

RESOLUTION NO. 3386

**A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION
APPROPRIATING FUNDS FROM THE CERTIFIED TECHNOLOGY PARK FUND
FOR THE PAYMENT OF CERTAIN OBLIGATIONS AND EXPENSES
RELATED TO THE CERTIFIED TECHNOLOGY PARK**

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, upon application made by the Commission, the Indiana Economic Development Corporation (the “IEDC”), on January 1, 2009, designated and established the Certified Technology Park comprised of Innovation Park at Notre Dame and Ignition Park to be a certified technology park within the meaning of Ind. Code 36-7-32 (the “CTP Statute”) subject to the provisions of that certain Certified Technology Park Agreement dated December 29, 2008, by and among the City of South Bend (the “City”), the Commission, and the IEDC (the “CTP Agreement”); and

WHEREAS, pursuant to Section 22 of the CTP Statute, the Indiana Treasurer of State distributed a total of Five Million Dollars (\$5,000,000.00) (the “CTP Revenues”) to the Commission for deposit into the Commission’s certified technology park fund established under Section 23 of the CTP Statute (the “CTP Fund”); and

WHEREAS, the City, the Commission, and the University of Notre Dame du Lac (the “University”) entered into that certain Memorandum of Understanding dated day of November 29, 2012, as amended by that certain Amendment to Memorandum of Understanding between the parties dated as of August 25, 2014 (collectively, the “MOU”), concerning the disposition of the CTP Revenues between Innovation Park at Notre Dame and Ignition Park in consideration of the parties’ respective development commitments in connection with the CTP Agreement; and

WHEREAS, the MOU provides that an amount not to exceed One Million Eight Hundred Thousand Dollars (\$1,800,000.00) of the CTP Revenues is to be expended for the development of Innovation Park at Notre Dame; and

WHEREAS, the University has produced the certificate of expenses attached hereto as **Exhibit 1** (the “Certificate”) evidencing its expenditures in accordance with Item 1 of Exhibit B to the CTP Agreement and Section 23 of the Act; and

WHEREAS, the Commission desires to appropriate funds from the CTP Fund and to approve the payment of One Million Eight Hundred Thousand Dollars (\$1,800,000.00) to the University as a reimbursement of the University’s expenses reflected in the Certificate; and

WHEREAS, the proposed appropriation from the CTP Fund complies with the requirements of Ind. Code 36-7-32-23 and are not for the operating expenses of the Commission; and

WHEREAS, such appropriation is subject to the provisions of Ind. Code 6-1.1-18-5; and

WHEREAS, on March 23, 2017, the Commission adopted Resolution No. 3385 setting a public hearing on said appropriation for 9:30 a.m. on April 13, 2017, and authorizing the Secretary of the Commission to duly publish notice of said hearing; and

WHEREAS, the Secretary of the Commission has caused notice of said hearing on said appropriation to be published in accordance with law; and

WHEREAS, such public hearing was held at the Commission's meeting at 9:30 a.m. on April 13, 2017, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601, at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation; and

WHEREAS, the Commission now desires to approve said appropriation in a total amount of Two Million Two Hundred Thousand Dollars (\$2,200,000.00) and to approve the above-described payment to the University in the total amount of One Million Eight Hundred Thousand Dollars (\$1,800,000.00); and

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

1. Funds from the CTP Fund established under Section 23 of the CTP Statute in the amount of Two Million Two Hundred Thousand Dollars (\$2,200,000.00) are hereby appropriated for the purpose of paying the expenditures contemplated in and permitted under the CTP Agreement and the CTP Statute, including, but not limited to, the payment to the University approved below.

2. The President and/or the Secretary of the Commission are hereby authorized and directed to certify a copy of this Resolution together with such other proceedings and actions as may be necessary to the St. Joseph County Auditor for certification to the Indiana Department of Local Government Finance for the purpose of obtaining its approval of the appropriation herein made.

3. The Commission approves payment to the University in the amount of One Million Eight Hundred Thousand Dollars (\$1,800,000.00) in accordance with the MOU and in consideration of the Certificate attached hereto as Exhibit 1. The Commission authorizes and directs the City Controller for the City of South Bend, in his capacity as Treasurer for the Commission, to arrange for prompt payment of said amount to the University in accordance with the City's ordinary practices and procedures.

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 April 13, 2017, at 227 West Jefferson Boulevard, Room 1308, South Bend, Indiana 46601.

SOUTH BEND REDEVELOPMENT
COMMISSION

David Varner, Vice President

ATTEST:

Donald E. Inks, Secretary

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EXHIBIT 1

**Certificate Pertaining to Expenses Incurred in the Operation of a Business Incubator
Within a Certified Technology Park Pursuant to Indiana Code 36-7-32**

[See attached.]

**CERTIFICATE PERTAINING TO EXPENSES INCURRED IN
THE OPERATION OF A BUSINESS INCUBATOR WITHIN A CERTIFIED
TECHNOLOGY PARK PURSUANT TO INDIANA CODE 36-7-32**

I, Richard Bellis, do hereby certify that I am the Sr. Director of Treasury Services for the University of Notre Dame du Lac, an Indiana not-for-profit corporation (the "University"), and that as such official I am authorized to execute this Certificate on behalf of the University and do hereby further certify as follows:

1. This Certificate is being delivered pursuant to Indiana Code 36-7-32 (the "Act") and a Memorandum of Understanding among the City of South Bend, Indiana (the "City"), the South Bend Redevelopment Commission (the "Commission"), and the University dated the 29th day of November, 2012, as amended by that certain Amendment to Memorandum of Understanding between the parties dated as of August 25, 2014 (collectively, the "MOU"). Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the MOU.

2. Pursuant to the MOU, the City, the Commission, and the University agreed that the aggregate of all CTP Revenues collected by the State and remitted to the Redevelopment Commission as provided by the Act and the CTP Agreement (as defined below) shall be divided such that (i) Ignition Park shall receive no more than Three Million Two Hundred Thousand Dollars (\$3,200,000), and (ii) the entire remaining balance of all CTP revenues [not to exceed \$1,800,000] shall be allocated to Innovation Park, and all used for permitted purposes under the Act and the CTP Agreement.

3. The University's facilities at Innovation Park constitute a "business incubator" and a "public facility" as defined in Section 5 and Section 9(2), respectively, of the Act, and the University has constructed such improvements consistent with Item 1 of Exhibit B of that certain Certified Technology Park Agreement dated December 29, 2008, by and among the City, the Commission, and the Indiana Economic Development Corporation (the "CTP Agreement").

4. Pursuant to Section 23(b)(2) of the Act, Innovation Park at Notre Dame, Inc. and/or the University, as its successor, have incurred operating expenses in the operation of the facilities located in Innovation Park, as set forth on Exhibit A hereto, which are properly reimbursable to the University from CTP Revenues pursuant to the foregoing section of the Act.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 29th day of March, 2017.

UNIVERSITY OF NOTRE DAME DU LAC,

By: 
Printed: Richard Bellis
Title: Sr. Director of Treasury Services

Exhibit A

Innovation Park at Notre Dame, Inc.
Excerpt from Statements of Changes in Net Assets
(Unaudited)

	Years ended June 30	
	2012	2011
Operating expenses:		
Professional fees	\$ 206,816	\$ 391,850
Facilities rental	167,272	162,400
Services agreement	100,000	100,000
Utilities	94,877	78,398
Telecommunications	75,029	72,036
Repair & maintenance	43,282	31,728
Event services	39,457	32,434
Media services	38,881	76,311
Non-capitalized equipment	31,596	34,656
Supplies & administrative	18,228	23,151
Eligible Operating Expenses	\$ 815,438	\$ 1,002,964
	Grand Total	\$ 1,818,402