



**GOSHEN REDEVELOPMENT COMMISSION
AGENDA FOR THE REGULAR MEETING OF July 9, 2024**

To access online streaming of the meeting, go to <https://us02web.zoom.us/j/81223011833>

The Goshen Redevelopment Commission will meet on July 9, 2024 at 3:00 p.m. in the City Court Room/ Council Chambers at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana.

- 1. CALL TO ORDER/ROLL CALL**
- 2. CHANGES TO THE AGENDA**
- 3. APPROVAL OF MINUTES**
- 4. NEW BUSINESS**

Resolution 10-2024 – Resolution Approving and Ratifying the Mediated Settlement Agreement with River Art, LLC

Resolution 11-2024 – Partial Forgiveness of Loans to Goshen Theater, Inc.

Resolution 12-2024 Annual Determination of Excess Assessed Value in the Consolidated River Race / US 33 Allocation Area

Resolution 13-2024 – Annual Determination of Excess Assessed Value in the Southeast Allocation Area

Resolution 14-2024 – Annual Determination of Excess Assessed Value in the Lippert/Dierdorff Allocation Area

- 5. APPROVAL OF REGISTER OF CLAIMS**
- 6. MONTHLY REDEVELOPMENT STAFF REPORT**
- 7. OPEN FORUM**

The open forum is for the general discussion of items that are not otherwise on the agenda. The public will also be given the opportunity at this time to present or comment on items that are not on the agenda.

- 8. ANNOUNCEMENTS**

Next Regular Meeting – August 13, 2024 at 3:00 p.m.

GOSHEN REDEVELOPMENT COMMISSION

Minutes for the Regular Meeting of June 11, 2024

The Goshen Redevelopment Commission met in a regular meeting on June 11, 2024 at 3:00 p.m. in the City Court Room/Council Chambers at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana.

CALL TO ORDER/ROLL CALL

The meeting was called to order by President Brian Garber. On call of the roll, the members of the Goshen Redevelopment Commission were shown to be present or absent as follows:

Present: Brian Garber, Brianne Brenneman, Jonathan Graber, Brett Weddell, Bradd Weddell and Colin Yoder

Absent:

APPROVAL OF MINUTES

A motion was made by Commissioner Weddell and seconded by Commissioner Brenneman to approve the minutes of the May 14, 2024 regular meeting and executive session.

The motion was adopted unanimously.

(1:05) Mayor Leichty thanked Commissioner Brianne Brenneman and presented her a plaque for her service on the Redevelopment Commission.

Request– Approve and Authorize Change Order No. 4 for the 10th Street and Douglas Street Reconstruction

(3:25) Becky Hutsell, Redevelopment Director, this change order includes costs related to epoxy coating four storm structures as well as installing a new force main to two existing structures. This change order increases the total contract by \$33,160.00 for a revised contract amount of \$4,328,546.08.

A motion was made by Commissioner Weddell and seconded by Commissioner Brenneman to Approve and Authorize Change Order No. 4 for the 10th Street and Douglas Street Reconstruction.

The motion was adopted unanimously.

Request – Approve Dedication of Two (2) Drainage/Maintenance/Access Easements on City-Owned Land for the Cherry Creek Development

(9:40) Becky Hutsell, Redevelopment Director, as part of the approved Economic Development Agreement with Cherry Creek, LLC, the city agreed to permit construction of a series of retention ponds on city-owned land adjacent to the Cherry Creek project. The dedication of the easements will allow access to the land to complete construction.

A motion was made by Commissioner Weddell and seconded by Commissioner Brenneman to Approve Dedication of Two (2) Drainage/Maintenance/Access Easements on City-Owned Land for the Cherry Creek Development.

The motion was adopted unanimously.

Request: Approve Recommendation to Select the CORE/BK/GM Development Team for the New South Fire Station Project using the BOT Construction Method

(12:50) Becky Hutsell, Redevelopment Director, four proposals were received. Thanked Commission members Brian Garber, Brett Weddell and Bradd Weddell for being on the selection committee along with staff. The selection committee conducted interviews with all four teams and are recommending CORE/BK/GM Development team. Other members of the selection committee were also present.

Fire Chief Sink thanked the commission for working with them through this process.

Comments from selection committee members and staff regarding how the selection was made.

Questions, comments and discussion with Commission members and staff regarding using the BOT system.

A motion was made by Commissioner Weddell and seconded by Commissioner Brenneman to approve Recommendation to Select the CORE/BK/GM Development Team for the New South Fire Station Project using the BOT Construction Method.

The motion was adopted unanimously.

Request Approve an Agreement with Walker Consultants for 2024 Downtown Parking Study

(25:25) Becky Hutsell, Redevelopment Director, as downtown Goshen continues to grow and develop, the issue of parking continues to arise. In order to best utilize the parking that the City already controls and to plan for any needed modifications. Requesting permission to move forward with Walker Consultants, a leader in the parking world. The total cost is \$65,000 with a four month timeline.

Questions and comments from Commission members regarding the necessity of the study and who is responsible to fund it, Redevelopment Commission or Civil City.

A motion was made by Commissioner Weddell and seconded by Commissioner Graber to approve the Agreement with Walker Consultants for 2024 Downtown Parking Study.

The motion was adopted unanimously.

APPROVAL OF REGISTER OF CLAIMS

A motion was made by Commissioner Weddell and seconded by Commissioner Brenneman to approve payment of the Register of Claims totaling \$1,143,661.44.

MONTHLY REDEVELOPMENT STAFF REPORT

Becky Hutsell, Redevelopment Director, 10th Street and Douglas Street reconstruction project is progressing along.

The Lincoln Avenue/Steury Avenue Reconstruction project will start after the 4th of July.

Will have mediation this week regarding River Art LLC. Getting the land back at the north side of the Hawk building will be the deciding factor on how the area of Second Street and Jefferson Street get developed.

OPEN FORUM

Commissioner Graber asked about the Millrace Townhomes site and Ms. Hutsell responded that Abonmarche Consultants are designing the plans. Scheduling the first pre-development meeting and hoping for development agreement in July or August.

Commission Bradd Weddell asked about the status of AP Development/Ariel Cycleworks and Ms. Hutsell responded that they are continually working to develop the project as planned and working with a local contractor to refine plans.

Commissioner Garber stated he attended the open house for the parks maintenance facility and comment on how nice the facility is.

Commissioner Garber thanked Commissioner Brenneman for her time on the commission.

ANNOUNCEMENTS

It was announced that the next regular meeting is scheduled for July 9, 2024 at 3:00 p.m.

Mayor Leichty swore in new commission member Megan Hessel.

ADJOURNMENT

A motion was made by Commissioner Brenneman and seconded by Commissioner Graber to adjourn the meeting.

The motion was adopted unanimously.

The regular meeting was adjourned at 3:45 p.m.

APPROVED on July 9, 2024

GOSHEN REDEVELOPMENT COMMISSION

President

Secretary

RESOLUTION 10-2024

A RESOLUTION APPROVING AND RATIFYING THE MEDIATED SETTLEMENT AGREEMENT WITH RIVER ART, LLC

WHEREAS, City of Goshen, Indiana, a municipal corporation and political subdivision of the State of Indiana, acting by and through the Goshen Redevelopment Commission (“Redevelopment”) and River Art, LLC (“River Art”) entered into an Agreement for the Lease and Development of Real Estate, dated March 26, 2018, and amended on May 14, 2019, and April 21, 2022 (hereinafter collectively, the “Agreement”);

WHEREAS, pursuant to the Agreement, River Art was to develop the Third Street Project Real Estate by constructing an apartment building containing approximately forty-six (46) market rate apartments, including parking and a courtyard;

WHEREAS, pursuant to the Agreement, River Art was to pay a monthly lease payment for the Third Street Project Real Estate, eventually purchase the Third Street Project Real Estate, and repay certain loaned monies to Redevelopment;

WHEREAS, pursuant to the Agreement, Redevelopment would support a tax abatement for River Art upon River Art’s request and filing of proper documentation;

WHEREAS, Redevelopment Authorized Termination of the Agreement via Resolution 54-2022 on November 8, 2022, due to River Art’s failure to deliver;

WHEREAS, Redevelopment advised River Art of its default under the Agreement in June 2023;

WHEREAS, Redevelopment is empowered under I.C. § 36-7-14-12.2 to use any legal or equitable remedy deemed necessary in potential civil actions to protect and enforce its rights in the performance of its statutory duties;

WHEREAS, pursuant to the Agreement terms, Redevelopment engaged a mediator to resolve disputes related to the Agreement, with said mediation occurring on June 13, 2024, and Redevelopment and River Art have reached a mediated settlement agreement (the “Settlement Agreement”);

WHEREAS, Redevelopment has reviewed the terms and conditions of the Settlement Agreement and finds that the Settlement Agreement should be approved and ratified;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Goshen Redevelopment Commission hereby approves and ratifies the Settlement Agreement attached hereto as Exhibit A and incorporated herein by reference.

2. The President of the Commission, or his/her designee, is hereby authorized and directed to execute any documents necessary to effectuate the terms of the Settlement Agreement.
3. Redevelopment and its staff are authorized and directed to take all actions necessary or appropriate to implement and administer the Settlement Agreement.
4. This Resolution shall be in full force and effect from and after its adoption by Redevelopment.

PASSED by the Goshen Redevelopment Commission this July 9, 2024.

President

Secretary



CITY OF GOSHEN LEGAL DEPARTMENT
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MEMORANDUM

To: Redevelopment Commission
From: Don Shuler, Assistant City Attorney
Date: July 9, 2024
RE: Request to Approve and Ratify Mediated Settlement Agreement with River Art, LLC

On November 14, 2023, the Commission met in executive session to discuss the ongoing dispute with River Art, LLC, over their performance of an Agreement for the Lease and Development of Real Estate, dated March 26, 2018, and subsequently amended on May 14, 2019, and April 21, 2022. Among other items, that Agreement called for River Art, LLC to develop what was known as the Third Street Project Real Estate into approximately forty-six (46) market rate apartments. The Third Street Project Real Estate consisted four (4) parcels, generally identified as 213 S. Third Street, 219 S. Third Street, and 223 S. Third Street (2 parcels). In addition, River Art, LLC would acquire the real estate immediately to the west and south of the Third Street Project Real Estate (the north half of the Hawks Building). In addition, under certain conditions, River Art, LLC could seek a tax abatement, which would be supported by Redevelopment.

While River Art, LLC developed the Hawks Building Lot, it failed to develop the Third Street Project Real Estate per the terms of the Agreement, as amended. The Redevelopment Commission authorized termination of the agreement in 2022, and the City declared River Art, LLC in default in 2023. As the Agreement required mediation, the City and River Art, LLC engaged a mediator, held a mediation session on June 13, 2024, and reached a Mediated Settlement Agreement, which is attached to Resolution 10-2024.

In sum, as the result of the Mediated Settlement Agreement, River Art, LLC would do the following:

- (1) permit the subdivision of the its parcel located on River Race Drive, with the subdivision occurring at the pedestrian walk, removing all liens from the subdivided parcel located North of the pedestrian walk, and then deeding the North Parcel to the City;
- (2) Quit Claim all its interest in the Third Street Project Real Estate to the City; and
- (3) refrain from requesting a tax abatement for its remaining parcel.

In exchange, the City would waive its claims to payment owed by River Art, LLC under the Agreement, which included a lease payment, purchase price for the Third Street Project Real Estate, and repayment of Redevelopment's Loan.

The Mediated Settlement Agreement was reached in efforts to ensure the future development of the Third Street Project Real Estate, which it was felt required the North Parcel of River Art, LLC's real estate to be viable. Further, as River Art, LLC never obtained a proper tax abatement for several years, the amount of taxes paid that would have been abated would generally offset the loan that is being waived by Redevelopment. Finally, the Mediated Settlement Agreement avoids the time and expense, as well as the uncertainty, of litigation.

It is recommended that the Redevelopment Commission adopt and pass Resolution 10-2024, approving and ratify the Mediated Settlement Agreement between Redevelopment and River Art, LLC.

Exhibit A

STATE OF INDIANA)	IN THE ELKHART CIRCUIT COURT
)SS:	
COUNTY OF ELKHART)	CAUSE NO. 20C01-2312-MI-000578
CITY OF GOSHEN,)	
)	
Petitioner,)	
)	
v.)	
)	
RIVER ART, LLC,)	
)	
Respondent.)	

MEDIATED SETTLEMENT AGREEMENT

The parties, Petitioner CITY OF GOSHEN and Respondent RIVER ART, LLC enter into the following Settlement Agreement to dispose of the dispute between the parties relating to Agreement for the Lease and Development of Real Estate entered between them on or about February or March, 2018 including two amendments involving the “Hawks Building A Property” and the “Third Street Project Property” in Goshen Indiana:

1. RIVER ART, LLC agrees to do the following:
 - a. Permit the subdivision of its “Hawks Building A Property” into two parcels with one parcel that is situated south of the pedestrian walk and the second parcel situated north of the pedestrian walk and south of the Woodworks Guild Building and hereinafter referred to as the “North Parcel”.
 - b. Remove any mortgage lien or other encumbrances from the North Parcel and provide a Warranty Deed transferring ownership of said parcel to the City of Goshen. The Warranty Deed shall be returned to the CITY OF GOSHEN within 30 days of its delivery to RIVER ART, LLC.
 - c. Provide a Quit Claim deed for all of its interest in the “Third Street Project Property” to the City of Goshen.
 - d. Refrain from ever requesting any tax abatement for the “Hawks Building A” Property” from the City of Goshen.
- 2 The CITY OF GOSHEN agrees to do the following:

a. Waive any and all claims to the payment of the following items by RIVER ART, LLC to the CITY OF GOSHEN: Payment of \$100 per month from January 1, 2023 to final termination date of the “Hawks Building A Property” lease; payment of all accrued interest on River Art’s loan from Redevelopment; payment of the principal balance of Redevelopment’s loan to River Art in the amount of \$250,000; payment of a \$4,000 sum representing the purchase price for the “Third Street Project Property”.

b. Permanently restrict the use of the “North Parcel” of the “Hawks Building A Property” being deeded to the City of Goshen as park space only. The representatives signing this Agreement on behalf of the CITY OF GOSHEN represent that they have the authority to bind the CITY OF GOSHEN to this permanent restricted use. The CITY OF GOSHEN shall create the park space as soon as possible but no later than two years from the date of delivery of a fully executed Warranty Deed to the “North Parcel” from RIVER ART, LLC to the CITY OF GOSHEN. The CITY OF GOSHEN will prepare the Warranty Deed and deliver it to RIVER ART, LLC for signing. In the event of a transfer of the North Parcel to a third party the City of Goshen shall place on any deed the obligations it has undertaken in this paragraph.

c. Assume the responsibility of subdividing the “Hawks Building A Property” into two parcels with one parcel that is situated south of the pedestrian walk and the second parcel situated north of the pedestrian walk and referred to as the “North Parcel”. The CITY OF GOSHEN will pay for the cost of the subdivision.

d. Provide a draft copy of the proposed Warranty Deed for the North Parcel to RIVER ART, LLC for its review seven days before the delivery of the final document.

3. The parties agree to execute any and all documents necessary to carry out the terms of this agreement in a timely fashion.

4. CITY OF GOSHEN and RIVER ART, LLC agree to execute a mutual release that completely releases each party from any liability relating to the “Hawks Building A Property” and the “Third Street Project Property” in Goshen Indiana, except for the terms set forth in this Settlement Agreement.

Entered this 13th day of June, 2024

Petitioner CITY OF GOSHEN

Respondent RIVER ART, LLC

/s/ Becky Hutsell
Becky Hutsell

/s/Howard Golden
Howard Golden

Goshen Redevelopment Director

Majority Owner of RIVER ART, LLC

/s/ Brett Weddell

Brett Weddell

Goshen Redevelopment Commissioner

Donald R. Shuler

Donald R. Shuler

Counsel for Plaintiffs

/s/ Katlyn Foust Hunneshagen

Katlyn Foust Hunneshagen

Counsel for Defendants

/s/Michael P. Scopelitis

Michael P. Scopelitis, Mediator

RESOLUTION 11-2024

Partial Forgiveness of Loans to Goshen Theater, Inc.

WHEREAS, Goshen Theater, Inc., (“Theater, Inc.”) and the City of Goshen, Indiana acting by and through the Goshen Redevelopment Commission (“Redevelopment”) entered into an agreement dated March 1, 2019 (hereinafter the “Agreement”) to fund a portion of the repair and renovation of the Goshen Theater located at 216 South Main Street, Goshen, Indiana (“Goshen Theater”).

WHEREAS, Redevelopment provided Theater, Inc. loans, one loan in the amount of Eight Hundred Fifty Thousand Dollars (\$850,000.00) and one loan in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00), to acquire the theater and partially fund the repair and renovation of the Goshen Theater.

WHEREAS, Redevelopment agreed to forgive the loans if Theater, Inc. met certain terms and conditions.

WHEREAS, Theater, Inc. has completed the repairs and renovations described in Exhibit A attached to the Agreement and continues to use the Goshen Theater for performances, concerts, shows, and exhibitions which are open to the general public, such constituting the terms and conditions for loan forgiveness per the Agreement.

WHEREAS, as of August 8, 2023, per the Agreement, Redevelopment has forgiven Six Hundred Eighty Thousand Dollars (680,000) of the loan of Eight Hundred Fifty Thousand Dollars (\$850,000), leaving a loan balance of One Hundred Seventy Thousand Dollars (\$255,000).

WHEREAS, as of August 8, 2023, per the Agreement, Redevelopment has forgiven Ninety Thousand Dollars (\$90,000) of the loan of One Hundred Fifty Thousand Dollars (\$150,000), leaving a loan balance of Sixty Thousand Dollars (\$60,000).

BE IT THEREFORE RESOLVED, that pursuant to the Agreement, Redevelopment forgives Eighty-five Thousand Dollars (\$85,000) of the loan of Eight Hundred Fifty Thousand Dollars (\$850,000) given to Theater, Inc. to partially fund the repair and renovation of the Goshen Theater. The remaining Eighty-Five Thousand Dollars (\$85,000) of that loan will be forgiven in the full remaining amount on the next and final loan forgiveness, on July 1, 2025, provided that the Goshen Theater is maintained as a public venue for arts and entertainment open to the general public and owned by a nonprofit entity, per the Agreement.

BE IT FURTHER RESOLVED, that pursuant to the Agreement, Redevelopment forgives all accrued interest plus Thirty Thousand Dollars (\$30,000) of the loan of One Hundred Fifty Thousand Dollars (\$150,000) given to Theater, Inc. to acquire the Goshen Theater. The remaining Thirty Thousand Dollars (\$30,000) of that loan will be forgiven in the full remaining amount on the next and final loan forgiveness, on July 1, 2025, along with accrued interest, provided that the Goshen Theater is used at least sixty percent (60%) of the time for performances, concerts, shows, and exhibitions open to the general public, per the Agreement.

PASSED and ADOPTED by the Goshen Redevelopment Commission on July 9, 2024.

President

Secretary

RESOLUTION 12-2024

Annual Determination of Excess Assessed Value In the Consolidated River Race / US 33 Allocation Area

WHEREAS, the Goshen Redevelopment Commission established the Consolidated River Race / US 33 Economic Development Area and Allocation Area.

WHEREAS, Indiana Code §36-7-14-39(b)(4)(A) requires the Redevelopment Commission to determine, before July 1st of each year, what amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the based assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of the assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in Indiana Code § 36-7-14-39(b)(3) plus the amount necessary for other purposes described in Indiana Code § 36-7-14-39(b)(3).

WHEREAS, Indiana Code §36-7-14-39(b)(4)(B) requires that the Redevelopment Commission provide, before July 1st of each year, written notice to the county auditor, the fiscal body of the municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under Indiana Code § 6-1.1-17-5 for each of the other taxing units that is wholly or partly located with the allocation area.

WHEREAS, Indiana Code §36-7-14-39(b)(4)(C) requires that the Redevelopment Commission provide, before July 1st of each year, to the legislative body of the unit its determination of the excess assessed value that the Commission proposes to allocate to the respective taxing units.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Indiana Code §36-7-14-39(b)(4), the Goshen Redevelopment Commission determines that the:

- (A) The assessed value of the taxable property in the Consolidated River Race / US 33 Allocation Area for the most recent assessment date minus the based assessed value, when multiplied by the estimated tax rate of the Consolidated River Race / US 33 Allocation Area, will NOT exceed the amount of the assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in Indiana Code §36-7-14-39(b)(3) plus the amount necessary for other purposes described in Indiana Code §36-7-14-39(b)(3).
- (B) There is no excess assessed value of the taxable property in the Consolidated River Race / US 33 Allocation Area to be allocated to the respective taxing units in the manner prescribed by Indiana Code §36-7-14-39(b)(1).
- (C) There is no excess assessed value of the taxable property in the Consolidated River Race / US 33 Allocation Area expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in Indiana Code §36-7-14-39(b)(3) plus the amount necessary for other purposes described in Indiana Code §36-7-14-39(b)(3).

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Elkhart County Auditor, the Goshen Common Council, and the officers of the other taxing units that are located wholly or partly within the Consolidated River Race / US 33 Allocation Area.

PASSED and ADOPTED on July 9, 2024

GOSHEN REDEVELOPMENT COMMISSION

President

Secretary

RESOLUTION 13-2024

Annual Determination of Excess Assessed Value In the Southeast Allocation Area

WHEREAS, the Goshen Redevelopment Commission established the Southeast Economic Development Area and Allocation Area.

WHEREAS, Indiana Code §36-7-14-39(b)(4)(A) requires the Redevelopment Commission to determine, before July 1st of each year, what amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the based assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of the assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in Indiana Code § 36-7-14-39(b)(3) plus the amount necessary for other purposes described in Indiana Code § 36-7-14-39(b)(3).

WHEREAS, Indiana Code §36-7-14-39(b)(4)(B) requires that the Redevelopment Commission provide, before July 1st of each year, written notice to the county auditor, the fiscal body of the municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under Indiana Code § 6-1.1-17-5 for each of the other taxing units that is wholly or partly located with the allocation area.

WHEREAS, Indiana Code §36-7-14-39(b)(4)(C) requires that the Redevelopment Commission provide, before July 1st of each year, to the legislative body of the unit its determination of the excess assessed value that the Commission proposes to allocate to the respective taxing units.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Indiana Code §36-7-14-39(b)(4), the Goshen Redevelopment Commission determines that the:

- (A) The assessed value of the taxable property in the Southeast Allocation Area for the most recent assessment date minus the based assessed value, when multiplied by the estimated tax rate of the Southeast Allocation Area, will NOT exceed the amount of the assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in Indiana Code §36-7-14-39(b)(3) plus the amount necessary for other purposes described in Indiana Code §36-7-14-39(b)(3).
- (B) There is no excess assessed value of the taxable property in the Southeast Allocation Area to be allocated to the respective taxing units in the manner prescribed by Indiana Code §36-7-14-39(b)(1).
- (C) There is no excess assessed value of the taxable property in the Southeast Allocation Area expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in Indiana Code §36-7-14-39(b)(3) plus the amount necessary for other purposes described in Indiana Code §36-7-14-39(b)(3).

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Elkhart County Auditor, the Goshen Common Council, and the officers of the other taxing units that are located wholly or partly within the Southeast Allocation Area.

PASSED and ADOPTED on July 9, 2024

GOSHEN REDEVELOPMENT COMMISSION

President

Secretary

RESOLUTION 14-2024

Annual Determination of Excess Assessed Value in the Lippert/Dierdorff Allocation Area

WHEREAS, the Goshen Redevelopment Commission established the Lippert/Dierdorff Economic Development Area and Allocation Area.

WHEREAS, Indiana Code §36-7-14-39(b)(4)(A) requires the Redevelopment Commission to determine, before July 1st of each year, what amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the based assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of the assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in Indiana Code § 36-7-14-39(b)(3) plus the amount necessary for other purposes described in Indiana Code § 36-7-14-39(b)(3).

WHEREAS, Indiana Code §36-7-14-39(b)(4)(B) requires that the Redevelopment Commission provide, before July 1st of each year, written notice to the county auditor, the fiscal body of the municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under Indiana Code § 6-1.1-17-5 for each of the other taxing units that is wholly or partly located with the allocation area.

WHEREAS, Indiana Code §36-7-14-39(b)(4)(C) requires that the Redevelopment Commission provide, before July 1st of each year, to the legislative body of the unit its determination of the excess assessed value that the Commission proposes to allocate to the respective taxing units.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Indiana Code §36-7-14-39(b)(4), the Goshen Redevelopment Commission determines that the:

- (A) The assessed value of the taxable property in the Lippert/Dierdorff Allocation Area for the most recent assessment date minus the based assessed value, when multiplied by the estimated tax rate of the Lippert/Dierdorff Allocation Area, will NOT exceed the amount of the assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in Indiana Code §36-7-14-39(b)(3) plus the amount necessary for other purposes described in Indiana Code §36-7-14-39(b)(3).
- (B) There is no excess assessed value of the taxable property in the Lippert/Dierdorff Allocation Area to be allocated to the respective taxing units in the manner prescribed by Indiana Code §36-7-14-39(b)(1).
- (C) There is no excess assessed value of the taxable property in the Lippert/Dierdorff Allocation Area expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in Indiana Code §36-7-14-39(b)(3) plus the amount necessary for other purposes described in Indiana Code §36-7-14-39(b)(3).

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Elkhart County Auditor, the Goshen Common Council, and the officers of the other taxing units that are located wholly or partly within the Lippert/Dierdorff Allocation Area.

PASSED and ADOPTED on July 9, 2024

GOSHEN REDEVELOPMENT COMMISSION

President

Secretary

GOSHEN REDEVELOPMENT COMMISSION

Register of Claims

The Goshen Redevelopment Commission has examined the entries listed on the following itemized Expenditure Report for claims entered from **June 12, 2024 through July 3, 2024** and finds that entries are allowed in the total amount of **\$467,964.02**

APPROVED on July 9, 2024

President

Secretary

GOSHEN REDEVELOPMENT COMMISSION

Expenditure Report - by Budget Line and Payee

Claims from 06/12/2024 through 07/03/2024

406-560-00-431.0502 RDV NON-RVRT OP/Contractual Services		
6/14/2024	City of Goshen Utilities	\$88.07
7/3/2024	City of Goshen Utilities	\$32.87
7/3/2024	Yarkshark, LLC	\$1,193.00
7/2/2024	Elan Corporate Payment Systems	\$144.15
Line Total for Period:		\$1,458.09
406-560-00-433.0000 RDV NON-RVRT OP/Printing & Advertising		
7/3/2024	Community Business Equipment (04491)	\$21.99
Line Total for Period:		\$21.99
406-560-00-435.0101 RDV NON-RVRT OP/Electric		
7/2/2024	NIPSCO (00014)	\$18.80
Line Total for Period:		\$18.80
406-560-00-435.0201 RDV NON-RVRT OP/Gas		
7/2/2024	NIPSCO (00014)	\$21.28
Line Total for Period:		\$21.28
473-560-00-431.0502 SOUTHEAST TIF/Contractual Services		
7/2/2024	American Structurepoint, Inc. (03093)	\$11,161.00
7/2/2024	American Structurepoint, Inc. (03093)	\$8,902.50
Line Total for Period:		\$20,063.50
473-560-00-442.0000 SOUTHEAST TIF/Capital Projects		
7/2/2024	City of Goshen (0200)	\$22,921.50
7/2/2024	Elkhart County Treasurer	\$22,921.50
7/2/2024	Waterford Commons Business Park	\$67,476.00
Line Total for Period:		\$113,319.00
480-560-00-431.0502 RR/US 33 TIF/Contractual Services		
7/2/2024	Egis (12772)	\$21,595.06
Line Total for Period:		\$21,595.06

480-560-00-439.0930**RR/US 33 TIF/Other Services & Charges**

6/12/2024	J Carnine & Co	\$1,800.00
7/3/2024	Barkes, Kolbus, Rife & Shuler, LLP (00311)	\$3,847.42
Line Total for Period:		\$5,647.42

480-560-00-442.0000**RR/US33 TIF/Capital Projects**

7/2/2024	Abonmarche (05859)	\$8,000.00
7/2/2024	Abonmarche (05859)	\$8,500.00
7/3/2024	Niblock Excavating, Inc. (00653)	\$220,818.88
7/2/2024	City of Goshen (0200)	\$68,500.00
Line Total for Period:		\$305,818.88

Total Expenditures for Period:	\$467,964.02
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July 2024 Redevelopment Staff Report

PROJECT: RAILROAD QUIET ZONE FROM KERCHER ROAD TO LINCOLN AVENUE

PROJECT DESCRIPTION

Establishment of a Quiet Zone along the Norfolk Southern Railroad Marion Branch from Washington Ave to Kercher Ave.

PROJECT UPDATE

The City continues to work with INDOT and Norfolk Southern for the design of the Madison Street railroad Crossing. The quiet zone schedule is being driven by this work. Activities to be completed to implement the Quiet Zone are:

- Installation of signs and delineators at the railroad crossings.
 - Traffic counts to be done at each of the railroad crossings. (Completed)
 - Madison Street will have flasher and gates installed which is anticipated to cost approximately \$400,000. INDOT has agreed to pay 90% of the project. INDOT is improving the crossing as a part of the Crossing Safety Improvement funds.
- Update: Norfolk Southern does not want to install gates at this crossing. The City has made a special request for quad-gates, and Norfolk Southern is requesting additional information. Goshen Engineering proposes we retain the services of American StructurePoint.
- Submit the Public Authority Application (PAA) to Federal Railroad Administration (FRA) for review, which typically takes 2 months.
 - Railroad Quiet Zone is anticipated to be “in-service”.

An agreement is in place with American Structurepoint to serve as the City’s agent. A site meeting was completed on November 2nd with Federal Railroad, Norfolk Southern, American StructurePoint and City staff to assess each crossing within this corridor and the improvements as they relate to the quiet zone scoring. The application is complete, but we need an interlocal agreement with Elkhart County before they will sign the delegation letter needed for the CR 42 railroad crossing. The interlocal agreement should be executed this month, and then the delegation letter may be signed and the application submitted. We anticipate an 8-12 month approval timeline following submission.

PROJECT: STEURY AVENUE RECONSTRUCTION AND STORMWATER DETENTION AREA

PROJECT DESCRIPTION

This project has grown out of the recent improvements along the Lincoln Avenue and Steury Avenue corridor with the expansion of GDC, Lions Head, the Goshen Street Department, Goshen Police Department’s Training facility and the Goshen Central Garage. This corridor no longer supports the additional vehicle loads and has been chip and sealed to extend the service life of the current pavement. The intersection of Steury Avenue and Lincoln has small turning radiuses, which causes semi-traffic serving the corridor to make wide swings onto and off of Steury Avenue and Lincoln. Drainage is effectively non-existent along the roadway corridor and there are limited opportunities to improve the drainage without looking outside the corridor. In addition to the functionality of the roadway, the roadway’s appearance does not reflect the investment the adjoining companies have made on their properties. The overall plan is to reconstruct both roadways, adding turning lanes and improving intersections while also addressing utility needs.

PROJECT UPDATE

Phase I of the project has been completed which was construction of the pond at the old salvage yard. The next phase of the project will include new water main and storm sewer installation for both Lincoln Avenue from Rock Run Creek to just past Troyer Carpets and Steury Avenue from Lincoln to the “S” curves. A water main replacement project, which was a Water Utility project, east of Steury Avenue, was also completed in December 2020, with successful improvement of fire flow capability in East Goshen.

Utility relocation will be finalized with the relocation of Frontier’s communication cable. Goshen Engineering has issued a right-of-way permit for the relocation, but has not received confirmation the utilities are clear. The construction contract for utility and

roadway reconstruction along Lincoln and Steury was awarded to Niblock Excavating. A pre-construction meeting has been held. The contractor anticipates starting work in June of this year. Work in 2024 will include the installation of the new storm system along Lincoln Avenue, including water main replacement between Logan Street and Steury Avenue. Sanitary and water services will be replaced and the roadway reconstructed with curb-and-gutter. In 2025, construction will continue with drainage improvements and utility replacements on Steury Avenue, including roadway reconstruction that will smooth out the "S" curves.

PROJECT: FORMER WESTERN RUBBER SITE**PROJECT DESCRIPTION**

The Western Rubber site went through an extensive demolition and environmental remediation process and is now considered a buildable site. The vacant parcel contains approximately 170,000 square feet and is located east of the Norfolk Railroad, north of the Plymouth Avenue.

PROJECT UPDATE

AP Development is proceeding with plans for a mixed-use project consisting of approximately 138 apartments and 1,000 square feet of commercial space. The Redevelopment Commission and City Council have approved a development agreement with the developer and the rezoning has been completed. The developers have been awarded READI grant funds and design work is underway. We are in the process of issuing the bonds for this project and anticipate that it will begin in the spring of 2024.

For the City's portion of the work that will be improving 10th & Douglas, Niblock has been hired as the contractor. NIPSCO has completed their gas relocation work. Niblock has completed the underground stormwater system on Douglas Street, as well as water main replacement between Plymouth Avenue and Reynolds Street. Work is continuing with replacing sanitary sewer and installing the new stormwater system on 10th Street. New utility services and roadway improvements between Jackson and Reynolds will follow. The City's project should be complete this fall.

PROJECT: 3rd & JEFFERSON REDEVELOPMENT LOT**PROJECT DESCRIPTION**

The half block at 3rd & Jefferson is currently vacant and ready for development.

PROJECT UPDATE

The RDC received one (1) proposal for this property. AP Development, who is developing the former Western Rubber site, is also interested in constructing multi-family for this property. The Commission has approved staff negotiations with the developer and it is anticipated that a Development Agreement will be prepared over the next few months.

PROJECT: DOWNTOWN VAULT ASSESSMENT**PROJECT DESCRIPTION**

Downtown vaults have been discussed for many years as a public safety concern. Since the incident in 2012, effort and resources have been committed to identify, assess, and eliminate vaults. Many vaults have been removed, but there are approximately 26 vaults remaining. Work through the next steps, staff determined a vault assessment by a structural engineer was necessary. The Commission agreed to fund the assessment, and a contract was awarded to Clear Creek & Associates.

PROJECT UPDATE

The vault assessments are complete, and assessments have been forwarded to each property owner for consideration. There were two vaults deemed immediate concerns and there are other vaults that were identified as needing repairs or closure. At the May Redevelopment meeting, Goshen Redevelopment agreed to provide partial financial support for vault closures. Goshen Engineering has sent out notices to all property owners with vaults, and applications to participate were to be submitted by December 17, 2021. The next step will be to solicit quotes to perform the public portion of the vault closures. Goshen Engineering

did not proceed with requesting bids for vault removal in 2022 or 2023. If possible, we would like to proceed with the same scope of work in 2024.

PROJECT: MILLRACE TOWNHOME SITE

PROJECT DESCRIPTION

The one-acre lot, established as the Millrace Townhomes Subdivision, is currently vacant and ready for redevelopment.

PROJECT UPDATE

The RDC received two (2) proposals for this property and the Selection Committee recommended proceeding with the proposal from Viewrail for the Millrace Flats project. The Commission has approved staff negotiations with the developer and it is anticipated that a Development Agreement will be prepared over the next few months.

PROJECT: COLLEGE AVE FROM US 33 EAST TO RAILROAD XING

PROJECT DESCRIPTION

This federally funded project consists of adding a center turn lane and a 10 foot multi-use path on the north side of College Ave from US 33 to the railroad crossing. The project is expected to be under construction in 2026.

The City selected American Structurepoint to complete the design.

PROJECT UPDATE

American Structurepoint is actively working on the design. A public meeting was held the evening of December 6, 2023, with good turnout. The City has begun the process of purchasing right-of-way. The City's legal team is currently working through two eminent domain cases, with there being a possibility for a third case. We are on schedule to bid this project in 2025.

There have been a couple meetings with Elkhart Highway regarding the bridge over the Horn Ditch. The County was originally prepared to replace the bridge several years ago, but project delays due to the City's relocation of the lift station, force main, and water main forced the County to delay their project. With the pending work associated with College Avenue's reconstruction starting in 2025, it currently makes sense to include the bridge replacement with the City's roadwork to minimize impact on area businesses, including Lippert, Forest River, and Brinkley. A proposal has been solicited from American StructurePoint to incorporate the County's bridge plans into the road improvement plan set.

PROJECT: COLLEGE AVE FROM US 33 WEST TO NINTH STREET

PROJECT DESCRIPTION

This federally funded project consists of adding a center turn lane and a 10 foot multi-use path on the north side of College Ave from US 33 west to Ninth Street. The project is expected to be under construction in 2028/2029. The City selected American StructurePoint to complete the design.

PROJECT UPDATE

American Structurepoint is working on Phase I utility coordination. The City, as one of the affected utilities, has received plans requiring comment to be provided back to American StructurePoint.

PROJECT: SOUTH FIRE STATION STUDY

PROJECT DESCRIPTION

The approved 5-Year Capital Plan includes debt service associated with a bond issuance to fund the construction of a new south fire station. The new fire station was originally intended to replace the College Avenue station and but recent negotiations with Elkhart Township have instead led to the decision to instead plan for a fourth station near the Goshen Airport.

PROJECT UPDATE

A Request for Proposals & Qualifications for a Building/Operate/Transfer team is currently live. Proposals are due back on April 25th and we anticipate making an award to the selected team by June.

PROJECT: WEST JEFFERSON STREETScape

PROJECT DESCRIPTION

The Five-Year Capital Plan include the reconstruction of West Jefferson Street between Third Street and Main Street. The project will incorporate the use of brick pavers to address stormwater restrictions in this area. The project will also include the reconfiguration of parking, decorative street lighting, and street trees. The estimated cost of the project is \$500,000, plus and an additional cost of \$100,000 for design fees.

PROJECT UPDATE

The survey and geotechnical work are complete. A conceptual plan has been completed and a review with redevelopment commission members has taken place. In February 2023, a public meeting was held with potentially affected property owners. Goshen Engineering continues to work on the project design, and anticipates bidding the project in the spring of 2024.

PROJECT: ELKHART COUNTY COURT COMPLEX

PROJECT DESCRIPTION

Elkhart County has selected a site located on Reliance Road to construct the new Court Complex. Due to the projected increase in traffic that will be generated by the new complex, several road improvements are required to increase capacity. Since this project is located in the River Race/US 33 TIF area, the Redevelopment Commission has pledged \$1.5 million in TIF revenue to fund the improvements. The County has pledged an additional \$500,000 to assist in paying for these improvements. This project will be designed and constructed through the City of Goshen and is expected to start construction in 2023.

PROJECT UPDATE

The project was awarded to Niblock Excavating. A pre-construction meeting has been held and utility coordination is underway. Initial work includes clearing the right-of-way, which will allow NIPSCO gas, electric and other utilities to complete their work. NIPSCO Gas and NIPSCO Electric are currently on-site and working on relocations, and Comcast and Frontier will relocate after NIPSCO Electric is completed. Roadway work for Reliance Road, including a new roundabout at Reliance Road and Peddlers Village Road, is expected to be complete this year. Road work will continue in 2025 on Peddlers Village Road from the roundabout to CR 17.

PROJECT: KERCHER WELLFIELD LAND PURCHASE

PROJECT DESCRIPTION

The Kercher Wellfield located in the Goshen Industrial Park requires the replacement of one of its three wells. Because the wellfield is sitting on a postage stamp property, the site is unable to support the development of another well without the purchase of additional land.

The site has been purchased. Goshen Utilities has retained the services of Donohue & Associates, teamed with Arcadis, to complete the preliminary engineering study. Peerless Midwest has been retained by Goshen Utilities to drill the test wells and evaluate the aquifer. The development of the new wellfield is anticipated to take 3-years to complete.

PROJECT: FIDLER POND CONNECTOR PATH

PROJECT DESCRIPTION

This project will create a pedestrian path connecting the College Avenue path to Fidler Pond Park. The path will be constructed in two phases. Initially, the Oak Lane roadway will act as the pathway while the trail is constructed from the north end of the road to the park. Sharrows will be added to Oak Lane during Phase One and Phase Two will include reconstructing Oak Lane with curb and gutter and the installation of a separated pedestrian trail.

PROJECT UPDATE

Engineering has prepared preliminary drawing and engineer's estimates for both phases. After the final alignment is determined a neighborhood meeting will be scheduled to receive comments. Final design may be completed in-house. If not, a RFP for design services will be issued.

PROJECT: EAST COLLEGE AVENUE INDUSTRIAL DEVELOPMENT

PROJECT DESCRIPTION

Last Dance, LLC has purchased 313 acres of farmland on East College Avenue just east of the railroad tracks. A portion of the land was previously annexed by Lippert for development but the project never came to life. Last Dance has now purchased additional land and is partnering with the City on the infrastructure. They've hired Abonmarche to complete the design of a new water main loop from College to CR 31 to CR 38 to connect at Century Drive, extension of sewer mains beneath the railroad to serve the new industrial area, a new public water/sewer/roadway loop within the first phase of the development and substantial stormwater improvements. The project is being funded by a combination of existing TIF funds and by a city-issued bond that will be purchased by the developer and repaid through future TIF revenues. Annexation of the additional land has been completed.

PROJECT UPDATE

Construction contracts have been awarded to HRP Construction for Contracts 1 and 3 and Niblock Excavating for Contract 2. Work for Contract 1 is complete and Contract 3 will be finished within the next two months. Contract 2 will likely be completed by summer. Brinkley is currently in production for the first three buildings and should be in the fourth very soon. They are actively constructing the fifth building, as well.

PROJECT: WINONA MULTI-USE TRAIL EXTENSION

PROJECT DESCRIPTION

The Winona multi-use trail ends abruptly at the south property line of Bethany Christian School. With the proposed Cherry Creek development, there is a desire to extend the Winona path between Bethany School and Cherry Creek.

PROJECT UPDATE

A tentative agreement with Goshen Community Schools has been reached to extend the path south long Waterford Elementary's property. JPR is working on the path design and the railroad permit to allow the path to cross Norfolk Southern's right-of-way. Assuming the railroad permit effort can be completed by June 2024, the project could be bid late summer for construction in the fall of 2024.