



## **SOUTH BEND COMMON COUNCIL**

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### **MEETING AGENDA**

Monday, July 10, 2017

7:00 P.M.

1. **INVOCATION- BRADLEY LAIRD, SOUTH BEND RELIGIOUS SOCIETY OF FRIENDS**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**
6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

**TIME:** \_\_\_\_\_

BILL NO.

[39-17](#) PUBLIC HEARING 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

8. **BILLS ON THIRD READING**

**TIME:** \_\_\_\_\_

BILL NO.

[39-17](#) THIRD 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

9. **RESOLUTIONS**

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



[17-39](#) A RESOLUTION OF THE CITY OF SOUTH BEND WAIVING PETITIONER, HOFFMAN HOTEL APARTMENTS HOUSING PARTNERS, L.P. NON-COMPLIANCE WITH IND. CODE §6- 1. 1- 12. 1. 6 ET SEQ.

10. **BILLS ON FIRST READING**

BILL NO.

[41-17](#) FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF WILLIAMS STREET (PORTAGE AVENUE), FROM THE SOUTH RIGHT-OF-WAY OF W. NAVARRE STREET TO THE NORTH RIGHT-OF-WAY OF WEST MARION STREET FOR A DISTANCE OF APPROXIMATELY 410 FEET AND A WIDTH OF 14 FEET. BEING A PART OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

[42-17](#) FIRST 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 \$5,000,000 FROM PARK FUND (#201).

[43-17](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1237 & 1303 N. IRONWOOD DRIVE AND 1304 N. ROSEMARY LANE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[44-17](#) FIRST 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 \$70,000 FROM DEPARTMENT OF COMMUNITY INVESTMENT OPERATING FUND (#211).

11. **UNFINISHED BUSINESS**

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, 4<sup>th</sup> 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:** JULY 6, 2017  
**SUBJECT:** COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, JULY 10, 2017** at:

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

- 4:00 P.M.**      **ZONING & ANNEXATION**      **OLIVER DAVIS, CHAIRPERSON**  
1. [Bill No. 17-37](#)- Special Exception at 1502 W. Dunham
- 4:30 P.M.**      **COMMUNITY INVESTMENT**      **GAVIN FERLIC, CHAIRPERSON**  
1. [Bill No. 17-39](#)- Non-Compliance Waiver for Hoffman Hotel Apartments  
2. [Bill No. 39-17](#)- Amending SBMC addressing Mobile Food Vendors & Vehicles
- 4:45 P.M.**      **PERSONNEL & FINANCE**      **KAREN L. WHITE, CHAIRPERSON**  
1. Neighborhood Development Briefing- James Mueller, Executive Director of DCI
- 5:15 P.M.**      **PARC**      **RANDY KELLY, CHAIRPERSON**  
1. Charles Black Center Update- Aaron Perri, Executive Director of VPA

Council President Tim Scott has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the PARC 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](http://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





# 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  
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Tim Scott  
President

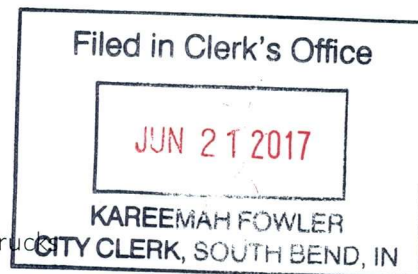
June 21, 2017

Oliver Davis  
Vice-President

Members of the South Bend Common Council  
4<sup>th</sup> 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

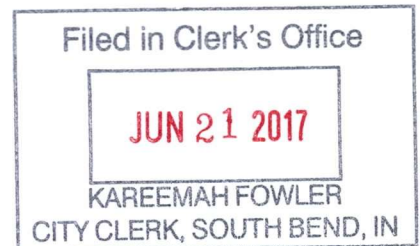
Presented by me to Pete Buttigieg, the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, at \_\_\_\_\_ o'clock \_\_.m.

\_\_\_\_\_  
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





AREA BOARD OF ZONING APPEALS

125 S. Lafayette Blvd.  
Suite 100  
South Bend, Indiana 46601  
(574)235-9554  
FAX: (574)235-5541

July 6, 2017

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



RE: Petition for Special Exception  
Robert Burg  
07/05/17

Dear Council Members:

The above referenced petition of Robert Burg was legally advertised on June 23, 2017. The Area Board of Zoning Appeals gave it a public hearing on July 5, 2017, at which time the following action was taken:

Upon a motion by Mr. Urbanski, being seconded by Mr. Leszczynski and by a unanimous vote, the petition for Special Exception to allow a tavern in a "MU" Mixed Use District, located at 1502 W. Dunham Street, Portage Township. Zoned "MU" sent to the Common Council with a **Favorable Recommendation.**

The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision as shown in the Minutes of the Public Hearing, and will be forwarded to you at a later date, to be made part of this report.

Sincerely,

Charles C. Bulot, C.B.O. Building  
Commissioner

CCB/cah

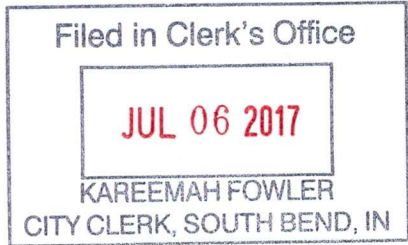




PETITION

SPECIAL EXCEPTION PURSUANT 21-09.3(D)  
AREA BOARD OF ZONING APPEALS

**BURG**



FINDINGS OF FACT

1. THE PROPOSED *USE* WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, COMFORT, COMMUNITY MORAL STANDARDS, CONVENIENCE OR GENERAL WELFARE BECAUSE:  
With the appropriate commitments written commitments, the proposed use should not impact public health safety or general welfare of the community.
2. THE PROPOSED *USE* WILL NOT INJURE OR ADVERSELY AFFECT THE *USE* OF THE ADJACENT AREA OR PROPERTY VALUES THEREIN BECAUSE:  
Approval should not affect the use or value of adjacent properties, provided that the written commitments are fully executed. The site has been a long standing business in operation for many years. Further expansion into areas not already zoned MU Mixed Use District could have an adverse affect on the use and value of adjacent properties.
3. THE PROPOSED *USE* WILL BE CONSISTENT WITH THE CHARACTER OF THE *DISTRICT* IN WHICH IT IS LOCATED AND THE LAND USES AUTHORIZED THEREIN BECAUSE:  
While staff recognizes the desire to develop this property, careful consideration for the character of the area and protection of the use and value of adjacent properties needs to be considered. The proposed use is located in an area with a mix of single family, multi-family and mixed uses. The use itself is consistent with the neighborhood and the character of the area.
4. THE PROPOSED USE IS COMPATIBLE WITH THE RECOMMENDATIONS OF THE CITY OF SOUTH BEND *COMPREHENSIVE PLAN* BECAUSE:  
The proposed use is compatible with the future land use plan within City Plan (November 2006) which identifies properties on between Harris and Walnut Streets as low density residential, high density residential, and mixed use.

CONDITIONS OR REVISIONS:  
Click here to enter text.

DECISION

IT IS THEREFORE the decision of the Board that this request for Special Exception shall be passed onto the City of South Bend Common Council with a **FAVORABLE RECOMMENDATION**

ADOPTED this 5TH Day of JULY, 2017

<u>MOTION</u>	<u>SECOND</u>	<u>RECUSED</u>	<u>ABSENT</u>	<u>YES</u>	<u>NO</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MICHAEL URBANSKI
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RANDALL MATTHYS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KATHY SCHUTH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOHN LESZCZYNSKI
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BRENDAN CRUMLISH

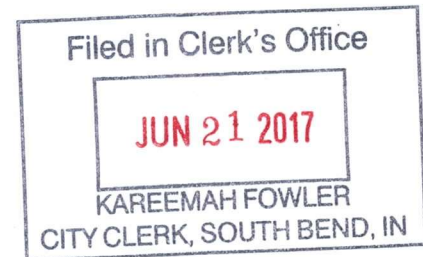
**AREA BOARD OF ZONING APPEALS**  
125 S. Lafayette Blvd. Suite 100, South Bend, Indiana 46601  
574-235-9554 · (Fax)574-235-5541 ·  
building@southbendin.gov  
www.southbendin.gov

**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](mailto: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:

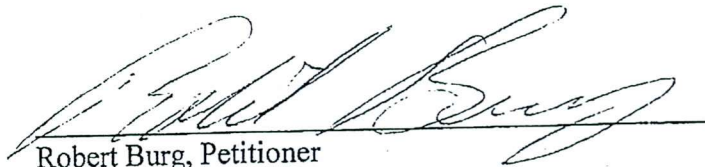
Granting the Special Exception and variances will bring the property into compliance with the MU Mixed Use District requirements.

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:

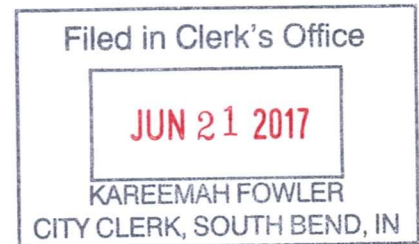
The property is and has been used as a bar/restaurant, formerly under the name "Dunham Inn" for decades prior to Petitioner's ownership. The business is located in a commercial area now zoned for MU Mixed Use. The change in the zoning classification changed the fencing and parking requirements applicable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

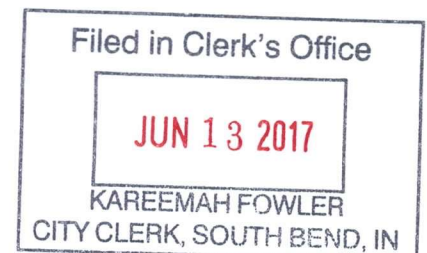
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Member of the Common Council

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

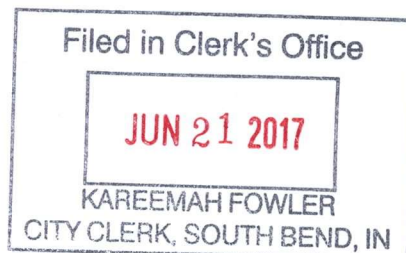
Check 2888 \$390.00

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](mailto:building@southbendin.gov)  
[www.southbendin.gov](http://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:

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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.

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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

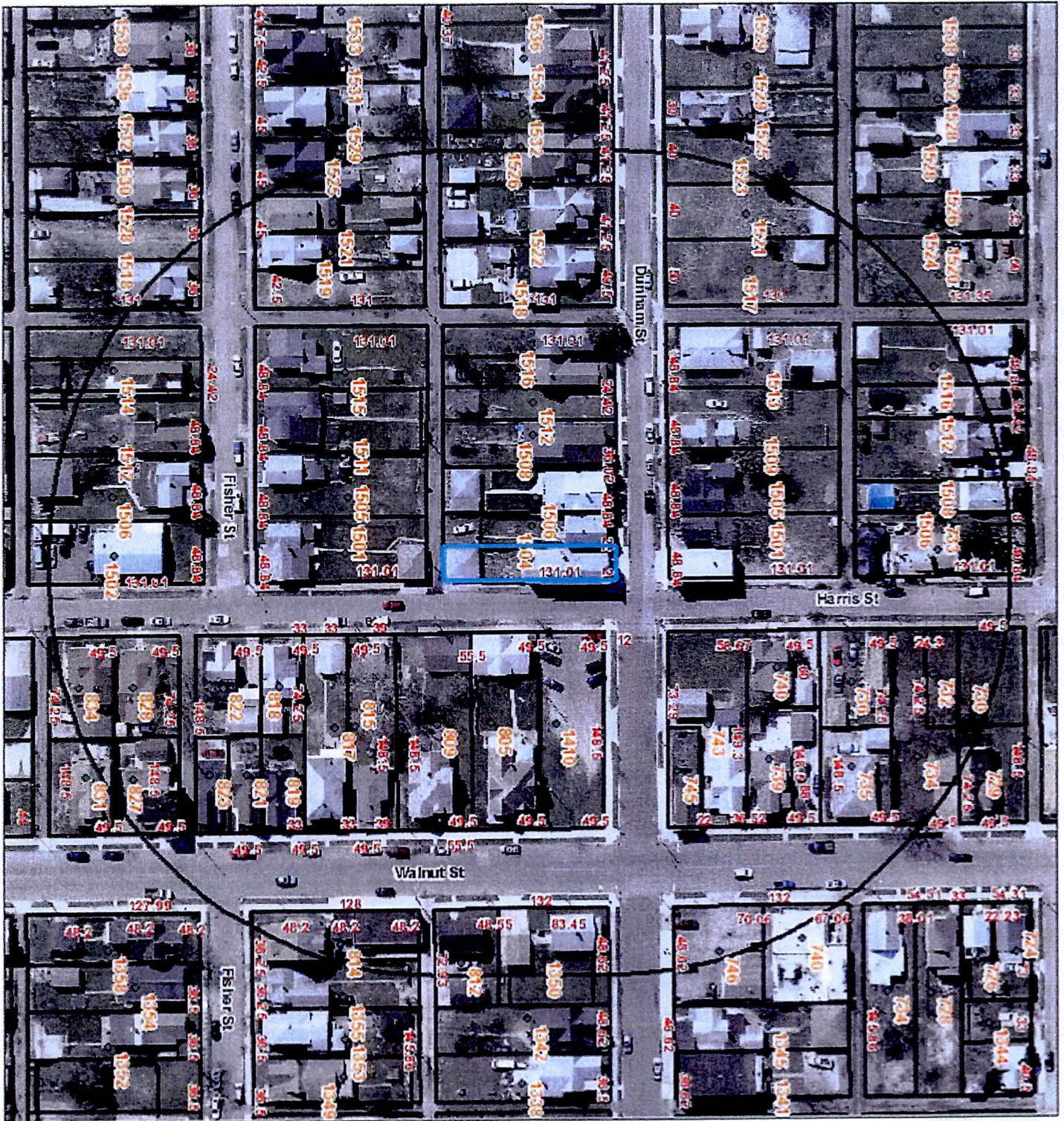
018-3085-3455

West Dunham Street

018-3085-3460

018-3085-3461

20




  
 City of South Bend, Indiana
   
 R. Joseph C. O'Connell, City Clerk
   
 217 W. Jackson Blvd.
   
 South Bend, Indiana 46601
   
 Phone: (574) 248-8333

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

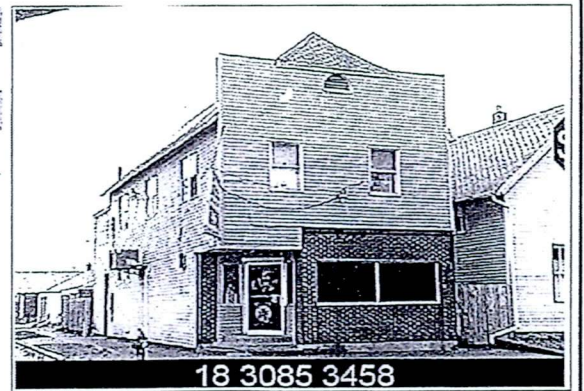
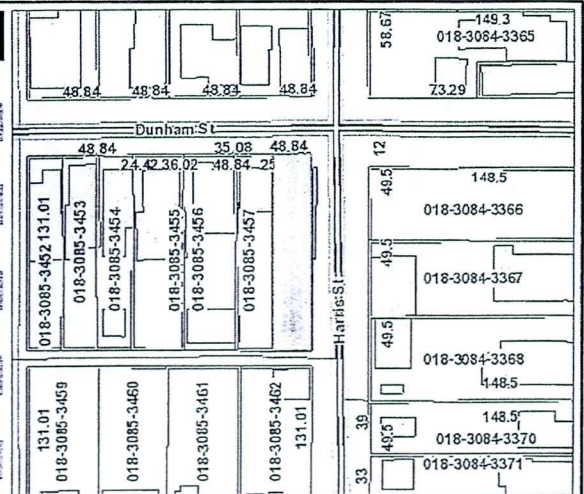
#### Property Information

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.

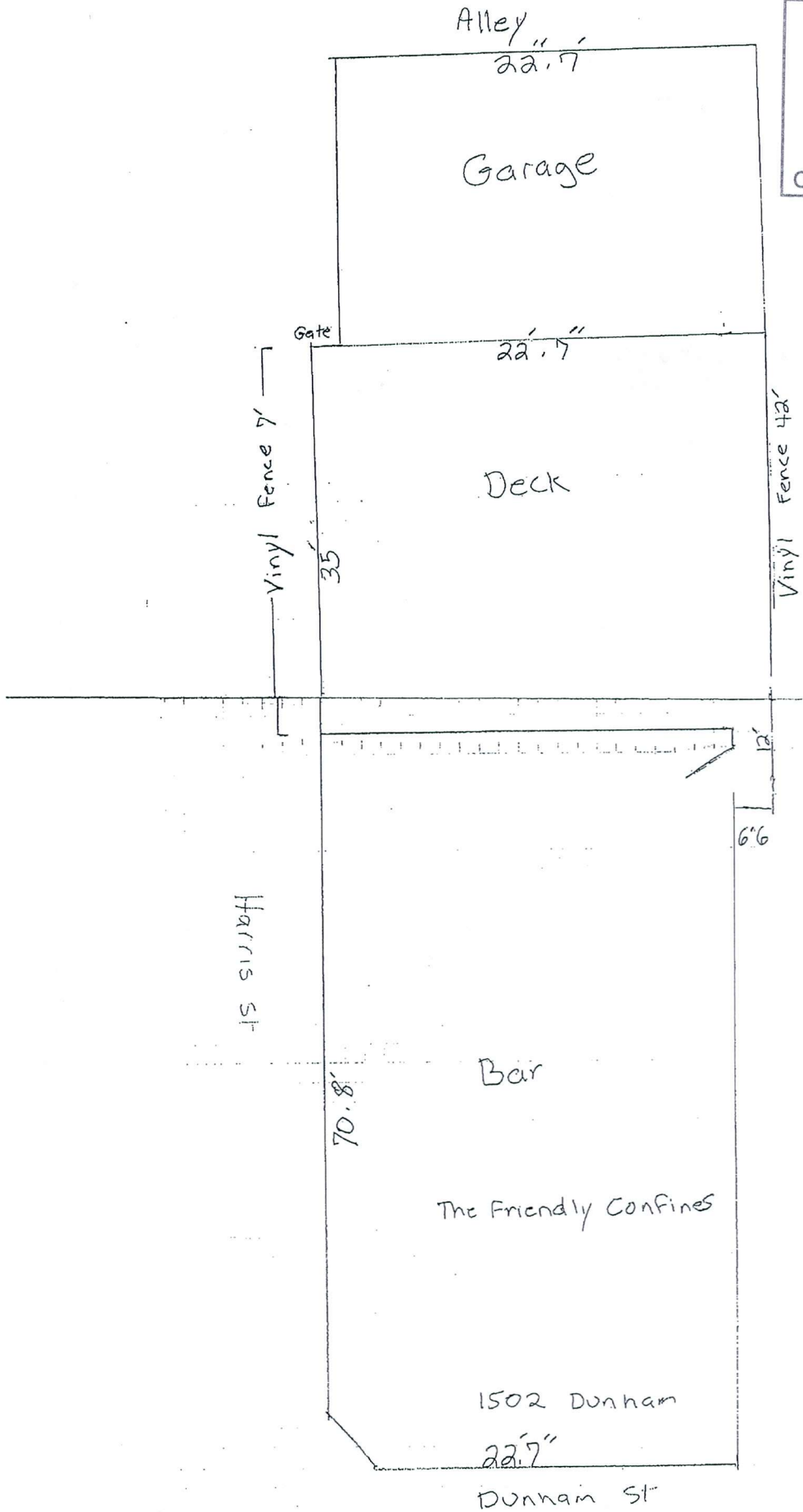
Date Printed: June 13, 2017



Filed in Clerk's Office

JUN 21 2017

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN







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



DEBRA ANN  
PARKING  
NO STANDING

UN







## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF SOUTH BEND  
WAIVING PETITIONER, HOFFMAN HOTEL APARTMENTS  
HOUSING PARTNERS, L.P. NON-COMPLIANCE  
WITH IND. CODE §6-1.1-12.1.6 ET SEQ.**

WHEREAS, Hoffman Hotel Apartments Housing Partners, L.P. is the owner of real property in the City of South Bend commonly called 120 W. LaSalle Ave., South Bend, Indiana, on which Hoffman Hotel Apartments Housing Partners, L.P., has remodeled a twelve story building formerly known as Hoffman Hotel, which has been re-purposed as artist housing, and

WHEREAS, in conjunction with Hoffman Hotel Apartments Housing Partners, L.P. development of the Hoffman Hotel, on September 24, 2013, the City of South Bend granted Hoffman Hotel Apartments Housing Partners, L.P. a ten-year tax abatement which remains in effect and was codified as Resolution 4286-13, and

WHEREAS, it has come the City of South Bend's attention that Hoffman Hotel Apartments Housing Partners, L.P. failed to timely file an abatement deduction application with the St. Joseph County Auditor for the following tax periods: Tax Year 2016 (Pay 2017), and, as a result, Hoffman Hotel Apartments Housing Partners, L.P. may lose the benefit of the ten-year tax abatement for following: Tax Year 2016 (Pay 2017), and

WHEREAS, pursuant to Ind. Code § 6-1.1-12.1-11.3 (2017), the City of South Bend has the authority to waive Hoffman Hotel Apartments Housing Partners, L.P.'s failure to comply with Indiana's tax abatement laws and, specifically, the authority to waive Hoffman Hotel Apartments Housing Partners, L.P.'s failure to file a timely or complete abatement deduction application with the county auditor, and

WHEREAS, the City of South Bend accepts that Hoffman Hotel Apartments Housing Partners, L.P.'s failure to timely file its abatement deduction application was an excusable mistake which resulted through inadvertent over-sights, acknowledges that Hoffman Hotel Apartments Housing Partners, L.P. filed a deduction application promptly after learning of its mistake, and accepts that Hoffman Hotel Apartments Housing Partners, L.P. is taking steps to avoid this problem in the future, and

WHEREAS, pursuant to I.C. § 6-1.1-12.1-11.3(c), the City of South Bend has heard and considered Hoffman Hotel Apartments Housing Partners, L.P.'s request for a waiver of non-compliance at a duty-called and public meeting of the Council,

Resolution No. \_\_\_\_\_ (Continued)

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF SOUTH BEND, INDIANA, THAT:**

SECTION 1. Acting pursuant to the authority granted to it by I.C. § 6-1.1.-12.1-11.3, the City of South Bend hereby waives, Hoffman Hotel Apartments Housing Partners, L.P.'s failure to comply with Indiana's tax abatement laws and, specifically, waives Hoffman Hotel Apartments Housing Partners, L.P.'s failure to file a timely or complete abatement deduction application with the county auditor for the following: Tax Year 2016 (Pay 2017).

SECTION 2. The City of South Bend hereby affirms that the ten-year tax abatement previously granted to Hoffman Hotel Apartments Housing Partners, L.P. as Resolution 4286-13 remains in effect and directs Hoffman Hotel Apartments Housing Partners, L.P. to file this Resolution for record with the St. Joseph County Auditor and/or St. Joseph County Assessor.

SECTION 3. This Resolution shall be in full force and effect from and after its passage and approval, as required by law.

Passed and adopted this July \_\_\_. 2017.

COMMON COUNSEL OF THE CITY  
OF SOUTH BEND

By: \_\_\_\_\_

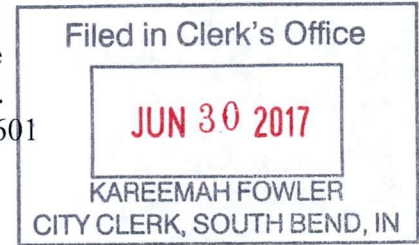
ATTEST:

\_\_\_\_\_  
Clerk, City of South Bend

STATE OF INDIANA )  
)  
ST. JOSEPH COUNTY )  
)  
)  
HOFFMAN HOTEL APARTMENTS) )  
HOUSING PARTNERS, L.P. )  
)  
Petitioner )

BEFORE THE CITY OF SOUTH BEND

**Subject Real Estate**  
120 W. LaSalle Ave.  
South Bend, IN. 46601



**HOFFMAN HOTEL APARTMENTS HOUSING PARTNERS, L.P.**  
**PETITION FOR WAIVER OF NON-COMPLIANCE**

The petitioner, Hoffman Hotel Apartments Housing Partners, L.P., brings this petition pursuant to Ind. Code § 6-1.1-12.1-11.3 (2017) to respectfully request that the City of South Bend, Indiana by its City Council, grant Hoffman Hotel Apartments Housing Partners, L.P. a waiver of non-compliance concerning the tax abatement previously granted to Hoffman Hotel Apartments Housing Partners, L.P. for 120 W. LaSalle Ave., South Bend, Indiana. In support of this petition, Hoffman Hotel Apartments Housing Partners, L.P. states:

**Background**

1. Hoffman Hotel Apartments Housing Partners, L.P. is the owner of 120 W. LaSalle Avenue, South Bend, Indiana. Hoffman Hotel Apartments Housing Partners, L.P. remodeled the restery building formerly known as the Hoffman Hotel on the property. Hoffman Hotel Apartments Housing Partners, L.P. invested over \$5 Million in land acquisition and construction costs for the newly remodeled artist housing building, and created several new jobs.

2. In connection with Hoffman Hotel Apartments Housing Partners, L.P.'s development of the artist housing the City of South Bend granted Hoffman Hotel Apartments Housing Partners, L.P. a ten-year tax abatement. The abatement was codified as Resolution 4286-13 A true copy of Resolution 4286-13 is attached to this petition as **Exhibit 1**.

3. Hoffman Hotel Apartments Housing Partners, L.P. has recently received its Tax Year 2016 (Pay in 2017) tax bill from the St. Joseph County Treasurer. The bill does not account for Hoffman Hotel Apartments Housing Partners, L.P.'s abatement and, instead, charges the company for 120 W. LaSalle Avenue's entire tax liability.

4. Based on discussions with the St. Joseph County Auditor, Hoffman Hotel Apartments Housing Partners, L.P. has learned that its tax abatement was not recognized by the Treasurer because Hoffman Hotel Apartments Housing Partners, L.P. did not file an abatement application in the fall of 2016. This, however, was an instance of excusable and innocent neglect.

5. Each year, the St. Joseph County Assessor is required to send St. Joseph County property-owners a notice of re-assessment. *See* I.C. § 6-1.1-4-22. If a property-owner has an active tax abatement, the property-owner is required to file an annual abatement deduction application with the Auditor no later than thirty days after the date of the Assessor's re-assessment notice to the property-owner. *See* I.C. § 6-1.1-12.1-5(b). The Assessor's re-assessment notices are typically mailed in the fall preceding the new tax year, making abatement deduction applications due typically between September and November of the same year that the re-assessment notice is issued.

6. In this case, Hoffman Hotel Apartments Housing Partners, L.P. did not receive a re-assessment notice from the Assessor for Tax Year 2016 (Pay in 2017). Consequently, Hoffman Hotel Apartments Housing Partners, L.P. was unaware that it was obligated to file its annual abatement deduction application within thirty days of the date of the Assessor's re-assessment notice. Immediately after learning of this over-sight, Hoffman Hotel Apartments Housing Partners, L.P. filed its Tax Year 2016 (Pay in 2017) abatement application with the Auditor. True copies of the company's abatement application and letter to the Auditor are attached to this petition, collectively, as **Exhibit 2**.

7. The Auditor has informed Hoffman Hotel Apartments Housing Partners, L.P. that the Auditor has accepted Hoffman Hotel Apartments Housing Partners, L.P.'s abatement application as a valid deduction for *next* tax year; that is, Tax Year 2017 (Pay in 2018). However, the Auditor has informed Hoffman Hotel Apartments Housing Partners, L.P. that it must obtain a waiver of non-compliance from the City of South Bend before the Auditor will apply Hoffman Hotel Apartments Housing Partners, L.P.'s abatement retroactively to Tax Year 2016 (Pay in 2017).

### **Request for Waiver**

8. Under I.C. § 6-1.1-12.1-11.3, the City of South Bend has authority to waive a taxpayer's non-compliance with Indiana's tax abatement laws. Included with these powers is the power to waive a taxpayers' failure to file a timely or complete abatement deduction application with the county auditor. *See* I.C. § 6-1.1-12.1-11.3(a)(5).

9. To do so, the City of South Bend must first conduct a public hearing on the tax-payer's request for a waiver, then pass a resolution waiving the taxpayer's non-compliance. *See* I.C. § 6-1.1-12.1-11.3(c). In accordance with these provisions of Indiana law, Hoffman Hotel Apartments Housing Partners, L.P. respectfully requests the City of South Bend to consider this petition at a public hearing, then grant Hoffman Hotel Apartments Housing Partners, L.P. a waiver of its inadvertent failure to timely file a abatement application with the Auditor for Tax Year 2016 (Pay in 2017).

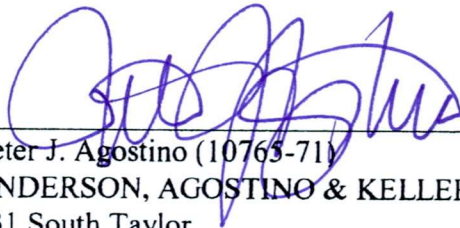
10. Hoffman Hotel Apartments Housing Partners, L.P.'s failure to submit the abatement deduction application earlier was unintentional and was corrected immediately after

Hoffman Hotel Apartments Housing Partners, L.P. became aware of the problem. The company has taken steps to ensure that it does not fail to file its deduction application again.

Additionally, Hoffman Hotel Apartments Housing Partners, L.P. would note that it successfully completed the project and has tried to be a good corporate citizen of the City of South Bend.

Hoffman Hotel Apartments Housing Partners, L.P.'s corporate representative will address any concerns the City of South Bend may have when this matter comes before the council.

Respectfully submitted,



Peter J. Agostino (10763-71)  
ANDERSON, AGOSTINO & KELLER, P.C.  
131 South Taylor  
South Bend, Indiana 46601  
Telephone: (574) 288-1510

*agostino@aaklaw.com*

**Verification**

I affirm, under the penalties for perjury, that the foregoing representations are true.

Hoffman Hotel Apartments Housing Partners, L.P.'s

By: Walter J. Hall

Member, Manager

Date: June 30, 2017.



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# RESOLUTION

4286-13

Passed by the Common Council of the City of South Bend, Indiana \_\_\_\_\_

September 23, 2013

Attest: \_\_\_\_\_



City Clerk

Attest: \_\_\_\_\_



President of Common Council

Presented by me to the Mayor of the City of South Bend, Indiana \_\_\_\_\_

September 24, 2013



City Clerk

Approved and signed by me \_\_\_\_\_

24 SEPTEMBER

2013



Mayor

RESOLUTION NO. 4286-13

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY  
RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF  
SOUTH BEND, INDIANA, COMMONLY KNOWN AS

**120 W. LASALLE STREET**

AS AN ECONOMIC REVITALIZATION AREA FOR  
PURPOSES OF A (10) TEN-YEAR REAL  
PROPERTY TAX ABATEMENT FOR

**HOFFMAN HOTEL APARTMENTS HOUSING PARTNERS, L.P.**

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WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 120 W. LaSalle Street, South Bend, Indiana, and which is more particularly described as follows:

East 87.7 feet Lot 12 Original Plat of South Bend

and which has Key Number 71-08-12-107-002.000-026, as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrance's and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

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

SECTION 1. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Real property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for a period of (10) ten years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

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



Member of the Common Council

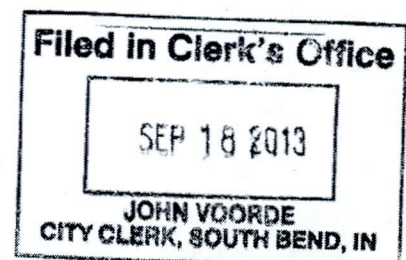
SBDS02 RJD 316305v1

PRESENTED 9-23-13

NOT APPROVED

ADOPTED 9-23-13

-2-



227 W. JEFFERSON BOULEVARD  
SUITE 1400 S.  
SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371  
FAX: 574/235-9021

CITY OF SOUTH BEND    PETE BUTTIGIEG, MAYOR  
**COMMUNITY INVESTMENT**  
SCOTT FORD, EXECUTIVE DIRECTOR

Annual Tax Abatement Reporting  
CF-1 Attachment  
Local Municipal Code Reporting.  
Sec. 2-84.13

*Hoffman*

1. The names of local company and / or minority contractors used during the renovation of the real property and / or installation of new personal property for which the tax abatement was received?

*D.C. Construction, LLC*

*J3amco*

2. The number of minority persons hired for full or part-time jobs, please specify if the position was either temporary or permanent, since the completion of the project for which the tax abatement was given?

*1, Full time Manager*

---

PLANNING  
JITIN KAIN

NEIGHBORHOOD ENGAGEMENT  
PAMELA C. MEYER

BUSINESS DEVELOPMENT  
CHRIS FIELDING

ECONOMIC RESOURCES  
BROCK ZEEB



# APPLICATION FOR DEDUCTION FROM ASSESSED VALUATION OF STRUCTURES IN ECONOMIC REVITALIZATION AREAS (ERA)

State Form 18379 (R13 / 1-16)

Prescribed by the Department of Local Government Finance

20 ___ PAY 20 ___
FORM 322 / RE

### INSTRUCTIONS:

- This form is to be filed in person or by mail with the County Auditor of the county in which the property is located.
- To obtain this deduction, a Form 322 / RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation (or new assessment) is made, or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the initial year of assessment, he can apply between March 1 and May 10 of a subsequent year for the remainder of the abatement term. (See also IC 6-1.1-12.1-11.3 concerning the failure to file a timely application.)
- A copy of the Form 11, the approved Form SB-1 / Real Property, the resolution adopted by the designating body, and the Form CF-1 / Real Property must be attached to this application.
- The Form CF-1 / Real Property must be updated annually and provided to the County Auditor and the designating body for each assessment year in which the deduction is applicable.
- Please see IC 6-1.1-12.1 for further instructions.
- Taxpayer completes Sections I, II and III below.
- If property located in an economic revitalization area is also located in an allocation area as defined in IC 36-7-14-39 or IC 36-7-15.1-26, an application for the property tax deduction may not be approved unless the Commission that designated the allocation area adopts a resolution approving the application (IC 6-1.1-12.1-2(k)).
- Except for deductions related to redevelopment or rehabilitation of real property in a county containing a consolidated city, a deduction for the redevelopment or rehabilitation of real property may not be approved for the following facilities (IC 6-1.1-12.1-3):
  - Private or commercial golf course
  - Country club
  - Massage parlor
  - Tennis club
  - Skating facility, including roller skating, skateboarding or ice skating
  - Racquet sport facility (including handball or racquet ball court)
  - Hot tub facility
  - Suntan facility
  - Racetrack
  - Any facility, the primary purpose of which is (a) retail food and beverage service; (b) automobile sales or service; or (c) other retail; (unless the facility is located in an economic development-target area established under IC 6-1.1-12.1-7).
  - Residential, unless the facility is a multi-family facility that contains at least 20% of the units available for use by low and moderate income individuals, or unless the facility is located in an economic development target area established under IC 6-1.1-12.1-7, or the area is designated as a residentially distressed area which is required to meet conditions as cited in IC 6-1.1-12.1-2(c)(1 & 2).
  - Package liquor store [see IC 6-1.1-12.1-3(e)(12)]

### SECTION I - DESCRIPTION OF PROPERTY

The owner hereby applies to the County Auditor for a deduction pursuant to IC 6-1.1-12.1-5 beginning with the assessment date January 1, 20 \_\_\_.

County St. Joseph	Township	DLGF taxing district number	Key number
Name of owner Hoffman Hotel Apartments Housing Partners, L.P.		Legal description from Form 11	
Property address (number and street, city, state, and ZIP code) 120 W. LaSalle Ave, Mgr office, South Bend, IN 46601			Date of Form 11 (month, day, year)
Type of structure 12 story building			Use of structure 48 Apartment Units
Governing body that approved ERA designation City of South Bend Common Council		Date ERA designation approved (month, day, year) 9/30/13	Resolution number 4286-13

### SECTION II - VERIFICATION OF OWNER OR REPRESENTATIVE

Signature of owner or representative (I hereby certify that the representations on this application are true.) 	Date signed (month, day, year) 05/17/16
Printed name of owner or representative William J Hollingsworth	Address (number and street, city, state, and ZIP code) 4000 W. 106th St, Suite 125-146, Carmel, IN 46032

### SECTION III - STRUCTURES

### AUDITOR'S USE

A. Rehabilitation structure	1. Assessed valuation AFTER rehabilitation	\$	
	2. Assessed valuation BEFORE rehabilitation	\$	
	3. Difference in assessed valuation (Line 1 minus Line 2)	\$	
	4. Assessed valuation eligible for deduction (for the increase in A/V from the rehabilitation, not including the increase in A/V from the reassessment of the entire structure)	\$	
B. New structure	1. Assessed valuation	\$	
	2. Assessed valuation eligible for deduction	\$	

### SECTION IV - VERIFICATION OF ASSESSING OFFICIAL

I verify that the above described structure was assessed and the owner was notified on \_\_\_\_\_, with the effective date of the assessment being January 1, 20 \_\_\_\_\_, and that the assessed valuations in Section III are correct.

Signature of assessing official	Printed name of assessing official	Date (month, day, year)
---------------------------------	------------------------------------	-------------------------

CONTINUED ON THE REVERSE SIDE



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

20\_\_ PAY 20\_\_

FORM SB-1 / Real Property

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

**INSTRUCTIONS:**

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

**SECTION 1 TAXPAYER INFORMATION**

Name of taxpayer Hoffman Hotel Apartments Housing Partners, L.P.		
Address of taxpayer (number and street, city, state, and ZIP code) 4000 W. 106th Street, Suite 125-146		
Name of contact person William J. Hollingsworth	Telephone number ( 317 ) 557-9942	E-mail address whollingsworth@equaldevelopment.com

**SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

Name of designating body City of South Bend	Resolution number
Location of property 120 W. LaSalle Ave, South Bend, IN 46601	County St. Joseph
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) 48 Apartment units	DLGF taxing district number
	Estimated start date (month, day, year) 10/1/14
	Estimated completion date (month, day, year) 5/1/16

**SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT**

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
1.00	\$35,000.00	1.00	\$35,000.00		

**SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	864,200.00	
Plus estimated values of proposed project	1,500,000.00	
Less values of any property being replaced		
Net estimated values upon completion of project	2,364,200.00	

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
--	--

Other benefits

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Date signed (month, day, year) 5/15/16
Printed name of authorized representative William J. Hollingsworth	Title Sole Member of the G.P.

**FOR USE OF THE DESIGNATING BODY**

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed \_\_\_\_\_ calendar years\* (see below). The date this designation expires is \_\_\_\_\_.
- B. The type of deduction that is allowed in the designated area is limited to:
  - 1. Redevelopment or rehabilitation of real estate improvements  Yes  No
  - 2. Residentially distressed areas  Yes  No
- C. The amount of the deduction applicable is limited to \$ \_\_\_\_\_.
- D. Other limitations or conditions (specify) \_\_\_\_\_
- E. Number of years allowed:
 

<input type="checkbox"/> Year 1	<input type="checkbox"/> Year 2	<input type="checkbox"/> Year 3	<input type="checkbox"/> Year 4	<input type="checkbox"/> Year 5 (* see below)
<input type="checkbox"/> Year 6	<input type="checkbox"/> Year 7	<input type="checkbox"/> Year 8	<input type="checkbox"/> Year 9	<input type="checkbox"/> Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
  - Yes  No
  - If yes, attach a copy of the abatement schedule to this form.
  - If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number (     )	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

- \* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.
- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
  - B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

**IC 6-1.1-12.1-17**

**Abatement schedules**

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
  - (2) The number of new full-time equivalent jobs created.
  - (3) The average wage of the new employees compared to the state minimum wage.
  - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.





# BUTLER and CROWLEY LAW OFFICE

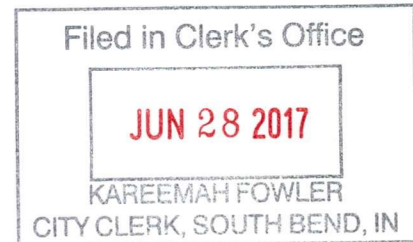
726 EAST WASHINGTON STREET  
SOUTH BEND, INDIANA 46617

TELEPHONE: (574) 233-9500  
FACSIMILE: (574) 233-9502

PAUL G. CROWLEY, ATTORNEY  
[pgcrowley@aol.com](mailto:pgcrowley@aol.com)

June 27, 2017

Common Council  
City of South Bend  
227 W. Jefferson Blvd.  
South Bend, IN 46601



Re: Alley Vacation Request  
1<sup>st</sup> N/S Alley E of N. William Street from W. Marion St. To W. Navarre St.  
for a distance of 419 feet and a width of 14 feet  
Frank Linarello, Petitioner

Good day:

This letter is submitted on behalf of Frank Linarello, who requests that the alley between his building and his parking lot be vacated. In so doing, his tenant, Frank's Place, will be able to offer patio dining during the milder seasons of the year.

We acknowledge that we enter this petition process with one strike against us. The Board of Public Works gave an unfavorable recommendation on March 14, 2017. The principal objection was the fact that the vacation would leave a property owned by Welco RE LLC (Welsheimers) landlocked. We have since filed an easement that gives Welco access to its property.

Secondly, the Fire Department stated concerns that the distance from hydrants would be increased by the vacation. While we haven't done the math, and we concede that distances without use of the alley may be greater, we would show that the alley is not readily available for use by the fire department now and so the vacation would not actually change the status quo.

We ask that this petition be placed on the agenda of the Common Council as soon as possible. We would plan to appear at the hearing and provide evidence in support of our petition.

Thank you so much.

Best regards,

A handwritten signature in blue ink, appearing to read "Paul G. Crowley".

Paul G. Crowley

PGC:blb  
cc: Frank Linarello



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

TO THE COMMON COUNCIL  
OF THE CITY OF SOUTH BEND, INDIANA

DATE: 6/27/17

I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

**A. THE ALLEY DESCRIBED AS:**

LEGAL DESCRIPTION:

THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF WILLIAM STREET (PORTAGE AVENUE), FROM THE SOUTH RIGHT-OF-WAY OF W. NAVARRE STREET TO THE NORTH RIGHT-OF-WAY OF WEST MARION STREET FOR A DISTANCE OF APPROXIMATELY 410 FEET AND A WIDTH OF 14 FEET. BEING A PART OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

**B. THE STREET DESCRIBED AS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME (signed & printed)	ADDRESS	LOT #
<u><i>Frank N. Linarelo</i></u> Frank N. Linarelo	<u>327 Marion St., South Bend, IN 46601</u>	<u>018-1020-0852</u> <u>018-1020-85201</u> <u>018-1020-08151</u> <u>018-1020-0850</u>
<u><i>William A. Welsheimer</i></u> William Welsheimer-Welco RE LLC	<u>521 William Street, South Bend, IN 46601</u>	<u>018-1018-0719</u> <u>018-1018-0716</u>

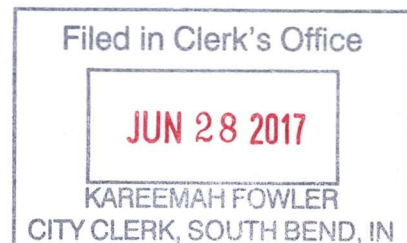
**CONTACT PERSON (S)**

**NAME:** Paul G. Crowley  
BUTLER and CROWLEY LAW OFFICE

**ADDRESS:** 726 East Washington Street  
South Bend, IN 46617

**PHONE:** 574-233-9500

**RETURN TO:**  
OFFICE OF THE CITY CLERK  
KAREEMAH FOWLER, CITY CLERK  
CC: ALKEYNA ALDRIDGE  
ROOM 455-COUNTY-CITY BUILDING  
SOUTH BEND, IN 46601  
574-235-9221





**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:**

THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF WILLIAM STREET (PORTAGE AVENUE), FROM THE SOUTH RIGHT-OF-WAY OF W. NAVARRE STREET TO THE NORTH RIGHT-OF-WAY OF WEST MARION STREET FOR A DISTANCE OF APPROXIMATELY 410 FEET AND A WIDTH OF 14 FEET. BEING A PART OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

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:

THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF WILLIAM STREET (PORTAGE AVENUE), FROM THE SOUTH RIGHT-OF-WAY OF W. NAVARRE STREET TO THE NORTH RIGHT-OF-WAY OF WEST MARION STREET FOR A DISTANCE OF APPROXIMATELY 410 FEET AND A WIDTH OF 14 FEET. BEING A PART OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

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:

- 323 Marion Street - Frank Linarello
- 325 Marion Street - Frank Linarello
- 326 West Navarre Street - Steve and Maria Tomasula
- 334 West Navarre Street - Welco Real Estate LLC
- 330 West Navarre Street - Daniel Chapman and Alberta Lee Henderson

- 018-1020-0852
- 018-1020-0851
- 018-1018-0714
- 018-1018-0716
- 018-1018-0715

Section IV. The purpose of the vacation of the real property is to allow for outdoor seating for the restaurant.

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.

\_\_\_\_\_  
Member of the Common Council

Attest:

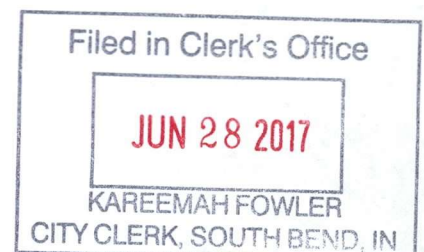
\_\_\_\_\_  
City Clerk

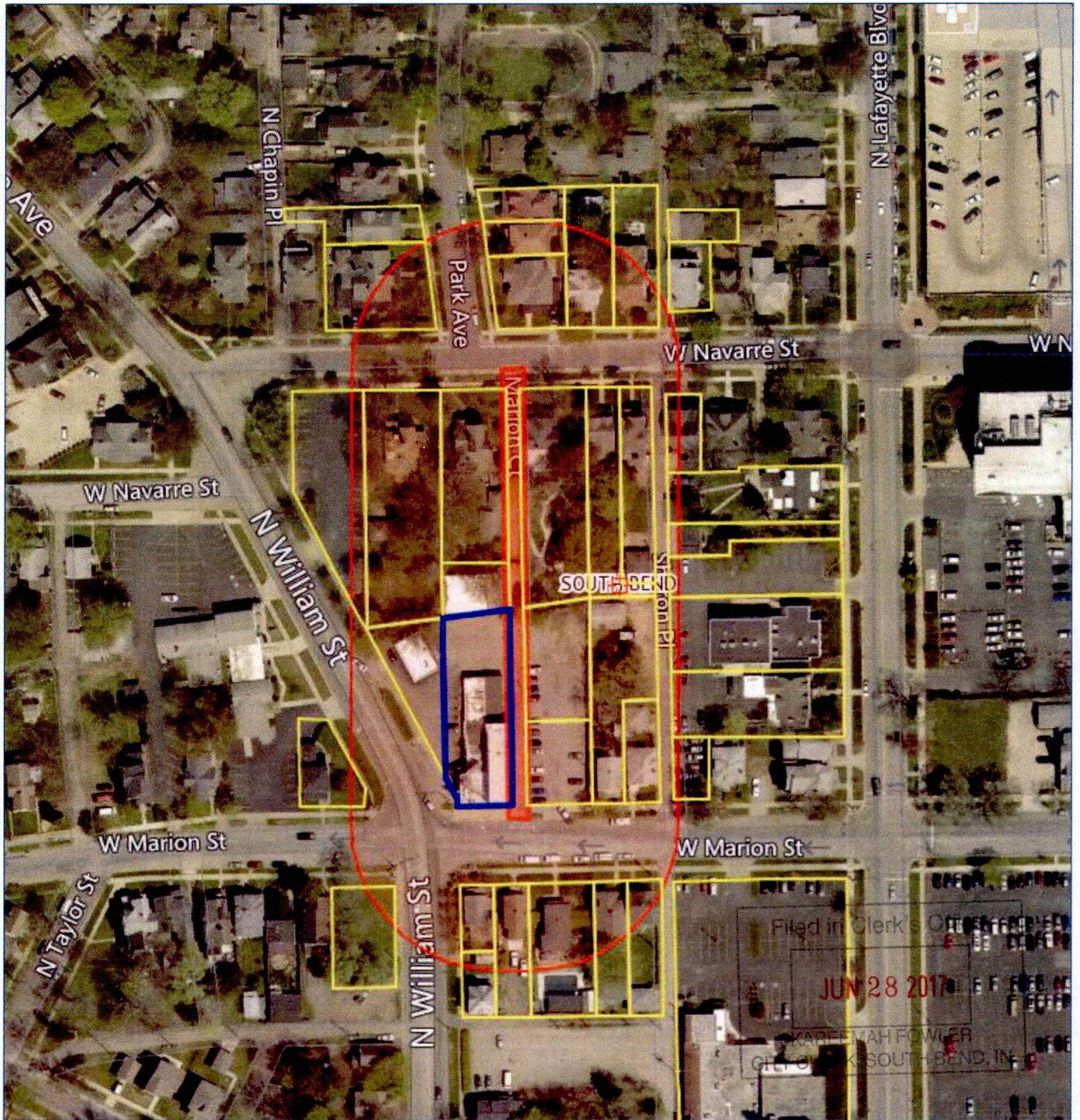
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
City Clerk

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

\_\_\_\_\_  
Mayor, City of South Bend, Indiana





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

150' Buffer  
 \*Address List attached

Date Prepared: 6/21/2017

### Alley Vacation 150' Radius Map Frank Linarello

The alley to be vacated is the first N/S alley E of N. Williams St. from W. Marion St. to W. Navarre St. for a distance of 419 feet and a width of 14 feet.





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

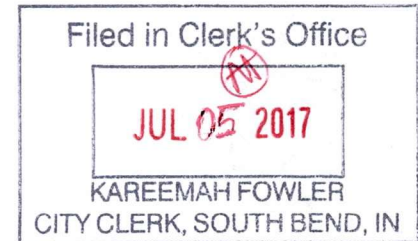


PHONE 574.235.9216  
FAX 574.235.9928

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

July 5, 2017

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



RE: July 2017 Appropriation Ordinance – Regional Cities Allocation for Howard Park – Parks Fund

Dear President Scott,

The City Administration is requesting an additional appropriation of \$5,000,000 for improvements to Howard Park. This appropriation will be offset by a Regional Cities Grant of \$5,000,000 which will be received as invoices are paid by the city. Therefore, this appropriation request does not require taxpayer dollars for funding. These improvements are part of the overall Riverfront Parks and Trails project.

It is requested that this bill be filed for 1<sup>st</sup> reading on July 10, 2017 with 2<sup>nd</sup> reading, public hearing and 3<sup>rd</sup> reading scheduled for July 24, 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 and Finance

OK  
[Handwritten initials]

1950

1951

1952

1953

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 \$5,000,000 FROM PARK FUND (#201).

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>
Park Fund (#201)	\$5,000,000

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

Filed in Clerk's Office  
  
JUL 05 2017  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

**City of South Bend, Indiana**  
**July 2017 Additional Appropriation Requests - Civil City Funds**  
 (increase or decrease in total fund expenditures)  
 July 5, 2017

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Budget Increase/ (Decrease)	Justification
Regional Cities Grant Projects	Regional Cities Grant Projects	Other Professional Services	Cecil Eastman	201-1111-452-31-06	1,000,000	Geo-technical, architectural, engineering costs
Regional Cities Grant Projects	Regional Cities Grant Projects	Construction	Cecil Eastman	201-1111-452-42-01	4,000,000	Various construction projects (ice rink, center, playground, etc..)
				<b>Grand Total</b>	<b>5,000,000</b>	

Filed in Clerk's Office  
  
**JUL 05 2017**  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

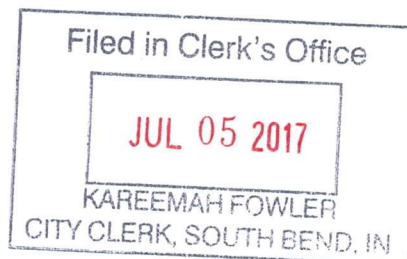
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

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

July 5, 2017

South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601



RE: Rezoning for 1237 & 1305 N. Ironwood, 1304 N Rosemary Ln., South Bend, IN  
APC# 2836-17

Dear Council Members:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your July 10, 2017 Council meeting, and set it for public hearing at your August 28, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the August 15, 2017 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

David M Stanton, Jr.  
Planner

CC: Bob Palmer

PETITION FOR ZONE 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:

*Address(es) -, 1237 & 1303 N. Ironwood Drive & 1304 N. Rosemary Lane, South Bend, Indiana 46617.*

2) The property Tax Key Number(s) is/are: *Enter property tax key number(s):018-5151-0567501, 018-5151-5674, 018-5151-567403*

3) Legal Descriptions: *Enter full legal description: See attached.*

4) Total Site Area: *Enter total acres to be rezoned: 3.54 Acres.*

5) Name and address of property owner(s) of the petition site:

<i>MAJCM, LLC</i>	<i>Amiya &amp; Sumita Dey</i>
<i>Attn: Mr. J. Patrick Matthews, Manager</i>	<i>8234 Viewpoint Lane</i>
<i>P.O. Box 6397</i>	<i>Cornelius, North Carolina 28031</i>
<i>South Bend, Indiana 46660-6397</i>	<i>Ph. N/A</i>
<i>Ph. No. 1-317-987-2780</i>	<i>E-Mail Address N/A</i>
<i>E-Mail Address N/A</i>	

Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:

*N/A*

*E-mail N/A*

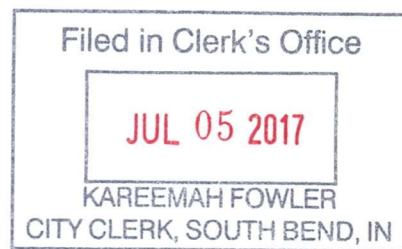
Name and address of additional property owners, if applicable:

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

From: SF1 Single Family Two Family District N/A

To: SF2 Single Family Two Family District

8) This rezoning is requested to allow the following use(s): *Insert intended use(s): Residential Uses.*



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

1) *List each variance being requested. See attached.*

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: *See Attached*



- (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: *See Attached*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *See Attached*

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: *N/A*
- 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:
  - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein:
  - (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:
  - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan.

\* 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:

Name: *Danch, Harner & Associates, Inc.*

Address: *1643 Commerce Drive*

*South Bend, Indiana 46628*

*574-234-4003 mdanch@danchharner.com*

*Stephen Studer - Attorney, Krieg-Devault*

*4101 Edison Lakes Parkway, Suite 100*

*Mishawaka, Indiana 46545*

*574-277-1207*

**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.**

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1237 & 1303 N. IRONWOOD DRIVE AND 1304 N. ROSEMARY LANE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

The rezoning requested is to allow for residential uses.

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:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING ON THE WEST RIGHT-OF-WAY LINE OF LINE OF IRONWOOD ROAD AT A POINT 640.1 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 6; THENCE CONTINUING SOUTH ALONG SAID WEST LINE A DISTANCE OF 272.10 FT. MORE OR LESS; THENCE WEST A DISTANCE OF 569.63 FT. MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF ROSEMARY LANE; THENCE NORTH ALONG SAID EAST LINE A DISTANCE OF 271.1 FT. MORE OR LESS; THENCE EAST A DISTANCE OF 567.00 FT. MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 3.54 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

be and the same is hereby established as SF2 Single Family and Two Family 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:

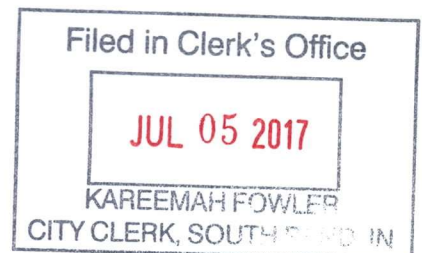
\_\_\_\_\_  
City Clerk

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

\_\_\_\_\_  
City Clerk

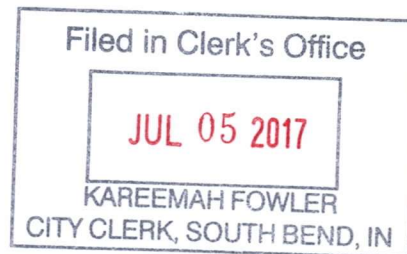
Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana



LEGAL DESCRIPTION:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING ON THE WEST RIGHT-OF-WAY LINE OF IRONWOOD ROAD AT A POINT 640.10 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 6; THENCE CONTINUING SOUTH ALONG SAID WEST LINE A DISTANCE OF 272.10 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 569.63 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF ROSEMARY LANE; THENCE NORTH ALONG SAID EAST LINE A DISTANCE OF 271.10 FEET MORE OR LESS; THENCE EAST A DISTANCE OF 567.00 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 3.54 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.





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



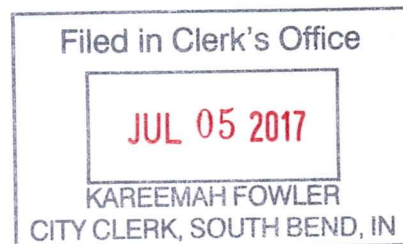
PHONE 574.235.9216  
FAX 574.235.9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

**DEPARTMENT OF ADMINISTRATION AND FINANCE**

July 5, 2017

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



RE: July 2017 Appropriation Ordinance – Housing Market Study – Department of  
Community Investment Operating Fund

Dear President Scott,

The City Administration is requesting an additional appropriation of \$70,000 for a housing market study. The study will include research and evaluation of market activity and demographic data relating to the City of South Bend and St. Joseph County. The determination of the market potential for new and existing dwelling units in the city will be based on the housing preferences and economic capabilities of target households, the existing conditions and characteristics of the neighborhoods within the city, as well as development objectives.

It is requested that this bill be filed for 1<sup>st</sup> reading on July 10, 2017 with 2<sup>nd</sup> reading, public hearing and 3<sup>rd</sup> reading scheduled for July 24, 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 and 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 \$70,000 FROM DEPARTMENT OF COMMUNITY INVESTMENT OPERATING FUND (#211).

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>
Department of Community Investment (#211)	\$70,000

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

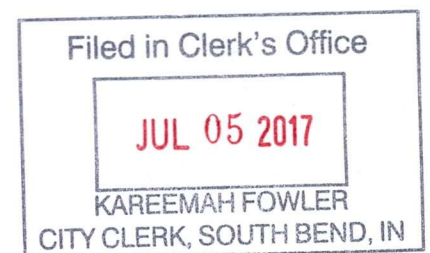
Presented by me to the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2017 at \_\_\_\_\_ o'clock \_\_\_\_ . m.

\_\_\_\_\_

Deputy City Clerk

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

\_\_\_\_\_  
Mayor, City of South Bend, Indiana



**City of South Bend, Indiana**  
**July 2017 Additional Appropriation Requests - Civil City Funds**  
 (increase or decrease in total fund expenditures)  
 July 5, 2017

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Budget Increase/ (Decrease)	Justification
DCI Fund	Community Investment	Other Professional Services	Beth Leonard Inks	211-1001-460-31-06	70,000	Housing Market Study
				<b>Grand Total</b>	<b>70,000</b>	

Filed in Clerk's Office  
**JUL 05 2017**  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN