



**CITY OF GOSHEN BOARD OF PUBLIC WORKS & SAFETY  
MINUTES OF THE JULY 31, 2025 REGULAR MEETING**

*Convened in the Goshen Police & Court Building, 111 East Jefferson St., Goshen, Indiana*

**Present:** Deputy Mayor Mark Brinson, Mike Landis, Orv Myers and Mary Nichols

**Absent:** Barb Swartley

**CALL TO ORDER:** Deputy Mayor Brinson called the meeting to order at 4:01 p.m. The Deputy Mayor announced that, pursuant to an Executive Order from Mayor Leichty and in her absence from the City, he had been authorized to act on the Mayor's behalf as a Board member.

**REVIEW/APPROVE MINUTES:** No minutes were available for review/approval.

**REVIEW/APPROVE AGENDA:** Deputy Mayor Brinson presented the agenda as prepared by Clerk-Treasurer Aguirre. Board member Nichols made a motion to approve the agenda as submitted. Board member Myers seconded the motion. The motion passed 4-0.

**1) Historic Southside Neighborhood Association request: Approve the partial closure of 7th Street for an Aug. 9 block party and picnic**

Megan Hessel, the chairperson for the Historic Southside Neighborhood Association (HSNA), said the neighborhood would be hosting its annual block party and picnic on Saturday, Aug. 9. She requested closure of the 500 block of South 7th Street, from 4 p.m. to 8 p.m., on that date.

Hessel said neighbors would be notified of the street closure this weekend through flyers and that notices would be placed on vehicles the morning of the picnic asking them to move their vehicles before the event. She added that she sent an email to the City Street Department asking for the delivery of street barricades next week if possible.

In her written request, Hessel indicated that about 120 neighbors gather annually to share food and fellowship.

Nichols/Myers made a motion to approve the closure of the 500 block of South 7th Street, from 4 p.m. to 8 p.m., on Aug. 9, 2025. The motion passed 4-0.

**2) Redevelopment Department request: Authorize entering into an agreement with Legacy Communities, Inc. to utilize the City's Brownfield Revolving Loan Fund to award a grant to fund the soil remediation at 620 E. Douglas Street for the Ariel Cycleworks Project**

City Redevelopment Director Becky Hutsell informed the Board that the City of Goshen and AP Development, LLC entered into an Economic Development Agreement (EDA) on April 27, 2022, for the Ariel Cycleworks Project, a multi-family housing development on City-owned property located at 620 East Douglas Street.

Hutsell said the City long knew that this site was contaminated. When the former Western Rubber building was demolished, the City cleaned up the site to the point that it was now suitable for recreational and industrial uses.

However, Hutsell said when the site was being considered for the current apartment project, the City knew that additional cleanup would be necessary for residences. As part of the development agreement, the City pledged to use the Brownfield Revolving Loan Funds for the cleanup.

Hutsell said that as a result of six months of work she now was recommending that the Board approve a Brownfield Revolving Loan Fund grant, from the funds that are controlled by Board of Works, with AP Development, LLC and Legacy Communities, Inc., which is a different entity created for this project.

Hutsell said the developer was working with IWM, an environmental consultant from Indianapolis, and with C&E Excavating, Inc. from Elkhart. She said those companies would be responsible for the site work.



Hutsell said that the loan request was for a maximum of \$685,825. She said the Brownfield Revolving Loan Fund has a balance of just under \$900,000, so there would still be funds available for additional projects.

In a July 31 memorandum to the Board, Hutsell wrote that the City and the developer jointly submitted a funding request through the City's Brownfield Revolving Loan Fund (BRLF). The request is for a grant not to exceed \$685,825, intended to fund the soil remediation needed to proceed with residential construction on the site.

Hutsell said the City's BRLF Advisory Committee reviewed the developer's application and has determined that the request meets all BRLF program requirements and is recommending approval of the grant to support the environmental cleanup.

Before the meeting, Hutsell provided Board members with a redline version of the proposed agreement with Legacy Communities, Inc. to utilize the City's Brownfield Revolving Loan Fund to award a grant to fund the soil remediation at 620 E. Douglas Street for the Ariel Cycleworks Project (EXHIBIT #1).

Board member Landis asked if the developer would be digging up areas that previously had contaminants removed. Hutsell said the City worked on the site in 2012 and received recreational and industrial usage permission closure. However, she said additional testing was conducted to determine the extent of additional work needed.

Deputy Mayor Brinson noted that there is now a "clean cap" on the site – clean fill material placed over contaminated soil or sediment to isolate the contaminants and prevent them from spreading or coming into contact with people or the environment. Hutsell confirmed that information.

Deputy Mayor Brinson said that even though it seems like a lot of public funds will be spent on this project, the City was leveraging a big private investment. He asked Hutsell to describe the private investment.

Hutsell the private investment would be "just over \$30 million" for about 136 housing units. In addition, she said there would be about \$159,00 spent for a small commercial space, possibly a coffee shop. And she said some state funds also will be used for this project.

By way of background, IWM Consulting Group of Indianapolis would be hired to perform additional soil characterization and provide environmental technical assistance for the implementation of a Soil Management Plan (SMP) at 620 E Douglas Street. According to its proposal:

- The site was owned and operated by the Ariel Cycle Manufacturing Company from 1896 to 1905, and was then owned and operated until 2001 by Western Rubber, Inc. (WRI).
- Western Rubber's site operations included manufacturing of rubber and latex products for various industries, including automotive and consumer products.
- Operations included use and storage of various oil- and solvent-based chemicals.
- The site was vacant from 2001 to 2008 when the City of Goshen acquired the property.
- Site investigations identified lead and arsenic concentrations above applicable IDEM (Indiana Department of Environmental Management) screening levels. Low levels of a single volatile organic compound (VOC), tetrachloroethene (PCE), were also detected.
- The site building and other structures were demolished in 2009-2011 and remedial activities, including excavation removal of several underground storage tanks (USTs), removal and disposal of subgrade utility conduits containing liquid wastes, removal and disposal of liquid and solid wastes from on-site concrete pits/vaults, and excavation/disposal of the top two feet of soil at selected locations on the site, with placement of clean fill in these locations.
- Additionally, four inches of clean topsoil was placed over the entire site and seeded with grass.
- An Environmental Restrictive Covenant (ERC) was initially recorded on the site that contained various restrictions including a prohibition against residential use.



- Subsequent site work performed in 2023 allowed the ERC to be modified to permit residential use as long as the provisions in an IDEM-approved November 2022 SMP were followed during construction and future occupancy.
- The SMP identifies the 11 grids listed above where additional soil characterization is necessary in order to fully characterize potential soil impacts and determine proper handling and disposal of soils during construction.
- The scope of work includes preparation of a Contained-In Approval Request, which will likely be necessary to reduce or eliminate the soils considered to be hazardous, and environmental technical assistance to the construction contractor during the earthwork portion of construction.

IWM's scope of work includes: Task 1 – File Review/Sampling Plan/Pre-Construction Meeting; Task 2 – Additional Soil Characterization, Reporting & Contained-In Approval Request; Task 3 – Environmental Technical Assistance – SMP Implementation; and Task 4 – Project Management/Meetings.

The estimated cost to complete the scope of work detailed in this proposal is \$27,850

In addition, IWM would perform ongoing soil characterization sampling, analysis, and waste disposal management at the former Western Rubber commercial property for a total of \$49,850.

Finally, C&E Excavating of Elkhart would be hired to excavate, load and haul off 27,300 cubic yards of contaminated soil and haul in 27,300 tons of clean fill to replace the removed material for \$1,256,460.

After questions and comments, Board members acted on the request after clarifying that any motion or vote would be on the revised agreement presented to the Board today.

Nichols/Myers then made a motion to enter into an agreement with Legacy Communities, Inc. to utilize the City's Brownfield Revolving Loan Fund to award a grant to fund the soil remediation at 620 E. Douglas Street for the Ariel Cycleworks Project based on the draft agreement provided at the meeting today and not the version that was in the Board's meeting packet. The motion passed 4-0.

After the vote, Clerk-Treasurer Aguirre said that in preparation for this meeting he researched the history of the Common Council's approval of the project, which he said would be great asset to the City. He said it appeared that one issue had not been addressed – how much Western Rubber paid to remediate the pollution they left behind.

Hutsell said, "To the City's knowledge, Western rubber closed the doors and walked away from this property completely. It was obtained by the County through tax sale, and the tax or the county actually transferred it to Goshen to our Redevelopment Commission to handle because the building was still standing, and it was becoming blighted. People were consistently breaking into the property. There were still chemicals, all kinds of debris there. So, I believe the company was gone, and they walked away and had no ownership in any of the demolition or cleanup that's been done."

Deputy Mayor Brinson said, "I was involved in that transaction a little bit at the time. And what I recall, the Western Rubber Corporation was administratively dissolved. So, it did not even exist anymore. It's a good question." Hutsell added, "We had no one to go back to."

Aguirre responded, "Right. I just think that it's important to have on the record, and just to remember, that the taxpayers have had to pick up a burden that should have been placed on this corporation that just walked away."

**3) Legal Department request: Accept the Easement for Goshen City utility purposes at 64285 CR 31 from Jean L. Hiles, and authorize the Mayor to execute the Acceptance**

Assistant City Attorney Don Shuler recommended that the Board accept the Easement from Jean L. Hiles and authorize the Deputy Mayor to execute the acceptance.

Shuler said this easement is for Goshen City utility purposes at 64285 CR 31 in Goshen as part of the Brinkly factory development.



Nichols/Myers made a motion to accept the Easement for Goshen City utility purposes at 64285 CR 31 from Jean L. Hiles, and authorize the Deputy Mayor to execute the Acceptance. The motion passed 4-0.

**4) Legal Department request: Adopt Resolution 2025.19, to allow the City to make a Special Purchase of Fleet Management Software from FASTER Asset Solutions for a total cost of \$120,000**

City Attorney Bodie Stegelmann told the Board that the City of Goshen may make a special purchase under Indiana Code §5-22-10 without soliciting bids or proposals provided a written determination is made of basis for the special purchase, and the basis for the selection of a particular contractor. The City's Central Garage would like to make a special purchase of fleet management software.

**Stegelmann recommended that the Board approve Resolution 2025.19 to make a special purchase of fleet management software from TT FASTER LLC, dba FASTER Asset Solutions, as it best meets the needs of the City. According to Resolution 2025-19:**

- The City's Central Garage has an outdated fleet management system and is in need of new one to track and maintain all aspects of fleet management.
- Central Garage staff was presented with several demonstrations of fleet management software.
- After careful consideration, the City's Central Garage determined TT FASTER LLC, dba FASTER Asset Solutions provided a fleet management system that best meets the needs of the City.

**Passage of Resolution 2025-19 would authorize the City to make a special purchase of fleet management software from FASTER Asset Solutions for a total cost of \$120,000.**

City Fleet Manager Carl Gaines said the current software is 19 years old and the Central Garage has "outgrown" it. He said the software soon will not be supported or updated. Gaines said he considered several replacements and were recommending one that is cloud-based, instead of hosted on a local server, and will best meet the City's needs. Board member Landis asked about the life expectancy of this software. Gaines said the life expectancy should be at least as long as the current software.

**Nichols/Myers made a motion to adopt Resolution 2025-19, to allow the City to make a Special Purchase of Fleet Management Software. The motion passed 4-0.**

**5) Legal Department request: Adopt Resolution 2025-11, Policy Regulating Surface Treatments on Travel Surfaces, Statues, and Banners in the Right of Way**

City Attorney Bodie Stegelmann recommended that the Board adopt Resolution 2025-11 which would approve a policy to regulate the application of aesthetic surface treatments on Travel Surfaces, and the placement of statues and banners in the public right of way.

Asked for an explanation of the resolution, City Director of Public Works & Utilities Dustin Sailor said his office receives requests from people seeking usage of the public right of way. He said this resolution would help determine what is acceptable and unacceptable within the public right of way, whether it complies with the Manual on Uniform Traffic Control Devices or Americans with Disabilities Act for downtown park benches or placements within walkways. Deputy Mayor Brinson said, "The whole idea is to avoid creating distractions that create a hazard."

Sailor said, "Correct. We've been asked for decorative painting on the pavement surfaces, messages in the pavement surfaces. Based upon the guidelines, there's a very limited palette of colors that can go in there. They're trying to keep the right of way from being busy, so people's eyes are not distracted to looking at artwork on the roadways as opposed to not seeing someone that's crossing an intersection."

Sailor added there also would be new guidance on the placement of banners or flags above streets. City Attorney Stegelmann said the City can already regulate temporary signs, for example for yard sales, through its sign ordinance.

**According to Resolution 2025-11:**





- The City of Goshen endeavors to design, construct, and maintain Travel Surfaces and the right of way, generally, under its jurisdiction in compliance with all applicable statutes, regulations, rules, and other laws, and in a manner that encourages safe travel, free of distractions.
- Cities and towns across the country have been approached by groups seeking to apply aesthetic surface treatments, with intricate designs and bright colors of a complex or artistic nature, including messages, murals, and/or other types of artworks, on the Travel Surfaces in the right of way of the cities and towns.
- Indiana Code § 9-21-4-1 requires the City of Goshen to follow the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways, ("Indiana Manual") which includes certain standards for Travel Surface treatments specific to allowable colors, geometric patterns, and materials, and the City of Goshen does not wish to confuse or distract motorists or pedestrians with any aesthetic surface treatments not contemplated by the Indiana Manual.
- The City believes that the use of aesthetic surface treatments not conforming to the Indiana Manual may cause disruptions, obstructions, and hazards to vehicular and/or pedestrian traffic, potentially effecting the quality of the environment within the City of Goshen.
- The City seeks to protect and promote the public health, safety, and welfare of the residents and visitors to the City of Goshen traveling on its Travel Surfaces by prohibiting the use of any aesthetic surface treatments not conforming to the Indiana Manual under its jurisdiction, and by prohibiting the placement of statues and banners within the right of way under its jurisdiction.

If the resolution was approved, it would be resolved that the Board of Works approved the policy Regulating Surface Treatments on Travel Surfaces, Statues, and Banners in the Right of Way, effective July 31, 2025.

Attached to Resolution 2025-11 and the City's new policy, "Regulating Surface Treatments on Travel Surfaces, Statues, and Banners in the Right-of-Way," a four-page document with background information and standards for surface treatments, statues and banners.

**Nichols/Myers made a motion to adopt Resolution 2025-11, Policy Regulating Surface Treatments on Travel Surfaces, Statues, and Banners in the Right of Way. The motion passed 4-0.**

**6) Legal Department request: Adopt Resolution 2025-20, Adopting the Americans with Disabilities Act Standards For Accessible Design and Public Right-of-Way Accessibility Guidelines**

City Attorney Bodie Stegelmann recommended that the Board adopt Resolution 2025-20 which adopts for public rights-of-way the 2010 Americans with Disabilities Act Standards for Accessible Design and the 2023 Public Right-of-Way Accessibility Guidelines for pedestrian facilities in the right-of-way.

City Director of Public Works & Utilities Dustin Sailor said the current compliance document for Accessible Design and Public Right-of-Way Accessibility is based on the Americans with Disabilities Act and needs to be updated. He said many Indiana communities Indiana have adopted newer standards and he recommended that Goshen do the same thing.

**According to Resolution 2025-20:**

- By Resolution 2011-Q, adopted December 12, 2011, the Board of Works previously adopted the 2010 Americans with Disabilities Act Accessibility Guidelines Standards for Accessible Design and the 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way.
- The 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way have been superseded by the Americans with Disability Act 2023 Public Right-of-Way Accessibility Guidelines (PROWAG).
- It is necessary for the City of Goshen to adopt PROWAG.

**If approved by the Board, it would be resolved that the City of Goshen Policy for Adopting the Americans with Disabilities Act Standards For Accessible Design and Public Right-of-Way Accessibility Guidelines would be approved.**



Further, upon the approval of the above-described policy, Resolution 2011-Q, Adopting the Americans with Disabilities Act (ADA) Accessibility Guidelines for Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way would be repealed.

**Attached to Resolution 2025-20 was a new one-page City policy, dated July 31, 2025, that was titled "Adopting the Americans with Disabilities Act Standards For Accessible Design and Public Right-of-Way Accessibility Guidelines"**

**Nichols/Myers made a motion to adopt Resolution 2025-20, Adopting the Americans with Disabilities Act Standards For Accessible Design and Public Right-of-Way Accessibility Guidelines The motion passed 4-0.**

**7) Engineering Department request: Approve Change Order No. 1 for the Asphalt Paving Package B to have the sidewalks through the driveways and alleys and drive approaches replaced for the amount of \$66,800**  
**Director of Public Works & Utilities Dustin Sailor told the Board that the Engineering Department included an undistributed square yard quantity for sidewalk replacement in the contract for the City's Asphalt Paving Package B. Sailor said with the City's 2024 sidewalk evaluation complete, the undistributed sidewalk quantity was assigned to poorly rated sidewalk segments along Plymouth Avenue. Sidewalks extending through the driveway and alley approaches were also identified to either be in poor condition or out of ADA compliance.**

**To bring the Plymouth Avenue sidewalk corridor into compliance with the roadway improvements, Sailor said the approaches need to be replaced. The original contract amount was \$4,566,927.**

**Change Order No. 1 would increase the total contract by \$66,800, for a revised contract amount of \$4,633,727, which is an increase of 1.46% over the original contract amount.**

**Nichols/Myers made a motion to approve Change Order No. 1 for the Asphalt Paving Package B to have the sidewalks through the driveways and alleys and drive approaches replaced for the amount of \$66,800. The motion passed 4-0.**

**8) Engineering Department request: Approve the agreement with Arcadis for professional engineering services on an as-needed basis during construction, in an amount not to exceed \$50,000**

**Director of Public Works & Utilities Dustin Sailor told the Board that the City will be managing the construction phase of the North Goshen Service Line Replacement & Utility Improvements project internally, rather than utilizing the City's design engineer, Arcadis, for construction administration.**

**However, to ensure continuity and technical support during construction, Sailor requested that Arcadis propose an allowance for engineering assistance to be provided on an as-needed and as requested basis. The City has agreed to establish a not-to-exceed allowance of \$50,000 for this purpose.**

**Sailor asked that the Board approve the attached agreement for Professional Engineering Services with Arcadis to allow for this flexible support arrangement for the two-year project.**

**Nichols/Myers made a motion to approve the agreement with Arcadis for professional engineering services on an as-needed basis during construction, in an amount not to exceed \$50,000. The motion passed 4-0.**

**9) Engineering Department request: Approve Change Order No. 3 for the Asphalt Paving Package A for additional pavement milling and traffic signal work for the amount of \$30,122**

**Director of Public Works & Utilities Dustin Sailor told the Board that during the surface milling on Kercher Road, it was necessary to mill through the existing traffic signal loops, and to allow the signal to function properly the loop must be replaced.**

**Sailor said Niblock Excavating has arranged for a mill to be on Keystone Drive, east of Dierdorff Road, for the required paving work. The City has additional milling needs on Keystone Drive west of Dierdorff Road and on Eisenhower Drive East, from U.S. Hwy. 33 to the Horn Ditch.**



While Niblock has a mill mobilized in southeast Goshen, Sailor said the company has agreed to expand its milling work to include an additional 13,191 square yards.

Sailor said the original contract amount, plus additions from previous change orders, was \$2,239,589.30 Change Order No. 3 increases the total contract by \$30,122, for a revised contract amount of \$2,269,706.70, which is an increase of 10.41% over the original contract amount.

In response to a question from Board member Landis, Sailor clarified the work that will be completed.

Nichols/Myers then made a motion to approve Change Order No. 3 for the Asphalt Paving Package A for additional pavement milling and traffic signal work for the amount of \$30,122. The motion passed 4-0.

**Privilege of the Floor (opportunity for public comment for matters not on the agenda):**

Deputy Mayor Brinson opened Privilege of the Floor at 4:28 p.m.

Goshen Police Officer James Ballard, President of the Blue Knights Indiana Chapter VIII, asked the Board to approve road closures on Sept. 7, 2025 for the 27th annual Riding to Remember public safety motorcycle ride, a 72-mile journey to honor fallen police, firefighters and veterans.

*NOTE: This request was initially considered by the Board on July 24, but tabled until the Board's meeting on July 31 to allow for more discussion about the requested street closures and the City's staffing needs.*

Board member Landis asked Officer Ballard if he had met with the Mayor. Officer Ballard said he has exchanged text messages with the Mayor and has spoken with the Police Division Chief in charge of traffic and the City Fire Chief. He said they approved the request. Fire Chief Anthony Powell said, "This is a normal every year ride, so we have no objections to it."

Officer Ballard said the ride will take place Sept. 7. Usually, he said it stops in Goshen for a memorial service, "but out of caution we've learned that fatigue sets in some of the riders when they stop and get back on their motorcycles, so we're trying to eliminate some of that by shortening the ride and not stopping here in Goshen. We'll be ending at the Middlebury American Legion."

Officer Ballard said the motorcyclists will be arriving in Goshen about 1 p.m. on Sept. 7 and passing through in about a half hour. He previously indicated the riders would enter the City from the south and head north on State Route 15. Riders will then turn west on Madison Street, to 3<sup>rd</sup> Street, turn again onto State Route 15 and then connect with County Road 126.

Nichols/Myers made a motion to approve temporary road closures for the Riding to Remember motorcycle ride on Sunday, Sept. 7, 2025 for approximately a half hour between 1 and 2 p.m. The motion passed 4-0.

At 4:32 p.m., Deputy Mayor Brinson closed the public comment period.

At 4:32 p.m., Deputy Mayor Brinson temporarily closed the Board of Public Works meeting and opened two unsafe building hearings.

**UNSAFE BUILDING HEARINGS ON CITY BUILDING COMMISSIONER'S ORDERS**

**July 31, 2025**

**Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana**

**Members present: Deputy Mayor Brinson, Mike Landis, Orv Myers and Mary Nichols**



10) 315 West Oakridge Avenue (Artisan Investment Group, LLC., property owners)  
At 4:32 p.m., Deputy Mayor Brinson convened an unsafe building hearing for 315 West Oakridge Avenue (Artisan Investment Group, LLC., property owners).

#### **BACKGROUND**

In a July 31, 2025 memorandum to the Board, Assistant City Attorney Don Shuler wrote that the Board, serving as the City's Unsafe Building Hearing Authority, last held a hearing for 315 W. Oakridge Avenue on Sept. 26, 2024. At that time, the Board affirmed the Building Commissioner's Order finding the residential structure and garage to be an unsafe building warranting demolition, but delayed further action due to pending tax sale and potential change of ownership. The Board's Sept. 26, 2024 Order was attached to Shuler's memo.

Following the conclusion of the tax sale and a recent sale of the property, Shuler wrote that the Building Commission issued an Order for Review Hearing, which also was attached.

Shuler wrote that the Board has continuing jurisdiction over enforcement of its Orders. Therefore, at the July 31 hearing, Shuler wrote, the Board could receive reports, evidence, and arguments from the Building Department, the property owner, City staff, and anyone else wishing to speak to the property. It could then:

1. Continue the matter for further review.
2. Modify the Order (e.g., formally remove the demolition order status, extend deadlines, require a performance bond).
3. Rescind the Order.
4. Affirm the Order and, if warranted, impose a civil penalty if the Board specifically finds there has been a willful failure to comply.
5. Take any other action permitted by law to address the unsafe premises.

Shuler wrote that for any action resulting in an Order, the Board should make specific findings in support.

In its Sept. 26, 2025 Record of Action and Continuous Enforcement Order, the Board stated the following:

#### **BACKGROUND**

1. The City of Goshen Building Commissioner issued an order on Aug. 1, 2024 (hereinafter the "Order"), concerning the property located at 315 W. Oakridge Avenue, Goshen, Indiana, and more particularly described in Exhibit A (hereinafter the "Real Estate"). The Order made findings that the vacant residential structure at the Real Estate was an unsafe building and required demolition of said building and removal of all demolition remains, trash, and debris on the Real Estate and return of the site to natural grade, all of said work to be completed within sixty (60) days.

2. The Building Commissioner, in his Order, determined that the building at the Real Estate was unsafe under I.C. § 36-7-9-4(a)(4), (5), and (6) due to the following conditions:

- a. The vacant residential structure and detached garage has been vacant for several years, with no consistent water usage for over two (2) years.
- b. The vacant residential structure has sustained damage to its roof, leading to leaks and water intrusion that will cause continued deterioration of the structure.
- c. There is evidence that animals have been living inside the structure, further compromising the safety and sanitary conditions of the Real Estate.
- d. The overall state of disrepair and neglect has resulted in the vacant residential structure as unfit for human habitation, occupancy, or use under Goshen City Code.

3. Proper notice of the demolition order was provided to the title owners of record for the Real Estate, Jerry T. Perdue and Georgie M. Perdue, along with the Unknown Heirs and Beneficiaries of Jerry T. Perdue and the Unknown Heirs and Beneficiaries of Georgie M. Perdue (hereinafter "Owner") via publication in the Goshen News on Aug. 5, 2024, and Aug. 12, 2024, in accord with LC. § 36-7-9-25.





Proper notice of the demolition order was provided to all parties with a substantial property interest, NWI RES, LLC and Summit Account and Computer Services, Inc. (hereinafter collectively, "Interest Holders"), via regular and certified mail, in accord with LC.§ 36-7-9-25.

4. During the hearing the Goshen Building Department presented evidence, testimony, and argument supporting the Order. Owner and Interest Holders were given the opportunity to present testimony and evidence concerning the condition of the building at the Real Estate and the Order.

### **FINDINGS**

After consideration of the evidence and testimony presented, the Hearing Authority finds that the Building Commissioner's Order is supported by substantial evidence. The vacant residential structure at the Real Estate is an unsafe building under Indiana law. The Hearing Authority specifically adopts Section 2 of the Order as its Findings. In addition, the Hearing Authority finds that NWI RES, LLC is the tax sale purchaser for the Real Estate. NWI RES, LLC intends to petition the Elkhart County Circuit Court for a tax sale in accordance with state statute; it is anticipated that the process to obtain legal title to the Real Estate will take several months. NWI RES, LLC, once it has obtained title, is committed to either sale the Real Estate to a party committed to making repairs or making repairs themselves to return the Real Estate to a habitable state.

### **ORDER**

The Order issued by the City of Goshen Building Commissioner was hereby affirmed in its entirety except as modified below:

1. This order shall serve as a Continuous Enforcement Order pursuant to LC. § 36-7-9-
2. The vacant residential structure and the garage at the Real Estate are unsafe buildings under the Indiana Unsafe Building Law.
3. While demolition is warranted based on the current condition and recent history at the Real Estate, it is appropriate to table and continue this matter, specifically whether the Order should be affirmed, rescinded, or further modified, for a period of time sufficient to permit NWI RES, LLC to obtain legal ownership of the Real Estate. Therefore, this matter is tabled and continued to Feb. 27, 2025 at 4:00 p.m. (local time). or as soon thereafter as this matter may be heard, in the Court Room / Council Chambers at 111 East Jefferson Street, Goshen.
4. This order constitutes a final administrative decision, and Owner has the right to appeal these findings of fact and this Continuous Enforcement Order to the Elkhart Circuit or Superior Court by filing a verified complaint within ten (10) days of the date of this action; failure to file a verified complaint within the specified time forfeits any appeal rights.
5. Per I.C. § 36-7-9-27, if Owner transfers its interest or any portion of its interest in the vacant residential structure and/ or the Real Estate affected by this Continuous Enforcement Order to another person, Owner must supply the other person with full information regarding this Continuous Enforcement Order prior to transferring that interest or agreeing to transfer that interest. Further, within five (5) business days after transferring that interest or agreeing to transfer a substantial property interest in the vacant residential structure and/ or the Real Estate, Owner must supply the City of Goshen Building Commissioner with the full name, address, and telephone number of the other person taking a substantial property interest in the vacant residential structure and/ or the Real Estate, along with written copies of the agreement to transfer the interest or copies of the document actually transferring the interest. Should the Owner fail to comply with these provisions, then Owner may be liable to the City of Goshen for any damage that the City of Goshen may suffer in the event that a judgment is entered against it by the other person to whom the transfer is made.

Shuler provided a Certificate of Service attesting that copies of the City's notification were mailed on June 24, 2025 to Artisan Investment Group, LLC of Middlebury, Indiana.



#### **DISCUSSION AND OUTCOME OF BOARD'S UNSAFE PROPERTY HEARING ON JULY 31, 2025:**

**At 4:32 p.m., Deputy Mayor Brinson convened an unsafe building hearing for 315 West Oakridge Avenue (Artisan Investment Group, LLC., property owners).**

**Present:** Board members Brinson, Landis, Myers and Nichols; Assistant City Attorney Don Shuler; City Attorney Bodie Stegelmann; City Building Commissioner Myron Grise; City Building Inspector Travis Eash, and Marlin Schwartz, a representative of the property owner, Artisan Investment Group, LLC.

Assistant City Attorney Don Shuler provided the background of the matter as was presented in his memorandum to the Board. He also did so through a 14-page PowerPoint presentation, dated July 31, 2025, that was titled "Unsafe Building Hearing – Staff Report, 315 W. Oakridge Avenue, Goshen" (EXHIBIT #2). The PowerPoint included a background summary of the matter, photographs taken by City Building Inspector Travis Eash showing the condition of the property, a narrative summary of the property's condition and a two-page staff summary and recommendation.

**Shuler related the following:**

**An Order of the City of Goshen Building Commissioner finding the residential structure at 315 W. Oakridge Avenue, Goshen (the "Property") to be an unsafe building was issued on Aug. 1, 2024.**

**The Order required demolition of the Unsafe Building, noting, among other issues, the following:**

- The home and garage have been vacant for multiple years, with no water usage for at least 2 years
- Roof damage leading to water intrusion and leaks, causing further deterioration of the structure
- Evidence of animals living inside the residence
- The overall state of disrepair and neglect makes the property unfit for human habitation, occupancy, or use under Goshen City Code
- A review hearing was held before the Board of Works on Sept. 26, 2024
- At the hearing, Building Commissioner presented a memorandum in support of his order
- He indicated that the condition of the building would likely continue to deteriorate and noted that the exterior of the property was becoming a dumping ground
- He provided the Board with the photographs, taken on Sept. 25, 2024, showing the exterior condition of the property

Shuler said the prior owners of the property died in early 2019 and the property had been vacant for several years. During that time, Shuler said the building was deteriorating and it was becoming a dumping ground for the neighborhood.

At a hearing in September, Shuler said a representative of NWI Res, LLC appeared via Zoom and stated that the company had purchased the property at the 2023 tax sale and were waiting for the one-year period of redemption to expire before it could take any action. Shuler said the Board affirmed the Building Commissioner's finding that the property was unsafe and warranted demolition. However, the Board tabled the matter for any further action to let the tax sale process be completed, so someone who had legal authority could do something with the property. NWI Res, LLC either planned to sell the property or make repairs.

Shuler said in February 2025, NWI Res, LLC completed the process to obtain a tax deed and eventually sold the property to Artisan Investment Group, LLC on June 17, 2025. Once the Building Commissioner received notice of transfer, staff scheduled this status hearing before the Board.

Shuler said City staff and a representative of the property owner would now testify.

**Deputy Mayor Brinson swore in City Building Inspector Travis Eash to give truthful testimony.**

Continuing the use of the PowerPoint introduced by Shuler (EXHIBIT #2), Eash discussed the status of 315 West Oakridge Avenue, showed photographs of its condition and provided a staff summary.



Eash said that since acquiring the property, Artisan “has taken appropriate steps to secure the structures and clean up the exterior of the property. They provided the Building Department their proposed scope of work for the renovation. Those include a new metal roof on the house and the garage, new vinyl siding on the house and the garage, new windows for the house, a new overhead garage door, structural repairs inside the house, including replacing floor joists. They are probably going to do a whole rewire of it ... and then also drywall and bathroom fixtures, new kitchen cabinets, countertops, appliances, and new furnace, and A/C.”

Eash displayed photos he took July 30, 2025 which showed great improvement to the exterior appearance – “nothing there but the house and green grass.” He added, “They have secured the property and cleaned it up.”

In response to questions, Eash said Artisan has provided a scope of work. He also said a front broken window also was replaced.

**Deputy Mayor Brinson swore in property owner Marlin Schwartz to provide truthful testimony.**

Schwartz asked the Board for more time to renovate the property. He said Artisan is currently renovating four homes on North 5<sup>th</sup> Street that previously were deemed to be unsafe and completing those renovations, by Dec. 31, is a higher priority. Schwartz said the plan is to install a new roof on the Oakridge property this fall and complete renovations in spring 2026. He added that the goal would be to prepare the home for occupancy in June or July 2026.

Assistant City Attorney Shuler said Artisan has been working well with the City Building Department and has been responsive. So, the Building Department agreed with this proposed timeline for repairs. Shuler also provided the background on the four homes on North 5<sup>th</sup> Street that Artisan is renovating that previously were owned by Ron Davidhizar. He said Artisan’s work on those properties is of higher priority than the Oakridge home.

Shuler recommended that the Board adopt a proposed order, which contained the following findings and order:

**Findings**

- Residential structure and garage are unsafe buildings in need of significant repairs
- New owner, Artisan, has secured the property and has demonstrated a willingness and capacity to effectuate repairs to the property to bring into Code compliance
- Appropriate to set benchmarks for progress to be monitored by the Building Department

**Order**

- Affirm prior orders regarding the condition of the property
- Artisan is required to pull all required permits and schedule all required inspections for renovation at the property
- Complete exterior repairs – roofing, siding, and windows – on house and garage by Nov. 30, 2025
- Complete/pass all rough-in inspections by Jan. 31, 2026
- Complete/pass all final inspections by March 31, 2026
- Pass all final inspections to obtain occupancy by June 30, 2026
- Schedule for Review Hearing before the Board on July 2, 2026
- Building Commissioner may schedule Compliance Hearing at any time if requirements of order are not met

In response to questions by the Deputy Mayor, Shuler clarified the proposed order and timeline.

**Nichols/Myers made a motion to approve the proposed order as summarized today. The motion passed 4-0.**

The Deputy Mayor thanked Schwartz and added, “You guys have been great to work with and have impressed us with your ability to take on these big projects. You probably have 30 houses in motion by now or close to it.”

Schwartz briefly summarized the progress on the homes being renovated.

Deputy Mayor Brinson responded, “Hopefully, we’ll give you some special recognition one of these days.”



11) 709 Chicago Avenue (Buccaneer Development LLC, property owner)  
At 4:47 p.m., Deputy Mayor Brinson convened an unsafe building hearing for 709 Chicago Avenue (Buccaneer Development LLC, property owner).

#### **BACKGROUND**

In a July 31, 2025 memorandum to the Board, Assistant City Attorney Don Shuler wrote this matter was before the Board in its capacity as the City's Unsafe Building Hearing Authority.

Shuler wrote that an Order of the City of Goshen Building Commissioner was issued for each of the four rental (4) units within the residential structure at 709 Chicago Avenue. These Orders, issued on June 25, 2025, each required various repairs to be made within thirty (30) days. Copies of those Orders were attached.

Shuler wrote that the Building Commissioner Orders also set a review/compliance hearing. Therefore, at the hearing on July 31, Shuler wrote that the Board could receive reports, evidence, and arguments from the Building Department, the property owner, City staff, and anyone else wishing to speak to the property. The Board could then:

1. Continue the matter for further review.
2. Modify the Order (e.g., extend deadlines, require a performance bond).
3. Rescind the Order.
4. Affirm the Order and, if warranted, impose a civil penalty if the Board specifically finds there has been a willful failure to comply.
5. Take any other action permitted by law to address the unsafe premises, such as authorizing action for receivership or other legal action.

For any action resulting in an Order, Shuler wrote that the Board should make specific findings in support.

On June 25, 2025, City Building Commissioner Myron Grise issued separate Unsafe Building Enforcement Authority Orders for Units 1, 2, 3 and 4 for the property at 709 Chicago Avenue, which is owned by Buccaneer Development LLC of Fresno, Calif.

For each unit, Grise notified the property owner that the company was "in violation of the City of Goshen Building Code and Neighborhood Preservation Ordinance, codified at Goshen City Code §§ 6.1.1 and 6.3.1."

For Unit #1, Grise cited the following violations of Goshen City Code Title 6, Article 1, Chapter 1 and Title 6, Article 3, Chapter 1:

1. The unit has had extensive work done without required permits, a violation of Code § 6.1.1. 7. As a result, the electrical, plumbing, and mechanicals cannot be assessed for proper functioning.
2. The unit is using recessed space heaters, a violation of Code § 6.3.1. l(a).
3. The unit has no smoke detectors, a violation of Code § 6.3.1.8(b).
4. There is evidence of a rodent infestation, a violation of Code § 6.3.1.6(b)( 4).
5. GFCI outlet in kitchen did not reset and needs assessment, a violation of Code § 6.3.1.l(a).

Grise concluded that the residential unit in the structure on the real estate has not been maintained in a manner that is compliant with the minimum standards for all structures for purposes of health and safety, and is therefore unsafe within the meaning of J.C. § 36-7-9-4(a)(5).

For Unit #2, Grise cited the following violations of Goshen City Code Title 6, Article 1, Chapter 1 and Title 6, Article 3, Chapter 1:

1. The unit has had extensive work done without required permits, a violation of Code § 6.1.1. 7. As a result, the electrical, plumbing, and mechanicals cannot be assessed for proper functioning.
2. The unit is using recessed space heaters, a violation of Code § 6.3.1. l(a).





3. The exterior walls are in disrepair, a violation of Code§ 6.3.1. l(b). The exterior walls have numerous holes, areas with missing paints, and are badly weathered, particularly the window sills.
  4. The door and frame to the storage area are rotten and in need of replacement, a violation of Code§ 6.3.1.l(b).
  5. The roof easing on the west wise has begun to rot, a violation of Code§ 6.3.1. l(c).
  6. The ceiling in the basement is deteriorating and has collapsed in areas, a violation of Code§ 6.3.1.l(b).
  7. The siding is deteriorating, a violation of Code§ 6.3.1. l(b).
  8. The walls at the top of the basement stairs have started to crumble, a violation of Code§ 6.3.1. l(b).
  9. The flooring in the basement doorway is broken, a violation of Code§ 6.3.1. l(b).
  10. There is a hole in the basement hatch that permits water penetration, a violation of Code § 6.3.1.1 (b ).
  11. There are missing outlets, outlets that do not work properly, and multiple exposed electrical boxes, a violation of Code§ 6.3.1.l(a).
  12. The sump pump is not functioning, a violation of§ 6.3.1. l(a).
  13. The water heater in the basement is leaking, a violation of§ 6.3.1. l(a).
  14. The basement has accumulated debris consisting of ceiling materials, electrical rubbish, and used tires, a violation of Code§§ 6.3.1. l(b) and 6.3.1.4.
- Grise concluded that the residential unit in the structure on the real estate has not been maintained in a manner that is compliant with the minimum standards for all structures for purposes of health and safety, and is therefore unsafe within the meaning of J.C.§ 36-7-9-4(a)(5).

**For Unit #3, Grise cited the following violations of Goshen City Code Title 6, Article 1, Chapter 1 and Title 6, Article 3, Chapter 1:**

1. The unit had work done without required permits, a violation of Code § 6.1.1. 7. As a result, the electrical, plumbing, and mechanicals cannot be assessed for proper functioning.
2. The unit has mold growing on multiple walls, a violation of Code§ 6.3.1. l(b)

Grise concluded that the residential unit in the structure on the real estate has not been maintained in a manner that is compliant with the minimum standards for all structures for purposes of health and safety, and is therefore unsafe within the meaning of I.C. § 36-7-9-4(a)(5). Further, Grise wrote that the unit is vacant and not maintained in a manner that would permit human habitation, occupancy, or use under Goshen City Code, and is therefore unsafe within the meaning of I.C. § 36-7-9-4(a)(6).

**For Unit #4, Grise cited the following violations of Goshen City Code Title 6, Article 1, Chapter 1 and Title 6, Article 3, Chapter 1:**

1. The boiler heat is inoperable, the unit is utilizing recessed space heaters, and does not have proper working mechanicals, a violation of Code§ 6.3.1.l(a).
2. The back step needs replacement, a violation of Code§ 6.3.1.l(e).
3. There are holes in the wall of the kitchen and the secondary bedroom, violations of Code§ 6.3.1.1(b).
4. There is a hole in the kitchen floor, a violation of Code§ 6.3.1.l(b).
5. The kitchen window is in disrepair, a violation of Code § 6.3.1.l(d).
6. There are electrical outlets missing covers, detached, and inoperable, a violation of Code§ 6.3.1.l(a).
7. There are plumbing malfunctions in the unit, as the bathroom sink won't fully drain and the toilet leaks, violations of Code§ 6.3.1.l(a).
8. The bathroom floor is water damaged, a violation of Code§ 6.3.1. l(b).



Grise concluded that the residential unit in the structure on the real estate has not been maintained in a manner that is compliant with the minimum standards for all structures for purposes of health and safety, and is therefore unsafe within the meaning of I.C. § 36-7-9-4(a)(5).

For Units 1, 2, 3 and 4, Grise ordered the property owner "to complete the necessary actions and repairs to the residential unit in the structure at the real estate to bring the property into compliance with the minimum housing standards that permit human habitation, occupancy, or use under the Goshen City Building Code and Neighborhood Preservation Ordinance. Said actions and repairs, among other considerations, must include attaining all proper permits, inspections, and address all listed violations contained in this order."

Grise ordered the work on all four units to be completed in 30 days. He also notified the property owners to appear before the Board of Public Works & Safety for a hearing on July 31, 2025.

Shuler provided a Certificate of Service attesting that copies of the City's notification were mailed on June 25, 2025 to Buccaneer Development, LLC of Fresno, Calif.

#### **DISCUSSION AND OUTCOME OF BOARD'S UNSAFE PROPERTY HEARING ON JULY 31, 2025:**

At 4:47 p.m., Mayor Leichty/Deputy Mayor Brinson convened an unsafe building hearing for 709 Chicago Avenue (Buccaneer Development LLC, property owner).

Present: Board members Brinson, Landis, Myers and Nichols; Assistant City Attorney Don Shuler; City Attorney Bodie Stegelmann; City Building Commissioner Myron Grise; and City Rental Inspector Micah Helmuth. The property owner was not present.

Assistant City Attorney Don Shuler provided the background of the matter as was presented in his memorandum to the Board. He also did so through a 32-page PowerPoint presentation, dated July 31, 2025, that was titled "Unsafe Building Hearing – Staff Report, 709 Chicago Avenue, Goshen" (EXHIBIT #3). The PowerPoint included a background summary of the matter, photographs taken by City Rental Inspector Micah Helmuth showing the condition of the property, a narrative summary of the property's condition and a staff summary, options for action by the Board and a staff recommendation.

Shuler related the following:

- 709 Chicago Avenue is a residential structure with four (4) rental units.
- On June 25, 2025, the City Building Commissioner issued an order relative to each rental unit, finding each unit to be unsafe under the requirements of Goshen City Code.
- The Building Commissioner's Order identified various violations of Code at each unit and ordered sufficient repairs to be made to each of the units within thirty (30) days.
- The Order was sent via Certified and Regular Mail on June 25, 2025 to the owner of the property – Buccaneer Development, LLC, as well each of the occupied units at the Property (Units 1, 2 and 4). Buccaneer Development signed for the Certified Mail for the Orders for each of the Units on June 30, 2025. The certified mailings for the 3 occupied rental units were all returned, with Units 1 and 2 returns indicating each unit was "VACANT" and the return for Unit 4 indicating "UNCLAIMED" An Affidavit of Service establishing these matters, city copies of the certified mail receipts/returns, were provided for the Board's record (EXHIBIT #4).
- Violations in Unit 1 included that extensive work was done without permits, space heaters were being used that created concerns about ventilation, there was evidence of a rodent infestation and some issues with a kitchen outlet and no smoke detectors.
- Unit 2 violations included work done without permits, the use of recessed space heaters, exterior walls and doors in disrepair, the roof starting to rot, the basement ceiling deteriorating, some walls crumbling, floor damage, siding deteriorating, missing outlets, the sump pump not functioning properly and accumulated debris.



- Unit 3 violations included work completed without permits, but the primary issue was mold on multiple walls.
- Unit 4 violations included an issue with the boiler heating being inoperable and not having working mechanicals, holes in the kitchen and second bedroom along with the floor, some water damage in the bathroom, plumbing malfunctions and electrical issues.
- Based on these findings, the Building Commissioner's order for each unit noted that they hadn't been maintained in a manner that is compliant with the minimum standards for all structures for purposes of health and safety, and that therefore made it an unsafe building by definition under the unsafe building law.
- The Building Commissioner's order required action to bring the property into compliance within 30 days.

Shuler asked City Rental Inspector Micah Helmuth to share his results of his inspection and photographs from each of the units he inspected.

Deputy Mayor Brinson then swore in City Rental Inspector Micah Helmuth to provide truthful testimony. Helmuth provided the following information about the units at 709 Chicago Avenue:

- Unit 1 appears to have been redone but was repaired without permits. "There was evidence of infestation. Obviously the electrical is not up to snuff, despite being more or less brand new. What's not pictured here are the heating units that are placed inside the walls ... these are not safe. These are not efficient, nor have they been inspected. And again, no permits were pulled for this."
- Unit 2 has extensive damage outside. In addition, it has had shoddy repairs, shows signs of neglect, electrical problems, an inoperable water heater, a non-functioning sump pump, electrical work done without permits, a collapsing ceiling,
- Unit 3 is filled with mold, which has caused the ceiling to collapse.
- Unit 4, which is occupied, has a bathroom in bad condition, an inoperable boiler, electrical problems, trip hazards, and floor damage.
- Helmuth heard from Buccaneer Development, the property owner, one time when he initially reached out to schedule an inspection. The property owners missed the inspection. He reached out to the owner again in April, who promised to update their rental licenses. However, there has been no contact since then.
- It appears that the property owner hired someone to repair the units.
- The property management company has indicated it no longer manages the property, so at this point the property is not being managed.
- Tenants don't know where to pay their rent and they don't have hot water and extensive repairs are needed.
- In response to a question from the Clerk-Treasurer, Helmuth said he doesn't know if Buccaneer Development owns any other property in Elkhart County, but it doesn't own any other property in Goshen.

City Water & Sewer Office Manager Kelly Saenz said her office reached out to the property management company because of a water leak and her staff members were informed that the company was no longer in charge of the property and no longer wanted to be listed as being responsible for the bills. She said the owners have not been responsive so the service will soon be disconnected for non-payment since May.

Assistant City Attorney Shuler said Buccaneer Development doesn't own any other property in Elkhart County. He said the Chicago Avenue property was purchased from another party. He said it's not known why the company has not responded to the City.

Shuler said each of the units at the property remain in a condition that does not meet minimum code requirements and is therefore unsafe. He said repair work done was prior to City inspections and did not have permits. In addition, he said the Building Commissioner has significant concerns about the heating system (recessed heaters / ventilation, non-working boiler) and plumbing (leaking water heater), that impacts all units.



Shuler said the property owner has not been in contact with the Building Department despite multiple attempts, as well as the orders issued by the Building Commissioner. And the City is concerned that the property will not be fixed without further action by City.

**Shuler said that while the property remains in an unsafe condition, it is not in a condition, currently, that warrants demolition. He said the Board had the following options under the Indiana Unsafe Building Law:**

- Provide property owner additional time to make repairs and schedule future review hearing
- Find there has been a "willful failure" to comply with the Building Commissioner's Orders, and impose a Civil Penalty for each order up to \$5,000
- Impose the Civil Penalty, suspend upon substantial completion of repairs in 30, 45, or 60 days, and schedule for review hearing
- Authorize the Building Commissioner to take legal action, including seeking a receivership for the property, to effectuate repairs to the property
- Or some combination of the above options

**Shuler requested that the Board adopt the Building Commissioner's proposed order. More specifically:**

- Adopt findings that proper notice was given, that the rental unit is still unsafe and in need of repairs and that the owner has willfully failed to comply, as there has been no contact, no permits, no scheduling of inspections, and no attempt at repairs and without further action by City, Rental Unit unlikely to be brought into compliance.
- And impose a civil penalty in the amount of \$2,500, payable by Aug. 11, 2025 and authorize the Building Commissioner to take legal action, including seeking receivership, to effectuate repairs.

**Board member Landis** asked if a civil penalty might discourage the property owner from making repairs. **Shuler** said the property owner could always make repairs, but a civil penalty was recommended because the property owner has been non-responsive. He said a receivership also was recommended to repair the property.

**Deputy Mayor Brinson** said, "It looks to me like the property owners basically abandoned this property there. They're not collecting rent. They don't have a management company. They're not making any repairs. They're not responding to our requests to make repairs."

The **Deputy Mayor** said a receivership "may be the best tool because that puts the control in our hands to make the repairs, rent it out, and then that rental income pays off the debt. Eventually, the owner could conceivably get the property back after we've been paid off."

**Board member Landis** said receivership has been an option for the Board in the past and either hasn't worked or hasn't been tried. **Shuler** said there have been six past receiverships and five were successful. He explained the outcomes in those cases. **Board member Landis** said perhaps the Board hasn't been informed of the outcomes. He added that he could support this receivership if that's what the Building Commissioner wanted.

**Deputy Mayor Brinson** clarified that the \$2,500 fine would be collected through the payment of property taxes.

**Shuler** said the receiver would help with that collection. He further explained the collection of the penalty.

**Clerk-Treasurer Aguirre** said he understood that the property owner ultimately was responsible in this case, but he asked if the property management company had any responsibilities to the tenants, who were abandoned without a way to pay or have livable homes. **Shuler** said the property management company may have some legal responsibilities to the tenants, but that would be a matter between the parties and not the City.

**Deputy Mayor Brinson** asked if anyone was present from **Buccaneer Development**. There was not.

**Nichols/Myers** then made a motion to adopt the proposed order as presented for each rental unit at 709 Chicago Avenue as proposed. The motion passed 4-0.





#### **APPROVAL OF CIVIL & UTILITY CLAIMS**

Deputy Mayor Brinson made a motion to approve Civil City and Utility claims. Board member Nichols seconded the motion. The motion passed 4-0.

#### **ADJOURNMENT**

Deputy Mayor Brinson then adjourned the meeting at 5:16 p.m.

**EXHIBIT #1:** *A redline version of the proposed agreement with Legacy Communities, Inc. to utilize the City's Brownfield Revolving Loan Fund to award a grant to fund of no more than \$685,825 for the soil remediation at 620 E. Douglas Street for the Ariel Cycleworks Project. The Board approved this revised agreement (agenda item #2).*

**EXHIBIT #2** *A 14-page PowerPoint presentation, dated July 31, 2025, that was titled "Unsafe Building Hearing – Staff Report, 315 W. Oakridge Avenue, Goshen," and shown during the unsafe building hearing for the property. The PowerPoint was presented by Assistant City Attorney Don Shuler and City Building Inspector Trais Eash and included a background summary of the matter, photographs taken by Eash showing the condition of the property, a narrative summary of the property's condition, staff findings and a staff recommendation.*

**EXHIBIT #3:** *A 32-page PowerPoint presentation, dated July 31, 2025, that was titled "Unsafe Building Hearing – Staff Report, 709 Chicago Avenue, Goshen" and shown during the unsafe building hearing for the property. The PowerPoint was presented by Assistant City Attorney Don Shuler and City Inspector Micah Helmuth and included a background summary of the matter, photographs taken by Conrad/Eash showing the condition of the property, a narrative summary of the property's condition and a xx-page staff recommendation.*

**EXHIBIT #4:** *An Affidavit of Service and related documents for a City of Goshen Building Commissioner Order for 709 Chicago Avenue. It was sent via Certified and Regular Mail on June 25, 2025 to the owner of the Property – Buccaneer Development, LLC, as well each of the occupied units at the Property (Units 1, 2 and 4). Buccaneer Development signed for the Certified Mail for the Orders for each of the Units on June 30, 2025. The certified mailings for the 3 occupied rental units were all returned, with Units 1 and 2 returns indicating each unit was "VACANT" and the return for Unit 4 indicating "UNCLAIMED" An Affidavit of Service establishing these matters, city copies of the certified mail receipts/returns, were provided for the Board's record.*

**APPROVED:**

A blue ink signature of Mayor Gina Leichthy, written in a cursive style, is positioned above a horizontal line. Below the line, the name "Mayor Gina Leichthy" is printed in a black, sans-serif font.

Mayor Gina Leichthy



Michael A Landis  
Mike Landis, Member

Orv Myers  
Orv Myers, Member

Mary Nichols  
Mary Nichols, Member

Barb Swartley  
Barb Swartley, Member

ATTEST:

Richard R. Aguirre  
Richard R. Aguirre, City of Goshen Clerk-Treasurer

Exhibit #1

**BROWNFIELD REVOLVING LOAN FUND GRANT AGREEMENT  
WITH AP DEVELOPMENT, LLC, AP CYCLEWORKS, LLC, AND  
LEGACY COMMUNITIES, INC.**

This Agreement is made and entered into this \_\_\_\_\_ day of July, 2025, by and between the City of Goshen, a municipal corporation and political subdivision of the State of Indiana ("City") and AP Development, LLC, an Indiana limited liability company, AP Cycleworks, LLC, an Indiana limited liability company, and Legacy Communities, Inc., an Indiana nonprofit corporation (collectively referred to as "Developer").

WHEREAS, the City and AP Development, LLC and AP Cycleworks, LLC (together, the "Original Developer") ~~Developer~~ previously entered into an Economic Development Agreement (EDA) dated April 27, 2022, concerning the Redevelopment-owned property located at 620 East Douglas Street, Goshen, Indiana, for the development of the Ariel Cycleworks Project; and

WHEREAS, Legacy Communities, Inc., though not a party to the EDA, was established by the same principals of the Developer to facilitate receipt and administration of public grant funding in support of the Ariel Cycleworks Project; and

WHEREAS, Legacy is acting in concert with AP Development, LLC and AP Cycleworks, LLC in the continued implementation of the Ariel Cycleworks Project, and all three entities have agreed to be jointly and severally bound by the obligations of this Agreement, and to the extent applicable, the obligations set forth in the April 27, 2022 EDA; and

WHEREAS, the EDA acknowledged the existence of an Environmental Restrictive Covenant (ERC) on the subject property restricting the use to recreational or industrial use only, and both parties agreed to work collaboratively with the Indiana Department of Environmental Management (IDEM) to amend the ERC as necessary to permit residential use. The EDA further stipulated that the City would be responsible for all costs associated with the removal of pollutants, hazardous materials, and debris, as necessary to facilitate the development of the Project; and

WHEREAS, the Developer engaged IWM to evaluate the environmental conditions of the site based on the proposed site plan for the Project and to develop a scope of work for the additional environmental remediation required; and

WHEREAS, the City and Developer are requesting a grant in an amount not to exceed Six Hundred Eighty-Five Thousand Eight Hundred Twenty-Five Dollars (\$685,825.00) to fund the necessary soil remediation to allow for the construction of the multi-family housing project, and has applied for this funding through the City's Brownfield Revolving Loan Fund (BRLF) program; and

WHEREAS the BRLF Advisory Committee has reviewed Developer's application and determined that Developer's request meets all BRLF program requirements, and it has recommended that a grant be awarded to pay for the soil remediation for the real estate at 620 East Douglas Street, Goshen, Indiana.

NOW, THEREFORE City and Developer agree as follows:

14. Contract Work Hours and Safety Standards Act, as amended (40 USC 327-333);
15. The Anti-Kickback Act (40 USC 276c); and
16. Section 504 of the Rehabilitation Act of 1973 as implemented by Executive Orders 11914 and 11250.

#### NON-DISCRIMINATION AND EQUAL OPPORTUNITY

Developer agrees to comply with all statutes, regulations, or other laws prohibiting discrimination on the grounds of race, color, national origin, religion, sex, age, and disability, including but not limited to: the Equal Credit Opportunity Act; the Americans with Disabilities Act; Title VII of the Civil Rights Act of 1964; the Civil Rights Act of 1866; the Pregnancy Discrimination Act; the Equal Pay Act; the Fair Labor Standards Act; the Family and Medical Leave Act; the Indiana Civil Rights Act; Vietnam Veterans Reemployment Act; the Occupational Safety and Health Act; the Employee Polygraph and Protection Act. In addition, Developer shall undertake good faith efforts to comply with 40 CFR §35.6580 to give opportunities to qualified Small Business Enterprises, Minority Business Enterprises and Women Owned Business Enterprises to the extent applicable, and to submit proposals and bids to provide services on contracts and subcontracts for services and supplies. Developer shall submit a report of such efforts at the request of the City.

#### DEBARMENT AND SUSPENSION

Developer certifies that Developer and, to its knowledge, any of its Contractors(s):

1. Are not presently or proposed to be debarred or suspended, declared ineligible, or voluntarily excluded from federal, state or local (hereinafter "public") transactions; and
2. Have not, within a three (3) year period preceding this Agreement, been convicted of or had a civil judgment rendered against them for (i) fraud or commission of a criminal offense in connection with obtaining, attempting to obtain or performing a public transaction or a contract under a public transaction, (ii) violation of federal or state antitrust laws, or (iii) embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property; and
3. Are not presently indicted for or otherwise criminally or civilly charged by a public entity with commission of any of the offenses enumerated under section 2 above; and
4. Have not, within the preceding three (3) years, had a public transaction terminated for cause or default.

Developer agrees to include such certification in any contract executed between Developer and any Contractor and to require such certification between any Contractor and its subcontractor.

#### ENVIRONMENTAL COMPLIANCE

Developer certifies that it is not now, and has not in the past, been subject to any penalties resulting from environmental non-compliance at the subject real estate. Developer certifies that it will conduct all remediation activities in accordance with the City's BRLF Program Policy & Procedures Manual and the City's Cooperative Agreement with the USEPA, copies of which Developer hereby acknowledges it has reviewed.



Legacy Communities, Inc.     Jon Anderson  
214 E. Main Street  
Brownsburg, IN 46112

The parties may change their respective mailing addresses by providing written notice of the new address in accordance with the terms and provisions of this paragraph.

7. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns; provided, however, that this Agreement may not be assigned without the express written consent of the non-assigning party.
8. Counterparts. This Agreement may be executed in multiple counterparts and with multiple but separate signature pages with the multiple counterparts and multiple and separate signature pages constituting one signed and unified agreement when combined.
9. No Third-Party Beneficiary. This Agreement shall not be construed to create in any person or entity not a party hereto, or specifically named herein, any right, claim, benefit or defense with respect to the parties, or in any party claiming by through or under either of them, with respect to any loss, cost, damage, claim or cause of action arising under or pursuant to the terms of this Agreement.
10. Authority. Each individual executing this Agreement on behalf of a party to this Agreement warrants that he or she is authorized to do so and that this Agreement will constitute the binding obligation of the party on whose behalf the individual executes this Agreement.

IN WITNESS WHEREOF, the parties have duly executed this Agreement pursuant to all requisite authorizations on this \_\_\_\_ of July, 2025.

**City of Goshen**  
**Board of Public Works and Safety**

**Legacy Communities, Inc.**

\_\_\_\_\_  
Gina M. Leichty, Mayor

\_\_\_\_\_  
Jonathan R. Anderson, President Manager

\_\_\_\_\_  
Member

\_\_\_\_\_  
AP Development, LLC

\_\_\_\_\_  
Member

\_\_\_\_\_  
Jonathan R. Anderson, Manager

\_\_\_\_\_  
Member

\_\_\_\_\_  
AP Cycleworks, LLC

\_\_\_\_\_  
Member

\_\_\_\_\_  
Jonathan R. Anderson, Manager

# **Unsafe Building Hearing – Staff Report**

**315 W. Oakridge Avenue, Goshen**

**July 31, 2025**

# Background Summary

- An Order of the City of Goshen Building Commissioner finding the residential structure at 315 W. Oakridge Avenue, Goshen (the “Property”) to be an unsafe building was issued on August 1, 2024.
- The Order required demolition of the Unsafe Building, noting, among other issues, the following:
  - Home and garage been vacant for multiple years, with no water usage for at least 2 years
  - Roof damage leading to water intrusion and leaks, causing further deterioration of the structure
  - Evidence of animals living inside the residence
  - The overall state of disrepair and neglect makes the Property unfit for human habitation, occupancy, or use under Goshen City Code.

## **Background Summary, cont.**

- A review hearing was held before the Board of Works on September 26, 2024.
- At the hearing, Building Commissioner presented a memorandum in support of his Order
- He indicated that the condition of the building would likely continue to deteriorate and noted that the exterior of the Property was becoming a dumping ground
- He provided the Board with the following photographs, taken on September 25, 2024, showing the exterior condition of the Property.















## **Background Summary, cont.**

- At the hearing, a representative of NWI RE5, LLC appeared via Zoom.
- He advised that his LLC was purchased the property at the 2023 Tax Sale and was awaiting the expiration of the period of redemption before he would have rights to address the Property's condition.
- It was noted that the titled owners of the Property, Jerry T. Perdue and Georgie M. Perdue, were both deceased, with the last passing in 2019.
- The Board affirmed the Building Commissioner's finding that the Property was unsafe and warranted demolition, but tabled the matter to permit the Tax Sale process to be completed based on NWI RE5, LLC's representation that once it obtained title, it would commit to sell the Property to a party committed to making repairs or make the repairs necessary to return the Property to a habitable state.



## **Background Summary, cont.**

- NWI RE5, LLC completed the tax sale process in early 2025, with a Tax Deed being recorded on February 11, 2025.
- NWI RE5, LLC then initiated a Quiet Title Action in Court in March 2025 to establish clean and marketable title to the Property, allowing them to sell the same. Judgment quieting title in their favor was entered on May 27, 2025.
- The Property was then sold and transferred to Artisan Investment Group on June 17, 2025.
- Upon notice of this transfer, the Building Commissioner issued an Order setting this matter for a review or status hearing before the Board

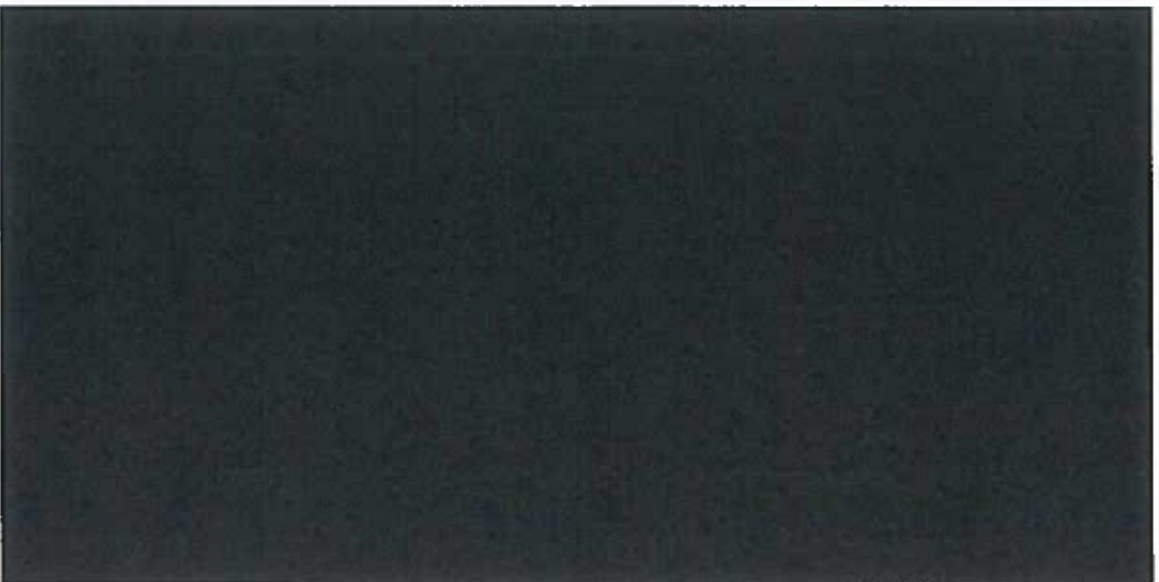
# Current Status

- Since acquiring the Property, the new owner (Artisan) has taken appropriate steps to secure the structures and clean up the Property.
- They have provided the Building Department their proposed scope of work for the renovation of the Property
  - New metal roof, new vinyl siding, new windows for the house; new siding and overhead garage door
  - Structural repairs to the floor joists, electrical wiring repairs, drywall repairs and finishing, updated bathroom fixtures, new kitchen cabinets/countertops/appliances, new Furnace/AC
  - Repainting of entire interior of residence

Property Photographs – July 30, 2025



Property Photographs – July 30, 2025



# Staff Summary

- Artisan has a track record of working well with the City Building Department, obtaining permits, scheduling inspections, and making progress on repairs.
- The Property has been vacant for an extended period of time and an eyesore for the neighborhood. Artisan's active management will alleviate those concerns
- Therefore the Building Department believes it is appropriate to provide adequate time for Artisan to effectuate repairs to the Property



# Staff Recommendation

- Staff recommends the Board adopt the proposed Order, which contains the following findings and Order:
  - Findings
    - Residential structure and garage are unsafe buildings in need of significant repairs
    - New Owner, Artisan, has secured the Property and has demonstrated a willingness and capacity to effectuate repairs to the Property to bring into Code compliance
    - Appropriate to set benchmarks for progress to be monitored by the Building Department
  - Order
    - Affirms prior Orders re: condition of the Property
    - Artisan required to pull all required permits and schedule all required inspections for renovation at the Property
    - Complete exterior repairs – roofing, siding, and windows – on house and garage by November 30, 2025
    - Complete/pass all rough-in inspections by January 31, 2026
    - Complete/pass all final inspections by March 31, 2026
    - Scheduled for Review Hearing on April 2, 2026
    - Building Commissioner may schedule Compliance Hearing at any time if requirements of Order are not met

# **Unsafe Building Hearing – Staff Update Report**

709 Chicago Avenue, Goshen

July 31, 2025

# Background Summary

- 709 Chicago Avenue, Goshen (the “Property”), is a residential structure with four (4) rental units.
- On June 25, 2025, the City of Goshen Building Commissioner issued an Order relative to each rental unit, finding each unit to be unsafe under the requirements of Goshen City Code.
- The Building Commissioner’s Order identified various violations of Code at each unit and ordered sufficient repairs to be made to each of the units within thirty (30) days.
- The Order was sent via Certified and Regular Mail on June 25, 2025 to the owner of the Property – Buccaneer Development, LLC, as well each of the occupied units at the Property (Units 1, 2 and 4). Buccaneer Development signed for the Certified Mail for the Orders for each of the Units on June 30, 2025.
- The certified mailings for the 3 occupied rental units were all returned, with Units 1 and 2 returns indicating each unit was “VACANT” and the return for Unit 4 indicating “UNCLAIMED”
- An Affidavit of Service establishing these matters, city copies of the certified mail receipts/returns, are provided for the Board’s record.

# Background Summary, cont.

- Unit 1 Code Violations Identified in Building Commissioner's Order
  - Extensive work done without permits, no assessment completed of electrical, plumbing, and mechanicals to ensure proper functioning (Sec. 6.1.1.7)
  - Unit is using recessed space heaters (Sec. 6.3.1.1(a))
  - Unit has no smoke detectors (Sec. 6.3.1.8(b))
  - Evidence of rodent infestation (Sec. 6.3.1.6(b)(4))
  - GFCI Outlet in kitchen requires assessment (Sec. 6.3.1.1(a))

# Background Summary, cont.

- Unit 2 Code Violations Identified in Building Commissioner's Order
  - Extensive work done without permits, no assessment completed of electrical, plumbing, and mechanicals to ensure proper functioning (Sec. 6.1.1.7)
  - Unit is using recessed space heaters (Sec. 6.3.1.1(a))
  - Exterior walls in disrepair-numerous holes, missing paints, badly weathered (Sec. 6.3.1.1(b))
  - Door and frame to storage area rotten (Sec. 6.3.1.1(b))
  - Roof easing on west side has begun to rot (Sec. 6.3.1.1(b))
  - Ceiling in basement is deteriorating, walls at top of basement stairs have started to crumble, flooring in basement doorway is broken, siding is deteriorating, hole in basement hatch permitting water penetration (Sec. 6.3.1.1(b))
  - Missing outlets, several not working, and multiple exposed electrical boxes (Sec. 6.3.1.1(a))
  - Sump pump is not functioning and water heater is leaking (Sec. 6.3.1.1(a))
  - Basement has accumulated debris of ceiling materials, electrical rubbish, and used tires (Sec. 6.3.1.1(b) and 6.3.1.4)



# Background Summary, cont.

- Unit 3 Code Violations Identified in Building Commissioner's Order
  - Some work completed/attempted without required permits, no assessment of electrical, plumbing, and mechanicals to ensure proper functioning (Sec. 6.1.1.7)
  - Unit has mold growing on multiple walls (Sec. 6.3.1.1(b))

# Background Summary, cont.

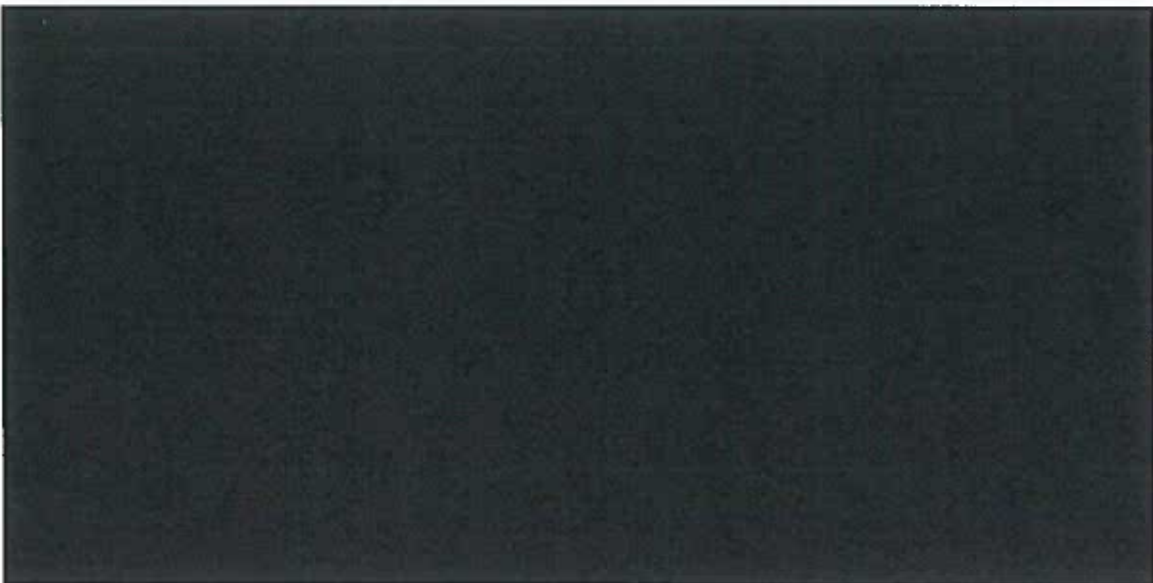
- Unit 4 Code Violations Identified in Building Commissioner's Order
  - Boiler heat is inoperable, unit is utilizing recessed space heaters, and does not have working mechanicals (Sec. 6.3.1.1(a))
  - Holes in the wall of the kitchen and secondary bedroom, holes in kitchen floor, bathroom floor is water damaged (Sec. 6.3.1.1(b))
  - Kitchen window is in disrepair (Sec. 6.3.1.1(d))
  - Back step needs replacement (Sec. 6.3.1.1(e))
  - Electrical outlets with missing covers, detached, and inoperable (Sec. 6.3.1.1(a))
- Plumbing malfunctions in the unit (Sec. 6.3.1.1(a))

## **Background Summary, cont.**

- Based on these findings, the Order for each unit notes that the unit has not been maintained in a manner that is compliant with the minimum standards for all structures for purposes of health and safety, and is therefore unsafe under the Indiana Unsafe Building Law.
- The Building Commissioner's Order required all necessary actions and repairs to each unit be made to bring the property into compliance with the minimum housing standards under Goshen City Code, noting that all required permits must be obtained and violations addressed.
- The Order for each unit provided 30 days to effectuate repairs.

# Property Inspections

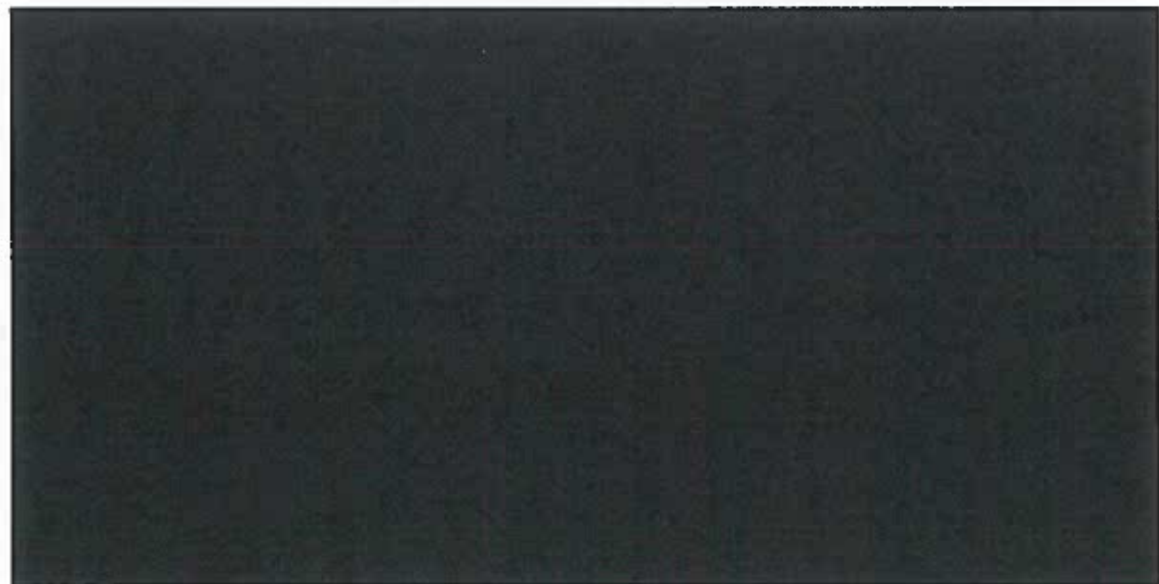
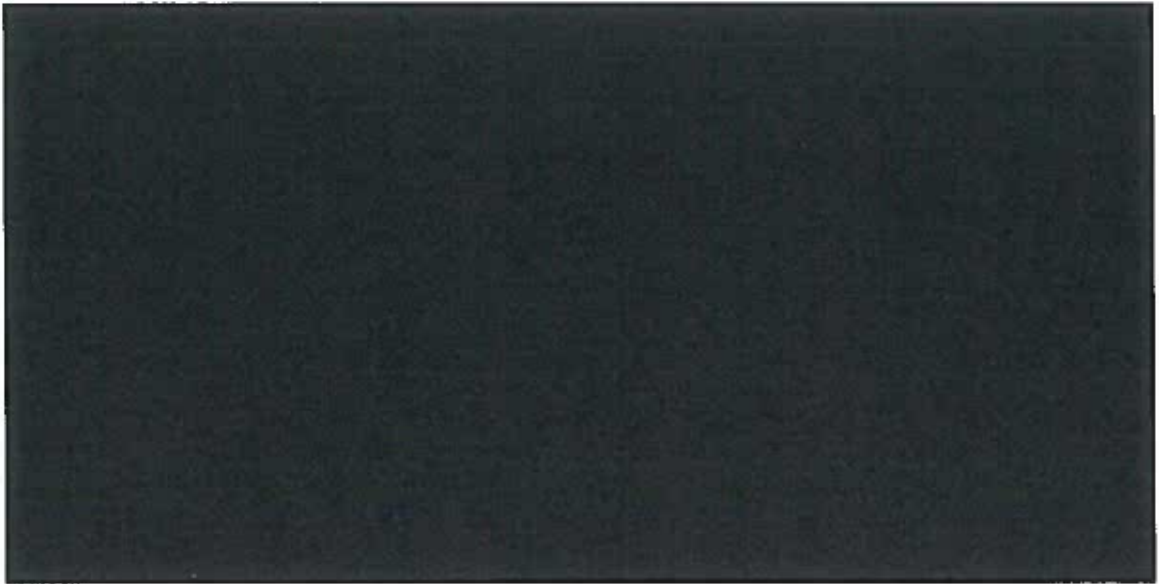
- Unit 1

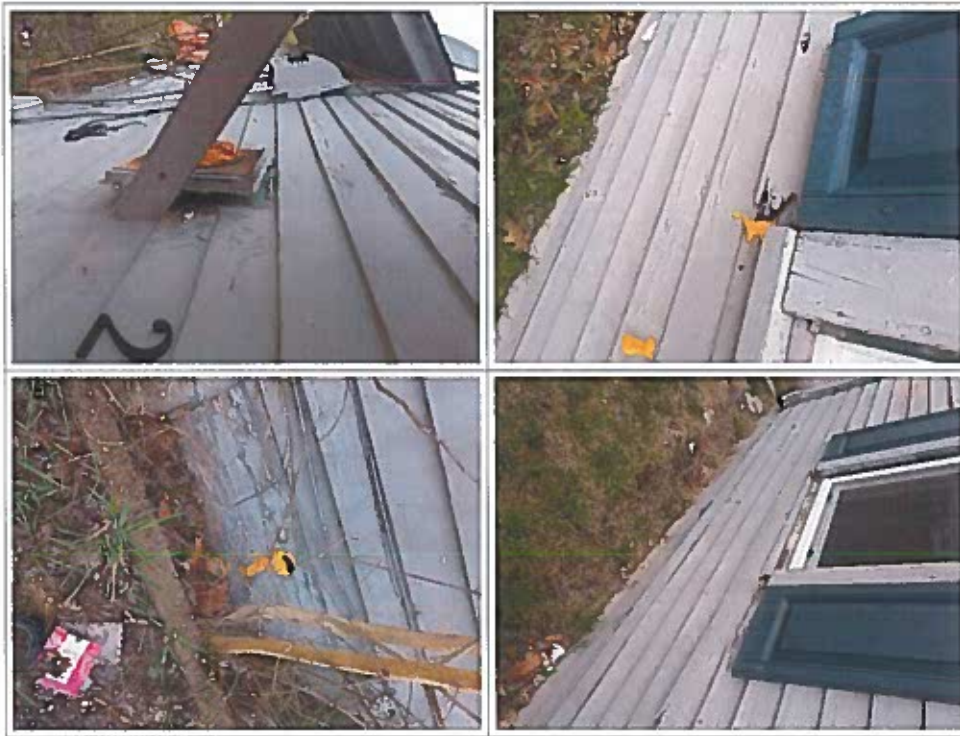
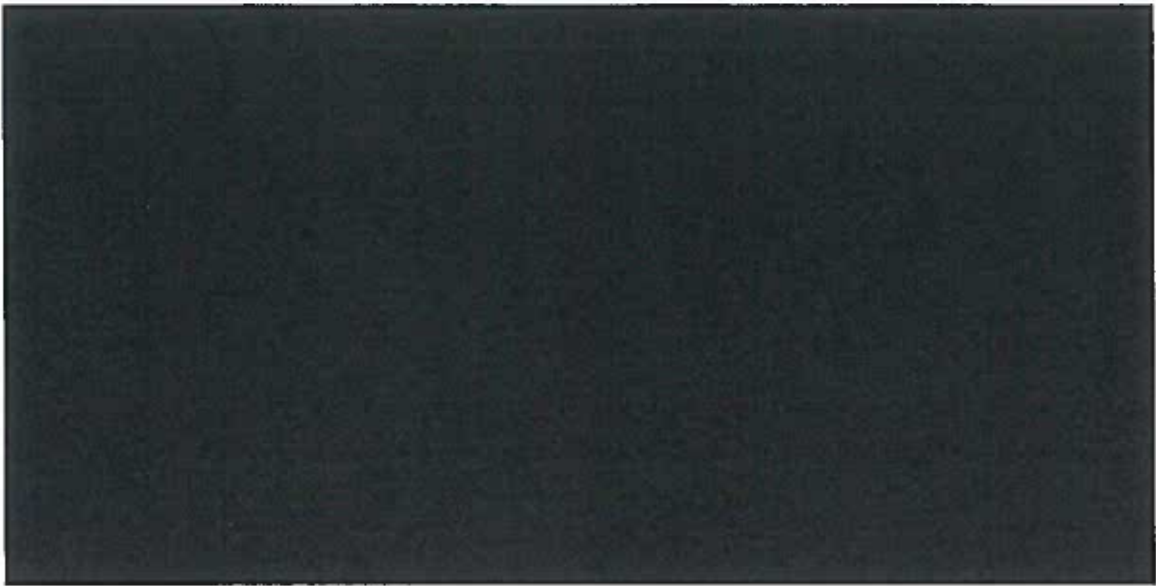


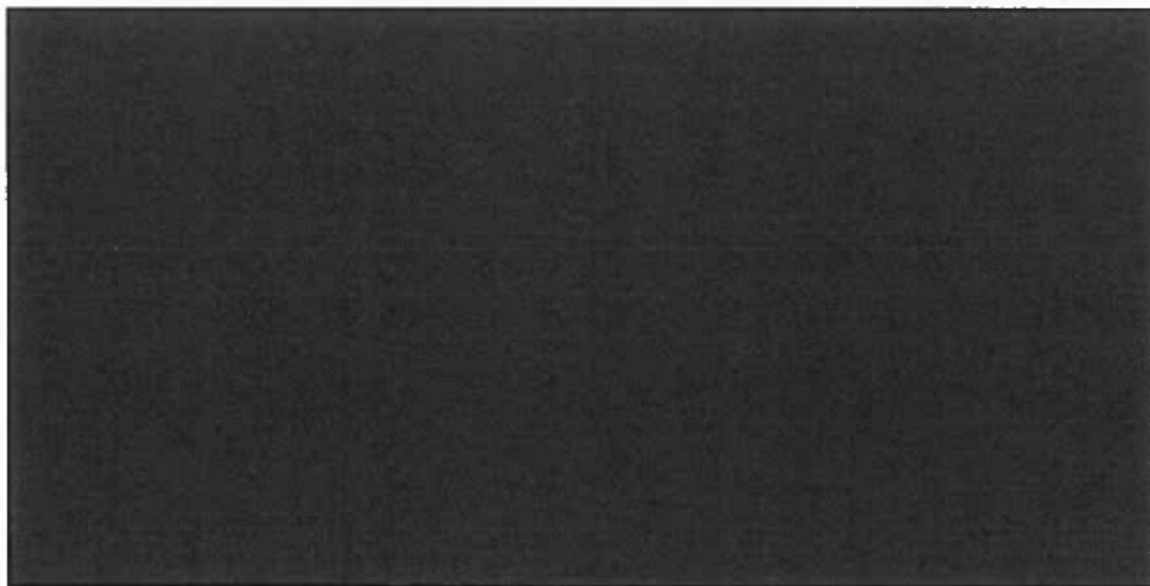
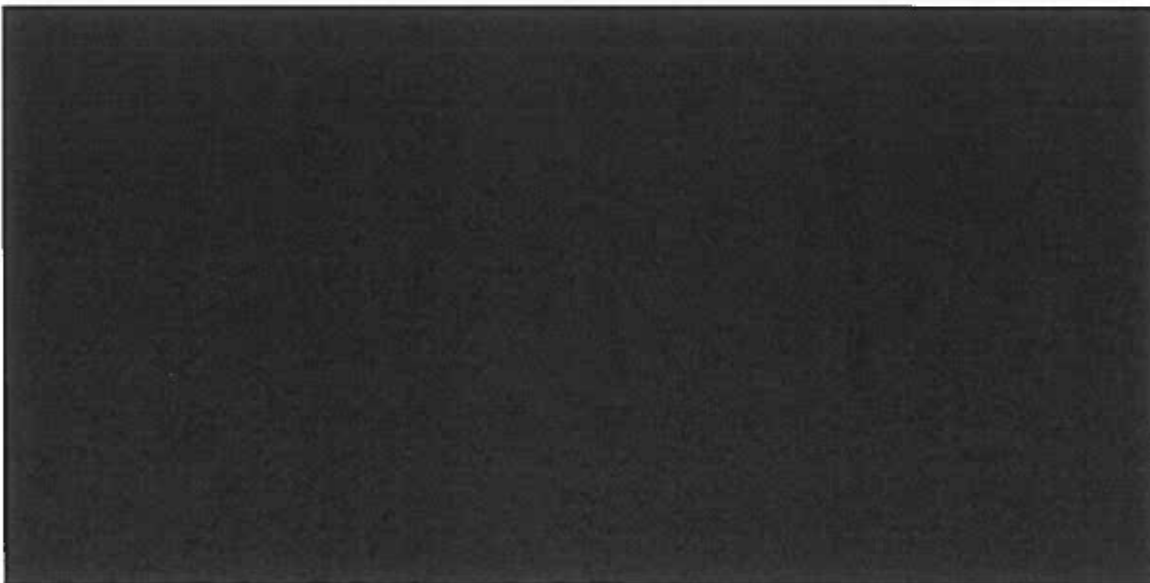


# Property Inspections

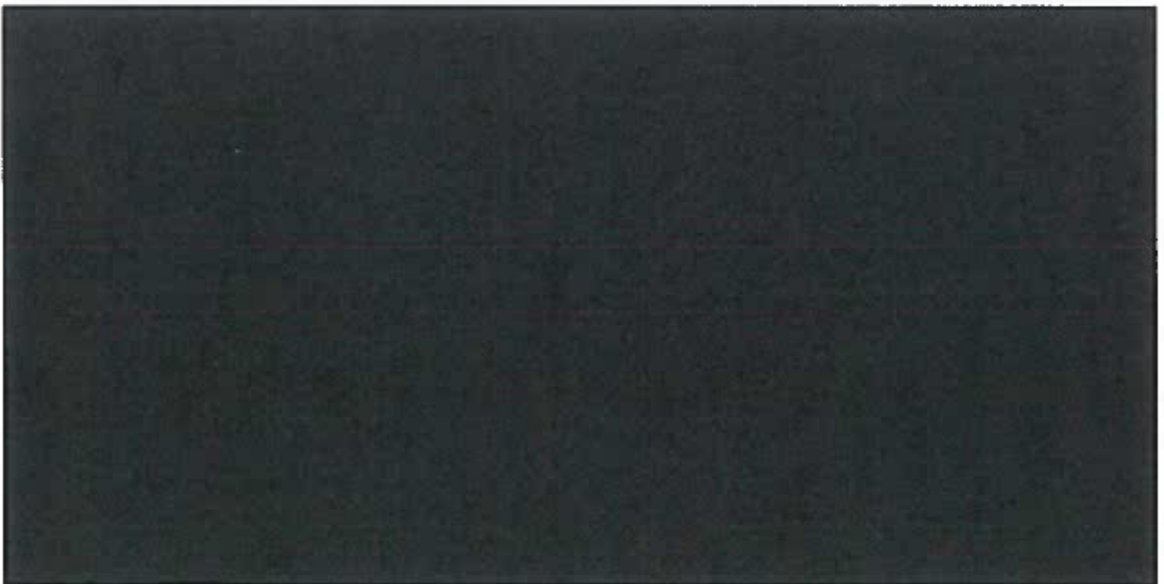
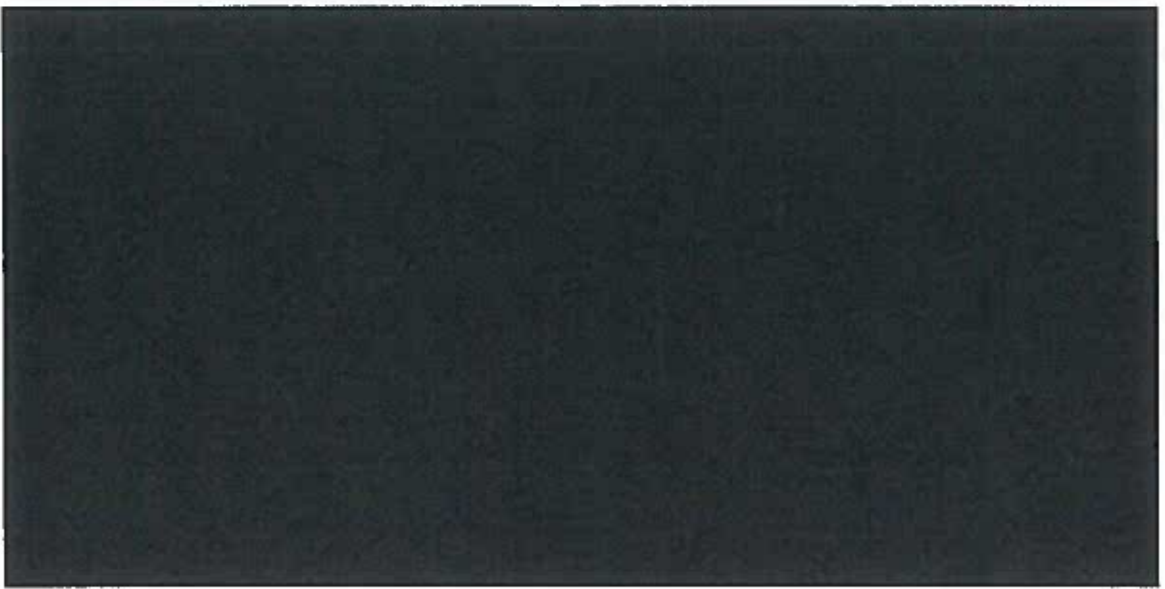
- Unit 2

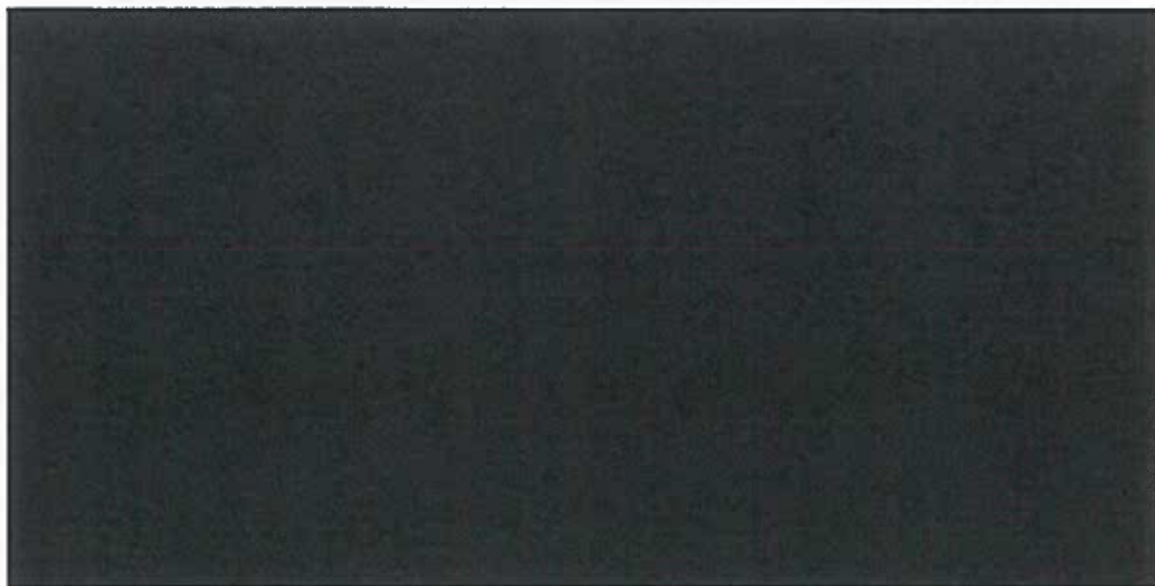
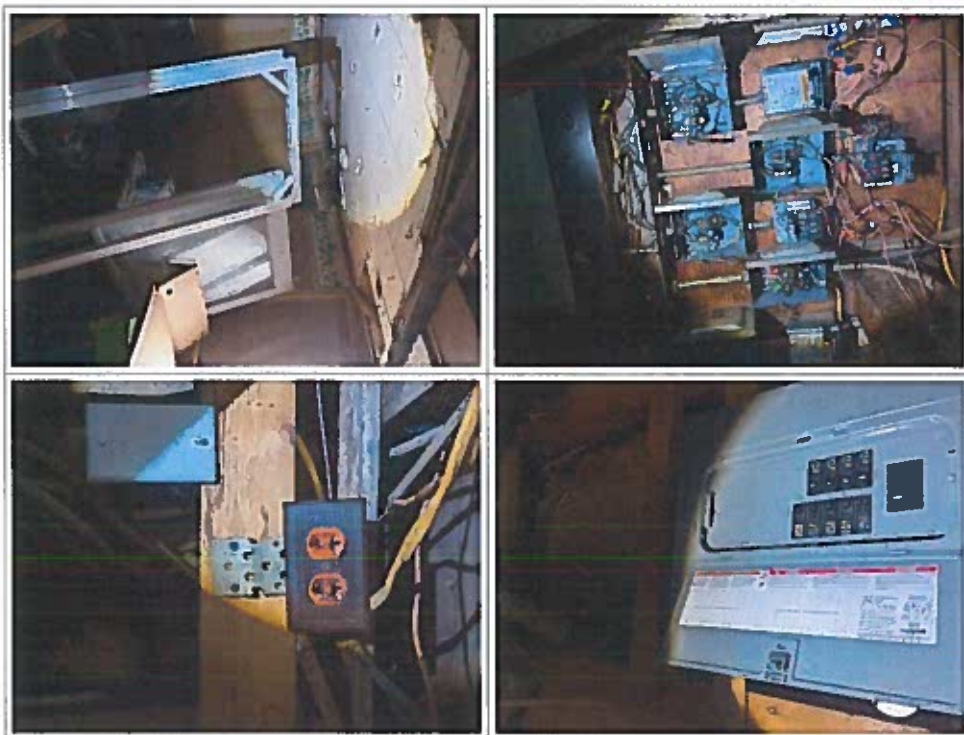
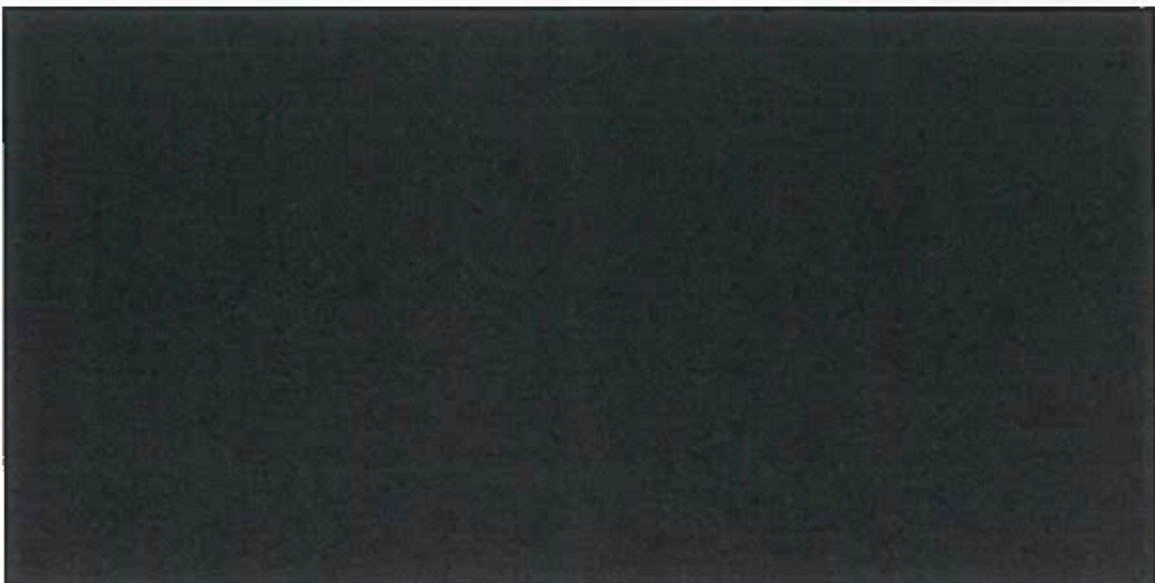




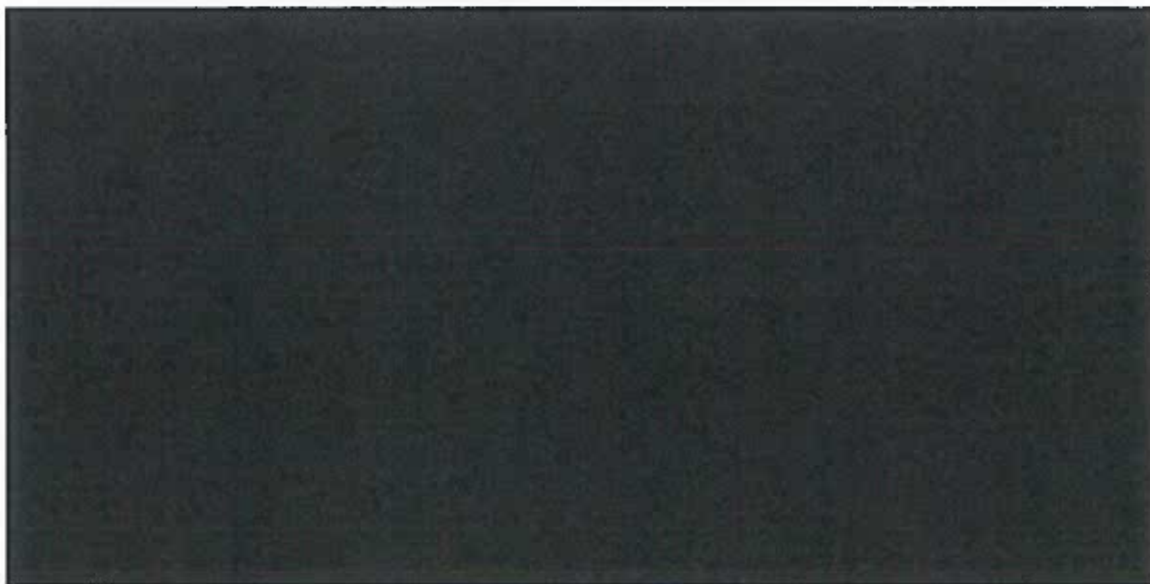
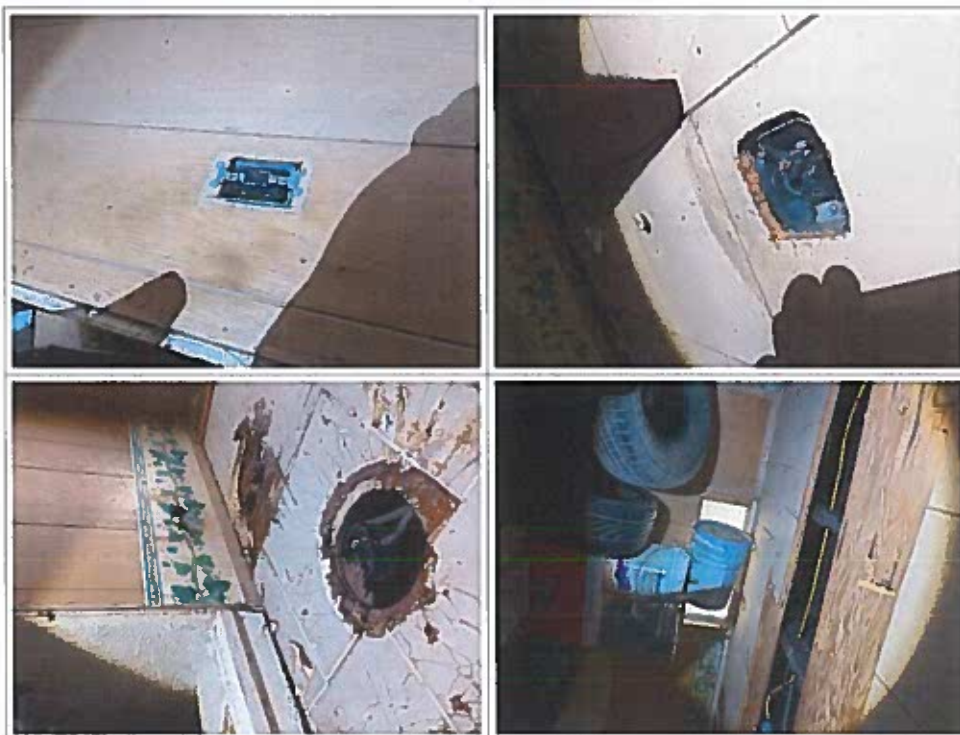
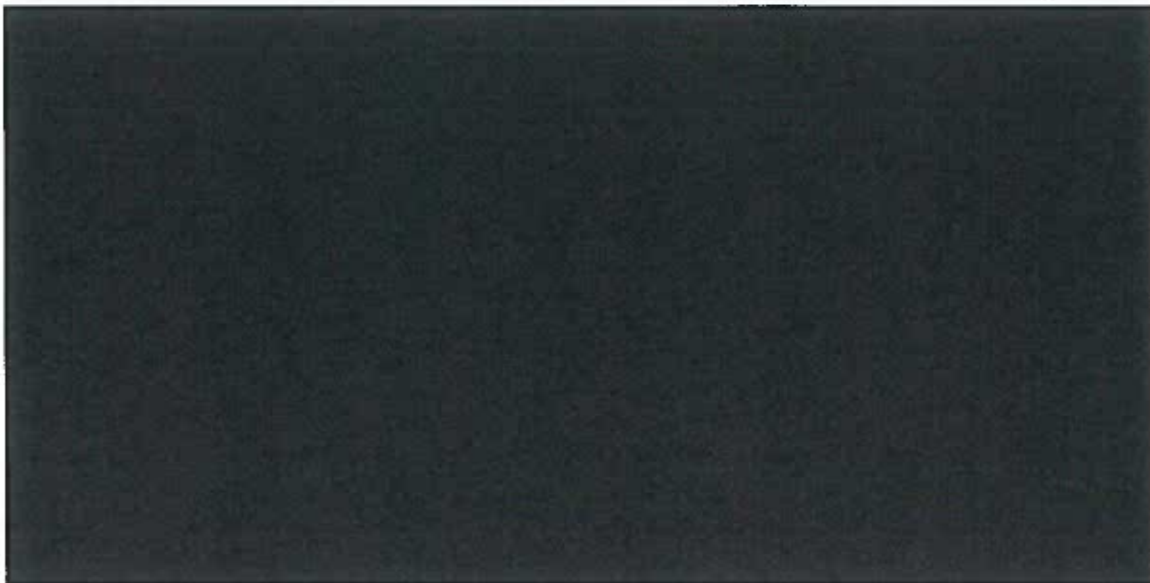


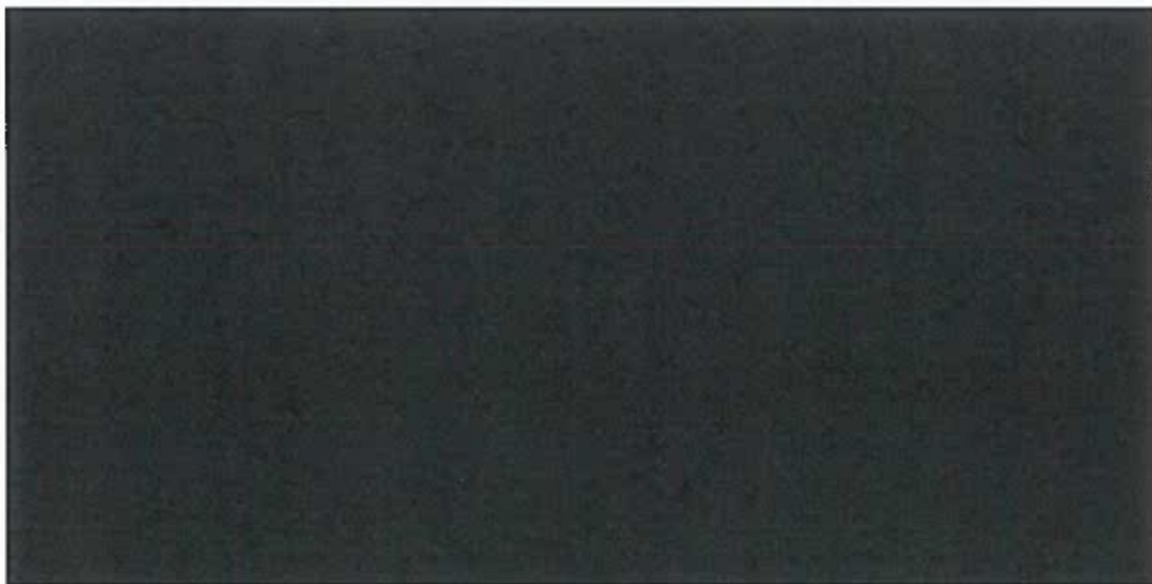
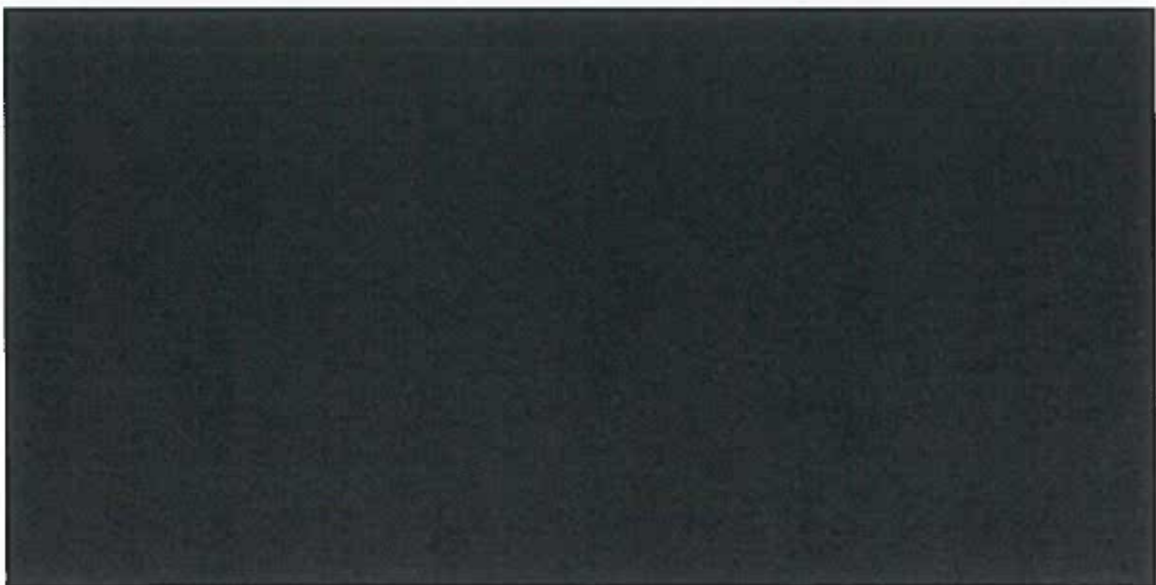


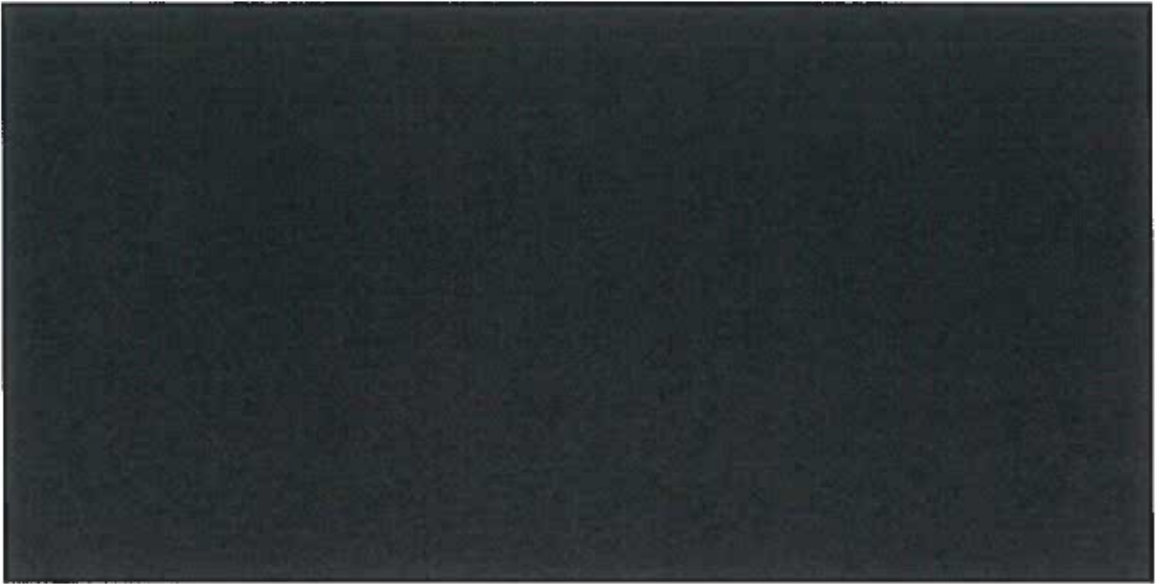




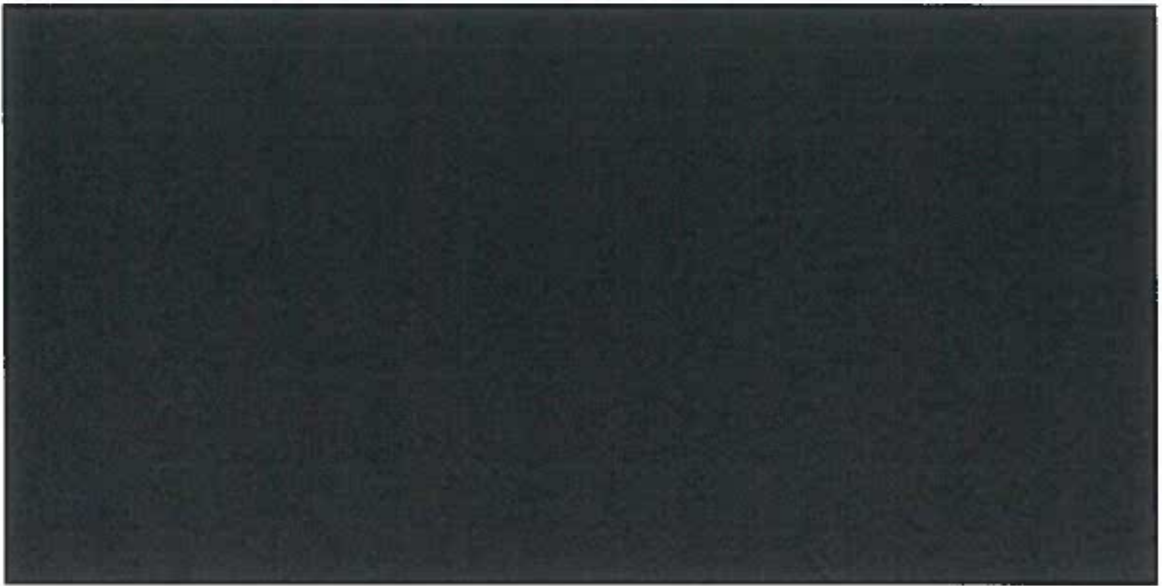






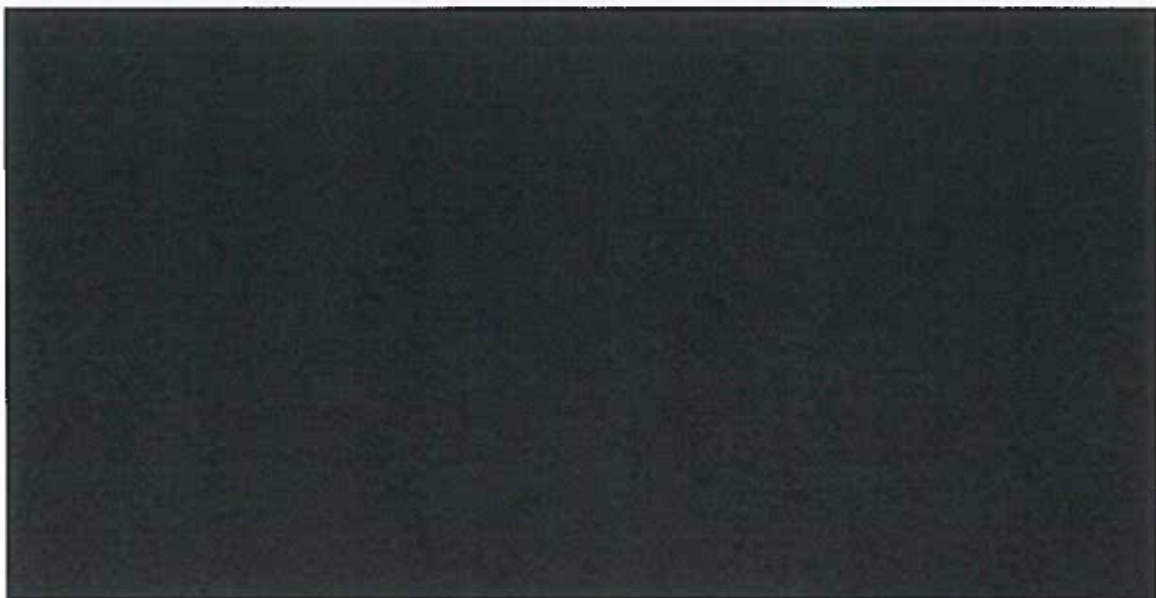






# Property Inspections

- Unit 3

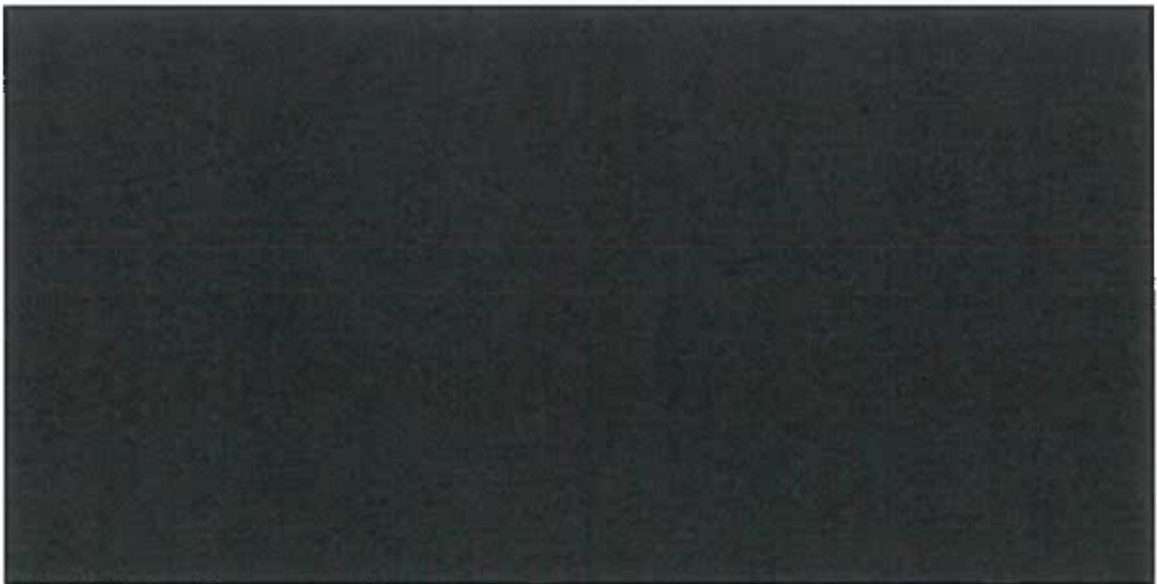
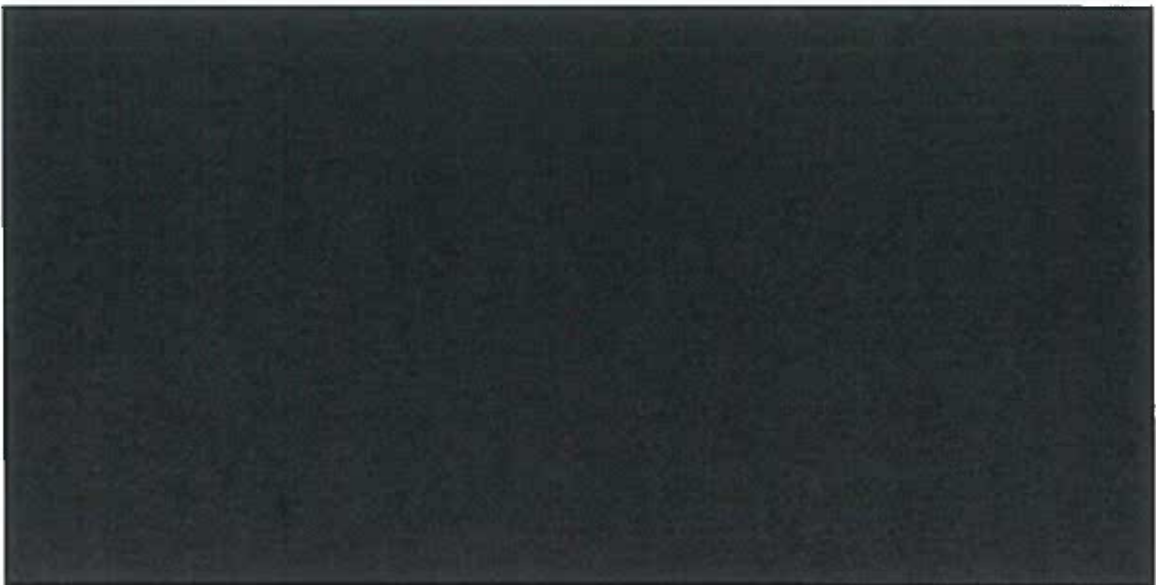


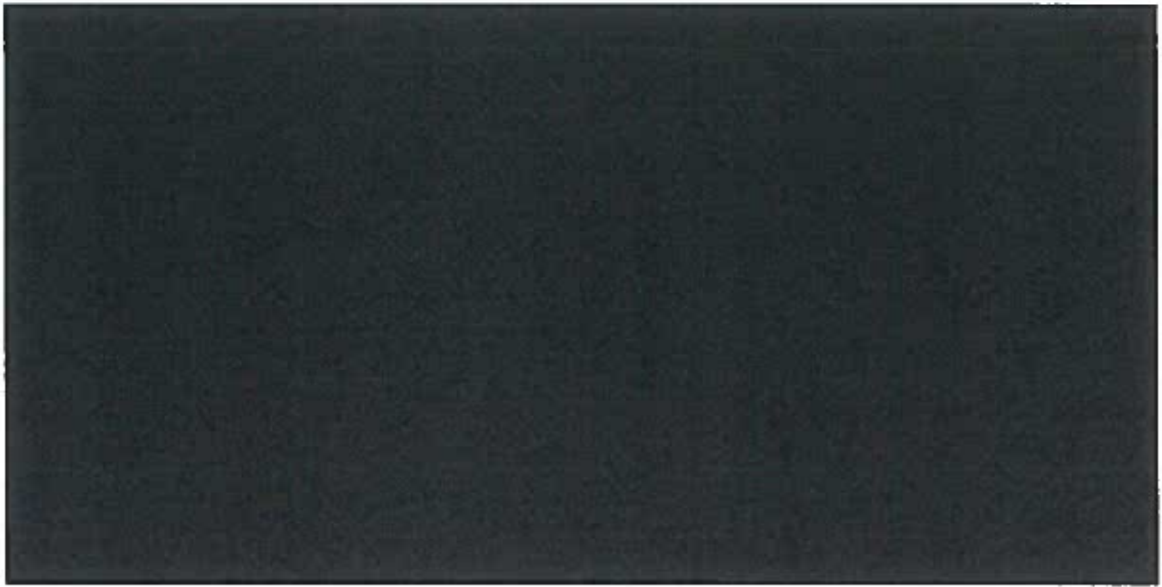


# Property Inspections

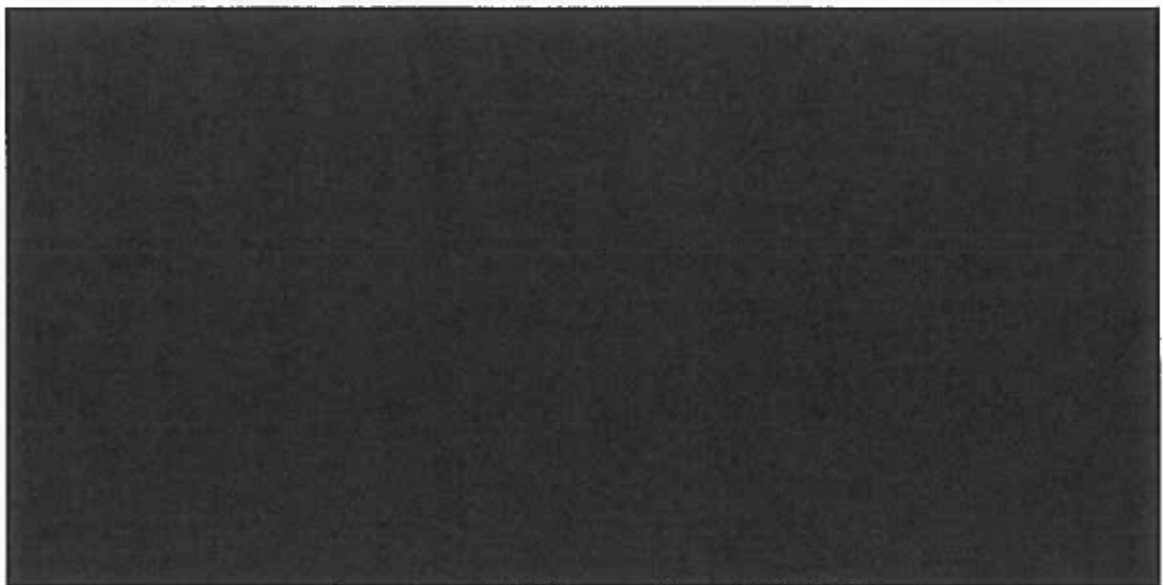
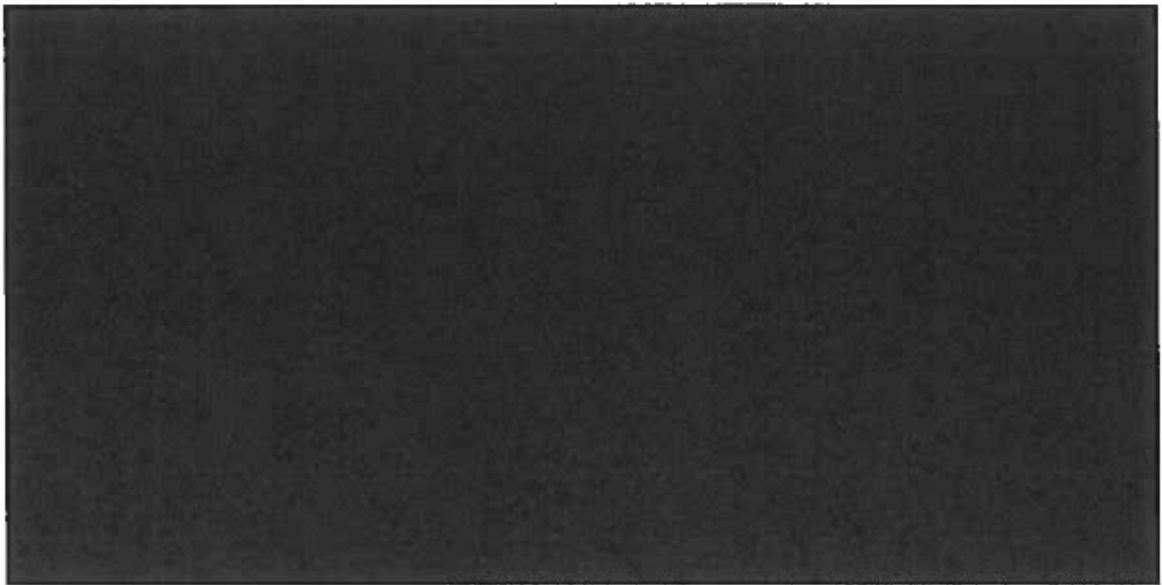
- Unit 4

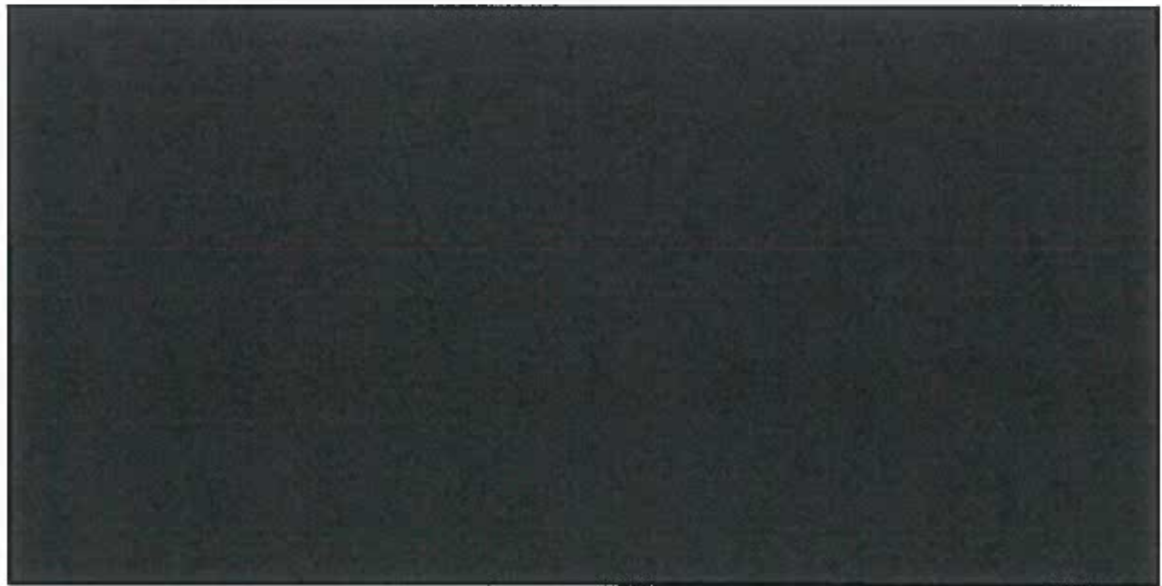
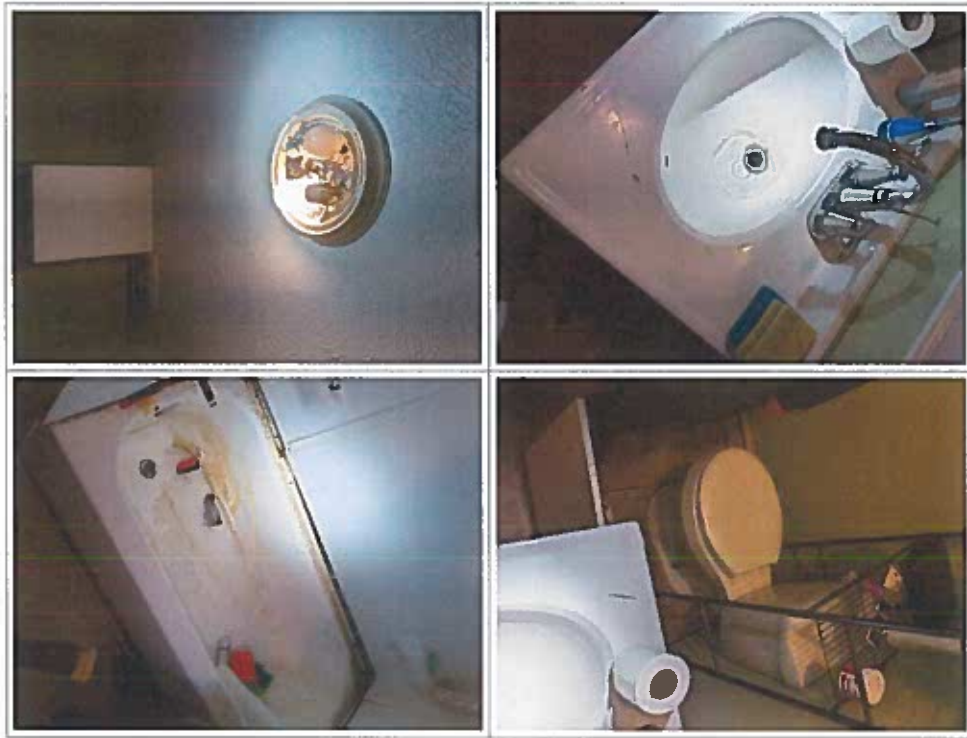
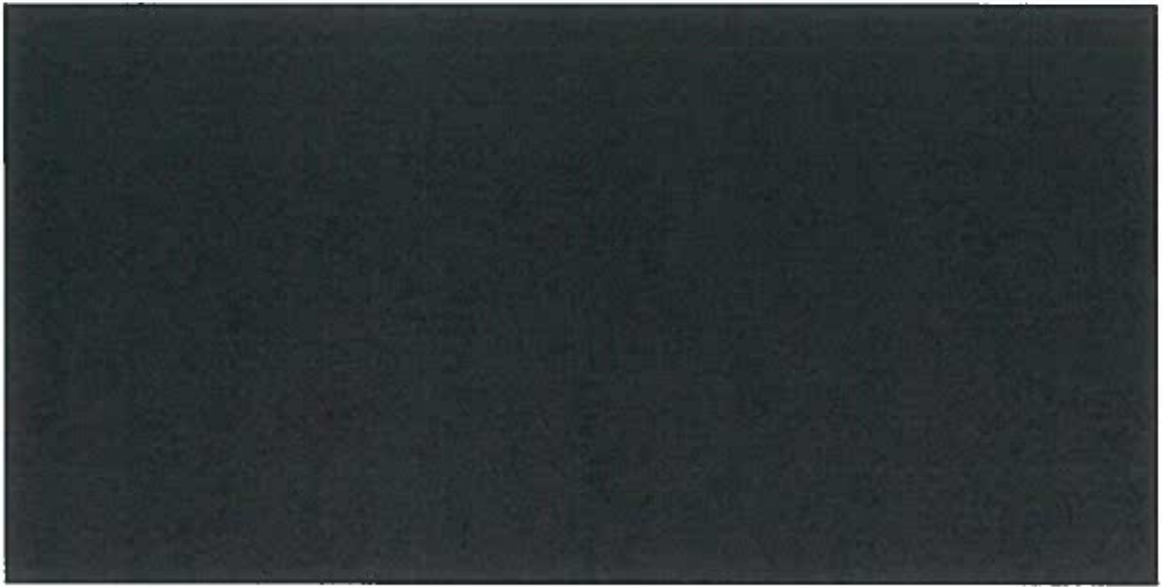




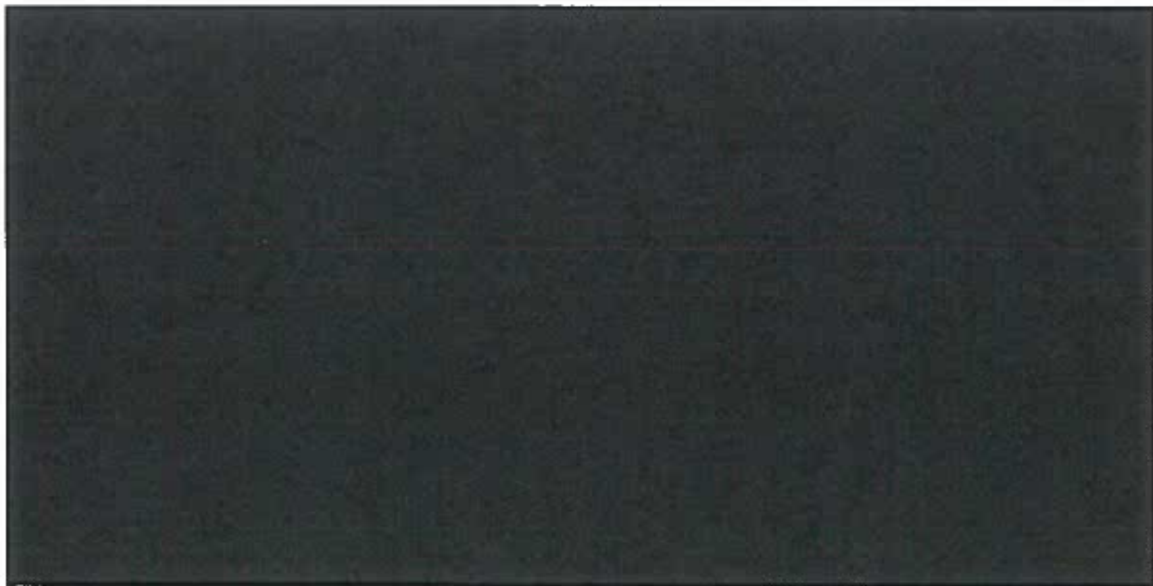
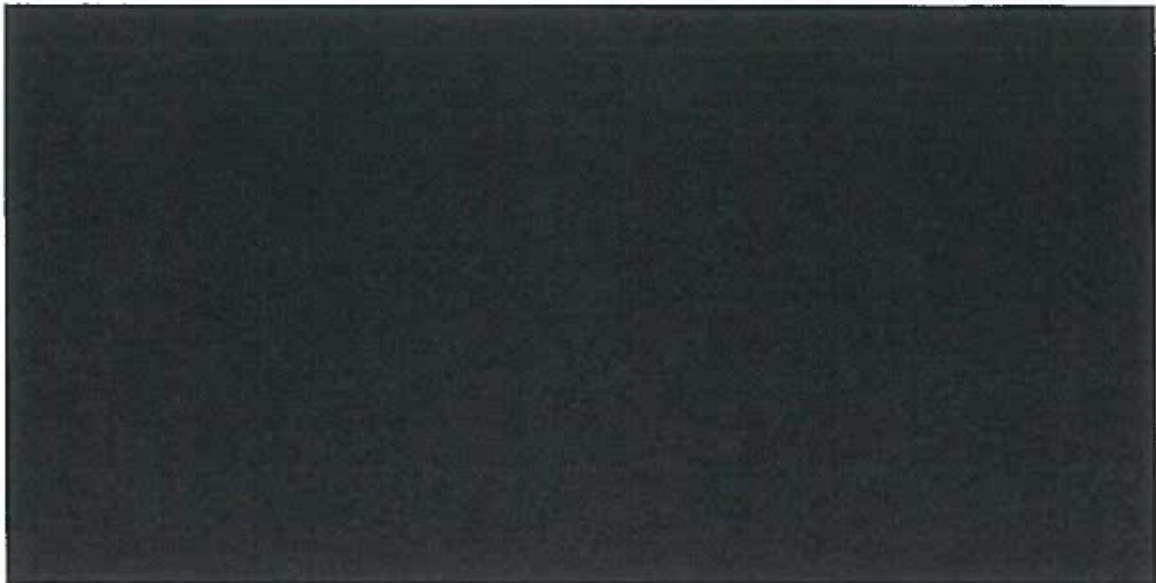












# Current Status

- Company that had been managing the property is no longer involved, they advised a couple months ago that they were not servicing the rental units and advised City staff to contact owner
- Have heard nothing from Owner
- Tenants have advised that they do not no how or where pay rent; NIPSCO has not been paid (tenants' rent included utilities) and there have been issues/concerns that utilities will be shut off.
- No work has been done in any of the units to address any of the violations

# Staff Summary

- Each of the units at the Property remain in a condition that does not meet minimum code requirements and is therefore unsafe.
- Work done prior to City inspection did not have permits, and thus cannot ensure proper function. Have significant concerns about the heating system (recessed heaters / ventilation, non-working boiler) and plumbing (leaking water heater), that impacts all units
- Property owner has not been in contact with the Building Department despite multiple attempts, as well as the Orders issued by the Building Commissioner
- Have concerns that the Property will not be fixed without further action by City

# Board Options

- Evidence shows the Property remains in an unsafe condition and that the Owner, to date, has not been responsive. The Property is not in a condition, currently, that warrants demolition.
- Options for the Board to take, per the Indiana Unsafe Building Law
  - Provide property owner additional time to make repairs and schedule future review hearing
  - Find a “willful failure” to comply with the Building Commissioner’s Orders, and impose a Civil Penalty for each Order up to \$5,000
  - Impose the Civil Penalty, suspend upon substantial completion of repairs in 30/45/60 days, schedule for review hearing
  - Authorize Building Commissioner to take legal action, including seeking a receivership for the Property, to effectuate repairs to the Property
- Combination of the above options

# Staff Recommendation

- Staff recommends the Board adopt the proposed Order for each unit at the Property, which contains the following findings and orders:
  - Findings
    - Proper Notice was given.
    - Rental Unit is still unsafe and in need of repairs
    - Owner has willfully failed to comply, as there has been no contact, no permits, no scheduling of inspections, and no attempt at repairs
    - Without further action by City, Rental Unit unlikely to be brought into compliance
  - Order
    - Imposes civil penalty in the amount of \$2,500, payable by August 11, 2025.
    - Building Commissioner authorized to take legal action, including seeking receivership, to effectuate repairs.



Exhibit #4

STATE OF INDIANA           )  
  ) SS:  
COUNTY OF ELKHART       )

**Affidavit of Service**

I hereby affirm under the penalties for perjury that I served the June 25, 2025 Orders of the City of Goshen Building Commissioners for the following properties as follows:

**709 Chicago Avenue, Unit 1, Goshen, Indiana**

1. By certified mail, return receipt requested, **and** by first class U.S. mail, postage prepaid on June 25, 2025, to the following last known address or place of business of business of the persons to be notified:

Buccaneer Development, LLC  
2733 W Fir Avenue  
Fresno, CA 93711  
Certified Mail: 7017 2400 0000 1652 8061

Unknown Occupant  
709 Chicago Avenue, Unit 1  
Goshen, Indiana 46528  
Certified Mail: 7019 0160 0000 5623 6611

**709 Chicago Avenue, Unit 2, Goshen, Indiana**

1. By certified mail, return receipt requested, **and** by first class U.S. mail, postage prepaid on June 25, 2025, to the following last known address or place of business of business of the persons to be notified:

Buccaneer Development, LLC  
2733 W Fir Avenue  
Fresno, CA 93711  
Certified Mail: 7019 0160 0000 5623 6598

Unknown Occupant  
709 Chicago Avenue, Unit 2  
Goshen, Indiana 46528  
Certified Mail: 7019 0160 0000 5623 6581

**709 Chicago Avenue, Unit 3, Goshen, Indiana**

1. By certified mail, return receipt requested, **and** by first class U.S. mail, postage prepaid on June 25, 2025, to the following last known address or place of business of business of the persons to be notified:

Buccaneer Development, LLC  
2733 W Fir Avenue  
Fresno, CA 93711  
Certified Mail: 7019 0160 0000 5623 6574

709 Chicago Avenue, Unit 4, Goshen, Indiana

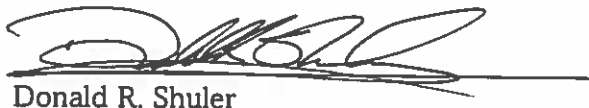
1. By certified mail, return receipt requested, **and** by first class U.S. mail, postage prepaid on June 25, 2025, to the following last known address or place of business of the persons to be notified:

Buccaneer Development, LLC  
2733 W Fir Avenue  
Fresno, CA 93711  
Certified Mail: 7019 0160 0000 5623 6550

Unknown Occupant  
709 Chicago Avenue, Unit 4  
Goshen, Indiana 46528  
Certified Mail: 7019 0160 0000 5623 6567

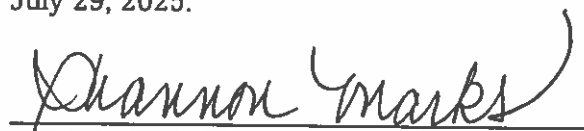
I also hereby affirm that the attached are true and accurate copies of the Certified Mail Receipts and/or Returns for the above mailings, and that no mailing sent via regular mail was returned.

So affirmed this July 29, 2025.

  
Donald R. Shuler

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF ELKHART    )

Subscribed and sworn to before me, a Notary Public in and for said County and State, this July 29, 2025.

  
Shannon Marks, Notary Public



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PS Form 3800, April 2015 P

Buccaneer Development, LLC  
2733 W Fir Avenue  
Fresno, CA 93711

06/25/2025

## Latest Update

Your item was delivered to an individual at the address at 3:01 pm on June 30, 2025 in FRESNO, CA 93711.

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Delivered, Left with Individual

FRESNO, CA 93711

June 30, 2025, 3:01 pm

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Enter tracking or barcode numbers

**SENDER: COMPLETE THIS SECTION**

■ Complete items 1, 2, and 3.  
■ Print your name and address on the reverse so that we can return the card to you.  
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Address  
Buccaneer Development, LLC  
2733 W Fir Avenue  
Fresno, CA 93711

2. Article Number (Transfer from service label)  
17 2400 0000 1652 8061

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name)  
C. Date of Delivery  
6-30-25

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Return Receipt for Merchandise  
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☐ Signature Confirmation Restricted Delivery

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PS Form 3811, July 2015 PSN 7530-02-000-9003

Feedback



CITY OF GOSHEN  
LEGAL DEPARTMENT  
204 East Jefferson Street, Suite 2  
Goshen, Indiana 46528-3405

7019 0160 0000 5623 6611



RDC 99



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U.S. POSTAL SERVICE  
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06/26/25

RETURN TO SENDER  
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage and Fees	\$5.68

Sent To: Unknown Occupant  
Street and Apt. No., or PO Box No: 709 Chicago Avenue #1  
City, State, ZIP+4: Goshen, IN 46528

PS Form 3800, April 2015 PSN 7

Postmark: JUN 25 2025 GOSHEN, IN

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Your item was delivered to an individual at the address at 3:01 pm on June 30, 2025 in FRESNO, CA 93711.

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Delivered, Left with Individual

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June 30, 2025, 3:01 pm

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☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.72

Total Postage and Fees \$5.57

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN

Buccaneer Development, L

2733 W Fir Avenue

Fresno, CA 93711

0936  
5037 10  
Postmark  
JUN 25 2025  
06/25/2025

Feedback

### SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article

Buccaneer Development, LLC  
2733 W Fir Avenue  
Fresno, CA 93711



9590 9402 4989 9063 1434 99

Article Number (Transfer from service label)

7019 0160 0000 5623 6598

PS Form 3811, July 2015 PSN 7530-02-000-9053

### COMPLETE THIS SECTION ON DELIVERY

A. Signature

X  ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

6-30-25

D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery over \$500
- ☐ Priority Mail Express
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



7019 0160 0000 5623 6581

-R-1-S- 40528-RPS-1N U6/20/25

RETURN TO SENDER  
 VACANT  
 UNABLE TO FORWARD  
 RETURN TO SENDER



**Retail**

46528



**\$9.68**

S2324M503882-18

U.S. POSTAGE PAID  
 FCM LETTER  
 GOSHEN, IN 46526  
 JUN 25, 2025

**\*RPS\***

**RDC 99**

Unknown Occupant  
 709 Chicago Avenue #2  
 Goshen, IN 46528

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Certified Mail Fee \$4.85

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$10.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$10.77

**Total Postage and Fees \$19.60**

Sent To  
 Street and Apt. No., or PO Box No. 709 Chicago Avenue #2  
 City, State, ZIP+4® Goshen, IN 46528

PS Form 3800, April 2015 PSN 7530-0



1859 E295 0000 0910 6102

# USPS Tracking®

Tracking Number:

**70190160000056236574**

Copy

Add to Informed Delivery (<https://informedelivery.usps.com>)

## Latest Update

Your item was delivered to an individual at the address at 3:01 pm on June 30, 2025 in FRESNO, CA 93711.

Get More Out of USPS Tracking:

USPS Tracking Plus®

## Delivered

Delivered, Left with Individual

FRESNO, CA 93711

June 30, 2025, 3:01 pm

See All Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

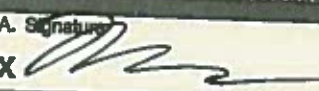
Text & Email Updates

USPS Tracking Plus®

Product Information

Track Another Package

Enter tracking or barcode number

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article</p> <p>Buccaneer Development, LLC 2733 W Fir Avenue Fresno, CA 93711</p> <p>Barcode: 9590 9402 4989 9063 1435 12</p> <p>Article Number (Transfer from service label) 7019 0160 0000 5623 6574</p> <p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>A. Signature </p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 6-30-25</p> <p>D. Is delivery address different from item 1? If YES, enter delivery address below:</p> <p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td><td></td></tr></table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express																		
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																		
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																		
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																		
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation																		
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																		
<input type="checkbox"/> Insured Mail																			
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																			

## U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Fresno, CA 93711

OFFICIAL USE

Certified Mail Fee \$14.95  
Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.72

Total Postage and Fees \$15.67

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9053

Buccaneer Development,

2733 W Fir Avenue

Fresno, CA 93711

06/25/2025

Feedback

# USPS Tracking®

Tracking Number:

**70190160000056236550**

Copy

Add to Informed Delivery (<https://informedelivery.usps.com>)

## Latest Update

Your item was delivered to an individual at the address at 3:01 pm on June 30, 2025 in FRESNO, CA 93711.

Get More Out of USPS Tracking:

USPS Tracking Plus®

## Delivered

Delivered, Left with Individual

FRESNO, CA 93711

June 30, 2025, 3:01 pm

[See All Tracking History](#)

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

## Text & Email Updates

USPS Tracking Plus®

## Product Information

[Track Another Package](#)

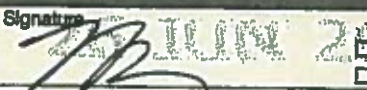

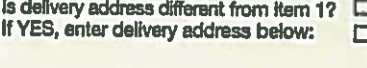
Enter tracking or barcode numbers

0559 6295 0000 0910 6102

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
Fresno, CA 93711	
OFFICIAL USE	
Certified Mail Fee	\$11.85
Extra Services & Fees (check box, add fee as appropriate)	\$4.10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage and Fees	\$16.68
Sent To	Buccaneer Development,
Street and Apt. No., or PO Box No.	2733 W Fir Avenue
City, State, ZIP+4®	Fresno, CA 93711
PS Form 3800, April 2015 PSN 7530	

06/25/2025

Feedback

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature </p> <p>B. Received by (Printed Name) </p> <p>C. Date of Delivery </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Address</p> <p>Buccaneer Development, LLC 2733 W Fir Avenue Fresno, CA 93711</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7019 0160 0000 5623 6550</p>	<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>

Post # 712  
 7/11

Erica White

RTS  
 RETURN TO SENDER  
 UNABLE TO FORWARD  
 RETURN TO SENDER



0442

**\$9.68**

S2324M503882-18

U.S. POSTAGE PAID  
 FCM LETTER  
 GOSHEN, IN 46528  
 JUN 25, 2025

2959 6295 0000 0910 6T02

U.S. Postal Service <sup>TM</sup>	
CERTIFIED MAIL <sup>®</sup> RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> .	
Goshen, IN 46528	
<b>OFFICIAL USE</b>	
Certified Mail Fee	\$4.05
Extra Services & Fees (check box, add fee as appropriate)	\$4.10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
<b>Total Postage and Fees</b>	<b>\$9.68</b>
Sent To	Unknown Occupant #4
Street and Apt. No., or PO Box	709 Chicago Avenue
City, State, ZIP+4 <sup>®</sup>	Goshen, IN 46528
PS Form 3800, April 2015 P	

