

Resolution 2016-001

**NOTICE OF ADOPTION OF DECLARATORY RESOLUTION BY
THE TOWN OF MILLERSBURG REDEVELOPMENT COMMISSION
CREATING ECONOMIC DEVELOPMENT AREA KNOWN AS THE
FOREST RIVER ECONOMIC DEVELOPMENT AREA**

TO: Citizens of the Town of Millersburg, Indiana
Citizens of the County of Elkhart, Indiana
Property Owners in Economic Development Area
All Other Interested Parties

NOTICE IS HEREBY GIVEN that the Town of Millersburg Redevelopment Commission adopted Resolution No. 2013-01 on the 23th day of January, 2013 being known as a "Declaratory Resolution," declaring an economic development area for a portion of the Town of Millersburg and County of Elkhart, Indiana more particularly described as follows:

FOREST RIVER ECONOMIC DEVELOPMENT AREA

All of the real estate located within the boundaries described as follows:

The real estate located in the County of Elkhart, Indiana legally described as follows, to-wit:

Lot One (1) as the said lot is known and designated on the recorded plat of MILLERSBURG/FOREST RIVER DPUD as recorded in Plat Book 27, Page 38, Elkhart County Records.

Tax code number 20-12-34-200-023.000-007

Also, adjacent right-of-way of State Road 13 to and including the intersection thereof with County Road 40.

ALSO INCLUDING:

A part of the Northeast Quarter of Section 34, Township 36 North, Range 7 East, Clinton Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at a P.K. nail marking the Southeast corner of said Northeast Quarter; thence North 89 degrees, 23 minutes West, 336.51 feet, along the South line of said Northeast Quarter, to a rebar marking the point of beginning of this description; thence continuing along the last described line and bearing, 1025.6 feet, to an iron stake; thence North 00 degrees, 44 minutes East, 743.27 feet, to an iron stake; thence South 89 degrees, 23 minutes East, 1025.6 feet, to an iron stake; thence South 00 degrees, 44 minutes West, 743.27 feet, to the point of beginning of this description, containing 17.50 acres.

Subject to all easements and restrictions of record.

Parcel No. 20-12-34-200-018.000-008

ALSO INCLUDING:

A part of the Northeast Quarter of Section 34, Township 36 North, Range 7 East, Clinton Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at a P.K. nail marking the Southeast corner of said Northeast Quarter; thence North 89 degrees, 23 minutes West, 1362.11 feet, along the South line of said Northeast Quarter, to an iron stake; thence North 00 degrees, 44 minutes East, 743.27 feet, to an iron stake at the point of beginning of this description; thence North 00 degrees, 44 minutes East, 267.58 feet, to an iron stake; thence South 89 degrees, 23 minutes East, 1025.6 feet, to an iron stake, thence South 00 degrees, 44 minutes West, 267.58 feet, to an iron stake; thence North 89 degrees, 23 minutes West, 1025.6 feet, to the point of beginning containing 6.30 acres.

Subject to all easements and restrictions of record.

Parcel No. 20-12-34-200-020.000-008

ALSO INCLUDING:

A part of the Northeast Quarter of Section 34, Township 36 North, Range 7 East, Clinton Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at an iron pin in the old concrete pavement marking the Southeast corner of said Northeast Quarter; thence North 89 degrees 23 minutes 00 seconds West (recorded bearing), along the South line of the aforesaid Northeast Quarter, a distance of 1362.11 feet to a rebar marking the Southwest corner of a 17.50 acre parcel of land conveyed to the Millersburg Park and Recreation Board, recorded in Elkhart County Deed Record 88 008996 and the point of beginning of this description; thence continuing North 89 degrees 23 minutes 00 seconds West along the South line of said Northeast Quarter, a distance of 1260.61 feet to a stone marking the Southwest corner of said Northeast Quarter; thence North 00 degrees 45 minutes 16 seconds East along the West line of said Northeast Quarter, a distance of 1010.85 feet to a rebar; thence South 89 degrees 23 minutes 00 seconds East parallel with the South line of said Northeast Quarter, a distance of 1260.34 feet to a rebar; thence South 00 degrees 44 minutes 20 seconds West along the West line and the extension of the West line of aforesaid 17.50 acre

parcel, a distance of 1010.85 feet to the point of beginning of this description. Containing 29.25 acres, more or less.

Subject to public highways and all easements and restrictions of record.

Parcel No. 20-12-34-200-022.000-008

ALSO INCLUDING:

A part of the Southeast Quarter (SE 1/4) of Section Thirty-four (34), Township Thirty-six (36) North, Range Seven (7) East, Clinton Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at the Northeast corner of the aforesaid Southeast Quarter section, being the centerline of State Road No. 13; thence North eighty-nine (89) degrees twenty-three (23) minutes zero (0) seconds West (recorded) and along the North line of the aforesaid Southeast Quarter (SE 1/4) section, a distance of one thousand three hundred sixty-two and eleven hundredths (1362.11) feet to the Northeast corner of a tract as described by Warranty Deed Volume 357, page 834 of the Recorder of Elkhart County, Indiana, and the point of beginning of this description; thence continuing North eighty-nine (89) degrees twenty-three (23) minutes zero (0) seconds West, along the North line of said Southeast Quarter (SE 1/4) and the North line of said Deed Record 357, page 834, a distance of five hundred eighteen and forty-seven hundredths (518.47) feet to the Northwest corner of said Deed Record 357, page 834; thence South one (1) degree eleven (11) minutes zero (0) seconds West as measured (South one (1) degree thirteen (13) minutes zero (0) seconds West as recorded) along the West line of said tract of Warranty Deed Volume 357, page 834, a distance of three hundred eighty-four and ninety-nine hundredths (384.99) feet to a rebar; thence South eighty-eight (88) degrees fifty-three (53) minutes zero (0) seconds East, a distance of two hundred eighty-seven and six hundredths (287.06) feet to a rebar; thence South one (1) degree eleven (11) minutes zero (0) seconds West as measured (South one (1) degree thirteen (13) minutes zero (0) seconds West as recorded), a distance of seventy-six and ninety-eight hundredths (76.98) feet; thence North eighty-nine (89) degrees thirty-two (32) minutes zero (0) seconds East as measured (North eighty-nine (89) degrees thirty-six (36) minutes zero (0) seconds East as recorded) parallel to the South line of said tract of Warranty Deed Volume 357, page 834, a distance of two hundred thirty-one and thirty hundredths (231.30) feet; thence North one (1) degree twelve (12) minutes twenty (20) seconds East (measured) North one (1) degree thirteen (13) minutes zero (0) seconds East (recorded) a distance of four hundred sixty and eleven hundredths (460.11) feet to the place of beginning.

Parcel No. 20-12-34-401-006.000-008

ALSO INCLUDING:

A part of the southeast Quarter (SE 1/4) of Section Thirty-four (34), Township Thirty-six (36) North, Range Seven (7) East, in Elkhart County, Indiana, being more particularly described as follows:

Beginning at a stone marking the Northwest corner of the Southeast Quarter (SE 1/4) of Section Thirty-four (34), Township Thirty-six (36) North, Range Seven (7) East, in Elkhart County, Indiana; thence South one (1) degree seven (7) minutes West along the West line of the Southeast Quarter (SE 1/4) of Section Thirty-four (34), one thousand one hundred sixty-five and forty-one hundredths (1165.41) feet to a point on the North line of Elm Street as the same is known and platted in the Official Records of Elkhart County, Indiana, in Miller's First Addition to the Town of Millersburg, Indiana; thence due East thirty-three (33) feet along the North line of Elm Street; thence North one (1) degree seven (7) minutes East one hundred twenty (120) feet; thence due east four hundred twenty-three and ninety-eight hundredths (423.98) feet; thence South one (1) degree seven (7) minutes West, one hundred twenty (120) feet; thence due East, two hundred eighty-five (285) feet along the North line of Elm Street, thence North one (1) degree thirteen (13) minutes East, one thousand one hundred fifty-nine and fifteen hundredths (1159.15) feet; thence North eighty-nine (89) degrees thirty-one (31) minutes West, seven hundred forty-four and twenty-two hundredths (744.22) feet to the place of beginning of this description.

Commonly known as 201 W. Elm Street, Millersburg, Indiana 46543
Parcel No. 20-12-34-401-001.000-008

ALSO INCLUDING:

A part of the southeast Quarter (SE 1/4) of Section Thirty-four (34), Township Thirty-six (36) North, Range Seven (7) East, in Elkhart County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the aforesaid Southeast Quarter (SE 1/4); thence South one (1) degree seven (7) minutes West, along the West line of the aforesaid Southeast Quarter (SE 1/4), a distance of one thousand one hundred sixty-five and forty-one hundredths (1165.41) feet, to a point on the Northerly right-of-way line of Elm Street as the same is known and platted in the official records of Elkhart County, Indiana, in Millers First Addition to the Town of Millersburg, Indiana; thence due East along the aforesaid Northerly right-of-way line, a distance of four hundred sixteen and ninety-eight hundredths (416.98) feet, to the place of beginning of this description; thence continuing due East along the aforesaid right-of-way line, a distance of forty (40.0) feet; thence North one (1) degree seven (7) minutes East, a distance of one hundred twenty (120) feet; thence due West, a distance of forty (40) feet; thence South one (1) degree seven

(7) minutes West, a distance of one hundred twenty (120) feet to the place of beginning of this description.

Parcel No. 20-12-34-402-002.000-008

ALSO INCLUDING:

A part of the Southeast Quarter (SE 1/4) of Section Thirty-four (34), Township Thirty-six (36) North, Range Seven (7) East, Clinton Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at the Northeast corner of the aforesaid Southeast Quarter (SE 1/4) section being at the centerline of State Road No. 13; thence North eighty-nine (89) degrees twenty-three (23) minutes West and along the North line of the aforesaid Southeast Quarter (SE 1/4) section, a distance of one thousand eight hundred eighty and fifty-eight hundredths (1880.58) feet to the Northwest corner of a tract as described by Warranty Deed Volume 357, page 834 of the records of the Recorder of Elkhart County, Indiana; thence South one (1) degree eleven (11) minutes West as measured (South one (1) degree thirteen (13) minutes West as recorded) along the West line of said tract of Warranty Deed Volume 357, page 834, a distance of three hundred eighty-four and ninety-nine hundredths (384.99) feet to the place of beginning of this description; thence continuing South one (1) degree eleven (11) minutes West (South one (1) degree thirteen (13) minutes West as recorded) along said described West line, a distance of four hundred seventy-seven and ninety-seven hundredths (447.97) feet to a found 3/4 inch iron pipe marking the Southwest corner of the aforesaid tract of Warranty Deed Volume 357, page 834; thence North eighty-nine (89) degrees thirty-two (32) minutes East as measured (North eighty-nine (89) degrees thirty-six (36) minutes East as recorded) along a South line of said tract of Warranty Deed Volume 357, page 834, a distance of two hundred eighty-seven and eighteen hundredths (287.18) feet as measured (two hundred eighty-seven and three tenths (287.3) feet as recorded) to a found 3/4 inch iron pipe marking a corner of said tract of Warranty Deed Volume 357, page 834; thence North one (1) degree eleven (11) minutes East as measured (North one (1) degree thirteen (13) minutes East as recorded) along a line and as extended of said tract of Warranty Deed Volume 357, page 834, a distance of four hundred seventy and two hundredths (470.02) feet to a set rebar; thence North eighty-eight (88) degrees fifty-three (53) minutes West, a distance of two hundred eighty-seven and six hundredths (287.06) feet to the place of beginning.

ALSO: an easement fifty (50) feet in width along the East line of the above described real estate from a point on the North edge of Maple Street Northward to the North line of the above described real estate.

Parcel No. 20-12-34-401-003.000-008

The Elkhart County Plan Commission on the 14th day of February, 2013, adopted a Written Order consistent with Indiana Code §36-7-14-16 approving the Declaratory Resolution, Economic Development Plan, Factual Report, and attachments thereto for the Forest River Economic Development Area.

The Town Council of the Town of Millersburg, Indiana issued a Resolution pursuant to Indiana Code §36-7-14-16 issuing and approving the Forest River Economic Development Area as contemplated by said Declaratory Resolution on the 26th day of August, 2015.

The Declaratory Resolution includes an Economic Development Plan for the Forest River Economic Development Area and a Factual Report in Support of Findings as contained in Declaratory Resolution Number 2013-01.

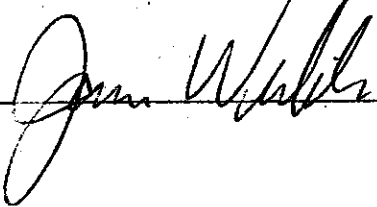
Generally stated, the Declaratory Resolution, Economic Development Plan, and Factual Report have defined the aforesated Forest River Economic Development Area to be benefited by the proposed Economic Development Plan for the development thereof, which development and plan will be of public utility and benefit, and which plan and development cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers and authorities allowed the Town of Millersburg Redevelopment Commission under Indiana Code §36-7-14 et seq. Generally stated, the public improvements contemplated for the Forest River Economic Development Area include improvement of its water distribution system to improve water pressure for fire protection purposes and for general water service, all appurtenant equipment and facilities associated with these improvements, and all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the implementation of this project, for purposes of serving the Forest River Economic Development Area, all as more particularly described within the Declaratory Resolution, Economic Development Plan, and Factual Report. Additional projects may include the construction of a building to provide office space for Town of Millersburg officials and employees and the Town Police Department, as well as to provide space for a community center, as well as the possibility of developing land for a park facility and improvements to roads connected to and serving the Development Area to repair damage caused by trucks traveling to and from businesses located within the development area. The Declaratory Resolution includes a provision establishing an allocation provision under Indiana Code §36-7-14-39.

Maps and plats have been prepared pertaining to the Declaratory Resolution and the Forest River Economic Development Area which can be inspected at the Millersburg Town Hall, 201 W. Washington St, Millersburg, Indiana 46573.

The Town of Millersburg Redevelopment Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project, Declaratory Resolution, and Economic Development Plan, and will determine the public utility and benefit of the proposed project, Declaratory Resolution, and Economic Development Plan. The public hearing to be conducted by the Millersburg Redevelopment Commission, at which time it will receive and hear remonstrances and objections, and address the public utility and benefit of the proposed project, shall be on the 13th day of January, 2016 at 7:00 P.M. at the Millersburg Town Hall, 201 W. Washington St, Millersburg, Indiana 46573.

A copy of this Notice of Hearing shall be filed in the Office of the Elkhart County Plan Commission, Elkhart County Board of Zoning Appeals, Elkhart County Department of Planning and Development, Elkhart County Building Department, Elkhart County Building Commissioner, Elkhart County Highway Department, Elkhart County Health Department, Elkhart County Park Department, and Elkhart County Surveyor's Office pursuant to Indiana Code §36-7-14-17.

Town of Millersburg Redevelopment Commission

By:  _____, President