



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, June 26, 2017

7:00 P.M.

1. **INVOCATION- AMEENAH STARKS, ISLAMIC SOCIETY OF MICHIANA**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

[17-35](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA CELEBRATING THE 50TH ANNIVERSARY OF THE LEEPER PARK ART FAIR IN THE CITY OF SOUTH BEND

[17-38](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND THANKING AND HONORING JUDY LADD FOR DILIGENTLY SERVING AREA RESIDENTS FOR THE PAST TWENTY-FIVE (25) YEARS AND WISHING HER CONTINUED SUCCESS AS SHE RETIRES FROM SERVICE AS DIRECTOR OF THE LEEPER PARK ART FAIR

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

[25-17](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1405 & 1505 HOWARD STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[27-17](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3015 WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[35-17](#) PUBLIC HEARING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: EAST/WEST ALLEY FROM PARK AVENUE

TO FIRST NORTH/SOUTH ALLEY BETWEEN MANITOU AND RIVERSIDE

[36-17](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2017

[37-17](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2017 OF \$40,000 FROM PARKS FUND (#201), \$200,000 FROM MOTOR VEHICLE HIGHWAY FUND (#202), \$100,000 FROM DCI OPERATING FUND (#211), \$3,000 FROM GIFT, DONATION, BEQUEST FUND (#217), \$125,000 FROM LOCAL ROADS & STREETS FUND (#251), \$28,000 FROM INDIANA RIVER RESCUE FUND (#291), \$285,000 FROM PARKS CAPITAL FUND (#405), \$295,000 FROM MORRIS PERFORMING ARTS CENTER CAPITAL FUND (#416), AND \$1,000 FROM ERSKINE VILLAGE BOND FUND (#758).

[38-17](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2017 OF \$891,089 FROM EMS CAPITAL FUND (#287).

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

[25-17](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1405 & 1505 HOWARD STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[27-17](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3015 WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[35-17](#) THIRD READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: EAST/WEST ALLEY FROM PARK AVENUE TO FIRST NORTH/SOUTH ALLEY BETWEEN MANITOU AND RIVERSIDE

[36-17](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR

VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND,
INDIANA FOR THE YEAR 2017

[37-17](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2017 OF \$40,000 FROM PARKS FUND (#201), \$200,000 FROM MOTOR VEHICLE HIGHWAY FUND (#202), \$100,000 FROM DCI OPERATING FUND (#211), \$3,000 FROM GIFT, DONATION, BEQUEST FUND (#217), \$125,000 FROM LOCAL ROADS & STREETS FUND (#251), \$28,000 FROM INDIANA RIVER RESCUE FUND (#291), \$285,000 FROM PARKS CAPITAL FUND (#405), \$295,000 FROM MORRIS PERFORMING ARTS CENTER CAPITAL FUND (#416), AND \$1,000 FROM ERSKINE VILLAGE BOND FUND (#758).

[38-17](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2017 OF \$891,089 FROM EMS CAPITAL FUND (#287).

9. **RESOLUTIONS**

BILL NO.

[17-34](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ACCEPTING AND CONFIRMING A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION DETERMINING THAT THE ASSESSED VALUE OF PROPERTY IN THE DOUGLAS ROAD ECONOMIC DEVELOPMENT AREA FOR TAX YEAR PAYABLE 2018 MAY BE ALLOCATED TO THE RESPECTIVE TAXING UNITS AND OTHER RELATED MATTERS

[17-36](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AND AUTHORIZING CERTAIN ACTIONS AND PROCEEDINGS WITH RESPECT TO CERTAIN PROPOSED ECONOMIC DEVELOPMENT REVENUE BONDS AND RELATED MATTERS

10. **BILLS ON FIRST READING**

BILL NO.

[39-17](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SUB-PARTS (d) AND (f)(3) OF CHAPTER 4, ARTICLE 4, SECTION 4-45 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING MOBILE FOOD VENDORS AND MOBILE FOOD VENDING VEHICLES

[40-17](#) FIRST READING ON AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING

CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 BY ADDING MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS TO PERMITTED USES IN CB COMMUNITY BUSINESS DISTRICT, CBD CENTRAL BUSINESS DISTRICT, AND GB GENERAL BUSINESS DISTRICT; AND ESTABLISHING ADDITIONAL DEVELOPMENT STANDARDS FOR MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS; AND ADDING A DEFINITION FOR MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS.

11. **UNFINISHED BUSINESS**

BILL NO.

17-37 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1502 W. DUNHAM, SOUTH BEND, INDIANA 46619

33-17 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1709 W. LINCOLNWAY, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

34-17 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 4640 SOUTH MICHIGAN STREET; 237, 305, AND 313 REASOR STREET; 4637, 4701, 4707, AND VACANT PARCEL SOUTH AND ADJACENT TO 4707 FELLOWS STREET; COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

TIME: _____

Notice for Hearing and Sight Impaired Persons
Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.
Please Give Reasonable Advance Request When Possible.

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the official text is the English version. Any discrepancies which may be created in the translation, are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: JUNE 22, 2017
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, JUNE 26, 2017** at:

Council Informal Meeting Room
4th Floor County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

- 4:00 P.M.** **ZONING & ANNEXATION** **OLIVER DAVIS, CHAIRPERSON**
1. [Bill No. 25-17](#)- Rezoning for property located at 1405 & 1505 Howard Street
2. *Substitute* [Bill No. 27-17](#)- Rezoning for property located at 3015 Western Ave.
- 4:10 P.M.** **PUBLIC WORKS & PROPERTY VACATION** **JOHN VOORDE, CHAIRPERSON**
1. [Bill No. 35-17](#)- Alley Vacation at Park Ave. between Manitou and Riverside
- 4:20 P.M.** **COMMUNITY INVESTMENT** **GAVIN FERLIC, CHAIRPERSON**
1. [Bill No. 17-34](#)- Douglas TIF Release
- 4:30 P.M.** **PERSONNEL & FINANCE** **KAREN L. WHITE, CHAIRPERSON**
1. [Bill No. 17-36](#)- Miami Hills Bond Approval
2. [Bill No. 36-17](#)- June Transfer Ordinance
3. [Bill No. 37-17](#)- June Civil City Ordinance
4. [Bill No. 38-17](#)- June Enterprise Funds Ordinance

Council President Tim Scott has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Personnel & Finance Committee.

INFORMAL MEETING OF THE COMMON COUNCIL

TIM SCOTT, PRESIDENT

1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

cc: Mayor Pete Buttigieg
Committee Meeting List
News Media

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY
DIRECTOR OF OPERATIONS

ALKEYNA M. ALDRIDGE
DEPUTY CLERK
DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATIONS
BUREAU CLERK



2017 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-4-17)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real & personal tax abatement requests.

Gavin Ferlic, Chairperson

Regina Williams-Preston, Vice-Chairperson

Oliver Davis, Member

Randy Kelly, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Office of Community Affairs and is charged with facilitating partnerships & ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson

Randy Kelly, Vice-Chairperson

Gavin Ferlic, Member

Karen White, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Tim Scott, Member

Jo Broden, Member

Dr. David Varner, Member

Karen White, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

Jo Broden, Chairperson

John Voorde, Vice-Chairperson

Oliver Davis, Member

Karen L. White, Member

INFORMATION AND TECHNOLOGY COMMITTEE

Oversees the various activities of the City's Division of Information Technologies in the Department of Administration & Finance so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability & access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson

Gavin Ferlic, Vice-Chairperson

Dave Varner, Member

Randy Kelly, Member

PARC COMMITTEE (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Coveleski Regional Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, and the many recreational and leisure activities offered by the Department of Parks and Recreation.

Randy Kelly, Chairperson

Dr. Dave Varner, Vice-Chairperson

Oliver Davis, Member

John Voorde, Member



2017 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-4-17)

PERSONNEL AND FINANCE COMMITTEE

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations & other fiscal matters, as well as personnel policies, health benefits & related matters.

Karen L. White, Chairperson
Gavin Ferlic, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works & related public works & property vacation issues.

John Voorde, Chairperson
Randy Kelly, Vice-Chairperson

Jo M. Broden, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Oversees the various activities & issues related to neighborhood development & enhancement.

Karen White, Chairperson
Jo Broden, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

UTILITIES COMMITTEE

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers and all related matters.

Dr. David Varner, Chairperson
Oliver Davis, Vice-Chairperson

Randy Kelly, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Oliver Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo Broden, Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council

Tim Scott
Dr. David Varner



2016 COMMON COUNCIL STANDING COMMITTEES (Rev.01-4-17)

TIM SCOTT, 1ST District Council Member

PRESIDENT

Information and Technology, Chairperson

Council Rules Committee, Member
Sub-Committee on Minutes, Member

REGINA WILLIAMS-PRESTON 2nd District Council Member

Community Relations Committee, Chairperson
Community Investment Committee, Vice-Chairperson

Residential Neighborhood Committee, Member
Personnel & Finance Committee, Member
Utilities Committee, Member

RANDY KELLY, 3rd District Council Member

PARC Committee, Chairperson
Community Relations Committee, Vice Chairperson
Public Works & Property Vacation, Vice Chair

Community Investment Committee, Member
Information & Technology Committee, Member
Utilities Committee, Member

JO BRODEN, 4TH District Council Member

Health and Public Safety Committee, Chairperson
Residential Neighborhood Committee, Vice-Chairperson

Council Rules Committee, Member
Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member

DR. DAVID VARNER, 5TH District Council Member

Utilities Committee, Chairperson
PARC Committee, Vice-Chairperson

Information & Technology Committee, Member
Council Rules Committee, Member
Sub-Committee on Minutes, Member

OLIVER DAVIS, 6TH District Council Member

Zoning & Annexation Committee, Chairperson
Utilities Committee, Vice-Chairperson

Community Investment Committee, Member
Health & Public Safety Committee, Member
PARC Committee, Member

GAVIN FERLIC, AT LARGE Council Member

Chairperson, Committee of the Whole

Community Investment Committee, Chairperson
Information & Technology Committee, Vice-Chairperson
Personnel & Finance Committee, Vice-Chairperson

Community Relations Committee, Member
Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson
Personnel & Finance Committee, Chairperson

Community Relations Committee, Member
Council Rules Committee, Member
Health & Public Safety Committee, Member

JOHN VOORDE, AT LARGE Council Member

Public Works & Property Vacation, Chairperson
Health and Public Safety, Vice-Chairperson
Zoning & Annexation Committee, Vice-Chairperson

Residential Neighborhood Committee, Member
PARC Committee, Member
Personnel & Finance Committee, Member

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA
CELEBRATING THE 50TH ANNIVERSARY OF THE
LEEPER PARK ART FAIR IN THE CITY OF SOUTH BEND**

Whereas, in approximately 1900, Leeper Park, due to the efforts of many, but begun by Alexis Coquillard, a founding father of the City of South Bend, Indiana, a beautiful, tree-filled section of land, located just south of a bend in the St. Joseph River north of the City, was designated for recreational purposes for the citizens of South Bend; and

Whereas, after extensive development of the site, including construction of a zoo and lily pond in 1902, the relocation of the historic Pierre Navarre Cabin in 1904 (later moved once again within the park in 1916), the addition of the tennis courts in 1905, and formal flower gardens in 1922, the park, which came to span both sides of Michigan Street in South Bend, became a popular spot for folks to gather and enjoy its various amenities; and

Whereas, Leeper Park was designated in 1996 as a local historic landmark by the Historic Preservation Commission of South Bend and St. Joseph County, Indiana; and

Whereas, in 1967, Leeper Park became home to an annual event sponsored by the St. Joe Valley Watercolor Society designated as the Leeper Park Art Fair, a much-anticipated annual event that has grown in stature, a fact that caused it to be rated in 2015 as No. 70 Best Fine Arts Show on a list of the top 200 Best Shows in the entire country by Sunshine Artist magazine and which draws some 120 fine artists each year from around the United States; and

Whereas, in addition, the St. Joe Watercolor Society, due to its participation in the Leeper Park Art Fair, also annually awards a scholarship to a deserving art student at Indiana University at South Bend to further the student's education in the field of art; and

Whereas, under the guidance of Director Judy Ladd, the Leeper Park Art Fair has survived many adverse events that threatened the cancellation of the Art Fair several times throughout the 50-year span of its existence at Leeper Park, including severe weather conditions, road construction, and an economic recession that caused both buyers and artists to refrain from participation, all the while maintaining the Art Fair's high standard of showing exclusively fine, professionally-produced artwork; and

Whereas, prizes are awarded for Best in Show, and in categories such as watercolor paintings, clay and sculpture work, photography, multi-media, glass, and jewelry, reflecting the diversity of the works displayed at the Leeper Park Art Fair, which has caused it to become such a popular annual attraction for not only South Bend area residents, but for art-lovers everywhere, taking place in a scenic and historic setting.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The South Bend Common Council proudly recognizes **LEEPER PARK ART FAIR** for its long-standing tradition in the community as an enjoyable and much anticipated annual event for many residents of the City and beyond, and for the passion for excellence exhibited by the St. Joe Watercolor Society and the artists who participate in the Art Fair each year, along with the citizens who enjoy the benefits of having a prestigious art show in their local community; and, in particular, the Council is honored to publicly commend the Leeper Park Art Fair for its dedication for continuing its tradition of the exhibition of fine arts in many forms for the past fifty (50) years in the City of South Bend for all citizens to enjoy.

Section II. The Common Council notes that because of the Leeper Park Art Fair's dedication to excellence, countless number of individuals have enjoyed top-quality artwork in many forms throughout our wonderful community. We hope this long-standing tradition continues for many years to come, as it has become a permanent and highly-anticipated yearly event to which many look forward each June.

Section III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, 1st District Council Member

Oliver J. Davis, 6th District Council Member

Regina Williams Preston., 2nd District

John Voorde, At Large Council Member

Randy Kelly, 3rd District Council Member

Gavin Ferlic, At Large Council Member

Jo Broden, 4th District Council Member

Karen L. White, At Large Council Member

Dr. David Varner, 5th District

Robert J. Palmer, Council Attorney

Attest:

Approved this ___ *day of* _____, 2017.

Kareemah Fowler, City Clerk

Pete Buttigieg, Mayor of South Bend, Indiana

RESOLUTION NO. _____-2017

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND
THANKING AND HONORING JUDY LADD FOR DILIGENTLY SERVING AREA
RESIDENTS FOR THE PAST TWENTY-FIVE (25) YEARS AND WISHING HER
CONTINUED SUCCESS AS SHE RETIRES FROM SERVICE AS
DIRECTOR OF THE LEEPER PARK ART FAIR**

Whereas, **Judy Ladd** is an accomplished artist who works in porcelain, clay, and watercolor media. She has served as the Director of the Leeper Park Art Fair for the past twenty-five (25) years and is now retiring from her position as Director of the annual event. Judy is a tireless advocate for the Art Fair and her boundless energy has brought the continued success the Art Fair currently enjoys as a result of her selfless efforts; and

Whereas, Judy graduated from Western Michigan University with a BA in art and received her MFA from the University of Notre Dame. She worked at the South Bend Art Center teaching child and adult art classes, in addition to acting as the faculty representative to the Board at the Art Center for several years. Judy's first teaching assignment was first grade at Darden Elementary, after which she "graduated" to LaSalle High School as an art instructor. There, she worked as the Academic Decathlon coach, served as the chairman of the Art Department at the school, and worked on Scholastic Art Awards, where her students won the Third Congressional Art Competition, after which they traveled to Washington, D.C.; and

Whereas, while working at LaSalle High School, Judy opened a co-op art gallery called Gallery in the Garret, located in the former Kamm's Brewery, which had been repurposed to become the 100 Center, a busy retail area housing thirty (30) local artists. Gallery in the Garret was located in the 100 Center for thirteen (13) years until Judy relocated the business to the East Bank on the Raceway of the St. Joseph River in South Bend. Judy later transferred to Mishawaka High School to work as an assistant principal for nine (9) years, after which she retired to concentrate on the production of her own artwork; and

Whereas, throughout the years, Judy has served in many capacities with Indiana arts organizations, including being actively involved as a member of the St. Joe Valley Watercolor Society. During her involvement with the St. Joe Valley Watercolor Society, Judy Ladd met many wonderful artists. Gloria O'Brien was instrumental in persuading Judy to participate in the Leeper Park Art Fair with her silkscreen designs and Judy felt honored to be included in the prestigious event; and

Whereas, Judy eventually came to serve as the Director of the Leeper Park Art Fair thanks to her involvement in the St. Joe Valley Watercolor Society and, with the assistance of its members, Judy has managed to maintain the Leeper Park Art Fair a viable event through numerous eras of adversity, including several national financial downturns, for the past twenty-five (25) years. She has received substantial support and assistance from Joan Tweedell and Howard Scott during her tenure as Director, and the Leeper Park Art Fair recently celebrated its 50th Anniversary this year on June 17-18, 2017.

Whereas, Judy has dedicated her life to the furtherance of the arts throughout the Michiana area for more than thirty (30) years. Thanks in large part to Judy's efforts, the Leeper Park Art Fair, a juried exhibition, continues to showcase many wonderful artists in various media and has been featured in the Sunshine Artist magazine as one of the top 200 art shows in the country. Judy teaches classes in Florida and still participates in many top-rated art shows. Her work is treasured in many collections throughout the United States.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. On behalf of the citizens of South Bend, Indiana, South Bend Common Council, proudly and publicly *congratulates and thanks Judy Ladd*, who has willingly and

faithfully served as the Director of the Leeper Park Art Fair for the past twenty-five (25) years, and for her innumerable contributions to the arts in our community.

Section II. The Common Council proudly recognizes **Judy Ladd** as a valued member of our community and as someone who has selflessly given her time and her efforts to further the flourishing of the arts in the City of South Bend, Indiana by working tirelessly as the Director of the Leeper Park Art Fair.

Section III. The Common Council and the citizens of the City of South Bend wish **Judy Ladd** continued success with the production of her artwork and laud her many other accomplishments as she enjoys her retirement from her service as the Director of the Leeper Park Art Fair. *Congratulations!*

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, 1st District Council Member

Oliver J. Davis, 6th District Council Member

Regina Williams Preston., 2nd District

John Voorde, At Large Council Member

Randy Kelly, 3rd District Council Member

Gavin Ferlic, At Large Council Member

Jo Broden, 4th District Council Member

Karen L. White, At Large Council Member

Dr. David Varner, 5th District

Robert J. Palmer, Council Attorney

Witness:

Approved this ___ day of _____, 2017.

Kareemah Fowler, City Clerk

Pete Buttigieg, Mayor of South Bend, Indiana

DHIA

2827-17

Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers

Landscape Architects ■ Land Planners

Office: (574)234-4003 / (800)594-4003 ■ Fax: (574)234-4009

1643 Commerce Drive ■ South Bend, IN 46628

Mr. Lawrence P. Magliozzi
Executive Director
Area Plan Commission of St. Joseph County
Room 1140 County-City Building
227 West Jefferson Blvd.
South Bend, Indiana 46601

May 26, 2017



RE: Rezoning Petition for 1405 and 1505 East Howard Street,
South Bend, Indiana 46617.

Dear Mr. Magliozzi:

On behalf of our clients, Howard Street Land Trust LLC and Five Corners LLC, we are asking that the rezoning petition for the properties located at 1405 and 1505 East Howard Street, South Bend, Indiana 46617 be tabled indefinitely.

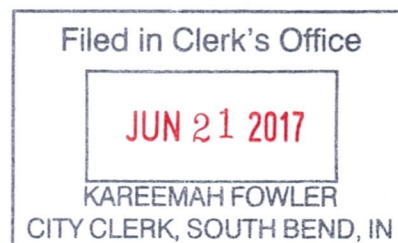
We are in the process of working on site issues that affect the layout of the proposed use.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

Michael J. Danch

Michael J. Danch
President
Danch, Harner & Associates, Inc.
File No. 170134 "C" Md





LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

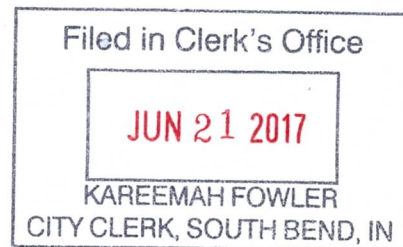
Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

June 21, 2017

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601



RE: Bill # 27-17
Rezoning: APC# 2828-17- 3015 W. Western Avenue, South Bend

Dear Council Members:

The Area Plan Commission held a public hearing on June 21, 2017 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, June 26, 2017.

Ordinance & Petition Amendments:

The following changes were made to the above referenced petition:

- 1) The Petition and Ordinance were modified to request a zoning to MU Mixed Use District.

A copy of the revised Ordinance and Petition is attached.

Public Hearing Summary:

There were 2 people that spoke in favor to the proposed rezoning. They indicated their support of the reuse of the building in order to further the efforts of the West Side Main Streets Plan and continued neighborhood revitalization.

If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

A handwritten signature in blue ink, appearing to be "Aladean DeRose".

Planner

CC: Aladean DeRose

PETITION FOR ONE MAP AMENDMENT
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

- 1) The property sought to be rezoned is located at:
3015 W Western Ave
South Bend, In 46619
- 2) The property Tax Key Number(s) is/are: 018-4056-2079
- 3) Legal Descriptions: West 20ft of lot 117 of lasalle park subdivision
- 4) Total Site Area: 0.24
- 5) Name and address of property owner(s) of the petition site:
PBS Properties LLC/ Don Walker
6139 Parkland dr.
South Bend, In 46628
574-340-9208
donwalker@power-brake.com

Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:
Richard Brooks
55900 orchid rd
South Bend, In 46619
574-289-8944
Templestar2016@gmail.com

Name and address of additional property owners, if applicable:

- 7) It is desired and requested that this property be rezoned:

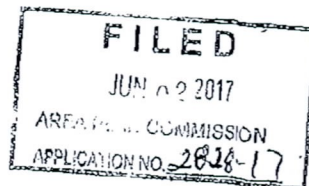
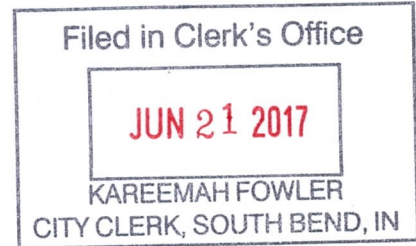
From: GB

To: MU

- 8) This rezoning is requested to allow the following use(s): *Retail and wholesale store with new and used items, refurbished electronics and new clothing.*

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

- 1) *List each variance being requested. Contact Commission Staff if you need assistance with wording.*
 1. From the required landscaping of required perimeter yards to none.
 2. From the required 30 parking spaces to zero.



- 2) A statement on how each of the following standards for the granting of variances is met:
- (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *This will have no affect on the public health.*
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: This is a commercial area. The store will use on street parking and shared lot
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *The building takes up the majority site not allowing space for parking on the site but nearby off site parking is available.*

IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: *Insert text*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *Insert text*
 - (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *Insert text*
 - (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: *Insert text*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *Insert text*

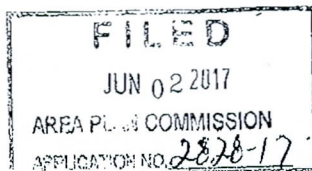
* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

*Ciera Ewing
55900 Orchid Rd
South Bend, In 46619
574-289-8944 / 574-703-4005
templstar2016@gmail.com*

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

4



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 3015 WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE
CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT
Retail and Wholesale Store

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of
South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly
known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same
hereby is amended in order that the zoning classification of the following described real
estate in the City of South Bend, St. Joseph County, State of Indiana:

Lot 118 and West 20 Feet of lot 117 of LaSalle Park Subdivision

be and the same is hereby established as MU Mixed Use District.

SECTION II.

This ordinance is and shall be subject to commitments as provided by Chapter 21-
09.02(d) Commitments, if applicable.

SECTION III. This ordinance shall be in full force and effect from and after its passage
by the Common Council, approval by the Mayor, legal publication, and full execution of
any conditions or Commitments placed upon the approval.

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock _____. m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office
JUN 21 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI

EXECUTIVE DIRECTOR

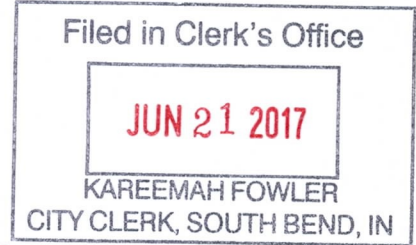
Angela M. Smith

Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

Wednesday, June 21, 2017

The Honorable Council of the City of South Bend
4th Floor, County-City Building
South Bend, IN 46601



RE: A proposed ordinance of PBS Properties, LLC to zone from GB General Business District to MU Mixed Use District, property located at 3015 W. Western Avenue, City of South Bend - APC# 2828-17.

Dear Council Members:

I hereby Certify that the above referenced ordinance of PBS Properties, LLC was legally advertised on June 8, 2017 and that the Area Plan Commission at its public hearing on June 20, 2017 took the following action:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of PBS Properties, LLC to zone from GB General Business District to MU Mixed Use District, property located at 3015 W. Western Avenue, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this site to MU Mixed use will allow for the reuse of an existing commercial structure in a manner consistent with the Comprehensive Plan.

PLEASE NOTE that the Ordinance has been amended by the petitioner and is different than that used for the Common Council's first reading. The amended Ordinance was legally advertised and heard by the Area Plan Commission.

The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

[Handwritten signature of Lawrence P. Magliozzi]

Lawrence P. Magliozzi

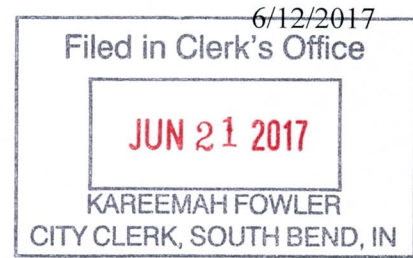
Attachment

CC: PBS Properties, LLC

Ciera Ewing and Richard Brooks

Staff Report

APC # 2828-17
Owner: PBS Properties, LLC
Location: 3015 W. Western Avenue
Jurisdiction: City of South Bend
Public Hearing Date: 6/20/2017



Requested Action:

The petitioner is requesting a zone change from GB General Business District to MU Mixed District and seeking 2 variances from the development standards.

Land Uses and Zoning:

- On site: On site is a retail establishment.
- North: To the north is a single-family home zoned SF2 Single Family and Two Family District
- East: To the east is a retail store zoned GB General Business District.
- South: To the south across Western Avenue are retail establishments, zoned MU Mixed Use District.
- West: To the west is a retail store, zoned MU Mixed Use District.

District Uses and Development Standards:

The MU Mixed Use District is established to promote the development of the a dense urban village environment. The regulations are intended to encourage all the elements of a traditional urban village, including: storefront retail; professional offices; and, dwelling units located either in townhouse developments or in the upper stories of mixed-use buildings. The development standards in this district are designed to: encourage a pedestrian oriented design throughout the district; and, maintain an appropriate pedestrian scale, massing and relationship between buildings and structures within the district.

Site Plan Description:

The site plan includes an existing 2 story retail building situated near the middle of the block. Only a portion of the building, approximately 4,500 square foot footprint, is proposed to be rezoned. The remainder of the building will continue to be zoned GB General Business. A shared parking area is located to the east of the site.

Zoning and Land Use History And Trends:

The site has been zoned GB General Business District.

Traffic and Transportation Considerations:

Western Avenue has 2 lanes with a center turn lane and on-street parking.

Utilities:

The site is served by municipal water and sewer

Agency Comments:

The City Engineer recommends approval subject to review and approval of utility verifications, sidewalks, lighting, and overall improvements to the site. Development of

the site requires City approval of a Drainage Plan and meets the requirement to store all runoff from developed areas on site, along with compliance with the City's Downspout Disconnection Program.

The Department of Community Investment is supportive of the request. Mixed Use Zoning permits the proposed use and leaves open options of use on the second floor of the building for retail, office, or residential space. MU zoning would also inhibit fewer and smaller variances for the site, such as setbacks and foundation landscaping. Zoning to MU would be most consistent with the West Side main Street's Plan vision for a mixed-use neighborhood center in this stretch of Western Avenue (west of Olive node).

Commitments:

The petitioner is not proposing any written commitments.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:

Policy Plan:

The Petition is consistent with the West Side Main Streets Plan (2014): Create Designations and Focus Retail into Nodes rather than Strip Development; and City Plan, South Bend Comprehensive Plan (November 2006), LU 2.2: Pursue a mix of land use along major corridors and other locations identified on the Future Land Use Map.

Land Use Plan:

The Future Land Use Map identifies this as a Mixed Use Node

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

Western Avenue between the Olive Street node and Kentucky Street is a neighborhood of commercial, mixed use and residential uses.

3. Most Desirable Use:

The most desirable use is one that is compatible with the mixed use and commercial nature of the Western Avenue Corridor.

4. Conservation of Property Values:

Due to the existing nature of neighboring Mixed Use development and the commercial nature of Western Avenue, the surrounding property values should not be adversely affected.

5. Responsible Development And Growth:

It is responsible development and growth to allow for the reuse of the commercial structure for a less intense use.

Combined Public Hearing

This is a combined public hearing procedure, which includes a rezoning of two variances from the development standards. The Commission will forward the rezoning to the Common Council with or without a recommendation and either approve or deny the variances.

The petitioner is seeking the following variance(s):

- 1) from the required landscaping of required perimeter yards to none;
- 2) from required minimum 30 off-street parking spaces to 0

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;

The proposed variances should have no impact on the public health, safety and general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

Due to the existing commercial character and use of the area, the use and value of adjacent properties should not be adversely affected by the requested variances.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

Strict application of the ordinance would result in practical difficulties in the use of the property. Due to the commercial nature of Western Avenue, there is an insufficient amount of land and daylight to adhere to the landscaping requirements of the ordinance. The site is located mid-block with a zero-lot line to one side and insufficient side yard and alley space to accommodate the parking requirements or the landscaping required at this site. Portions of the building would need to be demolished in order to meet strict application of the ordinance.

Staff Comments:

The staff has no additional comments.

Recommendation:

Based on the information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends approval of the variances.

Analysis:

Rezoning this site to MU Mixed use will allow for the reuse of an existing commercial structure in a manner consistent with the Comprehensive Plan.

REZONING
#2828-17

Camden

Dundee

Western

Filed in Clerk's Office
JUN 21 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

1 inch = 50 feet
PORTAGE TOWNSHIP





Filed in Clerk's Office

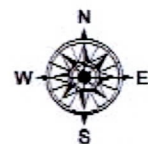
JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

MASTER ZONING KEY

- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT

**Rezoning from:
GB GENERAL BUSINESS DISTRICT
to MU MIXED USE DISTRICT
CITY OF SOUTH BEND**



1 inch = 120 feet

APC # 2828-17



CONCEPT SITE PLAN

SCALE: +/- 1" = 30'-0"

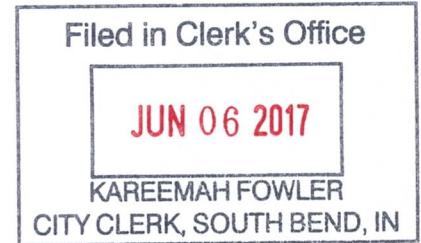
- Property is zoned "GB" General Business. Zoning requires a 30' front yard setback and 10' side and rear yard setbacks. Parking and driveways are allowed in the required yards.
- Zoning also requires a 30' Rear Residential Buffer Yard. Parking is NOT permitted in the buffer yard.
- Given the width of the existing lot, and the required parking setbacks, no standard parking configuration fits along side 3011 Western. Drawing indicates a paved pad that would be suitable for employee use only, but is not sufficient for customers.
- Provide a 36" high hedgerow along the front and side of the parking area to screen vehicles from view.

Filed in Clerk's Office
JUN 21 2017
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

West Side Corridors Matching Grant Program SMG, LLC - Richard Brooks III 3011-3015 W Western Ave South Bend, Indiana 46619		John Mellor Design Traditional Architecture & Urbanism	
#	Date	Issue	
01	09/08/16	Design Concepts	
02	09/13/16	Revisions	

831 Park Avenue
South Bend, IN 46616
June 6, 2017

Kareema N. Fowler, City Clerk
Office of the City Clerk
South Bend Common Council
South Bend, 455 County-City Building
227 W. Jefferson Boulevard
South Bend, 46601



Dear Ms. Fowler and South Bend Common Council Members,

I am petitioning the City of South Bend to vacate the east-west alley between me and my neighbor David Faulkner at 835 Park Avenue. Cars drive very close to my house, especially in the winter, and I am worried that they will slide into the house. (The actual passage-way at points is not wide.) Dave and I would like to landscape but keep the alley available to utility workers. I believe very few neighbors would be inconvenienced.

Thank you for your consideration.

Cordially,

A handwritten signature in black ink that reads "Karen C. Gindele".

Karen C. Gindele

Gindels, 831 Park Avenue



SOUTH BEND COMMON COUNCIL

PETITION TO VACATE PUBLIC RIGHTS-OF-WAY (STREETS/ALLEY)

DATE: June 6, 2017

To the Common Council of the City of South Bend, Indiana. I (we), the undersigned property owner(s), petition you to vacate:

1. THE ALLEY DESCRIBED AS:

E/W Alley from Park Ave to First N/S Alley Between Manitou & Riverside

APPLICANT parcel ID: 018-1017-0698

2. THE STREET DESCRIBED AS:

Park Avenue, South Bend, IN 46616

Abutting Property Owner(s) Signatures:

Name (print):	Signature	Address	Lot Number
1. Bays, Timothy J & Terri L	<i>Terri L. Bays</i>	827 Park Ave	66

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY/ CHIEF OF STAFF

ALKEYNA M. ALDRIDGE
DEPUTY/ DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK

BILL NO. 35-17
ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

EAST/WEST ALLEY FROM PARK AVENUE TO FIRST NORTH/SOUTH ALLEY BETWEEN
MANITOU AND RIVERSIDE

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City. The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

EAST/WEST ALLEY FROM PARK AVENUE TO FIRST NORTH/SOUTH ALLEY BETWEEN
MANITOU AND RIVERSIDE

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

BAYS, TIMOTHY AND TERRI L., LOT 66 CHAPIN PLACE

Section IV. The purpose of the vacation of the real property is that cars drive too close to the north façade of my house, especially in the winter, causing a safety hazard.

SECTION V. This ordinance shall be in full force and effect from and after its Passage by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council

Attest:

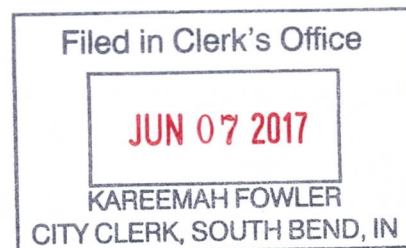
Kareemah N. Fowler, City Clerk
Office of the City Clerk

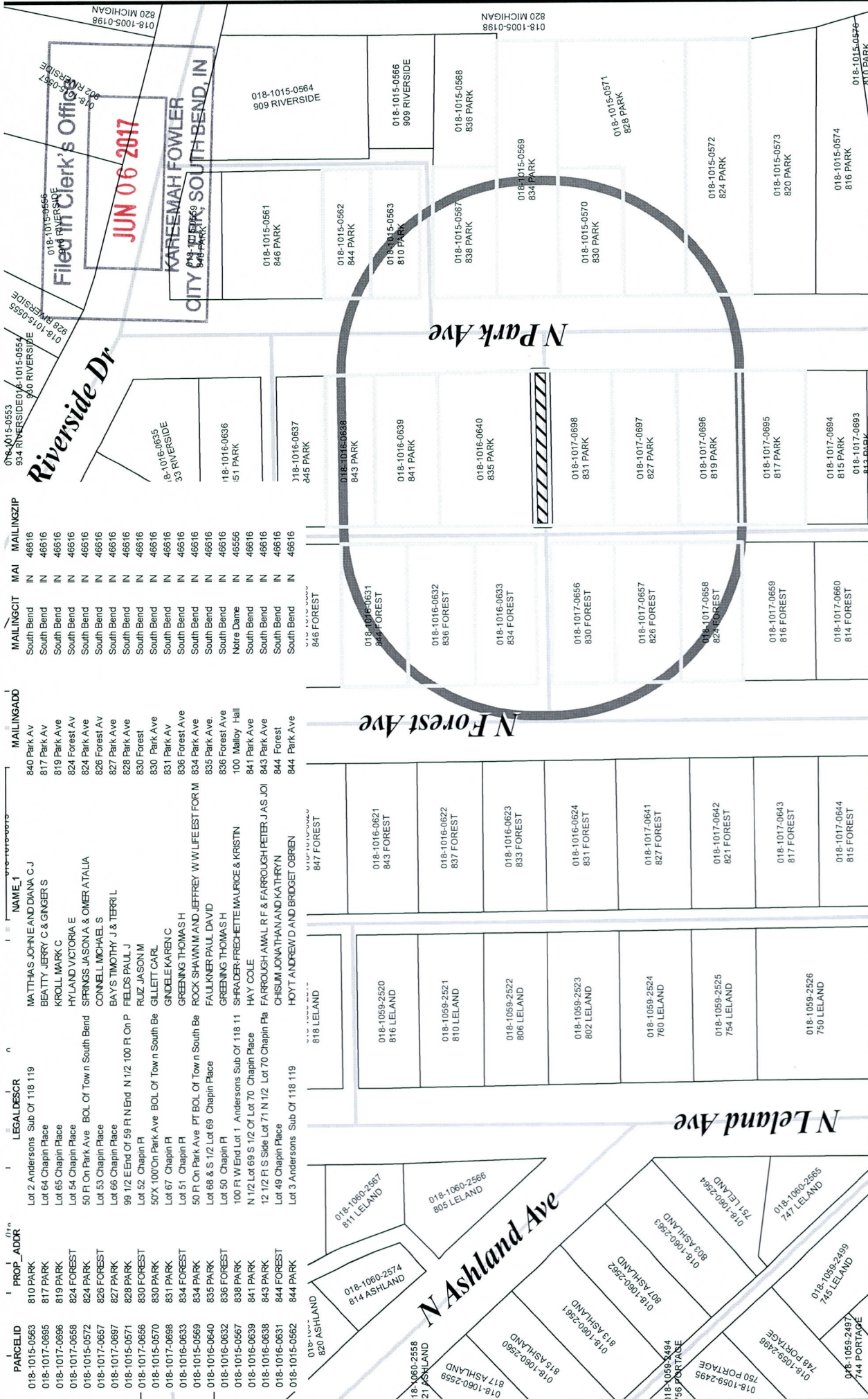
*Presented by me to the Mayor of the City of South Bend, Indiana, on
the _____ day of _____, 2016 at _____ o'clock ____ M*

Kareemah N. Fowler, City Clerk
Office of the City Clerk

*Approved and signed by on the _____ day of _____,
2016 at _____ o'clock ____ M*

Peter Buttigieg, Mayor
City of South Bend, Indiana





PARCELID	PROP_ADDR	LEGALDESCR	NAME_1	MAILINGADD	MAI	MAILINGZIP
018-1015-0563	810 PARK	Lot 2 Andersons Sub Of 118 119	MATTHIAS JOHNE AND DIANA C J	840 Park Av	N	46616
018-1017-0695	819 PARK	Lot 64 Chapin Place	KROLL JERRY C & GINGER S	817 Park Av	N	46616
018-1017-0696	819 PARK	Lot 65 Chapin Place	BRATTI MARK C	819 Park Av	N	46616
018-1017-0658	824 FOREST	Lot 54 Chapin Place	HYLAND VICTORIA E	824 Forest Av	N	46616
018-1015-0572	824 PARK	50 Ft On Park Ave	SPRINGS JASON A & OMER A TALIA	824 Park Av	N	46616
018-1017-0657	826 FOREST	Lot 53 Chapin Place	CONNELL MICHAEL S	826 Forest Av	N	46616
018-1017-0697	827 PARK	Lot 66 Chapin Place	BAY'S TIMOTHY J & TERRI L	827 Park Av	N	46616
018-1015-0571	828 PARK	99 1/2 E End Of 59 Ft N End	FIELDS PAUL J	828 Park Av	N	46616
018-1017-0666	830 FOREST	Lot 52 Chapin Pl	RUIZ JASON M	830 Forest	N	46616
018-1015-0570	830 PARK	50' X 100' On Park Ave	GILLET CARL	830 Park Av	N	46616
018-1017-0698	831 PARK	Lot 67 Chapin Pl	GINDEL KAREN C	831 Park Av	N	46616
018-1016-0633	834 FOREST	Lot 51 Chapin Pl	GREENING THOMAS H	834 Forest Av	N	46616
018-1015-0569	834 PARK	50 Ft On Park Ave	ROCK SHAWN W AND JEFFREY W WILFEST FORM	834 Park Av	N	46616
018-1016-0640	835 FOREST	50 Ft On S 1/2 Lot 69 Chapin Place	FALKNER PAUL DAVID	835 Park Av	N	46616
018-1016-0632	836 FOREST	Lot 50 Chapin Pl	SHREDDER THOMAS H	836 Forest Av	N	46616
018-1015-0567	838 PARK	100 Ft W End Lot 1 Andersons Sub Of 118 11	GREENING THOMAS H	100 Malloy Hall	N	46555
018-1016-0639	841 PARK	N 1/2 Lot 69 S 1/2 Of Lot 70 Chapin Place	HAY COLE	841 Park Av	N	46616
018-1016-0638	843 PARK	12 1/2 Ft S Side Lot 71 N 1/2 Lot 70 Chapin Pl	FARROUGH AMAL R F & FARROUGH PETER J AS JOI	843 Park Av	N	46616
018-1016-0631	844 FOREST	Lot 49 Chapin Place	CHSUM JONATHAN AND KATHRYN	844 Forest	N	46616
018-1015-0562	844 PARK	Lot 3 Andersons Sub Of 118 119	HOYT ANDREW D AND BRIDGET OBREN	844 Park Av	N	46616



Alley Vacation Request Properties within 150'

DESCRIPTION:
EW Alley from Park Ave to First N/S Alley
Between Manitou & Riverside
APPLICANT Parcel ID: 018-1017-0698



City of South Bend
Dept. of Public Works
227 W Jefferson Blvd. #1316
South Bend, IN 46601
Phone: (574) 235-9251
Fax: (574) 235-9171



- Legend**
- Proposed Vacated Area
 - Buffer (150')
 - Street Centerline
 - Parcel

Date Prepared:
12/22/2016

1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830

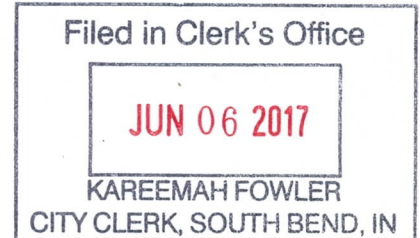


PHONE 574/ 235-9251
FAX 574/ 235-9171

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
BOARD OF PUBLIC WORKS

October 25, 2016

Ms. Karen Gindele
831 Park Avenue
South Bend, IN 46616



RE: Alley Vacation – E/W Alley from Park Ave. to First N/S Alley between Manitou and Riverside
(Preliminary Review)

Dear Ms. Gindele:

The Board of Public Works, at its October 25, 2016 meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division. The following comments and recommendations were submitted:

Area Plan stated that the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley.

Please contact Donna Hanson at (574) 235-9254 prior to picking up your radius map. You will need a radius map showing properties within 150' of the proposed vacation for your petition to the Common Council. Once you pick up the radius map, proceed to the City Clerk's office for your alley vacation packet.

Sincerely,


Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department
Donna Hanson, Engineering
Alkeyna Aldridge, City Clerk's Office



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

June 6, 2017

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601

RE: June 2017 Transfer Ordinance

Dear President Scott,

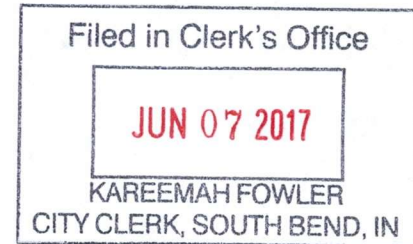
During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2017, we plan to propose adjustments during four time periods—March, June, September and December.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on June 12, 2017 with 2nd reading, public hearing and 3rd reading scheduled for June 26, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,


John H. Murphy
Administration & Finance



OK
AW

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2017

STATEMENT OF PURPOSE AND INTENT

Unforeseen conditions have developed since the adoption of the existing budgets (Ordinances #10457-16 and 10458-16 passed on October 24, 2016) which necessitate the increase and reduction of appropriations within the various departments of the General Fund and other funds of the City of South Bend during 2017.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. All accounts as set forth in the detailed attachment hereto which are incorporated herein shall be adjusted by increase or reduction of appropriation in the designated sums.

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Member of the Common Council

Attest:

City Clerk

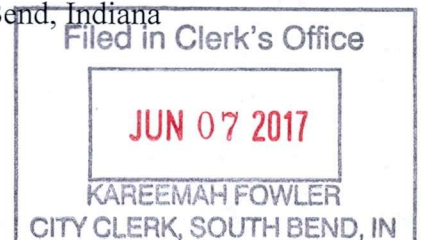
Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2017, at _____ o'clock __ . m.

Deputy City Clerk

Approved and signed by me on the _____ day of _____, 2017, at _____ o'clock __ . m.

Mayor, City of South Bend, Indiana

- 1st READING
- PUBLIC HEARING
- 3rd READING
- NOT APPROVED
- REFERRED
- PASSED



City of South Bend, Indiana
 June 2017 Budget Transfers
 (budget transfers between expenditure categories or departments within the same fund)
 June 6, 2017

Common Council Approved - date - Bill No.

Fund Name	Department Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Parks & Recreation	Maintenance	Cecil Eastman	201-1101-452.36-01	K1DTSB	71,100	Transfers to cover DTSB 2017 contract
Parks & Recreation	Maintenance	Cecil Eastman	201-1101-452.22-25	K1DTSB	(50,000)	Amounts were originally budgeted in other accounts under the assumption that maintenance would assume DTSB duties
Parks & Recreation	Maintenance	Cecil Eastman	201-1101-452.10-02	K61RMT	(19,600)	
Parks & Recreation	Maintenance	Cecil Eastman	201-1101-452.11-01	K61RMT	(1,500)	
Parks & Recreation	Golf Division	Cecil Eastman	201-1102-452.36-01	K62STM	300	Establish budget for building repairs & maintenance
Parks & Recreation	Golf Division	Cecil Eastman	201-1102-452.23-99	K62STM	(300)	Budget was originally in a supply account, transfer to a services account
Parks Nonreverting	Recreation	Cecil Eastman	203-1103-452.36-05		7,700	Establish budget for repairs and maintenance expenditures
Parks Nonreverting	Recreation	Cecil Eastman	203-1103-452.22-23	K3SOFT	(7,700)	Establish budget for repairs and maintenance expenditures
DCI Operating Fund	Community Investment	Beth Leonard-Inks	211-1001-460.31-06		60,000	To cover costs of transportation and zoning engagements
DCI Operating Fund	Community Investment	Beth Leonard-Inks	211-1001-460.10-01		(60,000)	Use unspent salary funds to cover cost of transportation and zoning engagements
LOIT 2016 Special Distrib.	Public Works	Ron O'Connor	257-0608-431.31-06		22,000	Safe Routes to School - Monroe and Studebaker Schools preliminary design costs
LOIT 2016 Special Distrib.	Public Works	Ron O'Connor	257-0608-431.42-96		(22,000)	change order
LOIT 2016 Special Distrib.	Public Works	Ron O'Connor	257-0608-431.31-06		175,000	Allocate to Community Crossings grant project for design costs
LOIT 2016 Special Distrib.	Public Works	Ron O'Connor	257-0608-431.42-96		(175,000)	Allocate from a capital account to a services account for design costs
Consolidated Building Fund	Building Department	Laura Althoff	600-1306-415.31-06		13,000	Payment to temp agency for temporary worker, scanning documents
Consolidated Building Fund	Building Department	Laura Althoff	600-1306-415.10-05		(13,000)	Transfer to correct account for payment of a temporary worker
Sewage Operation & Maint.	Public Works - Concrete Crew	Terri Swift	641-0625-792.39-88		3,500	IURC fine for hitting gas line
Sewage Operation & Maint.	Public Works - Concrete Crew	Terri Swift	641-0625-792.22-24		(3,500)	Transfer funds to cover above costs
Sewage Operation & Maint.	Public Works - Sewer Dept	Carol Kurzhall	641-0621-792.31-01		10,563	Legal invoice for services related to the sewer rate appeal
Sewage Operation & Maint.	Public Works - Wastewater	Carol Kurzhall	641-0630-793.31-01		(10,563)	Transfer funds from Wastewater Dept to Sewer Dept for legal services
IT/Innovation/311 Call Center	Information Technology	Shawn Delehanty	279-0672-415.31-06		66,254	Professional services through EnFocus
IT/Innovation/311 Call Center	Information Technology	Shawn Delehanty	279-0672-415.10-01		(66,254)	Use unspent salary funds to pay for professional services
Parks Bond Capital Fund	Venues Parks & Arts	Cecil Eastman	751-1101-452.22-24		50,000	Reclassify Parks Bond between capital and supplies/services accounts
Parks Bond Capital Fund	Venues Parks & Arts	Cecil Eastman	751-1101-452.23-01		10,000	2015 Parks Bond - \$5.6 million dollars, \$171 bond issuance costs, \$397 thousand
Parks Bond Capital Fund	Venues Parks & Arts	Cecil Eastman	751-1101-452.39-89		200,000	debt service reserve, \$1.14 million spent to date, \$3.9 cash balance at 4/30/17
Parks Bond Capital Fund	Venues Parks & Arts	Cecil Eastman	751-1101-452.42-01		(260,000)	Reclassify Parks Bond between capital and supplies/services accounts
					\$	
			Grand Total		\$	

Filed in Clerk's Office
 JUN 07 2017
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

1200N COUNTY-CITY BUILDING
227 W. JEFFERSON BLVD.
SOUTH BEND, INDIANA 46601-1830



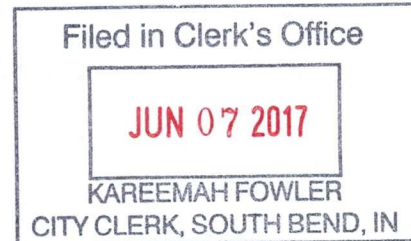
Bill No. 37-17

PHONE 574/ 235-7678
FAX 574/ 235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

June 6, 2017

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601



RE: June 2017 Appropriation Ordinance – Civil City Funds

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2017, we plan to propose adjustments during four time periods—March, June, September and December.

Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on June 12, 2017 with 2nd reading, public hearing and 3rd reading scheduled for June 26, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,

John H. Murphy
Administration & Finance

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2017 OF \$40,000 FROM PARKS FUND (#201), \$200,000 FROM MOTOR VEHICLE HIGHWAY FUND (#202), \$100,000 FROM DCI OPERATING FUND (#211), \$3,000 FROM GIFT, DONATION, BEQUEST FUND (#217), \$125,000 FROM LOCAL ROADS & STREETS FUND (#251), \$28,000 FROM INDIANA RIVER RESCUE FUND (#291), \$285,000 FROM PARKS CAPITAL FUND (#405), \$295,000 FROM MORRIS PERFORMING ARTS CENTER CAPITAL FUND (#416), AND \$1,000 FROM ERSKINE VILLAGE BOND FUND (#758).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2017 operating and capital budgets in 2016 (Ordinance #10457-16 passed on October 24, 2016) which included expenditures for various City operations. It is now necessary to appropriate additional funds for operational and capital expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The following amounts are hereby appropriated in fiscal year 2017 and set apart within the following designated funds for expenditures as follows:

<u>Fund</u>	<u>Amount</u>
Parks Fund (#201)	\$ 40,000
Motor Vehicle Highway Fund (#202)	200,000
DCI Operating Fund (#211)	100,000
Gift, Donation, Bequest Fund (#217)	3,000
Local Roads & Streets Fund (#251)	125,000
Indiana River Rescue Fund (#291)	28,000
Parks Capital Fund (#405)	285,000
Morris Performing Arts Center Capital Fund (#416)	295,000
Erskine Village Bond Fund (#758)	<u>1,000</u>
TOTAL	<u>\$ 1,077,000</u>

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the
_____ day of _____, 2017 at _____ o'clock __ . m.

Deputy City Clerk

Approved and signed by me on the _____ day of _____, 2017 at
_____ o'clock __ . m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office
JUN 07 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

City of South Bend, Indiana
June 2017 Additional Appropriation Requests - Civil City Funds
 (Increase or decrease in total fund expenditures)
 June 6, 2017

Common Council Approved - date - Bill No.

Fund Name	Department Name	Account Name	Fiscal Officer/Contact Name	Account Number	Project Number	Budget Increase/Decrease	Justification
Parks & Recreation	Maintenance	Utilities / Water	Cecil Eastman	201-1101-452.35-04	K61ADM	\$ 40,000	Increase budget to pay for water utilities for Park properties that weren't being billed prior to 2017
Motor Vehicle Highway	Street Department	Street Maintenance	Eric Horvath	202-0607-431.36-01		\$ 200,000	To allow a partnership with Saint Joseph County to pave Mayflower Road. County to bid project in June, 2017. MVH Fund cash reserves of \$7.37 million dollars at 5/31/17.
DCI Operating Fund	Community Investment	Other Professional Services	Beth Leonard-Inks	211-1001-460.31-06	--	\$ 100,000	To cover the cost of a Housing Market Study. The cash balance in the DCI Operating Fund is \$1,239 million at 5/31/17
Gift, Donation, Bequest	Public Works - Engineering	Professional Services / Other Prof Svcs	Jitin Kain	217-0602-431.31-06		\$ 3,000	Roundabout artwork, funded by interest earnings in the donation fund
Local Roads & Streets	Public Works	Operating Supplies / Traffic Signs	Terri Swift	251-0608-431.22-30		50,000	Quiet Zones Railroad Crossings
Local Roads & Streets	Public Works	Capital Improvements / Major Projects	Terri Swift	251-0608-431.42-96		75,000	Ironwood pavement repair
Indiana River Rescue Fund	River Rescue	Repair & Maint. Services / Other Equip	Danny Cocanower	291-0904-422.36-05		20,000	Repairs to boat, funded by increased revenue in 2016 due to special trainings
Indiana River Rescue Fund	River Rescue	Supplies / Other Operating Supplies	Danny Cocanower	291-0904-422.22-24		8,000	New rain/wet gear for instructors, funded by increased revenue in 2016
						\$ 28,000	Revenue - \$63,950 (2015), \$110,700 (2016), \$51,000 (2017 YTD).
Parks Capital	Maintenance	Supplies / C. S. Small Tools & Equip	Cecil Eastman	405-1101-452.23-21	K1PROP	25,000	Parks Maintenance Department equipment, funded by \$185,000 transfer that was part
Parks Capital	Maintenance	Equipment Purchases / Motor Equip	Cecil Eastman	405-1101-452.43-02	K1PROP	160,000	of 1st quarter appropriations
Parks Capital	Maintenance	Repair & Maint. Services / Land Imrove.	Cecil Eastman	405-1101-452.36-09	K61AMT	100,000	Improvements to Veterans' Memorial Park, funded by \$100,000 contributed by IU -
						\$ 285,000	South Bend. In August 2016, the Parks Board signed and agreement with IU - South Bend for this project.
Morris PAC Capital	Morris Performing Arts Center	Repair & Maint. Services / Buildings	Marika Anderson	416-0404-453.36-01		45,000	Repair of public access elevator, needed for ADA compliance and customer service.
Morris PAC Capital	Morris Performing Arts Center	Equipment Purchases / Theater Equip	Marika Anderson	416-0404-453.43-08		250,000	Repair and upgrade of marquee, front and side display
						\$ 295,000	Cash balance in the Morris Performing Arts Center Fund was \$629,965 at 5/31/17. \$1.00 per ticket sold is deposited into this fund.
Erskine Village Debt Service	DCI	Bond Interest Payment	Beth Leonard	758-1001-460.37-12		1,000	Adjust 2017 original budget for payoff of the 2005 Erskine Village Bond on 2/1/17. Payoff amount was \$3,961,667.50
				Grand Total		\$ 1,077,000	

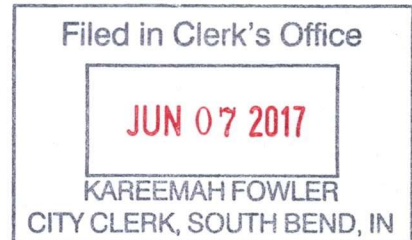




CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

June 6, 2017

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601



RE: June 2017 Appropriation Ordinance – Enterprise Funds

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2017, we plan to propose adjustments during four time periods—March, June, September and December.

Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on June 12, 2017 with 2nd reading, public hearing and 3rd reading scheduled for June 26, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,

John H. Murphy
Administration & Finance

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2017 OF \$891,089 FROM EMS CAPITAL FUND (#287).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2017 operating and capital budgets in 2016 (Ordinance #10458-16 passed on October 24, 2016), which included expenditures for various City enterprise operations. It is now necessary to appropriate additional funds for operational expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The following amounts are hereby appropriated in fiscal year 2017 and set apart within the following designated funds for operational expenses as follows:

<u>Fund</u>	<u>Amount</u>
EMS Capital Fund (#287)	\$ 891,089
TOTAL	<u>\$ 891,089</u>

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2017, at _____ o'clock __ . m.

Deputy City Clerk

Approved and signed by me on the _____ day of _____, 2017, at
_____ o'clock ____ . m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office
JUN 07 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

City of South Bend, Indiana
June 2017 Additional Appropriation Requests - Enterprise Funds
 (increase or decrease in total fund expenditures)
 June 6, 2017

Common Council Approved - date - Bill No.

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
EMS Capital Fund	Emergency Medical Services	Professional Services / Other Prof Svcs	Todd Skwarcan	287-0902-422.31-06		200,000	Architectural fees for Station 9 - Epoch Architects
EMS Capital Fund	Emergency Medical Services	Repair & Maint. Services / Buildings	Todd Skwarcan	287-0902-422.36-01		100,000	Additional land purchase for Station 9
EMS Capital Fund	Emergency Medical Services	Repair & Maint. Services / Buildings	Todd Skwarcan	287-0902-422.36-01		120,000	Demolition of houses on land purchased for Station 9
						\$ 420,000	
EMS Capital Fund	Emergency Medical Services	Miscellaneous Charges & Services	Todd Skwarcan	287-0902-422.39-89		\$ 471,089	Upfront payment for Medicaid adjustment refunds from the State of Indiana Family and Social Services Administration. The City pays \$471,088.31 in advance and receives a reimbursement of \$1,411,931.47 covering the 2014 Governmental Ambulance Payment Adjustment for Managed Services.
							The net revenue to the City is \$940,843.16. Per letter dated May 23, 2017.
				Grand Total		\$ 891,089	

Filed in Clerk's Office
JUN 07 2017
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

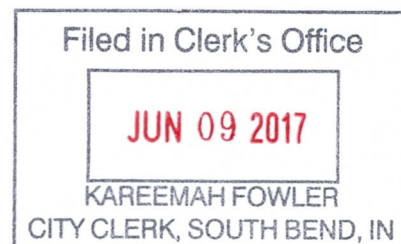


CITY OF SOUTH BEND

COMMUNITY INVESTMENT

June 9, 2017

Mr. Tim Scott, President
 South Bend Common Council
 Fourth Floor County-City Building
 227 W. Jefferson
 South Bend, IN 46601



Re: Releasing Assessed Value from Douglas Road TIF Area for 2017pay2018

Dear Council President Scott:

At a public meeting held May 25, 2017, the South Bend Redevelopment Commission made the necessary findings under Ind. Code 36-7-14 determining that all the assessed value in Allocation Area No. 1 of the Douglas Road Economic Development Area may be allocated to the respective taxing units. Notice of the Commission's action was sent to South Bend Common Council members that date.

Attached is a resolution formally approving release of the TIF increment to be collected from the Douglas Road TIF Area for tax pay year 2018. This TIF is close to paying off its remaining debt and should not need the funding for 2018. If all collections come in as we expect in 2017, we will pay off the debt and close this TIF area within the next year.

I will present this resolution at your June 26 Council meeting. Please let me know if you have any questions. Thank you.

Sincerely,

Elizabeth Leonard Inks
 Director, Administration & Finance

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, ACCEPTING AND CONFIRMING A RESOLUTION OF THE SOUTH BEND
REDEVELOPMENT COMMISSION DETERMINING THAT THE ASSESSED VALUE
OF PROPERTY IN THE DOUGLAS ROAD ECONOMIC DEVELOPMENT AREA FOR
TAX YEAR PAYABLE 2018 MAY BE ALLOCATED TO THE RESPECTIVE TAXING
UNITS AND OTHER RELATED MATTERS**

WHEREAS, the South Bend Redevelopment Commission (the "Commission"), the governing body of the South Bend, Indiana, Department of Redevelopment (the "Department") and of the Redevelopment District of the City of South Bend, Indiana (the "Redevelopment District"), exists and operates under the provisions of IC 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission has previously adopted resolutions, which have been amended from time to time, declaring the Douglas Road Economic Development Area to be an economic development area within the meaning of the Act (the "Area") and designating such Area as Allocation Area No. 1 (the "Allocation Area") under Section 39 of the Act; and

WHEREAS, the Commission, in accordance with the Act, has previously established an allocation fund for the Allocation Area (the "Allocation Fund"); and

WHEREAS, on May 25, 2017, in accordance with Section 39 of the Act, the Commission adopted its Resolution No. 3395 stating the Commission's determination that for tax year payable 2018, all of the assessed value in the Allocation Area is excess assessed value and may be allocated to the respective taxing units in the manner prescribed in Section 39 of the Act because the Commission has found that the amount by which the assessed value of the taxable property in the Allocation Area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxed necessary to make, when due, principal and interest payments on bonds, plus the amount necessary for other purposes described in Section 39; and

WHEREAS, in light of the Commission's determination set forth in Resolution No. 3395 and pursuant to Section 39(b)(4)(C) of the Act, the Commission has submitted its determination to the Common Council for confirmation or modification; and

WHEREAS, the Common Council finds that the determination made by the Commission is appropriate and should be confirmed; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. The Common Council confirms the Commission's determination in Resolution 3395 that, for tax year payable 2018, all of the assessed value in the Allocation Area is excess assessed value and may be allocated to the respective taxing units in the manner prescribed in

Section 39 of the Act.

Section II. The Commission's determination for 2018 shall not be construed to affect any future determination of the Commission with respect to the capture of assessed value of the taxable property in the Allocation Area in the years following 2018.

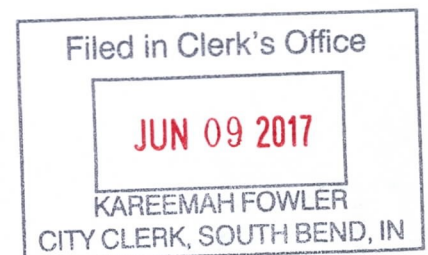
Section III. The City Clerk is hereby authorized and directed to immediately notify or cause to be notified the officers of the South Bend Redevelopment Commission of the determination made herein.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member, Common Council

4000.0000001 65128634.002

PRESENTED
NOT APPROVED
ADOPTED



JUN 09 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

RESOLUTION NO. 3395

**RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION
DETERMINING THAT THE ASSESSED VALUE OF THE DOUGLAS ROAD
ECONOMIC DEVELOPMENT AREA TO BE COLLECTED IN THE YEAR 2018
MAY BE ALLOCATED TO THE RESPECTIVE TAXING UNITS AND OTHER
RELATED MATTERS**

WHEREAS, the South Bend Redevelopment Commission (the "Commission"), the governing body of the South Bend, Indiana, Department of Redevelopment (the "Department") and of the Redevelopment District of the City of South Bend, Indiana (the "Redevelopment District"), exists and operates under the provisions of IC 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission has previously adopted resolutions, which have been amended from time to time, declaring the Douglas Road Economic Development Area to be an economic development area within the meaning of the Act (the "Area") and designating such Area as Allocation Area No. 1 (the "Allocation Area") under Section 39 of the Act; and

WHEREAS, the Commission, in accordance with the Act, has previously established an allocation fund for the Allocation Area (the "Allocation Fund"); and

WHEREAS, Section 39 of the Act requires the Commission to determine and give notice of the amount, if any, by which the assessed value of the taxable property in the Allocation Area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the Allocation Area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds payable from the Allocation Fund, plus the amount necessary for other purposes described in Section 39 of the Act; and

WHEREAS, under Section 39 of the Act, if the amount of excess assessed value determined by the Commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds payable from the Allocation Fund plus the amount necessary for other purposes described in Section 39 of the Act, the Commission shall submit to the Common Council its determination of the excess assessed value that the Commission proposes to allocate to the respective taxing units for confirmation or modification of such finding by the Common Council; and

NOW, THEREFORE, BE IT RESOLVED by the South Bend Redevelopment Commission as follows:

1. The Commission hereby determines that, for tax year payable 2018, all of the assessed value in the Allocation Area is excess assessed value and may be allocated to the respective taxing units in the manner prescribed in Section 39 of the Act because the Commission hereby finds that the amount by which the assessed value of the taxable property

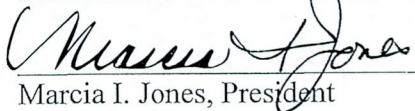
in the Allocation Area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the Allocation Area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds payable from the Allocation Area, plus the amount necessary for other purposes described in Section 39 of the Act. In making this determination, the Commission has considered the effect that such determination will have on the property tax rate in the Redevelopment District.

2. This determination for 2018 shall not be construed to affect any future determination of the Commission with respect to the capture of assessed value of the taxable property in the Allocation Area in the years following 2018.

3. The President or Vice President of the Commission is hereby authorized and directed to immediately notify or cause to be notified the South Bend Common Council of its determinations made herein and thereafter to provide notice to the St. Joseph County Auditor, the Common Council, the Department of Local Government Finance, and the officers who are authorized to fix budgets, tax rates, and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit located wholly or partly within the Allocation Area of the determination made by the Common Council, by way of a letter substantially in the form attached hereto as Exhibit A, which notice is intended to satisfy the requirements of Section 39 of the Act and to constitute notice to the St. Joseph County Auditor under 50 IAC 8-2-4(b).


ADOPTED AND APPROVED at a meeting of the South Bend Redevelopment Commission held on the 25th day of May, 2017, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

**CITY OF SOUTH BEND,
DEPARTMENT OF REDEVELOPMENT**



Marcia I. Jones, President

ATTEST:



Donald E. Inks, Secretary

4000.0000001 65052179.004

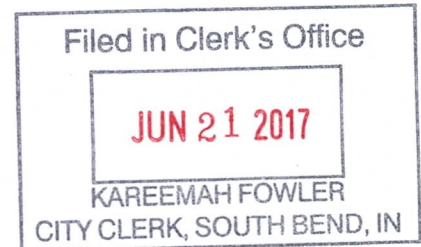


CITY OF SOUTH BEND

COMMUNITY INVESTMENT

June 20, 2017

Mr. Tim Scott, President
South Bend Common Council
4th Floor County-City Building
South Bend, IN 46601



RE: Economic Development Revenue Bonds 2017 (Miami Hills Project)

Dear President Scott:

Attached for the Common Council's consideration is a Resolution supporting the issuance of bonds to fund improvements at Miami Hills located at 3534 High Street in South Bend.

The issuance of these bonds, contingent upon a successful tax credit award, will fund the rehabilitation of 151 housing units as well as other external facilities and grounds. The Miami Hills development improvements will provide much needed upgrades to the housing of many low and moderate income individuals and families.

Thank you for your consideration. The owner representative Robert Budman of BLVD. Capital will Skype for the committee meeting, while Consultant Anne Mannix and BVD Legal Counsel Tyler Kalachnik will be present. Additionally, I, along with the City's Bond Counsel Barnes & Thornburg will also be present.

Sincerely,

Pamela C. Meyer
Director,
Neighborhood Engagement

**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, APPROVING AND AUTHORIZING
CERTAIN ACTIONS AND PROCEEDINGS WITH RESPECT TO CERTAIN
PROPOSED ECONOMIC DEVELOPMENT REVENUE BONDS AND RELATED
MATTERS**

WHEREAS, the City of South Bend, Indiana (the “Issuer”), is authorized by IC 36-7-11.9 and 12 (collectively, the “Act”) to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, rehabilitation, improvement and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, BLVD Capital, LLC, a Delaware limited liability company, on behalf of itself or a to-be-formed Indiana limited partnership or limited liability company to be controlled by the same principals as BLVD Capital, LLC (the “Applicant”), has advised the South Bend Economic Development Commission (the “Commission”) and the Issuer that it proposes that the Issuer lend proceeds of an economic development financing to the Applicant for the acquisition, construction, rehabilitation, improvement and equipping of a multifamily housing facility consisting of an apartment complex known as Miami Hills, containing approximately 151 apartment units, together with functionally related and subordinate facilities such as carports, garages and parking areas, located at 3534 High Street, in South Bend, Indiana (the “Project”); and

WHEREAS, the diversification of industry and increase in or retention of job opportunities (approximately 66 new construction jobs created during the rehabilitation period) to be achieved by the acquisition, construction, rehabilitation, improvement and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it is tentatively found that, because of existing occupancy rates and the tenants that will be served by this development, the acquisition, construction, rehabilitation, improvement and equipping of the Project will not have an adverse competitive effect on any similar facility already constructed or operating in the City of South Bend, Indiana;

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

SECTION I. The Common Council of the City of South Bend, Indiana, finds, determines, ratifies and confirms that the promotion of diversification of economic development

and job opportunities in and near the City of South Bend, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

SECTION II. The Common Council of the City of South Bend, Indiana, approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount not to exceed \$14,000,000 of the Issuer under the Act for the lending of the proceeds of the revenue bonds to the Applicant, for the acquisition, construction, rehabilitation, improvement and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

SECTION III. In order to induce the Applicant to proceed with the acquisition, construction, rehabilitation, improvement and equipping of the Project, and subject to the further final approval of the Common Council of the City of South Bend, Indiana, the Common Council of the City of South Bend, Indiana, hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and that the aforementioned purposes comply with the provisions of the Act; and (iii) it will use its best efforts at the request of Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant.

SECTION IV. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, a portion of the interest paid during acquisition, construction, rehabilitation, improvement and equipping, underwriting expenses, attorney and bond counsel fees, acquisition, construction, rehabilitation, improvement and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

SECTION V. This resolution shall constitute "official action" for purposes of compliance with federal and state laws requiring governmental action as authorization for future reimbursement from the proceeds of bonds, particularly Treas. Reg. 1.150-2.

SECTION VI. The economic development revenue bonds described herein shall be limited, special obligations payable solely from the funds provided therefor as described in the indenture authorizing said bonds and shall not constitute an indebtedness of the City or a loan of the credit thereof within the meaning of any constitutional or statutory provisions. The City is no way responsible for any payment obligation created by said bonds. This resolution does not constitute a binding obligation of the City to issue economic development revenue bonds, but instead, is a commitment by the City to proceed with negotiations for the financing described herein with the Applicant and is subject to the adoption of a bond ordinance by this Common Council in accordance with the provisions of the Act.

SECTION VII. This resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

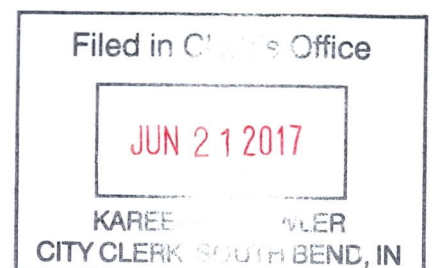
Member of the Common Council

PRESENTED

NOT APPROVED

ADOPTED

111958764.2





City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601-1830

(574) 235-9321
Fax (574) 235-9173
TDD: (574) 235-5567
<http://www.southbendin.gov>

Tim Scott
President

June 21, 2017

Oliver Davis
Vice-President

Members of the South Bend Common Council
4th Floor County City Building
South Bend IN 46601

Gavin Ferlic
Chairperson, Committee
of the Whole

Re: Ordinance to Amend Municipal Code as to Food Trucks

Tim Scott
First District

Dear Council Members:

Regina Williams Preston
Second District

On September 14, 2015, the Common Council adopted Ordinance # 10370-15 to add food trucks (mobile food vendor vehicles) as another food service option for the citizens of South Bend. The results have been positive.

Randy Kelly
Third District

Since that time, vendors and others have suggested that longer food service hours and licenses with variable terms at reduced rates would increase the number of food trucks and enhance the food truck service experience for customers.

Jo M. Broden
Fourth District

In light of those suggestions and in collaboration with the Business License office of the City administration, the attached ordinance is proposed to amend the South Bend Municipal Code at Chapter 4, Article 4, Section 4-45 to effectuate these changes and to clarify parking rules.

David Varner
Fifth District

This Bill would have first reading by the Common Council at our June 26 meeting and final hearing at our July 10 meeting.

Oliver Davis
Sixth District

Thank you for your continuing support.

Gavin Ferlic
At Large

Most sincerely,

John Voorde
At Large

Tim Scott, President

Karen White
At Large

Karen White, Council Member at Large

Gavin Ferlic, Council Member at Large

Bill No. _____

Ordinance No. _____-17

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SUB-PARTS (d) AND (f)(3) OF CHAPTER 4, ARTICLE 4, SECTION 4-45 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING MOBILE FOOD VENDORS AND MOBILE FOOD VENDING VEHICLES

STATEMENT OF PURPOSE AND INTENT

On September 14, 2015 this Council enacted Ordinance No. 10370-15 to expand the definition of “Restaurants” to include mobile food trucks and mobile food carts, among other things, and to authorize, regulate, and monitor mobile food vendor establishments that serve cooked and prepared food and/or drinks.

Since enactment of Ordinance No. 10370-15, mobile food vendor establishments have been successful and a welcome addition to the prepared food and beverage choices enjoyed in the City of South Bend, especially downtown.

To increase the success and efficiency of these businesses, certain amendments to Chapter 4, Article 4, Section 4-45 of the South Bend Municipal Code are deemed desirable. Specifically, this ordinance extends the operating hours of such a mobile food business from four to eight hours in the downtown South Bend entertainment district area. It also provides for several tiers of vendor licenses at costs less than the original annual fee of \$525. This will allow mobile food vendors to try out the program at a modest cost to determine if it is economically viable to them. As a matter of public safety, this ordinance clarifies that food trucks may not parallel park in angled parking or other spaces not designed for parallel parking.

The Common Council of the City of South Bend finds that it is in the best interest of the citizens of South Bend to amend the South Bend Municipal Code as provided in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. Chapter 4, Article 4, Section 4-45 sub-part (d) of the South Bend Municipal Code, is hereby amended to read in its entirety as follows:

(d) Guidelines for Mobile Food Vendor Vehicles:

Mobile Food Vendors (“vendors”) that hold a valid business license for operating a mobile food vendor vehicle (“vehicle”) under this provision must follow the guidelines below:

(1) Vehicles parked in the downtown business entertainment district area may park up to ~~four~~ eight hours. Parking is permitted in any spot that meets the conditions specified in the subparts which follow. Parking in spaces that are parallel to the sidewalk is ~~acceptable~~ permitted if all parking and traffic laws are adhered to. No parallel parking shall be permitted in angled or other spaces not designed for parallel parking.

(2) Vehicles are permitted to be parked in areas zoned for business, commercial, industrial, and mixed use only.

(3) Vehicles are prohibited from parking in restricted areas or areas that are residentially zoned neighborhoods, except that parking in a public park is authorized if the Parks Department has issued a permit to the vendor to operate in a public park.

(4) Vehicles are prohibited from being stored in the open on a residentially zoned property.

(5) Vehicles shall not be operated at a fixed location on any private or public property for more than ~~four~~ (4) eight (8) hours and vehicles can be moved from place to place upon the public ways.

(6) Vehicles shall maintain a minimum of five (5) feet of unobstructed sidewalk open for pedestrian and wheelchair traffic at all times. All points of sale shall occur on the curbside of the street from a sales window;

(7) Vendors shall ensure that patrons are not blocking sidewalks;

(8) Vendors shall ensure that all vehicle stops are made to service customers and stops must not exceed a total of ~~four~~ (4) eight (8) hours parking ~~or the maximum parking time permitted by posted sign, whichever is lesser, in any one (1) block, except for the downtown business entertainment district area where a vehicle shall have up to four hours parking~~ notwithstanding the posted maximum subject to subpart 14 of this provision..

(9) Vendors shall ensure that the area adjacent to the vendor's service window is appropriate for heavy traffic flow;

(10) Vendors shall not allow vehicle to block an access drive;

(11) Vendors shall not allow vehicle to block fire hydrants;

(12) Vendors shall not allow vehicle to block the public right-of-way;

(13) Vendors shall not allow vehicle to park within twenty-five (25) feet of a street corner;

(14) Vendors shall not allow vehicle to park in a disabled person parking space, a designated 15 minute parking space, or a one hour parking space including within the downtown business entertainment district;

(15) Vendors shall not set up BBQ pits, canopies, outdoor seating (e.g., outdoor tables or folding chairs), or indoor seating in the mobile food vendor vehicle;

(16) Vendors shall not operate in a City park to sell, offer for sale, or display a food item, unless the person's activity is authorized by a written agreement or with written permission of the Parks Department;

(17) Vendors shall not for any purpose play unreasonably loud amplified music, use unreasonably bright flashing lights, or use any unreasonably loud speaker, bell or other device, that distracts or otherwise reduces or adversely affects safety of other drivers or any person in the public right of way;

(18) Vendors shall not sell food within a distance of one thousand (1,000) feet of any real estate which is then used as part of the school grounds of any duly accredited public or private grade, junior high, middle or high school between the hours of 7:00 a.m. and 3:30 p.m. on days when said schools are in session;

(19) Vendors shall not allow owners, employees, or independent contractors to engage in conduct that is intimidating, disorderly, or abusive to others. This applies not only to the public, but towards other vendors operating under these rules and regulations;

(20) Vendors shall provide, at the vendor's expense, all equipment necessary to provide the items for sale in the conduct of the business. All equipment used shall be in a self-contained unit. No storage area, water, electric, or other utility will be supplied by the City;

(21) At termination of operations each day, vendors shall remove all items, containers, debris, etc. Mobile food vendor shall collect and dispose of all litter and garbage incidental to the operation of his vending business. The cleanliness of the specific area of operation shall be the sole responsibility of the vendor. Licensed vendors shall not place refuse from their operation in or beside any public trash container or in any drain along the streets or sidewalks;

(22) Vendors shall operate all aspects of the business (cooking, sales and supplies) within the mobile food vendor vehicle and shall not distribute food samples or dispense other items outside of the mobile food vendor vehicle; and

(23) Vendors shall indemnify and hold harmless the City of South Bend, including any agency, department, or commission of the City for any and all suits or actions brought against the City of South Bend on account of any loss, injury or damage sustained or claimed to have been sustained by any one in connection with or arising out of any negligent or willful misconduct of the mobile food vendor, any of its agents, employees, and/or independent contractors.

(24) Liability insurance required for mobile food vendor vehicles; contents:

- (i) If the mobile food vendor operates a vehicle, no mobile food vendor business license may be issued, or continued in operation, unless there is on file in the office of the Controller and in force and effect a current policy of insurance covering each vehicle to be operated as a mobile food vehicle in an amount of not less than fifty thousand dollars (\$50,000.00) for injury to or destruction of property as a result of any one (1) occurrence and a public liability policy covering accidental bodily injury, including death, to any member of the public in an amount of not less than three hundred thousand dollars (\$300,000.00) for all public liability from any one (1) occurrence. The policy of insurance shall also provide for uninsured and under insured coverage in an amount of not less than one hundred thousand dollars (\$100,000.00). The policy of insurance shall also include medical benefits in an amount of not less than

fifty thousand dollars (\$50,000.00). The policy shall be updated annually and be on file with the office of the Controller before any issuance or renewal of a company license.

(ii) The policy of insurance shall insure the owner and any of the owner's agents against liability for the payment of any final judgment, less any deductible amounts, or retained limits not in excess of one thousand dollars (\$1,000.00) that may be rendered against the owner or agent for injury or damages to the property or person of others, or for damage for the wrongful death of others, resulting from any accident or collision for which the owner or agent will be liable on account of any act of negligence in the operation of the vehicle, or which may arise or result from any violation of any of the provisions of this article or the laws of the State, by the owner or any of the owner's agents.

(iii) The policy of insurance on file in the office of the Controller shall contain the following provision: "The City, through the office of the Controller, will be given fifteen (15) days' notice prior to the effective date of the cancellation or other material change of this policy."

Section II. Chapter 4, Article 4, Section 4-45 sub-part (f) of the *South Bend Municipal Code*, is hereby amended to read in its entirety as follows:

(f) *License fees:*

(1) Restaurants: The City Controller shall issue a restaurant license to all persons complying with this section upon payment of ninety dollars (\$90.00) per year, for restaurants having a seating capacity of up to one hundred fifty (150) patrons; and one hundred ten dollars (\$110.00) per year for restaurants having a seating capacity of one hundred fifty-one (151) patrons and over.

(2) Itinerant restaurants: The City Controller shall issue an itinerant restaurant license to all persons complying with this section upon payment of seventy-five dollars (\$75.00) per location per year.

(3) Mobile Food Vendor Vehicles: The City Controller shall issue a mobile food vendor vehicle license to all persons complying with this section upon payment of ~~five hundred twenty-five dollars (\$525.00) per vehicle per year.~~ the sums required below for the type of license requested by the mobile food vendor, as follows:

(i) Annual/seasonal fee: Five Hundred twenty-five dollars (\$525).

(ii) One- day license: Fifty dollars (\$50.00).

(iii) 30- day license: One hundred thirty dollars (\$130.00).

(iv) Three month license: Two hundred dollars (\$200.00).

This license shall be conspicuously displayed within the sales window.

Section III. If any subsection, sentence, clause, phrase or word of this ordinance is declared to be invalid or unconstitutional by a court of proper jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance.

Section IV. This Ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and any publication required by law.

Tim Scott
President of the Common Council

Karen L. White, Council Member At Large

Gavin Ferlic, Council Member At Large

Attest:

Kareemah Fowler, City Clerk

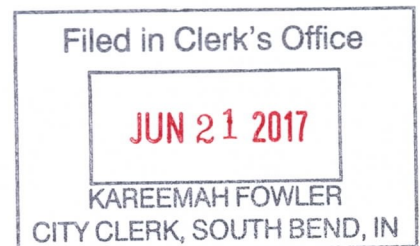
Presented by me to Pete Buttigieg, the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2017, at _____ o'clock ____ .m.

Kareemah Fowler, Clerk

Approved and signed by me on the _____ day of _____, 2017,
at _____ o'clock ____ .m.

Pete Buttigieg
Mayor of the City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED





City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601-1830

(574) 235-9321
Fax (574) 235-9173
TDD: (574) 235-5567
<http://www.southbendin.gov>

Tim Scott
President

Oliver Davis
Vice-President

Gavin Ferlic
Chairperson, Committee
of the Whole

Tim Scott
First District

Regina Williams Preston
Second District

Randy Kelly
Third District

Jo M. Broden
Fourth District

David Varner
Fifth District

Oliver Davis
Sixth District

Gavin Ferlic
At Large

John Voorde
At Large

Karen White
At Large

June 21, 2017

Members of the South Bend Common Council
4th Floor County-City Building
South Bend, Indiana 46601

Re: Proposed Text Amendment Addressing Indoor Storage

Dear Council Members:

At the June 12, 2017 Zoning and Annexation Committee meeting, the Area Plan Commission Deputy Director updated the Council on the proposed text amendment ordinance permitting mini self-storage warehouse facilities in commercial districts.

In light of that favorable reception by the Council for this concept, and in collaboration with the Area Plan staff, we are introducing an ordinance which would move this matter forward.

The attached Bill No. 40-17 would have first reading by the Common Council at our June 26th meeting and would be referred to the Area Plan Commission so that it could be heard at their July meeting.

Thank you for your continuing support.

Most Sincerely,

Oliver Davis
6th District Council Member

Jo M. Broden
4th District Council Member

ORDINANCE NO. _____

AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 BY ADDING MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS TO PERMITTED USES IN CB COMMUNITY BUSINESS DISTRICT, CBD CENTRAL BUSINESS DISTRICT, AND GB GENERAL BUSINESS DISTRICT; AND ESTABLISHING ADDITIONAL DEVELOPMENT STANDARDS FOR MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS; AND ADDING A DEFINITION FOR MINI (SELF STORAGE) WAREHOUSE, INTERNAL ACCESS.

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. Since the adoption of the ordinance, various changes have been needed to address uses not otherwise included in the ordinance. With increased demand for mini (self storage) warehouse facilities, more businesses are seeking to reuse vacant commercial space as storage facilities. These facilities do not present the same impact as traditional mini (self storage) warehouse uses because they are typically contained within the existing commercial structure with minimal change to the outward appearance of the building, allowing them to blend in with existing commercial development. The proposed ordinance establishes a framework and provisions for such uses within the existing commercial districts.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.05 CB Community Business District, subsection (a) (1) Primary Uses, is hereby amended as follows:

- (F) Miscellaneous: Including but not limited to: Agriculture Seed Sales; *Artificial Lake*; *Bed & Breakfast*; Bus Station; Clinic – medical, dental or optometrists; Conference Center; Electrical / Electronics Repair; Hospital; *Hotel*; Kennel (without outdoor runs); *Mini (Self Storage) Warehouse*; *Internal Access*; Print Shop; Publishing; *Sign* Painting; Radio / Television Stations (without transmission towers); Rehabilitation Center; Sanitarium; Veterinary Hospital (may include boarding / without outdoor runs).

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.06 CBD Central Business District, subsection (a) (1) Primary Uses, is hereby amended as follows:

- (E) Miscellaneous: Including but not limited to: *Bed & Breakfast*; Bus, taxi, or limousine terminal, without repair; Clinic (medical, dental or optometrists); Conference Center; *Cottage Business / Residential*; Electrical / Electronics Repair; Hospital; *Hotel*; Laboratories; *Mini (Self Storage) Warehouse*; *Internal Access*; Print Shop; Publishing; Radio / TV

Stations (provided any antenna shall comply with the regulations for Communication / Utilities); Video Production Studios.

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.07 GB General Business District, subsection (a) (1) Primary Uses, is hereby amended as follows:

- (E) Miscellaneous: Including but not limited to: Agriculture Seed Sales; *Artificial Lake*; Bus, Taxi, or limousine terminal, with or without repair; Conference Center; Farm Equipment – sales and service; Kennel (with indoor runs); Kennel (with outdoor runs); *Manufactured Home Sales*; *Mini (Self Storage) Warehouse, Internal Access*; *Mini (Self Storage) Warehouse without outdoor storage*; Sign Painting; Radio / Television Stations (without transmission towers); Radio / Television Stations (with transmission towers); Roadside Food Sales; Tool and Equipment Rental; Veterinary Hospital (without boarding); Veterinary Hospital (including boarding).

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.11 General Regulations for Commercial / Mixed Use Districts, subsection (f) Additional Development Standards, is hereby amended by adding a new subsection (5) as follows:

- (5) Additional Regulations for *Mini (Self Storage) Warehouse, Internal Access*.
- (A) For new construction, the minimum percentage of *front façade* surface that shall be glazed (window and door surface area) is forty (40) percent of the first- floor *façade* and twenty-five (25) percent of any floor above the first floor. Windows and doors shall have clear glass.
- (B) For renovations to existing buildings, the existing total surface area of glazed (window and door surface) areas on any floor of a *front façade* shall not be reduced. Any new entry doors or windows on the *front façade* shall have clear glass.
- (C) The surface area for each floor of the *façade* is calculated as the length of the *façade* on that floor multiplied by the average height, as measured from grade or the elevation of that floor to the elevation of the next floor or the top of the wall.

SECTION V. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 11 Definitions, Section 21-11.02 Definitions is hereby amended as follows:

Mini (Self Storage) Warehouse: A *building* or *structure* designed and used for the purpose of renting or leasing individual storage spaces to occupants who are to have access to such for the purpose of storing and removing personal property. Mini (Self Storage) Warehouse includes *Mini (Self Storage) Warehouse, Internal Access*.

Mini (Self Storage) Warehouse, Internal Access: A *mini (self storage) warehouse* having sole access to all of its individual storage spaces through common entries and internal

hallways. No direct access or outward appearance of direct access to an individual storage space is provided from the *building* exterior and no outdoor storage area is provided on site.

Section VI. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Member of the Common Council

Attest:

City Clerk

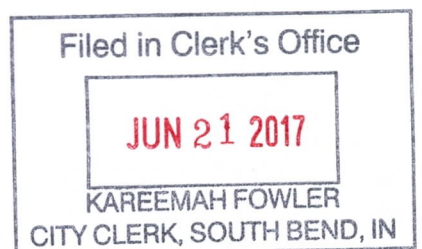
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock _____. m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



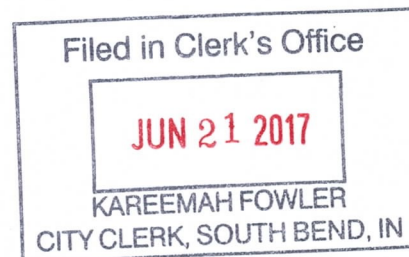
AREA BOARD OF ZONING APPEALS
125 S. Lafayette Blvd. Suite 100, South Bend, Indiana 46601
574-235-9554 · (Fax)574-235-5541 ·
building@southbendin.gov
www.southbendin.gov

PETITIONER:

Robert Burg
1502 W. Dunham
South Bend, IN 46619

PRESENTER:

James A. Masters, Attorney at Law
Nemeth, Feeney, Masters & Campiti, P.C.
350 Columbia Street
South Bend, IN 46601
Telephone: 574/234-0121
e-mail: jmastes@nfmlaw.com



PROPERTY INFORMATION:

Zoning: Commercial/MU Mixed Use
Address: 1502 W. Dunham, South Bend, IN 46619
Township: Portage
Legal Description: A lot or parcel of land twenty-six feet in width, east and west, taken off of and from the entire side of Lot Numbered Thirty-six (36) as shown on the recorded plat of Arnold, Hine and Wilson's Subdivision of a part of Bank Out Lots 100, 101, and 102 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana.

SPECIAL EXCEPTION & VARIANCE(S):

Seeking:

A Special Exception to operate a tavern in a MU Mixed Use District.
A Variance for a front yard fence 7 feet in height from the required 3 foot maximum height.
A Variance to zero (0) on-site parking from the required off-street 18 off-street parking spaces (occupancy limit of 55/3) and to allow use of the adjacent parking lot for off-street parking.

REASONS FOR REQUESTS:

The property had been used as a bar/tavern known as the "Dunham Inn" in a "C" Commercial District for decades prior to the zoning change effective May 7, 2004 to MU Mixed Use. The zoning change made the property a legal non-conforming use as a bar/tavern. Granting the Special Exception and variances will bring the property into compliance with the MU Mixed Use

The Special Exception will permit the property to be use as a tavern in a MU Mixed Use District.

The Variance for a front yard fence of 7 feet from the required 3 foot maximum height is required because Indiana alcoholic beverage regulations at 905 IAC 1-41-4 require a 6 foot high fence enclosing any outside area used to serve alcoholic beverages. The deck in the rear yard is approximately 1 foot above ground level. The fence on the Harris Street side of the building existed for many years prior to the zoning change was 6 feet high. The Indiana Excise Police required the fence to be raised 1 foot so it is 6 feet from the deck floor. This makes the fence 7 feet high from the ground. Under current zoning requirements, the back yard fronting Harris Street is considered a front yard and current zoning allows only a 3 foot high fence on a front yard.

The Variance for parking is required because there is no on-site off-street parking. The parking lot across Harris Street was the parking lot for the Dunham Inn and is the parking lot for the current bar business. Petitioner owns the lot. Petitioner will sign and record a written commitment to use that parking lot to met the off-street parking requirements.

SPECIAL EXCEPTION APPROVAL STANDARDS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:

Granting the Special Exception and variances will bring the property into compliance with the MU Mixed Use District requirements.

2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein because:

Petitioner will sign and record a written commitment that no music will be played on the outside deck or anywhere outside of the building premises and that there will be no use of the outside deck after 11:00 p.m. The commitment also will permit use of the adjacent parking lot across Harris Street to satisfy the off-street parking requirements.

3. The proposed use will be consistent with the character of the district in which is located and the land uses authorized therein because:

The property is and has been used as a bar/restaurant, formerly under the name "Dunham Inn" for decades prior to Petitioner's ownership. The business is located in a commercial area now zoned for MU Mixed Use.

4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan because:

The business is located in an area zoned for commercial uses.

VARIANCE APPROVAL STANDARDS

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:

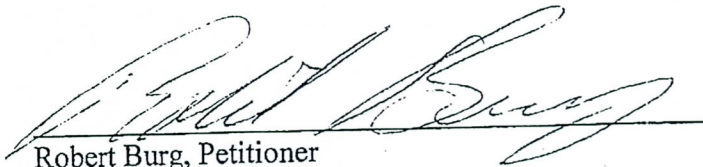
Granting the Special Exception and variances will bring the property into compliance with the MU Mixed Use District requirements.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

Petitioner will sign and record a written commitment that no music will be played on the outside deck or anywhere outside of the building premises and that there will be no use of the outside deck after 11:00 p.m. The commitment also will permit use of the adjacent parking lot across Harris Street to satisfy the off-street parking requirements.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

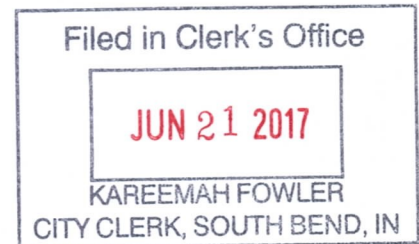
The property is and has been used as a bar/restaurant, formerly under the name "Dunham Inn" for decades prior to Petitioner's ownership. The business is located in a commercial area now zoned for MU Mixed Use. The change in the zoning classification changed the fencing and parking requirements applicable to the property even though the general use of the property as a tavern has not changed.



Robert Burg, Petitioner
Date: June 13, 2017



James A. Masters, Attorney at Law
Nemeth, Feeney, Masters & Campiti, P.C.
350 Columbia Street
South Bend, IN 46601
Telephone: 574/234-0121
Attorney for Petitioner



RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE
AREA BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT
1502 W. DUNHAM, SOUTH BEND, INDIANA 46619**

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at: 1502 W. Dunham, South Bend, Indiana 46619 in order to permit:

- A Special Exception to operate a tavern in a MU Mixed Use District.
- A Variance for a front yard fence 7 feet in height from the required 3 foot maximum height.
- A Variance to zero (0) on-site parking from the required off-street 18 off-street parking spaces (occupancy limit of 55/3) and to allow use of the adjacent parking lot for off-street parking.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

For the Special Exception:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;

4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan.

For the Variances:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

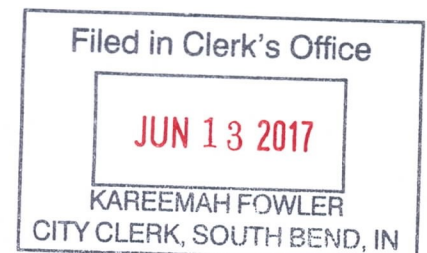
SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED

NOT APPROVED

ADOPTED



Type: Filing_Fees

Payor: NEMETH FEENEY MASTERS & CAMPITI

License Number:

Address: 1502 W DUNHAM

SP EXCEPT & VARIANCES FOR ROBERT BURG

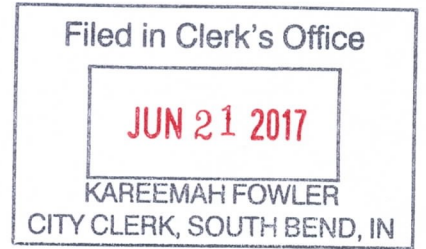
6/13/2017 12:14:37 PM

Filing_Fees \$390.00

Check 2888 \$390.00

chenry 6381

AREA BOARD OF ZONING APPEALS
125 S. Lafayette Blvd. Suite 100, South Bend, Indiana 46601
574-235-9554 · (Fax) 574-235-5541 ·
building@southbendin.gov
www.southbendin.gov



NOTICE OF PUBLIC HEARING

Notice is hereby given to all interested persons that the Area Board of Zoning Appeals will hold a public hearing in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana on the 5 day of July, 2017, at 1:30 p.m. or as soon thereafter as the matter can be heard. This hearing is for the purpose of considering a petition that was filed by:

Robert Burg

Seeking:

A Special Exception to operate a tavern in a MU Mixed Use District.
A Variance for a front yard fence of 7 feet from the required 3 feet.
A Variance from zero (0) on-site parking from the required 18 off-street parking spaces (55 occupancy limit/3) and to allow use of an adjacent parking lot for off-site parking.

On real estate commonly described as:

1502 W. Dunham South Bend IN 46619

and is legally described as follows:

A lot or parcel of land twenty-six feet in width, east and west, taken off of and from the entire side of Lot Numbered Thirty-six (36) as shown on the recorded plat of Arnold, Hine and Wilson's Subdivision of a part of Bank Out Lots 100, 101, and 102 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana.

Dated this 13th day of June, 2017

AREA BOARD OF ZONING APPEALS

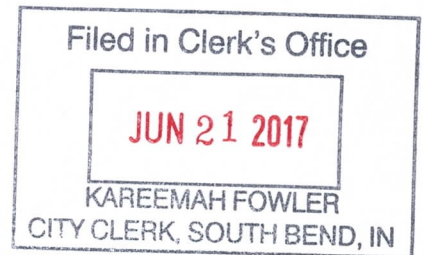
Carolyn A. Henry

Carolyn A. Henry
Secretary to the Board

AREA BOARD OF ZONING APPEALS
FILED
Date: 6/13/17

TO THE PETITIONER: It is your responsibility to complete this form correctly and deliver it to the Secretary of the Board of Zoning Appeals with the other papers at the time of original filing. Once it is signed by the Secretary, then it is your responsibility to make arrangements to have publication of notice made in a local newspaper having general circulation in St. Joseph County. Such notice must be published one (1) time, being at least ten (10) days prior to the date on which the public hearing is to be held. Proof of publication must be presented to the Board at the time of public hearing.

AREA BOARD OF ZONING APPEALS
125 S. Lafayette Blvd. Suite 100, South Bend, Indiana 46601
574-235-9554 • (Fax)574-235-5541 •
building@southbendin.gov
www.southbendin.gov



NOTICE TO ADJACENT PROPERTY OWNERS:

You are hereby notified that a public hearing will be held by the Area Board of Zoning Appeals on Wednesday, the 5 day of July, 2017, at 1:30 p.m. in the Council Chambers on the 4th Floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana.

A petition is on file by:

Robert Burg

Seeking:

A Special Exception to operate a tavern in a MU Mixed Use District.

A Variance for a front yard fence of 7 feet from the required 3 feet.

A Variance from zero (0) on-site parking from the required 18 off-street parking spaces (55 occupancy limit/3) and to allow use of an adjacent parking lot for off-site parking.

On property commonly described as:

1502 W. Dunham South Bend IN 46619

Said public hearing will be held as authorized by the applicable Zoning Ordinance and Chapter 138, Acts of 1957 of the General Assembly of the State of Indiana.

As a property owner within the immediate appeal area, this notice is sent to you as a courtesy. Sometimes, for reasons beyond our control, property owners within the immediate area of the subject property will not receive a copy of this notice. If you know of someone who should have received notice but didn't, please inform them of this hearing. Any persons desiring to oppose or support this petition will be heard at the time of the hearing.

AREA BOARD OF ZONING APPEALS

Carolyn A. Henry

Carolyn A. Henry
Secretary to the Board

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A PETITION FOR SPECIAL USE AND VARIANCES**

In accordance with I.C. 36-7-4-1015 and South Bend Municipal Code § 21-09.03 (d), **Robert Burg**, Owner of the real estate located in the City of South Bend, Indiana which is described herein-below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

Address: 1502 W. Dunham, South Bend, IN 46619

Legal Description:

A lot or parcel of land twenty-six feet in width, east and west, taken off of and from the entire side of Lot Numbered Thirty-six (36) as shown on the recorded plat of Arnold, Hine and Wilson's Subdivision of a part of Bank Out Lots 100, 101, and 102 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana.

STATEMENT OF COMMITMENTS:

1. No music will be played on the outside deck or anywhere outside of the building premises
2. There will be no use of the outside deck after 11:00 p.m. on any day.
3. Permission is hereby granted to patrons and other persons going to the bar/tavern business at 1502 W. Dunham Street to use the parking lot described as follows for parking:

Lot Numbered Eleven (11) as shown on the plat of J.B. Arnold's Subdivision of part of Bank Out Lots 100 and 101 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana in Plat Book 3, page 10.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Area Board of Zoning Appeals of St. Joseph County made at a public hearing after proper notice has been given.

The COMMITMENTS contained in this instrument shall be effective upon the approval of petition # _____ by the Area Board of Zoning Appeals and the South Bend Common Council and shall continue in effect until: (i) the real estate is rezoned; or, (ii) modified or terminated by the Area Board of Zoning Appeals of St. Joseph County.

These COMMITMENTS may be enforced jointly or severally by:

1. The Area Board of Zoning Appeals of St. Joseph County;
2. The City of South Bend, Indiana;
3. Owners of all parcels of ground adjoining the real estate within three-hundred (300) feet of the subject parcel and all owners of real estate within the area included in the petition who were not petitioners for approval.

The undersigned hereby authorizes his attorney to record this Commitment in the Office of the Recorder of St. Joseph County, Indiana, upon final approval of Special Exception and Variance Petition # _____ by the Area Board of Zoning Appeals and the South Bend Common Council..

IN WITNESS WHEREOF, Owner has executed this instrument this day of _____, 2017.

Signature _____
Printed Robert Burg

STATE OF)
) SS:
COUNTY OF)

Before me, a Notary Public in and for said County and State, personally appeared **Robert Burg**, Owner of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____, 2017.

Signature _____
Printed _____
County of Residence _____

Commission and Seal:

This instrument prepared by James A. Masters, (#9074-71) NEMETH, FEENEY, MASTERS & CAMPITI, P.C., 350 Columbia Street, South Bend, Indiana, 46601, Telephone (574) 234-0121.
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. /s/James A. Masters

Filed in Clerk's Office

JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A PETITION FOR SPECIAL USE AND VARIANCES**

In accordance with I.C. 36-7-4-1015 and South Bend Municipal Code § 21-09.03 (d), **Robert Burg**, Owner of the real estate located in the City of South Bend, Indiana which is described herein-below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

Address: 1502 W. Dunham, South Bend, IN 46619

Legal Description:

A lot or parcel of land twenty-six feet in width, east and west, taken off of and from the entire side of Lot Numbered Thirty-six (36) as shown on the recorded plat of Arnold, Hine and Wilson's Subdivision of a part of Bank Out Lots 100, 101, and 102 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana.

STATEMENT OF COMMITMENTS:

1. No music will be played on the outside deck or anywhere outside of the building premises
2. There will be no use of the outside deck after 11:00 p.m. on any day.
3. Permission is hereby granted to patrons and other persons going to the bar/tavern business at 1502 W. Dunham Street to use the parking lot described as follows for parking:

Lot Numbered Eleven (11) as shown on the plat of J.B. Arnold's Subdivision of part of Bank Out Lots 100 and 101 of the Second Plat of Out Lots to the Town, now City of South Bend, platted by State Bank of Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana in Plat Book 3, page 10.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Area Board of Zoning Appeals of St. Joseph County made at a public hearing after proper notice has been given.

The COMMITMENTS contained in this instrument shall be effective upon the approval of petition # _____ by the Area Board of Zoning Appeals and the South Bend Common Council and shall continue in effect until: (i) the real estate is rezoned; or, (ii) modified or terminated by the Area Board of Zoning Appeals of St. Joseph County.

These COMMITMENTS may be enforced jointly or severally by:

1. The Area Board of Zoning Appeals of St. Joseph County;
2. The City of South Bend, Indiana;
3. Owners of all parcels of ground adjoining the real estate within three-hundred (300) feet of the subject parcel and all owners of real estate within the area included in the petition who were not petitioners for approval.

The undersigned hereby authorizes his attorney to record this Commitment in the Office of the Recorder of St. Joseph County, Indiana, upon final approval of Special Exception and Variance Petition # _____ by the Area Board of Zoning Appeals and the South Bend Common Council..

IN WITNESS WHEREOF, Owner has executed this instrument this day of _____, 2017.

Signature _____
Printed Robert Burg

STATE OF)
) SS:
COUNTY OF)

Before me, a Notary Public in and for said County and State, personally appeared **Robert Burg**, Owner of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____, 2017.

Signature _____
Printed _____
County of Residence _____

Commission and Seal:

This instrument prepared by James A. Masters, (#9074-71) NEMETH, FEENEY, MASTERS & CAMPITI, P.C., 350 Columbia Street, South Bend, Indiana, 46601, Telephone (574) 234-0121.

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./s/James A. Masters

Garage

24'

Filed in Clerk's Office
JUN 21 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

32'

Deck

Harris ST

Bar

1502 Dunham

Dunham ST

Filed: 6/21/17 1:53 PM

JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

South Harris Street

018-3085-3458

018-3085-3457

018-3085-3456

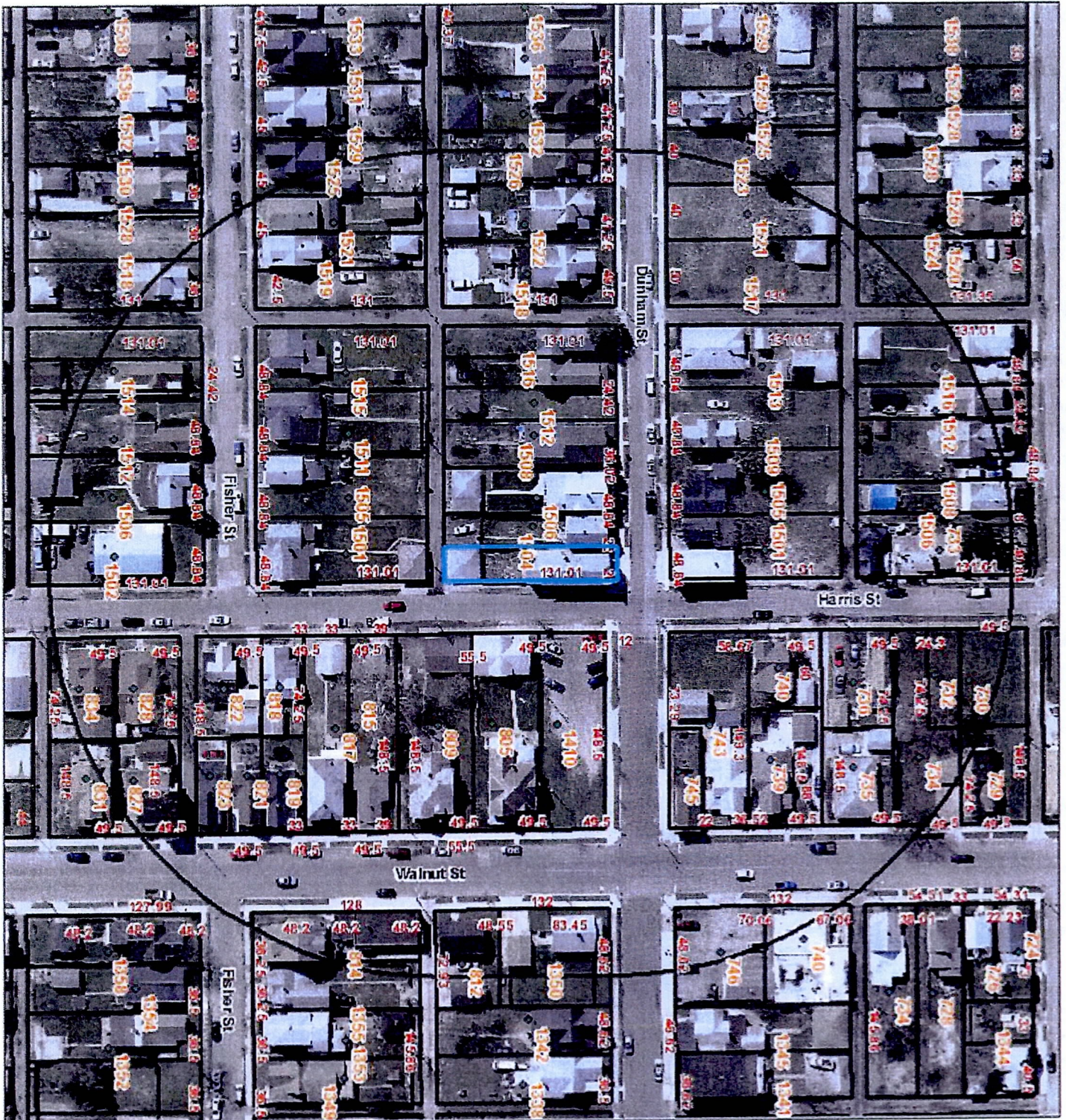
018-3085-3455

West Dunham Street

018-3085-3460

018-3085-3461

20





 Date printed: 2/10/17
 Air Imagery: 5/19/16
 As prepared by:
 R. Joseph C. O'Connell, City Clerk
 217 W. Jackson Blvd.
 South Bend, Indiana 46601
 Phone: (574) 248-8333

COMMISSIONER BOARD OF COUNTY COMMISSIONERS
 OF THE COUNTY OF ST. JOSEPH, INDIANA
 AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS
 OF THE COUNTY OF ST. JOSEPH, INDIANA
 PERMISSION OF ST. JOSEPH COUNTY, INDIANA
 1 inch = 100 feet



Filed in Clerk's Office
JUN 21 2017
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

Filed in Clerk's Office

JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

LENTYCH THOMAS J & MARLENE A

745 S. Walnut
South Bend IN 46619

DOBOSZ JOSEPH & DONNA MARIE BUTLER

818 S Harris St
South Bend IN 46619

HERMAN GLENNADINE T AND HERMAN SHARON ANN

827 S Walnut St
South Bend IN 46619

JACKSON DANISHA L

2050 Cornwall Ct
South Bend IN 46614

**HARRIS CYNTHIA J
SEE TRANSFER NOTE**

834 HARRIS ST
South Bend IN 46619

DELGADO FERNANDO & MARIA

735 S Walnut St
South Bend IN 46619

MARTINEZ RAMIRO C

717 #2 Walnut St
South Bend IN 46619

1512 LAND TRUST 2/2004 PROB DEED

1512 Fisher
South Bend IN 46619

PERRY JOHN L

1124 Coleman Dr
South Bend IN 46619

WOODING KEVIN AND CAYE LINNIE

821 S Walnut
South Bend IN 46619

MARTINEZ HOMERO GONZALEZ

736 Harris
South Bend IN 46619

MONIQUE INC

3019 S Michigan St
South Bend IN 46614

E AND J FREEDOM INVESTMENTS LLC

2637 E 3rd Street
Los Angeles CA 90033

GUZICKI DANIEL R

1517 W Fisher St
South Bend IN 46619

EQUITY HOLDING GROUP LLC THE

1805 hilltop dr ste 209
Redding CA 96002

KUCHARSKI JOHN C JR AND MONICA

805 S Walnut St
South Bend IN 46619

TROWBRIDGE JASON

29680 Santa Cruz Drive
Elkhart IN 46514

HORRALL PETER

PO Box 611
Niles MI 49120

LENTYCH THOMAS AND MARLENE

823 S Walnut St
South Bend IN 46619

ROXI RENTALS LLC

817 S Walnut St
South Bend IN 46619

HERNANDEZ MIGUEL
PO Box 11700
South Bend IN 46634

BERGER GIDEON AND NEOMI

623 E Lasalle Ave
South Bend IN 46617

PLONKA DAVID E

4039 YORK RD
South Bend IN 46614

AREVALO J GUADALUPE & ROSA MARIA

740 Walnut
South Bend IN 46619

ANM RENTALS LLC

2236 Miller Ct
Mishawaka IN 46544

BARRIOS EUGENIO

1531 Elwood St
South Bend IN 46628

BOTELLO JUAN M

5203 W Sample St
South Bend IN 46619

LOPEZ JONATHAN A AND MICHAEL S

1506 Fisher
South Bend IN 46619

DOBOSZ JOSEPH & DONNA MARIE BUTLER

818 S Harris St
South Bend IN 46619

NAVARRO ANA MARIA

815 S Walnut St
South Bend IN 46619

KLAUDUSZ ESTHER K

1359 Fisher
South Bend IN 46619

TANNER CHADD

55889 Bristol St
South Bend IN 46619

**PAGE JOHN OLIVER & LORETTA
MARIE**

809 S Walnut St
South Bend IN 46619

1522 DUNHAM STREET LLC

26801 Jackson Rd
South Bend IN 46619

BRAVO NICOLAS

1514 W Dunham
South Bend IN 46619

LR COMFORT PROPERTIES LLC

56883 Oak Rd
South Bend IN 46619

LENTYCH THOMAS J AND MARLENE A

743 S Walnut
South Bend IN 46619

SEVERSON GREGORY

7301 Baymeadows Way
Jacksonville FL 32256

KAMINSKI IRENE AND ERNEST .

26336 WHIPPOORWILL DR
South Bend IN 46619

HERNANDEZ CAROLINA S

1501-1503 Dunham St
South Bend IN 46619

**ACUNA AMALIA AKA ACUNA AMELIA
AND GUEVARA JACQUELINE**

1355 Fisher
South Bend IN 46619

GUZICKI JILLIAN

1515 Fisher
South Bend IN 46619

BURG ROBERT

1502 W Dunham
South Bend IN 46619

BAUTISTA ARMANDO JR & MARIA

1518 Dunham St
South Bend IN 46619

**SWINEHART WILLIAM & JANE
SWINEHART**

P O Box 1234
Mishawaka IN 46546

BURG ROBERT

1504 W Dunham
South Bend IN 46628

AGUILAR OLIVA FKA CANALES OLIVIA

740 Harris
South Bend IN 46619

BLACK-JONES SONYA T

3610 Generations Dr W Bldg F
South Bend IN 46635

CUTTING WANDA L

324 W 13TH ST
Mishawaka IN 46544

**AREVALO J GUADALUPE & ROSA
MARIA**

740 Walnut
South Bend IN 46619

**STACHOWIAK MAXINE REV LIVING
TRUST MAXINE STACHOWIAK**

1501 Fisher St
South Bend IN 46619

OTOLSKI THOMAS

1511 Fisher
South Bend IN 46619

ROWE SHANNON

1526 W Dunham St
South Bend IN 46619

R AND S TIGER LLC

1431 Portage Ave
South Bend IN 46616

MURILLO MA G

1508 Dunham
South Bend IN 46619

BURG ROBERT

1502 W Dunham
South Bend IN 46628

DELGADO JOSE D AND VICTOR M

739 S Walnut St
South Bend IN 46619

KAMINSKI DUANE E

26336 WHIPPOORWILL DR
South Bend IN 46619

**ROJAS TIBURCIO AND MORALES
CIRILA**

1505 Dunham
South Bend IN 46619

LANDA ISIDRO JR

9613 S Normandie Ave
Los Angeles CA 90044

GARCIA ALFREDO

1524 Poland St
South Bend IN 46619

LANDA ISIDRO JR

9613 S Normandie Ave
Los Angeles CA 90044

MARTINEZ YESENIA

1546 Poland St
South Bend IN 46619

FORD RICKY DALE & TONI MARIE

733 S Harris
South Bend IN 46619

GARCIA JORGE

13666 SR23
Granger IN 46530

LANDA ISIDRO JR

9613 S Normandie Ave
Los Angeles CA 90044

**WAGNER DEANNA C AND HILL
ANGELA M**

1508 Poland
South Bend IN 46619

LANDA ISIDRO JR

9613 S Normandie Ave
Los Angeles CA 90044

VANBROCKLIN DONALD L

1516 W Poland St
South Bend IN 46619

VANBROCKLIN RON E

1506 W Poland
South Bend IN 46619

Filed in Clerk's Office

JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

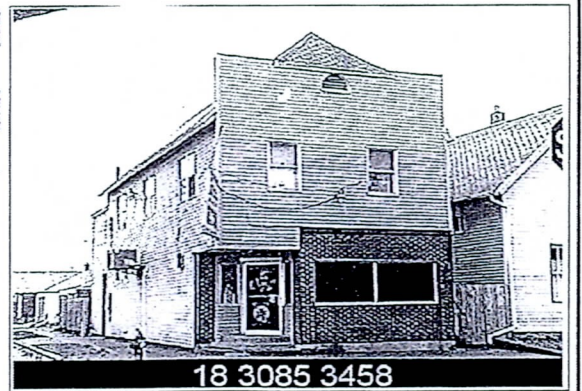
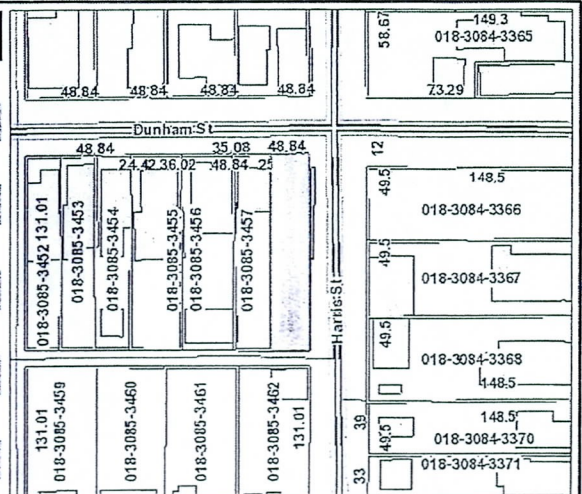
St. Joseph County

Property Information

Subject Property:	1502 W DUNHAM ST, SOUTH BEND 46619
Parcel ID:	018-3085-3458
State ID:	71-08-11-353-013.000-026
Owner(s):	BURG ROBERT
Mailing Address:	1502 W Dunham , South Bend IN 46628
Assessed Usage:	COMMERCIAL RESTAURANT, CAFE, OR BAR
Township:	18
Municipality:	SOUTH BEND
Tax District:	18

Property Assessment Information

Land Value:	\$3,500.00
Improved Value:	\$58,100.00
Assessed Year:	2018
Acres:	0.08
Legal Description:	26 Ft E Side Lot 36 Arnold Hine & Wilsons Sub Div



Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized.

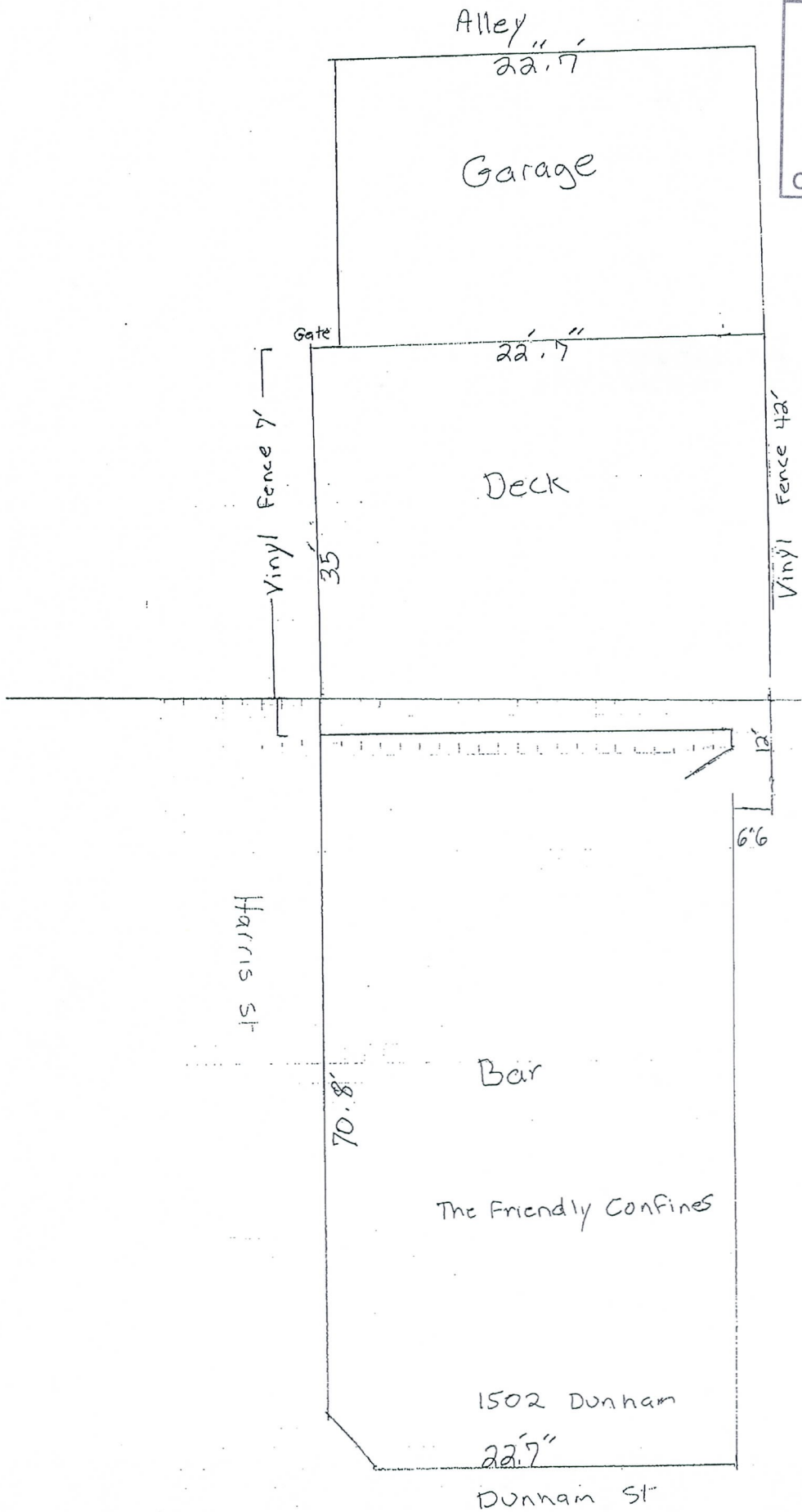
Date Printed: June 13, 2017



Filed in Clerk's Office

JUN 21 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN





DEVELOPER'S SIGN
RESERVED FOR THE FUTURE



Filed in Clerk's Office
JUN 21 2011
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



DEBRA ANN
PARKING
NO STANDING

UN



