
<u>Petitioner:</u>	Almac, Inc Peter A. Letherman, Vice President
<u>Site Location:</u>	Elkhart East Areas D & F County Road 6 & County Road 17
<u>Request:</u>	As prescribed by Section 29.11.B, a request to annex land south of CR 6 and both east and west of County Road 17, including both developed and undeveloped land within Elkhart East Areas D & F, land containing approximately 198 acres. To also rezone the land contained within petition to R-1, One Family Dwelling District.
<u>Existing Zoning:</u>	DPUD E-3, Detailed Planned Unit Development and GPUD E-3, General Planned Unit Development (Elkhart County Zoning)
<u>Size:</u>	+/- 195 Acres
<u>Thoroughfares:</u>	CR 17 and CR 6
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to site

Surrounding Land Use & Zoning:

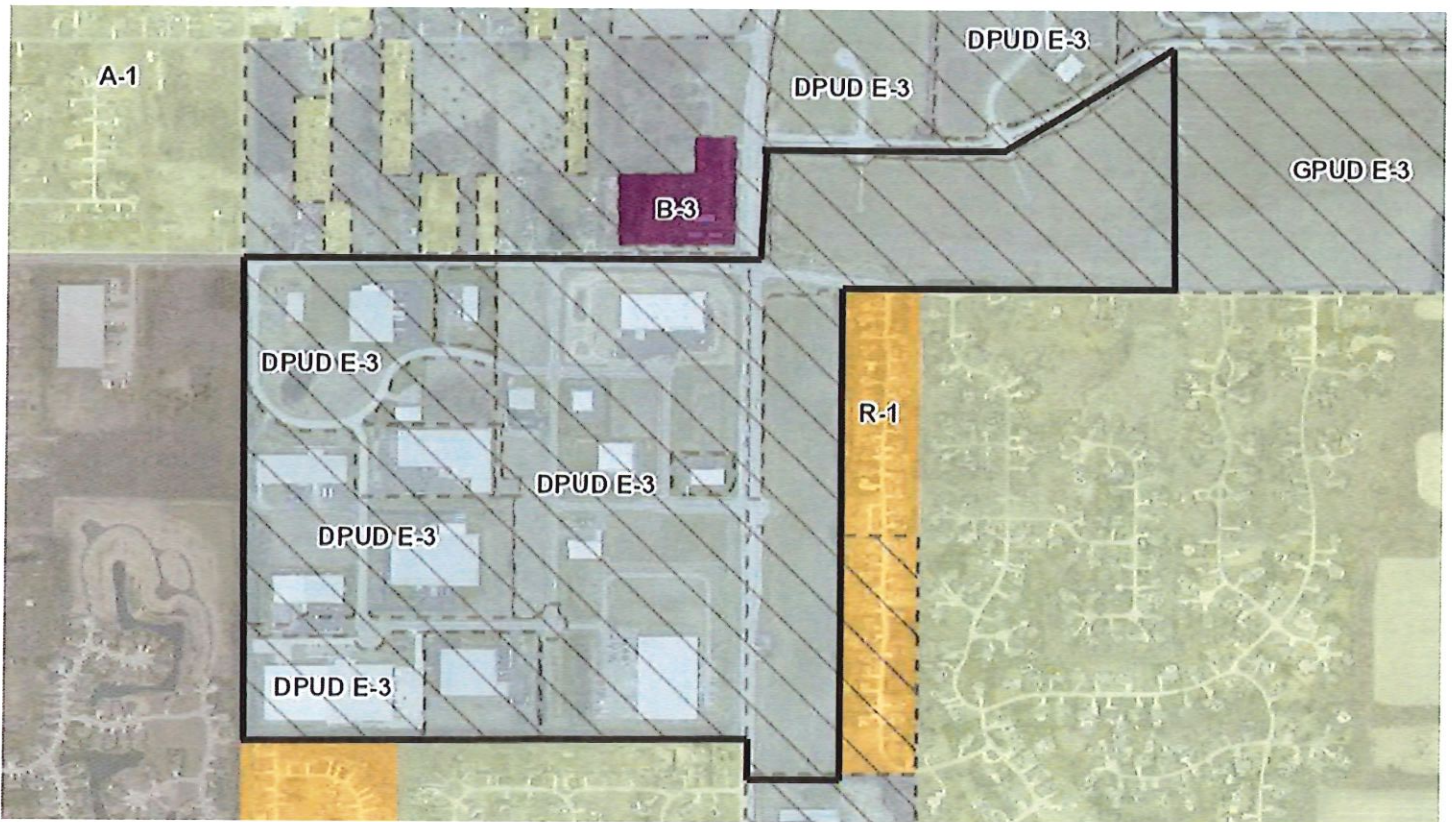
Land to the west is M-1 industrial and R-1 and PUD residential in the City of Elkhart. Land to the south and east is residential zoned R-1 residential and A-1 Agriculture in the Elkhart County zoning. Land to the is a mix of County DPUD E-3 office park, A-1 agriculture and B-3 commercial zoning, with primarily industrial, office and commercial development anticipated for future development trends to replace the legacy agriculture and low density residential existing 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 continued industrial and commercial/office uses.



Staff Analysis

This staff report is being prepared for annexation 24-ANX-01 to annex land generally at the intersection of CR 17 and CR 6, Elkhart, Indiana 46514, Osolo and Washington Townships.

The 33 parcels included in the petition west of County Road 17 and South of County Road 6 represent the nearly fully build out portion of Elkhart East Area D. The intent is for these parcels to be annexed in and rezoned to M-1 Limited Manufacturing District. The remaining parcels represent undeveloped land on the east side of County Road 17 both north and south of County Road 6 in Elkhart East Areas D & F. The intent for these would be for the zoning to be maintained as a PUD that would include similar uses as those provided in the Elkhart County E-3 Zoning District.

The current petitioner is seeking annexation to follow through with the original intentions of the agreements that allowed for the extension of the municipal sewer and water utilities to support the development, in addition to supporting the development the remaining undeveloped land contained within Areas D & F.

The property is currently zoned in Elkhart County as DPUD, Detailed Planned Unit Development. This annexation is advantageous to the City as it will allow the City to benefit from the development that resulted from the extension of the municipal utilities to support the growth and development of this key gateway interchange into the City of Elkhart.

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 195 acres. The territory to be annexed is more than the 12.5% contiguous to the current City limits as required in Indiana Code. As identified in the Fiscal Plan prepared by Baker Tilly, the annexation will result in an additional estimated \$21,000-23,000 annually in additional non-capital costs associated with Street and Police related services over the initial 4 years of the annexation. However, starting in the second year after the annexation the City will receive annual net revenues between an estimated \$572,000-623,000.

Recommendation

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 a mix of commercial, office and industrial uses to match the character of the existing development patterns and proposed zoning.
3. The current conditions and the character of current structures 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







Attachments

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

PETITION #: 24-Anx-01

FILING FEE: \$ 500.00

PETITION to the PLAN COMMISSION

PETITION TYPE: ANNEXATION

This action requires final approval from the Common Council

Property Owner(s): Almac, Inc.

Mailing Address: P.O. Box 1322, Elkhart, IN 46515

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Chris Bottratz

Mailing Address: 861 Parkway Avenue, Elkhart, IN 46516

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: Elkhart East Area D and F

Zoning: E-3

Present Use: Industrial Proposed Use: Industrial

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): Chris Bottratz

SIGNATURE(S): [Signature] DATE: 2/6/24

STAFF USE ONLY:

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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: _____

City of Elkhart, Indiana Plan Commission
229 South Second Street
Elkhart, IN 46516

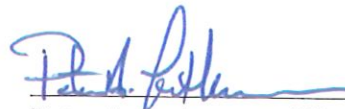
Re: Petition for Annexation of Elkhart East Area D into the City of Elkhart

Honorable Members of the Plan Commission and City Council,

The undersigned petitioner respectfully shows the Council and Plan Commission:

1. I, Peter A. Letherman, am the Vice President of Almac, Inc. Almac, Inc. is the owner of certain real estate located in the industrial park commonly known as Elkhart East Area D ("Real Estate"), more particularly described on Exhibit A, attached hereto.
2. On behalf of Almac, Inc. and the other property owners of Elkhart East Area D, I request that the Real Estate be annexed into the City of Elkhart.
3. The real estate is presently zoned E-3 with a DPUD overlay under the Elkhart County Zoning Ordinance.
4. The total assessed value of the Real Estate as of January 1, 2023, is \$44,930,600.00.
5. The existing buildings on the Real Estate are used for office, warehousing and distribution, and light industrial purposes.
6. Petitioner has presented evidence to the City Engineer that the property to be annexed is greater than 12.5% contiguous to the City limits and therefore eligible for annexation.
7. Petitioner believes the annexation will be mutually beneficial because it will allow the Petitioner and other owners of the Real Estate to access City services and the City will generate additional tax revenue.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this annexation request and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate ordinance annexing the above described parcel of land located in the City of Elkhart.



Peter A. Letherman, Vice President
Almac, Inc.

Parcel No: Various
Road: CR 17
Sec: 19 Town: 38 N. Range: 6 E.
Sec: 25 Town: 38 N Range: 5 E

Annexation Limits EXHIBIT 'B'

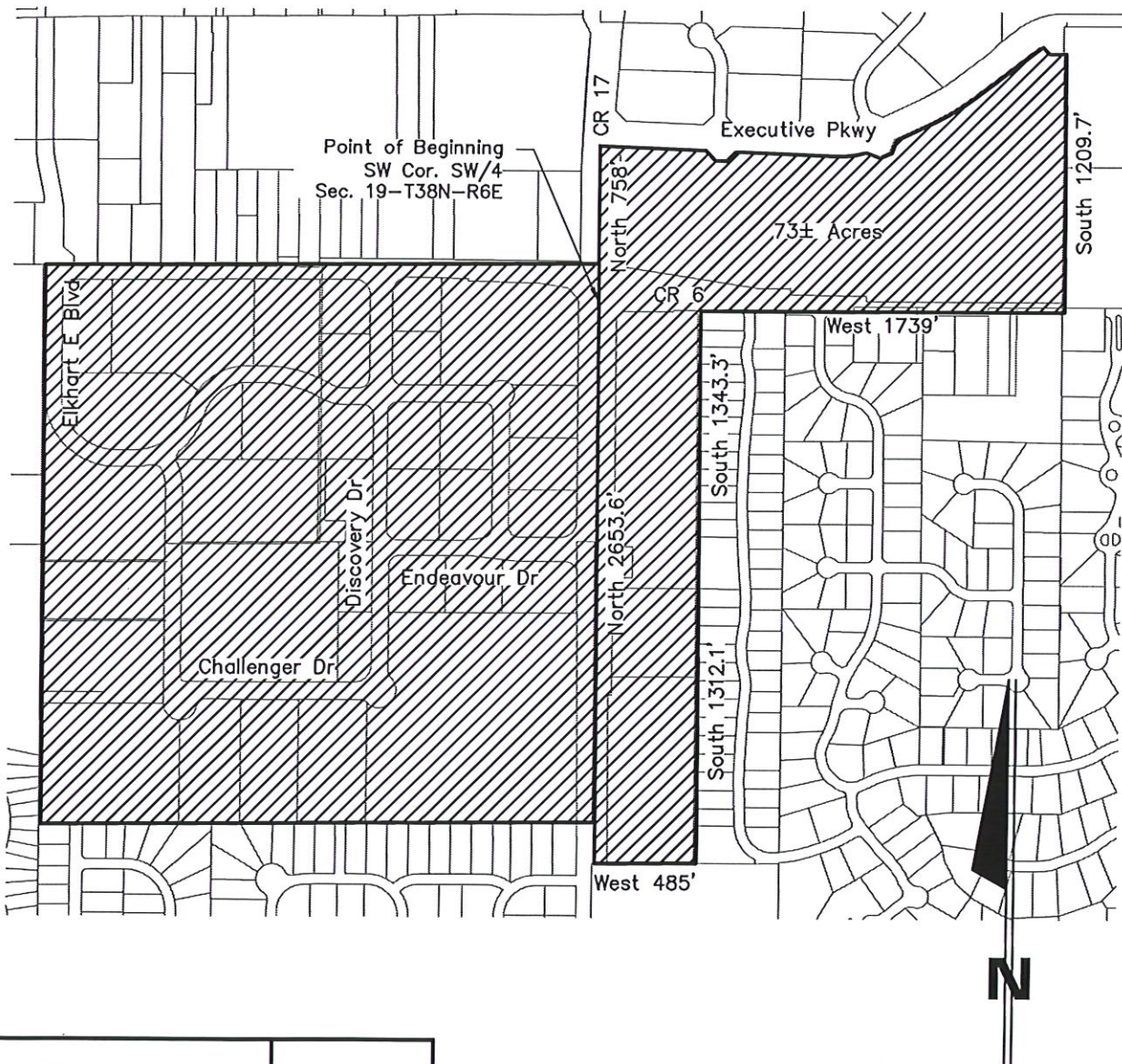
Job No: 2019-0007
Drawn: rwb
Checked: kj
County: ELKHART



Hatched area is approximate annexation.

Deed Rec.: Various
Key Number: Various

This plat was prepared from information obtained from the recorder's office and other sources which were not necessarily checked by a field survey. Dimensions shown are from listed record documents.



South Bend, IN
p: 574.232.4388
Fort Wayne, IN
p: 260.422.2522

1" = 800'

Owner	Parcel Number	Assessed Value	Acres
Baker	20-02-25-201-005.000-026	\$659,100.00	2.37
Feed the Children	20-02-25-201-006.000-026	\$0.00	7.03
Almac	20-02-25-201-007.000-026	\$10,000.00	4.46
Cook Legacy	20-02-25-201-004.000-026	\$913,000.00	3.11
Ludwig	20-02-25-226-004.000-026	\$3,500.00	1.36
Ludwig	20-02-25-226-001.000-026	\$3,500.00	1.42
Hull	20-02-25-226-002.000-026	\$18,100.00	1.34
Hull	20-02-25-226-005.000-026	\$18,000.00	1.33
Hull	20-02-25-226-003.000-026	\$3,827,400.00	7.27
Jenway Majestic	20-02-25-226-009.000-026	\$3,500.00	1.82
Jaxon-Java	20-02-25-226-013.000-026	\$25,000.00	1.85
Endeavour Holdings	20-02-25-226-014.000-026	\$1,235,800.00	1.65
Elkhart DDS	20-02-25-226-012.000-026	\$1,197,300.00	1.89
Elkhart DDS	20-02-25-226-011.000-026	\$3,500.00	1.92
Rented by Erik	20-02-25-226-007.000-026	\$829,600.00	1.83
Rented by Erik	20-02-25-226-008.000-026	\$3,500.00	1.84
Shah	20-02-25-251-019.000-026	\$3,500.00	1.2
Shah	20-02-25-251-014.000-026	\$3,500.00	1.23
AIC Income Fund	20-02-25-252-001.000-026	\$4,553,900.00	11.47
53208 Columbia	20-02-25-203-004.000-026	\$4,074,100.00	5.91
White	20-02-25-203-003.000-026	\$577,500.00	1.49
White	20-02-25-203-005.000-026	\$5,900.00	2.96
JA Wagner	20-02-25-200-012.000-026	\$700.00	0.55
53149 Discovery	20-02-25-226-010.000-026	\$51,400.00	1.81
53149 Discovery	20-02-25-226-006.000-026	\$1,059,100.00	1.58
BNS	20-02-25-251-018.000-026	\$3,500.00	2.04
BNS	20-02-25-251-017.000-026	\$3,500.00	1.65
Almac	20-02-25-251-016.000-026	\$781,400.00	1.67
Elkhart DDS	20-02-25-251-013.000-026	\$6,840,900.00	21.3
3 G Real Estate	20-02-25-251-011.000-026	\$3,676,800.00	8.11
Marteli	20-02-25-251-005.000-026	\$7,604,800.00	12.27
Vista	20-02-25-251-009.000-026	\$3,444,900.00	5.42
Lam Corp	20-02-25-251-006.000-026	\$4,600.00	3.79
Lam Corp	20-02-25-202-002.000-026	\$3,217,400.00	6.69
Ludwig	20-03-30-151-002.000-030	\$219,800.00	8.35
Ludwig	20-03-30-151-001.000-030	\$4,400.00	3.83
Ludwig	20-03-30-101-004.000-030	\$600.00	0.31
Ludwig	20-03-30-101-002.000-030	\$11,700.00	11.43
Finis Terra	20-03-19-300-020.000-030	\$35,900.00	37.81
Total		\$44,930,600.00	195.36

EXHIBIT "A"

Project: Elkhart East Area 'D' Phase I
Parcel: Area D and F Annexation
Sheet 1 of 3
Key No: Various

An annexation of land into the City of Elkhart known as Elkhart East Area 'D' Phase 1. All that part of the Northeast Quarter of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, being comprised of the following subdivision plats:

Affidavit of Correction Exhibit A, recorded in Elkhart County Document No. 2003-44411;
Elkhart East – Area 'D' – Phase 1, recorded in Elkhart County Document No. 2003-25082;
Elkhart East Area 'D' – Phase II and Replat of Lot 7, Elkhart East Area 'D' – Phase I, recorded in Elkhart County Document No. 2006-15219;
Elkhart East Area 'D' – Phase III, recorded in Elkhart County Document No. 2014-02235;
Elkhart East Area 'D' – Phase IV, recorded in Elkhart County Document No. 2015-19825;
First Replat of Elkhart East Area 'D' – Phase 1, recorded in Elkhart County Document No. 2003-44172;

Replat Lot 5A Elkhart East – Area 'D' – Phase One, recorded in Elkhart County Document No. 2010-23300;

Replat Lots 5 and 6 Elkhart East – Area 'D' – Phase One, recorded in Elkhart County Document No. 2005-21260;

Replat of Lot 8 Elkhart East - Area 'E' – Phase 1, recorded in Elkhart County Document No. 2007-19708;

Replat Lot 9 Elkhart East Area 'D' – Phase II, recorded in Elkhart County Document No. 2013-13542;

Replat of Lots 13 & 14 Elkhart East Area 'D', Phase III, DPUD E-3, recorded in Elkhart County Document No. 2015-03428;

Replat of Lot 15 of Elkhart East Area 'D' – Phase III, recorded in Elkhart County Document

Prepared for: City of Elkhart
By: Jeffrey S. Barnes, PS
Firm: Jones Petrie Rafinski
Date: July 17, 2023
Job Number: 2019-0007

EXHIBIT "A"

Project: Elkhart East Area 'D' Phase I
Parcel: Area D and F Annexation
Sheet 2 of 3
Key No: Various

No. 2015-09572;

Replat of Lot 18 Elkhart East Area D Phase 4, recorded in Elkhart County Document No. 2020-11214;

Including road right-of-ways for County Road 6 and County Road 17 within said Northeast Quarter.

Also:

A tract of land located in the Southwest Quarter of Section 19 and Northwest Quarter of Section 30, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana, said tract of land more particularly described as follows: Beginning at the southwest corner of said Southwest Quarter; thence North 758 feet along the West line of said Southwest Quarter to the westerly prolongation of the south right-of-way line of Executive Expressway; thence Easterly then Northeasterly along said south right-of-way line to the intersection of said south right-of-way line and the east line of said Southwest Quarter; thence South 1,209.7 feet to the Southeast corner of said Southwest Quarter; thence South 20 feet to the south right-of-way line of County Road 6; thence West 1,739 feet along aforesaid south right-of-way line to the northwest corner of Lot 29 in Pine Brook, recorded in Elkhart County Document 2005-21921; thence South 1,343.3 feet along the west line of Pine Brook to the southwest corner thereof and the northwest corner of Woodland Meadows, recorded in Elkhart County Document No. 97-01275; thence South 1,312.1 feet along the west line of said Woodland Meadows to the southwest corner thereof and the south line of said Northwest Quarter; thence West 485 feet along said south line to the southwest corner thereof; thence North 2,653.6 feet

Prepared for: City of Elkhart
By: Jeffrey S. Barnes, PS
Firm: Jones Petrie Rafinski
Date: July 17, 2023
Job Number: 2019-0007

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EXHIBIT "A"

Project: Elkhart East Area 'D' Phase I
Parcel: Area D and F Annexation
Sheet 3 of 3
Key No: Various

along the west line of said Northwest Quarter to the point of beginning of said description,
and the containing 73 acres, more or less.

This description was written from the information obtained from the recorder's office and
other sources that were not necessarily checked by a field survey.

Reference document: Various

Prepared for: City of Elkhart
By: Jeffrey S. Barnes, PS
Firm: Jones Petrie Rafinski
Date: July 17, 2023
Job Number: 2019-0007

G:\2019 Projects\2019-0007\Surv\2023 Annexation Legal Desc(s)\2019-0007 Phase I Legal
Description.docx

**ANNEXATION FISCAL PLAN
FOR THE
CITY OF ELKHART**

Elkhart East Area D and Area F

March 28, 2024

Prepared by:



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INTRODUCTION

The following fiscal plan (the "Fiscal Plan") is for the proposed annexation of parcels to the east of the existing corporate limits on the northeast side of Elkhart (the "Annexation Area"). The Annexation Area is adjacent to the City of Elkhart (the "City"). The requirements of the Indiana Code mandate the development and adoption of a written fiscal plan and the establishment of a definite policy by resolution of the City Council. The Indiana Code 36-4-3-13(d) states that this fiscal plan must include and provide:

- 1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency;
- 2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used;
- 3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin;
- 4) That planned services of a non-capital nature, including police protection, fire protection, street and road maintenance and other non-capital services normally provided within the corporate boundaries will be provided within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those non-capital services provided in areas within the corporate boundaries regardless of similar topography, patterns of land use and population density;
- 5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria;
- 6) The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation;
- 7) The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation;
- 8) Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation; and

INTRODUCTION

- 9) A list of all parcels of property in the annexation territory and the following information regarding each parcel:
- (A) The name of the owner of the parcel.
 - (B) The parcel identification number.
 - (C) The most recent assessed value of the parcel.
 - (D) The existence of a known waiver of the right to remonstrate on the parcel.

This Fiscal Plan may include additional materials in connection with the foregoing. It was developed through the cooperative efforts of the City's various administrative offices and the City's financial advisors, Baker Tilly. This Fiscal Plan is the result of an analysis of the proposed Annexation Area.

The Annexation Area is contiguous to the City for the purposes of Indiana Code 36-4-3-1.5, and there is a written Fiscal Plan, herein provided, that has been approved by the City Council.

SECTION I

AREA DESCRIPTION

A. Location, Area Size and Contiguity

The proposed Annexation Area is located on the east side of the existing corporate boundaries on the northeast side of the City. A map and legal description of the area to be annexed has been included in attached Appendix II.

The Annexation Area is approximately 198 acres. The perimeter boundary of the Annexation Area is more than 12.5% contiguous to the existing corporate boundaries of the City.

B. Current Land Use

The Annexation Area consists of vacant land and commercial property.

C. Zoning

Existing Zoning: Office and Business Park District (E3)

Proposed Zoning: Office and Business Park District (E3)

D. Current Population

The current population of the Annexation Area is estimated at 0, as there are no occupied homes within the Annexation Area.

E. Real Property Assessed Valuation

The estimated net assessed valuation for land and improvements in the Annexation Area is \$34,578,900. This represents the net assessed value as of January 1, 2022 for taxes payable 2023.

SECTION II

NON-CAPITAL SERVICES

A. Cost of Services

The current standard and scope of non-capital services being delivered within the City and the Annexation Area were evaluated by each municipal department to determine the personnel and equipment necessary to provide such non-capital services in a manner equivalent in standard and scope to services that are currently provided within the existing City's municipal boundary.

The City will provide all non-capital services to the Annexation Area within one (1) year after the effective date of the annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the City regardless of topography, patterns of land use, and population density.

B. Police Protection

The Elkhart County Sheriff's Department currently provides police protection and law enforcement services to the Annexation Area. However, all non-capital services of the Elkhart Police Department will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

The City of Elkhart Police Department's primary purpose is the prevention of crime. The department is manned 24 hours per day, and it consists of over 100 officers. The Police Department consists of several divisions with many specialty units. For example, the patrol division includes a special response team, an explosive ordinance disposal unit, a dive team and a canine unit. The Police Department patrols within the boundaries of the City on a daily basis and responds to all alarm calls. In addition, the Police Department provides other services such as detection and apprehension of offenders, traffic control and preservation of civil order. The Police Department does not distinguish between different areas of the City. The same services are provided throughout the City. Due to the location and character of the Annexation Area, the City does not anticipate needing to hire additional officers as a result of the annexation. It is anticipated that an increase in fuel and vehicle maintenance will be necessary in the amount of approximately \$3,700 (plus inflation) per year as a result of the annexation. The Police Department's budget within the City's General Fund will fund any additional costs.

C. Fire Protection and Emergency Medical Services

The Annexation Area is currently served by the Osolo Township Fire Department and the Washington Township Fire Department. However, all non-capital services of the Elkhart Fire Department ("E.F.D.") will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

NON-CAPITAL SERVICES**C. Fire Protection and Emergency Medical Services (Cont'd)**

The E.F.D. serves within the corporate boundaries of the City and provides mutual aid to surrounding communities and townships, including the Annexation Area. The department consists of 1 chief, 1 assistant chief, 2 division chiefs, 2 chief inspectors, 3 battalion chiefs, 3 assistant battalion chiefs and over 100 additional firefighters, which includes 47 who are state certified paramedics. The firefighters staff 7 fire stations 24 hours per day, 365 days per year. Located within these stations, the department's active fleet of apparatus is comprised of 6 engines companies, 2 truck companies and 3 paramedic ambulances. The E.F.D. also has 3 reserve engines and 2 reserve ambulances for use in times of extreme emergency or when mechanical issues occur. The E.F.D. provides fire and emergency medical response services to citizens within the City limits. Due to the location and character of the Annexation Area, the E.F.D. does not anticipate needing to hire additional employees as a result of the annexation. Any increase in costs as a result of the annexation will be funded by the E.F.D.'s budget.

D. Communications Center

Any dispatch calls within the Annexation Area are currently handled by Elkhart County 9-1-1 Communications Center. Within the City, Elkhart Communications Center dispatches all Police, Fire and EMS calls within the City limits. The Center has at least three dispatchers on duty at all times. Dispatchers answer all incoming 9-1-1 calls within the City, all non-emergency and business lines, as well as several direct dial private lines. The Elkhart Communications Center does not anticipate any additional costs as a result of the annexation.

E. Street Maintenance

All dedicated streets and county roads in the Annexation Area are currently maintained by Elkhart County. However, all non-capital services of the Elkhart Street Department will be made available in the Annexation Area within 1 year of the effective date of the annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

The Elkhart Street Department is responsible for maintaining streets and roads, signs and right-of-ways. It performs street sweeping, snow removal, leaf pick-up and street and curb repair and maintenance. The Annexation Area contains approximately 3.71 miles of streets that the City will be responsible for maintaining. Currently, the City has approximately 654.49 miles of streets. The City anticipates additional operating costs for supplies and repairs and maintenance of approximately \$17,500 (plus inflation) per year as a result of the annexation. The Local Road and Street and Motor Vehicle Highway Funds will fund any additional costs.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

F. Trash Collection and Recycling

Elkhart County does not provide solid waste disposal to the Annexation Area. This service is provided to residents outside of the City by private firms. A comprehensive survey was not undertaken, but based on available information it appears as if private firms charge approximately \$60 or more per quarter for residential trash pick-up.

Within 1 year of the effective date of this annexation, all non-capital services of the Elkhart Street and Public Works Departments, including trash collection, recycling, yard refuse and limb pick up, will be made available in the Annexation Area and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City. Any additional costs to the City will be offset by additional related revenues.

G. Storm Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the City's current storm water and drainage system throughout the City. The City and County have maintained their drainage areas very similarly, as the City is a part of the Greater Elkhart County Storm Water Partnership for which the Elkhart County Soil and Water Conservation District acts as supervisor. The City currently charges \$50 annually per ERU, which is collected through property taxes. Any future development in the area will have to have its storm water plan approved by the City engineer or the City's Department of Storm Water Management, and any associated storm water and drainage costs will be borne by the developers. All non-capital services of the Department of Storm Water Management will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

H. Parks

There are currently nineteen community parks, ten neighborhood parks, one water park and one swimming pool within City limits. High Dive Park and McNaughton Park are both located along the river front and have amenities for tennis, hiking and fishing, as well as pavilions with full kitchens. Studebaker Park features a soccer field, tennis courts, a basketball court, a baseball diamond, a large multi-purpose field, playgrounds and trails for hiking. Ideal Beach is also part of the City's park system. It is a large, water park that contains a wading pool, water slide, swimming beach, sand volleyball court, miniature golf, a public boat ramp and concessions. The NIBCO Ice & Water Park is another featured destination of the Parks Department, with skate rentals, an outdoor ice path, picnic areas and concessions. It is anticipated that no additional parks will be added as a result of annexation, therefore there will be no additional costs to the City.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

H. Parks (cont'd)

Nevertheless, all non-capital services of the Parks Department will be made available in the Annexation Area on the date the annexation becomes effective and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

I. Street Lighting

Elkhart County does not provide street lights in the Annexation Area. After annexation, the City may approve street lighting on a case-by-case basis. If approved, the City pays all costs for installation and maintenance of streetlights. At this time, the City does not anticipate adding any streetlights within the Annexation Area. Therefore, there will be no additional costs to the City related to street lighting.

J. Building and Code Enforcement

The Building and Code Enforcement Department of the City of Elkhart is responsible for conducting building, electrical, plumbing, HVAC and structural inspections. It is anticipated that any additional costs associated with inspections in the Annexation Area will be offset by revenues from the associated building permits.

K. Governmental Administrative Services

The City does not anticipate that the addition of the Annexation Area will result in a demand for Governmental Administrative Services that cannot be met by the existing staffing of the City's offices, agencies and departments. All non-capital services of the administration of the City will be made available in the Annexation Area on the date the annexation becomes effective and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the City.

The Governmental Administrative Services of the City include, but are not limited to, the services provided by the following:

- Mayor's Office
- City Council
- Redevelopment Commission
- Elkhart Environmental Center
- Economic Development Commission
- Finance Department
- Human Resources
- Planning and Zoning Department
- Emergency Management Department
- Information Technology Department

SECTION III

CAPITAL IMPROVEMENTS

A. Cost of Services

The Annexation Area was evaluated to determine the services and facilities required to provide the same type of services in the same manner as services that are currently provided within the existing City's corporate limits.

The City will provide the following capital services to the Annexation Area no later than three (3) years after the effective date of the annexation in the same manner as those capital services provided to areas within the City regardless of topography, patterns of land use and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria. It is currently assumed that the annexation will be effective no later than December 31, 2024.

B. Water Service

The Annexation Area is currently being served. This will not change as a result of the annexation.

C. Wastewater Service

The Annexation Area is currently being served. This will not change as a result of the annexation.

D. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the City's current storm water and drainage system throughout the City. The City and County have maintained their drainage areas very similarly, as the City is a part of the Greater Elkhart County Storm Water Partnership for which the Elkhart County Soil and Water Conservation District acts as supervisor. The City currently charges \$50 annually per ERU, which is collected through property taxes. Any future development in the area will have to have its storm water plan approved by the City Engineer or the City's Department of Storm Water Management, and any associated storm water and drainage costs will be borne by the developers. Regardless, all capital services of the Department of Storm Water Management will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

CAPITAL IMPROVEMENTS

E. Street Construction

Construction of any new streets within the developments in the Annexation Area will be the responsibility of the appropriate developer in accordance with the applicable City Code. The existing streets within the Annexation Area are in very similar condition to existing City streets; it is not anticipated that any additional costs will be required to improve them to City standards. Regardless, all capital services of the Elkhart Street Department, including evaluation and construction services, will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION IV

FISCAL IMPACT

As a result of this annexation, based on estimated assessed values as of January 1, 2024, the net assessed value for the City is anticipated to increase by \$34,578,900, or approximately 0.9574%. The net impact of increasing the City's net assessed value will result in additional property tax revenues to the City, which may be used to offset the cost of providing services to the Annexation Area.

It is assumed that the effective date of this annexation will be as soon as practically possible, but no later than December 31, 2024. Based on the assumed effective date, Annexation Area property owners will not pay property taxes to the City until 2025 payable 2026, or until the parcels are no longer municipal tax-exempt. However, the City will begin providing non-capital municipal services to the property owners within one (1) year after the effective date of the annexation, and it will begin providing capital municipal services to the property owners within three (3) years after the effective date of the annexation.

It is anticipated that there will be minimal additional costs to the City as a result of the annexation. The additional costs are related to the Police Department and Street Department. The causes of the anticipated increased costs are discussed on the prior pages, and a summary of the costs is demonstrated in Appendix I.

It is anticipated that the City will realize an increase in its levy of approximately \$608,309 (\$578,199 net of circuit breaker) as a result of the annexation. However, the percentage increase in the levy will not exceed the percentage increase in the City's assessed value; therefore, there is not anticipated to be a tax rate increase as a direct result of this annexation. If there is a shortfall in revenue from the annexation, the services described in this plan can be provided using funds on hand.

Based on the assumed annual growth factors noted on page 12, the additional levy will be approximately \$634,466 (\$604,356 net of circuit breaker) in 2027, \$657,307 (\$627,197 net of circuit breaker) in 2028, and \$683,599 (\$653,489 net of circuit breaker) in 2029. The estimated additional property tax cap losses for the overlapping taxing units based on current assessed values are as follows:

County	\$6,183
Osolo Twp	79
Washington Twp	7
School	14,911
Library	<u>2,195</u>
 Total	 <u><u>\$23,375</u></u>

SECTION V

ASSUMED INDEBTEDNESS

As required by Indiana Code 36-4-3-10, the City will assume and pay any unpaid bonds or other obligations of Osolo Township and Washington Township existing at the effective date of the annexation of the Annexation Area in the same ratio as the assessed valuation of the property in the Annexation Area bears to the assessed valuation of all property in Osolo Township and Washington Township, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the City is already liable for the indebtedness.

Osolo Township currently has a fire truck loan with \$134,158 outstanding at an interest rate of 2.08%. Payments are due semi-annually on January 15th and July 15th and will be paid off on January 15, 2025. As a result of the annexation, the City will not be responsible for any the remaining loan payments because the City will not receive tax revenues from the Annexation Area until after the last debt service payment is made.

Washington Township has no debt currently outstanding.

CITY OF ELKHART, INDIANA

Elkhart East Area D and Area F

ESTIMATED ASSESSED VALUE AND TAX RATE IMPACT

(Assumes first year of tax collections from Annexation Area is 2025 pay 2026)

<u>Assessment Year</u>	<u>Estimated Net Assessed Value of Annex. Area</u>	<u>Estimated Net Assessed Value of City</u>	<u>Total Est. Net Assessed Value of City</u>	<u>Est. Property Tax Levy of City</u>	<u>Total Est. Property Tax Rate</u>
	(1)	(2)	(3)	(4),(5),(6)	(7)
2023 Pay 2024	N/A	\$3,276,097,001	\$3,276,097,001	\$60,601,243	\$1.8498
2024 Pay 2025	N/A	3,439,901,851	3,439,901,851	62,955,509	1.8302
2025 Pay 2026	\$34,578,900	3,611,896,944	3,646,475,844	66,573,014	1.8257
2026 Pay 2027	38,303,900	3,792,491,791	3,830,795,691	69,419,765	1.8122
2027 Pay 2028	42,028,900	3,982,116,381	4,024,145,281	71,920,867	1.7872
2028 Pay 2029	45,753,900	4,181,222,200	4,226,976,100	74,790,598	1.7694

- (1) Based on the current net assessed value of the real property, less municipal tax-exempt agricultural assessed land, in the Annexation Area as gathered from the Elkhart County Assessor's office and an additional \$11,175,000 in estimated value of development in the Annexation Area. Per information provided by the City, we have assumed development will first be assessed in 2026 pay 2027.
- (2) Assumes the assessed value for the City of Elkhart, excluding the Annexation Area, grows at a rate of 5%.
- (3) Represents the net assessed value for the City, including the Annexation Area, used to calculate the tax rate.
- (4) Assumes controlled property tax levies increase by an annual growth factor as follows:

<u>Year</u>	<u>Controlled Levy Growth</u>
2024	4.0%
2025	3.9%
2026	4.8%
2027	4.3%
2028	3.6%
2029	4.0%

- (5) Assumes that the Park Bond levy remains constant. Also, assumes the CCD rate remains constant, which results in additional levy due to NAV growth.
- (6) Assumes the City receives an automatic increase in its levy equal to its percentage increase in net assessed value as a result of the annexation.
- (7) Based on the Est. Property Tax Levy of City divided by the Total Est. Net Assessed Value of City.

CITY OF ELKHART, INDIANA

Elkhart East Area D and Area F

SUMMARY OF ADDITIONAL COSTS DUE TO ANNEXATION

(Non-Capital Services)

<u>Department</u>	<u>Description of Costs</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>Ref.</u>
Street	Materials, supplies and repairs	\$17,500	\$18,025	\$18,566	\$19,123	(1)
Police	Fuel and repairs	3,700	3,811	3,925	4,043	(1)
	Totals	<u>\$21,200</u>	<u>\$21,836</u>	<u>\$22,491</u>	<u>\$23,166</u>	

(1) Assumes a 3% inflationary adjustment for years 2026 through 2028.

	<u>Summary of Net Impact</u>				
	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	
Estimated levy increase (net of circuit breaker)	\$ -	\$578,199	\$604,356	\$627,197	
Estimated CCD levy increase	-	16,321	18,079	19,838	(2)
Estimated additional costs	<u>(21,200)</u>	<u>(21,836)</u>	<u>(22,491)</u>	<u>(23,166)</u>	
Net Impact	<u>\$ (21,200)</u>	<u>\$572,684</u>	<u>\$599,944</u>	<u>\$623,869</u>	

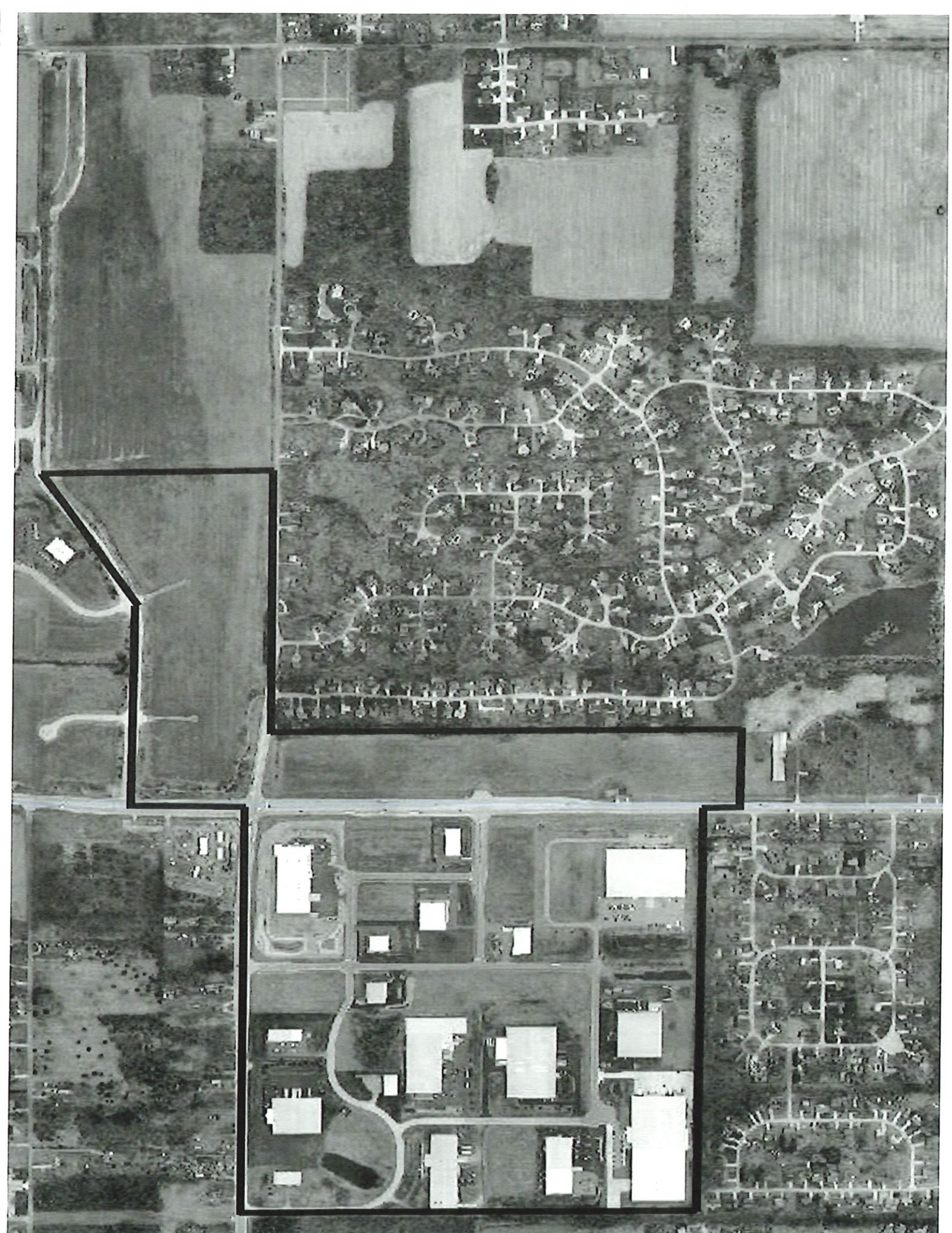
(2) Assumes the CCD rate remains constant, which results in additional levy from the added Annexation Area NAV, as noted on page 12.

CITY OF ELKHART, INDIANA

Elkhart East Area D and Area F

PARCEL LIST

<u>Parcel ID</u>	<u>Owner</u>	<u>'22 Pay '23 Net Assessed Value</u>	<u>Remonstrance Waiver</u>
20-02-25-201-005.000-026	Baker, James M	\$ 609,500	No
20-02-25-201-006.000-026	Feed the Children Inc	-	No
20-02-25-201-007.000-026	ALMAC IN	10,000	No
20-02-25-201-004.000-026	Cook Legacy Properties LLC	842,800	No
20-02-25-226-004.000-026	Ludwig Investments Inc An Ind Corp	3,500	No
20-02-25-226-001.000-026	Ludwig Investments Inc An Ind Corp	3,500	No
20-02-25-226-002.000-026	Huill Lift Truck Inc	18,100	No
20-02-25-226-005.000-026	Hull Lift Truck Inc	18,000	No
20-02-25-226-003.000-026	Hull Lift Truck Inc	98,200	No
20-02-25-226-009.000-026	Jenway Majestic LLC	3,500	No
20-02-25-226-013.000-026	Jaxon-Java Proper LLC	25,000	No
20-02-25-226-014.000-026	Endeavour Holdings LLC	1,104,100	No
20-02-25-226-012.000-026	Elkhart DDS Real Estate LLC	450,000	No
20-02-25-226-011.000-026	Elkhart DDS Real Estate LLC	3,500	No
20-02-25-226-007.000-026	Rented by Erik LLC	201,200	No
20-02-25-226-008.000-026	Rented by Erik LLC	3,500	No
20-02-25-251-019.000-026	Shah Land Development LLC	3,500	No
20-02-25-251-014.000-026	Shah Land Development LLC	3,500	No
	AIC Income Fund Columbia LLC c/o		
20-02-25-252-001.000-026	George McElroy & Assoc. Inc.	3,985,900	No
20-02-25-203-004.000-026	53208 Columbia Dr Owner LLC	3,469,100	No
	White Charles R Trustee Charles R		
20-02-25-203-003.000-026	White Revocable Trust	533,900	No
	White Charles R Trustee Charles R		
20-02-25-203-005.000-026	White Revocable Trust	5,900	No
	White Charles R Trustee Charles R		
20-02-25-200-012.000-026	White Revocable Trust	5,900	No
20-02-25-226-010.000-026	Discovery Drive - Elkhart LLC	51,400	No
20-02-25-226-006.000-026	Discovery Drive - Elkhart LLC	924,400	No
20-02-25-251-018.000-026	BNS Holdings LLC	3,500	No
20-02-25-251-017.000-026	BNS Holdings LLC	3,500	No
20-02-25-251-016.000-026	Almac Inc	700,000	No
	Elkhart DDS Real Estate LLC Valeo		
20-02-25-251-013.000-026	North America	6,130,300	No
20-02-25-251-011.000-026	3 G Real Estate LLC	3,286,800	No
20-02-25-251-005.000-026	Marteli Holdings LLC	6,872,900	No
20-02-25-251-009.000-026	Vista Building LLC	2,117,900	No
20-02-25-251-006.000-026	LAM Corporation	4,600	No
20-02-25-202-002.000-026	LAM Corporation	2,887,300	No
20-03-30-151-002.000-030	Ludwig Investments Inc	194,200	No
20-03-30-151-001.000-030	Ludwig Investments Inc	3,500	No
20-03-30-101-004.000-030	Ludwig Investments Inc	500	No
20-03-30-101-002.000-030	Ludwig Investments Inc	9,200	No
20-03-19-300-020.000-030	Finis Terra Inc An IN Corp	28,400	No
	Total	<u>\$ 34,620,500</u>	



An annexation of land into the City of Elkhart known as Elkhart East Area 'D' Phase 1. All that part of the Northeast Quarter of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, being comprised of the following subdivision plats:

Affidavit of Correction Exhibit A, recorded in Elkhart County Document No. 2003-44411;

Elkhart East-Area 'D' - Phase 1, recorded in Elkhart County Document No. 2003-25082;

Elkhart East Area 'D' - Phase II and Replat of Lot 7, Elkhart East Area 'D' - Phase I, recorded in Elkhart County Document No. 2006-15219;

Elkhart East Area 'D' - Phase III, recorded in Elkhart County Document No. 2014-02235;

Elkhart East Area 'D' - Phase IV, recorded in Elkhart County Document No. 2015-19825;

First Replat of Elkhart East Area 'D' - Phase 1, recorded in Elkhart County Document No. 2003-44172;

Replat Lot 5A Elkhart East - Area 'D' - Phase One, recorded in Elkhart County Document No. 2010-23300;

Replat Lots 5 and 6 Elkhart East - Area 'D' - Phase One, recorded in Elkhart County Document No. 2005-21260;

Replat of Lot 8 Elkhart East- Area 'E' -Phase 1, recorded in Elkhart County Document No. 2007-19708;

Replat Lot 9 Elkhart East Area 'D' - Phase II, recorded in Elkhart County Document No. 2013-13542;

Replat of Lots 13 & 14 Elkhart East Area 'D', Phase III, DPUD E-3, recorded in Elkhart County Document No. 2015-03428;

Replat of Lot 15 of Elkhart East Area 'D' -Phase III, recorded in Elkhart County Document No. 2015-09572;

Replat of Lot 18 Elkhart East Area D Phase 4, recorded in Elkhart County Document No. 2020-11214;

Including road right-of-ways for County Road 6 and County Road 17 within said Northeast Quarter.

Also:

A tract of land located in the Southwest Quarter of Section 19 and Northwest Quarter of Section 30, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana, said tract of land more particularly described as follows: Beginning at the southwest corner of said Southwest Quarter; thence North 758 feet along the West line of said Southwest Quarter to the westerly prolongation of the south right-of-way line of Executive Expressway; thence Easterly then Northeasterly along said south right-of-way line to the intersection of said south right-of-way line and the east line of said Southwest Quarter; thence South 1,209.7 feet to the Southeast corner of said Southwest Quarter; thence South 20 feet to the south right-of-way line of County Road 6; thence West 1,739 feet along aforesaid south right-of-way line to the northwest corner of Lot 29 in Pine Brook, recorded in Elkhart County Document 2005-21921; thence South 1,343.3 feet along the west line of Pine Brook to the southwest corner thereof and the northwest corner of Woodland Meadows, recorded in Elkhart County Document No. 97-01275; thence South 1,312.1 feet along the west line of said Woodland Meadows to the southwest corner thereof and the south line of said Northwest Quarter; thence West 485 feet along said south line to the southwest corner thereof; thence North 2,653.6 feet along the west line of said Northwest Quarter to the point of beginning of said description.



Staff Report

Planning & Zoning

Petition: 24-ANX-02

Petition Type: Annexation Request

Date: May 6, 2024

Petitioner: Almac, Inc
Peter A. Letherman, Vice President

Site Location: Elkhart East Area A (Parcels 20-02-13-401-003.000-026, 20-02-13-426-004.000-026, 20-02-13-477-002.000-026, 20-02-13-477-003.000-026 and 20-02-13-477-005.000-026)

Request: As prescribed by Section 29.11.B, a request to annex five (5) vacant parcels located at the northwest corner of County Road 17 and County Road 4, land containing approximately one hundred fourteen (114) acres.

To also rezone the one hundred fourteen (114) acres of land contained within the petition from M-2 Manufacturing (Elkhart County Zoning) to M-1, Limited Manufacturing District.

Existing Zoning: M-2 Manufacturing (Elkhart County Zoning)

Size: +/- 114 Acres

Thoroughfares: County Road 17, County Road 4

School District: Elkhart Community Schools

Utilities: Available

Surrounding Land Use & Zoning:
Surrounding properties are residential, industrial, institutional 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

This staff report is being prepared for annexation 24-ANX-02 to annex land generally at the intersection of CR 4 and County Road 17, Elkhart, Indiana 46514, Osolo Township.

The land in the petition is an undeveloped area surrounded by generally agricultural, industrial, institutional and residential land uses, but with access to the major transportation corridors of County Road 17 and I-80/90 via the Indiana Toll Road Exit 96. The land is intended to be developed with M-2 uses, with a particular emphasis on transportation and logistics to take advantage of its location along major roadways and proximity to the recently constructed Amazon regional distribution facility. Under its current jurisdiction in Elkhart County the property is zoned M-2; if annexed it would be rezoned to M-2, making it available for similar uses in the City as it was in the County.

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

The annexation request is voluntary. The property meets the requirement in order to file a petition to seek annexation under IC 36-4-3-4(B), which allows for non-contiguous annexations which qualify for specific criteria. The size of the area to be annexed is approximately 114 acres. Anticipated increase in costs to the city for provision of services is approximately \$1,100 per year, not accounting for inflation. The current state of the property makes it tax exempt due to its agricultural status; the fiscal plan does not take into account the tax value of additional industrial development.

Recommendation

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



Attachments

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

PETITION #: 24-ANX-02 FILING FEE: \$ 500.00

PETITION to the PLAN COMMISSION

PETITION TYPE: ANNEXATION

This action requires final approval from the Common Council

Property Owner(s): Almac, Inc.

Mailing Address: P.O. Box 1322, Elkhart, IN 46515

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Chris Pottrate

Mailing Address: 861 Parkway Avenue

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: Elkhart East Area A

Zoning: M-2

Present Use: Vacant Proposed Use: Industrial

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): Chris Pottrate

SIGNATURE(S): [Signature] DATE: 2/8/24

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: _____

Garage Sale
Antique Bedroom set, Complete Twin Bed, Sauter office Desk, Patio chairs, desk/curio Cabinet and more
22931 Fox Fire Drive (Hunters Run) Elkhart 9 - 3 Friday 26th and Sat 27 9 - 3

Giant Neighborhood Garage Sale
Heather Lake Subdivision in Osceola. This is the one you've been waiting for. Heather Lakes is a mile south of Lincolnway off Apple Road. Make sure your there. It will be HUUUUUGE.
This Friday and Saturday April 26, 27, 8-4 both days.

HUGE LIVING ESTATE SALE
20304 Blue Heron Dr. Goshen. May 2 and 3 from 8am to 5 pm and Saturday May 4 from 9am to noon. Lots of Antiques.

WOODSIDE ESTATES SUBDIVISION GARAGE SALE IN ELKHART
April 4/26 & 4/27 8:00 am - 4:00 pm
Located off of Homeland Road

LEGAL NOTICE #24-Z-03

Hearing on proposed Rezoning #24-Z-03
NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **MONDAY, MAY 6, 2024 at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Rezoning #24-Z-03
Petitioner: Hengs Industries (USA) LLC (pending transfer to SBS Holdings LLC)
Request: Per Section 29.11.B, Map Amendments, a request to rezone part of 3500 Lexington Park Drive (05-02-252-016) - specifically 1.16 acres east of Osborn-Manning Ditch) from M-1, Limited Manufacturing District to B-1, Neighborhood Business District.

Location: 3500 Lexington Park Drive (1.16 acres east of Osborn-Manning Ditch)

Zoning: M-1, Limited Manufacturing District
This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <http://coei.webex.com>, enter **2310 506 8344** as the meeting number and "PLAN" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to Carla.Lipsey@coei.org prior to the meeting.

LEGAL DESCRIPTION:
Area to Be Rezoned from M-1 to B-1

That part of land described in Deed Record 2007-22565 lying south and east of the center thread of the Osborn-Manning Ditch and north of the north line of Lexington Park Drive, located in the Northeast Quarter of Section 2, Township 37 North, Range 4 East Cleveland Township, Elkhart County, Indiana, being more particularly described as follows:
Commencing at the Southeast corner of the Northeast Quarter said Section 2; thence North 321.92 feet to the north line extended of Lexington Park Drive; thence South 89°40'03" West along said north line extended and said north line a distance of 37 4.18 feet to a 1" pipe marking the southeast corner of land described in Deed Record 2012-24228; thence South 89°37'04" West, along the south line of said land and said north line of Lexington Park Drive, a distance of 94.97 feet to a ¾" pipe marking the southwest corner of said land and the point of beginning of this description; thence 89°36'52" West along said north line a distance of 220.86 feet to the center thread of the Osborn-Manning Ditch; thence North 0°20'43" West along said center thread a distance of 228.19 feet; thence South 89°36'52" East along said center thread a distance of 220.86 feet to the northwest corner of said land described in Deed Record 2012-24228; thence South 0°20'43" East along the west line of said land a distance of 228.19 feet to the point of beginning of this description.

Containing 1.16 acres, more or less.
Arguments for and against the granting of the above-designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Commission, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 18th day of April, 2024, by the City of Elkhart, Plan Commission.

Publication Date: 4/26/2024
hspaxlp

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WE BUY RIDING & COMMERCIAL MOWERS, TRACTORS, ATVS, GOLF CARTS, SCOOTERS, 4X4S, VEHICLES & ALL LAWN EQUIPMENT.

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0900 LEGALS
Sale for Mechanic's Lien, 2000 Isuzu Truck NQR Diesel, No Bed 20,700 miles Vin# JALEB146Y7901296, May 1 10am 52216 SR 15 Bristol 574-966-0182 Min Bid \$2000 for past due fees
hspaxlp

a petition in the Elkhart County Superior Court No. 6 requesting that her name be changed to Rachel Sarber-Fritsch. Notice is further given that the hearing will be held on said Petition on.
/s/Rachel Fritsch
Petitioner
Filed February 29, 2024
Clerk Elkhart Superior Court No. 6
hspaxlp

ATTENTION:
If you or someone you know worked with Michael Larimer at Consolidated Metal in Elkhart, IN, between 1965-1972 please call Betsy at Simmons Hanly Conroy toll-free at 1-855-988-2537. You can also email Betsy at bwilliams@simmonsfirm.com.
hspaxlp

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40 Years Experience,
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Barn Pigeons. Call before catching. Lots of 50 to 100. \$5.00 per bird. Call 260-223-5454 or 260-223-8286.

WILLIS TRASH
Residential & Commercial
Dumpsters, Bobcat,
Burn Barrels
Call 293-2937 or 295-8052

NOTICE TO BIDDERS

- The Housing Authority of the City of Elkhart, Indiana will receive sealed Bids in its offices at 1396 Benham Avenue, Elkhart, Indiana 46516, until the hour of 3:00 p.m. local time, May 21, 2024. A public bid opening will occur at that time. Any bid received after the above designated time will be returned unopened. The work shall be performed as per Plans and Specifications prepared by Forum Architects, LLC, 415 Lincolnway East, Mishawaka, Indiana, and Bids are desired for 2022 Housing - Related Hazard Capital Fund, in Elkhart, IN.
- Work includes from the existing 6-inch water service in the basement, to extend and provide a complete NFPA 13 fire sprinkler system including stairwell and roof Class I standpipes. Based on the height of the building provide a fire pump, jockey pump and associated electrical feeds and controllers. The drawings show general information conveying the Owners intent, but the actual design is the responsibility of the Fire Sprinkler Contractor.
- Each Proposal also shall be accompanied by an acceptable certified check or cashier's check made payable to the order of the Housing Authority of the City of Elkhart, Indiana, or acceptable Bidder's Bond for an amount of not less than 5% of the amount of the Proposals, which check, or Bond shall be forfeited in case of failure of any Bidder to enter into the contract price, after notification of the acceptance of his Proposal.
- All Bids must be accompanied by a signed copy of the "Statement of Bidder's Qualifications/Affirmative Action" in the form set forth in the Specifications. All prime Contractors submitting Bids on the Project shall encourage qualified minority subcontractors to perform any portion of the Work in the Project which is not performed by the Contractor's own forces. All bidders shall comply with HUD Section 3 Clause of regulation 24 C.F.R. Part 75.
- Said Housing Authority of the City of Elkhart, Indiana is not obligated to accept the lowest or any other Bid submitted and reserves the right to reject any and all Proposals, to waive informalities in any Proposal if it shall be in the judgment of the Housing Authority of the City of Elkhart so to do and to defer the acceptance or rejection until the financial arrangements for said Project are completed.
- Plans and Specifications may be obtained from Forum Architects, LLC, 415 Lincolnway East Mishawaka, Indiana, on or after April 19, 2024. Electronic Plans and Specifications are available upon request. If hard copies are required, deposits are to be made out to Housing Authority of the City of Elkhart in the amount of Fifty Dollars (\$50.00) will be required of Prime Contractors for each set of Drawings and Specifications, which amount shall be returned in full in case the following two conditions are complied with:
1. The return of Drawings and Specifications within ten (10) days after the date of receiving Bids and
2. The Drawings and Specifications are in usable condition as determined by the Architect. Should any Bidder fail in the observance of EITHER CONDITION he shall forfeit the FULL AMOUNT of his deposit.7. A Pre-Bid Meeting will be held April 30, 2024, at 10:00 a.m. (local time) at the Waterfall High Rise located at 303 Waterfall Drive, Elkhart, Indiana. Site visits that are necessary after this date will be by appointment only and should be made through the Housing Authority of the City of Elkhart, IN by contacting Mr. Erik Mathavan, Director of Comprehensive Improvements at 574- 295-8392.
- Contractors awarded work shall furnish an acceptable Performance Bond and Payment Bond, in an amount equal to 100% of the Contract Price which form Contract and Bond shall conform to the forms prescribed by the State Board of Accounts. Instructions to Bidders, Plans, and Specifications including General Conditions are on file at:
1. Forum Architects, LLC
415 Lincolnway East
Mishawaka, Indiana 46544
2. Housing Authority of the City of Elkhart
1396 Benham Avenue
Elkhart, Indiana 46516
www.ehai.org/open-public-bids.html
3. MACIAF
212 W. Colfax Ave.
South Bend, IN 46601
hspaxlp

North 87° 42' 00" East, 41.49 feet and North 00° 00' 00" East, 1092.83 feet (East, 1092.85 feet, platted) to a Point on the North line of said Section which is North 89°59' 54" East, 1092.83 feet (East, 1092.85 feet, platted) from the Northwest corner of said Section; thence North 89°59' 54" East along the North line of said Section and the centerline of County Road #38, 341.44 feet to a Point which is South 89°59'54" West, 1,215.00 feet from the North quarter Post of said Section; thence South 00°00'06" East, 187.64 feet to a Point in the centerline of the Olive Township Ditch; thence traversing said line, South 57°11' 16" East, 17.45 feet and South 73° 19' 21" East, 185.03 feet and South 80°45'28" East, 159.74 feet and South 67°40'58" East, 55.18 feet and South 82°17'24" East, 119.04 feet and North 82°55'40" East, 24.58 feet and South 54°34'46" East, 23.95 feet and south 20°43'23" East, 152.56 feet and South 11°03'45" East, 73.35 feet and South 49°03'43" East, 63.96 feet and North 76°41'28" East, 52.93 feet and North 53° 28'42" East, 225.73 feet and North 73°47'09" East 166.06 feet and North 61°13'30" East, 46.35 feet and South 85°07'18" East, 43.72 feet and North 82°29'45" East, 54.02 feet to a Point on the North and South quarter line of said Section; thence South 00° 57' 00" West along said line, 306.75 feet; thence North 89°48'56" West along the South line of the North half (N-1/2) of the North half (N-1/2) of the Northwest Quarter (NW- 1/4) of said Section, 2,083.85 feet to the Point of Beginning. Commonly Known as: 28718 CR 38; Wakarusa IN 46573 Parcel No. 20-09-25-102-008.000-024 Together with rents, issues, income, and profits thereof, said sale will be made without relief from valuation or appraisal laws. Jeff Siegel Sheriff of Elkhart County, Indiana Phillip A. Norman #13734-64 Benjamin J Pliskie #30407-45 Phillip A. Norman P.C. Date Township Street Address 28718 CR 38; Wakarusa IN 46573 The Sheriff's Department does not warrant the accuracy of the street address published herein. Please Serve: Name Glen Richard Hostetler Address 28718 CR 38; Wakarusa IN 46573 Type of Service Sheriff
hspaxlp

LEGAL NOTICE #24-PUDA-01

Hearing on proposed Planned Unit Development #24-PUDA-01
NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **MONDAY, May 6, 2024 at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Planned Unit Development #24-PUDA-01.

Petitioner: SK Weaver Holdings, LLC

Request: Per Section 20.10.B.2, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Cassopolis Park Planned Unit Development (PUD), Ordinances PC87-41, approved by the Board of County Commissioners for Elkhart County, to establish an outlet for the construction of a restaurant on proposed Lot 2 (.82 acres) within the PUD. The remainder of the land will be a part of proposed Lot 1.

Location: 2701 Cassopolis Street

Zoning: PUD - Planned Unit Development

This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <http://coei.webex.com>, enter **2310 506 8344** as the meeting number and "PLAN" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to Carla.Lipsey@coei.org prior to the meeting.

LEGAL DESCRIPTION:
A parcel of land being a part of the Northeast Quarter of Section 29, Township 38 North, Range 5 East, Osolo Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the southeast corner of Tract B as shown on the record plat of Shoppes on Six Subdivision Phase II in the Office of the Recorder of Elkhart County, Indiana in Book 35, Page 40; said point being a 5/8" rebar iron found with cap, firm no. 0145; thence for the next two courses along said Subdivision, the first course being North 00°13'27" East, a distance of 446.61 to a 5/8" rebar iron found with cap, firm no. 0145; thence South 89°43'53" East, a distance of 867.98 feet to a 5/8" iron found, flush and being on the west right of way line of Cassopolis Street; thence South 02°43'33" West on said west line, a distance of 411.48 feet to a 5/8" rebar iron found with cap, firm no. 0145; thence continuing along said right of way South 38°43'22" West, a distance of 45.56 feet to a 5/8" rebar iron found with cap, firm no. 0145, said point being the intersection of said west right of way with the north right of way line of Emerson Drive; thence North 89°43'53" West on said north line, a distance of 816.09 feet to the point of beginning.

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Commission, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 18th day of April, 2024, by the City of Elkhart, Plan Commission.

Publication Date: 4/26/2024
hspaxlp

Extra Business is as easy as asking for it!
DO IT HERE, DO IT NOW!

Classifieds Make A Cash Connection!

LEGAL NOTICE #24-ANX-01

Hearing on proposed Annexation #24-ANX-01
 NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **MONDAY, MAY 6, 2024 at 1:45 P.M.** concerning the following request:
 A public hearing will be conducted on Annexation #24-ANX-01.
Petitioner: Almac, Inc.
Request: As prescribed by Section 29.11.B, a request to annex thirty nine (39) parcels located at Elkhart East Area D and F, land containing approximately 73 acres.
Location: Elkhart East Area D and F – various properties at the intersection of CR 6 and CR17
Parcels:
 20-02-25-201-005.000-026 20-02-25-203-003.000-026
 20-02-25-201-006.000-026 20-02-25-203-005.000-026
 20-02-25-201-007.000-026 20-02-25-200-012.000-026
 20-02-25-201-004.000-026 20-02-25-226-010.000-026
 20-02-25-226-004.000-026 20-02-25-226-006.000-026
 20-02-25-226-001.000-026 20-02-25-251-018.000-026
 20-02-25-226-002.000-026 20-02-25-251-017.000-026
 20-02-25-226-005.000-026 20-02-25-251-016.000-026
 20-02-25-226-003.000-026 20-02-25-251-013.000-026
 20-02-25-226-009.000-026 20-02-25-251-011.000-026
 20-02-25-226-013.000-026 20-02-25-251-005.000-026
 20-02-25-226-014.000-026 20-02-25-251-009.000-026
 20-02-25-226-012.000-026 20-02-25-251-006.000-026
 20-02-25-226-011.000-026 20-02-25-202-002.000-026
 20-02-25-226-007.000-026 20-02-30-151-002.000-030
 20-02-25-226-008.000-026 20-02-30-151-001.000-030
 20-02-25-251-019.000-026 20-02-30-101-004.000-030
 20-02-25-251-014.000-026 20-03-30-101-002.000-030
 20-02-25-252-001.000-026 20-03-19-300-020.000-030
 20-02-25-203-004.000-026

Zoning: DPUD, E3 standards and GPUD, E3 standards
 This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <http://coei.webex.com>, enter 2310 506 8344 as the meeting number and "PLAN" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to Carla.Lipse@coei.org prior to the meeting.
LEGAL DESCRIPTION:
 Project: Elkhart East Area "D" Phase I
 Parcel: Area D and F Annexation
 Key No. Various
 An annexation of land into the City of Elkhart known as Elkhart East Area 'D' Phase 1. All that part of the Northeast Quarter of Section 25, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, being comprised of the following subdivision plats:
 Affidavit of Correction Exhibit A, recorded in Elkhart County Document No. 2003-44411;
 Elkhart East-Area 'D' - Phase 1, recorded in Elkhart County Document No. 2003-25082;
 Elkhart East Area 'D' - Phase II and Replat of Lot 7, Elkhart East Area 'D' - Phase I, recorded in Elkhart County Document No. 2006-15219;
 Elkhart East Area 'D' - Phase III, recorded in Elkhart County Document No. 2014-02235;
 Elkhart East Area 'D' - Phase IV, recorded in Elkhart County Document No. 2015-19825;
 First Replat of Elkhart East Area 'D' - Phase 1, recorded in Elkhart County Document No. 2003-44172;
 Replat Lot 5A Elkhart East - Area 'D' - Phase One, recorded in Elkhart County Document No. 2010-23300;
 Replat Lots 5 and 6 Elkhart East - Area 'D' - Phase One, recorded in Elkhart County Document No. 2005-21260;
 Replat of Lot 8 Elkhart East - Area 'E' -Phase 1, recorded in Elkhart County Document No. 2007-19708;
 Replat Lot 9 Elkhart East Area 'D' - Phase II, recorded in Elkhart County Document No. 2013-13542;
 Replat of Lots 13 & 14 Elkhart East Area 'D', Phase III, DPUD E-3, recorded in Elkhart County Document No. 2015-03428;
 Replat of Lot 15 of Elkhart East Area 'D' -Phase III, recorded in Elkhart County Document No. 2015-03428;
 Replat of Lot 18 Elkhart East Area D Phase 4, recorded in Elkhart County Document No. 2020-11214;
 Including road right-of-ways for County Road 6 and County Road 17 within said Northeast Quarter.
 Also:
 A tract of land located in the Southwest Quarter of Section 19 and Northwest Quarter of Section 30, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana, said tract of land more particularly described as follows: Beginning at the southwest corner of said Southwest Quarter; thence North 758 feet along the West line of said Southwest Quarter to the westerly prolongation of the south right-of-way line of Executive Expressway; thence Easterly then Northeasterly along said south right-of-way line to the intersection of said south right-of-way line and the east line of said Southwest Quarter; thence South 1,209.7 feet to the Southeast corner of said Southwest Quarter; thence South 20 feet to the south right-of-way line of County Road 6; thence West 1,739 feet along aforesaid south right-of-way line to the northwest corner of Lot 29 in Pine Brook, recorded in Elkhart County Document 2005-21921; thence South 1,343.3 feet along the west line of Pine Brook to the southwest corner thereof and the northwest corner of Woodland Meadows, recorded in Elkhart County Document No. 97-01275; thence South 1,312.1 feet along the west line of said Woodland Meadows to the southwest corner thereof and the south line of said Northwest Quarter; thence West 485 feet along said south line to the southwest corner thereof; thence North 2,653.6 feet along the west line of said Northwest Quarter to the point of beginning of said description.
 Arguments for and against the granting of the above-designated petition will be heard at this meeting.
 PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Commission, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.
 Dated at Elkhart, Indiana this 18th day of April, 2024, by the City of Elkhart, Plan Commission.
 Publication Date: 4/26/2024

LEGAL NOTICE #24-ANX-02

Hearing on proposed Annexation #24-ANX-02
 NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **MONDAY, MAY 6, 2024 at 1:45 P.M.** concerning the following request:
 A public hearing will be conducted on Annexation #24-ANX-02.
Petitioner: Almac, Inc.
Request: As prescribed by Section 29.11.B, a request to annex five (5) parcels located at Elkhart East Area, land containing approximately 114 acres.
Location: Elkhart East Area A
Parcels: 20-02-13-401-003.000-026
 20-02-13-426-004.000-026
 20-02-13-477-002.000-026
 20-02-13-477-003.000-026
 20-02-13-477-005.000-026
Zoning: M-2 – General Manufacturing District
 This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <http://coei.webex.com>, enter 2310 506 8344 as the meeting number and "PLAN" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to Carla.Lipse@coei.org prior to the meeting.
LEGAL DESCRIPTION:
 A parcel of land in the Southeast Quarter of Section 13, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, being more particularly described as follows:
 Commencing at a Harrison Monument marking the southeast corner of said Southeast Quarter; thence North 0°0'21" East along the east line of said Southeast Quarter a distance of 425.01 feet to the southeast corner of land described in deed record 99-09100 in the Recorder's Office of Elkhart County and the point of beginning of this description; thence South 89°39'54" West along the south line of said land a distance of 30.30 feet to west boundary of County Road 17 and the northeast corner of Lot 4 as said lot is known and designated on the recorded plat of "Lakeland Estates," said plat being recorded in Book 11, Page 99; thence South 0°02'06" East along the east line of said recorded plat and said west boundary of County Road 17 a distance of 284.35 feet to the north boundary of County Road 4; thence South 89°57'56" West along said north boundary a distance of 30.00 feet; thence South 0°02'06" East along said north boundary a distance of 70.81 feet; thence South 89°39'54" West along said north boundary a distance of 101.81 feet to the east line of Lot 2 in said recorded plat; thence North 0°02'20" East along said east line a distance of 155.00 feet to the south line of Lot 3 in said plat; thence South 89°39'54" West along said south line a distance of 130.99 feet to the east boundary of Glen Drive as shown and dedicated by said plat; thence North 0°23'32" West along said east boundary a distance of 79.00 feet; thence continuing along said east boundary 126.51 feet along an arc to the left having a radius of 246.64 feet and being subtended by a long chord bearing North 15°05'10" West a distance of 125.12 feet to the south line of Lot 6 in said recorded plat; thence North 89°39'54" East along said south line a distance of 66.85 feet to the southeast corner of said Lot 6; thence North 0°21'00" East along the east line of said Lot 6 a distance of 184.99 feet to the northeast corner of said Lot 6; thence continuing along said east line 39.41 feet along a non-tangent arc to the left having a radius of 175.7 feet and being subtended by a long chord bearing North 63°55'45" West and a distance of 31.65 feet; thence North 89°47'42" West along the north line of said Lot 6 and the north line of said recorded plat a distance of 180.00 feet to the east line of Lot 8 in said recorded plat and the west boundary of Glen Drive; thence North 0°21'00" East along said east line and west boundary a distance of 22.77 feet to the northeast corner of said Lot 8; thence North 90°00'00" West along the north line of said Lot 8 a distance of 194.99 feet to the northwest corner of said Lot; thence South 0°09'48" West along the west line of said recorded plat and said west line extended a distance of 569.68 feet to the north boundary of County Road 4; thence South 89°39'54" West along said north boundary a distance of 869.50 feet; thence South 0°20'06" East along said north boundary a distance of 40.00 feet; thence South 89°39'54" West along said north boundary a distance of 592.04 feet; thence North 0°20'06" West along said north boundary a distance of 11.88 feet; thence South 89°39'54" West along said north boundary a distance of 112.72 feet; thence North 83°29'32" West along said north boundary a distance of 101.70 feet; thence South 89°39'54" West along said north boundary a distance of 215.56 feet; thence North 45°03'52" West along said north boundary a distance of 62.19 feet; thence South 89°52'45" West along said north boundary a distance of 14.52 feet; thence North 0°07'15" West along said north boundary a distance of 81.79 feet; thence South 89°52'45" West along said north boundary a distance of 40.00 feet to the west line of said Southeast Quarter; thence North 0°07'15" West along said west line a distance of 2,491.43 feet to the northwest corner of said Southeast Quarter; thence South 69°21'08" East along the south boundary of land owned by the Indiana Department of Natural Resources (IDNR) and described in deed record 2018-26655 a distance of 1,423.65 feet; thence continuing along the south boundary of said IDNR land South 25°06'14" East a distance of 380.71 feet; thence continuing along the south boundary of said IDNR land South 71°42'18" East a distance of 531.98 feet; thence continuing along the south boundary of said IDNR land South 0°08'42" West a distance of 13.77 feet; thence continuing along the south boundary of said IDNR land South 89°26'18" East a distance of 661.45 feet to the east line of said Southeast Quarter; thence South 0°07'13" East along said east line a distance of 1,207.08 feet to the point of beginning of this description.
 Arguments for and against the granting of the above-designated petition will be heard at this meeting.
 PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Commission, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.
 Dated at Elkhart, Indiana this 18th day of April, 2024, by the City of Elkhart, Plan Commission.
 Publication Date: 4/26/2024

SUMMONS - SERVICE BY PUBLICATION
 DLC#:F181-250
 STATE OF INDIANA
 COUNTY OF ELKHART)
)SS:
) IN THE ELKHART SUPERIOR COURT 2
 CAUSE NO.:20D02-2302-MF-000045
 INTERSTATE INTRINSIC VALUE FUND A, LLC,
 Plaintiff,
 vs.
 CAROL L. GORDON,
 ROBERT A. GORDON,
 INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY AND
 SUMMIT ACCOUNT & COMPUTER SERVICE INC.,
 Defendants,
 MIDFIRST BANK,
 Intervening Counterclaim/Cross-Claim Plaintiff,
 vs.
 CAROL L. GORDON,
 WILLIAM BUCK,
 INTERSTATE INTRINSIC VALUE FUND A, LLC AND
 SUMMIT ACCOUNT & COMPUTER SERVICE INC.,
 Counterclaim/Cross-Claim Defendants.

NOTICE OF SUIT
 The State of Indiana to the Defendants above named, and any other person who may be concerned: You are notified that you have been sued in the Court above named. The nature of the suit against you is a Complaint on Note and for Foreclosure of Mortgage on the following described real estate:
 A part of the Southwest Quarter of the Southeast Quarter of Section 30, Township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana, more particularly described as follows: Commencing at the Southwest corner of the Southeast Quarter of Section 30, Township 35 North, Range 7 East; thence North 88 degrees 34 minutes 00 seconds East (bearing from Instrument Number 96 018573) along the South line of said Quarter Section, a distance of 732.39 feet to the point of beginning of this description, said point also being the Southeast corner of land described in Instrument Number 96 018573; thence due North, with the East line of said land, a distance of 475.20 feet to the Northeast corner of said land; thence North 88 degrees 34 minutes 00 seconds East, parallel with the South line of said Quarter section, a distance of 366.67 feet to a rebar set; thence due South, a distance of 475.20 feet to a point on the South line of said quarter section; thence South 88 degrees 34 minutes 00 seconds West, along the South line of said quarter section, a distance of 366.67 feet to the point of beginning.
 And Commonly known as: 15345 US Highway 6 W, Syracuse, IN 46567
 This Summons by Publication is specifically directed to the following named Defendants whose whereabouts are known to me: Interstate Intrinsic Value Fund A, LLC, Summit Account & Computer Service Inc. and William Buck
 This Summons by Publication is also specifically directed to the following named Defendants whose whereabouts are unknown to me: Carol L. Gordon
 In addition to the above named Defendants being served by this Summons, there may be other Defendants who have an interest in this lawsuit.
 If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer. You must answer the Complaint in writing, by you or your attorney, on or before the day of 26th of May, 2024 (the same being within thirty (30) days after the Third Notice of Suit), and if you fail to do so, a judgment will be entered against you for what the Plaintiff has demanded.
 DOYLE & FOUTTY, P.C.
 By
 Alan W. McEwan

ATTEST:
 Clerk of the Elkhart County Superior Court 2
 S. Brent Potter (10900-49)
 Tina M. Caylor (30994-49)
 Alan W. McEwan (24051-49)
 Nathan A. Dewan (35006-82)
 Scott A. Hale (35534-64)
 Matthew L. Foutty (20886-49)
 Craig D. Doyle (4783-49)
 Jessica S. Owens (26533-49)
 DOYLE & FOUTTY, P.C.
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