



Goshen Common Council

6:00 p.m. August 17, 2021 Regular Meeting

Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Call to Order by Mayor Jeremy Stutsman

Pledge of Allegiance

Roll: Megan Eichorn (District 4) Julia King (At-Large) Jim McKee (District 1)
Doug Nisley (District 2) Gilberto Pérez, Jr. (District 5) Matt Schrock (District 3)
Council President Brett Weddell (At-Large) Youth Advisor Adrian Mora (Non-voting)

Approval of Minutes – August 3, 2021

Approval of Meeting Agenda

Privilege of the Floor

I. Res. 2021-26 Approve Sale of Real Estate Along West Plymouth Avenue near the Elkhart River

Elected Official Reports

Adjournment



Minutes of the Common Council Regular Meeting of August 3, 2021

6:00 p.m. Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Mayor Jeremy Stutsman called the meeting to order and led in the Pledge of Allegiance

Present: Megan Eichorn (District 4), Julia King (At-Large), Jim McKee (District 1),
Doug Nisley (District 2), Gilberto Perez, Jr. (District 5),
Matt Schrock (District 3), Council President Brett Weddell (At-Large),
Youth Advisor Adrian Mora (Non-voting)

Absent: None

Clerk's Note: Adrian Mora arrived to the Common Council Meeting late.

Eichorn/King moved to approve the minutes of July 20, 2021 as presented. Passed 7-0

Nisley/King moved to approve the agenda as submitted. Passed 7-0

Privilege of the Floor

Environmental Resilience Director Aaron Sawatsky-Kingsley presented a flyer provided by Solar United Neighbors of Indiana. The group will be hosting two seminars in Goshen to inform the community about solar power and incentives for solar adoption at the Reith Interpretive Center on August 19 at 6:30 and October 23 at 10:00.

Goshen Resident Glen Null stated he was glad to see activity in his neighborhood regarding repairs to sidewalks and tree removal. Null expressed his concern on who is paying for the removal. Null stated he has paid the total cost for a sidewalk repair and is concerned others are receiving discounts for the same service. Null also expressed frustration with businesses bidding on work to be done in Goshen and not completing or starting the work.



Goshen resident Lori Arnold reminded the council of 12 people who spoke at the last Council meeting and claimed she is being targeted by ANTIFA. Arnold also shared her belief that ANTIFA is active in Goshen and requested the Council denounce ANTIFA.

Goshen resident Daniel Weaver urged the community to help the Mayor, urged residents to take pride in Goshen and work together. Weaver suggested that the community work to fix one problem at a time, noted that he is not aware of an ANTIFA problem in Goshen, and asked the Council to prioritize factual information.

Councilor Nisley stated that he and the Council have denounced any violence within the City. Nisley added his support for the Police Department and all that has been done to protect citizens, and said he will not stand for any form of violence.

King added that the Council has unanimously passed Resolutions denouncing any violence, harassment, or intimidation. Council members agreed.

Goshen Resident Barb Hassen expressed her concern with people who are not community members speaking at the Council meetings, noting that she does not believe Goshen residents are distressed or concerned with ANTIFA. Hassen applauded the Council and the Police Department for all of their hard work and is proud of Goshen.

Goshen Resident Jenna Crawford commented on the popular phrase Love is Love, sharing that she used to be part of the LGBT community until Jesus called her to a different path. Crawford listed infections and diseases members of the LGBT community can spread and receive, stated the risk of anxiety and depression is higher amongst those in the LGBT community, and quoted verses from the Bible.

Goshen Resident Phillip Crawford recited Bible verses and expressed his frustration in manmade decisions and a liberal agenda. He stated that he stands for liberty and freedom of speech but expressed frustration with events in the City that are against his beliefs. Crawford concluded that Goshen should maintain a conservative viewpoint.

Goshen Resident Pam Weishaupt informed the community of a seed library at the Farmer's Market and shared that residents can provide seeds from their own produce.

City Employee Emily Bush-Pearson shared her brother is in the United States Air Force and was raised by two gay women. Pearson expressed her belief that gay people will not go to hell for who they love and that they are loved, important and valid.



Goshen Resident Brock Richardson shared when he announced to his family he was gay he was sent to conversion therapy and was tortured and suffered from electric shock therapy. Richardson recalled when he was in college and beside him sat people from different countries, noting his amazement at the diversity Goshen attracts. Richardson welcomed anyone with questions regarding Pride events to contact himself or his husband Kyle Richardson.

Councilor King reiterated her support for her LGBTQ neighbors and stated love is love among consenting adults. King clarified that she was invited to speak at a BLM rally but declined, but attended the rally as an ally.

Councilor Weddell confirmed that he did see King at the BLM rally and did not hear her speak in the time he was there. Eichorn also confirmed the same.

Councilor Weddell referenced Resolution 2016-45 which refers to respect, non-intimidation and hate. Weddell added that Goshen is a community where everyone is a neighbor and he does not condone hate or intimidation in any form, stating that his opinion of Goshen has changed over the years based on his interactions with people.

Mayor Stutsman reiterated his support for everyone in the community, adding that everyone comes to the table with an agenda; either good or bad. Stutsman thanked all of the Council members for coming together for the better of Goshen.

Ordinance 5093: Establishing a Deputy Mayor Position

Weddell/Nisley moved for the passage of Ordinance 5093 on 1st reading.

Mayor Stutsman presented the Ordinance, mentioning that Mark Brinson has already been assisting in some Mayoral duties and that the Ordinance would honor the work being done. Stutsman clarified creating the Deputy Mayor Position would create vacancies in the Redevelopment Department and he is not proposing those positions be filled. Stutsman also clarified that the new position would not pull him away from interacting with the community and that he will remain fully involved.

Council members expressed their support and thanks towards Mayor Stutsman for reaching out to Council members and clearly addressing what the Deputy Mayor position would include.



Councilor Eichorn said it is important to re-evaluate jobs over time and duties may change, and McKee expressed his appreciation that everyone needs help.

Goshen resident Glen Null recalled that he did not support the Deputy Mayor position when it was last proposed but affirmed Mayor Stutsman for presenting and describing the position so well. Null suggested Goshen is too small of a City to have a Deputy Mayor, but noted Brinson is a good choice for the position.

Councilor Nisley responded to Null by stating Brinson is already performing the job description and approving the Ordinance would honor Brinson's work.

Goshen Resident Barb Hassen quoted Indiana Statute 36.4.9.7 that allows a Mayor to appoint a Deputy Mayor.

Voice Vote to pass Ordinance 5093 on 1st reading. Passed 7-0

Weddell/King moved for the passage of Ordinance 5093 on 2nd and final reading.

Voice Vote to pass Ordinance 5093 on 2nd and final reading. Passed 7-0

Re-open Privilege of the Floor

Goshen Resident Loren Slabaugh expressed his concern and the danger of having fluoride in drinking water. Slabaugh asked local authorities to look into the health and safety of Goshen residents, listed health risks and encouraged Goshen leaders to look seriously into the issue of fluoride in drinking water.

Elected Official Reports

Councilor Weddell and Director of Public Works Dustin Sailor discussed the current state of fluoride in the water through the City, adding that City staff is kept up to date on fluoride levels and latest research.

Councilor McKee announced due to an upcoming move, he will not be able to continue as Councilmen for District 1. McKee stated he has enjoyed his 10 years on the Council and has appreciated the support and respect other Council members have showed him. McKee added the move is estimated to be finished in a month.

Mayor Stutsman expressed his appreciation for McKee's friendship and hard work during his time on the Council.

Councilor Nisley thanked McKee for his help and work and expressed his fondness of their friendship. Nisley also stated that while he does not support the LGBTQ community, it is not for him to judge people.



Councilor Nisley added everyone has rights and it is the duty of the Council to uphold those rights, adding that he has family and friends who are gay and he loves them and will not judge them.

Councilor King thanked Nisley for addressing people's rights. King affirmed McKee's calm demeanor during his time on the Council.

Councilor Eichorn shared her sadness to see McKee leave the Council and thanked him for his service. Eichorn also reiterated her full support of the LGBTQ community and noted how members of the Council may have different opinions but appreciation that they still come together to better Goshen.

Youth Advisor Mora also shared his support for the Council and the LGBTQ community.

Councilor Weddell mentioned that Goshen is a huge community and everyone needs support, noting that everyone has rights and all should feel welcome in Goshen. Weddell also shared his respect for McKee and that he has been a rock for Weddell.

Councilor Perez thanked McKee for his help with the Planning Commission. Perez loosely quoted advice McKee once gave him; to listen, learn, and then do what you want to represent.

Mayor Stutsman spoke on census data that will be released soon, estimating 34,400 residents for the City of Goshen, and noted that the State will redistrict over the coming years. Stutsman spoke about the ARP Plan and the 2022 budget. He shared his support for all Goshen residents and how people should continue to build tolerance.

Councilor Schrock expressed his respect for McKee's guidance, adding that McKee originally encouraged him run for the Common Council. Schrock affirmed that the people of Goshen all need to work together and also expressed support for the Police Department and the City of Goshen's department heads.

Councilor Perez expressed his support for the Police Department and shared his perspective viewing the new training facility, encouraging continuous training for Police Officers. Council members and Chief Jose' Miller discussed the VR training equipment and the benefits to the officers, while addressing the citizens academy and guy safety days.

Nisley/McKee moved to adjourn. Passed 7-0

Meeting Adjourned 7:17 p.m.

APPROVED: _____

Jeremy P. Stutsman, Mayor of Goshen



ATTEST:

Goshen City Clerk-Treasurer

COUNCIL RESOLUTION 2021-26

Approve Sale of Real Estate Along West Plymouth Avenue Near the Elkhart River

WHEREAS the State of Indiana through the Indiana Department of Transportation is planning to replace the bridge over the Elkhart River on State Road 119 (West Plymouth Avenue) adjacent to Shanklin Park.

WHEREAS the State of Indiana needs to acquire certain real estate from the City of Goshen for the planned public improvement project and has submitted to the City two (2) Uniform Property or Easement Acquisition Offers dated July 21, 2021, copies of which are attached to this resolution.

WHEREAS the State of Indiana has offered \$1,000 to acquire from the City of Goshen 0.103 acre of real estate (of which 0.037 acre is presently existing right-of-way) and titled in the name of "City Light and Water Works for the City of Goshen, Elkhart County, Indiana" which is one and the same as "the City of Goshen, Indiana, a municipal corporation and political subdivision of the State of Indiana."

WHEREAS the State of Indiana has offered \$4,326 to acquire from the City of Goshen 0.386 acre of real estate (of which 0.075 acre is presently existing right-of-way) and titled in the name of "The City of Goshen, Indiana."

NOW, THEREFORE, BE IT RESOLVED by the Goshen Common Council that:

- (1) The State of Indiana's July 21, 2021 Uniform Property or Easement Acquisition Offer to acquire 0.103 acre of real estate (of which 0.037 acre is presently existing right-of-way) titled in the name of "City Light and Water Works for the City of Goshen, Elkhart County, Indiana" which is one and the same as "the City of Goshen, Indiana, a municipal corporation and political subdivision of the State of Indiana" for the offer of \$1,000 is accepted.
- (2) The State of Indiana's July 21, 2021 Uniform Property or Easement Acquisition Offer to acquire 0.386 acre of real estate (of which 0.075 acre is presently existing right-of-way) titled in the name of "The City of Goshen, Indiana" for the offer of \$4,326 is accepted.
- (3) Mayor Jeremy P. Stutsman is authorized to execute any and all documents that are necessary to accept the State of Indiana's offer and effectuate the conveyance

of the real estate referenced in paragraphs (1) and (2) above to the State of Indiana to be used for the public improvement project.

PASSED by the Goshen Common Council on August 17, 2021.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on August _____, 2021, at _____ a.m./p.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on August _____, 2021.

Jeremy P. Stutsman, Mayor



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

Eric Holcomb, Governor
Joe McGuinness,
Commissioner

UNIFORM PROPERTY OR EASEMENT ACQUISITION OFFER

Date: July 21, 2021

COPY

PROJECT: 1602099
CODE: 7055 PARCEL: 2
ROAD: SR 119
COUNTY: Elkhart

Offer Delivery Method (Check one)

In Person _____ Certified Mail X

The City of Goshen, Indiana
202 S 5th Street
Goshen, IN 46528

The State of Indiana, acting by and through the Indiana Department of Transportation is authorized by Indiana law to obtain your property or an easement across your property, for certain public purposes. The Indiana Department of Transportation needs your property for a public highway improvement known as SR 119 over the Elkhart River and needs to take the fee simple acquisition as described on the attached legal description.

It is our opinion that the fair market value of the fee simple parcel we want to acquire from you is \$4,326.00, and, therefore, the Indiana Department of Transportation offers you \$4,326.00 for the above acquisition. You have thirty (30) days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the deed, grant or easement, and provided there are no difficulties in clearing liens or other problems with title to the land. Possession will be required thirty (30) days after you have received your payment in full.



HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

COPY

1. By law, the Indiana Department of Transportation is required to make a good faith effort to purchase an fee simple acquisition across your property.
2. You do not have to accept this offer and the Indiana Department of Transportation is not required to agree to your demands.
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of an easement across your property, the Indiana Department of Transportation has the right to file suit to condemn, and acquire the fee simple parcel in the county in which the real estate is located.
4. You have the right to seek advice of an attorney, real estate appraiser or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If the Indiana Department of Transportation files a suit to condemn and acquire a fee simple acquisition of your property and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the to be acquired.
7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the condemned.
8. If the court appraisers' report is not accepted by either of us, then the Indiana Department of Transportation has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, the Indiana Department of Transportation is legally entitled to immediate possession of the fee simple parcel. You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.

Project: 1602099

Parcel: 2 COPY

9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the property or easement. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in the notice.

10. If you have any questions concerning this matter, you may contact us at:

Qasim Asghar
 DLZ Indiana, LLC
 2211 East Jefferson Boulevard,
 South Bend, IN 46615

Phone: 574-245-1626 (Cell)
 Email: qasghar@dlz.com

This offer was made to the owner(s):

The City of Goshen, Indiana of _____ County on _____ (Date)

of _____ County on _____ (Date)



Qasim Asghar
 Agent of: The Indiana Department of Transportation

Project: 1602099

Parcel: 2 **COPY**

If you decide to accept the offer of \$4,326.00 made by the Indiana Department of Transportation, sign your name below and mail this form to the address indicated above. An additional copy of this offer has been provided for your file.

ACCEPTANCE OF OFFER

I, Jeremy P. Stutsman, Mayor of The City of Goshen, Indiana, owner(s) of the above described property or interest in property, hereby accept the offer of \$4,326.00 made by the Indiana Department of Transportation on this _____ day of _____, _____.

Original Offer	\$4,326.00

Total Amount	\$4,326.00

The City of Goshen, Indiana

Signature - Jeremy P. Stutsman, Mayor

Print Name and Title

NOTARY'S CERTIFICATE

STATE OF: _____:

SS:

COUNTY OF _____:

Subscribed and sworn to before me this _____ day of _____, _____.

Signature _____

Printed Name _____

My Commission expires _____

I am a resident of _____ County.

EXHIBIT "A"

Project: 1602099
Code: 7055
Parcel: 2 Fee Simple
Form: WD-1
Tax ID: 20-11-16-176-004.000-015

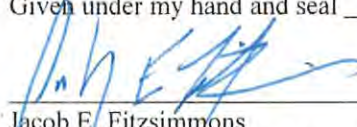
Sheet 1 of 2

COPY

A part of the Northwest Quarter of Section 16, Township 36 North, Range 6 East, Elkhart County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the southwest corner of said quarter section; thence North 89 degrees 25 minutes 06 seconds East 1,632.25 feet along the south line of said quarter section to the centerline of S.R. 119; thence North 84 degrees 57 minutes 04 seconds East 114.80 feet along said centerline; thence continuing along said centerline, northeasterly 588.70 feet along an arc to the left having a radius of 1,505.45 feet and being subtended by a long chord having a bearing of North 73 degrees 44 minutes 55 seconds East and a length of 584.95 feet to a point on the southern line of the grantor's land and to *the Point of Beginning of this description*: thence North 27 degrees 06 minutes 02 seconds West 23.14 feet to point "500" as designated on said Parcel Plat; thence North 54 degrees 06 minutes 40 seconds East 241.76 feet to the northern boundary of S.R. 119 described in Deed Book 297, Page 175 as recorded in the Elkhart County Recorder's Office and to point "501" as designated on said Parcel Plat; thence South 49 degrees 34 minutes 38 seconds West 149.08 feet along said northern boundary; thence South 30 degrees 15 minutes 21 seconds East 22.16 feet along said northern boundary to said centerline of SR 119; thence along said centerline southwesterly 95.15 feet along an arc to the right having a radius of 1,505.45 feet and being subtended by a long chord having a bearing of South 60 degrees 44 minutes 07 seconds West and a length of 95.14 feet to the point of beginning and containing 0.083 acres, more or less, inclusive of the presently existing right-of-way for S.R. 119, which contains 0.036 acres, more or less.

This description was prepared from information obtained from the Recorder's Office and other sources which were not necessarily checked by a field survey and has been prepared for the Indiana Department of Transportation, Land Acquisition.



Given under my hand and seal 6/22/2020


Jacob E. Fitzsimmons
Registered Land Surveyor No. LS21200011
State of Indiana

EXHIBIT "A"

Project: 1602099
Code: 7055
Parcel: 2A Fee Simple
Form: WD-1
Tax ID: 20-11-16-252-001.000-015

Sheet 2 of 2

COPY

A part of the North Half of Section 16, Township 36 North, Range 6 East, Elkhart County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the southwest corner of said half section; thence North 89 degrees 25 minutes 06 seconds East 1,632.25 feet along the south line of said half section to the centerline of S.R. 119; thence along said centerline the following four (4) courses: (1) thence North 84 degrees 57 minutes 04 seconds East 114.80 feet; (2) thence northeasterly 778.36 feet along an arc to the left having a radius of 1,505.45 feet and being subtended by a long chord having a bearing of North 70 degrees 08 minutes 22 seconds East and a length of 769.72 feet; (3) thence North 55 degrees 19 minutes 39 seconds East 149.24 feet to the northwest corner of the grantor's land and to *the Point of Beginning of this description*: (4) thence North 55 degrees 19 minutes 39 seconds East 116.35 feet to the southern boundary of S.R. 119 described in Deed Book 297, Page 178 as recorded in the Elkhart County Recorder's Office; thence South 34 degrees 40 minutes 21 seconds East 40.00 feet along said southern boundary; thence North 55 degrees 19 minutes 39 seconds East 270.00 feet along said southern boundary to point "504" as designated on said Parcel Plat; thence South 33 degrees 31 minutes 34 seconds West 53.85 feet to point "505" as designated on said Parcel Plat; thence South 55 degrees 19 minutes 39 seconds West 379.93 feet to the center of the Elkhart River and to the western line of the grantor's land; thence North 1 degree 19 minutes 20 seconds East 74.16 feet along said center of Elkhart River and said western line to the point of beginning and containing 0.303 acres, more or less, inclusive of the presently existing right-of-way for S.R. 119, which contains 0.039 acres, more or less.

This description was prepared from information obtained from the Recorder's Office and other sources which were not necessarily checked by a field survey and has been prepared for the Indiana Department of Transportation, Land Acquisition.



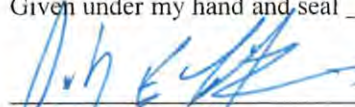
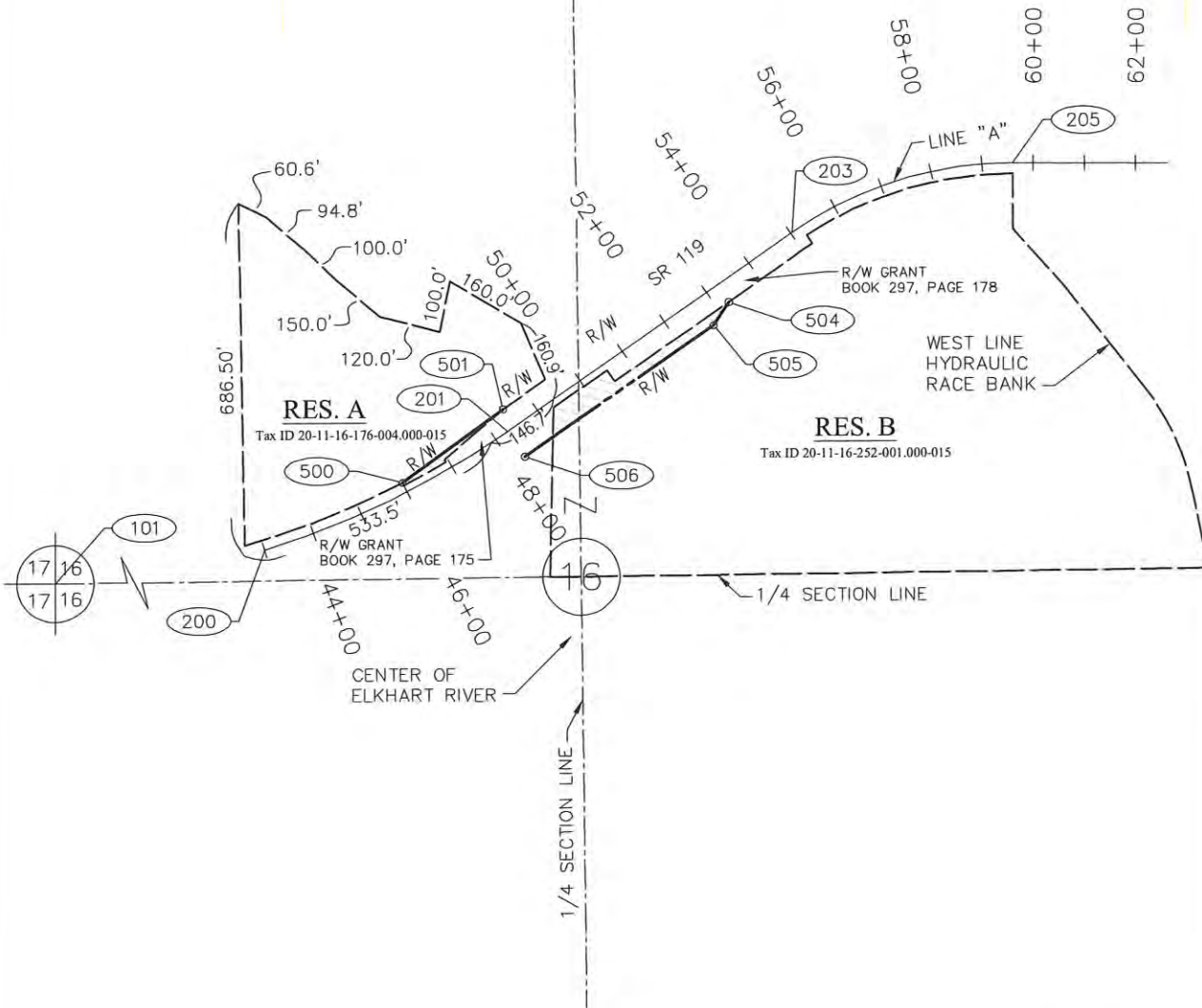
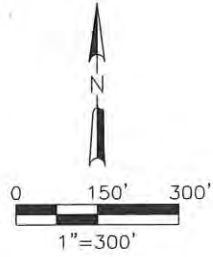
Given under my hand and seal 6/22/2020

Jacob E. Fitzsimmons
Registered Land Surveyor No. LS21200011
State of Indiana

EXHIBIT "B"
RIGHT-OF-WAY PARCEL PLAT

COPY



PARCEL:	2, 2A	OWNER:	THE CITY OF GOSHEN, INDIANA	DRAWN BY:	M.C.PAUL
PROJECT:	1602099			CHECKED BY:	J.E.FITZSIMMONS
CODE:	7055				
ROAD:	S.R. 119				
COUNTY:	ELKHART				
SECTION:	16				
TOWNSHIP:	36 N				
RANGE:	6 E				

HATCHED AREA IS THE APPROXIMATE EASEMENT

BOOK 250, PAGE 89; DATED 12/31/1963
 INSTR No. 94-022785; DATED 9/07/1994

COPY

R/W POINTS

Point	Line	Station	Offset	Northing	Easting
500	"A"	46+00	20' Lt.	454746.5362	790230.7070
501	"A"	+PL(48+45.00)	PL(40.00') Lt.	454888.2575	790426.5669
504	"A"	53+25	PL(40.00') Rt.	455095.5279	790866.8384
505	"A"	52+75	60' Rt.	455050.6353	790837.0951
506	"A"	+PT(48+27.97)	60' Rt.	454796.3260	790469.4471

CENTERLINE POINTS

Point	Line	Station	Offset	Northing	Easting
101	SEE LOCATION CONTROL ROUTE SURVEY				
200	SEE LOCATION CONTROL ROUTE SURVEY				
201	SEE LOCATION CONTROL ROUTE SURVEY				
203	SEE LOCATION CONTROL ROUTE SURVEY				
205	SEE LOCATION CONTROL ROUTE SURVEY				

NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES.

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded August 9, 2019, as Instrument No. 2019-16124 in the Office of the Recorder of Monroe County, Indiana, (incorporated and made a part hereof by reference) comprise a Location Route Survey, executed in accordance with Indiana Administrative Code 865 IAC 1-12, (Rule 12).



[Signature] 6/22/2020
 Date
 Jacob E. Fitzsimmons
 Reg. Land Surveyor No. LS21200011
 State of Indiana

PARCEL:	2, 2A	OWNER:	THE CITY OF GOSHEN, INDIANA	DRAWN BY:	M.C.PAUL
PROJECT:	1602099			CHECKED BY:	J.E.FITZSIMMONS
CODE:	7055				
ROAD:	S.R. 119				
COUNTY:	ELKHART				
SECTION:	16				
TOWNSHIP:	36 N				
RANGE:	6 E				



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

Eric Holcomb, Governor
Joe McGuinness,
Commissioner

UNIFORM PROPERTY OR EASEMENT ACQUISITION OFFER

Date: July 21, 2021

COPY

PROJECT: 1602099
CODE: 7055 PARCEL: 3
ROAD: SR 119
COUNTY: Elkhart

Offer Delivery Method (Check one)

In Person _____ Certified Mail

City Light and Water Works of the City
of Goshen, Elkhart County, Indiana
202 S 5th Street
Goshen, IN 46528

The State of Indiana, acting by and through the Indiana Department of Transportation is authorized by Indiana law to obtain your property or an easement across your property, for certain public purposes. The Indiana Department of Transportation needs your property for a public highway improvement known as SR 119 over the Elkhart River and needs to take the fee simple acquisition as described on the attached legal description.

It is our opinion that the fair market value of the fee simple parcel we want to acquire from you is \$1,000.00, and, therefore, the Indiana Department of Transportation offers you \$1,000.00 for the above acquisition. You have thirty (30) days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the deed, grant or easement, and provided there are no difficulties in clearing liens or other problems with title to the land. Possession will be required thirty (30) days after you have received your payment in full.

COPY

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, the Indiana Department of Transportation is required to make a good faith effort to purchase an fee simple acquisition across your property.
2. You do not have to accept this offer and the Indiana Department of Transportation is not required to agree to your demands.
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of an easement across your property, the Indiana Department of Transportation has the right to file suit to condemn, and acquire the fee simple parcel in the county in which the real estate is located.
4. You have the right to seek advice of an attorney, real estate appraiser or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If the Indiana Department of Transportation files a suit to condemn and acquire a fee simple acquisition of your property and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the to be acquired.
7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the condemned.
8. If the court appraisers' report is not accepted by either of us, then the Indiana Department of Transportation has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, the Indiana Department of Transportation is legally entitled to immediate possession of the fee simple parcel. You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.

COPY

9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the property or easement. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in the notice.

10. If you have any questions concerning this matter, you may contact us at:

Qasim Asghar
DLZ Indiana, LLC
2211 East Jefferson Boulevard,
South Bend, IN 46615

Phone: 574-245-1626 (Cell)
Email: qasghar@dlz.com

This offer was made to the owner(s):

City Light and Water Works of the City of Goshen, Elkhart County, Indiana, which is one and the same as The City of Goshen, Indiana, a municipal corporation and political subdivision of the State of Indiana

of Elkhart County on _____ (Date)

of _____ County on _____ (Date)



Qasim Asghar
Agent of: The Indiana Department of Transportation

Project: 1602099

Parcel: 3

COPY

If you decide to accept the offer of \$1,000.00 made by the Indiana Department of Transportation, sign your name below and mail this form to the address indicated above. An additional copy of this offer has been provided for your file.

ACCEPTANCE OF OFFER

I, Jeremy P. Stutsman, Mayor of City Light and Water Works of the City of Goshen, Elkhart County, Indiana, which is one and the same as The City of Goshen, Indiana, a municipal corporation and political subdivision of the State of Indiana, owner(s) of the above described property or interest in property, hereby accept the offer of \$1,000.00 made by the Indiana Department of Transportation on this _____ day of _____, _____.

Original Offer	\$1,000.00

Total Amount	\$1,000.00

City Light and Water Works of the City of Goshen, Elkhart County, Indiana which is one and the same as The City of Goshen, Indiana, a municipal corporation and political subdivision of the State of Indiana

Signature – Jeremy P. Stutsman, Mayor

NOTARY'S CERTIFICATE

STATE OF: _____:

SS:

COUNTY OF _____:

Subscribed and sworn to before me this _____ day of _____, _____.

Signature _____

Printed Name _____

My Commission expires _____

I am a resident of _____ County.

EXHIBIT "A"

Sheet 1 of 1

COPY

Project: 1602099
Code: 7055
Parcel: 3 Fee Simple
Form: WD-1
Tax ID: 20-11-16-177-001.000-015

A part of the North Half of Section 16, Township 36 North, Range 6 East, Elkhart County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the southwest corner of said half section; thence North 89 degrees 25 minutes 06 seconds East 1,632.25 feet along the south line of said half section to the centerline of S.R. 119; thence along said centerline the following three (3) courses: (1) thence North 84 degrees 57 minutes 04 seconds East 114.80 feet; (2) thence northeasterly 778.36 feet along an arc to the left having a radius of 1,505.45 feet and being subtended by a long chord having a bearing of North 70 degrees 08 minutes 22 seconds East and a length of 769.72 feet; (3) thence North 55 degrees 19 minutes 39 seconds East 149.24 feet to the southwest corner of the grantor's land and to the center of the Elkhart River and to the Point of Beginning of this description: thence North 23 degrees 44 minutes 01 second West 40.74 feet along the western line of the grantor's land and said center of the Elkhart River to point "502" as designated on said Parcel Plat; thence North 55 degrees 19 minutes 39 seconds East 108.62 feet to the northern boundary of S.R. 119 described in Deed Book 297, Page 178 as recorded in the Elkhart County Recorder's Office and to point "503" as designated on said Parcel Plat; thence South 34 degrees 40 minutes 21 seconds East 40.00 feet along said northern boundary to said centerline of S.R. 119; thence South 55 degrees 19 minutes 39 seconds West 116.35 feet along said centerline to the point of beginning and containing 0.103 acres, more or less, inclusive of the presently existing right-of-way for S.R. 119, which contains 0.037 acres, more or less.

This description was prepared from information obtained from the Recorder's Office and other sources which were not necessarily checked by a field survey and has been prepared for the Indiana Department of Transportation, Land Acquisition.

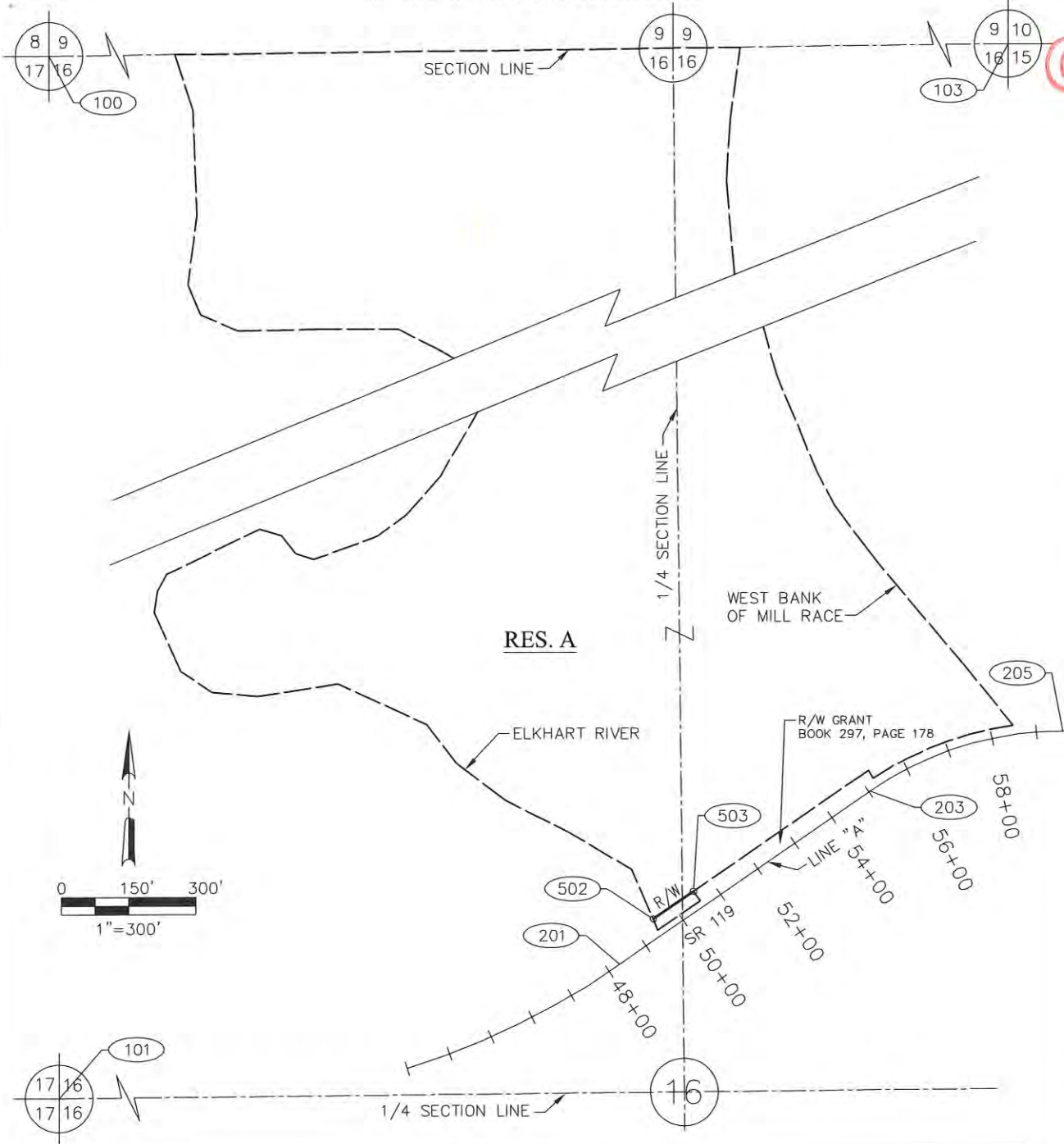


Given under my hand and seal 6/22/2020

Jacob E. Fitzsimmons

EXHIBIT "B"
RIGHT-OF-WAY PARCEL PLAT

COPY



PARCEL:	3	OWNER:	CITY LIGHT AND WATER WORKS OF THE CITY OF GOSHEN	DRAWN BY:	M.C.PAUL
PROJECT:	1602099			CHECKED BY:	J.E.FITZSIMMONS
CODE:	7055				
ROAD:	S.R. 119				
COUNTY:	ELKHART				
SECTION:	16				
TOWNSHIP:	36 N				
RANGE:	6 E				

HATCHED AREA IS THE APPROXIMATE EASEMENT

BOOK 196, PAGE 319; DATED 11/03/1952

COPY

R/W POINTS

Point	Line	Station	Offset	Northing	Easting
502	"A"	+PL(49+46.38)	PL(40.00') Lt.	454945.9322	790509.9457
503	"A"	+PL(50+55.00)	PL(40.00') Lt.	455007.7229	790599.2748

CENTERLINE POINTS

Point	Line	Station	Offset	Northing	Easting
100	SEE LOCATION CONTROL ROUTE SURVEY				
101	SEE LOCATION CONTROL ROUTE SURVEY				
103	SEE LOCATION CONTROL ROUTE SURVEY				
201	SEE LOCATION CONTROL ROUTE SURVEY				
203	SEE LOCATION CONTROL ROUTE SURVEY				
205	SEE LOCATION CONTROL ROUTE SURVEY				

NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES.

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded August 9, 2019, as Instrument No. 2019-16124 in the Office of the Recorder of Monroe County, Indiana, (incorporated and made a part hereof by reference) comprise a Location Route Survey, executed in accordance with Indiana Administrative Code 865 IAC 1-12, (Rule 12).



Jacob E. Fitzsimmons 6/22/2020
 Date
 Jacob E. Fitzsimmons
 Reg. Land Surveyor No. LS21200011
 State of Indiana

PARCEL:	3	OWNER: CITY LIGHT AND WATER WORKS OF THE	DRAWN BY: M.C.PAUL
PROJECT:	1602099	CITY OF GOSHEN	CHECKED BY: J.E.FITZSIMMONS
CODE:	7055		
ROAD:	S.R. 119		
COUNTY:	ELKHART		
SECTION:	16		
TOWNSHIP:	36 N		
RANGE:	6 E		