Ordinance No. 6938

AN ORDINANCE AMENDING ORDINANCE 6279, AS AMENDED, NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, that Ordinance No. 6279, as amended with all subsequent amendments, be and is hereby further amended as follows:

SECTION I. That a new overlay district be created and established as SR 931/SR 31 Overlay District and Regional Center Overlay Sub-districts.

SECTION II. That the following described parcels shall be added to the SR 931 and SR 31 Overlay Districts and Regional Center Overlay Sub-districts: 34-04-324-26-008.000-002, 34-04-324-76-001.000-002, 34-04-324-76-003.000-002, 34-04-333-01-004.000-028, 34-04-333-51-001.000-007, 34-04-333-51-002.000-007, 34-04-333-51-016.000-007, 34-04-333-51-018.000-007, and 34-04-333-51-019.000-007.

SECTION III. That the above changes shall be duly entered on the filed copies of the zone map, which is part of the Kokomo Zoning Ordinance No. 6279.

SECTION IV. This Ordinance shall be in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.

________________________________________
Robert L. Hayes, Sr., President
Kokomo Common Council

Attest:

____________________________
Brenda Ott, City Clerk

Presented by me to the Mayor this __________ day of ______________________, 2019.

________________________________________
Brenda Ott, City Clerk

Approved by me this ______________ day of ______________________, 2019.

________________________________________
Greg Goodnight, Mayor
City of Kokomo, Indiana
Surrounding Properties:

General Welfare of the Community and would not adversely affect the values of the
The Commission believes that said amendment promotes the health, safety, and

Lee Map of the Kokomo Comprehensive Plan to the Kokomo Common Council.
Resolution of the Kokomo Plan Commission to amend an amendment to the Future Land
Plan Commission resolution recommending the Kokomo City
Case 4-4 - 19 to the resolution of Citizens opposing rezoning the Kokomo City
Recommendation of the above captioned case to the Kokomo Common Council.
Resolution of the 2019 consideration and voted unanimously to forward a Ordinance No. 6936
June 10, 2019

Dear Honorable Members:

Ordinance No. 6936
602 E. 600 W. Williamsburg Dr. & 600 S. Webster St.
Density Multi-family Residential
Pl (Medium Density Urban Residential) to MI (Law)
Re: 4-4 - 19

HONORABLE KOKOMO COMMON COUNCIL

TO THE MEMBERS OF THE

July 10, 2019
This instrument was prepared by Jesse Cadle, City Planner, City of Kokomo, Indiana.

December 18, 2024

My commission expires:

A resident of Howard County

[Signature]

Kokomo City Plan Commission

Chief Planner, City of Kokomo

DATE OF JULY

10th

2019

The above and foregoing is true and each copy of an amendment to the
City of Kokomo City Plan Commission and

(1) That the above and foregoing is true and each copy of an amendment to the
City of Kokomo City Plan Commission and

(2) That the above and foregoing is true and each copy of an amendment to the
City of Kokomo City Plan Commission and

(3) That the above and foregoing is true and each copy of an amendment to the
City of Kokomo City Plan Commission and

(4) That the above and foregoing is true and each copy of an amendment to the
City of Kokomo City Plan Commission and

(5) That the above and foregoing is true and each copy of an amendment to the
City of Kokomo City Plan Commission and

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]
City of Kokomo, Indiana

Chief Codefendant, Mayor

Brenda Ona, City Clerk

Attorney

APPROVED by me this day of

Brenda Ona, City Clerk

Kokomo Common Council
Robert L. Hays, Sr., President

Attorney

PASSED by the Kokomo Common Council this day of

Brenda Ona, City Clerk

SECTION I

City of Kokomo, Indiana, Section 629.

This Ordinance shall be in full force and effect from and after its passage. Signed by the Mayor.

Kokomo Zone Code 629.

The above changes shall be duly entered on the official copies of the zone map, which is a part of

Kokomo Zone Code 629.

The following descriptions real or personal shall be changed from 300.00 feet to 300.00 feet from the

Kokomo Zone Code 629.

The following descriptions real or personal shall be changed from 150.00 feet to 150.00 feet from the

Kokomo Zone Code 629.

AN ORDINANCE AMENDING ORDINANCE NO. 629, AS AMENDED, THEREFORE, BE IT ORDAINED

AN ORDINANCE AMENDING ORDINANCE NO. 629, AS AMENDED, THEREFORE, BE IT ORDAINED

CITY COUNCIL COPY

Case: 4-Z-19
Ordinance No: 6936

City Council Copy
Residents in the city of Kokofoo encounterederty and responsible development to promote health, safety, and quality of life.

Land Use Class:

For high, medium, and low density residential

is located in an area proposed for general commercial use, but is surrounded by areas proposed

According to the City of Kokofooom Comprehensive Plan Future Land Use Map, this property

North: CL (General Commercial)
South: R2 (Low Density Residential)
East: M2 (Multifamily Residential)
West: M2 (Multifamily Residential)

Webster St.
600 Willowbrook Dr. & 800 S Webster St.

The adjoining properties uses and zoning

600 Willowbrook Dr. & 800 S Webster St.

R4 (Medium Density Urban Residential) to M1 (Low Density Multifamily Residential)

Case 4-Z-19

Staff Report
Common Council recommends the Plan Commission forward a favorable recommendation to the Koko

The requested zoning change is compatible with surrounding zoning. Therefore, the site

community would not significantly increase traffic in this area as residents are not permitted

There is no traffic data for Williamson Drive. However, the proposed use of an assisted living

street where the properties are located (between Alfa Road and Cambria Drive) is 340

asiting properties and discourage through traffic. The initial concern is the section of William

street. A local street is a street designed primarily to provide access to

traffic from local streets. Also, it provides circulation within neighborhood areas and convenient

Williamson Drive as a local street. A collector is a street designed to facilitate the collection of

The City of Koko Commission plan designates Webster Street as a minor collector and

1. Enhance pedestrian use within the vicinity of the pool, tennis courts, playground, wooded areas,

2. Where there are opportunities to live, work, and play

3. Expand upon existing subdivisions and neighborhoods where possible to provide

Developments

Impact on the environment

additional housing options before expanding and creating new subdivision
AGENDA
KOKOMO COMMON COUNCIL
CITY OF KOKOMO, INDIANA
PUBLIC INFORMATIONAL MEETING AT 5:30 P.M.
IN THE LOUKS CONFERENCE ROOM LOCATED ON THE
FIRST FLOOR. COUNCIL MEETING AT 6:00 P.M. IN THE
COUNCIL CHAMBERS. JULY 29TH, 2019
COUNCIL CHAMBERS CITY HALL 100 SOUTH UNION STREET

CALL TO ORDER:

INVOCATION:

PLEDGE:

ROLL CALL:

APPROVAL OF MINUTES: Council Meeting Minutes July 8th, 2019

COMMUNICATIONS:

COMMITTEE REPORTS

ORDINANCE 6936: Rezoning: R4 to M1
Young Location: 602 & 600 Williamsburg Dr.
& 5007 S. Webster St.
Petitioner: Clinton Scruggs
First reading
<table>
<thead>
<tr>
<th>Ordinance/Resolution</th>
<th>Text</th>
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<tbody>
<tr>
<td>ORDINANCE 6938:</td>
<td>AN ORDINANCE AMENDING ORDINANCE 6279, AS AMENDED, NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, that Ordinance No. 6279, as amended with all subsequent amendments, be and is hereby further amended as follows: First reading</td>
</tr>
<tr>
<td>RESOLUTION 2731:</td>
<td>Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by 49 U.S.C. chapter 53, title 23 United States Code, and other Federal statues administrated by the Federal Transit Administration.</td>
</tr>
<tr>
<td>RESOLUTION 2734:</td>
<td>A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA APPROVING THE PURCHASE OF CERTAIN REAL PROPERTY</td>
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<tr>
<td></td>
<td>PETITION FOR VACATION OF STREET RIGHT-OF-WAY</td>
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</table>
COUNCIL MEETING MINUTES
July 8th, 2019

The Common Council of the City of Kokomo, Indiana met Monday July 8th, 2019 at 6:00 P.M. in the City Hall Council Chambers.

The meeting was called to order by President Hayes.

President Hayes states, those who wish to stand may stand, or you may remain seated.

Invocation was offered by Pastor Talon Paul from Maple Grove Community Church.

Pledge:

Present: Wyant, Haworth, Kennedy, Hayes, Johnson, Sanders, Miklik

Absent: Cameron, Young

The minutes of the Public Hearing & Council Meeting June 26th, 2019 were declared approved as presented.

COMMUNICATIONS: President Hayes states, I need to make a statement to the audience, and to my fellow Council Members. I will be abstaining on both of these Resolutions. I am an employee of Delphi; and APTIV supplier. I have direct interaction with as in purchasing leader. It is for those reasons; however, I encourage my fellow colleagues to pass these resolutions on behalf of Delphi, and APTIV Incorporated. Thank you.
Cont. Communications.
Councilwoman Sanders states, I just want to make a commendation to the City; with the Haynes Apperson Festival with the people that were all working out there. The Community coming together. Also all of those that are protecting the Community; and those that are working hard on the streets, and road projects in getting things picked up.

There were no committee reports given at this regular meeting.

RESOLUTION 2732: RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, APPROVING A WAIVER OF NONCOMPLIANCE FOR A LATE-FILED COMPLIANCE WITH FORM CF-1 FOR DELPHI POWERTRAIN SYSTEMS, LLC, KOKOMO, INDIANA (COUNTY ROAD ERA) UNDER CONFIRMATORY RESOLUTIONS 2575 AND 2594

Resolution 2732 was read by the Clerk by title only. Councilman Miklik moved for passage on resolution #2732; seconded by Councilwoman Sanders.
Councilman Miklik states, this is a late-filing on a CF-1 Form for Abatement of which it is for personal property with powertrain. They were 30 days late getting it submitted; therefore it causes us to have to adopt a resolution; no reason not to.

Vote for passage follows:
Aye: Wyant, Haworth, Kennedy, Johnson, Sanders, Miklik
Nay: None
Abstained: Hayes
The vote was 6 to 0 for passage.
RESOLUTION 2733:  RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, APPROVING A WAIVER OF NONCOMPLIANCE FOR LATE-FILED COMPLIANCE WITH FORM CF-1 FOR APTIV SERVICES US, LLC (FORMERLY KNOWN AS DELPHI AUTOMOTIVE SYSTEMS, LLC), GOYER-LINCOLN ERA) UNDER CONFIRMATORY RESOLUTIONS 2576 AND 2594

Resolution 2733 was read by the Clerk by title only. Councilman Miklik moved for passage on resolution #2733; seconded by Councilman Kennedy.

Councilman Miklik states, this resolution is just like the other one; only this one deals with real property. It is a late-filing on there-behalf to us. We need to adopt this so that we can move forward. Vote for passage:
Aye: Wyant, Haworth, Kennedy, Johnson, Sanders, Miklik
Nay: None
Abstained: Hayes
The vote was 6 to 0 for passage.

President Hayes states, this marks the end of this Council Meeting. Our next Council Meeting will be July 29th, 2019; with an Informational Meeting at 5:30 P.M. in the Louks Room; and Council Meeting at 6:00 P.M. in the Council Chambers.

Adjourned at 6:07 P.M.

___________________________  ATTEST:  Presiding Officer
___________________________
City Clerk
NOTICE OF HEARING ON PETITION FOR VACATION OF RIGHT-OF-WAY

Please take notice that pursuant to I.C. 36-7-3-12, Rayl Minor LLC, has filed with the Common Council of the City of Kokomo, a petition for the vacation of street right-of-way described as follows:

**Street Address or Common Description:** Adjacent to 807 S. Reed Rd.

**Legal Description:**

A part of the Homestead Addition, as shown recorded in Recorder’s Plat Book 3, page 97, Center Township, City of Kokomo, Howard County, Indiana described as follows:

Beginning at the southeast corner of Lot 10 in said Homestead Addition, thence East 176 feet on and along the north Right-of-way line of Markland Avenue as shown in said Homestead Addition; thence South 20 feet; thence West 176 feet on and along the south line of said Homestead Addition; thence North 20 feet the point of beginning, containing approximately 0.08 acres, more or less.

The Common Council of the City of Kokomo has set a hearing on this petition for the 26th day of August 2019, at 6:00 pm in the Ralph Neal Council Chambers, City Hall, 100 South Union Street, Kokomo, Indiana. At this time, the Council will hear any person who is interested or affected by this proposed petition or anyone submitting a remonstrance against said petition.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA
Robert L. Hayes Sr., President
Brenda Ott, Clerk
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO  
ORDINANCE NO. 6935

PETITION FOR VACATION OF STREET RIGHT-OF-WAY

Rayl Minor LLC, whose address is 522 Belvedere Drive, Kokomo, IN, 46904 - 2166, petitions the Common Council of the City of Kokomo, for the vacation of street right-of-way in Homestead Addition, Center Township, Howard County, Indiana, as recorded in Plat Book 3, page 97 and in support of the petition shows the Council as follows:

1. Petitioner proposes to vacate a street right-of-way which is 176 feet in width and 20 feet in depth, described as follows:

A part of the Homestead Addition, as shown recorded in Recorder’s Plat Book 3, page 97, Center Township, City of Kokomo, Howard County, Indiana described as follows:

Beginning at the southeast corner of Lot 10 in said Homestead Addition, thence East 176 feet on and along the north Right-of-way line of Markland Avenue as shown in said Homestead Addition; thence South 20 feet; thence West 176 feet on and along the south line of said Homestead Addition; thence North 20 feet the point of beginning, containing approximately 0.08 acres, more or less

2. The street right-of-way when vacated will be attached to the petitioner’s real estate.

3. The names and mailing addresses of the owners of real estate abutting or near the said public street right-of-way are as follows:

Bowyer Restaurant Group, 2653 S 400 W, Peru, IN 46970

4. The utility companies that may be affected include the following:

NIPSCO; 290 W Nationwide Blvd., Columbus, OH 43215

Indiana American Water Company, Inc.; 1700 East Superior Street; P.O. Box 740; Kokomo IN 46903-0740

Duke Energy Corp.; 1619 W Deffenbaugh St.; Kokomo IN 46902

AT&T Indiana; Right-Of-Way Dept.; 302 W Washington Street, Floor 1; Lebanon IN 46052

5. Vacating the above street right-of-way is appropriate for the following reasons:

A. Petitioner owns all the real estate adjoining the street right-of-way to be vacated.

B. Vacating the street right-of-way will not hinder or interfere with the public's access to any of the adjoining real estate.
C. The proposed vacation of the street right-of-way will not hinder the growth or development of the neighborhood, but will allow the petitioner to redevelop and grow with in the neighborhood. Since the petitioner is a church it is an integral and important part of the community and the neighborhood.

D. Vacating the street right-of-way will facilitate the development of all of the real estate in the affected block.

Wherefore Petitioner requests:

1. A hearing on this petition be set within thirty (30) days after it is received by the Council.

2. The Clerk of the Council to publish notice of the hearing on this petition as required by I.C. 36-73-12 (c) in the manner prescribed in I.C 5-3-1 in the form and content as attached as Exhibit A hereto. After such notice and hearing, the Council approves the proposed ordinance attached to this petition vesting the entire vacated street right-of-way to the adjoining property owners as set forth above.

Dated this 12th day of August, 2019
By: Beth Copeland, Corporation Counsel
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO ORDINANCE NO. 6935

AN ORDINANCE VACATING RIGHT-OF-WAY

WHEREAS, Rayl Minor LLC, has petitioned this body to vacate a portion of a certain Street
Right-Of-Way located in the City of Kokomo, more particularly described hereafter, and
WHEREAS, this Council conducted a public hearing on the 26th day of August, 2019, at 6:00 p.m.,
pursuant to the provisions of I.C 36-7-3-12(C) following presentation of proof of publication pursuant to I.C 5-3-1;
and
WHEREAS, notice of the proposed vacation was served on all necessary parties; and
WHEREAS, the vacation of the Street Right-Of-Way would not limit access to any real estate or hinder
the growth or development of the neighborhood in which it is located; and
WHEREAS, there are no public utilities maintained in the Street Right-Of-Way, or if any be in said
Street Right-Of-Way then per stature an easement is maintained over said utility line; and
WHEREAS, the Common Council of the City of Kokomo deems it appropriate and necessary to vacate
said Street Right-Of-Way as it no longer serves any public purpose.

NOW, THEREFORE, be it ordained by the Common Council of the City of Kokomo, Indiana, that:

SECTION I

It is hereby found that the portion of Street Right-Of-Way hereafter described should be vacated. Said
Street Right-Of-Way is not currently used for access to any real estate and will not hinder the public's access to a
church, school, or other public building or place, or make access to any real estate by the public difficult or
inconvenient. It is determined that such proposed vacation of the Street Right-Of-Way complies with the purpose
and provisions of I.C. 36-73-12 through I.C. 36-7-3-16.

SECTION II

It is hereby found that proper notice was given in accordance with I.C. 36-7-3-12© and I.C. 5-3-1.
SECTION III

It is hereby found that the following described Street Right-Of-Way located in the City of Kokomo, Indiana, should be, and it is hereby vacated:

A part of the Homestead Addition, as shown recorded in Recorder’s Plat Book 3, page 97, Center Township, City of Kokomo, Howard County, Indiana described as follows:

Beginning at the southeast corner of Lot 10 in said Homestead Addition, thence East 176 feet on and along the north Right-of-way line of Markland Avenue as shown in said Homestead Addition; thence South 20 feet; thence West 176 feet on and along the south line of said Homestead Addition; thence North 20 feet the point of beginning, containing approximately 0.08 acres, more or less.
The vacated Street Right-Of-Way as described above shall become a part of the adjoining real estate.

SECTION IV

The City Clerk of the City of Kokomo, Indiana is instructed to furnish a copy of this vacation Ordinance to the Howard County Recorder for recording and to the Howard County Auditor.

SECTION V

This Ordinance shall be in full force and effect from and after its passage by this Council and its approval and signing by the Mayor of the City of Kokomo.

PASSED AND ADOPTED THIS 26th DAY OF August, 2019.

ATTEST: COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

By __________________________________________________

CLERK: BRENDA OTT Robert L. Hayes Sr., PRESIDENT

Presented by the Clerk of the Common Council of the City of Kokomo to the Mayor of the City of Kokomo, Indiana on this 26th day of August, 2019 at Kokomo, Indiana, for approval by his signature below.

ATTEST: By ______________________________

By ______________________________

CLERK: BRENDA OTT GREG GOODNIGHT

Mayor of the City of Kokomo, Indiana

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: Beth Copeland

This instrument was prepared by Beth Copeland, Corporation Counsel

Return deed to City of Kokomo, 100 S. Union St., Kokomo, Indiana

Grantee’s Mailing Address: 100 S. Union Street, Kokomo, IN 46901
Resolution No. 2731

Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by 49 U.S.C. chapter 53, title 23 United States Code, and other Federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost;

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE, BE IT RESOLVED BY the Common Council of the City of Kokomo, Indiana;

1. That Mayor of the City of Kokomo, Indiana is authorized to execute and file an application for Federal assistance on behalf of the City of Kokomo with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration. The Applicant is the Designated Recipient as defined by 49 U.S.C. § 5307(a)(2).

2. That Mayor of the City of Kokomo, Indiana is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement.

3. That Mayor of the City of Kokomo, Indiana is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Kokomo.

4. The Director of the Kokomo/Howard County Governmental Coordinating Council (KHGCC) is authorized to furnish such additional information as the United States Department of Transportation may require in connection with the application for the program of projects and budgets.

__________________________________________
Presiding Officer

ATTEST:

________________________
City Clerk

Presented by me to the Mayor of the City of Kokomo, Indiana, this ____ day of July, 2019.

________________________
City Clerk

Approved by me as Mayor of the City of Kokomo, Indiana, this _____ day of July, 2019.

________________________
Greg Goodnight, Mayor
City of Kokomo, Indiana

ATTEST:

________________________
City Clerk
RESOLUTION #2734

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA APPROVING THE PURCHASE OF CERTAIN REAL PROPERTY

WHEREAS, the City of Kokomo, Indiana (the “City”) wishes to promote economic development within the City limits; and,

WHEREAS, to ensure that development occurs strategically and in a manner that encourages the highest reuse of the various properties, the City has a desire to purchase underdeveloped properties (the “Plan”); and

WHEREAS, the City has identified several parcels of real property near downtown, Kokomo, Indiana, specifically referenced in Exhibit A (the “Properties”) for purchase as part of the Plan; and,

WHEREAS, I.C. 36-1-10.5-5(1) provides the City may purchase land and/or a structure only after “the fiscal body of the political subdivision pass[es] a resolution to the effect that it is interested in making a purchase of specified land or a structure.”

WHEREAS, I.C. 36-1-10.5-5(2) further provides the City must receive two independent appraisals for the Properties; and,

WHEREAS, pursuant to I.C. 36-1-10.5-5, the fiscal body of the City must pass a resolution authorizing the City’s purchasing agent to purchase the Properties.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Kokomo, Indiana as follows:

1. The Common Council of the City of Kokomo is interested in making a purchase of the Properties and any structure(s) erected thereon.

2. Upon the successful completion of due diligence, the City’s purchasing agent is authorized to purchase the Properties in accordance with the laws established by the State of Indiana for the acquisition of real property by municipalities.

3. This resolution shall be in full force and effect from and after its adoption by the Common Council of the City of Kokomo, Indiana.
PASSED by the Common Council of the City of Kokomo, Indiana this __ day of July, 2019.

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ATTEST:

____________________________________
City Clerk

PRESENTED to me to the Mayor of the City of Kokomo, Indiana this __ day of July, 2019.

____________________________________
City Clerk

APPROVED by me as Mayor of the City of Kokomo, Indiana this ___ day of July, 2019.

____________________________________
Greg Goodnight, Mayor
City of Kokomo, Indiana

ATTEST:

____________________________________
City Clerk
Exhibit A

(Parcel Nos: 34-03-36-426-008.000-002, 34-03-36-426-009.000-002, 34-03-36-426-010.000-002, 34-03-36-426-011.000-002, 34-03-36-426-012.000-002, 34-03-36-426-013.000-002 and 34-03-36-426-014.000-002 – Howard County, Indiana)