



City of Elkhart  
*Redevelopment Commission*

AGENDA FOR ELKHART REDEVELOPMENT COMMISSION MEETING  
MUNICIPAL BUILDING (2<sup>ND</sup> FLOOR), COUNCIL CHAMBERS  
TUESDAY, OCTOBER 10, 2023 at 4:00 P.M.

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

To join, go

<https://coei.webex.com/coei/j.php?MTID=m4747476725e49c391c28c9cf24459c1e>

enter **2314 576 5339** as the event number and **RDC10** as the event password.

To join by phone, call 1-415-655-0001, enter **2314 576 5339 ##**

*Press \*6 to unmute telephone*

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

1. Call to Order
2. Approval of Minutes
  - September 12, 2023 Regular Meeting Minutes
  - September 25, 2023 Special Meeting Minutes
3. New Business
  - a) Open Bids
  - b) Public Hearing concerning the West 78 Business Park Economic Development Area and TIF Allocation Area
    - Public Hearing concerning West 78 Business Park
  - c) West 78 Confirmatory Resolution
    - Approve an Economic Development Area, an Economic Development Plan and establish an Allocation Area for Purposes of Tax Increment Financing
  - d) Parkway at 17 Confirmatory Resolution
    - Designate and Declare the Parkway at 17 Economic Development Area Plan and establish an Allocation Area for Purposes of Tax Increment Financing.

- e) River District Zone 1 Allocation Areas 4, 5, & 6 Declaratory Resolution
  - Amend the Declaratory Resolution and the Redevelopment Plan for the Downtown Urban Renewal Area.
- f) RFP for Disposition and Development of new Amphitheater Project–Central Green
  - Authorize certain actions relating to the disposition of a leaseholder interest in certain property commonly known as the City of Elkhart Civic Plaza & the Art and Pat Decio Central Green and all matters related to.
- g) Demolition Contract for 1108 Benham
  - Appropriate \$35,000 from CDBG Special Fund to cover the cost of demolition services.
- h) Approve Redevelopment Commission 2024 Calendar

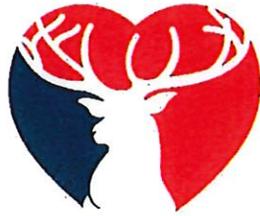
4. Staff Updates

5. Other Business

- a) Warrick and Boyn Invoice
- b) August 2023 TIF Report

9. Public Comment

10. Adjournment



City of Elkhart  
*Redevelopment Commission*

REGULAR MEETING  
ELKHART REDEVELOPMENT COMMISSION  
LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS  
Tuesday, September 12, 2023  
4:00 p.m.

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**PRESENT:** Alex Holtz, Gerry Roberts, Sandi Schreiber, Wes Steffen, Dorisanne Nielsen, Chris Pottratz, Mike Huber, Adam Fann, Jacob Wolgamood, Mary Kaczka, Kristen Smole, Drew Wynes, Sherry Weber (Recording Secretary), Brad Hunsberger (Lacasa) Crysyl Welsh (Abonmarche), Dave Weaver (EOZ), Aaron Mischler, Jamison Czarnecki

**PRESENT BY WEBEX:** Lewis Anne Deputy, Bradley Tracy, Corinne Straight, Randy Brown (CVE), Jeff Martin (ICP), Keith Brandt, db

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**CALL TO ORDER**

This meeting was held in-person, telephonically and virtually through WEBEX. Mrs. Schreiber called the meeting to order at 4:00 pm.

**AMENDMENT OF SEPTEMBER 12, 2023 AGENDA**

Mrs. Schreiber asked for a motion to amend the September 12, 2023 Agenda. Moved by Mr. Steffen. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

**APPROVAL OF AUGUST 8, 2023 REGULAR MEETING MINUTES**

Mrs. Schreiber asked for a motion to approve the August 8, 2023 Regular Meeting Minutes. Moved by Mr. Steffen. Seconded by Mr. Roberts. Voice vote, all in favor. Minutes approved.

**NEW BUSINESS**

**A. OPEN OFFERS**

Adam Fann addressed the commission stating there are no bids to open.

**B. PUBLIC HEARING TO REVIEW THE 2022 CAPER**

Mary Kaczka presented on the Consolidated Annual Performance and Evaluation Report (CAPER) and answered questions. There was no public comment. Ms. Schreiber closed the public hearing.

**C. APPROVE VERITEXT INVOICE #6529925 FOR \$1,414.30 FOR LABOUR PUMP DEPOSITION**

Mr. Chris Pottratz addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve the Veritext invoice #6529925 and appropriate \$1,414.30 from the Consolidated South Economic Development/Redevelopment Area TIF Special Fund. Moved by Mr. Holtz. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

**D. G&W VRP PROCESS IDEM APPROPRIATION**

Mr. Adam Fann addressed the commission and answered questions. Mrs. Schreiber asked for a motion appropriate \$20,000 from Consolidated TIF to cover future costs of IDEM oversight associated with G&W VRP process. Moved by Mr. Steffen. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

**E. JOINT ELKHART CITY/ELKHART COUNTY TRANSFER OF REAL ESTATE**

Mr. Adam Fann addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve the joint resolution between the County of Elkhart, Indiana and the City of Elkhart, Indiana Redevelopment Commission pursuant to Indiana Code 36-1-11-8 transfer of real estate between governmental entities. Moved by Mr. Steffen. Seconded by Mr. Holtz. Voice vote, all in favor. Motion approved.

**F. ALLEY AT 511 DIVISION – LACASA PURCHASE & DEVELOPMENT AGREEMENT**

Mr. Adam Fann addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve the transfer of the Alley at 511 Division and the development agreement with Lacasa, Inc. Moved by Mr. Roberts. Seconded by Mr. Holtz. Voice vote, all in favor. Motion approved.

**G. EOZ DEVELOPMENT AGREEMENT**

Mr. Huber addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve Amendment No. 1 to the EOZ Business, LLC development agreement subject to the revisions described. Moved by Mr. Roberts. Seconded by Mr. Holtz. Mr. Steffen recused himself, as he is an adjacent property owner. Voice vote, all in favor, one recused. Motion approved.

**H. CONCORD MALL LOCAL PUBLIC IMPROVEMENTS**

Mr. Huber addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve funding request for Concord Mall local public improvements contingent upon completion of specified conditions to funding and appropriate \$2,000,000 from Consolidated South Elkhart Economic Development/Redevelopment Area Tax Allocation Area. Moved by Mr. Holtz. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

**I. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEAR 23 SUBRECIPIENT AGREEMENT**

Ms. Kaczka addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve the sub recipient agreements submitted to the commission for AMAA-Health Plus of Indiana and Minority Health Coalition of Elkhart County. Voice vote, all in favor. Motion approved.

#### **J. LACASA HOME OWNERSHIP ASSISTANCE PROGRAM FORMS**

Ms. Kaczka addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve the Lacasa Homeownership Assistance Program forms. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

#### **K. HOMEBUYER GRANT FOR 1635 HURON**

Ms. Kaczka addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve the Homebuyer Assistance Grant for 1635 Huron Street and appropriate \$15,000 from CDBG Grant Year 2022 funds. Moved by Mr. Roberts. Seconded by Mr. Holtz. Voice vote, all in favor, Motion approved.

#### **L. LAMAR ADVERTISING FOR CDBG FAIR HOUSING BILLBOARDS**

Ms. Kaczka addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve the Lamar Advertising agreement for CDBG Fair Housing Billboards and appropriate \$10,000 from CDBG Fair Housing PY22 Grant #B22MC180015. Moved by Mr. Roberts. Seconded by Mr. Holtz. Voice vote, all in favor, Motion approved.

#### **M. DOWNTOWN PARKING STRATEGY**

Mr. Huber addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve the employment of Abonmarche to do a parking study for the Amphitheater in the amount of \$97,000 and appropriate \$48,500 from the Cassopolis Corridor Allocation Area Special Fund and \$48,500 from Downtown Allocation Area No. 1 Special Fund. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote, all in favor, Motion approved.

#### **N. CENTRAL GREEN**

Mr. Huber addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve the employment of Structurepoint, Inc. for preparation of demolition specifications for Central Green in the sum of \$150,000 and appropriate \$75,000 from the Cassopolis Corridor Allocation Area Special Fund and \$75,000 from Downtown Allocation Area No. 1 Special Fund. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote, all in favor, Motion approved.

#### **O. ARP HOME OWNER OCCUPIED REHAB PROGRAM**

Ms. Kaczka addressed the commission and answered questions. Mrs. Schreiber asked for a motion to appropriate additional funding not to exceed \$30,000 from Special Account 294 to cover the cost of the American Rescue Plan (ARP) Homeowner Occupied Rehab program. Moved by Mr. Steffen. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

#### **STAFF UPDATES**

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

- State Road 19 – Awarded at Board of Works. Putting out the notice to proceed.
- 1101 Beardsley – Contractor will be on site Monday to begin SWPPP work. Demolition will come shortly thereafter.

- Roundhouse – EPA will do some asbestos sampling on site. EPA has agreed to pay for some ground penetrating radar to get a better idea of what the existing structures look like underground.
- 1707 Sterling – Soil removal complete. Waiting on test results.
- 1000 Block South Main – Working on RFP to put out. May be coming for an appropriation for demo in October.

#### **OTHER BUSINESS**

Mr. Pottratz stated the current work amount on the Warrick and Boyn invoice is for \$23,622.54. Ms. Schreiber asked for a motion to approve the Warrick and Boyn invoice in the sum of \$23,622.54. Moved by Mr. Roberts. Seconded by Mr. Holtz. Voice vote, all in favor. Motion approved.

#### **PUBLIC COMMENT**

No public was present to address the Commission for public comment.

#### **ADJOURNMENT**

There being no further discussion, Mrs. Schreiber asked for a motion to adjourn the meeting. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved. The meeting adjourned at 4:52 p.m. Next meeting is on Tuesday, October 10, 2023 at 4:00 p.m. in Council Chambers.

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**SANDRA SCHREIBER, PRESIDENT**



**City of Elkhart**  
*Redevelopment Commission*

Elkhart Redevelopment Commission  
Pre-Agenda Meeting Summary  
For September 8, 2023

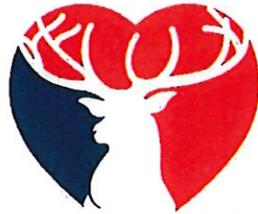
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**PRESENT:** Dina Harris, Sandi Schreiber, Wes Steffen, Alex Holtz, Chris Pottratz, Mike Huber, Adam Fann, Jacob Wolgamood, Sherry Weber, Mary Kaczka, Drew Wynes, Kristen Smole, and Lewis Anne Deputy.

**PRESENT BY WEBEX:** Crystal Welsh

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The Commission reviewed each agenda item and staff explained the status of each matter to date and the need for and purpose of the proposed Resolution to be acted upon at the upcoming Elkhart Redevelopment Commission meeting on September 12, 2023.



City of Elkhart  
*Redevelopment Commission*

SPECIAL MEETING  
ELKHART REDEVELOPMENT COMMISSION  
LOCATION: ANNEX BUILDING CONFERENCE ROOM  
201 S SECOND STREET  
ELKHART, IN  
MONDAY, SEPTEMBER 25, 2023  
4:00 p.m.

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**PRESENT:** Alex Holtz, Dina Harris, Gerry Roberts, Sandi Schreiber, Wes Steffen, Dorisanne Nielsen, Gary Boyn, Chris Pottratz, Mike Huber, Adam Fann, Jacob Wolgamood, Mary Kaczka, Drew Wynes, Sherry Weber (Recording Secretary), and Mayor Roberson

**PRESENT BY WEBEX:** Lewis Anne Deputy, Kristen Smole, Bradley Tracy, WSBT22, Michael, db and Lori Harris

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**CALL TO ORDER**

This meeting was held in-person, telephonically and virtually through WEBEX. Mrs. Schreiber called the meeting to order at 4:48 pm.

**AMENDMENT OF SEPTEMBER 25, 2023 AGENDA**

Mrs. Schreiber asked for a motion to amend the September 25, 2023 Agenda by moving item A (Woodland Crossing) to the end and handle items B and C first. Moved by Mr. Steffen. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

**NEW BUSINESS**

**A. ICE MILLER LETTER OF ENGAGEMENT**

Mike Huber addressed the commission and answered questions. Mrs. Schreiber asked for a motion to approve the letter of Engagement to hire Ice Miller to provide services related to River District Development Agreement. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

**B. RATIFY SETTLEMENT AGREEMENT WITH G&W VRP**

Mike Huber and Gary Boyn addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the terms of the settlement agreements on G&W property at 2306 S. Main

Street Environmental clean-up. Moved by Mr. Steffen. Seconded by Mr. Roberts. Voice vote, all in favor. Motion approved.

### **C. WOODLAND CROSSING PROJECT**

Mr. Mike Huber addressed the commission and answered questions. Mayor Roberson discussed why we are looking at this timeline and how all of the pieces fit together to create a situation that has brought this to us earlier than what we would like. When a contract is brought to us, we want it to have the details so we can look at it clearly. This one is a little different due to having two other entities involved and contextually together, we provide a transformative piece to the puzzle. We work with them to achieve what we would like to recommend from that area. Three different entities are all trying to make sure they are able to successfully create a project. It is important to capture where Heart City and Goodwill are on their discussions. The City is the piece that has to fall into place in order for the other two entities fall into place. They are dealing with their processes separately than we are dealing with ours. This gives you an idea of why we are looking at this in a somewhat unfinished capacity. Mike Huber stated we have been able to work collectively to negotiate extensions on their purchase agreement up until the end of this week. They have a hard close date of October 6. As we go through this, some conditions of their closing transaction require us to close first. This is why our closing date is accelerated. Mrs. Schreiber asked for a motion to approve the purchase agreement for lots 1, 3, 5 and 6 in Woodland Crossing for the purchase price of \$5,125,000 and appropriate \$3,000,000 from the Consolidated South Elkhart Economic Development/Redevelopment Area Allocation Area Special Fund to cover the cost of acquisition, inspections, environmental reviews, property surveys and closing costs. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, four in favor, one opposed. Motion approved.

### **PUBLIC COMMENT**

No public was present to address the Commission for public comment.

### **ADJOURNMENT**

There being no further discussion, Mrs. Schreiber asked for a motion to adjourn the meeting. Moved by Mr. Steffen. Seconded by Mr. Roberts. Voice vote, all in favor, motion approved. The meeting adjourned at 5:30 p.m. Next meeting is on Tuesday, October 10, 2023 at 4:00 p.m. in Council Chambers.

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**SANDRA SCHREIBER, PRESIDENT**

**NOTICE OF PUBLIC HEARING  
CONCERNING THE WEST 78 BUSINESS PARK ECONOMIC  
DEVELOPMENT AREA AND TIF ALLOCATION AREA**

Notice is hereby given that the City of Elkhart, Indiana, Redevelopment Commission (the "Commission"), governing body of the City of Elkhart, Indiana, Department of Redevelopment (the "Department") and the Redevelopment District of the City of Elkhart, Indiana (the "Redevelopment District"), on October 11, 2022, adopted its resolution (the "Declaratory Resolution") declaring an area within the City of Elkhart, Indiana (the "City"), designated as the West 78 Business Park Economic Development Area (the "Area") to be an economic development area within the meaning of the Redevelopment of Cities and Towns Act of 1953, which has been codified in I.C. 36-7-14 (the "Act") and which Area is more particularly described as follows:

WEST 78 BUSINESS PARK DPUD  
77.524 ACRE PARCEL

LOT NUMBER ONE (1), LOT NUMBER TWO (2) AND ALL THAT PART OF THE LAND LYING WITH-IN THE RIGHT OF WAY AS SAID LOTS AND RIGHT OF WAY ARE KNOWN, DESCRIBED AND DEDICATED ON THE PLAT OF WEST 78 BUSINESS PARK DPUD, A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 37 NORTH, RANGE 4 EAST, BAUGO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN PLAY BOOK 39, PAGE 16, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 29 MINUTES 46 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 AND ALONG COUNTY ROAD NUMBER 26, A DISTANCE OF 1161.54 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND, SAID PARCEL BEING THE FIRST PARCEL DESCRIBED IN A WARRANTY DEED CONVEYED TO VILLAGE MARKET GROUP, LLC AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 0099-11820; THENCE NORTH 00 DEGREES 30 MINUTES 25 SECONDS EAST ALONG THE WEST LINE OF SAID VILLAGE MARKET GROUP, LLC PARCEL, A DISTANCE OF 20.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD NUMBER 26, THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 00 DEGREES 30 MINUTES 25 SECONDS EAST ALONG THE WEST LINE OF SAID VILLAGE MARKET GROUP, LLC PARCEL, A DISTANCE OF 880.04 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 03 SECONDS WEST ALONG THE SOUTH LINE OF SAID VILLAGE MARKET GROUP, LLC PARCEL, A DISTANCE OF 809.36 FEET TO A REBAR; THENCE NORTH 00 DEGREES 01 MINUTE 29 SECONDS EAST ALONG THE WEST LINE OF SAID VILLAGE MARKET GROUP, LLC PARCEL, A DISTANCE OF 1221.84 FEET TO THE SOUTH LINE OF A PARCEL OF LAND CONVEYED TO THE STATE OF INDIANA AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 89 021314, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NUMBER 20; THENCE ALONG THE FOLLOWING TEN (10) COURSES BEING ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID STATE OF INDIANA PARCEL, ALSO THE SOUTH LINE OF THE RIGHT OF WAY OF U.S. HIGHWAY NUMBER 20 AND THE WESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NUMBER 19; THENCE NORTH 79 DEGREES 58 MINUTES 44 SECONDS EAST, A DISTANCE OF 465.23 FEET; THENCE NORTH 77 DEGREES 08 MINUTES 19 SECONDS EAST, A DISTANCE OF 300.67 FEET; THENCE NORTH 85 DEGREES 05 MINUTES 50 SECONDS EAST, A DISTANCE OF 285.41 FEET; THENCE SOUTH 79 DEGREES 31 MINUTES 35 SECONDS EAST, A DISTANCE OF 508.61 FEET; THENCE SOUTH 75 DEGREES 40 MINUTES 52 SECONDS EAST, A DISTANCE OF

187.60 FEET; THENCE SOUTH 44 DEGREES 47 MINUTES 43 SECONDS EAST, A DISTANCE OF 119.57 FEET; THENCE SOUTH 09 DEGREES 28 MINUTES 40 SECONDS EAST, A DISTANCE OF 304.14 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 56 SECONDS EAST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 05 DEGREES 43 MINUTES 34 SECONDS EAST, A DISTANCE OF 301.50 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 56 SECONDS EAST, A DISTANCE OF 576.03 FEET; THENCE SOUTH 05 DEGREES 40 MINUTES 50 SECONDS WEST ALONG THE WEST LINE OF A PARCEL OF LAND CONVEYED TO THE BOARD OF COMISSIONERS OF THE COUNTY OF ELKHART, INDIANA DESCRIBED AS PARCEL NUMBER 2A IN A WARRANTY DEED RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2008-12953, ALSO THE WEST RIGHT OF WAY LINE OF SAID STATE HIGHWAY NUMBER 19, A DISTANCE OF 150.74 FEET; THENCE SOUTH 05 DEGREES 42 MINUTES 32 SECONDS EAST ALONG THE WEST LINE OF SAID PARCEL NUMBER 2A AND THE WEST LINE OF THE RIGHT OF WAY OF SAID STATE HIGHWAY NUMBER 19, A DISTANCE OF 150.75 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 56 SECONDS EAST ALONG THE WEST LINE OF AFORESAID STATE OF INDIANA PARCEL AND ALONG THE WEST LINE OF A PARCEL OF LAND CONVEYED TO THE BOARD OF COMISSIONERS OF THE COUNTY OF ELKHART, INDIANA DESCRIBED AS PARCEL NUMBER 2 IN A WARRANTY DEED RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2008-12953, ALSO THE WEST RIGHT OF WAY LINE OF SAID STATE HIGHWAY NUMBER 19, A DISTANCE OF 159.99 FEET; THENCE NORTH 89 DEGREES 30 MINUTES 06 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL NUMBER 2, ALSO THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD NUMBER 26, ADISTANCE OF 269.60 FEET; THENCE SOUTH 87 DEGREES 53 MINUTES 12 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL NUMBER 2, ALSO THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD NUMBER 26, A DISTANCE OF 350.90 FEET; THENCE SOUTH 83 DEGREES 32 MINUTES 29 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL NUMBER 2, ALSO THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD NUMBER 26, A DISTANCE OF 125.66 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 46 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL NUMBER 2, ALSO THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD NUMBER 26, A DISTANCE OF 336.21 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 77.524 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

The Declaratory Resolution approved and adopted an economic development area plan entitled “West 78 Business Park Economic Development Area Plan” (the “Plan”) to serve as the economic development plan for the Area.

The Elkhart City Plan Commission on December 13, 2022, adopted a resolution approving the Declaratory Resolution and the Plan and determined that the Declaratory Resolution and the Plan conform to the plan of development for the City.

The Common Council of the City on December 19, 2022, adopted a resolution approving the resolution of the Elkhart City Plan Commission, the Plan and the establishment of the Allocation Area, and approving the designation of the Area as an economic development area.

Notice is further given that on October 10, 2023, at 4:00 p.m., Local Time, in the City Council Chambers, Municipal Building, 229 S. Second Street, 2<sup>nd</sup> Floor, Elkhart, Indiana, the Commission will conduct a public hearing to receive and hear remonstrances and objections from persons interested in or affected by these proceedings pertaining to the proposed Area, to

determine the public utility and benefit of the proposed Area, and to confirm, modify or rescind the Declaratory Resolution.

Maps and plats of the Area have been prepared and can be inspected, along with the aforesaid Declaratory Resolution, in the office of the Department of Community and Redevelopment, Municipal Building, 201 S. Second Street, Elkhart, Indiana .

CITY OF ELKHART, INDIANA  
REDEVELOPMENT COMMISSION

Sandra Schreiber, President

**[To be published one time on or before September 29, 2023, in the *Elkhart Truth*.]**

RESOLUTION NO. 23-R-077

**RESOLUTION OF THE CITY OF ELKHART, INDIANA  
REDEVELOPMENT COMMISSION CONFIRMING A RESOLUTION  
DESIGNATING AND DECLARING THE WEST 78 BUSINESS PARK ECONOMIC  
DEVELOPMENT AREA, APPROVING AN ECONOMIC DEVELOPMENT AREA  
PLAN AND ESTABLISHING AN ALLOCATION AREA FOR PURPOSES OF TAX  
INCREMENT FINANCING**

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WHEREAS, the City of Elkhart, Indiana, Redevelopment Commission (the “Commission”), at a meeting held on the 11<sup>th</sup> day of October, 2022, approved and adopted a resolution entitled “RESOLUTION OF THE CITY OF ELKHART, INDIANA, REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE WEST 78 BUSINESS PARK ECONOMIC DEVELOPMENT AREA, APPROVING AN ECONOMIC DEVELOPMENT AREA PLAN AND ESTABLISHING AN ALLOCATION AREA FOR PURPOSES OF TAX INCREMENT FINANCING” (the “Declaratory Resolution”); and

WHEREAS, the Declaratory Resolution designated and declared an area within the City of Elkhart, Indiana (the “City”), to be known as the West 78 Business Park Economic Development Area (the “Area”) to be an economic development area within the meaning of the Redevelopment of Cities and Towns Act of 1953 which has been codified in I.C. 36-7-14 (the “Act”), said Area being more particularly described in Exhibit A attached hereto and incorporated herein; and

WHEREAS, the Declaratory Resolution adopted an economic development plan for the Area (the “Plan”) and approved and adopted maps and plats of the Area; and

WHEREAS, the Declaratory Resolution approved the establishment of an allocation area for purposes of tax increment financing (the “Allocation Area”)

WHEREAS, certain Findings of Fact have been presented to the Commission which concern the Area and the Commission now desires to adopt and confirm the Findings of Fact for the Area; and

WHEREAS, the Elkhart Plan Commission (the “Plan Commission”), which is the duly designated and acting planning body for the City, on the 5<sup>th</sup> day of December, 2022, approved a resolution which is its written order approving the Declaratory Resolution and the Redevelopment Plan; and

WHEREAS, the Plan Commission, by said written order, has certified that the Declaratory Resolution and the Redevelopment Plan conform to the general plan of development for the City; and

Whereas, the Common Council of the City (the “Common Council”) on the 19<sup>th</sup> day of December, 2022, adopted its resolution approving the written order of the Plan Commission and the Redevelopment Plan for the Area, and approving the designation of the Area as an economic development area; and

WHEREAS, the Commission caused to be published a Notice of Public Hearing Concerning the Plan on the 23rd day of September, 2023, in the *Elkhart Truth* and made all required filings with governmental agencies and officers pursuant to Section 17(a) and (c) of the Act; and

WHEREAS, at the hearing held by the Commission on the 10<sup>th</sup> day of October, 2023, at 4:00 p.m., Local Time, in the City Council Chambers, Municipal Building, 229 S. Second Street, 2<sup>nd</sup> Floor, Elkhart, Indiana, the Commission heard all the persons interested in the proceedings and received and considered written remonstrances and objections that had been filed, if any, and such other evidence presented.

NOW, THEREFORE, BE IT RESOLVED, by the City of Elkhart, Indiana, Redevelopment Commission as follows:

1. After considering the evidence presented at the public hearing, the Commission hereby confirms the findings, determinations and designations and the approving and adopting actions contained in the Declaratory Resolution.

2. The Commission adopts and confirms the Findings of Fact for the Area, which are set forth at Exhibit B.

3. The Commission finds and determines that it will be of public utility and benefit to proceed with the Plan attached as Exhibit C hereto.

4. This Resolution constitutes final action pursuant to I.C. 36-7-14-17(d) by the Commission determining the public utility and benefit of the proposed project and confirming the Declaratory Resolution pertaining to the Area.

5. The Secretary is directed to record this Resolution pursuant to the requirements of I.C. 36-7-14-17(d) and make the filings required by regulations of the Department of Local Government Finance.

6. This Resolution shall be in full force and effect after its adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the City of Elkhart, Indiana, Redevelopment Commission held on the 10<sup>th</sup> day of October, 2023.

ELKHART, INDIANA  
REDEVELOPMENT COMMISSION

ATTEST:

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

\_\_\_\_\_  
Alex Holtz, Secretary

EXHIBIT A

***West 78 Business Park EDA and T.I.F. District Boundary Description***

LEGAL DESCRIPTION

WEST 78 BUSINESS PARK DPUD  
77.524 ACRE PARCEL

LOT NUMBER ONE (1), LOT NUMBER TWO (2) AND ALL THAT PART OF THE LAND LYING WITH-IN THE RIGHT OF WAY AS SAID LOTS AND RIGHT OF WAY ARE KNOWN, DESCRIBED AND DEDICATED ON THE PLAT OF WEST 78 BUSINESS PARK DPUD, A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 37 NORTH, RANGE 4 EAST, BAUGO TOWNSHIP, ELKHART COUNTY, INDIANA; SAID PLAT BEING RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN PLAY BOOK 39, PAGE 16, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 29 MINUTES 46 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 AND ALONG COUNTY ROAD NUMBER 26, A DISTANCE OF 1161.54 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND, SAID PARCEL BEING THE FIRST PARCEL DESCRIBED IN A WARRANTY DEED CONVEYED TO VILLAGE MARKET GROUP, LLC AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 0099-11820; THENCE NORTH 00 DEGREES 30 MINUTES 25 SECONDS EAST ALONG THE WEST LINE OF SAID VILLAGE MARKET GROUP, LLC PARCEL, A DISTANCE OF 20.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD NUMBER 26, THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 00 DEGREES 30 MINUTES 25 SECONDS EAST ALONG THE WEST LINE OF SAID VILLAGE MARKET GROUP, LLC PARCEL, A DISTANCE OF 880.04 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 03 SECONDS WEST ALONG THE SOUTH LINE OF SAID VILLAGE MARKET GROUP, LLC PARCEL, A DISTANCE OF 809.36 FEET TO A REBAR; THENCE NORTH 00 DEGREES 01 MINUTE 29 SECONDS EAST ALONG THE WEST LINE OF SAID VILLAGE MARKET GROUP, LLC PARCEL, A DISTANCE OF 1221.84 FEET TO THE SOUTH LINE OF A PARCEL OF LAND CONVEYED TO THE STATE OF INDIANA AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 89 021314, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NUMBER 20; THENCE ALONG THE FOLLOWING TEN (10) COURSES BEING ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID STATE OF INDIANA PARCEL, ALSO THE SOUTH LINE OF THE RIGHT OF WAY OF U.S. HIGHWAY NUMBER 20 AND THE WESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NUMBER 19; THENCE NORTH 79 DEGREES 58 MINUTES 44 SECONDS EAST, A DISTANCE OF 465.23 FEET; THENCE NORTH 77 DEGREES 08 MINUTES 19 SECONDS EAST, A DISTANCE OF 300.67 FEET; THENCE NORTH 85 DEGREES 05 MINUTES 50 SECONDS EAST, A DISTANCE OF 285.41 FEET; THENCE SOUTH 79 DEGREES 31 MINUTES 35 SECONDS EAST, A DISTANCE OF 508.61 FEET; THENCE SOUTH 75 DEGREES 40 MINUTES 52 SECONDS EAST, A DISTANCE OF 187.60 FEET; THENCE SOUTH 44 DEGREES 47 MINUTES 43 SECONDS EAST, A DISTANCE OF 119.57 FEET; THENCE SOUTH 09 DEGREES 28 MINUTES 40 SECONDS EAST, A DISTANCE OF 304.14 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 56 SECONDS EAST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 05 DEGREES 43 MINUTES 34 SECONDS EAST, A DISTANCE OF 301.50 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 56 SECONDS EAST, A DISTANCE OF 576.03 FEET; THENCE SOUTH 05 DEGREES 40 MINUTES 50 SECONDS WEST ALONG THE WEST LINE OF A PARCEL OF LAND CONVEYED TO THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA DESCRIBED AS PARCEL NUMBER 2A IN A WARRANTY DEED RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2008-12953, ALSO THE WEST RIGHT OF WAY LINE OF SAID STATE HIGHWAY NUMBER 19, A DISTANCE OF 150.74 FEET; THENCE SOUTH 05 DEGREES 42

MINUTES 32 SECONDS EAST ALONG THE WEST LINE OF SAID PARCEL NUMBER 2A AND THE WEST LINE OF THE RIGHT OF WAY OF SAID STATE HIGHWAY NUMBER 19, A DISTANCE OF 150.75 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 56 SECONDS EAST ALONG THE WEST LINE OF AFORESAID STATE OF INDIANA PARCEL AND ALONG THE WEST LINE OF A PARCEL OF LAND CONVEYED TO THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA DESCRIBED AS PARCEL NUMBER 2 IN A WARRANTY DEED RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2008-12953, ALSO THE WEST RIGHT OF WAY LINE OF SAID STATE HIGHWAY NUMBER 19, A DISTANCE OF 159.99 FEET; THENCE NORTH 89 DEGREES 30 MINUTES 06 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL NUMBER 2, ALSO THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD NUMBER 26, A DISTANCE OF 269.60 FEET; THENCE SOUTH 87 DEGREES 53 MINUTES 12 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL NUMBER 2, ALSO THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD NUMBER 26, A DISTANCE OF 350.90 FEET; THENCE SOUTH 83 DEGREES 32 MINUTES 29 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL NUMBER 2, ALSO THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD NUMBER 26, A DISTANCE OF 125.66 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 46 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL NUMBER 2, ALSO THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD NUMBER 26, A DISTANCE OF 336.21 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 77.524 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

**EXHIBIT B  
FINDINGS OF FACT**

In accordance with IC 36-7-14 and in support of the Declaratory Resolution and the Economic Development Area Plan for the West 78 Business Park Economic Development Area (the "Area"), the City of Elkhart, Indiana, Redevelopment Commission finds as follows:

1. The plan for the Area promotes significant opportunities for the gainful employment of its citizens.
  - A. The improvements to the public infrastructure will support economic development of the Area.
  - B. The creation of the Area will result in the creation of new jobs.
2. The plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise because of lack of public improvements, or other similar conditions.
  - A. Public infrastructure improvements such as road improvements are an expensive undertaking and typically private enterprise does not have the ability to complete effectively such improvements.
3. The public health and welfare will be benefited by the accomplishment of the plan for the Area.
  - A. The jobs created as a result of the development of the Area will benefit the public welfare of the City, providing solid wages and a thriving industrial employment base in the City.
  - B. The public improvements proposed to be constructed in the Area will include road, bridge, water, sewer and lighting improvements which will enhance public safety.
4. The accomplishment of the plan for the Area will be a public utility and benefit as measured by the attraction and retention of permanent jobs and an increase in the property tax base.
5. The plan for the Area conforms to other development and redevelopment plans for the City of Elkhart.
6. The Commission incorporates herein all additional findings of fact as are set forth in the Commission Resolutions establishing the Area, the Allocation Area and Plan.

EXHIBIT  
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C



West 78  
Business  
Park  
Economic  
Development  
Area Plan



October 11, 2022

#### PLAN PURPOSE AND INTRODUCTION

The West 78 Business Park Economic Development Plan ("Plan") provides guidance and establishes eligible activities for the West 78 Business Park Economic Development Area of the City of Elkhart, Elkhart County, Indiana (the "Area") in conformance with IC 36-7-14 (the "Act").

The purpose of the Plan is to:

- benefit the public health, safety, morals, and welfare of the citizens of the City of Elkhart;
- increase the economic well-being of the City of Elkhart, County and the State of Indiana; and
- serve to protect and increase property values in the City of Elkhart, County and the State of Indiana.
- promote significant opportunities for the gainful employment of citizens of the City of Elkhart,
- retain or expand existing significant business enterprises in the City of Elkhart
- provide for local public improvements in the area,
- remove improvements or conditions that lower the value of the land in the area below that of the nearby land,
- attract and retain permanent jobs,
- increase the property tax base, and
- improve the diversity of the economic base of the City.

1. The Plan will promote significant opportunities for the gainful employment of citizens of the City of Elkhart as it will provide suitable land for industrial development.

2. The Plan will attract major new business enterprises to the City of Elkhart and Elkhart County as the Plan projects will provide the infrastructure and local public improvements that are needed to attract and maintain industrial and commercial establishments within the Area, as well as throughout the region.

3. The planning, replanning, development, and redevelopment of the land in the area will:

- Benefit the public health, safety, morals and welfare by providing available and developable land for additional development and jobs in the community on existing City services reducing the dependence of on-site sanitary systems and private wells.
- Increase the economic well-being of the City of Elkhart, Baugo and Concord Townships, Elkhart County, and the State of Indiana as new businesses would be created thereby enhancing diversification of employment and strengthening the local economy.
- Include projects such as connection to sewer and water lines, construction of a water tower, the construction of roads and other public improvements, and dedication of right-of-way; increasing property values and thereby attracting new development which will increase the employment, as well

as the tax base, for the City of Elkhart, Baugo and Concord Townships, Elkhart County, and the State of Indiana.

4. The Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise because of the lack of infrastructure improvements and the cost of these improvements. The City has no permanent funding sources readily available for the road, bridge, and other right-of-way improvements nor for the construction of sewer and water lines to this area. For quality industrial development to occur in the area, infrastructure must be provided which in turn ensures employment diversification occurs vis a vis new job opportunity. New job opportunities can be accomplished by constructing infrastructure improvements which are financed in part by incremental property taxes. Such a financing arrangement allows for infrastructure to be installed up front with future tax revenues targeted to offset costs not covered by other funds. Such a financing mechanism also allows for the construction of infrastructure improvements which normally could not be installed because of economic, jurisdiction, and/or legal constraints.

5. The accomplishment of the Plan will be of public utility and benefit as measured by:

- The attraction of new permanent jobs in the retail, commercial, and manufacturing sectors
- An increase in the property tax base as well as increased revenues from the CAGIT and EDIT payroll taxes
- Improved diversity of the economic base
- The improvements made in the area will enable diverse manufacturing, commercial, office, and retail enterprises to locate within the TIF district in a timely and planned fashion
- Improvements will also attract a number of businesses that would not otherwise locate in the area.

The Commission finds that the Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed by the Commission under I.C. 36-7-14 because of the lack of local public improvements and multiple ownership of land and specifically:

- The need for municipal sewer lines, a water tower, municipal water lines, related sewer and water improvements and other local public improvements to serve the economic development area;
- The need for improved public roads, bridges, and public right-of-way in and serving the area; and
- The cost of such improvements.

The Commission finds that the accomplishment of the Plan will be of public utility and benefit as measured by:

- The attraction or retention of permanent jobs;
- An increase in the property tax base; and/or

- Improved diversity of the economic base.

#### DESCRIPTION OF PROJECT AREA

The boundary description of the West 78 Business Park Economic Development Area (the "Area"), and Business Park PUD drawing showing the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, and economic development of the Area are attached as exhibits A and A-1

The Area consists of the follow Tax Parcel Numbers

20-05-25-400-014.000-001

20-05-25-400-013.000-001

The list of the owners of the various parcels of property included in the Area is attached as exhibit B.

#### PROJECT DESCRIPTION

The development of the West 78 Business Park will create a visually attractive gateway into the City of Elkhart that reinforces the strong industrial heritage of the past while providing an example of the next generation economy that Elkhart is striving to develop.

Transportation and Logistics is a growing and desired industrial market segment for the City. This development will support the findings of the Economic Diversification Strategy and the 2040 Plan and investment in this market segment will strengthen the local economy. The proposed development will target transportation and logistics users through a focused marketing campaign. The property will be attractive to such businesses due to the excellent location with connections via SR 19 to both the US 20 bypass, north to the Indiana Toll Road and south to the rest of Elkhart County and ultimately US 31. The additional demand for multi-modal transportation from new logistics companies in Elkhart may help to spur needed improvements to the existing rail yard to create a multi-modal rail hub with container loading and unloading facilities.

Real estate professionals and the Elkhart County EDC have turned development opportunities away due to a lack of suitable and available industrial land. The industrial real estate market in Elkhart County and the City of Elkhart is very tight and land with access to public utilities is at a premium. The site has access to municipal services that are located along SR 19 and through the property. Connection to municipal water and sanitary sewer is critical as on-site soil conditions make septic systems impractical.

Development of the West 78 Business Park Economic Development Area will:

- establish an industrial anchor on the Elkhart-south gateway
- create a modern industrial park that will meet the needs of logistics users looking to invest in Elkhart but who cannot find appropriate land
- strengthen and diversify Elkhart's economy
- act as a catalyst for additional logistic development in the City

- Illustrate that strategic annexation of land near existing public utilities is a smart economic and fiscally responsible decision
- result in \$40 million dollars of investment in new buildings and infrastructure
- increase the quality industrial building space in the City
- provide employment opportunities for several hundred workers with logistic job wages above the County average
- Improve overall County environmental conditions by eliminating potential industrial development utilizing septic systems

The City of Elkhart Redevelopment Commission intends to facilitate the development and improvement of the Area by the acquisition and improvement of public rights-of-way, bridges, lighting, and public roads and by the construction, installation, and expansion of municipal sewer lines, municipal water lines, a water tower, and related sewer and water improvements in and serving the Area. The Project may also include any of the activities outlined below in the West 78 Business Park Plan Activities section of the Plan.

The Commission proposes that all rights-of-way necessary to complete the Plan shall be dedicated to or acquired by the appropriate governmental unit to permit the development of the Area.

The Commission estimates that the cost of implementing the Plan will be approximately Twenty-Five Million Dollars (\$25,000,000.00), subject to revised estimates and the development of more definitive project descriptions.

#### **WEST 78 BUSINESS PARK EDA ACTIVITIES**

For each project described below, Redevelopment may fund the costs of real estate acquisition, engineering costs, architectural fees, surveying costs, title fees, design costs, legal costs, accounting costs, financing costs, project development and management costs, costs of permits, licenses, approvals or other similar costs in addition to the cost of construction.

The following list is an overview of potential activities that may be undertaken using TIF funding. These activities may be used individually or in combination to achieve the goals of the Plan. Additional activities as allowed by statute can also be completed as deemed necessary to further the redevelopment efforts for the Area. These actions could include, but are not limited to, the following:

#### **Infrastructure**

Although the precise nature of the infrastructure that may be necessary from time to time to attract and retain prospective redevelopment and economic development opportunities in the Area cannot be predicted with certainty, the availability of adequate infrastructure is of fundamental importance in attracting and retaining such opportunities in the Area.

#### **Planning Activities**

On occasion, short-range and long-range plans will be needed to assist in providing direction for the Redevelopment Commission and city staff. These plans will be used to provide direction on how best to achieve the economic development and redevelopment goals. The planning activities may include, but are not limited to:

- Corridor study
- Access management strategy
- Beautification plan
- Utility needs study
- Storm water management
- Traffic improvement plan
- Pedestrian facility needs study
- ADA compliance and implementation study
- Zoning overlay recommendations
- Develop standards and overlay recommendations
- Site development plan
- Master Plans

#### **Project Supervision Activities**

Provide staff to supervise activities listed in this plan.

#### **Streetscape / Beautification/Public Amenities**

Improve public amenities and aesthetics in an effort to spur interest and economic development in the Area. This plan will allow these projects to be selected based on high-impact locations where projects will encourage private investment and, therefore, increment. Improvements could include, without limitation:

- Gateway Improvements
- Walkways (sidewalks, multimodal paths, etc.)
- Lighting
- Landscaping
- Crosswalks
- Building facades
- Improvements to tree lawns
- Parks
- Right-of-Way Improvements
- Signage
- Public Art

#### **Utility, Technology Infrastructure and Right-of-Way Improvements**

Easy access to development sites and public utilities is vitally important to future economic development in the community. In addition to traditional infrastructure, technology infrastructure is critical as we move towards more technology-driven development in Elkhart. Where appropriate, TIF money will be spent to construct, repair, extend and upgrade utilities, technology infrastructure, and rights-of-way to better serve the Area. These actions could include, but are not limited to, the following:

- Traffic Devices, Street Lights, etc.

- Water, Water Tower, Fire Hydrants, Drainage, Sewer, and Storm Water Infrastructure
- Technology Infrastructure including telecommunications, broadband, etc.
- Curbs, Intersections, Overpass/Underpass, Roadways, Alleys, Bridges, etc.
- Gas, Electric, and other Utilities including burying of utilities

#### **Development Incentives**

Public-private partnerships will likely be necessary in some of the most challenged properties. The Redevelopment Commission and City of Elkhart will assist and facilitate improvements in order to enhance its potential as a site capable of attracting significant new development. This may extend to assistance in assemblage or acquisition, demolition, survey or pre-development costs, environmental testing, site work, permits and/or hook-up fees, public infrastructure, reimbursement agreements, tax incentives or low interest loans or grants.

#### **Property Acquisition / Demolition / Rehabilitation/Redevelopment**

At this time, there are no plans for acquisition of Property in the Area. If at any time the Commission proposes to acquire specific parcels of land, it will amend the Plan prior to such acquisition in accordance with the Act.

#### **FINANCING OF THE PLAN ACTIVITIES**

It is the intention of the Redevelopment Commission to finance the Project with incremental ad valorem property taxes allocated under IC 36-7-14-39 and 39.3 and any other assistance provided by the City of Elkhart, Indiana. The definition of Property Taxes shall include real property taxes and taxes imposed under I.C. 6-1.1 on depreciable personal property located and taxable on the site of operations of the designated taxpayers.

All expenses reasonably incurred in connection with the Project will be financed in such manner with expenses generally consisting of the following:

- The total cost of all land, right-of-way, and other property to be acquired and developed.
- The total cost of all infrastructure and public improvements.
- All reasonable and necessary architectural, engineering, legal, accounting, advertising and supervisory expenses related to the acquisition and development of the Projects.

Tax increment revenues from the Area or other sources of funds available to the Redevelopment Commission may be used to finance the cost of infrastructure improvements in or serving the Allocation Area (as well as demolition, in, serving or benefitting the Allocation Area), including without limitation

- Transportation enhancement projects including without limitation, curbs, gutters, shoulders, street paving and construction, bridge improvements, rail crossings and spur track improvements, sidewalk and multiuse pathways

- improvements, street lighting, traffic signals, signage, parking lot improvements, and site improvements including landscape buffers
- utility infrastructure projects including, without limitation, utility relocation, water lines, water wells, water towers, lift stations, wastewater lines, storm water lines, retention ponds, ditches, and storm water basin improvements;
- public park improvements and recreational equipment
- job training and assistance as permitted under I.C. 36-7-14-39(b)(3)(K) and I.C. 36-7-25-7
- eligible efficiency projects as permitted under I.C. 36-7-14-39(b)(3)(L)
- all projects related to any of the foregoing projects and all other purposes permitted by law.

In addition to the above, the Redevelopment Commission may enter into commitment agreements, leases, and interlocal agreements with other public agencies and private developers for the purpose of setting forth procedures and conditions relating to financing, developing, and constructing any projects under this Plan.

Tax increment revenues from the Area or other sources of funds available to the Redevelopment Commission may also be used:

- to offset payments by developers on promissory notes in connection with economic development revenue bond financings undertaken by the unit, or pay principal or interest on economic development revenue bonds issued by the unit as a form of incentives to developers in furtherance of the economic development or redevelopment purposes of the Area. This incentive method has become an established financing tool and an increasingly common form of incentive for attracting economic development and redevelopment;
- For the acquisition or construction of project to enhance the cultural attractiveness and public safety of the entire unit, including the Area;
- For construction and installation of public amenities such as street trees, street furniture and wayfinding signage;
- For job training grants and assistance as permitted under I.C. 36-7-14-39(b)(2)(K) and I.C. 36-7-25; or
- For financial incentives to new and existing businesses locating in the Area as permitted by law including targeted incentives to encourage the reuse and redevelopment of commercial structures in the Area.

#### **FINANCING OF INITIAL LOCAL PUBLIC IMPROVEMENTS**

As some of the eligible activities for the project are to be completed prior to the availability of revenues generated by the tax increment in the Area, the developer/owner of all or part of the Area may loan the funds needed to the City of Elkhart Department of Redevelopment for the construction of the initial local public improvements, to be repaid exclusively through project generated tax increment

revenue. The public improvements to be funded by such loan, as well as the terms of the loan, are subject to negotiation between the developer and City of Elkhart Department of Redevelopment.

RESOLUTION NO. 23-R- 078

**RESOLUTION OF THE CITY OF ELKHART, INDIANA  
REDEVELOPMENT COMMISSION CONFIRMING A RESOLUTION  
DESIGNATING AND DECLARING THE PARKWAY AT 17  
ECONOMIC DEVELOPMENT AREA, APPROVING AN ECONOMIC  
DEVELOPMENT AREA PLAN AND ESTABLISHING AN ALLOCATION AREA FOR  
PURPOSES OF TAX INCREMENT FINANCING**

WHEREAS, the City of Elkhart, Indiana, Redevelopment Commission (the "Commission"), at a meeting held on the 11th day of July, 2023, approved and adopted a resolution entitled "RESOLUTION OF THE CITY OF ELKHART, INDIANA, REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING THE PARKWAY AT 17 ECONOMIC DEVELOPMENT AREA, APPROVING AN ECONOMIC DEVELOPMENT AREA PLAN AND ESTABLISHING AN ALLOCATION AREA FOR PURPOSES OF TAX INCREMENT FINANCING" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution designated and declared an area within the City of Elkhart, Indiana (the "City"), to be known as the Parkway At 17 Economic Development Area (the "Area") to be an economic development area within the meaning of the Redevelopment of Cities and Towns Act of 1953 which has been codified in LC. 36-7-14 (the "Act"), said Area being more particularly described in Exhibit A attached hereto and incorporated herein; and

WHEREAS, the Declaratory Resolution adopted an economic development plan for the Area (the "Plan") and approved and adopted maps and plats of the Area; and

WHEREAS, the Declaratory Resolution approved the establishment of an allocation area for purposes of tax increment financing (the "Allocation Area")

WHEREAS, certain Findings of Fact have been presented to the Commission which concern the Area and the Commission now desires to adopt and confirm the Findings of Fact for the Area; and

WHEREAS, the Elkhart Plan Commission (the "Plan Commission"), which is the duly designated and acting planning body for the City, on the 7th day of August, 2023, approved a resolution which is its written order approving the Declaratory Resolution and the Redevelopment Plan; and

WHEREAS, the Plan Commission, by said written order, has certified that the Declaratory Resolution and the Redevelopment Plan conform to the general plan of development for the City; and

WHEREAS, the Common Council of the City (the "Common Council") on the 11th day of September, 2023, adopted its resolution approving the written order of the Plan Commission and the Redevelopment Plan for the Area, and approving the designation of the Area as an economic development area; and

WHEREAS, the Commission caused to be published a Notice of Public Hearing Concerning the Plan on the 23rd day of September, 2023, in the *Elkhart Truth* and made all required filings with governmental agencies and officers pursuant to Section 17(a) and (c) of the Act; and

WHEREAS, at the hearing held by the Commission on the 10th day of October, 2023, at 4:00 p.m., Local Time, in the City Council Chambers, Municipal Building, 229 S. Second Street, 2<sup>nd</sup> Floor, Elkhart, Indiana, the Commission heard all the persons interested in the proceedings and received and considered written remonstrances and objections that had been filed, if any, and such other evidence presented.

NOW, THEREFORE, BE IT RESOLVED, by the City of Elkhart, Indiana, Redevelopment Commission as follows:

1. After considering the evidence presented at the public hearing, the Commission hereby confirms the findings, determinations and designations and the approving and adopting actions contained in the Declaratory Resolution.
2. The Commission adopts and confirms the Findings of Fact for the Area, which are set forth at Exhibit B.
3. The Commission finds and determines that it will be of public utility and benefit to proceed with the Plan as attached as Exhibit C hereto.
4. This Resolution constitutes final action pursuant to I.C. 36-7-14-17(d) by the Commission determining the public utility and benefit of the proposed project and confirming the Declaratory Resolution pertaining to the Area.
5. The Secretary is directed to record this Resolution pursuant to the requirements of I.C. 36-7-14-17(d) and make the filings required by regulations of the Department of Local Government Finance.
6. This Resolution shall be in full force and effect after its adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the City of Elkhart, Indiana, Redevelopment Commission held on the 10th day of October, 2023.

ELKHART, INDIANA  
REDEVELOPMENT COMMISSION

ATTEST:

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

\_\_\_\_\_  
Alex Holtz, Secretary

EXHIBIT A

***EDA and T.I.F. District Boundary Description***

LEGAL DESCRIPTION

Real Estate in the City and County of Elkhart, State of Indiana, to wit:

Lot 9 as the said Lot is known and designated on the plat of Parkway at 17 DPUD – Phase III, recorded in Plat Book 33, Page 47, Elkhart County Recorder, situated in the Southwest Quarter of Section 7, Township 37 North, Range 6 East, Jefferson Township, Elkhart County, Indiana.

Containing 8 acres, more or less.

Tax Code: 07-07-300-029-039

**EXHIBIT B**  
**FINDINGS OF FACT**

In accordance with IC 36-7-14 and in support of the Declaratory Resolution and the Economic Development Area Plan for the \_ Economic Development Area (the "Area"), the City of Elkhart, Indiana, Redevelopment Commission finds as follows:

1. The plan for the Area promotes significant opportunities for the gainful employment of its citizens.
  - A. The improvements to the public infrastructure will support economic development of the Area.
  - B. The creation of the Area will result in the creation of new jobs.
2. The plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise because of lack of public improvements, or other similar conditions.
  - A. Public infrastructure improvements such as road improvements are an expensive undertaking and typically private enterprise does not have the ability to complete effectively such improvements.
3. The public health and welfare will be benefited by the accomplishment of the plan for the Area.
  - A. The jobs created as a result of the development of the Area will benefit the public welfare of the City, providing solid wages and a thriving industrial employment base in the City.
  - B. The public improvements proposed to be constructed in the Area will include road and lighting improvements which will enhance public safety, and flood plain improvements.
4. The accomplishment of the plan for the Area will be a public utility and benefit as measured by the attraction and retention of permanent jobs and an increase in the property tax base.
5. The plan for the Area conforms to other development and redevelopment plans for the City of Elkhart.
6. The Commission incorporates herein all additional findings of fact as are set forth in the Commission Resolutions establishing the Area, the Allocation Area and Plan.

RESOLUTION NO. 23-R- 079

RESOLUTION OF THE ELKHART REDEVELOPMENT  
COMMISSION AMENDING THE DECLARATORY  
RESOLUTION AND THE REDEVELOPMENT PLAN FOR THE  
DOWNTOWN URBAN RENEWAL AREA

WHEREAS, the City of Elkhart (the "City") Redevelopment Commission (the "Commission") pursuant to IC 36-7-14 (the "Act") serves as the governing body of the City of Elkhart Redevelopment District; and

WHEREAS, the Commission has previously adopted and confirmed resolutions (collectively, the "Declaratory Resolution") which established and expanded an urban renewal area needing redevelopment known as the Downtown Urban Renewal Area (the "Area"), designated the Area as an Allocation Area for purposes of IC 36-7-14-39 which allocation area is known as Allocation Area No.1 (and also known as Elkhart Allocation Area No. 1, Downtown Development Area Allocation Area No. 1 and Downtown Redevelopment Area Allocation Area No.1) (hereinafter, the "Allocation Area No. 1"), all in accordance with the Act, and approved an urban renewal plan for the Area (the "Plan") pursuant to the Act; and

WHEREAS, the Declaratory Resolution was amended in 2016 to create Allocation Area No. 2 (sometimes referred to as Downtown Elkhart Allocation Area No. 2) and again in 2018 to carve out and create Allocation Area No. 3 (sometimes referred to as Downtown Allocation Area No. 3), and to update the Plan for development of the Area; and

WHEREAS, the Commission has outstanding certain: (i) Tax Increment Revenue Bonds, Series 2015, dated June 30, 2015, now outstanding in the amount of \$6,085,000 and maturing on February 1, 2035 ("2015 Bonds"); and (ii) Taxable Economic Development Revenue Bonds, Series 2017, dated December 21, 2017, now outstanding in the amount of \$4,505,000 and maturing on February 1, 2035 ("2017 Bonds");

WHEREAS, the bond resolutions authorizing the 2015 Bonds and the 2017 Bonds (hereinafter, collectively, "Outstanding Obligations"), allow alteration of Allocation Area No. 1 if, in the judgment of the Commission, the alteration does not: (i) adversely affect the owners of the Outstanding Obligations; or (ii) impair the pledge of Tax Increment (as defined in the bond resolutions) to the Outstanding Obligations; and

WHEREAS, the Commission now desires to amend the Declaratory Resolution and Plan to: (A)(i) reduce Allocation Area No. 1 by removing certain parcels/area from Allocation Area No. 1 as shown as Phase 1 on the map attached hereto as Exhibit A from Allocation Area No. 1 ("Area No. 4 Parcels") and designate the Area No. 4 Parcels as a separate allocation area pursuant to Section 39 of the Act to be known as the Downtown Elkhart Allocation Area No. 4 (the "Allocation Area No. 4"); (ii) further reduce Allocation Area No. 1 by removing certain parcels/area from Allocation Area No. 1 as shown as Phase 2 on the map attached hereto as Exhibit A from Allocation Area No. 1 ("Area No. 5 Parcels") and designate the Area No. 5 Parcels as a separate allocation area pursuant to Section 39 of the Act to be known as the Downtown Elkhart Allocation

Area No. 5 (the "Allocation Area No. 5"); and (iii) further reduce Allocation Area No. 1 by removing parcels/area from Allocation Area No. 1 as shown as Phase 3 on the map attached hereto as Exhibit A from Allocation Area No. 1 ("Area No. 6 Parcels") and designate the Area No. 6 Parcels as a separate allocation area pursuant to Section 39 of the Act to be known as the Downtown Elkhart SF Housing Allocation Area No. 6 (the "SF Housing Allocation Area No. 6"); Allocation Area No. 1, as reduced, will continue to be known as the Downtown Allocation Area No. 1; (B) adopt a supplement to the Plan attached hereto as Exhibit B (the "2023 Plan Supplement") to include the projects set forth therein (the "2023 Projects"), in, serving or benefiting the Area; and (C) pursuant to IC 36-7-14-53 through -56, approve the residential Housing Program attached hereto as Exhibit C ("Housing Program"), including the construction of 2 or more buildings consisting of a minimum of 10 for-sale residential units, together with all necessary appurtenances, related improvements and equipment, needed to support the proposed development in the Housing Program ("Housing Projects"), in, serving or benefiting the Area (clauses (A)-(C), collectively, the "2023 Amendments"); and

WHEREAS, it is anticipated that certain parcels are to be re-platted at a future date and will subsequently be filed with the Elkhart County Auditor and the Department of Local Government Finance; and

WHEREAS, the Downtown Allocation Area, as reduced, shall maintain the same base assessment date as the original Downtown Allocation Area No. 1; and

WHEREAS, Allocation Area No. 4, Allocation Area No. 5 and the SF Housing Allocation Area No. 6 shall each have a base assessment date of January 1, 2023; and

WHEREAS, Allocation Area No. 4, Allocation Area No. 5 and SF Housing Allocation Area No. 6 shall hereinafter collectively be referred to as the "Allocation Areas;" and

WHEREAS, the 2023 Amendments, the Housing Program and supporting data were reviewed and considered at this meeting; and

WHEREAS, IC 36-7-14-15 through 17.5 establish the procedures for adopting amendments to the Declaratory Resolution and Plan and IC 36-7-14-53 through -56 establish the procedures to approve the residential Housing Program; and

WHEREAS, the Commission now desires to approve the 2023 Amendments and the Housing Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ELKHART REDEVELOPMENT COMMISSION, GOVERNING BODY OF THE CITY OF ELKHART REDEVELOPMENT DISTRICT, AS FOLLOWS:

1. It will be of public utility and benefit to amend the Declaratory Resolution and the Plan for the Area as provided in the 2023 Amendments and approve the Housing Program attached hereto as Exhibit C and to continue to develop the Area, including the Allocation Areas and the Plan, as amended herein, under the Act.

2. The Commission anticipates that all or a portion of the Allocation Areas may need to be re-platted at a future date and any revised parcel lists will subsequently be filed with the Elkhart County Auditor and the Department of Local Government Finance.

3. The Commission hereby finds that: (i) the current assessed value in the proposed Allocation Areas is \$129,800; (ii) the current estimated property tax revenue from the proposed Allocation Areas is \$3,894; (iii) the 2017 Bonds have a minimum annual property tax payment of \$400,000 ("Minimum Taxpayer Payment"); (iv) the 2017 Bonds have a primary pledge of Tax Increment generated in Allocation Area No. 2; (v) the Tax Increment estimated to be generated in Allocation Area No. 1, when taking into account the Minimum Taxpayer Payment and Tax Increment generated in Allocation Area No. 2 exceeds 253% of the debt service due on the Outstanding Obligations; and (vi) additional growth has occurred in Allocation Area No. 1 subsequent to issuance of the Outstanding Obligations and, therefore, the Commission finds that altering Allocation Area No. 1 in the manner set forth herein will not adversely affect the owners of the Outstanding Obligations in any material way.

headquarters means a physical presence in Indiana of a domestic business entity that results in Indiana being the regular or principal place of business of its chief executive,

The Commission finds that the Housing Program will be of public utility and benefit as measured by the provision of a variety of residential housing and an increase in the property tax base. The Commission further finds that the public health and welfare will be benefited by the accomplishment of the Housing Program by: (i) providing additional housing options to attract new residents to the community and retain existing residents that are looking for new housing options in the community; (ii) increasing the property tax base; and (iii) through the development of an approximately +/- 1 acre area, supporting residential development including single-family residential housing, consisting of townhomes and condominiums, allowing more residents the opportunity to live and work within the City.

5. Allocation Area No. 1, as reduced, shall maintain its original base assessment date.

6. Allocation Area No. 4, Allocation Area No. 5 and the SF Housing Allocation Area No. 6 shall each have a base assessment date of January 1, 2023.

7. The 2023 Amendments and the Housing Program are reasonable and appropriate when considered in relation to the Declaratory Resolution and Plan and the purposes of the Act.

8. In support of the findings and determinations set forth in Sections 1 through 4 above, the Commission hereby adopts the specific findings set forth in Exhibit D.

9. The Commission does not at this time propose to acquire by purchase any specific parcel of land or interests in land within the boundaries of Allocation Area No. 4, Allocation Area No. 5 or the SF Housing Allocation Area No. 6. If at any time the Commission proposes to purchase specific parcels of land, the required procedures for amending the Plan, as amended by the 2023 Plan Supplement, under the Act will be followed, including notice by publication to affected property owners and a public hearing.

10. The Commission finds that no residents of the Area will be displaced by any project resulting from the 2023 Plan Supplement or the Housing Program, and therefore finds that it does

not need to give consideration to transitional and permanent provision for adequate housing for the residents.

11. The 2023 Amendments and Housing Program are hereby in all respects approved.

12. This paragraph shall be considered the allocation provision for the Allocation Areas for purposes of IC 36-7-14-39. The Allocation Areas shall constitute allocation areas as defined in IC 36-7-14-39 and shall become a part of the Area for all purposes other than the base assessment date. Any property taxes levied on or after the effective date of this resolution by or for the benefit of any public body entitled to a distribution of real property taxes on taxable property in the Allocation Areas shall be allocated and distributed in accordance with IC 36-7-14-39 or any applicable successor provision. With respect to Allocation Area No. 4 this allocation provision shall expire no later than 25 years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues generated in Allocation Area No. 4. With respect to Allocation Area No. 5 this allocation provision shall expire no later than 25 years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues generated in Allocation Area No. 5. With respect to the SF Housing Allocation Area No. 6, this allocation provision shall expire no later than 20 years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues generated in the SF Housing Allocation Area No. 6.

13. The Commission hereby finds that the creation of the Allocation Areas, along with the implementation of the 2023 Amendments and the Housing Program, will result in new property taxes that would not have been generated but for the adoption of the new allocation provisions and amendments as specifically evidenced by the findings set forth in Exhibit D attached hereto.

14. The Commission hereby finds that the initial estimated costs of the 2023 Projects and the Housing Projects, to be funded by the Commission through the pledge of tax increment from the Allocation Areas, is in the estimated amount of \$47,000,000.

15. The Plan of the Area as previously amended and as amended by the 2023 Plan Supplement, approved herein, shall serve as the Redevelopment Plan for the Area, Allocation Area No. 1, as reduced, Allocation Area No. 4 and Allocation Area No. 5, and the Plan, together with the Housing Program, shall serve as the Redevelopment Plan for the SF Housing Allocation Area No. 6.

16. The Commission also directs the presiding officer, after receipt of the written order of approval of the City of Elkhart Plan Commission ("Plan Commission") which has been approved by the Common Council of the City ("Council"), to publish notice of the adoption and substance of this resolution in accordance with IC 5-3-1-4 and to file notice with the Plan Commission, the Board of Zoning Appeals, the building commissioner and any other departments or agencies of the City concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that original maps and plats have been prepared and can be inspected at the office of the City's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed 2023 Amendments and Housing Program

and will determine the public utility and benefit of the proposed 2023 Amendments and Housing Program. Copies of the notice must also be filed with the officer authorized to fix budgets, tax rates and tax levies under IC 6-1.1-17-8 for each taxing unit that is either wholly or partly located within the proposed Allocation Areas.

17. The Commission also directs the presiding officer to prepare or cause to be prepared a statement disclosing the impact of the creation of the Allocation Areas including the following:

(i) The estimated economic benefits and costs incurred, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and

(ii) The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the new Allocation Areas.

A copy of this statement shall be filed with each such taxing unit with a copy of the notice required under Section 17 of the Act at least 10 days before the date of the hearing described in Section 16 of this resolution.

18. The presiding officer of the Commission is hereby authorized and directed to submit this resolution to the Plan Commission for its approval. The Commission further directs the presiding officer to submit this resolution and the approving order of the Plan Commission to the Council for its approval of the 2023 Amendments and Housing Program.

19. The Declaratory Resolution and the Plan, as amended by this resolution and the 2023 Plan Supplement, and the Housing Program conform to the comprehensive plan for the City.

20. In all other respects, the Declaratory Resolution, as amended, the Plan, as amended, the Housing Program and actions of the Commission consistent with this resolution are hereby ratified and confirmed.

21. This resolution shall be effective upon passage.

Adopted this 10th day of October, 2023.

CITY OF ELKHART REDEVELOPMENT  
COMMISSION

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

By: \_\_\_\_\_  
Wes Steffen, Vice President

By: \_\_\_\_\_  
Alex Holtz, Secretary

By: \_\_\_\_\_  
Gerry Roberts, Member

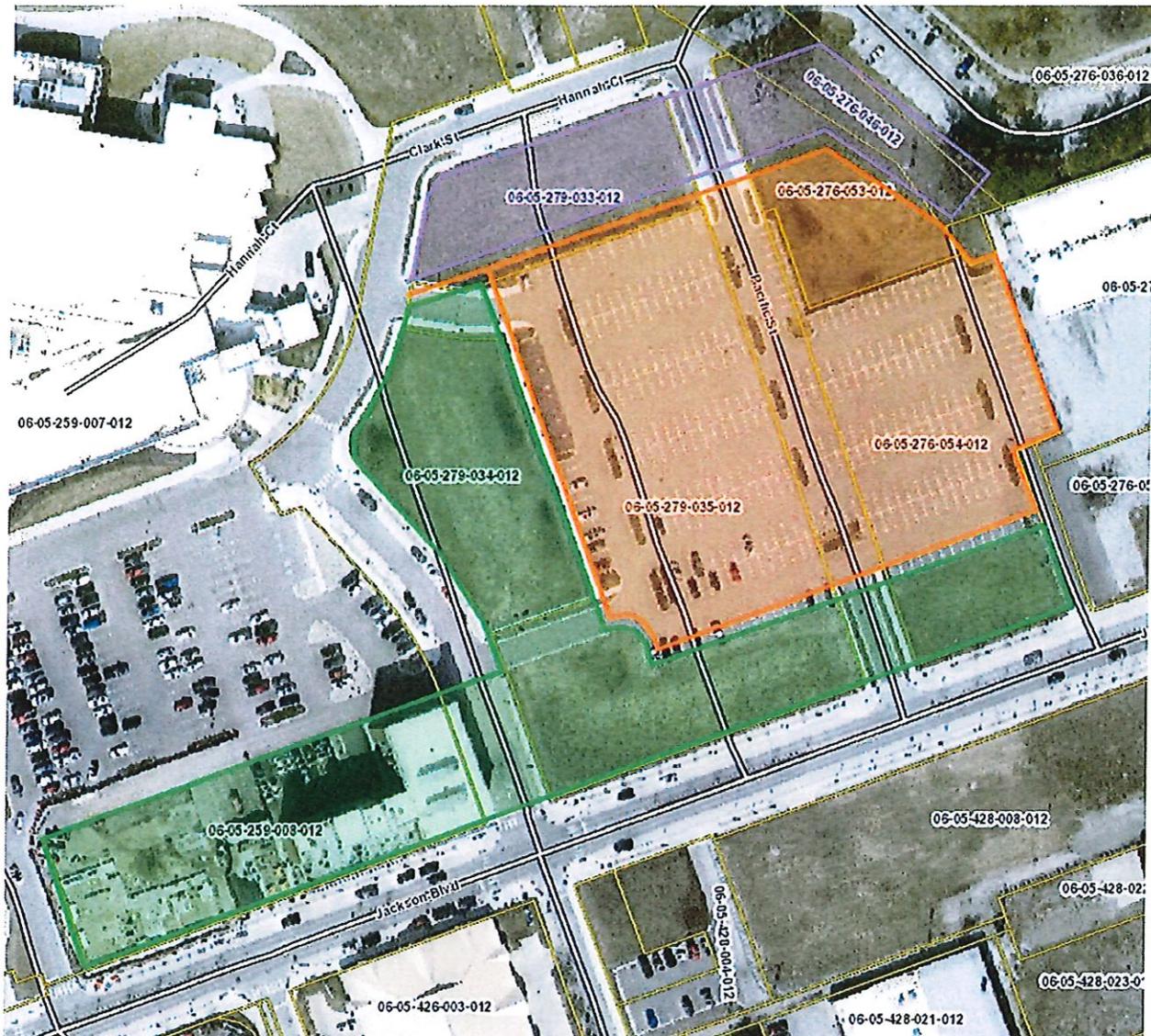
By: \_\_\_\_\_  
Dina Harris, Member

EXHIBIT A

Map and Parcel List of Downtown Elkhart Allocation Areas No. 4 (Phase 1), 5 (Phase 2)  
and SF Housing Allocation Area No. 6 (Phase 3)

(Attached)

**NOTE:** Allocation Areas No. 4, 5 and SF Housing Allocation Area No. 6 will consist of the parcels attached, but will be re-platted at a later date and the individual parcel numbers in each area will be provided to the County Auditor and Department of Local Government Finance



- Allocation Area No. 4, shown in green, consists of the entirety of Parcel Nos. 06-05-259-008-012 and 06-05-279-034-012 and the southern portion of Parcel Nos. 06-05-279-035-012 and 06-05-276-054-012.
- Allocation Area No. 5, shown in orange, consists of the northern portion of Parcel Nos. 06-05-279-035-012 and 06-05-276-054-012 and the southern portion of Parcel No. 06-05-276-053-012.
- Allocation Area No. 6, shown in purple, consists of the entirety of Parcel No. 06-05-279-033-012, the northern portion of Parcel No. 06-05-276-053-012, and a portion of Parcel Nos. 06-05-276-046-012 and 06-05-276-036-012.

## EXHIBIT B

### 2023 Plan Supplement

The Plan is hereby supplemented and amended by adding the following projects to the Plan:

(i) Commission support, through EDC bonds and loans supported by project TIF revenues, of the economic development project of EOZ Business, LLC and River District Development Company, LLC (collectively, "Developer"), to create a mixed-use development that transforms the existing eastern gateway for downtown Elkhart and its River District, which will initially repurpose the site with new office and retail space complemented by approximately 115 residential units of varying types; and

(ii) The expenditure of revenues collected in the Area for police and fire services for both capital and operating expenditures.

Based on representations of the Developer of the mixed-use project, the Commission has determined that the development will not proceed as planned without the contribution of tax increment revenues to be derived from Allocation Area No. 4, Allocation Area No. 5 and the SF Housing Allocation Area No. 6 to the projects described above.

## EXHIBIT C

### Housing Development Program Downtown Elkhart SF Housing Allocation Area No. 6

#### Elkhart Redevelopment Commission

#### Purpose and Introduction.

This document is the Housing Development Program required by IC 36-7-14-53(b) ("Housing Program") for the Downtown Elkhart SF Housing Allocation Area No. 6 ("Housing Allocation Area"), located in the Downtown Urban Renewal Area ("Area"), for the City of Elkhart, Indiana ("City") and is set forth as the basis for conducting a public meeting or meetings in the area or areas to be affected by the Housing Program prior to formal submittal for approval. It is intended for approval by the Common Council of the City and the Elkhart Redevelopment Commission ("Commission") in conformance with IC 36-7-14-53.

#### Program Objectives.

The purposes of the Housing Program are to: (i) benefit the public health and welfare of the citizens of the City by providing additional housing options to attract new residents to the community and retain existing residents that are looking for new housing options in their community; (ii) increase the property tax base; and (iii) through the development of an approximately +/- 1.0 acre area to support residential development including single family residential housing, consisting of townhomes and condominiums, allowing more residents the opportunity to live and work within the City.

#### Project Description.

The implementation of the Housing Program requires assistance with the cost of 2 or more buildings with a minimum of 10 residential units and any and all related public improvements ("Projects").

The Project will be in or physically connected to the Area and required to serve the SF Housing Allocation Area No. 6.

#### Acquisition of Property.

The Commission has no present plans to acquire, by purchase, any interests in real property.

The Commission may not exercise the power of eminent domain in implementing the Program.

#### Procedures with respect to the Projects.

All contracts for material or labor in the accomplishment of the Projects shall, to the extent required by law, be let under IC 36-1-12.

Any construction work required by the Commission in connection with the Projects may be carried out by the appropriate municipal department or agency. The Commission may carry out the construction work if all plans, specifications, and drawings are approved by the appropriate department or agency and the statutory procedures for the letting of the contracts by the appropriate department or agency are followed by the Commission.

The Commission may pay any charges or assessments made on account of orders, approval, consents, and construction work with respect to the Projects or may agree to pay these assessments in installments as provided by statute in the case of private owners.

#### Financing of the Projects.

It is the intention of the Commission to issue bonds payable from incremental ad valorem property taxes allocated under IC 36-7-14-39 and -56 in order to raise money for completion of the Projects in the Housing Allocation Area. The amount of these bonds may not exceed the total, as estimated by the Commission of all expenses reasonably incurred in connection with the Projects, including:

(iii) The total cost of all land, rights-of-way, and other property to be acquired and developed;

(iv) All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the Projects or the issuance of bonds;

(v) Capitalized interest on the bonds (not to exceed 5 years from the date of issuance) and a debt service reserve for the bonds to the extent the Commission determines that a reserve is reasonably required; and

(vi) Expenses that the Commission is required or permitted to pay under IC 8-23-17.

In the issuance of bonds the Commission will comply with IC 36-7-14-25.1.

As an alternative to bonds issued by the Commission, the Commission may pledge tax increment pursuant to IC 36-7-14-39(b)(2)(D) to any bonds issued by the City.

#### Amendment of the Program.

By following the procedures specified in IC 36-7-14-17.5, the Commission may amend the Program for the Housing Allocation Area. However, any enlargement of the boundaries of the Housing Allocation Area must be approved by the Common Council.

## EXHIBIT D

### Specific Findings of Fact

1. The developer, EOZ Business, LLC and River District Development Company, LLC, in addition to the two retail office buildings to be constructed on the site west of Clark Street, proposes to construct:

(i) Seven (7) or more additional buildings in 3 phases at a cost of \$47,000,000 as follows:

- In Phase 1 Developer shall construct three (3) or more new buildings consisting of not less than 85 residential units and 13,400 square feet of commercial space all to be owned by Developer and offered for lease to third parties.
- In Phase 2 the Developer shall construct two (2) or more new buildings consisting of not less than 20 residential units to be owned by Developer and offered for lease to third parties and Pacific Street pedestrian improvements.
- In Phase 3 Developer shall construct two (2) or more new buildings consisting of not less than 10 residential units to be offered for sale to third parties.

All as shown on the attached Site Plan.

2. The completed Phase 1 project is projected to create additional annual tax increment of approximately \$411,560 and the completed Phase 2 project is projected to create additional annual tax increment of approximately \$47,160 as shown on the attached TIF Projection. The annual projections of tax increment for the Phase 3 project will be completed and presented at a future meeting of the Commission.

3. The additional tax increment would not be created or collected without the proposed investment of the Developer.

4. The amendment to the Declaratory Resolution and Plan is reasonable and appropriate when considered in relation to the original Declaratory Resolution and Plan and the purposes of the Act.

5. The Declaratory Resolution and Plan, with the proposed amendments, conform to the comprehensive plan for the unit.

TIF PROJECTION

(Attached)

RESOLUTION NO. 080

**A RESOLUTION OF THE CITY OF ELKHART REDEVELOPMENT  
COMMISSION AUTHORIZING CERTAIN ACTIONS RELATING TO  
THE DISPOSITION OF A LEASEHOLD INTEREST IN CERTAIN  
PROPERTY COMMONLY KNOWN AS THE CITY OF ELKHART  
CIVIC PLAZA AND THE ART AND PAT DECIO CENTRAL GREEN  
AND ALL MATTERS RELATED THERETO**

WHEREAS, the City of Elkhart Redevelopment Commission (the "Commission"), the governing body of the City of Elkhart Department of Redevelopment and the Redevelopment District of the City of Elkhart, Indiana, exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission has been exploring development of parcels along the south side of High Street and north side of Franklin Street in the current location of the City of Elkhart Civic Plaza and the Art and Pat Decio Central Green (the "Project Site") in the City of Elkhart (the "City"), specifically development of a state-of-the-art amphitheater on the Project Site which would complement the activities of The Lerner Theatre and further activate the core of the City's downtown and spur further economic development in the City for years to come (the "Project"); and

WHEREAS, the Commission desires to provide for disposition of the Project Site by lease to engage with a project partner which would construct, operate, and maintain the Project; and

WHEREAS, the Project Site is currently owned by the City, by and through the Board of Public Works of the City (the "Board"), and the Commission expects that the Board and the Commission will adopt substantially identical resolutions, pursuant to Indiana Code 36-1-11-8, to transfer the Project Site from the City to the Commission in order for the Commission to facilitate the development of the Project; and

WHEREAS, in anticipation of, and subject to, the adoption of such resolutions, the Commission desires to provide for the disposition of the Project Site pursuant to a lease pursuant to the terms of an Offering Sheet substantially in the form set forth at Exhibit A attached hereto (the "Offering Sheet"); and

WHEREAS, pursuant to Section 22 of the Act, the Commission is required to cause to be published in accordance with Indiana law a notice of the proposed disposition by lease of the Project Site;

WHEREAS, the Commission has obtained appraisals for the Property in accordance with the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ELKHART REDEVELOPMENT COMMISSION, AS FOLLOWS:

SECTION 1. The Commission hereby ratifies the appointment of the appraisers and accepts and approves the appraisals for the Project Site obtained by the Commission as required by Section 22 of the Act to provide for disposition by lease of the Project Site.

SECTION 2. The Offering Sheet in the form substantially set forth at Exhibit A is hereby approved subject to any further changes which may be approved by the President of the Commission as recommended by staff, counsel, or consultants to the Commission.

SECTION 3. The Commission hereby authorizes staff, acting for and on behalf of the Commission, to cause to be published a notice of disposition in accordance with Indiana law.

SECTION 4. This Resolution shall take effect, and be in full force and effect, upon passage and approval by the Commission, in conformance with applicable law.

ADOPTED at a meeting of the City of Elkhart Redevelopment Commission held on October 14, 2023.

**CITY OF ELKHART REDEVELOPMENT  
COMMISSION**

By: \_\_\_\_\_  
Sandi Schreiber, President

ATTEST:

\_\_\_\_\_  
Alex Holtz, Secretary

**EXHIBIT A**

**Form of Offering Sheet**

(See Attached)



## **Request for Development Proposals**

### **Downtown Elkhart Amphitheater Project**

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**October 12, 2023**

**City of Elkhart, Indiana, Department of Redevelopment**

The City of Elkhart invites proposals for the lease and redevelopment of parcels in the current location of the Art & Pat Decio Central Green for the construction of a new multi-purpose outdoor amphitheater.

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## 1. Introduction

The purpose of this request for redevelopment proposals (RFP) is to identify and partner with a developer(s) for the redevelopment of four parcels along the south side of High Street and north Side of Franklin Street in the current location of and the Art & Pat Decio Central Green. The City of Elkhart is looking for a project partner to construct, operate, and maintain a state-of-the-art amphitheater, located at the City's Central Green, with up to 3,000 fixed seats (to include standing room for 300 people), along with lawn seating to accommodate up to a total of 8,000 persons that will serve as a catalyst project to activate the core of Downtown Elkhart and spur urban activity for years to come.

The recently completed Draft Downtown Elkhart Master Plan recognizes the Central Green as a site with great potential to amplify Downtown Elkhart's reputation as a destination for arts and entertainment. The proposed design identified in the planning document suggests a mixed-use building program while realizing a beautiful park amenity for all. To maximize the flexibility and impact of the project, it is recommended that the band shell structure would be constructed at a height of 80-100 feet to meet technical requirements for Broadway productions and major events and concerts.

As illustrated in the Downtown plan renderings, the lawn seating area will be designed to function as a public park space for when the facility is not hosting concerts, shows or events. The proposed development will also include the design and construction of new pedestrian and greenspace amenities to exist between the Central Green and the Elkhart River between High and Franklin Streets.

It is the City's intent that the amphitheater will open for operations in calendar year 2025. While the objective is to partner with a single master developer, the Redevelopment Commission reserves the right to select multiple developers, a team of developers, or any combination it determines will result in the most effective implementation of the Downtown Redevelopment Plan. The City would expect the development team to include the capacity to secure and promote national brand acts as a part of the schedule of activities at the amphitheater. Additionally, the City would expect that the operator would work to accommodate existing City events and festivals within the proposed schedule, and partner with the City on the development of future City sponsored events.

It is the City's intent to enter into a long-term lease agreement with the developer at the identified annual lease price of \$500,000 annually over the agreed term of the lease. The lease agreement will also define the specific terms and conditions as are customary and usual for such a document, including without limitation

- o permitted uses
- o customary and ordinary routine maintenance
- o assignment provisions
- o minimum performance standards for use of the Amphitheater
- o obligations of the City related to capital improvements
- o creation of an oversight committee comprised of representatives appointed by the City, ERC and Developer regarding capital improvements and the approval and funding thereof
- o other terms and provisions mutually agreed upon between the Parties.

In addition to the Amphitheater Project, the City of Elkhart currently owns and operates an indoor 1700 seat auditorium and event center known as "The Lerner" which is located at 410 South Main Street in downtown Elkhart and in proximity to the Amphitheater Project. The

City believes that there are synergies and economies of scale that can be achieved by allowing for the Developer/Operator of the proposed Amphitheater to assume operations of the Lerner. The City would expect that the Developer would respond with its intent toward merging the operations of both facilities.

## **2. Long-Term Lease Offering – Minimum Annual Lease Rental City to provide appraisal area and valuation**

The Elkhart Redevelopment Commission is offering the parcels listed below available for long-term lease (the "Leased Premises") in the heart of Downtown Elkhart, more commonly known as the Art and Pat Decio Central Green.

- Parcel 1. 06-05-412.020.000-012 – Central Green
- Parcel 2. 06-05-412-059.000-012 – Central Green
- Parcel 3. 06-05-412-061.000-012 – Central Green/Access Drive for Plaza
- Parcel 4. 06-05-412-062.000-012 – Civic Plaza/Access Drive

The Leased Premises is generally located along the south side of High Street and North Side of Franklin Street in the current location of Civic Plaza and Central Green. Any bid must propose a minimum annual lease rental for the Leased Premises of not less than \$\_\_500,000 annually (the "Minimum Annual Lease Rental") for an initial lease term of not more than Fifty (50)years and not less than Twenty (20)years (the "Lease Term").

## **3. Proposal**

The proposal must be submitted to the City of Elkhart Redevelopment Commission no later than Monday, November 13, 2023 at 5:00 pm to the attention of Mike Huber. The deadline may be extended at the discretion of the Redevelopment Commission. Section 6 of this proposal provides clarification on where to submit completed responses. The proposal must include the following information:

### **3.1. Cover Letter**

Please provide a cover letter on your company or organization's letterhead, indicating your interest in the project and certifying that the proposal is being made on behalf of the company, and that the signatory is an authorized representative.

### **3.2. Company Description**

Please provide a brief description of the company, history, and organizational structure. Experience with similar projects should be included. Identify all team members with roles and responsibilities relevant to the proposed redevelopment project.

### **3.3. Project Scope**

Please include all relevant information including but not limited to the following:

1. Minimum Annual Lease Rental proposed to be paid by Bidder during the Initial Lease Term and the length of the Initial Lease Term (within the parameters set forth above in Section 2) and any renewal terms proposed by Bidder. For any renewal terms, bidder must either provide an annual rental amount or a method to determine the annual rental amount.

2. Development vision and conceptual design plan.
3. Preliminary engineering report
4. Proposed development details including (but not limited to):
  - a. Site plan including landscaping, amenities, building location, etc.;
  - b. Building elevations including proposed materials;
  - c. Number of buildings including number of floors and square footage for each building,
  - d. Schedule of project development activities related to overall design and construction to meet 2025 opening date.
5. Business plan, including market study and leasing/sales strategy
  - a. Description of operational and management plan for amphitheater
  - b. Operational management plan addressing future improvements and long-term maintenance of the amphitheater.
  - c. Operational management plan for the Lerner Theater, if developer intends to merge operations
6. Comprehensive development pro-forma
7. Anticipated Development budget in excel format, which should include:
  - a. Itemized list of hard costs, soft costs and financing costs
  - b. Detailed sources of funds
  - c. Summary of anticipated public incentives requested
8. Project schedule including the start and completion date, as well as timeline for design and construction and any phasing.

#### **4. Evidence of Financing Capacity**

Please include information necessary to demonstrate the company's/organization's ability to finance the construction and complete the necessary site improvements. Developers will receive additional points during the evaluation if they demonstrate existing investment/lending commitments and relationships with local/regional lending institutions for the purpose of financing development within the Downtown Plan

#### **5. Contingencies**

Please provide information on any conditions that must be satisfied before the project can proceed.

#### **6. Submission format**

Submit one electronic version and one hard copy version of the proposal in a clear and legible format. Proposals must be complete in all respects; incomplete proposals will not be considered. All materials submitted become the property of the Elkhart Redevelopment Commission.

Mailed submissions:  
Elkhart Redevelopment Commission  
Attention: Mike Huber  
229 South Second Street  
Elkhart, IN 46516  
[Mike.Huber@coei.org](mailto:Mike.Huber@coei.org)

Hand delivered submissions:  
City of Elkhart Redevelopment Commission  
Attention: Mike Huber  
City Annex Building  
201 South. Second Street  
Elkhart, IN 46516

## **7. Evaluation Criteria**

Proposals will be evaluated based on the following criteria, and should include sufficient detail to allow the Commission to evaluate the experience of team members in completing similar projects as well as the capacity to fully execute the project.

### **7.1. Proposal**

- Completeness of the proposal
- Quality of the design
- Quality of the redevelopment concept and conformity with the goals, objectives, requirements and parameters of the Draft Downtown Plan, including the desired use and design guidelines.

### **7.2. Team**

- Strength of the overall development team, including commitment and availability of key staff
- Ability to execute/deliver on commitments
- Professional and technical competence as evidenced by:
  - Professional qualifications and specialized experience of the developer and/or development team
  - Current and past performance of the developer and/or development team on similar projects
- Developer and/or development team's financial qualifications, including a proven ability to obtain financing for this project and other similar projects.
- Ability to operate, promote, and maintain a publicly owned entertainment amphitheater or venue.

### **7.3. Additional considerations**

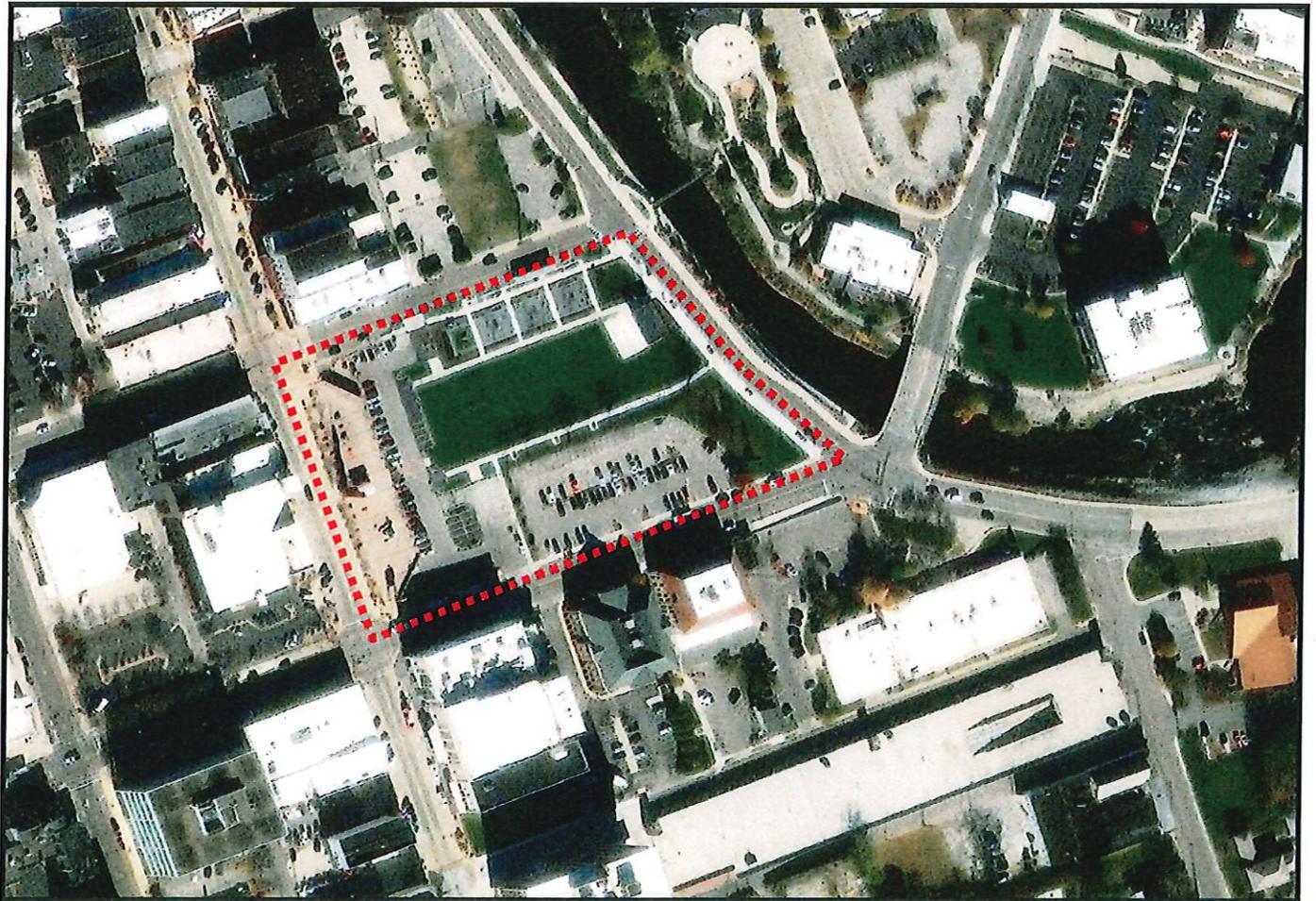
- Additional consideration will be given to respondents who seek to maximize the overall economic benefit to the City by:
- Achieving the City's policy goals, as outlined in the drafted Downtown Plan
- Maximizing the long-term value to the City through increased tax revenues and economic input
- Maximizing community benefits (e.g. inclusive approach to housing, cultural and neighborhood-serving amenities)
- Ability to secure all financing and complete the property closing within six months of proposal acceptance by the Redevelopment Commission
- Ability to start within a reasonable time period to be specified in the development agreement.

## **8. Proposal Selection Process**

- Submit complete redevelopment proposal by Monday, November 13, 2023, at 5:00 pm to the attention of Mike Huber. The Commission will publicly open all written offers and the bid price and general plan will be read aloud at the public meeting of the Commission to be held on November 14, 2023, commencing at 4:00 pm EST. Proposals will be reviewed by the staff and the Redevelopment Commission starting Tuesday, November 14, 2023 at 4:00 pm.
- The Commission will consider the proposals and use its best efforts to take one of the following actions within 30 days:

- Reject the proposal
- Accept the proposal
- Request additional information and/or presentation to the Commission prior to acceptance/rejection
- The Commission will request staff to negotiate a development agreement upon conditional acceptance of a proposal, subject to the final approval of the Commission of such Development Agreement and any other necessary and related documents, including without limitation a lease agreement which shall be subject to approval by the Redevelopment Commission.
- No proposal will be eligible for consideration that does not meet the minimum annual lease rental requirement.

## 9. Location/Map



**10. Legal Description**

**10.1. City has provided - Appendix A**

RESOLUTION NO. 23-R-081

RESOLUTION OF THE REDEVELOPMENT COMMISSION OF THE  
CITY OF ELKHART, INDIANA

Whereas, The improvements at 1108 Benham Avenue are fire damaged, vacant and abandoned and subject to an Order to Take Action; and

Whereas, the City proposes to use funds from CDBG grant year B23MC180015, Clearance of Blight and Disaster Remediation and Prevention Fund line item (the "CDGB Fund") to cover the cost of the demolition and related asbestos remediation services (the "Demolition Services"); and

Whereas, the total cost of the Demolition Services is not expected to exceed \$35,000; and

Whereas, the Commission believes it is in the best interest of the City and its inhabitants that the funds be appropriated to cover the cost.

NOW THEREFORE, BE IT RESOLVED:

1. The Commission appropriates the sum of \$35,000.00 from the CDBG Fund to cover the cost of the Demolition Services, with any unused funds to be returned to the appropriate account.
2. The Officers of the Commission are hereby authorized to do all acts which they deem necessary and appropriate in furtherance of this Resolution.

ADOPTED BY MAJORITY VOTE AT ITS PUBLIC MEETING THIS 10<sup>TH</sup> DAY OF OCTOBER 2023.

CITY OF ELKHART, REDEVELOPMENT  
COMMISSION

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

ATTEST:

By \_\_\_\_\_  
Alex Holtz, Secretary



**2024**  
**REDEVELOPMENT COMMISSION**  
**MEETING DATES**

The Redevelopment Commission meets the second Tuesday of each month at 4:00 PM and will broadcast from the 2nd floor, Council Chambers, Municipal Building, 229 S. Second Street, Elkhart, Indiana

January	9
February	13
March	12
April	9
May	14
June	11
July	9
August	13
September	10
October	8
November	12
December	10

**2024**  
**REDEVELOPMENT COMMISSION**  
**PRE-AGENDA MEETING DATES**

The Redevelopment Commission Pre-Agenda meetings will broadcast from the Annex Large Conference Room, Annex Building, 201 S. Second Street, Elkhart, Indiana

January	5
February	9
March	8
April	5
May	10
June	7
July	5
August	9
September	6
October	4
November	8
December	6



Warrick & Boyn, LLP  
 861 Parkway Avenue  
 Elkhart, Indiana 46516  
 Telephone 574-294-7491  
 Fax 574-294-7284

thefirm@warrickandboyn.com

www.warrickandboyn.com

Taxpayer I.D. 35-1036189

Elkhart Redevelopment Commission  
 ATTN: Sherry Weber  
 229 S. Second Street  
 Elkhart IN 46516

Page: 1  
 September 30, 2023  
 Account No: 26399-000M  
 Statement No: 179051

Attn: Sherry Weber

Re: General Services

*Payments received after 09/30/2023 are not included on this statement.*

Previous Balance \$48,922.61

Fees

		Hours	
09/01/2023	CTP Email M. Huber re: costs re: ZONE 1	0.40	119.00
	CTP Review mediation terms. Email B. Huber re: same re: ICE MILLER/G & W	0.40	119.00
09/06/2023	CTP Telephone call with R. Rompola. Email M. Huber re: RIVER DISTRICT ZONE 1	0.50	148.75
	CTP Draft resolution for G&W VRP appropriation. CONSOLIDATED SOUTH TIF	0.40	119.00
09/07/2023	CTP Review request for conflict waiver. Email Commissioners re: same re: EOZ ZONE 1	0.30	89.25
	CTP Review contract for billboard advertisements. Prepare resolution re: same RE: CDBG	0.50	148.75
	CTP Review ARP Home Rehab Grant Program. Prepare resolution appropriating additional funds RE: HOMEOWNER REHABILITATION PROGRAM	0.80	238.00
	CTP Review Abonmarche proposal for parking. Prepare resolution approving same. RE: CASSOPOLIS AND DOWNTOWN	0.80	238.00
09/08/2023	CTP Attend pre-agenda meeting	1.50	446.25
	CTP Telephone call with J. Kearns re: AURORA CAPITAL/PJ LIMES	0.30	89.25
	CTP Review file re: resolutions re: DOWNTOWN AREA 1	0.50	148.75
09/12/2023	CTP Attend Aurora meeting	0.70	208.25
	CTP Attend Commission meeting	1.30	386.75
	CTP Send notice of public hearing to Truth RE: PARKWAY AT 17	0.30	89.25
09/13/2023	CTP Review revisions to purchase agreement RE: WOODLAND CROSSING	0.50	148.75

Re: General Services

		Hours	
	GDB Teleconf with Mike H. re: buy-out of Mall Area and Kroger/owner work-out of pharmacy issue. Research and e-mail Public Notice requirements re: WOODLAND CROSSING	1.00	318.75
	GDB Review e-mails between EGAP, HC and Kroger. Review Amendment 1 to Declaration and respond to Mike H. Review follow-up e-mails re: revision to personal property agreement re: WOODLAND CROSSING	1.00	318.75
	GDB Review Park/Redevelopment 2022 Resolutions and respond to Adam re: whether deed was ever prepared re: PARKS/740 RIVERSIDE	0.30	95.63
	GDB Review red-lined purchase agreement re: WOODLAND CROSSING	1.00	318.75
	GDB Review Mike H.'s e-mail re: structuring Development Agreement for \$2m loan to Concord Mall and respond re: CONCORD MALL	0.30	95.63
	GDB Conference re: proposed carve-out schedule and issues re: EOZ ZONE 1	0.30	95.63
09/14/2023	GDB Review and revise drafts of carve-out documents and provide Lisa Lee re: EOZ ZONE 1	1.50	478.13
	GDB E-mail Mike and Mary re: changes to purchase agreement and sources of personal property - inspections needed. Review Access Agreement. Forward documents and update Commissioners. Respond re: Access Agreement re: WOODLAND CROSSING	1.30	414.38
	GDB E-mail Baker Tilly to serve Tax Impact Statement. E-mail Public Notice to Baker Tilly re: PARKWAY @ 17	0.40	127.50
	GDB E-mail Baker Tilly to serve Tax Impact Statement and Public Notice re: WEST 78 BUSINESS PARK	0.40	127.50
	GDB Revise Confirming Resolution and print finals. Prepare Exhibit C re: PARKWAY @ 17	0.50	159.38
	GDB Review Nancy W.'s e-mail re: legal description on deed. Request complete legal from Meridian re: 535 W. LEXINGTON	0.30	95.63
09/15/2023	GDB Review e-mails re: back due loan and potential acquisition of parking lot re: LEXINGTON BUSINESS CENTRE	0.30	95.63
	GDB Research re: approving Carve Out phases re: EOZ ZONE 1	1.50	478.13
	GDB Review Development's concept for the Mall Area. Review e-mail re: status of site review re: WOODLAND CROSSING	0.80	255.00
	GDB Teleconf with Mike re: minor discrepancies in Area Plan - possible amendment re: PARKWAY @ 17	0.30	95.63
	GDB Review Meridian's information on parcel against County description. E-mails re: locating complete legal description re: 535 W. LEXINGTON	1.00	318.75

Re: General Services

		Hours	
09/18/2023	GDB	Copy EOZ/River District signature page and forward to client. Request update of status of other signatures re: EOZ ZONE 1	0.30 95.63
	GDB	Review S. Herkamp's e-mail re: status of Access Agreement. E-mail Mike and Mary re: same re: WOODLAND CROSSING	0.20 63.75
	GDB	Review Tax Impact Statement and respond re: PARKWAY @ 17	0.50 159.38
	GDB	Review Tax Impact Statement and respond re: WEST 78 BUSINESS PARK	0.50 159.38
	GDB	Review deletions in purchase agreement by Seller. E-mail Mike and Mary re: concerns for administrator to consider. Draft Resolution for October meeting. Teleconf with Mary re: Access Agreement, real estate taxes and County appeal, inspections and issues with agreement revisions. E-mail Mike re: need to meet on contract changes re: WOODLAND CROSSING	3.00 956.25
	GDB	Work on form of Subordination Agreement with Lake City Bank and send to Lake City Bank to review and revise re: 209 N. 2ND	1.00 318.75
09/19/2023	CTP	Telephone call with M. Kaczka. Conference. Review Restrictive Covenants and Purchase Agreement RE: WOODLAND CROSSING	4.20 1,249.50
	GDB	Review Purchase Agreement and revisions. Prepare for meeting to discuss re: WOODLAND CROSSING	2.00 637.50
	GDB	Review M. Nelson's e-mail and response re: locating settlement check re: NLG/1101 E. BEARDSLEY	0.20 63.75
	GDB	Review Public Notice and Agenda drafts and respond re: WOODLAND CROSSING	0.40 127.50
	GDB	Review e-mail to Lisa with drawing of carve-out. Respond to Mike re: EOZ ZONE 1	0.30 95.63
09/20/2023	CTP	Review documents. Prepare for meeting re: WOODLAND CROSSING	2.00 595.00
	CTP	Review residential TIF forms. RE: RIVER DISTRICT ZONE 1	0.50 148.75
	GDB	Review UCC, judgment, and tax lien search report and forward to Mike and Sandy re: WOODLAND CROSSING	0.20 63.75
	GDB	Finalize signed Resolutions. E-mail copy to C. Buche and request deed	0.50 159.38
	GDB	E-mail Resolution with purchase agreement to Brad Hunsberger and request signed signature page re: 511 DIVISION	0.40 127.50
	GDB	Review 9/12 follow-up sheet and respond to Sherry	0.30 95.63
	GDB	Teleconf with Sandy re: settlement terms from mediation re: ICE MILLER/G & W	0.50 159.38
	GDB	Teleconf with Sandy re: request to identify members on new developer entity re: EOZ ZONE 1	0.30 95.63

Re: General Services

		Hours	
	GDB Teleconf with Sandy re: discussion of seller's changes to agreement - time allowed for inspections and closing date. Review 2023 restrictions. Review and respond to Mary re: same re: WOODLAND CROSSING	1.70	541.88
	GDB Conference re: steps to create Residential Program and TIF Area and review statutes re: EOZ ZONE 1	1.40	446.25
09/21/2023	CTP Meeting with M. Huber and M. Kaczka RE: WOODLAND CROSSING	2.50	743.75
	CTP Meeting with M. Huber re: PARKWAY AT 17 and CONCORD MALL	1.20	357.00
	GDB Review B. Huber's Mediation Report and Settlement Agreement and respond to same re: ICE MILLER/G & W	1.00	318.75
	GDB Review B. Hunsberger's update re: closing and title insurance and receive signed Purchase Agreement re: 511 DIVISION	0.30	95.63
	GDB Review Status Report and attachments. E-mail copies to client re: NLG/1101 E. BEARDSLEY	0.40	127.50
	GDB Meeting with Mike and Mary re: purchase agreement revisions, etc. re: WOODLAND CROSSING	2.50	796.88
	GDB Conference with Mike H. re: terms and timing of Development Agreement re: PARKWAY @ 17	0.50	159.38
	GDB Conference with Mike H. re: terms and timing of Development Agreement re: CONCORD MALL	0.50	159.38
	GDB Review Mike's responses to Sandy re: site exams re: WOODLAND CROSSING	0.30	95.63
09/22/2023	GDB Review notes. Mark-up and e-mail our changes and issues to seller re: purchase agreement. Request updated draft for Monday's meeting. E-mail Mike and Mary re: amount to appropriate from Consolidated TIF. Review Mike's e-mail and request update on appropriation amount re: WOODLAND CROSSING	3.50	1,115.63
	GDB Review Weaver's e-mail re: indemnification of utilities re: EOZ ZONE 1	0.30	95.63
	GDB Review Baker Tilly's revision on Tax Impact Statement and respond	0.30	95.63
	GDB E-mail Adam, et al. re: status of Deed re: 740 N. Riverside	0.20	63.75
	GDB E-mail Adam, et al. re: problem with legal description - need for survey and new legal in order to convey to BPW re: 535 W. LEXINGTON	0.20	63.75
	GDB Update "To Do List" and e-mail to Adam for further information to provide	2.00	637.50
	GDB Respond to Mike re: hiring Barnes & Thornburg for bond work and BPW as party to Amendment No. 1 re: EOZ ZONE 1	0.30	95.63
	GDB Review and revise latest draft of purchase agreement re: WOODLAND CROSSING	0.50	159.38

Re: General Services

			Hours	
09/23/2023	CTP	Review settlement agreement re: G & W	0.40	119.00
09/25/2023	CTP	Conference with M. Huber and M. Kaczka and Commission meeting. RE: WOODLAND CROSSING	2.70	803.25
	CTP	Review latest draft of Purchase Agreement. Video call with M. Huber and M. Kaczka re: same re: WOODLAND CROSSING	2.30	684.25
	GDB	E-mail Mike and teleconf with Sandy re: issues with purchase and Kroger. Teleconf with Mary and Brent re: same re: WOODLAND CROSSING	1.70	541.88
	GDB	Review Settlement Agreement and draft approving Resolution re: G & W	1.00	318.75
	GDB	Revise and send Resolution approving purchase agreement. Review final. Review UCC Report re: WOODLAND CROSSING	2.00	637.50
	GDB	Review Ice Miller's engagement letter re: EOZ ZONE 1	0.50	159.38
	GDB	Attend phone conference with EGAP re: purchase agreement and special meeting re: same re: WOODLAND CROSSING	2.70	860.63
	GDB	Attend Special Meeting re: approval of settlement re: ICE MILLER/G & W	0.30	95.63
	GDB	Update "To Do List"	0.40	127.50
	BAS	UCC Search re: EGAP Elkhart I, LLC. On-line search re: tax liens re: WOODLAND CROSSING	0.50	75.00
09/26/2023	CTP	Review correspondence from EGAP re: purchase agreement. Review Kroger language. RE: WOODLAND CROSSING	0.60	178.50
	CTP	Review deed from Elkhart County. Email C. Buche re: same. RE: STERLING	0.30	89.25
	GDB	Draft and forward for review form of Kroger statement supporting Redevelopment at Shopping Center re: WOODLAND CROSSING	0.60	191.25
	GDB	E-mail B. Huber Resolution Approving Settlement Agreement re: ICE MILLER/G & W	0.20	63.75
	GDB	Revise proposed Kroger Supportive Statement and re-circulate re: WOODLAND CROSSING	0.30	95.63
09/27/2023	CTP	Multiple emails from commissioners re: Kroger issues. Video conference with M. Huber and M. Purdy re: WOODLAND CROSSING	1.00	297.50
	CTP	Research residential TIF and economic development target area. Review Declaratory Resolution and timeline. Email L. Lee re: same RE: ZONE 1	2.50	743.75
09/28/2023	CTP	Review master developer agreements. Video call with M. Huber and M. Purdy re: Request for Proposals. Conference re: same. Begin drafting Request for Proposals RE: WOODLAND CROSSING	6.80	2,023.00
	GDB	Conference re: extension on closing. Proposed Request for Proposal for Master Developer - Kroger issues re: WOODLAND CROSSING	0.60	191.25
	GDB	Conference re: carve-outs. Issue of legal		

Re: General Services

		Hours	
	description for each Area. Review drafts of carve-out and e-mail re: same. Research. Draft items to consider re: EOZ ZONE 1	2.80	892.50
GDB	Conference re: issues in preparing development Request for Proposal. Revise Master Developer Agreement forms for details of duties and need to clarify what Request for Proposal would seek re: WOODLAND CROSSING	2.00	637.50
GDB	Review bill for VRP services. Check original appropriation and e-mail Sherry to pay re: ICE MILLER/G & W	0.20	63.75
09/29/2023	CTP Email M. Huber re: Master Developer Request for Proposals. Draft Request for Proposals. Review title insurance commitment. RE: WOODLAND CROSSING	5.30	1,576.75
GDB	Review NLG's Status Report. Forward same to Commissioners re: EXECUTIVE CLEANERS/STAR TIRE	0.70	223.13
GDB	Review responses and Resolution revisions. Respond to all. Teleconf with Jason Semler. E-mail Lisa re: revised Area 1 legal re: EOZ ZONE 1	2.30	733.13
GDB	Review IDEM comments on development. Respond to Adam and Mike re: considerations for new offer re: EXECUTIVE CLEANERS/STAR TIRE	0.80	255.00
GDB	Revise Term Sheet. E-mail to Mike re: key points of Request for Proposal re: WOODLAND CROSSING	0.60	191.25
	For Current Services Rendered	100.40	31,036.43

Advances

09/14/2023	Online legal research - August services re: ZONE 1	94.09
	Total Advances	94.09

**Total Current Work** **31,130.52**

Payments

09/07/2023	Advance Payment - ACH payment	-40.00
09/07/2023	Fee Payment - ACH payment	-25,052.75
09/07/2023	Expense Payment - ACH payment	-39.38
09/07/2023	Advance Payment - ACH payment	-167.94
	Total Payments	-25,300.07
	Balance Due	\$54,753.06

Aged Due Amounts					
0-30	31-60	61-90	91-120	121-180	181+
54,753.06	0.00	0.00	0.00	0.00	0.00

Please Remit \$54,753.06

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

	4445 - Downtown		4446 - Pierre Moran		4447 - Southwest	
	Current Month	Year to Date	Current Month	Year to Date	Current Month	Year to Date
<b>Beginning Cash</b>		<b>4,652,673.38</b>		-		-
<b>Revenues</b>						
Spring Property Taxes	-	1,683,912.51	-	178,813.69	-	704,388.95
Fall Property Taxes	-	-	-	-	-	-
State Grants	-	-	-	-	-	-
Miscellaneous	-	72,963.50	-	-	-	-
Rent Income	-	-	-	-	-	-
Sale of Property	-	-	-	-	-	-
Transfers (in)	-	-	-	-	-	-
<b>Total Revenue</b>	-	<b>1,756,876.01</b>	-	<b>178,813.69</b>	-	<b>704,388.95</b>
<b>Expenses</b>						
Personnel Services	10,157.19	38,020.36	-	-	-	-
Supplies	-	-	-	-	-	-
Professional Services	20,116.97	71,635.89	-	-	-	-
Debt Service (Principle)	-	700,000.00	-	-	-	-
Major Moves Loan Payment	151,897.55	151,897.55	-	-	-	-
Interest Expense	129,555.00	599,343.26	-	-	-	-
Admin & Trustee Fee	-	1,500.00	-	-	-	-
Brownfield Services	-	3,072.75	-	-	-	-
State Grant Expense	-	-	-	-	-	-
Other Services & Charges	17,191.47	259,317.81	-	-	-	-
Contract Services	5,549.17	289,057.17	-	-	-	-
Infrastructure	-	200,574.25	-	-	-	-
Transfers (Out)	-	-	-	178,813.69	-	704,388.95
<b>Total Expenses</b>	<b>334,467.35</b>	<b>2,314,419.04</b>	-	<b>178,813.69</b>	-	<b>704,388.95</b>
<b>Ending Cash</b>		<b>4,095,130.35</b>		-		-
Less: Encumbrances		108,151.83		-		-
Estimated Ending Cash		3,986,978.52		-		-

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

	4448 - Aeroplex		4449 - Sterling		4450 - Casopolis	
	Current Month	Year to Date	Current Month	Year to Date	Current Month	Year to Date
<b>Beginning Cash</b>		<b>1,407,076.75</b>		-		<b>12,412,196.31</b>
<b>Revenues</b>						
Spring Property Taxes	-	242,634.60	-	187,693.81	-	1,870,718.32
Fall Property Taxes	-	-	-	-	-	-
State Grants	-	-	-	-	-	-
Miscellaneous	-	-	-	-	-	-
Rent Income	-	-	-	-	-	-
Sale of Property	-	-	-	-	-	-
Transfers (In)	-	-	-	-	-	-
<b>Total Revenue</b>	-	<b>242,634.60</b>	-	<b>187,693.81</b>	-	<b>1,870,718.32</b>
<b>Expenses</b>						
Personnel Services	-	-	-	-	-	-
Supplies	-	-	-	-	-	-
Professional Services	25.68	25.68	-	-	858.72	33,443.72
Debt Service (Principle)	-	-	-	-	-	-
Major Moves Loan Payment	-	-	-	-	-	-
Interest Expense	-	-	-	-	-	-
Admin & Trustee Fee	-	-	-	-	-	-
Brownfield Services	-	-	-	-	-	-
State Grant Expense	-	-	-	-	-	-
Other Services & Charges	-	1,655.03	-	-	-	-
Contract Services	1,539.19	1,539.19	-	-	4,000.00	291,535.73
Infrastructure	-	-	-	-	1,539.19	1,539.19
Transfers (Out)	-	-	-	-	101,617.22	968,173.29
<b>Total Expenses</b>	<b>1,564.87</b>	<b>3,219.90</b>	-	<b>187,693.81</b>	<b>108,015.13</b>	<b>1,294,691.93</b>
<b>Ending Cash</b>		<b>1,646,491.45</b>		-		<b>12,988,222.70</b>
Less: Encumbrances		1,660.81		-		1,721,174.21
Estimated Ending Cash		<b>1,644,830.64</b>		-		<b>11,267,048.49</b>

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

	4451 - Tech Park		4452 - Main Gateway		4453 - Consolidated	
	Current Month	Year to Date	Current Month	Year to Date	Current Month	Year to Date
<b>Beginning Cash</b>		<b>996,801.90</b>		-		<b>6,791,100.64</b>
<b>Revenues</b>						
Spring Property Taxes	-	143,190.15	-	190,702.06	-	16,545.70
Fall Property Taxes	-	-	-	-	-	-
State Grants	-	-	-	-	-	-
Miscellaneous	-	-	-	-	-	500.00
Rent Income	-	-	-	-	-	-
Sale of Property	-	-	-	-	-	-
Transfers (In)	-	-	-	-	-	1,261,598.51
<b>Total Revenue</b>	-	<b>143,190.15</b>	-	<b>190,702.06</b>	-	<b>1,278,644.21</b>
<b>Expenses</b>						
Personnel Services	-	-	-	-	-	-
Supplies	-	-	-	-	-	-
Professional Services	523.92	523.92	-	-	18,709.31	27,187.31
Debt Service (Principle)	-	-	-	-	-	-
Major Moves Loan Payment	-	-	-	-	-	-
Interest Expense	-	-	-	-	-	-
Admin & Trustee Fee	-	-	-	-	-	-
Brownfield Services	-	-	-	-	-	-
State Grant Expense	-	-	-	-	-	193,966.96
Other Services & Charges	-	3,615.05	-	-	1,943.00	327,605.24
Contract Services	1,939.19	2,339.19	-	-	3,289.19	322,167.25
Infrastructure	-	-	-	-	-	-
Transfers (Out)	-	-	-	190,702.06	-	-
<b>Total Expenses</b>	<b>2,463.11</b>	<b>6,478.16</b>	-	<b>190,702.06</b>	<b>23,941.50</b>	<b>870,926.76</b>
<b>Ending Cash</b>		<b>1,133,513.89</b>		-		<b>7,198,818.09</b>
Less: Encumbrances		135,548.41		-		1,561,982.49
<b>Estimated Ending Cash</b>		<b>997,965.48</b>		-		<b>5,636,835.60</b>

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

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