

Elkhart Fire
500 East Street
Elkhart, IN 46516

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Fire.Admin@Elkhartfire.org



Rodney Dale
Fire Chief

Kristi Sommer
Assistant Fire Chief

MEMORANDUM

DATE: 10-17-2024
To: Common Council
FROM: Kristi Sommer, Assistant Chief
RE: To secure funding for an Indiana Homeland Security Grant

The Elkhart Fire Department has received a \$60,000.00 grant from Indiana Homeland Security for the purchase of a birthing simulation mannequin. This equipment will enhance our training capabilities and improve emergency response related to childbirth.

To proceed with this initiative, we will need to secure the funding upfront. Please note that the reimbursement from the state will occur after the purchase is completed.

Kristi Sommer
Assistant Chief

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SECURE AN INDIANA DEPARTMENT OF HOMELAND SECURITY GRANT IN THE AMOUNT OF SIXTY THOUSAND DOLLARS (\$60,000.00) FOR THE PURCHASE OF A BIRTHING SIMULATION MANNEQUIN FOR TRAINING PURPOSES BY THE ELKHART FIRE DEPARTMENT

WHEREAS, the Indiana Department of Homeland Security (“DHS”) granted funds in the amount of Sixty Thousand dollars (\$60,000.00) for the purchase of a birthing simulation mannequin for training purposes by the City of Elkhart Fire Department; and

WHEREAS, the acquisition of the equipment will enhance the training capabilities and will improve the emergency response related to childbirth in the first response crew from the City of Elkhart Fire Department; and

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

Section 1. The Indiana Department of Homeland Security grant to the City of Elkhart, Indiana, for the purchase of a birthing simulation mannequin, in the amount of Sixty Thousand dollars (\$60,000.00), be, and hereby is, accepted and appropriated from the State Grant Fund (2404) and assigned to the following account line:

Account No. 2404-5-000-4440500	Name: Other Equipment	Amount: \$60,000.00
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Section 2. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor, as provided by law, and shall continue into successive years, provided the project is ongoing, and the funds appropriated herein, have not been exhausted.

Section 3. Pursuant to Ind. Code 6-1.1-18-7.5, relating to the appropriation of funds, designated as grant funds subject to state or federal reimbursement, the Common Council waives the provisions of Ind. Code 6-1.1-18-5, requiring publication of notice and public hearing, and fixes the ____ day of _____, _____, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation.

SO ORDAINED this ____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this ____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk



M E M O R A N D U M

DATE: November 4th, 2024
TO: Council
FROM: James Gerald, Information Technology Director
RE: **Council Chamber Audio Video Upgrades**

The Information Technology Department requests approval of the Council Chamber Audio Video Upgrades project.

This project will include the design and installation of a new hybrid audio video system for the council chambers to operate in an automated or manned mode as required. This upgrade is expected to improve the efficiency and capability of the current system by expanding and automating processes. It will also aid us in improving ADA capabilities with a modernized hearing induction loop, larger screens for viewing, and transcription in Spanish and English.

This project will enhance our capabilities while allowing for vendor agnostic future expansion of the system as newer technologies evolve.

ORDINANCE NO. _____

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

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

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

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

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

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

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

WHEREAS, the Audio-Video (AV) system in the Common Council chambers are outdated, inefficient, and not compatible with current technologies needed for the modern needs for the conduct of the meetings and communication with the community; and

WHEREAS, the passage of the American Rescue Plan Act presents a unique opportunity to replace the system which is in need of replacement; and

WHEREAS, the cost to replace the Audio-Video (AV) system in the Common Council chambers and other improvements is estimated to be Three Hundred Twenty-Five Thousand and 00\100 Dollars (\$325,000.00); and

WHEREAS, the Administration requests that the Common Council of the City of Elkhart appropriate the sum of Three Hundred Twenty-Five Thousand and 00\100 Dollars (\$325,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Provision of Government Services account; and

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

WHEREAS, the possibility exists that funds may remain if the project is completed under the budgeted and appropriated amount; and

WHEREAS, any ARP Coronavirus Local Fiscal Recovery Fund monies which are not dedicated to a committed and ARP-qualified project of the City must be returned to the federal government; and

WHEREAS, the LaSalle, McKinley & Benham Water & Sewer Project is an ongoing and dedicated project of the City, qualified for use of ARP Coronavirus Local Fiscal Recovery Funds, and which can utilize toward the qualified project costs, any funds which remain upon completion of the project for which this appropriation is made.

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

Section 1. The amount of Three Hundred Twenty-Five Thousand and 00\100 Dollars (\$325,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 2474-5-600-4390061 Provision of Government Services \$325,000.00

Section 2. If, upon completion of the project described in this appropriation ordinance, any portion of the Three Hundred Twenty-Five Thousand and 00\100 Dollars (\$325,000.00) remains unused, the remaining funds shall be transferred by the City Controller to the following account line for use in the LaSalle, McKinley & Benham Water & Sewer Project:

Account No. 176-5-000-442.0000 Utilities & Infrastructure

Section 3. The Common Council has fixed the ____ day of _____, _____, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

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

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SO ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk



MEMORANDUM

DATE: October 22, 2024

TO: Common Council

FROM: Michael J. Huber, Development Services Director

RE: Proposed Ordinance to Appropriate ARP Funds for Benham Neighborhood Plan Implementation

Ordinance number 5882 was passed by the Elkhart Common Council with the purpose of allocating \$75,000 from the City's ARP Coronavirus Local Fiscal Recovery Fund toward the completion of a Neighborhood Master Plan for South-Central Elkhart. In 2023/2024 the City Development Services Team worked in Partnership with the Elkhart Chamber of Commerce and the University of Notre Dame School of Architecture to facilitate a planning process to restore Benham West, regenerate the surviving community and reconnect activity within the neighborhood as well as to the city beyond. Multiple community organizations came together in funding the process collaboratively, and the City was not required to utilize the resources allocated with this ordinance.

Since the completion of the planning process, the Elkhart Chamber of Commerce has maintained a focus on seeing the implementation of the Plan strategies and has dedicated staff specific to leading a collaborative implementation effort in the community. The Chamber has applied for and received funding from the Community Foundation of Elkhart County to serve as a lead organization coordinating implementation efforts, ensuring productive collaboration and creating pathways for the private and public sectors to come together to implement the redevelopment of the Benham Neighborhood to its fullest potential.

Given the multitude of projects and activities that the Development Services Team are currently tasked with, it is challenging for our staff to maintain the level of focus on leading the full implementation efforts. The included scope details the specific tasks and timeline that the Chamber will be responsible for managing. Collaborating as an active partner in the process lead by the Chamber is structure that maximizes the City's abilities to contribute to implementation while minimizing some of the barriers that come from the City managing all aspects of the project.

The City of Elkhart Development Services Department is requesting the Elkhart City Common Council to consider a re-appropriation of Benham Neighborhood Planning ARP funds to allow the City to enter into a contract with the Chamber to manage the collaborative implementation process.

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING SEVENTY-FIVE THOUSAND AND 00\100 DOLLARS (\$75,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE PROVISION OF GOVERNMENT SERVICES ACCOUNT TO COLLABORATE WITH THE ELKHART CHAMBER OF COMMERCE IN THE IMPLEMENTATION OF THE BENHAM NEIGHBORHOOD PLAN

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

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

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

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

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

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

WHEREAS, in 2021 the Elkhart Common Council adopted Ordinance No. 5882, appropriating Seventy-Five Thousand Dollars (\$75,000.00) from the ARP Coronavirus Local

Fiscal Recovery Fund for use in completion of the Neighborhood Master Plan for South-Central Elkhart; and

WHEREAS, thereafter the Development Services Department worked in partnership with the Elkhart Chamber of Commerce and the University of Notre Dame School of Architecture to facilitate a planning process to restore the Benham West neighborhood, regenerate the surviving community, and reconnect activity inside and outside of the neighborhood; and

WHEREAS, the collaboration between the Development Services Department, the Chamber of Commerce and the Notre Dame School of Architecture, provided resources to the effort which allowed the City to accomplish the planning process without using the funds appropriated under Ordinance No. 5882; and

WHEREAS, subsequent to the planning process, the Elkhart Chamber of Commerce received partial funding from the Community Foundation of Elkhart County to serve as lead entity, in a continuing collaboration with the City of Elkhart, to coordinate implementation efforts, ensure a productive collaboration between the private and public sectors, to implement the redevelopment of the Benham Neighborhood as envisioned in the planning process; and

WHEREAS, the ARP Coronavirus Local Fiscal Recovery Fund has retained the funds appropriated under Ordinance No. 5882, which can be used to further advance the objectives of the project; and

WHEREAS, the Administration requests that the Common Council of the City of Elkhart appropriate the sum of Seventy-Five Thousand and 00\100 Dollars (\$75,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to fund a further collaboration with the Elkhart Chamber of Commerce to serve as lead entity, in the ongoing collaboration with the City of Elkhart, specifically, to ensure a productive collaboration between the private and public sectors, in the

implementation of the redevelopment plan for the Benham neighborhood of the City of Elkhart;
and

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

WHEREAS, the possibility exists that funds may remain if the project is completed under
the budgeted and appropriated amount; and

WHEREAS, any ARP Coronavirus Local Fiscal Recovery Fund monies which are not
dedicated to a committed and ARP-qualified project of the City must be returned to the federal
government; and

WHEREAS, the LaSalle, McKinley & Benham Water & Sewer Project is an ongoing and
dedicated project of the City, qualified for use of ARP Coronavirus Local Fiscal Recovery Funds,
and which can utilize toward the qualified project costs, any funds which remain upon completion
of the project for which this appropriation is made.

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

Section 1. The amount of Seventy-Five Thousand and 00\100 Dollars (\$75,000.00) be,
and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned
to the following account line:

Account No. 2474-5-600-4390061 Provision of Government Services \$75,000.00

Section 2. If, upon completion of the project described in this appropriation ordinance, any
portion of the Seventy-Five Thousand and 00\100 Dollars (\$75,000.00) remains unused, the
remaining funds shall be transferred by the City Controller to the following account line for use in
the LaSalle, McKinley & Benham Water & Sewer Project:

Account No. 176-5-000-442.0000 Utilities & Infrastructure

Section 3. The Common Council has fixed the ____ day of _____, _____, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

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

[Balance of page is intentionally blank.]

SO ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

Project Summary

Benham Implementation Plan

Background and Community Need

In August 2023, the University of Notre Dame School of Architecture, in partnership with the City of Elkhart and the Greater Elkhart Chamber of Commerce, conducted its sixth Dean's Charrette. A charrette is an intensive planning session where architects, citizens, and community stakeholders collaborate to develop a vision for a project. The Elkhart charrette focused on strategies for affordable housing and future economic development for the Benham Neighborhood. By prioritizing collaboration with residents and stakeholders—starting with Benham—we will build and execute this vision together.

The Benham Neighborhood, a historically segregated and disadvantaged neighborhood, is an integral part of greater South Central Elkhart. Benham West was forcibly segregated in the 1920s yet became a thriving community for Black families and businesses. In the decades following, the Benham West neighborhood fell victim to urban renewal and experienced continual disinvestment. The Greater Elkhart Chamber is committed to facilitating and collaborating with key partners to ensure the reinvestment in this neighborhood to establish diverse housing options, programs to preserve the current housing stock, and vibrant public spaces.

It was vital that community voices were heard, and that their suggestions were recorded to make the final plan stronger. Engagement sessions and community presentations were held throughout a charrette process to ensure that residents and stakeholders were part of the process. Now with the charrette completed and next steps defined by the University of Notre Dame's School of Architecture, the redevelopment plan is complete and has been shared with residents and stakeholders in the community.

The release of the planning document is not a closing chapter for the Benham neighborhood, but rather a new beginning. Now it is time to begin implementing a new vision within this footprint to revitalize a once thriving neighborhood and bring it back to its original roots. When complete, this neighborhood will provide diverse housing and business opportunities for both residents and investors.

It is vital that there is an organization that takes the lead on implementation to ensure this vision comes to fruition. Community input and stakeholder engagement will be critical throughout the process, and collaboration will be key to implementation. The Greater Elkhart Chamber of Commerce intends to be the lead organization to ensure productive collaboration and create pathways for the private and public sectors to come together to implement the redevelopment of the Benham Neighborhood to its fullest potential.

Goals for continued facilitation and collaboration

1. **Facilitate regular touch points with key partners** outlined in the master plan, including the City of Elkhart, Community Foundation of Elkhart County, Elkhart Housing Authority, Tolson Center for Community Excellence, Faith Mission, neighborhood churches, and many others.

Keeping to an agreed meeting cadence will provide the space for needed conversations surrounding coordinating timelines and projects, as well as accountability and updates on current projects. It is vital that residents of the neighborhood have representation at these meetings to reestablish trust, and to gain a deeper understanding of projects that can be shared with their neighbors.

2. **Be the leaders and host of publishing the most up-to-date information to keep the community informed.** In order to keep community and resident support during implementation, the sharing of information will be key. Access to recent updates related to the projects identified from the master plan will build momentum, leading to further engagement and investment into the neighborhood. A living website will be hosted by the Greater Elkhart Chamber that will be frequently updated, highlighting completed milestones and expectations for the future of the Benham Neighborhood.
3. **Provide gentle accountability to community partners** to ensure that the implementation of the project meets timeline expectations. As time moves forward, things happen and priorities can shift. The Greater Elkhart Chamber is prepared to be the force behind making implementation happen and coordinating with all relevant partners to make certain things get done.
4. **Lead and coordinate with private sector and investors** to enhance the plan in the open market. Examples include property acquisition and investing in new business opportunities made possible through future development.
5. **Work with key consultants** to develop strategies for implementing key aspects from the plan. Learn from best practice research gathered from throughout the country and work with experts that are proven leaders in the field of redevelopment of blight, infill housing and incremental development. Engaging with experts can ensure that lessons are learned from projects outside of Elkhart in order to learn from past mistakes and streamline the development process within the project area.
6. **Engage and educate existing residents** on ways they can get involved in their neighborhood. Alongside development, programming to support long term success will be vital. Programs to support homeownership, entrepreneurship, and incremental development will allow residents to take ownership and enhance their relationship with where they live.

Potential Timeline

It should be noted that this project implementation is not a short process. Redevelopment of the Benham Neighborhood is expected to take years to complete. It is the anticipation that the Greater Elkhart Chamber will provide support for the foundation of the implementation, presumably over the next three years or so. These tasks are projected by year (please understand that some tasks will overlap):

- **Year One:**
 - Final Benham Neighborhood Master Plan public launch
 - Public website creation and release
 - Key meetings with selected property owners and organizations
 - Grant writing and support
 - Consultant selection and engagement
 - Programming development
 - Core team members selected for implementation
- **Year Two:**
 - Elkhart Housing Authority redevelopment finalized
 - Strategic property acquisition
 - Grant support secured
 - Creation and engagement surrounding support programming (i.e. homeownership, entrepreneurship, and incremental development)
 - 1000 Block of South Main and Freight Street redevelopment begins
- **Year Three and Beyond:**
 - Infill housing in Benham East
 - Benham West redevelopment
 - Programming for homeownership
 - Repairing street grid
 - Environmental remediation continuation of specific key properties

Public engagement was intentionally left off the list above because feedback is vital throughout every phase of implementation. The Greater Elkhart Chamber is committed to ensuring that the voices of the neighborhood are an important part of the equitable development process

Team and Resources

The Greater Elkhart Chamber staff is prepared to take lead in the implementation of the Benham Neighborhood master plan, but the collaboration with community partners will be the key to success. Currently a list of partners has been identified for regular collaboration, but it is anticipated this is a living list and will grow as implementation moves forward:

Key Partners

- Greater Elkhart Chamber of Commerce
- City of Elkhart

- Elkhart Housing Authority
- Community Foundation of Elkhart County
- Faith Mission
- Tolson Center for Community Excellence
- Elkhart Community Schools
- Neighborhood churches

Project Updates and Communication

Regular, recurring project update meetings will occur between community partners. It is likely that a committee will take shape with the Chamber leading the helm, to ensure success in implementation. Outside of regular meetings, the Greater Elkhart Chamber will work closely with the City to understand the current projects to be able to communicate with the community about them. Project update meetings will occur regularly between the Chamber and the Community Foundation to present the status of the project and provide an opportunity for feedback.

Pivots

It is anticipated that the tasks above will be completed, but it is important to note that needs could change once the development process begins. As the lead facilitator on the project, Greater Elkhart Chamber is prepared to shift and respond to challenges in real-time to ensure the success of implementation.



MEMORANDUM

DATE: October 22, 2024

TO: Common Council

FROM: Michael J. Huber, Development Services Director

RE: Proposed Ordinance to Appropriate ARP Funds for the Institute for Entrepreneurial Communities

Ordinance number 5883 was passed by the Elkhart Common Council with the purpose of allocating \$900,000 from the City's ARP Coronavirus Local Fiscal Recovery Fund toward activities related to a five year business strategy to attract and grow, not only the RV industry supply chain, but to diversify and develop other regionally relevant businesses including electronics, plastics, information technology and transportation and logistics with a focus on the West Business Park Area of the City. A specific opportunity that presented at the time of the allocation of the funds was a program offering of the Indiana Economic Development Corporation (IEDC) known as the Emerging Manufacturing Collaboration Center (EMC2) program. This was based on a model initiated outside of Indianapolis with a goal of identifying opportunities to replicate the model in other parts of the state. However, due to multiple staff and administrative changes within the IEDC, the EMC2 program and its funding was incorporated into other IEDC program opportunities.

Entrepreneurship is at the heart of Elkhart's economic history. Local leaders and innovators from within our community have shaped the future of regional and global industry, and have laid the footprint by which we live and work in our community. Entrepreneurship also holds the key to our ability to meet our future industry diversification goals. Nationwide entrepreneurship has experienced ebbs and flows in the past few decades. Entrepreneurship is often measured in startups, yet, long-term success of proprietary businesses may be a far stronger indicator of successful entrepreneurship. And, despite the recent uptick in startup activity, we acknowledge the potential fragility of entrepreneurship that threatens a key driver of economic strength for American communities.

The Institute for Entrepreneurial Communities (IEC) aims to identify and study communities that are long standing hotbeds of entrepreneurship and then to understand the impact of entrepreneurship on all aspects of the community. This Institute is taking a unique look into the interplay between entrepreneurs within a community, seeking to understand why entrepreneurship flourishes within specific regions across the United States. At present, most research measures startups, which includes sole proprietors. Yet sustained entrepreneurship with significant employment makes the strongest

impact on vibrant communities. The Institute has enlisted top researchers from various universities to initiate innovative research on a pilot community that has long been considered a hotbed of entrepreneurial activity. The pilot community has a legacy of successful entrepreneurship serving many industries. Although it is a comparatively small county, it is among the highest performing counties in terms of industry - Elkhart, Indiana. The Institute has engaged in quantitative research with academic institutions such as Ball State University, Butler University, and The Catholic University of Americas to further our understanding of entrepreneurial communities and success factors.

The Institute is an initiative envisioned and advised by civic leaders and successful entrepreneurs in Elkhart, Indiana. Operations of the Institute are led by enFocus Inc under the direction of Andrew Wiand, President. The Institute is led by a board of local advisors who are responsible for setting the direction and guiding the operations team, including the following individuals:

- Liz Borger, Stifel
- Ryan Brady, Alliance RV
- Ashley Martin, NIBCO
- Jack B. Smith, Jr., Gaska Tape
- David Smith III, Talon Products

As a collaborator in the institute, the City will gain tremendous insight and value derived by the research components of the Institute's work. This research is designed to offer a deep understanding of how firm structures and industry clusters influence regional economic well-being, providing valuable insights for both entrepreneurs and economic development leaders. Additionally, the research should shed light on the complex dynamics of entrepreneurship, with a particular focus on how quality of life and local amenities shape the entrepreneurial landscape across the United States. As the City is faced with the threat of future job losses related to automation of many manufacturing work processes, a thorough understanding of the entrepreneurial ecosystem can help the guide the City to identify future industry clusters for Elkhart's economy 4.0.

The City of Elkhart Development Services Department is requesting the Elkhart City Common Council to consider a re-appropriation of \$150,000 from the West Business Park Expansion ARP funds to allow the City to enter into a contract with the Institute for Entrepreneurial Communities to implement ongoing research activities related to strengthening our local ecosystem and guiding future cluster investments.

ORDINANCE NO. _____

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

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

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

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

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

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

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

WHEREAS, entrepreneurship is at the heart of Elkhart's economic history; and, notwithstanding the City's proud entrepreneurial past and the recent increase in new entrepreneurial activity, the Common Council recognizes the fragility of entrepreneurship and the threat that complacency poses to the continuation of economic growth for all American communities, and Elkhart, in particular; and

WHEREAS, the Institute for Entrepreneurial Communities (IEC) is a local initiative, formed by civic leaders, and a group of highly successful local entrepreneurs, have agreed to collaborate with various accomplished academic researchers from various universities in a study to identify and understand the impact of entrepreneurship on all aspects of the community, and the factors which cause entrepreneurship flourishes within specific communities and regions across the United States; and

WHEREAS, the City of Elkhart Development Services Department has requested that the Common Council appropriate One Hundred Fifty Thousand and 00\100 Dollars (\$150,000.00) to allow the City to contract with the Institute for Entrepreneurial Communities to advance ongoing research activities related to opportunities to strengthen our local ecosystem and guide future cluster investments; and

WHEREAS, the Department of Development Services believes that a collaboration with the Institute for Entrepreneurial Communities will allow the City of Elkhart to gain valuable insights from the research components of the Institute's work and shed light on the complex dynamics of entrepreneurship, with a particular focus on the ways in which quality of life and local amenities shape the entrepreneurial landscape across the United States; and

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

WHEREAS, the possibility exists that funds may remain if the project is completed under the budgeted and appropriated amount; and

WHEREAS, any ARP Coronavirus Local Fiscal Recovery Fund monies which are not dedicated to a committed and ARP-qualified project of the City must be returned to the federal government; and

WHEREAS, the LaSalle, McKinley & Benham Water & Sewer Project is an ongoing and dedicated project of the City, qualified for use of ARP Coronavirus Local Fiscal Recovery Funds, and which can utilize toward the qualified project costs, any funds which remain upon completion of the project for which this appropriation is made.

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

Section 1. The amount of One Hundred Fifty Thousand and 00\100 Dollars (\$150,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 2474-5-000-4390501 Negative Economic Impact \$150,000.00

Section 2. If, upon completion of the project described in this appropriation ordinance, any portion of the One Hundred Fifty Thousand and 00\100 Dollars (\$150,000.00) remains unused, the remaining funds shall be transferred by the City Controller to the following account line for use in the LaSalle, McKinley & Benham Water & Sewer Project:

Account No. 176-5-000-442.0000 Utilities & Infrastructure

Section 3. The Common Council has fixed the ____ day of _____, _____, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

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

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SO ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk



in partnership with:



Compiled by:
Shivangi Tiwari, Financial Analyst
Ayush Sindhwani, Innovation Fellow
October 2024



Exhibit A: Initiative Summary

Institute for Entrepreneurial Communities

Background and Need

The Institute for Entrepreneurial Communities (IEC) aims to identify and study communities that are long standing hotbeds of entrepreneurship and then to understand the impact of entrepreneurship on all aspects of the community. By examining Elkhart as a pilot community, the Institute is taking a unique look into the interplay between entrepreneurs within a community, seeking to understand why entrepreneurship flourishes within specific regions across the United States.

The City of Elkhart, renowned for its entrepreneurial spirit, is sponsoring research led by the Institute. The research projects will focus on identifying and analyzing key drivers of entrepreneurial success within Elkhart, which outperforms many in terms of industry clusters despite its relatively small population. Nationwide entrepreneurship has experienced ebbs and flows in the past few decades. The Institute's purpose is to honor the civic impact of innovation by recognizing thriving communities to perpetuate the cycle of entrepreneurship.

This is particularly important and relevant for the City of Elkhart's economic development priorities. Through the sponsored research, academic partners aim to study not just the impact of startups which is most commonly used as a measure of entrepreneurship but also understand the factors and impact of sustained businesses which may be a far stronger indicator of successful entrepreneurship.

Additionally, the Institute also aims to celebrate the entrepreneurial spirit present within the City of Elkhart by celebrating the research findings and hosting signature events that will bring together entrepreneurs, academics, civic leaders, and students. Headquartered in the City of Elkhart, the Institute will serve to increase awareness and appreciation for the positive impact of entrepreneurship on American communities



Objective

By analyzing local industry clusters and entrepreneurial activity, the research aims to provide insights into how sustained entrepreneurship can drive economic and social well-being in the future within the City of Elkhart and in comparable regions.

Preliminary Scope & Approach

The research will entail a quantitative deep dive into the City of Elkhart (or Elkhart County based on the Census MSA data availability). The approach includes:

- Conducting a literature review on entrepreneurship and its definition.
- Collecting and analyzing historical data on industry clusters.
- Provide a data-driven approach to identifying factors contributing to Elkhart's entrepreneurial success.
- Benchmark Elkhart County's performance against other similar communities to understand its comparative strengths and opportunities for growth.

The research, through collaboration with academic partners, will align with the IEC's mission and the City of Elkhart's priorities.

Key Activities:

Literature Review and Definition of Entrepreneurial Communities:

- Conduct a literature review on entrepreneurial communities and summarize definitions and parameters.
- Study quality of life factors, amenities, and their impact on entrepreneurial activity from 1990-2020.

Data Collection and Analysis of Entrepreneurial Archetypes:

- Collect and analyze county-level data across the U.S. on entrepreneurial community parameters, clustering, and quality of life indicators.
- Develop archetypes based on industry clusters, linking them to quality of life and economic factors.
- Identify the archetype that Elkhart falls in and others that may be similar to Elkhart.

Analysis of Entrepreneurship and Quality of Life:

- Analyze quality of life and amenity distribution impacts on entrepreneurial activity from 1990-2020 across counties, in particular Elkhart.
 - These include, but would not be limited to, work at home, self-employment, new business starts, and small business growth as proxies for entrepreneurship.
- Compare quality of life impacts across different geographies (e.g., rural, urban) and analyze the influence of local amenities.
- Evaluate the role of state/local taxes on entrepreneurial growth, assessing both ecosystem (quality of life) and tradable clusters.

Benchmarking and Comparative Analysis:

- Benchmarking Elkhart County's performance against similar counties or regions in terms of industry clusters, entrepreneurship, and economic growth.
- Identifying strengths, weaknesses, and opportunities for Elkhart's continued development as an entrepreneurial hub.

Presentation and Publication of Findings:

- Prepare a detailed research report summarizing findings, benchmarking analysis, and stakeholder insights.
- Share findings with the City of Elkhart and other stakeholders.
- Present insights through academic publications and celebratory events.

Key Research Deliverables:

- **Research Report and Business Article(s):** A detailed research report and co-published business articles including findings specific to Elkhart. The report will identify the success factors for Elkhart's entrepreneurial spirit and the ability to impact policy to continue the trend.
- **Benchmarking Analysis:** A comparative analysis that benchmarks Elkhart County's performance against other counties, highlighting unique factors contributing to its success. Additionally, communities similar to Elkhart will be identified.
- **Presentation to Stakeholders:** A final presentation summarizing the research findings, key insights, and recommendations for the City of Elkhart, IEC, and other community stakeholders, as appropriate. The timeline of the presentation from Butler University and Ball State University research partners will be late 2024 through Spring of 2025 as required by City of Elkhart stakeholders.

Sponsorship



This initiative supported by the City of Elkhart is for \$150,000 to be used for research sponsored by the Institute for Entrepreneurial Communities and celebratory events within the City of Elkhart due at the execution of the contract.

Team and Resources

The Institute has engaged with academic institutions such as *Ball State University*, *Butler University*, and *The Catholic University of Americas* to further our understanding of entrepreneurial communities and success factors. By building a strong network of academic partners, the Institute aims to conduct objective research to showcase anecdotal knowledge to data-driven findings.

Communications Management Plan

To ensure seamless communication throughout the project, the Institute proposes that communications be carried out as detailed below:

- Ad-hoc communication: As necessary, the Institute will communicate with the City of Elkhart's Development Services department to share findings via email, telephone communications, and update meetings.
- Deliverable validation: Meeting at the completion of the research projects to review deliverables.

Pivots

enFocus and Institute for Entrepreneurial Communities place value on our entrepreneurial focus and approach to projects. We have had historical success for sponsors when we reserve the option to initiate conversation with the sponsor for a project pivot when we see a better path or opportunity to pursue that can lead to greater success. This is not meant to negate the project responsibility of the Institute for Entrepreneurial Communities, but rather to create a scenario that will produce the most valued outcome for all parties. Institute for Entrepreneurial Communities and the City of Elkhart will agree to any project pivot(s) in advance.



Letter of Engagement

Research Sponsorship Terms

We want you to understand the basis under which we agree to fund you and your research, as well as to clarify the relationship and responsibilities between your organization and the Institute of Entrepreneurial Communities. These terms are part of our engagement letter and apply to all future services, unless a specific engagement letter is entered for those services. Each of these terms shall survive and apply after termination of this agreement.

RESEARCH AGREEMENT

This Agreement (the "Agreement") is entered on or about the 29th day of October 2024, by and between City of Elkhart, having its principal offices at [Address] (hereinafter referred to as "Sponsor"), and enFocus Inc., d/b/a the Institute for Entrepreneurial Communities, having its principal offices at 635 S Lafayette Boulevard, South Bend, IN 46601 (hereinafter referred to as "Beneficiary").

WHEREAS, the Sponsor desires to obtain the services of Beneficiary on its own behalf and on behalf of all existing and future Affiliated Companies (defined as any corporation or other business entity or entities that directly or indirectly controls, is controlled by, or is under common control with the Sponsor), and Beneficiary desires to provide services to the Sponsor upon the terms and conditions in this Agreement.

AGREEMENTS

SECTION 1 - RESEARCH PERIOD

(a) Term - The Sponsor hereby retains the Beneficiary and Beneficiary agrees to render to the Sponsor those services described in the Initiative Summary, Exhibit A, incorporated by reference and attached hereto, for the period (the "Contractual Period") commencing on [start date] and ending on [end date.]

(b) Termination - At any time, either party may terminate, without liability, the Contractual Period for any reason, with or without cause, by giving 60 days advance written



notice to the other party. The Sponsor shall pay Beneficiary the compensation to which the Beneficiary is entitled pursuant to Exhibit A.

SECTION 2 – DUTIES AND RESPONSIBILITIES

(a) Beneficiary hereby agrees to provide and perform for the Sponsor those services set forth in Exhibit A.

(b) Sponsor hereby agrees to provide compensation and reimbursement for travel and other reasonable business expenses incurred by Beneficiary under the scope of this agreement if and only if negotiated in advance with the Sponsor.

SECTION 3 – COMPENSATION, PAYMENT, BENEFITS

(a) Compensation in consideration of the services to be rendered hereunder, including, without limitation, services to any Affiliated Company, Sponsor shall pay a project fee of \$150,000 dollars to Beneficiary and reimburse travel incurred by the Beneficiary, as detailed in Exhibit A.

(b) Payment Terms. Sponsor agrees to pay dollars to Beneficiary, as detailed in Exhibit A. Invoices shall be presented at agreed upon (detailed in Exhibit A) payments are due within 30 days.

(c) Benefits. Other than the compensation specified in Sections 3(a), Beneficiary shall not be entitled to any direct or indirect compensation for services performed hereunder

SECTION 4 - CONFIDENTIAL INFORMATION

(a) “Confidential Information” means:

- (1) any information given to Beneficiary by Sponsor and clearly marked, in writing as confidential; and
- (2) any information given to Beneficiary by Sponsor orally that, at the time given, is stated to be confidential, and reduced to writing within thirty (30) days.

(b) enFocus agrees:

- (1) to keep Confidential Information confidential, return information to the Sponsor upon the terms end-date, and destroy Confidential Information after a period of 5 years from the date given to enFocus;
- (2) not to make use of Confidential Information for any purpose other than to carry out the Beneficiary’s services as specified in Exhibit A;

- (3) not to give Confidential Information, in any form, to a third party; and
 - (4) to limit access to Confidential Information to only those Beneficiary's employees who have a need to access it for the performance of the services under this Agreement.
- (c) The confidentiality, as stated in SECTION 4 (b), will not apply to information which:
- (1) is at the time of receipt public knowledge, or after receipt becomes public knowledge through no act of omission on the part of enFocus;
 - (2) was known to Beneficiary, as shown by written records, prior to disclosure by Sponsor;
 - (3) is received by Beneficiary from a third party who did not obtain the information from Sponsor; or
 - (4) is required by law.

Beneficiary hereby acknowledges and agrees that all property, including, all books, manuals, records, reports, notes, contracts, lists, blueprints, and other documents, or materials, or copies thereof, that is produced under this Agreement is Proprietary Information (as defined herein), and equipment furnished to or prepared by Beneficiary in the course of or incident to rendering of services to the Sponsor, belong to the Sponsor and shall be promptly returned to the Sponsor upon request.

- (d) Beneficiary agrees to hold all Sponsor's Proprietary Information in strict confidence and trust for the sole benefit of the Sponsor and not to, disclose, use, copy, publish, summarize, or remove from Sponsor's premises any Proprietary Information (or remove from the premises any other property of the Sponsor) during the Contractual Period except (i) to the extent necessary to carry out Beneficiary's responsibilities under this Agreement or (ii) after termination of the Contractual Period or (iii) when the information falls within the guidelines of this agreement.

SECTION 5 - NOTICES

All notices or other communications required or permitted hereunder shall be made in writing and shall be deemed to have been duly given if delivered by hand or mailed, postage prepaid, by certified or registered mail, return receipt requested, and addressed to the Sponsor at:

ATTN: Mike Huber, Director of Development Services
City of Elkhart,



229 S 2nd St,
Elkhart, IN 46516

or to the Beneficiary at:

Andrew Wiand, President
Institute of Entrepreneurial Communities
enFocus, Inc.
635 S Lafayette Boulevard, Suite 105
South Bend, IN 46601

Notice of change of address shall be effective only when done in writing and sent in accordance with the provisions of this Section.

SECTION 6 - AMENDMENTS AND WAIVERS

This Agreement may not be modified, amended, or terminated except by an instrument in writing, signed by a duly authorized representative of the Sponsor and the Beneficiary. By an instrument in writing similarly executed, either party may waive compliance by the other party with any provision of this Agreement that such other party was or is obligated to comply with or perform, provided, however, that such waiver shall not operate as a waiver of, or estoppel with respect to, any other or subsequent failure. No failure to exercise and no delay in exercising any right, remedy, or power hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, or power hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, or power provided herein or by law or in equity.

SECTION 7 - INTERRUPTION OF SERVICE

Either party shall be excused from any delay or failure in performance required hereunder if caused by reason of any occurrence or contingency beyond its reasonable control, including but not limited to, acts of God, acts of war, fire, insurrection, law proclamations, edicts, ordinances or regulations, strikes, lock-outs or other serious labor disputes, riots, earthquakes, floods, explosions or other acts of nature. The obligations and rights of the party so excused shall be extended on a day-to-day basis for the time period equal to the period of such excusable interruption. When such events have abated, the parties' respective obligations hereunder shall resume.



SECTION 8 – SEVERABILITY, ENFORCEABILITY

If any provision of this Agreement, or the application thereof to any person, place, or circumstance, shall be held by a court of competent jurisdiction to be invalid, unenforceable, or void, the remainder of this Agreement and such provisions as applied to other persons, places, and circumstances shall remain in full force and effect.

SECTION 9 – GOVERNING LAW

The validity, interpretation, enforceability, and performance of this Agreement shall be governed by and construed in accordance with the laws of the State of Indiana. Any dispute arising out of or relating to this Agreement shall be subject to the sole and exclusive jurisdiction and venue of the Superior and Circuit Courts of St. Joseph County, Indiana, and the parties hereby expressly consent to the sole and exclusive jurisdiction and venue of these courts.

SECTION 10 – INDEPENDENT CONTRACTOR

The Beneficiary shall operate at all times as an independent contractor of the Sponsor. This Agreement does not authorize the Beneficiary to act for the Sponsor as its agent or to make commitments on behalf of the Sponsor. The Sponsor shall not withhold payroll taxes, and Beneficiary shall not be covered by health, life, disability, or worker's compensation insurance of the Sponsor.

SECTION 11 – ABILITY TO ENTER INTO CONTRACT

Each party represents and warrants to the other party that this Agreement has been duly authorized, executed and delivered and that the performance of its obligations under this Agreement does not conflict with any order, law, rule or regulation or any agreement or understanding by which such party is bound.

SECTION 12 – LIMITATION OF LIABILITY; INDEMNIFICATION.

(a) As a professional organization, the Beneficiary will perform the services described in Exhibit A to the best of their ability, striving to ensure great quality work and minimize errors or omissions. As a result, the Beneficiary shall not be liable to sponsor for any loss incurred in the performance of his/her services hereunder unless caused by Beneficiary's negligence or willful misconduct. Notwithstanding any provision to the contrary, the limit of Beneficiary's liability under this Agreement will be equal to the total amount paid by Sponsor to Beneficiary under this Agreement.



(b) Sponsor agrees, at its sole expense, to indemnify and defend Beneficiary from and against any damages, claims, or suit by third parties against Beneficiary arising from the performance of Beneficiary's services hereunder unless caused by Beneficiary's negligence or willful misconduct. Subject to the limitation of liability stated in Section 12(a), Beneficiary agrees, at its sole cost, to indemnify and defend Sponsor (and its officials, employees, and agents) from and against any damages, claims or suits by third parties against Sponsor arising from the performance of Beneficiary's services hereunder unless caused by the negligence of Sponsor (or its officials, employees, or agents).

SECTION 13 - ENTIRE AGREEMENT

The terms of this Agreement are intended by the parties to be in the final expression of their agreement with respect to the retention of Beneficiary by the Sponsor and may not be contradicted by evidence of any prior or contemporaneous agreement.



The parties have duly executed this Agreement as of the date first written above:

SPONSOR:

Name: _____

Signature: _____

Title: _____

Date: _____

enFocus, Inc d/b/a Insitute for Entrepreneurial Communities:

Name: _____

Signature: _____

Title: _____

Date: _____



Pro

Memorandum

To: Common Council

From: Jamie Arce, CPA, City Controller

Date: October 30, 2024

Re: City Hall HVAC

Previously, the Common Council approved a \$1,500,000 appropriation from the American Rescue Plan (ARP) Coronavirus Local Fiscal Recovery Fund to replace and upgrade the City Hall HVAC system.

As you know, the current HVAC system is outdated, inefficient, and prone to frequent failures. These failures often result in uncomfortable conditions within City Hall, with areas lacking either heating or cooling.

Given these ongoing issues and our commitment to a citywide maintenance program, the administration believes this ARP funding is an excellent use of resources. It will provide a necessary upgrade to City Hall, ensuring a comfortable environment for all employees and visitors.

We respectfully request your reaffirmation of this appropriation. A member of the administration will be available to answer any questions.

ORDINANCE NO. _____

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

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

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

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

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

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

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

WHEREAS, the heating, ventilation, and air conditioning (HVAC) system in City Hall are outdated, inefficient, and frequently ineffective with periodic system failures; and

WHEREAS, the passage of the American Rescue Plan Act presents a unique opportunity to replace the system which is in need of replacement; and

WHEREAS, the cost to replace the heating, ventilation, and air conditioning (HVAC) system in City Hall is estimated to be One Million Five Hundred Thousand Dollars (\$1,500,000.00); and

WHEREAS, the Administration requests that the Common Council of the City of Elkhart appropriate the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00) from the ARP Coronavirus Local Fiscal Recovery Fund to the Provision of Government Services account; and

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

WHEREAS, the possibility exists that funds may remain if the project is completed under the budgeted and appropriated amount; and

WHEREAS, any ARP Coronavirus Local Fiscal Recovery Fund monies which are not dedicated to a committed and ARP-qualified project of the City must be returned to the federal government; and

WHEREAS, the LaSalle, McKinley & Benham Water & Sewer Project is an ongoing and dedicated project of the City, qualified for use of ARP Coronavirus Local Fiscal Recovery Funds, and which can utilize toward the qualified project costs, any funds which remain upon completion of the project for which this appropriation is made.

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

Section 1. The amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) be, and hereby is, appropriated from the ARP Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 2474-5-600-4390061 Provision of Government Services \$1,500,000.00

Section 2. If, upon completion of the project described in this appropriation ordinance, any portion of the One Million Five Hundred Thousand Dollars (\$1,500,000.00) remains unused, the remaining funds shall be transferred by the City Controller to the following account line for use in the LaSalle, McKinley & Benham Water & Sewer Project:

Account No. 176-5-000-442.0000 Utilities & Infrastructure

Section 3. The Common Council has fixed the ____ day of _____, _____, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

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

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SO ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk



1717 E. Lusher Avenue, Elkhart, IN 46516 • (574) 293-5070 • EECmail@coei.org • www.elkhartindiana.org

MEMORANDUM

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

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

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

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

Jeffrey Zavatsky, Director
Elkhart Environmental Center



ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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SO ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk



MEMORANDUM

DATE: November 13, 2024
TO: Common Council
FROM: Corporation Counsel John Espar
RE: Proposed Ordinance No. 24-O-50

AN ORDINANCE AMENDING ORDINANCE NO. 5983, AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, DESCRIBED AS ELKHART EAST ANNEXATION, PHASE 1, INTO THE CITY OF ELKHART, INDIANA

On June 3, 2024, the Common Council adopted Ordinance No. 5983, annexing and declaring certain real property to be a part of the City of Elkhart, Indiana.

Subsequent to the Council's action adopting Ordinance No. 5983, the Elkhart County Recorder, when reviewing the legal description to record the ordinance and update the geographical information system with the newly annexed land, identified an error in the legal description which had been prepared and provided by outside consultant. The consultant incorrectly referenced one of the plats that made up the annexation area, by an outdated instrument number.

Upon further review of the consultant's legal description, the Legal Department of the City of Elkhart, identified other fatal and non-fatal errors in the legal description provided, which could not be amended as scrivener's errors and instead, required the republication of the annexation notices and re-adoption of an amending ordinance, complete with the requisite public hearings.

Proposed Ordinance No. 24-O-50, amends Ordinance No. 5983, to accurately identify the annexation area within the legal description, by restating the ordinance in its entirety, but declaring its action retroactive to the original effective date of Ordinance No. 5983.

Rod Roberson
Mayor


Michael Huber
Director of Development Services



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

DATE: November 13, 2024

TO: City of Elkhart Common Council

FROM: Michael Huber, Director of Development Services 

RE: Proposed annexation for Elkhart East Phase I – CR 17 and CR 6

At a special meeting on Wednesday, November 13, 2024, the Plan Commission recommended approval of Petition 24-ANX-01. The Plan Commission provided a 'Do Pass' recommendation on to the City Council by a vote of 6-0.

The request is to annex land generally at the intersection of CR 17 and CR 6, Elkhart, Indiana 46514, Osolo and Washington Townships.

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 Elkhart East Phase I.

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 west of County Road 17. 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. 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.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 5983, AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, DESCRIBED AS ELKHART EAST ANNEXATION, PHASE 1, INTO THE CITY OF ELKHART, INDIANA

WHEREAS, on June 3, 2024, the Common Council of the City of Elkhart, Indiana, duly adopted Ordinance No. 5983, annexing and declaring certain real property to be a part of the City of Elkhart, Indiana; and

WHEREAS, on June 4, 2024, the Mayor of the City of Elkhart, Indiana, approved Ordinance No. 5983, as adopted; and

WHEREAS, subsequent to the adoption of Ordinance No. 5983, the County of Elkhart, Indiana, and members of the City of Elkhart administration, identified certain errors in the alphabetical references to annexation areas and the legal description which contained an incorrect reference to a previous replat of one parcel, and incorrect reference to a plat that was not contained in the annexation area; and

WHEREAS, the City of Elkhart, intends to amend Ordinance No. 5983, by this ordinance, restating the ordinance in its entirety, retroactive to the original effective date of Ordinance No. 5983; and

WHEREAS, the owner of the real property, referenced herein, as Elkhart East Annexation, Phase 1, and legally described on Exhibit A, petitioned the City of Elkhart to annex the property into the corporate limits of the City of Elkhart, Indiana, and;

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

WHEREAS, at least one-eighth (1/8) of the aggregate external boundaries of the property are contiguous to the corporate boundaries of the City, and thereby satisfy the contiguity requirements of law; and

WHEREAS, the property is currently zoned as Elkhart County Detailed Planned Unit Development (DPUD), E-3 Office and Business Park Standards, and General Planned Unit Development (GPUD), E-3 Office and Business Park Standards, respectively; and

WHEREAS, the petitioner requests that the Common Council continue the Elkhart County zoning designation of Detailed Planned Unit Development (DPUD), E-3 Office and Business Park Standards, and General Planned Unit Development (GPUD), E-3 Office and Business Park Standards, as assigned respectively, upon annexation into the City of Elkhart which is supported by the Elkhart City Plan Commission and the Elkhart Planning Department.

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

Section 1. The real estate, described in Exhibit A, is hereby annexed into and declared to be a part of the City of Elkhart, Indiana.

Section 2. The Zoning Map created pursuant to and incorporated into Ordinance No. 4370 of the City of Elkhart, as amended, (“Zoning Ordinance”) shall be amended to reflect the real estate described in Section 1, as zoned Detailed Planned Unit Development (DPUD), E-3 Office

and Business Park Standards, or General Planned Unit Development (GPUD), E-3 Office and Business Park Standards, based upon the pre-existing county designations, and to this end, the real estate shall be subject to all applicable requirements of the Elkhart County Zoning Ordinance, as amended, as well as all other applicable ordinances and regulations of the City of Elkhart.

Section 3. The real estate described in Section 1 (Exhibit A, attached) is assigned to the Three (3) Councilmanic District.

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

Section 5. That this Ordinance shall become effective thirty (30) days after the final publication thereof, in the absence of an appeal, as provided at I.C. 36-4-3-5.1 and I.C 36-4-3-15.5, retroactive to the original effective date of Ordinance No.5983.

[Exhibit A to follow.]

EXHIBIT A

LEGAL DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 5 EAST; ALSO, A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 5 EAST; ALSO, A PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 5 EAST; ALL IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA;

ALSO, A PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 6 EAST; ALSO, A PART OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 38 NORTH, RANGE 6 EAST; ALL IN WASHINGTON TOWNSHIP, ELKHART COUNTY, INDIANA;

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 5 EAST;

THENCE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 A DISTANCE OF 80.0 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 THAT INTERSECTS WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 6; SAID POINT BEING THE PLACE OF BEGINNING OF THIS DESCRIPTION;

THENCE CONTINUING SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 A DISTANCE 2578.2 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 25;

THENCE EASTERLY ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 A DISTANCE OF 2570.1 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 THAT INTERSECTS THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 17;

THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 17 A DISTANCE OF 200.0 FEET, MORE OR LESS TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 17 THAT INTERSECTS WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 38 NORTH, RANGE 6 EAST;

THENCE EASTERLY ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 A DISTANCE OF 75.0 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 30;

THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 A DISTANCE OF 75.0 FEET, MORE OR LESS, TO A POINT ON SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 THAT INTERSECTS THE EASTERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 17;

THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 A DISTANCE OF 413.0 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 THAT INTERSECTS WITH THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF THE RECORDED PLAT OF WOODLAND MEADOWS, SAID PLAT BEING RECORDED IN PLAT BOOK 23 PAGE 34;

THENCE NORTHERLY ALONG THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF SAID RECORDED PLAT OF WOODLAND MEADOWS AND ALONG THE WESTERLY LINE OF SAID RECORDED PLAT OF WOODLAND MEADOWS A DISTANCE OF 1305.9 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE RECORDED PLAT OF PINEBROOK, SAID PLAT BEING RECORDED IN PLAT BOOK 22 PAGE 15;

THENCE CONTINUING NORTHERLY ALONG THE WESTERLY LINE OF SAID RECORDED PLAT OF PINEBROOK A DISTANCE OF 1323.3 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY LINE OF SAID RECORDED PLAT OF PINEBROOK THAT INTERSECTS THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 6;

THENCE CONTINUING EASTERLY AND SOUTHEASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 413.5 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE WESTERLY LINE OF THE RECORDED PLAT OF PHEASANT RIDGE FOURTH, SAID PLAT BEING RECORDED IN PLAT BOOK 17 PAGE 76;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID RECORDED PLAT OF PHEASANT RIDGE FOURTH A DISTANCE OF 7.3 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS THE WESTERLY LINE OF SAID RECORDED PLAT OF PHEASANT RIDGE FOURTH;

THENCE EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 332.5 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE EASTERLY LINE OF SAID RECORDED PLAT OF PHEASANT RIDGE FOURTH;

THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID RECORDED PLAT OF PHEASANT RIDGE FOURTH A DISTANCE OF 20.0 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF SAID RECORDED PLAT OF PHEASANT RIDGE FOURTH THAT INTERSECTS WITH THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6;

THENCE EASTERLY ALONG THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 328.8 FEET, MORE OR LESS, TO POINT ON THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 6 THAT INTERSECTS WITH THE WESTERLY LINE OF THE RECORDED PLAT OF ZIMMERMAN ACRES, SAID PLAT BEING RECORDED IN PLAT BOOK 26 PAGE 8;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID RECORDED PLAT OF ZIMMERMAN ACRES A DISTANCE OF 20.0 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY LINE OF SAID RECORDED PLAT OF ZIMMERMAN ACRES THAT INTERSECTS WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 6;

THENCE EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 313.1 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE EASTERLY LINE OF SAID RECORDED PLAT OF ZIMMERMAN ACRES;

THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID RECORDED PLAT OF ZIMMERMAN ACRES A DISTANCE OF 20.0 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF SAID RECORDED PLAT OF ZIMMERMAN ACRES THAT INTERSECTS WITH THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6;

THENCE EASTERLY ALONG THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 353.3 FEET, MORE OR LESS, TO A POINT ON THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30;

THENCE NORTHERLY ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 A DISTANCE OF 20.0 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 6 EAST;

THENCE NORTHERLY ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19 A DISTANCE OF 20.0 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19 THAT INTERSECTS WITH THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 6;

THENCE CONTINUING NORTHERLY ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19 A DISTANCE OF 1378.6 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19 THAT INTERSECTS WITH THE NORTHERLY RIGHT-OF-WAY LINE OF EXECUTIVE PARKWAY;

THENCE WESTERLY AND SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EXECUTIVE PARKWAY A DISTANCE OF 1100.3 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE SAID EXECUTIVE PARKWAY THAT INTERSECTS WITH THE CENTERLINE OF INDEPENDENCE COURT;

THENCE CONTINUING SOUTHWESTERLY AND WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EXECUTIVE PARKWAY A DISTANCE OF 724.8 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EXECUTIVE PARKWAY THAT INTERSECTS WITH THE CENTERLINE OF REAGAN COURT;

THENCE CONTINUING WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EXECUTIVE PARKWAY A DISTANCE OF 445.4 FEET, MORE OR LESS;

THENCE NORTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EXECUTIVE PARKWAY A DISTANCE OF 70.7 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 17;

THENCE WESTERLY PERPENDICULAR TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 17 A DISTANCE OF 150.0 FEET, MORE OR LESS, TO A POINT THE WESTERLY RIGHT-OF-WAY OF SAID COUNTY ROAD 17;

THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 17 A DISTANCE OF 695.9 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID COUNTY ROAD 17 THAT INTERSECTS WITH THE NORTHERLY RIGHT-OF-WAY OF SAID AFOREMENTIONED COUNTY ROAD 6;

THENCE WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 1449.7 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE EASTERLY LINE OF LAND CONVEYED TO ASHLEY BROWN IN DOCUMENT NUMBER 2009-28239;

THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID BROWN LAND A DISTANCE OF 15.0 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF SAID BROWN LAND THAT INTERSECTS WITH THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6;

THENCE WESTERLY ALONG THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 863.0 FEET, MORE OR LESS, TO A POINT ON THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE WESTERLY LINE OF LAND CONVEYED TO CHAZ R. BELLFY IN DOCUMENT NUMBER 2004-15029;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID BELLFY LAND A DISTANCE OF 25.0 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID BELLFY LAND; SAID POINT BEING ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID AFOREMENTIONED SECTION 25, TOWNSHIP 38 NORTH, RANGE 5 EAST;

THENCE CONTINUING SOUTHERLY ALONG THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF SAID BELLFY LAND A DISTANCE OF 60.0 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT-OF-WAY LINE SAID AFOREMENTIONED COUNTY ROAD 6;

THENCE WESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 6 A DISTANCE OF 258.3 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING OF THIS DESCRIPTION;

CONTAINING 245 ACRES, MORE OR LESS.

[Signature pages to follow.]

ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

By: _____
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____,
_____.

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

SEAL

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

Debra D. Barrett, City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

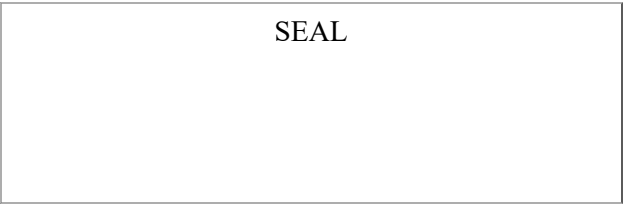
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____,
_____.

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



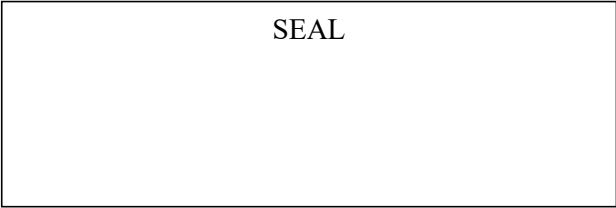
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____,
_____.

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



This document was prepared by John M. Espar, Attorney No. 20758-46, as Corporation Counsel for the City of Elkhart, 229 S. Second Street, Elkhart, Indiana 46516. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ John M. Espar



Staff Report

Planning & Zoning

<u>Petition:</u>	24-ANX-01 - Amended
<u>Petition Type:</u>	Annexation Request
<u>Date:</u>	November 13, 2024
<u>Petitioner:</u>	Almac, Inc Peter A. Letherman, Vice President
<u>Site Location:</u>	Elkhart East Phase I Areas generally at intersection of 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 Phase I, land containing approximately 198 acres (245 acres with right of way). This request is being reheard due to an error in the original legal description.
<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>	+/- 198 Acres (245 acres w/ right of way)
<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 Elkhart East Phase I, annexation petition 24-ANX-01 (amended) to annex land generally at the intersection of County Road 17 and County Road 6, Elkhart, Indiana 46514, Osolo and Washington Townships.

The current petitioner is seeking annexation for Elkhart East Phase I - to follow through with the original intent of agreements that allowed for the extension of municipal sewer and water utilities to support the development, in addition to supporting the development the remaining undeveloped land contained within Elkhart East Phase I.

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 west of County Road 17. 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. 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 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 198 acres (245 including right of way). 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.
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.



M E M O R A N D U M

DATE: September 25, 2024

TO: Elkhart Common Council

FROM: Bradley Tracy, Chief of Staff

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

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

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

The Administration appreciates the Council approval of this request.

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

SO ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

Rod Roberson
Mayor

Michael Huber
Director of Development Services



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

DATE: November 6, 2024

TO: City of Elkhart Common Council

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

RE: Proposed annexation for Vacant Land CR 17

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

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

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

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

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

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

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

LEGAL DESCRIPTION:

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

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

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

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

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

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

[Signature pages follow]

ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

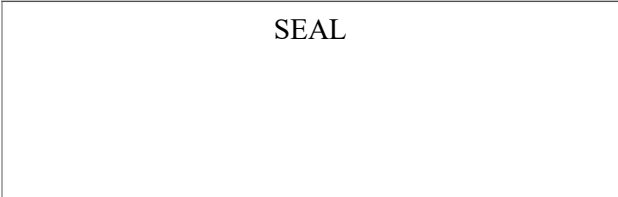
By: _____
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____, _____.

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



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

Debra D. Barrett, Elkhart City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor of the City of Elkhart

ATTEST:

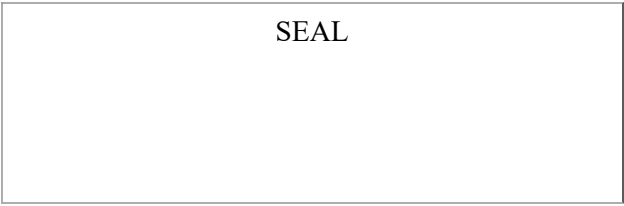
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____,
_____.

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



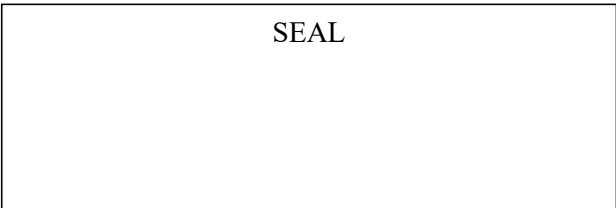
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____,
_____.

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



This document was prepared by John M. Espar, Attorney No. 20758-46, as Corporation Counsel for the City of Elkhart, 229 S. Second Street, Elkhart, Indiana 46516. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. John M. Espar

November 7, 2024

The Common Council
City of Elkhart
Elkhart, IN 46516

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

Dear Council Members:

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

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

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

Sincerely,

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

Carla Lipsey
Plan Commission Recording Secretary



Staff Report

Planning & Zoning

<u>Petition:</u>	24-ANX-04
<u>Petition Type:</u>	Annexation Request
<u>Date:</u>	November 4, 2024
<u>Petitioner:</u>	3 Creek, LLC (Coley Brady and Ryan Brady)
<u>Site Location:</u>	Vacant Land County Road 17
<u>Request:</u>	As prescribed by Section 29.11.B, a request to annex one (1) parcel located at Vacant Land, County Road 17, and land containing approximately 37 acres. To also rezone the 37 acres of land contained within the petition from A-1, Agriculture District to M-2, General Manufacturing District.
<u>Parcel Number</u>	20-07-06-300-008.000-019
<u>Plan Commission Action:</u>	Recommendation to Common Council
<u>Existing Zoning:</u>	A-1, Agriculture District (Elkhart County Zoning)
<u>Size:</u>	+/- 37 Acres
<u>Thoroughfares:</u>	County Road 17, County Road 14
<u>School District:</u>	Middlebury Community Schools
<u>Utilities:</u>	Available

Surrounding Land Use & Zoning:

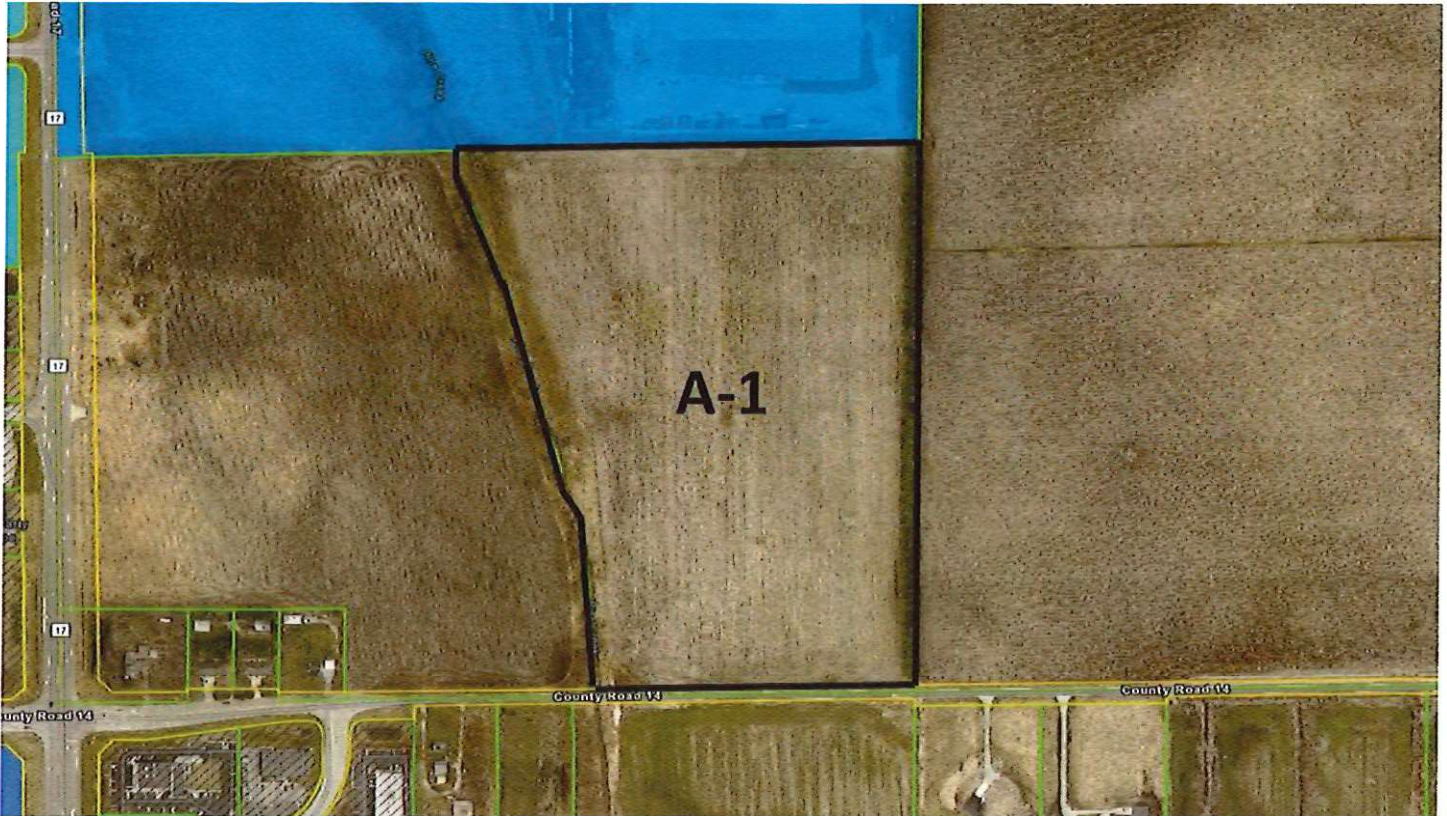
Surrounding properties are industrial and agricultural zoned Elkhart County zoning.

Applicable Sections of the Zoning Ordinance:

Section 29: Administration and Enforcement, 29.11 Amendments

Comprehensive Plan:

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



Staff Analysis

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

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

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

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

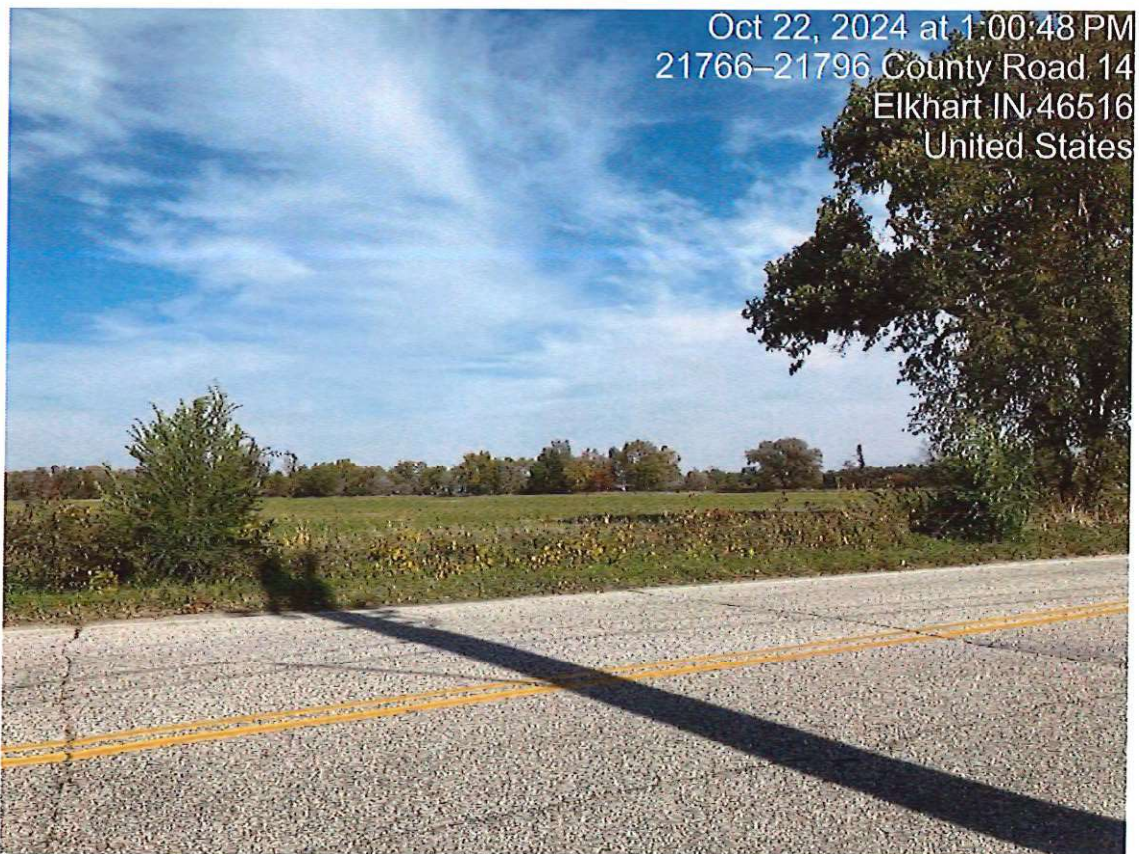
The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately 37 acres. The territory to be annexed is 22.8% contiguous which is more than the 12.5% contiguous to the current City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

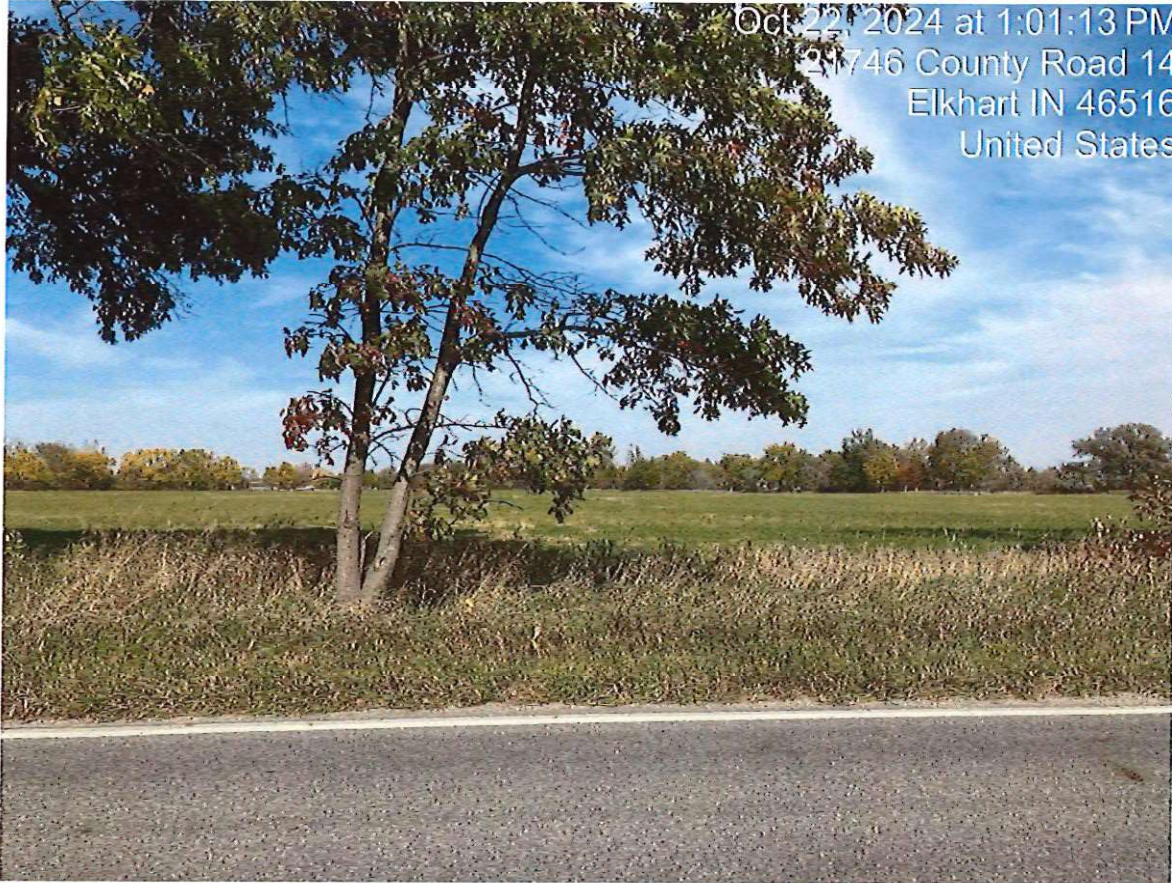
Recommendation

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:

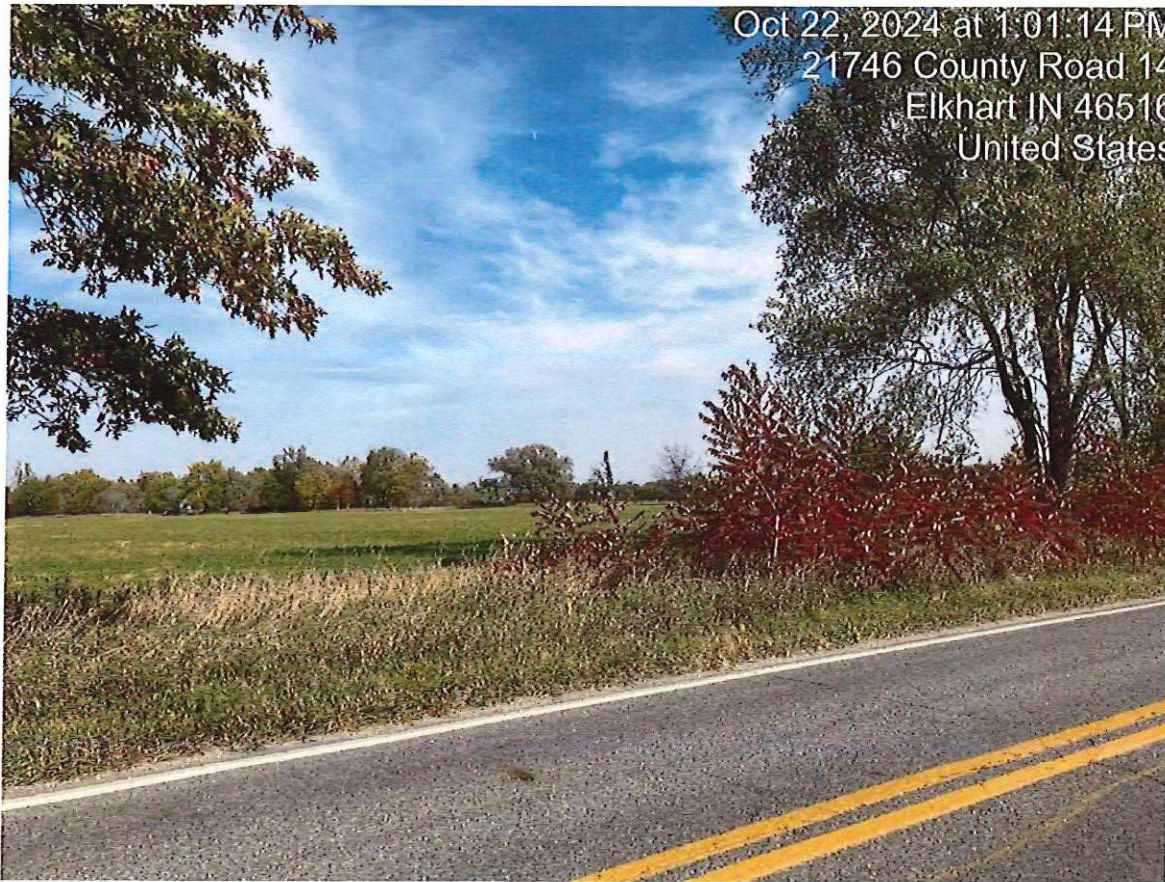
1. The area to be annexed meets all applicable requirements of IC 36-4-3-4(b);
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as industrial.
3. The current conditions and the character of current structures 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





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



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

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



Attachments

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

PETITION #: 24-ANX-04

FILING FEE: \$ 500

PETITION to the PLAN COMMISSION

PETITION TYPE: ANNEXATION

This action requires final approval from the Common Council

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

Mailing Address: 301 Benchmark Drive Elkhart, IN 46516

Phone #: 574.850.1324 Email: coley@alliancerv.com

Contact Person: Matt Schuster

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

Phone #: 574.232.4388 Email: mschuster@jpr1source.com

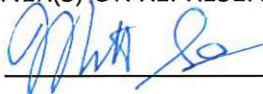
Subject Property Address: mschuster@jpr1source.com

Zoning: A-1 District: Elkhart County

Present Use: Vacant Land Proposed Use: Future RV Manufacturing

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

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

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

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

Rod Roberson
Mayor

Michael Huber
Director of Development Services



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

DATE: November 6, 2024

TO: City of Elkhart Common Council

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

RE: Proposed annexation for 2400 S Sixth Street

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

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

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

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

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

[Signature pages follow]

ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

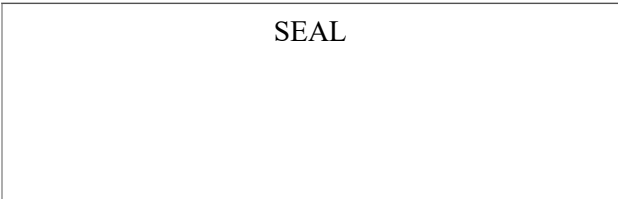
By: _____
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____, _____.

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



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

Debra D. Barrett, Elkhart City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor of the City of Elkhart

ATTEST:

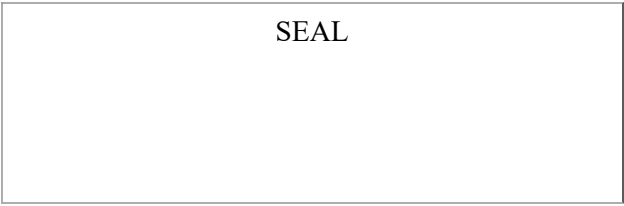
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____,
_____.

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



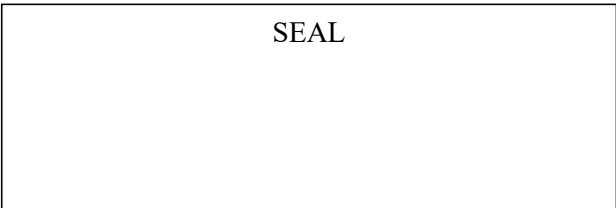
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

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

Witness my hand and Notarial Seal this _____ day of _____,
_____.

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



This document was prepared by John M. Espar, Attorney No. 20758-46, as Corporation Counsel for the City of Elkhart, 229 S. Second Street, Elkhart, Indiana 46516. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. John M. Espar

November 7, 2024

The Common Council
City of Elkhart
Elkhart, IN 46516

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

Dear Council Members:

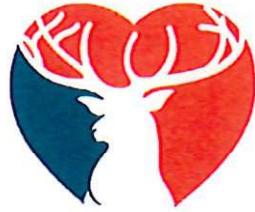
This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, November 4, 2024**, heard the above petition as prescribed by Section 29.11.B, a request to annex property located at 2400 S Sixth Street, land containing 0.19 acres.

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

Sincerely,

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

Carla Lipsey
Plan Commission Recording Secretary



City of Elkhart

Public Works and Utilities

Memo

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

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



Staff Report

Planning & Zoning

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

Surrounding Land Use & Zoning:

Surrounding properties are residential and zoned for residential uses.

Applicable Sections of the Zoning Ordinance:

Section 29: Administration and Enforcement, 29.11 Amendments

Comprehensive Plan:

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



Staff Analysis

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

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

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

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

Recommendation

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

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

Photos



Attachments

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

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

PETITION to the PLAN COMMISSION

PETITION TYPE: ANNEXATION

This action requires final approval from the Common Council

Property Owner(s): Rosalina Lopez

Mailing Address: 2400 S 6th st.

Phone #: 574-333-5305 Email: Liz Aye 022@gmail.com

Contact Person: Lizbeth Alvarado

Mailing Address: 2400 S 6th st.

Phone #: 574-333-5305 Email: Liz Aye 022@gmail.com

Subject Property Address: 2400 S 6th st. Elkhart IN 46517

Zoning: R-1 (single family Residential)

Present Use: residential home Proposed Use: _____

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Rosalina Lopez

SIGNATURE(S): Rosalina Lopez DATE: 08-21-2024

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

AFFIDAVIT IN SUPPORT OF ANNEXATION PETITION

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

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

EXECUTED on the 21 day of August, 2024.

Rosalina Lopez
Printed: Rosalina Lopez

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

Rosalina Lopez
Printed: Rosalina Lopez

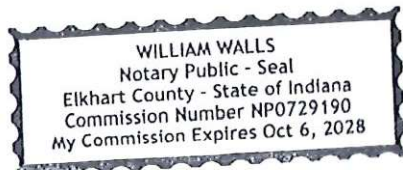
STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

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

William Walls
Printed: William Walls

My Commission Expires:
Oct 6 2028

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





MEMORANDUM

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

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

Thank you for your time and consideration.

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

Jamison Czarnecki
Elkhart City Parks & Recreation Superintendent

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

[Balance of page is intentionally blank.]

EXHIBIT A

Address:

Vacant Lot County Road 113, Elkhart, Indiana, 46514

Parcel Identification Number:

20-02-23-426-001.000-026

Legal Description:

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

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

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

ORDAINED this ___ day of _____, _____ .

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

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

Debra D. Barrett, City Clerk

APPROVED by me this ___ day of _____, _____ .

ATTEST:

Rod Roberson, Mayor

Debra D. Barrett, City Clerk

APPRAISAL 1



REAL ESTATE APPRAISAL REPORT

County Road 113, Elkhart, IN 46514



PREPARED FOR

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

INSPECTION DATE

8/27/2024

REPORT DATE

9/6/2024





9/6/2024

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

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

Dear Mr. Czarnecki,

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

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



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

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

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

Hypothetical Conditions:

- There are no hypothetical conditions for this appraisal.

Extraordinary Assumptions:

- There are no Extraordinary Assumptions for this appraisal.

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

Current As Is Market Value:

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

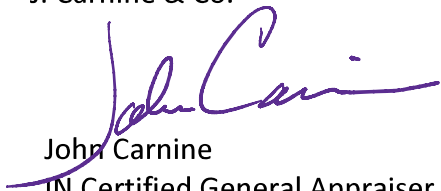
\$265,000

Two Hundred Sixty-five Thousand Dollars

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

Respectfully submitted,

J. Carnine & Co.


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



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



Table of Contents

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

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

Summary of Important Facts and Conclusions

Property Identification

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

Site Characteristics

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

Report Date

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

Intended Use and Users

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

Highest and Best Use

Highest and Best Use As Vacant	Residential
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As Is Value Indications

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



Limiting Conditions and Assumptions

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

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

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

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

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

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

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

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

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

Scope of Work

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

Client

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

Purpose of the Appraisal

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

Intended Use

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

Intended Users

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

Property Identification

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

Property Inspection

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

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

Environmental Risks

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

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

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

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

Data Researched

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

Sales History

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

Current Listing Contracts

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

Market Area and Market Conditions

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

Extraordinary Assumptions

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

Hypothetical Conditions

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

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

Development of Highest and Best Use

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

Supplemental Standards

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

Jurisdictional Exceptions

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

Valuation Analysis

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

1. Sales Comparison Approach

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

2. Market Extraction

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

3. Allocation

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

4. Land Residual Method

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

5. Ground Rent Capitalization

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

6. Subdivision Development

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

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

Report Type

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



Market Value Definition

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

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

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

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

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

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

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

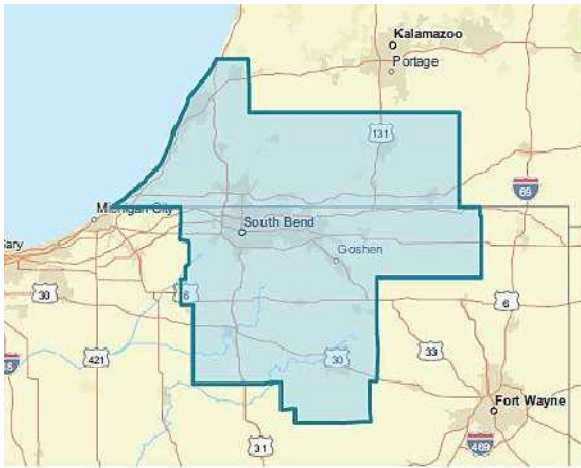
Thus, the following definition of market value is used by agencies that regulate federally insured financial institutions in the United States:

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

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

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

Regional Market



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

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

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

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

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

POPULATION

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



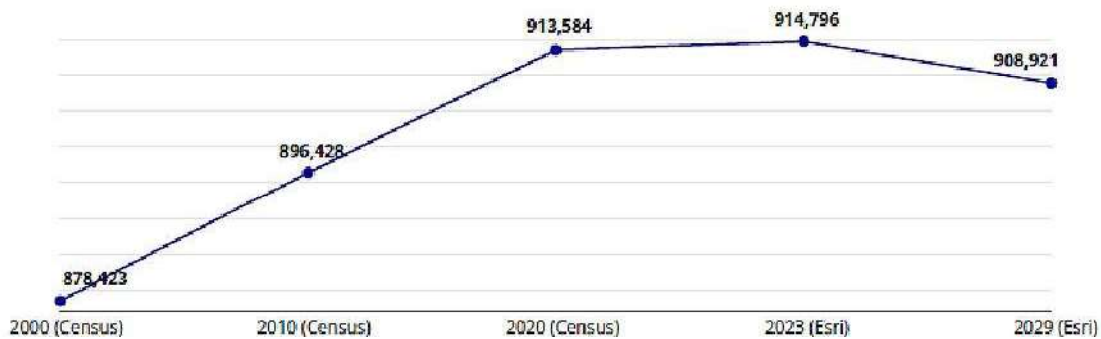
-0.13%

POPULATION

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

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

Population Change



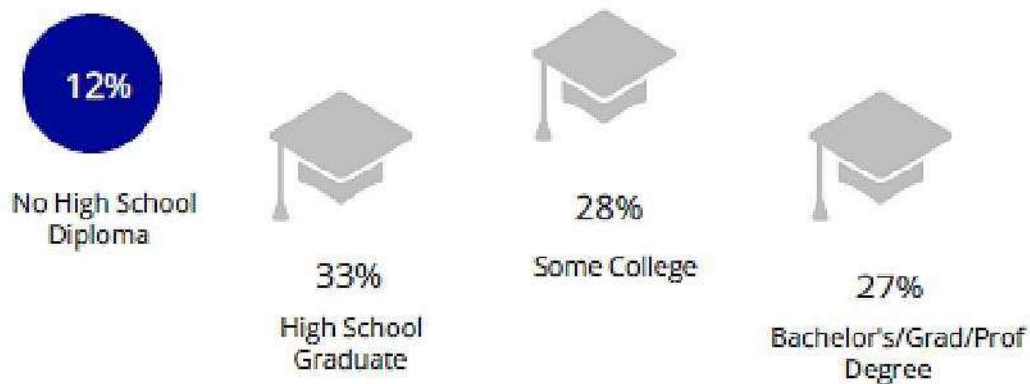
EDUCATION

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

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

* In-State

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



INCOME

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



\$66,205

Median Household
Income



\$35,530

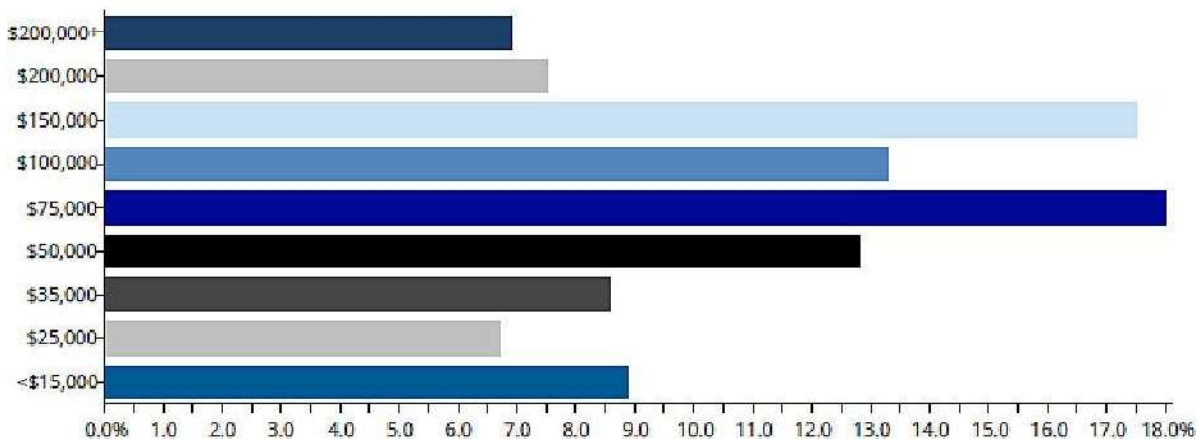
Per Capita Income



\$214,642

Median Net Worth

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



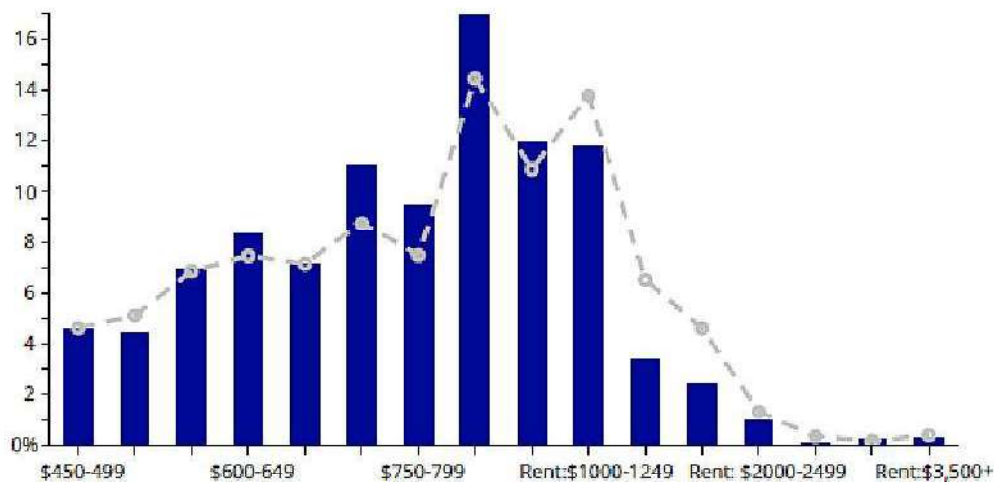
HOUSING STATS

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



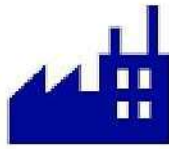
Another indication of economy strength and population wealth is the ratio of owner occupation to renter occupation. Traditionally home-ownership has correlated to disposable income, creation of wealth, and lower crime rates. Homeownership is also a function of many factors to include interest rates,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

RENT DISTRIBUTION



LABOR FORCE

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



31,990
 Total Businesses



483,546
 Total Employees



WHITE COLLAR

56%



BLUE COLLAR

32%



SERVICES

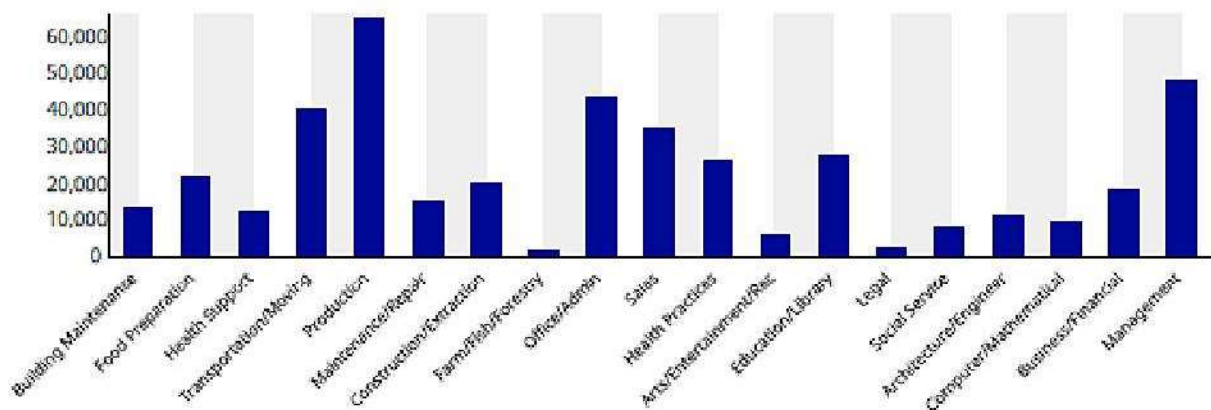
12%



UNEMPLOYMENT RATE

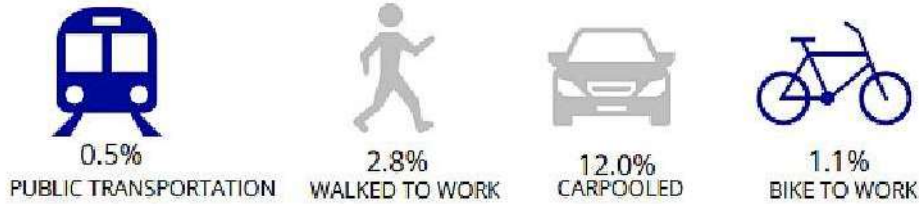
Within the market, the manufacturing industry represents the highest level of employment with mostly driven by the Elkhart market.

EMPLOYMENT BY OCCUPATION

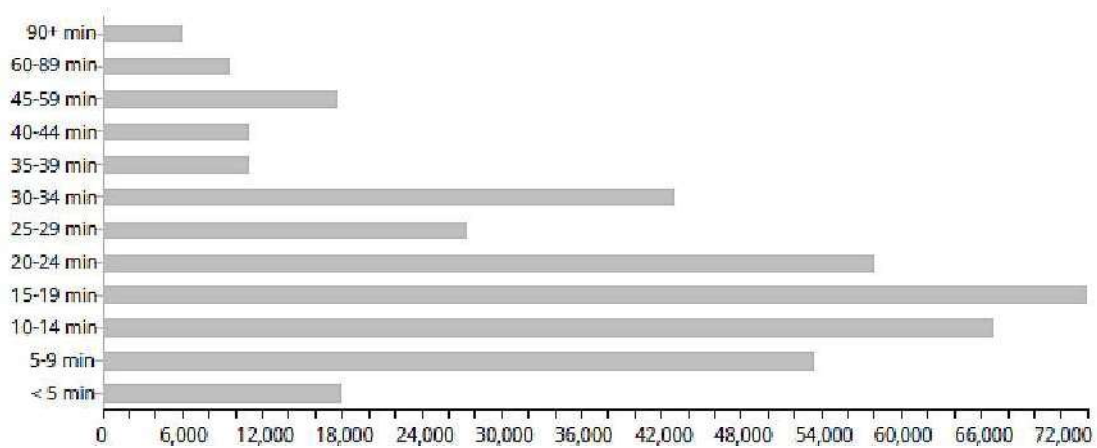


LABOR FORCE COMMUTING TRENDS

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

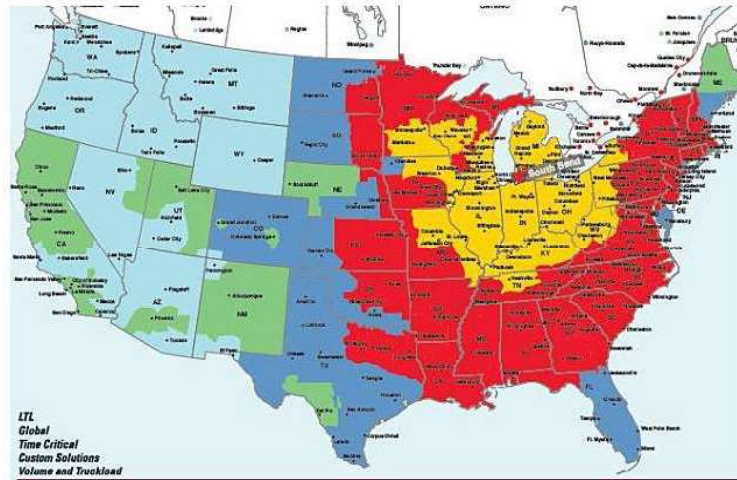


AVERAGE TRAVEL TIME TO WORK



TRANSPORTATION

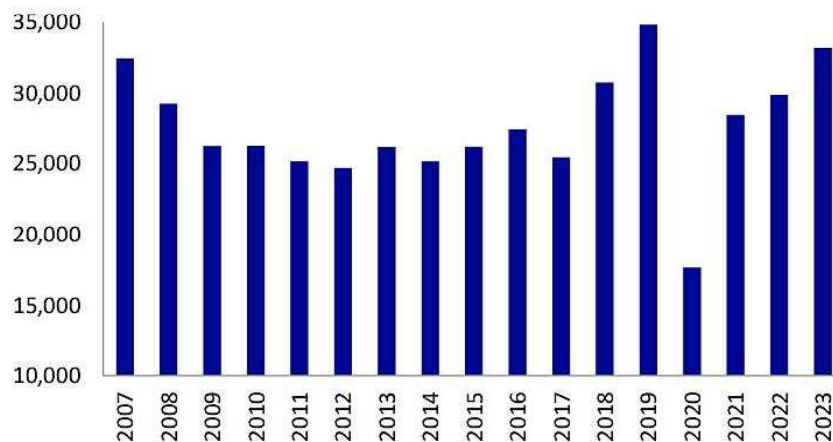
The connectivity of air, rail and highway connects the region to various regional and national markets allowing the market to be second in the nation for distribution. Companies that need quick delivery can reach 14.3 % of the nation, or 40.2 million people, in one day.



South Bend Airport

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

Average Airline Enplanements



Rail

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

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

Ports

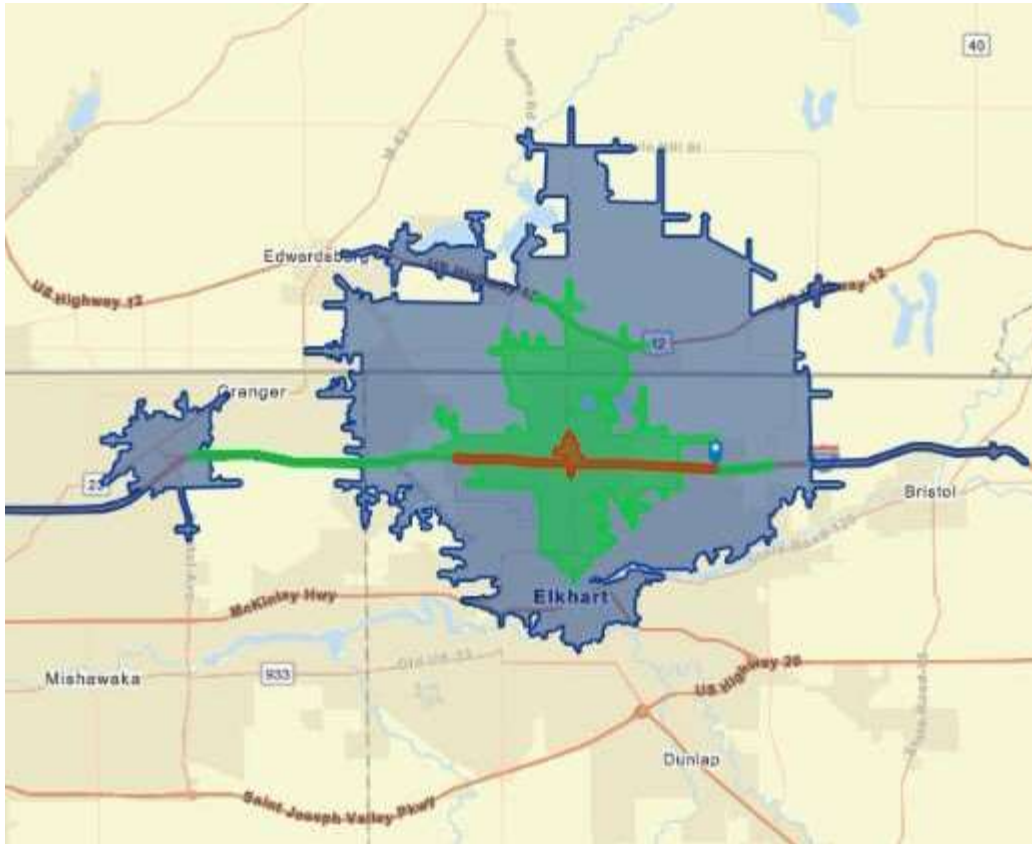
The Port of Indiana at Burns International Harbor nearby to the east provides continual barge access to the Midwest. Port of Chicago is located 80 miles west of South Bend and allows deep-draft commercial vessels. These ports connect Norfolk Southern rail and the highways to the Atlantic Ocean via Lake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

Highways

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

Neighborhood Analysis

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



15 minutes



39.1

Median Age



60,426

Population



2.5

Average Household Size

\$58,022

Median Household Income

15,730

2023 Owner Occupied Housing Units (Esri)

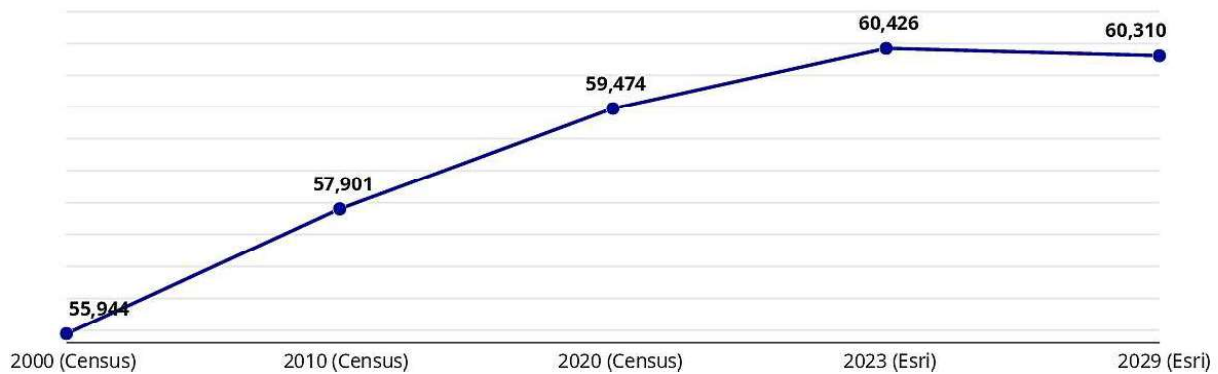
8,004

2023 Renter Occupied Housing Units (Esri)

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

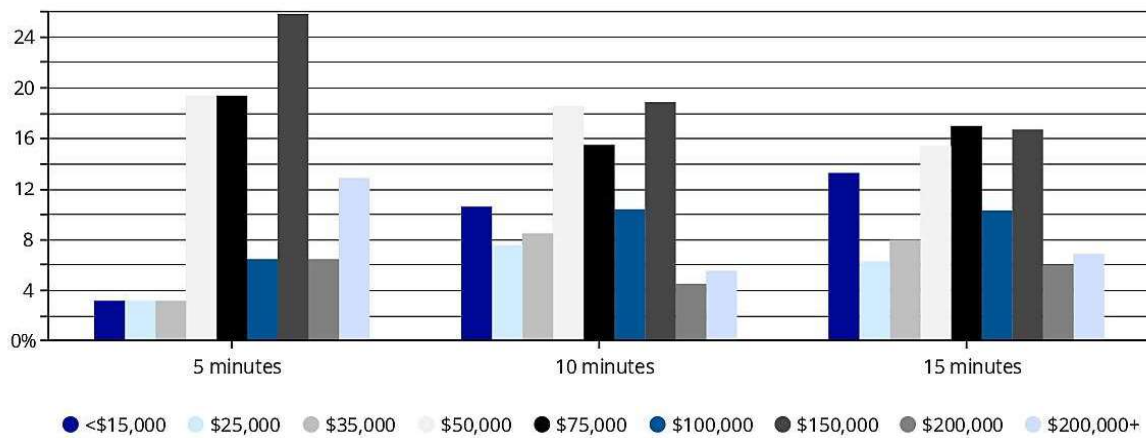
Population Change

15 minutes



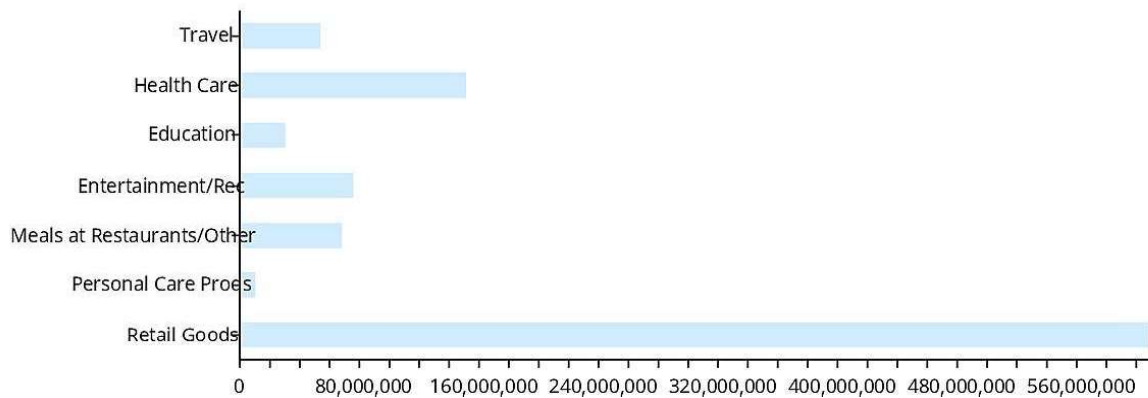
Income	5 minutes	10 minutes	15 minutes
2023 Per Capita Income	\$43,861	\$34,601	\$33,962
2023 Median Household Income	\$80,310	\$55,923	\$58,022
2023 Average Household Income	\$113,617	\$81,881	\$86,289
2028 Per Capita Income	\$51,261	\$40,674	\$39,691
2028 Median Household Income	\$103,315	\$66,982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

HOUSEHOLD INCOME

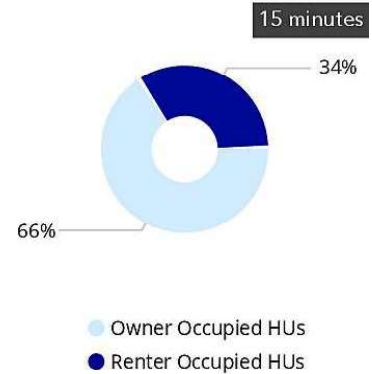


ANNUAL SPENDING

15 minutes



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



HOUSING STATS



\$222,737

Median Home Value



\$10,141

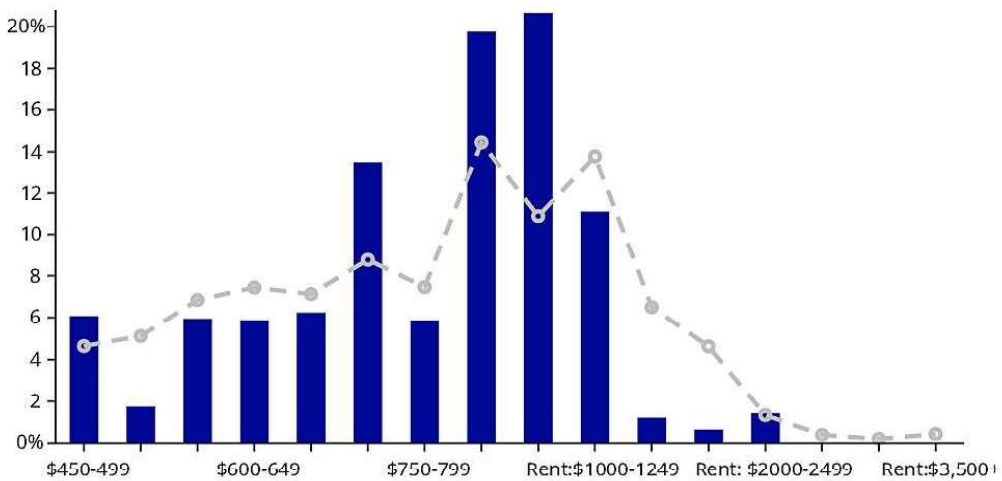
Average Spent on Mortgage & Basics



\$769

Median Contract Rent

RENT DISTRIBUTION



Dots show comparison to Indiana

EDUCATION

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

WORKFORCE

15 minutes



57%

WHITE COLLAR



32%

BLUE COLLAR



11%

SERVICES



UNEMPLOYMENT RATE

TRANSPORTATION TO WORK

15 minutes



0.3%
PUBLIC TRANSPORTATION



1.9%
WALKED TO WORK



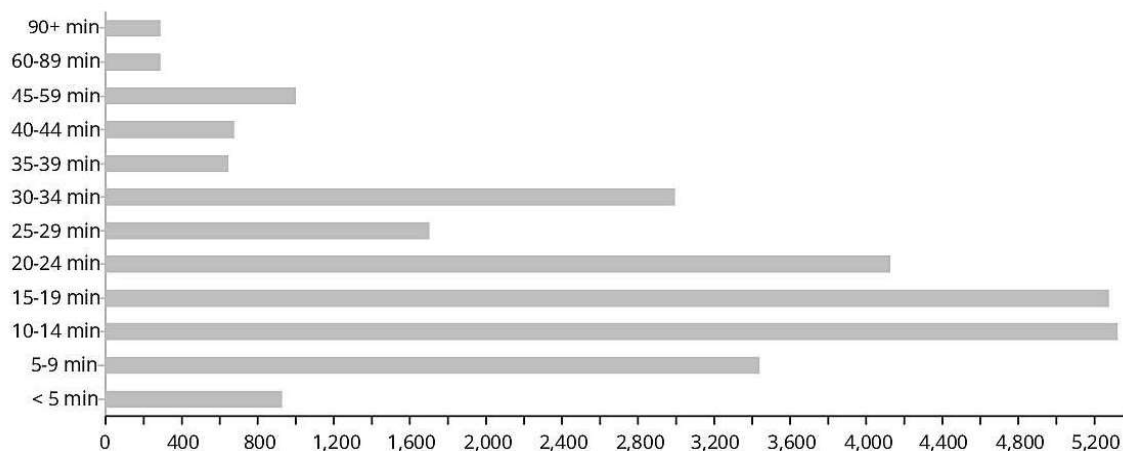
11.8%
CARPOOLED



0.2%
BIKE TO WORK

AVERAGE TRAVEL TIME TO WORK

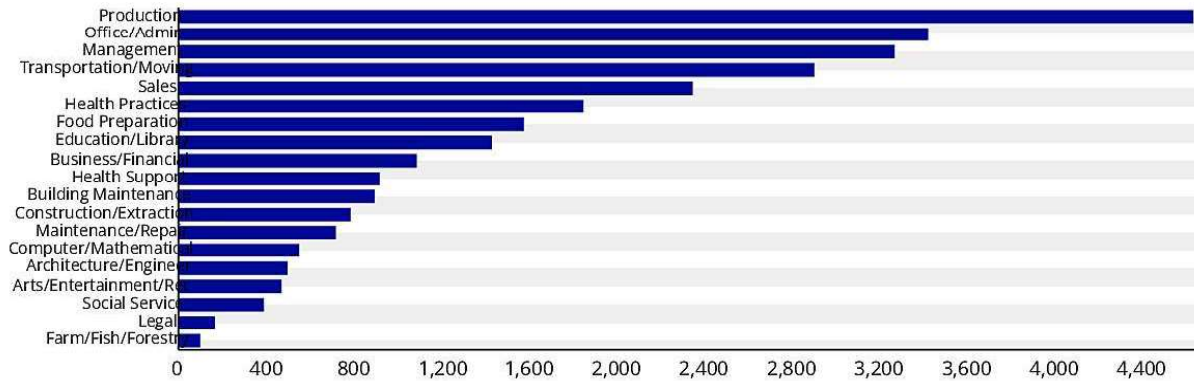
15 minutes





EMPLOYMENT BY OCCUPATION

15 minutes



OCCUPATION BY INDUSTRY

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

Property Description

Site

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

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

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

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

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

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

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

Site Description

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

Flood

Map Panel Number 18039C0135D

Map Date 8/2/2011

Classification X

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

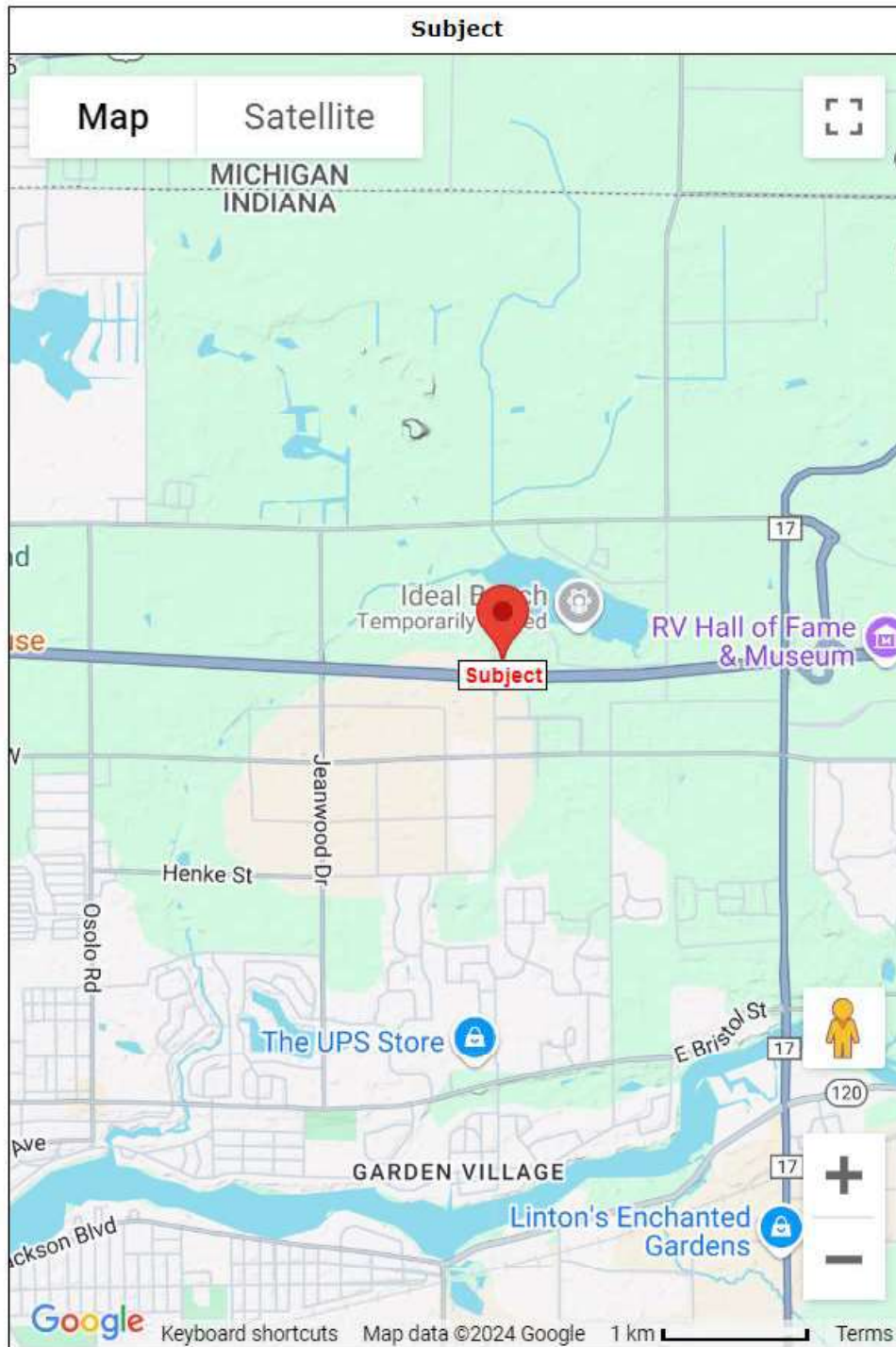
Easement / Encumbrance There are no known adverse encumbrances or easements. Please reference Limiting Conditions and Assumptions.

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

Legal Description

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

Location Map



Plat Map



Zoning Map



Flood Hazard Map

RiskMeter

CoreLogic

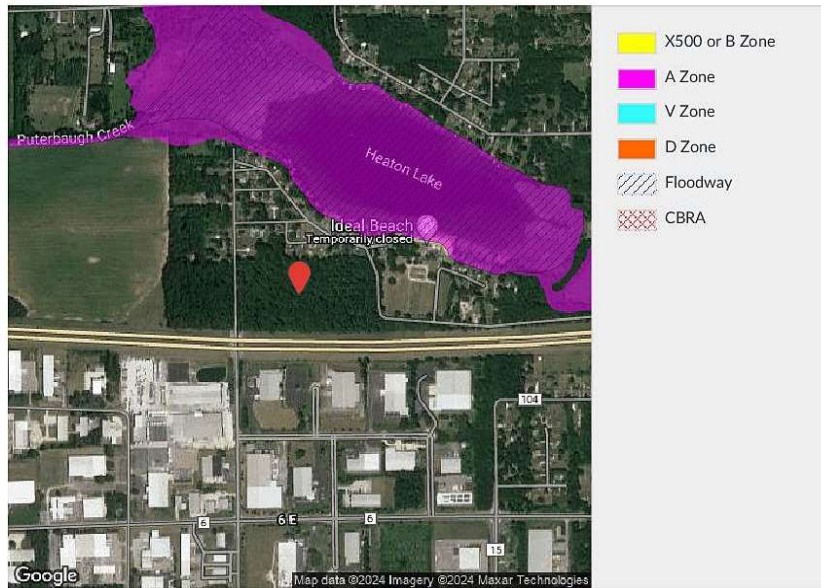
52492 COUNTY ROAD 113 ELKHART, IN 46514-9345

LOCATION ACCURACY: *User-defined location*

Flood Zone Determination Report

Flood Zone Determination: **OUT**

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



Soil Map

Custom Soil Resource Report Soil Map



MAP LEGEND

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

MAP INFORMATION

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

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

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

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

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

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

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

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

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

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

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

Report—Dwellings and Small Commercial Buildings

Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The ratings in the table are based on ranges from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations.]

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



Assessment and Taxes

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

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

Taxing Authority Elkhart County

Assessment Year 2023 pay 2024

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



Highest and Best Use

Highest and best use may be defined as

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

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

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

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

Legally Permissible

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

Physically Possible

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

Financially Feasible

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

Maximally Productive

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

Highest and Best Use Conclusion

Highest and Best Use As Though Vacant

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

Land Value

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

1. Sales Comparison Approach

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

2. Market Extraction

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

3. Allocation

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

4. Land Residual Method

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

5. Ground Rent Capitalization

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

6. Subdivision Development

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

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

Sales Comparison Approach – Land Valuation

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

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

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

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

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

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

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

Land Comparables

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

Land Sale Comparable 1



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

Site

Sale Data

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

Comments

Record Number	818
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Land Sale Comparable 2



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

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

Comments

Record Number	817
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Land Sale Comparable 3



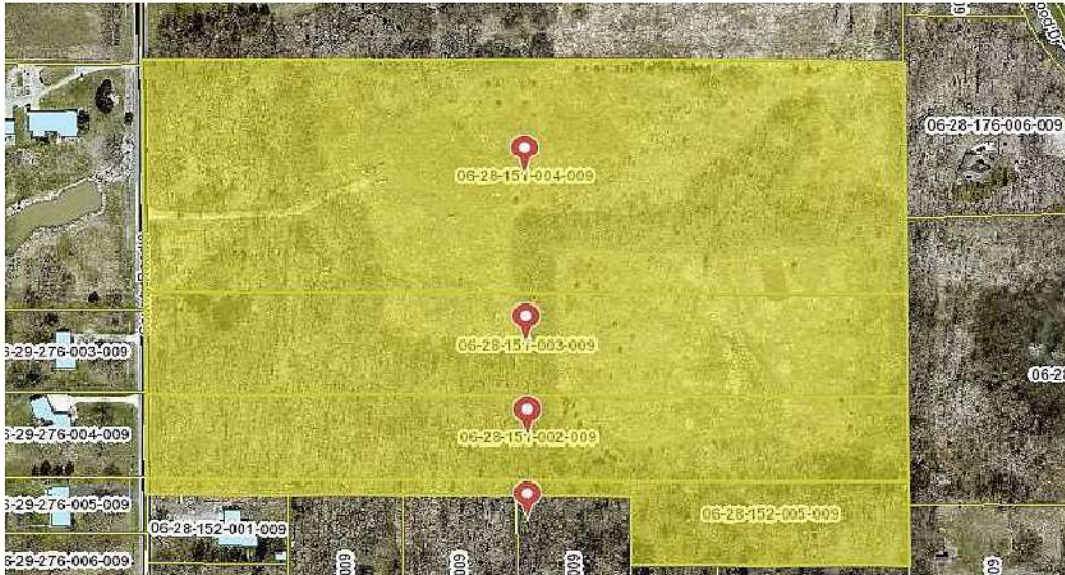
Property Type	Agricultural-Undeveloped	Sale Date	May 18, 2022
Address	County Road 4	Sale Price	\$303,915
County	Elkhart	Price / Acre	\$12,113
City, State	Elkhart, IN		
Latitude	41.738		
Longitude	-85.922		

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

Comments

Record Number	665
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Land Sale Comparable 4



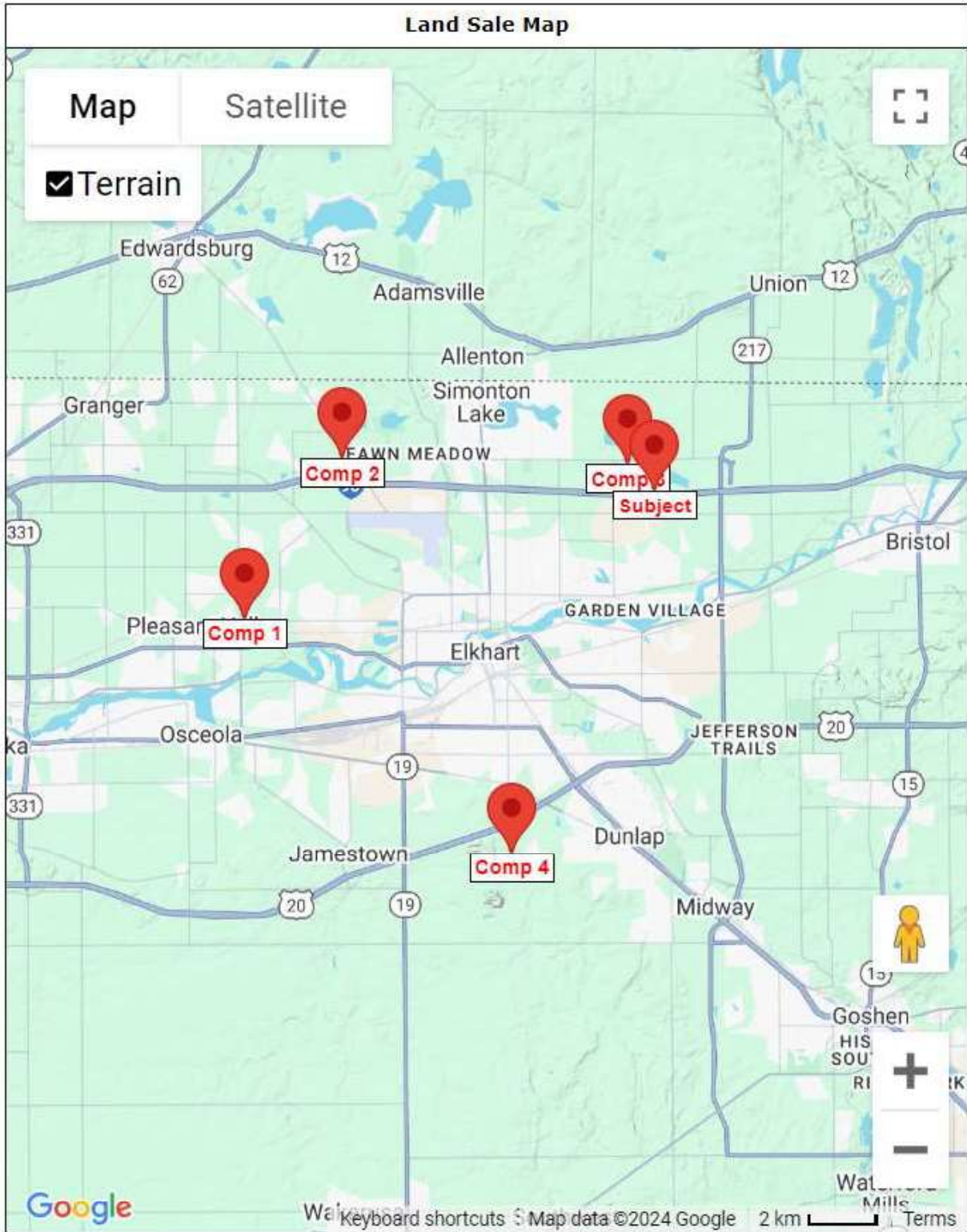
Property Type		Sale Date	February 03, 2022
Address	59280 County Road 9	Sale Price	\$399,000
County	Elkhart	Price / Acre	\$14,425
City, State	Elkhart, IN		
Latitude	41.633		
Longitude	-85.964		

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

Comments

Record Number	566
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Land Comparables Map



Analysis Grid

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

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

Property Rights

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

Financing

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

Conditions of Sale

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

Expenditures Post Sale

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

Market Conditions

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

Location

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

Physical Attributes

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



AS IS LAND SALE ANALYSIS		COMP 1	COMP 2	COMP 3	COMP 4
Address	County Road 113	30881 County Road 12	County Road 5	County Road 4	59280 County Road 9
City	Elkhart	Elkhart	Elkhart	Elkhart	Elkhart
State	IN	IN	IN	IN	IN
Date	8/27/2024	5/4/2023	2/1/2023	5/18/2022	2/3/2022
Price	\$810,000	\$1,100,000	\$303,915	\$399,000	\$399,000
Acres	25.00	48.24	58.12	25.09	27.66
Price / Acre	\$16,791	\$18,926	\$12,113	\$14,425	\$14,425

TRANSACTION ADJUSTMENTS

Property Rights	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Financing	0.0%	0.0%	0.0%	0.0%	0.0%
Conditions of Sale	Normal	Normal	Normal	Normal	Normal
Expenditure After Sale	None	None	None	None	None
Market Trends Through	0.0%	0.0%	0.0%	0.0%	0.0%
Adjusted Price /Acre	\$16,791	\$18,926	\$12,113	\$14,425	\$14,425
Market Trends Through	8/27/2024	0.0%	0.0%	0.0%	0.0%
Adjusted Price /Acre	\$16,791	\$18,926	\$12,113	\$14,425	\$14,425

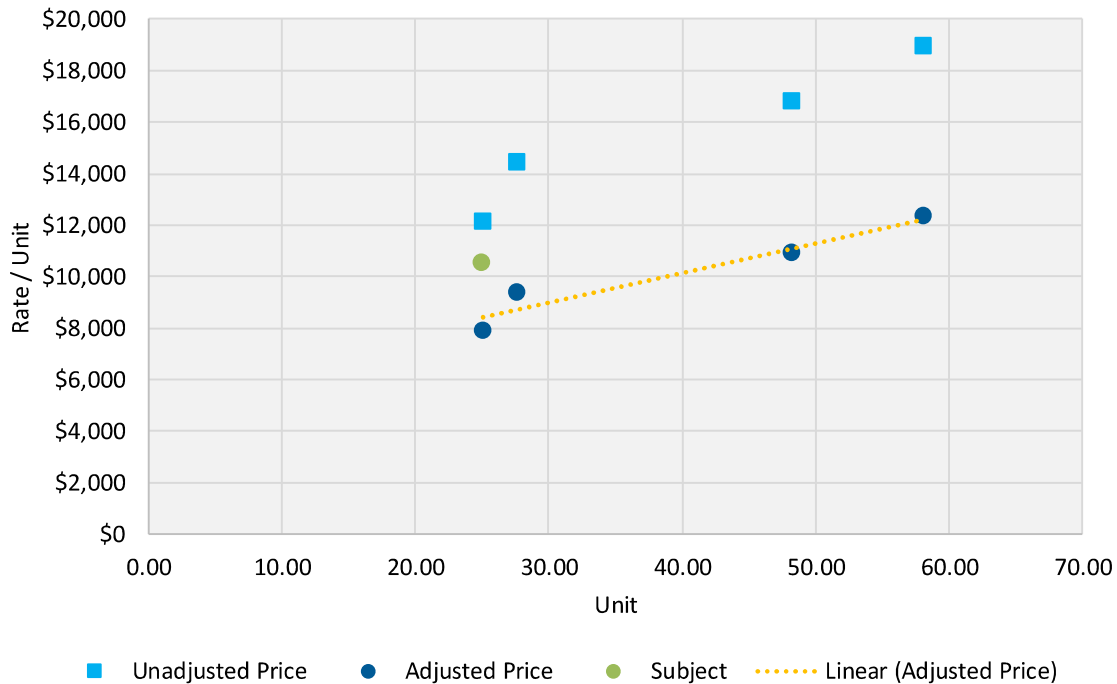
CHARACTERISTIC ADJUSTMENTS

Location	Adjustment	Level	Level	Level	Level
%Adjustment	-25%	Superior	Superior	Superior	Superior
\$Adjustment	-\$4,198	-\$4,198	-\$4,732	-\$3,028	-\$3,606
Topography	Level	Level	Rolling/Level	Level	Level
%Adjustment	0%	0%	0%	0%	0%
\$Adjustment	\$0	\$0	\$0	\$0	\$0
Shape	Irregular	Irregular	Irregular	Irregular	Irregular
%Adjustment	0%	0%	0%	0%	0%
\$Adjustment	\$0	\$0	\$0	\$0	\$0
Utilities	None	None	Well/Septic	Well & Septic	Well & Septic
%Adjustment	0%	0%	0%	0%	0%
\$Adjustment	\$0	\$0	\$0	\$0	\$0
Zoning	Residential	Agricultural	Agricultural	Agricultural	Agricultural
%Adjustment	0%	0%	0%	0%	0%
\$Adjustment	\$0	\$0	\$0	\$0	\$0
Soils					
%Adjustment	-10%	-10%	-10%	-10%	-10%
Qualitative	Superior	Superior	Superior	Superior	Superior
\$Adjustment	-\$1,679	-\$1,893	-\$1,211	-\$1,443	-\$1,443
Adjusted Price /Acre	\$10,914	\$12,302	\$7,873	\$9,376	\$9,376
Net Adjustments	-35.0%	-35.0%	-35.0%	-35.0%	-35.0%
Gross Adjustments	35.0%	35.0%	35.0%	35.0%	35.0%

Sales Comparison Approach Conclusion – Land Valuation

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

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



Certification Statement

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

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

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

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

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

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

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

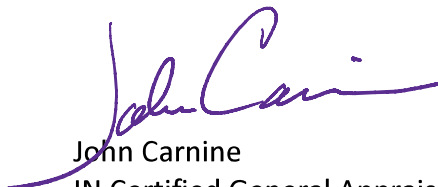
Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP).


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

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

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

We have made an inspection of the subject property.


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


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

Addenda



John
Carnine

Experience

J. Carnine & Co.

Owner, 2010 - Present

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

- Appraisal
- Appraisal Review
- Consultation

e-Valuate Commercial

Director, 2004 - 2010

CBRE/ Bradley

Director, 2004 - 2004

FM Stone Commercial

Appraiser, 2000 - 2004

Education

Western Illinois University BS 1995

Appraisal Courses to Include

Ad Valorem Tax Consultation

Analyzing Distressed Real Estate

Appraisal Principles

Appraisal Procedures

Appraising Apartments

Appraising Convenience Stores

Appraising Hotels

Business Practices & Ethics

Commercial Appraisal Review

Eminent Domain & Condemnation

Environmental Issues

Highest & Best Use

Income Capitalization

Introduction to Expert Witness

Land and Site Valuation

Scope of Work

Small Residential Income

Subdivision Valuation

Valuation of Detrimental
Conditions

Licenses

Indiana Certified General

Michigan Certified General

Jennifer
Pinkepank

Experience

J. Carnine & Co.

Certified General Appraiser & Research Specialist, 2013 - Present

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

- Appraisal
- Appraisal Review
- Consultation

Bradley Company

Marketing & Research Manager, 2008 - 2013

Sears Holdings

Inventory Analyst, 2007 - 2008

Education

Indiana University Kelly School of Business

BS 2007

Appraisal Courses to Include

Appraisal Principles

Appraisal Procedures

Appraising Small Apartment Properties

Commercial Appraisal Review

Commercial Land Valuation

Expert Witness for Commercial Appraisers

Highest & Best Use

Income Capitalization

Market Analysis and Highest and Best Use

The Basics of Expert Witness for Commercial Appraisers

Uniform Standards of Professional Appraisal Practice

Licenses

Indiana Certified General

Michigan Certified General

Glossary

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

Works Cited:

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

Band of Investment

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

Debt Coverage Ratio (DCR)

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

Discount Rate

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

Effective Age

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

Effective Date

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

Exposure Time

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

External Obsolescence

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

Extraordinary Assumption

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

Fee Simple Estate

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

Functional Obsolescence

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

Functional Utility

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

Gross Building Area (GBA)

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

Highest & Best Use

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

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

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

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

Highest and Best Use of Property as Improved

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

Hypothetical Condition

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

Leased Fee Interest

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

Market Area

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

Market Rent

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

Marketing Time

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

Net Operating Income (NOI)

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

Obsolescence

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

Parking Ratio

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

Replacement Cost

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

Scope of Work

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

Stabilized Occupancy

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

Tenant Improvements (TIs)

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

Vacancy and Collection Loss

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

APPRAISAL 2

APPRAISAL REPORT



A Vacant Parcel

At:
County Road 113
Elkhart, IN 46514

As Of:
August 26, 2024

Written:
August 26, 2024

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

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

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

August 26, 2024

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

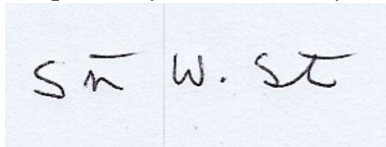
RE: Vacant Parcel
CR 113
Elkhart, IN 46514

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

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

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

Respectfully Submitted By,

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

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

TABLE OF CONTENTS

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

APPRAISAL SERVICES, INC.
(574) 277-7777

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

In developing a real property appraisal an appraiser must:

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

The purpose is to estimate market value.

DEFINITION OF MARKET VALUE:

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

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

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

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

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

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

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

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

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

I searched flood zone information using Appraisers Choice Software

IDENTIFICATION

ADDRESS:

County Road 113
Elkhart, IN 46514

PARCEL NUMBER:

20-02-23-426-001.000-026

LEGAL DESCRIPTION:

Section 23 25.00 Acres

HISTORY OF OWNERSHIP:

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

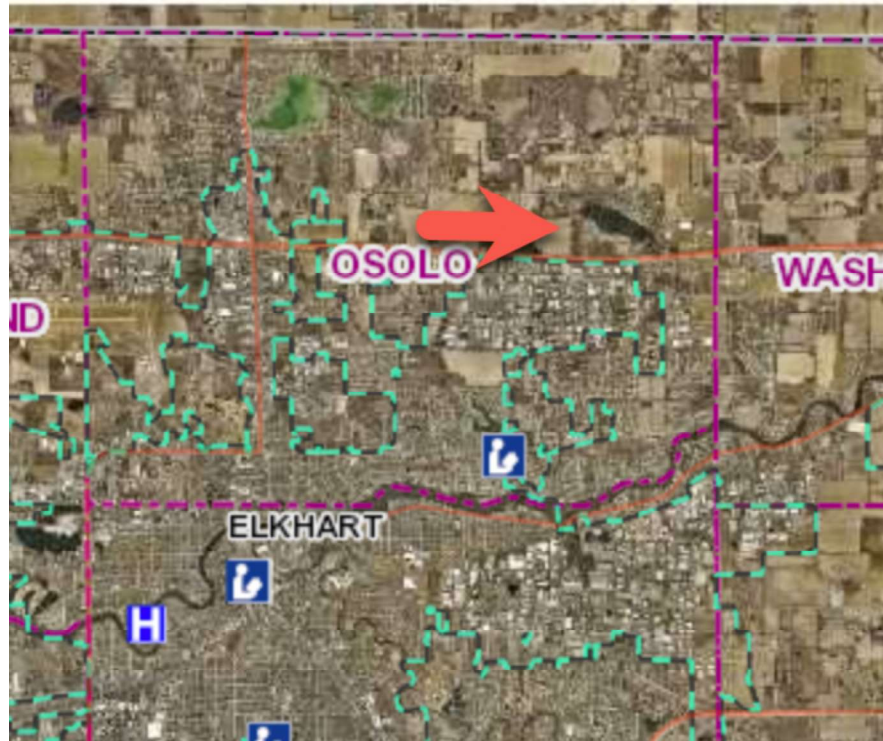
There are no other transfers noted in public record over the past ten years.

TAXES:

Not Identified

MARKET AREA ANALYSIS

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



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

SITE DESCRIPTION AND ANALYSIS

PHYSICAL CHARACTERISTICS

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

Shape: Rectangular

Zoning: R-2/Residential District.

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

Topography, etc.: level at grade

ECONOMIC CHARACTERISTICS

Water: On-Site Well Required

Sewer: On-Site Septic Required

Gas: Public utility

Electricity: Public utility

Site Improvements:

None Noted

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

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

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

GIS MAP



HIGHEST AND BEST USE

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

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

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

There are therefore four tests:

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

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

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

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

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

AS IF VACANT:

Legally Permissible:

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

Physically Possible:

The site size is adequate for residential uses.

Financially Feasible:

Residential uses are financially feasible.

Maximally Productive:

The maximally productive use of the sites is residential uses.

Conclusion:

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

USPAP defines **Exposure Time** as follows:

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

THE APPRAISAL PROCESS

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

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

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

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

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

SALES COMPARISON APPROACH

RATIONALE

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

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




Lots & Land Agent Full Detail Report

Schedule a Showing

Listings as of 03/17/2023

Page 1 of 1

Property Type	LOTS AND LAND	Status	Sold	CDOM	6	DOM	6	Auction	No		
MLS #	202138579	0000 County Road 26 Road	Elkhart	IN 46517	Status Sold	LP \$149,900					
	Area	Elkhart County	Parcel ID	20-06-27-376-005-009						Type	Residential Land
	Sub	None	Cross Street							Lot #	
	School District	CONCElem	Concord West Side	JrH	Concord	SrH	Concord				
	REO	No	Short Sale	No	Waterfront Y/N						N
	Legal Description	PT E1/2 SE1/4 SEC 27;14.00A									
	Directions	Take St. Rd. 19 South to County road 26									
	Inside City Limits	City Zoning	County Zoning	Zoning Description							

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

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

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

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

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Verified: Public Record

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




Lots & Land Agent Full Detail

[Schedule a Showing](#)

Listings as of 08/26/2024

Page 1 of 1

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

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

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

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

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

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

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Page Number: Page 1 of 1 08/26/2024 12:14 PM

Verified: Public Record

Prior Transfers: None Noted




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Listings as of 03/17/2023

Page 1 of 1

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

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

Agent Remarks

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

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

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Page 1 of 1

03/17/2023 11:42 AM

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Prior Transfers: None Prior

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

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

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

Sec	Lot	Lot Ac/SF/Dim	17.0000 / 740,520 / 387x627x199x781x669x517x81x885	
Parcel Desc	Level, Undeveloped	Platted Development	No	Platted Y/N Yes
Township	Cleveland	Date Lots Available		Price per Acre \$13,000.00
Type Use	Agriculture	Road Access	County	Road Surface Asphalt
Water Type	None	Easements	Yes	
SEWER TYPE	None	Water Frontage		
Type Fuel	None	Assn Dues	\$0.00	
Electricity	Available	Other Fees		
Features	DOCUMENTS AVAILABLE Aerial Photo, Legal Description			
Strctr/Bldg Imprv	No	Can Property Be Divided?	Yes	
Water Access		Lake Type		
Water Name		Water Features		
Water Frontage		Channel Frontage		Water Access
Auction No	Auctioneer Name	Auction Start Date		Auctioneer License #
Auction Location		Financing: Existing	Proposed	Excluded Party None
Annual Taxes	\$287.00	Exemption		Assessed Value \$13,700.00
Year Taxes Payable	2018	Is Owner/Seller a Real Estate Licensee	No	Possession At Close
List Office	Coldwell Banker Real Estate Group - 574-277-8000	List Agent	Tim Murray - Cell: 574-286-3944	
Agent ID		Agent E-mail	tim@timmurray.com	
Co-List Office		Co-List Agent		
Showing Instr		List Date	11/21/2019	Exp Date
Contract Type	Exclusive Right to Sell	BBC	3%	Variable Rate Yes
Virtual Tours:		Type of Sale	Traditional	
Pending Date	12/30/2019	Closing Date	1/27/2020	Selling Price \$221,000
How Sold	Conventional	CDOM	39	
Total Concessions Paid	\$0.00	Sold/Concession Remarks		
Sell Off	Coldwell Banker Real	Sell Agent	David Daggy	Co-Sell Off
		Co-Sell Agent		

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

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Page 1 of 1 03/17/2023 11:35 AM

Verified: Public Record

Prior Transfers: None Prior



Lots & Land Agent Full Detail Report

[Schedule a Showing](#)

Listings as of 03/17/2023

Page 1 of 1

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

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

Agent Remarks

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

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

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Page 1 of 1

03/17/2023 11:42 AM

Verified: Public Record

Prior Transfers: None Prior

Lots & Land Agent Full Detail

[Schedule a Showing](#)

Listings as of 08/26/2024

Page 1 of 1

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



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

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

Agent Remarks measurements approx.

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

Features DOCUMENTS AVAILABLE None

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

Information is deemed reliable but not guaranteed. Properties may not be listed by the Agent/Office presenting this report. Report may not contain all available data. Broker Commissions are not set by law and are fully negotiable. © 2024 IRMLS. All Rights Reserved.

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

Verified: Public Record

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

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

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

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

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

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

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

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

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

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

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

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

RECONCILIATION

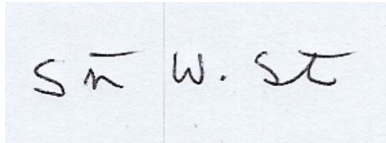
Sales Comparison Approach

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

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

DATE OF REPORT

August 26, 2024

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

Steven W. Sante, MAI, SRA

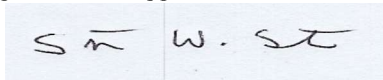
IN CG40901229

MI 1205005623

CERTIFICATION

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

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



8/24/23

Date

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

ASSUMPTIONS AND LIMITING CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EDUCATION

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

EMPLOYMENT HISTORY

9/91-Present Appraisal Services, Inc

APPRAISAL EDUCATION:

See Attached

PROFESSIONAL AFFILIATIONS & LICENSES

SRA (designation conferred 12/15/06)

MAI (designation conferred 1/30/13)

Certified General Appraiser IN & MI

Indiana Regional MLS

Northern Indiana/Southwest Michigan Chapter

Positions:

Treasurer 2002-2008

President 2008-2010

Appraisal Institute:

National Experience Reviewer 2007-2008

Milton Township (Cass County Michigan)

Tax Board of Review 2008-2014

Clerk 2014-2020

PAST & PRESENT CLIENTS:

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

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

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