

RESOLUTION NO. 3368

**A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION
APPROVING THE TRANSFER OF REAL PROPERTY TO THE SOUTH BEND
BOARD OF PARK COMMISSIONERS**

WHEREAS, the South Bend Redevelopment Commission, the governing body of the City of South Bend, Indiana, Department of Redevelopment (the “Commission”), exists and operates pursuant to Ind. Code 36-7-14 (the “Act”); and

WHEREAS, the South Bend Board of Park Commissioners (the “Park Board”) exists and operates pursuant to Ind. Code 36-10-3 and 36-10-4; and

WHEREAS, the Commission owns certain real property (the “Property”) located in the City of South Bend (the “City”) and comprising a portion of the land and improvements known as Seitz Park; and

WHEREAS, the Commission and the Park Board are signatories to that certain Memorandum of Understanding between the University of Notre Dame du Lac (the “University”) and the City dated June 30, 2016 (the “MOU”); and

WHEREAS, the MOU sets forth the parties’ understanding concerning their mutual undertakings to facilitate the University’s construction and operation of a hydroelectric power generation facility on the Property and along the St. Joseph River (the “Project”) and to restore Seitz Park after construction of the Project; and

WHEREAS, to facilitate the Project as stated in the MOU, the City, acting through the Park Board, intends to enter into a ground lease with the University for certain real property in and around Seitz Park, including the Property; and

WHEREAS, Section 12.2 of the Act empowers the Commission to “[s]ell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed upon”; and

WHEREAS, to carry out the parties’ intentions stated in the MOU, the Commission desires to convey the Property to the Park Board for purposes of facilitating the Project and for park purposes following the completion of construction of the Project; and

WHEREAS, the Park Board is expected to adopt its Resolution 0006-2016 accepting the Commission’s transfer of the Property in accordance with Ind. Code 36-10-3-18(a); and

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH BEND REDEVELOPMENT COMMISSION AS FOLLOWS:

1. The Commission approves the conveyance of the Property to the Park Board.
2. The Commission approves, and will execute simultaneously with this Resolution, the quit claim deed attached hereto as **Exhibit A** (the "Deed").
3. The Commission authorizes David Relos of the City's Department of Community Investment to deliver the Deed to the Park Board following its execution by the Commission.
4. This Resolution will be in full force and effect upon its adoption.

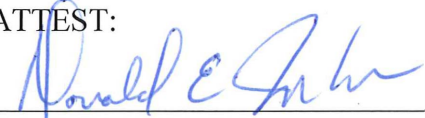
ADOPTED at a meeting of the South Bend Redevelopment Commission held on November 21, 2016, at 227 West Jefferson Boulevard, Room 1308, South Bend, Indiana 46601.

SOUTH BEND REDEVELOPMENT
COMMISSION



Marcia I. Jones, President

ATTEST:



Donald E. Inks, Secretary

1300.0000011 31997372.001

EXHIBIT A

Form of Quit Claim Deed

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH THAT the City of South Bend, Department of Redevelopment, acting by and through its governing body, the South Bend Redevelopment Commission (the “Grantor”)

CONVEYS AND QUIT CLAIMS TO the City of South Bend, Indiana, for the use and benefit of its Parks and Recreation Department, acting by and through its Board of Park Commissioners, 321 E. Walter St., South Bend, Indiana, 46614 (the “Grantee”) for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the real estate located in St. Joseph County, Indiana, and more particularly described in attached Exhibit 1 (the “Property”).

Grantor hereby conveys the Property subject to all covenants, restrictions, easements, and other matters of record.

The undersigned persons executing this Quit Claim Deed on behalf of the Grantor represent and certify that each has been fully empowered and authorized to execute this Quit Claim Deed and that all action necessary to complete this conveyance on Grantor’s behalf has been duly taken.

[Signature page follows.]

Dated this 21 day of November, 2016.

GRANTOR:

SOUTH BEND REDEVELOPMENT COMMISSION

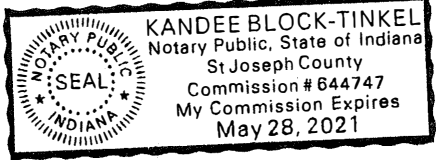
By: Marcia I. Jones
Marcia I. Jones, President

ATTEST:
By: Donald E. Inks
Donald E. Inks, Secretary

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, the undersigned, a Notary Public for and in said County and State this 21st day of November, 2016, personally appeared Marcia I. Jones and Donald E. Inks, to me known to be the President and Secretary, respectively, of South Bend Redevelopment Commission, the Grantor, and acknowledged execution of the foregoing Quit Claim Deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



Kande Block-Tinkel
_____, Notary Public,
Resident of St Joseph County, Indiana

Commission expires: May 28, 2021

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. Benjamin J. Dougherty.

Prepared by Benjamin J. Dougherty, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601

Exhibit 1

Description of Property

A part of Lots 3 through 8, inclusive, as shown on the recorded Plat of Miller and Green's First Addition to the Town of Lowell, now City of South Bend, together with that part of Green Street, now vacated, adjacent to said Lots, and also all that land lying South of Washington Street and bounded on the East by the East Race, and on the South and the West by a tract of land owned by the City of South Bend, said tract being more particularly described as follows:

Beginning at a point on the West line of Gintz Avenue, 273.00 feet South of the South line of Colfax Avenue, measured at right angles to said South line of Colfax Avenue; thence South $05^{\circ}27'44''$ East, along said West line of Gintz Avenue, 137.22 feet; thence North $89^{\circ}54'36''$ East, 24.00 feet; thence South $03^{\circ}34'50''$ East, 227.30 feet to a point on the North line of a strip of land heretofore sold to the City of South Bend; thence South $54^{\circ}12'12''$ West, 32.03 feet; thence North $46^{\circ}07'59''$ West, 131.29 feet; thence North $41^{\circ}02'53''$ West, 31.37 feet; thence North $17^{\circ}50'28''$ West 66.26 feet; thence North $24^{\circ}37'29''$ West, 225.00 feet to a point 273.00 feet South of the South line of said Colfax Avenue; thence North $89^{\circ}57'36''$ East, parallel with said South line of Colfax Avenue, 204.05 feet to the place of beginning.

ALSO DESCRIBED AS:

All that part of a tract or parcel of land within the City of South Bend, bounded on the North by Colfax Avenue, on the East by the East Race, on the South and on the West by the St. Joseph River, which is South of a line 273 feet South of and parallel to the South line of Colfax Avenue, remaining after conveyance by grantor of a portion thereof to the City of South Bend, a Municipal Corporation, by Warranty Deed dated November 4, 1977 and recorded January 6, 1978 as Document Number 7800296 in the Office of the Recorder of St. Joseph County, Indiana.

EXCEPTING THEREFROM:

That part of Lots 3 through 8 as shown on the recorded plat of Miller and Green's 1st Addition to the Town of Lowell, as recorded in the records of St. Joseph County, Indiana, which is described as beginning at a point which is South $26^{\circ}17'33''$ East, 109.20 feet, and South $20^{\circ}15'43''$ East, 103.83 feet ($20^{\circ}16'19''$ East, record) and South 273.00 feet from a point on the South line of Colfax Street which is West, 220.42 feet from the West line of Gintz Avenue; thence $57^{\circ}43'06''$ East, 19.64 feet; thence South $24^{\circ}36'05''$ East, 21.77 feet; thence South $17^{\circ}48'04''$ East, 66.26 feet; thence South $41^{\circ}00'29''$ East, 31.37 feet; thence South $46^{\circ}05'35''$ East, 42.47 feet; thence South $44^{\circ}13'06''$ West, 9.17 feet; thence North $46^{\circ}28'30''$ West, 42.54 feet; thence North $40^{\circ}07'21''$ West, 34.03 feet; thence North $26^{\circ}17'33''$ West, 85.65 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

That part of Lots 3 through 8 as shown on the recorded plat of Miller and Green's 1st Addition to the Town of Lowell, as recorded in the records of St. Joseph County, Indiana, which is described as:

Beginning at a point which is North 57°43'06" East, 19.64 feet and South 26°17'35" East, 109.20 feet and South 20°15'43" East, 103.83 feet (South 20°16'19" East, record) and South, 273.00 feet from a point on the South line of Colfax Street which is West, 220.42 feet from the West line of Gintz Avenue; thence North 57°43'06" East, 25.54 feet; thence South 32°16'54" East, 149.75 feet; thence South 84°46'04" West, 41.28 feet (South 83°47'55" West, record); thence North 46°05'35" West, 14.66 feet; thence North 41°00'29" West, 31.37 feet; thence North 17°48'04" West, 66.26 feet; thence North 24°35'05" West, 21.77 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM:

A parcel of land described as commencing at the intersection of the South right-of-way line of Colfax Avenue with the West right-of-way line of Niles Avenue; thence North 89°54'00" West, along said South right-of-way line, a distance of 232.26 feet to the Easterly right-of-way line of Gintz Avenue; thence South 5°53'22" East, along said Easterly right-of-way line, a distance of 274.46 feet; thence South 5°27'44" East along said Easterly right-of-way line, a distance of 137.81 feet; thence South 3°34'50" East, a distance of 84.04 feet to the place of beginning for this description; thence South 3°34'50" East, a distance of 144.46 feet; thence South 3°12'46" West, a distance of 8.90 feet; thence South 52°57'51" West, a distance of 32.89 feet to the Easterly meander line of the St. Joseph River; thence North 46°31'03" West along said Easterly meander line, a distance of 132.0 feet; thence North 83°47'35" East, a distance of 104.54 feet; thence North 3°34'50" West, a distance of 70.00 feet; thence North 86°25'10" East, a distance of 13.99 feet to the place of beginning.

Tax Parcel No. 018-5001-0005