

RESOLUTION NO. 12-21-2023-30

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA, ADOPTING A FISCAL PLAN FOR THE ANNEXATION OF CERTAIN TERRITORY INTO THE TOWN OF BRISTOL, INDIANA

WHEREAS, the Town Council (the “Council”) of the Town of Bristol, Indiana (the “Town”) is considering the voluntary annexation of certain territory into the Town; and

WHEREAS, the area to be annexed is legally described and depicted in Appendix II to the Fiscal Plan (as defined herein) (the “Annexation Territory”); and

WHEREAS, pursuant to Indiana Code § 36-4-3-3.1(d), the Council is required to adopt a written fiscal plan and establish a definitive policy, by resolution, that meets the requirements set forth in Indiana Code § 36-4-3-13 for the Annexation Territory, prior to adopting an annexation ordinance; and

WHEREAS, the required fiscal plan, included as Exhibit A (the “Fiscal Plan”) and attached hereto and made a part hereof, has been prepared and presented to this Council for consideration; and

WHEREAS, the Fiscal Plan has been reviewed and complies with the requirements of Indiana Code § 36-4-3-13.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bristol, Indiana meeting in regular session as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. The Fiscal Plan is hereby approved and adopted for the Annexation Territory.
- Section 3. This Resolution shall be in full force and effect immediately upon its adoption.

* * * * *

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA THIS
21ST DAY OF DECEMBER, 2023.

TOWN COUNCIL
OF THE TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

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EXHIBIT A

FISCAL PLAN

(To be attached)

**ANNEXATION FISCAL PLAN
FOR THE
TOWN OF BRISTOL, INDIANA**

**HTIW Properties, LLC & W & A Properties,
LLC Phase II Annexation**

December 11, 2023

Prepared by:



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INTRODUCTION

The following fiscal plan (the "Fiscal Plan") is for the proposed annexation of four (4) parcels to the south and east of the existing corporate limits on the south side of Bristol (the "Annexation Area"). The Annexation Area is adjacent to the Town of Bristol, Indiana (the "Town"). The requirements of the Indiana Code mandate the development and adoption of a written fiscal plan and the establishment of a definite policy by resolution of the Town Council. The Indiana Code 36-4-3-13(d) states that this Fiscal Plan must include and provide:

- 1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency;
- 2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used;
- 3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin;
- 4) That planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries will be provided within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to those non-capital services provided in areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density;
- 5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria;
- 6) The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation;
- 7) The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation;

INTRODUCTION

- 8) Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation; and

- 9) A list of all parcels of property in the annexation territory and the following information regarding each parcel:
 - (A) The name of the owner of the parcel.
 - (B) The parcel identification number.
 - (C) The most recent assessed value of the parcel.
 - (D) The existence of a known waiver of the right to remonstrate on the parcel.

This Fiscal Plan may include additional materials in connection with the foregoing. It was developed through the cooperative efforts of the Town's various administrative offices and the Town's financial advisors, Baker Tilly. This Fiscal Plan is the result of an analysis of the proposed Annexation Area.

The Annexation Area is contiguous to the Town for the purposes of Indiana Code 36-4-3-1.5, and there is a written Fiscal Plan, herein provided, that has been approved by the Town Council.

SECTION I

AREA DESCRIPTION

A. Location, Area Size and Contiguity

The proposed Annexation Area is located to the south and east of the existing corporate boundaries on the south side of the Town. A map and legal description of the area to be annexed have been included in attached Appendix II.

The Annexation Area is approximately 82.86 acres. The perimeter boundary of the Annexation Area is over 12.5% contiguous to the existing corporate boundaries of the Town.

B. Current Land Use

The Annexation Area consists of agricultural land.

C. Zoning

Existing Zoning: Agriculture (A-1) & Limited Manufacturing (M-1)

Proposed Zoning: Agriculture (A-1) & Limited Manufacturing (M-1)

D. Current Population

The current population of the Annexation Area is estimated at 0, as there does not appear to be any occupied homes within the Annexation Area.

E. Real Property Assessed Valuation

The estimated net assessed valuation for land and improvements in the Annexation Area is \$72,700. This represents the assessed value as of January 1, 2022 for taxes payable 2023.

SECTION II

NON-CAPITAL SERVICES

A. Cost of Services

The current standard and scope of non-capital services being delivered within the Town and the Annexation Area was evaluated by each municipal department to determine the personnel and equipment necessary to provide such non-capital services in a manner equivalent in standard and scope to services that are currently provided within the existing Town's municipal boundary.

The Town will provide all non-capital services to the Annexation Area within one (1) year after the effective date of the annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town regardless of topography, patterns of land use, and population density.

B. Police Protection

The Elkhart County Sheriff's Department currently provides police protection and law enforcement services to the Annexation Area. However, all non-capital services of the Bristol Police Department will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

The Town of Bristol Police Department's (BPD) primary purpose is the prevention of crime. The BPD patrols within the boundaries of the Town on a daily basis and responds to all alarm calls. In addition, the BPD provides other services such as detection and apprehension of offenders, traffic control and preservation of civil order. The BPD does not distinguish between different areas of the Town. The same services are provided throughout the Town. Due to the location and character of the Annexation Area, the Town does not anticipate needing to hire additional officers as a result of the annexation. It is anticipated that an increase in fuel and vehicle maintenance will be necessary in the amount of approximately \$2,600 (plus inflation) per year as a result of the annexation. The Police Department's budget within the Town's General Fund will fund any additional costs.

C. Fire Protection

The Annexation Area is currently served by the Bristol Fire Department ("BFD"). The BFD serves the Town of Bristol, Washington Township and York Township through contractual agreements. Given the relatively small Annexation Area, it is anticipated that any increase in the cost of the contractual arrangement for fire services will be negligible.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

D. Emergency Medical Services

Currently, the BFD provides emergency medical services to the Annexation Area. These services include, but are not limited to, emergency medical response. Given the relatively small Annexation Area, it is anticipated that any increase in the cost of the contractual arrangement for emergency medical services will be negligible.

E. Street Maintenance

All dedicated streets and county roads in the Annexation Area are currently maintained by Elkhart County. However, all non-capital services of the Bristol Street Department will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

The Bristol Street Department is responsible for repairs and replacement, pickup of storm damage, leaf pickup, and snowplowing. The Annexation Area contains approximately 0.79 miles of streets that the Town will be responsible for maintaining. Currently, the Town has approximately 21.11 miles of streets. The Town anticipates additional operating costs for supplies and repairs and maintenance of approximately \$1,300 (plus inflation) per year as a result of the annexation. The Local Road and Street and Motor Vehicle Highway Funds will fund any additional costs.

F. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. The Town and County have maintained their drainage areas very similarly, therefore it is not anticipated that there will be any additional cost to the Town. Any future development in the areas will have to have its storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers. Nevertheless, all non-capital storm water services will be made available in the Annexation Area within 1 year of the effective date of the annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

G. Parks

There are currently four downtown parks in the Town of Bristol. Hermance Park has a rental pavilion and Congdon Park has a rental gazebo. Raber Golf Course is town-owned and is located across from Bay Ridge on the west end of Town. It is anticipated that no additional parks will be added as a result of annexation, therefore there will be no additional costs to the Town.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

H. Governmental Administrative Services

The Town does not anticipate that the addition of the Annexation Area will result in a demand for Governmental Administrative Services that cannot be met by the existing staffing of the Town's offices, agencies and departments. All non-capital services of the administration of the Town will be made available in the Annexation Area on the date the annexation becomes effective and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

The Governmental Administrative Services of the Town include, but are not limited to, the services provided by the following:

- Town Council
- Clerk-Treasurer's Office
- Town Manager

SECTION III

CAPITAL IMPROVEMENTS

A. Cost of Services

The Annexation Area was evaluated to determine the services and facilities required to provide the same type of services in the same manner as services that are currently provided within the existing Town's corporate limits.

The Town will provide the following capital services to the Annexation Area no later than three (3) years after the effective date of the annexation in the same manner as those capital services provided to areas within the Town regardless of topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria. It is currently assumed that the annexation will be effective as soon as practically possible, but not later than January 31, 2024.

B. Water Service

The Annexation Area is currently not served. The Bristol Municipal Water Utility provides water service in the surrounding area and has the capacity and capability to serve the Annexation Area if and when connection is desired. It is anticipated that new customers will pay the applicable tap fee and water assessment charges. It is important to note that the Water Utility is a separate proprietary fund of the Town that maintains separate books and records, and extensions in service are typically borne by the respective property owner or developer. Regardless, all capital services of the Water Department will be made available to the Annexation Area within 3 years of the effective date of the annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

C. Wastewater Service

The Annexation Area is currently not served. The Bristol Municipal Sewage Works provides wastewater service in the surrounding areas and has the capacity and capability to serve the Annexation Area if and when connection is desired. It is anticipated that new customers will pay the applicable tap fee and sewer assessment charges. It is important to note that the Sewage Works is a separate proprietary fund of the Town that maintains separate books and records, and extensions in service are typically borne by the respective property owner or developer. Regardless, all capital services of the Wastewater Department will be made available to the Annexation Area within 3 years of the effective date of the annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION III

(Cont'd)

CAPITAL IMPROVEMENTS

D. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. Any future development in the Annexation Area will require a storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers; therefore it is not anticipated that there will be any additional cost to the Town. Regardless, all capital storm water services of the Town will be made available to the Annexation Area within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

E. Street Construction

Construction of any new streets within the Annexation Area will be the responsibility of the appropriate developer in accordance with the applicable Town Code. There are currently no existing streets within the Annexation Area for which the Town will be responsible. Regardless, all capital services of the Street Department, including evaluation and construction services, will be extended to the Annexation Area within 3 years of the effective date of the annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION IV

FISCAL IMPACT

As a result of the annexation, the net assessed value for the Town will not increase, as all parcels within the Annexation Area are municipal tax-exempt due to their agricultural assessment.

It is assumed that the effective date of this annexation will be as soon as practically possible, but no later than January 31, 2024. Based on the assumed effective date, the property owners of the Annexation Area will not pay property taxes to the Town until 2025 payable 2026, or until the parcel is no longer municipal tax-exempt. However, the Town will begin providing non-capital municipal services to the property owners within one (1) year after the effective date of the annexation, and it will begin providing capital municipal services to the property owners within three (3) years after the effective date of the annexation.

It is anticipated that there will be minimal additional costs to the Town as a result of the annexation. The additional costs are related to the Police Department and Street Department. The causes of the anticipated increased costs are discussed on the prior pages, and a summary of the costs is demonstrated in Appendix I.

It is anticipated that the Town will not realize an increase in its levy as a result of the annexation; therefore, there is no anticipated tax rate increase as a direct result of the annexation. If there is a shortfall in revenue from the annexations the services described in this plan can be provided using funds on hand.

Due to the property in the Annexation Area being municipal tax-exempt, there are no impacts to tax rates or tax levies on other taxing units.

SECTION V

ASSUMED INDEBTEDNESS

As required by Indiana Code 36-4-3-10, the Town will assume and pay any unpaid bonds or other obligations of Washington Township existing at the effective date of the annexation in the same ratio as the assessed valuation of the property in the Annexation Area bears to the assessed valuation of all property in Washington Township, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the Town is already liable for the indebtedness.

There is no debt currently outstanding for Washington Township.

Appendix I

TOWN OF BRISTOL, INDIANA

HTIW Properties, LLC & W & A Properties, LLC Phase II Annexation

SUMMARY OF ADDITIONAL COSTS DUE TO ANNEXATION

(Non-Capital Services)

<u>Department</u>	<u>Description of Costs</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>Ref.</u>
Street	Materials, supplies and repairs	\$ 1,300	\$ 1,339	\$ 1,379	\$ 1,420	\$ 1,463	(1)
Police	Fuel and repairs	<u>2,600</u>	<u>2,678</u>	<u>2,758</u>	<u>2,841</u>	<u>2,926</u>	(1)
	Totals	<u>\$ 3,900</u>	<u>\$ 4,017</u>	<u>\$ 4,137</u>	<u>\$ 4,261</u>	<u>\$ 4,389</u>	

(1) Assumes a 3% inflationary adjustment for 2025 through 2028.

TOWN OF BRISTOL, INDIANA

HTIW Properties, LLC & W & A Properties, LLC Phase II Annexation

PARCEL LIST

<u>Parcel ID</u>	<u>Owner</u>	<u>2022 pay 2023 Net Assessed Value</u>	<u>Remonstrance Waiver</u>
20-03-34-400-002.000-030	HTIW Properties, LLC	\$22,600	No
20-03-34-400-013.000-030	HTIW Properties, LLC	15,300	No
20-03-34-400-009.000-030	HTIW Properties, LLC	18,300	No
20-03-34-400-005.000-030	W & A Properties, LLC	<u>16,500</u>	No
	Total	<u><u>\$72,700</u></u>	

Appendix II

MAP OF THE ANNEXATION TERRITORY



LEGAL DESCRIPTION

For APN/Parcel ID: 20-03-34-400-009.000-030

The South Half of the Southwest Quarter of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Elkhart County, Indiana, containing 20 acres, more or less.

Less and Excepting:

That part of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana which is described as: Beginning at the South Quarter post of said Section 34; thence North 00°03'23" West, 400.00 feet; thence North 89°57'08" East, 539.00 feet; thence South 00°03'23" East 400 feet; thence South 89°57'08" West, along the South line of said Quarter Section, 539.00 feet to the Point of Beginning, containing 4.95 acres, more or less.

Also Less and Excepting:

A part of the Northeast Quarter of Section 3, Township 37 North, Range 6 East, and a part of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Elkhart County, Indiana, and being that part of the grantors' land lying within the right-of-way lines, described as follows: Beginning at a point on the North line of said Section 3, South 89°38'44" West, 1317.26 feet (1311.66 feet by Instrument No. 88-13995), from the Northeast corner of said Section 3, and being the Point of Beginning, which Point of Beginning is the intersection of said North line with the centerline of State Road 15; thence South 89°38'44" West, 36.15 feet along said North line; thence North 03°32'32" West, 46.02 feet; thence North 05°03'05" West, 124.58 feet; thence Northerly, 415.04 feet along an arc to the right and having a radius of 10734.91 feet and subtended by a long chord having a bearing of North 02°26'05" West and a length of 415.02 feet; thence North 39°45'44" West, 42.14 feet; thence North 00°54'50" West, 49.27 feet to the North line of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 34; thence North 89°38'47" East, 55.95 feet along said North line, to the East line of the Southwest Quarter of the Southeast Quarter of said Section 34; thence South 00°22'58" East, 186.68 feet along said East line, to the Northwest corner of a 20 acre tract of land described in Deed Record 191, page 381; thence North 89°38'44" East, 71.94 feet along the North line of said 20 acre tract; thence Southerly, 304.69 feet along an arc to the left and having a radius of 10636.48 feet and subtended by a long chord having a bearing of South 02°43'18" East and a length of 304.68 feet; thence South 03°32'32" East, 324.70 feet to the South line of the grantors' land; thence South 88°31'34" West, 59.09 feet along the said South line, to the centerline of State Road 15; thence North 03°32'32" West, 150.0 feet along said centerline to the Point of Beginning, and containing 0.203 of an acre, more or less, in said Section 3, and containing 1.238 acres, more or less, in said Section 34; and containing in all, 1.441 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.698 of an acre, more or less, and the portion of the above described real estate, which is not already embraced within the presently existing right-of-way, contains 0.743 of an acre, more or less.

For APN/Parcel ID(s): 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030

Parcel 1: The Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, excepting ten (10) acres by parallel lines off of the North side thereof, containing thirty acres, more or less.

Parcel 2: The North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, containing twenty acres, more or less.

Less and excepting the following:

Part of the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, situate in Washington Township, Elkhart County, State of Indiana, more particularly described as follows:

Commencing at a Harrison marker at the Northeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34; thence South 89 degrees 49 minutes West along the North line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34 a distance of 1332.05 feet to a masonry nail marking the Northeast corner of the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34; thence South 00 degrees 24 minutes East along the East line of the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34 a distance of 1699.77 feet to a masonry nail marking the place of beginning of this description; thence continuing South 00 degrees 24 minutes East along the East line of the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34 a distance of 250 feet to a masonry nail; thence South 89 degrees 42 minutes West a distance of 270.41 feet to an iron stake; thence North 00 degrees 24 minutes West a distance of 250 feet to an iron stake; thence North 89 degrees 42 minutes East a distance of 271.13 feet to the place of beginning of this description.

Also less and excepting the following parcel taken for right-of-way conveyed to the State of Indiana by Warranty Deed recorded May 31, 2005, as Instrument No. 2005-16261, in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

A part of the North Half of the Southwest Quarter of the Southeast Quarter of Section 34, Township 38 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 as Exhibit "B", described as follows: Beginning at the southeast corner of said half-quarter-quarter section; thence South 89 degrees 38 minutes 47 seconds West 55.95 feet (17.054 meters) along the south line of said half-quarter-quarter section; thence North 0 degrees 54 minutes 50 seconds West 39.86 feet (12.149 meters) to point "835" designated on said parcel plat; thence North 56 degrees 24 minutes 45 seconds East 13.90 feet (4.237 meters) to the north line of the grantor's land; thence North 89 degrees 31 minutes 02 seconds East 44.70 feet (13.625 meters) to the east line of said quarter-quarter section; thence South 0 degrees 22 minutes 58 seconds East 47.57 feet (14.499 meters) along said east line to the point of beginning and containing 0.060 acres (0.0243 hectares), more or less, inclusive of the presently existing right-of-way which contains 0.017 acres (0.0069 hectares), more or less. The portion of above-described real estate which is not already embraced within the presently existing right-of-way contains 0.043 acres (0.0174 hectares), more or less.

Subject to restrictions, covenants, easements, and assessments of record.

Being tax code numbers 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030.

For APN/Parcel ID(s): 20-03-34-400-005.000-030

THE NORTH HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 6 EAST, WASHINGTON TOWNSHIP, ELKHART COUNTY, INDIANA.